



**Witness Oeun Tan, Former Bodyguard of Pol Pot, Begins Testimony before the Chamber**

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Witness Oeun Tan, former bodyguard of Pol Pot, began testimony Wednesday, June 13, 2012, at the Extraordinary Chambers in the Courts of Cambodia (ECCC) as evidentiary hearings continued in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary.

Accused Ieng Sary, however, was absent from the courtroom, having received permission to participate remotely from his holding cell on account of his poor health.

Over 300 villagers poured into the public gallery a few minutes after 9:00 a.m., distracting members of the Chamber who had begun proceedings a few minutes before. The villagers had just arrived from Svay Rieng province, a small region in southeastern Cambodia that juts into neighboring Vietnam. Once settled in their seats, however, they remained fully absorbed for the remainder of the morning's proceedings.

The afternoon session was again graced with the attendance of another group of orange-clad monks. One hundred students from the Cambodian University of Sciences joined them in the public gallery.

***Defense Counsel Michael Karnavas Seeks Clarification On Impeachment Ruling***

Before President Nonn instructed the court officer to bring the new witness, TCW 488, into the courtroom, International Co-Lawyer for Ieng Sary Michael Karnavas, requested the Court's attention.

“I have a brief request for clarification on one of the rulings from yesterday,” Mr. Karnavas announced, “It is the ruling that was made on an objection from the prosecution when Counsel for Nuon Chea [Jasper Pauw] attempted to impeach the witness [Sao Sarun] with his prior testimony and the Trial Chamber ruled that it was redundant – it was repetitive – and therefore the objection was sustained.” Continuing, he argued, “My concerns are that the Trial Chamber has effectively allowed the prosecution, by taking the lead of the questioning, to act as the judges in this case – which is fine. We believe that we should have the right to ask leading questions. That’s been denied – that’s fine as well. But now it would appear that if something is raised by the prosecution, the defense cannot revisit that for the purposes of impeaching and confronting the witness on the grounds that it may be repetitive.”

Mr. Karnavas continued, “Now perhaps there was a misunderstanding, perhaps it was unartfully [sic] phrased on behalf of the parties, but I certainly would ask the Trial Chamber to provide us some guidance so that we know how and to what extent we can use testimony that is elicited from either side for the purposes of clarifying or even impeaching. But we have strong reservations to being curtailed to using testimony that is elicited from the witness and not being able to revisit that for the purposes of impeaching.”

International Co-Lawyer for Nuon Chea Michiel Pestman followed his colleague. “I would like to support the submission made by counsel for Ieng Sary,” Mr. Pestman announced, “I just wanted to ask one other question about an email I sent on the 24<sup>th</sup> of April to the senior legal officer about your publications. I haven’t received an answer yet. I asked the senior officer to provide me a list of publications of the judges.”

President Nonn, turning off Mr. Pestman’s microphone, interrupted, “You are not allowed any other issues other than the one being discussed now. The Chamber keeps asking you to give the ground for your point. Now we are discussing about TCW 488, and the matter is confined to anything relevant to this. ... However, if you have any other matters to be addressed, we recommend you enter it in writing, and we can rule on your applications in due course.”

After thanking the President, Mr. Pestman responded, “Thank you, Mr. President, that is clear. But this is a request about *when* we can expect an answer to this *written* submission we made on the 24<sup>th</sup> of April, which is almost two months ago, and we haven’t received an answer yet.”

President Nonn informed Mr. Pestman that the Chamber would look into the matter and, he said again, “rule upon it in due course.” He then instructed the court officer to call in TCW 488.

### ***Witness Oeun Tan, Former Bodyguard of Pol Pot, Begins Testimony***

TCW 488 entered the Chamber and was escorted to the witness stand. Before taking his seat, he offered a *sompeah* to the Chamber, bringing his palms and fingers together and turning to greet the judges to his front, the defense to his right, and the prosecution and civil parties to his left.

Although the witness had already entered the Chamber, President Nonn gave the floor to Judge Silvia Cartwright before putting a few preliminary background questions to the witness.

Thanking the President, Judge Cartwright addressed Mr. Karnavas, “Mr. Karnavas, the Chamber is a bit unclear about which particular measure you were referring to and does not wish to spend time on that now. However, could you just state it with some brevity and clarity in a memo to the senior officer and we will deal with it that way? Does that suit you?”

Informing Judge Cartwright that it did, Mr. Karnavas thanked her for recognizing the issue and announcing it would be dealt with in a timely manner.

The President then proceeded to put a few questions to the witness. The witness informed the president that his name was Oeun Tan; he is an ethnic Kachok, born in 1943, and currently living in Samlout district in Ta Sahn commune. He said he was a “farmer working at a plantation.” His father’s name was Luong, his mother’s name was Proem, and he had three children.

Mr. Tan informed the Court that he could read and write Khmer only “a little.”

