



**“There Were So Many Wounded”: Civil Party Recalls the Fall of Phnom Penh**  
By Mary Kozlovski<sup>1</sup>

On Wednesday, November 14, 2012, hearings continued at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Case 002, involving defendants Nuon Chea, Ieng Sary, and Khieu Samphan. Today, about 300 people from Kandal province observed the morning session from the public gallery. In the afternoon, about 100 people from Kampong Cham province attended the court.

Trial Chamber Judge Jean-Marc Lavergne and lawyers from the defense teams for Nuon Chea and Ieng Sary questioned witness Pe Chuy Chip Se, a former clerk at a security office during the Democratic Kampuchea (DK) period. Civil party lawyers then examined civil party Meas Saran, who worked as a medic under the Lon Nol administration.

Ieng Sary was absent from the proceedings and Khieu Samphan was present in the courtroom. Nuon Chea spent the day in the holding cell after a report by his treating doctor noted that he was suffering from a backache, diarrhea, and lack of sleep, and recommended that he participate remotely.

***Trial Chamber Questions Witness Pe Chuy Chip Se***

To begin the day, Judge Lavergne sought clarification from Mr. Chip Se on the various locations of places mentioned in his testimony. Mr. Chip Se explained that in 1975, he was a member of

---

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

the security staff at Pong Ro security center, which was located in Chi Kreng district in Siem Reap/Uddor Meanchey. The Chi Kreng district office was located in old buildings at Kampong Kdey market – also known as Chi Kreng market – which is some 60 kilometers from Siem Reap town, the witness stated. “Kampong Kdey was controlled by the Khmer Rouge starting from 1970, after the coup d’état,” he added. Judge Lavergne asked if the residents of Kampong Kdey were evacuated when the Khmer Rouge took control in 1970. The witness replied that people in Kampong Kdey were evacuated to distant villages about 30 to 40 kilometers away from the market, including Chinese-Cambodians and civil servants, such as teachers.

Judge Lavergne noted that Mr. Chip Se had told the court that civil servants and soldiers from the Lon Nol regime were housed in Chi Kreng apartments – apparently in Kampong Kdey – and asked if the soldiers were from Siem Reap or Kampong Kdey. The witness said public servants, senior military personnel, and provincial leaders were brought from Siem Reap town. When Judge Lavergne pressed Mr. Chip Se on whether he was a direct witness to the evacuation of soldiers and civil servants, Mr. Chip Se responded that he knew about the evacuated soldiers through other people and did not witness it himself. He said he was told the civil servants and soldiers had “betrayed the revolution” and were taken to Kampong Kdey market for re-education.

Under questioning from Judge Lavergne about the evacuees, Mr. Chip Se testified that he learned of the evacuations of people from Phnom Penh and Siem Reap indirectly through others and had met evacuees after 1975.<sup>2</sup> The witness explained that all evacuees were called “17 April people,” though described learning of the evacuation through the security staff. “I learned that in 1970 there were no 17 April people yet, only the Chinese ethnicity had been evacuated from the market and the provincial towns to the outskirts. And later on the people from the provincial town of Siem Reap had been evacuated also to the outskirts,” Mr. Chip Se stated.

Moving to the sector at large, Judge Lavergne asked about access to food. The witness testified that after 1975, there were problems with food rations in the district, some evacuees died of starvation, and the situation was terrible due to lack of food, all of which he learned from other sources. In response to a query from Judge Lavergne, Mr. Chip Se said that after 1975, some Cham people<sup>3</sup> were evacuated to his village – Pong Ro Kraom village – to live in the houses of local Khmer villagers, where they were forced to eat pork and had to follow orders to survive. “The Cham people were living a terrible life back then,” Mr. Chip Se asserted.

When asked if he was a direct witness to discrimination against certain segments of the population, Mr. Chip Se responded that he saw 17 April people, civil servants from the Lon Nol regime and people of Cham ethnicity forced into hard labor: carrying salt, digging canals, building dams, and engaging in difficult work or tasks. The evacuees and the civil servants, soldiers, and policeman of the former regime would be monitored and killed if they made a small mistake, he said, adding that discrimination had continued after 1977, when the Pong Ro security center closed. “Even if I returned back to the village, I also noticed that the 17 April people were

---

<sup>2</sup> Mr. Chip Se initially said he met the evacuees after 1970. It is unclear if this was an error in the English translation.

<sup>3</sup> The Cham people in Cambodia are generally followers of the Islamic religion.

subjected to hard labor and they were provided with small food rations compared to the base people,” Mr. Chip Se recollected.

Finally, Judge Lavergne inquired if another security center was created in the district after Pong Ro security center was closed. Mr. Chip Se responded that, based on information from villagers, Pong Ro was transferred and established at Kampong Kdey pagoda.

### ***Nuon Chea defense begins cross-examination of witness***

National Co-Lawyer for Nuon Chea Son Arun began by inquiring about Mr. Chip Se’s educational background. The witness replied that he began his schooling in Stung district<sup>4</sup> during the Sangkum Reas Nyum era, where he finished Grade 4 and following the coup d’état, he returned to his home in Kampong Leu village, in Chi Kreng district. He reaffirmed that he joined the revolutionary forces in 1972.

Mr. Arun sought confirmation of Mr. Chip Se’s testimony that he joined the Khmer Rouge forces – called Chenla II – in Tangkork and later fled the army for his hometown. The witness confirmed that he fled the Chenla II army fighting with the Lon Nol administration to return home and later joined the Pong Ro security office. The witness also confirmed an account in his interview with investigators from the Office of the Co-Investigating Judges (OCIJ) that he was arrested and then assigned as a clerk at the security office.

