



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

ឯកសារដើម
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17 December 2012
 Trial Day 142

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

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|-------------------------------------|-----------------|
| MR. ANG UDOM | Khmer |
| MR. KIM MENGKHY | Khmer |
| MR. KONG SAM ONN | Khmer |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer |
| MR. RAYNOR | English |
| MS. SIMONNEAU-FORT | French |
| MR. SON ARUN | Khmer |
| MR. SUON KANIL (TCW-695) | 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 According to our hearing schedule, the Chamber is going to hear

6 the testimony of Witness Suon Kanil. We hope to have his

7 testimony heard completely by today, and we - we will hear

8 testimony of TCW-620 afterwards.

9 Ms. Se Kolvuthy, you are now instructed to report to the Chamber
10 on the current status of the parties to the proceedings today.

11 [09.08.18]

12 THE GREFFIER:

13 Mr. President and Your Honours, all parties for the proceedings
14 are present, except Mr. Ieng Sary and Nuon Chea, who are present
15 in their respective holding cells, due to health concerns.

16 Today, the Chamber continues hearing the testimony of Mr. Suon
17 Kanil, who is present in the courtroom.

18 The WESU unit has informed the Trial Chamber that TCW-620, who
19 has summoned -- has been summoned to give testimony today, has
20 had an accident -- a traffic accident. The witness is not able to
21 give his -- the testimony as scheduled. So, today, we do not have
22 a reserve witness.

23 MR. PRESIDENT:

24 Thank you, Madam Se Kolvuthy.

25 Before we proceed to hear the testimonies of the - the witness

2

1 before us, the Chamber wishes to inform the parties to the
2 proceedings that during today's sessions and the following
3 sessions, Judge Lavergne, who has some medical concerns, will not
4 be able to attend the proceedings. And we have consulted this
5 with the Judges of the Bench, and Judge Claudia Fenz will be in
6 his place during the time of Judge Lavergne's absence. This
7 practice is in line with the prescription of Internal Rules of
8 the ECCC, Internal Rule 99, subparagraph 4.

9 Counsel for Mr. Nuon Chea, you are on your feet. You may proceed.

10 [09.10.36]

11 MR. SON ARUN:

12 Mr. President, we have learned from the doctor who treats Mr.
13 Nuon Chea that Mr. Nuon Chea's health condition is deteriorating
14 and his blood pressure was elevated this morning, and now he
15 feels very weak, that -- he is not able to observe the
16 proceedings in the courtroom.

17 He has asked that he be excused and be permitted to observe the
18 proceedings from downstairs, through his holding cell.

19 MR. PRESIDENT:

20 The Chamber has noted the request by Mr. Nuon Chea through his
21 counsel. Mr. Nuon Chea has requested that he be allowed to
22 observe the proceedings from his holding cell for the whole day,
23 due to his health concerns. His request is appropriate and
24 substantiated by the medical report by the treating doctor.

25 [09.11.58]

3

1 The Chamber therefore grants the request. Mr. Nuon Chea is now
2 allowed to observe the proceedings from his holding cell
3 downstairs, through audio-visual link.

4 Mr. Nuon has expressly waived his right to be present in this
5 courtroom. The Court would like counsels for Mr. Nuon Chea to
6 submit the waiver given thumbprint or signed by Mr. Nuon Chea as
7 soon as possible.

8 AV booth officer is now instructed to ensure that the
9 audio-visual link is well connected to the holding cell of Mr.
10 Nuon Chea so that he can observe the proceedings from there for
11 the whole day today.

12 We would like now to hand over to the Prosecution -- members of
13 the Prosecution to put questions to the witness. You may proceed.

14 QUESTIONING BY MR. RAYNOR RESUMES:

15 Mr. President, Your Honours, may it please you, and good morning
16 to you, Mr. Suon Kanil.

17 Q. I'd like to start, please, today's questioning on the subject
18 of meetings - so, meetings that you personally attended or
19 meetings which you have some knowledge of.

20 [09.13.31]

21 In your OCIJ statement E3/411 -- English ERN 00390074 through to
22 75; Khmer, 00373507; and French, 00424033 -- you said this: "[I
23 attended a zone] assembly meeting which was held once in every
24 six months or [...] a year."

25 Is that correct?

4

1 MR. SUON KANIL:

2 A. Yes, it is.

3 Q. Now, you were working in the Zone Telegram Office for the
4 Central Zone -- or the Old North Zone that became the Central
5 Zone, in Kampong Cham. So, where did the zone assembly meetings
6 take place?

7 [09.15.00]

8 A. The meeting took place in Kampong Cham, at the theatre near
9 the riverfront. It's an open meeting.

10 Q. And, in connection with the committees that attended the zone
11 assembly meeting -- and I adopt the same pages -- you said that
12 "the meeting was attended by the district committee, the sector
13 committees, and the commune committees"; is that correct?

14 A. Yes, it is.

15 Q. And, to put some timings on these meetings, you said that
16 these zone assembly meetings took place in 1976 or 1977; is that
17 correct?

18 A. Yes, it is. The meetings took place in 1977 and the meetings
19 were convened on a monthly basis, when the zone committees would
20 attend. If you would like me to speak in more detail than this, I
21 can do that as well.

22 Normally, when the zone meetings were convened, only members of
23 the zone committees would attend such meetings, and there were
24 five members of the zone, so far as I remember -- five members.

25 [09.17.20]

5

1 Q. Can you clarify this for me, then? On the Central Zone
2 Committee, we have five members, and they meet for their own
3 special meeting of the zone committee; is that correct?

4 A. I may wish to add further on top of this. Indeed, that is
5 correct. However, when it comes to the agendas of the meetings,
6 I'm afraid I don't know about this.

7 Q. Just so we're clear, this special meeting where one has the
8 five zone committee members in attendance, is this different from
9 the bigger zone assembly meeting where commune committee members
10 attend?

11 A. The meetings in the zone were convened, as I said. However,
12 when more members from – from the commune or sector committees
13 could attend, such meeting would be convened in a more open
14 session than the one convened by the zone committee for just
15 committee -- zone members' attendance.

16 [09.19.16]

17 Q. So I have it clear, the Special Zone Committee Meeting you
18 would not attend because there were obviously five members of the
19 zone committee, but the more general zone assembly meetings, you
20 did attend; is that correct?

21 A. Yes, the assembly meetings were open for committees from as
22 low as commune committee. I sometimes were allowed to attend such
23 meetings, but when I had other prior engagement, I would not
24 attend. But I sometimes did.

25 Q. On the open zone assembly meetings that you did attend, who

6

1 presided over those zone assembly meetings?

2 A. The open zone assembly meetings were chaired by the secretary
3 of the zone.

4 Q. Ke Pauk; is that correct?

5 A. Yes, it is.

6 [09.21.03]

7 Q. Did any of the senior leaders more senior than Ke Pauk ever
8 attend any of these zone assembly meetings?

9 A. When the assemblies convened by the zone, only the members of
10 the zones -- the zone would be the one who organized or conducted
11 then.

12 Q. In your OCIJ interview, adopting the same page reference as
13 before, you spoke of a fourfold slogan -- and I quote: "No know,
14 no see, no hear, no talk." When did you first learn or come
15 across that slogan?

16 A. I came across this slogan that you already stated during the
17 course of my work, because during the Democratic Kampuchea,
18 meetings were convened where people could criticize and place
19 themselves for criticism. During such meetings, we also discussed
20 about this fourfold slogan. It means we had to mind our own
21 business.

22 [09.23.27]

23 Q. Thank you. In your OCIJ statement E3/344 -- English ERN
24 00384434; French, 00426154; and Khmer, 00373503 -- you spoke of
25 the Central Zone Security Office and you said -- I quote: "[This

7

1 was] located near [...] Kampong Cham provincial hall."

2 Is that correct?

3 A. The Central Zone Security Centre was actually located near the
4 provincial hall of Kampong Cham. That is correct.

5 Q. Can you give us please some idea of the distance from -- if
6 one was walking from the Kampong Cham Security Office to the
7 Kampong Cham Zone Office, how long would it take to walk that
8 journey?

