



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

1 October 2012
Trial Day 112

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KHIEV EN (TCW-320)	Khmer
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. SENG BUNKHEANG	Khmer
MR. SON ARUN	Khmer
MS. YE	English

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 For today's proceeding, as the Chamber informed the parties and
6 the public on last - last week, we will hear the testimony of the
7 witness TCW-320 today.

8 Before the witness is invited to enter the courtroom, the
9 Greffier, could you report the attendance of the parties and
10 individuals to the proceeding today?

11 [09.05.36]

12 THE GREFFIER:

13 Mr. President, for today's proceeding -- that is, the 1st of
14 October 2012 -- all parties are present except the accused Ieng
15 Sary, who is absent due to his health issue. Based on his letter
16 of waiver, document E229, the witness requests - the Accused
17 requests to waive his direct presence of hearing the testimony of
18 TCW-320, who will be heard this morning.

19 This witness is present and ready to be called by the Chamber.

20 The witness confirmed, to his best knowledge, he has no relation
21 by blood or by law to any of the three Accused or any of the
22 civil parties who have been recognized in this case. The witness
23 already took an oath this morning.

24 Mr. President, please be also informed that there is no reserve
25 witness at this moment.

2

1 MR. PRESIDENT:

2 Thank you.

3 [09.06.54]

4 The Chamber received a letter of waiver from the accused Ieng
5 Sary dated 18 September 2012, through his counsel, to waive his
6 presence of seven witnesses and one civil party -- and TCW-320 is
7 one of the seven witnesses.

8 According to the medical report dated 28 September 2012, which is
9 the latest report, it confirms that Mr. Ieng Sary is being
10 treated at the Emergency Department at that hospital. And as he
11 requests to waive his direct presence to hear this witness due to
12 his health issue -- that he has to be treated at the hospital,
13 but that he is mentally fit.

14 [09.08.10]

15 The Chamber grants the request made by Ieng Sary to hear the
16 witness, TCW-320, so that the hearing of this witness will be
17 heard without the presence of the Accused. That is also pursuant
18 to Internal Rule 84.5, which states: due to his health - the
19 health condition or other serious circumstance, the Accused can
20 waive his presence in hearing the witness, and that the Chamber
21 can proceed of hearing such a witness without the presence of the
22 Accused.

23 Court Officer, could you invite the witness TCW-320 into the
24 courtroom?

25 QUESTIONING BY THE PRESIDENT:

3

1 Q. Good morning, Mr. Witness. What is your name?

2 MR. KHIEV EN:

3 A. My name is Khiev En.

4 Q. Thank you. Besides Khiev En, do you use other names or alias
5 especially during the revolutionary period from '75 to '79?

6 A. (Microphone not activated)

7 [09.10.58]

8 Q. You need to wait until you see the red light on the
9 microphone.

10 A. I do not have any other name -- that is my birth name, and I
11 used that name as well during the revolutionary period.

12 Q. How old are you?

13 A. I was born in 1958.

14 Q. Can you tell the Chamber of your current address?

15 A. I am living in Pailin in Wat village, Sangkat Pailin, Pailin
16 city.

17 Q. What is your current occupation?

18 A. I am a civil servant.

19 Q. What is your father's name?

20 A. My father's name is Khiev Onn and my mother's is Khoem Khhorn.

21 [09.12.24]

22 Q. Thank you. What is your wife's name?

23 A. My wife's name is Khhuon Chanthy.

24 Q. How many children do you have?

25 A. I have five children.

4

1 Q. Thank you.

2 Mr. Khiev En, as reported by the greffier, to your best
3 knowledge, you do not have any relation by blood or by law to any
4 of the civil parties in this case, nor any of the three Accused
5 in this case -- namely, Nuon Chea, Ieng Sary, and Khieu Samphan;
6 is that information correct?

7 A. Yes, that is correct; I do not have any relation with any of
8 them.

9 Q. Also, as reported by the greffier, you already took an oath
10 this morning before you enter this courtroom; is that correct?

11 [09.13.50]

12 A. Yes, that is correct; I did that already.

13 Q. We would like to inform you of your right and obligations as a
14 witness testifying before this Chamber.

15 Mr. Khiev En, as a witness to the proceedings before this
16 Chamber, you may refuse to respond to any question or make any
17 comment that could incriminate you. That is your right against
18 self-incrimination, meaning, if your response or any of your
19 comment would incriminate you, you may refuse to do so.

20 As a witness, it is your obligation to respond to all the
21 questions put to your by the Chamber or any of the civil parties,
22 except in the case that you believe your response might
23 incriminate you, as I just stated.

24 [09.14.58]

25 And also, as a witness, you must tell only the truth that you

5

1 have learned, have known, have remembered, or have experienced,
2 or have observed directly any of the events concerned in the
3 questions put to you by any of the parties or the Chamber.
4 Do you understand your rights and obligations before this
5 Chamber?

6 A. Yes. I understand what you have just said, Mr. President.

7 Q. Thank you.

8 And, Mr. Khiev En, have you been interviewed by the investigators
9 of the Office of the Co-Investigating Judges? If so, how many
10 times, where, and when?

11 A. I gave an interview through the ECCC staff once in Pailin, at
12 Chamkar Kaphe. However, I cannot recall the date. I cannot really
13 recall the exact date of the interview.

14 Q. Thank you.

15 And before you came to testify today, have you read, reviewed, or
16 listened to the record of interviews being read to you -- that
17 is, regarding the record of the interview you provided at Chamkar
18 Kaphe in Pailin in order to refresh your memory?

19 A. The written record of the interview -- some of its content I
20 can recall, but I cannot recall all the details in that
21 interview. But upon reading the document, I refresh some of my
22 memories and, of course, I confirmed my statement in that written
23 record of interview.

24 [09.17.48]

25 Q. According to your best recollection, the written record of the

6

1 interview that you have read in order to refresh your memory,
2 does it reflect the consistencies of what you provided in Chamkar
3 Kaphe at Pailin to the investigators of the OCIJ?

4 A. In some parts, I agree to the content and in other parts,
5 since I did not witness it myself so I cannot give details on
6 those events.

7 MR. PRESIDENT:

8 Thank you, Witness.

9 The Prosecution, you are reminded that for the time allocation --
10 and the priority is given to the Prosecution first -- to question
11 this witness. The Prosecution and the Lead Co-lawyers will have a
12 one-day allocation to question this witness.

13 [09.19.20]

14 You may proceed.

15 QUESTIONING BY MR. SENG BUNKHEANG:

16 Thank you, Mr. President. Good morning, Mr. President, Your
17 Honours. Good morning, everyone in and around the courtroom, and
18 good morning, Mr. Khiev En.

19 Q. Mr. Khiev En, I have some questions for you regarding the
20 events that you can recall -- that is those events occurred in
21 the Democratic Kampuchea Regime.

22 In your written record of interview with the investigator of the
23 Office of the Co-Investigating Judges -- that is, in document
24 E3/438 at ERN in Khmer 00373430; and in English, 0037 - let me
25 repeat, 00375871 to 72; and in French 00426438 -- you state in

7

1 that statement that you joined the Khmer Rouge Revolutionary
2 Movement in 1973, and later on you became a commune militiaman,
3 which was a reserve force. And that was between '73 to '75.

4 [09.21.25]

5 Could you tell the Chamber that, during the time that you was a
6 militia - a commune militiaman and as part of a reserve force,
7 where were you located?

8 MR. KHIEV EN:

9 A. Mr. President, allow me to respond to this question.

10 I initially joined the DK movement but that DK was named later on
11 -- it was then known as the Revolutionary Movement, and I joined
12 it in 1973.

13 At that time my village was attacked, houses were burned down, so
14 the Revolutionary Force wanted the youth to join the Revolution
15 -- and as I stated in my interview, I did not want to join.

16 However, due to the compelling situation and I did not know where
17 to go and as the house was burnt down, I joined the Revolution.

18 [09.23.06]

19 Some joined the military, but as I did not want to join the
20 military so I was asked to join the commune militia. And if the
21 district required our force then we would be sent from the
22 commune to the district. I did not play any role as a militiaman
23 in the commune; I guarded the village and the commune.

24 Q. Thank you. You just stated that you became a militiaman and
25 sooner you would be -- become a soldier. The question is: What

8

1 kind of soldier and where did - whom did you belong to?

2 A. Regarding the date of my becoming a soldier from the
3 militiaman, I cannot recall because at that time, when a district
4 needed our force, then instruction would be sent to the commune
5 and the commune would send us to district. So I cannot recall the
6 exact time that I became a soldier.

7 Q. Thank you. Can you tell the Chamber when you became a soldier,
8 to which unit were you attached to?

9 A. When I left the commune to the district, sometimes we were
10 also known as the district militia, but we were actually the
11 district soldiers. At that time, the district was known as
12 Kampong Leaeng. I stayed at that district until the 17th April.

13 [09.25.44]

14 Q. Thank you. While you were at the district of Kampong Leaeng
15 as a soldier, were you subordinate to any other unit or division?

16 A. In each district, as far as I could understand, usually each
17 district would have soldiers for its respective districts to
18 provide the protection. As for a province, at that time it was
19 known as a sector, whenever needed, a sector would send
20 instruction to the district for the force and the district would
21 relay such instruction to the commune if required. At that time,
22 I was part of a battalion in the district.

23 [09.27. 02]

24 Q. Thank you.

25 Again, in your written record of interview -- that is, document

1 E3/438 -- your native village was at Prey Kri and Kampong Leaeng
2 district of Kampong Chhnang province. Can you tell the Chamber
3 the distance from your native village to Udong?

4 A. I do not really understand your question. Do you want to know
5 the distance between my village and Udong?

6 Q. I want to know the distance between your native village to
7 Udong. What is the distance? How many kilometres?

8 A. I do not know the distance between my native village and
9 Udong.

10 Q. Thank you.

11 Again, in your written record of interview with the investigators
12 of the OCIJ -- that is, document E3/438, at the Khmer ERN
13 00373431; and in English, 00375872; and in French, 00426478 --
14 you stated that the situation at the time in the village, it was
15 a mixture of forces of the Revolutionary Force and the Lon Nol
16 force and there was -- the fighting between these two forces.

17 [09.29.20]

18 The question is: Can you recall the fighting between these two
19 forces? When did it take place?

20 A. When the fighting between Lon Nol and the Revolutionary Forces
21 broke out, I do not recall the exact date, but it was sometime in
22 1973 when the American troops withdrew the air forces from
23 Cambodia, and it was at that time that Lon Nol soldiers had to
24 withdraw from that area as well.

25 Q. Thank you. Were you ever sent to the battlefield against Lon

1 Nol soldiers?

2 A. Yes, I used to be involved in the battlefields against Lon Nol
3 in my home village, in Kampong Leaeng district.

4 Q. When you were fighting in the battlefield against Lon Nol
5 soldiers, did your force capture any Lon Nol soldiers? And if so,
6 what did you do to them?

7 A. When the battlefield was going on, I did not notice that there
8 were captures of Lon Nol soldiers. There were fighting going on
9 at the times, but I did not know whether or not there were
10 arrests or captures of Lon Nol soldiers.

11 [09.32.14]

12 Q. How about on the 17 of April 1975? Where did you live then?

13 A. On the 17th of April 1975, it was known as the Victory Day of
14 the Khmer Rouge. I lived somewhere along the river bank, in
15 Kampong Leaeng district. I was in the preparatory force. We were
16 on alert at all times because, at that time, the fighting was
17 looming. We heard from the people that we had conquered the war
18 but, at that time, I had to be on alert even if we learned the
19 news that we had already conquered the war.

20 Q. So, when you were leaving in Kampong Leaeng district, did you
21 ever hear anything of the evacuation of people out of Phnom Penh?
22 And if you did hear about it, when was it?

23 A. I heard of it, but I did not witness the movement itself. And
24 I also saw the newcomers coming in my village as well and I
25 learned from others that those people evacuated from the

11

1 provincial town to my district.

2 [09.34.26]

3 Q. In your home village where you witnessed the newcomers from
4 the provincial town to your district, did you see any other
5 newcomers from Phnom Penh?

6 A. No, I did not witness them. I only saw people evacuated from
7 the provincial town, but I did not know whether there were other
8 newcomers from other places.

9 Q. Can you tell the Court the overall situation of the evacuation
10 and relocation of New People in your home district?

11 A. As far as the evacuation was concerned, I did not know the
12 arrangement, but I only witnessed that there were newcomers but I
13 knew that there were no newcomers from Phnom Penh.

14 [09.36.05]

15 I was not the one in charge of evacuating people out of the
16 provincial towns, but I was in charge of coordinating people who
17 came in the district.

18 Q. Who ordered you to facilitate the evacuation of people from
19 provincial town into your district? Do you recall that?

20 A. (Microphone not activated)

21 MR. PRESIDENT:

22 Witness, please wait until the mic is activated. Otherwise, your
23 voice will not get through the sound system.

24 MR. KHIEV EN:

25 A. If I recall it correctly, it must have been my supervisors --

12

1 supervisors of my team who order me to facilitate the relocation
2 of the evacuees to our district.

3 BY MR. SENG BUNKHEANG:

4 Q. Do you recall the leaders of your squad or team -- what did he
5 order you specifically? Do you recall that?

6 MR. KHIEV EN:

7 A. I can only recall some of the events back then. He ordered
8 that we incorporated the new forces into the commune forces, and
9 he also instructed that the commune forces accepted those new
10 forces.

11 [09.38.32]

12 That's what I can recall. And then, later on, those people were
13 made to build dykes or dams.

14 Q. Thank you. When you were facilitating the newcomers into the
15 commune, did they incorporate them into the commune cooperatives?

16 A. Yes. There were cooperatives in the communes, so those new
17 evacuees were admitted to those cooperatives.

18 Q. In relation to the new evacuees to your home village, did you
19 know whether or not those evacuees were required to write their
20 own biographies?

21 A. That, I did not know. It could have been the task of the
22 commune. I did not know what they did with the biographies of the
23 evacuees.

