



“We Were Afraid of Every Senior Leader”: Former Khmer Rouge Commander Provides Further Detailed Testimony

By Doreen Chen, Senior Consultant, Destination Justice, and LLM, Columbia Law School¹

For a second day, the Extraordinary Chambers in the Courts of Cambodia (ECCC) heard testimony from former Khmer Rouge commander and convicted murderer Chhouk Rin.² In a lengthy hearing day running more than 30 minutes overtime, the Court heard extensive testimony from Mr. Rin, who had completely abandoned his initial sullen reluctance to testify.

The witness expanded on several topics that he had already raised in his testimony on April 22, including his attendance of a 1976 study session in Phnom Penh that considered the contents of *Revolutionary Flag* number seven and the killing of Khmer Vietnamese after they returned from Hanoi.

While the witness offered testimony on some new topics, including the nature of the Revolutionary Army of Kampuchea (RAK) military structure and on internal divisions within the Communist Party of Kampuchea (CPK) itself, both defense teams strove to highlight Mr. Rin’s limited knowledge, particularly of the decision-making power at the highest levels. Mr. Rin also spoke candidly of his attitudes towards both surviving accused persons, emphatically expressing his anger at Nuon Chea for allegedly failing to accept his responsibility for the events of the DK period and conversely expressing his admiration for Khieu Samphan, whom he described as a “role model for all Cambodians.”

¹ Cambodia Tribunal Monitor’s daily blog posts on the ECCC are written according to the personal observations of

² Mr. Rin began his testimony on Monday, April 22, 2013. Cambodia Tribunal Monitor’s daily blog post of this testimony may be accessed at <http://www.cambodiatribunal.org/blog/2013/04/after-significant-initial-resistance-former-khmer-rouge-commander-and-convicted>.

Civil Parties Emphasize Their Distinct and Equal Status as Parties

All parties to the hearings were present, Trial Chamber Greffier Ang San reported, except accused person Nuon Chea, who was participating from his holding cell. In the morning, approximately 200 villagers from Takeo province were also present in the public gallery, many of whom appeared to have been born during or before the Democratic Kampuchea (DK) period.

To begin the day, Trial Chamber President Nil Nonn ceded the floor to the civil party lawyers to question Mr. Rin. International Lead Co-Lawyer Elisabeth Simonneau Fort addressed the court, although her submissions were interrupted by technical difficulties, with no audible English translation. After this was resolved, Ms. Simonneau Fort explained that as the civil party lawyers did not require a full hour to question the witness and the Office of the Co-Prosecutors (OCP) required 10 minutes to complete its questioning, the extra time from the civil party lawyers' allocation could be given to the OCP. Indeed, she offered, it could be given to any party that requested extra time.

Ms. Simonneau Fort, however, objected to the suggestion that the time could be “taken out of the civil parties’ time” as the civil parties were not some kind of “sub-party,” “accessory,” or “subsidiary” to the prosecution. Instead, and as in all civil law systems, she asserted, it was a “fully-fledged party with full rights” equal to those of all of the other parties, including the right to plead and ask questions. While the civil parties share many objectives with the OCP, they have other, distinct objectives, she continued; overall, the civil parties have a different vision of the trial, including a particular concern with vulnerable people, fear, and suffering. There could be no question of civil parties being more or less important or useful, Ms. Simonneau Fort concluded. They were simply “distinct.”

The president indicated that it was for the OCP and civil party lawyers to determine how they wished to share their time allocation. He then stressed that the Trial Chamber had “never ever regarded the civil parties as a very small party to the proceedings” and pointed to the time allocation it had allocated to the civil party lawyers throughout the trial as evidence of this position.

Final Questions from the Prosecution

Following this interaction, International Senior Assistant Co-Prosecutor Keith Raynor took the floor to continue the questioning of Mr. Rin that he had begun on Monday, April 22. Returning to the topic of the evacuation of Kampot, Mr. Raynor asked the witness who ordered him to participate in it. Mr. Rin said that he did so “following instructions of Ta Mok and Sambit.”³ Mr. Raynor asked Mr. Rin to describe his precise role in the evacuation. Mr. Rin pointed out that the evacuation occurred on April 16, 1975, rather than April 17. He also stated generally that he was “a soldier” then and that after the evacuation, he had returned to his unit.

Moving on, the prosecutor asked the witness to explain what reasons were given to Kampot dwellers for the evacuation. The witness replied, “The reason was that enemies would be among the population and they would post some risk to us. For safety reasons, [the population] had to be evacuated.” Mr. Raynor queried if this meant all Kampot dwellers were enemies. Mr. Rin said:

³ This document has the number E3/361, and the relevant ERNs are 00194466 (in Khmer), 00766451 (in English), and 00268883 (in French).

No they weren't, but the war was still going on. We had no reason to treat all civilians as enemies, and I never received instructions to treat them as such. But we had been advised that if the enemy attacked us and the population had not been evacuated, it would have posed some risk.

The prosecutor noted that on April 22, Mr. Rin testified that even a baby would know that city dwellers were all considered enemies and asked whether this was still the case in Kampot. In an



apparent misunderstanding, Mr. Rin replied instead that the Khmer Rouge never treated babies or young people as enemies. He then said, “We never treated civilians as enemies.” When asked, he also confirmed that there were some hospitals in Kampot. However, “there were very few inpatients, because their families had already transferred them before that.”

Mr. Raynor turned to the role of the Party Center in the arrests of military commanders. He noted that according to Mr. Rin’s previous testimony to the Office of the Co-Investigating Judges (OCIJ), he had said that “without the Center level having ordered it, high-level military commanders like this could not have been arrested.”⁴ Mr. Raynor asked the witness to clarify what he meant. Mr. Rin said:

I believe that without orders, such commanders could not have been arrested, so any arrests [must] have been ordered through the Center. ... The decisions and plans of the leadership were to create internal security and defend the country. We had no choice. Each person had to follow the orders of the Standing Committee. If not, they would, without fail, be arrested and disappeared.⁵

As to who had communicated Standing Committee orders to the witness, Mr. Rin replied, “I never received direct orders from the Center. At the Southwest Zone, I received direct orders from my commander and Ta Mok in particular. From whom they could have received further orders, I don’t know.”

As for what orders the witness received for creating internal security within Cambodia, Mr. Rin explained, “When the war [with the Lon Nol army] was over, the whole [Khmer Rouge] army of the province had been ordered to be transferred to the border area altogether.”

National Assistant Co-Prosecutor Song Chorvoin took the floor, noting that this was the “last moment” in which the OCP would be questioning the witness. She noted that in a previous OCIJ interview, Mr. Rin had said, “I was angry when Nuon Chea said that he was not responsible for what had happened between 1975 and 1979. He was a senior cadre.”⁶ Ms. Chorvoin put to the

⁴ This record has the document number E3/361, and the relevant ERNs are 00194466 (in Khmer), 00766455 (in English), and 00268889 (in French).

⁵ The relevant ERNs are 00194469 (in Khmer), 00766454 (in English), and 00268886 to 87 (in French).

⁶ This record has the document number E3/361, and the relevant ERNs are 00194464 (in Khmer), 00766449 (in English), and 00268881 (in French).

witness the final question on the part of the OCP, which was why Mr. Rin was angry about this statement by the accused. The witness responded:

The reason, I would like to emphasize in my response is that I have observed the trial proceedings, and I noted his roles. I also learned about the line of questioning the Co-Prosecutors put regarding the line and political policy and platform. Indeed, when I was asked to come to Phnom Penh, I was not attending a meeting, but I was attending study sessions attended by many people across the country. We were lectured on political lines and other matters ... the very rigorous line of the CPK lectured by my superiors. ... It is because of this political line that everyone had problems. Everyone had to suffer greatly, both civilians and soldiers alike.

I as a soldier did not know much about other matters other than being ordered by Nuon Chea to cultivate rice, to grow crops. We were not instructed to be on military trainings. Instead we had to do farming, as soldiers. Nuon Chea was the one who ordered all this, and I believe he should be the one who knows about this. When he says that he is not responsible, I believe this to be strange. ...

The CPK made it very clear ... how they controlled the population. Among the CPK, these senior leaders were the ones behind all these plans. When I attended study sessions, I saw senior leaders, and I also observed documents, the documents used in the study sessions and that were the [source] of all the problems in the following years. I never imagined that such policy would be very dangerous like that.

Conditions under the Khmer Rouge during the DK Period

Next, the floor was given to the civil party lawyers. National co-lawyer for the civil parties Moch Sovannary began by first referring to one of Mr. Rin's statements to the OCIJ concerning the three tons per hectare rice production goal, which was itself published in *Revolutionary Flag* number seven. In his statement, Mr. Rin had said, "Even young people at school were forced to engage in chopping some small plants to use as fertilizer. I also had to carry some dirt to build canals and dykes, and I was having problems with the shortage of food."⁷ Ms. Sovannary asked Mr. Rin whether he indeed made this statement. Mr. Rin responded instead that even all observers in the ECCC public gallery could have known that he had to engage in farming. He then elaborated, "I had to carry fertilizer for the rice fields, and I carried my gun at the same time. I saw young people. ... It was not my business to know what they had been doing ... but I saw young children, who were ordered to collect some small plants to make fertilizer."

