



Khoeum Ngorn testified during the afternoon session at the ECCC on Thursday.

ECCC Proceeds Through Testimony of Two Challenging Witnesses

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The Extraordinary Chambers in the Courts of Cambodia (ECCC) were busy Thursday, June 7, 2012, in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. Two witnesses testified, the elderly Sao Sarun and the Court's reserve witness, Khoeum Ngorn, who was called into the Chamber earlier than scheduled due to the poor health of Mr. Sarun, who needed the afternoon to rest.

Each witness provided unique challenges during testimony. Mr. Sarun's memory remained hampered as on the previous day, and very little helped to revive it. Struggling to make it through the morning session, he was unable to continue into the afternoon session and was replaced in the witness stand by Mr. Ngorn in the afternoon.

Unlike the lethargy that characterized the morning, Mr. Ngorn provided the Court and the public gallery some entertainment. President Nonn appeared amused when Mr. Ngorn continued to call him "Bang" – or "Brother" – throughout his examination, even displaying a smile at one point. Mr. Ngorn's friendly nature was also reflected in his eagerness to answer questions. Despite efforts by the prosecution and President Nonn to temper his enthusiasm, nothing appeared to discourage his loquacious responses. The translators struggled to keep up until President Nonn adjourned Court for the day.

Mr. Sarun's Illness Impairs His Ability to Recall Events

International Assistant Prosecutor Dale Lysak resumed his examination of the witness by returning to yesterday's discussion on the meeting the witness had with Pol Pot, Nuon Chea, and Son Sen in Phnom Penh.

As Mr. Lysak learned the day before, Mr. Sarun was much more capable recalling past events when he was "refreshed" of their content. Before posing his first question to the witness, Mr. Lysak reminded the witness of his testimony from the previous day in which he had said Pol Pot requested he assume Secretary Lang's position after Lang's death.

Appearing noticeably ill, the witness, unlike yesterday, was unable to recall any additional details about the meeting. He was, however, able to provide more detail about Lang and Khamphoun's deaths. Khamphoun "shot himself to death," the witness recalled. He also claimed that Khamphoun had used "a piece of iron bar from a car...to beat Lang to death." As Lang had been his close friend and comrade, the witness informed the Court, he returned to his home in Mondul Kiri province with Lang's ashes to deliver them to his family.

Mr. Lysak, redirecting the witness in the direction of the extensive purges committed in his sector during the final years of Democratic Kampuchea (DK), asked the witness if he recalled arrests or disappearances in his sector after the death of Ta Lang, when he returned from Phnom Penh. Mr. Sarun could not recall.

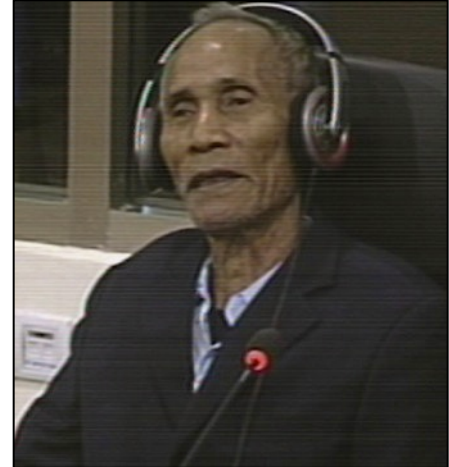
As he had done many times the day before, Mr. Lysak refreshed the witness's memory by reading aloud statements from the witness's interviews with the Office of the Co-Investigating Judges (OCIJ). Mr. Lysak read: "After the death of Ta Lang I knew that the commerce cadres were arrested." When asked if his statement in the interview was correct, the witness, as he generally did, said that it was.

Moving on, Mr. Lysak asked if Pol Pot had mentioned Chuon in the Phnom Penh meeting, specifically that he had been arrested and interrogated. Mr. Sarun replied, "I was not told, although I know about the disappearance." The prosecutor requested Mr. Sarun tell the Court what he knew about Chuon's disappearance. However, the witness responded, "I do not know."

Mr. Lysak then informed President Nonn that he had an S-21 prisoner list consisting of 140 cadres from Mondul Kiri from sector 105. The prisoner list, he added, was dated November 23, 1977, and included the name Phan Khuon, alias Chuon, along with the wife of Svay, the former secretary of Koh Nhek whom the witness testified killed his in-laws. President Nonn gave him permission to present the list to the witness.

Mr. Lysak briefed the witness on the S-21 prisoner list, emphasizing the fact that the list was dated November 23, 1977, before the time the witness testified he and Chuon traveled to Phnom Penh to meet Pol Pot and other party leaders. Since Chuon would not have been able to attend such a meeting if he had been detained in S-21 at the time, Mr. Lysak asked, "Is it possible your memory of the exact dates is incorrect and it was sometime earlier that Lang was killed and you and Chuon went to Phnom Penh?"

Mr. Sarun stated, “Lang died in 1978. And regarding Chuon and others I think what happened to them occurred in 1977. But I did not know anything regarding these people’s arrest.” Whether he was confused about the sequence of events or was mistaken about those who accompanied him to the meeting in Phnom Penh, it was clear the witness was not unable to provide an explanation of the discrepancy.



