



Fearful Civil Party Refuses to Continue Testimony Without “Lifelong” Police Protection

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Drama unfolded in the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Monday, April 29, 2013, as midway through his testimony, civil party Sar Sarin refused to provide any further testimony unless the Royal Government of Cambodia and United Nations (UN) agreed to assign four policemen to provide him lifelong protection. Prior to making this request, which appeared to take even his own lawyers by surprise, Mr. Sarin had provided insight into Khmer Rouge-era visits by foreign delegations and study sessions led by co-accused persons Nuon Chea and Khieu Samphan. However, the civil party then explained that he was “fearful” and had his “personal security on the line.” Following a protracted discussion on this topic, the Trial Chamber decided to conclude Mr. Sarin’s testimony unfinished, explaining that they had no jurisdiction to entertain his request for lifelong protection.

In the final session of the day, the Trial Chamber began hearing testimony from witness Ung Chhat, a former Khmer Rouge soldier who, during the early days of the Democratic Kampuchea (DK) period, was based in Pursat province. During his limited testimony for the day, Mr. Chhat provided details of the evacuation of Pursat provincial town; former Lon Nol soldiers’ attendance at a meeting at Pursat provincial hall; and their disappearance thereafter.

Civil Party Recalls Early Days in a Khmer Rouge Propaganda Performing Arts Troupe

At the start of the proceedings, Trial Chamber Greffier Duch Phary noted that all parties were present except for Mr. Chea, whom the Trial Chamber had earlier in the month ordered to participate from his holding cell due to health reasons. Also watching the morning proceedings

¹ Cambodia Tribunal Monitor’s daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC’s hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

were 26 villagers and former Khmer Rouge members from Oddar Meanchey province, as well as several hundred students from Hun Sen High School.

Civil party Sar Sarin took the stand to begin the day's proceedings. Under questioning from Trial Chamber President Nil Nonn, Mr. Sarin advised that he was born on July 7, 1957, in Kampong Cham province, where he still lives. He is now a pensioner and is married with five children.

The president ceded the floor to national civil party lawyer Ven Pov, who first requested permission to present the civil party with a document – a transcript of an interview of Mr. Sarin by the Documentation Center of Cambodia (DC-Cam).² The president said that as the civil party may not have seen this document before, it may be more appropriate to read the content of the document to him or to first ask the civil party if he had seen the document before. Mr. Sarin confirmed that he had indeed seen the document before, as DC-Cam had given him a copy. He was then duly provided with a copy of the interview.

Mr. Pov asked Mr. Sarin to detail how he had joined the revolution. Mr. Sarin explained that he joined the revolutionary movement when he was 13 years old. He continued, "First I joined the propaganda team to propagandize the work of the Front and the revolution. At the very outset, I was still with my parents. I did not join the movement directly, fully but [did so] after the American troops withdrew from Cambodia ... in 1973."

Asked to explain his motives for joining the movement, Mr. Sarin recalled that he was introduced to the movement by "Brother Tun Kry, the commander of Sector 21." He was later asked by his cousin Kin and a commune chief named Tek "to join the force so that we could attack Phnom Penh." He explained, "About 130 young people were gathered to join the movement, [undertaking] military training so that we could fight the Lon Nol soldiers."

The civil party lawyer asked the witness to detail his duties in a Khmer Rouge performing arts troupe. Mr. Sarin recounted:

We were asked to educate people through songs. We would then ask the villagers to come to watch plays, but during the performance, we would then disseminate information concerning the movement because I would then read out from my small diary. [Before we started each] performance, I would read out propaganda from the Party. I was advised to choose my words carefully. ... I was the youngest person in the group, and many villagers liked my reading of these words. I still remember these words.

First, I would say that the United Front would be the front that united the royal family and every member of society without discrimination towards race or religion, so the royal front would be a free front for everyone. And then I proceeded to distribute information concerning the historical background of the former resistance, including Acha, Au Kandal, and other Khmer former heroes. Then we would proceed to sing some songs on the stage for the [audience]. The core content of our message at that time before each play was to tell the people

² This transcription has the document number D230/1.1.874C.

about the Front chaired by Samdech Sihanouk³ and members, comprised of Khieu Samphan, Peh Nut, Hu Yun, and Hu Nim.

That happened between late 1971 and early 1972. I would travel to places to disseminate such information in other villages in Cambodia.

Mr. Pov asked whether Mr. Sarin had ever seen copies of the *Revolutionary Flag* magazine. Confirming this, Mr. Sarin explained, “I used to see the *Revolutionary Flag* magazines, but these magazines were only meant to be distributed to the leaders of the regime. At the beginning, when I saw the magazines, they were handwritten and recopied. They were not printed or typed. There were no well-drawn pictures on the magazines.” He continued, “I read about Sector 21 being written about in one of the magazines. I also noted that the printing house was written on one of the pages of the magazine and that the magazine was printed in Sector 21.”

As to what he did after his time with the performing arts group, Mr. Sarin described:

I engaged in fighting along the Mekong River. ... There were three of us [who were too young]. I was not allowed to engage in the fighting. Instead, I was tasked with transporting food for the soldiers. I was stopped and tasked with finding food supplies for the military at the commune office. ... I collected sacks of rice ... from villages ... about 50 kilograms of rice or a few sacks of rice [per day]. Sometimes I would collect some chickens and other food supplies for the military.

By 1975, I stopped delivering this food to the Khmer Rouge soldiers. I shifted to delivering food to the Lon Nol soldiers. After April 17, 1975, the Lon Nol soldiers were defeated, and they surrendered and were kept at a pagoda ... and this rice and food supplies would only be offered to them, and not the Khmer Rouge soldiers.

Civil Party Recalls Journey to Phnom Penh and Experience as a Khmer Rouge Driver

Continuing with his chronological account, the civil party elaborated:

Later on, I was assigned by the upper echelon, perhaps the Center, to join the revolutionary movement. It was a request by the upper echelon to join the revolutionary movement. Everyone was influenced by this.

