



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

13 June 2012

Trial Day 74

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

The Accused: NUON Chea
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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KARNAVAS	English
MR. KIM MENGKHY	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. OEUN TAN (TCW-488)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SENG RETHY	Khmer
MR. VENG HUOT	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 As scheduled and informed to the parties, the Chamber is going to
6 hear the testimonies of TCW-488. Before the witness is called to
7 the courtroom, Greffier of the Trial Chamber is instructed to
8 report on the status of presence of the parties to the
9 proceedings and the witness.

10 [09.01.58]

11 THE GREFFIER:

12 Good morning, Mr. President, Your Honours. All the parties to the
13 proceedings are present, except Mr. Ieng Sary, who is in his
14 holding cell. Mr. Ieng Sary has waived his right to be present in
15 the courtroom through his counsel for the whole day. His waiver
16 has already been given to the greffier of the Trial Chamber.
17 The witness who is expected to be heard today, TCW-488, is
18 present in the waiting room, awaiting call from the Chamber. The
19 witness has taken an oath already on the 29 of May 2012.

20 Mr. Seng Rethy is here also as duty counsel for the witness.

21 [09.02.56]

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber has been seized of Mr. Ieng Sary's waiver through his
25 counsel concerning his request to waive his right to be present

2

1 in the courtroom. He has asked that he be allowed to observe the
2 proceedings from his holding cell for the whole day due to health
3 reasons. He cannot remain seated long enough in the courtroom and
4 his claim has been substantiated by the doctor from the Cambodian
5 Soviet Friendship Hospital. Doctor indicates that due to the
6 Accused's health reason that he finds it difficult to walk up the
7 steps and that he cannot remain seated long enough in the
8 courtroom, he should be allowed to observe the proceedings from
9 his holding cell.

10 The Chamber also notes that Mr. Ieng Sary has waived his right to
11 be present in the courtroom and that he asked he be allowed to
12 observe the proceedings from his holding cell.

13 [09.04.24]

14 So the AV booth officers are now instructed to ensure that the AV
15 equipments are well connected to the holding cell because the
16 Chamber therefore grants such request so that Mr. Ieng Sary can
17 observe the proceedings from there for the whole day.

18 Court officer is now instructed to call witness TCW-488 into the
19 courtroom-- The court officer is now instructed to hold on
20 because counsels are on their feet.

21 Counsel Karnavas, you may proceed first.

22 MR. KARNAVAS:

23 Thank you, Mr. President. Good morning, Mr. President. Good
24 morning, Your Honours. And good morning to everyone in and around
25 the courtroom. I have a short request for clarification to one of

3

1 the rulings yesterday. It will take approximately two minutes.

2 It's the ruling that was made on an objection from the

3 Prosecution when counsel for Nuon Chea attempted to impeach the

4 witness with a -- his prior testimony and the Trial Chamber ruled

5 that it was redundant, it was repetitive, and therefore the

6 objection was sustained.

7 [09.06.03]

8 My concerns are that the Trial Chamber has effectively allowed

9 the Prosecution, by taking the lead of the questioning, to act as

10 the judges in this case, which is fine. We believe that we should

11 have the right to ask leading questions. That's been denied.

12 That's fine as well. But now it would appear that if something is

13 raised by the Prosecution, the Defence cannot revisit that for

14 the purposes of impeaching and confronting a witness on the

15 grounds that it may be repetitive.

16 Now, perhaps there was a misunderstanding. Perhaps it wasn't

17 artfully phrased on behalf of the parties, but I certainly would

18 ask the Trial Chamber to consult, and to provide us some guidance

19 so that we know how and to what extent we can use testimony that

20 is elicited from either side for the purposes of clarifying or

21 even impeaching.

22 But we strongly-- we have strong reservations to being curtailed

23 to using testimony that is elicited from the witness from another

24 party and then not being able to revisit that for the purposes of

25 impeaching. Thank you.

4

1 [09.07.41]

2 MR. PRESIDENT:

3 Counsel for Nuon Chea, you may now proceed.

4 MR. PESTMAN:

5 Thank you very much, Mr. President. Good morning to everyone. I
6 would like to support the submission made by counsel for Ieng
7 Sary.

8 I believe that yesterday afternoon we were, at one point, allowed
9 to use evidence given by that particular witness earlier this
10 week and last week, but some clarification is always useful.

11 I just wanted to ask one other question about an email I sent on
12 the 24th of April to the senior legal officer about your
13 publications. I haven't received an answer yet. I asked the
14 senior legal officer to provide me with a list of publications
15 for the Judges--

16 [09.08.48]

17 MR. PRESIDENT:

18 You are not allowed to raise any other issue other than the one
19 being discussed now. The Chamber keeps asking you to give the
20 ground for your point. Now we are discussing about TCW-488 and
21 that the matter could be confined to anything relevant to this.
22 And if counsels are of the opinion that they would raise some
23 issues concerning this particular witness, then the Chamber will
24 entertain such a request. However, if you have any other matters
25 to be addressed, then we recommend that you have it written-- in

5

1 writing, and the Chamber will rule on your applications in due
2 course. Any other matters that are not relevant to the subject
3 matter of today's hearing concerning this TCW-488 would not be
4 entertained.

5 [09.09.52]

6 MR. PESTMAN:

7 Thank you, Mr. President. That's clear, but it is a request about
8 when we can expect an answer to this written request we made on
9 the 24th of April, which is almost two months ago and we haven't
10 received an answer yet.

11 So it was just a request for a clarification as well.

12 MR. PRESIDENT:

13 The Chamber, indeed, will look into this and to rule upon it in
14 due course.

15 Court officer is now instructed to call in TCW-488.

16 (Witness enters courtroom)

17 (Judges deliberate)

18 [09.12.52]

19 Judge Cartwright, you may now proceed.

20 JUDGE CARTWRIGHT:

21 Yes. Thank you, President.

22 Mr. Karnavas, the Chamber is a little unclear about which
23 particular measure you were referring to and does not wish to
24 spend time on that now.

25 However, could you just state with some brevity and clarity in a

6

1 memo to the senior legal officer and we will deal with it in that
2 way? Is that acceptable to you?

3 [09.13.20]

4 MR. KARNAVAS:

5 Yes. The English transcript isn't available, but I believe I
6 could locate the passage and provide it to you.

7 JUDGE CARTWRIGHT:

8 Thank you. I think I'm aware of the particular matter to which
9 you refer, but rather than spend time on it now--

10 MR. KARNAVAS:

11 Very well.

12 JUDGE CARTWRIGHT:

13 Thank you very much.

14 MR. KARNAVAS:

15 And we appreciate that, Your Honours.

16 [09.13.56]

17 QUESTIONING BY THE PRESIDENT:

18 Good morning, Mr. Witness.

19 Q. What is your name? Is your name Oeun Tan?

20 MR. OEUN TAN:

21 A. Yes. Yes, Mr. President.

22 MR. PRESIDENT:

23 Duty counsel is now asked to help raise the console a little bit.

24 BY THE PRESIDENT:

25 Q. Mr. Oeun Tan, have you used any other names other than this?

7

1 MR. OEUN TAN:

2 A. No, I haven't.

3 Q. Have you ever used the name Chou Tan?

4 A. Yes, I have. I am using it currently.

5 [09.14.54]

6 Q. In your local community, what is your exact name, Oeun Tan or
7 Chou Tan?

8 A. Oeun Tan.

9 Q. Thank you. What-- or how old are you?

10 A. I was born in 1943, Mr. President.

11 Q. Where do you live?

12 A. Currently, I live in Doun Troek, Samlaut, Ta Sanh commune.

13 Q. What is your occupation?

14 A. I am a farmer doing some-- at the plant, working at the
15 plantation.

16 Q. What is your father's name?

17 A. He is Loum.

18 Q. His last name?

19 A. No, I don't remember.

20 [09.16.09]

21 Q. What are-- what were your-- rather, what is your mother's
22 name?

23 A. (Microphone not activated)

24 Q. Please wait until you see the red light on your mic before you
25 proceed with your response.

1 What is your mother's name?

2 A. Lim.

3 Q. How many children do you have?

4 A. Three children.

5 Q. What nationality are you?

6 A. (Microphone not activated)

7 Q. Please, once again, wait until you see the red light before
8 you respond. Otherwise, your message could not be rendered to
9 everyone.

10 Again, what nationality are you?

11 A. I am of a Kachak nationality.

12 [09.17.27]

13 Q. Mr. Oeun Tan, according to the report by the greffier of the
14 Trial Chamber, you are not related to any parties to the
15 proceedings, in particular the civil parties, and the three
16 accused persons; is the statement correct?

17 A. Yes, it is.

18 Q. Thank you.

19 According to the same report, the greffier indicated that you've
20 already taken an oath yesterday; is that correct?

21 A. Yes, it is.

22 Q. Mr. Oeun Tan, as a witness, the Chamber would like to inform
23 you of the rights you have. You have the right not to respond to
24 any questions that you feel your response would be
25 self-incriminating. As a witness, you are to respond to all the

9

1 questions of the Judges of the Bench except any responses that
2 may lead to self-incrimination. And you are to only tell the
3 truth, nothing but the truth. You have to respond to questions
4 with regard to your experience, what you have witnessed and saw
5 during that time.

6 Do you understand these rights and obligations?

7 [09.19.45]

8 A. Yes, I do.

9 Q. Mr. Oeun Tan, do you write and read Khmer?

10 A. Not very much.

11 Q. How far did you go to school?

12 A. I could read and write a little.

13 Q. Thank you.

14 With regard to the interview you gave to the Office of the
15 Co-Investigating Judges, have you ever given any interviews to
16 the investigators of the Co-Investigating Judges' Office?

17 A. Yes, I have.

18 Q. How many times did you give such interviews?

19 A. On one occasion only.

20 [09.20.59]

21 Q. Where was the interview conducted?

22 A. It was in Doun Troek village.

23 Q. Thank you.

24 Before you appeared before the Chamber, Mr. Oeun Tan, have you
25 read, reviewed, the record of the interview you gave before the

10

1 investigators to refresh your memory?

2 A. I have read the documents, but I do not remember everything
3 because my memory is not good.

4 Q. Do you confirm that the statement you read, the statement you
5 gave before the Co-Investigating Judges confirmed the statement
6 you really made before them?

7 A. Yes, I do.

8 MR. PRESIDENT:

9 Next, the Chamber would like to inform the Prosecution they are
10 to begin with-- the prosecutors will be handed over the floor to
11 put questions to this witness. You may now proceed.

12 [09.22.49]

13 QUESTIONING BY MR. VENG HUOT:

14 Good morning, Mr. President. Good morning, Your Honours. Good
15 morning, my learned colleagues. And good morning to everyone who
16 is observing these proceedings in the public gallery. Good
17 morning, Mr. Oeun Tan. I am Veng Huot from the Office of
18 Co-Prosecutors.

19 Q. Do you hear me?

20 [09.23.31]

21 MR. OEUN TAN:

22 A. Yes, I do.

23 Q. Thank you.

24 Now, I would like to put a few questions to you concerning the
25 local administration structure. In order to help you understand

11

1 the questions, I will use the very simplified language.

2 My first question is: Do you know the-- or when did you get to
3 know the Revolutionary Movement in your local community?

4 A. It was in 1968.

5 [09.24.38]

6 Q. Where did you first join the revolution and how old were you
7 back then?

8 A. I joined the revolution on the 2nd of March 1968.

9 Q. Where, please?

10 A. It was in Nay village, Ta Lav commune, Andoung Meas district,
11 Rattanakiri province.

12 [09.25.33]

13 Q. Were you informed of the purpose of joining the revolution at
14 the outset?

15 A. At the beginning I noted that a lot of people joined the
16 revolution and I was inspired by the others who joined the
17 revolution as well.

18 Q. Did you -- or were you ever told the motive behind joining the
19 revolution?

20 A. No, I wasn't.

21 Q. I may need some clarification. When you joined the revolution,
22 who introduced you to the revolution?

23 A. It was Kang Deng, the secretary of the district, who
24 introduced me to the revolution.

25 Q. You mentioned the person by the name of Deng. Deng was the

12

1 secretary of the district. Is it correct?

2 A. (Microphone not activated)

3 MR. PRESIDENT:

4 Witness, please hold on until you see the red mic -- the red
5 light on the mic before you respond.

6 BY MR. VENG HUOT:

7 Q. I repeat my question: At that time, was there a district
8 structure and that there would be someone in charge of the
9 committee and this committee inducted people into the
10 revolutionary? Is that correct?

11 [09.28.02]

12 MR. OEUN TAN:

13 A. Kang Deng was the district committee who inducted me into the
14 revolution.

15 Q. Was your biography checked or verified when you joined the
16 revolution at the beginning?

17 A. Yes, it was.

18 Q. What was the criteria behind the recruitment?

19 A. There was no proper criteria. As long as we volunteered to
20 join the revolution then we were accepted.

21 [09.29.09]

22 Q. When you joined the revolution, in your unit who was your
23 leader and in which unit were you in?

24 A. At that time -- I don't think I catch -- I got your question,
25 please repeat it.

13

1 Q. Thank you, Mr. Tan. I will now repeat. When you joined the
2 revolution at the beginning, what was your leader's name? If you
3 can also identify the names of the deputies, you can tell us, and
4 also the name of the unit.

5 [09.30.14]

6 A. Phai was the person who let me into the messenger section.

7 Q. Thank you. So you were put in the messenger unit. Once you
8 were there, was there any criticism and self-criticism meeting?

9 A. After our work, there were meetings during which we were
10 instructed as to how to deliver the message

11 [09.31.24]

12 Q. Was a messenger asked to deliver letters or was a messenger
13 also taught as to how to spy people during the meeting?

14 A. We were supposed to deliver letters.

15 Q. How about telegrams? Do you know anything about telegrams?

16 A. I have heard of that, people talked about that.

17 Q. Regarding the teaching as to how to deliver letters, were you
18 also taught of the importance of being a messenger as to spy
19 individuals within the Party?

20 A. No, I was not taught. I was to deliver, for example, letters
21 from Mr. A. to Mr. B.

22 Q. Now, I would like to ask you about administrative bodies. Do
23 you know, prior to 1975, in liberated areas, were there
24 classifications of security offices, cooperatives?

25 [09.33.41]

14

1 A. I only heard people say that there were cooperatives. There
2 were sector and zones. I only heard of that.

3 Q. Thank you, Mr. Tan. And did Angkar teach you about the
4 importance of such administration as to facilitate the delivery
5 of messages from the upper levels to the locals?

6 [09.34.33]

7 A. I do not know about that because my groups were -- was to
8 deliver messages only. We are not aware of any other matter.

