



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

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 Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

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

3 September 2012
 Trial Day 105

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

The Accused: NUON Chea
 IENG Sary
 KHIEU Samphan

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 VENG Huot
 Keith RAYNOR

For Court Management Section:
 UCH Arun

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MR. NORNG SOPHANG (TCW-480)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
JUDGE FENZ	English
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NORNG SOPHANG (TCW-480)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, we will continue to hear the testimony of the witness to
6 be questioned again by the Prosecution.

7 Before I hand the floor, Mr. Duch Phary, could you report the
8 attendance of the parties and individuals to the proceeding?

9 THE GREFFIER:

10 Mr. President, all parties to the case are present, except the
11 accused Ieng Sary, who is present in the holding cell downstairs.
12 The accused Ieng Sary, through his counsel, requests to waive his
13 direct presence in the courtroom for the whole day proceeding.
14 The letter of waiver by the Accused has been submitted to the
15 greffier.

16 Mr. Arthur Vercken, the international counsel for Khieu Samphan
17 will be present in the courtroom at around 9 a.m. this morning.

18 [09.04.14]

19 MR. PRESIDENT:

20 Thank you.

21 Before we continue the proceeding, the Chamber would like to
22 notify all parties that for this week proceeding, commencing from
23 today -- that is, the 3rd September 2012 -- and the following
24 days, Judge Cartwright will not be available. And after we
25 consult with all the sitting Judges of the Chamber, we decided to

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1 appoint Judge Fenz to replace Judge Cartwright until the day of
2 her return. This is based on the provisions of the Internal Rule
3 79.4 of the ECCC Internal Rules.

4 We now decide on the request by the accused Ieng Sary.

5 The Chamber has received the request by Ieng Sary through his
6 counsel, dated 3rd September 2012, to waive his direct presence
7 in the courtroom and instead to follow it through the audiovisual
8 means for the whole day proceeding.

9 Em Savoeun, the treating doctor of the Accused at the ECCC
10 detention facility, has examined him this morning and observed
11 that Ieng Sary is fatigued, uses the bathroom frequently, and has
12 a back ache and recommends that the Chamber shall authorize him
13 to follow the proceeding from the holding cell downstairs.

14 [09.06.19]

15 And as Mr. Ieng Sary himself requests to waive his direct
16 presence in the courtroom due to his health, and as observed by
17 the doctor that he is physically and mentally fit to follow it
18 through a holding cell downstairs through audio and visual means,
19 and that he can liaise with his counsel directly, the Chamber
20 grants the request of the accused Ieng Sary and authorizes him to
21 follow it through a remote means from the holding cell
22 downstairs. And that applies for the whole day proceeding.

23 AV Unit, you're instructed to link the proceeding through the
24 holding cell downstairs for Mr. Ieng Sary to follow for the whole
25 day proceeding.

3

1 The floor is now given to the Prosecution to continue putting
2 questions to this witness. You may proceed.

3 [09.07.32]

4 QUESTIONING BY MR. ABDULHAK RESUMES:

5 Thank you, Mr. President. Good morning, Your Honours. Good
6 morning, Counsel, and good morning and welcome back, Mr. Norng
7 Sophang. I will first ask you a few questions to follow up on our
8 discussion last week and then we will move on as I had indicated
9 also last week, to deal with telegrams in more detail.

10 Q. When we were discussing the events of the 17th of April 1975,
11 you described how following the victory on that day a message
12 reached you and you then prepared written documents based on that
13 message for a public broadcast, and you also explained that that
14 particular message was not a encrypted or a coded one. What I
15 would like to do is read to you from a transcript of a broadcast
16 which is dated the 17th of April 1975 and see whether that
17 transcript corresponds with the message that you helped prepare
18 for the Broadcasting Unit.

19 Your Honours, this is document E3/118; it is a FBIS extract.

20 Unfortunately, this section is not available in French and Khmer,
21 but we have requested translations and with your leave, I would
22 read a brief segment from this section to see whether the witness
23 recognizes the message. The English ERN is 00166976.

24 Mr. President, with your leave, I will proceed to read a short
25 excerpt.

4

1 [09.10.22]

2 MR. PRESIDENT:

3 Michael Karnavas, you may proceed.

4 MR. KARNAVAS:

5 Thank you, Mr. President. Good morning, Mr. President. Good
6 morning, Your Honours, and good morning to everyone in and around
7 the courtroom.

8 This is a report; this is not the actual message that was
9 transmitted. Initially, from what I heard, it was -- he was going
10 to be read back what was actually put on -- what was transmitted
11 on the radio. Now it appears it's another organization -- a
12 foreign organization -- who purportedly picked it up; we don't
13 know whether this is a verbatim, and now it's being read back in
14 English.

15 We would oppose to this. Thank you.

16 [09.11.11]

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 National Counsel for Khieu Samphan, you may proceed.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President. I fully support the position expressed
22 by Counsel Michael Karnavas.

23 And also we do not have the original copy of the Khmer language
24 and it has to be translated from English into Khmer. Therefore,
25 it is a kind of confusion for the witness to follow and it may

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1 not be the information heard by the witness at the time.
2 The Prosecution may rely on the content of the document without
3 reading verbatim. Otherwise, it's going to cause a confusion or
4 misunderstanding as the witness himself would not have heard it
5 verbatim at the time due to the nature of its translation, so it
6 is not what the witness heard at that time. However, the content
7 could be used without having to read through line by line. Thank
8 you.

9 [09.12.29]

10 MR. ABDULHAK:

11 Mr. President, if I may respond briefly. I would submit that my
12 friends' objections are entirely unfounded.

13 We heard last week a testimony by this witness describing a
14 message broadcast on the 17th of April 1975 announcing the
15 victory in Phnom Penh. He confirmed that message was broadcast by
16 the Broadcasting Unit.

17 Of course, the witness hasn't seen the document before, but, in
18 our submission, there is a sufficient and direct nexus between
19 the witness's testimony so far -- in other words, his direct
20 knowledge and the contents of this document. The document is on
21 the case file, it has been admitted.

22 I would recall that Your Honours gave leave only last week for my
23 learned friends counsel for Mr. Khieu Samphan to read to Civil
24 Party EM Oeun the contents of a official Democratic Kampuchea
25 document. Em Oeun had never seen that document before. In this

6

1 case, the nexus is quite strong. As I said the witness has
2 described the message.

3 [09.14.04]

4 Now, coming back to my friends' comment about confusing the
5 witness or whether or not the witness will recognize the
6 contents, whether or not the contents are an accurate transcript,
7 that, indeed, is the purpose of asking the witness the question.
8 It is one of the ways of verifying the accuracy of these
9 documents. And I would recall that Professor Chandler, who has
10 decades of experience in the study of Democratic Kampuchea, has
11 confirmed these broadcasts to be highly reliable.

12 So I would submit that the objection is completely unfounded.

13 (Judges deliberate)

14 [09.16.18]

15 MR. PRESIDENT:

16 The objection and its ground is not sustained.

17 Therefore, the Prosecution can use the excerpt in that document
18 in order to put question to the witness, as that document has
19 already been submitted and put before the Chamber and it is
20 categorized within the E category, so that the use of the content
21 of this kind of category document can be used to put questions to
22 the witness.

23 [09.17.07]

24 BY MR. ABDULHAK:

25 Q. Mr. Norng Sophang, I will read briefly from this transcript.

1 It is dated the 17th--

2 MR. KONG SAM ONN:

3 Mr. President--

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I do not object to the ruling. However,
8 the document that is to be used by the Prosecution is not put in
9 the interface of the Court for the proceeding. So I am not sure
10 whether the Prosecution still relies on using this document.

11 [09.18.06]

12 MR. ABDULHAK:

13 Your Honours, we're acting consistent with your instructions,
14 which are to upload a limited number of documents which the
15 parties are certain to use. This document arises out of the
16 witness's testimony last week. We uploaded all of our documents
17 before the witness took the stand and as I said, this is a
18 document that arises out of the testimony.

19 It is our submission that the proper reading of the Chamber's
20 directive is that parties must upload a limited number of
21 documents that they are certain to use, but that that does not
22 prevent parties from also referring to other documents if they
23 are relevant and if they appear to be relevant as the witnesses'
24 testimony unfolds.

25 If we can't do that, Your Honours, then our hands are tied; we're

8

1 unable to adjust as we hear the testimony and we're unable to
2 test or rather corroborate the witness's testimony with documents
3 that are obviously relevant from the case file.

4 [09.19.28]

5 MR. PRESIDENT:

6 The International Counsel for Nuon Chea, you may proceed.

7 MR. IANUZZI:

8 Good morning, Mr. President. Thank you. Good morning, everyone.
9 That's fine with us, we agree with flexibility, but can we have
10 it on record from the Chamber that all parties, then, will be
11 able to use any relevant document with an E3 number, irrespective
12 of whether or not it's on the interface.

13 I mean, it seems to me that the rules are constantly changing in
14 this courtroom. If you're going to sustain or -- excuse me,
15 overrule that objection, then we need to have it on record that
16 all of us on this side of the stage are allowed to use any
17 relevant E3 document irrespective of whether it's on the
18 interface.

19 MR. PRESIDENT:

20 Counsel Karnavas, you may proceed.

21 [09.20.16]

22 MR. KARNAVAS:

23 Just very briefly, I can understand the Prosecution's position,
24 though they have been rather inflexible when the Defence tries to
25 take this sort of a position in the past, which we do find rather

9

1 hypocritical. Be that as it may, the Prosecution should have at
2 least notified – should have at least notified all of the parties
3 which documents it intended to use that were not on the interface
4 the moment that they made that decision. I think that would be
5 the proper approach.

6 So, while I welcome any ruling from the Trial Chamber in favour
7 of the Prosecution in using these sorts of documents -- provided
8 that the Defence is also accorded the same treatment.

9 I think, once parties learn or become aware that they need to use
10 other documents, they need to be distributed or they need to
11 notify the parties so at least we can come here prepared. I think
12 that's the whole purpose of having the interface. As long as we
13 have prior notice, it allows us to look, and maybe we won't be
14 making these objections and taking up valuable time in Court.

15 Thank you.

16 (Judges deliberate)

17 [09.33.14]

18 MR. PRESIDENT:

19 The Chamber would like to hand over to Judge Claudia Fenz to
20 address this issue. Judge Fenz, you may now proceed.

21 JUDGE FENZ:

22 Thank you, President.

23 I would first want to clarify that there shouldn't be any
24 confusion between those rules that govern the regime of putting
25 documents before the Chamber and those rules that govern the

10

1 interface.

2 Having said that, this problem is an interface problem because
3 the document has been put before the Chamber. The interface or
4 the idea behind the interface is to provide notice to all the
5 parties -- early notice. Obviously, depending on the development
6 of proceedings, some -- some flexibility is necessary in the
7 application of these rules.

8 [09.34.18]

9 Having said that, in this very case where the witness will be
10 available tomorrow and no notification has been provided so far,
11 the Chamber rules that the Prosecution should use these documents
12 and ask the questions that are necessary tomorrow, because then
13 parties have been put on notice today and can prepare.

14 MR. ABDULHAK:

15 Thank you, Judge Fenz.

16 And I should inform the Chamber and the parties, in accordance
17 with that directive, we will distribute at lunch approximately
18 four or five documents, all of which arise from the evidence we
19 heard thus far.

20 BY MR. ABDULHAK:

21 Q. Mr. Norng Sophang, returning to your testimony, another aspect
22 of the communications which you described last week is the use of
23 the Morse code -- that's M-o-r-s-e code. I want to just confirm
24 briefly my understanding of how this code is used or perhaps I
25 should ask you the question and allow you to explain it to us.

11

1 How was it that Morse code was used in transmitting messages
2 between the Centre and the zones?

3 [09.36.34]

4 MR. NORNG SOPHANG:

5 A. The transmission of the messages from the Centre to the zones
6 had to majorly go through other means rather than the Morse code
7 itself, they were mainly just codes. However, with regard to the
8 bases, if they had some open sources of information then they
9 would use the Morse means of transmitting the messages, messages
10 concerning the victories, for example.

11 Q. Thank you. Looking at those transmissions that were done other
12 than by use of the Morse code, you explained to us last week that
13 a written text would be coded into a series of numbers and that
14 would then be transmitted. For those of us who are not experts in
15 this field, could you explain how it was that K-18 would transmit
16 those numbers to the zones -- what means did they use?

17 A. With regard to the telegrams that had to be sent -- indeed I
18 refer to the coded telegrams -- they would be transmitted to K-18
19 that transmitted to each target location, the location of the
20 target recipient stated on each of the telegrams. For example, we
21 would like K-18 to transmit the messages to the East Zone. Then,
22 on the message there would be a 75 as the code for a recipient
23 for the East Zone. K-18, upon noting this recipient code, would
24 be managing to ensure that the messages would then be transmitted
25 to the location accordingly. And they had to communicate with

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1 that area so that they could be on the -- on air or radio
2 communication, so that the message could be transmitted.

3 Q. And just honing in specifically on how the transmission
4 occurred, was it you -- was it by the use of a telegraph machine
5 that would transmit tones which would then be interpreted on the
6 other side as letters or numbers or was it some other type of
7 transmission?

8 [09.40.17]

9 A. During that period of time, there was no -- any modern
10 machines or devices other than the use of what we called the
11 Ratno (phonetic), the manual winding device. And then the message
12 would be sent in the form of like "tik tik ta", which represents
13 number one, and this is the way sound could be communicated
14 through that tapping device. Sometimes there were letters,
15 sometimes there would be numbers that could be transmitted
16 through this device.

17 Q. Thank you for that explanation.

18 Are you aware whether there was in place any system to confirm or
19 verify that a message has been received? For example, if a
20 message is transmitted as you just described from K-18, was there
21 a way in which the zone could confirm back to K-18 that it
22 received the message?

23 A. Concerning the telegram communication, they had their own
24 frequency for communicating. And K-18 also obtained this document
25 when the zone had the same document that they could communicate.

13

1 Because they even sent some kind of secret signal to ensure that
2 the other end of the communication line would be the right
3 person.

4 [09.43.06]

5 If, for example, we send the code AFB, then the partner would
6 confirm with some kind of signal. And another example is that if
7 we send the code like AFB to that person and then they did not
8 reply or reply with some kind of irrelevant signal, then we
9 believed that they were not the people we intended to send the
10 messages to.

