



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): 30-Apr-2013, 14:50  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 April 2013  
Trial Day 169

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  
KHIEU Samphan

Lawyers for the Accused:

SON Arun  
Victor KOPPE  
KONG Sam Onn  
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

Matteo CRIPPA  
DAV Ansan

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

SENG Bunkheang  
Dale LYSAK  
SONG Chorvoin  
Keith RAYNOR

PICH Ang  
Élisabeth SIMONNEAU-FORT  
LOR Chunthy  
MOCH Sovannary  
VEN Pov  
Emmanuel JACOMY

For Court Management Section:

UCH Arun  
SOUR Sotheavy

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. CHHOUK RIN (TCW-110)	Khmer
MS. GUISSÉ	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. SONG CHORVOIN	French

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 During today's sessions, the Chamber continues hearing the  
6 testimony of Mr. Chhouk Rin, and TCW 126 is also a reserve  
7 witness for today.

8 Before we hand over to the Lead Co-Lawyers for the civil parties  
9 to put some questions to the witness, the Chamber would like to  
10 instruct the Greffier of the Trial Chamber to report on the  
11 current status of the parties to the proceedings.

12 [09.06.00]

13 THE GREFFIER:

14 Good morning, Mr. President and Your Honours.

15 Today the parties to the proceedings are present, except Mr. Nuon  
16 Chea, who is present in his holding cell through remote  
17 participation.

18 Today the Chamber continues to hear the testimony of Mr. Chhouk  
19 Rin, who is present right in the courtroom.

20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 What about the reserve witness? Is the witness ready?

23 THE GREFFIER:

24 Mr. President, TCW 126 is available and awaits a call from the  
25 Chamber.

2

1 [09.06.43]

2 MR. PRESIDENT:

3 Thank you.

4 We would like to now hand over to the Prosecution and the Lead Co

5 Lawyers for the civil party to put some questions to the witness.

6 And please share the time allocated to both counsels for this

7 questioning.

8 MS. SIMONNEAU-FORT:

9 (Technical problem, no interpretation)

10 MR. PRESIDENT:

11 (Technical problem, no interpretation)

12 [09.10.43]

13 MS. SIMONNEAU-FORT:

14 Good morning, Mr. President. Good morning, ladies and gentlemen,

15 and all of the parties present here. Thank you, Mr. President,

16 for allowing me to make a couple of points before the prosecutor

17 carries on for the 10 minutes that he had earlier requested.

18 I would like, at this stage, to suggest that the witness perhaps

19 offer part of his time to the Prosecution because we don't need a

20 complete hour. However, after the various incidents that have

21 arisen recently, we do understand that the Prosecution may need a

22 little extra time, and we fully agree that it should go to any

23 party that requests extra time. However, there can be no question

24 that we would accept that this time should be taken out of the

25 civil parties' time.

3

1 The civil parties are not kind of sub parties, some kind of  
2 accessory to the Prosecution, or a subsidiary thereto, and in all  
3 civil law systems, it is a fully fledged party with full rights  
4 that are equal to those of all of the other parties present. In  
5 other words, to plead and to ask questions.

6 [09.12.07]

7 We have shared objectives with the Prosecution, that is  
8 absolutely true, and they are many and varied, but we have others  
9 that are distinct, and our vision of this trial is different and  
10 we see it in different ways. The first questions that were raised  
11 about vulnerable people suffering fear, the New People, all of  
12 these questions were raised by the civil parties. So there can be  
13 no question of asking whether the civil parties are more or less  
14 important than this or that party or more or less useful, they  
15 are distinct and that is all.

16 MR. PRESIDENT:

17 Actually, the Chamber does not wish to say anything about this.  
18 The Chamber has allocated full day for counsels to put questions  
19 to the witness, and it is now time for you to either share this  
20 time equally with the Co-Prosecutors or whatever decision would  
21 be made would be up to you.

22 And the Chamber has offered the floor and the time to both  
23 parties to the proceedings, and yesterday, the Co-Prosecutor  
24 would like the full day for putting the questions and would like  
25 some time from the time allocated to the civil parties for

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1 putting a few more questions. And the Lead Co-Lawyers for the  
2 civil parties did not oppose such a request.

3 [09.13.59]

4 And the Chamber takes that Lead Co-Lawyers for the civil party  
5 and Co-Prosecutors could have already discussed about this. And  
6 that's why we ruled and entertained such a request made by the Co  
7 Prosecutors.

8 The Chamber has never ever regarded Lead Co-Lawyers as a very  
9 small party to the proceeding. We treat the party equally and we  
10 believe that the time allocated already speaks for itself for  
11 this acknowledgement.

12 You may now proceed, Mr. Co-Prosecutor, with the questions.

13 QUESTIONING BY MR. RAYNOR RESUMES:

14 May it please you, Mr. President. Good morning, Mr. President and  
15 Your Honours, and good morning to you, Mr. Chhouk Rin.

16 [09.15.05]

17 Q. At the end of my questioning yesterday, I was asking you  
18 questions about the evacuation of Kampot in April 1975. You  
19 covered this in a previous OCIJ interview, E3/361 - English,  
20 00766451; French, 00268883; and Khmer, 00194466 - and you said  
21 this: "I did participate in the evacuation of the people from  
22 Kampot following instructions of Ta Mok and Sam Bit."

23 My question for you is this: What exactly did you do when you  
24 participated in the evacuation of Kampot?

25 MR. CHHOUK RIN:

5

1 A. I already mentioned about this already yesterday, that  
2 happened on the 16th of April rather than on the 17th, and by  
3 then all population of the city was fully evacuated.

4 Q. So what was your role and what did you do?

5 A. As I stated earlier, I was a soldier, and I believe I made it  
6 clear already yesterday concerning this role.

7 Q. What did you do?

8 [09.17.34]

9 A. I, after the whole population was evacuated from Kampot, went  
10 to our respective unit.

11 Q. What reasons were given to the dwellers of Kampot for them  
12 being evacuated?

13 A. The reason was that enemies would be among the population and  
14 they would pose some risk to us and for safety reasons they had  
15 to be evacuated.

16 Q. So were all the dwellers of Kampot considered to be enemies at  
17 this time?

18 A. No, they weren't, but the war was still going on and we had no  
19 reason to treat all civilians as enemies, and I did never receive  
20 any instructions as such. But we were advised that during such  
21 time if the enemies attacked us, if the population had not been  
22 evacuated, it would pose some risk.

23 Q. You said yesterday that even a baby would have known in 1973  
24 that city dwellers were the enemy. Was that still the case for  
25 Kampot or had it changed?



6

1 [09.19.55]

2 A. We never treated anyone, including a baby, as an enemy,  
3 because the war was not yet fully over, although at some part,  
4 the war was over, but in Phnom Penh the war was still going on.  
5 And we never treated young people or children, including babies,  
6 as enemies, because we had to liberate the cities and we never  
7 waged war with the civilians. Indeed, we treated other opponents,  
8 like other – the soldiers of the other party opposing us as our  
9 enemies, but we never treated civilians as our enemies.

10 Q. Was there a hospital or medical facilities in Kampot at this  
11 time, and were patients evacuated?

12 A. Yes, there were some hospitals in Kampot, but there were very  
13 few patients or in patients, because their families could have  
14 already transferred them before that.

15 Q. I want to move on to another subject. You spoke yesterday  
16 about the army being purified from the beginning soon after 1975.  
17 You covered this in your previous OCIJ interview, E3/361 –  
18 English, 00766455; French, 00268889; and Khmer, 00194466 – and  
19 commenting or giving evidence to the investigators, you said this  
20 about these arrests of the army commanders – and I quote:

21 "Without the Centre level having ordered it, high-level military  
22 commanders like this could not have been arrested."

23 Why would the Centre have to order such arrests?

24 [09.23.16]

25 A. I do not think I understand this very clearly, but I believe

7

1 that without orders such commanders could have never been  
2 arrested. So any arrests could have been rendered through the  
3 orders from the Centre.

4 Q. Thank you.

5 On the issue of orders, I'd like to cover another abstract of a  
6 previous interview, E3/361 – English, 00766454; French, 00268886  
7 through to 87; and Khmer, 00194469 – and you said this:

8 "The decisions and plans of the leadership were to create  
9 internal security and defend the country. We had no choice. Each  
10 person had to follow the orders of the Standing Committee. If  
11 not, they would without fail be arrested and disappear."

12 My question for you is this: Who communicated the orders of the  
13 Standing Committee to you?

14 A. I never received direct orders from the Centre. At the  
15 Southwest Zone, I received direct orders from my commander, and  
16 Ta Mok, in particular, from whom they could have received further  
17 orders, I don't know. So I can say for sure that I had never  
18 received such direct orders from the Centre at the Southwest  
19 Zone.

20 [09.26.00]

21 Q. Thank you. What orders did you receive for creating internal  
22 security in the country?

23 A. When the war was over, the whole army of the province had been  
24 ordered to be transferred to the border area altogether.

25 MR. RAYNOR:

8

1 Thank you. Mr. Chhouk Rin, thank you for answering my questions.  
2 Mr. President, can I at this stage, please, hand over very  
3 briefly to my national colleague, who has literally one or two  
4 quick questions?

5 Thank you very much.

6 QUESTIONING BY MS. SONG CHORVOIN:

7 Good morning, Mr. President and Your Honours. Good morning,  
8 parties to the proceedings, and a very good morning again to you,  
9 Mr. Chhouk Rin. Perhaps this is the last moment the Co  
10 Prosecutors will be putting questions to you, and we only have  
11 very few remaining questions.

12 [09.27.38]

13 Q. Yesterday my learned colleague already put a few questions to  
14 you concerning Mr. Nuon Chea, and yesterday, you had not  
15 responded to the questions I put to you. May I now ask you these  
16 same questions? And I hope you will be able to respond to them.  
17 Yesterday Mr. Keith Raynor quoted your statement before the Co  
18 Investigating Judges – document E3/361; ERN in Khmer, 00194464;  
19 English ERN, 00766449; French ERN, 00268881. You said: "I was  
20 very – I was angry when Nuon Chea said that he was not  
21 responsible for what had happened between 1975 and 1979. He was a  
22 senior cadre."  
23 Now, my simple question to you is: Why were you angry at Nuon  
24 Chea when he said he would not be responsible for what had  
25 happened during this period of time?

1 MR. CHHOUK RIN:

2 A. I thank you very much indeed for putting this question to me.

3 And the reason I would like to emphasize in my response is that I

4 have observed the trial proceedings, and I also noted his roles,

5 and I also learned about the line of questioning the Co

6 Prosecutors put regarding the line and political policies and

7 platform.

8 [09.30.00]

9 Indeed, when I was asked to come to Phnom Penh, I was not

10 attending a meeting but I was attending study session attended by

11 many people from across the country. We were lectured on

12 political lines and other matters.

13 I believe I made it clear in my response yesterday, because we

14 were lectured on the very rigorous political line of the CPK,

15 lectured by my superiors, and I would not wish to tell you more

16 about this because it is because of this kind of political line

17 that everyone had problems. Everyone had to suffer greatly, both

18 civilians and soldiers alike.

19 I, as soldiers, did not know much about other matters other than

20 being ordered by Nuon Chea to cultivate rice, to grow crops. We

21 were not instructed to be on military trainings. Instead, we had

22 to do farming as soldiers, and Nuon Chea was the one who ordered

23 all this. And I think he is the right person to know about this,

24 and when he didn't say he would be responsible, it is strange.

25 And I believe that the CPK, in its statement, made it very clear

10

1 about how they controlled the population.

2 [09.32.00]

3 And among the CPK, these senior leaders were the one behind all  
4 these plans. And when I attended study sessions, I saw some  
5 senior leaders and I also observed the documents, the document  
6 they used in the study sessions, the documents that were all the  
7 - that were parts of all the problems that happened in the  
8 following years. And I never imagined that such a policy would be  
9 very dangerous like that.

10 MS. SONG CHORVOIN:

11 Thank you, Mr. Chhouk Rin, for responding to this question.

12 We have no further questions for the witness.

13 MR. PRESIDENT:

14 Thank you.

15 And we would like now to hand over to Lead Co-Lawyers for the  
16 civil parties to put some questions.

17 [09.33.06]

18 MR. PICH ANG:

19 Thank you, Mr. President. Lead Co-lawyers would like to hand over  
20 to Counsel Moch Sovannary for putting a few questions, and  
21 Counsel Élisabeth Simonneau-Fort will be putting some questions,  
22 as well.

23 MR. PRESIDENT:

24 You may proceed.

25 QUESTIONING BY MS. MOCH SOVANNARY:

11

1 Thank you, Mr. President, and good morning, Your Honours. Good  
2 morning, Mr. Witness.

3 I am Moch Sovannary. I am here representing the civil parties and  
4 I will have a few questions for you. I would like to thank you in  
5 advance for responding to the questions I will put to you.

6 [09.33.58]

7 Q. Just now you said, even in the military, soldiers were forced  
8 to work, and I would like to cite your statement before the co  
9 investigators of the Office of Co-Investigating Judges, under  
10 document that referred to by the Co-Prosecutors, document E3/362  
11 - ERN in Khmer, 00210213; English ERN, 00268899; French ERNs,  
12 00268906. This statement is relevant to the three tonnes per  
13 hectare farming plan. It also written in "Revolutionary Flag  
14 Number 7" as well - you stated that:

15 "That plan, even young people at school were forced to engage in  
16 chopping some small plants to use as fertilizer, and I had to  
17 also carry some dirt to build the canal and dykes, and I was  
18 having problem with the food, the shortage of food."

19 My question to you is that: Did you remember having given such  
20 statement before the co investigators?

21 [09.35.58]

22 MR. CHHOUK RIN:

23 A. Thank you very much for this question.

24 I, indeed, stated this before the co investigators, and I, at  
25 this moment, still feel that some villagers who are now observing

12

1 the proceedings in the public gallery will know for sure that I,  
2 as soldier, had to defend the country at the border area and did  
3 farming. And soldiers who were stationed at Kampong Trach, and  
4 the villagers of Kampong Trach district now would know what I  
5 could have done at that time, because at that particular time, I  
6 had to carry my gun while doing farming, so in short, I can say  
7 that I had to carry fertilizer for the paddy fields and carried a  
8 gun at the same time.

9 And I saw young children, I saw them. It was not part of my  
10 business to know what they could have been doing, but I saw these  
11 young people, young children who were asked to also find or  
12 collect some small plants to make fertilizer. So I have to now  
13 recollect the event after it happened more than 30 years so that  
14 the accounts could be now reflected in the courtroom so that my  
15 countrymen could see what had happened at that time.

16 [09.37.59]

17 Q. Thank you, Mr. Chhouk Rin.

18 On this same point, I would like to have another question. Who  
19 ordered such plan, or was it implemented in one particular area  
20 in the country, or was it a blanket order that had to be  
21 implemented across the country?

22 A. Thank you. This plan, according to the study documents, was to  
23 be implemented throughout the country. It was not meant to be  
24 implemented only in Kampot province. It is my conclusion that it  
25 had to be carried out all across the country. I don't know

1 whether such conclusion is official or convincing enough, but  
2 that's what I felt.

3 [09.39.07]

4 Q. Can you also tell the Chamber in brief how you suffered from  
5 the work that you had been ordered to do, the labour you had to  
6 perform as a soldier who had to also do farming? Can you please  
7 be brief on this?

8 A. Thank you very much for the question.

9 Thirty years or so ago, I was very energetic, I was at my full  
10 strength, and we worked very hard. We did not have enough food.  
11 Soldiers also did not have decent food, and I never knew that  
12 civilians would also receive less food like that. I learned about  
13 this only after the fall of Phnom Penh. And everyone had to work  
14 very hard physically and mentally. And now I am over 60 years old  
15 and I can feel that I am very fatigued, but at that time, we  
16 worked very hard and we had also been very exhausted.

17 Q. Thank you.

18 Yesterday, you said you did not know much about the living  
19 condition of the Base People. For that, I would not ask what  
20 happened to the civilians regarding the implementation of this  
21 plan.

22 [09.41.15]

23 My next question is - yesterday you said, after studying the  
24 "Revolutionary Flag Number 7", the atmosphere of fear was  
25 widespread, and you said that a lot of people were betrayed or



14

1 cheated on by Mr. Nuon Chea. My question is: Why you also were  
2 afraid of him?

3 A. Yesterday I mentioned about my attending study sessions in  
4 Phnom Penh. I think I already did that extensively in my  
5 testimony. And the reason that we were afraid of him, because we  
6 knew that the political line of the CPK, which was the Socialist  
7 Revolution, was to be implemented, and for that reason everyone  
8 who attended the study session had reason to be afraid of the CPK  
9 and the senior leaders of the CPK, not necessarily Mr. Nuon Chea  
10 alone. So we were afraid of every senior leader, and we were  
11 afraid of making mistakes.

12 [09.43.16]

13 I can't exactly say what would have been written in the  
14 "Revolutionary Flag Number 7", but as I told you, mistake could  
15 be very minimal and people could be killed for committing such  
16 small wrongdoing, for example, like losing a hoe or breaking  
17 something. And people who attended study sessions would also be  
18 arrested after the sessions concluded, so all these made it  
19 reasonable to believe that we were fearful.

20 Q. I would like to have some questions for you regarding the  
21 period prior to 1975, document E3/361. Khmer ERN is 00194465; in  
22 English, 00766459; and French ERN 00268882. You said the  
23 battalion was established and that Buddhist monks were defrocked  
24 in 1973, and who were forced to become soldiers. Can you tell the  
25 Chamber why would Buddhist monks had to be defrocked and

15

1 conscripted? Do you know the reason behind this?

