



Witness Questioned on Alleged Execution of Lon Nol Officials

By Simon Crowther, LL.M. (International Human Rights) 2013,
Northwestern University School of Law¹

On Tuesday, July 2, 2013, the Extraordinary Chambers in the Courts of Cambodia heard the testimony of Leu Lam who was a militia member in Kampong Chhnang province during the Democratic Kampuchea (DK) regime.

All parties were present at the proceedings, with the exception of the National Co-Lead Lawyer for the Civil Parties Pich Ang. Nuon Chea observed the day's proceedings from a holding cell, due to his on-going health condition.

The witness introduced himself to the court as being from Kampong Chhnang Province. He is 58 years old and lives in the Suoy Chuk Commune, where he currently works as a rice farmer.

Mr. Lam told the court that he had given one interview to the Office of the Co-Investigating Judge (OCIJ) in the July 2008. The witness also told the court that he had been assisted in reading his interview by the duty counsel. He affirmed that the record was similar to what he had told the interviewers, with the exception of one point, which was not discussed before the court at this point.

Prosecution Examines the Witness

Dale Lysak, Assistant Prosecutor, started the examination of Mr. Lam by requesting the witness correct the record of his interview by explaining what the error he had mentioned was. The witness told the court that in the interview it had been said that he had witnessed dead bodies twice; however, he had in fact only seen bodies once.

Mr. Lysak began his questioning by examining the witness's work history. He quoted part of the interview with the OCIJ in which the witness had said, "In 1972 I worked as a militia man in District 12. I worked as a militiaman from 1972-1975. I demobilized in mid-1975 and returned to being mobile commune member." Before the chamber Mr. Lam confirmed this quote to be accurate. He also explained that District 12 was present day Smach Meanchey. The witness was then asked to elaborate on his role in the militia, which he claimed to have joined in 1972. Primarily his role had been rice and potato farming up until 1975. Mr. Lam claimed that he had not engaged in fighting with the Lon Nol soldiers but had instead continued to work in the commune, which was based in Chrak Sangke village. His superiors had been called Nan, who was the commune chief, and Suon, who was on the district committee.

In response to questions from Mr. Lysak, the witness testified that he was aware of the capture of Udong, but was not there when it occurred. Asked if he was aware of another commune called Peam, the witness testified that he had never heard of this commune; however after a

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

clarification on the pronunciation, it was established that this commune was adjacent to his commune, to its west. In a statement given to the trial on a previous occasion, the prosecutor said, Nuon Chea had stated that “to ensure an effective and successful attack to liberate Phnom Penh, Pol Pot had to move to a base in Peam commune.” The witness was shown the address of this reported base, however he did not recall having heard of it. He informed the court that he was of too low a rank to know the base of the top Khmer Rouge leaders, though he did know of the village in question. Again, the witness was shown an additional address of a location Pol Pot had reportedly moved to, known as B5, and again he was able to recollect the location of the village but not the office itself.

The court was told by Mr. Lysak that Khieu Samphan had also reported that he and a number of other leaders, such as Nuon Chea, had been based at Pol Pot’s headquarters in the period running up to April 1975. The witness testified that he had been unaware that these leaders had been based in Peam commune during this period. He had heard of the leaders in question but never met them in person there.

Turning to the events of April 17, 1975, it was determined that the witness was still working collecting palm juice, south of Chrak Sangke village at the time of the liberation of Phnom Penh. He testified that about a week after April 17th he had seen approximately two hundred families arrive to his village. The evacuees had stayed in Chrak Sangke village where they had had to live under the houses of other villagers or in the shade of trees. Those arriving had also been required to provide their biographies by Suon, who was a member of the district committee.

Mr. Lam was read a part of his interview with the OCIJ, in which he had explained that immediately after the April 17th revolution he was still a militiaman working with Nan. As Mr. Lysak proceeded to read the witness his interview transcript, Mr. Koppe, co-lawyer for Nuon Chea, objected on the grounds that the specific passage was an “important” passage and that the witness should be asked open questions about it rather than have it read to him. This objection was given short shrift by Mr. Lysak, who argued that the court had authorized the practice of quoting from OCIJ interviews time and time again, and that in actual fact this was not the passage on a sensitive issue that Mr. Koppe had assumed it to be.

