



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-May-2013, 08:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 April 2013
Trial Day 172

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

Matteo CRIPPA
DUCH Phary
DAV Ansan

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
SAM Sokong
VEN Pov
CHET Vanly

For the Office of the Co-Prosecutors:

SONG Chorvoïn
Keith RAYNOR

For Court Management Section:

UCH Arun
SOUR Sotheavy

I N D E X

MR. SAR SARIN (TCCP-186)

Questioning by the President page 2

Questioning by Mr. Ven Pov page 4

Questioning by Mr. Pich Ang page 31

Questioning by Mr. Raynor page 35

MR. UNG CHHAT (TCW-752)

Questioning by the President page 65

Questioning by Ms. Song Chorvoin page 69

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. SAR SARIN (TCCP-186)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. SONG CHORVOIN	Khmer
MR. UNG CHHAT (TCW-752)	Khmer
MR. VEN POV	Khmer

1

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 As scheduled, today the Chamber is hearing the testimony of TCCP
6 186. The civil party will be questioned by Lead Co-lawyers for
7 the civil parties before the other parties to the proceedings,
8 and each party will be allocated half day for questioning time;
9 and in other words, Lead Co-Lawyers for the civil parties and the
10 Co-Prosecution will have half day, when defence counsels will
11 have the remaining half day to put questions to this civil party.
12 Court - rather, Court greffier is now instructed to report to the
13 Chamber on the status of the parties to the proceedings today.

14 [09.07.59]

15 THE GREFFIER:

16 Good morning, Mr. President and Your Honours.

17 Today, all parties to the proceedings are present. Please be
18 noted that Mr. Nuon Chea is present in his holding cell, which is
19 downstairs. The Trial Chamber has ruled that Mr. Nuon Chea be
20 allowed to observe the proceedings from there due to his health
21 concerns.

22 TCCP-186 is here today at the Court, waiting call from the
23 Chamber.

24 During today's sessions, there is a reserve witness, TCW--
25 TCCP-752. The witness already took the oath. According to the

2

1 witness, the witness is not in a relationship with an accused or
2 civil party in this case file. The witness is going to be
3 assisted by his duty counsel, Mr. Moeurn Sovann.

4 Thank you, Mr. President.

5 [09.09.42]

6 MR. PRESIDENT:

7 Court officer is now directed to bring in the civil party into
8 the courtroom.

9 (Mr. Sar Sarin enters the courtroom)

10 QUESTIONING BY THE PRESIDENT:

11 Good morning, Mr. Civil Party.

12 Q. What is your name?

13 MR. SAR SARIN:

14 A. Mr. President, I am Sar Sarin.

15 Q. Mr. Sar Sarin, before you proceed to respond to questions,
16 could you please observe some pause? Wait until you see the red
17 light activated on the mic before you proceed to respond;
18 otherwise, you would not be heard to everyone observing or in
19 these proceedings. And it is really important that your message
20 is fully interpreted through the interpreting services in two
21 languages.

22 [09.11.45]

23 When were you born?

24 A. (Microphone not activated)

25 Q. Please be reminded again, observe some pause. You may proceed.

3

1 A. I was born on Tuesday, the 7th of July 1957.

2 Q. Thank you, Mr. Sarin. Where were you born?

3 A. I was born in Trapeang Krapeu village, Moung Riev commune,
4 Tboung Khmum district of Kampong Cham province.<V>

5 Q. Where do you live?

6 A. I live in group 1, House Number 49, Village 5, Sangkat Veal
7 Vong, Kampong Cham province.<V>

8 Q. What do you do for a living?

9 A. I am a pensioner.

10 [09.13.25]

11 Q. What are your parents' names? And what is your spouse's name?

12 And how many children do you have?

13 A. My father is Sar Sen; he passed away. My mother is San
14 Saroeun; she also passed away. I have five children: three
15 daughters, two sons.

16 Q. What about your wife's name?

17 A. She is Mom Saron.

18 Q. Thank you, Mr. Sarin.

19 [09.14.24]

20 The Chamber already informed the Lead Co-Lawyers for the civil
21 parties that you would be offered the floor -- opportunity to put
22 these questions to the civil party first. And before that, the
23 Chamber wishes to remind or to inform the civil party of his
24 rights during the proceedings as follows:

25 Mr. Sarin, as a civil party, you will be offered the opportunity

4

1 to express your suffering, the statement of suffering, the
2 injuries or harms that could have been resulted directly from the
3 crimes committed during the regime committed by the accused
4 persons, crimes committed during the period of time from 1975 to
5 1979. And you may exercise this right to express your statement
6 of suffering at the end of your testimony.

7 [09.15.53]

8 Next, the Chamber would like to hand over to the Lead Co-Lawyers
9 for the civil parties to proceed putting questions to the civil
10 party.

11 MR. PICH ANG:

12 Thank you, Mr. President, and Your Honours.

13 Counsel Ven Pov, counsel for Mr. Sar Sarin, will be putting
14 questions first, and I may also have some follow up questions
15 before we cede the floor over to the prosecutors.

16 MR. PRESIDENT:

17 You may proceed now.

18 [09.16.34]

19 QUESTIONING BY MR. VEN POV:

20 Thank you, Mr. President, and very good morning to you, Mr.
21 President and Your Honours, and very good morning to everyone.
22 Good morning, Mr. Sar Sarin. Uncle Sar Sarin, I am Ven Pov,
23 counsel for the civil parties.

24 Q. To begin with, I would like you to tell the Chamber your
25 experiences during the Khmer Rouge regime and also your having

5

1 attended the study sessions, the political study sessions during
2 the regime. I will, during the course of my examination, refer to
3 the interviews, document D230/1.1.874C.

4 And with Mr. President's leave, I would like the document to be
5 presented to the civil party.

6 [09.17.51]

7 MR. PRESIDENT:

8 Counsel, you may be familiar already that before documents can be
9 presented, party have to make sure that documents from DC Cam
10 have not been presented or known to parties to the proceeding,
11 because the contents of document is from the transcription of the
12 audio recording of the interviews of the person concerned. And
13 with that, to save some Court's time, counsel is allowed to put
14 some questions by referring to the content of the document rather
15 than presenting the document, because perhaps civil party may
16 have not seen such document, or you may ask the civil party first
17 to seek his confirmation.

18 [09.18.55]

19 BY MR. VEN POV:

20 Q. Mr. Civil Party, have you ever seen such document as
21 mentioned?

22 MR. SAR SARIN:

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Please observe some pause.

6

1 MR. SAR SARIN:

2 A. I have seen the documents DC Cam transcribed from the
3 recordings because I had been offered a copy of such document.

4 MR. PRESIDENT:

5 Court officer is now directed to bring the documents to the civil
6 party for examination.

7 [09.19.46]

8 BY MR. VEN POV:

9 Thank you, Mr. President.

10 Q. My first question is concerning your historical background and
11 when you joined the Revolution Movement and when exactly did you
12 join it?

13 MR. SAR SARIN:

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Mr. Sarin, you do not need to press the button on that mic,
17 because this technical matter will be well administered by our
18 people at the Court, so you just need to observe the red light
19 activated on the mic, and that's all, before you respond.

20 MR. SAR SARIN:

21 A. Mr. President and Counsel, I joined this Revolutionary
22 Movement when I was 13 years old. First, I joined the Propaganda
23 Team to propagandize the work of the Front and the Revolution. At
24 the very outset, I was still with my parents. I did not join the
25 Movement directly, and fully, but after the Americans' troops

7

1 withdrew from Cambodia, it was on August – the 8th of August 1975
2 when I joined the army.

3 [09.21.32]

4 BY MR. VEN POV:

5 Q. Can you please specify the date?

6 MR. SAR SARIN:

7 A. It was in 1973.

8 Q. Who introduced you to the Movement? And why did you join it?

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 (No interpretation)

12 MR. SAR SARIN:

13 A. I was introduced by Brother Tun Kry (phonetic), the Commander
14 of Sector 21, and later my cousin, Chhean, and another person who
15 was the village – rather, the commune chief by the name of Pech,
16 who introduced me to join the force so that we could attack Phnom
17 Penh. About 130 young people were gathered to join the Movement,
18 the military training, so that we could fight the Lon Nol
19 soldiers.

20 [09.22.56]

21 BY MR. VEN POV:

22 Q. You said first you joined the Propaganda Team, the arts group.

23 What were you tasked with at that time, as people a part and
24 belonging to the art group?

25 MR. SAR SARIN:

8

1 A. During that time, we, the art performers, or in the art group,
2 we were asked to educate people through songs, and we would then
3 ask the villagers to come to watch the play, but during the
4 performance, we would then disseminate information concerning the
5 Movement, because I would then read out from my small diary,
6 because every time when before we started the performance, then I
7 would be asked to read this propaganda from the party, and we --
8 I was advised to choose words carefully during this time.
9 I was the youngest person in the group, and many villagers liked
10 my reading of these words. And I still remember these words.

11 [09.24.49]

12 First, I would say that the Front, the United Front, would be the
13 front to unite all the Royal Family, and every member of society,
14 without any discrimination against race or religion. So the Royal
15 Front would be a free front for everyone. And then I proceeded to
16 also disseminate information concerning the historical background
17 of the former resistance, including Achar, Po Kambal (phonetic),
18 and other Khmer former heroes, and then we would proceed to sing
19 some songs on the stage for the people who came to watch the
20 play.

21 And the core content of our message at that time before each play
22 was to tell the people about the Front chaired by Samdech
23 Sihanouk, and also members of which comprised of Khieu Samphan,
24 Samdech Penn Nouth, Hu Nim, and Hou Youn, etc., and that happened
25 during late 1971 and early 1972. And I would travel places to

1 disseminate such information to other villagers in Cambodia. It
2 was about the political line as well.

3 [09.26.40]

4 Q. Have you ever seen or did you ever read "Revolutionary"
5 magazine, or "Revolutionary Flag" magazine?

6 A. Yes, I did. I used to see these "Revolutionary Flag"
7 magazines, but these magazines were meant to be distributed only
8 to the leaders of the regime. And at the beginning, when I saw
9 the books, they were handwritten, and recopied. The books or the
10 magazines were not printed or typed. There were no well-drawn
11 pictures on the magazines, and I read about Sector 21 being
12 written on one of the magazines, and also I noted that the
13 printing house was also written on one of the pages of the
14 magazines and that the magazines were printed in Sector 21.

15 Q. After the 17th of April 1975, were you sent to Phnom Penh
16 immediately or after how long were you sent into Phnom Penh and
17 what did you do?

18 A. I think it's rather time consuming to tell the Chamber the
19 details of my coming to Phnom Penh. Indeed, I may talk a little
20 bit about when I joined the Revolution.

21 [09.28.52]

22 I was separated from my parents and I had to attend the strategic
23 or tactical trainings for the military for three months and we
24 were engaged in the fighting along the Mekong River. And because
25 I was young, there were three people who were too young - three

10

1 of us - and I was stopped and I was not allowed to engage in the
2 fighting. Instead, I was tasked with transporting food for the
3 soldiers. And I was stopped and tasked with transporting or
4 finding food supply for the military at the commune office.

5 And that's how I began my work. I collected a pack of rice and
6 rice from villages. For example, a day I would collect about 50
7 kilograms of rice or sometimes a few sacks of rice. Sometimes I
8 would collect some chicken and other food supply for the
9 military.

10 [09.30.29]

11 By 1975, I stopped delivering this food to the Khmer Rouge
12 soldiers. I shifted to deliver the food to the Lon Nol soldiers.
13 After the 17th of April 1975, the Lon Nol soldiers were defeated
14 and they surrendered and kept at a pagoda at a place, and this
15 rice and food supply would be only offered to them instead of the
16 Khmer Rouge soldiers.

17 Later on, I was assigned by the Upper Echelon, perhaps from the
18 Centre, to join the Revolutionary Movement and it was a request
19 made by the Upper Echelon that we join this movement and it was -
20 everyone was influenced by this.

21 After 1975, all monks had to be defrocked, absolutely. Before
22 1975, monks would be defrocked randomly through propaganda, and I
23 still recall a song, part of this - a song, a "trot" song, a
24 traditional "trot" song, encouraging or telling the people how
25 brave the soldiers were, and it doesn't matter how many soldiers

11

1 would die, the country would never be – there would never be
2 shortage of people who would like to become soldiers.
3 So the "trot" song itself was very influential and convincing,
4 because the song could convince every person to join the army,
5 including the frock – rather, the monks. And in the song itself,
6 it encourages the hatred of the feudalists, the intellectuals, or
7 the feudalist capitalist class, and people were encouraged to
8 join the army to be loved by women; otherwise, you would not be
9 loved by women.

