



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 March 2016

Trial Day 391

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

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I N D E X

Mr. CHAN Bun Leath (2-TCW-838)

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Mr. SAO Sarun (2-TCW-1012)

Questioning by The President (NIL Nonn) ..... page 51

Questioning by Mr. KOUMJIAN ..... page 56

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHAN Bun Leath (2-TCW-838)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. NHEM Samnang	Khmer
The President (NIL Nonn)	Khmer
Mr. SAO Sarun (2-TCW-1012)	Khmer

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness Bun

6 Loeng Chauy and to begin hearing testimony of another witness

7 that is 2-TCW-1012, via a video link in relation to Phnom Kraol

8 Security Centre.

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

11 [09.07.15]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case  
14 are present. Mr. Nuon Chea is present in the holding cell

15 downstairs. He has waived his right to be present in the

16 courtroom. The waiver has been delivered to the greffier.

17 The witness who is to conclude his testimony today, that is, Mr.

18 Bun Loeng Chauy and Madam Socheata, his duty counsel, are present  
19 in the courtroom.

20 The next witness, that is, 2-TCW-1012, will be testifying from

21 Oddar Meanchey province via a video link. The witness confirms

22 that to his best knowledge, he has no relationship by blood or by

23 law to any of the two Accused, that is, Nuon Chea, Khieu Samphan,

24 or any of the civil parties admitted in this case.

25 The witness will take an oath before he testifies. Thank you.

2

1 [09.08.19]

2 MR. PRESIDENT:

3 Thank you. The Chamber now decides on the request by Nuon Chea.

4 The Chamber has received a waiver from Nuon Chea dated 29 March

5 2016, which states that due to his health, headache, back pain,

6 he cannot sit or concentrate for long and in order to effectively

7 participate in future hearings, he requests to waive his rights

8 to be present at the 29 March 2016 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor

10 for the accused at the ECCC dated 29 March 2016, which notes that

11 today Nuon Chea has a chronic back pain and cannot sit for long

12 and recommends that the Chamber should grant him his request so

13 that he can follow the proceedings remotely from the holding cell

14 downstairs.

15 Based on the above information and pursuant to Rule 81.5 of the

16 ECCC Internal Rules, the Chamber grants Nuon Chea his request to

17 follow the proceedings remotely from the holding cell downstairs

18 via an audio-visual means.

19 The Chamber instructs the AV Unit personnel to link the

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

21 That applies for the whole day.

22 The Chamber now hands the floor to the defense team for Nuon Chea

23 to continue putting further questions to the witness. You may

24 proceed, Counsel.

25 QUESTIONING BY MR. KOPPE RESUMES:

3

1 Thank you, Mr. President. And good morning, Your Honours,  
2 Counsel. Good morning, Mr. Witness. I have a few additional  
3 questions that I would like to put to you this morning.

4 Q. Yesterday you gave evidence implying that you were not the  
5 deputy chief of the district. That as a matter of fact you were  
6 not a member of the district committee at all, but that you were  
7 deputy chief of the district office. What exactly were your tasks  
8 as the deputy chief of the district office? What were you doing  
9 on a day-to-day basis?

10 [09.10.56]

11 JUDGE FENZ:

12 Could you -- just a second, Counsel. Just a second.

13 MR. PRESIDENT:

14 We would like to note on the translation of document E3/5177  
15 (sic), at Khmer, 00197860; the Witness states in the record that:  
16 "I was in Kaoh Nheak district, before that, I was the deputy  
17 chief of Kaev Seima district office <because> my uncle, <Kasy,>  
18 was the district chief and I was his <messenger> between '71 to  
19 '75. And I was the deputy chief of the office from '75 through  
20 '77."

21 However, in the English translation it is rather different from  
22 the original Khmer text. In English it's on 00274099. So it is  
23 clear in the original Khmer text that he was the deputy chief of  
24 the district's office.

25 [09.12.28]

1 BY MR. KOPPE:

2 Thank you, Mr. President.

3 Q. What were your tasks, Mr. Witness, as the deputy chief of the  
4 district office? What did you do on a day-to-day basis?

5 MR. CHAN BUN LEATH:

6 A. I'd like to respond to that question regarding the works at  
7 the office included taking the staff to work in the rice fields.

8 However, we were assigned to a different task.

9 Sometimes the chief of the office led the people to build a dam  
10 while I was assigned to lead the people to work in the rice  
11 fields.

12 However, sometimes we rotated ourselves. That means sometimes I  
13 led people to work at the dam, while he led people to work in the  
14 rice field.

15 [09.13.33]

16 Q. Did the district office and you as its deputy chief have any  
17 other tasks? If yes, what were they?

18 A. We did not have other tasks. Our task was assigned -- was  
19 dependent on the assignment from the district secretary. If we  
20 were either assigned to perform a particular task, that is what  
21 we would do. And usually it would deal with the agricultural  
22 production.

23 Q. Was the district office or rather you personally were you ever  
24 involved -- or were you ever involved in the arrest of anyone?

25 A. We did not have such authority.

5

1 Q. Did you see ever any communication passing through the  
2 district office regarding the arrest of anyone?

3 A. Yes, there were some. Namely, in 1974, when I was still his  
4 messenger. The Kratie province informed the district office about  
5 the pursuit and arrest of those who were called the Khmer Sar.

6 Q. How about after 17 April '75? Did you ever see any  
7 communication whatsoever in relation to arrests of anyone within  
8 your district?

9 A. There were not such incidents after 1975, and that continued  
10 until we were arrested.

11 [09.16.40]

12 Q. Did you ever see, in your capacity as deputy chief of the  
13 district office, communication in relation to statements or  
14 confessions of prisoners?

15 A. No, I was not aware of that. I never interrogate anyone, nor  
16 did I have such authority to do so.

17 Q. Were you or was the district office in any manner whatsoever  
18 involved in the execution of anyone?

19 A. During the time that I was <at> the district, nothing happened  
20 in such a way.

21 Q. So is it fair to say that you yourself, nor the district  
22 office, was ever involved in the ordering or planning of any  
23 execution?

24 [09.18.20]

25 A. Yes, that is correct. Prior to February '77, the situation



6

1 there was normal and there was no action of killing and only  
2 after a group of us, that is about 80 people, were arrested and  
3 after that, <the> killings started.

4 Q. While being a deputy chief of the district office, did you  
5 ever see any military communication; communication from Division  
6 920 to the general staff and back?

7 A. Yes, there was a one or two instances of such communication,  
8 but nothing happened after that.

9 Q. And what was it that you saw or that you remember seeing?  
10 Those one or two instances, in terms of military communication,  
11 what was it?

12 A. <> Ta Sin (sic) and Ta Soy had a brigade in the Kaev Seima  
13 district, there were Hun (phonetic), Ta Sau and Ta Peou who were  
14 in that <brigade>, and they cooperated with Ta Ham, <> Ta Laing  
15 <>. And they actually received their work assignments from the  
16 sector.

17 Later on, I <frequently> saw Ta Peou, who was the deputy  
18 commander. He came to communicate with the office about the  
19 logistics for the troops in that brigade. And I did not  
20 participate in any meeting that they held with the district  
21 office -- with the district committee due to my lower rank.

22 [09.21.05]

23 Q. Yesterday, I read to you some excerpts from telegrams  
24 containing military communications about Vietnamese incursions in  
25 DK territory. Do you remember ever seeing such telegrams at the

7

1 time in your capacity as deputy of the district office?

2 A. I never heard anything about telegrams.

3 Q. Have you ever heard of something called Group 7 or The Sevens  
4 or Seven Group? Any referral to the word "seven" in relation to  
5 enemy activity?

6 A. No, I did not.

7 [09.22.33]

8 Q. Yesterday, you gave testimony to the Chamber about the alleged  
9 fate of former Lon Nol military. Before I ask you some more  
10 details about that, if you were not involved at all in arrests,  
11 interrogations, reading confessions or statements, not having  
12 seen any executions or even ordered, how are you in a position to  
13 say what the fate was in relation to certain ranks within the  
14 former Lon Nol army? What was your knowledge at the time that  
15 makes you say that you knew what policy there was?

16 A. I was involved in that task since the previous <regime>. In  
17 addition, those soldiers used to come by my house. There were  
18 those low level soldiers and there were ranking officials,  
19 including a colonel, and they were killed in 1973, by the Pol Pot  
20 group. And I knew some of them very well.

21 There was a meeting in Kaoh Nheaek, <in Srae Sangkom, Ou Buon  
22 Leu,> and actually they fired a doucet (phonetic) gun from the  
23 vehicle to threaten the people, and about 30 <people> were  
24 arrested and killed. And this event was known to everyone,  
25 including the children.

8

1 Q. I understand what you're saying, but there was a war going on  
2 up until '75, so combatants on both sides were killing each  
3 other.

4 My question is after 17 April '75, you seem to have no knowledge  
5 whatsoever about arrests, interrogations, executions, et cetera.  
6 Is your answer only limited to pre '75, or are you also able to  
7 say something about what happened after 1975 with ranking former  
8 Lon Nol military?

9 [09.25.54]

10 MR. PRESIDENT:

11 Witness, please hold on.

12 And Deputy Co Prosecutor, you have the floor.

13 MR. LYSAK:

14 Yes, just an observation. I think Counsel is again  
15 mischaracterizing the evidence. This witness has indicated that  
16 this province was liberated in 1970, so the war there was over.  
17 This witness isn't talking about -- wasn't talking about soldiers  
18 or officials who were killed in combat, so Counsel shouldn't be  
19 suggesting that to the witness.

20 [09.26.30]

21 MR. KOPPE:

22 I'm not sure what the Prosecution means. There was still fierce  
23 fighting going on. As a matter of fact, this witness talks about  
24 massive US bombing in Mondolkiri and Ratanakiri. It might be  
25 liberated but it doesn't mean that there weren't -- there wasn't

1 any fighting going on.

2 JUDGE FENZ:

3 Why instead of testifying, not simply ask your last question? Did  
4 what you said also pertain to 1977?

5 BY MR. KOPPE:

6 Q. Fine. Mr. Witness, what you were saying about the fate of  
7 ranking military, did that apply only to pre '75 or also to post  
8 '75? And if it applies to post '75, please tell me how you know  
9 that?

10 MR. CHAN BUN LEATH:

11 A. It happened before 1975.

12 Q. Yesterday, around 10 -- 4 minutes past 10, you were talking  
13 about the alleged fate of Lon Nol military, and at one point in  
14 time, in the same answer, you switched into talking about purges  
15 and cadres.

16 [09.28.38]

17 Let me read to you exactly what you said so that we are clear on  
18 this. At 10.04, you say:

19 "And the arrests and killing took place only for cadres in '75,  
20 including those military commanders at various positions. In this  
21 way, the purge was conducted through the lines or chains of  
22 command."

23 Now, that's the last part of your answer in relation to what the  
24 alleged fate was of former Lon Nol ranking military.

25 You do, it seems, the same thing in your DC Cam statement,

10

1 E3/5636; English ERN, 00711207; Khmer, 00042471; and French,  
2 00727128.

3 In this answer, you talk about Ta Sin (sic), Ta Ya, Ta Soy, Hu  
4 Nim, Ta Peou, Ta Sau, and then you say:

5 "Compared to the presence -- to the present, the soldiers whose  
6 rank started from major lieutenant or lieutenant were all  
7 murdered. Ta Sin (sic) and Ta Soy were taken and killed in Phnom  
8 Penh for sure. Ta Sin (sic) was the commander of Division 920."

9 [09.30.26]

10 It's a bit complicated question, but are you sometimes referring  
11 to similar ranks of members of the Revolutionary Army trying to  
12 explain that also senior cadres from the Divisions 920 and 810  
13 were arrested?

14 A. Regarding Division 920, Ta Sin (sic) was the top commander of  
15 that division and Soy was his deputy. They were the two that I  
16 knew and I saw them for one time only when they came to meet with  
17 Ta Ham, the sector committee.

18 At that time, I was cooking food for their meeting at Ou Buon Leu  
19 Dam construction worksite. They had a few messengers and some  
20 people to help them cook the food, and I was involved in the  
21 cooking of the food. And I saw Ta Sin (sic) and Ta Soy, who came  
22 from Phnom Penh to meet with Ta Ham regarding work cooperation.  
23 And that was the only occasion that I saw them.

24 [09.32.04]

25 And later on, in early '77 or later '76, I heard that they were

11

1 arrested during a wave of a purge, including Khun, Sau, Peou and  
2 several others.

3 So those people in Division 920, to my knowledge, many of <the>  
4 senior people in that division died, though I cannot tell you the  
5 exact figure. At Ou Buon Leu Dam worksite, every day 10 or 20 of  
6 those soldiers from the division were taken away, and that is the  
7 fact. However, I cannot tell you exactly how the killing amongst  
8 themselves took place or how many were killed.

9 Q. I understand, but it seems that in this DC Cam statement you  
10 are trying to make a comparison in terms of ranks, what the ranks  
11 were of Ta Sin (sic) and Ta Soy, and then you compared them to  
12 major lieutenant or lieutenant.

13 Now, yesterday, I believe, you were talking about purges of  
14 cadres. Is that what you were trying to do, make a comparison of  
15 the 920 and 810 division members in terms of ranks?

16 [09.33.57]

17 A. I know that in Mondolkiri at that time, there were no more  
18 former Lon Nol soldiers. There were people, villagers, but they  
19 did not have any issue. And during that period, the killing did  
20 happen in relation to Khmer Rouge cadres. Khmer Rouge killed  
21 Khmer Rouge themselves. <The issue of Lon Nol soldiers already  
22 ended because it happened since '70 until '75. So, it was quite  
23 far. It had been five, six years already. Therefore, most of them  
24 were purged.>

25 If you want to ask me about the former Lon Nol soldiers, whether

12

1 or not they were killed, I don't think that they were killed  
2 because there were no more former Lon Nol soldiers at that time,  
3 but during the period, Khmer Rouge soldiers killed themselves --  
4 killed each other, rather.

5 Q. Thank you, Mr. Witness. My very last subject, that is  
6 something also in relation to events pre 1975. It was about the  
7 bombing of Mondolkiri and Ratanakiri by the United States.

8 Let me read to you an excerpt from your DC Cam statement and then  
9 I will ask you for some clarification. E3/5636; English ERN,  
10 00711231; Khmer, 00042489 to 90; and French, 00727146.

11 [09.35.48]

12 "Q. Were soldiers the targets for bombardments or?" and then the  
13 question is not finished. And you say the following:

14 "They were the targets for bombardments; however, villagers also  
15 suffered. Sometimes bombardment was spotted on the village. In  
16 Kati village, B 52s were dropped on the middle of the village and  
17 several families were killed. All holes were dug by B 52s, and  
18 the size was double that of a house. In short, millions of bombs  
19 were bombarded along the border. Each B 52 consisted of 200  
20 bombs. Each time, two or three or four bombs of B 52s were  
21 dropped." End of quote.

22 Do you remember saying to the investigator of DC Cam?

23 A. In relation to the US bombing, I can recall that the US  
24 bombings started from 1969 up to 1973. In that period, there were  
25 B 52 bombings, <gasoline,> rocket shellings, Napalm, that is to

1 say, and <cluster> bomb<s>.

2 And I would like to tell the Court that locations which were  
3 bombed were at Kaoh Nheaek and Peam Chi Miet, <Koh Ma Yoeul,  
4 along Srae Pok river,> Ou Leav, Ou Tang (phonetic), Ou Phlay, and  
5 it -- the bombing was dropped up to Pech Chenda <along the  
6 border, which included Ou Phlay, Ou Pul,> Ou Tam (phonetic),  
7 Phnum Dam Lea (phonetic), and then the Kaev Seima and Dak Dam  
8 were also bombed.

9 [09.38.18]

10 The purges in 1970 did not happen <> close to the location near  
11 the border. It happened in Mondolkiri, <Ratanakiri> Stung Treng  
12 and Kratie. So US bombing occurred <all over the place>. <In  
13 1970,> Tieng (phonetic) village was completely destroyed by the  
14 aerial bombing.

