



*Former Khmer Rouge party district secretary Yun Kim provides testimony*

**Former CPK District Secretary Begins Testimony Before the Chamber**

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Evidentiary hearings in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary resumed Tuesday, June 19, 2012 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) after a long holiday weekend in celebration of the Queen's birthday. Morning proceedings began with the calling of a new witness, Yun Kim, a former party district secretary under Democratic Kampuchea (DK). Mr. Kim's sharp memory and articulate answers contributed to a smooth day of proceedings; only two objections were made during the entire day of proceedings.

Six buses of villagers from Rakakiri district in Battambang province arrived shortly before 9:00 a.m. Having departed Rakakiri at 3:00 a.m. that morning, the villagers successfully completed their six hour journey just in time to hear President Nonn convene the morning session. Despite a very early morning, the villagers remained alert and engaged, leaning forward in their seats and appearing fascinated with the activity before them.

After informing the Court that the accused Ieng Sary would participate in the day's proceedings remotely from his holding cell, President Nonn gave the floor to Nuon Chea's International Co-Lawyer Andrew Ianuzzi, who had stood to address the Court.

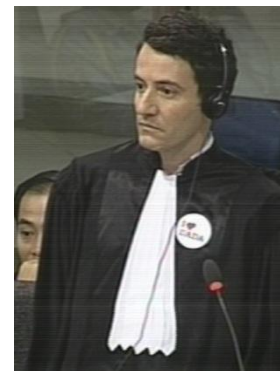
Mr. Ianuzzi informed the Court that Nuon Chea’s defense team sent a “courtesy copy” of a Rule 87 request to submit new evidence to the Court for impeachment purposes to all parties yesterday afternoon. Given the nature of the request and the need for a “quick decision,” Mr. Ianuzzi asked if the Court could make time to hear any party responses and render a decision on the request by the end of the day. Although he acknowledged the Court’s reluctance to hand down oral rulings, he said the defense for Nuon Chea would rather not proceed with the cross-examination of Witness 797 until the Court had rendered a ruling on the matter.

After briefly convening with his fellow judges, President Nonn announced that the Trial Chamber had not yet received the written request. Once the Chamber received that request, he continued, the Chamber would rule upon the issue “in due course.”

Mr. Ianuzzi started to reply to President Nonn’s announcement, but President Nonn moved on and directed the Court Officer to escort witness 321.

***Controversy Arose in the Courtroom over a Logo on the Robe of Nuon Chea’s International Co-Lawyer Andrew Ianuzzi***

Before President Nonn could direct attention to the witness, however, National Civil Party Lead Co-Lawyer Pich Ang stood and announced, “The defense counsel Iannuzi, who was on his feet, has a sign on his robe that is commercial or something. I’m not sure what it means, if it is a commercial logo on his robe or not. Usually Counsel is prohibited to wear such a commercial logo.”



While members of the Chamber and the public gallery squinted and stretched their necks to get a better look, Mr. Ianuzzi retorted, “It is an ideological logo. It has nothing to do with commerce.”

“International could you please stand?” President Nonn asked firmly. After looking at the logo for a few seconds he instructed Mr. Ianuzzi to remove it. “The robe,” President Nonn continued, “is to be worn by judicial personnel during proceedings. Besides the assigned robe you are not allowed to wear any logo on your robe.”

Mr. Ianuzzi replied to President Nonn, “Your Honor I would rather not remove it voluntarily. If you’re ordering me to remove it,” he continued, “then I certainly will.”

“Yes! You are ordered to remove it now!” President Nonn replied firmly.

Mr. Iannuzi sat down and slowly removed the logo. Members of the public gallery were still trying to decipher the logo’s meaning while he peeled it off.

Moving on, President Nonn proceeded to address the witness.

***DK Commune Chief Recalls Nuon Chea Instructing Leaders about Establishing Cooperatives***

The witness Yun Kim, alias Kham, sat in the witness stand, having entered the Chamber unnoticed as the sticker issue erupted. A petite, thin man, he was dressed in a gray, wool-blend suit with a baby blue button-down collared shirt.

According to his testimony, Mr. Kim is 70 years old and was born on April 9, 1942 to his father, Yun Hak, and his mother, Tham Chrey. He and his wife, Long Eng-Sieng, currently reside in Watanak village in Sambo district, Kratie province where he served as commune chief and did rice farming. They had seven children, six sons and one daughter.

