



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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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

10 January 2013
Trial Day 145

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. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SON ARUN	Khmer
MR. UNG REN (TCW-754)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

4 You may be seated. The Court is now in session.

5 Ms. Se Kolvuthy, could you report the attendance of the parties
6 and individuals to today's proceeding?

7 [09.06.15]

8 THE GREFFIER:

9 Good morning, Mr. President. For today's proceeding, all parties
10 are present, except the accused Ieng Sary, who is at the holding
11 cell downstairs due to his health.

12 The reserved – the witness, Ung Ren, is already in the courtroom.
13 We do not have a reserved witness, as the witness cannot make it
14 on time today.

15 MR. PRESIDENT:

16 Thank you.

17 The floor is once again given to the Prosecution to continue
18 putting questions to this witness.

19 You are reminded that the combined time allocation for you, and
20 the Lead Co-Lawyers, is for one session only -- that is, until we
21 take a break.

22 You may proceed.

23 [09.07.33]

24 MR. SON ARUN:

25 Good morning, Mr. President, Your Honours. I have the medical

2

1 report before the proceeding by the physician at the ECCC -- that
2 is, Dr. Tong Hong. He recommends that Nuon Chea shall participate
3 in the courtroom for about 30 minutes, and after that, he shall
4 be allowed to follow the proceeding at the holding cell
5 downstairs.

6 He is here at the moment, but he advises us that he cannot sit
7 here for long due to his dizziness, and his back ache. So that he
8 cannot concentrate and follow the proceeding in the courtroom.
9 For that reason, I request your leave to have my client placed in
10 the holding cell downstairs, so that he can follow the
11 proceeding.

12 (Judges deliberate)

13 [09.11.39]

14 MR. PRESIDENT:

15 This morning, the Chamber received a medical report from the
16 physician at the ECCC detention facility after he examined Nuon
17 Chea's health this morning, and he observed that Nuon Chea is
18 fatigued. He feels dizzy, as well, and recommends that he shall
19 participate in the proceeding for a short period of time -- that
20 is for about 30 minutes, and then he shall be allowed to follow
21 the proceeding remotely.

22 Nuon Chea, himself, made a request to the Chamber for him to
23 follow the proceeding remotely due to his health, and that he
24 cannot participate even for a brief period of time in the
25 courtroom.

3

1 Your request is consistent with the recommendation in the medical
2 report by the physician at ECCC, after his examination of Nuon
3 Chea's health.

4 For that reason, and that he is capable to follow the proceeding
5 remotely from the holding cell downstairs, and in order to avoid
6 any substantial delay and in the interest of justice, and mainly
7 based on the medical report of the physician's examination of the
8 Accused, as well as the request by Nuon Chea, the Chamber grants
9 Mr. Nuon Chea, permission to follow the proceeding remotely --
10 that is, from the holding cell downstairs through audio-visual
11 means for today's proceeding.

12 [09.13.48]

13 AV Unit, you are instructed to link the proceeding to the holding
14 cell downstairs, so that this accused can follow it remotely.

15 This applies for the whole day proceeding.

16 Security guards, you are instructed to take Mr. Nuon Chea to the
17 holding cell downstairs, so he can follow the proceeding
18 remotely.

19 The Prosecution, you may continue.

20 QUESTIONING BY MR. LYSAK RESUMES:

21 I thank you, Mr. President. Good morning, Mr. Witness.

22 Q. I want to ask you a follow-up question regarding a statement
23 you made in your first OCIJ interview, which is E3/402, Khmer
24 page 00379449; English, 00381036; French, 00424050. In that, you
25 made the following statement -- quote: "Commander Saroeun used to

4

1 hold the meetings and told me about the enemies [such as] CIA,
2 KGB and the Yuon enemy."<V> End of quote.

3 Can you tell us where were the meetings held at which Division
4 Secretary Saroeun talked about the CIA, KGB and "Yuon" enemies?
5 [09.15.52]

6 MR. UNG REN:

7 A. In fact, in Division 801, Saroeun held meetings at Veun Sai.
8 The content of the meetings were about the KGB agents and the
9 "Yuon" enemy, and number 2, he instructed each unit to monitor
10 and follow any possible activities of these two groups.

11 Q. I'd like to show you a document, which is-

12 Mr. President, it is document E3/1164; it is a November 25, 1976
13 report to Brother 89 from Roeun<V> of Division 801. If I may have
14 that document submitted to the witness with your leave, Mr.
15 President?

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 Court Officer, could you deliver the hard copy from the
19 Prosecutor, for the witness's examination?

20 [09.17.35]

21 BY MR. LYSAK:

22 Q. Section 2 of this report, which starts on the second page,
23 contains a discussion of enemy activities within the division,
24 including enemy infiltrators -- and a report of statements
25 obtained from combatants who had been arrested from Regiment 83

5

1 -- and the specific part of the document that I would like you to
2 focus on are the proposed measures in Section 4 of the report.
3 And in particular, the list of five organizational measures that
4 you will find on Khmer page 00052327, and I have the
5 corresponding English page as 00516711. That is Section 4 of the
6 report.

7 The first proposed organizational measure, number 1, states --
8 quote: "Anyone who is suspicious of being an enemy must
9 absolutely be arrested."

10 Number 2 was - quote - "to examine the document regarding a
11 person implicated by the enemy and request for a temporary
12 arrest".

13 And then, skipping down to proposed measure number 5, it states
14 -- quote:

15 "Those who affiliated to political tendency shall be gradually
16 arrested. At the beginning, we examine these elements to
17 determine their good or bad activities toward the Revolution. The
18 good shall be temporarily kept. Anyone who is resisting or
19 inactive shall be removed and put into a group."

20 [09.19.43]

21 And then it states -- quote: "In conclusion, anyone who violated
22 the discipline and repeated the faults after three to four
23 sessions of education shall be arrested or removed from the
24 unit."<V> End of quote.

25 And, if you would also look at the very end of the report,

6

1 Division Secretary Saroeun concludes as follows -- quote:
2 "This is a report of Committee 801 regarding enemy activities and
3 measures as stated above and we request that Uncle make remarks
4 and comments. We look forward to receiving the Party's
5 recommendations."<V> End of quote.

6 My question to you: Based on your experience as a regiment
7 secretary and then, later, the deputy secretary of Division 801,
8 were the measures that are proposed in this report, matters that
9 could be decided by the Division itself, or was the approval of
10 the Centre needed, in order to impose such measures?

11 [09.20.55]

12 MR. UNG REN:

13 A. The situation, as I outlined from the beginning, in this
14 report, it refers to each regiment within Division 801. So for
15 me, for my own regiment or unit, we knew about the meeting, about
16 other events that happened outside our unit. So, Sou Saroeun's
17 measure was that for us to follow the enemy's activities. That is
18 the first point in my response to this question.

19 And, number 2, I heard his summarized instructions as you've just
20 read out -- for those who conducted activities in a regiment or a
21 battalion, the suspicious activities shall be followed and
22 monitored, and they shall be educated. However, if the attempts
23 to educate them did not succeed, then they would be arrested.
24 However, there was no such phenomenon in my unit. It happened
25 around those regiments close to the quarters of the Division 801.

7

1 Q. And do you know whether Division Secretary Saroeun had
2 authority to decide on measures like this himself, or did he
3 require the approval of the Centre, in order to impose these
4 measures?

5 [09.23.42]

6 A. I could not grasp this situation back then. I did not know
7 whether he would receive the instructions from the Upper Echelon,
8 or whether he took decisions on his own, regarding the arrest,
9 within his own division. However, the regiments and that his
10 division needed to know what happened in their respective
11 regiments. We knew of the instructions from the Upper Echelon
12 through him, only through the meetings that he relayed those
13 instructions to us, but I could not grasp the clear instructions
14 regarding the decision.

15 Q. Thank you for that response. Let me now turn to another
16 question. I want to turn now to the issue of the time period
17 during which you were located at the General Staff. And in your
18 OCIJ statement, you indicated that you thought you had left Siem
19 Pang in July 1977, and that in August 1977, you were assigned to
20 go to Phnom Penh.

21 However, yesterday, when I showed you a document regarding events
22 in Siem Pang<V> in March 1977, you indicated that you may have
23 already left Siem Pang before that time. You also told us
24 yesterday that Saom<V> was one of the members of the General
25 Staff who you saw working at that office when you were located

8

1 there; is that correct?

2 [09.26.04]

3 A. As I already stated, I left Siem Pang in July. July was the
4 rice planting season. And then I left for Phnom Penh for - to
5 attend the study session.

6 Q. The reason I ask you: you told us yesterday that Saom was one
7 of the members of the General Staff who was working at the office
8 when you came there. However, S-21 prisoner list, D108/26.86 -
9 at Khmer page 00009223; English, 00873461 - records that a "Pech
10 Chhan" alias Saom, assistant of the Office of General Staff,
11 entered S-21 on the 14th of March 1977. This also suggests that
12 the period that you went to Phnom Penh and were at the General
13 Staff may have been prior to March 1977.

14 So, I want to ask you and show you a few documents to refresh
15 your recollection and see whether your memory is mistaken and
16 whether it was in fact 1976 when you went to Phnom Penh.

17 [09.28.03]

18 And, Mr. President, the document - the first document I'd like to
19 show the witness is document E3/810 - that's E3/810 - which are
20 the 19 September 1976 minutes of a meeting of the division
21 secretaries; if I may present that document to the witness?

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. LYSAK:

25 Q. The part of this document that I want - would like you to

9

1 direct your attention to is a handwritten distribution list that
2 appears in the upper-right corner on the first page. And that
3 distribution list reads as follows: one - number 1, "89"; number
4 2, "81"; number 3, "Nat"; number 4, "Saom"; and number 5, "Ren
5 801".

6 Now, we have looked through all the General Staff documents
7 chronologically, and this is the first document on which your
8 name appears that we found.

9 And, Mr. President, for the record, this document can be compared
10 to the minutes of a September 7, 1976, meeting, E3/799, and the
11 minutes of a 16 September 1976 meeting, E3/822, where the
12 distribution list for those documents was only the first four
13 people who are listed here.

14 [09.30.16]

15 So, my question for you, Mr. Witness: Is the person identified as
16 "Ren 801" who is on the distribution list of document E3/810 - is
17 this - is this you? And does this refresh your recollection that
18 the period where you went to the General Staff Office in Phnom
19 Penh was actually September 1976, and not 1977?

20 MR. UNG REN:

21 A. I remember having left Siem Pang in July 1977. It was during
22 the rice transplant season, about a month after rice being
23 transplanted, that I had to go to Phnom Penh.

24 Q. And why is it that you believe it was 1977? How are you sure
25 that it was 1977, and not 1976, in the rice harvest period, that

10

1 you went to Phnom Penh?

2 [09.32.10]

3 A. My personal observation is that in 1976 I was a farmer in Siem
4 Pang. And in 1977 I still did farming in Siem Pang. Only in 1977,
5 on the - in July, did I move.

6 Q. Let me show you a few more documents to see if this helps.

7 After the date of this - of the September 19 document that has a
8 - includes a "Ren 801" in the distribution list, there are a
9 number of other documents from the General Staff, during the
10 period from mid-September to December 1976, in which your name is
11 included in the distribution list.

12 And, Mr. President, if I may present a group of these documents
13 to the witness just so he may see the distribution lists. I will
14 identify them for the record as they're being handed to him. But
15 there are six documents. They are: E3/1024, E3/1101, E3/1212,
16 E3/1151, E3/1107, and E3/1079.

17 If they may be presented to the witness, with your leave?

18 MR. PRESIDENT:

19 You may proceed.

20 BY MR. LYSAK:

21 Q. Mr. Witness, was there any other person named Ren from
22 Division 801 who was located for a period in Phnom Penh, at the
23 General Staff, or were you the only Ren from Division 801 who,
24 for a period, was located at the General Staff?

25 [09.34.53]

11

1 MR. UNG REN:

2 A. In the General Staff Office, it was I alone who wear that
3 name. Other individuals, persons included in this office could
4 have been Saom and Nat, and I already made it clear.

5 Q. Recognizing that you were - your name is on - just on the
6 distribution list for these documents, does this reflect -
7 refresh your recollection as to your period at the General Staff?
8 And can you tell us whether you are the Ren who is listed on the
9 distribution list for these documents?

10 A. I have never received document from 801 or document asking me
11 to go to 801.

12 Q. The distribution lists I've been showing include a person
13 identified as "81". Do you know who 81 was?

14 A. I don't know.

15 [09.37.07]

16 Q. Did you know a person at the General Staff named Seat Chhae,
17 alias Tum?

18 A. No, I don't.

19 MR. LYSAK:

20 I want to turn now to some records of study sessions that were
21 held at the General Staff in October and November 1976.

22 First, for the record, in that - Mr. President, in document
23 E3/13, which is the 9 October 1976 minutes of a meeting of the
24 division secretaries and Son Sen, Section 2 of those minutes
25 discusses study sessions that were to be held at the General

12

1 Staff, commencing later that month, and indicates that all
2 secretaries, regiment commanders, and battalion commanders of
3 each division would be invited.

4 Mr. Witness, the documents I would like you to look at are
5 attendance lists for two General Staff study sessions.

6 And if I may present those documents to the witness, Mr.
7 President?

8 [09.38.40]

9 The first document is E3/1585, and it is a list of participants
10 for the first General Staff study session that began on the 20th
11 of October 1976. And then document E3/847 is a list that shows
12 the participants at a second General Staff study session that
13 began on the 23rd of November 1976.

