



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
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Sann Rada
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 June 2012

Trial Day 72

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

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INDEX

MR. SAO SARUN (TCW-604)

Questioning by Mr. Lysak resumes page 2

Questioning by Ms. Ty Srinna..... page 50

MR. KHOEM NGORN (TCW-323)

Questioning by Mr. De Wilde D'Estmael resumes page 60

Questioning by Mr. Lor Chunthy page 75

Questioning by Mr. Nekuie page 81

Questioning by Mr. Pestman page 85

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. KHOEM NGORN (TCW-323)	Khmer
MR. KONG SAM ONN	Khmer
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
MR. NEKUIE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PESTMAN	English
MR. SAO SARUN (TCW-604)	Khmer
MR. SON ARUN	Khmer
MS. TY SRINNA	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Before we proceed, the Chamber wishes to hear from the greffier
6 of the Trial Chamber concerning the parties to the proceeding --
7 current person's status including the witness.

8 THE GREFFIER:

9 Good morning, Mr. President, Your Honours. All parties to the
10 proceedings are present except the accused person Mr. Ieng Sary,
11 who is now at the holding cell.

12 Mr. Ieng Sary, through his counsel, has waived his right to be
13 present in the courtroom for the full session today. His waiver
14 has already been forwarded to the greffier of the Trial Chamber.
15 Mr. Khoem Ngorn is also available and ready to be called.

16 MR. PRESIDENT:

17 Thank you.

18 [09.04.25]

19 The Chamber -- the Trial Chamber is seized of the waiver of Mr.
20 Ieng Sary, through his counsels, waiving his right to be present
21 in the courtroom. The waiver signed on the 11th of June 2012. Mr.
22 Ieng Sary has requested that he be permitted to observe the
23 proceedings from the holding cell due -- due to his health
24 concern that he cannot remain seated long enough in the
25 courtroom.

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1 The Chamber notes that Mr. Ieng Sary has waived his right to be
2 present in the courtroom. However, he can still observe the
3 proceedings from the holding cell through video-link --
4 audio-video link and by this means, he can also contact his
5 counsels should he wish.

6 Therefore, the Chamber grants the request. Mr. Ieng Sary is now
7 allowed to observe the proceedings from his holding cell for the
8 whole day today.

9 AV booth officials are now instructed to ensure that the AV
10 equipment are well connected to the holding -- to the holding
11 cell so that Mr. Ieng Sary can observe the proceedings from
12 there.

13 Next, we would like to proceed to the Co-Prosecution to put
14 questions to this witness before us today. You may now proceed.

15 QUESTIONING BY MR. LYSAK RESUMES:

16 Thank you, and good morning, Mr. President and members of the
17 Bench. Good morning, Mr. Sao Sarun.

18 Q. When we stopped last week, we were talking about a meeting
19 that you had in Phnom Penh and some communications that you had
20 with Khieu Samphan. I want to continue asking you a little more
21 about the issue of requests that you made for equipment or
22 supplies.

23 Can you tell us how often you made requests for equipment or
24 supplies to the leaders in Phnom Penh?

25 MR. SAO SARUN:

3

1 A. The request was not made very frequently. We made one single
2 request for the supplies or equipment to be used for the whole
3 year.

4 Q. And how many times did you, personally, make requests to Khieu
5 Samphan that you recall?

6 MR. VERCKEN:

7 Mr. President.

8 [09.08.00]

9 MR. PRESIDENT:

10 Counsel, you may proceed.

11 MR. VERCKEN:

12 I thank you very much. I believe that question is repetitive. The
13 witness has already answered it.

14 MR. LYSAK:

15 Mr. President, the witness has indicated how many times he had
16 chit-chats or communications, but I think I would like to clarify
17 how many times he made requests and then proceed from there.

18 MR. PRESIDENT:

19 The objection by counsel for Mr. Khieu Samphan is not sustained.

20 The -- the Chamber wishes to hear the response from the witness
21 to the question put by the prosecutor. Witness is now instructed
22 to respond.

23 [09.08.03]

24 MR. SAO SARUN:

25 Could counsel -- could Co-Prosecutor put the question again to be

1 sure?

2 BY MR. LYSAK:

3 Q. Yes. My question is: How many times did you make requests to
4 Khieu Samphan -- did you make requests, personally, to Khieu
5 Samphan for equipments or supplies?

6 MR. SAO SARUN:

7 A. I only chit chatted with him, that's all.

8 Q. You indicated last week that in this one chit-chat, that you
9 had requested some equipment or supplies. What was Mr. Khieu
10 Samphan's response to your request?

11 A. We only chit chatted on some economic issues and that's all.

12 [09.10.22]

13 Q. Last week, you told us that malaria was a disease that was
14 problematic during the Democratic Kampuchea period. You also
15 indicated that your recollection was that you had sufficient
16 available medicine in the sector. Can you tell us what medicine
17 you had available in Mondulkiri to treat malaria during the
18 Democratic Kampuchea period?

19 A. Yes, we had some medicine, as indicated. However, when it
20 comes to the specific kind of medicine for the treatment, I'm
21 afraid I don't know because it's the medic's business.

22 Q. Do you recall, during the year 1978, when -- we've seen that
23 you sent a number of telegrams and had a number of meetings in
24 Phnom Penh -- do you recall requesting medicine or medical
25 supplies from the leaders in Phnom Penh during that year?

5

1 A. Normally, the request for medical supplies would be dealt with
2 by the medic section so I have no idea about this.

3 [09.12.20]

4 Q. Now, the issue of the conversations with Khieu Samphan came up
5 in the context of a meeting that you were telling us about that
6 you had travelled to Phnom -- to Phnom Penh with -- to have a
7 meeting with Pol Pot, Nuon Chea, Son Sen, and Khieu Samphan,
8 which took place about two to three months after the death of Ta
9 Laing. And last week, you told us about matters that you reported
10 on in that meeting with Pol Pot, Nuon Chea, Son Sen, and Khieu
11 Samphan.

12 What I'd like to ask you now is what instructions you received
13 from the leaders at that meeting in Phnom Penh.

14 A. The instructions I received from the leaders were concerning
15 how to lead the people to do farming and how to make them good
16 citizen, that's all.

17 Q. Did you receive instructions also, at that meeting, relating
18 to Vietnam?

19 A. No, I didn't.

20 [09.13.55]

21 MR. LYSAK:

22 Mr. President, we would like at this point to read from the first
23 interview conducted by the Investigating Judges of this witness,
24 which is E3/367. And the specific ERN references are: Khmer,
25 00251439; English ERN 00278696; and French ERN 00486011. And we'd

6

1 also like to put that on the screen if we may.

2 MR. PRESIDENT:

3 You may proceed.

4 Personnel concerned are now instructed to ensure that the
5 document can be put up on the monitors.

6 BY MR. LYSAK:

7 Q. The -- in your first interview, Mr. Sao Sarun, you made the
8 following statement - quote -- and this was a statement in
9 relation to the meeting, that we've been discussing -- quote: "We
10 reported to them our activities at the sector. We were instructed
11 to strengthen the economy and resist against Vietnam."

12 [09.15.34]

13 Do you confirm today that you received that instruction from the
14 leaders at this meeting?

15 MR. SAO SARUN:

16 A. It is true, the statement that I made before the
17 Co-Investigating Judges, as cited.

18 Q. And can you tell us what instructions you received from Pol
19 Pot, Nuon Chea, Son Sen, and Khieu Samphan on the subject of
20 resisting against the Vietnamese?

21 MR. PRESIDENT:

22 Counsel may proceed.

23 But witness is now asked to hold on after the Chamber hears the
24 counsel first.

25 You may proceed.

7

1 MR. PAUW:

2 Thank you, Mr. President. I think the way that question is
3 phrased is leading.

4 In the statement of the witness before the Co-Investigating
5 Judges, he makes it clear that it was Pol Pot speaking about
6 Vietnam so I would like the question to reflect that it was,
7 according to the witness at least, Pol Pot that gave -- gave
8 instructions about the Vietnamese issue. Thank you.

9 [09.17.12]

10 BY MR. LYSAK:

11 Q. Mr. President, I'm happy to rephrase the question to let the
12 witness tell us that: Mr. Witness, can you tell us what
13 instructions you received on the subject of resisting against the
14 Vietnamese and who provided the instructions?

15 MR. SAO SARUN:

16 A. I think you may repeat the question, I'm not quite sure I got
17 it.

18 Q. Yes. The question is: What instructions were you given
19 regarding resisting the Vietnamese and who was it that gave you
20 those instructions?

21 A. Pol Pot gave the instructions like that. He said we had to
22 resist against them because they invaded us.

23 Q. And then, when you -- when you returned to Mondulkiri after
24 your meeting -- meetings with the leaders in Phnom Penh, were you
25 expected to implement the instructions that you had received from

1 them?

2 A. Yes, I was and as indicated, we had to do something in
3 resisting against the Vietnamese.

4 [09.19.10]

5 Q. And when you returned from your meetings in Phnom Penh, did
6 you hold meetings in Mondulkiri with sector or district officials
7 to convey the instructions to them?

8 A. Yes, I did.

9 Q. Who -- who would be invited from the sector to attend these
10 meetings?

11 A. The district committees and sector committees would be the
12 ones who were invited to attend the meetings, including commune
13 committees, as well.

14 Q. Were representatives of the sector military invited to attend
15 these meetings?

16 A. I may need clarification on the question whether the -- you
17 are asking about the meetings in Phnom Penh or at the respective
18 sector.

19 [09.20.49]

20 Q. Yes, I'm asking about the meetings you held when you returned
21 to Mondulkiri. Did those meetings include representatives of the
22 sector military?

23 A. Yes, there were people from the district and the military
24 sections of the sector were also invited to attend the meetings.

25 Q. Last week, Mr. Sao Sarun, I read to you and asked these

9

1 questions -- a number of questions from the interview of a friend
2 of yours, someone you knew there, Mr. Ham Ansi.

3 Mr. President, I'd like to now ask the witness about another
4 excerpt from the Ham Ansi interview, which is document E3/366.

5 And the specific reference we'd like to use is at Khmer ERN
6 00242414, English ERN 00250751, and French ERN 00283166 to 67.

7 And we'd also like to put up -- put that on the screen, with your
8 permission.

9 [09.22.37]

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. LYSAK:

13 Q. When Ham Ansi was interviewed, he made the following statement
14 that I would like to ask you about -- quote:

15 "I know that sector-level leaders went to meetings at the Centre.
16 Once every month, in meetings attended by the sector com, the
17 sector army, and the district coms, the sector com brought the
18 word from the Centre level and explained to us to produce food
19 and not let there be any shortages, to defend the border with
20 Vietnam, and to track down the embedded enemies who contacted the
21 Vietnamese and the enemy traitors." End of quote.

22 [09.23.39]

23 My question to you, Mr. Sao Sarun, is whether, as was stated by
24 Ham Ansi, that the instructions that were conveyed by the Centre
25 and communicated to sector and district officials at these

10

1 meetings in Mondulkiri included instructions "to track down the
2 embedded enemies" and traitors.

3 MR. SAO SARUN:

4 A. Yes, there were orders from the top and we, at the lower
5 levels, had to ensure that the orders be implemented.

6 Q. Who was it from the top that provided the order to track down
7 embedded enemies and traitors?

8 A. It was Pol Pot.

9 Q. Can you tell us, Mr. Sao Sarun, what was done to follow Pol
10 Pot's order and "to track down embedded enemies" and traitors in
11 Mondulkiri?

12 A. There was nothing else, other than that.

13 [09.25.45]

14 Q. We'll come back a little -- a little more to that subject
15 later, Mr. Witness.

16 Now, for the time being, I'd like to move on to a different
17 subject. On Thursday, I questioned you regarding three telegrams
18 that you sent to Office 870, the last one of which was telegram
19 54, dated 23 April 1978.

20 Today, I would like to ask you just a couple of questions about
21 the next telegram that we have from you which is dated 24th of
22 April 1978 and is telegram 55. And, Mr. President, that document
23 is E3/498. It's also in the case file as D201/6.1. And we request
24 -- I'd like to proceed to ask to read the telegram to the witness
25 first and ask him some questions and we'll also display the

11

1 telegram on the screen if we may.

2 [09.27.11]

3 MR. PRESIDENT:

4 You may proceed.

5 BY MR. LYSAK:

6 Q. Mr. Sao Sarun, let me start by reading this telegram to you --

7 it's a fairly short telegram -- and then I'll have a few

8 questions for you.

9 The telegram is addressed respectfully -- sent to "Respected

10 Brother". It's telegram number 55, from you, dated 24th of April

11 1978, and it has three paragraphs in it.

12 The first paragraph states as follows:

13 "1. About the enemy's situation, at 1 o'clock at night on the

14 23rd of April 1978, the Yuon enemy attacked the division office

15 in Teh town for about six or seven minutes. We counter-attacked

16 them vigorously. Based on our examination, some of them were

17 wounded."

18 The second paragraph in your telegram states as follows:

19 "The matter of O Chbar dam, on the night of the 22nd of April,

20 there was a heavy rain causing O Chbar to be flooded, but it did

21 not break any part of the dam."

22 [09.28.44]

23 And the third item in your telegram states -- quote:

24 "Requesting for some parts for the Rev truck, including one

25 injection pump, some fuel injections for the Rev truck, injection

12

1 pumps for 600 truck, and six fuel injections..."

2 And a number of other items are listed.

3 My first question for you is: Is this a telegram you recall
4 sending on the -- around the 24th of April 1978? Do you recall
5 this -- recall these matters?

