



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 15-Jan-2013, 16:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 January 2013
Trial Day 144

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

Matteo CRIPPA
SE Kolvuthy
DAV Ansan

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

SONG Chorvoin
Dale LYSAK

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
HONG Kimsuon
VEN Pov
TY Srinna
Beini YE
SIN Soworn
Christine MARTINEAU

For Court Management Section:

UCH Arun
SOUR Sotheavy

INDEX

MR. SA VI (TCW-620)

Questioning by Mr. Vercken resumes..... page 3
Questioning by Mr. Ang Udom page 20

MR. UNG REN (TCW-754)

Questioning by the President page 25
Questioning by Ms. Song Chorvoin page 30
Questioning by Mr. Lysak page 61

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. KARNAVAS	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SA VI (TCW-620)	Khmer
MR. SON ARUN	Khmer
MS. SONG CHORVOIN	Khmer
MR. UNG REN (TCW-754)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony of Witness

6 Sa Vi, and after the conclusion, we will commence hearing the

7 testimony of TCW-754, as scheduled.

8 The Greffier, Ms. Se Kolvuthy, could you report the attendance of

9 the parties and individuals to today's proceeding?

10 THE GREFFIER:

11 Mr. President, all parties to this case are present, except

12 Counsel Michael Karnavas, the international counsel for Ieng

13 Sary, is absent due to personal reason.

14 [09.08.54]

15 Ieng Sary and Nuon Chea are present in the holding cells

16 downstairs, due to health reasons.

17 Today, the Chamber will continue to hear the testimony of the

18 witness, Sa Vi, who is already present in the courtroom.

19 As for the next witness -- that is, TCW-754 - he's present to be

20 called by the Chamber. This witness confirms, to his best

21 knowledge and ability, he has no relationship by blood or by law

22 to any of the three Accused -- Ieng Sary, Khieu Samphan, or Nuon

23 Chea -- or any of the civil parties recognised in this case. The

24 witness also took an oath this morning. This witness does not

25 have a duty counsel.

1 MR. PRESIDENT:

2 Thank you.

3 The Chamber would like to inform the parties and the public that
4 this morning we received the medical report of Ieng Sary by the
5 treating physician – that is, Dr. Lim Sivutha – who examined him.
6 He is fatigued, dizzy, and that – he cannot participate in the
7 courtroom. He recommends to the Chamber that we shall allow him
8 to follow the proceeding through a remote means -- that is, from
9 the holding cells downstairs. That is in the same view as
10 expressed by the Chamber yesterday, after we reviewed the medical
11 report, indicated yesterday. For that reason, we instructed him
12 to be placed in the holding cell downstairs with the audio-visual
13 link so that he can participate remotely.

14 [09.11.14]

15 This morning, the Chamber also received another medical report
16 from Doctor -- from the same doctor, after his examination of the
17 accused Nuon Chea. Nuon Chea is fatigued, dizzy while sitting,
18 and he is exhausted, and that – he cannot sit for long. For that
19 reason, the physician recommends to the Chamber that he shall
20 participate in the proceeding through a remote means -- that is,
21 from the holding cell downstairs. Although Nuon Chea has some
22 health concerns, he can participate through a remote means, as
23 recommended by the physician.

24 And in order to avoid any substantial delay, and for the sake of
25 justice, and based on the recommendation in the medical report by

3

1 the treating physician, the Chamber orders Mr. Nuon Chea to
2 follow the proceeding through a remote means from the holding
3 cell downstairs. That applies for the whole day proceeding.
4 AV Unit, you are instructed to link the proceeding to the holding
5 cells downstairs so that the two Accused can participate
6 remotely.

7 [09.12.53]

8 The floor is now given to Khieu Samphan's defence to continue
9 putting questions to this witness. You may proceed.

10 QUESTIONING BY MR. VERCKEN RESUMES:

11 Yes, thank you, Mr. President. Witness, good morning, first of
12 all.

13 Q. I would like to revisit or to look at the statement that was
14 presented to you yesterday by the prosecutor and which concerns
15 Mr. Ta Sot -- Mr. Ta Sot, who was examined in 2008 - or
16 questioned by the investigators in 2008 and who passed away. And
17 he was also questioned the day before he died.

18 And I would like to submit to you a few segments from his
19 statement, because you spoke about Mr. Ta Sot at length yourself,
20 whom you described as K-1's Deputy Chief, therefore working under
21 the orders of Tan. And I would like to ask you, first of all, if
22 you confirm -- if you can confirm that Ta Sot was indeed Tan's
23 deputy at K-1.

24 [09.14.34]

25 MR. SA VI:

4

1 A. Sot was the Deputy Chief of K-1.

2 Q. And for how long, if you remember -- for how long was he Tan's
3 deputy? Was he still his deputy when the Vietnamese came into
4 Phnom Penh in January 1979, for example?

5 A. He was the Deputy Chief of K-1 Office until 1978, if I recall
6 it correctly. And upon the arrival of Vietnamese troop in 1979,
7 Pol Pot and his Protection Unit fled to the West of the country.
8 At that time, Sot was no longer the Deputy Chief of K-1. He was
9 actually -- he was -- he actually replaced Tan, so he was the
10 Chief of the K-1 Office.

11 Q. So, if I understood properly what you just said, in 1979 Sot
12 had become the Chief of K-1 instead of Tan. Is that what you are
13 telling us?

14 A. In 1979, K-1 Office no longer existed. They actually moved to
15 a location West of the country. That location was no longer
16 called K-1.

17 [09.16.51]

18 Q. Yes, of course, of course. I understand, but I was referring
19 to my previous question. Before the arrival of the Vietnamese,
20 that is to say -- that is to say, at the end of 1978 or at the
21 very, very beginning of 1979 -- Sot had therefore replaced Tan as
22 the Chief of K-1. Is that correct?

23 A. No, that is not correct. In late 1978, at K-1 Office, Sot was
24 still a deputy chief. And even in early '79, he was still deputy.

25 Q. Fine. Okay.

5

1 Now I would like to submit to you in general terms what Mr. Ta
2 Sot said when he was questioned in 2008 and he was asked what his
3 activities had been during Democratic Kampuchea. And he never
4 said that he had been at the head of K-1. He described his
5 activity as being, first of all, the activity of the Chief of
6 Office K-12, which was an office in charge of drivers, located
7 between the monks hospital in Phsar Thmei.

8 And he said that: "As of the end of 1976, I left Phnom Penh and I
9 went to lead troops at the Vietnamese border." And he remained
10 there, based on what he said. He said that he remained on the
11 Vietnamese border until the arrival of the Vietnamese in Phnom
12 Penh.

13 [09.18.54]

14 So, what does this statement suggest to you? And as you --
15 because you can see that Ta Sot does not speak at all about his
16 responsibilities at K-1. So, what he's saying, does it seem
17 credible to you or does it make you think about something else?
18 What is your reaction?

19 A. Between 1976 to 1977, I could not grasp his background - what
20 he did. I saw him at K-1 Office in 1978; it was actually around
21 mid-1978.

22 In addition to his bodyguard for Nuon Chea, accompany him to
23 various zones throughout the country, he had another position -
24 that is, he worked with Tan until the time they fled when the
25 Vietnamese arrived in 1979. And he was in that capacity as the

6

1 deputy chief and, when Tan was not available, he would take
2 charge; he would replace him in his capacity. And he was there in
3 that capacity for almost one year, and that was the fact.
4 However, as I stated earlier, before that date – that is, between
5 1975 to 1977 – I did not know where he lived or what he did. I
6 also stated that with the investigators of the Office of the
7 Co-Investigating Judges, to the best of my knowledge. And that is
8 all.

9 [09.21.20]

10 Q. Yes. And thank you very much for this. This is why I am asking
11 you to comment on this difference between what you said about Sot
12 and what Sot said about himself.

13 So, therefore, you do confirm -- or in any case, based on what
14 you know, based on what you observed, that, as of 1977, Ta Sot
15 was based in Phnom Penh, and not on the Vietnamese border,
16 heading troops. Is that correct?

17 A. I saw him in 1978, not '77. I saw him working there and acting
18 in Tan's place, and that was in 1978.

19 Q. Fine. And you also said in your statement in 2005 -- or you
20 very often associated Tan with Sot – in fact, practically each
21 time, when you described the powers of your superiors – and you
22 would mention both of these people. And at one point you said –
23 or at one point you described Pang's arrest, and you said to the
24 investigators who are questioning you on that day that it is
25 through Tan and Sot that you learned that Pang had been arrested

7

1 and accused of treason. Do you remember having said that to the
2 investigators? Can you confirm this?

3 [09.23.20]

4 A. I did not say Tan or Sot arrested Pang. I did not say that.
5 What I stated--

6 Q. Let me please interrupt you. That's not what I said. I'm
7 sorry; there might have been a problem with the interpretation.
8 I said that you had said that you had learned from Tan and Sot
9 that Pang had been arrested and accused of treason. I did not say
10 that you said that Tan and Sot had arrested Pang. You simply said
11 that that is how -- or it's through them that you learned that
12 Pang had been arrested. And can you confirm this?

13 A. Yes, I stand by that statement. Tan said that. However, there
14 was no meeting with such announcement; only he talked in private
15 that Pang was a traitor. And that happened a few months after
16 Pang's arrest. At that time, Tan, Sot, and other combatants were
17 there when he made that speech. However, it was not an official
18 meeting when he talked about the treason by Pang. And, of course,
19 I stand by my statement.

20 [09.25.14]

21 Q. So, therefore, since Sot attended or was aware of Tan's
22 statements, Sot was therefore informed, as of then, of Pang's
23 arrest and of the fact that Pang had been accused of treason. Is
24 that the case?

25 A. Yes, that is correct, because at that time he said that Pang

8

1 was a traitor and that he had been arrested.

2 Q. So -- yes.

3 I would now like to submit to your attention again what Ta Sot
4 said when he was questioned in 2008 by the investigators, on this
5 issue, and this is document E3/464 - French ERN 00503947; Khmer,
6 00204741; English, 00226109 - and I quote, [free translation]:
7 "One day, Pang's driver told me that Pang had died, that he had
8 been killed by bandits, shot down when he went to pick up
9 supplied, such as small boats, Korean boats, in the Kampong Som
10 harbour. And he died in a place located between Srae Ambel and
11 Veal Renh."

12 Please, I apologize for the pronunciation.

13 So, what do you think about what Ta Sot said here in 2008
14 regarding what he knew about Pang's death?

15 [09.27.38]

16 A. I do not wish to make any conclusion based on this
17 individual's statement, because, while I was there, I did not
18 know anything about this matter, I did not know the actual
19 reasons for Pang's death. I only heard what you've just read, and
20 that's new to me, and I did not hear about this before.

21 Q. Fine, fine. So I won't continue with this point.

22 And now I would like to turn to a little point of detail. You
23 were questioned yesterday about the vehicle that Mr. Khieu
24 Samphan used, and you said that it was a rather modest vehicle
25 compared to the cars driven by the other leaders.

9

1 And I would like to ask you simply: What was the situation with
2 his safety? You said that Mr. Khieu Samphan would travel within
3 Phnom Penh when you would see him, with his driver. So - but what
4 about the other leaders? Was there any kind of system set up for
5 their security? Did they have bodyguards? Was there here a
6 difference, again, between what you saw with Mr. Khieu Samphan
7 and what you saw with the other leaders?

8 [09.29.38]

9 A. Concerning Mr. Khieu Samphan's vehicle, I already made it
10 clear yesterday that he would take the Lambretta vehicle when he
11 came to work at K-1; and it is true. And there were no people
12 escorting him, other than a single driver. And that's what I
13 observed every time I stood guard at the premises. I would only
14 see him by himself, with his driver, on the vehicle, coming to
15 the workplace.

16 And, comparing his situation to the other leaders, including Nuon
17 Chea, Ieng Sary, and Pol Pot, these individuals, normally, were
18 accompanied by a few drivers, or at least there must always be
19 another vehicle following their car. It's different from that of
20 Khieu Samphan.

21 Q. I would like you to be more specific as to how you got to K-1.
22 In your interview, you described the security measures in K-1 in
23 three ways. You said, broadly speaking, there was a zone around
24 K-1, guarded by battalion - a battalion, and there were about 500
25 guards. And then you had the second level; that is where you were

10

1 working. You also said that there was an area enclosed by guard
2 posts, and there were about 60 guards present. Then you described
3 the first level that was within the premises you guarded, and you
4 said there were about 10 bodyguards stationed there. Would you
5 confirm, generally speaking, this description that I've just
6 relayed to you?

7 [09.32.35]

8 A. Yes, I still stand by my statement.

9 I may be mistaken when I talked about number of people at the
10 third level, or third layer. I stated that the third layer of
11 guards would be stationed about 2-3 kilometres from the premises,
12 and it is correct that the rough estimation of the distance of
13 the group who stood guard there. And the group of people who
14 guarded the premises comprised of a small battalion.

15 And, concerning the second layer of guard unit, because I worked
16 there - I belonged to this layer as well - there were about 50 to
17 60 people, and the number of people is accurate; it's about 50 to
18 60 people. And we stayed there. And I still stand by this
19 statement.

20 Concerning the first level, or layer, there were about 10 people.
21 It's my rough estimation, and I still believe that it is the
22 correct estimation because even the number could reach 20, I
23 still feel that there were roughly 10 to 20 people. So I believe
24 that my estimation is correct.

25 Q. Very well. When someone wanted to gain access to K-1, at what

11

1 level was that person – that person's identity cross-checked?
2 Where would they ask for his ID? Where would his vehicle be
3 checked? And where would they ask him to which office he was
4 going?

5 [09.35.08]

6 A. I do not know whether vehicles would be stopped and checked at
7 the third layer for those who would like to gain access K-1.
8 However, there was no check being made at the second layer,
9 because when the vehicles and people could gain access to the
10 second level, these vehicles and people would be allowed to go
11 all the way to K-1 directly.

12 Q. In order to get across the layer you guarded, would you have
13 had to open the gate, or the gate was already open and vehicles
14 could get in freely?

15 A. Indeed, the gate would be there, and that – we would be ready
16 to open the gate when people were coming and have them closed
17 when they entered or left the building.

18 Q. And you did not ask those driving vehicles that wanted to get
19 into K-1 – you wouldn't ask them to which office they were going
20 or who they were going to see; that did not come under your
21 duties, did it?