The witness confirmed that he had taken an oath and was not related to any parties in the proceedings. He confirmed he had conducted one interview with the Office of the Co-Investigating Judges (OCIJ), that he had been reread his statements since this interview, and that the statements were correct as he remembered them to be.

President Nonn subsequently handed the floor over to National Senior Assistant Prosecutor Veng Huot.

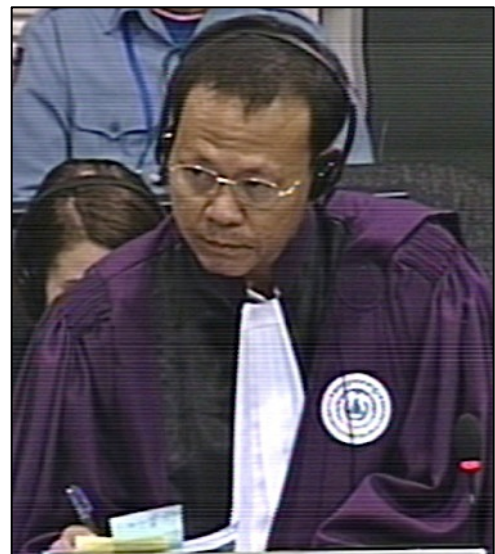
***Prosecution Questions The Witness On His Duties As A Messenger Before 1975***

Mr. Huot began his examination continuing with President Nonn’s inquiry into the witness’s background before April 17, 1975, the date the Khmer Rouge officially came to power.

The witness stated he first became involved in the “revolutionary movement” on March 2, 1968, in Katae village, Ta Lav commune, Andoung Meas district, Ratanak Kiri province. When asked why he joined the revolution, he explained, “At the beginning I noticed a lot of people joined the revolution and I was inspired.” Deng, he said, the secretary of Andoung Meas district, inducted him as a member of the revolution.

Mr. Tan confirmed that his biography was “checked or verified” upon his formal induction into the revolution. Mr. Huot inquired about the proper criteria individuals had to meet to be inducted into the revolution. The witness responded, “There was no proper criteria. As long as we volunteered to join the revolution then we were excepted.”

Once he officially joined the revolution, a man named Pai assigned him to the messenger division. Asked about criticism or self-criticism sessions he may have attended, the witness explained that he attended meetings where



he received instruction about how to properly deliver messages.

Mr. Huot proceeded to ask the witness a series of questions inquiring about possible instruction he may have received concerning “spying.” Mr. Tan replied that he was only instructed to “deliver letters.” Asked if he also delivered telegrams, the witness responded, “I have heard of that. People talked about that.” Again, Mr. Huot asked if the witness was taught “about the importance of being a messenger, how to spy on individuals within the party.” Mr. Tan repeated his previous answer, “No, I was not taught that. I was taught to deliver, for example, letters from Mr. A to Mr. B.”

Mr. Huot moved on. Informing the witness that he intended to put to him a series of questions on “administrative bodies,” Mr. Huot inquired, “Do you know, prior to 1975 in the liberated areas, were there classifications of security offices or cooperatives?” Mr. Tan responded, “I heard that there were cooperatives, sectors, and zones.”

Mr. Huot asked the witness if Angkar taught him in his messenger training sessions about these administrative divisions. The witness replied, “I do not know about that. The group work was to deliver messages only. We were not aware of any other matter.”

Continuing his inquiry into the witness’s duties as a party messenger, Mr. Huot asked if Mr. Tan was taught “the meaning of being a messenger.” The witness explained in elementary fashion, “The meaning of being a messenger was that I was to deliver a message. For example, I was supposed to deliver a message to one location or to one person, and that person would deliver the message to another destination.”

Mr. Tan continued to discuss his messenger duties. He said he was not assigned the task of delivering messages to a particular administrative office or zone. He explained to Mr. Huot, when he was asked if he ever examined the letters he delivered, that he was never aware of the content inside because at the time he was illiterate.

#### ***Witness Was Bodyguard for Pol Pot during Trips to Various Provinces***

When the witness informed Mr. Huot that he continued to work as a messenger even after 1970, Mr. Huot followed, “Did you not work as a security guard?” Mr. Tan responded, “A messenger was attached to the body guards.”

Mr. Huot continued with a series of questions, putting the war aliases of the party leaders, “Pol,” “Nuon,” “Van,” and “Hem,” to the witness, one at a time, and asking if he was able to recall their identities. The witness did not recognize the name “Pol,” but he did recall that “Nuon” was “Nuon Chea,” “Van” was “Ieng Sary,” and “Hem” was Khieu Samphan. However, the witness responded that he was unaware of their official roles within the Communist Party of Kampuchea (CPK).

Explaining his work as a security guard in further detail, Mr. Tan informed the Court that he occasionally accompanied party leaders on trips, though he and the other security guards rotated turned. While he was not accompanying party leaders, he added, he worked at “the base.”

Although he had previously stated he did not recognize the name “Pol,” Mr. Tan said he accompanied Pol Pot on his trips to various locations throughout the country.

