



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
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Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 January 2013  
Trial Day 143

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

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IENG Sary  
KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
MR. HONG KIMSUON	Khmer
MR. KONG SAM ONN	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SA VI (TCW-620)	Khmer
MR. SENG BUNKHEANG	Khmer
MR. SON ARUN	Khmer
MR. VERCKEN	French
MS. YE	English

1

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

2 (Court opens at 0911H)

3 MR. PRESIDENT:

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

5 Per our schedule in late 2012, today the Trial Chamber will  
6 continue the proceedings in Case 002/01, and we will hear the  
7 testimony of a witness, TCW 620.

8 The Greffier, Mr. Duch Phary, could you report the attendance of  
9 the parties and individuals to the proceeding today?

10 [09.13.07]

11 THE GREFFIER:

12 Good morning, Mr. President. All parties to this case are  
13 present, except the counsel -- Michael Karnavas, international  
14 counsel for Ieng Sary's defence. He is absent due to his personal  
15 business.

16 As for the accused Ieng Sary and Nuon Chea, they are present in  
17 the holding cells downstairs, due to their health.

18 The greffier also noted the presence of Victor Koppe, the  
19 international counsel for Nuon Chea. Mr. Koppe was recognized by  
20 the Trial Chamber already during the initial hearing.

21 As for the witness who is supposed to be testifying today - that  
22 is, TCW 620 - he is present in the waiting room to be called by  
23 the Chamber. This witness confirmed, to his knowledge and  
24 ability, he has no relationship by blood or by law to any of the  
25 three Accused or any of the civil parties recognized in this

2

1 case. This witness already took an oath this morning. This  
2 witness does not have any duty counsel.

3 [09.14.59]

4 MR. PRESIDENT:

5 Thank you, Mr. Phary.

6 Before we proceed with the hearing of the testimony of the  
7 witness, we will rule regarding the participation of Mr. Ieng  
8 Sary and Nuon Chea. Today, the Chamber receives the medical  
9 report from the station doctor, who examined the health of Mr.  
10 Ieng Sary and Nuon Chea prior to the commencement of today's  
11 proceeding.

12 Mr. Ieng Sary's health is not changed much, based on the  
13 assessment. He cannot participate directly in the courtroom.  
14 However, he can participate from the holding cell downstairs.  
15 Similarly, the condition of Mr. Nuon Chea is the same.

16 In order not to prolong the proceeding, and for the sake of  
17 justice, and based on the medical report of the station doctors  
18 in -- at the detention facility, Mr. Ieng Sary and Nuon Chea are  
19 instructed to follow the proceeding from the holding cells  
20 downstairs. That is for today's proceeding.

21 The AV Unit, you're instructed to link the proceeding to the  
22 holding cells downstairs so that the two Accused can follow it.  
23 Court Officer, could you invite the witness, TCW 620, into the  
24 courtroom?

25 (Mr. Sa Vi enters courtroom)

3

1 [09.18.10]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Good morning, Mr. Witness. What is your name?

4 MR. SA VI:

5 A. (Microphone not activated)

6 Q. Witness, please wait until you see the red light on the head  
7 of the microphone or the console. The light indicates that the  
8 system is operational so your words will go through the system  
9 and through the interpretation booth as well, as we use three  
10 languages in this courtroom.

11 Once again, what is your name, Mr. Witness?

12 [09.18.47]

13 A. Good morning, Mr. President. My name is Sa Vi.

14 Q. Thank you. Besides Sa Vi, do you have any other names or  
15 alias?

16 A. My birth name is Sa Sarim.

17 Q. So your official name is therefore Sa Vi; is this correct?

18 A. Yes, it is.

19 Q. How old are you, Mr. Sa Vi?

20 A. I am 52 years old.

21 Q. Where were you born?

22 A. I was born at Prey Edth village, Pou Angkrang sub-district,  
23 Kong Pisei district, Kampong Speu province.

24 Q. Where is your current residence?

25 [09.20.03]

4

1 A. I reside at Ou Chheu Kram village, Stueng Kach sub-district,  
2 Sala Krau district, Pailin City.

3 Q. What is your current occupation?

4 A. I am a farmer.

5 Q. What is your father's name and your mother's name?

6 A. My father is Sa Kim, and my mother is Svay Yun.

7 Q. And your wife's name? How many children do you have?

8 A. Her name is Nam Hon. We have four children.

9 Q. Thank you, Mr. Sa Vi.

10 As reported by the greffier, to your best knowledge, you have no  
11 relationship by blood or by law to any of the individuals who  
12 have been recognized as civil parties in Case 002 nor any other  
13 relationship with any of the three Accused - that is, Nuon Chea,  
14 Ieng Sary, and Khieu Samphan. Is this information correct?

15 A. Yes, it is.

16 Q. Also as reported by the greffier, you already took an oath  
17 before you entered this courtroom. Is that correct?

18 [09.21.46]

19 A. Yes, it is.

20 Q. Thank you, Mr. Sa Vi.

21 You are hereby informed of your rights and obligation as a  
22 witness.

23 As a witness to the proceedings before this Chamber, you have the  
24 right to refuse to any of the response or any of the confirmation  
25 that would incriminate you. That is your right against

5

1 self-incrimination - it means if you believe your response would  
2 incriminate you.

3 And as a witness you are hereby obliged to provide testimony  
4 before this Chamber and you must respond to all the questions put  
5 to you by any of the parties or the Bench, except in the case  
6 that you exercise your right against self-incrimination. And as a  
7 witness, you must tell the truth that you have heard, have known,  
8 and have recalled, or experienced, or observed personally  
9 regarding any of the event related to the questions put to you by  
10 any of the Chamber (sic) or the Bench.

11 [09.23.13]

12 Do you understand your rights and obligation, Mr. Sa Vi?

13 A. Yes, I do.

14 Q. Thank you.

15 Mr. Sa Vi, had you been interviewed by investigators of the  
16 Office of the Co Investigating Judges? If so, how many times, and  
17 where did it take place?

18 A. I was interviewed once at my house. It was at Ou Chheu Kram  
19 village, Stueng Kach sub-district, and Sala Krau district. There  
20 was only one interview.

21 Q. Before your appearance before this Chamber today, have your  
22 read, reviewed, or were you read that written record of interview  
23 with the investigators of the Office of the Co Investigating  
24 Judges in order to refresh your memory?

25 A. Yes, I reviewed that record.



6

1 Q. Thank you. And to your best knowledge and recollection, can  
2 you tell the Chamber whether that written record of interview  
3 that you have reviewed reflects the accurate record of your  
4 responses that you provided to the investigators?

5 [09.25.09]

6 A. I understand that it is consistent and accurate.

7 MR. PRESIDENT:

8 Thank you.

9 The Prosecution, you are advised that, for the hearing of the  
10 testimony of this witness, you will be given the floor first to  
11 put questions to this witness. You may therefore proceed.

12 QUESTIONING BY MR. SENG BUNKHEANG:

13 Thank you, Mr. President. Good morning, Mr. President, Your  
14 Honours, and all the parties who are present here; and good  
15 morning, Mr. Witness.

16 [09.26.02]

17 Q. Mr. Sa Vi, I have some questions to put to you. Based on the  
18 written record of your interview with the investigators of the  
19 Office of the Co Investigating Judges, as clarified by the  
20 President of the Chamber, you confirmed that in around 1974 you  
21 worked as a mail messenger for the Pou Angkrang sub-district, in  
22 Kong Pisei district, in Kampong Speu province, which was part of  
23 Sector 33, and you worked as a sub-district messenger to various  
24 other villages. It is in your written record of interview - that  
25 is, E3/104 - on the page, in Khmer, ERN 0020 (sic) - and in-

7

1 Mr. President, with your permission, I'd like to deliver the  
2 documents to the witness and to have it projected on the screen.

3 MR. PRESIDENT:

4 (No interpretation)

5 BY MR. SENG BUNKHEANG:

6 Mr. President, as the -- my colleague said that the ERN was not  
7 correct, the ERN in English is 00204058.

8 Q. Mr. Sa Vi, can you recall when was - Kong Pisei district was  
9 liberated by the Khmer Rouge?

10 MR. SA VI:

11 A. Yes, I can recall that. Kong Pisei district was almost  
12 occupied by the Khmer Rouge force in 1974. There was very little  
13 force of the other side.

14 [09.29.12]

15 Q. Thank you. You also stated before the OCIJ investigators that  
16 Kong Pisei district, in Kampong Speu province, was part of Sector  
17 33. Which zone was it under?

18 A. Sector 33 was in the Southwest of the country.

19 Q. Thank you. Also, in the same document, you stated that in 1975  
20 you was assigned to become the Samraong district soldier and  
21 later on you was promoted to become the Sector 33 soldier. It is  
22 in the same document, E3/104; Khmer ERN is 00204050; and in  
23 English, 00204058; and in French, 00524371.

24 Can you recall in what year (sic) in 1975 when you stopped being  
25 a messenger and became the district soldier?

8

1 [09.30.48]

2 A. In 1975, in June, I was transferred to work at Samraong  
3 district.

4 Q. Who was the commander within Sector 33?

5 A. I'm afraid I don't recall his name because it was a long time  
6 ago. I had been there very briefly.

7 Q. As a soldier in Samraong district and Sector 33 in 1970s, what  
8 was your role and responsibility?

9 A. I was an ordinary combatant.

10 Q. As a combatant, did you engage in fighting with the Lon Nol  
11 soldiers?

12 A. During that time, the war was over.

13 Q. On the 17th of April 1975, where did you live? Did you remain  
14 in Kong Pisei or Samraong district or elsewhere?

15 A. On the 17th of April 1975, I lived at the commune office of  
16 Pou Angkrang.

17 Q. In the same document, document E3/104, you indicated that:

18 "From 1975, I saw people were evacuated from cities to the  
19 countryside."

20 Document in Khmer, 00204053; in English, 00204061; and French ERN  
21 00524374.

22 According to your best recollection, where were these people  
23 transferred from?

24 [09.34.19]

25 A. I noted that they were evacuated through National -- they were

9

1 evacuated and walked on National Road Number 3, and I saw them  
2 being moved to Kong Pisei. However, I do not know what happened  
3 across the country, but I believe that it could have been the  
4 case all across the country at that time; the same situation  
5 happened.

6 Q. Having seen people being evacuated to Kong Pisei district,  
7 could you tell the Chamber, please, your description of the  
8 situation of the people?

9 A. These people came - some came by cars or motorbikes, but  
10 mostly, a lot of people came on foot.

11 Q. At your sector, as a combatant, were you and other combatants  
12 assigned any tasks to deal with the evacuation of the people  
13 during 1975?

14 A. Soldiers were not tasked with any kind of duties. We didn't do  
15 anything with that.

16 [09.36.24]

17 Q. Do you know when exactly the people of Kampong Speu were  
18 evacuated?

19 A. I don't know.

20 Q. Were people in your location ever evacuated?

21 A. No, they weren't.

22 Q. You said people were evacuated to your location. According to  
23 your recollection, how were these people treated by the cadres of  
24 the Khmer Rouge?

25 A. (Microphone not activated)

10

1 MR. PRESIDENT:

2 Witness, please hold on and wait until you see the red light  
3 before you proceed.

4 You may proceed.

5 MR. SA VI:

6 A. I noted that the villagers would be helping the people to  
7 settle down at some places in the sector.

8 BY MR. SENG BUNKHEANG:

9 Q. Do you know how were these people managed?

10 MR. SA VI:

11 A. (Microphone not activated)

12 [09.38.15]

13 MR. PRESIDENT:

14 Mr. Witness, could you please be reminded that you should wait  
15 and observe some pause?

16 You may now proceed.

17 MR. SA VI:

18 A. I have no idea how people or how work were managed or  
19 administered, but I learned that people were transferred to - or  
20 assigned some tasks.

21 BY MR. SENG BUNKHEANG:

22 Q. Do you know whether the people who were evacuated there had to  
23 also provide their biographies?

24 MR. SA VI:

25 A. I don't know.

11

1 [09.39.21]

2 Q. I would like now to move another topic. In the statement you  
3 gave to the investigators of the ECCC, you said that, by late  
4 1975 and early 1976, you were sent to work at - in Phnom Penh, in  
5 K 1 Unit. This document is under E3/105, under ERN in Khmer  
6 00204050, English ERN 00204058, and the same French ERN number,  
7 which is 00524371.

8 So, who assigned you to work at K 1 Office in Phnom Penh?

9 A. I had been working at Kampong Speu, and on one occasion the  
10 commander of the sector asked me to come and work at K-1 Office.  
11 I do not remember the name of the person who assigned me this  
12 task, but he was the commander of the army.

13 Q. Did you remain - or did you continue working at K-1 until  
14 1979?

15 A. Yes, I did. I continued working at K-1 Office until the 6th of  
16 January 1979.

17 Q. Can you please tell the Chamber what Phnom Penh was like  
18 during that time? I mean from 1975 - late 1975 until early 1976.

19 A. I noted that people lived in some blocks of the city, and most  
20 part of the city was abandoned.

21 [09.42.35]

22 Q. According to the statement you gave to the investigators, you  
23 say that, by the time you were in Phnom Penh, you did not see any  
24 dwellers, except workers and soldiers. And this document is under  
25 the same document; in Khmer, 00204053; English ERN 00204061, and

12

1 French ERN 00524374.

2 During the entire time you worked at K-1, was Phnom Penh the same  
3 like what you described?

4 A. I did not see any change to the situation in Phnom Penh. Phnom  
5 Penh remained the same all along.

6 Q. Where was K-1 located? And what was its function?

7 A. K-1 was located to the south of the Royal Palace; I believe it  
8 was about a kilometre from the Royal Palace. And K-1 was a place  
9 where Pol Pot lived. He was there permanently.

10 Q. Did any other senior leaders of the Khmer Rouge reside at K-1?

11 A. I saw other leaders, including Uncle Ieng Sary, Nuon Chea,  
12 Khieu Samphan, who came and went to the office. Every time they  
13 came to the meetings and worked, they would stay there.