Mr. Chip Se testified that in 1972, he did not intend to join the Khmer Rouge but had left his parents to study in Siem Reap town. He recounted that when he could not pursue study, he went to look for his grandparents in Koh Thom district<sup>5</sup> but upon reaching Tan Krasaing<sup>6</sup> about halfway to his grandparents’ place, Khmer Rouge soldiers accused him of being an undercover agent, arrested him, and placed him under custody near Santuk Mountain.<sup>7</sup> They later inducted him, Mr. Chip Se recalled.



### ***Defense Probes Witness’s Sources of Knowledge***

Mr. Arun cited Mr. Chip Se’s interview with OCIJ investigators in which he described people who were accused of being bandits and killed in 1974 – some of whom were women and children – and inquired if he witnessed this directly. Mr. Chip Se confirmed that he witnessed the killing. People accused of being bandits were imprisoned in Pong Ro security office, shackled and placed in separate cells because they were destined for execution. Khmer Rouge soldiers told the Pong Ro security office that these people took refuge in the forest and stole food from villages, he said.

---

<sup>4</sup> Stung district is located in Kampong Thom province.

<sup>5</sup> Koh Tom is a district in Kandal province.

<sup>6</sup> A place in Sa’ang district, Kandal province.

<sup>7</sup> Santuk Mountain is located in Kampong Thom province.

Again citing Mr. Chip Se's OCIJ interview, Mr. Arun inquired if the witness saw executions of former Lon Nol soldiers and officials after April 17, 1975. Mr. Chip Se responded that Pong Ro district security officers had told him they were taken out of Siem Reap and executed with no one spared, including wives and children.

Mr. Arun inquired if Mr. Chip Se saw his supervisor, Ta Voan, arrested or only ascertained the information from others. The witness explained that Ta Voan was arrested on charges of "betraying the organization," though he did not witness the arrest directly. Ta Voan was first transferred to oversee construction of Suong dam and later arrested, Mr. Chip Se said. Again, Mr. Arun pressed the witness about whether he directly saw prisoners being struck on the head, having their throats cut, pushed into holes in the ground, and covered with earth, as detailed in his OCIJ interview. Mr. Chip Se said the Khmer Rouge would not allow people into the area, thus he received the information from the officers involved. He believed it to be accurate because mass graves were discovered after the fall of the regime.

Citing Mr. Chip Se's interview with Henri Locard,<sup>8</sup> Mr. Arun noted that the witness said that Ta Voan cut open the stomachs of prisoners and removed their gall bladders. Again, Mr. Chip Se explained that a villager from Pong Ro village had told him that information.<sup>9</sup> In response to queries from Mr. Arun, Mr. Chip Se described two interpreters accompanying Mr. Locard during the interview, as he spoke in French. He again repudiated the statement in the interview that his younger brother joined the Khmer Rouge forces at the age of eight.

When Mr. Arun inquired if Mr. Chip Se rejected only select portions or the entire record of interview with Mr. Locard, International Senior Assistant Co-Prosecutor Dale Lysak argued that the question was inappropriate, as the witness had not been provided with an opportunity to read the entire interview. Mr. Arun countered that the prosecution had asked many questions based on the interview. President Nonn sustained the objection and stated that defense counsel could quote portions of the interview and pose questions. Moving on, Mr. Arun referred to a section of the interview in which Mr. Chip Se confessed to executing two prisoners and beating prisoners during interrogations. When asked if he stood by the statement, Mr. Chip Se said he beat, but never killed, prisoners, because the Khmer Rouge did not trust him.

Noting Mr. Chip Se's prior comments that he had only once witnessed killing of people, Mr. Arun pressed the witness to describe this event. The witness replied:

Before the prisoners were killed, they would be taken to the pit, and the pit had already been dug in at once, and they were not killed near the detention site, it was at a location about one kilometer away from the detention site. They already had the clubs there, and prisoners were tied and they were blindfolded with a black cloth, and upon arrival they were ordered to kneel and they use the club to beat the prisoners. And when the prisoners died their throats were cut and they would be thrown into the pit, and after that they covered the pit.

The witness testified that Khmer Rouge executioners told him prisoners were mostly killed during the day and he mostly heard about executions through other people, such as those who

---

<sup>8</sup> Henri Locard is the author of *Pol Pot's Little Red Book*.

<sup>9</sup> Mr. Chip Se's response to this query was unclear in the English translation.

walked the prisoners – members of the Youth League. In relation to the killing of prisoners at Pong Ro security center, Mr. Chip Se recollected that he was sometimes told about executions and sometimes overheard people speaking about them, but did not ask questions. He told the chamber that he worked at Pong Ro security center from 1973 to 1977, at which time people at the center were accused of betrayal and arrested. He recalled telling the Khmer Rouge he was a clerk and was sent back to Pong Ro village in Siem Reap; he was in a mobile unit after 1977. “I stopped working for the Khmer Rouge in 1977. I did not have any more role in the Khmer Rouge after that year. I became a villager in the cooperative, so I was then under the control of the Khmer Rouge in the cooperative,” Mr. Chip Se said.