6 MR. SAO SARUN:

7 A. Yes, I do. That -- that was an attack at the division office
8 and we had to counter-attack severely because we had to defend
9 ourselves.

10 [09.29.56]

11 Q. And your telegram indicates that the attack occurred at the
12 division office in Teh city. Where was Teh city located?

13 A. It was in Krang Teh commune. That was the division. The attack
14 was at the division. The attack was intense and we had to
15 counter-attack them.

16 Q. Was -- was this a city that was located near the border --
17 near the Vietnamese border?

18 A. It was quite far from the border. I am not sure, but it was
19 far.

20 Q. At the bottom of your telegram, there a distribution list that
21 indicates that copies were sent to - quote: "Uncle Nuon, Uncle
22 Van, Uncle Vorn, office, and archive."

23 There's a similar or identical distribution list at the bottom of
24 telegram 54 that I asked you about last week.

25 My question is: Did you write these lists of persons to -- to

13

1 whom copies of the telegrams were to be distributed or was this
2 list written by someone else after you sent the telegram?

3 A. The letter was sent to Pol Pot. It was someone else who wrote
4 this.

5 [09.32.33]

6 Q. Thank you. We've now seen four telegram reports that you sent
7 to the Party leaders in Phnom Penh from -- between the April --
8 1st of January 1978 and the 24th of April 1978. Can you tell the
9 Court why you were sending reports to the Party leaders in Phnom
10 Penh during that time period?

11 A. Well, it was to be done monthly. The report was to be done
12 monthly. Even though the situation remains the same, we had to
13 write up the report and send it to Pol Pot.

14 Q. And was the reason that you were sending the reports because
15 this was after Secretary Laing had been killed?

16 A. Right. Before, I did not have any right to do so, but after
17 Laing died, I was appointed to do -- to task -- that is, to
18 report to Pol Pot.

19 [09.34.22]

20 Q. You confirmed, last week, that the responses you received to
21 your telegrams were addressed either by Pol Pot, Nuon Chea, or
22 M-870.

23 What I wanted to ask you now is: What types of telegrams do you
24 recall receiving from Nuon Chea?

25 A. I cannot recollect that, it was a long time ago.

14

1 MR. LYSAK:

2 Mr. President, if I can read from a section of the witness's
3 first interview with the Co-Investigating Judges, which is
4 document E3/367, at Khmer, 00251440, English ERN 00278696, and
5 French ERN 00486012, and put that on the screen if we may.

6 MR. PRESIDENT:

7 You may proceed.

8 BY MR. LYSAK:

9 Q. In your interview with the Investigating Judges, Mr. Sao
10 Sarun, you provided the following testimony -- quote:

11 Question: "Who else did you receive telegrams from?"

12 Answer: "I received them from Nuon Chea from time to time. They
13 described about going to study and the educational learning
14 sessions."

15 [09.36.27]

16 Does that refresh your recollection as to the types of telegrams
17 you remember receiving from Nuon Chea?

18 MR. SAO SARUN:

19 A. Yes, it is true, as I stated before the Investigating Judges.

20 Q. In relation to the telegrams that you sent to Phnom Penh, who
21 established the format and procedure for sending those telegrams?

22 A. Could you please ask me again? It's not clear to me.

23 Q. Who is it that instructed on how telegrams were to be sent to
24 Phnom Penh and the form of the telegrams? Did you receive any
25 instructions on that matter?

15

1 [09.37.54]

2 A. It was Pol Pot who instructed me.

3 Q. And can you tell us when was it that Pol Pot provided
4 instructions to you regarding the format and procedure for
5 sending telegrams to Phnom Penh?

6 A. It was a long time ago, I do not remember it.

7 MR. LYSAK:

8 Let me see if I can refresh your recollection again.

9 Mr. President, we'd like to read from what was the second
10 interview of the witness by the Co-Investigating Judges. It is
11 document E3/383, and the reference is at, Khmer, 00345910 through
12 345911, English ERN 00350262, and French ERN 00361762. And we
13 would like to put that document on the screen as well.

14 MR. PRESIDENT:

15 You may proceed.

16 [09.39.50]

17 BY MR. LYSAK:

18 Q. In your interview you provided the following testimony, Mr.

19 Sao Sarun:

20 Question: "Did you take or set the numerical order yourself?"

21 Answer: "The centre set it and all sectors or zones had to do it
22 in the same format."

23 Question: "How did you receive such instructions from the
24 Centre?"

25 Answer: "I received the instruction from Pol Pot when he chaired

16

1 a meeting among sector committees and zone committees. The
2 meeting was held in a place near the Royal Palace in Phnom Penh."
3 Does that refresh your recollection as to when you received the
4 instruction from Pol Pot relating to the sending of telegrams?

5 MR. SAO SARUN:

6 A. Yes, I stand by my statement before the Co-Investigating
7 Judges. It is clear. I stand.

8 [09.41.05]

9 Q. How many people were present at this meeting between Pol Pot
10 and the zone and sector committees? Do you recall whether this
11 was a small meeting or a large meeting?

12 A. I do not know. I do not know about the number of people, there
13 were many people but I cannot tell how many of them were there.

14 Q. How many times did you go to Phnom Penh to attend a meeting
15 between Pol Pot and the sector and zone committees?

16 A. Since I was appointed I went there only once in September -
17 rather, September 2008 (sic), and then, when the Vietnamese came
18 in, we fled to the forest.

19 Q. Were all the zones and all independent sectors in the country
20 represented at this meeting?

21 A. I cannot tell, I do not know, but they were there all
22 together.

23 [09.43.12]

24 Q. Okay. We've previously talked about a couple of trips that you
25 took to Phnom Penh after the death of sector secretary Laing, one

17

1 that was immediately after his death, and another that was two or
2 three months after his death.

3 Did you later travel to Phnom Penh for a Party Congress that was
4 held in September 1978 around the time of the Party anniversary?

5 A. As I stated earlier, it was in September 2008 (sic), there was
6 a general assembly. The representatives of all provinces came and
7 participated there.

8 Q. In the answer that was translated to me, it said "September of
9 2008". Did you actually mean 1978? This was something that
10 happened during the Democratic Kampuchea period?

11 A. It was in September 2008, it is clear.

12 MR. PRESIDENT:

13 Can witness clarify the date? Do you mean in September 1978,
14 which is the Democratic Kampuchea period, or do you really mean
15 September 2008? Can you therefore clarify the date, whether you
16 mean September 1978 or September 2008?

17 [09.45.27]

18 MR. SAO SARUN:

19 A. My apologies; I have a poor memory. It was in 1978, not in
20 2008.

21 BY MR. LYSAK:

22 Thank you, Mr. President.

23 Q. Can you tell us, Mr. Sao Sarun, what subjects were discussed
24 at the Party Congress that was held in September 1978?

25 MR. SAO SARUN:

18

1 A. Importantly, it was to foster the leadership over the people.
2 That was to make sure that they had food to eat and they had
3 houses to stay in for all our family, for them to have enough to
4 eat.

5 Q. Do you recall whether there was any discussion at this
6 congress about the possible reopening of markets?

7 [09.47.05]

8 A. I don't think I hear that.

9 MR. LYSAK:

10 Mr. President, if we could read again from the first OCIJ
11 interview of the witness, which is
12 document E3/367, and the excerpt we would like to read is at
13 Khmer ERN 00251437, English ERN 00278694, and French ERN
14 00486010. And we would put that on the screen also, with your
15 permission.

16 MR. PRESIDENT:

17 You may proceed.

18 [09.48.02]

19 BY MR. LYSAK:

20 In your first interview with the Investigating Judges, Mr. Sao
21 Sarun, you made the following statement -- quote:

22 "During the Party's anniversary, probably in September 1978, I
23 attended the study session nationwide assembly regarding the
24 currency printing and money circulation allowing the people to
25 return to the cities, the reopening of markets, and I did not

19

1 hear about reopening of monastery. In that meeting, they also
2 raised the reasons that the changes occurred, because Angkar had
3 eliminated all enemies. Pol Pot personally declared that policy
4 and all other dignitaries in the opening and closing sessions sat
5 next to each other and listened to him."

6 Do you confirm the statement today? Is this a true statement
7 about what took place at the September 1978 Congress?

8 [09.49.24]

9 MR. SAO SARUN:

10 A. Yes, I do, I stand by my statements before the
11 Co-Investigating Judges. The message was intended for the people.
12 It is like what I have said to the Co-Investigating Judges.

13 Q. Your statement references other dignitaries who were present.
14 Do you remember who were the other Party leaders who attended
15 this congress?

16 A. I did not know them at that time. When they were called on,
17 and then I understood that they were dignitaries.

18 MR. LYSAK:

19 Mr. President, if I can continue to read to the witness the next
20 section from that same interview E3/367, which is the same page
21 cites as before, if I may proceed?

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [09.51.04]

25 BY MR. LYSAK:

20

1 Q. In -- also in your first interview, Mr. Sao Sarun, on the
2 subject of this meeting you made the following statement --
3 quote:

4 "The persons who attended in the opening and closing sessions
5 included Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary, Ieng
6 Thirith, and Son Sen, but Nuon Chea gave more presentations than
7 the others."

8 Do you confirm that this is a correct description of the
9 September 1978 Party Congress?

10 MR. SAO SARUN:

11 A. Yes, I do, I stand by what I have said before the
12 Investigating Judges.

13 Q. Do you recall what subjects Nuon Chea gave presentations on at
14 the congress?

15 A. I remember that he presented on the management of people, good
16 management of the people to provide houses to the people and to
17 provide food to the people.

18 [09.52.48]

19 Q. Do you recall whether presentations were made by Khieu Samphan
20 at this congress?

21 A. No, there was not.

22 Q. And do you recall whether there were any presentations by Ieng
23 Sary at the Party Congress?

24 A. No, there was not either.

25 Q. You indicated in your statement that at the congress Pol Pot

21

1 announced that markets would be reopened and that people would be
2 allowed to return to the cities because Angkar had eliminated all
3 the enemies. Do you recall what the reaction was of the Party
4 cadres in attendance at the meeting when this announcement was
5 made?

6 A. Money was to be used again and for the people to return to the
7 cities, but there were no reactions from the cadres in the
8 attendance.

9 Q. Where was this congress held and how long did it last?

10 [09.54.42]

11 A. The congress was held, but I do not know about the place, but
12 the congress last for 10 days.

13 Q. And was this a large meeting that was attended by
14 representatives from throughout the country?

15 A. It was a large congress; there were representatives from all
16 provinces across the country.

17 Q. Did the meeting include representatives from the military?

18 A. There were.

19 Q. And was this a meeting that was attended by the members of the
20 Party's Central Committee?

21 A. Yes, there were.

22 [09.56.12]

23 Q. Can you describe for us who the cadres were who were invited
24 to attend the meeting? Was it only cadres from a certain echelon
25 or level up?

22

1 A. We had a representative from the sector, from divisions, from
2 all sectors and from all divisions.

3 MR. LYSAK:

4 Now, Mr. President, if I may read another excerpt from the same
5 interview, which is E3/367 -- and it is again a continuation from
6 the same ERN pages that I just presented a few minutes ago -- if
7 we may put that on the screen again?

8 MR. PRESIDENT:

9 You may proceed.

10 [09.57.19]

11 BY MR. LYSAK:

12 Q. In your first interview with the Investigating Judges, Mr. Sao
13 Sarun, you made the following statement -- quote:

14 "The attendees in that meeting were from all over the country,
15 including soldiers and civilians who held the ranks from
16 battalion chiefs and district com or higher." End of quote.

17 Does that refresh your recollection on who the cadres were who
18 were invited to attend this congress?

19 MR. SAO SARUN:

20 A. I stand by my statements before the Co-Investigating Judges.
21 They were representatives of the sector, the division, and the
22 military.

23 Q. Now, how did you know who were the members of the Central
24 Committee who were in attendance at this meeting?

25 A. I knew because they were called on to the stage.

1 Q. Do you recall approximately how many people were called up on
2 to the stage?

3 [09.59.07]

4 A. I cannot recollect the number of those people, but I recall
5 that people were called on to the stage.

6 Q. Where were you seated in relation to the stage?

7 A. I was about four or 10 metres away from the stage.

8 Q. Were you at a table that had been set up for the
9 representatives from Mondulkiri?

10 A. There were tables prepared for respective provinces.

11 Q. Just so I understand correctly, were members of the Central
12 Committee identified and called to come on to the stage? Is that
13 how you knew that members of the Central Committee were present
14 at this meeting?

15 A. Yes, these are the people I remember, people who were on the
16 stage.

17 [10.01.05]

18 Q. Who were the members of the Central Committee that you do
19 recall being called up to the stage?

20 A. I cannot recollect this very well. I just noted having seen
21 them being called up in to the stage one by one.

22 MR. LYSAK:

23 Now, Mr. President, if I may read from a different interview of
24 the witness, which was his fourth interview? It is document
25 E3/404 that was also in the case file as D232/30. And the

24

1 reference I would like to ask the witness about is at Khmer ERN
2 00398480, English ERN 00403024 through 403025, and French ERN
3 00484198. And, again, we would like to put that on to the screen.

4 MR. PRESIDENT:

5 You may proceed.

6 [10.02.58]

7 BY MR. LYSAK:

8 Q. In your fourth interview with the Investigating Judges you
9 made the following statement -- quote:

10 "In September 1978, at Borei Keila, near the Olympic Stadium, the
11 Central Committee that included all members of the Central
12 Committee, namely Pol Pot, Khieu Samphan, Nuon Chea, Ieng
13 Thirith, and Ieng Sary, as well as the representatives of all
14 provinces and the representatives of all divisions participated
15 in the Great Congress. In total, there were many hundreds of
16 people."