⁷ This record has the document number E3/362, and the relevant ERNs are 00210213 (in Khmer), 00268899 (in English), and 00268906 (in French).

Remaining on this topic, the civil party lawyer asked the witness who ordered the rice production plan be carried out, and whether it was ordered across the country. Mr. Rin replied, “This plan, according to the study documents, was to be implemented throughout the country. It was not meant to be implemented only in Kampot province. It is my conclusion that it had to be carried out across the country. ... That’s what I felt.”



Ms. Sovannary asked the witness for a brief account of the conditions under which Mr. Rin performed farm work. The witness duly stated:

Thirty years ago or so, I was very energetic. I was at my full strength. We worked very hard. ... Soldiers did not have decent food; I never knew that civilians would also receive less food. ... Everyone had to work very hard physically and mentally. Now I am over 60 years old, and I can feel that I am very fatigued, but at that time, we worked very hard. We were also very exhausted.

Moving on, the civil party lawyer noted that the witness had testified about attending a study session at which there was an atmosphere of fear and that he had testified to being afraid of Mr. Chea. Ms. Sovannary asked why this was so. Mr. Rin responded:

The reason that we were afraid of [Mr. Chea] was because we knew that the political line of the CPK, which was Socialist revolution, was to be implemented. For that reason, everyone who attended the study session had reason to be afraid of the CPK and the senior leaders of the CPK, not necessarily Mr. Nuon Chea alone. We were afraid of every senior leader. We were afraid of making mistakes. I can’t say exactly what would have been written in Revolutionary Flag number seven, but as I told you, mistakes could be very minimal, and people could be killed for a very small wrongdoing, for example losing a hoe or breaking something. People who attended study sessions could also be arrested when the sessions concluded. All this made it reasonable to believe that we were fearful.

In this statement, the witness had also said that battalions were established and Buddhist monks were defrocked and conscripted.⁸ The lawyer asked the witness why the latter occurred. Rather than answering this, Mr. Rin simply confirmed in detail that this had indeed happened, stating:

All the former monks who had been defrocked had to become soldiers and worked with me in my unit. At the beginning, I did not imagine that the Khmer Rouge would need monks to become soldiers, but later on, it was the case that monks were defrocked and conscripted. It was known to all villagers. ... It happened to the whole unit under my supervision, because these soldiers were former monks.

⁸ This record has the document number E3/361, and the relevant ERNs are 00194465 (in Khmer), 00766459 (in English), and 00268882 (in French).

Pressing on this point, Ms. Sovannary asked whether the witness felt this was part of a “blanket policy” across the country. Mr. Rin responded, “In Kampot province, I can see that it was a policy implemented by leaders in [the] province. I do not know whether this was a policy carried out across the country. ... The senior leaders were the same in Kampot in 1973. Mr. Kang Chap was ... the head of the soldiers [in Kampot].”

Ms. Sovannary referred the witness to another statement he gave to the OCIJ in which he had said that Sambit took over from Kang Chap and that there was a meeting in the Southwest Zone in which Sambit explained the zonal military objectives.⁹ Asked to elaborate on these objectives. Mr. Rin explained:

At that time, the provincial military was not entirely under the supervision of the Southwest Zone. When Kang Chap was promoted to be the head of the military, the provincial military became a division ... to gather all the soldiers. At that time, several divisions were established. I don't remember all the names of all these divisions, but I think I can recall a few, like 130, 110, 150, so on and so forth. These divisions had to fight in battlefields in Takeo and Kampot provinces. Later on, these divisions had to be under the sole supervision of the provincial division.

Ms. Sovannary asked who issued the order for the establishment of these divisions. Mr. Rin answered:

If I received orders from Sambit or Ta Mok, I would only know that such orders were rendered from these two people, and I would never know if orders were rendered from higher up because the rule of confidentiality was so strict. We had no reason to know if such orders could have been issued from higher up. Simply speaking, at that time, we only knew that orders could have been rendered from our immediate superiors.

In the last statement to which Ms. Sovannary referred, she noted that the witness had testified about the authority held by Pol Pot and Nuon Chea, and that what happened between 1975 and 1979 was the result of a “well planned policy.”¹⁰ She asked the witness whether he wished to say anything at all about this. Mr. Rin responded, “The reason I said that the whole CPK had to be responsible for the whole plan, what happened in 1975 to 1979, was that after attending the study sessions, I could see very clearly that all plans had to be instructed or devised by the senior leaders of the CPK.” He concluded, “I can fully say that the plan was ordered by the senior leaders of the CPK.”

Further Details on the Evacuation of Kampot

Ms. Simonneau Fort took the floor, explaining that the witness was initially to have been questioned by Christine Martineau, who had left unexpectedly. Her first question referred the witness back to the evacuation of Kampot. She asked the witness how he managed to convince the inhabitants to leave, leaving behind all their property. Mr. Rin responded briefly, “At that

⁹ The relevant ERNs are 00194465 (in Khmer), 00766456 (in English), and 00268882 (in French).

¹⁰ This record has the document number E3/361, and the relevant ERNs are 00194472 (in Khmer), 00566458 (in English), and 00268891 (in French).

time, the people took their belongings with them.” Directed again to the first part of Ms. Simonneau Fort’s question, Mr. Rin then added, “It was not difficult to convince them to leave. We just told them that it was for their safety. We told them that there might be another war. We were concerned that there might be a new war.”



Asked where the evacuees went, Mr. Rin said that some left along National Road 3 and “went to their home villages.” However, Mr. Rin “did not follow them ... did not know where they went.” Asked whether anyone was in the hospital, he said he did not go there, “but of course, no one was” there. As for the conditions of the sick and elderly, Mr. Rin said that he “did not pay attention to this,” but perhaps their relatives “helped take them away.” Nor could Mr. Rin confirm whether the evacuees of Kampot were subsequently evacuated a second time.

Turning to a new topic, Mr. Simonneau Fort asked the witness to describe his military duties after 1975. Mr. Rin retorted that this had been asked “many times already.” When pressed for details and whether he had been responsible for internal security, Mr. Rin did state:

Soldiers had the responsibility to defend the country. They were not responsible for internal security. They had different responsibilities. Immediately after the war [with the Lon Nol soldiers] ended, I was sent to the border area to defend the country. Security was the responsibility of the authorities at the base. We were responsible for the security at the border. We defended the border.

Ms. Simonneau Fort asked Mr. Rin to explain the nature of self-criticism meetings. Mr. Rin said:

When we attended study sessions, we did not have time to walk around and speak to others. ... Contents of study documents were to be discussed in groups. We had to talk about what we had done, what we had not done. This was called self-criticism. ... Our group would give comments to each member. The members of one group did not dare to communicate with members of another group. Soldiers from the province were targets of the arrest, in fact, so they were very cautious because they would be arrested. That is the reason why we did not dare to communicate with others.

For example, one commander used to be in Kampot. Later on, he was transferred to Kandal, and then he disappeared ... Ta Sien, the commander of Kampong Trach district. ... Kang Chap was transferred to the north, and then we heard that he was arrested. So that was the reason. We knew them, and then we heard that they were arrested and then they disappeared. ... There were a lot of stories, past stories. If I had to describe all these events, it would take a lot of time.

Secrecy and Fear under the Khmer Rouge

Moving on, Ms. Simonneau Fort raised the question of the secrecy of Party matters. She asked whether Party members were taught about this secrecy. Mr. Rin agreed and explained:

As I said, at that time, everything was secret, strictly confidential. The document that I have mentioned, I believe that this was not known [to] the people of the country; ... only Party members or members of the Youth League could know about that document. ... In the CPK, everything was confidential. ... My knowledge is limited, and I can speak about this only briefly.

The civil party lawyer referred the witness to a statement he had made to the OCIJ that the Center always made written records and records were sent to the Center, but in 1979, there was an order to destroy all records and planning documents; Mr. Rin had said that he had to participate in the document destruction process.¹¹ Ms. Simonneau Fort asked Mr. Rin whether there were many documents to destroy at that time. Mr. Rin replied, “All the documents, even my personal documents, were destroyed. ... All the documents were destroyed, for example books, all the documents of the CPK, because we were defeated. That is true.”

Ms. Simonneau Fort asked whether people were required to watch each other closely. Mr. Rin agreed and explained, “We had to keep an eye on each other. If anyone did not do something good, we helped correct that person. For example, there were meetings every three days. This is why we were afraid. We were afraid of making mistakes.”

At this juncture, the civil party lawyer broadly asked whether there was anything the witness wanted to add that the parties had not asked. Seizing this opportunity, Mr. Rin said:

Of course, I have a desire to help the victims. I want to clarify that not only did ordinary people suffer. Even I and my relatives at the base also suffered. After we were defeated, I learned that some of my relatives had been killed, had died, and I did not know why they died. ... You may ask me today why I am brave, why I have courage to testify even though my health is not good. Of course I want to talk about this. I was a former Khmer Rouge soldier. Of course, at that time, I also suffered. That is why I want to show this to all the people.