14 [09.45.29]

15 Q. You said you saw these uncles, including Ieng Sary, Nuon Chea,  
16 and Khieu Samphan. Did you see them very often?

17 A. (Microphone not activated)

18 MR. PRESIDENT:

19 Mr. Witness, perhaps you forget that you need to observe some  
20 pause.

21 MR. SA VI:

22 A. I saw them on a regular basis; they came to the place very  
23 often.

24 BY MR. SENG BUNKHEANG:

25 Q. Thank you. You also said in your statement that K-1 was to

13

1 provide protection for uncles, including Pol Pot, Nuon Chea, Ieng  
2 Sary, and Khieu Samphan. Document under Khmer ERN 00204050; in  
3 English, 00204059; and in French, 00524371; document E3/104, the  
4 same document.

5 What was your role at K-1? Did you provide protection for the  
6 senior leaders, including these uncles and other people who  
7 stayed at K-1?

8 [09.47.08]

9 MR. SA VI:

10 A. I worked as a protection officer. I worked at K-1 regularly.

11 Q. Thank you.

12 In your interview, you also stated that at K-1 there were three  
13 layers of protection guards - or units and that the first layer  
14 was surrounded by planks and barbed wire - document E3/104; Khmer  
15 ERN 00204051; English, 00204059; and French ERN 00524371. Do you  
16 still remember the first group who worked inside the complex of  
17 K-1?

18 A. Yes, I do. I remember some of them, although I can't remember  
19 all.

20 Q. Do you remember the person by the name of Tan? Where did he  
21 work?

22 A. Yes, I do I know him. Tan was overly (sic) in charge of the  
23 first and the second layers of the guard units.

24 [09.49.27]

25 Q. Is it fair to say that Tan was the chairman of both the first



14

1 and second layer of guard units?

2 A. Yes, it is.

3 Q. Thank you. You also stated about the guard unit at K-1, the  
4 first and the second layers of guard unit, and you said that the  
5 second unit had to give protection on the outside - there were  
6 three towers of them - and the group comprised of 50 to 60  
7 people. And there is a third layer of security guards which was  
8 about 2 kilometres from K-1, and these people worked for  
9 "Yor"-10.

10 MR. PRESIDENT:

11 Counsel, you may proceed.

12 MR. VERCKEN:

13 I have an objection, Mr. President, because I understand that the  
14 prosecutor's objective is maybe not - does not correspond to the  
15 details that he is reminding to the witness, but I have the  
16 feeling that he is being re-read his statements, and I don't  
17 believe that the object of this hearing is to read to the witness  
18 again what he's stated to the Investigating Judges. And  
19 therefore, to - on the contrary, the idea is to understand their  
20 testimony and to see if there testimony corresponds to what was  
21 said before and to see if the witness has modifications to  
22 provide. But it seems that the prosecutor, here, is directly  
23 re-reading to the witness descriptions that he gave previously to  
24 the investigators, and I don't think that this is the purpose of  
25 this hearing today.

15

1 [09.51.40]

2 MR. SENG BUNKHEANG:

3 Mr. President, please allow me to respond to the objection by  
4 counsel for Mr. Khieu Samphan.

5 I believe that counsel could have been mistaken. What I was  
6 reading out to the witness is indeed to make sure that he  
7 understands or to refresh his memory.

8 And I would like to follow up with some questions to make sure we  
9 can ask him for some clarification, and I think other parties to  
10 the proceeding might to the same.

11 (Judges deliberate)

12 [09.52.36]

13 MR. PRESIDENT:

14 The objection by counsel for Mr. Khieu Samphan is not sustained.

15 Witness is now instructed to respond to the question put to him  
16 by the Co-Prosecutor if he still remembers. If not, the  
17 Co-Prosecutor is advised to put the question again.

18 Counsel, the Chamber has already ruled on this. If you would like  
19 to have other issue to raise, then you would be allowed to do so,  
20 but you are refrained from repeated the same matter that has  
21 already been resolved.

22 Counsel, please be advised that the matter has already been dealt  
23 with. You may be seated.

24 The Co-Prosecutor, you may continue putting the question to the  
25 witness.

1 MR. VERCKEN:

2 If you do not give me the opportunity to speak, I cannot answer  
3 you. You take it as a fait accompli that I have no further  
4 objections to provide, and you're not giving me the opportunity  
5 to say this, so therefore--

6 [09.54.14]

7 MR. PRESIDENT:

8 Indeed, it has already been the rule that you are allowed to  
9 respond once to a matter raised. So you only are allowed one time  
10 to lodge your objection, and then the Chamber would rule on it,  
11 and you would not be given the floor again to re-address the same  
12 issue. So, I was telling you that the Chamber already ruled upon  
13 this matter, and if you want to touch upon the same issue, you  
14 would not be allowed to do that.

15 MR. VERCKEN:

16 Mr. President, there might be a translation issue here, but what  
17 you have said to me right now, before you allowed me to answer  
18 you by cutting my - cutting off the microphone - you're allowing  
19 me to speak unless I wish to speak about the same thing again.

20 This is why I don't understand. It might be a problem of  
21 interpretation.

22 So we are facing here a real problem, and the prosecutor is  
23 simply reading the statement again to the witness and to refresh  
24 the witness's memory, whereas the witness did not even say that  
25 he does not remember. So what is the purpose of this hearing? To

17

1 - why don't we just read the record again and then move onto  
2 something else?

3 [09.55.48]

4 MR. PRESIDENT:

5 Mr. Co-Prosecutor, I think the opportunity for you is now to  
6 proceed with your questions.

7 BY MR. SENG BUNKHEANG:

8 Thank you, Mr. President. I would like to continue and I would  
9 like to repeat the question that I put to the witness. We did not  
10 receive the response from the witness because counsel for Mr.  
11 Khieu Samphan took issue with my line of questioning.

12 Q. The question I put to you is that, in your statement before  
13 the co-investigators, you indicated about the first and the  
14 second layer of the guards at K-1. You say that the second layer  
15 guards, they were - they comprised of 50 to 60 people and they  
16 work in - at four posts. And "Yor-Dop" was - rather, Y-10 Unit  
17 was located about 2 kilometres from K-1 and the unit was tasked  
18 with protecting the leaders who came to work. "Yor-Dop" was  
19 chaired by Kham My, who disappeared. Under "Yor-Dop", there were  
20 about 100 people.

21 This document can be referred to document E3/104; document in  
22 English, 00205059, and in English (sic) 00524371.

23 My question to you is: In which layer were you working?

24 [09.57.53]

25 MR. SA VI:

18

1 A. I belonged to the second layer guard duty.

2 Q. Where did you work – or where were you stationed when you  
3 worked at the – in the second layer of guards?

4 A. Normally I patrolled at night and I had to guard the complex  
5 at nights, doing patrol work. And every now and then, I would  
6 have to be ready at the gate to open the doors for incoming  
7 visitors.

8 Q. Did you remain at the second layer of guard unit all along,  
9 since the beginning, when you started working there in late 1975  
10 and early 1976, all the way to 1979?

11 A. Yes, I had been working there all along.

12 Q. (Microphone not activated)

13 MR. PRESIDENT:

14 Prosecutor, please turn on your microphone.

15 [09.59.37]

16 BY MR. BENG BUNKHEANG:

17 Thank you.

18 Q. You also indicated before the investigators that, for the  
19 second layer, there were four posts, or four towers around the  
20 perimeter of the first layer. Can you tell us the height of the  
21 tower? Was it higher than the plank for the first perimeter?

22 MR. SA VI:

23 A. The four towers were of 2 metres high. It was lower than the  
24 plank wall.

25 Q. You stated before this Chamber that the towers were 2 metres

1 high and lower than the plank wall.

2 The question is: When the guards stood on each tower during the  
3 guard unit, the guard tower, could they observe the first wall of  
4 the first perimeter?

5 A. No, they could not.

6 Q. Can you recall for each tower how many guards were assigned?

7 A. Five guards were assigned to each tower, and they made a daily  
8 shift.

9 [10.01.50]

10 Q. Were you assigned to guard in the tower? And if so, how often  
11 were you assigned?

12 A. I was assigned, but not that often. I usually patrolled on  
13 foot during the night. I was on patrol then more often than on  
14 the guard at the tower.

15 Q. For those guards at the towers, were they armed?

16 A. Yes, they were armed.

17 Q. During the time that you worked at K-1 Unit - that is, the  
18 Protection Unit - who was your direct superior that you had to  
19 report to or that you receive instructions from?

20 [10.02.56]

21 A. There was a chain of command. Tan was overall in charge, and  
22 below Tan there were group chiefs and unit chiefs. And for each  
23 report, it would be - for each daily work, it would be reported  
24 first to the group and the unit chief.

25 Q. You mention the name of Tan. Do you know the full name of this

1 person? Can you recall it?

2 A. He initially was known as Khieu – Tan alias Khieu, in fact.

3 Q. Do you know the family name of Tan?

4 A. No, I cannot recall.

5 Q. Is his name Oeun Tan? Do you know a person by the name Oeun

6 Tan who also resides in Samlaut, and he also gave testimony

7 before this Chamber?

8 A. In fact, Oeun is the name of his wife, but I do not know the

9 family name of this person, since I separated from him for a long

10 time. In fact, I separated from him since 1984.

11 [10.04.51]

12 Q. Do you know whether that person by the name of Tan testified

13 before this Chamber?

14 A. No, I do not know that.

15 Q. In the same interview with the investigators, you indicated

16 another person's name that is Sot, who was the Deputy Chief of

17 the Protection Unit, K-1. Can you tell the Chamber, the person by

18 the name of Sot, as you indicated in your interview, is Ta Sot?

19 Because Ta Sot used to live in Samlaut but he passed away a few

20 years ago. Is this the same individual?

21 A. Yes, that is the person; that is his name, Sot. But I can't

22 recall his family name.

23 Q. Also in the same document – that is, E3/104 – you indicated

24 that you saw Nuon Chea, Ieng Sary, and Khieu Samphan coming and

25 going into K-1 frequently; in Khmer, 00204051; in English,

21

1 00204059; and in French, 00524372.

2 When you saw Nuon Chea, Ieng Sary, or Khieu Samphan at K-1, where  
3 were you physically located?

4 [10.07.03]

5 A. When I was assigned a guard duty at the entrance, the entrance  
6 guard duty was usually for five days, and that's when I saw them.

7 Q. You saw Nuon Chea, Ieng Sary, and Khieu Samphan coming and  
8 going frequently at K-1. Did you see them from the time that you  
9 started working in early 76 until early 79?

10 A. Yes, I saw them from the time that I started working there  
11 until 1979.

12 Q. Can you tell the Chamber, when Nuon Chea, Ieng Sary, and Khieu  
13 Samphan came to K-1, how were they - how did they come? Did they  
14 come by vehicle or by any forms of transportation?

15 A. They came by vehicle.

16 Q. Did you know they have their personnel private vehicle and  
17 driver?

18 A. Yes, they did. They did have their own vehicle and their own  
19 driver.

20 Q. Can you recall the drivers for these people?

21 [10.09.25]

22 A. I recall two: one was the driver for Khieu Samphan, by the  
23 name of Soeun, and another driver for Nuon Chea was Sot himself.  
24 Sot used to drive for him. And later on he was replaced by  
25 another driver, but I can't recall that person's name. As for



22

1 Ieng Sary's driver, I cannot recall his name and I did not know  
2 that person.

3 Q. When Nuon Chea, Ieng Sary, and Khieu Samphan came by vehicle  
4 to K-1, where were their cars parked, and who actually came to  
5 greet them, or where did the driver go to pick them up?

6 A. The vehicles came into the compound of K-1.

7 Q. Can you elaborate further on this point?

8 A. (Microphone not activated)

9 MR. PRESIDENT:

10 Witness, please observe some pause before you speak.

11 MR. SA VI:

12 A. They entered the compound, and nobody actually came to greet  
13 them.

14 [10.11.11]

15 BY MR. SENG BUNKHEANG:

16 Q. As for K-3, can you tell the Chamber, what was K-3? And did  
17 you ever go to work at K-3?

18 MR. SA VI:

19 A. I never went to K-3, but it is my understanding that K-3  
20 belongs to the uncles that resided there. But I did not know for  
21 sure who actually resided there amongst all those uncles. I  
22 simply knew that it was called K-3 and it was also an important  
23 location for those people.

24 Q. Regarding your work at K-1, how many hours did you work on a  
25 daily basis at K-1?

1 A. Normally I worked between eight to 10 hours on a daily basis -  
2 that is, regarding the guard duty.

3 Q. Where was your - where did you stay or sleep? And where did  
4 you have your meal?

5 A. There was a house which was about 100 metres away from the  
6 guard post.

7 [10.13.11]

8 Q. In that same interview - that is, document E3/104 - you  
9 indicated that there was a study session held at K-1 that - you  
10 stated that people or cadres from the districts came to study  
11 there, and there were frequent study session openings every three  
12 months or six months, and each session lasted from one week  
13 upward. You also stated that there were sector committees and  
14 district committees coming for the meetings. That is ERN in  
15 Khmer, 00204051; in English, 00204059; and in French, 00524372.  
16 Did you know whether Nuon Chea, Khieu Samphan, or Ieng Sary was  
17 present during those meetings at K-1, when all those cadres from  
18 the sectors, or zones, or district levels came to attend?

19 A. No, I did not know. I didn't know whether they attended those  
20 sessions.

21 Q. When those cadres coming from various zones, did they bring  
22 along their bodyguards or were they provided protections by the  
23 guard units at K-1?

24 A. No, they never brought along their bodyguards.

25 Q. As you worked as a bodyguard to senior leaders at K-1, were -

24

1 was your superior ever advised you when there was a meeting  
2 attended by those cadres from various zones and sectors?

3 [10.15.54]

4 A. Yes, we were instructed by our superiors that they came from  
5 zones to work in K-1 so that we would need to prepare and clean  
6 the roads, for instance, and to be ready to provide protection  
7 -good protection to those people based on the assigned task. And  
8 it's important that the second layer of protection be vigilant in  
9 readiness for the protection of those people.