17 Do you confirm that this is an accurate statement about the
18 September 1978 Congress, Mr. Witness?

19 MR. SAO SARUN:

20 A. Yes, I do. Things that I stated before the Co-Investigating
21 Judges are correct.

22 Q. And does this refresh your memory about where the congress was
23 held?

24 [10.04.32]

25 A. I think -- indeed, as you already cited my statement in the

25

1 paragraph just now, and that's all I can say.

2 Q. And as you indicated in the statement, was Khieu Samphan one
3 of the members -- people who was identified as a member of the
4 Central Committee and called to the stage at the congress?

5 A. Yes, it's correct.

6 Q. And was Ieng Sary also identified as a member of the Central
7 Committee and called to the stage?

8 A. Yes, it is correct.

9 Q. Do you remember whether the Central Committee included leaders
10 from the provinces such as Ta Mok?

11 [10.05.54]

12 A. No, I don't know Ta Mok.

13 Q. Do you know whether prior to his death -- whether Mondulkiri
14 sector secretary Laing had been a member of the Central
15 Committee?

16 A. I heard that he was in the Central Committee.

17 Q. Now, was the Party Congress that we've been discussing an
18 event that was held annually in September of each year?

19 A. I had not known anything about this before I was appointed as
20 the - appointed the position I had been holding.

21 Q. Who else from Mondulkiri came with you to this Party Congress?

22 A. There were people from the division and me.

23 [10.07.44]

24 Q. Do you recall whether -- which people from the division came
25 with you?

26

1 A. I do not recall the exact number of people and who they were.

2 Q. And by "the division", are you referring to Division 920?

3 A. Yes, I am. It was Division 920, and people who were from the
4 division attended the meeting.

5 Q. Was it during this Party Congress in September 1978 that you
6 were officially appointed as the secretary of Sector 105?

7 A. Yes, it is correct. It was in 1978, the September of 1978,
8 when I was appointed.

9 Q. And was your appointment announced at the big meeting that all
10 the representatives were present at or was it announced at some
11 different meeting?

12 A. My appointment was announced during the congress held in
13 September 1978.

14 Q. Were there other appointments, in addition to yours, that were
15 also announced at the congress?

16 [10.10.08]

17 A. No, there wasn't. I was the only person appointed during that
18 time.

19 Q. While you were in Phnom Penh for this congress in September
20 1978, were you asked to read a confession that implicated you?

21 A. No, I wasn't.

22 MR. LYSAK:

23 Mr. President, we'd like to read at this time from -- this is
24 again the first interview of the witness, E3/367, and it is an
25 excerpt from Khmer ERN 00251440, English ERN 00278697, and French

1 ERN 00486012. And, again, we'd like to put that on the screen if
2 we may?

3 MR. PRESIDENT:

4 Indeed, you may proceed.

5 [10.11.48]

6 BY MR. LYSAK:

7 Q. At your first interview with the Investigating Judges you made
8 the following statement:

9 "When I went to attend the Party anniversary in September 1978,
10 Pol Pot asked me to read a confession. I did not know the
11 confessor but he or she implicated me, Ta Lan, and Meang
12 altogether."

13 Do you confirm that this is a correct statement of an event that
14 happened at the September -- during the time you were in Phnom
15 Penh in September 1978?

16 MR. SAO SARUN:

17 A. Yes, I do remember this, and I read the confession. I did not
18 know who exactly the confessor was because the person appeared to
19 implicate me arbitrarily, and I did not do anything wrong and I
20 was still implicated.

21 Q. And was it Pol Pot that provided you with this confession, as
22 indicated in your statement?

23 [10.13.31]

24 A. Yes.

25 Q. Where was it that this took place? Where was it that you met

1 with Pol Pot and he showed you a confession that implicated you?

2 A. I was sent the confession from a location, a nearby location
3 to which I don't know.

4 Q. And when you say that the confession was sent to you, where
5 was it that you received the confession?

6 A. I could not recollect the location. I know that it was in
7 Phnom Penh, but I just don't remember the exact location.

8 [10.14.48]

9 Q. Do you remember where you stayed in Phnom Penh while you were
10 present for the September 1978 Congress?

11 A. I stayed at the place where the congress was held. There was a
12 house. It's a few stories building reserved for accommodating
13 people who attended the meetings.

14 Q. How did you know that the confession that was sent to you had
15 been sent by Pol Pot?

16 A. I knew that it was sent from him. I was thinking about the
17 content of the confession which implicated me by a person who
18 just implicated me for the sake of implication.

19 Q. Do you remember what it was that this person had said about
20 you in the confession?

21 A. It was Pol Pot.

22 Q. Perhaps you misunderstood my question. My question was: The
23 person who had written this confession -- do you remember what
24 the confession that implicated you -- what it said about you in
25 the confession?

1 A. I don't remember the detailed content of the implication,
2 although I know I was implicated in that confession.

3 [10.17.26]

4 Q. Did you have a conversation with Pol Pot about the confession
5 after it had been sent to you?

6 A. No, I didn't meet with him to discuss this.

7 Q. During your testimony since you've been at the Court, Mr. Sao
8 Sarun, you've mentioned a number of times the Sector 105 military
9 or security chief, Ta Sophea. Were you close to Ta Sophea?

10 A. Yes, I was normally close in my capacity as co workers.

11 [10.18.24]

12 Q. Well, was he your brother-in-law who was married to your
13 sister named Lat?

14 A. Yes, he was. He got married to my sister.

15 Q. Were they married during the Democratic Kampuchea regime or
16 before that?

17 A. They got married during the Samdech Euv's regime.

18 Q. How often did you see Ta Sophea in 1978?

19 A. I did not see him very often. I only met him during meetings.
20 Without such meeting I would not meet him.

21 MR. LYSAK:

22 I would now like to read you another excerpt from the OCIJ
23 interview of Ham Ansi that we've been using before. And, Mr.
24 President, this is document E3/366, and the excerpt that I would
25 like to ask the witness about is at, Khmer, 00242413 through

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1 242414, English ERN 00250750, and French ERN 00283166. And if we
2 can put that on the screen as well?

3 MR. PRESIDENT:

4 You may proceed.

5 [10.21.27]

6 BY MR. LYSAK:

7 Q. Mr. Witness, in his interview with the Investigating Judges,
8 Ham Ansi made the following statement - quote:

9 "Ta Sophea let me read confessions from the Centre in which
10 soldiers of Division 920 had implicated persons they knew and
11 fellow soldiers. I don't remember the names of the persons who
12 made the confessions. I remember that one person they implicated
13 was the chairman of a company based in Kaev Seima district." End
14 of quote.

15 Can you confirm whether confessions from the Centre were sent to
16 the Sector 105 military chief, Ta Sophea?

17 [10.22.31]

18 MR. SAO SARUN:

19 A. No, I do not know anything about this.

20 Q. At the September 1978 Congress that we've been discussing, did
21 Pol Pot announce a change in the Party policy relating to
22 arrests?

23 A. He did say so. He said that there shall not be any arrests and
24 people from the division had no authority to arrest others.

25 Q. Did Pol Pot say that civilian and military cadres should stop

31

1 killings and arrests, unless a prior summons from the Centre was
2 obtained?

3 A. Yes, as I indicated earlier, that whatever happened, without
4 prior summons from the Central Committee, people were not allowed
5 to be ?? arrested by any persons from division.

6 [10.24.29]

7 Q. And in your last interview with the Co Investigating Judges
8 you were read a document, which was document D189.1 -- E3/764.
9 The document that was read to you is a 20 June 1978 document that
10 is titled - quote -- "Guidance of the Central Committee of the
11 Communist Party of Kampuchea on the Party's policy towards
12 Mislead Persons Who Have Joined the CIA, Served as Yuon Agents,
13 or Joined the KGB and Opposed the Party, Revolution, People, and
14 Democratic Kampuchea" -- end of the title.

15 Do you recall, in your last interview, the Co Investigating
16 Judges reading that document to you and whether that -- the
17 document that they read to you was part of the policy, the new
18 policy on arrests that you had heard announced at the September
19 1978 Congress?

20 A. The documents were read out to me on that, by the Co
21 Investigating Judges.

22 [10.26.20]

23 Q. And the document that was read to you, do you recall that that
24 was part of the new policy that had been announced at the
25 September 1978 Congress?

1 A. Yes, it is correct.

2 MR. LYSAK:

3 Now, Mr. President, if we may put that document E3/764, which is
4 also D189.1, up on the screen? I want to read and ask the witness
5 about the very last paragraph at the end of that document.

6 MR. PRESIDENT:

7 You may proceed.

8 MR. LYSAK:

9 Just to correct the record, I'm told by my colleague that there
10 was a -- that the document that I read was translated
11 incorrectly.

12 The case file -- original case file number was D189.1. There are
13 two versions of this that have been assigned E3 numbers. One is
14 E3/764, and there is also -- the identical document, I believe,
15 is E3/763.

16 [10.28.35]

17 And Mr. President, I'll proceed just to read the last part of
18 this.

19 MR. PRESIDENT:

20 You may proceed.

21 BY MR. LYSAK:

22 Q. At the very end of this document, Mr. Sao Sarun, there is a
23 paragraph titled "Instructions for the Application of This
24 Guidance", and the first part of that paragraph of the
25 instructions states as follows -- quote:

33

1 "It is requested to all the regions, sectors, and the military
2 units to take this above guidance to educate and to conduct
3 meetings inside their respective parties, core organizations,
4 ministries and offices, in the military units, cooperatives,
5 factories, and worksites in order that all the masses of people
6 will learn about this policy of the Party."

7 [10.29.51]

8 Now, my first question for you is: Do you recall whether copies
9 of this document were distributed to you and other
10 representatives at the Party Congress so that you could
11 disseminate the policy to your organizations?

12 MR. SAO SARUN:

13 A. It is like that. It is correct, as you have just read to me,
14 that the document was distributed during the congress.

15 Q. And can you tell us what you did, when you returned to
16 Mondulkiri, to communicate and implement this new policy of the
17 Party in your sector?

18 A. Yes, I disseminated that not only to the districts but also to
19 the communes for the people to be fully informed of the
20 instructions.

21 [10.31.22]

22 Q. Did you hold any meetings at which you announced this new
23 policy of the Party?

24 A. I called on the people to attend a meeting and for them to
25 further disseminate the information to the people in these

34

1 districts.

2 Q. Thank you, Mr. Sao Sarun.

3 Now, you have stated that Pol Pot announced at the September 1978
4 Congress that the markets were to be reopened and people allowed
5 to return to the cities and that he had said the reason for the
6 changes was that Angkar had eliminated all enemies. Were the
7 markets reopened and people allowed to return to Phnom Penh and
8 other cities in October 1978, following the Party Congress?

9 A. It was like that, as I said to the Investigating Judges.

10 MR. PRESIDENT:

11 Thank you, Prosecutor. Thank you, Witness.

12 It is now appropriate for us to take a short break. We will take
13 a 20-minute break. We will come back at 10.50.

14 Court officer is instructed to accommodate the witness and his
15 duty counsel in his waiting room and to return the witness to
16 this courtroom before we resume.

17 The Court is now adjourned.

18 THE GREFFIER:

19 All rise.

20 (Court recesses from 1033H to 1054H)

21 MR. PRESIDENT:

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

23 The floor is now given back to the prosecutor to continue his
24 questioning to this witness.

25 BY MR. LYSAK:

35

1 Thank you, Mr. President. Let me pick up where I left off.

2 Q. The last question I asked you -- I was not asking you to
3 confirm again what Pol Pot said at the congress regarding the
4 reopening of markets and people returning to Phnom Penh. What I
5 wanted to ask you now was whether after -- after that meeting,
6 during the last three months of the Democratic Kampuchea regime
7 -- that is, October and November and December 1978 -- did the
8 Party actually start recirculating currency and open the markets
9 during those three months? Did that actually take place?

10 [10.55.50]

11 MR. SAO SARUN:

12 A. That's what he said.

13 Q. Oh, I understand that that's what Pol Pot said. What I'm
14 asking you is whether that actually happened in either October or
15 November or December 1978. Did you start recirculating currency
16 and reopening the markets in that time period, or did that not
17 happen?

18 [10.56.35]

19 A. I do not know because after the congress meeting finished, I
20 went out of Phnom Penh.

21 MR. LYSAK:

22 Okay.

23 I'd like to turn back to the document that you had just
24 identified that had been announced at the Party Congress by Pol
25 Pot, and a document that had -- you confirmed had been provided

36

1 to you and that you went back to Mondulkiri sector and instructed
2 the people there about.

3 And, Mr. President, I'd like to put on the screen -- this is
4 document E3/764, and the excerpt that I would like to ask the
5 witness about is at Khmer ERN 00079280, English ERN 00275218, and
6 French ERN 00623529. And we'd like to put that on the screen as
7 well, with your permission.

8 [10.58.11]

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 BY MR. LYSAK:

12 Q. Mr. Sao Sarun, I'm going to read to you a section from the
13 document that you just testified was announced at the Party
14 Congress, given to you and other representatives, and that you
15 went back to instruct your people in the sector on. And that
16 section reads as follows - quote:

17 "Fourthly, for those who joined with the CIA, Yuon or KGB from
18 1975-1978:

19 "Regarding those who have joined the CIA, Yuon or KGB after the
20 liberation, the Party will divide them into two categories as
21 follows:

22 "First category: any person who is recalcitrant, who still
23 continues to carry out his or her activity against the CPK, the
24 State revolutionary authority, the workers -- farmers, the
25 socialist collective regime, Kampuchean people, and the

1 Democratic Kampuchea, such person shall be punished because he or
2 she is carrying out traitorous activity intentionally, with his
3 or her resolute opposing stance, with their satisfaction stance
4 in serving the enemies such as the CIA, Yuon, and KGB. This sort
5 of people has made the clear marks of their own boundaries, thus
6 the CPK must eliminate them."