15 The US bombing did not target the Vietcong soldiers <or the Khmer  
16 Rouge soldiers>, but it -- the bombing dropped on the villagers'  
17 houses. That village, as I said, was completely destroyed. <There  
18 were only several families left> and no one go back -- no one  
19 went back to reside in that village which was destroyed, and as  
20 of now, no one is living in that village. <That's what I remember  
21 about the bombings.>

22 And in relation to <the bombings during> the war between Vietnam  
23 soldiers and former Lon Nol soldiers happened on Daoh Kramom  
24 Mountain, but not many <civilians> killed at that time. <Only  
25 some> Vietcong soldiers and Khmer soldiers were killed during the



14

1 war.

2 <In general, for the> US bombing, when the bomb<, for instance,  
3 B-52,> was dropped, it would cause trouble to everyone without  
4 any discrimination.

5 [09.39.53]

6 Q. My last question is, a little further down in that DC Cam  
7 interview the question is asked:

8 "Did the bombardments kill civilians or soldiers?"

9 And then you answer and I quote: "Only civilians were killed.  
10 None of the soldiers were killed." End of quote.

11 Is that what you said to DC Cam that only civilians were killed  
12 by the US bombing?

13 A. Khmer Rouge soldiers were not wounded by the US bombing, but  
14 Vietnamese soldiers, most of them were killed by the aerial  
15 bombing. Rarely <the> soldiers, <including the Khmer Rouge  
16 soldiers, my group or other groups,> were <> killed or wounded by  
17 that aerial bombing. <But for the civilians, many were affected.  
18 This is frankly speaking.>

19 Q. Then my very last question.

20 In your WRIs, you gave statistics as to how many people lived in  
21 Mondolkiri and Ratanakiri. You were asked a question about that  
22 yesterday as well. Are you in a position to tell how many  
23 civilians in Ratanakiri and Mondolkiri were killed by the bombs  
24 thrown out by the US military?

25 [09.41.34]

15

1 A. That was the report of the Khmer Rouge. In Ratanakiri, 3,000  
2 were killed and in Mondolkiri, only 600 were killed. That was the  
3 announcement and report at the time.

4 MR. KOPPE:

5 Thank you, Mr. Witness. Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you. And now the floor is given to the defence team for Mr.  
8 Khieu Samphan, to put questions to this witness.

9 You have the floor now.

10 QUESTIONING BY MS. GUISSÉ:

11 Thank you, Mr. President. Good morning everyone. Good morning,  
12 Witness.

13 My name is Anta Guissé. I am International Co Counsel for Mr.  
14 Khieu Samphan, and it is in this capacity that I will put a few  
15 follow up questions to you.

16 Q. My first series of questions has to do with your role as a  
17 messenger, that is, the role you played before 1975. I have  
18 understood that you were a messenger at a point in time.

19 My question is as follows. Did you start working as a messenger  
20 before 1975?

21 [09.43.11]

22 BY MR. CHAN BUN LEATH:

23 A. Frankly speaking, I was his messenger in 1973, actually, from  
24 1973 up to 1975. I was not a messenger <in '71>, and later on,  
25 <after> 1975, I was appointed to be the deputy chief <and I did

16

1 not follow him around anymore>. <I worked in the office instead.>

2 Q. I heard in <the French answer,> "I was his messenger from 1973  
3 to 1975". Who were you referring to when you said "his"?

4 A. I was Kasy's messenger.

5 Q. You were born in Mondolkiri. Is it correct to say that you had  
6 always lived in Mondolkiri?

7 A. That is true.

8 [09.44.26]

9 Q. As part of <choosing> a messenger, <> was knowing the <area  
10 and the> forest something that was important when the Khmer Rouge  
11 were operating <in the bush>?

12 A. On this particular issue, he was satisfied with my performance  
13 and he requested the upper echelon to have me as his messenger.  
14 It was not an easy job.

15 My father had trouble with the Khmer Rouge and as a result he was  
16 killed. <They did not trust me.> So it was not easy to have me as  
17 a messenger. He was my uncle and it was a difficult task that he  
18 went to the upper echelon to ask me to be his messenger. <I knew  
19 the maquis well> and I was familiar with all the geographical  
20 locations in Mondolkiri, so that was the -- his desire to have me  
21 as his messenger.

22 Q. Witness, may I request you to make an effort to carefully  
23 listen to the questions I put to you. I'm trying to be as clear  
24 and as concise as possible.

25 Did I properly understand from your answer that knowing the

17

1 <area> was one of the criteria's for the choice of messenger?

2 A. That is not correct. He selected me to be a messenger because  
3 I was related to him.

4 [09.46.33]

5 Q. Did you know the Mondolkiri region very well? To refresh your  
6 memory, in your interview with DC Cam, document E3/5636, and the  
7 ERN in French is, 00727140; ERN in English, 00711225; and ERN in  
8 Khmer, <00042483>.

9 And you explained that you travelled a lot, and this is what you  
10 stated:

11 "At the time, I was someone who was strong and courageous. I was  
12 very strong when it came to do <> trips in the forest. I knew the  
13 road to Vietnam very well. That is what people were saying  
14 because I went back and forth. So I knew all the places by  
15 heart." End of quote.

16 My question, to be more specific, is as follows. Is it correct to  
17 say that you knew the region very well and that you could find  
18 your way very well in the forest, and is it correct to say that  
19 you knew all the places by heart?

20 [09.48.04]

21 A. That is true. I know very well all locations in that province.

22 Q. Did you also know Kaoh Nheaek in that province very well?

23 A. Kaoh Nheaek district was my birth district.

24 Q. Very well. Yesterday, the Co Prosecutor put a question to you  
25 regarding a <stream>. My -- the document is, E3/6760, <the first

18

1 point,> the ERN is <01213545 in French>; and the ERN in English  
2 is, 01194793; and the ERN in Khmer is, <00586074>.

3 And this is the document that the Co Prosecutor showed you  
4 yesterday when you said that you did not know of a <> stream  
5 known as O Lpov.

6 For the interpreters, who don't have the document before them, in  
7 French it is written as follows: <O L P O V>, O Lpov.

8 So you, who knew Kaoh Nheaek district very well, stated that you  
9 did not know that stream. Do you know whether that stream is  
10 located somewhere else in another district <or> in another  
11 province?

12 A. I have a doubt. There is no O Lpov stream in Mondolkiri, not  
13 to mention in Kaoh Nheaek district. There is no such name or  
14 stream in Mondolkiri.

15 [09.50.45]

16 Q. Still with regard to Mondolkiri, we know that there were many  
17 different ethnic minorities in that province, so my first  
18 question to you is as follows. Do you speak any other language  
19 apart from Khmer?

20 A. I know Phnong, Lao and Jarai languages, and I know how to  
21 speak other languages but not very well.

22 Q. And during the Democratic Kampuchea period, did you speak  
23 those different languages?

24 A. During Khmer Rouge time, I could speak any other languages as  
25 I wanted. No such ban on languages -- language use.

19

1 [09.51.56]

2 Q. Among the Khmer Rouge cadres during the Democratic Kampuchea  
3 regime, do you remember whether there were cadres from the  
4 different ethnic minorities, and if you do know any, can you give  
5 us their names and <specify> their ethnic origins, if you do  
6 recall that?

7 A. In the entire province, there were different ethnicities, <and  
8 most of the cadres were ethnic minorities. There were only one or  
9 two Khmer. In Mondolkiri,> there were Laotian, Tumpoun, Phnong,  
10 and Jarai -- and some Jarai.

11 Q. And my question is whether you do recall if there were cadres  
12 from the different ethnic groups, and if yes, who were they?

13 A. Ham<'s alias was> Laing. The father was Lao and mother was  
14 Jarai. <Kham Phoun was a mix race of Lao and> Tumpoun, and Kasy  
15 was ethnically Phnong, <not Lao>; <> Svay was ethnically Jarai;  
16 Leng was ethnically Jarai as well; and Lang was a mixed race of  
17 Jarai and Phnong. So I cannot describe all the detail in relation  
18 to their family background.

19 Q. How about Bou Li, do you know <her> ethnic origins<>?

20 A. She was in Peam Chi Miet village, <Peam Chi Miet> commune,  
21 <Kaoh Nheaek> district, Mondolkiri province. <She> was <an  
22 ethnic> Lao.

23 [09.54.45]

24 Q. Another point I would like us to talk about is the following:

25 At a point in time you referred to Ta Sarun. Can you tell us

20

1 about him? What was his position, his specific position, and what  
2 authority did he exercise?

3 A. At first, Ta Sarun was the Secretary of Pech Chenda district,  
4 and perhaps from <1970> up to <'73, '74,> '75, he was promoted to  
5 be member of Mondolkiri committee. And after the deceased, or the  
6 killing each of other of Laing <and> Kham Phoun, he came to  
7 replace Laing.

8 At that time, there were killings, many killings, and perhaps it  
9 was after one or two months that he was promoted to replace  
10 Laing. And he was in that position less than a year, then the  
11 liberation of 7th January happened.

12 [09.56.17]

13 Q. I would like you to clarify something, perhaps in French and  
14 English. You said that he was district secretary for a start. Can  
15 you give us the name of that district?

16 A. He was Secretary of Pech Chenda district.

17 Q. At what time did he come to replace Laing? Can you recall the  
18 date?

19 A. It was in late 1977, probably, or early 1978.

20 Q. Is it correct to say that on that date you were working on the  
21 Roya worksite?

22 A. Yes, I was at Roya.

23 Q. Did you have any direct interactions with Ta Sarun?

24 A. To my observation, when I fell ill I requested to be  
25 hospitalized. Ta Ka Loy (phonetic), <the office chief,> went to

21

1 pick me up. He had a letter with him at the time. I was asked to  
2 fill in my name and other information, and the seal or the stamp  
3 was -- the stamp was sealed and <his> name was put on that  
4 letter. <So I thought maybe he was promoted, but I did not know  
5 how high he was promoted.>

6 [09.58.19]

7 So at the worksite, I had to focus on my work at the field, I  
8 could not walk to any other places freely, because there was a  
9 request from <Roya> office chief to send me to a hospital, that's  
10 why I was allowed to go back to the hospital. But the content of  
11 the letter was to set me free, so I thought that I was allowed to  
12 be freed.

13 But at the time, the letter was handed over to me and I was asked  
14 to fill in my name. That letter was <typewritten and there were  
15 some columns left to be filled>. So I realized at the time that  
16 <Ta Sarun> had <become> a secretary of a district already, and  
17 that <seal> was <his. The name on the letter was his.> The  
18 purpose of that letter was to ask permission so that I could be  
19 sent to the hospital.

20 [09.59.39]

21 Q. In your statement, E3/8749, at French ERN, 00727661; English,  
22 00715750; and at Khmer ERN, 00711942, this is what you say  
23 regarding Ta Sarun:

24 "After Ta Sarun <succeeded> Ta Laing, there were many more  
25 arrests than under Ta Laing's authority because they <took>



1 revenge <on> each other by arresting the cadres who were close to  
2 the former sector secretary. So as a secretary of the sector, Ta  
3 Sarun could decide on whom to arrest." End of quote.

4 So my question is what are your sources for you to state that Ta  
5 Sarun could decide on the arrests and what do you mean by "they  
6 <took> revenge <on> each other"?

7 A. I would like to clarify this point for the Court. After Ta  
8 Kham Phoun had killed Ta Laing, at the time, Ta Chhun (phonetic)  
9 was the younger in law -- brother in law of Laing and he went  
10 around to inform everyone in worksites and cooperatives <in the  
11 area>. And later, it was said that he replaced his elder brother  
12 in law. A few days later, he was arrested.  
13 During the fighting between Kham Phoun and Ham, the network of Ta  
14 Ham <included Ta Lok (phonetic), Ta> Ansi <>. <They were all at  
15 district level.> And at the time, <they were rushing to fill the  
16 seats of those who disappeared, and> I did not know whether <they  
17 were> assigned by the upper echelon to replace or to get other  
18 tasks to perform.

19 After that fighting, the situation was chaotic. Kham Phoun  
20 network was arrested. There were many cadres from the network of  
21 Kham Phoun, <including> Ta Chhun (phonetic), <Ta Chan Than, Ta  
22 Tha> (phonetic), Ta Van Kham (phonetic), Ta Arar (phonetic), Bou  
23 Li, Bou Lai, these individuals were in the network of Kham Phoun.  
24 So many of them had been arrested, hundreds of them, I could say.  
25 But some of them survived the arrests. Perhaps 80 <> individuals

1 in Kham Phoun's network disappeared. <There were only a few of  
2 them who survived. For instance,> Ta Sarat (phonetic), Ta Kong  
3 (phonetic), Kang (phonetic) were also arrested, but later on they  
4 were freed.

5 In the previous interview, <Tauy's (phonetic) father> was  
6 mentioned by me in that document and he was also killed. All of  
7 them were cadres; namely, they were chiefs of offices or they  
8 were part of a battalion, regiment. And as for Ra, he was the  
9 deputy secretary of a district. Ra <was arrested and then>, Bou  
10 Lai, who was the chief of the hospital in the sector, <was>  
11 arrested. Bou Li was also in charge of the sector hospital. Later  
12 on, she was assigned to be in charge of Kaoh Nheaek district  
13 hospital. <She was Ta Svay's wife.>

14 [10.04.14]

15 So allow me to tell the Court that the revenge between the two  
16 groups of individuals <was not strange. Everyone might know about  
17 it because> Kham Phoun <> smashed Ta Ham because his child was  
18 killed by Ta Ham. <> His <child's> name was Kham. Kasy was first  
19 arrested. Nhun was the chief of the Office of Kham Phoun. Nhun  
20 was <> introduced into the party by Kasy, <not Kham Phoun>.  
21 So <when Kasy was arrested, so was he>. And as I said, usually  
22 <in> the network, <if the leader was> arrested, <he> could not  
23 <stay, so he fled>. And at the time, <if I was at the office,  
24 they could have taken me too, not just Nhun, because Nhun told  
25 Bun Noeun to take me from Roya. But Bun Noeun did not do that. He

24

1 said, "No need to go that far. We can go just, us." Nhun said  
2 that, "Take Chauy because he knows the forest, he knows the  
3 ways." But Bun Noeun said that, "No need." -->

4 Q. Witness, please, please. I apologize, but I must interrupt  
5 you, but your answers are very lengthy, and it's a bit hard to  
6 follow. So please, once again, <pay very close attention to my  
7 questions and> answer <them> as briefly <> as possible. You  
8 provided us with a very <large> volume of <important>  
9 information, so I'm going to try to <break it down>.

10 You spoke about the arrest of 80 people, and when these 80 people  
11 were arrested, where were you and what function did you have?  
12 Were you already at <> Roya or were you still in your -- in your  
13 previous position?

14 [10.06.34]

15 A. I was still at Roya. They actually came to arrest us at Roya  
16 because of the Kham Phoun's network, Chan Than's families and  
17 relatives were also arrested, including the children. <There were  
18 about 30 of them transferred by truck. His children were thrown  
19 into the truck and so their legs and arms were broken.>

20 So for <all the> people at <> Ou Buon Krom, they were also  
21 arrested.

22 Q. Please, please, I'm sorry. Once again, I don't have much time,  
23 so please answer my question specifically. My original question  
24 was: were you still at Roya? You answered, so I don't need more  
25 information. Then I will put extra questions to you, but I would

25

1 like us to move step-by step so that everything is clear for <the  
2 Chamber and> all the parties.

3 So you were at the Roya worksite when these arrests took place.

4 Did you know who decided these arrests, and if that is the case,

5 who was this person? So first, do you know who, and who was this

6 person? Give me a name and then I will put extra questions to you

7 after that.

8 [10.08.13]

9 A. The arrest happened after Ham and Kham Phoun, since senior

10 people had been arrested, <the ones left with the authority were>

11 Sarun and Sophea, who <was part of the army>; however, <Leng and>

12 Sophea at the time had not yet been arrested. So, I did not know

13 who actually <ordered the arrests, I did not know> whether <it

14 was> Ta Sarun or <Ta Lok (phonetic)>. From what I heard, there

15 <were> meetings among the committee, because such a decision

16 could not be made by an individual. It means it takes a combined

17 decision of all members of the committee. And <> you can pinpoint

18 to the most senior<> persons within the committee.

