



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

2 October 2012

Trial Day 113

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

The Accused: NUON Chea
KHIEU Samphan

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MR. KHIEV EN (TCW-320)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KHIEV EN (TCW-320)	Khmer
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MS. SIMONNEAU-FORT	French
MR. SMITH	English
MR. SON ARUN	Khmer

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

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

8 [09.02.48]

9 THE GREFFIER:

10 Mr. President, all parties in this case are present, except the
11 accused Ieng Sary, who is absent due to his health reasons. He
12 requests to waive his direct presence in the hearing of the
13 witness TCW-320 and TCW-428.

14 TCW-428, who's going to be testifying after the conclusion of the
15 witness Khiev En, is waiting to be called. The witness confirms,
16 to his knowledge, he has no relation, by blood or by law, to any
17 of the three accused, namely Nuon Chea, Ieng Sary, and Khieu
18 Samphan, or any of the civil parties recognized in this case. The
19 witness will be sworn before the Chamber.

20 [09.03.49]

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber will now give the floor to Nuon Chea's defence to
24 continue putting questions to the witness. You may proceed.

25 QUESTIONING BY MR. SON ARUN RESUMES:

2

1 Good morning, Mr. President, Your Honours. Good morning, Mr.
2 Witness. As I stated yesterday, I'm the national counsel for Nuon
3 Chea, and I only have a few more questions for you.

4 Q. In document E3/438, the Co-Investigating Judges asked you the
5 question that whether you knew of Nuon Chea's participation in
6 the writing of the "Revolutionary Flag" magazine or "Youth Flag"
7 magazine, and at that time you replied that you did not know
8 whether Nuon Chea involved in the writing of the two magazines.
9 But you received these two magazines on a monthly basis.

10 My question is the following: Did you frequently read the
11 "Revolutionary Flag" magazine?

12 [09.05.39]

13 MR. KHIEV EN:

14 A. Good morning, Mr. President. Allow me to respond to the
15 question put to me by the counsel.

16 Regarding the "Flag" magazine, I did not read it frequently
17 during the regime; I read it two or three times, and I did not
18 fully grasp the content in the magazine. As I stated earlier, I
19 mainly focused on the technical aspect of my work, so I did not
20 have much time to read the magazine. And the "Flag" magazine,
21 after it was distributed to my section, I read it a little bit,
22 but not much; I did not put my attention to the reading -- or the
23 content of the magazine, and I never finished reading one
24 complete "Flag" magazine.

25 So, in summary, I mainly focused on the technical aspect of my

3

1 work and I did not pay attention much to other aspects that --
2 not assigned to me.

3 [09.07.18]

4 Q. Thank you. My next question is the following. You did not read
5 much of the magazine and you cannot recollect the content of the
6 two magazines, but the question is: Can you recall the general
7 format of the magazine? Was it in a book-type magazine or was it
8 a newspaper type? What was the cover like? And what was the
9 colour of the cover page? Or was there any sketch or drawing on
10 the cover page of the magazine?

11 A. I can recall that there was a symbol of flag on the cover
12 page, but I could not recall the colour of the flag. As I stated
13 earlier, I did not pay much attention to the magazine; I only
14 focused on my work. I could only recall the symbol of the flag,
15 but I cannot recall how many flags, actually, were on the cover
16 page.

17 Q. So you cannot recall the cover page clearly. What about the
18 writing in the magazine? Was it handwriting or was it typed?

19 A. I am not really clear on this point, but I think it was typed
20 and it was not handwritten, because at that time they have the
21 typewriter. And that's all.

22 [09.10.08]

23 Q. Thank you. So, you are not really sure whether it was typed or
24 written - or probably it was likely that it was typed. Can you
25 clearly confirm or verify this point?

4

1 A. What I mean is that it was likely that it was typed because at
2 that time I also repaired the typewriters -- and those people who
3 worked in my section, they used the typewriter to type documents.
4 Although I cannot recall clearly whether it was typed, but it was
5 likely that it was typed and then it would be roller printed. And
6 that's based on what I thought of the experience at the time.

7 Q. Thank you.

8 Now I move to another page of your written record of interview -
9 that is, document E3/438. You were asked whether they have a
10 definition of the words "the bad element", and you replied that
11 you did not know, but when Nuon Chea arrived, there was
12 instruction to stop talking about the "17 April People" and stop
13 talking about the "New" and the "Old People" and that you did not
14 know what "bad elements" meant, but people kept disappearing
15 successively, and as far as you understand, if someone was a
16 member of the Party or member of the Youth League, from a
17 network, and if people from that network were arrested, that
18 person would also be arrested. And you also said you were from
19 the West but you worked with the East people, and those East
20 people were removed, as they were mainly members of the Party or
21 members of the Youth League.

22 [09.13.11]

23 And you were asked another question, that - until when that
24 policy was implemented, and you responded that the policy
25 continued although Nuon Chea did not want you to talk about the

5

1 separation between the New and the Old People and that the
2 disappearance of people still continued. And as you could
3 understand, the Southwest Zone people were considered as good,
4 and the people from the East and the West were purged. They would
5 be - they were replaced by the Southwest people.

6 My question is the following: The words "the Southwest Zone
7 people were considered good revolutionaries, and when the people
8 from the East and the West were purged, they were replaced by the
9 Southwest people", based on what criteria that you considered the
10 Southwest people were good revolutionaries?

11 A. Yesterday, I replied to part of this question. Allow me to
12 supplement it.

13 Regarding the removal of the people from my workplace - that is,
14 those from the East -- and those who replaced them - I mean those
15 - the Southwest people and why they were considered good
16 revolutionaries.

17 [09.15.31]

18 During the time that I was living there, I was not the one who
19 could walk freely and knew about all these things. I heard about
20 that from other people who could freely go around. They told me
21 the zone secretary had problem, and for that reason the people
22 from the East were removed. And when Yun Yat took over, I only
23 saw those people from the Southwest Zone. That's how I learned
24 about this event, that they said the East Zone people had
25 problems, so they were removed and replaced by the Southwest

6

1 people. I knew while I was working there, although I did not go
2 around and ask people about that. So, when we learned - when I
3 learned that the secretary of the East Zone had problems, the
4 people from the East were also removed.

5 Q. So, upon the removal of the East and the West people, you
6 concluded that the people from the Southwest Zone were good
7 people, good revolutionaries. Why did you make such conclusions?
8 Because, to my understanding, all revolutionaries were good.

9 [09.17.45]

10 A. The word "good" or "bad" was not my own word from myself, but
11 I heard these words from other people, these people who walked
12 around. And while I was in my workplace, I heard from them. And
13 actually I also saw that at my workplace, and for that reason I
14 thought of these terms, the "good" or the "bad", although I,
15 myself, did not go around. And, of course, I could not know why
16 people were removed or what kind of decision was made by the
17 Upper Echelon. I saw the East people were removed and replaced by
18 the Southwest people.

19 Q. Thank you.

20 This is my last question. You said you worked under the
21 supervision of Nuon Chea toward the end of the regime, as two
22 ministers had been gone. How many months did you work under Nuon
23 Chea?

24 A. I cannot clearly recall the exact date. When Yun Yat stopped
25 and Nuon Chea took over, it was in late 1978 and until we fled in

7

1 1979. It could be from mid-1978, because he took over for a short
2 period of time only.

3 [09.20.28]

4 Q. Yesterday, I asked you that -- during the Democratic
5 Kampuchea, there were two groups: one was the Party, and the
6 other was the administration. And you replied that you heard that
7 Nuon Chea was the Head of the Assembly. Is my recollection
8 accurate?

9 A. Maybe I forget, but yesterday I stated he was also involved
10 with the Assembly, but I cannot recall whether I said he was the
11 Head of the Assembly and also said that he was a member of the
12 Standing Committee.

13 Q. For the brief period of time that Nuon Chea took over at the
14 ministry, based on your written record of interview with the
15 OCIJ, that Nuon Chea became a minister in charge of the Ministry
16 of Propaganda and Information. Did not - didn't you wonder that,
17 if he was a member of the Standing Committee and/or the Head of
18 the Assembly, why did he become a minister in charge of that
19 Information Ministry? Because the ministry was a - that ministry
20 was a branch of the government - or under the government's
21 administration.