7 [11.00.02]

8 My question to you is: Can you recall any comments that Pol Pot
9 made on this part of the policy at the September 1978 Congress?

10 MR. SAO SARUN:

11 A. Yes. These documents was read out to me by the Investigating
12 Judges, and this was the document circulated during the 1978
13 Congress.

14 Q. And do you recall whether there were, in fact, further arrests
15 of alleged traitors or enemies from Mondulkiri sector after the
16 September 1978 Congress?

17 [11.01.12]

18 A. No, there was not. After September 1978, no one was arrested.

19 Q. I'd like to try to refresh your recollection on that issue by
20 turning now to some events from late in 1978. Towards the end of
21 1978, did you make another trip to Phnom Penh?

22 A. I seem to forget about that, it was a long time ago.

23 MR. LYSAK:

24 Mr. President, if I can read from the first interview given by
25 the witness to the Co-Investigating Judges, which is document

1 E3/367, and the reference is at Khmer ERN 00251439, English ERN
2 00278696, and French ERN 00486012. And if we could put that on
3 the screen?

4 [11.02.53]

5 MR. PRESIDENT:

6 You may proceed.

7 BY MR. LYSAK:

8 Q. In your first interview with the Co-Investigating Judges, you
9 made the following statement - quote:

10 "About one or two weeks before the Vietnamese fighting and
11 occupying Phnom Penh, I received one telegram from Pol Pot -- I
12 did not see any copying to anyone -- calling me, Sophea, Ta Lan,
13 and Ta Lork to a meeting in Phnom Penh." End of quote.

14 Does this refresh your recollection about a meeting that you were
15 called to attend in Phnom Penh in the latter part of 1978?

16 MR. SAO SARUN:

17 A. Yes, we went to the meeting. The names mentioned are correct.

18 Q. And is it correct that you were informed to go this meeting by
19 a telegram that you received from Pol Pot?

20 [11.04.17]

21 A. Yes, a telegram was sent to me calling me to a meeting.

22 Q. And did that telegram identify the other cadres from the
23 sector that were also to come to Phnom Penh?

24 A. No, there was not. Only those I said earlier.

25 Q. Yes, that's what I was asking you. For example, did the

39

1 telegram specifically identify Ta Sopheha as one of the people who
2 was to come to Phnom Penh?

3 A. Yes, it was -- the name was clearly identified in the
4 telegram.

5 Q. Do you recall that the deputy secretary of Division 920, Ta
6 Kim, was also called to go on this trip with you?

7 A. I forget all about it.

8 Q. Do you remember who you met with in Phnom Penh?

9 A. I went -- rather, I met with Pol Pot.

10 [11.06.33]

11 Q. And do you recall whether there were also other leaders
12 present at the meeting from Phnom Penh?

13 A. No, I don't think so. There was only Pol Pot.

14 MR. LYSAK:

15 Mr. President, if I can read another short excerpt from that same
16 interview, which is E3/367? And it is a continuation of the same
17 pages that I mentioned just before.

18 MR. PRESIDENT:

19 You may proceed.

20 [11.07.20]

21 BY MR. LYSAK:

22 Q. Mr. Sao Sarun, in your interview with the Investigating
23 Judges, continuing on the subject of the same meeting, or the
24 same trip to Phnom Penh, you made the following statement --
25 quote: "The four of us flew to meet with Pol Pot, Son Sen, and

40

1 Nuon Chea at the same Pol Pot's office behind the Royal Palace."

2 Do you confirm that that is an accurate statement as to who you
3 met with when you arrived in Phnom Penh?

4 MR. SAO SARUN:

5 A. I stand by my statements before the Co-Investigating Judges.

6 Q. The person you identified as Ta Lan, who came on this trip,
7 can you remind us what his position was at -- as of December
8 1978?

9 A. His role was -- was with the military. It was with the
10 regiment - rather [corrects interpreter], it was at the
11 battalion.

12 [11.09.02]

13 Q. Was he the commander of one of the two battalions in the
14 Sector 105 military?

15 A. Just -- he was at the battalion, but I cannot recall the code
16 number of that battalion. It was a long time ago.

17 MR. LYSAK:

18 Mr. President, I'd like to read and ask the witness about a
19 statement that has been made by Ta Lan, the person he just
20 identified, who accompanied him on this trip, to see if that
21 refreshes his recollection. The document is D125/151, and the
22 specific sites are: Khmer, 00236734, English ERN 00244338, and
23 French ERN 00274832. If I may proceed?

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 [11.10.38]

2 BY MR. LYSAK:

3 Q. Mr. Witness, Ta Lan has made the following statement about
4 this trip that you went on -- quote:

5 "One day in 1978 I was asked by Ta Sophea and Ta Sarun to board
6 an airplane to go to Phnom Penh. Accompanying them were Ta Kim,
7 the deputy of Division 920, Ta Lork -- identified as Ta Laing's
8 elder brother and member of the Sector 105 committee, and Ta
9 Vieng. When we arrived at Pochentong Airport, they detained Ta
10 Kim. One night later, I saw they called Ta Sophea to get in a car
11 and drove away. He disappeared since." End of quote.

12 Does this refresh your recollection that Deputy Secretary Kim of
13 Division 920 was also called to go to Phnom Penh, and that he was
14 arrested immediately upon your arrival at the airport?

15 MR. SAO SARUN:

16 A. Yes, I can recall that. When we arrived in Phnom Penh he was
17 taken away, but I was not aware of the reason why he was driven
18 away.

19 [11.12.20]

20 Q. Who was it that came to the airport and drove him away?

21 A. I did not know who they were.

22 Q. How many people were there who took away Ta Kim?

23 A. I cannot recall it -- I cannot recall the number of people
24 there.

25 Q. Did you ever see Ta Kim again?

1 A. No, I did not.

2 Q. Can you tell us what happened to your brother-in-law, Ta
3 Sophea, on this trip?

4 A. During our trip to Phnom Penh, nothing happened.

5 [11.13.52]

6 MR. LYSAK:

7 Mr. President, at this time, to again assist in refreshing the
8 recollection of the witness, I would like to read from the OCIJ
9 statement of Ham Ansi, which is document E3/366, at Khmer ERN
10 00242413, French ERN 00283165, and English ERN 00250750, and put
11 that on the screen also, if we may.

12 MR. PRESIDENT:

13 You may proceed.

14 BY MR. LYSAK:

15 Q. Mr. Sao Sarun, in his statement, Ham Ansi indicated the
16 following -- quote:

17 "Once, when I was meeting with Ta Lork and Ta Sarun, they told me
18 that Ta Sophea had been taken to study in Phnom Penh."

19 Is it correct that Ta Sophea was taken away while you were in
20 Phnom Penh?

21 MR. SAO SARUN:

22 A. Yes, it is correct. It was that -- that he was taken to study.
23 But he disappeared since then. We never saw him again.

24 [11.15.48]

25 Q. And do you recall, when you met with Pol Pot, Nuon Chea, and

43

1 Son Sen during this trip, was anything said about Ta Sopheha at
2 that meeting?

3 A. Yes, I remember. It was not mentioned. Nothing was mentioned
4 about that Ta Sopheha.

5 MR. LYSAK:

6 Mr. President, I'd like to read from document E3/367, which is
7 the initial interview of this witness by the Co-Investigating
8 Judges, and the excerpt is from Khmer ERN 00251439, English ERN
9 00278696, and French ERN 00486012. And we'd also like to put that
10 on the screen.

11 [11.17.12]

12 MR. PRESIDENT:

13 You may proceed.

14 BY MR. LYSAK:

15 Q. In your initial interview with the Investigating Judges, you
16 made the following statement -- quote:

17 "Pol Pot told us to try to strengthen our forces and strategies
18 to resist Vietnam. At that time he did not refer to anyone as a
19 traitor, but he said that Sopheha, from the military section,
20 should stay and work on the military affairs and had the three of
21 us fly back to Kaoh Nheak. Sopheha disappeared forever since
22 then."

23 Is that a correct statement of what Pol Pot said regarding To
24 Sopheha -- Ta Sopheha at your meeting with him?

25 MR. SAO SARUN:

44

1 A. This is correct. He said about strengthening our forces to
2 resist Vietnam. This is correct. This what he said.

3 [11.18.25]

4 Q. And did he also make the statement that you indicated
5 regarding Ta Sophea needing to stay in Phnom Penh?

6 A. He did say so. He said Ta Sophea was to stay and work there,
7 but he was never seen again.

8 Q. Mr. Sao Sarun, to refresh your recollection of the timing of
9 this meeting, we have a prisoner log from S-21 which records that
10 Sector 105 member Huot Ke alias Sophea entered S-21 on the 6th of
11 December 1978. For the record, that is document D108/26.280, at
12 Khmer ERN 00086832, English ERN 00789507. And we also have a S-21
13 confession of Division 920 deputy secretary, Chan Kim, which is
14 dated the 10th of December 1978, and it is document D159/3.4.

15 [11.20.13]

16 Now, you have stated that your trip occurred one or two weeks
17 before the Vietnamese arrived in Phnom Penh. Does this refresh
18 your recollection that the trip during which Sophea and Kim
19 disappeared occurred more like one month before the Vietnamese
20 arrived? Is that consistent with your memory of when your trip to
21 Phnom Penh occurred?

22 A. I would like you to clarify your question a bit further.

23 Q. Yes. We have records that show that the date on which Sophea
24 entered -- indicating that the date on which Sophea entered S-21
25 was the 6th of December 1978. Does that help you recall the time

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1 period when you went to Phnom Penh for this meeting? Was it
2 approximately one month before the Vietnamese arrived?

3 A. I don't remember this issue. It was a long time ago.

4 Q. And have you ever seen your brother-in-law, Ta Sophea, since
5 the trip you went on with him to Phnom Penh in late 1978?

6 A. No, I never saw him again after he was kept and said he was to
7 work in Phnom Penh.

8 [11.22.36]

9 Q. I'd like to turn now to just a few questions about the Phnom
10 Kraoh security office in Mondulkiri. Can you tell us who was
11 responsible for supervising the Phnom Kraol security office in
12 Mondulkiri?

13 A. I would like you to clarify. We do not have Phnom Kraol.

14 Q. My mistake in pronunciation, I was referring to Phnom Kraol
15 security office. Can you tell us who was responsible for
16 supervising that office?

17 A. It was only Sophea.

18 Q. And who did Sophea report to?

19 A. At the time he reported to the chief of sector. He reported to
20 Ta Leng.

21 Q. Can you tell the Chamber who Ta Leng was?

22 A. Ta Leng was the sector chief.

23 [11.24.54]

24 Q. I actually was not asking about Leng. I was asking about a
25 different person, Ta Leng -- spelled, in the English spelling,

1 L-e-n-g. Do you recall a Leng who was located at the Phnom Kraol
2 office?

3 A. I do not know about Ta Leng because he came from Rattanakiri.

4 Q. Can you tell the Chamber what happened to Ta Leng in 1977 or
5 1978?

6 A. I do not know about that.

7 MR. LYSAK:

8 Mr. President, if I can read from the first interview of this
9 witness: E3/367, and the excerpt I would like to read is from,
10 Khmer, 00251440; English, 00278697; and French, 00486013. And
11 we'd like to put that on the screen also.

12 MR. PRESIDENT:

13 You may proceed.

14 [11.26.42]

15 BY MR. LYSAK:

16 Q. In your interview -- first interview with the Investigating
17 Judges, Mr. Witness, you made the following statement -- quote:
18 "Division 920 was one of the Centre's divisions that had the
19 right to arrest both the civilians and military at the sector
20 level. For example, Ta Leng was arrested." End of quote.

21 Do you confirm that this is an accurate -- this was an accurate
22 statement?

23 MR. SAO SARUN:

24 A. Yes I do. This is correct, as I said to the Co-Investigating
25 Judges.

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1 Q. What do you recall about the arrest of Ta Leng -- Ta Leng?

2 A. I do not remember about that. I do not know what happened to
3 him.

4 [11.27.56]

5 Q. How did you know that Division 920 had the right to arrest
6 both civilians and military in Mondulkiri sector?

7 A. I knew about that because when it came to the arrests, it was
8 to do with Division 922. Division 922 would designate their
9 forces to do the work.

10 Q. For the record, Mr. President, we have an S-21 confession from
11 Khveng Ngoc alias Leng, battalion secretary in Sector 105, which
12 is document D175/3.70.

13 I want to ask you about another person whose name you've
14 mentioned during your testimony. This was an individual who you
15 identified as the district secretary of Chbar district, whose
16 name was Cham. Do you recall this person?

17 A. Yes, it is correct.

18 Q. Can you tell us what happened to Chbar district secretary,
19 Cham, in 1978?

20 A. I don't know, because at that time I was at the district and
21 did not know much about that.

22 [11.30.12]

23 Q. Well, we have a S-21 log titled "Prisoners interrogated on the
24 8th of April 1978" that includes a Yeam Khrut alias Cham from
25 Sector 105, and it indicates that he entered S-21 on the 17th of

48

1 March 1978. This is document IS 16.101 at, Khmer, 00039833, and
2 English, 00234245.

3 Do you recall whether Cham disappeared during the Democratic
4 Kampuchea regime?

5 A. When Cham disappeared, I was still at the district and I do
6 not know more than that.

7 Q. Finally, Mr. Sao Sarun, on Thursday you claimed that an
8 individual who was identified in a telegram that you sent on the
9 9th of April 1978, which was document E3/1078 -- you claimed that
10 the person identified in your telegram as the individual
11 responsible for ordering the boat burning incident, a Mr. Lean,
12 was still alive, notwithstanding that we have an S-21 record
13 confirming his arrest.

