



Sar Kim LaMouth Proves an Amenable Witness as Examination Proceeds Smoothly
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The trial of Case 002 at the Extraordinary Chambers of the Courts of Cambodia (“ECCC”) against accused Nuon Chea, Ieng Sary, and Khieu Samphan resumed hearing witness Sar Kim LaMouth’s testimony Thursday, May 31, 2012, marking the end of an exhausting week of examination.

Around 200 villagers were present in the public gallery. Hailing from Siem Reap province, they had traveled by bus through the night to be present at the commencement of proceedings. Most of the villagers came as families, unlike the previous day when only adults attended. Nevertheless, everyone present displayed the same fascination with the Chamber. Nuon Chea appeared stoic, hidden behind his favorite sunglasses. Khieu Samphan was also present; dressed in his usual white button-down shirt and tan jacket, he presented a stark contrast to Nuon Chea’s dark attire.

Ieng Sary, as expected, was absent from the courtroom. Due to health issues preventing the accused from sitting in the Chamber for long periods of time, President Nonn permitted Ieng Sary to waive his right to be present in the courtroom and to participate remotely from his holding cell downstairs. Ieng Sary was still able to communicate and receive assistance from his counsel during the proceedings via audio-visual means.

Veng Huot Continues Questioning Witness on DK Policy Pre-1975

After the Court had been called to order, National Prosecutor, Veng Huot, resumed his examination of witness Sar Kim LaMouth, continuing the discussion of Democratic Kampuchea

(“DK”) policy from the day before. He focused specifically on the witness’s experiences before April 17, 1975, the day the Khmer Rouge defeated Lon Nol’s regime and became the controlling regime of Cambodia (referred to as Democratic Kampuchea by the Khmer Rouge).

Mr. Huot began asking the witness about DK’s early policy on religion. Asked if he had ever heard the term “reactionary religion,” the witness said “no.” When Mr. Huot asked if Mr. Lamouth ever saw any monks in pagodas, the witness said there was a pagoda in his cooperative but he saw no monks. Whether monks were treated differently for following a “reactionary religion” (Buddhism), the witness could not say. When asked about Christianity or Islam, his response was the same.

Realizing the witness had little information to provide about early DK policy on religion, Mr. Huot moved on to DK’s “common plan” before April 17, 1975. Inquiring about the witness’s knowledge of such a plan, Mr. Huot asked Mr. Lamouth if he had ever seen DK leaders in the revolutionary meetings he attended before 1975. The witness said he did not see DK leaders “often” at these meeting. Asked if he knew of DK’s plan to attack Phnom Penh, he said he was unaware of the plan in its entirety, including the date and the evacuation.

The Phnom Penh Evacuation: Armed Soldiers Said He Could Return “In A Few Days”

Mr. Huot went on to ask the witness to describe his experience on April 17, 1975. The witness informed the Court he was at home with his family in Phnom Penh. He said he saw some “Khmer Rouge combatants” near his home; he knew they were not civilians, he explained, because they were “armed soldiers.” They did not speak to him at the time, but later that afternoon he was told to leave the city but was informed it would be “for a few days only.” Regarding his personal property, the witness said he and his family were told not to bring any belongings but were advised to prepare some food. He left with only a watch, the witness later said, and he never discovered what happened to the belongings he and his family left behind.

Mr. Huot proceeded to ask for the witness’s “impression of people’s condition on the roads.” He told the courts there were “a lot of people.” He had no idea where they were going, but he and his family headed along National Road #1, currently known as Monivong Boulevard, toward a village in Kien Svay where some relatives lived. He did not have memories of certain classes of people struggling down the roads; when asked about the condition of the elderly and children, the witness simply stated that everyone “left in families” and the “road was crowded with people.” Not everyone evacuated on foot, he told the Court; some left the city on bicycles or motorbikes. He and his family, the witness added, left in their car; when they reached Kien Svay, however, they had to “give it to other people.” Throughout this testimony, the witness was clearly trying to convey to the Court that on the day of the evacuation of Phnom Penh, no one was paying attention to other people because they were too concerned with the welfare of their own families.