9 A. The Central Zone Security Centre, if we come from the Tonle
10 Bati location, then we would walk straight to the provincial
11 hall. On the left-hand side, which is about half-a-kilometre away
12 from the provincial hall, then you would see the Central Zone
13 Security Centre.

14 [09.25.41]

15 Because at that time provincial hall was not occupied by senior
16 cadres of -- or officials; there was the place where agricultural
17 instruments would be stored -- or implements -- agricultural
18 implements would be stored.

19 Q. Did you ever deal with any telegrams, letters or any other
20 communications, in the whole of your time at the Central Zone
21 Telegram Office, that mentioned or dealt with the Central Zone
22 Security Office?

23 A. Could you please repeat your question that emphasizes on the
24 security centre matter again?

25 Q. Did you ever deal with any telegrams that mentioned the

1 security office?

2 A. For the Telegram Section and the Security Section, we had
3 different functions. At the Telegram Section we were tasked with
4 dealing with telegram, decoding the messages, when the Security
5 Centre people would do different things.

6 [09.27.55]

7 But I had some friends -- and, indeed, I worked mainly at the
8 Telegram Section but I had a friend who worked as the head of the
9 security. We were very close and, although we did not exchange
10 some confidential aspect of the work, we would talk every now and
11 then about our solidarity, about socialization, and indeed, we
12 respected one another's functions.

13 [09.28.42]

14 Q. This friend who worked in the Security Unit, was he the one
15 who gave you information about the incident you mentioned in your
16 evidence last Friday about the prisoner, An (phonetic) Sun Hoeun,
17 alias Im?

18 A. The reason that I learned that Im was -- the information of Im
19 was learned to me by the secretary of the zone, because in the
20 morning, when I presented him some documents, the zone secretary
21 talked to me something about Im's character and attitude.

22 Q. Now, dealing with the sectors in the Central Zone - so, Sector
23 41, Sector 42 and Sector 43 - did they have their own sector
24 security offices?

25 A. In the three sectors subordinate to the zone, each had its

9

1 respective security office. I know for sure that there was
2 security office, but I did not see if by my own eyes because I
3 did not go and inspect the sector myself.

4 [09.30.50]

5 MR. RAYNOR:

6 Mr. President, can I please ask the leave to show to Mr. Suon
7 Kanil and to have projected on the screen -- document E3/1679?

8 MR. PRESIDENT:

9 You may proceed.

10 Court officer is instructed to obtain the document from the
11 prosecutor and hand it over to the witness.

12 BY MR. RAYNOR:

13 Q. Mr. Suon Kanil, if you could take a moment to read this
14 document, I will summarize it.

15 This document, E3/1679, is Telegram Number 15. It is addressed,
16 at the top of page 1, with the words "Respectfully Submitted to
17 Comrade Brother Pol". From the second page, we know that this is
18 a telegram that was sent on 30th of November 1975, and in terms
19 of the c.c., or "copy" column, we have the names "Brother Nuon",
20 "Brother Doeun", "Brother Yem", and "Archives".

21 [09.32.18]

22 Now, Mr. Suon Kanil, just in connection with the copy addressees,
23 you said on Friday that you received instructions within the zone
24 to put down the names of these people as copy addressees; is that
25 correct?

10

1 MR. SUON KANIL:

2 A. For this particular telegram, I did not see it myself. I see
3 the undersigned was Chhon. I never received this telegram because
4 I had never known Chhon.

5 Q. Let me ask the question this way.

6 When you were at the Zone Telegram Office and telegrams were
7 being sent to somebody within the Party Centre, did you write
8 down -- or let me rephrase that. Did you know where the telegram
9 was being copied when you sent it?

10 A. Let me clarify this working procedure.

11 At the time, as far as the telegram was concerned, I was in
12 charge of Morse operating, but for this particular telegram and
13 the content of this telegram, I did not know. And certain
14 telegrams I was aware of. Why? Because sometimes I carry this
15 telegram myself and, in addition, whenever there was any
16 important meeting to be convened, I would be informed, as well.
17 So, the office would circulate the information about the meeting
18 relating to the information contained in the telegrams. That's
19 why I was aware of it.

20 [09.35.15]

21 And, once again, what I would like to reiterate is that I learned
22 certain information because I was informed by the office.

23 And, of course, during the Democratic Kampuchea period meetings
24 were held very frequently. There were, for example,
25 once-in-every-three-day meetings or regular meetings scheduled

11

1 almost every time.

2 Q. Mr. Kanil, let me clarify the question. When you had a piece
3 of paper in your hand that was a telegram that was to be sent to
4 somebody in the Centre, did that piece of paper usually have the
5 names of the people to whom it was going to be copied -- yes or
6 no?

7 A. For the telegram to be sent to the Centre, it had to go
8 through the zone. And at the zone level, they never mention
9 people to whom it was supposed to be copied; it only addressed to
10 "Committee 870". Then, when this telegram reached 870, then those
11 who were responsible for documenting the document, they would
12 indicate as to whom this telegram was to be copied. So it was up
13 to them, at 870.

14 [09.37.00]

15 Q. Thank you. Concentrating on this telegram -- and I appreciate
16 that this was not a telegram that you personally were involved
17 in, but if you can remember back to this time in late 1975, we
18 learn from this telegram that the East Zone had been attempting
19 to repatriate -- well, I shouldn't use that word -- attempting to
20 move 50,000 Muslim people from the East Zone to the Old North
21 Zone which became the Central Zone and that this movement
22 exercise was not completed because people in the Old North Zone
23 did not take the 50,000 Muslim people.
24 Now, can you help us? Given that you were in the zone office at
25 Kampong Cham with a Muslim population in that province, what was

12

1 going on, please, if you can help us, with the Muslim population
2 of Kampong Cham province in late 1975?

3 A. As for the Muslim Cham community - I look at the content of
4 the telegram dated the 30th of November 1975 - it was some five
5 or six months from the victory of the Khmer Rouge - I was not
6 aware at all about the movement of Cham Muslim, and I think that
7 if that was informed by the zone level, I would have been aware
8 of it, as well.

9 [09.39.41]

10 But what I noted was that, at the time, those Cham Muslims who
11 surrendered and waved their white flag remained in the same
12 location, so there was no reason for moving them out. And I did
13 not see that movement.

14 But, once again, when the Khmer Rouge took power I remain in Siem
15 Reap province, but only when everything was put in order, I was
16 moved to Kampong Cham Zone at that time. And then, after that,
17 the -- my boss was promoted to the zone secretary. So, once
18 again, the arrangement at Kampong Cham province had already been
19 done well before I was transferred to Kampong Cham, so I only
20 knew certain information. I only tell you what I know, as I have
21 already taken an oath.

22 Q. Let me just put some dates on this. You said that you moved to
23 the Central Zone - or Ke Pauk's zone - Telegram Unit - I think
24 you said in sort of late April 1975, so not long -- or within
25 weeks of the liberation or evacuation of Phnom Penh. Do I have

1 that right, or is that wrong?

2 [09.41.19]

3 A. I was to transfer to the Central Zone, and you ask me about
4 specific date when I was transferred to Kampong Cham and then I
5 was moved to the Central Zone. I do not recall exactly, but the
6 distance was not quite too far from each other. I was once
7 assigned to work in Siem Reap, then I was transferred to Kampong
8 Cham, then I was once again transferred to the Central Zone.

9 Q. Just clarify this for me if you can. After you started working
10 in the Central Zone Telegram Office, did you personally deal with
11 any telegrams that mentioned what was happening with the Muslim
12 population?

13 A. Throughout the period when I was working for the Telegram Unit
14 of the Central Zone, I was aware of the discussion of Cham --
15 Muslim Cham in Antong Sar community, and I was told that those
16 community was to remain there without any movement out of it at
17 all. And I actually never went there to see myself, and I knew
18 this because one of my friends who went to Antong Sar - he
19 witnessed that the Muslim Cham community was still there, so it
20 was my understanding that they must not have been moved.

21 And it was actually somewhere close to Peam Chi Kang; it's about
22 - quite far from the provincial town of Kampong Cham, so I never
23 visited there, but that's what I learned from my friend who went
24 there himself.

25 [09.43.40]

14

1 Q. So, if the Cham community in Antong Sar were not being moved,
2 did you know what was happening to other Muslim communities,
3 apart from Antong Sar?