9 Q. Thank you.

10 What was you responsible for between 1965 and 1970?

11 A. In 1970, I was responsible for the messenger unit and my work
12 continued to be like this.

13 [09.35.45]

14 Q. Besides delivering messages, what was the relationship within
15 the messenger unit?

16 A. There was no other relationship.

17 Q. As a messenger, were you taught about the meaning of being a
18 messenger?

19 A. The meaning of being a messenger was that I was to deliver a
20 message, for example, from one person or one location to another
21 and that person or that other location deliver further to the
22 other destination.

23 Q. Were you ever told to deliver to any particular ministry or
24 office or to any sector, any zone?

25 A. No, I was not.

15

1 Q. In the content of each letter that you delivered, that you
2 mentioned earlier, did you examine the contents of each letter
3 that you delivered? Did you learn that arrest of people were
4 mentioned in the letter?

5 [09.38.01]

6 A. I was not aware of the letter. During the time I was
7 illiterate, so I could not read. I only delivered the letter.
8 Once the letter was delivered, I came back.

9 Q. During the times that you work as a messenger-- My question
10 will touch up upon your leader. During 1970, did you work as a
11 messenger or did you work as something else?

12 A. In 1970 I worked as a messenger. I always delivered letters.

13 Q. After 1970, what did you do?

14 A. After 1970, I also worked as a messenger.

15 Q. Did you ever work as a security guard?

16 A. A messenger was attached to the bodyguards.

17 Q. Did you know this code name of Om Pol? Did you know the name
18 Pol?

19 A. I did not know about that at the time.

20 [09.40.14]

21 Q. Did you ever hear about Om Nuon?

22 A. Yes, I did.

23 Q. What was his full name?

24 A. It was Nuon Chea.

25 Q. Did you know the code name of Brother Van -- Om Van, rather?

1 A. Om Van was Mr. Ieng Sary.

2 Q. Did you know Hem in 1975?

3 A. I know Hem is Khieu Samphan.

4 Q. Now, you mentioned that you know the leaders. You know Om
5 Nuon, you know Om Van, you know Hem. Did you know at that time of
6 their roles?

7 A. I did not know their roles.

8 [09.41.50]

9 Q. When the leaders travelled as -- you as a security guard, did
10 you go with them?

11 A. As a security guard we alternated our work. Sometime I went
12 with them, sometime others went with them. Sometimes I worked at
13 the base.

14 Q. You said as a security guard you went with your leaders to the
15 base. Can you tell us the name of your leaders?

16 A. It was Pol Pot.

17 Q. Did Pol Pot went to a zone or a sector, or which zone or which
18 sector?

19 A. He went to sectors, to districts, also to zones.

20 Q. I would like you to explain further as to what zone, what
21 districts, what sectors did Pol Pot went to?

22 A. He went to Siem Reap sector, Battambang, both at Kampong
23 Chhnang, and that's all.

24 Q. As a security guard, when leaders met together were security
25 guards asked to guard those leaders?

17

1 [09.44.27]

2 A. When they worked, the security guards were told to stay about
3 20-minutes up -- rather 20 metres away from them.

4 Q. From what you saw, who participated in the meeting?

5 A. I knew very few. I knew Ieng Sary, Nuon Chea and Khieu
6 Samphan, but I did not know others.

7 Q. So you said during the meeting there were Ieng Sary, Nuon
8 Chea, and Khieu Samphan, and you said that you were supposed to
9 be 20 metres away from the meeting. But did you know what the
10 meeting was about?

11 A. No, I did not know. I was far away from them.

12 Q. Was you ever a bodyguard of Mr. Ieng Sary?

13 [09.46.26]

14 A. No, I was not.

15 Q. I will now move on to ask you about your assistant, your
16 political assistant prior to 1975.

17 Did you know Ken, alias Lin?

18 A. Yes, I know him. I know Ken, alias Lin.

19 Q. Do you know, what role did Ken, alias Lin, had in the
20 Communist Party of Kampuchea?

21 A. Lin was the chief of messenger's unit at K-7.

22 Q. And do you know Pang?

23 A. Yes, I do.

24 Q. What was Pang responsible for?

25 A. Pang was responsible, generally, for Office 870.

1 MR. PRESIDENT:

2 Can the Co-Prosecutor be reminded as to set the timeframe in
3 relations to the questions asked to the witness? Do you stick to
4 the period before 1975? Because, initially, you did state that
5 your questions will touch upon the period before 1970, but your
6 later questions seem to touch upon other issues.

7 BY MR. VENG HUOT:

8 Thank you, Mr. President, for your reminder.

9 [09.49.30]

10 Q. Mr. Witness, I would like to ask you again. You said of Office
11 870, the office that Pang was responsible for. Where was this
12 office before 1970?

13 MR. OEUN TAN:

14 A. Before 1975, the office was located Kampong Chhnang province.

15 Q. Thank you, Witness.

16 Now, I would like to ask you about the administration and
17 logistics, and the purpose of my questions -- the focus rather of
18 the question will be before 1975. Do you know what people at K
19 offices do?

20 [09.50.50]

21 A. No, I never know about that.

22 Q. You said earlier, before 1975, that you were a messenger at K
23 office -- rather, you said Lin was the chief of K-7.

24 Now, my question is that: Was there any other K offices, for
25 example, K-1, K-2 or K-3?

1 A. I only know that there was a K-1, K-7 and K-3. I did not know
2 -- I do not know anything else.

3 Q. You just said -- you just told the Chamber that Office -- that
4 you know about Office 870. What did Office 870 do?

5 A. I do not know what the office did.

6 [09.52.36]

7 Q. Before 1975, did you know about S-71 as a secret office?

8 A. I never heard of it.

9 Q. Thank you. Did you know about Office 100 and Office 102?

10 A. I never heard of these offices.

11 Q. Did you hear of B-5?

12 A. I am not sure about that. I don't think I ever heard of that.

13 Q. Thank you.

14 I would like to move on to another question. Because you used to
15 work as both a messenger and a bodyguard and you said just now
16 that you were close to Om Nuon Chea, Om Ieng Sary, Om Khieu
17 Samphan, and you saw them attending the meeting and you were
18 about 20 metres away from them.

19 My question is: Did you ever hear of the word "revolution"? And
20 what does that mean?

21 A. I only heard of the word, but I do not know of the meaning of
22 the word "revolution". I only joined the revolution.

23 Q. Did you ever hear of the word "revolutionary dictatorship"?

24 A. I never understood. I never knew about the word as an ethnic
25 minority.

20

1 [09.55.29]

2 Q. When you were taught, did you hear people say about the word
3 "revolutionary dictatorship"?

4 A. No, I never heard. I, personally, never heard that.

5 Q. Another word used is the word "smash". Did you ever hear of
6 this word?

7 A. I was never told of this issue. I was under the order of
8 others. I was working with the messenger unit and the plantation
9 unit so I was never told of that.

10 [09.56.20]

11 Q. Did you ever hear of the word "3 tonnes"?

12 A. I heard -- I heard of the phrase "3 tonnes".

13 Q. What was the phrase used for?

14 A. It refers to the productions of rice or other agricultural
15 products. That is, to produce 3 tonnes.

16 Q. I would like to ask you about the enemy of the revolution. Was
17 it only Lon Nol who were referred to as enemy or any other kinds
18 of enemies were also referred to as enemies?

19 A. I did not know anything about the Lon Nol period.

20 Q. Did you ever hear of the word "oppression"?

21 A. I heard people say about the word -- the word "oppression"
22 against the poor by the rich.

23 [09.58.00]

24 Q. What classes were being discussed at the time?

25 A. The class was the peasants' class.

21

1 Q. I want to ask you again. You said you heard of the word
2 "oppressive class".

3 My question is: Was the oppressive class referred to the Lon Nol
4 people? Could you elaborate on this issue?

5 A. I only heard of that. I never knew, particularly, of this
6 issue. As an ethnic minority, I never knew about this.

7 Q. Did you know that when Lon Nol soldiers were arrested, where
8 were they brought to?

9 A. I never knew about that.

10 MR. PRESIDENT:

11 Yes, Counsel, you may proceed.

12 [09.59.42]

13 MR. KARNAVAS:

14 Thank you, Mr. President. I hesitate to interrupt, but the
15 questions are leading. They're -- they're suggesting facts that
16 are not in evidence from this particular witness. And they do
17 have a leading nature, and I think that some of the questions may
18 be above the position that this gentleman held at the time.

19 Perhaps it could be more focused.

20 There is no need to try the entire case through every witness.

21 Some questions or some facts have already been established, and
22 therefore we could be much more efficient if we just target the
23 questions for the particular witness if -- for the -- why the
24 witness is here to give evidence. Thank you.

25 MR. PRESIDENT:

1 Thank you, Counsel, for the observation.

2 And the Chamber also notes that counsel objection is normally
3 belated because it would be better if counsel is on his feet to
4 raise the objection when witness -- or when the questions are not
5 appropriate so that the issue can be addressed immediately.

6 [10.01.00]

7 And Co-Prosecutor is also reminded to rephrase the questions to
8 this witness, in particular, the terms Co-Prosecutor are using.
9 They must -- the prosecutor must be mindful. The questions should
10 also be based on the basis of knowledge the witness already has.
11 In particular, the statement that he already made before the
12 Co-Investigating Judges. Then Co-Prosecutor should frame the
13 questions in that scope of issue in Case File 002, for example,
14 in the case of the witness who testified yesterday, we need to
15 make the question concerning his statement made before the
16 Co-Investigating Judges, for example, the facts relevant to
17 portions of the paragraphs in the indictment and that the
18 questions shall always be framed to cover those scopes of the
19 facts.

20 You are not here, on your feet, to put questions for the sake of
21 asking questions because questions are to be put in order for the
22 Chamber to find out the truth and they must be confined to the
23 scope of the facts at issue.

24 [10.02.50]

25 Co-Prosecutor is now, again, instructed to be mindful of this and

23

1 ensure that the questions be put properly, and indeed the
2 prosecutors will not be granted more time if they haven't put
3 enough good questions to the witness for this.

4 MR. VENG HUOT:

5 Thank you, Mr. President. I do not object to any of your
6 observation, but--

7 MR. PRESIDENT:

8 Please, move on to the next questions and avoid putting questions
9 that are repetitive, hypothetical -- questions that are out of
10 the scope of the fact and the questions shall be short and
11 precise so that the witness, with this background or knowledge,
12 be able to respond to them. Questions that look nice but witness
13 cannot respond would not be recommended.

14 [10.04.21]

15 BY MR. VENG HUOT:

16 Good morning, Mr. Oeun Tan, again.

17 Q. We know that you worked as a guard so you are familiar with
18 the military principle. May I ask you: Do you understand the term
19 "in and outside of the rank"?

20 MR. OEUN TAN:

21 A. I did not understand these terms. I don't think I know this.

22 Q. When you were taught, were you ever taught or had you ever
23 heard about the "Revolutionary Flags" and "Youth Flags"
24 magazines?

25 A. I have -- I have seen them.

1 Q. Have you ever heard of the term "cooperative"?

2 A. I know about this.

3 Q. What was cooperative for?

4 A. Cooperative is the place where people transplanted rice, grew
5 vegetables, and communal eating.

6 [10.06.22]

7 Q. What about "mobile unit"? What was it referred to?

8 A. Mobile unit was meant for people to build dams, dig canals,
9 and paddy fields embankments -- embankments, rather.

10 Q. Have you ever ferried messages to the children mobile units?

11 A. No, I never.

12 Q. Have you ever heard the term "mobile" -- the "children mobile
13 unit"?

14 A. Yes.

15 Q. What is it referred to?

16 A. I don't know.

17 [10.07.23]

18 Q. Did you ever deliver letters concerning marriages of disabled
19 people?

20 A. No, I didn't.

21 Q. Have you ever heard that there were marriages during the
22 regime?

23 A. Yes, I have.

24 Q. Have you ever heard of the term "immoral misconduct"?

25 A. Yes, I have.

25

1 Q. What does this mean to you, and did people commit immoral
2 misconducts a lot at your unit?

3 A. Moral misconduct referred to the actions that damaged the
4 properties of the people, the livestock of the villages, and
5 people who committed such wrongdoings would be called for
6 re-education.

7 Q. Have you ever had any moral or immoral conduct concerning
8 women?

9 A. No, I haven't heard anything about this.

10 [10.09.05]

11 Q. As a guard and as a messenger, when you delivered messages or
12 letters, have you ever noted the term "reactionary" in any of the
13 letters?

14 MR. PRESIDENT:

15 Counsel, you may proceed, and witness is instructed to hold on.

16 MR. KARNAVAS:

17 Thank you, Mr. President. In light of your admonition earlier, I
18 will be standing up and objecting each and every time.

19 The question was already asked and answered. The gentleman
20 indicated that he could not read at the time. That was posed
21 twice. Now, he's being asked whether he saw something in a
22 letter, which obviously he could not read, and has indicated
23 already that he's never opened. So the question is -- is not only
24 repetitive, but it's utterly ridiculous. Thank you.

25 [10.10.05]

1 MR. PRESIDENT:

2 Co-Prosecutor, you may now continue.

3 MR. VENG HUOT:

4 (Microphone not activated)

5 MR. PRESIDENT:

6 Ensure that the mic is activated before you proceed.

7 MR. VENG HUOT:

8 I think my question was about whether he read or heard--

9 MR. PRESIDENT:

10 Counsel Karnavas's objection is sustained.

11 Witness is not instructed to respond to this question because it
12 leads us to no way to ascertaining the truth by answering to such
13 question.

14 Co-Prosecutor is now instructed to rephrase the question and make
15 sure that all the questions are in the confinement of the scope
16 of the fact and only questions are allowed to put to the extent
17 that the witness is able to explain or to -- to respond with his
18 knowledge of the events and that the events shall be in the ambit
19 of 1975 to the -- the 6 of January 2000 and -- rather, 1979.

20 MR. VENG HUOT:

21 (Microphone not activated)

22 [10.11.19]

23 MR. PRESIDENT:

24 Mr. Co-Prosecutor, make sure your mic is on. I think that you
25 have been in the courtroom time and again. You should get used to

1 it already.

2 BY MR. VENG HUOT:

3 Thank you, Mr. President.

4 Q. I think I would skip a few questions and I will move to the
5 period of 1975 instead.

6 On the 17 of April 1975, where were you?

7 MR. OEUN TAN:

8 A. In 1975, I was in Trapeang Thum village, Kampong Cham
9 province.

10 Q. Were you aware of the evacuation of the population of Phnom
11 Penh?

12 A. No, I wasn't. I was in Kampong Cham.

13 [10.12.40]

14 MR. VENG HUOT:

15 I have no more questions to put to this witness.

16 I thank you, Mr. President and Your Honours, for giving guidance
17 to me. And thank you very much for the advice and -- by counsels
18 Karnavas and other counsels.

19 Mr. Oeun Tan, I have no more questions to you, but my colleague
20 will have a few more questions to be put to you. Thank you very
21 much.

