



*Khmer Rouge soldiers gathered at Pochentong Airport during the Democratic Kampuchea era.  
(Source: Documentation Center of Cambodia Archives)*

### **Defense Teams Challenge Witness Account of Tuol Po Chrey Executions and Accused Persons' Roles and Activities**

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

In his second day of testimony before the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Friday, May 3, 2013,<sup>2</sup> witness Lim Sat, a former Khmer Rouge soldier, came under fire from both defense teams, with the Nuon Chea Defense Team particularly attacking the witness's account of an alleged execution of Lon Nol soldiers at Tuol Po Chrey following the liberation of the country in April 1975.

In a long and sometimes confusing questioning session, that team scrutinized each estimated figure the witness had put forward in connection with that alleged event. They paid particular attention to the witness's evidence that some 3,000 Lon Nol soldiers had been killed, explaining that Mr. Sat's testimony was the only cited evidence used in the Closing Order alleging this number of executions. Both the Nuon Chea and Khieu Samphan defense teams also challenged the witness's alleged knowledge concerning the roles and activities of the two accused persons during the Democratic Kampuchea (DK) period.

#### ***Final Attack on Tuol Po Chrey and Surrender of Lon Nol Soldiers on April 17, 1975***

At the outset of the morning session, International Co-Counsel for Nuon Chea Victor Koppe took the floor to continue questioning the witness, having begun to do so on Thursday, May 2.

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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 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>.

<sup>2</sup> The witness began his testimony in the ECCC on May 2, 2013. Cambodia Tribunal Monitor's daily blog post concerning his first day of testimony may be accessed at <http://www.cambodiatribunal.org/blog/2013/05/%E2%80%9Cthese-people-had-be-hunted-down%E2%80%9D-witness-provides-testimony-alleged-executions-lon-nol>.

The defense counsel first asked Mr. Sat to provide details about the final attack on the fortress at Tuol Po Chrey. Mr. Sat said, "For the final attack, that is, between 1974 and 1975, the attack was at Tuol Po Chrey village. ... I cannot recall the exact date [of the final attack]." Mr. Koppe asked if it was possible that the attack occurred on April 17. Mr. Sat said that the attack "occurred in 1975." Seeking clarification, Mr. Koppe asked when the Lon Nol soldiers surrendered. Mr. Sat said that it occurred on April 17, at 10 or 11 a.m., when the Khmer Rouge soldiers arrived.

Asked to describe how the Lon Nol soldiers surrendered themselves, Mr. Sat described how he saw with his own eyes that "they raised the white flag in all the barracks in the fortress. It's a sign of surrender. ... The white flag was raised in the fortress, and another flag was raised outside the fortress. At that time, then, we entered the fortress: after we saw the white flag raised."

As to how many soldiers there were at that time around the Tuol Po Chrey barracks and fortress, Mr. Sat said that he estimated that there were "100 soldiers; however there were several commandoes surrounding the fortress." Mr. Sat stressed that this was only his estimation.

Mr. Koppe asked how these soldiers were dressed, that is, whether they were in uniform or civilian clothes. Mr. Sat said, "They wore different kinds of clothes. The soldiers dressed in their military uniforms. As for the commandoes, they wore their civilian clothing." After they had surrendered, "nothing happened to them," Mr. Sat explained. "We settled in there together and we collected the weapons, and we put them in separate groups. ... My team was in a separate group. As for the commanders of the military and the commandoes, they led their own groups." After the groups were formed, Mr. Sat said, he left for Pursat. Mr. Koppe asked whether the commanders and commandoes were together all day. Mr. Sat said that he could not know this because he had already left for Pursat.

The defense counsel queried how the military commanders and commandoes reached the provincial town hall. Mr. Sat answered that he "did not hear from anyone regarding those people," as he had left. Mr. Koppe inquired whether these people changed clothes before coming to the provincial hall. Mr. Sat denied this, saying that "the military remained in their military uniforms." As to whether the Lon Nol officials at the provincial town hall were always together, Mr. Sat said that he "could not grasp this matter" as he was in a different location.

