



*Military police under the Lon Nol government participate in training in Phnom Penh.  
(Source: Documentation Center of Cambodia)*

### **Witness Testifies on Alleged Execution of Lon Nol Soldiers at Tuol Po Chrey**

By Doreen Chen, Senior Consultant, Destination Justice, and LLM, Columbia Law School<sup>1</sup>

A former Khmer Rouge soldier provided detailed testimony in the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Tuesday, April 30, 2013, on a sequence of events that prosecutors allege culminated in the bloody execution of Lon Nol soldiers at an execution site in Pursat province known as Tuol Po Chrey. In his second day of testimony,<sup>2</sup> witness Ung Chhat provided the first witness testimony in Case 002 on the Tuol Po Chrey execution site. In particular, Mr. Chhat offered insights into:

- A meeting apparently attended by Lon Nol soldiers at the Pursat provincial hall;
- The meeting attendees being driven away in trucks to alleged training sessions;
- The witness's encountering of those trucks at a checkpoint on the road leading to Tuol Po Chrey; and
- Witnessing corpses at Tuol Po Chrey.

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<sup>1</sup> Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of

<sup>2</sup> Cambodia Tribunal Monitor's daily blog post of Mr. Chhat's first day of testimony may be accessed at <http://www.cambodiatribunal.org/blog/2013/04/fearful-civil-party-refuses-continue-testimony-without-lifelong-police-protection>.

The day was peppered with challenges to the veracity of Mr. Chhat's testimony, especially with respect to whether he participated in the executions themselves, which Mr. Chhat vehemently denied. Most notably, the Office of the Co-Prosecutors (OCP) secured dramatic, last-minute permission to play a video clip of the documentary *One Day in Po Chrey* in which a person, thought by some to be Mr. Chhat, gave testimony suggesting he had participated in the executions. The civil party lawyers also reminded the witness that he was under oath and asked him to confirm whether he had been ordered to participate in the executions, which the witness again denied.

### ***Renewed Focus on Meeting of Lon Nol Soldiers at Pursat Provincial Hall***

At the outset of the morning session, Trial Chamber Greffier Dao Angsan advised that all parties were present but for accused person Nuon Chea, who was again participating in the hearings from his holding cell pursuant to a Trial Chamber order in response to Mr. Chea's health. Some 300 high school students from Hun Sen Sereypheap High School were also watching from the public gallery, while the witness Mr. Chhat was already seated in the witness stand, again flanked by his duty counsel Moeun Sovann. Before ceding the floor to the Office of the Co-Prosecutors (OCP), Trial Chamber President Nil Nonn advised Mr. Chhat that in view of his diabetes, arrangements could be made for him to go to the bathroom whenever required.

International Senior Assistant Co-Prosecutor Keith Raynor resumed his questioning of Mr. Chhat, directing Mr. Chhat to a meeting of Lon Nol soldiers at Pursat provincial hall in April 1975. This meeting had already been the subject of discussion during the April 29 hearing. According to Mr. Raynor, Mr. Chhat had told the Office of the Co-Investigating Judges (OCIJ), "Khmer Rouge leaders told me that these attendees were Lon Nol military officers with the ranks of second lieutenant, captain, and up to general."<sup>3</sup> Mr. Raynor asked if Mr. Chhat saw attendees' ranks on their clothing. Mr. Chhat denied this, saying that he just knew about this fact.

According to the record of his OCIJ interview, Mr. Chhat had also testified that at the meeting, he "recognized Mr. Pel, an officer of [the] Lon Nol military and commander of the regiment station[ed] at Tuol Po Chrey. He had also come to the meeting and, along with others, boarded a car to follow the Khmer Rouge."<sup>4</sup> Mr. Raynor asked about Mr. Pel's rank. Mr. Chhat replied, "I know Mr. Pel very well because his barracks [were] close to my area, and he was the most senior person in the military, although I don't know his actual rank. But he was the most senior military personnel in the area."

Mr. Raynor relayed how Mr. Chhat had told the OCIJ investigators how he "saw those Lon Nol soldiers were happy. They told their relatives waiting and standing up the road, 'Please inform our relatives at home that we are going to study and will meet with the King Father.'"<sup>5</sup> Mr. Raynor asked how many relatives were waiting outside the hall. Mr. Chhat recalled, "There were a lot of people who were seen waiting and standing along the roadside waving at people who were leaving. They told those family members ... that they would be going to the study session. They were heading to the direction of the Tonle Sap River." He continued, "I only learned later that they were sent to Tuol Po Chrey."

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<sup>3</sup> This record has the document number D125/176, and the relevant ERN is 00277334 (in Khmer).

<sup>4</sup> The relevant ERNs are 00277329 to 30 (in Khmer).

<sup>5</sup> The relevant ERNs are 00277329 to 30 (in Khmer).

***Alleged Execution of Lon Nol Soldiers at Tuol Po Chrey***

On the subject of the number of vehicles that carried Lon Nol soldiers away from the provincial hall, Mr. Chhat had told the OCIJ, “There were just two Khmer Rouge cars with about 10 fully armed guards leading the convoy of the Lon Nol soldiers, and there was a jeep with five Khmer soldiers in it driving behind. I didn’t know where they took them to.” Mr. Raynor asked for the total number of vehicles. Mr. Chhat said he was not interested in this, but “people would be loaded into some trucks, and when the trucks were full of people, then they would leave.”



Concerning what happened after the provincial town hall meeting, Mr. Chhat had explained to the OCIJ as follows:

When my guarding duty was over at 11 a.m., they had me go back to my place, which was near the hospital. I then asked for permission from my leader to visit my home village in Chean for two days. At that time, I saw those Lon Nol soldier vehicles were stopping at the Po village fort, which was in present Srey Sdoh subdistrict near Kday Sveh pagoda.

Mr. Raynor asked how the witness had traveled home. Mr. Chhat said that he was on a motorcycle borrowed from a soldier, and saw the trucks parked along the road and “did not ask questions, but knew that these trucks were those coming from the province days ago.”

Mr. Chhat had also testified to OCIJ that at the Po village fort:

I saw some people, some of whom were still in the cars. Others were sitting in a group under the tree’s [shadows]. I also saw Mr. Pel there. Because they saw me dressed in the Khmer Rouge military uniform, they shook hands with me and asked me where I was going. I told them that I was going to visit my home. When I asked them where they were going, they told me that they were going to study at the north bank of the Tonle Sap Lake.

Mr. Chhat confirmed, when asked, that the “Mr. Pel” he had referred to in his OCIJ testimony was the one he had already mentioned, who had been in charge of both the Tuol Po Chrey barracks and Po village. The witness had also testified to the OCIJ investigators:

Angkar only allowed one car at a time to get in there. I saw hundreds of the Khmer Rouge troops surrounding those Lon Nol soldiers. They also set checkpoints onsite to ban people from travelling to that area. I was stopped and searched by them, but since I had a permission slip, they let me through. While I was there, I saw them letting a vehicle leave that place one by one in about every 20 minutes. The Khmer Rouge would not allow the next vehicle to leave for Tuol Po Chrey unless they saw the previous one which transported Lon Nol soldiers to

Tuol Po Chrey earlier returned. Later I saw the vehicle which had transported Lon Nol soldiers there earlier return empty.

