



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 June 2012
Trial Day 71

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

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|-------------------------------------|----------|
| MR. ANG UDOM | Khmer |
| MR. CHAN DARARASMEY | Khmer |
| MR. DE WILDE D'ESTMAEL | French |
| MR. KARNAVAS | English |
| MR. KHOEM NGORN (TCW-323) | Khmer |
| JUDGE LAVERGNE | French |
| MR. LYSAK | English |
| MR. MAM RITHEA | Khmer |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer |
| MR. PAUW | English |
| MR. PESTMAN | English |
| MR. PICH ANG | Khmer |
| MR. SAO SARUN (TCW-604) | Khmer |
| MR. SENG BUNKHEANG | Khmer |
| MR. SON ARUN | Khmer |
| MR. VERCKEN | French |

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Before we proceed, the Chamber would like to notify all parties
6 to Case 002 that in today's proceeding, one of the Judges of the
7 Bench, that is, Judge You Ottara is not available, and after my
8 discussion with the Bench's other Judges, we delegate the task to
9 the reserve Judge Thou Mony in place of Judge You Ottara until he
10 is available to resume his position.

11 This decision is based on the Internal Rule 79.4 of the ECCC
12 Internal Rules.

13 Ms. Se Kolvuthy, could you report the attendance of the parties
14 and people to the proceeding today?

15 [09.02.40]

16 THE GREFFIER:

17 Good morning, Mr. President. All parties to the proceeding are
18 present except the accused Ieng Sary, who is present in his
19 holding cell downstairs as he requests to waive his direct
20 presence in this courtroom. His letter of waiver has been
21 submitted to the greffier and the reserve witness after witness
22 Sao Sarun, that is, witness TCW-323, will be present at 10 a.m.
23 He already took an oath yesterday.

24 MR. PRESIDENT:

25 Thank you.

2

1 [09.03.42]

2 The Chamber has received a request by the accused Ieng Sary dated
3 7 June 2012 through his defence counsel to waive his direct
4 presence in this courtroom and requests to follow the proceedings
5 in the holding cell downstairs through audio-visual means for the
6 entire day's proceeding due to his health condition that he
7 cannot sit for long in the courtroom. It is requested by Ieng
8 Sary to waive his direct presence in the courtroom and to follow
9 it instead through the audio-visual means in the room downstairs
10 and that he is able to contact his defence team.

11 The Chamber agrees to this request of the accused Ieng Sary to
12 waive his presence, that he can follow the proceeding in the room
13 downstairs through audio-visual means through the entire day's
14 proceeding.

15 The AV unit, you're instructed to link the proceedings through
16 audio-visual means to the room downstairs for the entire day's
17 proceeding.

18 Good morning, Mr. Sao Sarun. How do you feel today? Is your
19 health okay?

20 [09.05.34]

21 MR. SAO SARUN:

22 I am not that well today. I would like to testify only for the
23 morning session.

24 MR. PRESIDENT:

25 Thank you for the information, and we can use this information as

3

1 the basis for our planning.

2 All parties to the proceeding were already informed yesterday
3 that the proceeding today and next week could be an alternative
4 hearing of this witness and the witness TCW-323 due to the
5 elderly age of the witness Sao Sarun and also due to his health.
6 So we will take alternative sessions between these two witnesses
7 so that he is able to testify.

8 The floor is now given to the Prosecution to continue questioning
9 this witness. You may proceed.

10 [09.06.55]

11 QUESTIONING BY MR. LYSAK RESUMES:

12 Thank you, Mr. President. Good morning. And good morning, members
13 of the Bench.

14 Q. Good morning, Mr. Witness, Mr. Sao Sarun.

15 When we stopped yesterday, we were talking about the trip that
16 you and Chuon took where you flew to Phnom Penh after Kham Phoun,
17 the member or deputy secretary of Sector 105, had killed the
18 sector secretary Laing. And we had talked about a meeting that
19 you had with Pol Pot, Nuon Chea, and Sao Sarun -- I'm sorry --
20 and Son Sen about those events in which you were asked to take
21 over from Laing as sector secretary.

22 When you were in Phnom Penh, Mr. Witness, did you visit the
23 location where Laing and Kham Phoun had died?

24 [09.08.11]

25 MR. SAO SARUN:

4

1 A. Yes, I went to the location where they died. I went there
2 once.

3 Q. And where was it? Where was it that this had happened?

4 A. The location was a guest house provided to us from Mondulkiri
5 in Phnom Penh, but I could not tell you the exact location of
6 that guest house.

7 Q. What did you see when you went to the location where Laing and
8 Kham Phoun had died?

9 A. They showed me a piece of iron bar from the car part that was
10 used to beat up Ta Laing and Kham Phoun shot himself to death,
11 and I saw two bullet holes on the door.

12 Q. When -- how long were you in Phnom Penh before you returned to
13 Mondulkiri?

14 A. I stayed only for one day and then I returned to Mondulkiri.
15 [09.10.22]

16 Q. And when you returned, did you bring with you the ashes of
17 Secretary Laing?

18 A. Yes, I brought along the ashes to his relatives so that they
19 could conduct the religious ceremony for him.

20 Q. Who is it that had given you the ashes of Laing to bring back
21 to Mondulkiri?

22 A. Those people who were stationed in Phnom Penh gave me the
23 ashes.

24 Q. Were you also given the ashes of Kham Phoun, the person who
25 had killed Laing?

5

1 A. No, they did not give it to me, only the ashes of Ta Laing was
2 given to me.

3 Q. Was it Pol Pot who gave you Laing's ashes?

4 A. I only knew that the people who were on duty at the time gave
5 me the ashes.

6 [09.12.29]

7 Q. I would like to ask you a few more questions about the meeting
8 that you had with Pol Pot, Nuon Chea, and Son Sen while you were
9 in Phnom Penh. Given that one member of the Sector 105 Committee,
10 Kham Phoun, had just killed the sector secretary, did they ask
11 you any questions about Kham Phoun and why he may have killed
12 Laing?

13 A. No, I was not asked any questions.

14 Q. Were they angry or were they concerned about the loyalty of
15 cadres in Mondulkiri region given what had just happened?

16 A. I did not know.

17 Q. Now, when you flew to Phnom Penh to meet with the leaders,
18 were you allowed to bring a gun or weapons with you on the plane?

19 A. No, I did not have any.

20 Q. At this meeting that you had with Pol Pot, Nuon Chea, and Son
21 Sen, was there any discussion about how it was that Kham Phoun
22 had gotten a gun?

23 A. I did not know where he had the gun -- from where he had the
24 gun.

25 Q. At this meeting with Pol Pot, Nuon Chea, and Son Sen, did they

6

1 ask you for your views on whether Kham Phoun was a traitor and
2 whether there were other people who may have been working with
3 him?

4 [09.15.15]

5 A. No, he did not explain anything to me.

6 Q. Did they ask you anything about persons back in Mondulkiri who
7 were related or connected to Kham Phoun?

8 A. No, he did not ask me anything regarding this matter.

9 Q. Mr. Witness, after the killing of Laing and your meeting with
10 Pol Pot, Nuon Chea, and Son Sen, were there arrests of cadres
11 from the K-16 commerce office for which Kham Phoun had been
12 responsible?

13 A. No.

14 MR. LYSAK:

15 Mr. President, I would like to read at this time and ask a
16 question from document ER/367 which is the first interview of the
17 witness by the Co-Investigating Judges at Khmer ERN 00251440,
18 English ERN 00278697 and French ERN 00486013, and would put that
19 up on the screen too with your permission.

20 [09.17.12]

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 Assistant and the AV unit, could you assist with the projection
24 of this document on the screen as well?

25 BY MR. LYSAK:

7

1 Q. Mr. Witness, in your first interview with the Co-Investigating
2 Judges, you made the following statement: "After the death of Ta
3 Laing, I knew that the commerce cadres were arrested."

4 Was that a correct and truthful statement?

5 [09.18.02]

6 MR. SAO SARUN:

7 A. That is correct.

8 Q. And did the arrests of the commerce cadres that occurred after
9 the death of Ta Laing, did those arrests include Chuon, the
10 sector commerce chairman who had travelled with you to Phnom Penh
11 after Kham Phoun had killed Laing?

12 A. I could not grasp this matter.

13 Q. Mr. Witness, were you not directly informed by Pol Pot at one
14 point that Chuon had been called to Phnom Penh for re-education?

15 [09.19.29]

16 A. No, I was not told, although I know about the disappearance.

17 Q. What do you know about the disappearance of Chuon?

18 A. I did not know.

19 MR. LYSAK:

20 Mr. President, I would like, at this time, to ask the witness
21 about an excerpt from what was his third interview with the
22 Co-Investigating Judges, which is document E3/384, at Khmer page
23 00345904, English page 00348373 and French ERN 00354237, and
24 would like to put that on the screen as well with your
25 permission.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 [09.21.04]

4 BY MR. LYSAK:

5 Q. Mr. Witness, in your interview with the Co-Investigating
6 Judges, you made the following statement: "I received a telegram
7 directly from Pol Pot telling me that 10 days earlier, Chuon had
8 been called in for re-education and correction in Phnom Penh."

9 Do you confirm that this is an accurate statement, Mr. Sao Sarun?

10 MR. SAO SARUN:

11 A. Yes, the statement is accurate. He was called, although I did
12 not know about that.

13 [09.21.54]

14 MR. LYSAK:

15 Mr. President, we have a S-21 prisoner list entitled "Names of
16 prisoners who entered on the 23rd of November 1977" which is
17 document D175/3.31 which records over 140 cadres from Mondulkiri,
18 both Sector 105 and Division 920, who entered S-21 on the same
19 day, the 23rd of November 1977, including Phan Khon, alias Chuon,
20 and at least 12 female cadres from the K-16 commerce office in
21 Mondulkiri.

22 I would like to use this document with the witness simply to
23 refresh his recollection of the timing of these arrests and the
24 identity of the persons who were arrested from Mondulkiri and
25 sent to S-21 following the death of Laing. If I may proceed, I

9

1 will display the -- we would like to display the document on the
2 screen, but I will simply ask questions of the witness as to the
3 timing of when these arrests occurred, if I may proceed?

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 [09.23.43]

7 BY MR. LYSAK:

8 Q. Mr. Witness, we have a record from S-21 that indicates that on
9 the 23rd of November 1977, so late in the year of 1977, Chuon,
10 also known as Phan Khon, the person who had travelled with you to
11 Phnom Penh to meet with the leaders there, entered S-21. He is --
12 for the record, he is number 128 on this list.

13 As I just told the judges, the list also identifies 12 female
14 cadres from K-16, the sector commerce office that we talked about
15 yesterday, and that you told us that was under the control of
16 Kham Phoun. There are 12 female cadres who also entered S-21 on
17 the 23rd of November 1971 and also included on this list of the
18 people arrested from Mondulkiri and sent to S-21 was the wife of
19 former Kaoh Nheak district secretary's and that district
20 secretary spy, the person you told us yesterday, who had shot
21 your two in-laws, her name is Sy Korn (phonetic) alias Bor Li
22 (phonetic), and she's number 129 on that list.

23 [09.25.16]

24 Now, given your testimony that Chuon had accompanied you on your
25 trip to Phnom Penh, after the death of Laing, does this refresh

10

1 your recollection that the date on which Laing was killed, and
2 the date of your and Chuon's trip to Phnom Penh, was before the
3 23rd of November 1977?

4 A. I did not know about that because in '77 I was at my district
5 so, I did not know about this arrest. I did not have any grasp at
6 all about this arrest.

7 Q. Well, Mr. Sao Sarun, is it possible your memory, it's been a
8 long time, is it possible your memory of the exact dates is
9 incorrect and that it was somewhat earlier that Laing was killed
10 and you and Chuon went to Phnom Penh? Is it possible that your
11 memory of the dates may be incorrect?

12 A. Laing died in 1978, and regarding Chuon and others, I think
13 what happened to them was in '77 and I did not know anything or
14 was involved in anything regarding these people's arrest.

15 [09.27.10]

16 Q. The question I'd like to put to you, Mr. Witness, is:
17 Who made the decision to arrest Chuon and the other cadres from
18 the sector commerce office, who were sent to S-21 on the 23rd of
19 November 1977? Was it you, the person who had just been put in
20 charge of the sector by Pol Pot, or had you been told, did you
21 receive an order from the leaders that people associated with
22 Kham Phoun were to be arrested and sent to S-21? Can you tell us
23 that?

24 A. I did not understand the situation. People disappeared and
25 everybody was afraid.

11

1 Q. Did you believe that Chuon was a traitor who should be
2 arrested?

3 A. I did not understand the situation. I did not know whether he
4 was a traitor or not.

5 [09.28.57]

6 Q. Did you know the female cadres who worked at K-16, the sector
7 commerce office?

8 A. No, I did not know them at all.

9 Q. Did the Sector 105 chief have the authority to order that
10 arrested persons in the sector be sent to Phnom Penh?

11 A. That I did not know. I was working at the district level. I
12 did not understand what was going on at the sector level.

13 Q. Mr. President, I would like to read now, again, from the first
14 OCIJ interview of the witness which is E3/367 at Khmer page
15 00251441, English ERN 00278697 and French ERN 00486013, and we
16 would also put that on the screen with your permission.

17 MR. PRESIDENT:

18 You may proceed.

19 BY MR. LYSAK:

20 Q. Mr. Witness, in your first statement to the Investigating
21 Judges, you said -- made the following statement: "I knew that a
22 number of detainees were transferred to Phnom Penh, but I did not
23 know to which destinations. But it was ordered by Angkar via Ta
24 San."

25 Can you confirm that this was a truthful statement?

12

1 [09.31.34]

2 MR. SAO SARUN:

3 A. I did not know the detail of where those people were sent to.

4 Q. Who were the detainees who had been transferred to Phnom Penh?

5 A. That I did not know either, because it was the responsibility
6 of the sector level. I did not know.

7 Q. How did you become aware that detainees had been transferred
8 from Mondulkiri to Phnom Penh?

9 [09.32.22]

10 A. I did not know, as I stated earlier.

11 Q. In your statement, you said that the transfer was ordered by
12 Angkar via Ta San. Can you remind us who Ta San was?

13 A. I did not know because I was responsible at the district level
14 and I did not know what was going on at the sector level. I did
15 not know who issue the order.

16 Q. The person you referred to here as Ta San, Mr. Witness, was
17 that the secretary of Division 920? Is that who Ta San was?

18 A. Yes, that is correct. He was from Division 920.

19 Q. And this is the same person that you told us yesterday -- when
20 Pol Pot asked you to take charge of sector 105 -- this is the
21 person that Pol Pot told you could assist you in the sector; is
22 that right?

23 A. Yes, that is correct. When he asked me to be in charge of
24 Sector 105 -- and I testified yesterday that I did not take that
25 position.

1 [09.34.28]

2 Q. When you came back to Mondulkiri after your meeting with Pol
3 Pot, Nuon Chea, and Son Sen, did you have a meeting Ta San where
4 he had a list of people from Mondulkiri sector who were to be
5 arrested?

6 A. No, upon my return to Phnom Penh I went straight to my
7 hometown.

8 Q. Mr. President, we would, again, like to read from the first
9 interview of this witness by the Co-Investigating Judges, which
10 is E3/367 and the ERN pages, in this case, are Khmer 00251440
11 through 251441, English ERN 00278697 and French ERN 00486013. And
12 we would like to put that on the screen again.

13 MR. PRESIDENT:

14 You may proceed. There might have been some translation error in
15 the Khmer channel because the document should be E3/367.

16 BY MR. LYSAK:

17 That's correct, Mr. President.

18 Q. Mr. Witness, in your statement to the Co-Investigating Judges,
19 you said as follows:

20 "Ta San from Division 920 came to the meeting with Ta Sophea and
21 me. He personally spoke about that arrest, for example, the
22 arrest of Net Tha. Ta San already held the list and I could not
23 refuse."

24 Can you confirm today, that this statement you made to the
25 Investigating Judges was a truthful statement?

14

1 [09.37.14]

2 MR. SAO SARUN:

3 A. That is correct. That statement was truthful because it was
4 the order from the upper level so, I dare not resist.

5 Q. When did this meeting between you, the sector military chief,
6 Ta Sophea and Ta San take place? When was this meeting in
7 relation to the time that you returned from -- to Mondulkiri from
8 your trip to Phnom Penh?

