



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 19-Jun-2012, 09:21
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 June 2012

Trial Day 73

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Michiel PESTMAN
Jasper PAUW
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

DAV Ansan
Natacha WEXELS-RISER
SE Kolvuthy

For the Office of the Co-Prosecutors:

VENG Huot
Dale LYSAK
CHAN Dararasmey

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
SAM Sokong
Barnabé NEKUIE
LOR Chunthy
TY Srinna
VEN Pov
KIM Mengkhy

For Court Management Section:

UCH Arun

INDEX

MR. SAO SARUN (TCW-604)

Questioning by Ms. Ty Srinna resumes page 2

Questioning by Ms. Simonneau-Fort..... page 24

Questioning by Judge Lavergne page 48

Questioning by Mr. Pauw page 61

Questioning by Mr. Vercken..... page 102

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. KARNAVAS	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. SAO SARUN (TCW-604)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. TY SRINNA	Khmer
MR. VERCKEN	French

1

1 P R O C E E D I N G S

2 (Court opens at 0906H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 During today's sessions, we continue hearing the testimonies of

6 Mr. Sao Sarun. Questions remain to be put by counsels for the

7 civil party who have been authorized to put questions to the

8 witness.

9 Before we proceed to hand over to counsels for the civil party,

10 Trial Chamber greffier is now instructed to report on the -- on

11 the presence of parties to the proceeding today, including the

12 reserve witness, if available.

13 THE GREFFIER:

14 Good morning, Mr. President. All parties to the proceeding are

15 present, except Mr. Ieng Sary who is in the holding cell. Mr.

16 Ieng Sary has waived his right to be present directly in the

17 courtroom. The waiver has already been given to the greffier.

18 Reserve witness TCW-488 is present and has taken an oath. The

19 witness took an oath on the 9th of June 2012 and indicated that

20 the witness has no relationship or any connection to any parties

21 to the proceeding including the accused persons.

22 MR. PRESIDENT:

23 Thank you.

24 [09.09.02]

25 The Chamber has received the waiver of Mr. Ieng Sary in which Mr.

2

1 Ieng Sary has waived his right to be present in the courtroom and
2 asked that he be allowed to observe the proceedings from his
3 holding cell for the full day due to his health concern. He
4 indicates that he cannot remain seated long -- for longer period
5 of time in the courtroom. The request is also supported by the
6 recommendation by the doctor who indicates that the accused
7 person cannot -- cannot take part in the proceedings in the
8 courtroom, but still can observe the proceedings from his holding
9 cell.

10 The Chamber notes that Mr. Ieng Sary has already waived his right
11 to be present directly in the courtroom. He asked that he be
12 allowed to observe the proceedings from the holding cell through
13 video-link.

14 The Chamber, therefore, grants the request. Mr. Ieng Sary is now
15 allowed to observe the proceedings from his holding cell, which
16 is downstairs, and he can join the proceedings through this
17 video-link for the whole day.

18 [09.10.51]

19 AV booth officers are now instructed to ensure that the AV device
20 are linked to the holding cell so that he can observe the
21 proceedings from there.

22 Next, we would like to proceed to counsels for the civil parties;
23 in particular, counsels who have been authorized to put questions
24 to this witness. You may now proceed.

25 QUESTIONING BY MS. TY SRINNA RESUMES:

3

1 Thank you, Mr. President. Good morning, Your Honours. Good
2 morning, Mr. Sarun.

3 Q. Yesterday, I put a question relating to the time when you
4 became the secretary of Sector 105, but another question will be
5 focusing on the time when Ta Laing was in power.

6 Yesterday, you said the sector office was K-17. What was the
7 function of the office?

8 MR. SAO SARUN:

9 A. The sector office is not something I know much about because I
10 was at the district and I had no idea what the office was doing.

11 [09.12.49]

12 Q. Were you ever aware of how many offices there were in the
13 sector when Ta Laing was the head?

14 A. So far as I know, there was three or four offices including
15 the one for commerce.

16 Q. Could you name the four offices to the Court?

17 A. I can do that: first, K-17; second, K-11; third, K-16; and
18 number 4 is the commerce office. I don't know the code name for
19 that office.

20 Q. Were you aware of the composition of people in the leadership
21 of that -- of those offices?

22 A. I don't know. I worked at the district level and I don't know
23 about that.

24 Q. What about the management of the offices? How many people or
25 how many members each office had?

1 A. I don't know.

2 [09.15.16]

3 Q. With regard to each district, so far, you testified before the
4 Court that there were districts. Could you tell us whether in
5 each district there would be offices for each respective section
6 or not?

7 A. No, there were no other offices other than an office at the
8 district and another office at the commune.

9 Q. Were you ever aware of a Phnom Kraol Security Centre?

10 A. I am aware of the name, but I never been there.

11 Q. Do you know when Phnom Kraol security office was established?

12 A. I don't remember.

13 Q. Do you know the purpose of the establishment of Phnom Kraol
14 security office?

15 A. No, I don't know. Again, I worked at the district; I had
16 nothing to know about the business of the sector level.

17 [09.17.13]

18 Q. How far is the Phnom Kraol security office from the sector
19 office or from K-17?

20 A. The office was not far from that office; it was about a
21 hundred metres apart.

22 Q. How was that security office like? Was it surrounded by a
23 wall, a fence, or else?

24 A. I have no idea about this because, as I indicated, I have
25 never been there.

5

1 Q. Have you ever heard whether people were detained at the
2 office?

3 A. No, I worked at the of - at the district office and I have
4 never been to that location.

5 Q. Since you said you don't know or have never been there, I
6 would like to refer to a document you -- in which you gave
7 statement before the Co-Investigating Judges to refresh your
8 memory, document E3/383 or D201/5.

9 With Mr. President's leave, I would like the document to be read
10 to the witness to refresh his memory.

11 MR. PRESIDENT:

12 You may proceed. You may ask your assistant to ensure that the
13 document be put up on the screens so that the parties and the
14 public can also see them.

15 [09.19.56]

16 MS. TY SRINNA:

17 Mr. President, since we have very limit time, may we just read
18 out the portion to the witness without having them put up on the
19 screen, please, just to refresh his memory?

20 MR. PRESIDENT:

21 You may proceed, but, again, make sure that ERN of the document
22 is also spelled out.

23 BY MS. TY SRINNA:

24 Q. In Khmer, ERN 00345915; in English, 0035266; French ERN
25 00361765.

6

1 At that time, you were asked: "Did you ever send people to any
2 security offices within the sector?"

3 And you said: "When I was on the sector committee, there were
4 only releases."

5 [09.21.17]

6 Do you still stand by your statement?

7 MR. SAO SARUN:

8 A. Yes, I do. There was no arrest, but releases.

9 Q. At that time, you were asked about security offices, so in
10 which particular security office you referred to when you talked
11 about releases?

12 A. I was referring to that particular security office in that
13 sector only.

14 Q. What is the name of that security office? Can you tell the
15 Court?

16 A. I don't remember. I don't know. I just heard that it was
17 called sector security office; that's all.

18 Q. With regard to the security office of the sector you are
19 referring to, where is it?

20 A. It's located near the sector's office, and as I indicated, the
21 offices were just about a hundred metres apart from one another.

22 [09.23.06]

23 Q. Who was overseeing that office?

24 A. It was Sophea who was in charge.

25 Q. With regard to this security office, the office you said was

7

1 about a hundred metres away from one another, was it the same
2 office as Phnom Kraol security office?

3 A. I am not sure I've got your question; please, have it stated
4 again.

5 Q. You said earlier on that Phnom Kraol security office was about
6 a hundred metres from the office of the sector. And, later on, I
7 asked whether there were any other offices, and you said, "Yes,
8 there were a security office for the sector", and you said you
9 did not know the name of that office.

10 Now, my question is: Were the security office of the sector and
11 Phnom Kraol security office are the same -- just one name?

12 A. No, these -- these are the two offices.

13 [09.25.09]

14 Q. Do you still remember that you released people from the
15 sector's security office? How many people did you release?

16 A. Quite a number of people and I think it was a long time ago;
17 my memory doesn't serve me very well now.

18 Q. How often did you release them?

19 A. On two occasions.

20 Q. I would like now to proceed to another question on the same
21 document under the same ERN numbers.

22 The question you were asked was that: "Did you consult with the
23 Centre before releasing prisoners?"

24 And you said: "No, I did not. That was my authority."

25 [09.26.41]

8

1 Why did you dare to release those senior prisoners?

2 A. The reason I dare release these people because after some
3 interrogations, I could learn that there was no substantial
4 wrongdoings or mistakes these people committed. They could have
5 done some minor disputes among themselves so that's the reason I
6 could release them.

7 Q. When releasing these prisoners, did you do that when you
8 received - or upon receiving the new policy rendered by the
9 Party, as cited by the prosecutor to you yesterday? Is that
10 correct to say so?

11 A. Yes, it is correct. I did that upon receiving the instruction
12 from the Party and after learning that these people did not
13 commit any serious wrongdoings.

14 Q. Thank you. I would like to put another question to you.

15 [09.28.14]

16 On the 6th of June 2012, you stated -- which responds to the
17 question by the prosecutor -- that there was a re-correction
18 centre in the sector. Are you referring to the same security
19 office when talking about re-correction centre?

20 A. This office had the same name. Either it is re-correction
21 centre or security office, they are all the same.

22 Q. May I seek clarification on this? Are these offices actually
23 the same, the re-correction and the security office?

24 A. As I indicated, they are the same office.

25 Q. Thank you. Do you know what kind of people were being detained

1 at this re-correction centre?

2 A. As indicated already, some people who had some fighting among
3 themselves. For example, like the married couples who had some
4 arguments and who were arrested and detained. They would be
5 questioned and these people were detained because of these small
6 things. So, then, these are the kinds of people detained at the
7 Centre.

8 [09.30.20]

9 Q. Were those who betrayed the revolution brought to those
10 office?

11 A. I never heard of that. I never heard of those who -- who
12 betrayed the revolution.

13 Q. How about during the times that Laing was in charge? I mean,
14 was anyone accused of being -- betraying the Party or the
15 revolution? If so, what was the procedure to deal with such a
16 person?

17 A. I do not know about that especially during his control. I did
18 not know about his work.

19 Q. Did you ever hear people say about people who betrayed the
20 revolution in your sector?

21 A. No, I did not.

22 Q. When you went to Phnom Penh to attend meeting, were you
23 explained about those who betrayed the revolution, that is, how
24 to deal with those who betrayed the revolution? Were you
25 explained that?

1 A. No, I did not hear that.

2 Q. Can you clarify the way Laing controlled his office? Can you
3 tell the Court about the way he managed his office?

4 A. I do not know about how he controlled his office or how he
5 worked, I only knew about the work in the district.

6 [09.33.05]

7 Q. What was the relationship between Laing and the district
8 committee? For example, you, at that time, was the secretary of
9 the district. What was your relationship with him and his
10 relationship with other district secretaries, for example, when
11 he comes to meetings or discussions about any particular issues?

12 A. About our relationship, we only come to meet when we were
13 called to attend meetings.

14 Q. When you went to the meetings, were issues within the sector
15 discussed?

16 A. During the meeting, various matters -- for example, issues
17 dealing with the rice field, dam building were discussed.

18 Q. Regarding building dam, I would like to know: How many people
19 in that sector were there who went to work on the dams?

20 A. There were many of them, but I cannot tell you exactly as to
21 how many there were. Probably, there were about 100 or 200
22 people, but I am only estimating.

23 [09.35.19]

24 Q. Were only the local people required -- were only the people in
25 their particular district required to build dams or people from

11

1 all over the sector were required to do that work as well?

2 A. People would build dams in their respective districts.

3 Q. How was the work like?

4 A. People carried earth soil.

5 Q. How many hours did people have to work each day?

6 A. They first ate at 6 o'clock and they began working at 7

7 o'clock, and they will - they would take rest at 10.30.

8 Q. I would like to ask you more about rice farming. Regarding the
9 productions from rice farming, as you indicated last week, you
10 said that the productions was to support the local people. I just
11 want to know whether the products were ever used to support the
12 people.

13 [09.37.24]

14 A. Rice production was also distributed to people. People were
15 given 30 buckets of rice per year.

16 MR. PRESIDENT:

17 Counsel, please pay attention to your question. Make sure that
18 your question do not move beyond the facts charged against the
19 accused persons.

20 Regarding the facts in Office 105, we are dealing with only the
21 fact at Phnom Kraol Office. So can you be reminded to confine
22 your question within the facts set out, those facts set out
23 within the segment Case 002, and make sure that you will not move
24 beyond those confines? Please be reminded that we are only
25 dealing with Phnom Kraol Security Centre here.

12

1 [09.39.17]

2 BY MS. TY SRINNA:

3 Thank you, Mr. President, for your reminder.

4 Q. I would like to ask you about disappearance. Last week you
5 said in response to the Co-Prosecutors that -- I would like to
6 rephrase my question. About the meeting, when you attended each
7 meeting at the sector level, did you ever see or experience any
8 occasion where a meeting attendant made any complaint and
9 afterward that person disappeared?

10 MR. SAO SARUN:

11 A. Can I have the question again? I am not clear with it.

12 Q. When Laing was in charge, you attended meetings several times.
13 My question is: Did you ever notice that a member of the meeting
14 made a particular complaint and afterward that member
15 disappeared?

16 A. No, I don't think so. No one disappeared.

17 Q. Who did Mr. Laing reported to?

18 [09.42.14]

19 A. I do not know about that because he was the sector secretary.
20 It was beyond my knowledge as to how he -- or to whom he reported
21 his work.

22 MS. TY SRINNA:

23 In order to refresh your memory--

24 Mr. President, I would like to seek your leave to refer to
25 document E3/404, if I may, Mr. President.

13

1 MR. PRESIDENT:

2 You may proceed.

3 Court officer is instructed to display this document onto the
4 screen as well.

5 MS. TY SRINNA:

6 May I also request, Mr. President, that I read the relevant part
7 to the witness to save time?

8 MR. PRESIDENT:

9 Yes, you may proceed; I said once.

10 [09.43.27]

11 BY MS. TRINNA:

12 Q. The document E3/404; ERN in Khmer, 0398483; in English,
13 00403027; French, 00484201.

14 The question asked: "To whom did Ta Laing report to?"

15 And you said: "He reported only to Pol Pot."

16 Do you still stand by your answer?

17 MR. SAO SARUN:

18 A. I once indicated this before the Investigating Judge.

19 Q. When you was appointed to be in charge in replacement of Ta
20 Laing, did you use your own method as to how you were to report
21 to the superior?

22 A. Can I have the question again? Can you be slower?

23 [09.45.13]

24 Q. My question is: When you was in charge as the sector secretary
25 of Sector 105, when you reported to Pol Pot, did you follow the

14

1 method used by Ta Laing or you used your own?

2 A. After I was in charge of the office -- of the sector, I
3 reported to Pol Pot because I was instructed to report to him.

4 Q. My question concerns the authorities of Communist Party of
5 Kampuchea between 1975 and 1979. What was the authority of the
6 Party like?

7 A. I do not know about the scope of the authority of the Party.

8 Q. When you attended meetings in Phnom Penh during Democratic
9 Kampuchea period, did you know as to who were important figures
10 within the Party?

11 A. I do not know who had more important roles than who.

12 Q. About the communication between senior leaders or the Central
13 Committee, I would like to know which member of Sector 105 had
14 the authority to communicate with Central Office.

15 [09.48.10]

16 A. I do not understand your question; can I have it again?

17 Q. I would like to rephrase my question. My question is: Which
18 member of the sector committee in Mondulkiri was communicated
19 directly by the Central Committee?