After the objection had been overruled, the prosecution continued to read the quote, in which it was said that that the witness was aware that Nan had received instructions from Suon regarding the taking of biographies from the “new” people who had arrived in the commune. At a subsequent meeting Nan had passed this instruction on to village chiefs. The witness told the court that this meeting was held at an office approximately 100 meters from the commune. While the meeting had been conducted in closed session, and so Mr. Lam had not been present, he had overheard Nan telling the village chiefs to collect biographies.

Mr. Lysak inquired as to whether the militia reported to Nan, which the witness confirmed to be correct. Mr. Lam himself did not hold a significant rank, he told the court, and he was simply an “ordinary” militia man.

Turning back to the biographies, Mr. Lysak requested information about how they had been processed. The witness testified that biographies had been given to the commune chief. Staying on this topic, Mr. Lysak read part of the witness’s interview with the OCIJ, in which he stated that “when the 17 April people arrive in District 12, they were asked for their biographies by

cadre. Based in their answers they were classified into two categories: ordinary people, such as rice farmers, and non-ordinary people, such as officials, soldiers of the Lon Nol regime, and capitalists.” Mr. Lam testified that he had known about this event as a militiaman because he had heard instructions from Nan.

With regards to his own village, Mr. Lam told the court that to his knowledge, there were some 20 to 30 soldiers who arrived at one time; however they left after one day. Those identified as soldiers, capitalist or civil servants had been separated into a separate group from the rest of the evacuees, and had eventually disappeared. “I heard with my own ears: the chief of District 12, Suon, told others to split the people. ... Enemies had to be taken away and destroyed,” the witness had told the OCIJ. When asked what the meaning of “destroy” was in this context, the witness had replied, “Everyone knew it was to kill.”

In his interview with the OCIJ Mr. Lam had gone on to recount how he had heard a decision to kill his own uncle. “I could not do anything but shed a tear,” he had told his interviewer. He went on to report that a hundred families had been ordered killed on 1975. At this stage Mr. Koppe objected, arguing that the reading to the court was “completely unacceptable,” as the subject should have been considered through open questions of the witness. Again, Mr. Koppe’s objection was overruled.

Mr. Lam testified that he had heard this indictment of his uncle at a meeting at the militia unit attended by approximately 10 people including Nan, Suon and local village chiefs. After the meeting those identified as civil servants, Lon Nol soldiers or capitalists disappeared or were “smashed.” The witness own uncle, who had been a Lon Nol soldier, had come to meet the witness at his house, where the witness had told him to flee. Three days later he was taken away and killed three to four kilometers to the west of the village.

In his interview with the OCIJ, which was read to the court by Mr. Lysak, Mr. Lam had described how in June 1975 he himself had on one occasion had to take people to that execution site. Ta Unn, who was a village chief, had instructed him to take people to the “front” which is what the area had been called. With another militiaman he had delivered a group of about 20 people, including young children to the site. The witness said he had believed that they were being relocated, until he found the district military were present at the execution site. He testified that twelve district soldiers had executed the villagers. Mr. Lam told the court that he did not know their commander or any of the names of the soldiers.

Under examination by Mr. Lysak, Mr. Lam elaborated on the incident. Of the group of twenty, ten of the group had been tied up by the district soldiers with a scarf with their hands tied behind their back. He testified that they were then taken away by the soldiers and executed. Mr. Lam initially said that he did not know how they were killed but later stated that a club, piece of bamboo, or ox cart handle had been used to beat them to death. However, he had not seen this occur himself but rather claimed, “It was likely this is how they killed the people.” As the word “likely” was used, Mr. Koppe lodged the obvious objection that the witness was speculating, so President Nonn urged the witness to refrain from using “terms which suggest a speculative response.”

