



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

14 June 2012

Trial Day 75

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

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MR. OEUN TAN (TCW-488)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
MR. KARNAVAS	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. OEUN TAN (TCW-488)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Before we proceed to counsels for Mr. Khieu Samphan, the greffier  
6 of the Trial Chamber, Ms. Se Kolvuthy, is instructed to report on  
7 the status of the – the parties to the proceeding today.

8 THE GREFFIER:

9 Mr. President and Your Honours, all parties to the proceeding are  
10 present, except Mr. Ieng Sary, who is in the holding cell. Mr.

11 Ieng Sary has already waived his right to participate in this  
12 courtroom. His waiver has already been submitted to the greffier.

13 The greffier also notes Counsel Mam Rithea, duty counsel for the  
14 witness.

15 And there is no reserved witness.

16 [09.05.29]

17 MR. PRESIDENT:

18 Thank you. The Chamber is seized of the waiver by Mr. Ieng Sary  
19 dated on the 14th of June 2012, requesting that he be excused  
20 from the courtroom and allowed to observe the proceedings from  
21 his holding cell for the whole day.

22 Mr. Ieng Sary states that due to health reason, he cannot remain  
23 seated in the courtroom for a long time, and this statement is  
24 substantiated by the recommendation by the doctor, who indicates  
25 that during this period of time, including the 14th of June 2012,

2

1 the Accused should be allowed to observe the proceedings from the  
2 holding cell because Mr. Ieng Sary is tired and finds it  
3 difficult to walk up steps to the courtroom.

4 And for this reason, the Chamber, therefore, grants such request.

5 Now, Mr. Ieng Sary can observe the proceedings from his holding  
6 cell, and he can do so when assisting his counsels through the  
7 video-link.

8 Mr. Ieng Sary is now observing the proceedings from downstairs.

9 [09.07.15]

10 And AV booth officers are now instructed to ensure that the  
11 audio-visual links are well connected to the holding cell so that  
12 he can observe the proceedings from there.

13 Without further ado, we would like to proceed to counsels for Mr.  
14 Khieu Samphan to put questions to the witness.

15 QUESTIONING BY MR. VERCKEN:

16 Thank you, Mr. President. Good morning, Your Honours. And good  
17 morning to all those present in the courtroom and all those  
18 attending. Good morning, Mr. Witness. My name is Arthur Vercken.

19 I am one of the counsel representing Mr. Khieu Samphan, and I  
20 have a few questions to ask you with respect to your testimonies  
21 as well as the statements made previously.

22 Q. To begin, during the interview conducted on the 9th of October  
23 2008 with investigators from this Court, you were asked whether,  
24 prior to occupation of Phnom Penh, you had resided at Oudong with  
25 Pol Pot. Please, pardon me for my mispronunciation.

3

1 [09.09.58]

2 And on page 12 of the French version of that PV -- ERN 00235339,  
3 on Khmer ERN page 00231809, and on the English ERN page 00235134  
4 - and I quote:

5 "No, never. Following the collapse of Phnom Penh, I returned to  
6 Kampong Cham. Prior to that, I was not with Pol Pot." End of  
7 quote.

8 Mr. Witness, do you recall making that statement? Do you recall  
9 giving that answer to the investigators of the ECCC?

10 MR. PRESIDENT:

11 Mr. Oeun Tan, do you understand the question? If so, you may  
12 respond. If not, you may ask counsel to repeat the question.  
13 And, Counsel, you are now asked to show the portion you're  
14 quoting.

15 And be more specific, because you have not cited all the message  
16 from the paragraph, because the term "for a while", which appears  
17 in the Khmer text as it is, has not been rendered into your  
18 statement. So could you please be more specific and cite all the  
19 portions so that the witness understand and respond?

20 [09.11.17]

21 MR. VERCKEN:

22 Mr. President, I'm not entirely sure of what you're requesting. I  
23 can certainly repeat my question if required, but I'm not  
24 entirely sure of what your instruction is.

25 MR. PRESIDENT:

4

1 Indeed, you do not have any problem, but witness cannot  
2 understand your question and he is quiet, so you should repeat  
3 the question. I, myself, note that you have not covered the whole  
4 message from the statement he made before the Co-Investigating  
5 Judges. And, for that-- And, in Khmer, you have failed to cite  
6 the whole passage. So our advice is that you quote the whole  
7 message again so that witness is able to respond.

8 BY MR. VERCKEN:

9 Yes. Of course, Mr. President.

10 [09.12.36]

11 Q. On the 9th of October 2008, investigators from this Court had  
12 asked the following question - and I quote:

13 Question: "Before the fall of Phnom Penh, did you ever live at  
14 Sdok Kraol Oudong with Pol Pot?"

15 Answer: "Never. After the fall of Phnom Penh I departed Kampong  
16 Cham right away to go to Phnom Penh. Before I entered Phnom Penh,  
17 I had not lived with Pol Pot. I did not know about the evacuation  
18 of the people from Phnom Penh." End of quote.

19 Mr. Witness, do you have a memory of being asked that question?

20 And, above all, do you recall having answered that question in  
21 such a manner?

22 MR. OEUN TAN:

23 A. Yes, I do remember some of the passage. Before I entered Phnom  
24 Penh, I had been in Kampong Cham. In Sdok Kraol - with regard to  
25 Sdok Kraol, I have no idea.

5

1 [09.14.20]

2 Q. Were you at Sdok Kraol with Pol Pot prior to the fall of Phnom  
3 Penh?

4 A. I don't remember the meeting in Sdok Kraol because I had been  
5 in Kampong Cham before Phnom Penh was liberated. I do not know  
6 when or where the meeting took place.

7 Q. I understand that you do not remember where the meetings were  
8 held, but that was not my question.

9 My question to you is if you went to Sdok Kraol, Oudong, in  
10 Kampong Speu province, prior to the fall of Phnom Penh.

11 A. No, I didn't.

12 Q. When you learned about the fall of Phnom Penh, yesterday,  
13 before this Court, you testified that - that you were in the  
14 province of Kampong Cham.

15 Therefore, my question for you is this: When you learned about  
16 the fall of Phnom Penh, was Pol Pot still with you at Trapeang  
17 Tim (phonetic), in the province of Kampong Cham?

18 [09.16.21]

19 A. Yes. Pol Pot had been in Kampong Cham prior to the liberation  
20 of Phnom Penh.

21 Q. Mr. Witness, if I am to rely on the interpretation of your  
22 answer, I believe that you have not, actually, answered my  
23 question. Therefore, I'll ask it again: I'd like to know if on  
24 the day of April 17th, 1975, on the day of the liberation or fall  
25 of Phnom Penh - depending on which side of this courtroom one



6

1 sits - was Pol Pot with you in Kampong Cham? That is my question  
2 to you, Mr. Witness: On the day of the fall of Phnom Penh, was  
3 Pol Pot with you?

4 A. I think, to be more precise, you should really put your  
5 question in short because longer question doesn't do any good to  
6 me. I find it difficult to respond to the long question because I  
7 have problem listening to the Khmer rendition of the questions in  
8 long.

9 MR. PRESIDENT:

10 Mr. Witness, the question is as simple as this: On the 17th of  
11 April 1975, when Phnom Penh was liberated, were you in Kampong  
12 Cham with Pol Pot?

13 [09.18.28]

14 MR. OEUN TAN:

15 A. Yes, he was in Kampong Cham.

16 BY MR. VERCKEN:

17 Thank you, Mr. President.

18 Q. How long after the liberation of Phnom Penh did Pol Pot leave  
19 Kampong Cham?

20 A. After Phnom Penh had been liberated, Pol Pot left Kampong Cham  
21 from - for Phnom Penh. It was about a fortnight after the fall of  
22 Phnom Penh - rather, it was about a fortnight after the fall when  
23 I entered Phnom Penh.

24 Q. I'm afraid I do not understand your answer very clearly. I'll  
25 therefore repeat my question: How many days after April 17th,

7

1 1975, did Pol Pot leave the area of Kampong Cham, where he was  
2 staying with you before he entered Phnom Penh?