The witness advised that he had seen these vehicles at the Po village fort. Mr. Raynor sought to ask Mr. Chhat about the speed of the vehicles but was interrupted by International Co-Counsel for Nuon Chea Victor Koppe. Mr. Koppe declared that while he had not objected earlier to the reading of Mr. Chhat's OCIJ statements, at this delicate juncture, it was very important to ask the witness open questions concerning what happened, as this line of questioning was leading. He added that as the Court knew, there was "very little evidence" concerning what happened at Tuol Po Chrey. National Co-Counsel for Khieu Samphan Kong Sam Onn added that he felt it was a waste of time to read out the witness's OCIJ statement again.

Mr. Raynor responded that his practice of reading prior statements was directed by the president personally, endorsed by all judges of the Court, and repeated by multiple counsels throughout the past year. He understood Mr. Koppe's comments in the context of courts with a jury or where these statements had not previously been seen. However, Mr. Raynor submitted that this was a well-established practice at the ECCC, and further confusion should not be added to it.

Mr. Koppe reiterated that it was because this was an endorsed practice that he had refrained from objecting before. However, as they were now reaching the critical stage in Mr. Chhat's testimony, it was important that questions be as open as possible. Furthermore, even if the practice were accepted, it would "definitely" be grounds for a future appeal. This prompted the judges to confer around the president's seat. Judge Silvia Cartwright could be seen speaking animatedly, using emphatic hand gestures. The president then asked Mr. Koppe what he wanted to say, as the Chamber would be ruling on this matter and Mr. Koppe would not be permitted thereafter to raise the same issue. It appeared that Mr. Koppe had no additional comments, as the president then ceded the floor to Judge Cartwright to deliver the Chamber's ruling on this point:

The Chamber wishes to emphasize that the fundamental rule as summarized by the prosecutor remains valid and that this ruling is not in any way a variation of it. However, the Chamber sees the concerns that the defense for Nuon Chea has raised that the questioning has reached a delicate point and invites the prosecutor to ask more open questions from this point on. I wish to emphasize on the part of the Chamber that this is not an invitation to repeated concerns being expressed about the fundamental rule. We take Mr. Koppe's point that he has not objected when the fundamental rule has been followed by that he is concerned at this particular point in this particular witness's evidence.

### ***Lon Nol Soldiers' Journey and Witness's Recollection of Corpses***

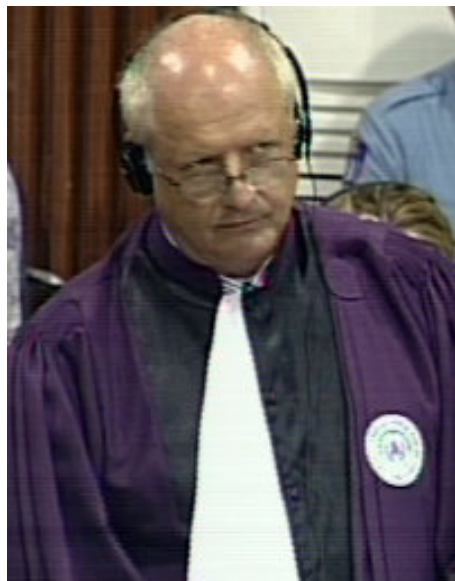
Mr. Raynor confirmed he understood the position absolutely and would apply it. He then asked Mr. Chhat what speed the vehicles were driving at when he was at the Po fort, to which the witness advised, "Average speed. It was not that fast because the road was narrow and they had to drive among the people who were walking along the street."

After Mr. Chhat left the checkpoint, he recalled, he drove his motorcycle to his home village "about 2.5 kilometers away from that place." He stayed overnight as he only had one day's leave

and returned at “around 10 or so the next morning.” Mr. Raynor asked if he passed the Po fort site on his return. Mr. Chhat confirmed that he did because he “came back along the same route.” He added, “When I was coming back along the road, I stopped by, and I also talked to people. People asked me whether I was returning back, and I told them accordingly that I was returning. So I talked along the way with some people I had become acquainted with before.”

Mr. Chhat testified that he did not ask people about the Lon Nol soldiers but the villagers talked among themselves saying they “saw a fleet of trucks taking people” and “heard gunfire, artillery shells at a nearby village.” The witness was unsure “whether there was a battlefield nearby” and “did not know what triggered the gunfire in the place they were talking about.” Asked what he understood from his conversations with the villagers, Mr. Chhat said:

At that time, I did not really know. I came back to the place where I stood guard – the provincial hall. I did not see those Lon Nol soldiers anymore because I only saw empty trucks returning. Then, when I asked for leave to go to my home village, I lost track of that, so I did not bother to ask where those people ... had been to. When I returned back, I stayed in the [Pursat] market for some time, about three hours or so, but I did not take notice of the disappearance of those soldiers. I at that time could not distinguish between soldiers and civilians because they were not wearing [military] uniforms.



At this point, Mr. Raynor asked Mr. Chhat a seemingly unconnected question, namely whether he had asked to extend his home leave. Mr. Chhat confirmed that “I knew a commander, I do not know where he was ... from, but I knew him by the name of Sarim. I told him that I did not want to return to my base yet because my mother was sick. I told him that I wanted to take care of my ill mother, so he wrote a letter permitting me to stay at the rear at that time.”

The prosecutor asked if the witness had any cousins who were Lon Nol soldiers. Mr. Chhat agreed that he had one cousin “by the name Eng Nyanh who resided close to my village. He did not attend any training session, but in 1979, he was eventually killed.” This prompted the prosecutor to ask Mr. Chhat the “real reason” for his extended leave. Mr. Chhat explained it was because his mother was sick. Mr.

Raynor read part of Mr. Chhat’s OCIJ interview to refresh his memory, at which point the motive for Mr. Raynor’s line of questioning became clear: Mr. Chhat had testified to the OCIJ that he asked for leave because his wife was sick but really wanted to go to check on the corpses and see if his two cousins who were Lon Nol soldiers were killed there.

Mr. Koppe objected that the prosecution had heard the decision on whether the readings were leading or not and reading this statement was “incredibly leading.” Mr. Raynor said that if it were assumed that the judges’ recent ruling as conveyed by Judge Cartwright was going to apply in a blanket way, this would be a “wholesale departure” from the previous rule concerning the

reading of prior statements. With respect to Mr. Koppe's objection, Mr. Raynor argued that the issue at hand was not the critical part of Mr. Chhat's testimony and he should therefore be able to review the witness's OCIJ statement in this regard. He added that the president's practice of asking a witness whether they stood by their OCIJ statement either had significance or not.

Permitted to offer a quick reply, Mr. Koppe said that this was not a minor point of this witness's testimony: the question raised involved mention of the word "corpses" and Lon Nol soldiers. The judges conferred once again. After a few minutes, the president advised that Mr. Koppe's objection was not well grounded and thus not sustained. He then reminded the parties that Mr. Chhat had already taken an oath before he came to testify. Furthermore, before giving testimony, he had confirmed that he had been interviewed by OCIJ. At the same time, he advised that if the prosecutor sought to refer to a particular portion of the record of Mr. Chhat's OCIJ interview, he should "quote it verbatim and not add any additional words to the quotation."

Before Mr. Raynor proceeded with his questions, Mr. Koppe attempted to make a statement concerning the president's comment that the witness was under oath. However, the president cut in, advising that the issue had been ruled upon and Mr. Koppe could not make any additional comments. Mr. Raynor therefore proceeded, as directed, to quote the record of Mr. Chhat's OCIJ interview verbatim: "When I arrived at my unit, I asked my boss for an extension by telling him that my wife was sick. But in fact, I wanted to go to check on those corpses and see if my two cousins, who were Lon Nol soldiers, were also killed there."