10 [09.33.35]

11 So I think that's pretty long, but that would be brief now.
12 To my recollection, after that, in Sector 21 comprised of Tboung
13 Khmum, Peam Chileang, Krouch Chmar, Chhloung, Dambae, Tuek Chrov,
14 Ta Mol, and Memot districts. These districts were subordinate to
15 Sector 21, and they recruited some 1,000 forces. And I left my
16 commune; I met with them in the middle of the jungle, where their
17 headquarters was located. It was in Chrum, or Ou something; it
18 was somewhere over there. And they gathered up to around 1,000
19 forces, and then we came to Svay Romiet Pagoda, somewhere in Prey
20 Veng province. We gathered there again and I saw many people over
21 there waiting for the direction of the authority.

22 [09.34.54]

23 And at that time, the commander of Zone 203, by the name of
24 Samnang, rather, Kev Samnang, alias Mon. When he closed the
25 session he told the audience that there were up to 5,000 people

12

1 gathering in that event in - as 200. And in the east sector,
2 Sector 20, 21, 22, 23 and 24, they all came to attend the
3 session.

4 The session took place for about two weeks, and upon the
5 completion of the session, people came back to Phnom Penh. And
6 when we arrived in Phnom Penh, we were only around to walk out at
7 night. So from Svay Romiet, to Prey Veng, and all the way to
8 Phnom Penh, we had to stay overnight in different places.

9 We came all the way there to - from Svay Romiet, to Prey Veng,
10 and then to Chbar Ampov, and Phnom Penh. And I observed the
11 overall situation of people along the street from Neak Loeang,
12 Prey Veng, Neak Loeang and Phnom Penh. I saw the trees were
13 completely burned.

14 [09.36.30]

15 Q. Can you please tell the Court exactly when you were entering
16 Phnom Penh?

17 A. It was sometime around September or October, to my
18 recollection. At that time, the soldiers had to walk across rice
19 paddies. We saw soldiers walking in the rice paddies. I do not
20 recall the exact day, but it was sometime in September or October
21 1975.

22 And when we were travelling along the way to Phnom Penh, I
23 noticed that there were fierce fighting just took place quite
24 recently, that's why the trees along the street were burned down,
25 and houses were also burned as a result of fighting or shelling.

13

1 And when I got to Phnom Penh, I was surprised because it was very
2 quiet. And we stayed in Phnom Penh for a night, and then the next
3 morning, they required the soldiers to march from Chbar Ampov to
4 Kbal Thnal, and then we reached the Independent Monument, and
5 finally we came in front of the Royal Palace.

6 [09.38.09]

7 And over there we heard Pang, Ta Prum, Ta Ky, Brother Vuy,
8 Brother Miel, to my recollection; and I do not actually recall
9 all the people over there but I only recognize their face. At
10 that time, they asked us to walk in two lines, and Ta Phum saw
11 me, and then one of my friends asked me whether or not I could
12 drive a car and I told them that I could not drive a car, I could
13 only drive or ride an oxcart.

14 And then I saw people were taken away, one after another. People
15 had to march along the road. I did not know where they were
16 heading for but they were just walking along. So life was
17 unpredictable at that time, I thought to myself, because people
18 were walking and some people were taken one after another. And
19 then we reached - people told us that when we got to Phnom Penh
20 we would not eat rice anymore. Instead, we would be given bread
21 to eat.

22 [09.39.46]

23 When we first got to Phnom Penh, we had something to eat. Of
24 course, we had just barely enough thing to eat, but afterwards
25 food ration got lesser and lesser, and then finally I was

14

1 transferred to K 7; it was somewhere near the building complex
2 near Ounalom Pagoda. It was the location where messenger offices
3 were located and Ta Ky was a person in charge and he was from
4 minority origin. He could not speak Khmer very clearly.
5 We were tasked to clear some bushes along the river to prepare
6 the place for us to stay, and once we clear the bushes around
7 that place, we were asked to plant vegetables. And then a man by
8 the name of Vuy, the head of K 12, he asked us join other groups.
9 [09.41.18]

10 Q. Well, Mr. Civil Party, I am going to interrupt you here,
11 because we want to ask you for more specific details.

12 You mentioned K 12. What was K 12 for at that time?

13 A. K 12 was a driving unit. At that time, the number plate for
14 the car bear the code number "Ba-Tau", and it was subordinate to
15 Office 870. And as for the driving permit and the laissez-passer
16 or so was to be approved by a man by the name of Kang (phonetic).

17 Q. You mention Office 870, so my follow-up question is: What was
18 Office 870 for? And who told you that that office bear the name
19 of Office 870?

20 [09.42.41]

21 A. Office 870, to my knowledge, I actually learned from the
22 chairman of the meeting. I did not actually know its whereabouts,
23 but I only knew its existence, and to my understanding, it was
24 somewhere in either K 1 or K 7 complex. And Comrade Kang
25 (phonetic) was someone who issued the laissez-passer for everyone

15

1 and I did not know where he was actually working. In other words,
2 I do not know where all his office was.

3 Q. Can you please clarify it a bit further? You said you came to
4 K 12. Can you tell us what did K 12 do and what were you supposed
5 to do over there when you were sent there?

6 [09.43.50]

7 A. After I left Kbal Chrouy, Comrade Vuy and Comrade Miel
8 recruited me to work in K 12.

9 K 12 was a driving unit. There were around 30 people, who
10 actually were recruited from the Eastern Zone and some of them
11 were from Sector 103, from North Zone. So all together, at that
12 time, there were around 80 people all together, but I could only
13 recognize those who from the Eastern Zone. They -- there were
14 around 30 of them and others were from the North Zone, and others
15 were from other sector and zone, particularly some, I noticed,
16 from the minority group from Ratanakiri and Mondulkiri provinces.

17 [09.44.50]

18 And the arrangement of the K 12 were sometimes in November - and
19 when we first arrived in this unit, we were not allowed to drive
20 car. We were tasked to go and collect the cars, the cars that
21 were abandoned by people along the street in Phnom Penh and we
22 had to look for those abandoned cars and guarded them. So, we had
23 to look for them everywhere. Some were along National Road number
24 4 and Number 5 to Preaek Kdam, and those cars which were broken,
25 we had to fix them, and we had to divide into several group in

16

1 order to fix the cars or maintain the cars.

2 So, we were divided into different groups depending on different
3 makes of car, Land Rover or different types of cars. And then we
4 have a warehouse to store those cars somewhere in Chamkar Mon.

5 And somewhere around Kbal Thnal, we had a warehouse in order to
6 keep some saloon or sedan car. And in office K 1 - adjacent to
7 office K 1 - we call Warehouse Number 5; luxurious cars were kept
8 over there.

9 So, at that time, we had to look for abandoned cars and then at
10 night we were trained how to drive the car, and some of us were
11 trained how to fix the cars as well. So when we were first come
12 to office K 12, we were not immediately allowed to drive those
13 cars.

14 [09.46.45]

15 At that time, we were all asked to drive the car, GMC, for K 4.
16 It was the Sewing Section. And I used to drive GMC to carry
17 rubbish from place to place.

18 Q. Thank you.

19 Now, relating to K 12, were there any other offices subordinate
20 to K 12, or there was only one which is the driving unit as you
21 mentioned?

22 A. I would like to respond to your question, Counsel.

23 Actually, there were many offices subordinate to K 12. The head
24 office of K 12 was in one location and at that time, they
25 actually divided into several locations. One office was the

17

1 former North Korean Embassy complex and currently the German
2 Embassy, and at that time, the leaders did not have the car
3 belong to them. The cars had to be used as a pool, a pool of cars
4 for them. So, there was one office, which was the central office
5 for K 12 and Comrade Miel was the chairman of this office.
6 There was another office located in the - presently, the office
7 of the Ministry of Agriculture. And there was also another
8 complex, somewhere in Chamkar Mon, too. It's also subordinate to
9 K 12. And the various warehouses, somewhere near the presently
10 Cambodian People Party, were also the warehouses subordinate to K
11 12 as well. And there is another office near Kbal Thnal.

12 [09.49.34]

13 So we also had the garage, warehouses to store our cars and
14 trucks, and there is - there was another garage near the central
15 market too. And there was also a -- offices located near the
16 former Ministry of Social Affairs, chaired by Madam Ieng Thirith.
17 And as for pagodas in Phnom Penh, they actually empty the Buddha
18 statue in the pagodas, in order to, well, vacate the place to put
19 the machine and other stuff in the pagoda.
20 And K 12 also had its own vegetable plantation area, and south of
21 the vegetable plantation, there was the - at hall managed by K
22 14, over there.

23 Q. Thank you, Mr. Sarin.

24 I would like to read this document; English - ERN in French,
25 007474 to 74 - 007475. In this document, you said you took the

18

1 trainees who came to attend the political training from Borei
2 Keila, and you also say that you took those trainees, who were
3 from all the zones, including special zones as well, and those
4 came to attend the training and exchanged their experiences from
5 each and every zone. And you also said that Comrade Poum
6 (phonetic), who was the head of the delegation, told you that you
7 had to take these people to see three districts. One, being South
8 District in Eastern Zone, and two was Kampong Tralach Leu in the
9 West Zone, and another location was in the Southwest Zone.

10 So, when you were driving those trainees, did you see or meet any
11 leaders who were accompanying the delegation to visit those three
12 locations?

13 [09.53.30]

14 A. Thank you for your question.

15 Concerning the training and the transportation of trainees, when
16 I first came to Phnom Penh, I was training K 15. It was the
17 Khmer-Soviet Technical School, and I noted at that time, that
18 there were also trainees, who actually returned from overseas
19 studies, they also attended the training over there. And at that
20 time, Comrade Phum was the trainer.

21 So, we were attending the training in K-15 and then later on, as
22 you summarized it, I was transporting the trainees to visit the
23 three locations, as you mentioned. I actually did not attend that
24 particular training, because that training was meant for the
25 leaders from the zones.

19

1 This training lasted for about half of month, and I had no idea
2 who the trainers were at that time and whether or not there were
3 senior leaders attending or not. But at that time, I was tasked
4 to take the trainee to visit various locations in the zones. And
5 at that time, I - to my recollection, K 12 did not have
6 sufficient transport means to take them to visit those places. We
7 had to borrow trucks from others.

8 [09.55.26]

9 So, the idea was to introduce those trainees, to see the
10 development and progress, in various zones and locations. As I
11 mentioned earlier, those trainees were leaders from the zones and
12 sectors across the country. And, I was driving Vuy, and then
13 later on, some two days later, Phum was sick, so he asked me to
14 drive those trainees.

15 Q. Well, thank you. I need to ask some follow-up questions.
16 You said, as according to your statement earlier; that they
17 selected three more model locations, or three more model
18 districts for the trainees to visit.

19 Do you know why they took them to visit the three or why were
20 these three locations selected?

21 A. At that time, I heard directly from Comrade Phum, who
22 addressed the trainees. He said that the Party would award an
23 honorary flag to one district, which was considered to be a
24 district of good progress. They could meet the development
25 target, for example, in relation to the rice cultivation or crop

1 cultivation also.

2 So, they could meet the targets set, for example, 3 hectares – or
3 3 tons per hectare, so the Party awarded this honorary flag to
4 this district. That's why this district was later selected for
5 the visit of the trainees. And then another district by the name
6 of Tralach Leu, there were leaders from the West Zone to welcome
7 the trainees as well.

8 [09.57.39]

9 So, as for the East Zone, they also visited the rubber
10 plantation, the construction of 6 January Dam, so on and so
11 forth. And along the way, there were dams along the ways they
12 visited. So, the 1st January and 6 January Dams were visited.

13 Q. So, when you were driving those trainees, what was the overall
14 situation of living conditions of people along the street? Did
15 you notice anything noticeable?

16 A. When we visited each location, we only went to those
17 locations, and when we got there, we saw people were very active.
18 They were cultivating crops, they were helping each other, and
19 you know, they play music and people were working very happily.

20 [09.58.44]

21 As for the dining hall, we were never introduced to the dining
22 hall of the people over there. We understood at that time, that
23 people were supposed to eat in the communal hall, but we were
24 never introduced to those dining hall.

25 We knew that the eating condition was not good at all at that

1 time, and the honorary flag that I mentioned, to my recollection
2 at that time, the Party awarded to some model district in Kampong
3 Tralach Leu, in the West Zone, in Tram Kak, in the Southwest
4 Zone, and in another district. And they took those trainees to
5 conduct field study in those three districts.

6 The message they wanted to send to the trainees was that, for
7 years they had never met the target, but these three districts
8 met the target set. So, these were considered model districts.

9 Q. As a driver at K-12 Office, did you ever take important
10 visitors, including foreign visitors, to places?

11 [10.00.44]

12 A. I took a lot of foreign visitors. Every week, there were
13 several foreigners visiting Cambodia. There were people from
14 Yugoslavia and other countries because people were from different
15 countries that I can't remember them all. They have delegation
16 from Burma, Laos, and also Secretary of Chinese Communist Party,
17 Chen Yonggui, also known as Dazhai, also came to visit the
18 country.

19 Q. You said you took foreign visitors from China, Burma, and
20 Yugoslavia. Did you ever go to pick them at the airport, and did
21 you see other people also were receiving these visitors?