4 MR. PRESIDENT:

5 Witness, please hold on.

6 The National Defence Counsel for Mr. Khieu Samphan, you may
7 proceed.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I would like to object against this
10 question for the reason that Mr. Prosecutor is suggesting the
11 witness to speculate in his answer.

12 He asked what would have happened to Cham communities if they had
13 been moved, and I believe that this question is highly suggestive
14 and it's expecting speculation from the witness.

15 MR. RAYNOR:

16 Mr. President, speculation and evidence are two different things.
17 I'm simply asking Mr. Kanil, if he can help us, on what happened
18 to the Muslim community, apart from the Muslims who were in
19 Antong Sar. He can either give an answer or not. The question
20 itself does not imply any speculation whatsoever.

21 [09.45.20]

22 MR. PRESIDENT:

23 Witness, please respond to the question.

24 MR. SUON KANIL:

25 A. I would like to respond to this question. At Antong Sar, there

15

1 was no evacuation of the Muslim Cham, but in the Central zone,
2 there was a Cham community in - somewhere in Baray district, in
3 Kampong Chhouk village. But those -- that Cham community was not
4 evacuated either, and they remain there until today.

5 BY MR. RAYNOR:

6 Q. Do you know of any Muslim Cham communities or villages that
7 were evacuated?

8 MR. SUON KANIL:

9 A. I only knew of the two location of a Cham community. I was not
10 aware of any other evacuations of Cham community elsewhere. There
11 might have been evacuation, but I was not aware of any, and I
12 only knew two locations of Cham communities, one being in Antong
13 Sar, the other one being in Baray district.

14 [09.46.41]

15 MR. RAYNOR:

16 Thank you.

17 Mr. President, can I please for leave to present the final
18 telegram to Mr. Suon Kanil -- E3/511? And can that please also go
19 up on the screen?

20 MR. PRESIDENT:

21 You may proceed.

22 BY MR. RAYNOR:

23 Q. Again, Mr. Suon Kanil, if you take a moment to familiarize
24 yourself with this document, I will summarize its contents. It's
25 a Telegram Number 4; it was sent from Comrade Pok on the 2nd of

1 April 1976. It is addressed to -- "Respectfully submitted to
2 respected Brother Pol", and copies are shown on the final page to
3 "Brother Nuon", "Brother Khieu", "Office", and "File".

4 [09.47.56]

5 By looking at the first page of the telegram, we can see that
6 Comrade Pok is saying in the first line of the telegram: "I
7 request to report to Brother on the enemy situation, the
8 situation of the masses and the production situation in the North
9 Zone, as follows..."

10 And then there is a heading, number 1, "The enemy situation in
11 the entire North Zone".

12 There's a second red box on the first page, and within that box,
13 there are these words:

14 "The enemies are former soldiers in combination with the Cham and
15 former cooperative team chairmen. They used copies of a photo of
16 Lon Nol and Nol's announcement of the 18th of March 1970 to post
17 on [trees] near Trapeang" -- something illegible -- "village in
18 Chamkar Leu district, and conducted other activities like burning
19 forests and destroying crops..."

20 The next small paragraph states: "...we captured some elements who
21 were former cooperative team chairmen."

22 And then the words: "Along with this, they have agents imbedded
23 inside."

24 Now, in your time at the Telegram Unit, did you ever receive any
25 information that suggested that the Cham were perceived as

1 enemies?

2 [09.50.34]

3 MR. SUON KANIL:

4 A. If we look at this telegram, particularly the date, it was
5 soon after the victory of the Khmer Rouge. Throughout my time
6 with the Telegram Unit, I did not know anything about the
7 situation of the Muslim Cham, and the Decoding Section of the
8 Telegram Unit work separately, and I was newly appointed to the
9 Central Zone at that time and I was purely in charge of the Morse
10 operating. I think it was up to the decoder of this telegram who
11 were aware of the content of this, and I was not aware of this
12 particular telegram.

13 And as for the activities of - or the move of the Muslim Cham
14 community, it could not have evaded the eyes of the masses at
15 that time, so they could have talked from one to another about
16 their situation at the time.

17 There was a protest - a public protest by the Cham Muslim
18 community at Chi Kraeng, in Siem Reap; that was one instance that
19 I was aware of. But other than that, I did not know because I was
20 purely confined to operating the Morse at that time.

21 [09.52.28]

22 Q. What happened to the Cham people who were protesting?

23 A. I did not know. And I was not the one who decoded this
24 telegram, so I did not know.

25 Q. You knew about enemies and traitors because they were arrested

18

1 in your zone and you had information about them. As far as you
2 were concerned--

3 MR. VERCKEN:

4 Would -- Mr. President, on several occasions, we have not received
5 an interpretation of the beginning of the Co-Prosecutors
6 questions. It may well be that he is speaking too rapidly. So, the
7 question you have just asked was not interpreted in its entirety;
8 we did not hear the beginning.

9 So maybe you should try to slow down a bit.

10 BY MR. RAYNOR:

11 Thank you. I'll repeat the question, simplify it, and slow down.

12 Q. You gave evidence on Friday about enemies and traitors being
13 arrested. Which classes of people were enemies of the Khmer
14 Rouge?

15 [09.54.24]

16 MR. SUON KANIL:

17 A. On this question, the enemy of the Khmer Rouge - well, I was
18 very young at that time, at my responsibility was small, as well.
19 So the arrangement of the arrest of enemies or so I was not aware
20 of. I did not understand that much at the time.

21 To my knowledge, in the early 1976, the arrest was not done in a
22 large scale. But in 1977 and 1978, mass arrests were carried out.

23 Q. Mr. Suon Kanil, were you still working at the Central Zone
24 Telegram Unit in the weeks prior to the Vietnam occupying forces
25 taking control in January 1979?

19

1 A. When the Vietnamese troops came to Cambodia in - on the 7th of
2 April 1975, I was working in the Central Zone, and my office was
3 quite close to the ferry pier in Kampong Cham province, so we
4 could observe the movement of the enemies and the Vietnamese
5 forces. We did also witness the Vietnamese forces using tanks and
6 moving tanks around.

7 [09.57.00]

8 Q. Now, can you help us, please? What happened - if you can help
9 us, what happened to all the documentation that was sitting in
10 the Central Zone offices, including the Telegram Unit? What
11 happened to all this documentation on the day that the Vietnamese
12 arrived?

13 A. That I do not know. When the Vietnamese came, I fled, and
14 people had to flee for their life at that time, without worrying
15 about the documentation behind. So I did not know who finally -
16 you know, possessed those documents; we just fled the place. I do
17 not know, and that's all I can say about that, because at that
18 time the situation was chaotic, and I had to leave because at
19 that time I saw the reinforcement forces somewhere opposite
20 Kampong Cham provincial city, somewhere in Tonle Bet, and then I
21 had to flee at that time from Boeng Snay to Veal Vong, and then
22 to Wat Nokor.

23 MR. RAYNOR:

24 Suon Kanil, thank you very much for answering my question.

25 I would like to hand over now to the civil party lawyers. Thank

20

1 you very much.

2 [09.59.00]

3 MR. PRESIDENT:

4 Now I hand over the floor to the Lead Co-Lawyer for the civil
5 parties. You may proceed.

6 MS. SIMONNEAU-FORT:

7 Good morning, Mr. President. Good morning, Your Honours. Good
8 morning to all parties. The – my national colleague, Mr. Kim
9 Mengkhy, will be starting this line of questioning. I will then
10 follow. Thank you.

11 QUESTIONING BY MR. KIM MENGKHY:

12 Thank you, Mr. President and Your Honours. And good morning to
13 everyone.

14 Good morning, Mr. Suon Kanil. I am Kim Mengkhy, representing the
15 civil parties, from the Avocats Sans Frontières, and I have a few
16 questions concerning your background during the Khmer Rouge
17 regime.

18 [10.00.05]

19 Q. The first question is as follows: From the time you joined the
20 Revolution until the fall of the Khmer Rouge, did you establish a
21 close relation with Mr. Ke Pauk, and how?

