



Inside the Khmer Rouge Propaganda Machine

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The first part in the Case 002 trial continued on Monday October 1, 2012, with witness testimony providing particular insight into the machinations of the Ministry for Propaganda and Information during the Democratic Kampuchea (DK) regime. Today's testimony, by the witness Khiev En, addressed issues ranging from Ministry policies and staff disappearances to leadership changes and, significantly, the alleged reign of the defendant Nuon Chea over the Ministry during the final stages of the DK regime.

In addition, in a hearing marked by the continued absence of defendant Ieng Sary due to health reasons, the Trial Chamber announced that, following the conclusion of this witness's testimony, it would then be holding a public hearing so as to receive the views of all parties on how best to move forward with the trial in light of the issues posed by Mr. Sary's potentially prolonged absence.

Ieng Sary's Continued Absence

Defendant Ieng Sary was still notably absent in the trial in Case 002, which recommenced today after several days of recess. Addressing this absence at the start of the morning's hearing, Trial Chamber President Nil Nonn noted the Chamber's receipt of a medical report dated September 27, 2012, which stated that Mr. Sary was still being treated in hospital but was otherwise mentally fit. Accordingly, the president granted the defendant's request to waive his presence in the courtroom for the testimony of seven witnesses and one civil party pursuant to Internal Rule

81(5).¹ President Nonn then called one of those seven witnesses, TCW320, to begin his testimony under the questioning of the Office of the Co-Prosecutors.

From Revolution to Evacuation

Witness TCW320, or Mr. Khiev En, began his testimony with a short biographical introduction. Born in 1958,² Mr. En is a civil servant living in Wat village in Pailin province and is married with five children. National Assistant Co-Prosecutor Mr. Seng Bunkheang then rose to begin the day's questioning, building on the introduction to the witness by noting that according to the written record of the witness's interview with the Office of the Co-Investigating Judges (OCIJ),³ the witness had stated that he joined the Khmer Rouge revolutionary movement in 1973, and that between 1973 and 1975, he became a commune militiaman or reserve force. Mr. En added that he did so after his village was attacked, houses burned down, and revolutionary forces wanted the youth to join the revolution. While he did not want to join the revolution, the witness said that he did so because he did not know where to go otherwise, so he became a militiaman guarding his native village and commune.

Pressed by Mr. Bunkheang for further details of this time, Mr. En said that he was part of the Kampong Leng district⁴ battalion and that, as far as he could understand, usually each district would have soldiers for each district to provide for its protection, and provinces (sectors) would send soldiers to the district if required. Pressed further by Mr. Bunkheang for an estimate of the distance between his native village of Prey Ky and Uddong, the witness stated that he did not know.

Moving on, Mr. Bunkheang turned to examine the witness's previous statement to the Office of the Co-Investigating Judges that while he was a militiaman, there was a mixture of revolutionary forces and Lon Nol forces in his village. Asked for details of the fighting between these forces, Mr. En replied, "It was sometime in 1973 when the American troops withdrew their air forces from Cambodia and ... the Lon Nol soldiers had to withdraw as well." The witness acknowledged that he had been involved in fighting in his village, upon which Mr. Bunkheang inquired further that, during such fighting, "did your force capture any Lon Nol soldiers, and if so, what did you do to them?" Mr. En disclaimed any knowledge at that time of any such capture.

Mr. Bunkheang then began a new line of questioning in relation to Mr. En's experiences relating to the fall of Phnom Penh on April 17, 1975 and the events thereafter. On April 17, 1975, Mr. En stated, he was living by the river in Kampong Leng district where he "was part of the preparatory force." "We were on alert at all times," he continued, because despite the Khmer Rouge conquest, they had heard that "fighting was looming." The witness had heard of the subsequent evacuation of Phnom Penh but did not witness the movement itself or meet any newcomers in his

¹ This rule provides, in part, that, "Where, due to health reasons or other serious concerns, the Accused cannot attend in person before the Chamber but is otherwise physically and mentally fit to participate, the Chamber may ... continue the proceedings in the Accused's absence."

² It is noted that, later in his testimony, the witness suggests that he was, in fact, born in 1952 or 1953, and not 1958, which is the date listed on his ID card.

³ The written record for this interview has the Document Number E3/438 and begins with the ERN 00373430 (in Khmer), 00375871 (in English), and 00426438 (in French).

⁴ Kampong Leng district is located in Kampong Chhnang province.

village from Phnom Penh; only newcomers who he heard “were evacuated from the provincial town to my district.” Questioned by Mr. Bunkheang on the overall situation of the evacuation and relocation of such newcomers, the witness responded that he was not in charge of the evacuation of provincial towns but, pursuant to an order from his team supervisors, was in charge of relocation into his district and to incorporate new forces into commune forces. These new forces were incorporated into commune cooperatives, Mr. En continued, and were later ordered to build dykes or dams. The witness concluded discussion on this issue by stating, in response to a question by Mr. Bunkheang, that he had no knowledge of whether these evacuees were required to write their own biographies.

Operations and Personnel at the Ministry of Propaganda

Turning to consider events after this time, Mr. Bunkheang first asked the witness to clarify when he was transferred to work in Phnom Penh. The witness responded that it was towards late 1975 or early 1976, or in the late rainy season. He added that he was located “near the royal palace,” although he could not remember the precise location or person in charge, and was waiting for confirmation as to where he would be relocated before being duly transferred there.

Mr. En stated that he was then taken by motorbike, told that he had to work for a man named Brother Phoas and dropped at the Ministry of Propaganda. Questioned repeatedly by Mr. Bunkheang for details of Brother Phoas, the witness conceded that after a few months of working at the Ministry, his colleagues told him that “Brother Phoas was Mr. Hu Nim [and] that he was the Minister of Propaganda and Information.” Mr.

Bunkheang pressed the witness on whether he knew who had ordered that he be transferred to Phnom Penh. Mr. En stated that he knew only that his direct supervisor in charge of the company in his home village, a man by the name of Pring, ordered him to leave his home village. He did not know who issued the ultimate order for him to go to Phnom Penh.

