



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 March 2016

Trial Day 392

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Maddalena GHEZZI

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
PICH Ang

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
Dale LYSAK
SENG LEANG
SONG Chorvoin

For Court Management Section:
UCH Arun

I N D E X

Mr. SAO Sarun (2-TCW-1012)

Questioning by Mr. KOPPE page 3

Questioning by Ms. GUISSÉ..... page 38

Mr. SUN Vuth (2-TCCP-1016)

Questioning by The President (NIL Nonn) page 54

Questioning by Mr. LOR Chunthy page 58

Questioning by Mr. PICH Ang..... page 73

Questioning by Mr. LYSAK page 83

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAO Sarun (2-TCW-1012)	Khmer
Mr. SUN Vuth (2-TCCP-1016)	Khmer

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues hearing witness Sao Sarun via video

6 link and then proceeds to hear 2-TCW-1016 in relation to the

7 alleged Phnom Kraol Security Centre.

8 Mr. Em Hoy, the greffier of the proceeding, please report the

9 proceeding -- the attendance of the individuals who are now at

10 the proceedings.

11 [09.03.52]

12 THE GREFFIER:

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

14 are present.

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

16 waived his right to be present directly in the courtroom. The

17 waiver has been delivered to the greffier.

18 The witness who is to testify today, Mr. Sao Sarun, via video

19 link, confirms that he is there already. And the AV Unit confirm

20 that the system is already established.

21 And the witness, together with the duty counsel, Moeurn Sovann,

22 are ready to testify.

23 And today, there is a reserved civil party, 2-TCCP-1016.

24 [09.05.03]

25 MR. PRESIDENT:

2

1 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
2 Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 30 March
4 2016, which states that due to his health, headache, back pain,
5 he cannot sit or concentrate for long and in order to effectively
6 participate in future hearings, he requests to waive his rights
7 to participate in and be present at the 30 March 2016 hearing.
8 Having seen the medical report of Nuon Chea by duty doctor for
9 the Accused at the ECCC, dated 30th march 2016, who notes that
10 Nuon Chea has back pain -- has chronic back pain when he sits for
11 long and recommends that the Chamber grant him his request so
12 that he can follow the proceedings remotely from the holding cell
13 downstairs.

14 [09.06.02]

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 today's proceedings remotely from the holding cell
18 downstairs via audio-visual means.

19 AV technicians are instructed to link the proceedings to the room
20 downstairs so that he can follow proceedings. That applies to the
21 whole day.

22 [09.06.32]

23 MR. PRESIDENT:

24 Good morning, Mr. Sao Sarun. Are you ready?

25 MR. SAO SARUN:

3

1 Yes, Mr. President. I am ready.

2 MR. PRESIDENT:

3 Thank you. The floor is now given to the defence teams for the
4 Accused, starting first from the defence team for Mr. Nuon Chea
5 to have the opportunity to put questions to the witness Sao
6 Sarun. You have the floor now.

7 [09.07.10]

8 QUESTIONING BY MR. KOPPE:

9 Thank you, Mr. President. Good morning, Your Honours. Good
10 morning, counsel; and good morning to you, Mr. Witness. I'm the
11 International Counsel for Nuon Chea and I would like to ask you
12 some questions.

13 Q. Let me start by asking a follow-up question in relation to
14 something you said yesterday at around 15.14.

15 You were asked about a meeting between you and Pol Pot and Nuon
16 Chea. And you were asked what they told you about the Vietnamese
17 and at one point in time you answered -- and I quote you
18 literally -- "Yes they told me about that [Vietnam] and I,
19 myself, witnessed the invasions along the border as well." End of
20 quote.

21 Can you explain to me what exactly it was that you witnessed?

22 What kind of invasions along the border by the Vietnamese troops
23 did you yourself witness?

24 A. I told the Court already the invasion occurred along the
25 border. The fights -- the fighting took place along the border at

4

1 the time and that fighting lasted for a very long time and it was
2 a large-scale attack and fighting at the time.

3 [09.09.06]

4 Q. Are you in a position to say who started the incursions? Who
5 started the fighting in Mondolkiri in 1976 and subsequently?

6 A. The Vietnamese. The Vietnamese started first the fighting
7 along the border and that fighting was <on> a large scale and as
8 a result, liberation took place of -- on 7 January.

9 Q. The fact that the Vietnamese were the ones who started the
10 aggression against Democratic Kampuchea, was this something you
11 witnessed yourself or was it something that was reported to you,
12 either in your position as District Secretary or as 105 sector's
13 secretary?

14 A. There was a report and I learned that from the report; and
15 number two, I witnessed with my own eyes.

16 [09.10.38]

17 Q. Can you give us one example of things that you witnessed
18 yourself? What forms of Vietnamese aggression did you witness
19 yourself?

20 A. <At first, when> the large scale fighting took place <we did
21 not know about it initially because> at the time, it was away
22 from the <army> headquarters <at the border, they were coming in
23 near Srae Pok river. They were mobile,> so <I prepared the
24 soldiers> to prevent the incursion or the fighting. <They kept
25 coming in because we did not have many of our soldiers at

5

1 Mondolkiri, the sector soldiers. There were only a few of us,
2 there were only about 200 of us. It was the division army that
3 had a lot of soldiers.>

4 Q. What was your understanding at the time as to the reasons of
5 these constant incursions? Why were Vietnamese military troops
6 intruding the territory all the time, invading the territory all
7 the time? What was it that you understood the reason to be for
8 all that?

9 A. I do not know the reason they started the fighting and I do
10 not know whether they had <a> reason or the intention <of
11 conquering> Cambodia. That's why they started fighting, but I
12 myself do not know for sure.

13 [09.12.40]

14 Q. I would like to read to you a very small excerpt of something
15 Son Sen told the fellow members of the Standing Committee in a
16 meeting in early 1976 and I would like to ask you whether you
17 agree with this statement, yes or no.

18 Mr. President, E3/221, minutes of the meeting of the Standing
19 Committee, more particularly English, ERN 00182696; French,
20 00386178; and Khmer, 00000813; So Son Sen is saying the following
21 and I quote:

22 "Along the border they [the Vietnamese] keep on coming in
23 non-stop. We did not go looking to make trouble with them at all.
24 According to experience, if they come in, when we do not chase
25 after them, and then they do not go. But when we get strict,

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

6

1 that's when they go. That is in Ratanakiri. In Mondolkiri, we do
2 not attack them at all, we respect the instructions of the Party
3 absolutely and do not let it get tense." End of quote.

4 Is that something that you, from your own experience, could agree
5 to or not?

6 A. That was true in Mondolkiri; they started to ambush us and
7 they started the fighting, but there was -- there were constant
8 negotiations <with the Vietnamese> as well while there was
9 fighting.

10 [09.14.56]

11 Q. Who was doing those negotiations? Was that in the beginning,
12 Ya?

13 A. Actually the division -- the Division 920 initiated the
14 negotiation. Ya had the first negotiation and later on, it was
15 handled by the Division <920>.

16 Q. Let me sidestep a bit. There are a lot of telegrams, Mr.
17 Witness, about Vietnamese incursions and aggression and also
18 about Vietnamese negotiations.

19 Seems that the word used for the Vietnamese troops is something
20 called Group 7 or the Sevens or Seven Group.

21 Is that correct and what exactly does Group Seven refer to?

22 A. I do not understand your question. Could you repeat it?

23 [09.16.25]

24 JUDGE FENZ:

25 Counsel, can you -- since there are so many telegrams that do

7

1 that, can you at least give us the reference to one or two, for
2 the record?

3 MR. SAO SARUN:

4 A. In relation to telegrams, there were reports in the -- in
5 those telegrams --

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness. Wait for the re-formulation of the
8 question and also wait for the document to be <identified>.

9 In fact, international counsel is the party to provide the
10 document identity and you're instructed to respond to the limit
11 of the question.

12 And if the question is not clear to you, please wait and you can
13 ask the questioner, the one who put the question, to repeat it.

14 Do you understand that, Mr. Witness?

15 MR. SAO SARUN:

16 A. Yes, I do.

17 [09.17.40]

18 BY MR. KOPPE:

19 Answering the question of Judge Fenz, I could refer to E3/923. It
20 says: "our brothers attacked Group 7 again." I could refer to
21 E3/1101, "tracking any persons who have been contracted with the
22 Group 7 or have tendency with Group 7"; E3/1118, talking about
23 Group 7; E3/8377, talking about Group 7 entering, etc.

24 Q. Mr. Witness, do you know what the words -- or the word "Group
25 7" refer to?

8

1 A. I have never heard Group 7 and I do not know about that group.

2 [09.18.54]

3 Q. One last try. Let me read to you something that one of the
4 experts, an American scholar, says about the use of "sevens".

5 Mr. President, I'm referring to E3/1664. There's only an English
6 version, it's page 91 of that book called "Khmer Rouge Purges in
7 Mondolkiri"; English, ERN 00397664.

8 Mr. Witness, this American scholar says that -- Stephen Heder is
9 his name. He: "States that the 'Sevens' was usually used as a
10 code word for the Vietnamese in general, not a specific reference
11 to People's Army of Vietnam Division 7 or the Vietnamese
12 Communist Seventh Military Zone."

13 End of quote in that footnote.

14 So this scholar seems to refer to Vietnamese troops in general.

15 Does that somehow in any form refresh your memory?

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness. You have the floor first,
18 International Co-prosecutor.

19 [09.20.32]

20 MR. KOUMJIAN:

21 What counsel read does not refer to troops; what -- the footnote
22 he read said "'sevens' usually referred to Vietnamese in
23 general." It says nothing about troops.

24 MR. KOPPE:

25 I think I read the excerpt so I'm not quite sure what -- I just

1 quoted him literally.

2 Again, Mr. Witness, this American scholar seems to say that
3 Sevens, Group 7, were Vietnamese military. Not so much of
4 Division 7 or the seven military zone, but Vietnamese troops in
5 general.

6 MR. KOUMJIAN:

7 Well, the same objection that counsel is putting his
8 interpretation. The expert says "Vietnamese". He doesn't say
9 anything about military or troops, which he just acknowledged and
10 then I don't understand the question.

11 BY MR. KOPPE:

12 Well it's very unlikely that Stephen Heder meant Vietnamese
13 civilians attacking. I'm happy to read again these telegrams, but
14 telegrams clearly refer to military groups.

15 But to save time, Mister -- Mr. Witness, does this somehow
16 refresh your recollection, the use of the Group 7 word or the
17 Sevens?

18 [09.22.15]

19 MR. SAO SARUN:

20 A. I do not know. When I was at the district I have -- I did not
21 hear the <term> "Sevens", <I do not know whether> it refers to <>
22 people or soldiers; I do not know about that.

23 Q. And just to be clear for the record and the nonsensical
24 objection of the Prosecution, in that same page the author's
25 refer to the Sevens being troops. "The Sevens troops entered two

10

1 kilometres", so it's -- it's without any dispute that -- it's not
2 Vietnamese citizens, but Vietnamese troops.

3 Anyway, I'll move on.

4 Mr. Witness, let me read to you an excerpt from a broadcast from
5 Phnom Penh radio, in relation to the situation in Mondolkiri; the
6 situation in March '78 when you were the independent sector 105
7 chief.

8 [09.23.37]

9 And let me read it to you and then I will ask you whether that
10 radio broadcast was reflecting the situation as you yourself
11 daily experienced, yes or no.

12 Mr. President, I'm reading an English only excerpt from E3/1360;
13 English ERN only, it's 00169884. It's a -- it's called a: "Report
14 on the 2 March '78 Socialist Republic of Vietnam Intrusion in
15 Mondolkiri".

16 "At 0600 hours on 2 March, the Vietnamese forces stationed in our
17 territory at Dak Dam in Mondolkiri province penetrated another
18 one kilometre inside our territory. We ambushed and killed 16 of
19 them. The survivors fled back in disorder leaving behind seven
20 dead. We seized two AKs, two machineguns, three M-79s and a
21 basket of rice flour cakes."

22 [09.25.18]

23 And I'm interested in the next paragraph, Mr. Witness.

24 "While uttering sweet phrases about special friendship and
25 solidarity with the Cambodian people, peaceful negotiations, and

11

1 respect for the independence and territorial integrity of
2 Cambodia, the Vietnamese enemy still wants to annexe Cambodian
3 territory and force it into the Indochinese federation. It has
4 also continued to encroach along the border, entering our
5 territory, shelling and pounding it, and sending spies and
6 commandos to launch spying, espionage and sabotage activities,
7 and destroy the property, rice fields and crops of our people in
8 the border area. Therefore our people have continued to raise
9 high their revolutionary vigilance to withstand and smash all the
10 dark manoeuvres and provocative and aggressive activities of the
11 Vietnamese, in order to forever defend Cambodian territory,
12 national independence, sovereignty, honour and territorial
13 integrity."

14 End of quote.

15 My question, Mr. Witness: Is this broadcast radio Phnom Penh
16 reflecting, yes or no, your experience of the situation in
17 Mondolkiri in 1978?

18 [09.27.12]

19 A. That broadcast was correct. There <were> constant clashes and
20 fighting from time to time at the border. Sometime the fighting
21 took place <at> another location and <at> another time, it
22 <occurred> on another side. There <was> constant fighting and
23 clashes.

24 Q. The Broadcast speaks about espionage and sabotage activities;
25 is there anything that you can tell us about this? Do you have

12

1 specific examples of spying, espionage and sabotage activities?

2 A. I do not really understand about the spying, espionage and
3 sabotage activities. I do not know. But at the time, I saw the
4 incursion, but I <did> not <really understand these spying
5 activities<,> I just saw> those who came to spy and conduct the
6 espionage in the villages.

7 [09.28.53]

8 Q. Let me see if I can give you an example that potentially might
9 refresh your memory, Mr. Witness.

10 Mr. President, I'll be referring to E3/7960. It's the summary of
11 a statement used by me before, of a Division 920 military person.

12 Mr. Witness, this 920 division soldier talks about the so-called
13 Kham Phoun Movement or the rebellion movement and he is saying
14 that Kham Phoun brought Vietnamese into territory of Democratic
15 Kampuchea through the person you mentioned yesterday, Svay, and
16 he is saying that the Vietnamese were secretly kept near villages
17 or near the village. Do you know anything about Kham Phoun, Svay,
18 and others, secretly assisting Vietnamese troops and bringing
19 them into DK territory?

20 A. I did not know at the beginning and later on, I was invited to
21 a meeting in the sector and I was informed that the Vietnamese
22 came to our location and <> canned fish, rice, and <noodles> were
23 given to the Vietnamese. <It was near the houses of Kham Phoun
24 and Svay.> That was the discussion in the meeting. Many people
25 went to see the dining <place. There were really packs of noodles

13

1 and other stuff there,> and villagers, the neighboring villagers
2 saw that. <They said that the new Angkar had arrived and they
3 came to rescue Cambodia. They talked with the civilians>, but I
4 myself did not go there to see. And, frankly speaking, I did not
5 witness it myself.

6 [09.31.33]

7 Q. Was it mainly Division 920 and Division 801 that were involved
8 in dealing with the Vietnamese aggression and the Vietnamese
9 attempts to sabotage and espionage?

10 Was it primarily those two divisions' tasks to deal with the
11 Vietnamese?

12 A. (Technical problem)

13 (A short pause)

14 [09.32.25]

15 BY MR. KOPPE:

16 Q. Mr. Witness, are you there?

17 Mr. Witness, are you there? Mr. Witness, did you hear my
18 question?

19 MR. PRESIDENT:

20 There is <a> technical issue.

21 (A short pause)

22 [09.33.19]

23 MR. PRESIDENT:

24 Good morning, Mr. Sao Sarun. Can you hear me?

25 MR. SAO SARUN:

14

1 A. Yes, I can.

2 MR. PRESIDENT:

3 Okay, thank you. Now, Counsel, you can continue putting <>
4 questions to the witness. <It seems like there is no technical
5 issue with the AV.>

6 BY MR. KOPPE:

7 Q. Mr. Witness, my question was whether it was mainly the tasks
8 of divisions 920 and 801 to deal with these continuous Vietnamese
9 attacks? Was it their duty rather than yours?