The witness confirmed that he was not related to any parties involved in the proceedings and that he had taken an oath. He informed the Court that he had interviewed with the Office of the Co-Investigating Judges (OCIJ) twice, the second time in Chrey Bantthey village.

Once President Nonn concluded his line of preliminary background questions, he handed the floor to National Deputy Co-Prosecutor Seng Bunkheang who began his examination on behalf of the prosecution.

Mr. Bunkheang asked the witness straight away if he had seen any members of the Communist Party of Kampuchea (CPK) in Kratie province before or during the time of Democratic Kampuchea (DK).

“During the time when I worked there,” Mr. Kim responded, “I could not grasp the situation. However,” he recalled, “in 1973 Nuon Chea came to Dah Commune in Kratie province.” In Sector 505, Mr. Kim elaborated, Nuon Chea convened a meeting composed of all of the commune chiefs within Kratie province. At the meeting, Nuon Chea gave instructions on the establishment of cooperatives. “He told us not to be too anxious to establish the cooperatives straight away,” Mr. Kim continued, “that we should create mutual assistance groups.” However, Nuon Chea also gave instructions on establishing low-level and high-level cooperatives, which would come later; he warned them “not to create any community.”

Mr. Bunkheang asked Mr. Kim if Nuon Chea gave the commune leaders any reasons for creating the “mutual assistant groups.” Mr. Kim said that because of the “war torn situation and lack of instruments and tools,” Nuon Chea advised that “we should gather to collect the forces in the mutual assistant groups so we could survive.”

“After Nuon Chea gave some education to the people,” Mr. Kim continued, “the process of establishing the cooperatives was underway.” In Kratie province, the cooperatives were established “gradually” and continued to function until 1979.

### ***Witness Yun Kim Discusses Cooperatives, Study Sessions, and Party Purges***



Mr. Bunkheang inquired about the structure of the cooperatives. Mr. Kim, who was the commune chief of Watanak from 1971 to 1976, said cooperatives were initially under the supervision of the sub-districts. After 1976, the cooperatives became “mixed,” receiving evacuees composed of two classes of people: those evacuated from the “long liberated communes”

and the “17<sup>th</sup> of April people.” During the early stages of cooperative development, no classification of “new people” existed.

Moving to the issue of party arrests, Mr. Bunkheang asked Mr. Kim if he could recall party leaders ordering arrests during his time as a commune leader. Mr. Kim replied, “When I was in charge of Sambo district, there was an order from the district committee to take Ta Ny, the former district chief...Later on I learned he never returned. He just disappeared. I believe that he was arrested.” Mr. Kim was not aware of any other specific arrests.

Referring to one of Mr. Kim’s OCIJ statements, Mr. Bunkheang reminded Mr. Kim that he had mentioned a man named Ta Khin, in charge of the economy division in Kratie district. “In 1978 there was a huge number of arrests,” the witness explained. “In my district, Sambo district, all the commune chiefs were arrested ... And the military came to be in charge.” After several district secretaries and committee members were arrested, two individuals named Youn and Chhouk were put in charge. Chhouk, he added, became the deputy secretary of Sambo district.



*Nuon Chea visiting the countryside*

Mr. Kim served as the chief of B-3 as his final position under the DK regime. B-3, which was initially a holding facility for arrested cadres, became a dormitory of sorts for young people evacuated from the countryside. After the cadres were removed, the witness explained, the young people were transferred and put under military supervision. “But the military was too harsh,” Mr. Kim continued, so he was called to supervise them.

Mr. Bunkheang moved on, asking Mr. Kim if he had ever attended any political sessions. “I attended several sessions with the district and province leaders,” the witness replied, although he never attended any political sessions in Phnom Penh. Asked if he was given “course materials” during these sessions, the witness replied, “During the study sessions, I studied the *Revolutionary Flag*.” Although Mr. Kim did not know the specific individual responsible for its production, he said, “I know that the party center managed the publication of the *Flags*.” He could not comment on the frequency of the publication, however, because he was only handed copies of the magazine when he attended committee meetings. Only the district leaders were given copies of the magazine to assist in “guidance” of the people.

Mr. Bunkheang thus concluded his examination.

### *Witness Yun Kim Discusses His Duties as a DK Commune Chief*

International Assistant Prosecutor Dale Lysak took the floor for the remainder of the day's proceedings.