20 A. I don't think there was one; only the chief of the sector had
21 the communication.

22 Q. Thank you.

23 Concerning the authority to decide to remove people either from
24 the regiment or battalions, who had such authority to do so?

25 A. My answer is that I do not know. I do not know who had the

15

1 authority to appoint or to remove, maybe those from the
2 superiors.

3 Q. When you said the superiors or people from the upper level,
4 who were you referring to?

5 A. I was referring to Pol Pot, because he was in charge of the
6 whole country.

7 [09.50.10]

8 Q. My next question deals with forced marriage. During the
9 control of Ta Laing, did you know anything about the marriage
10 within the cooperatives?

11 MR. PRESIDENT:

12 The witness does not have to answer this question; it is
13 repetitive. The Co-Prosecutors have already asked about this.

14 MS. TY SRINNA:

15 Mr. President, the last time a witness said about -- or talked
16 about the marriages during the time that he was in charge. But my
17 question deals with the time that Ta Laing was in charge, and I
18 will have a number of other following up questions which are
19 different from those by the prosecutors, if I may, Mr. President.

20 MR. PRESIDENT:

21 You are not allowed to do so.

22 [09.51.20]

23 BY MS. TY SRINNA:

24 I will now begin with other questions, then.

25 Q. On the 6th of June 2012, last week, you said to the

16

1 prosecutors that if there was a request from an individual or the
2 chief of a group – rather, after -- when there was a request from
3 an individual, the group's chief shall ask for the consent from
4 that other individual and report that to the superior.

5 My question is: Do you remember what if someone refused to get
6 married?

7 MR. PRESIDENT:

8 Witness does not have to answer this question; this is a
9 hypothetical question.

10 You are not allowed to ask such a question in this Court.

11 Hypothetical questions are not allowed. Counsel is reminded to
12 ask more specific questions.

13 BY MS. TY SRINNA:

14 Q. Was there anyone who refused to get married? And if so, what
15 happens to that person?

16 [09.53.08]

17 MR. SAO SARUN:

18 A. I already answered this question to the Investigating Judges
19 and the Co-Prosecutor. We did not have any right to force them to
20 get married. We had to ask for the consents from their parents.

21 Q. I would like to move back to the structure of cooperatives.
22 Last week you told the Co-Prosecutors that at the cooperatives
23 there was a committee -- the respective committee in the
24 cooperatives; can you elaborate further regarding the composition
25 of the committees?

1 A. As I told the prosecutors--

2 Q. Were the committee members assigned with respective work to
3 do?

4 A. They were assigned with different roles, some were responsible
5 for economic, some were responsible for supplying food, so these
6 are the distribution of the work.

7 [09.55.51]

8 Q. Yesterday, you said that there were also sector military.

9 And my question: How many kinds of military forces were there in
10 Sector 105?

11 A. There was only one kind, it was called the sector's military.

12 Q. Was there any central military positioning there?

13 A. Yes, there was, there was a division of the military there.

14 Q. What was the relationship between the sector military and the
15 military from the Central Committee?

16 A. From my understanding, the military from the Central Committee
17 were not aware of the geographical location, and that was
18 different for the sector military who lived there, they knew more
19 about the geographical location.

20 Q. How did they report their work? Did they report their work to
21 the same target?

22 [09.57.56]

23 A. It's like what I told the prosecutors, I maintain my answers
24 to the Co-Prosecutors.

25 Q. Did you ever hear of the word "the chief of the division"? If

18

1 so, do we have other words such as the secretary of the division,
2 or the division committee?

3 A. As I said, they are the same.

4 Q. What was the composition of each division?

5 A. To be frank, I do not understand that, I do not know about
6 that.

7 Q. From your experience living in that sector, I want to know how
8 many military personnel were there in each division and what was
9 the structure like in each division? Can you tell that to the
10 Court?

11 A. I do not know about that, about the number of the personnel.

12 MS. TY SRINNA:

13 Mr. President, I would like now to refer to document E3/367
14 again.

15 [10.00.21]

16 MR. PRESIDENT:

17 You may proceed, but please advise the Chamber on the
18 identification of the document, the ERN and your main purpose for
19 reference to this document, because if you keep asking the
20 President to allow you to -- just one point at a time, it will be
21 difficult and it really takes so much time.

22 MS. TY SRINNA:

23 Thank you, Mr. President.

24 I'm referring to this document -- this document is under ERN
25 00251440 in Khmer, 00278697 in English, and 00486013 in French.

1 MR. PRESIDENT:

2 You may proceed.

3 [10.01.37]

4 BY MS. TY SRINNA:

5 Q. You stated, with regard to the question concerning who else

6 you knew, and you said that "during the congress, Pol Pot

7 indicated -- or declared that civilian and military cadres should

8 stop the killing and the arrests unless a prior summon from the

9 Centre's Court was obtained".

10 My question is: What happened that made Pol Pot declare such

11 statement?

12 MR. SAO SARUN:

13 A. As I already stated before the Co-Prosecutors, I think the

14 position is clear.

15 Q. I think I need to repeat the question and my -- I'm afraid I

16 didn't make myself clear.

17 The question is: What had happened that led to the declaration by

18 Pol Pot to ask military cadres to stop killing and arrests?

19 A. I don't know. I just heard that the announcement was made that

20 there should never be more arrests or killing, and when people

21 committed any wrongdoings, they shall not be killed or arrested,

22 instead they should be educated.

23 [10.03.56]

24 Q. What happened at other sector? Do you know?

25 A. No, I don't.

1 Q. With regard to another question, what did you know about
2 military affairs and security management in that sector? You said
3 the sector committee was the one who supervised the sector
4 military chiefs.

5 My question to you is: What is your understanding of sector
6 committee?

7 A. I think I already made it clear.

8 Q. Does sector committee refer to an individual or a group of
9 people? I understand that the secretary of the sector would be an
10 individual person, but when it comes to committee, was it only
11 one person or a group of people?

12 [10.05.17]

13 A. When it comes to committee, it must comprise of at least three
14 people, otherwise it could never be called committee.

15 Q. Could you tell the Court about the structure and the roles of
16 the sector committee?

17 A. People were tasked with different duties and tasks. For
18 example, some would be assigned with the task in commerce,
19 military, and so on and so forth.

20 Q. On the same document, and indeed you indicated before the
21 Co-Prosecutor, I just need the clarification concerning your
22 chit-chat with Mr. Khieu Samphan. You said you had a chit-chat
23 with Mr. Khieu Samphan concerning commerce. Could you please be
24 more precise; what exactly was his -- was he talking about when
25 it comes to commerce?

1 [10.06.49]

2 A. Well, he was talking about economy, about growing vegetables,
3 about production, about food ration of the people, and that's
4 all.

5 Q. Did he also talk to you about the four-year plan of the CPK?

6 A. No, I didn't.

7 Q. Yesterday, document D189.1 was presented to you by the
8 prosecutor concerning the political - rather, the Party's line
9 relating to the people who affiliated with the KGB and other
10 agents. And yesterday you already indicated time and again on
11 this.

12 But my question today is-- After being explained and instructed,
13 you said you disseminated this information on one occasion to
14 your local people. Now, after such dissemination of information
15 to your local people, how was the information being implemented
16 or taken care of?

17 [10.08.57]

18 A. I already talked about this to the prosecutor.

19 The local people had to follow whatever they expected of.

20 Q. Was there anyone who refused to implement the instruction and
21 what happened to them?

22 A. Nothing happened to them.

23 Q. With regard to your statement before the Co-Investigating
24 Judges and the Co-Prosecutors relating to the meetings you were
25 called to attend after the death of Mr. Laing, you said Pol Pot

1 called you to take over from Mr. Laing.

2 My question is: When you first came to the meeting at Pol Pot's
3 workplace, were you ever told about each and individual person's
4 roles and responsibility in the meeting by Pol Pot?

5 A. I talked to the Co-Prosecutors yesterday already about this,
6 and it is clear.

7 Q. Did you observe the relationship between the individuals
8 involved? I would like to rephrase it. You said that Nuon Chea,
9 Son Sen, Ieng Sary, Khieu Samphan, and Ieng Thirith were present.
10 [10.11.18]

11 So my question is: What was your impression concerning the
12 relationship between each individual in the meeting?

13 A. I think I noted that only Pol Pot presented -- or was chairing
14 the meeting and the other people were simply listeners.

15 MR. PRESIDENT:

16 Counsel, you may proceed.

17 MR. VERCKEN:

18 Thank you, Mr. President. Just a brief observation for the
19 record.

20 The witness never mentioned to Mr. Khieu Samphan's name during
21 that meeting, and I believe that this is an oversight on the part
22 of civil party counsel.

23 MR. PRESIDENT:

24 Counsel for the civil parties, you may continue.

25 [10.12.32]

1 MS. TY SRINNA:

2 I have a document to prove this, in particular with regard to the
3 statement he made. I did not present the document when I put this
4 question to the witness because I wished to save some time for my
5 questions. However, if counsel insisted that I show the relevant
6 portion where the name of Khieu Samphan mentioned, I would be
7 very pleased to do so.

8 MR. PRESIDENT:

9 Do you have any further questions to put to the witness?

10 BY MS. TY SRINNA:

11 Q. Last week, you indicated before the Co-Investigating Judges
12 that people were called and disappeared, and other were scared
13 and afraid.

14 My question is: Were you also afraid?

15 [10.13.47]

16 MR. SAO SARUN:

17 A. I was afraid. I couldn't help not being afraid because other
18 people were being called and disappeared and the very close
19 person of mine in my family, my brother-in-law, was also called
20 and disappeared.

21 MS. TY SRINNA:

22 Thank you, Mr. Witness, for your time answering my questions. I
23 would like to hand over now to my colleague to put further
24 questions.

25 MR. PRESIDENT:

1 You may proceed, Counsel.

2 [10.14.38]

3 QUESTIONING BY MS. SIMONNEAU-FORT:

4 Good morning, Mr. President. Good morning, Your Honours. Good

5 morning, fellow colleagues. Good morning to everyone. Mr.

6 Witness, good morning.

7 Q. I only have a few follow-up questions for you with respect to

8 very specific topics. I hope to be able to go through them rather

9 expeditiously within the time allotted to me.

10 My first question for you, Mr. Witness, is with respect to the

11 transfer of people. Now, you answered in response to a question

12 put by the Co-Prosecutor, on the 6th of June, that from where you

13 were residing, you did not witness anyone who was transferred to

14 other regions or who were transferred from other regions to be

15 resettled where you were living. As a member of the sector

16 committee or as a district secretary, did you ever hear about

17 people who were being transferred from other regions to Sector

18 105?

19 [10.16.01]

20 MR. SAO SARUN:

21 A. I have never heard or witnessed any people being transferred

22 from other regions to Sector 105.

23 Q. Thank you.

24 Mr. President, with your leave, I wish to make reference to

25 document D22/2736. This is a statement by a civil party that

25

1 figures in our list of documents. We placed it on the interface
2 just a few days ago.

3 I wish to quote a passage from this document and I believe that
4 it should serve to refresh the witness's memory. I simply want to
5 read the passage, but if you wish we can certainly have it
6 projected on the screen. The French ERN is 00811449; in Khmer, it
7 is 00579159; unfortunately, an English translation has not been
8 made available.

9 May I please read from this passage? And, Mr. President, do you
10 wish for the document to be displayed on the screen?

11 (Judges deliberate)

12 [10.18.19]

13 MR. PRESIDENT:

14 You may proceed, but please make a -- the brief summary of the
15 portion you would like to refer to only. And that the document
16 can now be put up on the screens.

17 BY MS. SIMONNEAU-FORT:

18 Thank you very much, Mr. President.

19 Q. I would just point out that the civil party in question was 15
20 years of age in 1975, and with respect to the transfer of people,
21 the civil party writes as follows:

22 "During the Democratic Kampuchea regime, I lived in Kampong Speu
23 province. I was evacuated and I was sent to Mondulhiri province
24 in the district of Kaoh Nheaek. One year later, I was moved once
25 again and I was transferred along the Khmer-Vietnam border. I was

1 a direct first-hand witness of executions that were occurring at
2 Kraol Mountain."

3 [10.19.31]

4 Mr. Witness, does this refresh your memory with respect to the
5 transfer of certain people?

6 MR. SAO SARUN:

7 A. No, I don't anything about this and I never saw people being
8 evacuated into the Mondulkiri location either.

9 Q. Thank you.

10 Allow me to move on now to the topic of cooperatives and
11 worksites.

12 Now, on the 5th of June in response to the National
13 Co-Prosecutor's question, you said that there were sufficient
14 material, sufficient medical equipment and medicine within your
15 sector. You were a member of the sector committee and you were
16 responsible for medical issues.

17 [10.20.37]

18 Was there appropriate healthcare? Were there trained doctors and
19 hospitals in good working condition operating within your sector?

20 A. As indicated, there were sufficient medicine. There were
21 people who were skilled in treating malaria and there were
22 midwives who also were trained, and there were doctors who
23 specialized in general disease and even surgeons.

24 Q. Thank you.

25 Mr. President, I wish to make reference to document D22/2760.

1 This is another document that figures on our list and which is
2 also on the interface; it is a civil party application. I wish to
3 make reference to pages 6 and 7 of the French version; and in
4 Khmer, the ERNs are 00556228; unfortunately, we do not have at
5 our disposal the English translation.

6 May I please quote an extract from this document?

7 [10.22.17]

8 MR. PRESIDENT:

9 You may proceed.

10 BY MS. SIMONNEAU-FORT:

11 Q. The civil party was of 33 years of age during the time they
12 lived in District 35, and the civil party writes as follows:

13 "In 1977 during the rainy season, my father was assigned to plant
14 bamboo in the forest. He had to work from dawn to dusk. He worked
15 without eating, and he had to travel long distances. He was
16 deteriorating day after day up until he became very sick. His
17 body was swelling. He was taken to a medical unit where there
18 were no doctors to care for him, nor were there any
19 pharmaceuticals. The Khmer Rouge said if you were sick you have
20 no right to eat. He was deprived of food until his death." End of
21 quote.

22 [10.23.38]

23 Q. Mr. Witness, does this jog your memory of hospitals within
24 your sector?

25 MR. SAO SARUN:

28

1 A. No, I don't know anything about this. At that time, I was
2 confined to my position at the district. On top of that, I had no
3 knowledge of having heard people being treated like that or ever
4 killed.

5 Q. With respect to the living conditions within the cooperatives,
6 Mr. Witness, were pregnant women entitled to receive medical
7 treatment because of their fragile condition? Were the elderly,
8 who were also frail and fragile, entitled to receiving medical
9 treatment while they were living in the cooperatives?

10 [10.24.03]

11 A. I may respond to this. Pregnant women were not allowed to work
12 hard and after delivering their babies, a few months after that,
13 they were also allowed to stay home and not to work hard.

14 Q. Thank you.

15 Mr. President, I wish to make reference to two documents. The
16 first is D22/1175. This is a civil party statement. I would wish
17 to quote a passage which is on pages 4 and 5 -- on Khmer ERN
18 pages 00521307.

19 Do I have your authorization to do so, Mr. President?

20 MR. PRESIDENT:

21 You may proceed.

22 MS. SIMONNEAU-FORT:

23 Q. This civil party was a 20 year-old woman in 1975. She writes
24 as follows -- and I quote:

25 "In 1975 I was forced into marriage. Later on, I became pregnant

1 with my first daughter. One week following delivery of my child,
2 I was sent into the rice fields even though I was not ready to do
3 so."