19 MR. PRESIDENT:

20 Mr. Witness, you are reminded once again to respond precisely to

21 the point raised in the question, as advised by counsel, and

22 please don't provide any hypothetical response. You should only

23 say what you knew, and if you don't know, please state so, that

24 is also a kind of response, rather than to make a predictive or

25 lengthy response.

1 And Counsel, you may continue.

2 [10.10.03]

3 BY MS. GUISSÉ:

4 Q. Before the break, Mr. President, I would like -- I have a last  
5 question of clarification regarding this point.

6 You spoke about Ta Sarun and about Sophea, but you also confirmed  
7 that, back then, you were at Roya. So may we say that you do not  
8 know exactly who took that decision? It is that -- and you,  
9 therefore, made your conclusions based on rumors <or hearsay>?

10 BY MR. CHAN BUN LEATH:

11 A. Yes, that is correct.

12 MS. GUISSÉ:

13 Mr. President, if you wish to take the break now, we may do so.

14 [10.10.56]

15 MR. PRESIDENT:

16 Thank you, counsel.

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

19 Court officer, please assist the witness during the break time  
20 and invite him as well as his duty counsel back into the  
21 courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1011H to 1032H)

24 MR. PRESIDENT:

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

1 And the floor is given to the defence team for Mr. Khieu Samphan,  
2 to resume the questioning.

3 You may have the floor now.

4 BY MS. GUISSÉ:

5 Thank you, Mr. President.

6 Q. Mr. Witness, I would like us to now talk about the different  
7 offices you referred to in your testimony, and I would like you  
8 to clarify something regarding <K-16>.

9 You stated that before going to <> the Roya worksite, you were  
10 detained for some time at <> K 16. Can you tell us what K 16 was?

11 Was it an office that had <> functions other than those of a  
12 security centre, <which had been turned into one,> or it had  
13 always been a security centre?

14 [10.33.46]

15 BY MR. CHAN BUN LEATH:

16 A. K 16 was not a security centre. It was an economics office or  
17 office for agricultural products. That office was belonged to the  
18 deputy head of the province. He was in charge of economics for Ta  
19 Kham Phoun.

20 Q. In your statement, E3/5636, the ERN in French is 00727141; ERN  
21 in English, 00711226; ERN in Khmer, 00042485; you talk of Ta  
22 <Mann's> office. Was Ta <Mann> the person in charge of  
23 agricultural produce?

24 [10.35.18]

25 A. I could not hear the name clearly. Ta Mann or Ta <Maing>?

1 Q. I'm sorry about my accent. In French it is written as follows,

2 M A N N, that is, Ta Mann, <at the ERN's I mentioned earlier.

3 And> the ERN is <0042485> (sic)<, to get the spelling> in Khmer.

4 A. There is no Ta Mann but Ta <Maing>.

5 Q. And who is Ta <Mann>, therefore?

6 A. He was a soldier. He was a soldier and he was part of the

7 battalion. He was the deputy of the battalion.

8 Q. In the statement I quoted, that is, E3/5636, same ERNs, this

9 is what you stated:

10 "They started to carry out arrests at K 16 and they locked <them>

11 up in the security centre of the region, which was close to K 16,

12 which was Ta <Mann's> office for one night. The next day, in the

13 morning, they took <them> away and I do not know where they took

14 <them> too, precisely." End of quote.

15 [10.37.33]

16 MR. LYSAK:

17 Yes, there may be a translation issue. In the English translation

18 it reads differently. It states:

19 "The first arrests were at K 16 and placed at the sectoral

20 security next to <Ta Mann's> office of K 11 for one night."

21 So in the English, the arrests were people from K 16, but Ta

22 <Mann's> office was at K 11. So I thought -- I don't know what

23 the Khmer original says.

24 BY MS. GUISSÉ:

25 Q. It is perhaps better to have the witness clarify this point.

1 Witness, can you tell us where Ta <Mann's> office was located?

2 Was that in K 16 or in K 11?

3 [10.38.29]

4 MR. CHAN BUN LEATH:

5 A. <Ta Maing was stationed> close to the prison, <because K-11,  
6 Ta Maing and Sophea were there together>. The <offices were>  
7 about 100 or 200 metres apart. So again, <Ta Maing> not Ta Mann,  
8 was located close to the prison. In fact, his name was Maing.

9 Q. In that case, perhaps you should start by clarifying the  
10 prison you're referring to. Can you give us the name of that  
11 prison?

12 A. That prison was known as Phnom Kraol Prison. There was no  
13 other official name.

14 Q. Under these circumstances, can you, therefore, tell us if I  
15 understood correctly when you said that Ta <Mann's> office was  
16 next to the prison?<>

17 A. It was adjacent to that prison.

18 Q. And did that office have a specific name?

19 A. I do not know it well because it was belonged to the soldiers.

20 Q. So if I understand you correctly, the Phnom Kraol Prison was  
21 managed by soldiers; is that correct?

22 A. That is correct.

23 [10.40.55]

24 Q. I understood from your previous answer that Ta <Mann> is the  
25 other name of Maing, that is, Sarun's brother. Did I properly



30

1 understand your testimony or I am wrong?

2 A. That is not correct. Ta Maing (phonetic) was the younger  
3 brother of Sarun. Ta Leng was another individual. He was -- Ta  
4 Leng was not related to that individual -- the former, I mean.

5 Q. To be absolutely sure that it is not merely a translation  
6 problem, we have this on record and you mentioned it. It's  
7 document E3/5178, and the ERN in French is 004034486 (sic), and  
8 it continues on the next page; and the English ERN is, 00274100;  
9 and the ERN in Khmer, in principle, is 00197862.

10 [10.42.34]

11 And you referred to several persons and at a point in time you  
12 state as follows, and I quote:

13 "The Mondolkiri Region or Region 105, was divided into political  
14 sections headed by Mey, <M-E-Y> <region> deputy <chief>, and  
15 security and military sections are governed by Sophea from 1970  
16 through late 1978. The Military security office, known as K 11,  
17 was the <place> where Sophea worked. <Chief> of Battalion, Maing,  
18 a brother of Sarun, who was in charge of the prison<>." End of  
19 quote.

20 You agree that we're talking of the same Maing, who was Sarun's  
21 brother and who was in charge of the prison? Was that the person  
22 whose office was adjacent to Phnom Kraol Prison?

23 A. That is correct.

24 Q. Since you said that he was in charge of the prison, do you  
25 know who were the other persons working at that prison, and can

31

1 you also specify how you knew that they were working at the  
2 prison?

3 A. I am not quite sure about this issue. To my knowledge, he was  
4 part of the army and Phai was in charge of the prison. And as I  
5 said, his office was next to the prison, and I do not know  
6 whether he held any position within the prison.

7 Q. Following that initial quote, this is what you stated. Same  
8 document, E3/5178, and the same <ERN's. You> say that:  
9 "Phai" -- P H A I -- "was <subordinate to> Maing<>. He was the  
10 chief of Phnom Kraol Prison." End of quote.

11 [10.45.21]

12 So you referred to Maing, Sarun's brother, was in charge of the  
13 prison, and you also talked of Phai, and you said that he was  
14 Maing's subordinate.

15 Here again, can you tell us what is the source of your  
16 information, and what <exactly> were Phai's duties?

17 A. To my knowledge, Phai was a prison chief, and Ta Maing was the  
18 direct perpetrator to arrest all other prisoners and then sent to  
19 Ta Phai's prison to be in charge of.

20 Q. And my question is the same: Can you tell us how you got <>  
21 that information?

22 [10.46.35]

23 A. It is from my observation. No one came to tell me about this.  
24 I used to see that Maing had the function to go and cleanse any  
25 people; and he had <his> subordinates, who were soldiers, <coming

1 to arrest people, but for the man, himself, he was present only  
2 on some occasions of the arrests>. He was in charge of <many>  
3 soldiers.

4 Q. If I properly understood your testimony, you said that you  
5 were detained for some time at K 16, and you subsequently went to  
6 Roya.

7 My question to you is as follows: When did you see Maing was in  
8 charge of the arrests, and at what time did you see Phai <as> the  
9 person in charge of Phnom Kraol Prison?

10 A. I did not witness with my own eyes about this issue. Those who  
11 could get out of the prison told me about that issue, so I learnt  
12 the information from those former inmates.

13 Q. That is important, Mr. Witness, when I <ask> you to give us  
14 the source of your information, <> I <need> to know whether you  
15 saw this with your own eyes or if someone else talked to you  
16 about this. Now I understand that you personally didn't know how  
17 Phnom Kraol was organized, and you stated that it was prisoners  
18 who talked to you about it.

19 Did I properly understand your testimony?

20 A. That is correct.

21 [10.48.49]

22 Q. Since there are things which you got to know by hearsay, I  
23 would like you to tell us what you know personally about the  
24 Phnom Kraol Detention Centre. Do you know when it was  
25 established?

1 A. I am not quite sure. I was at Kaev Seima. I do not know when  
2 it was established, and I said that I saw the trees in the forest  
3 were cleared and <later on, I saw people building houses, but I  
4 did not know it was a prison.> When I was transferred to K 16, I  
5 used to walk past that location, and sometimes I was on the  
6 vehicle passing by that location and the prison was there. <There  
7 were prisoners in there already.> I did not know when the prison  
8 was established, <I did not know whether it was built in '74 or  
9 '75,> but <it was a long time ago>.

10 [10.50.19]

11 Q. Without knowing the exact date <> the <> prison <was  
12 constructed>, were you -- was that prison already in existence  
13 when you were deputy chief of office -- deputy head of the  
14 office, or it was set up thereafter?

15 A. When I was a deputy chief of the office at Kaev Seima, I had  
16 no idea about that prison. Later on, when large groups of people  
17 were arrested, <when I was at K-16,> I learned about the prison.  
18 Perhaps it was in February or March that I learned about the  
19 existence of the prison.

20 Q. When you say February or March, are you talking of the year  
21 1977?

22 A. That is correct.

23 Q. I understand from your testimony that you, yourself, never  
24 visited the Phnom Kraol Detention Centre but you saw it from a  
25 distance from the road.

34

1 Can you give us a brief description of that centre and what you  
2 were able to see from the road?

3 A. I saw the roof of the building but not clearly, since it was  
4 -- that prison was located to the dam. <The front area was  
5 cleared.> I saw the bamboo fence surrounding that prison, so this  
6 is what I saw at the time.

7 Q. You state that the prison was situated close to the dam. Which  
8 dam are you referring to?

9 A. The dam was known as Sot. That was the dam in Phnom Kraol  
10 location, and the dam is still standing.

11 [10.53.00]

12 Q. I would like us to agree on what you consider as a dam. Is it  
13 a big dam on which people worked to build a dyke and a <large>  
14 wall, or is it a small dam<>?

15 A. It was not too small and the vehicles could run on the road.  
16 There were gates, water gates in that dam.

17 Q. And do you know when that dam was built?

18 A. It was built between 1975 and 1977 -- it was built in 1974 and  
19 1975 and it was ready in 1976.

20 [10.54.26]

21 Q. I know it's complicated to talk about the size. Can you tell  
22 us where the water around that dam came from?

23 A. The water flew <down> from the mountain. There was a small  
24 stream from the mountain, and when the gate was closed the water  
25 was around the mountain <called Phnom Kraol>. And the villagers

1 in the location used the water to drink.

2 Q. You have stated that the dam was called the Sot Dam or Phnom  
3 Kraol Dam. Is Sot the name of the waterway that brought water to  
4 the dam, or <did the waterway have another name>?

5 A. In fact, Sot the one who led the workers at the time.

6 Q. And do you know the name that was given to the <waterway>  
7 flowing down from the mountain and that passed next to that dam?

8 A. That was a small stream. No name was given to that small  
9 stream, and perhaps, villagers living close to that stream gave a  
10 specific name to that small stream, but for me, I do not know the  
11 name specifically.

12 Q. But you'd agree with me that you're a native of Kaoh Nheaek;  
13 is that correct?

14 A. Yes, I was a native of Kaoh Nheaek district.

15 [10.57.16]

16 Q. And you knew the village in which the Phnom Kraol Security  
17 Centre was located. Now, between 1975 and 1979, as you passed by  
18 on the road, did you hear the villagers give any particular name  
19 to that <waterway>?

20 A. Villagers called that stream Ou Phnom Kraol, and the stream  
21 was so small at that location and the water was <blocked at the  
22 waist of the mountain>.

23 Q. You talked of the roof of Phnom Kraol. From the road, could  
24 you see any other characteristics of the building? Can you  
25 specify what Phnom Kraol looked like, what kind of structure it

36

1 had, and in what material was it built?

2 A. Now, today, villagers are living in that location and most of  
3 houses are built from wood.

4 [10.59.00]

5 MR. PRESIDENT:

6 The question asked you -- referred to the period back in the  
7 regime. Counsel wanted to know about the characteristic of the  
8 building in 1977 or 1978, not about the present time.

9 MR. CHAN BUN LEATH:

10 A. Back then, there were no concrete houses or big houses. Houses  
11 -- the <rooves> of houses were built from thatch and there were 4  
12 by 5-metre small houses or huts in the area surrounding K 11 or  
13 16, but as for Ta Ham's house, the house was built from a wood  
14 plank and on the ground floor, the concrete was laid.

15 BY MS. GUISSSE:

16 Q. I believe you said Ta <Hong's> (sic) house. Is that how you  
17 would call the Phnom Kraol Security Centre?

18 A. Ta Ham's house was not far, and within the vicinity, that is,  
19 around 300 x 400 metres, there was a prison, there was K 11,  
20 there was K 17, and they were close by one another. And <they  
21 made> that <location> the provincial town and there was a plan to  
22 move the K 16 to that area as well, <but it was not yet done.  
23 They put it in Ou Chbar Chas area>. <That location was just  
24 built.>

25 And as I said, there were smaller houses which were built for

1 provisional stay.

2 [11.01.25]

3 Q. You spoke about the small houses around K 11 and K 16. So I  
4 understand from your answer that K 11 and K 16 were <> close to  
5 the building of Phnom Kraol, which you described. <You> said they  
6 were about 300 metres away, so were they within the same  
7 perimeter as K 11 and K 16?

8 And I'm putting this question to you because yesterday I  
9 understood from your testimony that the Phnom Kraol Security  
10 Centre was surrounded by a fence.

11 MR. PRESIDENT:

12 Witness, please hold on.

13 And Deputy Co Prosecutor, you have the floor.

14 [11.02.11]

15 MR. LYSAK:

16 Yeah, sorry to interrupt. I think there might have been a  
17 translation issue because in English what the witness said was  
18 that it was K 11 and K 17, not K 16, K 17 that were close to the  
19 prison.

20 BY MS. GUISSÉ:

21 Well, maybe I'll be a bit more specific with my question.

22 Q. So must I understand from your answer that not far from the  
23 Phnom Kraol building you described, K 11 and K 16 were situated  
24 or was it K 11 and K 17?

25 MR. CHAN BUN LEATH:



1 A. Security centre was close to K 11 and about 500 metres  
2 further, there was K 17. To the north -- to the <southwest,>  
3 there were quarters for workers. They worked in a workshop or in  
4 a sawmill. So, around Phnom Kraol areas, these buildings were  
5 located, and the prison itself was located in the centre near the  
6 stream.

7 As for <K 11>, it was far away. It was at Ou Chbar, which was  
8 about 2.5 kilometres away and that you had to cross the stream in  
9 order to access that area.

10 [11.04.01]

11 Q. So this brings me back to my previous question. Yesterday, you  
12 spoke about a fence surrounding Phnom Kraol, the building of  
13 Phnom Kraol, so my question is: were K 11 and K 17, therefore,  
14 outside of the perimeter or within the perimeter of Phnom Kraol?

15 A. They were outside.

16 Q. So I believe I understood that you said that Ta Sophea was the  
17 head of K 11. So did I understand your testimony properly?

18 A. Yes, that is correct.

19 Q. And here again, what is the source of your information  
20 regarding that point?

21 [11.05.15]

22 A. There was no need for a source of information as Sophea was  
23 also related to me, <and generally, I could know> what <my  
24 neighbors> did <>. And he was very close to my mother.