This reading triggered another interruption, this time from Mr. Sam Onn, who requested a reference for this statement. Mr. Raynor duly provided this.<sup>6</sup> He then asked Mr. Chhat if this statement was accurate. Mr. Chhat agreed that he had asked for an extension but "did not intend to check those corpses to see if my cousins were among them. When I went to see those corpses, I did not really remember the events at that time." Mr. Raynor asked the witness whom he went with to see the corpses. Mr. Chhat said he did not go that day but on a later day. He described how the "villagers had been surprised by those corpses because when they went fishing, they saw corpses." At that time, his cousin had still been alive.

Pressing the witness on this point, Mr. Raynor again asked who he went with to see the corpses. Mr. Chhat explained, "I went along with other villagers, but I did not know who they were. ... I went along with two villagers, but both of them are dead now. Then a few days later, I was told that they used bulldozers to actually bury all of those corpses."

Asked what he saw at the site, which was presumably a reference to the site of the corpses, Mr. Chhat said:

I actually watched it from a distance. The barracks stretched over about 100 square meters, and I only saw the corpses from outside the fence of the barracks. I could not recognize those corpses. When the investigators went to meet me and took me to that location, I could hardly recognize that place anymore because people had planted crops and vegetables all over the place.

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<sup>6</sup> The relevant ERN is 00277331 (in Khmer).

### ***Questions Arise over Witness's Credibility***

The prosecutor was then permitted to quote to the witness from his OCIJ statement. Before he could proceed, however, Mr. Koppe objected that although he did not know the quote that would follow, he believed he did and objected to it. He suggested that the Chamber review a paragraph in the document *Site Identification Report Tuol Po Chrey* that stated:

The credibility of witness Ung Chhat in one part of his statement is questioned. It is the impression of the investigator that the witness does not disclose the full alleged participation. His detailed knowledge gives reason that he might have been closer to the events than he testified so far. In areas where he described the basic locations, the course of the events prior and after the execution, the burial of the bodies, his testimony is very credible and matches with the account of other witnesses.<sup>7</sup>

While Mr. Koppe was not necessarily convinced in these doubts over Mr. Chhat's credibility, he said that as Mr. Chhat's credibility had been called into question, the reading of prior statements to him was questionable and open questions should be used instead. Mr. Raynor replied that credibility was a matter for the Chamber and objecting on the basis of an OCIJ investigators' "unspecified comments" was groundless.

The president permitted Mr. Raynor to proceed, while ensuring he would follow the Chamber's directions. He then read to the witness as follows:

At that site, inside the Tuol Po Chrey fort, I saw all the dead bodies were on the ground with their heads pointing north. I saw the arms of the corpses were tied to the back and the corpses were tied up together in 15 to 20 by a rope. Wound marks on the heads and torsos of those corpses were clearly visible, and there was a strong smell of blood at the site.

Mr. Raynor asked Mr. Chhat if this was correct. The witness replied:

I wish to make it clear that when I saw the corpses, I did not see the corpses personally. People had been in the place before me and villagers would then recall what they saw. So I can say now that this account is reflecting what happened to the corpses, but I heard from what people told me.

Seeking clarification, Mr. Raynor asked if Mr. Chhat did walk with two people from his village to Tuol Po Chrey. Mr. Chhat said, "No, I was on an ox cart going fishing near the fort. ... The place where we went fishing was about two kilometers from that complex, and I heard people talk to me about this." This prompted Mr. Raynor to read to the witness the following extract from the record of his OCIJ interview: "I arrived at my home and left the motorbike there, and then I walked, with two other persons, Doeun and Mahan,<sup>8</sup> through the forests towards Tuol Po Chrey." The prosecutor asked why Mr. Chhat had told this account to the investigators. Mr.

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<sup>7</sup> This report has the document number D125/217, and the relevant ERN is 00294308 (in English).

<sup>8</sup> The spelling of this name was not audible in the English translation channel.

Chhat responded, “I think I had no motorbike at that time. ... I did tell the truth, and my testimony can be confirmed by a person by the name Nyanh. There was no motorbike.”



Mr. Raynor said Mr. Chhat had told the OCIJ investigators, “I saw all the dead bodies.” He asked why Mr. Chhat had told the investigators this. Mr. Chhat attempted to respond, but before he could proceed, Mr. Sam Onn objected that Mr. Chhat could have been mistaken or given a different account to the OCIJ, and thus the line of questioning was inappropriate. The president responded that each party had its own strategy, and such objections were inappropriate. He also reminded parties that if they believed some questions were inappropriate, they could take an opportunity during their own questioning time to put counter questions. To save the Court’s time, he concluded, counsels should be cautious being on their feet, and they should not intimidate the witness.

Mr. Raynor again asked the witness why he told the OCIJ that he had seen the dead bodies. Mr. Chhat responded, “I may have to correct this statement. If I remember this clearly, I did not say exactly I saw all the dead bodies were on the ground with their heads pointing north because it is not possible that all the dead bodies could have had their heads pointing north.”

Next, the prosecutor asked why the witness said he saw the bodies with their arms tied. Mr. Chhat responded:

The people, the villagers who were there at the crime scene, saw the dead bodies whose arms were tied. This is the account that I learned from them. I asked them how these people died, and that’s the way they told me. They said that people were killed when their arms were tied.

Mr. Raynor asked why the witness told the OCIJ, “I saw the corpses were only in civilian clothes.” Mr. Chhat responded, “When I saw the corpses, I did not see them wear military uniforms. They were wearing civilian clothes. The corpses were scattered in the area. The corpses perhaps could have been ransacked by the people who were trying to find some jewelry or belongings of these dead people.”

This prompted the prosecutor to ask how close Mr. Chhat got, in meters, to a corpse that day. Mr. Chhat responded, “After the stink, the smell of the corpses already subsided, and the fence of this fort was removed, I went to the place to see the corpses. I can’t exactly say how far I could have been standing from the location where I saw these corpses.”

Mr. Chhat had also told the OCIJ, according to the prosecutor, “Some corpses were dragged into a pond nearby, and some were buried onsite.” Mr. Raynor asked if Mr. Chhat had ever visited the pond and seen corpses there. Mr. Chhat responded, “I brought the investigators to that pond. The location where the bodies could have been buried before was now a plantation. He



continued, “The villagers would use their hoes to dig the ground and they could find some remains of the dead bodies. Also in the pond, there were some remains as well.”

Pressed as to whether he himself saw remains of human bodies in a pond, Mr. Chhat said he did not recall the exact date, though, “I saw the remains, but I did not see the scalps. We saw only fragments of the remains, like the bones of the corpses. We saw that on the day when the investigators went to the location with me.”

***Video Clip: Villager Describes Display of Two Lon Nol Soldiers’ Decapitated Heads on Sticks***

At this point, Mr. Raynor was granted permission to play an extract from Thet Sambath’s film *One Day at Po Chrey*, which the Trial Chamber had already seen in full in a recent document hearing concerning Tuol Po Chrey.<sup>9</sup> The video showed a scene with two men squatting by a tree, evidently near Tuol Po Chrey, with a man in a green fisherman’s hat being interviewed by another man wearing a white shirt and a *krama*.<sup>10</sup> The interviewee gestured and occasionally laughed when he recalled his experience at the Tuol Po Chrey execution site:

Interviewee: When I was small I came here. The killing had already happened. The bodies were bubbling like molten tarmac. The place was like a rubber plantation. The stomachs were bloated and bubbling.

Interviewer: What did they tell you first of all? Why did you come here?