10 MR. SAO SARUN

11 A. I do not understand the Division <920 or 810. I do not know
12 whether they were based at Kratie or somewhere else. I only know
13 about Division 920 because they came to protect Mondolkiri.> At
14 the sector level, they <did not> have <many> soldiers. <There
15 were only 100 or 200 soldiers.> It was the Division <920> that
16 had the soldiers. <The sector soldiers only had a few weapons -->
17 [09.34.34]

18 Q. I understand -- I understand your answer.

19 Before I move on to ask you questions about the September 1978
20 Party Congress, let me return briefly to the matter of Group 7 or
21 the Seven Group.

22 I forgot to mention, Mr. President, when asked where -- which
23 telegrams contain the words "Seven Group", I forgot E3/1030. That
24 is a telegram written by Sophea.

25 Mr. Witness, that's the Sophea, I believe, that you discussed

15

1 yesterday.

2 And the reason I'm reading this telegram to you is because it
3 deals with the district that you, at the time, were chief of.

4 [09.35.36]

5 And let me read to you what Sophea wrote: "To: beloved and missed
6 Brother Chhan", who we're not sure we know who he is. They could
7 be Laing or Ta Ham, but it doesn't matter. What he writes is the
8 following, on the 21st of June 1977:

9 "The 7 group that attacked us at Pech Chenda has now attacked and
10 entered Pou Chri Chas village and Tonh village, and Dei Edth
11 village. There were 30 of them. We are now organising forces to
12 ambush them."

13 So, Mr. Witness, this is a telegram about your district, when you
14 were the District Chief and Sophea is reporting an attack of the
15 Seven Group in Pech Chenda -- Pech Chenda.

16 Does that now maybe refresh your memory?

17 A. I did not remember well about the telegram from Sophea <coming
18 in to Pou Chri, Dei Edth -->

19 [09.37.06]

20 Q. No problem, I will move on.

21 To the congress of the CPK in 1978, you testified about that in
22 2012 before the Trial Chamber. You also gave testimony to the
23 investigators of the OCIJ. Let me refer you to, for instance,
24 E3/404, English, ERN 00403025; Khmer, 00398480; and French,
25 00484199; you talked about the "great congress", that there were

16

1 many hundreds of people. There was a speech of Pol Pot.
2 Just to be sure: was this the 18th anniversary party congress of
3 the CPK?

4 A. Related to the congress, as I told you, it <was> the big
5 congress. <It was an annual congress.> It <was> the Party
6 congress and participants came from all over the country,
7 including the civilians and the military.

8 [09.39.25]

9 Q. Do you agree with me that -- and I refer, Mr. President, to
10 E3/215 the 18th congress -- or the 18th anniversary, sorry, of
11 the victory of the founding of the Communist Party of Kampuchea,
12 was held between 18 September and 30 September. Was it a 12 days
13 conference?

14 A. I could not recall the exact year when the congress was
15 organized. Could you please read that out again?

16 Q. Was the congress in September -- was it a few days and did it
17 celebrate the 18th anniversary of the founding of the CPK?

18 A. Yes, that is correct. I agree with what you have just read.

19 [09.40.55]

20 Q. In the "Revolutionary Flag", the speech that Pol Pot gave and
21 that you refer to is fully covered in the "Revolutionary
22 Magazine". It's an integral copy of his speech it seems. And let
23 me specifically refer you to something he said about Vietnamese
24 and about Vietnam.

25 Mr. President, as I said, it is E3/215; in Khmer, ERN 000064610;

17

1 French, 00524077; 00488626; it's the same excerpt that I read
2 earlier to Mr. Hinton.

3 I will not read the whole excerpt again for time reasons, Mr.
4 Witness, but is it correct that when Pol Pot spoke about Vietnam
5 and Vietnam's policy, that he made a distinction between using,
6 on the one hand the word "Vietnamese people, Pracheachon Vietnam"
7 and on the other hand when he was speaking about Vietnam and its
8 foreign policy, he only then used the word "Yuon". Is that
9 something that you could agree with?

10 A. Yes, I agree.

11 [09.42.46]

12 Q. Now this is a speech. A speech to hundreds of comrades of
13 yours: was this also something he did when he spoke to you in
14 person?

15 A. Yes, <I did listen to it>, but it happened a long time ago and
16 I could not remember well.

17 Q. I understand, Mr. Witness. Yesterday you said that Pol Pot did
18 not hate the Vietnamese people, but he hated the Vietnamese
19 aggressor. Is that something he only said in public speeches or
20 was that something, words to that effect, he also said when he
21 was speaking to you in private?

22 A. He -- when he made the statement during meetings, he said <>
23 that, <>"We do not hate Vietnamese people, because Vietnamese
24 people are not aggressors, only the Vietnamese soldiers are
25 aggressors". This was what he said.

18

1 Q. What is -- what was your experience between '75 and '79, or,
2 rather, even between 1970 and '79? Was it also your position and
3 the position of other cadres that you spoke to that it was
4 Vietnam's foreign policy and Vietnam for which the word "Yuon"
5 was used and that there was no hate for the Vietnamese people as
6 such?

7 [09.45.14]

8 A. Based on my understanding and the understanding of other
9 people, some people say "Yuons" are the aggressors, some people
10 say Vietnam are the aggressors, so <there> are two uses of
11 language here. <Just like the way they call us Khmer,
12 <Cambodians>.>

13 Q. Let me read to you an excerpt from Pol Pot's speech and then I
14 will ask you whether you remember him saying this and whether you
15 remember him or Nuon Chea say the same thing in private
16 conversations. Again, E3/215; English, ERN 00488621; Khmer,
17 00064595 to 96; and French, 00524072 to 73. So, Mr. Witness, I'm
18 quoting from Pol Pot's speech, which you attended in September
19 1978. It says as follows:

20 "The Strategy of the 'Yuon' and the Soviet international
21 expansionists' attempt to seize Kampuchea reappeared. The 'Yuon'
22 and the Soviet international expansionists joined together to
23 strike our Kampuchea because they all had the same goal. On the
24 'Yuon' side, they have dreamed of taking Kampuchea since 1930,
25 following their Indochina Federation strategy and following the

19

1 'Yuon' policy of one country, one people, under the leadership of
2 one party. They want to be a great power in Indochina and they
3 want to be a great power in Southeast Asia too."

4 [09.47.37]

5 "As for the Soviet international expansionists, they have their
6 own world strategy as part of which they want to seize Southeast
7 Asia. So then the 'Yuon' and the Soviet international
8 expansionists joined together to strike Kampuchea. Thus they
9 became very angry. In late '77, they began to strike our
10 Kampuchea in very large scale with both the 'Yuon' and the Soviet
11 international expansionists and their clique."

12 And then he's talking about 14 military divisions of Vietnam
13 involved.

14 Mr. Witness, is that something that you can remember? Is that
15 something that Pol Pot said during his speech, the speech that
16 you attended?

17 A. Yes, I remember he made such a statement in his speech, that,
18 "We need to be careful because> the Vietnamese, they want to take
19 Cambodian territory".

20 [09.49.06]

21 Q. And do you remember when you heard that, whether you were
22 thinking that his views were accurate or that they were
23 reflecting what you yourself had experienced as well?

24 MR. PRESIDENT:

25 Mr. Witness, can you listen to the question?

20

1 MR. SAO SARUN:

2 Yes, I can hear <some of> the questions, <but there are some
3 parts that I cannot recall or understand>.

4 JUDGE FENZ:

5 For my benefit, because frankly I am not sure I understand what
6 you want to know. You want to know what he thought when he heard
7 the speech or --?

8 MR. KOPPE:

9 I want to know whether he agreed with the contents of the speech.

10 Yes, I can --

11 [09.50.20]

12 JUDGE FENZ:

13 Then why not ask the question?

14 BY MR. KOPPE:

15 I can -- no problem. I'm happy to reformulate.

16 Q. I apologize, Mr. Witness, for the complicated question.

17 Did you agree with Pol Pot on the matter of Vietnam's ambitions
18 and the ambitions of the Soviet Union?

19 MR. SAO SARUN:

20 A. Yes, I agreed with him because <he stated clearly that> they
21 had a clear policy of absorbing Cambodia into the Indochinese
22 Federation and it's true, it's reflected through their fighting
23 along our border.

24 And that was why Pol Pot made such <a> statement in his speech,

25 that the -- that they had a strategy to absorb Cambodia <into the

1 Indochinese Federation>.

2 [09.51.30]

3 Q. Now, Mr. Witness, only three months later, Vietnam, with the
4 backing of the Soviet Union, after having concluded a military
5 pact did invade Kampuchea. At the time, during this 18th
6 anniversary, were preparations made to counter Vietnam's
7 invasion? Was it known already that three months later, Vietnam
8 would in fact invade and subsequently occupy Cambodia for roughly
9 10 years?

10 A. Yes, that is correct.

11 Q. Maybe I'll re-formulate my questions. Do you know whether in
12 Mondolkiri or in Sector 105 preparations -- military preparations
13 -- were made for any Vietnamese invasions -- invasion, which
14 would indeed happen three months later?

15 A. Yes.

16 [09.53.20]

17 Q. And what --

18 A. Yes, he made such instructions that we had the -- we had to
19 prepare ourselves for the invasion from Vietnam. Yes he made such
20 <a> statement.

21 Q. And do you remember what preparations were taken in Mondolkiri
22 or in Sector 105 to stop Vietnam from invading Cambodia? Were you
23 involved in the preparations?

24 A. Yes, after the speech, we prepared our soldiers based on our
25 own capability that we had. In fact, we had very small numbers of

22

1 troops. We did not have <many at the sector. So we had to prepare
2 ourselves in order to cooperate with the division soldiers.>

3 Q. Do you -- do you know whether the troops in 105 actually had a
4 chance against the Vietnamese invaders?

5 A. I could not make the assumption about that because our country
6 was small and their country was big. So the numbers of troops in
7 our country and theirs must be different.

8 And we -- and our troops were not well trained. We mobilized our
9 troops from ordinary farmers and villagers and we were not
10 high-tech in our military. <After the war ended, the policy was
11 to first, improve the economy, and second, to defend our
12 country.> So, we had to defend our territory but our military was
13 limited. <The sector army were not well equipped, unlike the
14 division army.>

15 [09.56.20]

16 Q. Mr. Witness, let me turn to another subject that was
17 discussed, according to you, during this 18th anniversary
18 congress in September. That was the guideline of July 1978 that
19 would give amnesty to certain types of enemy. Do you remember
20 this amnesty guideline? And what is it that you remember now
21 about this?

22 A. Yes, he <gave> clear <instructions> that there needed to be
23 amnesty <for> some people who were mistakenly accused. They
24 needed to be refashioned and we needed to strengthen our
25 solidarity and not to sell our country to the foreigners.

1 And we did not make <enemies> with any foreign country. We <made>
2 friends with foreign countries. That was what he clearly stated.

3 [09.58.10]

4 Q. Now this guideline was already issued in July 1978 and you
5 said it was handed out during that 18<th> anniversary congress.
6 Do you remember whether you already knew about this in July '78,
7 rather than only in September '78?

8 A. Yes, I learned clearly about these guidelines and we
9 publicized these guidelines to our people and soldiers.

10 Q. But my question is: Did you first learn of it in July '78 or
11 did you first learn about it during the 18th anniversary congress
12 in 1978?

13 A. (Inaudible) on my understanding, I learned about this after
14 the congress. I <think> that it was after the congress that the
15 guideline was issued.

16 [10.00.05]

17 Q. Thank you, Mr. Witness. Let me refer now to something you said
18 in your interview with OCIJ, E3/384 -- that is, English, ERN
19 00348373; and Khmer, 00345904; French, 00354237.

20 The question is asked to you: "What does political cases or cases
21 of betraying the Party mean?"

22 And then you answer as follows: "For instance, persons
23 collaborating with the aggressor 'Yuon' or the enemy, meaning the
24 'Yuon' enemy. Today, for example, the enemy territorial
25 aggressors are the Thai."

24

1 Do you remember saying that betraying the Party meant
2 collaborating with the Vietnamese aggressor, the Vietnamese
3 enemy?

4 A. Betraying refers to those who collaborated with the foreign
5 enemies. That what -- that was the meaning. Then those -- this
6 refers to those who conduct sabotage and destroy the territorial
7 land of the country.

8 [10.02.10]

9 Q. Let me read to you an excerpt from something Son Sen told all
10 division commanders in a meeting in October 1976 and it deals
11 with the enemy situation both external and internal, external
12 here refers extensively to Vietnam and the Soviet Union, but on
13 -- in E3/13 he says the following -- and this is English,
14 00940354; Khmer, 00052413/14; and French, 00344983 (sic).

15 And my question, Mr. Witness, is whether you agree with the
16 methods he is discussing with the division commanders. It says,
17 when dealing with the internal enemy following:

18 "Operational methods:

19 1) Continuous education is imperative.

20 2) It is imperative to purge no-good elements absolutely in the
21 sense of an absolute class struggle. The purge is premised on
22 three principles: Category 1: The dangerous category: They must
23 be absolutely purged.

24 Category 2: The ordinary liberal category: They must be educated
25 again and again in our education schools.

25

1 Category 3: The category of those who have merely been incited by
2 the enemy, merely believing in the enemy incitement. As a first
3 step, they should undergo refashioning to get them to no longer
4 believe the enemy." End of quote.

5 [10.04.28]

6 Can you give a reaction to this excerpt from Son Sen's speech? Is
7 that something you remember as well, the distinction into three
8 categories of enemies?

9 A. I could recall the content of Son Sen's speech. That was true.
10 <He said> we could not do whatever we wanted and at the time we
11 -- he <said> that we needed to refashion, to re-educate those
12 people. There was no absolute instruction to only arrest. The
13 method was to educate <them first>.

14 Q. Mr. Witness, you were quite close to Division 920 and to Ta
15 San, do you know whether in about a period that Ham (phonetic) or
16 Laing was murdered by Kham Phoun, about hundred Division 920
17 soldiers were released from S-21?

18 A. I could not recall that. I do not know about that.

19 Q. Let me ask it differently. Do you know whether at one point in
20 time Division 920 soldiers were arrested, sent to Phnom Penh,
21 interrogated and then subsequently released on 26 November 1977?

22 A. I do not know about that.

23 [10.07.12]

24 Q. For the record, Mr. President, I refer to E3/8648, which is an
25 S 21 document indicating the release of a hundred Division 920

26

1 combatants, who were entering, apparently, S 21 on the 23rd of
2 November, so released three days after the entering of S 21.

3 Mr. Witness, do you know of any examples in Mondolkiri of people
4 that belonged to the categories who must be educated again and
5 again or undergo refashioning?

6 A. I do not know about the education - how many of them were
7 educated. <I do not know. I do not understand. For> the division,
8 <they spoke directly with Sin (phonetic), but> I, myself, <do>
9 not know how many people were sent <for> re education <and how
10 many were sent back>.

11 Q. But in your conversations with Ta San, Division 920 commander,
12 did he ever speak about Division 920 soldiers being arrested and
13 subsequently released again?

14 A. I heard <> Ta San <talk> about the re education. Ta San did
15 make mention <of it>, but I, myself was not sure and did not <see
16 that> personally.

17 [10.09.26]

18 Q. This amnesty guideline in July '78, was that a confirmation of
19 the existing policy in terms of enemy, or was it a change of
20 policy? Are you in a position to say what exactly the amnesty
21 guideline of July '78 implied?

22 (Short pause)

23 [10.10.50]

24 MR. PRESIDENT:

25 Do you understand the question, Mr. Witness? If you do not, you

1 can ask the counsel to repeat the question.

2 MR. SAO SARUN:

3 A. I do not really get the question. If I understood it, I may
4 have answered it.

5 BY MR. KOPPE:

6 Q. I apologize again Mr. Witness, maybe a difficult question. I
7 confronted you with the three categories mentioned --

8 JUDGE FENZ:

9 Hold up. Now, I see your mic is red but I can't hear you through
10 it.

11 [11.11.27]

12 BY MR. KOPPE:

13 Q. Mr. Witness, I apologize for the difficult question.

14 My question was: You acknowledged the three categories mentioned
15 by Son Sen. You also spoke about the amnesty guideline of July
16 '78. That guideline, was that a confirmation of the existing
17 policy, or was it a change of policy in terms of enemies?

