



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 04-Jun-2012, 09:16
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 May 2012

Trial Day 64

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Michiel PESTMAN
Jasper PAUW
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Matteo CRIPPA
DAV Ansan

For the Office of the Co-Prosecutors:

CHAN Dararasmeay
Vincent DE WILDE D'ESTMAEL
VENG Huot
Dale LYSAK

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
VEN Pov
KIM Mengkhy
TY Srinna
Laure DESFORGES
Barnabé NEKUIE

For Court Management Section:

UCH Arun

INDEX

MR. NY KAN (TCW-487)

Questioning by the President.....page ^^

Questioning by Mr. Chan Dararasmey.....page ^^

Questioning by Mr. De Wilde D’Estmael.....page ^^

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NY KAN (TCW-487)	Khmer
MR. PESTMAN	English

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 During this week, as scheduled for the hearings, the Trial

6 Chamber is going to hear the testimonies of witness TCW-487. If

7 the Chamber is not possible to hear this witness, then we proceed

8 to another witness, TCW-488 or TCW-321.

9 [09.08.53]

10 Before we proceed, greffier of the Trial Chamber is now invited

11 to report on the attendance of the parties to the proceedings.

12 THE GREFFIER:

13 Mr. President, Your Honours, all parties to the proceedings are

14 present except Mr. Ieng Sary, who is present, but is at his

15 holding cell. Mr. Ieng Sary has waived his right to be present in

16 the courtroom.

17 The witness, who is TCW-487, is present at the waiting room,

18 awaiting call from the Chamber. Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you.

21 Today, as Mr. Ieng Sary has waived his rights to be present, in

22 person, in the courtroom and he has already produced the written

23 waiver, he will be following the proceedings from his holding

24 cell through a remote participation, the cell in which the AV

25 equipments are connected, so that he can observe the proceedings.

1 [09.10.39]

2 Before we summon the witness or call the witness in, we would
3 like to make the decision concerning the document D366/7.1.188.
4 During the hearing on the 23rd of May 2012, the Trial Chamber
5 sought clarifications from the Co-Prosecutors with regard to
6 document D366/7.1.188 entitled "Statute of CPK Youth League". The
7 Co-Prosecutors intend to refer to this document during the
8 testimony of witness TCW-487.

9 From a preliminary review of the case file, it appeared that this
10 document was not included in the Co-Prosecutor's initial lists of
11 documents relevant to the trial, filed in April 2011, document
12 E9/31, and July 2011, document E109/4, respectively.

13 [09.12.30]

14 Further to the clarification given by the Co-Prosecutors during
15 the hearings on the 23rd of May 2012, the Chamber now confirms
16 that this document was included in both the Co-Prosecutors'
17 initial lists of documents as it is included in Annex 2 of
18 document E109/4.

19 This document should also have been assessed by the Chamber in
20 its decision E185 on the admissibility of documents proposed by
21 the Co-Prosecutors as relevant to the trial.

22 The Chamber has, therefore, reviewed document D366/7.1.188 in
23 light of the principles enunciated in its decision 8185 – rather
24 8185, and considers it to be -- to have been put before the
25 Chamber.

3

1 Accordingly, as soon as practicable, this document will be
2 assigned an E3 reference number and, in the meantime, the
3 document will be -- or will continue to be referred to as
4 D366/7.1.188.

5 The greffier - or, rather, the court officer is now instructed to
6 bring the witness in.

7 (Witness enters courtroom)

8 [09.15.41]

9 Good morning, Mr. Witness.

10 Before we proceed to hear your testimonies, the Chamber would
11 like to give you some instruction concerning the use of the
12 microphone and how you respond to questions.

13 You are advised to only respond to questions when your mic is
14 activated or wait until you see the red light on the mic before
15 you proceed with your responses. Otherwise, your statement could
16 never be rendered by the interpreters. If you pause a little bit,
17 then you would notice the red light on the mic.

18 QUESTIONING BY THE PRESIDENT:

19 Secondly, we would like to ask you a few questions concerning
20 your background.

21 Q. What is your name?

22 MR. NY KAN:

23 A. Mr. President and Your Honours, my name is Ny Kan, alias Kan.

24 Q. Thank you.

25 [09.16.51]

4

1 How old are you now?

2 A. I am 69 years old.

3 Q. Thank you.

4 Where do you live?

5 A. I live in Sampov Lun district.

6 Q. Thank you.

7 What is your occupation?

8 A. I am an advisor to the Ministry of National Defense.

9 Currently, I help the Party's work in Sampov Lun district.

10 A. Thank you.

11 [09.17.43]

12 What is your father's name?

13 A. He is Son Ny. He was deceased.

14 Q. What is your mother's name?

15 A. She was Son Soeung.

16 Q. What about your wife's name?

17 A. Lum Kim Sat (phonetic).

18 Q. How many children do you have?

19 A. Three children.

20 Q. Thank you.

21 [09.18.36]

22 Mr. Ny Kan, according to report by the greffiers of the Trial
23 Chamber, you have no relation with any party to the proceedings
24 including the civil parties and the three accused persons; is
25 that correct?

5

1 A. Yes, it is, Your Honours.

2 Q. Before you came here, had you already taken an oath?

3 A. Mr. President and Your Honours, I have already taken an oath.

4 I took it four days ago.

5 Q. Thank you.

6 Mr. Ny Kan, as a witness before this Chamber, you have the right
7 not to respond to any questions -- or, question that lead to
8 self-incrimination. This means that, if your statements are
9 self-incriminated or the statement can -- that may result in the
10 prosecution against you, you can refrain to do so.

11 You are here asked to respond to questions concerning your
12 experience -- what you witnessed, what you saw, and tell the
13 Court the truth.

14 Indeed, you are allowed not to self-incriminate yourself.

15 Do you understand this?

16 MR. NY KAN:

17 Mr. President, yes I do.

18 MR. PRESIDENT:

19 The Chamber has assigned a duty counsel to assist you during the
20 course of your testimonies before this Chamber. The duty counsel
21 is here to help you when self-incriminating questions or
22 responses are to be given -- then counsel will be ready to assist
23 you. And you have the right to this counsel.

24 [09.21.25]

25 Next, we would like to proceed to the Prosecution to begin with

6

1 the questions to this witness before other parties. You may
2 proceed.

3 QUESTIONING BY MR. CHAN DARARASMEY:

4 Good morning, Mr. President. Good morning, Your Honours, and the
5 witness. Good morning to everyone in this courtroom and also
6 outside the courtroom. Good morning, Mr. Ny Kan. As the National
7 Co-Prosecutor, I will be putting some questions to you concerning
8 what you saw, what you heard during the regime of Democratic
9 Kampuchea.

10 [09.22.27]

11 Q. My first question is concerning your background of -- your
12 family background. How many brothers and sisters have you got?

13 MR. NY KAN:

14 A. I have two brothers.

15 Q. What are their names?

16 A. Number 1, Son Sen. Son Chhum, number 2.

17 Q. Could you briefly tell the Court the occupations or the roles
18 of your two brothers during the movement of the Democratic
19 Kampuchea?

20 A. I am not sure I can share with you the roles of my first
21 brother, Son Sen. I don't understand what he did clearly.

22 But I'm sure, concerning the roles of my second brother, who was
23 the ambassador to the - Korea, for a short while.

24 Q. Could you tell us from which year to which year did your
25 brother work as the ambassador to the North Korea -- or to the

7

1 Korean country?

2 A. Remember -- I don't remember that for sure.

3 Q. You said that you don't remember the roles of Mr. Son Sen.

4 [09.24.06]

5 Could you please be -- could you describe a little bit his roles
6 during the Democratic Kampuchea, just briefly?

7 A. I can understand that he was leading the army back then.

8 Q. Leading the army -- in which zone did he lead the army, and in
9 which year, please?

10 A. It was during the time when we attacked -- or we fight the
11 American imperialists.

12 Q. In which zone did he lead the troops to fight the Americans?

13 A. In general, he led the army in the area of Steung Treng and
14 downstream. And this mission ended in 1975.

15 Q. Do you remember the name of the division he was in charge of?

16 A. I don't remember.

17 [09.25.46]

18 I cannot recollect it.

19 Q. During the Democratic Kampuchea regime, do you remember what
20 roles your two brothers would have played?

21 A. As indicated, I only know the general roles of them. I know
22 that they were leading the army movement. That's all.

23 Q. I would like to know about your educational background from
24 1975 or before that. Could you please tell us how far you went to
25 school?

8

1 A. I finished junior high school in 1965.

2 Q. In which school did you finish that education?

3 A. I studied at Sisowath Junior High School, in Phnom Penh.

4 Q. Did you continue your education after that?

5 A. No, I didn't.

6 [09.27.22]

7 I became a teacher after that.

8 Q. In which school were you a teacher?

9 A. I worked as a teacher in Siem Reap province at a primary
10 school.

11 Q. From which years to which year were you the teacher?

12 A. I had been working as a teacher, briefly, because after the
13 practicum session, it took me one year already. And then, a few
14 years after that, I stopped teaching.

15 [09.28.13]

16 Q. May I ask you about your brother's name -- Son Sen? Did he
17 encourage you to join the revolution movement after your -- you
18 finished your education at the junior high school?

19 A. Normally, as the elder brothers, if he felt something was good
20 to advise us, then he would do so. And he did that in good faith.
21 He advised me to do good things.

22 Q. Did he advise or recommend you to join the revolution
23 movement?

24 A. Back then, the movement was the common one all across the
25 country. It's called the Common People Movement -- to join the

1 movement and go into the maquis forest. And we felt it was good
2 to do that, so we joined them.

3 Q. Did he tell you the reason behind asking you to join the
4 Maquis -- or, to go to the maquis forest?

5 A. At that time, we were told that we went to the maquis to fight
6 the enemy who invaded our countries and to protect the sovereign
7 of our country and to promote living condition of our people.

8 Q. You said that you were told to fight the invaders and enemies.

9 [09.30.25]

10 Who were they? Could you please be more precise on this?

11 A. They were the Americans and the Lon Nol people. That's all.

12 Q. Could you tell the Court why Lon Nol's people and Americans
13 were regarded as enemies? And did Son Sen ever talk about this?

14 A. My brother did never specify on this. But it was just a common
15 situation all across the country. Every teacher I worked with
16 shared the same sentiment.

17 Q. Did you know Mr. Son Sen go to the maquis before you or after
18 you?

19 A. I and my brothers were part -- or, parted ways.

20 [09.31.44]

21 I was in Siem Reap rural area when my brother was in Phnom Penh.

22 I did not know when he went to the maquis, because at that time
23 the information was highly classified. I could never know this.

24 Q. When in Phnom Penh -- or, do you know where he worked at -- in
25 which office, for example?

1 A. I could only recall some of the information concerning that
2 matter. I don't know what it is called now, but it was somewhere
3 close to the Independent Monument. It may be a pedagogy training
4 centre or so. It is somewhere around that place.

5 Q. When did you exactly join the revolution?

6 A. It was immediately after the coup d'état, in 1970.

7 Q. Can you be precise? From which year to which year did you join
8 the revolution?

9 A. I cannot recall it well, but it was sometime after 1970 coup
10 d'état. And then I remained in the revolution until the end of
11 the war.

12 Q. Thank you.

13 [09.33.27]

14 After you joined the revolution, you were part of the Front; is
15 that correct?

16 A. Yes, that is correct. Because, in my capacity as a teacher,
17 back then, the Front needed forces in order to proselytize. They
18 need people who are outspoken, people who can take notes of what
19 was going on. So I was needed at that time.

20 Q. What was the substance of the propaganda at that time?

21 A. The essence of the propaganda back then was that we had to
22 proselytize the people -- the popular mass -- around where we
23 were living, in order to ensure that they are self-reliant,
24 because we were applying the so-called "self-reliant,
25 independent, and self-mastery".

11

1 [09.34.50]

2 And, in addition to that, we united in order to go to any
3 battlefield.

4 Q. Just now, you said that you were part of the Front. What do
5 you mean by front?

6 A. I do not understand it, but my only understanding back then
7 was that we united all across the country. Both the senior
8 officials, down to the lower level, had to unite in order to go
9 to war.

10 Q. Can you clarify the structure of the Front? What was it like?

11 A. Your question is obviously beyond my knowledge.

12 Q. Thank you.

13 I move on to the next question: Did you become a Revolutionary
14 Youth of the Youth League?

15 A. No. At that time, I became what was called the Progressive
16 Mass, and we were in the propaganda teams.

17 Q. What do you mean by "Progressive Mass"?

18 A. It means, as I described earlier, we had to be very active in
19 proselytizing, and we did whatever we were given to do.

20 Q. What was the different between Progressive Mass and
21 Revolutionary Youth?

22 A. Progressive Mass referred to the lower-level masses. They were
23 a little above ordinary citizen.

24 [09.37.28]

25 Q. How about the Revolutionary Youth League?

12

1 A. To my understanding, "League" refers to an upper authority.
2 They are well above the citizens.

3 Q. The immediate -- immediately above the people or --? At what
4 level were they -- was it?

5 A. I am not clear.

6 Q. So you did not become a member of the Revolutionary Youth
7 League; is that correct?

8 A. No, I did not.

9 Q. Did you ever become a member of the Communist Party of
10 Kampuchea, then?

11 A. To my recollection, I was declared a member of the Communist
12 Party of Kampuchea sometime in late 1974. I cannot recall the
13 exact date.

14 Q. Why did you decide to become a member of the Communist Party
15 of Kampuchea?

16 A. No, I did not want to be a member. But it was not up to me. It
17 was up to the Angkar at that location. If they viewed that I had
18 necessary qualification to be a member, then I would be included
19 in the Party.

20 [09.39.38]

21 Q. What were the criteria to be member of the Communist Party of
22 Kampuchea in each locality?

23 A. Frankly, I cannot recall it well, but one of the criteria is
24 honesty and dedication to work; and good moral behaviour as well.

25 Q. You said that you did not join the Party on voluntary basis,

13

1 but instead the upper echelon or upper authority included you in
2 the Party. Do you -- can you recall the names of those up -- in
3 the upper authority who introduced you to the Party back then?