Mr. Lysak moved on to another question. He asked the witness who was responsible for giving the order to arrest those associated with Khamphoun and take them to S-21. The witness replied vaguely, “I did not understand the situation. People disappeared, and everyone was afraid.”

“Did you believe that Chuon was a traitor and should be arrested?” Mr. Lysak asked. Mr. Sarun replied, “I did not understand the situation. I did not know whether he was a traitor or not.” Regarding whether the Secretary of Sector 105 would have had the authority to order arrests, the witness asserted, “That I did not know. I was working at the district level. I did not understand what was going on in the sector level.”

Attempting to refresh the witness’s memory once again, Mr. Lysak read him a statement from his OCIJ interview: “I knew that a number of detainees were transferred to Phnom Penh but I didn’t know to what destinations but it was ordered by Angkar by Ta San.” The witness could not recall making the statement and was not able to validate it. He stated a number of times, “I did not know. That was the affair of the Sector. I only knew what was going on at the district level.” Mr. Lysak was able to help him recall the identity of Ta San. Ta San, Mr. Sarun verified, was the head of Division 920, the man whom Pol Pot informed him would assist him in his new role as Secretary of Sector 105.

Mr. Lysak asked the witness if he remembered returning from that meeting with a list of people in his sector who were to be arrested. The witness replied, “No. When I returned from Phnom Penh I went straight to my hometown.” Attempting to refresh his memory again, Mr. Lysak read another statement from Mr. Sarun’s OCIJ interview: “Ta San from Division 920 came to the meeting with Ta Sophea and me.... Ta San personally held the list, and I could not refuse.” The refresher worked, and Mr. Sarun replied, “That is correct. That statement was truthful. Because it was an order from the upper level, so I dare not refuse.”

Responses such as “I dare not refuse,” “Those were the affairs of the upper level,” and “I cannot recall,” became increasingly commonplace for the remainder of the morning. Mr. Sarun became noticeably defensive as Mr. Lysak moved into “uncomfortable areas” that concerned him directly, specifically a set of telegrams the witness had personally sent to Pol Pot during the latter part of the DK regime, when he had assumed the role of Secretary of Sector 105.

Witness Recalls Secret Encoding System And Sending Telegrams to Pol Pot And Nuon Chea

After receiving confirmation from the witness that he had been shown the telegrams in his OCIJ interviews, Mr. Lysak presented the first of three telegrams he discussed that morning. The first telegram, he informed the Court, was dated January 1, 1978. Mr. Lysak then asked Mr. Sarun if he remembered sending Pol Pot and other party leaders personal telegrams to Phnom Penh as early as January 1, 1978. The witness, looking noticeably weak and slouching back against his chair, responded “I cannot recall that because I have forgotten these events since I fell sick.”

Toiling on, Mr. Lysak inquired about the method officials employed to send and receive telegrams. The witness informed Mr. Lysak that he did not draft the telegrams. The witness, however, did not mean to imply he did not write the telegrams; as he informed the Court, “I wrote it by hand and had an encoder put it into numbers. The encoder then took it to a typist.” To keep track of the telegrams in circulation, each telegram was assigned a number. After being read another statement from his interview, the witness was able to confirm that telegrams were sent out sequentially up until number 100, at which time they would start over at number one.

The telegram office, the witness continued, was located in office K-17. When asked how often he sent telegrams to his superiors, Mr. Sarun said once every one or two weeks. However, when he was read the statement, “I had to report daily at least on rice production, climate, and how much or how little had been planted,” from his OCIJ interview, he responded, “I sent it sometimes on a daily basis and other times once every two days or once every week or so.”

Moving on, Mr. Lysak asked the witness to whom he addressed the telegrams. The witness responded, “I addressed them to Pol Pot.” He could also recall sending telegrams to office 870. Again, he reminded the Court, “Since I fell ill, I have forgotten most of these events.”

Nevertheless, Mr. Lysak proceeded, inquiring whether Mr. Sarun received telegrams in return. The witness said, “I received instruction and the instruction was mainly on monitoring the farming work.” The prosecutor read another statement from the witness’s OCIJ interview where he recalled receiving telegrams from the office M870, Nuon Chea, and Pol Pot. The witness confirmed his statement in the OCIJ interview was correct. However, when Mr. Lysak asked the witness to tell the Court about office M870, he said he did not know anything about it.

Witness Recalls Office M870 Was “The Office of the Central Committee”

Turning to the content of the first telegram, Mr. Lysak reminded the witness that the telegram was written by him, dated January 1, 1978, and addressed to “Respected and Beloved Brothers of Office 870.”

Mr. Lysak asked Mr. Sarun again if he could recall Office 870. The witness replied, “Office 870 was the office of Pol Pot.” Not quite the answer he was looking for, Mr. Lysak read to the witness another of his OCIJ interview statements: “M870 referred to the Central Committee that as I remembered consisted of Pol Pot, Nuon Chea, Khieu Samphan, Son Sen, and Ta Mok.” The witness reaffirmed that his statements to the OCIJ were truthful.