22 MR. SUON KANIL:

23 A. From 1975, I had some communication with Ke Pauk until –
24 rather, I had built relationship with him, but our interactions
25 were not intimate. We – during these early years, we did not

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1 contact one another often, but he would call me when he needed me
2 to work for him.

3 Q. Thank you. As the head of the telegram group, did you ever
4 receive any information or instructions concerning telegrams by
5 Ke Pauk or other individuals?

6 A. As a person who specialized in telegrams, I received
7 instructions from the secretary of the zone, who was overally
8 (sic) in charge of the zone activities. And I studied telegram at
9 the Central Office, and I – the training was under the
10 supervision of the Central Committee Office. And during that
11 time, if I had to fix problems with my -- for example the broken
12 tap or a Morse machine, then we would have it fixed in Phnom
13 Penh.

14 [10.03.22]

15 Q. Do you know anything about the evacuations of Phnom Penh and
16 the classification of people, the Old and the New People?

17 A. I don't think I get your question properly.

18 Q. Were you aware of the evacuation of the people from the
19 capital city of Phnom Penh and the classification of Old and New
20 People?

21 A. People were evacuated from Phnom Penh, and whether they were
22 classified as Old or New People, this is not what I knew about. I
23 worked at the office, which is -- which was close to the senior
24 cadres of the regime at the zone, and I did not know much about
25 what happened at the base level. Indeed, people received

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1 different education at different levels, and indeed, people were
2 told to follow the fourfold slogan as indicated. And I had to
3 focus strictly on my - performing my duty very well.

4 [10.05.32]

5 Q. Thank you. Apart from being a Morse operator, typing the Morse
6 code, did you have an opportunity to visit or to meet with any of
7 the evacuees in your local area?

8 A. I do not know anything about the evacuation. And, once again,
9 as a person who was in charge of telegrams, I would be tasked
10 with dealing with these telegrams, mainly. Maybe occasionally I
11 would be asked to help do farming, but mainly my task was at the
12 Telegram Section. And I was not spared from being used as a
13 farmer or worker who had to do farming, but that was just my
14 secondary task, as opposed to my primary task as a Morse - a
15 Morse code operator.

16 Q. Thank you. I have another question concerning your work: Was
17 any of your members in the telegram group ever punished, for
18 example after having committed some mistakes or after having
19 failed to perform the tasks properly?

20 [10.07.41]

21 A. Everyone in my group, in the Telegram Unit, was well aware of
22 this fourfold slogan: "No know, no talk..." So on and so forth. And
23 meetings were convened very frequently. There were different kind
24 of meetings: small, big meetings, self-criticism sessions.
25 Everyone was well informed and everyone had to be very careful

1 because they did not want to place themselves for criticism or
2 they did not want to allow other people to criticize them. And we
3 had to do our utmost best to reduce committing wrongdoing.

4 Q. Again, did anyone get punished for failing to perform their
5 duties properly?

6 A. In our group, if anyone had committed any wrongdoing, they
7 would be criticized through meeting sessions.

8 You may wish me to elaborate on what self-criticism sessions
9 would mean and how they were conducted, but this is how people
10 would be corrected or criticized if they committed some
11 wrongdoings.

12 Q. In the telegrams, did you ever hear that Ke Pauk would report
13 on the daily activities of the people to the Central Committee
14 through such telegrams -- through the telegrams, I mean?

15 [10.10.09]

16 A. Rice production and other activities of the people would be
17 reported by Mr. Ke Pauk, as he had the authority to report to his
18 superiors on this.

19 Q. Were you aware of any incidents concerning the - the report
20 made by Ke Pauk to the Central Committee? What was the content of
21 such report, for example, if you remember?

22 A. Ke Pauk reported - the content of which was known to me only
23 during the open assembly meetings, when he discussed about the
24 farming techniques - the tradition, the conventional techniques
25 in doing farming. And Mr. Ke Pauk didn't talk about other matters

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1 in other meetings, other than the assembly meetings.

2 Q. Thank you, you worked at the Central Zone. Were you aware that
3 people were evacuated from the East Zone and they had to pass the
4 Central Zone before being relocated elsewhere?

5 A. I saw people who were being - who were evacuated from the East
6 to - they were passing Central Zone. Some were evacuated to
7 Kampong Thma location, and some had returned home. Indeed, by
8 late of 1970 - rather, by the last minute before the fall of the
9 Khmer Rouge, we could see that a lot of people returned home.
10 They were moved to that location for several years.

11 [10.13.05]

12 Q. Did you know the reason behind this evacuation of the people
13 to that area?

14 MR. PRESIDENT:

15 Mr. Witness, please hold on.

16 Counsel for Mr. Khieu Samphan, you may now proceed.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. I'm not quite sure if I understood the
19 date, the timeline the counsel for the civil parties was
20 referring to.

21 If he were clear in his questioning, for example whether he was
22 talking about the second - first or second phase of the
23 evacuation or the third one, and I don't understand this.

24 MR. PRESIDENT:

25 Counsel for the civil party, you are advised to rephrase your

25

1 question. And you have only 15 minutes left to put the questions
2 to the – to the witness.

3 And the objection's sustained.

4 [10.14.09]

5 MR. KIM MENGKHY:

6 Thank you, Mr. President.

7 With that, I have no further questions to put to the witness. I
8 would like to cede the floor to my colleague to continue putting
9 some questions.

10 And with that, I thank you, Mr. Civil Party, very much for your
11 responses.

12 QUESTIONING BY MS. SIMONNEAU-FORT:

13 Q. Mr. Witness, I simply want to add a few supplementary
14 questions before you address the matter of the movement of the
15 population, just to clarify a response that you have given to my
16 colleague with respect to the New People and the Base People.

17 If I gather correctly, you stated that you were not aware. Sir,
18 are you saying that during those three years and eight months,
19 you never heard about the notions of Base People and New People?
20 Is this correct? Is this what you mean?

21 [10.15.32]

22 MR. SUON KANIL:

23 A. It is true, yes. I only saw the Old and the New People, but I
24 did not understand much about how these people were managed or
25 what kind of treatment they would receive.

1 Q. Thank you for that clarification.

2 Let us talk about the transfer of people.

3 In your OCIJ statement E3/344 -- in French, 0030436154 (sic); in
4 English, 00383334 (sic); and in Khmer, 003504 (sic) -- you state
5 the following:

6 "I do not recall the date at which the January 1 Dam was built.

7 Chham was in charge of the construction of the January 1 Dam from
8 Kampong Thma to Stoeng Chinit. People came from all over; people
9 came from many regions, and they came to build the January 1st
10 Dam."

11 Mr. Witness, how did you know that there were people originating
12 from all over Cambodia, from various regions, in order to build
13 the January 1st Dam?

14 [10.17.23]

15 A. The building of the 1st of January Dam was known to me very
16 well because I was stationed and I focused mainly on my task - I
17 focused mainly on receiving or reporting information on the
18 activities of building this dam. Although - I cannot understand
19 the full coverage of what happened there, but the construction of
20 the dam was very - quite familiar to me. And at that time I was
21 at the dam site, and my friend was also overly (sic) in charge of
22 the dam; he did not live to tell the story, he just died very
23 recently.

24 Q. Do you know where those who were working on the dam came from?

25 A. So far as I know, as - this 1st of January Dam is located at

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1 the Kampong Thma, which is in Baray district. The workers were
2 brought in from various places. A lot of people were transferred
3 to that worksite and they were placed in different cooperative.
4 And, as I stated already, I cannot grasp the factual information,
5 how many people would be brought from each and every place, but I
6 knew that a lot of people were brought in to build the dam.

7 [10.19.55]

8 Q. Thank you for that information, sir. And were those workers
9 evacuated from Phnom Penh and from other cities in Cambodia in
10 order to work at the construction site of the January 1st Dam?

11 A. To the best of my knowledge, there were both the Old – rather,
12 the New People and the Base People. There was no discrimination
13 against the people being made to build the dam. And I don't know
14 how long it took the – those people to build the dam; perhaps it
15 was – it took them more than one year to finish it, after long
16 working hours. The 30th (sic) of January Dam was built for eight
17 months only; my friend who was in charge of the worksite told me
18 about this.

19 Q. And did your friend describe to you the working conditions in
20 which people worked?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 Counsel for Mr. Khieu Samphan, you may not proceed.