22 [09.22.40]

23 MR. PRESIDENT:

24 Witness, please wait.

25 The Prosecutor, you may proceed.

1 MR. LYSAK:

2 Mr. President, we would object. This question seems to call for
3 the witness to speculate about the reasons for Nuon Chea's
4 particular positions. We believe this is beyond the – beyond the
5 witness's knowledge.

6 [09.23.15]

7 MR. SON ARUN:

8 The witness does not respond yet, but he did say that he heard
9 that Nuon Chea was a member of the Standing Committee and that he
10 involved with the Assembly, although he could not say whether he
11 was the Head of the Assembly.

12 So my question is: To his knowledge, if Nuon Chea was a member of
13 the Standing Committee and involved or worked at the Assembly,
14 didn't he wonder why Nuon Chea came to take over a ministry which
15 was part of the government? That is my question.

16 MR. PRESIDENT:

17 Counsel, could you rephrase your question? This kind of question
18 is not appropriate.

19 BY MR. SON ARUN:

20 Q. Okay, I'll skip this question and move on.

21 During the time that you worked under the supervision of Nuon
22 Chea for a short period of time, as you stated in your interview
23 with the OCIJ, did you frequently meet with Nuon Chea? Did you
24 really know him in his capacity as your supervisor?

25 MR. KHIEV EN:

1 A. Yesterday, I touched upon this issue regarding my contact with
2 him, but if you want more of my response, allow me to add.
3 I knew Nuon Chea but I was not close to him. And when I said I
4 knew him, it was in the case that sometimes, when I brought the
5 document, I brought it to another person, or sometimes, when that
6 person was not in, I brought the document to Nuon Chea. But I did
7 not have a frequent contact with him. I did not know about his
8 business. I did not work close to him. And in fact I worked with
9 other people close to him. I only met him occasionally, or
10 sometimes I saw him when he chaired a meeting, and I did not know
11 more than that.

12 [09.27.10]

13 Q. Thank you. In your capacity as his subordinate, based on your
14 statement and your interview with the OCIJ, that you knew him
15 indirectly and not close to him, what could you say about his
16 personality, whether he was a cruel person, barbaric, or arrested
17 people, or imprisoned people? Was his word rough, or he was a
18 good person that shall be respected, that he had the spirit of
19 leadership, based on his conscience, or whether he was a good
20 nationalist and shall be respected?

21 A. I was not in a position to judge him; I did not have
22 sufficient knowledge to do so. But based on the practical
23 situation at my workplace -- I could say something about that,
24 but I could not say about his other works outside my observation
25 within my section.

10

1 At that time, he was a firm person. And when it comes to the food
2 rations, he had attention to that. Also, he prohibited people
3 from smoking there. That's based on my recollection. And when it
4 comes to the living condition, he advised people to also get up
5 early and do exercise. So, sometimes he walked around and advised
6 people in engaging in exercise in order to keep good health.
7 That's how I observed.

8 [09.30.28]

9 And I could not say anything else about his other activities
10 outside my observations.

11 MR. SON ARUN:

12 I have no further questions for this witness, Mr. President.

13 And thank you, Mr. Witness.

14 My colleague will have some questions for you.

15 MR. PRESIDENT:

16 Thank you.

17 International Counsel for Nuon Chea, you may proceed.

18 QUESTIONING BY MR. PAUW:

19 Thank you, Mr. President. Good morning to everyone in and around
20 the courtroom, and especially good morning to you, Mr. Khiev En.
21 My name is Jasper Pauw. I am international counsel for Nuon Chea,
22 and I will ask you some further questions based on your earlier
23 statements.

24 I will be speaking slowly for the benefit of the translators, but
25 if you do not understand the question, please do ask for

11

1 clarification.

2 [09.31.53]

3 Q. My first questions relate to the interview that you had with
4 the investigators of the Co-Investigating Judges.

5 When the investigator or the Co-Investigating Judges came to talk
6 to you, did he explain why he wanted to speak to you?

7 MR. KHIEV EN:

8 A. When I was approached by the investigators, they did not
9 compel me to give interview; they advised me to tell them the
10 truth that I can recall. And today I already stated I would only
11 speak about what I can recall; and where I am not sure, I would
12 say so.

13 And before the investigators of the OCIJ, I spoke about the truth
14 that I could recall, and it was not my intention that I would be
15 - that I would be - I would bias this side or that side.

16 So, this is my confirmation that I gave the interview voluntarily
17 and I actually requested them that I wish not to testify before
18 this Court. So, whatever the Court was arranged, that was the
19 matter for the Court, but what I requested to the investigator is
20 that, whatever the ECCC is doing or would be doing, please try to
21 unite all the Khmer people. That's all.

22 [09.34.48]

23 Q. Thank you, Mr. Khiev En. And let me say that I think it's
24 clear from your statements yesterday and today that you are
25 trying not to speculate, and we appreciate that. And I would urge

12

1 you to also not speculate today, when I ask you questions.
2 But the question I asked you was a different one. And I will
3 repeat the question and I hope you can answer it: Did the
4 investigators of the OCIJ explain why they wanted to talk to you?
5 Do you know how the investigators found you? Did they explain why
6 they came to get your testimony?

7 A. I would like to explain further to clarify the issue.

8 In my own capacity, I did not want to play any role. It all
9 depends on the state; whatever they want the country to do, it's
10 all up to them. But in my personal commitment, I simply provided
11 the interview if I was requested. And once I had already provided
12 my testimony, I asked the investigator that I not be summoned to
13 testify in person in Court. That's what I requested to them.
14 And as to how they found me, it was up to people at the Court; I
15 did not know. When they interviewed me, I thought to myself,
16 "Wow, they could have found me somewhere; they knew where I had
17 resided". So, I simply provided them with the testimony during
18 that interview.

19 [09.37.36]

20 Q. Thank you. Mr. Khiev En. That is part of an answer. I would
21 like to follow up on that briefly.

22 You say the investigators of the Court found you. And can you
23 tell us a little bit more about that? Did you receive a phone
24 call? Did somebody come to your village, knock on your door? What
25 happened? How did they find you?

13

1 A. I would like to add to my previous responses.
2 I do not want to reject answering this question, but in response
3 to that question, it seems to me that the – it was like the
4 question was asked some 20 or 30 years ago. And actually nobody
5 knocked on my door, and neither did they force me to answer the
6 questions. And the atmosphere of the interview was acceptable by
7 myself and the investigators. I received the investigators and I
8 voluntarily agreed to provide the interviews, but I only asked
9 them that I did not want to appear in Court to testify in person,
10 at the time. But when they came to interview me, I voluntarily
11 agreed to do so.

12 [09.39.50]

13 Q. Mr. Khiev En, I understand and you have stated several times
14 now that the interview was conducted voluntarily and that you
15 were happy to cooperate, but my question is a different one. My
16 question is: Why did the investigators come to you to give
17 testimony? Do you know this? Did they explain to you why they
18 came to you, Mr. Khiev En, and not, for example, to your
19 neighbour or someone else?

20 MR. PRESIDENT:

21 Witness, please hold on.

22 Members of Prosecution, you may proceed.

23 MR. LYSAK:

24 Yes, Mr. President, we'd object. This question is repetitive.

25 He's asked this several times. Witness has said that he does not

14

1 know why the investigators came. They did - they didn't tell him.

2 He just - they came, and he responded.

3 [09.40.56]

4 So I don't understand the relevance, and I also think this
5 question has been asked several times, and counsel should move
6 on.

7 MR. PAUW:

8 It's simply not true; the witness has not answered that he does
9 not know why the investigators came. It is relevant, and because,
10 perhaps, the investigators told him at the beginning of the
11 interview why they approached him, whether his name had been
12 mentioned in other testimony, whether his name appeared in
13 documents.

14 The reasons for hearing this witness and the reasons for sending
15 out investigators to Pailin to question this witness are
16 relevant, and we simply do not know yet because the witness has
17 not answered yet whether the witness knows why he was questioned
18 or not.