Mr. Bunkheang then inquired as to the location of the Ministry of Propaganda, or Office K33. Mr. En responded, “Back then, Office K33 was located in the block adjacent to Lycée Descartes” and in front of a stupa. He stated further, “The leader of Office K33 when I first came to this office was Sam.” As for further details of his section, which was the office recording news broadcasts from overseas, Mr. En advised that “workers were divided into two to three separate parts during training. During training, I was trained in telegrams and also in intercepting the news. As I recall, initially there were only three of us [working in my section]; the fourth person was my direct superior,” who the witness could only recall was named Ol.



Responding to a series of questions from Mr. Bunkheang, Mr. En then supplied further details of his duties, stating that he did not have any leading position, and worked in shifts with a machine intercepting the news. He could not read the entire content of the news he was to intercept, only

minor parts, but could recall that at the time, “we were intercepting international news broadcasts by AFP, Reuters, ... and Xinhua.” The witness was told that the machine they were using for this purpose had been built from a mixture of pieces sourced from “this embassy or that embassy,” and included German and English components. If the news was important or information intercepted was important, once it was recorded, Mr. En would take a printout of it to another section. At this point, four members of the public gallery left, catalyzing a slow but steady trickle of spectators’ exits during the first morning session.

Mr. En continued that information was broadcast in French and English, that there was a translation team who translated the information into Khmer, and that the witness sent the printout, with carbon copies, to another section, who would listen to the broadcast and verify if the printout was correct.

Mr. Bunkheang was granted permission by President Nonn to show the witness a typed document, in poor condition, entitled “*Angkar’s Opinions Regarding the Monitoring of the Various News.*”⁵ Mr. Bunkheang advised that this document instructed the Ministry for Propaganda to:

- Monitor and draft up news every hour;
- Inform of news on a daily basis, with brief reports of daily news, especially related to Angkar, prepared at 5 p.m. for Angkar to fetch; and
- Advise of unethical opinions for Angkar to take measure.

Mr. Bunkheang then posed several questions to Mr. En relating to this document. On these questions, Mr. En advised that he could not recall whether the Ministry for Propaganda was instructed to send summaries of important news, that he did not know what measures would be taken in response to critical news, and that “from what I could observe, there was no means for anyone to contact Angkar if there was any [such] news or information.” While the witness also confirmed that his team worked in shifts including night shifts, he did not know if anyone from his group was assigned to constantly monitor important news.

Mr. Bunkheang then turned to consider the arrest of Hu Nim. Mr. En recalled that Mr. Nim was removed in 1977, though he was unsure exactly when. This prompted Mr. Bunkheang to obtain permission from President Nonn to read from Mr. Nim’s confession,⁶ written to leaders including Pol Pot and defendants Nuon Chea and Khieu Samphan, regarding his arrest, noting that he was arrested while he “was busy in preparing the broadcast in anticipation of the second anniversary of the victory of 17 April 1975,” thus confirming that the arrest occurred sometime in early 1977. Upon questioning, the witness stated that he learned of Mr. Nim’s arrest when Ms. Yun Yat came to the Ministry, convened a major study meeting, showed the mistakes of Mr. Nim at that meeting and talked about the confession of Mr. Nim both in that meeting and in subsequent meetings and study sessions. As for the reasons for Mr. Nim’s arrest, the witness stated, “We only knew that he was a CIA agent.”

⁵ This document begins with the ERN 00017126 (in Khmer), 00183362 (in English), and 00323931 (in French).

⁶ This document has the number E3/7750 and begins with the ERN 0000078 (in Khmer), and 00242945 (in English).

Mr. Bunkheang then asked the witness whether Ms. Yat advised the meeting who assigned her to go there and advise everyone about Mr. Nim's arrest and confession. Mr. En stated that this was beyond his knowledge. Mr. Bunkheang attempted to rephrase the question, at which point Mr. Son Arun, National Co-Defense Lawyer for Nuon Chea, rose to object, arguing that this was a "repetitious question that would lead to presumptions or conclusions by the witness." In response, Mr. Bunkheang clarified that he was repeating the question because the witness had not responded appropriately to his earlier question, prompting President Nonn to dismiss the objection and order the witness to respond. The witness duly stated that he "did not know who ordered Yun Yat to open that meeting." Following this statement, Mr. Chea rose and quietly left the courtroom. Mr. En then elaborated, "Yun Yat came to replace [Mr. Nim] and spoke about the arrest of Hu Nim. ... I did not know about who ordered her to come down, but of course it had to be a decision of the party as to this person or that person being a CIA agent, so we had no further doubt." He added that study sessions on Mr. Nim's confession were either held in the building adjacent to the Lycée Descartes or in the Borei Keila complex. With this question, the president adjourned the first morning session of the hearing.

When the hearing resumed, Mr. Bunkheang returned to the subject of Mr. Nim's arrest, querying whether, after his arrest, others were also arrested. The witness affirmed this, responding, "After Hu Nim's arrest, those who worked in that Ministry were successively removed. People from my section were also removed." He also noted that Mr. Nim's family also disappeared. Mr. Bunkheang asked how the witness knew that, as he had stated in his OCIJ interview that "those who participated in the trainings with you were successively removed as well." The witness responded that, after a time, "for my group, there was only me remaining."

Next, Mr. Bunkheang asked Mr. En about his discussion, in his earlier interview, of the arrest of the person "Sall" and of the exact identity of this person. Mr. En responded, "Sall and Ol had been at the Ministry before I arrived. ... I was assigned to work with Ol, and Sall was in charge of the broadcasting section. And later on when Hu Nim was arrested, later, Sall was also removed, and in fact, there was only one person remaining at Sall's section, while in my section, only I remained." The president then granted Mr. Bunkheang leave to show a list of prisoners, dated April 18, 1978, which showed that one of the prisoners was named Chheangsrou *alias* Sall who was the group chief of teleprinters at K33. Mr. Bunkheang asked Mr. En whether that person was "the person named Sall who you said disappeared from that Ministry." The witness would not confirm this, as he did not know Sall's full name, only that a person named Sall, who had been the head of the teleprinters and worked at Office K33, was removed.