24 [10.21.41]

25 MR. KONG SAM ONN:

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1 Thank you, Mr. President. I have understood the following
2 questions put by counsel for the civil party's to be relevant to
3 only the 1st January Dam. The dam is somehow – does not fall
4 within the scope of our case here.

5 I did not object to the first two questions, though they were not
6 relevant; I thought that she would only be brief, but then she
7 talked about this again and again. So I take issue with it.

8 MS. SIMONNEAU-FORT:

9 Mr. President, my questions focus on those who worked at the
10 January 1st Dam in order to determine whether or not those
11 persons were transferred. And, when I talk about the working
12 conditions, I believe that in discussing the transfer of people,
13 it is important to understand what they were doing, particularly
14 in the aftermath of the transfer.

15 Thank you.

16 [10.23.00]

17 MR. PRESIDENT:

18 Mr. Witness, do you know when the 1st of January Dam was built
19 and when it was completed?

20 MR. SUON KANIL:

21 The 1st – the Dam of the 1st of January was built on the 1st of
22 January, although I don't remember the exact date.

23 MR. PRESIDENT:

24 You remember the year, for example?

25 MR. SUON KANIL:

1 It perhaps was built in 1976, but I stand to be corrected because
2 I don't clearly remember it, which I apologize.

3 MR. PRESIDENT:

4 The objection is not sustained.

5 And you are now instructed to respond to the question.

6 MR. SUON KANIL:

7 Counsel for the civil parties, could you repeat this question?

8 [10.24.21]

9 MR. PRESIDENT:

10 The question was put to you on the condition of the workers at
11 the dam. Can you also tell the Chamber on these conditions?

12 MR. SUON KANIL:

13 A. The workers at the 1st January Dam sites were treated with
14 precise working schedule, and food ration, and time to work.
15 There were different shifts, for example, when people had to
16 build the dam. However, my observation was that some people were
17 asked to carry dirt, how many square meters of dirt would be dug.
18 Some could finish - some could handle 2 square meters of dirt,
19 and some could not do that, so there was a kind of sentiment
20 among the workers about fairness, because some could do more and
21 some could do less. There was an investigation into how many
22 people could handle the heavy tasks.

23 [10.26.02]

24 And the meetings were convened, and discussion was also being
25 made - was made concerning the work quota. Although a lot - some

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1 people could work quickly and handle harder tasks, others could
2 not do that, so such meeting - the discussion was on, and we
3 talked about this, and they learned that only very few people
4 could work that hard; others couldn't do that.

5 BY MS. SIMONNEAU-FORT:

6 Thank you, Witness.

7 I have two or three more questions, which shouldn't take me
8 longer than five or 10 minutes, Mr. President, if you would be so
9 obliging.

10 Q. Sir, I wish to address now another type of transfer of
11 population.

12 In 1975 or in 1976, in a Central Zone, to your knowledge, in
13 setting aside the issue of the Cham people, are you aware of any
14 transfer of population from the Central Zone to other zones?

15 [10.27.47]

16 MR. SUON KANIL:

17 A. I did not note that such transfers were in place. Because the
18 Central Zone is very big, I do not believe that such people could
19 have been transferred from this big area to other places. But I
20 was convinced at that time that the population could have been
21 evacuated from the cities to the rural areas, but not from the
22 Central Zones to elsewhere.

23 MS. SIMONNEAU-FORT:

24 Mr. President, as I have done on previous occasions, I wish to
25 quote from a civil party statement. I refer to D22/3451. I do not

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1 wish to show this document to the witness. However, I do wish to
2 quote from a very short excerpt. The French ERN are 00849874; in
3 Khmer, 00565834 (sic); I do not have the English translation.
4 Mr President, do I have your leave to read out a very brief
5 passage?

6 [10.29.25]

7 MR. PRESIDENT:

8 You may proceed.

9 BY MS. SIMONNEAU-FORT:

10 Thank you.

11 Q. The extract is as follows -- and I quote -- it is by a civil
12 party who resided in the Central Zone, close to Kampong Cham:

13 "In late 1976, during the monsoon rains, members of Angkar who
14 were unknown, again, evacuated the villages of Svay Tanan..." In
15 brackets, it is pointed out that the name of the commune and
16 district are unknown. I continue the quotation: "...Kampong Cham
17 province to Battambang province. My mother, Sao Daeh, and myself,
18 as well as hundreds of inhabitants whose names are unknown left
19 in a truck from Svay Ta Noan Pagoda, and then we continued the
20 journey by train. One week later, we arrived in Battambang
21 province at 10 p.m. We spent a night at Battambang railway
22 station. The next day, in the morning, several trucks transported
23 inhabitants to various districts."

24 And this civil party states two lines later: "There, Angkar
25 ordered me to work in a boy's mobile unit while my mother worked

1 in a cooperative." End of quote.

2 [10.31.10]

3 Mr. Witness, regarding this quotation which concerns New People
4 who were in your zone, does it ring a bell to you?

5 MR. SUON KANIL:

6 A. Having read out this document to me, I do not believe that
7 Svay Ta Noan is somewhat in the Central Zone. I don't know
8 whether the - the civil party could have mistaken that name of
9 the village.

10 MS. SIMONNEAU-FORT:

11 I neither heard (sic) - be it with regard to the zone or the
12 province, Witness. I thank you for your answers, in any case.
13 I have no further questions for the witness, Mr. President.

14 [10.32.18]

15 MR. PRESIDENT:

16 Very well.

17 It is now appropriate time, as well, for the adjournment. The
18 Chamber will adjourn until quarter to 11.00.

19 Court officer is now instructed to assist the witness during the
20 adjournment and have him returned to - rather, 10 to 11.00.

21 (Court recess from 1032H to 1055H)

22 MR. PRESIDENT:

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

24 Next we would like to now hand over to counsel for the accused
25 persons, and starting from counsels for Mr. Nuon Chea first.

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1 Before we hand over to counsels, the Chamber wishes to inform to
2 parties to the proceedings that during today's session and from
3 the -- until the end, since Judge You Ottara has grave health
4 concerns, he cannot attend - cannot sit during this time. We have
5 discussed with Judges of the Trial Chamber and managed to have
6 Judge Thou Mony be in place of Judge You Ottara during this time.
7 We had applied this rule pursuant to Internal Rule 79,
8 subparagraph 4.

9 Counsel for Mr. Nuon Chea, you may now proceed.

10 [10.57.42]

11 QUESTIONING BY MR. SON ARUN:

12 Good morning, Mr. President. Good morning, Your Honours; and good
13 morning to you, Mr. Suon Kanil. I am Son Arun, representing Mr.
14 Nuon Chea, along with my colleagues, and I have a few questions.
15 I may need half an hour to put these questions to you.

16 Q. First question to you is as follows: When, Mr. Kanil, you
17 worked at the printing house in 1973 - starting from 1973, did
18 you ever see the "Revolutionary Flag" magazines and "Youth"
19 magazines being printed at that house?

20 MR. SUON KANIL:

21 A. During the time from 1973, I saw the "Revolutionary Flag"
22 magazines and the "United Front" magazines.

23 Q. Did you print them or did you only see them printed?

24 A. We did not print the "Revolutionary Flags". They were printed
25 by the Upper Echelon. But when it comes to the "United Front"

1 magazines, these magazines were - were printed by the printing
2 house I worked.

3 [10.59.33]

4 Q. Thank you. Just now you stated that you saw the "Revolutionary
5 Flag" magazines. Did you read them? Did you read them thoroughly?

6 A. I may respond as follows. At that time, I was in the Youth
7 League. I was not entitled to read the "Revolutionary Flags", so
8 I have no idea what could have been in the "Revolutionary Flag"
9 magazines, but I did read the "United Front" magazines.

10 Q. Thank you. Under document E3/411 - ERN 00373516 in Khmer; in
11 English, 0390032; and French, 00424043 - the Co-Investigating
12 Judges asked you this question: "When you had been with Ke Pauk,
13 did you know when Ke Pauk made a - make a decision to arrest
14 people?"

15 And you said: "Ke Pauk never used his authority to arrest people
16 on his own. Normally, the arrest that was made in the Central
17 Zone would be decided by the Central Committee."