Asked whether other groups of Lon Nol officials were sent to the provincial town hall or only the group from Tuol Po Chrey, Mr. Sat countered, "They were not sent anywhere. They remained where they were. ... At the provincial town hall, they stayed in their respective units." He then said, "Nobody was sent to the provincial town hall. They remained where they were."

Mr. Koppe queried whether Mr. Sat had been stationed at Po village at some point. Mr. Sat answered, "On April 17, 1975, I went further, and I did not return back." Mr. Koppe explained that he had understood that after leaving Tuol Po Chrey, the witness had been stationed with his unit for some time at the intersection at Po village. This comment elicited an objection from International Assistant Co-Prosecutor Dale Lysak. He suggested that perhaps the confusion here related to the fact that Mr. Koppe had not been very specific about the time period, as he was initially asking about April 17 but now seemed to talk about a different time period.

Mr. Koppe agreed, and explained he had been trying a different approach but would now take a chronological one. He asked Mr. Sat instead where he went after he left Tuol Po Chrey on April 17. Mr. Sat said that he left for another district.<sup>3</sup> Mr. Koppe asked when Mr. Sat saw the Lon Nol officials leaving from Tuol Po Chrey for the Pursat provincial town. Mr. Sat said, “Soldiers were transported from the provincial town hall to Tuol Po Chrey. It was not the other way around, so I cannot answer your question.” Mr. Koppe tried to make it clear he was interested in how the Lon Nol officials had arrived at the provincial town hall in the first place. Mr. Sat responded, “I only knew that they were transferred from the provincial town hall to Tuol Po Chrey.” Pressed further, Mr. Sat explained that he did not see any Lon Nol officials transported from Tuol Po Chrey to the provincial town hall. Neither did he see any Lon Nol officials transported from any other location to the provincial town hall.

### ***Transportation of Lon Nol Soldiers to Tuol Po Chrey***

Turning to a new line of questioning, Mr. Koppe noted that, according to Mr. Sat’s prior testimony, he had said that there were approximately 10 to 15 trucks to transport the Lon Nol soldiers. Asked if this was correct, Mr. Sat replied, “It’s been such a long time already; ... maybe my estimation of 15 trucks was not correct. ... If my estimation of 15 trucks is not correct, I wish not to make another estimate because I did not see the numbers myself.” The defense counsel said he did not understand this answer, as Mr. Sat had previously testified to the Office of the Co-Investigating Judges (OCIJ) and before the Trial Chamber that he had seen either 10 to 15 or 30 to 50 trucks. Asked whether Mr. Sat was now saying that he did not see any trucks, Mr. Sat retorted, “I knew there were 15 trucks ... but I did not just stand there and count the number of trucks.”



Asked what kind of trucks he saw, Mr. Sat said they were “military trucks, GMC trucks with covered backs.” Mr. Koppe asked if there were also civilian trucks. Mr. Sat recalled, “There were less military than civilian trucks, as civilian trucks with a covered back for transporting goods were also used.” The defense counsel pressed on the ratio of military to civilian trucks. The witness advised that he could not recall precisely but there were less military than civilian trucks.

Expounding on his description of the trucks, Mr. Sat explained, “They were not fully covered. You could see an opening at the back of the truck because it was the hot season at the time. ... We could see people standing on the trucks.” When pressed, he described, “Soldiers wore military uniforms, clothing and boots as well. They also had their backpacks with them. ... There were no civilians mixed with the soldiers. They were only rank and file soldiers and military officials on the trucks.” Mr. Sat confirmed that, as he learned from his commander, Lon Nol officials had to pack for the study session and could not go empty-handed. Concerning civilians, Mr. Sat again denied that there were civilians on the trucks.

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<sup>3</sup> The name of this district was unclear in the English translation.