4 A. In each locality, there was a Party branch, and each branch
5 was responsible for each locality, and they oversaw the Party
6 activities.

7 [09.41.16]

8 But I did not know the composition of the branch and I did not
9 know how many members belonged to the branch as well. But they
10 discuss internally among themselves to judge on the qualification
11 to be met by new members.

12 Q. Who actually included you in the Party in the first place? And
13 where is he now?

14 A. The person who first introduced me to the Party was in the
15 propaganda committee, by the name of Seng (phonetic). He is
16 deceased. He was a teacher in Siem Reap province.

17 Q. What was the name of that branch and where was it located?

18 A. Branch was attached to the district and the propaganda unit.

19 [09.42.38]

20 In the general propaganda unit, where I belonged, I worked in
21 Siem Reap, and then the branch was located somewhere close to
22 that unit as well. But they were on mobile at that time. They
23 were not fixed in one particular place.

24 Q. Before they admitted you to the revolutionary movement, did
25 you have to go through political trainings or political

1 doctrination -- indoctrination?

2 A. Yes, I did receive political indoctrination and training.

3 Q. What were the objective of the political training or so-called
4 indoctrination?

5 A. As I said earlier, it was impossible to introduce or to simply
6 give the Party members documents; they had to train it. And as I
7 said, the main purpose was to educate people to be self-reliant.
8 And they propagandized in order to proselytize people to join
9 forces in order to go to war. And others are secondary
10 objectives. But the main objectives were the two I described
11 earlier.

12 [09.44.17]

13 Q. Where did the training take place, and how often were the
14 training conducted? And who was in charge of conducting the
15 trainings?

16 A. I did not remember how many trainings we had, but the trainer
17 was Seng (phonetic), as I described earlier -- Seng (phonetic)
18 who was the teacher.

19 Q. Where did that training takes place -- take place?

20 A. In time of war, for your information -- in times of war,
21 everything was on mobile in order to ensure our security.

22 Q. What was Seng's (phonetic) role in the revolutionary movement
23 or in the Communist Party of Kampuchea?

24 A. I did not know exactly, but he was the chairman of the branch
25 in that location.

15

1 Q. Did you know why Seng (phonetic) sent you to the political
2 training?

3 A. I did not understand it too well.

4 [09.46.13]

5 But it was -- it could have been the appointment by the upper
6 echelon. But I did not know at what level the authority came
7 from.

8 Q. How many trainees attended each training session?

9 A. At that time, the training was rather focused, and it was not
10 an open training for fear of security and others. And there were
11 around three or four members in each training session -- four,
12 five members.

13 Q. You said that it was rather narrow training with four or five
14 members in -- for fear of security.

15 [09.47.24]

16 What was the security like at that time?

17 A. Securities in that context was that we were in war. There were
18 air raids, and there were other issues as well. The issue were
19 interrelated. And, in addition, we did not know who was who
20 exactly, at that times, because it was the nationwide movement.
21 Everyone had to be self-vigilant.

22 Q. When you were attending the political training, did the
23 trainer provide any documents or materials for the trainees; for
24 example, the Party documents or any other documents? Did you
25 receive any materials or documents during the training sessions?

1 [09.48.30]

2 A. No. At that time, we did not receive any material. But we took
3 notes. We jotted down, and there was no published materials. They
4 talked, and then we had to jot down points that we found
5 important.

6 Q. Have you ever heard of the "Revolutionary Flag"?

7 A. "Revolutionary Flag" was a latter issue. It was sometime
8 around the time when the Vietnamese troops entered. But back
9 then, there was no "Revolutionary Flag".

10 Q. So you said that you learnt about "Revolutionary Flag"
11 sometime before the Vietnamese troops entered. But can you be
12 more precise? Where did you hear it and how did you hear about
13 "Revolutionary Flag"?

14 A. Those who conducted trainings or education sessions with us,
15 they extracted portions of the "Revolutionary Flags" to introduce
16 to us. They extracted parts of the document in order to introduce
17 to us, but they extracted portion that is compatible with our
18 ability and roles.

19 [09.50.20]

20 Q. You said that Seng (phonetic) took parts of the lesson or
21 materials from the "Revolutionary Flag" to introduce in the
22 training session; is that correct?

23 A. No. Actually, Seng (phonetic) did not introduce the
24 "Revolutionary Flag" to us, but he took note some part of it and
25 introduced to them.

1 Q. Did you take note?

2 A. Well, they told us to jot down important points, but as for
3 the materials, hard copy materials, we did not receive.

4 Q. After you joined the Revolutionary Movement, now, from April
5 the 17th, 1975, to a later date, what was your role exactly?

6 A. My basic function remains the same. I was in charge of
7 propaganda, and that was based on the fact that I could read and
8 write, and I maintained this role until 1975, and then later on I
9 was transferred from the base to the Ministry of Foreign Affairs.
10 They actually placed me in the protocol function, but I did not
11 know the exact department of this role, and then I was in charge
12 of accompanying visitors. I accompanied visitors from Phnom Penh
13 to visit Siem Reap province.

14 [09.52.54]

15 We visited certain places for a week or so, and it took rather
16 long, one week or even longer because at that time the road
17 conditions were not good enough.

18 Q. Why were you transferred from the base as a member of the
19 Propaganda Committee to Ministry of Foreign Affairs? What was the
20 motive of your transfer?

21 A. I think you got it wrong, it was Ministry of Foreign Affairs;
22 it was not Ministry of National Defense. And to my understanding,
23 I think it was because I could read and write and I could do more
24 things over there in Ministry of Foreign Affairs, but I did not
25 know the exact reason because it was the decision of the upper

1 authority. At that time, information was highly secretive, so it
2 was the decision, whatever the upper authority decided we did not
3 dare go against them.

4 [09.54.30]

5 Q. Did you ever work in Siem Reap province?

6 A. Yes, there was an underground movement in Siem Reap. It was
7 secretive activities, but later on we proselytized with the
8 masses.

9 Q. When you were in Siem Reap to proselytize the mass, how long
10 did you work there?

11 A. (No interpretation)

12 Q. (No interpretation)

13 MR. PRESIDENT:

14 There is no French translation; Court Officer, please check with
15 the interpreting booth.

16 [09.56.33]

17 The National Prosecutor, you may proceed now.

18 BY MR. CHAN DARARASMEY:

19 Q. Witness, can you please answer the question I asked earlier?

20 You said you proselytized, or propagandized with people in Siem
21 Reap province. Which district did you propagandize? And how much
22 time did you spend there?

23 MR. NY KAN:

24 A. Mostly, I did it in Chi Kraeng district, in Kampong Kdei
25 commune.

19

1 [09.57.19]

2 Q. How much time did you spend there?

3 A. I spent around a year doing that job.

4 Q. Why did you target this district, Chi Kraeng district, to
5 conduct propaganda?

6 A. It was not my decision. I was a teacher in that location
7 that's why I had to do this job there as well.

8 MR. PRESIDENT:

9 I would like to remind the Prosecution that you should be more
10 precise on the period in which the question is asked. Because
11 without the specification of the period in your questions, then
12 the witness may not be -- answer the question correctly and
13 appropriately.

14 [09.58.48]

15 BY MR. CHAN DARARASMEY:

16 Thank you, Mr. President.

17 Q. When you were working in the Propaganda Committee, who was
18 your direct supervisor?

19 A. Seng (phonetic) was the chairman of the Propaganda Committee,
20 so he was my direct supervisor.

21 [09.59.40]

22 Q. Who was the main leader in your zone?

23 A. I don't know.

24 Q. When did the Revolutionary Movement liberate the urban areas
25 surrounding Siem Reap province?

20

1 A. It was a long time ago. It was more than 30 years ago and I
2 was not in charge as the commander of the military. I don't
3 remember this very well. I was just a person who did the
4 propaganda things.

5 Q. In your task in propagandizing, did you educate people to
6 understand the work of the Party or did you tell people more than
7 that, or did you happen to convince people to join the revolution
8 as well in your course of work?

9 A. They did not mention the Party's name, they referred mainly to
10 Angkar. So the content of the sessions would be well-connected to
11 the name of Angkar, rather than the Party's name. Angkar means a
12 lot like that. It may refer to the revolution.

13 [10.01.38]

14 A. Did Angkar promise anything? Did they promise to do something
15 for the people if they joined the revolution? Do you remember
16 this?

17 A. I think your question is repetitive, because I already
18 responded once that, the main essence of the propaganda session
19 is to fight the American Imperialists, to promote living standard
20 of the people, and to connect the people to the battle fronts.

21 Q. Thank you.

22 I would like to put questions to you concerning Sector 15 and
23 later on converted into Sector 32, in the West Zone.

24 Could you tell us where were you transferred to after you were
25 sent to the Ministry of Foreign Affairs?

21

1 A. After the Ministry of Foreign Affairs, no one transferred
2 anyone elsewhere. It was time when everyone had to be on a run.
3 Anyone who could flee then could do their best to escape as much
4 as possible. We fled to the West direction to the Thai border.

5 [10.03.38]

6 Q. Could you please clarify for us concerning your tasks at Siem
7 Reap? Where were you sent next, after you worked at Siem Reap,
8 before you had been sent to the Ministry of Foreign Affairs?

9 A. When I was removed from Siem Reap, I end up working at Sector
10 15 as an educator -- as a person who educate people using the
11 same content of education to - it means to attack the American
12 Imperialists.

13 Q. Can you tell us a little about Sector 15? What does it mean?

14 A. The number or the code name given to the sector was decided by
15 Angkar, and it was 15. I don't understand whether this 15 stands
16 for any other name.

17 Q. Could you tell us about the activities you would do at Sector
18 15?

19 [10.05.17]

20 A. So far as I recollect, Sector 15 is the battlefield in the
21 northwest of Phnom Penh near Oudong location. Their activities
22 were to fight in the battlefields, and I was one of the members
23 engaged in propagandizing.

24 Q. When did you arrive at the Special Zone?

25 A. I am not sure, but it is perhaps by late 1974.

1 Q. Where were you then?

2 A. I moved from one place to another, but it was somewhere near
3 the vicinity of Oudong area.

4 [10.06.36]

5 Q. Why did you have to move places?

6 A. I think the reason behind this is in short because of the war.
7 When people were evacuated I had to be with them. As you know,
8 people had to be moved time and again.

9 Q. Did you ever have any time to be working close to any of the
10 leaders of the Democratic Kampuchea?

11 A. As indicated, the secrecy was too high. The discipline was too
12 firm and as I said, I had to be given the tasks from other people
13 and I had to render the orders and I had no opportunity to be
14 close to them.

15 Q. How do you rank your position in the Democratic Kampuchea, the
16 position as opposed to the senior leaders of the Democratic
17 Kampuchea, from one to ten where could you be fit in?

18 [10.08.19]

19 A. I'm afraid I cannot do this, because I belonged to the Front
20 level, and the Front here has a broad meaning. It is the common
21 force and I cannot rank my level, whether it should be one, two
22 or three or else.

23 Q. Before Phnom Penh was liberated, there were some situations in
24 some sectors. What was your observation concerning the situations
25 in Sector 15 before it was converted to Sector 35? What was the

1 people's situation like?

2 A. My observation regarding this is that the people had suffered
3 from the war. When the war was over, we were obliged to feed the
4 evacuees, people who fled cities. This burden was well-shared. We
5 had to make sure that people had something to eat and we were
6 tasked with this.

7 Q. I would like to put to you some more questions concerning
8 Sector 15 in March 1974. You said you went there before March
9 1974. Can you tell the Court when, exactly, Oudong was liberated
10 from the Lon Nol's?

11 [10.10.43]

12 A. I don't remember this.

13 Q. Were you in the area when the -- when it was being liberated?

14 A. I moved from one place to another in that vicinity in Oudong,
15 and another district named Ponhea Lueu.

16 Q. What did the Revolutionary Army do after the liberation of
17 Oudong, according to your best recollection?

18 A. I remember clearly that the army joined the people to do
19 farming, digging canals and dams.

20 Q. So who made the decision to put the army to help the people do
21 farming and other tasks, civilian tasks?

22 A. No other people could have rendered such orders; decision
23 could have been made from the upper echelon. And the purpose of
24 this was to ensure that the policy to offer self-mastery,
25 self-reliance, be well-maintained.

1 [10.12.35]

2 Q. Were people in Oudong ever evacuated?

3 A. No, they weren't.

4 Q. I am asking to you again the same situation during 1974 -- or
5 March 1974.

6 If there were evacuations, where would people be evacuated to?

7 A. My understand -- my memory, if it serves me well, people were
8 evacuated to villages. And people could also make their own
9 decision to go where they preferred; for example, to be reunited
10 with their loved ones.

11 Q. What would be the reason, convincing ground, to tell to the
12 people for such evacuations?

13 [10.14.13]

14 A. I don't think I understand this, it's beyond my understanding,
15 but I know briefly that people were evacuated for security reason
16 because they were afraid that people would be bombarded by the
17 aerial bombings.

18 Q. What about food rations, did people have enough to eat or were
19 they concerned about food shortages?

20 A. People were afraid regarding the food shortages. However, my
21 observation is that food was shared among other people, though
22 they could not have enough to feed the influx of evacuees.

23 Q. Was the food distribution done voluntarily or forcefully?

24 [10.15.41]

25 A. It is a normal norm that instruction must be made or rendered

1 by Angkar to do so.

2 Q. People were afraid of the American aerial bombardments; that's
3 why people had to be evacuated from one place to another.

4 So how had the fear been in place? Until when did this fear fade
5 away?

6 A. The fear last only when the war was not over yet. When the war
7 was over, there was no more fear and people had - rather, had dug
8 some trenches to take shelter.

9 Q. Could you tell the Court whether people were classified into
10 classes, into categories, for example, enemies, potential enemies
11 or other classification in 1974?

12 A. As the person who was in charge of propaganda, I do not
13 recollect having been given such information, and I only was
14 given the information I expected to obtain as an educator, and my
15 task was to ensure that people were united and that I was asked
16 to ensure that people build the solidarity notion and we had to
17 share whatever we had.