Mr. Huot asked the witness to what locations he recalled travelling with Pol Pot. The witness replied, “He went to districts, he went to sectors, and he went to zones.” Asked for further detail, Mr. Tan recalled accompanying Pol Pot to Siem Reap province, Battambang province, Pursat province, and Kampong Chhnang province.

As a security guard, the witness said he was instructed to remain 20 meters away from the party leaders he was assigned to protect at all times.



*Pol Pot (right) is greeted by Son Sen (second right) as a bodyguard opens the car door for the Khmer Rouge leaders. (Source: Documentation Center of Cambodia)*

### ***Witness Discusses CPK Administrative Structure Before 1975***

As a security guard in Kampong Cham, the witness recalled seeing Ieng Sary, Nuon Chea, and Khieu Samphan attend various meetings held by Pol Pot. He confirmed that he knew a man named Keng, alias Ling, whom he said was the chief of the messenger unit at Office K-7. He also knew a man named Pong, the chief of Office 870.

Before Mr. Huot could proceed with further questions, President Nonn interrupted, “Can the co-prosecutor be reminded as to set the time frame in relation to the questions asked to the witness? Do you stick to the period before 1975? Because initially you did state that your questions will touch upon the period of 1970, but your later questions seem to touch upon other issues.”

Thanking the President for the reminder, Mr. Huot asked the witness about the location of Office 870 before 1970. Mr. Tan replied, “Before 1975, the office was located in Kampong Cham province.”

Mr. Huot informed the witness that the next series of questions would be focused upon the “administration and logistics before 1975.” The witness was not able to recall the individual administrative roles served by K offices during the pre-1975 period. Other than Office K-7,

managed by Ling, the witness only knew of two additional offices, K-1 and K-8.<sup>1</sup> The witness was equally unknowledgeable about the role of Office 870. When asked if he had heard of a “secret office” known as S-71, the witness replied, “No, I never heard of it.” He was also unaware of Office 100, Office 102, and Office B-5.

***Mr. Huot Examines the Witness on His Pre-Revolutionary Vocabulary***

Mr. Huot returned to the witness’s earlier statements concerning the meetings he witnessed involving Pol Pot, Ieng Sary, Nuon Chea, and Khieu Samphan before 1975. Although he acknowledged the witness’s statement that he was required to maintain a 20-meter distance from the party leaders, Mr. Huot put to the witness a series of CPK ideological terms and subsequently inquired if he ever overheard them being discussed.

Regarding the term “revolution,” Mr. Tan confirmed hearing the word but added, “I did not know the meaning of the word ‘revolution.’” The witness then implied his lack of understanding was due to the fact that he was “an ethnic minority.” Although he had heard the word “revolution,” Mr. Tan informed Mr. Huot, he had never heard the term “revolutionary dictatorship.”

Mr. Tan had heard the word “smashed,” however, but replied in a defensive tone that he was not given any information about “this issue” because he was “under the work of others.” The witness did know the meaning of “three tons,” explaining that the term referred to the “production of rice and agricultural products, that is to produce three tons.”

When asked if he heard reference to party enemies, specifically Lon Nol, Mr. Tan replied, “I did not know anything about the Lon Nol period.” Regarding the word “oppression,” the witness said he heard of “oppression against the poor by the rich.” The oppressed class, he explained, were “the peasants.”

Mr. Karnavas made his first objection of the day, “I hate to interrupt,” he began, “but the questions are leading. They are suggesting facts that are not in evidence by this particular witness and they are of a leading nature. And I think that some of the questions may be above the position that this gentleman held at the time. There is not need to try the entire case. ... We could be much more efficient if we could just target the questions for the particular witness.”

Thanking Mr. Karnavas for his “observation,” President Nonn provided a familiar critique, “The Chamber also notes that Counsel’s objection is normally belated. It would be better that Counsel is on his feet to raise the objection when the questions are not appropriate so they can be addressed immediately.” Moving from Mr. Karnavas to Mr. Huot, President Nonn added, “The Co-Prosecutor is also reminded to rephrase the questions to this witness, in particular the terms. ... The questions should be based on the basis of knowledge the witness already has, in particular the statement already made before the co-investigating judges.”

President Nonn continued to instruct Mr. Huot on how he should be examining the witness for three more minutes. Although most members of the Chamber appeared simply to continue with

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<sup>1</sup> Author’s Note: Although the English court interpretation stated that the witness referred to offices K-1 and K-3, listeners to the testimony in its original Khmer noted that the witness was actually speaking of offices K-1 and K-8.



reading notes or viewing the computer screens in front of them, Co-Lawyers for Khieu Samphan Arthur Vercken and Kong Sam Onn chuckled quietly with one another. Mr. Vercken in particular provided viewers in the front rows of the public gallery with a few amusing facial expressions. Meanwhile, other members of the audience could be heard commenting on President Nonn’s “forceful tone” or how they “felt sorry for” Mr. Huot.