14 [11.32.20]

15 If Kang Lean is still alive as you claim, can you tell the Court
16 where he is? Because as I indicated to you on Thursday, his
17 brother has not seen him since he disappeared after that boat
18 burning incident. If, as you say, he is alive, can you tell us
19 where he is?

20 A. If I stated before the Co-Investigating Judges that he's alive
21 in Mondulkiri. However, I don't know whether he has been arrested
22 or not because things happened long ago, after 1955 and 1956.

23 Q. When is the last time that you saw Kang Lean?

24 A. I -- when I went to my home town I saw him, although I don't
25 remember the exact date I met him. But I saw him.

1 Q. Very well.

2 Before I end, Mr. Sao Sarun, I must ask you: Are you somewhat
3 reluctant to appear here as a witness and testify against the
4 Accused? Are you here reluctantly?

5 [11.34.34]

6 A. No, I am not reluctant at all. I have nothing to be reluctant
7 about, and I already stated clear in my statements.

8 Q. I appreciate that. Are you aware that when court officials
9 first came to summons you to appear to testify at trial that they
10 were told by your commune chief that you were deceased?

11 A. At home, I had fallen very ill, and I had to be treated by a
12 herbal man, and because the illness was serious, I told my
13 children that I would not live. That's why people thought that I
14 died.

15 [11.35.45]

16 MR. LYSAK:

17 Thank you, Mr. Sao Sarun. I wanted to give you an opportunity to
18 address that, and I will leave it to the other parties if they
19 have any further questions for you on that matter.

20 Mr. President, thank you for the time, and that is all the
21 questions that I have at this time.

22 MR. PRESIDENT:

23 Thank you, Mr. Co-Prosecutor.

24 Now we would like to proceed to Lead Co-Lawyers for the civil
25 parties. The civil party counsels who had been authorized to put

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1 questions to the witness may proceed now.

2 QUESTIONING BY MS. TY SRINNA:

3 Good morning, Mr. President. Good morning, Your Honours. And good
4 morning, everyone.

5 I am Ty Srinna, representing the civil parties. I have a few
6 questions to put to the witness, but let me begin with my
7 greeting.

8 Q. Good morning, Mr. Sarun. My questions are under -- we have
9 some time frames for the questions from 1955 to -- rather, from
10 1970 to 1975.

11 [11.37.42]

12 The first question is: When you joined the revolution at the
13 outset, did you know who were the founders of the CPK?

14 MR. SAO SARUN:

15 A. No, I didn't.

16 Q. Could you please be more specific -- as you didn't know who
17 the founders of the CPK were, or you have no idea?

18 A. I just didn't know who the founders were.

19 Q. Last week you testified before the Chamber when questions put
20 by the prosecutors that in Kampong Thom in 1971 and 1972 you
21 attended meetings?

22 [11.38.55]

23 Do you remember what would be the subject of the meeting? Was
24 there a plan for 1975 of the CPK debated in the meeting?

25 A. I don't think I remember this because it was a very long time

1 ago.

2 Q. In those meetings, were plans to evacuate people from Phnom
3 Penh also raised?

4 A. I don't know. I haven't heard anything like that being raised
5 in the meetings.

6 Q. I would like now to move to another question. This starts from
7 1975 to 1979 period.

8 After the CPK took control of Cambodia on 17 April 1975, were you
9 aware or were you ever taught or explained about the Party's
10 policy concerning the Party structure and appointments of
11 individual in the Party's rank?

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

13 [11.40.57]

14 Q. To the prosecutors, you already stated that you attended
15 political sessions. Do you remember how often did you attend such
16 sessions?

17 A. After 1975, after the liberation, I only went to that session
18 on one occasion in Phnom Penh.

19 Q. Why did you attend the meeting? Do you know why?

20 A. I don't know why. The only reason I know was that I was called
21 to attend a meeting and I came.

22 Q. After the session, were you told that the lesson learned from
23 the session be implemented in the location you worked?

24 [11.42.23]

25 A. Indeed, we were told to impart -- or explain the content of

1 the meeting to the villagers because Phnom Penh was entirely
2 liberated back then.

3 Q. Last week, you indicated before the Co-Prosecutors that the
4 commune committee had to report to you once a month concerning
5 the production and housing. Could you tell the Court what was the
6 crop production like back then?

7 A. It is correct that villagers had to be well explained and
8 instructed on how to deal with the foods and housing to ensure
9 that everyone had enough food to eat and have -- had houses to
10 stay in.

11 Q. I mainly seek clarification and so that everyone is clear and
12 also to help you remember the events. What you are referring to
13 here is to the period when you worked as the secretary of the
14 district. At that time, when you -- in your capacity as the
15 secretary of the district, what were -- what is your view
16 concerning the production -- rice production of the villagers?

17 A. Ta Laing was managing the people and the people had enough
18 food to eat. They did not have food shortages.

19 [11.44.49]

20 Q. Could you describe the housing condition of the villagers? In
21 particular, how was a house like?

22 A. After the war, people would chop some trees to make their
23 improvised, makeshifts, a thatched house, like that.

24 Q. How was the housing organized? Were people on their own to
25 build their houses or were these properly managed by the

1 management?

2 A. The chief of the sector would order to the commune chiefs to
3 ensure that people were properly treated concerning housing.

4 Q. Were the houses already been built awaiting for people to live
5 in?

6 A. People -- the villagers themselves -- had to build the houses
7 and we in the management had to administer how houses were being
8 built.

9 Q. I may seek clarification. When you refer to the villagers, are
10 you referring to the villagers of Sector 105 or others as well?

11 A. I am referring to people all across the province, that's what
12 we were told.

13 [11.47.34]

14 Q. When you remained as the secretary of the district of Pech
15 Chenda, did you often go to Kaoh Nheaek District? I would like to
16 also emphasize that Ky was the secretary of Kaoh Nheaek.

17 My question is that: Did you go to Kaoh Nheaek very often to
18 attend meetings, for example?

19 A. Could you repeat the question? I'm not quite sure I got it.

20 Q. Did you often go to Kaoh Nheaek District?

21 A. I went there once a month when called to attend meetings. If I
22 was not called, I would never go there.

23 [11.48.52]

24 Q. Who called you to Kaoh Nheaek?

25 A. It was Ta Laing.

1 Q. Why meetings were held at Kaoh Nheaek?

2 A. The sector's office was located at Kaoh Nheaek location at
3 Phnom Kraol.

4 Q. Is it correct to say that the sector office is at -- was at
5 Phnom Kraol ?

6 A. Yes, it is correct.

7 Q. The office you're referring to is Office 105 or another
8 office?

9 A. Office 105 is a -- was a common office.

10 Q. So you were referring to another office other than Office 105.

11 Could you please be more specific on this?

12 [11.50.36]

13 A. In the whole Mondulkiri, it was coded by 105.

14 Q. I think I may need to repeat the question, I'm afraid you
15 didn't get it quite right.

16 My question is: The office you attended meetings was in Kaoh
17 Nheaek. What office was that? Who worked in that office?

18 A. The sector's office was called K-17.

19 Q. Last week you testified to the Co-Prosecutors that Office K-17
20 and Office K-11, as well as other re-correction office, all
21 located in Phnom Kraol; is that correct?

22 A. Yes, it is. I already have indicated that they were in Phnom
23 Kraol.

24 Q. Were these offices in one location or were -- far apart from
25 one another?

1 A. From K-17 to K-11, it was about 100 metres away.

2 Q. Could you tell the Court how people communicated from one
3 office to another? For example, how could K-11 communicate with
4 K-17 and other offices?

5 A. I don't know about the channel of communication. I just don't
6 know.

7 Q. When you went to Phnom Kraol, was Phnom Kraol in Kaoh Nheaek
8 or Kaoh Nheaek was actually in Phnom Kraol?

9 [11.54.12]

10 A. Kaoh Nheaek is the name of the district. Phnom Kraol was a
11 location in which K-17 office was located after the liberation--

12 MR. PRESIDENT:

13 Counsel, could you please be precise and also be mindful that
14 Kaoh Nheaek is a district? However, a sector could never be
15 located outside a district. For example, the city hall is in a
16 district, but currently this district vicinity is chained to a
17 provincial town.

18 So we hope counsel is well aware of this and try to put more good
19 questions. We are afraid that the counsel may have not studied
20 the geographical locations of this place, and for that you
21 haven't put good questions to the witness. And, again, it is
22 about Kaoh Nheaek and that the office located in that location.

23 [11.55.41]

24 MS. TY SRINNA:

25 Thank you, Mr. President.

56

1 I was trying to ask questions from the witness to clarify this--

2 MR. PRESIDENT:

3 Indeed, witness made clear statement concerning Phnom Kraol and
4 he maintains his position.

5 The problem is that counsel may have not understood these
6 geographical locations and how the locations are identified, and
7 a sector would be named to control that particular district and
8 other surrounding districts.

9 BY MS. TY SRINNA:

10 Thank you, Mr. President.

11 Q. I would like to move to another question: When you attend
12 meetings, did you observe that there were other villagers in the
13 surrounding location or were there only members of the Party
14 attending the meeting?

15 MR. SAO SARUN:

16 A. Yes, there were quite a number of people living in the
17 surrounding area.

18 Q. Did you observe newcomers to the location when you attended
19 each meeting?

20 A. No, there were no other new people other than the local
21 people.

22 [11.58.16]

23 Q. When you became the secretary of Sector 105, could you explain
24 to the Court the title "secretary" or the "chairperson" of the
25 sector? Why are these two terms used interchangeably? So could

57

1 you shed light on this?

2 A. Sometimes the term "secretary" of sector would be used.

3 Sometimes the term "chief" of the sector or "chairperson" of the
4 sector would be used. They would be used interchangeably, and

5 they -- these two terms were the same title. Like currently, we

6 use the term "governor" of the district, and also the "chief" of
7 the district. There is no difference.

8 Q. My next question is: When you came to be in charge of Sector
9 105, did you went -- did you go to work at the place where Laing
10 worked before?

11 A. When I was appointed the sector chief, I went to the same
12 place that Laing worked. I did not go to any other place. I went
13 to the same place.

14 [12.00.28]

15 Q. Did Laing leave any documents that was in his possession
16 during his job, and did you examine any of those documents?

17 A. There was no document left for me.

18 MR. PRESIDENT:

19 It is now appropriate for us to adjourn.

20 Thank you, Witness.

21 It is now appropriate for us to take the adjournment for lunch
22 break. We will adjourn until 1.30 in the afternoon.

23 The Chamber would like to inform the parties and the public that
24 the proceedings -- hearing the testimony of Mr. Sao Sarun is
25 adjourned now, and we will resume the hearing of his testimonies

1 tomorrow, from 9 o'clock.

2 In the afternoon session, the Chamber will hear the testimony of
3 Khoem Ngorn.

4 Parties have already been informed once about the alternative
5 schedule of hearing testimonies of witnesses used to the health
6 concerns of the witnesses. We are doing this in order to expedite
7 the proceedings and to facilitate the health conditions of the
8 witness.

9 [12.02.22]

10 Mr. Sao Sarun, the hearing of your testimony has not yet been
11 concluded. You are summonsed to come again tomorrow morning on
12 the 12th of June 2012, beginning at 9 o'clock in the morning.

13 As well, duty counsel is invited to come tomorrow and the
14 following days.

15 Court officer is now instructed to coordinate with WESU in order
16 to return witness Sao Sarun to his home and to bring him back
17 tomorrow morning, before 9 o'clock. And for the afternoon
18 session, Court officer is instructed to bring in witness Khoem
19 Ngorn before 1.30.

20 The Chamber also wishes to inform the party that due to the fact
21 that witness Khoem Ngorn is having a cold, and if we are not able
22 to proceed with hearing his testimony, the Chamber will instead
23 hear witness TCW-488.

24 Yes, Defence Counsel for Mr. Nuon Chea, you may proceed.

25 [12.04.14]

1 MR. PAUW:

2 Thank you, Mr. President. My client, Mr. Nuon Chea, would like to
3 follow the proceedings this afternoon from his holding cell, and
4 we have prepared the waiver.

5 MR. PRESIDENT:

6 Having heard the request of Mr. Nuon made through his counsel to
7 continue his proceedings from a holding cell remotely for the
8 remainder of today's proceedings by waiving his rights to be
9 present directly in this courtroom, the Chamber grants the
10 request made by Mr. Nuon Chea through his counsel to follow the
11 proceeding remotely by audio-visual means for the remainder of
12 today proceeding by waiving his rights to be present in this
13 courtroom.

14 [12.05.21]

15 Defence is instructed to submit to Chamber the written waiver
16 with the signature or thumbprint of Mr. Nuon Chea.

17 Audio-Visual Unit is instructed to live the proceeding to the
18 holding cell, where the accused person can follow the proceedings
19 for the remainder proceeding.

20 Security guards are now instructed to bring the two accused
21 persons to their holding cells and to keep Mr. Nuon Chea there,
22 where the audio-visual equipment have been installed for him to
23 follow the proceeding, and bring Mr. Khieu Samphan back to the
24 courtroom before 9.30.

