



Nuon Chea returned to the witness stand on Wednesday at the ECCC to respond to the testimony of Kaing Guek Eav, alias Duch.

Nuon Chea Speaks Out Against Duch's Testimony

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On Wednesday, April 18, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. The day began with a statement by Nuon Chea, who denounced the accusations made against him by prosecution witness Kaing Guek Eav, *alias* Duch. The remainder of the morning was devoted to resolving whether the next witness – Nuon Chea's former bodyguard and messenger – required special instructions and assistance to protect him against self-incrimination. Special counsel was arranged to guide and protect the witness for the afternoon session, and the remainder of the day was spent on his examination by the prosecution.

The Day Begins

Chamber President, Nil Nonn began the proceedings by inviting testimony from Nuon Chea, noting that the bench would then question him only if he was willing to respond. He noted that Nuon Chea had been sworn in before court began. It was also stated that Ieng Sary's international defense lawyer, Michael Karnavas, was not present in court, but the proceedings could continue because his national defense lawyer, Ang Udom, was present.

Statement by Nuon Chea

After being seated at the witness stand, Nuon Chea began his statement by noting his comments would be brief, genuine, and with a sense of justice. He proceeded to address the "Cambodian people," asserting that he was never responsible for the operation of S-21 and arguing that the accusations made against him by Duch were "untruthful" and very "unjust towards me." He stated, "I have never ordered or never received any documents from Duch," and he denied being Duch's supervisor. He commented that Duch is "good at speaking" but was frequently

“confused” and “mistaken” during the course of the testimony. He asked the court to set aside all the allegations Duch made against him and requested Duch be required to produce any annotations actually made by him.

Must Nuon Chea Avail Himself to Questioning?

Nuon Chea informed the Chamber after this statement that he was not willing to answer any questions from any party for the time being. The President then asked whether the accused would respond to questions from the judges, who are not parties to the case. Nuon Chea asked to confer with his counsel, and upon returning, informed the Chamber that he was reserving his right to remain silent.

International Co-Prosecutor Dale Lysak then objected, arguing that the Nuon Chea defense team was put on notice that if the accused made this statement he would be subjected to questioning. He also reminded the Chamber that the Prosecution made a motion regarding this issue last week. He proclaimed that the Prosecution does not find Nuon Chea’s action acceptable practice and requested the accused be subjected to questions in order to test his assertion. Mr. Lysak noted that there should be consequences for such “gamesmanship,” which should include a) putting no weight to Nuon Chea’s “exculpatory” assertions and b) drawing negative inferences from the refusal to answer questions. He requested the issue be revisited when the Chamber rules on the Prosecution’s motion and that a list be made of the types of questions that the accused refused to answer.

International Civil Party lead co-lawyer Elisabeth Simonneau-Fort then took the floor to state the civil parties were “indignant” that Nuon Chea may make statements when he likes and then go back into his silence. She demanded to know what part of the rules “legally” gives him the right to make statements when he wishes, noting that the practice violated the rule of due process. She observed that Nuon Chea always takes refuge behind his right to remain silent and then added that she thinks that it should be clarified that the right to silence in civil law is different from common law because the accused is not under oath. She also added that the right to silence is not above the right to a fair trial, noting that Nuon Chea is avoiding his obligation to take questions.

Son Arun, national counsel for Nuon Chea, responded to the objections that Nuon Chea was clear that he only wanted to make a brief statement about the testimony of Duch and that he did not want to subject himself to other questions. He noted that this current decision does not mean that Nuon Chea will not answer questions in the future.

The President advised the parties that the Chamber will render a decision on the matter after returning from the break. The next witness was then called.

Testimony by Nuon Chea’s Former Messenger and Bodyguard

Saut Toeung,¹ Nuon Chea’s former messenger and bodyguard, started his testimony by answering basic identification questions put to him by the President. He testified that he has no alias and is a 62-year-old farmer with nine children. He also stated the names of his mother and father. After acknowledging that he was under oath, the Chamber informed him of his rights and

¹ Spelled phonetically according to ECCC live translation in English.

obligations as a witness, specifically the right not to self-incriminate and the obligation to answer questions truthfully based on his experiences.