After 1975, all monks had to be defrocked, absolutely. Before 1975, monks would be defrocked randomly by propaganda. I still recall a ... traditional folk song telling the people how brave the soldiers were and it did not matter how many soldiers died ... there would never be a shortage of people who wanted to become soldiers. ... The song encouraged hatred of the feudalists, intellectuals, or the feudal capitalist class. People were encouraged to join the army in order to be loved by women. ...

³ This is a reference to the late King Father Norodom Sihanouk.

Later on, I was assigned to ... districts that were subordinate to Sector 21 that recruited 1,000 forces. I left my commune. I met with them in the middle of the jungle where their headquarters were located ... We came to Svay Romiet pagoda in Prey Veng province. ... I saw many people over there, waiting for directions from the authorities. At that time, the commander of Zone 203, Kao Samnaung *alias* Mon ... told the audience there were up to 5,000 people gathering at that event. ... Sector 21, 22, 23 and 24 all came to attend the session. The session took place for about 2 weeks. ...

We then came back to Phnom Penh. We had to stay overnight in different places. We came all the way ... from Svay Romiet in Prey Veng to Chbar Ampeou and Phnom Penh. ... [Along the way,] I saw the trees were completely burned.

The witness entered Phnom Penh “sometime around September or October ... sometime around 1975.” He had noticed fierce fighting and trees and houses burned down. Describing what happened next, Mr. Chhat said:

When I got to Phnom Penh, I was surprised because it was very quiet. We stayed in Phnom Penh for a night. The next morning, they required the soldiers to march from Chbar Ampeou to Kbal Thnal and finally to the Independence Monument. ... At that time, they asked us to walk in two lines. ... One of my friends asked me if I could drive a car and I told them that ... I could only drive an ox cart. I saw that people were taken away one after another. People had to march along the road. I did not know where they were heading for. Life was unpredictable, I thought to myself. ...

When we first got to Phnom Penh, we had something to eat, but afterwards, food rations got lesser and lesser. Finally, I was transferred to K-7. It was somewhere near the building complex near Onalom pagoda. This was a location where a messenger office was located. Ta⁴ Ky was the person in charge. He was from a minority origin. He could not speak Khmer very clearly. We were tasked to clear



some bushes along the river to prepare the place for us to stay. Once we cleared the bushes around that place, we were asked to plant vegetables. Then a man by the name of Vuy, the head of K-12, asked us to join other groups.

This prompted Mr. Pov to ask the civil party what K-12 was. Mr. Sarin said that it was a “driving unit ... subordinate to Office 870. When asked the purpose of this office and how he had learned about it, Mr. Sarin explained that he learned about Office 870 “from the chairman of a meeting” and that “it was somewhere either in K-1 or K-7.”

Mr. Sarin said that he was recruited to work in K-12 along with “30 people recruited from the eastern zone [and from the] north

⁴ Ta is a Khmer honorific signifying grandfather.

zone. ... There was around 80 people altogether.” He was recruited “sometime in November,” presumably in 1975. Initially, they were not permitted to drive cars but instead:

We had to go and collect the cars that were abandoned by people on the streets in Phnom Penh ... on National Road 4, 5. ... Those cars that were broken, we had to fix them. ... We had a warehouse to store those cars in Chamkarmon. ... Somewhere in Kbal Thnal, we had a warehouse to store some saloon cars. Adjacent to Office K-1 ... luxurious cars were kept over there. ... Some of us were trained to drive cars, to fix cars.

The civil party was tasked to drive a GMC⁵ from the sewing section and to transport rubbish around. At that time, Mr. Sarin explained, K-12 was divided into several sections, including one location that was the former North Korean embassy and currently the German embassy. Khmer Rouge leaders did not have cars belonging to them. Instead, they were sourced from a pool of cars of which Comrade Nil was in charge. Other offices subordinate to K-12 were near the Ministry of Agriculture, in Chamkarmon, and in Kbal Thnal. K-12 consisted of garages and warehouses. There were also offices near the Central Market and the former Ministry of Social Affairs. Pagodas were emptied of Buddhist statues to make room for storage.

Mr. Pov noted that the civil party had testified to DC-Cam about being required to drive trainees to various locations. He asked if the civil party ever met senior leaders during those driving trips. Mr. Sarin said:

When I first came to Phnom Penh, I was trained in the Khmer Soviet Technical School. ... At that time, Comrade Phum was the trainer. We attended the training in K-15. Later on ... I took trainees to three locations. ... I did not attend that particular training because it was meant from the leaders from the different zones. This training lasted for half a month. I had no idea who ... the senior leaders were. ... At that time, to my recollection, K-12 did not have sufficient transport means to take them to [the locations]. The idea was to introduce the trainees to see the development in various zones and locations. ... Those zones were the senior leaders in various zones across the country. I was driving Vuy.

Three model districts were selected for visits. Mr. Pov asked the civil party why they were selected. Mr. Sarin said that, according to Comrade Phum:

The Party would award an honorary flag to one district which was considered to be a district of good progress. They could meet development targets, for example in relation to rice, crop cultivation ... for example, three tons per hectare. ... Another district, by the name of [Kampong] Tralach Leu,⁶ there were leaders from the West Zone [there] to welcome the trainees as well. As for the East one, they also visited the rubber plantation, the construction of 6 January Dam ... and 1 January Dam.

⁵ This is a truck model manufactured by General Motors.

⁶ This is a district in Kampong Chhnang province.

This prompted Mr. Pov to ask if the witness observed anything significant in terms of living conditions in those places. Mr. Sarin described, “People were very active. They were cultivating crops; they were playing music. People were working very happily. He continued, however, “We understood at that time that people were supposed to eat in a communal hall but we were never introduced to those dining halls. We knew that the eating conditions were not good at that time.”

