



CERTIFICATE OF THE NOTARIAL SERVICES ATTORNEY

I, **Mr. Poom Suangkavatin**, a licensed lawyer duly authorized to practice law in the Kingdom of Thailand and as a notarial services attorney duly registered with the Lawyers Council of Thailand, do hereby certify that, on November 25, 2019, I have examined the below copy of court documents and translated the content therein into English language as attached to this Certificate of Notarial Service Attorney.

Document

1. Testimony of the Defendant's Witness in Criminal Court case no. (Black): Aor403/2013, as testified by Mr. Ian Knox Potterton on 20 June 2014;
2. Testimony of the Plaintiff's Witness in Criminal Court case no. (Black): Aor403/2013, as testified by *Mr. John Peter Thanthi* on 19 June 2014;
3. Testimony (continued) of the Plaintiff's Witness in Criminal Court case no. (Black): Aor403/2013, as testified by *Mr. John Peter Thanthi* on 19 June 2014;
4. Testimony of the Plaintiff's Witness in Chanthaburi Provincial Court case no. (Black): PorAor8/2013, as testified by *Mr. Supin Saowapan* on 18 November 2013;
5. Testimony of the Plaintiff's Witness in Chanthaburi Provincial Court case no. (Black): PorAor8/2013, as testified by a boy named *Kongsak Saowaphan* on 18 November 2013; and
6. Testimony of the Plaintiff's Witness in Chanthaburi Provincial Court case no. (Black): PorAor8/2013, as testified by *Mrs. Amphorn Saowaphan* on 18 November 2013;

I hereby certify that the English translation of the above listed documents, as attached hereto, is true and correct translation of the Thai version presented to me.

Remark: Precise spelling of the person names appeared in *Italic* texts in the English translation has not been verified. Spelling used in the English translation is on a harmonized pronunciation basis between Thai and English languages.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed the notarial seal in Thailand, on 25 November 2019.



Poom Su

(Mr. Poom Suangkavatin)

Attorney at Law, License No. 2222/2552
Notarial Services Attorney, Reg. No. 288/2562
License expires on September 6, 2021

Reg.No./ทะเบียนเลขที่ 288/2562
Commission Expires/ทะเบียนหมดอายุ
Date/วันที่ September 6, 2021



Reg. No. 288/2562

**หนังสือรับรอง
CERTIFICATE**

หนังสือรับรองฉบับนี้ให้ไว้เพื่อแสดงว่า
This is to certify that

**นายภูมิ สุอังคะวาทีน
Mr. Poom Suangkavatin**

ใบอนุญาตให้เป็นทนายความเลขที่ 2222/2552
an Attorney at Law, License No. 2222/2552

ได้รับการขึ้นทะเบียนเป็นทนายความผู้ทำคำรับรองลายมือชื่อและเอกสาร
has been registered as a Notarial Services Attorney qualified to certify
signatures and documents

ตามข้อบังคับสภาทนายความว่าด้วยการขึ้นทะเบียนทนายความผู้ทำคำรับรอง
ลายมือชื่อและเอกสาร พ.ศ. 2551

pursuant to the Regulation of the Lawyers Council on Registration of
Notarial Services Attorneys B.E. 2551

หนังสือรับรองฉบับนี้มีผลถึงวันที่ 6 กันยายน 2564

This Certificate is valid until September 6, 2021



ให้ไว้ ณ วันที่ 6 กันยายน 2562
Given on September 6, 2019

**นายพจน์ จีระวุฒิกุล
ผู้อำนวยการ**

**Mr. Pote Chiravutikul
Director**

Poom Suangkavatin

Garuda Emblem

Testimony – The Defendant’s Witness (Voluntary)

For Court Use

(The Defendant testified as a Witness)

Case No. (Black) Aor403/2013

Case No. (Red)/20...

Court Criminal

Date 20 Month June Year B.E. 2557 (2014)

Proceeding Criminal

Between {

- The Public Prosecutor (Department of Special Litigation 9) Plaintiff
- MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

1. My name is Mr. Ian Knox Potterton
2. Born on - month - year B.E. - age of 53 years old
3. Occupation Sea Captain
4. Residing at 2004/157 Liverpool street, Sydney, Australia
5. Relationship to the litigants The Defendant

And hereby further testifies that; Answer to the Defendant’s Lawyer examination

I have Australian race and nationality. I do not understand Thai language and, hence, testified through an Interpreter who swore upon an oath.

I knew the Injured Person’s family via a friend of mine named *Mr. John Stroke*.

Prior to the cause of this lawsuit, *Mr. John* introduced me to *Mr. Mitr* or *Suchan Moonthoke* who is a relative of the Injured Person’s family.

I arrived at Thailand on 24 October 2012 and then traveled to Chanthaburi province on the same date whereupon *Mr. Suchan*, *Ms. Pui* (surname is unknown), and a boy named *Kongsak* or *Garfield* picked me up at Chanthaburi Lotus Department Store.

/the Defendant’s Lawyer...

(Mr. Ian Knox Potterton)

The Defendant’s Lawyer showed to the Witness photo(s) at the top of page 6 in the document submitted to the Court no. Jor.14. The Witness testified that the one who wore Yellow shirt was *Ms. Pui*.

The said person picked me up at approximately 20.00 hrs. Then I together with the said person went shopping and had a meal before she took me to the house as appeared in the photo at the bottom of page 3 in the document submitted to the Court no. Jor.14.

After arrival at the house, I was told to sleep on mattress laid on the floor in the foyer at the center of the house as appeared in the photo at the bottom of page 5 in the document submitted to the Court no. Jor.14.

There was no mosquito net at where I slept.