4 Four lines later, she states -- and I quote:

5 "I received a very small, insufficient food portion. We only
6 received one can of rice for four people. I was malnourished and
7 exhausted. Sometimes I fell asleep on the rice field embankment."

8 A few lines later, on the fifth page of the French version:

9 "My mother was very elderly. She was sent to work until she
10 perished. In fact, when she fell ill it was impossible to receive
11 permission to see her."

12 [10.27.46]

13 Mr. Witness, does this remind you of any scenes that you may have
14 witnessed at the time?

15 MR. SAO SARUN:

16 A. No, I don't know such a thing happened during 1975.

17 Q. Thank you.

18 Allow me to quote an additional passage from another document. It
19 is D22/1433. This is another statement by a civil party. The
20 French passage is on page 7; in Khmer, it is on ERN page
21 00528426. It goes on to the following page.

22 May I have your leave, Mr. President, to quote from this
23 document?

24 MR. PRESIDENT:

25 You may proceed.

1 [10.29.09]

2 MS. SIMONNEAU-FORT:

3 Q. The civil party was a 16 year-old boy in 1975. He writes the
4 following:

5 "With respect to my father who was very elderly, he was asked to
6 supply tapioca. He was then asked to go hunting. He also was
7 malnourished. He worked until exhaustion. He never had any time
8 to rest. He was exhausted to the point of becoming sick. At that
9 point I had requested for medicine from Chre, the head of the
10 commune. She said, it is not worthwhile to treat the elderly. We
11 should just let them die because there are young people who are
12 capable of working. When I heard this I collapsed in tears. I had
13 pity for my father, somebody who was so dear and beloved to me,
14 and yet who was being treated with such contempt. Five days later
15 he unfortunately passed away because of the lack of medicines."

16 [10.30.28]

17 Mr. Witness, does this remind you of anything that you may have
18 seen or heard about?

19 MR. SAO SARUN:

20 A. I do not know about that. During the 1977, I was in my home
21 town, so I do not know about that.

22 Q. Thank you very much.

23 And in cooperatives, Mr. Witness, were children entitled to any
24 special protection or treatment since they were particularly
25 fragile and vulnerable segment of the population?

1 MR. SON ARUN:

2 (No interpretation)

3 MR. PRESIDENT:

4 Witness, please hold on.

5 Yes, National Counsel for Mr. Nuon Chea, you may proceed.

6 [10.31.39]

7 MR. SON ARUN:

8 Good morning, Your Honours. Good morning, Mr. President. I would
9 like to object to this line of questioning by civil parties'
10 counsel. This is question and answer of another person and this
11 cannot be used to impeach this witness, so I would like to object
12 to this question.

13 MR. PRESIDENT:

14 Yes, Counsel Michael Karnavas, you may proceed.

15 MR. KARNAVAS:

16 Thank you, Mr. President. Good morning, Your Honours. Good
17 morning to everyone in and around the courtroom. I hesitate to
18 raise an objection at this point, although I did want to point
19 out that these are unsworn statements. I assume the Trial Chamber
20 is aware of that.

21 We have -- this issue is before the Trial Chamber and it has
22 never been resolved as to whether these sort of statements can be
23 used as evidence. We are unsure whether these witnesses were
24 actually -- whether the civil parties will appear to be
25 questioned. We are concerned that now we're bringing in

1 statements -- unsworn statements of individuals who will never
2 appear, and you may be tempted to give weight to this sort of
3 evidence.

4 [10.32.56]

5 Obviously, this is a technique to try to impeach the witness.
6 We're entitled to confront these witnesses. They're not
7 statements given to the Investigative Judges and therefore they
8 have no weight as far as we are concerned. Thank you.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 Yes, Civil Parties Counsel, you may proceed.

12 MS. SIMONNEAU-FORT:

13 Yes, Mr. President. I understand the reaction of defence counsel
14 in the face of such a situation and I am surprised to hear them
15 say that we can only use documents from witnesses.

16 I believe the Prosecution has used testimonies from all sorts of
17 persons and the Defence has done so as well, and even Nuon Chea's
18 counsel can use documents from other persons. These people, of
19 course, lived in Sector 105.

20 [10.34.09]

21 Regarding the objection of my learned friend, Karnavas, let me
22 point out again that the Chamber will assess the evidence and its
23 probative value.

24 I crave the Court's indulgence because I forgot to mention that
25 all statements I am mentioning today are by civil parties. We did

1 not propose that these persons be called to testify before this
2 Chamber. Let me add that their testimonies are also very
3 important. They were provided sincerely and they are as worthy of
4 consideration as those of witnesses, and I'm using only
5 statements that are relevant.

6 (Judges deliberate)

7 [10.36.56]

8 MR. PRESIDENT:

9 Counsel, you may be seated.

10 Now that we have been seized with objections from defence
11 counsel, and we are to deal with this issue to be in line with
12 the previous decisions of the Trial Chamber so that we can set
13 precedent for our future proceedings, the Chamber will decide on
14 this matter in due course.

15 And now we will have a short break. We will have a 20-minute
16 break.

17 Court officer is instructed to accommodate the witness and his
18 duty counsel and return them before we resume.

19 The Court is adjourned.

20 (Court recesses from 1038H to 1101H)

21 THE GREFFIER:

22 All rise.

23 MR. PRESIDENT:

24 Please be seated. The Court is back in session.

25 So who is going to take the floor first?

1 The Co Prosecutor, first.

2 MR. LYSAK:

3 Thank you, Mr. President. I just wanted to correct, for the
4 record, something that was stated by counsel before the break. He
5 indicated that civil party applications were not provided under
6 oath.

7 I apologize for not getting up earlier, but the two that were on
8 the screen were in French and I was looking for an English
9 version just to correct -- confirm my understanding. But, in
10 fact, in Section D of the civil party applications, where they
11 placed their signature, they declare, specifically, that: "To the
12 best of my knowledge and belief, the information I have given in
13 the present form is correct. Otherwise, I will be liable under
14 the applicable law."

15 [11.02.56]

16 This is certainly some form of oath, so I think it is incorrect
17 to assert that these statements are not provided under oath.

18 And, aside from that point, we certainly support the civil
19 party's use of these statements. This seems, to us, to be the
20 role that they serve in these proceedings. The Defence, including
21 the Nuon Chea defence, have been allowed to do this with
22 statements of other witnesses where they are not going to appear
23 to testify.

24 Certainly, all 4,000 civil parties are not going to be able to
25 appear to testify here. And, therefore, it seems to us that where

1 there are matters within the knowledge of a witness, such as in
2 this case where we have someone who has come in and made
3 assertions that there we no forced marriages, that there was
4 plenty of medicine and other assertions regarding the conditions
5 in Mondulkiri sector. It seems to us entirely appropriate that he
6 be confronted with the voices of the victims from that region.
7 So, for those reasons, we would support the civil party's use of
8 these documents. Thank you, Mr. President.

9 [11.04.13]

10 MR. KARNAVAS:

11 Mr. President, let me first address the prosecutor's remarks.
12 An affirmation is not an oath -- he ought to know better -- at
13 least with these statements or the summaries of the statements
14 that we get from the OCIJ. There we have a judicial officer who
15 is taking a statement and turning it into a summary, and then it
16 is thumb printed or signed under oath. So there is a vast
17 difference between one and the other. So that's first and
18 foremost.

19 [11.04.55]

20 Our position is rather one of principle, and that is, if you're
21 going to use this sort of a statement that was made for the
22 purposes of becoming a civil party, and where that individual has
23 a vested interest in becoming a civil party, one cannot just ipso
24 facto say "well, it was given in earnest". That earnesty has to
25 be demonstrated through a process of confrontation if it's

1 necessary.

2 In this instance, these statements are being used in order to
3 impeach this particular witness. And in one of them, D22/2760, on
4 page 5 in Khmer, it clearly implicates the witness himself. In
5 other words, the civil party is using -- the civil party lawyer
6 is using a statement from a civil party in order to implicate and
7 treat the witness as an accused, something which, Mr. President,
8 you have advised all of us not to do so in this - in this Court.
9 So we do think that there is a vast difference.

10 Our position, to be quite frankly, is as follows. We need a set
11 of guidelines and rules that are going to be followed universally
12 throughout the trial. We do not think that these sorts of
13 statements ought to be coming in unless the witness or the civil
14 party is going to be testifying.

15 [11.06.31]

16 Of course, if you tend to think that they need to be heard -- the
17 voices of the civil parties need to be heard -- and we don't
18 object to that -- then, obviously, we want it stated loud and
19 clear that very little weight, if any, will be given to such
20 statements, unless they are corroborated by independent indicia
21 -- plain and simple.

22 But to simply say that one person had this experience, and
23 therefore that's how it was in this region or that area is
24 insufficient unless we hear other evidence that would support
25 that. And, thus, the civil party statement is something that is

1 used to supplement as opposed -- used to actually prove.

2 Thank you.

3 [11.07.21]

4 MR. PRESIDENT:

5 Yes, Counsel, you may proceed.

6 MR. VERCKEN:

7 Thank you very much, Mr. President. Very quickly, in order to
8 illustrate what my esteemed colleague has just said, two of the
9 civil parties who were quoted by Counsel Simonneau-Fort just
10 earlier on, are people who have launched complaints against this
11 very witness. This effectively gives rise to a problem. And I
12 think such a problem needs to be resolved. So much so that our
13 other esteemed colleague has said that those two individuals are
14 not on the list of civil parties who are to appear before this
15 Chamber.

16 MR. PRESIDENT:

17 Yes, National Lead Co-Lawyers for civil parties.

18 Please be reminded that you are not supposed to touch upon the
19 same issue.

20 It is strange, the Chamber has discussed this issue and is about
21 to rule on the matter and now parties stand up to talk about this
22 same issue. But the Chamber is also interested in hearing the
23 arguments made by the parties.

24 [11.09.08]

25 It is also surprising that the parties did not stand up right

1 after the document was referred to. The Chamber has indicated
2 time and again that if any party wishes to oppose to the document
3 being referred to, that party should make the point straight
4 away, before the Chamber can rule on the matter.

5 Besides, a party can only oppose to the matter once. And once the
6 matter has been ruled on, the matter cannot be revisited. So
7 please be informed and not to confuse the proceedings.

8 [11.10.22]

9 MR. PICH ANG:

10 Good morning, Mr. President. Good morning, Your Honours. And good
11 morning, everyone. I am on my feet -- it's not to respond to what
12 has been raised by the two defence teams. Rather, I am to respond
13 to them -- especially to Counsel Karnavas, who said that the
14 statement of this civil party was not made before the Official of
15 the Co-Investigating -- the Office of the Co-Investigating
16 Judges.

17 To respond to this matter, I would like to state that civil
18 parties are not obliged to take an oath as already been
19 stipulated by Internal Rule 23 concerning the participation of
20 civil parties. Therefore, the statement of the civil party can be
21 part of the evidence for the Chamber to consider, in this regard
22 as the arguments so that the civil party did not take an oath
23 cannot be taken into account.

24 Secondly, as indicated in the civil party victim information
25 form, the information is not intended to incriminate the witness.

1 We have been trying only to elicit information from the witness.
2 This is our technique. As well, in the victim information form,
3 civil party has indicated that he or she wishes to apply as a
4 civil party and he or she does not intend to accuse this witness.
5 Everything has been said clearly in the victim information form.
6 Thank you, Mr. President.

7 [11.13.09]

8 MR. PRESIDENT:

9 Now that the Chamber has heard from the parties concerning the
10 extract from the civil party victim information form, the Chamber
11 will decide on this matter in due course.

12 Next, the Chamber would like to inform Lead Co-Lawyers that the
13 Chamber has heard a lot about the information concerning the
14 background of Democratic Kampuchea.

15 So civil party lawyers are reminded not to go into this matter in
16 more detail, in order not to waste any more time. Civil party
17 counsels are advised to move onto other matters concerning the
18 administrative structure either at the local level or the upper
19 level.

20 MS. SIMONNEAU-FORT:

21 Thank you, Mr. President. This witness, if I'm not mistaken, is
22 being questioned on the totality of all subjects that are being
23 treated within the scope of Case 001. I, therefore, would like to
24 ask questions relative to all subjects that fall within the scope
25 of the first trial. I talked about the transfer of people,

40

1 cooperatives; I also wish to address the issue of elimination of
2 individuals within security centres. I'll go through that very
3 briefly. I also wish to touch upon religious persecution and
4 marriage.

5 [11.15.15]

6 I would hope to carry out my duties as counsel for civil party
7 and ask the relevant questions. Do I have your authorization to
8 do so, Mr. President?

9 MR. PRESIDENT:

10 I have already informed you that this morning you can question
11 this witness concerning Case 002, and you should be aware that
12 the facts in Case 002 are far different from Case 002/01. But the
13 fact that happens in Sector 105 are not set out in the Closing
14 Order. Only the facts in Tram Kak in Takeo province was set out
15 in the Closing Order. So you are supposed to ask questions
16 concerning Tram Kak cooperative.

17 If you have -- if you are of the view that there are facts set
18 out concerning the sector in Mondulkiri, you are supposed to
19 identify the portion or the paragraph in the Closing Order for
20 the Chamber.

21 [11.16.56]

22 BY MS. SIMONNEAU-FORT:

23 Very well, Mr. President. I shall ask some questions with respect
24 to security centre in Phnom Kraol, which, I believe, does fall
25 within scope of Case 002/1.

41

1 Q. With respect to disappearances, Mr. Witness, you testified in
2 response to the Co-Prosecutor's question that you received a list
3 of prisoners at S-21 on the 23rd of December and that you weren't
4 aware of the demise of those at S-21. Did you see or hear about
5 people who were arrested and then led, either by foot or a lorry
6 to a destination unbeknownst to you?

7 MR. SAO SARUN:

8 A. I do not know about that.

9 MS. SIMONNEAU-FORT:

10 Mr. President, do I have your leave to quote a passage from
11 D22/2076, which are the statements of an individual regarding
12 those who were sent to S-21? The French ERN pages are 678; and in
13 Khmer, 00556553 to 00556544. Do I have leave from the Chamber to
14 quote from this document?

15 MR. PRESIDENT:

16 Can you identify the title of the document?

17 MS. SIMONNEAU-FORT:

18 Yes, indeed. It is a statement of a civil party -- D22/2796, for
19 the record.

20 (Judges deliberate)

21 [11.19.28]

22 MR. PRESIDENT:

23 You may proceed, even though the Chamber has been seized with
24 objections from the Defence but the Chamber will decide on the
25 matter in due course.

1 The Chamber would like to inform civil party counsel as well that
2 the documents that you are referring to now has little probative
3 value.

4 [11.21.30]

5 BY MS. SIMONNEAU-FORT:

6 Thank you, Mr. President.

7 Q. I will therefore go ahead and read from the references that I
8 indicated earlier. Unfortunately, I do not have the reference in
9 English. The civil party writes as follows:

10 "At the end of 1975, I drove a truck that was full of men and
11 women who were considered traitors to the nation. I drove them to
12 Kratie province. When we arrived at Thma Kreae commune, in the
13 Kratie district, in the province of Kratie, there were boats
14 waiting for us to continue them on their journey. I do not know
15 where they were led. I only heard that they were taken for
16 re-education. They have disappeared since then. We never saw them
17 come back."

18 Following that, the witness goes on to say:

19 "Since 1978, I was sent to work as a driver as I had done in the
20 past. The chief of the Commerce Bureau said you cannot do
21 anything other than repair old motor vehicles.

22 At that point, there were two trucks made in China that were used
23 for transporting many people who were accused as being traitors
24 by Pol Pot's clique. Those people were sent by those trucks for
25 execution in Phnom Kraol, five kilometres away from Kaoh Nheak

1 district. Every day in the morning the two trucks came to take
2 ten or more people and returned without the people about an hour
3 later." End of quote.