18 MR. SAO SARUN:

19 A. That was the policy of the regime and not to arrest people
20 arbitrarily. Unless there was a clear analysis and judgement,
21 then people could be arrested. That policy was confirmed after
22 the liberation of Phnom Penh. People could not <just> be arrested
23 without reason.

24 I am not siding with Pol Pot. That confirmation of policy made
25 clear at the time, no arrests were made arbitrarily, but I did

28

1 not know how districts and sectors implemented the policies.

2 [10.13.10]

3 MR. PRESIDENT:

4 Thank you, Mr. Witness, and thank you, Counsel.

5 It is now time for break. You, Witness, together with the duty

6 counsel, may take some time to relax and we will resume at 10.30,

7 so please be at that location before 10.30.

8 The Court will take a short break from now until 10.30. So it is

9 now the recess time.

10 (Court recesses from 1013H to 1031H)

11 MR. PRESIDENT:

12 Please be seated. The Chamber is now back in session.

13 Good morning, Mr. Sao Sarun. Are you ready?

14 MR. SAO SARUN:

15 A. Yes, I'm ready.

16 MR. PRESIDENT:

17 Thank you, Mr. Sao Sarun.

18 And now I hand the floor over to the defence counsel for Nuon

19 Chea to resume questioning.

20 [10.32.22]

21 BY MR. KOPPE:

22 Thank you, Mr. President.

23 Q. Hello again, Mr. Witness.

24 Let me revisit something I discussed with you before the break.

25 You remember that I read to you an excerpt from Radio Phnom Penh

1 about Vietnamese aggression and Vietnamese espionage, etc. Let me
2 continue with this by making it a little bit more specific in
3 relation to yourself.

4 I have in front of me, Mr. Witness, two telegrams that you,
5 yourself wrote. In 2012, you've been asked some questions about
6 this, and you acknowledged that you were indeed the author of
7 these two telegrams.

8 Mr. President, I'm referring respectively to E3/937 and E3/1072.
9 These are only one page documents.

10 [10.33.44]

11 Mr. Witness, let me start by discussing with you the first
12 telegram you wrote. It's a telegram to Respected Brother. You
13 wrote it on the 23rd of April 1978. It was discussed briefly
14 yesterday in relation to Sot, but I would like to discuss with
15 you the first paragraph of that document, E3/937.

16 It says -- you write the following, and I quote you:

17 "About the situation of the outside enemy, 'Yuon' spies entered
18 the division location in Teh Municipality on 20 April 1978. They
19 came and have been conducting reconnaissance until 21 22 April
20 for three days now. We have organized a force to look for them,
21 but have not found them. We only saw the trail of entry.

22 According to the examination of the trail, they have not yet
23 left; they are continuing their reconnaissance activity to search
24 for our locations." End of quote.

25 [10.35.23]

1 And the next day, you write a telegram again to Respected
2 Brother, and then you say, about the enemy situation, as E3/1072:
3 "At 1 o'clock at night, on 23/4/78, the 'Yuon' enemy attacked the
4 division office in Tes town for about six or seven minutes. We
5 countered attacked them vigorously. Based on our examination,
6 some of them were wounded."

7 Mr. Witness, first of all, do you remember having written this in
8 your telegram, an attack by Vietnamese forces in Tes
9 municipality?

10 MR. SAO SARUN:

11 A. Yes, that's correct. I wrote the telegram, but we received the
12 news about the attack from the division, so it was the division.
13 [10.36.47]

14 Q. And who from the division reported this to you?

15 A. They sent the report to us through telegram. It was the
16 division commander who <received> the telegram <and he came to
17 tell> me.

18 Q. Now, is that the sector division commander or is it the
19 Division 920 commander who informed you about the Vietnamese
20 attack?

21 A. <They reported to the> Division 920 <commander, and the
22 commander came to tell me about that>.

23 Q. So it is my understanding -- but please correct me if I'm
24 wrong -- that Division 920 was a centre division and that
25 Division 920 reported directly to the general staff?

31

1 When you were informed by Division 920, did you in your capacity
2 also report the same incident to the centre?

3 A. Yes, we made reports.

4 [10.39.00]

5 Q. When you sent your reports to the centre, how did you use the
6 information that Division 920 gave to you? Did you make a
7 selection, did you make a summary of the things they told you?
8 How exactly did you draft or compose these two telegrams, on the
9 basis of which information?

10 A. We summarized the events related to the "Yuon's" attack. So it
11 was just a brief report.

12 Q. And am I to understand that Division 920 gave a much more
13 detailed report on this Vietnamese attack; is that correct?

14 A. Yes, that is correct.

15 Q. As I just said before the break, I read an excerpt to you from
16 Radio Phnom Penh describing all kinds of acts of Vietnamese
17 aggression. This report, as indicated, or this radio broadcast
18 was March -- early March '78.

19 The Vietnamese attack that you describe in those two telegrams,
20 is that an example of the Vietnamese aggression discussed in the
21 Radio Phnom Penh broadcast?

22 A. We made reports based on the practical situation, and we made
23 -- we sent the report to Phnom Penh.

24 [10.41.40]

25 Q. I understand, but the Radio Phnom Penh broadcast of March -- 2

1 March '78 speaks about continuous encroachments along the border
2 and entering of DK territory and sending spies, etc.

3 The incident that you describe in your two telegrams, are these
4 incidents examples of what Radio Phnom Penh describes?

5 A. We sent a report to Phnom Penh and the radio station
6 broadcasted about when the attack occurred and I did not know in
7 detail about what happened at the upper level, because we <were>
8 just concerned about what <was> happening on the ground.

9 [10.42.54]

10 Q. Now, Mr. Witness, we don't have many telegrams that were
11 composed by you, only a very few. The incident that you
12 described, the attack by Vietnamese troops of the division
13 location, was that something that occurred frequently? Did that
14 occur on a daily basis? Let's say between March '76 and April
15 '78, how often did Vietnamese troops enter Democratic Kampuchea
16 territory?

17 A. Yes, there were frequent encroachments along the border. And
18 from the base of Division 920 <in Kratie> to the border, it was
19 far away; it was about 40 kilometres away. And at some border
20 points, there <was> severe fighting, and they attacked the base
21 of Division 920 <in Teh town>. And as I told you, from the base
22 of Division 920 to the border, it was about 40 kilometres.

23 [10.44.55]

24 Q. Thank you, Mr. Witness.

25 Now, I understand that it is not possible for you to have a look

1 at those telegrams because of your eyesight. You've also
2 indicated that you did not use the words "Uncle Nuon" or "Uncle
3 Van" or "Uncle Vorn" that you can see on those telegrams, and
4 that you usually referred to either Respected Brother or Beloved
5 Brother.

6 Is that correct? Is that -- did you write all your telegrams only
7 to Respected Brother, that you did not use a name?

8 A. Yes, that is correct.

9 Q. Have you ever seen in any telegram, any contemporaneous
10 document, the words Brother Number One or Brother Number Two?

11 A. Yes, I saw.

12 [10.46.36]

13 Q. Can you--

14 A. It was the division level that addressed <> Brother Number
15 One, Brother Number Two. <Brother Number One refers to Pol Pot.>

16 Q. What exactly do you mean when you answered, "It was the
17 division level"?

18 A. <There was no meaning actually. They used to address them> as
19 Brother Number One, Brother Number Two <just like that. I do not
20 know the meaning of it. Maybe they did not want to address them
21 by names. Just said Brother Number One, Brother Number Two, and
22 everyone would know>.

23 Q. Did you address Pol Pot and Nuon Chea and Vorn Vet or Ieng
24 Sary or Son Sen with -- did you refer to them as respectively Om,
25 Om Nuon, Om Van, Om Vorn, or did you use numbers?

1 A. <What> Om Vorn Vet or Om Van? <I do not understand>. I
2 addressed only to <the leaders like Pol Pot,> Nuon Chea and <Son
3 Sen, because the three of them often visited the base>. <I rarely
4 addressed other people. For> Vorn Vet, <I do not know this
5 person's face>.

6 [10.48.40]

7 Q. Do you -- we all know who Brother 89 is -- that is, Son Sen.
8 Do you know who Brother 81 or Brother 87 is?

9 A. No, I do not know them.

10 Q. My final set of questions to you, Mr. Witness, and that is
11 about the meeting that you attended in 1975, one or two or three
12 weeks after the liberation of Phnom Penh. You were asked already
13 many questions about this, so I will not repeat those questions.
14 Your testimony is clear on this.

15 There is one thing that I would like to expand on, and that is
16 the following:

17 You also said that during the '75 meeting, either Pol Pot or Nuon
18 Chea indicated that at one point in time money would be used
19 again and that the people who had just been evacuated would
20 return to Phnom Penh.

21 Is that something you recall saying?

22 A. Yes, as I said, it was like that.

23 [10.50.50]

24 Q. Now, did either Nuon Chea or Pol Pot give any details as to
25 when exactly money would be brought back into circulation again?

1 A. During the meeting in Phnom Penh, he said so. He made such
2 announcement about the re circulation of money. <But I do not
3 recall the date.>

4 Q. But did he -- did any of them say when they were thinking of
5 re introducing money again?

6 A. He said that money would be re introduced in <early> 1980.
7 [10.52.00]

8 Q. And now the return of the people.

9 Just to be clear, Mr. President, I'm referring to Trial Day 70 on
10 the 6th of June 2012. At 13.42, the witness says -- he talks
11 about the meeting, and he says:

12 "And later on, they declared that the people would be brought
13 back into the city and the money would be put back into
14 circulation."

15 Now, Mr. Witness, did either Nuon Chea or Pol Pot say when they
16 would envisage that people could return again to Phnom Penh? Was
17 it also 1980 or was it much earlier, do you know? Did they say
18 that or did they not make any reference?

19 A. He announced that starting from early 1980, people would be
20 repopulated in the city, and money would also be re introduced.

21 Q. And what about markets?

22 A. Yes, he also touched on that issue<,> that markets would be re
23 opened, but -- yes, and vegetables were also sold in the <>
24 Central Market <in Phnom Penh since 1979>, but the market at that
25 time, was not as big as right now.

1 [10.54.03]

2 Q. Now, my final question, Mr. Witness, in relation to this
3 meeting.

4 There seems to be a bit of a confusion as to the exact location
5 of this meeting. Some say it was close to the Olympic Stadium,
6 others say it was close to Borei Keila.

7 Can you give us a little bit more details as to the exact
8 location of this meeting a few weeks after the liberation of
9 Phnom Penh in 17 April -- on 17 April '75?

10 A. We were invited to the meeting at the Soviet school after the
11 17 April 1975 liberation <for three days>.

12 Q. That's indeed what you said, but was there also maybe some
13 kind of meeting preceding that meeting but a meeting at the
14 Olympic Stadium, or was there no such meeting right after the
15 liberation of Phnom Penh?

16 A. There was one meeting after the liberation, and that meeting
17 took place at Olympic Stadium. Cadres from districts throughout
18 the country were called to that meeting.

19 [10.56.10]

20 Q. So right after the liberation, there were several meetings.
21 One of them was in the Cambodian Soviet Friendship School and one
22 at the Olympic Stadium; correct?

23 A. Yes, that is correct.

24 Q. And my final question. Do you know the present Chairman of the
25 National Assembly, Heng Samrin?

1 A. No, I did not know him.

2 Q. So -- let me rephrase. You don't know him now or you didn't
3 know him then?

4 A. I did not know him at that time because there were so many
5 attendees at that time.

6 Q. During any of those meetings, did you ever hear the leaders
7 who were addressing the cadres talking about former Lon Nol
8 military, that former Lon Nol military should be spread? The word
9 "komchat" might have been used in relation to former Lon Nol
10 military. Is that something that sounds familiar to you?

11 A. No, I did not hear that. I only heard that people had to be
12 organized to do farming. I did not hear the word <"komchat">.
13 [10.58.46]

14 Q. Was there any discussion of what should happen with the
15 defeated army of Lon Nol and its members? Was there any
16 discussion at all, either at the meeting at the Cambodian Soviet
17 School or at the Olympic Stadium? Do you recall anything?

18 A. No, I did not hear about that. I only heard that people had to
19 be organized to do farming, and that was what I heard.

20 MR. KOPPE:

21 Thank you very much, Mr. Witness.

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 The floor is now given to the defence team for Mr. Khieu Samphan
25 to put questions to this witness.

1 You have the floor now.

2 [10.59.55]

3 QUESTIONING BY MS. GUISSÉ:

4 Thank you, Mr. President. Good morning. Good morning, everyone.

5 Good morning, Mr. Sao Sarun. My name is Anta Guisse. I am

6 International Co Counsel for Mr. Khieu Samphan, and I have a few
7 questions for you.

8 Q. To the extent that the Chamber has summoned you, you have
9 already been <questioned> extensively as part of Case 002/01, and
10 the Chamber <called you back> regarding <security centres and>
11 the Phnom Kraol Security Centre, so I will focus my questions on
12 that security centre.

13 I have understood from your testimony, that at a point in time
14 you were a district secretary, and also for some months before
15 the arrival of the Vietnamese you were a secretary of Sector 105.
16 My question to you is whether, as part of your duties, you are
17 aware of the existence of a security centre called the Phnom
18 Kraol <> Centre?

19 MR. SAO SARUN:

20 A. Yes, I heard about that there were security guards at Phnom
21 Kraol.

22 [11.01.30]

23 Q. Do you know where that security centre was situated and who
24 was in charge of it?

25 A. I am not sure in relation to the tasks performed by the

1 security centre, so I had no idea who was first in charge of that
2 security centre.

3 Q. A number of names were given by you and other witnesses before
4 this Chamber. I would like to know whether you knew their
5 functions at the time.

6 You talked of a person called Sophea. Can you tell the Chamber
7 what his position was in Sector 105?

8 A. Sophea was the member of the sector committee and in charge of
9 the security.

10 [11.02.55]

11 Q. When you say that he was in charge of security, what were his
12 precise functions?

13 A. <> He was part -- he or she was part of army. That individual
14 was reassigned and then became a member of the sector committee.

15 Q. At a point in time, you talked of the presence of Ta San and
16 his role in Division 920. Do you know whether Division 920 worked
17 hand in hand with Sophea or whether each person had separate
18 activities?

19 A. They worked together. They cooperated with one another in
20 terms of the military tasks and affairs. They usually reported to
21 one another <and communicated with each other>.

22 Q. One witness called Bun Loeng Chauy, who testified just before
23 you, gave the name of your junior brother, Meang, saying that --
24 and let me point out that he said during the proceedings that he
25 heard what he said from third parties, so hearsay evidence

40

1 <perhaps>, that Meang played a role in the arrests of
2 prisoners<>.

3 Do you know whether your brother, your junior brother, Meang, had
4 any role to play in the arrest of persons?

5 [11.05.29]

6 A. To my knowledge, his role was to protect the border, and he
7 was the deputy of the first regiment. And later on, in 1978, he
8 was told to come and protect <at> the <back>, and I do not know
9 about the tasks you describe, which had something to do with him.

10 <I was at the district and I did not see or hear that.> And
11 although he was my younger relative, I did not know at the time
12 <if> he, <Meang,> had a role to play in relation to the arrests.
13 <I was at Pech Chenda district.>

14 I did not try to hide what he was doing, but <> I <did not
15 witness or hear that> at the time. <He was my younger relative,
16 but we had different tasks.>

17 Q. You state that he was the deputy of the first regiment. Can
18 you tell us who the secretary of <> the first regiment was<, if
19 you know>?

20 A. In fact, it was not a regiment, but it was the battalion.
21 <Naing (phonetic)> was the <> commander of a battalion, <but he
22 is deceased.> There were only two battalions in Mondolkiri, <no
23 regiment>.

24 [11.07.10]

25 Q. And what was the name of the <chief> of that battalion, if you

41

1 do remember?

2 A. His name was Veang. He is already deceased.

3 Q. A while ago, you talked of Sophea. Do you know where his
4 office at the time was situated? Did he have an office, and if
5 yes, what was the name of that office?