The boy named *Kongsak* was slept with his grandfather and grandmother in a room with a door closed, as appeared in the photo at the top of page 10 in the document submitted to the Court no. Jor.13.

During the first 2-3 days of my residence at the house, I brought a boy named *Kongsak* to see dentist at a clinic in hospital in Chanthaburi downtown and paid for all expenses. *Mr. Suchan* also went with us.

The reason I gave 5,000 Baht to *Kongsak*’s grandmother was to cover the expenses of my residence at the house so that my residence did not cause any additional expenses to *Kongsak*’s family.

On the next day, the boy named *Kongsak* and *Mr. Suchan* wanted to go seeing movie. I then took them both to the cinema.

/I...

_____ - Signature - _____ Witness/Defendant

_____ - Signature- _____ Plaintiff

_____ - Signature - _____ Defendant’s Lawyer

_____ - Signature- _____ Interpreter

(Mr. Ian Knox Potterton)

On 28 October 2012, within the area of the house, I was bitten by a dog at the right arm. The Witness explained that he suffered a wound because he played with the dog. The Witness further testified that he went to a local hospital to cure the wound.

On the day that I brought the boy named *Kongsak* to a waterfall, *Mr. Suchan* and *Mr. Son* also went with us.

The Defendant's Lawyer showed to the Witness photos from pages 2 to 4 of the document submitted to the Court no. Jor.13. The Defendant testified that the one who appeared on pages 2 and 3 was the boy named *Kongsak*, and the one who appeared on page 4 was *Mr. Son*. All the three photos were taken by *Mr. Suchan*.

As I knew, *Mr. Suchan* talked with *Mr. John* via a chat program several times. However, I did not know the reason of their talks. I also did not know whether *Mr. Suchan* had ever sent photo(s) having me inside to *Mr. John* or not because it was the matter between them.

On the day we went to waterfall, the boy named *Kongsak* was drowned. I, at that moment wearing swimming trunks, went into the water to save him and then choked with water. I having Bronchitis and being choiced with such water suffered Pneumonia from such event. From that time onwards, I suffered illness until being arrested.

The Defendant's Lawyer showed to the Witness photo(s) in page 9 of the document submitted to the Court no. Jor.13. The Witness explained that it was a photo of me sleeping with the boy named *Kongsak* laying alongside. I just landed on that day and took rest due to jet lag. The boy named *Kongsak* came to sleep on the bed after I already fell asleep. It was daytime and I slept in the central foyer.

The Defendant's Lawyer inquired if the Witness had ever bought any stuffs for the boy named *Kongsak*. The Defendant testified...

/that...

(Mr. Ian Knox Potterton)

that I bought stuffs for all members in *Kongsak's* family including for dog(s).

I bought piggy bank, three white shirts for school as *Kongsak's* shirts were torn, student pants, socks, student shoes, and student bag for the boy named *Kongsak*. After that, the Witness re-testified that, I gave 2,000 Baht to *Kongsak's* mother to buy the mentioned stuffs as I did not know where to purchase.

On the day that I took the boy named *Kongsak* to see movie, I also bought electronic translating device for him.

The reason I bought those stuffs for the boy named *Kongsak* because I liked him as he was a good kid. I knew that the boy named *Kongsak* did not leave with his father and mother, then I bought those stuffs for him so that he could be proud to go to school. For the electronic device, I bought for him so that the boy named *Kongsak* was able to learn English language as he wished.

The Defendant's Lawyer showed to the Witness photo(s) at the bottom of page 4 in the document submitted to the Court no. Jor.14. The Witness testified that the photo was a large restroom within *Kongsak's* house.

I ever took a shower with the boy 2 times with his mother, grandmother, and *Mr. Suchan* inside the bathroom, and with the women wearing Yellow shirt as appeared in photo(s) at the top of page 6 of the document submitted to the Court no. Jor.14.

I wore boxer pants while having a shower.

While having a shower, the women wearing Yellow shirt was the one who washed the boy named *Kongsak* The boy named *Kongsak* sometimes ran around. I assisted to wash *Kongsak's* hair.

/I...

_____ - *Signature* - _____ Witness/Defendant

_____ - *Signature*- _____ Plaintiff

_____ - *Signature* - _____ Defendant's Lawyer

_____ - *Signature*- _____ Interpreter

(Mr. Ian Knox Potterton)

I had never committed the guilt as alleged in the Plaintiff.

Mr. Surak Kangmair was a friend I knew for over 25 years.

I ever transferred money to *Mr. Surak* and many others as a scholarship.

The Defendant's Lawyer showed to the Witness photo(s) in page 1 of the document submitted to the Court no. Jor.13. The Witness testified that it was a photo of *Mr. John* and *Mr. Suchan*.

The reason I went to Pattaya city because I suffered illness more than just to be staying still at the house. Hence, I went to a hospital in Pattaya city for 5 days.

I would go back to Australia to cure Pneumonia symptom. At the time I was arrested at Suvarnabhumi Airport, I refused to accept all the allegations.

I never brought the boy named *Kongsak* anywhere with me alone. When I went to any places, there would be at least *Mr. Suchan* tagging along.

Answered to the Plaintiff's cross-examination

I went to Chanthaburi province for the first time on 24 October 2012 and *Mr. Suchan* was the one who took me to the house.

Other than *Mr. Suchan*, I did not know anyone in the family including the boy named *Kongsak* before.

I used to call the boy named *Kongsak* as "i-Field" twice or three times, but his family members told me to call him "Garfield".

I had never had any conflicts with *Kongsak's* family members.

On the day I was arrested at Suvarnabhumi Airport, *Mr. Suchan* did to go there with me.

I...

/traveled...