22 [09.36.58]

23 A. Apart from the important people, there was no other people
24 coming to the place. So we believed that only important people
25 would come to the place and we would never dare ask any

12

1 questions.

2 Q. Very well. You described the K-1 building, saying that there
3 were four, five, or six stories - I don't quite remember. Would
4 you be able to tell us how many offices there were inside that
5 building and the number of people who worked there on a daily
6 basis? Are you able to give us the number of people or an
7 estimate of the number of people who worked at K-1 - that is, in
8 the four or five stories you refer to?

9 A. As I already stated earlier, when it comes to K-1, we refer to
10 the first and second story of the building. And there were about
11 10 people working at various sections, including the cleaners,
12 the vegetable delivery persons, and people who kept the garden
13 well organized, and also the guards. These people had to work in
14 the complex. And on the second story it was the same; there were
15 cooks, there were people who raised the domestic animals and
16 pigs. And at the same time they had two jobs: working as the
17 cooks and also bodyguards. So these are the number of people I
18 can say who worked there.

19 [09.39.46]

20 Q. Tell me if I am wrong. What you are saying is that you are not
21 in a position to give us an estimate of the number of people
22 working there. I haven't quite understood your testimony. You do
23 not seem to have given me any number. Are you in a position to
24 give me a number or not? If you are not able to answer my
25 question, say so.

13

1 MR. PRESIDENT:

2 Co-Prosecutor, you may now proceed.

3 MR. LYSAK:

4 Mr. President, we'd object to this question.

5 The witness did answer; he gave numbers. And counsel now is just
6 badgering and arguing with the witness.

7 So we would object to the question as repetitive and
8 argumentative.

9 [09.40.44]

10 MR. VERCKEN:

11 May I respond, Mr. President?

12 I am somewhat taken aback by the prosecutor's objection. Perhaps
13 he heard numbers in English, but I didn't hear any.

14 The witness's testimony is not clear, and I'm asking him to
15 furnish further clarifications, and he is free to tell us what he
16 knows, he is free to answer my question, which is an open one.

17 MR. PRESIDENT:

18 The objection is not sustained.

19 And witness is now instructed to respond to the question.

20 MR. SA VI:

21 A. Just now he asked me about the number of people who lived and
22 worked at K-1 - what they did, for example. I already described
23 to him precisely. I said, on the first story, there were cooks,
24 and so on and so forth.

25 [09.41.57]

14

1 MR. PRESIDENT:

2 Indeed, you already responded to this. But how many people were
3 there? Can you say so?

4 MR. SA VI:

5 A. On the first floor there were roughly 10 people working there,
6 and on the second floor there were about 50 to 60 people. I
7 believe I already talked about this on a number of occasions
8 already during the course of my testimony.

9 MR. PRESIDENT:

10 Counsel, you may proceed to another question if you still have.

11 BY MR. VERCKEN:

12 Thank you, Mr. President.

13 Q. You have talked of the first and the second floors. And can
14 you tell us how many people worked on the third floor on every
15 occasion?

16 [09.43.03]

17 MR. SA VI:

18 A. I do not think I understand your question. When you talked
19 about the above floor or story, you're referring to the other
20 floor of the building. I think there were about a battalion of
21 people--

22 MR. PRESIDENT:

23 I believe that counsel perhaps be mistaken by the story of the
24 building, because when you refer to the story of the building, in
25 Khmer it could have been mistaken for the layer of the security

15

1 guard, because there are three circles of guard unit at the
2 premises. And at the same time, when he referred to the circle or
3 level, it could also be misinterpreted as the first and second
4 floor or third story of the building, so - because the witness
5 already emphasized that one layer to another would be about 2
6 kilometres apart, not the building itself.

7 [09.44.09]

8 BY MR. VERCKEN:

9 Very well, Mr. President. I have understood. I had overlooked the
10 risk of this confusion.

11 Q. Witness, please feel free to answer my questions and to say
12 you do not know.

13 Excluding the security staff, excluding the people you have
14 already referred to, who worked at the three security layers
15 around K-1 and within K-1, apart from security officers, how many
16 people worked at K-1? Are you in a position to give us an
17 estimate of the number of people who worked in the K-1 offices,
18 apart from security officers? You are free to tell me, "Yes, I
19 know", or, "No, I do not know the answer".

20 MR. SA VI:

21 A. I think I now understood your question. The response would be
22 no, I don't know.

23 [09.45.29]

24 Q. I would like us to revisit one point which is a detail for
25 you, but it is relevant to other issues, as far as I'm concerned.

16

1 It has to do with the number of times you met with tribunal
2 investigators.

3 We have on record a transcript we have already discussed with
4 you, dated the 30th of December 2007. Yesterday, when you started
5 your testimony, the President asked you to tell the Chamber how
6 any times you met tribunal investigators, and you told the
7 President that you met them once.

8 Now, let me inform you that, when you were interviewed by
9 tribunal investigators, the interview was recorded. Do you recall
10 the fact that your interview with the investigators was recorded?

11 A. I gave interview to the investigators, and the interview was
12 recorded. I was told also that the interview was audio recorded.
13 That's what I was told.

14 Q. Very well. And were you interviewed only during one day or in
15 the course of several days?

16 A. I do not really get the question clearly.

17 Q. I will repeat it. The interview record you signed is dated 5th
18 of December 2007 – that is, only one day, in principle. Do you
19 recall whether, in spite of the date mentioned on that document,
20 you met tribunal investigators before the 5th of December 2007 –
21 for instance, the day before that?

22 [09.48.21]

23 A. I met with other people on several occasions before that, but
24 I don't remember where they were from. They were not necessarily
25 the officers from the ECCC, but I remember that on the 5th of 12

1 - rather, 5th of December 2007, a group of officers from the
2 Court came to conduct interview with me, the interview that
3 lasted for just one day.

4 Q. Very well. I believe you'd understand why I am putting this
5 question to you. I am putting it to you because I listened to the
6 recording of your discussion with Mr. Chandaravann Chay and Mr.
7 Stephen Heder, who were tribunal investigators assigned to
8 interview you on the 5th of December 2007.

9 By the way, I requested a French translation of this document.
10 The reference is D91/9.1, and the ERN numbers are as follows:
11 French, 00876649 to 50; Khmer, 00875837 to 38; and in English, it
12 is 00876646 to 48.

13 [09.50.33]

14 And when we read - not what is written in the record, but what is
15 stated in the audio recording, at one point, Mr. Stephen Heder
16 asks the following question to you: "And Torn and Tuon, whom we
17 referred to yesterday, how about them?"

18 When I read this, I wondered whether you met Mr. Stephen Heder
19 the day before the 5th of December 2007. So my question to you is
20 whether you recall meeting with him the day before the interview
21 and discussing Torn and Tuon with him.

22 A. I don't remember this because on the 5th of December, people
23 met with me; I don't remember their names. And on the 7th of
24 December, I was interviewed, indeed, two days after they met me.

25 Q. Setting aside the issue of dates, you have just referred to

18

1 two meetings. Was it during the first meeting that you signed an
2 interview record or during the second meeting?

3 A. Before I signed on the record of interview, I had been
4 interviewed on several occasions - or I - people came to see me
5 on several occasions already, though I don't remember the exact
6 date or the names of individuals who saw me. But I believe that
7 this was the same group of people who came to interview me on the
8 5th of December. I just don't remember on how many occasions they
9 saw me.

10 [09.53.20]

11 Q. Very well. And during these preliminary meetings, did you
12 discuss facts between 1975 and 1979? Did you discuss the
13 substantive issues or the facts involved?

14 A. Before the 5th of December, I don't remember having discussed
15 anything about this; or perhaps I could forget about this. Or
16 maybe I talked briefly about this but I just can't recollect it.
17 But I remember that on the 5th of December 2007, I was
18 interviewed, where I gave details of the accounts.

19 Q. Very well.

20 I would like us to backtrack a little and revisit an issue that
21 was broached yesterday by the prosecutor on this very matter,
22 regarding the flight from Phnom Penh after the 6th of January
23 1979.

24 The prosecutor questioned you yesterday on the fact that Mr.
25 Khieu Samphan fled to the Cardamom Mountains with the Khmer

19

1 Rouge. May I ask you to tell us whether, upon the arrival of the
2 Vietnamese in 1979, you fled to the Cardamom Mountains with the
3 Khmer Rouge yourself?

4 [09.55.34]

5 A. Yes, I did flee to that area and remained with them all along.

6 Q. And why did you stay with them? Why didn't you do something
7 else? What made you to stay with them up to 1979 – that is, to
8 stay with the Khmer Rouge up to 1979?

9 A. I had no choice; I had been working as a bodyguard during the
10 three-year period and, when we fled Phnom Penh, I still was loyal
11 to him and I gave protection for him – for them until 1990's. I
12 had no intention to run away from them because I still maintained
13 my job. What I did before, in Phnom Penh, would be the same as I
14 did after fleeing the capital city into the jungle.

15 Q. And this will be the last line of questioning.

16 When you were interviewed and when you signed the interview
17 record in December 2005, you stated that the first time you heard
18 of famine, the famine that may have been prevalent during the
19 Democratic Kampuchea regime, it was over the radio broadcasts – a
20 radio broadcast from Phnom Penh or from the United States. And
21 you said you received that information in 1980, 1982. Do you
22 confirm this statement or you'd like to change it?

23 [09.58.09]

24 A. Yes, I still stand by my statement.

25 Q. Do I understand, therefore, Witness, that before the

20

1 experience you had with the Khmer Rouge, you had not received
2 such information before 1980, 1982?

3 A. Yes, it is true.

4 MR. VERCKEN:

5 I have no further questions for the witness, Mr. President.

6 Witness, I thank you.

7 MR. PRESIDENT:

8 Thank you.

9 The floor is now given to Ieng Sary's defence to put questions to
10 this witness. You may proceed.

11 QUESTIONING BY MR. ANG UDOM:

12 Good morning, Mr. President, Your Honours. Good morning, everyone
13 in and around the courtroom. Good Morning, Mr. Sa Vi. My name is
14 Ang Udom, the co-counsel for Mr. Ieng Sary. I only have a few
15 questions for you, and my questions are only related to your
16 knowledge regarding K-1 Office.

17 [10.00.27]

18 Q. The President just stated that in order to avoid the confusion
19 regarding the word Khmer "chhoan" (phonetic), or "layer" or
20 "floor" in English, because the word "chhoan" (phonetic), it
21 could be interpreted as the floor - first floor, second floor,
22 etc. - but in your statement, the word "chhoan" (phonetic), in
23 Khmer, means the "layer" or the "perimeter" of the defence. For
24 example, the second defence layer is further from the first one,
25 and the third defence layer is much further from the first one.

21

1 Do you agree with me regarding the use of the term "chhoan"
2 (phonetic) in Khmer?

3 MR. SA VI:

4 A. Yes, I do.

5 Q. Thank you.

6 The guards at the first layer - was the first layer located
7 within the compound of K-1 or was it outside the compound of K-1?
8 [10.01.45]

9 A. Guards at the first layer located themselves within the
10 perimeter of the compound of K-1 Office - that is inside the
11 fence of the K-1 compound - and they were known as the
12 first-layer protection.

13 Q. Thank you. You also indicated that you were part of the
14 second-layer protection. What was the distance between the first
15 and the second layer?

16 A. The second protection layer was almost - near to the fence of
17 the compound. So, once you cross the fence of the compound, then
18 you will reach the -- you would reach the second layer.

19 Q. Thank you. Yesterday, you also indicated that from the second
20 defence protection layer you could not see through to the first
21 layer, due to the tall or high wall; is that correct?

22 A. Yes, that is correct.

23 Q. You could not see the building due to the high wall. But could
24 you see, for instance, the second floor of the K-1 building?

25 A. We could see from the third floor upward if we were close to

22

1 the fence. And, if we were further, for example 500 metres from
2 the fence, we could see the second floor. Despite the distance,
3 we would not be able to see the first floor of the building.

4 [10.04.35]

5 Q. Yesterday, you testified that almost on a daily basis you saw
6 senior leaders, including Nuon Chea, Ieng Sary, and Khieu
7 Samphan, entering the building of K-1 Office. Did you know the
8 reason for them entering the K-1 Office building?

9 A. I did not know the reason for them going to K-1 Office
10 building.

11 Q. Did you ever hear, from where you stood guard at the second
12 layer, that there were meetings inside the building at K-1
13 compound?

14 A. Could you please repeat your question? It is unclear to me.

15 Q. My apology; let me rephrase it: From where you stood guard at
16 the second perimeter, did you ever hear - "hear", I meant hear
17 from inside - to hear any voices from inside the building during
18 the - or any meeting that was held in there?

19 A. No, I did not hear any voice.

20 [10.07.04]

21 Q. When those senior leaders were leaving the building and after
22 they had left, did anyone, including your superiors -- that is,
23 Tan and Sot - tell you that a meeting was held inside the K-1
24 Office building?

25 A. No, we were not told of such event.

1 Q. You also asserted that you saw senior cadres from various
2 zones, sectors, and districts throughout the country coming to
3 K-1 Office.

4 My question is similar to my previous question: Did you know the
5 purpose of those senior cadres coming from various zones,
6 sectors, and districts to K-1 Office?

7 A. They all came to work in that office. That was my
8 understanding.

9 Q. You said "coming to work". What does it mean? Can you
10 elaborate further on this?

11 A. They came for a meeting.

12 Q. Again, from the location at the second defence perimeter where
13 you stood guard, you could not see - see them or hear what they
14 were talking about during the meetings of those senior cadres; is
15 this correct?

16 [10.10.05]

17 A. Yes, that is correct.

18 Q. This is perhaps my last question: After those senior cadres
19 coming from other locations left, did you know, through any means
20 of communication, the purpose of their meeting or what kinds of
21 decisions they made?

22 A. I could not grasp the situation, back then, or what kind of
23 decisions they made before they left.

24 MR. ANG UDOM:

25 Thank you, Mr. Sa Vi. I have no further questions for you. And on

24

1 behalf of my client, Mr. Ieng Sary, I wish you all the best and
2 bon voyage.

3 Mr. President, I have no further question for this witness.

4 MR. PRESIDENT:

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

6 [10.11.44]

7 Mr. Sa Vi, the hearing of your testimony as a witness has come to
8 a conclusion. You are now excused and you can return to your
9 residence or wherever you wish to go.