19 MR. PRESIDENT:

20 The objection and the grounds of objection are valid, and thus
21 sustained.

22 Witness is instructed not to respond to this question.

23 [09.42.16]

24 BY MR. PAUW:

25 Q. The interview was conducted in a café; is that a correct

15

1 assumption on my part, Mr. Khiev En?

2 MR. KHIEV EN:

3 A. Yes, that is correct. Actually, it was not a café, but it was
4 in the coffee plantation. It was in one area in Pailin province,
5 and it was somewhere in the "café" plantation. They asked me to
6 conduct the interview in that location.

7 Q. And how did they ask you to conduct the interview in that
8 location? Did they call you or did they come to your house?

9 A. Before conducting the interview at the "café" plantation, they
10 came to my house. They had communicated with me earlier and they
11 wanted the answer from me, and I voluntarily agreed to have this
12 interview in that location. They actually asked me to go to a
13 place where we could eat something and had something to drink,
14 but then the interview took place in a guesthouse. That is my
15 clarification on that point.

16 [09.44.32]

17 Q. Thank you. And when they explained that they wanted to get
18 some information from you, did they mention what type of
19 information they wanted? Did they, for example, mention that it
20 was related to the Khmer Rouge regime?

21 A. The information they expected was relevant to what I had
22 experienced during the three-year period when I resided in Phnom
23 Penh. So, they asked me about what life was like in Phnom Penh
24 when I was in the city. And the questions that they asked were
25 relevant to that period, as well.

16

1 Q. Thank you, Mr. Khiev En.

2 I will move on to a different topic for now. Perhaps one of my
3 colleagues will want to follow up on this issue.

4 And just to be clear, Mr. Khiev En, I'm not suggesting that
5 anything bad happened when you were questioned by the
6 investigators; I'm simply trying to get the picture of the
7 conditions under which you gave your statement.

8 My following question is: Another witness that worked at the
9 Ministry of Propaganda has come and testified before this
10 Chamber, and his name was Mr. Kim Vun, and the alias of Mr. Kim
11 Vun during the regime of the Khmer Rouge was Chhaom; do you know
12 Mr. Kim Vun - perhaps you know his alias, Chhaom?

13 [09.47.08]

14 A. Yes, I do. He is now residing in Pailin province, but he works
15 in a different place.

16 Q. And did you know each other also during the regime of
17 Democratic Kampuchea?

18 A. I think that this question was already asked. Yes, I knew him,
19 and even now I also know him. I knew Chhaom when he was working
20 with Office 33. Actually, he had stayed in that office before I
21 came to join this office. So, I knew him from then.

22 Q. And he now lives in Pailin, Mr. Kim Vun. When is the last time
23 you spoke to Mr. Kim Vun?

24 A. It appears to me that this question is not relevant, but I
25 will endeavour to answer this question.

17

1 When we were in Pailin province, we met each other frequently,
2 but not anymore now. And if you ask me about my communication
3 with him recently, I have never met him. We actually have met
4 once in a while because we were old friends.

5 Q. Have you met Mr. Kim Vun after he appeared here before the
6 ECCC?

7 [09.49.52]

8 A. After I was summoned to testify in this Court, I learned that
9 Chhaom had been summoned earlier on, but I have not met him since
10 then. I actually had known for sure that, once they ask the
11 former staff members of K - of Office 33, then I would be
12 summoned as well one day, but I did not bother to find out what
13 he had been asked by the Court; I simply did not bother to ask
14 him any question relevant to this Court.

15 Q. And how did you find out that Chhaom had been summonsed?

16 [09.51.02]

17 A. Actually, when I was invited, I do not recall it very well.
18 They might have met with the family members of Chhaom, and I
19 learned that news and I thought to myself that I would one day be
20 asked to come to Court, as well. And I never contacted Chhaom,
21 but I only thought that I would one day be asked. That was it.
22 And I did not bother to find out what had happened to him, but I
23 only knew that Chhaom - Chhaom had been summoned to the Court and
24 he had already provided the testimony to the Court.

25 Q. You stated that you have not met Mr. Kim Vun after you were

18

1 summoned to the Court. Have you, perhaps, spoken to him by
2 telephone?

3 A. Chhaom, actually, does not use telephone. He cannot even ride
4 a motorbike. So, he does not hold any telephone at all. And I did
5 not have - I do not have any intention to contact him for
6 whatever reason. So, I never bothered to ask him - or communicate
7 with him at all.

8 MR. PRESIDENT:

9 Counsel, you are advised to move on to a different topic, and we
10 would like you to be mindful of the relevance of your questions.

11 [09.53.25]

12 If your intention is to nullify the record of the interview of
13 the investigators, this matter has already been dealt with by the
14 Closing Order. We do not want to interrupt you, but we have to be
15 sure that the question is relevant to ascertaining the truth.
16 Particularly, the questions shall be relevant to the segment of
17 trial we are conducting.

18 MR. PAUW:

19 It cannot be further from my intentions than to want to nullify
20 any proceedings. I am questioning this witness on contacts that
21 he may have had with a witness that appeared before Your Trial
22 Chamber a little over a month ago. This witness has testified on
23 the same topic, which is the Ministry of Propaganda, they live in
24 the same town, and they know each other, they have dealt with
25 each other frequently, and they even knew each other during the

19

1 regime of Democratic Kampuchea. They have worked together. It has
2 nothing to do with any deficiencies in the proceedings; I am
3 simply trying to establish the credibility of this witness.

4 [09.55.04]

5 So, with your permission, I would move on with this line of
6 questioning.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 But please bear in mind that the witness is now in front of the
10 Chamber. You may ask him questions and if - unless you want to
11 seek the nullification of the investigation, then there is no
12 reason why you are asking that question again and again. I do not
13 see the relevance of your question. And the witness is before us
14 now, and you may ask direct question to the witness, and the
15 witness will respond to you directly if you want to ask for
16 confirmation of his testimony.

17 And we would like you to move on, in the interest of time, and we
18 hope that the testimony he provides will contribute to
19 ascertaining the truth.

20 [09.56.16]

21 MR. PAUW:

22 Mr. President, once again, I do not try to nullify any part of
23 the proceedings; I am trying to test the credibility of this-

24 MR. PRESIDENT:

25 I know that it is not your intention to nullify it, but if you

20

1 ask the question in relation to the procedures in conducting the
2 interview, that is, of course, meant to nullify it. I know the
3 intention, even though you do not expressly mention that, because
4 the question is – your question concerns the procedures in
5 investigations.

6 And now what we would expect from the testimony of this witness
7 is the substantive matters – the matters that will contribute to
8 ascertaining the truth relevant to the Accused before us.

9 You may now move on.

10 MR. PAUW:

11 If it's your position, Mr. President, that I cannot explore the
12 relationship between Mr. Kim Vun and this witness before this
13 witness gave testimony here, I simply cannot proceed and I would
14 like to have a ruling of the entire Trial Chamber on this.

15 [09.57.29]

16 And I would specifically invite the International Judges to give
17 their position on this matter, because it seems there may be a
18 misunderstanding. I am not challenging any part of the
19 proceedings--

20 MR. PRESIDENT:

21 Mr. Prosecutor, you may proceed.

22 MR. LYSAK:

23 If I may just respond to that, counsel has asked this witness
24 several questions on this already. The witness has said multiple
25 times that he had no contact with Kim Vun. I think counsel has

21

1 exhausted this line of questioning. Suggesting that he's been cut
2 off from pursuing this is incorrect. I simply think that he's had
3 an opportunity; I don't see any basis to continue harassing this
4 witness when he has said on multiple times already that he had no
5 contact with Kim Vun, and I think it's appropriate for counsel to
6 move on to another line of questioning.

7 [09.58.40]

8 MR. PAUW:

9 I beg to disagree; I was just cut off. I would like to proceed
10 with this line of questioning, and I don't see the need for use
11 of words like "harass". I'm not harassing the witness; I'm asking
12 the witness very straightforward questions in a very polite
13 manner.

14 Again, if I cannot test the context that this witness may have
15 had with Kim Vun, both recently and in the past, what's the point
16 of conducting a cross-examination?