The defense counsel returned to the question of the capacity of each truck. Mr. Sat said that some could hold up to 30 people and others up to 40, with passengers standing. Mr. Koppe again sought to confirm that when each truck was sent from the intersection at Po village to Tuol Po Chrey, all truck passengers were wearing military uniforms. Mr. Sat responded:

I think that we seem to be on different pages here. When you are referring to the soldiers, you appear to be referring to Khmer Rouge soldiers, [not] Lon Nol soldiers. But the fact is that the Lon Nol soldiers were those who were seen on the trucks transported to Tuol Po Chrey. Please distinguish between [the two].

The defense counsel explained that he had been referring to Lon Nol soldiers and sought confirmation that they had been wearing uniforms. Mr. Sat said, “Yes, I am 100 percent sure that this is correct because Khmer Rouge soldiers would be wearing [their own kind of] uniforms, whereas the Lon Nol soldiers wore different uniforms.” In particular, he noted, the Khmer Rouge soldiers would wear car tire sandals, while Lon Nol soldiers wore boots and had logos on their uniforms.

Pressing the point, Mr. Koppe again sought to confirm that Lon Nol soldiers were all wearing military uniforms. Mr. Sat complained that he did not know how he could keep answering the same question. Mr. Koppe explained that the reason he was asking these questions was that a witness who had testified earlier in the week had said that all the people on the trucks were wearing civilian clothes and thus he sought to clarify this point.<sup>4</sup> Mr. Sat explained, “The soldiers who were executed at Tuol Po Chrey would have their uniforms removed and their backpacks removed, and the Khmer Rouge would bring back all their belongings.” However, when asked, Mr. Sat then confirmed that they were “wearing their uniforms when they were executed.” Asked whether anyone was brought to Tuol Po Chrey in civilian clothes, Mr. Sat denied this, explaining, “I don’t remember having seen any civilians being brought to Tuol Po Chrey for execution.”

Mr. Koppe asked if civilians in normal cars were seen gathering at the same place as the military. Mr. Sat vehemently denied this, stating:

Absolutely, only soldiers would be transported to this location, because no civilian would be allowed to access that location. Normally, before someone could access Tuol Po Chrey or Po village, they had to have some permits. With that, I can say that no civilians would ever be allowed to access this location.

The defense counsel attempted to rephrase the question, asking if the witness knew that people wearing civilian clothes were executed at Tuol Po Chrey. Mr. Sat said he did not see this.

Moving on, Mr. Koppe advised that he was returning to an issue that he had discussed with the witness on May 2, concerning the number of people who could have been contained in the

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<sup>4</sup> This witness was Ung Chhat. Cambodia Tribunal Monitor’s daily blog posts on Mr. Chhat’s testimony may be accessed at <http://www.cambodiatribunal.org/blog/2013/04/fearful-civil-party-refuses-continue-testimony-without-lifelong-police-protection> (April 29), and <http://www.cambodiatribunal.org/blog/2013/04/witness-testifies-alleged-execution-lon-nol-soldiers-tuol-po-chrey> (April 30).

trucks. He asked the witness how many people were contained, in total, in the trucks. Mr. Lysak objected at this point that the questioning was repetitive and that Mr. Koppe seemed to about to ask Mr. Sat to perform multiplication, which bordered on badgering the witness. He noted that Mr. Sat had already testified that he had not received a detailed education in mathematics.

Mr. Koppe responded that in Closing Order paragraph 708, it was suggested that 3,000 people were gathered at the provincial town hall.<sup>5</sup> However, he argued, the only evidence the OCIJ provided for this number in the Closing Order was Mr. Sat's testimony. It was therefore crucial, he asserted, to establish the number of people whom Mr. Sat believed had been taken to Tuol Po Chrey.

Mr. Lysak retorted that this was a "flat out misrepresentation" and "gross misstatement of the investigative record." He said that several different witnesses had testified on the number of people transported to Tuol Po Chrey. Mr. Koppe countered by asking the Trial Chamber to look at Closing Order footnote 3,049, which relied only on Mr. Sat's testimony for this figure of 3,000 people.

