



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
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Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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04 July 2013  
Trial Day 205

Before the Judges: NIL Nonn, Presiding  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. CHET VANLY	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SMITH	English
MR. SON ARUN	Khmer
MR. SUM ALAT (TCW-689)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, we will continue to hear the testimony of the witness, Sum

6 Alat.

7 And before we hand the floor to the Prosecution, I'd like to get

8 confirmation from Khieu Samphan's defence regarding the Chamber's

9 query yesterday so that we can prepare the schedule for next

10 week. Could you please give us your confirmation?

11 MR. VERCKEN:

12 Yes, Mr. President. I have already conveyed our position - our

13 response to the court officer. We shall use the half day that the

14 Trial Chamber has allocated for us.

15 [09.04.38]

16 MR. PRESIDENT:

17 Thank you very much for your confirmation.

18 The Chamber would like now to give the floor to the Prosecution

19 to continuing putting questions to this witness. You may proceed.

20 QUESTIONING BY MR. SMITH RESUMES:

21 Good morning, Mr. President; good morning, Your Honours; good

22 morning, Counsel and good morning Mr. Sum.

23 Today, I'd like to ask you a few questions about your role in the

24 conflict between 1970 and 1975 in Cambodia. And you gave a brief

25 overview to the investigators from the ECCC a number of years

2

1 ago, and if I could just quote you that and ask you some  
2 questions about what you said to them.

3 [09.05.44]

4 At E, 00242123; Khmer, 00196809; and at French, 00274129, in your  
5 statement you said this when asked the question:

6 "What did you do before 1975, where did you live?"

7 "I finished my education in 1972, and I joined the infantry of  
8 Pursat provincial subdivision in the same year. At that time, I  
9 was a lower ranked officer, as Corporal (one stripe). I worked at  
10 a provincial staff office."

11 "I participated in the battlefield in Phnum Kravanh District. It  
12 was the heaviest battlefield in 1973. Then we moved our base and  
13 took thousands of residents in Leach area of Kravanh District to  
14 Pursat Province."

15 "In 1973, I worked in the provincial staff again, and in April  
16 1975, my commander sent me to work in the mortar unit at Svay  
17 Doun Keo Bridge battlefield. I returned to Pursat provincial town  
18 when the Khmer Rouge took control over the province."

19 Q. My first question is, is it correct that you were 16 when the  
20 war started in Cambodia and 21 years old when the Khmer Rouge  
21 took over Pursat Province?

22 [09.07.45]

23 MR. SUM ALAT:

24 A. The age that you refer to is incorrect.

25 Q. Thank you.

3

1 So in 1970 how old were you?

2 A. In 1970, I was about 20 – 19 or 20 years old because I already  
3 passed my exam.

4 Q. Thank you.

5 When you joined the infantry in 1972, did you belong to a  
6 particular company, or battalion, or unit?

7 A. When I joined the army on the Lon Nol side, it was the  
8 provincial (unintelligible) division, and in French I was called  
9 état-major of the province and it was located in the provincial  
10 town office.

11 Q. And when you were not in the battlefield, what was the  
12 particular job you did for the military then?

13 [09.09.36]

14 A. I was état-major staff at the provincial staff office, because  
15 there was the first office, second office, and the third office,  
16 and I was a staff as part of the operational office.

17 Q. So you had a good overview of what was happening militarily in  
18 Pursat Province during that time that you were working in the  
19 office? For example, where the frontlines were, what military  
20 activity was occurring, and where military units were based?

21 A. During the times that I worked at the chief of staff office  
22 the situation was rather confusing. Some sectors had been  
23 controlled by the Khmer Rouge and there had been battlefields in  
24 various locations.

25 Q. You mentioned in 1973 the Phnum Kravanh District was the

4

1 heaviest battlefield. About how far was that battlefield from the  
2 Pursat provincial town?

3 A. The location of the Phnum Kravanh was previously known as the  
4 Leach District. It was more than 30 kilometres away from the  
5 Pursat provincial town, and all the people had been sent to the  
6 live in the Pursat provincial town in 1973.

7 [09.11.58]

8 Q. And who sent them to live in that town? Was it the Lon Nol  
9 forces or was it the revolutionary forces? Who made them move?

10 A. There was an order from the upper level; that is, on the Lon  
11 Nol military side.

12 Q. And was that because you were losing the battle in that area?

13 A. I could not know the real reason, but I only knew that the  
14 order came from the upper level from Phnom Penh.

15 Q. Thank you.

16 And between 1973 and 1975 in Pursat, were there many battlefields  
17 throughout the province?

18 A. The events that occurred in Pursat Province at that time was  
19 the gradual withdrawal or retreat from the Kravanh District, and  
20 also those from Krakor District was also withdrawn until the day  
21 of the 17 April when it seized.

22 Q. And are you able to say before the 17th of April, say before  
23 the Khmer Rouge took control over the province, about how many  
24 frontlines were there? What length were the frontlines? What  
25 length were the battles?

1 [09.14.37]

2 A. At that time, the town frontline was extended to about 30  
3 kilometres from the provincial town.

4 Q. Did the frontline surround this 30 kilometre distance? Did  
5 that frontline surround the town with Khmer Rouge forces or was  
6 it only on one side or two sides or three sides of Pursat?

7 A. Please repeat your question.

8 Q. You said before the Khmer Rouge took power in Pursat Province  
9 that the frontline was about 30 kilometres away from the  
10 provincial town. Did that frontline circle Pursat provincial  
11 town, or was the frontline just to the north, or the south, or  
12 the east, or the west, or both or some of that?

13 A. There were battlefields at various districts and also there  
14 were battlefields surrounding the provincial town. The Khmer  
15 Rouge gradually approached the town and there had been  
16 battlefields, so people had been evacuated. But the battlefields  
17 did not rage only within the provincial town, but it also  
18 happened at various other districts in the province.

19 [09.17.01]

20 Q. Is it fair to say then that shortly before Pursat was taken  
21 over by the Khmer Rouge, the municipality, there were many  
22 battlefields being fought in the province?

23 A. At that time, there had been no more battlefields after the  
24 Khmer Rouge took control of the provincial town, because by that  
25 time the soldiers were disarmed or surrendered.



1 Q. Yes, but shortly before the Khmer Rouge took control of the  
2 province was there a lot of fighting in different battlefields in  
3 the municipality, before they took control?

4 A. Yes, indeed. Immediately before the Khmer Rouge took control  
5 there had been fierce fighting's in various battles.

6 Q. Thank you.

7 I'd now like to ask you a few questions about this event where  
8 you were required to disarm. And you talk about that in your  
9 statement, and if I read that portion of the statement to you I  
10 would like to ask you a few questions about what you said to the  
11 ECCC investigators.

12 [09.18.59]

13 This is at E - English, 00242123 to 24; Khmer, 00196809; and  
14 French, 00274129. You were asked this question: "What did you do  
15 on the 17th of April 1975; where did you live?"

16 "In April 1975, I was removed from the mortar unit to Pursat  
17 provincial town. At that time, the Khmer Rouge took control over  
18 Pursat Province. The Lon Nol's army in Pursat Province received  
19 an instruction from Phnom Penh to disarm from Mey Sichan,  
20 brigadier general, through an announcement on radio.

21 When we disarmed, the Khmer Rouge continued to fire and spray  
22 towards us from both sides of the national road. The Khmer Rouge  
23 troops who fired towards us were those hidden in the jungle. They  
24 fired and sprayed at any direction, to either human or animal  
25 target. I spent one day to walk from Svay Doun Keo to Trapeang

7

1 Chong in Bakan District."

2 Did all of the Lon Nol units in Pursat in the province to your  
3 knowledge have access to military radios?

4 [09.21.11]

5 A. I don't quite get your question. Please repeat.

6 Q. You mentioned that the order - the instruction to disarm from  
7 Phnom Penh came through an announcement on the radio. Was that a  
8 publicly available radio or was that just a radio only available  
9 to the Lon Nol forces?

10 A. The radio announcement was made nationally. It was a national  
11 event and it was a national broadcast. It announced that we,  
12 representing the general staff of Phnom Penh, Mey Sichan wishes  
13 to make the announcement to all the army to surrender by raising  
14 the white flag and to lay down arms. All units must abide by this  
15 instruction.

16 Q. Do you remember where you were when you heard that  
17 announcement?

18 A. I clearly recall that I was in Svay Doun Keo where my unit was  
19 based.

20 Q. And just so we know, Svay Doun Keo, is that - how far away is  
21 that from the Town of Pursat and in which direction?

22 [09.23.15]

23 A. Svay Doun Keo is the border of Pursat and Battambang. It was  
24 situated along National Road number 5. It was to the west of the  
25 provincial town and it was about 30 kilometres away from the

1 provincial town.

2 Q. Thank you. That was a very clear answer.

3 You talked about disarming and then the Khmer Rouge continued to  
4 fire indiscriminately at you. Were the Khmer Rouge forces aware  
5 that you had disarmed at that stage?

6 MR. PRESIDENT:

7 Witness, please wait. Counsel Victor Koppe, you may proceed.

8 MR. KOPPE:

9 Thank you, Mr. President, good morning.

10 I object to this question. The witness cannot possibly know what  
11 the Khmer Rouge was knowing at that time. So it's an invitation  
12 to speculate.

13 [09.24.26]

14 MR. SMITH:

15 Your Honour, they might - I mean, the - this witness might talk  
16 about waving of surrender flags, I don't know. I'm not asking him  
17 to speculate. He was in the battlefield at the time and he may  
18 give us some information that would lead us to believe that he  
19 did know. And just because it's not in his statement it doesn't  
20 mean that he's speculating. He was in a position to know. They  
21 had disarmed, and he may be able to tell us whether they knew.  
22 And by their actions - by the Khmer Rouge's actions they - he may  
23 - we may know. It's not speculation. He was in the place where  
24 the disarming occurred. He was in the place where the Khmer Rouge  
25 were.

1 MR. PRESIDENT:

2 The objection and its ground is invalid, thus overruled.

3 We need to hear the response by the witness to the last question  
4 put to him by the Prosecutor. Witness, please respond to the last  
5 question.

6 [09.25.46]

7 MR. SUM ALAT:

8 A. Mr. President, I would like to consult with my duty counsel.

9 MR. PRESIDENT:

10 Mr. Witness, this question does not incriminate you. If you  
11 cannot recall the question you may ask the question to be  
12 repeated.

13 And the Prosecution, maybe the witness cannot recall the last  
14 question, so please put the question to him again.

15 BY MR. SMITH:

16 Thank you. Perhaps I'll rephrase it.

17 Q. When your unit heard the announcement to disarm on the radio,  
18 was - did that - did you communicate that to the Khmer Rouge  
19 forces that were firing at you? Did you let them know that you  
20 were disarming?

21 [09.26.57]

22 MR. SUM ALAT:

23 A. On this matter, when the announcement on the radio for us to  
24 disarm, and in the evening we were facing the Khmer Rouge force.  
25 In fact, we laid down our arm in the evening and then we joined

10

1 in the dancing event together, but by next morning the thing was  
2 completely different, because by the morning they armed  
3 themselves and we raised our white flag.

4 Q. And when you raised your white flag, did the shooting continue  
5 or did it stop?

6 A. When we raised the white flag, as I said, in the evening there  
7 was a cease fire, but in the early morning when we walked, while  
8 raising the white flag from Doun Keo District to Pursat, the  
9 situation was completely different from the night event.

10 Q. And was there any firing in the morning?

11 A. While we were retreating, together with the civilians along  
12 National Road number 5, we were fired upon from both sides of the  
13 road.

14 [09.29. 09]

15 Q. Thank you.

16 I'd now like to take you back to your statement where you state  
17 that you attended a meeting at the Bakan District Office. And  
18 it's at English, 00242124; Khmer, 00196809 and 10; and French,  
19 00274130.

20 You state that:

21 "At 7 p.m. of the same day", and that's of the day that you  
22 disarmed, "the Khmer Rouge troops rounded up about 500 soldiers,  
23 residents, and civil servants for a meeting at the Bakan District  
24 Office. I did not know the name of the Khmer Rouge chief who  
25 presided over that meeting. At that time, I replaced my army

11

1 uniform with a civilian suit.

2 The content of that meeting was political indoctrination, urging  
3 the residents to leave the provincial town and go to rural areas  
4 by saying that such evacuation was to avoid a bombardment by the  
5 United States of America. I fled during their meeting with a  
6 pistol and spent night to crawl to Svay at. I sneaked in and  
7 joined the mobile brigade to dig a canal at Kbal Hong."

8 [09.30.56]

9 My first question is: How far is the Bakan District Office to the  
10 centre of Pursat, the central town?

11 A. Bakan is to the west of the district office. I think it's  
12 about 20 kilometres away from this office.

13 Q. So are you saying the Bakan District Office was 20 kilometres  
14 away from the Pursat Town?

15 A. Yes.

16 Q. How did the Khmer Rouge round up the 500 soldiers, residents,  
17 and civil servants?

18 A. I don't know the procedures in rounding up these people,  
19 because by the time I was there these people had already been  
20 gathered and I was also stopped to join them.

21 Q. And can you explain why you went to the - you headed towards  
22 the Bakan District Office after the disarming?

23 A. On the same day, as I already mentioned in my statement, we  
24 left Svay Doun Keo and it took us one day before we reached  
25 Bakan. And at night, by the time we arrived, the meeting had

1 already been convened. And we were fired at, and because of this  
2 we had to spend a whole day travelling from Svay Doun Keo to  
3 Bakan.

4 [09.33.43]

5 Q. Can you explain a bit in more detail what was said at the  
6 meeting? You said that the content of the meeting was political  
7 indoctrination and urging the residents to leave the provincial  
8 town. Can you explain more what they said to you?

9 A. I did not pay great attention to the event because I was  
10 already in fear. I was terrified and I was running for my life.

11 Q. You said that they urged the residents to leave. Did they  
12 order people to leave or was it an invitation?

13 A. It was not an invitation, I can say. It was more or less an  
14 order and people had to leave.

15 Q. And do you know which Khmer Rouge officials were conducting  
16 the meeting? Who was speaking?

17 A. I'm afraid I don't know who chaired the meeting.

18 Q. After this meeting where people were asked to leave Pursat  
19 Town, did people leave Pursat; the town centre of Pursat?

20 [09.36.06]

21 A. I'm talking about Bakan as meeting, the meeting at Bakan  
22 District, not the one at the provincial town of Pursat.

23 Q. Are you aware if there were many meetings occurring in Pursat  
24 Province of a similar nature where people were being asked to  
25 leave the area or to leave the provincial town? If you are not,

1 just say so.

2 A. No, I'm not. I only am aware of the meeting in Bakan District.

3 I am not aware of any other meetings conducted elsewhere.

4 Q. I'd now like to talk about the evacuation of Pursat Town. In

5 your statement, at English, 00242124 to 25; Khmer, 00196810; and

6 French, 00274130, you were asked this question: "How was the

7 situation at Pursat Province when the Khmer Rouge troops took

8 control over the entire province after the 17th of April 1975?"

9 You answered: "When the Khmer Rouge arrived, I saw the following

10 confusing events and incidents: Khmer Rouge troops evacuated

11 people from the provincial town to the countryside."

12 [09.38.12]

13 So my first question is how long after the meeting in Bakan

14 District did you see people being evacuated from the provincial

15 town of Pursat?

16 A. When it comes to that period of time, I left Bakan for Svay

17 at. It took me the whole day. The atmosphere was rather quiet and

18 calm. I already wrote it down. Nonetheless, some confusing events

19 still existed, because people appeared to be of mixed feelings

20 and that evacuation had already been underway. So the period of

21 time would be just one day different, I may say, because by the

22 time I reached Pursat, when I had left Bakan, Pursat Town was

23 quiet.

24 Q. When you say the town was quiet, had people left the town at

25 that stage?



14

1 A. I presume they had already left, because this event was also  
2 common, like what had happened previously, because people had to  
3 leave their place for fear of bombs being dropped by the United  
4 States of America.

5 [09.40.23]

6 Q. And where did these people go, the people from Pursat Town?

7 A. I don't know where they had gone, because people had gone to  
8 different directions, and the only thing I remember precisely is  
9 that by the time I reached Pursat the town was emptied and that  
10 people had left. But Pursat is not a big town, so people could  
11 have been sent to just some area in the neighbourhood.