Mr. Sarin then added that, as he recalled, honorary flags were awarded to model districts in Kampong Tralach Leu and at Tram Kak.⁷

Visits by Foreign Delegations and a Study Session with Ieng Sary

Moving on, Mr. Pov asked whether if Mr. Sarin had ever been required to drive important visitors, including foreign visitors. Mr. Sarin agreed and recalled:

I took a lot of foreign visitors. Every week, there were several foreigners visiting Cambodia. There were people from Yugoslavia and other countries ... I can't remember them all. There were delegations from Burma, Laos, and also the [vice] secretary of the Chinese Communist Party, Chen Yonggui.⁸

Asked where the foreign visitors were taken, Mr. Sarin said:

We had to wear our black clothes to receive them. ... Uncle Van, known as Ieng Sary, called a study session at B-1 so that everyone could understand how to greet senior visiting leaders. ... We had the driving unit, chaired by Brother Veal. We had security guards, chaired by brother Khamy and Chan. We had people who greeted the guests. This section was chaired by Yeay⁹ Sim. She was the chef of these uncles. I know her very well because every time we had to transport the uncles, Yeay Sim came with us.

Pressed for further details of the study session with Ieng Sary, Mr. Sarin said:

It was part of political study sessions conducted at B-1 ... At that time, they wanted to have a very poor house or building for a meeting, because they wanted to discourage people from loving material [things] ... People wore old clothes to attend the sessions. He¹⁰ would talk about a lot of things, but I remember one thing for sure: he said before he proceeded to the session, he wanted to talk about national and international events. He mentioned our reputation in international eyes after the April 1975 victory. Cambodia established diplomatic relations with other countries. We received our friends. ...

He also talked about shortage of food. He said that after the evacuation of Phnom Penh, which was about three million people, Phnom Penh was facing food shortages, and that currently, Cambodia was not as prosperous as what was

⁷ This is a district in Takeo province.

⁸ Chen Yonggui was in fact the vice premier of the People's Republic of China.

⁹ Yeay is a Khmer honorific signifying grandmother.

¹⁰ This is presumably a reference to the late Ieng Sary.

broadcast on the radios. ... He said people lacked food, lacked medicine, lacked shelter. He said the radio broadcasts were part of the propaganda to tell the outside world that Cambodia was good so that other people would be encouraged to come and make Cambodia more prosperous.

Also, he said that the Party would never bring tourist buses. ... We were encouraged to use the remaining old buses in the country. He said that Mercedes Benzes, black and white, and Peugeots would be the ideal vehicles selected for greeting and [transporting] the delegations.

At this point, Mr. Pov asked the civil party to advise who accompanied the visiting delegations. However, the civil party insisted nevertheless on providing further details of the study sessions with Ieng Sary, stating:

Mr. Ieng Sary said we should stop wearing black clothes and car tire sandals to greet the delegations. He told us to go to Orussey,¹¹ which was the state sewing house. He asked us to get different clothes. We had a blue pair of pants and a white shirt. ... We were told to well receive visiting guests. ... I was rather happy at that time to wear different clothes. Having an opportunity to wear a new outfit gave me a smile.

First, we received a delegation from Burma. As far as I remember, the person in charge of the delegation was Mr. Ven. People who received them included Mr. Khieu Samphan, who accompanied the guests all the way from Pochentong airport all the way to the government building in Wat Phnom. Apart from Pol Pot, all the other senior leaders had to greet the guests, including Vorn Vet, Ieng Sary, Cheng On, Mey Prang ... Auntie Phea,¹² or Ieng Thirith.



Khieu Samphan (front right, in white shirt) and Son Sen (far right) welcome Burmese President Ne Win at Pochentong Airport during his visit to Cambodia in November 1977. (Source: Documentation Center of Cambodia)

¹¹ This is a market in Phnom Penh.

¹² Phea was allegedly Ieng Thirith's revolutionary name.

This prompted the civil party lawyer to ask what the civil party knew of Khieu Samphan's role at the time. Mr. Sarin replied, "I knew from the radio broadcasts every day about the role of Khieu Samphan. We knew he was the president of the DK ... [since] Ne Win ... the [prime minister] of Burma at that time, was being received by Khieu Samphan."

As for what he knew of Nuon Chea, Mr. Sarin said he heard in meetings, radio broadcasts and magazines that Mr. Chea was the president of the People's Representative Assembly, adding that Uncle Van or Ieng Sary was the Minister of Foreign Affairs and Son Sen was a deputy prime minister and the Minister of Defense.

Details of Burmese, Lao and Chinese Delegations' Visits

Moving on to a line of questioning concerning the visits by foreign delegations, Mr. Pov asked the civil party to provide further details of Ne Win's visit. Mr. Sarin obliged, explaining:

At about 9 [or] 10 a.m., we received the delegation at the airport and we took them to the government building. The [prime minister] of Burma would stay at that government building while uncle had to return to his place. We brought the delegation to meet Mr. Khieu Samphan at the State Presidium building. Later on, Comrade Hoeun, who was his driver, brought him to the place to meet the visiting [prime minister] of Burma. ...

Later on, in the evening, some visitors would like to visit the markets, because Burmese liked to shop until they dropped. We could see that [Prime Minister] Ne Win also liked to do that. ...

The Burmese delegation did not pay a visit to cooperatives. By late afternoon, they paid a visit to the Royal Palace. Uncle Khieu Samphan led the delegation into the Royal Palace. I was outside talking with other drivers. Then one of the colleagues said, "Look, even Uncle Hem¹³ paid homage to Buddha!" They joked like that because at that time, there was no religion.

After Longvek, we had a dinner party at Chamkarmon government building. Then they paid a visit to Siem Reap, Angkor Wat. I did not take them there. I just took them to the airport.

Next, the civil party testified that the Lao prime minister also visited, Prince Souphanouvong. He was greeted at the airport by Ieng Sary, Vorn Vet and others. During his visit, Mr. Sarin recalled:

There would be dinner parties and trips arranged for visiting delegations. They were brought to the Tonle Bassac Theater to see the art performance. I think the delegation spent a few nights in Cambodia before they left. Normally, their trip would include a final trip to Siem Reap, Angkor Wat. At that time, Uncle Khieu Samphan would normally join the delegation to Siem Reap. ... I was asked to

¹³ Hem was reportedly the revolutionary alias for Mr. Samphan.

arrange five cars to bring [the] delegation and people who escorted them to Siem Reap.