Moving on to his experience once he arrived at Kien Svay, the witness said he did not see the Khmer Rouge providing medical services for any of the evacuees. Because there was already a cooperative at Kien Svay and he had relatives living there, the witness told the Court he and his family decided to stay. Later on, however, the witness said he was transferred to another cooperative.

When asked about the food rations at the first cooperative, the witness replied, “Each family had to do their best to find their own food for their own families.” In regards to the second cooperative, the witness said, “There was no food shortage... although the food was not plentiful.”

Mr. Huot asked Mr. Lamouth if his “biography” was taken when he arrived at the cooperative in Kien Svang. At the time, he replied, the cooperative in Kien Svang was not properly structured, or organized, and biographies were not being taken. However, the witness said his biography was taken when he arrived at the second cooperative.

When asked if he noticed separate classes of people were treated differently in the cooperative at Kien Svang, the witness said there was no classification between “old people” and “new people” at the time. However, he said, when he was transferred to the second cooperative, there were “mainly intellectuals” but also some “workers” and “peasants.” Although he noticed three distinct classes of people, the witness continued, “they were equally treated and they had to do farming equally.” During his time at these cooperatives, he and his family lived together, except one of his children who was abroad.



*Khmer Rouge cadres pose with Chinese advisors during the Democratic Kampuchea period.
(Source: Documentation Center of Cambodia)*

Witness Helped Facilitate Trade Relations Between DK And China

Mr. Huot moved on to the final topic of his examination, the witness’s experience in DK after he was transferred from the countryside cooperative back to Phnom Penh. Sometime in 1976, though he could not remember exactly when, Mr. Lamouth stated he was asked by “Angkar” to go to Phnom Penh; he was not told why and he was not allowed to bring his family. The witness said he was given permission to return to his family once every two or three weeks to visit for a night or two but then had to return promptly back to Phnom Penh.

Asked who gave him permission to travel to the countryside and visit his family, the witness said a man named Doeun, the Chairman of the Commerce Committee. He did not know who Doeun's superior was.

Mr. Huot proceeded, asking the witness where he lived while working with the Ministry of Commerce. The witness said he lived in a house close to the Industry Committee compound, clarifying that at the time the Ministry of Commerce was known as the Industry Committee. The Chairman of the Industry Committee at the time, he said, was "Om," or "Comrade Om," but he did not know Om's full name.

Regarding his duties when he arrived in Phnom Penh, Mr. Lamouth said he was not given any "main duties." "There was no clear designation," he said, "they asked me to simply wait." Mr. Huot asked if he ever met foreign delegates when he first arrived in Phnom Penh. The witness responded, "Yes, I did." Explaining the context of his contact with the foreign delegates, the witness stated, "They came to talk about trades between Cambodia and Cambodia counterparts." They were from the People's Republic of China, the witness continued, but at the time the Foreign Commerce Bank had not yet been established.

Mr. Lamouth Discusses Life As Deputy Director General of DK's Foreign Trade Bank

When asked how China established trade relations without a bank, Mr. Lamouth replied, "At first they simply told us fundamentals about trade between countries.... On the Cambodian side not many people understood banking transactions. But I was the only one who had worked at a bank, so they asked me to facilitate." Mr. Huot asked the witness when a bank was finally established; the witness said it was sometime in late 1976, established as "The Foreign Trade Bank of Cambodia."

Regarding the structure of the bank, the witness informed the court that the head of the bank was called the Director General, the immediate subordinate position being the Deputy Director General. He said the Director General's surname was "Mei," but he could not recall anything further. Although the witness acted as the Deputy Director General of the bank, he stated he never met the Director General.

If the witness never met the Director General, Mr. Huot inquired, to whom did he submit his reports? There was "no established mechanism or system" providing a formal reporting procedure, Mr. Lamouth explained. At the time not many people worked at the bank; it "only really functioned" in regard to foreign delegations.