22 A. Allow me to tell the Court about my task in taking these
23 foreigners -- foreign visitors.

24 It doesn't matter who came to visit Cambodia, we had to wear our
25 black clothes to receive them. That's the only clothes we had to

22

1 wear for this event. And Uncle Van, known as Ieng Sary, would
2 call a study session at B 1, so that everyone concerned
3 understood how we could greet senior visiting leaders. At the
4 same time, I would like to open brackets so that I can talk more
5 on the study sessions.

6 [10.03.27]

7 I, the drivers, attended these sessions and this drivers' unit
8 was chaired by Brother Miel. And we also had security guards who
9 - chaired by Brother Kham My and Chhan, who also attended the
10 sessions.

11 And third, we also were joined by people who greeted the guests
12 and this section was chaired by Yeay Sin, who was the head of the
13 kitchen and she was the chef for these uncles. I know her very
14 well, because every time we had to transport these uncles, then
15 Yeay Sin would be coming with us, along with her team-

16 Q. I am sorry to interrupt, Mr. Sarin.

17 You said before foreign visitors came, you would attend a study
18 session with Mr. Ieng Sary. What would be the subject matter of
19 the session?

20 A. I still briefly recall what being discussed during the study
21 sessions. It was part of political study sessions conducted at B
22 1. It was not at the "curved house", but it was at a house like
23 a rice grange.

24 [10.05.34]

25 It was conducted in a place for the meeting, like the one we had

1 in - at Chinit - near Chinit River. So at that time, they would
2 like to have a very poor house or building for meeting because
3 they would like to discourage people from loving materials and
4 not to be materialistic, in other words. And, people wore old
5 clothes to attend the sessions, and he would talk about a lot of
6 things.

7 But I remember one thing for sure; he said before he proceeded to
8 the session, he would like to talk about national and
9 international events. He mentioned about our reputation in the
10 eyes of the international community after the victory of 1975 -
11 April 1975, and Cambodia established diplomatic relations with
12 other countries. We received our friends and also we did not
13 receive some countries as our friends.

14 [10.06.54]

15 And he also talked about shortage of foods. He said that after
16 the evacuation of the population of Phnom Penh, which was about 3
17 million people, Phnom Penh was facing food shortages and that
18 Cambodia currently was not as prosperous as what broadcast on the
19 radios. He was very honest to us when saying that. He said people
20 lacked food, lacked medicine and shelter.

21 And, the radio broadcast, he said, was part of the propaganda to
22 tell the outside world to believe that Cambodia would be good and
23 so that other people would be convinced to come and help make
24 Cambodia more prosperous. That's what I remember him telling us.
25 And also he said that the Party would never bring the tourist

1 buses, because he asked us to wait for about 10 to 15 years
2 before we could import such buses. And we were encouraged to use
3 the old buses in the country, to make the most of the remaining
4 old buses in the country.

5 And, at the same time, he said the Mercedes Benz, black and
6 white, and Peugeot, would be the ideal vehicles selected for
7 greeting and taking the visiting delegations. And these vehicles
8 would be used selectively for respective visiting friends.

9 [10.08.57]

10 Q. Mr. Sarin, you said you engaged in taking leaders from Burma,
11 China and Yugoslavia; three countries you remember. And do you
12 recall, who would be there at the airport greet these people and
13 to see them off?

14 A. I think before that, I wish to complete my statement, because
15 it's important and it should not be missed.

16 And Mr. Ieng Sary, at that time also said we should stop wearing
17 black clothes and car tyre sandals to greet our visitors again.

18 And, this should apply to all the security guards and the
19 drivers. And he asked us to go to the Ou Ruessei location. It was
20 the state sewing house. So, we then were offered different
21 clothes. We had a blue pant, pairs - a blue pair of pants and a
22 kind of white shirt, and the cooks and people who received guests
23 would also be asked to wear different clothes. And we were asked
24 to well receive visiting guests and to make sure everyone was
25 impressed by our arrangement. And that was a good thing when we

1 were stopped or we were asked not to wear black clothes when
2 receiving visitors.

3 Indeed, black clothes were not allowed to wear when visiting -
4 receiving visitors, but when we returned to work we had to wear
5 the same black clothes. I was rather happy at that time to wear
6 different clothes, because we had been wearing the same old black
7 clothes all along, and having an opportunity to wear the new
8 outfit, it gave me smile.

9 [10.11.39]

10 And first, we received delegation from Burma. And so far as I
11 remember, the person in charge of the delegation was Mr. Van. And
12 the people from Cambodian side, who received them, include Mr.
13 Khieu Samphan, who accompanied the guests all the way from
14 Pochentong Airport to the government building near Wat Phnom.
15 Apart from Pol Pot, the other people had to receive the visiting
16 guests. These include Uncle Vorn Vet, Ieng Sary, Cheng An, Mey
17 Prang from the railway station department - ministry, and Auntie
18 Phea, or Ieng Thirith, from Social Actions.

19 Q. You said you saw Khieu Samphan receiving visitors. Who told
20 you that he was Khieu Samphan, and what did he do or what was his
21 role at that time?

22 A. I think I don't need - I didn't need to be told because we
23 could hear from radio broadcasts every day about the role of Mr.
24 Khieu Samphan. We knew for sure that he was the Chairman of the
25 State Presidium of the CPK. Now, his position would be equivalent

1 to the president already, because only when the President of
2 Burma was visiting Cambodia at that time to be received by Mr.
3 Khieu Samphan.

4 [10.13.45]

5 Q. What about Mr. Nuon Chea? Did you know his role and who told
6 you about Mr. Nuon Chea's functions?

7 A. During meetings, we would be told by our uncles; we would read
8 from the magazines, radio broadcast, that Comrade Nuon Chea was
9 the president of the People's Representative Assembly, People's
10 Representative Assembly president, that's what we heard him to be
11 doing. And Uncle Van was the deputy prime minister and the
12 minister of the Ministry of Foreign Affairs. And Uncle Son Sen
13 was the deputy minister of national defence, that's what we
14 learned from these.

15 Q. You said a delegation was seen coming from Burma. Did you take
16 them to visit other parts of the country, if you still remember?

17 [10.15.20]

18 A. I fully recollect this. I fully remember the delegation who
19 came to visit Cambodia and where we took them to. At about 10
20 a.m., we received them at the airport and we brought them to the
21 government building. And the president of Burma would stay at
22 that government building when uncle had to return to his place,
23 and then we brought the delegation to meet Mr. Khieu Samphan at
24 the State Presidium building. And later on, Comrade Hun, who was
25 his driver, brought him or drove him to the place to meet with

1 the visiting president of Burma.

2 And they discussed something, which I didn't know. I knew I
3 brought the delegation there and they had meeting. And later on,
4 in the evening, some visitors would go to markets to do some
5 shopping, because Burmese would like to shop until they dropped,
6 and we can see that the president when -- also enjoyed doing
7 that.

8 [10.17.04]

9 Q. Thank you.

10 You said that this delegation would visit Phnom Penh. Did you
11 also bring them to other places in the country, other than Phnom
12 Penh?

13 A. The Burmese delegation did not pay a visit to cooperatives. By
14 late afternoon, they paid a visit to the Royal Palace, but I was
15 waiting outside. Uncle Khieu Samphan was leading the delegation
16 into the Royal Palace, and I was outside talking with other
17 drivers.

18 And then one of the colleagues said, "Look, Uncle Hem even paid
19 homage to the Buddha." They joking like that, because at that
20 time, there was no religion and people were joking about this
21 because they couldn't believe that Khieu Samphan himself also
22 paid homage to the Buddha when there was no religion in the
23 country.

24 In Longveaek, we also had a dinner party - after Longveaek, we
25 had a dinner party at Chamkar Mon State Building. And then they

1 paid a visit to Siem Reap, Angkor Wat.

2 I did not took - take them there. I just brought them to the
3 airport, and they - the President of Burma would be visiting
4 Angkor Wat before returning to Burma.

5 [10.19.08]

6 Q. Thank you, Mr. Sarin.

7 You talked about a delegation from Laos. Can you also tell the
8 Court some more detail about this?

9 A. We received a delegation from Laos, and we treated the same as
10 we did to the Burmese delegation, because he was the prime
11 minister. U Ne Win was the Prime Minister of Laos.

12 Q. I think you may have mistaken.

13 A. Yes, I was mistaken. The prime minister of Laos at that time
14 was Mr. Souphanouvong, and he was also received by Uncle Hem
15 personally. And on the Cambodian side, we had other leaders of
16 the Khmer Rouge, the whole entourage of the leaders would be seen
17 receiving delegation at the airport, including uncles Ieng Sary,
18 Son Sen, Vorn Vet, Mey Prang, etc. The ministers and -- were seen
19 at the airport.

20 [10.20.46]

21 And then there would be dinner party and trips arranged for
22 visiting delegation. We brought - they were brought to the Tonle
23 Bassac Theatre to see the art performance; and some - I think
24 that the delegation spent a few nights in Cambodia before they
25 left. And normally, their trip would be - would include a final

1 trip to Siem Reap, Angkor Wat. And at that time, Uncle Khieu
2 Samphan would also join the trip to Siem Reap, but at that time,
3 there was a shortage of vehicles to take delegation to Siem Reap,
4 so I was asked to arrange five cars to help bring delegation and
5 people who escorted the delegation, the visiting guests, to Siem
6 Reap.

7 Q. I think we are running out of time.

8 Can you also tell the Chamber who would be joining the delegation
9 to Siem Reap with - during that day?

10 [10.22.15]

11 A. I think you asked me about the Chinese delegation. And at that
12 time, there was Chen Yonggui, known as Dazhai, who was also
13 visiting Cambodia from China. China was a Khmer great friend. And
14 he paid a visit to Cambodia and he stayed very long. He spent 16
15 days staying in Cambodia before he left. And we, drivers,
16 security guard, and kitchen unit, had to be very busy.

17 But for this person, Uncle Khieu Samphan was not receiving the
18 delegation, but Pol Pot. So when President of China was visiting
19 Cambodia at that time, it was Pol Pot who was inspecting the
20 troops, who arranged to receive Comrade Chen Yonggui alias
21 Dazhai. And Mr. Chen Yonggui was well received and brought to the
22 state building by Pol Pot, and also uncles would - paid a visit
23 to - or meet these individuals.

24 By late afternoon or in the evening, there was a dinner party at
25 Chamkar Mon State Building and we took them to see - to watch our

30

1 performance and then they paid a visit to the East Zone. We had
2 to cross the Preaek Kdam ferry crossing and there were a lot of
3 cars crossing the river on that ferry. And-

4 [10.24.53]

5 Q. Thank you, Mr. Sarin. I believe this is going to be my final
6 question to you, and thank you for that.

7 You said you drove important people - visiting people. Do you
8 still remember the embassies, foreign embassies in Phnom Penh
9 during those days?

10 A. I remember several embassies during the Democratic Kampuchea.
11 I believe there were about more than 10 embassies, and some
12 embassies were in Phnom Penh. Some country did not have embassies
13 in Phnom Penh but they had their consul - or consular who would
14 present credentials to the leaders of the CPK. And there was a
15 North Korean Embassy, the Vietnamese Embassy, Albanian - Romanian
16 Embassies, Yugoslavia - Embassy of Yugoslavia, Cuban Embassy,
17 Egyptian Embassy. And also -- perhaps there was an embassy -- a
18 Swedish Embassy, but it was in - the embassy was in Beijing
19 rather than in Phnom Penh, and there was another Embassy of
20 Romania. And I think I remember about 10 embassies.

21 MR. VEN POV:

22 Thank you, Mr. President. I have no further questions, but I
23 would like to cede over to my colleague for further questions.

24 [10.27.00]

25 MR. PRESIDENT:

31

1 Thank you, Counsels.

2 By the way, it is now appropriate moment already for the

3 adjournment. The Chamber will adjourn for 20 minutes.

4 Court officer is directed to assist the civil party during the

5 adjournment and have him returned to the courtroom at 10 to

6 11.00.

7 (Court recesses from 1027H to 1050H)

8 MR. PRESIDENT:

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

10 We would like to now hand over to Lead Co-Lawyers for the civil

11 parties to continue putting questions to the civil party. You may

12 proceed.

13 QUESTIONING BY MR. PICH ANG:

14 Good morning, Mr. President and Your Honours, again, and good

15 morning to everyone, and a very good morning to you, Mr. Sar

16 Sarin. I am a National Lead Co-Lawyer for the civil parties. For

17 the remainder of this questioning time for the civil parties, we

18 only have 10 minutes to put questions to you, so please can you

19 be brief when responding to our questions. Now, I would like to

20 have a follow-up question concerning the political study

21 sessions.

22 [10.52.06]

23 Q. Apart from what you responded to Counsel Ven Pov, did you ever

24 attend any other political study sessions chaired by senior

25 leaders or leaders of the Khmer Rouge?

1 MR. SAR SARIN:

2 A. Apart from the political study sessions chaired by Comrade
3 Phum, I also had the opportunities to attend political study
4 sessions at Borei Keila. The sessions lectured by Uncle Nuon Chea
5 and Uncle Khieu Samphan.