10 Q. At the time, when there was a leadership from district or zone  
11 levels coming to attend the meetings at K-1, was there any other  
12 protection unit coming to assist the current Protection Unit at  
13 K-1?

14 A. No.

15 Q. When the zone sector or district leadership coming to K-1,  
16 usually through the main entrance, who was actually in charge of  
17 checking the identity of those individuals, for example whether  
18 they was the representative of a specific zone or a sector?

19 [10.17.32]

20 A. No, there was no such person.

21 Q. In your capacity to provide protection, was it important for  
22 them to make you familiar with those leaders coming from various  
23 zones or the senior leaders, including Ieng Sary, Khieu Samphan,  
24 Nuon Chea, or other zone secretaries?

25 A. No, there was not such - there was not such a requirement.

1 Q. Can you recall whether - zone, sector, or district leaders  
2 that you saw coming to K-1 while you worked there? Can you recall  
3 any of them?

4 A. No, I did not know and I can't recall. I only knew that for  
5 certain meetings, on a specific day, leaders from various zones  
6 and sectors or districts would attend the meeting. I only knew  
7 the date of the meeting, and we were assigned to clean the roads  
8 and to prepare for a protection.

9 Q. My question is actually that: whether until today you can  
10 recall any of those people who were leaders from various zones,  
11 sectors, and districts, and who actually attended the meetings at  
12 K-1.

13 [10.19.37]

14 A. Actually, at that time, I did know from which zones or  
15 province they came. Since I did not know that, I cannot recall  
16 any of their names.

17 Q. Do you know Ta Mok? Did Ta Mok go to K-1 often?

18 A. I knew Ta Mok, but at that time I did not pay much attention  
19 when he came to K-1. But I knew him.

20 Q. I'd like now to move on to another topic. During the time that  
21 you worked at K-1, did you ever attend any criticism or  
22 self-criticism meeting or any of the political study sessions?

23 A. Yes, I did. I attended the self-criticism meeting. As for the  
24 political study session, usually, the leadership of K-1 would  
25 conduct such a meeting on a monthly basis or a fortnight basis.

1 Q. Can you recall that – during the fortnight session, how long  
2 did the session last?

3 A. As for the office fortnight session, it lasted for one day.  
4 [10.21.53]

5 Q. Can you recall, where did the study session take place?

6 A. It was held near a house, not far from a tower.

7 Q. Can you recall, during the study sessions, who were the  
8 presenters?

9 A. Tan was the presenter.

10 Q. Can you recall, during the study session or presentation, what  
11 were the main topics?

12 A. I forget a lot, and this matter has been for so long already,  
13 Mr. President, so I can't recall the content or the topics of  
14 those study sessions. However, mostly, the study sessions  
15 focussed on strengthening the protection, which was the core  
16 duty.

17 As for politics, it was not taught thoroughly, and I could not  
18 recall it clearly, as well, as I was pretty young back then and I  
19 only focussed on my assigned duties. I tend to forget quite a  
20 lot.

21 Q. Did you ever attend any study session or meetings held at  
22 Borei Keila?

23 A. Yes, I did. I used to accompany Pol Pot once during the time  
24 that I worked there, that he went to work at Borei Keila.

25 [10.24.42]

1 Q. When you escorted Pol Pot to Borei Keila, what was his main  
2 task there?

3 A. I saw soldiers coming from sectors and zones, and there were  
4 quite a lot of them, though I did not know the level of their  
5 level of command. He worked mainly with the soldiers at the time.

6 Q. Besides Pol Pot, were any other leaders from K-1 attend that  
7 session?

8 A. Besides Tan, there was no one else, and there were some  
9 bodyguards form the Protection Unit. Besides, there was no other  
10 people coming from K-1. And at that time only Pol Pot himself was  
11 the one that came from K-1.

12 Q. Regarding the criticism and self-criticism meetings that you  
13 attended at your unit, can you tell us about that?

14 A. I attended those meetings.

15 Q. Where were the meetings held? And how frequent was it held?

16 A. It was held at the Second-Layer Protection Unit. It was held  
17 in a house nearby the guard tower and it lasted for three days.

18 Q. During the criticism or self-criticism meetings, who actually  
19 led that meeting?

20 A. It was the group chief.

21 [10.27.32]

22 Q. Did you know the purpose of the criticism and self-criticism  
23 meetings?

24 A. The meetings aimed to make good of the people. If we made  
25 mistakes, we would be corrected by our peers. We would be

28

1 criticised and not to engage in such act again, to become a good  
2 person. For example, if we slept while guarding, we would be  
3 criticized, and we were instructed to be punctual during our  
4 guard shift.

5 Q. During the time that you initially arrived at - in Phnom Penh  
6 and worked at K-1 - that is, at the outside perimeter protection  
7 - did you attend any major meetings, or any major events, or any  
8 of the speeches made at the Olympic Stadium?

9 A. No, I did not.

10 [10.29.02]

11 MR. PRESIDENT:

12 Thank you.

13 The time is now appropriate for a short break. We will take a  
14 20-minute break and return at 10 to 11.00.

15 Court Officer, please assist the witness during the break at the  
16 waiting room and have him return to the courtroom at 10 to 11.00.

17 The Court is now adjourned.

18 (Court recesses from 1029H to 1052H)

19 MR. PRESIDENT:

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

21 The floor is once again given to the prosecutors to put questions  
22 to this witness.

23 You are reminded that the time allocated for the Prosecution and  
24 the civil parties is one day.

25 You may now proceed.

1 QUESTIONING BY MR. LYSAK:

2 Thank you, Mr. President. Good morning to everybody. Good  
3 morning, Mr. Witness. My name is Dale Lysak, and I'm one of the  
4 international prosecutors, and I have a few questions for you, as  
5 well. I would like to start by going back to a few - I have a few  
6 follow-up questions regarding matters that were discussed earlier  
7 this morning.

8 [10.53.44]

9 Q. First, I want to go back to the period in 1975 when you joined  
10 the Samraong district army and then later were promoted to the  
11 Sector 33 army. And you indicated that the war was over at that  
12 time.

13 What I would like to ask you is whether you can describe what  
14 your tasks were as an ordinary combatant in the Samraong district  
15 and Sector 33 armies in 1975?

16 MR. SA VI:

17 A. When the war ended, the Samraong district army, similarly to  
18 the condition of the Sector 33 army, was that we assisted the  
19 people to dig canals and to build dams with the people in the  
20 sector. I personally involved in the work with the people after  
21 the conclusion of the war.

22 [10.55.10]

23 Q. Thank you.

24 The second follow-up area that I wanted to ask you about - and  
25 this is again during the period while you were in Kong Pisei or



1 Samraong district, following April 1975 – can you tell us whether  
2 you were aware of any efforts made to identify evacuees who were  
3 connected to the Lon Nol regime, people who were Lon Nol soldiers  
4 or officials of the Lon Nol government? When evacuees arrived in  
5 Kong Pisei district, was there any effort made to identify such  
6 people?

7 A. I did not know nothing at all about this matter. My work was  
8 different; I was a combatant. As for the matters regarding  
9 evacuees from Phnom Penh, it was to be dealt with by the base  
10 cadres, particularly the village chiefs or the sub-district  
11 chiefs. I was a combatant, and after the war ended in 1975, I  
12 helped build dams. During the initial few months, we build dams  
13 together with the people in the district. That's all I knew.

14 Q. The third area that I want to follow up from this morning: you  
15 indicated that you remembered some of the people who worked in  
16 the first layer or inside units at K-1. Can you tell us the names  
17 of the people you remember who worked at the first layer at K-1?  
18 [10.57.50]

19 A. I can recall some of those names, namely: Horn – he was part  
20 of the first layer; the second individual was Sin; and the third  
21 one was Prin; and the fourth one – I cannot actually recall other  
22 names amongst those 10 guards; I can only recall these names.

23 MR. LYSAK:

24 Mr. President, I'd like to, at this time, show the witness an  
25 additional document. It is document E3/858. This is a document

31

1 that he was shown during his interview by OCIJ and asked some  
2 questions on there, and I would like to pose a few questions to  
3 him on this document also, if I may provide it to the witness.  
4 And also we'll show it on the screen.

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 Court Officer, could you deliver the document from the prosecutor  
8 for the witness's examination?

9 [10.59.55]

10 BY MR. LYSAK:

11 Q. Mr. Witness, this was a document that you were shown at the  
12 end of your interview with OCIJ.

13 You've already provided a lot of information regarding the people  
14 from the K - the K units that are listed in this document, and I  
15 don't want to repeat that information that is already in your  
16 interview. You did also affirm, in your interview, at the very  
17 end, that, as far as you knew, the information about K-1 and K-3  
18 in this document is probably correct.

19 I want to direct you to two parts of the document, if I can. The  
20 first part is the very first page, and that is the Khmer page  
21 0021153. And, in particular, there is a list of 16 people under  
22 the title "K-1".

23 What I would like to ask you is whether some or all of the people  
24 who are in the list, this list of 16 people, were guards who  
25 worked in the first layer inside K-1 or whether this is a list of

1 people from both the first and second layer of K-1.

2 [11.02.02]

3 MR. SA VI:

4 A. The list - or the 16 people, they worked in the first layer,

5 and the names are correct. Identifying those who worked in the

6 first layer - it's been for so long, and I cannot recall the name

7 exactly, but when I see this document, the memory comes back.

8 They worked in the first layer - that is, the 16 of them.

9 Q. And the second part of the document that I would like you to

10 look at is on Khmer page 00021160, and the corresponding English

11 page is 00391735. And on this page, there is a list of 18 people

12 that is titled "K-1 Outside Uncle's House".

13 And my question for you is whether the 18 people who are on this

14 list were people who were part of the second layer protection

15 team at K-1?

16 A. Please allow me the time to read through the names on the

17 list.

18 (Short pause)

19 [11.05.04]

20 Upon reviewing this document, I agree that all the people listed

21 were part of the second layer. However, I do not know about -

22 about their whereabouts these days.

23 Q. Thank you for that response. The person listed number 13 on

24 this list that you've identified as the second layer - number 13

25 is a person named Song. Was this you? Was this an alias you used

1 during the Khmer Rouge period?

2 A. I think so because there is no other individual listed here  
3 under the name of Song.

4 Q. Thank you, Mr. Witness. That's all the questions I have on  
5 this document for now.

6 Let me turn to one more follow-up area from this morning. You  
7 talked about your duties as part of the protection team at K-1  
8 and you've also talked about meetings that were held - political  
9 meetings and self-criticism meetings. During any of these  
10 meetings, were you ever informed of possible security threats  
11 relating to K-1, concerns that there were enemies who may try to  
12 attack the leaders who were at K-1?

13 [11.07.21]

14 A. Yes, there were concerns. In our protection team, the second  
15 layer, it is our concerns that we have to provide a better  
16 protection. And, of course, with such a concern, then we would be  
17 vigilant in providing a better protection. We had to grasp the  
18 situation surrounding K-1 Office. Although nothing happened, the  
19 concerns remained a major alert for all of us.

20 Q. You just indicated that "nothing happened"; I think that was  
21 how it was translated. Can you tell us, were there ever any  
22 security incidents in which people tried to attack K-1 during the  
23 time you worked there?

24 A. There was no attempt - attempted attack on Office K-1 during  
25 the time that I worked there. I did not witness any such attempt.

1 [11.09.05]

2 Q. Thank you, Mr. Witness.

3 I would like to turn now to the subject of trips that were made  
4 to the provinces.

5 In your OCIJ interview, you made the following statement – quote:

6 "I saw the uncles going down to the grassroots in the countryside  
7 occasionally, as with Pol Pot, Ieng Sary, and Nuon Chea. With  
8 Khieu Samphan, going to the provinces was less frequent". End of  
9 quote.

10 This is a quote that appears in your OCIJ interview E3/14, at  
11 Khmer page 00204051, English page 00204060, and French page  
12 00524372.

13 My first question is: Can you explain to us how you were aware  
14 that the uncles made trips to the provinces?

15 A. I knew through my superiors, for example through Sot, as some  
16 of the guards or the bodyguards or the guards were assigned to  
17 escort those people. And I knew through such means.

18 Q. My colleague asked you earlier to identify people that you  
19 remember who worked as drivers for the uncles. Were the same  
20 people you identified earlier the drivers who took the uncles to  
21 the provinces?

22 [11.11.41]

23 A. To my knowledge, they were the same drivers.

24 Q. Are you able to tell us how often Nuon Chea and Ieng Sary went  
25 to the provinces?

1 A. I only knew some of their trips. Sometimes I didn't know about  
2 their trips. But as far as I knew, it was not that frequent,  
3 based on what I knew. It is possible that they made frequent  
4 trips to which I did not have the knowledge of, because I only  
5 knew some of the trips they made, and it's possible that they  
6 made other trips that I did not know of.

7 Q. Did you know any of the details of where the uncles went on  
8 these trips?

9 A. Mr. President, is the question regarding their trips to the  
10 countryside? I need the question to be more specific. Is it the  
11 time that they started their trip to go to the countryside and  
12 meeting people there?

13 Q. Yes, Mr. Witness, I am asking about the occasion when the  
14 uncles went to the countryside. Do you know any of the details of  
15 where they went or what they did on those trips?

16 [11.13.56]

17 A. I did not know that well regarding this matter, as I  
18 personally did not go to the countryside as some of us did. I  
19 personally only stationed in one place during the three-year  
20 regime.

21 Q. And you stated in your OCIJ interview that Khieu Samphan also  
22 went to the provinces but that he went less frequently than the  
23 other uncles. How do you know that Khieu Samphan's trips to the  
24 provinces were less frequent than the other uncles?

25 A. It was based on my personal conclusion. I was not sure whether

1 it was accurate or not. It was based on my observation of him  
2 coming and going to K-1. So, I concluded that he did not go to  
3 the provinces that often. And sometimes I learned through the  
4 bodyguards that he did not go to the provinces that often. Once  
5 again, it is my personal conclusion.

6 Q. You mentioned a few minutes ago that you only knew of some of  
7 the trips. Is that also the case with Khieu Samphan? Were you  
8 aware of every occasion that he went to the countryside or only  
9 some of the occasions?