Elaborating, the witness said his reports were sent via messenger to his superiors. "I had no idea who the upper echelon were, and I dare not ask the messenger to whom the report would be sent," the witness added. His reports, he continued, were drafts; they were sent to his superiors and subsequently translated into English. Although Mr. Lamouth knew French very well, he said his English was not nearly as good at the time. He stated, however, "that people in the upper levels understood English very well."

Mr. Huot asked the witness to whom did he address the reports. Mr. Lamouth said the reports were sent to a central committee office but could not recall the office's number. Asked whether

the bank was subordinate to the Commerce Committee, the witness said, “It would explain technical matters.” Mr. Huot asked for confirmation that Doeun, whom Mr. Lamouth had mentioned previously, was the Minister of Commerce. The witness said yes; however, he informed Mr. Huot that at the time the term “committee” was used instead of “ministry.” Doeun was referred to as the Chairman of the Commerce Committee, the witness clarified, not the Minister of Commerce. What about after Doeun “disappeared”? Mr. Huot inquired. Mr. Lamouth explained that after Doeun disappeared, a man named Van Rith took his place.

Regarding his role as Deputy Director General of the bank, the witness informed the Court he never “signed off” on documents. All documents he produced, he explained, had to be submitted to the Director General, whom, he reminded the Court, he had never met in person. Regarding what happened to the reports once he submitted them to the Director General, he did not know for certain. He said the reports were likely “revised by the upper echelon” and sent overseas; because he never signed the final, revised version, however, that was his “personal assumption.”

Mr. Huot continued, asking the witness if he knew a man named Vorn Vet. Mr. Lamouth said he did but could not recall Vorn Vet’s official title within DK. He did remember, however, that Vorn Vet “was in charge of Economy Committee” and would ask Mr. Lamouth to facilitate meetings with Chinese delegates. He did not have any specific knowledge of the internal structure of the Economy Committee, the witness added.

With impeccable timing, Khieu Samphan was assisted out of the Chamber literally seconds before Mr. Huot asked the witness if he ever heard of the revolutionary name “Hem.” Mr. Lamouth said he had, and he confirmed that he knew “Hem” was the same person as Khieu Samphan, stating, “I actually knew it along time ago.” During the time he worked at the bank in Phnom Penh, however, the witness said he was not aware Khieu Samphan was Hem. When asked if he knew who signed off on “trade deals,” the witness said he did not know because “those were the affairs of the Commerce Committee.” Like clockwork, Khieu Samphan then reentered the chamber.



In his final series of questions, Mr. Huot returned to the topic of Doeun’s disappearance. When asked if he remembered the date Doeun disappeared, the witness replied that he never knew the exact date because he never communicated this to him. Mr. Huot then asked what he “felt” when he found out about Doeun’s disappearance. Mr. Lamouth replied, “My feeling was normal.... I was not afraid. I could work as normal. I could use my skill in banking in my daily routines, whether I liked it or not, whether I was happy or not.” When asked if he felt fear from the upper echelon, the witness replied, “I was afraid of my superior.”

Mr. Huot concluded his examination, asking the floor be turned over to his co-counsel, Senior Assistant Prosecutor Tarik Abdulhak.

Repetitive Questions Make For A Long Afternoon

Starting from the beginning of the witness's testimony with Mr. Huot, Mr. Abdulhak proceeded down the timeline of witness's life in DK. Mr. Lamouth told Mr. Abdulhak he joined the revolutionary cause sometime in the 1950s or 1960s but could not recall exactly when since it occurred so long ago. He confirmed, however, that at the time he joined the "cause," the Communist Party of Kampuchea ("CPK") had yet to be "properly arranged."

When asked if he had met Vorn Vet or Van Rith before 1975, the witness could not recall, because the meetings he attended at that time were very large. Whether he attended meetings with any people who had been forced to flee to escape Lon Nol's forces, the witness said he did not know. He was aware that Von Rith had moved to an area under Khmer Rouge control in order to escape Lon Nol's forces but did not know of any others who had done so.