3 [09.20.16]

4 A. After the liberation of Phnom Penh, Pol Pot entered Phnom Penh  
5 just half a month after that and he came to Phnom Penh with Pang,  
6 when I remained in Kampong Cham. Later on, Pang asked me to also  
7 come to Phnom Penh.

8 MR. PRESIDENT:

9 Mr. Witness, please try your best to listen carefully to the  
10 question and answer to the question being asked. The question is  
11 more about Pol Pot. So you have already been asked about the  
12 question concerning yourself, but please be more specific and  
13 without wasting our time, then you should respond to the question  
14 being put to you, in particular regarding Pol Pot.

15 BY MR. VERCKEN:

16 Thank you very much for that, Mr. President.

17 Q. If I gather your statement correctly, Phnom Penh fell on April  
18 17th, 1975; 15 days later, therefore near the end of April or  
19 start of May 1974, Pol Pot arrived in the city of Phnom Penh; is  
20 this what you were saying?

21 [09.22.07]

22 MR. OEUN TAN:

23 A. Yes.

24 Q. And if I understand your testimony correctly, sir, you,  
25 yourself, personally joined Pol Pot in Phnom Penh an approximate

8

1 fortnight later – and that is at the end of April, early May  
2 1975; is this correct?

3 A. Yes, it is.

4 Q. Furthermore, with respect to those accompanying Pol Pot when  
5 he was heading to Phnom Penh at the end of April, early May 1975,  
6 who accompanied Pol Pot during his journey between Kampong Cham  
7 and Phnom Penh? Do you know who those people were?

8 A. Pang was -- accompany him.

9 Q. Did you see Pang depart with Pol Pot for that journey?

10 A. Yes, I did.

11 [09.24.23]

12 Q. Now, it means that you witnessed the departure of Pol Pot and  
13 of Pang when they were heading to Phnom Penh at the end of April  
14 or early May 1975; is this correct?

15 A. Yes, it is correct.

16 Q. Was Pol Pot accompanied alone by Pang, or was he accompanied  
17 by other individuals during that trip?

18 A. There were other people involved, but I don't know them.

19 Q. You don't know any of those individuals?

20 A. No, I don't. I only know Pang.

21 Q. Would that mean, then, that one can presume that Khieu Samphan  
22 did not accompany Pol Pot during that trip; is that correct?

23 A. Yes, it is.

24 Q. Mr. Witness, you, yourself, arrived in Phnom Penh in mid-May  
25 1975, and I believe that you stated that you went directly to

1 K-1, where you settled; is that correct?

2 [09.26.41]

3 A. Yes, it is.

4 Q. And at the time that you arrived at K-1, was it in full  
5 operation?

6 A. Yes, it is correct.

7 Q. Sir, I wish to address the topic of meetings that occurred at  
8 K-1. During your interview with the investigators of this  
9 tribunal, particularly the interview held on the 9th of October  
10 2008, you talked about two types of meetings that were held at  
11 K-1 when you were located there, during the entire period of  
12 Democratic Kampuchea.

13 You talked about large meetings with approximately 20 people,  
14 including some who came from the zones and sectors. Those were  
15 meetings that Pol Pot had asked you to prepare for and that were  
16 held approximately once a month.

17 You also talked about smaller-scale meetings that involved fewer  
18 than 10 people, and those were meetings that you did not prepare.  
19 And you stated that those meetings were held approximately every  
20 three to four months.

21 Do you recall making that statement in 2008, Mr. Witness?

22 A. Yes, I remember it, but I also forget some of the parts  
23 because it was a long time ago.

24 [09.29.23]

25 Q. With respect to the first meetings that you had referred to -

10

1 I'm talking about the large monthly meetings that involved some  
2 20 people, including those who came from zones and regions – when  
3 you were interviewed in October 2008, you stated that those  
4 meetings were – and I'll quote you here, on ERN page 0023532  
5 (sic), on the English ERN page of 00235108 (sic), and on the  
6 Khmer ERN page 0031801 (sic). You stated, sir, that those large  
7 meetings lasted some five or six days, and sometimes they could  
8 be longer, or sometimes they could be shorter. Do you stand by  
9 that statement?

10 A. For the meeting, as to what I saw and knew, sometimes the  
11 meetings last longer. At some other times, if the – there was no  
12 much work, the meeting would last shorter; it would last three or  
13 four days, as I indicated earlier.

14 Q. Indeed, sir, you said previously – that is, yesterday – that  
15 those big meetings were held not once a month, but sometimes  
16 twice a month, and you stated that they lasted one to two days.

17 [09.31.53]

18 So my question to you has to do with this discrepancy in your  
19 statement. How do you explain this discrepancy between your  
20 statement to the tribunal's investigators and your statement  
21 before this Chamber?

22 A. I do not remember. I may have forgotten when I was asked the  
23 question, yesterday. That is why I seek the questions be put in  
24 shorter forms. Besides, I am illiterate and I do not understand  
25 politics. I am confused and I am forgetful.

11

1 Q. Mr. Witness, if we were to do a quick calculation based on the  
2 two statements you – you gave, which I've just referred to, it  
3 means that during the 44 months of the duration of Democratic  
4 Kampuchea, between 44 and 88 big meetings were held at K-1. And I  
5 put it to you, sir, that more than 30 years after the events,  
6 whether we're talking of 2008 or today, before this Chamber, you  
7 are unable to say with certainty whether Mr. Khieu Samphan  
8 attended those 44 or 88 meetings, which you, yourself, did not  
9 attend and whose subject you, therefore, do not know, and which  
10 were held over three and a half years; what do you say to that?

11 [09.34.35]

12 MR. ABDULHAK:

13 Mr. President?

14 MR. PRESIDENT:

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

16 Witness, please hold on.

17 MR. ABDULHAK:

18 It is a very long compound question with a number of assertions  
19 built into it. We have no objection to the assertions being put  
20 to the witness, but if that could be done in a more structured  
21 way, I think the witness would be less confused.

22 [09.35.08]

23 MR. VERCKEN:

24 Mr. President, it is possible that the witness has understood my  
25 question and is in a position to answer it. Perhaps we should

12

1 first ask the witness whether he has understood the question.

2 MR. PRESIDENT:

3 Counsel, will you rephrase your question? I am also of the view

4 that your question is long. And your question also asked the

5 witness to speculate, and your question is not allowed. The

6 witness does not have to answer the last question if counsel does

7 not rephrase the question.

8 BY MR. VERCKEN:

9 Q. Witness, 30 years later, you recall with precision all the big

10 meetings held at K-1 and the persons who attended them.

11 [09.36.25]

12 MR. OEUN TAN:

13 A. As I already indicated, I did not understand about the topic

14 discussed in the meetings but I saw big meetings held. But I just

15 did not understand the purpose of the meetings; I did not

16 understand the topics being discussed during the meetings. I had

17 a very little knowledge, so I did not understand the topics being

18 discussed.

19 And as Mr. President has indicated, the questions are to be short

20 and straightforward for me to understand. If the questions are

21 long, as I said, as an old person with weak brain, I cannot

22 understand your questions. So please ask shorter question for me

23 to understand.

24 Q. My question is not only subject of those big meetings, but on

25 the persons who attended them. Are you in a position to assert

13

1 that Mr. Khieu Samphan attended all the big meetings held at K-1?

2 A. Allow me to clarify this matter. For big meetings, Mr. Khieu  
3 Samphan attended those meetings. Other attendants included Mr.  
4 Nuon Chea and Mr. Ieng Sary and others whom I cannot tell you  
5 about their names. I tell you the names of those I know.

6 [09.38.51]

7 Q. I understand very well, Mr. Witness, and that is why I am  
8 asking you to clarify what you know. We are talking of more than  
9 some 50 meetings held over a period of more than three years, and  
10 I am asking you to state whether your statement today before this  
11 Chamber consists in saying that you remember that Mr. Khieu  
12 Samphan attended those 50 or so meetings over a period of three  
13 and a half years. What do you say to that? Say yes or no, whether  
14 you remember or not.

15 A. I may not remember all, but as I indicated, there were Ieng  
16 Sary, Khieu Samphan, and Nuon Chea, and many other people whose  
17 name I do not remember.