24 [09.40.50]

25 Q. So, now I would like to move on to the next topic in relation

1 to your biography, prepared after 19 - 17th of April 1975,
2 document E3/438; and in Khmer, 00373431; and English ERN
3 00375872; French, 00426429.

4 You told the investigators that you were trained to be the
5 telegram writer in late 1975 or early 1976. Can you tell the
6 Court when you were transferred to work in Phnom Penh?

7 A. I was transferred from the province into Phnom Penh. I do not
8 recall the exact date, but when I first transferred to Phnom
9 Penh, my location was somewhere near the Royal Palace, and it was
10 sometime during the late rainy season. And when I was transferred
11 there, I stayed there for about half an hour. And then, later on,
12 I was designated to work in other place, as I reported in my
13 interview.

14 Q. So, when you were transferred to work somewhere near the Royal
15 Palace for half an hour, what were you supposed to do then?

16 [09.43.12]

17 A. To my recollection, when I was there I was not given any task;
18 I was simply waiting as to where I would be eventually
19 designated. I did not know what I was supposed to be assigned to.

20 Q. So, when you were waiting over there, did you know who the
21 leader of that place was?

22 A. I am afraid I cannot recall it. I cannot recall the name of
23 the leader, and neither can I recall the name of that office or
24 that place. I was new to Phnom Penh, so when I was first placed
25 in that venue, I did not recall the name.

1 Q. Do you still recall the name of the person who supervised that
2 place, if you cannot recall the names of the place?

3 A. No, I'm afraid not, because I was a new person to that place.
4 So I did not know who was the leader of that place.

5 Q. And later on you were sent to work in the Ministry of
6 Propaganda. Did you know who designated you to work in this
7 ministry?

8 A. That, I do not know. At that time, they took me with a
9 motorbike, and they told me that I had to go to work with a man
10 by the name of Phoas.

11 [09.45.35]

12 Q. Do you know the full names of Brother Phoas?

13 A. At that time, I did not know who Brother Phoas was. I only
14 heard from the person who accompanied me at that time. I asked
15 him where he would take me to, and he told me that I would go and
16 work with Phoas. And then he simply dropped me in one office, and
17 then it was the Ministry of Propaganda, and then I stayed there.

18 Q. Did you know the position Brother Phoas held at the time?

19 [09.46.28]

20 A. I did not know. I stayed there for a few months. I did not
21 know who Phoas was, because I did not meet him in person, but it
22 was only -- it was a few months after the time when I arrived
23 there that I learned who he was.

24 Q. So, after a few months of your attachment to that ministry --
25 and then you learned who Brother Phoas was. Can you tell the

15

1 Court what his full name was and what position he held?

2 A. I kept asking my colleagues working there as to who Brother
3 Phoas was, and then, actually, my colleagues later on told me
4 that Brother Phoas was actually Mr. Hu Nim. And it was then that
5 I realize that I was working with Hu Nim.

6 Q. What was Hu Nim's position, really, at the time?

7 A. I only learned from my colleague that he was the Minister of
8 Propaganda and Information.

9 Q. Thank you.

10 [09.48.44]

11 I would like to come back a little bit. When you left your home
12 village, did you know who decided that you had to leave your
13 village and move to Phnom Penh?

14 A. I did not know who ordered that. I did not know who instructed
15 that. I was the only person who was transferred to Phnom Penh. My
16 colleagues in my home village were not transferred to Phnom Penh.
17 I was the only person.

18 Q. You mentioned that someone transferred you to Phnom Penh. Do
19 you know who that someone was?

20 A. I did not know. My direct supervisor allowed me to leave my
21 home village, but I did not know who was higher-up there in the
22 command who ordered me to go to Phnom Penh. Actually, I did not
23 want to separate from my colleagues, but later on I learned that
24 they required me to go. And I did not know the motive behind
25 sending me to Phnom Penh.

1 [09.51.12]

2 Q. You say that they required you to leave the -- your home
3 village.

4 I would like to know -- my question really is: Who ordered that
5 you left your home village?

6 A. I did not know who was higher in the command who ordered me to
7 go there, but at that time I was working in a company, and he was
8 my direct supervisor who ordered me to leave. And he was -- he
9 had 100 soldiers under his command.

10 Q. What was the name of your direct superior in the company with
11 which you worked?

12 A. My direct superior at that time was Pring (phonetic). He was a
13 man from the same home village as mine. He is deceased.

14 Q. Do you recall the name of the company with which you worked?

15 A. The commander of this company was Pring (phonetic). I called
16 him Pring (phonetic); I did not know his full name.

17 Q. No, actually, I would like to know the name of the company,
18 not the name of the commander. What is the name of this company?

19 [09.53.51]

20 A. At that time, in the district, there were three companies, and
21 the company led by Pring (phonetic) was known as Company 33.

22 Q. According to the record of interview, document E3/438 -- Khmer
23 ERN 00373431; English, 00375872; and French, 00426429 -- you told
24 the investigator of the OCIJ that you worked in Office K-3 in the
25 Ministry of Propaganda and Information. Can you tell the Court

1 where this office was located?

2 A. Well, I don't think that is the -- that is a correct summary
3 of where I worked, because I worked with K-33. It was not in K-3.
4 It was when I was living in the district. And then, later on, I
5 was -- I remained in K-33.

6 Q. Yes, let me correct myself. It was in Office K-33, not K-3.
7 But can you tell the Court where this office was located?

8 [09.56.07]

9 A. Back then, Office K-33 was in the -- was located in a block
10 adjacent to Lycée Descartes. It was in front of the Preah Sachak
11 Mony Chetdey Stupa.

12 Q. Do you know how many people worked in Office K-33?

13 A. As for the exact number, I do not recall. I only knew the
14 number of people working in my section.

15 Q. As for the leader of Office 33, who was he or she? Do you
16 recall his name?

17 A. The leader of Office K-33, when I first came to this office,
18 was Som.

19 Q. Thank you.

20 In your record of interview with the investigator of the OCIJ,
21 document E3/43 -- the relevant ERN page in Khmer, 00373431;
22 English, 00375872; and French, 00426429 -- you told the
23 investigators that, following the training, you were designated
24 to work in the office recording the news broadcast from overseas.
25 Do you still recall how many people worked in this section?

18

1 A. Regarding my personal work, allow me to say that the work was
2 divided into two or three separate parts, and it was since the
3 training time. And during the training, I was actually trained in
4 repairing the telegraph, but at the same time I was also
5 intercepting news and information.

6 [09.59.49]

7 But allow me to speak only about the work that I did. As I
8 recall, initially, there were only three of us. And the fourth
9 person was my direct superior.

10 Q. Thank you. The person who was your superior in charge of your
11 section; what was his name?

12 A. My section superior was Ol, but I do not know the native name.
13 I only recall that he was known as Ol.

14 Q. Thank you. Regarding your role and responsibility in
15 intercepting news and information from abroad, what were your
16 detailed duties?

17 A. Let me give you some examples regarding the way it worked back
18 then. I did not have any leading position there. I was merely a
19 staff working in that section, under the supervision of Ol. So, I
20 was working with the machine, intercepting news, and we work in
21 shifts -- about the two or three people that I mentioned earlier.
22 And before I engage in that work, we need to learn how to
23 intercept news first.

24 [10.02.23]

25 So, that's how it started. We were trained there in intercepting

1 news, and later on we trained in repairing the machine.

2 Q. Thank you. Regarding intercepting news or information, what
3 was the limitation -- or what kind of news or information that
4 you were supposed to intercept?

5 A. I can recall some. At that time, I could not read the entire
6 content, but the information was related to the economics
7 regarding the beans, for instance. I knew only minor parts of the
8 content. And allow me to explain to you, Mr. President; at that
9 time we were intercepting news broadcasts by AFP, by Reuters, and
10 UPE and Xinhua. These were the few sources that we intercepted.

11 Q. Thank you.

12 [10.04.10]

13 Can you tell the Court regarding your work of intercepting news
14 or information? What kind of a -- machinery used?

15 A. When I arrived, the machinery was already there. It was
16 already operational. And I was told that the machinery was
17 brought in from an embassy. And, actually, it was a mixture of
18 various machineries. For example, one or two machinery pieces
19 were brought from this embassy or that embassy. So, there were
20 those machines made with the brand of Maximin from the East
21 Germany, or some other machinery made in England. And the machine
22 actually worked by itself, we just turned it on. And only when we
23 broadcast out we need to type; but when we intercepted the news,
24 the machine would type itself.

25 Q. Thank you. Regarding the news or information that you

1 intercepted and -- what happened if that news or information is
2 important?

3 [10.06.02]

4 A. Regarding the information or news that we already intercepted
5 within my group; when the machine stopped, I would take the
6 print-out to another section.

7 Q. Thank you. The news that you intercepted, what was it
8 broadcast in? Or, in what language it was?

9 A. The information that we intercepted was broadcast in French
10 and English.

11 Q. Thank you.

12 At the Propaganda and Information Ministry, was there a
13 translator's team? For example, you intercepted the news in
14 French or English, and whether -- you sent that information to
15 the translation team, in order to translate it into Khmer?

16 A. At that time, I knew there was such a team, because the
17 print-out that I took -- it was in multiple copies, as there were
18 carbon copies as well. So then I stapled them and sent them to
19 another section. I did not know whether that section would send
20 it or forward it to another section.

21 But, of course, there were those who listened to the news
22 broadcast, and then they would verify the printout from my
23 section with the audio that they listened to.

24 MR. SENG BUNKHEANG:

25 Thank you.

21

1 [10.08.21]

2 Next, Mr. President, I seek your permission to put on the screen
3 the relevant document -- that is, document E3/231, which is a
4 meetings minute of the meeting of the Propaganda and Information
5 Ministry in 1976.

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 BY MR. SENG BUNKHEANG:

9 Thank you, Mr. President. That document, in Khmer, is 00017126 to
10 27; in English, 00183362; and in French, 00323931.

11 [10.09.39]

12 The title of the document is "The Angkar's opinions regarding the
13 monitoring of various news".

14 In that section, "Angkar instructed the Ministry of Propaganda to
15 monitor news and to grasp fully of those issue every hour and
16 every day, and then issue it as information for further measure."

17 There were two separate states for monitoring the news: first, to
18 inform to Angkar on a daily basis as usual, but must have a brief
19 report of main events related to us; and as for other -- there
20 should be also an analytical opinion for Angkar to take measure.

21 And for 5.15 p.m., there will be a direct messenger from Angkar
22 to go and fetch that information.

23 The question to you is the following: Did you know that the
24 Ministry of Propaganda was instructed by Angkar to send summary
25 report of important news?

1 MR. KHIEV EN:

2 A. I could not recall that, because I focused only on the work at
3 hand. I tried myself to work hard, so others could see me as a
4 good worker. So I could not tell you regarding the affairs of
5 other sections.

6 [10.11.55]

7 Q. Thank you.

8 Regarding the second work, as indicated in that document -- that
9 is, for the monitoring of news broadcasts overseas -- that for
10 that special timeslot -- and if there is any information of a
11 critical nature, then that information shall be relayed
12 immediately to Angkar so measures can be taken.

13 If your section intercepted important news, what were the
14 measures that you needed to take?

15 A. I did not know much about that process. That was the affairs
16 of other sections. I only focused on the work at hand. As for
17 other works which I was not involved, I did not pay attention to
18 that.

19 Q. Thank you. During the time that you were working there, did
20 you observe if anyone who had a phone or had a means to contact
21 with Angkar?

22 A. I only wanted to talk about what I saw there. From what I
23 could observe and see, there was no means for anyone to contact
24 with Angkar.

25 [10.14.01]

1 And if there was any other news or information that would involve
2 other sections, and -- it was beyond my capacity to know.

3 Q. Thank you.

4 You told the Chamber that you worked in shifts. So, does it mean
5 that there was a night shift as well?

6 A. Regarding the shift work, there was a night shift as well, and
7 we took shifts. And if the work was not yet completed, we would
8 take a small break for dinner and return. And sometimes, if I had
9 a night shift, I would go and replace that person during the
10 night.

11 Q. Can you recall, when a shift started, how many staff were
12 working?

13 A. I do not really know what you mean in your question. Are you
14 talking about the change in shift? Because, as I replied, we took
15 shifts. If they worked during the day, and they had to be
16 relieved for dinner, then I would replace that person. Do you
17 want to know other information regarding the shift?

18 Q. You said that you worked in shifts, and that there were three
19 or four staff in your group.

20 So, my question is: Were you working alone per shift?

21 [10.16.42]

22 A. In fact, there was no need to use more staff. Only one staffer
23 could handle the machinery. The exceptional circumstances were
24 that, sometimes, when we were working in night shift, sometimes
25 two people had to work because we tried to avoid -- not to doze

1 off.

2 Q. Also, regarding your work, was any of your group assigned to
3 monitor and intercept constant news and report it to the
4 superior?

5 A. For that, I did not know, because I only knew and focused on
6 my work. So I could not tell you regarding other organizational
7 or other appointments.

8 Q. Thank you. Let me move on to another subject. The question is
9 the following: Can you recall for how many years did Hu Nim work
10 as the Minister of Propaganda and Information?

11 [10.18.28]

12 A. I did not know when he became the minister of that ministry.
13 However, he was removed in 1977, and I could not tell you whether
14 it was in early or late 1977. But for sure it was in 1977 when he
15 was removed. But I could not tell you when he was appointed as
16 minister of that ministry.

17 MR. SENG BUNKHEANG:

18 Thank you.

19 Mr. President, with your permission, I'd like to read a portion
20 in a document in order to refresh his memory. The document is
21 document E3/1550; ERN in Khmer, 000078 (sic) -- in English,
22 00242945 (sic). It is the document written by Hu Nim, and sent to
23 Brother Pol, Brother Nuon, and Brother Vorn, Comrade Khiev, and
24 Comrade Hem, regarding his own arrest.

