



Defense Teams Struggle to Obtain Clarity from Saloth Ban

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On Monday, April 30, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. As scheduled for the morning session, Ieng Sary's defense team finished their examination of witness Saloth Ban, who is both Pol Pot's nephew and the former Secretary General for the Ministry of Foreign Affairs for Democratic Kampuchea. The vast majority of the afternoon session was used by Nuon Chea's defense team, but a hostile witness and unaccommodating bench challenged what they could accomplish during their examination. As insufficient time remained for Khieu Samphan's defense team, they will be allowed to continue their questioning after the court returns from the scheduled May Day recess.

Was Saloth Ban Privy to the Workings of the Regime?

Michael Karnavas, co-lawyer for Ieng Sary, began the week by posing additional questions to Saloth Ban regarding Pol Pot's authority to make decisions without consulting others. The witness continued to insist that his uncle followed the principle of collective decision-making and did not make decisions alone. Mr. Karnavas challenged the witness to recall one instance where he personally observed collective decision-making in action, and the witness admitted that he never observed it in practice. The witness wanted it clearly noted, however, that he learned about the principle through study sessions conducted by Pang and Ieng Sary.

Mr. Karnavas reminded the witness that he repeatedly told the Chamber that people had to “mind their own business” during the Khmer Rouge (KR) regime. The counsel asked whether this meant “transparency was actually forbidden.” The witness rejected Mr. Karnavas’ assertion but emphasized that he had to do “his best at work.” This answer prompted Mr. Karnavas to ask whether Pol Pot’s work was transparent to all the people in Democratic Kampuchea (DK). The witness replied that he followed what was taught at the study sessions and he did not know if other people “betrayed” the lessons.

Saloth Ban was next asked how he knew who *Angkar* was, but he responded that he did not have the knowledge to answer the question. Mr. Karnavas reminded him that last week Saloth Ban stated that his uncle was a member of *Angkar* and inquired whether the witness was no longer sure of the statement. The witness answered that at the study session he learned that *Angkar* referred to the “combination of inputs from people of all walks of life.” Next, the witness explained that he was part of *Angkar* because he was part of a group that reported to another group that reported to Ieng Sary, who reported to the upper echelon. He reiterated that he and his uncle were both “needles in the ocean.”

Mr. Karnavas asked the witness to explain what a “needle in the ocean” meant, which caused the witness to launch into an incoherent tirade about the logos on the wall of the Trial Chamber. The Chamber President, Nil Nonn, requested that the witness remain on subject, but Saloth Ban informed him that he would not be able to respond to counsel.

The witness was then asked whether his uncle ever told him a) who *Angkar* was, b) who its members were, or c) how it operated. He responded that he never “chit-chatted” with Pol Pot about this subject.

Moving on, Mr. Karnavas asked the witness if there was a definition of the word “center.” The witness said “center” meant the individuals at the supreme levels, including those people who had authority over a small organization. When asked whether he ever participated in any meetings of the center, he admitted that he never attended any of the meetings. The witness also revealed that he did not know of any documents or study sessions that defined the terms “the center” or the “upper echelon.”

Saloth Ban also testified that Pang came to the Ministry of Foreign Affairs (MFA) from the Central Office. When requested to clarify whether the “Central Office” was the same as the “Center,” the witness provided an incoherent answer. Mr. Karnavas repeated the question, but the witness did not respond.

The witness next denied that Pang had a connection to S-21 or Y-10. He recalled that he knew Pang was free to travel as he liked around Phnom Penh. Saloth Ban was then asked where the security offices were located, but he could not recall.

Mr. Karnavas next inquired where the witness was personally located when he worked for the security apparatus. The witness responded that the situation at the time was “chaotic,” and he recalled that flies used to fly right into his mouth. He then dove into what threatened to be a very long description of his plan to clean up the city. Mr. Karnavas told him that his monologue was

“all fascinating” but asked him to simply answer the question with a “yes” or “no.” The witness asked for the opportunity to explain, but Mr. Karnavas denied the request. The witness then said he did not think there was a security office at the time.

The witness was asked where Chiem stayed when he was working for the security apparatus, and he asserted that Chiem never revealed where the security office was located. Mr. Karnavas asked the witness whether he ever inquired about Chiem’s function within the security apparatus, and Saloth Ban responded he did not because he was under his supervision.