9 A. I cannot recall the event. I have forgotten some of the
10 events.

11 Q. Do you remember where it was that you met with Ta Sophea and
12 Ta San?

13 [09.38.26]

14 A. I cannot recall exactly when I met him. I have forgotten this.

15 Q. Do you remember how many names were on the list that Ta San
16 had? How many people were on that list?

17 A. That I did not know. It was up to people at the upper level.

18 Q. And the person that you mentioned in your statement named, Net
19 Tha, can you tell us who that was?

20 A. I did not really know that Net Tha.

21 Q. Do you recall that Net Tha was the -- had been the deputy
22 chief of the economics unit under Kham Phoun?

23 [09.40.03]

24 A. I cannot recall because it was the internal arrangement of the
25 sector. I was only responsible for the district level.

15

1 Q. I would now like to turn to a different subject, Mr. Witness,
2 which is reports including telegrams that you sent to Phnom Penh
3 in 1978.

4 And do you remember in your interviews with the Investigating
5 Judges, being shown and asked about a number of telegrams that
6 you had sent to the leaders in Phnom Penh?

7 A. Yes, yes, I recall them.

8 Q. The first of those telegrams, Mr. Sao Sarun, which is document
9 E3/248, is dated the 1st of January 1978. And I will get to that
10 document in a bit, but what I first wanted to ask you is, does
11 that refresh your recollection that as of the 1st of January
12 1978, you were sending written reports or telegrams to the
13 leaders in Phnom Penh?

14 A. I cannot recall that because I have forgotten the events ever
15 since I fell sick once and I have become forgetful since then.

16 Q. Why don't we start with some general questions about how you
17 sent telegrams reporting on the sector, the procedure about which
18 you did that?

19 [09.42.55]

20 Can you tell us, did you type the telegrams or did you handwrite
21 them? How was it that the telegrams were prepared, that were then
22 sent to the leaders in Phnom Penh?

23 A. The telegram was drafted by others.

24 Q. Mr. President, if I can make a reference, read from the third
25 interview by the Investigating Judges of this witness which is

16

1 E3/384 at Khmer ERN 00345905, English ERN 00348374 and French ERN
2 00354238.

3 [09.44.24]

4 And we'd like to put that on the screen also.

5 MR. PRESIDENT:

6 You may proceed.

7 BY MR. LYSAK:

8 Q. Mr. Witness, in the interview with the Investigating Judges,
9 when you were being asked about one of these telegrams, which is
10 telegram 54, you were asked the following question: "Did you
11 write this telegram by hand or did you read it aloud for a typist
12 to type?"

13 And your answer was: "I wrote it by hand and gave it to an
14 encoder to put into numbers. Next, the encoder took it to a
15 typist".

16 Is this a correct statement of the process by which the telegrams
17 that you sent were prepared?

18 MR. SAO SARUN:

19 A. That is correct.

20 Q. Where was the telegram office in Mondulkiri sector?

21 A. It was located in Office K-17, attached to the sector.

22 Q. And who were the people at the telegram office who assisted
23 you when you sent telegrams?

24 [09.46.17]

25 A. I did not know them. I only knew one person who was the one

17

1 who encoded the number and I did not know those who worked there,
2 except the encoder.

3 Q. How often did you send reports or telegrams to the leaders in
4 Phnom Penh?

5 A. It was not often. I sent it sometime once a week or once every
6 two weeks.

7 Q. Mr. President, we would again like to submit question to the
8 witness regarding a prior statement which is his -- from his
9 second interview with Investigating Judges which is document
10 E3/383 at Khmer 00345913, English ERN 00350264 and French ERN
11 00361764. And, again, we would like to put that document on the
12 screen.

13 [09.48.05]

14 MR. PRESIDENT:

15 You may proceed.

16 BY MR. LYSAK:

17 Q. Mr. Witness, in this statement that you gave to the
18 Investigating Judges, you said as follows: "I had to report daily
19 at least, on rice production, climate and how much or how little
20 had been planted".

21 Do you confirm that this is an accurate statement, Mr. Sao Sarun?

22 MR. PRESIDENT:

23 The International Defence Counsel for Nuon Chea, you may proceed.

24 MR. PAUW:

25 Thank you, Mr. President and my apologies for interrupting. My

18

1 objection does not have much to do with the actual subject matter
2 of what we are discussing, but it's more the technique of asking
3 questions based on the statements before the Co-Investigating
4 Judges.

5 [09.49.22]

6 The Prosecutor has, in the past few questions, followed the line
7 of reading out the statement before the Co-Investigating Judges
8 and then asking the witness whether that's a correct statement.
9 And I think that does not tell us much. The witness has already
10 indicated, in the beginning of his appearance here before you,
11 that his statements before the Investigating Judges have been
12 truthful. And I think it would be more useful to all the parties
13 if the question would be phrased as "do you remember how this and
14 this happens at the time", rather than just confirming the
15 statement before the Co-Investigating Judges, because I think
16 that has very little added value.

17 On this particular topic it may not matter much, but this will
18 come back in the future. So, it's, I guess, a request to the
19 Prosecutor to phrase his questions in a slightly different way.

20 [09.50.28]

21 MR. LYSAK:

22 Mr. President, I appreciate the suggestion, but I would like to
23 proceed in the manner that I have been which is to first confirm
24 that the statement is correct and then I have been doing what
25 counsel suggests, which is to follow-up and ask the witness some

19

1 further questions about that. I think that's an appropriate way
2 to proceed and with your permission I'd like to continue in that
3 manner.

4 MR. PRESIDENT:

5 Prosecutor, you may continue now.

6 BY MR. LYSAK:

7 Q. Mr. Sao Sarun, the statement that you made to the
8 Co-Investigating Judges indicating that you sent telegrams or
9 reports daily, is that correct? Does that refresh your
10 recollection that during 1978 you sent daily telegrams to the
11 leaders in Phnom Penh?

12 MR. SAO SARUN:

13 A. That is correct. I sent it sometime on daily basis and other
14 times once every two days or once every week or so.

15 [09.52.05]

16 Q. And when you sent telegrams to Phnom Penh, to whom did you
17 address the telegrams when you sent them?

18 A. I addressed them to Pol Pot.

19 Q. Do you recall, also, sending telegrams that were addressed to
20 Office 870?

21 A. I cannot recall that since I fell ill and I have forgotten
22 most of the events.

23 Q. Did you receive responses to the telegrams that you sent to
24 Phnom Penh?

25 [09.53.23]

20

1 A. Yes, I receive instructions and the instruction was mainly on
2 monitoring the farming work.

3 Q. When you received responses with instructions, who was it that
4 would send those responses?

5 A. The instruction was given through the telegram.

6 Q. Do you remember, though, who it was, which persons sent you
7 telegrams, sent you instructions in response to the telegrams
8 that you had sent?

9 A. That I did not know them. I only knew people who assisted me
10 in the telegram office.

11 MR. LYSAK:

12 Mr. President, I'd like to read from the same interview as the --
13 as I did before, which is E3/383, and the ERN site for this
14 excerpt is Khmer 00345912, English ERN 00350263, and French ERN
15 00361763. If we might proceed and put that on the screen?

16 MR. PRESIDENT:

17 You may proceed.

18 [09.55.49]

19 BY MR. LYSAK:

20 Thank you.

21 Q. Mr. Witness, in your third interview with the Investigating
22 Judges you were asked the question: "Did you ever receive any
23 responding telegrams? Who responded to those telegrams?"

24 And the answer you gave was as follows:

25 "The senders from M 870 included Nuon Chea or Pol Pot. Sometimes

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1 they were addressed as M 870, sometimes they were from Pol Pot,
2 and sometimes they were from Nuon Chea or Pol Pot."

3 Do you confirm the accuracy of this statement today, Mr. Sao
4 Sarun?

5 MR. SAO SARUN:

6 A. Yes, I do. I confirm that these statements are accurate.

7 Q. So the response is that you received to your telegrams
8 sometimes were from Pol Pot, sometimes from Nuon Chea, and
9 sometimes from M 870; is that correct?

10 [09.57.20]

11 A. Yes, that is correct.

12 Q. In the statement I just read you referred to M 870. Can you
13 tell us what M 870 was?

14 A. I did not know. People call it M 870, but I did not know what
15 this office was all about. I only knew that it was called M 870.

16 Q. Well, I'd like to turn now to the first telegram that we're
17 going to ask you about.

18 MR. LYSAK:

19 Mr. President, it is document E3/248, and it is a January 1,
20 1978, telegram from Sarun addressed to "Respected and Beloved
21 Brothers of Office 870". And if we can put that on the screen, I
22 will proceed as we have been doing, which is to read parts of it
23 to the witness and then ask questions about that?

24 [09.59.04]

25 MR. PRESIDENT:

1 You may go ahead.

2 BY MR. LYSAK:

3 Q. Mr. Sao Sarun, in this telegram, which bears your name, Sarun,
4 and the date, 1 January 1978, and is identified as Telegram 47 at
5 the top, the telegram is addressed to "Respected and Beloved
6 Brothers of Office 870". So again I again would like to ask you
7 that: When you addressed a telegram to Office 870, who did you
8 understand that you were sending this telegram to?

9 MR. SAO SARUN:

10 A. Office 870 was the office of Pol Pot.

11 MR. LYSAK:

12 Mr. President, I'd like to read the answer the witness gave to
13 this question, again, in his second OCIJ interview, which is
14 E3/383, and the ERN sites are Khmer ERN 00345912, English ERN
15 00350263, and French ERN 00361763. If we may proceed with that on
16 the screen also?

17 [10.01.18]

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 BY MR. LYSAK:

21 Q. Mr. Witness, when you were asked about this telegram by the
22 Investigating Judges, they asked the question: "Telegram 47
23 addressed 'Respected Brother M 870', what does that mean?"
24 And the answer you gave was as follows: "M 870 referred to the
25 Central Committee that as I remember, consisted of Pol Pot, Nuon

23

1 Chea, Khieu Samphan Son Sen, and Ta Mok."

2 Do you confirm that this was a truthful statement by you, Mr. Sao
3 Sarun?

4 MR. SAO SARUN:

5 A. Yes, the statement is truthful, as I stated before the
6 Co-Investigating Judges.

7 [10.02.32]

8 Q. Just so the record is clear, my colleague has told me there
9 may have been a mistranslation, that M 870 might have been
10 translated as M 78. So I think just so the record is clear, the
11 question refers to M 870.

12 Am I correct, Mr. Witness that you understood M 870 to include a
13 group of leaders from the Central Committee? Is that correct?

14 A. I could not grasp hold of this matter.

15 Q. Do you recall who was on the Central Committee as of 1978?

16 A. I did not know about this matter as it was the affair of the
17 upper echelon.

18 [10.03.57]

19 Q. The telegram that we're discussing, the January 1, 1978,
20 telegram, is identified at the top as "Telegram 47". Can you
21 explain to the Chamber what that numerical reference meant, the
22 indication of a number after -- of the telegram?

23 A. I had no knowledge about that. That was the technical aspects
24 of those who actually prepared and sent the telegram.

25 MR. LYSAK:

24

1 Now, Mr. President, I would like to read from the witness's
2 interview, which is E3/383. Again, that's the second interview
3 with the Co Investigating Judges at Khmer ERN 00345910 through
4 345911, English ERN 00350262, and French ERN 00361762.

5 And we'd like to put that on the screen.

6 [10.05.47]

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. LYSAK:

10 Q. Mr. Sao Sarun, in your interview with the Investigating
11 Judges, when you were being asked about this telegram, you were
12 asked the question:

13 "What was Telegram 47 about?"

14 And you responded as follows:

15 Answer: "It was the numerical order or a mark to be explained to
16 the recipient, and it was also easy for us to refer to."

17 Question: "Was the numerical order taken after a date or one
18 number after another?"

19 And your answer was:

20 "The numbers ran from 1 to 100, for example. The number would
21 return to one, it would not go further than that."

22 Do you confirm the testimony that you gave to the Investigating
23 Judges?

24 [10.06.54]

25 MR. SAO SARUN:

1 A. Yes, the statement that I made to the Co-Investigating Judges
2 is accurate.

3 Q. And is it correct that when telegrams were sent out they would
4 be numbered sequentially up until the number 100 at which time
5 you would start over again at number one, is that correct?

6 A. Yes, that is correct.

7 Q. Now, turning back to the January 1, 1978, telegram, again,
8 which is document E3/248, I would like to read to you the first
9 paragraph of the telegram that you sent to Office 870 on the 1st
10 of January 1978.

11 [10.08.03]

12 In that first paragraph you said as follows:

13 "We would like to report nine Yuon people fleeing from their
14 country. According to their interrogations, they said the Yuon
15 had assigned them to come to spy inside Kampuchea and live with
16 the Kampuchean people in order to grasp the Kampuchean people.
17 Now, we have swept them away."

18 My first question is: Who had provided you the information about
19 the nine Yuon people that you reported to Office 870 in this
20 telegram?

21 A. I did not understand that matter, as I told the
22 Co-Investigating Judges.

23 Q. Did you receive reports from the sector military, which you
24 then forwarded on to Office 870, Mr. Witness?

25 A. Again, I did not grasp the situation. I sent the report, but

1 it is not about the arrest of any Yuon, it was always about the
2 farming and the rice production.

3 [10.10.05

4 MR. LYSAK:

5 Mr. President, I would again like to turn back to the witness's
6 interview with the Co-Investigating Judges, which is document
7 E3/383. And the excerpt I would like to read is from Khmer
8 00345912, English ERN 00350263, and French ERN 00361763. If we
9 may proceed?

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 BY MR. LYSAK:

13 Q. Again, Mr. Witness, when you were being asked about this
14 telegram the Investigating Judges, you provided the following
15 testimony:

16 Question: "In Telegram 47 what was the situation of Krang The and
17 Dak Dam like at that time and what was it like after that?"

18 Your answer: "At that time, I received reports from the sector
19 army plus I was not much aware of the situation."

20 Question: "Which military units had to report about the
21 situation?"

22 Answer: "Sector military had the right to report only to the
23 sector committee, as for the centre divisions, they had to report
24 directly to the centre."

25 Do you confirm that the statement you provided to the

1 Investigating Judges is true?

2 [10.12.12]

3 MR. SAO SARUN:

4 A. Yes, that is true. The military -- the sector military reports
5 to the sector, and the central division reports to the centre.

6 Q. So do I understand you correctly that you, yourself, did not
7 have any direct involvement about in the matter relating to these
8 nine Yuon people, but the information had been reported to you by
9 the sector military, is that correct?

10 [10.13.00]

11 A. Regarding the nine Yuon people, I already said I was not
12 involved in that matter. And I told the Co-Investigating Judges
13 that I rejected my knowledge in this matter.

14 Q. Who was it from the sector military that would report to you?
15 Was it Ta Sophea?

16 A. Regarding the report, yes, I received various other reports,
17 but I did not receive any report regarding the arrest of these
18 nine Yuon people, and I denied that even when I was before the
19 Co-Investigating Judges.

20 [10.14.09]

21 MR. LYSAK:

22 Mr. President, I'd like to proceed to another telegram, and this
23 telegram is document E3/1078, and it is a telegram dated 9 April
24 1978 from Sarun. It is telegram number 46, and it is addressed to
25 "Respected M 870". And with your permission we'd like to put that

1 on the screen and ask some questions to the witness?

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MR. LYSAK:

5 Q. Mr. Sao Sarun, I'm going to ask you some questions now about
6 another telegram, and in order for me to ask you the questions I
7 will first read for you the telegram that I'm going to be asking
8 you about.

9 It is a telegram to "Respected M 870" that bears your name,
10 "Sarun", and it is telegram number 46, and the first paragraph
11 reads as follows:

12 [10.15.55]

13 "On the night of 7 April 1978 there was a fire which destroyed
14 two boats, 52 tanks of gasoline, eight tanks of diesel and a
15 number of other tools. The cause of the fire was that the boat
16 did not work. Upon arrival at Kampong Cham our comrade requested
17 another boat to tow the broken boat to Preaek Prasab. Our
18 comrade, who was the owner of the helping boat at Kampong Cham,
19 went up to the village in order to find those who wanted to go
20 down. There were three crew members on the boat. A crewmember
21 named San guarded on the head of the boat for fear that the
22 people might use the lighter, causing ignition, and two others
23 named Eng Kat and Bun Sa, were in the boat lighting a lamp.
24 Meanwhile, the guard on the head of the boat warned them not
25 light the fire for fear of ignition of gasoline. Suddenly, there

1 was flame of the ignited gasoline. The man holding the lamp was
2 also injured."