Nuon Chea's Role at the Ministry of Propaganda

At this point, Mr. Bunkheang turned to consider the role of Nuon Chea at the Ministry, beginning by asking whether Mr. En had ever seen or met with Mr. Chea at the time that he worked at the Ministry for Propaganda. The witness glanced down, and then responded that he met Mr. Chea and knew about him as he went to Ministry, and, seemingly pondering this point, stated that he "did not meet with him at any specific place, but in the mornings I would see him coming to see what was going on at my section. But ... I did not have any official contact with him or speak to him, although sometimes I sent documents to him." Mr. Bunkheang asked what kinds of documents Nuon Chea brought in, which appeared to confuse the witness. This caused the International Co-Defense Lawyer for Nuon Chea to rise and clarify, "In the English

translation, the witness seemed to say that it was the witness who sent documents to Nuon Chea” and not the other way around.

Mr. Bunkheang conferred with International Assistant Co-Prosecutor Dale Lysak on this point, after which Mr. Bunkeang sought permission for the witness to speak again on this issue. The president chided Mr. Bunkheang, stating, “You need to put your question precisely. What are you trying to get at?” Mr. Bunkeang responded, evenly, “Previously, the witness stated that he met with Nuon Chea and that Nuon Chea brought a document in, but I would like to clarify whether Nuon Chea brought a document to [the witness] or to another person. You stated that Nuon Chea brought a document in. To which group, or to which section?” Again the witness appeared confused, but eventually responded that he had no knowledge of documents Nuon Chea may have brought in, “but I myself took a print out to him. ... There was no document referred back from upper levels to my section.”



*Nuon Chea (front) gives a speech at a meeting during the Democratic Kampuchea regime.
(Source: Documentation Center of Cambodia)*

Questioned by Mr. Bunkheang regarding what Mr. Chea was doing during his morning visits to Mr. En’s section, the witness responded, “When he came in, he just looked around and asked if we had already eaten ... and then he would just go. Sometimes he came to look at where I worked, looked at the bedroom or looked at the kitchen.” Asked about Mr. Chea’s position at the time of such visits, Mr. En responded slowly, “I only knew that after the removal of Hu Nim, Yun Yat came to replace him, and after Yun Yat, Nuon Chea came to replace her. I could not know for sure regarding his position.” He added, smiling, “I did not know whether that kind of position was in any official document,” and continued, “I heard on the radio that he was a member of the Standing Committee. ... I did not know his position when he came or in what capacity he came. I did not know of his position in the Ministry,” although, he noted, Mr. Chea did have a working place at the Ministry. Mr. En added that Mr. Chea “would sit there or sometimes he would walk around a little bit, but it was open, there was no proper closed office.

... The [Ministry] building was huge. There were many rooms, and he was working in that building as well. There were other working groups within that building as well.”

Mr. Bunkheang then asked whether, during his time at the Ministry, Mr. Chea ever organized a political training session or study session. Mr. En responded, “As for the political study sessions, it is part of the profession when you work with the revolution; there were always political study sessions. What happened before [Mr. Chea] arrived also continued when he arrived. ... There were no major meetings; there could be meetings to provide instructions or relay previous instructions. Sometimes [Mr. Chea] would speak directly to a person to relay his instructions.”

Next, Mr. Bunkheang asked Mr. En about his previous statement to the OCIJ that “when Nuon Chea arrived, he instructed you not to speak about new people and old people. Did you know the reason for the prohibition for making a distinction between the old and the new people?” The witness responded, “I did not analyze that issue, but at that time, he instructed not to speak about the ‘17 April people’ or the ‘new people’ or the people at the base, who were referred to as the ‘old people.’ His instructions were to try to reduce the use of these words, but that’s all I knew and nothing more than that.” Also in the witness’s response to the investigators, Mr. Bunkheang went on, “you stated that there was a theory that you should ‘do whatever it takes to cleanse all the traitors from the ranks.’ Can you tell us who issued this saying?” The witness replied, “As I can recall, it was from the time when Yun Yat came to take charge.”

“During the time of the meetings with Nuon Chea, did Nuon Chea speak about the traitors or the enemy at all?” Mr. Bunkheang asked. The witness considered this question and responded, “I cannot recall whether he talked about it or not, or if he did, I cannot recall, because my memory does not serve me that well. But it was likely that he did not speak much about that, or maybe I just simply cannot recall it.”

Mr. Bunkheang then asked the witness if he ever attended meetings or study sessions outside the Ministry of Propaganda, which the witness denied. Regarding the frequency of sessions held within the Ministry of Propaganda, the witness stated, “During the regime, there was a daily meeting and there was another meeting held about every 10 days. Usually that meeting was about criticism and self-criticism, while the daily meeting was about the work production which was chaired by the chief of department.” The witness continued that the “criticism and self-criticism meeting,” held every 10 days, was usually chaired by the chief of the group, or sometimes the chief of the section. “We would criticize the staff members within [our] section, and other sections would do the same,” he concluded.

Queried by Mr. Bunkheang as to the purpose of criticism and self-criticism, the witness stated that “meetings, as instructed from the upper echelon, should be held so that greater production achievement could be made. That was the purpose ... to strengthen work production and our personal political status; to strive to work more efficiently with the work assigned.” He continued, “It was mainly about the cleansing of ourselves, to make ourselves clean by confessing to other people. Of course, there had to be reactions; ... people were upset that they were criticized. We were relying on a theory that we could not see our own mistakes and could only know this through other people. So, we put ourselves in a position to be criticized, but we could also criticize other participants of the meeting.” The prosecutor questioned how the

process of criticizing a person would be conducted. “I did not know about the major mistakes,” Mr. En replied, “but for minor mistakes, as we were working together, we would say it face-to-face to one another. If someone made a mistake without following instructions, that person would be criticized as ‘liberal.’ It would mean that the person violated discipline and failed to adhere to instructions. . . . There were people who took a liberal stance and had liberal ideas; they did not listen to others. . . . I did not notice what action was taken against them, but normally it was an internal criticism session.”

Mr. Bunkheang then turned to questioning Mr. En on his knowledge of the underlying reasons for monthly distribution of the “*Revolutionary Flag*” magazine to Mr. En’s section. Mr. En disclaimed any knowledge on this, stating, “I only knew that the magazines were sent to our section, but I did not read the magazines because what I focused on was my duty.”