10 [11.16.08]

11 A. As I stated earlier, it was my personal conclusion. And, based  
12 on his activities that I observed, he did not have the  
13 opportunity to go down to the countryside as often as other  
14 uncles, as he was busy working in the city. It is, however,  
15 possible that he could have gone to the provinces, though less  
16 often than other uncles, because I myself did not provide a  
17 direct protection for him. So what I stated was my personal  
18 conclusion, based on my observation.

19 Q. You just stated that Khieu Samphan "was busy working in the  
20 city". What type of work was Khieu Samphan doing, that you were  
21 aware of?

22 A. I knew that he held a role. Of course, every Cambodian knew he  
23 was the President of the State Presidium back then. So I conclude  
24 that he did not have to make any direct contacts with the  
25 countryside that often. However, I could not attest to the fact

1 that he was too busy in his role in Phnom Penh, but it is my  
2 conclusion and based on my observation that he was busy working  
3 in the city, although I did not know exactly the nature of his  
4 role or duties in the city. I observed him coming and going to  
5 work often at K-1.

6 [11.18.36]

7 Q. In regards to the issue of living conditions in the  
8 countryside, in your OCIJ statement you stated that you listened  
9 to the radio during the DK period, but that the radio broadcasts  
10 - quote - "talked only about the good points, like the putting up  
11 of dams and the digging of feeder canals". And I'm quote from  
12 page: Khmer, 00204052; English, 00204061; and French, 00524373.  
13 My first question is: Can you tell us where it was that you were  
14 able to listen to the radio?

15 A. Regarding listening to the radio and the information that I  
16 received - was that I usually listened to the radio when it was  
17 broadcast. Most of the time, I listened to the radio.

18 Q. My question was: Where was it that you were able to listen to  
19 the radio? Was it at the K-1 compound or was it some other  
20 location?

21 A. Except while I was on guard duty, I would listen to the radio,  
22 and it was at K-1 compound. But I did not listen to the radio  
23 while I was on guard duty; that would be against the discipline  
24 that we had to concentrate on our guard duty and not anything  
25 else. And, while I was off guard, then I listened to the radio. I



1 also listened to the radio at night.

2 Q. And the radio broadcasts that you listened to, that you  
3 indicated only talked about good things, were these broadcasts of  
4 the Democratic Kampuchea Government?

5 [11.21.48]

6 A. Yes, the broadcast was from Phnom Penh and the broadcast never  
7 said anything - any bad thing about the regime at all. It was  
8 about building dams, digging canals, etc. Mostly, I heard about  
9 all that. There were other broadcasts - there were other contents  
10 of the broadcasts, as well, but it's been so long already, and I  
11 could not recall them. However, I knew that the broadcast did not  
12 say anything bad about the regime at all.

13 Q. You were asked in your OCIJ interview whether your superiors  
14 knew about the living conditions of the people, and you responded  
15 as follows - this is a quote from Khmer page 00204052 through  
16 204053, English page 00204061, and French page 00524374 - you  
17 made the following statement - quote:

18 "The Tan and Sot protection teams may not have been aware, as all  
19 they knew about was going all out to do protection, and I heard  
20 Tan, Sot, and those returning from the provinces saying that the  
21 people in this and that province were eating well and  
22 sufficiently. As for those at echelons higher than Tan and Sot, I  
23 do not know to what extent they knew, because I never  
24 participated in meetings with them." End of quote.

25 [11.24.04]

1 Can you tell us, Mr. Witness, where it was that you heard Tan and  
2 Sot talking about their trips to the provinces?

3 A. I can't recall the time. However, when - or after they  
4 returned from escorting the leadership, he talked about what he  
5 saw while he was at the countryside or at the bases. He said the  
6 people at the base had sufficient food to eat. He told us who did  
7 not go. As for other matters, maybe they had other matters or  
8 experiences, but they did not tell us; and that's all that they  
9 told us.

10 MR. LYSAK:

11 Mr. President, I'd like to ask the witness now about a statement  
12 from the interview of Sot, regarding the subject of his trips to  
13 the provinces. This is document E3/464. As the Court may be  
14 aware, Sot is deceased, so he will not be a witness in these  
15 proceedings. Our practice before is that we have been allowed to  
16 make use of statements from witnesses - witnesses who will not be  
17 testifying in the courtroom, and I would like to put a question  
18 to the witness related to something that Sot indicated on the  
19 issue of trips - his trips to the province.

20 [11.26.25]

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 MR. LYSAK:

24 Mr. President, I can present a copy of the document to the  
25 witness and show it on the screen, with your leave.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 Court Officer, could you deliver the document from the prosecutor  
4 for the witness's examination?

5 BY MR. LYSAK:

6 Q. The excerpt I would like to ask you about, Mr. Witness, is at  
7 Khmer page 00204742, it is at English page 00226110, and at  
8 French ERN 00503949. And at that part of his interview, Sot made  
9 the following statement -- quote:

10 "I often drove the uncles to the provinces and I also drove the  
11 foreign guests to the provinces. I saw people having a decent  
12 living standard, a decent food. But I heard from the olds that  
13 there was a lack of food, clothes, household goods, medicines and  
14 that some people died from hunger."

15 [11.28.20]

16 Continuing on later in that same answer -- quote:

17 "I took Nuon Chea to the provinces of Prey Veng, Svay Rieng, Siem  
18 Reap, Kampot, Battambang, Kampong Som, Takeo, Kratie, and Stung  
19 Treng to meet with the cadres and the soldier chiefs in order to  
20 disseminate and educate them the [party] policy."

21 And then, at the end of this paragraph, Sot stated -- quote: "He  
22 also went down to see the dam sites very often, about five to six  
23 times per month. Nuon Chea saw the hardship of and the destitute  
24 of the people." End of quote.

25 Now, you have talked about how the Democratic Kampuchea radio

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1 only broadcast about good points.

2 My first question to you is whether you know whether Sot was  
3 ordered by his superiors not to discuss bad conditions and bad  
4 things that he saw on his trips to the provinces?

5 [11.29.50]

6 MR. SA VI:

7 A. I'm afraid I don't know about this. However, every time he  
8 returned, the other people who accompanied the uncle would talk  
9 to us that people had decent food. And not only one person who  
10 would tell me about this; every one of the bodyguards would share  
11 the same opinion. And, frankly speaking, I did not know whether  
12 people had difficulties with their food supplies or not because  
13 this is only what I heard from them and I did not see what  
14 actually happened.

15 Q. During the Democratic Kampuchea Regime were people free to  
16 criticize the policies of the government and to say - point out  
17 negative things about the regime?

18 A. I believe I know very little about the policy back then  
19 because I worked briefly at various locations. By early 1976, I  
20 already started working at K-1. And to respond to your question,  
21 I don't know whether people were free to say any negative points.  
22 I was very young; I was about 17 or 18 years old. I was a boy who  
23 were excited, who liked to play, and I was less interested in  
24 politics, and for that I did not know much about this.

25 [11.32.37]

1 Q. You indicated that you attended political education sessions  
2 as well as self-criticism meetings. During the criticism  
3 meetings, was - were there any occasions where people were  
4 criticized for saying negative things about either communist  
5 policy or the DK Government?

6 A. As stated earlier, self-criticism sessions were regular, and  
7 that - people would be allowed to criticize one another and put  
8 ourselves for criticism. Our subordinates were allowed to also  
9 criticize their superiors, and their superiors, on the other way  
10 around, could also criticize their subordinates. However, when it  
11 comes to the rights to contest, such rights were not pronounced  
12 or informed to anyone in the meeting. So I can say that during  
13 each and every self-criticism meeting, we were allowed to talk  
14 only about our livelihood, our guard duties, and how we had to  
15 vigilant and be very careful during the time we were on duty. And  
16 we were encouraged to raise some animals, chickens and plant  
17 vegetables. That's part of the subject of the meetings.

18 [11.35.04]

19 Q. Thank you for your response.

20 I would like to ask you now a few questions regarding the  
21 authority structure at K-1.

22 In your OCIJ interview - and this is at page, Khmer, 00204052,  
23 English page 00204060, and French page 00524373 - you made the  
24 following statement at that part of your interview -- quote: "Tan  
25 and Sot took their orders from Pol Pot and Nuon Chea, whereas

1 Khieu Samphan did not arrange the tasks." End of quote.

2 Later in the interview – and this is at page: Khmer, 00204054;

3 English, 00204062; and French, 00524375 – but later in this

4 interview you made the following statement – quote: "Ken alias

5 Lin was the supervisor above Tan and Sot and was the responsible

6 for K-1 and K-3. Pang held the post of chairman of 870 before Ken

7 alias Lin."

8 And I wanted to give you a chance here to clarify what knowledge

9 you had as to whether Tan and Sot received their orders from Pang

10 and later from Ken alias Lin when he replaced Pang or whether Tan

11 and Sot received their orders from Pol Pot and Nuon Chea.

12 [11.37.35]

13 A. I received – or people received these tasks at all section,

14 and sometimes they received order directly from Pol Pot and Nuon

15 Chea, and on some occasions from Ken and Lin. This is how the

16 work was done. So, the instructions were not necessarily rendered

17 from Pang and Lin; sometimes these – the orders or instructions

18 were ordered directly from the top.

19 Q. Were there occasions were you received orders directly from

20 the top – from Pol Pot or Nuon Chea?

21 A. During this period of time, I had never received direct orders

22 or instructions from these people.

23 Q. Can you tell us whether you were ever present when Pol Pot,

24 Nuon Chea, or Khieu Samphan gave orders to anyone?

25 [11.39.12]

1 A. No, I wasn't.

2 Q. Did you ever participate in any meetings with Pol Pot, Nuon  
3 Chea, or Khieu Samphan?

4 A. No, I didn't. I never attended any meeting with them.

5 Q. If you can look again at the interview of Sot that I gave you  
6 a couple minutes ago, which is document E3/464; I want to read -  
7 ask you about an excerpt from Khmer page 00204741 through 204742;  
8 and this is at English page 00226110 and French page 00503948.

9 And in that part of his interview, Ta Sot states that his  
10 superior was Pang and that - quote - "Pang received the joint  
11 order from all uncles such as Pol Pot, Ieng Sary, Khieu Samphan,  
12 Nuon Chea, in accordance with their expertise, tasks, and  
13 directions".

14 Continuing later in that same paragraph, Sot stated - quote:

15 "Pang used to meet with Khieu Samphan at K-3, and Khieu Samphan  
16 used to meet Pang at K-7." End of quote.

17 My first question to you is whether you have any information or  
18 any reason to dispute Sot's statement that Pang received joint  
19 orders from all the uncles, including Nuon Chea, Ieng Sary, and  
20 Khieu Samphan.

21 [11.42.15]

22 A. I believe that he could have received orders from Pol Pot and  
23 Nuon Chea. The reason that I said so: because he worked closely  
24 with them, and I still am convinced that orders could have been  
25 ordered from them to him. However, I cannot say whether they met

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1 with Pang and how many times such orders or instructions could  
2 have been made because when – Pang did not tell me anything about  
3 his encounter with them.

4 Q. And in regards to the statement by Sot that "Pang used to meet  
5 with Khieu Samphan at K-3 and Khieu Samphan used to meet Pang at  
6 K-7", you've already told us that you never went to K-3. Do you  
7 know what K-7 was? And did you ever go there?

8 A. As stated earlier, I stayed at the office and I only on one  
9 occasion took Pol Pot to Borei Keila. I never knew K-3 and I  
10 never knew K-7 because I had never been there during the time.

11 [11.44.20]

12 Q. Did you ever hear of the K-7 Office?

13 A. Yes, I did. I heard of K-7.

14 Q. And what was it that you heard about K-7?

15 A. I didn't hear anything other than the existence of K-7 and  
16 other K offices and I am familiar with – I am familiar or I  
17 remember having heard about this, although I did not actually  
18 know what K-7 was about or what its function was.

19 Q. I'd like now to direct you to another part of your OCIJ  
20 interview that I would like you to clarify.

21 And the first section is at: Khmer ERN 00204052; English,  
22 00204060; and French, 00524373. And this is your OCIJ interview,  
23 document E3/104. And on that page, you made the following  
24 statement – quote:

25 "As for those who made more serious mistakes, such as



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1 insubordination or wandering around freely for the fun of it,  
2 they were sent to work in the ministries, offices, and factories  
3 in Phnom Penh and were never sent to prison or killed..." End of  
4 quote.

5 [11.46.40]

6 However, later in your interview - if you could turn to pages:  
7 Khmer, 00204053 through 204054; and this is English page  
8 00204062; and French page 00524375. In this part of your  
9 interview, you identify three cadres who were accused of treason,  
10 arrested, and who disappeared: one person named Sem, who you  
11 identify as the chairman of K-1 before Tan; second, Pang, a  
12 person who was the chairman of 870; and, third, a friend of Pang  
13 named Yan, who was located in the K-1 interior protection team.  
14 Is it correct that some cadres who were accused of serious  
15 mistakes, such as Sem, Pang, and Yan, were in fact arrested and  
16 sent to prison?

17 [11.48.10]

18 A. I already stated in my interview in December 2007 at my home,  
19 already, that I know that Sem disappeared from K-1 Office. Two  
20 months later, I heard that he was a traitor. I didn't say that  
21 the information was true, but I didn't see him; he disappeared.  
22 By 1976, when I came, he was there, but about a year later he was  
23 no longer to be seen.  
24 Pang was also disappearing. And Pang would come to K-1 very often  
25 because he was overly (sic) in charge of that office. I did not

1 see him again. And like Sem, he was accused to being a traitor. I  
2 have no idea where he could have been detained, on which date,  
3 and who made such arrest. I just didn't see him for a while, and  
4 later on I heard from others who said that they were accused of  
5 being traitors.

6 It was a kind of routine already, like - during that time, when  
7 someone disappeared, and then later on we would hear that they  
8 had disappeared because they had been accused of being the  
9 traitors. And it was a kind of situation that another person who  
10 often seen bringing food, chicken to these uncles, but then, on  
11 some given occasion, you would never see him or her again, and  
12 later on we were told that he or she was arrested.