12 Q. Thank you.

13 I'd now like to turn to another meeting that you refer to in your  
14 statement, which was held in the Pursat provincial town hall on  
15 about the 24th or 25th of April 1975.

16 In your statement, at English, 00242125 to 6; Khmer, 00196811;  
17 and French, 00274132 - 31 and 32, sorry, you were asked this  
18 question: "After taking full control over the province after the  
19 17th of April 1975, what did they do to Lon Nol soldiers and  
20 civil servants?"

21 [09.42.10]

22 "At that time, Sot, sector secretary, called General Prum Li  
23 Huon, the Pursat Provincial Governor, soldiers, civil servants  
24 and students of Lon Nol's Regime to meet at the provincial  
25 office. There were about 500 attendees and it was held at about 2

15

1 p.m. on the 24th or 25th of April, 1975. The content of the  
2 meeting was an invitation to receive the Angkar at Tuol Po Chrey.  
3 There were Khmer Rouge soldiers guarding outside during the  
4 meeting, Khmer Rouge chiefs, including Ta Sot who was also  
5 attending. My first question is, how did Ta Sot, the sector  
6 secretary – how did he contact General Prum Li Huon to advise  
7 them of the meeting? Do you know how that came about?

8 A. Things had already been underway and I am not aware of how the  
9 communication was channelled. Again, how people communicated, I  
10 don't know.

11 Q. That's understandable. How did you know about the meeting? Do  
12 you remember?

13 A. On my side, the Lon Nol side, there were people who still  
14 could communicate. There was a line of communication and we  
15 talked to one another to come to a meeting at the provincial  
16 hall. I just followed them but I just did not know how they  
17 communicated with the other side so that we could gather at that  
18 meeting altogether.

19 [9.44.55]

20 Q. I understand. And that line of communication between the Lon  
21 Nol soldiers, are you aware whether that line of communication  
22 existed throughout the province or was it limited to certain  
23 areas and units?

24 A. This line of communication on the Lon Nol administrative part,  
25 it was still in place. So they still had this line of

16

1 communication operational so that people could still talk to one  
2 another, to go to the provincial hall.

3 Q. And in terms of what was being told to the Lon Nol soldiers  
4 about the meeting, do you know whether that communication was for  
5 all Lon Nol soldiers throughout the province or throughout  
6 particular districts or to particular units? Was it limited to a  
7 group or was that invitation to the meeting a broad one to all  
8 Lon Nol soldiers in the region?

9 A. The invitation was sent to the people across - all throughout  
10 the province.

11 Q. Thank you. You mentioned that there were about 500 attendees  
12 and you stated that some were soldiers, civil servants and  
13 students of the Lon Nol Regime. Can you tell us how many of that  
14 500 were Lon Nol soldiers - approximately?

15 [09.47.26]

16 A. The majority of them were the former Lon Nol officials. And  
17 please, know that Prum Li Huon was the Governor - Provincial  
18 Governor and at the same time, he was also the soldier. So his  
19 subordinates still had to follow his instruction and I feel that  
20 these people still followed such instruction seriously. And also,  
21 there were some students and also teachers who were part of this  
22 500 people.

23 Q. Okay. Just to be clear, in your statement you said there were  
24 soldiers, civil servants and students attending and then you've  
25 just testified that the majority were Lon Nol officials who were

17

1 subordinate to General Prum Li Huon. So my question is, when you  
2 say that they were Lon Nol officials – the majority – are you  
3 saying the majority were Lon Nol soldiers or majority Lon Nol  
4 other type of officials? Just so we're clear.

5 A. I am talking about the mixture of people, including civilians  
6 and soldiers.

7 Q. And just to finally clarify, of that 500, are you able to  
8 estimate about how many were soldiers – Lon Nol soldiers?

9 [09.49.44]

10 A. According to my estimation, there were more than 200 Lon Nol  
11 soldiers.

12 Q. You mentioned that you worked in the provincial office of the  
13 military in Pursat. Did you know any of these 200 soldiers – or  
14 approximately 200 soldiers that were at that meeting?

15 A. I knew a lot of them.

16 Q. And were the soldiers wearing uniforms or not?

17 A. On the 17th of April, when everyone was disarmed, we were no  
18 longer wearing the uniforms.

19 Q. Can you approximately say, of the 200 soldiers you believe  
20 were there, about how many you knew either closely or as an  
21 acquaintance – just an approximate?

22 A. I still recall the Senior Chiefs of soldiers, including the  
23 General and other second ranking officials from the general ranks  
24 and I knew fairly a lot of them, at least 10 to 20 of them.

25 Q. Thank you. And to be clear, did these soldiers – the ones that

18

1 were at the meeting, did they come from different units -  
2 different military units or did they come from one military unit  
3 or a couple within the Lon Nol army?

4 [09.52.43]

5 A. These soldiers were from different military units throughout  
6 the country. They were all collected from these various parts of  
7 the country.

8 Q. And when you say country, do you mean various parts of the  
9 province or an area greater than that? Or do you mean the whole  
10 country?

11 A. No, I think I am referring only to the people who were  
12 gathered from throughout the province of Pursat.

13 Q. Thank you very much. That's very clear. Within the 500 people,  
14 were there any women?

15 A. I saw mainly men in the meeting, no women.

16 Q. You mentioned that Khmer Rouge soldiers were guarding outside  
17 of the meeting. About how many Khmer Rouge soldiers were doing  
18 that?

19 A. As I guess, there could be 50 to 60 people.

20 Q. And you also mentioned that there were Khmer Rouge chiefs at  
21 the meeting, one of them being Ta Sot, the Sector Secretary. How  
22 did you know that the others were Khmer Rouge chiefs that  
23 attended the meeting?

24 [09.55.10]

25 A. It was not difficult to identify them because they were

1 wearing black uniforms and they were armed and on our side, no  
2 one was armed.

3 Q. About how many Khmer Rouge chiefs were there? I refer to your  
4 statement - you used the term, there were Khmer Rouge chiefs.

5 About how many chiefs were there?

6 A. There were about five to seven top leaders of the Khmer Rouge  
7 and I only recognized a person by the name of Ta Sot, who was  
8 also the secretary of the sector.

9 Q. And the provincial office that you met at, is that still  
10 standing today - the structure in Pursat?

11 A. Yes, it is. The whole complex remains intact.

12 Q. And can you briefly describe it? Was it one or two stories?  
13 Did it have a fence around it? Can you briefly explain what it  
14 looked like?

15 A. During the meeting, the provincial hall was still small but  
16 now the building was expanded - is expanded. And the complex is  
17 now bigger but the Grand Hotel is still the same as it used to be  
18 but the other military complex for the General Chief of staff has  
19 already been removed. And now, the other building is housing the  
20 land management department.

21 [09.58.06]

22 Q. Thank you. You mentioned that 500 attended. Could all of the  
23 500 fit in the provincial building or was some spilling out  
24 outside as well?

25 A. Not all the 500 people would fit into the whole complex. Some

1 of them were seen outside because there are too many people to  
2 fit in one place at the same time.

3 Q. How long did the meeting last before the attendees left?

4 A. The meeting took for about two to three hours before an  
5 agreement was reached and that everyone had to meet again the  
6 following day, so that they could be sent all together to see  
7 Angkar. So the meeting was convened and then the following day,  
8 they were loaded onto trucks to receive Angkar - or to meet  
9 Angkar.

10 Q. Can you describe a bit more the content of the meeting? You  
11 said that it occurred for two to three hours and you said to the  
12 investigators that the content of the meeting was an invitation  
13 to receive the Angkar at Tuol Po Chrey. What was discussed in  
14 those two to three hours?

15 [10.00.25]

16 A. In the meeting, they educated us about the policy of  
17 reconciliation and about country building, and lastly, they spoke  
18 about placing our trust in going for the reception. That was  
19 their approach so that we would trust them. In general, we did  
20 not know what's going to happen in the future but we all agreed  
21 to go for the reception.

22 Q. And who was the reception to be with? And again, where was the  
23 location of that reception? You said it was at Tuol Po Chrey.  
24 Where was Tuol Po Chrey in relation to the provincial hall? About  
25 how far away was it?

1 A. Tuol Po Chrey was about 20 kilometres away. It was towards the  
2 Kandieng district.

3 Q. And can you give some more detail about what was going to  
4 happen at Tuol Po Chrey, what you were told was going to happen?

5 A. When we were gathered to go to Tuol Po Chrey, that is in the  
6 reception of Angkar, I personally agreed to go through but then  
7 the car that I travelled on was stopped halfway. So, in fact, I  
8 wanted to go on that car but because it was fully loaded, I was  
9 told to go in a later vehicle. So I, myself, did not reach Tuol  
10 Po Chrey. However, three days later, I heard that those people  
11 had been killed.

12 [10.03.18]

13 Q. Thank you. And I'm going to ask you some questions about what  
14 happened to you and how you found out that people were killed at  
15 Tuol Po Chrey but perhaps if we can just go a little bit slower  
16 so we can understand a little more. When you were at the meeting,  
17 you were told that there was an invitation to receive Angkar at  
18 Tuol Po Chrey. Who did you think Angkar was when you heard that?

19 A. Thank you for that question. To recollect the event in terms  
20 of Angkar, we never heard of Angkar when we heard of the  
21 administrative side, so we were told that we would go and greet  
22 Angkar. And we wanted to meet Angkar because we hoped that after  
23 we reconciled with one another, then we would gather our strength  
24 to build the country but I never knew who Angkar was.

25 Q. Did you think Angkar was a person or a group of people?



1 A. In fact, I did not understand who Angkar was. For that reason,  
2 I wanted to go with them in order to see who Angkar was.

3 Q. As a Lon Nol soldier who was fighting with the Khmer Rouge  
4 troops, were you in fear, at that time when you attended the  
5 meeting, or were you feeling optimistic that things would  
6 improve, security would improve and peace would come to Pursat?  
7 How were you feeling when you attended that meeting and you heard  
8 this discussion about an invitation for reconciliation and  
9 meeting Angkar?

10 [10.05.52]

11 A. In fact, it was the feeling of being fed up of engaging in the  
12 war. The only thing that we wanted at the time was peace. So at  
13 that time, I could not imagine that something bad would happen. I  
14 was very optimistic, by that time, that we would consolidate  
15 ourselves.

16 Q. And at that meeting over the two to three hours, were you  
17 conversing - were you talking to other Lon Nol soldiers? And if  
18 you were, can you give us an impression of what you think they  
19 thought of the situation? Were they in fear or were they  
20 optimistic like yourself - only if you talked to them and were  
21 able to form an opinion?

22 A. The majority had the same opinion as I had. For that reason,  
23 they gathered up in order to meet with Angkar.

24 Q. Thank you. Now just to understand, did you know what was at  
25 Tuol Po Chrey before that meeting? Did you know of the location

1 of Tuol Po Chrey and did you know if there were any buildings or  
2 if there was any site there of note?

3 [10.08.05]

4 A. During that meeting, I, myself, did not know Tuol Po Chrey  
5 when it was referred to.

6 Q. Was there a Lon Nol military base at Tuol Po Chrey?

7 A. To my knowledge later on, very close to Tuol Po Chrey, there  
8 was a Lon Nol military base.

9 Q. And how many soldiers were stationed there, did you know?

10 A. In the military term, there were about three groups which  
11 formed one platoon. They were the avant-garde group.

12 Q. And about how many people were in that group, if you can say?

13 A. There were about 30 soldiers. It was between 30 to 40  
14 soldiers.

15 Q. Earlier you said, before the Khmer Rouge took control of  
16 Pursat province there were battlefields throughout the province  
17 before April, '75. Do you know whether at Tuol Po Chrey shortly  
18 before the Khmer Rouge took control, was there a battlefield  
19 there or not - if you know or if you don't?

20 [10.10.34]

21 A. To my knowledge, that location was a fierce battlefield  
22 between the Khmer Rouge force and the Lon Nol soldiers.

23 Q. And was the battle between - as far as you know and if you  
24 don't, say so - was the battle between those 30 soldiers  
25 approximately or was it with more Lon Nol soldiers?

24

1 A. That Lon Nol military base was a front line point between the  
2 Lon Nol forces and the Khmer Rouge forces.

3 Q. And do you know how many people were fighting on that  
4 frontline before April, '75? If you don't, just say so.

5 A. It was about these three squads who actually occupied that  
6 advanced post, at that location. So then they would transmit the  
7 information to the back if there was an encroachment or  
8 advancement by the Khmer Rouge forces.

9 Q. Thank you. And of the 200 or so soldiers that were at this  
10 meeting at the provincial town hall, are you able to say whether  
11 the 30 from Tuol Po Chrey, whether they were in attendance as  
12 well?

13 A. Please repeat your question.

14 Q. You said that there were 30 soldiers based at Tuol Po Chrey.  
15 Did you know whether they were at the meeting at the provincial  
16 hall or not?

17 A. Yes, indeed they attended the meeting.

18 [10.13.36]

19 Q. Thank you. Now, I'd like to take you to your statement where  
20 you talk about the end of the meeting, and if I quote, at English  
21 00242126; Khmer, 00196811 to 12; and French, 00274132. You state,  
22 you continue on from the meeting, and you state: "At that time  
23 they had the Pursat provincial governor, soldiers, former civil  
24 servants, and students of Lon Nol's regime get on trucks to  
25 receive Angkor. They were transported out by 13 or 15 white

1 vehicles, trucks manufactured in Australia. About 500 including  
2 Mr. Prum Li Huon, got into the trucks to Tuol Po Chrey. As it was  
3 so crowded in the trucks, they asked me to wait for the next  
4 trip. There was fairly large number of people who missed the  
5 first trip."

6 Now, if I can ask you a few questions about that? When your  
7 statement is read it appears that as soon as the meeting was over  
8 the soldiers, civil servants, and students who attended at the  
9 meeting, it appears that you're saying that they got onto the  
10 trucks straight away. Straight after the meeting. And yet earlier  
11 you said that the meeting finished and it was the next day that  
12 people went back to the provincial hall and got on the trucks.  
13 [10.15.54]

14 Can you think clearly, I know it was a long time ago, but did  
15 people get on the trucks immediately after the meeting finished  
16 or did - was there a night in between and people came back the  
17 next day? If you can't remember just say so, but if you can  
18 clarify that, that would be helpful to the Chamber.

19 A. To my knowledge, the meeting in order to go and receive Angkar  
20 happened separately, and regarding the events that people board  
21 the trucks, there was another meeting and immediately after the  
22 meeting people would board the trucks. And at that time there  
23 were a lot of people and the trucks could not accommodate all the  
24 people and before people boarded the tracks there was a meeting  
25 held and they would board the truck straight away after the

1 meeting concluded. Even while the trucks were on route, there was  
2 still people who were still standing alongside the road in order  
3 to wave for the truck to stop so that they could board the truck.  
4 Many, many people wanted to go so they rushed to board the truck,  
5 and some people even ran after the trucks.

6 [10.18.00]

7 I was trying to climb onto the truck as well, but I was pushed  
8 off. And just let me repeat again, and before people boarded the  
9 truck there was a meeting and people would straight away get onto  
10 the truck and those people who boarded the trucks, they packed  
11 their own meal and brought along with them.

12 Q. Thank you. I think that's clearer now. So you're saying that,  
13 in fact, there were two meetings at the provincial hall, one  
14 which discussed this issue and then shortly after, or the  
15 following day, there was another meeting and immediately after  
16 that meeting people got onto the trucks; is that correct?

17 A. Yes, that is correct.

18 Q. Did you go to both meetings, or just the meeting in which  
19 people left and got onto the trucks?

20 [10.19.23]

21 A. I attended the meeting where I tried to get onto the truck.

22 Q. So to be clear, you only attended one of the two meetings or  
23 both meetings?

24 A. The meeting that I attended first was to receive the  
25 information, and we were told about going to Tuol Po Chrey and

27

1 then on the second meeting everyone was prepared in order to go  
2 on that trip. But we all knew about the trip from the information  
3 that we received, because we actually tried to monitor the  
4 information and the situation closely at the time.