18 Q. You mean all the meetings over a period of three and a half  
19 years?

20 A. Yes, it is true.

21 Q. Are you able to give a single date of one of those 50 or so  
22 meetings?

23 A. (No interpretation)

24 Q. Witness, let me repeat my question to you: Are you able today  
25 to give us, by way of an example, the date of one of those 50 or



14

1 so meetings we are talking about?

2 [09.41.29]

3 A. No, I can't tell you about the date. It was many years ago. I  
4 cannot tell you about the date. I forget all. But I just know  
5 that there were meetings.

6 Q. I put it to you, sir, that it is impossible, 30 years after  
7 the fact, to remember the presence of a person attending 50  
8 meetings which you, yourself, did not attend; what do you say to  
9 that?

10 MR. PRESIDENT:

11 Witness does not have to answer this question. This question was  
12 once asked. The Chamber does not need to hear the answer of this  
13 witness to the last question asked by the defence counsel.

14 BY MR. VERCKEN:

15 Q. There is something else I do not understand in your written  
16 statement of October 1998, Witness -- and it is on page 6 of the  
17 French version, ERN 00235333; English, 00235130; and Khmer,  
18 00231803 - regarding smaller meetings attended by less than 20  
19 participants.

20 Let me repeat the Khmer ERN: 00231803.

21 [09.44.17]

22 You were interviewed in 2008 regarding the smaller meetings held,  
23 allegedly, at K-1, and this time you confirmed that those smaller  
24 meetings were held, but you knew the contents of those meetings,  
25 since you state - and I quote: "The special meetings of less than

15

1 10 were held with regard to food supplies at road blocks."

2 My question to you is therefore as follows: How come you attended  
3 big meetings, whereas, with regard to the smaller and less  
4 frequent meetings, which you did not prepare for, you are capable  
5 of citing the contents? How do you explain that?

6 MR. OEUN TAN:

7 Please allow me to consult with my duty counsel.

8 (Witness consults with duty counsel)

9 [09.46.42]

10 A. For big meetings, I learned about the big meetings from Pang,  
11 the meetings of about 20 people. Then, we have other smaller  
12 meetings, meetings of about 10 people, and I knew about those -  
13 the smaller meetings - from Pang as well. He asked me to prepare  
14 the places for the small meetings. He told me that the meeting  
15 was - the meeting attendants - about 10 of the meeting attendants  
16 would be there.

17 Q. Your statement today is therefore that you prepared the  
18 premises for smaller meetings; is that your statement, Witness?

19 A. Yes, it is true.

20 Q. But when you were interviewed previously on this question, you  
21 said the contrary, Witness; you stated that you did not prepare  
22 for smaller meetings precisely because they were smaller.

23 A. As for smaller meetings, as I indicated previously, I  
24 personally was a bodyguard.

25 During my previous interviews, I forgot to mention about that,

16

1 but I maintain what I answered in my previous statements.

2 [09.49.40]

3 Q. I want to be sure that I understand what you are saying now.

4 Are you saying that you prepared for smaller meetings or that you  
5 did not prepare for them, you did not prepare for such meetings?

6 A. When there were smaller meetings - and I would like to  
7 indicate this very clearly -- from the best of my memory, I did  
8 not prepare smaller meetings. I answered a while ago that I did  
9 prepare smaller meetings, but after I reconsider, I would like to  
10 say that I did not prepare the meetings. Pang ordered - gave  
11 orders for the preparations of the meetings.

12 Q. When you were interviewed by tribunal investigators on the 9th  
13 of October 2008, you also spoke about a third type of meeting  
14 held under the DK regime, under the chairmanship of Pol Pot, but  
15 not at K-1. These meetings were held at the Olympic Stadium. Do  
16 you recall saying that?

17 A. Yes. For the meeting at Olympic Stadium, I saw it. People  
18 there were dressing military uniforms, and the meeting was  
19 chaired by Pol Pot and Son Sen. In the meeting, I saw people  
20 dressed in military uniforms. There were about 100 to 200 people.

21 [09.52.30]

22 Q. And how many times did you attend such meetings under the  
23 Democratic Kampuchea regime?

24 A. I never participated in such meetings. I was with the  
25 bodyguard unit; I was at the back. When Pol Pot attended the

17

1 meeting, I was at the backstage. We had little rights; we were  
2 not allowed to enter the meeting.

3 Q. You mean in the wings of the Olympic Stadium - behind the  
4 Olympic Stadium; is that what you say?

5 A. (No interpretation)

6 MR. PRESIDENT:

7 Counsel, could you please put the question again? Because witness  
8 did not answer the question -- or perhaps he did answer the  
9 question without the mic being activated.

10 BY MR. VERCKEN:

11 Agreed, Mr. President.

12 Q. When you talk of the wings, you are referring to the wings of  
13 the Olympic Stadium; is that correct?

14 [09.54.33]

15 MR. OEUN TAN:

16 A. Yes, it is correct.

17 Q. And how many times did you go to the wings of the Olympic  
18 Stadium when Pol Pot was attending meetings there?

19 A. I was there twice.

20 Q. Twice between 1975 and 1979; is that the case?

21 A. Yes, it is.

22 Q. Now, Witness, when you were interviewed by the tribunal  
23 investigators in 2008, you said something else, since you said -  
24 and I'll read from page 6 of the French version, ERN 00235333;  
25 English, 00235129; and, Khmer, 00231803 - you stated that those

18

1 meetings held with soldiers took place twice a year, which means  
2 that more than six such meetings were held during the Democratic  
3 Kampuchea regime. What is the truth? Which of your statements are  
4 we to consider today?

5 [09.56.55]

6 A. (No interpretation)

7 MR. PRESIDENT:

8 Witness, please wait to hear the objection from the  
9 Co-Prosecutor.

10 Mr. Co-Prosecutor, you may proceed.

11 MR. ABDULHAK:

12 There might be a difference in the language - between the various  
13 versions. I read the responses in the English version simply to  
14 mean that the witness said that these meetings took place more  
15 frequently than he said this morning, and his earlier comment  
16 this morning was that he was there twice. There may be a  
17 difference between how many times he was there and how many times  
18 he knew he - the meetings took place. And I just don't want the  
19 witness to be confused.

20 And if that - perhaps that can be clarified by counsel.

21 [09.57.52]

22 MR. PRESIDENT:

23 Thank you for your observation, Mr. Co-Prosecutor. Your  
24 observation is accurate.

25 We have two different contexts here: the one was in the interview

19

1 of the investigator, and the one that was raised by the defence  
2 counsel. These are two different issues: one is about the  
3 frequency of the big meetings held at Olympic Stadium; another  
4 context is that how many times witness attended as a guard at the  
5 Olympic Stadium throughout the Democratic Kampuchea period. So  
6 these are two different contexts and can be comparable.  
7 So counsel is advised to restate your question precisely.

8 BY MR. VERCKEN:

9 Of course, Mr. President.

10 Q. Witness, between 1975 and 1979, were you the head of Pol Pot's  
11 bodyguard corps?

12 [09.59.31]

13 MR. OEUN TAN:

14 A. Yes. In short, of course, I am the head of the bodyguards  
15 unit, because whenever our leaders travelled, we had to accompany  
16 them.

17 Q. How many other bodyguards were under your orders?

18 A. We belonged to a 10-men unit. So there were 10 people  
19 altogether.

20 Q. Can it be said that in your capacity as the head of Pol Pot's  
21 bodyguards corps, you were informed of all of Pol Pot's travels -  
22 or trips?

23 A. Could you repeat the question? And may I have some moment to  
24 consult with my counsel first, before responding?

25 (Witness consults with duty counsel)

20

1 (Judges deliberate)

2 [10.01.48]

3 BY MR. VERCKEN:

4 Q. You were the head of all of the bodyguards of Mr. Pol Pot  
5 between 1975 and 1979. Subsequently, were you informed of all of  
6 Pol Pot's travels during that period?

7 MR. OEUN TAN:

8 A. Yes.

9 Q. Even if you, yourself, were not personally accompanying Mr.  
10 Pol Pot during each of his trips, one of your subordinates was in  
11 charge of doing so; is this correct?

12 A. Yes, it is.

13 Q. Therefore, you would have been able to say how many times Pol  
14 Pot went to the Olympic Stadium between 1975 and 1979 even if you  
15 did not personally accompany Pol Pot to each one of those  
16 meetings or trips to the Olympic Stadium; is this the case?

