



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

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

22 August 2012

Trial Day 100

Before the Judges: NIL Nonn, Presiding  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KIM VUN (TCW-338)	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MS. YE	English

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Before we hand over to the Prosecution, Ms. Se Kolvuthy, the  
6 greffier of the Trial Chamber, is instructed to report on the  
7 persons of the parties to the proceedings today.

8 [09.02.12]

9 THE GREFFIER:

10 Mr. President, parties to the proceedings today are all present,  
11 except Mr. Ieng Sary, who is present but in his holding cell. Mr.  
12 Ieng Sary has waived his right to participate directly in the  
13 courtroom for the whole day today. His waiver has been submitted  
14 to the greffier.

15 The next civil party who will be giving testimony after Mr. Kim  
16 Vun is TCCP-28, and the witness is ready to be called.

17 MR. PRESIDENT:

18 Thank you very much.

19 The Chamber would like now to rule upon the request by Mr. Ieng  
20 Sary. The Chamber is seized of the request of Mr. Ieng Sary  
21 through his counsel in which he has requested the Chamber that he  
22 be allowed to observe the proceedings from his holding cell for  
23 the whole day.

24 Mr. Lim Sivutha, the medical doctor on duty at the ECCC, has  
25 examined Mr. Ieng Sary and indicates that Mr. Ieng Sary feels

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1 dizzy and finds it difficult to remain seated for a long period  
2 of time and the doctor recommends that the Chamber allows Mr.  
3 Ieng Sary to observe the proceedings from his holding cell.

4 [09.04.02]

5 The Chamber, therefore, notes the recommendations by the doctor  
6 and is convinced that Mr. Ieng Sary is mentally fit to observe  
7 the proceedings, although he has some physical constraints to be  
8 able to be seated in the actual courtroom here. The Chamber,  
9 therefore, grants such request. Mr. Ieng Sary is now permitted to  
10 observe the proceedings from his holding cell through video/audio  
11 link for the entire day today.

12 AV booth officials are now instructed to ensure that the  
13 audio-visual link is connected to the holding cell so that Mr.  
14 Ieng Sary can observe the proceedings from there.

15 [09.05.04]

16 Next, we would like to hand over to Mr. Co Prosecutor, and  
17 yesterday the Chamber was seized of the request by the  
18 Prosecution asking for additional time for posing questions to  
19 the witness.

20 The Chamber notes that the request and certain circumstance of  
21 this witness testimony is vital for giving additional time to the  
22 Prosecution because the witness has inside knowledge of the  
23 relevant questions. The Chamber, therefore, grants such request  
24 by the Prosecution. From now, the Prosecution will have the whole  
25 morning session, including the Lead Co Lawyers for the civil

1 party to put questions to the witness.

2 The Chamber will grant some appropriate additional time to the  
3 prosecutor when needed. During this period of time, Mr. Co  
4 Prosecutor is advised to select the most significant questions  
5 and make the most of the time allocated. Thank you.

6 You may now proceed.

7 QUESTIONING BY MR. RAYNOR RESUMES:

8 Mr. President, I'm grateful. Thank you. Can I indicate that I  
9 have selected now what the Prosecution consider to be the more  
10 important documents, so I have pruned the content of further  
11 examination and I've also been in discussion, both yesterday and  
12 today, with the lead civil lawyers as to the division of  
13 appropriate time for this witness.

14 [09.07.24]

15 Q. Now, Mr. Kim Vun, we, yesterday, dealt with a press release  
16 dated the 14th of April 1976. To remind everyone in Court, that  
17 was E3/262. Now, for the purposes of my first question, my  
18 learned friends, the Judges in the Court, and anyone else  
19 following would in effect have to have one eye on that press  
20 release of the 14th of April 1976, but will also have to have  
21 regard to another document to put the question in context, and  
22 the other document, can I please quote, it's E3/380; Khmer,  
23 00357199; French, 004855431 going into 32; and English, 00365644.  
24 Mr. Kim Vun, for your purposes, I'd like you, please -- and I  
25 don't know if there is any documentation left from yesterday, but

4

1 on document E3/262, I'd like, please, you to have a look at the  
2 page in Khmer, which is 00622989.

3 [09.09.01]

4 I wonder if Mr. Kim Vun can be given some assistance with this  
5 page, please. It's, to remind, E3/262, and the page in Khmer,  
6 00622989.

7 Mr. Kim Vun, this is still on the press release dated the 14th of  
8 April 1976, and we can see on this page there is a list of 10  
9 people, and on the list of 10 people, before we have the list,  
10 there is this text: "The Standing Committee of the People's  
11 Representative Assembly of Kampuchea is made up of the following  
12 members..."

13 So, at number 1, "Nuon Chea"; number2, "Nguon Kang" -- Nuon Chea  
14 incidentally being described as president, and Nguon Kang as  
15 First Vice President; "Peou Sou" as the second vice president;  
16 and then a list, thereafter, of members of the Assembly.

17 Now, in one of the interviews with the investigators from this  
18 Court, you set out a list of 18 individuals and you named some  
19 ministries, and when you were describing to the investigators  
20 your knowledge of these persons and ministries, in relation to  
21 Chea Sim, you said that he was Nuon Chea's deputy.

22 [09.10.57]

23 Can I ask please what information you were basing that assessment  
24 on? In other words, why did you think that Chea Sim was Nuon  
25 Chea's deputy?

1 MR. KIM VUN:

2 A. I stated earlier that I was in the Youth League of the  
3 Communist Party of Kampuchea, I was not a member of the Party, so  
4 my knowledge about the roles of the senior leaders is very  
5 limited. I paid very little attention to the radio broadcasts  
6 concerning this because back then I paid greater attention into  
7 performing my tasks very well.

8 The journalists at that time did not take good photographs of the  
9 leaders and foreign delegations into the country and my knowledge  
10 was acquired from the broadcasts, the radio broadcasts, and my  
11 impression was that Mr. Nuon Chea was the chairman of the  
12 Assembly and Mr. Chea Sim maybe was the deputy chairman of the  
13 Assembly, that's what my impression was back then, and I think it  
14 is true.

15 [09.12.49]

16 Because during the CPK, the work division was precisely set and  
17 everyone would know who did what, and in the government, if we  
18 did not pay great attention to the radio broadcasts then we would  
19 not be able to keep ourselves abreast of the situation.

20 Because during the CPK, secrecy was the main part of the task,  
21 and indeed, I was supposed to only know what I was supposed to  
22 do. If I had to go to the field I had to focus on what I supposed  
23 to do, for example, knowing the development of the canal, the  
24 dams building, and rice paddy production.

25 At that time, I feel -- I felt that I did not pay great attention



6

1 to the roles of the leader, but I can conclude that Mr. Chea Sim  
2 could be the deputy chairman of the Assembly, and I can also  
3 confirm that this document does not belong to the CPK, because,  
4 at that time, the technology was not good enough for us to  
5 produce such printed material.

6 [09.14.17]

7 And if you look at the structure, at that time "comrade" would be  
8 used to refer to the cadres of the Khmer Rouge, but in this text  
9 they use only "mit" in Khmer, which mean like friend, so it could  
10 have never been the document by the CPK. However, this document  
11 on my right hand side is the genuine document of the Khmer Rouge.

12 Q. Sorry; forgive me, Mr. Kim Vun, I don't know what the document  
13 on your right-hand side is, being a document from the Khmer  
14 Rouge. I wonder if I can be given some assistance to have the E  
15 number of the document on the right-hand side.

16 Just going back to Nuon Chea and Chea Sim, did you ever see the  
17 two of them together at any gatherings, meetings or anything of  
18 that nature?

19 [09.16.04]

20 A. No, I never, but I know Mr. Nuon Chea very well. I never known  
21 Mr. Chea Sim. I have heard of him. I was told by my friends that  
22 he was or he could have been the deputy chairman of the Assembly,  
23 and I can say that I did not know much about the role of all the  
24 leaders, although I have very good knowledge of the role of Mr.  
25 Nuon Chea.

7

1 Q. Mr. Kim Vun, thank you. Can I just clarify on that then, that  
2 your knowledge as to the positional standing of Chea Sim was  
3 derived from what other people told you?

4 A. Yes, it is correct.

5 Q. Did you ever see any documentation at the printing house  
6 stating for sure that Chea Sim was Nuon Chea's deputy in any way?

7 A. No, I didn't. I already stated that the structure of the Party  
8 or the standing of the leaders was not knowledgeable to me other  
9 than the roles of individuals whom I worked with, including Ms.  
10 Yun Yat, Mr. Khieu Samphan, Mr. Nuon Chea, Pol Pot. These  
11 individuals are known to me very well. Apart from them, in  
12 various ministries, in the Propaganda Ministry structure, I could  
13 have known other individuals, although I may not know other  
14 individuals in other ministries outside this.

15 [09.18.30]

16 Q. I understand. Thank you.

17 Mr. President, with your leave, can I please next show Mr. Kim  
18 Vun the document which is E3/10, and the ERNs are: Khmer,  
19 00063059; French, 00491868; and English, 000450501?

20 MR. PRESIDENT:

21 You may proceed.

22 Court officer is now instructed to bring the hard copy of the  
23 document from the Prosecution to the witness for examination.

24 BY MR. RAYNOR:

25 Q. Sorry, Mr. Kim Vun, what you have before you is the front page

8

1 of a "Revolutionary Flag" special issue, September–October 1976.  
2 Can you help me please on this, based on your knowledge of  
3 "Revolutionary Flag"? What sort of subject matter would there be  
4 in a special issue?

5 [09.20.31]

6 MR. KIM VUN:

7 A. Having looked at this copied version, it is a copy from the  
8 genuine "Revolutionary Flag" magazine. And as I already stated  
9 with regard to the printing house task, I was part of  
10 disseminating the information rather than publishing then. So I  
11 may have not had inside knowledge of the subject matters being  
12 including in this special edition or issue.

13 Q. Thank you. Help me on this, and if you can't answer, then  
14 please say so. But in the time that you were connected with  
15 "Revolutionary Flag" -- you know, how often was there an ordinary  
16 issue and how often was there a special issue?

17 A. I stated already that I'm not clear on this, although I can  
18 confirm that these documents are the genuine documents of the  
19 Khmer Rouge.

20 Q. Thank you. I just want to take you to the next page that's  
21 behind the front page in your pack, but to give the ERN numbers,  
22 Khmer, 00063062; French, 00491871; and English, 00450504.

23 [09.22.25]

24 We now have an extract from this edition and the extract is  
25 headed "Excerpts of the Speech of The Comrade Party

1 Representative on the Occasion of the Great Victory of the 16th  
2 Anniversary Ceremony of the Birth of the Communist Party of  
3 Kampuchea", and then the dates, from the "30-9-1960 - 30-9-1976",  
4 and then, in the text, it is said: "Today, we meet for the great  
5 victory of the 16th anniversary ceremony of the birth of our  
6 Communist Party of Kampuchea."

7 Now, in respect of anniversaries of the birthday of the Party,  
8 what can you tell us about such anniversaries, if anything?

9 A. Each political party in each country has a date where they  
10 celebrate its anniversary, and I believe it is the case in --  
11 with regard to the CPK. I understand the content of this very  
12 little, in particular, regarding the dates, the 30th of September  
13 1970. So, to go to the historical background of the Party, it is  
14 not actually true, the Party could have been established by -- in  
15 1950s, although I did not remember the exact date.

16 [09.24.41]

17 Pol Pot would like to set this new date because he would like to  
18 free himself from the influence of the CPK, all other CPK,  
19 rather, because he believed that by stating 1960s of September  
20 would be more appropriate, because the CPK would like to have its  
21 own independence and ideology with own leader and they did not  
22 want to be affiliated with other Communist parties, although  
23 historically, the CPK could have been linked to other Communist  
24 parties in Laos and Vietnam, and Pol Pot liked to eliminate the  
25 Vietminh Movement, and it was appropriate for him to change the

10

1 date of the birth of the Party. That's my understanding of the  
2 history of this.

3 Q. Thank you. I'd like to move on to another subject, please, and  
4 the source document for this next subject is one of your previous  
5 interviews with the investigators, and so the number is E3/381.

6 And the ERNs are as follows: Khmer, 00357206 moving into 207;  
7 French, 00402999; and English, 00365529.

8 [09.26.44]

9 And on this page you said this: "Dissemination about the purges  
10 of the internal enemies was broadcasted widely, both on the radio  
11 and in meetings, saying, 'If any brother or sister is involved,  
12 Angkar will forgive them'."

13 If you can help me on this, please do. If you can't, please say  
14 so.

15 First question: What would a person have done to become an  
16 internal enemy?

17 A. Yesterday, I talked a little bit about the "White Khmer". In  
18 1973, when I was at the Liberated Zone in Stueng Trang district,  
19 at that time, the Movement led by Samdech Norodom Sihanouk was  
20 nearing to Phnom Penh and there were severe area bombardments.  
21 People were displaced and they moved to the Liberated Zone. At  
22 that time, secrecy was really vital. That's why the smashing of  
23 the infiltrated enemies would involve other movements as well.  
24 During the three-year period, there were several other factions  
25 and parties. I believed back then that was the case. And

11

1 according to the document concerning the internal enemies or  
2 infiltrated -- bore within enemies, as stated in the black-ink  
3 slogan.

4 [09.29.25]

5 I remember the "Yuon" aggressor enemies and CIA agents  
6 infiltrated in the Party, including the KGB agents, who were  
7 treated as the enemies as well, and I was convinced it was the  
8 case. We, practically, endured hardship, encountered a lot of  
9 problems because there were fighting -- because we were in the  
10 movements and we also noted there were other movements from the  
11 troops that -- or members of the movement from the Thiv Ky or  
12 from the Vietminh, or the movement that backed by Americans, and  
13 it led to the event that Lon Nol was toppled down - or, rather,  
14 it led to the coup d'état in 1970.

15 So, in the Movement, we had partners in war. In the war, Lon Nol  
16 people were supported and they were never short of supplies. So,  
17 in a nutshell, we can say that the rich people in the Movement  
18 could afford more weaponry -- modern weaponry -- and for people  
19 who supported and led by the then Prince Norodom Sihanouk were  
20 poor, so they were armed with machetes and sticks and axes like  
21 that.

22 [09.31.26]

23 So this phenomenon, the contradiction had happened long time ago,  
24 not just during the CPK, and the CPK had to be vigilant to  
25 control this. And the CPK had controlled several troops other --

12

1 or more troops as opposed to the Lon Nol regime.  
2 At that time, Cambodian people themselves treated others as  
3 enemies or adversaries. Even the King who was toppled down from  
4 power appealed to people, Cambodian people, to go to the jungle  
5 or maquis to fight back. So people looked into others as enemies.  
6 I, again, feel that when it comes to military affairs or  
7 political affairs that are more complicated, it is not really my  
8 inside knowledge of these, because I was attached to only the  
9 propaganda section.

10 [09.32.50]

11 Q. Mr. Kim Vun, thank you.

12 Just two supplemental questions, I hope, arising from that.

13 In terms of internal enemies, was there a change -- you've  
14 mentioned, you say, the Americans and you've mentioned the CIA.

15 Was there a change in the identity of the internal enemies from  
16 before the 17th of April 1975 to after the 17th of April 1975?

17 A. I do not understand it very well, but in my observation, those  
18 who were defeated did not surrender. They continued to resist.

19 So, during the entire period of three years, they did not really  
20 agree with the communist political lines. Actually, the Party was  
21 a mere symbol, but underneath they wanted something different  
22 because the regime at that time was not like the one we are  
23 enjoying now.

24 [09.34.22]

25 In the current regime, we open our door and we welcome our

13

1 foreign friends, but during that period, they organized their  
2 strategies that was to turn Cambodia into communism, but  
3 communism that was the transition from the monarchy and then the  
4 republicans, and eventually a communist country, and then you  
5 could imagine the conflicts, the contradictions in terms of  
6 ideologies and strategy. You may be able to imagine it yourself.  
7 I do not want to elaborate on that, but if you take all of those  
8 historical evolvments into consideration, there would be a lot  
9 of contradictions between the left-wings, the Communist Block and  
10 the Capitalist Block. So I did not understand it in detail, but  
11 it was my sole analysis that the situation at that time was too  
12 complex.

13 And according to the upper authority, they identified enemies  
14 into three categories and what criteria did they employ in order  
15 to categorize those enemies. For example, CIA agents, I did not  
16 understand back then what CIA agents were. Sometimes they refer  
17 to CIA agents as Vietnamese agents, but actually Vietnamese were  
18 the Vietnamese and CIAs were the Americans and Soviet people were  
19 the KGB. But at that time, I was the son of the farmers. I did  
20 not understand that much, and I think that people, ordinary or  
21 grassroots people, at that time, did not understand that either.