25 MR. PRESIDENT:

1 You may proceed.

2 [10.20.27]

3 BY MR. SENG BUNKHEANG:

4 Q. Mr. Witness, can you verify regarding the content of the
5 letter written by Hu Nim to those various leaders? The content of
6 that document states that:

7 "Today, which is the 10th April 1977, and I was busy in
8 preparing the broadcasting in anticipation of the second
9 anniversary of the victory of 17th April 1975. Via telephone,
10 Brother Pol called me to work with Angkar. And when the
11 combatants came to arrest me, I was surprised. I did not
12 anticipate that."

13 The question is whether that statement can refresh your memory
14 regarding the arrest of Hu Nim in 1977. That is, it was done
15 before the anniversary -- the second anniversary -- of the
16 victory of 17th April 1975.

17 MR. KHIEV EN:

18 A. Regarding the arrest of Hu Nim -- and as I stated earlier, I
19 can only recall the year, and I did not know much about his
20 arrest. That is all I can say. I only knew that he disappeared in
21 that year, and I did not know the reason for his disappearance.

22 [10.22.37]

23 Q. Thank you. Can you recall, how did you learn of his
24 disappearance?

25 A. I learned it, as I stated in my interview -- after Hu Nim was

1 arrested, Ms. Yun Yat came to the office or the ministry. A
2 meeting was convened, and the mistakes of Hu Nim were shown in
3 that meeting. I did not see that document itself, but those --
4 the person who came to chair the meeting talked about the
5 confession of Hu Nim, and that information was relayed during
6 that meeting and in the subsequent meetings and study sessions.

7 Q. Thank you. Can you tell us, regarding the meetings or the
8 study missions conducted by Ms. Yun Yat, who replaced Hu Nim? Did
9 she talk about the reasons of the arrest? What were those
10 reasons, if you can recall, regarding the arrest of Hu Nim?

11 [10.24.32]

12 A. As I can recall, I only knew that Hu Nim confessed that he was
13 a CIA agent. That's all I knew. But I did not know in what year
14 did he become a CIA agent, or any other detailed information. At
15 that time, we only knew that he was a CIA agent, so that was the
16 reason that we learned of his arrest.

17 And, later on, we just focused on the work at hand.

18 Q. Can you recall when Ms. Yun Yat came to tell you the reason
19 for the arrest of Hu Nim? Who actually attended that meeting?
20 Were there a lot of people?

21 A. Regarding the hearing of the confession, it was a major study
22 meeting, and a lot of people attended that meeting when the
23 confession was revealed.

24 Q. Thank you. In that meeting where Ms. Yun Yat presented the
25 confession, did she tell the participants of the meeting that --

1 who actually assigned her to go there and tell you all about the
2 arrest and the reasons for his arrest?

3 [10.27.02]

4 A. Your question is far beyond my knowledge. I did not know who
5 actually ordered her to come and tell us, so I could not know.

6 Q. That is okay, but my question to you is: During the opening of
7 that meeting or study session, did Ms. Yun Yat talk about the
8 person who authorized her to open that meeting and talk about the
9 arrest of Hu Nim? If you knew, please say so. Otherwise, we move
10 on.

11 MR. PRESIDENT:

12 Witness, please wait.

13 Nuon Chea's Counsel, you may proceed.

14 MR. SON ARUN:

15 The prosecutor already asked the question, and the witness
16 already replied that it was beyond his knowledge. But the
17 prosecutor still insists on asking the same question. This is a
18 repetitious question, and that would lead to a presumption or a
19 conclusion by the witness.

20 [10.28.22]

21 MR. SENG BUNKHEANG:

22 Mr. President, allow me to respond to the objection raised by Son
23 Arun.

24 The reason is that the witness did not respond appropriately to
25 my question. But my question is, at that time, whether Yun Yat

1 spoke during that meeting.

2 MR. PRESIDENT:

3 The objection and its ground is unfounded.

4 Witness, you are instructed to respond to the last question put
5 to you by the Prosecution.

6 MR. KHIEV EN:

7 A. I did not know who was -- or who ordered Ms. Yun Yat to open
8 that meeting.

9 [10.29.26]

10 BY MR. SENG BUNKHEANG:

11 Q. My question is that: During the time that Ms. Yun Yat opened
12 the meeting and talked about the arrest of Yun Yat (sic), did she
13 say anything about who actually instructed her to come down and
14 to open that meeting? Did she say anything closely related to
15 that?

16 MR. KHIEV EN:

17 A. Allow me to respond to this question so that you understand.

18 Yun Yat came to replace him, and she spoke about the arrest of Hu
19 Nim. She spoke to us about that. But I did not know anything as
20 who ordered her to come down to speak to us. But, of course, it
21 had to be the decision of the Party that this person or that
22 person was a CIA agent -- So that with that reason or explanation
23 -- we had no further doubt regarding the disappearance of Hu Nim.

24 Q. Thank you for your response to this question. Can you recall
25 that -- during the presentation by Ms. Yun Yat in that meeting,

1 where was it held?

2 [10.31.38]

3 A. I can only recall the fact that there was a pronouncement that
4 there was an arrest of the CIA agent. But as for the study
5 sessions, I attended only two of them. And as for the venue for
6 the study session, it was held in two places. It could have been
7 either in the building adjacent to Lycée Descartes, or in the
8 Borei Keila complex. Those were the two venues where the study
9 sessions were held. But I cannot recall whether or not it was
10 held in a building adjacent to Lycée Descartes or in the Borei
11 Keila complex.

12 MR. PRESIDENT:

13 Thank you, Witness, and thank you, all parties.

14 The time is now appropriate for adjournment. The Chamber will
15 adjourn now until 10.50.

16 Court officer is instructed to coordinate the place for the
17 witness to rest during the adjournment.

18 The Court is now adjourned.

19 (Court recesses from 1033H to 1053H)

20 MR. PRESIDENT:

21 You may be seated. The Court is now back in session.

22 The floor will again be given to the Prosecution to continue
23 putting questions to this witness.

24 You may proceed.

25 [10.54.02]

1 BY MR. SENG BUNKHEANG:

2 Thank you, Mr. President.

3 Q. Mr. Khiev En, allow me to continue my questioning to you.

4 After Hu Nim was arrested, were those people from his own network
5 were also arrested?

6 MR. KHIEV EN:

7 A. After Hu Nim's arrest, those who worked in that ministry were
8 successively removed. People from my section were also removed.

9 [10.55.06]

10 Q. Did you know whether the wife and the children of Hu Nim also
11 disappeared?

12 A. His family also disappeared, but I did not know whether they
13 disappeared at the same time as he disappeared, or at a later
14 stage.

15 Q. Did you know Hu Nim's wife?

16 A. I saw her, but I did not know her name.

17 Q. Thank you. According to your written record with the
18 investigator of the Office of the Co-Investigating Judges -- that
19 is, document E3/438 -- you stated that: "After Hu Nim was
20 arrested, and those who participated in the training sessions
21 with me were successively removed as well."

22 It is on ERN in Khmer at 00373433; and in English, 00375873; and
23 in French, 00426480.

24 How did you know that there were arrests of those staff working
25 at the Propaganda Ministry after the arrest of Hu Nim?

31

1 A. What I knew is that after Hu Nim was arrested, successive
2 arrests were made for those staff working in the ministry.
3 Particularly for my group, there was only me remaining. Of
4 course, I did not know where they were removed to. Amongst those
5 people who attended the training session with me, only I
6 remained.

7 [10.58.00]

8 Q. Thank you.

9 Also in the same document -- that is, document E3/438, ERN in
10 Khmer is 00373433; in English, 00375874; and in French, 00426431
11 -- you spoke about the arrest of some people, including a person
12 by the name of Sal. Can you tell us who Sal was?

13 A. Sal and Ol had been at the ministry before I arrived. So I was
14 kind of a newcomer and I was assigned to work with Ol, and Sal
15 was in charge of the Broadcasting Section, and later on, when Hu
16 Nim was arrested, a bit later Sal was also removed. And, in fact,
17 there was only one person remaining at Sal's section; and at my
18 section, only I remained. And I knew that only one person
19 remained at Sal's section because that -- I knew that person, and
20 his name was Tith (phonetic), and I knew that Tith (phonetic)
21 came from Svay Rieng. That's all I knew.

22 MR. SENG BUNKHEANG:

23 Thank you.

24 With Your Honour's permission, I'd like to bring on the screen
25 the list of prisoners questioned on the 18 April 1978, document

1 IS 16/109; 00039907 in Khmer; English, 00746762; and in French,
2 00710269.

3 [11.00.59]

4 That document shows that one of the prisoners was Chheangsrou,
5 alias Sal. This is to refresh the witness's memory, Mr.
6 President.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. SENG BUNKHEANG:

10 Thank you.

11 Q. Mr. Witness, in this document entitled "List of Prisoners at S
12 21 dated 18 April 1978", amongst those names one person named Bun
13 Chheangsrou alias Sal, and he was the group chief of teleprinter
14 at K 33. Is this the person named Sal that you said disappeared
15 from that ministry?

16 MR. KHIEV EN:

17 A. I cannot say whether this is the same person or not because I
18 do not know his native name. I only knew that he had worked there
19 before me and he was known as Sal, and he was in charge of that
20 teleprinter, but I could not say what happened to him after he
21 was removed.

22 [11.02.46]

23 Q. Thank you. The person named Sal, as you stated, did he also
24 work at that Office K 33?

25 A. The person by the name of Sal that I knew worked in that

1 office as well.

2 Q. Thank you.

3 Now, I move on to another topic regarding the role of Nuon Chea.

4 Did you ever see or meet with Nuon Chea during the time that you
5 worked at the Propaganda Ministry?

6 A. I met Nuon Chea and I knew about him as he went to that place.

7 Q. Thank you. When was the first time that you met with Nuon
8 Chea, if you can recall?

9 A. I did not meet with him at any specific place. However, in the
10 morning, he would -- I would see him coming to see what's going
11 on at my section, but I could not know the nature of his work,
12 and I did not have any official contact with him or spoke to him,
13 but sometimes documents -- I sent a document to him, but besides
14 that there was no other contact with him.

15 [11.05.13]

16 Q. Thank you. When you -- when Nuon Chea brought a document in,
17 what kind of documents, if you could recall?

18 A. I do not know what I shall respond to you if -- when you asked
19 Nuon Chea brought the document in.

20 Q. You just told the Chamber that you met with Nuon Chea, though
21 not frequently, and sometimes Nuon Chea brought the document in.
22 Can you recall, what kind of documents that he brought in, or
23 what were the content of those documents, if you can recall?

24 MR. PRESIDENT:

25 Witness, please wait.

34

1 International Counsel for Nuon Chea, you may proceed.

2 MR. PAUW:

3 Thank you, Mr. President. In the English translation, the witness
4 seemed to say that it was the witness who sent documents to Nuon
5 Chea. So, to not avoid (phonetic) the witness, if that is indeed
6 what he also said in Khmer, that should be reflected in the
7 question.

8 [11.06.52]

9 MR. SENG BUNKHEANG:

10 Mr. President, in order to clarify this issue, may I allow the --
11 your permission -- get your permission to allow the witness to
12 speak again on this issue?

13 MR. PRESIDENT:

14 You need to put your question precisely -- where you're trying to
15 get at.

16 BY MR. SENG BUNKHEANG:

17 Q. Previously, the witness stated that he met with Nuon Chea and
18 that Nuon Chea brought a document in, but I'd like to clarify
19 whether it was Nuon Chea who brought the document in or brought
20 the documents to him or to any person.

21 So my question to you, Mr. Witness, that -- you just told the
22 Chamber that Nuon Chea brought the document in. To which section
23 or to which group did he bring the document?

24 [11.08.06]

25 MR. KHIEV EN:

1 A. I do not understand your question that I spoke or said
2 anything about a document, because I did not say it to that
3 nature, and how could you hear me saying that? Because I did not
4 know what you heard and then you put me -- you put the question
5 to me that Nuon Chea brought the documents in, but I cannot
6 recall what -- as to what did I respond to you.

7 Q. The question is: Did Nuon Chea bring any document to your
8 workplace?

9 A. Regarding any of the documents of his, I had no knowledge, but
10 I, myself, took the printout to him -- that is, the information
11 from my section was sent to him to take measure, but there was no
12 document referred back from upper level to my section. That's how
13 I responded.

14 [11.09.42]

15 Q. Thank you. You also told the Chamber that you -- that Nuon
16 Chea went in the morning to your section. Did he go to your
17 section or to other sections and what was he doing then?

18 A. He had his separate workplace where I did not know, but he
19 came to see my section in the morning. When he came in, he just
20 looked around and asked whether we had already ate -- eaten,
21 something like that, and then he would just go. So, sometimes he
22 came to look at the way I worked, look at the bedroom, or look at
23 the kitchen. That's how I saw him.

24 Q. Can you recall in what position did he hold when he went to
25 see your section?

1 A. I only knew that after the removal of Hu Nim, Yun Yat came to
2 replace him, and after Yun Yat, Nuon Chea came to replace her. So
3 I could not know for sure regarding his position. I didn't know
4 whether that kind of position was in any official document, and I
5 heard on the radio that he was a member of the Standing
6 Committee, and only when he came to my workplace that I knew it
7 was him.

8 Q. Thank you. Did you know, besides the role -- his role as a
9 member of the Standing Committee, did he have any role at the
10 Ministry of Propaganda?

11 [11.13.00]

12 A. I did not grasp his position when he came or in what capacity
13 or that he was in charge of the ministry at all, but in the
14 morning, every morning he arrived, but I did not know whether he
15 was in charge of the whole ministry. I did not learn of that
16 information at the time.

17 Q. Regarding his workplace at the ministry, did he have his
18 office in that ministry?

19 A. There was no proper office, but he had his working place. He
20 would sit there or sometimes he would walk around a little bit,
21 but it was open so there was no proper closed office of his.

22 Q. Does it mean that his office was also within the compound
23 where your section was?

24 A. The building was huge. Of course, there were many rooms and he
25 was working in that building as well, and there were other

1 working groups within that building as well, but my section was
2 separate from that building, although it was within the compound
3 of the ministry.