18 Q. You said you went to Sector 15. Did you go there between March
19 1974 and April 1975?

20 [10.18.30]

21 A. I went there later. After Sector 15 was established, I would
22 go there. Sector 15 was regarded as the hot battle zone, and it
23 had to be rearranged, people had to be properly managed,
24 including the army, and only after things were set up, I then
25 went there. I don't remember the date exactly.

1 Q. So you don't remember having been there in between March 1974
2 and 15 April -- rather -- or April 1975; is that correct to say
3 so?

4 A. I was there in late 1974 when the fighting was still going on.
5 When the fighting was over, the sector was arranged and properly
6 managed and I went there to give education to people.

7 Q. Sector 15 -- what was its fate? Was it converted or joined
8 with other special zones?

9 A. When the war was over, Sector 15 was integrated into Sector
10 32. It used to be in the Special Zone, but now Sector 32. And
11 Sector 32 was under the supervision of the West Zone.

12 [10.20.46]

13 Q. Could you tell us also, when was Sector 15 integrated into
14 Sector 32?

15 A. So far as I remember, it was in late 1975 when this happened.
16 I can say that only after the war was over when this happened --
17 when the sector was integrated.

18 Q. Do you know how or why was it integrated into the new sector?

19 A. I don't understand this very well. I think it was about how to
20 manage the sectors, because, before the war, sectors could be
21 classified into more subsectors, to be able to control them
22 properly.

23 Q. Do you know when the first cooperative was established?

24 A. In Sector 15, back then, there was no cooperative; there was,
25 indeed, production groups. During the war there was no

1 cooperative.

2 [10.22.27]

3 Q. Could you tell us whether the cooperatives and production
4 groups were different groups?

5 A. I can tell you, according to my understanding -- whether it is
6 correct or not, it's up to your judgement. Production groups here
7 referred to the very low level group. For example, people could
8 be called to share the crops and production. But when it comes to
9 cooperatives, it is at a higher level. And again, I'm -- I think
10 the time frame was very short. Cooperatives were not properly
11 established when the Vietnamese attacked us. So, after the first
12 war was over, briefly, cooperatives were established. Then
13 another war was in place. So, when it comes to cooperatives and
14 production groups, I already explained, in the production groups,
15 people would share crops among ourselves.

16 Q. Who ordered the establishment of the cooperatives?

17 A. As indicated time and again, it was the upper echelon who made
18 that -- this decision. We called them the "Angkar Loeu", or upper
19 Angkar.

20 [10.24.16]

21 Q. What was the purpose of creating the cooperatives?

22 A. I don't understand this very well, but I think, in order to
23 implement the policy of the Party, to ensure that people could be
24 self-reliant and that we had to be self-mastery, and we did not
25 have to rely on the foreigners, could have been the objective

1 behind the establishment of the cooperatives.

2 Q. After 1975, did you ever witness pagodas being treated as the
3 worship -- the place where people could worship?

4 A. During the war, what I witnessed is that all pagodas, all
5 across Cambodia, were ruined by the aerial bombardment. The army
6 had to take refuge in those pagodas, and the monks became
7 soldiers. They joined the army. So, all together joined the
8 popular mass movement, and there were no more pagodas where
9 people could go and visit as the religious believers.

10 [10.26.14]

11 Q. Was there any prohibition or ban to religious practices, or
12 people going to pagodas?

13 A. To me, I have not heard or witnessed any ban -- prohibition --
14 concerning these religious practices. But the fact is that, when
15 there were no monks, when monks joined the revolution and the
16 army, there were no pagodas.

17 Q. Why were monks made to join the revolution? Did they join the
18 revolution voluntarily or at their own accord?

19 A. As indicated, it was a popular mass movement, even in the
20 song. The song really was about a person who is treated as the
21 best sons for the country, and you had to join the revolution.
22 And people were regarded -- or people regarded the sandal -- the
23 -- as the very prestigious -- or rather the very honoured objects
24 to wear.

25 [10.27.54]

1 Q. Did you ever witness underage people being encrypted or signed
2 up into the army?

3 A. I think my response would repeat -- would repeat itself. It
4 was part of the popular mass movement. Everyone -- women, men,
5 children, elderly people -- all had to join these common mass
6 movements.

7 Q. Who was in charge of the West Zone?

8 A. Ta Si was the person in charge.

9 Q. What was Ta Si's role at that location?

10 A. He was named the secretary of the zone.

11 Q. Who were members of the leadership committee of this zone?

12 A. As indicated already, the secrecy was very high. I know Ta Si
13 was the secretary of the zone, and I noted Ta Pal was also
14 involved, but I cannot really recall in which order could they
15 have been.

16 [10.29.48]

17 Q. Later on, what did Ta Pal and Ta Si do?

18 A. Ta Pal had to flee and he died. But I have no knowledge of
19 what happened to Ta Si.

20 MR. CHAN DARARASMEY:

21 Mr. President, since it is perhaps an appropriate time for the
22 adjournment, you may wish to call the adjournment.

23 MR. PRESIDENT:

24 Thank you. The Court will adjourn for 20 minutes.

25 The court officer is now instructed to assist the witness during

30

1 the break.

2 (Court recesses from 1030H to 1050H)

3 MR. PRESIDENT:

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

5 We will continue hearing witness Ny Kan and I now hand over to
6 the Prosecution to continue his line of questioning.

7 BY MR. CHAN DARARASMEY:

8 Thank you, Mr. President. I would like to continue my questions.

9 We will start from where we left off before the break.

10 [10.52.02]

11 Q. In Sector 15, did you notice any change in the structure or
12 composition of this sector when you were there and after you left
13 the sector?

14 MR. NY KAN:

15 A. When I was in that sector there was no change in the existing
16 structure.

17 Q. How many sectors were there in the West Zone after the Special
18 Zone was included in the West Zone?

19 A. In the West Zone, to my knowledge, consisted of Sector 32,
20 Sector 31; these were the two sectors. And as for Sector 37, I am
21 not sure so I cannot say it with certainty, but what I could say
22 is that there were Sectors 31 and 32.

23 [10.53.27]

24 Q. Can you elaborate on Sector Number 32? Where was it located
25 and what were the main tasks of this sector?

31

1 A. This sector was in charge of overseeing the base, normally a
2 sector comprised three districts. Oudong and Ponhea Lueu were the
3 former sectors which were included in this sector.

4 Q. Who was in charge of Sector 32?

5 A. Ta Pal was in charge of this sector.

6 Q. From what time until when did Ta Pal manage this sector?

7 A. He was in charge of this sector immediately after the war was
8 over when they incorporated Sector 15 into Sector 32. So when
9 Vietnam -- and then when Vietnam troops came in, it was
10 separated.

11 Q. How about Sector 31, who was in charge of Sector 31 and where
12 was it located?

13 A. The structure was identical to Sector 32, as well they oversee
14 the districts and Ta Sarun, to my knowledge, was the chairman of
15 the sector.

16 [10.55.46]

17 Q. You said the sector oversaw districts. Which districts did
18 this sector oversee?

19 A. I cannot recall it well but I can only recall Kampong Chhnang
20 district.

21 Q. Why did they incorporate or include Kampong Chhnang in Sector
22 31?

23 A. The reasons were nothing other than the division of
24 controlling area -- or administration area.

25 Q. When was he in charge of this sector?

1 A. I did not know it well because I came in at a later stage, so
2 I could not understand it well.

3 [10.57.09]

4 Q. How about Sector 37? You say that you could not recall it
5 well, but to your recollection where was it located and who was
6 in charge of Sector 37?

7 A. The mandate of this sector was the same as the two -- the
8 previous two sectors. It was tasked to manage the territorial
9 control and Koh Kong was part of this sector.

10 Q. Who was in charge of Sector 37?

11 A. I am not sure.

12 Q. When you got to the West Zone, who indoctrinated you?

13 A. As a matter of confidentiality, the zone secretary would
14 receive the training lessons from the upper authority and then
15 they continued to deliver it to the sector levels, and the sector
16 levels continued to disseminate the training to lower level
17 cadres.

18 Q. Can you recall who conducted political trainings for you?

19 A. Ta Pal was in charge of conducting this political training.

20 Q. What was Ta Pal doing and at what level was he in charge?

21 [10.59.40]

22 A. To my understanding, he could have been the second person of
23 the zone or the first person of the sector.

24 Q. What about Ta Si? You indicated before we broke that Ta Si was
25 also present in the zone; could you tell us the responsibilities

1 of these two individuals? Were they having different roles?

2 A. I would like to emphasize again that Ta Si was the Head of the
3 zone and Ta Pal was the second person to Ta Si, and Ta Pal was
4 also in charge of the sector.

5 Q. Have you ever heard the person by the name of Chou Chet, alias
6 Si?

7 A. The secrecy of the revolution was very high; I only know the
8 alias names, I never know the person's original names. I know he
9 was called Si.

10 Q. How Si influenced your education around the political
11 sessions?

12 [11.01.51]

13 A. By late 1974, early 1975, I was trained in the political
14 sessions concerning the notion of production rather than the
15 fighting of the American Imperialists. The content of the
16 training changed to efforts in irrigation systems, in producing
17 three crops per year, for example.

18 Q. When Ta Si came to provide political sessions, did you attend
19 the sessions alone with him or with other people?

20 A. The sessions were conducted where 300 to 500 individuals could
21 have attended and people were classified into different types of
22 sessions. If the sessions were meant for the general public, then
23 I would be allowed to join in as well as the ordinary villagers.
24 So there was no such policy where a session would only be
25 attended by two individuals.

1 Q. Regarding the open training sessions where people in general
2 could have attended and regarding the more narrow or smaller
3 political sessions, what -- why were they different and what is
4 the difference?

5 [11.04.09]

6 A. In practice, this is how things were dealt with. People would
7 be invited to join the common groups, and then smaller sessions
8 would be conducted just so that people could be monitored whether
9 they could implement the policy or not.

10 Q. During the time when you worked at Sector 15, had you ever
11 seen Ta Si working? Where was his office? What kind of tasks did
12 he do?

13 A. I never saw Ta Si working in Sector 15 because the fighting
14 was fierce at that time. And as I indicated as part of the
15 secrecy, high secrecy of the Party, he would never be allowed to
16 be seen.

17 Q. Did you ever hear or did you ever see Ta Si working at Sector
18 32 or in other sectors?

19 A. At the zone level, there could have been places for people to
20 work in. The office could have been in Sector 32 or 31, but it
21 must have been places where people worked.

22 [11.06.09]

23 Q. So you have no knowledge of Ta Si, whether he worked in any
24 particular location; is that correct?

25 A. Yes, it is. I'm not sure about where he worked but I think he

1 could have been working at Sector 32.

2 Q. Have you ever heard any person mention the name of Office 401?

3 Or have you seen any written document referring to this office?

4 A. I have never known or heard about Office 401.

5 Q. Have you ever heard people talking about the code name of the

6 office where Ta Si could have been working at?

7 A. No, I haven't.

8 Q. Do you remember Chou Chet, alias Si, attended a political

9 session or chaired a political session where you also attended?

10 Do you recollect having attended the session chaired by Chou

11 Chet, alias Si? If so, how many times did you attend such

12 sessions?

13 [11.08.04]

14 A. With regard to this question I may need to emphasize that, as

15 indicated, I was trained in the session joined by hundreds of

16 people. When it comes to direct training when two or three

17 individuals could have attended, I never attended such session.

18 Or such sessions could never exist. And I never knew – know the

19 person named Chou Chet, I indeed know the person named Si.

20 Q. Did you ever attend training in Sector 32?

21 A. The sectorial training sessions would be conducted very

22 frequently, and the sessions would be conducted according to the

23 methods or the norms as I already indicated. People would be

24 educated at the zone level, and later on those who were educated

25 at the zone level would need to impart their knowledge into

1 another or at the sessions at the sector levels concerning the
2 production.

3 [11.09.31]

4 Q. When Sector 15 converted into Sector 32, what was your role
5 back then?

6 A. I was tasked with educating people in the sector committee,
7 giving education or propaganda sessions to people.

8 Q. Did you give these propaganda sessions in the whole Sector 32
9 or only in particular sections in that sector?

10 A. I had to provide education to both the people, ordinary people
11 and the elements. For example, people who called to attend
12 sessions, people from communes as well.

13 Q. What about the West Zone? Did you continue educating people in
14 this West Zone at the same time as Sector 32, or were you only
15 assigned to any particular area, not the two?

16 A. I only was tasked to provide such education in the sector
17 level, not the zone.

18 [11.11.28]

19 Q. Could you also tell the Court concerning the structure of
20 Sector 15 before it had been converted into Sector 32? What was
21 the structure of this Sector 15 like, the organizational
22 structure, I mean?

23 A. The structure of Sector 15 back then was not a smooth one
24 because the section was -- because it was in the midst of the
25 war. People would be told that people who belong to the base or

1 belong to the economic sessions and supply sessions then would be
2 told to do their work through some pronouncements. People would
3 be assigned through such pronouncements, like in my case I would
4 be pronounced that I worked for the propaganda session. And those
5 who were pronounced to be working in the transportation section,
6 then they would be doing their work accordingly.

7 Q. You said that people would be in charge of each unit or
8 section, like the military, the supplies unit, the propaganda, so
9 on and so forth. Could you name a few individuals who were in
10 charge of each respective unit or section?

11 [11.13.39]

12 A. I was transferred to Sector 15, I only know the person by the
13 name of Cheng An, who was in charge of the sector military. And
14 apart from him, I don't remember others. I think there is another
15 person who also worked from the base and another man at the
16 economy section who was looking for rice and food. And I was in
17 charge of the propaganda section.

18 Q. Thank you.

19 Could you tell the Court about Cheng An? Where did he work? In
20 which section before he was tasked with this new role?

21 A. Mr. President, Mr. Cheng An -- I knew this person accidentally.
22 I was told he was Cheng An, in charge of that particular section,
23 I have no knowledge of his background and I have never been told
24 about his background either.