17 (Judges deliberate)

18 [09.59.50]

19 MR. PRESIDENT:

20 Judge Cartwright, you may proceed.

21 JUDGE CARTWRIGHT:

22 Although the Chamber deplores a direct request to poll the
23 Judges, in order to be very clear with counsel for Nuon Chea, the
24 entire Trial Chamber agrees with the President's ruling, has
25 deliberated on it amongst ourselves, and can see no relevance in

1 continuing this line of questioning.

2 Therefore, as the President has asked, could you please move on
3 to topics that are substantive? Thank you.

4 BY MR. PAUW:

5 Q. Mr. Khiev En, you have stated that you knew Mr. Kim Vun even
6 during the Democratic Kampuchea regime. Could you tell us what
7 his role was at the Ministry of Propaganda?

8 MR. KHIEV EN:

9 A. I only knew him by the name of Chhaom. In K-33, he was working
10 with me, but he worked separately from me. I knew that he wrote
11 articles but I did not know the contents of the articles that he
12 wrote. But surely he was at Office K-33 during Democratic
13 Kampuchea regime.

14 [10.01.57]

15 And when we left Phnom Penh and until this day, I met him in
16 Pailin, so I knew that he is alive, but he actually worked at
17 that office before I arrived. Because when I arrived, he was
18 already working there.

19 Q. So, after the Democratic Kampuchea regime, you said you met
20 with Mr. Kim Vun frequently. Did you talk about your time
21 together at the Ministry of Propaganda?

22 A. After we left Phnom Penh and until the reintegration with the
23 government, I focused only on the living condition of my family,
24 and he, himself, likewise focused on his family living, and we
25 did not discuss or talk about the past - let bygone be bygone. We

1 only focused on the present situation, not the past.

2 Q. I understand that you focused only on the wellbeing of your
3 family; you also stated that you met Mr. Kim Vun frequently: were
4 those social gatherings? Did you meet for dinner, for drinks, at
5 weddings? What sort of occasions were those?

6 [10.04.15]

7 MR. PRESIDENT:

8 Witness, wait.

9 The Prosecution, you may proceed.

10 MR. LYSAK:

11 Again, we'd object on grounds of relevance. There's simply no
12 reason for Mr. Pauw to be asking about weddings and social
13 gatherings.

14 I think this - he should return to questions about the Democratic
15 Kampuchea period.

16 MR. PAUW:

17 Mr. President, again, since 1979 -- that is a 33-year time period
18 -- these two individuals had met each other frequently. They both
19 worked at the same office. The Defence is simply dubious as to
20 whether these two individuals had indeed never discussed the time
21 at the Ministry of Propaganda.

22 This goes directly to the credibility of the witness and to the
23 probative value of his testimony. If they have discussed the
24 events during the '75-'79 period, that is relevant for you to
25 know; it goes to the probative value of this testimony.

24

1 [10.05.28]

2 So, the Defence, again, should be allowed to explore this issue.

3 MR. PRESIDENT:

4 The objection and its ground is valid.

5 The Chamber already ruled on this line of questioning and that

6 you should focus on the substantive nature of the charges against

7 the Accused, but you are still insisting on this line of

8 questioning, which is against the ruling by the Chamber. And, of

9 course, the ruling is supported by Judges of the Bench. And the

10 International Judge already responded to you, but you still keep

11 insisting on this line of questioning.

12 Witness, you are instructed not to respond to the last question.

13 MR. PAUW:

14 I note your ruling, Mr. President, and I will move on to the next

15 question. I understand that I'm not allowed to explore this issue

16 further.

17 [10.07.15]

18 MR. PRESIDENT:

19 You will not be allowed to continue this line of questioning and

20 you do not need to repeat the ruling again.

21 BY MR. PAUW:

22 Q. Mr. Khiev En, you have stated yesterday that the Americans

23 withdrew their air force in 1973. Did you ever see American

24 planes over Cambodia in the period - in 1973 and before that?

25 MR. KHIEV EN:

25

1 A. Regarding whether I saw Americans flying the planes, I did not
2 see that, but I knew the planes were made in America and it flew
3 above the Cambodian territory. And, as I said earlier, my village
4 was burned down due to that bombardment. This is my brief
5 response to your question.

6 [10.08.45]

7 Q. So, it was the American planes that bombed your village; is
8 that correct understanding of your answer?

9 A. Whether my statement is correct or not, it is for you to
10 decide, but I responded to your question based on my knowledge,
11 and based on what I saw, and also based on my current
12 recollection of the event.

13 Q. I apologize, Mr. Khiev En; I did not mean to sound that I do
14 not believe your answer. I have no reason not to believe your
15 answer.

16 Can you tell me what the result was of the American bombardment
17 of your village? Was it slightly damaged? Was it totally
18 destroyed?

19 A. Let me say, when there was a war, one side would want to smash
20 the other side, or to destroy the other side. And in my village,
21 500 to 600 houses were destroyed. There were -- only about 100
22 houses remained. My village was a kind of a concentrated village
23 where houses were close to one another. So, when one house was
24 burned, other houses nearby would also be burned.

25 [10.11.10]

1 Q. And did people die in that bombardment or had they been
2 evacuated on time?

3 A. I cannot recall whether people died, but I knew if there were
4 dead there could be only a few because, during the night-time,
5 soldiers stationed in the barrack and the revolutionary forces
6 forced people to move out.

7 So, the impact of the bombardment or the fight was not that great
8 when it comes to the dead, but once again, I cannot put a finger
9 -- a figure into the number of the dead, but materially, a lot of
10 houses were destroyed. Only at the furthest end of the village
11 warehouses were -- remained.

12 Q. Thank you for that answer.

13 I would like to move on to the next topic, which is your work at
14 the Ministry of Propaganda. You have stated yesterday that you
15 did not understand the contents of the printouts that you and
16 your section produced. Can you explain to us why you did not
17 understand the contents?

18 [10.13.30]

19 A. The news or information that we intercepted was not in Khmer;
20 it was either in French or English, and I could not read English,
21 I only knew the Khmer language, so I could not understand the
22 content of the news.

23 But through the process of working, I could recognize that one
24 character is missing from a word or something -- that is, through
25 my observation of the words -- for example whether that word

1 should has - should have an "s" at the end. So, I worked on those
2 documents although I could not understand the content of the
3 information or the news, and I stated that as well before the
4 OCIJ investigators. And I only could remember one word or this
5 word or that word and whether the spelling is correct or not, but
6 not the meaning of it.

7 Q. And you also stated yesterday that you occasionally gave
8 documents to Nuon Chea. Were those the same printouts in French
9 and English that you just mentioned?

10 A. That was the limit of my work, so I did not have other
11 documents to give it to him. So we received the document,
12 including the news, and we intercepted the news, and then we
13 forwarded those news further. And my main focus is technically
14 involved in the intercepting of the news, and that was all.

15 [10.16.14]

16 Q. Thank you. That is clear.

17 Yesterday, you have stated several times that you focused on your
18 own activities and your own work, and you stated that you minded
19 your own business and that you did not put your nose into other
20 people's business. Is that a correct reflection of what you told
21 us yesterday?

22 A. It is correct, those are my words. At that time, we only did
23 what we were assigned to do, and it would be bad if we put our
24 nose in other people's work, so we tried to avoid that and focus
25 on our assigned work.

1 Q. You state that – sorry; let me rephrase that. You just said
2 that it would be bad to put your nose in other people's work. Did
3 you put your nose in the work of the leaders of the Ministry of
4 Propaganda?

5 [10.18.15]

6 A. I never paid attention to other people's work; I only worried
7 about my work and that I could work effectively and let other
8 people mind their own business. So, the good thing for me at that
9 time was to complete the task that I was assigned to, and that
10 was it. But of course it would be troublesome if I wanted to get
11 into other people's work.

12 Q. And did you, for example, put your nose in the work of Hu Nim
13 or Yun Yat? Did you know what they were doing on a day-to-day
14 basis?

15 A. I did not even think of what kind of work he (sic) was doing.
16 As I repeat again and again, that -- I was busy doing my work; I
17 did not pay attention to the work of those superiors, I did not
18 even speak to any of them. So, I keep repeating myself that I
19 focused only on my work; I did not even think of wanting to know
20 about the affairs of those leaders.