11 Q. Thank you for that explanation.

12 You worked in one of the offices associated with these
13 communications. Could you describe for us the level of discipline
14 that was involved in performing your work?

15 A. In our group -- and in particular the telegrams decoding unit,
16 people were of good discipline and everyone was very committed in
17 performing their tasks meticulously.

18 [09.45.05]

19 So I can say that everyone was really well disciplined and we had
20 to perform our tasks in accordance with the principle laid down
21 by Angkar.

22 Q. Thank you.

23 When you described the various offices that were responsible for
24 performing various tasks in transmitting and receiving telegrams
25 last week, you described the unit at K-1, you described your own

14

1 unit, and you also described K-18. I want to ask you about
2 another telegram translation office which you mentioned in your
3 statement.

4 Your Honours, this is found in E3/64, the witness's first
5 statement. And the relevant ERNs are: in Khmer, 00328035; French,
6 00411703; and English, 00334053. I'm going to read this passage
7 to you and see if you can give us more information, Mr. Sophang.

8 Question: "You said that Ieng Sary had his own working place,
9 were there any telegram translators at his place?"

10 Answer: "Ieng Sary had his Foreign Affairs Ministry, so he had
11 his personal telegram translators."

12 [09.47.32]

13 What else can you tell us about this telegram translation unit?
14 Do you know where it was based and how many people worked there?

15 A. With regard to the telegrams communication and Mr. Ieng Sary,
16 I am afraid I do not recall -- or whether there was any such
17 telegram decoding unit at that office.

18 Q. So we should correct your prior statement, then, that you
19 didn't know whether there was a telegram translating unit at the
20 Ministry of Foreign Affairs; would that be correct?

21 A. I'm not sure on this. That's why I am not testifying on
22 something that I'm not clear.

23 [09.49.18]

24 Q. Thank you very much.

25 And just one more office that you have discussed previously with

15

1 the Co-Investigating Judges -- and this is Office K-7. Could you
2 describe for the Court what Office K-7 did?

3 A. It is not K-17, it is K-7. It was the place where there were
4 messengers to receive mails and visitors from other parts of the
5 provinces.

6 Q. Was K-7 also used to send messages out to the provinces?

7 A. I do not know for sure about this because I didn't work there.

8 Q. Thank you.

9 [09.51.25]

10 I'll just -- following on from your earlier description of the
11 office, I'll read also from your statement, we're still on E3/64,
12 Khmer ERN 00328029; French, 00411698; and English, 00334047. This
13 is the description you gave:

14 "The messenger unit K-7 located north of the Royal Palace, and
15 Prum was the chairman. The role of K-7 was to receive domestic
16 guests from provinces and to deliver general mails to every
17 place. When any guests wanted to contact K-1, they must first
18 contact K-7. I do not recall who the deputy of K-7 was. Prum was
19 the chairman of K-7 until the Vietnamese arrived."

20 [09.52.49]

21 And then in the next paragraph -- question: "How was the relation
22 between K-7 and K-1?"

23 "Their relation was that if anyone wanted to meet with K-1,
24 he/she must arrange it through K-7; and the procedure was the
25 same for sending in or out letters."

16

1 So, I just want to make sure that we have the role of K-7
2 correct. Am I summarizing your statements correctly if I say
3 that, all mail and personnel who were to come into K-1 needed to
4 first go through K-7, which was run by Prum?

5 A. Yes, you are. They would not be allowed to access K-1
6 directly. First, there must be a telephone call to Pon's office
7 before anyone could be sent for K-1.

8 Q. Thank you.

9 [09.54.25]

10 Do you know anything about the distinction between the types of
11 messages that would be delivered by telegram -- that is, through
12 K-18 and then the decoding offices -- and those messages or
13 letters which came through K-7? Do you know why at times one may
14 have used telegraphic communication and at other times letters
15 were sent through K-7?

16 A. I do not know the details of this. However, the reason why
17 communication had to go through K-7 was that, at times, there
18 were requests for some materials for rebuilding the bases, and if
19 the requests were not a kind of urgent request then they could do
20 so through mails. However, if there was a secret communication to
21 be made, then secret codes would have to be transmitted through
22 the telegraphic communication through K-18. And if the matter was
23 of strictly confidential nature, they did not need to go through
24 telegrams or messages; they had to come in person to the Centre.

25 [09.56.54]

17

1 Q. Just following on from that answer, do you know who it was
2 that came in person to meet at the Centre?

3 A. I do not know clearly about this because it was part of the
4 secret matters by the Centre and I was tasked only with coding
5 and transmitting telegrams, and I cannot respond to you
6 concerning who would be meeting who in person.

7 Q. I just want to see if we can explore that a little bit further
8 and see if your statement might refresh your memory. Returning to
9 E3/64 -- Khmer ERN 00328035; French, 00411703; and English,
10 00334053 -- and this was a brief discussion on this issue.

11 Question: "Which zone's telegrams did you translate?"

12 Answer: "All zones. They included the substances on building dams
13 and canals, requesting materials, internal situation, and any
14 events that took place at the bases. As for the messages about
15 the reports on the enemy situation or treason, the zone committee
16 came in person to meet with the Central Committee."

17 [09.59.30]

18 Is that an accurate summary of your statement to the
19 Co-Investigating Judges -- that it was the zone committees that
20 would come and meet in person with the Central Committee?

21 A. I stand by that statement because most of the time, for the
22 internal affairs that were transmitted through telegram -- were
23 to a minimal; and that, I mostly did not know about it. For the
24 internal affairs, sometimes it would not be transmitted through a
25 telegram; sometimes it -- communicated through a person who would

1 come to the Centre.

2 Q. Are you able to tell us how you knew that zone committees
3 would come to report or discuss internal matters with the Centre?

4 A. They used various means for the communication with the Centre.

5 If someone wanted to meet with the Centre, that person had to go
6 through K-7 first.

7 Q. My question is just how it was that you knew this -- is it
8 something you saw, or experienced, or something you discussed
9 with other people?

10 [10.01.44]

11 A. Regarding the meeting with the Centre, sometimes it was made
12 through the secret telegram, for example a request made with this
13 brother or that brother at a particular location. Sometimes a
14 telegram was sent in advance to transmit such a request, and
15 based on that I concluded that for internal matters, they would
16 do -- they would not do it through a secret telegram, it would
17 rather meet in person through a request, through a short
18 transmission by an advance telegram, and that's how I learned
19 about it.

20 Q. Thank you very much for answering that question.

21 [10.02.49]

22 Were there any invitations that came from the Party Centre for
23 the zone committees to come and attend the meetings based on the
24 telegrams that you saw, of course?

25 A. I came across some of the telegrams regarding the invitations

1 to the zone cadres for meetings. They were in short messages
2 through the telegram, for instance, a national meeting at Borei
3 Keila, the message was sent to various zones and sectors through
4 short telegrams and sometimes messages were sent through for the
5 study sessions at Borei Keila, at the Party's school.

6 Q. Do you recall who signed those messages or on whose behalf
7 they were being sent?

8 A. I can recall that the person who had the authority that a
9 message has to be transmitted to this particular individual or
10 this comrade, it was Mr. Pon.

11 [10.04.50]

12 Q. Do you recall at all, at the end of each telegram, whether
13 there was the name of a person or an office which was the author
14 of the message?

15 A. In general, each message has its heading and the ending. The
16 heading was just based on its location. Sometimes it was -- said
17 "To Respected Brother" this or that, or "To 870 Committee", or
18 "To Beloved Brother"; that was the general form and used by
19 various sections.

20 And as for the ending, there would be the date -- that is, the
21 day and the year -- and the signature of the transmitter or the
22 sender. I cannot recall them all because it has been so many
23 years ago, so I could not recall who actually signed those
24 messages, but, in general, that would be -- a message would
25 contain a heading and an ending part.

20

1 Q. You said that sometimes messages were addressed to 870
2 Committee. Do you recall whether any of these invitations to
3 meetings were issues or signed by the 870 Committee?

4 [10.06.58]

5 A. I can't remember the coding used for 870. So, usually, for the
6 870 Committee, they would use that number -- that is, their
7 secret code, which is 870; and that referred to the Centre.

8 Q. Thank you.

9 I'd like to now move on to discuss a number of documents with
10 you, Mr. Sophang, and I did promise last week that we will not
11 discuss coding in great detail, so I'm going to keep that
12 promise. But as a way of assisting everyone in understanding the
13 basic operation of coding and decoding, I'd like to show you a
14 document which was attached to your first statement.

15 MR. ABDULHAK:

16 Mr. President, this is document D200/3.8. It is a table of 100
17 squares and it was attached, as I said, to the witness's first
18 statement. With your leave, I will give the witness a hard copy
19 in Khmer and then we can also project that on the screen for the
20 parties and obviously the Judges and the public.

21 [10.09.09]

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 Court Officer, could you deliver the hard copy document for the
25 witness examination?

21

1 BY MR. ABDULHAK:

2 Q. Mr. Sophang, if I understand correctly the statement, this
3 table was drawn by you during your interviews; is that correct?

4 MR. NORNG SOPHANG:

5 A. Yes, I personally made this table.

6 Q. Thank you.

7 Mr. President, with your permission, we will project it on the
8 screens as well. Thank you.

9 Mr. Sophang, would you be able to give us a very basic
10 description of how this table is used to code a word, for
11 example, into a different sequence of characters?

12 A. This is called a table of 100 squares. It is used for the
13 encryptions of the characters. This means it is used to encrypt
14 the normal character into a coded number. For instance, for a
15 plain message, for letter A - or "Kor" -- that is for us to
16 encrypt it. Then that letter A would be encrypted into a coded
17 number. If you look at the letter A on the table of 100 squares,
18 that is -- it's next to number zero.

19 [10.11.51]

20 So, for the alphabet or the letters in red, they add the original
21 letters or numbers. So, if we want to encrypt letter A, we need
22 to encrypt it by using "zero zero". So, "zero zero" represents
23 letter A -- or A character.

24 Another example: If you want to encrypt a number -- let's say
25 number nine. Number nine, on the horizontal square, it is - it

1 falls under number eight, and on the vertical line it's number
2 one--

3 My apology; I confused. In fact, the vertical box was used as the
4 start of the number. For instance, for number nine -- or number
5 nine, that is number one, and on the horizontal line is number
6 eight. So "18" represents ordinary nine number -- or number nine.

7 Q. So then, to summarize, each character in the table is assigned
8 a code based on a horizontal number and a vertical number?

9 [10.13.30]

10 A. Yes, that's how the reading was done. The vertical is the main
11 one, and the horizontal is the one which will be annexed to the
12 vertical one. So the reading starts first with the vertical line.

13 Q. Thank you. I want to refer to your statement in discussing
14 this table.

15 And you indicated -- Your Honours, this is still E3/64, Khmer
16 00328046, French 00411713, and English 00334062. And you
17 indicated: "I had to call the parties at the other end of the
18 line to a meeting and explain to them about the technical matters
19 and then gave them a copy of this table."

20 [10.15.05]

21 If I can ask you first, when was the first time that you called
22 the people working at the other end for a meeting, so that you
23 could explain to them this table?

24 A. Regarding the table, in cases that there was nothing new or
25 nothing complicated, there was no need to call the other end and

1 to explain it to that person or party. However, in other cases --
2 that is, in regard to the other end -- if the people there were
3 new and did not have experience in using the table, then I would
4 send a request for them to come and to explain to them.

5 Q. If I can just insist on that question; do you recall the first
6 time that you called the people in for a presentation?

7 A. There were not many instances; there was the case at the
8 Northwest -- that is, in Mondulkiri - rather, Northeast -- that
9 is, in Mondulkiri -- as they were not experienced in using the
10 table, so I invited them in and explained to them about how to
11 use the table and how to encrypt an ordinary message into an
12 encrypted message.

13 [10.17.35]

14 As for other zones, they have their own human resources and
15 experience since during the wartime. So I rarely called them in
16 for presentation regarding the table.

17 Q. If I can ask you about the people from Mondulkiri, do you
18 recall by any chance who those people were and where they were
19 working?

20 A. I used to explain to those from Mondulkiri -- actually, a
21 female youth was sent from Mondulkiri, and I explained to her
22 regarding the use of the table at Office K-7. And after she
23 became familiar with its usage, she returned to her base.

24 Q. Thank you.

25 And just before we leave the encryption table, you commented last

24

1 week that with very confidential messages, you would code them
2 several times, if I recall correctly. When you did that, were you
3 using this square table as the starting point or was there a
4 different set of tables?

5 A. Regarding the technical aspect, it is rather complicated. It
6 cannot be summed up in a short period of time and it requires
7 quite a long time for you to understand.

8 [10.20.15]

9 If we use this square table, it cannot get turned into a final
10 encrypted message for them to transmit yet. For a confidential
11 message, it has to be encrypted at another layer.

12 And also for the confidential message that we received, we need
13 to compare it to our confidential list and then we had to look
14 through which part is confidential, and that will be encrypted -
15 decrypted, first. For example, for a name of a person or a name
16 of a location, we need first to use that confidential list. For
17 example, for the location of K-7, there is a confidential list
18 for K-7; and within the K-7, we have some coded numbers that can
19 be used just to identify K-7.

20 So, first we encrypt the ordinary message into a coded message
21 relying on that confidential list. And once we can complete that
22 part for the main text, then we would use that text to be
23 encrypted again based on this square table. And once all had been
24 encrypted into numbers, it would not be sent immediately to K-18.
25 It would be encrypted at another layer with another number --

25

1 encoded number.

2 [10.22.40]

3 So, in -- to sum up, there are three layers for the process of
4 encryption in order to make that message become final and that
5 can be sent for transmission -- so, three layers of encryptions.

6 Q. What type of a message would require such a high degree of
7 encryption?

8 A. The very confidential message was that in relation to the
9 journeys made by the cadres. The kind of trips or journeys would
10 fall into this category.

11 And, secondly, it was the internal affairs -- that is, in regard
12 to what happened at various bases. That kind of situation would
13 fall under this category as well.

14 [10.24.13]

15 And in relation to the open message and -- and/or in encrypted
16 message, there was very, very few. If it is indeed used, it would
17 be used in plain Morse code in the Khmer character.