25 Q. Who were on the membership of the Sector 32 committee -- the

1 chairpersons, for example, and the deputy chairpersons? Could you
2 name a few of them?

3 [11.15.39]

4 A. After Sector 32 and Sector 15 were incorporated, it was Ta Pal
5 and Ta Si who were the key chairpersons. These people jointly
6 oversaw these combined sectors and I was tasked to work at the
7 education section.

8 Q. What about Cheng An? What was his role in Sector 32?

9 A. As indicated, Ta Pal was the second person after Ta Si, he was
10 the secretary of sector and Cheng An was the second person to Ta
11 Pal.

12 Q. Where did Cheng An move to work after you knew him? Have you
13 got any information about him?

14 A. After the war was over we parted ways and I have no further
15 knowledge of him, but I heard that he passed away.

16 Q. Do you know the person by the name of Ou Pin, or Tep Hai?

17 [11.17.42]

18 A. I don't know.

19 Q. Do you know Sin Phal? And how is this person related to Son
20 Sen?

21 A. I don't know him.

22 Q. Who were the district secretaries of Oudong, Ponhea Lueu and
23 Snuol?

24 A. I have heard of the person who was Ta Si's wife leading one of
25 the district after -- it was closer to the time when the war was

39

1 almost over, but I don't remember other people.

2 Q. Do you know the person by the name Im Nen, alias Li?

3 A. No, I don't.

4 Q. Do you know the person by the name of Keo?

5 A. Yes, I do.

6 Q. Who is Keo?

7 A. Keo was the person who was in charge of the supplies unit.

8 [11.20.01]

9 Q. With regard to Ponhea Lueu district, was Keo tasked with any
10 roles in that district?

11 A. Keo was in charge of supply unit, and he was the person in
12 charge of the base at his location during the time of the war.

13 Q. Have you ever heard that Keo worked at Office 401? Have you
14 read or heard anything about this?

15 A. No, I haven't.

16 Q. Do you know the person by the name Hang Neou?

17 Have you ever heard people mention this name?

18 A. I heard the person named Ta Neou, not Heng Neou or Hang Neou.

19 [11.21.31]

20 Q. Who is Ta Neou?

21 A. Ta Neou was in charge of the Front in Angk Snuol district. I
22 heard that he was appointed to that position.

23 Q. Do you know what happened to Mr. Hang Neou? What happened to
24 him?

25 A. No, I don't. I don't know about this.

40

1 Q. Thank you very much, Mr. Ny Kan.

2 I would like to proceed to another question: In sector 32, who
3 was in charge of security office of sector 32?

4 A. I never know this, because it was a kind of very strictly
5 confidential matter.

6 Q. Do you know the person named Chap Nam? Who is he? Or have you
7 ever heard anything about this?

8 A. No.

9 [11.23.17]

10 Q. In the structure of cadres of Sector 32, where could you fit
11 yourself in this structure? At what level were you in?

12 A. I was at the propaganda committee level for Sector 32. These
13 sections were classified into various parts.

14 Q. Who was your immediate supervisor?

15 A. During the chaotic situation, so far as I remember, the person
16 who played the significant role in that sector was the same
17 person by the name of Ta Pal. Later on, there was another person
18 by the name of Ran.

19 [11.24.27]

20 Ran was not in the position properly, because the situation was
21 too chaotic. And then I remained in the education or propaganda
22 committee section.

23 Q. Who was Ta Ran?

24 A. I don't know, but he was sent by the upper echelon.

25 Q. With regard to Ta Ran and Ta Si -- and in the structure of

41

1 sector 32, who would be superior or inferior, as opposed to Ta
2 Pal?

3 A. Ta Si was the secretary of the zone. Ta Pal was second to him,
4 and he was the chairman for Sector 32. And Ta Ran, who was sent
5 by the upper echelon, could have been inferior to these people.

6 [11.25.59]

7 So I may say Ta Si, number one, Ta Pal, number two -- perhaps Ta
8 Ran, number three, but I can be wrong.

9 Q. After Ta Si had conducted education sessions to you, had you
10 been contact with these people?

11 A. As indicated, I had to take this task from others. I only
12 attended the sessions where -- the public sessions.

13 Q. Had you remained in contact with Si frequently or
14 occasionally? How did you keep your contact with him? Did you
15 contact through messages and -- through messenger or else?

16 A. At that time, there was no telephone, and people could follow
17 their -- could implement their tasks according to their
18 hierarchy. For example, the sector would render orders to the
19 lower -- for -- through the lower levels and so on and so forth.

20 Q. Was the communication done through telegrams or through
21 persons who would meet him personally?

22 A. At the base, there was no telegram, and only the military
23 would be using the telegram for communication.

24 [11.28.24]

25 And, secondly, as indicated, I had to do my work through the

1 orders from Ta Pal, or I had to report to Ta Pal.

2 Q. What instruction were you given by Ta Si?

3 A. As said, I was instructed on educating people after the war to
4 do farming, to make sure that we were self-reliant. I were
5 instructed -- I was instructed to build -- people to build canals
6 so that we can plant rice two times a year or more.

7 Q. Between you and Ta Si, had you ever written any reports to
8 him? If so, how often did you write such reports?

9 A. Reports that I have -- had written had to go through the
10 sector; I don't -- the reports had to be written according to my
11 -- to the task given. But I don't remember how many times I wrote
12 them.

13 Q. How long could each report be? And what would have been the
14 story-- The content of the report?

15 [11.30.25]

16 A. At that time, the report covered -- or, written by hands, on a
17 piece of notebook paper addressing the chief of the sector. For
18 example, the content of which would include the result of rice
19 production, the security matters in the village, and also our
20 proposal. We would suggest or request something through the
21 report, as we need some salt, for example.

22 Q. When you were in Sector 32 or Sector 15, had you ever been
23 assigned the role of a leader of a section -- a chairman of a
24 section, for example?

25 A. In general, I had been working mainly in the propaganda

1 education section or tasked with convening the common meetings
2 where people would be educated on how to do farming and to build
3 dams or canals.

4 Q. Had you ever been appointed a secretary or so to the secretary
5 of the -- had you ever been appointed the assistant to the
6 secretary of the sector, or so?

7 [11.32.37]

8 A. In general, my core task was as what I described earlier. And
9 in the report, it did not mention who was the assistant or so.
10 But those who could write, then that person might have been
11 designated from time to time to take minutes of the meeting.

12 Q. Who were the members of Sector 15 or 32 Committee?

13 A. Members comprised of those who were responsible at the
14 district levels. Then those would be members of the sector
15 committees, for example Ta Neou. Ta Neou was a member of the
16 sector committee, but I cannot recall other members. Generally,
17 the secretary of the district were members of the sector
18 committee.

19 Q. What was the reason for the nomination or designation of
20 district secretary to be members of the sector committees?

21 A. That I did not understand, because of course that was the
22 hierarchical structure and the administrative structure of the
23 organisation at that time, because under the sector there were
24 district secretaries. And they were members of the sector
25 committees.

1 Q. Can you elaborate further on the structure of Sector 31? How
2 was it structured and who was the principal leader of that
3 sector?

4 [11.35.20]

5 A. As I said earlier, Ta Sarun was in charge of this sector, and
6 I did not know anything other than that.

7 Q. Mr. President, with your leave, I would like to proceed to ask
8 three further questions. And these are going to be my last
9 questions before I hand over to my esteemed colleague.

10 Now, can you elaborate further on the structure of Sector 37?

11 What was it like?

12 A. I even did not know the structure of this sector.

13 Q. You said that once in a while you were assigned to take
14 minutes of the meeting in the sectors. Were you aware or informed
15 of the plan to attack Phnom Penh, and did you know who was
16 involved in planning the attacks to capture Phnom Penh at that
17 time?

18 A. What I knew at that time was that it was a common plan that we
19 had to join efforts in order to seize Phnom Penh. Then we had to
20 mobilize forces and convince people.

21 [11.37.36]

22 But as for the detailed decision and plan, it was beyond my
23 knowledge.

24 Q. This is going to be my last question. Can you tell the Court
25 the communication line between sector -- the sectors and commune

45

1 - or sub-district levels and village level? What was the
2 communication line like? For clarification, what was the
3 communication means then, for example? Did they meet in persons,
4 or did they send letters through messengers, or they use
5 telegrams or so? Can you elaborate of their communication line
6 between Sector 31 and the hierarchical structure down below the
7 sector?

8 A. I can only explain based on my knowledge and what I had seen.
9 It was in the time of war at that time. So, earlier on, people
10 sent letters through messages - messengers, and messenger
11 normally travelled on foot to deliver messages or letters. But
12 later on they rode on motorbikes.

13 [11.39.21]

14 But as for telegrams, it was available almost -- nearly when
15 Vietnamese troops entered. But at that time the number of
16 telegram use was very limited as well. So, basically, we used
17 only bicycle and motorbikes in order to communicate our message
18 from the sector to the district and commune level.

19 MR. CHAN DARARASMEY:

20 Thank you very much. On behalf of the Prosecution, I would like
21 to thank you very much, Mr. Ny Kan, for answering all the
22 questions I have asked.

23 And now I would like to ask for leave from Mr. President and
24 Chamber to hand over to my esteemed colleagues to put more
25 questions to Mr. Ny Kan.

1 MR. PRESIDENT:

2 Yes. International Co-Prosecutor, you may proceed.

3 [11.40.29]

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. And good morning, Mr. President, Your
6 Honours. Good morning to the parties and to the witness.

7 Before we break for lunch, I have a few clarifications to seek
8 from Mr. Ny Kan.

9 Q. The first question I have is to know where the propaganda
10 office was located within Sector 32; what place, precisely, and
11 in which district.

12 MR. NY KAN:

13 A. The propaganda office was basically on mobile. It was on the
14 move within Sector 15. It was sometimes located in Sdok Taol, and
15 it was moved to Chitrous, as well.

16 Q. You are talking to us about Sector 15, but did the same apply
17 to Sector 32? You were always on the move? Or, when you had
18 training sessions with a good number of people attending, was
19 there a place that was normally used for that kind of session?

20 [11.42.20]

21 A. In time of war, Sector 15 and Sector 32 were separated. And
22 the venue for training sessions, where many people attended -- it
23 was in Sdok Taol. Sdok Taol was mainly a forest area, where
24 people can actually -- could actually hide out from aerial
25 bombardment or detection. We could not do that in Chitrous

47

1 because Chitrous was not forested.

2 Q. Thank you. Just now you talked about large meetings being held
3 with several hundred people that you participated in. And these
4 were at zone levels, for indoctrination purposes. And this wasn't
5 Sector 32. But where did these big meetings take place that you
6 participated in with hundreds of people there?

7 A. These open training session, where hundreds of people
8 attended, took place mainly in Chamkar DOUNG, Chan Thnal.

9 Q. Thank you.

10 [11.44.23]

11 Where was Chamkar DOUNG and Chan Thnal? Was this on the Kampong
12 Speu side or the Kampong Chhnang side?

13 A. Chamkar DOUNG or Chan Thnal was close to Kampong Speu. It was
14 within the territory controlled by Sector 32.

15 Q. Just now, you told us that Ta Sarun was in charge of Sector
16 31. Did he have a role to play as head of Sector 31 at the zone
17 level?

18 A. As I said, it was the hierarchical structure of the
19 organization at that time. And as the secretary of sector,
20 automatically he becomes a member of the zone. So, his role could
21 have been, one, a member, or the secretary of the sector.

22 Q. Thank you. Before the Special Zone was discontinued and joined
23 up with the West Zone, do you know who the secretary of that
24 Special Zone was?

25 [11.46.29]

1 A. This was within the secretive domain of the Party, so this
2 issue was even more secretive -- who was the secretary and who --
3 which position was highly secretive. So I did not know.

4 Q. Do you know if your brother, for example, might have played a
5 role within the Special Zone committee? Given that it's your
6 brother, perhaps you were not totally bound by secrecy?

7 A. I am not sure. What I am sure of was that my brother was the
8 commander in army in that zone. But as for his specific role in
9 the Special Zone, I do not know.

10 Q. During the period when you were already in Sector 15 of the
11 Special Zone, had you heard talk of Vorn Vet?

12 A. Yes, I have heard of this name.

13 Q. Could you tell us in what particular connection? What did Vorn
14 Vet do in the Special Zone?

15 [11.48.44]

16 A. I had heard of Vorn Vet, but as to which position he held at
17 that time, I did not know clearly. So I cannot answer to your
18 questions because I did not know clearly.

19 Q. Apart from Sector 15, which were the other sectors that
20 belonged to the Special Zone at that time?

21 A. I was in Sector 15. I barely knew only Sector 15. I did not
22 know any other sectors subordinate to the Special Zone.

23 Q. I'd like to come back to the chronology of events prior to
24 April '75. And you told us, just now, that you began working in
25 1966, I think, as a teacher in a primary school. And you told us

1 that you only worked for a limited duration of one year. And
2 then, you said, you joined the revolution a little bit after the
3 coup d'état. So what did you do between 1967 and 1970, when the
4 coup d'état took place? Because we have not entirely understood
5 how you filled those three intervening years.

6 [11.50.53]

7 A. During that period, I did not do anything significant. I was
8 merely in charge of propaganda, and I was tasked to gather
9 underground forces in order to the join the revolutionary
10 resistance forces known as the Maquis. And we did not do that
11 work openly, but it was the underground movement.

12 Q. So that means that you did join the revolutionary movement in
13 fact at the end of your job in Kampong Kdei, in 1967, rather than
14 1970. At the earlier stage, in '67, you had already begun to work
15 for the revolution, if I have understood correctly?

16 A. No, that is not correct. It was merely movements, but there
17 was no specific information as to its main intention. But when
18 the coup d'état was -- coup d'état took place, then this movement
19 gained momentum.

20 Q. Did you join the movement before the coup d'état, after
21 finishing your one-year job that began in 1966?

22 [11.53.00]

23 A. It was a long time ago; I cannot recollect everything but I
24 remember working as a teacher for a short period of time after I
25 left Phnom Penh. And then, when this movement gained momentum --

1 basically, after the coup d'état -- then I connected myself with
2 this movement. But before, it was not a serious participation in
3 the revolutionary movement.