Mr. Abdulhak then asked the witness if he knew Khieu Samphan before 1975. Mr. Lamouth replied that he was "familiar" with Khieu Samphan. Before Mr. Abdulhak could continue investigating the vague answer, defense counsel for Ieng Sary, Michael Karnavas, objected.

With the first objection of the day, Mr. Karnavas told the Court that the line of questions in the period they were discussing, though relevant for contextual purposes, presented concerns or difficulties due to the temporal jurisdiction of the ECCC (1975 – 1979). He argued that if these witnesses are allowed to offer testimony about times outside of that jurisdiction, the defense should be allowed the opportunity to call witnesses who might refute such testimony, even if those witnesses concerned events purely outside the jurisdiction of the court.

Not persuaded, President Nonn instructed the witness to answer the questions. Referring to Khieu Samphan's role before 1975, Mr. Lamouth stated, "During the King's Father's regime, I believe he was a parliamentarian." He did not know Khieu Samphan's role in the revolution, however. The witness also stated he never attended any revolutionary meetings where Khieu Samphan was present. Moving on to his knowledge of Ieng Sary, the witness said he knew who Ieng Sary was but did not know what role he played in the revolution. He did not know Nuon Chea at all, he concluded.

Mr. Abdulhak moved on to a comment made during yesterday's testimony where the witness stated he had contributed financially to the movement. Offering a bit more explanation, Mr. Lamouth informed the Court that he contributed "nothing other than some small financial contribution." Due to his income during that time, he was only able to offer a little, the witness explained; the money he did contribute was given to chairpersons at the meetings. He did not know where the money went, however, or for what exact purposes it was used.

Witness Calls Author Philip Short's Statement "Guesswork," "Baseless," and "Unfounded"

Receiving permission from President Nonn to present to the witness a page from former BBC correspondent and author Philip Short's book, *Pol Pot: Anatomy of a Nightmare*, Mr. Abdulhak read the following sentence for the Court: "The banker Sar Kim LaMouth served as the movement's occult treasurer."

Mr. Lamouth, appearing at first confused and then shocked, responded, “It is not true. I do not except this.” Noticeably upset by a statement, he stated it was the result of “speculation” and “guesswork by the author” and that it was “unfounded” and “baseless.”

Mr. Abdulhak then presented a document featuring the minutes from a Standing Committee meeting in 1975. Mr. Lamouth informed the Court that he had never seen the document and had never been involved in Standing Committee meetings. Mr. Abdulhak asked the witness if he agreed with the document’s general characterization of Comrade Hem, suggesting he was in charge of both party and state foreign affairs (Mr. Abdulhak phrased it as “presided over international affairs and the royal government.”)

International defense counsel for Nuon Chea, Jasper Pauw, interrupted before the witness could answer. He told the Court that Mr. Abdulhak was asking the witness to speculate. Although, he stated, “these rules appear to change by the week,” Mr. Pauw said he believed the Court had ruled documents could not be used to examine a witness if the witness had no knowledge of them. National Defense Counsel for Khieu Samphan, Kong Sam-Onn, also objected. The question was leading, he argued, because “the witness did not say that Brother Hem presided over international affairs and the royal government.”

Replying to both defense counsels’ objections, Mr. Abdulhak told the Court that parties should be permitted to question a witness “if there is a reasonable nexus between the witness and content within the document.” In addition, Mr. Abdulhak stated, “this document has been shown to the witness. He has seen this before... as a matter of form.”

President Nonn asked the witness to look at the document again and rethink whether he had seen it before, particularly when he was interviewed by the Office of Co-Investigating Judges. The witness replied firmly that he was never presented with such a document and had seen it for the first time that morning.

President Nonn then ruled that the objections by the two defense teams were sustained and requested the court officer remove the document.

“Just for the record,” Mr. Abdulhak stated, “At question and answer 36 of his interview, the witness discussed this document with the co-investigating judges. But we will respect your ruling and move on.”