Yesterday I said that my superior was like a hungry tiger. At that time, he was in power. It is like what Samdech Techo said, “Today it is my turn. Tomorrow it will be your turn.”¹² Of course, if we did not rush to run away, we would be killed. That is why I wrote a letter to the Chamber saying I would help the Chamber. When I wrote the letter in 2008, my health was good and my memory was good, but right now, my health is not so good. There are a lot of stories, but I cannot remember all these stories. But I just want to say, my superior, my leader was like a hungry tiger. If there was no food, that tiger might eat his subordinates. ...

¹¹ This record has the document number E3/361, and the relevant ERNs are 00194473 (in Khmer), 0076648 (in English), and 00262888 to 91 (in French).

¹² Samdech Techo is a reference to the Cambodian Prime Minister, Hun Sen, who is reported to have said words to this effect about the Khmer Rouge in suggesting that people's fates could change rapidly under the Khmer Rouge.

I just want to say thank you to the Royal Government of Cambodia right now because I have a chance to see my wife, my children, my grandchildren right now. It is not difficult because in the prison, it is a place where people are educated. There are books, and we can read good books.

Ms. Simonneau Fort cut the witness off at this point in light of his apparent straying from the 1975 to 1979 period, ending her questioning and wishing the witness good luck for the future.

Nuon Chea Defense Team Elicits Further Details of Witness's Military Background

Following the mid-morning break, it was the defense's turn to question the witness. First to take the floor was National Co-Counsel for Nuon Chea Son Arun. He began with an examination of the witness's personal history, particularly with respect to his roles in the RAK. He first asked the witness whether he had an opportunity to attend military training after joining the army in 1971. Mr. Rin denied this and explained:

Khmer Rouge soldiers at that time did not attend military trainings. We learned on the job. We learned in fighting. In other words, we engaged in battlefields and we learned from the lessons obtained from the fighting in the battlefields. There was no proper school for military training as in these days. The soldiers somehow naturally learned the skills to fire their weapons.



As for his education, Mr. Rin advised that he did not finish primary education and was ordained as a monk in 1967 at his parents' wishes. Asked to confirm that he became a regimental artillery commander in 1975, Mr. Rin stated, "It was after the war, when Battalion 59 was established. I was appointed as the commander of an artillery unit, it is true." The defense counsel noted that the witness rose from the rank of soldier to this role. Mr. Rin, asked to elaborate on his role at that time, explained, "My commander, by the name of Phat, who was a handicapped [person] — he lost one arm — he was the head of this regiment. I was the commander, but at that time, I was the deputy commander or commissioner." He continued, "There was a person by the name of Phat who was the political commissar. I was his deputy in that unit."

As for whether he attended training before being appointed to this role, the witness explained instead that this happened after the artillery battalion was established:

I was asked to attend training sessions in Takeo province. The training was on how to operate American weapons, and I was ordered by the zone committee to attend the study sessions at Kampong Ampil near the vicinity of a mountain [the name of which] I don't recall. It was in Angkor Borey district. ...

During a second training session, we had to move to Kep to practically fire the arsenal, 105-millimeter cannons. We had to engage in actual firing of these

weapons in Kep. We had to fire mortars. ... We were not very skilled. Although we had undergone training, we did not know how to check the oil for these weapons being used or to have the lubricant in the weapons replaced. That did not do any good to us.

Mr. Arun asked the witness whether he was directly engaged in combat in the battlefields. Mr. Rin explained, "As you may know, in an artillery unit, we need two groups. ... I did not need to fire the weapons personally. My subordinates could be fully in charge of the function of the weapons." The witness then stated that the Takeo training was for "about a month" and the Kep training, which was also attended by people from other places, was also "about a month." He added that they were taught about "maps, geographical locations, and how we could aim to the right targets and efficiently and effectively use weapons."

The defense counsel asked whether the witness remained in his post as artillery commander through to 1979. Mr. Rin denied this and explained, "When the war at the border was intensifying, I changed this position and I had to engage in leading foot soldiers at the border." However, he clarified that he held the same rank but "was in charge of the intervention unit" and was no longer in charge of artillery.

1976 CPK Study Session Focused on Revolutionary Flag Number Seven

Turning to a new topic, Mr. Arun noted that the witness had testified having attended a political session of the party in 1977.¹³ Mr. Arun asked the witness to provide further details with respect to this event. Obliging, Mr. Rin explained, "It was not a meeting actually. I was called to attend a study session. A study session was different from a meeting." He continued, "During this session, people from across Cambodia had to attend it. There were about 500 participants. It was not in 1977 ... it was in 1976 ... there were about 500 to 600 participants. ... We studied the content of *Revolutionary Flag* number seven magazine."

Pressed for details about the duration of the study session and its attendees, Mr. Rin said that:

At that time, any member of the Party could be authorized to attend the session. As long as you were a member of the Party, you had the right to be invited to attend the session. There were several sessions. Each session would be attended by a member of the party. You did not need to be in any particular rank to be invited to the session.

As to its location and presenters, Mr. Rin recalled, "I noted that Pol Pot was there, as the presenter, and I noted that he was joined by Nuon Chea. I saw him at that session as well. It was in Phnom Penh." He concluded, "The session was conducted in a big location, like a stadium to me. It was a place where a lot of people could gather."

Mr. Arun asked the witness to briefly describe the main point of the study session. Mr. Rin replied, "The study session was about the [*Revolutionary Flag*] magazine, but of course I could not remember all the contents because it happened over 30 years ago. I can only remember that I attended that study session."

¹³ The relevant document has the document number 127.5/1.

The defense counsel persisted on this point, however, asking for the contents of the magazine. Mr. Rin explained, “First of all, it was about the reconstruction of the country, to make the country prosperous. ... They talked about the goal of three tons per hectare achievement. It was also about the construction of the irrigation system.” He continued, “The second core content was about the elimination of the enemies burrowing from within. Those enemies included the agents of the KGB, CIA. It was about internal strengthening.”

The witness denied, when asked, that the magazine was given to everyone. Instead, he said, “It was distributed to units. For example, each unit could have some copies of the magazine, for example three or four people could have only one copy of the magazine. ... Of course, not everyone got copies of that magazine.” Mr. Rin confirmed that he had a copy of the magazine but lost it after the war. Mr. Arun asked Mr. Rin whether he read the magazine carefully, and if so, what it contained. Mr. Rin said that he had just talked about this, mentioning for example “the goal of constructing the country.”

At this point, the defense counsel asked the witness about the characteristics of the magazine, including its colors and whether it was typed or handwritten. Mr. Rin said, “The letters were typewritten. ... There was the logo of the CPK with the red color of the CPK logo. I could not describe the whole view or the whole picture of the magazine, but of course I used to read it and I could recognize the logo of the CPK.”

Roles of Senior Khmer Rouge and the Khmer Rouge Defeat in 1979

Next, Mr. Arun asked the witness to confirm whether Sou Met became the chief of the general staff after 1979. Mr. Rin smiled and said:

Regarding the business of that person, in fact, I do not know about him. That is his business. I do not know what he is doing right now. As you know, it was very hard that time to be aware of the ranks of the other Khmer Rouge soldiers. ... The leaders at that time did not declare that they were the chiefs of the general staff; [indeed] they did not declare their ranks at all. This is very personal, in fact. If you want to know about that, you can ask that person. That person may still be alive.

Moving on, the defense counsel turned to the question of the fighting in the east. He noted that the witness had testified that Ren, Ta Mok’s son-in-law, was the commander in that area. He asked whether orders were from Ren or from higher ups, for example Son Sen. Mr. Rin replied:

I was transferred over there, and I stayed there for a few months. I was integrated into Division 703. Ren was the commander of that division. There were many brigades under that division. There were many people, many commanders. I cannot remember all of them even when I meet them today. ... We were defeated. Of course, Ren was the commander in Svay Rieng.

Son Sen, the Minister of Defense of the Khmer Rouge, chaired a meeting in a place near Svay Rieng airport. I saw him over there. There was no widespread communication at that time. Son Sen used to go over there. Before January 7,

[1979], he chaired a meeting over there and he told us that the Vietnamese troops were pushing into the country. I saw Son Sen once. I stayed at Svay Rieng for only a short period of time ... only a few months ... and then the Khmer Rouge was defeated.



*From left to right: Son Sen, Khieu Samphan, Nuon Chea, and Pol Pot.
Taken in 1984 near the Cambodia-Thailand border.
(Source: Documentation Center of Cambodia Archives)*

Mr. Arun asked Mr. Rin how he met Son Sen. Mr. Rin responded, “All the commanders from battalion level upward were called to attend that meeting to learn about the plan of attack, because the war was intensifying. I saw him at that time.” He then added that Son Sen “was over there for a very short period of time. He did not dare to stay for long because the war was intensifying.” Mr. Arun stressed that this was Mr. Rin’s belief and asked if he had heard that this was how long Son Sen had stayed. Mr. Rin repeated his answer, and added, “After I met him, I went back to the battlefield ... and I did not know how long he stayed over there. ... Information about the leaders was very confidential. ... I just know that he went over there before the attack by Vietnam in Svay Rieng.”

