



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC - REDACTED VERSION
Case File N° 002/19-09-2007-ECCC/TC

1 August 2012
Trial Day 88

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

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IENG Sary
KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. LIM BUNHENG	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ROCHOEM TON (TCW-564)	Khmer
MS. SIMONNEAU-FORT	French
MR. VERCKEN	French

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1 P R O C E E D I N G S

2 (Court opens at 0902H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Ms. Se Kolvuthy, could you report the attendance of the parties
6 and individuals to the proceeding?

7 THE GREFFIER:

8 Mr. President, all parties to the proceeding are present except
9 the accused Ieng Sary, who is present in the holding cell
10 downstairs. He requests to waive his presence in today's
11 proceeding through his counsel. The request is for the whole day.
12 The letter of waiver has been submitted to the Greffier.

13 As for the witness, after the conclusion of the current witness,
14 there is TCW-694. He's waiting in the waiting to be called by the
15 Chamber. To his best knowledge and ability, he has no
16 relationship by blood or marriage to any of the parties or the
17 civil parties to the proceeding. This witness already took an
18 oath this morning.

19 The next witness will be accompanied by the duty counsel Mam
20 Sothea (sic).

21 Thank you.

22 [09.04.17]

23 MR. PRESIDENT:

24 Good morning, Mr. Rochoem Ton. There will be questions again put
25 to you by Ieng Sary's defense team and then by Khieu Samphan's

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1 defense team.

2 The Chamber has observed that during the first few days you have
3 tried your best to provide your testimony, but we also observed
4 that lately there has been some issues in regards to your
5 testimony. So please be reminded that you shall listen carefully
6 to the question and try only to respond -- or limit your response
7 to the question put to you so that we can save time and that you
8 can also compose and control your emotion.

9 The floor is now given to -- however, before we give the floor to
10 Ieng Sary's defense team to put question to this witness, the
11 Chamber will now decide the request by Mr. Ieng Sary.

12 The Chamber has received a request by Ieng Sary dated 1st August
13 2012 through his counsel to waive his direct presence in the
14 courtroom, and instead to follow the proceeding through audio
15 visual means for the entire day.

16 [09.06.17]

17 Chhea Kuntheavy, the treating doctor of the Accused at the
18 detention facility, has examined him this morning and finds that
19 he's fatigued and that he cannot sit for long and recommends that
20 he shall be authorized by the Chamber to follow the proceeding
21 though audio-visual means in the holding cell downstairs.

22 And as Mr. Ieng Sary request to waive his direct presence in the
23 proceeding today, instead to follow it from the holding cell
24 downstairs through audio-visual means and that he's capable of
25 communicating with his counsel, the Chamber therefore agrees to

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1 the request by Ieng Sary to waive his direct presence and
2 authorize him to follow it through the holding cell downstairs
3 via audio-visual means for the entire day proceeding.
4 AV booth, you're instructed to link the proceeding to the holding
5 cell downstairs for him to follow for the entire day.
6 The floor is now given to Ieng Sary's defense to continue posing
7 question to this witness. You may proceed.

8 [09.07.48]

9 QUESTIONING BY MR. KARNAVAS RESUMES:

10 Good morning, Mr. President. Good morning, Your Honours. And good
11 morning to everyone in and around the courtroom. And good
12 morning, sir.

13 Q. Let me begin by referring you to your second statement of 21st
14 September 2008. That is E3/63. And I just want to cover a
15 preliminary matter. It would appear from the first page, which is
16 Khmer 00228843, English 00231408, and French 00376053 that this
17 interview was -- began at 9.00 a.m. Now, if we go to the very
18 last page - Khmer, 00228846; English, 00231412; French, 00376057.
19 It says here that the interview ended at 11 hours in the evening
20 on the same date. So by my calculation, that would approximately
21 14 hours.

22 And my question to you, sir, is: Do you recall how long the
23 interview took place, because from this entire interview we only
24 have a 14-minute tape of the entire interview?

25 [09.10.01]

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1 MR. ROCHOEM TON:

2 A. As I recall, the interview was conducted in the morning and it
3 also continued in the afternoon.

4 Q. All right. And could you please tell us how is it that we only
5 have a 14-minute tape of the interview when you indicate that it
6 took the entire day, if you know?

7 MR. PRESIDENT:

8 Witness, please wait until the Chamber hears the objection by the
9 Prosecution.

10 The Prosecution, you may proceed.

11 MR. LYSAK:

12 Mr. President, we would object. This question is calling for
13 speculation from this witness. He's not in a position to know the
14 details of what was put on the case file by the Investigating
15 Judges. He's already told -- given his best recollection of the
16 length of the interview. I don't know how he can respond to a
17 question about what was put on the case file.

18 [09.11.14]

19 BY MR. KARNAVAS:

20 I'll ask him preliminary questions, Mr. President, just to move
21 on.

22 Q. According to Mike Dixon, who was the investigator that
23 conducted this interview along with his Cambodian counterpart,
24 the entire interview was tape recorded. Could you please tell us
25 what was done -- what did you do along with the investigators for

5

1 that entire day that is not covered on the 14 minute tape? And
2 please don't speculate; tell us exactly what you remember doing
3 with the investigators, that is.

4 MR. ROCHOEM TON:

5 A. They posed questions to me, and I responded and probably they
6 also had the audio recording at the time.

7 [09.12.40]

8 Q. All right. Well, according to D107/5, which is the report of
9 the execution of the rogatory letter signed by Mike Dixon and
10 Svay Samnang, it says that the interview was audio recorded and a
11 statement was taken. The audio recording which is ready to be
12 played is approximately 14 minutes long. Prior to the audio
13 recording, since it appears now from your testimony that you
14 spoke with the investigators for the entire day, could you please
15 tell us what exactly was done during that day?

16 For instance, did they show you documents? Did they prepare
17 something in writing for you then to read? What exactly was done?
18 What was discussed? Because we have approximately 13 hours and 46
19 minutes missing from this interview.

20 MR. PRESIDENT:

21 Witness, wait.

22 The Prosecution, you may proceed.

23 MR. LYSAK:

24 Yes, Mr. President. The objection is simply that Mr. Karnavas is
25 misstating the witness's response. He indicated to the best of

6

1 his recollection that the interview continued in the afternoon;
2 he did not say it went the whole day.

3 [09.14.20]

4 Certainly, based on the English and Khmer version of this, the --
5 it is highly likely that the interview did not continue until
6 11.00 in the evening. The Khmer version does not say 11.00 in the
7 evening; that's likely a mistake or typo of some sort. But more
8 to the point, the witness did not say -- has not said that he was
9 interviewed the whole day until 11.00 in the evening.

10 So Mr. Karnavas should not represent that as part of his
11 question.

12 BY MR. KARNAVAS:

13 If I may briefly respond, this is the written record of interview
14 of witness -- the summary -- which was prepared by the Office of
15 the Co-Investigative Judges, Mike Dixon and Svay Samnang. This is
16 what the gentleman purportedly signed at the conclusion. He's
17 told us that it was the entire day. I cannot assume that Mike
18 Dixon would have lied in his record of interview and put
19 something that wasn't there. So I'm simply asking the witness to
20 fill us in on the gaps.

21 [09.15.34]

22 What happened prior to the tape recording of the 14-minute
23 interview that we have? If he recalls, fine. If he doesn't
24 recall, that's fine too.

25 MR. ROECHOEM TON:

7

1 A. I cannot recall all the details.

2 Q. All right. Well, you were asked some details that happened 37
3 years ago. This interview occurred approximately four years ago.
4 Can you provide us some details? Certainly, you don't have a
5 short-term problem -- memory problem, but a vivid long-term
6 memory. Certainly, you must remember some details.

7 [09.16.59]

8 A. When you refer to the long-term memory, that's one person, but
9 yesterday I did not feel that well, and I did not have a good
10 sleep so my mind was not a hundred percent good. When it comes to
11 the interview, whatever stated in the -- that interview, I would
12 agree to that, but as you asked me yesterday and today, yes I did
13 meet these two investigators, one foreigner and one Cambodian,
14 and I did provide my thumbprint on the record of interview.
15 Before the started -- before the start of the audio recording, I
16 was asked some questions, but I could not recall all those
17 questions that I were asked.

18 Q. All right. And did that questioning take the entire day,
19 because we only have 14 minutes of what would appear to be an
20 entire day of interviewing? So how long did that questioning take
21 place before you and the investigators went on tape to tape
22 record your interview?

23 A. As I stated, I cannot recall the detailed event. There is
24 simply a gap that I cannot recall.

25 Q. All right. Do you recall whether documents were shown to you

8

1 to refresh your memory so that when you went on tape you could
2 have an instant recall?

3 A. It may be that is the way.

4 [09.19.48]

5 Q. And when listening to the tape -- and we can listen to it if
6 you wish -- it would appear, at least to my Cambodian colleagues
7 that you are reading the answers that you are providing. Do you
8 recall whether the statement was actually written out for you for
9 then to read into the tape recording?

10 A. If it is possible you can play the audio so I can hear it.

11 Because I do not know what's on the recording so I cannot provide
12 you the details of what happened.

13 MR. KARNAVAS:

14 Okay. Thank you.

15 Mr. President, with your permission, we do have it all queued up.

16 I'm told to ask to play number 1. I've never done this before,
17 but I -- this is what I'm told to ask to play number one, which
18 is the second interview of the gentleman. Perhaps he can listen
19 to part or all of it and that might assist him to recollect how
20 the interview took place four years ago.

21 (Judges deliberate)

22 [09.23.10]

23 MR. PRESIDENT:

24 Counsel Michael Karnavas, could you provide the detail regarding
25 the audio portion you intend to play in this courtroom so that it

1 can become a proper record for the transcript and the Chamber can
2 instruct the AV booth to display that portion?

3 And, secondly, could you first tell the counsel -- tell the
4 Chamber regarding that audio portion of the interview with the
5 witness and to compare it with the summary of the written record
6 of interview, what were the discrepancies in these instance?

7 MR. KARNAVAS:

8 Thank you, Mr. President. We would ask that the entire interview
9 be played. It's D107/3R. It's queued up as to play number 1. It's
10 a short interview. This would allow the gentleman to hear his own
11 words.

12 I believe also the Cambodian Judges were -- would be able to tell
13 whether this is spoken or actually written.

14 [09.24.47]

15 When you look at what was transcribed and you look at the
16 summary, it is virtually verbatim. When you look at the first
17 statement, for instance, we have close to a hundred pages of the
18 interview that was transcribed with a ten page or an eight page
19 summary. On this particular summary, of the second interview, we
20 have five pages, but if you take out the heading it's about four
21 pages long, which is exactly about 14 minutes.

22 So, based on us arguing our due diligence, first we listen to the
23 tape, as we normally do with all the statements. It was
24 highlighted to us -- to me, at least -- by my colleagues that it
25 appeared that it is written as opposed to spoken, because some of

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1 the language used comes out that way, and the way it's being --
2 the gentleman is speaking. And also, when we put in for the
3 transcription and then compared it to the actual summary,
4 miraculously the summary dovetails the transcription which we
5 just got.

6 [09.26.14]

7 And so, based on all of this, we made our application early on,
8 as you recall, before the witness came into Court, when we
9 thought an irregularity occurred. The gentleman now has indicated
10 that the interview took place the entire day and that he spoke to
11 them, perhaps they showed him some documents, he doesn't recall
12 exactly, and he's unsure whether he actually read his statement
13 that was prepared for him, which is why he is now asking to hear
14 it.

15 So it's 14 minutes, and we would request that the entire portion
16 be played.

17 MR. PRESIDENT:

18 The Prosecution, you may proceed.

19 MR. LYSAK:

20 Mr. President, we would have no objection to playing the audio.

21 We think, given the assertions being made by counsel, it would be
22 worthwhile to hear the 14-minute tape. I don't think -- he's
23 made, on a number of occasions, assertions based on comments of
24 his national counsel. I don't think that's appropriate for
25 lawyers to evaluate listening to a tape whether a witness is

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1 reading or something, so that certainly is not evidence.

2 [09.27.39]

3 So we should listen to the tape, and I -- again, I would ask that
4 counsel cease misrepresenting the witness's statement. He
5 continues to say the interview lasted the entire day when that is
6 not what the witness said. He misrepresents the timing. The Khmer
7 original of this does not say 11 p.m., yet he continues to
8 represent that to the Court.

9 But given his assertions, I think it's appropriate for us to
10 listen to the 14-minute tape.

11 (Judges deliberate)

12 [09.29.47]

13 MR. PRESIDENT:

14 Judge Cartwright, you may proceed.

15 JUDGE CARTWRIGHT:

16 Mr. Karnavas, the Trial Chamber has a practical problem in
17 relation to the submission or the request that you are making.
18 You suggest that it's due to the information you have received
19 from your national colleagues that this matter was highlighted
20 for you, therefore it is to do with the tone or the manner in
21 which the answers are given that makes you suggest that there has
22 been some unclarity about the way in which the statement has been
23 given.

24 Two of the Judges on the Bench would not be able to understand
25 this from the Khmer. Do you suggest that we would be able to pick

12

1 this up from the English or the French? How do you expect us to
2 deal with this assertion that you are making?

3 [09.31.08]

4 MR. KARNAVAS:

5 Well, I'm making an offer of proof as opposed to an assertion,
6 and I think that's where I take exception to the Prosecution's
7 characterization of what I'm attempting to do, because I'm
8 answering a question.

9 Obviously, I'm at the same disadvantage as the two international
10 judges, but if I may direct the Trial Chamber's attention to what
11 the gentleman indicated. I asked him, and he suggested that if he
12 listened to the tape perhaps that might assist him. That's why I
13 made the suggestion. I did not come in here today with the
14 expectation of playing the tape, although I had it ready and
15 queued up, but the gentleman indicated that it might assist him
16 in recollect -- because he is, as far as I understand today,
17 saying that it is a possibility that he read his answers and his
18 answers were tape recorded. That's my understanding of what he
19 has stated, and if I'm misstating, I can ask him again.

20 [09.32.15]

21 JUDGE CARTWRIGHT:

22 Yes, the Chamber has noted that issue, Mr. Karnavas -- that it
23 was the witness himself who proposed this -- but we are still
24 left with the same end result. Some of the Judges are unable to
25 evaluate the suggestions that you have made and will not be able

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1 to do that independently of our colleagues.

2 If there were discrepancies between the tape -- the audio record
3 and the statement that would be a different matter, but it's a
4 waste of time, really, to listen to it in French and English,
5 because we cannot evaluate the suggestions that you are making.
6 Insofar as the witness thinks it might be useful to refresh his
7 memory, so be it, but I don't think we can take it any further
8 than that, but I think we'll need a little more time to discuss
9 this matter before we finally decide. Thank you.

10 [09.33.27]

11 MR. KARNAVAS:

12 Very well. I can ask one or two more questions, because I saw one
13 of the Judges shaking their head, perhaps as an indicator that I
14 was misrepresenting what the witness had said. And so perhaps I
15 can ask the witness again a couple of questions and then we can
16 take this up at some other point. After the recess -- during the
17 recess, you can discuss this issue. I'm willing to move on, but I
18 want to make sure to be fair to the gentleman.

19 Does he recall whether answers were written out for him to read
20 into the tape recording? If he doesn't recall, that's fine, but I
21 would like to get an answer from the gentleman.

22 [09.34.39]

23 MR. ROCHOEM TON:

24 A. The questions in 2008 session started at 9 a.m. to 11 a.m., so
25 it was two hours, and I acknowledge this. At that time, questions

14

1 were posed to me and read out and that the recording was kept.