Mr. Abdulhak presented yet another document, to which the witness responded again that he did not recognize. Perhaps attempting to head off the inevitable ruling by the court, the prosecutor asserted, “I am not entirely surprised the witness does not recall. He was presented 26 documents over the course of two days.... I do not intend to lead the witness in any inappropriate manner.... In fact the document does bear the witness’s signature.”

Nevertheless, President Nonn told the court officer to remove the document, because “the witness has made it expressly clear that he had not seen the document before.”

Mr. Abdulhak, accepting defeat, moved on. Asked about his knowledge of Khieu Samphan's involvement with any other commerce or industry officials, the witness responded, "I did see documents from the co-investigating judges containing correspondence between Brother Hem and Brother Vorn."

The Court Deals With A Number Of Technical Difficulties

Judge Cartwright interrupted for a moment, saying there may have been some "misunderstandings" as a result of translation because the document numbers she had written down were different than some of the other judges.

Defense Counsel for Khieu Samphan Anta Guisse, also raised an issue. "Unlike the Khmer channel," she said, "one of the answers of the witness has not been entirely translated into French and English. In the original Khmer, he did not say that the documents weren't presented in Khmer, he said only segments of the documents."

Hopping on the bandwagon, Mr. Karnavas also had a comment. He stated the witness had told the Court that he learned the information "subsequent to being shown by the investigators.... We are here to get his memory as it was at the time [the temporal jurisdiction of the ECCC, 1975-1979]."

"I do believe our learned colleagues are trying to tie our hands here," Mr. Abdulhak responded. He concluded, stating the witness "may simply be forgetting or confusing the documents.... But we cannot simply rest on what the witness tells us; we need to be able to test reasonably the witness and his credibility if necessary."

President Nonn, this time apparently convinced by Mr. Abdulhak's response, permitted Mr. Abdulhak to proceed with questioning the witness.



When asked what he knew of Khieu Samphan's relation to commerce or economy matters, the witness took the chance to clarify the issue in contention. Wishing to specify a few things about the documents presented to him by the co-investigating judges, he confirmed Ms. Guisse's statement that he was presented with both entire documents and segments of documents at various points of his interview.

Assuring the witness that "we are not alleging that he was a senior cadre," Mr. Abdulhak restated his question. Mr. Lamouth stated that the only information he knew about Khieu Samphan's role in economy and commerce was based upon the documents he had been shown by the co-investigating judges.

Witness Occasionally Assisted Commerce Committee as a French Translator

Moving to another document, after reading a segment to the witness, Mr. Lamouth responded, “I do believe we have a translation problem.” After a lengthy clarification, Mr. Abdulhak asked about the witness’s role in meetings with foreign delegations.

When French delegations came to the country, Mr. Lamouth explained, he would be picked from the bank to assist translations. He remembered joining meetings with Korean, Yugoslav, and Romanian Chinese delegations simply to help translate French, not to contribute as a member of the Standing Committee. Occasionally, he responded, referring to his previous statements regarding Chinese delegates, he would assist in meetings that concerned the Commerce Committee, specifically those regarding banking transactions. He made it perfectly clear to the Court, however, that he never participated in meetings in any capacity resembling a member of the Standing Committee.

Witness Discusses Commerce Committee Role Regarding Imports & Exports

After the lunch recess, Mr. Abdulhak resumed his examination asking the witness to provide the Court a bit more information about the Commerce Committee. The witness informed the Court that the Committee was originally located near the current insurance company; later on, he said, it was relocated to the current Ministry of National Defense on the Russian Boulevard. The Chairman of the Committee at the time was Doeun; he could not recall any other chairmen of the Committee at later times. Mr. Lamouth did not believe more than 120 staff members worked at the Committee, which he said was composed of a foreign and commercial division. The bank where he was employed was a separate institution from the Committee, the witness concluded.

Mr. Lamouth not able to give Mr. Abdulhak information about the Commerce Committee’s various duties because, as he previously said, the bank was separate from the Committee. Although he assisted the Committee in banking transactions, the witness clarified that he merely produced “lists of freight.” The freight, he informed the Court, included, for example, garments and steel; they would be listed according to whether the items were to be imported or exported. Mr. Lamouth said he never asked where the imports came from; he said he believed goods had to go through the seaports but could not be certain.