After a brief conference between the Trial Chamber judges, the president sustained Mr. Lysak's objection on the ground that Mr. Koppe's question was repetitive. Addressing Mr. Koppe, he stated that the Chamber had already heard a lot of testimony concerning the number of people on the trucks. Before duly moving on, Mr. Koppe reminded the Chamber that it had heard only one witness before Mr. Sat on this matter and that this witness had said there were merely 200 people, whereas today's witness said 3,000.

The defense counsel then referred to the witness's testimony to the OCIJ that on about April 19 or 20, 1975, he received orders to assemble Lon Nol ranking soldiers to be executed at Tuol Po Chrey.<sup>6</sup> Mr. Koppe asked how and from whom the witness received those orders. Mr. Sat said that he received orders from the zone committee and these were rendered down to the sector committee and below. Mr. Koppe asked what "assemble" had meant. Mr. Sat said that it simply meant he was asked to "assemble soldiers with ranks to attend a study session." The defense counsel pondered at this point that the soldiers who had surrendered at Tuol Po Chrey had already been in one group, which was why he was interested in what "assemble" meant. Mr. Sat said, "I did not think that we needed to physically gather people. We just passed the message on to their group leaders. The message would then be relayed and these leaders would pass it on to their subordinates, and the soldiers would gather eventually." Mr. Sat confirmed, when asked, that this meant he was not in charge of taking Lon Nol soldiers from place to place.

Mr. Koppe asked if there were Lon Nol soldiers who were not on duty gathered from other places, for instance their homes. Mr. Sat explained, "On that day, soldiers were kept in that place. They were not allowed to leave that fortress." However, off-duty soldiers had to be picked up, he said. Mr. Koppe queried whether there were specific orders with regard to this latter

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<sup>5</sup> The Closing Order may be accessed at <http://www.eccc.gov.kh/document/court/14888> (in Khmer), <http://www.eccc.gov.kh/en/documents/court/closing-order> (in English), and <http://www.eccc.gov.kh/fr/document/court/ordonnance-de-cl%C3%B4ture-dans-le-dossier-002> (in French).

<sup>6</sup> The relevant ERNs are 00242422 (in Khmer), 00250759 (in English), and 00282197 (in French).



group. Mr. Sat said, "At a later date, people were demobilized, and they had to go to different places. For example, they had to be dispatched to different cooperatives. ... That's another case."

The defense counsel explained that he was interested in the time period between the surrender of the Lon Nol soldiers at Tuol Po Chrey and their arrival at the provincial town hall. He asked if there had been orders in that period to search houses and find Lon Nol soldiers. The witness denied this. As to whether loudspeakers were used to call people to the provincial town hall, Mr. Sat recalled, "The zone committee made such an announcement. ... The instruction was relayed from the zone to the provincial governor. ... The information was only given to the commanders, and the commanders would gather their subordinates." Asked whether this meant Lon Nol soldiers were convened through loudspeakers used on the streets, Mr. Sat responded cryptically, "Of course when the announcement was made, they would come."



Moving on, Mr. Koppe asked the witness how many civilians and military officials were in the town hall. Mr. Sat said that he could not say. Pressed to at least say which side was in the majority, Mr. Sat answered, "There were soldiers, and there were no civilians. At that time, the announcement was just for the gathering of soldiers, not civilians, so the civilians had no business going to a study session." This prompted Mr. Koppe to say that according to the witness, there had been an announcement for "people" to come to the provincial town hall. Asked to clarify, Mr. Sat stated, "Only commanders were informed.

Instructions were relayed to the provincial governor and from the provincial governor down to the military commanders." Pressed as to how he knew there were only soldiers at the meeting, Mr. Sat said that he knew this because the order given was specific.