25 Q. Now, in terms of K 17, do you know who was in charge of K 17?

1 A. K 17, which was the Sector 105 Office, it was Ham and the  
2 chief of the office was Tin (phonetic) and his deputy was Ka Loy  
3 (phonetic).

4 Q. And you're speaking about which period regarding K 17? Do you  
5 know if things changed later on?

6 A. Initially, K 17 was close to K 16 at Ou Buon Krom and after  
7 1975, it was relocated to Phnom Kraol. However, K 16 had not yet  
8 been relocated and K 17 was relocated to Phnom Kraol, together  
9 with K 11 and the security centre. These buildings were erected  
10 after one another after 1975.

11 Q. But my question was different. My question was do you know if  
12 at K 17 there were different people in charge between '75 and '79  
13 or were the people in charge always the same between the moment  
14 when K 17 was created and the end of the <> regime?

15 [11.07.53]

16 A. K 17 or Ta Ham's office was established and Ta Tin (phonetic)  
17 was the head of that office and Tin (phonetic) was my elder  
18 brother in law. He passed away last year. As for Ka Loy  
19 (phonetic), he was accused of a moral offense in 1970 and later  
20 on, after Svay and Ta Sy (phonetic) were killed, he was arrested  
21 but later on, he was released.

22 And Ka Loy (phonetic) actually replaced that position in 1978,  
23 and not long after, he was taken away and killed as well. And  
24 later on, I didn't know about what happened to that office, since  
25 <I> was hospitalized.

40

1 Q. So I said -- I heard that you said that Ta <Tin> (phonetic)  
2 was your elder brother in law. So what position did he have at K  
3 17? What exact position did he have?

4 A. I knew he was a chief of the office or head of the office.  
5 [11.09.30]

6 INTERPRETER FRENCH-ENGLISH:

7 Interpreter corrects it was Ta Tin (phonetic).

8 BY MS. GUISSÉ:

9 Q. <So, Ta Pin (phonetic) and not Ta Tin (phonetic), I'm being  
10 corrected.> Now, an additional question: You said that you were  
11 hospitalized, at one point in time, and that is how you got to  
12 know that Ta Sarun had become district secretary, if I understood  
13 your testimony properly; do you know what Ta Sarun's role was <>  
14 in relation to the Phnom Kraol Security Centre?

15 MR. PRESIDENT:

16 I think there could be a mistake in the interpretation. He was  
17 not district secretary, but he was sector secretary, so please  
18 try to refresh or reframe your question.

19 BY MS. GUISSÉ:

20 No problem. That was my mistake.

21 Q. So you said that you learnt that Ta Sarun was sector  
22 secretary, when you were <taken to be> hospitalized, so can you  
23 tell us, if you know, what Ta Sarun's duties were with regard to  
24 the Phnom Kraol Security Centre; if you don't know, simply say  
25 so?

1 MR. CHAN BUN LEATH:

2 A. I did not know his duties.

3 [11.11.33]

4 MS. GUISSÉ:

5 Mr. President, I am done with my questions. I will give the floor  
6 to my colleague Kong Sam Onn.

7 MR. PRESIDENT:

8 Thank you, Counsel. And Kong Sam Onn, you have the floor.

9 QUESTIONING BY MR. KONG SAM ONN:

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

12 Q. I'd like to put questions to you in relation to the fighting  
13 between the forces of Democratic Kampuchea and the Vietnamese  
14 troops. You have testified, rather extensively, on this point;  
15 however, I'd like to get clarification from you.

16 Before 1975; that is, before the victory on 17 April 1975, were  
17 there any clashes between the liberated force and the Vietnamese  
18 force?

19 [11.12.42]

20 MR. CHAN BUN LEATH:

21 A. To my knowledge, there were three clashes; two times at Kaev  
22 Seima and one time at Dak Dam.

23 Q. My question to you is about any possible clashes before 1975;  
24 were there any?

25 A. My response was about what happened after 1975.

1 Q. Mr. Witness, my question to you was about any clashes before  
2 1975, for example, between 1970 and '75, were there any clashes  
3 between the liberation forces and the Vietnamese force?

4 A. Between 1970 to 1975, to my knowledge, there was no clash  
5 between the two forces.

6 Q. You just stated about three clashes that took place after  
7 1975, and you stated earlier that they happened in 1977; can you  
8 tell the Court how you're so sure that these clashes took place  
9 in 1977?

10 [11.14.25]

11 A. That was based on the information and the announcement that we  
12 attacked the Vietnamese because they refused to leave our  
13 territory after we made such an announcement and this  
14 announcement was made throughout the sector.

15 Q. Can you tell us a bit more about that announcement; was the  
16 announcement made over a radio or through a meeting or through  
17 any other means?

18 A. The announcement was made through units meetings. The units  
19 chief received the information and relayed such information to  
20 his subordinates.

21 Q. And did you know the reasons that led to the clashes?

22 A. I did not fully grasp the situation.

23 [11.16.00]

24 Q. Can you tell the Chamber about the clashes; were the -- which  
25 troops on the Vietnamese side they belong to?

1 A. Those soldiers were communist soldiers, not A Tiv (phonetic)  
2 soldiers.

3 Q. Earlier you also stated that the clashes happened on the  
4 territory of Kampuchea; how did you know that the clashes  
5 occurred on the Kampuchean territory? Who told you about that,  
6 for example, that those clashes took place on the territory of  
7 the Democratic Kampuchea?

8 A. I learnt that information from a handicapped soldier; the  
9 soldier stepped on a mine and, as a result, he lost a leg and he  
10 was in the same hospital that I was in and he told me about that.  
11 He said that we chased the Vietnamese troops on several  
12 occasions, but they did not fully retreat from the territory;  
13 they were still within about 1 kilometre inside the territory  
14 and, as a result, they attacked the Vietnamese troops. And the  
15 same situation applied for the second clash. <It happened in the  
16 east and the division soldiers were attacking them near Ou Huch  
17 (phonetic).>

18 As for the third clash, it happened at the top of the mountain.  
19 We -- actually, they came to <station> on this side, on the other  
20 side of the road that belonged to Cambodia. <They built their  
21 quarter in that area, which was 50 metres square,> and, as a  
22 result, soldiers were sent to attack them and he was amongst  
23 those who attacked the Vietnamese troops there and he stepped on  
24 a mine<> and lost his leg. <He then stayed at the hospital that I  
25 was at and I learnt that from him.>

1 [11.18.34]

2 Q. Can you tell the Chamber the name of that soldier and which  
3 military unit he was attached to, for example, which battalion or  
4 division?

5 A. He was initially a soldier in Kaev Seima district together  
6 with me. Later on, he was transfer to the sector military.

7 Q. You said that that soldier was wounded by stepping on a mine;  
8 can you tell the Chamber who actually laid that mine and at which  
9 battlefield he stepped on that mine?

10 A. It is likely that the mines had been laid from the previous  
11 regime. It could be mines laid by the American side or by the  
12 Viet Cong side or by us, so it was very difficult to conclude who  
13 actually laid those mines.

14 [11.20.02]

15 And the Thieu Ky military troops actually stationed in that area  
16 and later on, Viet Cong troops came to also station<> in that  
17 area and on the -- on the Khmer side, they didn't want them to  
18 station in that area, <because it was at the border,> but they  
19 refused to retreat; that's why they were attacked.

20 And as I was asked yesterday whether we were attacked or we  
21 attacked them and, in fact, we did attack them.

22 Q. In relation to FULRO, yesterday, you testified about it, as  
23 well, and did you know the mission of FULRO?

24 A. FULRO was a Vietnamese ethnic group and I did not know of  
25 their real mission. I heard that they wanted to reclaim their

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1 Champa territory which was invaded and taken by Vietnam.

2 Q. And do you know who was the top leader of FULRO or a sector  
3 chief of FULRO in Mondolkiri or Ratanakiri provinces?

4 A. Previously, I knew one or two. He passed away. He was chief of  
5 a regiment in around '67 or '70 -- '68 and he was stationed at  
6 Daoh Kramom mountain <in Mondolkiri province> and he was an  
7 ethnic person.

8 Q. Did you know the activities of the FULRO, for example, during  
9 the 1970s, or from the period of 1970 to '75 and to '79?

10 [11.22.57]

11 A. I was not that familiar with the activities of FULRO, as we  
12 did not interact with them, nor did we have to oppose them.

13 Q. Can you tell the Chamber in what year did you first learned  
14 about FULRO?

15 A. To my knowledge, as people spoke about it or that they came to  
16 see us, and I learned about it in 1966, and before that, I did  
17 not know of the existence of FULRO at all.

18 Q. Did you know if FULRO had any contact or communication with  
19 Democratic Kampuchea cadres in the area that you lived; that is,  
20 in Mondolkiri province?

21 A. I was not aware of any.

22 [11.24.49]

23 Q. I'd like now to ask you about your roles or positions, in  
24 particular, when you <were> a deputy of the district's office.

25 You already have testified that your two main tasks were to build



1 a dam or -- to lead people <to dig canals, to build dams, and> to  
2 work in the rice field and that sometimes you rotated the work  
3 with the chief of the office.

4 Can you tell the Chamber how many workers or people were under  
5 your supervision in your capacity as the deputy of the district  
6 office?

7 A. To my recollection, my role was only to lead the people in my  
8 respective unit, as people living in the base were under the  
9 leadership of their respective communes or cooperatives chiefs,  
10 although we actually cooperated in certain work. The chief of  
11 those communes or cooperatives would liaise with us how to build  
12 a particular dam, for example.

13 Q. My question to you is in relation to a -- a number of workers  
14 under your supervision, that they were in you unit; how many of  
15 those?

16 A. There were not many in my unit. There were over 30 workers in  
17 my unit and they were divided into two groups; 15 to work on one  
18 particular worksite and another group of 15 worked on another  
19 worksite.

20 [11.26.58]

21 And there were also children of those workers, so a total number  
22 of the adult and the children were about 50, though there were  
23 <fewer in terms of labor>.

24 And <> in my <commune, Khtum commune, there> were only about 200  
25 <people>; that is, they were part of about 30 or 40 families.

1 Q. You have also stated about Kasy and that Kasy had contact with  
2 Vietcong, so my question to you is: How did you learn of that  
3 contact?

4 [11.27.51]

5 A. Let me talk about what happened at the beginning so that you  
6 have a fuller picture, as it was related to Ta Laing and Ta Kham  
7 Phoun.

8 He contacted with Ta Tung (phonetic), the Vietnamese <sector>  
9 committee, and, in fact, Ta Ham held a meeting there and I was  
10 outside cooking food for them and there were two Vietnamese  
11 messengers who were assisted me in cooking; in fact, a pig was  
12 slaughtered to make food <like steaks and other dishes> for them.  
13 And they said a plan that they would return on a -- a specific  
14 day but, on that day, only Kham Phoun was sent and Kham Phoun  
15 went to meet the Vietnamese side while we, the combatants, waited  
16 outside. So the meeting was held inside with the Vietnamese  
17 counterpart.

18 Then I was asked to get a vehicle from Kratie province to  
19 transport the materials or equipment, so <we> came <with two  
20 motorbikes>, then we put the motorbikes on the truck and went via  
21 Snuol route. We were given weapons, medicines, cloth <by the  
22 Vietnamese>; that is, to my recollection, and there were shoes  
23 and a tent. They were meant for military uses. <Afterwards, they  
24 did not come again.>

25 And later on, Kasy was assigned to continue the cooperation with

1 the Vietnamese side. Although he did not have any authority to  
2 make decision<s>, he was there to receive information and pass on  
3 to the upper level and that was the time that I became his  
4 messenger.

5 Q. Can you tell the Court the date of those series of meetings?  
6 [11.30.17]

7 A. To my recollection, it happened at the beginning of 1975, and  
8 continued until the day of the liberation; that is, 17 April  
9 1975.

10 Actually, on that day, I was still in Vietnam in order to -- to  
11 gather the people to return to Cambodia; that is, those who fled  
12 to Vietnam. So Kasy, his deputy, <Chenda,> and Loy (phonetic),  
13 who was in charge of the district military, were there and Kham  
14 Phoun was there initially, but he hurried back.

15 So we met with the people and they said that they didn't leave  
16 anything behind when they <went> to Vietnam and they didn't wish  
17 to return to Cambodia. So we actually went back to Cambodia  
18 empty-handed without those people.

19 So allow me to say again, on the liberation day of 17 April 1975,  
20 I was in Vietnam.

21 [11.31.31]

22 Q. Can you tell us how the arrangement was made for you to go  
23 into Vietnam in order to persuade those people to return to  
24 Cambodia?

25 A. It was the Vietnamese counterpart who said that Cambodian

1 people actually went inside their territory and resided there and  
2 if we wanted to <take> them back, we could go and <take> them,  
3 but <> we could not force them to return and if they were willing  
4 to return, then the Vietnamese would -- the Vietnamese side would  
5 assist with transportation.

6 So we actually went to Vietnam and asked those people <whether or  
7 not they wanted to return>, but they said that they didn't leave  
8 anything behind and it was sufficient for them to <remain> living  
9 in Vietnam. <So, they did not come back at that time.>

10 So around the 13 or 14 April of 1975, we were <at Buyamab  
11 (phonetic)> meeting with the <people>.

12 Q. Did you learn<> of any other communications or other  
13 activities that Kasy made with the Vietnamese side at a later  
14 stage?

15 A. Of course, I remember; he never went to meet the Vietnamese  
16 side again after that time until the day of his arrest.

17 So when we returned from Vietnam, we knew that Cambodia, as a  
18 whole, was liberated and by June of that year, the district  
19 chiefs, throughout the country, were called for a meeting in  
20 Phnom Penh. At that time, I did not accompany him as I was  
21 assigned -- promoted to be a deputy of the district office and he  
22 actually went to Phnom Penh with his messenger.

23 [11.33.58]

24 MR. KONG SAM ONN:

25 Thank you, Mr. Witness.

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1 And Mr. President, I conclude my session now.

2 MR. PRESIDENT:

3 Thank you.

4 And thank you, Mr. Bun Loeung Chauy. The hearing of your  
5 testimony, as a witness, is now concluded and your testimony may  
6 contribute to the ascertainment of the truth in this case.

7 You are no longer required to be present in courtroom and you may  
8 return to your residence or wherever you wish to go to and we  
9 wish you all the very best.

10 [11.34.29]

11 And the Chamber would like to thank Madam Sok Socheata, the duty  
12 counsel, and you may so be excused.

13 Court officer, in collaboration with WESU, please make  
14 transportation arrangement for Bun Loeung Chauy to return to his  
15 residence or wherever he wishes to go.

16 This afternoon the Chamber will hear testimony of 2-TCW-1012, by  
17 a video link from Oddar Meanchey province.

18 The Chamber will recess for lunch break and resume at 1.30 this  
19 afternoon.

20 Security personnel, you are instructed to take Khieu Samphan to  
21 the waiting room downstairs and have him returned to attend the  
22 proceedings this afternoon before 1.30.

23 The Court is now in recess.

24 (Court recesses from 1135H to 1332H)

25 MR. PRESIDENT:

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

2 This afternoon, the Chamber will start to hear a witness,

3 2-TCW-1012, via video link from Oddar Meanchey province.

4 Before we proceed to hear this witness, the Chamber wishes to

5 inform all parties to the proceedings that this afternoon and

6 perhaps tomorrow and the following days, Judge You Ottara has

7 personal duties -- has had his personal duties to perform, so I

8 -- the Chamber has decided to appoint Judge Thou Mony, <the

9 National Reserve Judge>, in his replacement until Judge You

10 Ottara is able to be on the Bench. This decision is based on

11 Internal Rule 79.4 of the ECCC.

12 Good afternoon, Mr. Nhem Samnang. Is the video and audio system

13 ready?

