



Trial Chamber President Nil Nonn presides over proceedings at the ECCC on Tuesday.

The Court Concludes Testimony of Witness Sar Kim LaMouth And Begins Examination of Reserve Witness

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Witness Sar Kim LaMouth completed his fourth and final day of testimony at the Extraordinary Chambers in the Courts of Cambodia on June 5, 2012, in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. With plenty of time to spare in the afternoon, the Court began hearing testimony of the reserve witness, identified as Sao So Run, the former secretary of the Pich Chenda district under Democratic Kampuchea (DK).

Over 300 villagers from the nearby Kandal Stung district in Kandal province were in attendance; today, however, they left the children at home. Unlike a group of French visitors who managed to sneak in a few minutes of napping throughout the day, the villagers remained absorbed with the scene before them.

Before the defense was given control of the floor, Duch Phary, a court officer of the Chamber, informed the Court that all parties to the proceedings were present except Ieng Sary, who would participate remotely from his holding cell, and the reserve witness TCW 604, who was expected to arrive at the Court around 10:00 a.m.

Trial Chamber President Nil Nonn, acknowledging Ieng Sary's waiver of his right to be present in the Chamber, granted Ieng Sary's request to participate remotely and then turned the floor over to defense counsel for Khieu Samphan to begin examining the witness.

Defense Attempts To Discredit Witness's Statements As Mere "Assumptions"

Co-Lawyer for Khieu Samphan, Kong Sam Onn, began the day's proceedings questioning the witness on a number of statements he had made over the course of his testimony. His cross-examination was simple and consistent: Attempt to discredit any incriminating assertions made by the witness. His colleagues followed his lead and by the end of the afternoon, words such as "presumption," "assumption," "supposition," "opinion," and "assertion" seemed all too commonplace.

Mr. Sam Onn began with the topic of the witness's involvement in the revolution prior to 1975. When asked to elaborate upon any non-financial contributions he made to the movement, Mr. LaMouth responded curtly, informing Mr. Sam Onn that he only contributed to the movement financially. This type of short statements came to characterize the remainder of the witness's testimony. After delivering three long days of testimony and answering a noticeably large number of repetitive questions, he appeared clearly exhausted.

Continuing on with his pre-1975 inquiry, Mr. Sam Onn asked the witness if he could recall the subject of discussion in the revolutionary meetings he attended in Phnom Penh. The witness, clearly believing he had answered all relevant questions on the topic, said he could not recall and reminded Mr. Sam Onn that it had been over thirty years since the events occurred.

Such a statement did not discourage Mr. Sam Onn, however, as he proceeded to ask the witness if he could recall any particular attendants at the meetings. The witness responded tersely, "The meetings were held with different people at different times."

Providing the witness an opportunity to respond to something a bit more concrete, Mr. Sam Onn asked if he knew Khieu Samphan before 1975. Mr. LaMouth replied that he had met Khieu Samphan due to the fact that he was the people's representative and a minister, but he never met Khieu Samphan at any of the revolutionary meetings. Their meeting, he continued, was merely "incidental." He said he never had any more contact with Khieu Samphan after 1970.

Returning again to an earlier topic, Mr. Sam Onn asked the witness why he decided to donate money to the revolutionary movement. President Nonn interrupted, however, informing Mr. Sam Onn that the question was repetitive and instructing the witness not to answer.

Continuing his inquiry with the witness's pre-revolutionary party involvement, Mr. Sam Onn asked Mr. LaMouth to describe his status in the Communist Party of Kampuchea (CPK) prior to 1975. The witness responded, "Prior to 1975 the CPK was not talked about, and I did not have any role or status. Occasionally I attended meetings, but the Communist Party was never mentioned." Mr. Sam Onn asked if he had heard the term "*samanachun*." The witness said he had, explaining that "*samanachun*" meant "sympathizers" but at the time specifically referred to "those people who support the movement." The witness said he had considered himself a member of the *samanachun*; however, he cautioned the Court that being labeled as such "did not necessarily mean you are an active member."



Mr. Sam Onn moved on to the next topic: the witness's transfer from the second cooperative in Stung Meanchey to Phnom Penh. Answering Mr. Sam Onn's request for him to elaborate on previous statements, Mr. LaMouth informed the Court that the Deputy Chief of the Stung Meanchey cooperative escorted him via motorbike to Phnom Penh. He said no one informed him why or where he was going; An, the Chief of Commerce, met him when he arrived in Phnom Penh and allowed him to stay at the ministry temporarily. When asked how long he waited to meet the chief once he arrived at Phnom Penh, the witness replied sarcastically, "I cannot recall how many minutes or hours it was before I was allowed to meet the chief of the commerce." Whether it was days or hours, he could not recall. When he did finally meet An, Mr. LaMouth explained, he was simply told to

"wait for further instruction from the upper echelon." Mr. Sam Onn asked him why An could not provide him with more specific instructions. "Did the Chief not know?" he asked.

International Senior Assistant Prosecutor Tarik Abdulhak interrupted Mr. Sam Onn's line of questioning with an objection, telling the Court that Mr. Sam Onn was asking the witness to speculate. In response, Mr. Sam Onn said he was simply "trying to determine who was responsible for providing instructions to the witness."