4 [11.15.12]

5 Q. Thank you. During that time, did Nuon Chea organize a
6 political training session or a study session at all?

7 A. As for the political study session, it's part of the
8 profession if you work with the Revolution, so there was always a
9 political study session, and what was practised previously before
10 his arrival, continued to practise when he arrived.

11 Q. Can you recall whether you participated in any political study
12 session held by or chaired by Nuon Chea?

13 A. If I did, there would be very few. There were no major
14 meetings. It could be meetings for the relaying of instructions
15 or to reiterate the previous instructions, but they were not
16 major. And sometimes he would speak directly to the person to
17 relay his instructions.

18 Q. Thank you. In your written record of interview with the Office
19 of the Co Investigating Judges, you stated that when Nuon Chea
20 arrived they instructed not to speak about the 17 April People --
21 or the New People -- and the Old People. That is in your document
22 E3/438, at 00373436 in Khmer; and in English, 00375875; and in
23 French, 00426433.

24 [11.17.45]

25 Did you know the reason for the prohibition of making a

1 distinction between the Old and the New People?

2 A. I did not analyze that issue, but at that time he instructed
3 not to speak about the 17 April People or the New People or that
4 people at the base were referred to as the Old People. So, his
5 instructions were to try to reduce the use of these words, but
6 that's all I knew, and nothing more than that.

7 Q. Thank you. Also in your response -- that is, E3/438, at ERN in
8 Khmer 00373435; in English, 00375875; and in French, 00426432 --
9 you stated that there was a theory that -- "do whatever it takes
10 to cleanse all the traitors from the rank". Can you tell us who
11 actually introduced this saying?

12 [11.19.47]

13 A. As I can recall, it was from the time when Yun Yat came to
14 take charge.

15 Q. Thank you. During the time of the meetings with Nuon Chea, did
16 Nuon Chea speak about the traitors or the enemy at all?

17 A. I cannot recall whether he talked about it or not or if he
18 did, that I cannot recall, because my memory does not serve me
19 that well. But it was likely that he did not speak much about
20 that, or maybe I just simply cannot recall it. For that reason, I
21 cannot respond to your question.

22 Q. Regarding the study sessions or the meetings outside the
23 Ministry of Propaganda, did you attend any of those meetings or
24 study sessions?

25 A. Besides the ones held at the Ministry that I worked, I did not

1 attend any other meeting or study session.

2 Q. Regarding the criticism and self-criticism meetings held
3 within the Ministry of Propaganda, were such meetings held
4 frequently?

5 [11.22.22]

6 A. During that regime, there was a daily meeting and there were
7 another meeting held about every 10 days, and usually that kind
8 of meeting was about the criticism and self-criticism, and the
9 daily meeting was about the work production.

10 Q. Regarding the daily meeting, who actually attended those
11 meetings and who chaired or led that meeting?

12 A. As for the daily meeting, it was the chief of the department
13 who chaired the meeting, and the meeting was about how much we
14 achieved for that day. So, we reported it through the meeting and
15 the meeting that held -- it was held every 10 days - it was about
16 criticism and self-criticism.

17 Q. Thank you. Regarding that later meeting that was held every 10
18 days, usually, who actually chaired the meeting?

19 [11.24.17]

20 A. The criticism and self-criticism meeting was usually chaired
21 by the chief of the group, or sometimes they were chaired by the
22 chief of the section. And for my section, it would be held by my
23 section, and we would criticize the staff members within that
24 section. And for other sections, they would do the same.

25 Q. Thank you. Did you know the purpose of criticism and

1 self-criticism?

2 A. I personally knew that the meeting as instructed from the
3 upper echelon should be held so that greater production
4 achievement could be made, so that was the purpose of the
5 meeting, to strengthen the work production and our personal
6 political status to strive to work more efficiently with the work
7 assigned.

8 Q. Thank you.

9 [11.26.00]

10 In that criticism meeting, did anyone ever confess about their
11 bad quality, and if so, what were the measures taken against that
12 person?

13 A. Regarding the criticism and self-criticism meeting, it was
14 mainly about the cleansing of ourselves to make ourselves clean.
15 Even -- we did that by confessing to other people. Of course,
16 there had to be reaction to any of that kind of confession.
17 People would feel upset after being criticized, and that person
18 shall be corrected himself, because we would also rely on a
19 theory that we, ourselves, could not see our own mistakes. And
20 that can only be reflected by other people. And for that reason,
21 we shall be criticized, and we shall improve ourselves. So we put
22 ourselves in a position to be criticized, but we could also
23 criticize other participants of the meeting.

24 Q. Thank you. You told the Chamber that, when there was a
25 confession of mistakes, that person would be criticized for

1 improvement. How the process was conducted?

2 A. I did not know about the major mistakes, but for minor
3 mistakes, as we were working together, we would say it face to
4 face to one another.

5 [11.28.21]

6 And if somebody made a mistake without following the
7 instructions, that person would be considered as liberal. And it
8 means that person violated the discipline as failed -- that
9 person fails to adhere to the instructions. So that was the
10 nature of the criticism and self-criticisms meeting.

11 Q. Thank you. What about those who violated the instructions and
12 were considered liberal? What measures would be taken against
13 those liberal people?

14 A. Based on my experience, those who obeyed the instruction
15 continued to comply with the instruction. But there were people
16 who took the liberal stance, and they had liberal ideas, and they
17 did not listen to others. And during the criticism and
18 self-criticism sessions, we kept advising each other. That's what
19 I noticed in my work place, but I did not really understand what
20 actions were taken against them, to be precise. But, normally, it
21 was an internal self-criticism within our section.

22 Q. You told the Court earlier on that there were people who
23 brought up the shortcomings of other members of your section. And
24 you also mentioned that the mass also brought up the shortcomings
25 of the section. So, when you were mentioning "the mass", what --

1 who did you refer to?

2 A. "Mass" - "the mass", in this context, based on my experience
3 -- it referred to the Party and the Youth League. I am a member
4 of the masses, but I was an ordinary member of the mass. I was
5 not placed under any organized leadership. And, later on, we were
6 incorporated into the internal force.

7 [11.32.12]

8 Q. In your testimony before the Office of Co-Investigating
9 Judges, you said, on a monthly basis, the magazines were sent to
10 your section. It's document E3/438, Khmer ERN 00323435; English
11 ERN 00375875; French, 00426432.

12 When the magazines were distributed to your section, did you know
13 the underlying reason for sending this magazine to your section?

14 A. As a matter of fact, the magazines were sent to our section,
15 and I also mentioned that in my interview. I actually did not
16 know the reason for sending those magazines to us. And at that
17 time, I did not have much time to read the magazines, because I
18 was assigned with a lot of tasks. There were a lot of backlogs in
19 my section, so I had to handle other tasks on a day-to-day basis.
20 I did not read the magazine.

21 [11.34.01]

22 But I only knew that the magazine was circulated to my section,
23 and we store them. But I did not pay much attention to the
24 magazines, because what I focus on at that time was my main duty.

25 Q. On a separate point, you also mention to the investigator of

1 the OCIJ that Office 870 -- Office 870 was the office of the
2 Centre, and it was the place where the senior leaders worked. It
3 was in document E3/438, Khmer ERN 00373435; English, 00375875;
4 French, 00426432.

5 My question on this point is that: You said that this office,
6 Office 870, belonged to the senior leaders; how did you know
7 that?

8 A. I have already answered this question, but I would like to
9 clarify that. I knew about that from my friends, and I did not
10 actually know the exact whereabouts of this office. I learned it
11 from my friends, and I heard it from the friend telling me that
12 that was the place where the senior leaders work.

13 [11.36.21]

14 And that was all about it.

15 MR. SENG BUNKHEANG:

16 Mr. President, I do not have any further questions for the
17 witness in question. And I would like to now hand over to my
18 esteemed colleague.

19 QUESTIONING BY MR. LYSAK:

20 Thank you, Mr. President. Good morning, Mr. Khiev En. My name is
21 Dale Lysak. I'm also with the Office of the Prosecutors, and I
22 have just a few more questions for you this morning.

23 Q. I first wanted to ask you to go back to the 1974 time period,
24 when you were a militiaman or soldier in Kampong Leang district.

25 [11.37.10]

1 At that time, did you hear -- were you aware of the battle at
2 which Udong was captured by the Revolutionary Forces?

3 MR. KHIEV EN:

4 A. In 1974 -- we had to go back a little bit to 1974.

5 At that time, I knew about it, but it was not in a systematic
6 manner, because I heard it from others. I was actually residing
7 in the forest, and I only heard it from messengers, and it was
8 the word of mouth from one person to another that Udong was
9 conquered by the Revolutionary Forces. That was what I knew at
10 that time, but the detail of this victory was not known to me.

11 Q. Did you hear what happened to the residents of Udong, after it
12 was captured by Revolutionary Forces in 1974?

13 A. The Revolutionary Forces which conquered Udong was something
14 that I did not know in detail, because I was, at that time,
15 residing in my home village. And Udong and my village were rather
16 far from each other, so I did not know the details of that.

17 Q. Thank you, Mr. Witness.

18 [11.39.29]

19 Let me turn now to another subject that you discussed with my
20 colleague this morning. You indicated that there were evacuees
21 from Kampong Chhnang provincial town who arrived in your home
22 village or commune. Can you tell us, when those evacuees arrived,
23 was there any effort made to identify -- to determine whether any
24 of them were connected to the Lon Nol regime? In other words,
25 whether they or their relatives were soldiers or officials of the

1 Lon Nol regime?

2 A. I would like to respond to this question as follows: actually
3 the evacuees were sent to the cooperatives of the commune. And I
4 was actually in the military division. I was not connected with
5 the people at the time. And my unit was also tasked to build dams
6 and dykes as well. So, those new evacuees were incorporated into
7 cooperatives. And as for my company, we had to build dams and
8 dykes as a sign by the upper authority, and as for new evacuees,
9 I did not know much about them.

10 Q. Let me turn now to the period that you worked at the Ministry
11 of Propaganda.

12 [11.41.34]

13 You told my colleague that, when news was printed out of the
14 machine that you monitored -- that you would take those printout
15 to another section. What was the section that you delivered the
16 printouts to?

17 A. The printout from the printing machine could have been in
18 multiple copies, and we delivered to others, but I did not know
19 where else these printouts were circulated. It was beyond my
20 knowledge, but I sent to a place where they received these
21 printouts from me.

22 Q. And you told my colleague that you worked in shifts.

23 My follow-up question is: Were you instructed by your superior
24 that someone had to monitor the machine at all hours of the day
25 and night? Was that an instruction that you received from your

1 superior at the ministry of propaganda?

2 A. There was my supervisor who arranged the schedules for us. A
3 man by the name of Ol, who supervised the place, arranged the
4 shift for staff members in my section.

5 [11.44.01]

6 Q. And, based on the shifts schedule that you received from Ol,
7 is it correct that someone was tasked to monitor the machine both
8 day and night?

9 A. In the administration of the internal working procedures, at
10 that time, they asked me to keep our eye on the machine to ensure
11 that it was not stuck, so that the copies were printed properly.
12 So, it was the arrangement of the upper authority, who wanted the
13 printout to be smooth without any disruptions, so we had to keep
14 our eyes on the machine all the time.

15 Q. Thank you.

16 You also told my colleague that, when Nuon Chea was at the
17 ministry, that you sometimes took printouts to him. Were the
18 printouts -- the printouts that you took to Nuon Chea -- were
19 these printouts of news from the machine that you monitored?

20 A. The printouts I sent to the other sections were the documents
21 printed from the machine. There was no any other document besides
22 the document printed from the printing machine.

23 [11.46.18]

24 And I delivered it to the other section, who were responsible for
25 circulating to other places.

1 Q. My question was: Are these the same documents that you took to
2 Nuon Chea when he started coming to the ministry?

3 A. I sent only few documents to Nuon Chea. I would not deny that
4 I never sent document to Nuon Chea, but there were few, because
5 in -- at that time, as I mentioned in my testimony earlier, that
6 there was another section responsible for distributing the
7 printout. I only delivered a few printouts to Nuon Chea, and as I
8 said I did send this document to Nuon Chea, but there are few
9 because there was another section responsible for distributing
10 this printout to other intended recipients.

11 Q. On those few occasions, who was it that instructed you to take
12 those printouts to Nuon Chea?

13 A. I would like to add that, actually, there was no any direct
14 instruction from anyone.

15 [11.48.33]

16 If I met him, then I would hand it in to him. But if there were
17 people who came to receive the printout, I would give the
18 printout to those receivers. There were only few instances when
19 there were no people who came to receive the copies, so I handed
20 them indirectly to Nuon Chea.

21 Q. Thank you for clarifying that.

22 My last question for you is: Could you tell us what time period,
23 or when was it, that -- when during the Democratic Kampuchea
24 period was it that Nuon Chea started coming to the Ministry of
25 Propaganda?

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1 A. Nuon Chea came to take charge of Office K-33 -- I did mention
2 the date when he came to be in charge of this office in my
3 interview, as well -- but, to be precise, he came here when
4 Vietnamese troops fought their way into Cambodia. So, when --
5 after Hu Nim was arrested, then Yun Yat came to take his place.
6 And then, when Vietnamese troops came in Cambodia, it was in 1979
7 -- then Nuon Chea came to take the place of Yun Yat.

8 [11.50.48]

9 I do not recall the exact date, but that's what I can recall. It
10 was first led by Hu Nim, and then in late 1977, Yun Yat came to
11 take his place. And then it was in 1979 when the Vietnamese
12 troops came in, Nuon Chea came to be in charge of this ministry.

13 MR. LYSAK:

14 Thank you very much for your time this morning. On behalf of the
15 Office of the Co-Prosecutors, we want to thank you for answering
16 our questions this morning.

17 And, Mr. President, we have no further questions.

18 MR. PRESIDENT:

19 Now, I hand over to the Lead Co-Lawyers for the civil party to
20 put the questions to the witness. You may proceed.

21 [11.52.02]

22 MR. PICH ANG:

23 Thank you, Mr. President. And good morning, Your Honours. On
24 behalf of the Civil Party Lead Co-Lawyers, I would like to hand
25 over to Counsel Lor Chunthy and Lawyer Beini Ye to put the

1 questions to the witness.