After being informed that there might have been a translation issue, where “Office M870” could have been translated as “Office M78,” Mr. Lysak, to make certain the record was clear, asked the witness, “Am I correct that you understood M870 to consist of a group of leaders from the

Central Committee?” This time, however, the witness responded, “I could not recall this matter. I did not know about this matter as it was the affair of the upper echelon.”

Nine Yuan People “Swept Away”

Mr. Lysak proceeded to read the witness the first paragraph of the January 1, 1978, telegram. He read: “We would like to report nine Yuon people fleeing from their country. According to their interrogations, they said the Yuon had assigned them to come and spy inside Kampuchea and live with the Kampuchean people in order to grasp them. Now we have swept them away.”

Mr. Sarun could not recall how he found out about the Yuon people. He told Mr. Lysak, “I did not understand that matter.” Clearly ruffled by the implications of the words “swept away,” the witness added, “I sent the report, but it was not about the arrest of any Yuon. It was always about the farming and rice production.”

Mr. Lysak prodded further, asking the witness if he might have received information about the Yuons from sector military reports. “The sector military reports to the sector and the central division reports to the center,” the witness replied obtusely. After weeding his way through some rather obscure answers, Mr. Lysak was able to get confirmation from the witness that Sophea, the man in charge of the sector military, would report to him. However, the witness continuously denied having known about or taking any part in the nine Yuon people mentioned in the telegram.

Witness Denies Enforcing Punishment on Three Men for Burning Boat

Having gotten as much from the witness as possible on the first telegram, Mr. Lysak continued to the next one. The second telegram was dated April 9, 1978, and addressed to Office M870 and was allegedly written by the witness.

Mr. Lysak read the following excerpt to the witness:

On the night of 7 April 1978, there was a fire which destroyed two boats.... The cause of the fire was that the boat did not work. Upon arrival at Kampong Cham our comrade requested another boat to tow the broken boat to Prek Pasab. Our comrade who was the owner of the helping boat at Kampong Cham went up to the village in order to find those who wanted to go down. There were three crew members on the boat. A crew member named Song guarded on the head of the boat for fear that the people might use the lighter, causing ignition. And two others, Eng Sat and Bun Sa lighting a lamp. Meanwhile the guard on the head of the boat warned them not to light the fire for fear of ignition of gasoline. Suddenly there was flame of the ignited gasoline. The man holding the lamp was also injured. According to the sector’s examination and the report of Comrade San, the two men had burned. The measures of the sector: One, arrest the two men. Two,



arrest contemptible Lin. According to the examination there had been the assignment of Lin. Carry out the arrests today...

When asked if he was able to recall the incident, Mr. Sarun said, "Yes, I recall it." However, when asked about the "sector examination," the witness stated, "I cannot recall that because none of the people who were on the boat were arrested." Seeking clarification, Mr. Lysak asked the witness if he was informing Office 870 of these men's arrests or asking the Office's permission to arrest them. The witness stuck to his statement, responding firmly that "the two" men were not arrested and adding, "They are still alive today." He did not state, however, which two men these were, as the telegram indicated orders to arrest three.

Missing the discrepancy, Mr. Lysak followed, "Then why did you send this telegram to office 870 proposing the arrests of these people?" The witness responded, "There was damage to the boats. I made the report. But then none were arrested. The materials [the boats] were already destroyed so there was no gain in arresting the people."

Mr. Lysak did not give up and continued to seek further clarification on the witness's exact role in the incident. The only additional information Mr. Sarun provided was Pol Pot's response instructing him not to arrest them. When Mr. Lysak read, "He [Pol Pot] instructed me to tell the three men not to be worried," from the witness's OCIJ interview, Mr. Sarun responded, "That statement is very truthful."

Before moving on to the next telegram, however, Mr. Lysak informed the Court that Lin (the "contemptible Lin" mentioned in the telegram), otherwise known as Kang Lin, was an assistant at the sector commerce office, and had been imprisoned in S-21 on June 10, 1978, two months after the witness's April 9th telegram to M870. Mr. Lysak also informed the Court that the prosecution had a statement from Lin's brother, who worked at the sector commerce office with Chuon, who also confirmed that Lin was arrested and sent to S-21. After hearing this information, the witness asserted, "Kang Lin is still alive today."

Witness Sent Message to Pol Pot Asking for Rearmaments

Realizing he had also come to a dead end with the second telegram, Mr. Lysak moved onto the third. The third telegram, Telegram #54, was dated April 23, 1978 and regarded arming the people in the Sector 105 with weaponry. It was composed of three paragraphs.

The first paragraph of the telegram read as follows:

Based on analysis the division has agreed and wants to issue weapons to the sector forces to attack. Brother, what do you think? Please assist with your opinion because previously there were complicated elements in the sector and they were all disarmed. If Brother has any ideas, please report quickly.

The witness recalled the telegram. "Before that the arms were removed but then we requested that they be rearmed," he explained, and the "Brother" he addressed in the telegram was Pol Pot.