Interviewee: They told me to remove all the houses belonging to the [defeated] soldiers. We dismantled the houses while the Khmer Rouge buried the bodies with bulldozers.

Interviewer: Tell me what you saw when you first came here.

Interviewee: I saw the corpses and the Khmer Rouge. They were cutting the heads off some of the bodies.

Interviewer: What did they do with the severed heads and where were you? Tell me.

Interviewee: They put one head over there and the other over the gate entrance there.

Interviewer: Who did the heads belong to?

Interviewee: They were Mr. Pel and Mr. Run. Only two men had their heads cut off.

Interviewer: Whose head was where?

Interviewee: Mr. Run was mounted to the north and Mr. Pel to the south.

Interviewer: How were they mounted?

Interviewee: They were mounted on sharpened poles through the throats.

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<sup>9</sup> This film has the document number E106.1R, and appears at Item 12.

<sup>10</sup> A *krama* is a traditional Cambodian scarf.

Interviewer: So Mr. Run's head, how far were you away from it?

Interviewee: I touched him. I played with the pole with heads on top.

Interviewer: So how were you playing with the heads? Show me.

Interviewee: I was shaking their heads for fun. I saw his clothes and his torso. Mr. Pel's body was laid here, and his head was stuck over there.

For his final question, Mr. Raynor asked the witness if the villager's pronunciation of Mr. Pel was the same as his own. The witness agreed that this was so.

At this point, International Co-Counsel for Khieu Samphan Anta Guissé said that she was not objecting but simply wished the record to reflect that this video was not on the interface. She requested the same latitude in this regard. Mr. Raynor said he had contacted the audiovisual unit and Mr. Roger Phillips of the Trial Chamber to advise that he intended to use the clip, but it was not possible to upload it to the interface.

### ***Further Details of the Pursat Provincial Hall Meeting***

Taking the floor for the civil parties, International Lead Co-Lawyer Elisabeth Simonneau Fort asked if the civil party lawyers would be given at least 20 or 30 minutes for questioning, in view of repetitive defense objections. The president agreed that they would have 15-minutes' additional time. National lawyer for the civil parties Chet Vanly then began her questioning. She first asked the witness who gave the order to have the Pursat market removed. Mr. Chhat replied, "As a soldier in the battalion, I was under the supervision of Mr. Theuy and Sarim. ... On April 19, I had to carry out the order. The order was rendered from these two commanders when I was asked to go to the provincial hall to guard the outside area of the complex." He continued, "I was not tasked with gathering civilians or soldiers to attend the meeting. I was there only on guard duty."



Asked to describe his duties and how many people attended the meeting, Mr. Chhat said:

My platoon, comprised of about 30 people, was deployed to stand guard at the outside of that complex. In the afternoon, I was asked to follow a group of soldiers, one of whom was seen carrying a loudspeaker asking villagers to leave their homes. After that, I had to come back to my guarding position and continue guarding the premises. ... I was [armed] when guarding the complex, but when we were at the market telling people to leave their market and homes, we were not armed. ... We were commune soldiers, so we were not allowed to be armed in a public place.

Ms. Vanly asked who was in charge of bringing the people to the provincial hall. Mr. Chhat denied knowing this but deduced that the order "had to be rendered from Mr. Theuy." As to how

he could have known the attendees were Lon Nol soldiers if they were wearing civilian clothes, Mr. Chhat explained, “This was because I knew Mr. Pel. Mr. Pel was a former soldier of Lon Nol, so I thought that those people were soldiers. But I also had some reservations ... because I wondered why those people were not wearing military uniform if they were soldiers.”

Asked if he knew anyone else among the provincial hall meeting attendees that he recognized, Mr. Chhat denied this since he came from the countryside far from the provincial town. He stated, “I did not recognize anyone. I only knew Mr. Pel who was a commander in a military barracks near the place where I was positioned. ... I knew another man by the name of Tao as well, but I did not know him clearly.”

Ms. Vanly asked if the witness knew Mr. Youk Thang, the provincial governor at the time. Mr. Chhat said he only heard of this name and had not met him. As for how meeting attendees were gathered, Mr. Chhat described:

I came to stand guard of the premises according to the orders I received. I was tasked by my superior to guard this premises. My duty was to provide security around the premises. I did not know if plans had been arranged beforehand for the meeting. They did not even tell me what the meeting was about. ... I was only supposed to handle the duty I was [given]. ... My role was merely to guard the premise. I did not know what was going on. The meeting was held [behind] a firmly closed door.

Nevertheless, Ms. Vanly asked if Mr. Chhat knew that the meeting was to rally people to support the late King Father Norodom Sihanouk. Mr. Chhat said that when people were boarding the trucks, he overheard them say they were heading northward to attend a training session. Finally, Ms. Vanly asked if Mr. Chhat saw or knew any leaders of Democratic Kampuchea (DK) presiding over the meeting. Mr. Chhat said that he did not as he was at the entrance and “normally the leaders came from the back door.” Ta Soth and Ta Theuy were the commanders of the sector at that time, he said, but Mr. Chhat was unsure if they had attended the meeting.

### ***Witness’s Handling of Difficult Orders***

After the mid-morning break, Ms. Simonneau Fort continued the civil party lawyers’ questioning, thanking the witness for his courage in testifying. She noted that as Mr. Chhat said he was 62, so he must have been 23 in 1975. She asked if there were many other young people enlisted in the Khmer Rouge army at the time. Mr. Chhat instead advised that there were a lot of people “from different provinces and people.” Pressed on the question of age, Mr. Chhat said, “There were young people and adults. There were very few people as young as I was at that time when [I] enlisted. ... We were not allowed to stay with our parents.”

Ms. Simonneau Fort asked if Mr. Chhat was sometimes asked to perform very difficult tasks. The witness agreed, noting, “Whether we liked it or not, we had to join the army. ... We had to follow orders, and we had to be armed. It was an obligation. ... We had no other choice. We young soldiers would then be put to work together with other senior soldiers.”

Ms. Simonneau Fort asked Mr. Chhat if performing tasks that he did not agree with ever weighed on his conscience. Mr. Chhat, by way of agreement, stated, “I did not like the tasks, but I had to oblige myself to join them. We were monitored by people at different levels, and we would not be safe if we stayed home.”

The civil party lawyer noted that Mr. Chhat had been demobilized after 1975. She asked if this was because he could not endure his duties. Mr. Chhat replied, “We were told that we would be taken to Mong district of Battambang. I was very tired already because I had been involved in this too long, and I was fed up with this, so I asked that I be reunited with my family.”

At this point, the president interrupted, asking Ms. Simonneau Fort to explain the relevance of her questions. She advised that they were relevant for establishing the context and military authority structure and were a foundation for the follow-up questions she was intending to ask if permitted to do so. The judges briefly conferred. The president then again asked Ms. Simonneau Fort to identify the underlying fact to which her questions were related. Ms. Simonneau Fort advised that her questions related to Tuol Po Chrey.



After noting that the witness was not comfortable talking about this issue, she continued her questioning, referring to the witness’s testimony that he had witnessed leaving and asking how frequently he saw the trucks leave. However, Mr. Koppe objected, explaining that perhaps it was a translation issue, but he thought he had heard Ms. Simonneau Fort say Mr. Chhat was arrested. Ms. Simonneau Fort clarified that she had said “stayed,” not “arrested.” Mr. Chhat then replied:

I didn’t see the trucks because Po fort was not close to my area. There were checkpoints in the area where people were checked before they could be allowed into the premises. When I was checked, I saw trucks leaving one at a time. I didn’t know if the trucks were leaving for Tuol Po Chrey, but that was the only road leading to Tuol Po Chrey, so I presumed that they might be leaving for Tuol Po Chrey.