2 [09.45.15]

3 A. I knew it very well at that time. When monks were defrocked,  
4 all the monks, all the former monks who had been defrocked, had  
5 to become soldiers and worked with me in my unit.

6 At the beginning I did not imagine that the Khmer Rouge would  
7 need monks to become soldiers, but later on it was the case that  
8 monks were defrocked and conscripted, and it was known to all  
9 villagers. And it is true; all Buddhist monks had to be  
10 conscripted as soldiers in 1973. At least it happened to the  
11 whole unit under my supervision, because these soldiers were  
12 former monks.

13 Q. Do you know whether this is a part of blanket policy applied  
14 across the country to recruit monks as soldiers to fight the Lon  
15 Nol soldiers?

16 A. In Kampot province, I can see that it was a policy implemented  
17 by leaders in Kampot province. I do not know whether such a  
18 policy was carried out across the country, but it happened in  
19 pagodas at Kampot province when monks had to be defrocked and  
20 drafted in 1973.

21 [09.47.14]

22 Q. Please hold on-

23 A. The leaders in 1973 were the same people. Mr. Kang Chap  
24 remained the senior leader in Kampot. I know Mr. Nuon Chea knows  
25 very well about this. At that time, it was under the reign of Mr.

16

1 - reign of Mr. Kang Chap, who was the head of the soldier.

2 Q. I have just two more questions, please.

3 The first question is about the statement you gave before the co  
4 investigators under document E3/366. Document in Khmer, 00194465;  
5 English, 00766456; and French, 00268882. At that time you said  
6 that Sam Bit took over from Kang Chap, and that there was a  
7 meeting in the Southwest Zone. Mr. Sam Bit told you about the  
8 objective of the military of the Southwest Zone.

9 Can you now tell the Chamber, what would be the target for the  
10 military objective at that time in the Southwest?

11 [09.49.03]

12 A. At that time the provincial military was not under entirely  
13 the supervision of the Southwest Zone. When Kang Chap was  
14 promoted to be the head of the military, the provincial military  
15 became a division or a division was established to gather all the  
16 provincial soldiers and military. And at that time, several  
17 divisions were established. I don't remember all the names of  
18 these divisions, but I think I can recall a few, like Divisions  
19 130, 110, 150, so on and so forth, and these divisions had to  
20 fight in battlefields in Takeo and Kampot provinces. And later  
21 on, these divisions had to be under the sole supervision of the  
22 provincial division, rather than each respective Takeo and Kampot  
23 provision - provinces.

24 Q. The re establishment of the soldiers or military, was this  
25 done by the commander of the provincial military or by the

1 Centre?

2 A. To be brief, at that time, if I received orders from Sam Bit  
3 or Ta Mok, I would only know that such orders were rendered from  
4 these two people, and I would never know whether orders could  
5 have been rendered from higher up, because the rule of  
6 confidentiality was so strict that we had no reasons to know  
7 whether such orders could have been rendered from higher up. So  
8 simply speaking, at that time, we only knew that orders could  
9 have been rendered from our immediate superiors, rather than from  
10 our senior leaders.

11 [09.52.01]

12 Q. Thank you.

13 This is the last question due to time constraints. I would like  
14 to also cite your statement before the co investigators, document  
15 E3/361. ERN in Khmer, 00194472; English, 00766458; and French  
16 ERN, 00268891. You said, "Mr. Nuon Chea was the Deputy Secretary  
17 of the Party," and who was also highly responsible as what Pol  
18 Pot did. From 1975 to 1979, was - the plan was carried out by  
19 them, and what happened between 1975 through to 1979 was  
20 implemented by a well-planned policy.

21 With this, can you also tell the Chamber whether you would like  
22 to say anything at all?

23 A. Thank you for the question, Counsel.

24 I personally mentioned a lot about this to the co investigators  
25 in - in 2008 and 2009. The reason I said the whole CPK had to be

18

1 responsible for all the plan - what happened before 1975 and '79  
2 - was that after attending the study sessions, I could see very  
3 clearly that all plans had to be instructed or devised by the  
4 senior leaders of the CPK. For that, I can fully say that the  
5 plan was ordered by the senior leaders of the CPK.

6 [09.54.26]

7 MS. MOCH SOVANNARY:

8 Thank you, Mr. President and Your Honours, and thank you, Mr.  
9 Witness.

10 With that, I would like to hand over to Counsel Simonneau-Fort.

11 QUESTIONING BY MS. SIMONNEAU-FORT:

12 Yes, thank you.

13 I have a very few questions. Ms. Martineau, who had to put  
14 questions to the witness, left rather unexpectedly and asked me  
15 to crave the Court's indulgence for that, Mr. President.

16 Mr. Witness, thank you for your cooperation. It is important for  
17 the silence that has been prevalent to be broken over a number of  
18 issues.

19 Q. My first question has to do with the evacuation of Kampot. You  
20 referred to it and you stated that you participated in that  
21 evacuation. You also said that you simply told the people to  
22 leave and that was all.

23 How did you manage to convince the inhabitants of Kampot to  
24 leave, leaving behind all their property?

25 [09.55.51]

1 MR. CHHOUK RIN:

2 A. At the time, the people brought their belongings with them. So  
3 this is my brief response.

4 Q. You did not answer the first part of my question. How did you  
5 manage to convince them to leave?

6 A. It was not difficult to convince them to leave; we just told  
7 them that that was for their safety, there might be another war.  
8 We were concerned that there would be another war, a new war, so  
9 you should leave. So this is how we convinced them.

10 Q. Where did those people go?

11 A. They left. Some of them went along National Road 33 and  
12 National Road Number 3. They went to their home villages. I did  
13 not know where they went, because we were soldiers and then we  
14 defended along the coast, and - so we did not follow them. We did  
15 not know where they went.

16 [09.57.41]

17 Q. Regarding that evacuation, you stated that the town was  
18 emptied. Were the hospitals also emptied?

19 A. I did not go to see what happened in the hospital, but of  
20 course, no one was in the hospital.

21 Q. How about people who were elderly, very tired, the sick who  
22 were not able to walk and who couldn't be assisted by their  
23 family members, what happened to them?

24 A. I was not interested. I did not pay attention to all those  
25 things. I did not know what happened to the elderly, but maybe

20

1 their relatives took them away. They helped each other, the  
2 relatives helped them.

3 Q. Regarding those people who were evacuated and deported from  
4 Kampot, were they again evacuated a second time, subsequently, to  
5 your knowledge?

6 A. I did not know about that. I did not know about that.

7 [09.59.45]

8 Q. You were a soldier, and you told us what you did in 1975  
9 following the evacuation of Kampot, and in 1974, you said you --  
10 you also told us what you did. You were a farmer between 1975 and  
11 1977. What were your military duties?

12 A. As I said earlier, so this question has been put to me many  
13 times already, and I have described the role and the duties of  
14 the military already. So right now, I would like to recall. I  
15 have described the role and the duties of the military already,  
16 so I do not need to repeat. So, I have described that already.

17 Q. Well, I need some details and I don't believe that my question  
18 is particularly repetitive, but I'll ask you something more  
19 precise now. Were you responsible for internal security?

20 [10.01.32]

21 A. Soldier had the duty - the responsibility to defend the  
22 country. They are not responsible for internal security. They  
23 have different responsibilities. Immediately after the war ended,  
24 my unit was sent to the border area to defend the country.  
25 Security was the responsibility of the authorities at the base.

1 We were responsible for the security at the border. We protect,  
2 we defended the border.

3 Q. Very well. You talked about ideological and self-criticism  
4 meetings. Can you tell us how these self-criticism meetings were  
5 run, if you please?

6 A. As I have described earlier to the Co-Prosecutor when they put  
7 question to me yesterday about the study session. So when we were  
8 called to attend study sessions, we did not have time to walk  
9 around, to communicate with others. If you want me to describe  
10 that again, I will give some details about that. So, if you want  
11 to know more about that, I will describe.

12 [10.03.33]

13 For example, the contents of the documents to be studied, they  
14 would be discussed by groups, and we have to reflect what we have  
15 done, what we have not done. So, this is what we call,  
16 self-criticism. We discussed among our group members whether what  
17 we have done here is good or is not good. So our group will give  
18 comment to each other, each member. And the members of the group  
19 here did not dare to communicate with the members of the other  
20 group. So that is the criticism, self-criticism. So this is what  
21 I can describe. Thank you.

22 Q. Thank you very much.

23 You've just told us that the members of a group didn't dare to  
24 speak on behalf of another group. Can you explain why to us?

25 [10.04.48]



1 A. The reason was that, as I have told to the Co-Prosecutors  
2 already, the soldiers from the province were the targets of the  
3 arrest, in fact. So they were very cautious because they would be  
4 arrested. That was the reason. This is why we did not dare to  
5 communicate with the others.

6 For example, one commander who used to be in Kampot and later he  
7 was transferred to Kandal, and then he disappeared. Ta Sean, for  
8 example, was the chief of Kampong Trach district, and then he was  
9 transferred to Kandal and then he was -- and then he disappeared.  
10 Kang Chap was transferred from Kampot to the north, and later on,  
11 we heard that Kang Chap was arrested. So, this was the reason. We  
12 knew them and then they disappeared; they were arrested. This is  
13 why we were afraid.

14 For example, Bong Sean used to give me advice because I stayed  
15 with him. At the time, I was called a bodyguard. So, we were  
16 bodyguard when our superior, our boss, were arrested. Of course,  
17 we were frightened.

18 So there were a lot of stories, past stories. If I have to  
19 describe all the events, it would take a lot of time of the court  
20 hearing. That is why, I just talked briefly about that so that  
21 all the people, the public and the Court can understand or can be  
22 aware of what happened to me. So, I would like to talk about that  
23 briefly.

24 [10.07.34]

25 Q. Thank you for that detailed answer.

1 You were a Party member, and several times you have told us about  
2 secrecy and the fact that other people's business was no business  
3 of yours. Were the members of the Party taught to keep the  
4 secrecy of a certain number of matters?

5 A. At the time, as I said, everything was secret, strictly  
6 confidential. The document that I have mentioned, I believe that  
7 was not known to the public. The people over the country did not  
8 know about that document, only Party members or the Youth League  
9 -- the members of the Youth League could learn about that  
10 document.

11 [10.08.44]

12 I could not explain the definition of the Youth League if you  
13 asked me to define that Youth League. Youth League was the core  
14 forces and it was in the second rank after the Progressive, and  
15 then there was the Party members. If you ask me to explain the  
16 definition of those terms, I could not do that.

17 In the CPK, everything was confidential. So, this is how -- this  
18 is about the process of joining the CPK. My superior may be able  
19 to explain that, but of course, I cannot explain that process or  
20 the definition of those terms, because my knowledge is limited,  
21 so I can say about that only briefly.

22 Q. Thank you. Along the same lines of this question of secrecy,  
23 in one of your interviews with the Investigating Judges, in  
24 E3/361 - French ERN, 0026288891, page 14; and English, 0766458;  
25 and in Khmer, 00194473 - you said that:

1 "At the meetings, the Centre always made written records and they  
2 were sent to the high-level leadership of the Centre, but in  
3 1979, there were orders from the Centre to destroy all of the  
4 Centre's planning documents and various written records. I know  
5 this, since I was a Party member. The destruction was done by  
6 burning those documents and I also burned documents."

7 Were there a good many documents to be destroyed at that stage,  
8 sir?

9 [10.11.51]

10 A. After the war ended, after the Khmer Rouge army was defeated  
11 by the army of the State of Cambodia, led by Samdech Techo, all  
12 the documents, even my personal documents, were destroyed.

13 So, when I come here, I need time to think. I am concerned that I  
14 cannot give correct account - accurate accounts. So, before I  
15 come to testify over here, I took the oath. I am determined to  
16 tell the truth, but if I make some kind of error, so please  
17 forgive me.

18 But of course, all the documents were destroyed, books, for  
19 example, books - the documents of the CPK were destroyed because  
20 we were defeated. That is true.

21 [10.13.10]

22 Q. Thank you.

23 You dwelt on the subject of the fear that you felt a moment ago.

24 Now, were people watching each other very closely during the

25 Khmer Rouge regime?

1 A. During the Khmer Rouge regime, so this is similar to the  
2 previous question, we have to keep an eye on each other if anyone  
3 did not do something good, and then we helped correct that  
4 person. There were meetings. For example, there were meetings  
5 every three days. So, this is why we were afraid. We were afraid  
6 of making mistakes.

7 Q. Thank you. Several times, you told the Investigating Judges  
8 and this courtroom that you wanted to tell as much as possible.  
9 Now, we've asked a lot of questions. Is there something that you  
10 might like to add to what you have said that perhaps we have  
11 forgotten to ask you?

12 [10.14.51]

13 A. Right now, personally, I have told the Chamber and Mr.  
14 President that my health is not good, but of course, I have the  
15 desire to help the victims. And I want to clarify that not only  
16 ordinary people suffered, even myself and my relative at the base  
17 also suffered.

18 So, after we were defeated, I knew that some of my relatives had  
19 been killed, had died, and I did not know why they died. For  
20 example, my cousin, who was a former taxi driver, was also killed  
21 during the Khmer Rouge regime.

22 So today, because I was a former Khmer Rouge soldier, and you  
23 would ask me why today I am brave, I am courageous to testify  
24 even though my health is not good. Of course, I want to talk  
25 about this. I was a former Khmer Rouge soldier, and of course, at

1 the time, I also suffered like other ordinary people. This is why  
2 I want to show this to all the people.

3 [10.16.48]

4 Yesterday I said that my superior was like a hungry tiger. At the  
5 time he was in power, it was like what Samdech Techo said:

6 "Today, this is my turn." So, today is my turn, and tomorrow it  
7 will be your turn. And of course, if we did not rush to run away,  
8 we would be killed.

9 That's why I wrote a letter to the Chamber saying that I would  
10 help the Chamber. When I wrote the letter in 2007–2008, my health  
11 was good and my memory, at the time, was good. But right now, my  
12 health is not so good. And, there are a lot of stories and I  
13 cannot remember all the stories.

14 But, I just want to say, my superior, my leader was like a hungry  
15 tiger. If there is no food, the tiger might eat their  
16 subordinates. And, I was in prison because of my leader as well.

17 But of course, I would like to say thank you to the Royal  
18 Government of Cambodia right now, because I have a chance to see  
19 my wife, my relatives, my grandchildren.

20 Life, it's not difficult because in the prison it is like a place  
21 where people are educated. There are books, there is a library  
22 over there and I can read good books–

23 [10.19.22]

24 MS. SIMONNEAU-FORT:

25 I have to interrupt you here, because I think we are straying

1 away from the 1975–1979 framework. I don't know what your future  
2 will bring to you, but I thank you, in any case, for the answers  
3 you have provided to us today in this context. Thank you very  
4 much.

5 MR. PRESIDENT:

6 Thank you, Counsels.

7 It is now appropriate time for the adjournment. The Chamber will  
8 adjourn for 20 minutes. The next session will be resumed by 20 to  
9 11.00.

10 Security personnel is now instructed to bring the witness to the  
11 waiting room and have him returned to the courtroom at 10.40.

12 (Court recesses from 1020H to 1041H)

13 MR. PRESIDENT:

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

15 We would like to now hand over to counsels for Mr. Nuon Chea to  
16 put some questions for Mr. Chhouk Rin. You may proceed.

17 QUESTIONING BY MR. SON ARUN:

18 Good morning, Mr. President and Your Honours. Good morning  
19 everyone, and good morning Mr. Chhouk Rin. I am Son Arun. Along  
20 with my colleague, we represent Mr. Nuon Chea. I have a few  
21 questions, as follows.

22 [10.42.55]

23 Q. Yesterday – I may have to revisit some of the questions put to  
24 you by the prosecutors and the Lead Co-Lawyers for the civil  
25 parties before the Chamber and also before the Co-Investigating

28

1 Judges, document on the 21st of May 2008 – you said you joined  
2 the army of the DK in 1971. After joining the army, did you have  
3 the opportunity to attend military training?

4 MR. CHHOUK RIN:

5 A. Thank you, counsel, for this question. Khmer Rouge soldiers,  
6 at that time, did not attend military training. We learned on the  
7 job. We learned in fighting. So, in other words, we engage in  
8 battlefields and we learned from the lessons obtained from the  
9 fighting in the battlefields. There was no proper school for  
10 military training as we do now these days. The soldiers somehow  
11 had learned the skills to fire their weapons naturally.

12 [10.44.52]

13 Q. Thank you. You said you were educated. Can you tell the  
14 Chamber how far you went to school?

15 A. I did not finish primary education. After grade 7, I was  
16 ordained as a Buddhist monk. Indeed, 7th grade in the old-day  
17 educational system. It was still in the early stage in the  
18 primary education, and my parents would like me to become a monk.

19 Q. Thank you.

20 During the five days, from the 21st of May 1975, you were  
21 promoted to become the regimental commander – or artillery  
22 regimental command in Kampot province. Is that true?

23 A. It was after the war, when the Battalion 59 was established,  
24 and I was appointed as the commander of that artillery unit. It  
25 is true.

1 [10.46.42]

2 Q. You rose from a soldier to become a commander of the artillery  
3 battalion. Can you please be more precise? What roles did you  
4 have at that time?

