



Tuol Po Chrey Back in the Spotlight with Testimony from Former Lon Nol Soldier By Simon Crowther, LL.M. (International Human Rights) 2013, Northwestern University School of Law¹

On Thursday, July 4, 2013, the Extraordinary Chambers in the Courts of Cambodia continued to hear the testimony of Sum Alatt, a former Lon Nol soldier and investigator into atrocities during the Democratic Kampuchea (DK) period.

Trial Chamber President Nil Nonn initially confirmed whether the Khieu Samphan defense team would be using the half day they had been assigned in the following week in order to respond to the documents that had been presented by the defense and the civil parties during a previous key document hearing. Mr. Arthur Vercken, Co- Lawyer for Khieu Samphan, confirmed to the court that they would indeed use the time assigned to them.

The Prosecution Continues Examining Mr. Alatt

Deputy Co-Prosecutor William Smith continued where he had left off on the previous day with the examination of Mr. Alatt. He began by discussing the witness's role in the conflicts in Cambodia. Part of the interview that the witness had given to the Office of the Co-Investigating Judges (OCIJ) was read to the witness, in which ha had said, "I finished my education in 1972 and joined the infantry of Pursat Province Division. I was a corporal of one stripe, and I worked in an office and participated at a battlefield." Going on, the witness had explained how the unit he was in had then moved base and taken thousands of residents to Pursat. The witness had told the OCIJ that in April 1975, he was sent to work in a mortar unit. He returned to Pursat province town when the Khmer Rouge took control over the province.

The witness was asked to go into detail as to his military role. As a member of the infantry he had been a part of a provincial sub-division, he explained; when not on the battlefield, he had

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.

worked as a provincial staff member. As such, he agreed with the prosecutor that he had a good grasp of the military goings-on at that time, such as where troops were situated and which battles were won.

Mr. Alatt testified that the Phnom Kravanh battlefield, which was especially fierce, was approximately 30 kilometers from the base he worked at. Residents had been evacuated from that area on the orders of the Lon Nol commanders in Phnom Penh. Prior to the victory of the Khmer Rouge, there was a front line 30 kilometers from Pursat Province town, surrounding the provincial town itself. The Khmer Rouge had been gradually encroaching on the town with a number of battles raging in the district.

The next segment of Mr. Alatt's statement to the OCIJ read to the court concerned how the witness had been disarmed. The witness had been asked what had happened on April 17, 1975, and had told the OCIJ that at that time, he had been removed from the mortar unit to Pursat Provincial Town. The Lon Nol army in Pursat had received an instruction over the radio from Phnom Penh to disarm. When they had done so, the Khmer Rouge had continued to fire and spray bullets towards them from both sides of the road they were on. The witness had said that he had spent a day walking from Svay Donkeo to Trapaing Chorng.

The prosecutor asked if all soldiers in the area would have had access to military radios. In response Mr. Alatt clarified that the broadcast ordering the Lon Nol forces to surrender had been made on the national radio. At the time that he had heard this announcement, the witness had been in Svay Donkeo where his unit was based. This location was on National Road No. 5, about 30km from the provincial town of Pursat.

The witness was asked if he knew whether the Khmer Rouge firing upon him as he surrendered had been aware that he had disarmed. At this stage Victor Koppe, Co-Lawyer for Nuon Chea, objected on the grounds that this question would induce speculation as the witness was in no position to know what the Khmer Rouge were aware of. Mr. Smith successfully argued against this speculation as the witness was there and could gauge their actions.

Strangely, before answering the question, Mr. Alatt asked to consult with his duty counsel. After President Nonn rejected this request, as the question could not be incriminating, the prosecutor rephrased the question and received an answer. The witness replied that in the evening preceding the firing he and his fellow soldiers had been dancing with the Khmer Rouge – celebrating the end of the hostilities. The next morning the Lon Nol forces had raised their white flag, and as they walked to Pursat with a number of civilians they were fired upon from both sides of the road.

In the evening of that day the witness had had to attend a meeting with the Khmer Rouge, at which they indoctrinated 500 soldiers and civil servants, Mr. Alatt recalled. The participants had been told that they should move to rural towns in order to escape an upcoming U.S. bombardment. Mr. Alatt had managed to escape from that meeting and to join a dam building project with a mobile unit.

