



“Not My Business”: Nuon Chea Continues His Testimony

**by Christine Evans, Clinical Fellow, Center for International Human Rights,
Northwestern University School of Law (JD and LLM)**

Wednesday’s hearings in Trial 002 at the ECCC brought another subdued session focused on the continuation of the drawn-out testimony of accused Nuon Chea and prosecution witness Long Norin. As with the previous session, today’s proceedings were sparsely attended at first, and the audience consisted mostly of civil parties brought in from their villages in the morning. A large number of secondary school students, however, did help to fill the public gallery by the afternoon.

Despite an entire day of testimony, what actual progress was made in these examinations is not clear. Throughout much of his testimony, which occupied a large portion of the proceedings, Nuon Chea emphasized the centralized and compartmentalized nature of the Communist Party of Kampuchea (CPK), stating often that the details of the roles and actions of other party members, including Ieng Sary and Khieu Samphan, was none of his business. As for Long Norin, his testimony continued to be hampered by the memory lapses and lack of knowledge that has been readily apparent throughout his questioning. Whether counsel for any of the parties will be able to extract further information from these two witnesses when their testimony continues remains to be seen.

Judge Lavergne Resumes Question of Accused Nuon Chea

President Nonn called the court to order promptly at 9 a.m. and informed the parties and the public that the testimony of Long Norin would not continue this morning as planned. The issue this time was not the witness’s health, which had been the problem on previous days, but rather the remote audiovisual link, which could not be established today. For that reason, the president stated, the court would instead continue the examination of accused Nuon Chea during the morning session, and he instructed the security guards to take the accused to the witness dock.

Before Judge Lavergne could continue his questioning that he had started on Tuesday, Nuon Chea requested an opportunity to make an amendment to his testimony regarding the evacuation of Phnom Penh. He stated that he had forgotten to mention one specific extraordinary meeting of the CPK Standing Committee and Central Committee in mid-1974, during which the plans for the evacuation were discussed and decided.

Following up on this amendment, Judge Lavergne then proceeded with his examination of the accused, asking if the other two accused, Ieng Sary and Khieu Samphan, also participated in this 1974 meeting. Nuon Chea responded that neither of these two men was present during the meeting, as Ieng Sary was abroad at the time and Khieu Samphan had not been invited. Only certain members of Central Committee were invited to the meeting, he explained, and Mr. Samphan was not one of them. Mr. Chea then explained that, after the meeting, the members were ordered to disseminate information regarding the decisions taken at the meeting to their respective zones.

When asked if the other two accused would have been informed of these decisions, he reiterated that they were not present. Judge Lavergne pressed him on the issue, reprimanding him for not answering the question that the judge had actually posed. He asked again if Ieng Sary and Khieu Samphan would have been informed of the policy formulated at the meeting. Mr. Chea responded that, because Ieng Sary was abroad and involved in foreign affairs, it was “not his task” to be involved with the evacuation.

Approaching the issue from a different angle, Judge Lavergne then asked when Khieu Samphan became a candidate member of the Standing Committee. Mr. Chea explained that the Standing Committee did not have candidate members; only the Central Committee had candidate members. He could not recollect, however, the date when Mr. Samphan became a full-fledged member of the Central Committee. As Mr. Chea was “not close” to Mr. Samphan, he stated, he did not have these details. He repeated his testimony from Tuesday, in which he explained that Pol Pot had told him not to “worry about the intellectuals” who had returned from abroad. “I was told to focus on education and training,” he reiterated.

Returning to the extraordinary meeting in 1974, Judge Lavergne asked if there had been a deliberate decision to exclude Khieu Samphan from the meeting. Mr. Chea responded that he did not think there had been any specific decision to exclude him in particular, but only some members of the Central Committee were invited; the secretary of the zone decided who would be invited. As far as he was aware, Mr. Samphan was not involved at the zone level. In fact, Mr. Chea claimed, he did not even know that Mr. Samphan was a member of the Central Committee at that time.

Regarding Ieng Sary, Mr. Chea informed the judge that he was not aware of where Mr. Sary was at that time the extraordinary meeting took place, because it was “not my task.” Mr. Chea would see Mr. Sary when he returned to Cambodia “every five or six months but would have no direct contact with him; only Pol Pot would have contact with Mr. Sary. “They did their business by themselves,” he asserted, claiming that Party members only knew what was revealed to them by the secretary of the party. “In the internal affairs of the Party, [each member] only minded his or her own business,” he stated, “I had no business to ask about anyone else’s affairs.... That was the principle of secrecy.” Pressing him on the issue, Judge Lavergne asked again, a bit incredulously, if he knew nothing about what Ieng Sary was doing in Beijing. “I did not know the details of his work,” Mr. Chea maintained.