5 A. I heard you ask me this question, and my commander by the name  
6 of Phat, who was a handicapped - he lost one arm. And he was the  
7 head of this regiment. I was the commander, but at that time I  
8 was a deputy commander - or as the commissioner. We used these  
9 terms in the old day. There was a person by the name of Phat who  
10 was the political commissioner -- or, rather, commissar. And I  
11 was his deputy in that unit.

12 Q. Thank you. In this artillery Battalion 59, did you attend  
13 training to fire guns or weapons before you became the deputy  
14 commander of that regiment?

15 A. After this artillery battalion was established, I was asked to  
16 attend training sessions in Takeo province. The training was on  
17 how to operate American weapons. And I was ordered by the zone  
18 committee to attend the study sessions at Kampong Ampil, near the  
19 vicinity of a mountain - I don't recall. It was in Angkor Borei  
20 district.

21 [10.49.58]

22 Q. It is fine. My question is about whether you have attended  
23 trainings to fire the artillery, because you would not be able to  
24 do so without going through such training. Is it true?

25 A. Indeed, yes, I attended the first training session in Kampong



30

1 Ampil. And during the second study session – training session, we  
2 had to move to Kep to practically fire the arsenal – the 105  
3 millimetre cannon – and we had to engage in actual firing of  
4 these weapons in Kep. We had to fire the mortars. And we had been  
5 in -- we had been in the training for some time. Every member of  
6 the unit attended this training. So, all in all, there were only  
7 two training sessions where we were engaged in firing the arsenal  
8 or heavy weapons. We were not very skilled, because although we'd  
9 gone through some training, we did not know how to check or to  
10 understand how the oil used for these heavy weapons – used. And  
11 we did not even know how to have the lubricant in the weapons  
12 replaced, and that did not do any good to us.

13 Q. Were you the direct commander at the battlefields? For  
14 example, when you engaged with fighting with the enemies, did you  
15 fire the guns?

16 [10.52.28]

17 A. Thank you very much for this question.

18 As you may know that, in an artillery unit, we need two groups.  
19 We need people to manage one of two groups of soldiers. I did not  
20 need to fire the weapons personally. My subordinates could be  
21 fully in charge of the function of the weapons.

22 Q. You said you attended training sessions on two occasions on  
23 how to operate these heavy weapons. So how long did the training  
24 last?

25 A. Counsel, could you please be more precise? Were you asking me

1 about the date or duration?

2 [10.53.25]

3 Q. Indeed, it was about the duration of the training.

4 A. At Takeo, I attended the training alone, and I had to be there  
5 for about a month. And at Kep, during the second training, other  
6 trainees were also sent in from other places, and we attended the  
7 session for about a month as well.

8 I think the skill was taught to us long ago, and I'm afraid that  
9 I now forget everything. And we also were taught on how to  
10 understand the map, geographical location, and how we can aim our  
11 weapons to the right targets. It took us more than a month to  
12 understand how we can efficiently, effectively use the weapons.

13 Q. Thank you. This is very technical in nature, so I would like  
14 not to ask you more questions on this. But I have another  
15 question.

16 In 1975, you were in charge of the artillery with Mr. Phat. Did  
17 you change your position after 1975? Or, did you continue to be  
18 in charge of the artillery all the way to 1979?

19 [10.55.26]

20 A. When the war at the border was intensifying, I was - I changed  
21 this position, and I had to engage in the - in leading the foot  
22 soldiers at the border.

23 Q. As the head of the infantry, what was your role, then? What  
24 was your rank?

25 A. I was holding the same rank. I was in charge of the

1 intervention unit.

2 Q. Did you – were you in charge of artillery, then?

3 A. No, I was no longer in charge of the heavy weapons again.

4 Q. Under document 123/5.1.1, you said you attended a political  
5 session with the Party in 1977. Can you tell the Chamber where  
6 was the meeting held? And what could have been the content of  
7 such meeting? And who attended the meeting, and how many people?

8 A. It was not a meeting, actually. I already asked for the  
9 correction of this version. I was called to attend study session.  
10 Study session was different from a meeting, as I already said  
11 time and again. And during this session, people from across  
12 Cambodia had to attend it. There were about 500 participants. It  
13 was not in 1977 when the meeting was – when the session was  
14 conducted. It was in 1976. May I ask that the date is corrected  
15 now? It was in 1976, not 1977, and there were roughly 500  
16 participants.

17 [10.58.15]

18 I can say there were about 500-600 participants in this study  
19 session, and indeed we did not attend the meeting. It was a study  
20 session. I hope I answered your question.

21 Q. What kind of topic – what was the subject matter of that study  
22 session?

23 A. I already explained to the Court; we studied the content of  
24 "Revolutionary Flag" number 7 magazine, and I mentioned a lot on  
25 this already. I hope counsel already follows this very well, and

1 I wish not to elaborate on this.

2 Q. Thank you. When you attended this study session -- is that  
3 correct? I understand that as a study session. Do you agree that  
4 it is a study session? Can I say that you attended study session?

5 [10.59.45]

6 A. Yes, you can. It is correct.

7 Q. How long did this study session last, and who would be  
8 authorized to attend such sessions?

9 A. At that time, any member of the Party would be authorized to  
10 attend the session; as long as you had become member of the Party  
11 you had the right to be invited to attend the session. And there  
12 were several sessions, and each session would be attended by a  
13 member of the Party. You do not need to be in any particular rank  
14 to be invited to the session. As long as you were member of the  
15 Party, you were invited.

16 Q. Where was the session conducted, and who chaired the session?

17 A. To your second question, I noted that Pol Pot was there as the  
18 presenter, and he was joined by Nuon Chea. I saw him in that  
19 session as well.

20 Q. Where was it?

21 A. It was in Phnom Penh. The session was conducted in a big  
22 location, like a stadium. To me, it was a place where a lot of  
23 people could gather and attend big sessions.

24 Q. Can you please be brief on the content of the study session?

25 Just give us, in short version, what would be the main point of

1 the study session?

2 [11.02.30]

3 A. The study session was about the magazine, but of course I  
4 could not remember all the contents, because it had been for -  
5 over 30 years ago. I can only remember that I attended that study  
6 session, but if you want me to describe in detail the content of  
7 the session, I could not do that.

8 Q. Can you tell the Chamber - can you tell the Chamber about the  
9 importance of this study of that magazine? What was the core  
10 content of the magazine? Could you tell the Chamber about that?

11 A. Yes, I would like to talk about the content. First of all, it  
12 was about the reconstruction of the country to make the country  
13 prosperous. They used the term "Korean Chollima". But of course I  
14 did not understand that term. They talked about the goal of three  
15 tonnes per hectare achievement. It was also about the  
16 construction of the irrigation system. The second core content  
17 was about the elimination of the enemy, burrowing from within.  
18 Those enemies include the agents of KGB, CIA - I talked about  
19 that yesterday, already, when I responded to the question put by  
20 the Co-Prosecutor. That was about the internal strengthening. So  
21 this is what I can recall.

22 [11.05.19]

23 Q. When you studied about the "Revolutionary Flag" magazine, was  
24 the magazine distributed to everyone? Did you receive that  
25 magazine?

1 A. It was not distributed to everyone. It was distributed to  
2 units. For example, each unit could have some copies of the  
3 magazine. For example, three or four people could have only one  
4 copy of the magazine. I did not know about the distribution of  
5 the magazine to other units. But, of course, not everyone got the  
6 copies of the magazine.

7 Q. Did you get that magazine?

8 A. I had it. But of course, after the war - because of the war, I  
9 lost it.

10 Q. When you received the magazine, did you read it carefully? Did  
11 you read the whole magazine, and what was the content of that  
12 magazine?

13 A. As I said earlier, I have just talked about the contents - the  
14 goal of constructing the country.

15 I have talked about that already. And, of course, I cannot talk  
16 about the details of that document.

17 [11.07.18]

18 Q. Thank you. Of course, you have mentioned the core contents of  
19 the magazine, and the presentation and the study session already.  
20 But do you remember that - do you remember the characteristics?  
21 The colour of the cover of the magazine, and how did the letters  
22 look like? Whether the letters were printed or were written by  
23 hand - were handwritten.

24 MR. PRESIDENT:

25 Please hold on. You have to observe the red light on the

1 microphone.

2 MR. CHHOUK RIN:

3 A. I can remember that it was - the letter was typewritten by  
4 using typewriter. And there was the logo of the CPK with the red  
5 colour of the CPK logo. I could not describe the whole view or  
6 the whole picture of the magazine, but of course, I used to read  
7 it and I could recognize the logo of the CPK - the logo of that  
8 magazine.

9 [11.08.58]

10 BY MR. SON ARUN:

11 Q. I would like to move to the second question. I would like you  
12 to confirm whether - I would like you to clarify that Sou Met  
13 became the Chief of the General Staff after 1979. So, I want your  
14 clarification, because at the time the Khmer Rouge fled into the  
15 border area already.

16 MR. CHHOUK RIN:

17 A. Sorry. Regarding that point -- regarding the personal business  
18 of that person; in fact, I do not know about him. This is about  
19 his own business. I do not know what he is doing right now. As  
20 you know, it was very hard at that time to be aware of the role  
21 -- the ranks of the other Khmer Rouge soldiers. Right now, we can  
22 see -- we can know the rank of the soldier. They wear the symbol,  
23 they wear their uniform, for example.

24 [11.10.27]

25 But at the time there was no policeman, military police, and the

1 leaders at the time did not declare they were the chief of  
2 General Staff or – they did not declare their ranks at all. So  
3 that is beyond my capacity. I cannot answer. I cannot respond to  
4 that question. This is very personal, in fact. If you want to  
5 know about that, you can ask that person, because that person may  
6 be still alive.

7 Q. Thank you.

8 When there was fighting in the East, in Svay Rieng – at that  
9 time, you have told the co-investigators that Ren, who was the  
10 son-in-law of Ta Mok, commanded the soldiers of the army in that  
11 area. Was he – was Ren the person who commanded, or was the order  
12 from the top leader; for example, Son Sen.

13 [11.11.56]

14 A. Thank you for this question.

15 The Southwest army was transferred to the East, but of course I  
16 was transferred over there, and I stayed over there for a few  
17 months. And I was integrated into Division 703. And of course,  
18 Ren was the commander of that division. There were many brigades  
19 under that division, and there were many people. There were many  
20 commanders. I could not remember them, even though right now I  
21 meet them. I was sent over there and I stayed there for a short  
22 period of time. And then we were defeated. And, of course, Ren  
23 was the commander in Svay Rieng. Son Sen, the Minister of Defence  
24 of the Khmer Rouge chaired a meeting in a place near Svay Rieng  
25 airport. I saw him over there. But, of course, there was no



1 widespread communication at the time. Son Sen used to go over  
2 there, that's true. Before the 7th January, he chaired a meeting  
3 over there, and he told the participants that the Vietnamese  
4 troops were pushing inward, into the country.

5 [11.13.44]

6 I saw Son Sen once at that time. I stayed in Svay Rieng for only  
7 a short period of time. I did not stay over there for long. I  
8 stayed over there for only a few months, and then the Khmer Rouge  
9 was defeated.

10 Q. When you were transferred to Svay Rieng and – you met Son Sen  
11 in Svay Rieng; is it correct?

12 A. I met him – I saw him at Ren's place, because he chaired a  
13 meeting over there. I saw him on that occasion.

14 Q. What was your role or your duty at that time? So, how did you  
15 meet Son Sen?

16 A. All the commanders of the battalions were called to attend  
17 that meeting, to learn about the plan of the attack, because the  
18 war was intense – fighting. So I saw him at that time.

19 [11.15.01]

20 Q. When you were in Svay Rieng for a few months, did you know or  
21 did you hear that -- did you know or did you hear how long Son  
22 Sen stayed in Svay Rieng?

23 A. He was over there for a very short time. He did not dare to  
24 stay over there for long, because the war very strong – was  
25 intensifying.

1 Q. You said that you believed it was like that, but did you hear  
2 that Son Sen stayed over there for long or for a short period of  
3 time.

4 A. He did not stay over there for long. He stayed over there for  
5 a very short period of time. But, of course, later on, I did not  
6 know. When I met him, I saw him over there. As I said, everything  
7 was confidential during that period. So, after I met him I went  
8 back to the battlefield, and I did not know how long he stayed  
9 over there. I did not dare to talk about that, because I did not  
10 know about that. But, of course, he went over there when the war  
11 was still going on, and I did not know how long he stayed over  
12 there.

13 [11.17.11]

14 And, as I said, the information about the leaders was very  
15 confidential. I did not know how long he stayed over there. I  
16 just know that he went over there before the attack by Vietnam in  
17 Svay Rieng. So this is what I can tell. I was transferred from  
18 the Southwest and I was integrated into Division 703. And, of  
19 course, right now I do not know the commander of 703. I have  
20 forgotten his name. I was a newcomer at that time. So I stayed  
21 over there for a short period of time. If my commander is still  
22 alive, he might not know me, because I stayed over there for a  
23 short time.

24 Q. When you went to Svay Rieng, where were you stationed?

25 MR. PRESIDENT:

40

1 Counsel, you seem to move far from the scope of the case, so  
2 please redirect your question so that your question fits into the  
3 scope of the discussion of the hearing so that we can proceed  
4 faster.

5 BY MR. SON ARUN:

6 Thank you, Mr. President. I would like to continue with my  
7 question.

8 Q. In the document 127/5.1.1, you said that Ta Mok was very  
9 powerful in different regions besides the Southwest Zone. He was  
10 also powerful in the Central Committee of the Party. He was very  
11 powerful. So, how powerful was he? I would like you to explain  
12 that term. I would like you to explain how powerful he was.

13 [11.19.55]

14 MR. CHHOUK RIN:

15 A. You want me to describe about Ta Mok? I know Ta Mok, and I  
16 know he was very powerful. For example, he used the slogan "there  
17 was only the head about Mok's head". So, Ta Mok could give the  
18 order to all the commanders over there. From that, I conclude  
19 that he was powerful. The city army - he could give the order to  
20 anyone. Soldiers in the Southwest, soldiers in the East, listen  
21 to him. So this is what I mean by the term "powerful".

22 MR. PRESIDENT:

23 National (sic) Counsel for Mr. Khieu Samphan, you may proceed.

24 MS. GUISSÉ:

25 Thank you, Mr. President. Good morning.

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1 I'm sorry, for French speaking members of this Court -- the  
2 witness referred to a slogan that Ta Mok often used, but that  
3 slogan was not interpreted to us. Perhaps the witness and the  
4 counsel putting questions to him could slow down so that what the  
5 witness says is translated into French. Thank you.

6 [11.22.02]

7 MR. PRESIDENT:

8 Mr. Chhouk Rin, you can talk about a slogan of Ta Mok again, so  
9 that it can be rendered in the translation. You just talk about  
10 that slogan again.

11 MR. CHHOUK RIN:

12 A. I did not understand his view.

13 MR. PRESIDENT:

14 You just say the slogan again. You do not need to explain the  
15 meaning of that slogan. You just say that slogan again.

16 MR. CHHOUK RIN:

17 A. Yes, I understand that. The meaning was that he was powerful  
18 among the Khmer Rouge soldiers. That was the meaning of that  
19 slogan.

20 [11.23.20]

21 MR. PRESIDENT:

22 What is the slogan? What did he say?

23 MR. CHHOUK RIN:

24 A. He said "atop of Ta Mok is a head". That is the slogan. I  
25 could not explain the meaning of the slogan, but I could see that

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1 when he made the decision, everyone listened to him.

2 MR. PRESIDENT:

3 Thank you, we just want the slogan only, so that it can be  
4 rendered into French, because there was no rendition into French  
5 of that slogan. So this is what we want.

6 Counsel, you may proceed with the question.

7 [11.24.20]

8 BY MR. SON ARUN:

9 Thank you. I would like to continue with my question.

10 Q. You were a soldier. As to what you have said, you were a  
11 commander. You were a deputy-commander of a battalion; you may  
12 tell the Chamber about this structure, the structure of the CPK  
13 military. Can you tell the Chamber about the structure of the CPK  
14 military from the Minister of Defence to the low level?

15 MR. CHHOUK RIN:

16 A. Thank you for the question.

17 From my own understanding - but, of course, you do not say what I  
18 understand here is completely correct. From my own understanding;  
19 at the time, there were divisions, brigades: the division of the  
20 centre, the division of the region. There were different  
21 divisions. But, of course, they used the term "commissar". They  
22 did not use the term "commander", like what we say right now.  
23 They have the term "political commissar", "military commander".

24 [11.26.37]

25 If you talk about the structure of the General Staff, I do not

1 understand about that structure, because I was only in charge of  
2 a battalion. So I did not understand about the national  
3 structure. But, of course, there were divisions. There were  
4 brigades. But, of course, the military at that time - the  
5 division, at the time, was different from the division right now.  
6 There were around three or four brigades under one division. And  
7 there were regiments with 100 soldiers or over, and then there  
8 were battalions. In one regiment, there were three battalions,  
9 for example.

10 And then, within one battalion, there were three or four  
11 companies. And within the battalion, there were the artillery  
12 unit. There were 105 millimetres, 80 millimetre artillery to  
13 support the unit.

14 Q. So this is what - so, right now, I would like to continue to  
15 another question.

16 With regard to the structure and the communication -- the  
17 administrative communication from the company to the Minister of  
18 Defence - so, how did they communicate? For example, how did you  
19 communicate with your upper echelon?

20 [11.28.54]

21 A. Regarding the communication, there was the structure. For  
22 example, at my level, I could meet only the division level. We  
23 could meet the top leaders only when we were called to attend  
24 study sessions. But without study sessions, we could meet only  
25 the division levels. We did not dare to communicate with the top

1 leaders directly.