Is the Witness Fully Informed of the Potential Danger of Self-Incrimination?

The prosecutors were then given the floor to put questions to the witness, but Nuon Chea's international co-defense counsel Andrew Ianuzzi submitted to the Chamber that the witness must be advised that there is always a chance of incrimination, especially because he has received assurances by the Office of the Co-Investigating Judges and the Office of the Co-Prosecutors that he will not be indicted by the ECCC. Drawing on the arguments brought forward by the prosecution during the testimony of Duch, Mr. Ianuzzi noted that this warning should include information on even a slight chance



for prosecution. He argued that in the instant case the witness runs the risk of being prosecuted by a national court and therefore must understand that he can incriminate himself and has the right to avoid any statement that could be used against him in any court of law.

In response, Mr. Lysak voiced that he was “troubled” that this submission was raised in front of the witness. He thought the choice to do so was “deliberate” and asserted that it should have been done in a closed session. He further contended that the statement of his co-prosecutor, William Smith, was taken out of context and again stressed that there is no reason for the witness to have any concern about self-incrimination.

Pich Ang, national Civil Party lead co-lawyer, noted his “surprise” that the issue of self-incrimination had been raised regarding this witness. He drew the Chamber's attention to the fact that the defense never made such statement for other witnesses and noted it is important that the witness answer according to the truth. He emphasized that, in his opinion, there are no questions that may incriminate the witness.

Mr. Ianuzzi replied by maintaining that he revealed nothing of a confidential nature. He further observed that there was a similar discussion when Duch testified, and no one voiced concern when the Prosecution raised it.

National deputy co-prosecutor Seng Bunkheang was given the floor, and he proceeded with the examination of the witness, asking when he first joined the revolution.

Mr. Ianuzzi interrupted him, asking the President for clarification on the outcome of his application that the witness be fully informed of his right not to incriminate himself. The President responded that he did not understand that an application had been put before the Chamber. Mr. Ianuzzi clarified that an application had been made to discuss the issue in a closed session. Judge Cartwright was overheard telling the President that the defense counsel should not be given the opportunity to repeat himself, and the audio then went silent.

After the judges conferred, the President denied the request for the *in-camera* (private) session and reminded the parties that whenever they want to make a request to conduct a hearing *in-camera*, they should indicate the issue precisely and prior to the witness being brought before the Chamber.

In response, Mr. Ianuzzi noted his objection to the ruling.

Examination of Saut Toeung Continues

Seng Bunkheang, national deputy co-prosecutor, then began his examination of Saut Toeung. It was quickly established that Saut Toeung joined the revolution in 1968 and was inducted by Ieng Sary. He testified that he was a member of the Youth League, which he believes he joined in 1972, but not the Communist Party of Kampuchea (CPK). He further stated that he never went to any meeting where party policies were discussed nor did he ever receive party documents, with the exception of a small diary on the ethical code of conduct. It was also revealed that he never received a copy of *Revolutionary Flag* magazine because he could not read or write during the period in question.

The witness was then asked to describe his experiences between 1968 and 1975. He recalled that in 1968 he was in a mobile unit with fifteen other children. He noted that he was never drafted by the military to fight in the battlefields because of his youth.

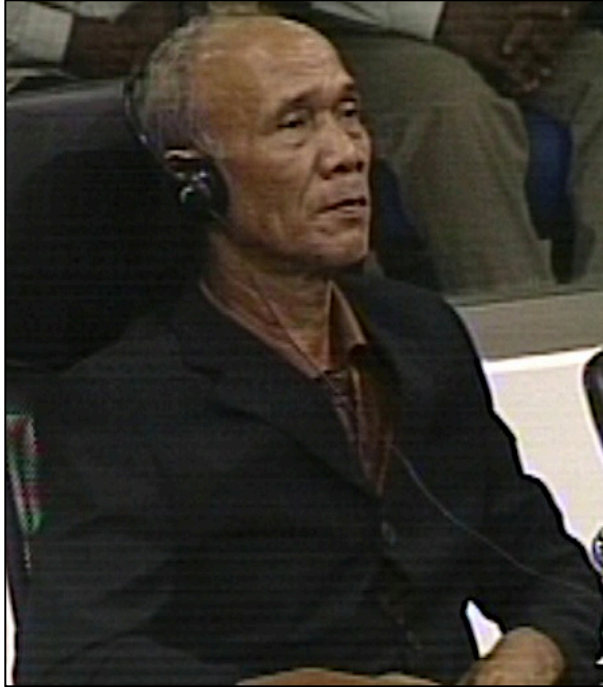
In response to whether he ever lived in an office named B-20, Saut Toeung responded that he did not stay there or know where it was located. He did admit to hearing of the office B-20, however, because people from the transportation unit spoke about it being tasked with transporting vegetables and livestock.