Mr. Koppe asked if the witness had ever been inside the provincial town hall prior to April 17, 1975. Mr. Sat said that he had not done so and that if he had, he would have been arrested. Mr. Sat then explained that he went inside the provincial town hall "for only a short while" before leaving for Krakor district. Asked to give an estimate of how many people would fit inside the provincial town hall, Mr. Sat responded, gesturing animatedly, "There were different offices, and there was a meeting place about the size of this courtroom. So it could fit hundreds of soldiers." Mr. Sat could not say for sure how many attendees were at the provincial town hall meeting as he "did not go around and count the people there." Mr. Koppe queried whether Mr. Sat had been told about the number of attendees. Mr. Sat advised that he had not.

### ***The Fate of Commanders Pel and Run***

At this point, Mr. Koppe directed the witness to his testimony that a meeting was held at which it was decided that Lon Nol soldiers would be killed. The defense counsel asked if Mr. Sat could recall other details of that meeting, specifically if there was talk about what would happen to Lon Nol commanders Pel and Run. Mr. Sat said that he did not know, offering by way of explanation that the distance between their location and his was more than 10 kilometers. Mr. Koppe tried to explain that he was interested in the meeting at which the execution plans were announced. Mr. Sat said, "I was not told anything because we were separate from them. They were on the

military side. I was not told that they would be shot dead. The only information I received was that the ranking officers would be sent to a study session.”

Mr. Koppe queried whether Mr. Sat had heard in the days after that meeting that Commanders Pel and Run were decapitated, which Mr. Sat denied. This prompted Mr. Koppe to query if there was some feeling of having revenge against Pel and Run. When Mr. Sat said that he did not know how to respond to this, Mr. Koppe explained that there might be some evidence suggesting that Pel and Run were decapitated out of revenge. He asked whether there was anything to indicate that this was so. At this point, Mr. Lysak objected that Mr. Koppe was leading the witness by suggesting that these were revenge killings. Mr. Koppe duly rephrased, asking whether the witness had heard anything about there being an intention to exact revenge against Pel and Run. Mr. Sat denied hearing anything about this.

The defense counsel asked if Mr. Sat heard that after the Lon Nol soldiers were killed, their homes were searched and their property seized. Mr. Sat denied any knowledge of this as well. Moving on to another topic, Mr. Koppe asked if the witness had ever heard of people being sent from other places, such as Phnom Penh and Battambang, to the provincial town hall. Mr. Sat denied this and said, “They would be gathered at their respective locations, so it was kind of a segmented gathering at the provincial town hall.”

Mr. Koppe asked if the witness knew that checkpoints had been established on National Road 5 checking people coming north from Phnom Penh or south from Battambang. The witness denied this as it was peacetime and “there was no vehicle traffic on the roads.” This prompted Mr. Koppe to query whether the witness had any knowledge that the Lon Nol soldiers who had been executed at Tuol Po Chrey were from Tuol Po Chrey or Pursat province. Mr. Sat said that soldiers would only be gathered at their respective stations and would not go to the provincial town. Shifting approach, Mr. Koppe asked if the witness knew that those killed at Tuol Po Chrey were from Tuol Po Chrey and Po village fort. Mr. Sat reiterated his earlier answer.

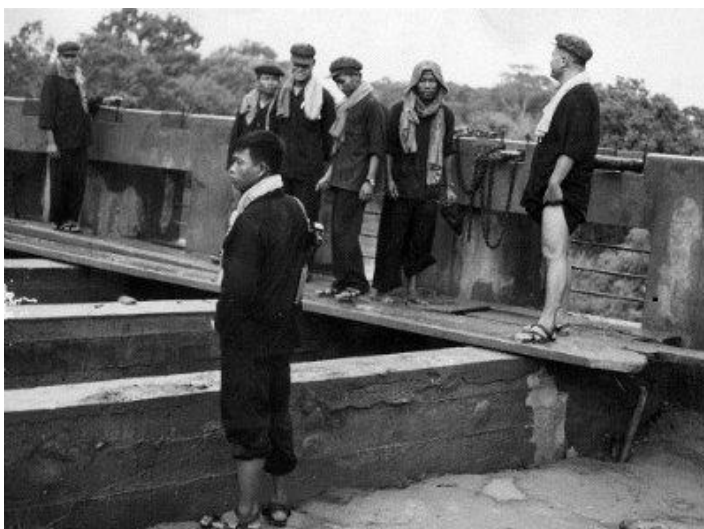
### ***Witness’s Knowledge of Nuon Chea***