When asked who were the “complicated elements in the sector who had been disarmed,” Mr. Sarun stated, “As a matter of fact, the soldiers in the base were not armed. It was not like they were on a mission.” Rephrasing his question, Mr. Lysak asked who were the “complicated elements” – “the people who had been disarmed.” The witness however, either avoiding or simply not understanding the question, responded, “I did not understand it well.... It was a complicated issue.”

To refresh the witness’s memory again, Mr. Lysak read another statement from his OCIJ interview: “In 1977 when I was working in Pich Chenda district I heard personnel of K-16 had fled. Before that flight some weapons had been removed because the district was peaceful, but after that flight all weapons were removed.” The witness recalled the statement and confirmed it was correct. He confirmed that the flight he was discussing in the interview was the same flight he discussed in his testimony the day before regarding officials from K-16 fleeing to Vietnam.

Mr. Lysak asked if Mr. Sarun received a response from Pol Pot. Although the witness replied that he did and was told by Pol Pot that the people should be armed, he could not remember specific details. To refresh the witness’s memory yet again, Mr. Lysak read another of his statements from his OCIJ interviews: “In Pol Pot’s instructions in response were that after issuing arms we were to monitor and then commence combat at once when encountering the Vietnamese.” The witness confirmed that the statement was accurate but was also unable to recall further detail. He mentioned he felt very “unwell.”

Because the witness appeared to be struggling with his responses, Mr. Lysak paused his examination and asked the witness if he felt good enough to continue. The witness responded, “Since I have been sick, my memory has become very poor. And of course I made statements to the co-investigating judges already. However, I cannot recall most of them.” He did not say he wished to halt the examination, however, so Mr. Lysak proceeded.

What Are “Immoral Acts”?

Turning to the last paragraph of Telegram #54, Mr. Lysak read:

The issue of the situation inside the party: Comrade Sot, chairman of the repair factory, has committed immoral acts with a woman. Now the arrests have been made. Both the man and the woman have been arrested. This comrade was previously implicated in the confession of the traitor, Chuon. At that time the sector monitored his activities but now he has been involved with these immoral acts and has been arrested and detained.

The witness recalled the events. He explained, “They were detained and they were questioned. And they told us that they did not commit any immoral act. So after we reeducated them, they were released.”

Bringing up the reference to Comrade Sot being implicated in the confession of Chuon, Mr. Lysak asked if the Chuon referenced in the telegram was the same Chuon they had discussed earlier, the Chuon who was the head of Sector 105’s commerce office before his arrest. The witness responded that it was the same person.

Mr. Lysak then asked how Mr. Sarun came to know that Sot was implicated in Chuon's confession. Mr. Sarun's answer seemed to imply he had discovered the fact from Sot himself, during his interrogation. However, Mr. Lysak read the witness another statement from his OCIJ interview where he had said he found out about Sot's implication in Chuon's confession in a telegram sent to him from Pol Pot. The witness confirmed the statement was correct.

Though he had appeared to be confused, it seemed Mr. Sarun was trying to explain that he first learned of Sot's "immoral act with a woman" from a telegram sent to him from Pol Pot, who said the information had come forth during Chuon's confession. Sot was not implicated in the "affairs of Chuon" himself but had been implicated in performing "immoral acts." When Mr. Sarun interrogated Sot and the woman to investigate the allegations written about in Pol Pot's telegram, the witness discovered Chuon's implication had been false, that they did not engage in any immoral acts, and they were thus released.

Though Sot and the woman engaged in "immoral acts," they apparently had "fallen in love" with each other. This required "education," the witness said, because Sot was already married. In the witness's words: "He already had a wife, and yet he still had an affair with another woman."

Mr. Lysak had National Deputy Co-Prosecutor Seng Bunkheang read the next portion of Telegraph #54 directly to the witness in its original Khmer because, he said, "the English and French translations were somewhat different."

Mr. Bunkheang read as follows (in English translation): "Regarding this matter, please provide your opinion, as to what level I just take or where to be sent to."

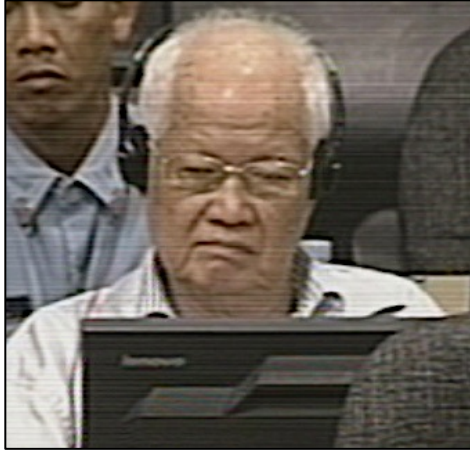
Mr. Lysak then asked the witness why he asked for Pol Pot's opinion on this matter. "I needed to seek the opinion of the person from the upper level for where I should send the person I detained. This person was involved in an allegation with an immoral act with a woman, and I needed to consult for instruction from the upper level." Mr. Sarun said he received a response from Pol Pot instructing him to "re-educate them."

An Issue with Aliases

After an exhaustive discussion, Mr. Lysak moved on to a different topic. He inquired whether Mr. Sarun recalled returning to Phnom Penh several months after his meeting with Pol Pot, Nuon Chea, and Son Sen. The witness responded that he could not recall, but that he was feeling very ill and his illness was preventing him from "remembering events in the past."