18 Do you still stand by your statement?

19 [11.01.36]

20 A. Yes, I do. And if you want me to even elaborate on this, I
21 will be happy to do so.

22 Q. Thank you anyway. I have a few more questions.

23 How did you know that orders were rendered from the central level
24 for the arrest? Did you ever see how these orders were rendered
25 or did you just learn about this through grapevine?

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1 A. When the arrests - or arrest was made, the decision was made
2 from the Central Committee because, indeed, there must be always
3 a decision before an arrest was made, and Ke Pauk only acted upon
4 orders. And I can even say further that people disappeared, so
5 decisions must have been made and they must be made by the Upper
6 Echelon. And the reason I said Upper Echelon made such, decisions
7 because I relied on the message I receive from the messengers who
8 brought in these orders through their messages.

9 Q. I may seek some clarification. You said messengers brought
10 documents. What kind of documents they brought?

11 [11.03.30]

12 First, I asked you how you knew about this, but now you already
13 responded that you learned about this through documents. Again,
14 how were these documents sent to people concerned? And how did
15 you know about this?

16 A. The documents about the arrests wasn't from the Central
17 Committee because I am sure that in reality, first, I believe
18 that when arrests was made in the division or at the regiment or
19 the ministry, no arrest could have been made without such order,
20 and Ke Pauk would tell me about this. He said that whenever
21 decision was made from the Central Committee, then arrest must be
22 made. If the decision was rendered from the zone, he would also
23 have some reservation.

24 Q. You said about this, but what happened to the people at a
25 lower level - the rank-and-file people or perhaps the ordinary

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1 people like the chief of the cooperatives? Did they have to
2 receive orders from the Central Zone or – the Central Committee
3 or the zone before they could make any arrest?

4 [11.05.38]

5 A. For the rank-and-file cadres or ordinary people, I believe
6 that in the zone, the secretary of the zone was in charge. And he
7 told me that the central – rather, that the zone secretary told
8 me to be very careful, that I could be at very great risk if I
9 committed wrongdoing. As long as there was no decision from the
10 Centre, I would be spared, because if it were to be sent from the
11 zone, then he would have some reservation for his subordinates,
12 but if it was to be sent from the Centre, it would be a very
13 decisive decision, and that arrest would be made, ultimately.
14 And the -- as I stated also in my testimony, that if the arrest
15 warrant or order was made from the Zone Committee, it could be
16 arbitrary, and we could also challenge or give some reasons why
17 this and that person was mistakenly arrested.

18 Q. You said the senior leaders or senior cadres were arrested by
19 the orders from the Central Committee in Phnom Penh.

20 My question to you is about the arrest of low-level people. You
21 said that decision of lower – to arrest lower people like
22 ordinary person would be rendered from the zone. Where were they
23 sent to after being arrested?

24 [11.08.14]

25 A. As I already emphasized, people held different role and

1 functions - for example, at which rank people could be sent to at
2 which location. And some people at cooperatives were arrested and
3 sent to the respective place, although I cannot understand much
4 about what happened. I worked at the section where I dealt with
5 the military rather than the civilians, so I basically do not
6 really have a lot of information about the civilians, as I told
7 you. Even the soldiers themselves who had to be engaged in the
8 battlefields - in the battlefronts, they - many of whom did not
9 know what happened to their loved ones back home.

10 Q. I may go back a little bit. You said that the Central
11 Committee would render order to the zone to make some arrests,
12 but you don't know what happened to the arrest orders that may
13 have been rendered from the lower-level cadres. But could you
14 tell the Chamber, please, did you only learn about all this
15 through the telegrams you received from the Central Committee?

16 [11.10.20]

17 A. I learned about this because, indeed, I noted through the
18 telegrams, and at the same time I also learned about the names of
19 individuals who would be listed in letters where messengers were
20 picked and sent, but the letters were of strictly confidential
21 nature.

22 Q. So, this means that for the strictly confidential letters, you
23 would not be able to understand what they were about, you only
24 understood about the open letters; is that correct?

25 A. If the messages were of open nature, then I would be able to

1 read them, to understand them, and I were not allowed to
2 understand the strictly confidential messages.

3 Q. You talked about some strictly confidential letters. Why were
4 there strictly confidential letters and why there were open
5 telegrams?

6 A. The telegrams and confidential letters are classified into two
7 subcategories.

8 First, telegrams were used. For example, Ke Pauk was supposed to
9 pick up a letter, and this message would be communicated through
10 a telegram. However, when the letters – the content of the
11 letters would not be known to me, but at the same time, as I told
12 you, the messengers whose office was not far from my Telegram
13 Section would go to Phnom Penh to pick up the letters or send the
14 letters. But I could see – from coming back, these gentlemen
15 would share with me that something went wrong.

16 [11.12.56]

17 Q. You also stated before the Co-Investigator (sic) this morning
18 that you attended the open assembly meetings during the time when
19 you was not fully engaged with your work, and the meetings were
20 chaired by Ke Pauk. Can you please give me an – give the Chamber
21 an example of a meeting you attended, the content of which – that
22 was very important? If it was very important, how important was
23 it to you? Please tell the Chamber.

24 A. It's not difficult to respond to your question. Indeed, I was
25 there and I engaged in the meetings.

1 During meetings, we knew already that during that time the regime
2 changed and people were needed at work. And at that time they
3 would like to convert the conventional or traditional agriculture
4 techniques to the modern agricultural methods – approaches. So we
5 were taught about how to make sure that we modernize our way of
6 doing farming, and then we were asked to build dykes and dams,
7 irrigating systems, and agriculture dominant (sic) the whole
8 meetings every now and then.

9 [11.14.45]

10 Q. So, during the open-session assembly meetings, you said that
11 agricultural aspects would be mainly discussed. Was there any
12 other important topic as important as that of agriculture being
13 discussed during the meetings, as well?

14 A. There were some meetings, as well, that agricultural aspects
15 would not be discussed. However, it would be done in a secret
16 meeting that I would not be allowed to attend, and I don't know.

17 Q. Mr. Witness, I have listened to your testimony, and you have
18 high skills in telegrams. Were you skilled only in typing Morse
19 or decoding the telegrams or were you also skilled in doing other
20 tasks, other than just Morse operation – Morse code operation?

21 A. I think – to put it simply, I was trained in Morse code
22 operating – operation.

23 And here, when I am testifying before the Chamber, I take the
24 stand to talk about the period of the three years, eight months,
25 and 20 days.

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1 And I was confined to dealing with Morse code operation and I
2 also provided training to some of my young trainees, but I was
3 never assigned to decode telegrams. However, after that period of
4 time, I believe I had some basic knowledge to understand how
5 telegrams could be decoded.

6 [11.17.33]

7 Q. I think I asked this to a lot of witnesses who took the stand.
8 In particular, when it comes to the term "copy" or "c.c." and the
9 address on the top of the letter which read "To Beloved Missed
10 Brothers", so on and so forth, and then copied to Brothers Nuon,
11 Hem, Van, I would like to ask you whether you can shed light on
12 the power of the addressees and the people who copied in the
13 letters - so, who held more authority than who.

14 A. I don't think I understand your question yet. Repeat it.

15 Q. My apologies for make - for not making myself clear. Indeed, I
16 said I asked a lot of witnesses who took the stand about the
17 meaning - the authority of the people who were the recipients of
18 the letters and the people who were supposed to be copied in the
19 letters, because there are two different sections on each letter.
20 The first part was to address to Brother Pol, to Beloved Brother,
21 so on and so forth, and underneath the letter, there would be a
22 section when these following people would be copied. So, again,
23 to your understanding, what kind of authority or power did these
24 two different groups of people in the letters hold?

25 [11.20.02]

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1 A. These two groups of people are different in the letters, as
2 you already emphasized. I have to avail myself to explain to you
3 as follows.

4 During the Democratic Kampuchea, there were two kinds of regimes
5 - systems: the free and the socialist system. If you sent a
6 letter to one person, then you would address only individual, for
7 example to Brother or to Uncle. Then, if the letter was sent to
8 that person, then we would receive some advice from him or her to
9 copy the letter to others. So you may see that if there was only
10 one addressee on a letter, you know for sure that only one person
11 would be informed.