17 [10.03.26]

18 A. Yes, it is.

19 Q. Therefore, whether it be yourself or with one of your  
20 subordinates, between 1975 and 1979, how many times did Pol Pot  
21 go to the Olympic Stadium for military meetings?

22 A. I don't remember.

23 Q. And did you remember in 2008, when you were being interviewed  
24 by the tribunal's investigators?

25 A. I was interviewed, but I don't remember the person who

21

1 interviewed me.

2 Q. Very well, but can you please answer my question, which I'll  
3 repeat once again? You state that you do not recall the number of  
4 times that Pol Pot attended military meetings at the Olympic  
5 Stadium.

6 My question to you was: Did you remember the number of times he  
7 attended those meetings, in 2008, when you were being  
8 interviewed?

9 [10.05.32]

10 A. I may need your citing the statement I gave before the  
11 Co-Investigating Judges to refresh my memory, because if you  
12 really put a general question like that, I'm afraid I don't  
13 remember.

14 Q. Yes, of course, I'll do so, Mr. Witness.

15 I'm referring to ERN number 00235333 in the French version; in  
16 fact, I'm referring to the statement that is contained on the  
17 exact same ERN pages that I indicated earlier.

18 Question by the investigator: "Were the meetings at the Olympic  
19 Stadium frequent?"

20 Answer: "They were not frequent, sometimes twice a year, and Pol  
21 Pot was the person who called the meetings. I remember that Son  
22 Sen attended those meetings. As for the other leaders like Ieng  
23 Sary, Nuon Chea, and Khieu Samphan, I did not see them attend  
24 those meetings." End of quote.

25 This is one of your first statements regarding those particular



22

1 meetings. Do you have a recollection of this?

2 [10.07.30]

3 A. Yes, I do, as you have quoted. And again, if you refer  
4 precisely to the particular passage I gave before the  
5 Co-Investigating Judges, now I would be more precise on that. And  
6 I do remember that.

7 Q. Mr. Witness, with respect to the frequency of those meetings,  
8 you are confirming before this Chamber what you said before the  
9 investigators - that is: those meetings occurred approximately  
10 twice a year; is this correct?

11 A. Yes, it is.

12 Q. The problem I have, Mr. Witness, is as follows. On the  
13 following page of that written record of witness interview held  
14 on the 9th of October 2008, the investigators asked you the  
15 following question - and, again, I will quote from the document:  
16 "Other than those regular meetings, were there any other types of  
17 meetings?"

18 Your answer: "There were only military meetings at the Olympic  
19 Stadium. They were chaired by Pol Pot and they were held every  
20 three to four months." That is your answer.

21 [10.09.46]

22 Within the span of one page, sir, you seem to double the number  
23 of meetings that were held. You seem to change your statement  
24 within one single testimony. How do you explain that, Witness?

25 A. I said I sometimes do not remember the details. However, as

1 long as the statement I gave before the Co-Investigating Judges  
2 is referred to, then I will stand by that.

3 Q. Therefore, what exactly are you confirming with respect to the  
4 frequency of meetings held at the Olympic Stadium? Did they occur  
5 twice a year or were they held every three to four months?

6 MR. PRESIDENT:

7 Counsel – Witness, hold on.

8 Counsel for the civil parties, you may now proceed.

9 [10.11.29]

10 MS. SIMONNEAU-FORT:

11 Mr. President, I have an objection to raise. I believe that it is  
12 rather difficult for the witness to understand the question that  
13 are being asked of him.

14 He did not say that those meetings occurred twice a year; he said  
15 sometimes they occurred twice a year. I believe that certainty is  
16 absolutely essential to seek. We don't know if it was sometimes  
17 twice a year or sometimes three or four times a year. I believe a  
18 clarification is required.

19 BY MR. VERCKEN:

20 Q. Mr. Witness, what do you say to that?

21 MR. OEUN TAN:

22 A. I agree with what counsel for the civil parties just stated.  
23 Sometimes the meetings took place twice a year, sometimes more.

24 Q. When you met with the tribunal's investigators in 2008, were  
25 you fearful of being arrested?

1 [10.12.58]

2 A. Before, yes, I was, but later on I was explained and I was  
3 told that I should not be afraid because I would be expected to  
4 tell the truth in my capacity as a witness. And with that I am no  
5 longer fearful because explanation was already well made to me,  
6 and I feel normal now.

7 Q. Did that fear which you have just acknowledged influence the  
8 statements you made to the investigators, even if you were given  
9 reassurances?

10 A. I don't think so.

11 Q. Sir, I wish now to move on to another topic concerning the  
12 distance that you had to adhere to when you were ensuring the  
13 personal security of Mr. Pol Pot.

14 In October 2008, but also yesterday, before this Chamber, you  
15 testified that you were unable to hear the conversations between  
16 Mr. Pol Pot and other people because you had to keep a distance  
17 of some 10 to 15 metres from Pol Pot when he was held in  
18 conversation; is this the case?

19 [10.15.24]

20 A. Yes, it is.

21 Q. And you told us that you were responsible for Pol Pot's  
22 security from 1970 onwards. Since that time, were you to respect  
23 that distance between yourself and Pol Pot?

24 A. Yes, indeed, I had to maintain this distance, 20 metres away  
25 from the leaders. If I had - if I breached this order, then I

1 would be reprimanded.

2 Q. And were Pol Pot's bodyguards also obliged to follow that  
3 rule?

4 A. Everyone had to be abided by this principle and policy.

5 Q. As of 1970 as well?

6 A. Yes. There was no change to this.

7 Q. Did you know if the other bodyguards of other senior leaders  
8 of Democratic Kampuchea had to stand by the same rule?

9 A. Everyone had to stand by the same discipline.

10 [10.17.48]

11 Q. Moving on to a different topic, Mr. Witness, when you met with  
12 the tribunal's investigators in October 2008 -- on the 9th of  
13 October 2008, to be precise - how long did your conversations  
14 last with them?

15 A. I don't remember. After the interview concluded, it was it,  
16 and I had to go about my normal work as a peasant and farmer.

17 Q. Did those interviews last for an entire day, or did they last  
18 for only during the morning, or the morning and part of the  
19 afternoon?

20 A. The interview took the whole day.

21 Q. And did the interviews ever last longer than a day?

22 A. I don't remember because it was long time ago, but I believe  
23 that the interview was conducted for a full day. However, I may  
24 refer you to the exact record of the interview; you may know how  
25 long does it last, in that interview, already.

26

1 Q. You state that this was a long time ago and that you do not  
2 remember, but it was only four years ago, Mr. Witness, it wasn't  
3 that long ago.

4 [10.20.02]

5 MR. ABDULHAK:

6 Your Honours, we object. We just see no relevance to this line of  
7 questioning.

8 The witness has given a response based on his recollection, and  
9 if counsel refers to the interview, the start and end times of  
10 this interview are clearly indicated.

11 MR. PRESIDENT:

12 The objection by the Co-Prosecutor is sustained.

13 Witness is instructed not to respond to the question by counsel  
14 for Mr. Khieu Samphan.

15 BY MR. VERCKEN:

16 Q. Mr. Witness, there are two particular excerpts from your  
17 written record of witness interview from 2008 - I found them  
18 quite astonishing, and I'll tell you why.

19 [10.21.15]

20 The first passage is in response to a question put by the  
21 investigators with respect to the meetings held at the Olympic  
22 Stadium. The particular passage can be found on the ERN pages  
23 that I cited earlier.

24 The investigators wrote - and I quote: "You told us that there  
25 was a meeting at the Olympic Stadium. Did you know what the

1 agenda of those meetings were?"

2 And yet, at that particular time, as indicated on the written  
3 record, you had not spoken of meetings that were being held at  
4 the Olympic Stadium.

5 This rather bizarre occurrence happens again on ERN page 00235340  
6 of the French version, on English ERN 00235134, and on the Khmer  
7 version ERN 00231810. Now, this rather strange occurrence  
8 materializes once again when the investigators ask you a question  
9 with respect to Pol Pot's travels to the provinces.