13 [11.50.49]

14 Q. And in regards to Sem, you gave - you indicated in the same  
15 part of your OCIJ interview that you heard or that it was  
16 announced that Sem had committed treason by Tan. Can you tell us  
17 what was the occasion where Tan announced that Sem, the former  
18 head of K-1 had committed treason?

19 A. There was no ceremony to announce such statement; we just  
20 heard from one another that Sem disappeared and was accused of  
21 committing treason. And such announcement would not be made in a  
22 kind of formal meeting; we just heard from one another, not  
23 through a formal meeting.

24 Q. Thank you for clarifying that.

25 You've talked about attending political education sessions. At

1 these sessions, did your superiors ever talk about the problem of  
2 internal enemies and encourage you to be vigilant, looking for  
3 CIA, KGB, or "Yuon" enemies who may have infiltrated Democratic  
4 Kampuchea?

5 [11.53.00]

6 A. Well, during each meeting, whether it is a small or big  
7 meeting, the chairperson of the meeting would not talk more  
8 specifically on the investigation of the enemies - internal  
9 enemies, the KGB, or CIA agents, or the "Yuon" enemies like that.  
10 I don't remember having heard anything mentioned about this in  
11 the meeting, or perhaps it was a long time ago, that I cannot  
12 recollect everything very well. But the main focus of the  
13 sessions were about the work, about our vigilance in helping  
14 protect our leaders, make sure that we performed our tasks very  
15 well, and content of which - of enemies or subjects like that was  
16 not discussed in any of the meetings I attended.

17 Q. You've talked about Sem and Pang. Can you tell us who Yan was  
18 and how you learned of his disappearance?

19 A. Yan worked on the inside. And I noted that people who work at  
20 the Economic Section, mainly people who prepared food for uncles  
21 - so, Yan was overly (sic) in charge of transporting vegetables  
22 and food to the uncles. And at that time we normally - or rarely  
23 saw vegetables being transported from the outside into the  
24 compound because we were self-sufficient; we grew our own  
25 vegetables and raised the domestic animals for food. And these

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1 vegetables and food would be brought to uncles from the inside.

2 And later on Yan, like Pang, disappeared, and we similarly heard  
3 that he was accused of committing treason.

4 [11.56.37]

5 Q. Were Pang and Yan close? Were they friends?

6 A. I cannot say whether they were friends or close, but they both  
7 were overly (sic) in charge of the work, and we treated them as  
8 our superiors who are - were very close to us, their  
9 subordinates. But I can't say exactly whether these two  
10 individuals were friends or close to one another.

11 Q. Did Pang and Yan disappear around the same time?

12 A. Yes, they did.

13 Q. For the record, Mr. President, S-21 prisoner list E3/1654 - at  
14 Khmer page 00039830, English page 00234239 - records that Ney  
15 Muong alias Yan, who is identified as a combatant in the Angkar  
16 Defence Unit, entered S-21 on the 5th of April 1978.

17 In addition, on the OCP revised S-21 prisoner list, document  
18 E3/342, prisoner number 3391 is Ket Thor alias Sem, who is  
19 identified as the Chief of Office K-1.

20 In relation to arrests, Mr. Witness, do you know who in the CPK  
21 or DK hierarchy had the authority to order the arrests of cadres  
22 like Sem, Pang, and Yan? Was this something that Tan or Sot could  
23 decide or did it require the approval of a higher echelon?

24 [11.59.50]

25 A. I don't know about this. I do not know how decision was made

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1 before someone disappeared. What I learned was that the people  
2 disappeared suddenly, and to my understanding, before any arrest  
3 was made, no one could be informed. And I did not even know how  
4 many times a person need to be tempered before he or she was  
5 subjected to the arrest.

6 MR. PRESIDENT:

7 Thank you, Mr. Co-Prosecutor.

8 It is not appropriate time for lunch adjournment. The Chamber  
9 will adjourn for lunch adjournment. The Chamber will adjourn  
10 until 1.30 p.m.

11 Court officer is now instructed to assist the witness during the  
12 adjournment and make sure that he is returned to the courtroom by  
13 1.30 p.m., when the next session resumes.

14 Security personnel are now instructed to bring Mr. Khieu Samphan  
15 to his holding cell and have him returned to the courtroom in the  
16 afternoon session, at 1.30 pm.

17 The Court is adjourned.

18 (Court recesses from 1201H to 1334H)

19 MR. PRESIDENT:

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

21 The floor is again given to the prosecutors to put questions to  
22 this witness. You may proceed.

23 [13.35.13]

24 BY MY LYSAK:

25 Thank you, Mr. President.

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1 Q. When we took our break, Mr. Witness, we were - I had asked you  
2 some questions about the authority in the regime to order  
3 arrests.

4 I want to read - read to you now and ask you a few follow-up  
5 questions regarding a statement you made in your OCIJ interview -  
6 that's, again, document E3/104, and this statement is at: Khmer  
7 page 00204054; English, 00204062; and French, 00524375 - where  
8 you stated as follows - quote:

9 "...I feel that the uncles, especially Pol Pot and Nuon Chea, were  
10 well aware of the arrests of these traitors. As for Khieu Samphan  
11 alias Hem, I am not certain whether he knew or not, because he  
12 was very cautious about his work and also lived in fear." End of  
13 quote.

14 My first question for you is: What was the basis for your belief  
15 as to whether Pol Pot, Nuon Chea, and Khieu Samphan knew of the  
16 arrests of traitors?

17 [13.37.04]

18 MR. SA VI:

19 A. Allow me to respond to your question.

20 Regarding the arrest of major traitors - and the reason why I  
21 knew of those arrests is that, in fact, at that time I was pretty  
22 young but I could make my personal conclusion, and that  
23 conclusion may be accurate or may not. It is the following.

24 Regarding the arrest of some senior cadres, including Sem, Pang,  
25 etc., I made my personal conclusion that it was only Pol Pot who

1 could make such a decision for the arrest. As for Ieng Sary and  
2 Nuon Chea, I am not fully certain whether they took part in  
3 making the decision for the arrest of those supposed traitors.  
4 However, it is my understanding that they knew about the arrest;  
5 it is my personal analysis of the situation. And, if it turned  
6 out to be inaccurate, that is just my personal opinion.

7 [13.39.16]

8 And another point, Mr. President, regarding Khieu Samphan. I made  
9 that conclusion based on my personal analysis, as well. I was  
10 around 18 or 19 years old at the time. And what I stated was my  
11 personal assessment and conclusion; I am not sure whether it was  
12 consistent with other conclusions.

13 It seemed, in his work, Khieu Samphan engaged in deep thinking. I  
14 made such a conclusion because I compared the situation. For  
15 instance, I am from a family and I was a young child, the  
16 youngest child with three or four other siblings. So, I compared  
17 the situation or the behaviour of the children within that small  
18 family. And before, I stated that Khieu Samphan was very cautious  
19 regarding his work or about his work; it's my personal  
20 conclusion. And, once again, it could be accurate or otherwise  
21 because that analysis does not base on anything else but my  
22 personal assessment.

23 And I stated from the outset that I did not work and stay closely  
24 or directly with them, so the conclusion I made was personal. I  
25 did not work in the first layer of protection, but the second

1 layer, and I was pretty young back then. That is all.

2 Q. Thank you for that detailed response. What did you mean when  
3 you said that Khieu Samphan was - quote - "very cautious about  
4 his work"? What did you mean by that?

5 [13.42.09]

6 A. In that regime, I could only make a limited conclusion of the  
7 situation. And after January 1979, I was more mature and I could  
8 analyze the situation more accurately.

9 He was a kind of a very cautious individual; he did not want  
10 anything to go wrong. And, when I look back into the regime's  
11 experience, I knew that he was meticulous and strict, and it  
12 meant he was very afraid of making a mistake in his work.

13 Q. Did you ever work for Nuon Chea or Khieu Samphan during the  
14 Democratic Kampuchea regime?

15 A. During the DK regime, I worked as a bodyguard at the second  
16 tier at the K 1 Office. K 1 was actually the place of Pol Pot.  
17 And for those people who lived and worked there, including Khieu  
18 Samphan and Nuon Chea, they fall - they fall under the  
19 responsibility of providing the protection by our unit. So, we  
20 took care of their security and safety, but we did not engage in  
21 any daily work or carrying a pot of tea for him, for instance.

22 Q. Did you ever talk to Nuon Chea or Khieu Samphan during the DK  
23 regime?

24 A. No, I never talked or chit-chat with them.

25 [13.45.02]



1 Q. In the statement that I just read, you also indicated that  
2 Khieu Samphan - quote - "also lived in fear" - end of quote. How  
3 did you know that?

4 A. Again, it was based on my assessment of his activities.  
5 As I said earlier, in the scenario of a smaller family with six  
6 to seven children, if one of the children behaved strangely, then  
7 everyone took note of that child. This does not mean that none of  
8 other senior leaders was cautious, but it seems that Khieu  
9 Samphan was more cautious, more meticulous and strict than other  
10 leaders. And, as I said, it's my personal observation and  
11 conclusion of the situation.

12 Q. After the fall of the Democratic Kampuchea regime on the 7th  
13 of January 1979, did Khieu Samphan flee in fear from Pol Pot and  
14 Nuon Chea or did he continue to stay and work with them?

15 [13.47.06]

16 A. In 1979, during the time that they fled from Phnom Penh, Khieu  
17 Samphan continued to live together with Nuon Chea and Pol Pot.  
18 They fled to the border area and they stayed together there.

19 Q. Do you know how many years Khieu Samphan continued to live and  
20 work with Pol Pot and Nuon Chea after the 7th of January 1979?

21 MR. PRESIDENT:

22 Witness, please wait.

23 Counsel, you may proceed.

24 MR. KONG SAM ONN:

25 Mr. President, I am objecting to this question, as it falls

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1 outside the scope of the proceedings and the jurisdiction of this  
2 Court, in particular in Case 002/01. Thank you.

3 MR. LYSAK:

4 Mr. President, if I may respond, that is incorrect. There is a  
5 limited amount of information regarding the post-January '79  
6 relationships of the individual Accused and their continued  
7 involvement in the Movement that is part of the Closing Order and  
8 part of the allegations in this case, and that is the basis for  
9 this question.

10 (Judges deliberate)

11 [13.49.25]

12 MR. PRESIDENT:

13 The objection raised by the counsel is not sustained.  
14 Witness, you are therefore directed to respond to the last  
15 question put to you by the prosecutor, if you can recall.

16 MR. SA VI:

17 A. To respond to the question regarding Mr. Khieu Samphan who  
18 fled Phnom Penh in 1979 and how long he stayed with Nuon Chea and  
19 Pol Pot, my response is the following.

20 He continued to live with them from 1979 to 1990. That was the  
21 time that I left. So, at least, they continued to live together  
22 for 15 years after they initially fled Phnom Penh. But, when they  
23 moved to Anlong Veang, I did not go along, but I stayed in  
24 Pailin.

25 [13.50.56]

1 BY MR. LYSAK:

2 Q. Your OCIJ interview also contains the following statement -  
3 and this is at: Khmer, 00204052; English, 00204060; and French,  
4 00524373 - quote: "As for those who made minor mistakes like  
5 sleeping on guard duty, they were subjected to refashioning and  
6 re-education." End of quote.

7 Can you describe for the Chamber how cadres were refashioned or  
8 re-educated, where they were sent, and what they were required to  
9 do?

10 MR. SA VI:

11 A. It was customary that if one person who was criticized  
12 repeatedly, that person, before he was transferred to other  
13 ministries, the removal was not done slightly; that individual  
14 needs to be refashioned several times. For example, if that  
15 person left the guard post without proper reason, or walked  
16 around freely, or made other mistakes, or failed to abide by the  
17 discipline, that individual would be refashioned for those  
18 mistakes before they were transferred to other ministries.

19 Q. Are you able to tell us in more detail how people were  
20 refashioned?

21 [13.53.36]

22 A. Those who made mistakes in the Guard Unit, they would be  
23 refashioned to get rid of those mistakes; until such time, they  
24 were removed. And, when they were transferred to other unit, I  
25 did not know what happened to them or whether they were further

1 refashioned at the new location.

2 I met those people before they were transferred outside, and even  
3 later, after the regime, I met some of them as well. During the  
4 regime, when there was any anniversary, usually it would be held  
5 at the stadium, and that was the occasion that I met some of  
6 those people. They did not talk about being tortured or  
7 criticized severely. They spoke of their living condition, which  
8 was moderate.

9 Q. And, when you say that you met some of these people on  
10 occasion of anniversaries at the stadium, what anniversaries are  
11 you talking about?

12 A. For example, the New Year celebration, the Party's  
13 anniversary, etc. Usually, there would be two or three  
14 anniversaries held, but I cannot recall the specific name for  
15 each anniversary. So, usually, I met them during those  
16 anniversaries.

17 [13.55.53]

18 Q. And, when you indicated that the celebrations took place at  
19 the stadium, what stadium are you referring to?

20 A. It was at old stadium in Phnom Penh. I do not know how many  
21 stadiums there were in Phnom Penh back then, but it was at the  
22 old stadium. That's what it was known as.

23 Q. On the occasion of these anniversary celebrations, were  
24 leaders of the regime present?

25 A. During that time, I did not see any of the leaders. I saw

1 youth and combatants enjoying or having a good time. I did not  
2 observe seeing any of the leaders.

3 Q. Thank you.

4 You also told the OCIJ investigators – and this statement appears  
5 at: Khmer, 00204053; English, 00204061 through 62; and French ERN  
6 00524374 – you made the following statement – quote:

7 "I might have heard of Office S-21, but I am not sure about this.  
8 However, I did hear that there was a security location in Phnom  
9 Penh, although I did not know whether it was in the middle of the  
10 city or on its outskirts." End of quote.

11 Can you tell us how you learned that there was a security office  
12 in Phnom Penh?

13 [13.58.30]

14 A. My knowledge of the Security Office in Phnom Penh was based on  
15 my analysis that there had to be a security office in Phnom Penh,  
16 though I did not know whether it was located central or it was  
17 located at the outskirt. That's based on my thinking.

