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

Request for Correction

Case : 001/18-07-2007-ECCC/SC

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Interpretation error: Transcript amended to ensure consistency among the three language versions of the transcript

Details:

p. 28 (line 3-6)
p. 35 (line 1-9)
p. 62 (line 18-15)
p. 64 (line 18-25) cont. p. 65 (line 1-8)

Filed by: Kerri Miles

Signature:

Approved by Greffier (for originals): Paolo Lobba

Signature:

Approved by ITU (for translations):

Signature:

1 Your Honours, first of all, we heartily disagree that this witness has been evasive at all. He's telling
2 his story, the questions that are put to him are often compound and complicated but we have no
3 objection in giving Counsel more time, it doesn't heard at all. We don't object.

4 MR. PRESIDENT:

5 The Chamber noticed that the response from the witness is clear enough, however it is the
6 Chamber's observation that some of your questions are repetitious in its nature though we bear with
7 that. So please try to make your questions more precise and to the point. We decide to grant you an
8 additional time of 10 minutes. So please proceed.

9 [10.11.17]

10 BY MR. KOPPE:

11 I don't think that's very fair, Mr. President. I'm not asking any repetitive questions, I'm trying to find
12 details, it is our position he is making up this story and the only way to establish this is to find details
13 that are convincing. But I'll move on, Mr. President, it's the way it is.

14 Q. Mr. Witness, at one point you were being shot at, what happened then?

15 MR. SAM SITHY:

16 A. After they fired the shots at us, not only to myself but to many people and I pretended to be dead
17 then we were dragged to the pit -- that is, other corpses and myself.

18 Q. Tell me how you did that, playing dead?

19 A. <The reason why I pretended because I knew it. I saw my father being taken away, at first, to be
20 shot, so I ran backwards to tell my mother, aunties, and uncles to run away and they -->

21 MR. PRESIDENT:

22 Mr. Witness, please try to answer to the point. The question is, how did you pretend to be dead, so
23 please answer that question.

24 [10.13.11]

25 MR. SAM SITHY:

Deleted: . I pretended to be dead because I had seen what happened earlier -- that is, what happened to my father's group, they had shot and killed them all and that's when I ran back to tell my mother and my female group.

Chamber to allow the Defence team for the co-Accused, Mr. Khieu Samphan and Nuon Chea, to put question from now on until 12 o'clock. And you can discuss among your teams how much time you need in each team. But the Supreme Court Chamber would like to advise the Defence teams to select the most important question and simple ones so that the witness can provide the answers for the two Defence team, and it's easy also for the interpretation team.

[10.48.36]

MR. SON ARUN:

Mr. President, I would like to request that the interpreter from English into Khmer and French into Khmer speak a little bit louder so that everyone could hear clearly.

MR. PRESIDENT:

Yes. The interpreters are advised so. You may now proceed, Defence team for the Accused.

[10.49.15]

BY MR. KOPPE:

Thank you, Mr. President, and my apologies for losing my temper.

Q. Mr. Witness, let me take you back to the moment that you said the group that you were with was shot at. Can you please explain from the moment that you heard the sound of bullets what happened next -- what happened, you heard the sound of bullets, then what happened?

MR. SAM SITHY:

A. <Please allow me, Mr. President, to provide a clarification on the question. I have been questioned many times by the Counsel about this matter. I would, therefore, like to clarify it once again. While running after my father, I was chased backwards because I was still small. Only adults in the prime of their strength were taken to cut trees for shelter building. I stood, sneaking a look at them. After my father was taken into ROUNG KHLEA forest, he was shot, and I ran backwards to tell my mother, aunties, and uncles to run, but they did not. After my father was killed, they came to take my mother, aunties, uncles, and me for the second time.>

[10.51.19]

Deleted: Let me clarify it. I was questioned many times by the Defence Counsel. Let me clarify. After I followed my father, I was chased back to the other side of the stream. At that time, my father and together with other man were ordered to go and cut trees so that we could make makeshift shelter. And after I saw the incident or the firing of bullets, I ran -- I was running back to my uncles and mother and told them that they were all killed. And after they had killed the group, they returned to collect the other groups, my mother groups and other groups.