Following the mid-morning break, Mr. Koppe turned to a new topic, focusing on the witness’s knowledge of Nuon Chea. The defense counsel noted that on May 2, the witness had testified that he saw Mr. Chea in 1979 while he was travelling through Pursat to Battambang. Mr. Koppe asked the witness to confirm whether he was saying he only saw Nuon Chea once. Mr. Sat confirmed that this was the only time he saw Mr. Chea.

In response, Mr. Koppe reminded the witness of his testimony on May 2 that he also saw Mr. Chea at a study session as early as 1976 at which Mr. Chea spoke for approximately half an hour and discussed building dams and digging canals. Asked to reconcile the two statements, Mr. Sat replied, “The meeting took place earlier. It was a separate time.” When pressed, he said he saw Mr. Chea twice: once at the meeting and another time when Mr. Chea was driving through the province on his way to Battambang.

Asked to provide more details of the meeting in 1976, Mr. Sat said there were between 50 and 60 participants, including civilians, group chiefs, and team leaders. “Building dams and digging canals were the main themes of the meeting,” he added. Noting that villagers had been present,

Mr. Koppe asked if it had been a public meeting. Mr. Sat explained that this could have been the case depending on a meeting's location. The defense counsel said that he was interested in the status of the particular meeting with Mr. Chea. Mr. Sat nevertheless responded generally, "There were various types of meetings. For example, there were mass meetings; ... there were [also] meetings for building dams and digging canals. ... Usually at these kinds of meetings, there would be about 50 or 60 people attending, and then they would relay the information [to others]."



*Nuon Chea (right) visits the countryside during the Democratic Kampuchea period.  
(Source: Documentation Center of Cambodia Archives)*

The defense counsel still pressed the witness on the specific meeting with Mr. Chea. Mr. Sat eventually said that this was an "open meeting" and people were welcome to join. "They would be happy to see people come to attend the meeting," he said, as "they would then know about the work plan." This led Mr. Koppe to ask how many of the 50 to 60 participants had been villagers, and how many were Khmer Rouge cadres. Mr. Sat said, "There were people and the group and team chiefs. ... They all wore the same kinds of clothing. They were living together in the cooperatives, and they dressed the same."

Mr. Koppe asked if the villagers attending the meeting with Mr. Chea asked him questions. Mr. Sat denied this, explaining, "Nobody said anything against [the plan]. They only listened to what was said during the meeting ... accepted the plan given to them. ... There were no questions raised regarding the instructions. They did not speak about the poor living conditions or livelihoods."

The defense counsel queried whether Mr. Chea introduced himself or whether Mr. Sat found out through another way that the speaker was Mr. Chea. The witness said he learned this "through the people at the meeting." Pressed again as to whether Mr. Chea introduced himself at the meeting, Mr. Sat in fact conceded, "I did not attend the meeting. I was told about the meeting by the other people who attended the meeting [who said] the meeting was about the work plan." Mr. Koppe expressed his confusion and asked whether Mr. Sat actually saw Mr. Chea there or only heard about it. Mr. Sat replied again, "I did not attend the meeting. It was the people who attended the meeting. Of course I saw him, but I did not attend the meeting."



In this case, Mr. Koppe questioned, how did Mr. Sat know that it was Mr. Chea presenting at the meeting? Mr. Sat replied he saw Mr. Chea at the meeting. Pressed to explain these seemingly contradictory statements, Mr. Sat simply stated, “The people who worked with me and lived with me told me about that.” Asked how the people knew that it was Mr. Chea, the witness said, “He only presented to the people about the work plan. He did not introduce himself.” Asked again how the people knew it was Mr. Chea, the witness responded, “The people and the military stayed close to one another. Usually, the military would station along the road. Of course, they would know which person would pass through their location. For that reason, the military usually knew in advance [before] the people knew.”