Mr. Bunkeang concluded with the question, “You mentioned to the investigators of the Office of Co-Investigating Judges that Office 870 was the office where the senior leaders worked. . . . How did you know that?” The witness responded, “I have already answered this question, but I would like to clarify that I knew this from my friends. I did not know the exact whereabouts of this office. I heard from my friends that this was the place where the senior leaders worked.”

Additional Questions from the Prosecution

Mr. Lysak then rose to continue the examination on the part of the Office of the Co-Prosecutors.

Returning to the 1974 time period when the witness was a militiaman in the Kampong Leng district, he asked, “At that time, were you aware of the battle at Uddong?” The witness responded, “In 1974, at that time, I knew about it, but it was not in a systematic manner. I heard it from others. I was actually residing in the forest and I only heard it from messengers, word of mouth from one person to another that Uddong had been conquered by the revolutionary forces.” Upon further questioning, he added that he did not know about what happened to the residents of Uddong after it was captured by revolutionary forces.

Mr. Lysak then moved to discuss whether any effort was made to determine whether the evacuees from the Kampong Chhnang provincial town who arrived in the witness’s home commune or village were connected to the Lon Nol regime. The witness responded that he did not know, as “the evacuees were sent to the cooperatives of the commune and I was actually in the military division.”

Turning to the Ministry of Propaganda, Mr. Lysak asked to which section Mr. En would deliver news printouts. The witness responded, “We delivered to others, but I did not know where else



these printouts were circulated.” At this point, Mr. Lysak asked whether Mr. En was instructed by his superior “that someone had to monitor the machine at all hours of the day and night.” The witness responded, “My supervisor arranged the schedule for us, a man by the name of Ol,” and that “they asked me to keep our eyes on the machine to ensure that it was not stuck so that the copies were printed properly. It was the arrangement of the upper authorities, who wanted the printout to be smooth, without any disruption.” The printouts, Mr. Lysak queried, “that you took to Nuon Chea: were these of news that you printed from the monitor?” The witness eventually replied, “I sent only a few documents to Nuon Chea” but noted that “there was no direct instruction from anyone” to do so. “If I met him,” Mr. En continued, “then I would hand it in to him. If people came to receive the printouts, then I would give the printouts to those receivers. There were only a few times where there were no receivers, so I handed them directly to Nuon Chea.”

For his last question, Mr. Lysak asked, “When during the Democratic Kampuchea period was it that Nuon Chea started coming to the Ministry of Propaganda?” The witness responded, “When Vietnamese troops fought their way into Cambodia. So after Hu Nim was arrested, then Yun Yat came to take his place. Then, when Vietnamese troops came, in 1979, Nuon Chea came to take charge.”

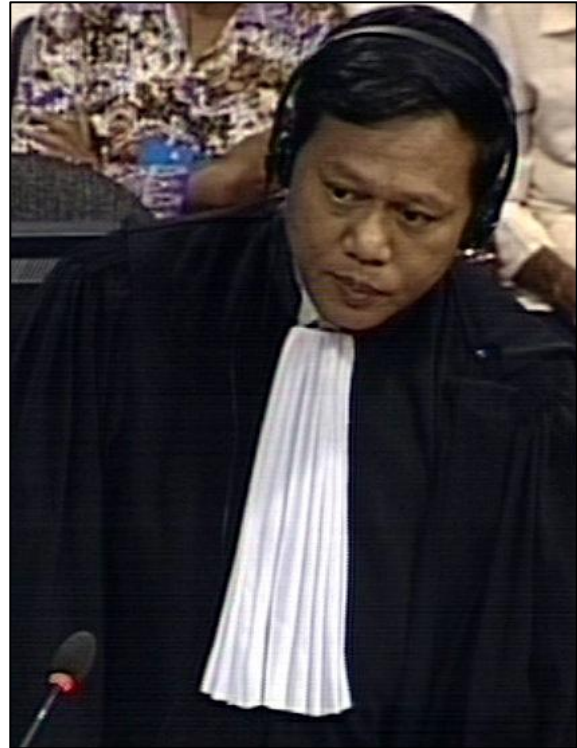
Civil Parties Begin Questioning of Witness

At this juncture, the civil parties then received permission from President Nonn to assume questioning of the witness. National Civil Party Lawyer Lor Chunthy commenced, asking whether the witness “knew the main reasons for the evacuation of people, in particular, out of Phnom Penh.” The witness responded, slowly, that the “underlying motives” were beyond his knowledge. “It is beyond my knowledge,” he asserted.

Next, Mr. Chunthy returned to the witness’s testimony about the time of his transfer to Phnom Penh and the place to which he first arrived. The witness repeated his previous testimony on this point, and clarified that he knew that he arrived in Phnom Penh “sometime during the end of the rainy season because I could feel the breeze blowing from the northeastern part of the country.” Mr. Chunthy then asked about the nature of the witness’s training upon admission to the Ministry of Propaganda. The witness responded, “I was trained with technical aspects – purely technical aspects. ... They showed us how to use tele-printers. The tele-printing office was divided into receiving, repairing, typewriting, and broadcasting sections. My function was in the section of typewriting repair, and then later on I was also in charge of catching information. They actually trained us how to use tele-printers for three months, and then we had to practice for three months as well. ... The trainers were the Chinese ... [and] were dispatched to Cambodia to provide training for six months; they taught us theoretical frameworks as well as practice.” Mr. Chunthy posed a final question before the lunch recess, asking “How many students were there and where were they from?” The witness responded that they were from “different places” and explained that “the training was divided into different sections as well, [with] in the range of 10 and 15 trainees in each class.”

At this point, International Co-Lawyer for Nuon Chea Jasper Pauw was permitted to speak, stating, “Nuon Chea is suffering from a headache, back pain and a lack of concentration and would like to follow this afternoon’s proceedings from his holding cell. We have prepared a

waiver.” The president noted and, considering it appropriate, granted this request, emphasizing that the audio-visual connection in the accused’s holding cell should be connected so that Mr. Chea would be able to follow the proceedings from there.