Mr. Lysak began his examination inquiring about the witness's initial involvement with the CPK. "I joined the CPK in 1971," Mr. Kim explained. "The person who introduced me was Chat, the Secretary of Sambo district."

Mr. Kim proceeded to provide the Court with a brief timeline of his life before DK. He was born in Krouch Chhmar district in Kampong Cham province in 1942. In 1950, Mr. Kim explained, there was "instability in the country" and a group of men, as well as the police, attempted to extort money from his father. To escape the situation, he and his family left Krouch Chhmar, moving a few times until they ended up in Watanak village in Kratie province in 1962. He has lived in Watanak since then. Before 1971, Mr. Kim added, Watanak was in Kampong Cham commune, located on the west side of the Mekong River; Sambo district in Kratie province was located on the east side of the Mekong.

Sambo district, Mr. Kim explained, was a part of Kratie province, a region inside Sector 505. Kratie province was composed of three districts: Sambo district, Kratie district, and Snuol district. Sambo district was composed of nine communes.

Mr. Lysak inquired about Mr. Kim's duties as a commune chief. Mr. Kim said that his role as a commune chief was to "maintain order" and "pay great attention to the health issues of the people." There were hospitals, he continued, although they were not able to provide "sufficient medicine." As commune chief, Mr. Kim reported to the district level. As chief of Watanak commune and later Sambo commune, he reported to the Sambo district chief, a position filled by a number of persons throughout the reign of DK. When the witness was first appointed as commune chief, Chat was the chief of Sambo district. A man named Phan, however, replaced Chat, and a man named Ny subsequently replaced Phan. A man named Voeun replaced Ny as Sambo district chief in 1978, after Ny was arrested. Voeun remained in that position until the Vietnamese invaded in early 1979.

Returning to the subject of meetings and political sessions that Mr. Bunkheang had briefly touched upon, Mr. Lysak asked Mr. Kim what types of meetings he attended in his role as commune chief. Mr. Kim said he attended district level committee meetings. In addition to those, he also attended 15-day annual study sessions. The attendants at the annual study sessions included district committee members, sub-district committee members, and occasionally village committee members. Members of district and lower level offices, including military offices, also attended. The content of the meetings, Mr. Kim recalled, was extracted from the *Revolutionary Flag* magazine. The magazine, Mr. Kim added, was "not widely distributed," and only two copies were provided to each district committee. If he had wanted to read the magazine at any time other than the annual study session, he would have had to travel to the Sambo district committee office to do so.

***Witness Yun Kim Discusses the State of Affairs within Kratie Province during Liberation***

Moving on, Mr. Lysak asked about the structure of Sector 505. A man named Kang, Mr. Kim replied, was the head of security for Sector 505 and a man named Moen assumed the position of Sector 505 secretary after the arrest of Ye. Sector 505, he continued, “was autonomous and under the direct control of the center.” “It was at the northeast zone initially,” he explained, “Later on it was separated from the northeast zone to become an autonomous sector.” The separation, Mr. Kim recalled, occurred in late 1976 or early 1977.



Mr. Lysak asked what the difference was between sectors that were part of a zone and sectors that were autonomous. Mr. Kim replied, “A sector within the zone level had to communicate to the zone level, but an autonomous sector would communicate directly to the center in Phnom Penh.”

Mr. Lysak proceeded to ask Mr. Kim about the state of affairs in Kratie province, particularly whether he had noticed a change in management after liberation. Mr. Kim explained that Kratie province was liberated about two months after Lon Nol’s coup d’état in April of 1970. At that time, Mr. Kim added, the markets were still functioning. The only issue, he commented, “was the transportation of goods.” Mr. Kim was unable to recall the time in which the party leaders changed their policy on keeping the markets open in Kratie province.

To help refresh the witness’s memory, Mr. Lysak then requested permission to present to the witness an excerpt from a *Revolutionary Flag* issue. President Nonn acquiesced and instructed the court officer to hand a copy of the excerpt to the witness.

Mr. Lysak proceeded to read the following passage from an issue of *Revolutionary Flag*: “The Kratie market was approximately the same as before [describing the year 1971]. Hondas were circling back and forth ... As for us, we were still acting as policemen as in the Sihanouk era, the Lon Nol era ... this could not clearly serve the needs of the people...the businessmen were the masters.”

“Does this recollect your memory that there was concern within the party about the markets continuing to be open in Kratie?” Mr. Lysak asked. Mr. Kim responded, “I did not receive any instructions. We were based at a far distance from the markets.”