After regaining the floor and thanking Mr. President for his “guidance,” Mr. Huot proceeded to ask the witness if he had ever heard the words “in and outside the ranks,” prefacing the question with the deduction that as a security guard, the witness would have knowledge of military terms. “I do not understand these terms!” Mr. Tan replied.

Regarding the magazine *Revolutionary Flag*, the witness recalled that he had seen the publications but had no knowledge of their content. He understood the term, “cooperative,” however, “Cooperatives are the place where people transplant rice, grew vegetables, and communal eating.”

Asked about “mobile unit,” the witness explained, “Mobile unit was meant for people to build dams, dig canals, and paddy field embankments.” Mr. Huot then inquired whether Mr. Tan ever ferried messages to the “children mobile units.” The witness said he had not, though he had heard of them. “What does the term ‘children mobile unit’ refer to?” Mr. Huot followed. Mr. Tan responded, “I don’t know.”

The witness had heard the term “moral misconduct,” however. He explained, “Moral misconduct referred to the actions that damaged the properties of the people, the livestock of the villagers, and people that committed such wrongdoings would be called for reeducation.”

### ***President Nonn Continues to Scold Mr. Huot on Courtroom Performance***

When Mr. Huot proceeded to ask if the witness “noted the term ‘reactionary’ in any of the letters” he delivered during his job as a messenger, Mr. Karnavas stood and objected again. “In light of your admonition earlier, I will be standing up and objecting each and every time. The question was already asked and answered. The gentleman indicated that he could not read at the time. That was posed twice. Now he is being asked whether he saw something in a letter, which obviously he could not read. It is indicated already that he did not open the letter, not only making this question repetitive, but utterly ridiculous.” Concluding his objection with a “thank you,” Mr. Karnavas then sat down.

Mr. Huot responded, “I think my question was about whether he read or heard.”

President Nonn cut off his microphone before he could go any further. “Counsel Karnavas’s objection is sustained,” he declared loudly. “The witness is instructed not to respond to this question because it lead us in no way to ascertaining the truth!” After reminding Mr. Huot of the “rules” for examining the witness a second time, the President permitted him to proceed.



When Mr. Huot proceeded to question the witness before President Nonn had turned his microphone on, indicated by a bright red light, he was admonished once again. While some looked on with sympathy, some with amusement, and others with complete bewilderment, President Nonn continued the vituperation, “Mr. Co-Prosecutor, make sure that your mike is on! I think you have been in the courtroom time and again! You should get used to it already!”

Mr. Huot replied softly, “Thank you, Mr. President.” He then informed the Court that he would “skip a few questions” and move to the period of 1975.

This segment of Mr. Huot’s examination was only two questions long, however. He asked the witness where he was in April 1975 and if he was aware of the evacuation of Phnom Penh. After Mr. Tan replied that he was at Trapaing Toeng village in Kampong Cham Province and was not aware of the evacuation of Phnom Penh at the time, Mr. Huot informed the President that he had continued with his examination.

#### ***Witness Clarifies the Timeline of Events before 1975***

President Nonn subsequently handed the floor to International Senior Assistant Prosecutor Tarik Abdulhak to begin his examination.

Informing the witness that he intended to spend a brief moment on the pre-1975 period in order to seek some clarification on a few issues, Mr. Abdulhak began by asking the witness how long he stayed in Ratanak Kiri province after he joined the revolution in 1968. Mr. Tan explained that he stayed in Ratanak Kiri province from 1968 until 1970 when he then moved to Kampong Cham province. In Kampong Cham, the witness continued, he lived in a village called Trapaing Toeng. He could not remember the district, however.

Mr. Abdulhak proceeded to inquire about the meetings the witness had mentioned observing among top party leaders in the period before 1975. Mr. Tan repeated that he had seen Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan attend the meetings; Pol Pot, he elaborated, chaired the meetings. They would last sometimes as long as a “whole day” and occurred “three to four times a month.”

Mr. Abdulhak asked if Mr. Tan had ever been to Dong Kdar village in Kampong Cham province during this period. The witness said he had not. “Did any of the leaders go anywhere else during this period of time?” Mr. Abdulhak inquired. Mr. Tan recalled that the leaders continued to meet at the same location and continued to reside in Trapaing Toeng in Kampong Cham. Asked if he recalled guarding meetings in a village called Meakh in Prek Kok commune, Stueng Trang district, Kampong Cham province, the witness offered a simple, “No.”

The witness, continuing to explain his activities before 1975, informed the court that he traveled from Ratanak Kiri province to Kampong Cham province in 1970 with both Pol Pot and Pong. When Mr. Abdulhak asked the witness what position Pong held, the witness replied, “Pong was overly in charge of the group in Kampong Cham.” The first time Mr. Tan saw Nuon Chea and Khieu Samphan was in the middle of 1970; Ieng Sary, however, he already knew, having met



him during his time in Ratanak Kiri. All of them – Nuon Chea, Khieu Samphan, Ieng Sary, and Pol Pot – came together in 1970 in Kampong Cham province, Mr. Tan explained.