Finding Mr. Sam Onn's response unpersuasive, President Nonn announced that the objection was sustained and informed the counsel to proceed with another question.

Seeking the same information from a different angle, Mr. Sam Onn asked the witness how long the witness waited until he received further instructions from the upper echelon. Mr. LaMouth explained that Vorn Vet came to give him instructions "within a day or two." Although the witness did not know what Vorn Vet's specific position was within DK, he informed the Court that he did know Vorn Vet was superior to An.

Connecting the dots, Mr. Sam Onn asked, "If Vorn Vet was superior to An and An was the Chief of Commerce, did that mean Vorn Vet held a higher position than the Chief of Commerce?" The witness replied that it did. The witness went on to explain that Vorn Vet informed him that the party needed someone with banking expertise to meet with a visiting Chinese trade delegation. "I was supplied civilian clothes to wear in order to meet and greet the Chinese delegation," he concluded.

Mr. Sam Onn asked Mr. LaMouth how Vorn Vet came to know about his banking expertise. Mr. LaMouth could not say but added, "A lot of people knew I had banking experience because I worked at the bank before the regime and was known by many people." When asked if he met anyone who had known him from his previous work at the bank prior to 1975, the witness replied that he did not. The only person he met who knew him before 1975, he continued, was Van Rith; however, Mr. LaMouth said he did not meet Van Rith until Doeun was replaced some time later – "when there was a revision of the structure of the Commerce Committee." The first time he ever met Doeun, he told Mr. Sam Onn, was when he participated in the meeting with the

Chinese trade delegation; that was where he learned Doeun was the Chairman of the Commerce Committee.

Mr. Sam Onn, finding the witness amenable to elaborate upon previous testimony, moved to another topic – the structure of the Foreign Trade Bank. Before the witness was able to respond to his first question, however, President Nonn interrupted, informing Mr. Sam Onn that the question was repetitive.

Phrasing his questions more specifically, Mr. Sam Onn asked the witness if he could recall other positions or departments within the bank besides those of Director General and Deputy Director General. Mr. LaMouth replied that there were no other departments within the bank. Regarding the day-to-day tasks he was expected to perform, he explained, “There were no normal banking operations... [and] no system of recording transactions.” Asked if that meant there was no form of recording at all, he responded, “I wouldn’t say that there was no system at all, but there was nothing noticeable.”

Trying to grasp what functions the witness *did* perform as an employee of the bank, Mr. Sam Onn asked if Mr. LaMouth’s role as an interpreter was in some way related to his duties at the bank. The witness replied, “There was almost no relation with the banking expertise I possessed.”

Returning back to the structure of the bank, Mr. Sam Onn asked the witness what system was in place for sending and receiving orders. Mr. LaMouth replied that there was no structure. Still puzzled about the witness’s exact role within the bank, Mr. Sam Onn asked to whom Mr. LaMouth provided guidance and banking expertise. There were various instances when he was called upon to provide expert opinions, the witness explained. When he was asked to participate in the meeting involving the Chinese trade delegation, the witness said he explained general concepts regarding banking transactions to the Cambodian representatives; he also provided expert opinion to the Commerce Committee on how to record trade transactions.

By this point in the proceedings, guards within the public gallery were busy waking audience members from slumber apparently induced by DK banking economics.

Nevertheless, Mr. Sam Onn continued on. He asked how often the witness provided this kind of advice. Mr. LaMouth could not recall the exact number of times. He stated he provided opinions or advice upon request; however, he added, there were no “formal training sessions.” Appearing unusually focused on quantifying the witness’s activities under DK, Mr. Sam Onn asked the witness how long these instances would last. Apparently finished with such questions, Mr. LaMouth responded sarcastically, “I could not say how many minutes and hours it took me to advise them.”

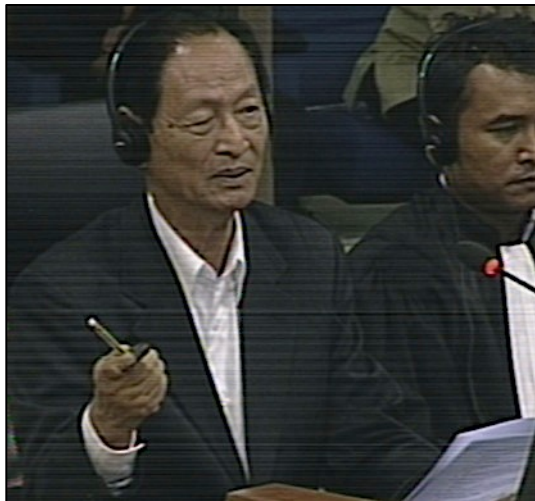
Mr. Sam Onn proceeded to ask about the content of Mr. LaMouth’s advice. The witness replied, “I normally told them about the universal practice of banking systems, particularly concerning imports and exports... but I did not know everything in the banking system.... I was more conversant on the crated section.”

Witness Could Not Confirm Whether a Director General of the Bank Actually Existed

Returning to the subject of the bank’s hierarchical structure, Mr. Sam Onn asked the witness to explain his interaction, if any, with Director General Mey. Mr. LaMouth reiterated that he had never personally met Mey. In fact, he stated, “I did not know if this name was an actual physical person.” For all he knew, the witness added, Mey could have been a pseudonym for someone else. When asked if anyone ever gave him instructions to “ensure the bank would grow,” the witness responded, “We never received any guidance.”