Although he could not recall when the markets closed, Mr. Kim said he believed money stopped being circulated around 1974. After 1974, he explained, a barter system came into place. “It is common sense that when money is no longer circulated, the market would have to be closed,” Mr. Kim reasoned. When communal eating was implemented, there was no longer any need for any form of currency.

***Mr. Lysak Questions Witness Yun Kim on the 1973 Meeting with Nuon Chea***

Mr. Lysak moved discussion back to the 1973 meeting with Nuon Chea that Mr. Kim had discussed earlier in the morning with Mr. Bunkheang during his examination. The witness elaborated, informing the Court that the meeting was held in Da village and lasted approximately one day. The content of the meeting, as Mr. Kim explained earlier, concerned the structure of cooperatives. Nuon Chea discussed three groups, or stages, or cooperatives: mutual assistant groups, low-level cooperatives, and high-level cooperatives.

Mutual assistant groups, Mr. Kim explained, were comprised of five to 10 families. Low-level cooperatives were slightly larger; in these cooperatives, people worked together, sharing tools and livestock. In high-level cooperatives, “everything had to be placed collectively.”

The witness informed the Court that his superior at the time, Ta Chat, the district Secretary of Sambo, did not want to follow the implementation procedures handed down by the upper echelon. Because the witness was under the direct authority of Ta Chat, he had no choice but to comply with Ta Chat’s instructions. Ta Chat was later arrested, the witness continued, but not because he disobeyed party orders; he was “arrested due to his moral issues with women.” “Some women died as a result,” the witness elaborated. “One woman at the district level who died in 1971 or 1972 was strangled. And it was rumored that she was raped by Ta Chat. So he was arrested later on and taken to Kratie.” He believed this occurred at some point in 1976.

Returning the focus to the 1973 meeting with Nuon Chea, Mr. Lysak asked Mr. Kim if he recalled any discussion of military matters. Mr. Kim replied that they briefly discussed the “enemy,” but that “the main theme of that one-day meeting was the organization of the cooperatives in the Kampuchean society.”

“Who was ‘the enemy’?” Mr. Lysak inquired. “The enemy at the time,” Mr. Kim explained, “were the Lon Nol forces, backed by the American Imperialists.”

Other than the 1973 meeting, Mr. Kim was unaware of any other occasion before 1975 that Nuon Chea came to Kratie province.

### ***Commune Leaders Reported about “Enemy Situations” in Weekly Committee Meetings***

Mr. Lysak then moved discussion to the subject of evacuations that occurred when the Khmer Rouge took power in 1975. “Prior to 1975,” Mr. Lysak inquired, “were there any ‘movements’ within Kratie province, specifically movements of people being transferred from towns to cooperatives?”



“In my commune, people were not moved,” Mr. Kim replied. “As for the Cham Muslims ... they were transferred from other areas ... As for the people in the entire province, I did not know...” Mr. Kim said he was living in Watanak commune on April 17, 1975. After that time, he explained, he witnessed city evacuees arrive at Sambo district by boat. In his own commune, Mr. Kim recalled, 30 to 40 Cham Muslims arrived from Svay Kambit or the Trabe area. By the time he became chief of Sambo commune, however, the “17<sup>th</sup> of April people” had

already been settled. In late 1977 and early 1978, however, when he became head of B-3, he saw evacuees arrive from Ta MOUNG commune in Memut District, Kampong Cham province.

Mr. Lysak proceeded to inquire about the communication structure between communes and districts. Mr. Kim informed Mr. Lysak that he rarely sent written reports to district leaders. As a commune chief, he explained, he usually reported orally in person. There were weekly meetings among commune leaders during which they would report about “the enemy situation,” “production,” and the “health” of the people, Mr. Kim continued, and there was no need for “regular invitations” to these meetings. Because the meetings were held regularly, future meetings were simply planned at the conclusion of each gathering.

Mr. Lysak asked Mr. Kim to explain what he referred to as “the enemy situation.” Mr. Kim explained that the commune leaders would report suspicious and/or counterproductive behaviors of any individuals within their constituency to district officials in these weekly meetings. However, Mr. Kim added, “I found it difficult to find an enemy in my eyes. I only saw people working.” Although he never reported any enemies within his village, other commune chiefs reported “enemies” frequently.