21 Q. Thank you for that answer. And I understand your answer.

22 [10.21.05]

23 Yesterday, you stated that you did not know about the nature of
24 the work of Nuon Chea. Is that because you did not want to stick
25 your nose in other people's business, or was there another

1 reason?

2 A. Let's say I am a piece of machine then and that I could
3 function as somebody switch it on. So I only concentrated on my
4 work, I did not have a subset of mind, thinking about other
5 people's work. And when people from my section were removed,
6 there was only I remained, and so I had to do all those work as
7 well. So my full concentration was on my work, and I did not have
8 time to think about other people's work, except at the time when
9 I concluded my work, I left, then I heard other people talking
10 about this and that, but I personally did not want to know or to
11 understand about the work of other people.

12 Q. I hear that you say that when you left you heard other people
13 talk about these things. Do you mean when you left the Ministry
14 of Propaganda, after 1979?

15 [10.23.48]

16 A. I don't quite understand your question. What are you trying to
17 refer to, that I left work after 1979?

18 Q. I apologize if my question is not clear. You just answered --
19 or at least that is what the English translation provided -- that
20 when you left you heard people talking about this, and I assume
21 you heard people talking about the work at the Ministry of
22 Propaganda. But perhaps you can clarify for us. Did you just say
23 "when I left"? And if so, what did you mean by that?

24 A. My previous response and your question is kind of not
25 consistent. You talk about when I left my work and whether I

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1 heard people talking about things. What do you want me to respond
2 to your question, Counsel? I still simply cannot understand your
3 question and I cannot respond.

4 MR. PRESIDENT:

5 Counsel, could you refresh your question and make it precise so
6 that the witness can respond appropriately?

7 BY MR. PAUW:

8 Thank you, Mr. President. I will leave this point rest for now --
9 I think it's a communication problem -- and perhaps I will return
10 to it after the break.

11 [10.26.22]

12 Mr. Khiev En, yesterday you were asked by the prosecutor the
13 following question -- and I quote from the transcript, it's on
14 page 35 of the English draft transcript: "Did you know, besides
15 the role -- his role as a member of the Standing Committee, did
16 he have any role at the Ministry of Propaganda?" That was the
17 question by the Prosecutor, and he was referring to Nuon Chea.
18 Your answer was -- and I quote: "I did not grasp his position
19 when he came or in what capacity or that he was in charge of the
20 ministry at all, but in the morning, every morning he arrived,
21 but I did not know whether he was in charge of the whole
22 ministry. I did not learn of that information at the time."
23 Could you explain, Mr. Khiev En, why you did not know whether he
24 was in charge of the whole ministry?

25 [10.28.11]

1 MR. KHIEV EN:

2 A. I said that I did not know because no meeting was held where I
3 attended and spoke about Nuon Chea taking charge or replacing Yun
4 Yat -- or in charge of the ministry. There was no such meeting.
5 But based on the actual activities after Yun Yat removed, in the
6 morning he came and he went to his work place, and I came to my
7 work place and worked as usual. And as I stated sometimes I saw
8 him, sometimes I did not. And I did not know when he left because
9 I did not know whether he moved around within the ministry or he
10 stayed on the upper floor. But I saw he came to work, and that
11 was after Yun Yat was removed. But I did not know whether there
12 was any official document or any official announcement that Nuon
13 Chea came to take charge, but I only could say about his
14 activities back then.

15 Q. And following up on that answer, yesterday you stated the
16 following: "...he could come one day to look briefly and left, or
17 the next day he would come again." And that's on page 85 of the
18 English transcript.

19 [10.30.30]

20 Is - let me rephrase the question. Would you say that Nuon Chea
21 had an irregular pattern as far as work was concerned? Would he
22 come in briefly one day and longer the next day, and perhaps not
23 at all the day after that? Could you tell us a little bit more
24 about that?

25 A. Yesterday, I responded to a similar question and I would like

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1 to add to the testimony I provided earlier.

2 The personality trait of the leader -- and it is not confined to
3 only Nuon Chea, but they normally monitor the work place. They
4 would go and see people working, and he simply pop up once in a
5 while. That was the general task performed by the leaders. And as
6 I said, he pop up in the work place, and sometimes he ask or
7 encouraged people to do exercise, and sometimes they go and -- to
8 the kitchen and see whether or not they food to eat or so. So, at
9 the time, that's what I saw -- his visit.

10 [10.32.28]

11 But in terms of the length of his visits, I could not comment on
12 that. But normally the leaders would go and see how people
13 performed their work on a day -- that's what I saw at the time.

14 MR. PRESIDENT:

15 Thank you.

16 The time is now appropriate for adjournment. The Chamber will
17 adjourn for 20 minutes. We will resume at 10 to 11.00.

18 Court officer is instructed to facilitate the rest of the witness
19 and have him back to this courtroom by 10 to 11.00.

20 The Court is now adjourned.

21 (Court recess from 1033H to 1053H)

22 MR. PRESIDENT:

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

24 The floor is once again given to Nuon Chea's defence to put
25 further questions to this witness. You may proceed.

1 BY MR. PAUW:

2 Thank you, Mr. President.

3 Q. Mr. Khiev En, before the break you stated that there had been
4 no meeting where it was announced that Nuon Chea was in charge of
5 the Ministry of Propaganda. Is it a correct summary of your words
6 to say that you concluded, based on Nuon Chea's activities at the
7 Ministry of Propaganda, that he was in charge of the Ministry of
8 Propaganda?

9 [10.55.08]

10 MR. KHIEV EN:

11 A. I already stated that already, but let me add to it.

12 Based on his actual work there and, I as a staff member there, I
13 observed it. Previously, there was Hu Nim, and then he was
14 replaced by Yun Yat, and after Yun Yat left, Nuon Chea took over.
15 So, whatever happened at the Upper Level regarding the
16 appointment or the reshuffling, I did not have that knowledge,
17 but I saw him coming to work there, and he was above the people
18 -- the staff there, so he was in charge. It is in that sense that
19 I previously stated. And there was no meeting announcing him
20 taking over -- no such meeting. He came after Yun Yat.

21 So, I repeat again: After Yun Yat left, Nuon Chea came, and I did
22 not know about the arrangement at the Upper Level. And, based on
23 that fact, I made a conclusion.

24 Q. Thank you for that answer.

25 You were asked by the investigators of the OCIJ whether you ever

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1 attended a meeting conducted by Nuon Chea, and your answer was:
2 "I think if the meeting was ever conducted, there might be very
3 few small meetings."

4 And this is a quote from document E3/438; English ERN 00375874,
5 Khmer ERN is 00373434.

6 [10.58.16]

7 Yesterday, you were asked a related question. You were asked
8 whether you ever attended a meeting that was chaired by Nuon
9 Chea, and your answer was, again: If I did, there would be very
10 few - very few meetings, nothing major. Perhaps it was to
11 reiterate previous instructions, for example. To be clear, this
12 is not a quote from transcript, but a quote from my own notes.
13 My question to you, Mr. Khiev En: Your answers indicate that you
14 are not sure -- you're not certain whether you ever attended a
15 meeting that was chaired by Nuon Chea; is that correct? Are you
16 not sure whether you ever attended a meeting chaired by Nuon
17 Chea?

18 [10.59.31]

19 A. I was asked that question yesterday and I already responded.
20 And my response today is the same as I said yesterday: I never
21 attended any major meetings; but for smaller meetings, I attended
22 a few. And, as I said, I was a technician and I could not leave
23 my work. And I also had my supervisor. And, of course, the
24 meetings between my supervisor and others was above my knowledge.
25 I only knew and focussed on what I was assigned. And whether my

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1 supervisor had a meeting with him, I could not say - or, if there
2 were, what the meetings were about. I only attended a few smaller
3 meetings, but not the major meetings, and I can't recall the
4 content of the - or the details of the meetings that I attended.
5 So, I would be assigned to do my work by my direct supervisor.
6 That was all, as I stated yesterday.

7 Q. And just to be clear, I understand that you attended only
8 smaller meetings of less importance. Do you remember -- or don't
9 you remember whether Nuon Chea chaired any of those smaller
10 meetings? If you don't remember, that's perfectly fine.