14 [13.34.36]

15 MR. NHEM SAMNANG:

16 The system is ready and here the witness and the duty counsel,

17 Moeurn Sovann, are now before the Chamber and they are ready.

18 MR. PRESIDENT:

19 Thank you, Mr. Samnang.

20 QUESTIONING BY THE PRESIDENT:

21 Q. Good afternoon, Mr. Witness.

22 THE INTERPRETER KHMER-ENGLISH:

23 The interpreter could not hear the answer from the witness.

24 BY THE PRESIDENT:

25 Q. Are you ready, Mr. Witness.

1 MR. SAO SARUN:

2 A. Yes, I'm ready, Mr. President.

3 Q. Thank you. Now, I am asking about your background and  
4 identity. You were once questioned by the Chamber, but it  
5 happened long time ago and now, what is your name, Mr. Witness?

6 [13.35.27]

7 A. My name is Sao Sarun.

8 Q. Thank you, Mr. Sao Sarun. Do you have any other names besides  
9 Sao Sarun?

10 A. No.

11 Q. When were you born, Mr. Sao Sarun?

12 A. No. I -- I do not recall when I was born.

13 Q. How old are you this year?

14 A. I <am> maybe 90 something, <> 92 years old, <rather>.

15 [13.36.12]

16 Q. What is your birthplace, Mr. Sao Sarun?

17 A. I was born in Kaoh Mayeul village, Peam Chi Miet commune, Kaoh  
18 Nheaek district, Mondolkiri province.

19 Q. Thank you, Mr. Sao Sarun. Please give a little bit pause  
20 before you answer so that your answer can be interpreted fully.

21 Where is -- where are you living now?

22 A. I am living in Thnorl Keng <village>, Ph'av commune, Trapeang  
23 Prasat district, Oddar Meanchey province.

24 Q. What is your current occupation; are you a retired civil  
25 servant?

1 A. I am retired, Mr. President.

2 Q. What are your parents' names?

3 A. My father's name is Sao Nou and my mother's name is Plong  
4 (phonetic) -- Prang, rather.

5 Q. What is your wife's name and how many children do you have?

6 A. I have all together 10 children.

7 Q. What is your wife's name?

8 A. My wife's name is <> Yun - Phak Yun (phonetic).

9 [13.37.54]

10 Q. Mr. Sao Sarun, based on the report of the greffier this  
11 morning, you have no relationship by blood or by law -- by law to  
12 any of the two Accused, Nuon Chea and Khieu Samphan, or to any of  
13 the civil parties admitted in this case; is this report correct?

14 A. It is correct, Mr. President, I have no relationship by blood  
15 or by law to any of them.

16 Q. You have already taken an oath before the deity and the  
17 spirits already before you sitting here before the Chamber; is  
18 that correct?

19 A. Yes, that is correct.

20 [13.38.51]

21 BY THE PRESIDENT:

22 I am now <informing> you of your rights and obligation as a  
23 witness.

24 As a witness in the proceedings before the Chamber, Mr. Sao  
25 Sarun, again, in relation to your rights as a witness, you may



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1 refuse to respond to any question or to make any comments which  
2 may incriminate you; that is your right against  
3 self-incrimination.

4 Your obligations as a witness in the proceedings before the  
5 Chamber, you must respond to any questions by the Bench or  
6 relevant parties except when your response or comments to those  
7 questions may incriminate you, as the Chamber has just informed  
8 you of your rights as a witness.

9 You are a witness so you must tell the truth that you have known,  
10 heard, seen, remembered, experienced, or observed directly about  
11 an event or occurrence relevant to the questions that the Bench  
12 or parties pose to you.

13 Q. Do you understand your rights and obligations, Mr. Witness.

14 MR. SAO SARUN:

15 A. I do not really understand it, Mr. President.

16 [13.40.56]

17 Q. I am informing you of your rights. You have -- you have the  
18 right not to respond to any questions which may incriminate you;  
19 that is your right against self-incrimination.

20 As for your obligations, you must answer the questions that put  
21 to you except where your response or comments to those questions  
22 may incriminate you. For that reason, you can -- you may say you  
23 don't want to answer.

24 And the WESU has provided you with a duty counsel so that you can  
25 consult with him in case that there are possible questions which

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1 may incriminate you.

2 And, as I told you, you must tell -- you must answer the  
3 question that put to you by the Bench or party.

4 In addition to that, you must tell the truth that you have known,  
5 heard, seen, remembered, experienced, or observed directly about  
6 any event or occurrence relevant to the questions that the Bench  
7 or parties pose to you; do you understand that, Mr. Witness?

8 [13.42.16]

9 A. Yes, I understand it. I will tell only the truth what I have  
10 seen. Besides that, I will not give any responses so the same  
11 case when I answered the questions of the OCIJ.

12 Q. Thank you very much, Mr. Sao Sarun. Have you ever provided  
13 testimonies before the investigators of the OCIJ?

14 A. I gave my statement once, at my house, and on another  
15 occasion, before the Chamber.

16 Q. Before your appearance in front of the Chamber, have you read  
17 and reviewed the written records of the interviews that you have  
18 provided previously <in order to refresh your memory>?

19 A. I cannot recall.<> I stand by what is in the document <that  
20 was given to the Supreme Court Chamber (sic)>. My memory is not  
21 well, so I may have forgotten facts.

22 [13.43.55]

23 MR. PRESIDENT:

24 Thank you. You are assisted by a duty counsel after you requested  
25 the duty counsel to the WESU.

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1 And Mr. Moeurn Sovann, may I inform you that if there are  
2 questions which may incriminate the witness, you, as the duty  
3 counsel, can discuss with your witness in a confidential manner.  
4 You -- please do not discuss with your client openly during the  
5 time that the mic is on. <It is up to the witness to decide to  
6 respond or not. It is not the duty counsel who responds to the  
7 question instead of the witness>. So please be clear on your  
8 duties as counsel to assist the witness.

9 In accordance with the <> Rule <96> bis of the ECCC Internal  
10 Rules, the floor is given, first, to the Co-Prosecutors before  
11 other parties. The combined time for Co-Prosecutors and Lead  
12 Co-Lawyers for civil parties is two sessions.

13 You now proceed -- you now can -- you can now proceed, Counsel.

14 [13.45.21]

15 QUESTIONING BY MR. KOUMJIAN:

16 Q. Good afternoon, Mr. Sao Sarun. Thank you for appearing. I  
17 would like to inform you that we have the record of your prior  
18 testimony from 2012. We all have the written transcripts and the  
19 videos. I will try not to repeat the same questions, but we'll  
20 seek clarification from you about other facts; do you understand?

21 (Short pause)

22 [13.46.10]

23 MR. SAO SARUN:

24 A. I do not really get your question.

25 Q. Let me just -- that was just an introduction. I'll go right

1 into my questions.

2 Sir, you told us that you were born in Mondolkiri; did you  
3 continue to live in Mondolkiri until the fall of the DK regime  
4 and the arrival of the Vietnamese?

5 A. That is correct. I remained living in Mondolkiri until the  
6 invasion of the Vietnamese.

7 Q. Thank you. So perhaps, sir, you could help us a bit with some  
8 basic facts about Mondolkiri. Is it correct, sir, that the  
9 majority of the population are not Khmer or they are Khmer Loeu,  
10 they speak a different language and are tribal minorities?

11 A. In the entire Mondolkiri, mostly they were a tribal minority  
12 and most of them were Phnong ethnicity.

13 [13.47.44]

14 Q. Thank you. And is it correct the Phnong live on both sides of  
15 the border; they live in Cambodia, Vietnam, perhaps Laos; can you  
16 explain where the Phnong live?

17 A. They were living in the entire Mondolkiri province.

18 Q. Did Phnong also live in Vietnam?

19 A. Yes, there were Phnong in Vietnam.

20 Q. Sir, in 1968, did you go to the forest and join an armed  
21 group?

22 A. Yes, I did join the group in the forest to participate in the  
23 resistant to fight against the imperialist - the US imperialist.

24 [13.49.16]

25 Q. Okay, can you explain in 1968, when you were fighting against

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1 the US imperialists, what group were you a member of; what was  
2 the name of your group?

3 A. At that time in 1970, I joined the Khmer Rouge to fight  
4 American imperialists.

5 Q. Okay, thank you. But is it correct that you joined in 1968,  
6 the Khmer Rouge?

7 A. That is correct.

8 Q. And who were you fighting against in 1968? Did your opponents  
9 include the Sihanouk government of Cambodia?

10 A. Upon the appeal of the late King Sihanouk, I joined the group  
11 to fight against the American imperialists. <He appealed that,  
12 "All ethnic> minorities <in Mondolkiri, please rise up and fight>  
13 against <the American imperialists who are invading our  
14 territory." We joined it>.

15 Q. Sir, let me read something to you from your first interview  
16 with the Co-Investigating Judges. That's E3/367, and the Khmer  
17 ERN is, 00251436; in French, 00486009; and in English, 00278693.  
18 You told the Investigating Judges in your first interview that,  
19 "In 1968, the villagers from two villages, Koh Mayeul and Peam  
20 Chi Miet, entered into the forest for resistance. At that time my  
21 immediate commander was Laing."

22 Is that correct what I just read, sir?

23 [13.52.27]

24 A. <Yes, that was> Laing. <Those villagers, who were Phnong  
25 people, fought> against the American imperialists in the forest.

1 Q. Sorry, in 1968 this was before the Lon Nol coup, two years  
2 before; correct?

3 (Short pause)

4 [13.53.21]

5 MR. SAO SARUN:

6 A. I could not hear your question well. Could you repeat it?

7 Q. Yes, I will.

8 BY MR. KOUMJIAN:

9 And Your Honour, could I request that the video-link show the  
10 witness after I ask my question so we see what's going on while  
11 it's being translated?

12 Sir, this is my question -- actually, I am going to ask you  
13 another question.

14 Laing, was he -- did he become a member of the Central Committee  
15 of the Communist Party of Kampuchea?

16 A. To my knowledge he was <a> member of the <Central> committee.

17 Q. Did he become the sector secretary for Sector 105 in the DK  
18 regime?

19 A. That is correct.

20 Q. Sir, did you join the Communist Party of Kampuchea and when  
21 did you join?

22 A. From 1968.

23 MR. PRESIDENT:

24 International Co-Prosecutor, do you see the witness on your  
25 screen?

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1 MR. KOUMJIAN:

2 I'm seeing him, but it seems like the picture shows him after he  
3 is finished the answer. I am not seeing him while he is hearing  
4 the question and while he begins his answer. So I would ask that  
5 after I finish my question in English if the camera could shift  
6 to the witness, please?

7 [13.56.09]

8 MR. PRESIDENT:

9 AV technician, please arrange the system in accordance with the  
10 request of the International Co-Prosecutor. And this also applies  
11 to the times when other parties are questioning the witness. So  
12 please show the video of the witness while he is answering and  
13 after the question of the International Co-Prosecutor.

14 There seems to be discussion after the questions by the  
15 International Co-Prosecutor. Once again, I would like to remind  
16 the witness and others who are sitting close to the witness <and  
17 the duty counsel as well>, you cannot discuss at your location  
18 unless there are possible questions which may incriminate the  
19 witness. This interferes <with> the proceedings of the Chamber if  
20 you are continuing to discuss with the witness.

21 You can resume your questioning, Co-Prosecutor.

22 [13.57.24]

23 BY MR. KOUMJIAN:

24 Q. Sir, when did you first meet Pol Pot?

25 MR. SAO SARUN:

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1 A. I cannot recall when I met Pol Pot. It happened a long time  
2 ago.

3 Q. Do you recall where it was that you met him?

4 A. I met him in Phnom Penh.

5 Q. Did either Pol Pot or Nuon Chea or Khieu Samphan ever visit  
6 Mondolkiri when you were in Mondolkiri?

7 A. I never saw them in the province.

8 Q. Okay. I want to move to a meeting that you have discussed with  
9 OCIJ and in your testimony you told the investigators and you  
10 testified that in 1972, you attended a meeting in Kampong Thom  
11 and Nuon Chea was a presenter. Do you recall what Nuon Chea spoke  
12 about?

13 [13.59.14]

14 A. The content of his speech was to mobilize forces to fight  
15 against the US and to build the economy.

16 Q. Okay. I would like to ask you about the answer you gave to  
17 OCIJ about that. And this is in Khmer -- it's again the same  
18 statement E3/367. In Khmer the ERN is, 00251437; in French,  
19 00486010; and in English, 00278694.

20 You said that at that meeting where Pol Pot and Khieu Samphan  
21 were also present, you said, quote:

22 "Nuon Chea was the presenter for a political session on fighting  
23 against the American emperor, national liberation and the  
24 eradication of oppressive classes."

25 So the question I have for you, sir, is to explain the word you



1 used. You said Nuon Chea talked about the eradication of  
2 oppressive classes.

3 Who were the oppressive classes?

4 [14.00.46]

5 A. <I don't understand about that.> The oppressive classes refer  
6 to the late King<> and <regarding the oppressor>, I do not really  
7 understand who they are referring to.

8 Q. I am sorry. I don't think I understood the interpreter. They  
9 said oppressive classes referred to the laking (phonetic). I  
10 didn't understand the word.

11 Can you repeat your answer? You said oppressive classes refer to  
12 perhaps what?

13 A. They refer to those who oppress the people. That's the meaning  
14 of oppressive classes. Oppressive classes refer to those who were  
15 in leadership <>.

16 Q. And the country being Kampuchea; correct?

17 A. Yes.

18 [14.02.05]

19 Q. Now, sir, you have testified that you held various positions  
20 during the Democratic Kampuchea Regime including district  
21 secretary and then sector secretary for Sector 105. Can you tell  
22 me, during that period of time did you follow policies of your  
23 superiors or were you allowed to make your own policies?

24 A. By the time I was the chief of Pech Chenda district, that is,  
25 when I was first appointed in 1971.

1 Q. Sir, we know that and you have also testified previously that  
2 after the death of a disappearance of Chuon -- excuse me -- of  
3 Laing, after the death of Laing, you became the sector secretary.  
4 So my question is, in those positions; district secretary, sector  
5 secretary, could you make up the policies or were you required to  
6 follow the Party's policies, policies from the Centre?

7 [14.03.57]

8 A. No, I could not. The policies <were> set out by the Party  
9 Centre and individual persons could not make or create a policy.

10 Q. Let me just ask you: During those times, those years, was it  
11 possible for you to object to a policy to tell the Centre you  
12 don't think this is right and you don't want -- you think a  
13 different policy should exist?

14 A. At that time, whether a policy was good or not, <whether we  
15 were satisfied or not,> we had to follow it. We could not refuse  
16 to implement the policy. <If we refused, we might not survive; so  
17 we had to follow it. >

18 Q. Thank you. Now, I would like to ask you about one of those  
19 policies now and that is the policy about marriage. Do you recall  
20 what the policy was during the DK Regime about marriages?

21 A. I did not know well about such a policy. However, one or two  
22 couples were arranged to marry one <> another during that  
23 communist regime. It would not be possible to marry those people  
24 according to the old traditions, <they said -->.

25 Q. Perhaps it might refresh your recollection to hear what Nuon

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1 Chea has said about the policy. So I would like to read to you  
2 from a document, a book that he wrote with Thet Sambath, E3/4202,  
3 and in Khmer this is at, 00858253; in French, 00849377; and in  
4 English, 00757496.

5 MR. PRESIDENT:

6 Counsel Koppe, you have the floor.

7 [14.06.49]

8 MR. KOPPE:

9 Just an observation, in the form of a correction. It's a book  
10 written by Gina Chon and Thet Sambath and it's not written by  
11 Nuon Chea. He gave interviews to Thet Sambath and Lemkin, that is  
12 correct, but it's not his book.

13 BY MR. KOUMJIAN:

14 Well, I don't want to argue about this. I think the evidence will  
15 show that he fully authorized this book but, okay, let's go on.

16 Q. Sir, in the book that Thet Sambath and Gina Chon wrote, they  
17 say the following about the marriage policy:

18 "Because they wanted to double the population, the Khmer Rouge  
19 wanted to increase the number of marriages but because the war  
20 killed so many men, there were more women in society. The Khmer  
21 Rouge took matters into their own hands."

22 And then they quote Nuon Chea, quote:

23 "The man" -- Nuon Chea said, "The man always wants to choose a  
24 beautiful girl so that's why we forced them to get married and  
25 Angkar chose the wife."

1 They say Nuon Chea told them that. And then the authors go on to  
2 say:

3 "Young women were forced to marry men who were twice their age  
4 and vice-versa. The opinions of the prospective groom and bride  
5 did not matter. Marriage became government policy and an  
6 institution that served the revolutionary cause."