Those who were “lazy” or “careless” in their duties were considered “enemies,” the witness explained. “Most of the reports talked about the lazy work force, about the carelessness of carrying out the work,” he elaborated. “Also foul speech was reported. For example, ‘that the Revolution was too strict.’ For example, people were woken up at 3:00 a.m. And that was strict. And in that case, perhaps the food was not sufficient enough in that commune.”

When Mr. Lysak asked if those who opposed the party or the party’s policies were also considered enemies, Mr. Kim responded firmly, “Nobody dare opposed the party’s lines.”

***Witness Yun Kim Discusses Annual Study Sessions and Party Policy on Religious Practice***

The second kind of meeting Mr. Kim attended were the annual study sessions. Mr. Kim informed the Court that these sessions were conducted at Antong Vien village in Kratie province and were chaired by the sector committee. In his sector, Ta Ye and Ta Kuon were part of the Sector 505 committee. Ta Ye, Mr. Kim recalled, lectured on the economy and Ta Kuon made presentations on security issues. The content of these meetings, however, varied and depended upon the political and social circumstances at the time.

Before the liberation, for example, the study sessions concerned Lon Nol and the Americans. However, after the liberation, the study sessions focused on the Vietnamese. In 1974, Mr. Kim explained, the Vietnamese troops retreated to their country and Vietnamese civilians were forced to return with them. Only those who married Cambodians were allowed to remain, he continued. In Sambo commune, Mr. Kim recalled two Vietnamese villagers who married Cambodians. He said they lived without any problems, adding that “later on they passed away, but their children still lived there.”

In addition to economic and security issues, Mr. Kim recalled discussion of the party’s policy on religion. Although he was advised to “educate the people,” he was also instructed to “avoid the Cultural Revolution” and not to “believe in any religion.” Buddhism, Mr. Kim said, “came to an



end in 1976.” Although there were a few monks still practicing in the middle of 1975, they were later moved to Oraing Ov. As of 1976, he explained, there were no more monks left in Kratie province. Although the majority of the pagodas were not destroyed, they were no longer used for religious purposes. Aside from those converted for party use, Mr. Kim added, “people in general were not allowed to enter them.”



*A Buddhist temple destroyed during the Khmer Rouge regime*

When Mr. Lysak asked Mr. Kim if he knew of pagodas being “dismantled or taken apart” for use in construction projects, Mr. Kim was able to recall one occasion where tiles from the roof of Sambo pagoda were taken to be used on a hospital.

In general, Mr. Kim concluded, “During the DK regime, no one practiced Buddhism. It was an end to Buddhism. No Monks, no religion.”

According to Mr. Kim’s testimony, Buddhism was not the only religion suppressed during the DK regime. When Mr. Lysak inquired whether the Cham Muslims were permitted to practice their religion, Mr. Kim responded, “With regard to religion, it doesn’t matter Buddhism or Islam, no one was allowed to practice their religion. They could have been doing so, but only in secret.” “In some cases,” Mr. Kim recalled, “the Cham were forced to eat pork.”

“Who was it that forced them to eat pork?” Mr. Lysak inquired.

“So far as I know it happened everywhere. Almost,” Mr. Kim responded. Some communes imposed stricter rules than others, he explained. The strictest of them prevented the Cham from eating Brahork. Because such restrictions did not exist in his commune, Mr. Kim could not provide further detail.

Mr. Lysak asked if the Cham were permitted to wear traditional Muslim attire. Mr. Kim responded, “During the DK period, when it comes to clothing or dressing ... everyone was seen wearing black shirts and trousers. The Cham people wore the same clothing as we did.” Although Cham were allowed to speak their own language at home, Mr. Kim added, “When they came to work they had to speak the Cambodian language.”

***Nuon Chea’s International Co-Lawyer Andrew Ianuzzi Informs the Court that the Logo he was Wearing Refers to “Dadaism”***

President Nonn interrupted Mr. Lysak’s examination, informing the Court that it was time to break for lunch. Before President Nonn adjourned the Chamber, however, Mr. Ianuzzi stood to make an announcement.

“Just to clarify for the record,” Mr. Ianuzzi stated, “‘DADA’ refers to ‘Dadaism,’ and that of course is the early 20<sup>th</sup> Century movement that rejected logic and reason in favor of nonsense, irrationality, and chaos. It does not, as was suggested over the break, refer to ‘Don’t Ask, Don’t Answer,’ although I would say that does seem to encapsulate this Chamber’s approach to our defense team quite well. Thank you.”