2 MR. KARNAVAS:

3 I'll move on, Mr. President.

4 [09.35.23]

5 MR. PRESIDENT:

6 You may proceed, but please be more precise on the date. The
7 witness already indicated that the testimony on the second phase
8 started at 9 a.m. and concluded at 11 a.m., not all the way to 11
9 p.m. -- or afternoon. So this could be mistaken for another
10 document, E3/24, which -- but the document before us here is more
11 about E3/63, which -- in which the interview lasted for two hours
12 only. And this may indeed lead to the confusion.

13 So could counsel be advised to be mindful and also be precise to
14 the relevant document to avoid this misleading?

15 [09.36.29]

16 MR. KARNAVAS:

17 Thank you, Mr. President, but I do wish to comment. I'm not
18 trying to mislead the witness. The document I have in English
19 says 11.00 in the evening. Somebody put it there. This is from
20 the Office of the Co-Investigative Judges. The gentlemen did say
21 earlier that it took the better part of the day. Now he's
22 changing his story. What happened in between I don't know, but to
23 me it seems that -- I'm going by exactly by what I have. I'm not
24 trying to mislead the gentlemen. I have indicated what the number
25 is. And I do take exception to the insinuation that somehow I'm

15

1 trying to mislead the witness.

2 MR. PRESIDENT:

3 Indeed, we have the Khmer documents which states clearly that the
4 interview conducted at 9 a.m. and concluded at 11 a.m.

5 [09.37.30]

6 E3/63 -- the interview that conducted in Doung village, Malai
7 district, Banteay Meanchey province. And this interview concluded
8 at 11 o'clock on the same date. Is it because of the translation
9 problem or because of other? Could you please have it verified?

10 We really rely on the Khmer documents of the interview.

11 Greffier, could you please provide the English version of the
12 document to me so I can have them all verified? The reason I
13 really emphasize on this because we were afraid there could of
14 some misunderstanding.

15 [09.38.17]

16 There was another interview that is stated in the document that
17 lasted until the evening, but not this one.

18 National Counsel for Mr. Khieu Samphan, you may now proceed.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I may need to help clarify this.

21 Witness indicated that the interview started at nine a.m. but the
22 interview concluded at 11 o'clock, which -- which does not
23 emphasize whether it 11 p.m. or 11 a.m. Thank you.

24 This is perhaps the culprit of this kind of misleading problem.

25 MR. KARNAVAS:

16

1 Thank you. And -- which is why I try to be fair to the gentlemen
2 to ask him initially how long the interview took place. And
3 initially he said it went into the afternoon, so--

4 [09.39.37]

5 So as to not waste any more time on this, I would like to go onto
6 my next series of questions. With your permission, Mr. President,
7 I would like to continue.

8 MR. PRESIDENT:

9 You may proceed.

10 BY MR. KARNAVAS

11 Q. Okay, sir. Now let's go back to when you joined the
12 revolution. And it might be useful if you put the document down
13 because I will not be referring to the document.

14 You've indicated to us that you have -- that you speak Khmer
15 although you're not fluent in it, and so I would like to ask you
16 some questions about your education. Could you please tell us how
17 many years of formal education do you have?

18 MR. ROCHOEM TON:

19 A. You were asking me how many years of formal education I had. I
20 don't know how to respond to this question because I don't
21 understand the question.

22 [09.41.12]

23 Q. All right. Did you go to school when you were a boy?

24 A. I did not go to school. In my village I did not go to school.
25 I only learned when I joined the revolution.

17

1 Q. All right, so when you joined the revolution back in 1963, I
2 believe you said, and correct me if I'm wrong, you were
3 approximately 16 years old. Is that correct?

4 A. Yes it is. In 1963 I was 16 or 17 years old and I was still
5 with my parents. The meetings started in the jungle and I started
6 to ferry letters from one village to another.

7 Q. And those meetings, in what language were they being carried
8 out?

9 A. The meetings were carried out in Jarai language.

10 Q. Now, based on your earlier answers, is it fair to say that you
11 began learning Khmer on or about 1963?

12 [09.43.05]

13 A. I started to learn Khmer from 1963 but I did not go to a
14 proper school. At that time my in-law, who had a base -- and in
15 the evenings he would write something for me to read.

16 Q Okay. So, just to be clear, at that point when you were
17 learning Khmer, could you at least speak it or did you have to
18 learn how to speak, how to read, and how to write?

19 A. In 1963 and prior to 1963, in '61 and '62 -- at first we
20 learned Jarai letters. The letters that are more like the French
21 alphabet and then we learned Laos letters.

22 [09.44.50]

23 And in 1963 my in-law whom I said had a base, he did not go to
24 school but he learned on the job, in the movement, when he led
25 the movement -- because he was taught some Khmer, so he just

1 imparted the lesson he learned on the job to me like that. It not
2 a systematic formal education

3 Q. All right. So, in 1967 or '68, how good was your Khmer by that
4 point, considering the way you were learning it?

5 A. In 1966, I left my home. It was in August 1968. In 1967, a
6 year before that, I stayed with another cadre in another village
7 where I was taught to listen to Khmer conversation, like eating,
8 going places, knowing the directions, only the terms like that.
9 So I picked up -- I memorized these terms. At that time I could
10 listen to some Khmer words spoken by Bong Lan (phonetic). My
11 Khmer was 30 per cent at that time, and it was good enough for me
12 to perform my work, to carry the letters to the target locations.
13 It was difficult -- the road was difficult, but I could still
14 manage to go about comfortably. And I later on was noted by the
15 brother that I could do my work.

16 Q. All right. Let me go back to my question: By 1967 or '68,
17 could you read or write Khmer? You tell us that you knew some
18 words -- directions and asking for things. But could you read and
19 could you write?

20 A. At that time I couldn't write properly, but at that time, when
21 I was taught, they taught based on the documents; they was
22 teaching about the people's war, the guerrilla's war. I had to
23 memorize the documents. The documents were handed out to me, and
24 I had to read and memorize things -- the terms "American
25 imperialist", the "struggle movement" or "resistance movement".

19

1 These terms were well picked by me.

2 And when -- I remember very clearly when Om Ieng Sary came to
3 teach us--

4 Q. Let me - let me stop you here. My question is: Could you read?

5 It's a yes or it's a no. Could you read Khmer at that time?

6 MR. PRESIDENT:

7 International Co-Prosecutor, you may now proceed.

8 MR. LYSAK:

9 I would object. The witness did answer his question and explained
10 exactly what he was able to do in terms of reading materials and
11 writing.

12 [09.50.03]

13 And I would add that councils tone is inappropriate he is being
14 argumentative and badgering the witness and, in addition to --
15 asking him a question that he already just answered.

16 MR. KARNAVAS:

17 Mr. President, first, the gentlemen indicated that he was
18 learning words -- directions. So he's memorizing words so he
19 knows what is left, what is right, what is forward, what is
20 backwards.

21 The next question was: Could he read? Now, from his previous
22 answer it appeared he wasn't learning how to read, which is why I
23 asked him. And I'm interested in knowing whether he could read at
24 the time. And it's a simple answer; it's a yes or it's a no.

25 Could he read? And to what extent?

20

1 [09.50.55]

2 MR. ROCHOEM TON:

3 A. As indicated, I could read some texts and I could take notes
4 because I had learned letters. I was in grade 7 in Laos language.
5 So, when I started learning Khmer, the education I obtained in
6 learning Laos language could help me learn the Khmer language,
7 and I could read.

8 Q. All right.

9 [09.51.36]

10 Now, So Hong, in his interview -- and I'm referring to E3/417,
11 Khmer page 00399186, English 00404288, French 00434725 -- states
12 the following, that "this document mentions Comrade Cheam, who
13 was an ethnic minority but could not speak Khmer very well". Is
14 that a fair characterization of your Khmer-speaking capabilities,
15 sir?

16 A. Yes.

17 Q. Thank you. And during the period from '67 to '68 to, say, 1975
18 -- can you please explain to us how much time, during the day or
19 during the week or during the month, you devoted to improving
20 your reading and writing skills in Khmer, if you spent any time
21 at all?

22 A. I really have high devotion. I learned to read, to speak. And
23 in the community, the majority of us -- or in the movement, the
24 majority of us were ethnic minority people. 80 of them mainly --
25 many of whom were Jarai ethnic people, except the senior

21

1 brothers.

2 [09.54.12]

3 And we were very committed to speaking Khmer, not communicating
4 with other in our Jarai language, and we were really determined
5 to this.

6 Q. All right. Thank you.

7 Now, let's talk about the period when you were working as a
8 guard, or security, in Rattanakiri. Can you please tell us who
9 your superior was? Who was giving you orders?

10 A. There were some Khmer brothers -- including Bong Pang, and
11 Bong Yem, Bong Soy (phonetic), Bong Yan (phonetic) -- who gave me
12 orders, and the -- my immediate superior was Bong Pang.

13 Q. And during that period, was So Hong working along with you,
14 doing more or less the same things as you were doing?

15 A. Bong So Hong did not work with me that -- at that time; he
16 only came to the "Dragon Tails" location along with Bong Koy
17 Thuon. It was not until the September of 1970 when we met.

18 [09.56.30]

19 Q. All right. But when he did come in 1970, did he also work
20 along with you in security or guarding under the supervision and
21 direction of Pang?

22 A. I went from the "Dragon Tail" location with Bong Pang, not So
23 Hong.

24 Q. So are you telling us here today that So Hong was not with you
25 then at that time, that you never worked with -- as security or

1 guard -- with So Hong under the direction of Pang? I just want to
2 make sure we have a clear picture here.

3 A. Indeed, Bong So Hong was under the supervision of Bong Pang.

4 Q. And during that period, was he working along with you or was
5 he in a different location but still under Pang's supervision --
6 which of the two?

7 A. From the time we met in the jungle between Mondolkiri and
8 Kratie and -- until at S-71, we had remained together, working
9 together. We were under Pang's supervision, working together
10 until the date when Phnom Penh was liberated.

11 [09.59.02]

12 Q. All right. Okay. Because I'm looking at his testimony -- and
13 it's Khmer 00803718 to 19, English 00804961, and French its
14 00804855 -- testimony given on 26 of April 2012. He's asked a
15 question, and just to be precise I believe I'm asking him the
16 question -- starting with line 7 in English, page 51:

17 "But let me switch slightly to Cheam. As I understand your
18 testimony yesterday, you also met him out there in the jungle in
19 '68 or '69; is that correct?"

20 Answer: "Yes, it was [...] time in 1967, '68 or '69."

21 Question: "And was he also under Pang's supervision or authority,
22 or was he under someone else's authority at the time?"

23 "Both Cheam and I were under the supervision of Pang."

24 [10.00.25]

25 And later on he says the same thing at the bottom of the page: "I

1 was under Pang's supervision, so I worked together with Cheam."

2 So let me go back. You said today "1970". Here the possibility is
3 '67, '68, or '69. Thinking back, is it possible that you were
4 working with him as early as '67, '68, or '69 -- under Pang?

5 A. So Hong, during 1967 and '68, was not known to me. I did not
6 know him, nor did he know me. I met him in the jungle, and then I
7 worked with him at Office S-71 until the liberation. But prior to
8 that -- that is, in between 67 through '69 -- I had not met him.

9 Q. All right. And going back to what I was originally asking,
10 when he was out there with you, taking direction from Pang, was
11 he doing the same kind of work that you were doing -- that is,
12 providing security for the brothers or the uncles?

13 A. When we were together at S-71, we had different duties. Pang
14 was overall in charge in that office, and that was his leadership
15 responsibility.

16 [10.03.11]

17 And for So Hong, he was actually the secretary of Uncle Pol Pot.
18 He did the writing for Pol Pot and he actually knew how to ride a
19 motor bike before I did. And when Om had to go somewhere, he
20 would transport him on his motor bike.

21 Q. All right. So, if he testified that he was providing security
22 -- at least to the best of your knowledge, you never saw him
23 doing that sort of work?

24 A. When you talk about security, there should be a distinction
25 between the first phase within 1970 to 1975 and another period

24

1 from late 1975 -- that is, from 1975 through late '75, we were
2 working together. We also had the same quarter of accommodations.
3 His room was adjacent or back to back to my room. And when I got
4 the task as the chief of the office, he was the second person
5 after Om Ieng Sary, and I was the person directly subordinate to
6 him--

7 Q. Okay. Let me stop you here because we're back in 1969. We will
8 get to that period. So that's the part I'm focusing right now.

9 [10.05.40]

10 Do you recall my original question or would you like me to ask it
11 again? Which is: Back then, was he -- if he was providing
12 security, is it possible that you were not aware of it?

13 A. I just stated I had not met him during that period. Because I
14 did not meet him, and he did not meet me. So we were not
15 introduced to one another or talk about the matter of security at
16 all.

17 Q. All right. We'll go step by step. I just thought you told us
18 earlier that you met him at S-71. Now, did you actually meet him,
19 or was there a mistranslation?

20 MR. PRESIDENT:

21 Witness, you do not need to respond now. You need to wait.

22 The Prosecution, you may proceed.

23 MR. LYSAK:

24 Mr. President, perhaps Mr. Karnavas didn't notice, but when he
25 asked the previous question he referred to the 1960s, the period

25

1 -- this is why he got the answer that he got.

2 [10.07.06]

3 If he wants to ask him about the 1970s and S-71, I believe he
4 should be precise about the time period that he's asking.

5 BY MR. KARNAVAS:

6 The gentleman indicated '67, '68, he had not met him, which left
7 open the possibility of '69.

8 Q. So my question is: Back in S-71, was So Hong providing
9 security?

10 You told us that he was Pol Pot's secretary, writing things for
11 him. Now I'm asking you: Was he providing security with you under
12 Pang's supervision?

13 MR. ROCHOEM TON:

14 A. As I said, at Office S-71, we were there together under the
15 leadership or supervision of Pang, but I did not receive any
16 instruction from him regarding the security matters. It was only
17 Pang who was overall in charge.

18 [10.08.37]

19 But my direct superior was (?). He was also an ethnic minority
20 person.

21 Q. Let me try one more time. I'm not asking you, sir, whether So
22 Hong was giving you any directions. I'm asking you a very simple
23 question, and the question is: When you were there, at S-71 I'll
24 wait until the gentleman finishes--

25 MR. PRESIDENT:

26

1 Mr. Witness and Duty Counsel, please do not discuss during the
2 time that you are being questioned. You only discuss the matter
3 or the response that you may feel would incriminate yourself.
4 Otherwise it's going to interfere with the process of
5 question/answer sessions.

6 Counsel, you may continue.

7 BY MR. KARNAVAS:

8 Thank you, Mr. President.

9 [10.09.43]

10 Q. Let me go back to what -- the question that I've asked already
11 three times, which is: Back in S-71, when you were taking
12 directions from Pang and providing security or guarding, was So
13 Hong doing the same thing? Among other things, was he also
14 providing security in guarding along with you? It's a "yes", it's
15 a "no", it's a "I don't recall".

16 MR. ROCHOEM TON:

17 A. I do not know.

18 Q. Now, when you say you don't know, are you suggesting and do
19 you wish the Trial Chamber to believe that he could have been out
20 there, taking directions from Pang, providing security at
21 meetings that were being held there, and you, on guard at the
22 same time, would not have known his presence? Is that your
23 answer?

24 MR. PRESIDENT:

25 Witness, wait.

1 The Prosecution, you may proceed.

2 And the Khmer channel is not that clear. Could you check?

3 [10.11.17]

4 MR. LYSAK:

5 Mr. President, our objection is -- the witness has now answered
6 his question that he doesn't know and now he's asking him to
7 speculate on what may have been going on that he didn't know
8 about. So the question is argumentative in calling for
9 speculation from the witness.