The defense counsel asked the witness where he was stationed in Svay Rieng, but before he could respond, the president intervened, advising Mr. Arun that he appeared to be moving far from the scope of the case at this point. He asked the defense counsel to redirect his questions so that the trial could proceed more efficiently. Mr. Arun acknowledged this and then referred the witness to his testimony to the OCIJ that Ta Mok was “very powerful” in the Party.¹⁴ The defense counsel asked the witness to elaborate, to which Mr. Rin responded:

I know Ta Mok, and I know he was very powerful. For example, he used the slogan: “There was only the head above Mok’s head.” Ta Mok could give an order to all the commanders over there. From that, I concluded that he was

¹⁴ The relevant document has the document number 127/5.1.1.

powerful ... he could give orders to anyone. Soldiers in the southwest, soldiers in the east listened to him. This is what I mean by the term powerful.

At this point, the president gave the floor to International Co-Counsel for Khieu Samphan Anta Guissé. She noted that the Ta Mok's alleged slogan was not translated into French and suggested that Mr. Rin and Mr. Arun slow down. The president directed the witness to repeat Ta Mok's slogan. After some misunderstanding, Mr. Rin initially said, "The meaning was that he was powerful among the Khmer Rouge soldiers" and then finally repeated the slogan itself.

Military Hierarchy, and Communication and Administration Structure

Next, Mr. Arun asked the witness to describe the structure of the CPK military from the CPK Minister of Defense down the lowest levels. Mr. Rin explained:

From my own understanding ... at that time, there were divisions, brigades, the divisions of the Center, the divisions of the region. There were different divisions. They used the term "commissar." They did not use the term commander. ... They used the terms "political commissar," "military commander." ... I do not understand about [the general staff] structure, because I was only in charge of a battalion, so I do not understand about the national structure. ...

There was around three or four brigades in one division. There were regiments with 100 soldiers or over. Then there were battalions. In one regiment there were three battalions, for example. Within one battalion, there were three or four companies. Within the battalions, there was the artillery unit [with] 105 millimeter, 80-millimeter artillery to support the unit.

The defense counsel asked the witness to explain the way in which communication was carried out. Mr. Rin explained, "Regarding the communications, there was a structure. For example, at my level, I could meet only the division level. We could meet the top leaders only when we were called to attend the study session. ... We did not dare to communicate with the top leaders directly."

This response prompted the defense counsel to refer the witness to his OCIJ testimony stating that Son Sen was the Minister of Defense.¹⁵ He asked the witness who was the chief of the RAK general staff. Mr. Rin responded, "Until this day and as a longtime Khmer Rouge soldier, I am clueless. [I understood] that the person who instructed the soldiers would be no one other than Son Sen. We were introduced [only] to the heads or commanders of divisions."

Mr. Arun turned to the matter of the witness's previous testimony that Pol Pot had been cheated by Nuon Chea. He asked the witness to explain this statement. Mr. Rin responded instead:

So far, when the internal policies or strength was in force, we were informed that Samdech Ta or former Prince Norodom Sihanouk was betrayed by the Khmer Rouge. At the beginning, we were convinced that only we regular soldiers were betrayed, but then we learned that former Prince Norodom Sihanouk was also

¹⁵ The relevant document has the document number 127/5.1.1.

cheated. We learned from 1973 through a secret group that Mr. Khieu Samphan was on the run. He took refuge in a small cottage, and a person by the name of Mr. Sek also disappeared.

Interrupting, Mr. Arun said that he was interested in how the betrayal occurred. Mr. Rin said:

Although the Front was established and people were installed to be the leaders of the Front, this people were very symbolic because the structure was pre-determined and organized already, and they had their own people for this. As I told you, Mr. Sek, who was in charge of the general staff in Kampot, was in the meeting telling us that Samdech Ta, or Prince Norodom Sihanouk, was used as a shield, a façade for the Front. He was used by this group of people, because they had their own people who managed this Front, and Prince Norodom Sihanouk was set up.

Mr. Rin said he learned of this matter through his superior, Mr. Sek, who was later replaced by Saroeun from Kampong Speu. The witness added that he “understood very well through internal meetings that everyone would be betrayed and cheated on.” He continued, “I knew that these senior leaders could never survive the arrests and purges. After the war, Mr. Sek, who was transferred to the cement factory in Kampot, was later on arrested by Pol Pot. Other people also had the same fate.”

Witness’s Anger at Nuon Chea

The defense counsel noted that according to the witness’s prior testimony to the OCIJ, he knew through study sessions that Pol Pot was the one who issued orders for peoples’ arrest.¹⁶ Mr. Arun first asked the witness who chaired the relevant sessions. Mr. Rin responded, “Pol Pot chaired several sessions. He presented documents in several sessions.” The defense counsel directed the witness to a subsequent statement he had made to the OCIJ investigators that decisions to arrest top cadres were made by “no one else other than Pol Pot, Nuon Chea, and Ta Mok.”¹⁷ Asked to reconcile these two statements, Mr. Rin explained, “Both soldiers from the Southwest Zone who returned from the battlefield had been arrested, decisions made by Pol Pot. Ta Mok talked about this. It is true that when the senior cadres of the Khmer Rouge were arrested, the arrests could never have been made without the decisions of these people.”

Mr. Arun cautioned that he did not want Mr. Rin to speculate but to testify precisely on what he had witnessed and repeated his question concerning the contradictory statements. He asked the witness whether this was “pure speculation” or was substantiated with proof. Mr. Rin replied, “It is not my speculation. The arrests were made. We could observe from the conduct of the military commanders. After Ta Mok reported to Pol Pot, he mentioned individuals under suspicion and who could have been the subject of arrest, so my hunch was based on this observation.” He continued, “I confirm that it was Pol Pot who was rendering decisions on arrests. At the same time, the leaders, whose names I mentioned, also relayed the messages of these orders. ... I believed that it could have been Nuon Chea and Ta Mok who might have rendered such orders.”

¹⁶ The relevant document has the document number E3/362.

¹⁷ The relevant ERNs are 00210213 (in Khmer), and 00268898 (in English).

Satisfied with this response, Mr. Arun turned to a new topic, noting that the witness had testified that in 1978, he had attended a special meeting with Pol Pot, Nuon Chea, Ta Mok, and Son Sen also attending and at which a decision for a purge was conveyed. The defense counsel asked the witness in what capacity he attended this meeting. Mr. Rin responded instead:

When my forces from the southwest were attending this session, Son Sen was seen lecturing us. Son Sen felt the need to have some backup soldiers to support the plan to purge some people. This is a special circumstance when I met with him. It was not a “special meeting” but a special circumstance, an urgent circumstance. “Special meetings” could only be convened when senior leaders could meet. ... There was no such “special meeting.” ... If the term “special meeting” was adopted, it would not be suitable for a person like me to attend.

This response prompted Mr. Arun to question whether the witness felt he understood CPK structure well. Mr. Rin denied this, explaining, “I am not able to grasp this structure because it is beyond my knowledge and capacity.”

Referring the witness to his testimony on Nuon Chea’s role in the CPK, Mr. Arun requested that Mr. Rin elaborate on this statement. Mr. Rin explained:

I know this very well because at that time, his roles were well broadcast throughout the CPK regime. Everyone knew that he was the president of the People’s Representative Assembly. However, at that time, [none] of us ... ever saw sessions of the assembly, the work of the assembly. But he, as the senior leader of the CPK, could have been responsible for this. He said that he never went to the base; he was not attached to the base. But my question is: I am very suspicious. I don’t know how he could say that he knew nothing about the base; he had no connection to the base. How could a person who led the assembly, who made the law, say he knew nothing about this? I am angry at him because as a person who made this law, who lectured the law to others, he should have been responsible to others and he should say so.

Mr. Arun responded by asking if the witness was a member of the Party, since if Mr. Chea said that everyone in the Party was responsible, this would include Mr. Rin. The witness rejoined, “You know this very clearly. Every [Party] member would only fall victim, but the leaders of the Party should bear all responsibility.” He continued, “You can’t shift the responsibility to the lower cadres because all of them had fallen victim to the policies of the Party already. ... They treated the [senior leaders] as good leaders, but later on, [the senior leaders] arrested them.”

Everyone belonged to the Party, Mr. Arun stated, questioning whether Mr. Rin also ought to bear some responsibility since he was “part of the game.” Mr. Rin stated, “I am fully responsible for a small unit under my supervision. My subordinates had to implement orders rendered from me. However, I had no problem with this because my people did not have any resentment with me.”

At this point, Mr. Raynor stood, signaling his intention to interject. The president permitted him to proceed but noted first that if he took issue with the line of questioning, it was late to do so

now. Mr. Raynor said that as an officer of the court, he felt obliged to caution that Mr. Rin was approaching self-incrimination and that if the defense counsel was insufficiently experienced to caution Mr. Rin, Mr. Raynor was doing so instead. The president thanked Mr. Raynor but reminded him that the duty counsel was present to advise the witness; the witness had been reminded of this at the start of the session; and the OCP had already presented a document assuring that witnesses would not be prosecuted even if their statements were self-incriminating.



Mr. Arun sought to respond on this point but the president denied this, instructing Mr. Arun to speak more expeditiously and instructing all parties to act as if they wished proceedings to proceed more efficiently, so that their “actions speak louder than words.” Mr. Arun advised that he had no further questions, at which point the president adjourned the hearing for lunch.