President Nonn granted Nuon Chea’s request to follow the remainder of proceedings from his holding cell and made no further comments before adjourning the Chamber for lunch.

***Commune Leaders Selected Women from their Villages to Fill Military Requests for Brides***

President Nonn called the Court to order promptly at 1:30 p.m. and handed Mr. Lysak control of the floor.

Continuing with the morning’s discussion of DK marriage policy, Mr. Lysak asked Mr. Kim to elaborate on the subject. Mr. Kim explained to the Court that the military would submit occasional requests to the districts for a certain number of women who would be given as brides to the soldiers. The commune chiefs would then search for the brides, Mr. Kim explained, but they did seek the women’s permission beforehand. Mr. Kim recalled one occasion in which twenty-five women volunteered to go to the military base and marry soldiers. Once the women were selected, a military representative would come and fetch them.



Each woman, Mr. Kim continued, was given a particular number that corresponded to a soldier’s particular number. Those who possessed corresponding numbers represented the couples who were to be married. Problems occasionally arose, however, when a soldier wanted a particular woman whose number did not correspond to his own.

Changing subjects, Mr. Lysak asked Mr. Kim about a brief hospital visit to Phnom Penh that he mentioned in his OCIJ interview. The witness explained that he had gone to the Kratie hospital in early 1977 because he was having difficulty breathing; however, because the Kratie hospital lacked sufficient resources to properly care for him, he was sent to Phnom Penh, where he received treatment over the course of one month. A doctor in Phnom Penh, Mr. Kim continued, diagnosed him with a “swollen nostril”; after receiving an injection, he recovered and subsequently returned home. Upon his return to Kratie province in February 1977, Mr. Kim assumed his new position as chief of Sambo commune.

***Witness Yun Kim Protected Villagers From Execution***

Mr. Lysak proceeded to ask Mr. Kim a series of questions regarding his transfer and duties as chief of Sambo commune. The witness informed the Court that Sambo district was “very chaotic” at the time; almost all district committee members had been arrested. Phan, the chief of Sambo district and the only committee member that had escaped arrest, asked for Mr. Kim’s assistance. Shortly after Mr. Kim arrived at Sambo commune, however, Phan was transferred to Kratie district and was subsequently arrested.

By the time he became chief of Sambo commune, Mr. Kim explained, commune leaders were instructed to classify their people into three groups: the first group were “base people”; the second group were “candidate base people”; and the third group were the “17<sup>th</sup> of April people.” Mr. Kim, however, informed the Court that he did not follow these instructions, believing such classifications would create friction within the communes, causing the “base people” to look down upon the other groups. Instead, the witness explained, he treated all of his people equally.

Mr. Lysak asked if everyone was made to write a biography. “Only people who were suspicious were made to write biographies,” Mr. Kim replied.

“Why were these people suspicious?” Mr. Lysak inquired. Mr. Kim explained that he was normally instructed to retrieve a certain individual’s biography if that individual was suspected of having some kind of connection with a previous regime.

Because he recognized many people within the Sambo commune who had been affiliated with a previous regime, Mr. Kim helped them survive by concealing their true biographical histories. “I never arrested anyone at all. I only did good things,” he concluded.

Mr. Lysak, presenting to Mr. Kim an excerpt from his OCIJ interview, read one of Mr. Kim’s statements to the Court: ““We were instructed to make their biographies ... The people for whom I made their biography included Lon Nol soldiers, civil servants, intellectuals, and ordinary business people ... I knew that whenever my predecessor found out an individual was a Lon Nol soldier, he had them killed ... When I became commune chief, I made false reports to cover up their background and instructed those people to keep their backgrounds confidential ... I also instructed them not to report on one another.”

Mr. Lysak asked for further clarification. Mr. Kim explained, “When I became chief of Sambo commune, there were ill reports concerning former Lon Nol soldiers ... and I was trying to calm this down and I tried to stop the reporting on one another. After all, everyone would be killed. It wouldn’t do any good.”

When Mr. Lysak asked Mr. Kim what would have happened if the upper echelon discovered he was tampering with people’s biographies, Ang Udom, the Cambodian Co-Lawyer for Ieng Sary, objected, arguing that the question was hypothetical.

President Nonn agreed, instructing Mr. Kim not to respond and requesting that Mr. Lysak rephrase the question.

Mr. Lysak asked, “Were you expected to follow the orders of the upper echelon as a commune chief?”