10 The Chamber would like to thank you very much for your valuable
11 time to testify for one and half day before this Chamber, with
12 your patience and perseverance as to your best effort. Your
13 testimony could contribute to ascertaining the truth in this
14 case; we wish you all the best, and have a safe journey back
15 home.

16 Court Officer, in cooperation with the WESU unit, please assist
17 this witness for his return to his residence or wherever he
18 wishes to go.

19 The time is now appropriate for a short break, and we shall
20 return at half past 10.00. And, for the next sessions after we
21 return, we will hear the testimony of another witness - that is,
22 TCW-754.

23 (Court recesses from 1013H to 1033H)

24 MR. PRESIDENT:

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

1 Court officer is now instructed to call TCW-754 into the
2 courtroom, please.

3 (Mr. Ung Ren enters courtroom)

4 [10.36.10]

5 QUESTIONING BY THE PRESIDENT:

6 Q. Good morning, Mr. Witness. What's your name, please?

7 MR. UNG REN:

8 A. I am Ung Ren, Mr. President.

9 Q. Ung Ren, with the "N" at the end or "M" at the end, please?

10 A. I am Ung Ren, "N" at the end; R a n - rather, R e n.

11 Q. Thank you, Mr. Ung Ren. Apart from this name, do you have
12 other name?

13 A. No, I don't.

14 Q. Mr. Ung Ren, how old are you?

15 A. I don't remember how old I am, but I was born in 1960 -
16 rather, '50.

17 Q. You said you were born in 1950. Where were you born?

18 A. I was born in Tang Pou village, Prambei Mom commune, Thpong
19 district of Kampong Speu.

20 Q. Kampong Speu province; is that correct?

21 A. Yes, it is, Mr. President.

22 [10.38.10]

23 Q. Thank you. Where do you live?

24 A. I now live in Pheak Chrum village, Ph'av commune, Trapeang
25 Prasat district of Oddar Meanchey.

1 Q. What do you do for a living?

2 A. I am a farmer and, at the same time, I am a member of a
3 council - district council.

4 Q. Can you tell the Chamber, please, your parents' names?

5 A. My father is Khat; my mother is Sim. They both passed away.

6 Q. Can you tell the Chamber your parents' surnames? Please tell
7 the Chamber the surnames of your mother and father.

8 A. My father's surname is Ung. He is called Ung Khat.

9 Q. What about your mother's surname?

10 A. (Microphone not activated)

11 [10.40.10]

12 Q. Please repeat because you responded when the mic was not yet
13 activated. Please be advised that you should observe some pause
14 before you proceed to respond.

15 You may proceed. What is your mother's surname, please?

16 A. My mother's surname is Hong. She is Hong Sim.

17 Q. What's your wife's name? And how many children do you have?

18 A. My wife is -- my wife's name is Phoeuk Roth. We have four
19 children.

20 Q. Thank you, Mr. Ren.

21 According to the report by the Greffier of the Trial Chamber, you
22 are not in a relationship with an accused or a civil party. Is
23 that correct?

24 A. Yes, it is.

25 Q. According to the report by the same Greffier of the Trial

1 Chamber, you already took an oath, in accordance with your
2 religion, to state the truth. Is that correct?

3 A. Yes, it is.

4 [10.42.04]

5 Q. Next, the Chamber would like to notify you of your right under
6 Rule 28, right against self-incrimination of witnesses.

7 As the witness, you may object to making any statement that might
8 tend to incriminate you and that - in other words, you have the
9 right not to incriminate yourself.

10 As a witness, the testimony that you are to give shall relate to
11 what you have had knowledge of; bore witness to, experienced, and
12 lived through, and heard, and that it shall be the truth, the
13 whole truth, and nothing but the truth. And you shall respond to
14 all questions put by the Judges of the Bench and parties to the
15 proceedings.

16 Do you understand this right and obligation as a witness, Mr.
17 Witness?

18 A. Yes, I do.

19 [10.43.31]

20 Q. Thank you, Mr. Ren.

21 Have you ever given any interviews to any investigators of the Co
22 Investigating Judges Office? If so, how many times have you had
23 or have you given such interviews, and where?

24 A. I was interviewed at my home in Pheak Chrum village of Ph'av
25 commune. I was interviewed on three occasions, if I remember

1 correctly.

2 Q. Thank you. Before you appeared before the Chamber today, Mr.
3 Ren, have you read or have you been read out any of your
4 statements you made before the co-investigators on that three
5 occasions to refresh your memory?

6 A. Yes, Mr. President, I have reviewed the record of the
7 interviews, although I don't remember the details.

8 [10.45.01]

9 Q. According to the best of your knowledge, do you believe that
10 the statements or the accounts you have just reviewed are
11 consistent with the statement you made before the
12 co-investigators on those occasions?

13 A. Yes, I have read the statements and I can confirm that, first,
14 I was asked about the attack into Phnom Penh, when I got injured
15 and admitted to a hospital in Tang Krasang--

16 Q. Well, I was not asking you this question.

17 Indeed, the question I put to you was that - you were interviewed
18 on three occasions by the investigators, and you indicated that
19 you have read the statements again to refresh your memory.

20 The question was that: Were those accounts consistent with - that
21 you just reviewed consistent with what you gave to the
22 investigators on those occasions or were they different? Just
23 give us the brief overall point of this. You will be asked
24 specific questions on this in a moment.

25 A. I already reviewed the statements I made and reconsidered

1 them.

2 Q. Are they consistent to your statements?

3 A. Yes, they are.

4 [10.47.12]

5 MR. PRESIDENT:

6 Thank you. The Chamber would like to inform the Co Prosecutors
7 that during these testimony sessions of the witness, Prosecution
8 will be allocated - or will be offered the opportunity to put
9 questions to the witness first.

10 You may proceed.

11 MS. SONG CHORVOIN:

12 Thank you, Mr. President. And a very good morning to you, Mr.
13 President and Your Honours, and good morning to my learned
14 colleagues and Mr. Witness. I am Chorvoin, the Co Prosecutor.
15 Along with my colleague, Mr. Dale Lysak, we have a few questions
16 to put to you.

17 And before we proceed to put in the questions, I would like to
18 seek Mr. President's leave so that I can hand over the record of
19 the interview, the written record of witness interview, document
20 E3/402, E3/84, and D369/11, and D232/36. After this, I would like
21 to proceed with my questions. And with the documents, we believe
22 that the witness can be asked some questions to confirm his
23 statements.

24 [10.48.57]

25 MR. PRESIDENT:

1 You may proceed.

2 And, Court Officer, please bring the documents from the Co
3 Prosecutor to the witness for examination.

4 QUESTIONING BY MS. SONG CHORVOIN:

5 Q. Mr. Ung Ren, now you have the documents of written record of
6 witness interviews, the statements you made before the
7 co-investigators. Regarding the statements you gave to the
8 investigators, in your statement, document D369/11, under
9 question number 3, you indicated that before 1975 you worked at
10 the battalion from a special zone.

11 Can you tell the Chamber, please, when you joined the army? And
12 tell the Chamber also, during the first time you joined the army
13 where were you stationed?

14 MR. UNG REN:

15 A. First, I joined the army in late 1970. By 1970, I worked at
16 Tang Pou village and then moved to Thma Tboung location, west of
17 Kampong Speu. At that time, a small battalion - or, rather, the
18 -- yes, Battalion Number 3 was established.

19 Q. When you joined the army, who introduced you into the
20 Revolution?

21 [10.51.20]

22 A. Cheng An was the person who introduced me.

23 Q. Who was Cheng An? What did he do? Is he alive?

24 A. At that time, he was responsible for the district and also the
25 sector committee and the military.

1 Q. Thank you. Can you also tell the Chamber, please, what did the
2 Special Zone do?

3 A. The Special Zone was tasked with dealing with the people at
4 Angk Snuol and Thma Tboung, and they had to make sure these
5 people could work in Phnom Penh.

6 Q. Can you please be more precise on this? When you said that
7 they dealt with people, what kind of tasks were they involved or
8 did they engage in?

9 A. When it comes to – people's work is about the gathering of
10 forces, to gather people together to join forces so that we can
11 strengthen the forces.

12 Q. Thank you. Who was the commander of the Special Zone?

13 A. (Microphone not activated)

14 MR. PRESIDENT:

15 Witness, please observe some pause. You may proceed.

16 [10.53.45]

17 MR. UNG REN:

18 A. At that time, there was no such Special Zone force. Cheng An
19 was overly (sic) in charge at the beginning.

20 BY MS. SONG CHORVOIN:

21 Q. Is it fair to say that at that time the Special Zone was not
22 yet established? But how could you respond – or who did you
23 respond to? Did you report to Cheng An or to other people?

24 MR. UNG REN:

25 A. We only reported to Cheng An, because Cheng An was the only

1 person we contacted.

2 Q. Thank you. Under the same - rather, under the same statement
3 or written record of witness interview, you stated that your
4 division was from the Special Zone and that there was another
5 division from the North, under the command of Ta San. These two
6 divisions merged to become a regiment to attack and liberate
7 Phnom Penh.

8 [10.55.08]

9 I would like you to elaborate on this point to confirm. You said
10 the soldiers from your unit combined with another group of
11 soldiers to form the regiment. When did that happen?

12 A. I believe it was about in 1972.

13 Q. At that time, who had the authority to command such merge of
14 the military of other units to form this regiment?

15 A. (Microphone not activated)

16 THE INTERPRETER:

17 The interpreter could not hear the full message from the witness,
18 as he spoke when the mic was not properly activated.

19 BY MS. SONG CHORVOIN:

20 Q. Could you please say again?

21 [10.56.28]

22 MR. UNG REN:

23 A. It was Cheng An who was in charge of the sector committee and
24 the command office of that zone.

25 Q. Is it fair to say that it was the order made from Cheng An

33

1 that the units merged to form the regiment?

2 A. I don't know for sure. However, I believe that no one else
3 other than Cheng An who could be the person who was behind this
4 decision.

5 Q. Under your written record of witness interview before the
6 investigators, you talked about the Brigade Number 14. What was
7 the role of division -- rather, Brigade Number 14?

8 A. Before Brigade 14 was established, there were some regiments
9 that were merged to form this brigade, and it was tasked with
10 proceeding from - on National Road Number 4 to the direction of
11 Phnom Penh.

12 Q. What did this brigade do - what kind of activities?

13 A. (Microphone not activated)

14 MR. PRESIDENT:

15 Please observe some pause, Mr. Witness. You may now proceed.

16 [10.58.55]

17 MR. UNG REN:

18 A. Brigade 14 was tasked with gathering forces to proceed to the
19 direction of Phnom Penh, and the second task was to engage in the
20 combat military training.

21 BY MS. SONG CHORVOIN:

22 Q. What was the name of the Commander of Brigade 14? Or what was
23 his code name?

24 MR. UNG REN:

25 A. The Commander of Brigade 14 was Sou Saroeun alias 05, and San

1 had his code name as 06.

2 Q. What was your position in Brigade 14 during that time?

3 A. After the brigade was formed, my role was to be in charge of a
4 regiment.

5 Q. Can you recall in Brigade 14 how many soldiers were all
6 together after the merge of all those various regiments?

7 A. I could not grasp the total soldiers of the entire brigade,
8 but in my regiment, there were a total of 500 soldiers.

9 [11.01.08]

10 Q. In your regiment, did you know a soldier by the name of Kang
11 Maut?

12 A. I did not know anyone by the name of Kang Maut.

13 Q. What was the name of your deputy?

14 A. My deputy was Soeun. I do not know his family name.

15 Q. Regarding Brigade 14, did this brigade engage in any
16 battlefield in their fight against the Lon Nol soldiers prior to
17 1975?

18 A. Brigade 14 engaged in the attack on the Lon Nol soldiers.

19 Q. When did it start - that is, regarding the attack on Lon Nol
20 soldiers? Did it start around 1973, '74, or it's earlier?

21 A. The attack on the Lon Nol soldiers commenced prior to 1974.

22 Q. Again, regarding the attack on the Lon Nol soldiers, can you
23 tell the Chamber briefly the locations where your brigade
24 stationed and attacked and what were the hot battlefields?

25 [11.03.30]

1 A. Regarding the battlefields that our regiment engaged, I only
2 talk about my regiment. It was at the Trapeang Thnal Railway
3 Station, at Bat Doeng, at the Prasat Mountain, as well as at Pun
4 Phnum. We engaged in the first wave of attack during -- at these
5 locations.

6 Q. Did your regiment engage in the attack Ou Prammat and Thnal
7 Totueng?

8 A. To the north of National Road Number 4 it was part of a
9 Brigade 14 force as well, but it fell under a different regiment
10 that I did not know the details.

11 Q. Can you indicate to the Chamber, regarding your attack on the
12 Lon Nol soldiers, did you encounter a specific event or incident
13 of what happened when the Lon Nol soldiers were captured by the
14 Khmer Rouge force?

15 [11.05.17]

16 A. I personally knew that in the - our activities - or what we
17 did was based on instructions of our superior or the commander.
18 We were instructed to fight the Lon Nol soldiers, and that's what
19 we did. They were considered as our enemy.

20 Q. On the same issue - and, as you said, you received your orders
21 from your commander to attack the Lon Nol soldiers, whom were
22 considered enemy. And what happened to the Lon Nol soldiers after
23 they had been captured?

24 A. My duty was at the front battlefield; as for the soldiers who
25 were captured, they would be sent to the rear, and I did not know

1 what happened to them.

2 Q. Thank you. In Brigade 14, did it involve in the attack at
3 Udong in around 1974?

4 A. Yes, Brigade 14 did engage in the fight in that area in 1974.

5 Q. If it did, can you indicate to the Chamber what kind of
6 battlefield was Udong? Was it a hot battlefield? Were there a lot
7 of casualties?

8 A. Udong battlefield resulted in a number of casualties on the
9 Lon Nol soldiers and the destruction of a number of armoured
10 vehicles. My regiment did not engage in that battlefield, but the
11 force was from the Southwest.

12 [11.08.02]

13 Q. Was that brigade assigned to assist at the fight at the Vihear
14 Khpos Temple - or Pagoda?

15 A. No, it was not assigned to that area. Other regiments could
16 have been assigned to fight in that area.

17 Q. Regarding the preparatory plan to attack at Udong, did you
18 know who was overall in charge in making such a plan?

19 A. Regarding the preparatory plan to attack Udong, it was solely
20 the responsibility of the brigade commander - that is Cheng An,
21 as I said earlier. And it was done prior to the form (phonetic)
22 of that brigade.