### ***Witness Testifies about Executions of Lon Nol Officials***

At this point, International Co-Lawyer for Nuon Chea Jasper Pauw pressed Mr. Chip Se on how he knew both former Lon Nol soldiers and officials were transported from Chi Kreng market to be executed, as he had testified. Mr. Chip Se replied that he learned from Khmer Rouge at Pong Ro security center and villagers that Lon Nol government officials had been transported to Kampong Kdey market and executed.<sup>10</sup> When Mr. Pauw asked if Mr. Chip recalled how many soldiers at the Pong Ro security center informed him about former Lon Nol officials detained at Chi Kreng market, Mr. Lysak objected that the witness had not indicated that people working at the security center were soldiers and had distinguished between soldiers and security officers. Mr. Pauw rephrased the query. The witness said he recalled about three security center personnel who informed him and several villagers – more than two.



Mr. Pauw further inquired who told Mr. Chip Se about the trucks that transported former Lon Nol soldiers and government employees. The witness responded that Pong Ro villagers – in Pong Ro Kraom commune in Chi Kreng district – told him soldiers were transported to Makak and executed. Pong Ro village was about three kilometers away from the security center, but he lived in a different village about five kilometers away, Mr. Chip Se said.

### ***Closure of Pong Ro Security Center***

When asked why Pong Ro security center was closed in 1977, the witness replied that the Khmer Rouge accused people who worked there of betrayal. “The accusation was nationwide, because from one group to another the Khmer Rouge always accused the previous group of betrayal,” he said, adding that the center was shut down because Ta Kun was accused of betrayal. The witness explained that he did not know the nature of the accusation, but staff working at Pong Ro had their names sent to the upper echelons and the prisoners were then released and the center was abandoned.

Mr. Pauw noted that other witnesses had testified that Ta Sok and Ta Sun arrested Ta Voan, Ta Kun, and Ta Neath, and encouraged people to track down village and district authorities who had

---

<sup>10</sup> Mr. Chip Se’s responses were unclear in the English translation, in this section of his testimony.

caused people to starve to death. The witness said he was unsure about this because the Khmer Rouge handled it.

Citing Mr. Chip Se's interview with Mr. Locard, Mr. Pauw asked why documents were destroyed when Pong Ro security center was closed. The witness explained that the previous group was "traitorous" and the center's existence had to be destroyed. He estimated that 100 people were imprisoned at the center when it was closed, and a meeting was held to announce that they would be released.

Mr. Pauw noted that one person interviewed by Mr. Locard described a policy change in the region in which Mr. Chip Se was active during 1977, when the district head declared that the previous Khmer Rouge were mistaken and should not have imprisoned so many people. He inquired if Mr. Chip Se had heard information to that effect. "The announcement made by the Khmer Rouge was to the effect that they changed their policy, they accused the previous group of being the executioners of the people, of them starving the people," Mr. Chip Se recalled. He testified that "sector soldiers" probably led the execution of former Lon Nol soldiers and government officials, but he was unsure and only heard other people discussing it. "There was the participation of those people working at the Pong Ro security center in the execution of the former soldiers," Mr. Chip Se said, adding that he had only heard about this through others.

#### ***Defense Probes Witness's OCIJ Interviews***

In response to questions from Mr. Pauw about his two OCIJ interviews, Mr. Chip Se said he could not recall the questions asked in the second, "supplementary" interview nor could he clearly remember if the interviews were audio-recorded. He testified that he could not recollect if investigators showed or read him documents or witness statements, or if a written record of the second interview was prepared.

#### ***Interview Recording Prompts Lengthy Debate***

Mr. Pauw inquired if Mr. Chip Se had relied on notes, or referred to a notebook, during interviews with court investigators, to which the witness replied that he did not prepare or have notes in advance. "Everything was from my recollection," he stated. The defense counsel noted that on the audio recording of the interview, Mr. Chip Se was asked questions and then appeared to request to see his "notebook" or "notes." The investigators assented, Mr. Pauw asserted, and Mr. Chip proceeded to give a different answer than previously. When Mr. Pauw repeated his question, Mr. Lysak protested that Mr. Pauw should not testify and should refer to specific evidence.

Mr. Pauw noted that the relevant excerpt could be heard at 14:00 on the tape, though the quality was poor. Mr. Lysak objected that counsel had plenty of time to have a transcript of the interview prepared and if the witness were to be questioned on this point, the excerpt should at least be played in court. It was inappropriate for defense counsel to characterize the excerpt, Mr. Lysak argued. Mr. Pauw asserted that he wished the witness to respond to what the defense had heard on the recording, which had become relevant as the witness claimed not to have relied on notes. After the judges conferred briefly, President Nonn sustained the objection and directed the witness not to respond.



At this point, Mr. Pauw requested that the audio excerpt be played in court several times to allow Khmer speakers to hear it properly. President Nonn permitted the playing of the excerpt. There was disagreement in court over the recording.<sup>11</sup> Mr. Pauw said he confirmed with his colleague that the reference was made and requested a second playing of the tape, stating that even with limited Khmer language skills he heard the word “note.” The tape was replayed. As Mr. Pauw sought to pose another question to the witness, Mr. Lysak asserted that, according to his Khmer colleague, the reference and the speaker were unclear. He objected to Mr. Pauw’s characterization and suggested that the defense counsel ask if the tape refreshed the witness’ memory. Mr. Pauw responded that he would propose later listening to a larger portion of the tape, and then inquired again if Mr. Chip Se was looking at notes or a notebook at that point in the interview.