3 [10.17.14]

4 Now, let me stop there. This is in the middle of the telegram.

5 Do you recall the incident of the boat setting on fire that is

6 the subject of your telegram report? Do you recall that incident?

7 MR. SAO SARUN:

8 A. Yes, I recall it. The boat caught fire and destroyed.

9 Q. And I'd like to continue on and read the rest of your

10 telegram, Mr. Sao Sarun. The telegram continues as follows:

11 [10.18.00]

12 "According to the sector's examination and the report of Comrade
13 San, the two men had burned.

14 "The measures of the sector:

15 "1. Arrest the two men;

16 "2. Arrest contemptible Lean; according to the examination, there
17 had been the assignment from Lean.

18 "Carry out the arrest of these men today, on the 9th.

19 "With warmest revolutionary fraternity, Sarun.

20 "Dated 9th of April 1978."

21 The telegram indicates that the sector had conducted an

22 examination of this matter. Who was it that had conducted this

23 examination?

24 A. I cannot recall that, because none of the people on the boat

25 was arrested.

30

1 Q. When you wrote this telegram, sent this telegram to Office 870
2 indicating as measures of the sector arrest the two men and to
3 arrest the "contemptible Lean", were you asking the Party leaders
4 in Phnom Penh for their decision on how to proceed, or were you
5 informing them that you had already arrested these people?

6 [10.20.05]

7 A. No one was arrested. The two were not arrested and are still
8 alive today. None of them had been arrested then.

9 Q. Why did you send this telegram to Office 870 proposing
10 measures related to the arrest of these people? What was your
11 reason for sending this telegram to Office 870?

12 A. So there was damage to the boat. I made the report but then
13 none was arrested, because the materials had already been
14 destroyed, so there was no gain in arresting the people.

15 Q. Mr. Witness, who was it that had the authority to decide
16 whether or not these people would be arrested? Was it you or was
17 it the people you were sending the telegram to at Office 870?

18 A. I did not know who would have that authority because as I
19 said, none of them had been arrested and they are still living
20 today.

21 Q. Did you receive a response to your telegram from Phnom Penh?

22 A. Once they received it, of course they would respond to it.

23 [10.22.16]

24 Q. And who was it that responded to this telegram?

25 A. It was Mr. Pol Pot.

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1 Q. And did he provide you instructions on what to do in relation
2 to these people in his response?

3 A. It seemed that there was no instruction, because those people
4 who got burned were never arrested as the materials had already
5 been destroyed, so there was no arrest after all.

6 [10.23.19]

7 MR. LYSAK:

8 Mr. President, if I may read a short excerpt again from the
9 second interview of this witness, E3/383. This excerpt is at
10 Khmer 00345914, English ERN 00350265, and French ERN 00361765. If
11 we may also put that on the screen?

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 MR. LYSAK:

15 Q. In your statement to the Co Investigating Judges, Mr. Witness,
16 about this telegram and the response you received, you made the
17 following statement:

18 "Pol Pot instructed not to arrest them, and I, myself, received
19 the telegram from Pol Pot. Pol Pot instructed me to tell these
20 three men not to be worried."

21 Is this a correct statement -- a truthful statement, Mr. Witness?

22 MR. SAO SARUN:

23 A. Yes, that statement is very truthful.

24 [10.25.00]

25 Q. And is it correct, then, that in your response to your

1 telegram you received an instruction from Pol Pot as to what to
2 do about these men? Is that correct?

3 A. Yes, that is correct. I repeat, yes, that is correct, because
4 the instruction from him was not to arrest these men.

5 Q. Mr. Sao Sarun, we have a S-21 prisoner list titled "Sector
6 105", which is document D175/3.15, which records that a Kang Lean
7 who was the assistant of Sector commerce office was in prison at
8 S-21 as of the 10th of June 1978.

9 [10.26.19]

10 We also have a statement from the brother of Kang Lean confirming
11 that he was worked in the sector commerce office with Chuon, and
12 that he was arrested following the boat fire incident that is the
13 subject of your report to Office 870. Is it possible that your
14 memory of this incident may be incorrect and that in actuality,
15 in response to your telegram, Angkar decided to arrest Lean and
16 to send him to S-21? Is it possible that your memory of this may
17 be wrong?

18 A. There was no such thing. Kang Lean is still alive today, so I
19 do not know about this person that you referred to.

20 MR. LYSAK:

21 We'd like to turn now to another telegram which is E3/156, and it
22 is a telegram from the 23rd of April 1978 from Sarun to Respected
23 Brother and if we could display document E3/156 on the screen and
24 request permission to ask some questions of this document to the
25 witness.

1 [10.28.31]

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MR. LYSAK:

5 Q. Mr. Sao Sarun, this is a telegram with your name from the 23rd
6 of April 1978, it has three paragraphs and I'd like to focus my
7 questions on two of the paragraphs in the telegram. It is
8 identified at the top as "Telegram 54". And in the second
9 paragraph -- let me read the second paragraph of the telegram to
10 you before I ask you some questions -- quote--

11 MR. PRESIDENT:

12 Defence Counsel, you may proceed.

13 [10.29.41]

14 MR. PESTMAN:

15 Thank you. Good morning, Mr. President.

16 Maybe you can ask the question first -- or maybe the Prosecutor
17 can ask this witness to authenticate the document first before he
18 starts reading excerpts of this telegram.

19 MR. LYSAK:

20 Mr. President, perhaps Mr. Pestman wasn't here, he may not
21 realize the witness cannot see the documents any more. He did --
22 he still was able to see at the time of his interview and he did
23 authenticate the documents in his interview. So that's why we've
24 been proceeding this way.

25 MR. PESTMAN:

1 I'm sorry, I didn't realize that.

2 [10.30.35]

3 MR. PRESIDENT:

4 The Prosecution, you may continue.

5 BY MR. LYSAK:

6 The second paragraph of the telegram that you sent on the 23rd of
7 April 1978 reads as follows -- quote:

8 "Based on analysis, the division has agreed and wants to issue
9 weapons to the sector forces to attack. Brother, what do you
10 think? Please assist with your opinion because previously there
11 were complicated elements in the sector and they were all
12 disarmed. If Brother has any ideas, please report quickly."

13 Q. Do you recall sending a request for an opinion on whether or
14 not weapons could be provided to people in the sector?

15 [10.31.46]

16 MR. SAO SARUN:

17 A. I do recall because before that the arms were removed, but
18 then we requested that they be rearmed.

19 MR. PRESIDENT:

20 Thank you, Prosecutor. Thank you, Mr. Witness.

21 The time is now appropriate for adjournment and the Chamber will
22 adjourn now and resume at 10 to 11.

23 Court officer is instructed to facilitate the venue for the
24 witness and his duty counsel to rest during the break, and bring
25 them back before us by 10 to 11.

1 The Court is now adjourned.

2 (Court recesses from 1033H to 1051H)

3 MR. PRESIDENT:

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

5 I hand over to the Prosecution to continue putting the questions
6 to the witness, you may proceed.

7 BY MR. LYSAK:

8 Thank you, Mr. President.

9 Q. Mr. Sao Sarun, we were discussing the telegram that you sent
10 on 23 April 1978 which had a request for an opinion to "Brother"
11 about whether or not to arm the people in the sector. Who was the
12 "Brother" whose opinion you were seeking?

13 MR. SAO SARUN:

14 A. I sought opinion from Pol Pot.

15 Q. And in reporting this issue to Pol Pot, you indicated that --
16 quote:

17 "Previously there were complicated elements in the sector and
18 they were all disarmed."

19 Can you explain to us who were the complicated elements in the
20 sector who had been disarmed?

21 [10.53.58]

22 A. As a matter of fact, soldiers when in the barrack or base were
23 not armed. It wasn't like they were on a mission.

24 Q. Who specifically were you referring to when you said that
25 there had been previously --that there had been "complicated

36

1 elements in the sector". Who were you talking about?

2 A. I did not understand it well, I did not know what -- what was
3 the complicated issue.

4 MR. LYSAK:

5 Mr. President, if I may read from the third OCIJ interview of the
6 witness, E3/384, and the excerpt I would like to read is, Khmer
7 00345905, English 00348374, and French ERN 00354238. And we'll
8 put that on the screen, with your permission.

9 [10.55.53]

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. LYSAK:

13 Q. Mr. Witness, when you were asked about this telegram by the
14 Co-Investigating Judges, and about that part of the telegram, you
15 made the following statement -- quote:

16 "In 1977, when I was working in Pech Da (phonetic) district, I
17 heard that personnel of office K-16 had fled. Before that flight,
18 some weapons had been removed because the district was peaceful.
19 But after that flight, all weapons were removed." End of quote.

20 Do you confirm the accuracy -- the truthfulness -- of this
21 statement, Mr. Sao Sarun?

22 [10.56.56]

23 MR. SAO SARUN:

24 A. Yes, I do. The situation was like what I described before the
25 Co-Investigating Judges.

1 Q. And is it correct, then, that the complicated elements in the
2 sector who had been disarmed, was in relation to the incident we
3 talked about yesterday, where some cadres from office K-16 had
4 fled to Vietnam? Is that correct?

5 [10.57.43]

6 A. That is also correct. They did flee to Vietnam, and I also
7 told that incident before the Co-Investigating Judges.

8 Q. And when you said in your statement that after the flight all
9 weapons were removed, was it a particular district where all
10 weapons had been removed from? Can you clarify that for us?

11 A. I cannot elaborate it further. That's what I understood about
12 the situation then.

13 Q. Okay, thank you.

14 Can you tell us what response -- did you receive a response to
15 this question from Pol Pot?

16 A. I did not really understand this. Could you please read out
17 the statement I said?

18 [10.59.05]

19 Q. I'll be happy to do that if you don't remember, but before, do
20 you remember whether Pol Pot responded to your question about
21 whether or not to arm the elements in the sector?

22 A. Yes, he did reply regarding this matter.

23 Q. And what was his response?

24 A. He said they should be armed, and that was all.

25 Q. Did he say anything to you about monitoring the people who

1 were armed?

2 A. No, he did not specify anything else.

3 MR. LYSAK:

4 Mr. President, if I may read from his -- the witness's third
5 interview, which is E3/384, and this is an excerpt from Khmer
6 00345905, English ERN 00348374, and French ERN 00354238. We may
7 proceed and put that on the screen, with your permission?

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 [11.01.22]

11 BY MR. LYSAK:

12 Q. When you are asked about paragraph two of this telegram, this
13 is the testimony you gave -- quote:

14 Question: "And how about, in point two of the telegram 54?"

15 Answer: "In Pol Pot's instructions in response, were that, after
16 issuing arms, we were to monitor and then commence combat at once
17 when encountering the Vietnamese."

18 Was this an accurate statement on your part, Mr. Witness?

19 [11.02.05]

20 MR. SAO SARUN:

21 A. Yes, the statement is accurate. If we were to encounter them,
22 we had to engage in combat.

23 Q. And how was it that Pol Pot communicated this instruction to
24 you?

25 A. I cannot recall this matter. It has been a long time, and I am

1 not really feeling that well.

2 Q. I'll turn to another part of the paragraph, Mr. Sao Sarun. But
3 if you are feeling too unwell to testify further, please let the
4 President -- Mr. President -- know so that he can assess the
5 situation, or let your duty counsel know. Are you able to
6 continue right now?

7 A. Since I have been sick, my memory has become very poor. And of
8 course, I made the statements to the Co-Investigating Judges
9 already. However, I cannot recall most of them.

10 [11.04.09]

11 Q. Mr. Sao Sarun, let me turn to the next paragraph of your
12 telegram, and let me first read to you the first part -- the
13 first paragraph, in part 3 of your telegram which reads -- in
14 which you stated the following -- paragraph 3:

15 "The issue of the situation inside the Party. Comrade Sot,
16 chairman of the repair factory has committed immoral acts with a
17 woman. Now the arrests have been made. Both the man and the woman
18 have been arrested. This comrade was previously implicated, and
19 the confession of the traitor Chuon. At that time, the sector
20 monitored his activities, but now he has been involved with these
21 immoral acts and has been arrested and detained."

22 Let me stop at that point and ask you, first of all: Do you
23 recall this situation involving Comrade Sot and a woman with whom
24 he had committed immoral acts?

25 [11.05.42]

40

1 A. Yes, I can recall that. They were detained and they were
2 questioned, and they told us that they did not commit any immoral
3 act. So, after we educated them, they were released.

4 Q. Let me start with the reference in here -- there is a
5 reference in this paragraph to Comrade Sot, having been
6 previously implicated, and the confession of Chuon.

7 First of all, the Chuon who's referenced here, this is the same
8 person that we were discussing earlier today -- is that correct?
9 Is this the same Chuon who was the head of the sector commerce
10 office before his arrest?

11 A. Yes, this is the same person.

12 Q. Now, in your telegram you indicate that Comrade Sot had been
13 implicated in Chuon's confession. How is it that you had come to
14 learn that Sot was implicated in Chuon's confession?

15 [11.07.30]

16 A. When Sot was detained, we questioned him, and he said that he
17 was implicated into someone's response. But then he was not
18 implicated at all in the affair of Chuon. He was only implicated
19 in the affair of the immoral act with a woman. But after that,
20 everything was clear.

21 Q. Why is it that you referred to Chuon as a traitor in your
22 telegram?

23 A. At that time I did not say that. I did not say who was the
24 traitor, or that this or that person was a traitor.

25 Q. Mr. Witness, before the incident occurred in which Sot --

41

1 involving Sot and this woman, had you received either the
2 confession of Chuon or information about who had been implicated
3 in Chuon's confession?

4 A. No, I did not.

5 [11.09.11]

6 MR. LYSAK:

7 Mr. President, we would like know to read from the -- again --
8 the third interview of this witness by the Co-Investigating
9 Judges, document E3/384 at Khmer ERN 00345903, English ERN
10 00348372 to 348373, and French ERN 00354236. And, again, to put
11 that up on the screen, if we may.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 BY MR. LYSAK:

15 Q. Mr. Sao Sarun, in the statement in your testimony to the
16 Co-Investigating Judges, you testified as follows on this
17 subject:

18 Question: "Have you ever read the confessions of Chuon?"

19 Answer: "I have never read them."

20 Question: "If you never read them, how did you know?"

21 Answer: "I learned from Pol Pot sending a telegram directly to me
22 saying that Sot had appeared in the responses of Chuon. That was
23 about 10 days before I detained Sot."

24 [11.11.03]

25 Was this a truthful statement, Mr. Witness?

1 A. Yes, the statement is truthful.

2 Q. So it is correct that you received a telegram from Pol Pot
3 indicating that Sot had appeared in Chuon's confession; is that
4 correct?

5 A. Yes, that is correct.

6 Q. Mr. Witness, what actions or measures were you expected to
7 take when you were informed by the centre that persons in your
8 organization had been implicated as possible traitors? What were
9 you supposed to do when you were informed of that?

10 A. No, I did not take any action.

11 [11.12.30]

12 Q. Well, it says in your telegram, Mr. Sao Sarun, that after
13 learning that Comrade Sot had been implicated in Chuon's
14 confession, the sector monitored his activities. Can you tell us
15 what it was that the sector did to monitor Comrade Sot's
16 activities after you learned that he had been implicated in the
17 confession?

18 A. There was no monitoring. After he was reported, we questioned
19 him, and that he was not involved in anything and he was alleged
20 to have involved in the immoral act. We -- you -- caught him and
21 he was let go.

22 Q. How was it that you learned that Comrade Sot had allegedly
23 been involved in immoral acts with a woman? How did you become
24 aware of that?

25 A. It was reported from his group, or his unit, otherwise I would

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1 not have known about that. So it was reported by his unit and it
2 was brought to my attention.

3 [11.14.22]

4 Q. And after it was brought to your attention, and Comrade Sot
5 and the woman were detained, were they questioned about this
6 matter?