22 [09.36.20]

23 And when we studied or attended the political trainings, we only  
24 studied the warfare and enemies in general, but they did not  
25 clarify what were considered CIA agents, what were considered



14

1 KGB. I did not understand. I could only understand it later on,  
2 after the regime. For example, "Yuon" - "Yuon" was not the  
3 contemptible word for the Vietnamese, but some people construed  
4 this word as something contemptible for the Vietnamese, but  
5 actually it was the traditional word that describes the  
6 Vietnamese. For example, we call Thai people as the Siam;  
7 Vietnamese people as "Yuon", and Laos people as Lao. So, when I  
8 used "Yuon" in this context before this Chamber in my testimony,  
9 it does not mean that I am expressing my contempt against the  
10 Vietnamese people. It was not a derogatory remark against the  
11 Vietnamese. So I apologize to the Chamber if I fail to use the  
12 full name of the country, for example "the Socialist Republic of  
13 Vietnam". For example, in our context as well, I normally  
14 referred this country to "Khmer" instead of "Cambodia". Actually,  
15 people would use "Cambodia" in general.

16 [09.37.54]

17 Q. Mr. Kim Vun, what was your source of information to lead to  
18 you just telling us that the Lon Nol soldiers didn't surrender?

19 A. I went to the bases and I could have the feel of it. I went to  
20 the north-western zones and I could understand the situation on  
21 the ground. Actually, a security matter was not my  
22 responsibility. I was not in charge of spying, anything at all,  
23 because it was not my responsibility. I once told Minister Yun  
24 Yat, and then she warned me that it was not my responsibility. I  
25 should pay attention to agricultural works, as well as the

15

1 reconstruction of the country. As for the overall situation or  
2 so, it was not my responsibility.

3 [09.39.15]

4 And, of course, there were some hidings of the weapons and other  
5 stuff among the people over there, and the popular mass at that  
6 time knew it, but I could not say anything because I was not  
7 supposed to know anything aside from my main responsibility. So  
8 that was the resistance forces. For example, the Khmer Rouge  
9 soldiers who went to the -- I wanted to go to the Boeng Lvea. I  
10 wanted to go back to my former base in Stueng Trang. They told us  
11 that we could not go to Sector 304 because they told us that  
12 there were the presence of "White Khmer" over there. So that was  
13 the situation back in 1973. So I was not allowed access to that  
14 area.

15 Another example. I went to the West--

16 Q. Please forgive me. Please forgive me, everyone in Court, but  
17 -- Mr. Kim Vun, please forgive me. I know I've interrupted you,  
18 but can I say that my time for questioning you is being limited  
19 by the Court, and please forgive me for the interruption, but I  
20 wonder if I might be able to just move on to another question,  
21 please, if you don't mind.

22 In the context of what you just said this morning, you've used  
23 the word "smash". Now, I wonder if you could answer this fairly  
24 briefly, please, if possible. What did the word "smash" mean to  
25 you?

16

1 [09.41.13]

2 A. The word "smash" was used back then to refer to the crashing  
3 beneath of anything. For example, if it is a document and if you  
4 wanted to destroy it or get rid of it, then we smash it away. But  
5 in the battlefield, the word "smash" means to attack any base or  
6 so, and we have to resort to using military forces in order to  
7 destroy that location. So in the battlefield we have to be  
8 vigilant and consider the other opponent as enemies, so we had to  
9 smash them. That was the meaning at that time.

10 Q. Thank you.

11 Now, going back to the extract that we started on -- in other  
12 words, dissemination about the purges of internal enemies being  
13 broadcasted widely -- is this broadcasted on the radio or  
14 broadcasted in some other way?

15 [09.42.29]

16 A. Did you -- or are you referring to the period -- the five-year  
17 period before 1975 or during the Democratic Kampuchea period?

18 Q. During the Democratic Kampuchea period.

19 A. I did not understand the plan to smash the enemy because it  
20 was the decision of other people.

21 Q. Mr. Kim Vun, I'm not asking whether you knew about the plan.  
22 Let me put the question this way. After the 17th of April 1975,  
23 did you ever hear a broadcast where the broadcaster was saying,  
24 in the context of internal enemies, "If any brother or sister is  
25 involved, Angkar will forgive them"?

17

1 A. Well, actually, I did hear about that when my family members  
2 also had problems, and I learned it from the minister who  
3 disseminated information in various political training sessions.

4 Q. Thank you. I just want to ask this, then, going back to the  
5 quote, "broadcasted widely both on the radio and in meetings".  
6 So, just concentrating on "and in meetings", what meetings was  
7 it, please, when this subject came up -- what sort of meeting --  
8 where?

9 [09.44.55]

10 A. The meetings refer to political training sessions or sometimes  
11 there were ordinary meetings, but in certain special  
12 circumstances, there were extraordinary meetings, and those  
13 meetings were meant to disseminate information to raise vigilance  
14 and awareness among people, and that was the Movement -- the  
15 Resistance Movement in order to seize back the power, and that  
16 was it. And people were trying to defeat one another in order to  
17 regain power. So we had to be vigilant at all times. Even I,  
18 myself, at that time, dare not move around arbitrarily. I, of  
19 course, went to different parts of the country, to the Northeast  
20 and other corners of the country, but once the situation was  
21 looming, the leaders and I, myself, felt that we must not go out  
22 arbitrarily because there were many factions in the country and  
23 we could not know who was who. We did not know who were our  
24 enemies and who were our friends. And if we make it by way of  
25 analogy, the water was already dirty, so everything was being

18

1 mixed up. So I did not see whether or not there was water crabs  
2 or fish in the water. I cannot really see because the water was  
3 no longer transparent, and I had constant fear of it, myself, and  
4 the fear stems from the possible allegation of problems or so. I  
5 did not have any problem myself, but as for my family members,  
6 they had problems, so they had to be vigilant and they had  
7 constant fears all the time.

8 [09.47.06]

9 Q. Mr. Kim Vun, in terms of the meetings where vigilance was  
10 mentioned, were these meetings just within the Ministry of  
11 Propaganda or did you go somewhere else where that was mentioned?

12 A. To my recollection, that was mentioned in my ministry. That  
13 was disseminated by the minister herself. And in other  
14 ministries, in those political training sessions, there could  
15 have been this dissemination as well. This was not something that  
16 everyone had to take it lightly, but it was a serious matter that  
17 everyone has to raise their vigilance.

18 Q. Thank you.

19 I'd like to show you next, please, a document. The document is  
20 E3/11; ERN Khmer, 00063116; French, 00492795; and English,  
21 00486212.

22 Mr. President, can I please have leave for that document to be  
23 presented to the witness?

24 MR. PRESIDENT:

25 You may proceed.

1 Court officer is instructed to obtain the hard copy document from  
2 the Prosecutor and hand it over to the witness for his  
3 examination.

4 [09.48.56]

5 BY MR. RAYNOR:

6 Q. Mr. Kim Vun, the document before you is the front page of a  
7 "Revolutionary Flag", Special Issue September 1977, and in  
8 contrast with all previous red flags that I've shown you that  
9 have five flags on the front cover, this edition has one large  
10 flag taking up half of a page. Can you tell us why?

11 MR. KIM VUN:

12 A. As for the change of the cover page from five flags to one  
13 flag, I did not know. I did not know when it was changed. I have  
14 no idea, but I can confirm that this is the genuine document from  
15 the Democratic Kampuchea. I look at the font as well as the form  
16 of the letters. They belong to the period.

17 [09.50.22]

18 Q. Thank you.

19 If we go to an extract from this edition -- it's your next page  
20 in your pack -- so it's still on E3/11. The ERNs, Khmer 0063118,  
21 French 00492797, English 00486214. The heading on the document is  
22 "The Presentation of the Party Representative on the occasion of  
23 the 17th Anniversary of the Great Victory of the Founding of the  
24 Communist Party of Kampuchea and on the Occasion of the Official  
25 Domestic and International Public Announcement of the Party".

20

1 Now, can I ask the question in this way, please: When, after  
2 1975, moving into 1976, did you think there was a connection  
3 between Angkar and the Communist Party of Kampuchea?

4 A. To my understanding, Angkar and the Communist Party of  
5 Kampuchea were used differently, but they were referred to the  
6 same thing. But Angkar was used more broadly and the Communist  
7 Party of Kampuchea, on the other hand, was used mainly internally  
8 and Angkar was broadly defined.

9 Q. Were you ever aware, at any stage, of any announcement to the  
10 effect that "Angkar" was in fact the Communist Party of Kampuchea  
11 -- that they were one and the same?

12 [09.53.13]

13 A. I may wish to go back a little bit about the writing of the  
14 FUNK.

15 Normally, Minister Hu Nim granted me permission to change the  
16 word from the Communist Party of Kampuchea to Angkar. So during  
17 that period, I concede to my superior. I was instructed at the  
18 printing house that where there was the Communist Party of  
19 Kampuchea, it was then changed to the Front or Angkar. So it was  
20 my understanding that the meaning-- it was referred to the same  
21 thing.

22 Q. Thank you, Mr. Kim Vun.

23 Next, please, I'd like to, with Mr. President's leave, show to  
24 you the full copy of document E3/169. Can I explain this was not  
25 one that was downloaded to the Court before today. Can I hand you

21

1 this document, please? And I'd like you to take some time, not  
2 just to look at the front page, but to look at the whole  
3 document, and then can you indicate to me when you feel you've  
4 properly digested this document.

5 Mr. President, can I please present this document to the witness?

6 [09.55.22]

7 MR. PRESIDENT:

8 You may proceed.

9 Court officer is now instructed to obtain the document from the  
10 Prosecution and hand it over to the witness.

11 I note the defence counsel is on his feet. You may proceed,  
12 Counsel.

13 MR. PAUW:

14 Thank you, Mr. President. I do not object, as such, to the  
15 Prosecution using this document - excuse me. I would like to  
16 point out that it is the feeling, at the Defence, that if the  
17 Defence would try to do this -- the Defence would try to use a  
18 document that has not been put up on the interface before, we  
19 feel we would be kept from doing so. This is an informed feeling;  
20 of course, it stems from events that took place last week, where  
21 we were, time and again, kept from using certain documents. We  
22 acknowledge that that ruling was later overruled, but we do feel  
23 that the Defence, at times, is placed at a disadvantage.  
24 Again, I do not think that there's any reason to not have the  
25 Prosecution use this document, but we would like the Chamber to



22

1 apply one line - excuse me -- whether or not documents are going  
2 to be relied upon by either the Prosecution or the Defence. Thank  
3 you.

4 [09.57.11]

5 MR. RAYNOR:

6 Mr. President, can I just respond? I hope to help everyone in  
7 Court.

8 Mr. Kim Vun is a witness, perhaps, in a special category because  
9 of his knowledge of documentation during this period.

10 BY MR. RAYNOR:

11 Q. Now, Mr. Kim Vun, in respect of this document that you have in  
12 your hands, can you please indicate -- and to let everyone know  
13 what the document is, it's a speech by Comrade Khieu Samphan,  
14 President of the Presidium of the State of Democratic Kampuchea  
15 at the mass meeting held on the occasion of the third anniversary  
16 of the glorious April the 17th and the founding of Democratic  
17 Kampuchea.

18 Now, first of all, can you remember anything about this  
19 anniversary -- the third anniversary?

20 MR. PRESIDENT:

21 Witness, please hold on.

22 National Counsel for Mr. Khieu Samphan, you may proceed.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. I simply concur with the position of  
25 the defence counsel for Mr. Nuon Chea. We would like to hear the

1 ruling of the Chamber.

2 [09.58.40]

3 MR. PRESIDENT:

4 Thank you. If we are not mistaken, due to the complexity of this  
5 issue, the Chamber has decided to review the filing of the  
6 document before the Chamber in the trial management meeting held  
7 on the 17 of August 2012, and we made reference to the changes in  
8 the previous rulings handed down by the Chamber in respect to the  
9 document put before the Chamber by parties, and the Chamber  
10 agreed that the defence team for Nuon Chea may use one document  
11 that the Chamber was not --granted the permission due to the  
12 previous ruling of the Chamber.

13 However, due to the specificity of the document, the Chamber has  
14 reviewed that particular document and then that was allowed, but  
15 then Mr. Karnavas also put the question to the witness in  
16 relation to that particular document. So the evolvement of the  
17 issue concerning the placing of document for examination by the  
18 witness was already ruled upon.

19 [10.00.30]

20 And just now, the Chamber identified the topics in the last  
21 meeting in the trial management meeting. There were a number of  
22 other issues that we have not been dealt with, but we decided to  
23 discuss the issue of placing the document before the Chamber in  
24 order to address the problems of question to be put to the  
25 witness and that was intended to address the issue of the

24

1 document put before the -- put to the witness for questioning by  
2 the defence team for Nuon Chea.

3 And the Chamber has already advised the parties accordingly and,  
4 from now on, documents with the E number -- the documents  
5 considered to be put before the Chamber -- so -- so long as  
6 parties choose the document with the E numbers, you do not have  
7 to identify the identity of the document because those document  
8 were considered put before the Chamber.

9 And in this particular document before us, the relevant  
10 paragraphs use -- so long as the Chamber consider that certain  
11 documents are put before the Chamber or that the Chamber deems  
12 they are appropriate, then parties may be allowed to use this  
13 document to be examined with the witness so long as the document  
14 is relevant.

15 (Judges deliberate)

16 [10.06.40]

17 MR. PRESIDENT:

18 Perhaps there could be some misunderstanding in the observation  
19 by counsel, and to clarify things concerning observation by  
20 counsel for the Accused with regard to the document being put  
21 before the Chamber or being examined by the Co-Prosecution, the  
22 document that is up on the screen now, we would like to hand over  
23 to Judge Lavergne to shed light on this to be more precise.

24 [10.07.20]

25 Judge Lavergne, you may now proceed.

1 JUDGE LAVERGNE:

2 Yes. Thank you, Mr. President.

3 The Prosecutor -- we have understood from you, Prosecutor, that  
4 you intend to use a document to question this witness and it  
5 seems that this document is not in the daily interface which  
6 normally -- and, normally, proper practice should be to use  
7 documents in the interface so that all parties should know in  
8 advance the documents that will be used to question witnesses. So  
9 is this the case? Is there a -- a specific reason why this  
10 document has not been included in the daily interface?

11 MR. RAYNOR:

12 Can I answer that question? The front page of this document was  
13 included in the interface in English. It was E3/202. So the front  
14 page of the document in English was provided in advance by the  
15 prosecutors. Having appreciated that that was a translation from  
16 an original French document, the French front page is now being  
17 put to the witness. I hope that clarifies.

18 JUDGE LAVERGNE:

19 So, therefore, all parties were apprised of the fact that this  
20 document may be used through the interface. If such is the case,  
21 I believe there's no problem in using this document.

22 MR. RAYNOR:

23 Thank you. Can I add as an observation, please, Mr. President? I  
24 wonder if the Court might find it helpful if defence counsel  
25 decide to object at the same time, and not when I've asked the

1 question. But can I please proceed?

2 [10.09.39]

3 BY MR. RAYNOR:

4 Q. Mr. Kim Vun, my last question to you was: Do you remember the  
5 third anniversary of the glorious victory of the 17th of April?

6 MR. KIM VUN:

7 A. In general, at my ministry, the anniversary of the victory of  
8 the 17th of April would be conducted on a regular basis.

9 Q. Thank you. And what would take place on the anniversary  
10 generally speaking?

11 A. Generally speaking, there would be speeches by the minister  
12 concerning the victory of the 17th of April.

13 [10.10.54]

14 Q. Thank you. Is the document you have before you an official  
15 document?

16 A. Yes, it is, but I don't know where it was printed.

17 Q. And do you recall anything about this speech?

18 A. No, I don't because I have not read the document and I do not  
19 appear to recollect the full content of the speech, but I believe  
20 that it is more or less about the victory of the 17th of April.

21 However, I also wish to emphasize that in such a piece of  
22 document, Khieu Samphan, alone, could never be the only person  
23 who contributed to writing the text. Khieu Samphan normally likes  
24 writing long sentences so I can say that the statement could have  
25 never been drafted alone by the State Presidium. It could have

1 been done or with assistant of the upper echelon; however, I  
2 can't talk on his behalf. He, himself, can shed light on this.

3 [10.12.38]

4 Q. How do you know that Khieu Samphan wrote in long sentences?

5 A. I used to read some text; the text meant to be broadcast on  
6 the radio during the five-year period. Normally, we would receive  
7 text submitted to us stemming from his writing so his sentences  
8 were long.

9 Q. Thank you. Staying on the subject of Khieu Samphan -- there is  
10 on the case file, Mr. President and Your Honours, so you know --  
11 there is partial excerpts, transcripts -- partial transcripts of  
12 what Mr. Kim Vun had to say to the interviewing investigators and  
13 the first document I would like to make reference to is  
14 D201/10.1.

15 Now, Mr. Kim Vun, in your interviews with the investigating  
16 officers, you said this in respect of Khieu Samphan: "I was  
17 always with him during the National United Front."

18 [10.14.02]

19 Is that correct?

20 A. It was partly correct because I was never always be with him,  
21 but I can say that among the one hundred per cent statement, I  
22 mean, I would say that it's only third or three per cent out of  
23 that fact that I was with him.

24 Q. All right, thank you.

25 I want to move to your knowledge of connection with Khieu Samphan

1 after the 17th of April 1975 when you were working at the  
2 Ministry of Propaganda or the Ministry of Propaganda and  
3 Education.