After a brief adjournment, Mr. Lysak asked the witness how he had known that clubs, bamboo, and handles had been used to beat the captives. Mr. Lam replied that others had not told him this,

but that there were no other tools that could have been used. That said, he had not seen these objects at the execution site.

Mr. Lysak next quoted another segment of the OCIJ interview concerning the delivery of the captives. “The determined destinations were several,” Mr. Lam had claimed, “all of which were located near the execution site.” When the captives had arrived they had been split into groups of 10 people and told that their hands had to be bound and their eyes blindfolded as they were going to meet Angkar. Pits had been dug beforehand, and the captives had been told to sit at the pits and listen for the sound of Angkar. Under examination before the court, the witness clarified that it had been the village chief who had told the captives that they were going to see Angkar. The witness himself claimed to be “quite a distance” away when he heard a low voice countdown from three. He did not know what had happened next as he had walked away.

In total the witness said that he had been at the execution site for approximately fifteen minutes before he had returned to his village. He also clarified that those ten who had not been tied up did not return with him. Approximately five to six children had been in the group.

In a starkly anomalous response, the witness declined to answer a question from the prosecutor about how he had known that pits had been dug before the captives had arrived. This, the President informed him, was not the kind of question that could incriminate him, and so he had been obliged to answer. In a departure from his earlier interview, the witness thus informed the court that he did not know about the pits, as he himself had not seen them.

Mr. Lam provided the court with an estimate that 70 to 80 people had been killed at the crime site; however this, Mr. Koppe argued, was speculative. Asked how he had arrived at this estimate, the witness explained that after 1979 he had been walking his dog in the area when he saw a pit that was being dug up by people searching for gold and had seen skeletons. The court was read the witness’s interview, in which he had estimated that there were 700 to 800 bodies at the execution site. The witness testified that he had come to this number based on there being 20 pits each with 20 to 30 skulls within them. He also claimed that there were several gravesites that had not yet been dug up.

Changing topic completely, the prosecutor asked the witness whether he was aware of the person he had identified as Nan being related to Nuon Chea. The witness was not aware of this and had no idea whether Nuon Chea had relatives in Peam commune.

Moving on, Mr. Lysak asked Mr. Lam about a number of other statements that had been given by other witnesses to the OCIJ. While he was instructed not to reveal the names of these witnesses to the court, Mr. Lam was able to read their names and asserted that he had not known any of them. In the first statement, two female cadres, Ye Nan and Ye Phun, were reported to have held a commune meeting at a co-operative and “conveyed orders of the upper levels that families be taken away and killed.” The second statement was of a group leader who confirmed the executions of newly evacuated people.

Mr. Lam was asked whether he knew the site indicated, which was called Prey Tatoeng. He told the court he did not know it well.

A further two statements were shown to the witness, and again the witness commented that he did not know either of the individuals concerned. In the statements the witnesses had described

the arrival of 17 Lon Nol officials and soldiers, who had been held at the Srey Val Pagoda before they were executed. Three further execution sites were named, Suay Pa'aem, Tbaeng Khpos and Kokk Ra-Neam, and the witness was asked if he was familiar with any of them. Mr. Lam affirmed that he was not.

The final subject to be examined by Mr. Lysak was the June 1977 issue of the *Revolutionary Flag* magazine, in which it was announced that Trapeang Orndoung District had been selected to receive an honorary Red Flag award. The witness was asked if this was announced to the people in the district and he replied that he was not sure.

Finally the witness was asked if he was aware of any Khmer Rouge leaders visiting his commune, which he was not.

Mr. Lysak then handed over to his fellow prosecutor Dararasmey Chan, who asked the witness about a meeting that he had attended with Suon and Na, at which it had been decreed that former Lon Nol soldiers were to be killed. The prosecutor sought to find out where this order had come from – had it been given on Suon's own initiative, or had it come from the upper echelons. In response, Mr. Lam told the court that he had heard the order from Suon and was unaware of where it originated. He had not seen any member of the upper level visiting Suon. The meeting had taken place on April 17, 1975. Mr. Lam was not aware of any additional meeting being held to plan for the arrival of the evacuees.