5 Q. Thank you. And from your evidence this morning it appears that  
6 you are saying that people were very eager to get onto the  
7 trucks. They wanted to go, is that correct?

8 A. Yes, that is correct.

9 [10.20.53]

10 Q. You mentioned that there were about 500 people at this meeting  
11 before they got onto the trucks. About how many were left behind  
12 and missed the first trip, like yourself?

13 MR. PRESIDENT:

14 Witness, please wait. Counsel Koppe, you may proceed.

15 MR. KOPPE:

16 Thank you, Mr. President. I think the Prosecutor is not  
17 representing correctly the earlier evidence. It seems the witness  
18 has said that the first meeting there were 500 people and we have  
19 no idea how many people were attending at the second meeting. So  
20 you need to be very clear on what was happening at the first  
21 meeting and then what's happening at the second meeting. We just  
22 can't kind of be seen to be mixing it. So I think the Prosecutor,  
23 at this stage, should be asking more open questions in respect of  
24 both meetings.

25 [10.22.07]

1 MR. SMITH:

2 Your Honour, if I can briefly respond? I mean, the witness has  
3 said that the 500 people went to the first meeting, and they came  
4 back to the second one. Obviously, stating to the - referring to  
5 the 500. But to assist in clarity, I will clarify that as to how  
6 many people went to the second meeting and if in fact they were  
7 the same as he has testified.

8 BY MR. SMITH:

9 Q. Mr. Sum, I think you heard that. You said that the first  
10 meeting there were 500 people, about 200 of them were soldiers,  
11 and you knew some of them. Then at the second meeting, can you  
12 tell us whether it was - or tell us how many people attended the  
13 second meeting compared to the first?

14 [10.23.25]

15 MR. SUM ALAT:

16 A. The number of the attendees at the second meeting was no  
17 different from those people who attended the first meeting.

18 Q. Thank you. You mention in your statement that it was so  
19 crowded in the trucks they asked me to wait for the next trip,  
20 and there were a fairly large number of people who missed the  
21 first trip. Can you approximate how many people missed the first  
22 trip, like yourself?

23 A. I cannot give you the exact number, but a portion of the  
24 people missed the trucks, like myself. At that time the situation  
25 was rather chaotic so I could not figure out the exact number of

1 the people who missed the trip.

2 [10.24.35]

3 Q. You said that – to the investigators, that there were 13 or 15  
4 trucks. About how many people did you see get on each truck,  
5 approximately, in the first trip?

6 A. From what I saw, each truck was fully loaded and some people  
7 tried to climb onto the truck as well, but then they were pushed  
8 off.

9 Q. If you can't, don't. But can you approximate how many people  
10 got on each truck – about how many?

11 A. Referring to the size of the truck; that was the kind of  
12 trucks that were manufactured in Australia. We can work something  
13 out together. The trucks were wide and there were net on the side  
14 of the trucks and it was a pretty large truck.

15 [10.26.30]

16 Q. Can you – I'll try one last time. Can you approximate how many  
17 people you saw got on each truck in terms of numbers?

18 A. It could be between 50 to 60 per truck.

19 Q. And why do you remember in particular that they were trucks  
20 made in Australia?

21 A. I recalled it clearly because those trucks were donated by  
22 Australia to the military.

23 Q. Thank you. The direction – well firstly, did you see the  
24 trucks leave the provincial hall? Did they leave singularly or  
25 did they leave in a convoy, and which direction did they head?



30

1 A. On departure from the provincial town they left in a column  
2 and there were cheers by those people who were leaving. They  
3 travelled along Pursat River, down toward Tuol Po Chrey. So they  
4 did not travel one by one, but they travelled in a column of  
5 vehicles.

6 [10.28.42]

7 Q. Now, you said that you couldn't fit on the truck. I think you  
8 gave some evidence earlier this morning that you got on a truck  
9 and you got off the truck. To clarify, can you explain whether  
10 you got on one of those trucks and then got off, or were you not  
11 able to get on one of those trucks, and never got on?

12 A. It was the seventh or the eighth truck that I requested to get  
13 on, but then they refused and they pushed me back. They said wait  
14 for the next car. So I actually did not mind at the time  
15 whichever truck that I could get on. But every time I was refused  
16 because it was full.

17 MR. PRESIDENT:

18 Thank you, the Prosecution, and thank you, Mr. Witness. We will  
19 take a 20 minute break and return at 10 to 11 to resume the  
20 questioning. Court officer, could you assist the witness during  
21 the break and have him return to the courtroom at 10 to 11? It  
22 also applies to the duty counsel.

23 The Court is now in recess.

24 (Court recesses from 1030H to 1052H)

25 MR. PRESIDENT:

1 Please be seated. The Court is now back in session, and we would  
2 like once again to give the floor to the Prosecution to put  
3 further questions to this witness. You may proceed.

4 BY MR. SMITH:

5 Q. Thank you, Mr. President. Welcome back, Mr. Sum. When we  
6 finished speaking, you stated that you got on the 7th or 8th  
7 truck that you requested to get on, but they refused you and they  
8 pushed you off. You said: "told you to get on the next car, and I  
9 didn't care what truck I got on, but every one I tried, they were  
10 all full".

11 [10.53.01]

12 Did you wait for the next trip, or did you go somewhere else?

13 MR. SUM ALAT:

14 A. I kept waiting and waiting until the last car of the convoy,  
15 but I couldn't get on.

16 Q. And after the last truck went past, and you couldn't get on,  
17 what did you do? Where did you go?

18 A. Then I returned to my native village, to meet with my family.

19 Q. Now, in your statement, you say that they asked you to wait  
20 for the next trip. Bearing in mind that you said you and the  
21 other soldiers were eager to go to Tuol Po Chrey, to meet Angkor  
22 - but why did you not wait for the second trip, like you were  
23 asked?

24 [10.54.45]

25 A. There was no second trip, actually. They spoke about a second

1 trip, but it did not realize. We kept waiting anyway, but it did  
2 not happen.

3 Q. I know it can be difficult with numbers sometimes, but about  
4 how many people from that 500 were you waiting with that didn't  
5 get on the first convoy?

6 A. I can recall that there were not many. To my estimation, there  
7 were between 50 and 60 people.

8 Q. You said that the provincial hall was guarded by about - I  
9 think 50 or 60 Khmer Rouge soldiers. Did they stay at the  
10 provincial with the group? This group that couldn't get on the  
11 convoy? Or did they go with the convoy?

12 A. Through my observation, each vehicle was in charge by a Khmer  
13 Rouge, so they would control the people on each truck.

14 Q. The group that was left waiting at the provincial hall - did  
15 you have any guards?

16 A. The ones who missed the trip did not have any guards on them.

17 Q. How long did you wait before you decided to go home?

18 A. I waited for about two hours. But there was no vehicle coming  
19 back, because by that time they should have returned, as the  
20 location was not that far from my village.

21 [10.57.58]

22 Q. When you left the provincial hall, were the other 50 or 60  
23 that were with you - did they stay at the provincial hall, or did  
24 they go earlier? Did they leave the hall earlier?

25 A. I left, and other people also left.

1 Q. And, just to be clear, did you all leave at the same time? Or  
2 at a different time?

3 A. We all left at about the same time, as we went to our  
4 respective houses.

5 Q. In your statement, you said to the ECC (sic) Investigators, at  
6 English 00242126; Khmer 00196812; and French 00274132 - you  
7 state:

8 "Three days later, I knew that the Khmer Rouge took them to kill  
9 them at that Tuol Po Chrey. I knew that from two of the soldiers  
10 named That (phonetic) and Dor (phonetic), who fled the killing  
11 and sneaked to live in a village. Two weeks later, the two former  
12 soldiers were chased and arrested by the Khmer Rouge soldiers for  
13 execution".

14 [10.59.56]

15 Between the time that you left the provincial hall, as those  
16 trucks didn't come back, and the time that you found out from  
17 That (phonetic) and Dor (phonetic) that these people were killed  
18 at Tuol Po Chrey - what did you think had happened to them, if  
19 anything?

20 MR. PRESIDENT:

21 Witness, please wait. Counsel Victor Koppe, you may proceed.

22 MR. KOPPE:

23 Thank you, Mr. President. Of course, it's allowed to ask the  
24 witness what he thought at that specific time. But at the same  
25 time, it's also an invitation to speculate, because it's not

34

1 about his own emotions. It's about what he thought might have  
2 happened. So it's a very thin line here about asking a question  
3 about the thoughts of the witness, and inviting him to speculate.  
4 So I would like to invite you, Mr. President, to instruct the  
5 witness to limit his answers to the things that he was thinking  
6 at that time, but not to speculate as to what he thought could  
7 have happened.

8 [11.01.30]

9 BY MR. SMITH:

10 Mr. President, I can just clarify. It's easier.

11 Q. Did you know what had happened to those people on the trucks  
12 before you were told by That (phonetic) and Dor (phonetic) that  
13 they were killed at Tuol Po Chrey?

14 MR. SUM ALAT:

15 A. After I heard of that news, I could not think of anything  
16 else. I did not even believe it. So, after I heard the news three  
17 days later - in fact, bulldozers were sent to that area to bury  
18 those dead bodies, so I realized that it did happen, and the  
19 information that I received was correct - that those people were  
20 executed.

21 [11.02.51]

22 Q. Thank you. I just want to go back a little bit. The two  
23 soldiers, That (phonetic) and Dor (phonetic), were they Lon Nol  
24 soldiers or Khmer Rouge soldiers?

25 A. They were the victims - that is, they were the former Lon Nol

1 soldiers who escaped the execution at Tuol Po Chrey.

2 Q. And can you remember specifically what they said to you? Can  
3 you explain?

4 A. They told me the method of taking those people. In fact, it -  
5 they did not reach Tuol Po Chrey yet. It was - they stopped at  
6 about 1 km or 700 metres from Tuol Po Chrey. They got off the  
7 trucks, and they were told to meet there with Angkar. And they  
8 were then tied up - that is, for the second parameter or second  
9 group of people. And then they were led to the third line or  
10 third group, and then they were killed there. And those - the two  
11 soldiers actually told me to be vigilant as well, and as I stated  
12 in my written record of the interview, about two weeks later the  
13 two soldiers disappeared.

14 Q. Just so that we're clear; did the soldiers tell you that they  
15 saw the killings, or not?

16 A. The two soldiers were the victims who fled from the killing  
17 site. And they witnessed the killing. For that reason, they could  
18 not be allowed to live, and they were arrested and killed 15 days  
19 later.

20 [11.05.37]

21 Q. Did you know That (phonetic) and Dor (phonetic) before they  
22 told you about the killings at Tuol Po Chrey? Did you know who  
23 they were beforehand?

24 A. I knew them since childhood.

25 Q. You said that, about two weeks later, they were chased and

1 arrested by the Khmer Rouge for execution, in you statement. How  
2 do you know that?

3 A. I knew about that because the villagers spoke about it from  
4 one to another. They said that the two people were arrested and  
5 killed, and from that day I have never met them until today.

6 [11.07.13]

7 Q. In your statement to ECC (sic) Investigators, you stated  
8 something in relation to the numbers of killed at Tuol Po Chrey.  
9 That's at English, 00242128; Khmer, 00196814; and French,  
10 00274134. The question was put: "How many victims were killed by  
11 Khmer Rouge soldiers at Tuol Po Chrey?"

12 You answered; "I reported to a meeting in Phnom Penh, which I  
13 attended, that there were approximately 2,000 victims killed in  
14 Tuol Po Chrey. My estimate based on accounts given by Seng Chhorn  
15 (phonetic), former chief of Svay Luong commune, Kandieng  
16 district. He was there during the Khmer Rouge period. It also  
17 includes numbers of victims I personally obtained during the  
18 Khmer Rouge period, when they called the provincial governor, Lon  
19 Nol soldiers, students, and civil servants to received Angkor at  
20 Tuol Po Chrey".

21 Just so we're clear, this figure of 2,000 victims was given to  
22 you by Mr. Chhorn in 1980 or sometime before that. Is that  
23 correct?

24 A. Yes, that is correct.

25 Q. Your Honour, I won't question the witness any further about

1 that figure, other than to say document D125/49 should assist  
2 your deliberations on that issue.

3 [11.09.28]

4 Mr. Sum, to conclude – in relation to Tuol Po Chrey – you've  
5 stated that you saw about 13 or 15 white trucks leave in the  
6 first – in a convoy from the provincial town hall. And you  
7 believe that about 50 to 60 people were on those trucks. Is that  
8 correct?

9 A. Yes, it is.

10 Q. And is it also your evidence that you don't believe there was  
11 a second convoy that left the provincial town hall? There was  
12 only one on that day. Is that correct?

13 A. Yes, it is.

14 Q. And is it your evidence that there were about 50 or 60 people  
15 with you that missed the first convoy, of the 500 people that  
16 attended that second meeting. Is that correct?

17 [11.11.00]

18 A. Yes.

19 Q. You mentioned that there were a number of people that you knew  
20 at that meeting on that day. You stated that you knew a lot of  
21 them. I said, of the 200, about how many did you know, closely or  
22 as an acquaintance. And you said:

23 "I still recall the senior officers, soldiers, including the  
24 generals and other second-ranking officials from the general  
25 ranks. And I knew fairly a lot of them. At least 10 to 20 of



1 them."

2 Those people that you knew – those 10 or 20 that you knew – did  
3 they come from Pursat province?

4 A. Yes, they came from Pursat. In fact, they worked in Pursat  
5 province.

6 Q. Have you ever seen them or heard of them from someone else as  
7 being alive, until this day?

8 A. Up to the present time, I have not heard anything from them.

9 Q. Thank you. Your Honour, I would ask that document – a  
10 photograph from document D125/217 be placed on the screen. I  
11 won't mention the photograph, but I'll ask the witness – if  
12 you'll permit me – to see whether he recognizes the photograph  
13 that has been blown up from that document. The document – the ERN  
14 number of the page on which this photograph comes from is E0029 –  
15 English – 4316; Khmer 00377214; and French 00377323. If I can be  
16 asked that that be placed on the screen for the witness to look  
17 at.

18 [11.14.01]

19 Witness, do you see the photograph on the screen?

20 A. Yes.

21 Q. Do you recognize that building?

22 A. Previously, it was the Grand Hotel in the provincial town. The  
23 provincial governor actually worked and stayed in that Grand  
24 Hotel.

25 Q. Is this building the provincial hall where that meeting was

1 held, or not?

2 A. No, it was not held at this location. This building was for  
3 the reception of the governor, or you can say it was the  
4 governor's residence. The meeting was held at the provincial  
5 administrative office.

6 [11.15.31]

7 Q. And where is that, in relation to this building?

8 A. If we enter from the main road, the meeting building was on  
9 the left-hand side of the Grand Hotel.

10 Q. And about how many metres or kilometres from the Grand Hotel?

11 A. It was about 30 metres.

12 Q. And Thank you, Your Honours, that - I don't need that  
13 photograph on the screen any more.

14 MR. KOPPE:

15 Sorry to interrupt. Just clarification, Mr. Prosecutor. Have you  
16 just shown the photos on ERN number 00294315 and 316? Because I  
17 didn't get the numbers.

18 MR. SMITH:

19 It's 00294316.

20 MR. KOPPE:

21 16, Thank you.

22 [11.17.00]

23 BY MR. SMITH:

24 And, Witness, the meeting hall that you went to on that day; you  
25 said earlier that is still standing to this day. Is that correct?

1 MR. SUM ALAT:

2 A. Yes, that is correct.

3 Q. And the provincial meeting hall that's still standing - has it  
4 been renovated? Has it been improved and built upon since that  
5 time period, in 1975?

6 A. The building remains the same, but the roof had been repaired.  
7 It was in a similar condition to the Grand Hotel.

8 Q. And does the building look similar to the Grand Hotel?

9 [11.18.10]

10 A. The Grand Hotel has two stories, but the other building - the  
11 administrative building - only has one floor.

12 Q. And, just to be clear, the administrative building that you  
13 met at - the provincial hall - did that have a fence around it,  
14 in 1975?

15 A. Yes, it did have a fence surrounding it.

16 Q. And the trucks that you referred to, that took the people to  
17 Tuol Po Chrey - were those trucks inside the fence or outside the  
18 fence on the road?