At this point, President Nonn asked the witness if he recognized his voice on the tape. Mr. Chip Se replied that it seemed it was not his voice, but that could be the result of an echo on the recording. President Nonn then inquired if Mr. Chip Se had requested to pause the interview to go to the bathroom at any stage, to which the witness responded that he could not recall. With this response, President Nonn suggested that the Nuon Chea defense move on to another question, as the recording was also unclear to him. “I heard that he asked for himself to go to a bathroom, that is to relieve himself, because the word ‘note’ is not a Khmer word – it is a foreign word,” President Nonn stated.<sup>12</sup>

In response, Mr. Pauw stated that the matter was important to the defense because in the particular segment of the tape, the witness discusses the detention and execution of Lon Nol soldiers from the Chi Kreng market. Mr. Pauw submitted:

He starts out by saying – when asked by the investigators, “Besides the soldiers, were there any other people, for example public servants?” – and then the witness answers, according to my observation, “There were no public servants.” Shortly thereafter the witness asks, in our understanding, “Could I see my notebook?” and then immediately in the answer thereafter says, “And I want to tell you one more thing, there were not only Lon Nol soldiers, but maybe also public servants.”

Given that there was a lack of clarity about the identity of the speaker, Mr. Pauw requested to play the audio segment surrounding the first excerpt, which elucidates the timeline of events and the sources of knowledge. Mr. Lysak stated that though the prosecution did not object to the tape being played, he objected to the continued attempt by Mr. Pauw to offer misrepresentations, as Khmer speakers on the prosecution team did not hear the word “note” nor did President Nonn. Mr. Pauw said it was not him who “mischaracterized” the tape, but rather the court-appointed translators who translated the audiotape for English speakers to hear. He noted that if the interviewee requested a bathroom break, one would have expected a pause. Mr. Pauw repeated his request, prompting a discussion among judges.

<sup>11</sup> Due to the nature and quality of the tape, the wording in the recording was unclear.

<sup>12</sup> Part of President Nonn’s comment was unclear in the English translation.

Trial Chamber Judge Silvia Cartwright eventually stated that, firstly, it was unclear if it was this witness who used the words described by the defense counsel and secondly, it was unclear if the word used was a reference to “notes.” Therefore, there was no reason to return to the tape, Judge Cartwright said, asking that Mr. Pauw move on to his next line of questioning.

Mr. Pauw requested that a slightly longer version of the tape be played so that the witness could verify whether it was his voice on the tape. Judge Cartwright rejected the submission by saying that while it was clear to the Nuon Chea team that it was Mr. Chip Se speaking it was unclear to the chamber as was the word used in the recording. “You are therefore simply rephrasing the same submission but in different ways,” she said. Mr. Pauw argued that the lack of clarity could be resolved by listening to the tape. President Nonn asked that the defense move on, prompting Mr. Pauw to assert that the witness would know if he was speaking on the tape and, if it was the witness, he could clarify his words. At this juncture, Judge Cartwright observed that Mr. Pauw had made the same submission three times and the ruling held. Mr. Pauw said he would move on, “albeit puzzled”

#### ***Witness Quizzed about Lon Nol Soldiers and Officials***

Mr. Pauw inquired if Mr. Chip Se first thought that only, or mostly, Lon Nol soldiers were detained at Chi Kreng market before later remembering that Lon Nol government officials were also held at that location. Mr. Chip Se responded that he was sure about the presence of senior military officials from the Lon Nol administration, but he had only heard about civil officials from other people.

The defense lawyer asked if the witness recalled telling investigators there were no civil servants at Chi Kreng market. He replied that he had said earlier that there were military officers from the Lon Nol administration. When Mr. Pauw queried why the witness first told investigators that there were no civil servants held at the market, Mr. Lysak objected that Mr. Pauw was misstating the witness’s comments. The prosecutor asserted that Mr. Chip Se never said he told investigators there were no public servants but that he told the investigators there were military officials present.

Mr. Pauw pressed the witness on whether he told investigators that there were no public servants at Chi Kreng market, and Mr. Chip Se explained that he told the investigators this because he was uncertain about the presence of civil officials, whereas he knew there were military officials from that regime. The witness said he had heard repeatedly that the majority of detainees were former Lon Nol soldiers and military officers. Mr. Pauw quoted from Mr. Chip Se’s statement to OCIJ investigators as follows:

After April 17, 1975, I saw them evacuate soldiers and former Lon Nol government officials from Siem Reap province and put them in old concrete houses at the Chi Kreng market where they were guarded day and night.

Noting that the witness had testified that he never seen such events, Mr. Pauw queried why Mr. Chip Se made and signed such a statement if he was unsure about the information. The witness admitted that he was uncertain, had heard the information from others, and did not know at the



time if it was correct. Mr. Chip Se said he did not record his experiences during the Khmer Rouge period but communicated them orally.

When Mr. Pauw asked about Mr. Chip Se's stated "rapport" with Mr. Locard, the witness replied that Mr. Locard was respectful, friendly and serious about his work. He added that Mr. Locard provided his contact information, and he respected and liked him, though they had not met or spoken since 1991. Mr. Chip Se testified that Mr. Locard had not provided him with any notes or records, only his name card.

#### ***Witness Questioned about External Pressure***

Still on Mr. Chip Se's OCIJ interview, Mr. Pauw queried if the witness had told investigators about pressure being exerted on him. Mr. Chip Se said there was "no pressure whatsoever" on him. When Mr. Pauw pressed the witness about whether an authority figure had pressured him, President Nonn interjected, asserting that the witness need not answer the question, as it was irrelevant. In response to President Nonn, Mr. Pauw indicated that the Nuon Chea defense had about 20 minutes of questions remaining after lunch, the Ieng Sary defense required 10 minutes, and the Khieu Samphan defense had no questions. After the chamber conferred, President Nonn noted that certain questions had been irrelevant and informed Mr. Pauw that the Nuon Chea defense team had 10 minutes remaining, prompting an objection from Mr. Pauw that was swiftly cut off.