23 Q. You said that the commander and Cheng An formed the plan. What
24 was the name of your commander? And was there a meeting to - for
25 such a plan?

1 [11.09.40]

2 A. Allow me to say that the plan to attack Udong was formed only
3 by my commander and Cheng An. Besides that, I did not know
4 anybody else in forming that plan.

5 Q. Did you see your commander and Cheng An holding a meeting? Or
6 what happened? And how did you know about the plan?

7 A. I received orders from the brigade commander and Cheng An.
8 That was at a place called Prampi ROUNG (phonetic), along
9 National Road Number 6.

10 Q. Does it mean that you received orders from your commander and
11 Cheng An, whom called you for a meeting in the preparation for
12 the attack on Udong? Is this correct?

13 A. Yes, it is.

14 Q. Thank you.

15 Can you indicate to the Chamber what happened to the soldiers
16 living in Udong town after it fell under the control of the Khmer
17 Rouge in 1974?

18 [11.11.46]

19 A. As I indicated, I only knew of what happened at my regiment,
20 and we did not engage in the Udong attack. However, there was an
21 overall plan for the brigade: the Southwest force were to attack
22 Udong, and our regiment was to prepare for the attack on the
23 South of Udong. And after the liberation of Udong, I did not know
24 what happened to the Udong dwellers.

25 Q. Thank you. Were you aware that the town dwellers or other

1 people under the control of the Khmer Rouge prior to 1975 – were
2 they evacuated from their residence to a cooperative or to other
3 location?

4 A. Regarding the evacuation of people prior to 1975, I did not
5 have any knowledge because my force was always at the front
6 battlefield. So I did not know what happened to them or how they
7 were evacuated.

8 Q. In around 1974, while you were stationed nearby the Udong
9 battlefield, did you notice the movement of people there?

10 [11.13.36]

11 A. As I indicated, I did not stay at the Udong battlefield; I was
12 around Udong, Trapeang Prasat, and Bat Doeng, and the Udong area
13 was under the Southwest force. However, at the time of the attack
14 on Udong, the brigade commander informed us to be vigilant, on
15 our part.

16 Q. Thank you. Prior to April 1975, can you tell us the chain of
17 command from the Upper Echelon to the lower level? How – did you
18 know who was at the most upper echelon and how the commands were
19 relayed to the lower level?

20 A. After the attack on Udong, we received information that there
21 was an arrangement from the upper level to manage the spearhead
22 of the Southwest force, and it was the Special Zone force. And
23 the upper one – upper person that came was Son Sen, alias Khieu.

24 Q. Son Sen alias Khieu, as you stated, did he issue orders to the
25 lower level or to Brigade 14? If so, how the orders were relayed?

1 A. Allow me to say that this kind of work was not in the process
2 that the upper level called the lower level to go and meet to
3 issue commands, but it was through a chain of command - that is,
4 from the upper level to the division or brigade, and then from
5 the brigade to the regiment. As for our part, we were called by
6 the brigade commander to receive those instructions or orders.

7 Q. Thank you. Regarding the specific tasks that you would be
8 called by the upper echelon to receive, what was the nature of
9 such a task?

10 [11.16.51]

11 A. Let me give you an example: for example, a battlefield that
12 needs to be attacked, and that would be considered a special
13 task. And the upper echelon did not only call a brigade, but they
14 would call the brigades, as well as the regiments, in order to
15 meet, to relay the orders in order to succeed in the attack.

16 Q. Is my understanding correct? If it was related to the attack
17 or the fighting, then the upper echelon would call the brigades,
18 the regiments, and the battalions to receive those instructions
19 directly from the upper echelon; is that correct?

20 A. That is correct. However, in principle, it is not often that
21 the upper echelon would call everyone in this regard.

22 Q. Thank you. Who was the local commander that you could
23 communicate with?

24 A. I could communicate by radio, only within my brigade.

25 Q. Do you mean that it would have to go through a specific person

40

1 - specific individual? And if so, what was his name?

2 [11.18.52]

3 A. There was a radio operator attached to the brigade, and we -
4 when we talked about 05, it means that the message would be
5 relayed to the brigade.

6 Q. In practice, during the fight in the battlefield, did you
7 receive any orders on the radio from the brigade as to which
8 direction that your regiment had to attack?

9 A. It happened on some occasions. However, sometimes, when we
10 were to relocated (sic), there had to be a meeting convened at
11 the brigade headquarters.

12 Q. Thank you, in your written record of interview - that is, the
13 second time - that is, document E3/84, in - on Khmer page
14 00398518; and in English, 00408400; and in French, 00434427 - you
15 were asked by the investigator and then you talked about the 23rd
16 October. Rather, when the investigator asked you about the 23rd
17 October, you mentioned about the meeting chaired by Son Sen, that
18 is - quote -- "15 days prior to attack on Phnom Penh" -- end of
19 quote -- at Damnak Smach, near Udong, in Kampong Speu province.
20 My question is the following: What were discussed during that
21 specific meeting?

22 [11.21.28]

23 A. It was to the south of Damnak Smach Station. And before the
24 attack on Phnom Penh, Son Sen called the brigade, the regiment,
25 and the battalions to meet for a meeting that was held to the

41

1 South of Damnak Smach to receive the plan: number 1 was to
2 prepare our political stance in anticipation of the attack on
3 Phnom Penh; number 2 was to prepare the forces into various
4 groups. And that was all. And, in fact, point number 3, if we
5 could advance in our attack, we would have to strive our best to
6 liberate the city. And, as I stated in my interview, he did not
7 mention anything about the evacuation of people; he focused only
8 on the only thing - that is, to advance into Phnom Penh to attack
9 and liberate the city.

10 Q. At that time, what was Son Sen's role? Did he have his
11 personal office or headquarters to the south of Damnak Smach
12 Station?

13 A. When I went to go for the meeting there, I only went there for
14 a day or two. And there was no proper office; the meeting was
15 held around the bamboo trees. At that time, we could not build
16 any proper office, as the area was bombarded. And that was the
17 time that I met him in preparation for the attack.

18 [11.23.52]

19 Q. While you met Son Sen, at the time, did you know of his
20 position or rank?

21 A. When I met Son Sen, at the time, I did not know of his
22 specific role or rank, but the person by the codename 06, who
23 actually assisted in organizing the brigade, was close to Son
24 Sen. He was known as Ta "Venta" - or "a man with glasses". That's
25 all I knew. But I did not know of his specific role or rank.

42

1 Q. Thank you. Again, regarding Son Sen, in your response to the
2 investigator of the Office of Co-Investigating Judges, in
3 document E3/84 -ERN in Khmer is 00398518 to 19; and in English,
4 00408300; in French, 00434427 - you stated that, "during the
5 meeting, Son Sen gave instruction that Phnom Penh had to be
6 liberated as soon as possible and he showed a roadmap for the
7 attack on Phnom Penh".

8 My question is the following: Did Brigade 14 prepare any specific
9 locations for the attack on Phnom Penh, during the meeting with
10 Son Sen at the time?

11 [11.26.02]

12 A. In the preparation for the attack on Phnom Penh, at that time,
13 there was no proper stations, or locations, or barracks; it was
14 mobile. So we stayed in our groups - in our various groups in
15 order to avoid the aerial bombardment.

16 Q. In which direction did Brigade 14 advance toward Phnom Penh?

17 A. Brigade 14, in the attack on Phnom Penh, was in between Tang
18 Krasang Pagoda--

19 Q. Upon arriving at the outskirts of Phnom Penh, which area did it
20 reach first?

21 A. The advancement toward Phnom Penh during the attack - and I
22 hear talk only about my regiment - we attacked in the vicinity of
23 Pochentong, and the Southwest force was attacking along National
24 Road Number 4. So, the attack on Phnom Penh, we reached
25 Pochentong, and I was wounded and I was hospitalized at Tang

1 Krasang Hospital. And the advancement was made toward Phnom Penh,
2 but I stayed behind at the Tang Krasang Pagoda Hospital. It was
3 near the Pochentong area.

4 Q. In your attack from Tang Krasang Pagoda toward the dissection
5 of Pochentong and before you were wounded, what happened to the
6 Lon Nol soldiers who were captured or who surrendered?

7 A. As I stated earlier, prior to the attack on Phnom Penh, the
8 prisoners of war who were captured in the battlefield - or on the
9 battlefield were sent to the rear, and I did not know where they
10 were taken to because I myself never went to the rear. So I did
11 not know happened to them or what their fate was.

12 [11.29.22]

13 Q. Thank you.

14 Regarding the first evacuation, you stated in your written record
15 of interview with the investigators from OCIJ - that is in
16 document E3/84, in Khmer - on Khmer page 00398519; and in
17 English, 00408300; and in French, 00434428 - in that statement,
18 you indicated that you got injured when you were attacked Phnom
19 Penh. At the Pochentong location, you already noted that people
20 were being evacuated from Phnom Penh.

21 My question to you now is: How can you describe the situation of
22 the people who were evacuated - evacuated from Phnom Penh?

23 A. As I already mentioned, my forces could reach the Pochentong
24 vicinity when I got injured and admitted to a hospital at Tang
25 Krasang Pagoda; when there, I also learned that my forces reached

44

1 or made advancement to the city. And at – about one or two hours
2 later, I saw people being evacuated out of the city. I asked
3 where these people would be taken to; I got no answer because –
4 the only thing I learned at that time was that people were asked
5 to move forward. Perhaps these people were evacuated for fear
6 that they would be bombed at.

7 [11.32.04]

8 Q. When you saw them, when you saw the evacuees, were they
9 transported on vehicles or were they on foot?

10 A. I know that there was no form of transportation for the
11 evacuees. They walked and they could carry their luggage on
12 pushcarts and bicycles. And the roads were filled with crowds of
13 people. The patty fields were also packed with the evacuees, and
14 there was no truck.

15 Q. You said you saw people pushing the carts with their
16 belongings when walking. Did you see any soldiers being present
17 among the crowd?

18 A. I have no idea whether the people would be pushed by any of
19 the Khmer Rouge soldiers because I did not bear witness to this.
20 However, I believe that people could never be evacuated in such
21 huge number without the moving force behind them or without being
22 pushed by others.

23 Q. Is it fair to say that people did not volunteer to leave the
24 city, but they were forced to leave the capital?

25 [11.34.18]

1 A. It is correct to say that, without such coercive measure,
2 people would not have left the cities, because it is a common
3 sense that people would not wish to leave the place where they
4 called home. It doesn't matter whether their home was not easy to
5 live in, but they still would be hesitant to leave it.

6 Q. You said your forces approached the Pochentong area through
7 Tang Krasang passage way, and that the advancement was made into
8 the city and you saw people moving out of the city. Had you also
9 noted that other people would be coming from the opposite
10 direction?

11 A. I only saw people leaving the city. At the same time, I saw a
12 few people coming to the direction of the city; perhaps they were
13 soldiers or other civilians who would like to move to the city.
14 It was rather chaotic; people had to go to different places at
15 the same time.

16 Q. At that time, did you see whether there were any checkpoints
17 being set up to stop people from entering the capital city?

18 A. No, I didn't.

19 [11.36.20]

20 Q. Regarding the Lon Nol soldiers and civilians who had been
21 affiliated with the Lon Nol regime, to your knowledge, were you
22 aware that there were such classification of people during the
23 time of the evacuation?

24 A. Soldiers could be distinguished clearly, for example soldiers
25 belonging to Lon Nol and soldiers belonging to other factions,

1 but there was no classification or distinction among the
2 civilians.

3 Q. At that time, was Brigade 14 tasked with arranging or working
4 at the stadium?

5 A. There was an arrangement where Brigade 14 was tasked with
6 patrolling on some roads.

7 Q. How long had you been admitted to the hospital before you were
8 discharged?

9 A. I was admitted to the hospital for about 17 days. I got
10 injured at the vicinity near Pochentong and hospitalized at a
11 pagoda. At that time, I also heard that people who engaged in the
12 attacks to liberate Phnom Penh would then be allowed to go back
13 and live at some predetermined locations where they could grow
14 some vegetables.

15 [11.38.58]

16 Q. You said that you had to be hospitalized for about 17 or 18
17 days. At that time, after you recovered, did you return to your
18 Brigade 14 to work as a soldier? And where were you stationed, if
19 so?

20 A. After being discharged from the hospital, I did not come back
21 to Brigade 14 in Phnom Penh to start work. However, my men, my
22 colleagues who worked for the brigade still attacked to the
23 brigade in Phnom Penh. I remember a person by the name of Soeun,
24 who still worked at Brigade 14, who was stationed near the
25 vicinity of the Lok Sang Hospital.

1 Q. When you returned to your work after your injury, what did you
2 do?

3 A. I was called by the commander of the brigade through a letter
4 asking me to start work tomorrow, and I took a motorbike to see
5 him, and he told me that the Upper Echelon would like to see me,
6 and I then was asked to station where we were tasked with
7 protecting the city.

8 Q. When you were called by the brigade commander to start work
9 again, what was your title at that time?

10 [11.41.41]

11 A. I already mentioned earlier that I belonged to the regiment. I
12 worked for the regiment. And I was called by the head of brigade
13 to come and work after my injury.

14 Q. Thank you.

15 After the 17th of April 1975, you stated that you worked at Borei
16 Keila, at Sak Sutsakhan's house; is that correct?

17 A. I never stayed in that house, but I stayed in a place which
18 was to the west of that house. And at that time the commander of
19 the army was the person by the name of Soeun.

20 Q. Is that correct that you stayed at a place to the west of
21 Borei Keila?

22 A. (Microphone not activated)

23 MR. PRESIDENT:

24 Mr. Witness, please be reminded that you observe some pause. You
25 may now proceed.

1 MR. UNG REN:

2 A. Yes, it is correct.

3 BY MS. SONG CHORVOIN:

4 Q. What kind of tasks did you receive when you stayed at the
5 place to the west of Borei Keila?

6 [11.43.55]

7 MR. UNG REN:

8 A. I did not receive any assignments when I was there because we
9 stay at the home, as other people did, and we did not resume
10 guard duties.

11 Q. When you were there, were you aware of the purpose of Borei
12 Keila vicinity? What was it used for?

13 A. I have no idea what happened inside Borei Keila. I had never
14 known this location before, although I heard about it. I only
15 learned that the house where I would stay would be located to the
16 west of Borei Keila. That's all.