Q. Maybe, but Mr. Witness, I'm asking you what happened to you. And I'm asking you, for example, was your mother there when the militiamen came, did she also see them?

A. Yes, everyone could see. After we went into the forest, we started crying and holding each other. I told my mother to run away, and I told other also to run away, but they did not believe me. And after that, after we reached the forest, we were put in groups and everyone started to cry after we were pointed -- after the gun were pointed at us. And they felt regret that they did not make an escape when I told them.

Q. But they couldn't do that if they had guns aimed at them, could they?

A. Yes, because there were too many people. And when the guns and rifles were pointed at all of us, they started to cry and holding -- and they held me.

[12.01.10]

Q. Was it the six armed men who segregated the males from the group to take them off into the forest?

A. I did not recognize their faces, but I could see the activity that they did at that time -- the activity that they did through my father and other men. And the same methods used when they took my group, my mother and other to the forest.

Q. Very well. So you were with your father when these six armed men appeared; is that correct? You had been separated from the women?

A. <No. Only adults in the prime of their strength were taken first -- the male ones were taken first. I who was the smallest person at that time ran after my father, but I was chased backwards to my mother -- I was not allowed to go with my father. However, I did not come back; and I sneaked a look at them. While my father was being walked, passing the forest and the stream, six men appeared, pointed the gun at him, and took him away. After a while, I heard gunshots. I ran back to tell my mother, aunties, and uncles to run as they had already killed my father, but they did not believe me.>

[12.03.27]

Deleted: Only the adult were taken away first. And I was small at that time, I follow my father, but I was chased away back to my mother. I was not allowed to go with my father. At that time, I did not come back. I was there to see the incident and to see that my father and other men were taken into the forest. And after a while, I could hear the sound of gunfire. I ran back to my mother and other people and I told them to escape but they did not believe me.

1 Q. They didn't believe you because they themselves had not heard the gunfire; is that correct?

2 A. <Yes, I believed they heard them because I ran back to tell them to run right after the gunshots;
3 however, they did not believe me. They said they shot animals, not my father, but I refused and kept
4 telling them that my father had been taken to be shot. I told them to run, but they did not.>

Deleted: I believe they may have heard the gunfire. After the sounds of the gunfire, I ran back to them and I told them to escape but they did not believe me. And my mother told me that it might have been the sound of gunfire hitting the wild animals. I told them to run away but they did not.

5 Q. This is a bit odd, sir, because in the seven-year-old written record, you say something slightly
6 different. Let me just confront you with the version you gave there. I'm looking at E3/5201 of the 7th
7 of August 2008. And in the French ERN, 80027543; in English, 00275139; and 00212121, in Khmer;
8 you're referring to a Khmer Rouge wearing a red scarf and you say that he told you to go and cut
9 wood in the forest so as to make some temporary shelters. "He ordered the women and children
10 including me to wait there. That person then led the 12 men in my group including my father across
11 the rice fields and into the forest. I followed, then I saw five to six Khmer Rouge come out of the
12 forest pointing their weapons. Then they led the men into the forest. I ran back to tell what I had
13 seen to the group of 30 women including my mother and my siblings who were waiting. Nearly an
14 hour later, I heard gunfire in the forest from the direction they had walked the men's group. Then the
15 man who wore the red scarf, came to lead the women's group in which I and my mother were
16 included." Now so there are quite a few differences. There's only one individual, for a start, in a red
17 scarf who accompanied you and the families. Now contrary to what you have just told us, you did
18 not witness the murder of your father but you ran away immediately you knew that your father had
19 been taken away by armed men. You went back to the women to tell them what had happened. And
20 it was only one hour later, when you had been with the women for a whole hour, that you actually
21 heard the gunshots coming from the direction where the men had been taken. Now, my question to
22 you, sir, can you explain all of these contradictions? We have differences in the timing and the
23 chronology that are quite significant.