#### ***Khieu Samphan Defense Queries Time Allocation***

After the midday break, International Co-Lawyer for Khieu Samphan Anta Guissé asserted that there might be a recurring problem with time allocation for questioning, noting that the examination of the witness was meant to include a half day on each side. Given that time was extended for the prosecution and the civil party lawyers and that Judge Lavergne took time to question the witness, Ms. Guissé stated, it should be ensured that there is parity between the parties with regard to time allocation.



In response, Mr. Lysak said the morning sessions of the court were a half hour longer, thus even with questions by Judge Lavergne the prosecution and defense had a total of two hours time for examination. It was incorrect, Mr. Lysak argued, to suggest that the defense had had less time. He noted that the Nuon Chea defense spent almost half an hour inquiring about executions at a security office that was not part of Case 002/01 and repeated a submission three times when it had already been ruled upon.

President Nonn informed the parties that the time allocation was "absolute" and noted that the chamber had observed during the morning that certain questions, such as those relating to Mr. Locard, were irrelevant to the facts before the court. The chamber reminded parties that the witness could be questioned about the implementation of the policy on forced evacuation, but facts surrounding the Pong Ro security center were not stipulated in the closing order. "We try to be fair to all the parties," President Nonn added.

### ***Second Witness Interview Recording Played in Court***

When Mr. Pauw queried why his earlier question about possible pressure on the witness had been deemed irrelevant, President Nonn said there was no evidence – including in the written record of interview – that authorities had pressured the witness. Mr. Pauw asserted that such evidence did exist on the audio-recording of the interview, and asked the witness if he had spoken to OCIJ investigators about Ta Choun.<sup>13</sup> The witness said he did not mention that name. After Mr. Pauw enlisted Mr. Arun to pronounce the name in Khmer, however, Mr. Chip Se said a person named Chong introduced him to Mr. Locard in 1991, but he did not mention Chong to investigators and had not seen Chong since his interview with Mr. Locard. In response to another question, he said he could not recall if he mentioned the name to investigators.

At this juncture, Mr. Pauw requested to play an audio excerpt of Mr. Chip Se’s interview with OCIJ investigators where he speaks about Mr. Chong and being pressured to speak only about “good points.” Mr. Lysak stated that the prosecution did not object to the excerpt being played, though he argued that an incident that took place in 1991 was of “marginal significance.” The prosecutor noted that a transcript could be created and become part of the record, which would be a better way to proceed than trying to play audio recordings in the courtroom. Mr. Pauw briefly countered that it was not always clear when audio recordings would become relevant, as it depended on certain answers. He asserted that it was important for the chamber and the public to understand how the OCIJ interviews were conducted.

After the recording was played,<sup>14</sup> Mr Pauw asked what kind of pressure Ta Chong had applied to the witness. Mr. Chip Se testified that Ta Chong pressured him not to speak in detail during his interview with Mr. Locard and if he did, he would not receive money from him. He further recalled speaking to investigators about it.

Mr. Pauw noted that Stephen Heder had written that, in practice, the most important level in the chain of command and hierarchy of authority appeared to generally have been the district, meaning that district party figures held key responsibility for killings nationwide. The defense lawyer noted that Mr. Chip Se had earlier testified:

As stated with regard to the logbook, this book had to go through the district level to have a final say as to whether each individual had light or serious or heavy offences. And at the district level, the district chief would make the decision on how these people will be treated, indeed, whether they should be executed or released or how long these people continued to be detained.

Mr. Pauw asked the witness if this account accorded with his experience of the district level’s operation. At this point, Mr. Lysak objected that there was no reason for Mr. Pauw to preface his question with Stephen Heder’s comments other than to attempt to “lead, prompt or encourage” the witness to testify in a certain way. Secondly, Mr. Lysak argued that Mr. Pauw “cherry-picked” from the witness’ testimony, as Mr. Chip Se was asked if he knew whether district leaders had to obtain authority from above and indicated that he did not know. Mr. Pauw asserted that the prosecution had essentially fed the witness an answer and he was simply asking the

---

<sup>13</sup> The correct spelling of this name was unclear from the English translation.

<sup>14</sup> The audio recording was quite scratchy, however the phrases “at that time I did not speak in detail because I was pressured” and “I was asked to speak only of the good points” could be heard being translated into English.

witness about his own knowledge. The judges conferred, and President Nonn advised Mr. Pauw to refashion his question to detach it from Stephen Heder’s publications.

In response to Mr. Pauw’s refashioned query, Mr. Chip Se said the prisoner lists were forwarded to the district office, but he did not know if they forwarded the list to the upper authority to make a decision. “To my knowledge that list was forwarded to the district office and it was up to that district office to decide whether to forward the list for an upper authority decision concerning the fate of those prisoners,” he testified.

With this response the Nuon Chea team concluded their examination. Mr. Pauw noted that the prosecution did not have two hours for questioning but had an additional half hour as they began their examination in the morning session of the previous hearing. Furthermore, Judge Lavergne questioned the witness for half an hour this morning. Mr. Pauw said he trusted the chamber would take this into account should there be time pressure on the Ieng Sary defense team.