4 [11.23.21]

5 Mr. Witness, does this refresh your memory with respect to any
6 scenes that you may have witnessed?

7 MR. SAO SARUN

8 A. My answer is that I do not know about that. In 1975, I did not
9 hear or see this.

10 Q. Thank you, Mr. Witness.

11 I have a second question with respect to Phnom Kraol, and then
12 I'll have a few questions for you with respect to forced
13 marriage, which falls well within the scope of Case 002.

14 Now, returning to Phnom Kraol, I wish to draw this Chamber's
15 attention to E3/403. On page 5 of the French version -- ERN in
16 Khmer, 00398989; ERN in English, 00403027--

17 Mr. President, do I have your leave to make reference to this
18 document and to have it projected on the screen?

19 MR. PRESIDENT:

20 You may proceed.

21 [11.25.06]

22 BY MS. SIMONNEAU-FORT:

23 Thank you very much.

24 Q. Now, in response to the following question, "When you took
25 control of Region 105, was the Phnom Kraol Security Detention

44

1 Centre still in operation?", you answered, Mr. Witness, "Yes, it
2 was operating normally", and you added, "We did not arrest
3 anyone."

4 May I ask you, Mr. Witness, if that means that the security
5 centre was operating as per usual?

6 [11.25.55]

7 MR. SAO SARUN:

8 A. I said that to the Co Prosecutors. When I said it was
9 functioning as usual, it means that there was no arrest.

10 Q. Thank you, Witness.

11 Mr. President, may I please quote from D22/452, which, once
12 again, is a civil party statement that bears the following ERN
13 numbers: in French, they are 0081451; and in Khmer, 00580977.
14 I wish to draw upon supplementary information as provided for by
15 this individual who speaks about Phnom Kraol.

16 MR. PRESIDENT:

17 You may proceed.

18 BY MS. SIMONNEAU-FORT:

19 Thank you very much.

20 [11.27.16]

21 Q. This particular civil party is a woman who was 24 years of age
22 in 1975. She writes as follows: "My husband -- and I'll refrain
23 from stating the name -- was sent to K 17 that was close to Kraol
24 mountain. This was very close the security detention centre."

25 I'll just skip a paragraph. And she writes further on by saying:

45

1 "Now, at K 17, there was also K 11, which was reserved for the
2 unit responsible for carrying out heavy tasks and laborious tasks
3 such as building dams. I was sometimes sent to work there, along
4 with people from K 11. I saw people being arrested. I saw people
5 being shackled. I saw people being lined up and led away."

6 [11.28.17]

7 Mr. Witness, does this refresh your memory with respect to Phnom
8 Kraol Security Centre, which was not far from the district
9 office?

10 MR. SAO SARUN:

11 A. As I already said, I did not see, I did not hear about people
12 being arrested to the security centre.

13 Q. Thank you. I have one final question with respect to forced
14 marriage. In fact, this is a follow up question to one that was
15 posed by the Co Prosecutor, as well as in follow up to a question
16 asked by my fellow colleague this morning.

17 Mr. Witness, you said on several occasions that consent was
18 required when it came to marriages.

19 Mr. President, may I please make reference to a civil party
20 statement which should perhaps allow for the witness to refresh
21 his memory with respect to forced marriages? I wish to refer to
22 D22/1433. The French ERN numbers are 00811424; in Khmer, the ERNs
23 are 00585681. Do I have the Chamber's leave to quote from these
24 particular documents?

25 [11.30.21]

1 MR. PRESIDENT:

2 (No interpretation)

3 BY MS. SIMONNEAU-FORT:

4 Q. It is indeed a statement given by a civil party, who is a man
5 who died in - who--

6 This is what the witness said:

7 "In fact in 1978, while on assignment on Kraol Mountain -- I was
8 in charge of cutting wood -- the head of the unit, Rin, forced me
9 to marry Ein (phonetic), who was from the same ethnic group as
10 myself. I was very afraid and I could not contest the order
11 because anyone who challenged an order was arrested. During the
12 wedding, there were 18 couples who stood in two rows. Each person
13 had to declare their consent to the marriage."

14 [11.31.35]

15 Witness, does this refresh your memory regarding forced marriages
16 in your sector?

17 MR. SAO SARUN:

18 A. In 1975, I was at the district, but so far as I remember there
19 is no such forced marriage.

20 MS. SIMONNEAU-FORT:

21 Thank you, Witness.

22 I regret not having been able to refresh your memory on some
23 important points. Let me point out that the civil party
24 statements I used today were given by people who lived in Sector
25 105. Although I chose only a few extracts, they all deal with the

1 policies of Democratic Kampuchea.

2 I thank you.

3 MR. PRESIDENT:

4 Thank you.

5 Next, I would like to know whether fellow Judges of the Bench
6 would like to put any questions to the witness.

7 [11.32.52]

8 Judge Lavergne, you may now proceed.

9 JUDGE LAVERGNE:

10 Yes. Thank you, Mr. President. Good morning, Witness.

11 First of all, Witness, I hope I wouldn't mispronounce your name.

12 Can you please tell me, therefore, whether your name is
13 pronounced as Sao Sarun or So Sarun?

14 MR. SAO SARUN:

15 My name is Sao Sarun.

16 JUDGE LAVERGNE:

17 Witness, we have spoken at length about arrests that occurred in
18 Sector 105 and in Division 920.

19 Before putting questions to you, I would like to note some points
20 referring to document D288/6.61.1-Annex 1 (sic) and document
21 D80-Annex A. These are both documents dealing with lists of
22 persons arrested and sent to S 21. These lists show that a total
23 number of people arrested who were from Sector 105 and Division
24 920; we have a total of 318 prisoners.

25 [11.34.40]

48

1 There is another document that was referred to, and it is
2 document -- the document referring to lists of prisoners who
3 arrived at S 21 on the 23rd of November 1977, and these persons
4 were either from Division 920 or Sector 105.

5 And on the 23rd of November alone, the 23rd of November 1977, the
6 number of detainees is 151. This is document D75/3/31 (sic).

7 These are figures that only concern S 21, and they do not concern
8 the security centres that may have existed in Sector 105.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Q. First of all, regarding questions dealing with the
11 administrative structure of Sector 105, Laing was referred to as
12 the secretary of Sector 105. Can you please tell me whether Laing
13 had another name?

14 MR. SAO SARUN:

15 A. I have never remembered knowing the person other than Laing.

16 Q. If I were to tell you that that person's name could have been
17 Ham and that he may have also used the alias Chhan-- Do these
18 names, Ham and Chhan, mean anything to you?

19 A. I don't know.

20 Q. We heard your testimony and you said you were in charge of the
21 committee that was responsible for health issues in the sector.
22 Can you tell us whether in your capacity you had any meetings
23 with Laing or any other members of Sector 105?

24 A. It is correct that the meeting -- in the meeting there was a
25 discussion on how to promote medical services and hospitals and

1 that when patients was sent in then we were asked to take good
2 care of them, and that is part of my role.

3 [11.38.17]

4 Q. You also stated that Laing left with Kham Phoun in late 1977
5 to Phnom Penh. Can you tell us whether after the disappearance of
6 Laing another person was appointed to head Sector 105 before you
7 were appointed to head that sector? In other words, between you
8 and Laing, was anybody appointed to head Sector 105, and if yes,
9 who was that person?

10 A. No, there was no other person appointed in between.

11 Q. When do you consider that you effectively became responsible
12 for activities in Sector 105? Was it immediately after your
13 return from Phnom Penh -- that is, after the death of Laing -- or
14 later on?

15 [11.40.01]

16 A. I resumed my role as the secretary of the sector in the
17 aftermath of Laing's death. It was in September 1978.

18 Q. Who was therefore in charge of Sector 105 between the
19 beginning of the year 1978 and September 1978?

20 A. I don't know.

21 Q. Witness, please tell us, were you asked to send telegrams
22 regularly to Office 870 to Brother Number Two or other persons?
23 When you were appointed to head that sector, were you told that
24 you would be requested to send telegrams and also to receive
25 them?

1 A. I would report directly to Pol Pot.

2 Q. Now, regarding those reports and correspondences, we have a
3 large number of telegrams, telegrams that were exchanged between
4 Laing and Phnom Penh. For instance, we have telegram number 3
5 addressed to the "Beloved and" - "Beloved Brother" in October. It
6 was sent to Brother Nuon -- a copy of that document was sent to
7 Brother Nuon. It's document E3/1089 (sic).

8 [11.42.36]

9 We have telegram of the 12th of October 1976 sent to "Dear
10 Beloved Comrade--" It was sent as a copy to Brother Nuon, to the
11 office and the archives. It's document E3/1011 (sic).

12 In this telegram, Laing said he had changed names and he was now
13 known as Comrade Chhan.

14 We have telegram number 3 of the 15th of October 1976 sent to
15 "Beloved Comrade Doeun". A copy of that telegram was sent to
16 Brother Nuon, the Office, and the Archives. It's document
17 D366/6.1.780 (sic).

18 We have telegram number 10 of the 18th of October 1976. This
19 telegram was sent to "Dear Beloved Brother" and a copy of that
20 document was sent to Brother Nuon, to the Office, and Archives,
21 and it is document D248/5.1.12.

22 [11.43.50]

23 Telegram number 3 of the 6th of November 1976 sent to Brother
24 Nuon, and that is document D252/2.2 (sic).

25 We have telegram number 22 of the 27th of September (sic), sent

1 to "Dear Comrade--" and was sent to Brother Nuon, the Office, and
2 Archives, document 366/7.1.785.

3 We have telegram number 33 of the 26th of November 1976, sent to
4 Office 870 to the "Beloved". A copy was sent to Brother Nuon, and
5 to Brother Khieu, to Office and the Archives.

6 We have the telegram of the 20th of May 1977, sent to the
7 "Respected and Beloved Office 870", and it is document IS 21.17.
8 In this document -- this telegram, reference is made to a series
9 of arrests in Division 920. Reference is also made to the name
10 Som and Chhin, who are "contemptuous", and a report is also sent
11 to Comrade San.

12 [11.45.23]

13 When you met Laing, Chhan, did you -- did he tell you that he was
14 in touch with Brother Nuon and other persons in Phnom Penh?

15 A. When Ta Laing was still in charge, I have -- I had no idea
16 where he would send the messages. I took office in 1978 only and
17 I have no knowledge of what had happened before that.

18 Q. For the record, I think I forgot to give the references of one
19 document, and this is telegram number 33, dated 26th of November
20 1976, addressed to "Office 870 Beloved". It is document
21 D366/7.1.786.

22 [11.46.41]

23 Mr. Sao Sarun, did you hear the names So Kim An alias Mey, Cham,
24 Phak, and Lork, who were members of Sector 105? Do these names
25 ring a bell to you?

1 A. Yes, they did.

2 Q. Do you know what happened to those persons, what became of
3 them?

4 A. No, I don't. I don't know what happened to them.

5 Q. Well, let us go into another line of questioning regarding the
6 military structure, and in particular Division 920.

7 Do you remember the name of the secretary of Division 920 before
8 the person called San was appointed? Do you know who headed
9 Division 920?

10 A. No, I don't. I worked at the district.

11 Q. You were in charge of Pech Chenda district and if I am not
12 mistaken there were a number of soldiers from Division 920 who
13 were stationed in your district; is that correct?

14 [11.48.53]

15 A. As already testified before the Co Investigating Judges, yes,
16 it is correct.

17 Q. Does the name Men Meng, alias Chhin, ring a bell?

18 A. No, I don't know this person.

19 Q. Now, can you tell us who was the person who was the head of
20 Division 920 before the person called San was appointed?

21 A. No, I don't know.

22 Q. Did you hear anyone called the name Ea Cheu, alias Soy, alias
23 Say or alias Som? Could that person have been the assistant to
24 the secretary of Division 920?

25 [11.50.19]

1 A. No, I don't know much about this because it was relevant to
2 the military section, which is not part of my business.

3 Q. Can you now tell us about San? Is that someone you met?

4 A. San was the head of the division.

5 Q. Is San still alive?

6 A. No, he isn't. He's deceased.

7 Q. Is San related to Nhem San, who is referred to -- who was
8 referred to in the trial held in 1997, in which Pol Pot and a
9 number of persons were tried?

10 A. I don't know anything about Pol Pot's trial.

11 Q. Did you not reside in Anlong Veng?

12 A. Yes.

13 Q. And you never heard of the Pol Pot trial?

14 A. No, I haven't.

15 [11.52.58]

16 Q. Very well.

17 We have on record a number of documents regarding correspondences
18 between the chief of staff and Division 920, as well as telegrams
19 exchanged between Division 920 and a number of persons.

20 The first document having to do with relations between the
21 general staff and Division 920 is IS 13.40, and it is the minutes
22 of the meeting of Division 920, "Super Comrade Soy and Ren",
23 dated 16th of December 1976. In this document, we find
24 instructions on the manner in which enemies should be dealt with.
25 Regarding telegrams, we have a telegram which contains directives

1 from Brother Khieu, and it was drafted in 1976 and it was sent --
2 to Brother 89 (sic), Brother Som, Brother Nat -- and the
3 Archives", and it is document D288/5.1.11 (sic).

4 [11.54.19]

5 We also have telegram number 2 from -- of the 26th of November
6 1976, addressed by Chhin to the "Beloved Brother 89" and copied
7 to Brother 89, Brother 81, Brother Som, Brother Nat, Brother Ren,
8 and the Archives. This is document D248/5.1.8.

9 We have telegram number 11 of the 6th of April 1977, addressed by
10 San to "The Highly Respected and Beloved Brother 89". This
11 telegram was copied to Brother 89, Brother 81, to the Office, and
12 the Archives, and it is document D366/7.1.791.

13 In this document, there are two handwritten annotations that
14 state as follows: "To Angkar, for information purposes", and "To
15 the arrested".

16 We have telegram number 5 of the 9th of June 1977 -- to "Beloved
17 Brother 89, Son Sen" and copied to Brother 89, to the Office, and
18 Archives, and it is document D248/5.1.1.

19 [11.56.00]

20 Regarding your relations with San, Mr. Witness, unless I am
21 mistaken, you did acknowledge having held meetings with him and
22 you also indicated that during those meetings, San came with
23 lists of persons and it appears that those persons had to be
24 arrested.

25 Is this something you would confirm, and are you in a position to

1 provide further explanations on what San did?

2 A. With regard to the messages and how they were sent or whether
3 they were sent or not, I don't know because I was at the
4 district. I don't know anything about this.

5 [11.57.19]

6 Q. Witness, I don't think you understood my question. I wasn't
7 talking of messages, I was talking of meetings during which you
8 met San and during which San brought lists of persons who had to
9 be arrested.

10 Do you remember attending any meetings with San and do you recall
11 whether San brought lists of persons to be arrested?

12 A. There was a meeting; however, I have no knowledge of such list
13 being discussed in the meeting, the list of people to be arrested
14 because it was never been brought up.

15 Q. Very well.

16 Let us now talk of security centres. I'll put a few questions to
17 you very quickly.

18 We have spoken at length about Sophea. Is it correct to say that
19 Sophea was the head of the network of security centres for Sector
20 105 which included Phnom Kraol, K 11, K 17, and, possibly, other
21 centres? Is that the truth?

