



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 07-May-2013, 09:08  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 April 2013  
Trial Day 173

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

The Accused: KHIEU Samphan  
NUON Chea

Lawyers for the Accused:

SON Arun  
Victor KOPPE  
KONG Sam Onn  
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DAV Ansan  
Miriam MAFESSANTI  
SE Kolvuthy

Lawyers for the Civil Parties:

PICH Ang  
Élisabeth SIMONNEAU-FORT  
HONG Kimsuon  
SIN Soworn  
VEN Pov  
CHET Vanly

For the Office of the Co-Prosecutors:

SONG Chorvoin  
Keith RAYNOR  
Dale LYSAK

For Court Management Section:

UCH Arun  
SOUR Sotheavy

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**List of Speakers:**

Language used unless specified otherwise in the transcript

| <b>Speaker</b>                      | <b>Language</b> |
|-------------------------------------|-----------------|
| JUDGE CARTWRIGHT                    | English         |
| MS. CHET VANLY                      | Khmer           |
| MS. GUISSÉ                          | French          |
| MR. KONG SAM ONN                    | Khmer           |
| MR. KOPPE                           | English         |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer           |
| MR. RAYNOR                          | English         |
| MS. SIMONNEAU-FORT                  | French          |
| MS. SONG CHORVOIN                   | Khmer           |
| MR. UNG CHHAT (TCW-752)             | Khmer           |

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the testimony of Mr. Ung

6 Chhat.

7 Mr. Dav Ansan, you are now instructed to report to the Chamber

8 the current status of the parties to the proceedings.

9 [09.04.40]

10 THE GREFFIER:

11 Mr. President and Your Honours, today, the 30th of April 2013,

12 all parties to the proceedings are present.

13 And Mr. Nuon Chea is present in his holding cell according to the

14 ruling by the Chamber due to his health concerns.

15 National Lead Co-Lawyer for the civil party is absent due to his

16 personal commitment, and today the Chamber is going to hear the

17 testimony of Mr. Ung Chhat, who is right in the courtroom.

18 TCW-389 is a reserved witness who took the oath already.

19 According to the best recollection or knowledge the witness is

20 not in a relationship with the accused or a civil party in this

21 Court. Mr. Moeurn Sovann is his - other witness duty counsel.

22 Thank you.

23 MR. PRESIDENT:

24 Thank you.

25 Before we hand over to the Co-Prosecutors, we would like to

2

1 inform Mr. Ung Chhat that the Chamber notes that you have  
2 diabetes and that, with that the Chamber would allow you to go to  
3 the bathroom as soon as you wish.

4 Now, without further ado, we would like to hand over to the  
5 Co-Prosecutors.

6 [09.06.31]

7 MS. SONG CHORVOIN:

8 Thank you, Mr. President and thank you Your Honours. I would like  
9 to hand over to my learned colleague, Mr. Keith Raynor, to put  
10 some questions to the witness.

11 MR. PRESIDENT:

12 You may proceed.

13 QUESTIONING BY MR. RAYNOR:

14 Thank you, Mr. President. Good morning, Your Honours, and good  
15 morning, Mr. Ung Chhat.

16 [09.06.55]

17 Q. I'd like to please start by asking you some follow-up  
18 questions about the ranks of the Lon Nol soldiers who attended  
19 the meeting at the provincial hall in Pursat and who were then  
20 taken away from that meeting. I'm referring to your statement to  
21 the Co-Investigating Judges, D125/176. And at Khmer page  
22 00277334, you stated this - and I quote: "The Khmer Rouge leaders  
23 told me that these attendees were Lon Nol military officers with  
24 the ranks of second lieutenant, captain and up to general."  
25 Can you confirm if any of these people were wearing their rank on

1 military clothing?

2 MR. UNG CHHAT:

3 A. I do not remember having seen the rank being worn on the  
4 military uniform of those attendees. I only knew that the  
5 attendees were of senior ranks.

6 Q. You stated on Khmer page 00277329 through 30, this - and I  
7 quote: "I recognized Mr. Pel..."

8 And if I have the pronunciation wrong, you can correct me.

9 "I recognized Mr. Pel, an officer of Lon Nol military and  
10 commander of the regiment stationing at Tuol Po Chrey. He had  
11 also come to the meeting and, along with others, boarded a car to  
12 follow [the Khmer Rouge]."

13 [09.10.06]

14 Can you help us on what rank Pel, the commander of the regiment,  
15 held?

16 A. I know Mr. Pel very well because his barrack was close to my  
17 area and he was the most senior person in the military, although  
18 I don't know his actual rank. But he was the most senior military  
19 personnel in the area.

20 Q. Dealing with the period after the meeting at the provincial  
21 hall, at the same Khmer pages, you said this - and I quote:

22 "I saw those Lon Nol soldiers were happy. They told their  
23 relatives waiting and standing [by the] road that 'please inform  
24 our relatives at home that we are going to study and will meet  
25 with the King Father'."

4

1 Can you give us some idea, please, of how many relatives were  
2 waiting outside the Pursat provincial hall?

3 [09.12.12]

4 A. There were a lot of people who were seen waiting and standing  
5 along the roadside waiving at people who were leaving. And they  
6 said, or they told those family members of their - that they  
7 would be going to the study sessions. And they were heading to  
8 the direction of the Tonle Sap River. And I only learned later  
9 that they were sent to Tuol Po Chrey.

10 Q. With regard to the transport arrangements, taking the Lon Nol  
11 officers away from Pursat, you said this on the same page and  
12 again - I quote:

13 "There were just two Khmer Rouge cars, with about 10 fully armed  
14 guards, leading the convoy of the Lon Nol soldiers, and there was  
15 a jeep with five Khmer soldiers in it driving behind. I didn't  
16 know where they took them to."

17 So, in terms of the numbers of cars or trucks that the Lon Nol  
18 soldiers were in, how many were there, approximately?

19 A. I was not interested in the number of cars or trucks coming  
20 into the province at that time, but I could say that people would  
21 be loaded into some trucks, and when the trucks were full of  
22 people, then they would leave. Some trucks or cars were empty and  
23 were packed at the place.

24 [09.14.48]

25 Q. In your statement, you described your movements after the

5

1 meeting in the following way - and I quote:

2 "When my guarding duty was over at 11 a.m., they had me [go] back  
3 to my place, which was near the hospital. I then asked for  
4 permission from my leader to visit my home village, in Cheam, for  
5 two days. At that time, I saw those Lon Nol soldier vehicles were  
6 stopping at the Po village fort, which was in present Srae Sdok  
7 sub-district, near Kdei Svet Pagoda, about 8 kilometres from the  
8 Tuol Po Chrey fort."

9 My question, Mr. Ung Chhat: Were you walking from the hospital to  
10 your home? Were you on a moto? How were you travelling?

11 [09.16.21]

12 A. I was on a moto. I borrowed the moto of a soldier for two days  
13 so that I could go to the area. And I also saw the military  
14 trucks parked along the road. I did not ask questions, but I knew  
15 that these trucks were the trucks that seen coming from the  
16 province a moment - a day before. And I did not take notice  
17 regarding what could have happened after that.

18 Q. You said in your statement that at the Po village fort - and I  
19 quote:

20 "I saw some people, some of whom were still in the cars and  
21 others were sitting in a group under the trees shades. I also saw  
22 Mr. Pel there. Because they saw me dressed in [the Khmer Rouge]  
23 military uniform, they shook hands with me and asked me where I  
24 was going. I told them that I was going to visit my home. When I  
25 asked them where they were going, they replied that they were



6

1 going to study at the north bank of the Tonle Sap Lake." Close  
2 quote.

3 Mr. Ung Chhat, is Mr. Pel that you saw at Po fort the same Mr.  
4 Pel that you have already mentioned in your evidence?

5 A. Yes, he is. He is the same person because he also worked at  
6 barrack at Tuol Po Chrey and also controlled Po village. I saw  
7 him there and he asked me where - he asked me a question. And I  
8 also learned later on that they would be going to a study session  
9 at the north bank, and the truck would then go off.

10 [09.19.46]

11 Q. What happened next you described in your statement in the  
12 following manner - and I quote:

13 "But Angkar only allowed one car at a time to get in there. I saw  
14 hundreds of the Khmer Rouge troops surrounding those Lon Nol  
15 soldiers. They also set checkpoints on site to ban people from  
16 travelling through that area. I was stopped and searched by them,  
17 but since I had a permission slip, they let me through. While I  
18 was there, I saw them letting a vehicle leave that place one by  
19 one in about every 20 minutes. The Khmer Rouge would not allow  
20 the next vehicle to leave for Tuol Po Chrey unless they saw the  
21 previous one, which had transported Lon Nol soldiers to Tuol Po  
22 Chrey earlier, returned. Later I saw the vehicle which had  
23 transported Lon Nol soldiers there earlier returned empty."

24 [09.21.38]

25 Now, Mr. Ung Chhat, when you saw the hundreds of Khmer Rouge

7

1 troops surrounding those Lon Nol soldiers, was this still at the  
2 location at Po village fort?

3 A. Yes, it was. Yes, it was. It was where the trucks would be  
4 parked, and as I told you, one truck would be allowed to leave at  
5 a time before another truck would be allowed to leave. And that's  
6 all I know.

7 Q. Describing the speed of the Khmer Rouge vehicles involved in  
8 this operation, you said as follows - and I quote-

9 MR. PRESIDENT:

10 Mr. Witness, please hold on.

11 International Co-Counsel for Mr. Nuon Chea, you may now proceed.

12 MR. KOPPE:

13 Thank you, Mr. President. Good morning, Your Honours. Good  
14 morning, Counsel.

15 Up until now, I haven't objected to the way questions are being  
16 phrased. I know the practice of reading out passages from the  
17 OCIJ statement, but we have now reached a moment in his statement  
18 that I feel it is very necessary to ask open questions. It  
19 doesn't come as a surprise to this Chamber if I tell that there's  
20 very little evidence of what happened exactly, and so, to the  
21 potential evidence of this witness, could be very important.  
22 So I think that we have now reached a moment that my learned  
23 friend on the other side should just ask, please, Mr. Witness  
24 what happened, and not having him read the things - the specific  
25 things that he has said earlier to the OCIJ.

8

1 So I object now to this line of questioning, because it is  
2 leading.

3 [09.24.26]

4 MR. PRESIDENT:

5 Thank you, Counsel.

6 Counsel for Mr. Khieu Samphan, you may proceed first.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President, and good morning to you and Your  
9 Honours, and good morning, everyone. On top of what counsel for  
10 Mr. Nuon Chea already stated, I can submit that the Co-Prosecutor  
11 was reading the record of the interview before the  
12 co-investigators.

13 [09.24.55]

14 Although the statement that already given before the  
15 Co-Investigating Judges, is still consistent, I think it is a  
16 waste of time by reading out the same statement again.

17 MR. RAYNOR:

18 Mr. President, this is not simply a well-established practice. It  
19 is a practice endorsed by you, personally - or, I should say,  
20 directed by you personally - endorsed by all the Judges of the  
21 Court, repeated on countless occasions before multiple counsel,  
22 throughout the past year. I entirely understand my learned  
23 friend's objections, who may be used to practicing in courts  
24 either with a jury or courts where judges haven't seen the  
25 statements before. But, Mr. President, you have seen these

9

1 statements. You know what the contents are. You have consistently  
2 urged parties to have targeted questions based on their previous  
3 interviews.

4 It is a well-established procedure in this Court, and I ask you,  
5 please, to allow that procedure to continue and not to add  
6 confusion to how evidence is treated before these courts.

7 [09.26.39]

8 MR. KOPPE:

9 May I briefly reply?

10 As I have said, Mr. President, I haven't been objecting to the  
11 first stage of questioning because I know that this is endorsed  
12 practice. However, now, that was my argument, we have reached an  
13 important phase or state in his statement, therefore we should do  
14 it as open as possible. And in addition to this, even if it is an  
15 endorsed practice, it will definitely be a ground for appeal when  
16 we continue with this line of questioning in this way. It has  
17 been done before.

18 (Judges deliberate)

19 [09.30.18]

20 MR. PRESIDENT:

21 Mr. Koppe, what would you like to say? Because the Chamber will  
22 be ruling upon this, and that - you will not be allowed to raise  
23 the same issue, because the Chamber makes it clear, time and  
24 again, that you would like to raise the same matter, you would  
25 have to take the opportunity to do that before the Judges convene

10

1 to deliberate on the matter. And that's why this practice is not  
2 really encouraged here. If you wish to say things concerning the  
3 line of questioning by the Co-Prosecutor, you would not be  
4 allowed to do that. But you may have the floor if you have new  
5 points to raise.

6 And please be reminded that in the future, every counsel is  
7 advised to raise their points all at once – at once before the  
8 Judges convene to deliberate on the matter finally.

9 We would like to now hand over to Judge Sylvia Cartwright to  
10 render our decision on the objection lodged by counsel for the  
11 accused.

12 JUDGE CARTWRIGHT:

13 Thank you, President.

14 The Chamber wishes to emphasize that the fundamental rule as  
15 summarized by the prosecutor remains valid and that this ruling  
16 is not in any way a variation of it. However, the Chamber sees  
17 the concerns that the defence for Nuon Chea has raised, that the  
18 questioning has reached a delicate point and invites the  
19 prosecutor to ask more open questions from this point on.