6 Q. How many people attended those sessions – or the session? And
7 what was being lectured by these two uncles?

8 A. There were a lot of participants. I can say that there could
9 have been about 500 to 600 participants, and we were joined by
10 participants from K offices – K-1 through K-30 – all offices of
11 these K offices – I mean, people from these K offices came to
12 attend the session. And people were from Ministry of Energy, Land
13 Transport, Water Transport, Railway Station, Public Works,
14 Ministry of Industry – also was seen attending the sessions.

15 [10.54.44]

16 Q. Were some participants from provinces rather than from Phnom
17 Penh?

18 A. At that time, people were also from some provinces. I just
19 don't recall them. But they must be senior cadres to attend such
20 session, except me, who was holding a lower rank, and allowed to
21 attend such sessions. That's what my observation is.

22 Q. Can you also tell the Chamber please the content of the
23 sessions and who said what?

24 A. Uncle Nuon Chea chaired the session in the morning. In the
25 afternoon, Uncle Khieu Samphan was lecturing. It took about three

33

1 to four days to conclude the session, and that includes also the
2 life-view exchange session. And we were lectured on the victory
3 of the Party. They talked deeply about the insight of the victory
4 and the Party. But before I mention about this, allow me to also
5 tell the Chamber regarding what would be behind this uniform.

6 [10.56.50]

7 The three-pocket shirt and pants and a Khmer scarf were seen -
8 placing on each shoulder of each participant. They were believed
9 to be the leaders of the Party who would be seen wearing such
10 outfits. And now I wish to tell the Chamber that, during the
11 sessions, we were - referred to some documents. And there were
12 slogans hanging on the walls of the session. For example, there
13 was a slogan which said "long live the glorious victory of the
14 Party". And there was no picture of Karl Marx or Lenin in the
15 room yet.

16 Q. You mentioned about -- tell the Chamber about the life-view
17 exchange sessions. What were you supposed to do in such session?
18 And please, be brief.

19 [10.58.21]

20 A. Before responding to this, allow me to share with you some of
21 the slogans, because they are very important. I know time is very
22 important for you, but it's also important for me, because I
23 don't want to miss this opportunity to tell with you what I saw
24 with the slogans.

25 On the right-hand side, I would see that CIA - American CIA and

1 their lackeys had to be smashed, and it was written in big
2 letters, easily visible. And then we also saw another piece of
3 slogan which reads: "KGB, CIA, and the enemy burrowing from
4 within had to be smashed". And before Uncle Nuon Chea was taking
5 the floor, everyone had to rise to pay respect to the Party's
6 flag. And by that - we had to sing a song, a song which includes
7 very important wordings. And if the President allows me, I would
8 also tell something about the meaning of such things. Before the
9 leaders of the Party came, we had to rise and sing a song. This
10 regular song, and I believe that it is good that I can tell the
11 younger generations why, in the logo, there would be sickle and
12 the grains of rice. We said, in the song, that we had to free
13 ourselves from poverty, and that we had to be devoted to save our
14 country, and we had to get rid of the old regime and be committed
15 to working to find the future of our country.

16 [11.01.30]

17 And I think we had to sing this time and again, before leaders
18 would be coming into the room. And it was part of the practice.
19 And our leaders only were seen in a very modest vehicle, and they
20 would not be served a drink. They had to bring in their own
21 bottle of water. And then they would start by addressing the
22 participants and thank everyone for attending the session, and
23 proceeded to say something about the victory of the CPK, and the
24 old and new great victories. Great old victory was referring to
25 the 17th of April, 1975, when we defeated - when we won the

35

1 victory over the American imperialists. Then we also had another
2 great victory that we could achieve. This victory referred to
3 building dams, canals, the rice paddy fields with these dykes
4 that represent the square – or like the checked board. And we had
5 to commit to eliminate or smash the internal enemy burrowing from
6 within. But these enemies no longer could hide. They were
7 identified and revealed by the Party.

8 [11.03.45]

9 MR. PICH ANG:

10 Thank you, Mr. Civil Party. Unfortunately, I have no more time to
11 put questions to you. And I thank you very much, indeed, for
12 this. I would like now to cede the floor over to my – to
13 Co-Prosecutors. And I thank you, Mr. President and Your Honours,
14 for the opportunity.

15 MR. PRESIDENT:

16 Thank you.

17 Now, international –or, the Co-Prosecutors, you may now proceed.

18 QUESTIONING BY MR. RAYNOR:

19 Mr. President, Your Honours, may it please you.

20 Mr. Sar Sarin, my name is Keith Raynor, and I am one of the
21 prosecutors in this case. I'm going to be asking you questions
22 about some specific topics. Those topics are; the execution of
23 Lon Nol soldiers, the content of speeches given by Khieu Samphan
24 and Nuon Chea at the political education sessions that you have
25 already started to talk about, deaths at security centres, and if

1 I'm - have time - instructions given to you about what you should
2 say to foreign delegations when they visited. I am anxious that
3 you are given the opportunity to give relevant evidence to this
4 Court. I am also anxious that you should understand that the
5 topics I've given to you are the main relevant issues in your
6 evidence. I ask you, therefore, to concentrate on my questions.
7 And will you please forgive me now if I interrupt you at times.

8 [11.06.45]

9 I don't do that, obviously, to disrespect you. I would do it to
10 help you explain your evidence to this Court.

11 Q. Can we start, please, with what Khieu Samphan said in the
12 political education study sessions that took place at Borei
13 Keila? You covered this in your DC-Cam statement. That is at
14 Khmer page 00482822, French 00746494, and English 00739552
15 through 53. And you state that Khieu Samphan discussed these
16 themes. Firstly, the need to stand on revolutionary lines and
17 follow the poor peasant model. Secondly, the need to totally
18 eliminate stances of private property. Thirdly, to totally smash
19 and uproot capitalists, feudalists, landowners, and other
20 exploiting classes in Democratic Kampuchea. And fourthly, to
21 purge the Vietnamese.

22 My first question is: Can you elaborate on the words spoken by
23 Khieu Samphan when he was telling the assembled people at the
24 meeting to totally smash and uproot capitalists.

25 [11.09.44]

1 MR. SAR SARIN:

2 A. Thank you, Mr. Keith Raynor, for putting this question. I
3 would like to respond to your first question regarding the
4 executions of the Lon Nol soldiers-

5 Q. Forgive me, Mr. Sar Sarin. That is a separate topic. I will
6 definitely be covering it, and I have some very important
7 questions to ask you. But, please, I wonder if you could respect
8 me, please, and answer the question that I've given you, which
9 is; can you elaborate on what was said by Khieu Samphan at the
10 political education meetings when he spoke about totally smashing
11 and uprooting capitalists? Thank you very much.

12 A. The messages these two Uncle lectured during the session --
13 and I -- as what I already stated before, people from DC-Cam --
14 the document that is now being used before this Chamber -- I wish
15 to make a request to the international communities and the Royal
16 Government of Cambodia -- when I say something in this -- because
17 this may impact on my living condition. On my personal security.
18 So I may wish to pause here unless there is any intervention from
19 the international communities, including the Royal Government of
20 Cambodia, who were the signatories to the establishment of the
21 Court.

22 [11.12.34]

23 And when my personal risk is secured, then I would proceed to
24 respond to your questions. And, indeed I would be willing to
25 offer my gift to this Court so that the world will never end up

1 having such disaster again like what Cambodia has suffered due to
2 the bombings, and when the international world -- the outside
3 world were turning their blind eye to what happened in the
4 country-

5 Q. I'm interrupting again, but I need to clarify some issues.
6 Mr. Sar Sarin, are you saying that, because of events of
7 circumstances that have happened, leading up to today -- that you
8 are uncomfortable for yourself and your family in giving evidence
9 before this Trial Chamber?

10 [11.13.50]

11 A. It is correct. I am fearful, and I am afraid my personal
12 security would be at great risk. Mr. Hangyao (phonetic), who once
13 talked a lot about the Khmer Rouge - and you knew what happened
14 to him. And you could also what happened to the millions of
15 people who died. And it is because of the study sessions, and I
16 knew that my security -- personal security is on the line. It is
17 -- 70 per cent of my safety is at risk, already, when I had
18 provided something to the Court. But I think it is now up to the
19 Chamber who can assure that I will be safe. And by knowing that
20 -- for the exchange, I would be grateful by helping the Chamber
21 by providing more useful information. Again, don't get me wrong.
22 I am not exploiting the Chamber for my own benefit. I have great
23 detail to tell the Court, and Mr. Ban-Ki Moon himself, and that
24 -- I would not wish the world to end up like Cambodia. And I --
25 with this, would like the Chamber to help me first.

1 Q. I'm going to try and help you, as best I can, with some
2 questions. I don't want any details, but are you saying that
3 anybody has said things to you -- hinted at things to you -- or
4 have other events -- specific events -- happened that have caused
5 you to fear? Or is this fear just a general fear about coming to
6 this Court?

7 [11.16.20]

8 A. No man -- no person has caused the fear, but it is the general
9 fear. And I -- what I am feeling now. And that happens in
10 Cambodia. Frankly speaking, the Khmer Rouge are not happy that
11 their leaders are on trial. If they knew that this would be the
12 end of the day, then they would never surrender or re-integrated
13 into the Cambodian troops. And, indeed, my testimony, if given
14 before this Chamber, would be revealed to the outside world, and
15 my personal information and family background would be
16 identified. And, believe me, everyone would like to live a
17 meaningful life, and I would want the international community,
18 including this hybrid tribunal, to help me, because I am willing
19 to help it. Otherwise, I would like to stop now.

20 [11.17.45]

21 And, again, if the Chamber can assist me regarding my security,
22 and I can tell the world and the Court detailed -- because I
23 still remember at least 70 per cent of what happened in the past.
24 I remember even the exact wordings Uncle Nuon Chea, Khieu Samphan
25 was saying at that time. Because they were leaders at that time.

1 But I was a kind of tool being used exclusively by the Party at
2 that time.

3 Q. I'm interrupting again, because I'm still trying to help you.
4 Your statement to DC-Cam is on the case file in this case. And
5 that means that all of the Judges in front of you have had the
6 opportunity to read your statement before we came into Court
7 today, as indeed have everyone else with access to this file. I
8 am under a duty as a prosecutor to seek to elicit relevant
9 evidence from you. I can make application under the Court rules
10 for your statement effectively to be regarded by the Court
11 because you're a witness in fear. Can I ask you this-

12 MR. PRESIDENT:

13 Counsel for Mr. Khieu Samphan, you are on your feet; you may
14 proceed.

15 [11.19.53]

16 MR. KONG SAM ONN:

17 Thank you, Mr. President and Your Honours. I am on my feet to
18 have some observation regarding the request by the civil party --
19 and protective measure has already been requested. I believe that
20 a civil party is a party to the proceedings. He is not a witness
21 who is obliged by the Chamber to give testimony before the
22 Chamber. And for civil party, there is no obligation that the
23 civil party will have to testify. And, for this, the Chamber
24 would need to rule whether civil party to continue, or should
25 there be any measures taken.

41

1 MR. PRESIDENT:

2 Co-Prosecutor, you may proceed. Co-Prosecutor, could you please
3 wait?

4 And Counsel for Mr. Nuon Chea, you may have the floor first.

5 [11.21.30]

6 MR. SON ARUN:

7 Thank you, Mr. President and Your Honours. I am Son Arun. I fully
8 concur with the observation made by Counsel for Mr. Khieu
9 Samphan. It is our submission that, if the civil party wishes not
10 to give testimony, then the position for Counsel for Khieu
11 Samphan is well-shared by us.

12 MR. PRESIDENT:

13 Co-Prosecutor, you may now proceed.

14 BY MR. RAYNOR:

15 Q. Tell me if I've got this wrong -- and can you answer these
16 questions, please, yes or no? If you are given security
17 assurances, are you willing to give evidence to this Court?

18 MR. SAR SARIN:

19 A. Yes.

20 Q. Can I read you an extract from your interview, and can I tell
21 you it's not to do with the facts of the case. And, please, if
22 you don't want to answer it, then think -- but I'm trying to help
23 you. English page 0073967, Khmer 00482836, French 00746507. And
24 this is what you said:

25 [11.23.28]

1 "Due to my conscience as a human being, I should tell you what I
2 have heard and seen. But it does not mean I hate Om Khieu Samphan
3 and Om Nuon Chea, so I said badly about them. I would like to
4 swear that all my words are true. I am a Buddhist adherent, so I
5 am not exaggerated. These were their speeches. I only wish to
6 tell the truth to the Khmer Rouge Tribunal; whether they made
7 mistakes or not. But I do not exaggerate. I just describe what I
8 experienced in the regime".

9 Now, my question for you is this; do you, if given certain
10 assurance -- do you only wish to tell the truth to this Khmer
11 Rouge Tribunal?