14 And with your leave, Mr. President, I'd like to present those
15 documents to the witness.

16 MR. PRESIDENT:

17 You may proceed.

18 BY MR. LYSAK:

19 Q. Mr. Ung Ren, I'd like to start with the E3/1585, which is the
20 attendance list for the first General Staff study session held on
21 20 October 1976, and I want to direct your attention to the
22 individuals on the attendance list who appear at numbers 92
23 through 122 - that's numbers 92 through 122 of the list, where
24 there are 31 regiment and battalion chiefs, deputies, and members
25 from Division 801 who are recorded as having attended this study

13

1 session.

2 [09.40.49]

3 And could you look at the names of the people listed in numbers
4 92 through 122 and tell us whether you recognize the names of
5 those people as fellow cadres from Division 801?

6 MR. UNG REN:

7 A. I may wish to call the names I remember from that division:

8 "Roeun" is my fellow comrade from the division; "Horn"; and
9 another person, "Kheng"; and "Chhaom". I know these individuals
10 only.

11 Q. Thank you.

12 Now, if you could take the other document, E3/847, which is the
13 attendance list for the second General Staff study session that
14 was held on the 20th of November 1976? And in this document I
15 would direct your attention to numbers 36 through 63 of the list,
16 where there are a different group of 28 regiment and battalion
17 chiefs, deputies, and members from Division 801 who are listed as
18 attending the second study session. And if you could do the same
19 thing, look at the numbers 36 through 63 on the list and tell us
20 which of those people you recognize as fellow cadres from
21 Division 801?

22 A. "Roeun", "Kev", "Pra" (phonetic), "Soeun", "Sân".

23 (Short pause)

24 [09.45.11]

25 Q. Mr. Witness, I wanted you to just limit your review to persons

14

1 number 36 through 63 of the list. Are there any other people in
2 that part of the document who recognize as from Division 801,
3 other than the people you already identified?

4 A. I know only these individuals whose names I already mentioned.
5 Other people could have been in the same division, but I don't
6 remember them. You know, as I indicated, I don't even know
7 Brothers 81 and 93, although these people belong to the same
8 division.

9 Q. Do you - do you remember the first and second General Staff
10 sessions that are recorded in these documents as being held in
11 October and November 1976?

12 A. No, I don't.

13 Q. Do you have any recollection as to why you are not listed as
14 one of the attendees for Division 801 at these study sessions?

15 A. The only thing I note is that my name didn't appear in the
16 list. I believe that I was far in the front, that I was not
17 called to such session. Each session was attended by at least a
18 focal person of the unit.

19 [09.48.07]

20 Q. Is it possible, Mr. Ung Ren, that the reason you are not
21 listed in the Division 801 attendees is that this fell during the
22 period that you were assigned to the General Staff?

23 A. As I already mentioned, I personally was not appointed by the
24 commander of our division to work at the General Staff Office. I
25 was sick; I had to be treated for my sickness for about one

15

1 month, and I had to remain in the office. And there was no proper
2 or formal appointment, and I did not do anything during that
3 time.

4 Q. For the record, Mr. President, there is another document that,
5 in the interest of time, I will not show to the witness, but so
6 we have - for the record of these proceedings, document E3/1045,
7 at Khmer pages 00160061 through 160063, English pages 00335265
8 through 335267 - this document contains organization lists for
9 Division 801 that accord with the people who are identified at
10 the study sessions, the study session records that we've just
11 discussed.

12 [09.50.10]

13 Mr. Witness, the last group of documents I'd like to ask you
14 about are a number of General Staff documents - a number of other
15 General Staff documents that have a Comrade Ren referenced in
16 them.

17 And, Mr. President, if I could present two more documents to the
18 witness - E3/1109, E3/820?

19 E3/1109 is a report dated 21 September 1976, by a Comrade Ren of
20 the General Staff Office, describing a lifestyle meeting that was
21 held at Division 450 on that date.

22 And document E3/820 is a report dated 1 October 1976, by a
23 Comrade Ren of the General Staff Office, describing a lifestyle,
24 or criticism meeting held at Division 170.

25 With your leave, may I present these documents to the witness?

16

1 MR. PRESIDENT:

2 Counsel for Mr. Khieu Samphan, you may proceed first.

3 [09.51.37]

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. A moment ago, the Co-Prosecutor made
6 the argument concerning the document to be presented to the
7 witness. To me, I believe that, by doing so - or by making some
8 observation during the time when cross-examining the witness, it
9 is not appropriate to do so.

10 The prosecutor should have deferred to a later stage of the
11 proceeding. And my humble opinion is that prosecutor should go
12 straight to the document rather than making observation.

13 MR. LYSAK:

14 Mr. President, if I may respond, we've addressed this issue
15 before, and in terms of whether we should put on the record
16 documents that we want the Court to be aware of while it is our
17 turn to question the witnesses - and that's all I was doing with
18 the reference to the - and description of the prior document.
19 So, with your leave, if I may proceed and hand the next two
20 documents to the witness?

21 [09.53.02]

22 MR. PRESIDENT:

23 You may proceed, Co-Prosecutor.

24 BY MR. LYSAK:

25 Q. Mr. Witness, if you could look at these two reports? And my

17

1 question for you is whether you recall ever being assigned to
2 attend lifestyle or criticism meetings that were held at
3 Divisions 450 and 170 and to report to the General Staff on those
4 meetings.

5 (Short pause)

6 Just to repeat my question, Mr. Witness: Do you recall ever being
7 assigned to attend and report on lifestyle or criticism meetings
8 that were held at Division 450 and Division 170?

9 MR. UNG REN:

10 A. I attended meetings at Division 70 and other division, perhaps
11 850. At that time, I was required to - no, it was not I who was
12 required, it was Saom who had to attend the meeting, but he had
13 other prior engagement that - I had to really go to the meeting
14 on his behalf.

15 Q. And what did Saom ask you to do at these meetings?

16 [09.56.19]

17 A. In such meeting, we had no authority to propose any item of
18 agenda. We had to be in the meeting as an attendee only, and it
19 was up to - the chairman of the unit who proposed such item of
20 agenda. And we had to report to the upper echelon on what we had
21 to report to.

22 Q. Do I understand, then, correctly that you were simply there to
23 record and report on what happened or what the division - the
24 people from those divisions said during these meetings? Is that
25 correct?

1 A. Yes, it is.

2 Q. Another issue I would like to ask you about, Mr. Witness. In
3 the 18 October 1976 minutes of the division secretaries' meeting
4 – and this document E3/815, at Khmer page 00095530; English,
5 00143502; and French, 00623946. In these minutes, in the section
6 in which Brother 89 provides comments, it contains a
7 recommendation from Brother 89 to establish – quote – "a joint
8 committee comprising Comrades Nat, Teanh, Ren, Saom, and the
9 division secretaries" – end of quote. And this committee was to
10 look at the issue of how to defend the city of Phnom Penh and
11 whether there should be any changes in the divisions in order to
12 better defend the city.

13 [09.58.55]

14 My question to you is whether you recall being assigned to a
15 committee that was asked to make recommendations on the
16 protection of Phnom Penh.

17 A. Regarding the plan to attack that was made between Nat and
18 Saom, I was not involved. As I said from the beginning, I was at
19 a separate location with other two people.

20 I also stated before the OCIJ investigators that, when there was
21 an attack at Kokir Saom, I was ordered to go there and monitor
22 the situation. And upon my arrival, the enemy had already gone,
23 so I returned.

24 And that's all I knew. But I did not know anything about the plan
25 to prevent the attack on Phnom Penh or any of a similar event. I

19

1 did not participate in that meeting as you just stated in your
2 question.

3 MR. LYSAK:

4 Thank you for that response.

5 Mr. President, I'd now like to hand to the witness another
6 document, which is document E3/1163, and this a 14 November 1976
7 report by Comrade Ren of the General Staff Office. If I may
8 present that to the witness?

9 [10.01.13]

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 BY MR. LYSAK:

13 Q. Mr. Ung Ren, this is another document from the General Staff
14 Office that has - from a report under your name. This is a report
15 also regarding Division 450. It specifically, though, relates to
16 cadres in the division - or a cadre named Chhaet and people that
17 he had implicated after being arrested. And the report goes on to
18 give a description of various people who had been implicated by
19 Chhaet in Division 450, 310, and Commerce, and other locations.
20 And the end of the report states - quote: "Request to report this
21 situation to Angkar, following work with Brother Suong of 450."
22 Are you able to recall and share with us - recall anything about
23 this matter that you can share with the Court?

24 [10.03.06]

25 MR. UNG REN:

20

1 A. I could not grasp the situation within the division, as there
2 was no one by that name.

3 Q. Do you recall having any meetings with Comrade - with Brother
4 Suong from Division 450?

5 A. As I said, I did not know anyone by that name, Suong, in
6 Division 450 because, as I stated earlier, I attended a meeting
7 once between the two divisions.

8 MR. LYSAK:

9 Mr. President, if I may now present to the witness a document,
10 E3/1131 - that's E3/1131? And this is a 25 November 1976 report
11 by a Comrade Ren from the General Staff Office.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 [10.04.50]

15 BY MR. LYSAK:

16 Q. Now, Mr. Ung Ren, this is a document that also - a report that
17 was done by Comrade Ren - your name - and the date of this is the
18 25th of November 1976. If you'll recall, the second General Staff
19 study session that I just showed you a while ago began on the
20 23rd of November 1976.

21 And this is a report - quote - "about working with Bong Oeun of
22 Division 310".

23 Paragraph one states:

24 "There are two people who have been implicated by enemy and have
25 come to attend the training session: Chea, secretary of a

21

1 battalion in Division 310; and Horm, a soldier in a battalion of
2 Division 310."

3 [10.05.54]

4 Carrying on later in the document: "The division has grasped both
5 of them and found that so far they have not had any activities;
6 they used to live with Bang Oeun since 1970, and he grasped their
7 information even from their homes."

8 Do you recall this matter? Do you recall working with Bang Oeun
9 from Division 310?

10 A. No, I cannot recall that. In fact, I know this Oeun. As for
11 the other two people mentioned in this document, I did not know
12 them. Activities in each division was only known to that
13 respective division.

14 As for the duties at the General Staff Office, where I stayed for
15 a short period of time, it was Nat who worked with the military
16 affairs. Sometimes I was told to attend this meeting or that
17 meeting on their behalf when I was free, but I can't recall
18 anything regarding the event mentioned in this document.

19 MR. LYSAK:

20 Thank you.

21 Mr. President, for the record the report of that E3/1131 that the
22 witness was just discussing, as I indicated, refers to two people
23 who had been implicated, who were attending the training session,
24 a Chea and a Horm. And for the record, the attendance list of the
25 23 November 1976 second General Staff study session, document

22

1 E3/847, person number 217 on that list is a "Chea" from Division
2 310, and person number 220 - number 220 on that list is a "Horm"
3 from Division 310.

4 [10.08.47]

5 The next document I'd like to present to the witness is document
6 E3/1166, which is a 24 December 1976 report by Comrade - by a
7 Comrade Ren. If I may present that to the witness, Mr. President?

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 BY MR. LYSAK:

11 Q. E3/1166 is a December '70 - I'm sorry, 24 December 1976 report
12 by Comrade Ren from the General Staff. And this is titled - quote
13 - "Request to report to Brother on the general situation in
14 Division 450 obtained [after] going to work with Brother Suong
15 and Brother Yan" and it concerns a proposal to remove a Comrade
16 Lum from the unit.

17 Do you recall anything about this matter that you are able to
18 share with the Court at this time, Mr. Witness?

19 [10.10.38]

20 MR. UNG REN:

21 A. I knew about this event when I had a meeting with Suong and
22 Yan. It was the situation within their unit, and that - they
23 needed to report to the upper echelon. And, while I was at the
24 General Staff, I was asked to assist them, but I only made the
25 report; I did not make the decision. And that unit request for

23

1 the removal of that particular individual.

2 Q. Who was it at the General Staff that asked you to go work with
3 Brother Suong and Brother Yan and to make this report?

4 A. I worked with Suong and Yan under the instruction of Nat.

5 MR. LYSAK:

6 Thank you, Mr. Witness.

7 Mr President, for the record, an individual named Mao Sokha alias
8 Lum, identified as an assistant of Division 450, entered S-21 on
9 the - in 1970 - 31st of December 1976, one week after the date of
10 this report. His name appears in document D108/26.22, at Khmer
11 page 00088720, and he is number 6 on this S-21 list.

12 [10.12.55]

13 I have two more reports from Comrade Ren that I would like to
14 hand to him, Mr. President - perhaps I can give them, with your
15 leave - have both of them presented at the same time: one is
16 document - the first is document E3/1161, which is a 12 March
17 1977 report by Ren; and the second is document E3/1044, a 30
18 October 1977 report by Ren.

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 However, the Co-Prosecutor, can you indicate to the Chamber - as
22 the combined time and location for you and the Lead Co-Lawyers
23 for civil parties remain only 14 minutes left?

24 MR. LYSAK:

25 Yes, Mr. President. I have just a couple more documents to this.

24

1 I've received a note from the civil parties indicating that they
2 were fine with me using all the available time to question the
3 witness.

4 [10.14.51]

5 BY MR. LYSAK:

6 Q. Mr. Ung Ren, if you could look first at document E3/1161? And
7 this is a 12 March 1977 report by you titled - or regarding -
8 quote: "I would like to report on the overall situation in
9 Divisions 310 and 450."