18 Q. Thank you.

19 If we can move on now to look at one document that you have
20 already discussed with the Co-Investigating Judges?

21 Your Honours, this is document E3/513. It is a telegram which was
22 discussed by the witness in his first OCIJ interview. With your
23 permission, I will give the witness a hard copy and then we can
24 proceed to ask him some questions about it.

25 MR. PRESIDENT:

1 Yes, you pay proceed.

2 Court Officer, could you deliver the hard copy document for the
3 witness.

4 BY MR. ABDULHAK:

5 Thank you, Mr. President.

6 And if, perhaps, this document could also be projected on the
7 screens for the benefit of everyone else?

8 [10.25.55]

9 Q. Mr. Sophang, if we can start by looking at the format of this
10 document. In the -- at the top of the page, we see "Telegram:

11 54", and then immediately below that, "Radio band: 290".

12 Could you explain to the Court what those numbers meant?

13 MR. NORNG SOPHANG:

14 A. As you said, the telegram number is number 54. And "290"

15 represents the CK or you can say that telegram consists of 290

16 CKs because for each CK, there would be five characters. So you

17 can say that this telegram consists of 290 CKs, and it is easier

18 for the decoder to understand this.

19 So, once again, the CK is the number of the characters.

20 [10.27.44]

21 Q. Thank you. If we look at who the line that contains the

22 address to whom the telegram is directed, it says "To Respected
23 Brother". Could you tell us who that is?

24 A. "To Respected Brother" -- the words "Respected Brother" here

25 is Pol Pot. The word "Brother" here used to refer to the Party

27

1 Secretary -- that is, Brother Number One.

2 Q. In your statement -- at Khmer ERN 00328041; French, 00411709;
3 and English, 00334058 -- you discussed the handwriting in the top
4 left-hand corner - if, perhaps, that could be shown on the screen
5 -- and you said that "the handwriting which says 'Grand Uncle
6 Nuon' might be that of Thé because Thé also had the right to
7 manage that".

8 Do I surmise correctly that this is Thé, the deputy of Pon, that
9 you're referring to?

10 A. Yes, you do. This is the statement I made.

11 [10.30.20]

12 Q. Now, this telegram deals with the situation of enemies and
13 describes the arrest of one individual in particular at paragraph
14 3 -- and I'll just quote the beginning of that paragraph:

15 "The issue of the situation inside the Party, Comrade Sot,
16 chairman of the repair factory, has committed immoral acts with a
17 woman. Now the arrests have been made: both the man and the woman
18 have been arrested. This comrade was previously implicated in the
19 confession of the traitor A Chuon."

20 When you were asked about why this type of telegram would have
21 been sent to Nuon Chea at the same ERNs that I gave earlier, you
22 said, "Anything involved with the internal situation and the
23 violation of moral codes, they had to contact Nuon Chea because
24 Nuon Chea was related--" Correction, "because Nuon Chea was in
25 charge of the people."

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1 Is that an accurate summary of your statement, Mr. Sophang, that
2 telegrams which dealt with violations and the internal situation
3 would be sent to Mr. Nuon Chea?

4 [10.32.09]

5 A. At that time, I was not able to know this because Pon was the
6 one who oversaw all of this. But you asked me to help analyze on
7 this, and based on my knowledge, the reason the message had to be
8 sent to Om Nuon Chea because he was in charge of social affairs
9 and culture.

10 So, when it comes to the violation of moral code, it should be
11 Uncle Nuon Chea who would be the person who -- whose the message
12 was sent. That's my analysis.

13 [10.33.07]

14 MR. PRESIDENT:

15 Thank you, Mr. Co-Prosecutor and Witness.

16 It is now appropriate moment for the adjournment. The Chamber
17 will adjourn for 20 minutes. The next session will be resumed by
18 10 to 11.00.

19 Court officer is now instructed to assist the witness during the
20 adjournment and have him returned to the courtroom when we
21 resume.

22 THE GREFFIER:

23 (No interpretation)

24 (Court recesses from 1034H to 1053H)

25 MR. PRESIDENT:

29

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

2 The Prosecution, you may continue putting your questions to the
3 witness.

4 BY MR. ABDULHAK:

5 Thank you, Mr. President.

6 Q. Mr. Sophang, if we could return to this document again and
7 discuss some of the features.

8 You said earlier that Telegram Number 54 represented a number, a
9 sequential number, if I understood correctly. Was that a number
10 that was allocated by the sender? And did it represent the number
11 of telegrams sent after that point?

12 MR. NORNG SOPHANG:

13 A. This is not an outgoing telegram. It was a telegram coming
14 from Mondulkiri.

15 [10.55.22]

16 Q. Thank you. I think we may be having some interpretation
17 difficulties.

18 What does "54" represent? Does it represent the number of
19 telegrams sent already or is it something else?

20 A. This Telegram 54 is a telegram sent and it has already been
21 decoded. It is not an outgoing message. This telegram was
22 received, was decoded, and number 54 is a sequential number. So
23 it means there was 53 and then this is 54; it's a sequential
24 number.

25 Q. Thank you. Would that sequential number start from zero in

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1 every month, in every year or would it simply continue from zero
2 until whatever number ultimately is arrived at?

3 A. The sequential number starts from 01 up to 99, and when it
4 reaches 99, it resets to 01. So that's how the sequential number
5 is used.

6 Q. Thank you. You said that the telegrams -- the telegram, this
7 particular telegram came from Mondulkiri. How are you able to
8 identify it as a telegram coming from Mondulkiri?

9 A. I used to decode such a message, and the person who signed
10 this telegram by the name of Sarun. That's how I knew it.

11 [10.58.18]

12 Q. So you knew that Sarun held a position in the Mondulkiri
13 region; is that correct?

14 A. Yes, Sarun was the Secretary in charge of Mondulkiri province.

15 Q. Thank you. Now, if we look at the bottom of that page just
16 below Sarun's name, we see a date, "23 April 1978", and then we
17 see a line stating, "Received on 23 April 1978 at 23:00".

18 The words "Received on 23 April 1978", is it correct that that
19 was written at the receiving end? One would assume K-18, but
20 perhaps you can enlighten us.

21 A. The date of the receipt was the one that I personally noted.
22 After I received and decoded it on a particular date at a
23 particular hour, then I would write it last -- that is, after the
24 date of the message itself. So this message was sent on the 23rd
25 of April 1978, and it was decoded and completed on the 23rd April

1 1978 at 2300 hours -- that is, after the completion of the
2 decoding of this message.

3 Q. And then we see below that line another line which is as
4 follows: "Copied to: Uncle, Uncle Nuon, Uncle Van, Uncle Vorn,
5 Office, Documents."

6 Can I ask you first, who placed those words on the page, "Copied
7 to", etc.?

8 A. The one who had the authority to write that line was my
9 supervisor, Mr. Pon and Mr. Thé. As for me, I only had the
10 authority to write down the date of the receipt and the
11 completion time of the decoding of the message.

12 Q. Thank you. When we look at that line, we see that it is typed,
13 same as the rest of the telegram. So, was it the case that you
14 were given an instruction by Pon and Thé as to who this would be
15 copied to and you would type those words on the page or was that
16 done later by Pon and Thé separately?

17 [11.02.40]

18 A. The line starting with "Copied to" -- I can only put the date
19 of the receipt and the time of the completion, and that line was,
20 later on, used with a carbon copy for the distribution to
21 respected people or to which uncle, based on those who had the
22 authority to copy the message to.

23 Q. Just so I have a crystal clear understanding, did you type
24 only one copy or did you, in your office, after translating,
25 actually type four or five, using carbon paper?

1 A. I used carbon paper and the use of the carbon copies were
2 based on the decision made by Pon or Thé. And sometimes, I just
3 typed that in because the instructions were already given in
4 advance regarding whom the document or the message shall be
5 copied to. But for other messages, which I was not clear, before
6 I typed "Copied to", I needed to ask for the authority first as
7 to whom I shall type in that line.

8 Q. Thank you very much for that clarification. If we can look at
9 the specific individuals listed in that line, these are the names
10 that you gave in your statement, E3/64 -- Khmer ERN 00328041;
11 French, 00411709; and English, 00334058 -- you looked at the
12 telegram and you interpreted those words as follows:

13 "'Grand Uncle Nuon' referred to Nuon Chea. Copied to: 'Grand
14 Uncle' referred to Pol Pot,
15 'Grand Uncle Nuon' was Nuon Chea, 'Grand Uncle Van' was Ieng
16 Sary, 'Grand Uncle Vorn' referred to Vorn Vet, who was the
17 Minister of Finance. 'Office' referred to Office 870, and
18 'Document' was to be kept in the archive. The Office place was
19 different from the Document place. For the Office, it was kept in
20 the Office 870, but for the Document, it was kept at the
21 translation place."

22 I just want to make sure that that is a correct summary of how
23 you interpreted each of these names on the page.

24 A. The statement that you just read is correct. That is my true
25 statement.

1 [11.07.15]

2 Q. Thank you.

3 When you were instructed by Pon or Thé to create a number of
4 copies, what did you do next?

5 A. After I typed it, then I prepared the message, put it in
6 envelopes and sent to K-1.

7 Q. And would it be the case that four or five copies would be
8 placed in the same envelope or did you use separate envelopes for
9 the different people who are named on the "Copy to" line?

10 A. Those messages were put in only one envelope. But at K-1, Mr.
11 Pon or Thé would organize it for the sending to respective
12 recipients based on the "Copy" line "To".

13 Q. So, if we return briefly to the handwriting in the top
14 left-hand corner, "Uncle Nuon", which you indicated you thought
15 was the handwriting of Thé in this case, am I correct in
16 understanding from what you have said that that handwriting was
17 placed on the document after it arrived at K-1?

18 A. This handwriting -- I did not see this handwriting when I
19 encoded the message. This is -- the handwriting belongs to Thé,
20 who would understand that the content of the message related to
21 Om Nuon. For that reason, he wrote that word, "Om Nuon" -- "Uncle
22 Nuon" -- on this message.

23 [11.10.27]

24 Q. How did you deliver the envelope containing several copies of
25 the telegram to K-1?

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1 A. At my office, there was a messenger whom I can use to deliver
2 the letter to K-1, and there was a post there at K-1. So I
3 instructed the messenger from my office to deliver the letter to
4 that post in front of K-1 Office.

5 Q. Now, just looking at those names for another brief moment, in
6 your second statement at page Khmer 00294536, French 00379433,
7 and English 00483964, document E3/67, you said the following:

8 "Almost all telegrams were copied to the Uncles as I had seen in
9 the past; but in any case" -- correction - "but in case any Uncle
10 was not present, it was not necessary to make a copy for him."

11 Could you confirm whether that is accurate, an accurate summary
12 of your statement that almost all telegrams would be copied to
13 all Uncles and that one of the Uncles or more would not -- a copy
14 would not be made for him if he was absent?

15 A. That is correct, and my statement is correct.

16 [11.13.34]

17 Before I typed the recipient of the "copy to", I would seek the
18 permission first as to whom or to which Uncle the message should
19 be copied to. In certain messages, the message would be copied
20 only to Uncle and Uncle Nuon, and not Uncle Van, for instance,
21 because he was not in. So it would only be put "Uncle, Uncle
22 Nuon, Office, and Documents" based on the instructions I
23 received.

24 And in certain cases, some Uncles were absent or not present; for
25 instance, Mr. Ieng Sary, sometimes he was overseas as he was in

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1 charge of Foreign Affairs. When he was not in the country, then
2 the message would not be copied to him because there would be no
3 correspondence back from him, as he was overseas.

4 [11.14.40]

5 Q. Thank you.

6 In your first statement, E3/64, at Khmer ERN 00328037, French
7 00411705, and 00334055, you said the following.

8 Question: "As you understood it, did those copies reach the hands
9 of their receivers?"

10 Answer: "I believed they received them because those messengers
11 and translators, who had been recruited to work there, were very
12 loyal."

13 Question: "Based on your recollection, would any telegrams which
14 had been sent out never reached their receivers?"

15 Answer: "I never met that."

16 And finally, question: "Was it a big problem if that happened?"

17 Answer: "Definitely there would be a problem."

18 Is that a correct summary of your statement to the investigators?

19 A. The statement is correct, as I stated back then.

20 [11.16.26]

21 I also said, yes, there would be a problem as you raised because
22 in some cases, some messages which were confidential messages but
23 were leaked, it could be the result of the messenger who could be
24 disloyal or it could be the person who organized the decoded
25 message, whether decoded messages reached the appropriate

1 recipient or it failed to be delivered or that it was missing. If
2 the message was missing or the message was leaked, it was
3 entirely based on those Uncles whether they put or they keep the
4 document properly or carelessly and it was leaked.

5 So, when it comes to the leaking of the confidential information
6 from the message or the missing of any message, it could happen
7 at various stages.

8 [11.17.52]

9 Q. Putting aside those situations, do I understand correctly from
10 this passage that we read, that your understanding was that the
11 recipients, in this case the Uncles, received the messages that
12 were sent to them?

13 A. It is my conclusion that majority of the messages were
14 received by them. The reason is that they organized and used the
15 loyal people to work on this aspect. They were well disciplined
16 and if they were careless, they would not be used to work on this
17 confidential nature kind of work.

18 Q. In the course of your work, did you have meetings with Pon or
19 Thé or others to discuss the performance of your duties to make
20 sure that they were properly performed?

21 A. There were meetings to draw experience from our work, and we
22 would pinpoint the strong or the weak points from our performance
23 through those meetings. The meetings were organized monthly or
24 sometimes every two or three months among my superiors, and that
25 was both to discuss the technical aspect and the performance and

1 to improve the performance so that our worker would be more
2 perfect.

3 Q. Thank you.

4 [11.20.52]

5 Looking at your second statement, E3/67, Khmer ERN 00294548,
6 French ERN 00374942, and English 00483974, you say the following
7 -- and this is at paragraph 38:

8 "They gave verbal instructions. I listened to the instructions
9 from Pon in meetings with him. If one wanted to give instruction,
10 they came down to instruct us. I implemented this instruction:
11 that is why I have survived until now. Whatever unit the content
12 of the telegram concerned, it was sent to that unit."