22 A. Yes, it is. And I also stated this before the Co Investigating
23 Judges.

24 Q. Was Sophea assisted by a person called Vieng, alias Kham?

25 A. No, Vieng was with the military section.

1 [11.59.58]

2 Q. Can you tell us something about Sao Champi, alias Mang? Who
3 was Sao Champi, alias Mang?

4 A. Sao Champi, alias Mang; this is one person only.

5 Q. Who is this person relative to your position, Mr. Witness?

6 A. He is my younger sibling.

7 Q. Did you have any contact with him?

8 A. We had usual contact as siblings.

9 [12.01.10]

10 Q. What were his duties?

11 A. He was a member of a regiment.

12 Q. Allow me to read a passage from document D125/155. This has
13 already been admitted before the Chamber. It also bears the
14 reference number E3/506. The ERN in Khmer is 00239921(sic) to
15 00239947. ERNs in English are 00244484 (sic) to 00244493. The
16 ERNs in French are 00289937 to 00289940 (sic). Your brother
17 stated as follows with respect to his duties:

18 "From 1975 to 1979, I was responsible for one of the three
19 companies of the second battalion in Region 105. The leader of
20 that battalion was called Leng and he was arrested. Leng led a
21 company. Leng (phonetic) alias Kham (who died after 1979) - Leng
22 (phonetic) and I were responsible for defending the border
23 region. Leng (phonetic) was positioned in Bu Sra, in the Chenda
24 district. I was assigned to Dou Reang (phonetic). And for our
25 daily work, I sometimes attended regional meetings that were held

1 in Kaoh Nheaek district, along with Kopheak (phonetic) and Leng
2 (phonetic). Later on, I also attended meeting with Sarun, Ta
3 Lork, Ta Ansy. And during those meetings, we talked about
4 Vietnamese enemies, we talked about the defense of the border
5 against Vietnamese invaders."

6 [12.03.54]

7 Mr. Witness, is this consistent with the facts at the time?

8 A. Yes, it is correct, but I do not know about a meeting with Ta
9 Laing. But as for the meeting that I attended, it is true as
10 such, that is to discuss about Vietnamese attack.

11 Q. Further on in the document, you're asked: "What did you know
12 about the detention centre at Phnom Kraol?"

13 Answer: "Leng was responsible for managing the prison. I do not
14 know who the -- Ta Leng's subordinates were. Ta Leng was from
15 Rattanakiri province. I observed that, under Ta Sophea's order
16 and following the report from the base, Ta Sophea would give
17 orders to Ta Leng personally or he probably issued an order by
18 letter or a messenger. I do not know Ta Sophea's messenger. I
19 never received any order to arrest or receive any prisoner. The
20 prison supervised by Ta Leng's company was located about 1
21 kilometre to the east of Phnom Kroal (phonetic). That prison was
22 constructed on the ground, with a thatch roof. I do not remember
23 the number of rows or buildings. Based on my memory, it was
24 surrounded by a wooden fence. I never entered into that prison
25 compound. I saw the prisoners bathing and doing labour such as

1 clearing the grass, sawing wood. The prisoners wore ordinary
2 clothes and they were men and women. There were no children
3 prisoners. The prisoners were probably shackled while they were
4 in the prison. I do not know about the category of prisoners, but
5 the arrestees were all those who had committed something wrong.
6 In each of their meetings, held about once a month, Leng, Sophea
7 -- and Leng is spelled L-e-n-g (sic) -- who is the secretary of
8 District 105, and Sarun. They often talked about the principles
9 of not making any contact with the Vietnamese or acting freely
10 (such as being less active in their work). And those who did were
11 considered enemies. Therefore, I observed that those prisoners
12 had probably violated the above principles."

13 [12.07.06]

14 Therefore, Mr. Witness, is what I just read to you consistent and
15 an accurate reflection of your memory?

16 A. I do not know about that matter or concerning about the
17 meeting of the number of prisoners. I was in the district, so I
18 was not aware of anything that happened in the sector.

19 MR. PRESIDENT:

20 Judge, do you still have a lot of questions left? How many more
21 questions do you still have?

22 JUDGE LAVERGNE:

23 I have one remaining question to ask the witness, Mr. President,
24 if you would be so obliging.

25 [12.08.05]

1 MR. PRESIDENT:

2 Yes, you can ask it now.

3 BY JUDGE LAVERGNE:

4 Q. I have a follow-up question regarding a telegram that you
5 confirmed as being the author. These are telegrams 54 and 55,
6 documents E3/941 and E3/498. These telegrams were sent and copied
7 to Uncle Nuon, Uncle Van, Uncle Vorn to the Office, and to
8 Documentation.

9 My question is very simple and straightforward: Mr. Witness, when
10 you were addressing a telegram to "Beloved Brother" -- since that
11 was the habitual salutation -- did you also send copies to Ieng
12 Sary -- Uncle Van -- Brother Number Two, Mr. Nuon Chea, Vorn Vet,
13 the Office, and Documentation? Were you aware of that?

14 [12.09.22]

15 MR. SAO SARUN:

16 A. It is like what I told the Co-Investigating Judges, I wrote
17 that too but I did not mention the names of, for example, Vorn
18 Vet; I only wrote to Pol Pot. I did write that.

19 JUDGE LAVERGNE:

20 Thank you very much.

21 I have no further questions to put to the witness, Mr. President.

22 MR. PRESIDENT:

23 Thank you.

24 We are a bit beyond the time. Before we take the break, the
25 Chamber wishes to ask witness Sao Sarun a bit on your health

60

1 condition. Do you think you can continue your testimony during
2 the afternoon session?

3 MR. SAO SARUN:

4 Yes, I can continue, Your Honours.

5 [12.10.31]

6 MR. PRESIDENT:

7 Thank you.

8 Yes, Defence Counsel for Mr. Nuon Chea, you may proceed.

9 MR. PAUW:

10 Thank you, Mr. President. My client, Mr. Nuon Chea, would like to
11 follow the proceedings from the holding cell this afternoon and
12 we have the waiver prepared.

13 MR. PRESIDENT:

14 It is now appropriate for us to adjourn for lunch break. We will
15 break until 1.30 in the afternoon.

16 Court officer is instructed to provide accommodation to Mr.

17 Witness and his duty counsel and return them by the time stated.

18 [12.11.39]

19 The Chamber has been seized with the request of Mr. Nuon Chea

20 made through his counsel to follow the proceedings during the

21 afternoon session by waiving his rights to be present in the

22 courtroom. Defence counsel has promised to submit the written

23 waiver with signature or thumbprints of the accused Nuon Chea.

24 The Accused asked to follow the proceedings from a holding cell

25 downstairs.

61

1 By waiving his rights to be present in this courtroom, the
2 Chamber requires that the defence counsel submit the written
3 waiver with the Accused's thumbprint or signature to the Chamber
4 so that the accused person can follow the proceeding from the
5 holding cell downstairs remotely through audio-visual means.

6 [12.12.57]

7 Security guards are now instructed to take the two accused
8 persons to the holding cells downstairs, and to keep Mr. Nuon
9 Chea there for him to follow remotely, and to bring Mr. Khieu
10 Samphan to this courtroom by 1.30.

11 The Court is now adjourned.

12 THE GREFFIER:

13 All rise.

14 (Court recesses from 1213H to 13331H)

15 MR. PRESIDENT:

16 Please be seated. The Court is now back in session.

17 Now we would like to hand over to counsels for Mr. Nuon Chea to
18 proceed with the questions they would wish to put to the witness.

19 You may now proceed.

20 [13.32.41]

21 QUESTIONING BY MR. PAUW:

22 Thank you, Mr. President. Mr. Sao Sarun, good afternoon. I am
23 Jasper Pauw. I am the international counsel for Mr. Nuon Chea and
24 I have a number of questions for you this afternoon.

25 Q. And I would like to talk to you first about the 1970 to 1975

62

1 period, just like the OCP and the civil parties have done. And
2 you have told us, Mr. Sao Sarun, last week that at the time,
3 American bombardments took place. And I would like to ask you
4 some additional questions on that topic.

5 And my first question is: Did you personally witness American
6 bombings on Mondulkiri province?

7 MR. SAO SARUN

8 A. Yes, I did. The houses in the province were destroyed.

9 Q. And Mr. Sao Sarun, can you give an estimate as to for how many
10 years these bombardments continued?

11 A. The bombardments took place from 1970 to 1975. The bombers
12 included B-52.

13 [13.34.53]

14 Q. You've stated that the Americans bombed houses. You also last
15 week spoke about the bombing of pagodas. Do you remember speaking
16 about pagodas last week?

17 A. Yes, I do. The pagoda in Chi Mien (phonetic) village was
18 destroyed, and also other pagodas in the province were ruined.

19 Q. Did the Americans also bomb rice fields or rice paddies?

20 A. Yes, in some parts near the border, the plantations were hit
21 and my family member, 11 of them, were injured by the bombs.

22 Q. Did people die because of the American bombings in Mondulkiri?

23 A. Yes, some -- in some villages, only very few people left,
24 those who were not hit by the bombs -- very few. The other were
25 hit.

1 [13.37.04]

2 Q. And just so I understand correctly, the people that were hit
3 by the American bombs, were they killed by the American bombs?

4 A. Yes, some died and some were injured.

5 Q. Do you know what happened with the bodies of the people that
6 died because of the American bombardments?

7 A. I talked to those who survived the bombings, and they said the
8 people who dead because of the bombings were buried.

9 Q. And do you know what happened to the people that were wounded
10 by the American bombings?

11 A. I don't know, and I think when the attacks were taking place,
12 a lot of people were evacuated. You know, they were taken away
13 with the troops that attacked Cambodia at that time. They were
14 moved to the Vietnam soil.

15 [13.39.02]

16 Q. Do I understand your answer correctly, Mr. Sao Sarun, that a
17 lot of people were evacuated to escape the bombings, or is that
18 an incorrect summary of your answer?

19 A. No, these people were not evacuated. They had to flee the
20 province. They flee for their lives and they had to run to the
21 countryside to avoid being bombed on.

22 Q. In your testimony last week, you used the term "carpet
23 bombing". Can you explain what you mean with the word "carpet
24 bombing"?

25 A. It is true that the bombs were dropped all across the location

64

1 because at -- on one occasion there would be three bombers
2 dropping bombs, days and night.

3 Q. You've spoken about the B-52s. Those are airplanes. Did you
4 ever see American helicopters or gunships in Mondulkiri?

5 A. Yes, I did see the helicopters, the very first helicopters
6 that also dropped bombs on -- to destroy villages and -- and
7 bridges.

8 [13.41.30]

9 Q. And you've seen American airplanes and you've seen American
10 helicopters. Have you also seen American soldiers in Mondolkiri
11 province?

12 A. I saw the airplanes and the American soldiers entered to the
13 -- village of Krang Teh. And since the -- the location is
14 adjacent to Kratie province and these troops approached the
15 vicinity.

16 Q. Mr. Sao Sarun, do you know why the Americans were bombing
17 Mondulkiri?

18 MR. PRESIDENT:

19 Witness, please hold on and await the objection by the
20 Co-Prosecutor.

21 Mr. Co-Prosecutor, you may now proceed.

22 [13.43.14]

23 MR. LYSAK:

24 Thank you, Mr. President. We'd object to the question as calling
25 for speculation from the witness unless counsel can establish

65

1 some foundation as to why this witness would have personal
2 knowledge of the motives or actions of the U.S. Government.

3 BY MR. PAUW:

4 Mr. President, I'm happy to rephrase the question.

5 Q. Mr. Sao Sarun, at the time in the 1970 to 1975 period, did
6 people talk about what they thought was the reason for the
7 American bombardments?

8 MR. SAO SARUN:

9 A. I do not understand the question quite well. Please repeat it.

10 Q. Mr. Sao Sarun, I understand you don't understand the question
11 well, so with permission of the President I will try to make it a
12 bit clearer for you by showing a document to you. It is document
13 D222/1.19. It is a DC-Cam publication, and it speaks about
14 Mondulkiri in the 1970s. And it contains a statement by a person
15 from Mondulkiri who was there at the time.

16 So, if I have permission from the President to show this document
17 on the screen-- The title of the document, to be complete, is
18 "Khmer Rouge Purges in the Mondulkiri Highlands". And the excerpt
19 I want to show is ERN 00397610.

20 [13.45.33]

21 MR. PRESIDENT:

22 First of all, please indicate whether the document has already
23 been put before the Chamber, and when, and in which particular
24 list of the proposed documents to be put before the Chamber would
25 you wish to refer to.

1 MR. PAUW:

2 Mr. President, as you know, our position is that we should be
3 able to use any document to impeach a witness, and especially a
4 document such as this DC-Cam publication.

5 MR. PRESIDENT:

6 You are supposed to follow the instruction concerning how to
7 impeach the witness, and you are now instructed to read the
8 instruction of the TC dated on the 24th of May 2012.

9 The documents that are not yet classified as E3 and documents
10 that have not yet been put before the Chamber shall not be
11 raised, and that only after Rule 87.4 of the Internal Rules is
12 fulfilled that document is allowed to be put before the Chamber
13 for the examination before the witness.

14 So the Chamber would like to refer you to these instructions on
15 the 24th of May 2012. Unless the condition is met, you will not
16 be allowed to talk about this.

17 [13.47.32]

18 MR. PAUW:

19 Mr. President, for the record, I think that would be a violation
20 of my client's right to effectively question this witness, but
21 this document is mentioned on the Prosecution's submission and
22 can be found in document number E109/4.19, and it's at number
23 176.

24 But again, we think this is redundant information, and what is
25 relevant is the actual document that we're talking about.

1 MR. PRESIDENT:

2 Mr. Co-Prosecutor, you may now proceed.

3 MR. LYSAK:

4 Yes, Mr. President. I can confirm that this is a document that we
5 had included in our annexes, so we would not object on that
6 basis.

7 Our only objection would be -- or our limitation would be that
8 the question be something that relates directly to the witness's
9 knowledge and that it not be used for him to speculate on
10 something that is outside his knowledge.

11 [13.48.50]

12 MR. PRESIDENT:

13 Indeed, the Chamber wishes to know that, if the document is not
14 yet classified as under E3, a party needs to establish the basis
15 for the document, whether it is -- the requirement is met. It
16 doesn't matter it is in the annex or not.

17 The Chamber would like to make sure that parties give ground for
18 the submission of -- for putting the document now before they can
19 proceed to impeach or to put questions to the witness relating to
20 that document. You may proceed.

21 MR. PAUW:

22 Mr. President, thank you, but I am confused as to with what I
23 should proceed.

24 Should I provide reasons for relying on a document that has been
25 submitted by the OCP and that the OCP does not object to? Should

68

1 I file a request to have this admitted as new evidence even
2 though it -- this document comes from the Prosecution, or shall I
3 proceed with my questioning? Some guidance would be appreciated.
4 [13.50.18]

5 MR. PRESIDENT:

6 Indeed, you are allowed to proceed to put questions to the
7 witness because the Co-Prosecutor has already indicated that the
8 document falls within the annex that already submitted before the
9 Chamber and that you are asked to put questions relating to only
10 the part that this witness personally has the knowledge of.

11 BY MR. PAUW:

12 Thank you, Mr. President. I will then proceed, and with your
13 permission, if the document can be shown on the screen --
14 document with ERN 00397610.

15 Q. Is that, indeed-- And I will read the relevant excerpt for the
16 witness because the witness cannot read it himself -- and I quote
17 -- and again, this is a statement by a certain Prai, who is a
18 Phnong inhabitant of the Mondulkiri province at the time. I quote
19 his statement:

20 [13.51.29]

21 "The bombing first started in the late 1960s. The Americans came
22 to take action in Cambodia, to fight the Vietnamese and the Viet
23 Cong, not the people [of Cambodia]. This was because there were
24 people from Cambodia and from Vietnam who had contacted the
25 Americans. Lon Nol made that request in order to oppose Sihanouk.