6 A. His office was in the location of a sector at Phnom Kraol.

7 Q. Does the name K 11 ring a bell to you?

8 A. I heard K 11. It was situated to the east of Ou Chbar.

9 Q. And do you know whether K 11 was Sophea's office?

10 A. That's correct.

11 In fact, it is my confusion. K 11 was situated close to Phnom
12 Kraol, not to the east of Ou Chbar. <It was Sophea's office.>

13 [11.09.05]

14 Q. No problem, the events occurred a long time ago.

15 At a point in time, you made mention of K 17 office. Do you agree
16 with me that you went to that office from time to time when you
17 worked as secretary of Sector 105?

18 A. I could not get your question clearly. Could you repeat it?

19 Q. Let me simplify it. K 17<, did> you know that office and whose
20 office was it?

21 A. That was the sector's office.

22 Q. In answer to a question put to you yesterday by the Co
23 Prosecutor, you stated that -- and I believe you were talking of
24 Laing. I stand corrected if I am wrong.

25 <Was it when> Laing <was> still the head of the sector <that> you

42

1 went to <this> office <and> saw <two or> three persons being
2 detained? Did I properly understand your testimony?

3 A. To my observation, <it's not that> I am <not> telling the
4 truth, I was invited to perform duties there once in a while. I
5 did not see at the time <that> people were arrested and detained
6 at K 17 while I was working and invited to perform my duties,
7 some of my duties at the location.

8 [11.11.22]

9 Q. I don't know whether I'm the person who didn't understand what
10 you said.

11 <You> mentioned two <or three> persons yesterday <whom you saw
12 detained somewhere>. Can you clarify <where that was>, please?

13 A. In fact, two or three prisoners were detained at a security
14 centre, but no prisoners were detained at K 17. That was what I
15 said yesterday.

16 Q. I misunderstood, and I am sorry.

17 Can you tell us where that security centre in which you saw the
18 two or three persons detained<>?

19 A. That was close to K 17. It was about 200 metres apart.

20 Q. Can you describe that security centre that you saw to us?

21 A. When I was at that location, two or three prisoners or people
22 were detained and later on, <after> they were kept for a while,
23 <they were re-educated> and after that, they were released. And
24 <they were> there working as normal, as usual.

25 [11.13.15]

1 Q. And can you specify when that incident occurred, during what
2 period was that?

3 A. It was in 1977 and '78. In fact, I was visiting <> that
4 location. There were two or three, four or five inmates and they
5 were working as usual. <They were sweeping. There were security
6 guards there.>

7 Q. And do you know who was in charge of that security centre?

8 A. Ta Laing had overall supervision.

9 Q. Do you know whether he was replaced by someone else
10 thereafter?

11 A. I cannot recall, it happened a long time ago, who came to
12 replace him thereafter. I cannot recall all the details, who came
13 to replace him afterward.

14 [11.14.52]

15 Q. Ta Laing was a soldier, isn't that correct?

16 A. No, he was sector chief and he had overall supervision of
17 army. At the time, the sector usually had the authority --
18 overall authority over the soldiers, so Ta Sophea was also under
19 his supervision.

20 Q. Very well. But do you know whether this security centre you
21 saw was administered by soldiers?

22 A. Correct.

23 Q. And were those soldiers from the sector?

24 A. Yes, they were from <the> sector. <At that time, there was no
25 police. There were only soldiers.>

44

1 Q. Still with regard to the witness I referred to earlier, Bun
2 Loeng Chauy, he made mention of a wave of arrests in Mondolkiri,
3 and he explained that --

4 A. <It does not seem that he's> in Mondolkiri, <but I> heard the
5 name <> Bun Loeng Chauy.

6 [11.17.05]

7 Q. I do not know whether I am pronouncing it correctly. Yes, my
8 colleague says I'm pronouncing it correctly.

9 It is possible that you have never <heard of> that witness, but I
10 am informing you that that witness testified before this Chamber,
11 and he indeed said that he knew you and he referred to a number
12 of arrests and explained the following: He explained that there
13 was a problem of reprisals <at a point in time> and <> on the
14 hearing of the 29th of March 2016, somewhat after 10.03.49, <>
15 this is what he stated:

16 "Allow me to tell the Chamber that vengeance between these two
17 groups of persons took place. There were indeed acts of
18 vengeance. Kham Phoun's network had fought against Laing because
19 his network had killed his son, and his son's name was Kham. Kham
20 Phoun was initially arrested and Nhun was the chief of his
21 office. Nhun was introduced in the ranks of the Party by Kasy."
22 End of quote.

23 So my question to you is whether you are aware of problems
24 between two groups and acts of vengeance between Kham Phoun's
25 network that fought against Laing<>?

1 [11.18.50]

2 A. I do not know about the vengeance between them. I do not
3 really understand at all. That was a complicated issue. I was at
4 Pech Chenda and I had nothing to do with the vengeance between
5 the two groups.

6 About the arrests of the child of that individual, I do not
7 really understand at all. I had nothing to do with that kind of
8 incident. I was at the district performing merely my duties and
9 my roles.

10 Q. Once more, in order <for you> to be able to react, <because>
11 that witness mentioned your name.

12 At 10.08.20, still in the hearings of the 29th of March 2016,
13 this is what Bun Loeng Chauy said. And let me point out that
14 somewhat later he explained that he heard those things were
15 through rumour and hearsay, that is what I wanted to point out to
16 you.

17 This is what he states:

18 "Arrests occurred after Ham and Kham Phoun, given that senior
19 cadres had been arrested. Sarun [that is you] and Sophea were
20 those in charge, but Sophea had not yet been arrested at the
21 time. But I do not know who took decision at the time. Was it Ta
22 Sarun or someone else, I am unable to confirm that. From what I
23 was able to hear, there <was> a committee meeting, because such a
24 decision could not have been taken by a single person. So it was
25 therefore a <collective> decision taken by all members of the

46

1 committee. However, we can attribute responsibility for
2 decision-making to senior cadres of the committee." End of quote.

3 [11.21.06]

4 Let me point out that <at> 10.10.42, the witness specified that
5 it was rumour and hearsay, but I wanted to read out his statement
6 to you so that you may react to it.

7 A. I do not know the individual, Bun Loeng Chauy, who used to be
8 in Mondolkiri. As for this issue of arrests, I am telling the
9 truth. I am not hiding something. I am telling the truth before
10 the Chamber. I do not know about the arrests.

11 When I was at the district, they had meetings, and Sophea from
12 <Division> 920 may have participated in the meeting, and I,
13 myself was at the district. I do not know about the arrests. I am
14 not telling lies, I am telling the truth out of my heart.

15 [11.22.32]

16 MR. PRESIDENT:

17 Mr. Sao Sarun, the name is Chan Bun Loeng. He was the deputy
18 chief of Kaev Seima district and he used to be a guard.

19 MR. SAO SARUN:

20 A. I do not know that individual, Chan Bun Loeng, either, or Chan
21 Loeng Chauy.

22 BY MS. GUISSÉ:

23 Q. Last point, to be sure whether this would refresh your memory.

24 You gave an interview to investigators from the OCIJ, document

25 E3/383, and I would like to read out an excerpt of that document

1 to see whether it would refresh your memory.

2 And it is on the last page of your interview record. The ERN in
3 French is 00361766; ERN in English, 00350266; and ERN in Khmer,
4 00345915.

5 [11.23.58]

6 And these are the last questions and answers that are relevant.

7 So the question that was put to you at the time was as follows:

8 "Were there any cases of arrests <for which> you <had to consult>
9 with the <central committee> and the <committee> ordered them
10 sent to Phnom Penh?"

11 And your answer was as follows: "<While I was the chief of the
12 region, there> were no such cases<>."

13 Next question: "Therefore, did you ever send people to any
14 security <centres> within the <region>?"

15 And your answer was as follows: "When I was <a member of> the
16 <regional> committee, <there weren't any. I> only <had to>
17 release <them>."

18 Question: "<When you released the former prisoners, did> you
19 consult with the <central committee beforehand>?"

20 Answer: "No, I did not. That was my right."

21 And last question: "<>Do you know the location of any security
22 offices?"

23 Answer: "Tumnob Phnom Kraol Security Office was under the charge
24 of Sophea, the <region> military chairman, who later became the
25 <region> security chairman. Vieng was Sophea's successor."

1 V I E N G; I'm sorry about the pronunciation.

2 [11.25.50]

3 "Vieng was <chief> of <>Regiment 1. Vieng's other aliases
4 included Kham and Roeun." End of quote.

5 So my question to you is as follows:

6 <Is> this excerpt of your interview with the Co Investigating
7 Judges something that refreshes your memory, and<, yes or no,> do
8 you confirm whether you had authority to release prisoners
9 without seeking the opinion of the Central Committee? That is my
10 first question.

11 [11.26.39]

12 A. I came to work <at the sector> and <when I asked about it,
13 they said> that the detention <had been ongoing> since the time
14 of Ta Laing. Ta Laing <was> already deceased when I was there, so
15 there was no reason that the detention should be -- should
16 continue to take place, <there was no reason to arrest and detain
17 them. So with my authority, I released them, but> then I made a
18 report up the line <because I was afraid I could be in trouble>.
19 <> There was no reason to detain <them>. The issue was related to
20 the families' internal affairs, between spouses, so <that is why>
21 the arrest and detention <took> place during Ta Laing<'s> time.
22 And <the reports were> made about the <small issues such as
23 broken spoons and stuff.> Usually, kitchen utensils were used on
24 a daily basis, so it is unavoidable that they were broken. <If we
25 killed anyone who broke such utensils, there would have been no

1 one left alive.>

2 So it was a very unbelievable reason and I -- and I, at the time,
3 decided to intervene and to set <them> free <>. And -- and later
4 on, I made a report <to Ta Rin (phonetic)> about the release of
5 <them> and the upper echelon or my superior agreed <with> my
6 decision to release.

7 [11.28.53]

8 Q. In French, I heard the person concerned, <as if you were
9 talking of just one person,> but my question <was broader> --
10 that is, in light of statement E3/383. In that statement, you
11 said that you did not need the opinion of your hierarchy and that
12 you had the authority to release persons without reporting to
13 anyone whatsoever<. Can> you clarify this point and specify
14 whether you were talking of only one person<?>

15 And let me stop here, I will make another remark later.

16 Can you clarify this point in the record of your interview, which
17 is different from what you are stating today -- that is, what you
18 told the Co-Investigating Judges?

19 [11.29.57]

20 A. I set free one after another, many of them, not one person.
21 And one group of people <was> released first, and later on, it
22 was time for other groups. And after their release, I made and
23 sent a report to the upper echelon <>. <It was not based solely
24 on my authority.>

25 Q. And in your previous answer, you explained that you were

1 dealing with interfamily issues, so can you specify what you mean
2 by that exactly?

3 A. I want to say that regarding wedded couples, what occurred
4 within the families regarding small arguments, for example, I
5 treated those family matters as small things. Based on my
6 practice, at that time, after I questioned them <and> then I
7 released them because I did not consider those matters as big
8 matters, so I released them all because what they -- what
9 occurred in -- within their families were not considered as big
10 offences. <I made a request to release them and the upper echelon
11 agreed with that, so I released them. Because there were only a
12 few people, who were Ta Laing's subordinates, at the sector.>

13 [11.32.10]

14 Q. And this will be my last question. When you're speaking about
15 the Phnom Kraol Security Centre and about Sophea's successor,
16 <Veang>, does that refresh your memory?

17 A. <Veang came to replace> Sophea. <Veang> was the chief of the
18 battalion.

19 Q. My question was focused more on his successor, <Veang,
20 V-E-A-N-G> -- I apologize, once again<> -- but does that ring a
21 bell as Sophea's successor, as the person who was in charge of
22 security?

23 A. Yes, that is correct.

24 MS. GUISSÉ:

25 Mr. President, I am done with my questions, and we have no

51

1 further questions in the Khieu Samphan defence team.

2 [11.33.39]

3 MR. PRESIDENT:

4 Thank you.

5 The Chamber would like to express our thank you to Mr. Sao Sarun,
6 as a witness, and your testimony today come to an end. Your
7 testimony may contribute to the ascertaining of the truth and
8 now, as your testimony come to a conclusion, you can have a rest
9 and we would like to give you all the best wishes.

10 And the Chamber also would like to thank the duty counsel for
11 your contribution to this.

12 And the Chamber also would like to the officer, Mr. Samnang, who
13 assisted with the audio-visual link. And now you can all have a
14 rest.

15 [11.34.33]

16 Before we have a lunch break, the Chamber rule over the oral
17 ruling related to the prosecutor's request for adding one more
18 witness to give testimony regarding the Phnom Kraol Security
19 Centre and that is document E390.

20 <The Chamber has received the prosecutor's request to hear the
21 witness, 2-TCW-1017, in accordance to Internal Rule 87.4, for
22 Case 002/02, in relation to the Phnom Kraol Security Centre,
23 document E390.> The request <> is to hear the witness,

24 <2-TCW-1017, instead of or in addition to the witness,

25 2-TCW-1011>. The Chamber has heard <the parties'> submissions and

52

1 responses in relation to the request on Monday, <21> March 2016.
2 And <on 29 March 2016,> the WESU communicate through the Chamber
3 that WESU could not contact 2-TCW-1017 and based on the family
4 and neighbours, that witness, 2-TCW-1017, has moved to live
5 permanently in Thailand.

6 The <youngest brother> of 2-TCW-1017 said <at> first that he <>
7 did not have the resident address of his <> sister.

8 And later on, the telephone number and the address was found and
9 WESU was trying to communicate to 2-TCW-1017 by telephone number
10 <since the 22nd of March 2016,> and WESU could not contact that
11 individual. Because there is no <other> detailed information <of
12 this individual, the request made to the Thai> government <to
13 help locate and bring forward this individual might take several
14 months> and the result is not possibly known.

15 [11.37.07]

16 The Chamber has no -- has no position to receive any information
17 sufficiently about 2-TCW-1017 <on time>; the Chamber, therefore,
18 rejects the request <> in relation to the call of that
19 individual, 2-TCW-1017.

20 The Court is now take a lunch break and we'll resume at 1.30.

21 This afternoon the Chamber will start to hear 2-TCW -
22 2-TCCP-1016.

23 Security personnel are instructed to bring Mr. Khieu Samphan to
24 the waiting room and please have him returned in the courtroom in
25 the afternoon before 1.30.

1 The Court's now in recess.

2 (Court recesses from 1137H to 1332H)

3 MR. PRESIDENT:

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

5 This afternoon, the Chamber will start to hear the testimony of a
6 civil party, 2-TCPP-1016. Court Officer, please invite the civil
7 party into the courtroom.

8 (The witness enters courtroom)

9 [13.33.08]

10 MR. PRESIDENT:

11 You can now proceed, Counsel for Khieu Samphan.

12 MS. GUISSÉ:

13 Yes, Mr. President, let me take advantage of the civil party
14 arriving. So -- and I'm taking advantage of this to request from
15 the Chamber, following its decision this morning, if we will be
16 hearing witness 1011 or not <tomorrow afternoon>. We would like
17 to know what -- which witness will be appearing following the
18 civil party tomorrow because now we're a little bit confused.

19 [13.34.13]

20 MR. PRESIDENT:

21 The Chamber would like to remind the parties, once again, about
22 the ruling on the request of the Co-Prosecutor. This morning the
23 Chamber has ruled orally in relation to that request and the
24 Chamber is now considering and consulting with the WESU with the
25 availability of witnesses. And this morning -- we have decided

54

1 already in relation to 2-TCW-1017 this morning.

2 And regarding the witnesses to come and testify in the week
3 before the Khmer New Year, the Chamber will inform the parties
4 today.

5 The Chamber is now facing the scheduling of the hearings and,
6 particularly, is considering the witnesses to come and testify in
7 response to the request by the Defence Counsel for Nuon Chea and
8 the request of Nuon Chea is to hold the hearings in relation to
9 S-21 after the Khmer New Year. So the Chamber is now doing its
10 utmost to ensure that <the> hearings <are> -- hearings are held
11 to the maximum without any challenges before the Chamber.

12 JUDGE FENZ:

13 E-mail will come today. E-mail for next -- sorry, scheduling
14 e-mail for next week comes today, later today.

15 [13.36.21]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good afternoon, Civil Party. What is your name?