18 Q. The last issue that I want to ask you about is from a  
19 statement that was made by Pol Pot in the period after January  
20 1979, that you recount at: Khmer page 00204054; English,  
21 00204063; and French, 00524376. And in that part of your  
22 interview, you make – made the following statement – quote:

23 "I heard Pol Pot say that our leadership, from 1975 through  
24 January 1979, had made mistakes and that even if he had not  
25 ordered the killing of the people or their torture, we had to

1 accept responsibility for this because we were the leadership  
2 during that period." End of quote.

3 When and where was it that you heard Pol Pot make this statement?  
4 [14.00.25]

5 A. It was in May 1979, when he talked in a session on top of the  
6 Cardamom Mountain.

7 Q. Who - who was present during this session?

8 A. There were about 10 to 20 people from the Bodyguards Unit who  
9 attended the session. At that time, there was a meeting chaired  
10 by Pol Pot directly, who talked about this right in front of the  
11 Bodyguards Unit.

12 Q. Were there other leaders who were present when Pol Pot made  
13 this statement?

14 A. He was there alone. He chaired the meeting all by himself.

15 MR. LYSAK:

16 Thank you very much, Mr. Sa Vi, for your time answering our  
17 questions today.

18 Mr. President, I have no further questions at this time.

19 [14.02.20]

20 MR. PRESIDENT:

21 Thank you, Mr. Co-Prosecutor.

22 Next, we would like to hand the floor over to counsels for the  
23 civil parties to put questions to the witness if they would wish  
24 to do so.

25 MR. PICH ANG:

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1 Thank you, Mr. President and Your Honours. Counsel Hong Kimsuon  
2 and Counsel Beini Ye will be putting questions to the witness,  
3 with Mr. President's leave.

4 MR. PRESIDENT:

5 You may proceed, please.

6 [14.03.00]

7 QUESTIONING BY MR. HONG KIMSUON:

8 Thank you, Mr. President and Your Honours. Good afternoon, Mr.  
9 Witness. I am Hong Kimsuon, representing the civil parties. I  
10 have a few questions, some follow-up questions from the  
11 prosecutors.

12 Q. I would like to proceed with my first question as follows.  
13 According to document E3/104, under ERN 0204050, in that  
14 statement, you said you joined the Revolution in 1974 in Kong  
15 Pisei district of Kampong Speu. Was - or when did Kong Pisei  
16 become the Liberated Zone?

17 MR. SA VI:

18 A. Kong Pisei district of Kampong Speu was not entirely liberated  
19 in 1973, because we could see bombs were still dropped from the  
20 planes. And by 1974, there was less bombs dropped, and Lon Nol  
21 soldiers would no longer go closer to that area, so I can presume  
22 that by 1974 the district itself was entirely liberated, because  
23 by then we no longer see any bombs dropped from the planes.

24 [14.05.15]

25 Q. Thank you.

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1 Who introduced you to the Revolution – or, actually, you said  
2 that your uncle by the name of Morn introduced you to the  
3 Revolution. Could you tell the Chamber, please, what he did at  
4 that time?

5 A. (Microphone not activated)

6 MR. PRESIDENT:

7 Could you please hold on? Mr. Witness, observe some pause.

8 You may proceed.

9 MR. SA VI:

10 A. He was a senior person at the commune office and he adopted  
11 me. And he did not hold any position.

12 [14.06.15]

13 BY MR. HONG KIMSUON:

14 Q. Upon joining the Revolution, were you explained by your uncle  
15 about the course of the Revolution?

16 MR. SA VI:

17 A. I was explained nothing and I – the only thing I learned is  
18 that the person by the name Rim (phonetic) – or it was me who he  
19 took to live with him to work as a messenger at the commune.

20 Q. You worked as a messenger until 1975 when you were transferred  
21 to Samraong of Kampong Speu of Sector 33. Can you tell the  
22 Chamber, please, in which zone was Sector 33 located?

23 A. Sector 33 was located in the Southwest Zone.

24 Q. This morning, you testified before the Chamber that you had  
25 worked for about one year there before you were transferred to



1 Phnom Penh to work at - in the Guard Unit at K-1, and you also  
2 indicated that before you came to work at K-1, you worked with  
3 the people and that the war was over. You also emphasized that  
4 you dug canals with the people. Can you describe to the Chamber  
5 how you worked? Did you work all together with other villagers?

6 [14.08.34]

7 A. I did not work together with the people. We belonged to the  
8 military, so we divided the stretch of land or - we worked  
9 separately because we, group of soldiers, worked on - at one  
10 place, while the villagers would work at another location,  
11 although the same purpose was to dig a canal.

12 Q. Can you describe to the Chamber about the work condition -  
13 when you began work and when you were allowed to take some rest  
14 for lunch, for example?

15 A. As far as I remember, in the morning, we would start work at  
16 about 7 to 8 a.m. We continued working until a moment before  
17 midday, when we had lunch, and by 6 p.m. we already stopped  
18 working.

19 Q. I would like to go back a little bit.

20 This morning, you responded to the Co-Prosecutor concerning the  
21 evacuation of the people from Phnom Penh and elsewhere in  
22 Cambodia. You stated that people were not evacuated from your  
23 location, although you bore witness to the evacuation of people  
24 from other location who went past there. Were soldiers stationed  
25 somewhere along the road when the people being evacuated?

1 [14.10.58]

2 A. When I saw people being evacuated on National Road Number 3, I  
3 was still at the commune office; I was not elevated to the  
4 commune soldier – to the Military Unit yet. And I saw a lot of  
5 vehicles and motor bikes and I saw a lot of people on the road.  
6 And I took my bicycle and cycled there because I would like to  
7 see what actually was happening.

8 Q. How did you know these people were evacuees? Were you informed  
9 in advance?

10 A. No one informed us. We just saw the influx of people coming to  
11 the area and we were told that this group of people were coming  
12 from Phnom Penh. And we were surprised and we would like to go  
13 closer to the group to see what happened.

14 Q. Thank you.

15 According to your observation – and you said you took your  
16 bicycle and went there to see the people – did you observe that  
17 people were offered some kind of medical assistance? Were they  
18 provided with food and water?

19 A. I did not see anyone being offered any food or water. I didn't  
20 see any medical staff providing any assistance to the people. I  
21 just saw people kept coming to the area. They were not received  
22 or treated by the local people. They came all by themselves.

23 [14.13.36]

24 Q. I may seek some points of clarification.

25 You indicated that there were no medical staff, or food were not

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1 prepared to receive these people. Did you see soldiers, military  
2 personnel, who were on duty at that time to manage the group or  
3 the crowd?

4 A. At that time, there was no soldier or militia being seen  
5 around. They were not guided by the soldiers, as far as I  
6 believe, or perhaps I was too young to take good notice of this.  
7 But I can say that, when I was there, I didn't see any soldier.

8 Q. Thank you. Where were these people brought to when they  
9 arrived at your location?

10 A. I noted that people were taken to take refuge at pagodas,  
11 schools' compound, and some also were made to live with the local  
12 people at the local houses.

13 [14.15.28]

14 Q. Did you also take notice of other people during the ordeal,  
15 for example women who were pregnant, sick people, or people who  
16 may have diarrhoea and died of that cause?

17 A. I did not pay great attention to this because, by the time the  
18 people were being evacuated from cities to the countryside, I was  
19 in the commune. I was there for less than a month before I moved  
20 to the district office where there was no - there were not a lot  
21 of people who were evacuated to; and for that, I do not recollect  
22 every detail and I can't tell you the detail this.

23 Q. I would like to also ask you a few more questions concerning  
24 your work, your transfer.

25 You said you then elevated to become a soldier at the Samraong

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1 district area or Sector 33. Did you receive any instructions or  
2 orders from your superiors regarding the supervision of the  
3 evacuees who had just arrived at that location?

4 A. I didn't receive such instructions.

5 Q. Thank you.

6 What did you do as a soldier?

7 [14.18.00]

8 A. I am an ordinary combatant.

9 Q. What kind of work or assignments were you given as a soldier  
10 or combatant?

11 A. I was very young, but still I was made to work as hard as any  
12 adult would do. I was asked to dig canals, carry dirt, so on and  
13 so forth.

14 Q. Thank you. I would like to also move to another question  
15 concerning your work with the people.

16 My follow-up question is that, when you said you were young and  
17 you had to work as hard as the adult. Did you continue working  
18 like this until the time you was - you were transferred to work  
19 at K-1?

20 A. Yes, I did. I had to work like that until the time I moved to  
21 Phnom Penh.

22 [14.19.25]

23 Q. Thank you. During the time when you worked as an adult and  
24 worked closely with the people, did you know anything at all  
25 about the purges or the surveillance administered by the Khmer

1 Rouge on the New People?

2 A. At that time, the soldiers would live separately from the  
3 general population. We would only meet when we went to the  
4 worksites. So, we worked together and we would see one another,  
5 but there was no such task as spying on people, for example.

6 Q. You stated that before you came to Phnom Penh, you had been  
7 working as hard as the adults at Sector 33.

8 My question to you is: Did you know that pagodas were still  
9 functional at that time?

10 A. There was - there were some pagodas, but there were no  
11 Buddhist monks. Khsach Sar Pagoda was the name of the pagoda I  
12 still remember, and it was the place where soldiers took refuge.  
13 [14.21.21]

14 Q. Did you know where the Buddhist monks had gone to?

15 A. I asked the villagers about this, and they told me that all  
16 Buddhist monks were defrocked by 1973 or '74 already.

17 Q. You were transferred to Phnom Penh. Do you remember - or you  
18 said you were transferred to Phnom Penh by late 1975 or early  
19 1976. At that time, did you notice whether there was an effort to  
20 relocate the population again to another location?

21 A. No, I didn't.

22 Q. Thank you.

23 I would like now to proceed to the timeframe concerning the time  
24 when you worked in Phnom Penh. I only have very few questions  
25 concerning this because the prosecutors already put a lot of

1 questions on this.

2 [14.22.55]

3 You said you worked as a bodyguard at K-1 Office, and just now,  
4 when the prosecutor asked you about Office 870, you already  
5 responded briefly. Can you now tell the Chamber, please, whether  
6 K-1 Office is different from Office 870?

7 A. 870 was not an office; it was a ministry, to me. Office would  
8 be referred to K-1. 870 comprised of a lot of ministries, but I  
9 don't remember the detail information about all the subordinate  
10 departments under the ministry of 870, and they would be classify  
11 into various - different sections, indeed.

12 Q. You worked as a guard - exterior guard. You belonged to the  
13 second layer of the Guard Unit, giving protection for uncles. Had  
14 you ever been provided with political trainings?

15 A. During this time, we had to learn on the job and be provided  
16 some education. The education was not very substantial. It was  
17 mainly about our practical duty. We had to - we had to work our  
18 best to gain trust and confidence from our superiors. We received  
19 some trainings in meetings - small and big meetings - and to us,  
20 it was part of our daily life as guards. However, I cannot  
21 exactly remember the content of the training because I was rather  
22 young, and the items of the agendas would much relevant to  
23 gardening - rather, vegetable production. And the most important  
24 parts of the content of the meeting that I remember is the effort  
25 by the presenters to ask us to work hard, but I don't remember

1 everything.

2 [14.26.45]

3 Q. As a guard, you had to be cautious and careful, vigilant at  
4 all time. Is that about vigilance against the enemies or against  
5 other people?

6 A. We were asked to be very careful because we had to protect  
7 ourselves against the enemies. Indeed, enemies were important  
8 things we had to be very mindful about.

9 Q. Did your superiors teach you to identify different types of -  
10 or classification of enemies at that time?

11 A. "Enemy" was someone regarded as the person who could be armed,  
12 who could attack us at any time. But to put it simply, during  
13 that regime, there was no such enemy, and no attempt was ever  
14 been - was ever made by the enemies to attack our complex. We  
15 learned about the term "enemy". An enemy, to us, was someone who  
16 could pose any threat to us. So, we were taught that "enemy" was  
17 someone who would attack us, who would destroy us, who would be  
18 armed, and that we would be asked also to be very careful to look  
19 for them. But again, at that time, if anyone who staged or who  
20 attacked us, who brought trouble to the workplace at that time,  
21 they would then be regarded as an enemy.

22 [14.29.30]

23 Q. My question is now regarding your explanation of the term  
24 "enemy". Did the upper echelon or leader or Angkar give  
25 instructions as to who would fall under the category of the KGB,

1 the CIA, or the reactionaries, or the "Yuon" enemy? Were you  
2 given those instructions?

3 A. No, we were not given such an instruction.

4 Q. My next question is related to K-1 and K-3, as you stated in  
5 E3/104, the residential location of those uncles. You stated  
6 "uncles". Who would be called uncles? How old were they, or from  
7 what position they were held?

8 A. It was the Guard Unit who referred to the - those leaders as  
9 uncles, namely Nuon Chea, Khieu Samphan, Ieng Sary, and Pol Pot.  
10 So, we simply called them uncles.

11 Q. Thank you.

12 You were in the Guard Unit, or the outside guard unit or the  
13 second tier, that you could go during the Khmer New Year  
14 celebration. What was your - the limitation for you to walk from  
15 the perimeter?

16 [14.31.47]

17 A. I could not recall the exact location of the boundary.  
18 Sometimes, we were transported in a vehicle to go and see the  
19 performance at the old stadium, as I stated. And, of course, I  
20 could walk on foot as well, but I could not simply recall where  
21 was the boundary. Usually, we walked around to attend the  
22 ceremony or the celebration.

23 Q. Can you tell us that during the Khmer Rouge regime or the  
24 Democratic Kampuchea regime - and, as you stated, you lived the  
25 entire time in Phnom Penh and that you never went to a



1 countryside or any other province.

2 In the same document – that is, E3/104 – when you touch upon this  
3 issue, and that you never asked permission from your superior to  
4 go and visit at your home even if you missed it. Can you tell us  
5 why you did not seek permission from your superior to go and  
6 visit your house even if you could do it?