22 MR. PRESIDENT:

23 Thank you.

24 International Co-Prosecutor, you may now continue.

25 QUESTIONING BY MR. ABDULHAK:

28

1 Thank you, Mr. President. Good morning, Your Honours. Good
2 morning, Counsel. And good morning, Mr. Oeun Tan. Thank you for
3 coming here to assist the Court.

4 [10.13.51]

5 My name is Tarik Abdulhak. I'm a member of the team of the
6 Co-Prosecutors, and I will ask you a few more questions in
7 addition to the questions that my colleague has already asked.

8 And I would just like to spend a very short amount of time on the
9 pre-'75 to see if we can, additionally, clarify some of the facts
10 you've already given.

11 Q. You joined the revolution in Rattanakiri, and you also
12 testified as to your responsibilities after that -- after
13 joining. How long did you stay in Rattanakiri and did you go
14 anywhere else after that region?

15 MR. OEUN TAN:

16 A. I was in Rattanakiri in 1968 until 1970, when I moved to
17 Kampong Cham.

18 Q. Thank you very much. And when you moved to Kampong Cham, you
19 said to us, I think, that you then lived in a village called
20 Trapeang Thum. Could you tell the Court which district, if you
21 recall, or which area this village is located in?

22 A. Trapeang Thum village is located in Kampong Cham, but I don't
23 remember the district's name.

24 [10.15.54]

25 Q. Very well. Thank you.

1 You mentioned that you guarded from time to time, meetings of
2 Ieng Sary, Nuon Chea, Khieu Samphan, and others who you didn't
3 know. Did Pol Pot also participate in these meetings?

4 A. Yes, he did. I saw Pol Pot chairing the meetings.

5 Q. Thank you. How often did these meetings take place?

6 A. Sometimes, the meeting took the whole day.

7 Q. And how often was it, if you recall, weekly, monthly, several
8 times a week? Do you recall how often that they met?

9 A. The meeting was conducted three to four times a month.

10 [10.17.31]

11 Q. Thank you.

12 In this period, do you recall at all -- or were you ever present
13 in a village called Dang Kdar?

14 A. No, I don't.

15 Q. Thank you. You said to us that you observed these meetings,
16 and could you just, additionally, tell us, as far as you recall,
17 did Nuon Chea, Ieng Sary, Khieu Samphan continue to meet and --
18 and stay in this area or did any of them leave at any point?

19 A. So far as I remember, they had the meeting at the same place.

20 [10.18.59]

21 Q. And -- and where did they -- did they live?

22 A. They lived -- I'm -- I'm sorry, could you please indicate from
23 which year to which year please?

24 [10.19.22]

25 Q. Thank you. You said to us from 1970 you were in Kampong Cham,

30

1 and I understood that this is the area where the meetings were
2 taking place. Are you able to tell us where the -- these
3 individuals lived at the time?

4 A. At that time, they gathered in Trapeang Thum village of
5 Kampong Cham.

6 Q. I know we're discussing events which took place a long time
7 ago, but I'll just ask you about one more location, and you tell
8 me if you recall ever attending or guarding any meetings there: a
9 village called Meakh, in Preaek Kak commune, in Kampong Cham. Did
10 you ever accompany the leaders to meetings in that area?

11 A. No.

12 Q. Thank you. When you travelled from Rattanakiri to the Kampong
13 Cham area, who did you travel with?

14 A. From Rattanakiri to Kampong Cham, I travelled with Pol Pot and
15 Pang.

16 [10.21.41]

17 Q. Do you recall what position Pang held at this time?

18 A. Pang was overally (phonetic) in charge of the group in Kampong
19 Cham.

20 Q. Thank you. When was the first time that you saw Nuon Chea,
21 Khieu Samphan, and Ieng Sary?

22 A. In mid of 1970, I saw them. I saw Nuon Chea and Khieu Samphan.

23 Q. What about Ieng Sary? Did you meet him in Kampong Cham or did
24 you know him before then?

25 [10.08.33]

1 A. I met Ieng Sary at Rattanakiri.

2 Q. Do you recall what position he held?

3 A. No, I don't.

4 Q. And do you know when it was that he travelled to Kampong Cham,
5 where you also saw him attending meetings with the other leaders?

6 A. Ieng Sary, Nuon Chea, Khieu Samphan, and Pol Pot came all
7 together to meet in Kampong Cham.

8 [10.23.51]

9 Q. So you travelled with Pol Pot and Pang from Rattanakiri? Did
10 Ieng Sary travel in that group or -- or separately?

11 A. Separately.

12 Q. Thank you. As far as you recall, did Ieng Sary stay in Kampong
13 Cham until 1975 throughout that period?

14 A. Only until Phnom Penh was liberated that I saw him in.

15 Q. If I can just clarify that, does that mean that you -- the
16 next time you saw him was -- Phnom Penh was liberated, is that
17 what you're telling us?

18 A. Yes, it is.

19 Q. So he left Kampong Cham, if I understood you correctly, at
20 some point. Do you recall when he left Kampong Cham, and where he
21 went?

22 [10.25.28]

23 A. No, I don't remember this.

24 Q. And just one more question on this, Mr. Tan. You said Ieng
25 Sary left Kampong Cham and you next saw him after the fall of

1 Phnom Penh. Did you -- you said to us earlier that you saw these
2 men meeting together in Kampong Cham does that mean that he --
3 although he left in 1970 that he returned for some meetings? Did
4 I understand that correctly?

5 A. Later on, they came to meet all together in Phnom Penh.

6 Q. I'm sorry, I do want to leave this issue, but just because
7 there's a little bit of -- I think a lack of clarity. You told us
8 earlier that you saw Pol Pot, Nuon Chea, Khieu Samphan, and Ieng
9 Sary meeting in the Kampong Cham area, and you also said that
10 Ieng Sary left Kampong Cham and then you saw him in Phnom Penh.
11 Does that mean -- as far as you recalled it -- you only recall
12 seeing Ieng Sary in those early months in 1970 -- or you never
13 saw him later. Is that your evidence?

14 [10.27.34]

15 A. I never met him again at a later date.

16 Q. Thank you. And just a couple of very quick clarifications.
17 You told my colleague that you were a messenger and also later on
18 you were a guard. Do you recall when it was that you became a
19 guard?

20 A. I became a guard in 1970 through 1975 and even all the way to
21 1976, 1977. We were in a group of 30 people who were tasked with
22 guarding and growing vegetables.

23 Q. And who was it that appointed you a guard, Mr. Tan?

24 A. It was Pang who assigned me this task.

25 Q. And do I understand correctly from your evidence that you

1 generally guarded Pol Pot and other leaders? Was that your
2 general job?

3 [10.29.34]

4 A. Yes, it was. During meetings, I were tasked with guarding the
5 vicinity of the meeting places.

6 Q. And when did you cease -- or stop working as a guard? You said
7 to us that you continued into 1975, '76 and 1977. Did you
8 continue to work as a guard after that period as well?

9 A. I ceased to work as a bodyguard when the Vietnamese came into
10 the country.

11 Q. So you worked for Pol Pot and the other leaders for
12 approximately nine years as a guard.

13 MR. PRESIDENT:

14 Yes, Counsel, you may proceed.

15 [10.31.54]

16 MR. KARNAVAS:

17 I don't know if this is deliberate or this is just misspeaking.
18 The gentleman never said that he worked for the others. He's
19 repeatedly saying what he did and I think it's somewhat
20 misleading.

21 And so perhaps -- I don't want to read too much into it, but
22 perhaps it could be rephrased to be more correct. Thank you.

23 BY MR. ABDULHAK:

24 I take the point, Mr. President. I think it's a valid point. I
25 will just clarify that with the witness.

34

1 Q. Mr. Tan, whose guard were you? Were you working directly for
2 Pol Pot or were you working for other people?

3 MR. OEUN TAN:

4 A. I was only guarding Pol Pot. As for Nuon Chea, Ieng Sary, and
5 Khieu Samphan, they were living in a different house.

6 [10.31.53]

7 MR. PRESIDENT:

8 Thank you.

9 It is now appropriate for us to take a 20-minute break. We will
10 now break until 10.50.

11 Court officer is instructed to accommodate the witness and his
12 duty counsel and to return them to the courtroom at 10.50.

13 The Court is now adjourned.

14 (Court recesses from 1032H to 1051H)

15 MR. PRESIDENT:

16 Please be seated. The Court is in session.

17 Before handing to the International Co-Prosecutor to continue his
18 questions to this witness, the Chamber observes the presence of
19 the duty counsel. For record, the Chamber requires that the duty
20 counsel tell the Court his name and the code number in the Bar
21 Association of the Kingdom of Cambodia.

22 [10.53.08]

23 MR. SENG RETHY:

24 Good morning, Mr. President. My name is Seng Rethy, I am a lawyer
25 and member of the Bar Association of the Kingdom of Cambodia, and

1 my number is 470.

2 MR. PRESIDENT:

3 Thank you.

4 Now I hand over to the International Co-Prosecutor to continue
5 his questions to this witness.

6 BY MR. ABDULHAK:

7 Thank you, Mr. President. And good morning again, Mr. Oeun Tan.

8 Q. Just before we broke, you said to us that you were guarding
9 Pol Pot, but as for Khieu Samphan and Nuon Chea, they were living
10 in another house. Do you know where that house was -- how far
11 away from Pol Pot's place of residence?

12 [10.54.22]

13 MR. OEUN TAN:

14 A. The house of Khieu Samphan and Nuon Chea was about 300 or 400
15 metres away.

16 Q. Thank you. You said to us that you didn't know what positions
17 they held at that time, did you know anything about their
18 responsibilities, other than that they were meeting often with
19 Pol Pot? What else did they do?

20 A. I never knew about the roles or responsibilities of Khieu
21 Samphan and Nuon Chea, they never told us.

22 Q. Thank you.

23 If I understand correctly, you stayed in Kampong Cham from 1970
24 to 1975. Did Pol Pot stay at this space for that entire period,
25 and do you recall when he left?

1 A. He left Kampong Cham base to come to Phnom Penh in 1975.

2 [10.56.29]

3 Q. Do you recall the month by any chance, was that January,
4 February, March, April -- or how long before the fall of Phnom
5 Penh?

6 A. I do not recall the month.

7 Q. When he left the area, did Khieu Samphan and Nuon Chea also
8 leave or did they stay there?

9 A. During the liberation of Phnom Penh, Khieu Samphan and Nuon
10 Chea went to Phnom Penh first.

11 Q. When you say that they went to Phnom Penh first, do you mean
12 before Pol Pot?

13 A. The three people went there together.

14 Q. Thank you. Thank you for clarifying that.

15 And where were you at that time -- when they left Kampong Cham
16 where were you?

17 [10.58.15]

18 A. When he went to Phnom Penh I was still in Kampong Cham, I was
19 preparing clothes.

20 Q. And what was the reason that you were preparing clothes? Whose
21 clothes were they?

22 A. I was preparing clothes of Pol Pot, of Nuon Chea, for me to
23 take those clothes to Phnom Penh. Pang called up on me, and then
24 I went to Pol Pot after Pol Pot already left for Phnom Penh. It
25 was about half a month after Pol Pot went to Phnom Penh.

1 Q. Thank you. When they left Kampong Cham -- Pol Pot, Nuon Chea,
2 Khieu Samphan -- did Pang leave with them or did he stay behind?

3 A. Pang went with the three of them. Together there were four of
4 them.

5 Q. Thank you. You told my colleague that on the 17th of April
6 1975, you were still in Kampong Cham, how did you hear about the
7 victory of the Khmer Rouge military?

8 A. I heard through broadcast about the victory of the -- about
9 the victory, of course it was broadcast time and again.

10 [11.00.42]

11 Q. And who read that broadcast -- was it issued by anyone in
12 particular?

13 A. Well, we heard from one another.

14 Q. Did you hear the actual broadcast on the radio or did you hear
15 from your colleagues?

16 A. Well, we heard from other people telling one another about the
17 victory, that's all.

18 Q. And when was the first time that you found out that Phnom Penh
19 had been evacuated?

20 A. When I entered Phnom Penh, the city was empty, it was very
21 quiet.

22 Q. Had you heard anything about the evacuation of Phnom Penh or
23 other cities before you saw Phnom Penh being very quiet?

24 A. I was at Kampong Cham. I had no knowledge of the evacuation. I
25 came to learn about this only when I entered Phnom Penh and that

1 the city had already been emptied.

2 Q. Thank you. When you travelled to Phnom Penh, did you travel
3 alone or with other people?

4 [11.03.16]

5 A. I travelled along with other people.

6 Q. How large was that group? And were they all guards like
7 yourself or were there other people in the group as well?

8 A. We came in a group of 10 and we also came along with some
9 belongings to Phnom Penh.

10 Q. Were these the belongings of Pol Pot and Nuon Chea that you
11 said to us you were preparing?

12 A. Yes, it is, the belongings belong to Pol Pot and Nuon Chea.

13 Q. And when you arrived in Phnom Penh, where did you go?

14 A. Upon arriving Phnom Penh, I wouldn't know where other than
15 being at K-1, Pol Pot's house.

16 [11.05.01]

17 Q. And could you describe for the Court where K-1 was and what it
18 was?

19 A. I may need to explain a little bit on this. K-1 is near Tonle
20 Bassac. We were -- it was the location where Pol Pot worked.

21 Q. Is this the location you worked from 1975 to 1979?

22 A. Yes, I worked at this location from 1975 through 1979.

23 Q. And did Pang also work here or was he somewhere else?

24 A. Pang worked with Pol Pot, Nuon Chea, and Khieu Samphan at K-1
25 location.

1 Q. When you say he worked with them, do you know anything about
2 what he did -- what his responsibilities were?

3 A. Pang was ordinarily in charge of the messengers and the
4 production section.

5 Q. And at this point when you arrived at K-1, what position did
6 you hold? What were your responsibilities?

7 [11.07.53]

8 A. When I was in Phnom Penh, I was made the leader of the group
9 by Pang -- the group at K-1.

10 Q. The group that you were the leader of, how large was that
11 group? And what were its responsibilities?

12 A. It was a 10-men group, and we were tasked with cleaning the
13 houses, catering food and meals to Pol Pot, growing vegetables at
14 the river bank, and these were the tasks assigned to us by Pang.
15 And we were also asked to wash clothes for these uncles when they
16 came to work.

17 Q. Did you also have any responsibilities in relation to guiding,
18 apart from the responsibilities you've just described?

19 A. I were made to guard the locations, grow vegetables, wash
20 dishes, deliver foods and meals.

21 [11.09.54]

22 Q. And where were you physically based? Were you inside the K-1
23 compound or elsewhere?

24 A. I was based at K-1 compound. Other people were led by Ken and
25 Lin, another group which was not inside this compound.