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 QUESTIONING BY MR. LOR CHUNTHY:

5 Thank you, Mr. President. And good morning, Your Honours. Good
6 morning to everyone in the courtroom, and good morning to members
7 of the public in the public gallery and those who are observing
8 the proceeding on the video connection. Good morning, Mr. Khiev
9 En. I would like to put a few questions to you in relation to
10 what you witnessed and experienced.

11 Q. My first question to you relates to the fact of the evacuation
12 of people out of the city and towns.

13 [11.53.43]

14 Earlier on, members of the Prosecution did ask you a question
15 about these evacuations, but I would like to seek clarification
16 from you whether or not you knew the main reasons for the
17 evacuation of people, in particular out of Phnom Penh.

18 MR. KHIEV EN:

19 A. If you ask me whether or not I knew any motive in that motive
20 of the evacuation of people out of Phnom Penh, it's beyond my
21 knowledge. As I responded to the questions at that time, when
22 Phnom Penh was conquered I was still in the countryside; I only
23 learned the news of the victory from others. I heard that there
24 were evacuations of people, but as for the underlying motive of
25 the evacuation -- was not made known to me. And I only noticed at

1 that time that even people who lived in the provincial towns were
2 also evacuated to the countryside. I did not even know that there
3 were evacuation out of Phnom Penh, but I knew that there were
4 people coming from the provincial towns.

5 Q. You mentioned in your testimony earlier on this morning that
6 you were transferred to Phnom Penh. Do you recall when, exactly,
7 you arrived in Phnom Penh?

8 [11.56.06]

9 A. They transferred me to Phnom Penh. And I did answer this
10 question earlier.

11 It was in late 1975 or early 1976. I do not recall the exact
12 date, but when I first arrived in Phnom Penh, I was placed in one
13 of the buildings near the Royal Palace. And it was sometime
14 during the end of rainy season, because I could feel the breeze
15 blowing from the North-eastern part of the country. So it could
16 have been late 1975 or early 1976.

17 Q. So, when you arrived in Phnom Penh for a short period of time,
18 you were admitted to the Ministry of Propaganda and Information.
19 Did you receive any particular training before you were admitted
20 to this ministry?

21 A. When I came to the Ministry of Propaganda and Information, I
22 was trained with technical aspects -- purely technical aspects.

23 [11.57.52]

24 At that time, they trained us how to use teleprinters, and
25 teleprinting office were divided into several sections -- namely,

1 Receiving Section, Repairing Section, Typewriting Section, and
2 Broadcasting Section. So, my function, at that time, was in the
3 section of typewriting repair. And then, later on, I was also in
4 charge of catching information. They, actually, trained us how to
5 use teleprinters for three months in series, and then we had to
6 practice it for three months as well.

7 So, at that time, I focused on these technical aspects, because
8 we wanted to ensure that the work can be -- could be done. That's
9 why we had to learn to master the skills. So, overall, there were
10 three months of technical training, and another three months for
11 practicum.

12 Q. Who were the trainers in the training course you attended?

13 A. As for the trainers in the courses I attended -- were the
14 Chinese. They were sent from China.

15 Q. So, how long did those trainers train you -- was it three
16 months or six months?

17 A. Those trainers were dispatched to Cambodia to provide training
18 for six months. They taught us theoretical frameworks of that as
19 well as the practice.

20 [12.00.55]

21 Q. How many students were there in the training course you
22 attended, and where were they from? A. The trainees, at that
23 time, were from different places, but, as I said, the trainings
24 were even divided into different sections as well. But in my
25 class, there were around 10 to 15 students. I do not recall the

1 exact numbers of trainees in my course, but there was in the
2 range of 10 and 15 trainees in each class.

3 MR. PRESIDENT:

4 Thank you, Lawyers, and thank you, Witness.

5 The time is now appropriate for lunch adjournment. The Chamber
6 will adjourn from now until 1.30 this afternoon.

7 [12.02.03]

8 Court Officer, please facilitate with the other officials to
9 ensure that the witness has a proper place to rest during the
10 break and have him back to this courtroom before 1.30.

11 International Counsel for Mr. Nuon Chea, you may proceed.

12 MR. PAUW:

13 Thank you, Mr. President. Mr. Nuon Chea is suffering from a
14 headache, back pain, and a lack of concentration and would like
15 to follow this afternoon's proceedings from his holding cell.

16 And we have prepared the waiver.

17 MR. PRESIDENT:

18 The Chamber notes the request by Mr. Nuon Chea through his
19 defence counsel to follow the proceeding remotely through
20 audio-visual link for the remainder of the day's proceedings, due
21 to his health reason.

22 The request by Nuon Chea is appropriate, and we grant the request
23 for Mr. Nuon Chea to follow the proceeding from the holding cell
24 downstairs for the remainder of the day's proceedings. He has
25 expressly waived his right not to be present directly in this

1 courtroom.

2 However, the Chamber requires the defence team for Mr. Nuon Chea
3 to submit the Chamber the letters or waivers with the thumbprint
4 or signature by Mr. Nuon Chea.

5 [12.03.53]

6 And AV assistants are instructed to connect the audio-visual link
7 into the holding cell downstairs so that Mr. Nuon Chea can follow
8 the proceeding from the holding cell for the remainder of the
9 day's proceedings.

10 Security guards are instructed to bring the co-Accused to the
11 holding cell downstairs, where the audio-visual equipment is
12 connected for Mr. Nuon Chea to follow the proceedings this
13 afternoon. And Mr. Khieu Samphan is to be brought to this
14 courtroom before 1.30.

15 The Court is now adjourned.

16 (Court recesses from 1204H to 1331H)

17 MR. PRESIDENT:

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

19 Before we hand the floor to the Lead Co-lawyers for civil parties
20 to put questions to this witness, the Chamber would like to-

21 (Judges deliberate)

22 [13.33.30]

23 The Chamber will make an announcement of the oral submission at a
24 later stage when it is fully completed.

25 We would like now to give the floor to the Lead Co-lawyers for

1 civil parties. You may proceed.

2 BY MR. LOR CHUNTHY:

3 Thank you, Mr. President. Good afternoon.

4 Q. Mr. Witness, allow me to put more questions to you. Before our
5 lunch break, I asked you some questions regarding the selection
6 of people to attend the training. What were the criteria for the
7 selection?

8 MR. KHIEV EN:

9 A. Thank you, Mr. President, that question was related to the
10 question that I was asked previously.

11 [13.35.11]

12 I'd like to ask you back, are you referring to the technical
13 training? What kind of training are you trying to aim at?

14 Q. The people who were selected to attend the training, what were
15 the criteria? For example, if A was selected, what - what were
16 the criteria for the selection of A or you looked - or they
17 looked at the social status of that person?

18 A. From what I knew and experienced -- before people were
19 selected to lead, they were - they would be selected from the
20 lower class because Cambodian society was divided into separate
21 categories, so the lower class was referred to the poor class.
22 And as in my case, I was assigned to take that position and I did
23 not know clearly as to what was the criteria for my selection,
24 but I did not have anything to hide in my biography. I only knew
25 that the selection was not favourable to those who were educated.

1 And I myself strived very hard to do my work.

2 Q. Thank you. What was the real name of that particular social
3 class, whether it was known as the peasant class or workers
4 class? And those who already attended the training, were they all
5 kept at the Ministry of Propaganda or were they also sent to
6 various other ministries?

7 A. Are you only asking me about the events related to my own
8 ministry or to other ministries?

9 Within my ministry, I can respond that, after the training, those
10 people would be employed within that ministry. But as for other
11 ministries or other trainings, I cannot tell you.

12 [13.38.38]

13 Q. You said that people were selected for the training and the -
14 what I want to know whether after the training those people would
15 be only kept at the ministry, or was sent to other ministries.
16 For instance, if you were training for - if you were trained for
17 six months in the operation of the telegram, were those people
18 also sent to other ministries or only kept at that ministry?

19 A. The training was conducted within the ministry. However, there
20 were specialty - speciality that we took. Those who were with the
21 type setting would only attend the study session regarding that.
22 And for those who engage in the training for repair would only
23 engage in that particular training. So we were trained in
24 separate specialty. Two or three people would be trained for one
25 specific skill.

1 Q. Thank you.

2 Let me go back a little bit. The event prior to the liberation of
3 Phnom Penh, where were you before the liberation? Of course, you
4 were in Kampong Chhnang, but where were you physically located?

5 [13.40.50]

6 A. I think I already touch upon this issue this morning.

7 Before 17 April, I, at that time, did not even know about the
8 liberation, about the victory. Only after that I was told that
9 it's over, Phnom Penh was liberated, so we were transferred from
10 the other location near the riverside to a gathering point and it
11 was in Kampong Leaeng district in Kampong Chhnang province, which
12 was my native village.

13 Q. What I want to know is that: While you were there, and working
14 there, did you meet any of the senior leaders? Whether any of
15 them went to the location to conduct a meeting or to hold a
16 meeting in order to make certain decisions?

17 A. While I was there, my direct supervisor would be the one who
18 chairs the meeting. It was the company and otherwise it would be
19 the district battalion who would be the one who lead us and who
20 also chaired the meeting. That was all.

21 Q. Thank you.

22 You said that during the evacuation, you went to receive those
23 evacuees from the province. You would receive them and place them
24 in various communes. The question is: Once you had them placed at
25 the communes, were the cooperatives created? And what were they

1 asked to do?

2 [13.43.50]

3 A. From what I saw and knew regarding the evacuation of people
4 from the province, we helped them to get to the cooperatives, but
5 I did not stay close with those people living at the cooperative.
6 It was under the arrangement of the chief of the villages and the
7 communes. And from what I knew, they were asked to dig canals, or
8 to build dams.

9 Q. Thank you.

10 At that time, did you hear people talking about the New People,
11 or the 17th April People, or the Base People?

12 A. Yes, I did hear these words. I heard "17th April People", or
13 the "Base People", which means the "Old People".

14 As I said earlier, while I was in Phnom Penh, Nuon Chea said we
15 should stop using those words and try not to make a distinction
16 between the Old and the New People. But at that time I did hear
17 all those words.

18 [13.45.38]

19 Q. Upon hearing those words, did you see how they were
20 categorized? And what was actually happening on the ground when
21 it comes to the distinction between these classes or these groups
22 of people?

23 A. After people were organized and after that, I did not know
24 what happened as I was with the military. And actually before I
25 returned to Phnom Penh, I also worked in building canals and the

1 dams within my unit, and those people, they did the work – the
2 same work as well.

3 Q. Thank you.

4 Now, I move on to another topic. Upon your arrival in Phnom Penh
5 and you worked at the Ministry of Propaganda, at that time you
6 only knew Phoas, who later on you recognized as Hu Nim, then the
7 minister of that ministry. When the ministry was under the
8 management of Hu Nim, what was the administrative structure, for
9 example, at that ministry there could be sections for monitoring
10 news, broadcasts from overseas, or the Documentation Section.

11 [13.47.50]

12 Can you confirm who was in charge in each respective section
13 within the ministry?

14 A. Regarding the administrative structure within the ministry, I
15 cannot give you the detail because I cannot recall them all. I
16 was familiar only within my section and my work. As you know,
17 that was the time that we tried to mind our own business. So we
18 did not try to put our nose into other people's business.

19 Q. Thank you. There were stages of the replacements of the
20 leadership at the Ministry of Propaganda. After Hu Nim, there was
21 Yun Yat -- and later on, there – it was Nuon Chea.

22 My question is that: Since the ministry under the management by
23 Hu Nim, then Yun Yat, then Nuon Chea -- was there any change
24 within the ministry?

25 A. I think my response could be a little bit long, but I'll try

1 to make it brief.

2 When I started working there, Hu Nim was in charge. And at that
3 time the food was not sufficient, but I did not know the exact
4 duration of the time that the food was insufficient. We did have
5 a problem with food at the time, and after that, from what I
6 knew, sometimes we had bread mixed with the food at that
7 ministry. And later on, we could have cooked rice when the
8 ministry was under the management of Nuon Chea.

9 [13.51.10]

10 I could not speak for those people outside the ministry, but what
11 I say here is what happened within the ministry, and we would
12 have a dessert every 10 days. And this did not only happen as a
13 principle, but in reality, yes, we - we got this food and this
14 principle was put into practise until the time the Vietnamese
15 arrived and we fled. So that's how it happened -- previously, the
16 food was insufficient, but later on the food became enough to
17 eat.

18 Q. Thank you.

19 What I want is regarding the hierarchical structure of that
20 ministry -- whether the hierarchical structure was the same under
21 the leadership of various people, including Hu Nim, Yun Yat and
22 Nuon Chea. Was there a reshuffling of the position within the
23 ministry when the leadership changed? Or were there subsequent
24 disappearances of staff working in the ministry?

25 A. Regarding the structure, at my section, as far as I knew,

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1 there were forces from the East and I was alone from the West.
2 So, those assisting force were there -- they were from the East.
3 However, after the conclusion of the technical training and after
4 Hu Nim was removed, I did not really know what was going on but
5 those forces were also removed. That's how I observed. Of course,
6 I observed those removals, but I mainly focused on the work at
7 hand.

8 [13.54.22]

9 And when Yun Yat came to replace him, she would fill that --
10 those positions, the vacant positions. The people within my group
11 -- and those people who were brought in, they were mainly from
12 the Southwest and I trained those young people. So, after I got
13 my training from the Chinese instructor, later on I provided the
14 training to those young people so that they could be - they could
15 be able to work there. That's how my focus was, but I did not
16 know what happened to those who were removed.

17 So, in brief, when it - when it was about the - the structure
18 when the people from the East disappeared, there were those who
19 came to fill their positions and they were from the Southwest. So
20 I made a conclusion that maybe those people they were from the
21 same network -- they were removed. And this is my understanding
22 of the structure at that time. And I myself alone came from the
23 West, so I remained there and I touched upon that issue as well
24 in my written record of the interview.