Having seemed to reach a dead end, Mr. Sam Onn changed topics. He asked the witness if he had ever heard the word “front” or “*ranakse*.” Mr. LaMouth replied that he had heard the word, that it became “a word commonly used when the Khmer Rouge came into power.” Though the witness stated he “couldn’t really explain it,” he did say that in the Khmer language, it meant “being united to achieve certain goals.”

Mr. Sam Onn then asked the witness if he had heard the word “Angkar.” The witness replied, “Before 1975 I did not hear the word ‘Angkar’ at all. I heard it later on when the Khmer Rouge forces took control of Cambodia. Then we heard it frequently.”



Moving on, Mr. Sam Onn requested permission to present a document before the witness. The document, he explained, recorded a series of question and answers put to the witness during his interview with the Office of the Co-Investigating Judges (OCIJ). After receiving permission to proceed, Mr. Sam Onn read a question and answer portion of the document to the Court. ““Can you recall who or when the Ministry of Economy was established?”” Mr. Sam-Onn read from the transcript, to which the witness had previously responded, ““The Khmer Rouge had to have ministries for

international relations so the ministry was probably established when the Khmer Rouge government was created.””

When asked to elaborate upon his answer, the witness responded in an almost condescending manner. “First,” he said, “I was evacuated from Phnom Penh to a cooperative, so I did not know what was going on in Phnom Penh. Second, I did not know the exact date..., so this was my personal estimation based on the circumstances at that time.”

Standing Committee and Central Committee Both Refer to the “Supreme Leadership”

Moving to another portion of the document, Mr. Sam Onn asked the witness what he meant when he said “The Standing Committee was the Central Committee” in his interview. Mr. LaMouth explained that the term “Standing Committee” in French is referred to as the “Comité Central.” When asked if he believed the “Standing Committee” and the “Central Committee” were one in the same, he responded, “To me the Standing Committee or Central Committee means the Steering Committee... that is, the supreme leadership level.” The witness added,

however, that his statements reflected his personal understanding and were not meant to indicate he possessed any official knowledge on the subject.

Mr. Sam Onn concluded his examination with a continuation of his initial line of inquiry – the witness’s personal experiences with Khieu Samphan, or Brother Hem, during his time in DK and the revolutionary movement. Mr. Sam Onn referred to the witness’s interview with OCIJ and proceeded to read one of the witness’s statements from the interview transcript: “When I started working there, An was the chief of the ministry, and I assumed Hem was superior to An. But at the time, [the] name ‘Hem’ was not known to the public.”

Returning to the favored modus operandi of the defense, Mr. Sam Onn asked, “What was the basis of that assumption?”

Before the witness could answer, Mr. Abdulhak interrupted with an objection. Asserting the question to be repetitive, the prosecutor stated, “We’ve put the question to the witness already and he stood by his statement.”

Unconvinced, President Nonn announced, “Objection denied” and told the witness to answer the question. The witness responded, informing the Court that his statements were “based on those documents presented to me [by OCIJ].” He continued, “It was not a plain assumption. Clearly, based on those documents it is very likely that Hem was above the Commerce Committee. It was not like I was sitting idly making assumptions.”

Seeking clarification, Mr. Sam Onn asked if Mr. LaMouth meant his statements were “based on knowledge from the documents and not from his own experience during that time period.” The witness replied, “Yes.”

Having received the answer he was looking for, Mr. Sam Onn moved on to another statement the witness made regarding a Commerce Committee document containing an annotation that stated one copy had been sent to “Hem.” Mr. LaMouth had told the prosecutor that the annotation suggested Hem was the head of the Committee. Again, Mr. Sam Onn asked the witness his basis for that statement.

Noticeably put off by Mr. Sam Onn’s clear attempt to discredit him, the witness responded, “I did not just make a plain assumption. That was the likely reason he was sitting on the Committee.” Nevertheless, Mr. Sam Onn managed to extract the witness’s acknowledgement that his statements were solely based upon the documents present to him by the OCIJ.

Witness Did Not Inquire About His Superior Out of Concern For His “Personal Safety”

Having considerable success with the previous topics, Mr. Sam Onn referred to another statement made by the witness during his testimony. When asked if he still stood by his statement that the bank was not under the control of the Economic Committee or the Commerce Committee and that he was unaware of what institution controlled it, Mr. LaMouth responded that he did.

Mr. Sam Onn, apparently flummoxed by the fact the witness did not know or did not inquire into who controlled the bank – or, more specifically, who controlled him – asked the witness a series of “why” questions. The witness, who seemed to assume everyone knew one did not ever ask “why” in DK, appeared perplexed when asked why he never inquired about the identity of his superiors. After a few moments, the witness responded; he told Mr. Sam Onn that he had, of course, wondered who his superiors were; however, he concluded, “I did not dare ask anyone about that.”

Not satisfied, Mr. Sam Onn asked “why” again. Mr. LaMouth replied, “It was my belief that I should not ask any questions.... Whatever I was told to do I just did it. Whenever I had any doubts I just kept them to myself.” Mr. Sam Onn asked “why” again.