17 Q. In the after math of 17th of April 1975, you were relocated to
18 a special zone of the North Zone; is that correct?

19 A. No, it isn't.

20 Q. So, from 19 - rather, 17th of April 1975 until you had been
21 relocated to a new location, what kind of tasks your regiment
22 received?

23 [11.46.07]

24 A. Before we were relocated to another location, I did not see
25 whether we were offered any significant tasks. We were asked to

1 clean the premises; that's all.

2 Q. Were you tasked with standing guard or giving protection for
3 any other people?

4 A. As I already mentioned, forces were not assigned to stand
5 guard, and people would be allowed to remain wherever they were.
6 And we were asked to do some small things, like I indicated.

7 Q. Thank you.

8 Next I would like to proceed to the military structure of the
9 Khmer Rouge and information concerning Division 801 during the
10 period of the 17th of 1975.

11 The first question on this topic is about a big meeting, or
12 gathering, that was convened on the 22nd of July 1975. The
13 information of the meeting was also published in the
14 "Revolutionary Flag" of August 1975. And, before I proceed to ask
15 you questions about this, I may wish to refer to the document.

16 [11.48.10]

17 And, with Mr. President's leave, I would like document to be put
18 up on the screen - document under Khmer ERN 00063324, English ERN
19 00411488, and French ERN 00538963.

20 MR. PRESIDENT:

21 You may proceed.

22 Court Officer, please bring the document from the Prosecution to
23 the witness.

24 International Co-Counsel for Mr. Khieu Samphan, you may proceed.

25 MR. VERCKEN:

50

1 Thank you, Mr. President. For procedural reasons, I would like to
2 object to the fact that the prosecutor is using documents without
3 allowing us to have adversarial discussions on the merits of the
4 document.

5 [11.49.51]

6 MS. SONG CHORVOIN:

7 I may wish to respond to my learned colleague.

8 I already read out the ERN numbers of the document. And I may
9 also wish to reiterate that this document is E3/5; ERN in Khmer
10 is 00063324, English ERN 00411488, and French ERN 00538963. And
11 the question that I wish to put to the witness is as follows--
12 However, before that, I wish to also inform you that this
13 information is obtained from the "Revolutionary Flag" of the
14 Khmer Rouge issued on the August 1975, concern (sic) the meeting
15 on the 22nd.

16 MR. PRESIDENT:

17 Mr. Witness, can you please look at the document and tell the
18 Chamber whether you have seen this document before?

19 [11.51.17]

20 MR. UNG REN:

21 I have looked at the document and I have never seen it before.

22 MR. PRESIDENT:

23 Court Officer, please remove the document from the witness and
24 also remove it from the screens.

25 Counsel Karnavas, you may now proceed.

1 MR. KARNAVAS:

2 Thank you, Mr. President. Good morning, everyone. I would also
3 object to the form of the questioning.

4 It seems that the prosecutor first provides information to the
5 witness, as opposed to getting the information from the witness.

6 For instance, she's told the witness that there was this meeting,
7 as opposed to asking the witness whether he attended a meeting.

8 And then she describes what happened, she characterizes the
9 meeting as an important meeting. In other words, the prosecutor
10 is leading the witness.

11 So, perhaps she could do it the classical way, just eliciting
12 information from the witness. Thank you.

13 [11.52.32]

14 BY MS. SONG CHORVOIN:

15 I would like to rephrase my line of questioning, for sure.

16 Q. The first question would be: Have you ever heard or attended
17 any meeting held on the 22nd of July 1975, the meeting attended
18 by about 3,000 people?

19 MR. UNG REN:

20 A. I am not familiar with such meeting. I never attended any
21 meeting attended by such huge number of participants.

22 Q. Thank you.

23 In your statement before the co-investigators, under document

24 E3/84 - Khmer ERN 00398517; English, 00408399; and French ERN

25 00434426 - you said that the appointment of Division 801 was done

1 in a meeting at Olympic Stadium, where all leaders attended,
2 including Pol Pot, Nuon Chea, Ieng Sary, and Son Sen.

3 My question to you is: Was Division 801 appointed in a meeting
4 attended by a huge crowd of soldiers or was it done on a separate
5 meeting?

6 [11.55.00]

7 A. Your question is about my meeting with Son Sen and other
8 soldiers who gathered to attend the meeting. To me, such meeting
9 was not an assembly; it was a meeting where Brigade 14 would be
10 assigned a new task, that it would be relocated to Ratanakiri. In
11 that meeting, indeed, Pol Pot, Nuon Chea, Ieng Sary, and Son Sen
12 attended. And that's what - the account I remember. And there was
13 not another follow-up meeting, and it was not attended by
14 thousands of people other than these people.

15 Q. Where was the meeting convened?

16 A. It was conducted at the stadium.

17 Q. On the same issue, under the same document, you also said the
18 leaders who attended the meeting including Pol Pot, Nuon Chea,
19 Ieng Sary, and Son Sen, and he also brought an appointment letter
20 to introduce to the meeting. Do you still remember what kind of
21 agenda being discussed when Division 801 was appointed?

22 [11.56.48]

23 A. The division - rather, Brigade 14 was elevated into Division
24 801 - was decided by this group of people I already mentioned.
25 And the letter was presented to us by a person who was part of

1 the chairpersons of the meeting, and the letter was pronounced to
2 the whole meeting by that person.

3 Q. During that pronouncement of the appointment, did any of the
4 leaders who attended the meeting say anything about the
5 responsibilities and roles of the new division?

6 A. During the meeting, there was clear agenda. At the beginning,
7 people – the items of agenda would be pronounced to us, and that
8 – people who were engaged in addressing the meeting would be
9 called to take the stage. And Pol Pot also had something to say
10 about this appointment.

11 Q. Did any other people, including Pol Pot, come to the stage to
12 share their view concerning the roles and responsibilities of
13 Division 801?

14 A. After the pronouncement of the appointment of Division 801,
15 Pol Pot was the one who made such a pronouncement and he
16 discharged these duties to the division. No other people were
17 involved in presenting the tasks to this division, other than Pol
18 Pot himself.

19 [11.59.51]

20 Q. Was Pol Pot also the same person who said that Division 801
21 would be relocated to Ratanakiri, or was this pronouncement made
22 by other people?

23 A. It was Pol Pot alone who said so. He said that Division 801
24 would be stationed in this particular area and that – he also
25 discussed the tasks of the division.

54

1 Q. After this appointment, how long would it take for the
2 division to be relocated to Ratanakiri?

3 A. I don't remember the exact duration of time, but I believe
4 that it was about two month, because by September we had to be on
5 the move; some would have to walk, when others would be seen
6 riding bicycles. And by November we reached Stung Treng province.

7 MR. PRESIDENT:

8 Thank you, the Co-Prosecution, and thank you, Mr. Witness.

9 It is now appropriate time for lunch adjournment; the Chamber
10 will adjourn until 1.30 p.m.

11 [12.01.41]

12 Court officer is now instructed to assist the witness during the
13 adjournment and have him returned to the courtroom when the next
14 session resumes.

15 Security personnel are now instructed to bring Mr. Khieu Samphan
16 to his holding cell and have him returned to the courtroom by
17 1.30 p.m.

18 The Court is adjourned.

19 (Court recesses from 1202H to 1332H)

20 MR. PRESIDENT:

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

22 The floor is once again given to the prosecutors to put question
23 to this witness. You may proceed.

24 BY MS. SONG CHORVOIN:

25 Thank you, Mr. President. Once again, good afternoon, Mr.

1 Witness.

2 Q. Before we broke for lunch, we talked about the senior leaders
3 of Democratic Kampuchea regime who attended the meeting of the
4 appointment of Division 801. And at -- in your interview, in the
5 same document, you talk about a person by the name of Saom. You
6 further stated that "one person by the name of Saom introduced
7 Pol Pot, Nuon Chea, Ieng Sary, and Son Sen and received an
8 appointment letter from these leaders".

9 My question is the following: Who is Saom? And what was his role
10 back then?

11 [13.34.17]

12 MR. UNG REN:

13 A. Saom was from the General Staff in Phnom Penh. He was the
14 person making the announcement of the Division 801 at the time,
15 and Pol Pot made supplementary announcement. And Saom was
16 actually like an M.C. during such ceremony.

17 Q. Thank you.

18 Regarding Division 801, after the 17 April 1975, as you stated,
19 your division was transferred to Ratanakiri province. Can you
20 tell us, prior to your arrival in Ratanakiri, what was the name
21 of the zone secretary in Ratanakiri province?

22 A. In fact, the appointment of the -- that division was for the
23 assignment of our work in Ratanakiri. And, actually, each
24 regiment had to go there first to prepare our force and the
25 locations where we were station. And, after we went there to

1 settle for the locations, then we returned to bring the rest of
2 the division to the province.

3 [13.36.18]

4 Q. You talk about the study trip to the location. And, once you
5 arrived and prior to arrival of your soldiers, did you know who
6 was the Secretary of the Northeast Zone at the time?

7 A. In fact, I did not know about the Northeast Zone Secretary at
8 the time. What I knew was that I had to prepare my regiment and
9 then to station at a specific location there.

10 Q. You also said that, during the announcement ceremony, certain
11 leaders – namely, Nuon Chea, Pol Pot, Ieng Sary, and Son Sen –
12 and you said Son Sen was in charge of the army. Did you know why
13 Ieng Sary was present during that ceremony?

14 A. I could not grasp the situation, but at that announcement –
15 when that announcement was made, there were these few leaders
16 present, and it is my understanding they were the leaders.

17 Q. Before I touch upon the structure, my question is related to
18 the Division 801. After its appointment and after its arrival at
19 Ratanakiri province, did it receive the instructions directly
20 from the General Staff at the Centre in Phnom Penh?

21 [13.38.22]

22 A. Personally, I received instructions from Division 801 – that
23 is, from Sou Saroeun – and I did not know from which level he
24 received further – he received instructions.

25 Q. Regarding the number of soldiers, how many soldiers were

57

1 assigned to Division 801 after it was formed?

2 A. The total number of soldiers in that division was more than
3 5,000.

4 Q. Regarding the structure of that division, can you describe
5 what was the structure below the division? For instance, what
6 came after? Was it a brigade and various regiments?

7 A. Below the division, there were regiments, and each regiment
8 had three sections: the logistics, the military, and the
9 politics. And then came battalions, with three separate sections
10 as well. And then there would be the platoon, with the same
11 structure. There would be the chief, deputy chief, and a member.
12 And each structure would comprise three lower structures.

13 Q. And below a platoon, were there squads or teams?

14 [13.40.50]

15 A. The platoon comprised of three teams or squads.

16 Q. And how many soldiers were in a platoon?

17 A. (Microphone not activated)

18 MR. PRESIDENT:

19 Witness, please observe some pause.

20 MR. UNG REN:

21 A. Each platoon contained between - 35 to 36 soldiers.

22 BY MS. SONG CHORVOIN:

23 Q. After the appointment of Division 801, who was the commander
24 of that division?

25 MR. UNG REN:

1 A. Sou Saroeun was the commander of that division, and San.

2 Q. What was your role in Division 801?

3 A. I was in charge of a regiment.

4 Q. Can you tell us, how many soldiers were in your regiment?

5 A. There were 430 soldiers.

6 [13.43.01]

7 Q. Now I'll move on to a new subject regarding the communication
8 between division and the Centre.

9 In your written record of interview with the OCIJ investigators,
10 in document E3/402 - Khmer page 00379445 to 46, English page
11 00381032 to 33, and French page is 00424046 - you stated before
12 the investigators that the division commander, Sou Saroeun,
13 assigned you in November '75 to Ratanakiri, and once you were at
14 the Northeast Zone, you had your headquarter in Siem Pov
15 (phonetic) district, Stung Treng province, close to the Laos
16 border.

17 My question is: In your capacity as the commander of a regiment,
18 did you have to report solely to the division commander, Sou
19 Saroeun, or to other commanders as well?

20 A. When I moved to Siem Pang, in fact - not Siem Pov (phonetic);
21 it was a district located in Stung Treng, close to the Laos
22 border -- the communication was only through the division level
23 and through no one else.

24 Q. Regarding the report regime, did you have to make a daily
25 report? Was it communicated verbally or in writing?

1 [13.45.28]

2 A. It was based on the real situation. There was no modern
3 equipment. Sometimes I had to walk four or five days to reach the
4 division headquarters. Sometimes, when we had battery for our
5 telegram machine, then we would transfer or transmit it through a
6 telegram.

7 Q. So, usually, communication could be made via telegram if there
8 was a battery, and if not, then you would go on foot or you would
9 send a messenger on horseback?

10 A. There was no horse at the time; it was done on foot and it
11 lasted for five days for each trip.

12 Q. How many times did you have to report - for example, on a
13 daily basis or on a weekly basis?

14 A. We were pretty far from one another or from one unit to the
15 division. It was difficult, and we only report when it was
16 necessary. Sometimes, when nothing happens, then we would make a
17 monthly report.

18 [13.47.14]

19 Q. Regarding the meetings between the regiment and the division,
20 were there regular meetings held between these two bodies?

21 A. Sometimes a meeting was held every month, or sometimes it was
22 postponed due to various other duties.

23 Q. If there was a meeting between the division and the regiments,
24 where it would be held? And who actually participated in such a
25 meeting?

60

1 A. If a meeting were to take place at a division, then the
2 division would invite the regiments to go to its location, and on
3 another occasion, if the division has to settle some issues at a
4 specific regiment, the division representative would go to that
5 regiment's location.

6 Q. Regarding the reports to the upper echelon above division, did
7 you know whether or where the division commander report to? And
8 how frequent did he have to report?

9 A. That was the duty of the division commander, and it is - it
10 was beyond my knowledge. I only knew about my report regime as I
11 stated earlier.

12 [13.49.11]

13 Q. You said that you could not grasp the situation, whether the
14 report has been made on a daily basis or on a monthly basis. Did
15 you know to whom the division commander report (sic)?

16 A. The - at the division level, they had their own means through
17 telegrams or radio communication, but I did not know how they
18 would communicate with the upper echelon or how regular the
19 report was made.

20 Q. I have another last point that I would like to ask you. In
21 your response to the investigators of OCIJ, you stated that,
22 while you were in Veun Sai, you saw the commander, Saroeun, who
23 went for a meeting in Phnom Penh.
24 My question is the following: Did you see the commander, Saroeun,
25 go to Phnom Penh for a meeting often?