Where certain goods would be exported was a task of the foreign commerce division of the Ministry of Commerce, Mr. Lamouth explained; the bank was not involved in determining which products were to be exported. Previously in the bank, when currency was still used, the witness said the bank would have issued a credit letter. However, he continued, since the bank had no money after 1975, the foreign division of the Ministry of Commerce took complete control of exporting items.

Chinese Backing Helped Establish DK Foreign Trade Bank

After receiving permission from President Nonn, Mr. Abdulhak presented another document to the witness and read a segment from Mr. Lamouth’s interview with the co-investigative judges where he had stated the Overseas Commercial Bank of Cambodia was under the control of the Commerce Committee. The witness responded that the statement was correct but “there were several other questions which led to that conclusion.... At that time I was bombarded with questions, and I was tired and felt dizzy.” He went on to reconfirm that he did not know how

much money China provided the Committee in order to establish the bank. He added that he had never seen any documents stating the amount of money China provided Democratic Kampuchea (“DK”).

Assuring the witness he understood, Mr. Abdulhak said he was more curious about the role of the bank than the exact sum of money. Moving on, Mr. Abdulhak presented another document to the witness. Wanting to establish that “his memory is consistent with the records,” Mr. Abdulhak pointed out the names “Hem” and “Vorn” along with a large sum of money stated in Chinese currency along with the name of the Overseas Commercial Bank of Cambodia. Asking the witness why such a document would have been sent to Hem and Vorn, the witness replied, “I think it may have only been for their information.”



Ms. Guisse stood and addressed the President, objecting to the way the question was being asked, adding that the question was repetitive and speculative. She then said, “Generally speaking, the co-prosecutor to date has been asking the witness to make assumptions.... The witness has been asked to speculate. The co-prosecutor should make sure his questions are clear and specific.”

Although thanking Ms. Guisse for her comment, the President said she should have raised her objection in “a more timely manner.” He told Mr. Abdulhak to proceed.

Hong Kong Based Company Ring Fung Was DK Front for Trading in the West

Mr. Abdulhak left the topic and asked the witness if he had ever heard of “Rin Fung.” The witness replied that he had not heard of the name before co-investigating judges showed him a document mentioning it. “Rin Fung,” he recalled, was a company based in Hong Kong; he said it was “an office that did trading with a companies the West.” The Commerce Committee, he explained, supervised the office in order to “establish trade relations with companies in the West.”

Regarding a location known as “Kilometer 6,” the witness said it was a commonly known place where trains went through. He believed the trains were used to export goods, but he was not certain. Whether that location had been used between 1970 and 1975, he did not know.

The prosecutor presented another document to Mr. Lamouth, a Commerce Committee report featuring the witness’s name. Regarding this document, Mr. Lamouth explained, “I was not involved in the process of preparing the report of the committee, but I did join the Cambodian delegations in discussions with the Koreans counterparts.... The Koreans could speak French and I could speak French so I was engaged in the discussion.” Mr. Abdulhak then asked the President permission to place a segment of the report on the screen for the Court to see.

Defense Counsel for Nuon Chea, Michiel Pestman objected, saying the witness had not actually answered whether he has seen the document before.

Mr. Abdulhak responded, “Mr. President, I think we are clearly splitting hairs here.” He added that the witness stated he remembered the meeting and participated in the meeting.

President Nonn announced, “It has already been ruled upon. The document may be presented to the witness.”

Khieu Samphan Alleged to Be a Superior Within The Ministry of Commerce

Mr. Abdulhak proceeded to read the Chamber a section of the report indicating a copy be sent to “Bang Vorn” and “Bang Hem.” Mr. Abdulhak asked the witness if he knew why the documents were being prepared and being sent to Bang Vorn and Bang Hem. The witness replied that he did not but reasoned that it was because subordinates had to report to their superiors. “Does that mean Bang Vorn and Bang Hem were superiors within the Ministry of Commerce?” Mr. Abdulhak asked in return. “Yes it does,” Mr. Lamouth replied.