Seeking to clarify elements of the witness's statement, Mr. Smith determined through examination that the 500 Lon Nol soldiers and civil servants had been rounded up; however the witness did not know how this had been achieved as they had already been in place when he had

arrived. Mr. Alatt was not forthcoming with the reason that he had been walking to the Pursat Provincial Town with the other soldiers, a question which the prosecutor did press.

The witness told the court that he was terrified in the large meeting and so could not recall exactly what was said. Probing further, Mr. Smith was able to establish with the witness that people had been ordered, rather than invited, to leave the town. Mr. Alatt was not aware as to whether similar meetings had occurred throughout the province.

Moving on, Mr. Smith asked Mr. Alatt about the evacuation of Pursat town. He read an extract from the witness's statement, in which he had said, "Khmer Rouge troops evacuated people from the provincial town to the countryside." The witness informed the chamber that he had left Bakan for Svay Att on the day after the liberation, which took him the whole day. At that time evacuations had already started. The towns he passed through were quiet, which he presumed was due to the fact that people had already left their homes. The witness did not know where these people had been sent.

Mr. Smith then turned to a second meeting attended by the witness with the Khmer Rouge. This meeting had occurred in Pursat Town in April 1975. In his interview with the OCIJ Mr. Alatt had been asked what the Khmer Rouge did to Lon Nol officials in April 1975. He had told the investigator, "At that time the Pursat governor, soldiers and civil servants went to a meeting at the provincial office. The meeting was held on April 24th or 25th and the subject had been an invitation to meet the Khmer Rouge at Tuol Po Chrey."

Mr. Smith first enquired as to how Ta Soth had convened the meeting. Mr. Alatt did not know the answer. He himself had found out about the event from others he knew who were attending. A line of communication had still existed between former Lon Nol soldiers, which had led to a province-wide invitation for former soldiers to attend the meeting at Pursat Province. Of the participants at the meeting, the majority had been former Lon Nol officials with approximately 200 Lon Nol soldiers. The witness testified that he had known "a lot" of these soldiers, before then clarifying that he had known at least 10 to 20 of them. After being disarmed they no longer wore their military uniforms. The participating soldiers had come from different parts of the province and were not members of just one unit, Mr. Alatt told the court.

There were no female participants at the meeting, which had been guarded by approximately 50 to 60 Khmer Rouge soldiers wearing black uniforms and bearing arms, the witness continued. In addition, five to seven top Khmer Rouge leaders attended, including Ta Soth, who was the Sector Secretary.

On the subject of the building where this meeting took place, the witness told the court that it was still in existence today. It had a small hall, and so of the 500 participants who attended the meeting some had to stay outside as they could not fit inside for the duration of the two -to three-hour-long meeting. It was agreed that the people were to reconvene the next day to "meet Angkar," Mr. Alatt stated.

During those two to three hours, Mr. Alatt testified, the soldiers were educated about a policy of reconciliation and about country building. They were also told "to place their trust in meeting Angkar." They had been told that at Tuol Po Chrey they would be meeting Angkar. Mr. Alatt had understood this to mean meeting with a person or people with whom the former officials and

soldiers could make peace and work toward strengthening the country. The witness told the court that he had felt fed up with engaging in war and was hopeful for peace at that time. He had been optimistic, a sentiment that he claimed he shared with other Lon Nol soldiers at the meeting in Pursat.

On the subject of the site of Tuol Po Chrey itself, Mr. Alatt told the court that he had not known of the area when he attended the meeting; however he later found out that a Lon Nol military base had been situated there, with approximately one platoon of 30 to 40 soldiers situated within it. To the witness's best recollection the site had been the location of a fierce battle between Lon Nol soldiers and Khmer Rouge forces prior to April 1975.

The witness recalled that 30 soldiers had been located at the Tuol Po Chrey base, and he believed that they had attended the meeting at the provincial town hall in Pursat.

Quoting part of the witness's OCIJ statement, Mr. Smith read how 13 to 15 trucks had been used to move about 500 people from the meeting venue in Pursat to Tuol Po Chrey. A significant number, including the witness himself, had not managed to fit in the trucks. Mr. Smith highlighted that from the statement it sounded like people left immediately after the meeting, whereas earlier the witness had said the meeting was on the previous day. Clarifying, Mr. Alatt explained that there had been two meetings, one at which the decision to go to Tuol Po Chrey, was made and another the following day prior to the participants getting on the trucks. The witness himself had attended both meetings.