10 And it states that you had met with the Brothers and Sisters -
11 quote - "in accordance with the [views or instructions] of the
12 organization" - end of quote.

13 Can you recall - is there anything that you recall at this time
14 about this meeting that you're able to share with the Chamber
15 today?

16 MR. UNG REN:

17 A. I acknowledge that I participated in that meeting regarding
18 the overall situation in the unit. And, due to the changed
19 situation, Saom said that I should go to Chbar Ampov to meet with
20 170 to assist them, and the situation was that - to monitor the
21 enemies' activities.

22 [10.16.52]

23 As for the military activities, there were movements, and things
24 changed, so I was instructed to observe and monitor the internal
25 activities, as well as the external activities, and whether those

25

1 people in the unit abided by the discipline. And, yes, I did take
2 that action.

3 Q. And, when you were asked to go to this meeting held with
4 Division 310 and Division 450 on the 11th of March 1977, had you
5 been told that the secretaries of both those divisions had been
6 arrested the prior month, both Comrade Suong and Comrade Oeun?
7 Were you aware, when you were asked to go to this meeting, that
8 the secretaries of both those divisions had just been purged?

9 A. I could not grasp the situation back then. I did not know
10 whether there were issues within any specific division or
11 regiment; I only attended that meeting regarding the changed
12 situation and that I shall report to Saom regarding the changed
13 conditions in those respective units.

14 Q. The last General Staff document that I want to ask you about
15 is E3/1044, and this is a 30 October 1977 report by Ren of the
16 General Staff.

17 [10.19.05]

18 And this is a report that requests "the removal of bad elements",
19 who are divided into three categories: in the first paragraph,
20 category 1, there is a list of three persons who are requested to
21 be sent to Brother Duch; in paragraph 2, there are a list of
22 seven persons proposed to be sent to Brother Huy; and in the
23 third paragraph, category 3 indicates that - quote - "twenty-six
24 persons are to be sent to the farm paddy at Prey Sar. We are
25 tracing them. Their offences have not yet been categorized." End

1 of quote.

2 What can you tell us about the circumstances of this report?

3 A. Regarding this report, in fact, I myself never made any report
4 or request to Duch for the removal of any person. If something
5 happened within the division, I only had the authority to report
6 to Saom, and Saom would report further to the upper echelon. I
7 did not have the - any authority to propose for people to be sent
8 to S-21, or to work in the rice fields, or something of a similar
9 nature. I did not control those individuals, and it was not my
10 task to do so, so I'd like to make this point clear to you.

11 [10.21.15]

12 The situation at that time would take some time for me to touch
13 upon. For instance, in a cooperative, in order to work in a rice
14 field, if a plough was broken, did it come to the knowledge of
15 the General Staff without a report the cooperative chief or the
16 village chief? And the village chief or the cooperative chief
17 would not know about that unless he was reported by the group
18 chief. So, I made the report to Saom, and Saom would further
19 relay such a report to the upper echelon. And whatever decisions
20 they made were beyond my knowledge.

21 Q. Thank you, Mr. Witness. I do understand. And please understand
22 that we are not suggesting that you had authority to propose the
23 removal of these people. You're not being accused of anything.
24 We're here to see if you have information as to who was
25 responsible for these matters. And I understand you say that you

27

1 did not have authority to request the removal of people.

2 Were you writing this report on behalf of someone else who was
3 seeking authority to have these people removed?

4 [10.23.02]

5 A. As I stated from the beginning regarding the activities and
6 the report - and I was not even sure, maybe they made a report
7 and they also used my name as the one who prepared the report.

8 Q. Thank you, Mr. Witness.

9 There's one last subject matter that I'd like to ask you about,
10 and then I will end my questioning, and this concerns an entity,
11 the People's Representative Assembly.

12 In 1976, were you aware of the entity that was known as the
13 People's Representative Assembly?

14 A. No, I did not actually know about it. I heard people talking
15 about it, but I never attended any of the events and such of the
16 entity.

17 Q. Were you ever informed by anyone that, when the Democratic
18 Kampuchea Government announced the election of the People's
19 Representative Assembly in March 1976 - that you were named as
20 one of the representatives of the Cambodian Revolutionary Army?

21 A. My commander told me about that in my division. He said only
22 him - that is, 06 -- and his deputy, 05 - rather, and his deputy,
23 06, were named. But after, we were never called to attend any
24 meeting.

25 [10.25.43]

1 Q. And do you know - was there actually any election or voting
2 that was held in your location, Stung Treng province, in March
3 1976? Was there an election conducted in Stung Treng for the
4 People's Representative Assembly?

5 A. No, there was no meeting or election held there. The work was
6 decided in a meeting, and then the instructions would be relayed
7 in the announcement. Under the regime, there was no election, as
8 I observed. Usually, decision would be announced after it was
9 decided, and instruction was in writing for such an announcement.
10 There was no open election or decision making or that sort.
11 However, I would not have any idea of the process that was done
12 at the base because I did not see any gathering or a major
13 meeting in the making decision.

14 Q. Were you at any time invited to attend any meetings of the
15 People's Representative Assembly?

16 A. No, I never attend such a meeting. I knew that - my commander
17 only told me that only his name and his deputy, San, were within
18 the People's Representative Assembly, and not my name. That's how
19 I knew about that.

20 [10.28.28]

21 Q. And did you ever vote on any legislation by the People's
22 Representative Assembly?

23 Let me rephrase it: Were you ever presented with any legislation
24 that you were asked to approve on behalf of the People's
25 Representative Assembly?

1 A. As I indicated earlier, no.

2 MR. LYSAK:

3 Thank you, Mr. Ung Ren, for answering our questions. I know some
4 of these matters – subject matters were very difficult to
5 discuss. We appreciate your time.

6 Mr. President, I have no further questions.

7 MR. PRESIDENT:

8 Thank you, the Co-Prosecution.

9 [10.29.38]

10 And the time allocated to both the Prosecution and the Lead
11 Co-Lawyers for the civil party have already been used.

12 And it is now appropriate moment for the adjournment. The Chamber
13 will adjourn for 20 minutes. The next session will be resumed by
14 10 to 11.00.

15 Court officer is now instructed to assist the witness during this
16 adjournment and have him returned to the courtroom by 10 to
17 11.00.

18 (Court recesses from 1030H to 1052H)

19 MR. PRESIDENT:

20 You may be seated. The Court is now back in session.

21 Before I hand the floor to the defence teams, I'd like to inquire
22 from the Judges or the Bench if you have any questions.

23 Judge Lavergne, you may proceed.

24 QUESTIONING BY JUDGE LAVERGNE:

25 Thank you, Mr. President. Witness, I am Judge Lavergne and I have

1 a few questions to put to you in order to complete the last
2 questions that were put to you by the prosecutor this morning
3 regarding the People's Assembly.

4 Q. If I understood properly what you were saying, you said that
5 you had learned that your name was included in the list of
6 representatives at the Assembly as the representative of the
7 Revolutionary Army of Kampuchea and that you had learned this
8 once the decisions had been taken. Is that what you said? Is that
9 what we must understand?

10 [10.54.39]

11 MR. UNG REN:

12 A. As I stated earlier, in fact, I was told that there were only
13 two people whose name were included. And I, myself, was not aware
14 that my name was included in the People's Representative
15 Assembly.

16 Q. But did you learn, at one moment or the other, that your name
17 was included among these people's representatives or not?

18 A. Only later, after the meeting, my commander said that my name
19 was also included. Despite having my name included in that
20 Assembly, I was never called to attend any meeting. That's all I
21 knew. Because they should represent the people, while the
22 military side represent the army. But I was never called.

23 [10.56.24]

24 Q. And at any moment, were you explained what the roles were of
25 this People's Representative Assembly?

31

1 A. I knew that my name was included, but regarding the
2 functioning or the role of the Assembly, I did not have any
3 knowledge about. I was never called to attend any meeting at all
4 by the Assembly. Even up to now, I am not aware of the function
5 or the role of the Assembly back then, and I only learned that my
6 name was included because my division commander told me that.

7 Q. Well, on the case file, we have two documents that seem quite
8 relevant here. This – first, there's a report of a radio program
9 dated 22 March 1976, and this is a summary – the BBC summary of
10 war broadcasts at the Kyoto News Department. And this document is
11 indexed as follows: E3/1241; and the English ERNs are the
12 following: 00087741 to 46; Khmer, 00323878 to 323888; and French,
13 00662284 to 00662290.

14 [10.58.54]

15 So, in this first document, the following is stated:

16 "Excerpts from the release of the 22nd of March from the
17 Electoral Commission of the Ministry of the Interior responsible
18 for the elections, signed by Khieu Samphan and Sok Thuok for the
19 respective commissions elected by Hu Nim, Ministry of Propaganda
20 and of Information."

21 And: "Based on the electoral scrutiny of the Cambodian
22 population, our population is of 7,700,000 people, and our
23 citizens who have voted--"

24 MR. PRESIDENT:

25 Judge Lavergne, could you please repeat the ERN number and the

1 figure again? Thank you.

2 BY JUDGE LAVERGNE:

3 Yes. The ERNs again: in English, 00087741 to 46; Khmer, 003878
4 (sic) to 88; French, 00662284 to 90.

5 [11.00.42]

6 Q. So now, regarding the figures I mentioned, as I said, "based
7 on the electoral survey of the Cambodian population, Cambodia's
8 population is of 7,735,279 people, and our citizens who have
9 voted, older than 18; the number of people who have voted is
10 3,462,868 - 3,462,000 people, thus in 98 per cent of the
11 admissible voters; the number of candidates of the People's
12 Representative Assembly is of 515; out of these 515 candidates
13 250 were elected, and the first mandate of this Assembly extends
14 from March 1976 to March 1981."

15 Then there is a list of the different representatives. And on the
16 last page of this document, at number 25, we see the name of "Ung
17 Ren".

18 Witness, are you aware of such a release which was broadcast on
19 the radio or which came to you in the form of a note?

20 MR. UNG REN:

21 A. I did not know whether that was announced on the radio. And it
22 was the same thing as I repeatedly said from the beginning
23 regarding my name on the list.

24 [11.03.09]

25 JUDGE LAVERGNE:

1 Now, we have another document which is relevant; it is E3/165. I
2 think that this document could be shown to the witness, with your
3 leave, Mr. President.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 Court Officer, could you assist delivering the document for the
7 witness examination?

8 BY JUDGE LAVERGNE:

9 Q. This document is from Tuol Sleng and it has to do with the
10 Assembly of Senior Representatives of the People and the First
11 Congress, held on the 11th and the 13th of April 1977. It is from
12 Tuol Sleng, and the references or the ERNs are as follows: in
13 French, the ERN is 00301334 to 00301362. And the ERN in Khmer is
14 as follows: 00053603 to 00053645. And one of the references in
15 English is 004048 (sic). And it is not the last page of the ERN
16 document.

17 [11.05.10]

18 Now, Mr. Witness, were you apprised of that document? And the
19 Khmer ERN is 00053607. On that page, you have a photograph with
20 the following key: "In the morning of the 11th of April 1975, the
21 250 members of the Assembly of Senior Representatives of the
22 People of Kampuchea came from local regions and the various units
23 in the country to participate in the First Congress of the First
24 Legislature of the Assembly of Senior Representatives of the
25 People of Kampuchea. It gives a general overview of our assembly

1 before the meeting."

2 I do not know whether you saw that photograph, nor do I know
3 whether you are aware of that document, and I would like you to
4 give me your comments on that document.

5 MR. UNG REN:

6 A. I still maintain my previous statement that I did not know
7 about the Assembly. As I said, only after the meeting I was told
8 by the division commander that my name was included in the
9 Assembly - that is point 1.

10 And, point 2, I have never seen this document previously.

11 [11.07.08]

12 Q. Very well.

13 My very last question to you, Witness, to be sure that we
14 understand one another very well: Did you know the rule of that
15 Assembly, in regard to the appointments - appointments to
16 cabinet, regarding appointments to the Permanent Committee in the
17 Assembly of the People of Kampuchea, regarding appointments to
18 the Judicial Committee, as well as the Head Office of the
19 Assembly of the People of Kampuchea regarding internal and
20 foreign policy orientations for the New Government of Democratic
21 Kampuchea and the State Presidium? You should bear in mind that
22 one of the directives was to execute or implement the
23 Constitution of Democratic Kampuchea correctly, completely, and
24 strictly, on all issues and on all chapters.
25 Now, do you know anything about what we are talking about here?

35

1 [11.08.35]

2 A. In fact, what I knew was very limited. I knew about the
3 organization of the groups or the squads or of the division. And
4 besides that, whatever were decided or instructed at the upper
5 level was beyond my knowledge. And I never heard about any
6 meetings called in order to gather or - and make certain
7 decisions; I never heard about that; and that I already stated
8 earlier. I, myself, involved with the organization with my unit,
9 but I did not know anything about the organization, for instance,
10 of the Standing Committee.

11 JUDGE LAVERGNE:

12 Thank you very much, Mr. Witness.

13 Mr. President, I have no further questions for the witness.

14 MR. PRESIDENT:

15 Thank you, Judge Lavergne.

16 The floor is now given to Nuon Chea's defence to put questions to
17 this witness. You may proceed.

18 [11.10.36]

19 QUESTIONING BY MR. SON ARUN:

20 Good morning, Mr. President, Your Honours. Good morning, Mr. Ung
21 Ren. My name is Son Arun, defence counsel for Mr. Nuon Chea. I
22 have some questions for you this morning.