4 First question: Did you ever work in Khieu Samphan's department  
5 or ministry?

6 A. No, I didn't. I worked at a different ministry. The Ministry  
7 of Propaganda and Education, where I worked -- I had never met  
8 him -- I met him once, but accidentally when I was going out  
9 taking some photographs. So I can say that I rarely met him.

10 Q. I just want to be clear on this and -- and please take your  
11 time if you need to.

12 After the 17th of April 1975, is it correct that you only met  
13 Khieu Samphan once accidentally?

14 A. Yes.

15 [10.16.24]

16 Q. Was he responsible for monitoring your work in any way?

17 A. No, he wasn't, because I was at the other ministry which was  
18 not under his monitoring.

19 Q. Did you ever attend any study sessions when he was present?

20 A. No, I didn't and I never met him in any study sessions.

21 Q. Did you ever visit the Ministry of Commerce?

22 A. No, I didn't, but things that relevant to commerce like  
23 transportation -- the transportation of goods at the Phnom Penh  
24 port -- I would go there to take some photographs of the people  
25 at work for the purpose of publishing in my -- at my work.

1 [10.18.01]

2 Q. In terms of what you thought Khieu Samphan was doing, is it  
3 right that your only source of information came from colleagues  
4 of yours?

5 A. Yes, it is correct.

6 Q. Did you ever attend any meetings of the Standing Committee or  
7 Central Committee?

8 A. As far as my right is concerned, I said no.

9 Q. Again, going back to your interviews with the investigators,  
10 to the document which is D201/11.1 -- the particular page, Khmer,  
11 00833795; French, 00835743; and English, 00834717 -- you said  
12 this: "Propaganda and Education never saw him--" and this is in  
13 relation to Khieu Samphan -- "Propaganda and Education never saw  
14 him, and he never showed his face."

15 Is that correct?

16 A. Yes, it is.

17 Q. You also said on the same page -- during this period -- after  
18 17th of April -- during this period: "Mostly propaganda related  
19 to Khieu Samphan."

20 Is that correct?

21 A. No, it isn't.

22 [10.20.22]

23 Q. Can you please clarify what you meant?

24 A. What I meant was that he was never present at our ministry  
25 because we were chaired by our own minister already at the



1 ministry.

2 Q. After the 17th of April 1975, did Khieu Samphan make any  
3 broadcasts?

4 A. I already stated yes and I noted that I could recognize the  
5 text to belong to him because they were of long sentences. That's  
6 what I thought.

7 Q. In respect of anniversaries of the "Great Victory", do you  
8 remember there being separate speeches each year?

9 A. In each anniversary, there would be the statement or speech  
10 and I did not take notice. I did not pay attention to reading the  
11 speech but, normally, it was the case that such speech could be  
12 used on each anniversary.

13 [10.22.32]

14 Q. Mr. Kim Vun, I'm moving on, please, now, to questioning about  
15 your first wife, Chim Chheanary, alias Phoan.

16 Can you please explain to the Court what happened to your wife in  
17 1977?

18 (Short pause)

19 Take your time. We understand the position.

20 (Short pause)

21 [10.24.02]

22 Mr. Kim Vun, would you like me to carry on? Are you content with  
23 me carrying on?

24 A. You may proceed.

25 Q. You said in your OCIJ statement that -- OCIJ interviews that

31

1 she was called to study and then disappeared for good. Can you  
2 just tell us please a little about what happened just prior to  
3 her disappearance and the day of the disappearance, please?

4 [10.25.03]

5 A. Actually, I did not know anything about this, but before her  
6 disappearance, changes were -- or she had been moved and I also  
7 had to move working places from B-25 -- rather Office 25 to  
8 Office 29 and I did not move to work at other two locations where  
9 my wife could have been assigned to work at.

10 And as assigned by the minister, my wife had to work as the  
11 deputy head of the office at the Propaganda Office. She was  
12 tasked with reading the news on the radio on a daily basis.  
13 However, later on, she was removed and transferred to Office 25  
14 to become the assistant to Ms. Yun Yat. She was also tasked with  
15 compiling the biographies of the cadres at the ministry and also  
16 she was tasked with teaching children.

17 [10.26.51]

18 It was during that period of time that she parted ways from me. I  
19 still did not know where she would be invited to attend the study  
20 session because it was the order by the minister. The minister  
21 did not even tell me where my wife could have been taken to. I  
22 met the minister after the disappearance. I could never have the  
23 gut to see the minister before, but then I felt that I have  
24 nothing more to lose after losing my wife so I had to meet the  
25 minister to ask why my wife was taken away to study sessions, but

32

1 I was just told very briefly that only after she attended the  
2 study session for half a month that I could be told of the reason  
3 and I was asked to go home. That's all I learned about the  
4 disappearance of my wife. And when she left, she left with  
5 nothing. She did not bring along any luggage.

6 Q. Mr. Kim Vun, did you have a child with your first wife at this  
7 stage?

8 A. We had a daughter about 12 months.

9 [10.28.41]

10 Q. What happened to your daughter?

11 A. I don't know. I don't know what happened to her and to my  
12 wife.

13 Q. Just so that we're clear, if we take the day after your wife  
14 had disappeared, was your daughter still with you?

15 A. During the three-year period, people with children would have  
16 to leave their children at the nursery or the children centre,  
17 after work they could then bring back their children. So I can  
18 say that my daughter could not stay with us, she would be looked  
19 after by a babysitter at the children centre where she was kept  
20 at the old pedagogical school.

21 Q. Since the day that they disappeared, have you seen either of  
22 them?

23 A. No, nothing.

24 Q. Did Yun Yat, at any stage after they disappeared, give you a  
25 reason as to why your wife had gone?

1 [10.30.56]

2 A. After the life-view meeting or study session and after my  
3 biography was written again, I was called to meet her face to  
4 face, where I was told briefly that my wife was a CIA agent. I  
5 was, as I told you, taking issue with that statement because I  
6 had been living with her long enough to understand her weaknesses  
7 and her strength. And we also attended study sessions and we also  
8 distributed information about the three categories of enemy, so  
9 we could observe one another to believe that my wife could never  
10 been an enemy. And we -- I learned from her previously that she  
11 told me that her friends had been removed to do farming, and she  
12 said that she was no involved with any other agents. And she told  
13 me that she worked close to the Centre and I worked close to the  
14 Centre, and I encouraged her to be strong because we were known  
15 by a lot of senior people that she could never be killed.

16 [10.32.46]

17 MR. PRESIDENT:

18 Thank you, Mr. Witness, and thank you, Mr. Co-Prosecutor.

19 It is now appropriate moment for the adjournment. The Chamber  
20 will adjourn for 20 minutes.

21 Court officer is now instructed to assist the witness during the  
22 adjournment.

23 And the next session will be resumed by 10 to 11.00.

24 (Court recesses from 1033H to 1050H)

25 MR. PRESIDENT:

34

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

2 I now hand over to the prosecutor and the Lead Co-Lawyer for the  
3 civil party.

4 This is the last session for the two parties to put the questions  
5 to the witness before us.

6 You may proceed.

7 [10.51.48]

8 BY MR. RAYNOR:

9 Q. Mr. Kim Vun, your last statement to us was in relation to your  
10 wife.

11 "She worked close to the Centre but she was not involved with any  
12 agents. She worked close to the Centre and I encouraged her to be  
13 strong, as we were known by a lot of people and she could never  
14 be killed."

15 Can you help us, please, as to when you were having these sorts  
16 of conversations with your wife?

17 MR. KIM VUN:

18 A. I would like to correct it a bit; my wife was not working in  
19 the Centre. But following the war period, she did not work  
20 directly in the Centre, but I -- what I described earlier was  
21 that certain individuals whom the ministry removed in order that  
22 they be sent to do the farm work -- then I became terrified and I  
23 had to discuss it on a constantly basis with my wife about that  
24 issue. So we normally discuss at night because during the day  
25 times we all had to work.

1 [10.53.30]

2 Q. Can you help me, please? What part of the country was your  
3 wife originally from?

4 A. Her hometown was not clear and her date of birth was unclear  
5 as well. She was the daughter from a civil servant family and she  
6 changed her places several times and her father used to work with  
7 the Ministry of Public Works. So she changed the workplace from  
8 one place to another, from Kampong Thom to Kratie province. But  
9 as for -- my father-in-law's hometown was in Phnom -- Phum Chrum  
10 (phonetic), Srok -- Santuk district, Kampong Thom province. And  
11 as for my mother-in-law, she was born in Preaek Preah village,  
12 Preaek Bak commune, Stueng Trang district, Kampong Cham province.  
13 But before the coup d'état, she was attached to work in Kratie  
14 province and that's why my wife was also educated in Kratie  
15 province, in the downtown area of Kratie province.

16 Q. Mr. Kim Vun, you said in your OCIJ statements that other  
17 people disappeared around the same time as your wife and you  
18 named Pang, Kat, and Chhoy; is that correct?

19 A. Yes, that is correct. Brother Chhoy was transferred out, but I  
20 did not know where he was sent to.

21 [10.55.46]

22 Q. In respect of Kat, immediately prior to Kat's disappearance,  
23 what position did he hold?

24 A. He was in the management team, he was the Director of the  
25 Department of Propaganda and before that he worked in the

1 newspaper section. But later on he was designated by the minister  
2 to involve in the management team in the Ministry of Propaganda  
3 headed by Brother Chhoy, and Kat was the deputy leader in that  
4 department. But the technical aspect of the work in that  
5 department was to read radio news article.

6 Q. You also added in your statement about leaders from the  
7 Propaganda Office disappearing also, Hu Nim and Tiv Ol; is that  
8 correct?

9 A. Actually, I learned from my friends that my -- our former  
10 boss; namely, Hu Nim and Tiv Ol, during the five-year time of  
11 period in the war, they were the former minister of propaganda.

12 [10.57.30]

13 Q. In your earlier interviews, in respect of Koy Thuon, you said  
14 you knew that he was arrested, "...because I read a 'Revolutionary  
15 Flag' magazine, and all the pages in the magazine were Koy  
16 Thuon's confession"; is that correct?

17 A. Yes, that is correct.

18 Q. You may not be able to answer this, but can you help us in  
19 what year that "Revolutionary Flag" magazine was that you were  
20 reading?

21 [10.58.17]

22 A. I do not recall it very well, but I can remember most of the  
23 story about Koy Thuon because most of the pages in the magazine  
24 was the confession by Koy Thuon. But as for the specific time or  
25 date, I do not recall.

1 Q. Thank you. In respect of the makeup of the Ministry of  
2 Propaganda and Education after Hu Nim had disappeared, is it  
3 right that Yun Yat then became responsible for both ministries?

4 A. Yes, that is correct.

5 Q. You also stated in your previous interviews that there was a  
6 time when Nuon Chea was in charge of the Propaganda Office; is  
7 that correct?

8 A. As a matter of fact, the leadership role was not his task, but  
9 when Yun Yat was not present, he was there to involve directly in  
10 administering the day-to-day work.

11 Q. You said in respect of the period after your wife was arrested  
12 that you were sent for political study sessions for half a month,  
13 and when you were asked what was the content of the political  
14 study session, you said this: "To re-fashion ourselves and build  
15 the country and talked about the issue of embedded enemies that  
16 required us to be alert". Is that correct?

17 A. Yes, it is.

18 [11.00.30]

19 Q. Dealing with what was happening in your life after this, is it  
20 correct that at one stage you were transferred to work as the  
21 chairman of the Kampuchea Krom radio program?

22 A. Yes, it is correct.

23 Q. When you were the chairman of that program, were you working  
24 in one of the ministries in Phnom Penh or elsewhere?

25 A. I worked all along in the Propaganda Ministry. The difference



1 is that I worked in different section of the ministry.

2 [11.01.30]

3 Q. Mr. Kim Vun, when you were asked in your earlier interviews,  
4 E3/381 - Khmer, 00357205; French, 00402997; and English, 00365528  
5 -- you were asked about what the broadcasts were about when you  
6 were the chairman at Kampuchea Krom. And amongst the items, you  
7 said - talking, in fact, about another station or a program, you  
8 said this: "There was also a program in the Vietnamese language  
9 run by Pang from North Vietnam, the broadcasted confessions of  
10 Vietnamese prisoners of war"..  
11 Is that correct?

11 Is that correct?

12 A. (Microphone not activated)

13 THE INTERPRETER:

14 The interpreter could not hear the witness testimony because the  
15 mic was not activated enough for us to hear.

16 BY MR. RAYNOR:

17 Q. Mr. Kim Vun, can you remember the name or specify which  
18 program it was that was broadcasting confessions of Vietnamese  
19 prisoners of war?

20 MR. KIM VUN:

21 A. So far as I remember, it was the uncontested evidence  
22 concerning the "Yuon" enemies.

23 Q. And which radio program or which broadcast was it that gave  
24 this information about the confessions, please?

25 [11.03.48]

1 A. In the confessions, we captured the live interview or  
2 confession of the soldiers.

3 Q. Now, just concentrating on your role as the chairman of  
4 Kampuchea Krom radio, who was involved in the selection of  
5 material to be broadcasted?

6 A. We received from two sources, first, from the border.  
7 Secondly, we had to write in accordance with the information  
8 emanating from the confessions of the Vietnamese prisoner of war  
9 because the Vietnamese prisoners of war and the Khmer Krom,  
10 people shared the same territory.

11 So parts of their confessions were relevant because we did not  
12 understand Vietnamese. We had to seek assistance from the  
13 Vietnamese, or Khmer Krom to assist us with the knowledge of the  
14 geographical feature of the area.

15 [11.05.28]

16 At that time, we could only go all the way to Phnum Den location  
17 in Takeo and because we travelled to those locations, we could  
18 understand the geographical location. However, to obtain the  
19 actual information concerning that area we had to contact the  
20 Khmer Krom people and, indeed, at that time there was chaotic  
21 situation in the South Vietnamese area or Vietnam area.

22 Q. Thank you. Now, just concentrating solely on your radio  
23 program, so Kampuchea Krom radio, were speeches ever broadcast?

24 A. No, they weren't in my program. We only broadcast the texts  
25 written by us and the voice is the voice of the Khmer Krom.

40

1 Q. Mr. Kim Vun, I want to go back to your wife please, if I may.  
2 In your OCIJ statements you said this: "I'm not sure if she's  
3 still alive, but I haven't heard from her."

4 Is that correct?

5 A. Yes, it is.

6 Q. Have you remained in that state of uncertainty since 1977?

7 A. Yes, I have. I haven't received any information about her.

8 Q. So that I'm clear, since 1977, has anybody in authority ever  
9 shown you any document to help you to know for sure what happened  
10 to her?

11 [11.08.05]

12 A. No, I'm afraid not. I have never received any information  
13 other than information I obtained through the study session in  
14 which I was told that my wife belonged to a CIA agent network.

15 Q. Mr. Kim Vun, if such documents existed, would you like to be  
16 able to read them with your own eyes so that you could put your  
17 mind at rest?

18 [11.09.03]

19 MR. KARNAVAS:

20 Mr. President, if I may--

21 MR. PRESIDENT:

22 Counsel, you may now proceed.

23 MR. KARNAVAS:

24 Thank you, Mr. President. I understand the thrust of the  
25 question, but I believe it's a gratuitous one. It's one that it

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1 doesn't merit one to be asked, let alone an answer. Thank you.

2 MR. RAYNOR:

3 Mr. President, that doesn't sound like a legal objection.

4 I apply, please, to show a document to Mr. Kim Vun.

5 (Judges deliberate)

6 [11.11.43]

7 MR. PRESIDENT:

8 Mr. Co-Prosecutor, could you please identify the document number  
9 you would like to put question to the witness? And on which  
10 subject matter would you feel that the document is relevant to?

11 MR. RAYNOR:

12 The document number is E3/342, the revised S-21 prisoner list.

13 To answer your President -- Mr. President about relevance, Mr.

14 Kim Vun has spoken about the disappearance of his wife. He does

15 not know what happened to her. Even on the basis of his existing

16 testimony, it gives reasonable cause to believe that she may, in

17 some respect, be a victim in this case, and it's for those

18 reasons and out of a sense of humanity that I ask to put this

19 document.

20 [11.12.56]

21 MR. PRESIDENT:

22 International Co-Counsel for Mr. Nuon Chea, you may proceed

23 first.

24 MR. PAUW:

25 Thank you, Mr. President. I think we left the realm of legal

1 objection in this case when the prosecutor asked the witness  
2 whether he would like to see this document.

3 And I would submit that if we are talking about a sense of  
4 humanity, I think it would be the humane thing to do to provide  
5 this witness with the opportunity -- with the possibility to look  
6 at this document in private, not in this courtroom. If the  
7 document exists, the parties can take notice of it, but I don't  
8 think it is humane to expose the witness to such a document in  
9 the courtroom. If, indeed, the Prosecution is concerned about the  
10 well-being of this witness, let this document be shown to him in  
11 the privacy of his own surroundings.