2 Q. In document E127/5.1.1, you said that Son Sen was the Minister  
3 of Defence. So who was the chief of the General Staff of the  
4 Democratic Kampuchea military?

5 A. As I already emphasized, when I talk about the structure of  
6 the General Staff of the CPK - until these days, as a long-time  
7 Khmer Rouge soldier - I am still clueless. I don't know the  
8 structure very well. Because normally, the person who directly  
9 commanded the soldiers would be no one else other than Son Sen.  
10 And we'd never been lectured or introduced to the Minister of  
11 Defence. But we were introduced to the head or commanders of  
12 divisions, not the Minister of Defence.

13 [11.31.16]

14 Q. Thank you, Mr. Witness.

15 Yesterday, you testified that even Sihanouk himself was cheated  
16 by Pol Pot and Nuon Chea. Can you tell the Chamber how you could  
17 come to this conclusion?

18 A. I think it is time for me to also shed more light on this. So  
19 far, when the internal policy of man strength was enforced, we  
20 were informed that Samdech Ta, or former Prince Norodom Sihanouk,  
21 was betrayed by the Khmer Rouge. At the beginning, we only were  
22 convinced that we ordinary soldiers would be betrayed, and no  
23 senior leader would also be betrayed. But then we learned that  
24 even former King Norodom Sihanouk was also cheated. We learned  
25 from 1973 through the secret group that Mr. Khieu Samphan had to

1 be on a run. He took refuge in a small cottage, and a person by  
2 the name of Mr. Sek also disappeared.

3 He may not know me, even if he sees me these days-

4 [11.33.08]

5 Q. I am sorry to interrupt. I wish not to ask you on this. My  
6 question is that you said the former king was cheated or betrayed  
7 by the Khmer Rouge. How could you say that? How could you say  
8 even senior leaders of the Khmer Rouge were betrayed by Pol Pot?

9 A. I think I was about to tell you the detail, but my statement  
10 was cut short by your interruption. Although the Front was  
11 established and people were installed to be the leaders of the  
12 Front, these people were very symbolic, because the structure was  
13 pre-determined and organized already, and they had their own  
14 people for this. As I told you, Mr. Sek, who was in charge of the  
15 General Staff in Kampot was in the meeting telling us that  
16 Samdech Ta, or Prince Norodom Sihanouk was used as a shield, as a  
17 façade for the Front. He was used by this group of people,  
18 because they had their own people who managed this Front, and  
19 that Prince Norodom Sihanouk was set up. And that's why I said he  
20 was betrayed.

21 [11.34.58]

22 Q. Can you also say again, did you know about this because you  
23 were close to your superiors? And who were your superiors who  
24 told you about this?

25 A. Mr. Sek, who was the General Staff of the military in Kampot.



1 Later on, he was replaced by Brother Sarum, and Sarum was from  
2 Kampong Speu. And I could attend meetings where these people  
3 chaired, and I met them on several occasions. And I understood  
4 very well, during internal meetings, that everyone would be  
5 betrayed and cheated on. And I know that the senior leaders could  
6 never survive the arrests and purges, because after the war, Mr.  
7 Sek, who was transferred to the cement factory in Kampot was  
8 later on arrested by Pol Pot. Other people also had the same  
9 fate.

10 Q. In document E3/362, you stated before the investigators that  
11 you knew, through study sessions, that Pol Pot was the one who  
12 issued arrest orders. Who was the chairperson in that study  
13 session when you heard Pol Pot issue the orders?

14 [11.36.59]

15 A. Pol Pot chaired several sessions. He presented documents in  
16 several study sessions.

17 Can you repeat your question? Which particular study session you  
18 would like to refer your question to me?

19 (Short pause)

20 Q. During the study session, when you studied the "Revolutionary  
21 Flag" magazine, number 7, at that time - under ERN Khmer  
22 00210213; and English, 00268898; I don't have the French ERN  
23 numbers - you said: "I learned through study sessions that Pol  
24 Pot issued the arrest orders."

25 That's what you stated before the co-investigators: "The decision

1 to arrest these top cadres was made by no one else other than Pol  
2 Pot, Nuon Chea, or Ta Mok."

3 Can you tell the Court what is the difference in these two lines?  
4 [11.39.37]

5 A. I can say that both soldiers from the Southwest Zone who  
6 returned from the battlefields had been arrested. Decision was  
7 made by Pol Pot. And Ta Mok talked about this. And it is true  
8 that, when the senior cadres of the Khmer Rouge were arrested,  
9 the arrest could have ever been made without such decision from  
10 these people. So I can say that the decision must have been  
11 rendered from these few people.

12 Q. Mr. Witness, I would not wish you to speculate. I would like  
13 you to say precisely what you bore witness to. What you  
14 experienced. I would like to read this document again - that you  
15 say - I quote: "I have learned that it was Pol Pot who ordered  
16 his arrest."

17 That's one sentence. The following sentence is: "The decision to  
18 arrest those top cadres was made by no one else other than Pol  
19 Pot, Nuon Chea, or Ta Mok."

20 Can you say whether this is your pure speculation, or your  
21 statement is substantiated by any supporting documents or proof?  
22 [11.41.35]

23 A. It is not my speculation. The arrests were made, and we could  
24 observe from the conducts of the commanders of the military after  
25 Ta Mok reported to Pol Pot - he mentioned about individuals who

1 could have been the prime target for suspicion and the subject  
2 matter of the arrests, and after that, the arrests happened. So  
3 my hunch or my surmise, indeed, was based on these observations.

4 Q. You said through study sessions you learned that it was Pol  
5 Pot who ordered these arrests. Now, you said that it could have  
6 been – the decision could have been rendered by the senior  
7 leaders, not necessarily Pol Pot alone?

8 A. I confirm that it was Pol Pot who was rendering decision on  
9 arrests, and at the same time, the leaders, whose names I  
10 mentioned, also relay the messages of these orders. So I can say  
11 – or in my conclusion, it is that – or I believe that it could  
12 have been Pol – rather, Nuon Chea and Ta Mok who could have – or  
13 may have rendered such orders.

14 [11.43.25]

15 Q. I thank you for your confirmation. I believe that the message  
16 is very well conveyed to the full Chamber. I may move to the few  
17 next questions.

18 "The decision to purge people in the East was made during the  
19 Party's Assembly by early 1978 by Pol Pot, Nuon Chea, Ta Mok, and  
20 Son Sen who conducted a special meeting with military leaders,  
21 including, me, myself, in Phnom Penh."

22 When you attended such a special meeting, can you tell the  
23 Chamber in which capacity; in what capacity were you there?

24 A. I may wish to correct this term, "special meeting". When my  
25 forces from the Southwest were attending this session, Son Sen

1 was seen lecturing us, because Son Sen felt the need to have some  
2 backup soldiers to support the plan to purge some people. And  
3 this is a special circumstance when I met with him. It was not a  
4 special meeting but a special circumstance. It was an emergent or  
5 urgent situation which I met him. It was not a special meeting at  
6 all, because special meeting could only be convened when senior  
7 leaders would meet, and I had nothing to be considered as senior  
8 leader to attend such meeting.

9 [11.46.02]

10 So I may say that there was no such a special meeting, because if  
11 the terms, "special meeting" were dropped, it would not be  
12 suitable for a person like me to attend one of these. So I don't  
13 say "special meeting", but I would really ask that these terms be  
14 changed to "special circumstance", rather than "special meeting",  
15 and I hope this helps clarify things.

16 Q. Thank you.

17 You understand the CPK structure, the Centre structure, and the  
18 Standing Committee structure. Is that my fair understanding that  
19 you understand this?

20 A. I don't think I understand any structures of these  
21 establishments. I am not able to grasp these structure because  
22 it's beyond my knowledge and capacity.

23 [11.47.37]

24 Q. This morning, Lead Co-Lawyers for the civil parties put some  
25 questions to you concerning Mr. Nuon Chea and why you were angry

1 at him. Did you know what Nuon Chea did or what his roles were in  
2 the CPK?

3 A. I know this very well, because during that time his roles were  
4 well broadcast throughout the CPK regime, and everyone knew that  
5 he was the President of the People Representatives Assembly. And,  
6 however, at that time, every one of us never, ever saw the  
7 sessions of the Assembly, the work of the Assembly, but he, as  
8 the senior leader of the CPK, could have been responsible for  
9 this. He said that he never went to the base; he was not attached  
10 to the base.

11 [11.49.24]

12 But my question, I am very suspicious. I don't know how he could  
13 say that he had nothing to do with the base or he has no  
14 connection with the base. How could a person who led the  
15 Assembly, made the law, and then said he had nothing to know  
16 about this? I am angry at him for saying that, because he would  
17 be one of the persons who made this law, and if you made the law  
18 you could have known that the law had to be lectured,  
19 disseminated, or circulated to all cadres at various locations,  
20 and he should have known that he been there. And when he say he  
21 doesn't know anything about this, I am angry. I have reason to be  
22 angry, because as a person who made this law, who lectured the  
23 law to others, he should have been responsible and says - should  
24 say so.

25 And correct me if I'm wrong, but I believe that you are now

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1 representing Mr. Nuon Chea. You may present to me the law or the  
2 statute of the CPK that had been created or made by some of the  
3 senior leaders, and if I have a copy of this law, then I would be  
4 able to even tell you more about what could have become of this  
5 law and I would be happy to do so after the lunch adjournment.

6 [11.51.25]

7 Q. Thank you very much. You stated that Mr. Nuon Chea announced  
8 that he would not be responsible; the responsibility should be  
9 shifted to the entire Party. With that, can I ask you a question?  
10 Had you served in the Party? And if Mr. Nuon Chea said that it  
11 was the Party who was responsible, then everyone in the Party  
12 would respond - be responsible, including you?

13 A. As you know, when it comes to the Party, you know this very  
14 clear, every member would only be falling victim, but the leaders  
15 of the Party must bear all the responsibilities. You can't shift  
16 the responsibilities to the lower cadres because all of whom had  
17 fallen victims of the Party policy already. These people who had  
18 been executed were members of the Party. They treated them as  
19 good leaders but later on they were the people who ordered the  
20 arrests and had them executed.

21 [11.53.12]

22 Q. You were a member of the Party, the CPK. Pol Pot was the head  
23 of the Party, the President or Secretary of the Party. Everyone  
24 who was in the Party - I don't know how or when they joined the  
25 Party - everyone belongs to the Party. If you accused the whole

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1 Party of being responsible of the whole happening, you also can  
2 tell the Chamber whether you should be responsible as well  
3 because you are a part of the game?

4 A. Thank you very much for this.

5 You fully understand this, and I wish to say clearly that I am  
6 fully responsible for a small unit under my supervision, because  
7 my subordinates had to receive - had to implement orders rendered  
8 from me, but I had no problem with this because my people did not  
9 have any resentment with me.

10 MR. PRESIDENT:

11 Mr. Witness, could you hold on, please?

12 International Co-Prosecutor, you may proceed. It may be a little  
13 bit late, but please proceed. If - we believe if you take issue  
14 with the line of questioning, you should have been on your feet  
15 long ago, but you may proceed now.

16 [11.55.00]

17 MR. RAYNOR:

18 I don't take issue with the line of questioning; I am standing up  
19 as an officer of the Court with a duty to ensure that justice is  
20 done.

21 In my respectful submission, these are now questions that are  
22 getting very close to potentially Mr. Chhouk Rin incriminating  
23 himself. It's not in fact my primary duty to stand up, there are  
24 others in Court who bear that duty, who sat next to Mr. Chhouk  
25 Rin, but I stand at this stage as an officer of the Court to say

1 that in my professional view these questions are impinging upon  
2 potential personal liability and that, if the defence counsel is  
3 not sufficiently experienced to intervene at this stage, I seek  
4 to do so to protect Mr. Chhouk Rin's rights, and hope that you,  
5 Mr. President or other Judges, may intervene to assist me in the  
6 assistance I am seeking to give. Thank you.

7 [11.56.02]

8 MR. PRESIDENT:

9 Thank you, Co-Prosecutor, for this.

10 Nonetheless, duty counsel has been assigned to assist Mr. Chhouk  
11 Rin, and he is there ready to assist his client whenever he feels  
12 that the line of questioning or response would be  
13 self-incriminating. And the Chamber already makes it clear that  
14 we would like to make sure that the witness is not incriminating  
15 him or herself by way of first informing his rights not to  
16 self-incriminate - the rights against self-incrimination of  
17 witnesses and assignment - assigning duty counsel to help him.  
18 And before each examination session, we also inform the witnesses  
19 and parties to the proceeding concerning this, and also, the  
20 prosecutor has submitted documents clarifying a few things that  
21 people - or witnesses would not be prosecuted before this Chamber  
22 for their testimony, if it is even self-incriminating.  
23 Mr. Son Arun, and also duty counsel, when questions are put to  
24 your client or when questions are put in particular, you have to  
25 be careful whether you should respond or should not. This is to



1 the witness.

2 [11.58.08]

3 MR. SON ARUN:

4 Mr. President, if I may be heard?

5 MR. PRESIDENT:

6 No, you need to proceed with your questions, and indeed, you have  
7 to be mindful that the Chamber would like to make it clear that  
8 everyone would like the Chamber to move more expeditiously. And  
9 please, if parties to the proceeding would like the proceeding to  
10 be more expeditious, act – make sure your actions speaks louder  
11 than words.

12 MR. SON ARUN:

13 This is going to be my – that's going to be my final question and  
14 I have no further questions. I would like to cede the floor over  
15 to my learned colleague to continue putting a few more questions,  
16 with your leave, Mr. President.

17 [11.59.01]

18 MR. PRESIDENT:

19 Thank you, Counsels.

20 Indeed, it is now appropriate moment already for lunch  
21 adjournment. The Chamber will adjourn briefly, and the next  
22 sessions will be resumed by 1.30 p.m.

23 Security personnels are now instructed to bring Mr. Chhouk Rin to  
24 the waiting room where he could have his lunch and have him  
25 returned to the courtroom by 1.30 p.m. Likewise, Mr. Khieu

1 Samphan is now instructed to be returned to his holding cell  
2 downstairs and have him returned to the courtroom when the next  
3 session resumes.

4 The Court is adjourned.

5 (Court recesses from 1159H to 1332H)

6 MR. PRESIDENT:

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

8 We would like to now hand over to counsel for Mr. Nuon Chea to  
9 continue putting questions to this witness. You may proceed.

10 QUESTIONING BY MR. KOPPE:

11 Thank you, Mr. President. Good afternoon, Your Honours. Good  
12 afternoon, Counsel.

13 Good afternoon, Mr. Witness. I have some questions for you on  
14 behalf of Mr. Nuon Chea.

15 Q. Earlier this morning, you spoke about the structure of the CPK  
16 army and if I understood it correctly, you were indicating four  
17 levels. You spoke about the level of divisions, the level about -  
18 of brigades, the level of battalion, and the level of company.

19 Did I understand that correctly?

20 [13.34.39]

21 MR. CHHOUK RIN:

22 A. This - the structure of the CPK army started from division and  
23 brigade, yes, from that hierarchy. And in that, there were  
24 brigades from the zones and I believe I have answered your  
25 question.

1 Q. You have also testified earlier that you were a commander of a  
2 battalion. Is it fair to say that you were a commander on the  
3 third level of the hierarchy of the CPK army?

4 A. The soldiers were the Khmer Rouge soldiers.

5 Q. Would you like to add anything or was that your answer?

6 A. I do not have anything else to add.

7 Q. I'm asking you this question because yesterday and also in  
8 your statements to the OCIJ, you called yourself a low-ranking  
9 soldier or a low-level officer. Could you explain to the Chamber  
10 why you used this terminology to describe your position within  
11 the hierarchy as a low-level officer?

12 A. As I already mentioned, we have our commanders for the  
13 divisions, brigades, regiments, battalions, and companies and I  
14 think I have made it clear and I already told the Court in detail  
15 my roles in this army since this morning.

16 [13.37.37]

17 Q. Mr. Chhouk Rin, I know you did. I appreciate your answers, but  
18 I'm just trying to get clarification on why you call yourself a  
19 low-level officer rather than maybe a mid-ranking officer.

20 A. I said I was at a low-ranking position because battalion was  
21 ranking three or four levels below the division and my rank was  
22 somehow the lowest in that military section.

23 Q. Thank you, Mr. Witness.

24 Now, you've also answered earlier this morning that you did not  
25 dare to communicate with the top level of the military. Was it a

1 rule which always applied or were there sometimes exception to  
2 that rule?

3 A. Concerning our work communication, I personally had to  
4 establish this communication with my commanders, but on some  
5 occasions, according to these circumstances and as I was afraid  
6 of having committed some wrongdoings, I had to be very careful  
7 with communication with others and I already made it very clear  
8 that the fearful atmosphere made our communication very limited.

9 [13.40.16]

10 Q. My question to you was - maybe I'll rephrase: Was there ever a  
11 moment that you communicated not with your direct commander, but  
12 one level higher to his commander?

13 A. I'm afraid I don't quite understand your question. Could you  
14 please repeat it?

15 Q. Of course, no problem. You reported to your commander, your  
16 direct commander. Did you ever report to his commander? In other  
17 words, did you ever skip one level in reporting?