Noticeably perplexed with Mr. Sam Onn’s line of questioning, Mr. LaMouth conferred with his duty counsel. Somewhat surprised by this, as the witness had not yet halted proceedings in such a manner in his four days of testimony, President Nonn intervened. He informed the witness that he was free to consult his counsel if he was concerned his response could be self-incriminating; however, President Nonn added, if that was not the case, he was obligated to answer the question.

The witness proceeded to answer the question. “Regarding what I was told when the bank was established, of course I had doubts about that...,” Mr. LaMouth continued, “but if I had asked people around, I would have had concerns for my personal safety.”

Satisfied with the witness’s answer, Mr. Sam Onn asked his final question – whether the witness had known Hem while he worked at the bank.

Mr. Abdulhak attempted to object once again, informing the Court that the question was repetitive, as the Senior Assistant Prosecutor Veng Huot had put the same question to the witness previously.

“I think the prosecution misunderstands,” Mr. Sam Onn replied. He explained to the Court that he wasn’t asking the witness whether he knew “Hem” was “Khieu Samphan” but was inquiring whether he knew a man named “Hem” while he worked as Deputy Director General of the bank. After a few moments convening with his fellow judges, President Nonn allowed Mr. Sam Onn to pose the question to the witness.



Responding to Mr. Sam Onn’s final question, Mr. LaMouth stated, “At that time there was no communication with Hem. The bank did not report to him nor did he contact the bank.”

President Nonn then adjourned the proceedings for the morning break.

Arthur Vercken Continues Examination on Behalf of Defense
Co-Lawyer for Khieu Samphan Arthur Vercken commenced his very brief examination of the witness after the morning break. He

began by inquiring whether Mr. LaMouth ever believed Hem was his superior while he worked at the bank. The witness responded, “I was not sure he was my superior. It was my objective guess that he might have been the superior leader.” Regarding any other roles or titles Hem held at the time, the witness recalled that he was “the Prime Minister or so.”

Consistent with his colleague’s examination strategy, Mr. Vercken continued to characterize the witness’s statements as “presumptions” or “assumptions.”

Mr. Vercken asked the witness if he was familiar with the handwriting of Khieu Samphan, to which the witness responded he was not. With that, Mr. Vercken concluded his examination.

Defense Counsel for Nuon Chea, Mr. Son Arun, Examines the Witness

After Mr. Vercken finished questioning the witness, President Nonn turned the floor over to Defense Counsel for Nuon Chea, Son Arun. He began, as Mr. Sam Onn did, asking a few questions regarding the witness’s involvement in the revolutionary movement prior to 1975.

Elaborating upon his previous testimony, Mr. LaMouth explained that he was not in school at the time he joined the revolutionary movement; he stated he was already “engaged in employment.” Whether he knew of the acronyms “FUNK” or “GRUNK” at the time, he said he had. “At that time there was a front by his majesty,” the witness explained, “That was the FUNK – or GRUNK.” Asked whether he joined the front for his majesty or the Khmer Rouge, the witness responded, “Initially the word ‘Khmer Rouge’ was not used at that time. As for FUNK or GRUNK, I was not active in that movement. I joined a movement but it was not known as a Khmer Rouge movement at all at that time.”

Defense Counsel Attempts to Provide a “History Lesson”

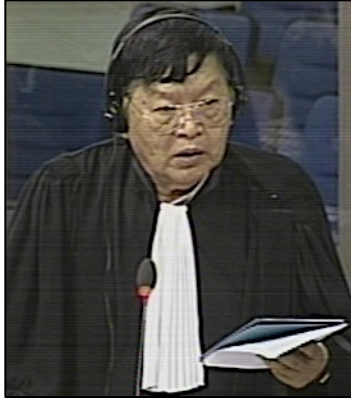
Mr. Arun went on to provide the witness a long series of facts concerning Viet Kong activity on the Cambodian-Vietnamese border prior to 1975; he then asked if the witness was aware of such facts.

Mr. Abdulhak objected, “This is a whole series of facts that Counsel has just testified to the witness and asked if the witness was aware of them.”

“I believe the prosecution is now replying on behalf of the witness,” Mr. Arun asserted.

After convening with his fellow judges, President Nonn announced, “The observation is appropriate. Defense Counsel,” he continued, “it is not necessary for you to make a long comment to the witness.”

Thanking the President, Mr. Arun moved on. He asked the witness if he saw, heard, or read in the papers anything about North Vietnamese soldiers entering Cambodian territory in “massive numbers” prior to 1975. The witness responded, “I cannot tell you what was in the newspapers.” When asked where he was around this time, the witness stated, “I was in Phnom Penh.” Mr. Arun then asked the witness if he knew about Vietnamese forces withdrawing from Cambodia around mid-1973. The witness stated, “I cannot recall that clearly.” When asked to clarify what he meant by “clearly,” the witness responded, “I cannot recall that at all.”



Continuing with his history lesson, Mr. Arun delivered a long narrative to the Court; he mentioned children educated in the 1950s by the French-Vietnamese who returned to Cambodia in the 1970s, having “married Vietnamese women.” He also stated that “for unknown reasons,” the “Vietnamese Cambodians” did not take control of Cambodia, but the “Chinese Cambodians” did. During this trip into the annals of history, members of the public gallery as well as the Chamber looked at one another in confusion, some perhaps waiting for an objection.