23 Q. In the documents that I - in the documents that I received,
24 I'm unclear regarding your personal biography. For that reason,
25 could you share with the Chamber your personal biography, for

1 instance when you joined the Revolution and what was your role
2 back then and after?

3 MR. UNG REN:

4 A. Initially, Heng, the commune chief of my village, said that we
5 shall consolidate our own forces. And, of course, I, myself, want
6 to consolidate our forces as one solidarity force so that we can
7 achieve our common goal. That was the advice from him.

8 And later - and I can't recall the date - there was a riot, and
9 he said that we could no longer stay in the village, so we fled
10 into the jungle. And that was around 1968.

11 A few months later, I returned to my village, and by 1979 (sic) I
12 went again. So, in 1970, there was a coup d'état to overthrow
13 Sihanouk, and based on his appeal, I joined and I stayed at the
14 Dang Tong Pagoda.

15 [11.13.32]

16 Later on, at the Bat Doeng Railway Station, as I indicated
17 earlier, Cheng An and Soeun were the ones who were in charge in
18 that location. I performed my duties as instructed by them; I was
19 then simply a combatant. Later on, they organized into squads,
20 teams, and then platoons, and then I was assigned to Chitrous
21 Mountain to base there. I was at Road Number 26 back then.

22 Later on, I was assigned as - to be in charge of an independent
23 company.

24 Q. Let me clarify it. You joined the army in 1970, after Sihanouk
25 was toppled; is that correct?

1 A. Yes.

2 Q. And then you were at the Chitrous Mountain. What was your
3 specific role in the army back then?

4 A. I was based to the Chitrous - that is west of the Basedth
5 Mountain.

6 Initially, when I went there, there were only merely about 10
7 people, while I met with Cheng An, and he instructed me to stay
8 there. Later on, there were forces from the Southwest. Then the
9 forces kept increasing and form company. I was with Soeun and
10 Noeun in that company, and we actually stationed west of Bat
11 Doeng. And only later, when the forces from the Southwest
12 arrived, they formed a regiment to be stationed west of Basedth
13 Mountain.

14 And later on we moved around to Mlu village and to other villages
15 - to Tuol Lieb, for instance - and the duties of the unit were
16 mainly to follow and monitor the enemies' situations.

17 [11.16.35]

18 Q. Thank you. You said Cheng An appointed you to be in charge of
19 a platoon. How many soldiers were in that platoon?

20 A. (Microphone not activated)

21 MR. PRESIDENT:

22 Witness, please observe some pause before you start speaking.

23 MR. UNG REN:

24 A. In fact, there were 30 soldiers in a platoon and there were
25 about 10 soldiers in a squad. And, if there were more than 10

1 soldiers in each squad, then the platoon could have more than 30
2 soldiers. So, the structure of the military is always multiplied
3 by three.

4 BY MR. SON ARUN:

5 Q. Thank you.

6 When you attended a meeting at the Olympic Stadium, senior
7 leaders made an announcement of the appointment of Division 801.
8 During such an announcement of the formation of Division 801 -
9 and in your written record of interview with OCIJ, you stated
10 that Pol Pot made that announcement.

11 Back then, did you know the role of Pol Pot or what was his
12 position when he made that announcement?

13 [11.18.31]

14 MR. UNG REN:

15 A. There was an announcement at the Olympic Stadium attended by
16 the army. Pol Pot made that decision. But prior to that decision,
17 I never saw him. I only heard through Son Sen talking about Pol
18 Pot, and while I was at the Olympic Stadium, then I saw him. And
19 before that I did not know who Pol Pot was. So I concluded that
20 he could have been the Party Secretary or the Secretary of the
21 Centre.

22 Q. Can you clarify it again? You stated that Son Sen mentioned
23 Pol Pot's name. What do you mean by that?

24 A. When I responded to your question that - whether I knew Pol
25 Pot and what role he held, I stated that, before Pol Pot made

1 that announcement, I only heard of his name through Son Sen -
2 that is, also through 06. And at the Olympic Stadium, I then knew
3 that that person was Pol Pot and that other person was Son Sen.

4 Q. Thank you. Son Sen mentioned Pol Pot's name to you. Did you
5 meet Son Sen prior to the meeting at the Olympic Stadium? If so,
6 where and when? Or was it after the announcement was made by Pol
7 Pot?

8 [11.21.14]

9 A. I think I already replied to that question. In fact, prior to
10 the attack and the liberation of Phnom Penh, I and the division
11 representatives were called by Son Sen for a meeting at Damnak
12 Smach Railway Station, and that was the time that I knew who he
13 was.

14 Q. Thank you. Did you meet Son Sen personally at that railway
15 station? Did you speak to him personally or you only heard of his
16 name through other people?

17 A. I attended the meeting personally with him.

18 Q. When you attended the meeting personally with Son Sen, did you
19 know his role back then, what his position was?

20 A. When I met Son Sen at the time, I understood that he was a
21 senior leader with a senior position, because he had to be
22 senior, more senior than my commander. For that reason he could
23 order my commander to attend a meeting. And 06, the division
24 commander, was under - was subordinate to Son Sen. And at that
25 time my commander did not refer to him as Son Sen, but referred

40

1 to him as "the man with glasses". So I knew he was of a senior
2 position and within the leadership rank.

3 [11.23.36]

4 Q. Your response is rather confusing. You – I asked whether you
5 knew his exact rank and position and why he said about Pol Pot
6 making an announcement of the formation of that division. So, do
7 you mean that any people of any senior position can make sure an
8 announcement?

9 A. I met Son Sen prior to the attack on Phnom Penh and I
10 personally knew that Son Sen – I did not know clearly as to what
11 level he was within the leadership rank, but I knew he was senior
12 because he could summon my division commander. And the division
13 commander, 06, referred to him as "a man with glasses", and
14 that's all I knew about him.

15 Q. You said that he was "a man with glasses" or known as Ta
16 Khieu; but you did not know whether he was from the military side
17 or from the civilian side?

18 A. No, I did not know whether he was within the civilian
19 structure or military structure. And even after the liberation of
20 Phnom Penh, I still did not know, but I knew that the attack on
21 Phnom Penh was commanded by Son Sen. And my duty to attack and to
22 report was limited to the division level only.

23 Q. Thank you. Your response is now clear.

24 Now I move on to another question. During the big meeting at the
25 Olympic Stadium, you said that there were four dignitaries,

41

1 namely: Pol Pot, Nuon Chea, Ieng Sary, and Son Sen. If I am not
2 accurate, please correct me.

3 [11.26.30]

4 A. You are not that wrong.

5 Q. Besides Pol Pot, do you know the position or rank of the other
6 three?

7 A. Since after the liberation of Phnom Penh and until the time
8 the regime was toppled, I did not know clearly who was senior
9 than the others or who was number one, who was number two, but I
10 only knew that Pol Pot was number one, Nuon Chea was number two,
11 but I was not sure about number three and number four. That's all
12 I could grasp at the time.

13 Q. You just stated that you knew Pol Pot was number one, Nuon
14 Chea was number two. How did you figure that out - number one and
15 number two? Was it within the government position or within the
16 Assembly position?

17 A. Based on my understanding and knowledge, they referred to the
18 name of those senior peoples. Pol Pot was known as Brother Number
19 One, and Nuon Chea was known as Brother Number Two, and everyone
20 was familiar with that. And that's all I knew. And of course, if
21 the person was known was number one, number one was the most
22 senior position.

23 [11.28.35]

24 Q. Thank you.

25 Another question for you, Mr. Witness. You were a senior military

42

1 officer in the rank of the Khmer Rouge Army. You was the head or
2 the commander of the regiment, and this information was
3 substantiated by documents, documents presented to the Court by
4 the Co-Prosecutors. And Son Sen was named in the documents, and
5 that you received direct command - orders from him and your
6 commander.

7 I think I need to rephrase my question. You've indicated - or you
8 mentioned to the Co-Prosecutors on several occasions about Son
9 Sen's name and that you received direct order from Son Sen in
10 your operations - military operations. You frequently received
11 orders from Son Sen. Yesterday, you stated that before the attack
12 was launched to liberate Phnom Penh - you also touched upon this
13 issue.

14 My question to you is now: Was Son Sen - or did Son Sen have to
15 have a position in the military to be able to render such orders?

16 [11.31.26]

17 A. Since before the liberation of Phnom Penh, the reports had to
18 be filed to Son Sen. After the forces had later on been
19 established and deployed to Ratanakiri, military affairs and
20 issues had to be reported to Son Sen, when political affairs had
21 to be reported to Pol Pot. So I believe that Son Sen was in
22 charge of military affairs, when Pol Pot was solely in charge of
23 politics.

24 Q. Thank you. Your statement is not yet clear, and you could not
25 say what Son Sen did in the military. Is it true to say that?

1 A. As I already stated, I reported to Son Sen alone, who I
2 believed was my commander – rather, my commander reported to Son
3 Sen alone, who was in charge of military affairs, when Pol Pot
4 was in charge of political affairs. And this is what I learned
5 from my commander because he told me that military matters had to
6 be reported to Son Sen and politics or political matters had to
7 be reported to Pol Pot.

8 [11.33.45]

9 Q. Thank you.

10 As the commander of regiment, did you ever write any letters or
11 reports to your commander and to Son Sen at the same time?

12 A. In my capacity as the commander of the regiment, I had no
13 authority to bypass the head of the division. And it was really
14 the strict rule and regulation within the army. But in some
15 special circumstances, when the commander of division was absent
16 and that the situations had to be reported urgently, we would be
17 allowed to do so, but on a very rare occasion. But, if the
18 committee member of the division were all present, we had no
19 excuse to go all the way to the top without notifying them.

20 Q. When you say that you had to report all the way to the top,
21 are you referring to Son Sen?

22 A. If there was an issue concerning the border area, the matter
23 had to be reported to Son Sen if relevant to the military issues.
24 And, if concerned security matters, then Pol Pot would be
25 reported to.

1 Q. As the commander of regiment, did you ever report to Son Sen
2 directly when it comes to military affairs and to Pol Pot when it
3 comes to political affairs?

4 [11.36.18]

5 A. No, I didn't. I did not report directly to Pol Pot. But it was
6 not in - the case of Son Sen; Son Sen could report directly to
7 Pol Pot. And, to put it simply, I can say that I never reported
8 directly to Son Sen, other than to my superior, who was the
9 commander of my division.

10 Q. Now, presumably, for example, there was an incident occurring
11 in your area; there was a fierce fighting, and that - the
12 division commander was away. In such situation, were you required
13 to report to the zone secretary or, if your boss was absent, you
14 had to report directly to Son Sen? Was that the case?

15 A. For example, if the head of the division was absent, someone
16 would be assigned to act on his behalf. For example, I would be
17 assigned as the commander of the regiment. And, if I were given
18 such authority, I would be entitled to report to whom it may
19 concern. And there were several regiments in each division, and
20 if we - if I were given such authority when the commander of
21 division was absent and if there was such fighting and the need
22 to engage in the gathering of the forces to counter the fighting,
23 then I was in the position to make the decision to gather the
24 forces to do so. If not, then I cannot do anything - of course
25 not. So, unless I was given the proxy to do that, I would not be

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1 allowed to gather any forces or to make any decision at all.

2 [11.39.20]

3 Q. I believe what I was asking you is that – whether you reported
4 to your commander of division and to Son Sen. And at the same
5 time, did the secretary of the zone have any authority to be
6 informed? For example, did he or she have to be copied when you
7 reported to your superior?

8 A. I was under the supervision of the division. Whatever
9 happened, it was my duty to report to the commander of the
10 division. Whether the head of the division had to report to the
11 zone or to other people, it is out of my knowledge. But I believe
12 there was no report ever being made to the secretary of the zone,
13 but it is the case that reports had to be made to the division
14 commander.

15 Without permission, I would not be able to meet any person in the
16 area or to move about freely. For example, when we had to deploy
17 our forces to the location, we had to be offered the authority to
18 contact the local people and people who managed the area. Without
19 such authority we would not be able to do so-

20 [11.41.31]

21 Q. I apologize for interrupting. I did not really wish to dwell
22 on that.

23 I would like to proceed to another question, please. Apart from
24 engaging directly with the military, did Son Sen hold any other
25 positions?

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1 A. I don't know. I already said clearly that previously he
2 commanded the military, but after Phnom Penh was liberated, I
3 knew that he was a senior leader in the military, but I did not
4 know what he did precisely. Internally, whether he worked – he
5 was a senior leader or whoever, I still don't know.

6 Q. Thank you.

7 In a case when there was a big fighting to liberate Udong or
8 Phnom Penh finally, apart from Son Sen – Mr. Ung Ren, did you
9 ever receive direct orders from Pol Pot to attack Phnom Penh or
10 other locations?

11 A. I believe that my next response would not be different from
12 that I made earlier on. I wish to say that, whenever there was a
13 military campaign launched, I personally did not receive direct
14 instructions or orders from Pol Pot, but I received them from Son
15 Sen. And my commander of the division never mentioned that he had
16 ever met other individuals, other than Son Sen. And Son Sen was
17 the only person quite familiar to us, when it comes to every
18 attack that happened. He was always near us when these things
19 happened.

20 [11.44.38]

21 Q. Thank you.

22 In the zone or sector you were stationed, were you aware there
23 was some security centres in the vicinity of your place?

24 A. In Unit 801 or any place where the soldiers were deployed, I
25 may say like this.

1 First, we did not know whether there was such security offices
2 because I was far from the division. And I still am convinced
3 that - I don't there is such a security - there was such a
4 security centre.