40

1 Q. And that was -- was that a second group of guards outside K-1
2 that you're describing?

3 A. Yes, it is correct.

4 Q. You were the leader of this group of 10 guards. Who was your
5 supervisor?

6 A. My immediate supervisor was Pang.

7 Q. In this period from '75 to '79, did you ever guard -- or
8 provide security for any meetings such as what you described
9 before 1975?

10 [11.12.19]

11 A. I used to provide security at the normal workplace.

12 Q. And where was that normal workplace? Was that at the entrance
13 to K-1 or was it in a different part of the compound? Could you
14 describe to us how you would guard and where you would stand?

15 A. It was in the vicinity of K-1 location.

16 Q. And so, just coming back to my previous question, were you
17 ever assigned -- or did you ever guard any meetings at K-1?

18 A. No, I never had any big meeting chaired by me, myself.

19 Normally, there were meetings there chaired by Pang, my immediate
20 supervisor.

21 Q. Thank you, we'll return to those meetings in a little while.

22 You said to us Pol Pot was based at K-1. Do you know where Nuon
23 Chea, Khieu Samphan and Ieng Sary were at that time?

24 [11.14.15]

25 A. Khieu Samphan and Nuon Chea stayed at another separate house

1 called K-3. Ieng Sary was at B-1.

2 Q. Did you ever see Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary
3 meet at any of these places?

4 A. At that time, Nuon Chea, Ieng Sary and Khieu Samphan attended
5 the meetings at K-1 and I don't remember other people who also
6 attended the meeting there.

7 [11.15.49]

8 Q. When they met, did others come to meet with them or was it
9 just these four individuals?

10 A. So far as I know, there were other people from sectors, zones,
11 who also coming to the meetings.

12 Q. And those meetings that were attended by people from the zones
13 and the sectors, how often did those meetings take place?

14 MR. PRESIDENT:

15 Witness, please hold on.

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

17 [11.17.02]

18 MR. VERCKEN:

19 Thank you very much, Mr. President. An objection to a detail, but
20 I wish to inform you that in the French interpretation, it was
21 said that based on the witness's memory, there were people who
22 came from the sector or the zone, and it seems as though the
23 prosecutor had rephrased or reformulated that statement because
24 he referred to representatives, which was not said by the
25 witness.

1 BY MR. ABDULHAK:

2 I'm happy to rephrase that, Your Honours, and I'll try and use
3 the witness's words.

4 Q. You said people from sector and zone -- from the sectors and
5 the zones came. Who were those people? Do you know what positions
6 they held?

7 MR. OEUN TAN:

8 A. I don't know about this. I only learned that there were people
9 from the sectors and zones attending the meeting, and I heard
10 about this through Pang.

11 [11.18.25]

12 Q. And returning to one of my earlier questions, how often did
13 these people come to meet at K-1?

14 A. Sometimes the meetings were held once a month, sometimes once
15 every fortnight, but I think that's just my observation.

16 Q. Just to clarify -- I want to make sure we understand correctly
17 -- the meetings which people from the sectors and zones came to
18 attend, were they meetings with Pol Pot, Nuon Chea, Ieng Sary,
19 and Khieu Samphan?

20 MR. KARNAVAS:

21 Mr. President, if I may, just before the witness gives the
22 answer--

23 MR. PRESIDENT:

24 Witness, please hold on. Wait until we rule upon the position by
25 the counsel.

43

1 Counsel Karnavas, you may now proceed.

2 [11.20.00]

3 MR. KARNAVAS:

4 Thank you, Mr. President. I think by lumping all of them together
5 may be misleading. It may give us the wrong answer.

6 I would prefer, and I would suggest that a more cautionary
7 approach be taken such as who attended those meetings, who was
8 present from the leaders, how often, as opposed to lumping them
9 all together and the witness saying "yes" because it doesn't tell
10 us that all of them were there at every single meeting, some of
11 them, or only one or two of them.

12 So I think I would prefer, Mr. President-- Otherwise, it is
13 misleading and the answer is not helpful to us.

14 MR. ABDULHAK:

15 Mr. President, I certainly intend to ask all of those questions.
16 The reason I put my question in the terms that I did is because I
17 heard the witness say that he saw Pol Pot, Khieu Samphan, Ieng
18 Sary, and Nuon Chea meet at K-1, and I understood him to be
19 saying that others attended there as well from the sector and the
20 zone. And so I was simply trying to clarify whether those were
21 the same meetings. But I'm in your hands. I'm prepared to proceed
22 as you prefer.

23 [11.21.19]

24 MR. PRESIDENT:

25 The objection is not sustained.

44

1 The Chamber wishes to hear the response from witness to the
2 question currently put to him by the prosecutor.

3 MR. ABDULHAK:

4 Mr. Tan, would you like me to repeat the question?

5 MR. OEUN TAN:

6 No-- please repeat.

7 MR. PRESIDENT:

8 Mr. Oeun Tan, do you still remember the last question put to you
9 by the prosecutor? If you remember, you can respond to it.

10 MR. OEUN TAN:

11 I think I remember it.

12 MR. PRESIDENT:

13 Then respond.

14 [11.22.30]

15 MR. OEUN TAN:

16 Please, Mr. Co-Prosecutor, clarify the question.

17 BY MR. ABDULHAK:

18 Q. Yes, Mr. Tan. You described meetings that were attended by
19 people from the sectors and the zones which took place sometimes
20 on a monthly basis, sometimes on a fortnightly basis.

21 My question was: Were these meetings attended by Pol Pot, Nuon
22 Chea, Ieng Sary and Khieu Samphan?

23 MR. OEUN TAN:

24 A. There were people from sectors and zones at the place of Pol
25 Pot and there were Khieu Samphan, Ieng Sary, and Nuon Chea in the

1 meetings.

2 [11.23.32]

3 Q. Thank you. Did Pang attend these meetings, as far as you knew?

4 A. My apologies for not including Pang in my statement. Indeed,
5 he was there in the meetings.

6 Q. Do you know who organized these meetings?

7 A. These meetings were organized by Pol Pot who chaired the
8 meetings.

9 Q. And how did he organize them? Do you know how it was that
10 others were called to attend?

11 A. Whenever meetings were conducted -- before meetings were
12 conducted, people would be called through letters. People from
13 sectors and zone would be invited through invitation.

14 Q. Do you know who wrote those invitations and who sent them out?

15 A. The author of the invitations was Pol Pot, and the invitations
16 had to be sent through me and other people who were messengers.

17 [11.25.51]

18 Q. So did you receive these letters from Pol Pot personally or
19 from someone else?

20 A. I received them from Pang, and letters would then be sent to
21 K-7, where messengers at K-7 would pick up and relay to other
22 locations.

23 Q. And, just to make sure I understand, did you personally carry
24 letters from K-1 to K-7, such as the letters you just described?

25 A. Yes, I did.

1 Q. And did you provide any other assistance in the organization
2 of these meetings?

3 A. Yes, but I only provided some services like cleaning the
4 vicinity of the meetings.

5 [11.27.29]

6 Q. And who asked you to do that? Who were you receiving your
7 instructions from?

8 A. It was Pang who was overally (phonetic) in charge.

9 Q. Did you ever discuss these meetings with Pol Pot? Did he ever
10 tell you anything about them?

11 A. I only heard through Pang that there would be meetings, and
12 this information was only told to me by Pang.

13 Q. Approximately how many people would attend these meetings?

14 A. Sometimes there were about 10 to 17 attendees, and the maximum
15 would be 10 to 15 people. That's all.

16 Q. As far as you recall, how long were these meetings? How long
17 did they last?

18 A. Sometimes the meeting lasts a whole day. Sometimes it took two
19 days to conclude a meeting.

20 [11.29.57]

21 Q. And as these meetings continued, were Pol Pot, Khieu Samphan,
22 Nuon Chea, Ieng Sary present for the full duration of these
23 meetings?

24 A. Yes, they were.

25 Q. I know we're going back in time, quite a long period, but are

1 you able to recall when the meetings started and when they ended
2 on any given day -- 8 o'clock in the morning, 9 o'clock in the
3 morning? And when did they finish, if you do have a clue?

4 A. As I know, the meetings began at 7 o'clock in the morning
5 until 11 o'clock, when we broke for lunch. And then the meetings
6 would resume at 2 o'clock in the afternoon and finish at 5
7 o'clock.

8 Q. When you say "we broke for lunch", were you guarding or
9 providing security while these meetings were taking place?

10 [11.31.48]

11 A. When they broke for lunch, I was guarding the compound.

12 Q. Did you know anything about the purpose of these meetings? Why
13 were these men -- these people meeting at K-1?

14 A. I never knew anything about the purpose of these meetings as I
15 was simply a bodyguard. The leaders never told us about that. My
16 work was only to guard the meetings and I was to position myself
17 20-metres away from the meeting. They never told us.

18 Q. Did you ever discuss what happened in those meetings with
19 Pang, who was your supervisor?

20 A. No, I never discussed that with Pang. He generally instructed
21 me concerning the guarding work. He only told me that, for
22 example, the particular day, we would have a meeting, and I was
23 to prepare the compound and to prepare the houses.

24 MR. ABDULHAK:

25 Thank you.

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1 Mr. President, what I would like to do at this point is show the
2 witness his statement given to the Co-Investigating Judges. There
3 are only just a couple of details that I would like to see if the
4 witness can confirm rather than me leading him through the
5 evidence. That might be more efficient. If I have your
6 permission, we'll proceed in that manner.

7 [11.34.36]

8 MR. PRESIDENT:

9 You may proceed.

10 Please identify the documents that you intend to refer to before
11 I decide.

12 [11.34.49]

13 MR. ABDULHAK:

14 Thank you, Your Honour. I apologize for omitting that reference.
15 It is document D107/2. It has been admitted under an E3 number,
16 and that is E3/33. It's dated the 19th of October 2008 and, as I
17 said, it's a written record of the interview of this witness.

18 MR. PRESIDENT:

19 International counsel for Mr. Khieu Samphan, you may proceed.

20 MR. VERCKEN:

21 Thank you, Mr. President. I'm just asking myself about the
22 usefulness of what the Co-Prosecutor wishes to do.
23 Recently, we have seen the Prosecution use previous statements
24 when the witness did not remember the details that were tendered,
25 but it doesn't seem to me that the prosecutor has identified

1 specifically the details that the witness does not remember, and
2 I do not believe that we should simply just re-read previous
3 witness interviews.

4 If the point is just reading the records just to have them say
5 this is what happened and this is what not happened, we could do
6 it without the witness.

7 So I don't understand what the Prosecution is proposing, so I'm
8 basically asking for clarification.

9 [11.36.49]

10 MR. ABDULHAK:

11 Well, Mr. President, what we just did is to elicit from the
12 witness his testimony about these meetings, and given that he
13 gave a statement four years ago, it is not unusual that there may
14 be differences in some respects. And all I'm seeking to do is see
15 if the witness can look at that statement and let us know if that
16 is an accurate or truthful statement.

17 I know Your Honours asked him that question at the beginning, but
18 it is difficult, these are long statements, and if we can direct
19 his attention to a particular passage, I think it would assist
20 everyone in knowing exactly what the witness's account is.

21 MR. PRESIDENT:

22 The Defence objection is not sustained.

23 The prosecutor may proceed with his line of questioning.

24 [11.37.54]

25 MR. ABDULHAK:

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1 Thank you, Mr. President.

2 With your permission, I have a copy of the statement for the
3 witness. And we would like to show the Khmer version on the
4 screens also.

5 [11.38.10]

6 MR. PRESIDENT:

7 You may proceed.

8 Court officer is instructed to take the hardcopy to the witness.

9 The relevant assistant is instructed to put up the document on
10 the screen as well.

11 BY MR. ABDULHAK:

12 Thank you, Mr. President.

13 Q. Mr. Tan, as I just indicated, these are matters which took
14 place a very long time ago and we simply want to see if the text
15 in this statement is an accurate reflection of your memory. We're
16 looking at page, in Khmer 00231800, in French 00235331 and in
17 English 00235127. If we can show that page, that Khmer page on
18 the screen, we will proceed from there.

19 I believe we have it ready, so if the AV Unit could just project
20 the image now? Thank you.

21 [11.39.40]

22 Mr. Tan, I just wish to read to you one question and answer and
23 see if you recall making that statement, and let us know if that
24 is an accurate account.

25 Question: "What was the function of K-1?"

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1 Response: "It was the site where Pol Pot routinely lived and
2 worked and was the site where he met with the district
3 committees, sector committees and zone committees. The meetings
4 were held once monthly with Pol Pot leading the meetings, and he
5 was the one who personally called the meetings. The attendees
6 were Ieng Sary, Nuon Chea and Khieu Samphan, but Ieng Thirith did
7 not regularly attend, just once in a while when the meetings
8 involved social action."

9 I'll just stop there for a moment.

10 You described in that passage the people who attended the
11 meetings as district committees, sector committees and zone
12 committees; is that an accurate statement? And do you recall
13 saying that?

14 [11.41.07]

15 MR. OEUN TAN:

16 A. At the time during the interview, I remembered everything I
17 said and I did not say anything that I did not remember. As I
18 indicated earlier, all my statements are accurate, and that can
19 be used as the documents. So I would like to say that I only said
20 what I remember.

21 Q. Thank you very much.

22 I will just move on to just read the rest of that passage, just
23 because there's one more fact there which I just want to make
24 sure that you do recall, or if you don't, for you to please tell
25 us. The passage continues:

1 "Aside from them, the sector committees, zone committees and the
2 district committees also attended, but I do not know their names.
3 At every meeting, Pang was in attendance since he held general
4 responsibility as the person in control of Office 870. I knew
5 that the sector committees attended the meetings because Uncle
6 Pol Pot ordered me to set up the meeting site. He said they were
7 zone and sector meetings."

8 Do you recall saying that, Mr. Tan? Is that an accurate statement
9 that it was Uncle Pol Pot who told you to set up the meetings and
10 that they were with zones and sectors?

11 [11.42.57]

12 A. Pol Pot told me that there would be sectors and zones to
13 participate in the meetings. That's what he told me.

14 Q. Thank you.

15 You said to us that letters were sent to -- through you and then
16 through K-7 to invite people from the sectors and the zones to
17 attend. Do you know how Nuon Chea, Ieng Sary, and Khieu Samphan
18 were called to attend, if they were called to attend? Do you know
19 how their attendance was organized?

20 A. At the time, when we had meetings, letters would be sent to
21 the prospective attendants, sent to those three people, Ieng
22 Sary, Khieu Samphan, and Nuon Chea, and the letters were also
23 sent to district, zone, sector committees.

24 [11.44.27]

25 Q. And I just want to make sure we understand. You said the

1 meetings took place monthly and sometimes fortnightly. As far as
2 you recall, did Ieng Sary, Nuon Chea, and Khieu Samphan attend
3 these meetings regularly?

4 A. In each meeting there were Mr. Khieu Samphan, Ieng Sary, Nuon
5 Chea, and others. They were there regularly; either the meeting
6 was held monthly or fortnightly.