12 But during the regime, there were a lot of meetings, the
13 self-criticism sessions where people had to understand what
14 happened to others. So, they do not want to risk addressing one
15 person at one time because only one person would know anything
16 about the letter if you addressed that person alone. That's why
17 there was advice to copy other people so that the message could
18 be informed to every - or maybe more people at the same time.

19 Q. I may seek your clarification again. For example, if the
20 letter was to address to Pol, or Brother Pol, the person - the
21 addressee would be the one who had to implement the letter. What
22 about the person who was copied? What did he have to do with the
23 letter?

24 [11.22.07]

25 A. I think it is not difficult to explain, the term "address to"

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1 and "copied", for example "addressed to Uncle Pol" and then
2 copied to this and that person. The person who was copied could
3 have been the head of the ministry or secretary. These people
4 would not carry out the - or execute the content of the letter
5 because he or she was there to be informed. The person who would
6 have to carry out the actions or instructions in the letter would
7 be the one on top or, in other words, the addressees or
8 addressee.

9 And again, as I told you, every time there was a self-criticism
10 meeting, and for that, to make sure the message discussed in the
11 meeting is well informed to other people in - then the letter has
12 to bear some copy section.

13 Q. I'm afraid you did not get my question clearly. I may ask you
14 again.

15 In almost every telegram, on top you would see address - or "to
16 Brother Pol" or "Uncle Pol" or just "Uncle"; there are different
17 telegrams bearing different addresses. But then, beneath the
18 letter, you see "c.c." or "copied" to individuals, a few names,
19 maybe sometimes Uncle Nuon, sometimes Uncle Van, so on and so
20 forth.

21 So my question to you is: Who implemented the telegrams - the
22 people on the top or addressees or the people in the copied
23 section?

24 [11.24.17]

25 A. Allow me to respond to your question as follows.

1 Indeed, who implemented the letters? It is the Central Committee
2 who implemented this. For example, if the letter was addressed to
3 Om Pol, Uncle Pol, and as the president, he would need to inform
4 other people. That's why he has to make sure that the letter was
5 also - or telegram was copied to other people. So, all together,
6 these people were implementers.

7 Q. So, to you, the terms "c.c." or "copy to" and "addressed to"
8 bear the same meaning - there's no difference in meaning; is that
9 correct?

10 A. To me, it is correct.

11 Q. I have another question to you, which is not different from
12 that I asked you now about telegrams. Document E3/932 states
13 that: "To the 870 -- Beloved 8 (sic) Committee". And then, in
14 that telegram, "Om Nuon", "Om Van", "Om Vorn", and "Office", and
15 "Documentation" were copied. Can you please tell the Chamber how
16 you can explain to the Chamber concerning these letters? On top,
17 you see that the letter was addressed to the Committee 870, and
18 then these names of individuals were listed as people who were
19 copied. So who was in the Office 870?

20 [11.26.40]

21 And this morning you talked to the - you responded to the civil
22 parties - rather - I think I rather mixed up things again. I
23 mixed this part of my next question in the first question; my
24 apologies.

25 So, my question to you again: When the letter was addressed to

1 Committee 870, were – was 870 Committee a person or an object? If
2 it was a person or not a person, why was it addressed to?

3 A. I may explain to you the meaning of 870 Committee as follows.

4 When 8 Committee – 870 Committee was addressed, it means – at
5 that time there could be a lot of people in the committee. It
6 could be referred to other people, but they would not wish to
7 write a lot. For example, they would not need to detail all the
8 names in the committee. They would like to shorten the telegram
9 by addressing 870 alone. There was time that the address – the
10 letter was addressing to even M-870. So, when it was addressing
11 870, it meant to address everyone in that committee, not just one
12 person.

13 Q. I still don't understand your response.

14 So, are you still of the opinion that Committee 870 was an
15 object, an abstract thing, rather than a person?

16 [11.29.08]

17 And then, when the letter was addressed to 870, then a few people
18 were copied, like Uncles Pol Pot, Nuon Chea, things like that;
19 this group of people were people, indeed, but the above addressee
20 was an object to us. But to you, was it an object or person?

21 A. Again, the term "870 Committee" here refers to a group of
22 individuals. That's why people did not need to waste their time
23 addressing each and every one there. They had to only address one
24 committee as a whole. But if they had to c.c. – they had to copy
25 some people with individual names, then they had to write down

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1 their name clearly because they want only this group of people to
2 be informed. But, when they addressed Office or Committee 870 as
3 a whole, then they wouldn't need to write the names in detail.

4 Q. Early this morning, you told the lawyer for the civil party
5 that the work on the construction of dam did not appear to be
6 fair because there were - members attached to certain groups were
7 strong physically, and others were very weak, so it was not fair
8 in that sense.

9 So I would like to ask you, to your knowledge, whether or not you
10 know the arrangement of the assignment of work. Was it the
11 decision of the leader of the site, of each construction site,
12 for example, or it was the decision of any other authority? If
13 you understand my question, please proceed. Otherwise, I may try
14 to simplify it. I know that I've been not smooth in putting this
15 question to you.

16 [11.32.07]

17 A. I don't find this question difficult to respond because I was
18 involved in the work, myself.

19 I - you want to know the people who had the authority to assign
20 people to the construction site and how did I know that certain
21 people who were physically weak were assigned to certain group
22 and others were assigned to a different group.

23 Of course, in each worksite, there was the team leader, there was
24 the overall leader of the team, and they held respective
25 authority and position. Those who worked in the team, they had to

1 monitor that team; and those who work in the squad, they had to
2 handle the task in the squad.

3 How did we know that there were people who were weak physically?

4 Because it was simple at that time: following the day work, they

5 would convene a meeting; they would assemble and discuss the

6 outcomes of the work for the day. So, upon summarizing the

7 outcome of the work, then they would see whether or not any one

8 group would need additional forces or they had any problems. So,

9 by looking at the report, we found out that there were people who

10 were greedy, people who were lazy.

11 [11.33.36]

12 As I told the prosecutor earlier on, that - I examined the

13 workforce and I found out that there were only very few people

14 who were very committed to the work. And during the meeting,

15 there were some people who were very eager to complete the dam

16 construction. They - but some people did not take into

17 consideration the reality of the workforce we had. For example,

18 if the workforce we had was very limited and the work expectation

19 was huge, we could not achieve the work plan. But at the time

20 each group set forth the - a clear work plan for them to achieve.

21 As for myself, I could not complete much of the work because I

22 did not do only one job; I had other tasks to accomplish, as

23 well.

24 Q. Yes, I understand that there were a clear-cut command and

25 there was a division of work over there, but you said that there

1 were certain groups which were strong and others were very weak,
2 and as a consequence, they could not accomplish much work.

3 So my question to you: I would like to know the authority – who
4 had the authority to command the work at the construction site.
5 Was it from the team leader at the site or it was the authority
6 or order from people elsewhere?

7 [11.35.44]

8 A. At the time, all depended on the collective spirit. By
9 "collective spirits", I mean that people met before they carry
10 out any activity, and then they draw the lesson learned from what
11 they have done. And, as I told you, following the day of work,
12 they would meet. There was the monitoring system in place at that
13 time. So, in the evening, they would convene the meeting or they
14 meet once every three days. So, once they see the outcome of the
15 work, then they would devise a plan in order to achieve
16 additional work. So, we draw lesson learned from the activities
17 we do every day.

18 Q. I don't think that you have answered my question anyway, but
19 that's fine; I move on to my last question.

20 You have told the Court that you joined the Revolution in 1971
21 and then you stayed with the Revolution until several years after
22 that. How many years did you work in the Revolution? And what
23 were your – what were the positions you held throughout the
24 period? Did you remain with the Telegram Unit throughout the
25 period or you had any other position?