Seeking additional clarification before the Court adjourned for lunch, Mr. Abdulhak asked the witness when exactly did he assume the position as a security guard for party leaders. Mr. Tan replied, “I became a guard in 1970 through 1975 and even all the way to 1976, 1977. We were in a group of thirty people who were tasked with guarding and growing vegetables.” Pong, he said, assigned him to the position as a bodyguard. The witness explained that during meetings, “I was tasked with guarding the vicinity of the meeting places.” He continued to serve as a bodyguard, he concluded, until the Vietnamese invaded Phnom Penh.

President Nonn interrupted the testimony and adjourned the Chamber a short morning break.

***Mr. Abdulhak Questions Witness on Duties as a Bodyguard in Post-1975 Phnom Penh***

Mr. Abdulhak proceeded into post-1975 discussions after the morning adjournment, asking the witness when Pol Pot left Kampong Cham. The witness stated that Pol Pot departed Kampong Cham for Phnom Penh in 1975. He was unable to recall the month. Nuon Chea, Ieng Sary, Khieu Samphan, and Pong left Kampong Cham together for Phnom Penh before Pol Pot.

The witness, however, said he remained in Kampong Cham “preparing clothes” for both Nuon Chea and Pol Pot before being called to Phnom Penh by Pong “half a month later.”

Mr. Tan told Mr. Abdulhak that he heard about the Phnom Penh liberation in April 1975 through radio broadcast. A few minutes later, however, the witness stated he heard about the liberation by word of mouth. When asked for clarification, the witness said, “We heard about it from one another.” He had heard from others that Phnom Penh was “very quiet” and added that he knew nothing about the evacuation until after the liberation.

The witness said he left for Phnom Penh in a group of 10 people, bringing along Pol Pot and Nuon Chea’s belongings; he said he went directly to K-1, “Pol Pot’s house.” “K-1 is near Basac River. It was the location where Pol Pot worked,” the witness explained. Mr. Tan remained employed at that location until 1979. Pong, he added, worked at K-1 as well, along with Pol Pot, Nuon Chea, and Khieu Samphan.

Mr. Abdulhak went on to ask about the tasks the witness was assigned during his employment at K-1, “It was a 10-man group, and we were tasked with cleaning the houses, catering food and meals for Pol Pot, growing vegetables at the riverbank. These were the tasks assigned to us by Pol. And we were also tasked to wash clothes for these uncles.” Though the witness said he was the leader of a group of 10 guards, his “immediate supervisor” was Pong. “I never had any big



meetings chaired by me myself,” the witness added. “Normally the meetings were chaired by Pong, my immediate supervisor.”

***Witness Discusses K-1 Meetings in Phnom Penh during Democratic Kampuchea***

Mr. Abdulhak asked the witness where the other leaders besides Pol Pot resided in Phnom Penh. Khieu Samphan and Nuon Chea, the witness replied, stayed at a separate house known as K-3; Ieng Sary stayed at another house known as B-1. The three accused, however, would come to K-1 to attend meetings with Pol Pot. He could not recall the names of any others who attended the meetings but believed the other attendants came from various sectors and zones. He was unable to provide any more detail about their positions.

Mr. Abdulhak asked the witness how often the K-1 meetings occurred. “Sometimes the meetings were held once a month, sometimes once every fortnight, but I think that’s just my observation,” the witness replied. Seeking clarification, Mr. Abdulhak asked the witness if these meetings by those from the sectors and the zones were the same meetings attended by Khieu Samphan, Nuon Chea, and Ieng Sary.

Mr. Karnavas made another objection, “I think lumping all of them together may be misleading. It may give us the wrong answer; ... I would suggest a more cautionary approach be taken.”

Mr. Abdulhak responded that he was simply repeating the witness’s statement – that he observed all the accused – Khieu Samphan, Nuon Chea, and Ieng Sary – attend meetings. President Nonn agreed, announcing that Mr. Karnavas’s objection was not sustained.

The witness proceeded to respond to Mr. Abdulhak’s question, replying that Khieu Samphan, Nuon Chea, Ieng Sary, in addition to Pong and Mok, attended meetings with zone and sector officials; the meetings, he added, were chaired by Pol Pot.

As a messenger, Mr. Tan stated, he was given invitations to these meetings, written by Pol Pot, from his supervisor, Pong, and was tasked to deliver them. He did not deliver them all, however; other messengers were tasked to do the same.

The meetings, Mr. Tan went on to explain, usually consisted of 10 to 17 people. They lasted anywhere from one to two days; they began at 7:00 a.m., broke for lunch at 11:00 a.m, resuming at 2 p.m., and then ending at 5:00 p.m. Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan remained present during the entire meeting, he stated. Mr. Tan was not able to provide any information about the contents of the meeting, however, reminding the Court that as a bodyguard, he had to position himself at least 20 meters away.