With apparent frustration, Judge Lavergne peered briefly over his glasses at the accused and then moved onto a series of questions related to King Sihanouk. The judge asked Mr. Chea what the

CPK's political line was on the king during the period before the evacuation of Phnom Penh. Mr. Chea answered that the Party did not have a political line against King Sihanouk and that, in fact, they invited him to take the position as president of State Presidium. Judge Lavergne interrupted him before he could continue in this vein and directed him again to the period before 17 April 1975. Mr. Chea explained that, during this time, it was important for the party to mobilize all forces available, including the king and the royal family, to oppose the Lon Nol regime. During this time, he stated, the CPK not only formed an alliance with King Sihanouk, but also regarded the king as having sacred status for the Cambodian people.

Judge Lavergne then asked the accused about an alleged incident in March 1963 when 34 people considered to be leftists were summoned to the Royal Palace in order to set up a unified government. Mr. Chea responded that he was not involved in the front and only learned of the meeting via radio broadcast.

When the judge continued to question Mr. Chea on this matter, defense counsel Son Arum interrupted and requested clarification on that date because, in March 1963, the king was in Beijing. Judge Lavergne responded that whether or not the king was in Beijing at the time did not matter, as, in March 1963, certain people were summoned to the Royal Palace and the intention was to set up a leftist government. Asked the questions about the meeting again, Mr. Chea replied, "It was not my main responsibilities."

Turning to yet another topic, Judge Lavergne then asked when Ieng Sary and Pol Pot went underground, into the jungle. "I cannot recollect the date," Mr. Chea responded. When asked why they went into the jungle, Mr. Chea stated that the intellectuals were at risk of being arrested by the Lon Nol government at that time, and therefore, they took refuge in the jungle.

At this point, an issue with the French translation interrupted the questioning, and the court paused briefly while the issue was resolved.

Returning to the time when Pol Pot and Ieng Sary went underground, Judge Lavergne asked Mr. Chea to confirm that he stayed in Phnom Penh and became the most senior CPK official in the city as a result. While he confirmed that he remained in Phnom Penh, he denied that he was "the most responsible person" because the overall management of the party still resided with the Party secretary, Pol Pot.

When asked when he was first called "Brother No. 2", Mr. Chea responded that these terms arose from the "cult of Vietnam" and were used by those who had returned from Vietnam only, as there were no such titles in the CPK. "I was not Brother No. 2," he asserted. "I was the deputy secretary of the party. Brother No. 2 seems too big for me." He confirmed, however, that, as deputy secretary, he was directly below the secretary in the party hierarchy.

In response to questioning regarding the Lon Nol coup on 18 March 1970, Nuon Chea stated that, on that date, he was in the Eastern zone carrying out training. When they learned of the coup, the training was ended immediately. Many protests in support of the king arose across the country, he said, but they were suppressed by the Lon Nol government. But, despite this suppression, the movement gained momentum because of the strong base of support for the king at the time.

At that time, there was no clear-cut division between the Royal Forces and the forces of the CPK, he explained, and all of these forces joined together to resist the coup. When asked who was at the very top of the National United Front of Kampuchea, Mr. Chea responded, that, immediately after the coup, persons responsible for each zone, most of whom were members of the CPK, took command of the military there, but Pol Pot was recognized as the Commander in Chief of the army as a whole.

With a heavy sigh, Judge Lavergne then turned to questions regarding the Paris Peace Accords of 1973 between the Vietnamese Communists and the U.S. forces, specifically inquiring into the consequences of the accords for Cambodia. In response, Mr. Chea related the story of a conversation he had at the time with a member of the Vietnamese Communist Party, who asked Nuon Chea for the overall perception of the Cambodian people about the peace agreement. “I responded that it was an internal affair of Vietnamese,” he said, “As for Cambodia, we would continue to resist and struggle. We did not have any comment [on the agreement]. We mind our own internal affairs, and we would not become involved with Vietnam’s internal affairs.” He also recalled that, when he told this man that Cambodia would not seek Vietnam’s assistance in its own struggle, “his face became red.” For engaging in this conversation, Mr. Chea said Pol Pot scolded him because “I was not familiar with foreign politics.”