After the lunch break, Mr. Chunthy continued questioning on behalf of the civil parties with an inquiry as to the criteria for the selection of participants in training for work at the Ministry of Propaganda. The witness responded, “From what I knew and experienced,” Mr. On replied, “before people were selected to lead, they would be selected from the lower class because Cambodian society was divided into separate categories, so the lower class would refer to the poor class.” Regarding his own selection, he recalled, “I did not know clearly the criteria for my selection, but I did not have anything to hide in my biography. I only knew that the selection was not favorable towards those who were educated.” When Mr. Chunthy sought clarification on this response, Mr. En responded, “Within my Ministry, after the training, those people would be employed within the Ministry. ... We were trained in separate specialties. Two or three people would be trained in one specific skill.”

Mr. Chunthy then asked whether Mr. En met any of the senior leaders while Mr. En was working in Kampong Leng district, Kampong Chhnang province, prior to the liberation of Phnom Penh, including whether any meetings were held there. The witness responded only that “while I was there, my direct supervisor would be the one who would chair the meeting. It was the company, and otherwise, it would be the district battalion commander who would ... lead us and who would chair the meeting.”

With respect to the evacuation following the liberation of Phnom Penh, Mr. Chunthy asked what the evacuees were asked to do once they were placed in communes and cooperatives. Mr. En replied that he did not stay close with them, but “from what I knew, they were asked to dig canals or to build dams.” Mr. Chunthy further asked, “At that time, did you hear people talking about the ‘new people,’ ‘17 April people,’ or ‘base people?’” The witness explained, “While I was in Phnom Penh, Nuon Chea told us to stop using those words and stop making a distinction between new people and old people.” Pressed by Mr. Chunthy, the witness stated that he did not know what happened after people were organized into these categories as he was with the military.

Deprivation, Dessert, and Defrocking

Mr. Chunthy then turned to the witness’s work at the Ministry of Propaganda, inquiring about the administrative structure of the ministry while it was under the management of Hu Nim and

specifically requesting confirmation of those who were in charge of each section within the Ministry. The witness stated that he was unable to give details as he could not recall these specific matters. "I was only familiar with my work. As you know, that was the time that we tried to mind our own business, so we did not try to put our nose into other people's business," he asserted.

Asked if the Ministry underwent any changes when its leadership changed from Mr. Nim to Ms. Yat to Mr. Chea, Mr. En first cautioned that his response might be somewhat long and replied, "When I started there, Hu Nim was in charge. At that time, the food was not sufficient, but I did not know the exact duration or the time during which the food was insufficient. After that, from what I knew, sometimes we had bread mixed with the food at the Ministry, and later on, we could have cooked rice when the Ministry was under the management of Nuon Chea. ... We would have dessert every 10 days ... until the time that the Vietnamese arrived and we fled."

Mr. Chunthy clarified that he was asking about the hierarchical structure at the Ministry – whether it was identical, whether it was reshuffled when the leadership changed, and whether there were subsequent disappearances within the Ministry. On this matter, Mr. En replied that to his knowledge, there were initially forces to the east within the Ministry, and he was alone from the west. He continued, "However, after the conclusion of the technical training and after Hu Nim was removed, those forces [from the east] were removed. Of course I knew about those removals but I only focused on the work at hand." Moving on, he recalled, "When Yun Yat came to replace [Mr. Nim], she would fill those vacant positions. The people within my group and those people who were brought in, they were mainly from the southwest, and I trained those young people. ... But I did not know what happened to those who were removed. ... I made a conclusion that maybe those people who were from the same network were removed."

Mr. Chunthy then asked, "Why after the disappearance of Yun Yat did Nuon Chea come to take charge?" To this, Mr. Pauw immediately objected that according to the question, Nuon Chea took over after Yun Yat's disappearance, but that this was not reflective of the evidence before the Chamber. Mr. Chunthy clarified that he wanted to know why Mr. Chea came to take over after Yun Yat. The witness responded, simply, that he did not know.

At this point, Mr. Chunthy returned to the issue of the people from the east and the southwest, asking for more information about who they were. Mr. En responded that these people were "people who worked with me. At the initial training, there was no one from the southwest. Only I was from the west. After the removal of Hu Nim, those people [from the east] were removed, and forces who came for [subsequent] training were sent from the southwest."

Mr. Chunthy asked whether Mr. En knew the identity of the leader of the southwest zone. This question prompted Ms. Anta Guissé, International Co-Counsel for Khieu Samphan, to object. She stated, "Until now, we were focusing on the Ministry for Propaganda, but now we are veering towards the southwest zone, which is not within the context of the first trial, so this is not relevant and should not be questioned." Mr. Chunthy disagreed, stating that "the question was related to the testimony by the witness, to a question which has already been answered before." Mr. Chunthy then continued, "When you came to work with the Ministry of Propaganda, did you ever attend the Party's congress, and if you did, where did you attend the Party's congress?" Mr.

En stated that he had never done so.

Mr. Chunthy was then granted permission to refer back to Mr. Nim's confession, to which Mr. Bunkheang had earlier referred, and the counsel inquired whether the witness had ever heard about facts discussed in one of the confession's passages that described Mr. Him as attending a meeting at Borei Keila school in November 1976 at which the organization of a new party was discussed. The witness denied having ever heard of this meeting, as this was "the business of the upper echelon people, people from the Party, while I was from the lower level people, dealing with mainly technical aspects." The witness was then asked if he could recall the general format of the *Revolutionary Flag* magazines; he could not, as "they were meant for my colleagues ... I did not pay attention to them."

At this point, Mr. Chunthy requested further details from Mr. En as to his duties in respect to telegrams, and whether he was ever instructed to prepare telegrams for any other ministries. The witness responded, "I had to continue to train other newcomers. I was first attached to the section of telegraph repair. As for typing of telegrams, it was not my main task, but since I was attached partly to that section as well, I learned to type them. So I, from time to time, learned to type those telegrams, and there was on-the-job training as well ... and I did a lot of self-study myself. But when the foreign trainers came in, I did not study typewriting specifically. As for some of my colleagues who were removed, mainly they were from the former west zone. At that time, we were supposed to handle our primary task which was to repair telegraphs."

Mr. Chunthy then turned to the issue of communication by message and how the Ministry of Propaganda sent messages to other ministries. The witness, noting that he had already responded to this, stated that he had the printouts sent "to the sending section, which continued to relay these messages to the target offices. I did not know where these messages were sent." Posing a final question on the Ministry of Propaganda, Mr. Chunthy asked whether, when the witness was working with Hu Nim, he knew Hu Nim's son. The witness paused before responding that "to the best of my recollection, I only knew Sam. ... It was only later on that I learned that he was the son of Hu Nim. I stayed there for quite some time before I realized that."