69

1 Then, the bombs were dropped every day; the sky became dark with
2 the helicopters. There [were many helicopters – there] were many
3 helicopter gunships and B-52s dropping bombs. When the
4 helicopters fired, I was at O Pol in Dak Dam sub-district. The
5 firing also hit Tuol Svay, Phou Lu, Poun Ron, La Mik, and Lumpak.
6 These areas now have huge craters."

7 And a bit further down, on the same page, his statement continues
8 -- and I will read:

9 [13.52.30]

10 "One time my children and my wife were running away from a
11 helicopter approaching and firing. They had been grinding rice. I
12 knew it was American soldiers because they came to my village.
13 The helicopters landed on the mountains, in the fields,
14 everywhere. I did not understand the American language. I looked
15 at the faces of the Americans and the Lon Nol soldiers -- I was
16 already afraid. At that time the Viet Cong were with the Sihanouk
17 [forces], and Lon Nol was with the Americans. Lon Nol asked the
18 Americans to bomb places in Cambodia. I was angry with those who
19 encouraged the bombing and those Americans. They mistakenly hit
20 houses, cows, and chickens." End of quote.

21 [13.53.21]

22 So my question to you, Mr. Sao Sarun is: At the time during the
23 American bombings, did you hear that Lon Nol had made the request
24 to bomb Mondulkiri in the way that the Americans did?

25 MR. SAO SARUN:

1 A. No, I didn't. I only saw the bombers, the helicopters dropping
2 bombs in Mondulkiri. And these bombs were dropped days and
3 nights. People had to take refuge in forests. And in the thick
4 forests, people could not afford to take refuge in those forests,
5 although they thought they would give them protection. But the
6 deep -- the thicker the forests were, the more bombings would be
7 dropped. And at night, whenever there was any place there were
8 light, then the bombs would be targeted at -- on those locations
9 immediately.

10 [13.54.55]

11 Q. Did you hear people talk at the time as to the possible
12 reasons for the Americans to bomb Cambodia?

13 A. No, I did not. I only saw the bombs being dropped.

14 Q. Thank you, Mr. Sao Sarun.

15 I will move on to a next topic, and that topic is a meeting that
16 you had in Phnom Penh about 10 days after the liberation of Phnom
17 Penh in April 1975. Do you remember answering questions with
18 regard to this meeting earlier this week and last week?

19 A. As I stated before the Co-Investigating Judges, I think the
20 statement is clear and I have already confirmed this to the
21 prosecutors as well.

22 [13.56.38]

23 Q. Yes, Mr. Sao Sarun, that's exactly what I want to talk about.
24 Do you remember this meeting that took place about 10 days after
25 the liberation of Phnom Penh in 1975?

1 A. Yes, I do still remember after the liberation of 1975, the
2 meeting was convened and I attended it.

3 Q. Do you remember, Mr. Sarun, who the speakers were at that
4 meeting?

5 A. It was Pol Pot.

6 Q. And was there any other speaker than Pol Pot, as far as you
7 can remember?

8 A. So far as I remember, there was no other person other than Pol
9 Pot himself.

10 Q. Last week, when you were questioned by the OCP on this
11 meeting, you said the following, and I would like to quote from
12 the transcripts that can be found on -- at page 32 of the draft
13 transcript in English version and page 27 in the Khmer version of
14 the transcripts, and this is on Day 70 of trial. And I will quote
15 what you said during that session. The Prosecution asked you --
16 and I quote: "Can you tell us who the speakers were at this
17 meeting?"

18 And your answer is: "I saw Pol Pot who was the presenter at the
19 time."

20 The Prosecution then asked: "Who in addition to Pol Pot made
21 presentations at this meeting?"

22 And your answer was: "I did not see other presenters, I only saw
23 just him."

24 Do you confirm the truthfulness of this statement?

25 A. Yes, I do.

1 [13.59.45]

2 Q. Thank you, Mr. Sao Sarun.

3 Then I would like to ask some questions about another meeting you
4 had in Phnom Penh, and this meeting took place a few months after
5 Laing's death. And you have testified about this meeting before
6 the Co-Investigating Judges.

7 And to save time, with permission of the President, I will just
8 read out from his statement before the Co-Investigating Judges.

9 It's document E3/367, English ERN 00278696 and Khmer ERN
10 00251439.

11 Do I have permission to simply read from the document, Mr.
12 President?

13 MR. PRESIDENT:

14 You may proceed.

15 BY MR. PAUW:

16 Q. In the document -- in that statement, Mr. Sao Sarun, you state
17 that:

18 "About two or three months after the death of Laing and Kham
19 Phoun, I received a telegram from Pol Pot calling [the cadres] to
20 a meeting. In its contents, six cadres including Ta Vieng, Ta
21 Lork, Ta Kim, Ta Lan, Ta Sophea and myself were called to go to a
22 meeting in Phnom Penh." End of quote.

23 Do you remember going to that meeting in Phnom Penh, Mr. Sao
24 Sarun?

25 [14.01.37]

1 MR. SAO SARUN:

2 A. Yes, I do. I was called to attend the meeting.

3 Q. Do you recall, Mr. Sao Sarun, who was present at that meeting?

4 A. There were many people. They were from all provinces, from all
5 divisions. That was in 1978. It was a congress meeting.

6 Q. And to be sure that we are speaking about the same meeting, is
7 that the meeting that took place a few months after the death of
8 Laing and Kham Phoun?

9 A. Yes, it is as I already answered before the Investigating
10 Judges.

11 [14.03.01]

12 Q. Do you know -- do you remember which leaders attended that
13 conference?

14 A. I knew that they were the leaders because they were called on
15 to the stage.

16 Q. Do you remember the names of any of the leaders that were
17 present at that meeting?

18 A. I knew them because they were called on.

19 Q. And do you now remember the names of the leaders that were
20 present?

21 A. I knew their names through the leaders as well.

22 Q. Do you now, today, remember the names of those leaders, Mr.
23 Sao Sarun?

24 A. They were Pol Pot, Mr. Nuon Chea, Mr. Ieng Sary. Those were
25 people who were called on to the stage.

1 Q. I think that there may be a slight confusion as to which
2 meeting we are talking about, so I may revisit this issue a
3 little bit later. But I thank you for your answers on this topic
4 for now.

5 Another topic I would like to address is-- The Prosecution and
6 the civil parties have spoken about the telegrams that were sent
7 between you and the Centre in Phnom Penh. Do you recall answering
8 questions about that in the past week?

9 A. I already told that to the Co-Prosecutors.

10 [14.06.32]

11 Q. Very well. And do you remember from whom in the Centre you
12 would receive telegrams?

13 A. I received telegrams from Pol Pot.

14 Q. In your testimony last week, which was on Day 71 -- and I
15 would like to again quote the transcripts, and the transcript is
16 page 20 for the English version and page 17 for the Khmer
17 version. And I would like to quote your responses to a question
18 by the prosecutor.

19 So the prosecutor asked you: "When you received responses with
20 instructions, who was it that would send those responses?"

21 And your answer is: "The instructions was -- the instruction was
22 given through the telegram."

23 The Prosecution asks: "Do you remember, though, who it was, which
24 persons sent you telegrams, sent you instructions in response to
25 telegrams that you had sent?"

75

1 And your answer was: "That's -- I did not know them. I only knew
2 people who assisted me in the telegram office."

3 [14.08.22]

4 Do you, today, confirm the truthfulness of these statements that
5 you made last week?

6 A. Yes, I do. That answer is accurate, as I already told the
7 prosecutors.

8 Q. Thank you.

9 Moving on to a next topic for now, Mr. Sao Sarun, the prosecutor
10 asked you whether you are perhaps reluctant to testify against
11 the Accused. And you have stated that you are not reluctant to
12 testify against the Accused. Mr. Sao Sarun, are you perhaps
13 reluctant to testify about your own role during the DK regime?

14 A. No, I am not. I answered to the Co-Prosecutors on the basis of
15 what I know.

16 [14.10.14]

17 Q. I would like to read from a document. It's the same document
18 that we discussed earlier. It's the DC-Cam publication "Khmer
19 Rouge Purges in the Mondulkiri Highlands". It's document number
20 D222/1.19, and it's on ERN 00397654. And I would like to display
21 this on the screen to ask the witness some questions regarding
22 this document.

23 (Judges deliberate)

24 [14.12.36]

25 MR. PRESIDENT:

76

1 International Counsel for Mr. Nuon Chea, is document D222/1.19
2 available in English, Khmer, and French?

3 MR. PAUW:

4 No, it's not, Mr. President. I trust, however, that it's not a
5 problem, considering that I can read it to the witness and it can
6 be conveniently translated into the other languages. It's a
7 document that we relied upon before -- in fact, 20 minutes ago.
8 The Prosecution does not object, and it's relevant; it relates
9 directly to the role of Mr. Sao Sarun.

10 And I note that the civil parties also relied on documents that
11 were not translated into all languages, so I hope we can proceed
12 and that I don't need to resort to summarizing the document. I
13 think it will be much -- a much more pleasant experience if we
14 can just read from this document and ask questions based on this
15 document that is not controversial in any way, I repeat.

16 [14.14.01]

17 MR. PRESIDENT:

18 Counsel, you seem -- you do not seem to answer my question. My
19 question was simply that whether the document is available in
20 Khmer and French. You were not supposed to explain to us.
21 My question, again, is: Is document D222/1.19 available in either
22 Khmer or French? This is my question again.

23 MR. PAUW:

24 I think I can answer that I -- as far as I know, it's not
25 translated in Khmer or French. We have not found it on the case

77

1 file, but again, the Prosecution has submitted this document for
2 your consideration at an earlier stage, so I do hope I can rely
3 on this document.

4 [14.15.08]

5 MR. PRESIDENT:

6 That was the special case, but you needed to answer to my
7 question first.

8 You are allowed to extract some short portion of the document so
9 that it -- the portions can be easily translated and can be used
10 as the basis of your questions to this witness.

11 MR. PAUW:

12 Thank you, Mr. President, for that explanation. Forgive me if I'm
13 not trusting enough on these matters. I will, indeed, proceed to
14 shortly or briefly quote from this document. And again, I would
15 like ERN page number 00397654 to be put on the screen. And--

16 MR. PRESIDENT:

17 You may proceed.

18 [14.16.19]

19 BY MR. PAUW:

20 Q. The -- it starts on page 80, which is -- I correct, it's ERN
21 653, rather than 654. But there the document starts -- and I
22 quote-- Mr. Sao Sarun, please pay attention because I'm going to
23 ask you a question on this excerpt. I quote the document:

24 "With Horm's death, Sarun, an ethnic Lao, became secretary of
25 Region 105. The conflict between Kham Phoun and Horm and the

1 installation of Sarun as region secretary led to the imposition
2 of stricter rules in the region and coincided with the period of
3 the greatest number of deaths."

4 And then, under the heading "Flood of Killings", this document
5 states -- and I quote:

6 "Many informants mark the beginning of the most radical changes
7 in Mondulkiri to late 1977 and 1978, when Sarun took power."

8 [14.17.32]

9 And the last section I will read to you, Mr. Sarun, is just below
10 that, and it is a quote from a witness at DC-Cam, and he stated:

11 "After Sarun became the region secretary, they arrested people
12 every day -- four or five people a day. The chief of the
13 cooperative tried to intimidate the people to work harder by
14 telling them Sarun was going to kill the lazy people." End of
15 quote.

16 My question to you, Mr. Sarun: Can you confirm what is stated in
17 this document -- and that is, that your tenure as sector
18 secretary coincided with the period of the greatest number of
19 deaths?

20 [14.18.36]

21 MR. SAO SARUN:

22 A. My answer to this is that this matter is not correct. Those
23 who reported this exaggerated the facts. I never saw or knew the
24 killings of the people. I deny this statement.

25 Q. Mr. Sarun, this excerpt leads me to ask you: Were you more

1 active than your predecessor, Laing, in ordering executions of
2 local villagers?

3 A. No, I was not. When I took power, it last only for two months.
4 I was not a strong man who arrested the people. I reject what was
5 read out just now. It was accusing me incorrectly.

6 Q. Thank you, Mr. Sarun.

7 A scholar -- excuse me. A scholar of the Khmer Rouge regime, a
8 Mr. Steve Heder, has written an article about the role of lower
9 level or mid-level cadres in the DK -- during the DK regime. And
10 in this article, he states -- and I quote:

11 "In practice, the most important level on both the chain of
12 command and the hierarchy of delegated and discretionary
13 authority appears generally to have been the districts -- the
14 districts, making district Party Secretaries key figures in
15 responsibility for killings nationwide."

16 [14.21.03]

17 My question, Mr. Sao Sarun, is the following. Based on Mr.
18 Heder's research, he concludes that district secretaries were key
19 figures in responsibility for killings nationwide because they
20 had discretionary authority. You, Mr. Sao Sarun, were a district
21 secretary. Do you agree with this finding by Mr. Steve Heder?

22 A. I do not know about what happened throughout the country. I do
23 not agree with that because my district was different from other
24 district.

25 Q. Thank you. Mr. Heder, in that same article, also states that

1 "most prisoners" - "most prisoners were, sooner or later,
2 executed on the authority of the district itself".

3 Was that your experience in your district? Did most people get
4 executed on the authority of the district itself?

5 A. My answer this is that, within my district, no one was
6 arrested as prisoner.

7 Q. Mr. Sao Sarun, did you report to the leaders in Phnom Penh
8 about any killings that took place in your district when you were
9 district secretary?

10 [14.23.23]

11 A. No, I did not. I never reported on any killings or arrests of
12 the people.

13 Q. Mr. Sarun, did you report to the leaders in Phnom Penh about
14 any killings that took place in your sector when you were leader
15 of the sector?

16 A. After I came to power in the district, I never reported on
17 killings or arrests of the people.

18 Q. Thank you, then.

19 I would like to ask some other questions related to that, but I
20 am at the mercy of the Trial Chamber in this endeavour because I
21 would like to confront the witness with the statements of Trial
22 Chamber Witness 307.

23 The Trial Chamber Witness 307 has given two statements that are
24 relevant to the issues that Mr. Sao Sarun is speaking about. His
25 statements are -- lie within the knowledge of what Mr. Sarun

81

1 could know, and it would be conducive to ascertaining the truth
2 to confront Mr. Sao Sarun with these statements.

3 [14.25.17]

4 The Prosecution -- we've seen it last week -- has used several
5 statements of other witnesses. These witnesses were not going to
6 be called as Trial Chamber witnesses, but we have seen that such
7 a method of questioning can elicit very useful information.

8 Mr. Sao Sarun can confirm or deny the information that's
9 contained in these statements, but either way, we will be further
10 informed if we use these statements.

11 I will, of course, continue to refer to this witness under his
12 pseudonym, but I do think it would be the most effective way to
13 proceed, because if we have to wait for this witness to appear in
14 Court, by then we will never be able to confront Mr. Sao Sarun
15 with what this witness has stated.

16 So I am at your mercy. I think it's highly relevant to confront
17 the witness with these statements, and I await for your position
18 on this matter.

19 (Judges deliberate)

20 [14.28.25]

21 MR. PRESIDENT:

22 The Chamber has been seized with the request of the defence
23 counsel for Mr. Nuon Chea, who requests that the written
24 testimony of TCW 307 be used to question this witness. Does any
25 other party at the proceeding would wish to respond to this?

1 MR. LYSAK:

2 Mr. President, the Court has previously stated a ruling that --
3 pardon me, I'll continue my -- translator went out, but I'll
4 continue with my statement. The Court has previously ruled that
5 only statements of witnesses who will not testify can be used.