10 And the investigators ask you - and I quote: "You said that you  
11 accompanied Pol Pot to the zones between 1975 and 1976."

12 [10.23.24]

13 Yet, on the subsequent page of that same record, you talked about  
14 Pol Pot's travels but you did not provide any specific dates.

15 I know that this may appear rather complicated for you, Mr.

16 Witness, so allow me to simplify. This Court disposes of audio  
17 recordings of your discussions with the investigators. They're

18 classified under D107/2R. I listened to the audio recording of  
19 your discussion with the investigators from this tribunal, I

20 listened to that interview of the 8th (sic) of October 2008, and

21 I believe that I identified at least three occurrences during

22 which you made reference and the investigators made reference to  
23 a discussion that was held on the 8th of October 2008.

24 Allow me to quote the relevant passage, according to which

25 reference is made to a conversation held on the previous evening.

28

1 It is as follows: "I'll ask you the question from yesterday."

2 [10.25.25]

3 This occurs again at 6 minutes, 10 seconds, in response to a  
4 question by the investigators: "I would like for you to repeat  
5 yourself, because yesterday I did not make a recording."

6 And you answered: "All right."

7 And it's happened again--

8 MR. PRESIDENT:

9 Counsel, could you advise the Chamber whether you are now putting  
10 questions to the witness or making any kind of statement? Because  
11 you have been talking all along, and the Chamber is now misled  
12 already. Are you really making a closing statement, or else?

13 Please try to rephrase your line of questions.

14 And if you are now making a statement - or closing statement, you  
15 are now referred to Practice Direction and Internal Rules of the  
16 ECCC, Rule 92, which does not allow you to do so at this moment  
17 in time.

18 [10.26.53]

19 MR. VERCKEN:

20 Mr. President, with all due respect, I'm not making a closing  
21 argument--

22 MR. PRESIDENT:

23 Then, you should shorten your question, because if it is long  
24 like that, no one understands it, and that the question should be  
25 specific and straightforward, and then witness will be able to

1 address the question directly. And I think, again, if the  
2 question is not understood by the parties to the proceeding, let  
3 alone the witness, who has limit knowledge in Khmer. And I don't  
4 think this really lead us to any ascertaining of the truth if you  
5 keep doing like that.

6 So please rephrase your question and be more specific. And if you  
7 were to make the closing statement, then go to Rule 92 of the  
8 Internal Rules, which is applicable before us. And I already  
9 informed you of this yesterday, as well.

10 [10.28.22]

11 The Rule states:

12 "The parties may, up until the closing statements, make written  
13 submissions as provided in the Practice Direction on filing of  
14 documents. The Greffier of the Chamber shall sign such written  
15 submissions and indicate the date of receipt, and place them on  
16 the case file."

17 BY MR. VERCKEN:

18 I will therefore shorten and rephrase my question, Mr. President.

19 I believe that you understood my purpose of asking the previous  
20 question, which was simply to test the witness's credibility.

21 Q. During your interview with the investigators of this tribunal  
22 in October 2008, at least four times the investigators made  
23 reference to a conversation that was held on a day previous, on  
24 the 8th of October 2008. Do you have a memory of this?

25 MR. OEUN TAN:



30

1 A. No, I don't. I don't remember the date of the interview. I may  
2 remember the content of the interview, but when it comes to the  
3 dates, I don't.

4 [10.30.03]

5 And as the President has already indicated, if the question is  
6 too long, I have problem understanding it. And as the President  
7 already indicated, my knowledge is limited, and it would be good  
8 for me if the question is shortened.

9 Q. Yesterday morning, at the beginning of your testimony before  
10 this Chamber, the Presiding Judge asked you how many times you  
11 met with tribunal investigators, and your answer was: "Only  
12 once." Do you recall that?

13 A. Now that you indicated that, I remember that, yes.

14 Q. And if I were to put it to you, Witness, that you met them on  
15 two occasions and in two different years, would I be wrong?

16 A. I suggest you refer to the interviews themselves. If you ask  
17 me to recall, I will think I cannot. So, if you say the  
18 interviews took place twice, I agree with that--

19 [10.32.00]

20 MR. PRESIDENT:

21 Thank you, Witness.

22 It is now appropriate for break. We will take the break now until  
23 10.50.

24 Court officer is now instructed to accommodate witness and his  
25 duty counsel and to return them to this Court at 10.50.

31

1 The Court is now adjourned.

2 THE GREFFIER:

3 (No interpretation)

4 (Court recesses from 1032H to 1050H)

5 MR. PRESIDENT:

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

7 And the floor is handed over to defence counsel for Mr. Khieu

8 Samphan to continue putting questions to this witness if there

9 are any more.

10 But, first, could counsel advise the Court as to how much time

11 counsel needs to finish his questioning?

12 [10.51.44]

13 MR. VERCKEN:

14 About 15 minutes, Mr. President.

15 MR. PRESIDENT:

16 Please, you may proceed.

17 BY MR. VERCKEN:

18 Thank you, Mr. President.

19 Q. Witness, before the break, I was asking you whether you recall

20 meeting with tribunal investigators in another year -- that is,

21 other than 2008, and you told me that you would trust me to find

22 any traces of another meeting with the investigators held on

23 another date. I would like to insist on this point, Witness,

24 because it is important for me to know how good your memory is

25 and, in particular, to ascertain whether you are able to remember

1 important meetings, such as meetings with the investigators of  
2 the tribunal held only a few years ago.

3 So let me put my question to you again: Do you only remember  
4 meeting with tribunal investigators in October 2008, or you met  
5 with them on any other occasions?

6 [10.53.24]

7 MR. OEUN TAN:

8 A. I would like to clarify this issue. The investigators only  
9 interviewed me once. As I indicated previously, I may forget as  
10 to how many times I was interviewed.

11 But I would like to consult with my duty counsel.

12 MR. KARKAVAS:

13 Mr. President, if I may?

14 MR. PRESIDENT:

15 Yes, Counsel, you may proceed.

16 MR. KARKAVAS:

17 Thank you. A question is posed to the witness, the witness is now  
18 asked to give an answer, there's no need to consult the -- his  
19 lawyer in -- because we don't know what the lawyer my advise him.  
20 He may give him the answer. I object.

21 (Judges deliberate)

22 [10.55.37]

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 I would like to remind witness and his duty counsel once again

33

1 that the role of the duty counsel is to pay attention to only  
2 questions that may require the witness to give self-incriminating  
3 answers -- that is when the duty counsel is called for, that is  
4 to advise his client as to whether he needs to answer such  
5 questions or not.

6 Besides, duty counsel may assist the witness by giving signals to  
7 him or her as to when to answer the question.

8 So duty counsel should be reminded of this role - that is to pay  
9 only - to pay attention to only questions that may lead witness  
10 to give self-incriminating answers.

11 This applies the same to witness answer the questions -- that the  
12 witness is supposed to answer the question only on the basis of  
13 what he knows or remembers.

14 Defence Counsel for Khieu Samphan, you may proceed.

15 [10.57.35]

16 MR. VERCKEN:

17 (No interpretation)

18 MR. PRESIDENT:

19 Witness appears to forget the question you last asked to him. The  
20 Chamber also forgets the questions.

21 So please put your question again, and please be reminded not to  
22 repeat the questions asked already.

23 [10.58.15]

24 BY MR. VERCKEN:

25 Q. How many times did you meet with tribunal investigators?

1 MR. OEUN TAN:

2 A. I met the investigators in 2008, only once in that year.

3 Q. Did you meet with them in any other years?

4 A. I don't think so. It was the only one time I met them.

5 Q. Do you remember meeting with them in 2009, six months after  
6 the first meeting?

7 A. I don't remember the dates but there was another interview.

8 Q. During that other meeting, did you sign another report?

9 A. After the interview, I signed on the written document that  
10 reflected the content of the interviews.

11 Q. And do you remember what the interview – what the second  
12 interview was about?

13 A. I don't remember the details. And when I was being  
14 interviewed, I would respond to questions put to me, and all the  
15 statements were recorded, but I'm afraid I cannot really  
16 recollect the details of the statement I made.

17 [11.01.06]

18 Q. But without getting into the details, do you recall the  
19 general subject of that second interview?

20 A. As stated, when I was being asked, I was able to respond to  
21 questions immediately, and all the responses were recorded very  
22 well, and I remember.