7 [11.45.28]

8 Q. There's just a small fact that I wish to clarify in relation
9 to the length of the meetings. I think you said earlier that
10 sometimes they lasted one day, and sometimes they last two days,
11 if I'm correctly summarizing your testimony. Did they ever last
12 longer than that or do you not recall?

13 Q. At that time, as I know, if the workload was minimal, the
14 meeting last only for one day. But if the workload was heavy,
15 then the meeting could last two or three days.

16 Q. And the people that came to attend from sectors and zones and
17 districts, did you notice if they were the same people that would
18 attend each meeting or were they different groups that would come
19 and meet?

20 A. From my observations, they were the same people. The same
21 people came to the meetings.

22 Q. Thank you.

23 At that time, did you know what position Nuon Chea held?

24 A. As I indicated earlier, I never knew the role of Nuon Chea,
25 honest.

1 [11.47.57]

2 Q. Thank you.

3 Did you know anything about the positions of Ieng Sary and Khieu
4 Samphan?

5 A. As for Ieng Sary and Khieu Samphan – well, for Mr. Ieng Sary,
6 between 1975 and 1979 he was at the Ministry of Foreign Affairs.
7 But as for Mr. Khieu Samphan, I did not know anything about that.

8 Q. Did you know anything about the level at which these people
9 were within the Party? Were they considered low level people,
10 high level, medium level? Did you know anything about that?

11 A. I never knew as to what level those people were at. I have
12 said that I did not understand a lot about the leadership, I did
13 not know what they did at the leadership.

14 Q. You said you didn't know anything about what they did at the
15 leadership, as far as you knew, were Nuon Chea, Khieu Samphan and
16 Ieng Sary members of the leadership?

17 [11.50.06]

18 A. Yes, they were.

19 Q. What about Pang? Was he a member of the leadership?

20 A. My apologies; Pang was also a member of the leadership. He was
21 a leader as well because he was generally managing the unit.

22 Q. Thank you.

23 You mentioned earlier Office 870. Do you know what Office 870
24 was?

25 A. Office 870 was led by Pang, but I did not know what role

1 Office 870 had.

2 Q. Now, you have described very comprehensively for us what you
3 knew about the regular meetings with people from the sectors and
4 the zones. Were there other meetings at K-1 or at K-3, where the
5 leaders met?

6 A. No, there were no meetings at K-3. There were only meetings at
7 K-1. K-3 was the residence places for Nuon Chea and Khieu Samphan
8 and the workplace was at K-1.

9 [11.52.44]

10 Q. When you say the workplace, was it K-1 -- do you mean the
11 workplace of Pol Pot or do you mean the workplace of all the
12 leaders?

13 A. At K-1, it was the workplace for all leaders. As for K-3 --
14 rather everyone was to attend meetings at K-1. No meetings were
15 held at other places.

16 Q. And how often did Nuon Chea, Khieu Samphan, and Ieng Sary come
17 to work at K-1?

18 A. From my observation, when there was each meeting these people
19 came frequently. They came frequently, according to my
20 observation.

21 Q. As far as you know, did they work together with Pol Pot --
22 they meet together -- or were they working separately at K-1?

23 A. They were there in one place.

24 [11.54.56]

25 Q. Just to follow up on that -- and please tell me if this is not

1 correct -- from what you just described would it be fair to say
2 that Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan worked
3 together?

4 A. Yes, it is correct to say so from what I have said. Yes, it
5 is.

6 Q. Now, you described them earlier as leaders. Do you know, as a
7 group, what responsibilities the leaders had or what functions
8 they performed, what they did?

9 A. I never knew about that. As I said previously, I will answer
10 on the basis of what I knew. The leadership never told us about
11 that. For us, at the lower level, as a bodyguard, we wait to be
12 told as to what to do. And as for the leadership work, we were
13 never told about that. We were at a lower level and we were never
14 told.

15 Q. Thank you.

16 When you were answering questions posed by my colleague, you
17 mentioned that you accompanied Pol Pot on a number of trips
18 before 1975. Did you ever travel with him between 1975 and 1979?

19 [11.57.18]

20 A. My answer to this question is that, between 1975 and 1979, I
21 also accompanied him to Phnom Penh, to Battambang and sometimes
22 from Phnom Penh to Kampong Chhnang, sometimes from Phnom Penh to
23 Siem Reap. He usually called upon me to go with him. Sometimes we
24 went to the canal place to where people were planting rice.

25 Q. And what did Pol Pot do during these trips, apart from

1 visiting canals, sorts of places where people were growing rice?

2 A. At the time, he visited canals, he visited sectors as well.

3 But I did not know what he talked about because I was far away

4 from him. As a bodyguard, I was about 10 metres away from him. I

5 did not know what he said to the sector committees.

6 [11.59.24]

7 Q. So, just to confirm, do I understand correctly that he met

8 with sector committees during those trips, but you didn't -- you

9 didn't participate in those meetings, you didn't hear what was

10 discussed?

11 A. It is true. It is like that.

12 Q. Do you recall where it was in Kampong Chhnang that you

13 visited?

14 A. It was many years ago. I do not remember it.

15 MR. ABDULHAK:

16 Thank you.

17 Mr. President, at this point I would move on to a new topic, and

18 I can do so, but given the time, I'll do as you direct.

19 MR. PRESIDENT:

20 Thank you.

21 It is now appropriate for us to break for lunch. We will break

22 now until 1.30 in the afternoon, when we will resume our

23 proceedings.

24 Court officer is instructed to accommodate witness and his duty

25 counsel in their waiting room and to return them to the courtroom

1 by 1.30.

2 Yes, Counsel for Nuon Chea, you may proceed.

3 [12.01.09]

4 MR. PESTMAN:

5 Thank you very much, Mr. President. My client requests permission
6 to follow the remainder of the afternoon from the holding cell.

7 MR. PRESIDENT:

8 Thank you. Please be seated, Counsel.

9 Having heard the request of Mr. Nuon Chea made through his
10 counsel to follow the proceeding remotely for the remainder of
11 the proceedings today, as he waives his right to be present in
12 this courtroom, the Chamber grants the request of accused Nuon
13 Chea, made through his counsel, to follow the proceedings
14 remotely through audio-visual means for the remainder of today's
15 proceedings. He waives his right to be present in this courtroom.
16 The Chamber requires that the Defence Counsel for Nuon Chea
17 submit immediately to the Chamber the written waiver of Mr. Nuon
18 Chea with the thumbprint or signature of the Accused.
19 AV Unit officials are now instructed to live the proceedings to
20 the holding cell downstairs for the accused Nuon Chea to follow
21 for the remainder of the proceeding.

22 [12.02.34]

23 Security guards are now instructed to bring the accused person to
24 the holding cell downstairs and to keep Mr. Nuon Chea there for
25 him to follow the proceeding remotely and to bring back Mr. Khieu

1 Samphan by 1.30.

2 The Court is now adjourned.

3 (Court recesses from 1202H to 1331H)

4 MR. PRESIDENT:

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

6 We would like to now hand over to the prosecutor to proceed

7 further questions. You may now proceed.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President. Good afternoon, Mr. Tan. Thank you for
10 coming back.

11 Q. Just before the break, I intended to start a new topic, but
12 during the break, I've been reviewing my notes and I noticed
13 there may be a need to clarify one particular aspect of the
14 meetings you've testified about.

15 You told us and described in some detail the meetings with people
16 from districts, sectors, and zones, and you also said to us that
17 you -- that Pol Pot, Nuon Chea, Khieu Samphan, and Ieng Sary
18 worked together at K-1.

19 I want to ask you just to make sure that the record is fully
20 complete. Apart from those meetings with the sectors and
21 districts and zones, were there other meetings at K-1 where other
22 people met without the presence of people from the sectors and
23 the zones?

24 [13.34.06]

25 MR. OEUN TAN:

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1 A. No, there weren't. The meetings took place only at one
2 location.

3 Q. Do you recall discussing with the Co-Investigating Judges
4 meetings that you described as special meetings? Do you recall
5 talking about those types of meetings at K-1?

6 A. No, I don't. I think I forget about this.

7 Q. Very well. Thank you.

8 Mr. President, with your permission I would propose to take the
9 witness to a section of his interview, a document we've already
10 looked at, E3/33. The witness has a copy, and with your
11 permission, we would -- we'll project it on the screen. The
12 relevant ERNs in English 00235130, in French 00235333 to 334, and
13 in Khmer 00231803 to 804.

14 With your permission, we'd like to show that to the witness.

15 [13.36.00]

16 MR. PRESIDENT:

17 You may proceed.

18 BY MR. ABDULHAK:

19 And if the AV Unit could assist us by showing that document on
20 the screen?

21 Q. I might start reading, Mr. Tan, and you can -- you can listen
22 to the interpretation or look at the document in front of you,
23 and hopefully it will come up on the screen as well shortly.

24 Question: "Did you ever know about other meetings not attended by
25 the sector and zone leaders? Were there any meetings with less

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1 than 20 people attending?"

2 Answer: "I saw that there were. Sometimes there were meetings
3 with only 10 members in attendance, or less than 10. I remember
4 Ieng Sary, Nuon Chea, Khieu Samphan and Pol Pot attending these
5 special meetings. As for the other attendees, they were not from
6 the sector committees or zone committees. They were all people
7 who worked in Phnom Penh. But I do not know their names or
8 positions. The special meetings occurred only in cases of
9 necessity like resolving food supplies, putting up dams." Full
10 stop.

11 [13.37.28]

12 Mr. Tan, do you recall making that statement, and is that an
13 accurate description of meetings you saw?

14 MR. OEUN TAN:

15 A. Yes, I do. And, yes, it is correct.

16 Q. Do you recall why it was that you described them as special
17 meetings?

18 A. I saw about 10 people coming to the meeting, and it was my
19 guess that there could have been a special meeting, the content
20 of which was not known to me.

21 Q. When you say they -- the statement, passage we just read, when
22 you say that they took place in cases of necessity to resolve
23 food supplies, deal with putting up dams, where did you obtain
24 that information? How did you know that?

25 A. I was told by Pang that today the meeting would be convened as

1 a special one and that Pol Pot, Ieng Sary, Khieu Samphan, Nuon
2 Chea would be the attendees. I don't recollect the other people
3 in the meeting.

4 [13.39.48]

5 Q. Thank you. Now, moving on to another topic, Mr. Tan, you
6 described earlier how you took letters from Pol Pot and Pang at
7 K-1 to K-7, and then the letters would be sent further from
8 there. Did you ever carry letters from K-7 back to K-1? Were
9 there such occasions?

10 A. I carried letters from K-7 to K-1, where I presented them to
11 Pol Pot.

12 Q. Thank you. We'll come back to the letters in a minute.

13 I just want to ask you, were there any telegrams? Were telegrams
14 used by K-1?

15 A. Telegrams were used at K-1. However, I do not know where the
16 telegrams would be sent to, although I know that such telegrams
17 did exist at K-1.

18 [13.41.43]

19 Q. And could you tell the Court where the telegraph office or
20 place from which telegraphs were sent and received, where that
21 office was?

22 A. At that time, there were letters from Pol Pot sent through
23 telegrams, and Phang was the one who was in charge of this -- was
24 in charge of these letters to ensure that they could be sent
25 outside.

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1 Q. Is this the Pang who you described to us earlier, or was that
2 a different individual?

3 A. The person at the telegram section was called Phang.

4 Q. So that's a different person from the one we discussed
5 earlier, just to confirm.

6 A. Indeed, these are two different individuals. Pang was in
7 charge - overally (phonetic) in charge, when Phang was in charge
8 of the telegram section.

9 [13.43.38]

10 Q. Thank you. You carried letters between K-1 and K-7. Did you
11 have any responsibilities in relation to the telegrams and the
12 office where Phang worked, the telegram site?

13 A. There were -- there was some young people, who were
14 subordinates to Phang, who carried the letters to me, who
15 presented them to Pol Pot.

16 Q. So I'll try and summarize if I can -- and please do correct me
17 if -- if I'm wrong.

18 Phang, at the telegram -- telegraph site, would receive
19 telegrams, and then his messengers would bring them to you, and
20 you would hand them to Pol Pot; is that a correct description of
21 how the telegrams travelled?

22 A. Yes, it is correct.

23 [13.45.12]

24 Q. Do you recall how often you received telegrams and transmitted
25 them to Pol Pot?

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1 A. Sometimes I had to transmit them two to three times a day.

2 Q. When you gave these telegrams to Pol Pot, did he ask you to do
3 anything else?

4 A. After delivering the letters to Pol Pot, I was also tasked
5 with catering and guarding.

6 Q. Did Pol Pot ever ask you to carry the telegrams anywhere else
7 once he has received them and read them? Did he ever ask you to
8 do anything with them, carry them anywhere else?

9 A. Yes, I used to also took them to -- also, yes, took them to
10 Nuon Chea.

11 Q. And did you ever take telegrams to any other individual apart
12 from Nuon Chea?

13 A. No.

14 Q. You said you received telegrams sometimes two or three times
15 per day and then you gave them to Pol Pot. Were all of those
16 telegrams sent to Nuon Chea, or only some?

17 A. After Pol Pot had read them all, they had to be transmitted to
18 Nuon Chea.

19 [13.48.39]

20 Q. So does that mean that all telegrams that were sent to Pol Pot
21 you would subsequently carry also to Nuon Chea? Is that correct?

22 A. Yes, it is.

23 Q. Do you know whether any of the other leaders received
24 telegrams?

25 A. I don't know about the other leaders.

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1 Q. Thank you. Now, you have described carrying telegrams from Pol
2 Pot to Nuon Chea. Did you ever carry any correspondence from Nuon
3 Chea to Pol Pot?

4 A. No, I don't -- I didn't.

5 [13.50.12]

6 Q. And where did you deliver those letters to? Where did you give
7 them to Nuon Chea?

8 A. I gave them to him at K-3 where he stayed.

9 Q. Coming back to outgoing telegrams, could you describe whether
10 there were any that were sent from K-1 -- that is, from Pol Pot?
11 If there were any, how were they sent? Could you describe for us?

12 A. There were envelopes on which writing were made, but the
13 letters was sent to K-1 and K-7, indeed.

14 Q. I'm sorry. I think my question was confusing. I'm just
15 interested in the telegrams, if any, that were being sent from
16 Pol Pot -- that is, whether any telegrams were delivered from K-1
17 to the telegram office of Phang.

18 A. Yes. Pol Pot telegrams would also be sent to Phang's office.

19 Q. Do you recall how often that -- that was the case?

20 A. Sometimes on a particular day, the telegrams would be sent
21 once or twice.

22 [13.53.06]

23 Q. Thank you. You've said to us incoming telegrams, telegrams
24 that you gave to Pol Pot, were later delivered by you to Nuon
25 Chea. Could you tell us what happened to letters that came

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1 through K-7 -- that is, letters which came to K-7 and were then
2 carried to K-1 and given to Pol Pot? Were those letters given to
3 Nuon Chea or anyone else?