Mr. Abdulhak, the chosen court marshal of the day, put a stop to it. He told the Court that there was no reason to preface any question with such a long recitation of history. In response, Mr. Arun contended, “I would like to provide a little bit of background to the witness before I put questions to him.”

International Civil Party Lead Co-Lawyer Elisabeth Simmoneau Fort also addressed the Court. “It would appear that Counsel for Nuon Chea is availing himself of this opportunity to tender his historical perspective,” she added.

Mr. Abdulhak agreed, “I think the lead co-lawyer has put the objection eloquently. We have nothing to add.”

Mr. Arun responded to Ms. Fort’s objection, “These are important facts that lead to the prosecution and trials of the Khmer Rouge leaders, and I would like to point this out to the witness before putting questions to him.”

President Nonn addressed to Mr. Arun, “The facts you mentioned are not amongst the facts in the Closing Order. They are irrelevant facts.” Before granting him permission to proceed, President Nonn reminded Mr. Arun to elicit concise and clear questions.

Mr. Arun told the President, “They [the facts] are based on history, books, and my personal knowledge based on my experience at that time.” President Nonn replied, “No party can draw upon their personal knowledge in the courtroom to question the witness. If you rely on your own knowledge you should be treated as a witness.”

Realizing he was fighting a losing battle and apparently left with no questions that did not require historical pretext, Mr. Arun informed the Court that he was finished with his examination.

Defense Tactics Continue To Be Thwarted by President Nonn

Another co-lawyer for Nuon Chea, Jasper Pauw, took the floor. Following a strategy similar to Mr. Sam Onn, Mr. Pauw began his examination by asking the witness about certain statements he had made regarding various documents throughout the course of his testimony. He also asked Mr. LaMouth if the documents shown to him by the OCIJ helped provide him with his

“assumptions about the DK hierarchy.” The witness replied, “It does help to a degree, but it cannot help me in every detail of the regime.”

Concerning the exportation of rice, Mr. Pauw reminded the witness about a previous statement where he asserted that unmilled rice was not exported in large quantities during DK. When asked to explain the basis of that statement, Mr. LaMouth explained that his comment was his “personal assumption because there were no statistics or data at the time.” Mr. Pauw inquired further, asking how the witness reached such an assumption.

Civil Party Co-Lawyer Barnabe Nekuie interjected, requesting Mr. Pauw provide a document reference of the statement to the Court. When asked for his response, Mr. Pauw said he was attempting to conduct his examination expeditiously, something he noted the President was “very keen on.”

The President, after convening with his fellow judges, announced that Mr. Nekuie’s objection was sustained. President Nonn reminded all counsel to keep questions “succinct” and “concise.” He also instructed Mr. Pauw to present to the witness and the Court any documents to which he intended to refer in questioning the witness.

After receiving a copy of the document and his statement about unmilled rice, Mr. LaMouth informed the court once again that his statements were based upon documents given to him by OCIJ and that he did not have access to such documents or statistics during his time in DK. He continued to maintain that his statements were his “subjective assumptions.” “It was my presumption off the top of my head that the quantity reported was not much,” he concluded.

Referring to another section of the document, Mr. Pauw read a statement where the witness discussed other agricultural products exported from DK. After giving the witness a moment for review, Mr. Pauw inquired how Mr. LaMouth had obtained such knowledge. Again, the witness responded with the same answer. “If you ask me for a detailed basis for my assumption, I did not know,” he stated, “I could have been wrong in my presumption.... You can compare it with the official statistics from the Commerce Committee.”

Mr. Pauw responded, “I think your answer is clear,” and moved on to another topic. He presented yet another document to the witness that had been discussed in his examination the day before. The document concerned the meeting between the Cambodian commerce delegation and the People’s Republic of China trade delegation. Mr. Pauw referred to a portion describing two floods in 1978 that impaired DK export capability. The witness, however, could not remember the 1978 floods.

Mr. Pauw proceeded to put another document before the witness but stated to the Court that he did not know if it had been submitted on the Prosecutor’s list. Mr. Abdulhak, coming to the aid of his opposing counsel, informed the court that the document did appear on the prosecution’s list.

After convening with the other judges, President Nonn asked the witness if he had ever seen the document. Mr. LaMouth said he had not, so the President ordered the document to be removed.

Attempting to clarify the situation, Mr. Pauw informed the President that the defense did submit the document to the Court as one they would be using in the questioning of the witness. Continuing, Mr. Pauw said the witness was knowledgeable of the issues within the document – issues, he stated, that the witness could help “shed light” on. Addressing the President directly, Mr. Pauw stated, “You are limiting our opportunity for an effective questioning of the witness.” Mr. Pauw concluded rather dramatically, “Yet again we cannot question this witness effectively and I see no other choice other than to stop here.”

President Nonn did not let Mr. Pauw paint himself the victim of a judicial tyrant, however. “We do not prevent Counsel from asking questions about the content of the document. We simply ask that the document be removed,” he calmly explained.