1 [11.37.27]

2 A. Let me clarify my position. I joined Revolution in 1971 and -
3 I joined the Revolution for six months, then they sent me to
4 work. At that time, actually, I was not yet the telegram or Morse
5 operator because there was no machine. So, upon completing my
6 study, I worked with the printing house, and then I also was
7 involved in the battlefields, and then, once the Morse machine or
8 telegram machine was sent, then I was sent to work. So, when
9 there was a battlefield in Preaek Kdam, they also send a telegram
10 there. Then I started working as a telegram operator over there,
11 and I did it all the time until 1979. I was involved in managing
12 the telegram technicality until 1979. But later on there were
13 people joining me, as well, in the team working there. So it was
14 like working in the mechanics, as well; there must be team
15 leaders and there were support members as well. So, at that time,
16 I worked as the telegram operator.

17 [11.38.52]

18 MR. SON ARUN:

19 I thank you - I thank you, Witness, for answering my question.

20 And I thank you, Mr. President, for giving me the floor.

21 And my international colleague does not have any question to put
22 to this witness, so I cede the floor to the other defence teams.

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 Now I hand over to the defence team for Mr. Ieng Sary to put the

1 questions to the witness. You may proceed, Counsel.

2 [11.39.34]

3 QUESTIONING BY MR. ANG UDOM:

4 Good morning, Mr. President. Good morning, Your Honours. Good
5 morning to the learned colleagues from the Prosecution, lawyers
6 for the civil party, everyone in and around the courtroom.

7 Good morning, Mr. Suon Kanil. My name is Ang Udom, and to my
8 right, Mr. Michael Karnavas. We are the defence counsel for Mr.
9 Ieng Sary. For now, I have only two or three questions to put to
10 you and I try to make it succinct.

11 Q. You have told the Court of your work and various tasks you are
12 aware.

13 Now, my first question concerns with your knowledge of the Office
14 870: Now, did you ever work or have any contact whatsoever with
15 Office 870 at that time?

16 MR. SUON KANIL:

17 A. During the Democratic Kampuchea, Office 870 or people worked
18 at 870, I was not entitled to contact them or I had nothing to do
19 with 870. The zone committee would have the direct contacts with
20 them. As for myself, I had nothing to do with it.

21 [11.41.05]

22 Q. Thank you. So it is fair to say that you never attended
23 meetings at 870 or you had any work at 870.

24 So, my follow-up question to you: Did you happen to know the -
25 you know, routine work of 870 or the work - internal working

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1 arrangement or working procedure at 870 at all?

2 A. The management or operation of 870 was beyond my knowledge. I
3 never had any contact with them because at that time we had to
4 mind our own business. People at the zone had to – you know, mind
5 their own business at the zone; people at the Centre had to do
6 the same at the Centre level.

7 MR. ANG UDOM:

8 I don't have any further question, Mr. Suon Kanil. On behalf of
9 the defence team for Mr. Ieng Sary, I would like to thank you for
10 availing your time to testify before the Court. I thank you very
11 much for your endeavours in responding to my question. I wish you
12 the best of luck.

13 [11.42.48]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 Now I hand over to the defence team for Mr. Khieu Samphan to put
17 the question to the witness, Mr. Suon Kanil. You may proceed,
18 Counsel.

19 QUESTIONING BY MR. KONG SAM ONN:

20 Thank you, Mr. President. Good morning, Mr. Suon Kanil.

21 Q. I have a minor question concerning your capacity and knowledge
22 of Morse operation. How long did you learn how to operate Morse?

23 MR. SUON KANIL:

24 A. When the investigator went down to interview me, I told them,
25 literally, I joined the Revolution, and they told me that I had

1 to change my - in other words, I had to let go my previous
2 educational background.

3 Q. Well, I think that you did not get my question. I would like
4 to ask you specifically on Morse training. How long did you
5 receive the training?

6 [11.44.09]

7 A. I remember it very well. I studied Morse operating for three
8 months - for only three months, and at that time they told us
9 that those who learned to operate Morse had to undergo training
10 for three months, and those who want to become the repairer, then
11 they would take the course up to six months.

12 Q. Did you learn any other thing other than Morse operating? For
13 example, were you trained how to decode telegram message?

14 A. At the time, I did not have any other training, other task,
15 whatsoever; I was trained purely on Morse operation. At that
16 time, they wanted to designate people to do certain jobs
17 specifically. So I had to learn how to operate Morse at that
18 time. And one - at the time, they were very specific. I learned
19 how to operate Morse and I had to do this job throughout the
20 three-year-eight-months-and-20-day period.

21 [11.45.27]

22 Q. Can you explain to the Court, how do you do when it comes to
23 operating the Morse?

24 A. This is a technical aspect, and I master the skills very well.
25 At that time, you know, Morse had different codes and - for

1 example, we have "tik-taa" for number 1; there were short numbers
2 and long number. And how we put these in order: short number used
3 for messages, long number used for the letterheads, for example.
4 So, at that time, these were the technicalities.

5 And there were actually competition, as well, in studying, in the
6 team. Some of my friends who finished the training course were
7 sent to work as pilots; some was ask to do the job in the navy or
8 on the ship or so. So, at that time, I was a bit smart, myself,
9 and then I joined the Revolution, and the people asked me to do
10 many things.

11 Q. So, when - upon receiving the, for example, telegrams and you
12 were supposed to type using the Morse codes, normally, you
13 receive it in number form, not in the letter form; is that
14 correct? Because they were coded; is that correct to say so?

15 [11.47.01]

16 A. In typing Morse, actually, it's all in numbers - no letters,
17 characters at all. And in 1974, Cambodian administration at that
18 time became smarter because they learned how to modify numbers;
19 they learned how to incorporate other technical aspect into it,
20 as well. They used different codes numbers and characters. For
21 example, if in the French alphabet, A, B, C, D, for example -
22 this - these are the universal signs or codes--

23 MR. KONG SAM ONN:

24 Let me interrupt. You have actually responded to my question, so
25 I don't need any detailed description of the technicality of

1 that. I thank you very much for answering my question. I don't -
2 I don't have any further question. Thank you.

3 [11.48.06]

4 MR. PRESIDENT:

5 Thank you, Mr. Suon Kanil.

6 Your testimony has come to an end now, and your presence at the
7 Khmer Rouge Tribunal is no longer needed, so you are now
8 released. You may go back home or go to any direction you wish to
9 go.

10 The Chamber wishes to take this opportunity to thank you very
11 much for making every effort to respond to the questions and
12 cooperates with the Chamber, and I believe that your testimony
13 will contribute significantly to ascertaining the truth and
14 conducive to the Court as a whole. I wish you the best of luck
15 and safe trip back home.

16 Court officer is instructed to facilitate the arrangement for the
17 transfer of the witness back to his home.

18 And the Chamber wishes to advise parties and members of the
19 public that the Chamber is going to hear another witness, TCW-220
20 (sic), but the Chamber will not be able to hear witness TCW-620
21 today because this said witness had a road accident, so he cannot
22 come to testify in the Court, since he is being hospitalized at
23 the moment.

24 Court officer and the Witness Support Section are now instructed
25 to locate the witnesses who are in the list of witnesses to be

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1 summoned by the Chamber who are close to the ECCC that who can
2 actually summon to come to testify, but unfortunately there is
3 none, so the Chamber cannot hold the hearing within this week.
4 (Judges deliberate)
5 [11.53.46]
6 Due to unexpected change in the circumstance surrounding the
7 testimony of the witness, following the conclusion of the
8 testimony of the witness at question, the Chamber is scheduled to
9 hear the testimony of TCW-620. And the Chamber has already
10 advised parties and members of the public that following the
11 information by the Witness Support Section, the named witness
12 cannot come to testify in Court, due to his accident. But the
13 Witness Support Section is making every effort to find the
14 witness or the civil parties who are able to come to testify this
15 week. If the Witness Support Section cannot get them by this
16 afternoon or tomorrow then, we will have the information by
17 Wednesday. The Chamber wishes to advise parties concerned to be
18 prepared that the Chamber may resume the hearing later this week,
19 once the Witness Support Section can get the witness or civil
20 parties to come to testify within this week. And as for precise
21 information, the Chamber will communicate to parties concerned
22 via email no later than tomorrow morning.
23 So, the testimony of the current witness has come to an end. The
24 Chamber wishes to adjourn the hearing now.
25 And security guards are instructed to bring the co-accused back

1 to the detention facility.

2 The Chamber will notify relevant parties as when we are going to
3 resume.

4 Court is now adjourned.

5 (Court adjourns at 1156H)

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