10 MR. KARNAVAS:

11 Mr. President, we've heard So Hong. We've heard his testimony. We
12 know what he said. I won't repeat it here. Now, it does lay -- it
13 does provide a possibility. Perhaps So Hong was there incognito.
14 Perhaps he was there posing as something other than what he told
15 us. But it goes to the gentleman's credibility. Because the
16 gentleman has claimed that he could overhear what is happening at
17 the meetings.

18 [10.12.03]

19 So Hong, who told us he was there and guarded, told us something
20 of a different story. That's why I'm asking. If the gentleman --
21 if So Hong was there, guarding along with him, then we have a
22 contradiction. If So Hong was not, then obviously we have two
23 other possibilities. But I'm willing to -- I'm willing to press
24 the gentleman for a clear and concise and honest answer.

25 MR. PRESIDENT:

28

1 The objection and ground for the objection by the Prosecution is
2 subjugated and sustained.

3 Witness, you do not need to respond to the last question.

4 BY MR. KARNAVAS:

5 Q. Now, when you were out there at S-71, were you staying in the
6 same location as So Hong? In other words, were you occupying the
7 same hut?

8 [10.13.15]

9 MR. PRESIDENT:

10 I heard on the Khmer channel as - "S-21". Is it the translation
11 issue or is it the question? It should not be "S-21".

12 MR. KARNAVAS:

13 S-71.

14 MR. PRESIDENT:

15 Mr. Counsel, please repeat your question.

16 BY MR. KARNAVAS:

17 Q. When you were out there under the direction of Pang and So
18 Hong was also out there, were you occupying -- staying in the
19 same hut?

20 [10.14.08]

21 MR. ROCHOEM TON:

22 A. No, as I said earlier. He lived close to Om, because he was
23 the secretary for Om. And there was a kitchen hall which was
24 about 200, 300 metres from him.

25 [10.14.32]

1 And when it comes to guard duty, So Hong was also on guard duty,
2 but it was part of the internal guard duty, while I was engaged
3 in the external guard duty. And here I refer to S-21 and at --
4 71, rather. And S-71 had internal and external compound or part
5 of it.

6 Q. All right. So let me make sure I understand you correctly. So
7 Hong, according to your testimony and your memory, was part of
8 the internal guarding, while you were external; did I get it
9 right?

10 A. Yes, that's what I just said.

11 Q. Alright. And when you say "internal", does that mean that he
12 would have been on the inside -- he would have been where the
13 meetings were being held, while you were on the outside or
14 further away?

15 A. I was guarding outside, so I was at a distance. But it varied,
16 and I -- while I was on guard, I was also mobile.

17 Q. And what was the distance that Pang had designated for the
18 external security? How far were you to be located, in order to
19 guard?

20 [10.16.29]

21 A. During the working hours, if I was instructed by my direct
22 superior to provide a close guard, then I would do so. And if I
23 was assigned to guard at a distance, then I would just obey the
24 instruction.

25 Q. You told us earlier that he was -- that So Hong was part of

30

1 the internal and you're part of the external.

2 And my question is: If there is a meeting going on, and you're
3 part of the external, can you please tell us the distance -- how
4 many metres away you would be as a second perimeter of guarding
5 those who are conducting the meeting? How far away would you be
6 from the internal guards?

7 MR. PRESIDENT:

8 The witness, please wait until you hear the decision on the
9 objection raised by the Prosecution.

10 The Prosecution, you may proceed.

11 [10.17.40]

12 MR. LYSAK:

13 Yes, Mr. President. We would ask that counsel specify which
14 meetings he's asking about. There's been no testimony that there
15 was a standard distance that they had to guard for all meetings.
16 If he wants to lay that foundation, he can. Otherwise, if he
17 wants to ask about a specific meeting he should direct the
18 witness to a specific meeting.

19 MR. KARNAVAS:

20 Your Honour, I'm entitled to get general information from the
21 gentleman. So I'm asking a simple question. Because it's our
22 understanding, from his testimony and also from our knowledge,
23 that there was more than one perimeter of guarding. He's already
24 told us two. So he's told us that he's on the exterior.
25 Presumably, they guard in a sort of a uniform fashion. If not,

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1 he'll tell us. I'm going step by step.

2 (Judges deliberate)

3 [10.21.45]

4 MR. PRESIDENT:

5 Witness, you do not need to respond to the last question posed to
6 you by the counsel. It is unlikely that it will contribute to
7 ascertaining the truth.

8 Counsel, move on to other questions which are closely relevant to
9 the portions of the Closing Order alleged against your client.
10 Please try to proceed as fast as you -- and efficient as you can,
11 because the time is running out.

12 MR. KARNAVAS:

13 Thank you, Mr. President. Although the line of questioning was
14 directly related to the testimony elicited by the prosecutor
15 concerning what he heard at -- or what he could hear at meetings,
16 hence the reasons why I thought this was a relevant area to
17 explore.

18 [10.22.47]

19 BY MR. KARNAVAS:

20 Q. Sir, could you please tell us if you were managing any people
21 while you were out there guarding?

22 MR. ROCHOEM TON:

23 A. Among the 80 of us, we were all on mobile. It was not just
24 myself, but all of us.

25 Q. That wasn't my question, though. I'm asking whether you were

1 supervising or managing other guards. Or were you on your own
2 receiving your orders from Pang and doing as you were directed?

3 A. When instructions were given to me by Pang, then I would just
4 follow the instructions, for example to guard. Regarding Bong
5 Khang (phonetic), who was my direct supervisor, I would also
6 follow his instructions. If he assigned me to guard, then I would
7 guard. Or if he asked me to assign other people to guard, then I
8 would just do that.

9 Q. All right. And if you could please explain to us, from that
10 period all the way to the fall of Phnom Penh in April '75, the
11 level of your experience in managing or controlling other guards
12 or soldiers?

13 A. I did have experience so that I could carry out my duty.
14 Without the experience, I would not be able to accomplish it.

15 [10.25.16]

16 In terms of politics or the military, I did have experience in
17 those areas as well. And when it comes to patrolling around the
18 office or the guard duty, or the management, I did have
19 experience in these areas as well. So I did have a great deal of
20 experience.

21 Because we worked during the day and held meeting in the evening
22 to criticize or self-criticize one another, in order to improve
23 our self. The meeting was a kind of a -- an objection to lighten
24 our future path and to resolve those matters. So we would see the
25 changes -- the improvement, for example.

1 Q. All right. Now, can you please give us a -- some specific
2 examples? Because you spoke in generalities; you told us that you
3 had these theoretical meetings where you're self-criticizing each
4 other. But if you could tell us, concretely, one instance where
5 you managed more than, say, yourself, where you had a number of
6 people and you were asked to manage a situation, whether it was
7 guarding or whether it was patrolling or whether it was
8 attacking, can you -- so we have an indicator of the real level
9 of your experience in managing people.

10 [10.27.10]

11 A. Let me give you an example. Let me touch upon the issue of
12 security. Guarding at night or at day is still part of the
13 security. So the security is for myself, for everybody else. And
14 based on the instructions, we would carry out the duties. And
15 there had been no incident related to this matter or, the
16 security matter. And we would know and deal with any issues that
17 would have come up.

18 Q. All right. Does that mean what you're trying to tell us that
19 you were in charge of those guarding and that you were able to
20 position the people in a particular way, particular place, to
21 ensure that no incident -- is that the example you're giving us
22 or are you merely telling us that while you were on guard duty,
23 nothing occurred? Which of the two?

24 A. Regarding the two instances you raise, I myself -- I was
25 responsible for what I was assigned, and everyone else did the

34

1 same -- that is, in regards to the guard duty.

2 [10.28.58]

3 Q. All right. Thank you.

4 Let me -- I'm about to move on to another topic, which may take
5 longer -- well, it may take 10 minutes. So I'm at your disposal,
6 Mr. President. I can go on, or -- I see its 10.30.

7 MR. PRESIDENT:

8 The time is now appropriate for a short recess. We will have a
9 break for 20 minutes and return at 10 to 11.00.

10 Court Officer, could you assist the witness and the duty counsel
11 during the break and have them return at 10 to 11.00?

12 (Court recesses from 1029H to 1053H)

13 MR. PRESIDENT:

14 Please be seated. The Court is now back in session.

15 We would like to now hand over to counsel for Mr. Ieng Sary to
16 proceed with their questions.

17 BY MR. KARNAVAS:

18 Thank you, Mr. President. And for the record, Mr. Ang Udom is
19 with a client right now, so that's why he's not here in Court.

20 Q. Okay, sir, now let's talk a little bit about right before the
21 fall of Phnom Penh, and we've already heard from you where you've
22 indicated that on or about the 19th of April 1975 you accompanied
23 Son Sen to Phnom Penh.

24 And what I would like you to do is now to go back a few weeks
25 before that. And could you please tell us where you were at that

1 time?

2 [10.54.58]

3 MR. ROCHOEM TON:

4 A. First, I was at B-5 Office, then at the Sdok Taol Office.

5 Q. All right. And who were you with?

6 A. At B-5 I was with Om Pol Pot and I still remained with him in
7 Sdok Taol location.

8 Q. All right.

9 Now, So Hong appeared here, and in his testimony -- and I'm
10 referring to E1/69.1, at Khmer, 00803722 to 23; English,
11 00804965; and French, 00804859. That's where I will begin, Your
12 Honours, and it will go for the next page or two. He's told us
13 that at the time prior to the fall of Phnom Penh, he was in the
14 West Zone -- Kampong Speu, I believe -- and he was there with his
15 Uncle Pol Pot, where he was asked to guard an ammunition dump
16 apparently. And at one point, which is on the following page, he
17 was -- I asked him about Pang, and he indicated: "Pang was not in
18 that office with me at the time. Pang was on the East of the
19 Tonle Sap, while I was on the West of the Tonle Sap."

20 [10.57.13]

21 And then, if we go to the - to the next page, he was asked about
22 you -- where you were -- and you (sic) indicated -- and this is
23 on Khmer 00803724, English 00804967, and French 00804861: "As I
24 recall, Cheam was at the East of the river. He was with Pang
25 because the office was under the supervision of Pang."

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1 And this is just for clarification purposes: Is that right? Were
2 you with Pang at the time on the other side of the Tonle Sap, and
3 not necessarily with Pol Pot right before the fall of Phnom Penh,
4 if you recall?

5 A. I think what he said was his statement, but in my statement I
6 already stated that I was at B-5 and then at Sdok Taol Office.

7 Q. All right. So I take it what he's stating, according to your
8 memory, is not accurate when he says that you were with Pang on
9 the one side of the Tonle Sap in Kampong Speu with him and Pol
10 Pot on the other. This is right prior to the fall of Phnom Penh.

11 [10.59.11]

12 MR. PRESIDENT:

13 You, Witness, do not need to respond to the question since it is
14 not in your capacity to assess the statement made by another
15 witness.

16 MR. KARNAVAS:

17 Excuse me, Mr. President; I thought this was the whole purpose of
18 this exercise. I'm trying to -- we have testimony of one witness
19 who says that he was in a particular location. I'm trying now to
20 see whether this gentleman was at that location that So Hong--

21 MR. PRESIDENT:

22 Witness, you do not need to respond. Witness cannot provide a
23 speculative response.

24 [10.59.56]

25 BY MR. KARNAVAS:

1 Q. Witness, without having to speculate, could you please tell us
2 whether there was an office in Kampong Speu on one side of the
3 Tonle Sap, with Pol Pot being on the other side of the Tonle Sap,
4 if you recall? Please do not, under any circumstances, speculate.

5 MR. PRESIDENT:

6 Counsel, could you try to rephrase your question? There is none
7 of his response that said he was at the East of the river. We
8 talk about him present at Sdok Taol and at B-1 -- B-5, rather.
9 That was his response, but he did not say that he was on the East
10 side of the river.

11 [11.01.09]

12 BY MR. KARNAVAS:

13 Mr. President, I'm not suggesting that he was on the East side. I
14 would like to know if he knows whether there was such a place as
15 described as So Hong, where Pol Pot would have been on one side,
16 with Pang on the other in the area which is described by So Hong.
17 If he knows, fine, it's a physical location. If he doesn't know,
18 that's fine as well.

19 MR. ROCHOEM TON:

20 A. I only knew that I was at B-5, but I couldn't say about the
21 other people's statements.

22 Q. All right. Immediately before the fall of Phnom Penh -- that
23 is, around April 14th, April 15th -- where are you located,
24 physically?

25 A. I was at the Sdok Taol's Office. So Hong was also there

1 together with me.

2 Q. All right. And was Son Sen there as well?

3 [11.02.58]

4 A. Son Sen was a little bit further. He was at the Batkoun
5 Pagoda.

6 Q. All right. Now, you've told us yesterday that it was you who
7 accompanied Son Sen on 19 April 1975 to come into Phnom Penh. Can
8 you please tell us who it was that gave you the order to
9 accompany Son Sen?

10 A. After the liberation of Phnom Penh, Pol Pot -- Son Sen was
11 closely staying near Pol Pot.

12 Q. And my question is: Which of the two -- or maybe there was
13 someone else that gave you the order to accompany Son Sen? Was it
14 Pol Pot, was it Son Sen himself that ordered you, or did somebody
15 else order you to accompany Son Sen into Phnom Penh?

16 A. Pol Pot assigned me to accompany him. At that time he said:
17 "Cheam, you accompany Comrade Khieu to Phnom Penh".

18 Q. All right. And what about Pang? Where was Pang at the time, if
19 you recall?

20 A. At that time, Pang was at the rear at Tonle Bati, at Banteay,
21 and at other locations. He was at -- or he had been at various
22 locations during 1974.

23 [11.05.22]

24 Q. All right. So, from that answer of yours, can you please tell
25 us, when Pang wasn't around, who was it that was giving you

1 day-to-day orders while you were with Pol Pot? You've told us
2 that Pol Pot assigned you specifically to go with Son Sen, so can
3 you please tell us when Pang -- since Pang wasn't around, were
4 you under the direct supervision of Pol Pot?

5 A. I was at B-5, then at Sdok Taol. So Hong was also there. So
6 Hong was there with me.

7 Q. Maybe my question wasn't clear. When Pang is not around to
8 give you orders and instructions and you're with Pol Pot -- as
9 you've just indicated, right after the fall of Phnom Penh, you
10 are with him -- who is giving you orders on what to do on a
11 day-to-day basis?

12 [11.07.01]

13 A. At the rear it was Pang, but here we talk about the location
14 near Kampong Chhnang or Kampong Speu, and it was So Hong. At that
15 time there were only a few of us, and sometimes, when he was
16 engaged in other tasks, then Om Pol Pot would give me
17 instruction. Sometimes he went to Office 305 or the Southwest
18 Office. He had his spearhead. So sometimes he was present there,
19 sometime he went to other locations.

20 Q. All right. And just so we have a clear record, as I understand
21 your answer, when Pang isn't around, it is So Hong who is giving
22 you instructions or Pol Pot. Did I get the essence of your answer
23 correctly?

24 A. In reality, that's how it worked.

25 Q. Thank you very much on that.

40

1 Now, when you went into Phnom Penh with Son Sen on April 19,
2 1975, since you were accompanying him, can we assume that he, at
3 that point in time, was your direct superior?

4 [11.09.07]

5 A. Regarding the B-5 Office and Sdok Taol, I would ferry the
6 letters between these two offices to the battlefield. At the time
7 he was at the Batkoun Pagoda. The distance was not that far.