18 A. It was impossible. We couldn't do that because we have - we  
19 had to follow the orders of commands, but in some cases, for  
20 example, when we attended study sessions, we had to report to the  
21 participants in the meeting including the senior leaders about  
22 what happened from within our unit. So only on that - those  
23 occasions that we could report directly to everyone concerning  
24 the meeting, but practically, in reality, in the way we community  
25 - we communicated with our immediate supervisor or commanders, we

1 would never overstep this boundary.

2 [13.42.25]

3 Q. Would it ever happen the other way around, that you would get  
4 instructions, not from your direct commander, but the person  
5 above him? So I'm talking now about the situation that you're not  
6 reporting, but you're getting instructions.

7 A. I understand your question now. For example, in the case when  
8 I had to send my troops to the East, my commander met us directly  
9 and he also gave us instructions to everyone on how to proceed,  
10 and that was not part of the reporting scheme; it was part of the  
11 moment when the superior had to stop by and instruct the troops  
12 on how to deal with the enemies. That's all.

13 Q. Would it be fair to say that between '75 and '79, the  
14 hierarchy in the military structure within the army of the CPK  
15 was strictly adhered to both upwards and downwards?

16 A. Yes, it is. It is the - it is an absolute - it was imperative.

17 Q. Thank you, Mr. Witness.

18 Now, I would like to speak a little bit with you about the  
19 contents of the things you were instructed or the contents of the  
20 things you were supposed to know in that period.

21 [13.44.48]

22 Yesterday, on various occasions, you have testified that certain  
23 knowledge was beyond your ability to know. It was beyond your  
24 knowledge, beyond your capacity. I will specify the times that  
25 you said that.

1 For instance, in response to the question whether you would know  
2 what happened to Chou Chet, who was arrested, you said: "It's  
3 beyond my ability to know."

4 In response to a question about why the Khmer Vietnamese from  
5 Hanoi were arrested by the CPK, you testified: "I'm afraid I  
6 don't know the reason behind this. It's beyond my knowledge."

7 A question about how many people were fleeing Kampot as refugees,  
8 you said: "I don't know. This is beyond my capacity."

9 You also testified yesterday: "I do not know about their flight  
10 or about the number of people fleeing. This is beyond my ability  
11 because I was only a low-ranking soldier."

12 Could you explain to us, in general terms, why certain knowledge  
13 or why certain things or certain policies were beyond your  
14 ability or capacity to know?

15 [13.46.28]

16 A. I thank you very much for the question. As I already  
17 mentioned, yesterday Co-Prosecutor asked me a few questions  
18 concerning - concerning this. I am here as a witness to testify  
19 to the Chamber regarding accounts or what had happened back then.  
20 Nonetheless, it is - nonetheless, I don't know why I am asked to  
21 tell the Chamber the reason behind the evacuation of the  
22 population from the cities; the decision that was made or  
23 rendered by the senior leaders. And as a soldier, I find it  
24 difficult to say - to tell you about this because several -  
25 several thousands of people had been evacuated from the city. I

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1 knew that happened, but I have problem telling you what could  
2 have been the reason behind all this and it's beyond my knowledge  
3 and that's what I really stated clearly in my statement.

4 [13.48.05]

5 Q. Are you nevertheless able to tell the Chamber what was within  
6 the realm of your knowledge in that particular period? What were  
7 you supposed to know? What did you know as an artillery soldier  
8 or commander?

9 A. The realm of my knowledge was confined to what had happened in  
10 the vicinity where I could bear witness to and that's very  
11 limited and that I can tell, but things that happened outside  
12 this would be difficult for me to say I know.

13 And when it comes to evacuation, I can say that evacuation took  
14 place because it was known in Kampot province and the evacuation  
15 also took place in other parts of the country.

16 And again, I can testify to the events that actually had happened  
17 in the presence of me.

18 Q. I will come - I will come back to that in more detail later,  
19 Mr. Chhouk Rin, but yesterday and also this morning, you were -  
20 you have been confronted with things that you have said earlier  
21 to the OCIJ, things about CPK policies, things about the Standing  
22 Committee versus the Central Committee. If I understand you  
23 correctly now, these were things that were beyond the realm of  
24 your knowledge. So why have you actually said these things to the  
25 OCIJ - for instance, things about policies or the difference

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1 between the Central Committee and the Standing Committee, etc.?

2 [13.50.37]

3 A. As I said, I do not understand the details of how the Central  
4 and Standing Committees could have been operating. Nonetheless, I  
5 described in my statement to the investigators about the  
6 documents I have consulted during the study sessions I attended.

7 So through study sessions, I could reflect about what I knew  
8 back then and the reason that I could say so because I did study  
9 the materials and I still recollect what happened or what I  
10 learned during the study sessions.

11 I hope I have made it clear already. Thank you.

12 Q. So, to summarize, your knowledge about policies, things that  
13 happened because of instructions or orders from the CPK top  
14 leadership, leadership, you have acquired on the basis of the  
15 political study sessions; is that - is that right? Is that  
16 correct?

17 A. Yes, it is. I learned through these political study sessions.

18 Q. And these were the sessions that you have been speaking about  
19 earlier where there were 500 or 600 soldiers or officers or  
20 cadres being all together and listening to speeches; correct?

21 [13.53.08]

22 A. During such sessions, not necessarily only the soldiers  
23 attended the sessions. Civilians were also invited to attend the  
24 sessions. The only thing is that during such sessions, we were  
25 not able to communicate with other participants other than our



1 small group and I can say that communication with others was very  
2 difficult and limited during that period of time.

3 Q. Thank you, Mr. Witness.

4 Let me get back – I will be speaking about the study sessions  
5 later, but let me get back to your role as a soldier.

6 In an answer to a question you have described your role as a  
7 soldier to – and I quote literally – "to defend the country".

8 That you were fighting at the border. Could you expand a little  
9 bit on that? What did you mean with defending the country and  
10 fighting at the border? What happened?

11 [13.54.37]

12 A. Between 1975 and 1979, peace was very limited at that time.

13 War was dominating the atmosphere and national defence was part  
14 of our primary task and we had to be deployed to the border  
15 frontier on several occasions and we spent so much time there.

16 And I had to be there at the border when we fought the Lon Nol  
17 soldiers for over a year and then, during this period of time, I  
18 had to be stationed there all along.

19 Q. But who were you fighting at the border, defending the  
20 country, between '75 and '79?

21 A. I think you know the answer. There was a war between Cambodia  
22 and Vietnam and fightings took place along the border between  
23 these two countries and we were fighting the Vietnamese.

24 [13.56.21]

25 Q. Have you, yourself, actually been engaged in combat, in

1 battles with the Vietnamese troops?

2 A. I can't deny this. You see I got injured and wounded and this  
3 has been the result of engaging in such combat, so I said yes, I  
4 engaged in the battlefields fighting the Vietnamese. And now I am  
5 physically not capable because I lost a leg during the fighting.  
6 You would not notice that I was handicapped, but indeed I am - I  
7 lost a leg to that fight.

8 Q. Mr. Witness, I will - I cannot go into much detail on - in the  
9 fighting with the Vietnamese troop because it's outside of the  
10 scope of this trial, but only one quick question. Do you remember  
11 when and where you got wounded?

12 A. I got wounded on several occasions. I don't remember where I  
13 got injured because at least on roughly 20 occasions when I got  
14 injured, so my whole body has the scars of these wounds sustained  
15 during this fighting.

16 [13.58.44]

17 Q. Mr. Witness, earlier you have testified that your task was  
18 helping to defend the country and that you, yourself, were not  
19 responsible for internal security. That is correct, right?

20 A. I believe that I already answered this before. The soldiers  
21 were fully in charge of defending the country at the border.  
22 When it comes to security, it was the responsibility of the local  
23 authority.

24 Q. Do you know who was responsible for the internal security in  
25 the region that you were stationed?

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1 A. I'm afraid I don't understand the question.

2 And when it comes to internal security, how the civilians were  
3 managed, it was not the sole responsibility or responsibility of  
4 the soldiers and soldiers had nothing to do with this internal  
5 security. That's all I can tell.

6 Q. My question was whether you knew or know who was responsible  
7 in your region for the internal security. Do you know names?

8 [14.00.50]

9 A. Regarding the names, in Kampot province, I have described  
10 those names already. I have said - I have told the names of the  
11 leaders. For example, Kang Chap, who was transferred out of  
12 Kampot - Kampot and then Sam Bit replaced him. So this is what I  
13 told to the Chamber already. These leaders were responsible for  
14 the security of the civilians throughout Kampot province, so I  
15 have told that to the Chamber already.

16 Q. Did you know the existence of security centres in the region  
17 that you were stationed?

18 A. Regarding the security centres, I knew nothing about that. I  
19 did not know where it was located. I knew nothing about that and  
20 I have mentioned that earlier already. I did not know whether  
21 such centre existed or not. That was the - that was not the  
22 responsibility of me as a soldier.

23 Q. And it's correct that you also did not know about the  
24 existence of the security centre called S-21?

25 A. Regarding S-21, as I have said, I knew about that only when

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1 Duch was brought on trial. Before that, I knew nothing about  
2 S-21. Even now, I do not know where it is located because I do  
3 not know Phnom Penh clearly. I have never had a chance to visit  
4 that place. I do not know Phnom Penh clearly even now.

5 [14.03.26]

6 Q. Is it fair to say that the existence of S-21 or the existence  
7 of other security centres are things which were beyond your  
8 capacity to know?

9 A. That is correct. If I know, I will tell you. I do not hide any  
10 information, but if I do not know, I cannot tell you about that.  
11 So when you ask me whether it is fair, of course it is fair, it  
12 is correct. I know nothing about that.

13 Q. Now, Mr. Chhouk Rin, you've just testified that you do not  
14 know Phnom Penh well. You, as of today, still do not know where  
15 S-21 is situated for instance. But you have testified that you  
16 have been to Phnom Penh in the period between '75 and '79. Could  
17 you tell the Chamber how many times exactly you have been in  
18 Phnom Penh between 1975 - let's say 17 April 1975 and 7 January  
19 1979?

20 [14.04.57]

21 A. I went to Phnom Penh in 1996 once. At the time, I attended the  
22 study session and after the session, we had a discussion in the  
23 group and we could not communicate with the members of the other  
24 group. We could not walk around, so I did not know different  
25 places in Phnom Penh.

1 And I talk about this yesterday and this morning when I responded  
2 to the question put by the Co-Prosecutors and I hope that you  
3 also understand that. So this is the reason why I do not know the  
4 place well. These are the reasons.

5 Q. Mr. Witness, maybe I didn't hear it well in my ear. I heard  
6 you say '96 or the interpreter said '96. Of course you meant  
7 1976.

8 So do I get it - well, if I say that this time in 1976 was the  
9 only time between 17th of April 1975 and 7 January 1979 that you  
10 have been in Phnom Penh?

11 A. Yes. Sorry, it was not 1996, it was 1976.

12 [14.06.48]

13 Q. Thank you. And that particular time, the study session, that  
14 was the only time that you have been in Phnom Penh in that  
15 period?

16 A. Yes, it was only that one. And later on, I just passed Phnom  
17 Penh. I just took a rest in Phnom Penh for one or two hours. At  
18 the time, I was transferred from Kampot province.

19 Q. It might have been asked already and if it has been forgive  
20 me, Mr. Chhouk Rin, but do you remember how many days in '76 you  
21 were in Phnom Penh? How many nights did you sleep at that  
22 particular time in '76 in Phnom Penh?

23 A. I did not remember clearly because it happened long time ago.  
24 It may be over 20 days. I cannot remember the exact number. It  
25 perhaps was over 20 days. I have forgotten because I do not pay

1 attention to that thing.

2 [14.08.27]

3 Q. Do you remember where you were sleeping in those three weeks,  
4 20 days? Was it in barracks? Was it somewhere else in Phnom Penh?

5 A. There was no barrack. There was a house near the school  
6 because this is not a military - military unit because we came to  
7 attend study session, so there was a mixture of military officer  
8 and civilian, civil official as well. So there were houses, there  
9 were shelters located near the school building.

10 Q. And you've testified earlier that during those study sessions  
11 there were around 500 to 600 people attending. Do you remember  
12 with how many soldiers or civilians or cadres you were staying or  
13 sleeping in that house?

14 A. I do not remember about that. I do not remember the number  
15 because I do not pay attention to that, but of course, that event  
16 happened at the time, but when you ask me about the number, I  
17 cannot recall the number.

18 [14.10.21]

19 Q. You have said something about which dates these sessions took  
20 place. I'm trying to see if you could be more specific. Do you  
21 remember exact dates? Do you remember when it was, for instance,  
22 at the beginning of the rainy season? Do you remember anything  
23 about particular times?

24 A. When I came to Phnom Penh, as far as I can remember, it might  
25 be in April or May because the rain started. The farming - we

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1 also started doing farming as well at the time, but of course I  
2 cannot remember clearly. I cannot remember the exact time, but I  
3 just remember that I used to come to Phnom Penh, but of course,  
4 it might be at this period in this month. But of course I'm not  
5 so certain about the exact time.

6 Q. And when you left Phnom Penh after 20 days, 3 weeks, do you  
7 remember with whom you left? Was it with your – your men who you  
8 were commanding or with others and where did you go?

9 A. Those who came to study with me, so all those who came with  
10 me. We came on a truck. Some were civil officials, some were  
11 soldiers, and there were many people at the time, but I didn't  
12 know where they went. Some of them may be alive, but when even I  
13 meet them I may not know them at all because that happened over  
14 30 years ago.

15 [14.12.47]

16 Some who came to attend that session with me have died because of  
17 the war. Some who came back, who returned with me, were civil  
18 official who were in charge of the commune or district, but of  
19 course I did not know them. Most of them have died. Maybe only a  
20 few of them are still alive right now and I do not know where  
21 they are living. So when you ask me about those people, of course  
22 I do not know where they are because that happened for over 30  
23 years ago.

24 And you may know about the situation in 1979. When I was  
25 transferred from Kampot to Svay Rieng, 200 or 300 soldiers stayed

1 with me, but of course I do not know where they went. We were  
2 separated. Some went to the Thai border area, some went to other  
3 provinces, so I can give brief answer only when you ask me  
4 question, but when you ask me about the exact number and the  
5 people who attended the session with me, I know nothing about  
6 them. I do not know where they are right now, so this is what I  
7 can tell you.

8 Q. Thank you, Mr. Witness. And when you left Phnom Penh after  
9 those three weeks of study sessions, you went to Kampot; correct?

10 [14.14.04]

11 A. Yes, it is. We went back to our respective units.

12 Q. And if I understood correctly that since then you have not  
13 returned to Phnom Penh before 1979.

14 A. Of course not. I did not return to Phnom Penh.

15 Q. During those three weeks of study sessions, was that the first  
16 time that you saw Nuon Chea?

17 A. Yes, it was the first time to see Mr. Nuon Chea. That was my  
18 first time.

19 Q. How did you know then, at that particular time, it was Nuon  
20 Chea?

21 A. He was in front of me. He was in front of us and then other  
22 introduce him to us. They said this person was Mr. Pol Pot. That  
23 person was Mr. Nuon Chea, so we saw him and of course I knew him.  
24 I saw where he was sitting. I saw who did the presentation, so I  
25 knew he was. And that was the only chance we have to see him and



1 beside that we cannot see him at all.

2 [14.17.05]

3 Q. How many times in those three weeks have you seen Nuon Chea  
4 speak to the 500 or 600 soldiers or cadres?

5 A. If you ask me about that, I cannot remember, but of course he  
6 spoke at the time, but he did not spoke - he did not speak much.  
7 He did not speak much.

8 Q. Have you ever in those three weeks in Phnom Penh spoke to Nuon  
9 Chea what we would call face to face or maybe with some other  
10 people in a room for instance?

11 A. I noticed that the leaders of the Khmer Rouge, when they  
12 attended the study session, left that study session immediately.  
13 They did not talk to the subordinates or to the participant. They  
14 rush to go back. They left immediately. They did not like talking  
15 to the participants. This is from my observation.

16 [14.19.03]

17 Pol Pot, Nuon Chea just like that, he did not talk to the  
18 participant. I did not know whether he talk to the high-ranking  
19 official, but, of course, after he stopped - after he finished  
20 his presentation, he just left. He did not talk to the  
21 subordinate, to the participant. I did not see that. I did not  
22 see him talking to the participant.

23 Q. So, to be absolutely sure, he never gave you a hand, you never  
24 had a personal conversation, you never saw him speaking to  
25 comrades in front of you - only addressing the crowd of 500, 600

1 people; correct?

2 A. Yes, it is correct.

3 Q. Have you ever seen Nuon Chea since then? Have you ever seen  
4 him? Let me rephrase. Have you ever spoken to him or seen him in  
5 a small group after those three weeks in Phnom Penh or somewhere  
6 else; if not in Phnom Penh, somewhere else?

7 A. No, never. I never met him in a group. I could see him clearly  
8 only in that occasion. Later on I never saw him. I never met him.

9 [14.21.18]

10 Q. Now, Mr. Witness, I am – I am puzzled. Maybe I don't  
11 understand you correctly, but you have just testified that the  
12 only time that you saw Nuon Chea was him addressing a crowd. You  
13 never spoke to him personally, face to face, or within a group.  
14 Yet, you have also testified that Nuon Chea together with Pol Pot  
15 gave orders to purge cadres in the East. To me that doesn't  
16 correspond at all. Would you be able to clarify your earlier  
17 testimony?

18 A. Regarding his speech, regarding the purge of the enemy, at the  
19 time, he lectured about that document. That is – that is why I  
20 refer to that document. That document was used for his lecture  
21 and I conclude that the presentation of that document led to the  
22 chaos in Cambodia. This is what I want to tell you.