6 The reasoning of that is known to the Trial Chamber.

7 Our view is that we do not have any objection if the Trial
8 Chamber feels it's appropriate, and in particular if the passage
9 directly relates to something within the witness's knowledge and
10 that the witness who will be coming is not identified. If all of
11 those things are satisfied, we would not object to it, but it is
12 at your discretion, as you have previously stated a ruling
13 related to the use of statements of witnesses who will appear.

14 [14.30.43]

15 MS. SIMONNEAU-FORT:

16 Mr. President, as far as we are concerned, we have no objections
17 either, given the fact that all parties enjoy the same rights
18 subsequently. That is all I have to say.

19 MR. PRESIDENT:

20 The request is appropriate, and there is no objection from
21 parties.

22 Counsel for Nuon Chea is allowed to refer to the content of the
23 statement of TCW-307. However, this witness's pseudonym shall be
24 used instead of the real name.

25 MR. PAUW:

1 Thank you, Mr. President.

2 I would gladly proceed, but regarding these statements, I have a
3 number of questions. I am looking at the clock. I'm happy to pose
4 them now or after the break, as you wish.

5 (Judges deliberate)

6 [14.32.56]

7 MR. PRESIDENT:

8 Counsel, are you sure that the document you're about to put to
9 the witness is confidential enough that the names of the witness
10 would not be revealed when it is put up on the screen? Could you
11 assure that? Has it been redacted already?

12 MR. PAUW:

13 Mr. President, thank you for raising the point. That's actually
14 one of the issues I would like to address. I think it would be
15 better to safeguard the confidentiality if I simply read from the
16 excerpts that I would like the witness to respond to. All the
17 parties have access to this document, so they can all check that
18 I'm doing so in an accurate way. And in that way, we don't have
19 to worry about revealing confidential information. That's the way
20 I would propose to proceed.

21 [14.34.14]

22 MR. PRESIDENT:

23 You may proceed, then.

24 BY MR. PAUW:

25 Thank you, Mr. President.

84

1 So I will not ask to have the statement put up on the screen, but
2 the statement that I'm referring to is D200/4 or also known as
3 E3/57; and English ERN is 00290508, and Khmer ERN is 00287705.
4 And I apologize; I don't have the French ERN.

5 [14.35.08]

6 Q. In this statement, Mr. Sarun, Witness 307 is asked a question
7 about Sector 105 -- and I quote the question, and this is a
8 question that is posed by the Investigating Judges, to be clear:
9 Question: "Did you know about any killing that took place in your
10 Sector?"

11 And then the partial answer is: "...during Ta Sarun" - "during the
12 Ta Sarun era, the arrests of the whole families were made, but I
13 don't know where those families were taken to be killed."

14 Mr. Sao Sarun, do you remember that during your reign, arrests of
15 entire families were made?

16 MR. SAO SARUN:

17 A. No, no whole family member would ever be arrested. I think the
18 person who stated this must be exaggerating, because we never
19 made any arrest of any villager to be executed.

20 [14.37.01]

21 Q. And then, a bit further down on the same document, the same
22 witness is asked the following question: "Which sectors did they
23 bring the prisoners from?"

24 And the answer is:

25 "The prisoners were brought in from districts within Sector 105.

1 The majority of the prisoners, who had been arrested and put in
2 the security office, were accused of practicing black magic and
3 incantation (witchcraft). Some soldiers were arrested and put
4 there also."

5 Mr. Sao Sarun, do you remember that during your reign in the
6 sector, those -- that was the reason for the majority of the
7 prisoners to be placed in detention, and I am referring to
8 practising black magic and witchcraft?

9 [14.38.23]

10 A. I think we never arrested people who believed to have been
11 practising black magic or witchcraft. I was told to -- not to do
12 that.

13 Q. And that's my -- then I will have one last question on this
14 topic, and it's the same document--Oh! No, excuse me, it is
15 document E3/58, ERN 00250088, and Khmer ERN 00239936. And here
16 Witness 307 states the following -- and I quote:

17 "Those who were brought for re-education in Phnom Kraol Dam
18 Security Office included those who broke disciplines, committed
19 immoral offence, stealing/robbery and work evasion. In each case,
20 the offender had to prepare a biography. The Centre never made
21 any order to the K-17 office for any arrest."

22 Is that your experience, Mr. Sao Sarun, that the Centre never
23 made any order to the K-17 office for any arrest?

24 A. No, it isn't. No arrest was made. As long as it was made in
25 the official announcement, people would not dare arrest others.

1 [14.40.36]

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 Since it is now an appropriate time for adjournment, the Chamber
5 will adjourn until 3 o'clock.

6 Court officer is now instructed to ensure that duty counsel for
7 the witness and witness be taken care of during the break.

8 (Court recesses from 1440H to 1501H)

9 MR. PRESIDENT:

10 Please be seated. The Court is now in session.

11 The floor will be given to defence counsel for Mr. Nuon Chea to
12 continue questioning this witness.

13 However, before we proceed with the Defence questions, the
14 Chamber would like to ask--

15 Counsel Pauw, please stand up.

16 Counsel, the article that you referred to -- the one that was
17 written by Steve Heder -- before we broke, could you tell the
18 Court whether that document is in the case file or whether it is
19 in any list of the proposed documents of any parties? And what is
20 the title of that document?

21 MR. PAUW:

22 Thank you, Mr. President. The Steve Heder article is on the
23 shared material drive. The -- I could have provided you with the
24 ERN numbers, but one of your legal officers came earlier and -- I
25 seem to now have misplaced it after I discussed the document with

87

1 her. But the document is called -- and I speak from my mind --

2 "Reassessing the Role of the Senior Leaders of Democratic

3 Kampuchea". And perhaps I can -- I would be able to, after this

4 Court session, provide you with the exact ERNs.

5 And we have submitted it as part of an earlier application. So it

6 should also have an E document number as part of that

7 application, but I am -- again, would not be able to provide you

8 with that at this point in time.

9 [15.04.50]

10 Again, we simply referenced it because it's in the public domain

11 and it's relevant to the current proceeding. So we don't want to

12 rely on it in any way, shape or form apart from impeaching this

13 witness.

14 I hope this information suffices.

15 [15.05.15]

16 MR. PRESIDENT:

17 Mr. Jasper Pauw, you haven't answered my question yet.

18 Is the document on the case file of Case 002 or is it in any list

19 of documents proposed by any parties? This is my question,

20 Counsel. You should have answered my question straightforward.

21 MR. PAUW:

22 I was under the impression that I was answering your question

23 straightforward, Your Honour.

24 This document is on the shared material drive, where it can be

25 found. We have relied upon it in the past, and as far as I know

88

1 -- well, let me phrase it this way: I don't know if it's on any
2 document list submitted by the other parties.

3 MR. PRESIDENT:

4 Thank you.

5 Now, International Co-Prosecutor, you may proceed.

6 MR. LYSAK:

7 Thank you, Mr. President. I can't tell you for sure because
8 counsel hasn't provided us with exact information, but there is
9 at least excerpts of what I think is this article, an article by
10 Steve Heder entitled "Reassessing the Role of Senior Leaders and
11 Local Officials in Democratic Kampuchea Crimes" that was included
12 on our annex and is in the case file as D366/7.1.828.

13 [15.07.04]

14 What I can't tell for sure is whether the entire article is
15 included in the case file or just portions, but I can confirm
16 that portions at least of this article are on the case file and
17 were on our list.

18 MR. PRESIDENT:

19 Thank you for information from the Co-Prosecutor.

20 [15.07.36]

21 Counsel Pauw, the Chamber reminds you once again, as the Chamber
22 has been reminding your defence team several times, that you
23 should follow the instructions regarding the request to refer to
24 documents to be used to confront with witnesses or civil parties.
25 Counsel should first indicate whether the document has been put

1 before the Chamber or whether the document can be found in the
2 list of the proposed documents of any party.

3 Secondly, counsel should identify the document number, the title
4 of the document, and ERN numbers in two or three languages. Other
5 parties have been following this instruction properly, and we
6 have been doing this for more than 70 days ago. So we should not
7 have any problem of this kind, and you are reminded to follow
8 such instructions.

9 You may now proceed with your questions to this witness, Counsel.

10 [15.09.12]

11 MR. PAUW:

12 Mr. President, just asking for a clarification, am I to
13 understand that we are not allowed to quote from scholarly
14 articles that are -- that can be found in the public domain
15 without wanting to rely on them for any evidentiary purposes?

16 This is, again, a scholarly article by a well-respected scholar
17 that has worked for the OCIJ and for the OCP.

18 We can -- I can access this document in any library that has this
19 particular book, and I am not sure why we should not be allowed
20 to at least refer to this document in statements.

21 I didn't show the document to the witness. I'm just conveying
22 information that is out there in the public domain and that is
23 relevant to this witness.

24 If we are not even allowed to do that, it becomes a somewhat
25 surreal exercise, and I would like some guidance on this issue.

1 And I remind you that, again, we have already referenced this
2 document during the questioning of an earlier witness and that
3 proved to be no problem whatsoever.

4 So that practice that you referenced of 70 days of following this
5 procedure is at least not very consistent.

6 So some guidance on this issue would be appreciated.

7 And I do think that if we are not even allowed to quote scholarly
8 works that are available in the public domain, there's not much
9 role left for any defence team here.

10 I would like some guidance.

11 [15.10.58]

12 MR. PRESIDENT:

13 Yes, International Co-Prosecutor, you may proceed.

14 MR. LYSAK:

15 Yes, Mr. President, I would like to quickly respond to that.

16 I find that comment inappropriate, given that he was allowed to
17 use this. The point here is one of notice; it's of notifying the
18 parties in advance of the documents that are intended to be used.

19 Counsel should have informed the parties of the identity of the
20 document he was using, so we all could review that ahead of time.

21 Furthermore, while I have no problem with counsel making
22 references to this analysis, I fail to see why it was necessary
23 in questioning this witness. This witness is not a scholar on
24 this subject. It would have been simply sufficient for him to ask
25 the question: Who had authority to order arrests and executions;

91

1 district level, sector level or the Centre?

2 So I fail to see how counsel has in any way been obstructed from
3 conducting an examination. This is simply a matter of him
4 providing notice to the parties of the documents he intends to
5 use.

6 [15.12.17]

7 MR. PAUW:

8 Mr. President, if I may briefly respond. If that's the only issue
9 as far as the Prosecution is concerned, we agree if we -- we
10 would be more than willing to provide adequate notice of
11 documents such as the one I used before, if we are actually
12 allowed to use them to ask -- to ask this witness questions
13 relating to that document. So I think there's no disagreement
14 between the Prosecution and us.

15 But I understood your ruling to mean something else as that; in
16 the future, we will not be allowed to use documents such as this
17 one. If that's the case, I think my request for guidance stands.
18 So it's in your hands.

19 (Judges deliberate)

20 [15.14.54]

21 MR. PRESIDENT:

22 I now hand over to Judge Lavergne to address the matter raised by
23 defence counsel for Mr. Nuon Chea.

24 [15.15.15]

25 JUDGE LAVERGNE:

1 Thank you, President.

2 First and foremost, as an introductory comment, the Chamber has
3 observed that it is most regretful to spend so much time to be
4 reminding parties of the rules that apply to all present.

5 That one would want to use documents during the proceedings but
6 wouldn't tell that the document is admitted into the proceedings,
7 the Chamber has come to several decisions on this matter and they
8 apply to all, including the Nuon Chea defence team. I believe
9 that it is timely for you to realize that you are obliged to
10 abide by the rules that have been made explicit by the Chamber.

11 Now, with respect to documents that fall within the public realm,
12 written by a university researcher or scholar, may contain
13 interesting information, but that does not make such a document
14 exempt from the rules, all parties would want to be informed in
15 advance of documents that serve as a basis for questioning of a
16 witness. This is a minimum. It is up to the Chamber to decide
17 whether or not such a document is new, if a document should or
18 should not be admitted into the proceedings. The Chamber is to
19 decide whether the document is relevant or if it should help in
20 ascertaining the truth. It would be most appreciated for you to
21 deploy a minimum amount of effort and execute this task.

22 [15.17.14]

23 We are using much valuable time to be discussing such matters. I
24 hope that this makes issues clear for all.

25 MR. PRESIDENT:

1 Thank you, Judge Lavergne.

2 And I would like to add that the documents that the parties have
3 placed in the interface cannot be used interchangeably to fulfil
4 Internal Rule 87.4. Rule 87.4 is the rule that governs the use of
5 documents in the Trial Chamber.

6 Regarding the information to be provided to relevant parties in
7 advance, is something that we should do in order to facilitate
8 the procedure -- that is, to expedite the proceeding. So I hope
9 that parties are not mistaken with this.

10 [15.18.44]

11 Parties cannot understand it that parties have fulfilled the
12 requirements when they place the document in the interface.
13 Instead, parties need to follow what has been prescribed by
14 Internal Rule 87.4 together with Internal Rule 87.3 regarding
15 evidence.

16 Counsel may continue his questioning now.

17 MR. PAUW:

18 Thank you, Mr. President. And I agree we are spending too much
19 time on these issues and I will not revisit our arguments. I will
20 just state for the record that, if we are in possession of
21 exculpatory documents, it is our duty as defence counsel to try
22 to use that to impeach a witness. And we have no other choice.
23 This is our duty as defence counsel, and--
24 I'll leave it at that for this moment because I think, indeed,
25 continuing this hearing or this questioning of the witness is

1 more important at this stage.

2 [15.20.02]

3 So, with your permission, Mr. President, I would like to continue
4 and ask Mr. Sao Sarun a few more questions. I think I should be
5 able to finish this before the end of today's hearing.

6 And first of all, I would like to revisit one meeting that we
7 discussed before the break because, as I indicated at the time, I
8 thought there might be some confusion as to which meeting we
9 speak about.

10 BY MR. PAUW:

11 Q. So, Mr. Sao Sarun, I want to ask you a question about a
12 meeting you had in Phnom Penh. And you have stated before the
13 Co-Investigating Judges, in document E3/367 -- you have stated
14 the following -- and I quote:

15 "About two or three months after the death of Laing and Kham
16 Phoun, I received a telegram from Pol Pot calling [the cadres] to
17 a meeting. In its contents, six cadres including Ta Vieng, Ta
18 Lork, Ta Kim, Ta Lan, Ta Sophea and myself were called to go to a
19 meeting in Phnom Penh. The one who received and decoded the
20 telegram for me was San, who died after 1979."

21 Just to be absolutely sure, do you remember that meeting in Phnom
22 Penh, Mr. Sao Sarun -- so the meeting that took place two to
23 three months after Laing and Kham Phoun were killed?

24 [15.22.06]

25 MR. SAO SARUN:

1 A. I maintain what I told the Investigating Judges and the
2 Co-Prosecutors. I have said that clearly.

3 Q. Thank you. When you were asked about this meeting by the
4 Co-Prosecutors on Day 71, which is last week, on page 52 of the
5 English transcript and page 43 of the Khmer transcript, you
6 stated the following.

7 The Prosecution asked you: "And when you got to Phnom Penh, who
8 did you meet with there?"

9 And your answer was: "We met with Pol Pot."

10 [15.23.01]

11 The Prosecution then asked you: "Do you recall meeting with other
12 leaders in addition to Pol Pot?"

13 And your answer was: "I didn't meet with any other leaders."

14 Mr. Sao Sarun, do you, today, confirm the truthfulness of this
15 statement?

16 MR. PRESIDENT:

17 Witness, please wait for the decision by the Chamber on the
18 prosecutor's objection.

19 International Co-Prosecutor, you may proceed.

20 MR. LYSAK:

21 Thank you, Mr. President. Our objection here is that counsel is,
22 as he did before, somewhat misstating the evidence here, as he is
23 leading out -- leaving out from what he has read the subsequent
24 part of the transcript where the witness -- excuse me, where the
25 witness's recollection was refreshed. By doing that, I think he's

1 misleading and misstating the prior testimony, but the record
2 will reflect that he has left out the relevant correction of the
3 witness's testimony later on.