Despite the response he gave to the Vietnamese Communist member, Nuon Chea said, there was in fact some impact on Cambodia of the Paris Peace Accords. After the agreement was signed, the Vietnamese entered the Cambodian territory “by the thousands,” causing dissatisfaction among Cambodians. The Vietnamese Communist Party also attempted to pressure the CPK to sign a peace agreement themselves with Lon Nol. PP refused. To push them to take this step, Mr. Chea claimed, Vietnam employed “trickery,” telling them that Henry Kissinger, then-U.S. Secretary of State, had said the U.S. would destroy Cambodia “in 74 hours” if a peace agreement was not reached. Mr. Chea stated that he did not know whether this statement was actually true or just “a scare tactic” by Vietnam. Despite these claims, Pol Pot refused to sign any agreement with Lon Nol, Mr. Chea explained, because Lon Nol’s forces were weakening at the time, and he did not want Vietnam to control Cambodia,

After completing this response, Nuon Chea looked to his lawyer, removed his glasses, and informed the president that he was exhausted. Judge Lavergne asked if he would be able to answer only two more questions. Nuon Chea instead requested leave to use the restroom, which he was granted. President Nonn then called for a morning recess.

After the morning break, Judge Lavergne continued with his examination of the accused, asking about a trip by King Sihanouk from Beijing back to Cambodia in 1973. In response, Mr. Chea recounted the events of this trip in great detail. He explained that the king wished to visit the Cambodian people, “his children,” so he contacted the CPK through the Communist Party in China. The CPK was “pleased” and happy to host the royal visit. However, Vietnam opposed the visit and insisted that the king would need to go through the Ho Chi Minh Trail in order to keep the visit secret. The Chinese cadres wished to accompany the king, but the Vietnamese did not allow this. Instead, a number of Vietnamese generals were tasked to protect the safety of the king.

At that time, Mr. Chea stated, the American bombardment of Cambodia continued. Nevertheless, the CPK prepared everything to safeguard the king. When the king arrived in Cambodia, Pol Pot appointed Nuon Chea and Ieng Sary to arrange the travels of the king to the Angkor temples in Siem Reap and to prepare a house there for the king and his wife. Once King Sihanouk arrived safely in Siem Reap, he expressed surprise that the CPK had been able to safeguard him so well. Mr. Chea reported that the king stayed in Siem Reap for seven days, meeting with his people and touring the temples. He praised the CPK leaders for being attentive to his safety. A reception party was held for the king, at which he most likely met Pol Pot and Son Sen; Mr. Chea reported that the king had already met Ieng Sary because Mr. Sary had been tasked with accompanying the King. But Mr. Chea reported that he was not present because he was busy ensuring the safety of the safety of King Sihanouk, as “my task was to safeguard the king”

After his visit, Mr. Chea related, the king was escorted back to China via the Ho Chi Minh Trail and safely over the Mekong River, despite “the submarines of the enemies” being present. The king then returned to Beijing “to continue his leadership of the struggle.”

Directing the examination to the issue of the CPK’s military activities from 1970-1975, Judge Lavergne asked whether Mr. Chea had been kept abreast of military actions during this time. With a slight amount of annoyance, Mr. Chea replied, “As I have told you, I was not responsible for the military; I was responsible for education.” Although he was aware of the fighting, Mr. Chea asserted that he did not engage in any military activities himself.

Returning to the evacuation of Phnom Penh, Judge Lavergne then asked if other towns were also evacuated. Mr. Chea replied that, as far as he knew, there were other evacuations. But he reiterated that this was not his task, as he was responsible only for education. Rather, the authorities who decided on the evacuations were on the zone committees, he maintained. When asked if the zone committees were allowed to make these decisions on their own without referring back to the Standing Committee, Nuon Chea confirmed that the zones were left to make this decision on their own, as the Standing Committee was far from those locations and the authority for these decisions had been delegated to the zone committees. “Everything had to be decided very quickly otherwise they would miss their chance,” he explained, “For example, when enemies attacked, the zone committees were given the authority to respond; otherwise they would miss the chance to respond.... It was specified in the party lines that we had to be self-reliant.”

Pressing the point, Judge Lavergne then inquired whether the Standing Committee had overall plans to evacuate the cities even though the actual decision on what cities would be evacuated was delegated to the zone committees. Mr. Chea responded that, while the Central Committee held meetings in order to discuss the matter and the Standing Committee provided their opinions and their analysis on the issue, the decision was ultimately left to the zone committees.