20 [09.32.47]

21 I wish to emphasize on the part of the Chamber that this is not  
22 an invitation to repeated concerns being expressed about the  
23 fundamental rule. We take Mr. Koppe's point, that he has not  
24 objected when the fundamental rule has been followed but that he  
25 is concerned at this particular point in this particular

11

1 witness's evidence.

2 Mr. Prosecutor, do you understand the ruling I have made on  
3 behalf of the Chamber?

4 Thank you.

5 BY MR. RAYNOR:

6 Thank you very much, Your Honour Judge Cartwright. I understand  
7 it absolutely and I will apply it from now on.

8 [09.33.35]

9 Q. Now, Mr. Ung Chhat, when you were at the Po fort watching the  
10 vehicles, what speed were they driving at?

11 MR. UNG CHHAT:

12 A. They were driving on an average speed. It was not that fast  
13 because the road was narrow and they had to drive among the  
14 people when they were walking along the street. So the vehicle  
15 could not move fast.

16 Q. When you left the checkpoint, where did you go?

17 A. I rode my bicycle to my house in In Chhea village, close to a  
18 military barrack. It was about 2.5 kilometres away from that  
19 place.

20 Q. How many days did you stay at your village?

21 A. I asked for leave for only one day, so I stayed overnight over  
22 there, and then the next day I returned. I cannot recall the  
23 exact time when I returned, but it could be around 10.00 or so  
24 the next morning.

25 Q. When you were returning, did you pass the Po fort site?

12

1 A. Yes, I did pass it because I came back along the same route  
2 and then I headed for Pursat.

3 [09.36.09]

4 Q. Did you stop and speak to some people there?

5 A. When I was coming back along the road, I stopped by and I also  
6 talked to people. People asked me whether I was returning back  
7 and I told them accordingly, that I was returning back. So along  
8 the way, I met some people whom I had acquaintance with before.

9 Q. Was there any conversation about the Lon Nol soldiers?

10 A. At that time, I did not bother to ask this question. But of  
11 course, among the civilians, they also talk among themselves that  
12 the day before they saw a fleet of trucks taking people and they  
13 also heard the gun fire - or artillery shell, also in the nearby  
14 village. So they were talking among themselves that they heard  
15 gun fire somewhere. So I did not know whether or not there was a  
16 battlefield or so, somewhere nearby that village. I only heard  
17 from them when they were discussing. I did not know what  
18 triggered the gun fire in the place that they were talking about.

19 [09.37.58]

20 Q. As a result of your conversation with the villagers, what did  
21 you understand that happened to the Lon Nol soldiers?

22 A. Well, at that time, I did not really know. I came back to the  
23 place where I stand - where I stood guard, the provincial hall. I  
24 did not see those Lon Nol soldiers anymore because I only saw  
25 empty trucks returning. And then, when I asked for leave to

13

1 return to my village, I actually lost track of that and I did not  
2 even bother to ask where those people had been taken to. I only  
3 came back. I did not realize where the people had been to. I  
4 stayed, and when I returned back, I stayed in the market for some  
5 time, for about 3 hours or so, but I did not actually take notice  
6 of the disappearance of those soldiers. And I also, at that time,  
7 could not distinguish between soldiers and civilians because they  
8 were not wearing military uniform. All of them were wearing plain  
9 civilian clothes.

10 Q. Did it transpire that you asked for an extension to your  
11 leave?

12 A. At that time, following the completion of my tasks, I knew a  
13 commander. He - I do not know where he was - where he had come  
14 from, but I knew him by the name of Sarim. I told him that I did  
15 not want to return to my base yet because my mother was sick. I  
16 told him that I wanted to take care of my ill mother so he  
17 permitted me to - he wrote a letter permitting me to stay at the  
18 rear at that time.

19 [09.40.37]

20 Q. Did you have any cousins, at this time, who were Lon Nol  
21 soldiers?

22 A. Yes, I do, but this soldier was not taken to the training  
23 session. He was my cousin by the name of Heng Nhanh (phonetic).  
24 He actually resided in the village close to my village, too. He  
25 did not attend any training session, but in 1979 he was



14

1 eventually killed.

2 [09.41.16]

3 Q. What was your real reason for wanting to have your extended  
4 leave?

5 A. Well, I asked for leave at that time for the reason that my  
6 mother was being sick, and he took pity on me and then he allowed  
7 me to stay back as per my request. And the commune committee at  
8 that time allowed me to stay back. So I had to work with the  
9 villagers planting crops in the village.

10 Q. Mr. Ung Chhat, I propose to refresh your memory by reading out  
11 parts of the interview. You stated this:

12 "When I arrived at my unit, I asked my boss for an extension by  
13 telling him that my wife was sick, but in fact I wanted to go to  
14 check on those corpses and see if my two cousins who were Lon Nol  
15 soldiers were also killed there."

16 Does that refresh your memory? And is-

17 MR. PRESIDENT:

18 Witness, please hold on.

19 Mr. Victor Koppe, you may proceed.

20 MR. KOPPE:

21 The Prosecution has just heard the nuance decision on the fact  
22 whether the questions are leading or not. We're still in the same  
23 phase. The Prosecution asked first was that the real reason. Why  
24 not ask, was it the reason?

25 And now this particular statement is being read. It's incredibly

15

1 leading and it just shouldn't be done like that. I object.

2 [09.43.29]

3 MR. RAYNOR:

4 Well, Mr. President, unless we're going to have a line by line  
5 indication from the Chamber with every witness as to what - where  
6 the fundamental rule applies and where the fundamental rule  
7 doesn't, and if a witness doesn't remember the precise details;  
8 if the rule is being interpreted that the Crown never refresh the  
9 memory of a witness based on his OCIJ statement; then that again,  
10 not just a departure, a wholesale departure from our pre-existing  
11 practice.

12 So there has to be clarity in this one way or the other. Either  
13 you are continuing your practice or not. This is not about, in my  
14 submission, the main part of this witness's testimony and he  
15 should be entitled to say whether what he told the OCIJ is  
16 correct, especially bearing in mind the standard questions that  
17 you asked, Mr. President, of the witness as to whether their OCIJ  
18 statement is true.

19 [09.44.32]

20 Now that questioning to you of the witness at the start of their  
21 testimony, "Do you stand by your previous OCIJ statement," that  
22 either has a reason in these proceedings, or it doesn't and we  
23 may as well scrap that rule.

24 MR. KOPPE:

25 May I quickly reply, Mr. President. It is not at all the case.

16

1 This is sort of a minor issue in the testimony that this present  
2 witness is giving. The prosecutor has managed to use, to  
3 incorporate the word, "corpses" in the statement and in his  
4 question. That is what it's all about. Were those Lon Nol  
5 soldiers shot, yes or no and were there are corpses, yes or no.  
6 So this is on a fundamental point of the testimony of this  
7 witness, incredibly leading and we should be doing it like this.

8 (Judges deliberate)

9 [09.45.37]

10 MR. PRESIDENT:

11 The objection and grounds of objection by the defence counsel for  
12 Mr. Nuon Chea on the last question posed by the prosecutor are  
13 not well grounded and it is not, therefore, sustained.

14 And the witness - I wish to remind all the parties that the  
15 witness before the Chamber has already taken an oath before he  
16 comes to testify before the Chamber. And before giving testimony,  
17 I, as the President of the Bench, asked the witness concerning  
18 the interview he gave to the investigators of the OCIJ's on the  
19 two occasions, and he actually testified that he did have that  
20 interview with the investigators.

21 However, the Chamber wishes to advise that the prosecutor should  
22 also take into consideration as well, if you want to refer to any  
23 particular portion of the interview in the written records of  
24 interview by the investigator of the OCIJ, you should quote it  
25 verbatim of the interview. You should not add any additional

17

1 words to this quotation. Otherwise, it may mislead this  
2 information.

3 So, you may now proceed, Mr. Prosecutor.

4 [09.50.01]

5 MR. RAYNOR:

6 Mr. President, allow me to make one observation about your  
7 decision which you've just rendered, and specifically the part in  
8 your decision where you mentioned the fact the witness is under-

9 MR. PRESIDENT:

10 The issue is ruled upon. It is ruled upon, so you are not allowed  
11 to make any additional observation. Mr. Prosecutor, you may  
12 proceed.

13 BY MR. RAYNOR:

14 Thank you, Mr. President. I propose to quote verbatim, please, if  
15 I may, from the previous statement.

16 Q. Mr. Ung Chhat, you said this in your statement - and I quote:

17 "When I arrived at my unit, I asked my boss for an extension by  
18 telling him that my wife was sick, but in fact, I wanted to go to  
19 check on those corpses and see if my two cousins who were Lon Nol  
20 soldiers were also killed there." Close quote.

21 Is that correct, what I have just read out to you?

22 [09.51.36]

23 MR. PRESIDENT:

24 Witness, please hold on.

25 National Counsel for Mr. Khieu Samphan, do you have any different

18

1 issue to raise?

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. It is a minor issue indeed.

4 I would like to ask the Chamber to direct Mr. Prosecutor to  
5 specify the exact location of where this happened.

6 MR. RAYNOR:

7 Sorry, is my learned friend asking for the page reference or a  
8 geographical reference? I'm confused.

9 [09.52.19]

10 MR. PRESIDENT:

11 He refers to the specific document number and the specific  
12 relevant ERN pages that you actually quoted the statement of the  
13 witness, on which you base your question.

14 BY MR. RAYNOR:

15 Khmer: 00277331.

16 Q. Is what I've read to you correct, please, Mr. Ung Chhat?

17 MR. UNG CHHAT:

18 A. I did ask for the extension of my leave, but I did not  
19 actually intend to check those corpses whether or not my cousins  
20 were among them. But when I went to see those corpses, I cannot  
21 really recall the events at that time.

22 Q. Who did you go with to see the corpses?

23 A. No, I actually did not go to see those corpses on that day. It  
24 was only later did I go to that place because the villagers, at  
25 that time, were surprised by the corpses because some of the

19

1 villagers went fishing at that time and then they encounter many  
2 corpses over there and then all the villagers went to see. And I  
3 only went along with them at that time and I did not even know  
4 how many corpses all together over there.

5 But as for my cousin, at that time, I realized that he was still  
6 alive.

7 [09.54.36]

8 Q. When you eventually went to see the corpses, who were you  
9 walking with to the site where the corpses were; names of two  
10 people?

11 A. I actually did not know those villagers because villagers came  
12 from different villages. They went fishing. And that some of them  
13 rode their ox carts over there and I went along with other  
14 villagers, but I did not know who they were. I don't know and I  
15 went along with two villagers, but both of them were dead now.

16 [09.55.31]

17 Then, a few days later, I was told that they used bulldozer to  
18 actually bury all of those corpses.

19 Q. When you arrived at the site, what did you see?

20 A. I actually watched it from the distance. The barrack stretched  
21 over around 100 square metres and I only saw the corpses from  
22 outside the fence of the barrack and I could not recognize the  
23 corpses. And when the investigators actually went to meet me and  
24 they took me to that location, I could not - I could hardly  
25 recognize the place anymore because people had already planted

20

1 which tables or crops on that place, but of course, there was  
2 some remains of old clothes over there.

3 Q. Mr. President, to save time, I am going to give, please, with  
4 your leave, a direct quotation from the OCIJ statement.

5 Mr. Ung Chhat, in your-

6 MR. PRESIDENT:

7 Mr. Victor Koppe, you may proceed.

8 [09.57.22]

9 MR. KOPPE:

10 Although I don't know yet the quote, but I'm quite sure which  
11 quote is following, I am objecting to reading a quote from the  
12 OCIJ statement. And I particularly would like the Chamber to  
13 review, again, the paragraph - a paragraph cited or phrased by  
14 the OCIJ's in the Site Identification Report 12 Po Chrey, that is  
15 document D125/217, English ERN Number 00294308 and on page 4 in  
16 the middle of that page, it is written as follows-

17 MR. PRESIDENT:

18 Counsel, can you please speak more slowly when it comes to  
19 reading out the document number and relevant ERN number? The  
20 Chamber has always reminded all parties that when it comes to  
21 reading ERN numbers and document numbers, please go slowly.  
22 Otherwise, the record is not properly kept.

23 [09.58.46]

24 MR. KOPPE:

25 I do apologize, Mr. President. It is document number D125/217; it

21

1 is called "Site Identification Report 12 Po Chrey." The page  
2 number in English is 00294308, and on page 4 of this report, the  
3 following is written:

4 "The credibility of Witness Ung Chhat in one part of his  
5 statement is questioned. It is the impression of the  
6 investigators that the witness does not disclose the full alleged  
7 participation. His detailed knowledge gives reasons that he might  
8 have been closer to the events when he testified so far. In areas  
9 where he describes the basic locations, the course of the events  
10 prior and after the execution, the burial of these bodies, his  
11 testimony is very credible and matches with the accounts of other  
12 witnesses."

13 Now, of course, I'm not necessarily convinced that the doubts of  
14 these investigators are well founded, but the fact remains that  
15 there is doubt about the credibility of this witness in either  
16 direction.

17 So, once again, if we ask questions to this specific witness,  
18 they should be open and they should not be referring - one should  
19 not be referring - the Prosecution should not be referring to  
20 parts, specific parts of his OCIJ statement.