13 Looking at that passage, Mr. Sophang, one gets the impression of
14 a very organized and disciplined unit. Am I accurate in coming to
15 that view?

16 A. Regarding that statement, it talked about the moral behaviour
17 that a woman was raped and probably for that reason, that's why
18 there was the handwriting of Uncle Nuon up there.

19 [11.23.05]

20 Q. Thank you. Just returning to my question, the passage from
21 your statement seems to describe a very disciplined operation,
22 and you say that you survived because you followed instructions.
23 Am I correct in concluding that this was a highly organized and
24 well-performing operation?

25 A. So, that is true -- that is, maintaining secrecy and

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1 maintaining the principle and the work performance within my
2 office that I implemented subsequently, based on the
3 instructions, the principles and the disciplines set out by the
4 upper echelon, in particular, in regard to the functioning of my
5 office.

6 Q. Thank you. Do you know who Pon and Thé received their
7 instructions from?

8 A. Pon and Thé worked directly with Pol Pot, and they also had
9 the role of the secretaries. All the instructions that they gave
10 to me were not their own instructions. They were instructed from
11 the above or that they took notes in the meeting with the
12 Standing Committee before those instructions were relayed by them
13 to me.

14 Q. Thank you.

15 [11.25.43]

16 And do I understand correctly that sometimes the instructions
17 which they gave to you to encrypt came following deliberations or
18 discussions or decisions of the Standing Committee?

19 A. The instruction did not exist in writing -- or whether it is
20 an evidence of the meeting from the Standing Committee. However,
21 because they were close to the Chairman of the Standing
22 Committee, then they would just relay the instructions from the
23 Standing Committee to me.

24 Q. Thank you. Now, returning to that document -- D200/3.2 or
25 E3/513 -- the telegram that we've been discussing. You confirmed

1 earlier that "Office" was a reference to Office 870, which was a
2 different place from "Document".

3 [11.27.38]

4 So, just starting from "Document", do I understand correctly that
5 that copy would be held at Pon's office at K-1?

6 A. The word "Office" in the copy line means that a copy of that
7 message would be maintained at Office 870. It was a part - or
8 within the K-1 compound.

9 As for the document, at my office I also maintained a copy at my
10 office that is referred if -- in reference to the documents that
11 are encoded. So, if they need to verify the nature of the
12 original document, they would come to my office.

13 Q. Thank you for clarifying that. Would that mean that, where you
14 translated a document, it would be -- a copy would be retained at
15 your office and, if it was Pon's team at K-1, then they would
16 retain a copy?

17 A. Yes, that is correct. I would usually maintain the last carbon
18 copy, which was not really that clear. But for those clear carbon
19 copies, they would be sent to those Brothers or Uncles.

20 Q. Thank you. Do you know what the words "Office 870"
21 represented?

22 [11.30.05]

23 A. "Office 870" was the office for the Party Centre. And Pol Pot
24 was the chairperson of this office.

25 Q. Thank you. Is that designation - "Office 870" -- that you just

40

1 described the same or different than "Committee 870", which you
2 have also discussed in your statements?

3 A. "870" was the Party Centre -- or, at the same time, called the
4 Committee of the Centre. And there had not been any change prior
5 to 1975 or after 1975. The term "870" had been referred to as the
6 Party Centre, and it remained the same all along.

7 Q. Thank you.

8 Looking at your first statement, while we're on this issue --
9 again E3/64 -- and this is at Khmer ERN 00328036, French
10 00411704, and English 00334053, we have the following passage.

11 Question: "What did 'to the Committee 870' mean, and whom did
12 that refer to?"

13 Answer: "It referred to the entire Central Committee."

14 [11.32.49]

15 Is that a correct summary of your statement in relation to
16 Committee 870?

17 A. Yes, it is correct, because 870 did not refer only to any
18 individual or Brothers. For example, if it noted 870, it would
19 have been referred to the Central Committee rather than any
20 individual. And when the letter was returned and it was addressed
21 to "Respected Brother", it means it would be referred to Pol Pot.
22 And if it is referred to as 870, then it referred to the Central
23 Committee.

24 Q. Thank you for that clarification.

25 And just to conclude on this document, in the "copy" line, we see

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1 both "Uncle" -- which you indicated was Pol Pot -- and "Office",
2 which is Office 870. Am I correct in concluding that there were
3 two copies in this case: one to Pol Pot personally and one to
4 Office 870?

5 A. No. Normally, it was rare that only two copies could have been
6 made, because each message had to be copied into at least four
7 copies. And when it comes to Brother -- rather, Uncles, they were
8 different from the Office. "Office", here, referred to Office 870
9 of the Angkar, when "Uncle" could be referred to Pol Pot.

10 Q. Thank you.

11 [11.35.56]

12 Now, having looked at the format and content of that telegram,
13 what I would like to do next is go through a series of other
14 telegrams. We will spend less time on them, but I would like to
15 see if you're able to assist us in understanding their format and
16 the way in which they are processed.

17 Mr. President, the next document --

18 MR. VERCKEN:

19 (No interpretation) -- as far as the submission made by the
20 prosecutor shows that there is some discrepancy between the text
21 and the audio regarding the word "Committee 870". In the text of
22 the written statement read by the prosecutor, it is indicated
23 that the word "Committee 870" meant Central Committee.

24 [11.37.32]

25 However, when we read the audio transcript by the Tribunal, we

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1 find that by giving that answer, the witness has said that the
2 Committee 870 meant the entire Central Committee -- that is, the
3 Central -- the Standing Committee. So the audio transcript
4 contains an answer which is different from what the prosecutor
5 deliberately cited, and I think we should say so without waiting
6 for the cross-examination to begin.

7 MR. ABDULHAK:

8 Mr. President, I would object to this intervention in the
9 strongest possible terms. This is a completely -- completely --
10 inappropriate intervention.

11 I took the witness through his statement. The witness spoke in
12 his own words and described each of the offices. This is an
13 attempt -- this is an attempt, Your Honours, to broadcast to the
14 witness what he should be saying, and it should be sanctioned.
15 Your Honours should warn counsel not to make interjections of
16 this kind.

17 If there is a proper objection, it should be made. This is not an
18 objection; it is a comment. And my friend can take up the issue
19 in his cross-examination.

20 (Judges deliberate)

21 [11.38.58]

22 MR. PRESIDENT:

23 Counsel, I think we should make sure that we have two stages
24 before us today. Now, the witness is before us, and evidence is
25 being examined during the Court proceedings. However, when it

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1 comes to discrepancies, it is your sole right to put questions to
2 seek clarification or credibility with regard to the statement
3 given.

4 [11.39.34]

5 And we know that it is the time -- when you are allotted the time
6 to do, then you can do it, because we, the Chamber, get used to
7 the impeaching questions, and it -- indeed, we understand that
8 you can do so during your time when you have the floor to put
9 questions to the witness. And you should not be allowed to do
10 that again when the other counsel or party is on his feet putting
11 his questions.

12 So, Co-Prosecutor, you may now proceed.

13 MR. ABDULHAK:

14 Thank you, Mr. President.

15 Moving on to that second document, Mr. Sophan -- Your Honours,
16 this is document E3/1679, and with your leave I will give the
17 witness a copy. It is another telegram, in this case dated the
18 30th of November 1975.

19 [11.40.52]

20 And with your permission, I'll give the witness a copy.

21 MR. PRESIDENT:

22 Indeed, you may proceed. But, please, can you repeat the
23 identification of the document?

24 BY MR. ABDULHAK:

25 Yes, Mr. President; it is E3/1679. It's a single-page telegram in

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1 Khmer. Thank you, Mr. President.

2 Q. Mr. Sophang, this is a document from 1975, so it is
3 significantly earlier in time than the last one we saw. If we
4 look at the heading of this telegram, it is entitled "Telegraph
5 Number 15, Respectfully submitted to Comrade Brother Pol".

6 [11.42.08]

7 Am I correct in assuming that was Brother Pol Pot?

8 MR. NORNG SOPHAN:

9 A. Yes, it is correct.

10 Q. And when we look at the bottom of that page, in Khmer -- and
11 perhaps it could be broadcast on the screen for everyone to see.
12 Below the date, "30 November 1975", we see the name "Chhon",
13 being the author of the telegram. Do you -- are you able to
14 identify who this individual is?

15 A. I do not recall this person because I was the -- not the one
16 who decoded this telegram. It was meant to be managed by the
17 person in the East Zone.

18 Q. Thank you.

19 [11.43.32]

20 Now, without going into the content of the telegram in any great
21 detail, he discusses the dispersal of the Muslim people in the
22 East Zone. And it seeks certain instructions from the Centre. Is
23 it accurate or -- and tell us if you don't know. This document
24 originated in the East Zone?

25 A. It is correct to say that this document was reported to have

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1 been sent to Brother Pol and it was from the East Zone. But the
2 content of the message was not about Muslim. It is about Islam.

3 Q. Thank you. Would a message such as this normally come from the
4 secretary of the zone, or would it be a different individual?

5 A. I don't know who was the author of the message, but it is a
6 routine that whoever was the secretary of the zone, then he would
7 be entitled to report directly to Brother Pol.

8 Q. And do you recall who was the Secretary of the East Zone in
9 1975?

10 A. It was So Phim who was the East Zone Secretary at that time.

11 Q. Thank you.

12 Now, looking at the c.c. or "copied to" line in this document, we
13 see that it was to be copied to Brother Nuon, Brother Doeun,
14 Brother Yem, and Archives. I can ask you first; in this case we
15 don't see a reference to "Office". Is that unusual in your
16 experience?

17 A, It is strange, because I never noted such people could be
18 copied to like that, but I knew other uncles. And it is also
19 strange to me that the document was not copied to an Office. So
20 the c.c. section is strange to me.

21 Q. Now, looking at "Brother Nuon", in your first statement at
22 Khmer ERN 00328040, French 00411707, and English 00334057, you
23 said the following:

24 [11.48.02]

25 "This telegram was originally sent to Pol Pot alone, but the

1 person in charge of the telegram knew that this matter must also
2 be sent to the person who was in charge of people like Nuon Chea
3 in order to find a solution."

4 Does that record accurately your description of this line in the
5 telegram?

6 A. Yes, I do, and it is the correct statement as what I already
7 stated.

8 Q. Thank you.

9 Now, looking at Brother Doeun in that same passage that I quoted
10 earlier from your first statement, you were asked who Brother
11 Doeun and Brother Yem were. And you said the following:

12 "I did not know clearly about these two persons. Yem could be a
13 member of the Assembly, and Doeun might be the chairman of an
14 office working with Nuon Chea or Khieu Samphan or a member of the
15 Assembly responsible for the North Zone."

16 [11.49.35]

17 Is that also accurate, as a description of your words in relation
18 to Brother Doeun?

19 A. Yes, it is correct. I never know who Doeun was. Indeed, when
20 it comes to Brother Nuon, I know that he was Nuon Chea. And I
21 never know for sure who Doeun or Yem could have been.

22 Q. Thank you.

23 I'd like to, while we're dealing with the issue of Doeun, move on
24 to another document, and -- a little bit later in time -- and see
25 if it assists in understanding his role.

1 Mr. President, this is document E3/1103. It is another telegram,
2 dated the 7th of November 1976. With your leave, I have a copy
3 for the witness.

4 MR. PRESIDENT:

5 You may now proceed.

6 And court officer is instructed to bring the hard copy of the
7 document for the witness.

8 [11.51.25]

9 And the document is allowed to be put up on the screens.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 I believe we have it ready, so if it could be projected by the AV
13 Unit, we would be grateful.

14 Q. Just in exploring the role of this individual, Mr. Sophang, I
15 want to look at this document in a little bit of detail. It
16 starts with "Telegram 2", "To missed and respected Comrade
17 Doeun".

18 In paragraph number 1, it says: "We have already received your
19 telegram 15 about materials."

20 In paragraph 2, it discusses the request by this region for
21 10,000 coconuts to be provided.

22 And then, in paragraph 3, it says the following:

23 [11.52.47]

24 "We would also like to inform you that the sector wants to send a
25 youth comrade from radio communication unit to further study the

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1 radio communication's coding. We request to have this comrade
2 participated in the upcoming course at the party's school. More
3 than this, we would like to confirm the travelling documents.
4 Should travelling car be registered and a mission letter for
5 travelling from Sector 105 to Phnom Penh be issued? We would like
6 to know whether Angkar requires these letters to be issued."
7 Now, this is signed by an individual called Chhan and it
8 indicates that -- or it seems to indicate that it was from Sector
9 105.

10 Are you able to identify the author of that -- of that document?

11 MR. NORNG SOPHANG:

12 A. 105 was an autonomous zone -- or, rather, sector in the
13 Northeast Zone. However, I don't know the person by the name of
14 Chhan who signed on this. I am familiar with Sarun, but not
15 Chhan.

16 [11.54.40]

17 Q. Thank you. Returning to the first two paragraphs, there is a
18 discussion about materials and a request from the sector for
19 coconuts to be provided and also for seeds. Does that refresh
20 your memory in any way as to what role Doeun was playing?

21 A. Doeun, perhaps, was the person who managed the materials,
22 according to this text. However, whether Doeun was tasked with
23 overseeing anything by the central - or, rather, Standing
24 Committee, it is not my knowledge.

25 Q. And in the third paragraph, where there is a discussion about

1 a youth comrade being sent to study radio communication, coding,
2 is that a reference to training to be provided at your school?
3 This was dated the 7th of November 1976. I wonder if that helps
4 you recall.

5 A. This message is about the radio communication. However, there
6 was part of the message which was about decoding section. I don't
7 know whether individuals would be sent to the radio communication
8 course and decoding section, whether there was only one person or
9 two people because radio communication section was a different
10 part from the decoding section, so I'm afraid I don't quite
11 understand the message.

12 [11.57.28]

13 Q. Do you recall whether Doeun had any role in helping organize
14 the training for these youth comrades coming from, in this case,
15 Sector 105?

16 A. Doeun was not tasked with educating people on radio
17 communication or decoding. If people would like to be trained on
18 radio communication, they would be asked to contact K-18 that was
19 tasked with that particular field. If it was about decoding, then
20 I would be the person who would be asked.