(Mr. Ian Knox Potterton)

traveled alone from the hospital in Pattaya city to the airport.

I used to see the police who arrested me at Pattaya city as he used to walk around and observe the area surrounding my residential place at Pattaya city. I never talked nor had any conflicts with him.

I used to have some conflicts with Australian police, but not with the one who testified in this lawsuit.

When I was arrested, I claimed for the right to receive medical treatment and demanded a lawyer's presence, but none was provided.

Answered the Defendant's Lawyer re-examination

No inquiry /Already read

-Signature-

(Mrs. Vira Na Pikul)

-Signature-

(Ms. Namfah Prasithiran) Record /Read

-Signature-

Witness /Defendant

-Signature-

Plaintiff

-Signature-

Defendant's Lawyer

-Signature-

Interpreter

Garuda Emblem

Testimony – The Plaintiff’s Witness (Summoned)

For Court Use

Pay 200 Baht remuneration to the Witness

Case No. (Black) Aor403/2013

-Signature-

Case No. (Red)/20...

(Ms. Namfah Prasithiran)

The Judge

Court

Criminal

Date 19 Month June Year B.E. 2557 (2014)

Proceeding Criminal

Between {

- The Public Prosecutor (Department of Special Litigation 9) Plaintiff
- MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

- 1. My name is *Mr. John Peter Thanthi*
- 2. Born on - month - year B.E. - age of 47 years old
- 3. Occupation Australian Police, for transnational crime collaboration
- 4. Residing at Australian Embassy in Thailand
- 5. Relationship to the litigants Not related

And hereby further testifies that; Answer to the Plaintiff’s examination (the Witness did not understand Thai language and testified through an interpreter who swore upon an oath)

At the time of occurrence of the cause of this lawsuit, I worked as a police to collaborate between Thai government and Australian government.

I was the one who prepared the letter, as being the document submitted to the Court no. Jor.9, which was sent to the Police Major General *Chavalite Sawangpuech* who was the chief of Anti-Trafficking in Persons Division.

On 23 October 2012, I received information from investigator(s) in Sydney that there was a suspected person of Australian nationality traveled...

flip...

to the Kingdom of Thailand.

Our organizational unit had collaborated with Thai government officials. Thailand was the destination for Human Trafficking, including being a transit point to other areas.

At the time I received such information, there were ongoing investigations of the same kind of wrongdoings in many countries such as England and Philippines. From the investigation, electronic information was found on website in Philippines that there were online sex trafficking including persuasion for such purpose.

The Witness testified that Australian police received information from England police that there were computer users in Australia browsing website(s) in Philippines that offered online sex trafficking. Thus, they conducted an investigation to verify such computer users.

Online sex trafficking was that internet users can choose their preference whether they would wish to see sexual intercourse between adults, or with child. After having chosen, they had to make overseas money transfer as a fee to be granted access to view sexual content. After money transfer was completed, they would be able to see sex movie that they chose.

From the investigation result in Philippines, on 23 October 2012 the Defendant traveled from Philippines to Thailand. However, he was not arrested at that time. After that, on 29 October 2012, Philippines police arrested 7 wrongdoers conducting act of online sex trafficking and rescued 11 victim children...

/in...

 - Signature - Witness

 - Signature- Plaintiff

 - Signature - Defendant

 - Signature- Defendant's Lawyer

(40 Phor)

For Court Use

Testimony – The Plaintiff’s Witness (continued), Case No. (Black): Aor403/2013

in such wrongdoing act.

Later, on 30 October 2012, I prepared the letter as submitted to the Court as document no. Jor.9 and sent to Thai police to address my concern that the Defendant might commit such wrongdoing act in Thailand. On the same date at Sydney, Australian police submitted an application to issue search warrant to conduct the search of the Defendant’s house in Sydney. In the Defendant’s house, there were the Defendant and two other persons residing. There was one mobile phone belonging to *Mr. John Gregory Stroke* (who resided in the same house with the Defendant) confiscated.

On 19 December 2012, I assigned a forensic officer to examine the confiscated mobile phone and prepare result report. Then, I was the one who sent the report to Thai police.

The Witness testified that, during the search of the Defendant’s house and confiscation of *Mr. John*’s mobile phone, the police officer who conducted the search initially examined the mobile phone and found photos of the Defendant with Thai child. Hence, such police officer used his own mobile phone to take picture of the photos in *Mr. John*’s mobile device. One of the photos showed the Defendant having a naked boy sitting on his lap. Such photo concerned me when considering with the investigation result received previously from England police and Philippines police.

From the aforementioned information, I decided to issue the letter as being the document submitted to the Court no. Jor.9 to Thai police because I was afraid that there would be a conduct of wrongdoing of the same type with Thai children...

/as...

as, in Australia, photo of the Defendant with a naked boy sitting on his lap was considered as an extremely serious matter. It was unusual for an adult to access a child in such manner.

Moreover, Australian police investigated financial matter of the Defendant and found numbers of amount of money transferred overseas including to Thailand. There was no identified reason of money transfer.

I knew that the Defendant was arrested after the sending of the document submitted to the Court no. Jor.9 because there was Thai police invited me to give testimony since it was joint collaboration between countries to arrest and prevent wrongdoing in respect of child abuse, and to further proceed lawsuit.

After the Defendant was arrested, I met and talked with the Defendant. The Defendant demanded for diplomatic assistance. However, I did not have any such authority.

I knew from Australian investigative officer that the Defendant acted in a manner to pay money to parents of the children including to the children themselves so that he could commit the mentioned wrongdoing, and to prevent anyone from providing any information that refers to him.

I did not inquire for the Defendant's testimony in this lawsuit.