Fear in the Ministry of Foreign Affairs

The witness confirmed that he had testified that Chiem would facilitate the transportation of people Pang identified to be transferred from the Ministry of Foreign Affairs (MFA). The witness also affirmed that Chiem was directly under Pang at the same time he was working at the MFA. Mr. Karnavas asked if this was why Saloth Ban had asked Chiem if his time would come next. The witness explained that he meant he asked this to Chiem out of fear. Mr. Karnavas asked whether it was a joke, and the witness “invited” Mr. Karnavas to “consider” whether he

was serious. He clarified, however, that it was a way to tell Chiem he was “being cautious” without “sounding threatening.” He stated that he could be in danger if he was seen too close to Chiem while Chiem was executing an order from Pang.



Mr. Karnavas then asked Saloth Ban if he “really” thought that his day would come. The witness admitted that he was afraid of this. He also revealed that he thought his family members, including his parents, were in danger. Next, the witness testified that he knew everyone was afraid because the people in the countryside told him they were suffering from starvation and arbitrary arrest and also because the ministries were in chaos.

The witness also asserted that he was afraid that he might get arrested after being implicated by an outsider. The counsel recalled that Saloth Ban had testified that he had a clean biography, was careful in his duties, and was related to Pol Pot. He was then asked why the witness should be worried about being implicated by others. Saloth Ban responded that he “knew for sure” that Pol Pot had “no family affection.” Requesting the witness set aside Pol Pot’s sentimentality, Mr. Karnavas requested Saloth Ban tell the Chamber why he was afraid. The witness, however, repeated his previous response.

Mr. Karnavas asked whether others in the MFA were equally afraid of being implicated. The witness said that other people were “more worried.” Mr. Karnavas reminded the witness that he had previously told the chamber that Ieng Sary was also afraid and asked Saloth Ban how he knew this. Saloth Ban responded that Ieng Sary’s face looked sad because he was worried about the disappearances of his staff.

The witness was then given a copy of his prior testimony made before the Co-Investigating Judges in which he testified that Ieng Sary knew when ministry cadres and staff disappeared but said nothing because he was afraid. In the testimony Saloth Ban had also given the example of Ieng Sary's sister-in-law being found dead, with signs of strangulation, while she was under the supervision of Pang. Mr. Karnavas remarked that he did not see the word "saddened" in the statement; rather he observed the word "afraid." He asked whether the witness stood by his statement that Ieng Sary was "afraid." Before Saloth Ban could respond, however, the President instructed him not to answer the question because it was repetitious.

More Details on the Disappearance of the "Professor of Professors"

Saloth Ban was next asked to recall the "professor of professors" he spoke about last week. The witness remembered that this man was the "most outstanding student in France, clarifying that he vanished under Pang's supervision.

Mr. Karnavas observed that Saloth Ban had testified that he heard of the "professor of professors" from other individuals and was allowed to see Pol Pot about the issue because he had brought good food. Mr. Karnavas added that the witness also testified that while he was visiting his uncle Pol Pot inquired whether there were any "smart intellectuals." The witness was also reminded that his uncle asked him to check whether the "professor of professors" was "that smart." The counsel asked how Saloth Ban intended to make this determination. The witness admitted that he knew this man was smart because people at the MFA spoke highly of him. Mr. Karnavas contended that Pol Pot thought the "professor of professors" could be useful to him, and the witness confirmed that Pol Pot was willing to use him.

Mr. Karnavas asked why the witness chose to talk with Pang about the "professor of professors" rather than look at the man's biography and report back to Pol Pot. The witness responded that it was "the way that they worked," meaning that only Pang had the authority to go to Boeung Trabek.

The witness testified that to the best of his knowledge the "professor of professors" disappeared, but he denied reporting the incident to Pol Pot because the situation was "very complicated." Mr. Karnavas inquired whether Pang was on notice that Pol Pot was considering using the "professor of professors" and did not want any harm to fall upon him. The witness replied that he informed Pang of the situation.