7 A. We did not question them on any other matters, except that one
8 matter.

9 Q. And so we're clear, what was the one matter that you
10 questioned them about?

11 A. It was why I stated earlier, they were not questioned on other
12 matters. The only matter that it was questioned was in relation
13 to the immoral act, and that he denounced that he involved in any
14 of the allegations. And after that, he was released. And that was
15 all.

16 Q. What was the immoral act that he was accused of?

17 A. I really didn't know much about the allegation of the immoral
18 act.

19 [11.16.15]

20 MR. LYSAK:

21 Mr. President, if I may read, again, from the third interview of
22 this witness, which is E3/384 at Khmer 00345904, English
23 00348373, and French ERN 00354237, and put that on screen, if we
24 may.

25 MR. PRESIDENT:

1 Yes, you may proceed.

2 BY MR. LYSAK:

3 Q. The question and answer that I would like to ask you about
4 from this page, Mr. Sao Sarun, is as follows:

5 Question: "Why did Sot fall in love with that girl and then get
6 arrested?"

7 Answer: "Because Sot already had a wife."

8 Is it correct that the immoral act that led to Sot and the woman
9 being arrested was an accusation that they were having an affair?

10 Is that correct, Mr. Witness?

11 A. Yes, that is correct. He already had a wife, and then he still
12 had an affair with another woman.

13 [11.17.54]

14 Q. Who is it that had instructed you that having an affair was an
15 immoral act for which people should be arrested? Who had told you
16 that?

17 A. I cannot recall that. It has been so long already. The only
18 thing I knew was that he was alleged of immoral act.

19 Q. Now, you've said that both Comrade Sot and the woman were
20 questioned about the allegation of an immoral act. Who was it
21 that questioned them?

22 A. There was a group who did that.

23 [11.19.05]

24 Q. Who were the people in this group?

25 A. I did not know them. I did not know any members of the group.

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1 I was only told that he was alleged of committing an immoral act,
2 and that was it.

3 Q. Where was it that Comrade Sot had been arrested?

4 A. It was in the sector -- actually it was not a proper or real
5 arrest. He was just detained.

6 Q. Where was it that he was detained? Was it at the K-11 security
7 office that you mentioned earlier? Was it at the Phnom Kraol
8 security office? Was it at the K-17 sector office? Can you tell
9 us where it was that Sot was detained?

10 A. At that time, he was detained -- which means that he was not
11 allowed to go out -- out of his unit. And that was it.

12 Q. I want to ask you about the next line in your telegram that
13 follows your description of the situation related to Comrade Sot.

14 [11.21.06]

15 MR. LYSAK:

16 The translations in English and French are somewhat different, so
17 I would like my national colleague, Mr. President, if I could, to
18 read the original Khmer language to the witness, and then proceed
19 from there, with your permission.

20 And just so we are clear, the sentence we would like to read --
21 it's the sentence that immediately follows the third paragraph.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 MR. SENG BUNKHEANG:

25 Thank you, Mr. President. I'd like to read that excerpt:

1 "Regarding this matter, please provide your opinion as to what
2 level I should take, or where to be sent to."

3 [11.22.10]

4 BY MR. LYSAK:

5 Q. So the question I'd like to ask you is: Why was it that you
6 were asking Pol Pot for his opinion on the level at which this
7 person should be kept, or where he should be sent? Why were you
8 asking for Pol Pot's opinion on that matter?

9 MR. SAO SARUN:

10 A. I am not really clear regarding this portion of the text.
11 Could you please read it again?

12 MR. SENG BUNKHEANG:

13 Allow me to read it again as follows: "Regarding this matter,
14 please give your opinion at what level the person shall be kept
15 -- or where he shall be sent to".

16 BY MR. LYSAK:

17 Q. So my question is very simple: Can you tell us why you asked
18 Pol Pot that?

19 A. Because he was already -- he had been detained and I had to --
20 and it is not really just to simply send the person to the upper
21 level. I needed to seek the opinion from the upper level as where
22 I should send the person whom I detained to. And this person was
23 involved in the allegation of immoral act with a woman, and I
24 needed to sought the instruction from the upper level.

25 [11.24.26]

1 Q. And, in response to your telegram, did you receive instruction
2 from the upper level on what to do?

3 A. Yes. After I sought the opinion, the upper echelon replied
4 that it was the -- an immoral act -- that I should educated them.

5 Q. And who was it from the upper level that responded to your
6 telegram?

7 A. It was Mr. Pol Pot.

8 [11.25.37]

9 Q. Do you recall when Pol Pot sent you telegrams how those
10 telegrams were signed? Did he use his name? Did he use a code
11 name or alias? Can you tell us that?

12 A. He wrote it by himself.

13 [11.26.15]

14 Q. Thank you.

15 I want to ask you a few questions about the issue of authority.

16 In the case of prisoners who had been -- or detainees who had
17 been accused of being either traitors or accused or betraying the
18 Party, did you have authority to decide what to do with those
19 persons? Or did you have to obtain approval from the leaders in
20 Phnom Penh?

21 A. Before I came to manage the office, there were a few people --
22 four or five of them -- who had been detained, I had them
23 questioned and they were not implicated in this kind of matter.
24 They had some issues with their families so I sought opinion from
25 the upper echelon and Mr. Pol Pot said that due to the

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1 circumstance they should have been released. And that's what I
2 did and that's it.

3 Q. And in the case of people who had been accused of being
4 enemies or betraying the Party, who was it that had the authority
5 to decide whether they should be released, detained or smashed?

6 [11.28.16]

7 A. None of those who had been questioned should have been
8 smashed. There were some minor implications amongst them and some
9 reports were inaccurate. So there was nothing into the committer
10 of betrayal and that was the matter.

11 MR. LYSAK:

12 Mr. President, if I may read from the third interview of this
13 witness by the Co-Investigating Judges, which is E3/384 at Khmer
14 00345904, English 00348373, and French ERN 00354237. And we would
15 also like to display that on the screen.

16 [11.29.20]

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 BY MR. LYSAK:

20 Mr. Witness, in your statement to the Co-Investigating Judges you
21 gave the following testimony - quote:

22 Question: "In what cases did you have the right to release on
23 your own?"

24 Answer: "Cases related to minor insignificant killings, like
25 fights or arguments in the base area, and cases not related to

1 politics or betraying the Party."

2 Question: "What does 'political cases' or 'cases of betraying the
3 Party' mean?"

4 Answer: "For instance, persons collaborating with the aggressor
5 Yuon or the enemy, meaning the Yuon enemy."

6 Q. Mr. Witness, is this a correct statement of the authority --
7 the division of authority as between you and the leaders in Phnom
8 Penh?

9 A. That point is correct.

10 [11.30.46]

11 Q. And was the reason that you were writing to Angkar about
12 Comrade Sot and asking for their opinion, the fact that he had
13 been implicated as a traitor in Chuon's confession? What I'm
14 interested in knowing is if he had not been implicated as a
15 traitor in the confession, and was only accused of having an
16 immoral act, would you have written and reported the matter to
17 Angkar? Or were you only reporting it because of the accusation
18 that he was a traitor?

19 A. I did ask him but I found nothing to do with betrayal acts.
20 There were minor wrongdoing, for example, he had a problem about
21 women and things like that.

22 [11.32.04]

23 Q. Thank you, Mr. Sao Sarun.

24 Let me turn now to another subject which concerns trips and
25 meetings in Phnom Penh after that occurred during 1978. We've

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1 already talked about some of your written reports or telegrams
2 after the time that you had been asked to take over from Laing.
3 You have told us about a trip that you took to Phnom Penh where
4 you had been asked by Pol Pot to take over from Laing. Do you
5 recall several months later travelling again to Phnom Penh?

6 A. It happened a long time ago, I have forgotten it, particularly
7 since I fell ill I can no longer memorize events in the past.

8 Q. Let me try to help you with your recollection by reading from
9 an excerpt from your first interview to the Investigating Judges,
10 which is E3/367 at Khmer 00251439, English ERN 00278696, and
11 French ERN 00486011.

12 And if we may put that excerpt on the screen, Mr. President?

13 MR. PRESIDENT:

14 You may proceed.

15 [11.34.22]

16 BY MR. LYSAK:

17 Q. In your first interview, you made the following statement, Mr.
18 Witness -- quote:

19 "About two or three months after the death of Leng and Kham
20 Phoun, I received a telegram from Pol Pot calling the cadres to a
21 meeting. In its content, six cadres including Ta Vieng, Ta Lork,
22 Ta Kim, Ta Lan, Ta Sophea and myself were called to go to a
23 meeting in Phnom Penh."

24 Was this a accurate -- is this a correct statement, Mr. Witness?

25 A. That is correct. We did convene them for a meeting.

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1 Q. And on this occasion when you travelled to Phnom Penh with
2 this group of people, how did you travel -- how did you travel
3 there?

4 A. I am not clear with the question, could you please repeat it?

5 Q. How did you go to Phnom Penh for this trip? Did you fly again?

6 [11.36.15]

7 A. I cannot recall whether or not I flew to Phnom Penh or I took
8 the boat to Phnom Penh. I cannot recollect it.

9 Q. The telegram you received from Pol Pot asking you to come to
10 this meeting, did it identify the people that he wanted you to
11 bring, or did you decide which of the cadres in the sector should
12 come with you to the meeting?

13 A. It was the order right from the top -- from Pol Pot. I did not
14 have any authority to convene this person or that person to the
15 meeting.

16 Q. Some of the people that you mentioned who went on this trip
17 with you we talked about before, but there's a couple of new
18 names I just want to identify with you. You indicate that one of
19 the people who was called to go to Phnom Penh with you was Ta
20 Kim. Can you tell us who Ta Kim was?

21 A. Ta Kim was a member of the Region 920.

22 [11.37.46]

23 Q. Was he the deputy secretary of Division 920 under Ta San?

24 A. Yes, he was the deputy to Ta San.

25 Q. And we've heard the name Vieng before, but can you tell us

1 what his position was in 1978?

2 A. He was the chairman of the battalion.

3 Q. Is it correct that most of the people who were called to you
4 -- called to go with you on this trip were military leaders from
5 either Sector 1 or 5 or Division 920?

6 A. That is correct.

7 Q. And when you got to Phnom Penh, who did you meet with there?

8 A. We met with Pol Pot.

9 Q. Do you recall meeting with other leaders in addition to Pol
10 Pot?

11 A. I didn't meet with any other leaders.

12 [11.39.53]

13 MR. LYSAK:

14 Mr. President, if I may read from the first interview of this
15 witness, document E3/367 and this excerpt is from Khmer 00251439,
16 English ERN 00278696, and French ERN 00486011. If we may put that
17 on the screen?

18 MR. PRESIDENT:

19 You may proceed.

20 BY MR. LYSAK:

21 Q. In your statement to the Co-Investigating Judges about this
22 meeting, you said the following -- quote:

23 "The six of us flew to meet with Khieu Samphan, alias Hem, Son
24 Sen, alias Khieu, Nuon Chea and Pol Pot at the same Pol Pot's
25 office behind the Royal Palace."

1 Is this a correct statement, Mr. Witness, as to who you met with
2 in Phnom Penh?

3 [11.41.20]

4 MR. PRESIDENT:

5 Witness, please hold on; there is an objection by the defence
6 counsel.

7 You may proceed, Counsel.

8 MR. VERCKEN:

9 This is not entirely an objection, Mr. President, but I just wish
10 to inform you that following a verification made by my team, it
11 would appear that there are some problems concerning
12 transcription in these documents -- these document concerning the
13 witness. And I believe that I would be remiss if I were not to
14 inform you that there seems to be a missing name and a missing
15 alias.

16 (Judges deliberate)

17 [11.42.54]

18 MR. PRESIDENT:

19 I hand over to Judge Lavergne.

20 JUDGE LAVERGNE:

21 Thank you very much Mr. President.

22 Mr. Vercken, can you please be more specific? Can you please tell
23 the Court exactly what the discrepancies are? Are you talking
24 about the audio recording? And can you please be specific with
25 respect to the differences between the audio recording and the

1 written transcript? What kind of discrepancies are there exactly.

2 MR. VERCKEN:

3 Your Honour, there seems to be a difference between the audio
4 recording of this witness and the Co-Investigating Judges, and
5 the transcript which is cited in the written record of witness
6 interview. It would appear that in the audio recording, the
7 investigators who had led the interview of this person had very
8 clearly indicated the alias of my client. I can give you the
9 exact reference of the audio recording.

10 [11.44.27]

11 However, I do not have the reference of the transcripts of the
12 audio recording. These are just notes that we had made upon
13 inspection of the audio recording. Therefore, the recording in
14 question is at 1 hour, 26 minutes, and 30 seconds.

15 JUDGE LAVERGNE:

16 So, if I understand you correctly, the alias of Mr. Khieu Samphan
17 seems to have been suggested and not actually clearly indicated
18 by the witness; is that correct?

19 MR. VERCKEN:

20 Yes, it is exactly that, Your Honour.

21 MR. PRESIDENT:

22 Prosecutor, you may continue. And please repeat your last
23 question because it appears that the witness does not recall the
24 question.

25 [11.45.40]

1 BY MR. LYSAK:

2 Thank you, Mr. President. And, since the aliases are not an
3 integral part of this, let me ask the question to the witness
4 this way: As you told the Investigating Judges, is it correct
5 that, when the six of you went to Phnom Penh on this trip, that
6 the people – the leaders you met with were Khieu Samphan, Son
7 Sen, Nuon Chea, and Pol Pot? Is that correct?

8 MR. SAO SARUN:

9 A. That is correct.

10 Q. How long was the meeting that you had with Khieu Samphan, Nuon
11 Chea, Son Sen, and Pol Pot?

12 A. We met them for one morning.

13 [11.46.55]

14 Q. And, to confirm the location of this meeting, was it the same
15 room and same place that you had met with Pol Pot, Nuon Chea, and
16 Son Sen several months earlier, after the death of Laing? Was it
17 the exact same location?

18 A. That is correct, that was at the same place.

19 Q. And what was discussed at this meeting that took place between
20 you and five other cadres from Sector 105 and Khieu Samphan, Son
21 Sen, Nuon Chea, and Pol Pot? What were the subjects of this
22 meeting?

23 A. In that meeting we discussed the issue concerning managing the
24 forces and masses. We had to educate people and raise their
25 awareness about economic matters and how they could help

1 themselves in terms of self-sufficiency. And we had to also
2 advise our forces to strengthen the defence of our border areas.

3 Q. And at this meeting, did you report to the Phnom Penh leaders
4 on the activities in Sector 105?

5 [11.48.48]

6 A. No, I didn't. I only reported the overall situation about
7 economic activities and -- but we did not report any other
8 activities because we did not see and neither did we know them.

9 Q. Let me just clarify. Are you saying that you did report on
10 some subjects relating to Sector 105 at this meeting, or are you
11 saying that you did not report at all on what was going on in the
12 sector?

13 MR. PRESIDENT:

14 Witness, please hold on; and we have to hear the objection by the
15 defence counsel.

16 The Defence Counsel, you may proceed.

17 MR. VERCKEN:

18 Thank you very much, Mr. President. I believe that the question
19 is repetitive. The witness has already answered it.

20 [11.50.08]

21 MR. LYSAK:

22 Simply, Mr. President, the response was somewhat unclear. I am
23 trying to clarify what exactly -- whether or not they did report
24 on certain subjects.

25 MR. PRESIDENT:

1 Objection is not sustained.

2 And the witness is instructed to respond to the last question
3 posed by the prosecutor.

4 [11.50.45]

5 MR. SAO SARUN:

6 A. Could you please repeat your last question because I do not
7 clearly understand it?

8 BY MR. LYSAK:

9 Q. My question was asking you to clarify on whether or not you
10 reported at this meeting on the situation in Sector 105.

11 [11.51.22]

12 A. In that meeting, we reported mainly on the livelihood of the
13 people, the rice production per year, and we also reported
14 whether or not people had enough food supply for the year. We did
15 report to that extent, but what I would like to emphasize is that
16 we reported mainly on the livelihood and welfare of the people in
17 our sector.

18 Q. Thank you, Mr. Witness. Can you tell us, was this a meeting --
19 were you called to this meeting because of some unusual matter or
20 special matter that occurred, or was this a regular meeting at
21 which you were called to report on your activities? Can you tell
22 us that?