61

1 [13.50.37]

2 A. Sometimes I saw him going up to Phnom Penh every month, or
3 sometime every two month. It was not that often because the
4 distance was far.

5 Q. And you, yourself, did you ever go to attend a meeting in
6 Phnom Penh, and if so, where?

7 A. Since I went to Siem Pang, I did not ever go to attend any
8 meeting in Phnom Penh.

9 MS. SONG CHORVOIN:

10 Thank you, Mr. Ung Ren. I have no further question for you. And
11 my international counsel has some more questions for you. Thank
12 you.

13 And, Mr. President, I'd like my international counsel to put more
14 questions to this witness.

15 QUESTIONING BY MR. LYSAK:

16 Thank you. Good afternoon, Mr. President, Members of the Chamber.
17 Mr. Witness, my name is Dale Lysak. I'm one of the international
18 prosecutors and I'll have some questions for you this afternoon.

19 [13.52.07]

20 Q. Let me start, if I can, by following up on something my
21 colleague was just asking you about. She was asking you about
22 your knowledge of whether the division secretary sent telegrams
23 to the Centre.

24 My question for you is: When you were at the division
25 headquarters, did you see the division secretary, Saroeun, use a

62

1 telegram to send communications to Phnom Penh?

2 MR. UNG REN:

3 A. I was actually at Siem Pang and Veun Sai. I never saw him
4 using a telegram machine and I did not know about that. In fact,
5 while I was in Veun Sai, as I indicated in the written record of
6 interview, I stayed there only for a few days. I did not know
7 people who worked with the telegram, so I did not know to whom or
8 where he reported to.

9 [13.53.49]

10 Q. Let me refer you to a part of your statement to the Office of
11 Co-Investigating Judges - and this is in your interview E3/402,
12 which was the first interview that you gave.

13 And at Khmer - if you could look at Khmer page 00379448, English
14 page 00381035, and French page 00424049, on that page, you made
15 the following statement - quote: "While at Veun Sai, I saw
16 Saroeun using the telegram for communication as well." End of
17 quote.

18 Does that refresh your recollection, Mr. Witness, as to whether
19 you saw Saroeun sending telegrams?

20 A. As I stated earlier, while I was in Veun Sai, I did not see
21 any messages sent. I saw a telegram machine, yes.

22 Q. Thank you for clarifying that.

23 Let me quickly go back and ask you a few follow-up questions from
24 this morning.

25 You indicated that the person who introduced you to the

1 Revolution was named Cheng An, and my question for you is whether
2 this is the same person who, during the Democratic Kampuchea
3 regime, became the Minister of Industry.

4 [13.56.25]

5 A. I lived with this person and what I knew was that he was in
6 charge the area west of Phnom Penh – that is, to the west of Bat
7 Doeng. I did not know his other roles, as I could not grasp it.
8 However, it was him who would induct people into the force. But
9 I, myself, did not meet him in Phnom Penh.

10 Q. And you talked about – with my colleague, you explained that
11 after the attack on Udong – that Son Sen alias Khieu came to take
12 command through an arrangement from the upper level. Can you tell
13 us, after Son Sen came to take command, did the Brigade 14
14 Commander report directly to Son Sen or did he continue reporting
15 through Cheng An?

16 A. In fact, upon the arrival of Son Sen, the brigade would report
17 to Son Sen. Cheng An was – had no longer anything to do with the
18 brigade. The report was made directly to Son Sen.

19 Q. And did you know where Son Sen's headquarters or command base
20 was located during this period?

21 [13.59.00]

22 A. Since I was with Cheng An and during the preparation for the
23 attack on Phnom Penh, I saw Son Sen staying to the south of the
24 Damnak Smach Railway Station. There was no proper base or
25 headquarters, as I stated this morning. We stayed and worked

1 amidst the jungle and bushes there.

2 Q. Thank you.

3 Let me turn now to a few more questions about the structure of
4 Division 801.

5 You referred to a person named San, also someone who went by the
6 code name 06. Could you tell us what San's position was in
7 Division 801?

8 A. Before the forces were merged to become Brigade 14, we had the
9 battalion from the Southwest, from Sector 15, and also we were
10 joined by another battalion led by San. So, this brigade was
11 established by the combination of the battalions led by Saroeun
12 and San.

13 Q. Now, to move into the - some further questions about the
14 issues of communications, you - my colleague read to you a part
15 of your statement where you indicated that Saroeun went to attend
16 meetings in Phnom Penh, and you indicated that he would go every
17 month or two months. Do you know whether Saroeun attended
18 meetings of the division secretaries at the General Staff when he
19 went to Phnom Penh?

20 [14.02.26]

21 A. I don't know whether the head of the brigade would come to
22 Phnom Penh on a regular basis; I have no idea. But to my
23 knowledge, heads of brigades or divisions had to come to Phnom
24 Penh to work. I just don't remember how often they would go
25 there, but they had to go. And at that time communication was

1 limited; we had difficulty in communicating with one another.

2 Q. When Division Secretary Saroeun would return from Phnom Penh,
3 would he convene meetings of you and the other regiment leaders
4 to communicate any directives, orders, or information he had
5 received while in Phnom Penh?

6 A. When necessary, each commander of division would be invited to
7 come to Phnom Penh, but if the matter to be discussed were - was
8 mainly about rice production, then people - heads of the
9 divisions would be contacted through radio communication to come
10 to Phnom Penh.

11 [14.04.29]

12 Q. Let me try - I think perhaps my question was not clear or
13 there was a problem in translation.

14 What I was interested in is whether - when Saroeun returned from
15 Phnom Penh to Ratanakiri, did he convene meetings of the division
16 to talk about what had taken place in Phnom Penh or to convey any
17 orders or information he had obtained while in Phnom Penh?

18 A. As mentioned earlier on, if the matter was not that urgent,
19 upon returning from the meetings in Phnom Penh, he would not
20 convene any meetings. However, if it was urgent that the meetings
21 had to be convened, then he would call such meetings. And if - in
22 a situation where the enemies were invading at the border, which
23 was kind of appalling issue, then we would call to meet him
24 immediately on this.

25 MR. LYSAK:

66

1 Mr. President, I'd like to, at this time, show the witness a
2 document, which is document E3/798, which is the 30 August 1976
3 minutes of a meeting of secretaries and deputy secretaries of
4 divisions and independent regiments. And I have just a couple of
5 questions for the witness on this document.

6 [14.06.40]

7 MR. PRESIDENT:

8 You may proceed.

9 Court Officer, please bring the document from the prosecution to
10 the witness.

11 BY MR. LYSAK:

12 Q. Mr. Witness, I don't want you to read the entire document. I
13 simply want you to start by looking at the bottom of the second
14 page - which is, Khmer, 00052381. And this is a section of the
15 report in which - or a section of the document in which reports
16 or comments are attributed to a Comrade Roeun, who was discussing
17 the situation on the Laos border.

18 And my question for you is simply whether you can tell us whether
19 the person who is identified as Comrade Roeun was the Division
20 801 Secretary, Sou Saroeun?

21 [14.08.00]

22 MR. UNG REN:

23 A. Sou Saroeun was the head or the commander of the division.

24 Q. The comments or the report from Comrade Roeun talks about a
25 situation on the Laos border. Can you tell us whether you are

67

1 familiar with the events that are reported by Roeun in this
2 meeting? Was this – were these events that occurred in the area
3 for which Division 801 was responsible?

4 A. I was responsible at the area near the Laos and Cambodian
5 border and I had encountered no problem living there, or there
6 was no conflict. But the conflicts did happen under the
7 responsibility of other divisions, not under mine.

8 Q. And, if you could look at the next page of that document –
9 Khmer, 0052382 – there are remarks attributed to Brother 89. Do
10 you know who Brother 89 was?

11 A. I don't know Brother 89. I only know Brothers 05 and 06, who
12 worked with me under the same regiment.

13 Q. You've indicated that Son Sen used the alias Khieu. Were you
14 aware of whether he also had an alias that was a code number –
15 like 05, 06, but a different number?

16 A. Could you repeat the question, please?

17 Q. You've indicated that you were aware of one alias used by Son
18 Sen, which was the name Khieu. Were you aware of whether Son Sen
19 also had a number alias, a code number?

20 [14.11.37]

21 A. No, I don't. As I told you, I only know two people who used
22 code names 05 and 06. For Son Sen, there was no such coding for
23 him, and I haven't heard anything through radio communication
24 about this.

25 MR. LYSAK:

68

1 Mr. President, I have another document that I would like to show
2 the witness. This document is document E3/1160 and it is a March
3 11, 1976, report from Division 801 to Brother 89. If I may show
4 this to the witness?

5 MR. PRESIDENT:

6 You may proceed.

7 And, Court Officer, please bring the document from the
8 Prosecution to the witness.

9 [14.13.02]

10 BY MR. LYSAK:

11 Q. Mr. Witness, this is a report that was sent from Division 801
12 to Brother 89 and it's signed by a person named Thin. Can you
13 tell the Chamber who Thin was?

14 MR. SON ARUN:

15 I would like to take issue with this question.

16 MR. PRESIDENT:

17 Counsel Son Arun, please lay your grounds.

18 MR. SON ARUN:

19 I take issue with this line of questioning; the Co-Prosecutor
20 should have asked the witness whether he has seen this document
21 before, and if not, then the document should be removed. And I
22 understand this to be the practice that has already been applied
23 all along by the Chamber, if I'm not mistaken.

24 [14.14.02]

25 MR. LYSAK:

1 Mr. President, if I may respond, there have been a number of
2 exceptions that have been established for that, one of which is
3 where there is a document that - of matters of which a witness
4 has direct knowledge, where he can provide information to the
5 Court.

6 This is a report from his division. He was a regiment commander
7 and he is certainly able to assist the Court in identifying the
8 author of the document. There is also a reference in here to 05,
9 who he has talked about, who I would like to ask him about.

10 So, this is a matter that falls - for which there is a direct
11 connection between the document and the witness, and under these
12 circumstances, we've been allowed to put the documents to
13 witnesses.

14 (Judges deliberate)

15 [14.17.06]

16 MR. PRESIDENT:

17 The objection is not sustained.

18 This is a unique case, and the document itself is relevant to the
19 information, relates to his military unit.

20 The Chamber allows such question to be put, and that - witness is
21 now instructed to respond.

22 It appears to the Chamber that Mr. Witness has forgotten the
23 question already. Co-Prosecutor, you are now instructed to - or
24 advised to repeat the question so that the witness can respond.

25 BY MR. LYSAK:

1 Thank you, Mr. President.

2 Q. Mr. Witness, the question was: Can you tell the Chamber who
3 the person named Thin was, who signed this report?

4 MR. UNG REN:

5 A. Thin worked at the regiment, what we called Regiment 83 of
6 Division 801.

7 And I indeed understood the question, but I did not see the red
8 light on the mic; that's why I did not proceed to respond as yet.
9 Thin had to report to 89, which is Son Sen - because Son Sen had
10 this code name, 89.

11 [14.19.12]

12 Q. And do I understand you correctly that Thin was the Secretary
13 of Regiment 83?

14 A. Yes, it is correct. He was assigned or appointed from Phnom
15 Penh like I was, but we worked in different units and he was in
16 charge of that regiment.

17 Q. While we're on the subject of the regiments, the various
18 regiments, you indicated that you had been assigned to be the
19 secretary of one of the regiments. Which - which was the regiment
20 number that you were secretary of in Division 802?

21 A. I said I was in charge of Regiment 82 stationed at the border
22 in Siem Pang district.

23 Q. And what was the name of the person who was appointed
24 Secretary of Regiment 81 when Division 801 was established?

25 A. The Secretary of Regiment 81 was the person by the name of

71

1 Maut. The position was installed at - on the same day when I was
2 installed as a head of the regiment.

3 Q. Turning back to the document, the 11 March 1976 report from
4 Thin, paragraph 6 of that report states as follows - quote: "At
5 the moment, Brother 05 is visiting all regiments with an aim to
6 educate on Communist Kampuchea Youth League..." End of quote.

7 Is the person referred to here as Brother 05 the same person that
8 you have been discussing and identified as Sao (phonetic)
9 Saroeun, alias 05?

10 [14.22.33]

11 A. Sou Saroeun and 05 is the same person.

12 Q. And did Division Secretary Saroeun visit your regiment to
13 conduct political education?

14 A. Yes. When I was at Siem Pang, I received trainings or attended
15 such a session chaired by the person. It was on one occasion.

16 Q. When Saroeun came to conduct political education, how long was
17 the session - how many days?

18 A. It was a two-day session.

19 Q. And do you recall the subject matters that were covered in
20 this two-day political education session?

21 A. The content of the education was about strengthening the
22 forces, and about the Party's line, and other details. We were
23 asked to make sure that the Youth League could build ourselves.

24 [14.24.48]

25 Q. I want to refer you now to another statement that is in your

72

1 first OCIJ interview. This is document E3/402 and the reference
2 is at: Khmer page 00379448; English, 00381035; and French,
3 00424049. And in this interview, you made the following statement
4 – quote: "While studying in the brigade in Ratanakiri, Saroeun
5 taught [us] not to hit the hostages and to send them to the top."
6 And then, continuing at the end of this paragraph -- quote:
7 "Saroeun did not give the instructions on spies, but the people
8 who had arrested them had to send them to the top." End of quote.
9 Can you tell us, what did you mean when you said that hostages or
10 spies had to be sent "to the top"? What did you mean by that?
11 A. When it comes to "hostages", we referred to the people
12 arrested at the battlefield, "spies" referring to people who were
13 spying on us, who – and we received instruction from our superior
14 that, if any unit had arrested any of them, we were asked not to
15 beat them, but have them sent to the division, who further sent
16 them to the upper echelon.
17 [14.27.28]
18 Q. Thank you.
19 I'd like to now turn to some questions about the General Staff.
20 And, before I ask you these questions, I want to make sure I
21 understand the general order of where you were located during the
22 regime. I'll ask you some more – more detailed questions about
23 the time period and more specifics later.
24 But you've talked to us already about being in Phnom Penh in 1975
25 and then being relocated to Siem Pang – Siem Pang in Stung Treng.

1 Do I understand correctly that, later, you came to Phnom Penh for
2 a period and worked at the General Staff, and then, following
3 working or being assigned to the General Staff, you later
4 returned back to Ratanakiri before the end of the regime? Is that
5 the order of where you were located and the jobs - positions you
6 held during the Democratic Kampuchea regime?