Saloth Ban was then shown his prior testimony before the Co-Investigating Judges, which contained "slight contradictions" to the testimony provided to the Chamber, including a) the witness said he personally met the "professor of professors," b) Pol Pot did not specifically ask him to report on the intellectuals, and c) he reported to his uncle that the "professor of professors" had disappeared from Pang's group. The witness was asked whether he "allowed for the possibility" that things might have been fresher in his mind in 2007 than today. The witness said that after his "reconsideration" he believes he told his uncle about the "professor of professors" after the Vietnamese invaded.

The witness was asked whether Pol Pot would have known that Pang was responsible for the disappearance of the "professor of professors." The witness replied that he did not know what

Pol Pot thought. Mr. Karnavas clarified that the question was whether the witness informed Pol Pot that Pang was responsible for the “professor of professors.” Senior Assistant Co-Prosecutor Vincent de Wilde d’Estmael objected because he believed Mr. Karnavas was confusing the witness by omitting dates from his questions. Mr. Karnavas clarified that he first wanted to assess the witness’s awareness but did not continue with his examination, inquiring instead whether it was a good time for the morning break.

Court Takes Morning Recess

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

Questions Return to Pang

After the morning break, the witness recalled that he spoke to Pang about the “professor of professors” a “fortnight” before Pang disappeared. The witness testified that he did not receive any information about Pang’s disappearance because the MFA was focused on the plan to evacuate before the Vietnamese arrived. He clarified that he knew Pang disappeared because he was no longer seen.

Judge Jean-Marc Lavergne was then given the floor to draw the party’s attention to the fact that the Prosecution had put Pang’s confession before the Chamber, noting that it revealed that the first confession was dated May 28, 1978. He thought this was important to note because the witness repeatedly stated that Pang disappeared right before the Vietnamese arrived, but this testimony appears to be contradicted by evidence before the Chamber.

Mr. Karnavas explained that he had hesitated to use the confessions because a) he thought he could not avail himself to this document and b) did not want to ask leading questions. He mentioned that he hoped there would be more guidance on this issue in the future.

Returning to the witness, the counsel asked whether Pang stopped “coming around” in May 1978. The witness recalled that he had not seen Pang for “some time” before the Vietnamese came. The witness was then asked whether someone else was responsible for bringing people to and from the MFA, but he claimed there was not.

Saloth Ban next testified that Boeung Trabek was under the supervision of Pang before it was transferred to the MFA. He confirmed that he saw Pang “out and about” after the transfer. Mr. Karnavas reminded him that he previously testified that the transfer happened a month before the Vietnamese invaded, but the witness contended that the MFA took charge of Boeung Trabek less than two weeks before the invasion.

The counsel requested Saloth Ban explain how Pang was able to balance all of his duties, which included supervision of a) Office 870, b) security, c) Boeung Trabek, and d) Chrang Chamres. The witness did not answer the question, however. Mr. Karnavas asked whether Saloth Ban

received any documentation from Pang about the running of Boeung Trabek when he assumed responsibility for it, but the witness replied that he did not.

Questions Regarding the Confession of Koy Thuon

In response to questions on the subject of Koy Thuon, the witness testified that he met Koy Thuon in 1967 or 1968, and that prior to 1975 Koy Thuon served as the head of the north zone. He recalled that after the fall of Phnom Penh, Koy Thuon continued to be the chairman of a zone. Mr. Karnavas asked if Koy Thuon was also connected with any ministries. The witness asked for clarification on which ministries the counsel meant, and Mr. Karnavas responded that this was his question. The witness denied knowing anything about Koy Thuon's connections with any ministries, as well as the central office and upper echelon. He did mention, however, that he believed Koy Thuon was part of Angkar. When asked whether Koy Thuon was considered an important person at the time of his arrest, the witness said he did not "analyze anything" because he needed to "remain silent." After the question was repeated, the witness said that he did not think Koy Thuon resembled the person in the confessions. The witness admitted, however, that he never physically saw the confessions; rather they were read to him.

The witness was asked whether he had any particular feelings on the issue at the time. He said he thought his earlier response was specific enough. Mr. Karnavas pushed him to express an emotion, however, and listed several examples of appropriate responses such as "happy" or "sad." The witness said he was "confused" because Koy Thuon was a different person than who was described in the confession.