18 MR. SUN VUTH:

19 A. My name is Sun Vuth.

20 Q. Thank you, Mr. Sun Vuth. Do you recall when you were born?

21 A. I was born in 1957.

22 Q. Thank you. Where's your birthplace?

23 A. <My birthplace --> I was living <in Puok district --> Yeang
24 <village>, Puok district, Siem Reap province.

25 [13.37.13]

1 Q. Please listen to the question carefully and please think
2 before you -- before you answer and please also consider whether
3 or not you understand well the question. There will be possibly
4 many questions from other parties in relation to this case and
5 the case, in this court, is complicated and complex, so if you do
6 not understand the question clearly, you will have trouble
7 answering those questions. So please give a little <> pause
8 before you answer. By doing so, you have some time to think of
9 the question.

10 And also, while you are giving a little <> pause, your
11 testimonies will go through the sound system and in this court,
12 three working languages are used and interpretation is provided
13 into Khmer, English, and French.

14 Where are you living now?

15 A. My place is at Bontey Chas village, Chong Kal district, Oddar
16 Meanchey province.

17 Q. What is your current occupation?

18 A. I am a rice farmer.

19 Q. What are your parents' names?

20 A. My mother's name is Sun Vanh. My father's name is Sa Bit.

21 Q. Once again, what is your father's name and what is your
22 mother's name?

23 [13.39.22]

24 A. My father's name is Sa Bit.

25 Q. What about your mother's name?

1 A. My mother's name is Sun Vanh.

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

4 A. My wife's name is Lem Num. My -- my child's name is Vuth
5 Chhean (phonetic).

6 Q. How many children do you have; just specify how many children
7 you have?

8 A. I have one child.

9 [13.40.20]

10 Q. Please do not hold the microphone. There is someone operating
11 the system for you, particularly the microphone. I know that you
12 do not know well how to operate and turn off -- turn on and off
13 the microphone; that is why the AV technician is dealing <with>
14 the matter for you, so please merely look at the tip of the
15 microphone.

16 And the court officer, please move the microphone a little bit
17 away from him so that he could see the red light on the tip of
18 the microphone, which is the signal indicating that the
19 microphone is operating.

20 Mr. Sun Vuth, today you are invited here as a civil party. As a
21 civil party before this Chamber, at the end of your testimony,
22 you are entitled to make a victim's impact statement, if any,
23 concerning the crimes and harms suffered by you during the
24 Democratic Kampuchea; <if you wish to do so>. Have you ever
25 provided interviews to the investigators of the Office of the

1 Co-Investigating Judges of the Extraordinary Chambers in the
2 Courts of Cambodia so far?

3 A. I was interviewed twice.

4 Q. When did that -- when did they take -- when did they take
5 place and where did they happen? Where did you provide your
6 interviews the first time and the second time?

7 A. The first time, the interview was conducted at Bontey Chas
8 <village>, Chong Kal district, Oddar Meanchey province.

9 Q. What about the second time?

10 A. It was conducted in Phnom Penh.

11 [13.43.37]

12 Q. Are you confused? <Were you interviewed by the investigator of
13 the OCIJ in Case 002, <or were you interviewed by other people>?

14 I am now asking you about whether or not the investigators of the
15 OCIJ <of the Khmer Rouge Tribunal>, who went to interview you
16 officially in relation to Case <002/02>, when you were
17 interviewed, were you told of their position while they <were>
18 interviewing you?

19 A. First time, it was <Tho (sic)>, which was the organization
20 interviewing me.

21 Q. Thank you. So it was not the investigation office from this
22 ECCC. <It was an NGO.>

23 Based on the Internal Rule 91 bis of the ECCC, the floor is first
24 given to the Co-Lawyers for civil parties to put question before
25 other parties. The combined time for the Co-Prosecutors and Lead

1 Co-Lawyer for civil parties is two sessions.

2 You have the floor now.

3 [13.45.17]

4 MR. PICH ANG:

5 Good afternoon, Mr. President, Your Honours. May I cede the floor
6 for Lor Chunthy, the civil party lawyers, to put question to the
7 civil party.

8 MR. PRESIDENT:

9 Your request is granted. You have the floor now, Lor Chunthy.

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Thank you, Mr. President. Good morning the Chamber. Good
12 afternoon, rather.

13 Good afternoon, Mr. Sun Vuth. I am Lor Chunthy, the -- the lawyer
14 for civil parties. I am from the Legal Aids of Cambodia.

15 Now, I'm asking you about your experience you went through from
16 17 April 1975 to 6 January 1979; that is to say, it was -- is --
17 is <during> the Democratic Kampuchea regime.

18 Q. First of all, I have several questions in relation to your own
19 background. First, when did you joined -- when did you join the
20 army; in which year you joined the army?

21 [13.47.22]

22 MR. SUN VUTH:

23 A. I joined the army in 1974.

24 Q. Thank you. What was the reason that led you to become a
25 soldier and which <> army <> were <you> in at the time?

1 A. It was because of the Khmer Rouge or the Democratic Kampuchea
2 who sent me to be a soldier.

3 Q. Could you give a brief response to my question? Did you
4 voluntarily join the army?

5 A. No, I was called -- I was required by Angkar.

6 Q. In relation to your experience after you had <become> a
7 soldier, did you ever engage in any battlefields?

8 [13.49.08]

9 A. After I had been sent to be a soldier, <first,> I was engaged
10 in the battlefields along Wat <Danghaeum, in> Puok district <and
11 along> Phnum Kraom<>.

12 Q. Thank you. What about later on, which battlefields were you
13 engaged in?

14 A. After the battlefield at Puok district, I was dispatched to
15 Phnom Penh, <but I did not enter Phnom Penh>. At that time, I was
16 dispatched to join the battlefield <along Trach market in>
17 Oudong, <all the way to Thum village,> Trapeang Prei, <it was>
18 along the location near Basedth Mountain. And then I <continued
19 fighting> to Khmuonh, Kob Srov (phonetic); that was the time that
20 I was engaged in the <> battlefields<>.

21 Q. When did you return to Mondolkiri?

22 A. After the liberation of Phnom Penh in 1975, <Angkar>
23 dispatched <our> Division 920 to <protect> the border <> close to
24 Vietnam.

25 Q. Which location, specifically, are you referring to in relation

60

1 to the border that you have just mentioned?

2 MR. PRESIDENT:

3 Please observe the microphone, Mr. Civil Party, before you speak.

4 [13.51.20]

5 MR. SUN VUTH:

6 It was at Kaok Nheaek district, but as for the battlefields, I
7 was dispatched to Ou Dak Dam, Ou Pol (phonetic), Mereuch
8 (phonetic); those were the battlefields at the border.

9 BY MR. LOR CHUNTHY:

10 Q. What was your relation with the -- the commander -- of your
11 commander; did you have any relation with your commander?

12 MR. SUN VUTH:

13 A. Ta Chhin was my <> commander of Division 920 and Ta <Soy> was
14 the deputy. <They led me> to protect the border in Mondolkiri.

15 [13.52.36]

16 Q. Could you expand a little bit; what your -- what was your
17 specific function and role at that time?

18 A. At that time, I was assigned to be in charge of a company.

19 Q. Were you not a messenger of Ta Chhin; is that correct?

20 A. That is correct. Yes, that is true that I was his personal
21 messenger, <before>, and later on, <he removed me, and then> I
22 was assigned to be in charge of a company working close to him.

23 Q. When you were a messenger of Ta Chhin, when was that?

24 A. <> I had been a <> messenger for two months; <he assigned me
25 to be a messenger during the war when Phnom Penh fell, it was

61

1 since '75>. After the liberation of Phnom Penh, he returned to
2 Mondolkiri, <at> which time, I was appointed to be chief of a
3 company.

4 Q. Thank you. I would like to seek a clarification from you.

5 After you had returned to Mondolkiri, were you sent for
6 participating and attending the military training session?

7 A. <In '75> I was sent to Phnom Penh to join the military
8 training sessions at <Veal> Baek Chan. I did not know <> the
9 specific location at the time, but <it> was at the north of
10 Pochentong, <and I> attend<ed> the military <training> and I was
11 in that training for <more than a> month. And then I was sent
12 back to be refashioned at Kratie <province>.

13 [13.55.37]

14 Q. First, you were sent to attend the training session in Phnom
15 Penh and then, later on, you were <then> sent to Kratie to join
16 another training session; is that correct?

17 A. Yes, I was <then> sent <to study> to Kratie<>.

18 Q. Thank you. After you left Kratie -- Kratie, where did you go?

19 A. I was posted in Mondolkiri. I was sent to protect the border
20 and I -- I was asked to install spikes along the border at Ou Dak
21 Dam and Mereuch (phonetic) up to the border of Ou Pol (phonetic)
22 and I was posted along the border. Spikes were prepared and
23 installed along the border and trenches or pits were dug to
24 comply with the plans to protect the <territorial> integrity of
25 the country.

1 Q. Thank you. I am now moving to another topic in relation to
2 your own experience. Was there an event where your leaders <were>
3 arrested?

4 [13.57.44]

5 A. There was an event. My leaders <were> called to attend a
6 training session<; however, people said that> they were all taken
7 to be killed <> under the accusation of betraying Angkar. I did
8 not know <how> they <betrayed Angkar> since <I was> working and
9 complying with and respecting Angkar <at that time>.

10 One month later, after the arrest of my commanders, all the
11 soldiers were told that please be cautious that you may have been
12 linked to your commanders network, and <I> said that <I did not>
13 betray<> Angkar <and even my leaders never told me, "You must
14 follow me, betray Angkar, and join with other sides or with the
15 Yuon to fight Khmer Rouge regime." I never heard them say that. I
16 have never known that>.

17 And later on, I was arrested and I did not know <anything in
18 relation to betraying Angkar.> I was the one who respected Angkar
19 and complied with <Angkar's> plans since the beginning and I was
20 loyal to Angkar.

21 At the beginning, <> it was said that I was <courageous, I was>
22 loyal to Angkar and I worked for Angkar and later on, at a later
23 stage, I was arrested and they accused me <of betraying> Angkar.
24 <No one had asked me to counterattack Angkar. When they beat and
25 interrogated me, > I did not know how to respond to their

63

1 accusation because I <knew> that, whether <I answered> their
2 questions <or not about> whether I betrayed Angkar, I would be
3 killed. <When I remember that, it hurts me because I actually
4 worked hard for the nation>. I did not know who would come to
5 <-->

6 [14.00.07]

7 Q. Can you tell the names of your superiors, who were arrested,
8 at the time?

9 A. In the division, there were Ta Chhin, Ta Soy, comrade Kol, and
10 comrade Non, and comrade Yen as well. They were arrested and they
11 disappeared. I didn't know whether they were sent for education
12 session. <>They <said that we betrayed> Angkar and they were
13 <smashed in> Phnom Penh and I heard that they were sent to Tuol
14 Sleng Prison.

15 I didn't flee because I didn't betray Angkar at all. I was so
16 loyal to Angkar and my commanders never said anything against
17 Angkar.

18 [14.01.20]

19 Q. Can you tell the Chamber the circumstances around your arrest;
20 what did they do to you, for example, and where you were taken
21 to?

22 A. I knew that those who came to arrest us were from Division 801
23 including the commander; that is Ta Saroeun or Ta 05. They sent
24 their forces to arrest <those> in Division 920 and after that,
25 they sent their <forces from Division 801> to <take control of

64

1 Division 920>. They said that <most of the> soldiers in Division
2 920 betrayed Angkar, <particularly the commanders>; so they sent
3 their <forces> to <take control of Division 920>.

4 I was tortured severely after my arrest.<At the beginning,> I,
5 myself, was not aware at all of the reason for the arrest. Three
6 people came to point their guns at me and I asked the reason for
7 that and they said that I betrayed Angkar, <and I said that I did
8 not betray Angkar>. And they ordered me to raise my hands and
9 after I did that, they blindfolded me with a krama scarf and then
10 I was taken away.

11 <When I remember that, I feel> so <much pain> for that<,> because
12 I did not betray Angkar at all. I tried to serve Angkar and the
13 revolution <the best I could, but Angkar did not trust me. As a
14 result, I was arrested>.

15 [14.03.13]

16 Q. Thank you, Mr. Witness. Please <be> rather short and precise
17 <in your answers> to the point that I put to you.

18 You actually have not responded in full to my question. You said
19 that you were blindfolded and can you tell us <how and> where you
20 were taken to?

21 A. I was blindfolded so I could not see where I was taken to;
22 however, after they took off, that blindfold, I could see the
23 surrounding area. I was placed in a -- a prison in Ou Chbar; that
24 is to the south of Kaoh Nheaek. There was a -- a hill there and
25 from where -- where I was, I could see that I was there at that

65

1 hill.

2 Q. So you said that you were taken to a location in Ou Chbar; can
3 you describe the surroundings of the area that you were taken to;
4 that is, in Ou Chbar? And you say that the blindfold, they got --
5 they took off the blindfold from you, <it meant that you were
6 already placed in a prison>, so you could see the surroundings.

7 [14.05.03]

8 A. I cannot <recall> everything in detail; however, there was a
9 stream which is called Ou Chbar and, as I said, there is a small
10 mountain or a hill nearby <and it was close to> the forest and
11 there was a prison there and I did not know how long the prison
12 had been built.

13 The -- that building was 10 metres long and 5 to 6 metres wide.

14 There were 3 rooms within that building.

15 Initially, I was placed in a room to the south in that building
16 and I was detained alone <because I was important>; however, two
17 days later, two more detainees were placed in that room with me,
18 maybe because the other two rooms were full of detainees.

19 Q. Allow me to clarify one thing with you. Upon your arrival,
20 were you shackled or cuffed?

21 A. Yes, my ankles were shackled and my hands were cuffed.

22 Q. Can you describe the cuff or the shackles?

23 A. In fact, the shackles were made from wood and they <made>
24 holes where my ankles were inserted and that's how they shackled
25 my ankle.

66

1 And about a week after, they only shackled one ankle and one hand
2 so my other ankle and hand were free. And <two> days later, I was
3 interrogated whether I was loyal to Angkar and if I <was,> then I
4 would not be killed, <and if I betrayed Angkar and would not tell
5 them that, I would be killed. I didn't> know how to respond to
6 that question <because I have not known anything about that>.

7 [14.07.37]

8 Q. Let me go back to your description of the surrounding area,
9 <and you said that you were detained there>. Can you tell the
10 Chamber what the prison was made of, for example the roof and the
11 walls?

12 A. The building was made from rather big poles, wooden poles and
13 they actually dug into the ground up to knee-deep, <and they used
14 shackles the size of the ankle to hold us down so> that we would
15 not be able to move those poles.

16 And <half of> the roof was made of thatch and <another half> was
17 <made of> Prochaen (phonetic) <leaves>. That was the ethnic
18 language of Phnong and <they were called Prochaen (phonetic)
19 trees>.

20 The walls <were> made from wooden planks although it was not
21 properly anchored as we could actually see through some gaps
22 between the planks.

23 [14.08.59]

24 Q. Can you tell the Chamber, were there <any houses around
25 there?> and were there any female or child detainees?

1 A. There were no other houses <near the prison>. However there
2 was a shelter for the guards.<> And there was also a <small
3 shelter> for interrogation <to the south of the prison>. And I
4 could hear the voices of some female detainees, although I cannot
5 figure out how many of them they were.

6 Q. You said that you were interrogated. Were you taken from that
7 building to another location for interrogation and were you
8 tortured during that interrogation?

9 A. I was taken out from that prison to a <secret> hut where I was
10 interrogated. <First> they actually shocked me with electricity
11 cables and I lost <> consciousness. And I thought that I died
12 after I fell unconscious.

13 And when I regained consciousness they shocked me again. After
14 that relapse, they actually beat me up and interrogated me. Of
15 course I was still conscious after I was being beaten.

16 But I did not know how to respond to those questions since none
17 of the commanders ever told me to betray Angkar. I did not know
18 anything about betraying Angkar.

19 Ta Soy and Ta Chhin never told me to betray Angkar or that I
20 should flee from the regime at all and they accused me <of being>
21 within their network.