The judge then requested that Mr. Chea elaborate on the criteria that was used to decide which cities would be evacuated, including the fertility of the land, which the accused had mentioned earlier. Mr. Chea’s answer did not relate directly to the question asked, and he instead spoke for a few minutes on how the people developed fertilizer from animal waste, rather than using chemicals for growing their food. Clearly aware that the answer to the actual question posed was

not forthcoming, Judge Lavergne commented, “I am not sure the link between fertilizers and the evacuation,” and moved on to ask whether the Standing Committee could ever stop the evacuation of certain towns if it so wished. The accused replied that, to his knowledge, there was no opposition to the evacuations by the Standing Committee.

For his final question, Judge Lavergne then asked Mr. Chea if he had ever heard of the list of “seven super-traitors,” who drew it up, and what was its purpose. Denying that he was involved with the creation of this list, Mr. Chea reported that he had only heard of it through radio broadcasts.

With Judge Lavergne’s questions completed, President Nonn inquired whether any other members of the bench wished to question the accused. As none of the other judges took the opportunity, the floor was passed to the co-prosecutors for their examination of Nuon Chea.

Prosecution Begins Questioning of Nuon Chea

After taking a moment to set up his podium, Assistant Co-Prosecutor Dale Lysak began the prosecution’s examination of Nuon Chea by probing Nuon Chea’s relationship with Vietnam. “You do not seem to me the type of person who would take orders from Vietnam or from any other country,” he questioned, “Can you confirm that during the time you were deputy secretary [of the CPK] that you were not a puppet of Vietnam?” This question opened the opportunity for Nuon Chea to recount again the history, in great detail, of the Indochinese Communist Party, its history within Cambodia, and its eventual split into three separate parties, all of which occurred well before Mr. Chea became the CPK’s deputy secretary.

After allowing the accused to continue for a while, Mr. Lysak repeated his question, emphasizing that his question related only to the period after 1960 and specifically during the time Nuon Chea was deputy secretary. Mr. Chea responded, “At that time, I was not a puppet of the Vietnamese.... We had to have our own political line. We would not be subordinate to Vietnam.”

When asked if this statement meant that the Standing and Central Committees of the CPK made their own decisions independent of the Vietnamese, the accused maintained, “We made our own decisions. They blamed us; they said that we were leftist.” With a weary sigh, he then explained again the dissatisfaction of Vietnam for the policies of the CPK. When asked what he meant by the term “leftist,” Mr. Chea stated that it meant that the CPK “conducted armed struggle,” noting that the Vietnamese had said “the opportunity was not yet ripe for armed struggle” and had encouraged the CPK to wait to continue their armed resistance until Vietnam was available to assist them. Nuon Chea then sought leave to use the bathroom.

After Mr. Chea had returned, Mr. Lysak had a court official show a document to the accused, which was entitled “The Past Struggle of Our Kampuchean Peasants from 1954-1970.” The prosecutor explained that this document appears to provide a history of the CPK and the resistance movement, as narrated by Nuon Chea, whose name is written at the bottom of the first page.

Nuon Chea's defense counsel Michiel Pestman interrupted the questioning to ask for a copy of the document. Mr. Lysak informed him that it is already in the case file, to which they have computer access on the screens in front of them. Mr. Pestman stated that they do not have reference to the English translation, and it is not shown on the screen. President Nonn then ordered the court official to show the document on the screen. But Mr. Lysak explained that, while he could provide the document identification number for the English version, the document would only be projected in Khmer in order to assist the witness.

Returning to the examination, the prosecutor asked Mr. Chea if he had recognized this document. In response, Mr. Chea claimed that he had never seen the document and that it is not written in his handwriting, offering to demonstrate his handwriting for the court as proof. Asked if the signature at the bottom was his, he answered, "No, my handwriting is not this neat."

In order to try to establish Nuon Chea's connection to this document, Mr. Lysak then inquired whether the accused had met with a man named Khem Ngun in 1998 and provided to him the history of the Cambodian Communist movement from 1954 -1970. Mr. Chea replied that he had never met this person and that he never handed this person this particular document.

The Khmer colleague sitting next to Mr. Lysak then informed him that there might be an issue with translation, as Mr. Lysak had not pronounced the name correctly. Attempting to clear up the problem, Mr. Lysak spelled the name, Khem Ngun, phonetically for the accused. Instead of answering whether he knew this person, Nuon Chea asked about the person's occupation and the location of their supposed meeting.

In order to clarify the issue, Mr. Lysak then asked the court official to give Mr. Chea a typed version of the document with Mr. Ngun's name listed. Perhaps in an effort to discourage objections, the prosecutor explained that this document is specifically cited in the Closing Order and therefore, by previous instructions from the court, considered put before the chamber, subject to objections.