12 A. Yes, I do.

13 [11.25.25]

14 Q. Now, if we're talking about -- which I think you are --
15 potential protective measures or security that can be given to
16 you and your family in order that this Trial can hear your
17 evidence -- do I have it right that you do not wish to be asked
18 questions about the details of all those matters with everybody
19 in this courtroom listening and everybody in the public gallery
20 listening?

21 A. I think I made my request clear - that without proper security
22 given to me, my testimony session should end now. I think that's
23 all I can do to assist this Chamber.

24 MR. PRESIDENT:

25 Lead Co-Lawyers, I believe that you should have done that earlier

43

1 on, along with the Co-Prosecutors, because we would like this to
2 be in uniform. For example, we have been doing these hearings for
3 several months already, and we should be mindful of how we could
4 be on the feet to respond or submit an application. And today the
5 Chamber may allow you to be heard on this matter, but please do
6 not do that again. If you would like to have any objection or
7 observation, please do that when -- along with the Co-Prosecutor.
8 Counsel Simonneau-Fort, you may now proceed.

9 [11.28.15]

10 MS. SIMONNEAU-FORT:

11 Thank you, Mr. President. I am well aware of the fact that I am
12 rising rather belatedly, but I do so because I think it is
13 important for this civil party. I am understanding for the first
14 time what he is saying, and I understand his concerns. May I
15 request the Chamber, very respectfully, that the proceedings may
16 be suspended very briefly so that we may explain to this
17 gentleman what is happening here, what are his rights and
18 obligations? And also to tell him what could happen regarding the
19 fears that he has expressed today. It would be unfortunate to
20 deprive ourselves of the testimony of Mr. Sar Sarin. As my
21 learned friend of the Khieu Samphan team has stated, he's a civil
22 party, and perhaps we should be allowed to speak to him briefly,
23 by the Chamber's leave.

24 MR. PRESIDENT:

25 Counsel for Mr. Nuon Chea, Mr. Victor Koppe, you may now proceed.

1 MR. KOPPE:

2 Good morning, Mr. President. Thank you.

3 Your intervention to what the civil parties (inaudible), so I
4 have nothing to add.

5 (Judges deliberate)

6 [11.35.16]

7 MR. PRESIDENT:

8 Mr. Prosecutor, do you have any observations? If you have any
9 additional observations, I suggest that you should have made it
10 earlier. You should not ask any question with this witness
11 concerning the facts to his knowledge. You may intervene in
12 relation to the requests by this witness, who is requesting that
13 the Chamber submit to the request to the government, as well as
14 the United Nations, to secure his personal security. This is also
15 provided party in the Internal Rule and various instruments of
16 the tribunal. And if you have any matters, you should address
17 this matter alongside with your colleagues from the Civil Party
18 Lead Co-Lawyer, because the Lead Co-Lawyer was suggesting that
19 the civil party needs to be consulted with the lawyer before he
20 can testify further, because he needs to understand the
21 proceedings, so that his testimony is contributing to
22 ascertaining the truth. So, if you have any observation, you are
23 only confined to this matter, so that the Chamber will make a
24 ruling accordingly. And Chamber will also consider granting some
25 time for the civil party to consult with the state civil party.

1 So I hand over to the Prosecutor then.

2 [11.37.10]

3 MR. RAYNOR:

4 Mr. President, I'm very grateful for that, and I'm not going to
5 go outside what you've just said. I think you probably have these
6 provisions in mind, but, Mr. President, Rule 29, subrule 4e,
7 allows for evidence to be given in closed session when the Court
8 is considering protective measures. In other words, Mr. Sar Sarin
9 could speak to you in closed session. And, also, Rule 79.6 gives
10 further guidance on closed sessions. And that was what I was
11 going to -- have been suggesting. Thank you, Mr. President.

12 MR. PRESIDENT:

13 Thank you.

14 National Lawyer for Mr. Khieu Samphan, you may proceed.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I would like to clarify on the point
17 raised by the international lawyer for the civil party who told
18 the Court that Mr. Sar Sarin just mentioned for the first time of
19 his personal security in relation to his testimony before the
20 Chamber. As a matter of fact, Mr. Sar Sarin has written a letter
21 so far, in Khmer ERN 00482842. Document number D230/1.1.874D. And
22 this particular document was submitted to the Office of the
23 Co-Prosecutor, dated 6th of May, 2009, undersigned by Mr. Sar
24 Sarin. The substance of this letter was about his concern for his
25 personal safety and security.

1 [11.39.47]

2 The point that the Court should put into consideration concerning
3 this letter was that he, at that time, wanted to be witness
4 rather than civil party. For this reason, I think that there
5 could have been confusion or probably misunderstanding of the
6 proceedings that I did not realize. Of course, it was the issue
7 with Mr. Sar Sarin himself. But I simply wish to inform the
8 Chamber to examine this case concerning his concern for his own
9 personal security and safety. This matter was raised by Mr. Sar
10 Sarin himself, and we do not know whether or not it is evident
11 that his personal security was at risk.

12 MR. PRESIDENT:

13 Thank you, Counsel, for providing information for the Chamber.
14 Mr. Sar Sarin, before coming to testify before the Chamber, were
15 you informed of any protective measures -- that the Victim
16 Support Section normally notified witnesses or civil parties
17 before they come to testify. Did they check with you whether or
18 not you require any protective measure? Have you ever been
19 contacted by the officials from the Witness Support Section, and
20 been advised of the available protective measures at the Khmer
21 Rouge Tribunal?

22 [11.41.40]

23 MR. SAR SARIN:

24 May it please the Court, in the past the official from the Court
25 did advise me on the availability of protective measures if I

47

1 fear of any personal security or safety. So my -- for example, my
2 voice may be distorted or my pictures may be distorted to the
3 effect that my voice cannot be recognized by others. But I told
4 the official at the time that I do not like my voice to be
5 concealed. Also, I don't want it to be changed. I want to talk
6 openly and frankly with the Court. I don't want to speak from
7 nowhere where people cannot recognize me.

8 MR. PRESIDENT:

9 Protective measures was - is completely different from what you
10 have just described. You are not supposed to hide from somewhere
11 and then testify from some unknown place. Protective measures may
12 be imposed by the Chamber once the Chamber considers it
13 appropriate, and this will be in line with the international
14 practice as well as in the applicable rules, as pointed out by
15 the Prosecutor just now. In the Khmer Rouge Tribunal -- Rule
16 24.9e, as mentioned by the prosecutor, is the available means to
17 provide you protective measures.

18 [11.43.45]

19 So, once again, these protective measures does not require the
20 United Nations or the Royal Government of Cambodia to take any
21 necessary measures to protect your security, but these protective
22 measures allows the Chamber to use the means available to the
23 tribunal to protect you in relation to the various rules
24 available. I would like to hand over to fellow Judges on the
25 Bench, if you have any questions to put to the civil party also,

1 so that we can have the basis for our Ruling. If not, the Chamber
2 wishes to advise parties and members of the public that the
3 Chamber cannot proceed for now, since the civil party has already
4 made it clear that he fears for his personal security.

5 [11.44.50]

6 So he is requesting protective measures for himself. So the
7 Chamber will take this into consideration and we will consider
8 this matter in conjunction with the request by the Lead Co-Lawyer
9 for the civil parties and observations by other parties. The
10 Chamber will retire for deliberation on this matter.

11 So the Chamber will adjourn for this morning so that we will have
12 time to deliberate on this matter, and the Chamber will resume at
13 1.30 this afternoon.

14 Court officer is instructed now to facilitate the place for the
15 civil party to rest during the break and have him back in this
16 courtroom before 1.30 this afternoon-

17 Mr. Prosecutor, you may proceed, but I just advise you just now
18 that if you had any matter, you should raise it all at once. And
19 now, since we have already decided on this matter, you're rising
20 up -- I don't know if you have any different matters to raise.

21 Because we have conducted hearing for several years already, and
22 everyone should be familiar with the proceedings. I don't expect
23 that such a thing happens. But this is the last change for you,
24 if you have any observations, because we don't want any
25 disruption to the proceeding.

1 MR. RAYNOR:

2 Mr. President, thank you for that guidance. It was when you used
3 the phrase "deliberating upon matters" – Mr. President, can I
4 make it clear – and I'm saying this now so that I'm not
5 criticized this afternoon for not raising it – that the
6 Prosecution will be making an application, potentially this
7 afternoon, for Mr. Sar Sarin to give his evidence in closed
8 session. Thank you.

9 MR. PRESIDENT:

10 Of course, that point you raised already, and the Chamber will
11 take that into consideration. As I said, we will look into Rule
12 29.4e – as it is appropriate in this case.

13 Now, the Defence Lawyer for Mr. Khieu Samphan, you may proceed.

14 [11.47.47]

15 MS. GUISSÉ:

16 Yes, good morning. And thank you, Mr. President. I want to go
17 back to the remark by the Co-Prosecutor, because it's important
18 for us to know whether all the parties will be heard with regard
19 to the Civil Parties Lead Co-Lawyers' request that the civil
20 party testify in closed session. I think it is important, before
21 you take your decision, that various parties meet with their
22 clients to fine-tune their position to make sure that everyone is
23 agreed on that matter. We want to be sure that we are all on the
24 same wave-length, and that we will be allowed to know what the
25 official position of the civil party – before the Co-Prosecutor

50

1 makes his application. Because we would like to be heard
2 regarding that formal request as to what the position of the
3 civil parties is.

4 MR. PRESIDENT:

5 Thank you.

6 Security guards are instructed to bring Mr. Khieu Samphan to the
7 holding cell downstairs and have him back in this courtroom
8 before 1.30 this afternoon.

9 The Court is adjourned.

10 (Court recesses from 1149H to 1350H)

11 MR. PRESIDENT:

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

13 Counsel Pich Ang, you may now proceed. And please be - inform the
14 Chamber also on the outcome of your consultation with your client
15 before we could proceed, in particular the result of the request
16 for protective measures. And the civil party already made it
17 clear in the request that he would not continue unless his
18 request was entertained.

19 MR. PICH ANG:

20 Thank you, Mr. President, and Your Honours.

21 We already consulted this with him and we focused the attention
22 on the value and quality of the testimonies of Mr. Sar Sarin
23 during these proceedings. Nonetheless, Mr. Sar Sarin is still
24 concerned regarding his safety and he has not made it precisely
25 clear in his request as to which particular protective measures

1 he would like to be granted.

2 [13.52.50]

3 With that, allow me to say a few things concerning the request,
4 if Mr. President and Your Honours allow me to do that, or maybe
5 you can - the Chamber can allow him to say that in the closed
6 session hearing, rather. And also, if possible that Mr. Sar Sarin
7 can be heard on evidence, it would be a good idea that the
8 sessions are conducted in closed sessions.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 Before we proceed to hear the detailed request by the civil
12 party, we would like to also ask Mr. Sar Sarin whether he has
13 obtained a record of interview conducted by the - rather, by the
14 members of the DC-Cam on the 5th and 6th of May 2009, the
15 transcription of the recording. And this morning, however, the
16 Chamber notes that you have obtained a document. You obtained
17 document D230/1.100 - rather, .1874C.

18 [13.54.55]

19 With that, may we ask whether you have reviewed this document
20 before you appeared before this Chamber? If so, is the content or
21 are the accounts of such interview still relevant and consistent
22 with the statement you gave earlier?

23 MR. SAR SARIN:

24 I have already read the document and the content is relevant, Mr.
25 President.

1 MR. PRESIDENT:

2 Is it our understanding that you read the document and that it is
3 relevant or consistent?

4 MR. SAR SARIN:

5 I haven't read the document before, Mr. President, but I
6 recognize that DC-Cam people have done their job very well.

7 (Judges deliberate)

8 [13.59.30]

9 MR. PRESIDENT:

10 Mr. Sar Sarin, we have a very short question. What if the Chamber
11 hears your testimony in closed session? Would you also provide
12 your testimony if the session is in camera?

13 MR. SAR SARIN:

14 Mr. President, if the session is in camera and yet my request
15 this morning is not granted, I'm afraid, Mr. President, I will
16 not proceed to respond to any questions or my testimony would
17 have to be ended now.

18 MR. PRESIDENT:

19 Counsel, can you please remain seated? And we would like to hear
20 counsels on the other side first, and we will make sure you can
21 be heard also.

22 Now, we would like to give the floor to Lead Co-Lawyers and the
23 Co-Prosecutors to make an observation on this.

24 [14.01.02]

25 Now, we can see clearly that the civil party has said precisely

1 what he wants. It doesn't matter whether the session is in camera
2 or public, he would not want to testify unless his request this
3 morning is entertained. He would like the United Nations and the
4 Royal Government of Cambodia grant him protective measures -
5 lifelong protective measures.

6 MR. PICH ANG:

7 Thank you, Mr. President.

8 It is important also if we seek further clarification from him to
9 make sure we understand his position more precisely. And that is
10 our submission, Mr. President.