21 [10.00.38]

22 MR. RAYNOR:

23 Mr. President, credibility is a matter for you and your fellow  
24 Judges. To be raising objections to a line of questioning based  
25 on an opinion expressed by an investigator after a site



22

1 investigation report with a witness, giving unspecified comments  
2 as to his credibility, is, in my respectful submission,  
3 groundless, and I should be able to proceed as I have suggested.

4 MR. PRESIDENT:

5 You may proceed, Mr. Co Prosecutor. And please follow what has  
6 been directed by the Chamber in whatever case.

7 BY MR. RAYNOR:

8 Mr. President, I said that with your leave I propose to read a  
9 direct quotation from Mr. Ung Chhat's statement.

10 [10.01.34]

11 Q. Mr. Ung Chhat, in your statement, still at the same Khmer page  
12 as I have previously given, you stated this - and I quote:

13 "At that site, inside the [Tuol Po Chrey fort], I saw all the  
14 dead bodies were on the ground with their heads pointing north. I  
15 saw the arms of the corpses were tied to the back and the corpses  
16 were tied up together in 15 to 20 by a rope. Wound marks on the  
17 heads and torsos of those corpses were clearly visible, and there  
18 was a strong smell of blood at the site."

19 Is that correct?

20 MR. UNG CHHAT:

21 A. I wish to make it clear that when I saw the corpses, I did not  
22 see the corpses personally, because people had been in the place  
23 before me and villagers would then recall what they saw. So I can  
24 say now that this account is reflecting what happened to the  
25 corpses, but I heard from what people told me. So again, I

1 recollect this event through the story re-told by the villagers  
2 who saw this first.

3 Q. Let me break this down, please. Do you accept that you walked  
4 from your village or near your village with two people to Tuol Po  
5 Chrey, yes or no?

6 [10.04.40]

7 A. No, I was on an oxcart going fishing near the fort. It was  
8 about 2 kilometres - the place where we went fishing was about 2  
9 kilometres from that complex, and I heard people talk to me about  
10 this.

11 Q. I'm going to give you some direct quotes from your statement  
12 and ask you why you told the investigators these things and why  
13 you told Mr. President that your statement is accurate.

14 Firstly, this quotation on the same page - I quote: "I arrived at  
15 my home and left the motorbike there, and then I walked with two  
16 other persons, Doeun and Nhanh, through the forests towards [Tuol  
17 Po Chrey]."

18 Why did you tell the investigators that you walked with those two  
19 people to Tuol Po Chrey?

20 [10.06.27]

21 A. I think I had no motorbike at that time. The motorbike was at  
22 a different place. And I did tell the truth, and my testimony can  
23 be confirmed by a person by the name Nhanh. There was no  
24 motorbike.

25 Q. Mr. Ung Chhat, you told the OCIJ investigators - and I'm not

24

1 going to read the whole of the extract, but you used the words "I  
2 saw all the dead bodies". Why did you tell the investigators that  
3 you saw all the dead bodies?

4 A. As I told you-

5 MR. PRESIDENT:

6 Counsel for Mr. Khieu Samphan, you may proceed first.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President.

9 I may wish to refer to the question by the Co Prosecutor, when he  
10 asked the witness why he told the co investigators that he saw  
11 the corpses, all the corpses. I believe that it is not the way it  
12 should be, because witness could have been mistaken or should  
13 have given different account to the co investigators.  
14 So such a line of questioning should not be appropriate here. It  
15 should be a different way.

16 [10.08.31]

17 MR. PRESIDENT:

18 It is approach by each party in putting questions to a witness or  
19 civil party. And the Chamber will not take this as appropriate  
20 when counsel is on his feet to criticize another counsel for - or  
21 instructing another counsel in the way of putting questions.  
22 So the Chamber would like counsel for Mr. Khieu Samphan to be  
23 precise, as well, with his objection.

24 And also, please be reminded that if counsels believe or are  
25 convinced that some questions are not appropriate, or perhaps

25

1 there are gaps in questioning, then you may take the opportunity  
2 when the floor is offered to you to put those questions. And,  
3 yes, to save the Court and the other parties' time, counsels  
4 should be very careful when being on their feet and please do  
5 your best not to intimidate the witness before us.

6 And, Mr. Co Prosecutor, you may now proceed. And time is almost  
7 over already.

8 [10.10.12]

9 BY MR. RAYNOR:

10 Q. Mr. Ung Chhat, why did you tell the investigators these words  
11 - and I quote - "I saw all the dead bodies were on the ground  
12 with their heads pointing north"? End quote.

13 MR. UNG CHHAT:

14 A. I may have to correct this statement. If I remember this  
15 clearly, I did not say exactly I saw all the dead bodies were on  
16 the ground with their heads pointing north, because it is not  
17 possible that all the dead bodies would be with their heads  
18 pointing north.

19 Q. Why did you tell the investigators these words - and I quote -  
20 "I saw the arms of the corpses"? Close quote.

21 A. The people, the villagers who were there at the crime scene,  
22 saw the dead bodies whose hands were tied, whose arms were tied,  
23 and this is the account that I learned from them. And I asked  
24 them how these people died, and that's the way they told me. They  
25 said that people were killed when their arms were tied.

1 [10.12.32]

2 Q. Why did you tell the Investigating Judges these words – and I  
3 quote – "I saw the corpses were only in civilian clothes"? Close  
4 quote.

5 A. When I saw the corpses, I did not see them wear uniform, like  
6 military uniforms. They were wearing civilian clothes, and the  
7 corpses were scattering in the area. And the corpse perhaps could  
8 have been ransacked by the people who were trying to find some  
9 jewellery or belongings off of these dead people.

10 Q. What's the closest, you say, in metres, that you got to a dead  
11 body that day?

12 A. After this thing, the smell of the corpses already subsided,  
13 and I – and the fence of this fort was removed. I went to the  
14 place to see the corpses, and I can't exactly say how far I could  
15 have been standing from the location where I saw these corpses.

16 [10.14.45]

17 Q. In another part of your statement, I'm going to give a direct  
18 quote. It's still on the same page. You said this – and I quote:  
19 "Some corpses were dragged into a pond nearby and some were  
20 buried on site."

21 Did you ever visit this pond and see any corpses?

22 A. I brought the investigators to that pond, and the location  
23 where the bodies could have been buried before was now the  
24 plantation. And villagers would grow crops on that parcel of land  
25 and the villagers would then use their hoe to dig the ground, and

27

1 they could find some remains of the dead bodies. And also, in the  
2 pond, there were some remains as well, and we did not do anything  
3 other than returning back by a car.

4 Q. Did you see remains of human bodies in a pond, and if so,  
5 when?

6 [10.16.49]

7 A. I do not remember the exact date I saw the remains, but we did  
8 not - or I did not see the scalps. I - we saw only fragments of  
9 the remains, like the left - the bones of the corpses. And we saw  
10 that on the day when the investigators went to the location with  
11 us - with me.

12 MR. RAYNOR:

13 Mr. President, with your leave, can I please apply, at this  
14 stage, to play an extract of two minutes and 25 seconds from a  
15 film that you are already familiar with? It is the film by Thet  
16 Sambath, entitled "One Day at Po Chrey". It was a video that you  
17 saw in full during a document presentation on Tuol Po Chrey  
18 earlier in this case.

19 [10.18.01]

20 And my application, given the witness's evidence about - and this  
21 will become apparent as the film is played - about ponds and Pel  
22 - I apply, please, to play an extract from E186.1R. It's item 12  
23 on ZyLab for that list of videos.

24 The AV Unit, behind me, have the video. I have checked with them  
25 that they have the video at the right timing point. And, Mr.

28

1 President, I apply to play this 2 minute 25 second extract and to  
2 ask – and one or two supplementary questions, and then the  
3 questioning from the OCP will conclude.

4 MR. PRESIDENT:

5 You may proceed.

6 And AV booth officers are now directed to display this video on  
7 the screens.

8 [10.19.15]

9 (Presentation of audio-visual document, no interpretation)

10 [10.21.41]

11 BY MR. RAYNOR:

12 Q. Mr. Ung Chhat, is that man's pronunciation of Mr. Pel the same  
13 as your pronunciation of Mr. Pel?

14 MR. UNG CHHAT:

15 A. Yes, the name is pronounced the same as the name of the person  
16 I mentioned.

17 MR. RAYNOR:

18 Thank you. I have no further questions. Thank you for your time.

19 Thank you, Mr. President and Your Honours. That concludes the  
20 questioning from the Office of the Co Prosecutors. Thank you.

21 MR. PRESIDENT:

22 International Counsel for Mr. Khieu Samphan, you may proceed.

23 MS. GUISSÉ:

24 Mr. President, good morning, and good morning to all the Judges  
25 of the Chamber.

29

1 I just want to make a brief observation to say that we have not  
2 objected but we want the record to reflect the fact that this  
3 audio document is not in the interface regarding this witness. I  
4 just want to say this so that we should have the same latitude  
5 and flexibility in dealing with other witnesses who will appear  
6 before this Trial Chamber.

7 [10.23.24]

8 MR. RAYNOR:

9 Can I explain, Mr. President and Your Honours, that this video  
10 file cannot be uploaded onto the interface. I contacted both the AV  
11 Unit, and in fact, the Trial Chamber directly, Mr. Phillips to  
12 inform him last week that this clip was going to be played. But  
13 as far as I understand it, the clip itself cannot be downloaded  
14 onto the interface. That was the information I had last  
15 Wednesday, I believe. Thank you.

16 MR. PRESIDENT:

17 Thank you.

18 We would like to now hand over to Lead Co-Lawyers for the civil  
19 parties to put some questions to the witness.

20 MS. SIMONNEAU-FORT:

21 Yes, thank you, Mr. President.

22 Lawyer Chet Vanly will start this examination of the witness, and  
23 then I will follow suit.

24 [10.24.26]

25 Before we start, may I know whether we'll have at least 20



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1 minutes or 30 minutes which will give each of us 10 to 15  
2 minutes? I believe the Defence made lots of repetitive  
3 objections, Mr. President, and this led to a loss of considerable  
4 time.

5 MR. PRESIDENT:

6 You will be offered 15 additional minutes on top of the allotted  
7 time for this. You may proceed.

8 QUESTIONING BY MS. CHET VANLY:

9 Thank you, Mr. President and Your Honours, and very good morning  
10 to you and everyone.

11 Very good morning, Mr. Ung Chhat. I am Chet Vanly, counsel for  
12 the civil parties. I have a few questions.

13 Q. You already mentioned about the executions carried out at Tuol  
14 Po Chrey. My questions are follow-up questions and focusing on  
15 the statement you provided before the co investigators, document  
16 D125.

17 [10.26.04]

18 MR. PRESIDENT:

19 Counsel for the civil party, please proceed until you finish  
20 reading this ERN, then we may proceed to the Defence.

21 BY MS. CHET VANLY:

22 Document D125/176, and D232/10, we believe that the witness has  
23 obtained these documents already.

24 Q. My question - my first question would be, yesterday you said,  
25 before the co investigate - rather, the Co Prosecutors and the

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1 Chamber, that you was in charge of the market and a meeting. What  
2 or who rendered the decision for the plan to evacuate or to  
3 remove the market at Pursat?

4 [10.27.22]

5 MR. UNG CHHAT:

6 A. As a soldier in the battalion, I was under the supervision of  
7 Mr. Tauy and Sarim, who were the co commanders of the company. On  
8 the 19th of April, I had to carry out the order, and the order  
9 was rendered from these two commanders when I was asked to go to  
10 the provincial hall to guard at the outside area of the complex.  
11 I was not tasked with gathering civilians or soldiers to attend  
12 the meeting, so I was there only on guard duty. That's all.

13 Q. As a guard at the provincial hall, what was supposed - what  
14 were you supposed to do, and how many people were attending the  
15 meeting at that provincial hall?

16 [10.28.57]

17 A. My battalion - rather, my platoon, comprised of about 30  
18 people, were deployed to stand guard at the outside of that  
19 complex, the provincial hall. And in the afternoon, I was asked  
20 to follow a group of soldiers, one of whom was seen carrying a  
21 loudspeaker, asking villagers to leave their homes. And after  
22 that I had to come back to my guarding position and continue  
23 guarding the premises.

24 Q. Were you armed when you were on duty?

25 A. Yes, I was. We were armed when guarding the complex. But when

1 we were at the market telling people to leave their market and  
2 homes, we were not armed. The soldiers at that time - I mean, we  
3 were commune soldiers so we were not allowed to be armed in  
4 public place. But others were armed.

5 Q. You said that the soldiers were guarded were Lon Nol soldiers,  
6 and they had to come to this provincial hall for the gathering.  
7 Who was in charge of bringing them?

8 A. I'm afraid I don't know who would render - would gather them.  
9 But the order was - or must be rendered from Mr. Tauy, and  
10 whenever the order was issued, then it had to be carried out, and  
11 soldiers would be gathered. I noted that there were truckloads of  
12 people or soldiers into the town hall. I did not know what  
13 happened inside.

14 [10.32.01]

15 Q. Thank you. I would like you to clarify a few points. Yesterday  
16 you said that Lon Nol soldiers were attending this meeting but  
17 they were wearing civilian clothes. How could you identify them  
18 as Lon Nol soldiers if they were wearing civilian clothes? Were  
19 all the attendees soldiers or civilians - or there were some  
20 civilians also?