Asked if he knew Mr. Chea’s function or position in early 1976, Mr. Sat said he did not, only that “he was the higher echelon.” He added that Mr. Chea “was at the Central level.” At this point, Mr. Koppe asked if the witness could recall that, in his testimony to the OCIJ, he had said he had trouble recalling Mr. Chea’s name. Mr. Sat countered that he “never spoke about that.” Mr. Koppe asked if the witness could remember that the investigator helped him find Mr. Chea’s name. Before Mr. Sat could respond, however, Mr. Lysak objected that Mr. Koppe was leading the witness. The defense had made this allegation before, the prosecutor contended, and when transcripts were examined, these assertions were shown to be incorrect. Mr. Koppe responded that he was not leading at all but was asking if the witness remembered something.

Moving on, Mr. Koppe asked the witness if it was in fact true that he first heard about Mr. Chea in 2007, when Mr. Chea was arrested. Mr. Sat disagreed, saying he “heard of [Mr. Chea’s] name earlier ... much earlier.” Mr. Koppe finally asked whether it was in fact true that Mr. Chea had not attended a meeting in 1976 in Pursat. The witness conceded that he “did not see him at that time.”

#### ***Witness’s Knowledge of Khieu Samphan and Further Details of Military Structure***

National Co-Counsel for Khieu Samphan Kong Sam Onn took the floor next. He first noted that according to the witness’s testimony before the Trial Chamber on May 2, he had said that Mr. Samphan had been the person in charge of the military. Asked to explain who was in charge of the military at that time, Mr. Sat said, “The one who controlled the military was in charge of the ... military planning, operations at all levels. That person was in charge of the structure on the whole.” The defense counsel asked what the title of this person was. Mr. Sat said that he did not know the specific role or function, “but he was in charge of the military for the entire country.”

The defense counsel asked for how many years Mr. Sat worked as a soldier prior to 1975. Mr. Sat said that he joined the military in 1971 and remained in the military until 1975. Regarding his role in 1971, Mr. Sat said that he “was in charge of a 30-man platoon.” Under this platoon, there were group chiefs in charge of 12. Beneath these groups, there were smaller groups of three soldiers. Mr. Sam Onn asked who was immediately above Mr. Sat’s rank. The witness explained that this was a company, comprised of 100 soldiers, and above the company was a battalion, he said, comprised of 300 soldiers. Mr. Sat explained that in his area, known as Sector 7, there were two battalions: 201 and 202. Mr. Sat advised that above a brigade, there was the division, and there were no other levels above that, as division was the highest level in the military structure.

Mr. Sam Onn asked if the witness had ever heard of the military headquarters. Mr. Sat said that he had but “did not know which level it was in charge of.” The defense counsel asked whether this meant that the witness knew about the commander-in-chief of the military without knowing which level this person would be in charge of. Mr. Sat confirmed this was so.

Asked when and where he first heard Mr. Samphan’s name. Mr. Sat said that he “heard of the name from the Central level down to the zone level and to the subsequent subordinate levels” and it was “during the year of planning to attack Phnom Penh, that is, either in 1970 or 1971.”



Pressed to be more specific, Mr. Sat said that he heard Mr. Samphan’s name in 1971 “from the upper echelon: from the Center to the zone and then to the sector and lower levels.” Mr. Sam Onn explained that he was interested in from whom the witness personally heard Mr. Samphan’s name. Mr. Sat recalled, “It was my military commander who told me” when he learned about the plan to gather forces and attack other places. He confirmed, when asked, that he learned about this through his battalion commander in 1971.