24 [12.07.31]

25 MR. KOUMJIAN:

26 Your honour, Counsel's read a long passage. The question is not very precise and also the question

1 restated the witness's testimony in saying that the witness said that he saw his father murdered.

2 He's explained in detail exactly what he saw. He saw him taken away and then he heard gunshots.

3 [12.07.56]

4 BY MR. VERCKEN:

5 I didn't understand anything of the Prosecutor's question, so I maintain my question to the witness,
6 Mr. President.

7 Q. Why in the record did he say that he was accompanied by one single red scarf militiaman and not
8 three? Why in the record did he say that when he heard gunfire, he had been with his mother for
9 one hour while just now he said he wasn't with his mother and that he went back to join her to alert
10 her about what was going on; and then she said, don't worry, they were probably just shooting
11 animals? Please, Mr. Witness, explain the differences.

12 [12.08.51]

13 MR. SAM SITHY:

14 A. <I would like to provide a clarification on this question again. The three militiamen walking them
15 from the pagoda were not equipped with guns but knives. When reaching a place where stuff were
16 kept, the militiamen split – two guarded the wife and one walked the husband away to cut trees for
17 shelter building as it was getting dark. While they were walking into the forest, I followed my father,
18 hearing they were going to cut trees. Although I was chased backwards, I did not return and kept
19 watching him.

20 After passing the forest, six armed men and one militiaman, who accompanied him, appeared. The
21 other two were guarding the wife and children at the place where stuff was kept; men were taken
22 away first. Therefore, only one militiaman took the men away first on the pretext of tree cutting; the
23 other two were with the wife and children. While running after him, I saw him being held at gunpoint
24 and I realized that he was taken to be killed. Having seen them pointing the gun at my father, I ran
25 back and said, "My father is being taken to be shot." I told them to run, but they didn't because they
26 did not believe me. After about an hour later, gunshots were heard from the place I suspected they

1 were taken to be killed. I said, "You hear them? They are shooting them all." I ran back, separating
2 from my mother, and she ran after me to get me back. That was the incident.>

3 [12.10.54]

4 MR. PRESIDENT:

5 Counsel, you are running out of time. You went beyond 12 minutes. And it is now time for lunch
6 break and it is time also for DVD change.

7 And the Court will resume its hearing at 1.30. And the Chamber will consider and decide whether to
8 allow more time for the Defence team after the break.

9 (Court recesses from 1211H to 1259H)

10 MR. PRESIDENT:

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

12 The Chamber will hand the floor to the Co-Prosecutors and Lead Co-Lawyers for civil parties to put
13 questions to the witness and you may proceed.

14 MS. GUIRAUD:

15 Thank you, Mr. President.

16 MR. VERCKEN

17 My apologies; Mr. President, you were speaking of the possibility of giving us a bit of extra time;
18 however, I note that you have given the floor directly to my colleague --

19 MR. PRESIDENT:

20 And allow the Chamber to clarify the matter. Based on our deliberation, the Chamber will hand the
21 floor first to the Co-Prosecutors and Lead Co-Lawyers for civil parties and if time remains, it would
22 be given again to the defence counsel. I hope it is clear.

23 And the Lead Co-Lawyer for civil parties you may resume the floor.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I will give the floor to my colleague Hong Kimsuon.

26 [13.01.35]

Deleted: I would like to clarify this matter. The militiamen walked us away from the pagoda, they had long knives. And when we reached the stream, two militiamen were with my mother group and another militiaman led my father group away into the forest. And I heard that my father groups was asked to go into the forest to cut trees. So I went with my father. When I reached the forest, I arrived at the forest together with my father and that militiaman, I saw another group of armed people coming out. So once again, there was only one militiaman accompanying my father group into the forest. I was following my father group at that time. After I saw those armed men pointed the rifle at my father, I ran back to my mother and told my mother and her group to run away, but they did not believe me. And after one hour, we heard the sound of the gunfire, and I told them, you see, they were all killed. And after we heard the gunfire, my mother and the group and I ran, but they could arrest us back.