Ms. Sarin then described the visit of Chinese vice premier Chen Yonggui:

China was a Khmer great friend. He paid a visit in Cambodia, and he stayed a very long time. He spent 16 days in Cambodia before he left. We drivers, security guards, and kitchen unit, had to be very busy. But for this person, Uncle Khieu Samphan was not receiving the delegation, but Pol Pot. ... Mr. Chen Yonggui was well received and brought to the state building by Pol Pot and [would] also [be met by] uncles. By late afternoon or in the evening there was a dinner party at Chamkarmon state building, and we took them to watch an art performance. Then they paid a visit to the East Zone. We had to cross the Prek Kdam ferry crossing, and there were a lot of cars crossing the river on that ferry.

Finally, Mr. Pov asked if the civil party could still recall foreign embassies that existed in Cambodia during those times. Mr. Sarin confirmed that “there were about more than 10 embassies.” He could recall, for example, embassies of North Korea, Albania, Romania, Yugoslavia, Cuba, Egypt, and perhaps Sweden.

Lectures Given by the Co-Accused Persons at Political Study Sessions at Borey Keila

After the mid-morning break, National Lead Co-Lawyer for the civil parties Pich Ang raised a few final questions on the part of the civil party lawyers, first entreating for Mr. Sarin to please be brief. He asked Mr. Sarin if he had ever attended any other study sessions chaired by leaders of the Khmer Rouge, and if so, what was discussed. Mr. Sarin said:

Apart from the political study sessions chaired by Comrade Phum, I also had the opportunity to attend political study sessions at Borey Keila ... lectured by Uncle Nuon Chea and Uncle Khieu Samphan. ...

There were a lot of participants ... about 500 to 600 participants. We were joined by participants from K offices: K-1 through K-30. ... People were from the ministries of energy, land transport, water transport, railway stations, public works, industry; ... at that time, people were also from provinces. I don't remember them, but they must have been senior cadres.

Mr. Ang asked the civil party to provide further details of the session contents. Obliging, Mr. Sarin explained:

Uncle Nuon Chea chaired the session in the morning. In the afternoon, Uncle Khieu Samphan was lecturing. It took about three to four days to conclude the session. That included also a life view exchange session. We were lectured on the victory of the Party. They talked deeply about insights of the victory and the Party. ... During the sessions, we were referred to some documents. There were slogans hanging on the walls of the session. For example, there was a slogan

which said, “Long Live the Glorious Victory of the Party!” There was no picture of Karl Marx or Lenin in the room yet.

Asked to elaborate on what the “life view session” concerned, Mr. Sarin nevertheless insisted that he be permitted to continue to discuss the slogans because it was important to him. He said:

On the right hand side, I would see [a slogan which said] that American CIA and their lackeys had to be smashed. It was written in big letters, easily visible. We also saw another ... slogan which read, “KGB, CIA, and the enemy burrowing from within had to be smashed.” Before Uncle Nuon Chea took the floor, everyone had to rise and pay respect to the Party’s flag. ... We had to sing a song which included very important wordings. ... We said in the song that we had to free ourselves from poverty. We had to be devoted to saving our country. We had to get rid of the old regime and be committed to working to find the future for our country. We had to sing this time and again before leaders would come into the room. It was part of the practice.

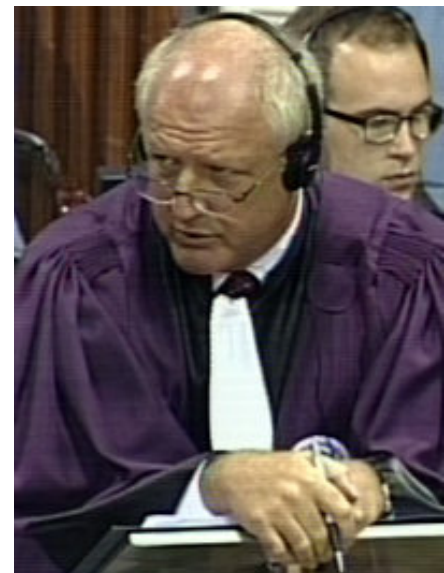
Our leaders were only seen in very modest vehicles. They would not be served drink. They had to bring in their own bottles of water. Then, they would start by addressing the participants and thanking everyone for attending the session. They proceeded to say something about the victory of the Communist Party of Kampuchea [CPK] and the old and new great victories. The “great old victory” was referring to April 17, 1975, when we won the victory over the American imperialists. Then we also had another great victory that we could achieve: ... building dams, canals, [and checkerboard] rice paddy fields with dykes. ... We had to commit to eliminate or smash the enemies burrowing from within. These enemies could no longer hide.

Testimony Interrupted: “Fearful” Civil Party Advises His “Personal Security is on the Line”

Out of time, Mr. Ang ceded the floor to the Office of the Co-Prosecutors (OCP). International Senior Assistant Co-Prosecutor Keith Raynor advised that he would focus on a select few topics:

- Execution of Lon Nol soldiers;
- Content of speeches given by Mr. Chea and Mr. Samphan at political study sessions;
- Deaths at security centers; and
- Instructions given to the civil party about what he was to say to foreign delegations when they visited.

He advised that while he was anxious to give the civil party an opportunity to give his account, these topics were the main ones of relevance in his testimony. Thus, Mr. Raynor apologized in advance for any potential cutting off of Mr. Sarin.



Mr. Raynor first returned the witness to the topic of the political study session at Borey Keila. According to the civil party's testimony to DC-Cam, at that study session Mr. Samphan had spoken about the need to:

- “stand on the revolutionary line and follow the poor peasant model”;
- “totally eliminate stances of private property”;
- “totally smash and uproot capitalists, feudalists, landowners and other exploiting classes in Democratic Kampuchea (DK)”;
- “purge the Vietnamese.”¹⁴

The prosecutor asked the witness to elaborate on what was said with regard to the total smashing of capitalists. Mr. Sarin attempted instead to discuss the execution of Lon Nol soldiers. Mr. Raynor intervened, however, with apologies, and asked for the civil party to answer the question just given. In a surprising turn of events, this instead prompted the civil party to explain:

As I already stated to the people before DC-Cam, I wish to request to the international community and the Royal Government of Cambodia that when I say something about [the study sessions], this may impact on my living conditions, my personal security, so I may wish to pause here, unless there is any intervention from the international community. ...