Mr. Abdulhak requested permission to read the witness a few statements from his October 19, 2008, OCIJ interview in order to receive confirmation on “a few details.”



Mr. Vercken objected and addressed the Court, “I am just asking myself about the usefulness about what the prosecution wishes to do. ... It doesn’t seem to me that the prosecutor has provided details about what the witness does not remember. If the point is simply to get him to confirm this is what happened and this is what did not happen, we could do it without the witness. I am simply seeking clarification.”

Mr. Abdulhak responded, informing the Court that the statement in the OCIJ interviews were long statements, believing it would be beneficial to “direct the witness’s attention” to specific portions of them. President Nonn, announcing Mr. Vercken’s objection was not sustained,

informed Mr. Abdulhak he could proceed.

Mr. Abdulhak read the following passage from the witness’s interview: “It [K-1] was the site where Pol Pot routinely lived and worked and the site where he met with the district committees, the sector committees, and the zone committees. Meetings were held once monthly, and Pol Pot was the one who convened the meetings.” The witness went on to state in his interview that Nuon Chea, Ieng Sary, and Khieu Samphan would also attend. Ieng Thirith, he mentioned later, attended occasionally but only when the meeting concerned social policy matters

Mr. Abdulhak asked the witness if he remembered these events as described in the interview. Mr. Tan confirmed that his statements were true and that all his responses in the OCIJ interview were accurate.

Mr. Abdulhak moved on and asked the witness if he was aware at the time of the roles of Nuon Chea, Ieng Sary, and Khieu Samphan. Mr. Tan stated he was unaware of both Nuon Chea and Khieu Samphan’s roles in the party at the time but recalled Ieng Sary being the Minister of Foreign Affairs. He did not know “what level” the other attendants were at, adding, “I did not understand much about the leadership.”

Focusing on the role of Pong, the witness’s immediate superior, Mr. Abdulhak asked what Mr. Tan knew about Office 870. Although the witness was aware Office 870 was run by Pong, he did not know what role the office played in the party structure.

***Witness Says Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan “Worked Together”***

Asked if there were meetings at K-3, the witness said there were none, explaining that K-3 was the residence of Nuon Chea and Khieu Samphan and “K-1 was the workplace.” All meetings, he added, “were held at K-1. There were no meetings held at other places.” Mr. Abdulhak asked the witness if Nuon Chea, Ieng Sary, and Khieu Samphan attended all of the meetings. The witness replied, “They attended frequently.”

“Would it be fair to say that Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan worked together?” Mr. Abdulhak asked. “Yes. It is correct to say so,” the witness replied.”

Instead of their individual party roles, Mr. Abdulhak asked the witness what responsibilities these men had as a group. Again, however, Mr. Tan replied that he had no knowledge of the functions and roles of the leadership. As had other witnesses before, Mr. Tan reminded the Court, “I was at a lower level. So I had no knowledge about that.”

***Witness Discusses “Special Meetings” at K-1, Convened “Only in Cases of Necessity”***

After greeting the witness at the commencement of afternoon proceedings, Mr. Abdulhak announced that, after reviewing his notes over lunch, he needed clarification on certain details.

“Were there other meetings at K-1,” Mr. Abdulhak began, “where other people met without the presence of people from the sectors and zones?” Perhaps not understanding the question or due to an error in translation, the witness replied, “No, there were not. The meetings occurred in only K-1.”

Mr. Abdulhak clarified his inquiry, reading the witness a segment from his OCIJ interview where Mr. Tan had said, “Sometimes there were meetings with less than ten members. ... I remember Nuon Chea, Ieng Sary, Khieu Samphan, and Pol Pot attending these special meetings. ... The special meetings occurred only in cases of necessity, like resolving food supplies and putting up dams.”

After the witness confirmed his statement, he elaborated, “I saw about 10 people coming to the meetings. It was my guess that there could have been a special meeting, the content of which was not known to me.” Mr. Abdulhak then asked about Mr. Tan’s OCIJ comments where he said the special meetings discussed topics such as “food supplies and putting up dams.” Mr. Tan replied, “I was told by Pong that ‘Today the meeting would be convened as a special one’ and that Pol Pot, Ieng Sary, Khieu Samphan, and Nuon Chea would be the attendees. I don’t recollect the other people at the meeting.”

Asked about telegrams, the witness was able to confirm that telegrams were sent and received at K-1, but he did not know where they were sent to or where they came from. Pong, he added, was the man in charge of these “letters,” which Mr. Tan began using interchangeably with “telegrams;” he was the man in charge of “the telegram office.” “There were some young people who carried the letters,” the witness explained, “and I would bring them to Pol Pot.” On some occasions, Mr. Tan said, he delivered telegrams to Pol Pot up to three times a day. He added that he delivered telegrams to Nuon Chea in addition to Pol Pot.