21 A. I could recognize that they were Lon Nol soldiers because I  
22 knew Mr. Pel. Mr. Pel was a former soldier of Lon Nol, so I saw  
23 that those people were soldiers. But I also had some reservation  
24 in my thinking at that time because I just wondered why those  
25 people were not wearing military uniforms if they were soldiers.

1 But I did not ask people about that because I was supposed to  
2 stand guard the premises, I was not supposed to ask people any  
3 questions. I cannot say with clarity that those people were all  
4 soldiers.

5 [10.33.30]

6 Q. Besides Mr. Pel, who was the regiment commander whom you knew,  
7 did you see any other people whom you might have known, for  
8 example, the former provincial governor or any civil servants  
9 from Lon Nol administration? Did you recognize any other people  
10 among those people attending the meeting?

11 A. No, I did not know anyone because I came from the countryside,  
12 very far from the provincial town. I did not recognize anyone. I  
13 only knew Mr. Pel, who was the commander in a military barrack  
14 nearby the place where I was positioned. And I did not know any  
15 other people. And I did not know their rank from the previous  
16 regime. I knew another man by the name of Tauy as well, but I did  
17 not know him clearly.

18 Q. Did you meet or see Mr. Youk Hang, who was the former Pursat  
19 Provincial Governor at the time?

20 A. I only heard of his name at that time. I heard from others.  
21 They told me that the former governor of this province was Mr.  
22 Youk Hang, but I did not meet him in person. I only heard of his  
23 name because I was an ordinary citizen coming from the  
24 countryside. I heard from others that a man by the name of Youk  
25 Hang was the former governor of the previous administration.

1 [10.35.32]

2 Q. Can you expand on this issue? The people who were summoned to  
3 attend the meeting in Pursat provincial hall, how did they gather  
4 those attendees? Because you were one of the guards who were  
5 standing guard the premise. So, before they held the meeting  
6 were there any prior meetings to arrange the necessary  
7 preparation for the meeting? We noticed that the attendees of the  
8 meeting included civilians and soldiers. Do you know how they  
9 gathered the presence of attendees in the meeting?

10 A. Well, I came to stand guard of the premises according to the  
11 orders I received. I was tasked by my superior to stand guard  
12 these premises. So my duty was to provide security around the  
13 premises. I did not know whether or not plans had been arranged  
14 beforehand for the meeting. They did not even tell me what the  
15 meeting was all about.

16 As I told the Court yesterday, I was not told of anything of  
17 substance of this meeting. I was supposed to only handle the duty  
18 I was supposed to handle. I must not ask or question what was  
19 going on. So my role was merely standing guard of the premises. I  
20 did not know what was going on, and the meeting was held in a  
21 firmly closed door. I did not know what was discussed in the  
22 meeting.

23 [10.37.46]

24 Q. At that time did you happen to know that there was a meeting -  
25 the meeting was about the appeal for the support or appeal to

1 rally the former prince, Norodom Sihanouk?

2 A. When people left the meeting they walked past the lane  
3 entrance and they got on the trucks. Normally a truck was crowded  
4 with people and people were talking. Some people were talking to  
5 each other and I overheard them talk to each other that they were  
6 supposed to go for a training session and then they were heading  
7 northward. And at that time I was very young, I did not  
8 understand everything that much. I did not know whether or not  
9 they went there to receive the Prince or not. I was rather young.  
10 I did not want to ask them. I did not want to know other peoples'  
11 business at that time. I didn't even pay attention to it.

12 Q. Thank you, Mr. Witness. In the interests of time I only have  
13 one more question for you. During the meeting, did you see or  
14 know any Democratic Kampuchea leaders presiding over this  
15 meeting?

16 [10.39.45]

17 A. No, I did not know because the place where I was positioned  
18 was at the entrance. At the front gate of the building and  
19 normally the leaders came from the back gate. So I did not know.  
20 Ta Sot and Ta Tauy, at that time, were the committee of the  
21 sector and they all attended the meeting, but I never met them in  
22 person. I only heard that they were the commanders of the sector  
23 at that time. And it was - even in 1979, I only heard of Ta Tauy  
24 and Ta Sot, and I did not meet them in person. I heard from  
25 others that they were the superiors who managed the sector at

1 that time.

2 MS. CHET VANLY:

3 Thank you, Mr. Witness.

4 Mr. President, I urge you to - my time constraint - I would like  
5 to cede the floor to my esteemed colleague.

6 MR. PRESIDENT:

7 Well, the time is now appropriate for a short break. The Chamber  
8 will adjourn now until 11.00 this morning.

9 And court officer is instructed to facilitate the arrangement for  
10 the break of the witness and have him back by 11.00.

11 (Court recesses from 1041H until 1102H)

12 MR. PRESIDENT:

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

14 We would like to hand over to co-lawyers for the civil parties to  
15 proceed putting questions to the witness. You will have 15  
16 minutes for this.

17 QUESTIONING BY MS. SIMONNEAU-FORT:

18 Good morning, Mr. President. Good morning, Your Honours. Good  
19 morning to all parties and all those present, and to you, Mr.  
20 Witness, good morning. Thank you for appearing before this  
21 tribunal. I understand that it is difficult to testify in a trial  
22 such as this one. However - and, rather, it requires much courage  
23 to help ascertain the truth and I, therefore, thank you for that.

24 [11.03.33]

25 Q. Yesterday you stated that you were born in 1962, and

1 therefore, you were 23 years of age in 1975. At the time, were  
2 there many other young people who were enlisted in the army at  
3 the time?

4 MR. UNG CHHAT:

5 A. There were a lot of people from different provinces and  
6 districts.

7 Q. And were there very young people, such as yourself, at the  
8 time you were enlisted?

9 A. There were young people and adults. There were very few young  
10 people as young as I was, at that time, who were enlisted. We  
11 were forced to join the Movement. We were not allowed to stay  
12 with our parents.

13 Q. Thank you. And as a very young soldier, aged between 20 and  
14 23, were you ever on occasion forced to obey the orders of your  
15 superiors who obliged you to undertake difficult tasks, tasks  
16 with which you were not at all in agreement?

17 A. We could not resist the order. We were in the area where we  
18 had to make a decision we didn't like. Whether we like it or not,  
19 we had to join the army.

20 [11.06.30]

21 Q. And did you have to complete tasks that you did not agree with  
22 but that you were forced to do, because you had no choice but to  
23 obey?

24 A. Yes, it is correct. We had to follow the order and we had to  
25 be armed. It was an obligation and it was compulsory that we had



1 no other choice. And we young soldiers would then be put to work  
2 together with other senior soldiers.

3 Q. And from time to time was it very difficult for you? Was it  
4 very difficult on your conscience, and based on your values and  
5 beliefs when you were told to do things and forced to do things?

6 A. As I stated earlier, I did not like the tasks, but I had to  
7 oblige myself to join them and we were monitored by people at  
8 different levels, and we would be no safer if we stayed home.

9 Q. You stated that you were demobilized shortly after April 1975.  
10 Is one of the reasons because you found the tasked you had to  
11 undertake in the army to be too difficult?

12 [11.09.10]

13 A. We were told that we would be taken to Moung district of  
14 Battambang and I got very tired already because I had been  
15 involved in this for too long, and I fed up with this. So I asked  
16 that I be allowed to be reunited with my family.

17 MR. PRESIDENT:

18 Counsel, can you advise the Chamber as to which particular  
19 relevant fact in Case File 002/1 are you - do you believe that  
20 your line of questioning is relevant, before we can proceed  
21 further?

22 MS. SIMONNEAU-FORT:

23 These questions are relevant because they pertain to context.  
24 They also concern the obligation to obey on the part of soldiers  
25 in function to their age and these questions are important in

1 order to establish the foundation for my follow-up questions, if  
2 I may continue.

3 (Judges deliberate)

4 [11.10.59]

5 MR. PRESIDENT:

6 Counsel, you are now advised to put direct and related questions  
7 to the fact at issue, because the Chamber believes that the  
8 previous questions were not very relevant.

9 And please make the most of the time allocated, and add that to  
10 your time for questioning this witness. And the questions you put  
11 to the witness were too broad and less relevant.

12 BY MS. SIMONNEAU-FORT:

13 Very well, Mr. President. I was leading up to the subsequent line  
14 of questions, which I do believe are relevant.

15 Q. This series of questions concerns Tuol Po Chrey. I know you  
16 don't - you are not particularly inclined to talk about this. It  
17 is a difficult subject, as it is for many. You stated however,  
18 this morning, that you were not at Tuol Po Chrey, and that the  
19 day that you left your village you were arrested and you saw  
20 trucks leave one at a time, and the trucks were coming back  
21 empty, and when the truck were coming back empty, 20 minutes  
22 later there would be truckloads of trucks leaving. How often did  
23 you see this convoy of trucks leave?

24 [11.12.49]

25 MR. PRESIDENT:

1 You may proceed, Counsel.

2 And, Mr. Witness, please hold on.

3 MR. KOPPE:

4 Thank you, Mr. President. Maybe I didn't understand it correctly  
5 or something went wrong in translation, but I heard counsel say  
6 that the witness said that he had been arrested.

7 BY MS. SIMONNEAU-FORT:

8 No. I asked how long he had stayed at the area and how often he  
9 had witnessed the comings and goings of the trucks – how long he  
10 had stayed, [corrects the interpreter].

11 Q. Can you please answer, Mr. Witness?

12 [11.13.47]

13 MR. UNG CHHAT:

14 A. During yesterday and even during today's session, I didn't see  
15 the trucks because Phum Po fort was not close to my area and  
16 there was checkpoints where people would be checked before they  
17 could be allowed to get into the premises. And at that time, when  
18 I was stopped at the checkpoint, I noted that there were trucks  
19 and there were truckloads of people and one truck would leave  
20 that place, one at a time. I did not know whether the trucks  
21 would be leaving the area for Tuol Po Chrey, but that was the  
22 only road, leading to Tuol Po Chrey. So I presume the truck could  
23 have been leaving for Tuol Po Chrey.

24 [11.14.52]

25 Q. Thank you. I heard this morning that you were talking about

41

1 the trucks. I shall perhaps ask you one final question. Mr.  
2 Witness, you have taken an oath. Can you please assure the  
3 Chamber that you were not forced by your superiors to attend the  
4 executions that were taking place at Tuol Po Chrey?

5 A. I took the oath already that I would only tell the truth,  
6 nothing but the truth. I did not receive orders to kill anyone at  
7 that time. If I were to receive such order, and I told I did not,  
8 then I would be cursed by all spirits. But I am telling the truth  
9 and I believe that this truth telling will bring me peace and  
10 prosperity.

11 MS. SIMONNEAU-FORT:

12 I have no further questions, Mr. Witness.

13 Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 Next we would like to hand over to counsels for Mr. Nuon Chea to  
17 put questions to the witness. You may proceed.

18 [11.17.00]

19 QUESTIONING BY MR. KOPPE:

20 Thank you, Mr. President. Good morning, Mr. Witness.

21 Q. Mr. Witness, in the days that you were a member of the  
22 revolutionary forces, did you ever encounter in combat with  
23 soldiers from the Lon Nol regime?

24 MR. UNG CHHAT:

25 A. Yes, I did. We engaged in some battlefields in the vicinity of

1 Pursat province. As the combatant in the platoon, a small group  
2 of soldiers, we were located in our confined area and my unit was  
3 a secondary military unit as opposed to the other main units in  
4 the military.

5 Q. Would you be able to expand some more on the battles that your  
6 unit has been fighting with the Lon Nol soldiers?

7 A. I cannot remember the details of this. We engaged in the  
8 battles, but small battles. When - we fought these soldiers when  
9 we were on foot, and we did not engage in the battles when we  
10 were in the tanks. So we were fighting in small groups on those  
11 occasions. And I just don't remember the frequency or how many  
12 times we engaged in such battles.

13 [11.19.30]

14 Q. Were there ever any members of your group arrested by Lon Nol  
15 soldiers; and if yes, do you know what happened to them?

16 A. Since the day I started working at my unit I have had no  
17 knowledge of whether any of our colleagues been arrested by  
18 others, or the Lon Nol soldiers. So we only engaged in a small  
19 unit and we were tasked with treating the wounded and sometimes  
20 we would be asked to help the other soldiers. But I do not  
21 remember knowing any of us being arrested.

22 Q. In the years prior to 1975, was your unit ever close to the  
23 fort where the regiment of Commander Pel was situated at Tuol Po  
24 Chrey?

25 A. I was not very close. I was about 15 kilometres from that

1 vicinity because I was in Svay Doun Keo district, and the fort  
2 controlled by Mr. Pel was in between my district and Moung  
3 district. So the closest proximity that I was to this location  
4 was 5 to 6 kilometres and I would never be located closer than  
5 that.

6 [11.22.22]

7 Q. Do you know if prior to 1975 this fort, which was run by  
8 Commander Pel, was ever attacked by revolutionary forces?

9 A. Yes. Very often we had to engage in helping the soldiers who  
10 had to attack this place, the fort. Because every time when order  
11 was rendered that the troops had to attack the vicinity then we  
12 had to support them by providing food supplies. But the  
13 casualties were more on the Khmer Rouge side than on the Lon Nol  
14 soldiers' side.