When my personal risk is secured, then I will proceed to respond to your questions. Indeed, I will be willing to offer my gift to this court so that the world will never end up having such a disaster again when the outside world was turning a blind eye to what was happening in the country.

Mr. Raynor asked if this meant that “events or circumstances leading up to today” made Mr. Sarin uncomfortable to give evidence before the Trial Chamber. Mr. Sarin agreed that this was so, explaining:

I am fearful. I am afraid that my personal security would be at great risk. Mr. Hang Nao, who once talked a lot about the Khmer Rouge, you could see what happened to him. You could also see what happened to the millions who died. It was because of what was said to the study sessions. My personal security is on the line; 70 percent of my security is at risk when I say something to the Chamber. It is now for the Court to [ensure] that I will be safe. Knowing that I will be safe, I will be happy to help the Chamber. ... I am not exploiting the Chamber for my own benefit. I wish to tell the Court and Mr. Ban Ki Moon himself.

The prosecutor asked the civil party to clarify whether he had been personally threatened. Mr. Sarin said that he was not but added:

Frankly speaking, the Khmer Rouge are not happy that their leaders are on trial ... If they knew that this would be the end of the day, they would never have

¹⁴ The relevant ERNs are 00482822 (in Khmer), 00739552 to 53 (in English), and 00746494 (in French).

surrendered and integrated into the Cambodian troops. My personal information and family background would be identified. ... Everyone would like to live a meaningful life. I would want the international community ... to help me.

Mr. Raynor explained to Mr. Sarin that everyone in the Court today had read his statement to DC-Cam, it was available to anyone with access to the case file, and Mr. Raynor could ask for the statement to be regarded by the Court, presumably in lieu of in-person testimony, if he was a “witness in fear.” Before Mr. Raynor could continue, however, National Co-Counsel for Khieu Samphan Kong Sam Onn interjected and said that as a civil party, Mr. Sarin had no obligation to testify and the Chamber should rule on whether any measures should be taken. National Co-Counsel for Nuon Chea Son Arun voiced his support for Mr. Sam Onn’s argument.

The civil party agreed that he would be willing to give evidence to the Court if given security assurances. This prompted Mr. Raynor to read to the civil party the following extract from his DC-Cam statement:

Due to my conscience as a human being, I should tell you what I have heard and seen, but it does not mean I hate Bong¹⁵ Khieu Samphan and Bong Nuon Chea, so I said badly about them. I would like to swear that all my words are true. I am a Buddhist adherent, so I am not exaggerating. These were their speeches. I only wish to tell the truth to the Khmer Rouge tribunal, whether they made mistakes or not. But I do not exaggerate; I just describe what I experienced in the regime.¹⁶

Mr. Raynor asked if Mr. Sarin only wanted to tell the truth to the tribunal, which Mr. Sarin confirmed. Mr. Raynor then asked if it was correct that Mr. Sarin did not want to give details before everyone in the courtroom and public gallery. Mr. Sarin responded, “Without proper security given to me, my testimony should end now. I think that is all I can do to assist this Chamber.”

Turning to the civil party lawyers, the president said that they should have made these arrangements before, although he would nonetheless give them an opportunity to do so now. International Lead Co-Lawyer for the civil parties Elisabeth Simonneau Fort responded that she understood for the first time what Mr. Sarin was saying and asked if the proceedings could be suspended briefly so that the civil party lawyers could explain to Mr. Sarin what was happening, what his rights were, and how his security concerns could be addressed, as it would be unfortunate to otherwise lose his testimony. International Co-Counsel for Nuon Chea Victor Koppe, who had been standing and signaling his wish to intervene, was then given the floor. He advised, however, that his intervention was going to be the one that the president had just made, and so had nothing to add.



¹⁵ Bong is a Khmer honorific signifying brother.

¹⁶ The relevant ERNs are 00482836 (in Khmer), 00739567 (in English), and 00746507 (in French).

The Trial Chamber judges huddled in conference for several minutes. The president then asked Mr. Raynor if he had any additional observations, noting that he was able to intervene only in relation to the request made by the civil party to submit a request to the Royal Government of Cambodia and the UN to secure his personal security in accordance with the Chamber's powers to do so. Mr. Raynor agreed that the Chamber had such powers and suggested also that perhaps a closed session might be considered pursuant to Internal Rule 29(4)(e).¹⁷

At this juncture, Mr. Sam Onn highlighted that Mr. Sarin had previously written a letter to the court concerning his safety and security¹⁸ and requesting to be heard as a witness, rather than a civil party. He also added that it was unknown whether Mr. Sarin was in fact at risk.

President Nonn asked Mr. Sarin whether he had ever been contacted by officials of the Witness and Expert Support Unit (WESU) concerning whether he required any protective measures. Mr. Sarin said that they did advise him on the availability of such measures, including the possibility of voice distortion. However, Mr. Sarin had said at the time that he did not want this to happen, as he wanted to “talk openly and frankly with the Court” and not speak from a hidden location. The president said that protective measures were a “completely different” matter to what Mr. Sarin had been suggesting and that Mr. Sarin was not supposed to testify from a hidden location. Instead, these measures would be imposed if the Court determined it to be appropriate, in line with international practice and Internal Rules.

The president asked if the parties had any other comments. Seeing no one standing, he then advised that the Chamber would not be able to proceed for now, as the civil party had made it clear that he feared for his personal security and requested protective measures. The Chamber would consider this matter, retire for deliberation, and resume at 1:30 p.m., the usual start time for the afternoon session.

Seeing that Mr. Raynor was standing, the president gave the prosecutor the floor but chided him in a seemingly irritated voice for not raising comments when the president had just provided an opportunity and after the trial had proceeded in this manner for years already. Mr. Raynor said he wished to make clear that the OCP would be applying, “potentially this afternoon,” for Mr. Sarin to give his evidence in closed session. The president said Mr. Raynor had raised this point already, and the court would consider it.