4 Q. You said that you didn't do anything significant between '67
5 and '70. Did you travel during that period, across the country?
6 Or did you stay in the same region for the entire duration?

7 A. I was on the move, but it was within the Siem Reap district --
8 rather, the Siem Reap province. And I commuted back and forth
9 within this provincial boundary. And I never left the province.
10 But after the coup d'état in 1970, I started moving around to
11 other places.

12 [11.54.42]

13 Q. Earlier on, you told us that, after the coup d'état, when you
14 more clearly joined the revolution, you worked in Siem Reap for
15 years doing propaganda and indoctrination. And you told us that
16 you went to Sector 15 -- the Special Zone -- at the end of 1974.
17 But if I calculate between 1970 and then end of 1974, there are
18 about four years, and you told us that you worked for one year in
19 Siem Reap. Can you make it clearer to us what you were doing in
20 the other years between 1970 and the end of 1974?

21 A. It was long time ago. I cannot recall everything. But, during
22 that period, I worked mainly in Siem Reap province. Then I left
23 Siem Reap province when the war was in full scale.

24 [11.56.00]

25 Then I left Siem Reap and I joined Sector 15. But I cannot recall

51

1 the -- every details of those days when I worked there.

2 Q. At the time, when you were in charge of propaganda and
3 indoctrination in Siem Reap, did you also have military duties?

4 Or were you a mere civilian at the service of the Party?

5 A. I had nothing to do and no role in military; I was a civilian.

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, it's almost 12 o'clock, and I want to move into a
8 new chapter of my questions, which is why I am asking you if you
9 believe this might be a good moment to take a break before we
10 proceed.

11 MR. PRESIDENT:

12 You may proceed until 12.

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. I see that I have two minutes remaining
15 and a few questions to put to the witness.

16 [11.57.55]

17 Q. Prior -- well, rather, in 2004 -- that is, well before the
18 ECCC investigators came to interview you, which was in 2007 --
19 well, that is three years before the investigators met you and
20 asked you questions -- did you meet with a British writer and
21 former correspondent of the BBC by the name of Philip Short? Do
22 you recall having met Philip Short?

23 MR. NY KAN:

24 A. No, I don't.

25 Q. On the case file, there is a book that was published in 2004.

52

1 It is written by Mr. Philip Short. The book is entitled "Pol Pot:
2 [Anatomy] of a Nightmare". The document number is E3/9 or
3 D222/1.1. This publication is not available in Khmer, but there
4 are excerpts that are available in French.

5 [11.59.16]

6 I will not be showing the document to the witness, but to refresh
7 the witness' memory, I would ask for leave from the Chamber to
8 just read out loud a few short passages from this book where
9 Philip Short cites some of the statements that were made by Mr.
10 Ny Kan, the younger brother of Son Sen, so that the witness can
11 respond or address these passages that are quoted directly from
12 the book.

13 MR. PRESIDENT:

14 You may proceed.

15 [12.00.03]

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. First and foremost, on ERN English page 00396185 -- this is
18 one of the pages which, unfortunately, is not available in
19 French, but it is under the chapter "Gratitude" or "Words of
20 Thanks". I would quote what Mr. Philip Short writes, which is in
21 English:

22 "Several of the leading protagonists of the Khmer Rouge
23 revolution told me their life stories, often at length over a
24 period of months. They include the former head of state, Khieu
25 Samphan; Pol Pot's brother-in-law, the Khmer Rouge Foreign

1 Ministry, Ieng Sary; Ny Kan, whose brother, Son Sen, was Defense
2 Minister."

3 End of passage.

4 [12.01.11]

5 The author also cites Phy Phuon, Suong Sikoeun and In Sopheap.

6 Mr. Witness, does this refresh your memory? Can you please tell
7 us now whether or not you have the recollection of having met
8 this journalist and writer at some point during your life?

9 MR. NY KAN:

10 A. I was interviewed on one occasion, but I don't recollect the
11 person who conducted the interview. That's all.

12 Q. Thank you very much. I wish to quote another passage from the
13 book. In French, the ERN is 00636 -- or rather, 639630, on page
14 191 of the French version. And in English, ERN number 00396347 on
15 page 147.

16 Now, with respect to some of the texts that were being drafted by
17 the Khmer Rouge using the most rudimentary means, Philip Short
18 writes -- and I quote:

19 "Son Sen's younger brother, Ny Kan, remembered that the
20 messengers hid the written messages in cakes or bottles of
21 'prahoc' or they were rolled them -- they were rolled inside
22 tubes of bamboo to avoid discovery by Sihanouk's police." End of
23 quote.

24 [12.03.22]

25 And in the footnote of the French version, which can be found at

1 the end of the English version on ERN 00396699, Philip Short
2 indicates -- and I quote:

3 "The description of the -- of how the printing centre was
4 operated can be attributed to Ny Kan, who worked there from the
5 end of 1967 to mid-1968 after his transfer to Rattanakiri."

6 Mr. Witness, did you speak with a foreigner who very well could
7 have been Mr. Philip Short about how documents were printed by
8 the Maquis before 1970 and how they were delivered and
9 transported by messengers?

10 A. This what was heard through grapevine and during the
11 interview, I just told him so.

12 [12.05.04]

13 MR. PRESIDENT:

14 Thank you, International Co-Prosecutor.

15 Since it is now appropriate time for lunch adjournment, the Court
16 will adjourn until 1.30.

17 Court officer is now instructed to ensure that the witness is
18 well assisted and his duty counsel as well during the break.

19 Bring the witness to his room and have him return to the
20 courtroom by 1.30.

21 Counsel for Nuon Chea, you may now proceed.

22 MR. PESTMAN:

23 Thank you very much, Mr. President. Good morning. My client makes
24 the usual request to follow the remainder of the proceedings from
25 his holding cell, and he's waiving his right to be present in

1 Court. And I have the appropriate documents in my hands.

2 [12.06.08]

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 The Chamber has noted the request of Mr. Nuon Chea through his
6 counsel to waive his right to be present in this courtroom. He
7 asks that he be allowed to observe the proceedings from his
8 holding cell, and counsel has indicated that he would produce
9 this waiver to the Chamber immediately.

10 The Chamber therefore grants such a request. The Chamber allows
11 Nuon Chea to observe the proceedings from his holding cell
12 through audio-visual link for the remainder of the day.

13 [12.06.55]

14 The Chamber would like counsel for Nuon Chea to produce the
15 waiver -- the waiver that's signed or given thumbprint by Mr.
16 Nuon Chea.

17 Security -- rather, the AV booth officers are now instructed to
18 ensure that the AV equipment, audio-visual links are well
19 connected to the holding cell so that Mr. Nuon Chea can observe
20 the proceedings from there.

21 Security personnels are now instructed to bring Nuon Chea and Mr.
22 Khieu Samphan to the holding cells, and in the afternoon session
23 have Mr. Khieu Samphan returned to the courtroom, leaving Mr.
24 Nuon Chea at the holding cell to observe the proceedings from
25 there.

1 The Court is adjourned.

2 (Court recesses from 1207H to 1332H)

3 MR. PRESIDENT:

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

5 We would like to proceed with the Co-Prosecutor to put further
6 questions to the witness. You may now proceed.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. Thank you very much, Mr. President.

9 Now, prior to the lunch break, I had read out a first passage
10 from Philip Short's novel, "Pol Pot: [Anatomy] of a Nightmare".

11 Mr. Witness, can you please just repeat to us what you told us
12 about the printing office and about how documents were printed by
13 the maquis and how those documents were delivered by the
14 messengers?

15 I'd also like to have your reaction with respect to the footnote
16 that I had read out earlier on, in which it states that you had
17 worked from 1967 to mid-1968 at the printing office of the Maquis
18 before the printing office was transferred to Rattanakiri.

19 [13.34.16]

20 Can you please confirm to us whether or not you worked there from
21 1967 to 1968, and if you worked at Rattanakiri, printing
22 documents?

23 MR. NY KAN:

24 A. Mr. President, this question involves the interview conducted
25 with me, and I cannot remember the details.

1 In the interview, I sometimes talked about things I heard from
2 other people or the words of mouth, and I do not know much about
3 the responsibility. And the interview was conducted in private,
4 and my response is more private as well.

5 When asked whether I was engaged in the movement, I said as an
6 educated party I played some parts in that process and that the
7 locations of the office changed in accordance with the situations
8 during the war. For example, if at one place it was not secured,
9 then we would move to another.

10 [13.36.08]

11 When it comes to the printing house, it referred to the printing
12 means. For example, this printing method was mobile. We packed
13 everything in a backpack where we could print some documents.

14 Q. For the sake of clarification, you said that all the material
15 was held in a backpack and you had everything you needed for
16 printing purposes.

17 Therefore, was it your job to print documents during the period
18 that preceded the coup d'état that was staged in March 1970?

19 A. As a person who was in charge of writing -- rather, as a
20 person who was in charge of writing, the person had to have a
21 very good handwriting and the handwriting would then be
22 reproduced through printing. And this is how the process took
23 place.

24 Q. Were you the ones who drafted those documents?

25 You were saying that it was somebody who had nice handwriting, so

1 were you the one penning those documents or was it somebody else?

2 A. I perhaps did not make it clear. I was the one who helped with
3 the printing. I did not write the text. Someone else who had the
4 very fine writing did it.

5 [13.38.29]

6 Q. Very well. So you're telling us that you worked in Siem Reap
7 for approximately one year from 1966 to 1967. Following that, you
8 travelled in the capacity of printer, as somebody who held the
9 printing job, in the northeastern region of the country.

10 A. Mr. President, with regard to the printing job, it was done at
11 the Central Zone near -- in the vicinity of Kampong Cham province
12 and close to the Northwest Zone.

13 Q. At one point or another, as Mr. Philip Short seems to suggest,
14 was the printing office transferred from the Central Zone to the
15 Northeastern Zone?

16 A. I think you could have been mistaken. The document I referred
17 to was not the document from the upper echelon. The documents
18 were classified into sectors and we had to have them printed in
19 their respective sectors. And if in that location, there was a
20 chaotic situation or the fighting was taking place, then we would
21 move to another location where printing could take place.

22 [13.40.55]

23 Q. What kind of documents were being printed? What kind of
24 documents were being printed and then would be delivered from one
25 location to another?

1 A. These documents obtained from the upper echelon, then they
2 would be passed down to sectors. The sector will ask people
3 concerned to have them printed and broadcast to the location at
4 the battlefield and the surrounding areas near the battlefields.
5 These documents were not mainly the original -- the documents
6 from the top. It had to be -- it had to go through some layers.
7 And the content of the documents were about educating people at
8 the rear to work -- to do farming, to improve production, and
9 that the people at the rear were encouraged or educated to bring
10 the crops, the yields, and food supplies, in particular, to
11 people in the front for the revolution or for the struggle
12 purpose.

13 [13.42.38]

14 Q. You were telling us that these documents emanated from the
15 upper echelon. Who occupied the upper echelon from 1966 to 1967
16 -- or 1965, rather, to '67 and how were those documents sent to
17 Siem Reap, if I'm not mistaken?

18 A. These documents were sent through branches, who then passed on
19 -- passed them on to others. So the head of each branch who
20 received the documents would contribute the documents to other
21 people concerned, but I don't know who they were.

22 [13.43.37]

23 Q. Were these official documents of the Communist Party of
24 Kampuchea?

25 A. To my understanding, the documents belong to the front. They

60

1 did not specifically say that they were about the Communist Party
2 of Kampuchea. They were mainly documents about the front.

3 Q. To the best of your knowledge, where were the leaders of the
4 CPK between 1967 to 1970? Where in the country were they taking
5 refuge while they were serving in the Maquis?

6 A. These people would take refuge in the places not known to me
7 because it was part of the secrecy that had to be kept.

8 Q. I wish now to quote another passage from the same book that I
9 referenced earlier, Philip Short's book, on page 00396393 and on
10 French ERN page 00639706.

11 Philip Short talks about the very strict discipline that reigned
12 within the Communist movement -- and I quote:

13 "Son Sen's younger brother, Ny Kan, spent three months holed up
14 in a peasant's hut in rural Kampong Cham while he was on the run
15 in 1968. He was not allowed to go outside to wash or even to use
16 a latrine, ostensibly for security reasons, but in fact, to
17 temper him, enabling him to prove that his loyalty to the Party
18 had no limit." End of quote.

19 This is on page 193 of the English version.

20 [13.46.32]

21 Mr. Witness, do you confirm having spent those three months in
22 Kampong Cham in the countryside in 1968 while you were in hiding?

23 A. I was in hiding, as I indicated in the interview. Indeed, I
24 was trying to escape. The country was in crisis. The coup d'état
25 happened and it was quite confusing internally. And as a person

61

1 who was in charge of propaganda, I could have been implicated and
2 I had to be in hiding along with other teachers. And that
3 happened, for sure.

4 [13.47.43]

5 Q. I'm actually talking about 1968. I'm not referring to the
6 period that followed the coup d'état.

7 Was it in 1968 that you had to go in hiding, and who were you
8 hiding from in 1968?

9 A. I went into hiding after the general movement already gained
10 momentum. People went to the jungle and there were rumours about
11 this movement, so teachers -- school teachers who were interested
12 in this -- who was interested in this movement could never remain
13 exposed to the public when their intention was known to the Lon
14 Nol's people, so they had to go in hiding.

15 Q. Do you share Mr. Short's analysis when he states that your
16 loyalty to the Party was being tested during those years,
17 particularly from 1968 onwards when you were in hiding? Was this
18 a way for the Party to test whether or not you were truly loyal
19 to the Party and to the revolutionary cause?

20 A. My loyalty to the Party was not much known to me -- to me. I
21 was for sure that I knew -- that I was loyal to the nation. I
22 joined the Front movement for the cause for the nation. I did not
23 remain loyal for the Party because the Party's name did not exist
24 as yet.