To help refresh the witness's memory once again, Mr. Lysak read aloud another excerpt from the witness's OCIJ interview: "About two or three months after the death of Lang and Khamphuon, I received a telegram from Pol Pot calling the cadres to a meeting. In its content, six cadres, including Ta Vieng, Ta Lot, Ta Kim, Ta Lan, Ta Sophea, and myself, were called to go to a meeting in Phnom Penh."

Mr. Sarun was able to recall the meeting and verified that the five other men who accompanied him to Phnom Penh were military leaders from Sector 105 and Division 920.



As Mr. Sarun had said that he met with no party leaders other than Pol Pot, Mr. Lysak reminded him of a statement he had made in one of his OCIJ interviews. Hoping to refresh the witness's memory again, Mr. Lysak read: "The six of us flew to meet with Khieu Samphan, alias Hem, Son Sen, alias Khieu, Nuon Chea, and Pol Pot at the same Pol Pot's office behind the Royal Palace."

Before the witness was able to reply if he recalled meeting the other party leaders, Co-Lawyer for Khieu Samphan, Arthur Vercken, stood to address the Court, "This is not entirely an objection, Mr. President, but I just

want to inform you of problems concerning transcription of this documents.... There seems to be a missing name and a missing alias."

After the judges convened briefly, Judge Jean-Marc Lavergne asked Mr. Vercken to provide more detail. The counsel explained that there was a discrepancy between the audio recording and the written transcript. In the audio recording, the prosecutor "very clearly indicated the alias of my client [Khieu Samphan]" however in the written transcript it is not present.

President Nonn told the Mr. Lysak to proceed. Because "the alias's were not integral to the question," he repeated the question without the aliases. The witness responded that his statement was correct. Mr. Sarun remembered meeting the leaders for "one morning." Asked what was discussed in the meeting, the witness responded "In that meeting we discussed the issue concerning managing the forces and masses. We had to educate people and raise their awareness in terms of economic matters... and we had to advise our forces to strengthen the defense of our border areas." He added, "We reported on the livelihood of the people, the rice production of the people, and whether there was enough food supplies for the year." He emphasized that they mainly reported on the livelihood of the people.

Mr. Lysak reminded the witness that he was asking about the meeting Mr. Sarun was called to in Phnom Penh. The witness's answer was the same, though he added that he had been asked "about other matters" but did not know of any.

Witness "Chit-Chat" with Khieu Samphan During Meeting of DK Top Leaders

Mr. Lysak moved on to ask about the witness's relations with Khieu Samphan. "I saw Khieu Samphan when I attended that meeting," Mr. Sarun explained. "I did not know him before. When I attended that meeting, I got to know him there.... I talked about economic matters with him... and we also discussed other matters as well and chit-chatted with each other."

Mr. Lysak asked the witness if he was aware of what position Khieu Samphan held at the time. "I knew at that time that he was the President of the State Presidium," Mr. Sarun responded.

Seeing that time had come for lunch adjournment, President Nonn halted the examination. Mr. Sarun informed the President that he still felt unwell and desired to postpone the remainder of his

testimony until the following week. President Nonn then informed Mr. Sarun that his testimony would resume Monday, June 11, 2012, and that the Court would hear testimony from the reserve witness for the remainder of the day.

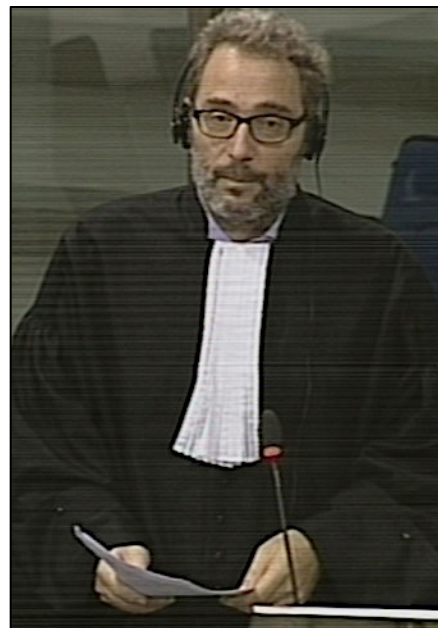
Before lunch adjournment, Mr. Vercken announced that he had made a request for audio recordings. “It would appear that certain passages were not transcribed and certain excerpts could have been distorted during the audio recording of the written record. I would seek your leave to make a request for the audio recording.”

International Co-Lawyer for Nuon Chea Jasper Pauw also informed the Court that Nuon Chea had waived his right to be present in the Chamber for afternoon proceedings and wished to participate remotely from his holding cell. As usual, President Nonn granted his request.

President Nonn: Any Issues Not Related to the Witness Must Be Submitted in Writing

Proceedings resumed after lunch with International Co-Lawyer for Nuon Chea Michael Pestman announcing, “I just want to support the request made by my colleague [Mr. Vercken]. Following this morning’s testimony we went back to the audio recordings, and there were some interesting things that were noticed.”