Mr. Karnavas questioned whether Saloth Ban remembered that last week he indicated, under oath, that he and Ieng Sary became afraid after the confessions were read. The witness responded that he remembers he answered the question but asserted he did not take an oath. Mr. Karnavas then asked him if he stood by the statement. The witness confirmed that he did. The counsel again queried why hearing Koy Thuon's confession scared Saloth Ban. The witness said that he did not think he could answer the question with more detail than he already had.

Mr. Karnavas asked whether Saloth Ban knew how the confession was extracted at the time it was read. The witness said that he did not think about it. The President reminded Mr. Karnavas that he could not ask details about the content of the confession. Mr. Karnavas responded that he "took the point" but clarified he was "only" asking how the confession was taken.

Saloth Ban was then reminded that he testified that Son Sen was put in charge of security. The witness recalled the statement but denied having knowledge of a connection between Son Sen and the arrest of Koy Thuon.

Mr. Karnavas asked whether other confessions were read at the same time as Koy Thuon's. The witness testified that it was only Koy Thuon's confession. When asked to recall what crimes Koy Thuon had confessed to committing, Saloth Ban responded that he "forgot all about it." Mr. Karnavas inquired whether the confession and alleged offences were widely publicized at the time, but the witness again asserted he was not aware. The witness was able to recall, however, that people were urged to reveal their connections to Koy Thuon and were assured there would be no repercussions for sharing information.

The witness was asked whether Koy Thuon confessed to any immoral acts. The President would not allow the witness to answer the question, however, because he interpreted it to be based on the confession.

Moving on, Mr. Karnavas reminded the witness that he mentioned he could not believe the confessions, requesting that he explain why he found the confessions to be unbelievable. The President again disallowed a response because he believed it would rely on a confession extracted by torture. He noted it appeared that Mr. Karnavas was running out of time.

Mr. Karnavas asked the witness whether the discussion of Koy Thuon's confession heightened his anxiety about being implicated. The witness said that he was not afraid after they discussed the "seven-layer mechanism."

At this response, Mr. Karnavas announced that he had finished the examination and thanked the witness on behalf of himself and Ieng Sary.

Court Breaks for Lunch

At this point, the Chamber adjourned for the lunch break. Michiel Pestman, counsel for Nuon Chea, made his usual request that the accused be permitted to waive his right to be present in the courtroom and retire to his holding cell to observe the remainder of the day's proceedings via audio-visual link. He noted that he had the "well-known" waiver in his hands. As per usual, the President granted the request.

Nuon Chea's Defense Team Puts Questions to the Witness

Son Arun, co-lawyer for Nuon Chea, took the floor after the lunch recess. He began by asking Saloth Ban how strict the party's statute was during the time the witness was living with the leaders. The witness responded that he met with Nuon Chea a few times in the northwest zone and that Nuon Chea pressured him to join the party more than his uncle had. The witness recalled they were taught to have solidarity amongst the minorities in order to build their villages, districts, provinces, and nation. Finally, he stated that his answer was that the statute was not strict at the time.

When asked whether he knew Nuon Chea well, Saloth Ban recalled that he met Nuon Chea many times but their "encounters" did not pertain to work. Mr. Son inquired whether Nuon Chea was "a violent" and "hateful" person or "educated" and "gentle." The witness responded that Nuon Chea had "solidarity" and never disappointed him. The witness further stated that Nuon Chea educated people to "love each other" in the interest of the revolution. Mr. Son asked whether Nuon Chea was "cruel"



to others, inquiring specifically whether Nuon Chea ever sent people to prison. The witness denied that he ever heard of Nuon Chea sending anyone to prison.

The witness was asked whether he had ever heard of the Communist Party of Indochina, and he testified that he first learned of it from second-hand books. He could not explain structure of the Communist Party of Kampuchea (CPK). He was then asked whether he knew whether there was a “long-lasting relationship” between the Communist Party of Indochina and the CPK, and the witness confirmed that there was a “brotherhood” that lasted for “thousands” of years.

Mr. Son next asked who replaced Son Sen when he went on missions to the East Zone. The witness responded he did not know. He also denied any knowledge of the S-21 office. He did admit to knowing Kaing Guek Eav, *alias* Duch, but stated that he only knew Duch only after the Vietnamese came into the country.