International Co-Counsel for Khieu Samphan Anta Guissé added that it was important that the civil party lawyers first have an opportunity to meet with its party and confirm its position and for the parties to then comment on that before the Trial Chamber made a decision. The president

¹⁷ This rule provides that “as an exception to the principle of public hearings ... the Chambers may conduct any part of the proceedings *in camera* or allow the presentation of evidence by electronic or other special means”. The ECCC Internal Rules may be accessed at http://www.eccc.gov.kh/sites/default/files/legal-documents/KH_Amendments%20forwarded%20by%20August%201-3,%202011%20Plenary%20Session.pdf (in Khmer), [http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20\(Rov.8\)%20English.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20(Rov.8)%20English.pdf) (in English), and [http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20\(Rov.8\)%20French_0.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20(Rov.8)%20French_0.pdf) (in French).

¹⁸ This letter has the document number D230/1.1.874B, and the relevant ERN is 00482841 (in Khmer).

did not acknowledge this comment but instead adjourned the hearing for the lunch break at the earlier than usual time of 11:50 a.m.

Civil Party Requests Four Close Protection Police Officers

Following an extended lunch break, the Trial Chamber reconvened at 1:50 p.m. at which point the president ceded the floor to Mr. Ang, requesting him to advise the Trial Chamber of his consultations with Mr. Sarin. Mr. Ang said that over the lunch break, his team had spoken to Mr. Sarin, emphasizing the value of Mr. Sarin's testimony. However, Mr. Sarin remained concerned about his safety and did not make it clear in his request which protective measures he would like to be granted. Some of Mr. Ang's discussion was not audible in the English translation channel at this point, with only a mention of closed sessions being heard.

The president asked whether the civil party had reviewed the DC-Cam transcription of his interview prior to testifying before the Trial Chamber and if so, whether it was consistent with his statement. Mr. Sarin said that he had not read the document before but "recognized that DC-Cam people have done their job very well." The Trial Chamber judges convened at this point.



Following several minutes, the president addressed the civil party and asked whether he would agree to give his testimony to the Trial Chamber in closed session. Mr. Sarin said that he still would not respond if his request from this morning was not granted. This was presumably a reference to Mr. Sarin's request for protective measures. The president clarified that it was clear that Mr. Sarin wished for the "Royal Government of Cambodia and the UN to grant him lifelong protective measures."

Asked to comment, Mr. Ang said that it was necessary for the civil party lawyers to consult with Mr. Sarin about this request. The president said that it was unnecessary to hear further from Mr. Sarin as he had been "unequivocal" as to his position. Mr. Ang entreated for there to be further consideration, as Mr. Sarin had important facts to discuss and it was crucial that they be heard.

At this point, the president granted Judge Jean-Marc Lavergne the floor. The judge asked the civil party precisely what protective measures he sought. Mr. Raynor could be seen standing at this point, but the president advised Mr. Raynor to sit so that the Chamber could first hear from Mr. Sarin. The latter said that he sought measures that could be fulfilled by the police: "Perhaps I need four people to give me protection from today until the day I die. I am not able to pay for these close protection officers. I am afraid I cannot afford that. It has to be borne by the state. I am not asking for food to be offered to me for free. "

Mr. Raynor said that at this stage, the first step should be for Mr. Sarin to be asked questions in closed session from all parties concerning protective measures. He expressed discomfort with the current discussion taking place in open court as it meant the Trial Chamber was "short-circuiting" the proceedings. In an in-camera session, the Chamber could determine if special

protective measures could be applied, and if not, how Mr. Sarin's evidence could be received by the Trial Chamber. This would be in accordance with the ECCC's own rules and common law practice, he concluded.

Mr. Koppe sought to speak at this point, but the president asked him to be seated and granted the floor instead to Ms. Simonneau Fort. She said that it was important to recall Mr. Sarin was a civil party, and the civil party lawyers had spent "considerable time" with Mr. Sarin over lunch discussing what protection measures he required and why. It was for the civil party lawyers alone to explore matters further with Mr. Sarin, she argued, even if in closed session. She did not believe that in civil law, there would be a debate between the parties as to what protection measures, if any, should apply. However, if a debate needed to occur in any case, it did need to be in closed session, she stated.

The president advised that this was what the Trial Chamber understood and this is why the civil party lawyers had been granted time over lunch to discuss this matter with Mr. Sarin. However, according to Mr. Ang's report, it appeared that the civil party lawyers could not convince Mr. Sarin to give testimony. Thus, Mr. Ang had requested for the Trial Chamber to go into closed session. The Trial Chamber took this seriously, thus asking whether Mr. Sarin would be willing to testify *in camera*. However, he noted, Mr. Sarin was unwilling to do so.

Brandishing and pointing to a piece of paper, President Nonn said that the Trial Chamber relied on WESU to bring witnesses and civil parties to testify. Through the letter obtained from WESU, the Chamber had learned that officers were assigned to consult with Mr. Sarin about the date of his testimony. Mr. Sarin had never mentioned any concerns about his safety but just his fear to be away from his pumpkin patch and being unable to harvest them. The president then advised that the Trial Chamber judges would proceed to rule upon this matter. The Trial Chamber judges then huddled in conference around the president again.

After nearly 10 minutes of discussion, Judge Silvia Cartwright was given the floor. She asked the defense counsels to comment on the question of whether to go into closed session. Mr. Koppe stated that Mr. Sarin had "taken us all by surprise" in making his request today. As the public was watching today's hearing, "in the interests of transparency," he argued, it was important for their interests for the hearing to proceed in open session. He felt that only issues concerning specific protection measures to be chosen, and specific fears, needed to be discussed *in camera*.