8 Q. Thank you. I think something may be getting lost in
9 translation, and it could be my questions are in-artfully put.
10 When you went to Phnom Penh with Son Sen on 19 April 1975, was he
11 your superior at the time?

12 A. He was also my superior because I delivered between him and
13 Pol Pot. I delivered the letters between him and Pol Pot. So
14 let's say all those leaders were my superiors.

15 Q. All right. So, when you went into Phnom Penh in -- 19 April
16 '75, can you please tell us for how long you were with Son Sen?
17 For how long was he giving you orders at that time?

18 A. At that time, we went in the morning and we returned in the
19 evening. He went to his location, and I went to my place -- that
20 is, at Pol Pot's place -- because he did not come to Pol Pot's
21 place to rest; he went to his place at Batkoun Pagoda to rest.

22 Q. Thank you for that clarification. And I believe, from
23 listening to your testimony, it was the following day that
24 everyone went in; and that would have included Pol Pot. Is that
25 your recollection?

1 [11.12.00]

2 A. I did not get the question. Could you provide again?

3 Q. All right. We now know that on the 19th of April you went to

4 Phnom Penh and came back the same day. As I understand your

5 testimony, on the 20th -- that would have been the following day

6 -- everyone went into Phnom Penh, including Pol Pot. Is that your

7 recollection, or am I misstating the evidence?

8 A. Yes, that is correct. Everyone went to Phnom Penh on the 20th.

9 Q. And since you had gone back on the 19th to where Pol Pot's

10 office was and where he was residing, on the 20th, the following

11 day, when Pol Pot went into Phnom Penh, did you go along with

12 him? And, if so, were you guarding him at the time?

13 A. When we all left, we all left together and we gathered up at

14 the railway station.

15 Q. All right. Well, from your -- did you accompany Pol Pot on the

16 20th? And, if so, were you part of the security detail, the

17 security apparatus for Pol Pot or were you simply told to meet at

18 the railway station? Which of the two, or another possibility?

19 [11.14.22]

20 A. On that day, Son Sen came, Pol Pot came. I was driving a Jeep

21 car, and they was travelling in a Range Rover vehicle. Son Sen

22 and him were in the same vehicle, but by the time we was in the

23 Phnom Penh, he daren't change the transport and he was on the

24 tank.

25 Q. And who gave you the orders, specifically on that day, to go

1 to Phnom Penh and meet up at the railway station?

2 A. It was So Hong, and So Hong also went along with Pol Pot. As I
3 said, I was driving the vehicle and there was a Range Rover
4 vehicle when we entering Phnom Penh.

5 Q. All right. And when you got to Phnom Penh, who was your
6 superior? Who was giving you instructions on that day and the
7 following days, if you recall?

8 A. When we arrived in Phnom Penh and on the subsequent days, it
9 was So Hong.

10 Q. And so, if So Hong had testified that he had remained behind
11 to guard the ammunition depot, that would be inconsistent with
12 your memory of him being along with you in Phnom Penh on the 20th
13 of April 1975?

14 [11.16.52]

15 A. As I recall, So Hong did not have the duty to guard the
16 ammunition store because he and I were close to Pol Pot, but at
17 that time he was traveling in a vehicle -- in the same vehicle
18 with Pol Pot, but I was driving a Jeep vehicle at the time.
19 However, the statement he made is his, but I tell you simply from
20 my recollection.

21 Q. Thank you. And that's what we're asking for, your
22 recollection.

23 Now, you have touched upon your activities prior to being
24 assigned by Pol Pot to go to the Ministry of Foreign Affairs, and
25 you've indicated that you were providing security -- guarding at

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1 various locations in Phnom Penh -- that is, immediately after the
2 fall of Phnom Penh. Did I have it right?

3 A. I did state that initially, when we arrived, we met up at the
4 railway station, and after that we went to the Commerce Ministry
5 -- that is, the former Commerce Ministry -- and Pang groups also
6 went to that location. We all met up there, because we only met
7 for a short period of time at the railway station.

8 Q. All right. And that was going to be my next question, "when
9 did Pang come?" and if you recall coming under his subordination
10 at any point in time prior to you going to the Ministry of
11 Foreign Affairs.

12 [11.19.18]

13 A. When we all met up, he was also one of the leaders and So Hong
14 was also one of the leaders, and that I worked with him, so we
15 met up and we were together.

16 Q. And just so that we're clear. Is Pang giving you instructions
17 as far as providing security and guarding during this period of
18 time?

19 [11.20.04]

20 A. When we all met up, the same thing was as we were in the
21 jungle. He managed all the tasks. However, he went back and forth
22 to various other locations, as I stated in my previous statement.
23 After that, we went to the - to the Preah Kao Palace and other
24 locations, so he managed those locations, and Bong Hong also went
25 to those various locations, and I also went along as well.

1 Q. All right. And I guess what I'm trying to get a clear grasp of
2 is your activities during those days. What exactly are you doing
3 during those days before you go to the Ministry of Foreign
4 Affairs, and under whose supervision are you? Who is directly
5 supervising you at the time?

6 A. As I said, I was there, Bong Pang was there, and so was So
7 Hong, and the duty of receiving the guests and preparing the
8 guesthouse started from there at the time. And my task was to
9 managing the force to prepare those guesthouses, the kitchen
10 hall, and the receptionist. So I was actually acting on behalf of
11 Pang or So Hong at the time.

12 Q. Okay. Thank you very much. And that's what I was trying to
13 clarify.

14 [11.22.36]

15 Now, you told us yesterday, having looked at the DCKM interview,
16 that it was Pol Pot that assigned you to the MFA.

17 I guess my next question now is if you can describe to us the
18 sort of qualifications that you had to occupy the position that
19 you were given.

20 A. My qualification at the time was in the management and
21 preparation of the guesthouses, of the kitchen hall, and of the
22 receipt of guests. I was able to carry out those duties in order
23 to ensure that the houses were cleaned, the rooms were cleaned,
24 and the bathrooms were cleaned, and the same thing applied to the
25 kitchen hall, and we need to have all those cutleries cleaned. So

1 that was a part of the management that I did. And of course I
2 worked together with other people and with the leadership, and
3 that was the tasks that I carried out.

4 [11.24.16]

5 Q. All right. Now, I just want to make sure that I'm clear. Is
6 your testimony that, while you were head of the administration at
7 the Ministry of Foreign Affairs for nearly four years, your job
8 was exactly what you told us -- making sure that the toilets were
9 cleaned, the kitchen had knives and forks? Is that our
10 understanding of what your tasks were in that position that you
11 were holding?

12 A. When you talk about the administration, management, that was
13 one thing, but what I did was the actual things, or tasks that I
14 carried out -- that is, in the preparation of the guesthouses and
15 in the receipts of the guests, or you could simply say they were
16 part of the administration tasks that I carried out. Also -- my
17 task was also to take those visitors or guests to the areas as
18 assigned by the leadership or to visit other locations.

19 [11.25.46]

20 Q. And that is the extent of your tasks at the Ministry of
21 Foreign Affairs? Is that what you're telling us today, or am I
22 missing something?

23 A. I could not describe all the details of day-to-day chores for
24 you, because there were a lot of details in what I did during
25 those four years, because I was the head of the office.

1 Q. That's what I'm trying to get at. You told us that at one
2 point you had -- you were managing up to a thousand people. You
3 also indicated that part of your duties was psychological control
4 as well as political.

5 And my question earlier was: What qualifications did you bring to
6 the job to be assigned by Pol Pot to hold that position and carry
7 out those functions? Can you please describe concretely what sort
8 of skills you had, what sort of knowledge, what sort of
9 experience you had, to carry out those tasks?

10 [11.27.34]

11 A. First, there is: Be loyal to the Party, to the revolution, and
12 to the people and to have the clear view on that.

13 And, number 2, when we are that clear, then it would be the
14 responsibility that we had to undertake so that the result would
15 be effective and satisfactory.

16 Q. All right. And I take it that exhausts the list of your
17 qualifications for holding that position that you were given to
18 carry out by Pol Pot?

19 A. From my practical observation, it was based on what I just
20 described.

21 Q. All right. And one other question, because yesterday you
22 indicated -- and it might have been lost in translation or
23 mistranslated -- that on your trip to China you were asked to
24 sort of observe and learn from the Chinese their experience on
25 tourism. That's what I heard. Could you please elaborate on that?

1 If I have it wrong, please clarify it, but as I understand it,
2 you talked about tourism, and this would have been as far as
3 taking care of foreign guests. Could you please tell us what
4 exactly you meant by that?

5 [11.29.43]

6 A. I already described this point yesterday. My duty to accompany
7 people during that trip was to see how the tourism or the
8 reception was done in that country -- what types of cutlery they
9 used, for example, you want to know the details, the knives and
10 forks in the receipt of the guests, and what were the things or
11 the fixture or furniture they used in the guestrooms and the
12 types of cloth they used or the carpet they used. So these were
13 the details of what I had to learn during that visit to China.
14 Also, I went to the native town of Mao Zedong, and to visit other
15 locations, including Guilin, but mainly we went to various
16 tourists resorts and locations, and as for Cambodia, we do have
17 Angkor Wat. So we went to see the process they used in their
18 reception of the guests, and then we could learn from that and
19 try to improve what we did back home. So I went and I contacted
20 those tourist locations in order to learn and to draw experience
21 from them.

22 [11.31.39]

23 Q. All right. And just one final point -- and by the way, thank
24 you very much for that answer, and I just want to make sure I
25 understand it. Are you telling us that you went there to make a

1 personal observation or this was something organized by the
2 Chinese to show you how they do it? In other words, one, you were
3 trying to experience it yourself firsthand and then draw lessons
4 from that, versus the Chinese putting -- showing you how they
5 welcomed their guests and what they do with them?

6 A. Chinese did not know that we would be there to draw off
7 lessons. I was there to observe how visitors were received, for
8 example how tables were laid and how visitors were treated. And
9 we went to Mao Zedong's hometown in Guilin, and I had my personal
10 observation of how things were managed, and it was not really a
11 preparation made in advance before, or for our visit anyway.

12 Q. Thank you very much for that clarification. I think that's --
13 the point is clear now.

14 [11.33.22]

15 Now, I want to go back to a topic that we touched upon yesterday
16 and I want to give you one more opportunity, first, to tell us
17 whether you had anything to do with security while you were at
18 the Ministry of Foreign Affairs.

19 MR. PRESIDENT:

20 Witness, could you please hold on?

21 International Co Prosecutor, you may now proceed.

22 MR. LYSAK:

23 Yes, Mr. President. As counsel acknowledges in his question
24 itself, this is a repetitive question that was already asked
25 yesterday. We would object on that basis.

1 [11.34.07]

2 MR. KARNAVAS:

3 Mr. President, I'm about to confront the gentleman with all sorts
4 of references from So Hong, where he claims the gentleman was
5 working under him in security matters.

6 The Prosecution makes reference to it; it's in Prosecution
7 documents; it's in Philip Short's book. There are also two
8 witnesses, one who's -- who -- well, one will appear, and I can
9 give the names -- not the names, but the code numbers, and the
10 gentleman is under oath. He is subject to perjury. I want to give
11 him an opportunity to answer the question before I pose the
12 following questions.

13 That's why I want to be fair to the gentleman, because earlier
14 today he told us he was tired yesterday. Perhaps he misspoke or
15 simply forgot that he was part of the security apparatus at the
16 Ministry of Foreign Affairs.

17 MR. PRESIDENT:

18 The objection and ground for the objections are sustained. The
19 question was repetitive.

20 Witness is now instructed not to respond to it.

21 [11.35.23]

22 BY MR. KARNAVAS:

23 Thank you, Mr. President.

24 Q. If we could go to -- I would now like to direct your attention
25 to portions of the testimony by So Hong. You've already indicated

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1 today that prior to going to the Ministry of Foreign Affairs, he
2 was at that time your superior, and I believe you told us that
3 while at the Ministry of Foreign Affairs he was also your
4 superior.

5 So, unless there are any objections, I would like to go to the
6 transcript. There being none, if we could go to E1/69.1 -- and
7 I'm referring to Khmer 00803690, English 00804924 and French
8 00804812 to 13 -- and this is from the transcript on the 26th of
9 April 2012. It's on -- in the English version it's on page 16 --
10 I'm sorry, page 14, and it would appear that this is a question
11 being posed by the President of the Trial Chamber: "Did you know
12 if Cheam, who was your deputy, ever took people from the Ministry
13 of Foreign Affairs to Security Office S-21?"

14 [11.37.25]

15 Answer: "I knew that Cheam took people out of the ministry -
16 rather, the Office S-21, but I did not know where those people
17 were taken to."

18 Further down, the answer: "Those people were taken out of B-1
19 Office, but I did not know where they were taken to."

20 And then further down: "They were those people who were sent by
21 Pang."

22 Now, you've told us earlier, when questioned by the Prosecution
23 -- you have indicated that you took people out of the Ministry of
24 Foreign Affairs.

25 My question is: Is the answer provided by So Hong accurate, to

1 your recollection?

2 MR. PRESIDENT:

3 Witness, could you please hold on?

4 International Co-Prosecutor, you may now proceed.

5 MR. LYSAK:

6 Just, Mr. President, for the question to be fair I think counsel

7 should be very clear which part -- which specific facts he's

8 asking him to confirm. He read from a number of passages, and

9 perhaps he should give the witness a copy of that or he should

10 direct him to the specific facts he's asking him to confirm.

11 [11.39.09]

12 BY MR. KARNAVAS:

13 Q. Fair enough. Let me start off with -- here So Hong is saying

14 that Pang's people would come and direct you to take people out

15 of the Ministry of Foreign Affairs. Did you do that?

16 MR. ROCHOEM TON:

17 A. I already stated yesterday that people would be taken from

18 Office 870 and Pang would be the one who assigned people to take

19 the people to -- but I did not know where they would have been

20 taken to. It is true that people would be taken from B-1, but I

21 just don't know where they would end up being sent to.

22 Q. Thank you. But here So Hong says that: "I knew that Cheam took

23 people out of the ministry, rather the Office S-21, but I did not

24 know where those people were taken to."

25 So did you, yourself, take those people? And was it under the

1 direction of Pang or his people to take those people out of the
2 Ministry of Foreign Affairs?

3 [11.41.36]

4 A. My main superior was Ieng Sary, then So Hong, so these people
5 were the immediate superiors of mine. But when it came to
6 transportation of people, it was Office 870 who was in charge,
7 and I don't know where they would be taken to.

8 Bong So Hong said about people being taken to S-21, and I have no
9 idea because I don't know S 21, and I agree that people would be
10 taken from the location, I confirmed, but to where they would be
11 taken to, I don't know.

12 The Office 870 had a close relation between -- with the Ministry
13 of Foreign Affairs, so that's why people were sent from B 1 and
14 also from Office 870.

15 Q. All right. Now, you mentioned that people from 870 would come.
16 Were you in a position to refuse those people, or did you ever
17 turn away any requests from Office 870 for people to be taken out
18 of the Ministry of Foreign Affairs?

19 [11.43.15]

20 A. I had no authority to contest such orders; I had to follow the
21 orders as a subordinate.

22 Q. Okay, that means the orders of Pang?

23 A. Yes.

24 Q. Is that because you were his subordinate?

25 A. Yes.

1 Q. Now, if we could look at - if we could look at E1/66.1. This
2 is the transcript from the 23 April 2012. I'm referring to Khmer
3 ERN number 00802149; English, 00803660; French 00803552 to 53.
4 And this is a question -- it's on page 88 of the transcript -- in
5 English, that is -- and it's a question from the International Co
6 Prosecutor asking So Hong the following question: "What about
7 security?" In English its line 13.