11 MR. PRESIDENT:

12 The Chamber wish not hear again from him because it has been
13 unequivocal already that - the message he has already conveyed.
14 And first we thought that since the session was in public, that's
15 why he would not wish to testify for that reasons, but now we
16 asked whether he would do that in closed session, and he said no,
17 either.

18 [14.02.44]

19 MR. PICH ANG:

20 Thank you, Mr. President.

21 I would like just to inform the Chamber that this civil party has
22 very good pieces of truth and fact to testify before the Chamber
23 and it is very important that the witness testimony is heard as
24 much as possible.

25 Thank you, Mr. President.

1 MR. PRESIDENT:

2 Judge Lavergne, you may now proceed.

3 JUDGE LAVERGNE:

4 Thank you, Mr. President. One question, please, to the civil
5 party.

6 Mr. Sar Sarin, can you tell the Chamber exactly what measure you
7 want to see taken to ensure your protection? We have heard that
8 you have asked for the Government of Cambodia and the United
9 Nations to be specific about protection measures, but what
10 protection measure exactly are you requesting? Thank you.

11 [14.04.15]

12 MR. PRESIDENT:

13 International Co-Prosecutor, could you please be seated? And we
14 would like to hear from civil party first. Then you may proceed.

15 MR. SAR SARIN:

16 Thank you, Mr. President.

17 My request for protective measures can be entertained by - or
18 from the authority, the police. Perhaps I need four people to
19 give me protection from today until the day I die. And I am not
20 able to pay for this close protection officers. I am afraid I
21 cannot afford that. It has to be borne by the State.

22 And I would not wish or ask for food to be offered to me for free
23 because I can be on my own on this. That's all I would like to
24 have.

25 [14.05.28]

1 MR. PRESIDENT:

2 International Co-Prosecutor, you may now proceed.

3 MR. RAYNOR:

4 Mr. President, thank you very much, and good afternoon to
5 everyone.

6 Mr. President, can I please respectfully suggest that the first
7 stage here is that Mr. Sar Sarin should be invited, in closed
8 session, to be asked questions by the lead civil lawyers, by me,
9 by the Judges if they have any further questions, and by all
10 counsel because the Court needs to determine, under the rules
11 which do apply to this procedure, questions about special
12 measures. I'm distinctly uncomfortable with even what's happened
13 so far since lunch taking place in open court.

14 [14.06.22]

15 It is my respectful submission that this has to be done in
16 accordance with the rules and that means hearing - not just
17 hearing questions from Mr. Sarin in response to the Judges, but
18 questions the parties may wish to ask impinging on whether
19 protective measures are appropriate, what protective measures are
20 appropriate, what's been explained to this civil party about
21 protective measures. And yes, that may be repeating part of what
22 we already heard, but in my respectful submission, we're short
23 circuiting this procedure, and it has to start with a closed
24 session with everyone being able to ask relevant questions of Mr.
25 Sar Sarin. Then the Court can determine whether any protective

56

1 measures are applicable or can be applied. And then the final
2 determination is, if special measures cannot be applied, how is
3 Mr. Sarin's evidence to be received by the Court.

4 And in my respectful submission, those steps must be adopted and
5 all of the parties in this courtroom must be able to participate
6 in that exercise. So I'm requesting a closed session, which is
7 the request of the Lead Co-Lawyers, so that they can put
8 questions to him, I can put questions to him, and everyone can be
9 involved.

10 [14.07.55]

11 I would respectfully submit that that's in accordance with
12 international standards adopted both at the ICTY and certainly in
13 accordance with how this procedure would be adopted in a common
14 law jurisdiction.

15 Thank you.

16 MR. PRESIDENT:

17 Mr. Koppe, could you please be seated? I would like Lead
18 Co-Lawyer for the civil parties to proceed first, and you would
19 be offered the floor.

20 MS. SIMONNEAU-FORT:

21 At the outset, before making any further comments, I would like
22 to say that this is a civil party, and not a witness, who is
23 sitting before us and who is accompanied by lawyers.

24 [14.08.51]

25 We have spent a certain amount of time with this civil party over

57

1 the lunch break and we did what we needed to do, which was to
2 find out exactly what he wanted and precisely why he wanted it,
3 and now I believe it is up to the civil party lawyers to do the
4 work, rather than all of the parties here. Even if this is in a
5 closed session, I believe it's his lawyer's job to find out
6 exactly what protection measures he wants and why. I don't
7 believe that granting protection measures should be a subject for
8 a debate between the parties here. I don't think that in civil
9 law that would apply and I don't think it should apply in the
10 ECCC or before the Investigating Judges or before the Chamber.
11 If the Chamber does decide that we need to have a debate here on
12 protection measures, then obviously it has to be done in closed
13 session.

14 There is, as I see it, no debate at all. The gentleman has said
15 what protection measures he wanted. I should have said so
16 earlier, but I stood up a little late. He said what we wanted,
17 and I don't believe that there is any need for a debate. But if
18 debate there is to be, then it must be in closed session. That's
19 the least we can hope for.

20 Thank you.

21 [14.10.25]

22 MR. PRESIDENT:

23 Thank you.

24 That's the way the Chamber understood. That is why the Chamber
25 allowed the Lead Co-Lawyers for the civil parties time during

1 lunch adjournment to discuss this with the civil party. And Lead
2 Co-Lawyers, represented by the national counsel, informed the
3 Chamber that they could not convince the civil party to give
4 testimony because he has maintained his position.

5 And then he - the Lead Co-Lawyer proceeded to request for a
6 closed session, and the Chamber also took that seriously and we
7 asked him the question whether he would testify if the session
8 were to be conducted in camera, and he said he would not be
9 willing to do that.

10 [14.11.41]

11 This morning he asked that the United Nations and the Government
12 of Cambodia provide protective measures for the rest of his life,
13 but recently he just emphasized that he only asked that the Royal
14 Government of Cambodia provide protection by assigning four
15 protection officers to help give protection to him from now until
16 his last day, and that's what we been proceeding.

17 And we note, also, that the parties would like the session to be
18 in-camera session, although part of the morning sessions were in
19 public. And the Chamber also noted that we would like to ask the
20 civil party to see if we could conduct the proceeding in camera
21 whether we would proceed, but we now learned that it is
22 impossible.

23 And as a civil party, we assign - with regard to the civil party,
24 we rely on the WESU unit to assist us in bringing the civil party
25 or witnesses, and with this, we also been notified of the

1 information the civil party or witness may provide or may
2 request.

3 And finally, through the letter we obtained from the WESU unit,
4 officers were assigned to consult with this civil party regarding
5 the date of his testimony.

6 [14.13.53]

7 On those occasions, the civil party never voiced his concerns. He
8 was very concerned that he would be away from his pumpkin
9 plantation because, by way of coming to the Court, he may not be
10 able to harvest the pumpkins. That's what we learned from the
11 letter. We did not learn anything about the protective measures
12 he requested.

13 And when it comes to protective measure, we have Rule 29,
14 subparagraph 4e regarding the hearing which - in which the
15 request for protective measures may be submitted belatedly. And
16 we already discussed this issue and that - in a moment we will
17 proceed to rule upon this matter.

18 (Judges deliberate)

19 [14.22.21]

20 MR. PRESIDENT:

21 The Chamber would like to hand over to Judge Silvia Cartwright.
22 She may proceed now.

23 JUDGE CARTWRIGHT:

24 Thank you, President.

25 As you have noted, the Judges have deliberated on the

60

1 prosecutors' request that we go into closed session in order to
2 hear the reasons for the civil party's wish not to speak in open
3 court and further to explore his request for protective measures.
4 The application is opposed by the Lead Co-Lawyers, but they have
5 indicated that should we think it appropriate to go into closed -
6 should we be discussing these matters any further, then it would
7 be better to go into closed session.

8 We simply now wish to hear from the defence counsel on the narrow
9 point of whether we go into closed session to discuss the request
10 made by the civil party, and we will deal with any subsequent
11 issues such as in what manner he might give evidence once we've
12 had the initial discussion.

13 Is that clear to defence counsel?

14 Thank you.

15 Thank you, President.

16 [14.24.13]

17 MR. KOPPE:

18 Thank you, President. Thank you, Judge Cartwright.

19 I think for the Defence, the matter is quite clear. The witness -
20 or civil party has decided to today to take us all by surprise
21 and come with his wish for protective measures. The public is
22 following this debate, I'm sure, with a large extent of surprise.
23 In the interest of transparency, I think it is very important
24 that the debate whether the civil party should be awarded
25 protective measures should be done in public. The public has a

61

1 right to know what the applicable law is, what the relevant case
2 law is, how the standard of adjudication, of review is to be
3 applied by the Chamber.

4 [14.25.10]

5 For instance, as you are well aware, you have in Case 001 made an
6 earlier decision in respect of protective measures for civil
7 parties. The boundaries or what the law is are well known to this
8 Chamber but should be, in my opinion, discussed in Court.

9 The only things - the only issues which I could foresee which
10 need discussion in an eventual closed session are, for instance,
11 which specific measures might be needed - if they are awarded -
12 and for instance, issue - issues of concrete fear - concrete
13 indications of fear with the civil party. All other issues should
14 be a matter of public debate, and we should not, especially now,
15 with the public watching all day, go into a closed session to
16 argue the legal merits of this matter.

17 So we oppose the request.

18 [14.26.25]

19 MR. PRESIDENT:

20 Thank you.

21 Now, Counsel for Mr. Khieu Samphan, you may proceed.

22 MS. GUISSÉ:

23 Thank you, Mr. President.

24 Very briefly, on the question of the closed session, we also
25 believe that, at this juncture, the closed session question is

62

1 somewhat distorted because in the morning, the civil party was
2 expressing himself in public, and expressing his fears in public,
3 and made his specific request for protection measures in a public
4 hearing, so I'm not quite sure what we would gain by going into
5 closed session. The debate has been held in public hitherto, and
6 I believe that the public does have an entitlement to be informed
7 on what basis the decision will be taken at a later stage by the
8 Chamber.

9 I think the matter would have been different if, from the very
10 outset this morning, the question had been raised and then the
11 civil party lawyers or the civil party himself had raised the
12 issue before we go into any kind of substantive debate on the
13 question. But now that we have raised all of the points in a
14 public hearing, I don't quite see why we should go into closed
15 session. It would be simply illogical and it would run counter to
16 what we have been doing this morning.

17 We therefore oppose that proposal.

18 Thank you very much, sir.

19 [14.28.05]

20 MR. PRESIDENT:

21 Thank you.

22 Now, National Counsel for Mr. Khieu Samphan, you may proceed.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President and Your Honours. Good afternoon.

25 I note that the debate so far has been precisely clear on the

1 purpose of civil party's request. Mr. Sarin's position is clear.
2 It doesn't matter whether the hearing is in camera or in public;
3 if his request is not entertained or protective measures are not
4 granted, he would not be willing to testify.

5 [14.29.03]

6 I am of the opinion that it is not necessary to conduct the
7 proceedings in camera sessions. Lead Co-Lawyers for the civil
8 parties have been doing - performing their tasks for the interest
9 of the civil party, and as long as they have been working to
10 consult with their client, then there should not be a closed
11 session hearing.

12 MR. PRESIDENT:

13 Lead Co-Lawyer for the civil party, you may now proceed, but
14 please confine your position to only responding to the submission
15 made by counsel for Mr. Khieu Samphan.

16 MR. PICH ANG:

17 Thank you, Mr. President and Your Honours. I am now responding to
18 this.

19 What happened, it happened by the end of this morning's session.
20 And for us, we believe that the key issue that triggered the
21 concerns of Mr. Sarin is the fear for his security. And for that,
22 he is reluctant to give the testimonies. And we believe that
23 whether the protective measures are granted or not, in the
24 future, we would like the Chamber to consider the conditions
25 under which Mr. Sar Sarin's testimony can be conducted, because

64

1 we would like the session where his testimony can be conducted so
2 that we hear him.

3 (Judges deliberate)

4 [14.36.15]

5 MR. PRESIDENT:

6 Mr. Sar Sarin, the Chamber wishes to advise you that your request
7 for the Royal Government of Cambodia and the United Nations to
8 provide you protection from now and for the rest of your life is
9 not appropriate. We also wish to advise you that the Chamber does
10 not have any jurisdiction to provide you such protection and we
11 do not have any protection in place to provide to you for the
12 rest of your life.

13 The Chamber, therefore, decides to conclude your testimony now,
14 and you may return home or to any place you wish to go and you
15 are now released.

16 Court officer is now instructed to coordinate with the Victims
17 Support Section to arrange the transport of this civil party back
18 home.

19 (Mr. Sar Sarin exits the courtroom)

20 [14.38.03]

21 The Chamber wishes to advise parties that the remaining time of
22 the day today, we will hear the testimony of TCW-752 and this
23 testimony will begin by questions put by the prosecutor first.
24 However, the time is now appropriate for the afternoon break. The
25 Chamber will adjourn now and resume at 3.00.