5 But, when I moved to Ban Lung district, after staying there for a
6 short period of time, I started to realize that such centres were
7 in place because people kept complaining about being arrested and
8 detained at the centres, and we also learned from the detainees
9 who escaped. And by that, I can conclude that there were such
10 security centres, although I do not know exactly where these
11 security centres could have been located.

12 [11.46.44]

13 And I may also wish to add that on one occasion I met the
14 commander of the division on the road. He talked to me about
15 complaints lodged by the people; they said they did not commit
16 any serious wrongdoings, they just stole some sweet potatoes, and
17 by that they were arrested and detained at Au Kanseng Security
18 Centre. And he asked me who was responsible or overly (sic) in
19 charge of the security at Au Kanseng because - he asked me
20 whether I could do anything to solve this problem of complaints
21 by the people. And finally, I discussed with him how to have
22 these people who committed very minor offence released. 20
23 people, ultimately, were released from that detention facility.
24 So, with that, I can now say that there was such security centres
25 under the supervision of Division 801.

1 Q. Thank you. So, is it fair to say that the security centres
2 were under the supervision of 801?

3 A. Yes, it is correct. The security centre at Au Kanseng was
4 under the supervision of Division 801 and it was not under the
5 supervision of the local authority.

6 [11.49.00]

7 Q. I have the final question to you, please. Before I was on my
8 feet, Judge Lavergne was putting some questions concerning the
9 Assembly of the Democratic Kampuchea. And you learned that you
10 were a member of the Assembly when the commander of your division
11 informed you of this - that your name appeared on the list of the
12 members of the People's Representative Assembly.

13 After learning this, did you know who was the President of the
14 People's Representative Assembly?

15 A. No, I don't know who was actually the President of that
16 Assembly.

17 MR. SON ARUN:

18 Thank you, Mr. Ung Ren.

19 I have no further questions, but my colleague would like to have
20 a few questions. He may need 30 minutes to put the question, with
21 your leave Mr. President.

22 [11.50.15]

23 MR. PRESIDENT:

24 Counsel, you may proceed.

25 QUESTIONING BY MR. KOPPE:

1 Good morning, Mr. President. Good morning, Your Honours; and good
2 morning, Mr. Witness. My name is Victor Koppe. I am the
3 international counsel for Nuon Chea. I just have only very few
4 questions left.

5 Q. You testified yesterday that you participated in the advance
6 on Phnom Penh in April 1975 as a member of your regiment. On what
7 day exactly did your regiment enter Phnom Penh?

8 MR. UNG REN:

9 A. Regiment 82 reached Phnom Penh through Tang Krasang Pagoda,
10 through the passage of Pochentong area, all the way to Phnom
11 Penh.

12 Q. And do you recall exactly on what day that was?

13 A. I am afraid I don't remember the exact date, but I remember
14 that we did attack Phnom Penh.

15 [11.52.12]

16 Q. You testified yesterday that you were injured on 17 of April
17 and went to a hospital in the Pochentong area. Was that hospital
18 east or west of Pochentong Airport and Pochentong Road?

19 A. That hospital, as indicated yesterday, was situated near Tang
20 Krasang Pagoda, closer to the railway tracks.

21 Q. But just for my information, do you know if it was east or
22 west of the airport or Pochentong Road?

23 A. I don't quite remember where it was, but it is already closer
24 to Pochentong area because, when people sustained some minor
25 injuries, they would be admitted to that particular hospital.

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1 Q. Mr. Witness, you testified yesterday that, although you were
2 hospitalized for 17 days after you were injured - that your
3 forces advanced on the city. Did you have contact with your
4 forces who were involved in the evacuation, either during the
5 evacuation or after you were released from hospital?

6 [11.54.49]

7 A. When I was wounded, during that time, the fierce fighting was
8 on. We advanced on Pochentong, and I got injured and I had to be
9 admitted to the hospital. But at the same time, my men kept
10 moving to liberate Phnom Penh. Half an hour later, when I was
11 still at the hospital, I learned that Phnom Penh was liberated
12 and I heard that some of the soldiers had to ask for permission
13 to come back - come to the city to see what's going on. And then
14 I saw people moving out of the city - the account that I already
15 testified yesterday.

16 A short while later, after seeing the evacuees, I made a phone
17 call to Soeun at the brigade. I asked him what happened to the
18 people, and he told me that the population had to be evacuated,
19 and he asked - I asked him where he was; he said that the he was
20 Sak Sutsakhan's house. And at that time we recommended one
21 another to remain where we were for the time being, when the
22 people were being evacuated. That's all.

23 Q. Did you - did you discuss with them or with your - with your
24 men the process of the evacuation?

25 A. As stated, I learned about the evacuation of the population of

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1 the city. I did not know or engage in this, but again, as I
2 emphasized, without any proper plan, such evacuation could not
3 have taken place. And, if the evacuation already took place, we
4 could never free ourselves from being engaged in the process.

5 [11.57.50]

6 Q. Did you hear, at that time, reasons for the evacuation -
7 reasons why the people were evacuated from the city?

8 A. No, I didn't, at the beginning. However, having asked Soeun,
9 who was my subordinate, about the purpose of the evacuation, I
10 learned from him that the commanders of division rendered the
11 order for such evacuation because they were afraid that there
12 would be enemies embedded among the population, and they were
13 afraid that people could hide the enemy among themselves, and
14 also they were afraid that Americans would be bombing on the
15 city. And that's what I learned. And I later on also learned that
16 the population of the whole city was then evacuated to the rural
17 area, and countryside were packed with crowded people.

18 Q. Do you know where in Phnom Penh your regiment was stationed
19 during the evacuation?

20 [11.59.47]

21 A. In Phnom Penh, my regiment was stationed at the vicinity of
22 Lok Sang Hospital, covering a stretch of road from that hospital
23 to the house that I mentioned the commander of the brigade was
24 taking refuge. And it was the order from the upper echelon that
25 only one battalion could remain to deal with some incidents, for

1 example some issues that could have occurred from some pockets of
2 enemies at that time. And after one week, everyone was asked to
3 move all the way to the heart of the city.

4 Q. Did members of your regiment tell you whether they patrolled
5 different parts of the city or if they remained always in one
6 place during the evacuation?

7 A. The unit deployed in Phnom Penh had to patrol the area, and
8 they had to remain in the area they supposed to be, and they were
9 not allowed to trespass these confined location. And other units
10 were also deployed to be ready to attack if need be and they
11 would be deployed in the area surrounding Phnom Penh. There were
12 layers of military personnel who were deployed to defend Phnom
13 Penh at that time.

14 [12.02.41]

15 Q. Did members of your regiment tell you what happened if they
16 accidentally crossed the line in which they were stationed? For
17 instance, were there sanctions imposed?

18 A. We had no problem talking to one another or moving about
19 within the vicinity we controlled. By nightfall, every man of the
20 regiment or unit had to gather and that - they were not allowed
21 to walk freely when it comes to night time, but during the day
22 time they could do so.

23 Q. Mr. Witness, I'd like to move on to one other and last
24 subject-

25 MR. PRESIDENT:

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1 Counsel, since it is not appropriate time for lunch adjournment,
2 the Chamber will adjourn until 1.30. You may continue putting the
3 questions when we resume.

4 Court officer is now instructed to assist the witness during the
5 adjournment and have him returned to the courtroom by 1.30 p.m.

6 Security personnel are now instructed to bring Mr. Khieu Samphan
7 to his holding cell and have him returned to the courtroom before
8 the next session resumes.

9 The Court is adjourned.

10 (Court recesses from 1205H to 1333H)

11 MR. PRESIDENT:

12 You may be seated. The Court is now back in session.

13 The floor is once again given to Nuon Chea's defence to continue
14 putting questions to this witness. You may proceed.

15 BY MR. KOPPE:

16 Thank you, Mr. President.

17 Q. Mr. Witness, you may recall that before lunch break, I asked
18 you a question about the evacuation of Phnom Penh and I asked you
19 also what you have heard about the reasons for the evacuation of
20 Phnom Penh. And as one of the reasons, you used the words "U.S.
21 bombings".

22 Could you explain to the Court what you mean when you use the
23 words "U.S. bombings"?

24 [13.35.55]

25 MR. UNG REN:

1 A. Regarding the evacuation, as I stated earlier, I was not
2 inside the city but I asked the people who were inside the
3 reasons for the evacuation of people. And through those people, I
4 was told that the evacuation was to avoid the enemies who
5 remained in the city and, number 2, to avoid the aerial
6 bombardment. And, of course, "the aerial bombardment" would
7 indicate the American bombardment. And we heard such a concern
8 through both verbal communication and through radio
9 communication. And that's I learned of that information and the
10 reasons - the two reasons for the evacuation - that is, for the
11 infiltrated enemy, that they would - or may attempt to attack.
12 So, people should be evacuated in order to better manage and
13 control the city.

14 Q. Did you, yourself, ever experience U.S. bombings, as you - as
15 you call it?

16 A. Regarding the American bombardment, of course, I personally
17 experienced it on a - on a number of times prior to our attack on
18 Phnom Penh. For instance, when we were along - along Road Number
19 26 and at the various other countryside, we were bombarded by the
20 American planes.

21 [13.38.13]

22 Q. Could you describe in a little more detail what you
23 experienced?

24 A. The experience - let me give you an experience. While we were
25 at the front, then the plane would just fly over us and sometimes

1 dropped bombed, and sometimes we have to – fled from the trench.
2 And, once the plane – the plane left, then we returned to the
3 trench. In some other cases – for instance, along Road 26 – the
4 trenches there were heavily bombarded.

5 Q. Do you recall when that was? You were in the military; but do
6 you recall which year that was?

7 A. I cannot recall the year clearly, but it happened before the
8 attack on Phnom Penh, and we – it only stopped when we advanced
9 almost at the outskirts of Phnom Penh. So, they usually bombarded
10 us when they noticed us as soldiers. But, when we advanced toward
11 the Pochentong area, the bombardment stopped.

12 [13.40.31]

13 Q. Did you also experience American bombing before you joined the
14 military – before you joined the forces?

15 A. No, I did not experience aerial bombardment prior to my
16 joining of the army.

17 Q. Had you, maybe, heard from family about their experiences in
18 respect of the U.S. bombings before you joined the military?

19 A. I do not get your question.

20 Q. Did you, maybe, speak to family members about their
21 experiences with U.S. bombings prior to you joining the armed
22 forces?

23 A. No, I did not ask or experience with the family members or my
24 parents regarding this matter.

25 Q. What do you remember, yourself, in 1975 about the possibility

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1 of U.S. bombings? Were there, for instance, any special
2 preparations made within your regiment in respect of that?

3 A. Regarding the preparation in 1975, before or after the
4 liberation - and here I refer to my military unit - we did not
5 prepare any artillery or equipment targeted the plane; we did not
6 have such a facility. If we were to be bombarded by the aerial
7 bombardments, then we would have to flee from our location. We
8 did not have any guns or equipment to fire at the plane.

9 [13.43.46]

10 MR. KOPPE:

11 That is all. Thank you, Mr. Witness.

12 MR. PRESIDENT:

13 Thank you.

14 The floor is now given to Ieng Sary's defence to put question to
15 this witness. You may proceed.

16 QUESTIONING BY MR. ANG UDOM:

17 Good afternoon, Mr. President, Your Honours. Good afternoon,
18 everyone in and around the courtroom; and good afternoon, Mr. Ung
19 Ren. My name is Ang Udom, and on my right is Michael Karnavas. We
20 are co-counsel for Mr. Ieng Sary. I have some questions for you.
21 Initially, my question - my questions are related to your
22 testimony yesterday and this morning.

23 [13.45.07]

24 Q. Yesterday, the President asked you a question as whether you
25 were interviewed by investigators of the Office of the

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1 Co-Investigating Judges, and if so, on how many occasions, and
2 you clearly stated that you were interviewed three times. Do you
3 stand by your statement?

4 MR. UNG REN:

5 A. I have made several statements and I cannot recall every one
6 of them.

7 Q. I want to know the number of interviews that you made with the
8 investigators. And you said three yesterday; do you stand by that
9 number?

10 A. (Microphone not activated)

11 MR. PRESIDENT:

12 Witness, please observe some pause before you speak.

13 MR. UNG REN:

14 A. I cannot recall everything, but it is likely that I were
15 interviewed on three occasions or, the most, on four occasions.

16 [13.46.45]

17 BY MR. ANG UDOM:

18 Q. You said it could be three or four times, and yesterday you
19 were sure that you were interviewed three times. So, let's say
20 you are not sure how many times you were interviewed; is that
21 accurate?

22 (Short pause)

23 MR. PRESIDENT:

24 Witness, please respond to the question.

25 MR. UNG REN:

1 A. (No interpretation)

2 [13.47.21]

3 BY MR. ANG UDOM:

4 Q. The President also asked you that, before you entered the
5 courtroom - whether you reviewed those written records of your
6 interview, and to make sure that they are correct, and you
7 replied that you did, and they were accurate.

8 My question is the following: What documents did you review? And
9 how many documents all together?

10 MR. UNG REN:

11 A. As I just said, there were many questions that were put to me,
12 and I could only respond if you show me the document or which
13 particular question you are raising.

14 Q. Thank you. Before the prosecutor asked you detailed questions,
15 they handed you your written records of interviews. How many of
16 the interviews - your interviews did you receive?

17 A. I received a copy of my interview, but since I have been in
18 this document, I actually brought in some documents as well, but
19 I have been given several documents, so I cannot tell you
20 exactly. Maybe I were given three interviews by the prosecutor.