Commencing a different line of questioning, Mr. Chunthy then asked, "Did you ever witness the situation when monks were forced to defrock?" The witness responded that he had already testified about this with the OCIJ and that "there was a situation of the defrocking of monks. I had heard of it and people in my home village talked about it. He continued, "There were [revolutionary] movements starting from the early 1970s and then they moved to my village. Then monks were ordered to defrock. ... It happened in my home village as well."

Mr. Chunthy then moved to discuss the policy of "bad elements" but noting the witness's stated confusion on this point, immediately moved on to a new topic, concerning the existence of the "so-called security office in Phnom Penh." On this topic, the witness noted that he had heard of it, "but I never saw it myself. I heard it from my friends, but I did not know its whereabouts."

For his final question, Mr. Chunthy asked, "You mentioned this morning Office 870. Can you tell the court what this office was meant to be, and where it was located?" The witness stated that he could not, as he "never saw this office and I did not know where it was located either. I only

knew that this was the workplace of senior leaders.”

Final Questions from the Civil Party Lawyers

Ms. Beini Ye, International Civil Party Lawyer, then rose to put further questions to the witness. Starting with his time before working at the Ministry of Propaganda, she asked, “How old were you when you were forced to join the revolutionary movement?” International Co-Counsel for Mr. Sary, Michael Karnavas, immediately rose to his feet in response to this question and stated, “Perhaps I am mistaken, but the witness did not indicate that he was forced to join the movement ... unless the question goes to being forced by the bombings and the conditions that were inflicted on him and his fellow villagers.” Ms. Ye clarified that from her notes, the witness did not join voluntarily but that perhaps the witness could clarify this point.

Directed by President Nonn to respond, Mr. En clarified:

When I first joined the revolution in 1973, when Lon Nol soldiers were attacked by the revolutionary forces, at that time, my house and my entire village was burned down. That was the situation back then. So when people came back to their village, they saw nothing but ashes from the fires on their houses and their village. Even if we saw our houses burned down, we still did not want to join the revolution. But we also saw the hardships on our parents at that time. It was not my desire to join the revolution, and when our houses burned down, we did not want to join the revolution either. ... But the situation at that time was very pressing and they wanted people to work, so I decided to become a village militiaman. I initially wanted to become a medic, but then later on, taking into consideration the situation of my village, I wanted to leave my village because I did not want to see the hardships my village had to go through and then, since there was a lack of forces at the sector level, they wanted the forces from the district. These [orders] were handed down to the lower ranks in the administration. The district would want forces from the commune. So, due to these pressing circumstances, I had to join the revolution. ... The situation really induced me to join the revolution at that time.



Asked by Ms. Ye how old he was at the time, the witness stated, “I could have been around 17 years of age in 1970.” At this point, Ms. Ye sought clarification on the witness’s date of birth, to which the witness responded, “If you look at my ID card, I mentioned in my ID card, 1958. But actually, I was born in the year of the snake and if we calculate it based on the Khmer year, it would be in 1952 or 1953 or so, but the date that you see on my ID card is a different one.”

Ms. Ye then moved on to the witness’s time at the Ministry of Propaganda, asking, “You told us that after the disappearance of some of your colleagues, you also started to learn to typewrite telegrams. Can you tell us what the content of these telegrams were?” Mr. En replied, “When it comes to the typing of telegrams, we at the telegram office did not know the contents, we just followed instructions. ... When we finished

typing, we used tape to record the character. For example, each hole would represent an alphabetical letter, but I did not really understand the content, I only knew how to put them on the tape representing the alphabetical letter.” Mr. Ye asked a follow-up question on the telegram issue, namely who instructed the witness when he was working on telegrams. The witness pondered this, before stating, “That was just before Yun Yat was removed. At that time, ... I was instructed by her to give the training to the new people and then by this month or that month, the telegram would have to be sent out. So, after the existing forces were removed, I tried to train the new forces, but as for the date for each [telegram] to be sent out, I cannot recall. It was just before Yun Yat was gone.” Ms. Ye then queried, “In the English translation, it came across as ‘before Yun Yat was removed.’ Can you clarify whether Yun Yat was removed, or whether she just stopped working at the Ministry for other reasons?” The witness stated that he did not know neither the reason why Ms. Yat left the Ministry nor why Mr. Chea came and replaced her.

Following these questions, Ms. Ye revisited the issue of disappearances of staff in the Ministry, asking about the man named “Sam” whom the witness stated had disappeared. “Is this the same person you identified as the chair of K33,” Ms. Ye asked, “and Hu Nim’s son?” The witness stated, “As I recall, there was only one Sam at K33 and he was in charge of Office K33.” At this point, Ms. Ye stated her wish to note that Sam “is listed as a prisoner in the Revised S-21 Prisoner List,” in which he “is listed as prisoner 5619, his position is Comrade of K33 Office, arriving from the Ministry of Propaganda April 10, 1977, executed July 20, 1977.” Ms. Ye then turned to revisit a different issue, of the disappearances of staff from the east, asking until when these disappearances continued. The witness responded, “As for my section, I knew of their disappearance after Hu Nim was arrested. They were taken out successively, and I did not know what happened to them. As I stated earlier, those people were removed and then they were replaced by those people from the southwest. It seemed at that time that most people from the east were gone and replaced by the southwest people.”

Ms. Ye then asked Mr. En whether “these disappearances of Ministry staff continued when Yun Yat took over and continued when Nuon Chea took over,” although in response to an interjection from Mr. Pauw, Ms. Ye rephrased it into separate questions discussing the Ms. Yat and Mr. Chea periods in turn. To the first question, the witness responded, “When Yun Yat took over, ... it seems that the disappearances stopped for quite a while, because those who were taken away were replaced by new people, so it was quiet. That’s what happened at my section, I could not speak for other sections.” Ms. Ye followed up, asking, “When you say they stopped for quite a while, does that mean that the disappearances were restarted after some time?” Furrowing his brow, the witness replied, “Later on, when I received the forces from the southwest and trained them, from what I can recall, no one else was removed. But, once again, I can only speak for my section; ... there were no more disappearances.”