12 [11.14.09]

13 That is our non-legal but humane submission.

14 MR. PRESIDENT:

15 International Co-Counsel for Mr. Khieu Samphan, you may proceed.

16 MS. GUISSÉ:

17 Yes, Mr. President. I will be short and I will support entirely  
18 what my colleague has just said.

19 I believe that it is true, if there are documents that are  
20 related to his family, the witness, of course, is allowed to be  
21 apprised of these. But this, again, is not a legal objection. I  
22 would like to underscore that the courtroom is not an appropriate  
23 place for the witness to become aware of documents that may give  
24 information about his wife.

25 Maybe the harm has already been done, but I believe that it is

1 the Court's duty to ensure that all people are treated with  
2 dignity and with the right to respect their privacy.

3 [11.15.17]

4 MR. PRESIDENT:

5 Counsel Karnavas, you may now proceed.

6 MR. KARNAVAS:

7 Just very briefly, that was the purpose of my objection, Mr.  
8 President, a sense of humanity.

9 MR. RAYNOR:

10 Mr. President, I echo everything that all three defence counsel--

11 [11.15.46]

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, could you please hold on?

14 Legal -- lawyer for the civil parties, you may proceed first.

15 MS. SIMONNEAU-FORT:

16 Yes. Thank you, Mr. President. The civil parties support the  
17 Defence on this issue.

18 I believe that this document should be mentioned during the  
19 proceedings, but if the witness is to become aware of this  
20 document, he should become aware of this document in private.

21 MR. RAYNOR:

22 Mr. President, my only concern is that Mr. Kim Vun sees the  
23 document if he wants to. I'm in your hands, Mr. President, as to  
24 how that's done.

25 (Judges deliberate)

1 [11.18.55]

2 MR. PRESIDENT:

3 In respect of the request of filing of document or putting the  
4 document before the Chamber and it is challenged by several  
5 parties of the proceeding, it is appropriate pursuant to the  
6 humanity and the privacy of the person concerned; this should  
7 have been done through the WESU unit. So the Chamber, therefore,  
8 does not wish the document to be presented to the witness.

9 If Mr. Co-Prosecutor wishes to put a few more questions, then you  
10 may proceed.

11 But at the same time, could the Co-Prosecution advise the Chamber  
12 as to how you already manage your time among the civil party  
13 co-lawyers because we have only 40 minutes left for your time to  
14 put questions to the witness altogether with the civil parties.

15 MR. RAYNOR:

16 Mr. President, thank you for that clarification.

17 I have no further questions.

18 And can I please pass over to the lead civil lawyers? Thank you.

19 [11.20.36]

20 MR. PRESIDENT:

21 Thank you very much.

22 Lead Co-lawyers for the civil party or civil party lawyers, you  
23 may now proceed.

24 MS. YE:

25 Thank you, Mr. President. I would like - just like to remark that

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1 I will try to go through my questions before lunch break. I might  
2 need another 15 minutes after lunch break -- if I may proceed  
3 after lunch break for 15 minutes with my questions?

4 MR. PRESIDENT:

5 Indeed, you may proceed, and the Chamber will assess your request  
6 whether it warrants additional 15 minutes as requested. The  
7 Chamber will ensure that the proceedings will be conducted on a  
8 timely basis and we will see to it when you are putting the  
9 questions. But the Chamber wishes to make it clear that the  
10 Chamber wants to ensure that the proceedings are properly  
11 conducted on a timely manner.

12 QUESTIONING BY MS. YE:

13 Thank you, Mr. President. Good afternoon, everyone in and around  
14 the courtroom. My name is Beini Ye. I'm an international civil  
15 party lawyer.

16 Q. Mr. Kim Vun, first, I would like to talk a bit about the time  
17 when you arrived in Phnom Penh.

18 You said yesterday that you entered Phnom Penh around the 20th of  
19 April 1975.

20 My question is: When you entered Phnom Penh, what was the  
21 situation in the city? What did you see and hear?

22 [11.22.31]

23 MR. KIM VUN:

24 A. In Phnom Penh, after the 17th of April 1975 liberation, there  
25 was very few people left in the city. The city was reduced to



1 only a group - some people, including the soldiers. It was not as  
2 crowded as it used to be in the previous time.

3 [11.23.07]

4 MR. PRESIDENT:

5 Counsel for the civil party, could you please be advised to slow  
6 down in putting questions to the witness for good record and for  
7 your message to be fully rendered into the languages intended?

8 BY MS. YE:

9 Yes, Mr. President, I will slow down.

10 Q. So did you see any people leaving Phnom Penh -- any civilians?

11 MR. KIM VUN:

12 A. I did not see people being evacuated because they had already  
13 been evacuated before I moved in.

14 Q. So, when you said you saw soldiers, what were the soldiers  
15 doing?

16 A. The soldiers were the Front soldiers. They were assigned or  
17 based at their respective location.

18 Q. When you said you arrived on the 20th of April, did you travel  
19 with the mobile radio station from Stueng Trang?

20 A. Factually, the Phnom Penh front mobile radio station left for  
21 Phnom Penh first, and I had to come later with a truck carrying  
22 printing materials. And we had to pass Chamkar Andoung and  
23 Chamkar Leu before we reached Phnom Penh.

24 [11.25.24]

25 Q. Thank you, Mr. Witness.

1 I will move on to the next topic. You said that between 1975  
2 until the end of the Democratic Kampuchea regime, you worked as a  
3 writer for the news and, later on as the chairman of the  
4 Kampuchea Krom radio show. I want to talk about the time when you  
5 were working as a writer for the news.

6 When did you start working as a writer at the Ministry of  
7 Education and Propaganda?

8 A. Indeed, I worked as a writer during the -- during the Front  
9 regime, I was assigned to the printing house tasks and I worked  
10 with Mr. Hu Nim and Tiv Ol.

11 In my capacity as a writer, I sometimes wrote some texts for  
12 them. So, these two individuals gave trainings to me all along,  
13 but my core task was not writing. Only after we entered Phnom  
14 Penh, after the photographers group were set up, then Ms. Yun Yat  
15 assigned me with the task of writing. That's the main task that I  
16 started on in 1975, as a writer.

17 [11.27.25]

18 Q. Thank you. So did you start right after the liberation to  
19 become a writer for the news or long time after the liberation?

20 A. I had been working all along since I was under the supervision  
21 of Minister Hu Nim.

22 At the printing house I could assist the printing matters and  
23 writing short stories and poems. And I could perform several  
24 other artistic tasks as well apart from the printing house tasks.  
25 For example, I could assist in the stage performance and also

1 singing because we lack forces and we had to mutually help one  
2 another. I helped them with the stage performance and arts, and  
3 they helped me with the printing house, so on and so forth.

4 [11.28.40]

5 In 1971, I was not yet a real writer because I had to practise,  
6 writing on a pieces -- on pieces of paper where we could make  
7 several copies when writing on that first page. And sometimes, as  
8 the Minister of Propaganda needed assistant, he would use me, and  
9 by that I learned on the job.

10 And I also dealt with Party relevant documents, I was asked to  
11 help edit the text for example, chopping out part of the unwanted  
12 tests - texts, so that it could be used for the front news,  
13 that's part of my job from then.

14 Q. I just want to clarify first; I want to talk about the time  
15 after the liberation, after the 17th of April 1975. And if I  
16 understand at that time, at some point you were appointed to  
17 become a writer for the newspaper. And I just wanted to know was  
18 it shortly after the liberation, on 17th of April, or was it a  
19 long time after the 17th of April 1975?

20 A. Actually that's what I said earlier; first I let a group of  
21 photographers. We learned how to take photos for newspaper. We  
22 had to master the skill to take photograph because those who were  
23 in charge of camcording, includes the photos for the newspaper,  
24 photos for magazines, and photos for newspapers, and for movies.  
25 And I started to learn about how to write articles. But I was not

1 quite conversant with it because I only knew how to take a  
2 photograph. But, later on, I learned to write newspaper articles,  
3 but it was not important articles, it was only announcements or  
4 so.

5 [11.31.36]

6 Q. So you said you were only writing announcements. Did you ever  
7 write anything about the evacuation from Phnom Penh?

8 A. At that time, the topic on the Phnom Penh evacuation did not  
9 exist. The main topic over there that we covered was the national  
10 reconstruction efforts and national defense. We tried to write in  
11 order to encourage people to build irrigation, try to grow crops,  
12 and do agricultural works. So we did not cover the story of  
13 evacuation; we were not supposed to write about that because the  
14 information concerning the -- that movement, population movement  
15 was restricted by others. We could not write freely; we had to  
16 follow the policy line of the party.

17 Q. If you say you were restricted, who restricted you in what you  
18 should write about and what not?

19 A. I refer to the period when Hu Nim, Tiv Ol and Yun Yat, all of  
20 them were the leaders who give the advice. And my direct  
21 supervisor also received advice from those senior people and he  
22 handed down that order to us.

23 Q. When you say that certain information should not be published  
24 in the newspaper; who were the recipients of this newspaper?

25 [11.34.15]

1 A. To my understanding, the information was circulated to all  
2 bases across the country. There were couriers and then they  
3 prepared them in stack of newspapers. We printed in -- in many,  
4 many copies, and they transported in trucks and circulated across  
5 the country.

6 Q. Were they also distributed to civilians?

7 A. I asked other people. Normally, after printing the newspaper,  
8 we always had the follow-up records as to whether or not those  
9 newspapers were distributed to the bases and the people. But in  
10 terms of whether or not it reached civilians, I did not know for  
11 sure. As I said earlier, in certain places people could cultivate  
12 rice and with good yield, but -- yet they did not have enough  
13 food to eat.

14 [11.35.45]

15 And the same is true for the equipment we see after the war.  
16 There were many items in the warehouse, but they were not used to  
17 provide to the people. So coming back to the issue of newspaper,  
18 it could have reached the people but I did not know for sure  
19 because I know that transport was not that easy at that time. So  
20 sometimes they could deliver them to the civilians in certain  
21 areas -- the newspaper -- the contents of the newspaper were  
22 widely disseminated. So, at that time, there was the possibility  
23 to reach the civilians or in certain places, it was not possible,  
24 and at that times I encounter different situation of life.  
25 For example, in Phnom Penh, people had something to eat but in

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1 the countryside they did not have anything to eat. So the same is  
2 true for newspapers, certain areas received the copies of the  
3 newspapers but in other areas no, they didn't.

4 [11.37.07]

5 Q. You said that in the countryside some areas did not have  
6 enough food. Did you report on this in your news? Were you  
7 allowed to report on this?

8 A. I said earlier, when I found anything irregular I would report  
9 it to the minister, but the minister advised me, as I said  
10 earlier in my testimony, that the minister warned me that I had  
11 to mind my own business. So I did not actually disseminate such  
12 information to others.

13 Q. Thank you.

14 Can you tell us the difference between the newspaper that you  
15 worked on and the "Revolutionary Flag" or the "Revolutionary  
16 Youth" magazine?

17 A. Actually, the "Revolutionary Flag" was the internal party  
18 document. Even I, myself, did not read every copy of the  
19 magazine. Normally, it was printed and disseminated to the Party  
20 members, and it was meant actually, for the cadres at the upper  
21 authority. I was one of the cadres but I was not a member of the  
22 Party. I had time to read the various issues of the magazines  
23 because I was attached to the broadcast department. And as for  
24 the news that we published, as a matter of fact, it was a  
25 simplified form of information, it was not something secret. But

1 as for the "Revolutionary Flag", the message in which were meant  
2 for the leaders.

3 [11.39.34]

4 As for the newspapers and the pictures in magazines are for the  
5 public interest, we receive information from the publics and we  
6 disseminate or distribute to the public and that is also true for  
7 the newspaper. As for the "Revolutionary Flag" it -- we did not  
8 receive information from the mass, instead we received  
9 information from the leaders, particularly the directions from  
10 the leaders and that was meant to train cadres in the lower rank.

11 Q. You said yesterday that you had sometimes to read the  
12 "Revolutionary Flag" to write your articles for the newspaper.  
13 What kind of articles did you write based on the "Revolutionary  
14 Flag"?

15 A. Normally, it was the instructive article involving the  
16 national construction affairs and the national defense. Then we  
17 can depict a portion of that article from the magazine. Now, for  
18 example, if we were to touch upon agricultural affairs -- or  
19 work, we had to expand on it. For example, the construction of  
20 the -- reconstruction of the country and the national defense, by  
21 way of great leap forwards, we had to expand on that.

22 [11.41.20]

23 And in addition, there was an objective to achieve 3 metric  
24 tonnes of rice yield per hectare. Then we had to expand to that,  
25 for example, in order to ensure that people had surplus of

1 production for export, then we had to expand on this topic. So we  
2 had to depict on that particular topic and expand on them for the  
3 interest of the public.

4 Q. Is it fair to say that the newspaper was a method to convey  
5 orders that were published in the "Revolutionary Flag" to the  
6 mass?

7 A. Yes, that is correct.

8 Q. Now, you said that as a reporter you went often to the field,  
9 or to the provinces to take photos and to cover the news. My  
10 question is: Which areas did you go to at that time?

11 A. To my recollection, we went to all sectors and zones in  
12 cooperation with the -- those sectors and zones in order to  
13 report on certain areas. For example, we went along with them and  
14 ask them for permission whether or not we could access certain  
15 place, and without their authorization we had no access at all to  
16 it, because there were certain areas which was not secured for  
17 us.

18 [11.43.16]

19 So, normally, they would warn us in advance if we were to cover  
20 any story from any particular areas.

21 Q. And how often did you go to the provinces?

22 A. As a matter of fact, I went there rather often. I stayed there  
23 for some time for two days, for three days, five days, or even a  
24 week, or even for four nights.

25 Q. And could you choose where to go and when to go, or did



1 someone tell you where to go and when to go?

2 A. If we targeted any area, we had to make a request directly to  
3 the minister, because the ministers would request to the upper  
4 authority to issue the laissez-passer or the travel permit for  
5 us.

6 Q. When you say you targeted a certain area, how did you decide  
7 which areas you wanted to target?

8 [11.44.57]

9 A. Our target at the time, as I said, there were certain topics  
10 which were of interest to us. And if we went there to see it  
11 first hand in the field, we could cover everything with every  
12 detail and we learned about everything and we took photograph of  
13 the place as well so that our information on the newspaper was  
14 informative. So, if we went there, we would have a lot of ideas  
15 to write it; and if we got information but we did not have any  
16 idea, then the ministry would send us back there again. Now, for  
17 example, if they could -- farmers could not produce a good  
18 production, then we had to cover that story. Then, for example,  
19 if they encounter difficulties, if students studying in Phnom  
20 Penh who had difficulty growing -- growing crops or so then we  
21 had to cover that story as well. We stayed along with those  
22 people in order to establish relationship with them, and get the  
23 information from them. They wanted us to work as closely as  
24 possible to the poor people -- poor peasants on the ground.  
25 Otherwise we would not understand their real life difficulties.

1 [11.46.34

2 So we were supposed to be there with them and learn firsthand of  
3 their hardship they had to endure at that time. And that was the  
4 basis for our news report, or sometimes we could also produce it  
5 into short story as well.

6 Q. So, if you lived with them closely, with the peasants and --  
7 on the -- in the countryside, can you describe their working and  
8 living conditions at that time?

9 A. That is correct.

10 Q. And can you describe how they lived and how they worked?

11 A. As a matter of fact, anywhere we wanted to go we had to seek  
12 prior permission from our superior. We could not go there at our  
13 own will. For example, we had an idea to write about certain  
14 topic, we had our own objective that was to cover the story about  
15 that topic, and we had to only mind our business with the confine  
16 of our responsibility.

17 Q. I understand that you had orders to only cover certain topics  
18 but when you went to the provinces, what did you see. How were  
19 the working and living conditions of the people, what did you see  
20 with your own eyes?

21 [11.48.46]

22 A. The places where I went, normally we were well received. And I  
23 did not witness any food shortage or starvation or hardship or  
24 so. Actually, the places where I went at the times, I did not  
25 really see any miserable life condition over there. And I only

1 noticed that people were very active in their agricultural work  
2 or other work. For example, if they were tasked to dig tunnels or  
3 build dam across Chinit tribury (phonetic).

4 When the worksite was opened, the Ministry of Propaganda and  
5 Education was also invited to attend the opening ceremony of the  
6 worksite and we took photograph of the sites and we also filmed  
7 them in order to promote the movement. And we went to different  
8 other places. We also noticed those movements, the movement of  
9 making reservoirs and stocking water also.

10 [11.50.16]

11 So normally we went there together at the Ministry of Education  
12 and Propaganda and sometimes only one of -- one representative  
13 from one ministry went there, but we normally went there in a  
14 truck -- with one truck together. But in terms of the miserable  
15 life condition, we did not witness that, we did not witness  
16 people starving or so, we only went to the places where people  
17 had sufficient food to eat, and if you look at the physical build  
18 of the people they were physically fit.

19 Q. A few minutes ago you mentioned that people didn't have enough  
20 food in the countryside and that you were not allowed to report  
21 on this in the news; now you are saying that you only went to  
22 places where you never saw starvation and where people always had  
23 food. You also mentioned a few minutes ago that you lived with  
24 the peasants to see the hardship they endured. Can you please  
25 clarify?