19 A. The trucks were parked along the road outside the fence. It  
20 was parked on the road itself.

21 MR. SMITH:

22 Thank you, Mr. President. I have no further questions.

23 MR. PRESIDENT:

24 Thank you. The floor is now given to the Lead Co-Lawyers for  
25 Civil Parties to question this witness. You may proceed.

1 MR. PICH ANG:

2 Mr. President, Your Honours, the assigned lawyer is Chet Vanly,  
3 and Counsel Simonneau-Fort may supplement the questions. Thank  
4 you.

5 [11.20.15]

6 MR. PRESIDENT:

7 You may proceed.

8 QUESTIONING BY MR. CHET VANLY

9 Good morning, Mr. President, Your Honours, and Good morning  
10 everyone in and around the courtroom. My name is Chet Vanly,  
11 lawyer for civil parties. And Good morning, Mr. Witness.  
12 Yesterday, and throughout this morning's session, you shed light  
13 on certain points before this Court. In order to find the truth  
14 in this case, I'd like you to clarify on certain points. They are  
15 related to the event occurred within Pursat province.

16 [11.21.10]

17 Q. On what day was Pursat province liberated?

18 MR. SUM ALAT:

19 A. Could you please clarify your reference to liberation? Are you  
20 referring to the events that took place in 1975?

21 Q. I'd like you to clarify when Pursat province was under the  
22 control of the Khmer Rouge.

23 A. The Khmer Rouge took control of Pursat province on the 17th  
24 April 1975.

25 Q. So, it was liberated on the same day as Phnom Penh?

1 A. It was at the same time.

2 Q. Another point, which I am still unclear, even though you  
3 responded to the Prosecution, that when the Democratic Kampuchea  
4 forces controlled Pursat Province they gathered up the Lon Nol  
5 soldiers, civil servants, and students for a meeting at the  
6 provincial town hall. Can you clarify how many times were the  
7 meetings held?

8 A. I cannot recall the number of times the meetings were held,  
9 but for me, after I returned from Svay Doun Keo battlefield, I  
10 participated in a meeting and I knew that there had been meetings  
11 before that, and I did not know the details of the meetings  
12 between the two sides. And because of those meetings, our side  
13 trusted the other side, and for that reason they could gather up  
14 hundreds of us.

15 Q. Thank you.

16 Can you recall what day the last meeting was held when the  
17 soldiers and public servants were taken to Tuol Po Chrey? Was it  
18 straightaway after the day of the liberation?

19 [11.23.55]

20 A. It was not straightaway; it was about two weeks after. I think  
21 I already mentioned that in my P.V. I cannot recall the exact  
22 date, but you may refer to my P.V., but from my recollection, it  
23 was not straightaway after the 17th April, it was about one week  
24 or two weeks after.

25 Q. You were a soldier in Pursat Province and you were also a

1 native of Pursat person. Can you recall, who were the military  
2 commanders that got onto the tracks with Prum Li Huon?

3 A. I can recall some names; not only some but several.

4 Q. Please describe those names, the commanders, the senior  
5 commanders, I mean?

6 A. To my knowledge, the senior military commanders, namely, the  
7 one who was in charge of the politics who were a lieutenant  
8 colonel, Mr. Lim Choun (phonetic), who was a lieutenant colonel  
9 or the colonel, and who was in charge of the guards in the  
10 provincial towns. And another captain, and my elder - my  
11 relative, who was a captain as well, in particular, those who  
12 were in charge of the offices at the staff office, Mr. Chhun Ta  
13 (phonetic). And it could be Mey Sichoun (phonetic), the younger  
14 brother of Mey Sichan, who made the announcement on the radio. He  
15 was in charge of an office in Pursat as well.

16 [11.26.34]

17 So mostly, the main chiefs or heads of offices went. And yes, I  
18 heard about those people and I knew those people who went. Mostly  
19 they were the senior military commanders, or at least they were  
20 in charge of offices within the province.

21 Q. Do you know Mr. Pel and Mr. Run?

22 A. I heard of the name Pel; he could be a major lieutenant.

23 Q. After the operation at the Tuol Po Chrey, did you know what  
24 happened to Pel and Run?

25 A. I have not met them so I did not know what happened to them.

1 Q. In your written record of interview with OCIJ, that is,  
2 document D125/48, on the Khmer ERN, 00196810; English, 00242125;  
3 and in French, 00274130, you state that there was an event of  
4 purging. Could you elaborate further on this point?

5 A. The event of purging was done at cooperatives and villages and  
6 at various sections, including the kitchen. In fact, it was kind  
7 of a screening of those people who had connection or tendency. At  
8 that time, it was a kind of a differentiation between the Base  
9 People and the New People or the 17 April People. So those who  
10 had the tendency with the Lon Nol Government were subsequently  
11 purged after the event at Tuol Po Chrey. I, myself, was  
12 considered to have a tendency and subject to purging.

13 [11.30.02]

14 Q. Thank you very much.

15 I would like you to help clarify the term "smash" and "purge".

16 Are they different terms?

17 MR. PRESIDENT:

18 Mr. Witness, could you please hold on, and Counsel Koppe, you may  
19 now proceed.

20 MR. KOPPE:

21 Mr. President, I object to this question. The witness is now  
22 being invited to give an explanation about the alleged  
23 terminology of the CPK and its members. The witness is a former  
24 Lon Nol soldier, so what the meaning, "smash", "purge", or  
25 whatever could have had is from the perspective of this

1 particular witness's speculation. So I object to this question.

2 MS. CHET:

3 Mr. President, please allow me to respond. This witness was a  
4 former soldier in the Lon Nol regime; however, after 1975, he  
5 lived and worked under the Khmer Rouge regime. To that effect, he  
6 should have known something about the "smash" and "purge" plans,  
7 which were part of the policy of the CPK.

8 [11.31.48]

9 MR. PRESIDENT:

10 These terms have not been mentioned by the witness or we do not  
11 know whether the witness is aware of such terms, so the question  
12 has been initiated by you and that you put these terms to the  
13 witness to verify. So the Chamber notes that such line of  
14 questioning is not appropriate.

15 BY MS. CHET:

16 May I proceed then, Mr. President?

17 Q. Mr. Witness, in your statement you made before the Co  
18 Investigating Judges, I have a question regarding the statement.  
19 What did you see during the Democratic Kampuchea regime from 1975  
20 all the way to 1979?

21 MR. SUM ALAT:

22 A. I'm afraid I don't understand your question.

23 Q. Mr. Witness, tell the Chamber what you heard, what you knew  
24 that had happened in the Democratic Kampuchea during the entire  
25 period? I may add, did you know any of the security centres in



1 the Northwest Zone?

2 [11.33.46]

3 MR. PRESIDENT:

4 Counsel, you are now advised to direct your questions to matters  
5 that are relevant to the scope of the current trial proceedings,  
6 in particular, the scope relevant to the facts and the law and  
7 also the timeframe regarding this particular segment of the  
8 trial. We are now focusing on the first and the second phases of  
9 the evacuation. Now you appear to be asking questions covering  
10 the entire area or period of the Democratic Kampuchea. So with  
11 that, please be reminded that it is not appropriate and that time  
12 would be wasted for such a line of questioning if you continue to  
13 do so.

14 BY MS. CHET:

15 Q. Mr. Witness, how many times did you attend study sessions or  
16 meetings and who would be the persons who chaired those sessions?

17 MR. SUM ALAT:

18 A. After the event, before people could be sent to Tuol Po Chrey,  
19 there was an education session convened at the sector office in  
20 Kandieng. Students, teachers were invited to attend this three  
21 day session, and Mr. Sot, who was the sector secretary, was  
22 chairing this three day educational study session.

23 [11.36.52]

24 Q. Did you engage in the daily meetings that could be conducted  
25 in your area?

1 A. It was a routine for the Khmer Rouge to conduct a meeting on a  
2 regular basis, and when I joined this mobile brigade I had to  
3 also avail myself to attend such meeting that was carried out  
4 every night.

5 Q. What was the content of such meeting or each meeting?

6 A. The main topic of the meeting was about self-criticism, and  
7 people would have to raise matters concerning what they had done  
8 and what they had not done. So this is a criticism and  
9 self-criticism sessions, as they called then.

10 Q. Apart from these meetings you mentioned, did you also attend  
11 other meetings? For example, the meetings that relevant to the  
12 section when you said about political indoctrination?

13 A. I attended only one session when political stance and  
14 indoctrination was lectured by Mr. Sot. That's the only one  
15 occasion when I engaged in political study session.

16 Q. Can you also elaborate on the term you mentioned about  
17 political indoctrination?

18 [11.39.09]

19 A. So far as I understood, by the time I attended that session, I  
20 believed that this was part of the session to discuss on  
21 revolution, so who would be on the Lon Nol and who would be on  
22 the Khmer Rouge soldiers. And theory was placed in the session  
23 and that these two fragments - factions could not be merged  
24 together, because one believed in the liberal part of the view  
25 and the other would be believing in the other less liberal part.

1 So people appeared to have contradictions in the view itself,  
2 that's why in the section - the session, we were asked to make  
3 sure that we agree on one principle, and - which is the  
4 revolutionary vision and that everyone had to follow. We had to  
5 write off our previous belief or standpoint, and that after this  
6 political study session, everyone was encouraged to follow the  
7 new idea and set of vision, the revolution and the Democratic  
8 Kampuchea version of revolution.

9 Q. I thank you for this clarification. I have a few final  
10 questions.

11 In the Democratic Kampuchea regime, apart from Ta Sot, did you  
12 ever know any other individuals in the area of Pursat Province  
13 who were holding senior positions?

14 [11.41.13]

15 A. Apart from Ta Sot, who was the secretary of the sector, and  
16 after he left Pursat, his successor was Ta Tri (phonetic) and  
17 then followed by another person by the name of Ta Tauly. I only  
18 have heard of these two individuals who were the successors of Ta  
19 Sot, but by 1977 I saw their names on the list - in Tuol Sleng  
20 Prison. Rather, I saw the name of Ta Tri (phonetic) at Tuol Sleng  
21 Prison in 1977.

22 Q. During this Democratic Kampuchea period, did you ever hear the  
23 names of other people, including Pol Pot, Nuon Chea, Ieng Sary,  
24 for example?

25 A. I had heard of them, but I never got to know them in person.

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1 Q. Did you hear these names during that period?

2 A. Yes, I did, but I never knew them personally.

3 Q. This is going to be my very final question.

4 You are the person who was born in Pursat, and also you got  
5 married in the Democratic Kampuchea. Can you tell the Chamber  
6 whether such a marriage was forced, arranged, or did you get  
7 married on your own volition?

8 [11.43.19]

9 MR. PRESIDENT:

10 Mr. Witness, could you please hold on, and Counsel Koppe, you may  
11 now proceed.

12 MR. KOPPE:

13 I object, Mr. President. That same question was asked earlier  
14 this week. It's far outside the scope of this segment of the  
15 trial.

16 MS. CHET:

17 Mr. President, I have no further questions; and I thank you, Mr.  
18 Witness, for your responses.

19 QUESTIONING BY MS. SIMONNEAU-FORT:

20 Thank you, Mr. President. Good morning, Your Honours; good  
21 morning to everybody; and good morning to you, Mr. Witness.

22 I am a lawyer for the civil parties and I'm going to ask you some  
23 questions on the subjects at issue in this particular file.

24 [11.44.47]

25 Q. After April 1975 and the departure of certain people towards

1 Tuol Po Chrey, where yourself did you go?

2 MR. SUM ALAT:

3 A. After this, I joined the mobile brigade digging canals,  
4 building dams.

5 Q. In the village where you were or in the surrounding villages  
6 were there people who had been displaced from Pursat or other  
7 towns?

8 A. Immediately after that event there were no New People yet.

9 Q. Well, can you tell me when these displaced people, who you  
10 call New People, did actually arrive?

11 A. I think by 1976 or 1977, people from Phnom Penh were already  
12 coming to this area.

13 Q. How did you know that these people were from Phnom Penh?

14 A. I knew this because these people were transported through by  
15 train and trucks, and the arrangement for transporting them was  
16 made by the Democratic Kampuchea authority.

17 [11.47.24]

18 Q. Did you see them when they arrived?

19 A. Yes, I did, because at every village of Pursat Province these  
20 - each of these villages had to receive a lot of newcomers from  
21 Phnom Penh.

22 Q. Thank you.

23 Can you describe these people to us? Were they families? Did they  
24 seem to be healthy? What sort of state were they in? Could you  
25 describe that for us?

1 MR. PRESIDENT:

2 Witness, could you please hold on, and Counsel Victor Koppe, you  
3 may now proceed.

4 MR. KOPPE:

5 Thank you, Mr. President.

6 I'm not saying that these questions are not within the scope of  
7 Section 1 of Case 002; however, I do note that this witness has  
8 been called by the Chamber for very particular reasons, giving  
9 evidence in relation to the events at Tuol Po Chrey.

10 [11.49.03]

11 I do note in this respect as well that the Prosecutor started  
12 yesterday at 3.30 and that we're now already getting about 20  
13 minutes in the time allotted to the defence. I don't have a  
14 problem with that if we get an half hour extra as well, but  
15 considering the irrelevance of the questions with respect to the  
16 specific reason why this witness has been called back and the  
17 time issue, I think this question should not be allowed at this  
18 stage.

19 MS. SIMONNEAU-FORT:

20 Mr. President, I'll answer if I may. You said just now that this  
21 witness should answer questions not only on Tuol Po Chrey but  
22 also on forced transfer insofar as he is able to provide us with  
23 some elements. We have the record of the interviews and it's  
24 useful to ask a few questions. I have less than ten minutes'  
25 worth of your time to take up and I'd like to continue my

1 questions, which appear to me to be entirely within the proper  
2 scope.

3 MR. PRESIDENT:

4 You may proceed, indeed, Counsel.

5 [11.50.29]

6 BY MS. SIMONNEAU-FORT:

7 Thank you.

8 Q. So Mr. Witness, let me ask you my question once again because  
9 it might have slipped your mind. You said that you saw these  
10 people coming in from Phnom Penh on trucks and in trains and that  
11 they were dispersed around the various villages. Can you describe  
12 these people, their families, their age, and the kind of state  
13 they were in?

14 MR. SUM ALAT:

15 A. What I saw, what I knew based on my experience living in the  
16 villages, you may know already that it is not easy when people  
17 had to be displaced, because people had to move from area to  
18 another to the area that they never got used to living in. So  
19 they had to be exposed to the rice paddies and they got sick and  
20 some families just perished entirely. For example, in my  
21 cooperative the whole family just died.

22 [11.52.01]

23 Q. Thank you.

24 Were there food problems that you were aware of?

25 A. Food was not adequate. I, myself, did not have enough to eat,

1 let alone these newcomers.

2 Q. Did people die of starvation?

3 A. Yes, they died of starvation and some disease.

4 Q. Thank you. Earlier on, you said that the Khmer Rouge taught  
5 people to relinquish their old ideas and to take up the ideas of  
6 the Khmer Rouge. Do you know what happened to people who didn't  
7 want to change their ideas?

8 A. I cannot talk on behalf of them. Some could relinquish their  
9 previous stance. Some could not do so, to take up new idea. These  
10 people end up being locked behind bar or detained.

11 Q. Where were they detained? Were there special places to detain  
12 them in?

13 A. So far as I know, there were plenty of places where people  
14 were detained. I already made it clear in my statement regarding  
15 the security centres where people had been detained.

16 [11.54.58]

17 Q. Thank you. Just to be quite clear, you're referring to what  
18 you said to the investigators from the OCIJ in the record of  
19 that?

20 A. Yes, it is correct. I already made it clear in that statement  
21 about the security centres.

22 Q. At the time, were you afraid?

23 A. Yes, I was not only afraid but to me, I was a dead person  
24 already.

25 Q. Finally sir, this is my last question. You talked about what



1 you saw with your own eyes and yesterday, you also explained that  
2 you gathered evidence in 1979 and you brought that evidence to  
3 Phnom Penh in 1980. Can you tell us if the people who spoke with  
4 you referred to things that were identical to what you, yourself  
5 had seen?