President Nonn’s explanation resurrected another response from Mr. Pauw. Although he was aware he could continue to question the witness on the content of the document, Mr. Pauw said it still limited his ability to properly examine the witness. When a document is placed before the witness and projected upon the screen, he elaborated, “it is there for all to see and to verify.... I have not heard in the last few months a principled explanation as to why we cannot put documents forward to the witness when coming into this courtroom.”

Realizing President Nonn would not be persuaded, Mr. Pauw once again informed the Court that had no more questions. President Nonn subsequently gave control of the floor to National Co-Lawyer for Ieng Sary, Ang Udom.

Mr. Udom informed the Court that neither he nor his international co-counsel had questions to the witness. Mr. President appeared very pleased with Mr. Udom’s statement and thanked him for helping ensure the proceedings move along “expeditiously.”



Judge Lavergne Seeks Clarification on “Hem” Before Concluding Witness’s Testimony

Before breaking for lunch, President Nonn handed the floor over to Judge Jean-Marc Lavergne, who had a question to put to the witness. Seeking to clarify a point about the identity of “Hem,” Judge Lavergne asked the witness “whether there are other persons who can be identified as ‘Hem’” and “whether there are any objective reasons we can doubt the identification of Khieu Samphan as Hem.”

Mr. Vercken attempted to object, but President Nonn stopped him before his microphone was even turned on. President Nonn announced that no party was allowed to object to the judge’s question.

Receiving permission to respond, Mr. LaMouth stated, “This question is complicated to answer.... I did not have any official documents to indicate that Hem was Khieu Samphan. But

later on it was made known that Hem was the alias of Khieu Samphan.... It was the general knowledge of the public. I was not aware of any documents that referred to Hem as someone other than Khieu Samphan. I have no idea about that.”

President Nonn thanked Mr. LaMouth for his time, patience, and effort and released him from any further obligations to the Court. He then adjourned the Chamber for lunch.

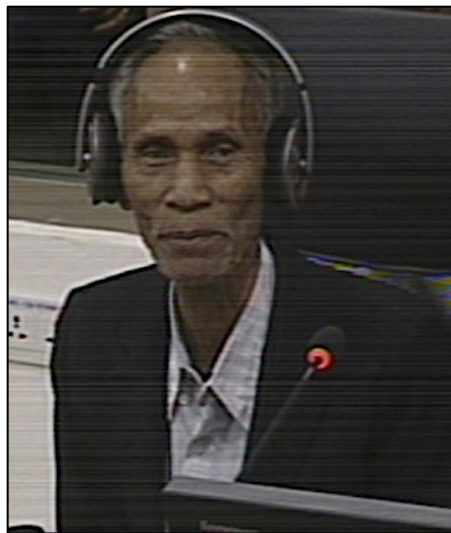
Reserve Witness TCW 604, Sao So Run, Begins Testimony

President Nonn resumed proceedings a few minutes after 1:30pm, informing the parties that the Chamber was prepared to hear testimony from the reserve witness TCW 604. Duch Phary, the court officer, informed the Chamber that the witness had already taken an oath and had no relation to any of the parties to the proceedings. President Nonn then instructed another court officer to bring in the witness.

An elderly man entered the Chamber, aided by a court officer. He was thin and appeared quite frail. His name, he informed the court, is Sao So Run. He said he never went by any other name. He is 80 years old but did know the date of his birth. He is a farmer from Trapang Brasat district in Odor Meanchey province and his wife’s name is Nou Moeut. He has 10 children, five sons and five daughters.

Mr. So Run confirmed to the Court that he had taken an oath and had no relation to any party present. President Nonn reminded him that he need not respond to any question he felt could be incriminating.

Before handing the floor to the prosecution, President Nonn reminded the parties that the witness was elderly and had difficulty with both his vision and hearing. It was better, he advised, to ask short questions.



“We Have a Witness – Let’s Get to the Questions”

National Deputy Co-Prosecutor Seng Bunkheang began Mr. So Run’s examination with a series of background questions, noting that some of the answers Mr. So Run had just provided the Court did not match answers he had previously provided OCIJ.

Mr. Bunkheang reminded the witness that he had told the co-investigating judge he had six children. The witness explained that he had 10 children but four of them died. He added that he had 10 siblings, four brothers and six sisters, though some of them had also died. Although he had told President Nonn he went by no other name, the witness told Mr. Bunkheang that he also used his father’s name, Nou So Run. However, he explained that people only knew him as Sao So Run.

Seeking additional clarification, Mr. Bunkheang asked permission to present a document to the witness. He spent the next few minutes describing the document to the Court – how it was found, who it was found by, what it discussed, what it did not discuss – in such a circuitous and

enigmatic fashion that Co-Lawyer for Ieng Sary Michael Karnavas took it upon himself to intercede.

Mr. Karnavas stated, “At this point in time I don’t know whether I have an objection to this document itself..., but the prosecutor took 10 minutes to explain the document.... We have a witness – let’s get to the questions.”

President Nonn, noting that the document had not been listed for presentation to the witness, asked if the defense counsel had any other comments.

Mr. Pauw addressed the Court, saying the document may be useful to elicit information from the witness. He also reminded the Court that the defense was fully in favor of any documents being used to impeach a witness.