Mr. Pestman also took the opportunity to address the court on another topic concerning the ability of parties to address the Court during daily proceedings. Referencing an incident in which President Nonn had prevented Mr. Pauw from raising an issue regarding an email between Judge Cartwright and International Co-Prosecutor Andrew Cayley, Mr. Pestman reminded the court that the president had stated that all issues not directly relating to the testimony of the witness on the stand or the issue currently before the Court were to be submitted in writing. Mr. Pestman, now inquired whether there was still opportunity for parties to raise oral issues or concerns outside the scope of client testimony.



“These proceedings are public. I don’t think we should be forced to submit everything in writing,” he concluded.

President Nonn responded quickly, “This issue has already been decided.” He explained that the ruling was imposed “to avoid other parties raising other issues which are not related to the testimony of the witness – to the topic being discussed in the courtroom.”

That settled, President Nonn handed the floor to Judge Lavergne to discuss the issue of the audio-recording raised by Mr. Vercken. “The chamber has no objections to parties making requests for the transcriptions of audio recordings of witness interviews and that they be translated,” Judge Lavergne explained. “But the chamber does request that such applications be put in writing.... They are advised not to make general requests.”

President “Bang”

All procedural and preliminary matters taken care of, President Nonn requested that the court officer bring in reserve witness TCW 323. The witness walked into the Chamber, appearing noticeably younger than the previous witness, Mr. Sarun. He said his name was Khoeum Ngorn, he had no alias, he was 57 years old, and lived in Borei Chulsa district, Takeo province. He had 10 children. When asked his occupation, the witness stated, “I sell palm cakes and used to do rice farming, but now I don’t own farmland anymore.” He informed the Court that he was not well educated, having left school in the tenth grade to be a soldier, and that he was illiterate.

Mr. Ngorn’s demeanor in the courtroom was markedly different from previous witnesses; he showed little reserve or trepidation before the judges. Every time he addressed President Nonn, the witness referred to him affectionately as “Bang” – or “Brother,” prompting an amused response from the head judge. Unfortunately, those listening to the French and English audio versions of the interaction had no idea why all the Cambodians were laughing in their seats. Perhaps desiring to let everyone in on the secret, the French and English translators began adding “Brother” to their translations as well.

Before President Nonn turned the floor over to the prosecution, Mr. Ngorn informed the Court he had taken an oath, that he recalled his interviews with the OCIJ, and that there were no discrepancies when his statements were reread to him the previous day.

Court Struggles to Rein in Very Eager Reserve Witness

National Senior Assistant Prosecutor Dararasmey Chan began the witness’s examination with a few more background questions. As he quickly learned, asking the witness one question did not always mean Mr. Ngorn was just going to answer that one question; the witness, as the afternoon went on, seemed to use questions put to him as starting-off points for narratives on his life.

Mr. Chan began by asking the witness what he did for a living before April 17, 1975. The witness replied, “At that time I was engaged in rice farming and was a moto-taxi driver in Koh Andet district.” He told Mr. Chan he did not go to school after he became a soldier when he was fifteen. “I left home to join the revolution,” he added. “At that time I was at the village level, and then I was sent to become a soldier at the district for a few months, and then I was assigned to go back to the rear... where I was a unit chief and then transferred back to the district to the commune and then transferred to the district office... Later on after Ta Kah was liberated after 1975 I was transferred to Phnom Penh.” He also added that he and five of his comrades were assigned to stay at the Chinese Embassy. He said that he studied at the Russian-Friendship School for one week and was then assigned to the Ministry of Foreign Affairs. He was only there a short while before the Vietnamese entered, he concluded.

Mr. Chan, appearing a little stunned, took a few moments to try and process the answer, and then moved on. He asked the



witness why he joined the army. Again, the witness attempted to speed down memory lane. He mentioned he joined when he was fifteen with his friends. He mentioned his mother didn't know. He mentioned a few other things. And then President Nonn interrupted. "Answer only the question and the points you are asked. Only respond to the point put to you in the question!" he told the witness.

Breaking up the witness's involvement in the revolution and DK, Mr. Chan informed Mr. Ngorn he was going to ask him some questions about his involvement in the revolutionary movement and the Communist Party of Kampuchea (CPK) before April 17, 1975.

Mr. Chan asked what Mr. Ngorn thought about the revolution when he joined. "I did not understand much back then. I simply went along with others.... I thought it was meant to liberate the poor," the witness responded. When asked what he thought of the Khmer Rouge at the time, the witness responded similarly, "The word Khmer Rouge... it's a bit difficult to describe. I did not really understand it much at that time." The witness said the same about the CPK, "I heard of CPK. But I did not understand what CPK was all about because I was not educated"

Regarding his political training before 1975, Mr. Ngorn said, "I was one of the youngest. Chhoy is the one who convinced me to go to the meeting." He said he never attended Youth League meetings because he was a combatant, part of a battalion. "Youth League back then were the core forces. They were considered the true force of the movement," he stated. He said he did not attend CPK meetings and that he was not a member of the CPK because he was, he repeated, "merely a combatant." He did say that the team leader of his combatant unit, Chhoy, gave them [the combatants] "moral and behavioral advice."