Mr. Seng confronted the witness with a prior statement Saut Toeung made before the Co-Investigating Judges where he mentioned he was at B-20. The witness responded that he did not really recollect where the office was. He also stated that he had never heard that people in the leadership of the party had gone to B-20.

The witness testified that when he went to Phnom Penh he stayed at “the place where people grew vegetables,” but he could not remember its name; he later moved to the K-1 premises. He was asked whether the vegetable growing location just mentioned was called B-20, and the witness confirmed that it was.

Next, the witness was asked if he ever saw people from the leadership coming to B-20. He responded that it was only ordinary people building the dam. He further noted that his role was only to transport vegetables, rice, and ammunition.

Saut Toeung testified that Phnom Penh was empty when he arrived in the city. He recalled seeing people walking out of the city before he moved but could not remember how they were treated. He also asserted that he did not receive any instructions on how to treat people who were evacuated.



Mr. Seng next asked where Saut Toeung stayed after the Khmer Rouge took control of Phnom Penh in 1975. Saut Toeung responded that while he does not remember where he stayed, he was certain it was after the liberation of the city. When he arrived, the city was occupied only by the military, he testified, and very few people were seen on the street. The Prosecution asked what the “few people” were doing, and the witness simply responded, “I don’t know.”

Saut Toeung testified that “Brother Mann” and “Brother Goo” brought him to Phnom Penh. He then asserted that when he was at Y-10 he was tasked only with guarding the location and not the senior leaders.

The witness was confronted with another statement he made before the Co-Investigating

Judges where he purportedly said that he guarded Nuon Chea. Before he could answer, Mr. Ianuzzi requested that the document be placed on the screen, the ERN numbers read in all languages, and the witness provided with a hard copy. Allowing the request, the President reminded Mr. Seng to “follow our practice.”

Upon prompting from the prosecution, the witness told the Chamber that he could not read because of his eyesight. Mr. Seng requested the prosecution be allowed to read the statements to the witness. The President agreed that providing hard copies of the documents would not be useful but reminded counsel that he still needed to read the ERN numbers.

Mr. Ianuzzi then argued that the witness had a problem with eyesight, not literacy, and suggested that the witness could read from a hard copy rather than a screen. The President asked that the prosecution “not open up this Pandora’s box” and just follow the set protocol.

The witness was then drawn to the section of his prior statement to the Co-Investigating Judges where he declared he guarded Nuon Chea. Mr. Ianuzzi again requested the floor. Permission was granted after he was reminded to be brief because, according to the President, the majority of day was spent with his objections rather than questions. Mr. Ianuzzi reminded the Chamber that the witness must be apprised of his rights, including the right to confer with a lawyer, because he runs the risk of incriminating himself.

Mr. Lysak forcibly objected claiming that Mr. Ianuzzi’s assertion was “outrageous,” “transparent,” and should be conducted in a closed session. Ms. Simonneau -Fort joined the objection, adding that Mr. Ianuzzi’s assertion was “unfair” because it implies the witness risks being charged. She suggested that the Chamber resolve the issue by assuring the witness that he will not be prosecuted before the ECCC.

Michael Karnavas, international counsel for Ieng Sary, then intervened. He first apologized for being late and then noted that the prosecution had repeatedly asserted that Duch had the right not to incriminate himself “no matter how remote prosecution may be.” He also pointed out that the Civil Party lawyer is “incorrect” in stating that the witness could not be prosecuted because no assurance can be given for the national courts. He asked the rhetorical question, “If it is good enough for Duch, why not good enough for this gentlemen?” He ended by suggesting that as a general rule the Chamber should give witnesses who run the risk of self-incrimination sufficient warning in order to allow time to consult a lawyer.