On the subject of evacuees, Mr. Chan asked the witness how he had known that people were being forced to leave Phnom Penh. This was something the witness had told the OCIJ. Mr. Lam stated that he had seen evacuees from Phnom Penh; however he could not be sure whether or not they had been forced to leave. His own contact with the 17 April people had been limited, as Nan had not used him to deal with them. Instead he was engaged in climbing trees in order to collect palm juice.

The Civil Parties Examine Mr. Lam

The civil parties proceeded to examine the witness, with civil party lawyer Beini Ye questioning how many people he had seen arriving in April to June 1975. Mr. Lam estimated that he had seen approximately 200 to 300 families, each of which comprised of five to six people. They had arrived on foot and pushing carts, some of them carrying belongings as varied as mattresses and kitchen utensils. The witness described their condition, highlighting that they had clearly had trouble finding enough food to eat. Some had been sick; however they had been compelled to keep moving. Neither food nor medicine had been provided to the evacuees, Mr. Lam initially claimed. However he did then state that after a request for food, a few cans of rice had been given to them. The base people were also sympathetic towards the newcomers and sometimes shared their rice and vegetables with them, the witness recalled.

On the subject of the delivery of captives to the execution sites, Ms. Ye established that parents being delivered were accompanied by their children. These parents had already provided biographies, which had detailed that they were former officials or Lon Nol soldiers. When asked whether other groups were taken to the site by other militia, Mr. Lam did not give a clear answer, informing the court that "this place was there already and people had to be sent and some people were tricked to go to this location. Several families were tricked." This trickery, he elaborated,

had involved families being told that they were being sent to a new village, whereas in fact they were being sent to be executed, along with their children.

The witness described the behavior of his own group as being somber – they did not engage in conversation. They had not struggled or protested when they had been bound. In total the witness claimed he had seen about 100 families from Phnom Penh being brought to the execution site.

With regards to the separation of the new people into those who had been Lon Nol soldiers or capitalists and those who had been peasants, Ms. Ye enquired as to how the peasants had been treated. Mr. Lam testified that such people worked as farmers.

Finally, counsel for the Civil Parties asked how the witness had felt after the death of his uncle. “It was painful mentally to hear about his death. I couldn’t speak it out. It was more an emotional feeling,” Mr. Lam told the court.

Nuon Chea’s Defense Team Examines the Witness

Son Arun, Co-Lawyer for Nuon Chea, began by citing the interview which the witness had given in which he said that there were 20 to 30 prisoners in Suay Chuk prison. At this stage Mr. Lysak intervened as the prison was out of scope of the present proceedings. It did not come into existence until 1976, which was after the events discussed in the morning’s session had occurred. Mr. Arun tried unsuccessfully to argue that the prosecution had spent 30 minutes examining the witness on this subject that morning; however this was successfully rebutted by the prosecution who argued that the only link between their examination and the prison was its eventual location being near the execution site.

Pushing his luck, Mr. Arun declared that he would ask a question about the prison and then move on. This did not go down well with President Nonn, who told counsel that he must move on.

In response Mr. Arun ended his examination prematurely, and hand over to his colleague Mr. Koppe.

Mr. Koppe announced that he would start by discussing the arrival of people from Phnom Penh to Mr. Lam’s village. The witness was asked if the 200 to 300 families he had claimed arrived had come at the same time. Mr. Lam explained that he had seen the people arrive but was unsure whether more later arrived.

Mr. Koppe sought clarification as to whether the witness had seen the evacuees all arrive or whether he had just seen them in the shade and under houses. Mr. Lam confirmed he had seen them in the village and had not seen more arrive subsequently. He also testified that he had not spoken to any of the evacuees, which led the defense lawyer to question how the witness knew where they had come from. Mr. Lam’s father had told him where the evacuees who had been living under his house had come from. Other evacuees had also lived under neighboring houses.