8 Answer: "I was also part of the security. I was part of it."

9 Question: "Mr. Cheam, your deputy, had what particular
10 responsibilities?"

11 Answer: "The main responsibilities of Cheam included the
12 security, plantations, and cleaning houses for the guests."

13 [11.45.24]

14 Sir, here you have your superior, So Hong, saying that you are
15 responsible, among other things, for security. Do you still
16 maintain that you had nothing to do with security while you were
17 at the Ministry of Foreign Affairs?

18 A. I wish to reiterate that in the ministry, first person was Om
19 Ieng Sary; second in command, Bong So Hong; third, I was in the
20 position. So, with regard to security, the three of us would be
21 in charge. He who was on the top -- at the top level would have
22 overall order. And Hong would be in charge of political affairs
23 and I was in charge of administration, who at the same time dealt
24 with security matters.

25 And this was a kind of systematic task and inter-related because

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1 security was always involved whenever there was politics, the
2 economy, and military, then security is part and parcel of this.
3 [11.47.17]

4 Q. Thank you.

5 Now, I just want to clarify one point, because yesterday I
6 repeatedly asked you if you had anything to do with security,
7 anything, at any time, while you were at the Ministry of Foreign
8 Affairs. And under oath yesterday, you said no; you were vehement
9 about it. Today, you seem to be changing your tune; you're
10 singing a different song. So were you involved in security
11 matters?

12 MR. PRESIDENT:

13 Counsel, you are not supposed to make a statement to make the
14 witness lose his confidence. You could do so in your closing
15 statement.

16 Witness is instructed not to respond to that question.

17 And counsel is advised to rephrase the question and try to
18 refrain from putting questions that is trying to intimidate or
19 make witness lose confidence in his testimony. If -- or whether
20 the statement offered the witness is -- or lacks probity, well
21 you are not -- you can do so by stating in your closing
22 statement.

23 [11.48.59]

24 MR. KARNAVAS:

25 Forgive me, Mr. President, but -- perhaps the language was

1 colorful, I was borrowing what you have indicated to one of the
2 lawyers, that they'd been "singing the same song". And perhaps I
3 took some liberties in using that as part of the question. But I
4 think my job as an advocate here is not to provide some veneer,
5 some facade, but to actually ask probing questions. And in this
6 instance, I'm confronting the man. Yesterday he said he was not
7 part of security, and today he's slightly changing his story
8 because now he's being confronted with evidence. That's what
9 lawyers do, that's what I think is done at all international
10 tribunals, and that's exactly what I intend to do.

11 BY MR. KARNAVAS:

12 Q. So I would like to go on with my question and ask the
13 gentleman: Is he not giving a different answer today than he gave
14 yesterday?

15 [11.50.10]

16 MR. ROCHOEM TON:

17 A. Yesterday, I indicated that I was having problem with my
18 memory loss because I was bombarded with questions, and I could
19 not have a clear mind when addressing to some of the questions.
20 And indeed, you're the one who is on your feet posing questions
21 to me, you may judge whether my testimony suits your wish or not,
22 but that's what I could do my best. Yesterday I was not clear in
23 my mind, but today I am better and I still -- now can respond to
24 all questions put to me in orders of your line of questioning.

25 Q. Staying with E1/69.1, this is two pages further down, and the

1 Khmer is 00803692, the English 00804926, and the French it's
2 00804814, and again, if I look at the index, it would appear that
3 it's still the Presiding Judge asking the question to which you
4 give an answer -- to which Mr. So Hong gives an answer, which is:
5 "I knew that Cheam took those people away. I did ask Cheam about
6 it -- that is, where those people were taken to -- and I said:
7 'Could it be me next time?' I was kidding at the time. And he
8 said to me that he took those people out of the office, and then
9 other people came to take them from him, so he did not know about
10 that."

11 [11.52.21]

12 And my question -- because we'll get to it later on - is: Do you
13 recall an instance when So Hong, your superior, is asking you --
14 who he claims was in charge of security or part of the security
15 apparatus -- where he's asking you, "Could he be next?" Do you
16 recall that exchange?

17 A. No, I don't.

18 Q. All right. Now, yesterday I read you a passage -- and I can go
19 back to it again -- where So Hong indicated that when it came to
20 security matters that you were still under Pang. And I believe
21 you've indicated to us today, "Yes".

22 MR. PRESIDENT:

23 International Co-Prosecutor, you may now proceed.

24 [11.54.04]

25 MR. LYSAK:

1 Mr. President, we'd object, that's a complete misstatement of the
2 witness's testimony.

3 The witness has consistently said when he was asked that he
4 reported to So Hong and Ieng Sary. Counsel is now
5 mischaracterizing a response that was to a very specific narrow
6 question about when people showed up from Office 870 to take away
7 people, could he refuse that order. And he's trying to change
8 that into Pang was his superior for all matters. So he's
9 completely misstating the witness's testimony.

10 He's been asked on a number of occasions already and he's been
11 consistent about who his superiors were.

12 BY MR. KARNAVAS:

13 Let me go on to some passages, Your Honour. Perhaps it will
14 become abundantly clear what I'm talking about.

15 [11.54.52]

16 Q. If we could go on to E1/69.1 -- this is Khmer 00803744,
17 English 00804992, French 00804889 -- and in the English version I
18 will be starting on line 21 and I'll go over for a few pages off
19 and on, and I'll indicate when I change pages.

20 It starts with a question: "And if I were to ask you about Cheam
21 -- Phy Phuon -- do you know how it is that, somehow, he ended up
22 [in] the Ministry of Foreign Affairs, as well?"

23 Answer: "Cheam worked in one of the section under my supervision
24 and he was in charge of peasantry. And he was supervising
25 security matters and cultivation matter."

1 Now, on to the next page - question: "Let me go back and ask the
2 question again. You've told us earlier that Pang was the one that
3 appointed Cheam [at] the Ministry of Foreign Affairs; do I have
4 it right?"

5 "Yes, you are right."

6 Question: "And you just told us that he worked in security -- on
7 security matters; is that right?"

8 The mic wasn't activated.

9 [11.56.33]

10 Question: "He was your subordinate; you were his superior."

11 Answer: "Yes, within the framework of Ministry of Foreign
12 Affairs, that was the case."

13 "And you were also in charge of security matters?"

14 Answer: "Yes, I was." This is So Hong saying this.

15 Now, if we go on to the following page, which would be in Khmer
16 00803745, English 00804994, in French 00804890 to 91 -- I'm going
17 on: "Prior to going to the MFA -- the Ministry of Foreign Affairs
18 -- you were involved -- you and Cheam were involved in security
19 matters under the direct supervision of Pang; is that right?"

20 Answer: "That is right."

21 [11.57.40]

22 Then we go on to the following page. I asked on line 21 a
23 question to which he answers: "I do not know who the direct
24 superior of Pang was, but what I knew was that Pang was the
25 chairman of Office 870."

1 Let me stop here for a second because we're running out of time.
2 To your understanding, was Pang, at this period of time, the
3 Chairman of Office 870?

4 MR. ROCHOEM TON:

5 A. Yes, he was.

6 Q. All right.

7 Now, if we go to page Khmer 00803747 to 48, English 00804997, and
8 French 00804893 to 94, there are some other questions that I
9 pose, where I do ask him: "All right. What would have happened if
10 you had told -- if you had resisted Pang when he came to take
11 some people away?"

12 [11.59.15]

13 And the answer is:

14 "I did not have anything to object to him. When I met him, I
15 asked why he needed to take them away. Then, he told me that the
16 people would be transferred to this office or that office, and
17 sometimes that the people would be sent to another location. So
18 then I would let those people; I would have no further
19 objection."

20 Let me stop here, sir, and ask you this question: Was that the
21 answer that you were -- did you ever pose that question yourself
22 or did you take it at face value that when Pang's people came
23 from 870 that you had to turn them over?

24 MR. PRESIDENT:

25 Witness, please hold on.

60

1 International Co-Prosecutor, you may now proceed.

2 [12.00.29]

3 MR. LYSAK:

4 Mr. President, the problem I have with this question is that he's
5 reading long passages and then asking a vague question like "Did
6 you ask this question yourself?" He's also admitted a critical
7 part of So Hong's testimony, which is that he was instructed by
8 Ieng Sary to do -- to cooperate with Pang when he showed up.
9 But I'd simply ask that -- it's fine if he wants to read these
10 long excerpts, but he should ask a question that's clear and
11 understandable to the witness and I don't think this question
12 was.

13 MR. KARNAVAS:

14 Well, Mr. President, we haven't heard any objections to the
15 witness, although now the witness has heard what the prosecutor
16 has said, which I find troubling. But the witness was thinking
17 about it and was reading the passage and was about to answer.
18 And I see its 12 o'clock, just to point the obvious.

19 [12.01.33]

20 MR. PRESIDENT:

21 The objection and ground for the objection are sustained. Witness
22 is instructed to not to respond to that question.

23 MR. KARNAVAS:

24 Shall I continue-- (microphone not activated)

25 MR. PRESIDENT:

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1 Since it is now appropriate time for lunch adjournment, the
2 Chamber will adjourn. The next session will be resumed by 1.30
3 p.m.

4 Court officer is now instructed to assist Mr. Witness and his
5 duty counsel during the lunch break and have them returned to the
6 courtroom by 1.30 p.m.

7 Counsel for Mr. Nuon Chea, you may now proceed.

8 [12.02.28]

9 MR. IANUZZI:

10 Thank you, Mr. President. Good morning, everyone.

11 I'm afraid I'm on my feet to sing a very familiar song. I'm
12 informed our client is suffering from a backache, a headache, and
13 a general lack of concentration. He would like to therefore spend
14 the afternoon session in his holding cell. We've prepared the
15 waiver.

16 MR. PRESIDENT:

17 The Chamber notes your request and therefore grants it. Mr. Nuon
18 Chea is allowed to observe the proceedings from his holding cell
19 downstairs for the remainder of the day. Mr. Nuon Chea has
20 expressly waived his right to be present in the courtroom through
21 his counsel. The Chamber would like counsel for Mr. Ieng Sary
22 (sic) to submit the waiver with thumbprint or signed by Mr. Nuon
23 Chea immediately to the Chamber.

24 And that security personnels are instructed to bring him to his
25 holding cell where he can observe the proceedings from there.

1 Bring Mr. Khieu Samphan as well to his holding cell and return
2 him to the courtroom in the afternoon, when the next session
3 resumes.

4 (Court recesses from 1204H to 1331H)

5 MR. PRESIDENT:

6 Please be seated. The Court is now back in session.

7 We now continue to hear the testimony of the witness questioned
8 by Ieng Sary's defence.

9 However, before I hand over the floor, I'll give the floor to
10 Judge Cartwright to put comments and observations by the Bench
11 regarding the way the questions are posed.

12 JUDGE CARTWRIGHT:

13 Thank you, President. It may have been misunderstood this
14 morning, when the President commented on the manner in which you,
15 Mr. Karnavas, was questioning this witness.

16 The Chamber wishes to make it clear that you are entitled to ask
17 probing and challenging questions. Indeed, it's your duty to do
18 so. But the concern that the Trial Chamber has is that, as a
19 group of professional judges, there's no need to use the sort of
20 emotion that sometimes we see on American television dramas.

21 There's no need for that in the courtroom, and we would
22 appreciate if you would bear that in mind. Thank you.

23 [13.33.33]

24 BY MR. KARNAVAS:

25 Thank you, Judge Cartwright. I don't think I was being

1 melodramatic, though.

2 Q. Okay, sir, if we could continue where we were and if we could
3 turn to E1/70.1 -- this is the transcript from So Hong's
4 testimony on 30th of April 2012. And we will start with Khmer ERN
5 number 00804559, English 00806503, in French 00806387 to 8.

6 That's where I will start, and we will go for the next few pages.

7 So let me begin on line 22. This would be on page 16 of the

8 English version. The question is: "Now, you told us that Pang

9 would come and go in the Ministry of Foreign Affairs. He would

10 bring people and take them away as he wished; do you still stand

11 by that?"

12 [13.35.18]

13 Answer by So Hong: "Yes, I do."

14 I'm continuing:

15 "You also told us that Comrade Cheam facilitated or assisted in
16 transporting some individuals that were -- that had come to the

17 MFA through Pang and he would transport them and deliver them

18 someplace else; do you stand by that?"

19 Answer by So Hong: "Yes, I do."

20 Question: "Do you know whether at that time Comrade Cheam was

21 still working for or attached to Pang's security apparatus?"

22 Answer: "Yes, I do."

23 Question: "All right. So I want to be clear because perhaps my

24 question wasn't clear: Was Cheam working under the authority of

25 Pang while he was under your authority at the Ministry of Foreign

1 Affairs?"

2 [13.36.28]

3 Answer by So Hong: "Yes, Pang was above Cheam."

4 Question: "Well, I'm not asking about the hierarchy. What I'm
5 asking you, sir, is this; you've told us that Cheam worked for
6 Pang at one point; you've told us that, when Pang would come in
7 to the MFA, Cheam would assist him.

8 "And now my question is: While Comrade Cheam was at the Ministry
9 of Foreign Affairs and although he was your subordinate, was his
10 superior still Pang, at least when it came to security matters?"

11 Answer: "Pang was still his superior."

12 Question: "And would that explain why you've told us that on one
13 occasion you even asked Comrade Cheam if your turn would come
14 next? Do you recall last Thursday when you said -- and I'm
15 quoting here, it's on page 16..."

16 And I'll go to the quote: "I knew that Cheam took those people
17 away. I did ask Cheam about it -- that is, where those people
18 were taken to -- and I said: Could it be me next [...]?"

19 [13.38.15]

20 And I go further down, same page -- this would be in Khmer, by
21 the way, 00804561; English, 00806505; and French, 00806389 to 91:

22 "When Pang asked Cheam to take people from the MFA, Cheam came
23 and took those people out. When Cheam returned I asked him, with
24 my fear, where those people were taken to. And he told me that
25 those people were taken from him further and he did not know

1 where they were taken to, ultimately."

2 And I go -- and further down on the same answer, he says: "So I
3 thought to myself: if that continued to happen that way, one day
4 there could be my turn. This is what I meant."

5 [13.39.24]

6 Further down on the same page, he says:

7 "My feeling at that time pushed me to say that. I invite you to
8 consider whether I was serious at [the] time, but I was being
9 frank. [I asked - I said] -- said it that way because I did not
10 want to be perceived that I was threatening Cheam for him to
11 answer to my question. So I said it that way; well, one day it
12 could be my turn. That meant I was being cautious at [the] time."
13 And then, if we go to Khmer 00804563, English 00806508, and then
14 French 008069 -- I mean 6393, part of his answer is:

15 "And my talk with Cheam, as I said, was done very cautiously. If
16 I was spotted talking to Cheam or to be close with Cheam when he
17 was executing the order from Pang, I could be in danger. So
18 people around me might had the feeling that I had something to do
19 with Pang or whether I was connected to the fact that people were
20 taken out by Cheam. So I thought about all these things and I was
21 worried."

22 [13.41.15]

23 Let me ask you, Witness: Was So Hong correct when he said that
24 while you were at the Foreign Ministry, you were still under Pang
25 when it came to security matters? That he was still your

1 superior?

2 MR. ROCHOEM TON:

3 A. As I subsequently stated, starting from the time that I came
4 to the Ministry of Foreign Affairs, my first superior was Om Ieng
5 Sary and my second superior was Bong So Hong. These two would
6 give me instructions, and I would abide by their instructions.
7 According to what you just read -- that is, from Hong -- that I
8 was under the supervision of Pang, but that is not correct. I
9 already stated the fact; Om Ieng Sary - I already stated he was
10 the top person, and then So Hong, and that we had to communicate
11 through these lines of hierarchy. And that's how the daily chores
12 were done.