Assistant Prosecutor Dale Lysak also addressed the Court, explaining that the prosecution had only discovered the document the previous week but had filed a Rule 87 submission. He informed the Court that the document was considered important to the witness’s examination because they believed it to be his “biography.”

President Nonn announced to the Court, after brief consultation with the judges, that the document entitled “Revolutionary Biography” was admissible according to Rule 87.3 and 87.4, but he warned defense counsel that the document could not be used to impeach the witness.

Before proceeding with his examination, Mr. So Run informed the Court that he could not see the red light on his microphone on account of his poor vision. As the red light indicated the proper time for a witness to respond to questions, President Nonn employed the help of the witness’s duty counsel in making sure the witness spoke at the appropriate time.

Mr. Bunkheang Questions the Witness about His Revolutionary Biography

Mr. Bunkheang continued his examination by inquiring whether the document entitled “Bai Sao So Run Biography,” was Mr. So Run’s biography. The witness responded affirmatively, though he noted that he had never gone by the name “Bai” during the time of DK.

Before proceeding further, Mr. Udom stood and suggested Mr. Bunkheang read relevant parts of the document to the witness due to his poor eyesight, to which President Nonn agreed. He first requested Mr. Bunkheang describe the format of the biography to the witness.

Mr. Bunkheang explained to the witness that the biography consisted of 15 pages of questions and answers divided into three sections – the first concerning personal data, the second concerning family background, and the third concerning close friends and acquaintances. Mr. Bunkheang asked the witness if such a document sounded familiar. The witness responded that he did not understand the question. To aid the witness’s understanding, the document was projected on the screen for the witness to see.

In response to the prosecutor’s questions on the biography, the witness said, “I simply prepared my biography and submitted it to them. That was it.” He did not know who examined the

biographies or where they were kept but said he submitted them to the chairman of his sector. His sector, he continued, was the Mondul Kiri sector, and the chairman's name was Lang. Though he recalled writing a number of biographies, he could not recall how often he did so or the year he wrote the biography presented before him.

Moving on, Mr. Bunkheang asked if the witness knew men named "Kep" and "Bon." Mr. So Run did not. When asked who introduced him to the revolution in 1954, he said it was Lang.

Mr. Bunkheang proceeded to read a section of the biography. The biography, he informed the witness, said that Mr. So Run joined the revolution in 1954 and was introduced to the movement by "Kep" and "Bon." It went on to say he joined the party in March 1963, introduced to it by "Bon" and "Lang." When asked if these statements were correct, Mr. So Run said they were.

Asked if he was trained on the party political line, the witness responded, "We had minimal lessons about that." Mr. Bunkheang read another section of the biography, which described attending schooling and training sessions. Mr. So Run explained that "it was not a proper school...; it was just a school in the forest." The training sessions in the forest, he continued, would last around two or three days. He could not recall the names of his trainers but remembered there were usually eight, nine, or 10 of them present at each session.

When asked to describe his role in the party, Mr. So Run replied that his role was "to educate the people to understand the revolution. I educated them to build the economy and to fight the American Imperialists.... I taught them to engage in rice farming, to plant crops, and to be self-sustained." Continuing, the witness said he learned this from "instruction from the upper echelon." "What I learned," he added, "I shared with other people." Those he educated within his sector, he added, were mainly ethnic minorities; their primary role was "to work in the rice fields and to grow crops."



Mr. So Run informed the Court that he worked as a soldier between 1963 and 1975, though he could not recall what unit he was assigned. To aid his memory, Mr. Bunkheang read another statement from the biography, which stated that Mr. So Run became the deputy secretary of his commune and was put in charge of the militia. The witness could not recall these events, however, or verify their validity.

Approaching the question from another angle, Mr. Bunkheang asked the witness about his duties as the leader of his commune's militia. The witness said they were "to defend the village and to prevent any stealing."

Witness Displays a Remarkable Recollection of DK Political Geography

Mr. Bunkheang continued to question the witness about his role in the CPK before 1975. The witness informed the Court that the Mondul Kiri province was liberated in 1970 and that he was

appointed as Secretary of the Pich Chenda district in 1971, a position he held until 1978. Ta Lang appointed him, the witness added, but did not know the position Ta Lang held in the party at the time. His main role as secretary was to ensure the people had enough food to eat.

The Pich Chenda district office, Mr. So Run continued, was in Bousra village in the Bousra commune. He could recall that there were around 3,400 people living within the district and thirteen people working within the district office; only four of the 12, however, were considered formal employees of the office. There were four communes within his district: Krangtes commune, Bousra commune, Tous Svey commune, Kao Clare commune. The secretary of the district, he explained, would appoint individuals to be chief of the communes. Within Sector 105, there were five districts: Koh Nhek district, Chhbar district, Pich Chenda district, Oran district, and Keo Sima district. Mr. So Run confirmed a statement from his biography stating that Ky was the secretary of Koh Nhek district, Svay was the secretary of Chhbar district, Cham was the secretary of Oran district, and Khampoun was secretary of Keo Sima district. Mr. So Run was the secretary of Pich Chenda district. Three districts bordered Vietnam: Pich Chenda district, Oran district, and Keo Sima district. The witness confirmed that all five districts of Sector 105 remained subordinate to that district from 1975 until January 6, 1979. He stated that Sector 105 was always composed of five districts.