23 Q. Can you please provide an example or -- of a question that was  
24 asked by the investigators during that second interview?

25 A. No, I'm afraid not.

35

1 Q. Yesterday, before this Chamber, you were asked whether you  
2 knew Saloth Ban, whose revolutionary alias is -- or was So Hong.  
3 Do you remember being asked that question yesterday?

4 A. Yes, I do. I was asked the question and I responded that I  
5 didn't know him.

6 MR. VERCKEN:

7 This is exactly what I wanted to verify, sir. Thank you.

8 [11.02.06]

9 To conclude this cross-examination, I wish to draw your attention  
10 to the passage which is located at: 6 minutes -- 1 hour, 28  
11 minutes, 20 seconds, at those particular points of the audio  
12 recording. Reference is made to an interview with the  
13 investigators the day previous of your first interview -- that is  
14 to say on the 8th of October 2008.

15 And that, Mr. President, will conclude my cross-examination of  
16 this witness. I thank you.

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 We would like to now hand over to counsels for Mr. Nuon Chea to  
20 put questions to the witness if they would wish to do so.

21 [11.04.26]

22 QUESTIONING BY MR. SON ARUN:

23 Good morning, Mr. President. Good morning, Your Honours. Good  
24 morning, Mr. Oeun Tan. I am Son Arun, representing Mr. Nuon  
25 Chea. I have a few questions to put to you.

1 Q. Mr. Tan, from 1968 through 1970, you joined the revolution and  
2 you worked as a messenger.

3 My question is about your function. Was your job easy, difficult,  
4 dangerous?

5 MR. OEUN TAN:

6 A. As a messenger, the task was not difficult. When there were  
7 letters, I had to carry them. If not, I stayed in the office. And  
8 I had to do that since 1970.

9 Q. Thank you. You said messenger's task was not difficult. And at  
10 some point you had to carry letters to a long distance from  
11 Andoung Meas, for example, all the way to Veun Sai. Had you ever  
12 have a kind of feeling -- if you were arrested and that you were  
13 a messenger, were you concerned?

14 [11.06.32]

15 A. When I carried letters from Rattanakiri to Veun Sai, I had no  
16 fear because I had to carry them in the forest; I had to pass  
17 several villages. No fear.

18 Q. Before you became the messenger, were - or had you ever been  
19 trained to become a messenger?

20 A. As already stated, Pang was the chief, and there were meetings  
21 concerning how letters could be carried from Rattanakiri to Veun  
22 Sai, back and forth. And as I told you, it was not difficult  
23 because the letters had to be carried across villages, there were  
24 people there.

25 Q. Were you aware of any other messengers? Were they endangered

1 in their capacity as messengers?

2 A. No, I wasn't aware of this.

3 [11.08.24]

4 Q. I think I need to move to another question. You said you  
5 carried letters from Andoung Meas to Veun Sai. It was a long  
6 distance between two locations. And you say that there was no  
7 danger, and you had good feeling. Did you ever imagine a  
8 situation in which you were arrested by an -- the enemy? What  
9 would be your reason?

10 MR. PRESIDENT:

11 Witness is instructed not to respond to hypothetical question.

12 BY MR. SON ARUN:

13 Thank you, Mr. President. I move to the next question instead.

14 Q. During the time of the liberation, indeed, when Phnom Penh was  
15 liberated, you did not go to Phnom Penh immediately, you wait  
16 until 10 to 15 days after Pol Pot had already been in Phnom Penh,  
17 and that you had to stay behind to prepare belongings for Pol  
18 Pot.

19 [11.10.00]

20 When you were in Trapeang Thum, what was your general impression  
21 concerning the vicinity you lived in, indeed immediately after  
22 Phnom Penh was liberated? Tell us about your impression  
23 concerning people and the general aspect of the vicinity you  
24 lived in.

25 MR. OEUN TAN:



1 A. Both the villagers and people in my unit had nothing to panic  
2 about. They were happy, they were joyful because the country was  
3 liberated, so we did not have any bad feeling about this.

4 Q. Ten to 15 days after that, you came to Phnom Penh. Can you  
5 tell the Court of your observation concerning the situation on  
6 the road when you were travelling to Phnom Penh -- the traffics,  
7 the people, and other things?

8 A. When I came to Phnom Penh, I noted that the situation was  
9 normal. People went about their life as usual.

10 [11.11.58]

11 Q. Thank you. You say that people -- living condition was normal.  
12 But were people informed that Phnom Penh was liberated? Or have  
13 you heard anything that people knew this?

14 A. I think we heard about this from others. Trapeang Thum was not  
15 close to Phnom Penh, but we could hear this information through  
16 other peoples, that Phnom Penh was liberated.

17 Q. Thank you.,

18 What about traffics on the road? Did you see evacuees or people  
19 being panicked, running around -- things like that?

20 A. During my course of trip from Kampong Cham to Phnom Penh, I  
21 saw people coming from Phnom Penh and I saw people with children  
22 walking on the road near Preaek Kdam location. That's what I  
23 observed, people with their children walking on the streets.

24 [11.13.40]

25 Q. Thank you.

1 When you arrived Phnom Penh, what was your first impression  
2 concerning the city?

3 A. Phnom Penh was very quiet. It was empty. People already left.  
4 As I indicated, people were crowded at the Preaek Kdam location  
5 and these people left Phnom Penh.

6 Q. Are you saying that you did not even see civilians as well as  
7 the soldiers?

8 A. Yes, it is correct.

9 Q. Thank you. When you came to Phnom Penh, you did not see any  
10 persons. The city was quiet. Were you suspicious?

11 A. Indeed, I was because it was very quiet. I was thinking where  
12 these people could have gone to. I only saw them getting  
13 together, very crowded, in Preaek Kdam location. I did not know  
14 where else they would go.

15 Q. After Phnom Penh was liberated, you had to wait 10 to 15 days  
16 before you moved in, and that -- Pol Pot had to go to Phnom Penh  
17 before you. When you arrived in Phnom Penh, you said you worked  
18 with Pang; is that correct?

19 [11.16.10]

20 A. Yes, it is.

21 Q. You had been working with Pang for quite some time. What was  
22 his actual responsibility at the Office of 870?

23 A. He was overally in charge at the Office of 870.

24 Q. Could you describe Pang to the Court? What was he like -- a  
25 kind of gentle, cruel person?

1 A. Pang was a gentle, friendly person. He was very nice to every  
2 combatant. He was not a mean person.

3 Q. Thank you. When you worked with Pol Pot in Trapeang Thum, was  
4 Pang also with you?

5 A. Yes, he was.

6 [11.18.02]

7 Q. Mr. Tan, you had worked with the senior leaders and in your  
8 capacity as the body guard to Pol Pot. According to your  
9 statement before the Co-Investigating Judges and your statement  
10 you made yesterday before parties, you stated that you knew Mr.  
11 Nuon Chea very clearly; is it correct?

12 A. Yes, it is.

13 Q. You said you knew him very well. Can you describe Nuon Chea's  
14 character to the Court? Was he an educated person, a very cruel  
15 man who purged other people, arrest people, or was he a normal,  
16 intelligent person?

17 A. According to my interaction with him, being close to him, Mr.  
18 Nuon Chea is a gentle person, an educated person who be a good  
19 advice giver. He educated people to be good. And that's what my  
20 observation is.

21 Q. Thank you.

22 [11.19.57]

23 According to document E3/33, you stated before the  
24 Co-Investigating Judges that when the leader of the military came  
25 to the meeting at the Olympic Stadium, you had never seen Nuon

1 Chea, Khieu Samphan, and Ieng Sary attending the meetings, but  
2 you saw Mr. Son Sen. Do you know why the senior leaders of – the  
3 senior leaders did not attend the military meetings?

4 A. At that time, the meetings at the Olympic Stadium, the  
5 military meetings, were chaired by Pol Pot, and Son Sen also  
6 attended the meetings. And why Mr. Khieu Samphan, Nuon Chea, and  
7 Ieng Sary did not attend the meeting, because they were attached  
8 to other section. When the military meetings were concerned, it  
9 was Son Sen, who was leading the military, who would be there to  
10 attend the meeting, and that's why Nuon Chea, Khieu Samphan, and  
11 Nuon Chea would not be seen in those such meetings.