21 [13.49.20]

22 Q. Allow me to clarify this matter.

23 Yesterday, the Co-Prosecutor Chorvoin delivered you a copy of
24 your written record of interview. I refer to yesterday

25 proceeding. And my question is: Can you recall how many documents

1 you were given yesterday?

2 A. I received documents, but I cannot tell you how many because I
3 do not count the documents. The documents were before me, and
4 then they were taken back at the conclusion of the proceeding.

5 Q. Thank you. Allow me to put some questions to you, and please
6 respond.

7 Based on the documents in this case, the written records of your
8 interviews are four in total: one is dated 17 September 2009 -
9 that is the first interview; and the second one is dated 23rd
10 October 2009; and the third one, dated 26 October 2009; and the
11 fourth one is dated 9 March 2010. So, these are your four
12 interviews in this case.

13 Do you acknowledge that you were interviewed four times?

14 [13.51.46]

15 A. Yesterday, I said I was interviewed four times at my location.
16 For example, on this day, I was interviewed and given a copy.
17 Next day, I was interviewed again. So I could not recall it
18 exactly, but it is likely that there - there are only three -
19 three interviews. But, if you find it four, then that's four.

20 Q. Thank you. On your first interview day - that is, 17 September
21 2009 - and prior to that date - that is, before the day of your
22 interview which is dated 17 September 2009 - and allow me to say
23 this: all the four interviews were conducted by the same two
24 investigators - that is, Sim Sorya and Thomas Grange Morrow.
25 My question is the following: Prior to your first interview, did

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1 you meet with the two or with any other investigators of the
2 Office of the Co-Investigating Judges?

3 A. Before the interview, I was - I met them, and they said that
4 next day they would come for the interview.

5 Q. Thank you. And, when you talked to the investigators on that
6 day, was there any record of it?

7 A. The investigators took some note.

8 [13.54.32]

9 Q. I'd like to make this matter clear - that is, regarding the
10 day that you met the two investigators before the first day of
11 your first interview.

12 Let's say you met them for an unofficial interview the day
13 before. Was there any audio recording of such meeting?

14 A. As I recall, there were not only two investigators, but the
15 whole team comprised about four people, and the interview took
16 place while the audio was recorded.

17 Q. I do not want to talk about the official interview of your
18 interview; I want to talk about the event that took place before
19 that interview - that is, when you first met with the
20 investigators of the OCIJ. How long did the meeting last?

21 MR. PRESIDENT:

22 Witness, please wait.

23 Counsel, please wait.

24 (Judges deliberate)

25 [13.57.37]

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1 Witness, you're instructed not to respond to the questions put to
2 you by the national counsel - that is, the last question -
3 because it is irrelevant.

4 Counsel, you're instructed to put questions which are related to
5 the facts determined by the Chamber for this proceeding and which
6 are related to this particular witness.

7 MR. ANG UDOM:

8 Besides defending my client, my role is to try to find justice-

9 MR. PRESIDENT:

10 We already ruled on this issue, and the Chamber has discretion to
11 not allow any questions which are irrelevant and not ascertaining
12 the truth. And this matter has already been ruled.

13 (Short pause)

14 BY MR. ANG UDOM:

15 Q. I wish to proceed to another question, as I have been stopped
16 from putting the questions that I intended to ask.

17 [13.59.48]

18 In the interview - the first interview, of course - document
19 E3/402, on the last page - in Khmer, 00379450; English ERN
20 00381037; French ERN 00424052 - you were asked the last question
21 about a telegram and you said that: "I just remember that by the
22 end of the telegram, it was marked with 'Office 870' only. As for
23 at the top of the telegram, I do not recall what was written."
24 My question to you is: Is that what you said, "Office 870", or
25 you didn't say like that?

1 MR. UNG REN:

2 A. As I already mentioned earlier on with regard to the telegram
3 I received at Au Boeng Kanseng, I just recall that it was sent
4 from Office 870, the content of which was handwritten. It was not
5 typewritten or handwritten - rather, it was not typed; it was
6 handwritten from 870.

7 [14.02.32]

8 Q. Thank you.

9 Your Honours, I have already requested the relevant unit to
10 transcribe the transcript, the relevant portion of this. I made
11 the request a few days ago. Today, we noted that there was some
12 technical error regarding the coding number on the transcript
13 that I had requested and to see whether Mr. Ung Ren did say
14 "Office 870" or other.

15 With Mr. President's leave, I would like document - the audio
16 recording of the interview to be - be played. It's very brief;
17 it's about 20 seconds. This can refer to document D232/21R,
18 starting from - starting at 2.24 to 2.25.

19 MR. PRESIDENT:

20 International Co-Prosecutor, you may now proceed.

21 [14.04.22]

22 MR. LYSAK:

23 Thank you, Mr. President.

24 With all due respect to my colleague, there does not appear to be
25 any need to listen to the audio tape. Someone - and I assume it

1 was the defence counsel - requested a transcript of the audio
2 tape which was posted yesterday. This is document D232/21.1. And
3 at the end of the transcript that was posted is the following
4 excerpt:

5 "Interpreter: Do you know who signed the message?

6 "Ren: No, it was just put down as 870."

7 It seems fairly clear from this that the witness did say the
8 telegram was from 870. I hardly see any point in listening to an
9 audio tape.

10 [14.05.35]

11 MR. ANG UDOM:

12 I feel that the prosecutor has obtained the transcript, when I,
13 the requestor, at the same time, have no access to such document.

14 I don't know what is wrong. The relevant unit appears to have
15 failed to send the document to me. Perhaps the document has been
16 sent to the Chamber instead of me, the requestor. If I had access
17 to the document, I may not wish to have the audio recording be
18 played back. But, for the time being, I have no access to such a
19 hard copy of the document. If I had it, I would prefer having the
20 hardcopy instead.

21 (Judges deliberate)

22 [14.07.17]

23 MR. PRESIDENT:

24 The Chamber rejects the request made by counsel for Mr. Ieng Sary
25 to have this document be played, because it is not necessarily

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1 relevant, as now we have the witness before us. If counsel wishes
2 to put any questions to him concerning this issue, then he should
3 do so. And it is the Chamber who ultimately assesses the
4 probative value of the evidence.

5 MR. ANG UDOM:

6 I thank you, Mr. President, but it has already been the same
7 practice before-

8 MR. PRESIDENT:

9 This situation is a unique one, although it is not always the
10 same.

11 Co-Prosecutor, we noted you are on your feet, but if you wish to
12 touch upon the same issue, you will not be allowed. If you would
13 like to address other matter, you may wish to do so now.

14 MR. LYSAK:

15 Mr. President, I simply wanted to make sure the record was clear
16 that I did not have secret access to this. It was notified to all
17 parties yesterday, at 3.53 p.m., posted on the case file. So,
18 Counsel, if he had checked his email, would have had access to
19 this document.

20 [14.09.11]

21 MR. PRESIDENT:

22 Thank you.

23 The document has already been informed to the parties at 3.54
24 p.m. on the 9th of January.

25 MR. ANG UDOM:

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1 Through exchanges over lunch break, I learned that there was a
2 technical error in coding – giving coding to the document; that's
3 why it was not properly submitted. However, I would like to
4 proceed.

5 BY MR. ANG UDOM:

6 Mr. Ung Ren, yesterday, you testified to the Chamber that Mr. -
7 Mr. Son Sen did not have any code name. It was very precise in
8 your statement. However, after a few documents being presented to
9 you, you then stated that Brother 89 was Son Sen.

10 In Khmer, actually, he could have been called Sun Sen (phonetic),
11 not Son Sen, but people refer to him as Son Sen all along. And at
12 that moment you said Mr. Son Sen did not have the code name, and
13 then you retract – recanted your message by saying that Brother
14 89 was indeed Son Sen.

15 What do you have to say about this?

16 [14.11.13]

17 MR. UNG REN:

18 A. I have been asked questions and I already been very careful in
19 responding to all the questions. At that moment, I did not
20 remember whether he had a code name, but after reading the report
21 written by Thin, it rang the bell, and I could remember this,
22 that he also had the code name – code name 89.

23 Q. It is acceptable if you said you don't remember, but at that
24 time, when you were asked the question, you said that Son Sen did
25 not have any code name.

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1 I would like now to proceed to another question.

2 Under the second interview, document E3/84 – I have not prepared
3 the documents for you because I believe that you already had
4 obtained the document.

5 However, with Mr. President's leave, I would like the document to
6 be put up on the screen so that the witness can follow my line of
7 questioning.

8 [14.12.49]

9 MR. PRESIDENT:

10 You may proceed.

11 BY MR. ANG UDOM:

12 (Microphone not activated)

13 MR. PRESIDENT:

14 Please make sure your mic is activated, Counsel.

15 BY MR. ANG UDOM:

16 Q. Document under Khmer ERN 00398513, English ERN 00408395,
17 French ERN 00434422.

18 Midway on the page, you were asked the question-

19 MR. PRESIDENT:

20 International Co-Prosecutor, you may proceed.

21 [14.14.10]

22 MR. LYSAK:

23 Yes, Mr. President. The exhibits were taken away back from the
24 witness yesterday, so he doesn't have a copy of his interview
25 with him. I have a copy here that I'm happy for counsel – to be

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1 provided to the witness, but I think the witness should have a
2 copy of the interview when he's being asked questions about it.

3 MR. ANG UDOM:

4 (No interpretation)

5 MR. PRESIDENT:

6 Court Officer, please bring the document from the Prosecution to
7 the witness. Bring the three documents if Co-Prosecutor has - has
8 them - indeed, the interviews Mr. Ung Ren gave to the
9 investigators.

10 [14.15.22]

11 BY MR. ANG UDOM:

12 Thank you, Mr. President.

13 Q. Mr. Ung Ren, I was talking about page number 3. Now, we are
14 referring to the same page. Midway on that page, you were asked
15 this question: "Was Committee 870 the Central Committee?"

16 And you said: "Yes, it was the Central Committee, which can be
17 said that they considered of senior leaders."

18 My question you is: Between the Committee 870 and the Central
19 Committee, what would be the difference? How could you identify
20 which is which?

21 MR. UNG REN:

22 A. First, Office 870 was an office. And another one is the 870
23 Committee.

24 Q. Are these two institutions the same?

25 A. No, they aren't. Office 870 was under the direction of

1 Committee 870.

2 [14.17.30]

3 Q. So, when you said you – the Central Committee could have been
4 referred to the senior leaders, could you elaborate on this? What
5 made you say that? Who were the senior leaders?

6 A. I can say that in the Central Committee, as I stated, what I
7 know is that Pol Pot was the first member, followed by Nuon Chea.
8 These are the two individuals that I know belonged to the
9 committee. I don't know other people. I don't know whether Mr.
10 Ieng Sary or Khieu Samphan could have belonged to such Central
11 Committee or not. So, when two or three people combined, they
12 could make up a committee, a central committee comprised of Pol
13 Pot, Nuon Chea, to me. And I just don't know whether other people
14 could have been part of the Central Committee. That's all.

15 [14.19.08]

16 Q. Thank you.

17 I have another question for you, please. On page number 4 in
18 Khmer of the same document – under Khmer ERN 00398514, English
19 ERN 008396, French ERN 00434423 – on the top of the page, I would
20 like to read the question and answer as follows:

21 "Why did the General Staff Office and the office of Brigade 801,
22 that both had the same telegram machines, not send to Sou
23 Saroeun, who at that time was at the General Staff Office in
24 Phnom Penh?"

25 You responded by saying that:

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1 "As I observed, the issue concerning such discipline had to go
2 through Office 870. The technical or battlefield matters could be
3 sent to and from directly. As far as I know, the high-ranking
4 people, such as the Central Committee or Committee 870, generally
5 discussed the emerging problems and then made a decision."

6 [14.21.12]

7 Now, this is my question. You said that the senior people at the
8 Central Committee - or, rather, at the office - or Committee of
9 870 generally discussed the emerging problems and then made a
10 decision. You said, as far as you know, "the high-ranking people,
11 such as the Central Committee or Committee 870, discussed the
12 emerging problems and then made a decision".

13 So, my question to you is: How did you know that?

14 A. I did say that during the interview. I wish to now iterate
15 that - emphasize that personally, I say this because I observe
16 what could have happened back then, because the decision had to
17 be jointly made, because Committee 870 comprised of a few other
18 people, not just two people. And we believed that - or I believe
19 that these people on the Committee 870 could have met to discuss
20 things before they made the decision.

21 Q. When these individuals met to discuss something, did you ever
22 attend such meeting with them?

23 [14.23.43]

24 A. No, I didn't. I was not authorized to attend such meetings. I
25 was not allowed to discuss anything when these people could have

1 met to discuss things. But experience tells me that decision had
2 to be collectively made; an individual person could not make a
3 decision. And it applied to Committee 870 as well.

4 Q. You did not attend any of the meetings where these people who
5 were members of the committee attended. Apart from your
6 observation, did any other people who attended such meetings come
7 to tell you anything about what's being discussed during the
8 meetings?

9 A. As I mentioned, I worked at the lower level, and I did not
10 really receive any - or I was not informed by any member of the
11 meetings or the committee, and I just read the message that's
12 already written and signed by members of the committee, and I was
13 not personally or directly informed by any of those uncles.

14 Q. Thank you. Since you never attended any of the meetings where
15 these people met and you never been informed of the meeting from
16 any of these individuals, is it fair to say - and correct me if
17 I'm wrong - that the reason you know generally the Committee 870
18 discussed the emerging problems and made the decision is your
19 pure speculation?