With the matter of the person's name made clear, Mr. Chea stated, "To my recollection, this is an unofficial document; it was not an official document. Khem Ngun was sent by Hun Sen as a spy." While acknowledging that he did indeed speak to Mr. Ngun, he disputed the authenticity of the document, mainly because of its use of "derogatory" terms, including the Khmer word for contemptible. Explaining that the conversation had been merely "chit-chat," Mr. Chea did report that he had been truthful and did not hide anything during his talk with Mr. Ngun. After correcting Mr. Lysak's pronunciation of the name, he stated that Mr. Ngun had worked with Ta Mok, but he did not explain the significance of this comment.

Putting the document aside, Mr. Lysak then turned to specific comments and statements that Mr. Chea had allegedly made to reporters and interviewers. When asked generally whether he had ever spoken to reporters or interviewers, Mr. Chea stated that he could not recall who was who, but that he was "always truthful."

Mr. Lysak then read a short list of names and asked whether Mr. Chea remembered speaking to each one. To the majority of the names, Mr. Chea responded that he did not remember anything.

But, when the prosecutor asked about the interviewer, Thet Sambath, Mr. Chea responded that he did remember Mr. Sambath because this series of interviews lasted for ten years. (Mr. Sambath completed a documentary based on these interviews that has been released under the title *Enemies of the People*.) He claimed, however, that he did not know he was being filmed during these interviews. When pressed on this issue, he stated, “I was not paying attention.” But he did maintain that he had been truthful throughout all of the interviews.

Asked if he listed Mr. Sambath as a relative so that he could continue the interview after Mr. Chea was detained by the ECCC, the accused explained that, while Mr. Sambath was not actually his relative, Mr. Sambath’s wife is a relative of Mr. Chea’s wife, explaining how they often visited. Mr. Chea said, however, that he did not remember listing Mr. Sambath as a relative and claimed that they were not friends.

Argument Over Evidence

At this point, Michiel Pestman objected to the relevance of this line of questioning, arguing that the interviews completed by Mr. Sambath happened well after the period to be covered in this phase of the trial. In response, the prosecutor explained that Mr. Sambath had published a book based on these interviews, and there are parts of the book that are relevant to the period at question.

Mr. Pestman objected again, stating that this book had not been made part of the case file. Mr. Lysak clarified that the book had been discovered and placed in the case file very recently and that he would provide the document number during the lunch break.

Nuon Chea’s national lawyer then joined at argument, lodging his own objection. He argued that Mr. Sambath had specifically rejected the use of his film and his book as the basis for accusations against Mr. Chea. Therefore, Mr. Arun stated, the prosecutor’s questioning should also be rejected.

Khieu Samphan’s lawyer stood also, requesting clarification on what the prosecutor had meant by placing the book in the case file and stating that putting things on the file is not the same as communicating it to the parties.

Stopping the stream of objections for the moment, President Nonn asked Mr. Lysak to provide more information about the document to which he was referring. Mr. Lysak explained that the book is entitled *Beyond the Killing Fields*, and he provided the document identification number. He then clarified that the prosecution had mentioned the book at this time only to establish the relationship between Nuon Chea and Thet Sambath, but that he would not be referring to or questioning Nuon Chea on any of the statements in the book at this time. As for the matter of whether the book’s placement into the case file had been communicated to the parties, he turned the onus back on the defense, stating a bit defensively, “If you’re not following what’s posted, then it’s not our problem.”

Not to be left out, Ieng Sary’s lawyer, Michael Karnavas, stated that the prosecution had done its due diligence, in that the international co-prosecutor, Andrew Cayley, had informed the parties

about the book on the Friday after the opening statements had concluded. Mr. Karnavas did object to the book being entered, however, as the book was essentially an autobiography of Mr. Sambath. He argued that, unless Mr. Sambath himself was testifying on what was contained in the book or if the prosecution could produce the thousand hours of interviews on which it is allegedly based to verify any statements used, the book should not be entered by the court.

Nuon Chea also was allowed to respond to the argument. He explained that he had written a book, which contained his biography as well as an examination of the history of the regime and the strengths and weaknesses of the party. He had asked Mr. Sambath to publish it for him, but Mr. Sambath translated it into English and published it as his own under the title *The Enemy of the People*. Mr. Chea said that he had asked for a copy so that he could compare it to his version, but was never given one and was never told that the book had been made into a documentary. Obviously upset, Mr. Chea exclaimed, “My rights have been violated!”