15 Q. Would you be able to give an estimate of how many attacks were  
16 carried out on that fort?

17 A. I cannot estimate as to how many attacks were carried out,  
18 because as a combatant, a low-ranking combatant, I had no access  
19 to the inventory or the records of attacks that could be taking  
20 place at that time and in Sector 7. So in a nutshell, I just  
21 cannot tell you how many the attacks could have been, and that's  
22 all I can tell. I don't even know whether one attack was heavier  
23 than the other.

24 [11.25.14]

25 Q. But in those years prior to 17 April 1975, was it only one

1 attack, maybe two or three, or were there dozens of attacks on  
2 that fort in Tuol Po Chrey?

3 A. Prior to April 1975, during the course of one year, I can say  
4 that there were one or two attacks were heard. And I think there  
5 were less frequent attacks in 1974, the year leading to 1975 than  
6 the previous years.

7 Q. Are you able to tell how many Khmer Rouge soldiers were  
8 wounded after the attack, or how many Khmer Rouge soldiers were  
9 killed during the course of that attack – those attacks?

10 A. Po village fort, and Tuol Po Chrey fort were attacked one  
11 after another. For example, troops would attack from different  
12 sides at different times and I would only be there to help  
13 collect the wounded; and some would be transferred to other  
14 locations, and for that reason I cannot really give you the  
15 number of soldiers. I know that soldiers were killed, but later  
16 on these gaps were filled by new recruits and I noted that some  
17 of them spoke with dialects. So I could say that these people,  
18 the new recruits, could have been people from different parts of  
19 the country.

20 [11.28.00]

21 Q. But are you able to make an estimate of how many wounded or  
22 killed there were in those various attacks before 17 April 1975?

23 A. I cannot give you this number. Sometimes during an attack four  
24 or five people got wounded. And I who help the wounded were not  
25 allowed to be close to the place where these wounded soldiers

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1 were treated by the medics, because I was only in charge of  
2 transporting the wounded to the place where they could access to  
3 medical services.

4 Q. Would you be able to tell the Chamber how many Lon Nol  
5 soldiers were staying at those two forts, respectively? How many  
6 in the fort in Tuol Po Chrey and how many in the Po fort?

7 A. I don't know. My unit was in the jungle, and there was - it  
8 was believed that there was a battalion of troops at that place.  
9 So I can say that in a platoon there would be certain number of  
10 soldiers, so these number of soldiers could be multiplied from  
11 one unit, for example, from platoon to company, the numbers could  
12 be tripled or multiplied by three, as I understood. And that was  
13 a regiment, or rather, a battalion of troops at Tuol Po Chrey on  
14 the Lon Nol side.

15 [11.30.52]

16 Q. Just to be clear, if you say a battalion was stationed at Fort  
17 Tuol Po Chrey, how many soldiers were in fact staying at that  
18 fort?

19 A. I do not know the exact number, because I had to be able to  
20 access to the list or the staffing table of the soldiers  
21 recruited at that place to know the exact number of them. But I -  
22 I'm afraid this matter is of confidential nature and I had no  
23 reason to know how many soldiers would be deployed to that area,  
24 and I - I don't know.

25 [11.32.05]



1 Q. If I were to say that at Fort Tuol Po Chrey there were about  
2 200 soldiers from the Lon Nol regime stationed, would that be a  
3 wild guess or would that be accurate?

4 A. I based my assessment on the size of the fort, and I asked  
5 people over there as well. They showed me the fort, but inside  
6 the fort, there were not only the soldiers, there were also  
7 civilians as well. So my guess could have been around that number  
8 or maybe well above this number or over in that number. It was  
9 only my guess.

10 Q. And what about the fort - the village fort at Po, how many  
11 soldiers and/or civilians were situated there, have you heard  
12 that?

13 A. The military fort attached to Po village was bigger than that  
14 in Tuol Po Chrey, because at that fort are comprised of civilian  
15 as well as the militia and soldiers. I actually at that time did  
16 not bother to ask questions as to how many soldiers were there,  
17 because at that time, some people said they were soldiers and  
18 others said they were militia, and we - I did not actually ask  
19 them exactly who they were and how many of them were there. So I  
20 could not tell the Court as to how many soldiers were there.

21 [11.34.37]

22 Q. If I understand correctly, the commander of the fort in Tuol  
23 Po Chrey was the commander, Pel. Would you be able to tell what  
24 his reputation was, if at all, in 1975? How was he known by you  
25 and by your direct colleagues in the platoon?

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1 A. Again, Pel was the commander of the two forts, the one in Po  
2 village and the other one in Tuol Po Chrey. In terms of his  
3 reputation, on the day he met me, I did not know that people had  
4 any, you know, bad impression on him. Actually, he was someone  
5 whom the villagers thought that he was an ordinary commander, so  
6 they did not have any particular notice on him.

7 [11.36.19]

8 Q. But my question to you was whether you, or the members in your  
9 platoon at that time, knew anything about his reputation as a  
10 military commander?

11 A. Are you referring to the time when - the time before the peace  
12 period, or the period after the peace period? Because prior to  
13 the peace period, the people hated each other, and following the  
14 peace period, people were advised not to take revenge against one  
15 another.

16 So, at that time, everyone did not wear different military  
17 uniforms. We shook hands and we talked to each other normally. At  
18 that time, he was an approachable person. He walked along with  
19 us. We did not even bother to ask each other about the previous  
20 background and work. We work alongside each other at that time.  
21 That was being directed for us to interact with one another  
22 during the peace time.

23 [11.37.52]

24 Q. I understand what you're saying. My questions to you were  
25 relevant to the years when you were an active combatant

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1 up-leading until 17 April 1975. But I heard you use the word  
2 "hating" and the instruction not seeking -- not to seek revenge.  
3 Would you be able to elaborate on the word "hating"? Was there  
4 any hate going on in respect of Commander Pel?

5 A. I cannot really enlighten you on this issue, but there was  
6 instruction at that time, that we must not seek any revenge  
7 against the previous commander in the military. We had to seek  
8 peace among ourselves, because our country was at peace now. So,  
9 if we were curious about who was doing what in the past, then  
10 there would be a lot of problem.

11 So, at that time, we live with each other peacefully. During one  
12 given period, at that time, we did not have any problem with each  
13 other. We knew that there was execution at Tuol Po Chrey; that  
14 was the only location where people were executed. And in 1976,  
15 there was some investigation into the execution of people over  
16 there, whether or not they died of diseases or any other causes.

17 [11.40.03]

18 Q. Do you remember from where the specific instruction came not  
19 to seek revenge against Lon Nol soldiers?

20 A. It was in accordance with the order I received from the  
21 military rank. At that time, they issued an order for the  
22 official at the village and commune level to tighten solidarity  
23 in order to rebuild the country, and they had to join force in  
24 order to cultivate rice and other crops. We were given cows and  
25 ox's, and we had to work together in order to develop our

1    respective villages and communes.

2    Q. Do you remember why such an order was given not to seek  
3    revenge? Was a specific reason given to the troops not to revenge  
4    the Lon Nol soldiers?

5    A. Well, as I said earlier, it was the plan. I did not know what  
6    was the underlying reason, but in the past they did not even want  
7    to, you know, look into each other's face. They could not  
8    tolerate with one another when they encounter. But then after  
9    that, we were seeking peace; we did not want to kill each other.

10   [11.41.52]

11   So, as the civilians in the village, at that time, we agreed with  
12   this order because we thought that it was appropriate. I did not  
13   even bother to question the reason behind it, because I was only  
14   ordinary citizen; I was not the commune chief, I was not the  
15   village chief, I was only an ordinary citizen. I left the  
16   military and then I was working as farmer, so I did not question  
17   the reason behind this. I only know that it was appropriate to  
18   live in peace with each other at that time.

19   So, I did not actually receive the direct order, neither did I  
20   attend the meeting at that time to receive such an instruction,  
21   but we were told from one person to another, that we had to live  
22   in peace. I did not understand the procedure or the rationale  
23   behind this decision or order.

24   Q. Now, Mr. Witness, in your answer just now, you used the words  
25   they couldn't look in each other's eyes. What did you mean when

1 you said that?

2 [11.43.13]

3 A. Well, at that time, there was a clear segregation. Those who  
4 were armed were on one side, and the other side were in the  
5 forest. And at that time, people who were in the forest were the  
6 owner of the land, so they considered each other as enemy. So, at  
7 that time, people were armed and then if we did not attack the  
8 other side, we would be attacked. So, at that time, we fled our  
9 village and we resided in the jungle, and -- in order to resist  
10 against the other opponent force.

11 Q. Just to make sure that I understand correctly. Was it the  
12 villagers and Lon Nol soldiers who couldn't look each other in  
13 the eye, or did I understand it wrongly?

14 A. The soldiers, the soldiers from the two sides, respective  
15 soldiers were given instruction that whenever they encounter they  
16 had to attack; otherwise, if you did not attack them, they would  
17 in return attack us. So, at that time, whenever we encounter,  
18 armed clashes would erupt.

19 Q. Let me rephrase my question, Mr. Witness. What can you say -  
20 what can you tell us about the relation in those years, '73, '74,  
21 '75, between the villagers and the Lon Nol soldiers from the fort  
22 in Tuol Po Chrey and the fort in Po?

23 [11.45.36]

24 A. To the best of my recollection, from 1972 to 1973 until the  
25 17th of April 1975, the civilian and Lon Nol soldier were

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1 separated; they were – stay afar from each other. I actually did  
2 not know pretty much on the arrangement on the military side. I  
3 stayed with the civilian, and at that time, there was the  
4 delineating line between the soldiers and civilians. We had to  
5 stay in a separate location at that time.

6 Q. Mr. Witness, the International Co Prosecutor this morning  
7 showed you an excerpt from a video in which a local villager was  
8 telling about things that he had seen. And one of the things that  
9 he had seen was the head of Commander Pel and another person  
10 called Run, they decapitated the head, which was decapitated –  
11 that's a very difficult word for me – but the heads were on each  
12 side of the fort. Have you ever heard from anybody whether that  
13 actually happened or any other testimony to that effect?

14 [11.47.32]

15 A. I just heard about it just now. When I was there, in my  
16 village, it was far from that location. But I never heard – at  
17 that time, I never heard of such a scene. I only knew that he was  
18 dead, but in relation to whether or not he was decapitated and  
19 his head was mounted on a pole or so, I did not know. I have  
20 already taken an oath. I only tell the truth, and I can tell the  
21 Court that I have not heard of it.

22 Q. Mr. Witness, that same villager in that video was speaking  
23 about a person called Run. When you heard that name did that ring  
24 a bell with you?

25 A. No, I did not know the man by the name of Run. I did not know

1 whether or not you refer to Run, who were residing in my village,  
2 or a different Run. But a Run, I did not know whether or not you  
3 were referring to Run, who was subordinate to Pel, but I did not  
4 know him. He must have been somebody in the authority or in the  
5 military. I did not know about this man, so I cannot tell the  
6 Court.

7 Q. Why are you saying that he must have been a military person?

8 [11.49.47]

9 A. Because I did not know whether or -- whether Run was a member  
10 of the army or not. I only knew Pel, who was the commander; but  
11 as for Run, I could not say precisely whether or not he was a  
12 member of the army or not. So I did not know about this person. I  
13 did not know whether or not he was a soldier.

14 Q. Mr. Witness, would it help you if I were to ask the President  
15 leave to have that same excerpt from the video played again so  
16 that you could listen to what exactly the villager is saying  
17 about this person called Ru (phonetic) or Run?

18 A. Yes, I am fine with it.

19 MR. PRESIDENT:

20 Well, Mr. - or the Counsel, your request is granted.

21 AV assistant is instructed now to play the video clip number  
22 186.6R, as per the request for by defence team for Mr. Nuon Chea.

23 [11.52.05]

24 (Presentation of audio-visual document)

25 [11.54.31]

1 BY MR. KOPPE:

2 Q. Mr. Witness, you have seen the villager speak again explicitly  
3 about Mr. Run. Does the name of Mr. Run now ring a bell with you?

4 MR. UNG CHHAT:

5 A. No, it does not. I did not hear about that. Of course, people  
6 in my village had seen corpses, but then only a few days later we  
7 went to see, but unfortunately the site was already buried. I do  
8 not know who Run was. I only knew Pel. Pel was the commander in  
9 that area. If I knew, I would tell the Court. I would not  
10 hesitate to tell the Court, accordingly, but I cannot recall and  
11 I did not know this man. I know that there were many soldiers in  
12 the rank and I did not know who was who. I only knew Pel.

13 [11.56.02]

14 Q. Mr. Witness, in that same footage, you hear the villager speak  
15 about the houses of soldiers and that those houses had to be  
16 searched. Have you heard anything about houses of Lon Nol  
17 soldiers being searched and property being possibly seized?

18 A. The fort that I mentioned was not a, you know, properly  
19 structured fort. Actually, it comprised of small huts inside. So  
20 actually, it was not a very well solid building.

21 Q. Let me rephrase my question, Mr. Witness. The villager that  
22 you can see in the footage seems to imply that soldiers who might  
23 have been executed that their houses had to be searched, by whom  
24 this may be unclear, but their houses had to be searched. Do you  
25 know anything about that?



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1 [11.57.40]

2 A. No, I do not know. When I returned from Pursat, I went  
3 straight to my village. I did not actually follow up with what  
4 was unfolding at that time. I did not know the situation of the  
5 soldiers, but when I came to see the corpses, I only saw the  
6 burial site. I did not see the corpses. And I only saw the houses  
7 which had been burned down, that's what I saw when I came to see  
8 it.