The counsel asked the witness whether he knew about the work of the Standing Committee or the Central Committee. Mr. de Wilde objected, arguing that the question was already put to the witness several times. The President thanked the Prosecutor and instructed the witness not to answer the question. Mr. Son explained the question was necessary to preserve the flow of his examination and asked permission to pose the question. His request was denied.

Moving on, Mr. Son asked Saloth Ban if the people in the countryside told him why there was a lack of food. The witness responded that some people said the food allowance policy was not followed and others said that the rice had been burnt. The witness contended that his own parents did not receive what Angkar intended them to have, such as rice and dessert. Mr. Son pressed harder on the reason for the lack of rice. The witness responded, “Angkar was being overcooked,” explaining that he meant “overcooked” as “destroy” or take “vengeance against” Angkar.

Saloth Ban was asked to explain whether the evacuation from Phnom Penh was planned. The witness said he already answered this question, asserting that it would be “confusing” if he answered it again. The President required the witness to answer the question, however, and Saloth Ban testified that soldiers told him that Phnom Penh was evacuated because there were many “American imperialist spies,” mostly women, who were trying to take over. He further testified that America had a “defeat plan,” which he later learned that was to “bombard” Phnom Penh.

When asked about the policy of the CPK toward minorities, such as the Chams and the Chinese, the witness responded that he learned through study sessions that the minorities had to unite and fight the “American imperialists.” He then declared that the Chams were not mistreated.

Mr. Son reminded the witness that he often admitted to “speculating,” and asked the witness if he only “knew his own business.” The witness responded that this was correct, emphasizing that Ieng Sary told him to “mind his own business.”

The witness was next asked to describe the situation when King Sihanouk’s regime was toppled. The witness stated that the country was in a very difficult situation because the people were

“empty-handed.” He noted that in 1975 the country won due to “their sweat,” recalling that the people had to use horses and bicycles to send messages. He referred to this as the “attacking the giant” policy.

The witness was asked whether he was “on the run” with Pol Pot when the Vietnamese invaded. He responded that he was asked to ensure that about a thousand people were put out of harm’s way. When asked if he ever met his uncle while he was evacuating people, the witness responded he met Pol Pot a year after the ordeal.

The witness was then asked if he was informed when Pol Pot got sick. The witness recalled that before Pol Pot died he gathered everyone but told Saloth Ban only to come if he was specifically called. The witness testified that after that he saw his uncle “only during visits to his grave.”

For his final question, Mr. Son inquired how the witness knew that Pol Pot was in charge of politics and Nuon Chea was responsible for appointments. Saloth Ban stated that he learned of it through Pang. The witness could not clarify what Nuon Chea’s exact role was, however.

Mr. Son then turned the floor over to his co-counsel, Michiel Pestman.

Mr. Pestman Takes a Turn at Clarifying Elusive “Case 000”

Mr. Pestman began his portion of the examination by asking the witness to respond finally to a question posed to him last week by Mr. Karnavas regarding who should be the accused in “Case 000.” According to the witness, during his “meditation” the “iron fist” told him that “Case 000” should be considered and not forgotten. The witness testified that he asked himself what digits come before 001, telling himself that 000 come first. He also asked to “emphasize” that the Khmer Rouge, like him, never wanted to “hide in the difficulty” or “go into war.” Further, he stressed that he did not “implicate” the Vietnamese or the Americas because the Penal Code says that anyone who does something contradictory to it should be punished. He concluded by stating that those who created the “land, wind, and fire” were the “masterminds.” After this confusing response, the President advised the counsel to frame his questions in a way relevant to the facts.

Mr. Pestman Attempts to Learn More about Kiet Chhun

Moving on, Mr. Pestman showed the witness an official press release issued after Norodom Sihanouk left Vietnam in 1972. He began by asking the witness if he was familiar with the visit, and the witness said he did not know “anything” about it. Mr. Pestman informed him that one of the people reported to be on the mission was Kiet Chhun. The witness responded again that he did not know anything about this visit.

The President reminded Mr. Pestman that he would have objected to his own line of questioning because he had failed to establish that the witness was familiar with the document. Mr. Pestman informed the President that he had no more questions about the document, suggesting it be removed from the screen.