President Nonn responded to Mr. Chea’s comments by explaining that the issue being discussed by the lawyers at that moment did not relate to what the accused had raised; rather, they were speaking of a technical issue related to the management of the trial. He explained to the accused how documents are to be presented to the court and why the prosecution had been asking him the questions related to his meetings with Mr. Sambath.

Judge Cartwright then took the floor to bring clarity to the matter and to end the argument once and for all. She explained that her understanding of the current situation is that the prosecutor is referring to the book only as a way of establishing that there was a relationship between Mr. Sambath and Mr. Chea, but that the prosecution is not intending to address the content of the book at this time. Mr. Lysak confirmed her understanding of the circumstances, and the discussion was concluded.

President Nonn then recessed the court for the lunch break.

Civil Parties’ Examination of Witness Long Norin Continues

At the beginning of the afternoon session, President Nonn informed the parties and the public that the remote audiovisual link had been restored and that the court would continue with the examination of prosecution witness Long Norin. He further explained that Long Norin’s son, who is a doctor, would also be present during the examination in order to monitor the witness’s health; given the age and condition of Mr. Norin, the court anticipated that he would need to take frequent breaks. The president also reminded the lawyers that they must keep their questions precise and brief.

The proceedings were then passed to the civil party lawyers to continue their questioning of the witness. Beginning with the question that had been cut off the last time Mr. Norin had testified, the civil party lawyer asked whether the people who had returned to Cambodia from abroad and were then placed in the Ministry of Foreign Affairs, or B1, had to write their biographies when they returned. Long Norin responded that he did not know. But, he stated, if there was an allegation that the person was CIA or a foreign agent, such as with Tach Chea, then Ieng Sary would instruct Mr. Norin to write the biography of that person.

When asked why people were “fearful about going to study,” a comment he had made during his testimony the previous week, the witness explained that the word “study” had a number of meanings. “To study could also mean to do labor or to go to S-21,” he stated. He did not know what kind of labor these people were made to do, however, because the Standing Committee and Central Committee made these decisions.

The civil party lawyer then inquired about two specific locations under B1 where Mr. Norin had said some of the returnees were placed. Mr. Norin explained that, at these locations, people engaged in labor, including growing vegetables and fishing. He did not know who placed the returnees at these locations.

In response to whether the returnees were referred to as intellectuals when they came back to Cambodia, Mr. Norin stated, “They were referred to as intellectuals because they needed to refashion themselves before they were revolutionaries... Refashion means that that person needs to rebuild [and] strives to work hard,” meaning both physical and mental work. “Personally, I woke up at 4 or 4:30 a.m. to water vegetables at B1,” the witness recounted.

For her final question, the civil lawyer asked whether training meetings had been held at the two B1 locations where returnees had been sent. Mr. Norin replied that he did not know because he was not placed at those locations. But he did state that at the locations where he stayed, there were regular meetings, trainings, and “self-criticism sessions.”

Questions for Long Norin from the Bench

As the civil parties had completed their examination of the witness, President Nonn checked with the Trial Chamber judges to see if they had any questions. Indicating that he did have questions for the witness, Judge Lavergne was handed the floor.

The judge began his questioning by inquiring whether the witness had been given and had reviewed a document entitled “The Truth About Pol Pot’s Dictatorial Regime.” The staff member from the Witness/Expert Support Unit (WESU) who was sitting next to Mr. Norin reviewed a number of papers on the table by his side and, after picking one, spoke briefly to the witness but did not hand him the document. After a few moments, President Nonn instructed the WESU staff to hand the document to Mr. Norin. The court waited while the witness reviewed the document, and then Judge Lavergne asked Mr. Norin if he recognized the document. The witness reviewed it again before answering and then informed the judge that he was not familiar with the document.

Turning to a matter that had been raised briefly by the prosecutor during his examination of the witness last week, Judge Lavergne requested Mr. Norin to explain his duties and functions under the Democratic National Union Movement (DNUM). When no answer was forthcoming, the judge repeated the question again, still with no response. President Nonn then instructed the WESU staff member to write down the questions and repeat them for the witness as needed, so that the examination would run more smoothly.

Once he had been told the question again, Mr. Norin replied that his role in DNUM “was only on paper,” prompting a loud sigh from Judge Lavergne. The judge then asked whether part of his role in DNUM was to meet with the media. Mr. Norin responded that he did attend meetings with the media when DNUM was established.