12 [11.21.30]

13 Q. Thank you. You said that when it comes to military meetings,  
14 only the leaders of the military attended, including Son Sen. But  
15 can you tell us – the Court, you know Son Sen clearly?

16 A. I just heard that Mr. Son Sen attended the meeting. I heard  
17 people told me, I never saw him in person.

18 Q. Did you know what Son Sen was doing back then?

19 A. No, I don't.

20 Q. Mr. Nuon Chea was the head of the National Assembly or the  
21 People's Representative Assembly of the CPK and he was the Deputy  
22 Secretary of the Party. Mr. Khieu Samphan, after King Norodom  
23 Sihanouk resigned, became the Head of State. Mr. Ieng Sary was  
24 the Deputy Prime Minister in charge of the Foreign Affairs. With  
25 these senior positions and then, when the military meetings were

1 convened, why these people were absent?

2 A. I personally do not know why, because I just didn't see them  
3 in those meetings, and I don't know. I just didn't see them.

4 [11.23.29]

5 Q Thank you.

6 I would like to move to another question. You testified to the  
7 prosecutor that you saw the "Revolutionary Flag" and you --  
8 magazines. May I seek clarification from you whether you have  
9 actually seen them?

10 A. Yes, I saw the "Revolutionary Flags" magazines and the "Youth  
11 Flag" magazine distributed to people in various places.

12 Q. Thank you. Can you tell the Court or describe to the Court the  
13 brief description of the magazines? Were they booklets? And what  
14 colour were they on the cover pages?

15 A. The magazines were of women carrying bundle of rice grain, and  
16 a sickle and hammer as a symbol, or logo.

17 Q. Anything else you would wish to add?

18 A. Nothing more.

19 [11.25.31]

20 Q. Thank you. Did you ever happen to open and read the magazines?

21 A. Yes, I did, but I couldn't read. I couldn't write. I just  
22 looked at the pictures. I looked at the pictures. I noted the  
23 women carrying the rice and I saw the sickle, the hammer, but I  
24 couldn't read anything.

25 Q. Thank you. You said you opened the magazines but you couldn't

1 read. Could you tell us whether the writing was, like, typed or  
2 hand-written? Because you may tell us.

3 A. The writings were typed, and on some pages there were colour.

4 Q. Thank you. Mr. Tan, you saw the "Revolutionary Flags". How  
5 often did you see them?

6 A. "Revolutionary Flags" were published in 1975, 1976, and the  
7 following years, and there were frequent issues of the magazines.

8 Q. You stated that you saw the "Revolutionary Flag" magazines,  
9 you opened the pages, and you described the appearance of the  
10 "Revolutionary Flags". Did you ever understand the content of the  
11 magazines, or were you ever told the content of such magazines to  
12 you?

13 [11.27.57]

14 A. No.

15 Q. I would like to go back to the question concerning Pang.

16 Yesterday, you, Mr. Tan, stated before the Co-Investigating -  
17 rather, the Co-Prosecutors that when you heard -- or you learned  
18 the disappearance of Pang and you didn't know how Pang  
19 disappeared, whether he were killed or transferred, but you said  
20 you were afraid, or your feeling was mixed: you were afraid,  
21 nervous, and not very nervous or afraid. But, actually, what is  
22 your feeling? Were you afraid? Were you scared or not?

23 A. I would like to also talk about the disappearance of Pang. And  
24 I already indicated. Personally, I was suspicious because I  
25 didn't see him on several consecutive days and I was -- and I was

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1 doubtful because normally he would come to the place, and he did  
2 not turn up. I kept asking other people for this information, and  
3 no one could tell me about his whereabouts, and I was worried,  
4 afraid. And with some instructions from Pol Pot, who told me that  
5 he had no idea where Pang could have been and he asked me to work  
6 hard, I was asked not to be worried or afraid. I just had to  
7 continue working.

8 [11.30.26]

9 Q. You said you were afraid. Why were you afraid? Were you sure  
10 that Pang was mistreated, was arrested or was killed?

11 A. I was afraid not because I knew he was arrested or tied up --  
12 I did not know anything about that -- but because Pang was - or,  
13 rather, Pang disappeared for several days. I felt in -- within  
14 me, afraid. But as time passed by I no longer thought of that. I  
15 received instructions from Pol Pot not to be worried and that I  
16 was supposed to continue working, to do plantation, and to supply  
17 food.

18 Q. Thank you.

19 Yesterday, Judge Lavergne asked you about the messages that Pol  
20 Pot asked you to deliver to Nuon Chea. Were you the one who  
21 personally delivered those messages, or did you hand those  
22 messages to someone else to deliver to Mr. Nuon Chea?

23 A. As for the messages or telegrams from Pol Pot, I asked my  
24 subordinate to deliver those messages to Nuon Chea.

25 [11.32.50]

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1 Q. Can you state it again -- that you asked your subordinate to  
2 deliver the messages to Nuon Chea, or was it you who personally  
3 delivered the messages to Nuon Chea?

4 A. It was my subordinate who delivered the messages to Nuon Chea.

5 Q. Did you know where from was the messages sent to Pol Pot?

6 A. No, I did not.

7 Q. Who gave it to you so that you can deliver the message to Pol  
8 Pot?

9 A. I said it yesterday; it was sent from K-7 to me. So I received  
10 it from K-7 and delivered it to Pol Pot.

11 MR. SON ARUN:

12 Thank you.

13 I do not have any further questions. Thank you, Witness. Thank  
14 you, Mr. President.

15 [11.34.22]

16 MR. PRESIDENT:

17 Next, the floor is handed over to defence counsel for Mr. Ieng  
18 Sary to put questions to this witness. You may proceed, Counsel.

19 QUESTIONING BY MR. KARNAVAS:

20 Good morning, Mr. President. Good morning, Your Honours. Good  
21 morning to everyone in and around the courtroom. And good  
22 morning, Witness. I am representing, along with Mr. Ang Udom, Mr.  
23 Ieng Sary. I have very few questions, mostly for clarification  
24 purposes.

25 Q. Today you told us that all of your statements were recorded.



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1 Do you – can you please tell us whether you had an opportunity to  
2 listen to the recordings of your statement?

3 MR. OEUN TAN:

4 A. I do not understand your question. Can I have it again,  
5 please?

6 Q. Yes. Today you told us that when you provided your statement  
7 to the investigators -- that it was recorded. Did you have an  
8 opportunity, before coming here today, to listen to the tape  
9 recordings?

10 [11.35.58]

11 A. No, I never listened to the recordings.

12 Q. And before coming here today to give your evidence, did  
13 someone from this Court, at least, read -- read to you the  
14 statements that you had provided to refresh your memory? Did that  
15 happen?

16 A. Yes, someone read that for me.

17 Q. All right.

18 Now, in the first statement that you gave, which is E3/33, it's  
19 noted that the questioning began at 9.35 in the morning and it  
20 ended approximately 3.30 in the afternoon; is that about right?

21 A. Yes, it is correct.

22 Q. Do you recall -- do you have an independent memory, that is,  
23 of being questioned the day before you provided this  
24 tape-recorded statement?

25 A. Yes, there was once.

1 [11.37.34]

2 Q. And I take it that interview were with the same investigators  
3 that questioned you when -- the following day, when your answers  
4 were tape-recorded; correct?

5 A. Yes, correct.

6 Q. And here is the point of clarification that I'm seeking: Can  
7 you please explain to us how long of an interview you had with  
8 these investigators the day before? And that would be October 8,  
9 2008.

10 A. At the time, as I remember, it took one day.

11 Q. Now, just to be sure that I understand - that we all  
12 understand your testimony, on the 8th you answered questions for  
13 an entire day, and then the following day, on the 9th, you were  
14 asked questions, and those questions were tape-recorded; do I  
15 have it right?

16 A. You are right.

17 [11.39.04]

18 Q. Now, let's talk about the day of the events when you were  
19 asking - you were asked questions and you provided answers, which  
20 are not tape-recorded -- and for the Trial Chamber's benefit,  
21 this is not reflected in the summary prepared by the Office of  
22 the Co-Investigative Judges. Can you please tell us what  
23 questions were posed to you, if you recall?