1 [11.51.29]

2 A. I would like to clarify two aspects.

3 The first aspect, on starvation. Actually, back then, sometime  
4 the target we wanted to cover was the places where people suffer  
5 from starvation. Particularly, we went to Sector 25 -- I started  
6 my first work with Sector 25 in Angkor Thum. In that sector,  
7 there were New People coming from Phnom Penh and I saw that there  
8 were a lot of people, it was crowded over there, and they ate red  
9 corn. And that -- that was the place where I witnessed the  
10 starvation.

11 But in other times, our leaders only brought us to the place  
12 where people had enough food to eat. So we had nothing to cover  
13 about the miserable life condition over there because they would  
14 not bring us to any place that people were suffering from  
15 starvation. The same was true in Phnom Penh. When we cover  
16 stories in Phnom Penh, people had sufficient food to eat; there  
17 was nothing about food shortage over there. Actually, at that  
18 time, they ate in the communal hall at that time. Particularly in  
19 my unit, in Ministry of Propaganda, we always had enough food to  
20 eat. And in terms of fish, when people in Phnom Penh left the  
21 city, then the fish that they caught from Chraing Chamres were a  
22 lot. We had sufficient food and fish to eat.

23 [11.53.27]

24 So I know that there were numerous documents about starvation,  
25 about hardship, mistreatment of people, but when I covered the

1 news in that period I never witnessed that myself. And the  
2 situations that I consider it the hardship and starvation of the  
3 people was the first time when I was brought to one place, as I  
4 mentioned earlier, that people had nothing to eat but red corns.

5 Q. Thank you. You mention that New People arrived in Sector 25;  
6 can you explain the term "New People"?

7 A. I -- New People are the people who were evacuated from Phnom  
8 Penh. There were a lot -- a lot of them. In that sector, it  
9 received a lot of people from Phnom Penh because it was close to  
10 Phnom Penh and among all of us there were peoples who actually  
11 went to that sector as well. There were many people. That's what  
12 I noticed then.

13 Q. And did you see -- did you see how they accommodated so many  
14 people from Phnom Penh?

15 [11.55.05]

16 A. Generally, that was understandable; if it was crowded the  
17 condition was like refugees as well. And at that time, there was  
18 no presence of the UN so the situation was -- was as -- it was at  
19 that time. And the 17th of April, it was after the Khmer New Year  
20 and we were approaching the rainy season, so we had to live  
21 collectively and we had to make use of certain public places. For  
22 example pagodas and houses that were abandoned then. We had to  
23 live collectively and I did not know how the local authority in  
24 that particular place organized the people and, of course, they  
25 had to receive a lot of people, and following the war times they

1 had nothing much to eat -- that could be understandable. And even  
2 in Phnom Pen after the war, we were lack of even salt to eat so  
3 we could imagine the food condition in the -- in the place at the  
4 time.

5 Q. Thank you. Now I would like to come back to the term "New  
6 People". Did you ever write anything about New People in your  
7 articles?

8 [11.56.42]

9 A. As a matter of our publication policies, there was no  
10 distinction whatsoever between the Old and New People. And in the  
11 article, we was restricted from making that distinction. And that  
12 was mentioned in the "Revolutionary Flag", but in our ordinary  
13 publications we were not allowed to make this distinction. And we  
14 were -- we also copy portion of it for radio broadcast. So we  
15 only extract a certain portion that does not affect the policies  
16 and Party's line. And we have a constantly received advice from  
17 our superior that broadcasting was like carrying an artillery; it  
18 had enormous impact. So, before any article was broadcast, it had  
19 to be reviewed time and again. We cannot decide to broadcast it  
20 at our own prerogative; we had to go through review, particularly  
21 the review of its content and the editor in chief had to revise  
22 every content in order to ensure that it had less impacts.

23 Q. Thank you. You said that the "Revolutionary Flag" mentioned  
24 the term "New People". Can you tell me what it said about New  
25 People?

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1 [11.58.28]

2 A. I do not recall this particular issue. I did not actually see  
3 it by my own eyes, but I only wanted to refer to the authority.  
4 Of course, our newspaper did not have the authority to write  
5 about anything that is secretive. It -- but in the "Revolutionary  
6 Flag" they could write something that is secretive by the Party.  
7 But for us, we normally run story of general sense, of general  
8 topics.

9 Q. All right. I -- you said that you are taking photographs in  
10 the countryside when you were covering the news. What kind of  
11 photos would you take at that time?

12 A. The main photographs we took were for the purpose of the  
13 magazines, and we took still pictures for the newspaper. And also  
14 we took some video footage for the movies. We took photograph of  
15 the important events. We never talked about traffic accident like  
16 the news coverage of these days - Cambodia. At that time, our  
17 leaders would ask us to write articles about building the  
18 country, articles that convinced people to be educated on these  
19 purposes.

20 Q. And did the same restrictions apply to taking the photos as  
21 they applied to writing articles?

22 A. We had to be vigilant, and there was restriction in taking  
23 photographs because we had to cover the same confined topics. And  
24 as a photographer, we had been trained to the technicality of  
25 taking photographs and also the political aspects of taking the

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1 photographs. For example, for each photograph, what kind of  
2 elements could a photographer take into account before taking the  
3 shots, whether the photo had contributed to the reconstruction of  
4 the country or not after it being taken.

5 [12.01.33]

6 MS. YE:

7 Thank you, Mr. Witness. I conclude my questions here. I would  
8 like to thank you very much for answering all my questions, and I  
9 wish you a safe journey back home.

10 MR. PRESIDENT:

11 Thank you, Counsel, and thank you, Mr. Witness.

12 It is now appropriate moment for the lunch adjournment. The  
13 Chamber will adjourn for lunch until 1.30 p.m.

14 When the next session resumes, we will continue hearing the  
15 testimony of the witness.

16 And Court officer is now instructed to assist the witness during  
17 the break.

18 Counsel for Mr. Nuon Chea, you may now proceed, as you're on your  
19 feet.

20 [12.02.36]

21 MR. PAUW:

22 Thank you, Mr. President. Our client would like to follow this  
23 afternoon's proceedings from his holding cell, as he is suffering  
24 from a headache, back pain and a general lack of concentration.

25 And we have prepared the waiver.



1 MR. PRESIDENT:

2 The Chamber notes the request by Mr. Nuon Chea through his  
3 counsel in which he has requested that he be allowed to observe  
4 the proceedings from his holding cell for the entire remainder of  
5 the day due to his health concern that he could not remain seated  
6 in the courtroom. The request by Mr. Nuon Chea has been  
7 substantiated and, therefore, granted by the Chamber. Mr. Nuon  
8 Chea is now allowed to observe the proceedings from his holding  
9 cell through the video link for the entire remainder of the day.  
10 Mr. Nuon Chea has precisely to this effect expressed his waiver  
11 of his right to participate directly in the courtroom.

12 The Chamber asks that counsel submit the waiver signed or given  
13 thumbprint by Mr. Nuon Chea to the Chamber immediately.

14 And AV booth officers are now instructed to ensure that the AV  
15 equipment is connected to the holding cell so that Mr. Nuon Chea  
16 can observe the proceeding from there.

17 [12.04.26]

18 Security personnel are now instructed to bring Mr. Nuon Chea and  
19 Khieu Samphan to their respective holding cell and have Mr. Khieu  
20 Samphan returned to the courtroom when the next session resumes.

21 The Court is adjourned.

22 THE GREFFIER:

23 (No interpretation)

24 (Court recesses from 1205H to 1334H)

25 MR. PRESIDENT:

1 Please be seated. The Court is now back in session.  
2 Before we proceed to the counsel for the accused person, the  
3 Chamber would like to ask question to the International  
4 Co-Prosecutor concerning the document the prosecutor would like  
5 to give to the witness whether the -- whether the document has  
6 already been managed to send through WESU unit to him or not. And  
7 also, please indicate the name of the individual in the document,  
8 whether she was actually the spouse of this witness and also the  
9 date when she entered S-21 and the exit date as well, if you can,  
10 please.

11 [13.36.52]

12 MR. RAYNOR:

13 Mr. President, if I could please answer those questions in turn.  
14 Firstly, there has been contact with WESU over the luncheon  
15 adjournment. The document I had, as, Mr. President, you know, was  
16 the revised S-21 prisoner list, but it was felt that the original  
17 document should be found in Khmer -- in Khmer, rather. And so  
18 efforts have been made over the lunch adjournment to find that  
19 document.

20 When I left about 20 minutes ago, it hadn't yet been located, but  
21 there are people working on this, Mr. President, now, so that the  
22 original document, we hope, can be obtained and be available for  
23 Mr. Kim Vun, I hope, at the close of proceedings this afternoon.  
24 Mr. President, to answer your second question, the document  
25 shows, in terms of the name, a female, Chim Nary (phonetic),

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1 alias Phoa -- P-h-o-a-n -- the wife of Chhaom, a combatant of  
2 K-25 office. And it states that the arrest was from the Ministry  
3 of Propaganda and Education, and the date of that was the 1st of  
4 May 1978, and then the other relevant date that you were asked  
5 about, the 27th of May 1978.

6 Does that answer, Mr. President, please, all of those questions?

7 [13.38.39]

8 MR. PRESIDENT:

9 Yes, it does. Thank you.

10 Next, may I know whether Judges of the Bench would like to put  
11 any questions to the witness?

12 Judge Lavergne, you may now proceed.

13 QUESTIONING BY JUDGE LAVERGNE:

14 Yes. Thank you, Mr. President. Good afternoon, Witness. I have a  
15 few questions that put to you to clarify a certain number of your  
16 statements.

17 Q. Yesterday, when you testified, you said that when the radio of  
18 the Front was installed at B-20 -- that is to say, before the  
19 fall of Phnom Penh -- Khieu Samphan's statements that were  
20 broadcast over the radio were certainly written together with  
21 Prince Norodom Sihanouk. And you said then that his statements  
22 could not have only been written by Khieu Samphan. Do you  
23 remember having said that?

24 [13.40.07]

25 MR. KIM VUN:

1 A. Yes, I do, Your Honour.

2 Q. So did you witness any specific form of communication between  
3 Khieu Samphan and Prince Norodom Sihanouk back then or did you  
4 receive any kind of information that allows you to support this  
5 assertion, or is this a simple conclusion or even a speculation  
6 coming from you?

7 A. I was talking about this because that was my analysis back  
8 during that time on the situation.

9 Q. Of course, I understand that this is your analysis, but what I  
10 want to know is whether this analysis is based on information --  
11 specific information. Did you witness any kind of communication  
12 between Khieu Samphan and Prince Sihanouk? Do you know anything  
13 that may be useful to know, or is this simply a conclusion?

14 A. During the period of the FUNK, the FUNK was chaired by Prince  
15 Norodom Sihanouk. And at that time, I still stand by what I  
16 analyzed. And whether I saw Prince Norodom Sihanouk and Khieu  
17 Samphan made the decision jointly or not, I do not know. I just  
18 felt, at that time that, without any decision made by the top  
19 level, then there would never be such statement being broadcast.

20 [13.42.38]

21 Q. Well, this morning you spoke about another feeling. You said  
22 that, according to you, Khieu Samphan's speeches that had been  
23 broadcast during the period of Democratic Kampuchea, that is to  
24 say, after the fall of Phnom Penh, had probably not been written  
25 by Khieu Samphan himself alone. And you even said that you could

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1 substantiate this because, as far as you remember in regard to  
2 Khieu Samphan's speeches during the period of the Front, that  
3 Khieu Samphan used long -- that speeches had been written with  
4 long sentences.

5 Is that the only element that substantiates your analysis, the  
6 length of the sentences, or do you have any other elements that  
7 allow you to understand why you believe Khieu Samphan was -- did  
8 not write these speeches on his own?

9 A. My statement will not be different from that I gave  
10 previously.

11 [13.44.13]

12 Q. Do you wish to add anything? Because I didn't understand if  
13 you wanted to add something different in relation to what you  
14 said this morning. Or do you stand by what you told us this  
15 morning?

16 A. I still stand by my position that Mr. Khieu Samphan alone  
17 could never be making the statement, and that was part of my  
18 analysis.

19 Q. Witness, you also were questioned by the investigators of the  
20 OCIJ, so I'm going to try to summarize what you said regarding  
21 Khieu Samphan.

22 You compared him to an elephant, to a handicapped elephant, an  
23 elephant without legs or without any strength in his legs. And  
24 you also said that Khieu Samphan was perceived as a victim,  
25 specifying that that was the impression people might have had

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1 under Norodom Sihanouk as well as during the period of the FUNK,  
2 as well as during the period of Democratic Kampuchea, even. And  
3 you also added that, according to you, he was a man who never had  
4 -- who never enjoyed real power.

5 And if I understood properly, you specified that Khieu Samphan's  
6 role during the period of Democratic Kampuchea consisted  
7 essentially in also supervising transport supplies to the bases  
8 and to receive foreign dignitaries, to accompany Prince Norodom  
9 Sihanouk and his wife when they were travelling to the  
10 countryside.

11 So did I summarize properly what you were trying to tell the  
12 OCIJ, or am I mistaken?

13 [13.46.37]

14 A. That is, Your Honour, the full, accurate passage of what I  
15 stated.

16 Q. So -- well, then, I have a few questions to try to understand  
17 if this is a feeling or if this is some kind of analysis that you  
18 drew and what this analysis is based on.

19 You said that you met Khieu Samphan when you were travelling,  
20 when you were writing stories in the countryside. Did you meet  
21 him very often? As I remember from this morning, you told us that  
22 you had only met him once. How many times did you meet Khieu  
23 Samphan?

24 A. I met him by accident only on one occasion. I did not meet him  
25 face to face. It was when I went to take some photographs in the

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1 bases and I talked to my colleagues who told me that Khieu  
2 Samphan was in a vehicle with Samdech Penn Nouth. I noted the  
3 vehicle and I believed that it was him in that vehicle. So I can  
4 say for sure that I never met him face to face or in person.

5 [13.48.18]

6 Q. So you never met him personally, you never spoke to him about  
7 his role, and he never was your superior -- he never checked your  
8 work. I think this is what you said to us this morning. So did  
9 you have access to any information on Khieu Samphan's role, for  
10 example in offices called K-1, K-3? Do you have any information  
11 on the operations of Office 870?

12 A. At that time, I did not know where the leaders could have been  
13 working. I knew only about what happened at my ministry.

14 Q. Did you get any specific information between -- on the  
15 relations between Khieu Samphan, Ieng Sary, Pol Pot, Nuon Chea,  
16 Ieng Thirith, Son Sen? Do you know who attended the meetings of  
17 the Standing Committee?

18 A. I was not authorized to understand anything about the roles or  
19 the function of the leaders.

20 Q. Fine. So let me put the question to you again in a more  
21 general way. So do you have any information or other information  
22 that allow you to support your analysis which -- according to  
23 which Khieu Samphan was a man who never enjoyed real power? What  
24 allows you to assert this?

25 [13.50.30]

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1 A. I may wish to raise this for consideration. I had been in the  
2 Resistance for several years. After the Khmer Rouge collapsed, I  
3 came back to Cambodia and in this capacity, I had -- I know for  
4 sure what happened. So my belief was that Mr. Khieu Samphan did  
5 never enjoy power, he did not possess any assets and, to be more  
6 precise, Mr. Khieu Samphan should be asked now to shed light on  
7 this.

8 Q. Fine. Okay, let's move on to another topic, which is the role  
9 of Mr. Nuon Chea, and you spoke about this very briefly this  
10 morning. You had also spoken about this before the investigators  
11 of the OCIJ and you said to them that Nuon Chea came to run the  
12 Ministry of Information -- Ministry of Information, Education and  
13 Radio after the arrest of Mr. Hu Nim; and after Yun Yat took  
14 charge of both ministries, Ministry of Education and Information.  
15 And this morning you told us that Nuon Chea only came on an  
16 intermittent basis.

17 [13.52.16]

18 So can you tell us a bit more about what Nuon Chea was doing at  
19 the Ministry of Propaganda and Education?

20 A. Actually, Mr. Nuon Chea had a role in the education program.  
21 The education program was on agriculture. He brought a thick book  
22 by the Chinese experts in which he quoted one page at a time for  
23 the education purpose. That's what I learned back then.  
24 And with regard to other documents, I do not know how the  
25 communication took place. The only thing I knew about his new



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1 role was involving the agricultural aspect. And I still recall  
2 the thick book by the Chinese expert on the rice, techniques in  
3 growing rice and it was part of the education purpose.

4 Q. Did Nuon Chea simply come to give training and to provide  
5 information on agricultural issues or did he also control the  
6 subordinates and oversee how the subordinates were working? And  
7 did he have any kind of control over the information that was  
8 broadcast over the radio? Did he replace Ms. Yun Yat or did he  
9 simply come to assist her, let's say?

10 A. His fundamental program was the new education on agriculture,  
11 and I have no other knowledge of his involvement in other section  
12 in writing, in particular, because I had been transferred to the  
13 Kampuchea Krom Radio Section, when Mr. Nuon Chea was assigned to  
14 the Propaganda Department. He only came most often when Yun Yat  
15 was not present.