Finally, Ms. Simonneau Fort reminded the witness that he had taken an oath, and asked if he had been ordered to participate in the executions at Tuol Po Chrey. Mr. Chhat responded:

I have already taken an oath to tell the truth, nothing but the truth. I did not receive orders to kill anyone at that time. If I were to receive such an order and I did not [tell the Court], then I will be cursed by all the spirits. But I am telling the truth, and I believe that this truth telling will bring my prosperity.

### ***Witness's Experiences and Knowledge of the Lon Nol Army***

At this point, Mr. Koppe took the floor for the defense. He first asked the witness if he ever encountered Lon Nol forces while he was a Khmer Rouge soldier. Mr. Chhat confirmed that he engaged them in “some battlefields in the vicinity of Pursat province. As the combatants in a platoon ... we were located in our confined area. My unit was a secondary military unit, as opposed to the other main units in the military.” Asked to elaborate on those battles, Mr. Chhat said:

I cannot remember the details of this. We engaged in the battles, but small battles. When we fought these soldiers, we were on foot, and we did not engage in the battles when we were in the tanks. We were fighting in small groups on those occasions. I just don't remember the frequency or how many times we engaged in such battles.

Mr. Koppe asked if any of Mr. Chhat's fellow soldiers was ever arrested by Lon Nol soldiers and if so, what happened to them. Mr. Chhat said he had no knowledge of this, adding, “We were tasked with treating the wounded. Sometimes, we would be asked to help the other soldiers, but I do not remember knowing that any of us were arrested.”

This prompted Mr. Koppe to ask Mr. Chhat if, in the years prior to the evacuation, he had ever been situated close to the place where Commander Pel had been located at Tuol Po Chrey. Mr. Chhat had said that he had been about 15 kilometers away at Svay Daunkeo and the closest he had been located to Commander Pel's position was about “five to six kilometers away.” Mr. Koppe asked if Commander Pel's fort was ever attacked by revolutionary forces prior to 1975. Mr. Chhat confirmed this occurred “very often” and his unit had to support the forces attacking them. He said that the casualties were more on the Khmer Rouge than Lon Nol side.

Asked to estimate how many attacks were carried out on the fort at Tuol Po Chrey, Mr. Chhat said that he was unable to do so “because as a ... low-ranking combatant, I had no access to ... the records of attacks that could be taking place at that time in Sector 7.” Mr. Koppe pressed on this point regardless, asking if it was more like one or two or dozens of attacks. Mr. Chhat said, “Prior to 1975, during the course of one year, I can say that there were one or two attacks. ... There were less frequent attacks in 1974 ... than the previous years.”

Concerning how many Khmer Rouge soldiers were wounded or killed after each attack, Mr. Chhat said:

Po village fort and Tuol Po Chrey fort were attacked one after another. For example, troops would attack from different sides at different times. I would only be there to help collect the wounded. Some would be transferred to other locations. For that reason, I cannot really give you the number of soldiers. I know that soldiers were killed, but later on, these gaps were filled by new recruits. I noted that some of them spoke with dialects, so I knew that these new recruits could have been from different parts of the country.

Mr. Koppe still pressed Mr. Chhat for an estimate of Khmer Rouge casualties. Mr. Chhat finally replied, “Sometimes, during an attack, four or five would be wounded,” but he was unable to get closer to the location where medical treatment was provided.

Moving on, the defense counsel asked the witness how many Lon Nol soldiers had been staying at each of the Tuol Po Chrey and Po forts. Mr. Chhat explained that he did not know, as his unit was in the jungle. He explained, “It was believed that there was a battalion of [Lon Nol] troops at that place. I can say that in a platoon, there would be a certain number of soldiers.” He continued, “I do not know the exact number ... of the soldiers recruited at that place. ... This matter is of confidential nature.”

Adopting a different approach, Mr. Koppe asked whether saying there were 200 Lon Nol soldiers stationed at Tuol Po Chrey would be a “wild guess.” Mr. Chhat responded, “I base my assessment on the size of the fort, and I asked people there as well. ... But inside the fort, there were not only soldiers. There were civilians as well. But my guess is that there could be around this number, or well above this number, or lower than this number.”

The Po fort was much bigger, Mr. Chhat said, as it “comprised of civilians as well as the militia and soldiers. I actually at that time did not bother to ask questions as to how many soldiers were there, because ... some people said they were soldiers and others said they were militia.”

#### ***Witness’s Knowledge of Lon Nol Commanders and Attitudes Prior to 1975***

Turning at this point to Mr. Chhat’s knowledge of the Lon Nol commander Pel, Mr. Koppe asked what Commander Pel’s reputation was in 1975. Mr. Chhat said:

Pel was the commander of the two forts: the one in Po village and the one in Tuol Po Chrey. In terms of his reputation, on the day he met me, I did not know that people had any bad impression of him. Actually, he was someone whom the villagers thought was an ordinary commander. They did not have any particular notice on him.

The defense counsel clarified that he was interested in Mr. Chhat’s own knowledge of Commander Pel’s reputation. Mr. Chhat asked if the counsel was referring to his knowledge before or after the peace period (presumably after the liberation of Phnom Penh), explaining that “before peace,” people were advised to hate each other. However, after the peace period, Mr. Chhat found that Commander Pel “was an approachable person. We did not even ask each other about our previous background and work. We worked alongside each other [pursuant to directions] to interact with each other.” Focusing on the reference to hate, Mr. Koppe asked if there had been any hatred towards Commander Pel before the peace period. Mr. Chhat recalled:

I cannot really enlighten you on this issue, but there were instructions at that time that we must not seek revenge against the previous commanders in the military. We had to seek peace amongst ourselves because our country was at peace now. ... At that time, we lived with each other peacefully ... we did not have any problems with each other.

We knew that there were executions at Tuol Po Chrey. That was the only location where people were executed. In 1976, there were some investigations into the executions over there.

This prompted Mr. Koppe to ask where these instructions came from, and why. Mr. Chhat said:

It was in accordance with the order that I received from the military rank. ... They issued an order for officials at commune and village level to tighten solidarity in order to build the country. They had to join forces in order to cultivate crops. We were given cows and oxen. ...

It was the plan. I did not know the underlying reason, but in the past, they did not want to even look into each other's face. They could not tolerate one another. ... But after, we were seeking peace. As civilians, we agreed with this order. ... I was only an ordinary citizen. I left the military, and I was working as a farmer, so I did not question the reason behind this. I only know that it was appropriate to live in peace at that time. I did not receive the order; neither did I attend a meeting.

Mr. Koppe asked what it meant that people could not look into each other's eyes. Mr. Chhat said, "There was clear segregation: those who were armed were on one side, and the other side was in the forest." He further explained, "At that time, people were armed, and if we did not attack the other time, we would be attacked. So we fled our village and we resided in the jungle in order to resist our opponent force."



Mr. Koppe sought further clarification on who could not look in each other's eyes. Mr. Chhat stated, "The soldiers, the soldiers from the two sides, were given instructions that whenever they encountered, they had to attack." This prompted Mr. Koppe to ask the witness to testify as to the relations between civilians and Lon Nol soldiers before the evacuation of Pursat. Mr. Chhat said, "To the best of my recollection, from 1972 until 1973 until April 17, 1975, the civilians and Lon Nol soldiers were separated. They stayed far from each other. ... I stayed with the civilians. At that time, there was a delineating line between the soldiers and the civilians."