Communicating Between Levels in the RAK

After lunch, a new audience of approximately 100 students from Kandal province took their places in the public gallery. When the hearing resumed, International Co-Counsel for Nuon Chea Victor Koppe took the floor. He first redirected Mr. Rin to his testimony regarding different military levels in the RAK, seeking clarification on how many levels there were. He noted Mr. Rin appeared to indicate four levels: divisions, brigades, battalions, and companies, which Mr. Rin confirmed. He then asked if it was fair to say that Mr. Rin had been a commander at the third level of the RAK. Mr. Rin answered simply that “the soldiers were the Khmer Rouge soldiers.” Mr. Koppe explained that he was asking because Mr. Rin had said he was a “low-ranking soldier or low-level officer.” He asked the witness why he had described his position in this way. Mr. Rin responded, “As I already mentioned, we had our commanders for the divisions, brigades, regiments, battalions and companies. I think I have made it clear. I already told the Court in detail my roles in this army since this morning.”

Mr. Koppe explained in more detail the precise nature of his question, after which Mr. Rin replied, “I said I was at a low ranking position because battalions were ranked three or four levels below the division. My rank was somehow the lowest in that military section.” At this point, Mr. Koppe noted the witness’s testimony that he did not dare communicate with the top level of the military. He asked whether this was a universal rule or whether there were ever any exceptions to it. Mr. Rin answered instead, “Concerning our work communications, I personally had to establish this communication with my commanders. But on some occasions, and according to the circumstances, as I was afraid of committing some wrongdoings, I had to be very careful with communicating with others. I already made it very clear that the fearful atmosphere made our communication very limited.”

The defense counsel rephrased his question, asking Mr. Rin whether he ever skipped a level in reporting so as to communicate directly with his own direct commander’s commander. Mr. Rin explained that this was “impossible. ... We couldn’t do that. We had to follow the order of commands.” He did explain, however, that there were some instances, such as when he attended

study sessions, “we had to report to the participants in the meetings, including the senior leaders, about what happened within our units. Only in those situations could we report directly to those participating in the meeting. But practically, we would report only to our immediate supervisors or commanders. We would never overstep this boundary.”

The defense counsel then queried whether the reverse situation ever occurred; that is, occasions in which people at higher levels would directly instruct Mr. Rin. The witness explained:

For example, when I had to send my troops to the east, my commander met us directly, and he also gave us instructions to everyone on how to proceed. That was not part of the reporting scheme. It was part of the moment when the superior had to stop by and instruct the troops on how to deal with the enemies. That’s all.

By way of conclusion on this topic, Mr. Koppe asked the witness whether it was fair to say that the RAK structure was very strict. Mr. Rin agreed, stating, “Yes it is. It was imperative.”

Delineating the Realms of Chhouk Rin’s Knowledge during the DK Period

Next, Mr. Koppe noted that on several occasions during his testimony before the Trial Chamber, Mr. Rin had indicated that he could not answer a question on a topic because it was beyond his capacity. In particular, Mr. Koppe noted, the witness had done so with respect to questions on:

- Whether Chou Chet was arrested.
- Why the Khmer Vietnamese from Hanoi were arrested by the CPK.
- How many people fled Kampot as refugees.
- The general flight of people from Kampot.

Mr. Koppe asked why certain things were beyond Mr. Rin’s capacity. Mr. Rin replied, “I don’t know why I am asked the reason behind the evacuation of the population of the cities, a decision that was rendered by the senior leaders. As a soldier, I find it difficult to tell you about this.” He continued, “Several thousand people were evacuated from the cities. I knew that had happened, but I have problems telling you the reasons for this as it’s beyond my knowledge.”

This response prompted Mr. Koppe to ask Mr. Rin what was within his realm of knowledge as an artillery commander. Mr. Rin stated:

The realm of my knowledge was confined to what had happened in the vicinity to where I could bear witness. That was very limited; ... things outside this would be difficult for me to say I knew. [On] the evacuation, I could say that the evacuation had taken place because it was known in Kampot province. And the evacuation also took place in other parts of the country. Again, I can testify to events that actually had happened in my presence.

The defense counsel explained that throughout his questioning, Mr. Rin had been confronted with things he had said to the OCIIJ about the CPK, including things about the Standing Committee and the Central Committee. Why then, Mr. Koppe asked, had the witness said these things? Mr. Rin responded:

As I said, I do not understand the details of how the Central and Standing Committees could have been operating. Nonetheless, I described in my statement to the investigators about the documents I had consulted during the study sessions I attended. Through study sessions, I could reflect about what I knew back then. The reason that I could say [those things] was that I studied the materials, and I still recollect what happened or what I learned during the study sessions.

Mr. Koppe asked therefore if it was correct that Mr. Rin's knowledge in these regards was obtained from the study sessions. Mr. Rin confirmed this. Mr. Koppe also asked whether these sessions were those with approximately 500 or 600 participants. By way of implicit agreement, Mr. Rin clarified that not only soldiers but also civilians were present at those sessions.

Asked to elaborate on his role as a soldier in defending the country and fighting at the border, Mr. Rin said, "Between 1975 and 1979, peace was very limited ... War dominated ... National defense was part of our primary task. We had to be deployed to the border frontier on several occasions. We spent so much time there. I had to be there at the border when we fought the Lon Nol soldiers for over a year."



Mr. Koppe queried whom the witness was fighting at the border between 1975 and 1979. Mr. Rin responded impatiently, "I think you know the answer. There was a war between Cambodia and Vietnam. A war took place along the border between these two countries. We were fighting the Vietnamese." When asked whether he had personally been engaged in battles with the Vietnamese, Mr. Rin said, "I can't deny this. You see, I got wounded. This was the result of engaging in such combat. ... You will not notice that I am handicapped, but indeed, I lost a leg as a result of that fight."

The defense counsel explained that he could not explore in detail the war with Vietnam as it was outside the trial scope but asked Mr. Rin when and where he was wounded. Mr. Rin said that he was wounded "on several occasions" but could not recall where, as he was injured on "roughly 20 occasions" and his "whole body has the scars of this fighting."

Mr. Koppe asked the witness whether he was involved not only in fighting but internal security. Mr. Rin explained, "The soldiers were fully in charge of defending the country at the border. When it comes to security, it was the responsibility of the local authorities." Mr. Koppe asked if Mr. Rin knew who was in charge of internal security where he was stationed. The witness responded instead that "soldiers had nothing to do with this internal security." Mr. Koppe explained his question again and asked if the witness knew any names of those responsible. Mr. Rin said, "In Kampot province, I have provided those names already ... for example Kang Chap, who was transferred out of Kampot, with Sambit then replacing him. ... These leaders were responsible for security throughout Kampot province."

Asked whether he knew of the existence of security centers where he was stationed, Mr. Rin said, "I knew nothing about that. I did not know where they were located. I knew nothing about that. I did not know whether such centers existed. That was not my responsibility as a soldier." The defense counsel also asked whether the witness did not know about the existence of S-21. Mr. Rin confirmed, "I knew about that only when Duch was brought to trial [at the ECCC]. Before that, I knew nothing about S-21. Even now, I do not know where it is located because I do not know Phnom Penh clearly. I have never had a chance to visit that place." Mr. Koppe therefore queried whether the existence of S-21 and other security centers was beyond Mr. Rin's capacity to know. Mr. Rin confirmed this.

Study Session in Phnom Penh in 1976 and Witness's Contact with Nuon Chea

Moving on, Mr. Koppe requested the witness describe to the Court his whereabouts between 1975 and 1979. Mr. Rin replied simply, "I went to Phnom Penh in 1976, once. At that time, I attended the study session. After the session, we had a discussion in a group." The witness did not describe any other locations. He also confirmed that this was the only occasion in which he had been in Phnom Penh. Asked how many days and nights he stayed in the city, Mr. Rin confessed that he could not remember clearly, but "it may have been perhaps over 20 days." As to where he stayed, Mr. Rin said, "There was a house near a school. This was not a military unit. We came to attend a study session, so there was a mixture of military officers and civilian officials as well. There were houses, a shelter, near a school building." The defense counsel asked Mr. Rin how many people were sleeping in that house, but Mr. Rin could not recall.

Mr. Koppe asked Mr. Rin if he could remember when the study session took place. Mr. Rin said, "As far as I can remember, it may have been in April or May, because the rain started and we also started doing farming at that time. ... But ... I am not so certain about the exact time." Mr. Koppe asked Mr. Rin whom he left the study session with, to which Mr. Rin replied, "All those who came with me. We came on a truck. Some were civil officials, some were soldiers. There were many people at the time. But I did not know where they went. ... Some who returned with me were civil officials who were in charge of the communes or districts." Mr. Rin then added, seemingly unconnectedly, "In 1979, when I was transferred to Svay Rieng, 200 to 300 soldiers stayed with me, but I do not know where they went. We were separated. Some went to the Thai border, some went to other provinces, but I can give brief answers only."