Mr. Chan touched briefly upon the subject of biographies, asking the witness if he ever had to write a biography. "I was required to prepare my own biography...I had to record it three times a day. The first time it was wrong. The second time it was wrong. So I had to do it again a third time," Mr. Ngorn recalled, "I had to tell them that I was not related to anybody and I was afraid that my relatives were arrested back home, and I found out later that they had been arrested and executed."

Returning to his duties in the army before 1975, Mr. Ngorn said that when he was a messenger in the army he was instructed to deliver messages on time and that district committee members by the names "Brother San and Brother Sieng" gave him orders. When he made a mistake, the witness added, they would call him for re-education. Sometimes they would suspend him for the day, and during the suspension period they would provide re-education.

Mr. Chan asked the witness if he ever wanted to leave the army since he had joined so young and was not able to see his mother. The witness replied, "When I joined the revolution I actually wanted to leave the revolution as well.... I was about to leave but I could not because I was afraid my relatives would be terrified or intimidated.... I really wanted to leave and to flee for my life." He continued, "I was not allowed to leave to visit my family.... I think I was not allowed to come back home because I think they [his superiors] were afraid I would learn about the situation back home."

Witness Recalls Religious Practice Prohibited in Khmer Rouge Districts prior to 1975

When asked about religious practice or prohibitions at the time, Mr. Ngorn replied, “At that time religious practice was not allowed. We were not allowed to practice religious ceremonies. As you may know even currency was abolished.”

Asked if he ever heard the words “class struggle,” the witness replied, “I heard of the word ‘class struggle’ at that time, but I heard it by word of mouth. They encouraged us that we had to continue our class struggles. But I did not really understand; I simply followed others.” Mr. Chan inquired whether Mr. Ngorn had heard of the term “political line.” The witness stated he had but added, “I actually did not understand it much. I cannot understand it.”

When Mr. Chan continued with this line of questioning, asking if the witness knew about “CPK ideology,” President Nonn finally intervened, telling Mr. Chan, “Prosecutor should refrain from questions which are incompatible with the ability of the witness.”

Mr. Chan told the witness he was going to move on to the second part of his examination: the national structure before 1975. This topic, however, proved challenging to the witness as well. Though seeming to want to provide the best and most thorough answer he could, Mr. Ngorn was humble about his lack of education and understanding.

At one point, the witness told Mr. Chan, almost appearing apologetic for not being more helpful, “I didn’t understand because I was so young. And even at this age now I don’t understand much either.”

Witness Discusses His Limited Knowledge of The Evacuation of the Countryside

Mr. Chan proceeded to ask the witness if he ever heard about the disappearance of people prior to 1975. The witness informed the Court that in Koh Andet district when Takeo province was defeated, “People were sent to the back.... I noted people were transferred backwards.” He also recalled many people being arrested at the time, though he did not know where they were taken.

Mr. Chan asked if Mr. Ngorn was told who the enemies were. The witness said he heard from others that they were “those who worked as spies or those who were lazy or those who stole the cooperative property, for example, potatoes.”

Mr. Chan attempted to ask a series of questions regarding the evacuation of Mr. Ngorn’s province. However, considering the witness said he was transferred in Phnom Penh at the time, the little knowledge he did have of the Takeo province evacuation was information he had heard from others. Mr. Ngorn explained, “I was transferred to Phnom Penh after the liberation...to work in an embassy, at the Chinese Embassy.” He therefore did not see the evacuation, and Thoeun, a fellow combatant who he mentioned was now deceased, told him about it.

The witness first informed Mr. Chan that he could not remember the date Takeo province was evacuated. When he was asked if he had any knowledge of the evacuation prior to it occurring, Mr. Ngorn answered, as many of the previous witnesses had, “It was the upper level so it was beyond my knowledge. I was at the lower level so I couldn’t know about that. People were evacuated by the upper level.”

Mr. Ngorn was able to recall being told people evacuated on foot, that “they walked for a long distance.” “It was a small scale evacuation,” he added, “A lot of people had already moved out from the east. So few people moved out of the towns.”

President Nonn interrupted Mr. Chan again, “Prosecution, you are reminded to put questions related to the relevant facts and the facts outlined in the closing order, and that relates both to the location and the timing.”

Stating he only had three or four questions left, Mr. Chan moved on, continuing to inquire about the evacuation of Takeo province. The witness answered each time for the next three questions, “I don’t know about that. At the time I had already been transferred to Phnom Penh,” or “For that I do not know,” or “I did not know about that. I did not know at all because I didn’t see it.”

Witness Recalls Hearing about Lon Nol’s Soldiers “Taken Away on Trucks”

International Senior Assistant Prosecutor Vincent de Wilde took control of the floor for the final portion of the afternoon proceedings. He began his examination by presenting the witness a statement Mr. Ngorn had made to the OCIJ investigators about the Takeo province. A part of his statement described Lon Nol’s soldiers being captured and taken by trucks. In the statement Mr. Ngorn stated that he also saw bodies on the streets. The very last portion said, “The district issued the order, and they were ordered to kill whoever resisted leaving.” Mr. de Wilde then asked the witness if that statement accurately described what Mr. Ngorn could remember about the Takeo evacuation.