The witness described how the 500 participants had desperately tried to get on board the vehicles, which were taking them to Tuol Po Chrey, as they were keen to meet Angkar. Although he could not tell the court how many had been left behind, he was able to recount that each of the fifteen or so trucks that transported people was full, with about 50 to 60 people per truck. Mr. Alatt was did not manage to get onto any of the "Australian-made trucks," he said.

After a short adjournment, the witness informed the court that he had waited and waited for the last vehicle but was not able to get onboard. On each of the vehicles, a Khmer Rouge soldier was put in charge. By way of contrast, he said that the group of 50 to 60 left waiting at the provincial hall, including the witness, were not guarded by any Khmer Rouge soldiers at all.

In the witness's statement to the OCIJ he had stated, "Three days later I knew that the Khmer Rouge had taken them to be killed. Two soldiers called Phat and Dor told me this." Two days after they informed Mr. Alatt of this event, both of these soldiers were arrested and executed by the Khmer Rouge.

Mr. Smith asked whether in the time between waiting for the trucks and the time he had found out the soldiers had died, the witness had suspected what happened. Mr. Koppe interjected at this time to ask for the witness to be instructed not to speculate. In response Mr. Alatt told the court that he had not believed it when he first heard about the executions but that later bulldozers had buried the bodies.

Seeking further details about Phat and Dor, Mr. Smith established with the witness that the two had been Lon Nol solders whom the witness had known since childhood. They had told Mr. Alatt that the trucks had stopped a few kilometers from Tuol Po Chrey; here the Lon Nol soldiers had been tied up and executed. Mr. Alatt was informed by local villagers that the two soldiers who

had escaped were executed two weeks later. He was able to confirm that he had not met them since 1975.

In his statement to the OCIJ, the witness had said that approximately 2000 people were killed to Tuol Po Chrey. He had arrived at this figure based on interviews he had conducted with Mr. Seng Chhorn, who was commune chief for Svay Luong. This number also came from interviews he conducted after the fall of Democratic Kampuchea.

Drawing his examination to a close, Mr. Smith concluded by summarizing key elements of Mr. Alatt's testimony and asking him to reconfirm them. The witness confirmed that he had seen 13 to 15 vehicles move in a convoy with 50 to 60 people in each. The witness did not believe that there had been a second convoy later that day. He also confirmed that the witness had been in a group of approximately 50 to 60 people who had missed the convoy of 500 or so people at the second meeting in Pursat Provincial Town. The witness informed the court that since then he had not seen any of the soldiers who left on the convoy again.

Finally, the witness was shown a photograph of a building, which he identified as being the Grand Hotel where the provincial governor had lived. This, he told the court, was not the building where the meeting had been held.

Civil Party Lawyers Examine the Witness

Taking over from the prosecution, Civil Party lawyer Chet Vanly began by seeking clarification on a number of points. First, she sought to find out on what day Pursat province had been liberated. Mr. Alatt informed the court that this had occurred on the same day as Phnom Penh, which was April 17, 1975.

Secondly, she established with Mr. Alatt that when the meeting had taken place in Pursat Provincial Town, the Lon Nol side had trusted the Khmer Rouge, as it was one of many meetings that had already taken place peacefully. It was for this reason that hundreds of officials and soldiers had attended.

Asked which Lon Nol military leaders had gotten on the trucks, Mr. Alatt told the court that they included Lein Chhum, a relative of the witness, and Mey Sichen. After the events of that day the witness never saw any of these people again.

Moving on, the witness was asked about his experience of purging. He described it as the screening of people who had connections with the Lon Nol government. He himself clearly had such connections. Next, counsel sought to understand the meaning of "smash and purge." Mr. Koppe interjected at this point as he claimed that the witness was being invited to give testimony on the Communist Party of Kampuchea (CPK), which he was not qualified to give. In response Ms. Vanly argued that as someone who had lived through the DK period he was well placed to answer her question. The president sustained the objection on the grounds that the witness had not used the words "smash and purge."