At this point, Mr. Koppe referred to the video extract that Mr. Raynor had shown from *A Day in Po Chrey*, in which the villager had described the mounting of Commander Pel and Run's decapitated heads. Mr. Koppe asked if Mr. Chhat had ever heard that this happened. The witness replied, "I never heard of such a thing. I only knew that he was dead. But in relation to whether or not he was decapitated and his head was mounted on a pole, I did not know."

The counsel asked if the witness had known Commander Run. Mr. Chhat said he did not know if Mr. Koppe was referring to "Run who was subordinate to Pel. But I did not know him. He must

have been somebody of authority in the military. I did not know about this man, so I cannot tell the court. ... I did not know whether or not he was a soldier.” Mr. Koppe asked if it would help for the video clip to be played again so that Mr. Chhat could listen to it again. The witness agreed, and President Nonn duly granted this request. After the video was played, Mr. Koppe asked if this refreshed the witness’s memory. Mr. Chhat said that he did not remember Run, only Pel.

Mr. Koppe noted that in the video, the villager had testified about houses of Lon Nol soldiers being searched. He asked if Mr. Chhat had heard about this. The witness replied instead, “The fort that I mentioned was not a properly structured fort. Actually, it comprised of small huts. ... It was not a very solid building.” Mr. Koppe maintained his interest in the searches of houses and again asked the witness about this. Mr. Chhat said that he did not know about this because:

When I went back to Pursat, I went straight to my village. I was not following up what was happening at that time. When I came to see the corpses, I did not see the burial site. I only saw the houses which had been burned down. ... According to what I witnessed, the houses were around the fort. Those houses accommodated the ... forces. It was adjacent to the fort. I saw the burned houses. Those houses were not properly structured. They were made of small wooden pillars, and some of the pillars were made from bamboo.

At this point, the president adjourned the hearing for the lunch break.

### ***Revisiting Witness’s Recollection of the Meeting at Pursat Provincial Town Hall***

After lunch, a new audience of approximately 150 high school students from Jayavarman 7 High School took their seats in the public gallery. When the proceedings resumed, Mr. Koppe advised the president that the Khieu Samphan Defense Team had agreed to give Mr. Koppe most of their allocated time. Mr. Koppe then directed Mr. Chhat’s attention back to the meeting at Pursat provincial town hall yet again and asked the witness if he was able to give an exact date for that meeting. Mr. Chhat said that he could not, as he was a “low -level combatant.” Mr. Koppe asked if it was before or after the liberation of Pursat, which caused Mr. Chhat to offer an exact date after all, testifying that the meeting in fact took place on April 19, 1975.

Mr. Koppe advised that, according to his interview with the OCIJ, Mr. Chhat had testified that the meeting had happened “about 10 days” after Pursat was liberated.<sup>11</sup> The defense counsel asked if what Mr. Chhat had said to the OCIJ was incorrect. Mr. Chhat confirmed that indeed, it was incorrect, as Mr. Chhat “was there for only a few days when the [meeting] happened. It could not have been that long.”

Moving on, Mr. Koppe asked if Mr. Chhat was able to distinguish between people who had arrived in their own trucks, and those who were brought to the hall for the meeting. Mr. Chhat said that he “did not know whether these people were forced to come to the area,” just that he saw people arriving on trucks. “They were not escorted by armed people,” Mr. Chhat added. As for how the vehicles looked when they left. Mr. Chhat said, “As a peasant, I was not well informed to identify the trademarks of the vehicles. They were somehow small vehicles carrying

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<sup>11</sup> The relevant ERN is 00284426 (in English).



a few people, and there were some trucks. But when people were loaded into the provincial hall, they used only small vehicles, not the trucks.”

Asked where he was standing in relation to the provincial hall when people were arriving, Mr. Chhat said that he “was standing about 40 to 50 meters away from the main gate. ... I was not standing next to the main gate of the provincial hall. ... We had to take turns standing guard in this vicinity.”

Mr. Koppe asked if Mr. Chhat remembered seeing about 200 to 250 people entering the main gate of the provincial hall. Mr. Chhat estimated that there were about 200 people, although people may have entered through another gate. He then explained that he was “standing there like a lion [statue]” rather than like someone who could take note of who was coming. Next, the defense counsel asked if Mr. Chhat’s colleagues asked questions when people were entering the meeting. Mr. Chhat answered instead that his colleagues asked some “very simple questions of them [when they were leaving], for example where they would be heading to next.” The defense counsel pressed for a further explanation, to which Mr. Chhat said:

We were not supposed to ask people questions. I don’t remember whether members of my group were asking some questions, but other people were heard asking some questions. These questions were like when people converse with one another, like chit-chat. That’s all. I heard people ask some of the people where they would be going, and then they would say that they were there to attend study sessions or to see the King Father.

Mr. Koppe explained that he had been more interested in whether questions were asked before people went into the hall. Mr. Chhat said that he did not know and that in his unit, people did not do so. “We never talked to one another about them,” the witness said.

The defense counsel asked if it was possible for anyone to enter the gate of the provincial hall or if everyone had to identify themselves. Mr. Chhat said, “People who walked would not be allowed to walk in through the gate, but if those people were on a vehicle, then they would be allowed to get into the premises. So in other words, people did not walk into the premises.”

Mr. Koppe sought to clarify whether Mr. Chhat knew if those vehicles were Khmer Rouge or Lon Nol vehicles. The witness replied:

When I was a combatant, I never saw any of the Khmer Rouge soldiers being in possession of a vehicle. These vehicles were seized or were taken from the cities. I knew that people called some of the vehicles American vehicles. There were some small cars that could accommodate five to six people in each car, black sedans for example.

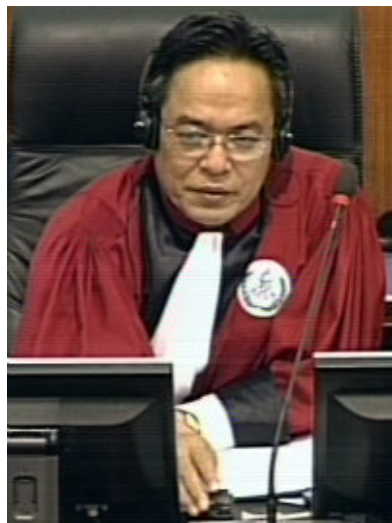
### ***Capacity of the Provincial Hall and Identity of Its Attendees***

At this point, the defense counsel returned to the estimate of there being 200 people at the hall. However, National Assistant Co-Prosecutor Song Chorvoin objected that this question was repetitive, as she had asked it of Mr. Chhat yesterday. Mr. Koppe agreed but explained that Ms.

Chorvoin's question had been an introductory one, while Mr. Koppe was interested in the method of arriving at the figure 200. Mr. Chhat explained, "This number is calculated against the capacity of the hall itself because I believed that the room could accommodate roughly 200 people, no more than that. That's why, when I saw several people coming into the premises ... that was my rough estimation.

This prompted Mr. Koppe to ask the witness to look at the ECCC courtroom and give an estimation of its capacity. Mr. Chhat did not oblige him, however, instead insisting, "I was standing there right in front of the access to the room. I could see people sitting in the room. Although the door was closed when the meeting commenced, that's the number of people I believed to be sitting in the hall. There could have been about 200."

Mr. Koppe repeated his request. With still no movement from the witness, the president intervened, asking Mr. Chhat to have a quick look at the public gallery. Mr. Chhat stood and duly looked over his shoulder to the courtroom behind him. Mr. Chhat said that he could not give estimate, "as people were scattered all over the place in the public gallery."