6 A. As in my statement, I talked about the event that happened in  
7 1979 and 1980, when I went to Rumlech village. Rumlech is  
8 believed to be a place where a lot of people died. And it  
9 happened because - the chaotic situation happened when these  
10 people were caught between the two main forces; the Khmer Rouge  
11 and the other side. And people were fired at and they died and I  
12 could see the remains of these people and they built a stupa or a  
13 memorial site to commemorate the death of these people. And I saw  
14 this with my own eyes and Mr. Duon Sot (phonetic) who was the  
15 local person in that place, talked in detail about the  
16 recollection of the event and he's still alive.

17 [11.58.45]

18 MS. SIMMONNEAU-FORT:

19 Thank you very much, Mr. Witness. I haven't got any more  
20 questions for you. I thank you too, Mr. President.

21 MR. PRESIDENT:

22 Thank you Counsel and thank you, Mr. Witness.

23 It is already an appropriate moment now for the adjournment. The  
24 Chamber will adjourn until 1.30 p.m.

25 The Court Officer is now directed to assist Mr. Witness and his

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1 duty counsel during the adjournment and have him and his counsel  
2 return to the courtroom by 1.30 p.m.

3 Security personnel are now directed to take Mr. Khieu Samphan to  
4 his holding cell downstairs and have him return to the court room  
5 before the next session resumes at 1.30 p.m.

6 The Court is adjourned.

7 (Court Recesses from 11h59 to 13h30)

8 MR. PRESIDENT:

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

10 The Chamber would like to give the floor to the defence counsel  
11 for Nuon Chea to put questions to this witness. You may proceed.

12 QUESTIONING BY MR. SON ARUN:

13 Good afternoon, Mr. President, Your Honours, and everyone. My  
14 name is Son Arun, the co-counsel for Nuon Chea.

15 Good afternoon, Mr. Sum Alat. I have only a few questions for  
16 you.

17 Q. Mr. Witness, you joined the Lon Nol army in 1972. How old were  
18 you - were you at the time?

19 MR. SUM ALAT:

20 A. My real age in 1972 was 19 years old.

21 [13.34.32]

22 Q. Thank you. You testified before this Court that when you  
23 joined the Lon Nol army, you was a corporal and that you worked  
24 at the Provincial Staff Office. Can you elaborate a bit further  
25 on the Provincial Staff Office, what you exactly meant by that?

1 A. It is, in fact, a simple translation. In the French proper  
2 word it would means "état-major sub"; that is, état-major  
3 sub-division. That is the sub-division of the General Staff  
4 Office.

5 Q. I want to be clear on this one because in the - at the  
6 provincial level, there is no provincial general staff because at  
7 a provincial level that could only be the administrative staff.  
8 When you refer to the staff office or the General Staff Office,  
9 it should only refer to the military side, not the administrative  
10 side.

11 [13.36.31]

12 A. Allow me to clarify that. During the Lon Nol Government  
13 period, the governor had two roles. First, the provincial  
14 governor was the military commander for that province. That was  
15 during the war period. So the governor had a dual role to control  
16 both the civilian and the military affairs and that governor was  
17 also in charge of the military as well as the administrative  
18 role. For that reason, the General Staff Office existed at the  
19 provincial level.

20 Q. I'd like to clarify the provincial authority and the military  
21 structure. Although the military commander worked at the  
22 provincial administrative level, the roles would be a distinct  
23 one. If you're unsure on this point, then it's going to confuse  
24 everybody.

25 MR. PRESIDENT:

1 The Prosecution, you may proceed.

2 MR. SMITH:

3 I'm not sure whether that was a question or whether counsel's  
4 giving evidence in Court. I would suggest that he ask questions,  
5 not make statements of his understanding of structures etc.

6 [13.38.37]

7 MR. SON ARUN:

8 Allow me to briefly reply to the prosecutor's submission.  
9 We do have a role in order to impeach the witness whether he  
10 makes a truthful statement or not.

11 MR. PRESIDENT:

12 The hearing of a statement or testimony and whether that  
13 statement is credible or not, it is discretion of the Bench; it  
14 is not the role of the defence counsel during this kind of  
15 proceeding. Of course, we will consider the outcome from the -  
16 this kind of proceedings and we would make a decision on that.  
17 You should adhere to the practice that we have been using in this  
18 proceeding which last for almost two years and try not to ask  
19 question or to use the kinds of questions that have been  
20 prohibited by the Bench. It is not your role to try to impeach or  
21 to intimidate a witness. You may put question to a witness, but  
22 your questions shall be precise and if you combine a lot of  
23 points into a question, it may be confusing for a witness.

24 [13.40.11]

25 There is not much distinction between a staff office or the

1 general staff office.

2 BY MR. SON ARUN:

3 Q. Thank you, Mr. President. I move on to another question.

4 You told this Court that you engage in a battlefield at Kravanh  
5 district and it was a – the most fiercest battlefield in 1973.

6 What role did you play in the Lon Nol army at the time?

7 MR. SUM ALAT:

8 A. As I was a member of the staff office in charge of the  
9 military operation, I was there representing that office in the  
10 Front battlefield. I was assigned to that – to that battlefield  
11 attached to a battalion.

12 Q. When you were assigned to – to go to the Kravanh battlefield,  
13 can you specified which military unit that you were attached to  
14 and how long did you stay at that battlefield?

15 A. For the military technicality and to represent that in the  
16 Front battlefield, I was assigned to represent the staff office  
17 and I was attached to the military unit on the Lon Nol side and  
18 to liberate the people at the Kravanh Mountain and I spent one  
19 week there.

20 [13.43.05]

21 Q. Could you specify which military unit that you were assigned  
22 to; for instance, which regiment or which battalion?

23 A. There was a unit subordinate to the general staff – to the  
24 staff office and, of course, they have their own squad and  
25 platoon and company under the direct supervision of the

1 provincial governor.

2 Q. Thank you. In April 1975, your unit assigned you to Spean,  
3 Svay Doun Keo or Svay Doun Keo Bridge battlefield. Can you recall  
4 the date that you were assigned to that battlefield? That is, in  
5 April 1975, can you recall the day or the date?

6 A. I can recall it, but not that clearly. I left the provincial  
7 town office for about one year and I spent about - actually, I  
8 spent about one year at that Svay Doun Keo.

9 [13.44.57]

10 Q. When you went to work in Svay Doun Keo, were you still a staff  
11 for the staff office or were you part of another office or unit?

12 A. I was attached to another unit, but it was still under the  
13 supervision of the staff office of the province.

14 Q. In your P.V. with the OCIJ, you said you were attached to an  
15 Artillery Unit; is that correct?

16 A. Yes, it is.

17 Q. You were attached to the Artillery Unit. What was your  
18 position in that Artillery Unit?

19 A. I was in charge of the technical team for the preparation to  
20 fire or to load the - the gun.

21 Q. Allow me to return a little bit back - to the back. When you  
22 joined the Lon Nol army, did you receive any military training?

23 A. When I joined the military army - the Lon Nol army, I went for  
24 a training with the infantry at the Kamboul near Phnom Penh.

25 [13.47.34]

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1 Q. Did you learn how to fire artillery like the one that you did  
2 at the Svay Doun Keo battlefield?

3 A. Before I was assigned to the Artillery Unit, I received a  
4 three-month training in that field.

5 Q. Thank you. Again, in your interview with the OCIJ, you said  
6 the Lon Nol soldiers in Pursat received instruction from Phnom  
7 Penh to disarm through the announcement by the General Mey Sichan  
8 in Phnom Penh and the announcement was made on the radio.  
9 My question is the following: On what day did Mey Sichan make the  
10 announcement for the disarm and did you hear that announcement  
11 yourself?

12 A. I cannot recall the exact date of the announcement, but I  
13 heard the announcement by myself.

14 Q. When General Mey Sichan made that announcement or before that  
15 announcement, did you ever hear of his name? And when you heard  
16 the announcement, did you know the position of the General Mey  
17 Sichan?

18 [13.49.34]

19 A. When General Mey Sichan made that announcement, I did not know  
20 which position he held, but the announcement that went through  
21 said he (inaudible) himself as he was a major general in Phnom  
22 Penh and that he issues the instructions to all the military unit  
23 and that he represent all the national army of the regime.

24 Q. Thank you. You responded to the Prosecution this morning that  
25 one day prior to raising the white flag, the Lon Nol soldiers

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1 laid down their weapons and attended the dancing together with  
2 the Khmer Rouge.

3 My question is: Where did it take place and how many Khmer Rouge  
4 soldiers actually dance with the Lon Nol soldiers and did you,  
5 yourself, dance?

6 A. I personally was at Svay Doun Keo battlefield, attended the  
7 dancing.

8 Q. Do you wish to add more to your response?

9 [13.51.39]

10 A. The event that I described was the one that I personally  
11 participated. That evening, the two opposing sides greeted one  
12 another and we dance later.

13 Q. During the dancing, did you, yourself, dance and if not, where  
14 were you?

15 A. I did not dance, but my soldiers and my unit were all cheerful  
16 as we knew that both sides now consolidated and lay down the  
17 weapons. That's the - even that took place in the evening; but by  
18 the morning, everything turned out to be completely different.

19 Q. Can you tell us; during the dancing night, where were you?

20 A. I already stated that I was with the unit stationed at that  
21 Svay Doun Keo.

22 [13.53.28]

23 Q. You stated in your P.V. that the Khmer Rouge took control of  
24 the entire Pursat province on the 17 April 1975 and on the 24th  
25 or 25th of April that year, (unintelligible) the sector committee



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1 made a request to the Pursat governor; that is, General Prum Li  
2 Huon, to go to a meeting at the provincial hall - and there were  
3 about 500 attendees including the soldiers, civil servants, and  
4 the students - in order to receive Angkar at Tuol Po Chrey.

5 Can you tell us the period between the 17 April, when you  
6 disarmed, up to the 24th or 25th, when a meeting took place at  
7 the provincial town hall where the Provincial Governor, Prum Li  
8 Huon, attended together with soldiers, civil servants, and  
9 students, what happened to the people or the civilians during  
10 that particular period of time? Was the provincial governor  
11 arrested or he still performed his usual function as the  
12 governor?

13 A. We were working as usual at that time.

14 Q. Does it mean that from the 17 April 1975 when the Khmer Rouge  
15 took control, the civil servants or the workers still worked as  
16 usual; is that what you mean?

17 [13.56.07]

18 A. It means that for the - for the public servants engaging in  
19 the administrative work still performed their duty.

20 Q. You also stated that the meeting was held on the 24th or the  
21 25th of April. What do you mean by that? Did the meeting last  
22 only for one day or it last for two days?

23 A. You should know that - the word "or." I said 24th or 25th, so  
24 it meant it only happened for one day.

25 Q. Was the meeting held on the 24th or on the 25th?

63

1 A. I stated it's either the 24th or on the 25th because I was not  
2 sure exactly whether it was held on the 24th or on the 25th.

3 Q. This is my last question to you. This morning, Mr. Witness, in  
4 your response to the Lead Co-Lawyer for civil parties that you  
5 saw the name of Ta Sot at the S-21 office. How did you see it?  
6 Did you personally come to S-21 to see it or were you told of  
7 that information?

8 [13.58.34]

9 A. When I came for my educational session, we were given a tour  
10 to Tuol Sleng Museum and I saw the name of Ke Kim Huot, alias Son  
11 (sic) , who was a Sector 7 Committee who was killed there, and  
12 for that reason, I knew that he died at S-21 Prison.

13 MR. SON ARUN:

14 I now conclude my question, Mr. President, and my international  
15 counterpart will put further questions to this witness.

16 MR. PRESIDENT:

17 Thank you.

18 Counsel Victor Koppe, you may take the floor.

19 [13.59.27]

20 QUESTIONING BY MR. KOPPE:

21 Q. Thank you, Mr. President. Good afternoon, Your Honours. Good  
22 afternoon, counsel.

23 Good afternoon, Mr. Witness. I have a few questions to put to you  
24 in respect of the events surrounding the two meetings in the  
25 provincial town house - town hall.

1     Could you, before I come to that subject, tell us a little more  
2     about the invitation that was extended to former officials and  
3     soldiers to come to the provincial town building? How - do you  
4     know how it was conveyed to everybody?

5     MR. SUM ALAT:

6     A. The information regarding the invitation for the meeting was  
7     done through word of mouth. For example, the message was relayed  
8     from one person to another.

9     Q. But did I understand it correctly that the time that the  
10    invitation was conveyed was after Pursat had already been  
11    evacuated?

12    A. Yes, it is correct.

13    [14.01.09]

14    Q. And do I understand also correctly that the structure and the  
15    offices of the former Lon Nol military were dismantled were not  
16    functioning anymore?

17    A. Immediately after the event, the building was still there and  
18    operational - operational still on there.

19    Q. Are you saying that officers and other structures of the Lon  
20    Nol military were still functioning a week or days after the  
21    liberation of Pursat?

22    A. Yes, it is correct.

23    Q. So in the days before that meeting in Pursat province, were  
24    the Lon Nol military still walking around in their military  
25    uniforms for instance?

1 A. Immediately during this event, they did not go elsewhere other  
2 than staying at the workplace to receive orders.

3 Q. So let me get this clear. Between 17 April, the day of the  
4 liberation, and the day that the first meeting was convened in  
5 the provincial town house, former - or the Lon Nol military were  
6 still functioning and they were still wearing their uniforms and  
7 they were still active?

8 [14.03.38]

9 A. The operation - the military was still functioning, but  
10 partially because some were seen wearing uniforms when the other  
11 had to be wearing some civilian clothes.

12 Q. Earlier this morning, Mr. Witness, you answered a question  
13 from one of the lawyers from the civil parties in respect of  
14 Commander Pel and Commander Run. Did I understand your answer  
15 correctly that you didn't really know very well who they were?

16 A. It is correct. It is true, yes.

17 Q. From evidence - from testimony given to this Chamber earlier,  
18 it seemed that Commander Run and Commander Pel were commanding  
19 the forts at Tuol Po Chrey and Po village. Now, would that be  
20 information that normally would be known to you in your capacity  
21 as a corporal of the Lon Nol military?

22 [14.05.28]

23 A. I knew that there was a person by the name of Savuth  
24 (phonetic) and that at Tuol Po Chrey, it was named the Front post  
25 and it was supervised or commanded by the major lieutenant.

1 Q. Major-Lieutenant Pel?

2 A. No, it's not him.

3 Q. So what was the function of Commander Pel in 1975?

4 A. I don't know.

5 Q. Do you know what the function of or the rank was of Commander  
6 Run?

7 A. I don't know.

8 Q. You also testified that you know something about a fort at  
9 Tuol Po Chrey. I'm not clear in respect of your knowledge about a  
10 fort at Po village. Do you know anything about a fort - military  
11 fortress at Po village?

12 A. No, I don't. I don't know about this.

13 [14.07.49]

14 Q. Would you be able to explain briefly, what was your area of  
15 knowledge in respect of the functioning of the Lon Nol military  
16 in Pursat town or Pursat province?

17 A. I think I may need to hear this question again please.

18 Q. Around April '75, what was your specific function as a Lon Nol  
19 corporal? What was your area of knowledge? What were you supposed  
20 to do in April '75?

21 A. In 1975, after the country was controlled by the Khmer Rouge,  
22 the former Lon Nol administration; in particular, the military  
23 administration was no longer well organized. People already fled  
24 and abandoned their positions. At that time, there was no proper  
25 function for each of us.

1 Q. I will move on, but not after telling you, Mr. Witness, that  
2 I'm somewhat puzzled by the fact that you do not really know who  
3 these two commanders were and that you don't seem to know there  
4 was a fortress at Po village. Would you be able to explain the  
5 Chamber why that is, why it is that you don't know these things?

6 [14.10.22]

7 A. The reason is that I was at Svay Doun Keo battlefield which is  
8 to the west of the country bordering Pursat in Battambang. Po  
9 Chrey fortress was located in Kandieng which is far from the  
10 location I would work, so it's not convenient enough for me to  
11 know it.

12 Q. A last question on this topic, Mr. Witness. Do you know what  
13 happened to Commanders Pel and Run after 17 April '75?