22 [14.11.42]

23 Q. How far was the hut where you were interrogated from where you
24 were detained?

25 A. It was about 50 metres away from where I was detained.

1 Q. You have provided some descriptions of the events <during your
2 interrogation>, that you were shocked, electrically shocked and
3 tortured. What did they actually want from you or can you try to
4 recall the questions that were put to you?

5 A. They put questions to me whether I had betrayed Angkar and
6 that I followed my commanders or that I colluded with the
7 Vietnamese side. They accused me of being a Khmer body with a
8 Vietnamese head. And if I did not confess then I would be killed.
9 That's how they threatened me during that interrogation. But I
10 did not know how to respond because I did not know anything about
11 betrayal.

12 [14.13.30]

13 Q. During the period of your detention were you provided with
14 proper food?

15 A. Initially after I was arrested, I was not given any food for
16 that whole day. The following day, I was given very little rice.
17 The <amount of> rice was about the size of my wrist. They put
18 some water in a coconut shell for me to drink.

19 Q. During your detention you were interrogated. Were <you> at any
20 point <> released, and if so what were the reasons?

21 A. Maybe to you it's <superstitious, but> one night I <dreamt>
22 that my parents told me that the local spirits would help me and
23 that I should flee and if I do not flee the next day then I would
24 be turned over and killed. That's what my dream told me.

25 And after I woke up, I was thinking about that. How could I

1 escape because my hand was cuffed? But somehow I could manage to
2 release the cuff from my hand and then I tried to release my
3 ankle from the shackle.

4 [14.15.52]

5 And <because> of my <precious> mother<'s milk, I survived. And
6 frankly speaking, I did not betray Angkar>. I could somehow
7 manage to have my ankle freed from the shackle and then I helped
8 the other two detainees who were detained in the same <prison>
9 and we could flee.

10 As for the other two detainees only one of their ankles were
11 shackled.

12 So we ran away and for about 500 metres from where we were
13 detained. One of the detainees still had the shackles on the
14 ankle but they managed to get rid of it.

15 In fact, at that time the guards were sleeping about 10 metres
16 away from where we were detained but they didn't wake up.

17 And if I was there then <I was going to> be killed < that day
18 because they said my commanders were traitors, and they would not
19 keep me alive. However, as far as the two other soldiers who were
20 detained with me, I did not know their stories. A Peng and A Bai>
21 were the <vicious> executioners. <Before, they were with me,
22 when I was> accused <> of betraying Angkar and <the forces> from
23 Division 801 <were sent> to <take control of> Division 920. <I
24 did not know how they were trained, and they then came to
25 mistreat their own companions; I used to be their superior>.

70

1 So since we were arrested, our fate was with them. And when I was
2 beaten up, I told them that I didn't do anything wrong.

3 [14.17.43]

4 Q. You made mention of a person named Peng. Can you tell the
5 Chamber who he was and what was his involvement in that prison?

6 A. Peng was a group chief in the old division <with me>. But when
7 <he was removed from> Division 801, <he might be assigned to take
8 over the work because the> previous chiefs were not allowed to be
9 repositioned and they were replaced by new chiefs as some chiefs
10 were sent for a study session or their authority had been
11 revoked, <and they became ordinary soldiers. They did not trust
12 the old chiefs anymore, but they kept some of them.>

13 So since the new chiefs could not actually manage the fighting
14 with the Vietnamese, they needed the former chiefs again to
15 <lead> the soldiers to fight the Vietnamese.

16 Q. Allow me to backtrack a little bit. After you fled from the
17 prison where did you go?

18 [14.19.16]

19 A. I fled from the prison and I went to the forest until 1986,
20 and when I returned, I heard about the death of my mother and
21 father and relatives that they were killed without giving any
22 reasons.

23 Before 1975, my father was <> a <first> deputy of a commune, that
24 is, during the republic regime and <when Phnom Penh was liberated
25 in '75,> he went to live in Pailin.

71

1 During the regime, he knew that they tried to get rid of the
2 capitalist groups and only the illiterate were <on> top, were put
3 in a place to lead the people.

4 And we learned all that information from the chief of the
5 commune, that my mother should go and bring my father back.

6 Otherwise, every member of the family would be killed.

7 Upon hearing that, my mother was very worried so she went to
8 Pailin to meet with my father.

9 And actually, he refused to return and my mother told my father
10 that if he did not return then the rest of the family members
11 would be killed. Upon hearing that, my father said goodbye to his
12 close friends in Pailin and returned with my mother.

13 [14.21.25]

14 Two days after their arrival, my father was sent for a study
15 session in Angkor Chum district. Everybody who was sent there
16 died and never returned.

17 Two days after he was sent for that study session, my mother
18 learned that my father had been killed. That's what happened. He
19 was taken over and killed.

20 Q. And what about your siblings? Did anything happen to them?

21 A. After my father had been arrested, my three siblings were
22 arrested. And one of my elder siblings was a former Lon Nol
23 soldier who was a second lieutenant. He was sent for a study
24 session and disappeared. Another <> sibling was a former teacher.
25 He was sent and disappeared as well. <Bong Roeung> was sent away

72

1 and disappeared. So, all of my parents and siblings disappeared.
2 And in fact, I also lost some of my relatives, that is cousins<>.
3 There were eight of them all together. They were accused of
4 betraying Angkar.

5 Q. How did you learn of the fate of your siblings or your
6 relatives and also in which year did you learn of this
7 information?

8 [14.23.40]

9 A. I learned of that information in 1986, when I returned. While
10 I was living along the border area, I did not hear anything about
11 them and only after I returned <home in '86>. Then I was told
12 that my relatives had been sent away and killed.
13 I felt so <pained>. I served the revolution. I served Angkar with
14 my full heart. I defended the country but, <I was accused by
15 Angkar.> As a result, my parents, siblings and relatives were
16 killed.

17 <I resent that and> every time I think of that, I <become
18 overwhelmed with grief>.

19 Q. You didn't tell the Court yet about specific events in
20 relation to the fate of your parents and siblings. Can you try to
21 tell the Chamber in which year that they were killed?

22 [14.25.08]

23 A. <When I returned, I was told about that.> It was <in> 1976,
24 <they> had been sent away and killed.

25 MR. LOR CHUNTHY:

1 Thank you, Mr. President. I don't have any further questions for
2 the civil party. Thank you.

3 QUESTIONING BY MR. PICH ANG:

4 Mr. President, I would like to put some supplementary questions
5 to the civil party.

6 My name is Pich Ang. I am the National Lead Co-Lawyer for civil
7 parties and I have some questions to put to civil party.

8 Q. Mr. Civil Party, besides the two commanders of Division 920,
9 do you recall other names of cadres or leading cadres in that
10 division?

11 MR. SUN VUTH:

12 A. Yes, I do. There were Brother 06; that is, Ta San. He
13 originally came from Preaek Prasab district in Kratie province.
14 And there was Ta Leu. Ta Leu was in charge of logistics within
15 the division. He was an ethnic minority.

16 Q. The two individuals that you mentioned; that is, Ta Leu and Ta
17 San, were they originally with Division 920 or were they
18 transferred from somewhere else to 920 and, if so, when?

19 [14.27.28]

20 A. They came to take their duties in Division 920 after my
21 previous commanders had been arrested. That is Ta Chhin and Ta
22 Soy.

23 So they sent their people from Division 801 to take control of
24 Division 920 including Ta San; that is, Brother 06.

25 Q. Do you know Ta Rong?

1 A. Yes, I know Ta Rong.

2 Q. And what was his position at the time and what happened to him
3 later on?

4 [14.28.24]

5 MR. PRESIDENT:

6 Civil party, please observe the microphone.

7 MR. SUN VUTH:

8 A. During the time that they were accused of betray<al>, Ta Rong
9 was also arrested.

10 BY MR. PICH ANG:

11 Q. Was he arrested; that is, during the time that Ta Soy was also
12 arrested?

13 A. No, it happened at a different time. He was arrested at a
14 later stage.

15 Q. Can you tell us the circumstances in relation to the arrest of
16 these three people, <did they have any issues in Mondolkiri
17 province or how were they treated when they disappeared>?

18 A. They were sent for study sessions in Phnom Penh and <then>
19 they disappeared. From what I heard, they were accused of
20 betraying Angkar although I did not know exactly what happened.

21 Q. And after their disappearance, you said that they were
22 replacements; namely Ta San <and the others>. Who were those
23 replacements to <take> control of Division 920? <Where were they
24 from?> Did you know any of them and how many of them altogether?

25 [14.30.12]

75

1 A. They came to take control of Division 920 including Ta San and
2 Ta Leu. Below them there <was> comrade Saroeun. This is not the
3 Saroeun, the commander of the division. This Saroeun was in
4 charge of a company and there was comrade Lay as well.

5 And I recall another comrade, that is, comrade Man. He was in
6 charge of a battalion.

7 These are the names that I can recall.

8 Q. Regarding the security centre in Phnom Kraol, which military
9 unit <did> it belong to?

10 MR. PRESIDENT:

11 Hold on, Civil Party.

12 And counsel for Mr. Khieu Samphan, you have the floor.

13 [14.31.39]

14 MS. GUISSSE:

15 Yes, Mr. President. I would like to object to the last question
16 <by my colleague from the civil party> because <he> mentioned a
17 name that the witness never mentioned, and this name of the
18 security centre is also not present in the civil party documents.
19 So please do not put words in the mouth of the civil party and
20 put questions to him in the most neutral fashion possible. So,
21 therefore I object to the question the way it was put.

22 BY MR. PICH ANG:

23 I will reformulate my question.

24 Q. Mr. Civil Party, you said that those people who came to arrest
25 you were soldiers <who used to be under your authority>. You knew

76

1 them before, and that they belonged to a military unit where you
2 were detained.

3 Can you tell the Chamber under which military unit was the
4 <security> centre under?

5 MR. SUN VUTH:

6 A. <This security center was in the location of> the Division 920
7 <, and it was under new supervision>.

8 Q. I would like to ask you a little bit about the structure of
9 that division since you were a combatant in that division. Can
10 you tell the Chamber the structure of the command of that
11 division before your arrest?

12 [14.33.44]

13 A. I was not fully familiar with the structure of that division.
14 Later on after my arrest, I did not know anything at all about
15 the structure.

16 Q. Maybe my question is not clear to you. My question is that
17 before your arrest, can you recall the structure of that Division
18 920; for example, how many regiments or battalions were under
19 that division?

20 A. In fact the structure of the division <followed> the former
21 structure of that division.

22 Q. Can you tell the Chamber how many regiments there were under
23 that division when you were there and what were the designated
24 numbers of those regiments?

25 [14.35.01]

77

1 A. There were three regiments; that is, 91, 92 and 93
2 respectively.

3 Q. Which regiment <did> you belong to?

4 MR. PRESIDENT:

5 Civil Party, please observe the microphone.

6 MR. SAN VUTH:

7 A. I was directly under the division; that is, I was in charge of
8 a company and I did not remain with that division permanently
9 since I was deployed to protect the border and also to lead the
10 soldiers to build spikes <and to lay mines along the border>.

11 Q. While you were at the border area, did you actually encounter
12 any clashes?

13 MR. PRESIDENT:

14 Civil party, please observe the microphone.

15 MR. SAN VUTH:

16 A. Initially, in 1975, we actually went along rather well with
17 the Vietnamese troops.

18 And in early 1976, there were sporadic problems along the border
19 but it was not that serious and then there were clashes in
20 <early> 1977. Then they claimed that they had a part of our
21 territory in Kaoh Nheak. But then we said how could that be
22 possible because Ou Dak Dam was the border demarcation?

23 [14.37.02]

24 They still insisted that they had the territory on the other side
25 that is a bit further, that is 4 kilometres further.

1 Then a report was made to the commander, then they met in
2 Trapeang Chhuk for the negotiation. There were about <six or>
3 seven representatives on each side. They met there and that
4 happened in 1977.

5 And then Angkar instructed us to attack them, to smash them. We
6 were already preparing ourselves for the attack. Then the seven
7 of them came and we actually opened fire at them first. That's
8 the start of the clashes along the border, <and it happened
9 continuously>. So we took instructions to shoot them.

10 Q. I don't have much time and I still have more points to cover.
11 In your document, that is, E3/6760; that is on the first page for
12 all three languages, you stated that:

13 "I was sent to a special security office near the foot of a
14 mountain <near> the tributary of the stream of Ou Lpov in Kaoh
15 Nheaek district."

16 In your response to my colleague you said that the stream was
17 called Ou Chbar but in your document you made mention of Ou Lpov.
18 Can you tell us which is the correct version?

19 A. Maybe I made a mistake about <the name of the> stream. In fact
20 there is no Ou Lpov stream. There is only Ou Chbar stream and I
21 was detained near Ou Chbar stream. I think I made a mistake when
22 I said it was Ou Lpov stream because this event took place a long
23 time ago. So my memory may not serve me that well. <That's Ou
24 Chbar steam.>

25 Q. Also in the same document on the issue of forced marriage, can

1 you tell the Chamber whether you were forced to marry your wife?

2 <Did this forced marriage happen?>

3 [14.40.12]

4 A. At that time, Angkar or the commander instructed us to marry
5 and I was amongst the men who were to marry.<> I actually
6 protested that proposal and I was successful in my protest, <but
7 the others could not protest against Angkar. At that time, it was
8 called Angkar, and whatever Angkar appointed us to do, we must
9 follow Angkar.> But I was successful in my protest so I was not
10 forced to get married. Maybe, because at that time I was rather
11 young.

12 And usually the marriage was arranged for those who were about 30
13 years old <or older, and those who were 25 or 26 years old were
14 not arranged to get married at that time>. The same applied to
15 female combatants that they should be within the range of 28 and
16 older.

17 But I was rather young at the time so I protested against Angkar.
18 <I thought to myself that if they wanted to kill me, then so be
19 it. And I said> that I was so young and I didn't want to have a
20 wife yet. I was <successful in my protest so I was not forced to
21 get married>. So the other combatants were <matched> to get
22 married. <At that time, some couples were well-matched, and some
23 were not.>

24 [14.41.34]

25 Q. What about <the> other<s> who got married? Can you tell the

80

1 Chamber whether they volunteered to get married at the time?

2 A. No, they were not volunteers or they did not fall in love with
3 one another. They were not even aware of their future partners.

4 That could be someone from Phnom Penh or from Siem Reap.

5 <For example, there were seven couples,> they would be organized
6 by Angkar to marry this combatant or that combatant without
7 knowing each other beforehand.

8 Q. My question is in relation to that of <a> particular
9 arrangement <that you have witnessed with your own eyes, where
10 did it happen?>. Could you please give a precise response since I
11 don't have much time?

12 A. Yes, I referred to what happened at Kaoh Nheaek <district>.

13 Q. Now, I move to my last topic and I only have a few questions.
14 While you were detained in that detention centre, how long were
15 you detained there and what year was it?

16 MR. PRESIDENT:

17 Civil Party, please observe the microphone.

18 MR. SUN VUTH:

19 A. I was detained for quite a long time. I was detained probably
20 up to mid-July. So in total, I was detained for about six months.

21 [14.43.30]

22 MR. PICH ANG:

23 Q. And what year was it and when were you released?

24 A. I fled from the prison in 1977.

25 Q. You said that it was in 1977, and can you tell us how many

81

1 months after you fled from the prison that Vietnamese troops
2 arrived in the area?

3 A. So it was in July and the Vietnamese troops arrived in 1979.
4 So it's about a year after I fled. So it was about a year, <and>
5 after <that,> the Vietnamese troops arrived; <I had been in the
6 forest>.

7 [14.44.50]

8 Q. In your response to Counsel, Lor Chunthy, you said that there
9 were female detainees as well in that <detention centre>. Did you
10 know how those female detainees were treated <in that detention
11 centre where you were nearby>?

12 A. I did not know for sure how they were treated or mistreated
13 and I did not know the offences they were alleged of committing.
14 I only knew that there were female detainees <in the prison>.

15 MR. PRESIDENT:

16 It is now convenient for a short break. We will have a break now
17 and resume at five past 3.00.

18 Court officer, please assist the civil party at the waiting room
19 during the break time and invite him back into the courtroom at
20 five past 3.00.