Having quite possibly now been thrown off track, Ms. Vanly asked the witness, rather broadly, what he had seen between 1975 and 1979, before then clarifying that she wanted to hear what had happened to him during the DK period. As the witness fell silent, she moved on, asking him how many study sessions he had attended. Mr. Alatt testified that after Tuol Po Chrey, he had

been invited to a three-day study session led by Ta Soth. In addition, as a member of the mobile unit, he had been forced to attend daily meetings, which were primarily self-criticism sessions.

Finally, Ms. Vanly attempted to ask the witness a question about marriage; however, this was held by the court to be out of scope.

Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort took over from her colleague, conducting a very brief examination of Mr. Alatt. In response to her questions, the witness testified that after Tuol Po Chrey, he had joined the mobile unit. He had not seen "new people" displaced immediately after the revolution; however later in 1976 and 1977, people from Phnom Penh came to the area where he had been living. Mr. Alatt knew that these people had come from Phnom Penh because they were transported by trains and trucks that he claimed were arranged by the DK authorities.

The witness described these new people who arrived from Phnom Penh as being susceptible to illness and recalled that whole families had died. Food was inadequate at this time, he explained; he himself had not had enough to eat, let alone there being enough for newcomers. As a result people had died from starvation and disease, the witness said.

Those who would not change their beliefs and ideas were detained and locked behind bars in security centers, Mr. Alatt told the court. Under examination, he also explained that he was not just afraid but went so far as to say that he feared he was "a dead person already."

Nuon Chea's Defense Team Examines Mr. Alatt

Son Arun, Co-Lawyer for Nuon Chea, began the cross-examination by first questioning when the witness had joined the army and how old he was at the time. The witness explained he joined in 1972, when he had been 19 years old. Earlier in the day he had testified that he was a corporal and worked in the provincial staff's office. The witness was asked to elaborate as to what it meant to work in such an office. In reply, the witness simply translated the name of his office into French, which was unclear in the Khmer to English translation. Pushed further, he was asked why there was a general staff in such a provincial office. The witness informed the court that during the Lon Nol period the governor had two roles: first he was a military commander, and secondly he was in charge of civilian affairs. It was for this reason, according to Mr. Alatt, that there was a general staff at the provincial level.

This explanation was not accepted by Mr. Arun, who sought further details about the office and suggested that the witness was incorrect in his assessment. At this stage the prosecution rose to highlight that the defense counsel was now apparently giving evidence. In a lengthy criticism of the defense counsel's examination, President Nonn affirmed the objection and told Mr. Arun to move on.

Mr. Arun moved on to discuss Phnom Kravanh field. He asked what role the witness had played in the Lon Nol army at that time. Mr. Alatt said he had been attached to a battalion for a one-week period as a representative of the general staff. In April 1975, the witness had been attached to an artillery unit outside the staff office, though he had still been under its supervision. In that

unit he was in charge of a technical team, which loaded the guns. As a member of this military unit he had received training with the infantry at the Kam Bo, near Phnom Penh.²

The next topic to be discussed with the witness was the announcement by radio that Lon Nol troops were to disarm. Mr. Alatt testified that he could not remember the exact date, though he had heard the announcement himself.

One day before raising the white flag, the witness testified, the Lon Nol soldiers had danced with Khmer Rouge soldiers. The witness was clear that he had personally attended this get-together. "That evening the two opposing sides greeted each other, and we danced," he said. Although Mr. Alatt did not dance himself, he had seen that his troops had.

Intriguingly, the witness then testified that between April 17 and April 24 or 25, public servants had been working as usual, continuing to perform their duties regardless of the fact that the Khmer Rouge had seized control of the province.

A confrontational exchange ensued between Mr. Arun and the witness, in which Mr. Alatt made clear that he was not sure of the exact day the meeting occurred in Pursat but that it had been on April 24 or 25, 1975. This, he had felt, had been clear from his prior testimony.

Mr. Koppe then took over the examination of the witness on behalf of the Nuon Chea defense team. He initially sought more information from Mr. Alatt about how people had been summoned to attend the meeting at the provincial town hall. The witness purported that this had been achieved by word of mouth.