9 Q. Which houses were burned down?

10 A. According to what I witnessed, the houses were around the  
11 fort, and those houses accommodated the commando forces. It was  
12 adjacent to the fort. And I saw the burned houses, and those  
13 houses were not properly structured, they were made of small  
14 wooden pillars, and some of the pillars were made from bamboo. So  
15 it was not a concrete or big fort at that time, it was the fort  
16 in the remote area.

17 MR. KOPPE:

18 Mr. President, I'm moving to another subject. This might be a  
19 good time to have our break.

20 [11.59.44]

21 MR. PRESIDENT:

22 Thank you, Counsel, and thank you, Witness.

23 The time is now appropriate for lunch adjournment. The Chamber  
24 will adjourn now and resume at 1.30 this afternoon.

25 Court officer is instructed to facilitate the break for the

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1 witness and have him back in the courtroom before 1.30 this  
2 afternoon.

3 Security guards are instructed to bring Mr. Khieu Samphan to the  
4 holding cell downstairs and have him back in this courtroom  
5 before 1.30.

6 The Court is adjourned.

7 (Court recesses from 1200H to 1331H)

8 MR. PRESIDENT:

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

10 We would like to now hand over to counsel for the -- for Mr. Nuon  
11 Chea to continue putting the questions.

12 BY MR. KOPPE:

13 Thank you, Mr. President.

14 Just to inform the Chamber that I have agreed with the Khieu  
15 Samphan team to use most of their time and maybe to have one  
16 final question, but most likely not.

17 Q. Good afternoon, Mr. Witness. I would like now to turn to the  
18 meeting that took place in April 1975 in the provincial  
19 townhouse. Would you be able to give an exact date of that  
20 meeting?

21 [13.32.50]

22 MR. UNG CHHAT:

23 A. I'm afraid I do not remember the date exactly because, as I  
24 mentioned, I was a low-level combatant who attended the meeting  
25 along with other people. I actually was at the meeting -- not

1 attending the meeting -- I was at the meeting because I had to  
2 guard the vicinity of the meeting.

3 Q. Was it rather three or four days after the liberation or was  
4 it maybe 10 days after the liberation of Pursat?

5 A. It was on the 19th of April 1975 and I don't remember how long  
6 that meeting last. It could have been one or two days.

7 [13.34.14]

8 Q. Mr. Witness, I'm asking you this question because in one of  
9 your statements to the OCIJ -- that would be D125/216 -- ERN  
10 number 002844 -- 4426 -- on the second page of that interview,  
11 you have stated that this meeting took about -- took place about  
12 10 days after liberating Pursat province. Is it fair to say that  
13 what you have said to the OCIJ doesn't - is not correct?

14 A. No, it was not correct. I was there for a few days before the  
15 event happened. It could have never been that long.

16 Q. Thank you.

17 Yesterday you have used the word "rounding up", but you have also  
18 testified that people who attended this meeting at the provincial  
19 house were arriving in their own vehicles. Now, would you be able  
20 to make a distinction between the people that were brought in  
21 trucks to the provincial house and the people that were arriving  
22 there in their own vehicles?

23 A. I was standing guard at that place. I did not know whether  
24 these people were forced to come to the area because I only saw  
25 people on trucks and I would then open the gate to allow these

1 people to access to the meeting place. They were not escorted by  
2 armed people and that's all I remember.

3 [13.37.14]

4 Q. Can you make a description of vehicles with people in it that  
5 were leaving afterwards, I mean, how did their vehicles look like  
6 when they left?

7 A. As a peasant, I was not well-informed to identify the mark or  
8 the trademark of the vehicles. They were somehow small vehicles  
9 carrying a few people and there were some trucks, but when people  
10 were loaded into the provincial hall, they used only small  
11 vehicles, not the trucks.

12 Q. When you were guarding the provincial house and when the  
13 people started arriving, were you standing in the vicinity of the  
14 gate that these people went through?

15 A. I was about 40 to 50 metres away from that gate. The  
16 provincial hall was near the main road, but I was not standing  
17 guard next to the gate; I was about 40 to 50 metres away from it  
18 as I said. And we had to take turn standing guard at this  
19 vicinity because after my turn then the other people would come  
20 to replace me and it was a kind of shift that we had to carry  
21 out.

22 [13.39.51]

23 Q. You have testified earlier that, according to your estimates,  
24 about 200 hundred people were gathered in the provincial house.  
25 Do you remember whether you -- whether you also actually saw the

1 same amount of 200 people entering the gates of the provincial  
2 house complex?

3 A. I believe that there were people coming to -- into the meeting  
4 place. Other people could have entered the provincial hall  
5 through other gate, but my estimation is -- was, at that time,  
6 about 200 people or so, and I was standing there like a lion  
7 rather than person who could take note of how many people could  
8 be coming to the place.

9 Q. When people entered the gate and you were watching, were they  
10 asked questions by your colleagues?

11 A. I wouldn't dare ask people questions because I was -- I was  
12 there -- there standing like a concrete lion and people would  
13 just go into the places -- to -- to the meeting room and that's  
14 all I had to do. After that, the gate was closed and the meeting  
15 proceeded and it concluded and people left.

16 [13.42.11]

17 Q. But my -- my question to you was whether you -- you saw your  
18 colleagues asking questions to the people that were entering the  
19 premises of the provincial house.

20 A. I didn't ask people questions, but my colleagues did ask a few  
21 questions, very simple questions, for example, where they would  
22 be leading or heading to next.

23 Q. Can you explain to the Chamber what you mean with this  
24 specific question? What was the -- the reason for this specific  
25 question? What -- what did your colleagues try to ask?

1 A. We were not supposed to ask people questions and I don't  
2 remember whether members of my group were asking some questions,  
3 but other people were heard asking some questions. This question  
4 was like asked when people conversed with one another like chit  
5 chatting and that's all because I heard people ask some of the  
6 people where they would be going and then they would say they  
7 were there to attend study session or to see the King father and  
8 that's what I heard.

9 [13.44.28]

10 Q. That is indeed what you have testified, but that was in  
11 relation to when people were leaving the premises if I understand  
12 it correctly. My question to you is whether you have seen your  
13 colleagues asking questions to the people when they were entering  
14 the premises; for instance, did they ask what their names were,  
15 where they were from, if they were soldiers, for instance, what  
16 their rank was. Were questions like that asked?

17 A. I don't know because in my unit no one was asking these people  
18 any question and I just noted that these people were in civilian  
19 clothes and we presumed that they were civilians, not soldiers,  
20 and we never exchanged -- or we never talked to one another about  
21 them. I was just standing guard next to the road where the trucks  
22 would be coming in and going out.

23 Q. Do you know whether it was allowed for anybody, if they were  
24 interested, to enter the gate of the premises of the provincial  
25 house or did everybody had to identify themselves for instance?

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1 [13.46.37]

2 A. People who walked would not be allowed to walk in through the  
3 gate, but if those people were on a vehicle, then they would be  
4 allowed to get into the premises. So in other words, people did  
5 not walk into the premises. They were entering the premises by a  
6 vehicle.

7 Q. And is this correct when I say that you testified earlier that  
8 you don't know if those vehicles from which they came down and  
9 entered were Khmer Rouge vehicles or Lon Nol soldiers' vehicles;  
10 correct?

11 A. I may say that when I was a combatant I never saw any of the  
12 Khmer Rouge soldiers being in a possession of a vehicle. These  
13 vehicles were seized or were taken from the cities. I knew that  
14 people call some of the vehicles American vehicles and there were  
15 some small car that can accommodate five to six people on each  
16 car; the black sedan, for example.

17 Q. I would like to get back to you now on the number of 200.  
18 Could you please describe again to the Chamber how you arrived at  
19 that particular number of 200?

20 [13.49.23]

21 MR. PRESIDENT:

22 Mr. Witness, please hold on.

23 Co-Prosecutor, you may now proceed.

24 MS. SONG CHORVOIN:

25 Mr. President, this question was already put to the witness

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1 yesterday. I asked him about this number of the participants and  
2 he already responded with the number and I believe that the  
3 question just put by my learned colleague of the other side of  
4 the courtroom is repetitive.

5 [13.50.01]

6 BY MR. KOPPE:

7 Mr. President, I agree with my learned colleague. The question  
8 was asked, but it was merely an introductory question to, if you  
9 will, the method on which the witness came to his conclusion that  
10 there were 200.

11 Q. You said it was, yesterday, 200. Why 200? Why not 150, or 180,  
12 or 220? Why 200?

13 MR. UNG CHHAT:

14 A. This number is calculated against the capacity of the hall  
15 itself because I believe that the room could accommodate roughly  
16 200 people; no more than that. That's why when I saw several  
17 people were coming into the premises, and I am convinced that,  
18 this room, at that time, could accommodate about 200 people and  
19 that was my rough estimation based on the capacity of the room  
20 that could accommodate people at that time.

21 [13.51.34]

22 Q. Mr. Witness, would you be so kind enough to turn around and  
23 have a look at the auditorium and give us an estimate of how many  
24 people you think could be sitting in this auditorium?

25 A. I was standing there right in front of the access to the room



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1 and I could see people sitting in the room. Although, after  
2 everyone entered the room, the door would be closed. When the  
3 meeting was commenced I believe that that's the number of people  
4 I believe to be sitting in the hall. There could have been about  
5 200 and that's why I asked the investigators to put 200 as an  
6 official figure for that.

7 Q. I think I have to repeat my question to you, Mr. Witness and  
8 do the Chamber the favour of turning around and give us an  
9 estimate of how many people you think could be sitting in this  
10 auditorium listening to your testimony.

11 MR. PRESIDENT:

12 Mr. Witness, can you please turn to your back and see - yes, just  
13 have a quick look at the audience, and then you can be seated and  
14 just wait.

15 [13.54.12]

16 And yes, just see the number of people in this room and wait  
17 before you can proceed to respond to the question.

18 Counsel Koppe, you may now proceed with your question.

19 BY MR. KOPPE:

20 Q. My question to you, Mr. Witness, is: How many people you think  
21 can fit in this auditorium?

22 MR. UNG CHHAT:

23 A. I can't give the exact figure of people in this room because  
24 people were sitting not all together in any one place. You know  
25 people were scattering in the place in the public gallery, but at

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1 the provincial hall, when I referred to, it's -- the space in the  
2 room was the place where 200 -- about 200 people could fit.

3 MR. PRESIDENT:

4 The question from counsel for Mr. Nuon Chea to you was that:

5 Would you be able to tell the Chamber how many people could be

6 sitting or could be sitting in this room, in the public gallery?

7 Just give your rough estimation of the number of people who could  
8 sit back there?

9 [13.56.02]

10 MR. UNG CHHAT:

11 A. I can see that now there are about 100 people, not over a 100  
12 people sitting in this public gallery.

13 BY MR. KOPPE:

14 Q. There's, Mr. Witness, a difference between how many people can  
15 sit in a room or auditorium or how many people there are actually  
16 sitting in that same room? One is a question about the capacity,  
17 and the other is a question about how many people actually are  
18 sitting there.

19 My question was if you could estimate for us the capacity of this  
20 auditorium. How many people can fit in this auditorium?

21 MR. PRESIDENT:

22 Lead Co-Lawyer for the civil party, you may now proceed.

23 [13.57.13]

24 MS. SIMONNEAU-FORT:

25 I have an objection to make. I believe that this question is

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1 asking the witness to make an approximate of assessment that is  
2 to expound on some hypothesis about how many people could be in  
3 the audience. I don't believe this question is very relevant, but  
4 perhaps I don't have the same notion of relevance as all other  
5 parties. I therefore lodge this objection.

6 MR. KOPPE:

7 If I may reply, Mr. President, the witness had indicated on the  
8 basis of his capacity to estimate how many could fit in the  
9 provincial house that there were actually 200 people sitting  
10 there. I am just trying to establish whether the capacity of this  
11 witness to estimate how many people were gathered in a room  
12 without him actually having been present in that room, if that  
13 capacity is well-established, that's all what I'm doing.

14 MR. PRESIDENT:

15 Madam Counsel for the civil party, are you now adding further  
16 comment on the objection you have just made or would you wish to  
17 make a new point? If you are on the feet to say the same thing,  
18 then you are not allowed to do that.

19 (Judges deliberate)

20 [13.59.11]

21 The objection by Lead Co-Lawyer for the civil party is  
22 appropriate, and the objection is sustained. Although the  
23 question to ask witness to estimate the number of people could be  
24 in the provincial hall is appropriate, but it is not possible for  
25 the witness in this courtroom to say or to tell the Chamber how

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1 many people could be sitting or the capacity of this room to  
2 accommodate the people in the public gallery. Only the owner of  
3 this building would know this very well, so counsel could you  
4 please now be directed to reframe your question.

5 [14.00.3]

6 BY MR. KOPPE:

7 I will move on, Mr. President.

8 Q. And, Mr. Witness, have I understood it correctly that you have  
9 not been inside the room of the provincial house where the people  
10 were gathered? You have never actually seen them sitting when you  
11 were -- while you were in that room; correct?

12 MR. UNG CHHAT:

13 A. Well, as I said earlier, my role was to guard the premise. I  
14 had no reason to attend the gathering or any meeting in the  
15 province. My role was merely to guard the premise. I received the  
16 order and I had to comply with the order and I had to stop people  
17 if they were not supposed to be entering the premise. That was  
18 all I did at the time.