7 A. We were free to walk within a limited distance during the  
8 celebration. In fact, we were not prohibited from asking  
9 permission to go and visit our house, although we miss the house,  
10 miss the relatives, but we were afraid of asking permission from  
11 the superior.

12 Q. Can you tell us why, when – while you miss home, you did not  
13 ask permission from your superior?

14 A. We simply were afraid of asking for permission.

15 [14.34.20]

16 Q. In the same document, you indicated that in 1978 you ate bread  
17 and rice and the soup was insufficient. You were asked by the  
18 prosecutor this morning that Sot and Tan went to the countryside,  
19 and upon their arrival they talked about the situation back at  
20 the countryside. Did they talk about the insufficient food  
21 experienced by those people at the bases?

22 A. No, they never talked about the lack of food or the starvation  
23 by the people. They said that when they were there, they saw  
24 people have sufficient food, and I recall that point, but I did  
25 not hear them talking about the lack of food experienced by those

1 people.

2 Q. I'd like to ask you regarding serious mistakes or offence.

3 You were asked by the prosecutor for light offence. As for a  
4 member of the Protection Unit, in your unit, was any of the  
5 members disappeared or removed?

6 A. Yes, the people disappeared and some were removed.

7 [14.36.16]

8 Q. Can you enlighten us regarding those who were removed, whether  
9 they made serious mistakes?

10 A. I cannot recall the names of those who were removed.

11 The nature of the offence was not that serious, but despite the  
12 several times that they had been refashioned, they did not  
13 improve, so then they were transferred to work elsewhere. The  
14 serious mistake was that they could not be refashioned despite  
15 the repeated attempts.

16 And, as I said, I cannot recall the names of those who were  
17 transferred out. There were several of them. There were 50 of us  
18 that transferred from Sector 33, and by the end of the regime,  
19 there were - only a handful of us remained. And, as I said, the  
20 reason for the transfer was that they had been refashioned  
21 several times, but they could not refashion themselves, so they  
22 were transferred out. And some were transferred out due to their  
23 specialty or due to the nature of the work, and there were only a  
24 few numbers of those people who were transferred out because of  
25 the failed attempts to be refashioned.

1 [14.38.05]

2 Q. Thank you.

3 My next question's regarding those who were considered traitors.

4 For those people – namely, Sem, Pang, and Yan – in your

5 interview, you used the word "announcement".

6 My question to you is the following: For those who made the

7 announcement regarding the arrest of these individuals, Pang or

8 Sem, etc., and you believed that they were dead – why did you

9 think so?

10 A. I believed that they died because after their arrest, they

11 simply disappeared and never returned. So it is my understanding

12 that they died.

13 Q. When a member or members of your unit disappeared or when your

14 senior superiors disappeared, were you afraid?

15 A. I was cautious and vigilant in my daily living. I strived hard

16 to fulfil the tasks that I were assigned to. I was cautious and

17 proper in my manner and my speech. The only thing was that I had

18 to be vigilant. I did not want to make any mistake, or otherwise

19 I would be transferred out. So, based on that, I strived my best

20 to work.

21 [14.40.25]

22 MR. PRESIDENT:

23 Thank you, Civil Party Lawyer and Witness.

24 The time is appropriate for a short break. We will take a

25 20-minute break and return at 3 p.m.

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1 Court Officer, could you assist the witness during the break and  
2 have him returned to the courtroom at 3 p.m.?

3 The Court is now adjourned.

4 (Court recesses from 1440H to 1508H)

5 MR. PRESIDENT:

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

7 Without further ado, we would like to now hand over to counsels  
8 for the civil party to continued putting questions.

9 BY MR. HONG KIMSUON:

10 Thank you, Mr. President. I have only two more questions left to  
11 put to the witness, regarding K-1 Office.

12 Q. Do you still recall the names of the senior leaders who  
13 attended the meeting?

14 [15.09.45]

15 MR. SA VI:

16 A. I do not recall exactly people from which rank who attended  
17 the meetings. At the same time, I don't even remember their  
18 names.

19 Nonetheless, I learned from my peers or colleagues who gathered  
20 inside the premises, who would come and tell us after the meeting  
21 that the day meeting was attended by leaders from all across the  
22 country. And, knowing this - I had reason to know this, as well,  
23 because before such meeting, we would be asked to be prepared to  
24 give protection for the people who attended meetings. Yet, we  
25 were not informed about the names of individuals who attended

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1 those meetings. The message we received was just brothers from  
2 the zones attending those meetings.

3 Q. Apart from Pol Pot, Nuon Chea, Ieng Sary, Khieu Samphan, and  
4 other, do you still remember some people from the zones who  
5 attended the meetings – just a few of them, if you can? If you  
6 can't, just say so.

7 [15.11.46]

8 A. I remember some people's name, including Uncle So Phim, from  
9 the East – East Zone – I heard of him – and Ta Mok, from the  
10 Southwest Zone. So, these are the two individuals whose names I  
11 had heard about very often.

12 Q. What about people from the State Presidium? Do you remember  
13 any persons from that section?

14 A. I have no idea. I did not know whether anyone from the State  
15 Presidium -- coming to the meeting, other than Khieu Samphan, who  
16 was the President of the State Presidium at the meeting.

17 Q. I have the final question, please. This question relates to  
18 the then-Prince Norodom Sihanouk. Were you aware whether senior  
19 Khmer Rouge leaders ever mentioned about the prince's good deeds  
20 during the Khmer Rouge regime?

21 A. No, I didn't. I did not hear anything about this.

22 MR. HONG KIMSUON:

23 Thank you, Mr. President.

24 Thank you, Mr. Witness. I have no further questions, and I would  
25 like to cede the floor to my colleague to continue putting

1 questions.

2 [15.13.52]

3 QUESTIONING BY MS. YE:

4 Thank you. Good afternoon, Your Honours. Good afternoon to  
5 everyone in and around the courtroom. Good afternoon, Mr. Sa Vi.

6 My name is Beini Ye. I am one of the international civil party  
7 lawyers, and I would like to ask you just a very few questions.

8 Q. First, I would like to talk about the time around the 17th of  
9 April 1975, when, as you said, you saw evacuees from Phnom Penh  
10 arriving in your district.

11 Can you give us an estimate of how many evacuees you saw – you  
12 saw at that time?

13 MR. SA VI:

14 A. It is difficult for me to give you an estimate number of  
15 evacuees. I saw a lot of people coming to Pou Angkrang commune.  
16 And I can say this because I saw some – a lot of people going to  
17 that commune, but there are other communes within the district  
18 that I was located, so people could also have been evacuated to  
19 those locations.

20 [15.15.18]

21 Q. Thank you. And over how many days did you see people arriving  
22 from Phnom Penh at that time?

23 A. Over three days. After the three days, less and less people  
24 were seen coming to the location.

25 Q. Thank you. Now, earlier on, you said that the village chiefs

1 helped the evacuees to settle in the sector.

2 My question is: Could the people – could these evacuees choose  
3 the location to be settled in?

4 A. I don't know about this. I don't know whether people had any  
5 right to choose where to settle in. I saw them being made to stay  
6 in the neighbourhood area, but when it comes to their choice, I  
7 don't know.

8 Q. Thank you. Do you know whether the families at that time were  
9 staying together or if they were separated?

10 [15.17.12]

11 A. So far as I know, they were not separated. They stayed  
12 together for that short period of time that I observed.

13 Q. Earlier today, you said that you learned that people were  
14 assigned tasks. What kind of tasks were these evacuees assigned  
15 to do?

16 A. The evacuees had to do the same tasks – or perform the same  
17 tasks as the local people did, so they couldn't choose to do any  
18 other tasks, other than the one the local villagers did.

19 Q. And could you tell us who assigned these tasks to them?

20 A. The village chiefs and the commune chiefs who – would be the  
21 persons assigning these tasks to them.

22 Q. And do you know if there was an order coming from above to  
23 these village chiefs to assign these tasks?

24 [15.18.55]

25 A. No, I don't.

1 Q. Thank you.

2 I would like to come now to a different period; the time where  
3 you worked at K-1.

4 You said earlier that during this time you observed a number of  
5 people disappearing. Can you tell us during what period you  
6 observed these people disappearing?

7 A. I observed people disappearing after they had been educated,  
8 refashioned, time and again, but still they could not change. So,  
9 after that, they had been removed. To me, they had been removed  
10 because they had not refashioned themselves. It doesn't mean that  
11 they had been disappearing because they committed treason. Or, to  
12 put it simply, they failed to follow the Angkar discipline, and  
13 that was part of the punishment, the punishment in which they  
14 were removed to work elsewhere.

15 Q. Thank you.

16 And did this happen throughout the entire time where you were  
17 stationed at K-1?

18 A. Yes, it happened throughout the entire time, all the way to  
19 1979.

20 [15.21.08]

21 Q. And how frequent were these disappearances during that time?

22 A. It was not very frequent, and there were not many cases,  
23 either. Only few people had been located or transferred to  
24 different locations for this problem.

25 Q. Thank you. Now I come to my last question. You mentioned



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1 before that, after the fall of the regime – of the Khmer Rouge  
2 regime, you heard a speech by Pol Pot, mentioning his view of the  
3 time of Democratic Kampuchea.

4 My question is: Did you ever hear speeches on the Democratic  
5 Kampuchea from other senior leaders?

6 A. No, I didn't. I heard a speech made by Pol Pot alone when he  
7 made it right before the bodyguards group.

8 MS. YE:

9 Thank you very much, Mr. Sa Vi. I have no further questions, and  
10 I wish you a good journey back home.

11 [15.22.49]

12 MR. PRESIDENT:

13 Thank you, Counsel.

14 Fellow Judges of the Bench, would you wish to put some questions  
15 to the witness?

16 I note that my fellow Judges do not have any questions.

17 We would like now to hand over to counsels for Mr. Khieu Samphan  
18 to put questions to this witness first, before the other two  
19 teams.

20 QUESTIONING BY MR. KONG SAM ONN:

21 Thank you, Mr. President and Your Honours. Good afternoon, Mr. Sa  
22 Vi. I am Kong Sam Onn, representing Khieu Samphan along with my  
23 colleague. I have very few questions, and the purpose of these  
24 questions are (sic) to seek some clarifications concerning your  
25 testimony for the whole morning and this afternoon.

1 Q. You worked as a guard at K-1 Office.

2 My question to you is: When did you start working at K-1? And  
3 when did you finish this task?

4 [15.24.10]

5 MR. SA VI:

6 A. I started working at K-1 immediately in early 1976, and I  
7 stopped working there by 1979, when we fled Phnom Penh.

8 Q. Regarding the guard post or the location where you stood guard  
9 at K-1, you said you worked at the second layer. Can you  
10 emphasize your impression concerning the place? From where you  
11 stood, what could you see?

12 A. We could not see anything inside the building inside the  
13 premises. We saw only a few stories that were higher above. So  
14 the view were - our view was blocked by the plank wall, so we  
15 couldn't see the lower stories of the building. But we can say  
16 that we could see only from one angle of the building. The  
17 building was a square, concrete building, but we could only see  
18 just for one corner or from one angle.

19 Q. Did you change your guard post very often or you remained in  
20 one place all along?

21 [15.26.13]

22 A. On some occasions, we had to move to different guard posts or  
23 tower. We had four towers and we would take turn to station at  
24 different tower every now and then.

25 Q. How long would it take for your - for you and other people to

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1 move to other posts? Or what was the period of time - how often?

2 A. We would change post once every two weeks or 15 days.

3 Q. You also stated about Khieu Samphan's vehicle. You indicated

4 that you saw Khieu Samphan using Lambretta vehicle. Can you

5 describe to the Chamber, please, what this vehicle was like?

6 A. Lambretta vehicle had four wheels, four small wheels. He would

7 take it to go to K-1.

8 Q. You mentioned that this vehicle had four wheels. Can you

9 describe the wheels to the Chamber? Were they a kind of wheels

10 like the normal wheels of every car or like the wheels of

11 tuk-tuk?

12 A. The wheels are the car wheels, not motorcycle's wheels.

13 [15.28.30]

14 Q. Can you describe also its engine and the capacity or

15 horsepower of the engine, whether it was functioning like the

16 other vehicle?

17 A. I don't know the capacity of the engine, but I know that he

18 took this Lambretta vehicle to work. And to me, it was the

19 cheapest means of transportation. It was very humble for him to

20 take such vehicle to work, when the other people would take fancy

21 cars or vehicles to work.

22 Q. Can you also describe to us whether you know the driver of Mr.

23 Khieu Samphan and others who drove him to work?

24 A. As I recall, Soeun was his driver. It's been a long while; I

25 could mistake with the name.

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1 Q. Thank you. Do you know any person by the name of Hoeun?

2 A. No, I can't recall anyone by that name.

3 Q. The person of the name of Soeun, as you mention, how old was  
4 he at that time? And what was his particulars?

5 A. He was a few years older than me. He has - he had light  
6 complexion. But he's shorter than me.

7 [15.30.50]

8 Q. Did you know the driver of the Lambretta for Mr. Khieu Samphan  
9 personally?

10 A. Yes, I did. I spoke with him. We had contact when he came to  
11 have meals together with me.

12 Q. Do you know about his driving experience?

13 A. The drivers were properly trained.

14 Q. In view of other drivers, Soeun, the person that you said -  
15 the driver of Mr. Khieu Samphan, had a better experience?

16 A. I believe his driving experience was inferior than other  
17 drivers. He did receive a driving course, but he only began  
18 driving for Khieu Samphan, so it could mean that he had less  
19 experience than drivers for other leaders.

20 [15.32.38]

21 Q. When you saw Khieu Samphan and his driver - that is, Soeun -  
22 did you see Khieu Samphan was with anybody else in that  
23 Lambretta?

24 A. I only saw him and his driver.

25 Q. Did Mr. Khieu Samphan have his own personal bodyguard?

1 A. I only saw him and the driver when he came in and went out of  
2 the office.

3 Q. I have another question, regarding when Mr. Khieu Samphan fled  
4 after 1979. I objected to the question put at you by the  
5 prosecutor, as it fell out of the scope of jurisdiction of this  
6 Chamber. However, it was overruled, and the prosecutor proceeded  
7 with his question. Now I'd like to expand on that point regarding  
8 the situation surrounding the time that Khieu Samphan left Phnom  
9 Penh after 1979 and went to stay together with Pol Pot.