When the hearing resumed after the afternoon adjournment, the witness responded to the second question, regarding Mr. Chea. On this matter, Mr. En stated, “When Nuon Chea assumed the position in charge of Office K33, the issue of the disappearance of forces stopped.” In response to this, Ms. Ye read out a portion of the written record of the witness’s OCIJ interview, in which he stated that the policy of disappearances “still existed even though Nuon Chea did not want us to talk about the separation between new and old people, and the disappearances still continued.” She asked for clarification on this apparent contradiction, to which Mr. En responded that at the

time when Mr. Chea came to assume responsibility over the Ministry of Propaganda, he heard from people outside that there were disappearances from other offices which he could not recall, but there were no disappearances from within the Ministry.

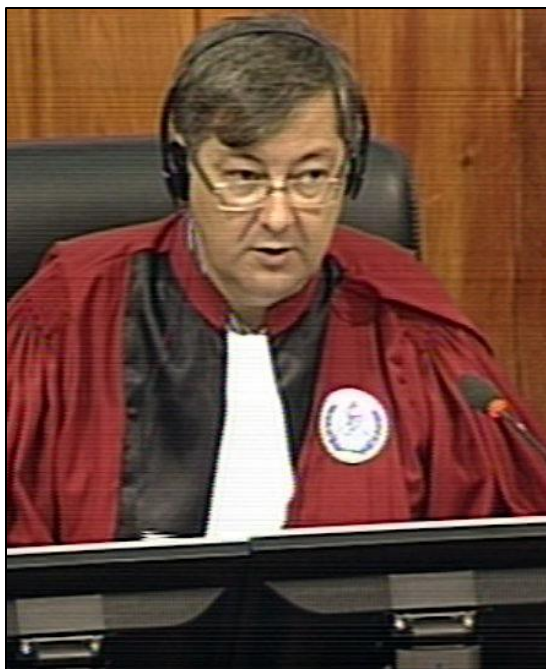
Ms. Ye then returned to the issue of the defrocking of monks discussed by her national colleague earlier, inquiring when this happened in his home village. Although Mr. En could not recall exactly, he stated that it “had happened even before the Lon Nol soldiers came to my village. ... When Lon Nol soldiers came, there were people who entered the monkhood again, but when Lon Nol was defeated, they were ordered to leave again. This happened before I joined the revolutionary forces.” He further stated that this defrocking was ordered by the revolutionaries in charge of his village, but he did not know from whom they received their orders, recalling, “At that time, people dared not protest against orders. If monks had to be defrocked, then nobody would protest.”

Finally, Ms. Ye sought from Mr. En details of his marriage. The witness responded that he met his wife after he fled Phnom Penh and took refuge along the Cambodian-Thai border, and was married there sometime around 1982 or 1983 when he was around 27 or 28.

Judge Lavergne Discusses Khieu Samphan

Upon conclusion of the witness’s questioning by the civil party lawyers, Judge Jean-Marc Lavergne put a short series of questions to him. Beginning with the equipment the witness operated at the Ministry for Propaganda, Judge Lavergne inquired whether the witness’s department was the only one able to carry out these services. The witness speculated that, as he had previously been “sent one machine, a tele-printer, to get it fixed, it was my impression that there could be another place performing this task.”

Judge Lavergne then questioned whether the witness was aware of any ties between the Ministry of Propaganda “and, for example, the Ministry of Foreign Affairs.” The witness stated that before he left Phnom Penh, “there were two or three people sent from the Ministry of Foreign Affairs to take our place, ... and they were attached to my department.” Audience members in the public gallery seemed to listen attentively to this part of the discussion, some perched on the edge of their chairs. “Some of the news” transmitted at the Ministry of Propaganda, Judge Lavergne continued, “might have related to Khieu Samphan when he spoke to foreign heads of state. Do you know if this was transmitted to state presidiums under Khieu Samphan?” The witness denied any knowledge of the contents of Ministry news printouts.



Judge Lavergne then queried of the witness whether, in the course of his duties at the Ministry, he had ever heard anyone mention the name “Hu Yun.” The

witness replied, “Of course ... I heard of the names Hu Nim, Hu Yun, and Khieu Samphan, but I never saw them.” As to whether he was told that Mr. Yun was a traitor, the witness claimed he had simply heard of the name. Finishing his line of questions, Judge Lavergne asked if the witness had ever heard anyone say “that some members of the Ministry of Propaganda had committed suicide.” The witness simply stated, “I think I heard some news about that but I cannot confirm as I cannot recall it properly. That is the truth.”

Semantic Clarifications from Mr. Son Arun

Mr. Arun was then invited to commence questioning of Mr. En for the defense. He duly began with a question concerning party congresses and whether Khieu Samphan and Nuon Chea had participated in such congresses. The witness responded that he did not know as he did not attend such meetings and rarely attended meetings even within the Ministry. Mr. Arun then turned to the question of Ms. Yat’s “replacement,” in the witness’s words, by Mr. Chea, asking whether “replacement” meant taking over Ms. Yat’s capacity over the control of the Ministry or in some other capacity. The witness responded, “Simply that when Hu Nim was removed, Yun Yat came to replace him. ... Then later on, Yun Yat was not seen to attend work. Then Nuon Chea came, ... but I could not say for sure about the upper arrangements.” Pressed by Mr. Arun as to the details of any management changes accompanying leadership changes, and the frequency of Mr. Chea’s attendance of the Ministry, Mr. En responded, “For instance, he could come briefly one day and leave and the next day he might come again.” As for management changes, the witness reiterated, “As I said, I noticed only the food rations, the work, and living conditions.”

Mr. Arun sought the witness’s clarification as to what he meant when he said that Hu Nim had been “arrested” and whether this meant that Mr. Nim was handcuffed or tied and then taken away. The witness responded that while he “did not witness the arrest of Hu Nim, ... some would say ‘be removed,’ and it would mean ‘sent away for reeducation.’” “Whatever definition you give to the word arrest,” he added, “is at your own discretion.” Undeterred, Mr. Arun sought Mr. En’s clarification on an additional matter. Noting that the witness had stated to OCIJ that Hu Nim’s confession showed that he was linked to the CIA and that he himself saw this, did this mean that the witness personally saw the confession of Hu Nim. The witness conceded that he had not personally seen the confession, stating rather that the confession was the subject of an announcement.