13 [13.43.24]

14 However, as you touch up on the issue of security and in regards
15 to Pang, I already stated my position this morning. Pang would
16 assign people and a truck to come and pick up those people who
17 were already decided to be taken by Om Ieng Sary, and I was not
18 under any instructions from Pang at all at that time.

19 Q. All right. And in your statement, did you ever say anything
20 about any lists of names that were provided to you by Mr. Ieng
21 Sary or are you just saying this for the very first time? Because
22 you've given a couple of statements and there's nothing in your
23 statements about that.

24 MR. PRESIDENT:

25 Witness, please wait until we decide on the objection by the

1 Prosecution.

2 Prosecution, you may proceed.

3 [13.44.40]

4 MR. LYSAK:

5 Thank you, Mr. President. The answer I heard -- he indicated that
6 Ieng Sary had decided on people. I didn't hear about lists;
7 perhaps I missed that.

8 But more to the point, if Mr. Karnavas wishes to ask him or show
9 him a part of his prior statement that he believes is
10 inconsistent, he can do that. I think it's an improper question
11 to ask a witness to try to remember everything that he said in
12 the two days of -- two prior interviews.

13 So, on those two bases, we'd object to the question.

14 MR. KARNAVAS:

15 Mr. President, I can't show him something that's not there,
16 that's the point. For the very first time, the gentleman is
17 making this assertion, and I can understand why he's making it.
18 So for me to show him his statements would not assist.

19 I can rephrase, however. I'll rephrase the question.

20 [13.45.59]

21 MR. PRESIDENT:

22 You may rephrase your question, Counsel, because that question --
23 your previous question has been objected and the objection is
24 sustained. So please rephrase your question.

25 And, Witness, you do not need to respond to the previous

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1 question.

2 And, Counsel, I believe for your subsequent questions you do not
3 need to rely on that line of questions of yours that has been
4 objected.

5 BY MR. KARNAVAS:

6 Q. Witness, is it your testimony today, under oath, that So Hong
7 is incorrect when he stated, "While Comrade Cheam was at the
8 Foreign Ministry - was at the Ministry of Foreign Affairs and
9 although he was your subordinate, was his superior still Pang, at
10 least when it came to security matters" and when So Hong says
11 Pang was still your superior? Are you claiming here today, under
12 oath, that that's an incorrect statement?

13 [13.47.27]

14 MR. LYSAK:

15 Mr. President--

16 MR. PRESIDENT:

17 The Prosecution, you may proceed.

18 MR. LYSAK:

19 I regret that I have to be getting on my feet repeatedly, but
20 that's the exact same question he just asked. It's repetitive.

21 MR. KARNAVAS:

22 It is not the exact question. I want a clear answer. Was Pang
23 still his superior?

24 Yesterday, the gentleman unequivocally said he had nothing to do
25 with security matters. Today, he's come in with a slightly

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1 different answer, and I read that part to him yesterday.
2 Now, earlier today he said that yesterday he had problems with
3 his memory, which is why he could not remember from two years an
4 entire interview that he conducted. Today he tells us that he's
5 feeling much better, he had a good sleep, he's fresh. So today
6 he's being given the opportunity to answer the question.

7 [13.48.38]

8 MR. PRESIDENT:

9 The objection and ground by the Prosecution is sustained. The
10 question is repetitive.

11 Witness, you do not have to respond to that question by the
12 counsel.

13 MR. KARNAVAS:

14 At this point, Mr. President and Your Honours, I'd like to look
15 at E3/461. This is a statement by TCW-694 given on 17 December
16 2007 wherein the witness, TCW-694, says that Phy Phuon was
17 chairman of the security section.

18 May I -- may the statement be shown to the gentleman to see
19 whether he identifies, without disclosing who the name is -- of
20 TCW-694?

21 (Judges deliberate)

22 [13.51.31]

23 MR. PRESIDENT:

24 The Chamber allows you to do so.

25 However, you need to give the name of the witness from that

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1 statement to the duty counsel so that the duty counsel can
2 discuss and advise his client, but please keep it confidential
3 among you and the duty counsel. So at least you give the name of
4 that witness in that statement to the duty counsel.

5 Court Officer, could you deliver the document from the counsel to
6 duty counsel so that the duty counsel can get all of the matter?

7 And, Mr. Witness, when you respond, please do not reveal the name
8 of this particular witness. You just mention the matter being
9 asked, not the name.

10 [13.52.44]

11 MR. KARNAVAS:

12 Mr. President, it might also be useful for this line of
13 questioning for the witness to be provided with two other
14 statements by the same witness. That would be E3/371 and E3/372.
15 Again, it's the same witness.

16 I can proceed with the first question, Your Honour, if the duty
17 counsel has discussed the name and the witness understands that
18 he is not to reveal the name in public.

19 MR. PRESIDENT:

20 Duty Counsel, do you have any matter to raise?

21 MR. LIM BUNHENG:

22 Mr. President and Your Honours, I haven't yet discussed with my
23 client, as I was told that more documents would be provided to my
24 client.

25 [13.54.55]

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1 MR. KARNAVAS:

2 Mr. President, it's the same name. It's the same name, so it
3 would seem to me that as a matter of exercise, he need only look
4 at the name to see whether he recognizes the name.

5 BY MR. KARNAVAS:

6 Q. My questions would be -- my first question is whether this
7 person worked at the MFA -- without disclosing any further
8 information concerning the duties of that individual.

9 MR. PRESIDENT:

10 Witness, have you noticed the name of that particular witness on
11 the statement yet?

12 MR. ROCHOEM TON:

13 A. Yes, I have. That person also worked at the ministry.

14 MR. PRESIDENT:

15 Counsel, you may proceed with your questions.

16 [13.55.58]

17 BY MR. KARNAVAS:

18 Thank you.

19 Q. Now, sir, if you could go to -- it would be 00204148 in Khmer,
20 in English it's 00223636, and in French it's 00344699 to 700. It
21 should be on the second page, for everyone, of this particular
22 statement. It says here -- and I'll quote:

23 "At that time, the Foreign Ministry was called B-1. Mr. Ieng
24 Sary was chairman. There was a general secretary and office
25 chairman, So Hong. The office was divided into a security section

1 with Phy Phuong, alias Cheam, as chairman. Madam Saur Se was
2 chairperson of the general secretariat, chairperson of protocol
3 section and secretary of the Party branch. The general political
4 section had Ieng Sary himself as the chairman, and in it were a
5 number of intellectuals like Ok Sakun, Mr. Thiounn Prasith, and
6 Mr. Keat Chhon, and others."

7 [13.57.46]

8 Would you agree with the characterization of you being the
9 chairman of the security section?

10 MR. ROCHOEM TON:

11 A. As I stated continuously, in the ministry the staff under my
12 supervision and their security were under my charge. I only -- I
13 was only in charge of the security for the staff under my
14 supervision.

15 Q. All right. Well, were you the chairman of security?

16 A. To be a chairperson in a place or an office, that would be a
17 chairperson for everything, including the security. That person
18 shall be in charge of their security as well. That was the
19 arrangement at the time and it is not possible that, okay, I was
20 chairman of the office and the security of that office was
21 designated to another person. That was not the arrangement. So,
22 if I was in charge of an office, everything within that office
23 would be under my charge as well.

24 MR. KARNAVAS

25 Okay. Thank you.

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1 [14.00.07]

2 Now, Mr. President, we have another statement. I don't believe
3 that this person is on the witness list. And the document number
4 is E3/458, and the pertinent point that I wish to refer to is
5 00204090 in Khmer; English is 00231697; in French, 00524348.
6 And, again, it's very similar to the previous individual, this is
7 a -- so I would propose that he be shown the statement, he look
8 at the name, he can confirm whether he's aware of this
9 individual, and then I can pose the question, if that is
10 permissible.

11 MR. PRESIDENT:

12 You may proceed.

13 Court officer is now instructed to bring the hard copy of the
14 document to the witness for examination.

15 BY MR. KARNAVAS:

16 My apologies; I thought we had a copy of this already prepared.
17 It's my error.

18 Q. Now, sir, do you recognize the name of the individual, without
19 telling us who the person is? Do you recognize the name? It
20 should be on the front page.

21 [14.04.29]

22 MR. ROCHOEM TON:

23 A. I don't recall this person.

24 Q. Very well.

25 In light of that answer, Your Honour, I won't pursue the

1 question. Thank you very much.

2 Now let me turn to document E3/19. This is an excerpt from Philip
3 Short's book "Pol Pot, A History of a Nightmare".

4 Sir, you've indicated to us before -- and it was shown to you by
5 the prosecutor -- that you gave interview statements to Philip
6 Short. Do you recall that?

7 A. I don't recall in particular portion of that.

8 Q. But you will recall from a few days ago that the prosecutor
9 showed you some quotes that are in this particular book that are
10 attributed to you from an interview or a set of interviews that
11 he conducted with you. Do you recall that?

12 A. No, I don't.

13 Q. All right. Well, let me ask you this: Do you recall giving an
14 interview to someone a few years back who was in the process --
15 he's a British journalist by the name of Philip Short?

16 [14.06.49]

17 A. I don't recall this person's name, but I still recollect that
18 a foreigner came to interview me first. Later on, there were
19 several other interviews, in 2007 and 2008, but he was the first
20 person who interviewed me.

21 Q. All right. Thank you very much. Now, excerpts of his book were
22 shown to you earlier, and I want to turn our attention to Roman
23 numeral IX, which would be the acknowledgement of this book.
24 There's no Khmer translation, but, you know, it's one line that I
25 want to read. It's English 00396185, where he's thanking you,

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1 among others, and he says "Phy Phuon, the chief of security at
2 the Khmer Rouge Foreign Ministry".

3 Now, when this individual came to interview you, was he not
4 asking you questions concerning your position as the chief of
5 security at the Khmer Rouge Foreign Ministry?

6 A. I already stated time and again that I was tasked with the
7 role as the head of the office, and also at the same time was in
8 charge of security, so I was in charge as the head of the office
9 and security matters. However, under my supervision -- I was the
10 one who was overly in charge of my section, including security.

11 [14.09.24]

12 Q. All right. Now, in this book -- and I believe there's one
13 passage in your statement as well -- you were asked to describe
14 your involvement when there was the shooting incident of an
15 American journalist or professor in -- I believe it was 1978. Do
16 you recall that incident?

17 A. Yes, I do partially.

18 Q. All right. Do you recall the month of that incident?

19 A. I'm not quite sure, but it was perhaps in December 1978.
20 Whether it early December or mid December of 1978.

21 Q. All right. And in your statement you say "late 1978".

22 Let me ask you this: Do you recall what time this incident
23 occurred?

24 [14.11.28]

25 A. I am not sure I recollect the exact time, but it was late at

1 night. The reason that I still recollect the event, because I was
2 seeing off this professor to Batheay Temple, I took him there and
3 I still recollect the event.

4 Q. Right. Now, Philip Short, in his book -- and this would be on
5 page 394; we don't have a Khmer ER number, but the English ER
6 number is 00396602; the French, it's 00639970. And the document,
7 again, for the record is E3/9 -- says that you arrived -- that
8 you, Pol Pot's - "Pol's former aide, Phy Phuon, now head of
9 security at the Foreign Ministry, arrived with a group of guards
10 and broke down the door".

11 Do you recall describing to Philip Short this event, that you had
12 arrived at the scene with a group of guards in your capacity as
13 head of security at the Foreign Ministry?

14 [14.13.13]

15 A. I still recollect this. Indeed, the one who broke down the
16 door was no one else other than me, myself, and the reason led to
17 this because at the place where he had stayed there were people,
18 men and women under my supervision, and the house was guarded by
19 Y-10 military or soldiers.

20 And So Hong's spouse told me about this. From the place of the
21 incidents to the ministry it was about one kilometre away and it
22 was late at night, and So Hong was also there with me at the
23 scene.

24 And later on we were joined by Bong Prasith -- only three of us.
25 I, myself, Bong So Hong, and Bong Prasith. I don't remember other

1 people from the ministry, but the three people, including myself
2 here, were the main people who were there when the doors were all
3 locked.

4 And since the incidents happened, we did not know who we should
5 ask, because if I asked Bong Hong it would not be proper. He was
6 my superior. If I asked Bong Prasith, it would also not proper
7 because he was an intellectual. So, since there was no one to
8 help, it was I who had to take action. Without breaking down the
9 door, we would never find out what happened.

10 [14.15.13]

11 The door was difficult to break down. I pulled it hard and I
12 broke the glass door before entering the house, and I inspected
13 the location. I did not see anything downstairs, but when I went
14 upstairs, I saw the professor lying dead, falling off the bed. He
15 was lying there next to the bed. And a soldier from Y-10 was also
16 seen dead in -- next to the door, and he was seen -- a pistol, or
17 like a shotgun was seen placed right under his chin, and I told
18 Bong So Hong that our guest was dead, and I also reported this to
19 Bong Prasith, and every one of us went into the room to inspect
20 the situation. So three of us witnessed what happened.

21 The soldier who guarded the location -- apart from the dead
22 soldier, there were other soldiers who were also seen there, and
23 I indeed remember telling this to the person who interviewed me.
24 This incident was investigated time and again, but there was no
25 proper finding of the actual event.

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1 And then there was a case when the soldier who had an affair with
2 a woman who shot a guest.

3 I indeed discussed about this to the person who interviewed me
4 back then.

5 [14.17.19]

6 Q. All right. Thank you. Thank you for that rather comprehensive
7 answer.

8 And my next question is: After you arrived at the scene were you
9 put in charge or did you, yourself, on your own or at someone's
10 direction, conduct an investigation?

11 A. As I just indicated, So Hong's spouse learned about this and
12 informed Brother So Hong who was staying in the next -- in the
13 room next to me, and we, after learning this, we went there
14 together, and I was only informed by So Hong's spouse concerning
15 this incidence.

16 At that time, So Hong's spouse brought people -- a servant who
17 was injured during the incident. He got a shot in his leg.

18 Q. Let me interrupt you for a second. I'm asking: Once you went
19 there and discovered that the professor had been killed, after
20 that, did you -- were you involved in the investigative process
21 or was that carried out by someone else? That's all I want to
22 know.

23 [14.19.40]

24 A. After that incident, the upper echelon had ordered the
25 investigation and we had to conduct investigation into four

1 sections: first, we investigated the Y-10 soldiers who were
2 guarding the premises; and also we had to investigate the
3 soldiers, the municipal soldiers; the third section of the
4 investigation involved the investigation into the servants, my
5 people, the people who assigned to serve guests at that location,
6 including men and women servants; and the fourth investigative
7 action was done in the -- in -- among the intellectuals.

8 Bong Prasith had worked with the professor since he had been in
9 the country, and after this incident, I don't know what happened
10 at the Office of 870, but at my ministry, Om Ieng Sary took --
11 called Bong Hong and I to meet with him. We were there, and he
12 asked us to find out the black and white side of the story. And
13 he also confirmed that we were responsible, before the Party,
14 before the organization, we, the ministry, were fully accountable
15 for all of this.

16 Q. Thank you. I had a follow up but I think I'll skip it.

17 Now, as the Vietnamese were approaching Phnom Penh in January
18 1979, according to Philip Short you indicated that Pol Pot called
19 you and assigned you the task of escorting Sihanouk and his
20 family out of Phnom Penh. Is that what happened?