1 The Court is adjourned.

2 (Court recesses from 1438H to 1504H)

3 MR. PRESIDENT:

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

5 And we would like to proceed by hearing the testimony of TCW-752.

6 Mr. Duch Phary, please report to the Chamber whether this witness
7 is in a relationship with an accused or civil party or not, or
8 whether the witness had taken an oath already.

9 THE GREFFIER:

10 Thank you, Mr. President.

11 The witness confirmed that the witness is not in a relationship
12 with an accused or a civil party in the proceedings. The witness
13 already took the oath this morning. The witness would be - will
14 be assisted by Duty Counsel Moeurn Sovann.

15 MR. PRESIDENT:

16 Thank you, Mr. Duch Phary.

17 Court officer is now directed to bring in the witness.

18 (Mr. Ung Chhat enters the courtroom)

19 [15.07.51]

20 QUESTIONING BY THE PRESIDENT:

21 Good afternoon, Mr. Witness.

22 Q. What's your name, please?

23 MR. UNG CHHAT:

24 A. Mr. President, I am Ung Chhat.

25 Q. Mr. Ung Chhat, how old are you?

1 A. (Microphone not activated)

2 MR. PRESIDENT:

3 Mr. Ung Chhat, please observe some pause before you proceed to
4 respond to my questions and questions put by the parties to the
5 proceeding. Only when the red mic is activated – rather, the red
6 light is activated on the mic that your message will be conveyed
7 through interpreting into English and French. By that, you are
8 asked to observe some pause, please.

9 BY THE PRESIDENT:

10 Q. How old are you?

11 [15.08.48]

12 MR. UNG CHHAT:

13 A. I am 62 years old.

14 Q. Where do you live?

15 A. I live in Pursat province.

16 Q. Mr. Ung Chhat, what do you do for a living?

17 A. I am a farmer.

18 Q. Can you tell the Chamber your parents' names, and your wife's
19 name, and how many children you have?

20 A. I have five children.

21 Q. What are your parents' names?

22 [15.09.43]

23 A. My father is Mao Chhit.

24 Q. What about your mother's name?

25 A. She is Tan Buon.

1 Q. What is your wife's name?

2 A. She is Mit Sem.

3 Q. Thank you, Mr. Ung Chhat.

4 According to the report by the Greffier of the Trial Chamber, you
5 are not in a relationship with an accused or a civil party in
6 these proceedings. And according to the same report, you already
7 took the oath. Is that true?

8 A. Yes, it is.

9 Q. Now, the Chamber would like to notify you of your right under
10 Rule 28, right against self-incrimination of witnesses. As a
11 witness, you may object to making any statement that might tend
12 to incriminate you. In other words, you have the right not to
13 incriminate yourself. And as the witness, you shall respond to
14 all questions put to you by the Judges of the Bench or parties to
15 the proceeding, unless in your responses you believe that the
16 content can be self-incriminating. And as the witness, you shall
17 tell the truth, the whole truth, nothing but the truth, and this
18 must be based on your experiences, what you saw and what you
19 learned.

20 [15.11.50]

21 Mr. Ung Chhat, have you ever given any interviews to the Co
22 Investigating Judges or investigators of the Office of Co
23 Investigating Judges during the last few years? If so, where were
24 the interviews conducted?

25 A. I gave interviews to these people on two occasions.

1 Q. Where were the interviews conducted? And when were they
2 carried out?

3 A. I do not remember the exact date, but first the interview was
4 conducted in my hometown, and secondly it was conducted in Pursat
5 province.

6 Q. Before you appeared before the Chamber, have you read or been
7 read out or reviewed the statements you gave before the Co
8 Investigating Judges to refresh your memory, or not?

9 A. No, I haven't, Mr. President, because I have not been told on
10 which points questions would be made to me or put to me.

11 Q. That's not my question to you. What I am asking is that -
12 whether you have read the documents regarding the statements you
13 gave to the investigators a few years ago before you appeared
14 before this Chamber. Or have you ever been read out these
15 documents to you again to refresh your memory?

16 A. Yes, I have read the documents again, Mr. President, briefly.
17 [15.14.21]

18 Q. According to the best recollection, and having read the
19 documents again, were the contents of the documents consistent
20 with the statements you once - on two occasions gave before the
21 co investigators?

22 A. I remember the points I stated before the co investigators are
23 still relevant and consistent after I have read them.

24 MR. PRESIDENT:

25 Next, the Chamber would like to hand over to the Co-Prosecutors

1 to put questions to the witness before the other parties. You may
2 proceed.

3 [15.15.25]

4 QUESTIONING BY MS. SONG CHORVOIN:

5 Thank you, Mr. President and Your Honours, and very good
6 afternoon to the Bench, and good afternoon to Mr. Witness.

7 I am Song Chorvoin, National Co-Prosecutor, and my colleague on
8 my right hand side is Mr. Keith Raynor, and we will be putting
9 some questions to you today. I will be putting some questions
10 first.

11 Q. The first question is: When did you start joining the
12 Revolution? And where was it?

13 MR. UNG CHHAT:

14 A. I do not remember the exact year I joined the Revolution, but
15 it was in 1972 or '73, because the exact date could not be well
16 remembered as I had to move places and I was recruited during
17 this period of time.

18 Q. Do you remember the location when you joined the Revolution?

19 A. Yes, I do. It was in the same province, Pursat.

20 [15.17.10]

21 Q. What did you do when you joined the Revolution? Were you
22 joining the Revolution as a soldier? If so, do you - do you
23 remember who was - who your commander was?

24 A. The village and commune authority recruited me in the army -
25 to serve the army.

70

1 Q. Do you recall in which division or section of the military you
2 were part?

3 A. It was a low-level military unit in Sector 7, and this is the
4 - it was a commune military section in Sector 7.

5 MR. PRESIDENT:

6 Can the civil parties please maintain Court order and please be
7 quiet.

8 Co-Prosecutor, you may continue, but before that, the Chamber
9 wishes to inform Mr. Witness, Mr. Chhat, we understand that you
10 may have to visit the bathroom frequently, and indeed, if you
11 feel the need to go to the bathroom, just tell the Chamber; then
12 you will be allowed to do that.

13 [15.19.20]

14 BY MS. SON CHORVOIN:

15 Thank you, Mr. President.

16 Q. Mr. Ung Chhat, in 2009, you gave interview to the co
17 investigators. I'm referring to document D125/176.

18 In that document, the first question the co investigators asked
19 you is: "Prior to 1975, where did you live and what did you do?"
20 And you said: "In 1971, I worked as a soldier. Well, I was in the
21 Khmer Rouge army in 1971 until after the liberation, on 17 of
22 April 1975, at which time I was discharged. The Khmer Rouge army
23 liberated Pursat province on 19 April 1975. The division
24 commander then was Ta Khleung. I was a platoon chief in charge of
25 30 troops in Ta Khleung's division. My division attacked and

1 entered Pursat through Tuol Po Chrey. After we had arrived in
2 Pursat provincial town, my unit was assigned to guard the Pursat
3 provincial headquarter. And my unit was in charge of removing
4 goods from the market..."

5 Do you remember who ordered you to remove goods from the market?

6 MR. UNG CHHAT:

7 A. I was ordered by the commander of my company. We were asked to
8 just ask the people to leave the market.

9 [15.21.48]

10 Q. Do you remember who he was and what he said when ordering you
11 regarding this?

12 A. The persons by the names of Tauy and Sarim ordered this. After
13 that they withdrawn (sic) the troops.

14 Q. You mentioned about Tauy and Sarim. What did they do?

15 A. They were the commanders of the company.

16 Q. Were they both co-commanders, or were they - one was commander
17 and the other deputy commander?

18 A. These two people were equally powerful at that company. I did
19 not - I don't know whether any of them was the actual commander,
20 although they had the same power.

21 Q. Do you know where the company led by Mr. Sarim would be
22 stationed?

23 A. I don't know, but he - or they would come to the meeting and
24 introduce themselves. That was the one occasion I heard and knew
25 about them before they left Proh (phonetic) - MOUNG RUESSEI

1 district.

2 [15.24.01]

3 Q. Do you still remember where you received order from Tauy and
4 Sarim?

5 A. I received the order at the provincial hall when the meeting
6 was conducted.

7 Q. Was the order rendered in a meeting session attended by
8 several members, or were you there alone?

9 A. I do not remember the number of the participants because all
10 people from my platoon attended the meeting, and after the order
11 was rendered, troops - or participants returned to Moung, and I
12 made a request to my senior soldier to allow me to return home,
13 and I returned home.

14 Q. You mentioned about a meeting where order was rendered to
15 remove the market. Do you still remember the motive behind this
16 order? And when was the market removed?

17 A. The meeting was conducted in closed session, and in the
18 meeting we were asked to move villagers from their houses. We
19 were told to tell the people to only bring away with them some
20 things they could carry because they would not be leaving their
21 houses for a long period of time.

22 [15.26.18]

23 Q. After the order was rendered to remove the house, how soon was
24 the order implemented?

25 A. The order was implemented immediately the following morning,

1 at 7 a.m.

2 Q. What was the name of that market?

3 A. We had to focus our attention on our prime target of duty. So
4 the market was small, and we were in charge of patrolling and
5 telling people on a stretch of about 100 metres. So any houses
6 that fell within this block would be under our duty to tell them
7 to leave their homes.

8 Q. Do you remember the name of that market? If you do, please
9 tell the Chamber.

10 A. It's called Pursat Market.

11 Q. What did you do to ensure that your message could be conveyed
12 to the people to move or to leave their houses when removing the
13 market?

14 [15.28.10]

15 A. In one of the groups – another group, indeed, was using a
16 loudspeaker, and I would be walking following them, but I was not
17 armed.

18 Q. Do you know the purpose behind the order to remove goods from
19 the market?

20 A. The commodities at the market were not removed. People were
21 asked to leave, and I don't know what happened after that,
22 because the next day after the order was carried out I had to go
23 back to my base.

24 Q. Under the same record that I just read out to you, you also
25 state that the Khmer Rouge soldiers liberated Pursat province on

1 the 19th of April 1975. Can you tell the Chamber, what did you do
2 and where were you during this period of time?

3 A. On the 19th of April, I entered this provincial town and the
4 provincial hall.

5 Q. Did you also receive order to evacuate the Pursat provincial
6 town dwellers?

7 A. No, I didn't. I was on duty to guard the provincial hall and I
8 am not aware of the evacuation of the people engaged in the
9 evacuation.

10 Q. Can you tell the Chamber how you knew that people were
11 evacuated on the 19th of April 1975?

12 A. On the 19th of April 1975, people were not yet evacuated. It
13 was not until the morning of 20th of April 1975 when people were
14 evacuated. People were evacuated by surprise, because no
15 information was informed to them in advance, and people who were
16 tasked with evacuating the people would then be on duty
17 respectively, according to each and every unit concerned.

18 [15.31.44]

19 Q. Is it fair to say that people would be told the evening before
20 the evacuation took place, or I am - I can be mistaken?

21 A. In the evening, we received order - in the meeting from the
22 commanders. In the morning, we started to disseminate information
23 in the market. We did not tell the people the evening before the
24 evacuation took place.

25 Q. And in the evening, you said you had received an order. What

1 was the order all about?

2 A. The order was about the instruction from the upper authority.
3 We had to do as what they instructed and we must not challenge
4 the order. We had to comply with the order.

5 Q. So I would like you to expand on this order. Of course, you
6 have received an order, and I believe that you said others also
7 received orders as well, that they would be summoned to the
8 meeting the next day; was that correct?

9 [15.33.29]

10 A. All of use received orders from this unit, and those who had
11 to attend a meeting was aware of that and they had to prepare
12 themselves to attend the meeting. And at that time they also
13 learned that they were not forced to attend this meeting, but
14 they had to attend it anyway.

15 Q. Who issued this order?

16 A. Comrade Tauy and Sarim were the ones who made the command in
17 relation to these orders.

18 Q. In the order, did it mention what would be the consequence if
19 people did not turn up in the meeting?

20 A. In the order, it convened people for the meeting. And in the
21 morning, if people did not - or failed to attend, then they would
22 take a different measure, and that would be dealt with when they
23 came back from the meeting.

24 [15.34.59]

25 Q. You also said that there was a plan or a measure for those who

1 failed to turn up for the meeting. Who was responsible for taking
2 the measure?

3 A. That I was not told as to who was supposed to take the
4 measure. That was an executive affair of the authority at that
5 time. I was only aware of my unit. I did not know whose authority
6 or which authorities would take on the measure if anything did
7 not follow the plan.

8 Q. Do you recall the period required to evacuate people out of
9 Pursat province? How long did it take to evacuate all the people
10 out of the provincial town?

11 A. To my recollection and knowledge, it did not take long. It
12 lasted for about one or two days or so. All people were emptied
13 out of the town, and then I did not pay any attention to it
14 afterward. I only noticed that the town was empty after a few
15 days. And as for my unit, I was supposed to guard the provincial
16 hall, then I was not allowed to go anywhere, so I only knew my -
17 the place or the area where I guarded.