Mr. Ianuzzi protested at being accused of inappropriate behavior when he was simply following the rules. He then requested the Court move to a private session so the issue could be resolved.

Court Takes Morning Recess

At this point, the Chamber adjourned for a 25- minute morning break. Ang Udom made his usual request that Ieng Sary be permitted to waive his right to be present in the courtroom and retire to his holding cell to observe the remainder of the day’s proceedings via audio-visual link. As usual, the President granted the request, requiring that a waiver be submitted to the court with the defendant’s signature or thumbprint.

Chamber Provides Ruling on Right to Remain Silent

Upon returning from recess, the Chamber made an oral decision regarding the right of the accused to exercise their right to remain silent. The President noted that both Ieng Sary and Khieu Samphan have provided motions exerting their right to remain silent. He also noted that Nuon Chea indicated that he might exercise his right to remain silent after responding to Duch’s testimony. The President declared that an accused should not be compelled to testify against himself or to confess guilt. Therefore, he announced, it followed that an accused cannot be compelled to answer questions put to him. He noted, however, that the Chamber should consider both the testimony of the accused and the manner in which he testifies while deliberating. He assured the parties that alternating between speaking and silence would be weighed in accordance with international jurisprudence.

Private Session on Proper Instructions to Saut Toeung

The court then proceeded to an *in-camera* session to resolve whether Saut Toeung can incriminate himself and what safeguards are necessary to protect him from inadvertently violating his right. The closed session extended into the time when court typically adjourns for the lunch recess.

Questioning of Saut Toeung Resumes, in the Presence of his Counsel

Upon resuming the public session after the lunch break, the President announced that the witness would be represented by counsel. The President instructed the witness’s counsel that he was responsible for assisting the witness in determining whether he might be incriminating himself with an answer. He also reminded counsel that the witness was not to be defended like an accused person.

Mr. Seng was then given the floor to continue his questioning. He returned to the witness’s previous statement before the Co-Investigating Judges where Saut Toeung said he accompanied

Nuon Chea to China and worked as a bodyguard. The witness testified that he made the statement genuinely. He was then quoted as saying, “I was the bodyguard of Nuon Chea. I gave security protection to him day and night.” The witness confirmed the statement as accurate.

It was then established that the witness worked as a bodyguard for Nuon Chea between 1975 and 1979. He also testified that he served as a messenger to Nuon Chea, specifying that he took letters written by Nuon Chea to Duch at S-21. The witness stated that the bodyguards were armed with weapons, but Nuon Chea did not carry one.

Saut Toeung further testified that there were “quite a few” people who were regular bodyguards for Nuon Chea. The witness was able to recall the name of one of the leaders, but he could not remember the others due to the amount of time that has passed. He testified that he was never a group leader, and he could not recall if there were bodyguards for other people.

The witness was next asked whether he engaged in fighting any opposition groups, and he said that he did not. In response to another question, Saut Toeung stated that he had gone to the border area in 1979, 1980, or 1981, but when counsel clarified he was asking about the pre-1975 time period, the witness responded that he had also gone to the border in 1973 or 1974.

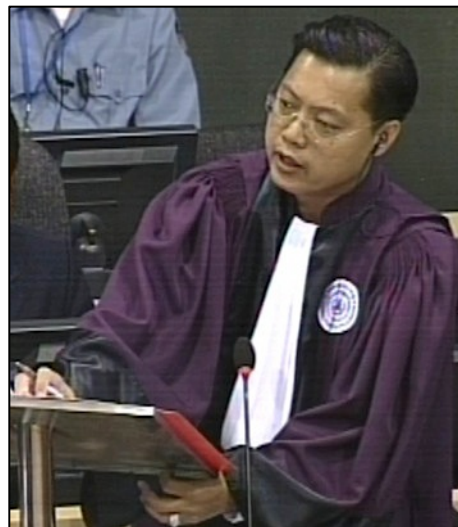
Saut Toeung testified that his unit was in Kampong Cham province, but he could not remember the Zone name. The witness also remembered the leader of the division was called Pang, but he did not know his full name.