Explaining that he had been under the impression that the town had been evacuated, which the witness confirmed, Mr. Koppe also put it to the witness that the offices and functions of the Lon Nol military administration would not have been functioning after the Khmer Rouge had taken control. This the witness denied to be the case, claiming that elements of the administration continued to function.

At this stage the defense counsel ran a number of names of Lon Nol commanders by the witness, none of whom the witness knew. This "puzzled" Mr. Koppe, who asked the witness to explain why he did not know these things. The witness claimed this to be because he had been on the battlefield.

Moving on, Mr. Koppe turned to the location of the provincial building where the soldiers and Lon Nol officials had been loaded into vehicles. The witness explained that the building in question was not the building he had been shown that morning but had been near it. Mr. Koppe showed the witness two photographs of a building, and again the witness affirmed that this was the governor's hotel and was not where people had worked or been rounded up. The defense counsel questioned whether people entered the provincial hall through the gate shown on the photograph, which the witness claimed they did not.

Eventually Mr. Koppe revealed why he was focusing on this matter, as another witness, Ung Chhat,³ had testified that a meeting had occurred of 200 people at the venue in the photograph. The witness was asked what his view of this was.

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² This is the area where the ECCC compound is now located.

Mr. Smith objected at this stage, questioning whether the Mr. Chhat had been shown this photograph. In response Mr. Koppe argued that although he had not, the OCIJ had established that this was the building Mr. Chhat was referring to. In an OCIJ site report Mr. Chhat had been photographed next to the building and a caption explained that this was the building he had been referring to in his statement about the meeting of Lon Nol officials.

President Nonn informed Mr. Koppe that he was mistaken, as Mr. Chaat had referred to the provincial hall, which presumably was the same building Mr. Alatt had been referring to and was an additional building. Holding his ground, Mr. Koppe replied to the president, "With all due respect, you are wrong. I have been to this site, which has no additional buildings." However, in the interests of using his time effectively, he agreed to move on.

The defense counsel next questioned whether the witness could be sure that 500 people had gathered at Pursat Provincial Hall for the meeting and that this same number of people had boarded vehicles the next day. Mr. Koppe proceeded to question how the witness had come to these estimates – a question the witness was not able to give a clear answer to.

In a painfully repetitive exchange, the witness was asked again and again to provide the name and rank of just one of the 500 people he had seen. Eventually, after a significant period of time, Mr. Alatt mentioned Leng Koeun, a soldier who had been a friend of his. Asked whether this person was still alive, the witness went quiet and eventually claimed, "He was re-educated at Tuol Po Chrey; that is my answer."

After a significant period in which the witness did not appear to understand the questions he was being asked, Mr. Koppe eventually managed to get the witness to provide the name and rank of a general who had led the troops.

Turning the subject to the occurrences on the following day, the defense counsel asked Mr. Alatt how he came to the figure of 500 people being present. The witness told the court that the number was no different to the prior day. Again, he was asked to provide a name and rank of one person who was present. The witness claimed the same people were present, but he did not have access to a list of names and ranks cataloging who was there. Clearly not understanding the question he was being asked, the witness gave an unclear answer and failed to name a single person he had recognized. He claimed half of those present were wearing military uniforms, though signs of their rank had been removed.

Addressing the provision of guards, Mr. Alatt testified that the Khmer Rouge had guarded the soldiers on both days. Ta Soth had also been present on both days, as had other top leaders of the Khmer Rouge. Asked how he had known them to be top leaders, the witness argued that this was clear as they had stood near Ta Soth and like him, had all worn proper caps.

Changing his testimony from the morning session, the witness claimed that he had not heard Ta Soth talk about reconciliation at the meetings at the provincial town hall but rather at a separate study session. Asked if Ta Soth was at the provincial hall meeting and what he had said, the witness went back on his testimony again, this time asserting that Ta Soth had indeed spoken about reconciliation. The witness claimed the two meetings had only gone on for three hours

³ Mr. Chhat testified before the Trial Chamber on April 29 and 30, 2013. CTM's accounts of his testimony are available at http://www.cambodiatribunal.org/blog/archive/201304.

because others had spoken. After the meeting people had been free to leave the meeting as normal, the witness recounted; there had been no suggestion that they would be taken for execution.