At this point, Judge Cartwright stated:

I simply wish to note that this trial involves very serious allegations against the three remaining accused and time wasted in discussing whether one part or another has three minutes or five minutes or a quarter of an hour to examine a witness is time wasted. You’ve had the ruling, and the President has made it clear that he is fair to every party. Can we please stop addressing such minor issues?

### ***Ieng Sary Defense Questions Witness***

National Co-Lawyer for Ieng Sary Ang Udom firstly inquired, given his testimony about the OCIJ interviews, to what extent Mr. Chip Se had read the record of his interview prior to testifying. Mr. Chip Se replied that he had read the record prepared by OCIJ investigators.

Mr. Udom sought leave to present a document to the witness.<sup>15</sup> He asked if Mr. Chip Se stood by his testimony that he worked as a clerk at the Pong Ro security office from 1974 to 1977. The



witness said it was not formalized, but he believed that to be his position because he kept records of confessions from prisoners detained at the security office and was charged with keeping records and documents generally. Mr. Udom asked Mr. Chip Se if he knew the witness in the document before him, requesting that he not read the name. Mr. Chip Se confirmed that he knew the person.

Mr. Udom noted that the aforementioned witness stated to OCIJ investigators – on the same day as Mr. Chip Se was interviewed – that identified Mr. Chip Se as a member of the Pong Ro security office. Mr. Chip Se testified that many people believed he was in charge of the security office because he was close to Ta Kun. However, the witness reaffirmed that he was not part of the “underground organization” comprised of the

---

<sup>15</sup> The document was not identified in court in the English translation.

Communist Party of Kampuchea youth league and party members. Mr. Chip Se added that Pong Ro security office had a smaller cell located in Prey Svay and the aforementioned witness was an officer in charge of that cell.

Finally, Mr. Udom inquired if Mr. Chip Se's rejected the witness's characterization of his position at Pong Ro security office. Mr. Chip Se replied that he "categorically" rejected the witness's testimony. "I was a clerk at the security office and I was from the petty bourgeoisie class so I was not supposed to be in the structure of the Khmer Rouge so any statement amounting to the fact that I was holding a position of importance in that security office was wrong," the witness stated.

With this response, the Ieng Sary defense concluded their questioning, and the Khieu Samphan defense affirmed that it had no questions for Mr. Chip Se.

### ***New Civil Party Takes the Stand***

After affirming that Ieng Sary had waived his right to be present for the upcoming testimony, President Nonn posed preliminary questions to civil party Meas Saran. Mr. Saran told the chamber that he was born May 14, 1949, in Bos Morn village, located in Bos Morn commune in Svay Rieng province's Romduol district. Mr. Saran said that he now lives in Phnom Penh and works in the medical field. He stated that he was married with one child and his wife was eight months pregnant when Phnom Penh fell. President Nonn inquired if Mr. Saran was a widower, to which Mr. Saran replied that he "decided not to marry again."

### ***Civil Party Lawyers Lead Examination***

International Civil Party Co-Lawyer Christine Martineau began her examination by inquiring about the civil party's professional history prior to April 17, 1975. Mr. Saran testified that he attended a state medical school in 1969, which he left in 1972 after completing his medical education. He then worked in the tuberculosis section at Preah Ket Mealea Military Hospital in Phnom Penh, which was the second largest hospital in the city at the time, after the Khmer-Soviet Hospital. The civil party stated that he worked at the hospital until he had to join the military in 1973, which was mandatory for all medical staff for an 18-month period. Mr. Saran told the chamber he became a medic in the military because of his experience. He explained that during the recruitment process he chose Sisophon<sup>16</sup> because he believed the fighting there was not fierce at the time. Mr. Saran said he trained in Sisophon and in the military training center there was a place where he could treat people. "In late 1974, I concluded my military service for 18 months, so I returned to Phnom Penh, and during the time that I performed my military duty in Sisophon I met my wife and I got married," Mr. Saran said, adding that his wife was then pregnant and accompanied him to Phnom Penh.

### ***Phnom Penh Prior to April 17, 1975***

In response to questions from Ms. Martineau about his life upon returning to Phnom Penh, Mr. Saran testified that a regulation from Sisophon stated that they must gather at a location in Borei Keila – similar to a hospital with five operating theatres – where he worked and which he

---

<sup>16</sup> "Sisophon" and "Svay Sisophon" can be used to refer to a town in Serey Sophorn district, in Banteay Meanchey province.

believed had only just been established. Mr. Saran said the government included him on a list of public servants upon his return.

When Ms. Martineau pressed the civil party for more detail about the hospital, Mr. Saran explained that it was a surgical center, not a functioning hospital.

There were bombardments on Phnom Penh city at that time so the bombing was everywhere and people were injured and some were killed, so that was the place to receive the victims of the bombardments. So those who got injured in the bombardments were sent to Borei Keila triage, and that was not actually a hospital, it was a mere center, an emergency center to receive the wounded. It was the only place where the wounded were sent.

He said the center was controlled by a brigadier general and would receive bombing victims regardless of their status as soldiers or civilians. There were many medical personnel as the government requested the medical school send students to work, Mr. Saran recalled, adding that there was an influx of patients due to bombing and fighting.

When Ms. Martineau inquired about the days leading up to April 17, 1975, the civil party testified that the situation in the city was “indescribable”:

[People] were terrified on the one hand of the bombardment and the other hand they were also terrified of the influx of people from the countryside. And if you were in that situation, you would see that the situation was panicky and chaos at that time. People were terrified; they were afraid of the bombing. And some people were a bit relaxed and happy because they thought that the Khmer Rouge would eventually conquer the city and then there would be no longer war in the country, so some of them were happy because they were expecting that the situation would be better after the conquer by the Khmer Rouge.