23 Was this a meeting that occurred periodically from time to time,
24 or was this a meeting that resulted because of some special
25 situation?

1 A. I do not understand the question. I don't know which meeting
2 you are referring to. Could you please simplify the question?

3 [11.53.08]

4 Q. Yes, thank you. My question is: Were there regular meetings at
5 which you were to go to Phnom Penh and report to the leaders on
6 the situation in the sector?

7 A. When I came to this sector for -- and I stayed in that sector
8 for two months, and I provided report to them on the welfare of
9 the people, whether or not they had sufficient food supply to
10 feed the people in that sector. And I provided reports on several
11 occasions.

12 [11.54.08]

13 We had to report basically on the economic welfare of the people.
14 We did not report about any other activities. They did ask us
15 information -- for information, but we did not know much about
16 other activities. We did not know about those activities so we
17 did not report.

18 Q. Thank you.

19 Yesterday, you told my colleague that you first met Khieu Samphan
20 during the Democratic Kampuchea regime. You have just described
21 to us one occasion where you met him. Can you describe for us any
22 other occasions between April 1975 and January 1979 where you saw
23 Khieu Samphan.

24 A. I saw Khieu Samphan when I attended that meeting. I did not
25 know him clearly back then, and when I attended that meeting, I

1 got to know him then.

2 [11.55.37]

3 Q. Did you used to talk to Khieu Samphan about economic matters
4 during -- when you would come to Phnom Penh for meetings?

5 A. Yes, I did talk about economic matters with him. We requested
6 materials to supply to the people, for example. We requested
7 shawls and clothes to provide to the people, and we also
8 discussed other matters as well and chitchatted with each other.

9 Q. What were the meetings where you would see Khieu Samphan and
10 have discussions about economic matters and make requests for
11 supplies? What were these meetings?

12 A. It was at the same meeting venue as I told you a bit earlier
13 on.

14 Q. And when you say that you made requests for clothes and other
15 materials to Khieu Samphan, were these written requests?

16 A. During the talk, we did not have anything in writing. We only
17 informed him about the actual shortages so that we brought that
18 matter up to their attention. That was it.

19 [11.57.51]

20 Q. How is it that you knew that Khieu Samphan was the person to
21 make requests to for such materials?

22 A. Because I knew at that time that he was the President of the
23 State Presidium.

24 Q. How many occasions do you recall having chitchats with Khieu
25 Samphan about economic matters or making requests to him for

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1 materials?

2 A. It was only once when I had that chance to chitchat with him.

3 MR. PRESIDENT:

4 Thank you, Witness, Mr. Sao Sarun.

5 According to the information you provided to the Chamber this
6 morning that, due to your health concern, you can simply provide
7 testimony for the morning session. In view of your health
8 concern, we would like to check again whether or not you cannot
9 provide testimony this afternoon; is that correct?

10 [11.59.46]

11 MR. SAO SARUN:

12 That is correct, Mr. President.

13 MR. PRESIDENT:

14 Mr. Sao Sarun, your testimony as the witness has not come to an
15 end yet, and taking into consideration your health concern, the
16 Chamber will not hear your testimony this afternoon. And your
17 testimony will be resumed on Monday, the 11th of June 2012. So we
18 invite you to appear before us to provide further testimony on
19 Monday, the 11 June 2012, and this hearing will start from 9 a.m.
20 in the morning.

21 The Chamber wishes to invite the witness and the duty counsel to
22 appear before us again on Monday.

23 Court officer is instructed to coordinate with the WESU unit to
24 facilitate the transportation of the witness back home and bring
25 him back to this courtroom on Monday, before 9 a.m.

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1 And the Chamber wishes to advise the parties that this afternoon
2 proceedings will hear the testimony TCW-323. And the prosecutor
3 will be allowed the floor to ask the questions first after the
4 questions by the President of the Chamber.

5 And the time is now appropriate for lunch adjournment. The
6 Chamber will adjourn now until 1.30 this afternoon.

7 Counsel, you may proceed.

8 [12.02.02]

9 MR. VERCKEN:

10 Yes, indeed. Thank you very much, Mr. President.

11 Just to follow up on the comment I made earlier on, I had asked
12 the Chamber for leave to make a request to the transcript unit
13 for records of the audio recordings of the interviews conducted
14 with this witness made by the Co-Investigating Judges --
15 investigators.

16 It would appear that certain passages were not transcribed and
17 that certain excerpts could have been distorted during the
18 transcribing of the audio recording to the written record.

19 Therefore, I would seek your leave to make such a request to the
20 transcript unit pursuant to your relative memorandum.

21 I thank you, Your Honours.

22 [12.03.06]

23 MR. PRESIDENT:

24 Counsel for Mr. Nuon Chea, you may proceed.

25 MR. PAUW:

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1 I was hesitant to stand up because my point is not related. It's
2 just announcing that my client would like to spend this afternoon
3 in his holding cell, and we have the waiver prepared. Totally
4 unrelated, that's why I didn't want to interrupt. But before you
5 close these proceedings, I wanted to make this comment.

6 [12.03.41]

7 MR. PRESIDENT:

8 Thank you.

9 Having noted the requested by Nuon Chea through his defence
10 counsels that he waives his right to participate directly in this
11 courtroom for the remainder of the proceedings today and defence
12 team will submit the Chamber immediately the waiver.

13 The request by the -- by Mr. Nuon Chea through his defence
14 counsel is granted so that Mr. Nuon Chea may follow the
15 proceeding from a holding cell downstairs through audio-visual
16 means for the remainder of the proceedings today. He has
17 expressly waived his right to participate directly in this
18 courtroom.

19 [12.04.32]

20 The Chamber requires the defence team for Nuon Chea to submit the
21 Chamber immediately the waiver by Mr. Nuon Chea with his
22 signature or thumbprint.

23 And AV assistant is instructed to connect the courtroom
24 proceeding to the AV equipment downstairs for the remainder of
25 the proceedings this afternoon.

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1 And security guards are instructed to bring Mr. Nuon Chea and Mr.
2 Khieu Samphan to the holding cell downstairs. And Mr. Nuon Chea
3 is to be remained at the holding cell where audio-visual
4 equipment is connected for him to follow the proceeding by remote
5 means. And Mr. Khieu Samphan is to be brought before this Chamber
6 before 1.30 this afternoon.

7 The Court is now adjourned.

8 (Court recesses from 1205H to 1333H)

9 MR. PRESIDENT:

10 Please be seated.

11 I notice the defence counsel is on his feet. Could you first tell
12 the Chamber of the topic of what you intend to raise so that we
13 can decide whether you are allowed to proceed to raise because
14 now it is about time to hear the testimony of another witness.
15 Please give the topic of what you want to raise.

16 MR. PESTMAN:

17 Thank you very much, Mr. President. I just wanted to support the
18 request made by my colleague for Khieu Samphan to receive the
19 audio recordings of the witnesses that are going to be heard.
20 And I would like to add that I would like to receive, if
21 possible, a transcription of the witness we were hearing this
22 morning, Sao Sarun. Following this morning's testimony, we went
23 back to the older recordings and there was some interesting
24 things, which we noticed only this afternoon after hearing this
25 morning's testimony.

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1 So we would be grateful if we can be provided with a
2 transcription of the audio recordings of that particular witness,
3 so that we can show to you and to the other parties what we think
4 should be highlighted, and we can also use those transcriptions
5 for the cross-examination later, probably later next week.

6 [13.35.37]

7 So we would like to support the request made by the Khieu Samphan
8 team and would like to add that we would like to have the
9 transcription of all the audio recordings made for the witness
10 this morning.

11 And as on a more general note, I like to know whether there will
12 be an opportunity to raise oral arguments or oral motions we have
13 when they're not related to a particular witness?

14 I've noticed that the Trial Chamber has taken the position
15 recently that we have to file everything in writing.

16 We do not agree. I think there should be an opportunity to raise
17 issues, even if they're not related to a particular witness, in
18 Court orally for the benefit of the public. These proceedings are
19 public. I don't think that we can be forced to file everything we
20 do in writing.

21 So, if there is an opportunity to raise other issues, we'd like
22 to hear when. Thank you.

23 [13.36.52]

24 MR. PRESIDENT:

25 As you said, the Chamber has already ruled regarding this matter.

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1 That is to avoid other parties raising other issues which are not
2 related to the testimony of a witness or to the topic which is
3 being discussed in the courtroom.

4 For that reason, other unrelated issues that you need to raise or
5 you want to raise, please do it in writing.

6 And your position to support the position of the international
7 defence counsel for Khieu Samphan, I would like to give the floor
8 to Judge Lavergne to respond to these two international defence
9 teams. Judge Lavergne, you may proceed.

10 [13.37.57]

11 JUDGE LAVERGNE:

12 Thank you, Mr. President.

13 In response to the request that was put forward by the
14 international defence counsel for Mr. Khieu Samphan, and to
15 supplement the request that has just been put forward by counsel
16 for Nuon Chea, the Chamber has no objections to parties making
17 requests for the transcriptions of audio recordings of witness
18 interviews and that they be translated. But the Chamber does
19 request that such applications be put in writing and defence
20 parties are requested to identify the exact passages which will
21 be transcribed and translated.

22 They are advised not to make general requests, but as the defence
23 for Khieu Samphan has identified discrepancies between the
24 written records of witness interviews and the audio recordings,
25 such requests will be admitted.

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1 This is therefore the Chamber's response to the request put
2 forward by defence for Khieu Samphan.

3 [13.39.27]

4 MR. PRESIDENT:

5 Court Officer, could you invite the witness, TCW 323, into the
6 courtroom?

7 Counsel, you may proceed.

8 MR. PICH ANG:

9 Mr. President, as usual, we, the Lead Co Lawyers for civil party,
10 we would like to delegate the task of questioning this witness to
11 Lor Chunthy and Barnabé. Thank you.

12 (Witness enters courtroom)

13 [13.41.20]

14 QUESTIONING BY THE PRESIDENT:

15 Good afternoon, Mr. Witness. Before you will be questioned by the
16 parties, the Chamber would like to ask you some initial
17 questions. And before we do that we would like to add to what has
18 been informed to you by the court officer before you respond to
19 questions put to you by either the Bench or any other parties to
20 the proceeding.

21 Please pause between the question and answer session and you need
22 to see first. When you see the red light on the microphone, or
23 the red light on the console, then you can speak, so that your
24 voice will go through the system and it will be translated into
25 other languages, as three languages are used in this courtroom.

1 Q. Mr. Witness, what is your name?

2 MR. KHOEM NGORN:

3 A. My name is Khoem Ngorn.

4 Q. Are you literate?

5 A. No.

6 [13.42.57]

7 Q. Can you write your name? How do you pronounce Khoem? And how
8 do you pronounce Ngorn?

9 A. (Microphone not activated)

10 Q. Mr. Khoem Ngorn, could you please pronounce your surname and
11 your name -- that is, Khoem and Ngorn?

12 A. My name is Ngorn, N-G-O-R-N in English.

13 Q. What about your surname, Khoem?

14 A. My apology, Brother, I forget how to pronounce it.

15 [13.44.05]

16 Q. Sir, it's in English, K-H-O-E-M?

17 A. That is correct.

18 Q. Did you ever go to school since you was a child?

19 A. No, Brother. When I grew up I left -- when I was about 15 or
20 16 years old.

21 Q. Besides the name Khoem Ngorn, do you use any other name, in
22 particular during the Revolution Movement from 1970 to 1979?

23 A. No, Brother. I only use one name.

24 Q. How old are you, Mr. Khoem Ngorn?

25 A. I am 57 years old, Brother.

1 Q. Where is your current residence?

2 A. I live in Doung Khpos commune, Bourei Cholsar district in Ta
3 Yueng village.

4 Q. In what province? Please do pause a bit before you respond.
5 When you see the red light, then you can speak.

6 A. It's in Takeo province, Brother.

7 Q. What is your occupation, Mr. Khoem Ngorn?

8 A. I sell pancake and I did -- I do some rice farming, but now I
9 don't own any farmland anymore.

10 Q. What is your father's name?

11 A. Ith is his name.

12 Q. What is the surname of your father?

13 A. It's Dok.

14 Q. And your mother's name?

15 [13.46.56]

16 A. Her name is Yorng (phonetic) Khin. Yorng Khin, Brother.

17 Q. And what is your wife's name?

18 A. Chea Run.

19 Q. How many children do you have?

20 A. I have 10 children, Brother. 10.

21 Q. Mr. Khoem Ngorn, as reported by the greffier, as of yesterday
22 and today, to the best of your knowledge and ability you have no
23 relation, by blood or by law, to any of the civil parties or any
24 of the Accused -- the three Accused -- Nuon Chea, Ieng Sary, and
25 Khieu Samphan; is that correct?

1 A. I have no relation with them.

2 Q. Have you taken an oath before you came to testify?

3 A. Yes, I already took an oath, Brother.

4 [13.48.38]

5 Q. Mr. Khoem Ngorn, as a witness before this Court you have the
6 right not to respond to any questions or requests for you to
7 testify which could incriminate you. So you have the right not to
8 self-incriminate, which means that if you believed your response
9 would lead to your prosecution.

10 Also at that same time, as a witness you have the duty before
11 this Chamber to respond to all the questions put to you by judges
12 of the Bench or by any of the parties, except in the case that
13 your response or comment may incriminate you, as I said earlier.
14 And as a witness, you only -- you must say the truth that you
15 have heard, have known, or experienced, or that you observed
16 directly in relation to all the events related to the questions
17 put to you by judges of the Bench or any other parties.

18 Do you understand that?

19 A. Yes, Brother.

20 [13.50.16]

21 Q. You also is accompanied by the duty counsel, as we have made
22 such an arrangement with the WESU unit.

23 Based on the information you provided to us that you are
24 illiterate, the question is: Have you ever made an interview or
25 interviews with any of the investigators from the Office of the

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1 Co-Investigating Judges in the last couple of years? If so, how
2 many times have you made such interviews?

3 A. I have made three interviews, Brother.

4 Q. Can you recall the year and the location where you made those
5 interviews?

6 A. It was about three years ago, and it was done at a school in
7 Doung Khpos.

8 Q. Thank you.

9 Before you came to testify today, have you -- have your
10 statements been re-read to you, that is the statements that you
11 made between you and the investigators in order to refresh your
12 memory?

13 [13.52.04]

14 A. They re-read to me again today the statements that I made,
15 yes, all have been done. And of course, I cannot remember all the
16 points, and I'm a bit scared as well.

17 Q. To your knowledge, after having heard the statements read to
18 you just recently and the statements that were read to you three
19 years ago by the investigators, is there any difference or are
20 they the same, I mean the content of the interviews?

21 A. It is the same statements that I made at the school the last
22 time.

23 Q. Thank you.

24 [13.53.02]

25 MR. PRESIDENT:

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1 We would like to give the floor now to the Prosecution to put
2 questions to this witness.

3 You are reminded that he clearly states that he is illiterate, so
4 you have to take that into account when you want to present a
5 document or documents to this witness as he cannot read it.

6 You may proceed.

7 QUESTIONING BY MR. CHAN DARARASMEY:

8 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
9 afternoon, everyone in and around the courtroom. Good afternoon,
10 Mr. Khoem Ngorn, my name is Chan Dararasmey. I am the deputy
11 prosecutor, the national deputy prosecutor. I'd like to put some
12 questions to you, and please respond to those questions.

13 Q. First, I'd like to ask you some personal background prior to
14 1975.

15 The first question is as follows: Before 17 April 1975, what was
16 your occupation?

17 [13.54.57]

18 MR. KHOEM NGORN:

19 A. At that time, I engaged in rice farming, and also I was a
20 moto-taxi driver.

21 Q. Thank you. Where did you live before 17 April 1975?

22 A. At that time, I was residing in Ta Yueng village. At that
23 time, it was in Kaoh Andaet district, which is now Bourei Cholsar
24 district.