25 [13.50.32]

1 Q. I have two further passages to read from this same
2 publication. The first is on page 152 of the English version,
3 00396452, and page 325 on the ERN French version, 00639780.
4 On page 252 of the English version, [the interpreter corrects].
5 Now, we're just moving further along in time. And Philip Short
6 talks about how Pol Pot had moved to the new base -- and I quote:
7 "In theory, operational control of the Khmer Rouge army lay with
8 Son Sen, whom Pol had summoned from the northeast to resume his
9 role as chief of staff. His command post was 10 miles to the
10 southeast near the railway halt of Ra Smach on the now abandoned
11 main line from Phnom Penh to Battambang. It was an area that was
12 dotted with giant anthills, up to 20 feet high, with trees and
13 clumps of bamboo growing out of their sides. Sen's brother, Ny
14 Kan, recounted the following..."

15 [13.52.35]

16 And I will quote what Philip Short cites as your own words, Mr.
17 Witness -- quote:

18 "We built the command offices half underground with trenches and
19 boltholes inside the anthills and a system of tunnels to
20 communicate from one anthill to the next. When there were bombing
21 raids, we hid inside as though we were ants ourselves. Then, when
22 the danger was past, we would emerge and resume our work.
23 Usually, when we built trenches, we lined them with wood and a
24 layer of rice husks to absorb the shock waves from the bombs, but
25 earth that had been worked by ants resists the blasts even better

1 and the bamboos provided camouflage." End of quote.

2 My first question for you is, indeed, whether you worked with
3 your brother, Son Sen, from 1973 onwards in the Special Zone, in
4 proximity of the area of Ra Smach, that is not far from Sma Dech
5 (sic) in the Northeast, and it's within close proximity of
6 Oudong, which is in the Northwest.

7 Now, in this border zone between Kampong Speu and Kampong Som ,
8 did you work there with Son Sen as is reported in Mr. Philip
9 Short's book?

10 [13.54.35]

11 A. The location as indicated in the book that I was interviewed
12 is called Sector 15. This sector is located in -- to the
13 northwest of Phnom Penh. It was the hottest battlefield. Bombs
14 would be dropped every now and then. Gunshots were heard fired
15 from the planes. Both the people and educators like me, including
16 the military, had to dig the trenches to take refuge from these
17 bombings.

18 And as I indicated, the best protection was the termite mounds.
19 And we would need to take refuge in the trenches we dug and the
20 ground, the mound -- the termites' mounds.

21 However, they did not give us all the protection because some
22 aerial bombs could also find their way to the trenches where we
23 were hiding. And perhaps you may know that the bombs' craters
24 were visible enough from the air and you could see them all
25 across the country, so this is evidence of the aerial

1 bombardments back then.

2 Thank you.

3 [13.56.44]

4 Q. Who was dropping those bombs, Mr. Witness? Was it Lon Nol's
5 army or were they American bombardment?

6 A. I don't know, but I know for sure at that time the fightings
7 started between the Lon Nol army supported by the Americans. The
8 bombs themselves emanating from any particular source or from any
9 persons, I don't know for sure, but we saw the bombs being
10 dropped every day on our soil.

11 Q. Earlier on, you said that you joined Sector 15 at the end of
12 1974, yet in this passage during the fall of 1973, you talk about
13 Son Sen and the anthills.

14 Does this refresh your memory in any way? Did you arrive in
15 Sector 15 much earlier than 1974?

16 [13.58.26]

17 A. I don't remember all the details, but if my memory serves me
18 well, it was by late 1973, early 1974 -- maybe during those
19 years.

20 Q. And when you were with Son Sen in those anthills, did you see
21 any Party leaders arrive?

22 A. I think the writer could have been mistaken because I was not
23 with my brother. As a person who was involved in propaganda, I
24 was in Sector 15. And I indicated, regardless of my brother's or
25 other army, everyone had to dig the trenches deep enough for us

1 to take refuge from the aerial bombardments and other bombs.

2 [14.00.01]

3 Q. Were you in Ra Smach, as you said earlier, which is located in
4 Sector 15?

5 A. We were on the move between -- and we commuted between Ra
6 Smach and Chitrous.

7 Q. So when you were in Chrok Sdech, were you, yourself, able to
8 see Pol Pot, who had come to inspect the advanced post?

9 A. I had never been to Chrok Sdech. And to date, I do not even
10 know where Chrok Sdech is -- really is.

11 Q. This may be a matter of pronunciation, but I thought I heard
12 you say you went between Ra Smach and Chrok Sdech, and now you're
13 telling me that you don't know Chrok Sdech.

14 Perhaps, as I say, this is a matter of pronunciation, but I would
15 be grateful if you could clarify.

16 [14.01.48]

17 A. I was not good at geographical location. I did not know the
18 location very well. But you ask me about Ra Smach. Then I thought
19 that it was somewhere at the intersection of the railway station,
20 but when it came to Chrok Sdech, I had never known it. I only
21 knew the intersection of the railway station.

22 And I stay most of the time at -- somewhere near Chitrous
23 Mountain. I commuted back and forth there, but we did not reside
24 in one particular location. We had to be on the move, so I could
25 only recognize the intersection where the -- where the railway

66

1 station was located. But I did not know Chrok Sdech.

2 And as for the receiving of other leaders, I did not meet them
3 because it was the matters that went by the leadership. It was
4 not my responsibility.

5 [14.03.17]

6 Q. Concerning the brother that we talked about, in the book
7 extract it says that he had a command post about 15 kilometres
8 from Chrok Sdech and it was near the Ra Smach railway.

9 So did Son Sen, indeed, have a command position at Ra Smach which
10 could have been rather different from the place that you were?

11 A. I did not know his command post. It was highly secretive. And
12 as for my location, it was an open place because we were in
13 charge of propaganda, so our place was known to everyone.

14 Q. Just now, you said that you reached the region between the end
15 of '73 and the start of 1974. Now, Ra Smach is very near the town
16 of Oudong; am I correct?

17 A. Again, I did not know it clearly. I could only know that at
18 the intersection it was called Smach. But as for the exact
19 location for Ra Smach, I was lost.

20 Q. Do you know what happened to the inhabitants of the town of
21 Oudong in March 1974?

22 MR. PRESIDENT:

23 International Co-Prosecutor, can you please repeat your last
24 question because the witness appeared not to understand your
25 question?

1 [14.06.17]

2 BY MR. DE WILDE D'ESTMAEL:

3 Yes. Thank you very much, Mr. President.

4 Q. I was referring, in fact, to the fact that since the start of
5 1974 the witness was in the region of Ra Smach.

6 So, Mr. Witness, do you know what happened to the population of
7 the town of Oudong, which wasn't far away, in March 1974? In
8 other words, a very short time after you arrived in the region.

9 MR. NY KAN:

10 A. That, I don't know.

11 [14.07.14]

12 Q. Do you know, or at any time have you heard, at the time or
13 later that the town of Oudong was evacuated at the beginning of
14 1974?

15 A. When the war intensified at that time, people were evacuated
16 back and forth in different places, but if you ask whether or not
17 I noticed they were the people from Oudong town, I cannot recall.
18 But of course, there was movement at that time in order to
19 evacuate people from the place where the fighting took place in
20 order to ensure that they -- they could escape the bombardment
21 and artillery shelling.

22 Q. Once these people were taken out of the combat zone so as to
23 avoid the bombardments, were they, at some stage, brought back
24 into the towns or zones that they had been evacuated from or was
25 their departure a definitive one?

1 A. To my recollection, evacuation was on a temporary basis. When
2 the situation returned to normal, then they would bring the
3 people back because people at the rear was responsible for
4 delivering food supplies, ammunitions and others to the front.
5 However, if it was in the battlefield, then they would evacuate
6 people to the rear in order to ensure that security. And of
7 course, people at the rear provided food supplies and stuff to
8 the front.

9 [14.10.10]

10 Q. In the cities and, in particular, in the town of Oudong, were
11 there just people who were won over to the revolution or did you
12 have social classes who might have been considered as enemies?

13 A. To my understanding back then, there was no segregation at
14 all. They desperately needed people to provide support, whether
15 it be food support or whatever support it was, so there was no
16 segregation as such.

17 [14.11.04]

18 Q. In Sector 15, in '73 and '74, were there big Party meetings
19 that were held?

20 A. In that location, I did not know about the important Party's
21 meetings which were held there. But in terms of the collective
22 meeting or open meeting of people who were responsible in Sector
23 15, then there were such meetings.

24 Q. Very well. Let's turn now to the final extract from this book.
25 In English, it's ERN 00396476. In French, the ERN is 00639800.

1 In this extract, Philip Short is talking about the Khmer Rouge
2 troops coming in to Phnom Penh on the 17th of April, 1975. And he
3 says -- and I quote: "Son Sen's younger brother, Ny Kan, was with
4 the vanguard entering the city with a Special Zone division."

5 And then he quotes your testimony, so I will quote that now:

6 "We moved in from all sides all together. There were 14 different
7 jumping-off points for the final push. The main concentration was
8 in the west. That was where the bulk of our forces were based.

9 Son Sen divided his time between his HQ and Ra Smach and a
10 forward post on Mount Chitrous from which he was able to watch
11 the advance.

12 "We had expected the town to fall between 10.30 a.m. and noon
13 but, in fact, it was now earlier. For us, it was such joy and
14 happiness. All our strategic objectives had been met. I remember
15 thinking how everything would change, how the peasants would
16 finally have a better life." End of quotation.

17 [14.14.31]

18 And in the book at the end of the quote, it says "Ny Kan
19 interview".

20 So, in addition to Ra Smach near the railway station, have you
21 heard about Chitrous Mountain, which is mentioned in this extract
22 I just read?

23 [14.14.59]

24 A. I was responsible for propagandizing the people, and we
25 followed the armies because we had to proselytize people to

1 support the army. And we, of course, moved back and forth between
2 these two places. And in terms of the vanguard forces to advance
3 to Phnom Penh, there are many different vanguard forces at that
4 time.

5 I could barely know the time when they advanced to Phnom Penh,
6 but I could only hear from others because at that time the
7 situation was real chaotic and I was in this place. And I also
8 came through this Chitrous Mountain as well.

9 Q. Did you come in to Phnom Penh on the 17th of April 1975 with a
10 special force division?

11 A. Yes, I follow -- followed them because we were in charge of
12 making propaganda and education, so we followed them.

13 Q. Which division was it, this Special Zone division?

14 A. I cannot recall because there were many divisions at that
15 time.

16 Q. In the excerpt I read out, you said that on the 17th of April
17 1975 the peasants would thenceforth finally have a better life.

18 Why did you think they would get a better life?

19 [14.18.24]

20 A. This was my personal thought because it was based on the
21 policy of the propaganda, which was to promote people's
22 livelihood. But what the future would hold, I did not know.

23 Q. But you worked in the liberated zones before. Were you able to
24 ascertain that the lives of the peasants had improved and, if so,
25 on the basis of what criteria can you make that claim?

1 A. The reason I thought so because people at the front were
2 advancing to Phnom Penh and people at the rear were cultivating
3 and producing rice and other crops, so, at that time, people did
4 not have private ownership. And military forces were advancing,
5 and those who were at the back started cultivating rice and
6 crops. They went fishing and do other livelihoods to earn -- to
7 make their living. So that's what I could expect that the life
8 would be better for them.

9 [14.20.24]

10 Q. When you got in to Phnom Penh, what was the breakdown of the
11 population in the city? Were there a lot of peasants in Phnom
12 Penh, for example?

13 A. I could not draw any conclusion at all because the situation
14 was real chaotic. People went to different direction and they
15 also came from various direction as well, so I simply could not
16 conclude as to how many percent were peasants and how many
17 percent were others.

18 Q. But in a city like Phnom Penh, were there people who belonged
19 to other social classes rather than the peasant class? And if
20 there were, what other social classes were there if we follow the
21 classification done by the Communist Party of Kampuchea?

22 A. During the war time when fighting was going on and we could
23 capture certain locations, there was no such thing as the class
24 determination. We only heard that, at that time, people living in
25 the suburbs ran into the city. And there were officials as well,

1 but we could not actually identify who they really were.

2 [14.22.49]

3 Q. Well, we can come back to this.

4 But, in the framework of the revolutionary movement or of the
5 Communist Party, given that you were in charge of propaganda, did
6 you never hear about the subject of the class struggle?

7 A. On this issue, I had heard or it, but it was not the primary
8 issue because what we were endeavouring at that time was to
9 promote the livelihood of people. And in addition, we were
10 endeavouring to win the war as well. And I was in charge of
11 propaganda, so that was all I heard about in my own capacity as a
12 propagandist.

13 [14.23.50]

14 Q. Yes, I understand what your role was. But if you talk about
15 the class struggle, you're talking about a confrontation between
16 different classes.

17 So, what were those different classes that would eventually enter
18 into conflict?

19 A. To my recollection, back then there was a -- the popular mass
20 movement in order to establish the front, so there was no battle
21 or fighting any more. We garner support from people from all
22 walks of life. For example, I was a teacher. I had to look for
23 teachers in order to gather together.

24 And there was no policy that teachers were against this class of
25 people or so because we were focusing on reuniting our country.

1 But later on, I did not know. But at that time, of course, there
2 was no such thing as a class struggle then.

3 [14.25.08]

4 Q. Coming back to the 17th of April 1975, when you entered the
5 city, what instructions were given by the armed forces to the
6 population of the city?

7 A. For the military affairs, I did not know, but on my part, we
8 simply put up the banner that alert people to evacuate from the
9 place which were potentially be bombarded. As for military
10 affairs, it was not my responsibility because there were the
11 chains of commands.

12 Q. Did certain population groups receive specific instructions
13 such as the troops of Lon Nol's Republic? What was done with the
14 soldiers who followed Lon Nol at that particular juncture?

15 A. What I could remember is that it was the overall propaganda at
16 that time that we had to leave the city, but there was no
17 segregation as such as to who should leave the city and who
18 should remain inside.

19 [14.27.02]

20 Q. Mr. Witness, who asked you to put up these banners in the city
21 of Phnom Penh at the end of the evacuation?

22 Just to repeat that, who ordered you to hang up these banners to
23 inform the Phnom Penh population that they had to evacuate the
24 city?