I asked the Defendant whether he gave money to the family of the injured person to prevent them from providing any information to the police, or gave bribe to police or not.

The Defendant refused to accept the allegation. I then warned him that, if he gave false statement, I would arrest him and commence lawsuit against him when he is back to Australia. In such circumstance, I ...

/warned...

 - Signature - Witness

 - Signature- Plaintiff

 - Signature - Defendant

 - Signature- Defendant's Lawyer

(40 Phor)

For Court Use

Testimony – The Plaintiff’s Witness (continued), Case No. (Black): Aor403/2013

warned the Defendant with polite words, and did not threaten him.

I worked as a police for 25 years. I had experience in conducting investigation and take legal action with wrongdoer.

I did not personally know the Defendant before.

Answer the Defendant’s Lawyer cross-examination

The Defendant had never been arrested or put into trial in Australia.

Homosexuality was not considered as a guilt in Australia, if between adults attaining legal age.

I did not know if *Mr. John* is homosexual or not.

I examined money transfer made by *Mr. John* and found numerous amounts of money transferred to *Mr. Suchan Moonthoke*.

I did not know whether the Defendant and *Mr. John* were friend or not. I only knew that they resided in the same house.

I did not know the name of the owner of the house that I and other officers went to conduct search. I only knew that those who resided in the house were *Mr. John* and *Mr. Krissanart Nitidetchaphuttipong*.

Mr. Krissanart was born in 1989.

Other than the mobile phone found in the house, there was no other evidence found. However, in the mobile phone, information found in a chat program called “WhatsApp” was suspected to be chat between *Mr. John* and *Mr. Mitr* who is *Mr. Suchan*.

On 25 October 2012, I did not know where was the Defendant (the Defendant's Lawyer stated that there remained numbers of questions to be inquired. It was over 12.00 hrs. and requested that the cross-examination be continued in the afternoon. Ordered in Judicial Proceeding Report) /Already read.

-Signature-

(Mrs. Vira Na Pikul)

-Signature-

(Ms. Namfah Prasithiran) Record / Read

 - Signature - Witness

 - Signature- Plaintiff

 - Signature - Defendant

 - Signature- Defendant's Lawyer

 - Signature - Interpreter

Garuda Emblem

Testimony – The Plaintiff’s Witness (Summoned)

For Court Use

Case No. (Black) Aor403/2013

Case No. (Red)/20...

Court Criminal

Date 19 Month June Year B.E. 2557 (2014)

Proceeding Criminal

Between {

- The Public Prosecutor (Department of Special Litigation 9) Plaintiff
- MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

1. My name is *Mr. John Peter Thanthi*
2. Born on - month - year B.E. - age of 47 years old
3. Occupation Australian Police, for transnational crime collaboration
4. Residing at Australian Embassy in Thailand
5. Relationship to the litigants Not related

And hereby further testifies that; Answer to the Plaintiff’s examination (the Witness did not understand Thai language and testified through an interpreter who swore upon an oath)

- continued from the morning part –

Answer the Defendant’s Lawyer cross-examination

The Defendant’s Lawyer showed to the Witness document and inquired whether it was a conversation between *Mr. John* and *Mr. Suchan* or not. The Witness testified that it was. The Defendant’s Lawyer inquired the Witness whether there was any conversation of the Defendant in the document showed to him. The Witness testified that there was none. There was only photo of the Defendant. The Witness further testified to explain that the information appeared in the document was retrieved from examination of the mobile phone of...

Flip...

Mr. John. The found conversation was only a conversation between 2 unidentifiable persons. The Defendant’s Lawyer submitted to the Court as the document no. Lor.1.

The Defendant’s Lawyer inquired the Witness whether the website in Philippines that was examined by the Witness and the other officials was for online sex trafficking both for straight men and women, and also for the same sex. The Witness testified that he did not know because, for such website, it required that we pay money before being allowed to get access.

The Defendant’s Lawyer inquired whether, in the mentioned website in Philippines, would it be possible to have persons in the website come and provide sex service, or not. The Witness testified that he did not know as the investigation only focus on online sex trafficking.

The Defendant’s Lawyer showed to the Witness the photo in page 4 of the document submitted to the Court no. Jor.13 and inquired whether such photo was considered as criminal offense in Australia, or not. The Witness testified that, to consider if a person acts in breach of law or not, concerned evidences require to be considered. In Australia, taking a photo as appeared in the mentioned photo with the others except the child’s parents would be considered extremely serious. In Australia, there was wrongful and inappropriate act of exchanging photo of boys to the others and, sometimes, it requires that the receiver of the boy photos pay money in exchange.

The Defendant’s Lawyer showed to the Witness photo(s) in pages 2 and 3 of the document submitted to the Court no. Jor.13, as compared to page 4, and inquired whether the boy appeared in those photos was the same person. The Witness testified that it was not certain.

/ The Defendant’s Lawyer...

_____ *- Signature -* _____ Witness

_____ *- Signature-* _____ Plaintiff

_____ *- Signature -* _____ Defendant

_____ *- Signature-* _____ Defendant’s Lawyer

_____ *- Signature -* _____ Interpreter

(40 Phor)

For Court Use

Testimony – The Plaintiff’s Witness (continued), Case No. (Black): Aor403/2013

The Defendant’s Lawyer inquired whether the Witness had any evidence that the Defendant transferred money to the boy named *Kongsak*’s parents. The Witness testified that there was evidence that *Mr. John* made a transfer of money to *Mr. Suchan*, and there was evidence that the Defendant made a transfer of money to many persons in Thailand which was over 1,700,000 Baht in total. The transferees was *Mr. Surak Kangmae*, *Mr. Tawan Chai-u-bon*, *Mr. Meechai Pratheplert* etc.