This led Mr. Koppe to question whether the evacuees had been spread out across the village and how long they had stayed at the village for. The witness testified that most had stayed for a week, before they had then disappeared. He confirmed that they were not guarded nor were they kept in one location. In his own house the witness had a couple of families, with a few more nearby. Probing further, Mr. Koppe wanted to know why the witness had not talked to them directly. In response Mr. Lam simply stated he had been busy working.

Moving on, Mr. Koppe next questioned when the production of biographies had been requested from the new people living under the witness's house. While the witness told the court he had heard the families living in his house had to produce biographies, he was not sure when they were told to do so. He was able to inform the court that the village chief had walked around asking for biographies.

Possibly misunderstanding that the family was likely living under the house on stilts in the open, Mr. Koppe asked if the chief knocked on the door to ask for new people. The witness simply said that people were asked if they were from Phnom Penh or Kampong Chhnang province. If so they were required to write a biography.

Those living below the witness's house wrote that they had been rice farmers and were still living near the witness today. The biographies had been written in the village chief's house, where the new people had been rounded up. Clarifying, Mr. Lam said approximately 30 to 40 families wrote their biographies at any one time. The witness confirmed that he had seen this occurrence, however not participated himself.

Citing the witness's earlier testimony - that he had not been allowed access to biographies - Mr. Koppe asked how the witness had known that the families living under his house were rice farmers. Mr. Lam told the chamber that his mother had spoken to the families living under his house, and they had told her that they were rice farmers. With regard to the accuracy of the biographies, Mr. Koppe questioned how the village chief stopped people from lying in their biographies. This was achieved, it was said, by the checking of possessions. How precisely verification was achieved the witness did not know. Thus, the defense counsel suggested that those who lied would surely get off and not be persecuted. At this stage Senior Assistant Prosecutor Keith Raynor objected on the grounds that this was speculation. In response Mr. Koppe described this as the "strangest objection in a long time," as any knowledge on selection process would be vital.

Rephrasing his question after the chamber had sustained the objection, Mr. Koppe asked Mr. Lam about the verification process in general and whether anyone had ever asked him to follow up on the contents of a biography. This had not been a part of his personal duties, the witness replied. Other people would be "entitled to do this." To his knowledge there were no persons accused of lying in their biographies. In the moments before writing the biographies, people were told not to lie, which the witness suggested would stop the practice of deception. Further, he was not aware of any mechanism for following up on the contents of a biography.

The witness was not able to help the court with how biographies were processed and a determination made as to who was a feudalist and who was a capitalist. Nor could he help the court with how determinations were made of who was a Lon Nol official or an enemy. Indeed, he also did not know how it was ensured that everyone provided a biography.

He was able to tell the court that the paper that the biographies were written on generally came from student's exercise books. The details to be included in a biography were not known to the witness.

The next topic was how the people were treated after they had provided their biographies. The witness testified that most returned to their houses and those who had written they were soldiers

were later rounded up and taken away. Asked how the people were taken away, the witness was unable to recall how this was achieved. Asked if there had been discussions on the definition of a Lon Nol official, the witness was unable to recall any and said he did not know. When he made references to Lon Nol officials, he said, he personally meant soldiers.

This led Mr. Koppe to ask a number of questions about the treatment of soldiers and military officials. First he questioned whether given the witness's definition of an official, the witness was suggesting only former military personnel were rounded up. No clear answer was ever given to this question, and so the defense counsel moved on to try to establish how many people had admitted to being soldiers. Again, Mr. Lam did not know the answer to this question, nor did he know the ranks of the soldiers who had come forward. It was only from the village chief that the witness had learned that there were in fact Lon Nol soldiers among the evacuees. He could not tell the court how the chief had herself discovered this, "as only cadre could have such information."

Turning to the alleged "trickery" that the witness had brought up earlier in his testimony, Mr. Koppe established that this was when a group was told that they should leave the area they were living in in order to gain more food. In actual fact, the witness claimed, they were taken away to be executed. However, the defense counsel questioned how a large group was formed so that it could be informed of the trick rationale for leaving. The witness was unable to help the court with the answer to this question.