25 A. It was the order from the sector with which I was. The sector

1 had the right to give instruction to other subordinate officers,
2 including propaganda, transport and other task. So we were under
3 the sector, so we had to abide by the instruction.

4 Q. So, you prepared these banners on the same day, or did you
5 have them ready from before knowing that the population would be
6 evacuated?

7 A. No, it was spontaneous. I did not prepare it in advance. We
8 actually told each other because we received instruction from the
9 upper authority that we had to evacuate the people because the
10 area bombardment was looming.

11 So, we did not have any other special signs to communicate this
12 message. We simply talked to people. But as for other matters, I
13 did not know because at that time everything was highly secretive
14 and everyone was on alert. So whenever we heard anything, then we
15 would take it seriously. We did not have any secret sign or so to
16 communicate the message.

17 [14.29.30]

18 Q. Concerning the risks of bombardment, there hadn't been any
19 more bombings from the Americans since 1973. So did you believe
20 this justification for the evacuation of Phnom Penh -- that it
21 was because of an imminent bombardment that the evacuation had to
22 take place?

23 A. I don't think I understand to that point, but I had to obey
24 the order and the discipline, and that was the movement and we
25 had to follow.

1 Q. Were the people of Phnom Penh told that, in fact, they were
2 going to leave forever and that they would never return to Phnom
3 Penh under the regime of Democratic Kampuchea?

4 [14:30:43]

5 A. I heard, and I admit that the evacuation was pronounced, and
6 that it was only temporarily for a short period of time.

7 Q. And within the forces, and within your propaganda unit, and
8 within the Communist Party, was there a very strong sense of
9 distrust that intensified and that was geared towards the
10 residents of Phnom Penh who decided to stay in the city, and who
11 were allied or continued to support the Lon Nol forces? Was there
12 an antagonism or mistrust against the city dwellers?

13 A. People were classified into two -- the situation was
14 classified into two, internal and external. However, the slogan
15 as advised was that all people had to be received and food had to
16 also to be offered. Whether enough food or whether people were
17 properly received was beyond my knowledge. But no one regarded
18 any other person as an enemy during that time, that's what I have
19 heard.

20 [14:32:48]

21 Q. Let us return to the 17th of April and the two days following.
22 How was the evacuation organized, and how did the evacuation
23 unfold?

24 A. I already said once, the appeal for people to evacuate the
25 cities was the justification for securing the people from being

1 bombarded by the aerial bombardments.

2 Secondly, the appeal was done or was made in accordance with the
3 request from the people, for example, who would like -- those who
4 would wish to go to their hometowns like Kampong Cham, Kampong
5 Thom and elsewhere. People were not forced to go somewhere they
6 didn't belong. They were allowed to go to their places of their
7 choices. That's what I had been instructed.

8 [14.34.29]

9 Q. What means of travel did the Khmer Rouge forces make available
10 to the residents of Phnom Penh, particularly for those who were
11 vulnerable, such as the elderly, the sick, pregnant women,
12 children? Logistically speaking, how were these people assisted
13 in returning to their home villages?

14 A. What I observed is that there was no other means to receive
15 them other than allowing them to move about by themselves, and if
16 they meet -- if they met soldiers they would be assisted and, but
17 most importantly, they had to walk and stop at any particular
18 place they reached, and the situation was very chaotic I may say.

19 Q. You talk about a chaotic situation, but you are well aware
20 that the ultimate purpose was to seize Phnom Penh. So, why is it
21 that the leaders not demonstrate more organization in evacuating
22 the city?

23 A. That was part of the arrangement, I remember. People who were
24 in the locations -- the old locations -- had to be ready to
25 receive newcomers to offer them some food. They had to share the

1 food; however, food would never be enough because there was an
2 influx of people moving from places to different locations.

3 [14.37.02]

4 Q. All of this was taking place during the month of April.

5 Everyone knows that in Cambodia the temperatures are very high
6 during that period and it's very humid. What did the Khmer Rouge
7 do to provide food and drink to those being evacuated? What did
8 they do to provide shelter and protection against mosquitoes,
9 malaria, diarrhea? Was anything set aside for those people during
10 the height of hot season in Cambodia?

11 A. The specific details as what you indicated was not really part
12 of the arrangement.

13 Q. With respect to those who refused evacuation, because there
14 were some people who refused to leave, what happened to those
15 people?

16 [14.38.19]

17 A. I saw people walking from the cities, but I never witnessed
18 any antagonism or quarrels because people would just obey the
19 instruction, and they had to move out of the cities.

20 Q. Not a single person in Phnom Penh was against the order to
21 evacuate Phnom Penh? And not one single person refused to stay
22 even whilst running the risk of being bombarded?

23 A. I'm afraid I cannot respond to this question because I have no
24 full knowledge of the situation.

25 MR. DE WILDE D'ESTMAEL:

78

1 Mr. President, I wish to address another subject. Would you like
2 us to observe a pause or shall I continue?

3 MR. PRESIDENT:

4 Thank you.

5 It is now appropriate time for adjournment. The Chamber will
6 adjourn for 20 minutes. The next session will be resumed by 3
7 o'clock.

8 Court officer is now instructed to assist the witness and his
9 duty counsel during the adjournment and ensure that witness is
10 returned to the courtroom by 3 o'clock.

11 The Court is adjourned.

12 (Court recesses from 1440H to 1500H)

13 MR. PRESIDENT:

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

15 We would like to now hand over to the prosecutor to proceed with
16 the questions he wishes to put to the witness. You may now
17 proceed.

18 [15.01.18]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. Two quick questions about what you said before the break,
22 before we move on to a new subject. You said, about the peasants
23 who were living in Phnom Penh, that they knew where to go. They
24 left the city and they went out towards their villages. But what
25 about the people who always lived in Phnom Penh? What were they

1 supposed to do, and where were they meant to go?

2 [15.02.02]

3 MR. NY KAN:

4 A. I know about this only in general terms, that the people who
5 were at the bases were expected to receive newcomers. Newcomers
6 shall not be treated unfairly, and they were not discriminated
7 concerning their choice of villages they would wish to go.

8 Q. Mr. Witness, you said you came into Phnom Penh on the 17th of
9 April 1975 from the Special Zone, Sector 15. How long did you
10 stay in Phnom Penh after that city was liberated?

11 A. I returned the same night. I went there at 9 a.m. and at night
12 time I took my motorbike to Sector 15. I did not spend a night in
13 Phnom Penh.

14 Q. When you went out in the evening on your motorbike, were there
15 already long columns of people who were heading towards Oudong,
16 leaving the city already?

17 [15.03.55]

18 A. Yes. I saw a lot of them, leading to the direction. There were
19 a lot of people in Phnom Penh before it was liberated, and people
20 had to come out of their homes and flooded the roads.

21 Q. Did the people who were on those roads look happy to leave
22 Phnom Penh, or was it difficult for them to do so?

23 A. Based on the truth and fairness of all, people who had to move
24 from their homes would never be happy. But according to the
25 appeal during the war time, people had no choice but to go.

1 [15.05.15]

2 Q. I'd like to come back to the duties you had as the head of
3 propaganda and indoctrination. You said you spent a certain
4 amount of time in Siem Reap and then you exercised the same
5 duties in Zone 15 of the Special Sector, and then in Sector 32 of
6 the West Zone where you were in charge of propaganda. Is it fair
7 to say that you acquired a good deal of experience in propaganda
8 and in mass indoctrination?

9 A. Allow me to tell you that my experience was in compiling texts
10 to comply with what was needed. I did not know whether the text I
11 wrote could be well received or not. It is beyond my
12 understanding.

13 Q. But just now you were saying that you had to carry out
14 propaganda tasks among the population to convince them that they
15 should support the movement. I believe I inferred that you were
16 in direct touch with the population, and not just in contact
17 through written materials. Is that correct?

18 A. Yes. It is. When it comes to the propaganda and
19 indoctrination, there was a section where -- or place -- where
20 people could gather and during breaks after the sessions, we
21 would get to know other people.

22 [15.08.07]

23 Q. When you were working as head of propaganda, during these
24 sessions, and during your contacts with the citizenry, did you
25 have to always respect the basic lines and principles of the

1 Party?

2 A. The line did not entail what was expected of the people. But,
3 in essence, people were expected to improve production and that
4 they were expected to be self-reliant. And also they had to do
5 farming to grow crops to support themselves, and having left some
6 to support others, including the military. So this is part of the
7 policy. But I cannot remember the details of the strategic,
8 political line.

9 [15.09.44]

10 Q. After 1975, were you still required to give true information
11 to the masses when you were in contact with them? Is it fair to
12 say that?

13 A. Could you repeat the question?

14 Q. When you were performing your duties, I believe that it was
15 important not to give the wrong information to the people. And
16 so, I'm interested in knowing what the Party expected you to say
17 to the masses each time you met them. Is it fair to put it like
18 this?

19 A. Through the people who had to pass on the information to
20 others, the information had to be well followed, and I had
21 nothing to add on top of that. And I had nothing to hide from the
22 people, because what I knew would be well informed to the people.

23 Q. Were there various documents that you were supposed to study
24 as a Party member, as a cadre in the Party, and also because you
25 had to put a certain kind of message across to the people. Can

82

1 you give us a few examples of documents that you had available to
2 you to refer to when you did your propaganda work?

3 [15.12.04]

4 A. The documents that I would like to present to you -- like to
5 talk about to you -- were mainly concerned -- concerning the
6 production of crops, concerning how to be self-reliant and
7 self-mastery. My recollection is about that. And that's the
8 essence of the documents I educated people on. And I also had to
9 be more skilful in educating people on production, self-reliance,
10 and self-mastery, and independence. And I had to be very careful
11 before I could teach people on this; otherwise, people could get
12 very little from our sessions. Normally -- ordinary people could
13 find it difficult to understand this.

14 Q. You were quite an important cadre in the Western Zone,
15 handling propaganda in Sector 32 and, as such, were you
16 acquainted with the Statutes of the Communist Party of Kampuchea?

17 [15.14.09]

18 A. The Party's Statute was publicized internally, not externally.
19 So not the whole Party's Statutes would be quoted. Cadres had
20 their respected level, and I, indeed, was acquainted with the
21 Statutes, but minimally. And I know for sure that I know my own
22 business, and they know their own businesses. I did not have the
23 guts to ask people for other business, and most importantly, the
24 lower echelon had to obey -- or respect -- the upper ones.

25 MR. DE WILDE D'ESTMAEL:

83

1 If the Chamber will allow me, Mr. President, I would like to show
2 the witness E3/130 which is a Khmer version of the Statute, and
3 D366/7.1.187. I'd be grateful if these could be put up on the
4 screen, and once we've got them up on the screen, I will indicate
5 to you the page that I would like to look at.

6 MR. PRESIDENT:

7 Could you please repeat the document identification?

8 MR. DE WILDE D'ESTMAEL:

9 Yes. E3/130 and D366/7.1.187.

10 MR. PRESIDENT:

11 Thank you. You may now proceed.

12 [15.16.48]

13 MR. DE WILDE D'ESTMAEL:

14 Can I give a hard copy in this courtroom, please?

15 MR. PRESIDENT:

16 You may proceed.

17 The court officer is now instructed to fetch the document from
18 the prosecutor and hand it to the witness.

19 [15.17.13]

20 MR. DE WILDE D'ESTMAEL:

21 Let me leave the witness a few moments to look at the document.

22 If he could, please, look in particular at the 30 articles of the
23 statutes after page 00442247 in Khmer.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Before then, you have an introduction which concerns the

1 fundamental principles and political stances of the party in the
2 new, socialist era.

3 Mr. Witness, just now, when you were talking about the fact that
4 you were aware of these statutes, and that they had been
5 published internally, and that you knew about a certain part of
6 these statutes, do you recognize the document that is before you,
7 as actually being the Statute of the Communist Party?

8 MR. NY KAN:

9 A. Yes. The contents of the statutes, according to the best
10 recollection of mine, when I had to educate people on this, it is
11 really true. It is the Statute of the CPK, however I had only
12 briefly studied the material and I don't understand the full
13 content of the statutes.

14 Q. If that's alright, we will focus in on one or two points
15 contained in the document. In page 00442253 in Khmer to 54. It's
16 point 2 on the page. In French, it's 00292916; and in English,
17 00184024. This page has the title "Fundamental Principles and
18 Political Stances of the Party during the New Era of Socialist
19 Revolution and the Construction of Socialism".

20 [15.21.34]

21 At the end of Section 2, it says that the Party represents the
22 interests of the Khmer nation. If there were only workers and
23 peasants, according to the Party, what place would be given to
24 those considered, under the regime, to be capitalists, bourgeois,
25 feudalists, land-owners or imperialists? Could those people come

1 into the Party?

2 A. I would like to respond to your question according to my
3 knowledge. Having heard this I can see that the writing of the
4 text is what we had to educate people about. I have no further
5 knowledge of the other forces, or what you mentioned because, in
6 my education session that I offered, we were talking about the
7 national forces and the people who joined us included the
8 monarchy, the king, and I was pleased about that. However, I
9 don't understand why such a document is now written as what you
10 indicated. I don't understand it.

11 [15.23.53]

12 Q. Very well. On the same page and 3, it says:

13 "In this strategic context, the Communist Party of Kampuchea has
14 to defend the results of the revolution, defend the country as
15 necessary, and the work of building the country properly."

16 It's the second paragraph underneath point 3.

17 So, two principles have been put forward here: one is to defend
18 the revolution and the country, and the other is to build the
19 country first.

20 Do you know who the country and the revolution had to be defended
21 against? Who was the threat to the revolution?

22 A. I still maintain my understanding in accordance with the old
23 principle which means to attack the imperialists, promote the
24 living conditions of our people, and to protect our sovereignty.
25 And I have no further understanding beyond this.

1 [15.26.04]

2 Q. Alright. Well, staying for one moment on this defence of the
3 revolution, were they external enemies or also internal enemies?
4 You are telling us about imperialists, but are these external
5 forces, or are they forces that could also be concealed within
6 the Party and within the country?