However, he insisted that the provincial hall could contain approximately 200 people. This prompted another intervention from President Nonn, who advised Mr. Chhat that Mr. Koppe was only interested in an estimation of how many people could sit in the public gallery, not how many there were. Mr. Chhat responded, "Now, there are no more than about 100 people in the public gallery."

Mr. Koppe also tried to explain that he was interested in the witness's estimation as to the capacity of the public gallery. However, before the witness could respond, Ms. Simonneau Fort objected that the question was asking Mr. Chhat to make an approximate assessment and was not very relevant, although she quipped that perhaps she did not have the same concept of relevance as other parties. Mr. Koppe said that the witness had expounded on his capacity to estimate the number of people in

the provincial hall, and Mr. Koppe was therefore interested in whether Mr. Chhat's capacity to do so was indeed well established.

Seeing that Ms. Simonneau Fort was again standing, the president asked whether she was making a new point because if she sought to make the same point, she was not allowed to do so. The judges held a brief conference at this point. After this, the president advised that Ms. Simonneau Fort's objection was appropriate and sustained, since while Mr. Koppe's question was appropriate, it did not appear to be within Mr. Chhat's capacity to make such an estimation as "only the owner" of the ECCC courthouse could do so.

The defense counsel relented and moved on, seeking confirmation that Mr. Chhat had not entered the provincial town hall itself. Mr. Chhat confirmed that he did not. This prompted Mr. Koppe to ask if the witness was able to watch the meeting proceedings "through a door or window." Mr. Chhat said that this was not possible and that from his position at the checkpoint, "I could not see what was going on inside the room." Mr. Koppe also sought to confirm that Mr.

Chhat could not see who was addressing the meeting. The witness explained that he could not “even hear anything from that meeting hall,” let alone see the speakers.

Next, the defense counsel asked if people from the “upper authority” were at the meeting, and if so, who they were. Mr. Chhat said, “There were leaders, but I did not know who they were, I did not even see their faces because as I said, I was at the front gate. The leaders came to preside over that meeting from the back gate.”

Mr. Koppe asked if the witness knew someone called Ta Kleng.<sup>12</sup> Mr. Chhat agreed, explaining, “When I left the provincial town, he came to preside over the rally in sector 7. There were tens of thousands of people attending that rally.” He continued, “Ta Kleng was one of the persons who attended that rally, but I never saw his face, I never met that person. That was the only time I saw his face.”

Asked whether Ta Kleng was present at the meeting at Pursat provincial hall, Mr. Chhat said that he did not see him. He also confirmed, when asked, that he knew the name of Ta Soth, who was “one of the leaders at that time,” which he knew from the villagers. Mr. Chhat said he did not know if Ta Soth was at the provincial hall and that even if they were there, Mr. Chhat would not know because he “had never met them in person.” As for whether Mr. Chhat knew someone called Ta San, Mr. Chhat said:

I knew him clearly. Ta San was an official of the district, Kandieng district. Later, Ta San attended a meeting. He was of smaller build; he was rather short. He attended a meeting in Kampong Chhnang and at that time, my unit got to know him once, when he attended the meeting. But later on, sometime in 1970-something, I cannot recall. ... Ta San was thought to commit suicide in his own room.

Again, however, Mr. Chhat did not know if Ta San had been at the provincial town hall meeting. Mr. Koppe then asked if Mr. Chhat knew someone called Ta Mao. Mr. Chhat said, “I never met Ta Mao, but Ta Mao was the predecessor of Ta San. They were all officials from the district. They also supervised the work of my unit and the villagers in the rice fields, but I never met him in person anyway.”

Mr. Koppe asked if this meant that Mr. Chhat could not give the courts any names of Khmer Rouge leaders who were present in the provincial hall. Mr. Chhat confirmed that this was so.

### ***Meeting Attendees’ Departure from the Provincial Hall***

Moving on, Mr. Koppe asked the witness for more details as to the meeting attendees’ departure from the hall. Mr. Chhat explained:

Those who left the meeting hall, I did not know the administrative arrangement for them, but as soon as the meeting completed, they left the hall and they got on the trucks that they came with. I noticed that people were not allowed to travel on

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<sup>12</sup> This is believed to be the same person reported in the Cambodia Tribunal Monitor daily blog post on April 29 as Ta Kvang.

a car by themselves but [instead] got on the trucks, and the trucks left. I also saw people shaking hands with each other, and then they left the provincial compound.

Concerning the specific departure of Commander Pel, the witness explained, “For Comrade Pel, I did not see him get on the truck, but I only met him in Po village when I rode my motorcycle there. I only got to know him over there.” This prompted Mr. Koppe to advise the witness that, according to his testimony to the OCIJ, Mr. Chhat had said that the Lon Nol soldiers “had gotten in their own vehicles to follow the Khmer Rouge cars to follow them northward.”<sup>13</sup> Mr. Koppe asked if they indeed got into their own cars. Mr. Chhat stated, “At that time, I did not notice that there were any coercive measures [imposed on] those people to get in the trucks. He continued, “I only noticed that people got on the trucks and they left the premises. I did not see any act of force to transport them out of the complex. I did not see that incident.”

According to the defense counsel, the witness had also testified to the OCIJ, and to the ECCC Trial Chamber, that people left the premises happily and spoke to their waiting relatives. Mr. Koppe asked how Mr. Chhat could determine that people who were spoken to were relatives of people leaving the provincial hall. Mr. Chhat responded, “Because along the fence of the provincial hall [was] the main road. People were actually staying alongside this fence, and additionally, the trucks were parked outside the fence of the complex. These people were listening and waiting for people when the meeting concluded.”

Mr. Koppe reiterated that he was interested in how the witness knew that these people were relatives. Mr. Chhat replied, “I do not understand, and I was not sure either. ... I did not know whether these people were supposed to accompany the meeting attendees and wait outside. ... I did not know the administrative arrangements.” Pressed again on why he thought they were relatives, Mr. Chhat said that this was because the people outside waved at those inside and thus he had “jumped to a conclusion” that these people were relatives. The defense counsel then asked the witness to estimate the size of the waiting crowd. Mr. Chhat said, “There were not many, only a few of them.”

The defense counsel asked if there were any indicators that led the witness to believe the people attending the meeting were from Pursat or from outside the city. Mr. Chhat said he “believed they were from the provincial town because I think that they would not know there was a meeting [if they were not].” He also thought that as they were exchanging comments with the outside crowd, he presumed they were from the area.

This prompted Mr. Koppe to explain that it seemed Mr. Chhat was “concluding certain things.” He asked if Mr. Chhat had “seen or heard anything” to suggest that they were local people. Mr. Chhat replied, “If they were from afar, they would not have known each other. They must have lived in the same area.” He further asserted, “Even though this is my guess, it is drawn from the situation back then. I believe that if people did not know each other, they would not wave hands as they were leaving.”

Mr. Koppe asked if it could be detected from their clothes or demeanor which part of the province the meeting attendees came from. Mr. Chhat said he did not know this “because at that

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<sup>13</sup> The relevant ERN is 00284418 (in English).

time, we had just attained peace ... and I was rather young too, I was around 21 or 22. I did not actually pay attention to the actions of people when they were conversing with each other.” Pressing on this, the defense counsel asked if Mr. Chhat had heard, for example, that the meeting attendees were from other cities such as Battambang or Kep. Mr. Chhat said that he did not and was not concerned with this matter.