I did not know if the Defendant had ever made money transfer to *Kongsak*’s parents or not

I previously issued letter seeking collaboration in the same manner as the document submitted to the Court no. Jor.9 in other lawsuits, and with different allegations. For the Defendant and *Mr. John*, the document submitted to the Court no. Jor.9 was the first letter being issued.

Answer the Plaintiff re-examination

The Plaintiff showed to the Witness the document submitted to the Court no. Jor.9 from pages 9 to 12, compared to the document submitted to the Court no. Lor.1, and inquired the Witness whether they were the same photos or not. The Witness testified that they were.

I examined money transfer of the Defendant to Thailand only up to 7 November 2012, and stopped examining after that day. /Already read.

-Signature-

(Mrs. Vira Na Pikul)

-Signature-

(Ms. Namfah Prasithiran) Record / Read

_____ - Signature - _____ Witness

_____ - Signature - _____ Plaintiff

_____ - Signature - _____ Defendant

_____ - Signature - _____ Defendant’s Lawyer

_____ - Signature - _____ Interpreter

Garuda Emblem

Testimony – The Plaintiff’s Witness (Summoned)

For Court Use

Case No. (Black) PorAor8/2013

Court Chanthaburi Provincial Court

Date 18 Month November Year B.E. 2556 (2013)

Proceeding Criminal

Between { The Public Prosecutor, Chanthaburi province Plaintiff
MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

1. My name is *Mr. Supin Saowapan*
2. Born on - month - year B.E. - age of 58 years old
3. Occupation Gardener
4. Residing at 8/4 Moo5 Tumbol Phrom, Amphur Khlung, Chanthaburi province
5. Relationship to the litigants Not related

And hereby further testifies that;

Answer to the Public Prosecutor (Plaintiff)

I am *Kongsak Saowaphan*’s grandfather.

The boy named *Kongsak* was born on 15 July 2005, as appeared in the copy of House Registration, the document submitted to the Court by the Public Prosecutor no. PorJor.1.

Kongsak’s father is Mr. Detchanarong *Phoethiphat* and *Kongsak*’s mother is Mrs. *Suchada Sawaphan*.

/during the occurrence...

During the occurrence of the cause of this lawsuit approximately in October 2012, the boy named *Kongsak* lived with me and his grandmother named *Mrs. Amphorn Saowaphan*.

The reason of the boy named *Kongsak* living with me was his father and mother were separated since he was young. I then took care of him.

Regarding this lawsuit approximately on 24 October 2012, there was a foreigner man named Mr. Ian came to reside at my house (the Witness turned to point at the Defendant in the court room).

The reason the Defendant came to reside at my house because Mr. Ian knew *Mr. John* who was in a relationship with *Mr. Suchan* (surname was unknown). *Mr. Suchan* was a son of my wife's sister. Normally, *Mr. Suchan* lived with me at the house.

Normally, there were approximately 5 persons residing at my house being myself, *Mr. Suchan*, *Ms. Kanokwan*, the boy named *Kongsak*, and my wife named *Ms. Amphorn*.

As I knew the Defendant, he acted and talked normal, and liked to bring my nephew, *Kongsak*, to go out for travel.

During the mentioned period, the Defendant resided at my house approximately 7 days.

During the Defendant's residence at my house, he was acquainted with everyone in the house.

_____ - Signature -

Witness

/I did not see....

I did not see the Defendant sexually abused the boy named *Kongsak* by touching his sexual organ.

Later, on 8 November 2012, there was officer from Bangkok came to my house and told me that the Defendant sexually abused the boy named *Kongsak* by touching his sexual organ, and would like to bring *Kongsak* to hospital in Bangkok to run a check-up. I then agreed for them to take the boy named *Kongsak* to the hospital, detail as appeared in the Record as the document submitted by the Public Prosecutor to the Court no. PorJor2.

On the same date, there was police coming to interrogate me, detail as appeared in Record of Testimony as the document submitted by the Public Prosecutor to the Court no. PorJor.3. On that day, the police showed to me photo(s) submitted to the Court by the Public Prosecutor as document no. PorJor.4 which I confirmed that some of the photo(s) in the document no. PorJor.4 was photo of the Defendant in this lawsuit.

I did not have any cause of anger with the Defendant before.

Answer to the Defendant's Lawyer cross-examination

I am a gardener working in Durian garden. I am capable of reading and writing.

/my house...

My house is one-storey house, with floor not highly lifted.

At my house, there were approximately 5-6 persons residing in. There were 2 kids being *Kongsak* or *Garfield*, and *Prem* (4 years old).

The Defendant's Lawyer showed to the Witness photo(s) at the top of page 1 of the document submitted to the Court no. PorJor.4. The Witness looked at the photo(s) and testified that the one the Defendant was holding in the photo was not the boy named *Kongsak* or *Garfield*, but a Cambodian kid. Currently, such Cambodian kid already left the house.

From the mentioned photo(s) in the document submitted to the Court no. PorJor.4, it was photo(s) of the Defendant bringing approximately 4 kids to waterfall. There was *Mr. Suchan* tagging along every time, and occasionally *Ms. Kanokwan*.

Mr. Suchan knew *Mr. John* before the Defendant came to reside at the house. Also, *Mr. John* gave money to *Mr. Suchan* for his personal use.

Mr. Suchan liked to take family photo going out together, then sent to *Mr. John*. After *Mr. John* went back to his country, he asked the Defendant to come and take care of my family.

On the date that the Defendant arrived at Chanthaburi province, *Ms. Kanokwan*, *Mr. Suchan* and *Mr. Kongsak* went to pick up the Defendant at nightfall. After that, they took the Defendant...