Mr. Bunkheang inquired whether Mr. So Run knew a man named Hom Ansi who was a relative of Lang. The witness replied that he did. He said he had known Hom Ansi since they were “little kids” because Hom Ansi’s village was close to his.

Mr. Bunkheang then requested the Court’s permission to present a document to the witness.

Mr. Arun objected, “The document belongs to another person.... I’m of the opinion that this document cannot be used as the basis for putting the question to this witness as the person responsible for this document is not here.”

Mr. Lysak stood to respond, “The trial chamber has been allowing the use of other witness statements who are not going to appear before the chamber as long as the content is within the witness’s knowledge.” Mr. Lysak explained that the individual was deceased, and there was no possibility that he could be called to testify.

After conferring with his fellow judges, President Nonn announced that the document was admissible and could be put before the witness.

The document, Mr. Bunkheang explained to the Court, stated that the entire population of Keo Sima district was removed in 1978 due to fear of a Vietnamese invasion. Mr. So Run confirmed this and explained that the Keo Sima population was relocated to Koh Nhek district, though the people were still considered part of the Keo Sima district. The witness did not believe the Keo Sima population was relocated to any other district besides Koh Nhek. At the time, the witness stated, he was not aware of the reasons behind the removal.

As the secretary of Pich Chenda district, Mr. So Run explained, he reported to Ta Lang, the Secretary of Sector 105. He did not know if Ta Lang went by any other names nor the identity of

Ta Lang's superior. Sector 105, he explained, was an "independent sector," but he could not say how independent sectors different from the others.

Referring back to the witness's Revolutionary Biography, Mr. Bunkheang said the witness had written that he was put in charge of two districts. When asked which districts these were, Mr. So Run replied, "I was in charge of two districts in terms of economic affairs." The two districts, he clarified, were Pich Chenda district and Oran district. He also said he was put in charge of "sector health" in 1975; he was in charge of insuring hospitals within Sector 105 were clean. Mr. So Run explained that there was one large sector hospital and one small hospital in each district within the sector. The medical equipment used in the hospitals, he continued, came from Phnom Penh, but he could not say who sent them to the Sector. The sector secretary, he explained, received the equipment. Asked if the hospitals within his sector were sufficient to care for the people, Mr. So Run replied, "There were adequate medicines and equipment for the treatment of people." He stated that the hospital normally treated diseases such as malaria and forms of tuberculosis.

Mr. Bunkheang referred to another statement within the witness's Revolutionary Biography. Within it, the witness allegedly had said he was appointed to the Foreign Relations Committee. Mr. So Run confirmed this statement, explaining that he was appointed to the committee because he was able to speak the Charay language. The office of the committee, he said, was located in Koh Nhek district. He said there was no code name for the committee office. When asked if he knew what K-17 stood for, the witness responded, "K-17 was a working office of the sector." He did know how many people worked within that office.



Khmer Rouge leader believed to be Pol Pot (left) talking during the meeting in rural Cambodia During the period of political struggle before 1975. (Source: Documentation Center of Cambodia)

Witness Recalls Pol Pot Speech About "The Fight Against The American Imperialists"

Mr. Bunkheang moved on to ask the witness about his relations with party leaders prior to 1975. The witness informed the Court that he never participated in meetings with any party leaders nor participated in any meetings outside of Ratanak Kiri province prior to 1975.

Referring again to the witness's biography, Mr. Bunkheang said the witness had written he participated in a meeting in Ratanak Kiri province with Ta Thoch, Ta Ya, and Ta Lang. Mr. So

Run confirmed this statement. He said the meeting was held in the forest and concerned “the force mobilization to attack the American Imperialists.” He said no other topics were discussed.

After receiving permission to place another document before the witness – a transcript from the witness’s OCIJ interview, Mr. Bunkheang referred to a section where the witness discussed the same meeting. In the interview, he continued, Mr. So Run had stated they (participants in the meeting) talked about the building of the force mobilization to fight the “American Imperialists, the feudalists, and the capitalists.” Regarding the content of the instructions at the meeting, Mr. So Run informed the Court, “We were told to fight against the oppressive regime. That was all.” He said he did not see either Pol Pot or Ieng Sary.

The witness recalled attending one meeting in Kampong Thom province but could not recollect what year he did so. He could not recall specific participants who were present; he said the meeting was quite large and he was not familiar with anyone present because he only attended that one meeting in Kampong Thom province.

After Mr. Bunkheang read to the witness a few statements from his OCIJ interview, the witness was able to recall the presence of Lang, Mey, Thuch, and Pol Pot at the 1971 meeting in Kampong Thom province. In addition, he recalled that the meeting lasted approximately 10 days. Of all the senior leaders, the witness recalled, he only saw Pol Pot make a presentation. The presentation, he explained, concerned the fight against “the American Imperialists.” He said they did not discuss a fight against Lon Nol soldiers. “I only heard about the fight against the American Imperialists,” he explained. He said he never heard of Lon Nol’s soldiers referred to as the “enemy of the party.”

Having reached time to adjourn for the day, President Nonn postponed further testimony until the following morning, June 6, 2012, at 9:00 am.