The duty Counsel for the witness stood to address the Court and stated, “Due to the limited knowledge of my client, before responding to the question posed by the prosecution I would like to seek leave from the president to brief my client before he responds.”

President Nonn replied, “That is not the way forward. The witness may respond to the question. The witness is not subject to prosecution. You are not allowed to consult the witness before you respond.”

The witness answered the question, “Yes, I did see the corpses on the streets. I also saw people being transferred to the rear...Anyone who opposed the order would be shot. That was an order from the person in charge at that time. I did not understand that decision much.” After asking if he saw or heard this, the witness stated, “That is what I heard.”

Witness Recalls “Insiders” Secretly Placed to Monitor Work Performance

Mr. de Wilde moved on to another series of questions regarding Mr. Ngorn’s transfer, arrival, and time while he worked in Phnom Penh.

The witness said he arrived at Phnom Penh “half a month” after the liberation. He said he was stationed at House #7, the Chinese Embassy. He arrived with five comrades; they were trained on subjects such as “accompanying guests.” A man named Hong was Chief of House #7. His deputy was Phoeung, who was in charge of the drivers for guests. Asked about rules he was told to follow in order to perform his duties appropriately, Mr. Ngorn said he was not allowed to talk about politics and he could not “move around freely” when he accompanied guests. “They told us that whenever we met with guests we had to be disciplined, and we must not consume the drinks left after the guests.”

Regarding punishments that could occur if he made a mistake, the witness responded, “My superior told me that if I did any wrongdoing or misconduct then I would be re-educated. I was a bit terrified.” The phrases “removed to the rear” or “sent to the back,” the witness explained, were punishments that would be enforced when he or his colleagues made a mistake. The witness explained that he had made a mistake and had been “moved to the rear” once. He said he was removed to Takmao to plant vegetables. He stayed at Takmao for a year before being reinstated for another three or four months before the Vietnamese came.

Mr. de Wilde returned to the training Mr. Ngorn had received when he first took up his post in House #7 in Phnom Penh at the Ministry of Foreign Affairs. The witness explained, “We were indoctrinated in a political stance. We were educated on how to lead the guests, as I stated earlier.” Regarding possible enemies, Mr. Ngorn replied, “We were told that we had to be vigilant. There could be those CIA agents burrowing in. They said we had to monitor each other... If we were not careful when saying things, we could be reported.” The witness added, “There were insiders who would monitor us and report to the upper levels.”

Returning to the subject of the biography he had previously discussed with Mr. Chan, Mr. Ngorn said that he wrote his biography when he first arrived in Phnom Penh at the Ministry of Foreign Affairs. Hong, the Chief of House #7, asked him to write it. “The first one they rejected. The second one they rejected. And the third time they took it and nothing happened.” The first and second time they told him he made mistakes and the third time they asked his friend to help him, the witness clarified.

Mr. de Wilde informed the witness that he had a document entitled, “The Biography of Mr. Khoeum Ngorn.” He then proceeded to read to the witness a few passages so Mr. Ngorn could verify whether the biography was in fact his. The biography stated that its author was 19 at the time he wrote it, that he was a “poor peasant” from Ta Ying Village, Ang Khnor commune, Koh Andet district, Takeo Province, that he joined the revolution in mid-1973, had worked in the militia, Koh Andet district office, and district police office, lived with integrity, was “average” in activities, and had “no connection with the political enemy” prior to 1975.

After the witness confirmed that the biography was his, Mr. de Wilde told Mr. Ngorn that there were four things in the biography that interested him: “poor peasant” under “social status,” “integrity” under “moral conduct,” “average” under “activities,” and his statement of “no affiliations with the enemy.”

The witness was not able to offer Mr. de Wilde much insight. Although he did confirm that the Khmer Rouge believed it was important to belong to a poor peasant class in order to be trusted, he was unable to comment about the other three areas of interest. Because he was illiterate and young when the biography was written, he explained, he had his friend Phoeung help him, and he simply put on the biography what he was advised to put down.

Clarifying that he and the witness were discussing the same biography, Mr. de Wilde asked Mr. Ngorn if the biography from which he had previously read was the one he was directed to write when he arrived in Phnom Penh at House #7 or another biography he had written prior to coming to Phnom Penh. The witness replied that the first time he did a biography was when he worked at the district level; the second time he wrote a biography was when he arrived in Phnom Penh and began working for the Ministry of Foreign Affairs.

The biography he had been discussing, Mr. Ngorn admitted, could have been the first biography, when he moved from the Ang Khnor commune to the Koh Andet district.

President Nonn interrupted the examination, informing the Court that proceedings were concluded for the day. He informed the witness that his testimony was not yet concluded, requesting that he return to the Court on Monday, June 11, 2012. Before adjourning for the day, President Nonn announced that, assuming Mr. Sao Sarun is in good health, proceedings would begin Monday morning with the continuation of his testimony. Otherwise, he added, testimony of Mr. Khoeum Ngorn would resume.