24 MR. PRESIDENT:

25 Witness, please hold.

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

2 MR. ABDULHAK:

3 Your Honours, we have no objection to the substance of the  
4 questions, but I think my learned colleague was just stating then  
5 that the interview on the 8th was not recorded. I don't recall  
6 the witness being asked specifically about that date and stating  
7 that that interview was not recorded.

8 [11.39.57]

9 Perhaps if that can be asked first, and then we can move on.

10 BY MR. KARNAVAS:

11 Fair enough, Mr. President. Fair enough, Your Honours. I thought  
12 the matter was clear with the Khieu Samphan defence team, but--  
13 Q. Do you know whether on the 8th, the day that, you say, you  
14 were questioned for an entire day -- whether those questions and  
15 answers were tape-recorded?

16 MR. OEUN TAN:

17 A. At that time, I think it was not recorded.

18 [11.40.44]

19 Q. And in fact, do you recall telling the Co-Investigating Judges  
20 on the 9th of October 2008, when they were asking you questions--  
21 And this is on the tape itself, and we have the coordinates of  
22 the tape, and that would be D107/2R, at 00.05 minutes to 00.06  
23 minutes. There you remind the Co-Investigative Judges -- the  
24 co-investigator - investigators that you answered questions  
25 already, and you were told: But now this is being tape-recorded.

1 Do you recall that?

2 A. As I can – as far as I can say, I do not remember it because  
3 at that time, during the interview, I was answering the  
4 questions, I did not observe the – I did not observe the tape  
5 recording. I was answering to the prosecutors [says the witness]  
6 honestly.

7 Q. All right.

8 Well, let's proceed and then maybe, if we have time, we can play  
9 the tape recording if necessary, although, since it is in -- on  
10 the file, the Trial Chamber can listen to it on its own.

11 Do you recall what questions were posed to you during that entire  
12 day -- that is, the day before you were tape recorded?

13 [11.42.46]

14 A. it is hard for me to answer this question because I do not  
15 remember anything, as I said. I had poor thinking, so I was only  
16 answering the questions asked. As I told Mr. President, I do not  
17 remember.

18 Q. All right.

19 And if I were to ask you to please describe -- or if you could  
20 tell us whether any documents were shown to you or read to you by  
21 the investigators in order to refresh your memory, do you recall  
22 that?

23 A. At the time the investigators interviewed me, after the  
24 interview was complete, I was read out that interview because I  
25 was – I am illiterate. So someone read it out for me, and I was

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1 listening to that.

2 Q. Thank you, Witness, but I'm asking about the day when you were  
3 interviewed, when it wasn't recorded, whether on that particular  
4 day, as questions were being asked of you, whether these  
5 investigators were reading documents or contents from documents  
6 to refresh your memory. Did that occur, if you recollect?

7 [11.44.42]

8 A. I cannot recollect, as I told you.

9 Q. So it would be fruitless for me to ask you the topics, also,  
10 that were being discussed on that particular day; or do you  
11 recall?

12 MR. PRESIDENT:

13 Please, Counsel, ask this question again. I am not sure whether  
14 it was your observation or your question. The witness will not be  
15 able to answer your question based on the Khmer language, whether  
16 it was a question or a statement.

17 BY MR. KARNAVAS:

18 Thank you, Mr. President.

19 Q. Do you recall what topics were discussed by the investigators  
20 -- that is, the day before you were questioned, and those  
21 questions and answers were tape-recorded?

22 MR. OEUN TAN:

23 A. I would like to consult with my duty counsel; I do not  
24 understand the matter here.

25 [11.46.20]

1 MR. PRESIDENT:

2 Witness, you are not allowed to consult with your duty counsel as  
3 you are already informed that you can only consult with your duty  
4 counsel when it comes to questions that lead you to answer -- or  
5 give self-criminating answers. And you are supposed to answer the  
6 question based on what you know and remember.

7 Please answer the question, Witness.

8 MR. OEUN TAN:

9 A. At the time, as I said, I was not remembering everything. I  
10 was confused as well when I was answering the questions.

11 BY MR. KARNAVAS:

12 Q. And that was my next question. Today you told us that you're  
13 illiterate, you do not understand politics, you're confused and  
14 forgetful. Were you confused and forgetful when you met with the  
15 investigators of the Office of the Co-Investigative Judges, on 8  
16 October 2008, when you were questioned and those answers -  
17 questions and answers were not tape-recorded?

18 [11.48.02]

19 A. As I said, I was forgetful.

20 Q. And did the investigators try to assist you -- that is, assist  
21 your memory by telling you things, giving you information which  
22 may be helpful for the following day, when you were questioned  
23 and your answers were tape-recorded?

24 A. It is hard for me to answer this question.

25 MR. KARNAVAS:

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1 Sir, I want to thank you very, very much on behalf of Mr. Ieng  
2 Sary. Mr. Udom and I would like to thank you for coming here and  
3 giving your evidence and wish you a safe journey back home.  
4 Thank you, Mr. President and Your Honours. We have no further  
5 questions.

6 [11.49.11]

7 MR. PRESIDENT:

8 Thank you. Thank you, Mr. Oeun Tan.

9 The hearing of your testimonies has come to the end. The Trial  
10 Chamber would like to express its gratitude for your coming here,  
11 for your patience and your efforts to continue ascertaining the  
12 truth. Now you can be excused to go back to your home or your  
13 other destinations. I wish you a good trip back home.

14 Court officer is instructed to facilitate with WESU so that he  
15 can be brought back to his home or other places he please.

16 Today's hearing of Mr. Oeun Tan's testimonies has come to the end  
17 earlier than expected. The Court will be adjourned, and will be  
18 resumed on Tuesday, on the 19th of June 2012, at 9 o'clock in the  
19 morning.

20 [11.50.48]

21 The Chamber would like to inform the public as well that the  
22 hearing on Tuesday next week will hear testimony of two  
23 witnesses, TCW-797 and TCW-321.

24 The hearings will commence on Monday (sic) morning, at 9 o'clock.

25 The Prosecution will begin the questioning before any other

1 parties. And the hearing may proceed until Friday morning.

2 Yes, the Prosecution, you may proceed.

3 MR. ABDULHAK.

4 Thank you, Mr. President. If I may make a very brief application  
5 just to avoid written pleadings, I think we've heard today that  
6 there are matters in the audio recording of the 9th of October  
7 which -- and we believe counsel on their word when they - when  
8 they state so -- which indicate a prior interview on the 8th, and  
9 the witness himself has confirmed that a prior interview took  
10 place.

11 [11.51.55]

12 We think it would be appropriate to, first, obtain a transcript  
13 of that interview of the 9th of October, and then perhaps  
14 consider requesting from the Office of the Co-Investigating  
15 Judges any clarifications as to a record of the 8th of October,  
16 whether such a record exists as well. We think it would assist in  
17 ascertaining the truth, because there is a degree of - of doubt,  
18 now, as to just what - what was placed on the record and what  
19 interviews took place.

20 MR. KARNAVAS:

21 If I may respond very briefly, we concur.

22 I just sent a message - I have the relevant portion to be played  
23 but I wished to save time.

24 But I concur. It'll be self-evident, what the gentleman says on  
25 the tape, and I don't think there'll be a need for clarification.



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1 But I did send a message right now to get it done. Thank you.

2 [11.52.58]

3 MR. PRESIDENT:

4 Thank you very much.

5 The Chamber does not have to rule on this matter. Relevant

6 parties can include this in their submissions.

7 Security guards are now instructed to take the three accused

8 persons back to the detention facility and to return them back to

9 this courtroom on the morning of Tuesday, 19th June 2012.

10 And as for Mr. Ieng Sary, if he expresses his position to waive

11 his right to be present in the courtroom by providing the written

12 waivers to the Chamber before the commencement of the hearing,

13 court - rather, security guards are instructed to coordinate with

14 the greffiers and to bring Mr. Ieng Sary to the holding cell for

15 him to follow the proceeding. The Chamber will review the

16 possibility of allowing him to do so.

17 The Court is now adjourned.

18 (Court adjourns at 1154H)

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