7 Sir, in your experience is this a correct statement of the  
8 marriage policy?

9 [14.08.35]

10 MR. KOPPE:

11 I object to this question, Mr. President.

12 MR. PRESIDENT:

13 Witness, please hold on.

14 Counsel Koppe, you have the floor.

15 MR. KOPPE:

16 Actually, my observation in the form of a correction now turns  
17 into an objection.

18 The text is written by Gina Chon mainly. Thet Sambath did the  
19 interviews but she was the one who was compiling certain texts  
20 together, heavily relying on secondary sources. I know exactly  
21 where the quote comes from. I also know it's out of context, but  
22 it doesn't matter.

23 However, presenting this whole excerpt as something reflecting a  
24 policy, that is completely incorrect. It reflects what Gina Chon  
25 believes the marriage policy to be. That is something completely

1 different.

2 [14.09.38]

3 MR. KOUMJIAN:

4 Your Honours, the book itself and Nuon Chea, in his own  
5 testimony, said he authorized work with Thet Sambath on this  
6 book. I believe he even told the Court he was wondering where the  
7 royalties were for the book.

8 Thet Sambath and others have testified that they interviewed Nuon  
9 Chea for I believe hundreds of hours, and what I have just read  
10 had a quote. The quotation marks start with, "The man always  
11 wants to choose a beautiful girl" and ended with Nuon Chea saying  
12 "That's why we forced them to get married and Angkar chose the  
13 wife."

14 So I understand why there is the objection because it's basically  
15 a confession to a forced marriage policy. But this is in fact a  
16 secondary source direct interview with Nuon Chea.

17 MR. KOPPE:

18 That's incorrect.

19 That is really incorrect. That book came out in 2010, I believe.

20 I am quoting it by heart now. He was already detained for three  
21 years. He never authorized the final version and if he would have  
22 been able to read it he surely would never have authorized the  
23 parts that are clearly not his quotes.

24 And I know for a fact that this quote is completely out of  
25 context.

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1 [14.11.02]

2 MR. KOUMJIAN:

3 I don't know if Counsel was there to say that but this is what  
4 it's written in the book. The defence has relied on this book.

5 They asked for the book to be admitted. We've asked for Thet  
6 Sambath to testify and I think the Defence has also.

7 So, I think it's absolutely as fair as any quote the Defence or  
8 any party has put to a witness. This is a quote from Nuon Chea by  
9 his authorized biographer.

10 (Judges deliberate)

11 [14.14.02]

12 MR. PRESIDENT:

13 The Chamber overrules the objection by counsel for Nuon Chea, as  
14 the Chamber needs to hear the response of the witness to the  
15 question put to him by the International Co-Prosecutor.

16 Since the witness is of senior age, <in fact, he is now 94 years  
17 old according to his year of birth, 1932, but he has said that he  
18 is> 92 years old, he might have forgotten the last question put  
19 to him. So International Co-Prosecutor, you may need to put the  
20 last question to him again.

21 BY MR. KOUMJIAN:

22 Q. Certainly. Sir, the book quotes Nuon Chea as saying, "The man  
23 always wants to choose a beautiful girl, so that's why we forced  
24 them to get married and Angkar chose the wife."

25 Is that correct as to the policy of the Centre of the Khmer Rouge

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1 from what you learned during the DK Regime?

2 (Short pause)

3 [14.15.41]

4 BY MR. KOUMJIAN:

5 Q. Sir, we are waiting for your answer. I will repeat the  
6 question one more time.

7 The question was when Nuon Chea said this was it correct? He said  
8 about the marriage policy, quote: "The man always wants to choose  
9 a beautiful girl, so that's why we forced them to get married and  
10 Angkar chose the wife."

11 Is that correct, sir?

12 [14.16.27]

13 MR. PRESIDENT:

14 Witness, if you cannot hear the question, you should ask the  
15 question to be repeated. There is no need for you to consult with  
16 your duty counsel seeing as it is not an incriminating question.  
17 And duty counsel, you should advise your client that your client  
18 should consult with you only on those questions that may  
19 incriminate him. And if that is the case then he can consult with  
20 you. But if the witness cannot hear the question then you should  
21 say so, so that a question can be repeated again.

22 International Co-Prosecutor, please try to make your questions  
23 short since this witness is very old. <As told to you earlier, he  
24 was born in 1932.> He is over 90 years old, <94 -- 84 years old  
25 rather,> so his memory and concentration is not that great. And

1 it seems that he may have a problem with his memory <> from <the  
2 look of> his appearance.

3 International Co-Prosecutor, please repeat your last question.

4 BY MR. KOUMJIAN:

5 Q. Sir, I read you a quote from Nuon Chea, that said that Angkar  
6 would force men to get married and choose the wife. Is that  
7 correct? Is that what happened?

8 MR. SAO SARUN:

9 A. I didn't understand much about that policy. As I said, I saw a  
10 couple of people at a time got married.

11 Q. Did you -- were you informed at study sessions or in written  
12 documents or in meetings that Angkar wanted to increase the  
13 population?

14 [14.18.48]

15 A. Yes, I heard about that<.> They wanted to increase the  
16 population since the population <of our country> was rather  
17 small. For that reason, <male and female combatants> were  
18 encouraged to <get married>. <That's what I heard.>

19 Q. Okay. I am going to move on to another subject. Sir, on the  
20 5th of June 2012, you testified that Sector 105 was referred to  
21 as an independent sector. Is that correct?

22 A. Yes, that is correct.

23 Q. So it's correct, isn't it, that the sector reported directly  
24 to the Centre, not through a zone; is that correct?

25 A. Yes, that is correct.



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1 [14.19.49]

2 Q. Now sir, there is a document E3/12, dated the 30th of March  
3 1976. It's a decision of the Central Committee regarding a number  
4 of matters and the first point is the right to smash inside and  
5 outside the ranks. It states:

6 "One: that there was a framework in absolute implement of our  
7 revolution; Two: to strengthen our socialist democracy; all this  
8 to strengthen our state authority. If in the base framework, to  
9 be decided by the Zone Standing Committee; Surrounding the Centre  
10 Office to be decided by the Central Office Committee."

11 And then it says, "Independent sectors to be decided by the  
12 Standing Committee."

13 So, let me summarize it a little bit and make it a bit simpler.

14 It's a decision of the Central Committee of 30th of March 1976,  
15 and it says, "Regarding the right to smash inside and outside the  
16 ranks." That this would be for independent sectors, decided by  
17 the Standing Committee.

18 Is that correct based on what you learned as a district and  
19 sector secretary, that regarding matters of "smashing inside or  
20 outside the ranks" the sectors -- Sector 105 is an independent  
21 sector -- had to go abide by the decision of the Standing  
22 Committee? Is that what happened?

23 [14.21.43]

24 A. <Regarding> this matter <of Sector 105, before,> I did not  
25 understand very well <because> I <worked> at the district. <I did

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1 not quite understand what the Central Committee had decided>.

2 Q. Well, sir, let me quote something else that you said in your  
3 testimony from 2012. This is on the 7th of June at about 9.27 in  
4 the morning. You were being questioned about Chuon being called  
5 for re-education in Phnom Penh and the fact that he entered S-21  
6 in November 1977.

7 You were asked about -- there was questions about who ordered the  
8 arrest. This is how you answered, you said, "I did not understand  
9 the situation. People disappeared and everybody was afraid."

10 Was that the situation when you were in charge of the sector that  
11 people disappeared and everybody was afraid?

12 [14.23.00]

13 A. Yes, that's what happened at the time. Everybody was scared  
14 when he was called to Phnom Penh because when the person went to  
15 Phnom Penh, the person never returned. That also happened to my  
16 younger in-law who was called and never returned.

17 Q. Are you referring now to Sophea or who are you talking about?

18 A. My younger in-law, <Sophea>, was <called to go along with the  
19 others, but when they returned, they said> for those who worked  
20 in military affairs were allowed to continue <to work there,> and  
21 my younger brother-in-law <has> never returned.

22 Q. Just so I am clear who you are talking about, what is the name  
23 of your brother-in-law?

24 A. Yes, that is Sophea.

25 Q. Sir, you also talked in your testimony the 6th of June at

1 14.33 about the disappearance of Mala. You also talked about the  
2 disappearance of Chuon. Do you know who ordered these  
3 disappearances or who ordered these people to be sent away?

4 A. The order must come from Pol Pot.<> Those people were <called  
5 to work, and they disappeared>.

6 Q. Now, did the orders come by telephone call, by a messenger or  
7 by telegram? Can you explain how the orders that called people to  
8 study were delivered?

9 [14.25.22]

10 A. Mostly, the orders came through telegrams for those people to  
11 go and attend study sessions and the names were <provided from  
12 Phnom Penh. If we did not go, they came to call us. When they  
13 went to study, they disappeared and never returned>.

14 Q. You previously testified that Nuon Chea sent telegrams calling  
15 on people to study. Is that correct?

16 A. Yes, that is correct.

17 Q. Now, those people that Nuon Chea called to study, did some of  
18 them disappear?

19 A. My -- only my younger brother-in-law disappeared. As the rest  
20 they did not.

21 Q. Well, sir we have -- to summarize briefly, records of hundreds  
22 of individuals from Sector 105 appearing in S-21. Do you know how  
23 they were brought to S-21? Who ordered them taken there?

24 [14.26.55]

25 A. I didn't understand about that. I didn't know how Laing did

1 that, since I was at Pech Chenda district at the time.

2 Q. Well, let's clarify one thing very quickly. You have testified  
3 previously that after Laing's death, Chuon contacted you and you  
4 went to Phnom Penh within days. And in Phnom Penh, Pol Pot  
5 appointed you to the sector. Is that correct?

6 A. Yes. When Laing died, Chuon came to the district to call me.  
7 But he actually did not go to my house. It seems that he was  
8 scared and he whispered to me that Laing had died. And I asked  
9 for the reason and he said that Kham Phoun beat him. <They went  
10 to work there, but they did not work yet.> That happened at a  
11 guesthouse in Phnom Penh and that <Phoun and Laing> slept on  
12 separate beds, <and Chuon was also nearby. There was a metal bar  
13 of a car>. Somehow they fought and Laing died. And that Laing had  
14 a pistol --

15 Q. Thank you. You explained that four years ago in 2012, so I  
16 don't want to go over it again. But I just wanted to make the  
17 point quickly with you that, since Chuon was the one who went  
18 with you to Phnom Penh and Chuon went into S-21 in November 1977,  
19 you were appointed by Pol Pot in late 1977, to replace Laing.  
20 Correct? Laing, correct?

21 [14.29.21]

22 A. Yes, <that is correct>. When Ta Laing died, <I> was <  
23 appointed> by Pol Pot, <but I refused>, and then there was a  
24 <meeting> in 1978, when the majority approved that I should be  
25 appointed the chief. <I could not refuse it>, and I was in that

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1 position for two months.

2 Q. Okay, thank you. We are going to come back to some of this.

3 So sir, when you replace Laing working in the sector office in

4 late 1977, and during the time that you were district secretary,

5 did you ever see any trials or court proceedings for these people

6 that disappeared never to return?

7 [14.30.32]

8 A. No. I did not hear about any judgment that somebody was

9 accused of this or that; no. There was no such system. What I saw

10 is that people were called for study sessions and disappeared

11 without any reasons provided.

12 Q. To your knowledge were there any courts, any judicial

13 proceedings for anyone accused of wrongdoing during the DK

14 regime?

15 A. I do not know what kind of mistakes they committed and what

16 offences they were accused of. After they were called, they

17 disappeared. I do not know what kind of mistakes, infractions or

18 offences they committed.

19 Q. When people disappeared did their families also disappear?

20 A. No.

21 Q. Mr. Witness, let me read to you from a statement of the son of

22 Laing, Kham Phan and this is E3/57. At English it is 002905 --

23 let me summarize it this way. This was read to you during your

24 testimony by Nuon Chea's counsel at 14.35, on the last day of

25 your testimony the 12th of June.

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1 And he read to you from this document E3/57, where Laing's son  
2 said:

3 "During the Ta Sarun era the arrests of the whole families were  
4 made but I don't know where those families were taken to be  
5 killed."

6 And sir, frankly, we have had other witnesses that have testified  
7 here that talk about -- including this morning and yesterday,  
8 talk about wives and children being arrested.

9 Were wives and children arrested?

10 [14.33.16]

11 MR. KOPPE:

12 I object to this selective use of evidence, Mr. President. Ta Val  
13 was arrested but his wife wasn't arrested. The husband of Prak  
14 Yut was arrested, but Prak Yut wasn't arrested.

15 We contend that it had something to do with the role of the wife  
16 as a cadre itself. Wives were not arrested simply because they  
17 were wives. So there is other evidence to suggest the opposite.

18 BY MR. KOUMJIAN:

19 I should have been clear. I am talking about the evidence about  
20 Sector 105 where this witness was responsible.

21 Q. And sir, the evidence we have on that is that wives were  
22 arrested, children were arrested. Chan Toi for example, Neth  
23 Savat testified, both of them, that there were children arrested  
24 along with them. Isn't that correct that children were arrested  
25 when a cadre was arrested?

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1 A. It did not happen at Sector 105. When the husband was arrested  
2 then the wife never -- was never arrested. That was what  
3 <happened> when Laing was the chief of the sector. I did not side  
4 with anyone but <I said that because I have never seen it, nor  
5 have I heard about the arrest of the entire family>.

6 I do not know whether such implementation happened in other  
7 provinces but in Mondolkiri, no such thing occurred.

8 Q. Sir, let me read from a statement of another witness and this  
9 is a DC-Cam interview at, E3/8651. In English it's 01156504, and  
10 in Khmer it's 00042269.

11 Before I read that let me just ask you, sir, when is the last  
12 time you returned to Mondolkiri, the place where you grew up?  
13 [14.36.01]

14 A. Could you repeat your question?

15 Q. When was the last time you went to Mondolkiri?

16 A. <I came> back to Mondolkiri after <I had worked for> a few  
17 days<>.

18 Q. Let me try my question again. I am asking about you, sir. I am  
19 asking you when was the last time that you went to Mondolkiri.  
20 Was it last month, last year? Was it 1979? When was the last time  
21 you were in Mondolkiri?

22 MR. PRESIDENT:

23 Mr. Sao Sarun, now I am repeating the question. <Since> you  
24 <have> left Mondolkiri province <until now> and the question is  
25 when <was the> last <time you> visited Mondolkiri after your

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1 departure. Have you visited Mondolkiri province recently and what  
2 was the last time you visited that province?

3 [14.37.46]

4 MR. SAO SARUN:

5 A. <>After I came back from Thailand, that's what you meant? In  
6 fact, I cannot recall when I last visited Mondolkiri province. I  
7 do not remember it. I visited Mondolkiri province two or three  
8 times.

9 BY MR. KOUMJIAN:

10 Q. Thank you, sir. Perhaps there may be an explanation why you  
11 don't remember from this statement where the witness said about  
12 you, Sao Sarun, "He does not dare to go to Mondolkiri because his  
13 hands are stained with the blood of many people."

14 Do you have any explanation why people in Mondolkiri would think  
15 that so many people died when you were in charge of the sector?

16 MR. PRESIDENT:

17 Do not respond to the question yet, Sao Sarun.

18 You have the floor first, Anta Guisse.

19 [14.38.51]

20 MS. GUISSÉ:

21 Yes. May I request the Co-Prosecutor to give us the reference and  
22 also give us the name of the person who says that <to> the  
23 witness? Perhaps it will enable <him> to react in more concrete  
24 terms<>.

25 MR. KOUMJIAN:



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1 I'll look up the name. It's not in my notes. I also would just  
2 indicate that there is no French translation yet of this OCIJ --  
3 of DC-Cam interview 8651 -- E3/8651.

4 The name of the witness was Sal Ra. S-A-L -- S-O-V. Excuse me.  
5 I'm spelling it again. S-A-L one word, R-A, second word.

6 Sir, do you have any explanation why people from Mondolkiri would  
7 think that so many people died during the time when you were the  
8 sector secretary?