21 The Court is now in recess.

22 (Court recesses from 1446H to 1505H)

23 MR. PRESIDENT:

24 Please be seated. The Chamber is now back in session and we would
25 like to give the floor to the Prosecution to put questions. But

1 before we hand the floor to the Prosecution, we, the Chamber
2 need<> to notify parties of the oral ruling on Nuon Chea
3 defence's request to delay <the> start of <the hearing of>
4 witness<es in relation to S-21 security centre>.

5 [15.06.36]

6 During the hearing of 24 March 2016, the Nuon Chea defence joined
7 by Khieu Samphan defence requested that the Chamber delay the
8 start of the hearing of witnesses and civil parties on S-21 until
9 after all witnesses had been heard first on the Phnom Kraol and
10 Au Kanseng security centres. And in any event, until after the
11 Khmer New Year holiday, in order to allow the Defence additional
12 time to prepare for the S-21 and internal purges topic. <The
13 defence counsel> assert<ed> that alternating between witnesses
14 related to different security centres has imposed difficulties
15 with regards to preparation and that S-21 and the internal purges
16 topic are particularly important to the Defence.

17 [15.07.43]

18 <As an> alternative, <the defence counsel suggested> that several
19 civil parties <can> testify on impact hearings restricted to the
20 Phnom Kraol and Au Kanseng security centres prior to the Khmer
21 New Year holiday.

22 The Co-Prosecutors joined by the Lead Co-Lawyers <did> not object
23 to completing the Phnom Kraol and Au Kanseng witnesses prior to
24 starting S-21 witnesses. However, they submit that no hearing
25 days should be wasted and that S-21 witnesses should be heard if

1 necessary to avoid a break in hearings.

2 For the reasons put forward by the Defence, the Chamber grants
3 the request on an exceptional basis and will not begin hearing
4 witnesses or civil parties concerning S-21, until after the Khmer
5 New Year <holidays>.

6 The Chamber notes that at most, <only> two witnesses are
7 scheduled to be heard next week and it considers that the
8 remaining days when the Chamber will not sit will provide the
9 Defence more time to prepare and to review the International
10 Co-Prosecutors' most recent disclosure of potentially exculpatory
11 material, document E319/43.

12 The Chamber will provide further scheduling information as it is
13 informed of witness availability.

14 Now, the Chamber gives the floor to the Co-Prosecutions to put
15 questions to the civil party. You may now proceed.

16 [15.10.05]

17 QUESTIONING BY MR. LYSAK:

18 <Thank you Mr. President. Good afternoon Mr. Civil Party. My name
19 is Dale Lysak. I will be asking you a few questions --

20 JUDGE FENZ:

21 You are not getting through.>

22 [15.10.21]

23 BY MR. LYSAK:

24 Q I will be asking you some questions today on behalf of the
25 Co-Prosecutors, Mr. Civil Party.

1 I wanted to start going back to your training to be in the
2 military that you received in Phnom Penh. Who conducted your
3 training in Phnom Penh and, specifically, did you receive any
4 political education from Son Sen while you were in Phnom Penh?

5 MR. SUN VUTH:

6 A. Regarding my training in Phnom Penh I did not remember the
7 names of the people, but Ta Son Sen came once every two weeks.

8 [15.11.27]

9 Q. And I wanted to ask you about something you said in your civil
10 party application document E3/6760. You were describing the
11 instruction from Son Sen and about drills that you had to perform
12 and you said, I quote, "I did my utmost to succeed in the drills
13 because I feared that if I didn't do so I would be killed." End
14 of quote.

15 Why was it that you were -- you feared being killed if you didn't
16 perform your drills well?

17 A. I felt afraid because if we did not implement according to the
18 military policy, we would be accused of being -- betray<ing> the
19 Angkar or not <loving> the Angkar or not <taking> our
20 responsibility as a soldier seriously. <We had to be vigilant in
21 order to protect our country.>

22 Q. Okay. I would like to turn to the period that you were in
23 Mondolkiri with Division 920. You were asked about the unit you
24 were in and you said that you were in a company that was directly
25 under the division. Do I understand -- am I correct that your

1 company was not part of either Regiment 91, Regiment 92 or
2 Regiment 93? Your unit wasn't assigned to any of those three
3 regiments. Is that correct?

4 [15.13.40]

5 A. I was <under> the division authority. <I> was not part of any
6 regiment. <> So <I could be mobile within the three regiments>.

7 Q. Pardon me, Your Honours. My receiver went out so I lost part
8 of that, but I think I got the gist of your response, Mr.

9 Witness.

10 Where was it that you worked in this company? Were you at the
11 division office, the same division office where Ta Chhin worked?

12 And if not where was the location where you were assigned?

13 A. I was with him at the division but he assigned me to base at
14 the border land area. I was assigned to be based at the border
15 land area <between> Khmer and Vietnam <territory in Ou Pol
16 (phonetic), Ou Dak Dam. And I went to work everywhere. Sometimes
17 I went to that location for a week, I slept there, and I led
18 soldiers to build spikes,> to dig trenches <and> to defend the
19 border. <I worked at three points that Angkar had assigned me to
20 do.>

21 [15.15.35]

22 Q. Thank you. Where was Ta Chhin's office, the main Division 920
23 office? Where was that located?

24 A. It was at Kaoh Nheak.

25 Q. And how often did you go -- I know you spent most of your time

1 on the border. How often did you go to the division office where
2 Ta Chhin was?

3 A. Not often. Sometimes I went there once every two weeks or
4 sometimes once every <> month because <he asked me to station> at
5 the battlefield<>.

6 Q. And did you know in the area where the Division 920 office was
7 in Kaoh Nheaek, Kaoh Nheaek district, did you know of offices
8 that belonged to the sector, Sector 105, specifically an office
9 of the Sector Secretary Laing, called K-17, and an office of the
10 sector military chief Ta Sophea.

11 Did you know those people and did you know where their offices
12 were?

13 A. I was not certain about <> the office <105 of Laing, Long. Were
14 they ethnic minorities or not?> I was not so sure about <that>.

15 Q. Did you know who Ta Sophea was? Did you ever meet or see him?

16 A. I <have> never met him.

17 [15.18.15]

18 Q. And you have talked about being detained for a period. You
19 said you were blindfolded. You described the location. Do you
20 know where -- the location where you were detained, where was
21 that in relation to Ta Chhin's office, the Division 920 office?
22 Do you know? Are you able to tell us where it was that -- the
23 prison where you were detained, where it was located in relation
24 to the Division 920 office?

25 A. It was Division 801 which organized the prison. Ta Chhin was

87

1 not the one who organized the prison <where I was detained. Maybe
2 it was the new soldiers from Division 801 who organized the
3 prison, but I was not quite sure about that>.

4 [15.19.22]

5 Q. No, I understand that but they had -- Ta San had taken over as
6 the head of Division 920. He came from 801, but he had taken over
7 as secretary of 920; do I understand correctly?

8 A. Yes, you are right. He was transferred from Division 801 to
9 take charge of Division 920.

10 Q. And what I am asking is about the office where Ta Chhin used
11 to work. I know he had already been arrested but the office where
12 Ta Chhin worked. Where was the prison located in relation to Ta
13 Chhin's old office?

14 A. <The place where I was detained> was to the south of the
15 office. It was near Ou Chbar stream and there was a <> small
16 mountain. <In fact, it was not a mountain, it was just land in>
17 the shape of <a> turtle <shell. It was near a route to Kratie,
18 and it was to the east of the route side>.

19 Q. And do you remember approximately how far south of the
20 division office this prison was? How far was it? Was it close?
21 Can you give us some estimate?

22 A. It was probably a half-kilometre away from each other.

23 Q. Okay, thank you, Mr. Civil Party. That's helpful.

24 I want to go now to the events, the arrests of Ta Chhin and
25 others from Division 920. Do you remember how you first learned

88

1 that Ta Chhin and deputy secretary Ta Soy had been arrested?

2 [15.22.11]

3 A. I did not know much about this. But I heard that he was

4 arrested because he was accused of betraying Angkar and he was

5 network of the "Yuon". He was accused of hating the Angkar regime

6 and I was not certain whether he really betrayed Angkar or not

7 because <I was below him and> I myself never heard him saying

8 that, "Oh, we needed to betray Angkar and we needed <to join with

9 'Yuon'> to fight against Angkar". I <have> never heard him saying

10 so, <and I have never known that. He might have been falsely

11 accused>.

12 Q. And can you tell us how long was it after Ta Chhin and Ta Soy

13 were arrested that you were arrested? How many months or how long

14 was it after their arrest that you yourself were arrested?

15 A. It was one month. It was one month at the most that I was

16 arrested and detained there.

17 [15.23.52]

18 Q. During that period were you aware of other Division 920

19 soldiers being arrested in between the period of Ta Chhin's

20 arrest and the time you were arrested? Do you remember whether

21 other people were also being arrested during that period?

22 A. Yes. I know other people were also arrested including comrade

23 Kol, comrade Non and another comrade that I cannot recall the

24 name. Oh, it was comrade Yen.

25 Q. The three people you just mentioned, comrades Kol, Non and

1 Yen, what were their positions? Where did they work?

2 A. Comrade Kol was in the <battalion,> comrade Non was <in> the
3 company <, and comrade Yen was also in the company. That's all>.

4 Q. To help you just to help us pin down the time that you were
5 arrested, Mr. Witness, we have records from S-21 as to when Ta
6 Chhin and Ta Soy were arrested.

7 Your Honours, document E3/342, the OCP revised S-21 prisoners
8 list indicates that Division 920 secretary Men Meng, alias Chhin,
9 entered S-21 on 16 March 1977. He is number 5118 on that list.
10 Deputy secretary Ea Cheu, alias Soy, entered S-21 on 17 February
11 1977. He is number 1966 on that list.

12 So the deputy and the secretary, Ta Chhin, were arrested around
13 February or March of 1977. Do you think that it was around April
14 1977, then, that you were arrested? Was it in the rainy season?
15 Can you -- does that help you give us any more specific estimates
16 or recollection of the month when you were arrested?

17 [15.27.16]

18 A. My arrest took place in "kadek" season. It was during the
19 harvesting season.

20 Q. And, I'm sorry, what months are the harvesting season where
21 you were located?

22 A. It was in November, in November. It was probably in November
23 <to> December. These two months were the harvesting time.

24 Q. So, am I correct then, that it may have been quite a few more
25 months after Ta Chhin's arrest when you were arrested; more

1 towards the end of the year? Is that correct?

2 A. Yes, you are right.

3 [15.28.41]

4 Q. And you indicated that -- you described how three people came
5 to arrest you, pointed guns at you. Did you know who these three
6 people were?

7 A. I know them. I know the people who came to arrest me included
8 comrade Peng and Bai and comrade Soy alias Say. So these were the
9 people who came and pointed the gun at me when they arrested me.
10 So I would like to confirm again the three people were comrade
11 Peng, comrade Say and comrade Bai.

12 Q. And you previously indicated that one of those people, Peng,
13 was -- comrade Peng was someone who had been in Division 920.
14 Were the other two also cadres who had been in Division 920
15 before the purge or were they cadres who came from Division 801?

16 A. <Those> people <who came to arrest me> originated from the
17 same division <as> mine, that was Division 920. <When the
18 Division 801 soldiers arrived there, their commanders> ordered
19 <them> to come and arrest me. <There> were <two people who
20 ordered the soldiers of the Division 920 to arrest me>, and I did
21 not know <their names. Perhaps those people from the Division
22 801, who came to be in charge of the company, ordered them to
23 arrest me>.

24 Q. Mr. Witness, we've heard some evidence that Division 920
25 cadres were sometimes involved in arresting Sector 105 cadres,

1 and one witness has indicated in his DC-Cam interview the
2 following.

3 [15.30.56]

4 Your Honours, this is document E3/8651. This is an interview of a
5 witness who worked at the K-11, the sector military office;

6 E3/8651, Khmer, 00042261; English, 01156493. He said, I quote:

7 "When people from the division were to be arrested, the sector
8 forces would be used to arrest them. If the people of the sector
9 were to be arrested, the division would be used to arrest them."

10 End of quote.

11 Do you have any knowledge either of Division 920 cadres who had
12 assignments to arrest people from Sector 105, or do you know
13 whether any sector cadres were involved in conducting the purge
14 of Division 920, in addition to the 801 people?

15 [15.32.52]

16 MR. SUN VUTH:

17 A. I <do> not <quite understand> about this. <I do not know where
18 they were from. I also do not know that they were from Sector or
19 Division 801>, but what I knew was that people were sent from
20 Division 801 to take charge of the Division 920. Regarding <the
21 issue that the Sector came to arrest people and they ordered
22 that, I am not quite sure>, I <do> not know <and I do not recall
23 that >.

24 Q. Now, you testified that in the case of Ta Chhin and the deputy
25 secretary Ta Soy, that they were called to study sessions in

1 Phnom Penh. With respect to other division soldiers who were
2 arrested during the purge, did you hear how they were sent to
3 Phnom Penh; did you hear anything or do you know anything about
4 that?

5 A. I do not know about that either how they were arrested. I only
6 knew that they were sent for study sessions.

7 Q. Let me ask you a few questions too about some other people
8 within Division 920 and what happened to them during 1977.

9 You indicated that there were three regiments; Regiment 91,
10 Regiment 92 and Regiment 93. Do you remember who the commanders
11 were of those regiments under Ta Chhin and what happened to them
12 in 1977?

13 [15.34.59]

14 A. I do not know all of them<>. I know the <Regiment> 91 <and the
15 Regiment> 92, <I know some of them> but <I do not know all of
16 them>, in fact, <I> only <know> one individual <in the Regiment
17 92 and another one in the Regiment 91. There> was one individual
18 by the name Yath (phonetic) <in the Regiment 91, but I do know
19 his name>.

20 Q. I want to --

21 A. Soeun (phonetic) was in charge of Regiment 92. <> I <only>
22 know <them>.

23 [15.36.00]

24 Q. Mr. Witness, I want to read to you one document,
25 contemporaneous document. Your Honours, this is document E3/1199;

1 E3/1199.

2 This is a document, Mr. Civil Party, that is dated 6 April 1977,
3 it is from Ta San sent to Son Sen under his alias Brother 89. And
4 in the second paragraph of this telegram, Ta San wrote the
5 following to Son Sen, quote:

6 "Of the cadre who remain, change has been visible in 92 with
7 regard to comrade Sorn and comrade On, battalion secretaries,
8 when our cadre went down to further reinforce the battalions.
9 However, there's nothing out of the ordinary with regard to the
10 masses."

11 And next to this report from <Ta San> to Son Sen, there is a
12 handwritten notation, "Arrests" -- that says "Arrest them".
13 The person here from Regiment 92 named comrade Sorn, did you know
14 him? Was this the Secretary of Regiment 92?

15 MR. PRESIDENT:

16 You have the floor now, National Lead Co-Lawyer for Civil
17 Parties, Pich Ang.

18 MR. PICH ANG:

19 Mr. President, the pronunciation of <the Khmer names> is not
20 correct. The first name is "Sorn" and the second name is "On",
21 Sorn and On.

22 [15.38.36]

23 BY MR. LYSAK:

24 Q. Did you know Sorn and On in Regiment 92 and, if so, who were
25 they?

1 MR. SUN VUTH:

2 A. <> I <know> Soeun (phonetic), <a chief of the Regiment> 92, Ta
3 Soeun (phonetic). His name was Soeun (phonetic) and he was <in
4 the> Regiment 92, not Sorn, <I know Soeun>. <And you might> have
5 confused the names <a moment ago>. Soeun (phonetic) <was in the
6 Regiment> 92.

7 Q. And was he the secretary of Regiment 92?

8 A. He was the commander of that regiment. He was head or chief of
9 92.

10 [15.39.52]

11 BY MR. LYSAK:

12 Your Honours, for the record, the date of this telegram to Son
13 Sen was 6 April 1977. On 11 April 1977, Regiment 92 Secretary,
14 Hem Sorn, entered S-21, and you'll find that in a list of
15 prisoners smashed on 19 September 1977, number 35, which is in
16 document E3/2285. Khmer ERN, 00009083 through 85; English,
17 00873168.

18 Q. Mr. Witness, do you know when Ta Chhin and Ta Soy disappeared?
19 Do you know what happened to their wives and relatives after they
20 were arrested?