Redirected to the study session in Phnom Penh, Mr. Rin confirmed, when asked, that after the study session, he returned to Kampot and had never returned to Phnom Penh. Mr. Koppe asked whether the Phnom Penh study session was the first time the witness had seen Mr. Chea. The witness confirmed this, noting that he knew it was Mr. Chea because Mr. Chea was in front of him and someone introduced Mr. Chea to the audience. He added, "That [session] was the only chance we had to see him."

Mr. Koppe asked the witness how many times he saw Mr. Chea speak during the study sessions. Mr. Rin replied, "I do not remember ... but he did not speak much." More particularly, the defense counsel asked Mr. Rin whether, during the study session, he had spoken to Mr. Chea "face to face" or in a room with others. Mr. Rin, by way of decline, said:

I noticed that the leaders of the Khmer Rouge, when the session was finished, they left immediately. They did not talk to the participants of the study sessions ... they didn't like talking to the participants. Pol Pot, Nuon Chea, they did that. They did not talk to the participants. After he finished his presentation, he just left.

Mr. Rin confirmed that he never had a conversation with Mr. Chea and that he had only seen Mr. Chea addressing the crowd of 500 or 600 people.

When asked if he ever saw Mr. Chea after that date, Mr. Rin denied this, stating, "I never met him in a group. I could only see him clearly on that occasion. Later on, I never saw him, I never met him." With this, Mr. Koppe expressed his puzzlement, explaining that Mr. Rin had on the one hand testified that he never spoke personally with Mr. Chea but also that Mr. Chea gave orders to purge cadres in the east. He asked the witness to clarify his testimony in this regard. Mr. Rin responded, cryptically, "Regarding his speech, regarding the purge of the enemy, at that time, he lectured about that document. That is why I referred to that document. That document was used for his lecture. I concluded that the presentation of that document led to the chaos in Cambodia. That is what I want to tell you."

Mr. Koppe noted the witness's testimony that communication within the CPK was, according to the witness, "secret and confidential." He asked the witness why, therefore, Mr. Chea would order the killing of cadre in front of 500 or 600 people. Mr. Rin responded that Mr. Chea "highlighted the contents of the document. When we returned ... some of the leaders of Kampot were arrested, were in danger. That is why I concluded that the directions of the CPK here [in Phnom Penh] led to that problem."

The defense counsel then put it to the witness that he never heard Mr. Chea. Mr. Rin retorted:

I never heard of Nuon Chea's words, but at that time, he may have heard the presentation by Pol Pot about the people in the east. I have told that to the Chamber already. He was over there, and he understood the situation. The troops all over the country, and especially the troops from the southwest, were sent to the east. So, that meant Pol Pot and Nuon Chea were over there when the plan was made. I believe that they understood that, they knew about that. That is all.

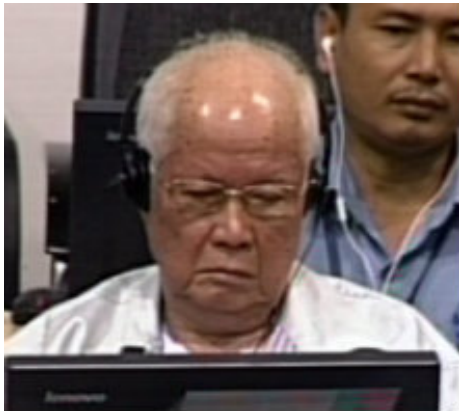
Mr. Koppe reminded the witness that he had an obligation to tell the Court about what he had seen and heard. He then referred to the witness's testimony to the OCIJ that he had attended a "special meeting" on instructions regarding the purge of the east, which was held at the military headquarters at Boeung Trabek and also attended by Pol Pot, Nuon Chea, Son Sen, Ta Mok, and Meas Muth, among others.¹⁸ Mr. Koppe asked Mr. Rin whether, in truth, he was never there. Mr. Rin said he had already clarified this with Mr. Arun but added, "When I came to Phnom Penh, my troops ... took a rest in Phnom Penh. The leader, Son Sen, gave us advice." He continued to explain, "It was not [at] a "special meeting," it was [at] a special circumstance. At the time, the troops prepared to travel on a mission. ... When my troops travelled to the east, there was a

¹⁸ The relevant document has the number E3/361, and the relevant ERN is 0076453.

special circumstance when the leader came to meet us.¹⁹ It was a rare circumstance. He gave us some guidance, some direction, on how to fight with the enemy.”

The defense counsel stated that he wished to seek some clarification on this matter but was interrupted the president, who asked Mr. Koppe to hold on as there appeared to be a problem with the French translation. At this point, Judge Jean-Marc Lavergne advised Mr. Koppe that when he referred to a document, he should give the relevant ERN and slow down. Mr. Koppe apologized and explained that he had not intended to quote from Mr. Rin’s OCIJ statement, but might obtain the relevant ERNs after the mid-afternoon break, with the president’s leave. The president agreed that this arrangement was suitable and duly adjourned the hearing for the break.

Witness’s Knowledge of Khieu Samphan: “He was a Role Model for Every Cambodian”



After the break, Mr. Koppe advised that he had no further questions, but merely wished to notify the Court of the relevant ERNs that he had not provided earlier.²⁰ The floor was then given to National Co-Counsel for Khieu Samphan Kong Sam Onn. Mr. Sam Onn noted Mr. Rin’s health issues but stressed that Mr. Rin had an obligation to share with the Court what he knows.

In a previous statement to the OCIJ, Mr. Sam Onn said, Mr. Rin had stated that he never met Mr. Samphan, Ieng Sary, or Duch and that there were three types of people in the CPK, including the “progressive,” the Youth League,

and Party members; party members were divided into candidates and full-rights members; and party members had been used as diplomats in communicating with the outside world. Asked to explain the terminology he had used, Mr. Rin replied, ““Progressives”” referred to people who were willing to join the Youth League. This means these people had been active and committed to their work, and they had a good class background, for example they were from a poor family. ... Then they became the right-hand people for the Party.”

Mr. Sam Onn asked when these terms were used. Mr. Rin advised that he could not specify the date, but could say:

The Youth League had been established from these progressive people, so they had the core people ready to form this league. The progressive people were those who had their own working groups or committees making a decision on who would be best suited for joining the Youth League. There would be a ceremony conducted to assess the character or performance of the progressive people so that they could become a Youth League member. Provincial governors or members of the sector or district committees would also be selected from these people.

¹⁹ It appears this is a reference to Son Sen.

²⁰ The relevant additional ERNs are 00198847 (in Khmer), and 00268845 (in French).

Mr. Sam Onn then sought clarification on whether “progressive people” or “Youth League” people were established first. The witness said it was “progressive people.” Next, the defense counsel asked the witness to convey his understanding about the Front. Mr. Rin explained:

The Front referred to the moment when we were engaged in the national democratic revolution. ... All walks of life were gathered to engage in this movement, all people from the feudalist, capitalist classes were all invited. These people belonged to the Front group. ... This story dated back to the early part of the establishment of the CPK. ... This movement was established since 1972 or 1973.

After 1968, Mr. Khieu Samphan had to leave the area for allocation near Kampot province. We could hear people talk about Khieu Samphan. People talked about him being an intellectual who was not involved in the Party membership of the CPK. I am talking about 1973 to 1975. After 1975, his position may have changed. I can't say anything about this. Again, it is best that you discuss this with him. ... I cannot talk more on behalf of him.

The defense counsel asked the witness to describe the secret plan to distinguish Mr. Samphan's role in the CPK and the Front. Mr. Rin said:

I think Mr. Khieu Samphan knew very well [the plan's reasons]. The Khmer Rouge knew very well the classes. They classified classes very carefully ... across the country. Khieu Samphan was classified as an intellectual, belonging to a different class.

The classes were classified very clearly. We had the poor peasant classes, lower middle class peasants, upper middle class peasants, and so on. Some had to conceal their identity, because they were terrified that they might be classified into upper classes. ... The Khmer Rouge would identify this immediately. They knew that if people ... were deceitful, then they would treat them not as honest people who were loyal to revolution. At the time, the Khmer Rouge wanted to convert the whole Cambodian society into only labor classes. Please do not rely heavily on what I am saying because you can even talk to your client, who is sitting right in this courtroom. ...

Mr. Khieu Samphan at that time, I mean back in the 1970s, he knew about this, or perhaps he did not know when progressive people were being recruited. Whatever I say in this courtroom is true.

At this juncture, Mr. Sam Onn advised that Mr. Samphan would have the chance to say a few words at a later date but it was currently Mr. Rin's turn to do so. The defense counsel then asked the witness to tell the Chamber whether there was any difference at all between the forces of the Front and forces that belonged to the CPK even prior to 1975. Mr. Rin instead responded:

Just now, I talked about classes. During this national democratic revolution movement, we engaged in revolution. At the beginning, it started from the struggle, just simple struggle, and then national democratic revolution. People do not even understand the term democratic revolution very well these days. At that time, we understood democratic revolution to mean gathering forces for a common cause. It was the plan of the Khmer Rouge that when it turned into the democratic revolution cause, discipline was strict, policy was more rigid and firm. I can't go back to tell you any more about this because it will be very time consuming. But simply speaking, people were expected to join forces, join hands in helping one another--

Mr. Sam Onn cut the witness off at this point. He explained that he only wanted to know any difference and cooperation between the Front and the CPK. Again veering away from the question, Mr. Rin replied:

At that time, we were in the midst of the war. I don't know where counsel could have been, but if you are now over 40 years old, you may know this situation very well by now. After the *coup d'état* of March 19, 1970, war was raged all over Cambodia. In my province, the political elite groups in my province, including Mr. Hu Nim, Hu Yun, and Mr. Khieu Samphan were seen living in my district. We did our best to help them, to hide them. Mr. Khieu Samphan did not seek our support, but he would seek assistance from other people, including the subordinates of Ta Mok. These people were gathered. At that time, I thought that Khieu Samphan could have never survived this ordeal because I believed that he could have been executed.