25 Q. Was it in Takeo province?

1 A. Yes.

2 Q. What year did you study at school?

3 [13.55.28]

4 A. No, I did not go to school at all. When I was 15 or 16 years
5 old, I was convinced to become a soldier and I did.

6 Q. Did you partake in the Revolutionary Movement?

7 A. I left home to join the revolution. At that time, it was at
8 the village level, and then I was sent to become a soldier at the
9 district for a few months. Then I was assigned to go back to the
10 rear. At that time, I was a unit chief, and then I was
11 transferred back from the district to the commune. I was still
12 quite young then, and then I was transferred to the district
13 office. A few months later, I was transferred again to Thun Mun,
14 east of the Takeo provincial town, and I was the unit chief then.
15 Later on, after Takeo was liberated in 1975, I was transferred to
16 Phnom Penh. That's when all the towns had been liberated. So
17 there was six of us who were transferred from the southwest, but
18 later on, when the Vietnamese entered, we all fled and I was by
19 myself. I did not know about the fate of other people. I was
20 assigned to stay at the Chinese Embassy.

21 [13.57.45]

22 When I came to study at the Russian Friendship School near
23 Pochentong, I studied there for one week, and then I was assigned
24 to the Ministry of Foreign Affairs. I stayed there not for long
25 before the Vietnamese entered, but I cannot remember all the

1 details.

2 Q. Thank you, Mr. Khoem Ngorn. What -- how old were you at that
3 time?

4 A. When I left home, I was around 16 or 17 years old, or maybe
5 15, I was still pretty young. I was called by my friends so I
6 went together.

7 Q. Did you join the army voluntarily, or were there other factors
8 that compelled you to do so?

9 A. (Microphone not activated)

10 [13.58.49]

11 MR. PRESIDENT:

12 Mr. Witness, please wait until you see the red light first before
13 you proceed. You can only operate when you see the red light on.
14 And the rule of the Court is that, answer to only the question or
15 the points that you are asked. Please wait to the question and
16 you only respond to the point put to you in the question.

17 BY MR. CHAN DARARASMEY:

18 Q. Mr. Khoem Ngorn, could you tell us, were there other reasons
19 for you to join the army?

20 MR. KHOEM NGORN:

21 A. At that time, I was asked to join by my friends, so I
22 volunteered to join the army, and I went with them. At that time,
23 my mother did not know as she was not home, so I joined the army
24 with other friends.

25 [14.00.06]

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1 Q. What was the purpose of the establishment of the army? Why the
2 army was established in your village that is prior to 1975?

3 A. When they introduced me to the army, I did not understand the
4 rationale behind. I simply went along with my friends. I did not
5 really understand the reason.

6 Q. Did you ever hear the word "revolution" prior to 1975? Were
7 you told about that word and what it meant?

8 A. The word "revolution", they said something like we had to
9 liberate the poor. I did not understand that much back then, I
10 simply went along with others.

11 Q. Thank you. So did you ever hear the word "Khmer Rouge" then?
12 What it meant to you?

13 [14.01.20]

14 A. The word "Khmer Rouge", it's a bit difficult to describe it. I
15 did not really understand it much at that time.

16 Q. How about the words "Communist Party of Kampuchea"? Did you
17 hear about that name before 1975?

18 A. Yes, I did. I heard of the Communist Party of Kampuchea, but
19 to me back then I did not understand what Communist Party of
20 Kampuchea was all about because I was not educated, I did not
21 understand it.

22 Q. Following your participation in the Revolutionary Force, did
23 you receive any political training or training of that sort?

24 A. Yes, they did introduce political training to us, and I was
25 among the youngest. I simply said yes to whatever they told us.

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1 And I did not raise any idea at all during the training because I
2 was too young and Chhoy was the one who convinced me to the
3 meeting.

4 Q. What were the substance or points in the trainings?

5 [14.03.19]

6 A. In the political training course, they told us that whenever
7 we met with the guests we had to be disciplined, and we must not
8 consume the drinks left after the guests.

9 Q. Before 1975, you received political trainings. How often were
10 the political training conducted? And where was the training
11 course held?

12 A. When I was in my district, we met once or twice, but I did not
13 join the training back then, I was too young. And later on, I
14 attended training here and there, but in terms of meeting with
15 other senior leaders, I did not meet them. They normally convened
16 the members of the Youth League. And for me, I was the combatant
17 at that time, so I did not participate in the meeting, I was
18 guarding outside.

19 [14.04.43]

20 Q. Thank you. The "Youth League" you mentioned just now, what do
21 you mean? What was it about?

22 A. "Youth League", back then, was referred to the core forces.
23 They were considered the true force of the Movement.

24 Q. Why was this core force established?

25 A. (Microphone not activated)

1 MR. PRESIDENT:

2 Mr. Ngorn, please be reminded that you should wait until you see
3 the red light is on and please slow down for the record, as well.

4 [14.05.44]

5 BY MR.CHAN DARARASMEY:

6 Q. (No Interpretation)

7 MR. PRESIDENT:

8 (No interpretation)

9 MR. CHAN DARARASMEY:

10 (No interpretation)

11 MR. PRESIDENT:

12 (No interpretation)

13 [14.07.10]

14 The National Prosecutor, you may continue.

15 BY MR. CHAN DARARASMEY:

16 Thank you, Mr. President.

17 Q. Mr. Khoem Ngorn, when you joined the revolution, prior to
18 1975, were you required to write your own biography?

19 MR. KHOEM NGORN:

20 A. Yes, I was required to prepare my own biography. I had to
21 prepare my daily activities three times a day. And I was not
22 literate, so I asked my friends who could read and write back
23 then to prepare my biography, and I submitted it to them. The
24 first time, they said it was wrong, and the second time it was
25 wrong too. And then I prepared the third one and submitted it to

1 them.

2 [14.08.00]

3 Q. What was the substance of this biography? What were the main
4 points in the biography?

5 A. I had to prepare it three times a day because -- I had to
6 prepare it because I had to tell them that I was not related to
7 anybody. And I was afraid that my relatives back home was
8 arrested or so. And then, later on, I learned that my relatives
9 back home were arrested and executed. One of my cousin was
10 executed. So I had to prepare my biography. I was concerned at
11 that time when I was asked to prepare my biography.

12 Q. When you joined the revolution, did you also become a member
13 of the Revolutionary Youth?

14 A. No, I was a combatant. I was merely a combatant.

15 [14.09.28]

16 Q. Did you become a member of the Communist Party of Kampuchea?

17 A. No, I didn't. As I said, I was merely a combatant.

18 Q. After you joined the revolution, were you ever forced to
19 comply with the political discipline or rule of the Party?

20 A. At that time, I simply followed other. I assume some leading
21 position, as well, but it was among the combatants. I did not
22 know much about other things.

23 Q. Did you ever hear about the policy or disciplines of the Party
24 and what they were all about?

25 [14.10.35]

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1 A. They did advise me moral -- moral advice as well as other
2 behavioural advice. They did give us some guidance.

3 Q. On the behavioural traits or behavioural rules for combatants
4 in your teams, what were -- what were they about?

5 A. At that time, I was the team leader, but I dare not order
6 others because I also listened to the orders from others. They
7 simply told me to guard in this place or that place, in the
8 meeting.

9 Q. Can you tell us the discipline of the Communist Party of
10 Kampuchea? Do you think that those disciplinarian rules was
11 stringent for the parties -- for members of the Party?

12 A. To my understanding -- well, I did not really understand. I
13 simply followed the orders and instructions.

14 Q. Do you know who issued the order for the implementation of the
15 Party's policy prior to 1975?

16 A. Back then, Chhoy was the -- a commander of the battalion, and
17 he was the one who administered the order.

18 [14.12.45]

19 Q. On policy of the Communist Party of Kampuchea, do you know who
20 conducted the training on policy of the Communist Party of
21 Kampuchea?

22 A. If it was in the southwest zone, I never attended but I heard
23 that Ta Mok was the one who conducted the trainings and he also
24 provided training concerning military affairs, as well. But later
25 on, I did not know. And my relatives were also executed during

1 that time. My father-in-law was executed and they did not trust
2 me. That's why they removed me.

3 Q. What was the reason for the mistrust on you?

4 A. They did not trust me because they thought that I might have
5 known other affairs. And I did not dare say anything because I
6 was afraid of being executed, as well.

7 [14.14.02]

8 Q. When you were in the army and then you became a messenger, you
9 were also a member of the militia men. So, in implementing your
10 role as either the messenger or militia or soldier in the army,
11 were you ever forced to do certain things? Or what were the
12 things that you were prohibited from doing?

13 A. When I was a messenger, they instructed us that -- I had to be
14 punctual. I had to deliver the message according to the time
15 required. And, at that time, the district committee, by the name
16 of Brother San and Sieng, they issue order to me that I had to be
17 -- I had to deliver a message on time.

18 Q. So what were the instructions, really? Did they issue
19 reprimand for you, for example, if you were late or they had any
20 other disciplinarian sanction against you?

21 A. They call me for re-education. They -- sometime they suspended
22 me for a day or so, and during the suspension period, they would
23 re-educate me.

24 Q. When you joined the revolution, did you have the right to
25 leave the revolution freely?

1 [14.15.58]

2 A. When I joined the revolution, I actually wanted to leave the
3 revolution, as well, because at that time, there were a lot of
4 instruction and I knew that my relatives also had problems. And
5 I, myself, had a problem as well, and I was about to leave the
6 Movement, as well, but I could not because I was afraid that my
7 relative would be terrified or intimidated.

8 Q. So you were saying that if you leave, there would be problems
9 with you. So, what was the likely problems that you would
10 encounter if you had to leave the revolution back then?

11 [14.16.44]

12 A. I merely wanted to leave and just flee for my life, just to
13 ensure that I am not arrested, or if was arrested, then my life
14 would be at real risk.

15 Q. When you were in the revolution, were you free to come and
16 visit your family members?

17 A. No, I was not allowed to leave for visit of family. It was my
18 own impression, I said -- I think I was not allowed to come back
19 home because they were afraid that I would learn about the
20 situation back home.

21 [14.17.41]

22 Q. When you were a messenger or a militia, were you free to
23 practice religious belief or so?

24 A. No. At that time, religious practice was not allowed. We were
25 not allowed to practice any religious ceremonies. As you may

1 know, that even currency was abolished.

2 Q. Why do you think? Did they not allow people to practice
3 religion?

4 A. I do not know. I did not understand at that time. I did not
5 understand.

6 Q. Did you ever hear the words "class struggle"? And if you did,
7 what it really meant?

8 A. I heard -- I heard of the word "class struggle" at that time,
9 but I heard it from the words of mouths. They encourage us that
10 we had to continue our class struggles, but I did not really
11 understand. I simply followed others.

12 Q. Did you ever hear the words "a political line of the Communist
13 Party of Kampuchea"?

14 A. I heard -- I heard of the words.

15 [14.19.32]

16 Q. What did it mean?

17 A. I actually did not understand it much. I cannot explain it, I
18 did not understand it. I think I was not knowledgeable about it.

19 Q. What about the words "ideology" - "ideology of the Communist
20 Party of Kampuchea"? Did you ever hear of the words?

21 [14.20.01]

22 MR. PRESIDENT:

23 The National Counsel for Mr. Ieng Sary, you may proceed.

24 MR. ANG UDOM:

25 Good afternoon, Mr. President, Your Honours. I do not object, but

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1 I note that the questions and answer is simultaneous at times. I
2 would like to ask that the Prosecution pause a bit between
3 question and answer. That will facilitate a lot for recording.
4 For Cambodian speaker, I believe that it is not an issue, but for
5 listener of other languages, there might be an issue.

6 [14.20.36]

7 MR. PRESIDENT:

8 Thank you. In addition, prosecutor should be reminded that the
9 witness cannot read and write, so the words you use in your
10 questions might be - may be of high genre that may be difficult
11 to comprehend by the witness. And, in addition, the key points
12 that you ask the witness doesn't appear to respond to that
13 question.

14 So the prosecutor should reframe the question that is compatible
15 with the ability of the witness. We cannot simply ask the
16 question for the sake of asking questions, we have to ask the
17 question that will ascertain the truth.

18 [14.21.30]

19 BY MR. CHAN DARARASMEY:

20 Thank you, Mr. President. I would like to continue my question.

21 Q. I would like to move on to my second part of the question
22 concerning the national structure before 1975. On this particular
23 point, I would like to ask for your elaboration.

24 In the liberated zones before 1975, were there a liberated zone
25 in the place where you were located?

1 [14.22.15]

2 MR. KHOEM NGORN:

3 A. That I did not know. I did not know the liberated zone, but I
4 heard the word "liberation" or "liberated zones", at that time.

5 Q. Do you know the Takeo downtown area?

6 A. Takeo downtown, I - yes, I do.

7 [14.22.52]

8 Q. What was the Takeo downtown - or what zone was the Takeo
9 downtown located?

10 A. Takeo downtown was in the southwest zone, at that time.

11 Q. Do you know who was above Ta Mok?

12 A. That I did not know because I was rank and file -- a soldier.
13 I did not know those who were at the upper level.

14 Q. At the sub-district, district, sector, of these hierarchical
15 administrative structure, which level is the lowest?

16 A. Brother San and Brother Sieng were the members of the district
17 committee. They were the biggest people I knew.

18 Q. My question is of the sector, district, sub-district or
19 commune. I would like to ask you, in term of administrative
20 structure, which one is more superior than the other? We have
21 commune, sub-district, district and sector. Which one is the
22 bigger and which one was the lowest?

23 [14.25.02]

24 A. I did not understand back then. I cannot respond to this
25 question because I was knowledgeable. When I was young I did not

1 know much, and even if I am at this age now I don't understand
2 much about that either.

3 Q. Thank you. So my next question is: In Kaoh Andaet district,
4 did you ever hear about the disappearance of people over there?
5 Prior to 1975, did you ever hear about the disappearance of
6 people?

7 [14.26.03]

8 A. When Takeo was defeated, people were sent to the back, and I
9 was the district soldier and I noted that people were being
10 transported or pushed backwards. I did note that people were
11 transferred backwards.

12 When Takeo was defeated, then they arrested a lot of people, and
13 I did not have any idea as to where they would send those people
14 to. And Brother Chhoy was the chairman of the district committee
15 at that time, was responsible for the arrangement.

16 Q. During each meeting, did you hear about the words "enemy" or
17 "traitors"?

18 A. There were in -- there were smaller meetings and in those
19 meetings they mentioned that we had to be vigilant for fear of
20 enemy infiltrating. And I simply that idea in the back of my
21 mind, but I did not know much.

22 Q. Who were considered enemy?

23 A. I never attended it myself, but I heard from others that those
24 who worked as a spy or those who was lazy or those who stole the
25 cooperative's property, for example potatoes or so. So those

1 people were considered enemies.

2 [14.28.20]

3 Q. So I would like to move on to the next topic on the evacuation
4 of people out of Takeo province. I would like to know about the
5 evacuation of people in Takeo province. Was there evacuation of
6 people in Takeo province, and if there was when did it take
7 place?

8 A. When Takeo was defeated, I was a soldier. They evacuated
9 people to different direction. I did not remember the date when
10 people were evacuated. I did not even remember the date of my
11 entry into the revolution.

12 [14.29.12]

13 Q. Can you recall if you knew there was any evacuation of people
14 in Takeo province?

15 A. Yes, I saw the evacuation, I only speak the truth, but I did
16 not know where they were evacuated to.

17 [14.29.36]

18 Q. What types of people who were evacuated from Takeo province?

19 A. I did not know. I did not understand about the evacuation at
20 all. I only saw the evacuation because then I came to Phnom Penh.

21 Q. Did you ever hear about the plan for the evacuation? At what
22 level did they plan for the evacuation?

23 A. It was the upper level, so it's beyond my knowledge. I did not
24 know about that. I was at a lower level so I could not know about
25 that.

1 Q. Mr. Khoem Ngorn, the evacuation of people, was it for
2 everybody -- men, women, children, including the Cham or the
3 Islam people? Can you tell us?

4 [14.31.08]

5 A. I could not know clearly at the time. People were evacuated,
6 and I, myself, was also afraid, so I did not just stand around
7 and see who were who at the time.

8 MR. PRESIDENT:

9 Duty Counsel, please try to remind your client when he should
10 start speaking and when he should not. Sometimes he still speaks
11 before the microphone is on, so that what he says cannot go into
12 the record if he speaks before the microphone is on.