On the night of April 16, 1975, Mr. Saran testified, he was working and went to the upper store of the building and saw a fire burning at Chhroy Changvar Bridge and buildings were aflame due to the bombardments. “It came to my mind immediately that the situation would be better; the Khmer Rouge would conquer this war,” he said, observing that people were in constant fear because of bombardments and shelling. “It was my hope, and I think that everybody at the time shared my hope as well, that there would be no more war once this situation was over.”

Pressed for further description, Mr. Saran recollected that on the night of April 16, 1975, the center received many victims who were wounded, with ambulances going back and forth and bombing, shelling, and gunfire everywhere. He recalled that the person who was supposed to change shifts with him on the night of April 16 did not arrive and he had to stay behind. Mr. Saran said his overall impression was that people were terrified and some decided to leave the center. Medical staff packed and left for their homes, though Mr. Saran stated that he remained at the center because the person had still not arrived to swap shifts with him.

### ***Civil Party Describes Arrival of Khmer Rouge in Phnom Penh***

Ms. Martineau questioned Mr. Saran about the arrival of the Khmer Rouge in Phnom Penh. Mr. Saran recalled that he worked at the hospital that morning as usual and continued to hear gunfire. “If I stood facing the Olympic Stadium I could hear the gunfire from every angle,” he said, adding that he was curious about what was going on outside of the hospital. Mr. Saran testified

that he left the hospital and through a fence saw Khmer Rouge soldiers, some of whom were shirtless, marching along the street past Borei Keila to the east, and tanks in the distance carrying many soldiers – some carrying guns.

The civil party described seeing a Khmer Rouge soldier wearing black with black slippers and a Maoist cap enter the Borei Keila premises and throw a grenade into a pond beside a building, where it exploded. The soldier then went into the guard post into front of the Borei Keila premises where five or six people lived, Mr. Saran stated. The civil party said he was curious to know what the Khmer Rouge were doing as he had never met any soldiers, though he had treated them. Mr. Saran explained that he wanted to talk to the soldier but he went into the house and remained inside for some time before leaving the premises. Mr. Saran described a young girl of about eight years, holding onto her sarong and crying. He was scared and, Rather than wait for the soldier, returned to the hospital.



When Ms. Martineau inquired what occurred after he returned to the hospital, Mr. Saran explained that people were still working in the center and there were about 50 patient beds on the ground floor, with wounded people lying in the corridor and in front of the buildings. “We could not treat them all,” he said. Mr. Saran described people admitted to the center for operation who could not be saved; there were many who died. Mr. Saran became emotional when recalling a young girl at the hospital:

Upon my return from outside I saw a young girl. Her stomach was cut open. ... I saw that young girl – she had her stomach cut open and her intestines came out of her body, and then I went inside, and I took one of the small bowls, a clean bowl, and I put the IV inside and I tried to insert the intestines back into her stomach.

Mr. Saran detailed a person whose leg was lost, with blood still coming out of him, at about 9 or 10 a.m. He explained that he did not see any more wounded people coming in, but staff were leaving because they were terrified at the gunfire and bombing and the patients who remained were helpless. Families of patients with minor injuries brought them out of the hospital, Mr. Saran recalled:

I asked the young girl whom I helped earlier about the fate of her family and she said that her parents were all killed and her brother was lying dead beside her and she was there, so I was at that time had a very, very hard time to leave the hospital. There were so many wounded in the hospital, so I decided to stay behind in order to continue my work in the center.

### ***Leaving Phnom Penh on April 17, 1975***

When asked how he learned that he must leave Phnom Penh, Mr. Saran testified that someone said around 10 a.m. that there were soldiers forcing them to leave the hospital quickly because the Americans were about to bombard the area.

First I thought about the young girl – the young girl that I did not finish my treatment on her because there was no proper hospital for her treatment, the place that I was there was not a proper



hospital. ... My mind was still thinking about her and what shall I do to assist her. And when I heard about the fact that we had to leave, I was thinking of what shall I do, because on one side I had to go and meet my wife. I should have met her, I should have left in the early morning, but due to the many wounded I could not leave. So I did not know what to do in that situation.

Mr. Saran said there were still many patients and all had to leave, but in the corner of his mind he thought that the Khmer Rouge would provide treatment for the patients.

I was still so pitiful about that young girl and I still can see her face in front of me, but on the other hand I had to go and meet my wife who is eight months pregnant. ... Those people who were at the hospital pushed out the hospital beds with the patients still on the beds and they were pushed outside. However, there were not all of them; I saw some while I walked out. As for the young girl I spoke about, I still can imagine and can see her face. She grabbed onto my shirt and begged me to carry her to allow her to go with me, to come with me, but I did not know what to do. And even now I still can see her face. So I went for my wife.

The civil party explained that his wife was to the northeast of the hospital and he ran in that direction, from where he heard gunshots and saw people flee. Mr. Saran recalled that he was told not to go there and asked to head to National Road 1, but he wanted to meet his wife at Pasteur Road. He described running with people south of Borei Keila to National Road 1, and passed his house along the way. Mr. Saran said he brought a shirt belonging to his wife with him. Mr. Saran explained that when he was working at night he did not want his wife to stay alone as she was pregnant and arranged for her stay with his relatives in Pasteur Road.