Mr. Koppe highlighted that earlier the witness had claimed everyone was excited. Clarifying that he was talking about the second meeting, Mr. Koppe asked again what had happened. The witness explained that trucks were waiting outside the provincial town hall and all those leaving attempted to board a truck. Requiring more detail, Mr. Koppe asked if the people would thus have turned left out of the hall in order to get to the trucks. He wanted to know exactly which gate the people would have passed through to board the vehicles. The witness replied that they had exited through both gates and so some had turned left.

The trucks had driven to the east of the compound, which was to one's left if one stood with one's back to the provincial town hall, Mr. Alatt continued. The witness had been able to see the trucks leave for 15 to 30 minutes before all the trucks had disappeared. He claimed this meant he had seen them travel for one kilometer.

With regard to how he had heard about the killings, and when he had spoken to Phat and Dor, the witness testified that he had heard about the executions within three days of the event because "that was when the bulldozers were sent it." This, Mr. Koppe claimed, was speculation; further, he argued, it did not establish whether the witness had heard about the event after one or two days. The link between the bulldozers going in and the witness learning from Phat and Dor was seemingly never established as Mr. Koppe then ended his examination.

Khieu Samphan's Defense Examine the Witness

The court had previously provided extra time for Mr. Koppe to examine the witness, and so it was at 4 p.m. that Mr. Vercken began the examination of Mr. Alatt. The court allowed him a 20-minute time allocation in order to conduct his questioning.

Mr. Vercken began by questioning where the first meeting the witness had attended was, after the victory of the Khmer Rouge regime. The witness testily replied that it had been held at a district office in Bakan District, near road No.5. The witness did not know when the meeting had started, as he had joined it mid-flow. He had not stayed to the end of the meeting but instead had "secretly left" the meeting. Asked why he had left, Mr. Alatt told the court that he had been travelling for a while that day and had been fired upon. As such, he believed that the Khmer Rouge clearly did not trust former Lon Non soldiers.

It was established that the following day the witness had arrived at his home village, where he had taken off his military uniform and thrown it into a river. The witness agreed that this was because he did not want the uniform to be found in his house, and if the uniform had been seen he "would have been dead."

At this stage Mr. Vercken asked the question he had clearly been building up to: "Nevertheless the same day you go to Pursat to the provincial office to a large meeting, which includes soldiers you worked with, wasn't that extremely dangerous if you were trying to hide the fact you were a member of the Lon Nol army?" The witness proceeded to give a series of irrelevant answers, which led Mr. Vercken to continually repeat his query in different terms. Eventually the witness claimed that attending the meeting had not been a risk, but rather he had attended as a

precaution: "I went to this event as I had to know what was being said in that meeting." This, he agreed with Mr. Vercken, was curiosity getting the better of him.

Moving on, the defense counsel queried whether Mr. Alatt belonged to associations that gathered evidence to organize a trial of the Khmer Rouge. Although the witness did not provide a direct answer, he testified that after 1979 he worked in the education field and as a teacher. At that time he had also attended training in Phnom Penh on how to gather documents, presumably documents of relevance to the atrocities perpetrated by the Khmer Rouge. "I was chosen as a representative who could gather documents about the Democratic Kampuchea regime," he told the court. In this capacity he had been considered a "witness."

In what was to become a confusing segment of questioning, Mr. Vercken finished by asking the witness if he had ever received instructions to destroy evidence relating to the DK period. Mr. Alatt initially testified that he had received instructions to destroy the remains of the deceased. The witness claimed that documents were not destroyed. However, Mr. Vercken informed the witness that he had told the OCIJ investigator that he had been instructed to destroy documents. This the witness strongly denied.

President Nonn requested the defense counsel reference a document to substantiate the claim, which Mr. Vercken was unable to do, as he said he was making reference to the audio recording of the interview.

As Mr. Vercken began to say that he had reached a conclusion and gone as far as he could go, the president cut him off and declared that he had used 24 minutes instead of the allocated 20 minutes, which the court had given him. As Mr. Vercken tried to rise to his feet to explain that he was finished, the President tersely told him he had now used 26 minutes.

The court was adjourned until Monday at 9 a.m., when the Nuon Chea defense team would be responding to the documents presented at the preceding week's key document hearing.