Mr. Abdulhak moved to another document. After examining a hard copy of the document for a few moments, Mr. Lamouth informed the Court that it was a report concerning a trade meeting with a Yugoslav delegation. Though he had never seen the report before him, the witness said he remembered the meeting specifically, having been in attendance as a translator.

When Mr. Abdulhak asked permission to place a segment of the document on the screen, Mr. Pestman stood and objected once again, “I would like to note that this decision does not align with the previous jurisprudence of the trial chamber.”

Mr. Abdulhak responded, “The witness recognizes the document – he recognizes the event. We believe it is consistent with your rulings.”

After convening with his fellow judges, President Nonn announced to the Chamber that the jurisprudence of the trial chamber mentioned by Mr. Pestman had no bearing on the document currently at issue. “This document,” he explained, “relates directly to the truth, the actual activities in which the witness witnessed, was engaged, so the content of the document itself does not matter. What matters is the truth concerning the content of the document.... It is different from the previous documents whose content the witness had no knowledge of.” Directing Mr. Pestman to sit down, President Nonn handed the floor back to Mr. Abdulhak.

Before Mr. Abdulhak could resume his examination, Ms. Guisse interrupted. She informed the Court that the French version of the document did not have the translation of the “hand-written portion” present on the Khmer version.

President Nonn thanked Ms. Guisse and told the Court it was an appropriate time to adjourn for the afternoon break.

Mr. Paux Attempts to Discuss Email Between Judge and Prosecutor

When the court resumed for the last session of the day, Nuon Chea’s counsel Jasper Paux stood and told the court that he wished to raise an objection email between Judge Cartwright and International Co-Prosecutor Andrew Cayley.

Before he could complete his objection, however, President Nonn informed Mr. Paux that any issue outside the present discussion should be submitted in writing. The President gave the floor to Mr. Abdulhak, but Mr. Paux would not allow the matter to be put to rest. Even though his microphone had been turned off, his voice was heard objecting through the President's microphone while the President was telling him to sit down.

President Nonn repeated twice, "You must be seated! You are not allowed the floor!"

Noticing the mood of the Court was not quite amiable, Mr. Abdulhak resumed his examination, stating, "I know everyone must be tired. I thank you witness for your cooperation, I know you must be tired as well."



Witness Reconfirms Brother Hem Was a Superior with the Commerce Committee

Returning to the Committee report on the Yugoslav delegation, Mr. Abdulhak asked the witness to read the following segment, "We have received yesterday a telegram on the sale of rice and coffee crops." Mr. Lamouth could not recall any details other than he was aware there was a sale of rice and coffee beans. As he had with the previous document, Mr. Abdulhak inquired, "Is this another instance of the Ministry of Commerce reporting to Brother Hem as their superior?"

Ms. Guisse interjected, "I object to this question, which is clearly a leading question. I would remind the counsel in the previous question, he invited the witness to speculate on what he had not seen and experience."

The prosecutor responded, "Mr. President, I am proceeding carefully because I don't want to lead the issue.... This is simply reflective on what the witness has already said."

"Mr. President, may I have your leave to reply?" Ms. Guise asked. "No," President Nonn responded. Announcing that the objection was not sustained, President Nonn then instructed the witness to answer Mr. Abdulhak's question.

Mr. Abdulhak repeated his question. Before the witness could answer, however, Khieu Samphan's other defense counsel, Mr. Sam Onn, stood to object. President Nonn stated the question was the same and would not permit the objection.

After being instructed to answer Mr. Abdulhak's question again, Mr. Lamouth stated, "This document is consistent with my memory." He confirmed his earlier statement where he had said Bang Hem was the superior of Von Rith.