23 Q. But, Mr. Witness – Mr. Witness, you've testified earlier also  
24 that communication within the CPK between cadres was – I quote  
25 you literally – "secret, strictly confidential". Would you be

1 able to explain why Nuon Chea, in front of a crowd of 500 to 600  
2 people, would order the killing of fellow cadre?

3 [14.23.34]

4 A. Regarding this point, as I have explained, he highlighted the  
5 content of that document, the mistake for example. And when we  
6 returned to our unit; in other word, those who had attended the  
7 session and I did not know whether they had done something wrong.  
8 Some of them - some of the leaders in Kampot were arrested, were  
9 in danger. That is why I include that direction from the leader  
10 of the CPK here led to that kind of problem.

11 Q. Mr. Chhouk Rin, I put it to you that you have never actually  
12 heard Nuon Chea say anything about purges of East cadres - East  
13 Zone cadres; is that correct?

14 A. I never heard of Nuon Chea's words, but at the time he may  
15 heard the presentation by Pol Pot about the people in the East  
16 and I have told that to the Chamber already. He was over there  
17 and he understood the situation and the troops all over the  
18 country and especially the troops from the Southwest were sent to  
19 the East. So that means Pol Pot and Nuon Chea were over there  
20 when the plan was made and I believe that they understood that.  
21 They knew about that. That is all.

22 [14.25.57]

23 Q. Mr. Witness, you are under the obligation to tell the Court  
24 what you have seen with your own eyes, what you have heard with  
25 your own ears. My question to you is that you have testified or

1 you have given a statement to the OCIJ that there was a special  
2 meeting. I'm referring to E3/361, English-Khmer; 0076453.  
3 "There was a special meeting. The decision to purge the East Zone  
4 was made during a Standing Committee with Son Sen acting on the  
5 orders of Pol Pot and Nuon Chea and Ta Mok, who were all present  
6 during the meeting. Among the military commanders were Meas Muth,  
7 Ieng Phan, Sokh Chhean, Thy Au, and Thy Poussé. The meeting to  
8 provide instructions on the purge was held in a different site  
9 from that of the Party General Assembly which was held at the  
10 Olympic Stadium. This meeting to provide instructions was held at  
11 the Military Headquarters near Boeng Trabek."Prey Sar pri  
12 [14.27.11]  
13 Isn't it true, Mr. Witness, that you were never there and that  
14 you cannot testify from your own knowledge about this event?  
15 A. That answer was explained this morning when I responded to the  
16 question put by counsel for Mr. Nuon Chea. I clarified this  
17 morning already.  
18 That was not a special meeting. So, when I talk about the study  
19 session here, there was a plan. So, when I came to Phnom Penh, my  
20 troops passed Takhmau and Chbar Ampov and we took a rest in Phnom  
21 Penh, and the leader, Son Sen, gave us some advice. And of course  
22 that account was correct. That was not a special meeting. It was  
23 a special case - circumstance. At the time, the troops were  
24 prepared to travel on a mission, so I clarified that this morning  
25 already. I talk about that in detail already.

1 [14.28.47]

2 There was a plan from the time when I attended the session. And  
3 later on, when my troop were sent to the East, there was a  
4 special circumstance in which the leader came to meet us and it  
5 was rare for him to meet us, and he gave us some guidance, some  
6 direction, on how to defend the country to fight with the enemy.  
7 And I described that to the Co-Prosecutor already - to the  
8 Co-Investigating Judge.

9 At the time, the troop in the East Zone were transferred out of  
10 the East Zone, so when the troop of the Southwest were sent to  
11 the East, the troops - the forces in the East were transferred  
12 out of the East Zone and I did not know where they went. They  
13 were taken.

14 When I was in Svay Rieng, I heard Mr. Rin say that the troops of  
15 the East Zone were transferred to Kampong Chhnang, but of course  
16 they came to Kampong Chhnang without any weapons, without any  
17 arms. They were assigned to build the airfield over there.

18 So this is a kind of change of troops, so I would like to make  
19 the clarification regarding this point.

20 [14.30.49]

21 Q. Mr. Chhouk Rin, thank you.

22 I just want to have some clarifications in respect of things that  
23 you have stated to the-

24 MR. PRESIDENT:

25 Could you please hold on? We have some problem with French

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1 channel. I would like this to be checked first.

2 Judge Lavergne, you may now proceed.

3 [14.31.28]

4 JUDGE LAVERGNE:

5 Thank you, Mr. President. If there is no technical problem, I  
6 will proceed.

7 But Mr. President, can I give a piece of advice to you, Counsel  
8 Koppe? When you ask your questions and you refer to documents,  
9 please give the ERN codes.

10 In your previous question, I believe you were referring to a  
11 document, but the interpreters didn't catch the ERN code and the  
12 result is that your quote was not translated verbatim, so when  
13 you do that perhaps you could slow down a little bit and that way  
14 we get the best interpretation. If you still have the precise  
15 references of the document you were quoting just now, you might  
16 like to give us them. Thank you.

17 MR. KOPPE:

18 Thank you, Judge Lavergne, for your advice. I did not say,  
19 indeed, the French code; that is correct.

20 Mr. President, actually I had anticipated not to quote from his  
21 earlier statements, but now I might have and it could be a  
22 convenient moment to break so that I can get the French ERN  
23 number of the specific quote if that is all right with you.

24 Otherwise, I'll move on.

25 (Judges deliberate)

1 [14.33.40]

2 MR. PRESIDENT:

3 To facilitate the smooth examination, we may give you some time  
4 to settle this. And it is now appropriate moment already for the  
5 adjournment. The Chamber will adjourn for 20 minutes.

6 Security personnel are now instructed to bring the witness to the  
7 waiting room and have him returned to the courtroom by 10 to  
8 3.00.

9 (Court recesses from 1434H to 1453H)

10 MR. PRESIDENT:

11 The Court is now back in session.

12 We would like to now hand over to counsel for Mr. Nuon Chea to  
13 continue putting questions to the witness.

14 MR. KOPPE:

15 Thank you, Mr. President. I have no further questions, except I  
16 owe you the French and Khmer ERN numbers of the passage that I  
17 just quoted. In French, that would be 00268885; in Khmer,  
18 00194467. Thank you.

19 MR. PRESIDENT:

20 Thank you.

21 Next, we would like to hand over to counsels for Mr. Khieu  
22 Samphan to put some questions to Mr. Chhouk Rin. You may now  
23 proceed.

24 QUESTIONING BY MR. KONG SAM ONN:

25 Thank you, Mr. President and Your Honours. Good afternoon to

1 everyone, and good afternoon to Mr. Chhouk Rin. I am Kong Sam  
2 Onn, the co-counsel for Mr. Khieu Samphan. We have a few  
3 questions. I need to seek some clarification regarding the record  
4 of interviews you gave before the Co-Investigating Judges.

5 [14.55.10]

6 To begin with, I would like to apologize. I know that your health  
7 is not very good, and you already made it clear before the  
8 Chamber regarding your health condition and you said that your  
9 unstable health condition may hamper your sessions of your  
10 testimony and that you would not be able to fully testify before  
11 the Chamber during such situation. Nonetheless, the Chamber has  
12 ruled upon this, and that you are to respond to questions to  
13 parties to the proceedings, and likewise I also have a few  
14 questions for you regarding my client - our client, Khieu  
15 Samphan.

16 Q. As you know, Mr. Khieu Samphan has submitted that he is  
17 innocent, and he has requested that he be released. To that  
18 effect, I would like to ask you to clarify your relationship with  
19 Mr. Khieu Samphan.

20 [14.56.47]

21 You made it clear that you never met or knew Mr. Khieu Samphan  
22 personally. And for that, you do not know what Mr. Khieu Samphan  
23 was doing, although you knew something about what he'd done - and  
24 you already stated so in the course of the examination in this  
25 courtroom and before Co-Investigating Judges.



1 Now, I have questions regarding the Progressive, the Youth  
2 League, and the Party members, under document E3/361 – Khmer ERN  
3 00194464, French ERN 00268881, English ERN 00766449 through 50 –  
4 on page number 3, in Khmer version, which is the written record  
5 of your interview, I would like to read the final paragraph of  
6 that page. You stated that:

7 "I never met Khieu Samphan, Ieng Sary, or Duch. There were three  
8 people -- or three types of people in the CPK or Communist Party  
9 of Kampuchea, including the Progressive, the Youth League, and  
10 the Party Members. Party members were classified into two  
11 categories; the candidates and the full-rights member. Khieu  
12 Samphan was in the Front with Samdech Sihanouk, and Communist  
13 Party of Kampuchea used the member of the Party as diplomats for  
14 communicating with the outside world."

15 [14.59.32]

16 I would like you to clarify on few things, in particular, the  
17 terms "Progressive", "Youth League", and "Party members". You  
18 said you do not understand in detail the expression of "Youth  
19 League", but can you also shed some light, to the best of your  
20 recollection, how you understood "Progressive" and "Party  
21 members" to be.

22 MR. CHHOUK RIN:

23 A. Thank you, Counsel, for putting this question. Progressive  
24 refers to people who were prepared to join the Youth League. This  
25 means these people had been active, committed to their work. And

1 also they had good background of class. Class background - like,  
2 they're from poor peasant families. These people were prepared to  
3 become members of the Youth League. So, at the beginning, they  
4 were part of the Progressive. Then they would be recruited as the  
5 Youth League.

6 [15.01.05]

7 Q. Thank you. Can you also tell the Chamber, please, what  
8 Progressive people - what were they supposed to do in the CPK?

9 A. I already made it clear in my statement regarding how the  
10 Progressive people would be expected to help the Party.

11 Progressive people were selected among the poor peasants; the  
12 active committed members of the poor peasant families before they  
13 could be recruited as Youth League members.

14 Then they became the right-hand people - as a right hand for the  
15 Party, literally.

16 Q. Thank you. When were these expressions used? When "Progressive  
17 people" term used?

18 A. I cannot recall the date when this expression was used, but I  
19 can say that this Youth League has been established from the core  
20 members of this Progressive people. So, they have --they had the  
21 core people ready to form this league. The Progressive people  
22 were those who had their own working group or committee, making a  
23 decision on who would be best suited for becoming Youth League.  
24 There would be a ceremony conducted to assess or evaluate the  
25 characters or the performance of Progressive people so that they

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1 could become Youth League or Party member. Provincial governors  
2 or the sector committee or district committee would also be  
3 selected from these members.

4 [15.04.06]

5 Q. I think I appeared to understand differently from your  
6 statement concerning the Progressive people and Youth League  
7 members. So, which group started first?

8 A. Progressive people were established first. And then the second  
9 step is to recruit the Progressive people to become members of  
10 the Youth League.

11 Q. Thank you for this clarification, Mr. Chhouk Rin. My next  
12 question is: You said Khieu Samphan was in the Front - or member  
13 of the Front for Samdech Sihanouk. Can you tell the Chamber what  
14 - your understanding about the Front?

15 A. The Front here referred to the moment when we were fighting -  
16 we were engaged in the National Democratic Revolution. And when  
17 it comes to National Democratic Revolution, all walks of life  
18 would be gathered to engage in this movement. All people from the  
19 feudalist, capitalist classes were all invited. And these people  
20 belonged to the Front group. I think it would say that this story  
21 would date back to the early stage of the establishment of this  
22 Communist Party of Cambodia - of Kampuchea.

23 [15.06.23]

24 And we will revisit the date of 1970s. And I believe that, to get  
25 clearer answer, you may ask your client, Mr. Khieu Samphan, who

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1 is right in this courtroom. And, again, this movement was  
2 established since 1972 or 1973. At that time – after 1968, Mr.  
3 Khieu Samphan had to leave the area for a location near Kampot  
4 province. And we could hear that people talked about Khieu  
5 Samphan, and people talked about him being an intellectual who  
6 was not involved in the Party's membership of the CPK. That I  
7 talked about – 1973 to 1975. But after 1975, his position may  
8 change, and I can't say anything about this. And, again, it is  
9 best that you discuss this with him, because you can talk to him  
10 to give you more answers.

11 [15.08.02]

12 And I just say that Khmer Rouge already had their secret plan,  
13 and it was well-determined regarding Khieu Samphan's position. I  
14 don't know whether Mr. Khieu Samphan knew about this, but the  
15 Khmer Rouge knew this very well that Khieu Samphan did not belong  
16 to the Khmer Rouge. I already talked about this, when it comes to  
17 who talked about this. It was my superior and this happened  
18 during 1973 and 1975. Nonetheless, I cannot talk more on behalf  
19 of him, because he may wish to also shed more light on his  
20 engagement and roles during the period from 1975 to 1979.

21 Q. Thank you. Can you also explain to the Chamber regarding the  
22 secret plan to distinguish the roles of Mr. Khieu Samphan in the  
23 CPK? How could – this division of labour – power was carried out  
24 in the first place, and on what purpose?

25 A. To respond to your question – and the reason the plan was in

1 place, I think Mr. Khieu Samphan knew very well for himself  
2 because they regarded him as an intellectual. The Khmer Rouge  
3 distinguished the classes. They classified the classes very  
4 precisely, and this did not only happen to the base, but it  
5 happened across the country, and Khieu Samphan was classified as  
6 an intellectual - belonged to another class.

7 [15.10.20]

8 The classes were classified very clearly. We had poor peasant  
9 classes; we have the lower-middle class peasant or upper-middle  
10 class peasants. So on and so forth. Some people had to conceal  
11 their identity because they were afraid that they would be  
12 classified into upper classes. They said they belong to poor  
13 peasants, they were not educated, so on and so forth. And it is  
14 true that people had to do so. But the Khmer Rouge would identify  
15 this immediately, because if they knew that people concealed  
16 their identity or were deceitful, then they would treat them -  
17 not like they treated other honest members or people who were  
18 loyal to the Revolution.

19 And at that time, the Khmer Rouge would like to convert the whole  
20 Cambodian society to comprise of only labour classes or worker  
21 classes.

22 [15.11.46]

23 I hope I have answered your question, and I think I am brief. And  
24 please do not just rely heavily on what I am saying, because you  
25 can even talk to your client who is right in this courtroom, who

1 can even tell more.

2 In 1972, Ta Mok was the core member in the zone, and he  
3 oftentimes talked about this. Yet, Mr. Khieu Samphan may not know  
4 about the matter being discussed secretly in the military or in  
5 the Khmer Rouge hierarchy. I heard about this, and for that  
6 reason I took the oath and I said I would tell the truth. And Mr.  
7 Khieu Samphan, at that time, back in the 1970s, knew that he  
8 perhaps he - knew about this - or perhaps he did not know about  
9 the plan when Progressive people were being recruited. Whatever I  
10 say in this courtroom is true, so what I wish to make it clear is  
11 that I am telling the truth, and I indeed am waiting for this  
12 moment to be asked question by counsel for Mr. Khieu Samphan,  
13 because only by then would I be able to respond and tell the  
14 court all the truth.

15 Q. Thank you, Mr. Chhouk Rin. As a witness, you are supposed to  
16 respond to questions. And Mr. Khieu Samphan will be able to say a  
17 few words also at a later date. But it is now opportunity for you  
18 to say - to answer my questions.

19 [15.14.24]

20 As a military officer, long before 1975 - all the way during the  
21 period you remained a soldier - can you tell the Chamber whether  
22 there was any difference at all between the forces for the Front  
23 and the forces that belonged to the CPK, even prior to 1975?

24 A. Just now, I talked about classes. During this National  
25 Democratic Revolution movement, we had - we engaged in evolution

1 and at the beginning it started from the struggle, just simple  
2 struggle, and then National Democratic Revolution. People do not  
3 even understand the term "democratic revolution" very well - even  
4 these days, although, at that time, we understood democratic  
5 revolution to be the way of gathering forces for a common cause.  
6 And it was the plan of the Khmer Rouge that, when it turned into  
7 the democratic revolution cause, then the discipline was strict,  
8 policy was more rigid and firm.

9 And I think I can't go back to tell you more on this, because it  
10 will be very time-consuming. But, simply speaking, people were  
11 expected to join force -- join hands -- in helping one another--  
12 [15.16.50]

13 Q. I am sorry, Mr. Chhouk Rin. I just wish you to tell - or to  
14 explain whether there are any differences in the forces of the  
15 Front and the CPK. It doesn't matter whether the forces here  
16 refer to military forces. I am talking about the difference  
17 between the Front and the CPK. Were these two institutions in any  
18 cooperation in performing their tasks?

19 A. At that time, we were in - amid - of the war. And I don't know  
20 where counsel could have been, but if you are now over 40 years  
21 old, you may know this situation very well by now. Because at  
22 that time, after the coup d'état of the 18th of March 1970, war  
23 was waged all across Cambodia. In my province, the political  
24 elite groups in Kampot province, including Mr. Hu Nim, Hou Youn,  
25 and Khieu Samphan were seen living in my district. And we did our

1 best to help them to hide them. Mr. Khieu Samphan did not seek  
2 our support much. He would seek assistance from other people,  
3 including the subordinates of Ta Mok.