The witness clarified, “All telegrams I carried to Pol Pot, I then had to deliver to Nuon Chea.” Telegrams sent by Pol Pot were given to Pong in Office K-7 to be delivered out to their respective recipients. Telegrams coming into Office K-7 for Pol Pot, the witness explained, were given to him to deliver to Pol Pot at K-1 and then Nuon Chea at K-3.



### ***Witness Recalls His Former Supervisor Pong's Disappearance***

Mr. Abdulhak referred back to the time Mr. Tan initially joined the revolution, asking the witness what “official organizations” he joined when he first became involved in the revolution. “When I joined the revolution, I directly joined Pong’s group,” Mr. Tan responded. “Were you told you were a member of any party?” Mr. Abdulhak asked. “I was told I had joined the Youth League,” the witness said.

Mr. Abdulhak moved on and asked the witness about meetings he attended at K-1. Mr. Tan stated that he attended meetings headed by Pong, along with the other nine members of his security. Pong, he explained, would give his group instructions about security matters; he said no other top leaders attended the meetings.

“Were there ever any breaches of security by any of the staff at K-1?” Mr. Abdulhak asked. Mr. Tan responded, “There was no such problem at my place.” However, the witness said, “Later on, Pong disappeared. I wondered where he could have been. I did not see him. I just kept my doubts inside me. I did not tell anyone.” “How did you feel?” Mr. Abdulhak asked. “I had a feeling as I worked at K-1. I did not know what would happen. My superior disappeared and I felt afraid. ... But I had to try to work,” the witness responded. With a look akin to sadness, he added, “I was afraid I would disappear as well.”

Mr. Abdulhak asked the witness if anyone else disappeared from K-1 or other surrounding units. Mr. Tan replied that he did not notice any others.

Reminding the witness of his statement about “reeducation” concerning misconduct before 1975, Mr. Abdulhak asked if reeducation occurred after 1975. Mr. Tan replied that he attempted to reeducate his subordinates who committed misconduct and teach them to act differently so they would no longer make mistakes. He told Mr. Abdulhak that he was the only superior who had ever been in control of his 10-man unit.

### ***Witness Confronted with Statements against Him***

Addressing the Court, Mr. Abdulhak requested permission to present a redacted statement made by another witness discussing Mr. Tan, specifically.

After a five-minute meeting with his fellow judges, President Nonn gave Mr. Abdulhak permission to present the witness the document, given that Mr. Tan was given the document in order to discover the identity of the person speaking against him.

Before reading the statement, Mr. Abdulhak assured the witness that he was not seeking to accuse him. The individual, who had also worked in security, said, “Tan, alias Khieu, who was the chairman of K-1.”

When the witness informed the Court that he did not know the witness who made the statement, Ieng Sary’s national co-lawyer Ang Udom stood to object, telling the Court that the witness stated he did not know the author of the document and, according to the Chamber’s previous rulings, the document should be removed.

President Nonn thanked Mr. Udom but announced his objection was not sustained. He reminded Mr. Udom that the document was presented before the witness because of his limited knowledge of the Khmer language, the confidentiality of the individual in the document, and the witness's right to know the identity of the person speaking against him.



Before reading the witness another passage, Mr. Abdulhak asked if there were ever instances where the witness reassigned or removed subordinates when they made mistakes. The witness said people would not be removed, only reeducated.

Mr. Abdulhak then read the following excerpt from another witness's OCIJ interview: "Quite a few people were removed from my unit of organization. And it was Tan and Soth who removed people."

The witness responded, "I don't know much about this back then because I personally never assigned people to factories or other locations because I was tasked with guarding. When it comes to appointments or managements, Pong was charge. And I was inferior to Pong."

For his last question, Mr. Abdulhak asked the witness where the telegrams were kept in K-1, the witness responded, "Pol Pot kept the documents by himself at K-1," Mr. Tan replied. Although he did not know what happened to the telegrams after the Vietnamese entered Phnom Penh in January 1979, the witness added, "I may speculate that the documents could have been kept at K-1 and no other location."

***CPK Education: "We Used Charcoal to Write on Bamboo Sticks"***

Civil Party Co-Lawyer Kim Mengkhy began examination of the witness for the last session of proceedings for the day.

Mr. Mengkhy returned to the witness's motives for joining the revolution, asking the witness to elaborate upon the reasons he became involved. "I joined the revolution because I wanted to study so I could learn how to read and write," Mr. Tan replied. Mr. Mengkhy asked what study sessions he attended after he joined. The witness replied, "I did not have any study sessions. I was in the jungle. There were no schoolbooks. Those who knew better taught us. We used charcoal to write on bamboo sticks. We had no pens at that time."

Asked if he was taught the political lines of the Communist Party of Kampuchea (CPK), Mr. Tan responded, "In 1975 we were taught about that. We were taught about the Communist Party of Kampuchea, ... but I did not understand it. So we did what people said. We heard people say it, but we did not know much about the word."