“In principal I had to listen to the orders rendered from the upper echelon,” Mr. Kim replied. However, I noted that if parts of the orders were too harsh to be implemented, I would try to ease this burden. The upper echelon was not as close to the local community as I was, and I could interfere in the situation on the spot.”

***Witness Yun Kim Discusses Epidemic of Cadre Leader Purges in the Final Years of DK***

Mr. Lysak proceeded to ask Mr. Kim about his final years under the DK regime. In late 1977, Mr. Kim began, Sambo commune was divided into two cooperatives, Srae Khoean cooperative and Sambo cooperative. This occurred because Sambo commune had become so large it was difficult to properly administrate, he explained. Srae Khoean cooperative, he recalled, consisted of approximately 3,000 people. Sambo cooperative, however, was much larger. Mr. Kim was appointed chief of Srae Khoean cooperative and remained in that position until June 11, 1978, when he was called by Youn to take charge of a B-3 unit of youths. This was the same time Voeun became the secretary of Sambo district.

There were two security offices in Sambo district, Mr. Kim continued: one at Brasral and the other at Kok Kduoch. Kok Kduoch was located in Keng Brasat village about two kilometers from the riverbank. The Brasral security office was located about five kilometers from the downtown of Sambo district. Mr. Kim did not know if the sector had its own security office.

A man named Ol Samon, who had been in charge of Sambo district security, was taken to Kol Kduoch and executed in late 1977 or early 1978. Chea Cheang replaced him as head of Sambo district security. However, Chea Cheang was also arrested and executed some time later. The person who had implicated Chea Cheang was later found to have falsely confessed; he was arrested and executed as well.

Mr. Lysak asked Mr. Kim to describe the way the arrests occurred. “I don’t know about the arrest of ordinary people but when it comes to the arrests of cadres, a meeting would be convened,” Mr. Kim explained. “And when certain persons where not allowed to leave after the meeting,” he continued, “it was suggested that they had been arrested.”

Mr. Lysak proceeded to question Mr. Kim on a number of names he had mentioned in his OCIJ interview while discussing sector and district level purges.

In 1978 the military controlled the area, Mr. Kim explained. They came in and performed extensive arrests and purges of upper level cadres, including district and commune committee members. Ye, the secretary of Sector 505 until 1978, was arrested while traveling to Phnom Penh. Many district and commune leaders, however, escaped arrest by fleeing into the forests, Mr. Kim further explained.

“Who are you referring to by the military?” Mr. Lysak inquired.

“At that time the military wore a green uniform. I cannot recall which zone they came from,” Mr. Kim replied. “They used the word ‘nhaom’ to speak to the people,” he added.

Mr. Lysak informed the witness of the following documents within the prosecution’s case file: an S-21 document from February 1978 containing the name Ban Saroeun alias Kong; an S-21 prisoner list dated March 21, 1978 containing the name Khuon Kuon; an S-21 prisoner list dated March 15, 1978 and a confession dated February 23, 1978, both containing the name Ye, the confession also referring to him as Secretary of Sector 505. Mr. Kim responded that the records Mr. Lysak had referenced were consistent with his recollection; the time frame of the documents, he added, corresponded to that of the Sector 505 purges.

Regarding party purges within Sambo district specifically, Mr. Lysak asked Mr. Kim if he could recall what happened to Ny and Phoeun in early 1978. Ny, who had been the secretary of Sambo district, was arrested along with Phoeun, Mr. Kim responded. Although they were able to escape, he continued, the two disappeared shortly after their return to Sambo.

Their arrests, Mr. Kim recalled, were made during a district committee meeting. Both had been “on the run, but an appeal was made by the district committee to come back so they returned to the meeting.”

“Were they arrested at this meeting?” Mr. Lysack inquired.

Mr. Kim responded, “They were allowed to sit in a hall ... The meeting was conducted without their presence. Later on when the meeting was concluded, they were arrested ... At that time Voeun was the chief of Sambo district and Chhouk was the chief of the district military.”

Mr. Lysak presented Mr. Kim with two more S-21 documents. The first document was an April 26, 1978 S-21 prisoner list containing the name “Pong Ny.” Mr. Kim confirmed the name to be that of Ny, the former Sambo district chief. The second document contained the name Ea Saray alias “Phoeun” from Sambo district, who had entered S-21 on April 11, 1978. Mr. Kim also confirmed that Ea Saray was the Phoeun whom he had referred to. As with the Sector 505 purges, Mr. Kim informed Mr. Lysak that the documents were consistent with his recollection.