It was next established that at the Y-10 unit the guards ate collectively at the military base. The witness thought that there were about thirty people at Y-10.

The witness was asked if he knew what K-1 and K-3 were, and he responded that they were the Angkar bases. K-1 was located by the riverfront, but the witness could not recall how it was protected. He “guessed” that K-3 was close to K-1, and the people there were tasked with protecting the premises day and night.

Next, the witness was questioned about whether he saw any leaders coming into K-1 or K-3, and he was able to list a few names of leaders he remembered. He was specifically asked if he ever saw Pol Pot, Ieng Sary, Nuon Chea, or Khieu Samphan enter, and the witness said that he had.

This inquiry prompted Mr. Karnavas to object because he believed the question was leading. He noted that Mr. Seng already asked about which leaders were present and the witness did not mention these names. He argued that counsel was not allowed to elicit testimony in the form of a “multiple choice test” when he was not satisfied with the answer. The President then required that the Mr. Seng rephrase the question.



Mr. Seng did not rephrase but rather told the President that he was merely refreshing the memory of the witness. In response, Mr. Karnavas argued that the Prosecution was actually coaching the witness and, after noting he did not intend to be rude, suggested they find another lawyer who could do an examination correctly. The President noted that the Chamber already reminded the prosecutor to be more careful in his questions.

Moving on, Mr. Seng provided the witness with a copy of his previous statement to the Co-Investigating Judges. The witness told him that he stood by his statement: Nuon Chea and Pol Pot frequently went in and out of K-1.

Saut Toeung was asked if he knew of office K-7, and he responded that he knew it is where equipment was received but he had never worked there. The witness then described K-7 as a two-story building located on the riverfront that received people sent from the countryside who were then turned over to additional forces within a few days.

The witness next testified that he saw some section leaders from the provinces in Phnom Penh, and he thought they may have come for monthly meetings. He admitted that he only guarded the meeting; he did not know what content was discussed. Similarly, he did not remember the location or who was present.

Saut Toeung also discussed his participation in monthly self-criticism sessions at Y-10 once a month, which was sometimes held inside and sometimes held outside. He remembered that the number of attendees varied but was usually around ten. The classes were held to strengthen national patriotism and to re-educate the participants on proper behavior, he reported. He clarified that the self-criticism sessions were the only political trainings that he attended. He then testified that some people from his unit were taken away, but he did not know who they were or where they were taken from.

As Mr. Seng had concluded his questions, Mr. Lysak took over for the prosecution, seeking to clarify a few points. The first dealt with Saut Toeung's testimony that when he first joined the revolution he was transferred back and forth between some offices. Mr. Lysak asked the witness to identify these offices. The witness responded that they were small un-important resident offices. Mr. Lysak also asked if the witness had ever received the magazine *Revolutionary Youth*. The witness said that he received it but could not read or write well.

The witness was then requested to look at a few copies of *Revolutionary Youth* to see if they looked like the ones he received. Mr. Karnavas objected because the "exercise was quite suggestive." He advised the Chamber that it would be more appropriate to ask the witness to describe the magazine before showing it, especially because the credibility of the witness is questionable. Mr. Lysak responded that Mr. Karnavas was free to challenge the identification on cross. Mr. Karnavas argued that this defeats the purpose of determining whether the witness had a recollection of the magazine and contended that showing the magazine with its name on the cover was "so highly subjective that it is not even evidence." The judges conferred and overruled Mr. Karnavas' objection.



Mr. Lysak showed the witness a black and white copy of the cover of what he purported to be the *Revolutionary Youth* magazine. The witness remembered that the cover was pale yellow with red flags. The witness was shown another copy of the magazine, and the witness asked for clarification on what he was being asked.

Mr. Lysak asked the witness what years he received the publication, and he said in 1974, the first year that it was published. When asked if he received it after 1975, Saut Toeung responded that he received it in 1975 and 1976. The witness was asked again if this was the same cover as before, but the witness said he did not remember exactly but knew there were two colors: red and yellow. He also stated that he could not remember how many flags were on the cover in the later issues. He testified that Pang, the head of office K-1, would read him the magazine because he could not read.