25 The Court is now adjourned.

60

1 THE GREFFIER:

2 All rise.

3 (Court recesses from 1206H to 1331H)

4 MR. PRESIDENT:

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

6 We continue hearing the testimonies of Mr. Khoem Ngorn. Questions
7 remain to be put by the prosecutor.

8 The Chamber would like to hand over to the prosecutor to put
9 questions to this witness. You may proceed.

10 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

11 Thank you very much, Mr. President. And good afternoon, Mr.
12 President and Your Honours, Counsel. And good afternoon, Witness.

13 [13.32.42]

14 Q. Last time, Witness, you said you were somewhat afraid before
15 you started testifying. I just want to be sure you will continue
16 to testify today as you did before, and please give very precise
17 and concise answers to the questions I will put to you.

18 The last time, you said you worked in House Number 7 -- that is,
19 the Chinese Embassy. Did you also happen to serve the leaders of
20 Democratic Kampuchea during meetings and dinners?

21 MR. KHOEM NGORN:

22 A. At House 7, with our Chinese guests and Cambodian leaders, and
23 Hong was the one who oversaw this arrangement.

24 Q. Do you know who the Cambodian leaders were, those you served
25 at House Number 7?

61

1 A. The leaders at the Ministry of Foreign Affairs include Hong,
2 Phoeung, the head of the office, and there were other leaders who
3 attended the meetings, but as a Cambodian I didn't take good
4 notice of that.

5 [13.34.44]

6 Q. During the period of Democratic Kampuchea, did you ever meet
7 with or see Mr. Ieng Sary?

8 A. At the Ministry of Foreign Affairs, I often heard that Ieng
9 Sary would come to meetings at the theatre, but I did not go
10 there. Only Phoeung and other people went there.

11 I don't know whether Thoeun also went there to the meeting
12 because it was a long time ago. I don't recollect the details.

13 Q. Thank you. On Thursday last week, you did say that you were
14 criticized during a meeting at the Ministry of Foreign Affairs
15 and the following day you had to draft your autobiography.

16 What were those criticisms on, the criticisms levelled against
17 you during the meeting?

18 A. Phoeung, who was the deputy head of the office, was the one
19 who criticized me because he said that I was having some immoral
20 misconduct, and I was removed to Takhmau for three months.

21 [13.36.40]

22 Q. What did the problem of morality consist of, and what were the
23 immediate consequences that you endured?

24 A. At that time, some women chitchatted with me, but we didn't
25 know that we were reported on that, and later on, another

62

1 colleague of mine was also removed because of our engagement in
2 this conversation with women.

3 Q. Was it prohibited to hold conversations with women during the
4 period of Democratic Kampuchea?

5 A. I believe that this right was prohibited, and when working
6 with the guests, we were instructed time and again by Hong not to
7 have any problem with morality.

8 Q. Did you subsequently marry one of the women with whom you had
9 conversation?

10 A. No, I didn't. I did not get married with her and -- because my
11 conversation with her, I was regarded as an enemy and I was
12 removed to grow some vegetables instead.

13 [13.39.02]

14 Q. Thank you.

15 I would like us to backtrack a little and talk about the drafting
16 of your autobiography. Did you know any other persons at the
17 Ministry of Foreign Affairs who were requested to draft
18 biographies and also after having been criticized?

19 A. I was requested to write my autobiography immediately and have
20 it submitted to the upper echelon. As I indicated, I made several
21 mistakes in the biography writing and I had to have it written
22 time and again, for three times, before it was complete. But I
23 felt that people could have problem. That's why their biography
24 could be asked to draft.

25 MR. DE WILDE D'ESTMAEL:

63

1 Thank you.

2 Mr. President, before I go into another line of questioning, I
3 would like to request your leave to show the witness a
4 photograph. It is a photograph featuring a foreign delegation
5 arriving in Pochentong. Its reference is E190 -- E190.1.194, and
6 the ERN number is 00513612. May I request your leave to also
7 place this photograph on the screen?

8 [13.41.16]

9 MR. PRESIDENT:

10 You may proceed.

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you very much.

13 Q. Witness, please look at that photograph, particularly the two
14 persons to the far right of the photograph beginning with the one
15 who is at the extreme right and whose photograph is cut. You can
16 see his face and half of his body. Can you tell us whether you
17 know that person?

18 The photograph is now on the screen. Witness, do you know this
19 person who is to the far right? I have indicated it with an
20 arrow.

21 MR. KHOEM NGORN:

22 A. No, I don't know this person -- never seen him before.

23 Q. Thank you. You also have a second person from the right in the
24 background. I don't know whether you would recognize that person.
25 Do you know that person?

1 A. I can't find the person. Where is he?

2 [13.43.38]

3 Q. Witness, look at the photograph that has been given to you,
4 the hard copy of that photograph. It is the same photograph on
5 the screen.

6 A. I don't see myself in the photograph.

7 Q. Thank you, Witness. I am not asking you to tell me whether you
8 are on the photograph or not. All I am asking of you is to tell
9 me whether you recognize the person indicated with the arrow.

10 A. No, I don't. I don't recognize this person.

11 [13.44.33]

12 Q. Thank you.

13 Now, during the period you spent at the Ministry of Foreign
14 Affairs, the time when you worked at the Ministry of Foreign
15 Affairs, were there any purges?

16 A. At B-1, there were women who were in charge of cleaning the
17 facility.

18 Q. Mr. President, I don't think I heard the entire answer given
19 by the witness.

20 Witness, could you please repeat your answer? Were there any
21 purges at the Foreign Ministry? What I mean by purges is arrests
22 of persons.

23 A. I do not know anything about the arrest, but I knew that
24 people were removed from one place to another and they never been
25 seen again. And I don't know more about this.

65

1 Q. Did you know people working with you who were arrested at the
2 Foreign Ministry when you were there? I mean close colleagues of
3 yours.

4 A. Chroeung was arrested and we were told that he would be moved
5 to another location. And he had to say goodbye to me, telling me
6 that he would be moving to a new location. And that's all I know.

7 [13.46.50]

8 Q. Was Chroeung accused of any -- anything?

9 A. Chroeung was accused when he escorted guests to Kampot or
10 perhaps Kampong Som. I don't remember the detail. Upon coming
11 back, he had to attend meeting with others, the livelihood
12 meeting, and the next day he was removed. I believe that he could
13 have committed some wrongdoing when he was on his duty during his
14 course of work to take guests to the location indicated, but I
15 have no other idea on this.

16 [13.47.56]

17 MR. DE WILDE D'ESTMAEL:

18 With the Chamber's leave, I will perhaps try to jog your memory
19 regarding this incident.

20 Mr. President, may I request your leave to read an excerpt of
21 document 280/18? It is the record of the witness' interview by
22 the Co-Investigating Judges and it is on page 7 in French, page 7
23 in English as well, and it overlaps pages 7 and 8 in Khmer.

24 May I read the extract in question?

25 MR. PRESIDENT:

66

1 You may proceed. Would you also request that the document be put
2 up on the screens?

3 MR. DE WILDE D'ESTMAEL:

4 I think it would be good for the public to view the extract on
5 the screen, even though the witness is not in a position to read
6 it.

7 [13.49.18]

8 MR. PRESIDENT:

9 To save us some time, you may proceed by making the request all
10 together for reading the material to the witness and asking the
11 Chamber that the documents be put up on the screen because you
12 have done that pretty well already during the morning session.

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you very much, Mr. President.

15 Q. Witness, you gave a lengthy answer in this report regarding
16 your colleague, Mr. Chroeung. Let me quote what you stated:

17 "At the Ministry of Foreign Affairs, people accused of being
18 enemies, CIA, and KGB people were purged. Those accused enemies
19 were Chroeung and Thoeun -- T-h-o-u-e-n. Chroeung was arrested
20 and sent to S-21, while Thoeun successfully escaped. Chroeung was
21 arrested because he, as a driver, caused a car accident and
22 killed two people and injured one. A Chinese national and a Khmer
23 national called Thuon were killed, while Thoeun got injured in
24 the legs. Chroeung was alleged of not abiding by the law,
25 betrayal and threat to politics. Prior to his arrest, he, as

67

1 usual, was invited to a meeting. I was also there when Chroeung
2 was invited." End of quote.

3 [13.51.19]

4 Witness, do you confirm what you told the Co-Investigating Judges
5 in light of what I have just read out to you?

6 MR. KHOEM NGORN:

7 A. Yes, I do.

8 Q. When people were identified as enemies or traitors at the
9 Foreign Ministry, I mean people like Chroeung, what happened to
10 them? Do you know?

11 A. Among the six of us, we were concerned because when one person
12 was removed after being involved in politics, then other would
13 also be taken away. However, I was very young at that time. I was
14 never been sent away from -- far away from work.

15 Q. Did you ever see Chroeung and the other persons who were led
16 away, after they were led away?

17 A. They just disappeared. I have never seen them again.

18 [13.53.10]

19 Q. Do you know who issues orders that Chroeung and, perhaps,
20 Thoeun be arrested?

21 A. As long as Hong was the head of the office, he could have been
22 the person who rendered the orders, but he may have taken orders
23 from his superiors as well, so I believe that I -- it was Hong
24 who would be behind this.

25 Q. Thank you. I believe you said you were present at the

68

1 Ministry? Who led Chroeung away?

2 A. Chroeung was accompanied by Hong and I guess perhaps with
3 another person -- with the head of the office. I believe that
4 there were two people at that time, but I just don't remember the
5 details. I knew that there were people being sent away at that
6 time.

7 [13.55.02]

8 Q. You stated that many people were led away and you were afraid.
9 Can you tell us how many of your colleagues at the Ministry of
10 Foreign Affairs were led away while you were working there?

11 A. At the House Number 7, there were eight people, including the
12 driver. There was three women indeed. Ministry of Foreign Affairs
13 were classified into different sections.

14 Some people were made to stay at House Number 1, or B-1, and
15 whenever an arrest was made, I would never be made -- informed.

16 And I believe that Hong, who was the person who overly in charge
17 of this, would be knowledgeable of this. And at that time, I kept
18 my mouth shut because I would not want people to also bring
19 trouble to me for speaking out.

20 [13.56.38]

21 Q. Thank you, Witness.

22 I would like us now to talk about the period when you were taken
23 to Takhmau. You said on several occasions that following the
24 drafting of your biography, you were taken to Takhmau. Can you
25 tell us when that event occurred? During what period were you

1 sent to Takhmau? What period of what year?

2 [13.57.24]

3 A. It was in 1976 or mid-1976 when I was removed to Takhmau. I do
4 not take the year very seriously, but I remember that it was in
5 1976. I was removed to the location where I had remained for
6 three months, where I grew vegetables, before I was transferred
7 back to the Ministry of Foreign Affairs, after being educated. I
8 didn't talk much and I had to write the biography. I had to
9 really write it time and again, three times a day, and I felt
10 that I was scared.

11 My superior would ask me to do my work and escort a guest, and I
12 had to abide by the orders. Otherwise, I would be myself -- be
13 taken away as Chroeung.

14 Q. Thank you. When you were sent to Takhmau, do you know who
15 ordered that you be sent there?

16 A. It was Hong who ordered the removal, but Hung (phonetic) was
17 the guy who escorted me there. And at that location in Takhmau,
18 there was a grandfather who was in charge of assigning me tasks.

19 Q. Thank you. Was that production site at Takhmau under the
20 jurisdiction of the Foreign Ministry or not?

21 [13.59.46]

22 A. It might be under the Ministry of Foreign Affairs, just it
23 might -- it might be under the control of the Ministry of Foreign
24 Affairs. That's all.

25 Q. Were you aware of the code name of the production site in

1 Takhmau?

2 A. Well, I don't think I know any code name.

3 Q. Thank you. What was the name of the elderly man who was giving
4 you instructions in situ to Takhmau?

5 A. It was Ta Huon (phonetic). His name was Ta Huon (phonetic).
6 That's all.

7 [14.01.02]

8 Q. Thank you. At Takhmau, were there many people like you who
9 were working in the fields?

10 A. At the time, there -- that place was a countryside. There were
11 palm trees, but I cannot recollect it, as I was quite young. But
12 I'm sure there were rice fields. There were about 20 of us and at
13 the time, I did not know them very well yet.

14 Q. And among those 20 people, were there any individuals whom you
15 had previously met at the Ministry of Foreign Affairs or did they
16 come from elsewhere?

17 A. They were from elsewhere. I was only -- I was the only person
18 who reported from the Ministry of Foreign Affairs after I worked
19 there for some months. And when I arrived at Takhmau, I did not
20 know people there yet. I knew their name but I now forget all
21 their names.

22 Q. And did they tell you where they were from and where they had
23 worked previously?

24 A. I did ask them and they said some of them were taken from a
25 mobile unit, some were taken from countryside, and there, it was

71

1 a place -- it was an education, a re-educational camp. They were
2 from various ministries -- rather, the ministry had their
3 respective re-educational centres.

4 [14.03.37]

5 Q. Since they were being re-educated, does that mean that they
6 were accused of certain wrongdoings, as you were?

7 A. Yes, we were the same. That's why we were brought there. That
8 was the place where we were tempered. This is what I understood.
9 It was the place where we were tempered. That's all, uncle.

10 Q. And did any of the individuals who were with you at the time,
11 during your work at Takhmau, disappear afterwards?

12 A. During my almost three months there, I did not see anyone who
13 was sent away. But I do not know what happened next, after I went
14 away from the place, because I did not witness that myself.
15 That's all.