11 [11.01.48]

12 A. I stated earlier, already, that I attended the daily meetings
13 chaired by the head of the department. I can say that I attended
14 a few smaller meetings chaired by him, but I could not recall the
15 content of the meetings. And, for those big meetings, I did not
16 attend.

17 Q. Thank you. That is clear.

18 You have stated that you heard on the radio that Nuon Chea was a
19 member of the Standing Committee. Can you tell us when you heard
20 this on the radio?

21 A. Regarding the date or whether it was in the morning or the
22 afternoon, I could not say. So, I did hear that on the radio, but
23 I cannot tell you the date, as I cannot recall it. I can't recall
24 whether I heard it in the morning or in the afternoon broadcast.

25 Q. I understand that you cannot recall whether it was in the

1 morning or in the evening, and it doesn't need to be that
2 specific, your answer. Can you tell us which year you heard this
3 announcement on the radio?

4 [11.04.20]

5 A. I cannot tell you that, as I can't recall what year I heard
6 about that broadcast on the radio. I think at that time it was an
7 open announcement on the radio, but I simply can't recall the
8 year of the broadcast. It was an open broadcast on the radio.

9 Q. And, if you cannot remember the exact year, can you remember
10 whether it was broadcast soon after you arrived at the Ministry
11 of Propaganda or was it more towards the end, before - more
12 towards 1979, when the Vietnamese came?

13 A. Previously, I did not know him, nor did I hear about that
14 announcement, but -- I cannot say for sure as to when I heard
15 that announcement on the radio, but it was probably towards the
16 end of the regime, before I left Phnom Penh. As I said
17 previously, I only knew Hu Nim, and after his disappearance I saw
18 Yun Yat. And it was kind of new for me when I was transferred to
19 work in Phnom Penh, in that ministry. So, the -- actually, I saw
20 him at the ministry and later on I heard the announcement on the
21 radio. I think I recall that now.

22 Q. And did you know what the Standing Committee was when you
23 heard that Nuon Chea was a member of the Standing Committee?

24 [11.07.54]

25 A. After I head that, I never tried to analyze what the Standing

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1 Committee was. There was no clear guideline or information as to
2 what the Standing Committee was. And as I said earlier, I only
3 knew about my work. And later on I saw him, and so I knew him,
4 and that Nuon Chea was a member of the Standing Committee, and
5 that he was the second person after Pol Pot. But I heard of these
6 words, but I never tried to understand more or try to analyze
7 that Pol Pot was number one, and Nuon Chea was the second one or
8 try to analyze that. No, I did not do that. I simply learned that
9 he was the second person, after Pol Pot.

10 Q. And, just to be clear on that last issue, who were the people
11 that told you that Nuon Chea was the second in command, after Pol
12 Pot?

13 A. I cannot recall the names of those people, but when I finished
14 my shift, I left my work, and then, when I was sitting and
15 chatting with other people, I heard them talking about that. But
16 I did not pay attention to it or tried to analyze it.

17 [11.10.30]

18 Q. Okay, that is clear.

19 We have spoken before about Mr. Kim Vun. Mr. Kim Vun has
20 testified before this Chamber, as I told you before, and he has
21 testified about the Ministry of Propaganda, and he has also
22 testified about the role of Yun Yat. And Mr. Kim Vun explains
23 that there were two ministries: on the one hand the Ministry of
24 Propaganda and Education, and on the other hand the Ministry of
25 Education.

1 Mr. Kim Vun states -- has stated before this Trial Chamber that
2 Yun Yat stayed in charge of both ministries, and she stayed in
3 charge of both ministries until the Vietnamese came -- that means
4 until the 6th of January 1979. According to Kim Vun, Nuon Chea
5 came to the Ministry of Propaganda only when Yun Yat was absent
6 and Nuon Chea would mainly occupy himself with the education
7 program on agriculture.

8 [11.12.14]

9 Kim Vun also testified that Nuon Chea did not work at the
10 Ministry on a permanent basis, and Mr. Kim Vun furthermore
11 testified that there was no other minister than Yun Yat assigned
12 to the Ministry of Propaganda. That is the testimony of Mr. Kim
13 Vun.

14 You know Mr. Kim Vun. You have testified that you have worked
15 with Mr. Kim Vun at the Ministry of Propaganda.

16 My first question to you is the following: Do you know whether
17 the statement by Mr. Kim Vun is true, the statement that Nuon
18 Chea mainly occupied himself with the education program on
19 agriculture? Do you know whether, indeed, Nuon Chea mainly
20 occupied himself with the education program on agriculture?

21 MR. PRESIDENT:

22 Witness, please wait.

23 The Prosecution, you may proceed.

24 [11.13.44]

25 MR. LYSAK:

1 Mr. President, an objection. I think, if counsel is going to ask
2 the witness about specific testimony of Kim Vun, he should be
3 quoting it and providing transcripts.

4 We dispute his characterization of that testimony. My
5 recollection is that Mr. Kim Vun simply provided his information
6 as to what he observed when he saw Nuon Chea. He certainly did
7 not speak to everything that Nuon Chea would have done at the
8 ministry.

9 So I think counsel is mischaracterizing the evidence and that he
10 should -- if he wants to ask about specific testimony, he should
11 be quoting it and providing the references.

12 MR. PAUW:

13 I'm happy to do so, Mr. President. And obviously the testimony of
14 Mr. Kim Vun relates only to what he has witnessed himself. That
15 is what we are to test. But I am more than happy to run through
16 the transcripts of Mr. Kim Vun's testimony. It will just be more
17 time consuming. I think the -- more pointed questions would be
18 more efficient, but I'm in your hands.

19 [11.15.12]

20 MR. PRESIDENT:

21 The observation by the Prosecution is appropriate. If you quote
22 from a transcript, you need to provide the document ID, and the
23 relevant ERN number, and the date, the line or the page number of
24 that transcript so that other parties can also review that quote.

25 BY MR. PAUW:

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1 Thank you, Mr. President. I will then proceed.

2 Q. And, because I just summarized parts of the statements of Mr.
3 Kim Vun, I will now read them out --and bear with me, it will be
4 slightly tedious. But, for the record, I will proceed.

5 Document number E1/113.1, English ERN is 00841885, Khmer ERN is
6 00838789. It is the transcript of Trial Day 101, and the date is
7 the 23rd of August 2012.

8 [11.16.49j]

9 And on that page, a question is asked to Mr. Kim Vun relating to
10 these two ministries that Yun Yat controlled: "Do you remember,
11 Mr. Kim Vun, around which year Yun Yat started to control these
12 two ministries?"

13 Mr. Kim Vun answers: "I do not remember precisely, but she could
14 have been controlling these institutions between 1977 or 1978."

15 Question: "And to your knowledge, Mr. Kim Vun, did Yun Yat stay
16 in charge of these two ministries until the Vietnamese arrived in
17 January 1979?"

18 Mr. Kim Vun answers: "Yes, she did, she stayed in charge until
19 then."

20 It is the first quote supporting what I just said - that,
21 according to Mr. Kim Vun, Yun Yat stayed in charge until January
22 1979.

23 [11.17.57]

24 On page 29 of the same document -- and the English ERN for that
25 is 00841881, Khmer ERN is 00838786 -- question is asked to Mr. --

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1 to the witness, and the question is the following, on line 12:
2 "You said you know that Mr. Nuon Chea was the chairman of the
3 People Representative Assembly. But apart from his being the
4 People's Representative Assembly, did he have any other
5 function?"

6 And Mr. Kim Vun answers:

7 "I already stated that when Ms. Yun Yat was absent, Mr. Nuon Chea
8 was attached to the Propaganda Section on education programs. He
9 was there to disseminate information concerning agriculture, the
10 information he quoted from a thick book by the Chinese expert,
11 and also he instructed people at the Editorial Department in that
12 Propaganda Section."

13 [11.19.04]

14 And then, same document -- 00841888 is the English ERN, Khmer ERN
15 is 00838792 -- a question was asked on line 15: "Mr. Kim Vun, do
16 you stand by that statement today, that the leadership role at
17 the Ministry of Propaganda was not Nuon Chea's task?"