The judge then cited a few specific articles, including one with *USA Today* in which Long Norin had been quoted as being critical of the ECCC. He also mentioned a September 2000 article in a newspaper in Phnom Penh, in which Long Norin was quoted as saying, “I do not know, I never left my home,” when asked about the massacres under the Khmer Rouge. After citing these articles, Judge Lavergne stared at the screen where the witness was projected. Mr. Norin did not respond, however, possibly because it was not clear what question was being posed. The judge finally asked Mr. Norin to confirm whether he “was the author of that statement.” Mr. Norin replied that he did not know of the massacres because he was “a combatant, and not a cadre.”

Returning to the document on which he started his questioning, Judge Lavergne then read a number of lengthy sections from it and asked Mr. Norin for his comments on each part. Regarding a paragraph of the document that claimed the killing of Cambodians was ordered solely by Pol Pot, Long Norin responded, “I do not know. I do not know who was dead and who survived.”

The judge then turned to another section regarding the evacuation of Phnom Penh, in which the author stated the evacuation was the plan of Pol Pot with no input from Ieng Sary and that the people who had been evacuated were sent to be “broken” by hard labor. Asked for his comments on this section, Long Norin stated that he only learned of the evacuation through a radio broadcast that, he claimed, had reported that people had enough food and were healthy. But, he explained, he went to Siem Reap and saw for himself what was occurring and learned that “this information may have been wrong.”

Regarding the “massacre of intellectuals and diplomats,” the document alleged that the “Gang of Four” – listed as Pol Pot, Nuon Chea, Son Sen, and Ta Mok – did not even bother to inform Ieng Sary of the returnees’ arrival in Cambodia before they had these people rounded up and sent to labor camps. In response, Mr. Norin claimed, “I did not know anything.... I only received information from the Radio of Democratic Kampuchea. I did not have any other sources.”

Finally, on this document, Judge Lavergne referred to the final statement, in which the author accused Pol Pot and “his henchmen” of being solely behind the massacres and killings of the Cambodian people. When asked if he was surprised by this statement, the witness only replied, “I have never heard that.”

Putting the document aside, Judge Lavergne then asked the witness a few questions regarding his work as a guard for King Sihanouk. Mr. Norin explained that, at the time he worked in the Royal Palace, he was tasked with guarding the king and the palace “day and night” and ensuring “that no one could go in or out arbitrarily.” When asked if the king could travel where and when he wanted, the witness stated that another person in the palace organized the king’s itinerary, and he only went along to provide protection.

In response to questions regarding the functions of the Ministry of Foreign Affairs, Mr. Norin stated that he had little recollection or knowledge. For instance, he asserted that he only knew of the training sessions held at B1, where he was placed, and did not know if Ieng Sary led trainings at any other locations. He also responded that he could not recall anything about arrests of employees of the Ministry of Foreign Affairs.

Judge Lavergne finished his questioning and the court took its afternoon break.

Witness Questioned by Nuon Chea's Team

Upon returning to the courtroom, President Nonn inquired whether any other judges had questions for the witness. When no other judges indicated that they had questions, President Nonn turned the witness examination over to the defense team for Nuon Chea.

Nuon Chea's lawyer, Son Arun, began the defense's questioning of the witness, by rehashing many of the matters and questions that had already been asked by both the co-prosecutor and civil party lawyers, including questions about Mr. Norin's time working with Royal Government of National Union of Kampuchea in Beijing and with radio station of the National United Front of Kampuchea in Hanoi, and his time in Stung Treng. The one unique line of questioning during this portion focused on the witness's time on the Ho Chi Minh Trail, as he traveled from Hanoi to Cambodia. In response to inquiries about the trail itself, Mr. Norin explained that the route seemed to be "a strategic road used for wars," though he denied seeing any damage or human casualties along the way.

Turning to the evacuation of Phnom Penh, Mr. Arun asked the witness to describe what he saw when he arrived in Phnom Penh on 20 April 1975. As he had stated in response to a similar question by the prosecution, Mr. Norin explained that he saw people walking on the road but that he did not ask them where they were going. He stated that, while he was in Phnom Penh, he was confined to the B1 campus, and therefore he had no knowledge of what else was happening in the city.

Acknowledging that the witness had already answered this question, Mr. Arun then asked what Mr. Norin's role was at B1. The witness repeated that he was a typist and that no one had forced him to complete this work. He stated that there was enough food at B1 for the people there; they ate porridge in the morning and rice for lunch and dinner.