21 Q. Thank you. This document was copied to Brother Nuon, Office,
22 and Documentation. Are you able to tell us why it would not have
23 been copied to Pol Pot?

24 A. No, I'm not. The person who made the decision to copy to other
25 individuals made their own choice, and I don't know about this.

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1 But so far as I know, as part of the instruction, if the
2 telegrams are - or, were relevant to any particular section, then
3 the section of people of each of that sections had to be the one
4 who had to solve the problems.

5 For example, when it comes to the production, the seedlings or
6 the seeds or materials, these matters were relevant to the
7 office. So, the Standing Committee already assigned Doeun as the
8 person in charge. That's why Doeun was copied.

9 And when the office was copied, it suggests that Brother Doeun
10 would also be the person who received this message that was
11 addressing to the office.

12 [12.00.42]

13 MR. PRESIDENT:

14 Thank you, Mr. Co-Prosecutor and Witness.

15 It is now an appropriate moment for lunch adjournment. The
16 Chamber will adjourn until 1.30 p.m.

17 Court officer is instructed to assist the witness during the
18 adjournment and have him returned to the courtroom by 1.30 p.m.

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

20 MR. IANUZZI:

21 Thank you, Mr. President. I've just been informed that Nuon Chea
22 is suffering from a backache, a headache and a general lack of
23 concentration. He would, therefore, like to spend the afternoon
24 in the holding cell, and that is our application this morning,
25 that he be permitted to do so. Thank you.

1 [12.01.48]

2 MR. PRESIDENT:

3 The Chamber notes the request of Mr. Nuon Chea through his
4 counsel, in which he asked that he be allowed to observe the
5 proceedings from his holding cell due to his health concerns.
6 Counsel has made it clear that his waiver would be submitted
7 immediately before the Chamber.

8 The Chamber, therefore, grants such request. Mr. Nuon Chea is now
9 permitted to observe the proceedings from his holding cell.

10 And with that, Mr. Nuon Chea has expressly waived his rights to
11 participate directly in the courtroom. The Chamber would like
12 counsel for Mr. Nuon Chea to submit this waiver signed or given
13 thumbprint by Mr. Nuon Chea to the Chamber.

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

17 Security personnel are now instructed to bring Mr. Nuon Chea and
18 Khieu Samphan to their each respective holding cell and have Mr.
19 Khieu Samphan returned to the courtroom when the next session
20 resumes in the afternoon at 1.30.

21 The Court is adjourned.

22 (Court recesses from 1203H to 1333H)

23 MR. PRESIDENT:

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

25 The Prosecution will take the floor again to put questions to the

1 witness.

2 Witness, you are reminded to only provide the information that
3 you, yourself, knew of, experienced or observed. Please try not
4 to provide a conclusion or a guess based on your personal
5 understanding, as it does not have any legal weight in the Court.

6 Thank you.

7 [13.35.20]

8 BY MR. ABDULHAK:

9 Thank you, Mr. President. Good afternoon, Mr. Norng Sophang.

10 Q. When we were looking at that last document that was addressed
11 to "Respected Comrade Doeun", you said that these matters, the
12 distribution of materials, were related to the office and that
13 that's why they were sent to -- to Doeun.

14 I'd like to show you another document that mentions Comrade Doeun
15 and see if that may assist in elucidating further Comrade Doeun's
16 position.

17 Your Honours, this is document D200/9.7. It's an attachment to
18 the second record of interview.

19 MR. PRESIDENT:

20 Defence Counsel, you may proceed.

21 [13.37.03]

22 MR. VERCKEN:

23 Thank you for giving me the floor, Mr. President.

24 I am somewhat surprised at the prosecutor's method, the method he
25 used a while ago. He has just said that the witness had just said

1 he didn't know the role of Doeun and the prosecutor is asking
2 this question as if he did not know the exact role of Doeun, and
3 he continues to show the witness documents to elicit from the
4 witness some assumptions on the role of Doeun.

5 May we remind the witness, Mr. President, this afternoon that the
6 witness is here to testify as to what he knew at the time and
7 what he can recall today? And in this regard, I wonder why the
8 prosecutor is adopting this approach, persisting in asking the
9 witness what the functions of Doeun were, continuing to show the
10 witness documents to make the witness offer assumptions as to
11 what Mr. Doeun's role was.

12 There are other witnesses who may shed light on the role of
13 Doeun, and this witness before us is not in a position to tell us
14 what the role of Mr. Doeun was, so this question that has just
15 been put to the witness by the prosecutor is rather leading, and
16 I object to it.

17 [13.38.42]

18 MR. ABDULHAK:

19 Mr. President, if I may respond briefly. He's not correct to say
20 that the witness has no knowledge whatsoever of Comrade Doeun. If
21 I can remind the Court, it was in his OCIJ statement that the
22 witness described Doeun who -- as an individual who may have been
23 the chairman of an office working with Nuon Chea or Khieu
24 Samphan. Those were the witness's words; they, one assumes, came
25 from his knowledge.

1 [13.39.20]

2 He has also stated further that he understood Doeun to be tasked
3 with matters relating to the distribution of materials, and
4 that's why this document that we were looking at before was sent
5 to Doeun. So what you have, Your Honours, is a base of knowledge
6 about this individual that the witness has given us and it is, in
7 my submissions, entirely appropriate to explore further what the
8 witness knows and to see whether documents may refresh his
9 memory.

10 Now, the witness has just been reminded that he should not
11 speculate and, with that instruction, I think it is entirely
12 appropriate to proceed. And if the witness does not have direct
13 knowledge, if the documents do not assist him, he can simply say,
14 "I don't wish to speculate because I have no further personal
15 knowledge".

16 To be attempting to block my examination before the witness has
17 been asked a question is entirely improper and premature.

18 [13.40.33]

19 MR. VERCKEN:

20 Very briefly, Mr. President, it would appear that the written
21 answer of the witness given when he was questioned by the
22 Co-Investigating Judges was already at the time an answer to a
23 suggestion because if you read that answer, you'll find that the
24 witness did say it was perhaps this or that or perhaps this or
25 that. Now the prosecutor is trying to make us believe that his

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1 answer was clear, whereas that was not the case.

2 It appears that already in 2009 the answer may have been evasive,
3 but the witness did say that he did not know.

4 MR. PRESIDENT:

5 Please, Counsel, you should make brief. And I just want to see
6 how you feel regarding the proceeding and the procedure
7 applicable before this Chamber. Usually you are only allowed to
8 object once -- once only.

9 Defence Counsel Michael Karnavas, you may proceed. And please try
10 to raise a new point rather than the old points raised by other
11 defence counsel since the old points have already been replied by
12 the Prosecution.

13 [13.41.55]

14 MR. KARNAVAS:

15 Thank you, Mr. President. I'll try to be brief.

16 The Prosecution began his questioning by trying to suggest to the
17 witness that, by showing him a series of documents, they would be
18 able to somehow work -- work out what Doeun did. Now, the

19 Prosecution mentioned what he said in his first statement but,

20 then again, in the second statement, again, the witness said when
21 asked about Doeun: "I have no grasp. Perhaps -- perhaps he was
22 working in the working group at Office 870."

23 That's the best of his knowledge at the time when he was -- when
24 he was speaking to the investigators.

25 Now, for the Prosecution to try to attempt to construct some sort

1 of knowledge by showing him documents is improper. And as my
2 colleague indicated, there are other witnesses who can designate
3 or who can tell us who Doeun was. This is not one of them. Thank
4 you.

5 [13.42.58]

6 MR. PRESIDENT:

7 Thank you, Counsel.

8 The Chamber also took note of this issue before the lunch break.
9 For that reason, when we resumed, the Chamber immediately
10 reminded the witness because the witness made a personal
11 conclusion in his response. And at that time the Defence -- none
12 of the defence counsel actually stood and objected to his witness
13 -- to his response.

14 And the Prosecution -- the Prosecution has the right to put
15 questions to the witness, but it is the witness's duty not to
16 provide a guesstimation or a conclusion. Only his personal
17 experience or personal observation or knowledge shall be provided
18 in his response. Otherwise, you, yourself, Mr. Witness, you will
19 be bombarded with hundreds of questions that would impeach you.

20 [13.44.13]

21 MR. ABDULHAK:

22 Mr. President, I think in my learned friend Michael Karnavas'
23 objections is in part the answer to this issue. The witness used
24 the name Doeun--

25 MR. PRESIDENT:

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1 The Chamber already ruled that you can put your question. It is
2 the duty of the witness either to respond to your question or
3 not.

4 MR. ABDULHAK:

5 Thank you, Mr. President. I misunderstood the position.

6 The document that I wish to show the witness is a document he
7 discussed with the investigators. It is D200/9.7. It is a minute
8 of a meeting of the Standing Committee dated the 9th of October
9 1975. With your permission, I'll give the witness a hard copy.

10 [13.45.16]

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 BY MR. ABDULHAK:

14 Thank you, Mr. President.

15 Q. Mr. Sophang, if you look over the page, this should be on the
16 second page of your version, and I will give the relevant ERNs;
17 in Khmer 00019109, in French 00292869, and in English 00183393.

18 If you look at that page, Mr. Sophang, I want to ask you about
19 one line in particular. Under number 8, we have "Comrade Doeun:
20 Chairman, Political Office of 870".

21 Now, based on your knowledge at the time and without speculating,
22 could you please tell us whether that position corresponds with
23 your knowledge or understanding of Doeun's role and position?

24 [13.46.52]

25 MR. NORNG SOPHANG:

1 A. I informed the judicial officers, including the investigators
2 during the investigation stage that I did not know who Doeun was.
3 And regarding the appointment by the Standing Committee to be in
4 charge of a certain office or whatever, it was beyond my
5 knowledge.

6 Q. Thank you. If I can move on from Doeun and ask you some
7 questions about the activities of Mr. Khieu Samphan before we
8 return to more examples of telegrams, I'm going to read this
9 brief passage first in the interests of time and then ask you
10 some questions about it.

11 Your Honours, this is in the first statement, which is document D
12 -- apologies, E3/64. And the relevant ERNs are, in Khmer
13 00328033, in French 00411701 to 702, and in English 00334052.

14 Mr. Sophang, this is the passage I wish to read to you.

15 Question: "What about Khieu Samphan?"

16 Answer: "There used to be his messages which talked about what
17 amount of salt, rice grain, cloths, clothing, shoes, and other
18 materials to be sent to this and that unit for distribution to
19 the people. He was the manager who managed and distributed
20 various produced materials to the people. I did not receive
21 messages from Khieu Samphan frequently. Besides that, I used to
22 translate Khieu Samphan message, in the form of directive
23 circulars, regarding various national ceremonies, for example."

24 Full stop.

25 Is that an accurate summary of your description of Mr. Khieu

1 Samphan's role at the time?

2 [13.50.33]

3 A. Yes, that is correct.

4 Q. I want to read another brief passage further down on the same
5 -- in the same section of your statement where you said the
6 following:

7 "As for Khieu Samphan, he sent messages in handwriting through
8 the K-1 messengers whose chairman was Sam. Sam then delivered
9 Khieu Samphan messages to K-1. Sometimes Khieu Samphan phoned me
10 and had me take note of his text on phone, and he told me where
11 to send that message. That text was then to be coded and then was
12 transmitted."

13 Is that also a correct summary of what you said to the
14 investigators?

15 A. Yes, that is correct. I used to receive messages from Khieu
16 Samphan through Sam's group, which were the messenger's group.
17 And sometimes he phoned me.

18 [13.52.27]

19 Q. When Mr. Khieu Samphan sent these messages using K-1
20 messengers, do you know from which location he was -- he was
21 sending them?

22 A. No, I did not know that.

23 Q. In the same statement, a little bit further down -- and this
24 is at Khmer ERN 00328035; French, 00411703; and English, 00334053
25 -- you were asked the following question: "Did you ever receive

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1 any direct phone calls from the zone Committee asking for an
2 appointment?"

3 Answer: "No, my phone line was connected to three places only,
4 including Khieu Samphan, Yuos, and K-1."

5 Is that correct? Is that a correct summary of your statement, Mr.
6 Sophang, that you had a phone line connection to only three
7 places, Mr. Khieu Samphan, Yuos, and K-1?

8 A. Yes, that is correct.

9 Q. Do you know why it was necessary for there to be a phone line
10 between your office and the office of Mr. Khieu Samphan?

11 A. Usually, telegrams -- and if it is in the form of a
12 handwriting from him, or if the message is -- was not clear, or
13 if a certain form had to be complied for certain messages to be
14 sent, he himself or his working group would give a phone call to
15 me to give such instructions. So, it means to facilitate the
16 smoothness of the work.

17 [13.55.57]

18 Q. When Mr. Khieu Samphan delivered these messages to your office
19 to be transmitted, were they coded by you and your staff before
20 being transmitted?

21 A. The content of the messages were similar to a normal letter
22 and it was already typed. Our task was to encrypt that letter or
23 text.

24 Q. And can I ask whether you also decoded any messages that were
25 addressed to Mr. Khieu Samphan from the provinces or from the

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1 zones?

2 A. Regarding as to whom the messages shall be sent to, I already
3 informed you earlier that I would act upon instructions of Mr.
4 Pon, who was my supervisor. So I would just act following that
5 instruction from Pon.

6 [13.57.55]

7 Q. Were there any messages that were addressed to Mr. Khieu
8 Samphan, in the first line? Or was it the case that messages
9 would be -- copies would be sent to him as directed by Pon?

10 A. I did not know and I did not see it. I did not -- I never
11 received instructions from Pon that I should copy a letter or
12 message to Khieu Samphan.

13 Q. Now, staying with Mr. Khieu Samphan for another couple of
14 minutes, you discussed his responsibilities in your second
15 statement, and I want to read that passage to you.

16 Your Honours, this is E3/67. The Khmer ERN is 00294538; French,
17 00374935; and English, 00483966. And this is what you said
18 according to the statement:

19 "As for Khieu Samphan, he was in charge of the Front and the
20 Government, i.e. contacting Samdech Sihanouk; meeting with
21 foreign guests who came by the state invitation; dividing other
22 materials to the various bases and zones. Telegram was not copied
23 to Khieu Samphan. My understanding is that Pol Pot might call him
24 to meet personally."