Turning to the witness's work as a soldier before 1975. Mr. Lysak referred Saut Toeung to a prior statement, where Saut Toeung testified that he became a bodyguard when he was fighting, but he had no training. Mr. Lysak asked who the leader was, and the witness responded it was "Pen" from Hanoi. Regarding his training, he said that Pen gave training sessions but he personally did not attend them. He was asked again whether he was present for the training sessions and, with frustration, again informed the prosecutor that he did not attend any of the training sessions. The prosecutor then inquired as to when the training sessions would take place, and the witness told him typically in the dry season.

The Prosecutor notified the President that this would be an appropriate time for the adjournment for the afternoon break, and the President agreed.

Upon returning from the break, Ms. Simonneau-Fort addressed the Chamber, stating that she read an email from the legal officer that the civil parties and prosecution would only have a day and a half, combined, to examine the witness. She noted that this made it difficult for the civil parties to plan because they did not know how much time the prosecution will need and asked to be given more warning in the future.

After this request, Mr. Lysak continued his questioning, asking the witness to describe the work he did as Nuon Chea's messenger and bodyguard. Saut Toeung responded that he surrounded the compounds where Nuon Chea worked. He also affirmed that he accompanied Nuon Chea on trips to the provinces, which took place every two to three months. The travel parties were usually comprised of ten or more people, the witness explained, and there were three men who could serve as drivers. The witness did not attend every trip nor drive with Nuon Chea, who never allowed passengers in his car.

Regarding what Nuon Chea did while on these trips, the witness claimed that Nuon Chea presided over meetings, such as a training course for the head of cooperatives on how to cultivate rice. When asked if he met with leaders of the regions, the witness responded that he did, and he was able to recollect a few names of leaders. The witness testified that Nuon Chea frequently

visited dams and other worksites, including the “First of January Dam.” Saut Toeung also recalled that he visited a dam on the Canete River and thought Nuon Chea might have visited it twice. The witness stated that Nuon Chea assessed the dam production and the performance of the cooperatives in growing rice and met with the leaders of the dam construction projects when he visited these sites.

Mr. Lysak asked if Nuon Chea visited any Pagodas while he was traveling or in Phnom Penh, and the witness responded that Nuon Chea did not because there was no point – there were no monks in the Pagodas. He also testified that he never heard Nuon Chea talk about Buddhism nor saw him participate in any Buddhist ceremonies.

The questions then turned to the names of leaders of the provinces visited. It was declared that they went to Takeo province once and met with a leader named Ta Mok at his house. The witness could not recall where the home was but thought it was “on the left-hand side of the town.” He also did not know who else was at the meeting because he was just guarding outside and Nuon Chea never spoke with him about Ta Mok. The witness then testified that he would see Ta Mok at K-1 in Phnom Penh about once every one to two months.

The questions moved to whom Nuon Chea met with at the East Zone. It was established that Nuon Chea would go to the East Zone about once every two to three months. He would meet with Sau Phim at his house, and the witness could not remember where the house was located.

It was then put forward that meetings Nuon Chea had with Ta Mok and Sau Phim typically lasted one to two days. The witness did not know if documents were discussed at the meetings and never saw Nuon Chea bring documents back to Phnom Penh.

The witness could not answer whether Nuon Chea made any trips to the East Zone in 1978, nor could he recollect whether there was a period when Nuon Chea stopped going to the East. He then asserted that Nuon Chea went to Battambang about every three to four months to meet with Ta Nim at a Pagoda along the road leading to Siem Reap. The witness could not recollect the name of the Pagoda. Mr. Lysak asked what the Pagoda was used for, specifically whether it housed monks. The witness responded that it was vacant. The witness was again asked if he remembered the name of the Pagoda, and he again insisted that he could not.

Saut Toeung was next asked if he ever saw Ta Nim come to Phnom Penh, and the witness said that Ta Nim would go to K-1 on a regular basis and would stay there for ten to fifteen days before he returned. He was asked whether he also saw Sau Phim come to the meetings, and the witness confirmed that it was “part of the routine” – Sau Phim would also come to K-1 for meetings, and Saut Toeung thought it was probably once every two to three months.