19 Q. Were you able to actually watch through a window or a door or  
20 by some other means, the people who were sitting there and who  
21 were listening to the speakers?

22 [14.01.50]

23 A. The provincial hall building was rather tall and when the  
24 people entered the room, the door was closed. We could not see  
25 anything from outside. I only controlled the situation at that

1 checkpoint where I was stationed and if I stood there, I could  
2 not see what was going on inside the room.

3 Q. Would it be fair to say that you were also not able to see who  
4 was addressing the people who were sitting there; who was  
5 talking; correct?

6 A. Of course, not. I did not even hear anything from that meeting  
7 hall.

8 Q. Earlier you spoke about people - and I quote - "from upper  
9 authority". Do you know whether people from upper authority were  
10 present in this room, and do you - if yes, who they were?

11 A. As I said earlier, there were leaders but I did not know who  
12 they were. I did not see their faces because as said, I was  
13 guarding somewhere in the front gate. But the leaders came to  
14 preside over the meeting from the back gate. So I did not know  
15 who those leaders were and I did not even see their faces.

16 [14.04.05]

17 Q. Thank you, Mr. Witness. I would like to ask you a few  
18 questions about names of people.

19 Do you know somebody called Ta Khheng?

20 A. Yes, I do. I heard the name of Ta Khheng, but I never met him  
21 in person. When I left the provincial town, he came to attend the  
22 rally in Sector 7. At that time they gathered civilians to attend  
23 the rally. At that time there were tens of thousands of civilians  
24 attending that rally. They prepared a stage for the leaders and  
25 at that time, Ta Khheng was one of the person who addressed the

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1 rally. But I never saw his face; I never met him in person. That  
2 was the only occasion I heard of his name.

3 Q. Do you know whether Ta Khheng was present during that meeting  
4 in the Provincial House?

5 A. I did not see him. There were a lot of people at that time, at  
6 the meeting. I do not know whether or not Ta Khheng was among the  
7 attendees. He could have been there or he could not have been  
8 there. I do not know.

9 [14.05.56]

10 Q. Do you know a person called Ta Sot?

11 A. The same for Ta Sot. I only heard his name. He was one of the  
12 leaders in the Sector at that time, and back then, I was an  
13 ordinary citizen. I was a farmer. I heard of the names of Ta Sot  
14 and Ta Toy, but I never met them in person. I only knew from the  
15 villagers that they were the leaders of the sectors, but never  
16 had I met them in person.

17 Q. Do you know whether Ta Sot or Ta Toy were present during this  
18 meeting in the provincial house?

19 A. That I did not know either. I did not see them and even if I  
20 saw them, I would not recognize them because I never met them in  
21 person. Even though if we ran into each other, I would not  
22 recognize that they were Ta Sot and Ta Toy because I had never  
23 met them in person.

24 Q. Do you know a person called Ta San?

25 [14.07.33]

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1 A. I know Ta San. I know him clearly because Ta San was an  
2 official of the district, Kandieng district. Later, Ta San  
3 attended a meeting and he was of a smaller build. He was rather  
4 short. He attended a meeting in Kampong Chhnang and at that time  
5 my unit got to know him once, when he came to attend a meeting.  
6 But later on, in -- sometime in 1970 -- something I cannot recall  
7 because I mentioned during my testimony with the Investigator, Ta  
8 San was thought to commit suicide in his own room. He actually  
9 committed suicide. That's what I can recall of that event in at  
10 that time.

11 Q. Do you know whether Ta San was present during this meeting in  
12 the provincial house?

13 A. That I did not know either. I did not see him. As I said, he  
14 could have come to the meeting or he could have entered the room  
15 from a different gate. I do not know, but because there were many  
16 people. Actually, I only came to know this person sometime in  
17 1977. He was the newly entered member afterwards.

18 Q. The last person I would like to ask you questions about, a  
19 person called Ta Mao. Do you know him?

20 [14.09.51]

21 A. I only knew Ta San. I did not know Ta Mao. I never met Ta Mao,  
22 but Ta Mao was the predecessor of Ta San and they were all  
23 officials from the district. They also supervised the work of my  
24 unit and the villagers in the rice field, but I never met him in  
25 person anyway.

1 Q. Just to be absolutely clear and there's no misunderstanding,  
2 you are not aware of any names of Khmer Rouge commanders or  
3 officials or senior cadres who were present during this meeting  
4 in the provincial house; you are not able to give us any names;  
5 correct?

6 A. Yes, that is correct. I did not recognize anyone.

7 Q. You have testified earlier, Mr. Witness, that after a few  
8 hours, all the persons that attended the meeting came out of the  
9 provincial house. Could you describe in more detail how that went  
10 - did they come all out at the same time, did they come out in  
11 small groups, were they ordered to go out, did they go out  
12 voluntarily - those kinds of details?

13 [14.11.51]

14 A. Those who left the meeting hall, I did not know the  
15 administrative arrangement for them, but as soon as the meeting  
16 completed, then they left the hall and they got on the trucks  
17 that they came with. And I noticed that people were not allowed  
18 to travel on the car by themselves, but they got on the trucks  
19 and the trucks left. And I also saw people shook their hand with  
20 each other and then they left the provincial compound.

21 Q. Do you recall how commander Pel left the building; did he go  
22 by himself or did he step into his own vehicle, yes or no?

23 A. For Comrade Pel, I did not see him get on the truck, but I  
24 only met him in Po village where I rode my motorcycle there and I  
25 met him over there. And I only got to know him over there.



1 Q. Mr. Witness, in your statement to the OCIJ, D1251/176 – ERN  
2 number 00284418, page 4, on the top of that page:

3 "The meeting which took place for the whole morning ended about  
4 11 a.m. After the meeting had ended, they [the Lon Nol soldiers]  
5 rode back in their vehicles, which were crowdedly packed, to  
6 follow the Khmer Rouge cars that were leading them northward."

7 [14.14.33]

8 My question to you is: Did they leave in their own vehicles and  
9 cars or not?

10 A. At the time, I did not notice that there was any coercive  
11 measure for those people. In other words, people were not forced  
12 to get on the truck. They went back with their transport. I did  
13 not actually know the arrangement or order from the provincial  
14 administration at that time. I only noticed that people got on  
15 the trucks and then they left the premise. But I did not see any  
16 act of force to transport them out of the complex. No, I did not  
17 see that incident.

18 Q. In that same statement on that same page of the same document  
19 number and ERN number, and also in your earlier testimony, you  
20 have stated and testified that the people leaving the premises  
21 were happy and that they were speaking to their relatives who  
22 were waiting outside.

23 [14.16.13]

24 How were you able to determine that the people that were spoken  
25 to were the relatives of the people leaving the building of the

1 provincial house?

2 A. Because along the fence of the provincial hall, it is the main  
3 road and then people were actually staying beside this fence and,  
4 in addition, the car will also parked outside of the -- or the  
5 trucks were parked outside the fence of the complex. So these  
6 people were listening and waiting for people when the meeting  
7 concluded.

8 Q. I understand that. But my question to you is: How were you  
9 able to establish that the people that were waiting were in fact,  
10 relatives of the people leaving the building?

11 A. On this particular point, I do not understand and I was not  
12 sure either, because when these people came to attend the meeting  
13 in the provincial hall, I did not know whether or not there was  
14 an order for them to attend the meeting and I saw people waiting  
15 outside. I did not know the arrangement whether or not these  
16 people were supposed to accompany the meetings' attendee and they  
17 were supposed to stand outside. So I did not know the internal  
18 arrangement of this because I was only a guard at that time. I  
19 did not know the administrative arrangement for these people.

20 [14.18.42]

21 Q. I understand, Mr. Witness, but I'm trying to find or to  
22 understand why in the statement to the OCIJ you used the word  
23 "relatives" and not for instance, neighbours or people from the  
24 town or bystanders. You used the word "relative." Why?

25 A. The reason I concluded that they were relatives, it was simply

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1 because I saw them wave their hands, you know, when those people  
2 left the premise on the trucks. So I jumped into conclusion that  
3 they must have known each other or they must have been related.  
4 That's why they say goodbye to those people.

5 Q. Do you remember how many people were actually standing outside  
6 speaking to the people who left the building and who were waving  
7 to them; how big was the crowd outside of the provincial house?

8 [14.20.06]

9 A. Again, I cannot come up with the exact number. I only knew at  
10 that at that time the space was rather big There were people  
11 coming in and out but for people who were standing outside the  
12 premise there were not many; only a few of them and they only  
13 waved their hand as the people leaving the meeting room left on  
14 the trucks. I cannot come up with any specific numbers of people  
15 standing outside the provincial hall premise.

16 Q. Were there any other things that that they -- that you saw or  
17 that you heard that made you conclude - no, let me rephrase. Were  
18 there any things that you heard or saw that day on which you  
19 could tell whether the people that were leaving the provincial  
20 house were from the area, or were from Pursat province where  
21 locals? Or were the circumstances which make you say that they  
22 came from outside - for instance, the accent of the people  
23 speaking, those kinds of things?

24 A. It was my guess that they were not people from outside the  
25 city. They actually were from the provincial town because I think

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1 that they would not know that there was a meeting. So I believe  
2 that they were people form the provincial hall -- not provincial,  
3 provincial town rather.

4 [14.22.16]

5 And people who were standing outside the premise were exchanging  
6 conversation with people entering the premise to attend to attend  
7 the meeting. So I thought that they must have known each other  
8 and they would be people who were residing somewhere near the  
9 provincial hall, that's why they knew each other.

10 Q. I understand, Mr. Witness, and thank you for this answer, but  
11 it seems that maybe you are concluding certain things. My  
12 question to you was whether you have actually seen things or  
13 heard things on the basis of which it was showed to you that they  
14 were in fact local people?

15 A. Because I believe that if they were from afar they would not  
16 have known each other because they must have lived in the same  
17 area that's why they could know each other. Even though this is  
18 my guess, but it is drawn from the situation back then and I  
19 believe that if people did not know each other, they would not  
20 raise hand or wave hand as they were leaving.

21 [14.24.06]

22 Q. Were you able to see from the clothes or from the way they  
23 were speaking or form the way they were looking from their  
24 demeanour from which part of the province they were coming?

25 A. That I do not know. I do not know where they came from because

1 at that time we just attained peace. So I did not know where  
2 these people were coming from and, in addition at that time, I  
3 was rather young too. I was around 21 or 22. I did not actually  
4 pay attention to the action of the people when they were  
5 conversing with each other. I did not actually bother to  
6 understand that, and I did not even know the leaders at that time  
7 because I was -- my position was far too low. I did not care to  
8 know about all of these things.

9 [14.25.34]

10 Q. Have you heard that day or have you found out later, whether  
11 anybody of those people who had gathered at the meeting in the  
12 provincial house came from, for instance cities like Phnom Penh,  
13 Battambang, Siem Reap, Kep, have you heard anything about that?

14 A. I am sorry. Could you please repeat your question because I  
15 don't quite get your point?

16 Q. Of course. Have you heard that day from somebody or have you  
17 heard in a later stage from somebody that in the midst of the  
18 people leaving the provincial house were also people who were  
19 coming from cities like Phnom Penh, Battambang, Siem Reap, Kep or  
20 any other city outside of the province?

21 A. No, I did not hear such a thing from anyone because when our  
22 trucks were leaving the premise, I, at that time, told the  
23 investigator that after they left the premise, then I asked for  
24 leave to visit my home town. And then later on, I did not even  
25 bother to ask where the attendees were from. I did not want to

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1 know about that because later I only cared to handle the task  
2 that was assigned by Angkar in my village. I did not know where  
3 those people who were attending the meeting came from.

4 [14.27.33]

5 Q. If I understood correctly, Mr. Witness, the Pursat provincial  
6 house is adjacent to the National Road Number 5, which goes from  
7 Phnom Penh to Battambang; is that correct?

8 A. No. The provincial hall is rather far from the National Road  
9 5. In my estimation, it could have been around 500, 600 metres  
10 away from National Road Number 5. It is along the river stream.  
11 It is not adjacent to National Road Number 5.

12 Q. Let me rephrase, Mr. Witness. If you want to drive from Phnom  
13 Penh to Pursat province, there's only -- in that time, only one  
14 road leading from that city to Pursat village -- that is Road 5;  
15 correct?

16 A. Yes. Road Number 5 passes through the provincial town, and as  
17 for the provincial hall, it was actually closed to river stream  
18 and it was about a 500, 600 metres away from National Road Number  
19 5. It is close to Sampov Meas pagoda.

20 [14.29.48]

21 Q. Have you heard in the days after 17 April, whether cars or  
22 vehicles with former Lon Nol soldiers or officials had come from  
23 Phnom Penh, or from Battambang, to Pursat province?

24 A. No. I had the permission to go back to reunite with my family  
25 and my hometown was far from this. It's about 25 kilometres from

1 this area. I did not know whether people would be transporting  
2 goods or foods through trucks, because, at that time, food would  
3 be transported through or by oxcarts.

4 Q. Let me be more specific, Mr. Witness. Do you know if before  
5 the meeting in the town hall in 1975, in April, vehicles with  
6 former Lon Nol soldiers or officials had come to Pursat province?  
7 The same question for Battambang.