25 [13.56.30]

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1 Q. Thank you. I want to ask you another question regarding this
2 point: Why, after the disappearance of Yun Yat, Nuon Chea came to
3 take charge?

4 A. After Nuon Chea came to replace Yun Yat, I did not know what
5 was going on.

6 MR. PRESIDENT:

7 Counsel, you may proceed.

8 MR. PAUW:

9 Thank you, Mr. President. The English translation mentioned that
10 Nuon Chea took over after Yun Yat's disappearance, but that is
11 not the evidence before your Chamber, just to point that out.

12 MR. LOR CHUNTHY:

13 Mr. President, my question to the witness is that -- why Nuon
14 Chea came to replace Yun Yat at the Ministry of Propaganda. I
15 want to know the reason.

16 MR. PRESIDENT:

17 You may put your question again.

18 [13.58.14]

19 BY MR. LOR CHUNTHY:

20 Thank you, Mr. President.

21 Q. I want to ask you briefly, Mr. Witness: What was the reason
22 for Nuon Chea to go and replace Yun Yat?

23 MR. KHIEV EN:

24 A. I did not know the reason for Nuon Chea to come and replace
25 Yun Yat.

1 Q. Thank you.

2 You said that there were people from the East, from the
3 Southwest, and from the West.

4 My question is: Those people who came from the West - from the
5 East, who were they? And what about those from the Southwest; who
6 were they?

7 [13.59.36]

8 A. I referred to those people who worked there -- who worked with
9 me. During the initial training, as I recalled, there was no one
10 from the Southwest, there were only those from the East. And only
11 I, myself, alone, came from the West. And after the removal of Hu
12 Nim -- and I did not know the reason -- those people also were
13 removed.

14 And when Yun Yat came to replace and -- the force who were sent
15 to - for the training, they were sent from the Southwest, and I
16 alone came from the West. So, I just tried to work hard to focus
17 on my work, as the rest were already removed.

18 That's what I meant by "different people from different zones".

19 Q. Thank you.

20 Do you know who the leader of the Southwest Zone was?

21 A. I never met him.

22 [14.01.32]

23 MR. PRESIDENT:

24 I note the defence counsel is on her feet. You may proceed,
25 Counsel.

1 MS. GUISSÉ:

2 Thank you, Mr. President. Good afternoon. Good afternoon to the
3 Chamber and to all the parties. I am objecting to the questions
4 of my colleague working with the civil parties because, until
5 now, we were focusing on the Ministry of Propaganda, but now we
6 are vying towards the Southwest Zone, which is not part of the
7 context of the first trial.

8 So this is not relevant and should not be questioned.

9 MR. LOR CHUNTHY:

10 Actually, the question is related to the testimony provided by
11 the witness in question. That's why I simply ask this follow up
12 question.

13 MR. PRESIDENT:

14 Lawyer, you may proceed because this question has already been
15 answered by the witness before.

16 [14.02.54]

17 BY MR. LOR CHUNTHY:

18 Q. When you came to work with Ministry of Propaganda, did you
19 ever attend the Party's congress? And if you did, where did you
20 attend those congresses?

21 MR. KHIEV EN:

22 A. I've never attended the Party's congress; I did attend other
23 lower level meetings; namely, the small scale meetings, but as
24 for congresses, I never attended those congresses. And I was
25 actually concerned with my section affairs. We had the day to day

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1 business to operate in my section -- that's why I dare not leave
2 my work place.

3 MR. LOR CHUNTHY:

4 With your permission, Mr. President, I would like to present
5 document E3/1550; Khmer ERN 0006662 (sic); English, 00249844;
6 French ERN 00766902.

7 [14.05.20]

8 MR. PRESIDENT:

9 You simply mentioned the document numbers, but can you please
10 identify the document in a more precise manner?

11 MR. LOR CHUNTHY:

12 This morning the prosecutor also presented this document; it was
13 the confession by Hu Nim.

14 MR. PRESIDENT:

15 You may proceed, then.

16 BY MR. LOR CHUNTHY:

17 Q. I would like to read out one paragraph from Mr. Hu Nim's
18 confession: "I recall recently after the life-view meeting in --
19 at Borei Keila School in 11, 1976. I heard Cadre Chhoy discuss
20 Phouk Chhay and the organization of a new party."

21 [14.06.30]

22 On this particular portion of the confession, I would like to ask
23 for your comment, whether or not you have heard of this
24 particular piece of information.

25 MR. KHIEV EN:

1 A. That, I do not know because it was the business of the upper
2 echelon people from the Party, and I am -- I was at the lower
3 level so I dealt mainly with technical work. I had nothing to do
4 with that aspect.

5 Q. This morning you said that you had seen the "Revolutionary
6 Flag" magazine at the ministry. So, when you saw those magazines,
7 did you read them? Can you recall the format -- the general
8 format of this magazine? What did it look like?

9 A. I cannot recall it exactly, but as a matter of fact, I did see
10 this "Revolutionary Flag" magazine, but as for the precise format
11 of the magazine, I cannot recall. But, of course, at that time, I
12 did see those magazines and they were meant for my colleagues to
13 read those magazines, but I did not pay much attention to them. I
14 did not bother to look at the exact format of the magazines.

15 [14.09.05]

16 Q. I would like to move on to another question. When you were
17 attending training on telegraph and upon the completion of your
18 training, you were given some tasks to handle. What were the
19 tasks assigned to you? Were you ever instructed to prepare any
20 telegram for any other ministries?

21 A. Once some of the personnel from my section were taken away, I
22 had to continue to train other newcomers. I was first attached to
23 the section of telegram -- telegraph repair and I -- as for
24 typing of the telegraph, I -- telegram, I -- it was not my main
25 task, but since I was attached partly to that section, as well, I

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1 learned to type them. So I, from time to time, learned to type
2 telegraph and there were training -- on-the-job training, as
3 well, when I continue to learn how to type telegrams and I did a
4 lot of self-study myself. But when the foreign trainers came in,
5 I did not study particularly on this typewriting, but I was
6 mainly in charge of telegraph repair. But later on I did some
7 self-study on typewriting and I receive on-the-job training as
8 well as through my self-study.

9 [14.11.18]

10 And, as for some of my colleagues who were removed, mainly, they
11 were from the former West Zone and at that time, we -- we were
12 supposed to handle our primary task which was to repair the
13 telegraph, but later on, I had to learn, myself, about how to
14 type telegram.

15 Q. I would like to know the communication through messages, for
16 example if Ministry of Propaganda had to send a message to other
17 ministry. Did you ever involve in sending those messages to other
18 ministry? And if you were involved, how did you send those
19 messages to ministries?

20 A. Well, I have responded to this question so far. Normally, the
21 document that I picked up from the printout, I had to have them
22 retyped and then we sent that to the Sending Section which
23 continued to relay this message to the target offices and I did
24 not know where the messages were sent to.

25 [14.13.28]

1 Q. When you were working with Hu Nim, did you know Hu Nim's son?

2 A. To the best of my recollection, I only knew Som, and earlier
3 on I did not realize that he was the son of Hu Nim. It was only
4 later on did I learn that he was the son of Hum Nim. I stayed
5 there for quite some time, then I realized that he was the son of
6 Hu Nim.

7 Q. Did you ever witness the situation when monks were forced to
8 defrock?

9 A. In relation to the defrock of monks, I testified about this
10 with the investigators who interview me. At that -- I told him
11 that there were a situation of the defrock of monks. I heard of
12 it as well. And in my home village, people talk about that, as
13 well, because there were Revolutionary Movement going on at that
14 time. There was movement starting from the early 1970 and then it
15 spread to my village. And then, at that time, monks were required
16 to defrock; that was the fact. I also learned about it.
17 It was -- it happened in my home village as well.

18 [14.16.20]

19 Q. Did you ever hear of the policy on the bad elements? What does
20 it mean by the policy against bad elements and how was it
21 implemented and until when was it implemented?

22 A. I am contemplating of the answer in response to the bad
23 elements. I'm not quite clear with the question. I do not know -
24 what, precisely, do you want to know? When you mention bad
25 elements, I'm a bit unclear. I do not know where to start with my

1 answer.

2 Q. Well, then, I had better move on because it's a bit difficult
3 to explain code language of the Democratic Kampuchea. There were
4 certain jargons of the Democratic Kampuchea which reasonable
5 people might find it difficult to understand.

6 So, during the Democratic Kampuchea period, you were in Phnom
7 Penh and you -- did you know that there was an existence of the
8 so-called security office in Phnom Penh?

9 A. I merely heard of security centre in Phnom Penh, but I never
10 saw it myself. I heard it from my friends who told me about the
11 existence of security centre, but I did not even know its
12 whereabouts. I did not know where it was located. I only heard it
13 from my friends.

14 [14.19.06]

15 Q. You made mention this morning to Office 870 and can you tell
16 the Court what this office was meant to be and where it was
17 located?

18 A. I have heard of Office 870, but I never saw this office and I
19 did not know where it was located either. I only knew that this
20 was the workplace of senior leaders.

21 MR. LOR CHUNTHY:

22 Mr. President, I do not have any further question and I would
23 like to hand over to my esteemed colleague to continue the
24 question.

25 And I thank you, Witness, for responding to all my questions.

1 Thank you.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 [14.20.33]

5 Now, the International Counsel for the civil party, you may
6 proceed.

7 QUESTIONING BY MS. YE:

8 Thank you, Mr. President. Good afternoon, Mr. President. Good
9 afternoon, Your Honours, and to everyone in and around the
10 courtroom. Good afternoon, Mr. Khiev En. My name is Beini Ye. I
11 am one of the international civil party lawyers and I will put a
12 few questions to you.

13 Q. I would like to start with the time before you worked at the
14 Ministry of Propaganda and Information. You told us this morning
15 that you worked as militiaman and soldier.

16 My question is: How old were you when you were forced to join the
17 Revolutionary Movement?

18 MR. KARNAVAS:

19 Mr. President--

20 [14.21.32]

21 MR. PRESIDENT:

22 Witness, please hold on.

23 International counsel for Mr. Ieng Sary, you may proceed.

24 MR. KARNAVAS:

25 Good afternoon, Mr. President. Good afternoon, everyone. Perhaps

1 I'm mistaken, but I believe the gentleman indicated that he was
2 not forced to join the Revolution. He indicated that his village
3 had been destroyed by the bombings, his house was -- was burned
4 down, and that he voluntarily joined the Revolution; he wasn't
5 forced, unless the question goes to being forced by the bombings
6 and the conditions that were inflicted upon him and his fellow
7 villagers. Thank you.

8 MS. YE:

9 From my notes from this morning -- from my notes from this
10 morning, the witness mentioned that he did not join voluntarily,
11 but that his joining of the Movement was forced by the Khmer
12 Rouge forces. But maybe the witness can clarify on this point
13 again.

14 [14.22.49]

15 MR. PRESIDENT:

16 Witness, please respond to the question.

17 MR. KHIEV EN:

18 A. Let me clarify on this issue -- when I first joined the
19 Revolutionary Movement.

20 I first joined the Revolution in 1973, when Lon Nol soldiers was
21 attacked by the Revolutionary Forces, and at that time my house
22 and my entire village were burned down. That was the situation
23 back then. So, when people came back to their village, they saw
24 nothing but ashes from the fire on their houses and -- and
25 village.

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1 And even if we saw our houses burned down, we did not want to
2 join the Revolutionary Forces, but we also witnessed the hardship
3 our parents had to endure at that time. So, actually, if it was
4 -- there was -- it was not my personal desire to join the
5 Revolution. And when our house were burned down, we did not want
6 to join the Revolution, either, because I had to help my parents,
7 but the situation at that time was very pressing, and then they
8 wanted people to -- to work, and then I decided to become the
9 village militiaman.

10 [14.24.38]

11 I originally intended to become a medic, myself, but then, later
12 on, taking into consideration the situation of my village, I
13 wanted to leave my village because I did not want to see the
14 hardship my villagers had to go through. And then, since there
15 were a lack of forces, then the -- at the province level, the
16 sector level, they wanted the forces from the district. And this
17 was handed down to the lower rank in the administration. The
18 district would want forces from the commune. So, due to these
19 pressing circumstances, I had to join the Revolution, but -- I
20 did not join it on a voluntary basis, actually, but the situation
21 really induced me to join the Revolution at the time.

22 BY MS. YE:

23 Q. And how old were you at that time, when you joined the
24 Movement?

25 MR. KHIEV EN:

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1 A. I do not recall how old I was at that time, when I joined the
2 Revolution, but it could have been around 17 years of age at the
3 time, in 1970. But then, in 1973, I could be about two or three
4 years older than 17. But, again, when I first joined the
5 Revolution, I did not even bother to remember my age, but it --
6 when it was in 1970, I was 17 years old at that time.

7 [14.27.06]

8 Q. Just for clarification, your birth date is in 1958; is that
9 correct?

10 A. I would like to clarify on this date.

11 If you look at my ID card -- citizen ID card, I mention in my
12 birth date in the ID card "1958", but actually I was born in the
13 Year of Snake, and if we calculated it based on the Khmer year,
14 it would be in 1952 or '53 or so. But the date that you see on my
15 ID card was -- was actually a different one.

16 Q. Okay. Maybe that explains the different calculations that I
17 make of your age when you were joining the Movement.

18 [14.28.24]

19 Let me come to the period when you were working at the Ministry
20 of Propaganda and Information. You told us that after the
21 disappearance of some of your colleagues, you also started to
22 learn to typewrite telegrams. Can you tell us what the content of
23 these telegrams were?

24 A. If you think of those who learned how to type, including
25 myself, some could only learn the alphabet - A, B, C, D -- and

1 then they could type. I, myself, did not study much, but I knew
2 the alphabet. But -- I could not use it fluently, but I could
3 know the alphabet well and I could do some reading.

4 And as for those who attended the training, mainly they were
5 taught the alphabet and once they knew the alphabet, then they
6 learned to type. That was the process of engaging in the
7 training. So they would ask us to do touch typing by recognizing
8 the alphabet on the keyboard. So that's how we engage in the
9 training at the time.