9 [14.40.21]

10 A. That is not true. The one who made the report overstated. I  
11 went to Mondolkiri province a few times. The first time I stayed  
12 there for three months and I stayed in the provincial town  
13 location for one week. The governor of Mondolkiri and the  
14 commander of soldiers celebrated and threw a party when I was  
15 there, <and some took a flight from Phnom Penh to attend the  
16 party, and they danced from morning to evening>. I often visited  
17 Mondolkiri.

18 <I> was not <stained with blood, and> I <have never> killed  
19 <people from Mondolkiri>. Killings did happen in Pol Pot's time.  
20 Individuals would accuse one another and kill one another.

21 <> The ones who <made> the report has no good intentions and they  
22 wanted to kill Khmer people. <They wanted to be recognized and  
23 well-known> by saying that in the report.

24 MR. PRESIDENT:

25 Please stop elaborating that point, witness.

1 [14.42.01]

2 MR. SAO SARUN:

3 They overstated. They wanted to exterminate their own people. So  
4 the report is not correct so the Court can make <an> analysis on  
5 this issue.

6 I often visited Mondolkiri province and I spent one week in the  
7 provincial town of Mondolkiri and I stayed at my birth <village>  
8 for three months.

9 MR. PRESIDENT:

10 Please remit your response to the questions asked and put to you,  
11 Witness.

12 BY MR. KOUMJIAN:

13 Q. Sir, I am happy that your memory has been refreshed so  
14 quickly. Let me ask you then about your answer. You said they  
15 wanted to kill their own people. Who was it that wanted to kill  
16 their own people?

17 [14.43.06]

18 MR. SAO SARUN:

19 A. My point is that the one who made such a report wanted to kill  
20 their own people. They want to be famous. So it is not proper to  
21 report such things that my hands were with blood and I was the  
22 one who killed people.

23 I went to Mondolkiri and spent time there for three months in my  
24 birth <village> and I spent one week in the provincial town of  
25 Mondolkiri. Nothing happened to me. <No one> hated me.

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1 I went to Ou Reang <district> to join the wedding party and they  
2 -- I spent time there in the wedding and they celebrated. They  
3 were happy when they saw me at the time.

4 MR. PRESIDENT:

5 So, please limit your response to the question.

6 MR. SAO SARUN:

7 <This individual reported that I did not dare go back to  
8 Mondolkiri. There is no reason for me to be afraid> to go back to  
9 my <birth village in> Mondolkiri.

10 [14.44.34]

11 MR. PRESIDENT:

12 That's enough, Mr. Sao Sarun.

13 It is now break time. The Chamber will take a short break and we  
14 will resume at 3 p.m.

15 Mr. Sao Sarun, and Mr. Samnang together with the duty counsel, we  
16 are taking a short break up to 3 p.m. So please come back to your  
17 seats before 3 p.m.

18 The Court is now in recess.

19 (Court recesses from 1445H to 1503H)

20 MR. PRESIDENT:

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

22 And good afternoon again, Mr. Sao Sarun. Are you ready?

23 MR. SAO SARUN:

24 Yes, I am ready.

25 [15.04.32]

1 MR. PRESIDENT:

2 Thank you. And again, I would like to hand the floor to the  
3 International Co-Prosecutor to put further questions to the  
4 witness. You may proceed.

5 BY MR. KOUMJIAN:

6 Q. Sir, Mr. Sao Sarun, after the death of Laing and you took over  
7 his duties, were you ever criticized by the Centre, by Pol Pot or  
8 Nuon Chea or any of the Centre about how you did the job?

9 MR. SAO SARUN:

10 A. I would like to respond to your question.

11 After the death of Ta Laing I was appointed to <be in charge of  
12 the sector>. I was instructed to manage the people well and to  
13 manage their living conditions well so that they would not have  
14 any starvation or shortage of food and that we had to engage in  
15 the progress of the agricultural production since our country had  
16 peace so that people should not face any starvation or lack of  
17 food at all.

18 [15.06.09]

19 Q. Okay. Sir, thank you. You didn't answer my question. Now, let  
20 me ask you to try to listen to it because I am sure you want to  
21 finish tomorrow and we want to finish with you if possible. So  
22 please answer the question.

23 So the question again is, did Pol Pot, Nuon Chea, ever criticize  
24 you for how you did your job after you took over from Liang?

25 A. Please repeat your question and please make your question

1 short as I cannot recall a longer question.

2 Q. Sir, did Pol Pot ever criticize you?

3 A. No, I was not criticized. <> I <only> received advice and  
4 instructions <because> I was in that position for only two  
5 months.

6 [15.07.36]

7 Q. Thank you, sir. But the evidence shows clearly you were in  
8 that position for over a year because you told us you were  
9 appointed when Chuon was still alive.

10 So let me move on. I don't want to argue with you about that.

11 Sir, did -- sorry, I have forgotten my question. Let me move on.

12 Let me go to the 1975, when you were asked by Pol Pot to take  
13 over that position. You testified previously that you told him  
14 you were not qualified. You asked him not to appoint you. Was  
15 there any reason you didn't want to take that position?

16 A. After the death of Ta Laing, I didn't want to take that  
17 position because of my limited education and I didn't want to  
18 take the responsibility of working at the sector and that  
19 somebody else should take that place.

20 Then I still refused to get that position until the time the  
21 <meeting> was held that when a majority opinion adopted a  
22 decision that I was to be appointed and I was there for two  
23 months, <and then "Yuon" came to liberate the country>.

24 Q. So the fact that Pol Pot asked you to take the position in  
25 1977, after the death of Laing and your position was confirmed in

1 September 1978, did you understand that to mean that the Centre,  
2 the Party Centre was happy with how you were doing your job up  
3 until that time, up until September?

4 [15.10.00]

5 A. Yes, I discussed the matter that I didn't want to be in that  
6 position due to my limited knowledge and capability. Only later  
7 on when I was appointed after the end of the <meeting> that was  
8 held in September <in 1978>, I was in that position for two  
9 months, that is, from October of that year. So <I was in that  
10 position in> October, November, December, and then <in January,>  
11 the country was liberated.

12 Q. Sir, going back to that first meeting in -- with Pol Pot,  
13 after the death of Laing when you went there with Chuon, you said  
14 that when you told Pol Pot you weren't qualified, he said you  
15 would be assisted by Ta San, the Commander of Division 920.  
16 That's what you have testified to previously. Did Pol Pot explain  
17 how the Commander of Division 920 would help you do the job in  
18 the sector?

19 [15.11.34]

20 A. Yes, that is correct. Pol Pot instructed Division 920 to  
21 assist me due to my limited knowledge and ability. As I said, I  
22 refused to take up that position until the <meeting> adopted its  
23 decision.

24 Q. Sir, how did the military, Division 920, help you do your job?

25 A. It's to deal with education and the opening of the schools for

1 all the cadres within the sector.

2 Q. The military opened the schools? My question is, sir, how did  
3 the military, Ta San, Commander of Division 920, help you do your  
4 job? Are you saying he taught school?

5 A. The education was to equip the <> people to <reach the  
6 standards to> lead -- or those cadres to lead the people in  
7 working, that is, to work in the rice fields and plantation, for  
8 example, and for them to have sufficient food.

9 So the main focus was on their economics and welfare.

10 Q. Was the military involved in that?

11 A. Please, I don't get your question. Please repeat it.

12 Q. Let me move on because of time. Sir, what did Pol Pot tell you  
13 and Nuon Chea -- what did they tell you about the Vietnamese?

14 [15.13.58]

15 A. They said that, "Vietnamese has the intention to invade and  
16 swallow Kampuchean territory". That's what was specifically  
17 stated by them.

18 Q. Did they talk about that in the meeting that you went to three  
19 or four months after the death of Laing? You said you went to a  
20 meeting and in that meeting Khieu Samphan was also present.  
21 Did they discuss the Vietnamese intention to invade at that  
22 meeting?

23 A. Yes. He -- they told me about that and I, myself, witnessed  
24 the invasions along the border as well. <They were continuously  
25 attacking us.>

1 Q. Did they also discuss with you at this meeting with Khieu  
2 Samphan, Nuon Chea, Son Sen and Pol Pot, Khmer Rouge incursions  
3 into Vietnam; attacks by the Khmer Rouge into Vietnam?  
4 [15.15.30]

5 A. Yes, they did, and that we had to prepare ourselves to counter  
6 them.

7 Q. Did they explain about Khmer Rouge forces committing  
8 atrocities inside Vietnam against civilians?

9 A. No, I did not understand about the nature of that event. I did  
10 not know about the troops incurring or making an invasion into  
11 Vietnam.

12 Q. Let me see if I can refresh your recollection if I read to you  
13 from a book authored by Khieu Samphan. That's E3/18. In Khmer the  
14 ERN is, 001038849 (sic); in French, 00595446; in English it's on  
15 page 73.

16 And Khieu Samphan writes: "This is how I learned of the Cambodian  
17 attacks on Tinh Bien village in An Giang province at the end of  
18 April 1977. The Vietnamese responded to these attacks using A-37  
19 strike aircraft left by the Americans after the war. These  
20 counterattacks were followed by even bloodier Cambodian  
21 incursions at the end of September, in Vietnamese villages in Tay  
22 Ninh and Ha Tien provinces. Of course, any act of barbarism, from  
23 whatever side it comes, is loathsome and must be strongly  
24 condemned. And the events recounted are irrefutable. There is no  
25 doubt that the Khmer Rouge made forays into Vietnamese villages



1 along the border, committing appalling crimes against Vietnamese  
2 civilians."

3 [15.17.56]

4 So here Khieu Samphan is talking about attacks in April -- excuse  
5 me, in September -- in April and in September 1977. You were  
6 called to Phnom Penh, you said, after the death of Laing in late  
7 1977.

8 Did they talk about these attacks? Do you remember anything about  
9 it?

10 MR. PRESIDENT:

11 Witness, please hold on.

12 Counsel Koppe, you have the floor.

13 [15.18.29]

14 MR. KOPPE:

15 Thank you, Mr. President.

16 I object to this question First of all, Mr. Khieu Samphan is  
17 citing Nayan Chanda and he is not citing something from  
18 contemporaneous DK documents.

19 Secondly, the question is outside the scope of not only the  
20 closing order but also this trial.

21 And thirdly, and maybe even more importantly, the provinces  
22 mentioned; Ha Tien and the provinces mentioned there by Chanda,  
23 are very far away from Mondolkiri and Ratanakiri. This witness  
24 has most likely a geographical limit in his knowledge and the  
25 provinces discussed there by Chanda are provinces which are very

1 far away from Mondolkiri and Ratanakiri.

2 MR. KOUMJIAN:

3 Once again this is a book by Khieu Samphan --

4 MR. PRESIDENT:

5 International Co-Prosecutor, please hold on. I would like to give  
6 the floor now to Khieu Samphan's defence.

7 [15.19.35]

8 MS. GUISSSE:

9 Yes, thank you, Mr. President. And to add to my colleague's  
10 objection, it's not because there is a book written by Khieu  
11 Samphan that we have to remove the quote from its context. As I  
12 did during the document hearing, I reminded you under which  
13 circumstances certain events were recalled. And here again when a  
14 posteriori Khieu Samphan makes quotes or speaks about events he  
15 received explanations afterwards, we cannot present this as  
16 events <contemporaneous to> Democratic Kampuchea.

17 [15.20.15]

18 MR. KOUMJIAN:

19 Your Honours, this is a book by Khieu Samphan who was the head of  
20 the state of Democratic Kampuchea who remained loyal to the Khmer  
21 Rouge for many, many years afterwards and he is writing about the  
22 events that happened. He was, as this witness testified, in a  
23 meeting discussing the Vietnamese and the situation.

24 So it's clearly relevant, and I understand why the Defence is

25 objecting because Khieu Samphan here says it's irrefutable that

1 the Khmer Rouge committed atrocities against civilians. But  
2 that's relevant to their policies towards Vietnamese and to the  
3 Vietnamese they found within the borders of Cambodia.

4 MS. GUISSÉ:

5 Mr. President, so that I may be complete about this, the question  
6 is not what Khieu Samphan said when he wrote his book. The  
7 question is to know what he would have said when these events  
8 took place. The witness indicated that he was not made aware of  
9 the alleged incursions into Vietnam by the DK forces.  
10 So the fact of saying that Khieu Samphan wrote a book <x>-amount  
11 of years after the fact does not correspond to the reality  
12 between '75 and 1979.

13 [15.21.43]

14 And presenting these events as statements by Khieu Samphan, as  
15 head of state, does not correspond at all to the reality. Here we  
16 are speaking about Khieu Samphan, <x>-years after the events,  
17 who, having conducted <> research, speaks about <a> certain  
18 <number of> events <a posteriori> and not when these events  
19 occurred.

20 This is an erroneous way of presenting the facts to the witness  
21 and<, in fact,> this could lead or induce the witness into error  
22 <by> presenting <a document about events> that <was written well  
23 after the events> as contemporaneous <statements about the  
24 events>.

25 The question is not whether Khieu Samphan wrote the book or not.

1 The question is when he made the statement and based on the  
2 information <> that he received <afterwards>.

3 (Judges deliberate)

4 [15.25.34]

5 MR. PRESIDENT:

6 I would like to hand the floor to Judge Lavergne, to issue an  
7 oral ruling to the objection raised by the defence teams to the  
8 last question put by the International Co-Prosecutor to witness  
9 Sao Sarun.

10 Judge Lavergne, you have the floor.

11 JUDGE LAVERGNE:

12 Yes, thank you, Mr. President.

13 The Chamber would like the Co-Prosecutor to rephrase his  
14 question. Insofar that Khieu Samphan's book was written years  
15 after the <period> of DK, it's not possible to conclude from this  
16 book right now that Khieu Samphan was aware of the DK <army's>  
17 incursions into Vietnam.

18 So if you could please rephrase that question that might be  
19 helpful.

20 BY MR. KOUMJIAN:

21 Q. Sir, my question was I read from this book where Khieu Samphan  
22 talked about attacks into Vietnamese villages in April and  
23 September 1977.

24 I'm simply asking if that refreshes your recollection? Do you  
25 recall any discussion of Khmer Rouge incursions into Vietnam in

1 1977?

2 (Short pause)

3 [15.27.29]

4 MR. PRESIDENT:

5 Mr. Witness, had you heard the question put to you?

6 MR. SAO SARUN:

7 No. And I'd like to request that the questions <> be short.

8 MR. PRESIDENT:

9 Mr. Sao Sarun, please listen to the question carefully.

10 And International Co-Prosecutor, please repeat the last question.

11 [15.28.03]

12 BY MR. KOUMJIAN:

13 Sir, I am going to ask you another question.

14 Q. Did Pol Pot ever talk about hating Vietnamese?

15 A. He didn't hate the Vietnamese people but he hated the invading  
16 Vietnamese or Vietnamese invaders into Kampuchean territory.

17 Q. And sir, let me read from, again, this book by Thet Sambath  
18 and Gina Chon, E3/4202, and there is a quote in Khmer, it's on  
19 ERN 00858265; in French, 00849385; and in English it's on page 51  
20 at the bottom. It says, quote, "'I hated Vietnamese youths from  
21 the time I was young,' Pol Pot told Nuon Chea. 'I did not like  
22 them because the Vietnamese were rude and too clever at playing  
23 unfair tricks while playing football against me and other  
24 Cambodian children.'"

25 Do you recall after hearing that Pol Pot ever discuss the fact

1 that he thought Vietnamese were tricky and he hated them for  
2 that?

3 A. No, I did not hear that. <However, I only heard-->  
4 [15.30.05]

5 Q. By the way, you told us you joined -- you told us you joined  
6 the Khmer Rouge in 1968. From 1968 through the early 1970s, did  
7 you work with communist Vietnamese troops inside Cambodia? Were  
8 they your allies?

9 A. <No, I did not, because> I was at the district. <The sector  
10 had worked with them>.

11 Q. My question is, in your fight against Lon Nol forces, were you  
12 allied with Vietnamese communist forces inside Mondulakiri?