16 [14.05.00]

17 Q. Thank you very much, Mr. Witness. I just seek one
18 clarification because in your statement made before the
19 Co-Investigating Judges in document D280/18, on page 9 of the
20 Khmer version, 9 of the French version, and 8 on the English
21 version, you stated -- and I quote: "Yes, they committed
22 wrongdoings. They were punished. They had farmed cabbages. They
23 were all shot except for me." [Free interpretation]
24 Today, sir, you were telling us that nobody disappeared.
25 Therefore, do you want to correct what was stated before the

1 Co-Investigating Judges or do you wish to stand by this
2 statement?

3 A. When I said Chroeung was taken away, I did not know where he
4 was taken to. And when I was brought to the re-educational
5 centre, I did not even know where he was brought to. I just knew
6 that he was taken away. That's what I said earlier. I did not
7 know much. I did not understand a lot about that.

8 [14.06.40]

9 Q. Thank you.

10 A few final questions with respect to foreign delegations. You
11 said that you were often called upon to accompany these
12 delegations during their travels across Democratic Kampuchea. So
13 which countries did these guests come from?

14 A. I accompanied guests to Takeo once. We went to Kampong Som
15 once. I remember that I accompanied the guests three times. We
16 went to Takeo with a driver. That's all from me.

17 Q. And of what nationality were these guests? What countries did
18 they come from?

19 [14.07.55]

20 A. Those guests were Korean, Chinese, Cuban, and some other
21 nationalities I do not recall. There were about six or seven
22 nationalities. Well, they were representing Korean Embassy,
23 Chinese Embassy, Vietnamese Embassy, Cuban Embassy, and some
24 other embassy. I do not remember them all.

25 Q. And while you were accompanying these foreign delegations, who

73

1 held the highest rank within the Ministry of Foreign Affairs and
2 accompanied these delegations. Now, I understand that you were
3 among those traveling, but who was the highest ranking member
4 from the Ministry of Foreign Affairs, who was also accompanying
5 those delegations?

6 A. At the time, Bong Hong also accompanied those guests, and,
7 according to what Phoeung has said, Khieu Samphan was probably
8 accompanying those guests as well. But I'm sure that Bong Hong
9 was there.

10 One day, I accompanied the guests to some place I cannot recall,
11 and when we arrived at a place, the guests asked for the
12 well-being of the local people there. I dared not answer the
13 question by the guests because I was afraid that I would be put
14 in trouble.

15 I was asked whether the villagers ate porridge or rice. I did not
16 dare to answer that question. I only nodded my head.

17 [14.10.40]

18 Q. Two final questions, Mr. Witness.

19 Did you know what those foreign visitors were doing in Cambodia
20 during those visits?

21 A. I did not understand that during that time. I did not know the
22 reason why we had embassies in our country during that time. I
23 did not understand that. I was merely a combatant and I dared not
24 ask them anything about that.

25 Q. Were the people you were accompanying from the embassy or did

74

1 they come from abroad? Were they in Democratic Kampuchea for a
2 limited duration of time?

3 A. Those were foreign guests. And there were about two or three
4 female servants -- those who had good experience in the Party
5 were also there.

6 [14.12.20]

7 Q. Very well. When you were travelling to Kampong Som, Takhmau,
8 and in other provinces, did you make any stopovers? During the
9 journey from Phnom Penh to Takhmau, did you visit, for example,
10 work fields or factories or did you travel directly from one
11 destination to the next without any pause?

12 A. When guests went from Phnom Penh to Takeo, we did not stop
13 along the way. We went straight to the place. But whenever we
14 stopped, the guests would ask us what the place was and what
15 people were doing there, but we never stopped.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you very much, Mr. Witness.

18 I have no further questions to put to the witness, Mr. President.

19 I believe that the floor can now be handed over to the civil
20 party lawyers. Thank you.

21 [14.13.50]

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber now hands over to the Lead Co-Lawyers to put
25 questions to this witness.

75

1 QUESTIONING BY MR. LOR CHUNTHY:

2 Good afternoon, Your Honours. Good afternoon, my colleagues and
3 those who are following the proceedings in the public gallery.

4 And good afternoon, Mr. Witness. My name is Lor Chunthy. I am the
5 civil party's lawyer. I will only have a few questions to you, as
6 the Prosecution has asked a lot of questions to you. Especially,
7 I would like to know from you about some contextual background
8 following what has been asked by the Prosecution. To me, it seems
9 not very clear.

10 Q. My question is: In 1975 -- that is, prior to the fall of Phnom
11 Penh -- where were you? Before 1975, where were you?

12 [14.15.37]

13 MR. KHOEM NGORN:

14 A. Before 1975 - that is, before the fall of Phnom Penh -- I was
15 in Takeo Province. I was a military man there. I was a soldier
16 there.

17 Q. So that means you were in Takeo province before 1975. And were
18 you a military man or were you a soldier?

19 A. I was a military man for about one month before I was sent to
20 Thun Mun village.

21 Q. There is one point that I find not clear. The people were
22 evacuated out of Takeo Province moving backward-- What do you
23 mean by "people were evacuating backwards"?

24 [14.17.03]

25 A. People were evacuated to the back. As I said earlier, I did

76

1 not witness that myself. My friends saw it. Some people were
2 arrested. My friend, whose name was Thoeun, was positioning to
3 the West side, and he saw that. He said people were arrested and
4 loaded onto trucks, but I, myself, I did not see it. But as I
5 understood, people were loaded onto trucks. After the attacks, I
6 was taken to the district office to work at the office, as I said
7 previously. And about one month after, I was called to attend a
8 meeting and I went to Phnom Penh.

9 Q. From your previous testimony, you said that during that
10 evacuation, there were arrests, for example of Lon Nol's
11 soldiers, and those soldiers were loaded onto trucks and brought
12 to the backside. What does that mean?

13 A. From my understanding, that was because of the senior leaders.
14 I was about 15 years old at the time, so I did not understand
15 very much. I thought probably because those people were to be
16 taken away and kept at some place. They were to be gathered in
17 one place. That's what I understood.

18 [14.19.21]

19 Q. Thank you.

20 One other important point from your testimony is that during the
21 evacuation, if people persisted, they would be shot dead--

22 MR. PRESIDENT:

23 Witness, please hold on.

24 Yes, National Counsel for Mr. Nuon Chea, you may proceed.

25 MR. SON ARUN:

77

1 Thank you, Mr. President. All of the questions asked just now are
2 leading questions.

3 The witness did not witness the events. He was in the other
4 direction.

5 MR. LOR CHUNTHY:

6 If I may, Mr. President, I am not leading the witness because the
7 witness already mentioned those facts in his written records of
8 interviews that those people were arrested and loaded onto
9 trucks. I am only asking for confirmation from the witness
10 whether he saw those events.

11 [14.20.45]

12 MR. PRESIDENT:

13 If these are questions and answers in the written record of
14 interview done by the Co-Investigating Judges, these questions
15 are not leading. So the objection is not sustained.

16 However, counsel for civil parties are supposed to identify the
17 documents he or she is being -- is referring to. Counsel should
18 not just refer to any document without the identification of that
19 document.

20 [14.21.42]

21 BY MR. LOR CHUNTHY:

22 Q. If I may continue with my other question, Mr. Witness, when
23 you were taken to work at the Ministry of Foreign Affairs, when
24 you first arrived at the place, who did you meet as your
25 superior?

1 MR. KHOEM NGORN:

2 A. When I went from the province to Phnom Penh, I was first taken
3 to a study session, but I was not yet aware of who my superior
4 was. After the study sessions, for about one week, I was taken to
5 the Ministry of Foreign Affairs.

6 Q. You said you accompanied some foreign guests, Chinese guests
7 or Vietnamese guests. My question is: To which places did you
8 bring those guests?

9 A. I went with those guests three times. We went to -- I seem to
10 forget about those places. I only remember that I went with them
11 three times, and we never stopped at -- along the way. But where
12 we stopped at one cooperative, as I said earlier, and as I said,
13 I dared not speak to the guests. I only nodded my head, and I
14 cannot tell who were among those guests either because we were in
15 different trucks. I was merely a combatant during that time.

16 Q. When you were suspected of misconducting, you said you just
17 went back from bringing your guests to Takeo. Did you say that
18 when you were in Takeo, you met with your relatives?

19 [14.25.00]

20 A. The villagers were not allowed to see those guests. Only
21 people from the mobile units were allowed to come along with
22 them. Well, there were some villagers but there were only a
23 handful of villagers. And I saw that from a car, I was inside the
24 car. We were afraid of having secret spies among us.

25 Q. My question was that: When you were removed from Foreign

79

1 Affairs Ministry to Takhmau, what was the cause of your removal?
2 Was it because you met with your relatives when you were in
3 Takeo?

4 [14.26.12]

5 A. When I was in Takeo, I met with my cousin who was at the
6 cooperative. He told me that his wife was smashed, and I asked
7 him what for? I learned this information and I kept it with me. I
8 dared not tell anyone about this. It was about three or four
9 months later that I thought that the case was true, that my
10 relative was killed. And that was why I was removed to Takhmau.

11 Q. One more question. When you were at the Ministry of Foreign
12 Affairs, you said that your immediate superior was Mr. Hong. Did
13 you know any other person who was above Mr. Hong?

14 [14.27.33]

15 A. I may have heard some names. There were meetings at the -- at
16 some place, but -- well, I cannot tell exactly where they met,
17 but I -- and I cannot tell whether there were other leaders above
18 Hong. I don't know exactly, but there must have been superiors
19 above Hong.

20 MR. PRESIDENT:

21 Counsel Michael Karnavas, you may proceed.

22 MR. KARNAVAS:

23 Thank you, Mr. President. Good afternoon to everyone in and
24 around the courtroom. Mr. President, I understand it's difficult
25 to follow another lawyer when you've prepared your questions, but

80

1 almost every single question that has been asked by the gentleman
2 has already been covered by the prosecutor, and we're simply
3 wasting time.

4 So perhaps the gentleman can look at his notes and simply ask
5 questions that are directly related to this witness, that have
6 not been covered by the prosecutor.

7 [14.28.52]

8 But we're covering a lot of -- that question -- the last question
9 was covered last Thursday. I see no profit in this procedure, and
10 if we are efficient we could possibly end this witness today.

11 MR. PRESIDENT:

12 Thank you, Counsel. However, you should have objected earlier
13 than that and make your objections succinct.

14 The Chamber has observed that it has been very difficult to
15 control questions to be asked by parties. Parties are entitled
16 with the right to make objections to the question asked by other
17 parties and the Chamber will hear the objections before it rules
18 on the objection. And parties are reminded to make the objections
19 brief and clear enough for the Chamber to make immediate
20 decision.

21 [14.30.13]

22 We thank you very much for your concern. The Chamber has already
23 reminded the parties to put only potential questions that are
24 related to the facts set out in the Closing Order, or the
25 indictment, and try not to put questions as if the witness was

81

1 the accused person.

2 Questions should be -- should allow the witness to answer on the
3 basis of what he or she saw or experienced during the regime, but
4 the problems persist. The Chamber has tried not to intervene.

5 However, parties are reminded to know how to put questions to a
6 particular witness in order to save time.

7 It is now appropriate for us to take a short break. We will have
8 a 20-minute break and we will come back at 2.50.

9 The court officer is instructed to accommodate the witness and
10 his duty counsel in his waiting room and return them at 2.50.

11 The Court is now adjourned.

12 (Court recesses from 1431H to 1451H)

13 MR. PRESIDENT:

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

15 Before we broke, the Chamber was already given the floor to the
16 counsel for the civil parties to put questions to the witness,
17 but we noted that perhaps there would be no further questions or
18 they would have some further questions to put to the witness. If
19 so, you may proceed.

20 [14.52.59]

21 Counsel, since you're on your feet, please be reminded that you
22 are supposed to put questions that are allowed by the law and
23 that make the most of the time allocated to you. Thank you.

24 QUESTIONING BY MR. NEKUIE:

25 Thank you, Mr. President. Let me reassure you that I am a

82

1 professional, and when I rise, I would make sure I put questions
2 that are concise to the witness. This would mean that I will
3 refrain from asking questions that have been covered by the
4 Prosecution.

5 Q. Witness, I would like to ask a few follow up questions. At the
6 time of the DK, did you know a woman called Thy -- T h y? She
7 worked at the Ministry of Foreign Affairs.

8 MR. KHOEM NGORN:

9 A. Yes, I do know her. She was with me. Yes, Comrade Thy was with
10 me.

11 Q. Thank you, Witness. Do you remember what she told you
12 regarding purges at B 1 at the time?

13 A. As I stated, I do not understand much about the purges
14 conducted at the Foreign Affairs section. I don't understand
15 about this.

16 [14.55.25]

17 Q. Yes, Witness, I crave your indulgence for talking about
18 purges. What I mean was arrests at B 1. Do you recall what she
19 told you regarding arrests at B 1 at the time?

20 A. I do not know if such arrests was ever made because I lived
21 and worked at House Number 7. And what happened at B 1 was not
22 known to me, and I have no idea whether people had been removed
23 or not. If this happened at my place, I would also be able to
24 tell you the detail, but that happened in another location.

25 [14.56.26]

1 Q. Yes, Witness. Perhaps I should jog your memory by reminding
2 you of the answer you gave the investigators of the OCIJ in 2009.
3 If you would allow me, Mr. President, I'll read a short answer
4 given by the witness in document D280/18, and the ERN Number is
5 00368632, and in French it is 00823456, in English 00375680. With
6 your leave, I would like to have this passage placed on the
7 screen and I will read it out in the interest of having the
8 public know what we are talking about.

9 MR. PRESIDENT:

10 (No Interpretation)

11 [14.57.36]

12 BY MR. NEKUIE:

13 Thank you, Mr. President.

14 Q. During that interview, this is what you said to a question put
15 to you -- and the question was as follows: "Other than Chroeung
16 and Thoeun, were there any other arrests?"