13 BY MR. CHAN DARARASMEY:

14 Q. Mr. Khoem Ngorn, I continue my question: On the 17th April
15 1975 where were you?

16 MR. KHOEM NGORN:

17 A. Are you referring to 1975? In '75 I was transferred to Phnom
18 Penh after the liberation.

19 [14.32.25]

20 Q. Why were you transferred to Phnom Penh?

21 A. I was transferred to Phnom Penh to work in an embassy. I was
22 at the Chinese Embassy.

23 Q. Did the Khmer Rouge or the Khmer Rouge soldiers -- in what
24 year did the Khmer Rouge or Khmer Rouge soldiers liberated Takeo
25 province?

1 A. I cannot recall the month of the liberation. As I said, I was
2 -- I still am illiterate. I can't even recall what happened on
3 the 7th January.

4 Q. After the liberation of the Takeo provincial town, were people
5 immediately evacuated from the province?

6 A. People were evacuated, and as I said earlier, the soldiers
7 were transferred out. And those people who were evacuated they
8 were led by other people.

9 [14.34.06]

10 Q. Did you see the evacuation yourself or did you hear about it?

11 A. I heard people talking about that as I was at the East of the
12 town and the evacuation took place on the West.

13 Q. Who told you about the evacuation?

14 A. At that time, it was Thuon. Thuon told me about that, but he's
15 already died.

16 Q. What was his role, what was Thuon's role at the time?

17 A. He was just a combatant and nothing else. He was like me.

18 Q. I'd like you to tell us the reasons whether you knew or you
19 heard about the evacuation of people from Takeo province?

20 A. At that time, Takeo was liberated and people were evacuated.
21 As I said, I did not monitor, so I could not tell you much. So
22 after the provincial town failed, people were evacuated by
23 another group of people.

24 As we were the combatants we did not know about that. People were
25 evacuated by the upper people, upper level people, and that

1 happened after the fall of the provincial town. That's all I
2 knew.

3 [14.36.15]

4 Q. Can you tell us, when people were evacuated from the
5 provincial town of Takeo, how did they leave? Did they go by car,
6 on foot or by boat?

7 A. After the fall of the town, as I was told, they went on foot.
8 But I, myself, was not sure whether some people were boarded on a
9 truck or something. But it was likely that they went on foot. I
10 did not see, only heard about that.

11 So, let me make it clear, I did not know whether some of them
12 went on trucks or they went on foot, but I believed they went on
13 foot and they walked for a long distance.

14 [14.37.24]

15 MR. PRESIDENT:

16 The Prosecution, you are reminded to put questions related to the
17 relevant facts. And make your questions more relevant to the
18 facts outlined in the Closing Order. And that applied to both the
19 locations and the timing, for instance, the first phase and the
20 second phase of the evacuation.

21 BY MR. CHAN DARARASMEY:

22 Thank you, Mr. President. Now, I move on.

23 Q. Mr. Khoem Ngorn, was the evacuation of people in large or
24 small scale?

25 [14.38.34]

1 MR. KHOEM NGORN:

2 A. As I heard, it was in a small scale evacuation. Because a lot
3 of people already had been to move out from the East, and as we,
4 the soldiers, we were also relocated, so there were not many
5 people in the town.

6 [14.39.03]

7 A. During the evacuation, what type of situation did you observe
8 or heard of?

9 MR. SON ARUN:

10 Mr. President, I'd like to object to that question.

11 MR. PRESIDENT:

12 Mr. Witness, please hold on; we wait to hear the objection raised
13 by the Defence first.

14 Please show your ground for the objection.

15 MR. SON ARUN:

16 Thank you, Mr. President. Good afternoon, Your Honours and
17 everyone.

18 The question by the prosecutor, or the series of questions, has
19 already been replied by the witness that he did not see it
20 personally. He heard it from a person named Thuon. So he did not
21 witness the evacuation, and the series of questions is still put
22 to the witness after that.

23 [14.40.18]

24 MR. PRESIDENT:

25 The objection is sustained.

1 The Witness, you do not need to respond to this question.
2 To the Prosecution, please move to another question and make your
3 questions more relevant to the facts alleged. Make sure that your
4 questions are relevant to the facts outlined in the Closing
5 Order.

6 BY MR. CHAN DARARASMEY:

7 Thank you Mr. President.

8 Q. Mr. Khoem Ngorn, I have three or more questions then I
9 conclude my session.

10 I'd like you to confirm if you heard or if you knew later that
11 what was the direction of the evacuation from Takeo province?

12 [14.21.27]

13 MR. KHOEM NGORN:

14 A. No, I did not know at all, because I had already been
15 transferred to Phnom Penh.

16 Q. During the evacuation, did you observe the reaction -- or any
17 reaction to the evacuation or did you hear about the protests by
18 the people or by anybody?

19 A. After the fall of the provincial town, I was already
20 transferred to the rear so I could not know.

21 Q. Mr. President, I only have three more questions then I
22 conclude my question session.

23 Mr. Khoem Ngorn, could you tell us, during the evacuation of
24 people those evacuees, were they required to write their
25 biography? Did you hear about that or did you ever witness it?

1 [14.43.03]

2 A. For that, I did not know.

3 Q. Did you see or meet any evacuees to Phnom Penh who were
4 evacuated to live in Takeo province or Kaoh Andaet district?

5 A. When I returned to Phnom Penh, I worked in Phnom Penh until
6 the arrival of the Vietnamese, so I did not know of what was
7 happening at the Takeo province.

8 Q. This is my last question, Mr. President: Mr. Khoem Ngorn, can
9 you tell us about the condition of the evacuation of people, if
10 you knew or heard about it? What was the living condition of
11 those people who were evacuated?

12 [14.44.28]

13 A. I didn't know about that. I didn't know at all because I did
14 not see it.

15 MR. CHAN DARARASMEY:

16 Thank you, Mr. President. Due to the time limit for my session,
17 I'll conclude my session now. And thank you, Mr. Khoem Ngorn, for
18 your time.

19 And, Mr. President, I'd like to seek your permission for my
20 colleague, Mr. Vincent De Wilde, to continue questioning this
21 witness.

22 [14.45.02]

23 MR. PRESIDENT:

24 The time is appropriate for the break. We will take a 20-minute
25 break and so resume at 3 p.m.

1 Court Officer, could you assist the witness during the break, as
2 well as assist the duty counsel and have them back here in the
3 courtroom at 3 p.m.?

4 (Court recesses from 1445H to 1505H)

5 THE GREFFIER:

6 Please be seated.

7 MR. PRESIDENT:

8 The Court is back in session.

9 I hand over to the international Co-Prosecutor to put the
10 question to the witness. I would like to remind the international
11 prosecutor that due to the level of understanding of this
12 witness, I would like to remind the prosecutor to put succinct
13 and short question to the witness.

14 [15.06.43]

15 Secondly, the prosecutor should also consider the relevance of
16 the question to the alleged facts so that we can move on more
17 expeditiously when questioning this witness.

18 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

19 Thank you very much, Mr. President. Good afternoon, Your Honours.

20 Good afternoon, Witness. As you have been doing so far, may I
21 request you to answer the questions put to you as precisely as
22 possible and to kindly wait for the interpretation to come
23 through? Because we need a pause in order to put further
24 questions to you?

25 Q. Just one point, Mr. President, regarding the evacuation of

1 Takeo. You've understood that we are trying to establish a modus
2 operandi regarding the various evacuations in the country, and
3 you'd find that there are similarities with those of Phnom Penh.
4 [15.08.01]

5 In a minute, I would like to read the witness's statement before
6 the Co-Investigating Judges and the reference is D208/18 and for
7 us to proceed quickly this extract is on page 3, and it is in
8 each of the languages, English, French, and Khmer, and that is on
9 page 3. Two or three questions were put to the witness by the
10 Co-Investigating Judges' investigators.

11 The first is: "At the time of the liberation of Takeo, which
12 events did you witness?"

13 Answer: "At the time of the liberation of Takeo, the inhabitants
14 were evacuated to the rear. Lon Nol's soldiers recapulated
15 (phonetic) and were all transported by trucks backwards. I saw
16 dead people along the roads, in the town, but I did not know if
17 they were civilians or soldiers."

18 And further down the line, there's another question: "Who ordered
19 the evacuation of the people?"

20 Answer: "The district issued the order and they were ordered to
21 kill whoever resisted leaving." End of quote.

22 [15.09.30]

23 Witness, have you heard what I read from your statements to OCIJ
24 investigators, and do you confirm having said that?

25 MR. KHOEM NGORN:

1 A. I do not really understand the question. Can you ask the
2 question again?

3 MR. PRESIDENT:

4 Duty Counsel, you may proceed.

5 MR. MAM RITHEA:

6 Good afternoon, Mr. President, Your Honours. Due to -- due to the
7 limited knowledge of my client, before responding to the question
8 posed by the Prosecution, I would like to seek leave from the
9 President to brief my client, a bit, before he respond.

10 MR. PRESIDENT:

11 That is not the way forward we should do, because the witness
12 shall respond to the question. Actually, the witness, himself, is
13 not subject to prosecution by the question being put to him so
14 you are not allowed to consult your -- the -- the witness before
15 he responds.

16 [15.11.16]

17 Mr. Prosecutor, you should put your question again. I got the
18 document number incorrect. It is document D280/18. I don't know
19 if this is the right document you are presenting to the witness
20 because we have to have the identity of the document clear so
21 that it is also clear for the record as well.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Yes, indeed, Mr. President, it is D280/18, and there's a copy
24 in French which has a wrong reference number.

25 But let me answer the question more simply.

1 Witness, I have just read out to you your statement to the OCIJ
2 investigators. The first part of the statement was as follows:
3 "Lon Nol soldiers who surrendered were all transferred by trucks
4 backwards at the time of the liberation of Takeo."

5 [15.12.39]

6 Do you confirm what you told the Co-Investigating Judges'
7 investigators regarding Lon Nol soldiers?

8 MR. KHEOM NGORN:

9 A. I saw that they surrender and they move backward, that --
10 that's it.

11 Q. And do you also confirm what you stated three years ago that
12 you saw bodies on the streets of the town and you were not aware
13 whether they were civilians or soldiers?

14 A. Yes, I did see the corpses along the streets, and I also saw
15 people being transferred to the rear but, as for the question
16 posed to me by investigator back then, I did not remember, but I
17 did see bodies along the street back then.

18 [15.14.01]

19 Q. And the last assertion you made to the investigators was that
20 it was district officials who ordered the inhabitants to leave
21 and that if anyone opposed that, orders were issued that they be
22 shot dead. Do you confirm that anyone who opposed the order was
23 shot dead?

24 A. That -- that was true back then. If anyone there resist the
25 order, they would be shot. That was an order from the person who

1 was in charge. At that time, I did not understand that decision
2 much.

3 Q. Did you hear all that or did you witness it with your own eyes
4 or you only heard about it? You saw, you said -- you said that
5 you saw bodies, but did you also see people who resisted the
6 evacuations?

7 A. At that time, my friend told me. They told me that we were to
8 be removed to the rear and that's what I heard. I did not
9 understand the detail of this.

10 [15.15.45]

11 Q. We'll go now to another line of questioning and it has to do
12 with your work at the Ministry of Foreign Affairs as you said a
13 while ago. How long after the liberation of Takeo did you arrive
14 in Phnom Penh?

15 A. I arrived in Phnom Penh after around half a month after Phnom
16 Penh was liberated and upon completion of the training session,
17 we were designated to the foreign embassies and I was, at that
18 time, stationed at House Number 7. I stayed with the Chinese
19 guests.

20 Q. Did anyone explain to you why you were selected to go to Phnom
21 Penh?

22 A. In the training course, they also told us. At that time, Hong
23 was the one who convened the training session and he told us that
24 when we were with the guests, we must not talk politics. And I
25 was with the Chinese guests, I accompany those Chinese.

1 [15.17.28]

2 Q. Thank you. May I request you to answer the questions
3 specifically without going further than required?

4 [15.17.44]

5 You talked about training and you said that that training lasted
6 about a week. Where was that training session held and how many
7 people participated in it?

8 A. In that training, there were six of us. They introduce us many
9 things concerning the accompanying of guests. One of my
10 colleague, while on travel with the guests, got into accident and
11 then the person was removed and they told us that the -- he was
12 removed to the rear and I was, later on, remove, as well, to
13 Takhmau to plant vegetables and I stayed in Takhmau for three
14 months before I was reinstated in my former position.

15 Q. Thank you, Witness. I would like us to talk about the training
16 session that lasted one week. Let us limit ourselves to that
17 training which lasted one week.

18 You have stated that you were told how to accompany the others.
19 What were you told regarding the rules governing the Ministry of
20 Foreign Affairs -- the regulations in force?

21 A. They told us about the disciplines and our behaviours and
22 attitudes when we accompany guests, that's it.

23 [15.20.00]

24 Q. What could you do with guests? What were you authorized to
25 say, and what -- what were you not authorized to tell the guests?

1 A. With guest, we were not allowed to talk to guests about
2 politics and wherever we went we could not simply move around
3 freely.

4 Q. When you talk of guests, are you talking of foreigners or also
5 Khmers who moved about in the country?

6 A. There were other Cambodians, as well, the Cambodian drivers
7 and servants. We accompanied them to provinces -- to Takeo
8 province or Kampot province.

9 [15.21.25]

10 Q. What were you told during that training session, for instance,
11 regarding anything you would have told guests regarding politics
12 or political orientations? Were you told what the consequences
13 were going to be if you did such a thing?

14 A. If we talk about politics and it affected the guests, then we
15 would be removed to the rear. They would use that pretext that we
16 would be removed to the back.

17 Q. What do you mean when you say they had to be sent backwards or
18 evacuated backwards? What did that mean at the time?

19 A. We would be removed to a different place, but I did not know
20 of which place we would be sent to. We -- I did not know. If they
21 remove us, they would not tell us which place we would be sent
22 to.

23 Q. During your trips with guests, did some of the guests put
24 questions to you and what happened then?

25 A. They advised us not to talk to guests. And the guests themselves

1 did not talk to us much. For example, once we accompany
2 Vietnamese guests to a restaurant and we were also advised not to
3 eat anything that is left behind by the guest.

4 [15.23.48]

5 Q. During the accomplishment of your assignments with guests,
6 were you afraid? Afraid of exceeding limits and saying something
7 that was contrary to the policies?

8 A. I was with the guests. I did not talk much with the guest. And
9 my superior told me that if I committed any wrongdoing or
10 misconduct, then I would be re-educated, and I was a bit
11 terrified as well. And, later on, I was transferred backwards.

12 Q. For how many months or years, approximately -- I know you have
13 problems remembering dates, for how many months or years did you
14 work at the Ministry of Foreign Affairs at the service of
15 embassies or guests?

16 A. It was in 1976. I cannot recall it clearly. I did not pay
17 attention to it. I cannot recollect whether or not it was in 1976
18 or late 1975, but it could have been 1976 because the diplomatic
19 -- Vietnamese Embassy was withdrawn at that time.

20 [15.25.50]

21 Q. Thank you. But for how long was that involved then -- that is,
22 for how long were you there before you were sent backwards?

23 A. I stayed there for about a -- for about a year, because from
24 late 1975 to almost late 1976. So it was for about a month -- a
25 year, rather.

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1 Q. And after you were sent backwards to Takhmau, did you return
2 to the foreign ministry or not?

3 A. Yes, I did come back to Ministry of Foreign Affairs and I
4 continued to stay there for -- for about three or four months,
5 then the Vietnamese came in. I -- I cannot recall it clearly.

6 Q. Very well. You did say that you worked at the Chinese Embassy.
7 How did you call the house in which the Chinese Embassy was
8 located? The compound in which it was located?

9 A. The Chinese Embassy is -- or was located at House Number 7,
10 but there were many other premises, as well, belonged to the
11 Chinese Embassy because there were official embassy residence,
12 and the other places as well. There were -- there were several
13 other embassies in Phnom Penh back then.

14 [15.28.02]

15 Q. Thank you. When you were at House Number 7, did you attend any
16 working sessions there?

17 A. I attended a meeting, as well, but it was the meeting of my
18 team. When Hong himself chair the meeting, and when Hong was
19 absent, then Phoeung would led the -- would lead the meeting.
20 They advised us on how to interact with the guests when we were
21 accompanying them.