10 My question is the following: Based on your knowledge, from 1975  
11 to 1979 - that is, during the power of the Democratic Kampuchea -  
12 and the period after 1979, when Democratic Kampuchea was toppled,  
13 what was the change regarding the management or the  
14 administration, in particular in regard to what you personally  
15 knew or observed?

16 [15.35.21]

17 A. The situation was different. The living conditions and the  
18 leadership management after 1979 was different from that of the  
19 previous regime. While they were in power in - during the  
20 Democratic Kampuchea regime in Phnom Penh, the leadership was of  
21 a different style.

22 I have two points to raise - that is, regarding the leadership in  
23 - between '75 to '79, and it is the following.

24 I knew very little regarding the matters at that time. I could,  
25 however, say that the style of leadership was somewhat different

1 from the time that the regime was toppled. When they were in full  
2 power, they had proper administrative structure from the top  
3 level up to the village level. So, everybody was aware of the  
4 method and how they controlled the country. Everyone is well  
5 aware of that. That is their leadership while they were in power.

6 [15.37.00]

7 I, personally, as one of the guards living there and providing  
8 protection to the K-1 Office - I did not know the details of how  
9 they administered the regime. As I state from the outset, this is  
10 in relation to their management of the country while they were in  
11 power between '75 to '79.

12 And, after they lost their power - that is, after 1979, when they  
13 fled to the jungle to form another resistance - the leadership  
14 form was different; the way they lived, the way they led were  
15 different. They had different approach in tackling the issue of  
16 leadership, in how they managed to survive in the jungle, as  
17 there were no longer vehicles for them to use, no big buildings  
18 or offices for them to work or to reside. And sometimes they had  
19 to travel on rough road to go down to the - to waterfalls, for  
20 instance, to meet with the local people. And the construction of  
21 the country was no longer mentioned as in the previous regime.  
22 The main thing at the time was to form a coalition in order to  
23 resist the invaders, to rescue the country. So that style or kind  
24 of leadership was different from that of the '79 - '75-'79  
25 period. That is all, Mr. President.

1 [15.39.04]

2 MR. KONG SAM ONN:

3 Thank you, Mr. Sa Vi. I do not have any further questions for  
4 you. However, my colleague will ask you some questions.

5 Thank you, Mr. President.

6 QUESTIONING BY MR. VERCKEN:

7 Good afternoon, Witness. My name is Arthur Vercken, and I am one  
8 of the international counsels for Mr. Khieu Samphan. So, I also  
9 have a few follow-up questions to put to you.

10 Q. And the first one of these questions centres on the meetings -  
11 which you spoke about this morning, by the way - meetings that  
12 were held at K-1 and that brought together the zone and sector  
13 leaders. And you spoke about these meetings and you explained to  
14 the prosecutors that you remember these meetings particularly  
15 clearly because, during these meetings, you were asked to clean  
16 the way to the meetings and to make - and to stand guard for the  
17 people attending.

18 [15.40.08]

19 So my question is on the frequency of these meetings. Based on  
20 your observations, can you tell us how many times per year such  
21 meetings took place, based on what you observed?

22 MR. SA VI:

23 A. Based on my observation, such a meeting was held frequently  
24 throughout the year. It's impossible to put it in exact number,  
25 but it was held frequently.

1 Q. And, when you were questions by the investigators on 5  
2 December 2007, you said that these meetings took place once every  
3 three or once every six months. So, do you still agree with this?  
4 Do you agree – does this correspond to what you remember?

5 A. In my record of interview with the investigators in December  
6 2007 at my house – I stand by that record of interview, mainly.  
7 And, if there are a few minor points which could be inconsistent  
8 – are the result of my personal conclusion, as sometimes I am  
9 unsure, as well. And for that reason, I made my personal  
10 conclusion.

11 [15.42.28]

12 Q. Now I would like to put a question to you about the frequency  
13 of Khieu Samphan's presence at K-1. My question is the following:  
14 Based on what you observed, are you able to make a distinction or  
15 not between the frequency of Khieu Samphan's presence at K-1 and  
16 that of the other leaders you mentioned, such as Nuon Chea, Ieng  
17 Sary, or others? Are you able or not to tell us that Khieu  
18 Samphan came more often or less often than the others, or is this  
19 something that goes beyond your recollection?

20 A. It is my observation that he went there more frequent than  
21 other leaders.

22 Q. Fine. And you said a few minutes ago that, from the perimeter  
23 where you were standing guard, you could notice – or you would  
24 not, in fact, be able to see the first floors of the main  
25 building of K-1. And therefore I would like to ask you if,



1    however, you would be able to describe to us the top of this  
2    building, and in particular the roof. Was it a building with a  
3    classical roof or was it a modern building with a flat roof?  
4    [15.44.28]

5    A. When I looked at the upper floor, the roof was not made of the  
6    tar roof as we had today. It was – the roof was made of concrete.  
7    That's how I can recall it.

8    Q. And was this roof flat or was it angled such as in a pagoda,  
9    for example, or in a classical house? Do you remember that?

10   A. It was a flat, concrete roof.

11   Q. Are you able to tell us how many floors this building had?

12   A. Based on my estimation, there could be four to five floors of  
13   that building.

14   Q. Are you able to tell us if there were kitchens in this  
15   building and if these cooking areas were within or without – or  
16   outside the building?

17   A. I did not know about the kitchen, whether it was inside the  
18   building or not, because I did not enter the building or look  
19   around the compound.

20   Q. Well, in fact, based on the fact that you never entered the  
21   building or even the perimeter around the building, can you give  
22   us more details? Was this forbidden? Was it forbidden for you to  
23   enter the compound, or during those years you had no reason to go  
24   into this compound, or were you actually forbidden from going  
25   into the compound?

1 [15.47.26]

2 A. The building was prohibited, even if – the guards working at  
3 the first layer, without permission, would be prohibited from  
4 entering the building. I was at the second layer. However, there  
5 was no strict prohibition from going to the first layer. In fact,  
6 it was not prohibited, but it was our responsibility that we did  
7 not go there because we did not have any duty to go there.

8 Q. And when, for example, you would come together for training  
9 sessions or for self-criticism meetings and when your superiors  
10 would preside over these meetings, where did these meetings take  
11 place?

12 A. The meetings – namely, the self-criticism meetings – were held  
13 at the group level. And, in fact, it was the group chief who  
14 organized such a meeting.

15 Q. And where did these meetings take place?

16 [15.49.22]

17 A. It took place about 10 to 20 metres from the guard post.  
18 Sometimes it was held under the tree. And sometimes it lasted for  
19 about half an hour only.

20 Q. Now I would like to ask you to clarify one of the answers you  
21 gave to us this morning, when you were questioned by the  
22 prosecutors. And it appeared to me, at least based on the  
23 translation – you said to us that your work consisted mainly in  
24 night duty. So I would like now to give you the opportunity to  
25 tell me if I understood properly what was translated. So, were

1 your guard shifts mainly night shifts, or was - would you  
2 alternate? Can you give us some clarification on this?

3 A. Regarding the work at the second layer, I was actually on a  
4 mobile shift, and usually I patrolled during the night at the  
5 perimeter. There were two groups on patrol.

6 As for the tower guards, sometimes our group replaced the other  
7 group who's supposed to guard at the tower. However, some other  
8 times we also were assigned the duty to guard at those four posts  
9 - four towers. And mainly we patrolled at night; we were on foot,  
10 patrolling within the perimeter. And sometimes we were assigned  
11 to assist other guard units, based on the instructions from the  
12 group chief or the unit chief.

13 [15.51.59]

14 Q. Thank you for this clarification. I'm going to, however, ask  
15 you to be even more precise, because I don't really understand  
16 from your answer if your job consisted in working during the day  
17 as well as working during the night, or if you only worked at  
18 night, or if you only worked during the day. Can you be more  
19 specific about when exactly you were on duty as a guard?

20 A. At - during the day we took shifts to alternate at the four  
21 posts or towers, and at night we patrolled. We walked on foot,  
22 engaged in patrolling. These were the two main duties that I  
23 regularly engaged in. And, while we patrolled at night, we did  
24 not patrol through the entire night; we took shifts. In fact, we  
25 patrolled at night for only two hours; then another team would

1 replace us, and then we would rest. And during the day, when we  
2 were assigned by the group chief or the unit chief to guard any  
3 particular power, we would take up that position there. But  
4 mainly we were assigned to guard the entrance, where the leaders  
5 or the uncles would go in to work in the office.

6 [15.54.00]

7 Q. You explained to us – and again this morning – that the person  
8 in charge of the first and second perimeter was called Tan. Is  
9 that so? Is that true?

10 A. Yes, that is correct.

11 Q. And, when you were questioned by the investigators in 2007,  
12 you said to them that – you gave them the alias of this  
13 gentleman. Do you remember what the revolutionary name of Tan  
14 was? Can you tell us again?

15 A. He was known also as Khieu – so, Tan, alias Khieu – but when  
16 he was in the jungle, people only called him by Tan; he was no  
17 longer called Khieu. But, while he was at K-1 Office during the  
18 regime, he was called Khieu, but I am not sure whether Khieu was  
19 his revolutionary name.

20 Q. Well, this morning you were reminded of this by the  
21 prosecutors, and the Court heard the statement of someone whose  
22 name was provided to you this morning – and it this public: Mr.  
23 Oeun Tan. And Oeun Tan's statement leads us to believe that Oeun  
24 Tan was this Mr. Tan, except that Oeun Tan only acknowledged  
25 having one alias, Chou.

1 So, my question is the following: Was this so-named Oeun Tan, or  
2 Tan, or Khieu - was also called Chou?

3 (Short pause)

4 [15.56.41]

5 Maybe there is a difficulty in the way I am pronouncing it, so  
6 let me spell it out: in the French version, it is written C-h-o-u  
7 - Chou, like "cabbage" in French.

8 A. No, I did not hear that name. I don't know, maybe currently,  
9 while he was - while he's living in Samlaut, he is known by  
10 another name, as Chou. He could have changed his name later on.  
11 While I was in the jungle, he was only known as Tan, and during  
12 the time that we were at the K-1 Office, he was known as Khieu.  
13 But I do not know anything about the name of the person Chou.

14 Q. And, when Mr. Oeun Tan was heard, he was questioned about your  
15 statement. So we - he was provided with your name and he said  
16 that he did not know you. So, does that seem to you to be  
17 plausible? Or is it plausible, in your eyes, that Mr. Oeun Tan  
18 could have forgotten you?

19 A. I do not believe that he doesn't know me, though I don't know  
20 what he stated. But I don't believe that because he and I lived  
21 together for quite a long time. We spent more time together than  
22 not. It started since 1976 until at least 1996, when I returned  
23 to live in Pailin, while he still remained in Samlaut. So we had  
24 stayed together for a long time, and I don't believe that he  
25 doesn't know me. However, if he stated that he doesn't know me,

1 that is his own discretion.

2 [15.59.34]

3 Q. When you were interviewed, you explain that Mr. Tan had  
4 denounced his predecessor as a traitor. You also explain that  
5 when he wrote to the headquarters to ask that you take over from  
6 Sem, he was one who had the authority to summon people to appear.  
7 Since you made that statement, Mr. Oeun Tan was asked whether  
8 that was true and he denied it. Is it possible that you made a  
9 mistake by saying that Tan had denounced Sem and that he had the  
10 authority to summon people whose conduct was subject to criticism  
11 to appear?

12 A. I'm afraid I don't know about this because it's their own  
13 business.

14 Q. I do understand that you can give the answer you've just  
15 given. But can you confirm that in 2007 you made the statement I  
16 have just referred to?

17 [16.01.22]

18 A. No, I don't really discredit my statement before the  
19 co-investigators. I still stand by my statement. I have no idea  
20 about whether Tan talked anything about Sem. I think I don't know  
21 anything about this.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 Can you please advise the Chamber as to how much time you would  
25 like to take to put questions to this witness, please?

1 MR. VERCKEN:

2 At the very most, 20 minutes, Mr. President.

3 MR. PRESIDENT:

4 What about counsels for Mr. Nuon Chea? How much time would you  
5 prefer to put questions to this witness?

6 [16.02.28]

7 MR. SON ARUN:

8 Thank you, Mr. President and Your Honours. I, Son Arun, and my  
9 colleague do not have any questions to put to Mr. Sa Vi.

10 MR. PRESIDENT:

11 Counsel for Mr. Ieng Sary, could you please advise the Chamber as  
12 to how much time you would need?

13 MR. ANG UDOM:

14 Mr. President, I may need five minutes, the most.

15 (Judges deliberate)

16 [16.04.39]

17 MR. PRESIDENT:

18 Counsels may take a rather long period of time to put questions  
19 to the witness, and we believe that we are now at the end of the  
20 session already, so it is now appropriate time for the  
21 adjournment. The next session will be resumed tomorrow, at 9  
22 a.m., and counsels will have the opportunity to finish putting  
23 questions to Mr. Witness.

24 After the testimony of Mr. Sa Vi is concluded, we proceed to hear  
25 the testimony of TCW-754.

1 Mr. Sa Vi, your testimony has not yet been complete. The Chamber  
2 would like to invite you to the courtroom tomorrow to give the  
3 testimony at 9 a.m., and we believe that it will not take long  
4 for counsels to put questions to you.

5 Court officer is now instructed to assist the witness during the  
6 adjournment and have him returned to the courtroom by 9 a.m.,  
7 when the next session resumes.

8 Security personnel are now instructed to bring Mr. Khieu Samphan,  
9 Nuon Chea, and Ieng Sary to the detention facility and have them  
10 returned to the courtroom by tomorrow morning, at 9 a.m. Mr. Ieng  
11 Sary is instructed to be returned to the holding cell only, where  
12 he can observe the proceedings from there.

13 The Court is adjourned.

14 (Court adjourns at 1606H)

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