10 Q. So, did you actually type telegrams that were used or that
11 were sent out?

12 A. I have not yet responded to any question regarding the sending
13 out of the telegram, so I can respond.

14 [14.31.11]

15 I can recall that when Nuon Chea came to take charge, the
16 outgoing telegram was operational. And when it comes to the
17 typing, we, at our section, did not know the content. We just
18 followed the instructions. I did not know what happened in other
19 developed countries, but in our section, after -- after we
20 finished the typing, then we used the tape to record the -- the
21 character. For example, each hole would represent an alphabet,
22 but I did not really understand the content of the document. I
23 only know how to put those on the tape with the holes
24 representing the alphabet.

25 Q. You said you were only following instructions when you were

1 working with these telegrams. Who gave you these instructions?

2 A. That was just before Yun Yat was removed. At that time, when I
3 was with the new forces, I was instructed by her to give the
4 training to those New People and that by this month or that
5 month, then the telegram would be sent out. So, after the
6 existing forces were removed, I tried to train the new forces so
7 that they can work. But as for the date for it to be sent out, I
8 cannot recall. It was just before Yun Yat was gone.

9 [14.33.51]

10 Q. In the English translation, it came across as "before Yun Yat
11 was removed". Can you clarify whether Yun Yat was removed or
12 whether she just stopped working at the ministry for other
13 reasons?

14 A. I did not know the reason for her to leave the ministry and I
15 also did not know the reason for Nuon Chea, who came to replace
16 her, but that's how it was at the time.

17 Q. Now, I would like to come to a topic that we've discussed
18 before about the disappearances of the staff at your ministry. In
19 your interview with the investigators, you said that two people;
20 one called Som and one called Hun, also disappeared. The document
21 source is E3/438; English ERN 00375873, Khmer ERN 00373433,
22 French ERN 00426431. I want to ask you first about the man named
23 Som. Is this the same person that you mentioned before as the
24 Chairman of K-33 and Hu Nim's son?

25 A. As I recall, there was only one Som at K-33, and he was in

1 charge of Office K-33.

2 [14.36.30]

3 Q. For the record, I would like to note that Som is listed as a
4 prisoner on the revised S-21 prisoner list with the document
5 number E3/342 and the English and Khmer ERN are 00329840. He is
6 listed as prisoner number 5619 and the position is comrade of
7 K-33 office; arrested from the Ministry of Propaganda on the 10th
8 of April 1977, and executed on the 20th of July 1977.

9 I would like to ask you now about the man named Hun. Do you
10 recall in what office Hun was working?

11 A. Hun also worked in Office K-33, but his work was separate from
12 mine.

13 Q. Thank you. And can you tell us until when these disappearances
14 of staff, mainly from the East, continued?

15 [14.38.16]

16 A. The disappearance of those from the East, as for my section, I
17 knew of their disappearance after Hu Nim was arrested. They were
18 taken out successively and I did not know what happened to them.
19 And as I stated earlier, those people were removed and then they
20 were replaced by those people from the Southwest. It seems, at
21 that time, that most people from the East were gone and replaced
22 by the Southwest people, but I did not know what happened
23 elsewhere or what happened to those who were removed.

24 Q. Did these disappearances of ministry staff continue when Yun
25 Yat took over and continue when Nuon Chea took over?

1 MR. PRESIDENT:

2 Witness, please wait.

3 International Counsel for Nuon Chea, you may proceed.

4 MR. PAUW:

5 Thank you, Mr. President. Just, maybe, to -- not to confuse the
6 witness, the counsel for the civil parties can break up the
7 question. Thank you.

8 [14.40.10]

9 BY MS. YE:

10 Q. So I'll ask En just the first part of the question: Did the
11 disappearances of ministry staff continue when Yun Yat took over?

12 MR. KHIEV EN:

13 A. When Yun Yat took over and -- at the ministry, it seems that
14 the disappearance stopped for quite a while because those who
15 were taken away were already taken away and they were replaced by
16 the New People so it was quiet. That's what happened at my
17 section. I could not speak for other sections.

18 Q. And when you say they stopped for quite a while, does that
19 mean that the disappearances were restarted after some time?

20 [14.41.36]

21 A. Later on, after I received the forces from the Southwest and
22 then I trained them, from -- I can recall, no one was removed.
23 But, once again, I could not speak about other sections. I
24 already spoke for those within my section. There was no more
25 disappearance.

1 MR. PRESIDENT:

2 Thank you.

3 The time is appropriate for a short break. We will take a
4 20-minute adjournment and return at 3 p.m.

5 Court Officer, could you assist the witness during the break and
6 have him returned at 3 p.m.?

7 The hearing is now adjourned.

8 (Court recesses from 1443H to 1509H)

9 MR. PRESIDENT:

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

11 I will hand over the floor to the Lead Co-Lawyer for the civil
12 party to continue her line of questioning. You may proceed.

13 BY MS. YE:

14 Thank you, Mr. President.

15 Q. Before the break, we were discussing about how long the
16 disappearances at the ministry continued.

17 And my question now is: Did the disappearances continue when Nuon
18 Chea was in charge of the ministry?

19 [15.11.02]

20 MR. KHIEV EN:

21 A. I would like to continue on with the response to this
22 question. When Nuon Chea assumed the position in charge of Office
23 K-33, the issue of the disappearance of forces stopped because
24 before, there were subsequent disappearance of some of my
25 colleagues, but ever since he came to this position, there were

1 no more disappearance.

2 Q. To clarify on this matter, Mr. President, with your
3 permission, I would like to read to the witness an excerpt from
4 his interview with the investigators; document number E3/438, and
5 the English ERN is 00375876; the Khmer ERN is 00373436; French
6 ERN 00426433.

7 On this page, the witness was asked the following questions -- I
8 quote: "Until when this policy was implemented?"

9 The answer was: "This policy still existed even though Nuon Chea
10 did not want us to talk about the separation between New and Old
11 people; and the disappearance still continued." End of quote.

12 Now, Mr. Khiev En, in your interview with the investigators, you
13 gave this answer. And today you say that when Nuon Chea was in
14 charge, there were no more disappearances. Can you clarify on
15 this point please?

16 [15.13.42]

17 A. I can clarify on this point. Nuon Chea, who came to assume
18 responsibility over Office K-33 -- there was no more
19 disappearances of forces, but I heard from people outside that
20 there were ongoing disappearances of people in other offices. I
21 heard that people were removed from the place, but in my -- in
22 particular, in my place, there were no disappearances and I heard
23 people talk about removal of other people in other offices.
24 That's why I mentioned that when Nuon Chea came in my place,
25 there were no disappearance and I did not witness the

1 disappearances of other people in other offices, but I heard from
2 others that there were still ongoing removal of people in other
3 places, but I did not witness it by myself. I only heard it from
4 others.

5 Q. Can you tell us which offices these other people refer to?

6 A. I do not recall that clearly, but in K-33, there were offices
7 subordinated to the ministry. Those who liaised with other
8 offices subordinate to the ministry received information
9 concerning the ongoing disappearances of staff members in those
10 offices.

11 Q. Thank you.

12 [15.16.01]

13 I would like to move on to a new topic that my colleague already
14 mentioned; the defrocking of monks. Can you tell us when this
15 happened in your village; the defrocking of monks and the sending
16 of them to work camps?

17 A. I do not recall the exact date, but before I left my home
18 village; the issue of defrocking monks had happened even before
19 the Lon Nol soldiers came in my village, and I mentioned that in
20 my testimony before the investigators as well. That village was
21 the place where there were confrontation between the two
22 soldiers.

23 During the daytime, the Lon Nol soldier control of the village;
24 but during the night-time, the Revolutionary Forces came in. But
25 the issue of defrocking the monk took place even before the Lon

1 Nol soldier came in my village so there had been instances of
2 defrocking monks even before the entry of Lon Nol soldiers. But
3 then when Lon Nol soldier came in the village, there were people
4 who enter monkhood as well. But then when Lon Nol soldiers were
5 defeated, then people -- monks were defrocked again. And this
6 happened even before I joined the Revolution.

7 [15.18.31]

8 Q. And do you know who ordered these monks to leave the monkhood?

9 A. At the time, I did not know who ordered the defrocking of
10 monks, but the revolutionaries who were in charge of my village
11 were the one who order the defrock of monk. But as to whom did he
12 receive the order from, I did not know. Actually, it -- what I
13 knew was that it was the order from the person in charge of
14 Revolutionary Movement in my village.

15 Q. And did this person say why the monks had to be defrocked?

16 A. At the time, I did not know why monks were defrocked. At that
17 time, people dare not protest against the order and if monks, at
18 that time, had to be defrocked, then nobody would dare protest
19 against this. And it was the decision by other group of people
20 and many other people simply agree to that. They did not protest
21 at all. And it was the decision by the other group of people and
22 I did not know.

23 Q. Thank you.

24 [15.20.53]

25 I will come to the last topic of my questions, and for this I

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1 would like to know when you got married. Was it during the
2 Democratic Kampuchea regime?

3 A. Concerning my marriage, I met my family -- my wife when I was
4 studying along the Cambodian-Thai border. I did not have a
5 wedding inside the country. Actually, I got married somewhere
6 along the Cambodian-Thai border.

7 Q. Can you specify the time? Was it before or after 17th of April
8 1975?

9 A. In short, my wedding took place along the Cambodian-Thai
10 border when I left Phnom Penh and took refuge along the border
11 and it was sometime in 1982 or '83 and at that time, I was around
12 30 years old and my wife was about 27 years old.

13 MS. YE:

14 Thank you, Mr. Khiev En. I have no further questions and thank
15 you very much for answering all my questions. I wish you a safe
16 journey back home.

17 [15.23.22]

18 MR. PRESIDENT:

19 Thank you. I would like to now turn to my fellow colleague on the
20 Bench, if you have any question to put to the witness. Judge
21 Lavergne, you may proceed.

22 QUESTIONING BY JUDGE LAVERGNE:

23 Yes. Thank you, Mr. President. I have a small question.

24 Q. Witness, as far as you know, during the period of Democratic
25 Kampuchea, were there identical departments to the department in

1 which you worked at the Ministry of Propaganda? Were there other
2 departments that were in charge of listening to international
3 news and to transmit this news?

4 MR. KHIEV EN:

5 A. Sections are different from my ministry. I did not know
6 whether or not there were other such departments, but within
7 Ministry of Propaganda and Information; there was one section
8 dedicated to listening to the international news broadcast on
9 radio. So, information we transmitted to this section, I did not
10 know what they dealt with this information, but they verified
11 against the news they heard from the international radio forecast
12 (sic). That's what I knew. They used my information to verify
13 against information received by that department.

14 [15.25.32]

15 Q. So, if I understood correctly what you said today, it seems
16 that this work required specific equipment and people who had
17 specific skills so let me repeat my question again. So as far as
18 you know, were there -- was there other -- was there any other
19 kind of equipment of this kind available in Phnom Penh and were
20 there other people who had the same skills or as far as you know,
21 was your department the only one able to carry out such services?

22 A. It's only my observation. I did not know the details of the
23 work, but what I knew was that they sent me one machine which ---
24 which was the teleprinter. They sent it to my department to get
25 it fixed.

1 So it was my assumption that there could have been a place which
2 also handled this task, that's why there was an existence of such
3 machine.

4 Q. And at any moment in your work at the Ministry of Propaganda,
5 did you become aware of ties that might have existed between the
6 Ministry of Propaganda and, for example, the Ministry of Foreign
7 Affairs?

8 [15.27.40]

9 A. Before, I did not know the relationship between these two
10 ministries. But before I left Phnom Penh, there were people --
11 two or three people -- sent from Ministry of Foreign Affairs to
12 take our place. Those three personnel were sent from Ministry of
13 Foreign Affairs and they were attached to my department. That was
14 before I left Phnom Penh.

15 Q. I suppose that, among this international news that you
16 listened to and that you re-transmitted, some of this news might
17 have involved statements made by Khieu Samphan when he would
18 speak to foreign heads of state, for example. So, do you know if
19 your department transmitted news, such news, to the state
20 presidiums under Khieu Samphan?

21 A. As for the foreign languages, I only prepared the printout in
22 order to be sent out, but I did not know about the content of the
23 printout. But I did work on the -- preparing of the tapes to be
24 sent out and broadcast but I did not know the content.

25 [15.29.48]

1 Q. Last question. Mr. Witness: In the course of your duties at
2 the Ministry of Propaganda, did you ever hear anyone mention the
3 name Hou Youn?

4 A. I worked at the Ministry of Propaganda and, of course, I heard
5 of the name Hou Youn, but I never saw his face. I never knew
6 about his position. I knew of the name Hou Youn, Hu Nim, and
7 Khieu Samphan. I heard of those names even before I arrived in
8 Phnom Penh, and I did not see him, even if I when I was in Phnom
9 Penh. That's all.

10 Q. And when you heard of Mr. Hou Youn, were you told that Mr. Hou
11 Youn was a traitor?

12 A. Whether Hou Youn was announced a traitor, I did not know.
13 There was no announcement as for Hu Nim, but I did not know that
14 whether he was a traitor or the mistakes that he committed -- I
15 simply only learned of his name, but I never saw him or met him.
16 [15.31.56]

17 Q. Did you hear anyone say that some members of the Ministry of
18 Propaganda had committed suicide?

19 A. I could not respond to your question, as I cannot recollect
20 it. At that time, I think, I heard of some news getting back but
21 I am uncertain as I cannot recall it correctly, so I cannot
22 respond to your question, Your Honour. That is the truth. I could
23 have heard about it but I cannot recall it properly.
24 So, for that reason, I decline to respond to your question due to
25 my poor recollection of the event.

1 JUDGE LAVERGNE:

2 Thank you, Witness. I have no further questions for you.

3 MR. PRESIDENT:

4 Thank you.

5 The Chamber would like to give the floor to Nuon Chea's defence
6 team to put questions to this witness. You may proceed.

7 [15.33.50]

8 QUESTIONING BY MR. SON ARUN:

9 Good afternoon, Mr. President, Your Honours. Good afternoon, Mr.
10 Khiev En. My name is Son Arun. I am a defence counsel for Nuon
11 Chea. I have a few questions for you.