14 A. I have never received any information regarding these two  
15 individuals.

16 Q. I will move on, Mr. Witness, to the day or the two days that  
17 these meetings took place at the provincial town building. This  
18 morning, you answered a question from the Prosecution in respect  
19 of the particular building in which this meeting was held. It was  
20 touched on briefly only and I would like to ask you some more  
21 details about it.

22 [14.12.02]

23 You were speaking about 500 people gathering together. Would you  
24 be able to explain to us one more time which building, exactly -  
25 these 500 people gathered together?

1 A. This morning, I already testified regarding the document  
2 showing the building – the building is located to the left-hand  
3 side of the building we saw this morning. And then 30 metres from  
4 that, there was another building. And that building was called  
5 the provincial hall, not the current location of the Grand Hotel.

6 Q. Mr. President, with your leave, I would like to show again to  
7 the witness two photos which could be put on the screen. Photos  
8 from the document, D25/217 (sic). That is, English ERN numbers  
9 00294316; in Khmer, 60377214. I believe it is possible to have  
10 these two photos on the screen.

11 [14.14.04]

12 MR. PRESIDENT:

13 Indeed, you may proceed.

14 BY MR. KOPPE:

15 Q. Are you seeing the two photos, Mr. Witness? On the top photo,  
16 there's a building with a fence in front of it, and the photo  
17 below – it's the same photo, but then with somebody standing on  
18 the right side of the gate. Do you have those in front of you?

19 MR. SUM ALAT:

20 A. Yes, I do.

21 Q. Now, that building that we see on both photos; is that the  
22 provincial town hall?

23 [14.15.08]

24 A. No, it isn't. It is the hotel where the governor would stay.  
25 It's not that place where people worked?

1 Q. Are you sure about that, Mr. Witness? Isn't it the place where  
2 the governor stays now, today?

3 [14.15.48]

4 A. This two-story building belonged to the provincial governor  
5 during the Lon Nol regime, because the new governor who would  
6 have to work in that province would have to stay in that  
7 building. But, next to it, there was a provincial hall where  
8 people worked.

9 Q. And how would you get to that building? Would you enter the  
10 gate and go left, or would you have to be going to the left side  
11 on the street before the building?

12 [14.16.42]

13 A. There were two gates. Here, you can see that the gate is right  
14 in front of the hotel, and on the left-hand side there is an  
15 access point that we could get through to the provincial hall.

16 Q. Let me return to that day, Mr. Witness, where you and those  
17 around 500 other people went to that meeting. Did they go through  
18 this gate that we see on the photo, or did they go inside through  
19 another gate?

20 [14.17.27]

21 A. They went inside through the other gate, which is on the  
22 left-hand side.

23 Q. I would like to ask you, Mr. Witness, to think very carefully  
24 and try to remember whether that was really the case - that  
25 people didn't go through this front gate, but as a matter of fact



1 to the gate that was more to the left.

2 A. There was a first gate. The gate which was for the military  
3 part entry. And on the left-hand side, there was also a gate for  
4 civilians, or rather civil servants.

5 [14.18.50]

6 And the meeting was convened at the inside of that complex, but  
7 people entered to the premises through the left gate.

8 Q. I will explain to you, Mr. Witness, why I continue to keep  
9 asking you questions about which building the meeting was held  
10 in. You see, on those two photos, and especially more clearly on  
11 the photo below, a person standing next to the gate. Maybe the  
12 photo could be on the screen again, Mr. President. Or maybe it  
13 still is. Mr. Witness, do you see that man standing there on the  
14 right side of the front gate?

15 A. Yes, I do.

16 Q. This man, who we see on that photo below, is a person who came  
17 here as a witness about two months ago, and he testified to the  
18 Chamber that he was in fact there in the weeks after 1975, and  
19 that he was guarding the very same meeting that you are  
20 describing. And he has testified to the Chamber that the meeting  
21 was held, in fact, at the building that we see on the photo. And  
22 he has been describing this building. It is his testimony that,  
23 that day, 200 people gathered in the provincial townhouse. So, my  
24 question to you is - if you could react on this evidence that I  
25 have just summarized for you.

1 [14.21.05]

2 MR. PRESIDENT:

3 Mr. Witness, could you please hold on? And International  
4 Co-Prosecutor, you may now proceed.

5 MR. SMITH:

6 Thank you, Your Honour. I just have two points to make. The first  
7 one is; I'm unclear - and I'm not sure whether it's the case.  
8 Counsel may be able to verify - whether the photo that's shown on  
9 the screen - or in fact of any photos we're shown to the witness  
10 that came to testify. So I'm not sure that that was the case. And  
11 if that's not the case, the proposition that the witness  
12 testified in that - testified to a meeting in that particular  
13 building - I don't think can be so clearly put.

14 [14.21.53]

15 My second point is; I think it may be good for clarification,  
16 perhaps, just to ask the witness - is the fence line that he sees  
17 now - the fence and the gate - is it the same fence and gate back  
18 in 1975. Whether that's changed. But I don't think the photos  
19 were shown to the last witness. But my friend might be able to  
20 clarify.

21 MR. KOPPE:

22 Mr. President, I don't think the photo was actually shown to  
23 Witness Ung Chhat. However, the page is coming from a report  
24 drafted by the Investigators of the Investigating Judges. And you  
25 can see that on the same page, on the corner right of it. It says

1 "Witness Ung Chhat depicted in the same position he had when he  
2 and his unit were guarding the compound". Now, in combination  
3 with his testimony before you, there can hardly be any doubt that  
4 he was - there is no doubt that he was in fact referring to that  
5 building right beside him. You might remember that I was asking  
6 questions if he would be able to estimate the amount of people in  
7 the auditorium, and there was some discussion about it. But it  
8 is, as a matter of fact, the same thing that he has stated to the  
9 Investigators of the OCIJ. Because they are describing in the  
10 report that this is exactly the building that he is speaking  
11 about. So, in all honesty, there cannot be any misunderstanding  
12 as to what the testimony of that former guard, Ung Chhat, is  
13 about.

14 [14.23.47]

15 So, I think I have laid enough groundwork to be able to confront  
16 this witness with the testimony of this particular guard, who is  
17 not saying anything about a gathering of people in another  
18 building.

19 MR. SMITH:

20 Your Honour, that might be an implication or an indication, from  
21 looking at the report, and comparing that to the testimony. But,  
22 certainly the position that it's beyond doubt - I don't think  
23 Your Honours are in a position to do that. This witness has  
24 talked about the town - the provincial town hall being in a  
25 compound. In the site identification report, they talk about the

1 same compound. And in that compound, there are a number of  
2 buildings. That may well be the case that the witness may have  
3 thought that that was the building. Or it may in fact be the  
4 building. But it's just not clear that what was discussed in  
5 Court - that is in fact that building there.

6 [14.24.58]

7 And I think it would be not proper to make - to put that  
8 assumption to this witness. And he can be questioned whether  
9 that's the case, in any event, but I don't think it's as clear as  
10 the Defence would like to state. Thank you.

11 (Judges deliberate)

12 [14.27.34]

13 MR. PRESIDENT:

14 Counsel Koppe, the Chamber wishes to inform you that perhaps you  
15 may be confused regarding the testimony when Mr. Ung Chhat was  
16 testifying. At that time, there was no showing of the building  
17 that you are now presenting to the witness. And, secondly, so  
18 far, none of the witnesses who testified before this Chamber even  
19 referred to any of the command headquarters of the province. They  
20 all referred to the meeting held at the provincial hall of  
21 Pursat. And their testimonies were consistent on this. And,  
22 thirdly, on your photo they refer to the command post or  
23 headquarters, not the provincial hall. And that here - Mr. Ung  
24 Chhat - I emphasize that he was standing there, and being that he  
25 was standing there is not the appropriate grounds for you to

1 dwell on this line of questioning to this witness. You may  
2 continue putting more questions to this person as the witness,  
3 but not referring to these photos. That is misleading.

4 [14.29.21]

5 And, again, the term – the provincial hall – and the term as  
6 written on this photo are not the same.

7 MR. KOPPE:

8 With all due respect, Mr. President, I think you're not right. As  
9 a matter of fact, I have been there. And I have seen the  
10 building. I know there is no building – no great building on that  
11 site behind that premises. We have a report – it's called a site  
12 identification report to Tuol Po Chrey – made up by two OCIJ  
13 Investigations, I presume under their oath. And it says, under  
14 their oath, in this particular report, that Witness Ung Chhat is  
15 in fact standing in front of the provincial town building.

16 [14.30.11]

17 Now, this witness is identifying – he's recognizing this  
18 building, but he says it wasn't there. So it doesn't really been  
19 matter that Witness Ung Chhat has been shown the photo in Court,  
20 yes or no. What matters is that we have a report, under oath,  
21 saying that Witness Ung Chhat is in fact standing in front of the  
22 provincial town building. Town hall. There can be absolutely no  
23 doubt. So –

24 MR. PRESIDENT:

25 That is clear, but Ung Chhat stated that that was where he stood

1 when the event took place. He did not pinpoint that the building  
2 that he stood in front was where the meeting held. He said that  
3 the meeting point was at the provincial town hall of Pursat. And,  
4 if you're not mistaken, since the old regime, the provincial town  
5 hall has never been relocated.

6 BY MR. KOPPE:

7 Because of the time, I will move on. But I will get back to this  
8 issue, Mr. President.

9 Q. Mr. Witness, you have testified earlier this morning that -

10 MR. PRESIDENT:

11 Please, if you - you may use the transcript of the Hearing of Ung  
12 Chhat as your base to question, and this photo has never been  
13 shown in the Proceeding before this Chamber.

14 [14.31.55]

15 BY MR. KOPPE:

16 Then what on earth is the value of this site identification  
17 report? But, nevertheless - notwithstanding all that, Mr.  
18 President, I will move on.

19 Q. You were testifying earlier, Mr. Witness, that you were  
20 speaking about 500 people gathering together in a building. Would  
21 you be able to tell us how exactly did you get to that number of  
22 500?

23 MR. SMITH:

24 Your Honour, I don't want to, obviously, interrupt too much, but  
25 the witness' testimony today was - after questioning - that the

1 500 people couldn't fit completely in the building, and some of  
2 them were spilling outside. So, just so we're clear, the question  
3 was that he said that the 500 were in the building. The witness  
4 said this morning that 500 people were in the building and  
5 spilling outside of it, because it wasn't big enough. So, just  
6 perhaps -

7 BY MR. KOPPE:

8 That's fine. I will rephrase.

9 Q. Mr. Witness, you have said earlier this morning that there  
10 were around 500 in and around the building where that meeting was  
11 held. Now, would you be able to explain to the Chamber how you  
12 got to this number of 500?

13 MR. SUM ALAT:

14 A. It was my personal estimation. I did not go around counting  
15 heads.

16 Q. Where were you basing your personal estimation on? How did you  
17 come up with 500? Why not 400, why not 600, why not 300?

18 A. I was sure, myself, the total number of people was around 500.

19 Q. But did you count them? Did you make an estimate? Did you have  
20 experience with counting people in a bigger gathering?

21 [14.34.34]

22 A. From the total number of people inside the building and  
23 outside the building, I arrived at that number.

24 Q. Well, I'm still confused with your answer, Mr. Witness. 500  
25 people is quite an amount of people. Was everybody standing at

1 one point or sitting at one point in the building and outside,  
2 and were you counting or were you walking around the building, or  
3 -? Please tell us how exactly you came to this figure of 500.

4 A. Some were standing, while others were sitting or walking or  
5 standing. It not mean (sic) everybody was sitting. Some people  
6 were sitting and standing both inside and outside the building.

7 It was a meeting where people who attended listened to the  
8 announcement, so there were people inside the building and  
9 outside the building as well, and there were a lot of them.

10 [14.36.08]

11 Q. Now I have the same question to you, but then about the figure  
12 of 200. you said of those 500 people, 200 were soldiers,  
13 approximately. Now, how did you go about that? Did you count each  
14 of those 200, or is it also an estimate?

15 A. It is my approximation, based on what I saw. But I did not  
16 count individual persons.

17 Q. So, it could have been 150 soldiers, 210 soldier, 100  
18 soldiers? Would that be correct?

19 MR. SMITH:

20 I object, Your Honour. Your Honour, Counsel - I mean, obviously  
21 he's - fair enough to ask these questions, but he's asking the  
22 witness to speculate. I mean, the witness has estimated a number,  
23 and that's the number he's estimated. And so I don't think the  
24 Counsel can go further with this.

25 MR. KOPPE:



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1 So, do I understand it correctly that the witness is allowed to  
2 speculate, but when I ask him to speculate some more, then it is  
3 not okay.

4 MR. SMITH:

5 Your Honour, I don't think the witness was speculating. The  
6 witness was estimating.

7 [14.37.51]

8 MR. PRESIDENT:

9 The objection is sustained. Witness, you do not need to respond  
10 to the last question put to you by the defence counsel.

11 The time is appropriate for a short break. We will take a 20  
12 minute break and return at 3.00 p.m. And Court Officer, please  
13 assist the witness during the break, and have him returned to the  
14 courtroom at 3.00 p.m.

15 Likewise, it applies to the duty counsel.

16 The Court is now in recess.

17 (Court recesses from 14H38 to 15H01)

18 MR. PRESIDENT:

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

20 We now would like to hand over to Counsels for Mr. Nuon Chea to  
21 continue putting questions to this witness. And please be - can  
22 you advise the Chamber as to how you share this allocated time  
23 with Counsels for Mr. Khieu Samphan, Counsel Koppe, please?

24 MR. KOPPE:

25 Thank you, Mr. President. Yes, we have just briefly discussed.

1 And this is a request on behalf of both teams. We would like to  
2 have that half hour extra as well. So it is our intention that I  
3 would finish around 4.00, and that the Counsel for Khieu Samphan  
4 would then finish at 4.30.

5 MR. PRESIDENT:

6 You may proceed, and the Chamber now gives an additional 20  
7 minutes to the other counsel as already offered to the party.

8 BY MR. KOPPE:

9 Q. Mr. Witness, I was asking you before the break about the  
10 number of people in and around that building. If I understood  
11 your testimony correctly, you also spoke about approximately 30  
12 people belonging to this group who were soldiers from Tuol Po  
13 Chrey fortress. Would you be able to tell us how you knew - or  
14 how you came to the conclusion that there were about 30 soldiers  
15 from the Tuol Po Chrey fortress?

16 MR. SUM ALAT:

17 A. People were gathered up from various units to attend the  
18 session, and I knew some of them. I heard from friends who came  
19 to the place, and because of this I could come to the conclusion  
20 of the number I already testified.

21 Q. Do you still remember any names and ranks of Tuol Po Chrey  
22 fortress soldiers?

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

24 Q. You also testified that you knew of this group of  
25 approximately 500, 10 to 20 people personally. Insofar as they

80

1 were former Lon Nol military, would you be able to give us -  
2 would you be able to remember their names and respective ranks

3 A. I remember very little.

4 Q. But surely you must be able to remember one name, with rank,  
5 of the 500 - approximately 500 people you said you saw?

6 A. I remember a few of them, but they are no longer here with us.  
7 I still recollect one of my friends who claimed that he was also  
8 there at that time. He is by the name of Ling Kang (phonetic). He  
9 used to be a soldier, and I met a few of them, so altogether he  
10 already told me that at least about 20 or so people were asked by  
11 him to come to that place.

12 Q. You're saying Ling Kang (phonetic) claimed that he was there?  
13 Is he still alive?

14 (A short pause)

15 [15.07.07]

16 BY MR. KOPPE:

17 Q. Mr. Witness, is he still alive?

18 MR. SUM ALAT:

19 A. He already went through education sessions at Tuol Po Chrey.  
20 That's my answer.

21 Q. Very well. You mentioned now one person who you said was  
22 present. And you said also you knew personally between 10 and 20.  
23 You're also saying that the big group of approximately 500 people  
24 - most of them are dead. Now, surely you would be able to  
25 remember at least one name and the accompanying rank of the

1 soldiers who were there?

2 [15.08.00]

3 A. I don't know about this. I don't know this person, because  
4 such rank is of a senior position already.

5 Q. Mr. Witness, I can understand that it is difficult to  
6 remember, but you said you knew personally 10 to 20 people who  
7 were there. Again, surely you would be able to remember at least  
8 one name of your former comrades who were there at this meeting.