Ms. Guissé agreed that the closed session question was "somewhat distorted," since Mr. Sarin had already expressed himself, his fears, and his request in public. Thus, she was uncertain what would be gained by holding a closed session. The public had a right to know the basis for a later decision to be made, she argued, noting that it would have been different if the matter had been raised first thing in the morning, before entering into a substantive debate. However, she could not see why there would be a need to have a closed debate at this point as it would be "illogical." Mr. Sam Onn added that Mr. Sarin's position was clear, and thus it was of no significance whether or not the remaining discussion on this matter was in closed session, and therefore *in-camera* sessions were thus unnecessary.



The president gave the floor to the civil party lawyers but cautioned them to address only the defense's comments. Mr. Ang said that the civil party lawyers believed the key issue triggering Mr. Sarin's concerns was his security fears, which led him to be reluctant to testify. Whether or not protective measures were granted, he concluded, the Chamber needed to consider the conditions under which Mr. Sarin's testimony could be given. This prompted yet another deliberation between the judges. After a moment, Judge Lavergne returned to his seat, while Judge You Ottara remained a moment longer, hovering between the president and Judge Cartwright. The president then conferred briefly with Judge Cartwright, after which all judges briefly reconvened.

Trial Chamber Declines Civil Party's Request for Protective Measures

After the judges resumed their seats, the president advised Mr. Sarin that his request for the Royal Government of Cambodia and the UN to provide him lifelong protection was "not appropriate." He advised that the Trial Chamber did not have any "jurisdiction" to provide such lifelong measures. As such, the Trial Chamber decided to conclude Mr. Sarin's testimony, and with this, the civil party left the courtroom.

President Nonn then advised that the Trial Chamber would move to hear the testimony of the reserve witness TCW 732 for the remainder of the day, following the mid-afternoon break.

Former Khmer Rouge Soldier Testifies on the Evacuation of Pursat

When the Trial Chamber resumed, the new witness was brought into the courtroom, together with his duty counsel Moeun Sovann. The witness, Ung Chhat, is 62 and lives in Pursat province, where he works as a farmer. He is married and has five children. The president informed Mr. Chhat of his right not to incriminate himself. Mr. Chhat confirmed that he had given two interviews to the Office of the Co-Investigating Judges (OCIJ). The first was conducted in his hometown and the second in Pursat province. He confirmed that he had reviewed the two records of OCIJ interviews and attested to their accuracy.

National Assistant Co-Prosecutor Song Chorvoin took the floor at this point. She first asked Mr. Chhat when he first joined the revolution and where. The witness replied, "I do not remember the exact year I joined the revolution ... 1972 or 1973. The exact date could not be well remembered as I had to move between locations." He had joined the revolution in Pursat. Asked what he did at that time, Mr. Chhat explained, "The village and commune authority recruited me ... to serve the army. ... It was a low-level military unit in Sector 7. It was a commune military section."

At this point, and in response to apparent noise from the civil parties' section of the courtroom, the president advised the civil party lawyers to maintain order and be quiet. The president then addressed the witness. Noting that Mr. Chhat might need to visit the bathroom frequently, he requested the witness to just advise the Court whenever he needed to do so.

Ms. Chorvoïn continued with her questions, noting that the witness had testified to the OCIJ that from 1971 until after the liberation on April 17, 1975, he had worked as a Khmer Rouge soldier; his division commander had been Ta Kveng; he had been a platoon commander in charge of 32 soldiers; his unit attacked from Tuol Po Chrey; and his unit was in charge of removing goods from the market.¹⁹

Ms. Chorvoïn asked the witness who ordered him to remove goods from the market. Mr. Chhat said that his company commanders asked him to order people to leave goods from the market, adding that their names were Theuy and Sarim. Ms. Chorvoïn queried whether they had equal positions. The witness agreed that they “had the same power.” Asked where the company was stationed, Mr. Chhat said he did not know but that “they would come to the meeting and introduce themselves. That was the one occasion I knew about them before they left for Mong Russei district.” Mr. Chhat advised that he received orders from Touy and Sarim “from the provincial hall where the meetings were conducted.” He could not recall how many participants there were, but “all people from my platoon attended the meeting.”

Returning to the order to dismantle a market, Ms. Chorvoïn asked what motivated this order. Mr. Chhat said that, in a meeting, he was advised to “tell people to only bring away with them something they could carry because they were not leaving their houses for a very long period of time.” Ms. Chorvoïn asked how quickly this order was implemented. Mr. Chhat said it was implemented “immediately, the following morning at 7 a.m.” Asked for the name of the market, the witness instead said that it was small, eventually noting that it was the Pursat market.

The prosecutor asked what the witness did to convince people to leave their houses when leaving the market. Mr. Chhat said, “Another group was using a loudspeaker. I was walking, following them, but I was not armed.” Ms. Chorvoïn asked again for the motivation for removing goods from the market, but Mr. Chhat responded, “Commodities were not removed. People were asked to leave. I do not know what happened after that.”

In the same OCIJ interview, Ms. Chorvoïn noted, the witness had testified that the Khmer Rouge liberated Pursat on April 19, 1975. She asked the witness what he did and where he was at this time. Mr. Chhat said that on April 19, he “entered the provincial town at the provincial hall.” He denied receiving any instructions to remove Pursat town dwellers. Ms. Chorvoïn therefore asked how the witness knew people were evacuated on April 19. Mr. Chhat said, “On April 19, 1975, people were not evacuated. It was until the morning on April 20, 1975, when people were evacuated. People were evacuated by surprise, because no information was given to them in advance. People who were tasked with evacuating the people would then be on duty respectively.”

Ms. Chorvoïn asked if this meant that people were informed about the need to evacuate the evening before it happened. Mr. Chhat explained, “In the evening, we received orders in the meeting from the commander. In the morning, we began to disseminate information in the market. We did not inform people the evening before this took place.” The prosecutor pressed the witness to explain that order. Mr. Chhat said that it was “an instruction from the upper authority; we were to do what they instructed; we must not challenge the order. We [were to]

¹⁹ This record has the document number D125/176.

comply with the order.” He confirmed that “all of us received orders from this unit” and those who had to attend the meeting were aware of this and “learned that they were not forced to attend the meeting.” The order was issued by Comrades Theuy and Sarim.