25 [14.00.29]

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1 Now, I want to proceed carefully in light of the Chamber's
2 instructions. So I don't want you to speculate on this. But let
3 me ask you, first: Is that a correct summary of what you said to
4 the investigators?

5 A. The first part of the statement is correct -- to be the event
6 that I saw and witnessed -- and I also noted the work concerning
7 the communication between Mr. Khieu Samphan and my section.
8 Because he was in charge of the Front and the government's tasks
9 in distributing materials, and when I said I presumed, it is
10 really obviously clear that I was not sure on that and the
11 investigators kept dwelling on the thing that I said I was not
12 clear, so I don't know. And again, at the beginning, the first
13 portion of my statement, it's really clearly representing the
14 accurate statement of mine.

15 [14.02.04]

16 Q. Thank you. Given that you've said that you have no further
17 direct knowledge of that issue, I won't ask you additional
18 questions on it.

19 As we were discussing that minute of the Standing Committee of
20 the 9th of October 1975, a few moments ago, I want to just look
21 at one brief passage which you have discussed with the
22 investigators and see if you can confirm for us your
23 understanding. So this is document D200/9.7, and the relevant
24 ERNs are: Khmer, 00019111; French, 00292872; and English,
25 00183394.

1 And this passage which deals with administrative matters, in one
2 part says the following:

3 "When a telegram comes in, immediately when it is received the
4 office must hand it to the responsible section immediately, so
5 they can examine and consider it and make proposals to the
6 Standing Committee. Some matters are urgent. Military matters are
7 given to the military, commerce matters to Commerce, Party
8 matters to the Party section. Therefore, if we move closer
9 together, this will facilitate concentrating our workforce."

10 [14.04.28]

11 When you were looking at that document, Mr. Norng Sophang, in
12 your second statement you indicated that it was -- that it
13 reflected the instructions that you had received from Pon. Is
14 that correct, that this was reflective, generally, of the way
15 that your office was functioning?

16 A. The content of this statement relates to the regime at work.
17 For example, the work that had to be done in accordance with the
18 Standing Committee. It is true that communication had to be done
19 immediately, expeditiously, and I already indicated when I had to
20 decode the text and when the text had to be sent out immediately
21 and on a timely manner. Because I had to make sure that the
22 messages were sent to Pon's section immediately so that they
23 could be then properly managed from there. Texts that were
24 relevant to the military would be managed and sent to the
25 commerce, and so on and so forth. Yes.

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1 [14.06.20]

2 Q. Thank you, and while we're on the military, was it the case
3 that the military communicated with the Party Centre using K-18
4 and your decoding office, or did they communicate in some other
5 way?

6 A. What I know is that the military communication and what I saw
7 was that the message would be sent through K-18, who then sent to
8 the telegram decoding section. I have no knowledge of how the
9 message would be communicated apart from that.

10 Q. Thank you.

11 And now, coming back to some examples of telegrams, perhaps we
12 can do this relatively quickly. I'll ask you only perhaps two or
13 three questions per telegram.

14 Your Honours, this is document E3/871 -- E3/871. It is another
15 telegram and it is dated the 21st of March, appears to be 1976,
16 but perhaps we can ask the witness for more details. With your
17 leave, I'll give him a hard copy.

18 MR. PRESIDENT:

19 You may proceed.

20 Court Officer, you are now instructed to bring the hard copy to
21 the witness for examination.

22 [14.08.46]

23 BY MR. ABDULHAK:

24 And perhaps it can be shown on the screen also for everyone else.

25 Q. Mr. Sophang, this is another telegram. Now, I acknowledge the

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1 copy is not of a very good quality, but I just want to see if we
2 can look at a couple of details in it. The date towards the
3 bottom is "21 March", and below that we see that it is authored
4 by "Chhon". And then, below that, we have the "copy to" line and
5 we see "Brother Nuon, Brother Khieu, Brother Van, Office, and
6 Archive".

7 Now, we've looked at all of these individuals except for "Brother
8 Khieu". Could you tell us who "Brother Khieu" was?

9 MR. NORNG SOPHANG:

10 A. "Brother Khieu" was His Excellency Son Sen, not Mr. Khieu
11 Samphan.

12 [14.10.26]

13 Q. I understand. Thank you.

14 Now, I just want to see if we can identify the area from which
15 the document comes.

16 The beginning of the telegram states: "Presented with Respect to
17 Beloved and Missed Brother Pol."

18 And then, below that: "As follows, according to the report of
19 Comrade Chhouk, Sector 24, on the border situation..."

20 And then it goes on to describe certain events which took place
21 on the 13th of March 1976.

22 Does that information help you identify where the telegram
23 originated?

24 A. The heading of the telegram stated very clearly already
25 they're to "Beloved and Missed Brother Pol", which was here

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1 referred to Pol Pot. And with regard to the report prepared by
2 Comrade Chhouk, I don't know who Chhouk was, but Sector 24 was
3 under the East Zone. So, this message was sent to Pol Pot and the
4 person who prepared the telegram was the person by the name
5 Chhon, so this person could have been from the East, as seen on
6 other documents, from the East.

7 [14.12.20]

8 Q. Thank you. And as we look at the paragraph starting with
9 number two -- I'll just read a part of it: "As for the grenade
10 throwing situation..."

11 And then, a little bit further down: "...we have now captured the
12 guy who threw the grenade ... this guy was a pacification agent..."

13 Then, a little but further down:

14 "In addition, we beat him up during interrogation about his
15 organizational links and got on to more than 20 more of them in
16 the grassroots of Preah Sdach district. These guys'
17 organizational links come from South Vietnam."

18 Do you recall whether you translated this particular telegram; do
19 you recall these words?

20 A. I did not decode these telegrams, and I was not tasked with
21 dealing with these telegrams. Because when it comes to the East
22 and when it comes to the situation along the Vietnamese and
23 Cambodian border, Pon would be in charge of handling this and I
24 was not involved.

25 Q. Thank you.

1 [14.14.06]

2 And do you recall from the telegrams that you did decode, do you
3 recall whether there were similar instances of interrogations
4 having taken place in the regions and information being sent to
5 the Centre?

6 A. As I already emphasized earlier on, the reports on the
7 internal matters including the traitors, I had received very
8 little messages, none. So I would not wish to elaborate on this
9 because I'm myself not clear and I had no experience dealing with
10 this myself.

11 Q. Thank you.

12 Looking at the form of the telegram and noting you didn't
13 translate this particular one, does it appear to you consistent
14 with other telegrams that were being sent in at the time? So,
15 just looking at the form; not the content.

16 A. The form, I mean the heading and the ending look similar.
17 However, the content of the report would not be the same because
18 normally they would list down the report like, with bullet
19 points, A, B, C, and there was no proper format or template that
20 people had to follow in uniform. So the report was based on the
21 practical situation - or information they obtained from the
22 field. Sometimes they would talk about political issues before
23 the military ones, and it depends on people who prepared the
24 telegrams.

25 Q. Thank you.

1 [14.17.06]

2 MR. ABDULHAK:

3 Now, moving on to another telegram, this is document E3/874 and
4 it is another telegram, Your Honours, dated 18th of July 1976.

5 With your leave I will give the witness a hard copy.

6 MR. PRESIDENT:

7 You may proceed.

8 Court officer is now instructed to take the document from Mr.

9 Co-Prosecutor and have -- hand it to the witness for examination.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 Q. Mr. Sophang, looking at this document, again it appears to
13 start with a telegram number, 50. It is addressed to "Dear
14 beloved and missed Brothers".

15 [14.18.18]

16 And in the first line it discusses a situation as follows: "The
17 situation on July 11, at 14 o'clock, the Region's soldiers who
18 were guarding Preah Vihear Temple took eight AKs and two B-40s
19 with them and deserted to Thailand."

20 It's a long document so I'm not going to read all of it. I want
21 to really see whether you're able to recognize again, where the
22 document originates.

23 So, if we can -- if we turn to the end of the document, Mr.

24 Sophang -- and this is at Khmer ERN 00003704; French, 00623913;

25 and English, 00003706 -- the final point 3 there indicates:

1 "Roveang district has fairly much rain."

2 And it is then signed, "With warmest revolutionary respect, July
3 18, 1976, Hang."

4 [14.19.48]

5 Are you able to identify the author of this document, Mr.
6 Sophang?

7 MR. NORNG SOPHANG:

8 A. Yes, I am. Hang was the sector secretary. He was the one who
9 sent me to the education session. I already said at the beginning
10 before the investigators that I did not know who he was, although
11 he sent me.

12 [14.20.38]

13 Q. Thank you. I just wanted to see whether that was the same
14 individual that you have described and you have now confirmed
15 that.

16 For the record, this was also copied to "Brother Nuon, Brother
17 Khieu, Brother Van, Office, and Documentation".

18 Moving on to another document, Mr. Sophang, this is E3/1023.

19 MR. ABDULHAK:

20 Mr. President, I have a hard copy for the witness. With your
21 leave, I'll hand it to him, E3/1023.

22 MR. PRESIDENT:

23 You may proceed.

24 Court Officer, you are now instructed to take the hard copy and
25 hand it over to the witness.

1 BY MR. ABDULHAK:

2 Q. Looking at this document, Mr. Sophang, it starts with
3 "Telegram Number 11, Radio band 271". It's discussing events
4 which took place in September 1976 and it's signed also by Chhon,
5 which could be the same individual we saw earlier. The opening
6 line says: "Respectfully sent to Beloved and Missed M-870."

7 [14.22.28]

8 Are you able to tell us what that designation, "M-870" refers to?
9 Is it the same Committee 870 or Office 870 that we were
10 discussing earlier?

11 MR. NORNG SOPHANG:

12 A. "M", as you already read, it refers to office. It is correct.
13 M-870 is similar to Office 870. It refers to the Central
14 Committee. Even the term "Angkar 870" is always interchangeably
15 used to refer to M-870, or to Office 870, or to just 870, which
16 was then the Centre.

17 Q. So, do I understand correctly that all of those various
18 designations, "Angkar, 870, M870", are a reference to the Central
19 Committee, as you understood it?

20 A. That's my understanding, yes.

21 Q. I want to look at the content of this telegram, for a brief
22 moment, and see if you're able to assist us. If you're not,
23 please, tell us so. It says the following:

24 [14.24.37]

25 "We would like to report on the situation at the boundary of

1 Sector 23 as follows:

2 "At 8.30 a.m. on 4 September 1976, the enemy dropped an
3 audio-recording device down at Samraong Thmei village, Tuol Sdei
4 sub-district, Chantrea district. When it arrived on the earth, it
5 produced constant white noise. At that time, the cattle guarding
6 children picked it up and disconnected electric wire until no
7 more noise existed."

8 This appears to be discussing a relatively minor event, at least
9 on the face of it.

10 But my question is: Was it common for zones to be reporting a
11 wide range of events, such as an audio-recording device falling
12 out of the sky and being discovered by some children?

13 A. Whatever strange situation it was concerning security concern
14 or safety and also the situation at the border areas, report
15 would have to be filed to the upper echelon.

16 Q. Thank you.

17 [14.26.37]

18 And moving right along to another document -- and we're moving
19 forward in time, Your Honours, and we don't have many more, but I
20 wish to show them to the witness. This is E3/882, another
21 telegram dated 4 August 1977.

22 With your leave, I have a hard copy for the witness.

23 MR. PRESIDENT:

24 You may proceed.

25 And court officer is now instructed to bring the document to the

1 witness.

2 BY MR. ABDULHAK:

3 Q. Mr. Sophang, as you familiarize yourself with the document,
4 I'll indicate, for the record, that we only have a partial
5 translation in English and I think a complete translation in
6 French, so what I will do is attempt to summarize or read from a
7 draft translation that we have in English, and I want to see if
8 you confirm whether or not the contents I am reading are correct,
9 Mr. Sophang.

10 The document starts with "4 August 1977, Telegram 62, Band 1474",
11 and it is entitled to - "Respectfully Presented to Respected and
12 Beloved Mo-81."

13 [14.28.37]

14 Are you familiar with this particular code, Mr. Sophang, "Mo-81"?

15 MR. NORNG SOPHANG:

16 A. I did not see M-81. If it was M-87, it could mean M-870, but I
17 never saw anyone using this M-81. And that number did not exist.
18 It should be M-87 because I saw that there -- there was some kind
19 of a removal on that number. And if it were to be M-87, it
20 denotes that it is a short form of M-870.

21 MR. PRESIDENT:

22 Mr. Witness, please respond appropriately to the questions. If
23 you know, please, state so. If you don't, also state so and try
24 not to respond by providing your personal conclusion.

25 MR. ABDULHAK:

1 Thank you, Mr. President.

2 MR. NORNG SOPHANG:

3 A. Let me provide my response that I did not know because I never
4 saw this number before.

5 [14.30.32]

6 MR. ABDULHAK:

7 Thank you.

8 For the record, I'll indicate that the document is copied to

9 "Uncle, Uncle Nuon, Brother Van, Brother Vorn, Brother Khieu,
10 Office and Documentation."

11 MR. KARNAVAS:

12 Mr. President, if I may for one second, I don't see the purpose
13 in mentioning anything for the record; the gentleman indicated
14 that he didn't know -- time to move on.

15 What is the purpose, other than, perhaps, to signal something to
16 the witness or to try to give them some information that he
17 didn't have? There's no reason to put it in the record. It's in
18 the record already. It's part of the file. What is the purpose?

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I fully support the objection raised by
21 Counsel Michael Karnavas.

22 I also object to the additional statement made by the prosecutor,
23 and that means - or, it is equivalent to the conclusion and that
24 should be made at the end of the hearing.

25 [14.32.01]

1 MR. ABDULHAK:

2 Your Honours, one of the reasons I do this is because documents
3 are available in three languages. We can't project all of them on
4 the screen at the same time. I am simply doing this to
5 contextualize the document. I'm certainly not adding anything.
6 I'm simply reading from the document. I don't see any improper
7 purpose to it. If anything, it assists the Chamber in
8 understanding the nature of the document and who the people --
9 and who it names.

10 I am in your hands, Mr. President. I'm happy to not read out the
11 recipients. I just think it saves time and it makes the relevance
12 of the document more obvious.