_____ - Signature -

Witness

/back....

back to my house

In my house, there were 2 rooms; one was a big foyer at the center of the house, and another one was a separated small bedroom.

On such day, the persons that sleep in the foyer of the house were the Defendant, *Ms. Kanokwan*, *Mr. Suchan*, and Prem. The boy named *Kongsak* and *Mrs. Amphorn* were sleeping in a separated bedroom with me.

On the next day, the Defendant brought the boy named *Kongsak* to Sirivej hospital to do tooth pulling. There was *Mr. Suchan* tagging along. The Defendant was the one who paid for dental fee and after finished, they all came back to the house.

On the next day, the Defendant brought the boy named *Kongsak* to see movie and paid for the ticket. There were also *Mrs. Amphorn*, *Ms. Kanokwan*, *Mr. Suchan* and friend(s) going to see movie with them. After that, they bought tree(s) and went back to the house.

On the next day which was the 4th day, the Defendant was bitten by a dog at my house and went to cure the wound at Makham hospital.

On the 5th day, the boy named *Kongsak* and *Mr. Suchan* asked the Defendant to...

/go out...

go out for travel at TrongNong waterfall. There was also a Cambodian boy going with them on that day.

After the Defendant was bitten by a dog, he had fever.

From the waterfall trip, *Mr. Suchan* took photo(s) as appeared in the document submitted to the Court no. PorJor.4, and sent it to *Mr. John*.

On 1 November 2012, the Defendant received medical treatment at a hospital in Pattaya.

During the Defendant's residence at my house, I did not see him touching sexual organ of the boy named *Kongsak*, nor see him acting in any such manner.

The Defendant said to me that he would be responsible for tuition fee for the boy named *Kongsak* due to sympathy.

On the day that the police came to my house and interrogated me, the police said that the Defendant touched *Kongsak's* sexual organ which was considered a wrongdoing. The police also asked that I give him bedclothes in my bedroom. I gave the bedclothes to the police.

The boy named *Kongsak* had never told me that he was harassed by the Defendant. The boy named *Kongsak* loved the Defendant as a relative.

The Defendant bought a phone having video game inside for the boy named *Kongsak*.

_____ - Signature -

Witness

/I confirmed...

I confirmed that the Defendant had never committed any offense or acted in breach of law.

Answer the Public Prosecutor re-examination

During the period the Defendant resided at my house and took family members to places, the Defendant paid for all expenses including for meals consumed within the house.

The Defendant bought bought volleyball, eyeglasses, toy, and mobile phone for the boy named *Kongsak*.

After the Defendant arrived at the house, he gave 5,000 Baht to *Mrs. Amphorn*. Other than that, the Defendant bought diamond pendant necklace for *Mrs. Amphorn*.

I ever saw the Defendant had a shower with 2 kids and *Ms. Kanokwan* but I had not seen him taking a shower only just with the 2 kids.

Answer the Defendant's Lawyer inquiry (permitted by the Court)

As I saw the Defendant taking a shower in the bathroom, the Defendant was taking a shower for the kids, but he did not take shower for himself.

Answer the Public Prosecutor cross-examination

/No inquiry...

(No inquiry) /Already read

-Signature-

(Mr. Sunya Sripinyo)

-Signature-

(Ms. Chalermkwan Rienwijitra)

-Signature-

Witness

-Signature-

Plaintiff

-Signature-

Defendant

-Signature-

Defendant's Lawyer

-Signature-

Interpreter

Garuda Emblem

Testimony – The Plaintiff’s Witness (Summoned)

For Court Use

Case No. (Black) PorAor8/2013

Court Chanthaburi Provincial Court

Date 18 Month November Year B.E. 2556 (2013)

Proceeding Criminal

Between { The Public Prosecutor, Chanthaburi province Plaintiff
MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

1. My name is A boy named *Kongsak Saowaphan*
2. Born on - month - year B.E. - age of 8 years old
3. Occupation Student
4. Residing at 8/4 Moo5 Tumbol Phrom, Amphur Khlung, Chanthaburi province
5. Relationship to the litigants the Injured Person no. 3

And hereby further testifies that;

Answer to the Public Prosecutor examination

The Witness testified through a social worker or psychologist who swore upon an oath named *Ms. Samoejai Saeung*.

My nickname is *Garfiled*.

I did not remember my birthday.

I am 8 years old.

/Approximately in...

Approximately in October 2012, I resided with my grandfather named *Mr. Supin Saowaphan* and my grandmother named *Mrs. Amphorn Saowaphan*. At that period, I studied in the first year of primary education at Wattokphrom school.

Normally, I resided at my grandmother's and grandfather's house in which a total of 6 persons lived, being *Mr. Supin*, *Mrs. Amphorn*, *aunt Pui* which is *Ms. Kankokwan*, *Ah* or *Mr. Suchan*, and *Prem*.

During that period, there was other persons also resided at the house named Mr. Ian whom I call "Daddy Ian", and *Mr. John*.

I knew that Daddy Ian has Australian nationality.

I remembered that Mr. Ian and *Mr. John* resided with us quite a long period of time.

Daddy Ian was the one in the court room (the Witness turned to point at the Defendant).

I knew Daddy Ian because *Ah* or *Mr. Suchan* brought him there.

The Defendant came to see me due to his sympathy because I did not have father and mother.

During the Defendant's residence at the house, he bought many things for me which were piggy bank, toy, racing car, apparels, iPad, and he also gave money to me. I kept the money received in the piggy bank, and spent some with games.

-Signature-

Witness

/During the period...