Mr. Pestman reminded the witness that he previously testified that Kiet Chhun had been implicated by “several documents.” The witness said that he did not remember this testimony. Mr. Pestman asked him why the MFA came to a halt because Kiet Chhun was removed. The witness said that he was not aware of the reasons.

Mr. Pestman informed the witness that there was an official statement issued by the MFA cutting off ties with Vietnam. The witness recalled the statement but could not remember its author. Mr. Pestman reminded the witness that the investigators working for the Co-Investigating Judges already posed this question to him, and Saloth Ban had told them that Kiet Chhun might have written that statement. The witness asked to clarify that he only knew that Kiet Chhun wrote speeches, not that he wrote this particular statement.

The witness was shown another document – a 1975 handwritten note from Norodom Sihanouk to the Secretary General of the United Nations in New York. The witness was asked whether he had seen the document before, and he responded that it was “completely new” to him. The President instructed that the document be removed from the screen.

Questions Arise on the Impeachment Process

Judge Silvia Cartwright then whispered something to the President, causing the President to inquire whether the document was admitted before the Chamber. Mr. Pestman responded, with a relaxed air, “Not that I am aware of.” The President reprimanded him for “using” a document that was not placed before the Chamber. But Mr. Pestman explained that the document had been put in the interface and was intended to be used only for impeachment. He expressed his confusion over the policy for using documents to impeach a witness.

The President informed Mr. Pestman that the document just shown was not put before the Chamber, commenting that he was “doubtful” about “what was meant to only impeach the witness.” At this point, the Chamber adjourned for a twenty-minute break.

Upon returning from break, the President announced that the Chamber officially ruled that the document could not be put before the witness because it was not listed in the proposed list of documents prepared by the parties. Judge Lavergne clarified that the problem was that the document had never been proposed to the Chamber.

Mr. Pestman acknowledged that the explanation was clear but asserted that these were new instructions. He added that he was not trying to add new evidence – he was just trying to impeach the witness. He was concerned that the word “impeach” was not being translated correctly and specified that it meant he was testing the credibility of the witness. He then

mentioned that he would file a motion, likely in cooperation with the other parties, to request an oral hearing on the issue.

Mr. Pestman returned to questioning the witness, asking him whether he recognized the handwriting on the document that was just shown to him. Mr. de Wilde quickly objected, asserting that Mr. Pestman was flaunting the Chamber's ruling by using a document he was told he could not use. The President disallowed the questions and asked Mr. Pestman how much time he needed to finish his examination. Mr. Pestman responded that it would depend on the number of interruptions. The President curtly asked in reply, "Caused by you or caused by other parties?"

Return to Questions about Kiet Chhun

Moving on, Mr. Pestman asked Saloth Ban if he knew that Kiet Chhun went with Norodom Sihanouk to meet with the Secretary General of the United Nations in New York in 1975. The President told the witness not to respond because the question was irrelevant. Mr. Pestman asked for a clarification on the ruling, but the President refused. The President did, however, tell Mr. Pestman, with great hostility, that if he had no further questions they would give the floor to other parties. Mr. Pestman informed that President that more questions remained.

The counsel next asked whether Kiet Chhun was tasked with taking notes at important meetings. Saloth Ban said he already testified that Kiet Chhun was tasked with taking notes, but he did not know whether they were important.

Mr. Pestman then inquired whether he could show the witness a document, but the President required that it be shown to him first to make sure it was relevant and the correct procedures were being followed. Mr. Pestman said this was "disconcerting" because it was one of the witness's prior statements that was repeatedly put before him by the Prosecution. With this further explanation, the President allowed him to proceed.

After the document was projected, Saloth Ban promptly denied having ever seen the document before. Mr. Pestman reminded him that the investigators showed it to him in 2007 and that the investigators had written nine comments, given by him, on the left hand side of the organogram. He aggressively asked, "Are you sure that it doesn't ring a bell?" The witness continued to insist that he had never seen it but admitted that his signature was on the document. Mr. Pestman informed the Chamber that he presumed he could continue because the witness was able to recognize his own handwriting. He then invited the witness to look at the document and tell the Chamber where Kiet Chhun was put in the organogram. The witness refused to answer the question, again asserting that he had not seen the document before.