It is too bad that people regarded Mr. Khieu Samphan and his people as those who had less intelligence. That was how Ta Mok identified him. But later on, when time passed, as you know, Lon Nol soldiers who were supported heavily by the Americans, they could have all the ammunition in stock, ready to engage in a battlefield for a few days. You knew that if you engaged in fighting with them, you would be scared because you knew that the Lon Nol soldiers, backed by the Americans, were decently supplied.

When it comes to the movement, Prince Norodom Sihanouk did not understand very well the situation inside the country. In the Khmer Rouge military, they treated Prince Norodom Sihanouk as a puppet, a kind of baby doll. Later on, when the Khmer Rouge took power, we knew that he was under house arrest in the Royal Palace.

The defense counsel again interjected at this point, once more indicating to the witness that he was interested in the witness's testimony that there had been a secret distinction between the Front forces and the CPK. Mr. Rin finally responded simply, "It is true, obviously, counsel."

Next, Mr. Sam Onn asked the witness how Mr. Samphan was treated by members of the Front and the CPK as a member of the resistance and a member of the peasant class. Mr. Rin said, "I

never saw Mr. Samphan in any meetings of the CPK. I never saw him. I never met him, and I was never introduced to him. I don't know whether this was part of the mystery or secrecy of the senior leaders of the Khmer Rouge. He continued, "But I can say that Mr. Khieu Samphan is a person of great honesty and loyalty. When we talk about him, we know that he is a good person."

Asked whether Mr. Samphan could have hidden his identity, Mr. Rin opined:

I was a student. As a student, I knew that he was a minister of the ministry and he was also a member of parliament. During meetings, we would hear good things about Mr. Khieu Samphan, when people would tell us that Mr. Khieu Samphan was very poor, he did not have a car; he had to go to work by bicycle. It was very clear to everyone how Mr. Khieu Samphan lived his life. When he lived in the jungle, I knew that it would not be easy for him to hide his identity, because everyone knew him well. But we tried to help him. ... We knew that he was a good person, a clean person and not a corrupt person, and he was a role model for every Cambodian person.



Turning to Mr. Samphan's authority or power, Mr. Sam Onn asked the witness whether during the CPK, the witness knew if he had the authority or power to issue orders in the government or military of the CPK. Mr. Rin said, "He had none. Mr. Khieu Samphan was never heard to have ordered anything. ... Mr. Samphan could not have had any authority over the military, because I was a soldier, I could have known if he had any power."

Mr. Sam Onn noted that in his testimony to the OCIJ, Mr. Rin had said, "I cannot speak about Khieu Samphan because he did not know much. He was a force of the Front, not a member of the Center."²¹ The defense counsel asked the witness to explain

what Center meant. Mr. Rin stated, "It refers to the management, the leadership, including the ministers, those who controlled or led the country, [but] I cannot tell you in detail regarding members."

Chhouk Rin's Understanding of Power in The CPK

The defense counsel referred Mr. Rin to another of his statements to the OCIJ in which he had said that "everyone had to obey the orders of the Standing Committee. Otherwise we would have been arrested or disappeared."²² Mr. Sam Onn asked the witness the difference between the Center and the Standing Committee. Mr. Rin explained, "In Kampot province, there was a Standing Committee being established. Sambit was, for example, the head of the Standing Committee representing the Party Center." He continued, "If the Standing Committee made any decision, the decision had to be endorsed and implemented. That happened at district and provincial level in the military. The Standing Committee would be established to comprise the members of the Party."

²¹ The relevant ERNs are 00194472 (in Khmer), 00766458 (in English), and 00268891 (in French).

²² The relevant ERN is 00194469 (in Khmer).

Asked to clarify the difference between the responsibilities of the Central Committee and the Standing Committee at the Center, and whether he knew about the national structure of the DK regime, Mr. Rin denied this, explaining, “I knew nothing about that. I could not describe or explain that to you. That is beyond my ability.” However, Mr. Sam Onn said that in the OCIJ records of Mr. Rin’s interviews, the witness had used the terms “Central Committee” and “Standing Committee.” The defense counsel asked whether the witness could not, in fact, make a distinction between the terms. Mr. Rin agreed that this was so.

Mr. Sam Onn read to the witness another statement he had made to the OCIJ investigators that “Pol Pot was the secretary of the Central Committee and the top leaders including Nuon Chea, Ta Mok, Son Sen, and Ieng Sary.”²³ The defense counsel asked the witness whether he had meant secretary of the Standing Committee. Mr. Rin responded:

I knew about that. When I attended a session, I heard that Pol Pot was the secretary of the Party. They used the term “secretary of the CPK.” Nuon Chea was the deputy secretary. Those who attended that meeting included Nuon Chea and Son Sen. Ieng Sary was not there; I did not see him. I saw only those leaders when I attended the study session about the *Revolutionary Flag* number seven. As I said earlier, those leaders were very cautious, very careful. But of course, I heard long ago about the secretary of the Party. In 1973, ’74, I heard that Pol Pot was the secretary of the CPK.

Mr. Sam Onn asked the witness whether it was therefore incorrect to say that Pol Pot was the secretary of the Central Committee. Mr. Rin responded simply, “The secretary of the CPK.”

As for the reference to “top leaders,” Mr. Sam Onn asked the witness for the basis of this statement. Mr. Rin responded, “They were leaders. If it were our current situation, they would have been the leaders of the government. At the time, they were the leaders of the Khmer Rouge. That’s why I called them senior leaders or high-level leaders.” By way of confirmation, Mr. Sam Onn asked the witness whether he was referring to the leadership of the DK government or the senior leaders of the CPK. Mr. Rin explained that it was the latter.

Pointing the witness back to the topic of his understanding of the difference between the Central and Standing Committees, the defense counsel asked which was more powerful. Mr. Rin said, “I cannot make the distinction. I cannot give more detail about that. Sometimes they used the words ‘Standing Committee’ for the zones ... sometimes for the Party Center. I could not make a clear distinction.”

During this morning’s testimony, Mr. Sam Onn said next, Mr. Rin had discussed the power of the zone leaders and particularly the power of Ta Mok. He asked the witness whether, based on his experience at the time, the power of the zone committee was absolute, that they could make any decision in their zone “like a warlord,” or whether they could not do anything without authorization from the national level. Mr. Rin responded:

²³ The relevant ERNs are 00194465 (in Khmer), 00766450 (in English), and 00268881 (in French).

This morning, I talked about Ta Mok. I talked about his power. Whenever I went anywhere, I saw him. ... When I was attending the study session, for example, in the presentation, in a lecture, when Pol Pot gave a lecture, among all the subordinates, only Ta Mok could interrupt Pol Pot. That is why I said Ta Mok was powerful not only in the Southwest Zone but also in the Party because he dared interrupt Pol Pot. I don't think Nuon Chea or the others may have dared to interrupt Pol Pot. ...

When Ta Mok ordered the troops to do something, for example, to go to the battlefield ... for example if I did not give a detailed report, he could pull out his gun and shoot at us. Sometimes he was good, and sometimes he was very cruel. Some of the commanders in the Southwest Zone may still be alive and some of them may be working in the government right now. They may have experience, and they may know how powerful Ta Mok was. Some people may say that I am telling a lie, and of course, Ta Mok--

At this point, the president cut the witness off, and asked him to limit his responses to the question asked so that the Court could speed up the proceedings. Mr. Sam Onn attempted to assist the witness in this regard by asking him about leaders of other zones and their power. Mr. Rin explained that he did not know about the other zones.

Next, the defense counsel turned to the witness's previous statement to the OCIJ that "before the troops of the Southwest Zone were sent to attack the troops of the East Zone, there was a plan to eliminate those internal enemies. There was a plan by the Standing Committee which included Pol Pot, Nuon Chea, and Ieng Sary."²⁴ Mr. Sam Onn asked the witness how he knew about that meeting. Mr. Rin said, "That plan led to chaos in Cambodia. That was the plan. The troops were sent to the East Zone to suppress the troops in the East Zone. After that, the situation in the east was severe." Mr. Sam Onn asked the witness whether this meant that he had not directly attended the meeting of the Standing Committee and instead knew about it only when he had attended a study session. Mr. Rin confirmed this was so.

Regarding confidentiality during the DK regime, Mr. Sam Onn asked Mr. Rin, when the leaders spoke about the plan to purge the East Zone before the 500 or 600 study session participants, how this affected the confidentiality in the country. Mr. Rin replied, "Of course this had a serious impact. Before we were united like we are now, there were a lot of problems."

