



Nuon Chea's national co-lawyer Son Arun briefly questioned the witness Saut Toeung at the ECCC on Friday.

Nuon Chea's Former Bodyguard Quickly Examined by the Defense
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On Friday, April 20, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. As planned, the defense teams were given the opportunity to examine prosecution witness Saut Toeung, who served as Nuon Chea's bodyguard and messenger during the Khmer Rouge regime. Few questions were posed to the witness, however, as defense teams appeared to consider the witness's prior testimony to be neither credible nor condemning, and the court adjourned after less than an hour.

The Day Begins

The Chamber President, Nil Nonn, opened the session by giving the floor to Son Arun, co-lawyer for Nuon Chea, who requested fifteen minutes to put questions to the witness. Before he could begin, Elisabeth Simonneau-Fort, international Civil Party lead co-lawyer, called the Chamber's attention to the fact that the witness did not have a lawyer with him and wanted to clarify whether this had been intentional. The President granted time to Mr. Son and then asked Saut Toeung if he was "fine to respond to questions put to you without your lawyer next to you."

The President further observed that the witness appeared confident in answering questions without his lawyer the past two days. Saut Toeung responded that he would be fine without a lawyer today.

Questions by Nuon Chea's Defense Team

Mr. Son began by asking the witness how long he had “worked closely” with Nuon Chea. The witness responded he had been “working” with him from 1975-1978 but added that he did not remember the details. The lawyer noted that the witness appeared to know Nuon Chea well and asked him if Nuon Chea was “a cruel person or someone who educated people to be good.” The witness stated, “He was a good person when he was in power; he provided them with good education.” Mr. Son also asked whether the witness had ever heard of Nuon Chea sending people to S-21, and Saut Toeung responded that he never heard this.

Saut Toeung was next asked if he remembered giving an oath before the Co-Investigating Judges, to which he replied that he did. Mr. Son questioned whether the oath was done “voluntarily” or whether the witness was “prompted.” Saut Toeung admitted that he did not quite understand the oath, but he was asked to take it anyway because “otherwise things would never be resolved.” He clarified that he meant he did not understand the procedure. When asked again if he was “compelled” to take the oath or whether it was taken “freely,” the witness said that he was “told” to take it but was not “forced.”

Mr. Son then inquired whether the witness remembered reading from a document with notes on it. The witness said that the note was read out to him, but he maintained, “I did not understand the wordings of the oath, stating that he “had to take an oath for the fact that I stopped killing people.” Mr. Son questioned whether it could be concluded that Saut Toeung took the oath without understanding the content, and the witness replied, “Yes it is, because I did not understand it.”

Ms. Simonneau-Fort objected, stating the question was guiding the witness. The President informed Mr. Son that court clerks were there to help witnesses during the oath-taking procedure. He clarified that if the witness could not read, the oath would be read and explained to him. He asked counsel to “refrain from digging into this counsel again.” The Nuon Chea defense team appeared to be in disbelief at this ruling.

Moving on, Mr. Son reminded the witness that yesterday Saut Toeung indicated that he sometimes sent letters from Nuon Chea to Duch and other times he said there were no letters. He asked the witness to clarify for the court whether he sent any letters from Nuon Chea to Duch.

Dale Lysak, international assistant prosecutor, then objected, saying the question was both “leading” and “misleading” because the witness never said that he did not deliver the mail from Nuon Chea to Duch. Mr. Son responded that he took note of the times that the witness spoke on this matter and verified his notes with the transcript. The President sustained the objection.

Mr. Son then asked the witness to clarify whether he got the letters directly from Nuon Chea. The witness responded that sometimes he obtained letters directly from Nuon Chea and sometimes it was from other people. He then asked if he handed the letters to Duch or dropped

them at the gate, prompting an objection from Pich Ang, national Civil Party lead co-lawyer, who contended that the questions were repetitious. Mr. Son reminded the Chamber that the prosecution and civil parties also repeated questions and argued that fairness required that he receive the same opportunity. The President sustained the objection.

Mr. Son next asked Saut Toeung if he had ever heard of Son Sen, and the witness said he heard of him but he did not know his role. Mr. Son noted his examination was finished.

Khieu Samphan’s Defense Team Declines the Opportunity to Question the Witness

The Chamber then passed the floor to Khieu Samphan’s defense team, and Mr. Kong Sam Onn declined the opportunity to question the witness because his client had not been implicated by the testimony.

Ieng Sary’s Defense Team Poses a Few Questions to the Witness

The floor was then passed to Ang Udom, co-lawyer for Ieng Sary. He first inquired whether the Y-10 unit was the security guard unit, and the witness told him that this was correct. He next asked whether Saut Toeung was a security agent at Y-10, causing Mr. Pich to object that the question was “leading.” The President sustained the objection.



Mr. Ang asked whether the witness was the security personnel providing protection to people at K-1 and K-3, and the witness stated this was correct. He also said that he provided protection at the exterior of the offices. He was asked to describe the K-1 building and responded that it was a four-story building that was surrounded by a wall or fence. He also described K-3 as a one-story building that was surrounded by a wall or fence.

When asked where he was stationed during meetings, the witness stated that it was outside the wall. The witness then testified that it was “impossible to see anything inside as we were blocked by the concrete wall,” noting that the walls were about three meters tall. Mr. Ang asked if Saut Toeung could see any aspect of the situation inside the premises, and the witness, with frustration, repeated that he could not see anything because it was concealed by the wall.

The witness next confirmed that he had not attended any meetings held at K-1 or K-3 and that he did not know what happened in the meeting room. In response to whether he knew what the meeting was about, Saut Toeung responded, “I was never told – it was their business.” Mr. Ang asked him to clarify the answer, and the witness answered that he did not know who attended the meetings. The counsel probed again whether it was correct that Saut Toeung did not know what happened in the meeting, prompting Mr. Pich to object that the question was “leading.” The President sustained the objection.

Mr. Ang advanced to his next question, which regarded the relationships between Saut Toeung and Ieng Sary. The witness responded that he never contacted Ieng Sary. He confirmed that he

never delivered messages or documents to Ieng Sary, Khieu Samphan, or Ieng Thirith while he was working as a messenger for Nuon Chea. The witness also testified that he never delivered messages that originated from Ieng Sary. Mr. Ang then told the chamber that the defense team did not have any more questions and wished the witness a safe return home.

With the end of the defense's questions, the President noted that the examination had concluded significantly ahead of schedule. The Chamber decided to adjourn the hearing for the day. The President thanked the witness for providing testimony and observed that he tried his "level best" to respond to the questions put before him. The court officer was instructed to facilitate his trip home.

Proceedings will resume in Trial 002 at the ECCC on Monday, April 23, at 9 a.m.