7 A. The forces I just noted refer to the struggle forces who
8 joined hands in the fighting. They were the Lon Nol forces and
9 the Americans. And that's all I understand, and I don't know what
10 happened at the later dates, apart from this.

11 [15.27.16]

12 Q. Going on, then, to part 6: so it's 00442255 in Khmer; in
13 French it's 00292917; and in English 00184025. So, this is point
14 6, and in the second paragraph it says that the Party must
15 protect the revolution as much as possible, against all
16 activities and trickery, direct or indirect, overt or secret,
17 which has the intent to destroy the Party by all means. All
18 Angkar bodies and Party members must be good and clean and be
19 pure politically, ideologically, and organizationally, by having
20 a clear, clean, consecutive and constant personal history.
21 And if you go just above that in the first paragraph of Section
22 6, it says that the Party was established according to the
23 principle of democratic centralism.
24 And then it says that the party has severe and unique discipline,
25 and it fights against the abuse of Angkar discipline.

1 So, let me ask my first question: Did you talk about party
2 discipline to the masses when you were indoctrinating them, or
3 when you were trying to convince them to support the
4 revolutionary movement and to support the Party?

5 [15.29.51]

6 A. Having heard your question put to me just now, it relates to
7 the internal affairs of the Party and the popular mass affairs.
8 First, as I may say, it involves the internal Party's affairs.
9 With that, I, and other people, were not allowed to know how the
10 Party managed itself. In my capacity, I think, I was at the lower
11 level to -- too low a level to understand this.

12 Secondly, we regarded the information for two types; first, for
13 the internal Party and for the popular mass. So, with the popular
14 mass, we had to quote and put them in our words to make sure the
15 people could receive the information. And we had to be careful
16 with imparting these words or texts to the popular mass because
17 they had to be simplified so that people could understand.

18 [15.31.35]

19 Q. And what did you tell the masses with respect to the
20 discipline that they had to observe? What was the definition of
21 discipline; what did you mean by it?

22 A. Discipline which we instilled in the masses is that people had
23 to be on time and they have to observe the working hours. As
24 well, and they had to be economical, and they had to endeavor to
25 produce the surplus in addition to the -- to produce production

1 that can feed themselves, but instead they could produce some
2 surplus to send to the front, as well.

3 Q. And, in terms of morality, were people free to do as they
4 wished?

5 Were there any directives that were issued with respect to moral
6 conduct to be observed either by members of the Party or by the
7 masses?

8 A. Can you please clarify the question because when you talk
9 about morale, what do you specifically refer to? I do not quite
10 understand the question.

11 Q. In terms of discipline to be adhered to, was there a
12 definition of good moral conduct or was there also a definition
13 of what was considered less good or bad conduct?

14 [15.34.00]

15 A. The moral conducts, in that context, was that people must not
16 womanize, or steal other people's property. If they had any
17 problems, they should report to the competent authorities, and if
18 they did anything that was wrong to the people, they had to
19 apologize. They had to ask for the people for even a single
20 chili; they must not steal even a piece of chili because, at that
21 time, we did not have bank notes, so we had to ask people for
22 anything that they wanted. So, that was the moral conduct
23 expected out of us but, in reality, it varied depending on
24 individuals, at that time.

25 Q. Very well. Now, staying on the same topic of discipline, to

1 attend unit meetings or branch meetings, or daily meetings and
2 assemblies, was this something that was mandatory for members?
3 Were members obliged to attend their cell or unit meetings?

4 [15.35.39]

5 A. Generally, certain interval were set for a meeting to take
6 place, but in -- if the person was busy for certain reasons then
7 they would -- it was not compulsory for them to attend. For
8 example, if they had to take care of their wife delivering the
9 baby or so, then they were not obliged to attend such meetings.
10 But as for the implementation of the discipline, I don't think
11 that I could determine whether or not people abided by the
12 discipline a hundred percent.

13 Q. Now, in the extracts I just quoted, there is constant
14 reference to pure biographies, good conduct, clean conduct. Who,
15 under Democratic Kampuchea, would be considered as having a pure
16 biography, and what consists of a pure biography?

17 A. I answered to that question, but it was based solely on my
18 understanding, but I dare not say that my answer was correct. By
19 pure, in this context, means that we did not commit any
20 misconduct and, in addition, whatever information or instruction
21 from the authority to disseminate information to the level --
22 lower level, we did just as was instructed.

23 Thirdly, in our communication and management of properties or
24 disseminations of food stuff and other materials for the masses,
25 then, we delivered efficiently and appropriately. That's what is

1 the quality of being pure.

2 [15.38.29]

3 Q. And does a pure or clean biography also mean that an
4 individual comes from a particular social class amongst the
5 peasants? Does having a pure biography mean having relations with
6 the peasant class or coming from a particular place or class?

7 A. Pure biography, as I said in my statement earlier, once we had
8 no record of being a theft, for example, this is one of the
9 criteria of being pure.

10 Secondly, we did not exploit any other people or took advantage
11 of any people's property or belongings.

12 And, thirdly, we did not abuse alcohol or committed any immoral
13 acts.

14 So that was a reflection of what they had done in the past, and
15 then if they had not done those kinds of misconducts then they
16 would consider those people with pure biography.

17 And, again, with the masses, there are Party's branches which
18 were tasked to observe the biography of their members.

19 [15.40.29]

20 Q. Thank you very much.

21 This now brings me to the two last articles I wish to address.

22 The first one concerning Article 1, "Membership to the Party".

23 The ERN in Khmer is 00442257. The French ERN is 00292919 and,

24 lastly, the English ERN is 00184027.

25 I'll just give you a few moments to identify the passage that I'm

1 concerned with. Under the first heading, the first criterion for
2 qualification, Article 1 deals with criteria for joining the
3 Party.

4 The first condition -- and I will read points B and C which, in
5 the document, reads as follows: "Must be of a good class
6 pedigree, in particular, be a member of the working class and
7 having successfully strived to build the revolutionary movement."
8 And, once again, what is the base or original class and what's
9 considered a good class according to the stance of the Party?

10 [15.42.30]

11 A. Again, I base my answer on my understanding and I don't think
12 that I understood everything, particularly, on this particular
13 section of the statute.

14 By "good class pedigree", it means that this class does not
15 possess any private property and, secondly, this class has had
16 good records of their performance before and then they came to
17 work together with -- with us.

18 [15.43.39]

19 Q. Point (c) reads as follows: "Must have good and clean life
20 morals, and be politically good and clean, and have absolutely no
21 affiliation with the enemy."

22 Therefore, my question is -- once again, I'll just repeat what I
23 just read - or, rather, my question is: To have connections or
24 affiliations with the enemy, could that taint a pure biography,
25 or could that denote or be indicative of a dirty -- unpure and

1 unclean biography or moral misconduct?

2 A. There were two criteria for pure biography; one is they had
3 good records for their performance in the past and, secondly,
4 another criteria for the pure biography is that those people
5 might have had some questionable biography, but when they started
6 joining them, then they started to perform well and then this was
7 considered as people who had pure biography.

8 [15.45.28]

9 Q. Very well.

10 I wish to now lift another passage from Article 2 which is
11 entitled "Duties of Party Members". Under Article 2.2, "Internal
12 Duties", which is, in Khmer, 00442261; the French ERN is 00292922
13 and the English ERN is 00184032. Point (e) talks about secrecy
14 and the rule of secrecy. Under "Internal Duties": "Always and
15 absolutely strive to maintain Party secrecy with a high stance or
16 degree of revolutionary vigilance."

17 As a cadre of the Party, you were responsible for training and
18 for also providing explanations on the absolute duty to maintain
19 Party secrecy; is this correct?

20 A. The principle of maintaining secrecy is embedded in this
21 statute and then we address the mass -- masses. We also respect
22 this principle of secrecy. So, in that period of time, people had
23 to mind their own business. So we were responsible for
24 proselytize or propagandize with the people with what we were
25 instructed to do. We must not go beyond the boundary of our

1 responsibility.

2 [15.48.09]

3 Q. Mr. Witness, were there be ever any situations in which you
4 were fearful of breaching this rule of secrecy? Did other members
5 of the Party have any fear over violating this rule of secrecy or
6 disclosing any secret information to the public?

7 A. Yes, it was -- it was a normal situation. We had to work
8 within our job description. We could not breach the rule of
9 secrecies beyond our principle role.

10 Q. And was the duty to maintain secrecy so strong and inculcated
11 within the Khmer Rouge mentality, to this day it is difficult for
12 you to not be somewhat bound to it? To this day, do you still
13 feel an obligation to maintain this absolute secrecy?

14 A. To date, I have not been under any pressure at all, because I
15 have already rallied the royal government, and I also joined
16 force with the Cambodian People Party, so I do not feel any
17 pressure anymore. So I think that I am operating in a -- more
18 freely now.

19 Q. I wish now to ask you a few questions with respect to West
20 Zone assembly meetings, particularly, as it concerns Sector 15
21 and 22.

22 Which cell belonged to you, Mr. Witness? What was your cell or
23 unit called and where was it located?

24 [15.51.33]

25 A. For the open meeting, it was held in Chamkar DOUNG, as I said

1 earlier, and, as for the venue for the meeting of branches, which
2 I also took part, was somewhere in Chitrous mountain along the
3 riverbank.

4 Q. And was your cell the propaganda and indoctrination cell or
5 did it belong to a particular geographical unit or cell?

6 A. The branch, with which I worked, did not have a solid
7 foundation because we just immersed from the war. During the
8 wartime, we merely had a small hut with a leaf roof, but when the
9 war was over, we did not actually have a solid foundation for --
10 for this branch other than that we had a more firm structure like
11 have -- we have the zinc roof, but we did not have not even a
12 single sign board beside the hut.

13 [15.53.56]

14 Q. Very well. Did you take part in criticism and self-criticism
15 sessions which were also the commonly known as introspection
16 sessions? Did you take part in those types of meetings regularly?
17 Did they take place at the cell level or elsewhere?

18 A. The so-called criticism or self-criticism was conducted in
19 each branch. They convened this sort of meeting in order to give
20 members the opportunity to self-review themselves; what they had
21 done and what they need to improve. So those who were listening
22 in the sessions would give constructive comments and by taking
23 those constructive comments, we could do everything to improve
24 ourselves and, as to how much they could do with all the comments
25 made by their fellow members, then it was up to individual

1 members.

2 Q. And were there summaries to these meetings? Were minutes
3 drafted for those meetings and were those types of documents then
4 conveyed to the upper echelon?

5 A. Yes, minutes were taken. Normally, the chairman of the meeting
6 would sum it up and then they reported to the upper authority. In
7 that report, it would say some things like these members have
8 already said that they -- they -- would improve this area of work
9 or so.

10 [15.56.19]

11 Q. Sir, could you, please, repeat the first part of your answer?
12 What we heard was that the chairman of the meeting reported on
13 what people said during the meeting; did you add anything else
14 that I may have inadvertently missed?

15 A. Basically, as I -- I think what you heard was correct. The
16 chairman of the meeting would sum the minutes of the meeting up,
17 and they would draw the good points and witnesses of members, and
18 then they also flag out the problems that hindered the
19 performance of members, and they also sum up the comments made by
20 other parties -- by other members and then they would forward
21 this report to the upper authority.

22 [15.57.45]

23 Q. Were these criticism or self-criticism meetings feared or
24 dreaded by members who had to criticize their fellow members or
25 even themselves?

1 A. It was the discipline; if we were dedicated and we were
2 compatriots or patriotic to the nation and the people, then that
3 was what we had to do. As for the fear, as you mentioned in your
4 question, generally, people had fear and if they had witnesses,
5 they were concerned; they were worried. When people flag out
6 their witnesses, they were worried. It was not the fear per se,
7 but they just -- they were just concerned that they had done
8 something bad or not well.

9 Q. Mr. Witness, were you, yourself, ever concerned or taken by a
10 feeling of fear when you were working in the West Zone? Did you
11 ever experience any moments of worry or concern?

12 A. I had never been in the West Zone; I remained in Sector 15 all
13 along. I was worried about the plans that had been rendered to us
14 to implement and we were afraid that we could not implement them.
15 And I had to ensure that people could cultivate rice and to plant
16 enough rice to feed all the people.

17 [16.00.40]

18 Q. Mr. Witness, did you also participate in biography meetings,
19 either inside the cell or within Sector 32?

20 A. Please repeat your question.

21 Q. Either in the cell or in Sector 15 or 32 afterwards, did you
22 take part in biography meetings in which each person had to sit
23 down and write their biography?

24 A. Yes, I did. I, personally, mainly had to report to the
25 branches about what I had done, and I did attend such sessions.

1 And other people also joined me in reporting on the historical
2 background of ours in the sessions.

3 MR. PRESIDENT:

4 Mr. Prosecutor, we thank you.

5 And it is now an appropriate time for today's adjournment. The
6 Court will adjourn; the morning session will be resumed at 9
7 a.m., tomorrow.

8 We continue hearing the testimonies of witness Ny Kan, questions
9 to be put by the prosecutors.

10 [16.02.41]

11 Mr. Ny Kan, since your testimonies are not yet complete and the
12 Chamber wishes to continue hearing your testimonies until
13 tomorrow, and duty counsel for Mr. Witness Ny Kan is also invited
14 to come to the Court to assist him and the following day when his
15 testimonies as they're needed.

16 Court officer is now instructed to coordinate -- assist in
17 particular this witness working along with the WESU unit to
18 ensure that he has proper accommodation and have him return to
19 the courtroom tomorrow.

20 Security personnel are now instructed to bring the accused two
21 persons to the detention facility and have them return to the
22 courtroom by 9 a.m.

23 With regard to Mr. Ieng Sary, if he shows the intention that he
24 waives -- he continues waiving his right to be present in the
25 courtroom and ask that he'd be allowed to observe the proceedings

1 from downstairs in his holding cell for tomorrow's session, with
2 the written document produced to the Chamber, he will only be
3 brought by the security personnel to his holding cell, not
4 directly to the courtroom.

5 The Court is now adjourned.

6 (Court adjourns at 1604H)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25