Provocatively, Mr. Koppe asked the witness whether his testimony really was "that there was at one time a group, who you did not know who they were or how they had come to be in this place?" Predictably this question was objected to by Mr. Raynor who claimed it to be both repetitive and a mischaracterization of the witness's prior testimony. In a heated exchange, Mr. Koppe accused the prosecution of making "outrageous objections" while the prosecution claimed the defense counsel had been making submissions. In response to this, Mr. Koppe declared that the prosecution had done the same during their examination of Khieu Samphan's wife. Ultimately President Nonn told the defense to move on to another question and to stop repeating their claim about the examination of Khieu Samphan's wife. The bench would make its own assessment of her testimony and there was no need for counsel to raise it again and again.

Seemingly begrudgingly, Mr. Koppe changed the subject to the date the evacuees had left the village. Again no clear answer was given; the witness simply told the court that a group had left the village and he was not sure where to. A period of confusion ensued in which it was unclear which groups both the defense counsel and the witness were referring to. Eventually, after an interjection from the prosecution, Mr. Koppe clearly asked whom the 20 people the witness had escorted were, and the court was informed that they were "Svay Tran," which, he later clarified, is a term for the Lon Nol militia. Mr. Lam had been told this by the village chief when the group had been taken away and before they had been tied up.

Now specifically focusing on the delivery of the evacuees, Mr. Koppe confirmed that the witness had stayed at the site he had delivered them to for fifteen minutes. It was also reconfirmed that while he was there he had not seen any grave pits and that the witness had taken 20 people with approximately five children among them. They had still been at that location when the witness had left them, and he had not seen their actual execution. When asked whether he had seen signs of potential killing, such as the sound of bulldozers or smell of dead bodies, the witness replied

unhelpfully that he “did not know.” Upon more specific probing he told the court that he had not seen pits prepared or any of the “other things you mentioned.”

Moving on, Mr. Koppe sought clarification as to the number of people who the witness had escorted. Before the break he had mentioned 10 or 20 people, whereas in the interview the witness had claimed that there were 10 people. As the witness clarified that he had brought 20 people, the prosecution interjected on the grounds that the witness’s evidence was again being mischaracterized by the defense. They asserted that the witness had been clear that he had brought 20 to the site and this group was then spit into 10.

Moving on quickly, and not addressing the objection, Mr. Koppe sought clarification as to the definition of “Svay Tran.” This referred to families who were regarded as the village militia under the Lon Nol regime, Mr. Lam told the court. The term could be used interchangeably with Lon Nol official or soldier, he claimed, but then he said they were different because soldiers fought on battlefields.

On the subject of how they had been identified, Mr. Lam testified that the village chief had known these people were Svay Tran due to the biographies; however he then accepted that he did not know if the 20 he had escorted had already written biographies. Mr. Koppe then established that the witness had never seen the group before he had escorted them and did not know them personally. While the witness had been to Kampong Chhnang Province, he had not seen any of them there. As such, and now quoting the previous claim of the witness that they had been executed, Mr. Koppe asked how he could be sure they had disappeared. “I didn’t see them being taken away. I just heard it being talked about,” the witness elucidated.

Mr. Koppe next sought to undermine the witness’s assertion that 100 families had been arrested and killed in 1975. This, the witness testified, he had been told by the village chief. However, asked how the village chief had known this, the witness simply stated, “Because he was the village chief.” Going on, the witness explained that the chief had seen people go and never come back. Surely this could be because people were actually moved to another village, Mr. Koppe quickly argued; however before the witness could answer the prosecution objected on the grounds that the defense counsel was repeating himself and was mischaracterizing the witness’s evidence.

A further quote was read from Mr. Lam’s interview with the OCIJ, in which he said, “When people to be killed arrived, executioners were already waiting there, pits dug. Executioners told people to sit at the pits and wait for Angkar. Once the executioner said, ‘1-2-3,’ they began to kill people. Each executioner killed one person.”