4 [15.19.03]

5 So these people were gathered. And at that time, I thought that  
6 Khieu Samphan could have never survived this ordeal, because I  
7 found - I believed that he could have been executed, or that they  
8 could have been executed. It is too bad that Ta Mok - people  
9 regarded Khieu Samphan and his people as those who had less  
10 intelligence. That's what Ta Mok identified him. But, later on,  
11 when time passed by, as you know, Lon Nol soldiers who were  
12 supported heavily by the Americans - they could have all the  
13 ammunition in stock, ready to engage in a battlefield for a few  
14 days. And you know that, if you engage in the fighting with them,  
15 you would be scared, because you knew that the soldiers - Lon Nol  
16 soldier, backed by the Americans -- were decently supplied.  
17 And when it comes to the movement, Prince Norodom Sihanouk did  
18 not understand very much the situation inside the country. And in  
19 the military - in the Khmer Rouge military, they treated Prince  
20 Norodom Sihanouk as a puppet, a kind of baby doll. And later on,  
21 when the Khmer Rouge took power, we knew that he was under house  
22 arrest in the Royal Palace. This is what happened in Cambodia.  
23 Mr. Khieu Samphan was known to be the President of the State  
24 Presidium-

25 [15.21.52]



1 Q. I wish to interrupt you here, and I am sorry, but you were  
2 saying that there was a distinction between the Front and the CPK  
3 although this distinction was only known secretly. Is that my  
4 understanding of your statement?

5 A. It is true, obviously, Counsel.

6 Q. Thank you.

7 I would like to draw your attention to the period of the  
8 Democratic Kampuchea. In reality and to the best of your  
9 knowledge, how was Mr. Khieu Samphan treated by members of the  
10 Party and by the CPK itself in his capacity as a former resistant  
11 and a person who belonged to the poor peasant class?

12 [15.23.18]

13 A. Thank you. Your question concerns the statement I already  
14 made. So far, I have never seen Mr. Khieu Samphan in any meetings  
15 of the CPK. I've never seen him. I never met him and I never been  
16 introduced to him. I don't know whether this was part of the  
17 mystery or secrecy of the senior leaders of the Khmer Rouge, but  
18 I can say that Mr. Khieu Samphan is a person of great honesty and  
19 loyalty. We - when we talk about him, we know that he's a good  
20 person.

21 Q. Thank you. I have to really wait a little bit because we need  
22 to observe some pause for the interpreters to properly relay our  
23 message. Just now you said you talked about how people concealed  
24 their background, the historical background and biography. Do you  
25 - or can you say whether Mr. Khieu Samphan could have hidden his

1 identity and how did you know or what did you know about Mr.  
2 Khieu Samphan? And another question is how could he hide his  
3 identity?

4 [15.25.56]

5 A. It is not difficult to respond to your question because I was  
6 a student. As a student I knew that he was the minister of the  
7 ministry and he was also a member of parliament. During a meeting  
8 we would hear a good thing about Mr. Khieu Samphan when people  
9 talked to us that Mr. Khieu Samphan was very poor. He did not  
10 have or he did not possess a car to go to work. He had to go to  
11 work by bicycle. So it was clear to everyone that how Mr. Khieu  
12 Samphan lived his life and when he was in the jungle I knew it  
13 would not be easy for him to hide his identity because everyone  
14 knew him very well, but people tried to help him hide.

15 Immediately when we knew that Khieu Samphan was hiding, we knew  
16 that he was a very good person. He was a clean and not a corrupt  
17 individual and we treated him as a role model for every Cambodian  
18 person. So, for that, I am not hesitant to tell the Court about  
19 him. And that's all from me.

20 [15.27.58]

21 Q. Thank you very much for your response. My next question is  
22 about Mr. Khieu Samphan's authority or power. During the CPK, did  
23 you know whether Mr. Khieu Samphan had the authority to issue  
24 orders, instructions in the Party or in the government of the CPK  
25 or in the military of the CPK or not?

1 A. It was none. Mr. Khieu Samphan was never heard to have ordered  
2 any military or I can say that he had no authority over the  
3 military because I worked as a soldier. I could have known if  
4 such order was rendered from him. I really liked him to be our  
5 senior leader, but we never heard that he had any power to order  
6 the military as such.

7 Q. Thank you. In the same document, document E3/361 -- Khmer ERN  
8 00194472, French ERN 00268891, English ERN 00766458 - the Office  
9 of co-investigators and the investigators asked you a question:  
10 "Do you have anything you want to add about your knowledge of  
11 Nuon Chea, Ieng Sary and Khieu Samphan?"

12 [15.30.50]

13 And you said: "I cannot speak about Khieu Samphan because he did  
14 not know much. He was a force of the Front, not a member of the  
15 Centre. Ieng Sary was in Foreign Affairs. I never heard him  
16 speak."

17 You mentioned about the "member of the Centre". So, what did you  
18 refer to here?

19 A. "Member of the Centre" has already been stated in my  
20 statement. It refers to the management, the leadership including  
21 the ministers; those who controlled or led the country and I  
22 cannot tell you in detail regarding the members of the Centre.

23 Q. Thank you. To help you refresh your memory, I would like to  
24 refer to the same document, Khmer ERN 00194469. You were asked a  
25 question regarding the role of the Party in the military. I would

1 not wish to read the whole statement, but I would only cite the  
2 relevant part. You said: "We had no choice. Everyone had to obey  
3 the orders by the Standing Committee, otherwise we would have  
4 been arrested and disappear."

5 [15.33.23]

6 The Co-Prosecutors already put question to you on this, but I ask  
7 you here regarding the Standing Committee. What is the difference  
8 between the Centre and the Standing Committee because you  
9 mentioned about the Centre and then you talked about the Standing  
10 Committee?

11 A. The Standing Committee in Kampot province, there was a  
12 Standing Committee being established and Sam Bit was, for  
13 example, the head of the Standing Committee representing the  
14 Party Centre. If the Standing Committee made any decision that  
15 the decision had to be endorsed and implemented. That happened at  
16 district level and in provincial level and the military and the  
17 Standing Committee would be established to comprise of the  
18 members of the Party. I think that is brief and I hope I have  
19 answered your question.

20 Q. Can you clarify the difference between the responsibilities of  
21 the Centre - the full word was the "Central Committee" - and the  
22 Standing Committee? Previously, you compared the Standing  
23 Committee in Kampot province. Do you know about the national  
24 structure during the Democratic Kampuchea regime which was known  
25 as the Central Committee and the Standing Committee? Did they

1 have any difference?

2 [15.35.57]

3 A. When you asked me about the work of the Party Centre, I knew  
4 nothing about that. I could not describe or explain that to you.  
5 That is beyond my ability. I can tell you only what I can tell  
6 and this is beyond my ability.

7 Q. Thank you. So you cannot make the distinction between the  
8 Central Committee and the Standing Committee at the national  
9 level during the Democratic Kampuchea regime; is it correct?

10 A. Of course not. I cannot talk about that. I cannot talk about  
11 the Central Committee because I am not certain about that.

12 Q. In your document, the written record of your interview with  
13 the OCIJ, sometimes you used the word "the Central Committee",  
14 sometimes you used the word "Standing Committee", regarding the  
15 names of the members of those committees. So, some names were  
16 mixed. Sometimes you used the word "the Centre", and sometimes  
17 you used the word "Standing".

18 [15.38.00]

19 So, when you used those terms, you cannot make that distinction  
20 between the Central Committee and the Standing Committee; is it  
21 correct?

22 A. It is correct.

23 Q. In order to clarify regarding this point, I would like to  
24 refer to document E3/361 - Khmer ERN 00194465; French, 00268881;  
25 English, 00766450. I would like to read from that statement: "At

91

1 that time, Pol Pot was the Secretary of the Central Committee and  
2 the top leaders included Nuon Chea, Ta Mok, Son Sen and Ieng  
3 Sary."

4 I would like you to clarify when you refer to the Secretary of  
5 the Central Committee here, do you mean the Secretary of the  
6 Standing Committee?

7 A. (Microphone not activated)

8 [15.40.28]

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness.

11 MR. CHHOUK RIN:

12 A. I knew about that. When I attended the session I heard that  
13 Pol Pot was the Secretary of the Party. They used the term  
14 "Secretary of the CPK", and Nuon Chea was the Deputy Secretary.  
15 And those who attended that meeting included Nuon Chea and Son  
16 Sen and Ieng Sary was not there. I did not see him. I saw only  
17 those leaders when I attended the study session about the  
18 "Revolutionary Flag" number 7 and I knew that he was the - Pol  
19 Pot was the Secretary of the CPK at the time. I knew about that  
20 only at that time. And as I said earlier, those leaders were very  
21 cautious, were very careful.

22 [15.42.06]

23 But of course, I have heard a long time ago about the Secretary  
24 of the Party. In 1973, 1974, I heard that Pol Pot was the leader,  
25 the Secretary of the CPK, but of course I did not see him. And I

1 saw Nuon Chea during that study session, but of course I heard  
2 about his name in 1973 and 1974.

3 Q. Thank you for your confirmation. So, right now, I would like  
4 to clarify again, so Pol Pot was the Secretary of the Central  
5 Committee. That statement was wrong; is it correct? I would like  
6 you to respond again.

7 A. The Secretary of the CPK.

8 Q. Thank you.

9 In your statement, you mention the top leaders which included  
10 Nuon Chea, Ta Mok and Son Sen and Ieng Sary. So, when you use the  
11 term "high level leaders" here, you base on what reason or what  
12 ground?

13 A. They were the leaders. If, in our current situation, they were  
14 the leaders of the government -- and at the time, they were the  
15 leaders of the Khmer Rouge - that's why I called them senior  
16 leaders or high level leaders, so that is easy for you and all  
17 the people to understand.

18 [15.44.52]

19 Q. I would like to ask for your confirmation again. When you talk  
20 about senior leaders, do you refer to only the senior leaders of  
21 the Democratic Kampuchea government or you refer to the senior  
22 leaders of the CPK, the Party, as well?

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Please hold on. You have to observe some pause.

1 MR. CHHOUK RIN:

2 A. Over here, I refer to the leaders of the CPK.

3 BY MR. KONG SAM ONN:

4 Q. Previously, you stated that you could not make the distinction  
5 between the responsibilities of the Central Committee and the  
6 Standing Committee. I would like to ask you in what detail. Can  
7 you tell the Chamber whether between the Central Committee and  
8 the Standing Committee, which Committee is more powerful?

9 [15.46.30]

10 MR. CHHOUK RIN:

11 A. As I have said earlier, I cannot make that distinction. I  
12 cannot give more detail about that. Sometimes they use the word  
13 "Standing Committee" for the Zone. Sometimes they use the word  
14 "Standing Committee" for the Party, for the Centre. So I cannot  
15 make that distinction, clear distinction over here. So I will not  
16 make any distinction over here.

17 Q. That's okay. If you cannot explain that, that is okay, but I  
18 have some more questions for you.

19 This morning at around 11.21, you talked about the power of the  
20 zone leader. Especially you talked about the power of Ta Mok and  
21 you mentioned his slogan, "On top of Ta Mok is a head." You also  
22 talked about the power of the Zone leader who were in charge of  
23 the military and the civilian sectors. Based on your own  
24 experience during the Khmer Rouge regime, the power of the zone  
25 committee was absolute who could make any decision in their zone



1 like a warlord or they could not do anything without the approval  
2 from the national level. Can you clarify that?

3 [15.48.31]

4 A. This morning I talked about Ta Mok, I talked about his power.  
5 When I went anywhere I saw him. So right now I would like to talk  
6 about the power of the CPK. When I was attending the study  
7 session, for example, in the presentation in the lecture, when  
8 Mr. Pol Pot gave lecture, I met all the subordinates. Only Ta Mok  
9 could interrupt that to interrupt Pol Pot. This happened when I  
10 attended that study session. That is why I say Ta Mok was  
11 powerful not only in the Southwest Zone, but also in the Party  
12 because he dare to interrupt Pol Pot. I don't think Nuon Chea and  
13 others might not dare to interrupt Pol Pot. So when you ask me  
14 about that you may understand, when I describe that briefly like  
15 this. For example, when Ta Mok ordered the troops to do  
16 something, for example, to go to the battlefield; so, for  
17 example, if I did not give detailed report he could pull out his  
18 gun and shoot at us. So sometimes he was good and sometimes he  
19 was very cruel.

20 [15.50.56]

21 Some of the commanders in the Southwest Zone may be still alive  
22 and some of them may be working in the government right now and  
23 they may have experienced something like that. And they may also  
24 know how powerful Ta Mok was and Ta Mok has passed away already.  
25 And when I talk about him, after he passed away, some people may

1 say I am telling a lie and of course, Ta Mok.

2 MR. PRESIDENT:

3 Thank you, Mr. Witness. I would like you to pay attention to the  
4 question put by the counsel and you limit your response to the  
5 question so that we can speed up the proceeding.

6 Counsel, you may proceed.

7 BY MR. KONG SAM ONN:

8 Thank you, Mr. President.

9 Q. I would like you to clarify again regarding the power of Ta  
10 Mok, based on your own experience when you worked with him; he  
11 was very powerful in his zone.

12 [15.52.40]

13 How about the leaders of the other zones, did you ever see how  
14 they exercised their power? So how was the power of the other  
15 zone leaders like?

16 MR. CHHOUK RIN:

17 A. I do not know about the other zones. So I would like to say  
18 briefly like this.

19 Q. I would like to ask you about the meeting of the Standing  
20 Committee. In document E3/362, I would like to quote -- Khmer ERN  
21 00210209, English ERN 00268895, French ERN 00268903 -- I would  
22 like to quote from that statement: "Before the troop of the  
23 Southwest Zone was sent to attack the troops of the East Zone,  
24 there was a plan."

25 I would like to continue to another page, ending in 210: "There

1 was a plan to eliminate those internal enemies. There was a plan  
2 by the Standing Committee which included Pol Pot, Nuon Chea and  
3 Ieng Sary."

4 [15.55.29]

5 Regarding this point, you told the OCIJ that there was a meeting  
6 inside the Standing Committee to send the troops to the East  
7 Zone. I would like to ask you how you knew about that meeting.  
8 Can you clarify regarding that point?

9 A. I have explained that; I have described about that plan  
10 already. As I said, the plan that I learned during the study  
11 session led to the chaos in Cambodia. So that was the plan. The  
12 troops were sent to the East Zone to suppress the troops in the  
13 East Zone. So, after that, the situation in the East was severe.  
14 Another person named Ren - that Ren was not me - my name was Rin.  
15 Ren was the chief of the General Staff of Kampot. Ren was at Ong  
16 Svay. Right now it was called Dang Tong district.

17 Q. Thank you, Mr. Chhouk Rin. So you mean that you did not  
18 directly attend the meeting of the Standing Committee, but you  
19 knew about that only when you attended the study session; is it  
20 correct?

21 [15.57.32]

22 A. Yes, it is. I have said about that already. So after I  
23 attended the study session, the troops from Kampot were sent to  
24 the East Zone. I noticed that there were some mistakes in the  
25 written statement.

1 Q. I would like to ask you about the admissibility of your  
2 written statement. I would like to ask you another question  
3 regarding the confidentiality during the Democratic Kampuchea  
4 regime. Several questions have been put to you and right now I  
5 want you to clarify again - so some participants who attended  
6 this study session; so when they talk about that plan during the  
7 study session in which 500 or 600 participants attended. So how  
8 did that affect the confidentiality of the Party?

9 [15.59.35]

10 A. Of course it affected. That was a dangerous document that led  
11 to the breakup. Of course, that had a severe impact. Before we  
12 are united like what we are now, there were a lot of problems in  
13 the past. And, of course, that was because they failed to  
14 maintain the confidentiality.

15 Q. Thank you. I would like to move onto another question  
16 regarding that same document, E3/362 -Khmer ERN 00210212; French,  
17 00268905; English, 00268897. You stated that - this is related to  
18 the magazine number 7 - you stated that "even Khieu Samphan, who  
19 was an intellectual, who was famous, also became the enemy of the  
20 CPK".

21 You have talked about the history, the historical background of  
22 Mr. Khieu Samphan already. So, right now, I want you to give more  
23 clarification. When you say that Mr. Khieu Samphan the enemy of  
24 the Party, the CPK, do you have any evidence or do you have any  
25 documents to prove that?

1 A. I already explained at length earlier on. You can learn from  
2 the statement and I wish not to explain this further.

3 [16.02.11]

4 MR. KONG SAM ONN:

5 Mr. President, I may need 10 more minutes for questioning the  
6 witness, and my colleague would like to have at least an hour for  
7 that, as well.

8 MR. PRESIDENT:

9 Thank you, Counsels.

10 International co-counsel for Mr. Khieu Samphan, you may proceed.

11 MS. GUISSÉ:

12 Thank you, Mr. President. Bearing in mind the questions which  
13 have been asked today, I, personally, will only be needing 30  
14 minutes for my questioning, just so that you can organize the  
15 session for tomorrow. Thank you.

16 (Judges deliberate)

17 [16.04.25]

18 MR. PRESIDENT:

19 We have heard some issue concerning this witness and also we note  
20 that counsels would like to have about half an hour for  
21 questioning and to facilitate the convenience for the testimony  
22 of this witness, if we can have it finished today, then it would  
23 be great that counsel proceed until we finish the session by  
24 today. And you may need 30 minutes and we can go for that.

25 BY MR. KONG SAM ONN:

1 Thank you, Mr. President. I believe that Mr. Chhouk Rin is rather  
2 tired now. However, I am guided by the Bench and I may wish to  
3 finish putting the remaining questions in the next few minutes.  
4 Q. Yesterday I took issue with regard to a matter regarding the  
5 question posed by the Co-Prosecutor regarding the record of your  
6 interview in which you mentioned about the Khmer-Vietnamese  
7 citizens who were arrested in Kampot province. With Mr.  
8 President's leave, I would like these audio recording to be  
9 played back to the witness and to the Court so that we can hear  
10 from him. This document is -- or the recording that I wish to be  
11 played is D123/3R, starting from 000 - rather, 0019.15 to  
12 0019.26.