Asked about his rank in 1971, Mr. Sat said that he was an “ordinary commander.” Mr. Sam Onn asked how he came to meet his commander who talked about Mr. Samphan. Mr. Sat explained, “My commander would be with us all the time. ... He had to have lunch or meals with us every time. ... This was communal eating, and everyone had to be at the same place at the same time. That’s why he had to be close to us all the time.” The defense counsel interrupted, asking if Mr. Sat was alone when his commander talked about Mr. Samphan. Mr. Sat stated, “Everyone was there.” As to how this meeting was conducted, the witness said, “We were told about how to attack the enemies. That’s the main thing that the military was told.” He denied being told anything else “except he told us to prepare ammunition and food for the attacks.” Pressed as to why the commander would have mentioned Mr. Samphan, the witness explained, “It was the plan rendered from the upper echelon, and it had to be rendered to the subordinates.”

Moving on, the defense counsel asked if, prior to 1975, the witness ever attended a meeting attended by Mr. Samphan. The witness denied this and said he never met him, although he had heard of him. As to whether he received any letters or orders from Mr. Samphan, the witness retorted, “No, I said no already. I never met him.”

### ***Questions Concerning the 1975-1976 Period***

International Co-Counsel for Khieu Samphan Anta Guissé next took the floor. First, she noted that according to his testimony to the OCIJ, Mr. Sat had said he had been made the leader of a mobile unit and was in charge of Sya commune, composed of five cooperatives and that he was to dig canals and dykes under the district committee head, Seth.<sup>7</sup> Ms. Guissé asked the witness to tell the Chamber how the West Zone was organized. She noted, by way of explanation, that he took orders from the district committee and asked therefore whether the district committee was just above the commune. Mr. Sat agreed that this was the case. Queried as to whether there was a

<sup>7</sup> The relevant ERNs are 00242422 (in Khmer), 00250760 (in English), and 00282198 (in French).

level between commune and district committees, Mr. Sat said that above the district committee, there was the sector committee.

Ms. Guissé asked the witness to clarify the role of persons about whom he had earlier testified – Ta Soth and Ta Seth. Mr. Sat confirmed that Ta Soth was from the sector committee and that Ta Seth was on the district committee. This prompted Ms. Guissé to ask who issued orders to the witness in 1976 when he was responsible for the Sya population. Mr. Sat said, “It was the sector committee who was my superior because the sector committee would render orders to the district committees, who rendered these orders all the way to cooperatives.” The witness confirmed, however, that he personally received the orders from the district committees because “this was how communications worked.”

Ms. Guissé asked the witness how regularly he met the district committee to receive instructions. Mr. Sat said, “Sometimes I had to go and see them. Sometimes they had to come and see me. Sometimes we met once a week. Sometimes we met once in two weeks. It depended.”

Mr. Sat testified that each of the five cooperatives of which he was in charge had chiefs, and under them were heads of units. Ms. Guissé asked whether there was also a parallel military structure. The witness denied this, explaining that “they had their own duties in the army and we were civilians.” Thus, Mr. Sat confirmed, when he was moved to be the head of the mobile unit, he “had already left the military position to become a civilian” and “worked only in my cooperatives. I never dealt with the Center because when it came to the Center, it was at another level, which was none of my business.” Mr. Sat confirmed that he was only in contact with people in charge of the district and sector committees and that the chiefs of the cooperatives received their instructions from him.

For her final question, Ms. Guissé asked the witness who was in charge of meals within the cooperative. Mr. Sat replied:

It was those I already told [you] about. For each unit, people would be made to stay in different units, which formed a cooperative, and they worked at different worksites. The head of the cooperatives and the units would be in charge of the food, transporting the foods and supplying the foods to the people. They had to transport rice from the sector office to the cooperatives, and people were in charge of different tasks; they were tasked with different roles and responsibilities.

The president then adjourned the hearing for the week. Hearings in the ECCC will resume on Monday, May 6, 2013, at 9 a.m. On that day, the court will begin to hear the testimony of the journalist and expert witness Philip Short, author of the bestselling book *Pol Pot: Anatomy of a Nightmare*.