21 MR. SUN VUTH:

22 A. After the husbands disappeared, wives wept and <shouted>, and
23 they said their husbands did not betray Angkar, why <did> Angkar
24 arrest<> their husbands? They <were upset about that>.

25 Q. And do you know what happened to them later in 1977?

1 A. I do not know how they went through difficulties or I do not
2 know about that. I was at the front line or battlefield and I was
3 not yet coming back to the rear battlefield.

4 [15.42.26]

5 Q. One last question about the wives. Do you remember the names
6 of either Ta Chhin or Ta Soy's wife? Did you know them? Do you
7 remember their names?

8 A. I cannot recall their names, their wives' names. I do not know
9 -- I did not know at the time their names <because they were
10 called many names>. Some people called <her> Yen (phonetic) <and
11 some people called her Sorn (phonetic), and I do not know which
12 one was really her name because I heard different names>.
13 Usually, in the regime names <were> changed <a lot; there were
14 many people who changed their names>, and some people did not use
15 the real names.

16 Q. I want to turn now to some questions about the period you were
17 detained.

18 And, first, can you clarify for us, were you detained for six
19 months or was your period of detention one year? I wasn't sure
20 from the testimony I heard. Can you clarify, if you were arrested
21 in late 1977, how long was it that you were detained?

22 [15.44.13]

23 A. I was detained for perhaps three months, three months and 10
24 days.

25 Q. And the other prisoners while you were there, who were these

1 people? Were they also soldiers from Division 920 or did they
2 come from other units?

3 A. I did not know about this, the origins of those inmates
4 <because I was blindfolded when they brought me to the prison>,
5 and <there was a> wall <that> blocked me from seeing them <in the
6 prison. I have only known detainees who were with me, and then
7 they fled with me.>

8 Q. Do you know -- do you remember how many guards worked at this
9 prison?

10 A. Three of them. Sometime four, sometimes three. Not many of
11 them were there.

12 Q. Mr. Civil Party, you've given a description of where you were
13 detained. I want to read to you now a description that comes from
14 a cadre, a soldier -- a sector soldier, who worked at Phnom
15 Kraol.

16 This is, Your Honours, document E3/7705, E3/7705; Khmer ERN,
17 00236724; English, 00239506; French, 00276987.

18 This is how this cadre who worked at Phnom Kraol described the
19 prison there.

20 "The prison at Phnom Kraol was made of wooden logs like a pigpen
21 and had a thatched roof." End of quote.

22 Mr. Civil Party, does that sound like the prison where you were
23 detained?

24 A. What was the -- what is the prison you are referring to?

25 [15.47.16]

1 MR. PRESIDENT:

2 You have the floor first, Koppe.

3 MR. KOPPE:

4 Thank you, Mr. President. I'm not sure how the description that

5 was given is in any way descriptive. It's talking about a

6 building that seems to be possibly any building in that area.

7 So, I'm not quite sure why this is in any form descriptive and in

8 any form something that should remind the civil party to

9 acknowledge that that is indeed the same building.

10 [15.47.54]

11 BY MR. LYSAK:

12 That's the purpose of the question is to find out. I think it's a

13 fairly vivid description of a building and I just want to know

14 whether that matches the building he was -- where he was located.

15 Q. Mr. Civil Party, this person described a prison at Phnom Kraol

16 that he said was made of wooden logs like a pigpen with a

17 thatched roof.

18 Is that -- does that sound -- is that description similar to the

19 building that you were detained in?

20 MR. SUN VUTH:

21 A. The detention centre <> was made out of <big wooden poles.

22 They dug into the ground and they placed the wooden bar side by

23 side> and <half of> the roof was made out of thatch and another

24 half was made out of Prochaen> (phonetic) leaves. <That's what I

25 have told you earlier about where I was detained.>

1 Q. And you've described that there was a number of buildings at
2 the prison. Was there a wall of any sort that surrounded all the
3 buildings, the building you were detained in, the interrogation
4 hut? You said there was a building where the guards were located.
5 Was there a fence around the perimeter of the prison?

6 [15.49.39]

7 A. No fence surrounding the perimeter. As for the interrogations
8 location, it was a small hut where <> hammocks could be tied and
9 <three or four> people could sleep <there>.

10 And the prison was made out of logs and with <a simple> roof<,
11 and I observed that it was not built for long term use>. And that
12 <> prison <might be> used to <hold> the <offenders> for a shorter
13 period of time, <but I do not know about that for sure. When I
14 entered there, I only saw shackles and the wooden poles were dug
15 deep into the ground so that we could not move them. Those poles
16 were placed side by side as the fence.> As I said, that prison
17 was not used to detain prisoners <on> a permanent basis. <I did
18 not know whether it might be used for the immediate arrests.>
19 That <might be> the provisional prison. <But> it was not built
20 <properly. If it was built well, I could not have fled.>

21 Q. Do you remember, was there a reservoir in the area of this
22 prison?

23 A. No, no reservoir, but there was a stream. Not so big, a small
24 stream with water <flowing most of the time, but in the dry
25 season,> water remained in <> holes <there>.

1 [15.51.41]

2 Q. Did you know during the time you worked in that area before
3 you were detained, were you familiar with a dam that had been
4 built at Phnom Kraol? Do you remember that?

5 A. I recall Kraol Mountain, but I rarely visited location at
6 Phnom Kraol. Usually, I was assigned to be posted at the front
7 battlefield.

8 Q. Was the prison where you were detained, was that next to Phnom
9 Kraol or was some other mountain or hill that the prison was next
10 to?

11 A. <It was not near Phnom Kraol.> I was detained to the south
12 <of> the divisional office. The location of that detention centre
13 was about 500 metres away from the divisional office.

14 That prison was a provisional centre to <hold> prisoners, and
15 perhaps prisoners would be kept there for <a moment> and after
16 which they were sent away to be killed; that was my thought at
17 the time. <If it was an actual prison, it would have been built
18 properly, but in fact, it was not well built.> Perhaps inmates or
19 prisoners were detained at that centre for one or two months
20 only, <based on what I had seen that prison>.

21 Q. Okay, thank you, that's helpful, Mr. Civil Party. I want to
22 ask a few questions about your interrogation now. You've talked
23 about being interrogated, being subject to electric shock, and
24 beaten. How many people conducted your interrogation, Mr. Civil
25 Party?

100

1 [15.54.09]

2 A. Sometimes three interrogators <> interrogated me, sometimes
3 <there were> four. <During the interrogation, there were>
4 electric shocks, <and I was shocked twice>. After <> two rounds
5 of electric shocks, I became unconscious and they received no
6 confession or answers from me and, later on, they beat me, not
7 seriously, but there <were> no <> answers from me.

8 I, as I said, I did not betray Angkar and I felt sad and I felt
9 <pained> at the time since I had never betrayed Angkar. So it was
10 a false accusation.

11 Q. How many times were you interrogated? How many days and how
12 many times were you interrogated?

13 [15.55.22]

14 A. After I was arrested, <> two days, <three days,> four days or
15 five days later, one week later, sometimes I was interrogated <>
16 two times a day, <sometimes I was interrogated three times a day,
17 and sometimes I was interrogated once a day. They interrogated me
18 to get> answers, but how could I respond to the question? <So, I
19 did not answer to them. At the time, I said that, "if comrades
20 want to smash me, so be it."> I did not betray Angkar, I served
21 Angkar from the very young age. I was very loyal and I was
22 working to defend the country.

23 Q. The people who interrogated you, were they the guards who
24 worked at the prison or were they people who came from outside
25 the prison to conduct your interrogation?

101

1 A. Those who were in charge of the prison sent me out and those
2 who were from 801 interrogated me. It was Ta <Saroeun from the
3 Division 801, and he was known as Ta 05>.

4 I did not know whether those people were ordered by their
5 superiors to come and interrogate me or, perhaps, they just came
6 without having any instruction from their superiors.

7 Q. And you said that you were subject to electric shocks. How was
8 it? Can you describe for us in as much detail as you remember;
9 how were you shocked? What did they use to give you electric
10 shocks?

11 A. They used battery<,> not the power from any engines. Perhaps
12 100 MA battery or 70 MA battery. <There> was not a big <engine
13 for electric shocks and the prison was not built for long-term
14 use>. So, as <I could see, that> prison was a mobile prison and
15 it was <used on a> mobile basis to house the prisoners to be
16 killed.

17 [15.58.12]

18 Q. Let me come back to this again. Were you interrogated on only
19 one day or did your interrogation continue on for a number of
20 days? And if it did continue, how long was the period that you
21 were subject to electric shocks, beating and interrogations?

22 A. In relation to electric shock, they spent <a long> time
23 interrogating me. <Sometimes> I was interrogated <once a> day,
24 sometimes I was interrogated twice a day, and sometimes there was
25 no interrogation>, and it did not happen on a continuous basis.

102

1 They did not interrogate me on a daily basis.
2 Sometimes they said <that> they had instruction from their
3 superiors to interrogate me in order to elicit confession. If <I
4 did> not confess<>, I would die. And they said if I was willing
5 to answer, I would survive.
6 [15.59.38]
7 So I, at the time, I did not have anything to confess. I thought
8 only the fact that I would die since I was tied up, <shackled>
9 and I could not flee.
10 I did not know whether <they> had the instruction from Angkar to
11 beat me or that those people violated the instruction. I did not
12 know whether it was the instruction from Angkar or they did that
13 arbitrarily. <They said that, "There is only one more day left,
14 and then, I will be killed." The interrogators told me that. On
15 that day, I could flee,> it was my good fate that I survived and
16 <because> of my <precious> mother<'s milk> that I survived and,
17 as I said, I never betrayed Angkar. Because of my good deeds, I
18 survived the regime. I felt so <pained during> the regime.
19 At the time, perhaps, the leaders did not issue such instructions
20 but since they were leaders, they had to be responsible for the
21 actions. Leaders should have known about the welfare <and
22 livelihood> of the people <or the soldiers>. The prime minister,
23 I believe, is well-aware of the welfare and livelihood of the
24 people.
25 Because at the time in the regime, the leaders were not aware and

103

1 did not have the information, that's why they did not <lead the
2 country to prosperity. That's not right. I do not believe that
3 the senior leaders were not aware of that. In the whole of
4 Cambodia, they could have known something>.

5 [16.01.33]

6 <> If I <was a senior leader,> I would have known. I, myself, was
7 a soldier to defend my country.

8 However, my parents, siblings and relatives had all been killed,
9 so <much> suffering -- I suffered. Although I am a good man, I
10 would commit other offences because of that. I feel if you were
11 me, you would feel unhappy and you <would be angry as well>.

12 All those leaders had kind hearts, when such things happened to
13 them, they would not have such good hearts again, <and they would
14 have to take revenge>.

15 [16.02.30]

16 MR. PRESIDENT:

17 That's enough, civil party. You will have the last time to
18 address your suffering before the Chamber.

19 Please listen to the question carefully, and there's a little bit
20 more time for the Co-Prosecutor to ask you.

21 BY MR. LYSAK:

22 Thank you, Mr. President. Let me ask one or two more questions.

23 Q. Mr. Civil Party, you mention that in addition to being subject
24 to electric shocks, that you were beaten when you were being
25 interrogated.

104

1 Can you be more specific and describe for us how you were beaten?

2 What did the interrogators use? What did they do to you exactly?

3 MR. SUN VUTH:

4 A. I was beaten with a club and that club <was> big <and the size

5 was about> my <forearm>. They beat me two or three times <with

6 the club> and I lost consciousness. Each time that they beat me,

7 I lost consciousness. And then after a while, <they shook me, and

8 then> I regained consciousness and they beat me again and again

9 to extract my confession. <They said, "If I don't respond to the

10 questions, they will beat me to death.">

11 And because their beating on me was so serious that I lost my

12 consciousness and I could not say anything. <They beat me with

13 big clubs.>

14 MR. LYSAK:

15 Thank you, Mr. President.

16 [16.04.31]

17 MR. PRESIDENT:

18 The floor is now given to Judge Lavergne.

19 JUDGE LAVERGNE:

20 Yes, thank you, Mr. President. I would like to provide a document

21 with your leave, Mr. President, a document <to the witness>. This

22 document <, which is the one about which I would like to question

23 the witness tomorrow>, E3/8648, <> is the list of the soldiers of

24 Division 920 who <are presented as having been> released from

25 S-21.

105

1 So if it's possible, I would like to provide this document to the
2 civil party.

3 [16.05.13]

4 MR. PRESIDENT:

5 Yes, your request is granted.

6 Please, court officer, bring this document to the civil party.

7 And now the floor is given to Counsel Victor Koppe.

8 MR. KOPPE:

9 Judge Lavergne and I were on the same page because that was my
10 request as well.

11 However, there are a 100 names on this list and I was considering
12 whether it would make sense to give this document now, provide
13 the civil party a chance to study those 100 names, and then
14 return to the matter tomorrow morning because I have it here as
15 well. There's a lot of names with a lot of functions.

16 So if the civil party would have the opportunity to study the
17 document carefully, I think that would make more sense than do it
18 now quickly.

19 MR. PRESIDENT:

20 The floor is given to the Deputy International Co-Prosecutor.

21 [16.06.36]

22 MR. LYSAK:

23 Thank you, Mr. President. I have no objection to the idea of the
24 witness looking at this and being asked in the morning.

25 I do want to add one other piece of information, that I hate to

106

1 burst Mr. Koppe's bubble, but we've already tracked a number of
2 the names on this list and it's consistent with some of the
3 interviews that were done by DC-Cam of people who were supposedly
4 released.

5 These people were, in fact, sent -- not released, they were sent
6 to Prey Sar and many of them were subsequently sent back to S-21
7 and killed.

8 So there's a lot of additional documents that relate to these
9 group of people that the Chamber needs to be aware of. I was
10 planning to deal with that in the S-21 phase because it's rather
11 involved, a lot of documents. But you should be aware that there
12 are -- there is a lot of additional documents about these people.

13 [16.07.38]

14 MR. KOPPE:

15 It's also the subject of an investigation done by DC-Cam. It led
16 to a booklet which we filed as a document. I believe it is
17 admitted as evidence.

18 I do not know which evidence the Prosecution is referring to in
19 relation to my bubble, but I'm happy to hear it.

20 We did our own investigation. Obviously tried to see if we could
21 track down those names, but that doesn't change the fact that I
22 think it is helpful if the civil party gets the document with him
23 and sees if he recognizes any names.

24 MR. PRESIDENT:

25 Thank you for your comments. It is good that we get the testimony

107

1 from this civil party because he was a former soldier of Division
2 920, <and that Division was related to the document before us
3 right now>.

4 Q. Mr. Civil Party, can you read and write?

5 [16.09.01]

6 MR. SUN VUTH:

7 A. No, I cannot read and write much.

8 Q. When you say that you cannot read and write much, does that
9 mean can you read what is written on that paper?

10 A. My eyes are not so good and I had -- because I have <> poor
11 eyes, I cannot read well.

12 MR. PRESIDENT:

13 The floor is given to the National Lead Co-Lawyer for Civil
14 Parties, Pich Ang.

15 MR. PICH ANG:

16 Thank you, Mr. President. If there is no objection, I would
17 suggest that <Counsel Lor Chunthy> read for the civil party.

18 MR. PRESIDENT:

19 That is fine to expedite the process. <You> can read for the
20 civil party <at a time convenient to you>.

21 It is now a convenient time for the adjournment.

22 The Chamber will resume its hearing tomorrow on Thursday, 31
23 March 2016, from 9 a.m.

24 And we continue to hear the testimony of civil party.

25 And the Chamber would like to thank Mr. Sun Vuth, for your

108

1 testimony and we would like to inform you that your testimony has
2 not come to an end yet. Therefore, you are invited to come back
3 tomorrow at nine o'clock.

4 Court officer, in collaboration with WESU, please make necessary
5 transport arrangements to send the witness -- to send the civil
6 party to where he is staying and invite him back to the courtroom
7 tomorrow at 9 a.m.

8 [16.11.12]

9 Security personnel are instructed to bring Khieu Samphan and Nuon
10 Chea back to the detention facility and have them returned to the
11 courtroom tomorrow morning before 9 a.m.

12 The Court is now adjourned.

13 (Court adjourns at 1611H)

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