7 [14.29.21]

8 A. Before I came to Phnom Penh, I was asked by the division to
9 Veun Sai, and these are the orders I may wish to elaborate.
10 At Veun Sai, I was there to receive some work in the division. I
11 was asked to replace 06 by the name of San. I asked what I was
12 expected to do because San had already been removed to
13 Mondulkiri. So, I was then told I had to replace him. And later
14 on I returned to my workplace, and then we come back with Keo
15 Saroeun, and the upper echelon assigned me the task to be the
16 successor of 06.
17 So, to put it simply, Sou Saroeun, Roenun, and I, myself, were the
18 members of the division because San had already left.

19 Q. I'd like to ask you now some general questions about the
20 General Staff in Phnom Penh, and I will get to some more specific
21 questions about the period that you were there later.
22 Can you give the Chamber a general description of what the role
23 or function was of the General Staff in Phnom Penh?

24 [14.31.58]

25 A. I touch upon this issue earlier.

74

1 After the announcement that I came to replace 06, about one month
2 after, I was instructed to come for a study session in Phnom
3 Penh. Less than one week, I became sick. Then I stayed at the
4 General Staff.

5 In fact, there was no proper announcement or official
6 announcement of a - of the General Staff. It was not the same as
7 the announcement of the appointment of Division 801.

8 So, I stayed there until I recovered and I was not given any
9 specific task.

10 The General Staff comprised Saom, Nat, and various other
11 individuals, but I did not grasp the actual role of those people.
12 I was not given any specific task, so I only stayed there. And
13 also, because of my poor health, I did not engage in any
14 activities.

15 [14.33.30]

16 Q. Were Saom and Nat members or cadres at the General Staff
17 during that period when you were located there in Phnom Penh?

18 A. As far as I knew, Saom, Nat, and Chhan were members of the
19 General Staff at the time, because in the morning I saw them busy
20 with their work.

21 Q. And where was the General Staff's office located in Phnom
22 Penh?

23 A. The General Staff Office was located behind the Ministry of
24 Defence.

25 Q. And how many people worked at the General Staff Office?

1 A. When I stayed there, there were three General Staff members
2 and there were a total of 30 staff.

3 Q. And, when you were at the General Staff Office, did you see
4 whether it had its own telegram or telegraph machine through
5 which it was able to communicate with divisions located outside
6 Phnom Penh?

7 A. I never went upstairs to see. However, I heard the sound from
8 the telegram machine, although I did not know whether - or the
9 arrangement of the transmission of messages through that machine.
10 The main point at the time was to maintain secrecy. So, if I did
11 not have duty there, I would not go there.

12 [14.36.40]

13 Q. Do I understand from your answer that the telegram was located
14 on the second floor of the General Staff?

15 A. I did not really say that. However, we could see that there
16 was a telegram machine, as you can see the wires going into that
17 room.

18 Q. Can you tell us whether the General Staff - whether one of the
19 responsibilities of the General Staff was to supply weapons and
20 ammunition to the divisions and independent regiments?

21 A. While I worked there, I never saw any representative from the
22 General Staff going down to our regiment to distribute any
23 weapons or ammunition, because that was part of the Logistics
24 Section. But, indeed, there was an arrangement between the
25 General Staff and the Logistics.

1 [14.38.33]

2 Q. Did the General Staff have a separate Logistics Office?

3 A. I - what I could not grasp was that, while I was at the
4 General Staff, I saw only the three individuals and I did not
5 know whether they had various other offices within the General
6 Staff.

7 MR. LYSAK:

8 Let me turn now to a - Mr. President, I'm going to turn to a
9 different subject now, so-

10 MR. PRESIDENT:

11 Thank you.

12 The time is appropriate for a short break. We will take a break
13 and return at 3 p.m.

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

16 The Court is now adjourned.

17 (Court recesses from 1439H to 1501H)

18 MR. PRESIDENT:

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

20 We would like now to hand over to the Prosecution to put
21 questions to this witness.

22 BY MR. LYSAK:

23 Thank you, Mr. President.

24 Q. Mr. Witness, I'd like to turn now to some questions about the
25 process by which military cadres were disciplined or purged and

1 who was responsible and had authority for such matters.

2 And I want to start by referring you to your second OCIJ
3 statement, where you describe a telegram that you were shown by
4 the division secretary, Saroeun, while you were in Phnom Penh.

5 This is document E3/84, and the quote comes from: Khmer,
6 00398513; English, 00408395 to 96; and French, 00434422 through
7 23. Quote:

8 "While I was studying in Phnom Penh, there was a telegram from
9 the office of Brigade 801 in Veun Sai, which was my unit, sent to
10 my brigade chief, Sou Saroeun, which said that Keo Saroeun had
11 committed a moral offence with Neary Heng, who was in charge of
12 transportation." End of quote.

13 [15.04.01]

14 And then you were asked how Division Secretary Saroeun received
15 this telegram, and you responded as follows - quote: "Sou Saroeun
16 showed it to me. I just knew a piece of its content. Sou Saroeun
17 took that telegram from his pocket and showed it to me and said
18 that Office 870 had delivered it to him." End of quote.

19 My first question is: Can you tell us who Keo Saroeun was and
20 what position he held in Division 801?

21 MR. UNG REN:

22 A. Keo Saroeun was the head of 801 - rather, of Regiment 81 of
23 801. And, in the report concerning Sou Saroeun, that he had
24 committed a moral offence - at that time he was no longer in the
25 regiment; he was member of the division committee at that time.

1 He had left us.

2 Q. What were moral offences? And do you recall what the moral
3 offence that Keo Saroeun was accused of?

4 A. Moral offence was already mentioned, that he had this problem
5 with Neary Heng, as you already quoted. And the message was
6 submitted from the division. It was not sent from 81.

7 [15.06.40]

8 Q. In the same interview - at Khmer page 00398514; English,
9 408396; and French, 434423 - you were then asked why Office 870
10 was involved in telegram communications regarding Keo Saroeun
11 committing a moral offence and you made the following statement -
12 quote: "As I observed, the issue concerning such discipline had
13 to go through Office 870."

14 And continuing later - quote: "As far as I know, the high-ranking
15 people, such as the Central Committee or Committee 870, generally
16 discussed the emerging problems and then made a decision". End of
17 quote.

18 What was the reason for your belief that high-ranking people were
19 involved in decisions regarding cadres accused of misconduct,
20 like Keo Saroeun?

21 [15.08.26]

22 A. The commander or the secretary of the division who had to come
23 to Phnom Penh to study, he or she could come through - to that -
24 to those sessions only through the radio communication from 870.
25 And the reason that I said Keo Saroeun could have been arrested:

79

1 because he used to say that he had problems with moral
2 misconduct. And at the - during that time, we - everyone knew
3 that if people could not refrain from committing moral offence,
4 then we - they could not avoid being arrested, if he or she is
5 found to have committed such offence.

6 MR. LYSAK:

7 Mr. President, I'd like to show now - witness another document
8 now that makes reference to Keo Saroeun. And this is document
9 E3/806 and it is the minutes of a 16 December 1976 meeting
10 between Division 801 and Brother 89. If I may present that
11 document to the witness?

12 MR. PRESIDENT:

13 You may proceed.

14 Court Officer, please bring the document from the Prosecution to
15 the witness.

16 [15.10.36]

17 BY MR. LYSAK:

18 Q. Mr. Witness, these are the minutes of a meeting that was held
19 on the 16th of December 1976, involving Division 801. And, if you
20 look at the item 3 of the agenda, item 3 of the agenda for this
21 meeting is "Problems of Comrade Keo Saroeun". And if you also
22 look at the very end of the document, in the section of "Comments
23 from Brother 89", it is stated - quote: "As for the problem of
24 Comrade Keo Saroeun, leave him as is for the time being." End of
25 quote.

Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 144
Case No. 002/19-09-2007-ECCC/TC
09/01/2013

80

1 My first question to you about this document. The individuals who
2 are listed as representing Division 801 at this meeting are a
3 Comrade Soeun and a Comrade Thi. Do you recall who these persons
4 were and what their positions were in Division 801?

5 MR. UNG REN:

6 A. I do not know these people.

7 [15.12.11]

8 Q. Was there a - do you recall a person named Soeun who served as
9 the Deputy of Regiment 82 - your regiment - for a period?

10 A. Yes, I do.

11 Q. Do you have any knowledge whether the problems regarding Keo
12 Saroeun that were discussed at this meeting were the moral
13 offences that we were talking about a few minutes ago?

14 A. I already mentioned about the incident in which Keo Saroeun
15 was involved. I came to attend a study session, and after that I
16 fell sick; I did not know what happened to Keo Saroeun.

17 Q. Mr. Witness, can you tell us, did Division 801 report on
18 misconduct of cadres, such as Keo Saroeun's moral offences, to
19 the General Staff, either in reports or in meetings such as this
20 one?

21 A. This telegram was sent from Office 870. I believe that 05
22 could have brought the telegram to the upper echelon and a copy
23 was made for me.

24 [15.14.55]

25 MR. LYSAK:

81

1 Thank you.

2 Mr. President, I'd like now to show the witness two reports that
3 were sent by Division 801 to Brother 89: one dated 24 March 1977,
4 which is document E3/1061; and another report that was sent on
5 the 29th of March 1977, which is document E3/1060 - E3/1060. If I
6 may present those documents to the witness?

7 MR. PRESIDENT:

8 You may proceed.

9 Court Officer, please bring the document from the Prosecution to
10 the witness.

11 BY MR. LYSAK:

12 Q. The first thing I'd like you to do with these two reports, Mr.
13 Witness, is to look at the signatures at the end of the reports.
14 And can you identify for us who it was that signed and sent these
15 two reports - E3/1061 and E3/1060?

16 [15.16.48]

17 MR. UNG REN:

18 A. I look at the signature; it reads "Comrade Roeun", who was
19 also the secretary of the division.

20 Q. Do you recognize Division Secretary Roeun's signature?

21 A. Yes, I do. I do recognize his signature.

22 Q. Now, both of these reports also contain some handwritten
23 annotations at the top left of the first page of each document,
24 annotations indicated that the document was forwarded to Angkar.
25 Can you tell us if you recognize the handwriting of the person

1 who forwarded these reports onto Angkar?

2 A. I'm afraid I do not recognize such writing.

3 Q. I have a couple of questions regarding the contents of these
4 reports, starting with the E3/1061, which is the 24 March 1977
5 report. And if you could look at Section 3 of that report, in
6 that section, Division Secretary Saroeun reports on the capture
7 of seven "Yuon" and their responses.

8 My question for you is: Can you tell us who was responsible for
9 conducting interrogations of Vietnamese soldiers or spies who
10 were captured by Division 80?

11 [15.19.16]

12 A. As I stated before the Co-Investigating Judges, the arrest of
13 the Vietnamese was never made under my unit or at my division. I
14 could not say what happened to other divisions and I do not know
15 where or to whom these individuals could have been sent to.

16 Q. Okay. If you could turn to the other document, which is
17 E3/1060 - and it is the 29 March 1977 report from Saroeun to
18 Brother 89 - and Section 1 of this report is titled "Situation of
19 the Enemy", and in it, division secretary provides a fairly
20 detailed and lengthy report on enemy incidents in the base,
21 including Sectors 107, 101, and 104.

22 My question for you is: Do you have any understanding or
23 knowledge of how Division Secretary Saroeun was able to report
24 about the enemy situation in the base? Do you know from whom he
25 received such information?

1 [15.21.04]

2 A. I mentioned earlier that my regiment was far away from other
3 regiments and that what happened under the responsible of any
4 respective regiment, that regiment would have to report to the
5 upper echelon.

6 And, having looked at these annotations, I believe that it could
7 not belong to that of Sou Saroeun because I used to know his
8 style of writing.

9 Q. If you could turn to the last section of the report, which is
10 titled "Miscellaneous". You'll find that on Khmer page 00231375.

11 And I want to direct you to paragraph 1 of the "Miscellaneous"
12 section, which states as follows - quote:

13 "Situation at Siem Pang base was not unusual, although there were
14 some noticeable observations at the base; for instance, it was
15 agreed earlier that at complex places, the army should go to meet
16 with the people to help control people." End of quote.

17 First, Mr. Witness, the Siem Pang base was part of your
18 operations; is that correct?

19 [15.23.05]

20 A. When I was there, at Siem Pang, there was no complicated
21 things, there was no problems or clashes with the people or the
22 Vietnamese, and nothing happened as indicated in the document as
23 yet.

24 Q. Is it possible, then, that at the time this report was sent,
25 on the 29th of March 1977 - that you had already left Siem Pang

1 as of this date?

2 A. Yes, it is, because if I were there, I would have known what
3 happened. And so far, we paid greater attention to the border
4 situation, and nothing's changed. So I can say that what happens
5 in the report did not happen during the time when I was there.

6 Q. If you could look at paragraph 3 on the same page, in that
7 paragraph, Division Secretary Saroeun reports on a problem in
8 Sector 101, stating - quote: "...when enemy was arrested or handed
9 over by the army, the enemy was smashed immediately without any
10 interrogation to search for the strings, making the loss of the
11 enemy trace."

12 [15.25.10]

13 And then, continuing on - quote: "However, I have already met and
14 talked about this issue with Comrade Thin."

15 Do you - my first question: Do you know whether - as of the date
16 of this document, was Comrade Thin still with Division 801 or had
17 he moved on to his position in Sector 101, which you talked about
18 in your OCIJ statement?

19 A. I know that he was in 801, Unit 83. Later on, he was assigned
20 as the head of sector in Veun Sai. I heard the secretary of my
21 division talked about the reason he had to be moved to that
22 location, because he told us than Thin was of Tumpoun ethnic
23 minority and that he would be best to be located there.

24 Q. Can you tell us whether that was a policy in the Democratic
25 Kampuchea military, that captured or arrested enemies had to be

1 interrogated first to search for their strings or networks before
2 they could be smashed?

3 [15.27.24]

4 A. I do not believe I understand this. I do know understand about
5 the arrests or the policy to interrogate people who had been
6 arrested. Perhaps people could have been tortured upon being
7 arrested. That's why such information was spread out. I have had
8 no information of any arrest. The only thing I learn about it is
9 that people kept disappearing, but it happened only in other
10 units. In my unit, all my men remained with me all along, and -
11 but when I came to Mondulkiri, people asked, and we exchanged
12 during the talk to learn that people kept disappearing.