9 A. I think perhaps you need to make it clear - distinction  
10 between people who attended the meeting and those who were from  
11 Tuol Po Chrey. Can you do that for me, please?

12 [15.09.11]

13 Q. Of course. I'm not speaking any more about the soldiers from  
14 the fortress at Tuol Po Chrey. I'm only speaking about the people  
15 or the persons - between 10 or 20 - of whom you testified earlier  
16 that you knew them personally. Now, my question to you is; could  
17 you give us one name of those 10 or 20 people that you knew  
18 personally? Name and rank.

19 A. I am not clear about this. Are you asking about the ranks of  
20 the soldiers who were from Tuol Po Chrey? Or you're asking about  
21 the ranks of the soldiers who attended the meeting at the  
22 provincial hall?

23 Q. Again, Mr. Witness, I'm asking you to name one name and  
24 accompanying rank of a former Lon Nol military who was there -  
25 present - at this meeting.

1 A. As I said, in the meeting - those who attended the meeting on  
2 that day, I believe, I knew about 10 of them, including people  
3 from different ranks from the - who were former Lon Nol  
4 officials. And they were under the supervision of General -  
5 rather, General Meas Huon (phonetic). And other people who were  
6 holding the senior positions in the military - and I don't  
7 recollect them all, but these people were gathered up in the  
8 meeting.

9 [15.11.43]

10 Q. Now, Mr. Witness, the next day - according to your testimony -  
11 there was again a gathering of former Lon Nol soldiers, and  
12 possibly officials. You testified also that it was again a group  
13 of approximately 500. Now, I'm going to ask you the same line of  
14 questions that I asked before the break.

15 Now, can you explain to us again, how you came to that number of  
16 500 hundred, but this time in respect of that meeting on the  
17 second day?

18 A. The number of attendees in the following meeting was not that  
19 different from the previous number of people who attended the  
20 previous meeting; because they were the civil servants and  
21 officials.

22 [15.12.55]

23 Q. Are you saying that the group that was there at the second day  
24 was more or less the same as the day before?

25 A. They were the same people.

1 Q. Now would you be able to give us one name of a person  
2 including his military rank, who was there with you that second  
3 day?

4 A. The same people with the same names because in the second and  
5 the following meeting, they were the same people who would be  
6 called to attend that meeting again.

7 Q. Mr. Witness, was there that second day a list made, perhaps  
8 with names and ranks; somebody keeping up presence of all the  
9 people that were there on that second day?

10 A. It isn't possible.

11 Q. Again and this will be my last attempt. You have been  
12 testifying that the 500 people who were gathered together at that  
13 second day, shortly afterwards went into the trucks and left and  
14 were afterwards executed. Now, I'm sure that must have had a  
15 severe impact on you. So my question again, would you be able to  
16 remember at least one name of the people who were present during  
17 that second day?

18 [15.15.38]

19 A. When I am talking about the second meeting, I think that would  
20 be the final meeting already because during the first and the  
21 second meeting, then the decision was already made. After Tuol Po  
22 Chrey, there was no other meeting indeed.

23 Q. Did I not understand you correctly; are you now talking about  
24 the three meetings, the first, the second and the final or are  
25 you still talking about two meetings?

1 A. The reason that I emphasized was that there were only two  
2 meetings and that the final meeting which I refer to here means  
3 the final meeting of the two meetings before people were sent to  
4 Tuol Po Chrey.

5 [15.16.50]

6 Q. Mr. Witness, at the second and final meeting, do you remember  
7 if you saw anybody among those approximately 500 people wearing  
8 something military; either boots, backpacks, uniform trousers;  
9 anything resembling military gear?

10 A. All – not all of them were wearing civilians. Half of them  
11 were also seen wearing military uniforms.

12 Q. Were you able to recognize ranks etc. from these military  
13 uniforms?

14 A. Among them, their ranks were removed from their uniforms  
15 already, but I still remember a person, for example, General Li  
16 Huon and the other senior military officers. And also Nu Soeun  
17 (phonetic) the governor of that province was also among them. And  
18 other civil servants attended the session.

19 Q. Do you know why these military had removed their ranks or  
20 signs of rank and insignia?

21 A. I think it was their business and I am not able to know this.

22 [15.19.17]

23 Q. Do you remember if you had made a choice beforehand to go in  
24 civilian clothes or in military uniform and what were you in fact  
25 wearing that second day?

1 A. So you are asking about me personally; is that true?

2 Q. Yes. Were you wearing civilian clothes or were you wearing a  
3 uniform that second day?

4 A. During the second session, I already changed my clothes to  
5 civilian ones.

6 Q. You were speaking earlier this morning about 50 to 60 guards,  
7 Khmer Rouge guards. Were they present at both the first day and  
8 the second day?

9 A. Yes.

10 Q. And you said this morning that the first meeting lasted about,  
11 if I remember correctly, two to three hours. How long did the  
12 second meeting at the second day last?

13 [15.20.58]

14 A. It lasted for the same approximate time.

15 Q. You were speaking earlier about the presence of Ta Sot; was Ta  
16 Sot present at both meetings?

17 A. Yes, he was.

18 Q. You were also speaking about other Khmer Rouge top leaders  
19 being present. Why do you say top leaders and what knowledge do  
20 you base or are you saying that they were top leaders?

21 A. I'm afraid I don't understand your question.

22 Q. You said that Ta Sot was speaking at the meetings, actually at  
23 both meetings. He was speaking about reconciliation and country  
24 building etc., but you also said that and I quote you literally:  
25 "Top leaders, other top leaders of the Khmer Rouge were present."



1 How did you know that there were top leaders, why do you call  
2 them top leaders?

3 A. I saw them standing near Ta Sot wearing proper hats or caps,  
4 so I could tell that only some top leaders could be wearing such  
5 hats or uniform or clothes.

6 Q. Do you know their names?

7 A. I only remember Ta Sot.

8 [15.23.25]

9 Q. And you had testified earlier that he was - Ta Sot was  
10 speaking about reconciliation and country building. Do you  
11 remember what said literally; do you remember his exact words?

12 A. I did not hear every word he said during the meeting, but  
13 during the three day session, he precisely made his clear speech  
14 in the session.

15 Q. Are you now saying three day session or is that mistake?

16 A. The meeting in the Provincial Hall, I did not see him giving  
17 any lecture, but I attended a study session at Svay Luong  
18 location when he mentioned about the political view or standpoint  
19 and that's when I refer to him having said such thing in the  
20 session, the three day session.

21 [15.25.05]

22 Q. But you have testified earlier today that Ta Sot was also  
23 present, as a matter of fact both days, at the gathering at the  
24 Provincial Town Hall or close by. So was Ta Sot there and if yes,  
25 what did he say?

1 A. He talked about reconciliation, about how we could gather to  
2 receive Angkar.

3 Q. Yes, but he spoke for three hours as I understand; do you  
4 remember something more?

5 A. He didn't talk much further than this.

6 Q. Then who else was speaking or why did this meeting, also the  
7 second meeting, lasted for three hours?

8 A. There were other people who had the floor, but I just don't  
9 take good notice of them.

10 Q. At one point the meeting, the second meeting at that second  
11 day was finished. I presume everybody left the building; can you  
12 describe exactly how the exiting of the building went?

13 A. After the meeting concluded, everyone could leave the  
14 premises.

15 Q. I understand that, but what happened -- could you describe for  
16 us when the meeting was done, where everybody went? Did they go  
17 outside and go in the street, where did people leave? Can you  
18 describe for us exactly how that went in those weeks in '75?

19 A. When the meeting was over, people left the building as usual.  
20 There was nothing out of the ordinary because in the meeting,  
21 there was no such thing as -- to suggest that they would be taken  
22 for execution the following days. So people did not know about  
23 their future fate.

24 [15.28.46]

25 Q. But could you describe for us how did people left that

1 building that you described earlier; did they go on the street,  
2 went left or went right, did some of them go home, did some of  
3 them stay a little in front of the building. Could you give a  
4 little more detailed description?

5 A. I did not care to know whether or where they could have gone  
6 to because when the meeting was done, I just left and I did not  
7 take note of how people would be exiting the place.

8 Q. But Mr. Witness, you testified earlier today that everybody  
9 was excited and that everybody wanted to go on the trucks and  
10 that you tried yourself to get on one of those trucks?

11 [15.30.12]

12 MR. PRESIDENT:

13 Witness, please wait. The Prosecution, you may proceed.

14 MR. KOPPE:

15 If that helps, I'll rephrase.

16 MR. SMITH:

17 No, Your Honours, it's not so much an objection, but I think  
18 initially the conversation may have started out about the second  
19 meeting and then a minute ago, the discussion was about the first  
20 meeting and now it's continuing into the second meeting. So  
21 there's a lack of clarity here because at the last few questions  
22 and answers, he was referring to the first meeting and then this  
23 question was based on the fact that it was the second meeting. So  
24 it just may be a bit confusing for the witness.

25 BY MR. KOPPE:

1 Q. If it was unclear I apologize, but I was always speaking, at  
2 least the last 25 minutes about the second meeting. So Mr.  
3 Witness, to be absolutely clear, we're talking about the second  
4 day. Please describe for us what happened when the group of 500  
5 left the building. Did they go left, did they go right, did they  
6 gather; what happened?

7 [15.31.25]

8 MR. SUM ALAT:

9 A. The second day was held after we all agreed to get onto the  
10 trucks. The trucks were parking outside and we were led onto the  
11 trucks and nobody went anywhere else, but getting onto the  
12 trucks. That was what happened on the second and the final  
13 meeting day. Even I myself, I came outside and some of the people  
14 actually walked outside before me and they already got onto the  
15 trucks. I was refused to get onto the truck because it was  
16 already full.

17 [15.32.24]

18 Q. Do you remember where the trucks were standing; were they  
19 standing in front of the Provincial Town Hall which you just saw  
20 a photo or were they standing and waiting in front of this other  
21 building?

22 A. The car - the trucks were parking in line in the front. It was  
23 - they were parked in front of the Provincial Town Hall.

24 Q. So when you left the building, everybody had to go to the  
25 left; is that correct?

1 A. In fact, they went to the back to the road, not to the left  
2 because they came for the trucks.

3 Q. Could you be more specific; through which gate did the people,  
4 the 500 people on that second day leave? Which gate did they exit  
5 in order to go to those trucks?

6 A. They exited through both gates.

7 Q. So also the gate that was shown to you on the photo?

8 A. That was the first gate.

9 Q. And people exited from the gate which was a little further  
10 away when you are standing in front to the left; is that correct?

11 A. Yes.

12 [15.34.48]

13 Q. Were you able to see how many people who were in the trucks  
14 before they left had military gear on? You saw about between 10  
15 and 15 trucks; how many of the people were on those trucks wore  
16 something - were wearing something military?

17 A. On each truck, there was a mixture of civilian and those who  
18 were wearing military uniforms. There were also students. So  
19 there could even be some ordinary people. So let me say again,  
20 it's a mixture of civilian and military soldiers.

21 Q. Could you - are you able to give a mix - an estimate about the  
22 mix; how many of those people on the trucks had military uniforms  
23 on and how many were dressed in civilian clothes?

24 [15.36.19]

25 A. I could not give you an estimation on that.

1 Q. Was it 50/50, half, half?

2 MR. PRESIDENT:

3 Witness, you do not need to respond. It's a leading question.

4 BY MR. KOPPE:

5 Q. Leading question? Mr. Witness, are you able to give an  
6 estimate of what percentage of the people in those trucks had  
7 military uniforms on?

8 MR. SUM ALAT:

9 A. I cannot tell you that.

10 Q. One last try; would you be able to say the majority or the  
11 minority were wearing military clothes?

12 A. They were in the minority.

13 Q. The military were in a minority; correct?

14 A. Yes.

15 Q. Which direction, when you are standing with the back to the  
16 gate of the Provincial Town House did the trucks go?

17 [15.38.48]

18 A. It went towards the east. It means, in the direction of the  
19 water flowing down.

20 Q. But if you have the gate of the Provincial Town Hall in your  
21 back, did the cars go left or did the cars go right?

22 A. If I had my back to the Provincial Town Hall, the trucks went  
23 to the left.

24 Q. You tried to get on one of them, but you failed at that and  
25 then you saw, I presume, the trucks leaving. How long did you

1 have the trucks in your vision?

2 A. It was a little bit more than one hour.

3 [15.40.17]

4 Q. Maybe you didn't understand me well Mr. Witness. You saw the  
5 trucks leave; how long were you able to see, with your own eyes,  
6 the trucks driving?

7 A. Please repeat your question. I don't get it.

8 Q. You were standing on the road; you were seeing the trucks  
9 leaving. How long did you have those trucks with your eyes - how  
10 long were you able to follow those trucks with your eyes; one  
11 minute, two minutes, three minutes or an hour as you said?

12 A. I did not stand and waiting there at the gate. I was running  
13 after one of the trucks, but I was not allowed to get onto the  
14 truck. So then the truck kept going, so I tried to get on another  
15 one, but no luck again. So it was quite a while. It could be  
16 between 15 minutes to half an hour before the trucks disappeared.

17 Q. Are you sure about that, Mr. Witness? Could you give a  
18 description of this road that is in front of the Provincial Town  
19 House; how long are you able to see cars or trucks people on that  
20 road?

21 A. The road from the provincial town hall from Tuol Po Chrey, -  
22 if I was standing there and just watched the trucks going, I  
23 could see the trucks going for about one kilometre and then it  
24 would disappear at a turn.

25 Q. Turn where? Which direction did they go after one kilometre?

1 A. When - if I were to stand with my back to the provincial town  
2 hall, the trucks would go toward the left.

3 Q. And you saw them go left after about one kilometre. Is that  
4 what you're saying?

5 A. Yes.

6 Q. Is it correct to say you only saw them go to the left but you  
7 didn't see them drive to Tuol Po Chrey?

8 A. That is correct.

9 Q. You only saw them driving away and after one kilometre, go  
10 left. Is that a fair summary?

11 A. Yes.

12 [15.44.25]

13 Q. Now I move on to the last subject. Mr. Witness, you said that  
14 three days after you saw those trucks leave, you encountered Phat  
15 and Dor. How do you know - how do you remember it was three days  
16 after the trucks had left?

17 A. Please repeat your question.

18 Q. You said that you met Phat and Dor three days after you saw  
19 the trucks leave the provincial town. Can you explain to us how  
20 you know - how you remember it was only three days - or it was  
21 three days?

22 A. I met the two people who told me that they fled from Tuol Po  
23 Chrey. They whispered to me briefly about that and they talked  
24 about the killing there. And of course, I mentioned that in my  
25 P.V. that two weeks later, they were chased and arrested for



1 execution.

2 Q. But my question is how you know – how you remember it was only  
3 three days? Was the meeting of the second day, for instance, at a  
4 Tuesday and you met them on a Friday or something else? How do  
5 you know it was three days?

6 [15.46.20]

7 A. It could not be more than three days. That was based on the  
8 facts that the bulldozers were sent in that area to bury the dead  
9 bodies.

10 Q. Now you are speculating, I think, Mr. Witness. Can you give us  
11 concrete facts on which you base your recollection that it was  
12 three days later that you saw Phat and Dor?

13 A. It was based on when the bulldozers were sent. And I knew that  
14 it was three days after that when the bulldozers were sent and I  
15 saw the bulldozers, and it means that the killing took place  
16 before the bulldozers was sent. And I was even told that I should  
17 be careful.

18 Q. Were Phat and Dor also present during that second meeting?

19 A. I did not see them but as I said, they told me that they were  
20 with the victims who fled from the Tuol Po Chrey.

21 Q. So you have no recollection whatsoever of Phat and Dor being  
22 present that second day or that first day?

23 A. Indeed, because there were many, many people.

24 [15.48.50]

25 Q. Do you remember the details that Phat and Dor gave you about

1 what they had seen the days before?

2 A. We did not have a proper conversation, as we were all  
3 vigilant. They told me that I should be careful.

4 Q. I'm sure, but Mr. Witness, I understood your testimony that  
5 they had witnessed the execution of the very same people that you  
6 had meetings with during the two days. Surely they gave you some  
7 details of the things they had seen before.