16 [13.55.07]

17 Q. Do you know if there was any kind of connection between the  
18 Ministry of Information and Propaganda and the Ministry of  
19 Foreign Affairs? For example, would documents for the Ministry of  
20 Foreign Affairs -- were documents for the Ministry of Foreign  
21 Affairs ever printed at the Ministry of Information and  
22 Propaganda, for example?

23 A. So far as I remember, there were not a lot of documents  
24 relevant to this. For the Khmer radio broadcast, there would be  
25 the Khmer statement. And sometimes we were given some documents

1 to be read, and also a foreign language program on the radios.

2 [13.56.22]

3 Q. And do you remember speeches by Ieng Sary or by Nuon Chea  
4 being broadcast?

5 A. With regard to all the radio programs, I focussed mainly on  
6 the assigned task for me, in particular, and I had paid no  
7 attention to other programs. And I had nothing to know about that  
8 -- all those statements.

9 Q. And during the period of the Front -- that is to say, before  
10 17 April 1975 -- did you have the opportunity to meet Mr. Hou  
11 Youn? And did Hou Youn work for the information department?

12 A. Mr. Hou Youn, to my best of knowledge, was the minister in  
13 charge of rural development or reform at cooperatives, but I have  
14 no idea, or I have no knowledge of his other roles.

15 Q. So, you never had any kind of contact with him back then; is  
16 that so?

17 A. I had never contacted with him. I met him on some occasions  
18 just to chit chat with him. I also cut his hair; I cut the hair  
19 for people during that time, for senior people including Mr.  
20 Khieu Samphan. Mr. Hou Youn was, at times, allowed me to cut his  
21 hair because I was a good barber.

22 [13.58.57]

23 Q. And do you know what happened to Hou Youn after 17 April 1975?

24 A. No, I have no information about him. But at B-20, I used to  
25 meet him prior to 1975, but not after that.

1 Q. Let us talk about a last subject. It has to do with the  
2 "Revolutionary Youth" magazine. You stated that it was the Front  
3 that was in charge of the preparation and publication of that  
4 magazine. Is that the case?

5 A. No, it isn't.

6 Q. So, what was your role regarding the youth -- the  
7 "Revolutionary Youth" magazine? What did you do, precisely?  
8 [14.00.14]

9 A. Please allow me to clarify on this.

10 At the printing house, we were printing three magazines, the  
11 "Revolutionary Flag" magazines, the Front magazines.

12 As for -- the "Youth" magazines were printed at a later date.

13 They were printed in 1972 or 1973, so far as I remember, because  
14 I had never seen the documents before. I only came to know this  
15 document at S-31 - or, rather, Office 31.

16 So these magazines could have been printed at a later date for  
17 the purpose of publicizing information to inform the Youth League  
18 group.

19 Q. Do you know who drafted articles for the "Revolutionary Youth"  
20 magazine?

21 A. To my knowledge, in the initial inception, Madam Yun Yat was  
22 the one who wrote article in that magazine.

23 Q. To be more specific, you told the Co-Investigating Judges the  
24 following: "It was Yun Yat who wrote articles with the assistance  
25 of my team." End of quote.

1 Does this reflect the truth? Did you have a team that assisted  
2 those who wrote those articles?

3 A. Yes. Yes, it does. But it was not within the FUNK, but it was  
4 in the Democratic Kampuchea period and my wife was an assistant  
5 to her, as well. And, of course, the minister also had other  
6 assistants as well, in order to assist. But as for short news, I  
7 and my team also assisted.

8 [14.03.14]

9 Q. What was the target readership or public of that  
10 "Revolutionary Youth" magazine? As of what age were you supposed  
11 to read that magazine?

12 A. As a matter of fact, if anyone wanted to join the Youth  
13 League, they had to be at the age of 18 at least. So if they  
14 reached the age of 18 they can join the Youth League, and then  
15 they were also allowed to read the "Youth" magazine.

16 Q. The "Revolutionary Youth" magazine had an ideological vision.  
17 Did it also have another objective to rouse the anger or the  
18 hatred of the youths against class enemies and, ultimately, to  
19 insight them to destroy the enemies of the nation? And to do so  
20 completely up until they were extinguished or decimated? Was that  
21 one of the visions of that magazine?

22 [14.05.02]

23 A. I did not understand it any better, but at that time what I  
24 understood was that the Communist Party of Kampuchea considered  
25 the Youth League as the close aide of the Party. So anyone who

1 were in the Youth League, they had to be at the forefront; they  
2 were the vanguard forces of the Party. And these particular youth  
3 organizations were politically indoctrinated in a more intensive  
4 manner compared to ordinary youth.

5 Q. And did such indoctrination go as far as arousing anger  
6 against the enemies?

7 A. As for the enemy -- actually, we did not consider everyone --  
8 or our enemy as enemy per se, but we could sometime consider them  
9 as our friends as well. We did not hold the absolute standpoint.  
10 For example, if we were unsure whether or not they were the real  
11 enemies of us or not, then we had some reservation for ourselves.  
12 At that time, we were instructed to analyze the strength and  
13 weaknesses of those people.

14 For example, they may identify a certain group of people as  
15 enemies, but there were only a few leaders. But during the war  
16 time, they only single out the ring leaders of the coup d'état  
17 that was plotted and we considered those leaders as the enemies.

18 If we discussed the Front, the Front comprised of all the  
19 nationalist movement, at the time. So as for the sparing of the  
20 anger among youths -- was not done spontaneously, but it was  
21 planned very well.

22 [14.07.45]

23 Q. Mr. Witness, do you recall a poem -- and that is how it was  
24 called -- it was published in review number 10 of October 1975 of  
25 the "Revolutionary Youth" magazine -- E3/729; Khmer ERN 0073432

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1 to 434 (sic); in French, 009036 to 38 (sic); 003579 (sic).

2 The title of the poem was "Do Not Forget the Blood Grudge of Our  
3 Revolutionary Ancestors".

4 A. I could have heard of this poem, but I do not recall it now.

5 [14.08.56]

6 JUDGE LAVERGNE:

7 Very well, I have no further questions for you, then, Witness. I  
8 thank you for your cooperation.

9 MR. PRESIDENT:

10 Thank you, Judge.

11 Now I hand over to the defence team for Mr. Khieu Samphan to put  
12 their questions to the witness before the other two defence  
13 teams. You may proceed.

14 QUESTIONING BY MR. KONG SAM ONN:

15 Thank you, Mr. President. Good afternoon, Your Honours, and good  
16 afternoon, Mr. Kim Vun. My name is Kong Sam Onn. I am the  
17 national defence counsel for Mr. Khieu Samphan. I have a few  
18 questions to ask you and I look forward to your cooperation in  
19 responding to the questions I'm going to put to you. Thank you.

20 Q. Over the last couple of days, you had spent a lot of effort  
21 and time to respond to the question concerning the roles of Mr.  
22 Khieu Samphan. And what you testify before the Chamber in  
23 response to the question by the Prosecution, the civil party  
24 lawyers as well as Judge Lavergne, I would like to ask a few more  
25 questions in order to clarify the points so that the Chamber will

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1 be enlightened by the points so that the Chamber will have the  
2 basis for their decision in relation to our client.

3 [14.10.46]

4 First, I would like to begin with the scope of authority of Mr.  
5 Khieu Samphan. Other parties, they put questions to you, and you  
6 made an analogy in comparing Mr. Khieu Samphan authority. You --  
7 by way of analogy, you said Mr. Khieu Samphan's role was "like  
8 the elephant which does not have its legs".

9 And the defence team for Mr. Khieu Samphan would like to ask you  
10 to bring up certain documents to corroborate your testimony.

11 Now I would like to begin my questions with your childhood. When  
12 you were a child in 1967 or so, you had your brother who was a  
13 civil servant and your brother once told you the story about Mr.  
14 Khieu Samphan. Did you ever tell that to the investigator of the  
15 Co-Investigating Judges about that?

16 [14.12.19]

17 MR. KIM VUN:

18 A. No. At that time, I did not touch upon the story concerning  
19 Mr. Khieu Samphan then, but I do recall the story my brother told  
20 me when I was young. I was still a young kid at that time when he  
21 told me about the stories.

22 Q. Can you tell the Court, how old were you then?

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Witness, please hold on. The mic is not yet activated, so please

1 just wait.

2 MR. KIM VUN:

3 A. At the time -- I cannot recall it very well, but it was when I  
4 was around four or five years old. At that time, Mr. Khieu  
5 Samphan was in Phnom Penh and I think that the story he told and  
6 the surmise he had with Mr. Khieu Samphan was correct.

7 MR. KONG SAM ONN:

8 Q. For a record, I would like to now read out document D201/10.1.  
9 Since there was no translation as far as I was told so I would  
10 like to read out the document number again.

11 In the transcript of your interview by the investigator of the  
12 Office of Co-Investigating Judges, document D201/10.1; Khmer ERN  
13 00833791; English ERN 00834919; French, 00835738 to 39.

14 In that interview, you told the investigator and it was recorded  
15 -- it was audio recorded, but it was not actually transcribed in  
16 your record of interview and I would like to read it out, your  
17 written record of interview. There were two points in this  
18 written record, but I would like to - they were in different  
19 places, but I would like to read it out. You said:

20 [14.15.34]

21 "While I was with him during the National United Front era, I  
22 never saw him have any power. That was why I said although he was  
23 a big elephant, he was like an elephant with a broken leg: an  
24 elephant that had no power. In this regard, I knew the background  
25 of Mr. Khieu Samphan, had studied and had heard brother(s) tell



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1 stories since 1967-68, because my siblings were also government  
2 workers in Phnom Penh. They often talked about Khieu Samphan. In  
3 those days, speaking about the Sihanouk authorities, Khieu  
4 Samphan was seen as a victim."

5 [14.16.24]

6 Do you recall saying this in front of the investigator?

7 A. (No interpretation)

8 Q. Sorry, I have to pause because I have to ensure that the -- my  
9 version of the question is properly rendered, so you may respond  
10 then.

11 Do you recall saying this before the investigator of the OCIJ?

12 A. (Microphone not activated)

13 MR. PRESIDENT:

14 Witness, please observe the red light on your mic; make sure that  
15 it is on before you speak. Otherwise, your voice will not get  
16 through the sound system and so the interpretation cannot be  
17 rendered.

18 MR. KIM VUN:

19 A. Yes, I do.

20 BY MR. KONG SAM ONN:

21 Thank you.

22 Q. Can you recall the stories told by your brothers in relation  
23 to Mr. Khieu Samphan back then?

24 A. When my brother, Sim, told me about the stories, I listened to  
25 him but I was still very young. Of course he went to study in

1 Phnom Penh. He told us the stories about Khieu Samphan. To my  
2 recollection, he told me that Mr. Khieu Samphan was actually a  
3 senior government official. However, in his everyday life, he was  
4 not seen as someone who lived a good life. He would ride bicycle  
5 like other ordinary citizen as well. It was not like -- he was  
6 not like other senior government officials.

7 [14.18.38]

8 But I was very young at that time; I cannot recall everything. I  
9 could only imagine it through my intuition, and to -- until now,  
10 I could simply recall it -- part of it. And then he once told me  
11 that Khieu Samphan would one day become the president of the  
12 country, and I did not understand, since I was young, what the  
13 president did at that time, but that's what I can recall from  
14 what he told me back then.

15 And in addition, he also told me about the mistreatment inflicted  
16 on Mr. Khieu Samphan by other civil servants, and he was viewed  
17 as someone who resisted against that mistreatment, and at -- in  
18 the region where I resided were also known that there were  
19 presence of Khmer Rouge as well, and I did not know why they  
20 mistreated him because he was engaged or involved in the  
21 resistance forces or so, I did not know.

22 I was very young. I did not pay much attention as to who was who  
23 at that time. It was only up to my recollection and it was based  
24 on my pure recollection of that, and I did not know the intention  
25 of the situation or the storytelling then.

1 [14.20.16]

2 Q. Thank you.

3 Concerning your age, in document E3/380, which is the record of  
4 interview, you said that you was born in 1959. Is this your  
5 genuine date of birth or it was the fake one?

6 A. Well, during the revolutionary era, we could use a different  
7 name when we changed the place of our domicile and we could also  
8 change our date of birth as well, but I did not change though. I  
9 maintained my date of birth, everything, particularly with  
10 Brother Vorn to the North Zone.

11 Q. Thank you. So, if you were born in 1959, the story told by  
12 your brother in 1968 or '69, then -- back then, you were about 10  
13 or 11 years of age; is that correct?

14 A. (Microphone not activated)

15 Q. Can you please repeat your answer?

16 [14.21.58]

17 A. Yes. It could have been between that age range.

18 Q. Thank you.

19 Now, I would like to ask you about Mr. Khieu Samphan. You once  
20 said that you met with Mr. Khieu Samphan in the jungle, in an  
21 office in the jungle, before 1975.

22 So my question is: How long did you work in that printing house  
23 in the forest and how often did you see Mr. Khieu Samphan?

24 A. It was in 1971, to my recollection. He did not go to my  
25 workplace that often, because most of the documents were brought

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1 to us through messengers, but later on we wanted to expand this  
2 printing house, and in addition, we had to prepare for a radio  
3 broadcast as well. So the personnel over there was expanded, so  
4 it became an office over there. There were cadres who worked for  
5 the Front there and the numbers kept increasing.

6 And I could say that, in that period, we stayed together in that  
7 office, but I did not know the exact number of cadres who were  
8 working there. I do not recall the exact numbers of them, but I  
9 can recall that there was the presence of Mr. Khieu Samphan there  
10 too.

11 [14.24.19]

12 Q. Thank you. Can you recollect the entire period of time you  
13 stay in that office with Mr. Khieu Samphan? How long did it last?  
14 How many months or years or so?

15 A. (Microphone not activated)

16 MR. PRESIDENT:

17 Witness, please be reminded that you wait until you see the red  
18 light is on before you respond.

19 MR. KIM VUN:

20 A. I do not recall how long I stayed there with him, but I only  
21 recall that he was there at the time.

22 BY MR. KONG SAM ONN:

23 Q. Thank you. How did you recognize Mr. Khieu Samphan from 1971  
24 when you were working in that office in the forest? How did you  
25 recognize Mr. Khieu Samphan?

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1 A. Before, I did not recognize him because I did not know what  
2 Mr. Khieu Samphan looked like, but I learned that he was a former  
3 professor and he was an intellectual, and my friends told me  
4 that. And I asked -- one day I asked my colleagues, who was the  
5 gentleman who had a white complexion and looked like Chinese, and  
6 at that time I thought that it was someone from Hanoi, and  
7 Brother Lim (phonetic) - rather, other brothers were from Hanoi.  
8 [14.25.57]

9 At that time, I did not have any idea about him. I thought that  
10 Mr. Khieu Samphan was also from Hanoi, but later on, my friends  
11 told me that that was Mr. Khieu Samphan. He was educated in  
12 France and he returned from France. And at that time, over there  
13 we also used some French language as well, that's why I got to  
14 know him from there.

15 But he had never introduced himself to others that he was Khieu  
16 Samphan, but we was told by our superior and we just told -- we  
17 just asked whether or not he was from the northern part of the  
18 country or he was from somewhere else because he had fair  
19 complexion and they told us that he was a person who came from  
20 the northern part of the country.

21 Q. Thank you. When you learned that a man was Khieu Samphan, what  
22 was your impression of him?

23 [14.27.10]

24 A. When I was there with him, I tried to observe his personality.  
25 I heard from others who talked a lot about his background. He had

1 endured a lot of struggles in life, and at his age, he was  
2 supposed to have family, but he did not. So I learned from him,  
3 and I was happy because there was intellectuals among us, and  
4 when there was coup d'états we had to join force with them.

5 Actually, I was influenced very much by Samdech Euv. When I first  
6 joined the Revolution, it was because of the influence by Samdech  
7 Euv. So other cadres talked to each other at that time that we  
8 had to work with those intellectuals in order to strengthen our  
9 motivation.

10 Personality-wise, he was a person who was arrogant (sic). He was  
11 the one who liked to encourage other people. He talked to other  
12 people very friendly, particularly those who were younger than  
13 him, and if he worked in his office, he got bored, he would leave  
14 the office and then walk back and forth saying things to other  
15 people. And I looked up to his model because it was at his age  
16 and he did not get married. I could not do as well as he did.

17 [14.29.03]

18 MS. GUISSÉ:

19 Mr. President, if you please allow me, in French we heard at the  
20 beginning of the witness's answer that Mr. Khieu Samphan was  
21 someone who was "arrogant".

22 I don't know if -- I would like to make sure that there wasn't a  
23 translation mistake because -- I would like the witness to  
24 qualify this because it doesn't seem to correspond to the rest of  
25 his answer.

1 MR. PRESIDENT:

2 (No interpretation)

3 MR. KONG SAM ONN:

4 Q. Thank you. And we may wish you to repeat this for the purpose  
5 of interpreting, because I heard clearly in Khmer already, but  
6 perhaps it's not right in the English or French.

7 [14.29.56]

8 MR. KIM VUN:

9 A. What was that question again, please?

10 Q. In French, we heard that you said Mr. Khieu Samphan was an  
11 arrogant person. Is that what you said, or it was misquoted?