20 [14.26.53]

21 A. Yes, it is.

22 Q. Thank you.

23 I would like now to proceed to another question, which is on page
24 number 7 of the same document - document under Khmer ERN
25 00398517, English ERN 00408399, French ERN 00434426.

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1 You were asked this question: "When Brigade 14 was changed to
2 Brigade 801, where did they meet? How was it held? Who
3 participated?"

4 My colleague told me I read the number not correctly.

5 "When Brigade 14 was changed to 801, where did they meet? How was
6 it held? And who participated?"

7 And you said: "During the announcement of the appointment of 801,
8 all senior leaders participated. They were Pol Pot, Nuon Chea,
9 Ieng Sary, Son Sen, who announced the appointment at the Olympic
10 Stadium about 15 days after the liberation of Phnom Penh."

11 [14.29.06]

12 My question is: Was the meeting convened about 15 days after the
13 liberation of Phnom Penh? Do you still stand by your statement?

14 A. Let me clarify the matter again. Before the attack on Phnom
15 Penh, it was Division 14-

16 Q. Allow me to interrupt. You said that the meeting at Olympic
17 Stadium was about 15 days after the liberation of Phnom Penh. Do
18 you still stand by that statement - that is, regarding the
19 meeting with the announcement of the formation of Division 801?

20 A. Yes, I still recall that, because that was the target for the
21 formation of the new division and for the assignment to
22 Ratanakiri.

23 Q. You are referring to the date; that is the 15 or whether you
24 refer to 15 days after the liberation of Phnom Penh on the 17th
25 of April 1975? Which one is correct or which one you stand by?

1 A. I stand by my statement.

2 Q. After the announcement of Division – during the announcement
3 of Division 801, there were senior leaders, including Pol Pot,
4 Nuon Chea, Ieng Sary, and Son Sen. So, were they all? I mean,
5 those four people were the only senior leaders of the regime?

6 [14.31.33]

7 A. In my statement, I already clarified that Pol Pot, Nuon Chea,
8 Ieng Sary, and Son Sen were there.

9 Q. Thank you. During yesterday's proceeding, you were also asked
10 by the prosecutor regarding the announcement made in that
11 meeting. You were asked whether you knew Mr. Ieng Sary and you
12 replied that you did not understand it.

13 My question is the following: During that big meeting, how did
14 you know the names of those senior people?

15 A. As I stated earlier, I said what I knew, and besides that, I
16 didn't know anything else. I only knew about those people. And
17 for instance, Mr. Khieu Samphan – I never knew him nor Ieng Sary,
18 and I only saw them during that meeting, and then I knew that
19 they were senior leaders. And later on they referred to him as
20 "Brother Ieng Sary, one of the senior leaders". As for Son Sen, I
21 knew him better-

22 [14.34.05]

23 Q. Thank you; my apology for my interruption. The question that
24 was asked by the prosecutor was in fact one of the questions in
25 that same document – that is, on page 8.

1 Let me clarify this matter again by another question. That is on
2 page: in Khmer, 00398518; in English, 00408400; in French,
3 00434427.

4 You were asked the following question: "Why did you know that
5 person was Nuon Chea, Pol Pot, Ieng Sary, or Son Sen?"

6 And you replied that "Saom made an introduction there".

7 My question is the following: Did, at that time, they make an
8 announcement that Ieng Sary was referred to as Ieng Sary or
9 "Comrade Ieng Sary"?

10 A. During that meeting and the announcement, they did not refer
11 to him as "Comrade", but rather as "Brother", or "Bong" in Khmer.

12 [14.36.08]

13 Q. So it means they used the title Brother and then the actual
14 name?

15 A. Yes. For example, "Brother Number One", "Brother Number Two" -
16 and, of course, Brother Number One, that meant Pol Pot - and they
17 said "Brother Ieng Sary", etc.

18 Q. Thank you.

19 I have only one more question for you. That is on the same page,
20 in the same document.

21 The question is: "Before the announcement of Division 801, did
22 you meet any of these leaders?" And you said that: "I met them
23 before the fall of Phnom Penh."

24 So this means that you had met these numbers of leaders prior to
25 the fall of Phnom Penh.

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1 And the next question that was put to you is the following: "You
2 said that you had met these leaders before the fall of Phnom
3 Penh. And where did you meet them, and on what occasion?"

4 And you replied that you only met Son Sen.

5 [14.38.18]

6 So, in the previous response, you said that you have met them
7 prior to the fall of Phnom Penh, but later on you said that you
8 only met - only Son Sen.

9 And then you were asked another question: "At that time, who else
10 did you meet besides Son Sen?"

11 And then you said; "No, I did not."

12 So, first you said you have met those people before the fall of
13 Phnom Penh, and then you said you only met Son Sen, and later on
14 you also said that besides Son Sen, you did not meet any of the
15 others.

16 How can you account for the discrepancies in these statements?

17 A. I must clarify this matter. I must say that I only met Son Sen
18 and I did not meet any other leaders. Only after the fall of
19 Phnom Penh, then I met them - that is, during the announcement of
20 Division 801. So I did not know any of them prior to the fall of
21 Phnom Penh, except Son Sen.

22 [14.39.56]

23 Q. So I can conclude that prior to the announcement of Division
24 801, you only met Son Sen. Is that accurate?

25 A. Yes.

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1 MR. ANG UDOM:

2 Thank you, Mr. Ung Ren. I have no further question for you. And
3 on behalf of my client, Mr. Ieng Sary, we thank you very much for
4 your testimony to this Court in order to ascertaining the truth.
5 We wish you all the best, and have a safe trip.

6 Thank you, Mr. President.

7 MR. PRESIDENT:

8 Thank you.

9 Counsel Michael Karnavas, do you have anything to add?

10 [14.40.51]

11 MR. KARNAVAS:

12 Yes. Good afternoon, Mr. President. Good afternoon, Your Honours;
13 and good afternoon to everyone in and around the courtroom. I
14 have one clarification and one request.

15 The clarification is that we put in a portion of the tape to be
16 transcribed. Now, I don't know whether this was by accident or by
17 intention, but the Prosecution misled the Trial Chamber when it
18 indicated that what was put on the file yesterday was the portion
19 that we had requested to be transcribed.

20 Now, I understand the Court's ruling, but I want to make sure
21 that we're very clear that we're speaking about two different
22 sections of the tape. And I'm - we're willing to give allowances
23 to the Prosecution; they simply got it wrong and misled the Trial
24 Chamber, hence the wrong ruling by Your Honours, though I
25 understand that in the past you have been reticent to hear tapes

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1 of interviews.

2 The request is – the gentleman has indicated that in the first
3 meeting, when it was not tape recorded, notes were made by the
4 investigators. Those notes, as far as we are concerned, are a
5 part and parcel and should be made part of the file. And, in
6 fact, they would constitute part of a statement.

7 [14.42.13]

8 And therefore we request the Trial Chamber, in light of your
9 decision, to make inquiries, and investigate the matter, and
10 produce – and have the investigators produce the notes that they
11 took during the unrecorded session they held with the gentleman
12 prior to the recorded session. So, our clarification, and then
13 this request.

14 We think we are entitled to those notes because we're talking
15 about sources of knowledge, and we wish to know what exactly was
16 discussed, what notes were taken because, if the gentleman
17 provided answers and they were recorded and memorialized, we are
18 entitled to have them. This was information we were not available
19 and could not have known – could not have known, let me
20 underscore that – even by listening to the tape itself, if that
21 is a reason for the Trial Chamber to deny our request.

22 Thank you.

23 [14.43.17]

24 MR. PRESIDENT:

25 The Prosecutor, you may proceed.

1 MR. LYSAK:

2 Thank you, Mr. President.

3 The only misleading that has been going here is from the Ieng
4 Sary team. I did not say that I knew which defence team made the
5 request. I know it was not the prosecutors, and therefore it was
6 most likely one of the defence teams, as they are the ones who
7 have been regularly requesting that portions of audio transcripts
8 be transcribed.

9 And what is misleading is that counsel got up and told the
10 witness and made a statement to the Court that the witness had
11 not said in his interview that the telegram came from 870, made a
12 statement to the Court that there was no transcript of the audio
13 recording, and here yesterday was posted a transcript where, very
14 clearly, the witness says the telegram came from 870.

15 [14.44.17]

16 Now, I don't know whether it was Ieng Sary or some other team,
17 but I know that that was posted yesterday.

18 And for counsel to get up in this courtroom and suggest that the
19 witness had not said on the tape that the telegram came from
20 Office 870 when a transcript was posted yesterday where he said
21 that, that is misleading.

22 MR. KARNAVAS:

23 Mr. President, we have two different portions of the tape. And
24 the prosecutor stood up and said what was put up on the file.

25 What he failed to notice is that we made a separate request. And

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1 had he listened to the tape, then he would be in a position to
2 make the arguments, if his arguments are indeed correct, which we
3 suggest they are not. And it is misleading, I think, to the Court
4 to suggest that something has been placed in the case file, and
5 that is the tape that is - that is being sought to be played.
6 And Your Honours made the Ruling that, since the tape was on the
7 - was transcribed - it gave the appearance that somehow we missed
8 that and we were inattentive to that. The matter needed to be
9 clarified.

10 Thank you.

11 (Judges deliberate)

12 [14.47.02]

13 MR. PRESIDENT:

14 The time is appropriate for a short break. We will take a
15 30-minute break and return at a quarter past 3.00.

16 Court Officer, could you assist the witness during the break and
17 have him returned to the courtroom at a quarter past 3.00?

18 The Court is now adjourned.

19 (Court recesses from 1447H to 1526H)

20 MR. PRESIDENT:

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

22 The International Defence Counsel for Ieng Sary, do you have any
23 further question for this witness?

24 MR. KARNAVAS:

25 No, Mr. President.

1 [15.27.22]

2 MR. PRESIDENT:

3 Thank you, Counsel. Please be on your feet.

4 In order to respond to your request to the Chamber regarding the

5 clarification on the ruling on the request by your national

6 counsel, Ang Udom, for the display of a document on the screen -

7 that is, the 232/21R - we already ruled on this matter, but then

8 you request for clarification on the reason in our ruling.

9 Our reason is based on our decision dated 7 December 2012 - that

10 is Decision on the Request by Defence Teams Regarding the

11 Irregularity as Alleged Existed During the Investigation; that is

12 document E221, 22, and 24/2, and 234/2, and 241, and 241/1.

13 Please refer to the reasons in these decisions, particularly

14 paragraph 22 of the decisions. These are the decisions that the

15 Chamber made on such subject matter - that is, during the

16 proceeding in this case.

17 MR. KARNAVAS:

18 Thank you, Mr. President.

19 Just to make sure that the record is correct, the clarification -

20 oh wait; I'm told to wait.

21 (Judges deliberate)

22 [15.30.44]

23 MR. PRESIDENT:

24 Counsel, I'd like to add that the decision was our response - is

25 our response to all the requests that you made before the

1 adjournment, to clarify the matter.

2 MR. KARNAVAS:

3 Thank you, Mr. President.

4 Just to make sure that the record is clear so we all understand,
5 my first point was to clarify that we had submitted a portion of
6 the - of the tape to be transcribed, and that's what Mr. Ang Udom
7 was trying to say, that that portion had not been transcribed
8 yesterday. And it would appear - at least it came across that way
9 - that the prosecutor was indicating to the Court that it was
10 already placed on the record. That was the clarification I wanted
11 to make; here we're talking about two different sections.

12 [15.31.42]

13 As far as my request for the investigation - my request, now, as
14 opposed to clarification - I think I understand your ruling.

15 Suffice it to say, this is a different matter, a different
16 witness, and this witness indicated that notes were taken, hence
17 the request for the investigation. So, that's the point I wanted
18 to make.

19 And for the record, on every witness who appears before the
20 Court, if they have been primed or if they have been questioned
21 by the investigators before going on tape, we intend to at least
22 make reference to that to - so we can have a transparent record.
23 Sunshine is the best disinfectant for the truth.

24 Thank you.

25 MR. PRESIDENT:

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1 Thank you, Counsel.

2 Please abide by the decisions – all decisions by the Chamber.

3 [15.32.49]

4 And another alternative for you is to appeal our decisions –
5 regarding our decisions.

6 And, of course, we will use our discretion to interrupt or to
7 stop any party or any witness who respond to any question.

8 We would like now to give the floor to Khieu Samphan's defence to
9 put questions to this witness. You may proceed.

10 QUESTIONING BY MR. KONG SAM ONN:

11 Thank you, Mr. President. Good afternoon, Your Honours, everyone
12 in and around the courtroom. Good afternoon, Mr. Ung Ren. My name
13 is Kong Sam Onn, the national counsel for Khieu Samphan, and I
14 have a few questions for you.

15 Q. My first question is related to your work as the Secretary of
16 Regiment 82. How long or from when did you work as the Secretary
17 for Regiment 82?

18 [15.34.18]

19 MR. UNG REN:

20 A. When I worked at Regiment 82, it was from the announcement of
21 Division 801.

22 Q. Thank you. Does it mean two – it was two weeks, based on your
23 statement, after the liberation of Phnom Penh – that is, after
24 17th April 1975? Is that correct?

25 A. Yes.

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1 Q. After you became Secretary of Regiment 82, you were - were you
2 sent to your destination immediately?

3 A. As I indicated, in Regiment 82, we stationed from the west of
4 the stadium to the monks' pagoda, and then it was the Pun Phnum
5 Pagoda.