18 "In that--" Sorry; answer by Mr. Kim Vun: "In that, only when Ms.
19 Yun Yat was present that he would come and replace her. And with
20 regard to the agricultural programs, he would be the one who was
21 in charge."

22 And then, in document number E1/112.1 -- English ERN is 00841179,
23 Khmer ERN 00839886 -- that's a repetition of what I just quoted,
24 so that leaves me two more pages, and this would be, again,
25 document E1/112.1, English ERN 00841211, and Khmer ERN 00839911.

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1 And those are questions by Judge Lavergne.

2 And the question is on line 18: "So can you tell us a bit more
3 about what Nuon Chea was doing at the Ministry of Propaganda and
4 Education?"

5 And the answer is:

6 "Actually, Mr. Nuon Chea had a role in the education program. The
7 education program was on agriculture. He brought a thick book by
8 the Chinese experts in which he quoted one page at a time for the
9 education purpose. That's what I learned back then."

10 [11.21.29]

11 And then, moving over to the next page, which is English ERN
12 00841212, and the Khmer ERN is, for that, 00839911/12.

13 And it's again a question by Judge Lavergne, and the question is,
14 in line 8: "Did he replace Ms. Yun Yat or did he simply come to
15 assist her, let's say?"

16 And Mr. Kim Vun states:

17 "His fundamental program was the new education on agriculture,
18 and I have no other knowledge of his involvement in other section
19 in writing, in particular because I had been transferred to the
20 Kampuchea Krom Radio Section, when Mr. Nuon Chea was assigned to
21 the Propaganda Department. He only came most often when Yun Yat
22 was not present."

23 So, that is from the transcript of Kim Vun's testimony.

24 And my question to you today is: Do you know whether that is true
25 -- the statements by Mr. Kim Vun -- that Nuon Chea mainly

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1 occupied himself with the education program on agriculture at the
2 Ministry of Propaganda? Do you know that? Do you have any
3 information on that issue?

4 [11.23.14]

5 MR. PRESIDENT:

6 Witness, please wait.

7 The Prosecution, you may proceed.

8 MR. LYSAK:

9 Mr. President, we'd have no objection if counsel rephrases his
10 question to ask him if he has knowledge about Nuon Chea's role on
11 education, but he continues to characterize the testimony that
12 this was Nuon Chea's main occupation, when the - he's just read a
13 statement where the witness clearly said that he had no knowledge
14 of Nuon Chea's other activities at the ministry because he had
15 been transferred to the Kampuchea Krom Radio Section.

16 [11.23.49]

17 So, I have no objection if he wants to ask the witness an open
18 question about this issue, but he continues to characterize --
19 mischaracterize the witness's testimony.

20 MR. PAUW:

21 Mr. President, perhaps the best way is to simply quote from the
22 transcript -- and, again, I will quote Mr. Kim Vun's transcript
23 on page 29, English ERN 00841881, and then Khmer ERN 00838786.
24 And I quote Mr. Kim Vun. And, Mr. Witness, I am now quoting from
25 Mr. Kim Vun's statement:

1 "I already stated that when Ms. Yun Yat was absent, Mr. Nuon Chea
2 was attached to the Propaganda Section on education programs. He
3 was there to disseminate information concerning agriculture, the
4 information he quoted from a thick book by the Chinese expert,
5 and also he instructed people at the Editorial Department in that
6 Propaganda Section."

7 [11.25.10]

8 My question to you, Mr. Kim Vun -- Mr. Khiev En: Mr. Kim Vun was
9 at the Ministry of Propaganda, and it is his testimony that when
10 - that "when Ms. Yun Yat was absent, Mr. Nuon Chea was attached
11 to the Propaganda section on education programs" and that "he was
12 there to disseminate information concerning agriculture"; can you
13 confirm or contradict that statement by Mr. Kim Vun, based on
14 your knowledge at the time?

15 A. This person -- as I only knew his alias back then -- provided
16 that testimony, and I cannot, of course, judge his testimony. The
17 reason for that is, we did have - we did work separately. So, for
18 him, he knew about what happened at his section or the
19 instructions given from the Upper Level to him. And for my
20 section, I only knew about the work at my section, and it had
21 nothing to do with my section, what's going on at his. And in my
22 section, as I already stated, the Upper Level did not come to my
23 section often, but I believe that his section -- the Upper Level
24 came often to his - to work with his section. So I, of course,
25 cannot say whether his statement is correct or not because we

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1 worked in a separate section with different skills. He focused on
2 his work, and I focused on my work.

3 [11.27.53]

4 Q. Thank you for that answer--

5 MR. PRESIDENT:

6 Counsel, can you advise the Chamber as to how much time you still
7 need?

8 And have you consulted with other defence teams regarding time
9 allocation? As you are aware, the time allocation for the three
10 defence teams is one day, and you already started your time in
11 the later session yesterday afternoon. So, if you take a quite
12 longer time, then the time will be less for the other two defence
13 teams.

14 MR. PAUW:

15 Thank you for reminding me of that, Mr. President. I have
16 conferred with the other teams before questioning commenced. I
17 understand -- but I'm happy to be corrected -- that the Khieu
18 Samphan team has very few questions and that the Ieng Sary team
19 also will not have too many questions. So, it is our expectation
20 that we can finish within the one day allocated to the defence.

21 [11.29.18]

22 BY MR. PAUW:

23 So, Mr. Khiev En, I'm not asking you to judge or assess Mr. Kim
24 Vun's testimony; that is not my purpose. I am asking you about
25 the role of Nuon Chea.

1 And my question is the following: Do you know, based on your own
2 experience, what the substantive work of Mr. Nuon Chea was at the
3 Ministry of Propaganda?

4 MR. KHIEV EN:

5 A. That, I do not know. The reason why I said that I do not know:
6 because, as Chhaom mentioned, he had met with Nuon Chea but it
7 was entirely his business; I did not know what they had
8 discussed. But for me, I did not know the task of Mr. Nuon Chea;
9 I could only describe what I had met with him, but I did not know
10 what Chhaom had testified before this Chamber, and it was
11 entirely his business. I did not know. As for myself, I did not
12 know what Mr. Nuon Chea was responsible and I did not know what
13 Mr. Nuon Chea had discussed with Chhaom, because it was the
14 business of Chhaom. I did not know.

15 [11.31.27]

16 Q. I understand that.

17 You just stated that "the Upper Level came often" to the section
18 of Mr. Kim Vun. Can you explain why the Upper Level came often to
19 the section of Mr. Kim Vun?

20 A. Mr. Kim Vun's section was responsible for writing news and it
21 was actually the Drafting Section, and they prepared writing
22 script for radio broadcasts and they would send information to
23 us, as well. I actually did not know the details of their work; I
24 only knew that it was the place where they prepared scripts for
25 others.

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1 Q. And, according to – let me rephrase that. And let me, again,
2 give you a specific quote of Mr. Kim Vun, on English ERN 0841885,
3 Khmer ERN 00838789, in document E1/113.1, transcript of Trial Day
4 101.

5 Again, the question about the two ministries -- and I quote: "Do
6 you remember, Mr. Kim Vun, around which year Yun Yat started to
7 control these two ministries?"

8 Mr. Kim Vun answers: "I do not remember precisely, but she could
9 have been controlling these institutions between 1977 or 1978."

10 Question: "And to your knowledge, Mr. Kim Vun, did Yun Yat stay
11 in charge of these two ministries until the Vietnamese arrived in
12 January 1979?"

13 And Mr. Kim Vun answers: "Yes, she did, she stayed in charge
14 until then." End of quote.

15 [11.34.36]

16 Mr. Khiev En, considering this testimony by Mr. Kim Vun and based
17 on your experience at the Ministry of Propaganda, do you think it
18 is possible that Yun Yat, in fact, stayed in charge of both
19 ministries until the Vietnamese came and so also stayed in charge
20 of the Ministry of Propaganda until January of 1979? And is it
21 possible that she simply had to divide her time between the two
22 ministries and, therefore, was not there that often at the
23 Ministry of Propaganda?

24 MR. PRESIDENT:

25 Witness, please hold on.

1 Prosecutor, you may proceed.

2 MR. LYSAK:

3 Yes, Mr. President. We'd object to this question. Counsel is now
4 asking the witness to speculate based on the testimony of another
5 witness as to - as to what Yun Yat was doing.