21 [14.23.12]

22 A. Yes, it is.

23 Q. Just a follow up question: Was this a personal conversation
24 that you had with Pol Pot, where he asked for you and assigned
25 you, or was this assignment given to you by someone else on

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1 behalf of Pol Pot, if you recall?

2 A. I told the person who interviewed me on this. In fact, Ieng
3 Sary was the one who managed things, but when it comes to
4 evacuation -- the evacuation of Samdech Euv at that time I don't
5 know, because I was very afraid at that time. Bong Kaing came to
6 me and said that Ta would like to meet me. When I met him, I was
7 asked that Samdech Euv needed to be evacuated to the West to
8 Sisophon and asked how I felt, and I talked to him saying that it
9 was no problem because I had my people in Kampong Chhnang and I
10 had some people in Pursat as well. And I also had some people in
11 Battambang and all the way to see Sisophon, I had some people
12 there as well. So he said then I should arrange this.

13 [14.25.53]

14 Q. All right. I guess my -- what I really wanted to know was who
15 ordered you. And if I understand you correctly -- and please
16 correct me if I'm misstating the evidence -- it was Pol Pot
17 himself that gave you these instructions.

18 A. Yes, that's what I said just now. He directly instructed me,
19 and from then on, Om Ieng Sary also told me to evacuate him. Om
20 Ieng Sary managed this in more details of the evacuation. He
21 asked me to manage this and I was assisted by my nephew, because
22 we had to evacuate Samdech Euv and Samdech Penn Nouth.
23 They would be taken in two vehicles, two black vehicles, and the
24 security section as ordered by Ieng Sary to go by a vehicle, and
25 we left Phnom Penh at 9 p.m. We reached Battambang by 5 a.m.

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1 [14.27.28]

2 Q. Thank you.

3 Now, after the fall of Phnom Penh, in '79, you were made a
4 commander shortly thereafter; is that correct?

5 MR. PRESIDENT:

6 Witness, please hold on.

7 International Co Prosecutor, you may now proceed.

8 MR. LYSAK:

9 Thank you, Mr. President. There certainly are some post-January
10 1979 events that may be relevant to Case 002/01, but I'm not sure
11 that the witness's responsibilities or positions are. So perhaps
12 counsel has an offer of proof of the relevance of this area.

13 [14.28.24]

14 MR. KARNAVAS:

15 Well, the relevance, Your Honour, is, if we see, for instance
16 from the last question, it's Pol Pot himself that calls the
17 gentleman, obviously a close confidante and aid to Pol Pot, to
18 take care of this very sensitive issue. When Phnom Penh falls, he
19 is then -- he then becomes a commander. So he goes from guard, to
20 head of security in MFA, to all these other sensitive tasks by
21 Pol Pot, to commander. It shows the importance of this individual
22 and who he's closely associated with, and it's part of our theory
23 of the case that--

24 MR. PRESIDENT:

25 Are you now testifying or you're putting questions to the

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1 witness? Because you appears to put the question and at the same
2 time testifying. I think it is not appropriate. You have been
3 allocated time to respond to the Co Prosecutor before the Chamber
4 will rule accordingly.

5 [14.29.39]

6 MR. KARNAVAS:

7 Well, hold on, Mr. President, for one second. With all due
8 respect, when there's an objection, I get to be heard. Now, you
9 can call it whatever you wish, but I was asked to give an offer
10 of proof as to the relevancy. I'm giving an offer of proof and
11 then I'm being challenged that I'm giving a closing argument.
12 Perhaps we come from different legal traditions, but basically
13 I'm giving the reasons why this area of questioning is relevant.
14 If you don't think it's relevant, then fine, but I have to give
15 you the reasons why I'm asking the question. Without the reasons,
16 you may not appreciate the relevancy of it.

17 MR. PRESIDENT:

18 The objection and ground raised by the Prosecution is sustained.
19 Your question is not relevant to the facts charged against the
20 Accused as mentioned in the Closing Order.
21 Witness, you do not need to respond to that question.

22 [14.30.43]

23 BY MR. KARNAVAS:

24 Q. Sir, over the period of the last day or so -- few days -- you
25 said lots of things about Mr. Ieng Sary.

1 And my question now is as follows: When you were heading towards
2 the border, in 1979, in January, were you not involved in the
3 killing of large numbers of Cambodians to which you were severely
4 criticized by Mr. Ieng Sary and for which now you're using this
5 as an opportunity to testify the way you are?

6 MR. PRESIDENT:

7 Witness, you don't need to respond to this question. The question
8 is not within the scope of the alleged facts.

9 MR. KARNAVAS:

10 That concludes my examination of the witness.

11 [14.31.44]

12 However, before I sit down, I wish to bring to the Trial
13 Chamber's attention that the interpreter here, in this
14 institution, [REDACTED], was present during the interviewing
15 session of this witness, when he gave his second interview, and
16 we find it that it would be highly appropriate to get an offer of
17 proof of what, exactly, happened on that second interview, how
18 long it took, because there is a dispute as to whether it was two
19 hours or 14 hours. And we think it goes to the credibility of the
20 witness.

21 And, more importantly, since the Prosecution is asking by way of
22 motion from the bar table, that also all other statements -- or a
23 great number of statements come in without the witnesses
24 appearing, we do think that this is a highly relevant matter.
25 But, specifically, concerning the second interview, because of

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1 the testimony from this witness, we ask -- and before the witness
2 leaves, so he can get -- have an opportunity to respond -- we ask
3 that the interpreter, [REDACTED], be called and give evidence as
4 to what happened, how long it took place, and the manner in which
5 the summary and statement were taken, and whether this individual
6 was actually reading into - into the tape recorder his answers.
7 And we don't make this request lightly.

8 [14.33.25]

9 MR. PRESIDENT:

10 The Prosecution, you may proceed.

11 MR. LYSAK:

12 First of all, I don't think that anything that has emerged here
13 warrants Court personnel being brought in to be questioned.
14 And, second, I think it's inappropriate for counsel to be
15 publicly identifying employees of the staff as potential
16 witnesses in a public forum like this.
17 So that's our response at this time to Mr. Karnavas' motion.

18 MR. KARNAVAS:

19 The interpreter was present--

20 MR. PRESIDENT:

21 The civil party Lead Co Lawyer, you may proceed.

22 [14.34.15]

23 MS. SIMONNEAU-FORT:

24 Mr. President, I simply wish to add that my esteemed colleague
25 seems to be denying the value of the written record of interviews

1 that were established by the Co Investigating Judges and those
2 who supported their production. They figure in the Closing Order,
3 they are evidence on this case file. He could have contested this
4 during the judicial investigation, and I find it most regretful
5 that we are having to address this matter once again today.

6 MR. KARNAVAS:

7 If I may briefly respond, it's impossible to address all these
8 issues before the investigation because we don't know who the
9 witnesses are. It would amount to us listening to all the tapes.
10 This is a unique circumstance, and this is the second incidence
11 that we have that we think some irregularities occurred. We're
12 talking about a 14 minute tape. We're talking about a matter of
13 five or 10 minutes of taking testimony from the very individual
14 who was present during this meeting.

15 [14.35.17]

16 The witness has indicated that his memory - initially, he
17 indicated, that his memory was not clear and wanted to listen to
18 the tape. We do have a dilemma. We do think it's important. We
19 find it very interesting that both the summary and the tape --
20 the transcripts are virtually identical, and we submit would be
21 identical once you hear in Khmer.
22 And so we think that this is one way to look into this matter.
23 And we think it's very, very important and it goes to the
24 integrity of the process, and we're entitled to raise this issue,
25 because the gentleman's credibility, obviously, is at stake, but

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1 also his memory. And he's indicated -- and we're grateful -- that
2 he's not quite certain as to what exactly happened, for how long
3 it happened, whether documents were shown to him, and so on and
4 so forth.

5 So we do think that it would be useful for the Trial Proceedings.
6 Thank you.

7 And with that, Your Honours, I have no further questions. And,
8 may I add, thank you for allowing me this opportunity to question
9 this witness.

10 (Judges deliberate)

11 [14.38.16]

12 MR. PRESIDENT:

13 Counsel Michael Karnavas, the last issue that you just mentioned
14 is a very critical issue, and the Chamber, after having heard
15 your request -- we consider it is not sufficient.

16 Could you please submit your request in hand -- in writing,
17 regarding the core issue and all the relevant issues, also the
18 legal ground which would lead you to make such a submission in
19 order to support it?

20 And you're also reminded that, in this Court, we adhere to the
21 ECCC Internal Rules as well as relevant Cambodian laws for its
22 functioning. As you understand, this is an Extraordinary Chamber
23 in the Court of Cambodia, and we mainly rely on the Internal
24 Rules, and these have been stipulated as well in the rules and
25 the law, as well as the Code of the Cambodian Criminal Procedure.

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1 [14.39.53]

2 The time is now appropriate for a short recess. We shall have a
3 20-minute break and return at 3 p.m.

4 Court Officer, could you assist the witness and the duty counsel
5 during the break and have them return at 3 p.m.?

6 (Court recesses from 1440H to 1500H)

7 MR. PRESIDENT:

8 Please be seated. The Court is now back in session.

9 We would like now to hand over to counsels for Mr. Khieu Samphan
10 to put questions to Mr. Rochoem Ton. You may now proceed.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President. Good afternoon, Your Honours. Very good
13 afternoon, Mr. Rochoem Ton. I am Kong Sam Onn, with my colleague,
14 representing Mr. Khieu Samphan. I have a few questions to put to
15 you, and you should respond to the questions according to your
16 best recollection of the events.

17 [15.02.17]

18 Q. The questions are as follows. In the Hearing you already
19 stated that Mr. Khieu Samphan told you about gathering the
20 forces. And you referred to the Front forces. Can you explain the
21 term "Front" to us?

22 MR. ROCHOEM TON:

23 A. "Front" is not what I know very well, to explain, but I heard
24 of this on radio broadcast and text. It was known as the National
25 United Front of Kampuchea. So far I had read some documents on

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1 this. That's what I understood from my reading and listening to
2 the radio broadcast.

3 [15.04.01]

4 Q. Could you confirm when you read the documents? Where?

5 A. I had read the "Revolutionary Flag" and "Revolutionary Youth"
6 magazines, and also the "Front Flag" that were printed into
7 documents.

8 Q. What you read -- were the writing -- the hand -- the writing
9 by Mr. Khieu Samphan in those magazines, as you indicated?

10 A. I read the documents that once were broadcast on radio.

11 MR. KONG SAM ONN:

12 Mr. President, with your leave I would like E3/24 to be put up on
13 the screen.

14 MR. PRESIDENT:

15 You may now proceed.

16 [15.05.44]

17 MR. KONG SAM ONN:

18 I would like to refer to page ERN in Khmer 00204068, English ERN
19 00223580, French ERN 00503920. With Mr. President's leave, I
20 would like the document to be put up on the screen, please.

21 MR. PRESIDENT:

22 You may proceed.

23 Court officer is now instructed to point the relevant portion the
24 counsel wishes to question the witness.

25 BY MR. KONG SAM ONN:

1 This may assist the witness with my highlight -- and -- the
2 portion that were highlighted.

3 [15.07.22]

4 Q. Mr. Witness, could you read the portion that has been
5 highlighted? I may read for you for the record. You said that
6 forces were gathered without any classification, and you said
7 groups were gathered without any classification, and all forces
8 of the Front were gathered by the groups -- belong to Samdech.
9 And in the country, it was Khieu Samphan, Hou Youn, Hu Nim, and
10 Pach -- inside the country had the work of the Front. I would
11 like you to confirm or to clarify with regard to the statement
12 that you said that there was no class distinction made at all.
13 What do you mean by "no class distinction"?

14 MR. ROCHOEM TON:

15 A. This means that all walks of life had been gathered to join
16 the force, and I believed that all forces -- those who were the
17 sympathizers, who would like to join the Front -- we gathered
18 them all.

19 [15.10.19]

20 So whoever wished to join -- or could come together -- would then
21 be gathered. And there is no discrimination against any class,
22 because we needed to gather all people to form the United -- the
23 National United Front of Kampuchea.

24 Q. Thank you for your response.

25 I would like you explain to us further on the gathering of

1 forces. Was this the policy of the FUNK or it was that of the
2 Communist Party of Kampuchea?

3 A. I understand that that was the policy of the Party.

4 Q. Thank you.

5 Could you also clarify the policy in assessing the classes, for
6 example peasant and worker classes?

7 A. According to the document I stated from, that -- they referred
8 to the peasant and workers' classes as the core forces for the
9 gathering of the forces. And that was the objective of the CPK.

10 [15.12.25]

11 Q. Could you also elaborate further on this? What does it mean to
12 refer to the peasant and worker class as the core forces?

13 A. According to the document I read at a later date, I understand
14 that, in the resistance movement, we needed peasant and worker
15 classes. Because they were treated as the owners of the -- in the
16 authority, we had to rely heavily on these forces.

17 Q. Could you also explain to us whether there were any other
18 classes apart from the peasant and worker classes?

19 A. I don't recall whether there were any other classes. There
20 were some classes, including the petty bourgeoisie, in which
21 students were grouped in that classification, and also the
22 intellectuals' class. If compared to the peasant and worker
23 classes, these two groups of people were better educated and had
24 better knowledge of the social issues.

25 Q. Have you ever heard of a class by the name "feudalist class",

1 "imperialist class"?

2 A. I also read some documents on this. There were classes
3 including the capitalist class and feudalist class. And they even
4 used the term "reactionary group of people" in the document.

5 Q. Thank you.

6 [15.15.26]

7 I would like to back a little bit to my early question. Do you
8 still remember the policy in the classification of the classes in
9 Cambodia before 1975?

10 A. Prior to 1975, I still have some understanding of this. After
11 the coup d'état, the National United Front of Kampuchea was
12 established and I started to understand better on this.

13 Q. Thank you. Were you aware that -- were you aware of the
14 treatment by the CPK toward other classes -- apart from the
15 peasant and worker classes -- I mean the capitalist or the
16 feudalist classes?

17 A. The term "the gathering of forces" to form the National United
18 Front of Kampuchea was written in the document and it was a
19 genuine and consistent effort to gather forces during those
20 years. This expression was time and again stated in meetings.
21 Every meeting, people would be talking about gathering forces and
22 it was a large scale gathering of forces.

23 [15.17.58]

24 People from the feudalist class were also gathered to join the
25 forces, and there was no intention to do any harm to this class.

1 The gathering of forces went smoothly, without any problem, all
2 the way to 1975.

3 Q. Thank you. You said that the people from the feudalist class
4 would also be gathered, but how -- how could that happen?

5 A. Practically, people who were capable and being flexible enough
6 with the resistance, they could assist us at the rural areas or
7 they could also work at various ministries at -- in other offices
8 where their service was needed so we could use them as well.

9 Q. Thank you. We would like you to refer to ERN in the same
10 document ERN in Khmer 0022 - rather, in English, 00223585, French
11 ERN 00503926. You may refer to the highlighted section of the
12 text.

13 [15.20.26]

14 There was a question on this about the arrest: "How about Koy
15 Thuon's arrest?"

16 And you said: "There was just the matter of Koy Thuon's
17 immorality. Ieng Sary did mention that in a meeting, but he did
18 not explain any reasons aside from the immorality."

19 Have you read that?

20 A. Yes, I have.

21 Q. My apologies; I think I need to proceed with my question
22 first. Do you confirm that this is your statement?

23 A. Yes, I do. It is my statement. I did say so.

24 Q. You said about the arrest of Koy Thuon. Have you mistaken or
25 is that the correct statement?

1 A. No, I'm not mistaken.

2 MR. KONG SAM ONN:

3 Mr. President, with your leave, I would like document -- the
4 transcript of the hearing dated on the 30th of July 2012, on page
5 67, line 14 to 16.