13 (Judges deliberate)

14 [14.33.10]

15 MR. PRESIDENT:

16 Mr. Prosecutor, you may continue with your questioning as the
17 document is part of the case file.

18 BY MR. ABDULHAK:

19 Thank you, Mr. President.

20 Q. There is a brief reference here, Mr. Sophang, in paragraph B,
21 and that appears on the first page of the document in all three
22 languages. It states:

23 "Recently, there is also news that:

24 "B. The Kampuchean army has committed mass killings of 1,000
25 ordinary Vietnamese people at Ha Tien, in Kien Giang province."

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1 Full stop.

2 Do you recall from -- in your experience, in translating these
3 telegrams, do you recall reading similar reports in relation to
4 the conflict with Vietnam?

5 MR. NORNG SOPHANG:

6 A. No, I did not know that. I never encode that document and I
7 never saw that document, so I reserve my rights not to speak
8 about that document which I did not know.

9 [14.34.55]

10 Q. Thank you.

11 And just one last question on that document: The author, at the
12 very end, is an individual called Chhean; do you know who that
13 individual was -- Chhean?

14 A. No, I did not.

15 Q. Thank you.

16 Now, moving on to another category of document which you've
17 discussed with the Co-Investigating Judges; this is document
18 D200/9.5 and it is a -- it is an instruction of Office 870, dated
19 the 3rd of January 1978. I have a hard copy for the witness.

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 [14.36.16]

23 Court Officer, could you deliver the document for the witness
24 examination?

25 BY MR. ABDULHAK:

1 Q. If I can ask you to look at the – the heading of that
2 document, as I indicated earlier, "Instruction of Office 870";
3 "Subject: Points of View, Stance and Ways of Defeating the 'Yuon'
4 Invaders". And then the document has a number of subheadings.
5 If we can show that on the screen?

6 Mr. Sophang, you can see that the document has a number of
7 handwritten annotations in it. In your second interview, when you
8 looked at those annotations, you said the following -- this is
9 document E3/67; Khmer ERN 00294544; French ERN 00374939; and
10 English, 00483972.

11 You said the following:

12 "I know this handwriting. It was Pol Pot's because he had the
13 right to make corrections. These red letters were in Pol Pot's
14 own handwriting. I can remember because I used to see the
15 handwriting of Pol [Pot] which were brought to me by Pon for
16 translation; or when he personally wrote short messages and sent
17 them through Pon to me for translation."

18 [14.38.39)

19 I just want to confirm that that's an accurate summary of your
20 statement.

21 MR. NORNG SOPHANG:

22 A. Yes, that is correct.

23 Q. Now, in the interest of time, I'm not going to read from the
24 document -- it speaks for itself -- but I want to look at one
25 section towards the end and this is at -- we're on document

1 D200/9.5, Khmer ERN 00381222, French ERN 00754715, and English
2 00707388.

3 The document states:

4 "Notes: This instruction must be distributed and learned again
5 and again within the Party committee of zones, sectors,
6 districts, cooperatives, battlefield committees, division
7 committees, regiments, battalions, platoons, companies, groups
8 and combatants, and each target commanding committee, so as to
9 exchange experience and improve the performance regularly."

10 [14.40.30]

11 And then, further down, the document is signed by "Committee of
12 870".

13 Mr. Sophang, do you recall instructions, such as this one, being
14 issued by Committee of 870 and directed to all zones, sectors,
15 and committees throughout the country?

16 A. Yes, I recall that there was this kind of document. However,
17 it was not in a corrected version that is shown here; it was
18 already a final version that I saw back then.

19 MR. PRESIDENT:

20 Thank you, Prosecution. Thank you, Witness.

21 The time is appropriate for a short break. We will take a break
22 for 20 minutes and resume at 3 p.m.

23 Court Officer, could you assist the witness during the break and
24 have him returned to the courtroom at 3 p.m.?

25 THE GREFFIER:

1 (No interpretation)

2 (Court recesses from 1441H to 1501H)

3 MR. PRESIDENT:

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

5 Before we hand over to the Prosecution to continue putting
6 questions to the witness, the Chamber wishes to inform the
7 parties and the public that during tomorrow's -- Tuesday, which
8 is the 4th of August -- rather September, in the afternoon, there
9 will be no hearing due to the fact that the Chamber has some
10 important matters to deal with.

11 [15.02.54]

12 And, secondly, the Chamber wishes to also ask the Prosecution to
13 advise the Chamber as to how the time is divided among the civil
14 parties because you -- the parties will have only today and
15 tomorrow's session to finish the testimony of this witness, all
16 together with the Defence.

17 MR. ABDULHAK:

18 Thank you, Mr. President. It might be a translation issue. I
19 understood Your Honour to be saying that we are to conclude the
20 examination of this witness by all parties today and tomorrow.
21 The allocation that was communicated to us by the Chamber, for
22 this witness, is two days and a quarter, if my records are
23 correct. That equates to approximately 10 hours and 50 minutes,
24 so just under 11 hours. I've been keeping track of our progress.
25 We've -- we are at approximately 5 hours and 10, 15 minutes right

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1 now, so we're about just under half way through our examination.

2 [15.04.24]

3 I need approximately another one and a half hour -- so that would
4 be the rest of today -- and approximately half an hour to an hour
5 tomorrow. And then my friends Civil Party Lead Co-Lawyers have
6 informed me that they need approximately two and a half hours,
7 depending on how many questions remain unanswered. That would
8 still mean that we will conclude our examination in less than the
9 time that was allocated to us, but it would mean that we would
10 most likely need to continue, albeit for a brief period of time,
11 beyond lunchtime tomorrow. That's -- that's the position as we
12 understand it at the moment.

13 MR. PRESIDENT:

14 Thank you. You may now proceed.

15 [15.05.27]

16 BY MR. ABDULHAK:

17 Thank you, Mr. President. Mr. Sophang, thank you for coming back.
18 And I realize it's been a long day. We have only less than an
19 hour to go, so I hope you will bear with us.

20 Q. Returning to that document we were discussing earlier,
21 D200/9.5, I just want to make sure I heard correct that you, in
22 fact, saw a finalized version of this document during the
23 Democratic Kampuchea period -- that is, one without the
24 annotations.

25 MR. NORNG SOPHANG:

1 A. Yes, it is correct.

2 [15.06.26]

3 Q. Thank you very much. Looking at the first paragraph of the
4 document -- this is the only paragraph that I will ask you about,
5 in the interest of time -- under Roman numeral number I, "General
6 information about the enemy and us". I just want to read this
7 passage and see if you can assist us with some follow-up
8 questions -- quote:

9 "The strong frontline and weak base of the 'Yuon' invaders, and
10 the situation of hard frontline and strong base in all fields of
11 politics, economics, and military, both locally and overseas,
12 have been elaborated on in all aspects in the Democratic
13 Kampuchea Government's communiqué by the Comrade President of the
14 State Presidium on December 31, 1977. All comrades will
15 understand more clearly from this document. Here, we do not need
16 to talk more about these issues."

17 Given that you've seen this document, Mr. Norng Sophang, do you
18 also recall that speech that is mentioned here; a speech by the
19 President of the State Presidium on the 31st of December 1977?

20 A. Yes, I do. I used to listen to the statement made by Mr. Khieu
21 Samphan. It was done on the 31st of December 1977 through the
22 National Radio of Democratic Kampuchea broadcast.

23 Q. Now, I want to read to you from a transcript of a speech
24 attributed to Mr. Khieu Samphan and I want to see if that -- the
25 contents of that transcript are consistent with the words that

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1 you heard in that radio broadcast. I'm only going to read a short
2 part of it. It's a long document.

3 [15.09.16]

4 Your Honours, this is D108/43/9 and the relevant passage starts
5 on English ERN S 00008729. Unfortunately, we don't have a Khmer
6 or French version. We've made a request for the translations. If
7 I have your leave, I will read two or three sentences simply to
8 see whether this content is recognizable or recognized by the
9 witness.

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. ABDULHAK:

13 Thank you, Mr. President.

14 [15.10.18]

15 Q. The speech includes the following paragraph, Mr. Norng Sophang
16 -- I'm going to proceed slowly because the interpreters will have
17 to follow -- I just want to see if you recognize it -- quote:

18 "The CPK Central Committee, the Cambodian People's Representative
19 Assembly and the Government of Democratic Cambodia appeal to the
20 entire Party, the entire Cambodian revolutionary army and the
21 entire Cambodian people to raise their sense of revolutionary
22 vigilance further and increase, strengthen and expand the sense
23 of patriotism, national honour and the national soul; to
24 safeguard, strengthen and expand the fruits of victory of the
25 revolution."

1 I'll stop there.

2 A little bit further down, just one more passage: "The CPK is a
3 correct and clear-sighted party which has gone through valiantly
4 and successfully a long complicated and difficult revolutionary
5 struggle."

6 [15.11.49]

7 Mr. Norng Sophang, I've only read a portion of that speech. Do
8 you recognize those words? Do they sound familiar to you from the
9 speech that you heard on the 31st of December 1977?

10 MR. NORNG SOPHANG:

11 A. With regard to the long statement like that, I don't think I
12 remember them all.

13 Q. Thank you.

14 We will move on from these two documents. I'm going to ask you
15 about a few more telegrams and conclude, if I can, with the
16 telegrams today and possibly move on to another topic.

17 The next telegram is E3/1076. It is a telegram dated the 8th of
18 April 1978.

19 [15.13.11]

20 And, Mr. President, with your permission, I have a hard copy for
21 the witness, and we can display it on the screen.

22 MR. PRESIDENT:

23 You may proceed.

24 BY MR. ABDULHAK:

25 Q. Mr. Norng Sophang, this is one of the documents that were

1 discussed with you by the investigators. As I said, it was dated
2 8 April 1978. It is entitled "Dear Brother" and it is signed by
3 number "47" on the 8th of April 1978.

4 [15.14.23]

5 Do you recall who number "47" related to?

6 MR. NORNG SOPHANG:

7 A. Yes, I do. "47" refers to the secret code of His Excellency
8 Son Sen.

9 Q. Thank you. Now, this document, in the first three paragraphs
10 discusses military operations. I don't want to summarize beyond
11 that, it speaks for itself.

12 At number 4 -- in paragraph 4, it says: "As for the situation in
13 the base areas, we continue to purge successively."

14 At number 5: "Tomorrow Comrade Chhan will go to meet Brother
15 Phim."

16 Do you recall who that reference in number 5 relates to --
17 Comrade Chhan and Brother Phim?

18 A. I do not know Comrade Chhan. However, "Brother Phim" refers to
19 So Phim, the Secretary of the East Zone. He was a member of the
20 Party.

21 [15.16.18]

22 Q. Do you know what the reference in paragraph 4 for -- to --
23 continuing to purge successively in the base area relates to? Do
24 you know what that relates to? If you don't, that's fine, just
25 tell us so.

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1 A. Concerning the purges at the base, it is out of my knowledge.
2 I worked in the office in Phnom Penh. I did not see it. I did not
3 witness any purges being carried out there.

4 Q. Thank you.

5 And moving on from the contents of the telegram itself and
6 focussing on the top left-hand corner of the document,
7 unfortunately, it's obscured a little bit by the numbers there.
8 Our translation indicates that those letters state "Brother Van";
9 is that correct? Are you reading that to be "Brother Van", in the
10 top left-hand corner?

11 A. Yes, it is what I also see.

12 Q. Thank you.

13 In your statement, D200/9 -- at Khmer ERN 00294541; French,
14 00374937; and English, 00483969 -- you said the following:

15 [15.18.26]

16 "...the handwritten annotation states that 'Brother Van', that is
17 Mr. Ieng Sary, was the Minister of Foreign Affairs. This
18 annotation was probably written by Thé, not Pon. They did not yet
19 place the 'Copied to': sometimes they forgot due to an emergency
20 situation."

21 Does that summarize correctly your statement to the
22 investigators?

23 A. Yes, it does. I did say so. Brother Van refers to Ieng Sary.

24 Q. In the interests of being fair, I want to make sure we
25 understand also.

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1 You attribute the annotation to Thé; you say it was probably Thé.

2 Did you see Thé's annotations frequently so that you are in a
3 position to recognize his handwriting?

4 A. I said maybe or perhaps because I was not sure.

5 Q. Thank you.

6 Now, if we can look at two more telegrams that appear to have an
7 annotation relating to Brother Van.

8 [15.20.33]

9 The first one is E3/936, E3/936. This is another document that
10 you discussed with the investigators.

11 Your Honours, I have a hard copy for the witness.

12 MR. PRESIDENT:

13 You may proceed.

14 And court officer is now instructed to bring the hard copy from
15 the prosecutor to the witness.

16 BY MR. ABDULHAK:

17 Q. Looking at this document, Mr. Sophang, again, in the top
18 left-hand corner, does the annotation state "Brother Van"?

19 MR. NORNG SOPHANG:

20 A. Yes, it does -- the same writing.

21 Q. Now, this -- when you were discussing this document with the
22 investigators, you said the following. This is D200/9 -- or,
23 rather, E3/67, your second statement. Khmer ERN 00294535; French
24 ERN 00374932; and English, 00483964.

25 [15.22.31]

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1 You said the following: "The annotation 'Brother Van' means To
2 Uncle Ieng Sary. This annotation is Pon's handwriting."

3 Is that correct, Mr. Sophang, that you identify this particular
4 handwriting as belonging to Pon?

5 A. Yes, it is Pon.

6 Q. Now, just to be comprehensive with that document, there is
7 handwriting at the bottom of the page in Khmer which you looked
8 at and you stated that you did not recognize that handwriting
9 which states the date of receipt and the copying to the Uncles;
10 is that correct?

11 A. Yes, it is. The letters were different from the letter that
12 addressed to Bon Van.

13 Q. Thank you.

14 Now, one more document, a final one with Brother Van -- an
15 annotation "Brother Van" -- is E3/812, E3/812. This is another
16 telegram from number 47 and it's dated the 26th of April 1978.
17 [15.25.11]

18 Mr. President, I have a hard copy for the witness and we can
19 display it on the screen, with your permission.

20 MR. PRESIDENT:

21 You may proceed.

22 BY MR. ABDULHAK:

23 Q. Now, looking at this document -- if it could be displayed on
24 the screen for everyone to see the top left-hand corner -- here
25 again, I believe, we see an annotation that states "Brother Van";

1 is that correct, Mr. Norng Sophang?