4 [15.24.31]

5 MR. PAUW:

6 Mr. President, if I may respond to that? The Prosecution is right
7 that I -- is correct that I leave out the later parts where the
8 memory of the witness has been refreshed, but I don't think
9 that's inappropriate. To the contrary, I think that's the essence
10 of what we have to deal with today. We are trying to establish
11 what the witness actually remembers; what the witness remembers
12 today, what the witness remembered last week, and what the
13 witness remembered three years ago or four years ago, when these
14 original statements were made. It is particularly interesting to
15 hear what the witness has to say in response to this question,
16 simply because we cannot assume that his statements before the
17 Investigating Judges was -- were the correct ones.

18 [15.25.28]

19 We need to test -- we need to verify how he found these answers,
20 how he came to these memories, and I think that is particularly
21 important with this witness because this witness has demonstrated
22 time and again that he does not remember certain things. He has
23 made absolutely contradictory statements in his testimony, over
24 the last week, that may be due to memory loss; that may be due to
25 other reasons we don't know, but it is important to establish it

1 for the record.

2 What the Prosecution did last week was the same methods.

3 Prosecution asked time and again to have him simply confirm the
4 truthfulness of earlier statements before the Co-Investigating
5 Judges.

6 I am asking this witness to confirm the truthfulness of a
7 statement he made last week, under oath, before your Trial
8 Chamber. It's in the records. He states -- I quote: "I did not
9 meet with any other leaders." I did not make that up; it's in the
10 record.

11 So, again, I would suggest that this question be allowed.

12 MR. PRESIDENT:

13 You're not supposed to make any further reply.

14 (Judges deliberate)

15 [15.27.07]

16 MR. PRESIDENT:

17 The witness does not have to answer the question last asked by
18 defence counsel for Mr. Nuon Chea, because it was repetitive.

19 MR. PAUW:

20 I'm not sure how it was repetitive. I remember the OCP asking
21 about 17 times last -- over the past few week, whether the
22 statements he made before the Co-Investigating Judges were
23 truthful, even though he had stated at the beginning of this
24 testimony that they--

25 [15.28.24]

1 MR. PRESIDENT:

2 You are supposed to continue with another question. You are not
3 allowed to use the time for any commentary. Otherwise, the time
4 is wasted. If you do not have any further questions, please
5 inform the Chamber as such so that the Chamber can hand the floor
6 to other party.

7 MR. PAUW:

8 Thank you, Mr. President. I will inform the Chamber as soon as I
9 don't have any further questions.

10 I do have further questions, and they relate to some telegrams
11 that were sent by you, Mr. Sao Sarun - or, I apologize, I will
12 ask you certain questions about telegrams that have been
13 discussed with you by the OCP.

14 And the first telegram I would like to discuss with you is
15 document number D201/5.3; English ERN is 00361189, and the Khmer
16 ERN is 00020993.

17 And with the permission of the President, I would like to show
18 this document on the screen, and it's called "Telegram 46".

19 [15.29.58]

20 MR. PRESIDENT:

21 You may proceed.

22 BY MR. PAUW:

23 Q. It is a telegram that has been discussed before, and it's
24 addressed to -- to respected M-870, and it relates to the
25 incidence with a boat that caught fire. Do you remember the

1 telegram that we are speaking about, Mr. Sao Sarun?

2 MR. SAO SARUN:

3 A. Yes, I already indicated before the Co-Investigating Judges
4 and I think that's all.

5 Q. In this telegram, it's written -- and I quote:

6 "The measures of the sector:

7 "1. Arrest the two men;

8 "2. Arrest contemptible Lean; according to the examination, there
9 had been the assignment from Lean."

10 And then, it follows below that: "Carry out the arrest of these
11 men today, the 9th."

12 [15.31.30]

13 If I read this telegram, Mr. Sarun, it seems that the sector
14 itself had already decided to arrest the two men without awaiting
15 orders from the Centre; is that a correct reading of the facts?

16 A. No, it isn't. I didn't say anything like that.

17 Q. Thank you.

18 I look at the clock, and I will move on to the next telegram,
19 which is telegram 54, that I would like to show on the screen,
20 with your permission, Mr. President. It's English ERN 00296220,
21 Khmer ERN 0012027.

22 And this telegram, Mr. Sarun, relates to Comrade Sot; we have
23 discussed -- or the Prosecution has discussed this telegram with
24 you. And the telegram reads:

25 "The issue of the situation inside the Party: Comrade Sot,

100

1 Chairman of the repair factory, has committed immoral acts with a
2 woman. Now the arrests have been made: both the man and the woman
3 have been arrested."

4 [15.33.18]

5 Mr. Sarun, if I read this telegram, it suggests that the lower
6 level had the authority to arrest persons for minor infractions;
7 is that correct?

8 A. No, it isn't. With regard to the person by the name of Sot, I
9 already made it clear before the Co-Investigating -- rather,
10 before the Co-Prosecutors yesterday.

11 Q. I am almost finished with my part of your questioning, Mr. Sao
12 Sarun, but the Prosecution, last -- last week, asked you whether
13 the DK leaders had discussed or allowed the rebuilding of the
14 destroyed pagodas in Mondulkiri.

15 My question to you is: Mr. Sarun, to your knowledge, has -- has
16 the American Government ever offered to reconstruct or rebuild
17 those pagodas that were destroyed by their bombardments?

18 A. I think I stated about this already to the Co-Prosecutors.

19 [15.35.34]

20 MR. PAUW:

21 I have no further questions, Mr. President. Maybe my colleague,
22 Mr. Son Arun, has any follow-up questions? No.

23 So the Nuon Chea defence team is ready with its questioning, but
24 it does have a request related to this witness. So is this a good
25 moment to formulate that request? And it's really a short request

101

1 that would be appropriate to be made in this hearing because it
2 relates directly to the memory and the sources of knowledge to --
3 of Mr. Sarun and the possible fallibility of his memory. It would
4 be a two-minute submission.

5 MR. PRESIDENT:

6 You're not allowed to do that. The Chamber has already reminded
7 you time and again on this.

8 [15.36.45]

9 MR. PAUW:

10 Mr. President, please correct me if I'm wrong, but I -- my
11 understanding was that if it relates to the questioning of the
12 witness, it can be done in Court. And I think it's only right for
13 the public to know our concerns on the issue of the credibility
14 of this witness rather than relegating this to a written
15 submission.

16 So, considering that it's directly related to this witness, am I
17 allowed to make that two-minute submission?

18 MR. PRESIDENT:

19 No, you are not allowed to do that. You may now be referred to
20 Internal Rules, Rule 92, concerning the closing statement. So
21 your request falls within the ambit of Internal Rule 92
22 concerning the written submission. The parties may, up until the
23 closing statement, make written submissions.

24 Next, we would like to proceed to counsels for Mr. Khieu Samphan
25 if they would wish to put questions to the witness. You may now

1 proceed.

2 QUESTIONING BY MR. VERCKEN:

3 Thank you, Mr. President. Yes, I have some questions for the
4 witness and I believe I should be able to ask all of them before
5 the end of today's hearing.

6 [15.39.19]

7 Q. Witness, we have on record four telegrams signed by you. These
8 telegrams have been read out to you during your testimony, and
9 you did not challenge them.

10 The first telegram is dated 1st of January 1978 and the reference
11 is E3/248 and it is sent to "Brother 870, highly esteemed and
12 beloved". Who is the addressee of this telegram?

13 MR. SAO SARUN:

14 A. This telegram was sent to Pol Pot as referred to 870.

15 Q. The second telegram is dated 9th of April 1978; the reference
16 is 201/5.3. It is sent "To Office 870, highly respected" -- end
17 of quote. To whom is this telegram addressed?

18 A. It was sent to the same person, Pol Pot.

19 [15.41.23]

20 Q. The third telegram, dated the 23rd of April 1978, reference
21 E3/155 is addressed "To the Esteemed Brother" -- end of quote. I
22 put the same question to you: Who is the addressee of this
23 telegram?

24 A. It was sent to Pol Pot.

25 Q. And, lastly -- fourth and last telegram, D201/6.2, dated 24th

103

1 of April 1978, addressed "To the esteemed Bong" -- end of quote.

2 Who is this telegram addressed to?

3 A. The same person was, indeed, the recipient of the telegram.

4 Q. Witness, I take it, therefore, that in spite of the different

5 forms of politeness used in these telegrams, all the four

6 telegrams were addressed to Pol Pot; isn't that the case?

7 A. Yes.

8 [15.43.16]

9 Q. You said on several occasions over the past few days that,

10 when you were secretary of the regions in Sector 105, you

11 addressed your telegrams to Pol Pot.

12 My question to you is: Who asked you to act in that manner?

13 A. The order was rendered from him and I had to report to him.

14 Q. Can you be more specific as to the person you are talking of?

15 A. As indicated, I reported to Pol Pot; the only person to whom I

16 reported.

17 Q. And he is, indeed, the person who asked you to do so; isn't

18 that correct?

19 A. Yes, that was part of the order and I had to do according to

20 what I was instructed. I had to report on a daily basis.

21 [15.45.09]

22 Q. And did Pol Pot explain to you why that decision was taken?

23 A. I don't know anything about the decision. What kind of

24 decision you're referring to?

25 Q. Did Pol Pot explain to you why it was desirable that you

104

1 address the telegrams to him and not to anyone else?

2 A. He was the head and I had to report to him on whatever
3 situation; even there was nothing to report on, I had to do that
4 on a regular basis.

5 Q. Witness, I would now like to read out to you an extract of the
6 statement you gave to the OCIJ Investigators. That statement was
7 given on the 17th of December 2008 and it has been cited on
8 several occasions during your testimony, under reference number
9 E3/367. And I would like to read out to you the audio transcript
10 of that testimony -- that statement. It is a cassette recording
11 of the discussion you had with OCIJ Investigators. I requested
12 this transcript a few days ago and the Chamber had it done by its
13 services. The reference is D125/367 (sic) -- it's E3/367. I'll
14 read a passage on page 5 of your statement of the 17th of
15 December 2008.

16 Question by the Investigator: "Did you happen to receive
17 telegrams from Khieu Samphan?"

18 [15.48.18]

19 And your answer was as follows: "I beg your pardon?"

20 Question by the Investigator: "Did you happen to receive
21 telegrams from Khieu Samphan or Ieng Sary regarding economic
22 affairs? Did you receive telegrams from Khieu Samphan?"

23 Answer by you: "No, never."

24 Question: "You did not receive any?"

25 Answer: "No, but I only saw him only when I went to Phnom Penh

105

1 and when I had to discuss economic affairs with him."

2 [15.49.05]

3 Question: "Where did you meet him; you never talked to me about
4 that? And when did you meet him?"

5 Answer: "At the time of the meeting."

6 Question: "During an assembly?"

7 And you answered as follows: "Yes, that was at the end of the
8 assembly."

9 Question: "But you told me that most of the time, it was Nuon
10 Chea who spoke during assemblies and never Khieu Samphan."

11 Answer: "No, during assemblies or the opening of training
12 sessions, Khieu Samphan never spoke."

13 Question: "So you spoke to him outside of the assembly?"

14 Answer: "Yes, we discussed economic affairs."

15 Question: "Did you speak to him outside of the meeting, for
16 instance, during meals?"

17 Answer: "That's it; during meals, we had discussions."

18 Investigator: "I'll, therefore, note 'during meals'."

19 Answer from you: "That is correct."

20 [15.50.33]

21 Question: "Did you hold conversations with him outside of the
22 meeting?"

23 Answer: "Yes, when I deemed it necessary to ask for something
24 from him or to give him a list of points relating to economic
25 affairs."

106

1 I will stop quoting your statement here, Witness.

2 Tell me, do you recall on how many occasions you had informal
3 occasions with Khieu Samphan on economic affairs? How often did
4 that happen? Are you in a position to tell us so today?

5 A. It was on one occasion only.

6 Q. And on that occasion, did you give Mr. Khieu Samphan a list
7 relating to economic affairs?

8 A. No, I didn't. We only discussed about crops growing and the
9 meeting was conducted. Actually, I met him after meals.

10 [15.52.34]

11 Q. And did you give Mr. Khieu Samphan a list on any other
12 occasion regarding economic affairs?

13 A. No, I didn't. I did not give any list to him.

14 Q. So, to be absolutely sure I have understood you, Witness, does
15 it mean that you were wrong when you answered the investigator's
16 question on that 2nd of December 2000 and -- on that 17th of
17 December 2008?

18 A. I think after having been seriously ill I may have confused --
19 misunderstood something, so please forgive me for that.

20 Q. You do not have to crave my indulgence, Witness. I just want
21 you to tell me, when you say you were ill, you are talking of the
22 period when you were interviewed by the OCIJ investigators; is
23 that when you went wrong or you are referring to what you said
24 today?

25 A. I had been sick before I gave interviews to the

107

1 Co-Investigating Judges; that's why my memory is not very good. I
2 forget a lot this day.

3 Q. Very well. And your testimony today is that you did not give
4 Mr. Khieu Samphan any list relating to economic affairs; is that
5 correct?

6 A. Yes, it is.

7 [15.55.29]

8 MR. VERCKEN:

9 I have no further questions for the witness, Mr. President.

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 And we have very little time left. However, the Chamber would
13 like to proceed to counsels for Mr. Ieng Sary to see how much
14 time they would like to ask witness -- questions to this witness.

15 MR. ANG UDOM:

16 My sincere respects to venerable monks, and Mr. President, Your
17 Honours, and my fellow colleagues, and everyone in and around the
18 courtroom. Mr. Sao Sarun, good afternoon. I am Ang Udom and on
19 the right-hand side is my colleague, Mr. Michael Karnavas. We are
20 representing Mr. Ieng Sary. We do not have any questions to put
21 to you. However, we really thank you very much for your time
22 giving your testimonies before this Chamber.

23 [15.56.50]

24 MR. PRESIDENT:

25 Thank you, Counsels for Mr. Ieng Sary, for indicating your

108

1 position. This helps us to schedule our tomorrow's session.

2 Mr. Sao Sarun, the hearing of your testimony concerning Case File
3 002 has come to an end. The Chamber would like to thank you very
4 much, indeed, for giving up much of your time to respond to
5 questions even though you are of a senior age and that your
6 health is not very good, but you've been cooperating very well.

7 The Chamber would like to say that we do not need to question you
8 again on this and you may be dismissed.

9 The hearing today comes to an end, and the Chamber will adjourn
10 now. And the next session will be resumed by tomorrow, at 9 a.m.,
11 in which TCW-488 will be heard.

12 Court officer is now instructed to coordinate with the WESU unit
13 to ensure that Mr. Sao Sarun is well-accommodated or sent to his
14 resident and that TCW-488 be called into the courtroom by
15 tomorrow, at 9 o'clock.

16 [15.58.55]

17 Security personnel are now instructed to bring all the three
18 accused persons to the detention facility and have them returned
19 to the courtroom by 9 a.m., except Mr. Ieng Sary; if he shows his
20 position clearly that he waives his right to be present in the
21 courtroom before 9 a.m. tomorrow, then the Chamber will rule upon
22 the -- the request and allow him to observe the proceedings from
23 his holding cell through video-link.

24 The Court is adjourned.

25 (Court adjourns at 1559H)