6 [15.22.50]

7 MR. PRESIDENT:

8 You appear to have mistaken the date of the transcript. You said
9 2002, but, indeed, it's 2012.

10 BY MR. KONG SAM ONN:

11 Yes, indeed, Mr. President, it's 2012 transcript.

12 Q. Can you read the text on the screen?

13 MR. ROCHOEM TON:

14 A. Are you referring to lines 16 -- 14 to 16?

15 Q. Could you read out loud the text on those lines?

16 A. Question: "Thank you. How about Koy Thuon's arrest?"

17 Response: "With regard to Mr. Koy Thuon, after the fall of Phnom
18 Penh, he was in charge of a ministry."

19 I couldn't read more because there was no more text to read.

20 Q. It's the -- the Foreign Ministry -- Foreign Commerce ministry.

21 [15.24.45]

22 A. Response continues: "Then he disappeared. I don't know what
23 happened."

24 Q. I note that the terms "disappeared" and "arrest" -- "arrested"
25 appear to be used interchangeably. So which -- which term would

1 you pick?

2 A. I would prefer the term "the arrest".

3 Q. Thank you. So this means that you now correct your statement
4 you made on the 30th of July 2012 and now you accept the
5 statement you once gave before the Co-Investigating Judges is
6 that fair to say?

7 A. Yes.

8 Q. Thank you.

9 [15.26.35]

10 I would like now to ask you a question concerning your study
11 sessions at the Soviet Technical School. Do you still recall your
12 statement concerning this point?

13 A. Yes, I do. I did say that.

14 Q. According to your recollection, where is the Soviet Technical
15 School?

16 A. It was located on the boulevard to Pochentong Airport. It was
17 on the right hand side of the road.

18 Q. Do you still recall what the Soviet Technical School was used
19 for?

20 A. No, I don't. I just heard from others who said about this and
21 I just repeated what they said.

22 Q. In the transcript on the 25th of July 2012 at 14 hours 29
23 minutes 17 seconds, you said you studied there. Do you still
24 stand by your statement?

25 A. Yes, I do.

1 Q. This means that you went to that location during the
2 Democratic Kampuchea regime is that correct?

3 [15.29.23]

4 A. Yes, it is.

5 Q. Why you just replied just then that you didn't know what the
6 place was used for?

7 A. Your question was, before I went to study there, what the
8 school was used for and what it was called, and I replied: "I
9 went to study there". But prior to that I did not know what it
10 was used for -- that is, the Soviet Technical School. But I did
11 study there.

12 Q. Thank you. My question to you was that: What was the Soviet
13 Technical School used for during Democratic Kampuchea besides
14 what you studied there? To your recollection, do you know other
15 purposes for the use of that school during that period?

16 A. I went to study there for one time only and I did not know
17 what it was used for later on or prior to my study.

18 [15.31.08]

19 Q. Thank you. How many days did you study there?

20 A. It was a short study session it's about a few days.

21 Q. Can you tell the Court what did you study there?

22 A. At that time, Om Khieu Samphan was the presenter. The subject
23 matters were the same as what I studied previously.

24 Q. To your recollection, can you tell us about the subject
25 matters that you were taught?

1 A. He made the representation regarding the situation inside and
2 outside the country and the situation after the liberation. And
3 besides that, he talked about the socialist revolution. Also --
4 he also made a presentation regarding the revolutionary life view
5 and after that, it was the closure of the study session.

6 Q. Can you recall who were the other attendees in that study
7 session?

8 A. I cannot recall all. There were about 40 of us altogether.
9 [15.33.48]

10 Q. Thank you. Those who went to study with you, what kind of
11 people were they? Were they cadres or were they combatants what
12 were they?

13 A. They were the group who were supposed to work at Office 870
14 and at the Ministry of Foreign Affairs as well. There were both
15 the cadres who would be designated to those respective offices as
16 well as the combatants.

17 Q. Where did they come from?

18 A. It was those who came to live in Phnom Penh.

19 Q. Who came to live in Phnom Penh?

20 A. There were male and female combatants, soldiers. They
21 transported personnel. They would be used to work in the Office
22 870 and Office B-1, respectively.

23 [15.35.43]

24 Q. Can you tell us the content and the times of the -- of the
25 study session -- rather, you know the time and the date of the

1 study session, but how come you cannot recall any one of the
2 people who -- who joined that study session?

3 A. I cannot recall their names because after that we all spread
4 out to different ways and I do not know how many died and how
5 many survived.

6 Q. Thank you. I'd like you to tell us regarding one issue. You
7 stated that Khieu Samphan was at his residence prior to 1975 in
8 the Liberated Zone that he had a small house, and he kept writing
9 in that house. That was your statement before this Court. Can you
10 recall that?

11 A. Yes, I can recall that and that's what I said.

12 Q. You stated that Khieu Samphan, as you observed, was sitting
13 and writing, but you did not know the content of what he wrote;
14 you just saw him keep writing and writing. Did you observe any
15 other activities or communication between Khieu Samphan and Pol
16 Pot's group?

17 [15.38.28]

18 A. As I mentioned continuously, for example, at Office 870,
19 sometimes they met together that is, Pol Pot, Nuon Chea, and him,
20 and some other times they met on several occasions. On other
21 occasions, as I said, he had a small hut, a small bed, and a
22 small table and he wrote at that table. He was writing in Khmer
23 in large volume. He also translated from that Khmer text into
24 French. That's how I observed his activity.

25 Q. Thank you. Did you ever receive any order from Khieu Samphan

1 to engage in any activity?

2 A. It seems that he never called me to do anything while we were
3 in that jungle.

4 Q. Did you know the role of Khieu Samphan prior to 1975?

5 A. I knew that, after the coup d'état and after the organization
6 of the FUNK, he was the commander-in-chief of the military. He
7 also controlled the work of the Front. I respected him and I
8 adored him because it was great to have an intellectual living
9 and working with us in the jungle.

10 [15.41.20]

11 Q. Thank you. Can you tell us the difference between the FUNK and
12 the GRUNK that you just mentioned?

13 A. As it was broadcast on the radio that is, outside or openly,
14 it was in the form of the FUNK. At that time, the CPK was the --
15 a covert body.

16 Q. My apology. I'd like to ask you about the GRUNK, not about the
17 CPK. If you can respond, please go ahead.

18 MR. PRESIDENT:

19 Witness, please wait.

20 [15.42.42]

21 The Prosecution, you may proceed.

22 MR. LYSAK:

23 Mr. President, I simply want to object to counsel interrupting
24 the witness. If the witness wants to explain GRUNK and FUNK and
25 -- and its relation through -- through a description of the role

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1 of the CPK, I think that's his -- his right, but I don't think
2 counsel should interrupt the witness at the very start of an
3 answer like that.

4 MR. KONG SAM ONN:

5 I put that question to the witness, Mr. President, but he did not
6 respond to that question. That's why I intervene.

7 MR. PRESIDENT:

8 Could you put the question again to refresh the witness memory?

9 BY MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 [15.43.44]

12 Q. I just asked you the -- about the difference between the GRUNK
13 and the FUNK. If you know, please tell the Court.

14 MR. ROCHOEM TON:

15 A. While we were in the jungle, I only -- was only interested in
16 the FUNK, but I cannot recall about the GRUNK.

17 Q. Does this mean that you cannot make a distinction between
18 these two bodies?

19 A. Yes.

20 MR. KONG SAM ONN:

21 Thank you. I do not have any question for the witness. Thank you.

22 And, Mr. President, I would like to seek your leave for my
23 international colleague to proceed with questioning.

24 [15.45.05]

25 MR. PRESIDENT:

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1 Yes, you may proceed.

2 QUESTIONING BY MR. VERCKEN:

3 Thank you, Mr. President. Mr. Witness, good afternoon. My name is
4 Arthur Vercken. I am one of the counsels representing Mr. Khieu
5 Samphan.

6 Q. To begin, allow me to ask you a few questions with respect to
7 your work as a bodyguard. Now, you said in the stand that when
8 you arrived at S-71, you worked as a messenger and then you
9 became Mr. Pol Pot's bodyguard.

10 [15.45.55]

11 Now, my first question to you is the following: During the time
12 that you served as Pol Pot's bodyguard, in the jungle, were you
13 the only person to ensure his security, or were there other
14 people who were also charged with that task?

15 MR. ROCHOEM TON:

16 A. When we were at S-71, I was not the only one. There were 80 of
17 us coming from Rattanakiri province.

18 Q. And were all those 80 people assigned either on a rotational
19 basis to serve as Pol Pot's bodyguard? Is that correct?

20 A. Yes, that is correct.

21 Q. As far as you were concerned, were you given any extraordinary
22 assignments relative to the 80 other bodyguards or did you enjoy
23 the same status as the others?

24 [15.47.38]

25 A. In that office, in general, Pang was in charge. Also, in that

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1 office, there were some other Khmer brothers -- namely, So Hong,
2 who were there, and my direct superior, who was an ethnic person,
3 Bong Kaem (phonetic); he was there as well.

4 As for myself, from 1972, I also escorted Nuon Chea for his long
5 travel as well. And in between that period, I had a motorbike. In
6 fact, as I knew how to ride motorbike, and they would assign me
7 as a messenger to ferry letters and messages between zones and
8 that office. That happened on the occasional basis.

9 [15.49.09]

10 Q. Thank you very much, Witness. Therefore, would it be accurate
11 to say -- and correct me if I'm wrong -- that you were not
12 assigned to any one specific leader at S-71? You could have also
13 been in charge of providing security for groups, you could have
14 undertaken patrol during meetings, but you weren't given any
15 special assignments to act as a bodyguard for any particular
16 person.

17 A. Yes, that is correct.

18 Q. With respect to the security missions that were bestowed to
19 you and your colleagues during the time that you were in the
20 jungle, during the time that you served at S-71, did you ensure
21 security only when the uncles or the leaders were travelling or
22 did you provide protection within the camp? Within the perimeters
23 of S-71, was your job to provide security only during the time
24 that they were travelling or also during the time that they were
25 at S-71?

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1 [15.51.10]

2 A. S-71, as I stated. And my task varied depending on the period
3 and the month. And I was not the only bodyguard, there were 80 of
4 us. And, of course, we did not have the sole duties of guarding
5 or providing protection. We also engage in building the houses
6 and the school in that jungle. And on some of the days, we were
7 on guard duty.

8 Q. And when you were on guard duty, were you providing security
9 for the camp? Is that correct?

10 A. Yes, that is correct.

11 Q. And when you were on guard duty at the camp, what, exactly,
12 were you protecting the camp from? What kind of risks were
13 envisaged? What, exactly, were you protecting the camp from?

14 A. What we concern was the enemy from outside, but the most
15 concern was about the infiltrated agents or spies -- that is,
16 their activities within the office regarding the work of those
17 "Om Om".

18 [15.53.39]

19 Q. What do you mean by "infiltrating agents"? Were they people
20 that you knew? Were they people who had been integrated into the
21 camp? Were they people who were known by the leaders or people
22 who were acting as double agents? Who exactly were these
23 infiltrating agents?

24 A. Since we were in Rattanakiri that was the way we conducted our
25 business and provided protection. It is not that we were

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1 suspicious on this person or that person, but besides the group
2 of 80 -- that is, my group -- we had to be vigilant on other
3 people who came to contact or to communicate with those leaders
4 and that was our duty -- our guard duty to provide that kind of
5 protection -- that is, we had to be vigilant regarding other
6 people not within our designated group.

7 Q. You've just stated that as far as Rattanakiri is concerned
8 with S-71 located within Rattanakiri.

9 [15.55.44]

10 A. No, I just gave you an example regarding the status of the
11 guarding duty. Office S-71 was at Stueng Trang district in
12 Kampong Cham province, let make that clear.

13 Q. Thank you very much, Witness. And just to be abundantly clear,
14 do you confirm that you began your activities as a bodyguard from
15 the time that you arrived at S-71?

16 A. Our group gathered together since May 1970 that when we went
17 to receive him from Kantuy Neak or from the "Dragon Tail's"
18 point, and we were acting as the bodyguard group and there were
19 80 of us to provide the protection, and that was that -- how
20 consistent we worked from then onward.

21 Q. Therefore, am I to understand, based on your answer, that you
22 were working as a bodyguard along with the 80 other people once
23 you arrived at S-71?

24 A. Yes, that is correct.

25 Q. Witness, can you please tell this Chamber how many people were

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1 assigned as bodyguards and you were working at S-71? How many
2 people were simultaneously providing protection at S-71?

3 A. There were 70 of us who made the journey and there was no
4 other additional people -- personnel joining us. There were only
5 80 -- 70 of us.

6 [15.58.39]

7 Q. Allow me to repeat the question just to be perfectly clear:
8 When you arrived at S-71 and you were put in charge of -- or when
9 you were made to provide security at the camp, how many other
10 people were also providing security services at that time? How
11 many people were also effectuating the same job?

12 A. Let me clarify. During the daytime, we divided the force, some
13 would be on guard duty and another force would engage in labour
14 and cutting trees to build houses. And at night time, for
15 example, within the group of 80 of us, we would divide ourselves
16 into a group of 10, so there would be 8 groups designated to
17 different spearhead or the -- the target areas within the
18 parameter through -- throughout the night.

19 [16.00.27]

20 So we would change the -- the status of the guarding duty at
21 night. Sometime, it would be in the form of a "L" letter or a
22 three triangle letter for the protection measure.

23 Q. Thank you for this clarification.

24 Now, regarding the infiltrated agents that is to say, people who
25 could be suspected of being infiltrated agents, who were these

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1 people? Were these people who were known? Were these people who
2 were visiting the camp who were not well-known? Were there
3 certain rules, certain guidelines in the guarding of the camp for
4 that?

5 A. At S-71, we had no worry concerning security. We're hundred
6 per cent secured because no outside forces could come in, and we
7 had no problem with enemy suspicion. But we also had precautions
8 matter like we had better preparation and prevention to stop this
9 from happening.

10 [16.01.55]

11 MR. PRESIDENT:

12 Thank you, Counsel. Could you advise the Chamber how much time
13 would you need to put questions to this witness?

14 MR. VERCKEN:

15 I don't think I will finish today, Mr. President.

16 MR. PRESIDENT:

17 Then, thank you.

18 Mr. Rochoem Ton, the Chamber has not yet heard the completion of
19 your testimony. You are required to come back to the courtroom
20 tomorrow by 9 a.m.

21 Duty counsel is also advised to return to the courtroom at the
22 same time.

23 [16.02.49]

24 Court officer is now instructed to assist the witness and his
25 duty counsel and ensure that they return to the courtroom by 9

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1 a.m.

2 The hearing for today is adjourned. The next session will be
3 resumed by tomorrow at 9 a.m. which is on Thursday.

4 During tomorrow's session, we continue hearing testimonies of Mr.
5 Rochoem Ton. Questions continue to be put by counsel for Mr.
6 Khieu Samphan. And at the same time, for tomorrow's session we
7 plan to hear the reserve witness, witness TCW-694. If Mr. Rochoem
8 Ton's testimony is concluded before lunch break, the Chamber will
9 see if time fits to hear testimony of TCW-694, the questions that
10 will be put by the Co-Prosecution.

11 Security personnels are now instructed to bring all the three
12 accused persons to the detention facility and have them returned
13 to the courtroom by 9 a.m.

14 The Court is adjourned.

15 (Court adjourns at 1604H)

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