12 A. (Microphone not activated)

13 MR. PRESIDENT:

14 Please wait, Mr. Witness, until you see the red light. You may  
15 now proceed.

16 MR. KIM VUN:

17 A. I did not say he was arrogant. I said I learned a lot from him  
18 because he was at that time quite at an old age, but then he's  
19 still not yet married. So that's what I wanted--

20 BY MR. KONG SAM ONN:

21 Q. Thank you for the clarification.

22 [14.30.48]

23 I would like now to proceed to my next question. My next question  
24 is -- now, we would like to ask you a question concerning Mr.  
25 Khieu Samphan. Again, you said that Mr. Khieu Samphan encouraged

1 you and other people who worked at the printing house. How did  
2 Mr. Khieu Samphan encourage you? I mean, what kind of wordings he  
3 used in that?

4 A. As a matter of nature, logic, young children who left home  
5 could be very homesick. They would like to visit home, and Mr.  
6 Khieu Samphan would just say that, "Look, during the time of war  
7 we could not visit home as we wished", and he talked about the  
8 Lon Nol regime, about the former prince who was toppled down from  
9 power, and he talked about the Front, and he asked us to be  
10 vigilant, to be careful.

11 For example, when we cooked our food we had to dig a long canal  
12 and -- so that the smoke from the fire could not be flying to  
13 alert others, so it could be resolved easily. So this is also --  
14 was part of his advice, that if you could manage to control the  
15 fire then we could escape from being bombarded by the aerial  
16 bombardments. So these are part - or, were part of his wordings  
17 to encourage us to ask us to be very careful with our daily life  
18 like that.

19 [14.34.01]

20 Q. Thank you. I would like to also ask you concerning the  
21 wordings of Mr. Khieu Samphan. Did he ever use words of violent  
22 nature, for example asked you to use forces or violence in doing  
23 things?

24 A. I have never heard or were never told things like that. At the  
25 beginning, we learned the 12-point morality, and when I was a



1 pagoda boy, I also was familiar with this. And indeed, if we  
2 could follow this 12-point morality, we would become a very good  
3 person. We were always referred to this 12-point morality by him.  
4 In the 12-point moralities, principles -- including refraining  
5 from stealing -- combatant were expected not to steal things,  
6 even a grain of rice or a chili. So that was part of the  
7 education and encouragement sessions by Mr. Khieu Samphan.

8 [14.35.59]

9 Q. Thank you.

10 In respect of your recognition of Mr. Khieu Samphan's writing -  
11 handwriting -- and you went further to say that you even  
12 recognized the text that could have been -- or perhaps had been  
13 written by Mr. Khieu Samphan, just now, Judge Lavergne asked you  
14 the question concerning the long sentences, the paragraph that  
15 observed very few periods.

16 So my question here is: How could you recognize that those texts  
17 were written by Khieu Samphan? Or I can put it this way. Apart  
18 from noting the long sentences that you believe could have been  
19 written by Khieu Samphan, did you have any other observation or  
20 elements to help you recognize his style of writing?

21 A. Among the leaders of the Front, Mr. Khieu Samphan is rather  
22 unique. Mr. Hu Nim and Tiv Ol had a different writing style  
23 individually; Ke Pauk, Keo Meas also had his own writing style.  
24 All intellectuals had different and unique writing style.

25 Q. Thank you. Now, in the same context, the texts you saw, were

1 they handwritten texts or printed materials?

2 [14.38.08]

3 A. When I was with him, I noted that he normally wrote by hand,  
4 and his sentences were longer than those of the others, and the  
5 paragraph normally ended with very few periods or without a full  
6 stop. So this happened in the statements.

7 And when it comes to speeches that had to be broadcast on radio,  
8 I noted that the speeches were written of shorter sentences, and  
9 by that, I believed that it could have never been written alone  
10 by Mr. Khieu Samphan because I got used to his style of writing  
11 already.

12 Q. Thank you.

13 I now would like to ask you a question concerning the period  
14 after 1975, between 1975 and 1979. Indeed, this question relates  
15 to the event in the aftermath of the immediate victory of the  
16 Khmer Rouge of the 17th of April 1975.

17 [14.39.43]

18 You said you saw Mr. Khieu Samphan accompanying Prince Norodom  
19 Sihanouk at the countryside, and Judge Lavergne already asked you  
20 the question concerning this. My question here is that -- or your  
21 testimony was that you met Mr. Khieu Samphan by chance.

22 The question is: How did you recognize the person you saw as Mr.  
23 Khieu Samphan?

24 A. I could recognize him easily because I used to be with him. I  
25 could distinguish between who would be Khieu Samphan, who would

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1 be Samdech Euv, and who would be other people who were the  
2 children of the former prince. At that time, he was in a vehicle,  
3 but I could not recall whether he was in a jeep, but normally,  
4 when the King was travelling, the King could be carried --  
5 accommodated in a better vehicle.

6 I did not really talk to him, but after looking or seeing him  
7 from the distance, I could tell immediately that he was Khieu  
8 Samphan.

9 MR. PRESIDENT:

10 Thank you, Counsel. Thank you, Mr. Witness. It is now an  
11 appropriate moment for an adjournment. The Chamber will adjourn  
12 for 20 minutes.

13 Court officer is now instructed to assist the witness during the  
14 adjournment and have him returned to the courtroom when we  
15 resume, by 3 o'clock.

16 (Court recesses at 1442H to 1502H)

17 MR. PRESIDENT:

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

19 Before we proceed to counsel for Mr. Khieu Samphan to continue  
20 posing questions to the witness, Mr. International Co-Prosecutor,  
21 you're on your feet. You may now proceed.

22 [15.02.57]

23 MR. RAYNOR:

24 Mr. President, I just wanted to give you please an update on the  
25 matter we spoke of earlier. The original of the document that we

1 were speaking of earlier has been located. It's, strictly  
2 speaking, a confidential document. Can we please ask for your  
3 permission, Mr. President, for that to be released later today to  
4 Mr. Kim Vun?

5 MR. PRESIDENT:

6 Indeed, you are allowed to do that.

7 MR. RAYNOR:

8 I'm grateful. Thank you.

9 MR. PRESIDENT:

10 We would like now to hand over to counsel for Mr. Khieu Samphan  
11 to continue posing questions to the witness.

12 Counsel, could you also please be reminded concerning the time  
13 allocation with the other two teams when putting the questions?

14 [15.04.07]

15 BY MR. KONG SAM ONN:

16 Thank you, Mr. President.

17 Q. Mr. Kim Vun, before we broke, I put a question concerning Mr.  
18 Khieu Samphan accompanying Samdech Euv in the countryside.

19 My question to you now is: When you saw him at that time, was Mr.  
20 Khieu Samphan travelling or was he in an event you attended?

21 MR. KIM VUN:

22 A. To the best of my recollection, I already stated clearly, time  
23 and again, that I met him by chance. I had never been with him in  
24 the period of three years of the Khmer Rouge regime. I saw him in  
25 a vehicle and I recognized him as Mr. Khieu Samphan, because my

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1 belief was substantiated by my colleagues. We went into a group;  
2 we went all together in a group of photographers, who took  
3 pictures in the area surrounding Phnom Penh.

4 [15.05.48]

5 I did not know what Khieu Samphan was doing back then, but I was  
6 assigned to take a few more pictures to fill in my needed text  
7 for the information, and I met him accidentally. So I had no  
8 other knowledge of where he went or was heading to or what he did  
9 there. I did not see his face, and I did not know where he was  
10 travelling to, as indicated.

11 Q. Thank you. I wish to repeat the question for some  
12 clarification: Did you see him when he was travelling in the  
13 vehicle or you see him in a parked car?

14 A. At that time, he was in a moving vehicle and normally, when  
15 senior leaders went somewhere, they would be in a convoy escorted  
16 by bodyguards.

17 Q. Thank you. Could you also tell us if you remember the location  
18 where you saw him?

19 A. At that time, I went to the outskirts of Phnom Penh, but I  
20 cannot recall which location it was. Although I am very sure that  
21 it was located outside of Phnom Penh; it's part of the  
22 countryside already. And this happened a very long time ago -- I  
23 think it was more than 20 years; I'm afraid I cannot really  
24 recollect this very well.

25 [15.08.21]

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1 Q. Thank you. So you testified that you saw him in the outskirts  
2 of Phnom Penh; is that correct?

3 A. (Microphone not activated)

4 Q. Please repeat your question (sic) because the microphone was  
5 not on when you responded.

6 A. Yes, it is correct.

7 Q. Thank you. With regard to Samdech Euv, did you know his  
8 function or standing back then?

9 A. When I was in Phnom Penh, I learned that he was the State  
10 Presidium of the CPK.

11 Q. Thank you. What about his authority? Did the former king have  
12 any power at all, according to your knowledge?

13 A. I did not take good notice of this or analyzed his roles or  
14 functions. I was not clear whether he enjoyed any power, but I  
15 believe that he was not different from Khieu Samphan concerning  
16 his authority.

17 Q. Could you please be more precise on this, be more precise on  
18 what you said when it comes to the power of the King?

19 [15.10.16]

20 A. I was saying that in the context of authority, the King  
21 enjoyed the same little power as Khieu Samphan did. So my belief  
22 is that he did not have power, like Mr. Khieu Samphan did not  
23 have it.

24 Q. Thank you. But how did you know Mr. Khieu Samphan was the  
25 successor of then Prince Norodom Sihanouk in the State Presidium

1 position?

2 A. I learned about this by chance as well. I learned about this  
3 when I worked in office S-27. I learned from the foreign language  
4 printed materials, and I then did not know whether the former  
5 king resigned or not. I just learned from the leaflet printed at  
6 that office, office S -- rather, office 27. So I learned from the  
7 document.

8 This information was not broadcast or informed to me. I learned  
9 about this on my own and, at that time, I analyzed that the King  
10 had genuinely resigned. And it was possible that Mr. Khieu  
11 Samphan could take up this position from him.

12 [15.12.15]

13 Q. In respect of Khieu Samphan's succession -- I mean his  
14 position after the then Prince Norodom Sihanouk -- according to  
15 your knowledge, did you ever hear or note any appointment of any  
16 individual in the period?

17 A. Information concerning any appointment of Mr. Khieu Samphan  
18 was not made known to me. I learned about this information only  
19 by chance during my course of working at the office.

20 [15.13.13]

21 Q. Thank you. Did you ever know whether Mr. Khieu Samphan had  
22 ever issued any orders to any of the officers during the period?

23 A. I don't know the detailed information about this, but I can  
24 see from my judgment of Mr. Khieu Samphan's personality when I  
25 lived with him. He had never rendered any orders or appointed

1 anything which negatively impacted on the forces or immorally  
2 impacting the forces. So that was my speculation; that was my  
3 surmise. I believed that Khieu Samphan could have never done any  
4 wrongdoing.

5 Q. Thank you.

6 Concerning the removal, promotion or disciplinary sanctions  
7 imposed on any member of the CPK, were you ever aware of any  
8 decision that could have been rendered or that might have been  
9 rendered by Mr. Khieu Samphan?

10 A. I think I heard from Mr. Thuch Rin, who was the Secretary of  
11 State for the Ministry of Information of the CPK, who is now  
12 passed away, who talked to me about the allegations against him  
13 during the CPK period. He stated that by chance, Mr. Khieu  
14 Samphan learned about these allegations and tried to save him  
15 when he was in Kampong Som. But that was part of his fairy tale  
16 that he talked to me, his own story that he communicated to me  
17 about this.

18 [15.16.02]

19 Q. Thank you. I would like you to clarify a few things. You said  
20 that the person told you the story about his life. This story has  
21 some connection to the next question concerning the sanctions or  
22 the disciplinary actions that might be imposed by Mr. Khieu  
23 Samphan as the Chairman of the State Presidium onto his  
24 subordinates.

25 A. I wish to give you an example. Whether Mr. Khieu Samphan had



1 power or no power, I already analyzed that he had no power at  
2 all. I was talking about Thuch Rin, not Tchouk Roeun (phonetic),  
3 as you indicated. Thuch Rin was a revolutionary. During the CPK  
4 period, he was assigned to work in Kampong Som and later on was  
5 arrested. But by chance, Mr. Khieu Samphan learned about this, as  
6 I said, and Mr. Khieu Samphan helped save him.

7 And I think that story was part of my reflection of how Khieu  
8 Samphan had power or not, because as a person who had no  
9 authority, he could never save someone, because if I say he could  
10 have saved that person, that means he could have enjoyed some  
11 level of authority already.

12 [15.18.04]

13 Q. Thank you for your correction.

14 And I would like to proceed to another question, as a matter of  
15 clarification. You said that Mr. Thuch Rin told you about Mr.  
16 Khieu Samphan trying to save him. Can you recall what kind of  
17 problem that person encountered that needed Mr. Khieu Samphan's  
18 assistance?

19 A. I believe that people in Kampong Som were alleged -- or were  
20 accused of some wrongdoings.

21 Q. Thank you. I would like now to move to another topic about  
22 your work, about your career as a photographer who went to the  
23 countryside to take some photos, and you met -- or you talked  
24 about the "White Khmers" -- or "Khmer Sar" -- who created chaotic  
25 situations during the Khmer Rouge regime. And you also mentioned

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1 about the old base of the CPK -- in which you stated that you  
2 were not allowed by Mr. Ke Pauk to go there, capture some new  
3 coverage, because that area was conquered by the "White Khmers".  
4 At that time, Mr. Co-Prosecutor interrupted and you could not  
5 finish your story of that account. My question is to you now,  
6 could you tell the Chamber about the impression -- your  
7 impression concerning the movement of the "Khmer Sar" -- or the  
8 "White Khmers"?

9 [15.20.28]

10 A. I wish to classify this into two: during the five-year war  
11 period, I was at B-20. I heard the bombs being dropped, the gun  
12 fires. And during the three-year period, I received indirect  
13 information. I never heard directly about this. I only heard that  
14 we were not allowed to go back to the former base, the base in  
15 the Boeng Lvea location along the Chinit River, because that  
16 location was in Kampong Cham vicinity. And I wished to go to that  
17 location to know whether people could be moving back to live at  
18 that location after the war, because these locations were the  
19 places where I used to live and go about during my time.

20 I asked the head of the North Zone for permission to go there to  
21 check out the information, but I was stopped because they said  
22 that there were "Khmer Sar" there that could prevent me from  
23 doing so.

24 [15.22.06]

25 MR. KONG SAM ONN:

1 Thank you. Mr. Kim Vun. That was my last question already. I have  
2 no further questions to put to you, and I thank you very much  
3 indeed.

4 I would like now to cede the floor to the international co-lawyer  
5 for my team.

6 MR. PRESIDENT:

7 Thank you.

8 And, Counsel, you may now proceed.

9 QUESTIONING BY MS. GUISSÉ:

10 Thank you, Mr. President. Good afternoon, Mr. Kim Vun. My name is  
11 Anta Guissé. I am international co-counsel for Mr. Khieu Samphan  
12 and I would like to put a few questions to you for purposes of  
13 clarification following the questions asked by my learned  
14 colleague.

15 Let me remind you that you should make sure you answer the  
16 questions only when your microphone is on.

17 [15.23.16]

18 Q. This is my first question. When you were interviewed by OCIJ  
19 investigators on the 25th of July 2009 -- and it is document  
20 E3/380; the French ERN is as follows: 00485429; and the Khmer ERN  
21 is 00357196; and the English ERN is 00365641 -- the first  
22 question put to you by the investigators in this document was as  
23 follows: "When did you join the Revolution?"  
24 And you said that your father was "a pro Samdech Sihanouk Khmer  
25 Issarak official".

1 My question is whether the fact that your father was a  
2 pro-Sihanouk official contributed to your commitment vis-à-vis  
3 the Front.

4 A. There were several factors that made me join the Revolution.  
5 At that time, Cambodia was in difficult situation. If we looked  
6 into the sky, there would be airplanes. If we looked at the  
7 infantry, we could see the soldiers were all infantry combatants,  
8 and we saw all kinds of airplanes; the planes from Thiv Ky, from  
9 the American troops.

10 In my village, some families perished because of the aerial  
11 bombardments. So we had suffered a great deal from this, and we  
12 supported the former King. My villagers and I and my family never  
13 wanted the war; we wanted peace.

14 [15.26.08]

15 And I remember there was a statement. At that time, the statement  
16 was broadcast on radio. Although there was very few radio  
17 stations, we listened to the Peking radio broadcast and also to  
18 the Voice of America, and we had to listen to the radio  
19 broadcast.

20 I could make myself listen to the radio broadcast and started to  
21 love the former King. And we heard the appeal by the King  
22 concerning the maquis jungle, and we heard about the  
23 demonstration and how demonstrators were treated, where  
24 demonstrators were shot dead at the Chrouy Changva location.  
25 People were badly treated in the demonstration in Kampot

1 province. And we also noted that people could be displaced.

2 First, we joined with the Vietnamese troops from -- or Vietnamese  
3 from Hanoi to join the demonstrations.

4 [15.27.24]

5 I just reflect this to make sure you understand the full picture,  
6 how I was convinced to join the Revolution. And we were still  
7 loyal, we were still loyal to the King, still supported the King,  
8 and my older brothers also agreed in principle that we should do  
9 our best to make sure that the King be installed as the  
10 president, be back in power, and also we would like Mr. Khieu  
11 Samphan and Hu Nim and Hou Youn to be leading this Movement. I  
12 was -- I am an orphan and I found it difficult to leave my mother  
13 behind to join the Revolution.