Satisfied with the witness's answer, Mr. Abdulhak moved on, briefly questioning the witness on exported produce. Whether he recalled any other types of produce DK exported besides rice and coffee, the witness did not remember. The witness added that freight reports concerning rice and coffee exports were the sole tasks of the Commerce Committee, not the bank where he worked.

He did not know where the produce came from but he “guessed” they were most likely brought from the countryside.

Returning to the topic of his work as a translator for the Commerce Committee, Mr. Lamouth confirmed that he never met Khieu Samphan during this time. With regard to Ieng Sary, the witness stated he had attended meetings where Ieng Sary was present when he had occasionally assisted as a translator. He was only aware of Ieng Sary as the Minister of Foreign Affairs; the witness did not know of any additional titles Ieng Sary may have carried within the party or DK.

Presenting the witness with another document, Mr. Abdulhak asked the witness to read various passages from more Commerce Committee reports that contained his name.

Regarding the word “fotra,” present on one of the reports, Mr. Lamouth informed the Court the word was in fact the acronym, FOTRA. He was not sure what FOTRA stood for but said it likely stood for “foreign trade.”

Members of Commerce Committee Traded Shares through Hong Kong Company Rin Fung

Another Commerce Committee report mentioned “Comrade Krin,” “Comrade Sok,” and “Comrade Nat” was presented. The witness informed the Court that Comrade Krin was the head of the Seaports Committee in Kampong and “Comrade Sok” was a company staff member based in Hong Kong. At the time he did not know Comrade Nat. The report concerned the transfer of shares between the internal members of the Commerce Committee. Based upon the report, the witness said the shares were transferred to Comrade Krin from the company Rin Fung. What the shares concerned specifically or whether “Comrade Nat” was the individual who transferred his shares to Comrade Krin, he could not say.

Although Mr. Lamouth’s signature did not appear on the next document presented to him, he did remember looking over it during his time in DK. Mr. Abdulhak, to speed up proceedings, read the relevant passages aloud to the Chamber. Like the previous document, the passages mentioned the names “Comrade Krin” and “Comrade Nat.” The witness explained to Mr. Abdulhak that the document was a report discussing shares being transferred to Comrade Krin, who was preparing to assume a new role within DK. At this time Mr. Abdulhak revealed that Comrade Nat was Comrade Krin’s wife. Mr. Lamouth confirmed that he had discovered this fact during his interview with co-investigating judges, but he was not aware Nat was Krin’s wife during his time in DK.

Witness Learns Commerce Committee Chairman, Doeun, Was Executed in S-21

For his last topic of the day, Mr. Abdulhak returned to the subject of Doeun’s disappearance, a topic the witness had discussed with Mr. Huot, the day before. Mr. Abdulhak asked the witness what he felt – or thought – when he learned of Doeun’s disappearance. “At that time,” the witness explained, “the word ‘disappearing’ or ‘removal’ was not so significant.” Continuing, the witness said he simply “noticed Doeun acting as Chairman of the Commerce Committee one day and being absent another.” Realizing the witness was unable to provide him with any more information, Mr. Abdulhak gave the Court a document number referencing an S-21 prisoner list containing Doeun’s name.



Making the final objection of the day, Mr. Karnavas stood and objected to Mr. Abdulhak's "technique in referring to documents." He told the Court Mr. Abdulhak's reference to documents the witness had no knowledge of, like the S-21 document he had just mentioned, was "utterly improper." He inquired rhetorically, "Why does this individual need to know that this person ended up in S-21?"

Mr. Abdulhak responded, "Unless the witness wishes to contest that Doeun was arrested and killed at S-21... there is nothing improper in my questioning the witness."

Mr. Karnavas asked President Nonn for permission to respond, but President Nonn said no. He informed Mr. Karnavas he was not allowed to argue for the same objection twice.

Convening shortly with his fellow judges, President Nonn announced, "The co-prosecutor only wishes to establish the relevance of the document for the case file." Realizing the time had passed 4:00 p.m., however, President Nonn adjourned proceedings for the day, informing the Court that the Chamber would resume hearing testimony of Mr. LaMouth on Monday, June 4, 2012.