13 Q. Thank you. If you could turn - the last part of this document
14 I want to ask you about is paragraph 5 on the same page, near the
15 very end of the document, where Division Secretary Saroeun
16 reports - quote:

17 "Situation at Units: we were following the trail of both new and
18 old elements destroying the revolution. Those targets included
19 those going against the revolutionary line and those newly and
20 previously implicated by the enemy." End of quote.

21 In regards to the reference to "revolutionary line", you
22 mentioned a little while ago how Division Secretary Saroeun came
23 and instructed on the Party lines. Were the Party lines the same
24 thing as the "revolutionary line" that's referred to here?

25 [15.30.00]

1 A. In fact, the definition is one and the same. However, in
2 practice, when it comes to this principle, the practice was
3 sometimes inconsistent with the Party's line, because there were
4 distractions as well.

5 Q. Were persons who opposed the revolutionary line considered
6 enemies of the regime?

7 A. In fact, I could only say what happened in my unit. After I
8 recovered from my fever and returned to Boeng Kanseng area, in
9 Ban Lung - and prior to that, even when I was at Veun Sai, I did
10 not know about the security issue or how people had been
11 arrested. I was advised to return to assist the work in the unit.
12 And I was not assigned to go to Siem Pang; upon I got off the
13 plane, I was placed to work in the area at Boeng Kanseng. And
14 only later I knew that there was a security or prison in the
15 Boeng Kanseng area - was through the people who live near the
16 prison or the security centre, because two or three of their
17 children who were starving while working in the cooperative
18 decided to steal potato, and then they were arrested and taken to
19 the security centre. And that's how I learned of its existence.
20 And, later on, one day, prisoners broke out of prison at Boeng
21 Kanseng, and then I learned that there was a security centre
22 within the division.

23 [15.32.38]

24 And people actually came to me to request me to resolve their
25 children's issues. And, when 05 arrived at Boeng Kanseng, I

87

1 reported to him about the issue - that was in regard to about 20
2 people who stole potato - and I sought for his opinion, and then
3 he decided to release those people. And there were about 20 of
4 them at the time.

5 So, to sum up the event, I learned of the existence of the prison
6 through these events. And for that reason, I learned that people
7 disappeared because there was a security centre or a prison, and
8 they were taken there.

9 And when I was assigned to go to Boeng Kanseng area, I did not
10 engage in any specific task.

11 Q. Turning back to paragraph 5 of this document, there is a
12 reference also to persons who had been - quote - "newly and
13 previously implicated". What did it mean for a person to be
14 "implicated"?

15 A. I do not get your question. Please put it again.

16 Q. Yes. My question is in - paragraph 5 indicates that targets
17 included - quote - "those newly and previous implicated by the
18 enemy". What did it mean for a person to be "implicated" by the
19 enemy?

20 [15.35.00]

21 A. I personally do not understand the issue. I did not know about
22 the new and the old force. In fact, in my unit, there was no new
23 force. And here they refer to the old and the new force, and I do
24 not get it. I did not really understand what he talked about when
25 he refers to the old and the new force.

1 Q. Let's turn back for a moment to Comrade Keo Saroeun, the
2 former regiment secretary who was accused of moral offences.
3 In your second OCIJ interview - and this is E3/84, at Khmer,
4 00398513; English, 00408395; and French, 00434422 - you made the
5 following statement - quote: Keo Saroeun - quote - "was called to
6 Phnom Penh by the Central Committee and disappeared right away" -
7 end of quote.

8 Was it common, when division cadres were purged or arrested, that
9 they would be called to Phnom Penh?

10 [15.36.56]

11 A. In that statement, I meant that, while I was in Phnom Penh,
12 there was a - there was a telegram regarding Keo Saroeun's
13 misconduct of moral offence. I had no idea as to how Keo Saroeun
14 was arrested, but it is my opinion that he had been arrested due
15 to his moral offence, and for such offence that person would
16 disappear.

17 Q. After Keo Saroeun was called to Phnom Penh and disappeared,
18 did you learn that you had been implicated by him?

19 A. After I returned to Boeng Kanseng, I met my commander, who
20 told me that you could - I could stay there and I would have no
21 problem. Keo Saroeun and Son implicated me. For that reason, I
22 was assigned to work at Boeng Kanseng. At that time, I myself did
23 not know why they implicated me, and of course it was my concern
24 after the disappearance of the Keo Saroeun. I thought that it
25 would not be long before I would be taken away, because upon my

1 return I was assigned to work about four or five days' walk from
2 my previous location. But then nothing happened until the event
3 in Phnom Penh took place. So it was my conclusion that he was
4 arrested because of that offence. That is all.

5 [15.39.35]

6 Q. You indicated that you were told by Division Secretary Saroeun
7 that you had been implicated by two people: one, Keo Saroeun, and
8 a second person named Son. Can you tell us who Son was and what
9 his position was in Division 801?

10 A. Previously, Son did not work with Keo Saroeun, but after the
11 formation of Division 801, he worked in that division and he was
12 in charge of logistics. He was in, actually, Regiment 82, in
13 charge of logistics.

14 Q. Thank you. Did Division Secretary Saroeun show you the
15 confessions of Keo Saroeun and Son or did he just tell you that
16 you had been implicated by them?

17 [15.41.20]

18 A. He did not show me any confession. He told me that when we
19 met. So, he just told me that the situation was not that good and
20 that I just returned from Phnom Penh because I had been
21 implicated. Of course, I would not deny that because they had
22 been with me for quite some time, so probably I was the person
23 that they would implicate in their response.

24 MR. LYSAK:

25 Mr. President, I'd like to show the witness now a S-21 prisoner

90

1 list that includes a number of Division 801 cadres that I would
2 like him to identify if he can. This is document D108/26.86, and
3 in particular, Khmer ERN 0009293 through 0009302, which is a S-21
4 prisoner list titled "Names of Prisoners Smashed on 9 December
5 1977". If I can present that to the witness, I'd like him to
6 identify a few of the names on the list.

7 MR. PRESIDENT:

8 Yes, you can proceed.

9 Court Officer, could you deliver the document from the prosecutor
10 for the witness examination?

11 [15.43.20]

12 BY MR. LYSAK:

13 Q. In this document, Mr. Witness, I'd like you to look at Khmer
14 page 00009298 - the corresponding English page is 00873622 -- and
15 in particular at prisoner's numbers 183 through 191 on this list,
16 who are identified as from Division 801.

17 And, first, number 189 on this list is a person identified as
18 "Kev Saroeun", alias Seng, a member of Division 801 who entered
19 S-21 in May 1977. Can you tell us whether Seng was a name that
20 was also used by Keo Saroeun?

21 MR. UNG REN:

22 A. As I stated earlier, Keo Saroeun could have been arrested a
23 few days after I saw the message. And, of course, Keo Saroeun had
24 another name - that is, Seng. I even knew his house.

25 [15.45.20]

91

1 Q. Number 184 on this list is an individual named "Tuoch San",
2 identified as a deputy of Regiment 82 who entered on S-21 on the
3 7th of May 1977. Is this the same person named Son from Regiment
4 82, who you were told had implicated you?

5 A. As a said, Touch Son was in charge of logistics in the
6 regiment that I was in.

7 Q. And, looking at the other Division 801 cadres on this list,
8 between numbers - from number 183 through 191, can you tell us
9 whether there are any other people who you knew who were on this
10 list?

11 (Short pause)

12 [15.48.37]

13 MR. PRESIDENT:

14 Court Officer, could you assist the witness? Instruct him to only
15 focus on the number mentioned by the Co-Prosecutor.

16 MR. UNG REN:

17 A. Allow me to respond to this question.

18 The people I knew who were from my unit were the only two that I
19 said earlier - that is, Son and Keo Saroeun. The rest were also
20 from Division 801, but they came from different regiments.

21 MR. LYSAK:

22 Thank you.

23 Mr. President, I would now like to show the witness a portion of
24 the S-21 confession of Keo Saroeun. This was - this portion was
25 shown to him in his OCIJ interview, and the - it contains an

92

1 annotation by Duch that he was asked about in his - in his OCIJ
2 interview. I'd like to present that to the witness and ask him
3 some further questions about it. It's document D267/2.2, at:
4 Khmer page 00414996; English, 00783155. With your leave, I'd like
5 to present the document to the witness.

6 [15.50.45]

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. LYSAK:

10 Q. The only part of this document that I would like you to look
11 at is the handwritten note that is on the cover page of Keo
12 Saroeun's confession, which contains a handwritten note dated the
13 5th of June 1977 from Duch to "Respected Brother", which states
14 as follows - quote:

15 "When asked about the situation in the unit of a Kev Saroeun, he
16 reported that there were up to 58 people embedded in his
17 traitorous network in Division 801, some of whom where Chhaom,
18 Lem, Nat, Than, Kev Narong alias Bav, who have already been
19 removed to the base." End of quote.

20 The date of this note by Duch reporting that up to 58 people in
21 Division 801 had been implicated by Keo Saroeun is the 5th of
22 June 1977. In relation to that date, can you tell us when it was
23 that you were informed by Division 801 Secretary Saroeun that you
24 had been implicated by Keo Saroeun?

25 [15.52.49]

1 MR. UNG REN:

2 A. Regarding this document and that Keo Saroeun implicated a
3 number of people, I only knew one of them – that is, Chhaom. If
4 the implication involved members of my regiment, that would not
5 be possible because our regiment was far from his location. So I
6 would say that the 50 or so people whom he had implicated were
7 those within his regiment.

8 Q. You – we've talked already about how you were informed by your
9 division secretary that you had been implicated by Keo Saroeun.
10 Do you remember the month and year when you were informed of
11 this?

12 A. I cannot recall it. However, it could be in late 1977.

13 [15.54.24]

14 MR. LYSAK:

15 Mr. President, at this time, I would like to show another S-21
16 confession to the witness that contains an annotation relating to
17 Division 801. And this is document D43/IV-Annex 22, and the
18 annotation regarding Division 801 appears at: Khmer page
19 00173999; English, 00224628; and French, 00271447. If I may
20 present that to the witness?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 BY MR. LYSAK:

24 Q. Mr. Witness, once again, the only part of this document that I
25 want you to look at is the handwritten annotation or note that

1 appears on the cover page. This is the cover page of a confession
2 of a Division 502 cadres named Sour Tuon alias Mao, but it
3 contains a handwritten note from Khieu to Comrade Roeun, dated
4 2nd of June 1977, which notes - which note states - quote: "Dear
5 Comrade Roeun, please read this report of Mao and pick out the
6 relevant names of Unit 801." Point 2: "I will help you tomorrow,
7 as I'm busy this afternoon." End of quote.

8 [15.56.41]

9 Now, you've talked to us about the occasion where Saroeun
10 informed you that he had been implicated - you had been
11 implicated in two confessions. Do you recall any other occasions
12 where Saroeun made statements about confessions he had received
13 or other persons who had been implicated in the division?

14 MR. UNG REN:

15 A. As I indicated earlier, I only knew the two of those people
16 who had been implicated and I did not know the rest.

17 Q. Did you know - or did Saroeun tell you how it was that he had
18 received these confessions or how it was he had learned that you
19 had been implicated by Keo Saroeun?

20 A. I am not sure why I had been implicated. However, he told me
21 that I had been implicated by Keo Saroeun. And Keo Saroeun, Son,
22 and I stayed together for quite a long time, and I did not know
23 whether he had with him the confession that implicated me.
24 However, again, it is possible that he could have that confession
25 with him. That's why he knew that I had been implicated, despite

1 all the secrecy around the confessions or the arrest. And that's
2 all he told me - that I had been implicated, that I should try to
3 work hard and not to go freely anywhere. And I stayed at that
4 location until the event took place later on.

5 [15.59.19]

6 Once again, he did not have any document with him when he told me
7 about the implication that was made against me. And he also said
8 that he was no longer sure of the situation, as he had been known
9 by many people. He was rather concerned, as well, about his
10 situation. And at that time, when people met one another, nobody
11 seemed to smile to one another, as we all were concerned that we
12 could have been implicated by any of them.

13 Q. Did there come a time later, after you were informed by
14 Division Secretary Saroeun that you had been implicated - did
15 there come a time later one where you were called to go to Phnom
16 Penh?

17 A. About one or two months after I stayed there and after I met
18 with Sou Saroeun and what he told me, the telegram machine broke.
19 And after it was fixed, the message was then decoded, and he told
20 me that 870 required me to go to Phnom Penh tomorrow - that is,
21 the next day. Of course, I was concerned upon hearing that; I did
22 not know what would happen because, if Keo Saroeun went to Phnom
23 Penh and he met that fate, I was afraid that I could meet the
24 same fate. And, in fact, at that time, he showed me - he showed
25 me the decoded message in plain text, that I was required to go.

1 [16.01.57]

2 And while I arrived at Stung Treng, a plane was waiting for me.

3 And while I was at Koun Mom, I saw a division vehicle coming,

4 approaching me, and I was told that I had to return back

5 immediately to Boeng Kanseng, as the brother was waiting for me.

6 And upon my return, the brother said that the situation was not

7 that good and that I should not go to Phnom Penh and I should

8 just stay put with him. Later on, I went ahead for about half a

9 kilometre; then all broke loose, as the attack was on.

10 MR. PRESIDENT:

11 Thank you, the Witness and the Co-Prosecutor.

12 Today's hearing has come to an end. We shall now adjourn the

13 proceeding, and we will resume tomorrow morning - that is,

14 Thursday, starting from 9 a.m.

15 [16.03.11]

16 For tomorrow, we will continue to hear the testimony of this

17 witness, and we have a reserve witness - that is, TCW-100.

18 Mr. Ung Ren, the hearing of your testimony has not yet concluded

19 and it will continue tomorrow. You are therefore invited to

20 return tomorrow morning, starting from 9 a.m.

21 Court Officer, in cooperation with WESU unit, please assist this

22 witness to return to his residence and have him returned tomorrow

23 morning to this courtroom, at 9 a.m.

24 Security guards, you're instructed to take the three Accused back

25 to the detention facility and have them returned to the courtroom

1 tomorrow morning, prior to 9 a.m. As for Ieng Sary, take him to
2 the holding cell downstairs, with the audiovisual facility for
3 him to follow the proceeding.

4 The Court is now adjourned.

5 (Court adjourns at 1604H)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25