22 Q. Please tell us who that person called Hong was? Did he have
23 another name?

24 A. To my knowledge there was only one name Hong. But if he later
25 changed his name, I did not know. But in our office back then, we

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1 call him Brother Hong, that's what I knew at that time.

2 [15.29.19]

3 Q. Did you know the position he held in the Ministry of Foreign
4 Affairs?

5 A. At that time, he was the chief of the office and his
6 subordinate, or his deputy, was Phoeung. Phoeung was in charge of
7 the drivers for guest. So these two were the -- in the
8 leadership, Hong and Phoeung.

9 Q. Thank you. Did you ever go to House Number 7 and attend
10 self-criticism meetings, be it at House Number 7 or in the
11 foreign ministry?

12 A. Yes, there were self-criticism meetings in the office. What we
13 should do and what not and that we should not talk about the
14 politics while we were living with a guest, or while we were with
15 a guest. The meetings were purely held amongst the Cambodian
16 people -- not with the guest -- including the cook.

17 [15.30.46]

18 Q. Were those attending the criticism and self-criticism
19 meetings, including yourself, afraid of being criticized or
20 afraid of being denounced by others?

21 A. Yes, we were. One person named Chuon, he was reported and then
22 he was sent backwards and I didn't know where he was sent to. So
23 it could be -- he could be reported by Hong or Phoeung.

24 Q. And what happened to Chuon afterwards? In addition to all of
25 those meetings being held at House Number 7, did you ever attend

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1 any larger meetings at the Ministry of Foreign affairs, perhaps,
2 in the presence of staff from other houses or other ministries?

3 A. Personally, I did not participate in that kind of meeting. Of
4 course, I attended the meetings at House Number 7 with all the
5 staff there, but not at -- at any other locations. So their
6 meetings, probably, were secretive among themselves and we were
7 not allowed to attend any of those meetings.

8 [15.32.27]

9 Q. What was the building of the Ministry of Foreign Affairs
10 called? Did it have a code?

11 A. I do not know the code name of the building. I lived there,
12 but I did not know anything about the code name. I was with a
13 guest but, of course, I do not know the designation number for
14 any of the buildings. I know the house number, but not the
15 building code.

16 Q. I'm talking about the main buildings of the Ministry of
17 Foreign Affairs. Perhaps I misspoke earlier. Do you remember the
18 code names of those buildings?

19 A. It was the Ministry of Foreign Affairs and it was, of course,
20 B-1, but amongst them there were other houses for guest. So, at
21 that time, we were also asked to clean the houses for the guest.

22 Q. I want to return to a previous question:

23 Did you ever attend any general meetings at B-1?

24 A. No, I did not attend any meeting at B-1. I did not. B-1 office
25 was for other people but, I, personally, never attended any

1 meeting at B-1.

2 [15.34.38]

3 Q. No, during the meetings that you did attend, if it was at
4 House Number 7, were any political stances adopted?

5 A. Yes, we were indoctrinated in political stance. We were
6 educated on how to live amongst the guests as I stated earlier.

7 Q. And during those meetings, were you spoken to about enemies or
8 traitors?

9 A. At that time we were told that we had to be vigilant. There
10 could be those CIA agents burrowing within. But, at that time, I
11 did not really understand what about that. They were talking
12 about the enemy. I was quite young. So what they said about the
13 enemy was that we had to monitor each other.

14 [15.36.05]

15 Q. Therefore, during the entire time that you worked at the
16 Ministry of Foreign Affairs, indeed, you felt like you were being
17 monitored by fellow colleagues?

18 A. Amongst my work group, of course, there was some kind of
19 insider within. I am -- I was a combatant and there could be a
20 cadre within us, but we were only just for them to use. And if we
21 were not careful in saying things, we would or could be reported.

22 Q. And if somebody within your group noted that one of the other
23 colleagues had committed a wrongdoing, were there opportunities
24 for them to report such wrongdoings and misconduct at future
25 meetings, or directly to their superiors?

1 A. Yes, there was insider from the lower to the higher level. For
2 example, if we were with a Chinese guest, there could be insider
3 who -- who would monitor us and report it to the upper level. As
4 for us, the combatant, we did not know much about this activity.
5 We held our livelihood meeting every three days and of course,
6 they could not get anything out of us. We were just plain
7 combatant. And, of course, I did not know any of those people in
8 the upper level position.

9 [15.38.07]

10 Q. Thank you.

11 I now want to return to a biography that you drafted during the
12 time that you were at the Ministry of Foreign Affairs, and also
13 during the time that you were in Takhmau. Can you please tell
14 this Court -- or rather, earlier on, you said that you had
15 drafted a biography three times a day. Are you talking about the
16 biography that you wrote in Takhmau, or the biography that you
17 wrote at the Ministry of Foreign Affairs?

18 A. I wrote the biography at the Ministry of Foreign Affairs. I
19 was asked to make one. I was monitored. I took note of the facts
20 that during the livelihood meeting, I was criticized and next
21 day, I was asked to write my biography three times.
22 So the first one, they rejected. The second time they reject it
23 and the third time, they took it and nothing happened. And maybe
24 there could be something going on with my family or relative,
25 that's why I was asked to write my biography.

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1 [15.39.38]

2 Q. Who from the Ministry of Foreign Affairs asked you to write
3 the biography?

4 A. It was Hong.

5 Q. And he'd tell you why you were supposed to redraft your
6 biography? Were there missing pieces each time you finished
7 drafting a biography?

8 A. The first time he told me that I made some mistakes in my
9 biography and for the second time, I made mistakes, as well. And
10 for the third time, I asked my friend to make it for me, and then
11 it's -- it went. And it's -- it quite - that's it.

12 Q. What did you mention in that biography following the criticism
13 that you drew during the meetings?

14 [15.40.52]

15 A. I wrote the biography regarding my native place of birth, my
16 age, my parents, my siblings. At that time I was still single. So
17 it was about the relatives, the siblings, the parents, the place
18 of birth that was what I put down in the biography. And, the
19 first time, they said that I made some mistakes.

20 Q. And during your interview with the investigators from the
21 OCIJ, were you read a document that was your -- that was your
22 biography?

23 A. No, nothing like that. There was no document read back to me.

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, I am cognizant of the fact that the witness is

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1 unable to read, however, if I may, I wish to quote a few passages
2 of document IS 19.72. It's a single page which bears the Khmer
3 ERN Number 001940090, in English 00797177. And to my knowledge, I
4 believe that there is no French version available.

5 [15.42.52]

6 And therefore, with your leave, Mr. President, I wish to read a
7 few passages. Perhaps, we can project the document in question on
8 the screen for the benefit of all parties.

9 MR. PRESIDENT:

10 What is the title of that document?

11 MR. DE WILDE D'ESTMAEL:

12 This is a biography of Mr. Khoem Ngorn.

13 MR. PRESIDENT:

14 Yes, you can proceed.

15 BY MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President.

17 [15.43.41]

18 Q. Allow me, Mr. Witness, to read aloud a few lines from your
19 biography and you can comment afterwards. There's an initial
20 section that's entitled "Personal History". I'll have to read it
21 in English as the French translation is not available. It reads:
22 [In English] "Name: Khoem Ngorn, 19 years old; birthplace: Ta
23 Yueng village, Ang Khnaor commune, Kaoh Andaet district, Takeo
24 province." [End of intervention in English]

25 Following that, it reads:

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1 [In English] "Social status: poor peasant.

2 "Education: 10th grade.

3 "Joined in the revolution: in mid-1973.

4 "Duties assigned by Angkar: Firstly, an Ang Khnaor commune
5 militia--" [End of intervention in English]

6 Mr. President, there appears to be a technical issue from the
7 interpretation booth.

8 [15.45.11]

9 MR. PRESIDENT:

10 Court Officer, could you assist with the translation?

11 (Short pause)

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Thank you, Mr. President. I'll just repeat very quickly:

14 [In English] "Khoem Ngorn, 19 years old; birthplace: Ta Yueng
15 village, Ang Khnaor commune, Kaoh Andaet district, Takeo
16 province.

17 "Social status: poor peasant.

18 "Education: 10th grade.

19 "Joined in the revolution: in mid-1973.

20 "Duties: Firstly, an Ang Khnaor commune militia; secondly, worked
21 at Kaoh Andaet district office..." [End of intervention in English]

22 I'm going to repeat this:

23 [In English] "Firstly, an Ang Khnaor commune militia; secondly,
24 worked at Kaoh Andaet district office; thirdly, worked at the
25 district police office.

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1 "Moral conduct of living: with integrity.

2 "Activities: medium--" Medium. "Activities: medium."

3 "Political tendency: (before 17th of April '75), no connection
4 with the enemy." [End of intervention in English]

5 [15.47.33]

6 This is the first part of the biography.

7 Do you recognize this as being your biography, Mr. Witness?

8 MR. KHOEM NGORN:

9 A. Yes, that is correct. That's what was written by someone whom
10 I asked to assist me.

11 Q. There are a few elements that are of interest to us in this
12 biography. There are four things, specifically the mention of
13 social status. Here, it reads that you were a poor peasant and
14 there are comments regarding your parents. The same indications
15 are there. It says that they were poor peasants. Was it important
16 under the Democratic Kampuchea regime to belong to the class of
17 poor peasant so that you could be trusted?

18 A. Yes, that -- that is correct. At that time, we were poor.

19 [15.49.08]

20 Q. And further on, with respect to your moral conduct, it says
21 that you were a person of integrity. The same applies to your
22 parents. What does integral moral conduct mean under the regime
23 of Democratic Kampuchea?

24 A. I did not really understand why. I just put what I was told
25 because I actually asked someone to assist me in writing this

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1 biography. I did not fully understand what it meant.

2 Q. Further on, there is mention of activities. It says that they
3 were average. What do activities refer to, and why did you write
4 that your activities were average?

5 A. At that time, I asked my friend Phoeung, to assist me and
6 that's what he suggest we need -- suggested to me to put so I
7 just put it. That's all. I was rather young, at the time, so I
8 just put that down, and that I worked with a group chief. At that
9 time, I did not know much about the making of the biography.

10 [15.51.11]

11 Q. Thank you. And the final heading, under "Political Tendency,"
12 it states that you had no affiliations with the enemy. The same
13 applies to your parents. Why was it so important to mention that
14 you had no affiliations with the enemy?

15 A. At that time, there was no such thing yet. Only after I came
16 to work in Phnom Penh, and when I was asked to make the
17 biography, I made that biography and I was rather concerned, as
18 well. So I try to make a good biography for myself.

19 So the six of us, actually, were transferred to work at the
20 Ministry of Foreign Affairs and it was in late '75 or '76 when
21 they strictly screens the biography. And, as I said earlier,
22 probably they monitored me and they saw something with -- wrong
23 with my biography.

24 [15.52.54]

25 Q. However, in the biography that I just read to you, it mentions

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1 that you were a poor peasant of good moral conduct. You had no
2 connection with the enemy, and that your level of activity was
3 average. Is that what you would qualify as a good biography? Is
4 this also equivalent to what you refer to as a pure biography
5 under the regime of Democratic Kampuchea?

6 A. For making a pure biography that should be something like
7 that. So I just asked to put that down so that I could work with
8 them. Because I, myself, personally, did not really understand
9 that well.

10 Q. Perhaps, I'll attempt to clarify once again. Now, the
11 biography was written during a certain time and during that time
12 the biography mentions a certain number of activities in the
13 commune of -- in the district of Kaoh Andaet yet, it does not
14 enumerate your activities at the Ministry of Foreign Affairs. Did
15 you write this biography before you arrived in Phnom Penh, during
16 the time you're in Phnom Penh, or when you were already working
17 at the Ministry of Foreign Affairs?

18 [15.54.52]

19 A. The first time I make my -- my biography was at the district.
20 And the second time it was at the Ministry of Foreign Affairs. So
21 the -- in the first biography, I was put as a poor peasant and
22 that was a good status. And when I came to Phnom Penh, I was
23 asked to make another biography and I am not sure, maybe, at that
24 time, my relatives are working in the cooperative committed
25 something wrong, they were taken and killed or something. For

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1 that reason, maybe, I was asked to write another biography while
2 I was at -- working for the Ministry of Foreign Affairs and of
3 course, I made two or three -- I made a biography two or three
4 times when I was in Phnom Penh. The one that you mentioned could
5 be the -- the first biography that I made when I was moving from
6 the village to the commune and to the district.

7 [15.56.09]

8 Q. Thank you. With respect to the second biography, not this one,
9 but the one that you wrote while you were at the Ministry of
10 Foreign Affairs you stated that it was drafted after the period
11 that your family had encountered some difficulties.

12 Can you please tell us what those difficulties were? What kind of
13 difficulties did your family members encounter at the
14 cooperatives?

15 A. I -- my mother could not come to visit me and I, myself, could
16 not go to visit my village or my mother.

17 MR. PRESIDENT:

18 Defence Counsel, you may proceed.

19 MR. KARNAVAS:

20 Thank you, Mr. President. My apologies for interrupting but, as I
21 understood the testimony from the witness, he -- he suspected
22 that, perhaps, he was asked to write his biography when he
23 suspected that there might have been some problems with his
24 family members. That's why he was asked to write the biography.

25 [15.57.19]

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1 And, I believe, the question, the way it was posed,
2 mischaracterizes the testimony of the witness. The witness did
3 not say that he had problems and that's -- there were problems
4 with his family, and that's why he was asked to write the
5 biography. So he -- he suspected. I do think that there's an
6 attempt by the Prosecution to link one with the other and that
7 would be misleading.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. I'll move on to another question, Mr. President.

10 Witness, you stated that Hong requested that you draft this
11 biography. Did he tell you why you were to write the biography at
12 that particular point in time?

13 MR. KHOEM NGORN:

14 A. He told me at 7 a.m. that I have to write a biography -- a
15 biography for him, that's what I was told.

16 [15.58.37]

17 Q. Mr. Witness, did you know who Hong's immediate superior was?

18 A. I did not know the superior because, at the Ministry of
19 Foreign Affairs I only knew that it was Hong who ordered me to
20 make my biography.

21 Q. And during the time that you were working at the Ministry of
22 Foreign Affairs, did you know who was the minister of Foreign
23 Affairs? Did you know his name?

24 A. At that time, I did not know. I clearly only knew about Hong.
25 No, I did not know about that. It was only Hong that -- who --

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1 that gave orders to me or gave instructions to me and if he went
2 to attend any -- any meeting, he would not tell me.

3 Q. At the Ministry of Foreign Affairs, were you aware of the
4 names of -- the names of the sections -- other departments within
5 the ministry that you had heard about? Did you hear about other
6 offices, offices that were in charge of receiving guests, for
7 example?

8 A. There were various sections at the upper level. I cannot
9 really recall. I cannot remember them. Mainly, I recall Hong. Of
10 course, there were his superiors, but I did not know who they
11 were. I cannot recall them, and I was quite young at that time.

12 [16.01.05]

13 MR. PRESIDENT:

14 Thank you, the Prosecution and the Witness.

15 The hearing today now comes to an end. We shall adjourn it today
16 and will resume next week starting from Monday, at 9 a.m.

17 For next Monday hearing, we will continue to hear the witness,
18 Sao Sarun, who will be questioned again by the Prosecution.

19 Mr. Khoem Ngorn, the hearing of your testimony is not yet
20 concluded, and you will be required to testify again on Monday,
21 next week. So you will be invited again to the Court on Monday,
22 and the session will start from 9 a.m.

23 [16.02.09]

24 The duty counsel is likewise invited to attend the meeting -- the
25 hearing next Monday.

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1 As for the witness, Khoem Ngorn, he is a reserve witness as on
2 Monday we will continue to hear the testimony of the witness Sao
3 Sarun. However, as the Chamber has informed, due to the health of
4 the witness Sao Sarun, as he has some chronic diseases and due to
5 poor health, we have this witness as a reserve witness. If it is
6 not possible to hear the testimony of the witness Sao Sarun, then
7 we will continue to hear the testimony of this witness Khoem
8 Ngorn.

9 Court Officer, please, in cooperation with WESU unit, assist the
10 witness with his accommodation and have him brought back here at
11 the Court in the waiting room for the witnesses on Monday, next
12 week, as a reserve witness.

13 Security guards, you're instructed to take the three Accused back
14 to the detention facility and have them back here in room on the
15 morning of Monday, 11th of June 2012, before 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1604H)

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