During the period the Defendant resided with us, he took a shower for me and my brother. Every time taking a shower, there were 4 persons in the bathroom which were myself, *aunt Pui*, *Prem* and the Defendant.

Every time taking a shower, there were only me and *Prem* taking clothes off. *Aunt Pui* did not take off her clothes, and the Defendant only wore boxer shorts.

During the shower, I washed myself with soap. The Defendant scrubbed my back, arms and legs.

During the period the Defendant resided with us, he did not take a shower for me every day, but only 2 or 3 days per time. *Aunt Pui* was the one who took a shower for me on the other days.

During the period the Defendant resided with us, he did not sleep together with me. I normally slept in the bedroom, but the Defendant slept outside the room.

During time spent with the Defendant, he never touched my sexual organ nor kiss and hug me.

The Defendant took me to many places, to see movie, and once to TrogNong waterfall. On the day we went to the waterfall, there were 4 persons going which were myself, the Defendant, *Mr. Son* who is a Cambodian boy, and *Ah*.

On the day we went to the waterfall, I and *Mr. Son* swam and took off both...

/our shirt and pants...

our shirt and pants. The Defendant took off his clothes with only boxer shorts left. For *Ah*, he did not take off his shirt and pants. *Ah* was the one who took photos from rock area.

I remembered that I went to Bangkok with *aunt Pui* and *Ah*. There was police officer came and talked to me. I talked with the police as per the Record of Testimony, the document submitted by the Public Prosecutor to the Court no. PorJor.5. The Witness reviewed the document and testified that there was his own signature on the document. However, the Witness did not recall the detail as appeared in the document.

I signed on the Record of Statement notifying the rights of victim or child witness, being the document submitted by the Public Prosecutor to the Court no. PorJor.6.

The police took me to Ramathibodi hospital to run a check-up as appeared in the Letter and autopsy report, as the document submitted by the Public Prosecutor to the Court no. PorJor.7.

The Public Prosecutor showed to the Witness photo(s) as submitted to the Court no. PorJor8. The Witness looked at the photo(s) and testified that the first photo was a photo of the Witness himself. The second photo was a photo of the house at which the Witness resided. The third photo was a photo of the bathroom at the house where we took shower together. During the period the Defendant resided at the house, I took a shower with the Defendant and *Prem* ...

_____ *-Signature-*

Witness

/took a shower...

took a shower with *aunt Pui*.

For the fourth photo, it was a photo of mattress where the Defendant slept at one half, and *Ah* slept at the other half. I did not sleep on such mattress.

For the fifth photo, it was a photo of me at the house I resided at.

For the sixth photo, I was not certain whether it was a photo of *Ah* or not.

For the seventh and eighth photos, they were photos of the Defendant.

The Public Prosecutor showed to the Witness all the photos and submitted to the Court as document no. PorJor.9.

The Witness looked at the document no. PorJor.9 and testified that, for the first photo, person in there was unknown. For the second photo, it was a photo of the Witness swimming at the waterfall. For the third photo, it was a photo of the Witness swimming at TrogNong waterfall. For the fourth photo, it was a photo of the Defendant holding *Mr. Son*. For the fifth photo, it was a photo of myself and the Defendant. For the sixth photo, it was a photo of myself, the Defendant, and *aunt Pui*. For the seventh photo, it was a photo of me having meal with the Defendant. For the eighth photo, it was a photo of *Ah* and *aunt Pui*, and the below photo was a photo of me and *Ah*. For the ninth photo, it was a photo of the Defendant sleeping. I was unsure who was the boy sleeping along his side. For the tenth photo, the above was a photo of *aunt Pui* picking up student t-shirt. For the eleventh photo, it was a photo of...

/aunt Pui...

aunt Pui keeping stuff. For the twelve photo, it was a photo of train railway toy that the Defendant bought for me. For the thirteenth photo, it was a photo of *aunt Pui* and my grandmother about to go out for a shopping and seeing movie. For the fourteenth photo, the upper and lower photos were photos of *Mr. John* and *Ah*. For the fifteenth photo, the upper photo was a photo of my grandfather and the below photo was a photo of *Mr. Son*. For the sixteenth photo, it was a photo of mobile phone of *Ah* and the Defendant. For the seventeenth photo, the below photo was a photo of the Defendant. For the eighteenth photo, it was a photo of the Defendant. For the nineteenth photo, it was a photo of the Defendant pointing at the area where he was bitten by a dog. For the twentieth photo, the above photo was a photo of the Defendant and I did not remember who was the one appearing in the below photo. For the twenty first photo, it was a photo of the Defendant.

The Public Prosecutor showed to the Witness all the photos as submitted to the Court as document no. PorJor.10. The first photo was a photo of the front of Lotus supercenter at Chanthaburi province. The second photo was the photo of me pointing at the place I went which was TrogNong waterfall. The third photo was a photo of the social worker at *Wat Tok Prom* school and the persons inside such photos were *Ploy* who worked at orphanage center, myself, and Teacher *U-sa*. The forth photo was a photo of the bathroom at the place I resided. The sixth photo, both upper and lower, was a photo of the bedroom in my house.

The seventh photo was a photo of a social worker, officer, myself, my grandmother, *Prem*, *aunt Pui* and my grandfather at my house. The below photo was a photo of myself pointing at my house number.

The Public Prosecutor showed to the Witness photo(s) in the document submitted to the Court no....

-Signature-

Witness

/PorJor.11....

PorChor.11. The Witness looked at the photo(s) and testified that it was a photo of the Defendant.

I did not have any cause of anger with the Defendant before.

Answer to the Defendant's Lawyer cross-examination

The reason I called the Defendant "Daddy Ian" because I called uncle John "Daddy John". I thought that *Mr. John* and Mr. Ian were friend, hence I called him "Daddy Ian".