12 Q. Referring to document E3/438 -- that is the written record of
13 interview you made with the investigators of the OCIJ, the
14 question was in regards to the congress that you did not
15 participate and whether any important leaders participated,
16 including Khieu Samphan or Nuon Chea?

17 MR. KHIEV EN:

18 A. For main congress, I could not speak for certainty regarding
19 whether many leaders participated as I, personally, never
20 attended those major congress.

21 [15.35.29]

22 However, at my ministry, even sometimes for a major meeting or
23 congress, I did not participate. At that time, I was an ordinary
24 person, so I had to stay close to my work during major congress
25 or meeting. Only those who were Party members or members of the

1 Youth League would attend those congress or meetings. I rarely
2 attended such a meeting.

3 Q. Thank you.

4 My next question: During the time that Hu Nim was working there,
5 you said you did not know his status within the Party and a
6 meeting was led by Hu Nim, and after Hu Nim's arrest Yun Yat took
7 over and, later on, Nuon Chea took over Yun Yat.

8 My question is the following. You said that Nuon Chea replaced
9 Yun Yat. The word "replaced" as you said, does it mean he
10 replaced Yun Yat within the capacity of controlling the ministry
11 because Yun Yat herself was the minister and Nuon Chea came to
12 replace her? So did he come to replace her as a minister of that
13 ministry -- that is, the ministry of propaganda - or, what
14 position was he held when he replaced Yun Yat?

15 [15.38.03]

16 A. My knowledge regarding the replacement was simply that when Hu
17 Nim was removed, Yun Yat came to replace him and she came every
18 day, morning and afternoon. And during the meetings, people were
19 called to attend the meetings with those from the Education
20 Section. And later on, Yun Yat was not seen to come to work, and
21 then there was Nuon Chea. So, it means Nuon Chea came to replace
22 her, but I did not know for sure in what capacity; only after the
23 disappearance of one, another one came to replace. And I could
24 not say for sure regarding the upper arrangement for the
25 replacement.

1 So, there were these three stages; Hu Nim, Yun Yat, and Nuon
2 Chea. But by that time, under the management of Yun Yat, the two
3 ministries were combined into one, and after Yun Yat stopped, I
4 saw Nuon Chea.

5 And this is my response to clarify your question.

6 [15.39.49]

7 Q. Thank you. While Hu Nim was still there -- and later on he was
8 removed -- was the management remained the same? I mean, he came
9 to work day -- morning and afternoon? And when Nuon Chea came to
10 work in place of Yun Yat, did he come to work regularly or he
11 only came briefly and returned?

12 A. When I think back, the work activities did not change. I did
13 not know how busy they were at the upper level. For instance, he
14 could come one day to look briefly and left, or next day he would
15 come again. So I could not tell you regarding his detailed work
16 activities.

17 [15.41.19]

18 As I said earlier, I only noticed the change in the food ration.
19 So the work and the living condition did not change much. That is
20 all.

21 Q. "After Hu Nim was arrested and those attended the training
22 with me were subsequently arrested."

23 The words that you used -- the arrest of Hu Nim and those who
24 attended the training with you -- what do you refer to or meant
25 by the word "arrest"?

1 In the legal meaning of the word "arrest", it means the person
2 would be handcuffed or tied or he would be -- that person would
3 be taken away with an arm. Did you see with your own eyes how Hu
4 Nim was arrested?

5 A. I did not witness the arrest of Hu Nim. However, he was taken
6 away and, after several days of his disappearance, people
7 wondered where he was.

8 So, actually, the word "arrest" was used before that time. Some
9 people would use the word "be removed for re-education". Of
10 course, when they came to arrest someone they would not say they
11 come to arrest that person, they do not use the word "arrest",
12 but it means that person will be sent for re-education.

13 [15.43.46]

14 And you can refer to the legal meaning of the word, but in
15 practice they never used the word "arrest". But, of course, it
16 means that when people was removed from one place to another,
17 during that regime, it refers to that person being arrested, but
18 I could not tell you whether, during that process, the person
19 would be tied or not. But whatever definitions you give to the
20 word "arrest", that is for your own discretion, because sometimes
21 people were sent for re-education and they were taken away, and
22 they never used the word "arrest" in that sense. And later on,
23 after the disappearance, people would speak to one another that
24 that person was arrested or had been arrested. And that's my
25 understanding of the word "arrest". But maybe you need the exact

1 word "arrest" in the judgement of something, which is beyond my
2 capacity.

3 Q. Thank you.

4 [15.45.14]

5 My next question is the following. You stated before the OCIJ
6 that Hu Nim's confession was shown that he was linked to the CIA
7 and that you, yourself, saw -- the question is whether you,
8 yourself, saw the confession of Hu Nim when you spoke before the
9 investigator of the OCIJ regarding that confession?

10 Recently, you said: During the training with Yun Yat, Yun Yat
11 made an announcement regarding the background of Hu Nim.

12 So my question, once again, is: Did you see the confession of Hu
13 Nim?

14 A. Let me clarify the question again. I believe I already
15 responded to this question.

16 I did not see the confession in writing or -- nor I ever held
17 that confession but, yes, there was an announcement about the
18 confession of Hu Nim, but not the actual confession. I never held
19 his confession in my hand.

20 [15.47.30]

21 Q. You were asked during that interview and you responded that
22 there was a conflict between the East and the Southwest people
23 and you also said that you did not know who arrested whom, but
24 usually the people from the East were not spared and they would
25 be replaced by the Southwest.

1 Can you tell the Chamber why that was the case? And if you know
2 clearly regarding the -- such a replacement, was the order coming
3 from what level or whether the two zones agreed for the
4 replacement?

5 A. I already stated that in that written record of interview. I
6 could not know about the arrangement at the upper level, but for
7 the actual situation on the ground, as I observed, when I
8 participated in the first technical training, many of the
9 participants were from the East.

10 [15.49.10]

11 I did not know what happened later on at the upper level or what
12 kind of decision was made, but after Hu Nim was removed; those
13 who attended the technical training with me were also removed.
14 And some of the existing forces even before me, they also had
15 been removed.

16 And when Yun Yat took over, the people who were sent to me for
17 training were from the Southwest. They were all from the
18 Southwest, so I thought that when the East were gone, then the
19 Southwest came, but I could not tell you for sure what kind of
20 decision was made at the upper level. I only told you of what
21 happened.

22 Q. Thank you. Since your testimony this morning you said the
23 three-stage replacement from Hu Nim to Yun Yat and to Nuon Chea
24 that, Nuon Chea took over in late 1978 until the arrival of the
25 Vietnamese.

1 [15.51.04]

2 My question is the following: Before Nuon Chea replaced Yun Yat,
3 did you know what position he held?

4 A. Before Nuon Chea took over at the ministry, I knew that Nuon
5 Chea was a person after Pol Pot. Of course, I did not see any
6 document but I learn it through friends who were Party members or
7 members of Youth League; they spoke about that. But I did not
8 learn it through any of the training.

9 And I also learned of a fact that he was a member of the Standing
10 Committee but, once again, I did not learn that through a study
11 session but I listen on the radio and I learned that information.

12 Q. Thank you. Besides knowing that he was a member of the
13 Standing Committee, did you know he held any other position?

14 [15.52.40]

15 A. As far as I knew -- although I was uncertain -- is that he
16 represented the National Assembly. That's all I knew in addition
17 to his role as a member of the Standing Committee.

18 At that time, I myself did not know how the National Assembly was
19 -- functioned. I did not know about the role of the government at
20 the time.

21 Q. Thank you.

22 You worked as a civil servant and you are literate. Can you tell
23 us within the -- how did you call -- structure of Democratic
24 Kampuchea? Can you shed light on that structure; whether there
25 was a party and then there was a government?

1 [15.54.02]

2 A. I did not know that in details, but what I knew was there was
3 inside and outside the Party rank. The popular masses had to
4 follow the instructions prepared internally by the Party. That's
5 all I knew, but I did not know more than that, because at that
6 time sometimes meetings were held amongst the members of the
7 Youth League and as I was not a member I was not allowed to
8 attend. And that also applies to the Party's members' meeting and
9 I was not a member of the Party so I was not allowed to attend
10 such a meeting.

11 So, I belong to the masses group, and the people in the masses
12 did not play any major role. Only the Party's members and the
13 members of the Youth League would be assigned responsibility or
14 leading role. And that is all.

15 Q. Thank you.

16 You provided your responses to the Office of the Co-Investigating
17 Judges, and this morning through the Prosecution and to the civil
18 party lawyers that Nuon Chea replaced Yun Yat at the Ministry of
19 Education and Information. And you said that Nuon Chea was the
20 Minister of Propaganda, Information and Education.

21 [15.56.35]

22 How did you learn that? Did you hear through other people and you
23 just repeated it?

24 A. I could not really understand your question because I already
25 informed you that Nuon Chea replaced Yun Yat at the Ministry of

1 Propaganda and Information and Yun Yat was the Minister of
2 Education. But after Hu Nim was replaced by Yun Yat, the two
3 ministries combined into the Ministry of Education and
4 Information, and later on Nuon Chea replaced Yun Yat. So I do not
5 quite understand your question.

6 Q. The point I would like to ask is that, as a Minister of
7 Propaganda and Information, it was Hu Nim and later on Yun Yat
8 combined this information with the Ministry of Information --
9 Education, rather, so it means when Nuon Chea came to replace Yun
10 Yat, Nuon Chea took charge, or took over these two ministries as
11 did by Yun Yat?

12 [15.58.18]

13 Does it mean that Nuon Chea was the Minister of Education,
14 Propaganda and Information? Was there such a title or position in
15 the official document or did you hear it through other people
16 that Nuon Chea was the minister of that information -- of that
17 ministry?

18 A. Nuon Chea came to replace Yun Yat and Yun Yat returned to her
19 ministry. I did not see any official document as -- of stating
20 Nuon Chea was the minister, but that ministry was the Ministry of
21 Propaganda and Information.

22 So, we saw Nuon Chea came to replace Yun Yat but there was no
23 official document for the replacement or the takeover of that
24 position. So, as the information was known as -- as the ministry
25 was known as Ministry of Propaganda and Information, we simply

1 refer it to that.

2 [15.59.54]

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 Counsel, do you have more questions?

6 The time is appropriate for an adjournment. We will resume this
7 questioning session tomorrow.

8 MR. SON ARUN:

9 Thank you, Mr. President. Thank you, Witness. I'll put more
10 questions to you tomorrow.

11 MR. PRESIDENT:

12 I would like to give the floor to Judge Cartwright so that she
13 can pass on some information to the parties. You may proceed.

14 [16.00.45]

15 JUDGE CARTWRIGHT:

16 Yes. Thank you, President.

17 The President has asked me to give an indication to the parties
18 concerning our wish to hear oral argument on a particular matter.

19 I am doing this because the communications have only recently
20 arrived in Khmer and the President has not had a chance to
21 consider them.

22 The current situation is that Ieng Sary is unwell and remains
23 hospitalized. The Trial Chamber is currently taking steps to
24 obtain expert medical opinion concerning his diagnosis and
25 prognosis; that is what the likely time period is going to be to

1 enable him to recover.

2 The Trial Chamber is very grateful to the Ieng Sary team's
3 willingness to waive his right to participate while certain
4 witnesses give evidence, but there is an immediate matter which
5 highlights the longer-term issue that we cannot keep going just
6 having some witnesses and not others. That would not be a very
7 logical and useful way to proceed.

8 [16.02.12]

9 And this has arisen in relation to Witness 428, whom the Ieng
10 Sary team initially indicated a willingness to waive the
11 Accused's right to participate. The defence team has now
12 indicated that it wishes to revoke that waiver and this, as I
13 said, emphasizes the longer-term issue of how we are going to
14 proceed from this point on.

15 Obviously, it is the Trial Chamber's ultimate decision as to
16 which witnesses we hear and in what order, but we will value the
17 submissions of the parties concerning the more fundamental issue,
18 and that is what steps we should now take to proceed with the
19 trial.

20 Now, I'm not going to put out any suggestions, any of the matters
21 that the Trial Chamber have been discussing already, because we
22 wish to have an open discussion on this matter.

23 And I do note that very recently the Ieng Sary team has made a
24 formal filing supported by the Khieu Samphan team. So, obviously,
25 all parties are beginning to think through how we are going to

1 proceed in the future.

2 [15.04.00]

3 Therefore, the Trial Chamber has decided to hear oral argument in
4 public on the various matters that Ieng Sary's illness bring to
5 the fore and this will be scheduled after the completion of the
6 hearing of the evidence in relation to this witness and, subject
7 to the President's agreement, probably preferably before the next
8 paragraphs from the Closing Order are read that are relevant to
9 this trial segment - or, rather, to Trial 002/001.

10 Now, the scheduling -- the precise time that that argument might
11 begin -- is a little unclear at the moment. It will begin as soon
12 as the parties are ready after the conclusion of the evidence of
13 this particular witness.

14 [16.05.09]

15 President, I hope I've covered in general what you wished me to
16 say.

17 MR. PRESIDENT:

18 Yes, that is clear enough, Judge.

19 The time is now appropriate for the adjournment for the day. We
20 will adjourn now, and the Chamber will resume tomorrow, on
21 Tuesday, starting from 9 o'clock in the morning.

22 The Chamber will continue to hear the witness before us, and we
23 will begin by the question by the defence team for Mr. Nuon Chea.
24 Mr. Khiev En, your testimony has not yet come to an end. The
25 Chamber invites you to come to testify again tomorrow morning.

1 The court officer is instructed to facilitate the transport and
2 accommodation for the witness and have him back to this courtroom
3 before 9 o'clock in the morning.

4 Security guards are instructed to bring the co-accused Mr. Khieu
5 Samphan and Mr. Nuon Chea back to the detention facilities and
6 have them back to this courtroom tomorrow morning, before 9
7 o'clock.

8 The Court is now adjourned.

9 (Court adjourns at 1606H)

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