Moving on, Mr. Sam Onn noted that in one of his statements to the OCIJ, the witness had stated that Mr. Samphan also became an enemy to the CPK.²⁵ The defense counsel sought Mr. Rin's clarification on what he meant when he said that Mr. Samphan became an enemy of the CPK and whether he had any proof. Mr. Rin advised, "I already explained at length earlier on. You can learn from my statement, and I wish not to explain this further."

²⁴ This record has the document number E3/362, and the relevant ERNs are 00210209 (in Khmer), 00268895 (in English), and 00268903 (in French).

²⁵ The relevant ERNs are 00210212 (in Khmer), 00268897 (in English), and 00268905 (in French).

At this point, it was 4 p.m., the usual time for the daily adjournment. Apparently noting this, Mr. Sam Onn advised the president that he would require 10 more minutes to question the witness, and his co-counsel would require at least an hour. Ms. Guissé clarified that, bearing in mind today's questions, she would only in fact require half an hour.

The Trial Chamber judges convened, apparently to discuss the hearing arrangements for Wednesday, April 24. At one point during this conference, the president could be seen consulting his wristwatch. He then noted to the court that there had been some issues concerning Mr. Rin and that the Khieu Samphan Defense Team had required half an hour of time for questioning. The president advised that it would be preferable to finish the session today.

Questions on Recording of Witness's Testimony on the "Khmer Vietnamese" in Kampot

Mr. Sam Onn thus duly resumed his questioning. He first noted that during the April 22 hearing, he had taken issue with a question that the OCP had posed regarding the record of Mr. Rin's OCIJ interview in which he had mentioned the arrest of Khmer Vietnamese citizens in Kampot. The defense counsel sought the president's leave to play back the relevant part of the audio



recording of the interview.²⁶ President Nonn first sought clarification on who made the recording. Mr. Sam Onn said that it was a recording of one of Mr. Rin's OCIJ interviews.

While the audio visual booth officers were arranging for the playback of the recording, Ms. Guissé asked the president whether he might reconsider his decision to extend questioning of Mr. Rin for today, since she had consulted her client and Mr. Samphan had indicated that it might be difficult to remain in the courtroom while this occurred. The president said that this ruling stemmed from the defense counsel's indication that they required only 30 minutes additional time and also from the fact that the time extension was also more convenient for transferring Mr. Rin, as Mr. Rin had some family issues.

President Nonn added that he thought he was not mistaken "because international judges also engaged in the ruling." In a very loud voice, the president then directed counsel to proceed.

The audiovisual unit proceeded to play the audio recording. There was no translation or subtitles. At length, there could an English voice heard. This appeared to be a translator, who could be heard offering limited translation, apparently for Mr. Rin's portions. The translation stated, "The authorities followed a 'stubborn policy.' Within the party, there were two movements within the party at the same time: the Khmer Vietnamese movement and the labor movement." The translation continued, "You can do the research about this. At that time, the movement of the Khmer Vietnamese meant the Vietnamese from Hanoi. All of them were arrested and killed."

Mr. Sam Onn then advised that he heard Mr. Rin in the recording referring to "Khmer Viet Minh," although in the written record of OCIJ interview, the term referred to was "Khmer Vietnamese." Mr. Sam Onn asked Mr. Rin the difference between these two terms. Mr. Rin

²⁶ This recording has the document number 123/3R, from 19.15 to 19.26.

explained that the terms were used interchangeably and referred to Khmer people returning from Vietnam. Mr. Sam Onn sought clarification as to whether this was the witness's opinion. Mr. Rin agreed and added that "Viet Minh" was distinct from "Viet Cong."

Clarifications on Internal Divisions within the CPK and the War with Vietnam

At this point, Mr. Sam Onn ceded the floor to Ms. Guissé. With respect to the audio recording, Ms. Guissé noted that in his statement to the OCIJ, Mr. Rin had referred to the establishment of the CPK in relation to problems that arose with the Indochina Communist Party.²⁷ She asked whether Mr. Rin had personally witnessed this or only heard about it. However, Mr. Raynor objected that it was unclear what was being asked of the witness. Explaining that she was only trying to be expeditious, Ms. Guissé duly read the relevant passage: "The Indochinese Communist Party met with high-level cadres with an intention to create a similar political structure in Kampuchea. Those cadres refused and created the CPK instead, and this point became the source of problems between the CPK and the Viet Cong."

Mr. Rin said that he learned about this "through study sessions. We were lectured on this, and documents were consulted during the sessions."

Ms. Guissé noted that the witness had earlier testified to being injured during some 20 battles. She asked whether these battles were with Vietnam. Mr. Rin answered, "At the beginning, the Khmer Rouge soldiers and the Vietnamese troops engaged in fighting." Ms. Guissé said there appeared to be a problem of understanding here and repeated her question. Mr. Rin then confirmed that the battles of which he had spoken were indeed with Vietnam.

Next, Ms. Guissé asked the witness whether, when he was at war with Vietnam between 1975 and 1979, anti- and pro-Vietnam tendencies still existed within the CPK. Mr. Rin agreed, stating, "These people were against each other until 1991, even during the time when the Paris Peace Accord was put in place and until the withdrawal of Vietnamese troops from Cambodia in 1993. ... After 1994, although the Khmer Rouge troops still existed, there was no more fighting with the Vietnamese."

Mr. Raynor objected at this point that there still appeared to be some confusion, in that, while Ms. Guissé was asking about pro- and anti-Vietnamese tendencies, Mr. Rin was discussing fighting with Vietnam, which was a separate matter. Ms. Guissé asked Mr. Rin whether it was clear to the witness when she asked about two tendencies that she was talking about movements within the CPK. Mr. Rin said:

I already told you that there was fighting with the Vietnamese troops. Later on, when the National Salvation Front [was] created by the three Samdech,²⁸ we could see that this new front was fully supported by their followers. This front that was led by them helped to attack the Khmer Rouge troops. At the beginning, the Khmer Rouge soldiers never appreciated the efforts made by these three Samdech, but now they realize that these three Samdech did something to help--

²⁷ The relevant ERNs are 00194463 (in Khmer), 00766449 (in English), and 0268880 (in French).

²⁸ This is a reference to current Cambodian Prime Minister Hun Sen, Senate President Chea Sim, and National Assembly President Heng Samrin.

Before the witness could proceed, the president intervened, stating that he was speaking at length about irrelevant matters and was wasting his and the Court's time. The president entreated the witness to be brief and precise.

Continuing, the defense counsel referred to the witness's statement that internal groups were created within the CPK by the groups that opposed and favored Vietnam. She asked whether those two tendencies continued to exist inside the CPK when the war was going with Vietnam. Mr. Rin confirmed this and said that this was why the war continued to exist. She then asked whether this meant that there was a war between two CPK factions or between the CPK and the Vietnamese army. Mr. Rin stated that the question was repetitive.

Ms. Guissé repeated her question nonetheless. The witness confirmed that it was the latter: "The war was waged between the soldiers of the CPK and the Vietnamese troops." He added, when pressed, that when this war was going on, "there were no two groups as such. There was only one group. However, when it comes to the resistance against the CPK, it is another story."

Moving on, Ms. Guissé turned to the purges in the East Zone. She first asked the witness whether he had ever heard of Chan Chakry. Mr. Rin agreed that he had heard of this person through "documents of the CPK," learning that he was the head of a division. This prompted the defense counsel to advise the witness that according to his statement to the OCIJ, he had said that Chan Chakry had led Divisions 280 and 290 in trying to overthrow Pol Pot.²⁹ Ms. Guissé asked the witness how he learned about this. Mr. Rin explained, "I found out about this through reading documents about the *coup d'état*." Ms. Guissé continued that in his OCIJ interview, Mr. Rin had spoken of "a commando group" attacking the base in Phnom Penh with many killed and some captured. She asked whether Mr. Rin also learned about this attack through his readings. By way of apparent disagreement with this suggestion, Mr. Rin explained, "During the time when fighting broke out in Phnom Penh, all forces had to be called out to support the fighting. But later on we learned that the situation was under control and we were allowed to go back to our bases."

Next, Ms. Guissé focused the witness's attention on his testimony on April 22 about the "April 17" people and the fact that Lon Nol soldiers were considered part of these people, although the witness never received orders about treating these soldiers as enemies. Ms. Guissé said that according to this statement, "April 17" people were those who worked with Lon Nol. When asked to clarify, the witness explained, "The 'April 17' people here refer to everyone regardless of whether they were civilians or soldiers. As long as these people were evacuated after April 17, 1975, they would be regarded as 'April 17' people." Mr. Rin also confirmed, when asked, that no one told him to view these people as enemies.

Finally, Ms. Guissé asked the witness about the farming work he had been required to do. Mr. Rin explained, "The head of the military would then get some rice for eating ... for the soldiers." Mr. Rin also confirmed that the agricultural work he had done was for his own subsistence.

With this testimony concluded, the president adjourned the proceedings for the day. Hearings in the ECCC will resume on Wednesday, April 24, 2013, with the testimony of witness TCW 126.

²⁹ The relevant ERNs are 00194470 (in Khmer), 00766455 (in English), and 00268887 (in French).