The prosecutor asked if the order specified what the consequence should be if people did not attend the meeting. The witness replied, “In the order, it convened people for the meeting. In the morning, if people failed to attend, then they would take a different measure, and that would be dealt with when they came back from the meeting.” As to who would be responsible for meting out the relevant measure, the witness denied any knowledge of this.

Ms. Chorvoin asked how long it took to evacuate all the people from Pursat provincial town. Mr. Chhat said that “it did not take long ... one or two days or so [for] all people [to be] emptied.” The witness added that he was tasked to guard the provincial hall and not go anywhere else, so he knew only about this. Mr. Chhat also denied, when asked, “seeing Lon Nol soldiers *per se* because I did not see them in uniform.” He continued, however, “I saw people from the Lon Nol regime, and they were transferred on trucks to the provincial hall. They attended a meeting at the provincial hall, and after the meeting, they left and were taken back. I did not know what the meeting was about, because I was not told of its content.”

Evacuees were not designated to go to any particular area, the witness continued; “they just left the provincial towns in different directions. Some went northward in Pursat province to Tuol Po Chrey.” Mr. Chhat denied knowing the reason behind the evacuation of Pursat because he was low ranking.

Ms. Chorvoin asked about the overall condition of Pursat’s evacuees. Mr. Chhat said:

At that time, people asked me about their belongings which they left behind in the city: would they be returned to them after they returned back? I told them that I was a lower ranking official and I did not know whether or not those belongings would be returned to them. I did not notice at all at that time whether or not people would leave the city for a long time. I noticed that people were leaving the city without any noticeable grim impression.

This prompted Ms. Chorvoin to ask if people were allowed to bring their belongings along with them. Mr. Chant responded, “According to the order, people were not allowed to bring any heavy things with them”; however, “they could bring clothes, cash, and jewelry with them.”

Former Lon Nol Soldiers’ Attendance of a Meeting at Pursat Provincial Hall

As to whether there was any division between evacuees and Lon Nol soldiers, Mr. Chhat said there was no particular announcement about this, only that the evacuees were to take “any direction out of the city.” Ms. Chorvoin asked where people were heading. Mr. Chhat said:

To my knowledge, when they were walking along the main road, I saw a crowd of people. I could not distinguish who was a civilian [and] who was a soldier, because at that time, they did not wear army uniforms. All of them wore civilian

uniforms. People were crowded along the street. I did not know who was who. I did not know who was a soldier and who was a civilian at that time.

Ms. Chorvoïn noted that, according to his OCIJ testimony, the witness had said, “Before they were sent to Mong Russei ... they rounded up the Lon Nol soldiers and took them to a meeting at the provincial hall.”²⁰ The prosecutor asked where the rounding up occurred. Mr. Chhat said that he did not know about that, only that:

Former Lon Nol soldiers were taken to the provincial hall in trucks. ... I said that they could be soldiers, because I saw some of them, and some of my relatives knew of them as well, that most of them were soldiers and some of them were civilians. ... That meeting lasted for three or four hours or so. ...

Following the meeting, there was a direction from the upper authority that they would take those people for reeducation, or a study session, along the Tonle Sap River somewhere. I did not even bother to ask them about the subject matter of the study session they would be attending, but I asked people close to me, and they said, if they went to study, they would stand a chance of being promoted to a higher rank.

This prompted Ms. Chorvoïn to ask how the Lon Nol soldiers traveled to the study sessions. Mr. Chhat said that “they left the provincial hall either on the trucks or in their own cars.” Ms. Chorvoïn then asked where the Lon Nol soldiers were heading, and how many there were. Mr. Chhat said, “I only saw that there were many trucks carrying loads of people. I did not have a watch with me. I did not know where they were heading. I only knew that they went to attend study sessions.” He concluded, “I actually did not bother to question further as to what they would be studying.”



Backtracking slightly, Ms. Chorvoïn asked how many trucks were there and whether there were any Khmer Rouge trucks among them. The witness said he “did not know whether the trucks belonged to the Khmer Rouge. I could not distinguish whether the trucks belonged to the Khmer Rouge or the Lon Nol soldiers. I only saw that there were black and green trucks.” He then testified that “it took an hour or so for all of them to get on the trucks and leave. ... They only had plain civilian clothes on them.”

The prosecutor noted that in his testimony to the OCIJ, the witness had estimated that there had been approximately 200 Lon Nol soldiers “because it was crowded in the provincial hall at that time.” She asked Mr. Chhat how he arrived at this estimation. Mr. Chhat explained that he considered “the size of the provincial hall,” which had approximately a 200-person capacity. Asked whether he knew any of the meeting attendees at all, Mr. Chhat paused briefly and then asked whether this question related to all attendees or just Lon Nol soldiers. Ms. Chorvoïn

²⁰ This record has the document number D125/76.

repeated her question. The witness denied knowing anyone as he had previously been “stationed in the countryside” and did not know the officials attending the meeting.

This prompted Ms. Chorvoin to advise the witness that, according to his testimony to the OCIJ on the meeting participants, he had said that he knew a person named Pol, who was a commander from Tuol Po Chrey. The prosecutor asked when the witness met Pol. Mr. Sam Onn interjected at this point that the person in question was named Pil. Ms. Chorvoin asked the witness to clarify the person’s name. Mr. Chhat said the person’s name was in fact Pel, and he knew this person “when he was leading a regiment in his barracks; ... he was a commander, the biggest person in the troops at the time when we went there.” Asked how often he met Pel, Mr. Chhat clarified that he had not met Pel but merely knew that Pel had boarded the truck with the Lon Nol soldiers.

Moving on, Ms. Chorvoin asked Mr. Chhat if he knew what became of the Lon Nol soldiers after they went to their study session meetings. Mr. Chhat said, “They went to the meeting and disappeared. Only empty trucks and cars returned. Only Khmer Rouge soldiers were seen on the trucks. I don’t know what happened to them.”

At this point, the president adjourned the hearings for the day. Hearings in the ECCC will resume on Tuesday, April 30, 2013, at 9 a.m. with the continued testimony of witness Ung Chhat.