4 A. No.

5 Q. Thank you.

6 I would like to just return to a few issues which you've
7 discussed earlier today and see if we can just get more
8 information from you.

9 You said to us that when you joined the revolution you were --
10 you submitted a biography. Was that the only biography you
11 submitted, or were you ever asked to write other biographies at
12 any point?

13 A. That was the only occasion I was asked to write the biography.

14 [13.55.44]

15 Q. Thank you.

16 You also talked about seeing the "Revolutionary Flag" and
17 "Revolutionary Youth" magazines. Could you tell the Court where
18 you saw these magazines?

19 A. I saw the "Revolutionary Flag" and the magazines in 1975-1976.

20 However, I have no idea as to the content of the magazines.

21 Q. Thank you. I meant to ask you this question, and I skipped it.

22 I apologize. So I will just ask it now: When you said you joined
23 the revolution, is this the time when you joined the Party itself
24 or the -- or an organization called the "Revolutionary Youth"?

25 What, if any, organizations did you join at that point, when you

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1 joined the revolution?

2 A. When I joined the revolution, I directly joined Pang's group.

3 [13.57.42]

4 Q Thank you. Were you told that you were a member of any party
5 such as the Communist Party of Kampuchea?

6 A. At that time, I, myself, was told that I joined the Youth
7 League and I was member of the Youth League.

8 Q. Thank you very much.

9 One other question which I omitted to ask you in relation to the
10 period just before April '75: You said this morning that Pol Pot,
11 Nuon Chea, and Khieu Samphan went to Phnom Penh together; how did
12 you know that they went to Phnom Penh together?

13 A. I don't know how they got there. I don't know whether they
14 were there by bus or by other means because I was behind.

15 Q. Very well. But as you say, you were behind in Kampong Cham,
16 but you knew that they -- they went to Phnom Penh. And all I'm
17 interested in is how did you know that fact.

18 A. Pang told me that Pol Pot, Nuon Chea, and Khieu Samphan
19 accompanied by Pang to Phnom Penh, and I was told by him.

20 [14.00.02]

21 Q. Thank you. Just while we're discussing Pang, I believe you
22 said he was overall in charge of Office 870. Did you ever hear of
23 a man called Sua Vasi, alias Doeun?

24 A. No, I don't know him.

25 Q. Thank you.

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1 Now, coming back to Pang, I believe you told us this morning that
2 you attended meetings with Pang. Could you tell us how often
3 those meetings took place?

4 A. Pang called upon me to attend a meeting to receive
5 instructions, and so I joined it. In my group, there were 10 of
6 us. He said we were to convene a meeting, and everyone received
7 instructions regarding guarding and planting vegetables to
8 support ourselves.

9 Q. Could you tell us who -- who attended the meetings with Pang
10 apart from yourself?

11 A. At that time, there were those who came from my group and
12 those bodyguards who guarded the outside of the compound.

13 [14.02.40]

14 Q. And just to make sure I understand, was it only heads of units
15 that were called, or was it also other people working in and
16 around K-1?

17 A. During the meeting, there were both the head of the group and
18 the members of the group with Pang.

19 Q. And after these meetings when you received instructions, did
20 you -- were you responsible to pass instructions to any of your
21 subordinates, or were they always attending with you?

22 A. My subordinates were also in the meetings.

23 [14.03.54]

24 Q. Were any other topics discussed at these meetings apart from
25 daily work instructions? Were there any other issues discussed?

1 A. During that time, there was no other discussion than the one I
2 told you. Pang lead the meetings.

3 Q. But as chief of a bodyguard unit of 10 people, were you given
4 any instructions at these meetings or at other meetings about how
5 to manage security?

6 A. At the time only Pang was there. He was the one who gave the
7 instructions.

8 Q. Do you mean Pang was the one who gave instructions about
9 security matters? Is that what you're saying?

10 [14.05.42]

11 A. I am not clear with the question. Can I have it again, please?

12 Q. Sure. I was just interested in whether you received
13 instructions as to how to manage security at K-1. As you were in
14 charge of the internal bodyguard unit of 10 people, I was
15 interested whether you could tell us if Pang was the one who gave
16 you instructions about how to manage security?

17 A. Yes, it is correct.

18 Q. And, as far as you recall, were there ever any breaches of
19 security by any of the staff at K-1?

20 A. There was no such problem at my place.

21 Q. Could you tell the Court, as far as you recall, what happened
22 to Pang?

23 A. Later on, I was at K-1 but I cannot recall the year. Pang
24 disappeared. I wondered, where could he have been? I did not see
25 him. I just kept my doubts inside me, I did not tell anyone.

1 Q. And how did you feel after -- after he disappeared?

2 [14.08.26]

3 A. I had a feeling as I was at K-1. I did not know what will
4 happen, as my superior disappeared. I felt afraid. He disappeared
5 for three or four days. I felt afraid, but I had to try to work.

6 Q. What was the reason that you were afraid by the fact of his
7 disappearance, why were you afraid?

8 A. I was afraid because, as Pang disappeared, I would be
9 disappear -- disappeared as well, so I tried to work at K-1. I
10 cleaned clothes, I grew vegetables, I worked as others did.

11 [14.10.18]

12 Q. Did you discuss your feelings with any of your colleagues? Did
13 you discuss your fear with them?

14 A. I dare not talk about my feeling. Everything was within me, I
15 dare not say about it.

16 Q. I just want to clarify one fact, Mr. Tan, but before I do that
17 let me ask you just one other question: Apart from Pang's
18 disappearance, did anyone else disappear from K-1 or from the
19 other units that were surrounding K-1?

20 A. Besides Pang's disappearance at either K-1 or at other units,
21 I did not see any others who disappeared.

22 Q. When my colleague was asking you questions this morning, you
23 said that before 1975, if people committed misconduct by, for
24 example damaging property or livestock, that they would be called
25 for re-education. Did that ever happen after 1975?

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1 [14.12.26]

2 A. Either at the place where I stayed or elsewhere, when there
3 was a misconduct I tries to educate those people, telling them
4 that they should not destroy, for example property or livestock,
5 to educate those people at the lower level for them to
6 understand.

7 Q. And when you took the position of the head of that unit of 10
8 guards, could you first tell us the specific date or month and
9 year, if you do recall, when you were given that position?

10 A. I cannot recall it. It was many years ago. If I remember, I
11 will tell you, but it was long time ago.

12 Q. Thank you. Was anyone else the head of that unit before
13 yourself? Before you were appointed, was anyone else in that
14 position?

15 A. Before I was appointed -- well, I do -- I do not really
16 understand the question, can I have it again?

17 [14.15.01]

18 Q. Sure. You were not -- you said to us you were not able to
19 recall the exact time that you were appointed as the head of that
20 10-guard unit, and I'm just wondering whether before you were
21 appointed -- whether there was another individual who was in
22 charge of that unit.

23 A. There was no one, only I who was appointed to control that
24 unit.

25 MR. ABDULHAK:

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1 Mr. President, out of fairness to the witness, I have a statement
2 of another witness who describes the situation at K-1, and does
3 mention Mr. Oeun Tan. And, following the Chamber's practice from
4 yesterday, with your permission, I would show the witness that
5 statement which we have redacted.

6 The witness is TCW-620, and that witness has been listed by the
7 Trial Chamber on the list of witnesses to be called.

8 I just wish to be fair to the witness and put this statement that
9 relates to him before him today so that he can comment on it.

10 The statement is D91/9, and it is also document number E3/104. As
11 I said, I have a redacted version of it. I can also read from it
12 if Your Honours prefer that approach.

13 (Judges deliberate)

14 [14.21.29]

15 MR. PRESIDENT:

16 You may proceed with the document to be used as the basis for
17 your questions to this witness.

18 However, prosecutor is instructed to provide the hard copy of the
19 document that is E3/104 to the duty counsel so that he can advise
20 witness as to who gave this statement and that witness shall not
21 refer the individual who gave the testimony by his or her name.

22 MR. ABDULHAK:

23 I can refer the counsel to the relevant page if that is of any
24 assistance.

25 Counsel, the section which we're -- the section from which I wish

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1 to read is at the Khmer ERN 00204053, and perhaps the court
2 officer can assist in locating that page.

3 Perhaps counsel can review that and then we can continue, Your
4 Honour.

5 [14.23.42]

6 MR. PRESIDENT:

7 Duty Counsel, can you find any names of -- the one who gave the
8 testimony in that document?

9 MR. SENG RETHY:

10 Mr. President, I cannot find the name of the one who gave the
11 statement because the names have been redacted.

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, you are instructed to provide the document
14 with the name to the duty counsel so that the duty counsel can
15 further advise witness that witness may know the one who gave the
16 testimony. But when witness answer the question, witness is not
17 supposed to refer to that person who gave the testimony by his or
18 her name.

19 MR. ABDULHAK:

20 Thank you, Mr. President. We have - we have an un-redacted
21 version as well, we're providing that now.

22 (Short pause)

23 [14.25.08]

24 MR. PRESIDENT:

25 Duty Counsel, you can just read the document and read out the

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1 name for witness, and ask him whether he knows the one who gave
2 the testimony, and advise him not to refer to the name when he
3 gives answers to the Co-Prosecutor? We just want to make sure
4 that the witness knows the person who gave the testimony in that
5 document. So just advise witness of the name of the person and
6 ask him whether he knows the person or not.

7 Yes, Defence Counsel, you may proceed.

8 MR. VERCKEN:

9 Yes. In the meantime, could we be notified of the page and of the
10 paragraph that the prosecutor wishes to read out in the different
11 versions?

12 MR. PRESIDENT:

13 Yes, Prosecutor. You may proceed by giving the ERN numbers in the
14 three languages to the Court.

15 MR. ABDULHAK:

16 Thank you, Mr. President.

17 [14.26.59]

18 The passages appear in English at 00204061 and the following
19 page. In French, they are at 00524374 and the page following. And
20 in the Khmer, as I indicated earlier, 00204053.

21 MR. PRESIDENT:

22 Then you may proceed, Mr. Co-Prosecutor.

23 BY MR. ABDULHAK:

24 Thank you, Mr. President.

25 Q. Mr. Tan, I just want to say to you that we're not -- I'm not

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1 seeking to accuse you of anything. I just wish to put this
2 account to you because others may also ask you about it, and I
3 want to give you an opportunity to respond.

4 This individual who worked also in security said the following.

5 [14.28.36]

6 Question: "Did you ever hear of any arrests of person accused of
7 treason?"

8 To which that witness responded:

9 "I did hear about this, but those accused of treason were mostly
10 those with major positions, such as Sem, who was the chairman of
11 K-1 before Tan alias Khiev, who was also the person who announced
12 that Sem had committed treason."

13 I'll just stop there.

14 Mr. Tan, first of all, without mentioning the person's name, the
15 person who made this statement, do you recognize that person?

16 MR. OEUN TAN:

17 A. I do not know this person.

18 Q. And is what this person states, is it an accurate statement
19 that there was an individual called Sem who was a chairman before
20 yourself, who was removed because he committed treason? Is that
21 correct?

22 [14.30.19]

23 MR. PRESIDENT:

24 Witness, please hold on.

25 Yes, Counsel, you may proceed.

1 MR. ANG UDOM:

2 Thank you, Mr. President, Your Honours.

3 Before this document was brought up, I heard the question whether
4 the witness knew the person in the document.

5 So my question is: To which particular provision should be abided
6 by?

7 If the witness doesn't know the author of the document, so we
8 should follow the previous practice. The document should be
9 removed from the witness, and that Co-Prosecutor should continue
10 putting questions but with the paraphrased ones.

11 Should we now stick to the same rule or not?

12 (Judges deliberate)

13 [14.32.17]

14 MR. PRESIDENT:

15 Thank you very much, Counsel for Mr. Ieng Sary. However, your
16 objection is not sustained.

17 The document we gave to duty counsel for the witness was given
18 because we knew that witness has limited knowledge of Khmer
19 language, that's why he needs to be assisted.

20 Co-Prosecutor, you may now proceed.

21 BY MR. ABDULHAK:

22 Thank you, Mr. President.

23 Q. Mr. Oeun Tan, as I said, all I wished to ask you is whether
24 that account is truthful, that there was someone called Sem, who
25 was the chairman at K-1, and that he was removed because he had

1 committed treason?

2 MR. OEUN TAN:

3 A. I think it's correct as what you stated.

4 Q. Do you recall, by any chance, this person's full name? And I
5 mean not the witness, but the person who was removed, Sem. Do you
6 know Sem's full name?

7 [14.33.58]

8 A. No, I don't.

9 MR. ABDULHAK:

10 Your Honours, just for the record, I'll indicate there is an
11 individual who appears to match this description, and the name
12 indicated in the S-21 revised prison list is Ket Thor, alias Sem
13 -- K-e-t T-h-o-r -- alias Sem -- S-e-m -- and he is entry 3391 in
14 the revised S-21 prisoner list, the document number being
15 D288/6.68.1.

16 I thank you for your frankness, Mr. Tan, and I wish to ask you
17 just one more question from that -- from -- that relates to this
18 statement. You said to us that you would educate people if they
19 made mistakes.

20 There is a passage in this statement that I wish to read to you
21 but, before I do that, let me ask: Were there ever instances
22 where you removed someone from their station or reassigned them
23 if they made mistakes?

24 A. I already indicated already that if there were some
25 wrongdoings, people would be re-educated, they would not be

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1 removed. They would just be advised on how to move on with daily
2 life.

3 [14.36.20]

4 Q. And now that we have discussed the case of Sem, does that
5 refresh your memory? Was there anyone else, apart from him, that
6 was removed or that disappeared from K-1 or the surrounding
7 offices?

8 A. No.

9 MR. ABDULHAK:

10 We have limited time remaining before the break, so I might just
11 ask you one more question from that past -- last statement we
12 looked at. And this is only for completeness of the record, Your
13 Honours. If -- if I could return to that statement, E3/104, the
14 English ERN 00204061, French ERN 00524374, and Khmer ERN
15 00204053. Mr. President, with your permission and in the
16 interests of time, I would just read very -- one very brief
17 passage to the witness.

18 [14.37.53]

19 MR. PRESIDENT:

20 You may proceed.

21 BY MR. ABDULHAK:

22 Q. And, Mr. Tan, this -- this passage is as follows.

23 Question: "Did people disappear from your unit or organization
24 and were you ever afraid?"

25 And this witness's response was:

1 "Quite a few people were removed from my unit or organization and
2 it was Tan and Sotwho decided to remove people, in instances when
3 they made mistakes, and sent them to work in different locations
4 like in the factories and ministries. I frequently met a number
5 of such persons who were removed. As for me, I, myself, never
6 feared arrest."