8 [14.31.45]

9 A. I don't know. After I left that area I never had the  
10 opportunity to come back and work at the place, so I can't answer  
11 your question.

12 Q. In those days after 17 April 1975, one of your duties was to  
13 be on guard. Were you, in those days, instructed to pay attention  
14 or to look for Lon Nol soldiers or officials coming from cities  
15 like Phnom Penh, or Battambang, or Siem Reap?

16 A. I had been removed from the soldier and I became a victim  
17 myself. I had to ride oxcarts carrying some fish paste and foods,  
18 and I had to fear for my life, and I just don't remember the  
19 exact date regarding the people who were killed. But I knew -- I  
20 heard from other people that a lot of people died from food  
21 shortages, and I also bore witness to the very little food ration  
22 distributed at the communal eating house. But as an ordinary  
23 person, I am a victim myself.

24 [14.35.05]

25 Q. But, Mr. Witness, have I understood correctly that Commander

1 Tauy was the highest ranking military officer in Pursat province?

2 A. I do not know whether he was the higher -- the most  
3 high-ranking officer in that province. But Po village or fort was  
4 the biggest military barrack in the vicinity and he was the  
5 commander of that place. But I can't say whether he was the most  
6 senior person.

7 Q. Do you know whether in that region or more confined, among the  
8 people that were in the provincial house, there were generals  
9 from the Lon Nol army, people who had the rank of general?

10 A. I don't know. I was very young. I was too young to know  
11 whether people had different ranks. People could be wearing some  
12 rank on their uniform, but I just didn't understand that and even  
13 the former provincial governor during those days would bump into  
14 me in a marketplace, for example, I would never know him. I would  
15 never know what rank he was wearing. So it's difficult for me to  
16 tell.

17 [14.36.23]

18 Q. I'm asking you this question, Mr. Witness, because in your  
19 OCIJ statement D125/176 -- ERN number 00284417, page 3, in the  
20 middle -- you said that the people -- that you heard Khmer Rouge  
21 speaking that those people who were leaving the provincial house  
22 were the generals of the Lon Nol military. Is that true? Did you  
23 hear that?

24 A. That's what written in the record. That's what they said --  
25 the researchers or the investigators would be using the terms as



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1 "general" and there could be some high-ranking military officers  
2 at that time. But I can't exactly say whether these people were  
3 wearing any particular rank. It's my presumption that people who  
4 attended at the meeting would be those of senior ranks. But I  
5 just don't know their exact rank or title.

6 Q. Are you saying that you never used the word "general", so that  
7 was a word used by the investigators in that interview?

8 [14.38.26]

9 A. I don't remember having said that, but it was a kind of a  
10 mutual understanding that these people could have been the senior  
11 officers who attended the meeting, and when I was asked whether I  
12 knew any of the persons to be wearing any rank as a general, I  
13 think then I said I couldn't tell. As a soldier in the jungle  
14 would never be wearing any rank on our uniform and although,  
15 perhaps, soldiers who had high ranks would be wearing their rank  
16 on their uniform. But I was not informed. I did not learn to  
17 identify the ranks.

18 MR. PRESIDENT:

19 Mr. Koppe, how much time would you need to put questions to this  
20 witness?

21 MR. KOPPE:

22 Not so much time anymore, Mr. President - 20 minutes.

23 MR. PRESIDENT:

24 Thank you. You may proceed to put more questions after the  
25 adjournment.

1 The Chamber will adjourn for 20 minutes. The next session will be  
2 resumed by 3.00.

3 But before that, Mr. International Co-Prosecutor, you may now  
4 proceed.

5 [14.40.13]

6 MR. RAYNOR:

7 Thank you very much, Mr. President, and I'm sorry that I'm rising  
8 at this stage, but, Mr. President, can I inform the Trial Chamber  
9 of these developments over the last one hour or so?

10 Mr. President, the colleagues of mine at the Office of the  
11 Co-Prosecutors have been watching the video that everyone saw in  
12 court today in preparation for your next witness. And it is the  
13 very strongly held view of two of my colleagues who have looked  
14 at footage from this video that this witness, Mr. Ung Chhat,  
15 actually appears on the video and speaks with Thet Sambath.

16 Now, Mr. President, can I explain that obviously the prosecutors  
17 only get to see Mr. Ung Chhat when he's in Court today. We  
18 haven't seen any previous photographs of him and so we've never  
19 been able to match the face of the man on the video with Mr. Ung  
20 Chhat.

21 Now, that being the case, it's my respectful application please,  
22 Mr. President, that time is allowed after my learned friend has  
23 completed his questioning -- which he says will take, I think,  
24 only a further 20 minutes -- that the OCP be entitled to isolate  
25 the portion of the video when it appears that a man who is either

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1 Mr. Ung Chhat, or who looks very similar to him is making  
2 statements about being at Tuol Po Chrey. And as far as I  
3 understand it, not simply present at the site, but also  
4 participating in some way.

5 [14.42.08]

6 So this is highly relevant potential evidence, Mr. President. It  
7 has arisen in court this afternoon. It is not something that the  
8 OCP could have foreseen at an earlier date, and it's therefore my  
9 respectful application that time be allowed for Mr. Ung Chhat to  
10 be given the opportunity to comment on these extracts.

11 I understand, Mr. President, my colleagues are seeking now to  
12 either obtain the footage or to cut down the footage so that  
13 there might be something for the Judges to view later this  
14 afternoon. Thank you.

15 MR. PRESIDENT:

16 Counsel Koppe, you may now proceed.

17 MR. KOPPE:

18 A quick reply to the request of the prosecutor.

19 In principal, I do not have any objection in showing this footage  
20 to the witness. I understand that these things arise at the very  
21 last moment. I have no problem with that. But then I would like  
22 to be allowed to finish my 20 minutes after I have seen the  
23 footage.

24 [14.43.31]

25 MR. RAYNOR:

1 Mr. President, I agree.

2 MS. GUISSÉ:

3 Mr. President, it goes without saying that if you grant leave to  
4 the Co-Prosecutor, we would maintain a request to have the last  
5 word. I maintain that this comes as a surprise. At the same time,  
6 the witness has just begun his testimony this morning, and so it  
7 appears to me that even if the document wasn't on the interface,  
8 the film had been reviewed by the Co-Prosecutors prior to this  
9 witness's testimony. I believe that the belatedness of this issue  
10 is problematic. We haven't raised issues up until now, but  
11 subject to the decision that you take, we maintain our request to  
12 reserve our right to question the witness afterwards.

13 Thank you.

14 [14.44.51]

15 MR. PRESIDENT:

16 Court officer is now directed to assist the witness during the  
17 adjournment and have him returned to the courtroom at 3 o'clock.  
18 The Court is adjourned.

19 (Court recesses from 1445H to 1502H)

20 MR. PRESIDENT:

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

22 We would like to hand over to the Co-Prosecutor so that he can  
23 display the relevant portion of the video clip on the screens.

24 MR. RAYNOR:

25 Thank you, Mr. President.

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1 The combined video clips run to shortly over three and a half  
2 minutes. With your leave, please, Mr. President, can I start  
3 playing clip A, which is from the video "One Day at Po Chrey"?  
4 And to remind the Court of the E reference, it is E186.1R, and  
5 this is a clip from 10.40 through to 12.14. Can I please ask for  
6 that to be played?

7 [15.03.32]

8 MR. PRESIDENT:

9 You may, and now AV booth officers are instructed to display  
10 document - rather, video clip E186.1R, clip A, to be put up on  
11 the screen.

12 [15.04.28]

13 (Presentation of audio-visual document, no interpretation)

14 [15.06.10]

15 MR. RAYNOR:

16 And, Mr. President, the second clip, which is clip B, this runs  
17 from the tape counter 13.10 through to 15.18, and I know the unit  
18 will need a little time just to fast forward the footage. Thank  
19 you.

20 MR. PRESIDENT:

21 AV Unit is now directed to display this video clip B as  
22 requested.

23 [15.07.10]

24 (Presentation of audio-visual document)

25 [15.09.14]

1 QUESTIONING BY MR. RAYNOR RESUMES:

2 Q. Mr. Ung Chhat, you've had the opportunity, as we all have, to  
3 view these two video extracts. My question is: Are you shown on  
4 any of the footage that we have just viewed?

5 MR. UNG CHHAT:

6 A. No, I'm not.

7 Q. Just a few more questions. The gentleman on the video who has  
8 a white shirt with a coloured krama across his shoulders and  
9 chest is a journalist called Thet Sambath. Have you ever met and  
10 spoken with Thet Sambath?

11 A. I don't remember whether it was Mr. Thet Sambath who met me  
12 before.

13 [15.10.40]

14 Q. Can I help you that when you took investigators to view the  
15 site at Tuol Po Chrey, Thet Sambath was not one of the people who  
16 took you to the site, so have you ever met Mr. Sambath or a  
17 journalist and spoken about events at Tuol Po Chrey?

18 A. I have met one person when I was taken to the -- the site by a  
19 car, but I don't remember the name of that person. I don't take  
20 -- note the date when I was there with him.

21 Q. Do you recognize any of the people that we have just seen on  
22 these clips?

23 A. No, I don't.

24 Q. And finally, did you know anything of a smashing unit?

25 A. No, I don't know. I don't know a smashing unit.

1 MR. RAYNOR:

2 Thank you, Mr. Ung Chhat. Thank you for answering those  
3 additional questions.

4 Mr. President, that concludes these additional questions from the  
5 Prosecution. Thank you.

6 [15.12.45]

7 QUESTIONING BY MR. KOPPE RESUMES:

8 Mr. Witness, I just have a few last questions on the things that  
9 you have heard after you saw the group of people that you had met  
10 earlier in the provincial house again.

11 Q. If I understand your testimony correctly, you have – you have  
12 testified that you have not seen any executions or any killings  
13 at Tuol Po Chrey; is that correct?

14 MR. UNG CHHAT:

15 A. Yes, it is. I never saw the executions in person. I only saw  
16 these falling corpses and I never knew how people were killed,  
17 but people talked about this and we heard from one another about  
18 the executions.

19 [15.14.17]

20 Q. In the period after you saw the group of people that you had  
21 seen earlier in the provincial house, did you hear, at any point  
22 in time, gunfire?

23 A. Can you emphasize or be more precise on your question? Are you  
24 asking me whether I heard gunfires in the province or at Tuol Po  
25 Chrey in particular?

1 Q. After you saw groups of the people that you had seen earlier  
2 in the provincial house -- some of them were sitting under the  
3 trees - after you saw that group, have you heard in the next day  
4 or two days or in the next hours, after you saw them, the sound  
5 of gunfire?

6 A. It is difficult to tell about this because people would be  
7 firing their guns everywhere, after the country was already at  
8 peace, because people had weapons. They would do that.

9 Q. When you saw the people leaving the provincial building and  
10 when, at a later stage, you saw some of these people sitting  
11 after the checkpoint, did you see whether they had guns or any  
12 other arms with them?

13 [15.16.55]

14 A. Only the soldiers who were standing guard at the gates would  
15 be armed. Other people or the civilians who were seen on the  
16 trucks coming in and getting out of the vicinity were not armed.

17 Q. Mr. Witness, you have testified earlier that you have seen  
18 corpses. Are you able to tell how many corpses you have seen at  
19 Tuol Po Chrey?

20 A. I did not go deep inside the complex to see these corpses. I  
21 was riding an ox cart and could only inspect the mounds - the  
22 area from afar, and I presumed that these places could have been  
23 the buried - the site where a dead body could have been buried,  
24 and I just don't know how many.

25 MR. KOPPE:



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1 Thank you, Mr. Witness. That was my last question.

2 Thank you, Mr. President.

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 Counsels for Mr. Khieu Samphan, would you wish to have any  
6 questions?

7 [15.19.28]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. Counsels for Khieu Samphan do not have  
10 any questions for this witness.

11 MR. PRESIDENT:

12 Thank you, Counsel.

13 Today's session now comes to an end. The Chamber will adjourn  
14 now, and the next session will be resumed on Thursday, the 2nd of  
15 May 2013, commencing at 9 a.m.

16 On Thursday, we will be hearing TCW-389, questions to be put by  
17 the Co-Prosecutors, then Lead Co-Lawyers for the civil parties  
18 and defence counsel. Lead Co-Lawyers for the civil parties and  
19 Co-Prosecutors will have three sessions for questioning, and  
20 defence counsels will also have the same equal - same amount of  
21 time to put questions to this witness.

22 [15.20.47]

23 Mr. Ung Chhat, you are now excused. The Court is very grateful to  
24 your attendance and your patience. Your testimony helps ascertain  
25 the truth. We wish you all the best.

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1 Court officer is now directed to assist Mr. Ung Chhat and have  
2 him returned home safe and sound. And court officer at the same  
3 time is directed to ensure that TCW-389 is properly assisted and  
4 that the witness is returned to the courtroom on Thursday the 2nd  
5 of May 2013, before 9 a.m.

6 Security personnel are now directed to bring Mr. Khieu Samphan  
7 and Nuon Chea to the detention facility and have them returned to  
8 the courtroom except Mr. Nuon Chea to the courtroom by 9 a.m. on  
9 that day. Mr. Nuon Chea is directed to be returned to his holding  
10 cell where he can observe the proceedings from there through  
11 audio-visual link.

12 The Court is adjourned.

13 (Court adjourns at 1522H)

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