14 Q. I am sorry, Witness, to have aroused in you sadful -- sad  
15 memories. Please, let me know when you are ready to answer my  
16 next question.

17 (Short pause)

18 Witness, are you in a position to continue?

19 MR. PRESIDENT:

20 Mr. Kim Vun, do you think you can proceed to answer a few more  
21 questions?

22 [15.29.53]

23 MR. KIM VUN:

24 Yes, Mr. President, I can proceed to respond to more questions.

25 MR. PRESIDENT:

1 Counsel, you may now proceed.

2 BY MS. GUISSÉ:

3 Thank you, Witness.

4 Q. Earlier when, you answered my colleague, you said that the  
5 period during which you met Khieu Samphan in a maquis was around  
6 1971, and you specified when you were answering the question from  
7 the Co-Prosecutor that back then you had seen Khieu Samphan bring  
8 food to the printing house in which you were working.

9 [15.30.55]

10 So my first question is: Do you know what were Mr. Khieu  
11 Samphan's duties within the Front back then?

12 Are you feeling okay, Witness?

13 MR. KIM VUN:

14 A. Yes, I can continue.

15 Q. Would you like me to put the question to you again or do you  
16 have it in mind?

17 (Short pause)

18 I will put it to you again. So I was asking you, Witness, if in  
19 1971, when you saw Khieu Samphan in the maquis, if you knew what  
20 his duties were within the Front.

21 A. Back then, to my understanding, he could be someone in the  
22 position just down below Prince Norodom Sihanouk, so his role was  
23 within the leadership rank in leading the people to struggle.  
24 That was my understanding of that situation at the time.

25 [15.32.43]

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1 Q. And during the time when you were in the maquis, did you often  
2 see leaders or, in any case, people who held positions within the  
3 Front bring food to your section?

4 A. As I stated in my earlier statements, yes, there was. And  
5 there were messengers -- other than those leaders, there were  
6 messengers who brought in vegetables and other foodstuff.

7 Q. There might have been a slight problem in the translation, so  
8 let me ask this again.

9 You told me that -- you just told me that there were messengers  
10 bringing food and food supplies, and you said to the  
11 Co-Prosecutor when you answered his question that Khieu Samphan  
12 had come to bring food to the printing house in which you were  
13 working. And as Khieu Samphan was not a messenger, can you tell  
14 me if people other than messengers would bring food and food  
15 supplies?

16 A. As I said earlier, the leaders normally motivated us to work  
17 so they normally brought along with them foodstuff and food  
18 supplies and sweet. And "sweet", in this context, was nothing  
19 other than banana -- banana planted in B-20. Normally, when they  
20 visited us, they would bring along with them bundle of bananas,  
21 but generally the foodstuff were brought in with foodstuff.

22 [15.35.13]

23 But what I noted at that time was that Mr. Khieu Samphan went to  
24 visit the printing house and whenever he went there he also  
25 brought along with him the messenger. We, at that time, never

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1 addressed each other. Well, at that time, we regarded each other  
2 as brothers and sisters. We normally addressed somebody who was  
3 more senior as "Brother". So he brought foodstuff for us, and  
4 other than him other messengers or so brought in food supply for  
5 us.

6 Q. Thank you for this clarification. And since we are on the  
7 topic of messengers -- you said, earlier in your testimony before  
8 the Chamber, that you would receive statements through messengers  
9 most often, statements from leaders that were printed -- to  
10 print. So do you remember the name of some of these messengers?

11 [15.36.48]

12 A. There were fairly many members of messengers. At some point,  
13 Som (phonetic) brought in the food; Sin, Thoeung (phonetic),  
14 Thiet (phonetic), and several others -- they were the -- from the  
15 ethnic minorities and they worked as messengers. I cannot recall  
16 them all.

17 Q. And did you know if they were messengers who were specially  
18 accredited -- or especially assigned to transport messages, mail?

19 A. The main task of the messenger was to courier letters from the  
20 superiors or from the leaders to us. So, most of the time when  
21 they came in with the documents or letters or so, they normally  
22 brought along with -- some foodstuff because in our place we  
23 could not go anywhere and we relied on the food supply from  
24 outside.

25 Q. Earlier, when you answered a question from my colleague, you



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1 told us that you were able to recognize Khieu Samphan's writing  
2 style in his statements, and you gave some clarification in this  
3 regard.

4 [15.38.49]

5 And regarding another point you brought up with the prosecutor, I  
6 would like to know -- and this relates again to the statements  
7 you would receive to print -- I would like to have some more  
8 clarification on this. You said to the prosecutor -- and this is  
9 after 17 April 1975, because you were telling the prosecutor,  
10 describing your work with "Revolutionary Flag" -- and when you  
11 answered one of his questions you explained that you were able to  
12 recognize Pol Pot's annotations on documents that had to be used  
13 for "Revolutionary Flag".

14 So my question is: How were you able to recognize Pol Pot's  
15 annotations? Were you familiar with his handwriting?

16 A. I recognized it clearly.

17 Q. So, when you say "recognize", that means that you have -- you  
18 had, at least -- you had seen the original copy at least once. So  
19 I would like to know how you were led to recognize Pol Pot's  
20 handwriting.

21 [15.40.51]

22 A. As I mentioned about my work at the printing house, there were  
23 three sections. I was in charge of the publication of magazines,  
24 but in one printing house, it serviced the three sections. The  
25 "Front" magazine and the "Revolutionary" magazine was printed in

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1 that printing house, but for the Front affairs it was my  
2 responsibility, as Choum (phonetic) was responsible for  
3 "Revolutionary Flag".

4 And normally, in the article -- in each article there was a code  
5 number. That code number was there in order to identify that it  
6 was the editorial or it was the statement by the leaders or it  
7 was the ordinary article or commentary or so.

8 But as for the leaders, there was no -- speech or statement of  
9 the leaders, there was no code number attached to it at all.

10 There was only an annotation, handwritten annotation, from the  
11 leader beside the text, and that can be easily recognized by  
12 people over there because it came quite often so we could  
13 recognize as to which that annotation -- or whose that annotation  
14 belonged to. That is my response to your question.

15 [15.42.19]

16 Q. Thank you for this clarification.

17 I have a last topic to question you on relating to the trips you  
18 took, especially the trips you described before the investigators  
19 of the OCIJ, and I'm referring again to document E3/380. And the  
20 French ERN -- in French, it's on the last page, and I suppose  
21 it's the same for the other versions. In French ERN, it is  
22 00485434; Khmer ERN 00357201 and also to the following page -  
23 00357202, therefore; and English, 00365646.

24 And I would like to have some clarification because when you  
25 answered my colleague and also when you answered the

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1 Co-Prosecutor, if I remember well, you said that you had only  
2 seen Khieu Samphan once with Prince Sihanouk. You say that you  
3 only met him once. However, in your statement -- and I will quote  
4 -- this is what you say. Or, in any case, this is what is noted  
5 in the record. It's towards the end of the first paragraph, and  
6 you say: "I saw Khieu Samphan several times when he accompanied  
7 Samdech Sihanouk on his trips to Kandal, to Takeo, to Kampong  
8 Cham, and around Phnom Penh."

9 [15.44.51]

10 So my question is, therefore: Did you say this to the  
11 investigators? And then, can you clarify what you intended to say  
12 then because you said to the Chamber that you had only seen them  
13 together once?

14 A. Let me clarify this point.

15 Actually, I saw him several times, but I saw him clearly only  
16 once. But I heard most of the time from my colleagues, but I was  
17 not sure when they told me. The only times I saw him clearly was  
18 when I met him. Actually, if I heard it from my colleagues I did  
19 not pay much attention to it because I know that the leaders had  
20 to go anywhere in a secretive manner, and I did not pay attention  
21 to it. So many times, in this sense, I refer the times when I  
22 heard from my colleagues, but I only saw him once. Many times, in  
23 this sense, I meant Mr. Khieu Samphan might have been on several  
24 visits accompanying Samdech Sihanouk there.

25 [15.46.31]

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1 If you want to know it precisely, you can ask Mr. Khieu Samphan.  
2 If I got it wrong, then you can always ask him for clarification,  
3 and many times, in this sense, was that, my colleagues, who were  
4 working with me at the time, told me that he went out with Prince  
5 Norodom Sihanouk then. But when I saw it only once, he was  
6 accompanying Samdech Sihanouk in a car and I saw him from the  
7 distance by my own eyes.

8 But if you want to check the veracity of this, you can ask him.

9 If Mr. Khieu Samphan says, no, it was not the case, then I cannot  
10 protest, but that's what I saw at the time. And many times here,  
11 once again, it was not the times when he accompanied Samdech  
12 Sihanouk.

13 I said I saw him by accident. I did not understand his travel  
14 itinerary on the daily basis, I never knew that, but I only saw  
15 him accidentally. I hope that I made myself clear.

16 Q. Thank you, Witness. Well, just to make myself clear, my aim is  
17 to clarify what you said because there are documents in which you  
18 make certain statements, and since you are the person who was  
19 questioned it is through you that we can obtain clarification. So  
20 thank you, therefore, for your clarification.

21 [15.48.16]

22 You, therefore, explained that it was through your colleagues  
23 that you knew that Khieu Samphan was accompanying Prince Sihanouk  
24 in the surroundings of Phnom Penh. So my question is the  
25 following:

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1 Earlier, when you answered the civil party lawyer, you said --  
2 and I will quote from my notes -- that the leaders -- you were  
3 speaking about your reporting -- you said that the leaders would  
4 only send you to places where there was enough to eat. And when  
5 you say "the leaders", who are you speaking about? Who are you  
6 referring to? This is my first question of clarification.

7 A. "The leaders", in this sense, I refer to the leaders in the  
8 upper authority and the leader at the middle-level authority. The  
9 cadres at the lower level were also the leaders in the middle  
10 rank, but we refer to them generally as "the leaders". Actually,  
11 they were in the leadership level, but leaders were the ones who  
12 supervised the work of others, they led the activities of others.  
13 [15.49.57]

14 Q. Very concretely speaking, in your particular case, when you  
15 were told to go to such-and-such a zone, who was the person who  
16 provided you with directions?

17 A. During the Democratic Kampuchea, there was only one person.  
18 Madam Yun Yat was the only person who gave direction.

19 Q. And do you know, clearly, who would order her -- give her  
20 directions?

21 A. Generally, a work permit was issued by a separate ministry. It  
22 was not within the responsibility of our ministry. But if it was  
23 down below the structure of the ministry, the leader of that  
24 ministry may issue an authorization. But if you want to go to  
25 different zones, you had to seek approval from the ministry that

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1 issued the permit. And I had to seek approval from the minister  
2 of the ministry as well. I cannot -- I could not simply ask for  
3 authorization from my direct superior.

4 [15.51.40]

5 And our team, the writing team, was a separate team which was  
6 equipped with more materials, but in terms of the management of  
7 this team, it was rather autonomous. We were separate from  
8 others, but we was part of Office K-25, close to the office of  
9 the minister. So normally, when there was any request, we did not  
10 go through the department, instead we had to go to the minister  
11 directly. But the head of the department knew where we would be  
12 going as well at the time.

13 Q. Thank you for this clarification, but my question was: You  
14 would be receiving orders from Yun Yat but did you know who would  
15 give orders to Yun Yat? If you don't know, no problem, I just  
16 want to know if you know that; if you know who gave orders to Yun  
17 Yat.

18 A. I knew that there was a ministry high above who gave the  
19 direction, but I did not know. I only knew within the framework  
20 of my ministry. I knew that the work within the ministry, but as  
21 for other management or leadership at the upper level, I did not  
22 know.

23 [15.53.33]

24 Q. Thank you for this clarification. In order to make sure that I  
25 understand correctly what you said about the statement that I

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1 referred to, and you spoke about Khieu Samphan's trips with  
2 Prince Sihanouk, were Kandal, Takeo, and Kampong Cham places  
3 where you were allowed to go for your journalistic missions?

4 A. As a matter of fact, I was entitled to go to cover the  
5 activities because our ministry had the portfolio of propaganda  
6 and education, so we would be able to go to cover the story  
7 during the trip, but we had to seek approval from our upper  
8 authority first.

9 Q. My question, Witness, mirrors what you said this morning to my  
10 colleague from the civil parties, and you were saying that the  
11 leaders would only send you to places where there was enough to  
12 eat. So my question was: Was Kandal, Takeo, and Kampong Cham,  
13 were they among these places where there was enough to eat?

14 [15.55.30]

15 A. My personal feeling, at that time, was that, in any province  
16 across the country there was no question about the shortage of  
17 food. People would have sufficient food to eat because at that  
18 time I was living in Phnom Penh and rarely did I encounter the  
19 starvation and I assume that there were plenty of food in the  
20 country.

21 And when later on I discover that there was a serious shortage of  
22 food or starvation, then I could hardly believe myself, that's  
23 why I made it in that statement earlier on.

24 But, later on, I heard time and again about the hard labour, the  
25 shortage of food, starvation, and things like that, but wherever

1 I went, normally there was the opening ceremony or inauguration  
2 ceremony of certain worksites and then I saw that everything was  
3 fine. I would never imagine that people were starving and  
4 wherever I went I only saw that people had food to eat. They had  
5 sufficient food, they had also other -- had vegetable, rice and  
6 meat like the situation in Phnom Penh. So my feeling, at the  
7 time, is that there was no starvation at all, but I could well  
8 imagine that it would not be too plentiful anyway.

9 [15.57.29]

10 Q. This is the last point I would like to bring up regarding your  
11 work as a journalist, and I'm referring again to your statement  
12 before the OCIJ, the same -- so this again is document E3/380 --  
13 and this is at the beginning of the paragraph. You said that over  
14 a period of three years, Khieu Samphan took charge of  
15 transporting supplies to different regions and zones.

16 And when you were answering Judge Lavergne's questions, I  
17 understood that you had received this information from --  
18 indirectly from third parties. So can you tell us who informed  
19 you about Khieu Samphan's activities regarding the transport of  
20 supplies to the different regions and to different zones?

21 A. Actually, I had a nephew who worked either with Khieu Samphan  
22 or other leaders and some of my relatives were working in the  
23 department of transport. So they knew what Mr. Khieu Samphan had  
24 to do, for example, if there were requests from the regions or  
25 sectors or zones and then they would know that information. For



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1 example, if there was a request from the zone for clothes or food  
2 or so, then they would know.

3 [15.59.23]

4 I learned that information indirectly, but as for Khieu Samphan,  
5 whenever there were requests from the zones they would organize  
6 in order to accommodate them, but anyway I did not know the truth  
7 behind that, I only heard it indirectly from others. But in my  
8 assessment, I thought that it was true, but I did not witness it  
9 myself, but I learned this information from a very reliable  
10 people because whenever there was transport of food supplies and  
11 stuff like that, they always prepare the convoys of trucks  
12 carrying foodstuff and everyday stuff as well, and we could see  
13 it, the car or the trucks carrying those items.

14 And I explained earlier on about the items being transported out  
15 of Phnom Penh. I said very clearly earlier that those items could  
16 either reach the people or the targeted location or they might  
17 not have reached those targeted locations. There were reasons I  
18 know behind why it did not reach the location because, at that  
19 times, the transport of those items were in large numbers and we  
20 could see many trucks, even those that we cannot compare to the  
21 present day's transport of items due to the fact that now we have  
22 bigger lorries and things like that. But, at the times, we could  
23 see that items were being transported to the country.

24 [16.01.09]

25 Q. Witness, this is going to be my last question, since we are

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1 coming to the end of today's hearings.

2 Can you give us the names of the persons who talked of Mr. Khieu  
3 Samphan's activities? You made mention of a nephew. Can you give  
4 us his name?

5 A. My nephew was by the person by the name Ol (phonetic).

6 MS. GUISSÉ

7 Witness, thank you for patiently answering my questions.

8 I've come to the end of my examination. Thank you, Mr. President.

9 MR. PRESIDENT:

10 Thank you, Counsel. Thank you, Mr. Witness.

11 The hearing comes to a conclusion today. The next session will be  
12 resumed tomorrow, by 9 a.m. For tomorrow's session, the Chamber  
13 continues to hear testimony of Mr. Kim Vun. Questions continue to  
14 be put by another defence team for Mr. Nuon Chea and also Mr.  
15 Ieng Sary's counsel.

16 [16.02.38]

17 Mr. Kim Vun, please be advised that your testimony has not yet  
18 been complete and the Chamber would like to hear your testimony  
19 tomorrow as well.

20 Court officer is now instructed to assist with the WESU unit to  
21 ensure that Mr. Witness is properly accommodated and have him  
22 returned to the courtroom tomorrow, before 9 a.m.

23 Security personnel are now instructed to bring all the three  
24 accused persons back to the detention facility and have them  
25 returned to the courtroom by 9 a.m.

1 The Court is adjourned.  
2 (Court adjourns at 1603H)  
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