17 And your answer was: "I never witnessed other arrests, but I
18 learned about the disappearance of people at B-1."

19 And another question is put to you as follows: "Do you know if
20 there were arrests in other places?"

21 Answer: "Thy, a female, told me that she had witnessed the arrest
22 of people in the other departments at the Ministry of Foreign
23 Affairs." End of quote.

24 My question to you, therefore, Witness, is as follows: Does this
25 refresh your memory and do you have any remarks to make on what I

1 have just read out?

2 MR. KHOEM NGORN:

3 A. I don't think I understand this. I don't understand.

4 [14.58.57]

5 Q. Yes, Witness. I was saying that you told the investigators at
6 the time that Thy informed you that people at other departments
7 of the Foreign Ministry other than yours, were arrested. Does
8 this refresh your memory as to what you told the OCIJ
9 investigators?

10 A. Thy was working with me and she told me about the removal of
11 the person by the name of Chroeung. However, I still think that
12 memory is still poor and I forget a lot.

13 Q. Very well, Witness, we shall not dwell on this.

14 Let me remind you of another answer you gave, and it would be one
15 of the last points I will put to you, it has to do with what you
16 learned from the revolution. Last week, you told us that what you
17 remembered was that engaging in the revolution was fighting for
18 the liberation of the poor. Do you remember giving that answer?

19 A. I think I forget that. I'm not sure whether that was my
20 response.

21 [15.00.51]

22 MR. NEKUIE:

23 Very well, Mr. Witness, I see that you are under the effects of
24 fatigue. We were told that you are suffering from a cold.
25 Therefore, I will not dwell on this matter.

85

1 This shall bring to conclusion the cross-examination by civil
2 party counsels, and we shall hand over the floor to defence
3 counsel.

4 Thank you very much, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 Next, the Chamber hands over to defence counsel for Mr. Nuon Chea
8 to put questions to this witness.

9 QUESTIONING BY MR. PESTMAN:

10 Thank you, Mr. President. Good afternoon to everyone.

11 Q. Mr. Witness, do you feel able to continue?

12 [15.01.48]

13 MR. KHOEM NGORN:

14 A. Yes, I can. Yes.

15 Q. Thank you. And I'm sure everyone appreciates that.

16 Do you remember, Witness, being interviewed by a representative
17 of DC-Cam in 2004?

18 A. I do not understand that. I don't understand it.

19 Q. Do you remember talking to someone about your years under the
20 Khmer Rouge? In 2004, you gave a lengthy interview of somebody
21 working for DC-Cam here, in Phnom Penh.

22 A. As I was living with them, I knew them, I knew Brother Hong
23 and I knew other people, but I don't think I understand it. I
24 don't know how to answer it.

25 [15.03.10]

1 Q. Maybe I can refresh your memory.

2 I would like to show this particular witness the statement he
3 gave to DC-Cam on the 15th of May 2004. The document is numbered
4 IS 19.72, and I want to show -- or read part of the statement,
5 and the statement starts at Khmer ERN number 00067625, English
6 ERN 00809973.

7 MR. PRESIDENT:

8 The Defence Counsel, before you refer to -- or present the
9 document, can you indicate whether you have been -- you have
10 presented this document before the Chamber, and if so, when was
11 that, before the document is allowed to be used as a basis for
12 your questions?

13 MR. PESTMAN:

14 Of course, Mr. President; we have visited this particular issue
15 before. I believe this document -- the use of this document is
16 important in ascertaining the truth and I'm convinced that you,
17 as all of us, are interested in establishing the truth. And I
18 would like to use this particular document for the impeachment of
19 this witness. It is a statement - this--

20 [15.05.51]

21 MR. PRESIDENT:

22 I want to know whether this document has been presented before
23 the Chamber yet and whether the Chamber has accepted the document
24 pursuant to Internal Rule 87 yet.

25 Answer my question, Counsel.

87

1 This concerns the use of document in this Chamber; the importance
2 is not about the contents of the document. We are to follow the
3 proceedings - the procedure as stipulated in Internal Rule 87.3
4 and from our normal proceedings.

5 MR. PESTMAN:

6 Thank you, Mr. President. I regret the over-reliance of this
7 Trial Chamber on procedure and the lack of interest for the
8 truth.

9 This document we put on the Court interface. As you know, we have
10 not submitted a list in April 2011, but I believe this document
11 was on the list of -- presented by the prosecutor and that it has
12 been admitted by the Trial Chamber.

13 [15.07.25]

14 MR. PRESIDENT:

15 International Co-Prosecutor, do you wish to shed some light on
16 this issue?

17 MR. DE WILDE D'ESTMAEL:

18 Yes, indeed, Mr. President. This document IS 19.72 is in fact the
19 same document. That is a biography as well as an interview
20 conducted with DC-Cam. It figures on the list of documents that
21 was submitted by the Co-Prosecutors in April 2011. Unfortunately,
22 I do not have the exact reference number, but this document has
23 been placed before the Chamber.

24 (Judges deliberate)

25 [15.09.04]

1 MR. PRESIDENT:

2 Now that the Chamber has received sufficient information as
3 indicated by the prosecutor, the document can be used.

4 But the Chamber wishes to remind Counsel Michiel Pestman that if
5 you intend to use such documents, please indicate whether the
6 document has been placed before the Chamber so that the Chamber
7 can decide whether the document can be used.

8 You now - you may now proceed, Counsel.

9 BY MR. PESTMAN:

10 Thank you, Mr. President.

11 Q. Mr. Witness, I would like to read a small part of this
12 statement which, I believe, you gave to a representative of
13 DC-Cam in 2004. It's a bit where you talk about meetings that
14 took place at B-1, among other places, with high-ranking
15 officials. I would like to quote -- and I will quote the bits
16 highlighted on the screen in Khmer.

17 [15.10.45]

18 The question is: "When you were working there -- at B-1 -- how
19 often did you see the high-ranking officials coming to attend the
20 meetings?"

21 And your answer: "They had many meetings."

22 Question: "Too much to count. The meetings were held frequently?"

23 Your answer: "Definitely! The meetings were held very
24 frequently."

25 And then you continue -- or there's a new question: "Could you

1 mention names of those high-ranking officials?"

2 Then you mentioned names: "Ta Mok, Ieng Sary, Khieu Samphan, and
3 many other high-ranking officials."

4 Question: "What about Nuon Chea?"

5 Answer: "Nuon Chea was there too. In short, Hun Sen was also
6 present."

7 "Did you see Pol Pot?"

8 "I saw all of them, including our Ta."

9 "Did you see our Ta as well?"

10 "Sure!"

11 Question: "When did you see our Ta?"

12 "I forgot it; it was since 1975. It was since 1974."

13 Question: "You mean Samdech Sihanouk?"

14 Answer: "Since 1974."

15 "Samdech Ta came to attend the meetings as well?"

16 Answer: "Right! Ta Hun Sen."

17 Question: "Oh! You meant Hun Sen, not our Samdech Ta Sihanouk?"

18 Answer: "No. I also saw Ta Sihanouk in Phnom Penh during the Pol
19 Pot regime."

20 Question: "Ta [Hun] Sen came to attend the meetings too?"

21 "He came to attend the meetings long time ago, prior to other
22 people."

23 Question: "Before 1974?"

24 Answer: "Definitely!"

25 Question: "Where did you see him?"

1 "During his struggle period", you answer.

2 Question: "Where did you see him coming to attend the meetings?"

3 Answer: "During their meetings in the unknown forests. There were
4 several of them. I knew some high-ranking officials but I forgot
5 all of them as I was still young at the time."

6 "How old--" Question: "How old was Ta [Hun] Sen when he came to
7 attend the meetings at the time?"

8 "He was in his late twenties", you say, "perhaps [more] late 20
9 to 30 years old. I was still young at the time. I was separated
10 from my mother at the age of 16 or 17. He was probably between 25
11 and 30 years old."

12 "Did you see him in late 1978-1979?", is the question.

13 And you answer: "Around that period."

14 "Not in 1975-1976?"

15 And you answer: "Yes, of course."

16 My first question would be: Do you remember that -- giving that
17 statement? And is that statement correct?

18 [15.14.38]

19 MR. KHOEM NGORN:

20 A. No, I don't think I have answered it this way; I never knew of
21 this. I don't know about this. I don't know. Believe me or not,
22 but I do not say this. It is different from what I experienced.
23 Because I am illiterate, someone may have written this for me. I
24 don't know.

25 Q. Do you remember talking to somebody, in 2004, about meetings

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1 between high officials?

2 A. In 2004, no. I don't think I went to any meeting in 2004. Or
3 perhaps I forget about it. And I don't think there was a meeting
4 there back then.

5 MR. PRESIDENT:

6 Witness has already answered that he does not know.

7 Counsel should proceed with a new question.

8 You have referred to a long passage and asked the witness, and he
9 has indicated already that he does not know about it.

10 [15.16.37]

11 BY MR. PESTMAN:

12 Q. Did you ever witness a meeting Hun Sen attended in the 1970s,
13 either before or after the liberation of Phnom Penh in 1975?

14 MR. KHOEM NGORN:

15 A. If you talk about the 1970s, I was about this height. I was
16 small back then. Before 1970, I knew nothing.

17 MR. PRESIDENT:

18 Counsel, could you put another question that is not related to
19 the passage that you have just read out? Because the witness has
20 clearly indicated that he does not know about that.

21 [15.17.47]

22 BY MR. PESTMAN:

23 Q. Mr. Witness, are you afraid to testify about Hun Sen's
24 involvement in meetings that took place during the Khmer Rouge
25 period?

1 MR. PRESIDENT:

2 Witness does not have to answer that question. The witness has
3 already said he does not know. Besides, the question is not
4 relevant.

5 MR. PESTMAN:

6 I think this question is highly relevant, Mr. President.
7 According to this witness, at least his statement given to
8 DC-Cam, Hun Sen attended several high-ranking meetings between,
9 among others, my client. It's important to establish whether this
10 particular witness told the truth in 2004, and if so, I would
11 like to know exactly which meetings Hun Sen attended or which
12 meetings were attended also by my client, what was discussed
13 during those meetings -- it's all very important.
14 So I ask for permission to continue this line of questioning.

15 [15.19.06]

16 MR. PRESIDENT:

17 You cannot put the same question to witness. If you have a
18 different question, I will allow you to proceed if I am of the
19 view that the question is important.

20 The witness has answered generally that he does not know anything
21 about what you have just read out. From what the witness has said
22 in relation to the passage that you have just quoted, it is
23 unlikely that the witness can answer your question.

24 MR. PESTMAN:

25 Well, we don't know because you're not allowing the - the witness

1 to answer the question.

2 My question was: Are you afraid to testify about Hun Sen's
3 involvement in those meetings? And I haven't heard an answer yet,
4 so it's impossible to establish whether this witness can answer a
5 particular question or not. I do not understand.

6 [15.20.22]

7 MR. PRESIDENT:

8 The witness does not have to answer this question. Witness has
9 said that he does not know anything about what has been read out.

10 MR. PESTMAN:

11 Mr. President, I don't see any point continuing now. You're
12 preventing us from exercising our client's right to cross-examine
13 this witness, ask him important questions. I'm very sorry; that's
14 all I can say.

15 MR. PRESIDENT:

16 Thank you.

17 The Chamber now hands over to other defence team. You may
18 proceed, National Counsel for Mr. Ieng Sary.

19 [15.21.22]

20 MR. ANG UDOM:

21 Good afternoon, Mr. President. Good afternoon, Your Honours. And
22 good afternoon, my learned friends and everyone in and outside
23 the courtroom. Good afternoon, Mr. Khoem Ngorn. My name is Ang
24 Udom. I am the national counsel for Mr. Ieng Sary.

25 I do not have any questions for you, but on my behalf as the

1 national counsel for Mr. Ieng Sary and my colleague, Mr. Michael
2 Karnavas, we would like to thank you for your time coming here to
3 give your testimony.

4 MR. PRESIDENT:

5 Thank you.

6 Now, the Chamber hands over to the defence counsel for Mr. Khieu
7 Samphan.

8 [15.22.20]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President, Your Honours. The defence counsel for
11 Mr. Khieu Samphan does not have any questions for this witness.

12 Thank you.

13 MR. PRESIDENT:

14 Thank you for your clear positions that you do not have question
15 for this witness.

16 The proceeding to hear testimonies of the witness, Khoem Ngorn,
17 has come to an end. This Chamber does not wish to have any
18 further questions for you, Mr. Khoem Ngorn. The Chamber would
19 like to express its gratitude to you that you come here to
20 provide your testimonies following the summons by the Court and
21 to answer questions to relevant parties. Now that your
22 testimonies have been concluded, you can be excused to go back to
23 your home.

24 The court officer is instructed to facilitate with WESU to
25 provide transport to the witness so that he can be returned home.

1 Today's proceedings has come to -- is the end, even though we
2 still have some time left. We have finished earlier than
3 expected. The Chamber will adjourn and will resume tomorrow
4 morning at 9 o'clock.

5 Tomorrow's proceedings will hear testimony of Mr. Sao Sarun, to
6 be questioned by civil parties' lawyers.

7 Moreover, parties should be informed as well that the Chamber may
8 hear testimonies of TCW-488, depending on the health condition of
9 witness Sao Sarun.

10 Security guards are instructed to take the three accused persons
11 back to the detention facility and bring them back to this
12 courtroom by 9 o'clock, tomorrow morning.

13 The Court is now adjourned.

14 (Court adjourns at 1525H)

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