Asked to explain, in light of his earlier testimony that he had not seen any executions, Mr. Lam seemed to either not understand the question or else was answering evasively by replying that one person could only kill another if the other was tied up. Not letting go, Mr. Koppe informed the witness that he had just read him a passage in which Mr. Lam had said he had seen people being executed, whereas today the witness said he had not seen any execution. Wriggling out of having to answer the question, the witness replied that he apologized for not being able to respond to this. “You think you cannot answer and you apologize – that is not an answer. Which of the two is true?” asked Mr. Koppe, clearly not willing to drop this vital line of questioning.

Objecting, Mr. Lysak argued that the questioning being undertaken by Mr. Koppe lacked specificity as more than one statement was made in the interview and at no point in the interview had there been a claim that the witness could provide an eyewitness account.

Rephrasing, Mr. Koppe asked the witness if he saw the pits being dug with his own eyes, and heard someone counting “1-2-3” or whether in actual fact the witness was making the whole story up. In the ensuing examination the witness claimed he had heard the counting but not seen any executions as he had been walking away. He refused to accept that any aspect of his testimony was a figment of his imagination but could not deny that the counting could have been a countdown to something else or the people being instructed to march away. As Mr. Koppe put it to the witness that he was not in fact witness to any execution, the prosecution objected, and the president declared that Mr. Koppe’s time was over, depriving the chamber of a conclusion to a clearly significant line of questioning. President Nonn handed the floor over to counsel for Khieu Samphan, telling them that they had 24 minutes remaining.

Counsel for Khieu Samphan Complete Cross-Examination

Co-Lawyer for Khieu Samphan Arthur Vercken thanked the president for his precise time allocation, and in a seemingly sardonic manner, told the court that he thought 24 minutes were just what he needed.

Mr. Vercken started by asking the witness how he had known that evacuees had come from Phnom Penh, given that his father had told him the group living under his house were from Kampong Chhnang province. Eventually the witness claimed that those who came from Phnom Penh had arrived from a different direction, to which Mr. Vercken retorted that the witness had earlier claimed not to have seen the evacuees arrive. Mr. Lam told the court that he had also heard from the village chief that evacuees had come from Phnom Penh.

Cleverly, Mr. Vercken established that three days had gone by between the time the evacuees had arrived at Mr. Lam’s village and the day he had been instructed to deliver 20 of them to the alleged execution site. Given that the witness had claimed that there were 300 families and roughly five people per family, this would mean that there were 1500 people. Assuming even 1000 wrote biographies, he continued, this would mean that 1000 biographies would have to have been produced and read by the village chief within three days in order to establish who the Lon Nol soldiers were. The witness replied that 10 to 20 biographies would be taken at a time, in a continuous process.

When reminded that the witness had told Mr. Koppe that he had checked the biographies, yet earlier testified that he was never asked to read them, the witness clarified that he had in fact never been asked to work on biographies, which was the role of cadre. He then clarified that biographies were actually examined by a group of village chiefs and cadre at the district level. Mr. Vercken asked how this panel had examined 70 families in three days; however the witness did not have to answer because an objection was successfully made by the prosecution on the grounds that if the witness was not involved in biographies, he could not know the answer.

Moving on, Mr. Vercken sought clarification as to the meaning of “Svay Tran,” specifically inquiring why they were present in Phnom Penh if they were village militia. After providing an irrelevant answer and having the question repeated to him, Mr. Lam told the court that he did not

know if only villages had such militias as he was not from Phnom Penh so did not know about the situation there.

Finally, the witness confirmed to Mr. Vercken that, as he had said to Mr. Koppe, he had not seen signs of bulldozers or smelled bodies at the alleged execution site, neither at the time of the alleged killing nor in the subsequent period.

The court adjourned to reconvene at 9 am on Wednesday July 3, 2013, when the court will be hearing the testimony of an additional witness.