As several counsel had already during the day, Mr. Arun returned to the issue of the people from the east and southwest zones. He began by noting that in the witness’s OCIJ interview, he stated that there had been a conflict between the east and southwest people and although he did not know who arrested whom, usually the people from the east would be replaced by the people from the southwest. On this point, Mr. En clarified that while he “could not know about the arrangements of the upper level, ... as to the situation on the ground, when I participated in the first technical training, many participants were from the east. ... When Hu Nim was removed, those who attended training with me were also removed. ... When Yun Yat took over, the people who were sent to me for training ... were all from the southwest.”

Mr. Arun pressed further on the changes of leadership from Mr. Nim to Ms. Yat and then to the accused Mr. Chea. Before Mr. Chea replaced Yun Yat, he asked, “did you know what position he held?” The witness responded that he learned, through friends who were party members or

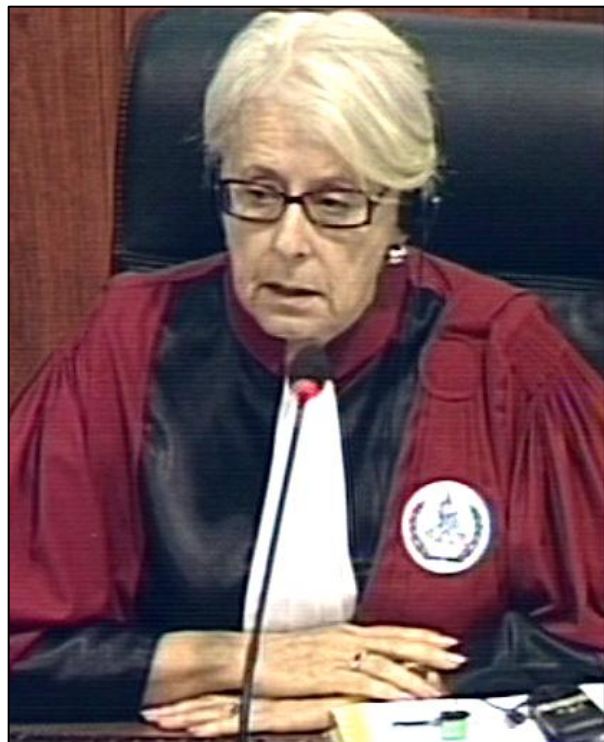
members of the youth league that Mr. Chea “was a person after Pol Pot ... [and] a member of the Standing Committee.” As to other positions, the witness stated, “Although I was uncertain, I knew that he represented the National Assembly in addition to his role as a member of the Standing Committee. At the time, I did not know how the National Assembly functioned; I did not know the role of the government at that time.” In response, Mr. Arun put to the witness, “You worked as a civil servant and are literate. Can you shed light on the structure of DK, and whether there was a party and a government?” The witness denied knowing these matters in detail, stating only, “What I knew was that there was ‘inside’ and ‘outside’ party ranks. The masses had to follow instructions formed internally, that’s all I knew. There were internal meetings with the party and youth league, but I was not a member, so I was not allowed to attend. ... Only people in the party were assigned leading roles.”

For his final line of questioning, Mr. Arun noted that the witness had stated to the OCIJ, and throughout his testimony today, that “Nuon Chea replaced Yun Yat at the Ministry of Propaganda and Information and that Nuon Chea was the Minister of Propaganda, Information and Education.” He went on, “Hu Nim was the Minister of Propaganda and Information, and then Yun Yat combined this with Education. Therefore, when Nuon Chea took over, did he take over these two ministries? Did it mean that Nuon Chea was the Minister of Education, Propaganda and Information? Was there such a title in official documents or did you hear it from others?” The witness responded, “Nuon Chea came to replace Yun Yat, and Yun Yat returned to her ministry. I did not see any official documents stating that Nuon Chea was the Minister, but the Minister was the Minister of Propaganda and Information. We saw Nuon Chea come to replace Yun Yat, but there was no official document regarding the takeover.”

Announcement of Hearing on Issues Posed by Ieng Sary’s Absence

At this point, the president adjourned the questioning of the witness, which is to resume Tuesday, October 2, with continued questions from Mr. Arun. He then handed the floor to Judge Silvia Cartwright to make an announcement. Judge Cartwright stated that the president had asked her to give an indication to the parties concerning the Trial Chamber’s wish to hear oral arguments on a written matter, and that she was relaying this message as the relevant communication had only recently arrived in Khmer and the president had not had a chance to review it in detail.

Judge Cartwright reminded all present that defendant Mr. Sary was unwell and remained hospitalized. She added that the Trial Chamber is taking steps to obtain an expert opinion regarding his medical status and prognosis and was grateful for the Ieng Sary team’s willingness to waive his right to participate concerning certain witnesses. However, she



indicated that an immediate issue arose concerning the long-term issue of hearing only some witnesses and not others. She noted that this is concerning Witness 428, in respect of whose testimony the Ieng Sary team initially waived Mr. Sary's right to participate but had now indicated its desire to revoke that waiver. While it was ultimately the Trial Chamber's decision concerning who it would hear and in what order, Judge Cartwright continued, the Chamber would welcome the party's opinions concerning steps that should be undertaken concerning the trial. In this respect, she noted that Mr. Sary's team had made a recent filing, supported by Mr. Samphan's team, on such issues.

The Trial Chamber had therefore decided to hear oral arguments, in public, she said, "on the various issues Ieng Sary's situation brings to the fore." As to the timing of such a hearing, Judge Cartwright concluded that the hearing would take place after this witness and probably before the next Closing Order paragraphs that are relevant to Trial 002/001 are read in court. The scheduling was a little unclear, she explained, but it would be as soon as the parties are ready after the conclusion of this witness.

In response to Judge Cartwright's inquiry as to whether this announcement was clear enough, President Nonn affirmed that it was and duly adjourned the hearing for the day. Hearings will resume on Tuesday, October 2, 2012, with the continued questioning of Mr. En by Mr. Arun.