13 A. Yes, we worked together with the Vietnamese troops to fight  
14 against the American troops.

15 [15.31.23]

16 Q. Did Nuon Chea ever discuss with you his years in Vietnam?

17 A. I do not know whether such discussion did happen.

18 Q. Let me move on, sir, and ask you about the September, 1978  
19 meeting that you attended in Phnom Penh. You said that at that  
20 meeting, Pol Pot asked you to read a confession that implicated  
21 you, Ta Un (phonetic) and Neang (phonetic). Is that correct?

22 A. That is correct.

23 Q. Did Pol Pot indicate where this person was when they  
24 confessed?

25 A. We do not know where the confessions were from. We saw the

1 confession in the books and those confessions were handed over to  
2 us.

3 Q. Was the confession true; what it said about you?

4 A. I do not know whether it was true or not, but that confession  
5 implicated me as well. Pol Pot handed over the confession or the  
6 book to me as well. My name was implicated. Those who confessed  
7 said whatever they wanted to say.

8 Q. When you say you were implicated, do you mean that you were  
9 named as part of a group or a string that was opposed to the  
10 party?

11 [15.34.01]

12 A. The confession included almost all the cadres, but we had to  
13 come to clarify about the accusation. <There were no reasons  
14 that> we betrayed or we committed <> treason against the nation  
15 <or that we were involved with Vietnamese>, so the confession in  
16 the document was not true; <they just answered whatever they  
17 wanted>.

18 Q. Had anyone ever tried to recruit you to a plot against the  
19 leadership of the CPK?

20 A. No, I never heard that.

21 Q. Did Pol Pot explain why he was showing this to you?

22 A. <No, I didn't see nor did I hear that.> In fact, <I saw only  
23 the book with> confessions <and the mentioned names>.

24 Q. Is that because Pol Pot told you that confessions were not  
25 reliable and that he didn't believe them?

1 [15.35.50]

2 A. To my observation, Pol Pot did not believe in those  
3 confessions. Those who confessed overstated the facts. The  
4 confessions were unsubstantiated and unreliable when we read the  
5 confessions, or we were handed over those confessions and we were  
6 asked to read and examine what was in it.

7 Q. So did Pol Pot indicate that he knew that people were being  
8 implicated, arrested and killed who were not guilty because  
9 they'd been implicated in confessions?

10 A. I do not know about this issue.

11 Q. Well, let me read to you from what someone else said about Pol  
12 Pot, what he said about confessions.

13 Again, this is from E3/4202, the book by Gina Chon and Thet  
14 Sambath. French the ERN is, 00849450; in Khmer, 00858362; and  
15 English it's on page 119.

16 The book says that:

17 "Mom Nim, a division commander under the control of defence  
18 minister Son Sen and Pol Pot, said in an interview that when  
19 Khmer Rouge commander Heng Samrin fled to Vietnam, he was ordered  
20 to kill more than 670 soldiers from Heng Samrin's division, but  
21 he refused to obey the order by Ke Pauk who asked why they should  
22 be kept.

23 [15.37.54]

24 Later, Pol Pot invited top cadre and military commanders to a  
25 meeting. He asked that the people not be split between the Old



1 and the New, those who were living in the cities and in the  
2 countryside, which surprised Mom Nim. Pol Pot also accused  
3 leaders of betraying the movement and killing too many people. He  
4 blamed Son Sen and Ke Pauk for what happened in the crackdown on  
5 the Eastern Zone. 'Comrade Son Sen and Ke Pauk killed many people  
6 and buried them with a bulldozer. I knew this information through  
7 my spies,' Pol Pot said. 'You betrayed people and made people  
8 leave the country to join with Vietnam. You have to correct  
9 yourself from now on.' Pol Pot went on to say that some people  
10 accused of being part of the CIA or KGB were actually innocent  
11 and only confessed because they were tortured. 'Some confessed to  
12 being part of the CIA before they were born', he said."

13 [15.39.07]

14 Did Pol Pot ever indicate to you that he knew that confessions  
15 were unreliable because people had been tortured in order to  
16 obtain them?

17 A. I was not told about this issue.

18 Q. Did Pol Pot ever acknowledge in your presence that too many  
19 people had been killed by the Khmer Rouge?

20 A. I have never heard that.

21 Q. Sir, I just want to go real quickly to Sot. You talked about  
22 the labour, the importance in your job of organizing labour.

23 Do you recall Sot, who was in charge of organizing labour and for  
24 things like building the dam?

25 A. What is the name again? I could not get it.

1 Q. Sot. Sot, younger brother of Sophea.

2 A. I know this person, Sot not Sok (phonetic).

3 [15.40.59]

4 Q. Thank you. Now, we discussed four years ago when you  
5 testified, a telegram. It's E3/156, from 1 January -- excuse me,  
6 from April -- 23 April 1978.

7 Do you remember in that telegram you asked Pol Pot what to do  
8 with Sot who'd been implicated in the confession of Chuon? You  
9 remember sending that telegram to Pol Pot?

10 A. I could recall that. During Ta Laing's control, Sot was  
11 accused of committing immoral acts with a lady and he was also  
12 accused of treason.

13 And, later on, when I met Sot, <I checked, and> it was not true,  
14 so I sent a telegram to Pol Pot <stating that it was not true,  
15 and as he> was implicated, <> I asked Pol Pot to give pardons to  
16 Sot. He was accused of having <a> relationship with a lady. In  
17 fact, Sot was already married, so I sought pardon from Pol Pot.

18 [15.42.34]

19 Q. Sir, a witness testified yesterday and this morning, named Bun  
20 Loeng Chauy. He said he came from the same village as Sot and  
21 knew him well. He said that after Sot was accused of this immoral  
22 affair with the woman, he was arrested and never seen again.

23 Is that correct? Did you receive an order from Pol Pot about what  
24 to do with Sot?

25 A. He was freed at the time. He had been accused of having

1   affairs with a lady and, later on, he was set free. But I did not  
2   know later on what was going on, but I remember that he was  
3   freed.

4   MR. KOUMJIAN:

5   Your Honour, I'm to understand from the civil parties that they  
6   require 20 minutes. I don't know if it's possible to extend --  
7   I'll hand it over to the civil parties.

8   (Judges deliberate)

9   [15.44.55]

10  BY MR. KOUMJIAN:

11  The civil parties have just informed me that I can take their  
12  time, so I'll proceed for the next 15 minutes or so.

13  Q. Sir, I want to ask you about a telegram also discussed  
14  previously in -- on 7 June 2012. You were questioned about a  
15  telegram, E3/248. This is dated 1 January 1978, and at about  
16  10.08 they asked you some questions and read to you from that  
17  telegram.

18  The first paragraph of the telegram said:

19  "We would like to report nine Yuon fleeing from the country.

20  According to their interrogations they said the Yuon had assigned  
21  them to come to spy inside Kampuchea and live with the Kampuchean  
22  people in order to grasp the Kampuchean people. Now, we have  
23  swept them away."

24  Mr. Witness, when you wrote in the telegram you have "swept them  
25  away", that means that they were killed; correct?

1 [15.46.13]

2 MR. SAO SARUN:

3 A. That is not correct. I answered this question already. I did  
4 not know what was implemented when <> Ta Laing was in the  
5 <sector. However, there was no such issue when I was in charge of  
6 the sector> and I <have never seen> the arrest of "Yuon".

7 Q. Sir, it's your name on this telegram. It's dated 1 January  
8 1978, after the death of Laing.

9 Let me just ask you this question. The words "We have swept them  
10 away", do you understand that to mean that the people were  
11 killed?

12 A. I do not really understand about the killings of "Yuon". I  
13 never made any report about the killings of "Yuon".

14 Q. Sir, let me ask you the question again. The words "We have  
15 swept them away", do you understand that to mean that the people  
16 were killed?

17 A. I do not understand that.

18 Q. This telegram was dated 1 January 1978. Did you ever receive  
19 any reaction? It was addressed to Office 870. Did you receive any  
20 reaction from Office 870 to the telegram?

21 A. I do not know about that.

22 Q. Mr. Witness, is it the case that you don't know anything about  
23 killings? Are you telling the Court that you don't know anything  
24 about killings during -- after the death of Laing until the  
25 arrival of the Vietnamese?

1 [15.48.27]

2 MR. PRESIDENT:

3 Please hold on, Mr. Witness. You have the floor, Counsel Anta  
4 Guisse.

5 MS. GUISSÉ:

6 Thank you, Mr. President. I would like <a clarification  
7 regarding> the document that the Co-Prosecutor has mentioned.  
8 <In> the French version, I <see "bong", M-870, "bong">.

9 [15.48.52]

10 I understood that the <Co-Prosecutor> meant Office 870. If that  
11 is the case, he should clarify that because in the French version  
12 I see the word "<bong", M-870>.

13 BY MR. KOUMJIAN:

14 Your Honour, I don't have the telegram with me right now, but  
15 what I was reading was from the transcript of 7 June 2012.

16 And I think I did say Office 870 in my question. I asked the  
17 witness if he had any reaction from Office 870 to this telegram  
18 which was addressed to "Respected and Beloved Brothers of M870"  
19 and signed "Sarun".

20 Q. Sir, did Office 870 ever respond to this telegram?

21 MR. SAO SARUN:

22 A. Never. I never asked any reaction from 870.

23 Q. Well, you reported regularly to 870; correct? All the  
24 important matters going on in the sector that was your job, to  
25 tell them what was going on; isn't that correct?

1 A. That is correct because 870 was my superior, so I had to make  
2 the report on a daily basis and on a monthly basis; the report  
3 was submitted to 870.

4 Q. How often would 870 send you telegrams?

5 [15.51.01]

6 A. I do not know how many times I received the reports -- or  
7 telegrams from 870. <If there were any instructions, they would  
8 send us the reports; if not, there was none>. Sometimes it  
9 happened once a month and a telegram would be sent to me when the  
10 situation changed, <and they instructed us about the people's  
11 living conditions>.

12 Q. So, on average, would you receive it once a week? How often  
13 would you receive telegrams on average?

14 A. Sometimes I received a telegram <twice> a month or <three>  
15 times a month; it depended on the situation. Sometimes <when  
16 nothing happened,> I <did not receive> any telegrams. <Sometimes  
17 I received it twice or three times a> month.

18 Q. Did you ever receive any telegrams criticizing you for  
19 arresting someone or criticizing the sector for arresting or  
20 killing anyone?

21 [15.52.16]

22 A. Never. Since I never committed any crimes, namely, arresting  
23 people to be killed and I was <working at the Sector> for two  
24 months, no-one criticized me about that issue. I never,  
25 personally, never committed such acts.

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1 Q. Who were the people that helped you in the sector office, the  
2 staff?

3 A. No one, I believe. There were combatants, ordinary combatants,  
4 assisting me, and I worked without any assistant. No-one helped  
5 me in my work.

6 Q. Do you recall that Thin was replaced by Ta Loy as chief of the  
7 K-17 Office?

8 A. You mean Ta Thin?

9 Q. Ta Thin.

10 A. I am not quite sure, so could you repeat your question?

11 Q. Do you remember Ta Loy who replaced Thin?

12 A. I recognize -- I know Ta Loy and Ta Thin. Ta Thin was the  
13 chief of the office and Loy was member of K-17.

14 Q. And was his name Vin Loy?

15 A. That is correct.

16 Q. What happened to him?

17 [15.54.36]

18 A. I do not know what happened to him.

19 Q. Did he continue to work for you until the Vietnamese arrived?

20 A. Could you repeat your question?

21 Q. Did Ta Loy continue to work in K-17 until the Vietnamese  
22 arrived?

23 A. Yes, he remained working since the time of Ta Laing <with> Ta  
24 Thin, <who> was the chief of that office and Loy was the member  
25 <of K-17 office committee>.

101

1 Q. Well, let me remind you of something or see if I can refresh  
2 your recollection.

3 Sir, we have lists of prisoners at S-21, E3/2251, E3/1651, and  
4 they show that Vin Loy who was chief of the Office of Sector 105,  
5 entered S-21 on 20 October 1978. So, sir, he couldn't have  
6 continued to work for you until the Vietnamese arrived.

7 Can you tell us why you haven't told us that Vin Loy disappeared?  
8 [15.56.33]

9 A. <Yes, he disappeared>. At the time, <Ta 06,> Ta San, <> was  
10 part of the division<>. I was in the <sector, and I went to the>  
11 district <occasionally> and I do not know <whether he was  
12 arrested or he was> sent <> to another location. <I do not know  
13 whether he was sent to the court.> I do not know about that.

14 Q. Sir, there are records of many people from Sector 105 commerce  
15 office, from Division 920 and other parts of Sector 105, being  
16 sent to S-21 in 1978.

17 How did they get sent there? What was the procedure to have these  
18 people transferred to Phnom Penh?

19 A. I do not know about the implementation or measure applied by  
20 the division. I do not know about that.

21 Q. Do you know how people were transported?

22 A. All I know is that people were transported on <> vehicle/s and  
23 <were> sent to <> Kratie and after that, they may have been on  
24 boats. <That's what I have heard, but I, myself, have not seen  
25 it>. I do not know. As I said, at the time, I was at the



1 district.

2 Q. Well, let me go back quickly to when you first were asked by  
3 Pol Pot to take over for Laing. You testified four years ago that  
4 you would only go to the office about two times a week. Was that  
5 because the office was being used to hold prisoners?

6 [15.59.00]

7 A. I was not yet in charge of that office. I went to assist <the>  
8 work there <twice> a week or sometimes I spent one or two days  
9 there to assist the work. <There were not many prisoners. There  
10 were around three or four of them.> I do not know <what offences  
11 they had committed>. Ta Laing was the one who was in charge of  
12 <arresting> and tidying up the prisoners. And prisoners <were  
13 interrogated>, some of them were released <because they did not  
14 commit any offence>. I noticed that there were not many  
15 prisoners, three or four of them. That was my observation. I am  
16 not telling lies.

17 Q. Sir, two of those who were held in that office testified and  
18 they said there were about 80 people, including children. Did you  
19 see children among those being detained?

20 [16.00.11]

21 A. No, I did not see any children. After <I replaced Laing>, I  
22 did not see any children, but three or four male prisoners.

23 Q. Sir, was the K-17 Office being used to detain people because  
24 the prison detention centre Phnom Kraol, K-11, was full?

25 A. I do not know about that. While I was <assisting Ta Laing with

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1 his work>, I never saw people <being> detained at K-17. As I  
2 said, there were <> three or four prisoners detained at that  
3 <prison only; I never saw people being detained at that office.

4 Ta Laing had called me to work (unintelligible) -->

5 Q. Let me summarize what you've told us this afternoon.

6 You were asked personally by Pol Pot to take over after the death  
7 Laing. You loyally fulfilled the policies of Pol Pot and the CPK  
8 and that you never received any criticism from them for how you  
9 did that job. Is that correct?

10 A. That is correct.

11 MR. KOUMJIAN:

12 Thank you, Mr. President.

13 [16.02.10]

14 MR. PRESIDENT:

15 It is now time for the adjournment, and the Chamber will resume  
16 its hearing tomorrow on Wednesday, 30 March 2016, at 9 a.m.

17 Tomorrow the Chamber will continue hearing witness Sao Sarun via  
18 video-link, and then start to hear 2-TCW-1016, in relation to  
19 Phnom Kraol Security Centre. Please be informed and please be on  
20 time.

21 Thank you, Mr. Sao Sarun, the hearing of your testimony as a  
22 witness has not come to an end yet. You are therefore invited to  
23 provide your testimony via video-link tomorrow once again at 9  
24 a.m.

25 I'm grateful to you, Mr. Moeurn Sovann, the duty counsel. You may

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1 be excused. You are also invited to assist Mr. Sao Sarun via  
2 video-link as well at that location tomorrow at 9 a.m.

3 [16.03.14]

4 Thank you, Mr. Nhem Samnang, staff of TPO (sic). Thank you for  
5 assisting the witness while he is testifying via video-link. You  
6 may also be excused. See you all again tomorrow at 9 a.m.

7 Security personnel are instructed to bring the two accused, Khieu  
8 Samphan and Nuon Chea, back to the ECCC's detention facility and  
9 have them returned into the courtroom tomorrow before 9 a.m.

10 The Court is now adjourned.

11 (Court adjourns at 1603H)

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