Ms. Martineau inquired about the situation in his neighborhood. Mr. Saran recollected that when he reached his house to the east of Mohamontrey pagoda<sup>17</sup> it was quiet because people had already left. The civil party said that when he entered his house he did not know what to bring as people walking chaotically along the road had told him they only had to leave for three days to avoid the American bombardment. "I entered my house, I only brought one thing only, that is my wife's shirt, and I kept that shirt until I arrived at my wife's native village," Mr. Saran recalled.

He described journeying with others en masse along the road to Monivong Boulevard, which was crowded and congested, and saw Khmer Rouge soldiers scattered around, carrying guns and shooting in the air. They did not talk to the people, he said. When Ms. Martineau asked whether Mr. Saran believed that the city would be bombed, Mr. Saran replied that he did believe that the city would be bombed at the time and other people were talking of the bombardment and trying to leave as quickly as possible. He described a fight that broke out between Khmer Rouge soldiers and a soldier who would not surrender, which scared the people who were afraid of being struck by a stray bullet. There were seven or eight Khmer Rouge soldiers – one Khmer Rouge soldier was wounded, and the other soldier was shot dead, Mr. Saran recalled.

It was so crowded and very hot as we could not move that fast. By that time, it was around two or three o'clock in the afternoon, and amongst all those people, I saw a family with a one old person and that person was abandoned, as she was left on a bed alongside the road. The family just left that person alone there and left.

---

<sup>17</sup> This pagoda is located near Olympic Stadium in Phnom Penh.

In response to a question from Ms. Martineau, Mr. Saran stated that the Khmer Rouge told them to leave Phnom Penh because of an imminent American bombardment but that was a lie. The civil party testified that nobody assisted or supported them with food or water. “We were like a flock of people, and nobody assisted anybody until they reached the Monivong Bridge,” he said. Ms. Martineau noted that in Mr. Saran’s civil party application he described staying for two weeks close to the Monivong Bridge, and inquired how he was able to remain in that area. Mr. Saran described seeing two dead bodies on the left side of the bridge and explained that it took a long time to cross. He recalled thinking that if even the Americans bombarded it would not reach the people and the departure of Phnom Penh residents was badly organized.

“They did not care about us at all. They just asked us to leave Phnom Penh and they would do something else after we left Phnom Penh,” he said. Mr. Saran testified that he stayed on one side of the bridge with a large number of people and still believed that he could return to the city in three days, as everybody had been told not to bring many belongings or clothes. Mr. Saran recalled that it was crowded and Khmer Rouge soldiers traveled up and down on trucks and bicycles, but did not communicate with the people or assist them with securing water or food. Late on April 17, 1975, when he had crossed to the other side of the bridge, Mr. Saran recounted, there were still people attempting to cross. The civil party explained that he had not eaten lunch and, along with many others, took some sugar from a warehouse and remained on the other side of the bridge for the night, during which time there was a “continuous flow” of people heading toward National Road 1.

When asked how he survived on the journey, Mr. Saran explained that on the first day – April 17, 1975 – he obtained sugar. He observed some youths catch a pig and convinced them that it was his pig, splitting the meat with them. Mr. Saran exchanged the pork for some rice. While no Khmer Rouge offered any water, Mr. Saran testified, he went to the river to fetch water, went to a nearby house for a cooking pot, and cooked the pork, because he was attempting to survive for three days and would then return to Phnom Penh. “After three days there was no news calling us to go back into Phnom Penh, and I started to become suspicious and I did not hear of any bombardment by then in Phnom Penh,” he said. Mr. Saran said he thought they might be allowed to return after a few more days but if not, he wondered where he would go. The Khmer Rouge did not direct or assist them, he added. Mr. Saran testified:

The three-day period had passed, and I still had hope that I would be allowed to return to Phnom Penh. On the fourth day and the fifth day there was an announcement on a mobile microphone calling for civil servants, soldiers, senior military officials, to return to Phnom Penh to resume their work to rebuild the country because the war was ended. ... And there were groups of people talking about this and that and then people started to return to Phnom Penh, that is to return back across the Monivong Bridge. By then the flow of people was almost none – that is the flow of people from the west to the east direction. So I could observe that some families decided to return to Phnom Penh based on the announcement made on the loudspeaker.

Ms. Martineau asked if Mr. Saran answered that call, given that he was a civil servant. Mr. Saran replied that they had to leave for three days due to imminent bombardment and only some family members returned to Phnom Penh, and thus he suspected that something was going on in the city. Mr. Saran told the chamber he thus decided not to return to Phnom Penh:

To me, the situation was not right. Something was not right in my mind, because I considered what they told us that we had to leave only for three days as the planes would bombard Phnom Penh. But there was no bombardment, there was no plane, so when they made an announcement on the fourth or on the fifth day to return, I did not return because I was suspicious that something was going on.

In response to queries from Ms. Martineau, Mr. Saran testified that he did not know what happened to the people who returned to Phnom Penh because their families were left behind and he did not see any return. “They went and they were gone,” Mr. Saran added. He explained that based on the chaotic situation and the fact that the bombardment was a lie, he did not think the people who returned would serve the new regime. However, Mr. Saran said that was an observation and he did not know what happened to them.

President Nonn interjected to ask the civil party lawyers to be mindful of the fact that some questions were attempting to elicit the personal opinions of the civil party and requested that the questioning be conducted efficiently.

With that, President Nonn adjourned the hearing, set to resume on Thursday, November 22, 2012, at 9 a.m.