6 Q. You mention Pun Phnum Pagoda. Where was that pagoda located?
7 [15.36.06]

8 A. There was a rough road near Pun Phnum Pagoda leading away from
9 Preaek Pnov, toward the west, and then to the south. Some of the
10 forces stationed there.

11 Q. Thank you.

12 When did you leave you position as Secretary of Regiment 82?

13 A. As I indicated yesterday, I was assigned to go Veun Sai and I
14 stayed there for two years. I can remember that I actually went
15 to Veun Sai for two times. I was in Division 801 for a while, and
16 then I was sent to a study session in Phnom Penh.

17 Q. In Division 801, what was your position?

18 A. As I indicated yesterday, in Division 801, they reintegrated
19 the forces - our forces from Siem Pang, and we were instructed
20 from the upper echelon - and, in fact, by Sou Saroeun - for me to
21 stay with him. However, there was no official written letter, but
22 he told me that I should take the place of 06, as 06 was assigned
23 to Mondulkiri.

24 [15.38.14]

25 Q. Can you indicate to the Chamber, what was the position of 06?

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1 A. 06 was the Deputy Commander of Division 801.

2 Q. Thank you. Does it mean you became the Deputy Commander of
3 Division 801, replacing 06? Is this correct?

4 A. Yes.

5 Q. How long did you hold that position as the deputy division
6 commander?

7 A. As I indicated yesterday, I stayed there for less than one
8 month; then I was assigned to go attend a study session in Phnom
9 Penh, and when I was in Phnom Penh, I got sick.

10 Q. Were there specific instructions to you at the time when you
11 replaced 06?

12 A. As I just said, I replaced 06, and that was relayed by 05, and
13 he brought me from Siem Pang. He told me that the upper echelon
14 required two of us to stay with me in the position that I
15 indicated yesterday – that is, for me to replace 06 – because
16 there had to be three people in the committee.

17 [15.40.26]

18 Q. Thank you.

19 My question is related to your response yesterday, at 3.31 p.m.
20 Your response is related to the security centre at Au Kanseng.
21 You refer to Au Kanseng and also to Boeng Kanseng. What is the
22 actual name?

23 A. Boeng Kanseng was at Tuol Anlong, but I did not know for sure
24 where Au Kanseng was. So these are two separate names, but there
25 was no security centre at Boeng Kanseng.

1 Q. So, security centre was only located at Au Kanseng; is that
2 correct?

3 A. Yes, that is correct.

4 Q. Also, yesterday, you said that you did not know about the
5 existence of that security centre until such time the villagers
6 came to tell you about the arrest of their children for stealing
7 potatoes. Can you tell the Chamber why you did know about the
8 security centre at Au Kanseng at that time?

9 [15.42.34]

10 A. As I indicated previously, I was in that division, replacing
11 06, for a brief period of time only. And I did not even know
12 there was a division security centre at all. And only upon my
13 return I was assigned to go and be in charge of my previous unit.
14 But, when I was on the motorbike at Veun Sai, I was called to
15 return back; and four or five days later, people came to meet me
16 talking about their children. And, upon asking them questions,
17 they told me that their children had been arrested and placed at
18 the Au Kanseng Security Centre. That's how I learned of the
19 existence through the people. And those people also told me that
20 the people who had been detained there actually broke out of the
21 prison and killed the guard.

22 Q. Thank you.

23 You talked about your intervention leading to the release of
24 about 20 people. Did your request to the division commander have
25 anything to do with the upper echelon, or only after you made

1 that request to the division commander then he decided to release
2 those people?

3 [15.44.39]

4 A. After I received that information and upon his return from the
5 front battlefield, he came to my place. And, during the time that
6 we were talking, then the issue came up that the people's
7 children had been arrested for stealing potatoes. Then I told him
8 that those people did not have any major offence; the only
9 offence was for them to steal potatoes, and they were accused of
10 betraying the community as a whole and then they were arrested
11 and detained. So, I raised the matter to him and asked for his
12 opinion and recommendation, whether he should make a further
13 report to the upper echelon. But my request to them was to
14 release them for these minor offences. Then he told me that he
15 would consult with the upper echelon after he returned. And two
16 or three days later, those people were released, and I met them
17 in front of my house, and they came to thank me for assisting
18 them - that I spoke to the division commander.

19 [15.46.16]

20 Q. Can you then tell the Chamber whether your division commander
21 made a request further to the upper level or he made his own
22 decision to release them?

23 A. I made my request to him, and he said he would go to his place
24 first. It means he went to Veun Sai. And, during these two or
25 three-day period, I don't know whether he made further request to

1 the upper echelon or not. What I saw was that, a few days after
2 he returned to Veun Sai, those people were released and they came
3 to my house to thank me.

4 Q. Thank you.

5 Did you know who was the upper echelon above Division 801?

6 A. The upper institution above division level was Committee 870.

7 Q. What about the military General Staff on the Son Sen part? Was
8 it above your division level?

9 A. Son Sen was also the upper level; Pol Pot was also the upper
10 level. And as I indicated earlier, when we had to make a report
11 on politics or on military, these two were the main figures that
12 reports would be sent to; 05 also made a report to them. And
13 besides that, I did not know whether there were other people that
14 division had to report to because above division, there were Pol
15 Pot and Son Sen.

16 [15.48.58]

17 Q. What was immediately above division level, if you know? Can
18 you enlighten the Chamber?

19 A. Regarding the level above division, first, on the military
20 side, there was Son Sen who was in charge and above division
21 level. And above Son Sen, I would say there would be Pol Pot and
22 no one else who would be above Son Sen. That is the chain of
23 command, based on my understanding.

24 MR. KONG SAM ONN:

25 Thank you.

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1 Mr. Ung Ren, I have no further question for you.

2 And thank you, Mr. President. My international counsel has a few
3 questions for this witness.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 [15.50.00]

7 QUESTIONING BY MR. VERCKEN:

8 Thank you, Mr. President. Good afternoon, Mr. Witness. I am
9 Arthur Vercken, international co-counsel for Mr. Khieu Samphan.

10 Q. My first question is as follows: How many times (sic) after
11 the fall of Phnom Penh were you wounded?

12 MR. UNG REN:

13 A. I was wounded on the day of the fall of Phnom Penh.

14 Q. And what was the nature of your injury?

15 A. I was wounded but I could walk. But, after I - before I was
16 wounded, we advanced near Pochentong area. I was wounded at the
17 Tang Krasang Pagoda.

18 Q. Mr. Witness, very well. My question was the nature of your
19 injury - as to the nature of your injury in medical terms. Were
20 you wounded by a bullet? Can you please specify the nature of
21 your injury?

22 A. I was wounded by a bullet.

23 [15.51.49]

24 Q. Whereabouts?

25 A. I was wounded by a bullet on my thigh.

1 Q. And, after you were wounded, were you hospitalized on the same
2 day or later on?

3 A. Immediately – after I was wounded, I was sent to the hospital
4 at Tang Krasang Pagoda immediately. And that was a – kind of a
5 mobile hospital or infirmary for the front battlefield.

6 Q. And for how long were you at that mobile hospital?

7 A. I stayed there for about 17 days, but by then, my main force
8 remained at the station or at the place where we were assigned
9 to.

10 Q. And where had it been sent?

11 A. I was not sent anywhere, but my deputy came to meet me, and
12 then he – we talked about a plan to prepare the integration of
13 our regiment into Division 801, and number 2 was to prepare the
14 political psychology for our anticipated trip to Ratanakiri.

15 [15.54.39]

16 Q. After you were admitted to hospital and stayed at hospital for
17 17 days, what did you do? You left the hospital? And where did
18 you go?

19 A. After I left the hospital for my unit, I came to meet my
20 forces in Phnom Penh, and we discussed certain measures. And I
21 asked, "Phnom Penh had just been liberated; why we had to be
22 assigned to go elsewhere?" And I was told that we had to go to
23 the Northeast. At that time, we had not been integrated into the
24 new division; we were still at Brigade 11, but we were told that
25 we would be sent further.

1 Q. Regarding the first discussion you had with your assistants
2 regarding the establishment of Division 801, those discussions,
3 when were they held - immediately after you were admitted to
4 hospital or after you left the hospital?

5 [15.56.22]

6 A. The discussion took place while I was wounded.

7 Q. What I mean is: Was it while you were still at the hospital or
8 after you left the hospital?

9 A. As I said earlier, we discussed - I discussed with my deputy
10 for the integration and which force had to go to where. At that
11 time, we were at Pun Phnum, and by that time there was no
12 announcement yet of the integration.

13 Q. Witness, please listen carefully to my question. My question
14 to you is this: At the time when you were discussing with your
15 assistant the plan to integrate the forces in Division 801, had
16 you - were you still at the hospital or you had already left the
17 hospital to join your troops in Phnom Penh? Where were you - at
18 the hospital or with your troops?

19 A. My deputy from Phnom Penh came to meet me. Of course, he had
20 met the division, and then he came to meet me while I was at the
21 hospital.

22 [15.58.22]

23 Q. Very well. And subsequently, when you were interviewed by
24 tribunal interpreters (sic) and also before this Chamber, you
25 talked about a rally that was held at the Olympic Stadium

1 regarding the establishment of Division 801.

2 My question to you is as follows: At the time when you attended
3 that rally at the Olympic Stadium regarding the establishment of
4 Division 801, had you already left the hospital? Is that your
5 evidence?

6 A. Yes, I already left the hospital.

7 Q. And, as far as you can remember, this gathering at the Olympic
8 Stadium regarding Division 801 took place immediately after you
9 left the hospital or a little later? Are you able to tell us a
10 bit - tell us seriously how much time went by between the moment
11 you left the hospital and the day of this gathering at the
12 Olympic Stadium?

13 [16.00.02]

14 A. The hospital was - I was still in the hospital, and the
15 arrangement of the division was made when I was still at the
16 hospital. And, as I already told you, there were two people at
17 the division: one was in Phnom Penh, and one was elsewhere. So,
18 when I was injured the work could move about because my
19 subordinate was overly (sic) in charge in my absent. So it could
20 be done even though I was still admitted to the hospital.

21 Q. And, the day when you went to the Olympic Stadium to attend
22 this ceremony or this gathering, you were still at the hospital,
23 if I understand what you were saying; is that - is that the case?

24 A. I think there might be a slip here. I said that in my unit,
25 there was the regiment commander who was stationed in Phnom Penh

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1 and, at the same time, another regiment commander who was injured
2 and admitted to hospital. So, at the same time, the regiment
3 commanders in Phnom Penh could communicate to one another. And we
4 could talk to one another during that period of time to deal with
5 things. I did not even need to come all the way to Phnom Penh to
6 discuss matters because there was a person in charge in Phnom
7 Penh who acted on behalf of me and he could deal with it. So,
8 there was a means of transportation that - I could also come to
9 attend meeting if I was needed at that time. So, to put it
10 simply, I was admitted to the hospital, I still was taking some
11 medicine, and I worked at the same time.

12 [16.02.56]

13 MR. VERCKEN:

14 Mr. President, I don't believe I'll be able to finish my
15 questioning this evening. Well-

16 MR. PRESIDENT:

17 Can you please advise the Chamber as to how much time would you
18 need to proceed putting all the questions you have?

19 MR. VERCKEN:

20 Well, I would say at most 40 minutes, maybe less - I hope less.
21 That's basically it. But I see that the message is maybe a bit
22 unclear between the witness and me, so maybe I'll have to do it
23 step by step.

24 (Judges deliberate)

25 [16.04.46]

1 MR. PRESIDENT:

2 Thank you, Mr. Ung Ren.

3 It is now appropriate time already for the adjournment. The
4 Chamber will adjourn, and the session will be resumed tomorrow,
5 at 9 a.m.

6 During tomorrow's session, we continue hearing the testimony of
7 Mr. Ung Ren and we proceed to hear the testimony of TCW-100,
8 questions to be put to this TCW-100 first by the Prosecution,
9 followed by other parties to the proceedings.

10 Mr. Ung Ren, your testimony has not yet been complete, and that -
11 we would like you to come back to the courtroom tomorrow, at 9
12 a.m., to give the testimony, questions continue to be put by
13 counsel for Mr. Khieu Samphan.

14 (Judges deliberate)

15 [16.07.56]

16 Mr. Ung Ren, we need you to tomorrow as well so you are to come
17 to the courtroom again.

18 Court officer is now instructed to assist Mr. Ung Ren during the
19 adjournment and have him returned to the courtroom by 9 a.m.

20 And at the same time the Chamber wishes to inform the parties to
21 the proceedings that during tomorrow's sessions, the Chamber will
22 discuss the request by Lead Co-Lawyers of the civil parties
23 concerning TCCP-94. And the Chamber will discuss this, and
24 parties will be informed through a written notification, whether
25 the Chamber wishes to hear the testimony of this civil party or

1 not.

2 JUDGE CARTWRIGHT:

3 Yes. Thank you, President.

4 Just to make it clear in English, the parties can expect a
5 message from the Trial Chamber this evening; we just haven't had
6 time to communicate it as yet. And that will make it clear, the
7 subject matter that we may wish to discuss concerning TCCP-94
8 tomorrow. Thank you.

9 Thank you, President.

10 [16.09.52]

11 MR. PRESIDENT:

12 Security personnel are now instructed to bring the accused
13 persons back to the detention facility and have them returned to
14 the courtroom by 9 a.m. Mr. Ieng Sary is instructed to bring to
15 his holding cell where he can observe the proceedings from there.
16 The Court is adjourned.

17 (Court adjourns at 1610H)

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