8 A. They - we did not talk for long and we were the victims and we  
9 could not meet for long, as we could have been monitored and  
10 investigated.

11 Q. But Mr. Witness, you just explained that you were present at a  
12 meeting of 500 and these 500 people were sent away in trucks.  
13 Three days later, you meet Phat and Dor and they are saying,  
14 according to your testimony, that all those people apparently  
15 have been killed. Now please remember - try to remember if they  
16 had given you any details about what they had seen with their own  
17 eyes.

18 [15.51.00]

19 MR. PRESIDENT:

20 Witness, you do not need to respond to this question. I believe  
21 the witness' response is sufficient already.

22 MR. KOPPE:

23 Indeed, Mr. President. I think I will finish my questioning, Mr.  
24 President. Thank you.

25 QUESTIONING BY MR. VERCKEN:

1 Q. Good afternoon, Mr. Witness. My name is Arthur Vercken. I am  
2 one of the lawyers representing Mr. Khieu Samphan. I have a few  
3 questions of clarification to put to you. I seek to cross-check  
4 some points that I'm not sure I fully understood. With respect to  
5 the first meeting you attended, following defeat, did it – was it  
6 held at Bakan city hall? Is this correct?

7 A. I already stated that I left Svay Doun Keo and then I arrived  
8 at that location at night and I stated that in my P.V. clearly.  
9 The meeting was held at the Bakan district.

10 Q. Was it held at the city hall of Bakan? And if so, what village  
11 held the building of the district of Bakan?

12 A. Bakan office – district office was next to National Road  
13 number five that is within the Bakan district.

14 [15.53.29]

15 Q. And is Bakan district office located in a town or village call  
16 Trapeang Chong?

17 A. It was to the West of Trapeang Chong. It was about 300 metres  
18 – 300 to 500 metres from Trapeang Chong?

19 Q. How many kilometres away from Pursat was it located – the  
20 district office of Bakan?

21 A. It was between 10 to 15 kilometres.

22 Q. During the first meeting which was held at the Bakan district  
23 office, did you – were you still wearing your military uniform?

24 A. At that time, I was still wearing the military uniform.

25 Q. And at what time during the day was the meeting at Bakan

1 district office held?

2 A. The – I could not know when the meeting started but once I  
3 arrived at that location, the meeting was underway and then we  
4 were asked to join the meeting.

5 [15.55.40]

6 Q. And around what time of the day did the meeting held at Bakan  
7 district office end?

8 A. I did not stay until the conclusion of the meeting and I  
9 mentioned that in my P.V. I actually crawled myself out of the  
10 meeting and then I went forward.

11 Q. Did you flee from the meeting? Is that correct, Mr. Witness?

12 A. I secretly left the meeting.

13 Q. Why?

14 A. The reason was that once we were travelling for one whole day,  
15 we were fired upon. It means that they did not trust us.

16 Q. So you were fired at during the meeting that took place Bakan  
17 district office?

18 A. When we left Svay Doun Keo.

19 Q. But why did you crawl out of the meeting? Was there a precise  
20 reason why you decided to secretly leave the meeting before it  
21 ended?

22 [15.58.05]

23 A. Personally, I hurried to go and reunite with my family.

24 Q. And when you state that you wanted to meet your family, are  
25 you talking about your family that was residing in your native

1 village of Svay Luong?

2 (No interpretation)

3 Q. Perhaps the witness' lack of an answer is due to my poor  
4 pronunciation. You had to return to your native village in order  
5 to join your family. What is the name of your native village?

6 A. It was Svay Luong village, (inaudible) commune, Bakan  
7 district, Pursat province.

8 Q. And in that village – did you arrive in that village following  
9 the first meeting that was held at the Bakan district office?

10 A. Yes, indeed.

11 Q. At what point did you take off your military uniform?

12 [16.00.00]

13 A. I did that the following morning when I got to my village. We  
14 had to take off all the uniforms and we had to float the removed  
15 uniforms onto Pursat River.

16 Q. Why did you throw your uniforms into the river? Was it so that  
17 they couldn't be found at your house? Is that the reason?

18 A. It is true, yes.

19 Q. Why didn't you want anybody to find your military uniforms at  
20 your home?

21 A. If they saw then we would be dead.

22 Q. Nevertheless, Mr. Witness, the same day you go to Pursat to  
23 the provincial office to attend a very large meeting in which you  
24 know a lot of people and which includes a good many soldiers that  
25 you were used to working with. Now wasn't that extremely

1 dangerous to go to that meeting, especially since you were trying  
2 to hide the fact that you were a member of Lon Nol's army?

3 [16.02.25]

4 A. Not I, alone, who had to take off our military uniforms.  
5 Other, former soldiers had to remove their uniforms as well, to  
6 make sure that we could blend in civilians easily.

7 Q. Yes, but you were dicing with death, if they found out that  
8 you were a soldier as you, yourself said. And you also said that  
9 at the second meeting that was held at Pursat, you knew an awful  
10 lot of the people. So how was it that you were prepared to run  
11 such a risk, while at the same time, you were trying to conceal  
12 your previous military activities?

13 A. I am afraid you - I don't understand your question. You asked  
14 about why should I run such a risk. Can you be - please be more  
15 precise?

16 Q. You're on the battlefield. People shoot at you. You retreat  
17 and show a white flag. You then attend a meeting in the Bakan  
18 district office, which you then run away from. You go back to  
19 your birth place. You throw your uniform into a river because you  
20 know that you're risking death if you're found out to be a member  
21 of Lon Nol's army.

22 And despite all of that, on the very same day, you run the risk  
23 of going to Pursat to the provincial office to attend a meeting  
24 which brings together all of your fellow soldiers, military and  
25 civilian people who are your former colleagues, who very well

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1 might have pinpointed you as a former Lon Nol soldier. And my  
2 question is why, since up to then, you took all of the  
3 precautions that you told us about, did you then run the risk of  
4 going to the second meeting in Pursat?

5 [16.05.19]

6 MR. PRESIDENT:

7 Mr. Witness, could you please hold on? And Mr. Prosecutor, you  
8 may now proceed.

9 MR. SMITH:

10 Your Honour, I don't disagree with the general proposition of the  
11 question but the evidence is not that the witness went to the  
12 second meeting or the first meeting, in Pursat on the same day as  
13 the Bakan district office. It was a week later. The question  
14 might be still relevant but it's - you've heard the evidence,  
15 Your Honours, that on the 24th and 25th, the meeting was in  
16 Pursat and the meeting in the Bakan district office was on the  
17 17th of April or thereabout. So it's a week later but the premise  
18 of the question is obviously relevant but it's certainly wasn't  
19 the same day. That's not his testimony.

20 MR. VERCKEN:

21 Thank you, Mr. Prosecutor, for that important detail.

22 [16.06.38]

23 BY MR. VERCKEN:

24 Q. Mr. Witness, my question stands. Although you took all of  
25 these precautions to avoid being pinpointed as a former Lon Nol

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1 soldier, why did you take the mortal risk of going to the second  
2 meeting that was held in Pursat?

3 A. To me, it was not a risk but it was a great precaution when I  
4 attended these events because I had to grasp what's being said in  
5 that meeting.

6 Q. So your curiosity got the better of the mortal risk you were  
7 running. Can we say that?

8 MR. VERCKEN:

9 Please, may I hear the translation in French of the witness'  
10 response. Mr. Witness, I don't think your response came across on  
11 the system.

12 A. Can you please repeat that question?

13 BY MR. VERCKEN:

14 Q. Curiosity got the better of the mortal risk you were running.  
15 Am I right?

16 A. Yes, you are.

17 [16.08.45]

18 Q. Let's move to another issue, Mr. Witness. At the start of your  
19 questioning with the Prosecutor's office, you explained, at some  
20 length, that you belonged to the Education Ministry and the  
21 purpose of that particular department was to protect the  
22 Cambodian heritage, including that of the Democratic Kampuchea  
23 period. Is that correct?

24 A. No, it isn't. It didn't serve or work in the Democratic  
25 Kampuchea period.



1 Q. I'm talking about after that period.

2 A. Are you referring to the 1979 event?

3 Q. Yes, I want to know if you belonged to associations or  
4 organizations that were gathering evidence to organize a trial of  
5 the Khmer Rouge.

6 A. After the Khmer Rouge Regime was over and after 1979, of  
7 course, I took part in the education field in the Ministry of  
8 Education and I worked as a teacher. And at that time, I was  
9 provided some training in Phnom Penh and there was a document  
10 presentation regarding how we gather documents from across the  
11 country. And at that time, I was chosen as one of the  
12 representatives who could present the team, who got the evidence  
13 or the documents about the Democratic Kampuchea Regime. And you  
14 can also go and check to find out my name who, in Pursat, that'd  
15 be representing such a group.

16 Q. In addition to working as an organizer in that association,  
17 were you yourself also designated as a witness?

18 A. All five of us were the witnesses representing Pursat  
19 province.

20 [16.12.38]

21 Q. Later, in the subsequent years in your work, did you ever get  
22 instructions from the government to destroy any evidence of what  
23 had happened in your region in the Democratic Kampuchea days?

24 A. So far as I remember, there was approval from the upper level  
25 to destroy evidence at villages and communes. It was unanimously

1 agreed throughout the country.

2 Q. Are we talking about destroying documents; what kind of  
3 evidence was involved here?

4 A. In 1979 at each village and commune, they collected the  
5 remains of the deceased from different stupas and then to store  
6 and different stupas, but later on there was a policy to have  
7 them removed.

8 MR. PRESIDENT:

9 Counsel Vercken, you may have five more minutes for questioning  
10 this witness.

11 BY MR. VERCKEN:

12 Thank you, Mr. President.

13 Q. Apart from moving these remains, did you yourself become aware  
14 that documents that might have served as evidence for things that  
15 occurred during Democratic Kampuchea had been destroyed on the  
16 orders of the government?

17 MR. SUM ALAT:

18 A. The instruction was in a formal written form that these  
19 remains had to be destroyed.

20 [16.15.31]

21 MR. PRESIDENT:

22 I believe that the question would not be like that. The question  
23 was about the content of the document; whether documents in the  
24 form of evidence was also subject for being destroyed, not that  
25 the instruction was in the form of written document. I think the

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1 question should be repeated and witness should be now listening  
2 to the question again to respond precisely to what's being asked.

3 BY MR. VERCKEN:

4 Q. At that time, was evidence dating back to Democratic Kampuchea  
5 destroyed?

6 MR. SUM ALAT:

7 A. No, documents remained. They were not destroyed.

8 [16.16.40]

9 Q. When were those instructions issued; could you tell us which  
10 year it was?

11 A. Which instruction please? Can you clarify this?

12 Q. The instructions requesting you to destroy evidence?

13 A. The instruction was for us to destroy the stupas and the crime  
14 sites and though I did not see whether documents were destroyed,  
15 but there was a common consensus at each commune and village that  
16 we had to destroy the remains of the deceased.

17 Q. One last question, sir. I suggest to you that when you met the  
18 Investigators from this Court, you said that these instructions  
19 concerned the destruction of documents and you said that you had  
20 indeed started to destroy documents. Can you remember having said  
21 that to the Court's Investigators?

22 A. I don't understand your question. Can you please repeat it?

23 Q. I've been told that the interpretation to Khmer might have  
24 been slightly confusing, so let me repeat this. I am reminding  
25 you that when you met the Investigators of this Tribunal on the

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1 10th of June 2008, you told them that the government's  
2 instructions were for you to destroy documents and you also told  
3 them that you had, indeed, started to destroy documentary  
4 evidence.

5 [16.19.57]

6 Do you remember having told them that?

7 MR. PRESIDENT:

8 Mr. Witness, could you please hold on and Counsel Vercken, can  
9 you refer the Chamber to any particular portion of the statement  
10 this witness gave to the Investigators so that we are on the same  
11 page. It is rather confusing now because we already clarified the  
12 destruction of documents because if this matter is not well  
13 verified then it would be very dangerous. So please make sure you  
14 pinpoint to the right portion of the wordings of his statement  
15 before putting this question to him again.

16 [16.20.54]

17 MR. VERCKEN:

18 Well this is the same difficulty that I faced yesterday, Mr.  
19 President. It was a rather complex experience yesterday. I am, in  
20 fact, referring to a recording of the interview with the witness  
21 with the Court's Investigators, D12548R and it's from one hour,  
22 58 minutes at which point the witness explains to the  
23 Investigators that he had received government instructions to  
24 destroy evidence and that he had in fact begun to do precisely  
25 that.

1 MR. PRESIDENT:

2 Mr. Witness, could you please now respond to the question.

3 Remember, documents are evidence in the form of documents would  
4 refer to hard copies of documents like this. And the other thing  
5 would be Exhibits, so please distinguish the term "Exhibits" and  
6 "evidence" because evidence is in the form of documents or  
7 recordings or other means, but now when we refer to evidence,  
8 perhaps documents also help people to understand this. So the  
9 question is whether documents or evidence in the form of  
10 documents were ever instructed to destroy?

11 [16.22.43]

12 MR. SUM ALAT:

13 A. To be precisely clear, we - I would like to say that no  
14 document was ever destroyed. It was instruction for me and for  
15 others to destroy only the Exhibits rather, the remains of the  
16 people who could have died during the Democratic Kampuchea period  
17 and the idea was that these remains shall be cremated other than  
18 being put up on display. So documents still were intact; they  
19 were not destroyed and the destruction here refers to only the  
20 skulls, the bones, the remains that were put up on display. And  
21 because we, Cambodian people are Buddhist, having seen such  
22 skulls that being put up on display like that didn't do any good  
23 to us; so there was an instruction to have them destroyed,  
24 destroy the remains of these people including the bones and  
25 skulls and, indeed, we did not do anything or receive any

1 instruction to destroy documents.

2 [16.24.10]

3 MR. VERCKEN:

4 Mr. President, I don't think I can really take this any further.

5 MR. PRESIDENT:

6 You asked for 20 minutes and we've been kind enough to offer you

7 25 minutes. So we should have learned from how time has been

8 allocated to other parties, so it should be enough already for

9 you. Mr. Sum Alat, your testimony now comes to an end. Mr.

10 Vercken, we already stopped you here because you were offered 25

11 minutes, actually originally the Chamber wished to offer you only

12 20 minutes and we were kind enough to offer you extra five

13 minutes. Now your time was already used.

14 MR. VERCKEN:

15 That's actually what I was saying, Mr. President. You cut off my

16 microphone when I was explaining I could go no further and that

17 is why I'm just taking the floor again, to say I can go no

18 further and to make it clear that I will -

19 [16.25.36]

20 MR. PRESIDENT:

21 Now you have used the extra six minutes already. We already

22 reminded you that you had five minutes remaining a moment ago and

23 that we already flagged you on this.

24 Mr. Sum Alat, your testimony now comes to an end. You are now

25 excused. The Court is very grateful to your attendance and your

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1 testimony during the whole day; we appreciate your patience and  
2 efforts. Your testimony helps ascertain the truth. The Chamber  
3 wishes you all the best and safe travels and the hearing today  
4 comes to an end.

5 Also the Chamber will adjourn now. The next hearing will be  
6 convened on Monday next week, starting at 9.00 a.m. On Monday  
7 next week, the Chamber will continue the hearing on the key  
8 documents' presentation.

9 The floor that would be given to counsels for Mr. Nuon Chea and  
10 the response or observations will be made by counsel for Mr. Nuon  
11 Chea to the Co-Prosecutors and the Co-Lawyers for the civil  
12 parties during the previous hearing.

13 [16.27.33]

14 And we would like to inform the public and the parties to the  
15 proceeding of the schedule.

16 Court officer is now directed to assist with the WESU unit to  
17 make sure that Mr. Sum Alat is returned home safe and sound.

18 And security personnel are now directed to bring Mr. Khieu  
19 Samphan and Nuon Chea back to the detention facility and have  
20 them returned to the court room on Monday, the 8th of July at  
21 9.00 a.m. Mr. Nuon Chea shall be returned only to his holding  
22 cell downstairs, where he can observe the proceedings through  
23 audio-visual link.

24 The Court is adjourned.

25 (Court adjourns at 1628H)