7 [14.38.40]

8 Mr. Tan, as you can see, you're not being accused of any
9 wrongdoing, but I just wanted to make sure the record is entirely
10 clear. This witness seems to suggest that you reassigned people
11 to other units like factories and ministries, if they made
12 mistakes. Is that a correct statement?

13 MR. OEUN TAN:

14 A. I don't know much about this back then, because I personally
15 never assigned people to factories or other locations because I
16 was tasked with guarding, and when it comes to appointment or
17 management, it was Pang who was in charge, and I was inferior to
18 Pang, and Pang was my superior who led the day-to-day work and to
19 decide on who shall be removed.

20 Q. And just a couple more very quick questions as we draw to the
21 end.

22 Mr Tan, you said to us that you carried letters and telegrams to
23 and from Pol Pot. Was there a place at K-1 where documents were
24 held -- documents used by Pol Pot or others?

25 A. With regard to messages, the correspondences, Pol Pot kept the

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1 documents by himself at K-1.

2 [14.40.46]

3 Q. And do you know what happened to those documents on the 6th or
4 7th of January 1979, as in - at the end of the Democratic
5 Kampuchea regime? Were they left at K-1?

6 A. I don't know, but I may speculate that the documents could
7 have been kept at K-1, no other location.

8 MR. ABDULHAK:

9 Thank you very much, Oeun Tan, for your comprehensive responses.
10 And thank you, Your Honours. We have no further questions for the
11 witness.

12 MR. PRESIDENT:

13 Thank you, Co-Prosecutor. And thank you, Mr. Witness.

14 It is now appropriate time for adjournment. Then we will adjourn
15 for 20-minutes. The next session will be resumed by 3 o'clock.

16 [14.41.53]

17 Court officer is now instructed to ensure that Mr. Witness and
18 his duty counsel be well accommodated during the break and have
19 them returned to the courtroom by 3 o'clock.

20 (Court recesses from 1442H to 1501H)

21 MR. PRESIDENT:

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

23 Now, the Chamber hands over to civil party counsels to put
24 questions to this witness.

25 MR. PICH ANG:

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1 Good afternoon, Mr. President. Good afternoon, Your Honours. My
2 respects to venerable monks and the public.

3 [15.02.35]

4 Mr. President, I would like to request for your permission to
5 allow Mr. Mengkhy to put questions to this witness and I will add
6 some more questions after he finish.

7 MR. PRESIDENT:

8 You may proceed.

9 QUESTIONING BY MR. KIM MENGKHY:

10 Good afternoon, Mr. President. Good afternoon, Your Honours and
11 everyone in this Court. Good afternoon, Witness.

12 Q. I have heard your testimony a lot concerning the time that you
13 began your revolution working as a bodyguard at K-1, but I would
14 like to go back to the beginning stage.

15 You said that you joined the revolution voluntarily. Can you tell
16 us why you wanted to join the revolution and why people in your
17 location wanted to join the revolution?

18 [15.04.09]

19 MR. OEUN TAN:

20 A. I am an ethnic minority. I did not know much so when I heard
21 that there was a revolution, I felt, personally, that I wanted to
22 join the revolution. As a minority, I did not know anything. I
23 was able only to do the labour work. So, when I heard of the
24 revolution, I felt that I wanted to know about the revolution and
25 I wanted to learn because I thought by joining the revolution, I

1 would able to learn.

2 At the present, the ethnic-minority people will know how to read
3 and write if they go to school so my question to you -- my answer
4 to your question is that I joined the revolution because I wanted
5 to study so that I will not -- so that I know how to read and
6 write.

7 Q. Thank you. You said you joined the revolution because you want
8 to study. So what study sessions did you gain from joining the
9 revolution?

10 [15.05.53]

11 A. I did not have any study sessions. I was in the jungle. There
12 were no school books. Those who knew better, taught us. We used
13 charcoal to write on bamboo sticks. There were no pen, at that
14 time, and I, personally, tried to study. We used charcoals to
15 write on bamboo sticks. So this is my answer to your question.

16 Q. Were you taught about the political lines of the Communist
17 Party?

18 A. In 1975, we were taught about that. We were taught about
19 Communist Party of Kampuchea, but for me to understand what it
20 means by Communist -- Communist Party of Kampuchea, I can say
21 that I do not understand it so we did what people said. We only
22 heard people say about the word, but we did not know much about
23 the word.

24 Q. My next question will deal with the place where you lived. You
25 said that you worked as a messenger and a bodyguard in

1 Rattanakiri; can you clarify what your unit was called and what
2 the location where you stayed was called?

3 A. In Rattanakiri, I was a messenger, and Phai was the unit
4 chief, and I was the one who delivered messages from -- from
5 Rattanakiri to Veun Sai and from Veun Sai to Mondulkiri. And I'm
6 being very honest here; I'm telling you the truth about my work.

7 [15.08.48]

8 Q. Can you tell the Court about your means to deliver your
9 message -- that is, from Rattanakiri to Veun Sai and from Veun
10 Sai to Mondulkiri?

11 A. We travelled by foot. We sometimes stayed two or three nights
12 on the way before we reached Veun Sai. It was far. It was very
13 far. And this is also true when we travel from Veun Sai to
14 Mondulkiri. We travelled by foot. There was no bicycle.

15 Q. Can you tell us, from -- from whom did you receive the
16 message? And to whom did you deliver the message to?

17 A. I was at the district office. It was call Andoung Meas
18 district so I delivered message from Andoung Meas district to
19 Veun Sai. I received the instruction from Om -- that was to
20 deliver the messages to Veun Sai and also from Veun Sai to
21 Mondulkiri. Deng was the district committee at that time.

22 [15.10.36]

23 Q. Can you indicate once again, who did you deliver the message
24 to from Deng?

25 A. I only delivered the letter. I was not able to read so I was

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1 not aware of the recipients. I can say that there was some
2 writing on the letter, but I could not read so I handled --
3 handed the letters to someone else and that person delivered the
4 letter further.

5 Q. In Rattanakiri, did you know an office known as Office 100?

6 A. I heard people talk about Office 100.

7 Q. You heard people talk about Office 100. Whose place was Office
8 100?

9 A. Office 100 was for Ta Pol Pot and Ieng Sary. And as for me, I
10 was at Andoung Meas district. I was a messenger.

11 Q. Was you ever a bodyguard at Office 100?

12 A. No, I was not. I was only guarding the messenger unit at the
13 district with Phai.

14 [15.12.49]

15 Q. In what year did you become a bodyguard of Pol Pot, if you can
16 recall it?

17 A. After I left the messenger unit, while I cannot recall the
18 exact date, I was transferred to the place where Pol Pot lived.
19 It was in Rattanakiri.

20 Q. When you say the place that Pol Pot lived in Rattanakiri, do
21 you refer to Office 100 or are you referring to a different
22 place?

23 A. I am referring to Office 100.

24 Q. Besides leaders Pol Pot and Ieng Sary, who are the leaders who
25 went to live there?

1 A. I did not know who else.

2 [15.14.11]

3 Q. Do you know the number of leaders there?

4 A. There were only two of them.

5 Q. Thank you.

6 When you worked as a bodyguard of Pol Pot, did you also guard him
7 when he joined the Congress in Rattanakiri or elsewhere?

8 A. No, I never did.

9 Q. You said, earlier, that you accompanied Pol Pot to a place
10 located along the border of Kampong Thom and Kampong Cham. Can
11 you tell us what that location was called and how long you were
12 there?

13 A. It was in Trapeang Thum village in Kampong Cham. It was along
14 Sangke River.

15 Q. Did you know that there was an office call Office K-1?

16 A. No, I did not know about that.

17 [15.16.12]

18 Q. There was a location in Kdar village in Kampong Speu province,
19 did you ever go there with Pol Pot? It was in Dang Kdar village
20 in the northeast of Kampong Speu province.

21 A. Yes, I went with him once.

22 Q. What was the place for?

23 A. The place was for holding meetings -- for administrative
24 meetings, meetings among those from the zones. The location was
25 near. That's why Dang Kdar was considered a location for the

1 meetings.

2 Q. I want you to be clearer when you talk about administrative
3 meetings. How many leaders attended such meetings and what was
4 discussed during such meetings?

5 A. I did not know about that because I did not know their names.
6 I only knew Pol Pot. I saw people coming, but I did not know
7 them.

8 [15.18.09]

9 Q. How did you know that there were people from sectors or zones
10 going to join the meetings there?

11 A. Comrade Pang indicated that in Dang Kdar people from the zones
12 and sectors coming to attend the meetings. I heard that from
13 Pang.

14 Q. About the meetings that you know, did Nuon Chea, Khieu
15 Samphan, and Ieng Sary, along with Pol Pot, present there?

16 A. Khieu Samphan and Ieng Sary were not there. Pol Pot was there
17 along with others whom I do not know.

18 Q. Did you ever hear of Dang Kdar office as having any other code
19 name?

20 A. No, I did not. It was a long time ago.

21 [15.19.52]

22 Q. Can you tell us, before the fall of Phnom Penh in 1975, when
23 was it that you did not guard Pol Pot as well as other leaders?

24 A. To be clear and to be precise, for you to understand, my tasks
25 from the 1970s -- that is, from 1970 to 1975 -- was to guard Pol

1 Pot and from 19 -- and that went on until 1979, when we were
2 separated.

3 Q. You said that from 1970 to 1975 you were with Pol Pot. Can you
4 tell us that -- can you tell us whether you were also guarding
5 Pol Pot between the beginning of 1975 until April 1975?

6 [15.22.35]

7 A. I said once, earlier, that in 1975, when Phnom Penh collapsed,
8 Pol Pot went to Phnom Penh before I went to Phnom Penh, half a
9 month later, because I was preparing clothes.

10 Q. When Pol Pot came to Phnom Penh, do you mean before that --
11 before the times that he went to Phnom Penh, you were also with
12 him? Is this correct?

13 A. I was then in Trapeang Thum village in Kampong Cham province
14 and I was preparing clothes, blankets, and some other stuff that
15 he used daily. And after that, about half a month later, I went
16 to Phnom Penh. That was when Pang told me to go to Phnom Penh.

17 Q. So you are saying that before that time -- I mean half a month
18 before that, Pol Pot was still in Kampong Cham province; is this
19 true?

20 A. When Phnom Penh collapsed, he went to Phnom Penh. He left
21 Kampong Cham province to Phnom Penh. It was about half a month
22 when I also went to Phnom Penh.

23 Q. I would like to ask you for clarification. Before 1975, before
24 Pol Pot went to Phnom Penh, was there any meeting in Oudong? And
25 did you go with him, if any?

1 [15.24.07]

2 MR. PRESIDENT:

3 The witness does not have to answer this question. The question
4 falls outside the scope of the facts set out in the indictment.

5 We have heard a lot about the historical background of the
6 Democratic Kampuchea.

7 Counsel should be asking about what witness personally knew and
8 to stick to the confinements of the temporal jurisdiction of the
9 ECCC. That is 17 April 1975 to 6 January 1979. Counsel should
10 refer to the facts that witness knows exactly and personally so
11 that we can ascertain the truth.

12 MR. KIM MENGKHY:

13 Thank you, Mr. President. However, the points that I have been
14 asking about touch upon affect--

15 [15.25.30]

16 MR. PRESIDENT:

17 Witness does not have to answer that question. The Chamber has
18 heard -- has received enough information regarding the history of
19 Democratic Kampuchea. You are now to move-on to other related
20 facts that witness know directly that can reflect what happened.
21 The Chamber does not have to hear the answer from witness to the
22 last question you asked. If you have other questions, you may
23 move on, otherwise you give the floor to someone else.

24 BY MR. KIM MENGKHY:

25 Thank you, Mr. President.

1 Q. I now move on to another question for witness. Witness, do you
2 know about the evacuation of people out of Phnom Penh when you
3 were in Kampong Cham province?

4 [15.26.42]

5 MR. OEUN TAN:

6 A. I have answered this question once. When -- when Phnom Penh
7 collapsed I was in Kampong Cham province. I was preparing
8 clothes. And after I finished preparing the clothes, I went to
9 Phnom Penh. And when I arrived, Phnom Penh was quiet, so I did
10 not know anything about the evacuation.

11 Q. My apologies; my question may have been difficult for you to
12 understand.

13 I would like to rephrase my question: Did you see the evacuation
14 of people out of Phnom Penh -- that is, Phnom Penh were evacuated
15 from -- people were evacuated from Phnom Penh and brought to the
16 place where you were?

17 [15.27.45]

18 A. About the evacuation of Phnom Penh, as I said, I did not know
19 about the evacuation because I was in a province. I did not even
20 know the evacuation of other places. When I arrived in Phnom
21 Penh, it was quiet, I did not see people, so as to -- I did not
22 know who evacuated the people--

23 MR. PRESIDENT:

24 Witness, please listen to the question being asked and confine
25 your answers to only the question asked, and the question asked

1 whether you saw people being evacuated to the place you stayed in
2 Kampong Cham. So you just answer to -- directly to the question
3 asked.

4 BY MR. KIM MENGKHY:

5 Q. When you worked as a bodyguard -- that is, when you went to
6 K-1 -- did you know when Pol Pot was seriously ill?

7 MR. OEUN TAN:

8 A. I never know anything about that.

9 Q. Between 17 - rather, between 27 September 1976, there was an
10 announcement about Pol Pot being sick. Have you been familiar
11 with this?

12 A. I have no idea about this.

13 [15.30.00]

14 Q. So Pol Pot never fell seriously ill, according to your
15 observation, and that is not your knowledge; is that correct?

16 A. According to my knowledge, Pol Pot never been seriously ill.
17 He was ill sometimes but that was not very serious. After taking
18 some medicine, he got better.

19 Q. Is it fair to say that you were not aware of any event when
20 Pol Pot was seriously sick that he could not resume his task and
21 that Nuon Chea had to take over from him?

22 [15.31.04]

23 A. I just want to emphasize that I don't know anything about
24 this.

25 Q. I would like to move to another question: You said you had no

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1 knowledge about Pol Pot being sick, but what about the meeting?

2 Had he always attended each meeting?

3 A. (Microphone not activated)

4 MR. PRESIDENT:

5 Mr. Witness, please wait until you see the red light on the mic

6 before you proceed with your response.

7 MR. OEUN TAN:

8 Could you please repeat your question, Counsel?

9 BY MR. KIM MENGKHY:

10 Q. As what you indicated that Pol Pot never felt seriously --

11 never fell seriously ill, were there meetings conducted at K-1

12 where Pol Pot always attended?

13 MR. OEUN TAN:

14 A. Again, Pol Pot was not very seriously sick. He fell ill but

15 not seriously ill and he could move on with his day-to-day

16 activities and attended meetings, and I knew that he felt ill but

17 it was not serious. After taking some medicine, he got better.