The Defendant was nice to me. I love the Defendant.

On the first day we met, the Defendant brought me to do tooth pulling.

Every time I went out with the Defendant, my grandmother and grandfather knew and allowed me to go with him.

I was not afraid going out with the Defendant.

As I went with the police, my grandfather and grandmother knew. I felt afraid going with the police.

The Defendant's Lawyer showed to the Witness the Answer to the Plaintiff (document no. PorJor.5), and Record notifying the rights (document no. PorJor.6). The Defendant already looked at the documents testified that on the day I went with the police, I signed on the documents as I wanted everything to end. Before signing, there were a person reading the details aloud for me.

/Today...

Today, I was glad meeting with the Defendant at this court.

Answer to the Public Prosecutor re-examination

(No inquiry) /Already read

-Signature-

(Mr. Sunya Sriphinyo) Record /Read

-Signature-

(Ms. Chalermkwan Rienwijitra)

_____ -Signature- _____	Witness
_____ -Signature- _____	Plaintiff
_____ -Signature- _____	Defendant
_____ -Signature- _____	Defendant's Lawyer
_____ -Signature- _____	Psychologist
_____ -Signature- _____	Interpreter

Garuda Emblem

Testimony – The Plaintiff’s Witness (Summoned)

For Court Use

Case No. (Black) PorAor8/2013

Court Chanthaburi Provincial Court

Date 18 Month November Year B.E. 2556 (2013)

Proceeding Criminal

Between {

- The Public Prosecutor, Chanthaburi province Plaintiff
- MR. IAN KNOX POTTERTON Defendant

The witness swearing upon an oath testifies that:

1. My name is *Mrs. Amphorn Saowaphan*
2. Born on - month - year B.E. - age of 52 years old
3. Occupation Gardener
4. Residing at 8/4 Moo5 Tumbol Phrom, Amphur Khlung, Chanthaburi province
5. Relationship to the litigants Grandmother of the Injured Person no. 3

And hereby further testifies that;

Answer to the Public Prosecutor examination

At the time of occurrence of the cause of this lawsuit in October 2012, the boy named *Kongsak* lived under care and custody of myself and *Mr. Supin*.

Normally, there were 6 persons residing in the house namely myself, *Mr. Supin*, *Ms. Kanokwan*, 2 nephews, and *Mr. Suchan*.

Approximately in October, there was a foreigner who was *Mr. Suchan*’s friend...

/come...

came and resided at my house. His name was Ian (the Witness turned to point at the Defendant in the court room). The Defendant came to travel.

The Defendant's personality was normal. He spoke kind words.

The Defendant came to reside at my house approximately for 1 month.

During the Defendant's stay, he gave money to us to support for the daily expenses for foods.

The Defendant took good care of the boy named *Kongsak* more than the other children, in a manner like father and son. The Defendant gave money to *Kongsak* to go to school and also bought toy for him.

During the period the Defendant resided at my house, the Defendant was the one who took shower for the boy named *Kongsak*.

The Defendant took shower for the boy named *Kongsak* while having my daughter (*Ms. Kanokwan*) and *Prem* also inside. I saw the four of them in the bathroom because the door was left opened.

While taking shower, I saw the Defendant wore shorts and saw him helped to wash the boy named *Kongsak*.

I seldom saw the Defendant took shower for the boy named *Kongsak*.

During the period the Defendant resided at my house, I did not see him sexually harassed or act inappropriately with the boy named *Kongsak*.

The police brought the boy named *Kongsak* to Bangkok. I did not remember if the police told me anything before taking the boy named *Kongsak* to Bangkok, or not.

I used to give testimony to investigative police officer at Chanthaburi Public Prosecutor office, detail as appeared in the Record of Testimony submitted by the Public Prosecutor to the Court as the document no. PorJor.12.

The police showed to me photo(s) that the Public Prosecutor submitted to the Court as document no. PorJor.13. The Witness looked at the photo(s) and testified that the Defendant was the one who appeared in photo no. 2 on the first page of the mentioned document.

During the period the Defendant resided at my house, the boy named *Kongsak* slept with me.

I did not have any cause of anger with the Defendant before.

Answer to the Defendant's Lawyer cross-examination

During that period, I allowed the Defendant to take the boy named *Kongsak* out together with *Ms. Kanokwan* and *Mr. Suchan*.

The Defendant used to take me and the boy named *Kongsak* to see movie. During the movie, the boy named *Kongsak* sat with me.

/During...

During the period the Defendant resided at my house, he was bitten by a dog and got fever. He stayed only in the house 2 days before going back. Then, he went to Pattaya to receive medical treatment.

What I saw was the Defendant took shower for my 2 nephews, but the Defendant himself did not take a shower.

On the day that the police came to take the boy named *Kongsak* to Bangkok, the police talked something to me and asked me to sign on a document. I did not read that document. The police told me that if I did not sign on such document, I would be considered acted in conspiracy with the Defendant.

The Defendant's Lawyer showed to the Witness the document submitted to the Court no. PorJor.12. The Witness looked at the document and testified that at the time she was about to print her finger print onto the mentioned document, she felt afraid.

When I met the Defendant today, I cried out of pity.

Answer to the Public Prosecutor re-examination

(No inquiry) /Already read

-Signature-

(Mr. Sunya Sriphinyo) Record/Read

-Signature-

(Ms. Chalermkwan Rienwijitra)

_____ -Signature- _____	Witness
_____ -Signature- _____	Plaintiff
_____ -Signature- _____	Defendant
_____ -Signature- _____	Defendant's Lawyer
_____ -Signature- _____	Interpreter