Mr. Lysak also presented the witness with another S-21 prisoner list containing the name “Chhy Hor,” alias “Phan,” who was recorded entering S-21 on March 22, 1978. Mr. Kim confirmed that “Chhy Hor” was “Phan,” the man who replaced Ny as chief of Sambo district and was subsequently transferred to Kratie district. Phan, Mr. Kim recalled, was arrested soon after Sector 505 officials Ye and Kuon.

Mr. Lysak asked Mr. Kim who replaced all the cadres who had been removed. Mr. Kim said a man named Moeun became Sector chief and a man named Khun was put in charge of the military. In Sambo district, two men, Voeun and Chhouk, were sent as replacements. Mr. Kim did not know who sent them or where they came from.

When Mr. Kim could not recall information concerning problems with Vietnamese forces in late 1977, Mr. Lysak presented him with an excerpt of *Revolutionary Flag*. The excerpt concerned

treason among DK military forces. Mr. Lysak read: “among the units of org of the east one battalion in every regiment was assigned to attack us from behind and in each district a company was assigned to attack us from behind too. It was the same in Kratie ... We have smashed the traitorous leading apparati throughout the country together with their faction. Concretely the traitorous forces in the East, Northwest and West zones in Phnom Penh, in 103, in Kratie, and in Sector 25.”

“You knew many of the people arrested. Did you believe any of them were actually traitors?” Mr. Lysak asked.

Mr. Kim replied, “I understand that not everyone was a traitor because I used to live with them. For example, Mr. Phan and Mr. Ny. Particularly Mr. Phan, who was exemplary in carrying out his tasks ... It was difficult for me to comprehend. I myself was concerned about my safety but I was vigilant and careful. I don’t believe that everyone that was arrested was a traitor. I believe some mistakes were made.”

### ***B-3 Used as a Detention Facility for Upper Level Arrested Cadres***

Regarding B-3, Mr. Kim explained, “Cadres who were accused of being traitors were gathered up and placed in B-3 ... I did not know when they were sent there. I did not know of the existence of B-3 until the time I was called to be the chief of B-3.”

Mr. Lysak asked the witness to describe the B-3 site. “There were four hectares of rice field plots,” Mr. Kim began. “I was instructed to clear 100 hectares of farmland by June 1978. But we did not have sufficient tools ... So I requested that three ironsmiths be brought in to make tools for us ... I also requested 30 or 40 elephants as well. They gave me twelve ... And then we cleared forty hectares of land ... Then I requested additional forces to clear the land.”

“Was B-3 under the control of the military the entire time that it was used as a detention office for cadre prisoners?” Mr. Lysak inquired. Mr. Kim responded, “The cadres regarded as prisoners were under the control of the military and Sarin. However, Sarin could not handle the male and female youths, so I was called to take his place.”

Mr. Kim recalled approximately 200 youths from Tromoung sub-district, Memut district, Kampng Cham province who were later transferred to B-3. Tromoung, Mr. Kim added, was in the east zone. He did not know the “clear reason” for their transfer; “to me they were skinny and malnourished. Many of the parents of the youths were also sent to live in Sambo district ... I was told the youths from Tomoung would come and stay at my site ... But later on they were sent away ... They arrived in August but by October they had all left.”

As the last matter of inquiry for the day, Mr. Lysak referred to another S-21 document, a list of 22 prisoners, mostly Sector 505 commune and cooperative chiefs, who entered the prison less than a week before the fall of the DK regime. Presenting the list to Mr. Kim, Mr. Lysak asked if he recognized any of the 22 names.

Mr. Kim recognized one name from the list, a man named Sambath from Sombok district. Mr. Kim explained that he heard of large arrests occurring within Sambo district, but did not personally know many of those arrested because no arrests occurred in his commune.

Mr. Lysak referred Mr. Kim's attention to another page of the S-21 prisoner list, a page containing the name Huon Yeng, identified as the Secretary of Kratie district, and Chhum Chin, alias Phorn, from Snuol district. Mr. Kim stated he did not know either of them but had heard of Huon Yeng.

Thanking Mr. Kim for his patience and participation, Mr. Lysak informed the Court he was finished with his examination.

President Nonn, informing Mr. Kim that his testimony had not yet concluded, announced that proceedings would resume the following morning, Wednesday, June 20, 2012 at 9:00 a.m. with Civil Party examination.