18 [15.32.56]

19 Q. Thank you.

20 I would like to proceed to another question concerning telegrams.

21 You already stated time and again concerning this transmission.

22 But my question is: When you received the telegrams, do you know

23 where these telegrams were sent from when you transmitted them to

24 Pol Pot?

25 A. I don't know because normally the telegrams or letters were

1 placed in envelopes, and I don't know what was inside.

2 [15.33.39]

3 Q. Apart from sending telegrams and letters, had you ever sent
4 any confessions, the confessions to be sent to K-1?

5 A. Letters were sent from various places, but they were placed in
6 envelopes and there would be writing on the envelopes to be sent
7 to Pol Pot. I just don't know what would be inside the envelopes
8 and I just delivered them to Pol Pot.

9 Q. Thank you. I would like now to ask you another question
10 concerning the meetings.

11 You said Pol Pot attended meetings in various provinces at the
12 location where the dam was being erected. Can you tell the Court
13 in which provinces and which locations Pol Pot went to?

14 A. I stated already previously the meetings in provinces or
15 sectors were conducted -- for example, in Siem Reap the meeting
16 would be held at the Siem Reap's sector committee office. And I
17 have no knowledge of the agenda of the meeting because as guards
18 we were away -- far away from the meetings.

19 And when he had to go to the dam's locations then he also held
20 meetings and I believe that the content of the meeting would be
21 more about how to deal the dams because after each meeting at the
22 sector committee office, then he would go down to the dam site.

23 [15.35.58]

24 Q. Could you tell us the locations where the group went to, for
25 example the location of the dams or the canals?

1 A. I don't remember the locations because it was a long time ago,
2 but I know for sure that they went to those locations.

3 MR. KIM MENGKHY:

4 I have no further questions. I would like to hand over also to my
5 colleague to continue.

6 And I thank you, Witness, for your responses to my questions.

7 [15.36.50]

8 QUESTIONING BY MR. PICH ANG:

9 Thank you, Mr. President and Your Honours. And good afternoon,
10 Witness. I have a few questions.

11 Q. The three first questions are relating to Kampong Cham. I need
12 to seek some clarification from you.

13 You indicated about Dang Kdar. When you refer to Dang Kdar, is it
14 a village or commune? And where is it?

15 MR. OEUN TAN:

16 A. Dang Kdar is located to the west of the river.

17 Q. Is Dang Kdar a village or commune adjacent to Speu?

18 A. I don't know.

19 Q. Were you ever aware of Kro Yea (phonetic) commune?

20 A. Yes, I was. I heard of it. I heard of Kro Yea (phonetic), Dang
21 Kdar, but I never went there.

22 [15.38.26]

23 Q. Is it the Dang Kdar you are referring to?

24 A. I think Kro Yea (phonetic) commune is different from Dang Kdar
25 location, and these two locations are separate.

1 [15.38.50]

2 Q. Were they separated by the river? So I believe that it must be
3 the Dang Kdar commune.

4 What about Trapeang Thum? When you said that Trapeang Thum
5 village is in Kampong Cham, is Trapeang Thum located to the west
6 of the river?

7 A. Trapeang Thum office was located to the west of the river, and
8 I lived to the east of the river.

9 Q. Do you know Boeng Lvea commune?

10 [15.39.42]

11 A. No, I don't.

12 Q. The river you refer to is Sangkae River, actually, but could
13 it be another river like Chinit River or another river, or just
14 Stoeng Sangkae?

15 A. The river was not Sangkae River, it is Tung Sen.

16 Q. Can it be Stoeng Chinit as well?

17 A. No, it is Stoeng Sen.

18 Q. Thank you, Mr. Witness.

19 I would like to ask the last question concerning this topic about
20 the river -- or about the location: Have you ever been to a
21 location called Preaek Kak?

22 A. No, I haven't.

23 Q. Have you ever heard of it?

24 A. No, I haven't.

25 Q. Thank you.

1 I would like to move to the questions concerning the jurisdiction
2 -- rather, the temporal jurisdiction of the Court.

3 [15.41.21]

4 MR. PICH ANG:

5 Mr. President, with your leave, I would like document which is
6 the quote of the interviews of Mr. Oeun Tan, document E3/33, be
7 put up on the screen, please. ERN in Khmer is 00231809; English
8 ERN 00235134; in English, 00235339.

9 I would like to seek some clarification regarding this statement,
10 and I have also a hard copy of the document to be handed over to
11 the witness to assist him.

12 MR. PRESIDENT:

13 You may proceed.

14 Witness, may I know whether you can read the texts?

15 [15.42.42]

16 MR. OEUN TAN:

17 No, Mr. President, I cannot read.

18 MR. PRESIDENT:

19 Counsel, you are allowed to put the document for examination, and
20 that assistant is allowed to be put up on the screen. However,
21 you do not need to give the documents to the witness as he cannot
22 read them, and he -- his reading of the text is very limited.

23 BY MR. PICH ANG:

24 Thank you, Mr. President.

25 Q. On top of the document, as indicated, you were asked the

1 question: "After the fall of Phnom Penh in 1975, did you know
2 there were big meetings with the leaders of the Khmer Rouge?"
3 And you said there were several meetings but you have no idea
4 what the meetings were about.

5 My question is that: You said there were meetings after the fall
6 of Phnom Penh; where were the meetings held?

7 [15.44.19]

8 MR. OEUN TAN:

9 A. After the fall of Phnom Penh, there were frequent meetings. I
10 personally noted that there were meetings. However, I do not know
11 the content or agenda of the meetings.

12 Q. When you say that there were frequent meetings -- but how
13 often were the meetings held?

14 [15.44.51]

15 A. As indicated already, sometimes, on any given day the meeting
16 was held the whole day, and if the meeting was not concluded in
17 one day, then the next day would be used for the continued
18 meeting.

19 Q. Were the meetings conducted during the time when you already
20 had been in Phnom Penh or you were referring to the meetings at
21 the later date -- I mean five or six months after your arrival in
22 Phnom Penh? And where were the meetings held?

23 A. After the fall of Phnom Penh and when I came to Phnom Penh, I
24 had already learned that there were frequent meetings conducted
25 at K-1, and I stayed. K-1 was the location where meetings would

1 be held and chaired by Pol Pot.

2 Q. I'm talking about the meetings conducted immediately after the
3 fall of Phnom Penh. Who were attending the meetings with Pol Pot
4 when you first worked or arrived at K-1?

5 A. When I arrived, I observed that the meetings were held by Pol
6 Pot where Nuon Chea, Ieng Sary, and Son Sen -- these people
7 attended.

8 Q. Were there any other people also in attendance?

9 A. No.

10 [15.47.20]

11 MR. PICH ANG:

12 Mr. President, with regard to the same document, I would like to
13 read document in Khmer 00231807 in Khmer, English ERN 00235132 to
14 33, French ERN 00235337 through 38. With Mr. President's leave, I
15 would like to read this document to the witness, and my assistant
16 can also put up the document on the screen.

17 MR. PRESIDENT:

18 You may proceed.

19 [15.48.20]

20 BY MR. PICH ANG:

21 Q. In one of the statements -- part of the statement, you said --
22 the question was about a letter submitted to Nuon Chea, and you
23 said that you have never learned that there were any letters sent
24 from Khieu Samphan or Ieng Sary because you did not work for them
25 and that -- you noted that there were letters sent from Son Sen.

1 You said letters were also sent from Son Sen.

2 Can you confirm whether -- or what kind of letters were sent from
3 Son Sen -- were short, long letters?

4 MR. OEUN TAN:

5 A. Letters were sent from Son Sen, but they were small letters
6 placed in envelopes. I brought them to Pol Pot. They were small
7 letters and again placed in envelopes.

8 Q. In 1977 -- in late 1977, early 1978, did you receive letters
9 from Nuon Chea to Pol Pot?

10 A. Yes, I received letters from Pol Pot to Nuon Chea and from
11 Nuon Chea to Pol Pot.

12 Q. What kind of letters you received from them? Were they small
13 letters or the letters of - like A-4, a piece of a page of a
14 book?

15 A. The envelopes were big, and the letters were placed in the
16 envelopes addressing Pol Pot.

17 [15.51.08]

18 Q. How often did you see these big or thick letters sent to the
19 people concerned?

20 A. I seldomly saw them. Normally, there were small and thin
21 letters, but then there would be thick letters sent seldomly.

22 Q. Did you know where these thick letters could have been sent
23 from?

24 A. I don't know. I just know that I had to carry letters and I
25 have no idea where they were from.

1 Q. Do you know Mr. Kaing Guek Eav, alias Duch?

2 A. I don't know this person.

3 [15.52.18]

4 Q. Do you know B-1 office?

5 A. I used to know it.

6 Q. Could you tell the Court the communication between Pang and

7 B-1?

8 A. No, I don't know anything about this.

9 Q. Who did you know working at K-1?

10 A. I worked at K-1, but I do not know any people working at B-1.

11 Q. Do you know So Hong?

12 A. I have heard of this person's name. I have heard of him.

13 Q. I have another final point, a question to put. It may take a

14 few minutes.

15 You said you were at K-1. So describe K-1 to us.

16 A. K-1 was located in a -- two buildings, the one to the south

17 and one to the north direction near the Tonle Bassac River.

18 Q. To which direction -- to which location, if compared to the

19 building location right now or "Bouding", in Khmer?

20 A. I don't know.

21 MR. PICH ANG:

22 Mr. President, I have no further questions. I thank you very much

23 indeed for this.

24 [15.54.57]

25 MR. PRESIDENT:

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1 Thank you, Counsel.

2 If Judges of the Bench would wish to put questions to the
3 witness, you may proceed. Judge Lavergne, you may now proceed.

4 QUESTIONING BY JUDGE LAVERGNE:

5 Thank you, President. I have two very brief questions.

6 [15.55.34]

7 Q. First and foremost, Mr. Witness, can we please return to the
8 topic of your work at K-1. Can you please talk about the meetings
9 that were held there? Could you tell the Court whether -- or when
10 Pol Pot was in Phnom Penh, who presided over the meetings?

11 MR. OEUN TAN:

12 A. With regard to the meetings, Pol Pot always chaired them.

13 Q. And was Pol Pot ever absent because he had to travel abroad?

14 And in those circumstances, do you know who replaced Pol Pot and
15 chaired those meetings?

16 A. It was Nuon Chea who would take over from Pol Pot when he was
17 absent.

18 Q. Can we also return to what you told us about telegrams? You
19 delivered telegrams to Pol Pot, and if I understand correctly,
20 you also delivered them to Nuon Chea. Were those telegrams that
21 you had to take, and did you have to personally deliver them? And
22 who received them?

23 A. The telegrams were taken from Pang's office, because Pang
24 would assign his young men to send the telegrams to me, and I
25 would take from there to Pol Pot, Pang, and Yuos.

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1 [15.58.13]

2 Q. Now, if I understand your testimony correctly, were all
3 telegrams that were sent to Pol Pot also given to Nuon Chea?

4 A. Yes, Your Honour.

5 Q. Did it ever occur that some telegrams were not delivered to
6 their intended recipients? Did that ever happen accidentally?

7 A. No, Your Honour.

8 JUDGE LAVERGNE:

9 Thank you, Witness. I have no further questions to ask you.

10 [15.59.15]

11 QUESTIONING BY THE PRESIDENT RESUMES:

12 Q. Mr. Oeun Tan, I have a few questions to put to you.

13 You already testified this morning that Pang was the head of
14 Office 870. What is the difference between 870 and K-1?

15 A. Office 870 is different from K-1. However, the two offices
16 were overally (phonetic) in charge by Pang.

17 Q. Where is Office 870?

18 A. I don't know. I forget it all.

19 Q. Which units were under Office 870 according to your best
20 recollection?

21 A. There were various sections, including K-1, K-3, K-7 --
22 rather, there is no K-1. And I forget the rest.

23 Q. This morning, you indicated that Pang was the head of the
24 Office of 870; do you still stand by your statement?

25 A. Yes, I do, Your Honour.

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1 Q. This morning, you said later on Pang disappeared, and the
2 disappearance of Pang made you feel fearful; is that true?

3 [16.01.32]

4 A. Yes, it is, Your Honour, because after Pang's disappearance, I
5 started to feel suspicious because a few days I had never seen
6 him, because he used to come to work every day. And I was very
7 doubtful and I did not know where he would be gone. And I tried
8 to work hard amid this fear and worries.

9 Q. Thank you.

10 Do you remember when, exactly, Pang disappeared?

11 A. I don't remember that.

12 [16.02.34]

13 Q. After Pang disappeared, who was the head of 870 replacing him?

14 A. Ken, alias Lin, who already passed away, was installed as the
15 head of 870.

16 Q. Thank you.

17 At Office 870, were there any regular self-criticism sessions?

18 A. According to Pang's instructions, meetings were convened
19 regularly. For example, the meetings to give advice to people to
20 decide one another, and these meetings were routines, and we were
21 asked not to have immoral conducts, not to hurt people or not to
22 do bad things to people, like that.

23 Q. When you worked at Office 870 and K-1, did you ever attend any
24 meetings chaired by Khieu Samphan?

25 A. No, I didn't.

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1 Q. My final question: You stated that Office 870 was chaired by
2 Pang, later on headed by Lin. Who was superior to Pang at Office
3 870?

4 A. It was Ken, alias Lin, who took place when Pang disappeared.

5 Q. My question was not about that. It was about when Pang still
6 alive -- was still alive, who was his superior?

7 A. No, there was none.

8 [16.05.11]

9 MR. PRESIDENT:

10 Thank you. Thank you, Mr. Witness.

11 The hearing for today comes to an end, and the next sessions will
12 be resumed tomorrow at 9 o'clock.

13 During tomorrow's sessions, the Chamber continues hearing the
14 testimonies of Mr. Oeun Tan, questions to be put by counsel for
15 Khieu Samphan first, and other counsels will proceed after that.

16 Mr. Oeun Tan, your testimony has not yet been complete and we
17 would like to hear your testimonies again tomorrow, so please
18 come back tomorrow.

19 And duty counsel is also asked to come back to the courtroom to
20 assist the witness during tomorrow's sessions.

21 Court officer is instructed to coordinate with the WESU unit to
22 ensure that Mr. Witness is well accommodated and ensure that he
23 is returned to the courtroom by 9 a.m.

24 Security personnels are now instructed to bring all the three
25 accused persons to the detention facility and have them return to

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1 the courtroom in the morning by 9 a.m., except Mr. Ieng Sary --
2 if he shows his clear position concerning his waiver of his right
3 to be present in the courtroom and asks that he continue to
4 observe the proceedings from his holding cell, and that the
5 waiver is submitted before the commencement of tomorrow's
6 session, then the Chamber will rule upon the waiver accordingly,
7 and he will then be allowed to observe the proceedings from his
8 holding cell. However, the Chamber shall need to review his
9 waiver first.

10 The Court is adjourned.

11 (Court adjourns at 1607H)

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