Mr. Pestman decided to move forward and asked about a man who is listed twice on the diagram, once as the ambassador to Cuba for the Royal Government of National Union of Kampuchea (GRUNK) and once as the head of B-32.

Pich Ang, Civil Parties lead co-lawyer, interrupted to ask the President whether the witness established that he had seen the document. The President explained to him that although the witness claims he had never seen it, there was credible evidence that he had in fact been shown the document earlier.

Mr. de Wilde expressed his concern that the question was confusing because it implied that the witness himself drafted the chart. The President agreed with him and requested that Mr. Pestman be clearer with the question. The witness asserted that he did not write the organogram.

Moving on, Mr. Pestman asked if Hor Nam Hong, the person who was listed as the ambassador to Cuba, had been transferred to B-32. The witness responded that Hor Nam Hong spent time at Boeung Trabek. The counsel inquired whether Boeung Trabek was the same as B-32, but the witness denied knowing what B-32 was.

When asked whether all inmates were given a house near Independence Monument, the witness responded that some were placed in villas, others were taught to work at the MFA, and others were prepared to teach children at the Soviet school. Mr. Pestman asked why Hor Nam Hong was given this preferential treatment, but he did not receive a response.

Mr. Pestman Prevented from Asking about Political Interference

Mr. Pestman next inquired whether the witness was still in touch with Hor Nam Hong, but the witness said he was not. He then asked whether Saloth Ban was still in touch with Kiet Chhun, but the witness denied this as well. Mr. Pestman questioned whether the witness was afraid of these two men, but the witness responded that he was not. When the counsel inquired whether both men had been called to testify, the President informed the witness that he was not required to answer the question. Mr. Pestman asked for clarification on the ruling, and the President stated that the witness could not attest to the reason why people were put in the case file. Mr. Pestman reminded the President that they had repeatedly taken the position that political interference was important, asserting that the witness might be able to shed some light on why these “important” witnesses were refusing to testify. The President again declared that the witness did not have to answer the question.

In what appeared to be disregard for the Chamber’s instructions, Mr. Pestman proceeded to ask the witness a series of questions regarding Hor Nam Hong and Kiet Chhun and alleged government interference in their purported refusal to testify at the ECCC. For every question, President Nil instructed the witness not to answer because the question did not pertain to the facts.

In the midst of this exchange, the floor was given to Mr. Pich, who informed the President that the floor should be handed over to the next party if Mr. Pestman did not have any more questions. After telling the witness not to answer the last question (pertaining to the alleged role of the Prime Minister in the men’s purported refusal to testify), the President advised Mr. Pestman to “use his time more efficiently.”

Apparently ignoring the President’s advice, Mr. Pestman again asked whether Hor Nam Hong and Kiet Chhun are willing to testify in this court. President Nil again told the witness he did not have to answer this question. Mr. Pestman finally announced he had no further questions.

Khieu Samphan's Defense Counsel Takes the Floor

Kong Sam Onn, co-lawyer for the Khieu Samphan defense, began his examination by asking the witness to identify Pol Pot's two bodyguards prior to 1975. The witness named the bodyguards and the cooks. Saloth Ban mentioned that there were more bodyguards but they all died.

Mr. Kong then asked how often the mobile office moved, and the witness said two or three times, with the last move occurring in 1973 or 1974. The witness was asked why the last location was considered to be the base, and he responded that it was the easiest place from which to call people to a meeting.

The counsel reminded the witness that he previously testified that the mobile office was located in a jungle. Saloth Ban explained that the office was in the jungle so they could keep it secret. He also noted that in the jungle they could not travel freely, and sometimes they were required to erase their footprints.

Saloth Ban was next asked to testify about the situation in the place he called "headquarters" and was allowed approximately ten minutes to describe the office set-up, which included a series of huts, without walls, to house visitors.

The President eventually interrupted the testimony, reprimanding Mr. Kong for not using his time efficiently. He then asked whether the defense counsel could finish his examination that day if the court adjourned half an hour beyond its usual time. Mr. Kong informed the President that it was not possible for him to finish within the half-hour.

The Chamber then adjourned for the day and noted that the examination of the witness would resume on Wednesday, May 2, 2012, due to the International Labor Day holiday on May 1.