The witness also claimed that Nuon Chea would travel to Kampong Chhang province, where he would not have meetings but would go to the rice fields. When asked if Nuon Chea went on trips to Kampong Speu province, he replied that Nuon Chea did and met with a secretary of a sector.

The conversation then turned to whether Nuon Chea ever went to meetings at a coconut plantation, and the witness responded that Nuon Chea did go about two to three times a year.

The witness could not remember everyone at the meetings because several low-level cadres were in attendance. He could not remember whether Nuon Chea gave speeches at the meeting.

Mr. Lysak then asked whether Saut Toeung ever heard Nuon Chea talk about the Vietnamese while he was working with him. He responded that he had not except for one time when Nuon Chea talked about the Vietnamese invasion of the East Zone in 1975, 1976, or 1977 through a radio broadcast. Counsel clarified that the witness heard about it on the radio broadcast, and the witness confirmed. When asked whether he heard Nuon Chea on the radio on other occasions, the witness responded, "I only heard this information through the radio broadcast." The lawyer asked whether he had to go to a certain location to hear the radio broadcasts.

Mr. Ianuzzi objected, saying he heard the witness say he heard one radio broadcast and now the prosecution was implying that there were several broadcasts. Mr. Lysak said that it was a general question about where the witness heard radio broadcasts. Mr. Ianuzzi withdrew his objection, and Mr. Lysak repeated the question because the witness forgot what had been asked. The witness responded that they would listen through their colleagues' radios. Mr. Lysak asked if there was any place with speakers where people could come listen, but the witness informed him that there were not.

Mr. Lysak next inquired whether the witness ever traveled outside Cambodia with Nuon Chea. Saut Toeung responded that they went to China. After some translation problems were resolved, it was clarified that a week was spent in China followed by a week in North Korea. There were a total of three bodyguards on the trip and the men traveled on a Boeing aircraft owned by China that was filled with other people, including the secretary of sectors and foreign nationals. It was the first time that the witness had ever left Cambodia or flown on an airplane.

The witness was asked whether a group of leaders came to the airport to send off the delegation, but the witness could not recall seeing "any of them." Mr. Lysak produced a newspaper article to refresh the witness's memory and read the reported account to the witness, which identified Khieu Samphan, Ieng Sary, and Ieng Thirith among the people who came to the airport to wish the delegation well. He then asked Saut Toeung if this refreshed his memory, but the witness responded that it did not. Mr. Lysak asked if the people listed were present at the airport, but the witness said he did not recollect those names.

The witness was then asked how often he saw Ieng Sary or Khieu Samphan when he was working for Nuon Chea. The witness responded that they would come "every now and then" to K-1.

Turning back to the trip outside of Cambodia, Mr. Lysak asked where the delegation first visited after leaving Cambodia. The witness stated that he remembered landing in Beijing and being met by a group of Chinese leaders, further testifying that Nuon Chea also traveled to the countryside and factories that produced steel, pipes, and fruit juice. The leaders of China hosted banquets for Nuon Chea, and the witness was present for them, but he cannot remember their locations.

The next question revolved around a banquet at the "Great Hall for the People," causing Mr. Ianuzzi to object that the testimony was straying away from the communication structure of

Democratic Kampuchea (DK). Mr. Lysak responded that the Nuon Chea defense team will not agree to facts, and he was confirming facts of the case with the witness to prevent the defense team from later challenging the prosecution on the absence of facts. Mr. Ianuzzi asserted that it was not relevant to the current segments of the trial. Mr. Lysak responded that Mr. Ianuzzi was mistaken: parties are allowed to ask about the roles of witnesses. The President sustained Mr. Ianuzzi's objection.

The President noted that it was time to adjourn, and asked the prosecution how much longer would be needed to finish the examination. Mr. Lysak noted that they lost the entire morning due to procedural issues and thought that he could be done by noon tomorrow. The President surveyed the other parties: the civil parties stated they would need between two and three hours, the Nuon Chea defense said they would need about half a day, Ieng Sary's team thought a little over an hour, and Khieu Samphan's lawyers indicated a little less than an hour.

The proceedings were then adjourned for the day, and the witness and his duty counsel were invited to return on Thursday to continue with the examination.