18 [15.36.47]

19 Q. Did you see any other soldiers - or Lon Nol soldiers, rather?

20 A. Well, at that time, I did not see Lon Nol soldiers per se,
21 because I did not see them in Lon Nol soldier uniform. I stayed
22 there for about two or three days. I saw people from the Lon Nol
23 regime, and they, of course, transported Lon Nol officials on
24 trucks, and they were taken to the provincial hall. They attended
25 a meeting in the provincial hall, and upon the completion of the

1 meeting, they left and they were taken back on the trucks. And I
2 did not know what the meeting was all about because I was not
3 told of its substance.

4 Q. So, to your knowledge, why did they evacuate people out of
5 Pursat? And where were they supposed to be evacuated to?

6 A. The average civilians, at that time, had to leave the
7 provincial town by themselves. Nobody designated any particular
8 direction for them to do. They - some of them, got on the trucks
9 and they left the city, and some went out of the city on foot.
10 And they just left the provincial towns on different directions.
11 Some left northward of Pursat province to Tuol Po Chrey. That's
12 what I witnessed at the time.

13 [15.38.49]

14 Q. Do you know the reason behind the evacuation of people out of
15 Pursat provincial town?

16 A. That I do not know. I do not know the politics behind the
17 evacuation. I was with the army, so I never attended the policy
18 meeting concerning the evacuation of people or what people were
19 supposed to do. That I was not aware of because I was in a
20 lower-level rank; I was carrying gun. I was supposed to carry out
21 my duty as I was assigned to. So I was not informed of that. And
22 at that time I was rather happy because I knew that the country
23 were at peace already because we have already won the war.

24 Q. In the course of evacuation, what was the overall condition of
25 people being evacuated out of that town? Were they in the state

1 of fear or they were happy being evacuated?

2 A. At the time, people asked me about their belongings which they
3 left behind in the city: Would they be returned to them after
4 they returned back? And I told them that - well, I was a lower
5 ranking official, I did not know whether or not you - those
6 belongings would be returned to them or they would allow to take
7 those belongings later on. And I did not notice at all at that
8 time whether or not people would be leave the city for a long
9 time, and I noticed that people were leaving the city without any
10 noticeable grim impression.

11 [15.41.02]

12 Q. When people were leaving the provincial town, were they
13 allowed to bring their belongings along, or there was any order
14 for them not to bring many stuff along with them?

15 A. According to the order, people were not allowed to bring any
16 heavy stuff with them. For example, anything that is very heavy
17 they cannot bring along with them. But they, of course, can bring
18 clothes, and some cash money, or any jewellery with them.

19 Q. In the course of evacuation, was there any clear division
20 between ordinary civilians and former Lon Nol soldiers? Were
21 there any segregation or division of evacuees at the time?

22 A. According to the announcement made through loudspeaker, there
23 was no indication whatsoever concerning the division of evacuees.
24 They only told the evacuees that they had to go to different
25 directions, particularly back to their hometown. So husbands and

1 wives would go along with each other to any direction out of the
2 city.

3 [15.42.50]

4 Q. To your knowledge, do you know where the people were heading
5 for at that time? And were they soldiers or civilians? Did you
6 ask them when they were leaving the city?

7 A. To my knowledge, when they were walking along the main road, I
8 saw crowds of people and I could not distinguish who were
9 civilians, who were soldiers, because at that time they did not
10 wear army uniforms; all of them wore civilian uniforms. And
11 people were crowded along the street; I could hardly know who was
12 who, and I do not actually know who were the soldiers and who
13 were civilians at the time.

14 Q. Mr. Witness, in your statement you provided to OCIJ, D125/76,
15 on question number 2 I read out earlier, the investigator asked
16 you at that time: "Following the liberation of Pursat on this
17 19th of April 1975, what did you do and where?"

18 And I would like to quote the statement: "Before I was sent to
19 Moug after the liberation for 10 days, they rounded up Lon Nol
20 soldiers and they were placed in Pursat provincial hall. My unit
21 was not tasked to round up those Lon Nol soldiers and officials.
22 My unit was tasked to guard the provincial headquarter."

23 So, my question for you to expand on this issue - you said Lon
24 Nol soldiers were rounded up and they were placed in provincial
25 hall. So, my question to you: Where did they round up those

1 people?

2 [15.45.23]

3 A. That - I do not know exactly where they were taken from. And I
4 was guarding the compound; I only noticed that former Lon Nol
5 soldiers were taken into the provincial hall in trucks. And at
6 that time the investigator asked me whether or not they were
7 soldiers, and I said I guessed they could be soldiers because I
8 saw some of them, and some of my relatives knew them as well,
9 that most of them were soldiers and some were civilian.

10 And they went to the provincial hall in order to attend the
11 meeting, and that meeting lasted for three or four hours or so.

12 And I did not pay attention on the content of the meeting at that
13 time, but following the meeting, there was a direction from the
14 upper authority that they would take those people for
15 re-education or for a study session somewhere along Tonle Sap
16 River. It was somewhere along Tonle Sap. And I did not even
17 bother to ask them what the subject matter of study they would be
18 attending or so, but I asked other people near - close to me that
19 - of what they - would be studied, and they said, well, they - if
20 they went to study they would stand a chance of being promoted to
21 a higher rank.

22 [15.47.08]

23 Q. So, when they told a former Lon Nol soldier to go to attend
24 the training or to the study session or so, how did they go
25 there?

1 A. At the time, those soldiers were guarded in the provincial
2 hall and then, after that, they were taken out by trucks. Some of
3 them came by smaller trucks, and some were on bigger trucks, and
4 some even came there by their own means, by own vehicles. And
5 then, after the meeting, they left the provincial hall either on
6 the trucks or their own cars. So - and there were also other cars
7 accompanying those fleet of trucks, as well, transporting them
8 out of the provincial hall.

9 Q. You said: "Following the meeting, those soldiers got on the
10 trucks and then they left that provincial hall."

11 Do you know where they were heading for? And to your recollection
12 - I don't know if you can recall it, but how many people were all
13 together at the time?

14 [15.48.56]

15 A. According to what I witnessed, I only saw that there were many
16 trucks carrying loads of people. I did not have a watch with me.
17 I did not know where they were heading for; I only knew that they
18 only went to attend the study session. I actually did not bother
19 to question further as to what they would be studying.

20 Q. I would be dealing with this matter further, but I would like
21 to go back a little bit.

22 Just now you said that some of them left the provincial hall on
23 their own vehicle, and some left on the truck that they came with
24 to the meeting. So my question to you: How many trucks were
25 there, to your recollection? And were there any Khmer Rouge

1 trucks over there to take them out?

2 A. I actually did not know whether or not those trucks belonged
3 to the Khmer Rouge; I could not distinguish between the Khmer
4 Rouge truck or the Lon Nol soldier truck. I only noticed that
5 there were black trucks, and green trucks, and different kinds of
6 trucks, and - including some sedan cars as well. And as for the
7 Khmer Rouge cars, probably it was quite similar to those of the
8 Lon Nol soldiers cars, as well, that I cannot really distinguish.

9 Q. How many Lon Nol soldiers, to your estimation, got on board
10 the truck and left the provincial hall for the study session, as
11 you describe it?

12 [15.50.57]

13 A. I do not recall it exactly because I was not the one in charge
14 of keeping the record of the people, but I only knew that it took
15 around one hour or two hours or so for people to really get on
16 the truck and then left. And all of them did not actually wear
17 military uniforms; they only have the plain civilian clothes on
18 them. And then they left, and I cannot really distinguish whether
19 or not there were soldier and civilians and how many of them all
20 together.

21 Q. Mr. Witness, on the same document and statement you provided
22 to the investigator of the OCIJ, down below your statement,
23 question number 3, the question asked: "When you were assigned to
24 guard the provincial hall, how many Khmer Rouge soldiers did you
25 see?"

1 And you answered – quote: "According to my estimation, there were
2 approximately 200 Khmer Rouge – Lon Nol soldiers, because it was
3 crowded in the provincial hall at that time." End quote.

4 So, you told the investigator that, based on your estimation,
5 there were approximately 200 Lon Nol soldiers. How did you come
6 up with this estimation?

7 [15.52.34]

8 A. Well, at the time, the investigator asked me, and I tried to
9 provide an estimated number of people over there, and then,
10 according to the size of the provincial hall, I thought that full
11 – when it was fully packed, it was about 200 or so people.

12 Q. Is my understanding correct that these 200 people you
13 estimated – you based your statement on the size of the hall that
14 can accommodate up to around 200 people or so?

15 A. Yes, this is based on – this is the basis for my estimation –
16 the size of the hall.

17 Q. How about the elements of people attending the meeting,
18 according to your own observation when you were guarding the
19 compound? Did you know anyone, anyone at all, by name or by
20 whatever identity, of the people attending the meeting as they
21 left afterward?

22 A. Are you referring to those who attended the meeting at that
23 time or the soldiers from Lon Nol regime?

24 Q. I will try to rephrase my question. You said that there were
25 former Lon Nol soldiers attending the meeting on the day. So,

84

1 following the meeting, they left the hall. Do you know or
2 recognize anyone who attended the meeting? Did you know or
3 recognize anyone either by names or any other identity?
4 [15.55.02]

5 A. No, I did not know. I was a soldier myself, but I was a
6 soldier stationed outside of the city before I was asked to come
7 to guard the provincial hall. I was stationed in the countryside,
8 so I did not know those officials.

9 Q. Thank you, Mr. Witness.

10 In your statement with the Office of Co-Investigating Judges, on
11 the same document, down below in question number 5, they ask you
12 whether or not you knew any Lon Nol soldiers. And in your answer,
13 you said you know Mr. Pol (phonetic), who was the regiment
14 commander in Tuol Po Chrey. He came to attend the meeting, and
15 then you also were on the truck with him.

16 So, my follow up question on this issue: When did you come to
17 know Pol (phonetic)?

18 MR. PRESIDENT:

19 Witness, please hold on.

20 National Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I simply wish to make a small
23 correction in the record of the statement of the witness. The man
24 the prosecutor was mentioning was not Pol (phonetic), but his
25 name was Pel.

1 [15.56.48]

2 BY MS. SONG CHORVOIN:

3 Thank you.

4 Q. So my question for you: Is it – was he Pel or Pol (phonetic)?

5 Can you please clarify this? And then when did you come to know

6 him?

7 MR. UNG CHHAT:

8 A. Well, his name was Pel. I got to know him when he was leading

9 a regiment in his barrack. I got to know him when we were in the

10 – in my village, when I was a monk. At that time, he went there

11 he was the regiment commander, so he was an important person. So

12 he went to the pagoda, then I got to know him, that he was a

13 commander, the biggest person in the troop at the time when he

14 went there.

15 Q. How often did you meet Pel, at least before the meeting held

16 in the provincial hall of Pursat province?

17 A. No, I did not meet him before that. He was a soldier and he

18 had his own duty. He was designated to a certain direction. I did

19 not actually meet him, but he got on the truck with other

20 soldiers to attend the meeting. That's what I knew.

21 [15.58.54]

22 Q. Regarding the Lon Nol soldiers, soldiers who left the meeting

23 convened at the provincial town hall, you said the soldiers were

24 taking both trucks and cars to the study session. Do you know

25 what had become of these soldiers after the meeting?

1 A. They went to the meeting and disappeared. Only empty trucks
2 and cars would return to the province. No soldiers other than the
3 Khmer Rouge soldiers were seen on the trucks. I don't know what
4 happened to them.

5 MR. PRESIDENT:

6 Thank you, Co-Prosecutor and Mr. Witness.

7 It is now already appropriate moment for the adjournment. The
8 Chamber wishes to inform the Co-Prosecutors and civil parties
9 that you will be allocated half day for putting questions to this
10 - one quarter of the allocated time for this half day has already
11 been used, and Co-Prosecutor will have another quarter.

12 [16.00.42]

13 And the Chamber will adjourn today, and next session will be
14 resumed tomorrow, at 9 a.m. For tomorrow's sessions, the Chamber
15 will continue hearing the testimonies of Mr. Ung Chhat, questions
16 going to be put by the Co-Prosecutors before the - and then the
17 Lead Co-Lawyers for the civil parties before the defence counsel.
18 Mr. Ung Chhat, your testimony is not yet complete. We would like
19 you to return to the courtroom tomorrow, before 9 a.m.

20 Court officer is now directed to assist Mr. Ung Chhat by
21 coordinating with the WESU unit so that Mr. Ung Chhat is very
22 well assisted during the adjournment and that he returns to the
23 courtroom by 9 a.m.

24 Duty counsel is also asked to come back.

25 Security personnel are now directed to bring Mr. Khieu Samphan

1 and Nuon Chea to the detention facility and have them returned to
2 the courtroom tomorrow, by - before 9 a.m. Mr. Nuon Chea is
3 directed to return to the holding cell only, where - he is
4 allowed to observe the proceedings from there through
5 audio-visual link.

6 The Court is adjourned.

7 (Court adjourns at 1602H)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25