13 [16.07.57]

14 MR. PRESIDENT:

15 Counsel, could you advise the Chamber on which recording you  
16 would like to be played?

17 MR. KONG SAM ONN:

18 This recording is the audio recording of Mr. Chhouk Rin's  
19 interview.

20 MR. PRESIDENT:

21 Who took this recording? Can you advise the Chamber whether this  
22 audio recording was made by the Co-Investigating Judges or by any  
23 other sections?

24 MR. KONG SAM ONN:

25 Mr. President, this recording was the audio recording of Mr.

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1 Chhouk Rin who was giving interview to the Co-Investigating  
2 Judges regarding document E3/362.

3 MR. PRESIDENT:

4 You may proceed. Indeed the Chamber wishes to instruct the AV  
5 booth officials to make sure that this portion of video recording  
6 be played back from the minutes as indicated by counsel for Khieu  
7 Samphan regarding document D123/3R.

8 [16.09.39]

9 MS. GUISSÉ:

10 Mr. President, while AV is dealing with the technical side, can I  
11 ask if there's any chance of you reviewing your decision to  
12 extend today's meeting by half an hour? My first concern is that  
13 of my client. I asked him if he can manage to stay with us for  
14 the next half hour and he says that that's actually going to be  
15 rather difficult for him. I'm also aware that for the Chamber at  
16 large there are witness management issues at stake here, but  
17 given that we are within the timeframe we had selected for  
18 ourselves at the start, I am asking the President, sir, if you  
19 would reconsider the decision and let us conclude tomorrow  
20 morning?

21 [16.10.40]

22 MR. PRESIDENT:

23 I think the ruling was stemming from your position because the  
24 Chamber wished to continue the proceedings until tomorrow's  
25 session, but you indicated that you may need only 30 minutes for

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1 questioning time. And the Chamber noted that for 30 minutes, it  
2 would be best if we can have the session wrapped up this  
3 afternoon because it helps ease some burden of transporting or  
4 transferring the witness to the prison and have him returned.  
5 And he also has family issue to deal with, that's why the Chamber  
6 notes it would be more convenient if the session concludes today,  
7 it is good for the witness and his family himself. If you did not  
8 say that you would need only 30 minutes for this, the Chamber  
9 would adjourn and convene the next session tomorrow morning. So  
10 the message was clear that with 30 minutes, we would not wish to  
11 return the witness to the morning session. I think we were not  
12 mistaken because International Judges also engaged in this  
13 ruling.

14 You may proceed.

15 MR. KONG SAM ONN:

16 May this audio recording be played, please?

17 [16.12.35]

18 (Presentation of audio-visual document, no interpretation)

19 [16.14.40]

20 BY MR. KONG SAM ONN:

21 Thank you.

22 Q. Mr. Chhouk Rin, I hope you could hear this recording?

23 MR. CHHOUK RIN:

24 A. Yes, I could hear it.

25 Q. Just now, I heard you used the term "Khmer Viet Minh" and in



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1 the record of your interview you gave before the  
2 co-investigators, you used the term "Khmer-Vietnamese". So can  
3 you clarify this: What is the difference between Khmer Viet Minh  
4 and Khmer-Vietnamese?

5 A. They are the same or the terms are used interchangeably and as  
6 I already talked to the Co-Prosecutor, these Khmer people  
7 returned from Hanoi and they resided in Kampot and they created  
8 the military. And they called them Viet Minh because during that  
9 time, there was - there were groups of Vietnamese called Viet  
10 Cong who engaged in hostile activities with the Khmer Rouge  
11 soldiers. I think I talked about this in detail already. I wish  
12 not to talk more.

13 [16.16.10]

14 Q. That's what you thought; you believed that "Khmer Viet Ming"  
15 and "Khmer Vietnamese" were the same. Is that correct?

16 A. Yes, they are the same because at that time, they used "Khmer  
17 Viet Minh" to refer to the Khmer people who returned from Vietnam  
18 with Viet Cong. And the mistrust was seen among these people and  
19 fighting took place for about a few months before ceasing. That  
20 happened from 1973.

21 Q. Thank you. So, so far, they did not even use the term  
22 "Khmer-Vietnamese," they used "Khmer Viet Minh" instead; is that  
23 correct?

24 A. Yes, it is. In Kampot we know these people as the Khmer Viet  
25 Minh, rather than Khmer-Vietnamese.

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1 MR. KONG SAM ONN:

2 Thank you, Mr. Chhouk Rin, and thank you Mr. President. I have no  
3 further questions, but I would like to cede the floor over to my  
4 colleague.

5 [16.17.35]

6 QUESTIONING BY MS. GUISSÉ:

7 Good afternoon, Mr. Chhouk Rin. I am Anta Guissé, international  
8 co-lawyer for Mr. Khieu Samphan. I have a few points of detail to  
9 ask you about.

10 Q. Following up on what has just been said by my learned  
11 colleague and going back to that recording we've just heard which  
12 brought out this term "Khmer Viet Minh" that you used, I'd like  
13 you to come back to a point that you brought up in your interview  
14 with the Co-Investigating Judges in document E3/361. The French  
15 ERN is 0268880; in English, 00766449; and in Khmer, 00194463; and  
16 it closes on the subsequent page. In the statement, you refer to  
17 the birth of the Communist Party of Kampuchea and problems that  
18 arose with the Indochina Communist Party. What I want to ask you  
19 is, were you a personal witness of those problems when the Party  
20 was created or is this something that you heard about from  
21 someone else?

22 [16.19.19]

23 MR. CHHOUK RIN:

24 A. I may wish you to repeat this question, please.

25 Q. Yes, in the statement that you made to the Office of the

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1 Co-Investigating Judges, you referred to problems that occurred  
2 at the time of the establishment of the CPK by comparison with  
3 the Indochina Communist Party. And what I'm asking you is if you  
4 were a personal witness to those problems or if it was something  
5 that somebody else told you about?

6 MR. PRESIDENT:

7 Witness, please hold on.

8 International Co-Prosecutor, you may now proceed.

9 MR. RAYNOR:

10 Mr. President, I know my learned friend is doing her best to help  
11 the witness, but in my respectful submission the sentences that  
12 she's seeking to put to the witness from the document should be  
13 spoken verbatim to him because in my respectful submission this  
14 is still not clear what's being asked. In other words, the  
15 problems should be set in full context by reading the statement  
16 verbatim and then asking the question. Thank you.

17 [16.20.53]

18 BY MS. GUISSÉ:

19 I have no problem with reading that, Mr. President. I simply  
20 wanted to bear in mind the need to be expeditious, but if the  
21 witness wants me to read the passage, I will. It's the ERNs that  
22 I quoted before.

23 Q. You said that "the Indochinese Communist Party met with high  
24 level cadres with an intention to create a similar political  
25 structure in Kampuchea. Those cadres refused and created the

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1 Communist Party of Kampuchea, CPK, instead and this point became  
2 the source of the problems between the CPK and the Viet Cong."  
3 My question is: Were you a personal witness to those problems  
4 when the CPK was set up or was this something that somebody else  
5 told you about?

6 [16.22.07]

7 MR. CHHOUK RIN:

8 A. To be brief, I learned about this through study sessions. We  
9 were lectured on this and documents were consulted during the  
10 session and from that I could learn about this.

11 Q. Thank you. I would now like to come back to the period between  
12 '75 and '79. This morning when you were answering the  
13 Co-Prosecutor and the Civil Party Lead Co-Lawyer, you said that  
14 after the 1975 victory, you were transferred to the border to  
15 defend the country; and answering my colleague from the Nuon Chea  
16 team, you said you were at war against Vietnam. I'd like to ask  
17 you first, you said that you participated in about 20 battles at  
18 that time, wars, each one of these a battle against Vietnam?

19 [16.23.31]

20 A. As you know, at the beginning, the Khmer Rouge soldiers and  
21 the Vietnamese troops engaged in fighting's. I told the Court  
22 already about this.

23 Q. There seems to be a problem of understanding here. My question  
24 was: You said that you had taken part in some 20 battles; were  
25 these battles against the army of Vietnam?

1 A. Yes, they were.

2 Q. In the statement that I quoted a moment ago, you told us and I  
3 might quote this again, just to refresh your memory, it's the  
4 same reference. You told us that "an internal dispute inside the  
5 CPK was created by the group which supported Vietnam and the  
6 group which opposed Vietnam".

7 And my question is: when you were at war against Vietnam, between  
8 1975 and 1979, were the anti and pro-Vietnamese tendencies still  
9 there within the CPK?

10 A. Yes, they were. These people had been against each other until  
11 1991, even during the time when the Paris Peace Agreement was in  
12 place and until the withdrawal of the Vietnamese troops from  
13 Cambodia by 1993. After that, there was no such fighting with the  
14 Vietnamese troops. It means that after 1994, although the Khmer  
15 Rouge troops still existed, there was no more fighting with the  
16 Vietnamese and I think I have already talked a lot on this-  
17 [16.26.29]

18 MR. RAYNOR:

19 Mr. President, forgive the interruption. I hope my learned friend  
20 will forgive me, but in my respectful submission, there's still  
21 scope for misunderstanding on the questions that have just been  
22 asked.

23 My learned friend is putting to Mr. Chhouk Rin, questions about  
24 the anti-Vietnam tendency within the CPK and the pro-Vietnam  
25 tendency within the CPK, but in my respectful submission the

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1 witness's replies are talking about the fighting between the CPK  
2 and Vietnamese Soldiers and those are two separate matters. Thank  
3 you.

4 BY MS. GUISSÉ:

5 Mr. President, I did draw a distinction in my question between  
6 the tendencies inside the Party and the battles, but we can  
7 clarify this.

8 Q. Mr. Witness, you heard the objection by the Prosecutor. Was it  
9 clear to you in my question that when I asked if there were two  
10 tendencies within the CPK, namely one pro-Vietnam and the other  
11 anti-Vietnam, was it clear that we were talking about movements  
12 within the CPK?

13 [16.28.26]

14 MR. CHHOUK RIN:

15 A. I already told you that at the beginning, the Khmer Rouge  
16 soldiers were fighting against the Vietnamese troops. Later on  
17 when the National Salvation Front created by three Samdech -  
18 created, then we could see that this new front was or has been  
19 fully supported by their followers. And this Front that was led  
20 by them helped attack the Khmer Rouge troops and at the beginning  
21 the Khmer Rouge soldiers never appreciated the efforts made by  
22 the three Samdech, but now they realize that the three Samdech  
23 did something to help.

24 [16.29.57]

25 MR. PRESIDENT:

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1 Mr. Witness, if you are talking at length about things that are  
2 not relevant you are wasting your own time and the Court's time,  
3 and we may even have to continue these proceedings for a few more  
4 or long hours. So please be more concise and precise and try to  
5 respond only to the question being put to you.

6 Counsel for Mr. Khieu Samphan can you please repeat that  
7 question?

8 And again, Mr. Chhouk Rin, please be brief in your statement.

9 Otherwise we need to have a new disc or DVD replaced so that we  
10 can have this session concluded and it would conclude longer than  
11 expected. Please be brief. Thank you.

12 BY MS. GUISSÉ:

13 Q. Mr. Witness, let me remind you of what you said in your  
14 statement E3/361 - and I quote an extract from your answer to a  
15 question from the investigators: "Internal disputes inside the  
16 CPK were created by the group which supported Vietnam and the  
17 group which opposed Vietnam."

18 And so my question is clearly about tendencies within the CPK.  
19 When there was the war with Vietnam between '75 and '79, did  
20 those two tendencies continue to exist inside the CPK?

21 [16.32.15]

22 MR. CHHOUK RIN:

23 A. Yes, they did. In short, that's why the war was still there.

24 Q. So, are you telling us that there was a war between two CPK  
25 factions, because I understood just now, that you were explaining

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1 to us that you were at war against the Vietnamese army? Can you  
2 just clarify this for us, please?

3 A. I believe your question is rather repetitive, because I  
4 already stated in my response to counsels.

5 Q. Mr. Witness, you've just told me this is why the war continued  
6 between the two tendencies. Now, my question is: Is there - was  
7 there a war between two CPK tendencies or a war between the CPK  
8 army and the Vietnamese army?

9 A. The war were waged between the soldiers of the CPK and the  
10 Vietnamese troops.

11 [16.33.51]

12 Q. Thank you for making that clear.

13 And with respect to the different factions inside the CPK, do you  
14 continue to maintain that they continued to exist during this war  
15 with Vietnam, the two factions?

16 A. No, they don't. In the Communist Party of Kampuchea, there  
17 were no two groups as such. There was only one group. However,  
18 when it comes to the resistance against the Communist Party of  
19 Kampuchea, it is another story.

20 Q. Let's move forward.

21 With the Co-Prosecutor, you drew our attention to the question of  
22 purges in the East Zone. First question; did you know Chan  
23 Chakrey?

24 [16.35.24]

25 A. I heard of him. I never met him in person. I knew of him



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1 through documents of the CPK and I heard of him as the head of a  
2 division, but I never saw him. I only learned about him through  
3 documents.

4 Q. In your statement in E3/361 – in the French ERN 00268887; in  
5 English, 00766455; and in Khmer, 00194470 – this is what you tell  
6 the investigator: "In 1976, under Divisions 280 and 290, under  
7 the command of Chan Chakrey, tried to overthrow Pol Pot, but were  
8 unsuccessful, and Chan Chakrey was arrested by Pol Pot's forces."  
9 Now, my question to you is: How did you find out about this? Is  
10 this something that you personally witnessed directly?

11 [16.37.09]

12 A. He was the head of the division who was accused by Pol Pot of  
13 staging the "coup d'état", and I found out about this through  
14 reading documents about the "coup d'état".

15 Q. Further on in your statement, you say that between '77 and  
16 '78, a commando group attacked the bases -- the base in Phnom  
17 Penh. Many people were killed, some were captured.

18 Again, is this something you found about through your reading?

19 A. During the time when fighting broke out in Phnom Penh, all  
20 forces had to be called to support the fighting. But later on, we  
21 learned that the situation was under control and we had to be  
22 allowed to go back to our bases.

23 [16.38.56]

24 Q. Last point I want to bring up with you. You referred, in  
25 discussions with the Co-Prosecutor, about the 17th of April

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1 People, in the record of yesterday's proceedings. It was after  
2 13.40, and the Co-Prosecutor asked you: "When did people tell you  
3 that the 17th of April People were enemies"? And you answered: "I  
4 never received any specific instructions on that, but those who  
5 were on the side of Lon Nol's soldiers, were considered to be  
6 17th April People, or like them. But I never received any orders  
7 to consider them as enemies."

8 Now, I want to ask you a question about this. The 17th of April  
9 People, according to what I have just read out, were people who  
10 worked with Lon Nol. Were they soldiers, or were they other  
11 people? So, can you make it clear to us exactly what you mean  
12 when you say 17th of April People?

13 Q. The 17th of April People here, refer to everyone regardless of  
14 whether they were civilians or soldiers. As long as these people  
15 were evacuated after the 17th of April 1975, they would be  
16 regarded as the 17th of April People.

17 Q. And would you confirm what you said, namely, that nobody told  
18 you to view them as enemies; is that correct?

19 A. Yes, it is.

20 [16.41.22]

21 Q. My final point. When you were a soldier, you said that you  
22 also did some agricultural tasks, as well as defending the  
23 country. The produce of this farming work was destined for who,  
24 please?

25 A. These military - or the soldier built a warehouse where this

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1 produce could be stored. The head of the military would then get  
2 some rice for eating.

3 Q. So, the rice was for who to eat, precisely?

4 A. For the soldiers.

5 Q. So, unless I'm mistaken, the agricultural work that you were  
6 doing over that period, was for your own subsistence?

7 A. It is correct.

8 MS. GUISSÉ:

9 Mr. President. I tried to do my best and I will bring my  
10 questions to a close now. Thank you.

11 And, of course, I would like to thank the witness.

12 [16.43.17]

13 MR. PRESIDENT:

14 Thank you.

15 Today's session comes to the conclusion, and the Chamber will  
16 adjourn. Next hearing sessions will be resumed tomorrow, at 9  
17 a.m.

18 For tomorrow's sessions, the Chamber will hear the testimony of  
19 TCW 126, questions to be put by counsels for Mr. Nuon Chea and  
20 Khieu Samphan respectively, before the floor is handed over to  
21 other counsels – the parties of the proceeding.

22 Mr. Chhouk Rin, your testimony is now complete and you are now  
23 excused. The Chamber would like to be very grateful indeed to  
24 your attendance. Your testimony helps ascertain the truth and we  
25 wish you all the best.

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1 [16.44.25]

2 Court officer is now instructed to assist with the WESU unit and  
3 people concerned at the Prey Sar prison, so that Mr. Chhouk Rin  
4 can be returned to the prison.

5 And at the same time, court officer is instructed to ensure that  
6 TCW 126 be prepared so that we can hear the testimony of this  
7 witness tomorrow.

8 Security personnel are now instructed to bring Mr. Khieu Samphan  
9 and Nuon Chea to the detention facility and have them returned to  
10 the courtroom tomorrow, before 9 a.m. And Mr. Nuon Chea is  
11 instructed to be returned to only the holding cell, where he can  
12 observe the proceedings from there through audio-visual link.

13 The Court is adjourned.

14 (Court adjourns at 1645H)

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