Mr. Arun then focused on Mr. Norin's time as a guard at the Royal Palace. Asked what role the king held at the time Mr. Norin was the "deputy chief of the security unit," the witness replied that the king was the president of the State Presidium but that, at that time, the king "did not have any power." Rather, the power was held by the Central Committee and by Pol Pot. As to whether the king was held captive by the Khmer Rouge and not allowed to travel where he wished, Mr. Norin replied, "I was not connected with those people." Whenever the king wanted to go somewhere, he asserted, "other people would forward his message."

When asked about the king's resignation, Mr. Norin acknowledged that he was present at the palace and saw Ieng Sary and other cadres come to the palace to beg the king not to resign. But, regarding what the king said on this matter, Mr. Norin replied, "You need to ask the king yourself why he resigned."

President Nonn interrupted the examination of the witness at this point to admonish the counsel to ensure that he is not repeating questions and not drawing the witness to make conclusions on matters of which he could have no knowledge.

Thanking the president for his advice, Mr. Arun then moved on, asking Mr. Norin to elaborate on his comment from previous testimony, in which he stated that, when Ieng Sary was not available, no one else could make decisions at B1. "It was only him" who made decisions, the witness confirmed, "When he went outside, for example to work with the cadres, he would instruct the rest not to make any decisions without his knowledge."

Mr. Arun pressed the issue, asking Mr. Norin to confirm that Ieng Sary still had to get approval from Pol Pot for his decisions. Referring to the witness's previous statement to the ECCC investigators, the lawyer gave the example of Pol Pot needing to pre-approve Ieng Sary's speeches to the United Nations. Mr. Norin responded, "I do not know about that, but the speech might have to be approved first."

The co-prosecutor objected to the assertions made in the question, stating that the counsel was misleading the witness with incorrect information. Rather than responding to the substance of the objection, President Nonn chided the co-prosecutor on his timing, admonishing him to stand to make his objection before the witness has actually answered the question. He then advised the parties to remember that leading questions and repetitive questions must be avoided.

In his own defense, the co-prosecutor explained that, due to the delay in translation, a timely objection is not always possible.

As the question to which the prosecution had objected involved his client, Mr. Karnavas asked to be allowed to respond to the objection. This question, he argued, had been taken verbatim from the witness's previous statement to the ECCC investigators, which the co-prosecutor himself had presented to the court only last week. After reading the relevant portion, Mr. Karnavas stated, "I do not understand the gentlemen's objection; I think it is inappropriate."

The co-prosecutor responded that his objection was appropriate in that the question of Mr. Arun had insinuated that Ieng Sary was taking orders from Pol Pot, which was quite a different matter than seeking pre-approval of a speech as the portion of the previous statement mentioned.

Stating that the question he asked was extracted directly from the previous statement, Mr. Arun forged ahead with his last question, asking the witness if the massive numbers of people alleged to have died during the Khmer Rouge period were killed under the order of Pol Pot or under the order of someone else. Mr. Norin responded, "I do not know."

Mr. Arun then indicated to the court that his client Nuon Chea wished to ask a few questions of the witness. The president allowed this examination but required Mr. Chea to present his question to President Nonn, who would then repeat it to the witness.

Mr. Chea's questions to the witness related to Mr. Norin's political tendencies and to specific people referred to in his previous statement. The witness's answer to almost every question was either that he did not know or could not recall the answer to the accused's questions.

After Nuon Chea had completed his question, his international lawyer Michiel Pestman stated that he had about twenty minutes of questions for the witness, and the court allowed him to continue. In response to a question about a specific colleague at B1, Mr. Norin stated that this man was a writer at the Ministry of Foreign Affairs but that the witness was not aware of his specific responsibilities. When asked if he had been friends with this colleague, Mr. Norin replied, "We worked in the same ministry; that was all." He denied that this person had given him instructions on how to write his biography and that he cannot recall whether this person was ever told to write his own biography.

Turning to another subject, Mr. Pestman then asked about Mr. Norin's testimony for the previous week about a meeting in 1977, when Ieng Sary had told staff at B1 that he would not allow arrests in the ministry when he was not in Phnom Penh. The witness stated that he was not present at that meeting because he was not a cadre at the time and was only a combatant. He then asserted that he could not recall who had told him about Mr. Sary's statements in the meeting.

Before the lawyer could question him further on this matter, Mr. Norin notified the court that he wished to rest, the need for which had become apparent as his coughing had increasingly interrupted the examination toward the end of the day. When asked if he would be able to continue on Thursday, Mr. Norin was not optimistic, stating, "my head is heavy right now."

President Nonn informed the parties that the court would discuss with WESU the continuation of Long Norin's testimony, which he hoped would be able to continue at 9 a.m. on Thursday. He then adjourned the court for the day.