2 MR. NORNG SOPHANG:

3 A. Yes, it is.

4 [15.26.20]

5 Q. And in relation to that handwriting, you said the following in
6 your first statement, E3/64, at Khmer ERN 00328043, French ERN
7 00411710, and English, 00334060: "This handwriting reads 'Brother
8 Van' [...] Ieng Sary, is Pon's writing, because I saw his writing
9 when he brought things to me for translation."

10 Is that a correct summary of what you told the investigators,
11 that you were able to recognize this as Pon's handwriting?

12 A. Yes, it is.

13 Q. And is it correct that you were familiar with Pon's
14 handwriting because, as you say in a statement, you saw it often
15 when he brought things to you to translate?

16 A. Yes, it is.

17 Q. Based on your understanding of the working procedures, what
18 would be the reason that Pon would have handwritten the name
19 "Brother Van" on these particular documents that we've been
20 looking at?

21 A. The reason is not different from the previous telegrams. This
22 situation was relevant to what happened at the border areas, the
23 issues concerning Cambodia and Vietnam, and Pon knew very well
24 that this information had to be sent to the Ministry of Foreign
25 Affairs so that the Ministry was informed on the disputes at the

1 border area between Cambodia and Vietnam.

2 [15.29.36]

3 Q. And if I can just ask you one more question on that; that we

4 see that at the end of this document it is copied to "Grand

5 Uncle, Grand Uncle Nuon, Grand Uncle Van, Grand Uncle Vorn,

6 Office, and Archive".

7 Again, based on your knowledge of the working procedures, given

8 that we see Brother Van's name in the "copy to" line, what would

9 be the reason to additionally annotate on the first page "Brother

10 Van"?

11 A. It was Mr. Pon who wants to stress that the matter was related

12 to Foreign Affairs, so it was imperative that it had to be

13 delivered to Uncle Van.

14 [15.31.02]

15 MR. PRESIDENT:

16 Defence Counsel Michael Karnavas, you may proceed.

17 MR. KARNAVAS:

18 Thank you, Mr. President. I didn't want to object. I thought the

19 gentleman understood that he's here not to speculate.

20 Perhaps he could tell us whether Pon did in fact disclose this

21 information to him. How does he know? He's being asked to opine

22 as to what Pon did. He hasn't said one word as to what procedure

23 was set in place for Pon to do all these things; he's merely

24 speculating in this instance.

25 [15.31.31]

1 So perhaps he can answer us concretely, otherwise to strike the
2 answer from the record or to disregard it.

3 MR. ABDULHAK:

4 Your Honours, this along the lines of the similar comment we
5 heard from the Khieu Samphan team this morning.

6 Obviously, when it doesn't suit the Defence to hear the
7 responses, they broadcast their intended questions. The
8 appropriate time for these questions is the Defence's
9 examination.

10 I do intend to ask the witness a number of questions about these
11 documents, but what questions I ask, with all due respect, is up
12 to the Prosecution. The Defence can take their own turn and ask
13 as to the sources of the witness's knowledge.

14 (Judges deliberate)

15 [15.32.45]

16 MR. PRESIDENT:

17 The Prosecution, you may continue.

18 Once again, Mr. Witness, you are reminded that you shall only
19 tell the truth that you have heard, have experienced and
20 remembered or, at least, through your observation of the events
21 related to the questions posed to you, and that is your
22 obligation. And if you are unsure, uncertain, you cannot respond
23 based on your personal conclusion.

24 [15.33.31]

25 BY MR. ABDULHAK:

1 Q. Let me ask you a question from your personal knowledge and
2 experience, Mr. Norng Sophang.

3 In the meetings that you attended with Pon which you described to
4 us this morning, was there ever a report that documents addressed
5 to the Uncles were not being delivered to the Uncles?

6 MR. NORNG SOPHANG:

7 A. No, I did not know about that.

8 Q. I just want to make sure I understand. In the meetings you
9 attended and in your discussions with Pon for the entire period
10 you worked with him, you never heard him say there was a problem
11 with documents not being delivered to the Uncles?

12 A. During the meeting, I never heard Pon to raise that kind of
13 issue.

14 [15.35.03]

15 Q. Thank you.

16 Now, one more telegram, and this may be the final one that we
17 address.

18 Your Honours, this is document D200/3.3. It is a document dated 7
19 July 1978.

20 With your permission, I have a hard copy for the witness and we
21 can show it on the screen as well.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. ABDULHAK:

25 Q. This was one of the documents that you also discussed with the

91

1 investigators. It is a document addressed "To Ren Fung Company
2 Limited, Hong Kong." Its reference number is 086-HK/78. It is
3 signed by FORTRA -- F-O-R-T-R-A -- Phnom Penh. And it may be
4 helpful if we can show that document on the screen so everybody
5 can see the annotations I'm discussing.

6 [15.37.11]

7 In the top left-hand corner, Mr. Sophang, there is an annotation
8 which states: "Already sent to Brother Hem. An original copy to
9 HK - Copied letter - Sample of two sets of boxes."

10 And then there is a signature and a date, "7/7".

11 When you were looking at this document, you said the following in
12 your statement D - correction, E3/64; Khmer ERN 00328042; French
13 ERN 0041709; and English, 00334059:

14 "Brother Hem referred to Khieu Samphan. This telegram related to
15 commerce, so it was copied to Khieu Samphan. I used to receive
16 Khieu Samphan telegram which regarded to the distribution of
17 salt, rice, and fish paste."

18 Is that an accurate summary of what you told the investigators?

19 MR. NORNG SOPHANG:

20 A. Yes, that was my statement.

21 Q. Thank you. And two questions down from that answer, you are
22 asked the following.

23 Question: "Was this telegram about selling rice?"

24 Answer: "Yes, it was Ta Rith, the Minister of Commerce stationing
25 in Hong Kong, who had sent it. This telegram might be sent

1 through the fax, or through the Ministry of Foreign Affairs, or
2 through their embassy in Cambodia."

3 [15.39.29]

4 Just focussing on that first part, is it correct that you
5 described the author of this telegram as being Van Rith -- or Ta
6 Rith?

7 A. Yes, I spoke with the investigators of the OCIJ that the words
8 I'd used perhaps -- that was all. Or now I would like to say that
9 I did not know because I personally did not work on this issue.

10 Q. Thank you. Thank you for being precise on that issue. It makes
11 it easier for us to move on, so I won't ask you any further
12 questions on this particular document.

13 Another type of document that you discussed with the
14 investigators was a slightly longer form of report which I want
15 to show to you and see if we can discuss it in a little more
16 detail.

17 [15.41.09]

18 Your Honours, this is document E3/951. It is a communication
19 dated 11 May 1978 and addressed "To Angkar 870".

20 With your leave, Mr. President, we can give the witness a hard
21 copy and project it on the screen as well.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. ABDULHAK:

25 Q. Now, in your second statement, E3/67, at Question and Answer

1 27 and 28, you identified the person sending the document, Nhim,
2 as being the chairman of the Northwest Zone. You indicated that
3 it was Nhim who had written the report and addressed it to 870;
4 is that correct?

5 MR. NORNG SOPHANG:

6 A. Yes, the word "To Respected Angkar 870", that is correct, but
7 Nhim was not the sector committee, he was the Secretary of the
8 Northwest Zone at the time.

9 Q. Thank you. I think there was a translation error. I also
10 understood him to be Secretary of the Northwest Zone.

11 [15.43.48]

12 Looking at the document -- I note that it doesn't have the
13 standard telegram letterhead -- are you able to say whether it
14 was a telegram or a different type of written report?

15 A. This document is not a telegram which my group encoded. If a
16 telegram coming out from me or my group, then there will be a
17 proper heading for that telegram -- that is, the number of the
18 telegrams and the band or the number of the code of signals --
19 but here nothing indicating the number of the telegram or the
20 numbers of the code signals, so my group did not work on this
21 telegram.

22 [15.45.16]

23 Q. Do you know -- and please tell us if you don't -- how this
24 document was communicated; how this type of document would have
25 been communicated to Angkar?

1 A. I did not know for sure regarding the method of transmission
2 of this document to Angkar 870.

3 Q. Thank you.

4 Now, in your work in translating and decoding telegrams, did you
5 translate, from time to time, telegrams from the Northwest Zone,
6 from Secretary Nhim?

7 A. During the decoding process, I saw the signature of Nhim, but
8 that kind of telegram or message was short and not as far -- or
9 not as long as this one.

10 Q. Since this is also a communication -- written communication
11 from Nhim. I want to see whether any of its contents were similar
12 to those telegrams that you translated.

13 If we look at the page -- in Khmer ERN 00021043; French,
14 00296222; and English, 00185216 -- there is a section there
15 starting with "[Number] 2. "People's living conditions", and the
16 report states:

17 [15.48.18]

18 "In the zone, shortage occurred in Regions 1, 4 and 5, of which
19 the most shortage-hit was Region 5, then Region 1 and Region 4.
20 It was said that the entire four districts of Region 5 faced
21 shortage."

22 And then the document goes on to describe the provision to the
23 people of one or one-and-a-half can of rice per day.

24 Looking at that content, did any of the telegrams which you
25 translated discuss similar issues; issues with shortages of food?

1 A. Not only Zone 1 reported about the living conditions of the
2 people to the (unintelligible) of the upper echelon; various
3 zones and sectors also reported a similar condition.

4 Q. So, just to make sure I understood correctly, similar
5 conditions -- shortages of food etc. -- were reported in
6 telegrams that you translated from various zones not just the
7 Northwest Zone?

8 A. The reports were not identical. In certain areas, the living
9 conditions of the people were somehow better as the rice
10 production was in larger quantity, for instance, three tonnes per
11 hectare. And in certain areas, it even reached 10 tonnes per
12 hectare of rice production.

13 [15.50.55]

14 Q. Thank you.

15 Returning to another passage in this document -- and this is on
16 the first page in all three languages - there's a section
17 entitled "Internal enemies [inside the country]", and I'll just
18 read a brief excerpt:

19 "In regions, external enemies came in on May 5 and succeeded in
20 encouraging and moving some people away with them. However, when
21 they were trying to escape away with 40 people, we smashed all of
22 them, with the only two that had escaped being under our further
23 pursuit. In Region 5, 4 and 3, likewise, there were sort of
24 people movements [by enemies], though we smashed most of them."
25 Again, I just wonder if you could enlighten us. In the telegrams

1 that you translated whether similar information was reported
2 about external enemies coming to encourage people to flee and
3 then being chased?

4 A. In my interview with the Office of the Co-Investigating
5 Judges, my statement was in -- about the conclusion that I made,
6 so it cannot be used.

7 [15.53.01]

8 Q. Thank you. Thank you for being precise. We'll move on from
9 that document.

10 I just want to ask you a few brief questions about the trainings
11 that you attended. You've mentioned to us that there were
12 trainings that you attended -- some dealing with technical
13 matters and some with political matters. Where did you attend
14 this type of training, which location was it in?

15 A. There were two locations for the training. One was at the
16 former Technical Soviet Institution and the other one, which was
17 for the political training, and that would be for the entire
18 country, it was held at Borei Keila.

19 Q. Could you tell us first who conducted the courses at the
20 former Soviet Institute?

21 A. The trainers were Pang and Pon. They were the political
22 trainers.

23 [15.55.12]

24 Q. And just to make sure that I have that correct, the trainer
25 Pang, is that the same individual whom you had known during your

1 work at B-20?

2 A. This person, Pang, was the same person whom I met at B-17
3 since I first arrived in that B-17. So, since then, he provided
4 me with the political training and when I was in Phnom Penh it
5 was the same, it was him who gave the political training.

6 Q. Thank you. Now, looking at the other location, the Borei Keila
7 School, did I understand correctly that you also attended
8 education sessions at that school?

9 A. Most of the time, I never attended in a major meeting at Borei
10 Keila, but since you ask about the training locations I mentioned
11 Borei Keila, but I only attended the training at the Soviet
12 Technical Institute.

13 [15.56.55]

14 Q. Thank you. What were the topics that you were taught at the
15 institute by Pang?

16 A. The training provided by Pang was consistent with the
17 declaration by the President of the State Presidium and it was
18 also consistent with the instructions from 870 -- that is, in
19 reference to the document from 870 that you have shown me.

20 Q. That document dealt particularly with the armed conflict with
21 Vietnam. Were there other topics, apart from the conflict with
22 Vietnam, that were being discussed?

23 A. Let me say that there were ranges of topics, politically,
24 economically, militarily, inside and outside the country. In
25 fact, it covered all the general situations.

1 [15.58.50]

2 Q. Do you recall whether any written materials were used in that
3 training; were you provided any written materials or did Pang and
4 Pon read from any materials to you?

5 A. I cannot recall. There was nothing in writing recording the
6 note taken during the training.

7 Q. Can I ask you this? At this point in time -- 1975 to 1979 --
8 were you a member of the Communist Party of Kampuchea or of the
9 Revolutionary Youth League?

10 A. I did not yet become a member of the Communist Party of
11 Kampuchea. However, I was a member of the Youth League.

12 MR. ABDULHAK:

13 Thank you.

14 At this point, Mr. President, I would turn to another topic. I'm
15 mindful of the time. Would you prefer me to continue or should we
16 stop here?

17 MR. PRESIDENT:

18 Thank you, Prosecutor. Thank you, Witness.

19 The time is now appropriate for the adjournment. The Court will
20 adjourn today's proceeding and resume tomorrow morning -- that
21 is, the 4th of September 2012 -- commencing from 9 a.m.

22 For tomorrow's proceeding, we will continue to hear the testimony
23 of this witness who will be questioned by the Prosecution and by
24 the Lead Co-Lawyers. And for tomorrow proceeding, the Chamber
25 will only hear this witness for the morning session.

1 [16.01.24]

2 And, Mr. Witness, the hearing of your testimony has not yet
3 concluded. You are invited to once again come to the Court
4 tomorrow morning.

5 And, Court Officer, in coordination with the WESU unit, please
6 arrange for the witness to return to his residence and have him
7 returned tomorrow morning, at 9 a.m.

8 Security guards, you are instructed to take the three Accused
9 back to the detention facility and have them back to the
10 courtroom tomorrow morning, prior to 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1602H)

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