Mr. Mengkhy then asked the witness about his duties during the time he lived at Ratanak Kiri. "I was a messenger and Pai was the unit chief. And I was the one who delivered messages from Veun Sai in Ratanak Kiri to Andoung Meas in Mondul Kiri. ... We traveled by foot," Mr. Tan explained.



***Witnesses Discusses Moving from Ratanak Kiri to Kampong Cham to Phnom Penh***

“I heard about people talk about Office 100,” the witness replied. Office 100, he stated, was the office of Pol Pot and Ieng Sary.

When he first became a bodyguard for Pol Pot, he was transferred to Office 100 in Ratanak Kiri, the witness explained. However, he stated he was not a guard for Office 100; he was only a guard for Pol Pot. He then moved with Pol Pot to a location along the border of Kampong Thom and Kampong Cham in the village of Trapeang Toeng.

“My tasks from the 1970s, that is from 1970 to 1975, was to guard Pol Pot, and that went on until 1979,” Mr. Tan explained. As he informed the Court earlier, he moved to Phnom Penh a couple weeks after Pol Pot because he was busy preparing “clothes and blankets.”

After the civil party lawyer questioned the witness in great detail about various geographical regions and landmarks throughout Ratanak Kiri and Kampong Cham, President Nonn had enough. “The Chamber has received enough information regarding the history of Democratic Kampuchea!” President Nonn interrupted, “If you have other questions, you may move on. Otherwise, give the floor to someone else!”

Mr. Mengkhy moved on and asked the witness about the Phnom Penh evacuation. The witness, misunderstanding one of the counsel’s question, replied, “About the evacuation of Phnom Penh, I did not know about the evacuation because I was in the province. I did not even know about the evacuation of other places. When I arrived in Phnom Penh it was quiet. I did not know.”

President Nonn interrupted, “Please listen to the question that was asked! The question was if you saw people evacuated to the place where you were in Kampong Cham.” Mr. Tan replied that he did not.



***Pol Pot “Was Never Seriously Ill,” according to Witness***

Mr. Mengkhy moved on again. He asked the witness if he ever knew Pol Pot was ill. The witness responded, “I never knew about that.”

“So Pol Pot never fell seriously ill according to your observation?” Mr. Mengkhy followed. The witness replied, “He was never seriously ill. He was ill sometimes but that was never very serious. After taking medicine he got better.”

Sticking with the topic, Mr. Mengkhy asked, “So were you never aware that Pol Pot was so seriously ill that Nuon Chea had to take over his tasks?” The witness replied once again, “I have no knowledge about that.”

Mr. Mengkhy continued to ask a number of questions that had been put to the witness by the co-prosecutors earlier that day, eventually concluding his examination and opening the floor for his colleague, Civil Party Lead Co-Lawyer Pich Ang, to put questions to the witness.

***Mr. Pich Ang Puts Questions to the Witness***

As Mr. Mengkhy had done before him, Mr. Ang proceeded to ask the witness a continuous series of repetitive questions, most of them involving the meetings and attendants at Office K-1 after the fall of Phnom Penh.

Mr. Ang read to the witness an excerpt from his OCIJ interview where Mr. Tan discussed seeing letters arriving from Son Sen for Pol Pot. The witness explained, “Letters were sent from Son Sen, but they were small letters placed in envelopes.” Mr. Tan went on to inform the Court that he also received letters from Nuon Chea for Pol Pot; these letters, he explained, were “big.” Most of the letters Pol Pot received, he added, were small.

Asked if he knew a man called Duch, the witness replied, “I don’t know this person.”

“Do you know B-1?” Mr. Ang asked. “I used to know it,” the witness replied. Mr. Tan said, however, that he did not know anything about the communication between Pong and B-1. He did not know anyone working at B-1, he continued, though he said he had heard of the person So Hong.

“K-1 was located in two buildings, one to the South and one to the North near the Basac River,” Mr. Ang stated and then asked, “Where is that location now?” Though Mr. Tan did not know, a number of Cambodian viewers laughed, as the location of K-1 is now, apparently, a brothel.

With this question, Mr. Ang concluded his examination.

***President Nonn Briefly Questions the Witness about Pong’s Disappearance***

Before adjourning proceedings for the day, President Nonn briefly inquired about the witness’s previous testimony on the disappearance of Prong, specifically interested in Mr. Tan’s own feelings when he discovered Pong had vanished.

The witness explained, “After Pong’s disappearance, I started to feel suspicious because I had not seen him for a few days because he used to come to work every day. I was very doubtful and did not know where he had gone.” Mr. Tan could not recall the date Pong disappeared. Ken, alias Lin, replaced Pong after his disappearance, he added.

When President Nonn asked the witness, “Who was superior to Pong?” the witness responded, “There was none.”

President Nonn, having concluded his questioning, informed the defense counsel they would commence their examination of the witness the next morning, Thursday, June 14, 2012. After informing the witness to return to the courtroom the following day, Thursday, June 14, by 9:00 a.m., President Nonn adjourned the Chamber.