At this point, Mr. Koppe explained to Mr. Chhat his understanding the Pursat provincial hall was adjacent to National Road 5, which went from Phnom Penh to Battambang. He asked if this was correct. Mr. Chhat corrected that the hall was “rather far from National Road 5. ... It could have been around 500 or 600 meters away ... along the river stream.” Mr. Koppe rephrased, asking if National Road 5 was the only road that could be used to drive from Phnom Penh to Pursat province. Mr. Chhat confirmed this.

Asked whether cars containing former Lon Nol officials had come from Phnom Penh to Battambang or Pursat, Mr. Chhat answered instead, “I had permission to go back and reunite with my family. My hometown was far from this, about 25 kilometers from this area. I did not know whether people would be transporting food or goods by truck.” Mr. Koppe explained his question about the possibility of Lon Nol officials coming from other cities again, prompting Mr. Chhat to say that he did not know. Mr. Koppe then asked Mr. Chhat if, as a guard, he had been instructed to look for vehicles from Phnom Penh, Battambang, or Siem Reap containing Lon Nol officials. Mr. Chhat said:

I had been removed from the soldiers. I became a victim myself. I had to ride an ox cart carrying some fish paste and food. I had to fear for my life. I just don't remember the exact date regarding the people who were killed, but I heard from other people that a lot of people died from food shortages. I also bore witness to the very little food ration distributed at the communal eating-house. But as an ordinary person, I am a victim myself.

Moving on, Mr. Koppe asked whether he had understood that Commander Pel was the highest-ranking military officer in Pursat province. Mr. Chhat said that he was unsure, although “Po village fort was the biggest military barracks in the vicinity. He was the commander of that barracks.” Mr. Koppe asked if there were people at the Pursat provincial town hall with the rank of general. Mr. Chhat said he did not know, as he was very young at the time. The defense counsel said that in the record of the witness's OCIJ interview, there was a reference to the term “generals in the Lon Nol military.” Mr. Chhat explained that this was the term that the OCIJ investigators used. Mr. Koppe sought to clarify whether this meant that Mr. Chhat never used that term. The witness said that he did not learn how to identify military ranks.

At this point, the president asked Mr. Koppe how much further time he would need to question Mr. Chhat. Mr. Koppe advised that he would need approximately 20 minutes. The president then gave the floor to Mr. Raynor. He advised the Trial Chamber that in the last hour, his OCP colleagues had been watching *A Day in Po Chrey* to prepare for the next witness. It was the “very strongly held view” of two colleagues that Mr. Chhat appeared on the video and spoke with Thet Sambath. He noted that there had never previously been any visual identification of Mr. Chhat until today. He therefore asked whether it would be possible for the OCP to isolate the

relevant portion of the video, play it after the break, and then ask Mr. Chhat about 20 minutes of questions. Mr. Raynor added that this issue was not something that the OCP could have known at an earlier date.

Mr. Koppe explained that he did not have any objection to this in principle. However, he then requested that he be permitted to finish his 20 minutes after he had seen the footage. Mr. Raynor agreed with this arrangement. Ms. Guissé added that if Mr. Raynor were granted such leave, the Khieu Samphan Defense Team would maintain its request to have the last word. She noted that this was a surprise, but the film had been available and the belatedness of the OCP's request was problematic. The president then adjourned the hearing for the mid-afternoon break.

***Further Video Clips: "The Brains Were Scattered. ... It Was Horrendous"***

Following the break, Mr. Raynor played two further clips from the Thet Sambath film *One Day at Po Chrey*.<sup>14</sup> The first clip showed three men sitting on a bed in the shade of a typical Cambodian provincial house. One of the men was wearing a Cambodian People's Party (CPP) shirt. The men took turns to explain to an interviewer that when people "climbed down from the trucks, there was an announcement, 'Comrade, do not be afraid!'" It explained that the people would be meeting Angkar or "the prince," although in reality, the people were tied up and led to a killing field.

The man in the CPP shirt held up one hand, with fingers outstretched, and explained, "The killing was like this," folding down each finger in turn as if to signify the victims' bodies falling. The man then stated, "The brains were scattered. The white of brains mixed with the red blood. It was horrendous."

The men also explained that people were not shot in the open so that those in the next truck did not see these executions. They said that when the people in the next truck first saw the dead, they fell to their knees, while the more spirited ones shouted, "You're godless devils!" and yelled curses. Others were struck dumb. The people were then beaten and kicked all the way along to the killing place.

The final clip to be screened from *One Day in Po Chrey*<sup>15</sup> showed two men walking through a field. The interviewee explained to the interviewer, "When I come here, I feel as if the killing is happening right now." At a clearing surrounded by trees and featuring a small pond, the interviewee explained, "At first they wanted to hide them in a pond, but it was not enough." He stated that when bullets were fired, "the scalps were flying, shredded by the bullets; it was hard to watch. ... The scent of blood was too strong. It must have been late afternoon when I walked back here as my unit was deployed. The bodies were everywhere. ... I could not walk along this way because the bodies were everywhere, so I walked by the fence to the military lines where the trucks were positioned. The place was covered in bodies." He had asked a member of the unit how many were killed at the site and was advised that it was "nearly 10,000."

Addressing the witness, Mr. Raynor asked whether Mr. Chhat was shown on any of the footage just viewed. Mr. Chhat denied this. The prosecutor then said that the person wearing a white shirt

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<sup>14</sup> The relevant time points are 10:40 to 12:14.

<sup>15</sup> The relevant time points are 13:10 to 15:18.

with a *krama* around his neck was the journalist Thet Sambath. Mr. Raynor asked if he had ever met Mr. Sambath. Mr. Chhat said that he did not remember. The prosecutor advised Mr. Chhat that Mr. Sambath was not among the OCIJ investigators group. He asked again whether Mr. Chhat had ever met Mr. Sambath. The witness said he met one person when he was “taken to the site by a car,” but he did not recall that person. Mr. Raynor also asked if Mr. Chhat recognized anyone just seen on the video clips. Mr. Chhat denied this. Lastly, Mr. Raynor asked if Mr. Chhat knew anything about a smashing unit. Mr. Chhat denied this.

***Final Questions from the Nuon Chea Defense Team***

Next, Mr. Koppe took the floor. Noting that according to the witness’s testimony, he had not seen any killings at Tuol Po Chrey, he asked if this was correct. Mr. Chhat confirmed that it was, explaining that he did not see the executions, only rotting corpses. Mr. Koppe asked if Mr. Chhat ever heard gunfire in the next days or hours after he saw the people at the provincial hall. Mr. Chhat said it was difficult to tell, as “people were firing their weapons everywhere.” Mr. Chhat then explained that only soldiers who were standing guard at the gate would be armed.

The defense counsel asked Mr. Chhat how many corpses he had seen at Tuol Po Chrey. Mr. Chhat said that he “did not go deep inside the complex to see these corpses. I was riding an ox cart and could only inspect the area from afar. I presumed that these places could have been sites where dead bodies could have been buried. I just don’t know how many.”

Mr. Sam Onn then advised that the Khieu Samphan Defense Team did not have any questions for Mr. Chhat. As such, the president advised that the hearings for the day had come to an end. He then dismissed Mr. Chhat and adjourned the proceedings.

As national staff members at the ECCC are observing a public holiday for International Labor Day on Wednesday, May 1, 2013, hearings in the ECCC will resume on Thursday, May 2 at 9 a.m., with the testimony of witness TCW 389, who is slated to testify for one and a half days.