6 [11.36.00]

7 The witness has already given us his - his recollection of
8 events; he shouldn't be asked to speculate about such matters.

9 BY MR. PAUW:

10 I'm happy to rephrase the question, Mr. President.

11 Q. How often did you - let me rephrase the question again. The
12 two ministries that Yun Yat controlled at a certain point, were
13 they in different locations in Phnom Penh?

14 MR. KHIEV EN:

15 A. The two ministries were located in different locations, but
16 the Ministry of Propaganda was in the same location when Hu Nim
17 was the minister as when Yun Yat was the minister.

18 Q. And just to be clear, because different names are used for the
19 same ministries by different people, how did you call the two
20 different ministries -- what were the names you used for the two
21 different ministries?

22 [11.38.26]

23 A. I am not a hundred per cent sure of the correct names of the
24 ministries, but what I am sure of is that the two ministries were
25 in different places. One of the ministries was named Ministry of

1 Propaganda and Information, and the other ministry was called the
2 Ministry of Education. I am not a hundred per cent sure, but it
3 may be somewhere around these two names, but I may not recall the
4 exact name of the ministries. But later on it was called Ministry
5 of Propaganda and Education, so it has been merged into one
6 ministry called Ministry of Propaganda and Education.

7 Q. And you say it was "merged" at a certain point. As far as you
8 know, was it ever split up again, these two ministries?

9 A. That, I do not know, I do not know whether or not this
10 ministry was later split, and if it was the case, I did not know
11 what the exact names of those ministries. But once Yun Yat left,
12 then Nuon Chea came to take the responsibilities.

13 [11.40.39]

14 Q. And do you know what Yun Yat did when, according to you, she
15 lived -- she left the Ministry of Propaganda?

16 A. Actually, when she came to take charge of my ministry, I did
17 not know the internal arrangement. But when she left that
18 ministry, I did not even know anything about her departure. But
19 for clarification, when Yun Yat came to take charge of ministry,
20 I was in charge of technical aspects; I did not know her
21 day-to-day work schedule. And when there was a decision to remove
22 her from that ministry, I did not know the internal arrangement
23 at the Upper Level.

24 Q. And do you know -- when, according to you, Ms. Yun Yat was
25 removed, do you know where she went to work?

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1 A. What I knew was that she no longer worked in the Ministry of
2 Propaganda and Education, and I did not know her portfolio after
3 that, I did not know whether or not she was still indirectly --
4 supervised the ministry. But I -- what I knew was that I no
5 longer saw her at the ministry, and then Mr. Nuon Chea came to
6 take the -- take charge of that ministry. I did not know whether
7 she returned to her previous ministry and I did not know her
8 exact portfolio, to be precise. Thank you.

9 [11.43.23]

10 Q. And, to come back to my original question, which was, "Do you
11 remember where these two different ministries were located" --
12 where in the city were they located?

13 A. The ministry that also housed Office 33, it was located south
14 to Lycée Descartes. It was located in the building close to the
15 public park, east of Buddhist stupa. And at the time that - that
16 was the location, but I think that the building was demolished or
17 that - I don't know if that building was still there. I could not
18 really locate the place because there have been a lot of changes
19 since then. But as for -- the ministry under the management of
20 Yun Yat was located somewhere close to Borei Keila.

21 Q. Just -- it may be my understanding that is off, but just to
22 clarify, was the Ministry of Propaganda near the Lycée Descartes
23 or near Borei Keila? Could you clarify, maybe, just my lack of
24 understanding?

25 [11.46.06]

1 A. Ministry of Propaganda is adjacent to Lycée Descartes. It is -
2 it was situated south of Lycée Descartes. But as for the Ministry
3 of Education, it was in one location somewhere near Borei Keila;
4 it was south of Borei Keila. When the two ministries was merged,
5 I learned the news about the location of former Ministry of
6 Education. I asked my colleagues, and they told me the location
7 of the office of former Ministry of Education, but I did not,
8 myself, know exactly where it was located.

9 Q. Okay, that is clear.

10 Mr. Kim Vun describes how, as far as he could tell, Nuon Chea
11 came whenever Ms. Yun Yat was absent and would replace her, but
12 Mr. Kim Vun states that this happens on an intermittent basis.
13 So, he states that Ms. Yun Yat came back and forth to the
14 ministry and that Nuon Chea would mostly come when Yun Yat was
15 absent. Did you witness the same phenomenon?

16 A. That answer belonged to Mr. Kim Vun. As for my answer, what
17 Mr. Kim Vun saw was in relation to his work. As for me, my work
18 had nothing to do with his work. I did not know the communication
19 between him and Mr. Nuon Chea and I did not know what - whether
20 Mr. Nuon Chea came to his place or not; I only knew when Mr. Nuon
21 Chea came to my place. And I think that Mr. Kim Vun must have
22 known more than I did because Mr. Nuon Chea may have visited him
23 more often. And I dealt with technical aspects; I only knew when
24 he came to my place.

25 [11.49.21]

1 Q. And your place where you were working, can you describe that a
2 little bit more for us? Was it a room in an office building or
3 was it a separate house? Could you tell us a little bit more?

4 A. As a matter of fact, my work place was located in a building
5 -- in one building block. There was one big building, but my
6 office was in a separate small building where we had equipment to
7 get our job done, and it was in a separate building. As for Mr.
8 Kim Vun, he worked in a main building where there were many staff
9 members working there. But as for my section it was in a separate
10 building because at Mr. Kim Vun's sections they were responsible
11 for preparing script so there was one section dedicated to that
12 team and they were located in the main building, and my section
13 was a separate building. And the buildings were adjacent to one
14 another, and it was in - within one premise.

15 [11.51.15]

16 Q. You say they were adjacent these buildings, could you give us
17 an estimate as to how far apart they were from one another?

18 A. At the time, that building complex were the old buildings left
19 from the previous regime. And the section where I worked was part
20 of the Ministry of Propaganda's office, and actually it was a
21 vacant office, it was not used for some time and it was used for
22 warehouses before we came in. And when we arrived there they told
23 us that they brought in equipment from other places and then we
24 were trained how to use the equipment over there. But before I
25 did not know what this building was used for, but I came in this

1 building later on and I knew that this building was before
2 vacant.

3 [11.52.50]

4 Q. Thank you for that answer and perhaps my question was not
5 clear.

6 Could you tell us how far your building was from the main
7 building where Kim Vun worked, how many meters? An estimate is
8 good enough.

9 A. In my estimation it was in building comp - in one building
10 complex but it was separated into different sections and offices.
11 I did not know whether or not this structure was still there but
12 the building was adjacent to one another but there were the roads
13 in front of the office and at the back of the office as well. So
14 it was in one complex and there was one main building over there
15 and there were smaller offices adjacent to the main building. And
16 I was located in the smaller buildings adjacent to the main
17 buildings. That's what I can respond to you in relation to this
18 question.

19 [11.54.20]

20 Q. And yesterday you stated that you did not leave your work
21 place; is that correct?

22 A. When I was working in Office 33, I could walk freely in the
23 building complex but I did not interfere in other people's
24 affair. I -- I had to mind my own work. And we had separate
25 dining hall and a place to sleep, so we could walk within the

1 building complex but we did not bother into other people's
2 business, we had to mind our own business. I had to handle my
3 task - day to day task and when I complete my task for the days I
4 would return to my - my place to rest for the day, that was it.

5 Q. And you stated yesterday that Nuon Chea did not have his own
6 office but was working from a certain space within the Ministry
7 of Propaganda, would that certain space have been inside that
8 main building that you just discussed?

9 A. Yes, his space was located in the main building.

10 Q. And could you tell us a bit more about what sort of space that
11 was? If it was not a proper office.

12 A. He worked in the office inside the main building. But never
13 had I entered his office, I had never knocked on his door, got
14 into his office. There were people working outside his room and I
15 - whenever I went inside the main building I simply handed in the
16 documents and then there were people who continue to relay the
17 message or deliver the documents to him and I did not enter into
18 his office.

19 [11.58.01]

20 Q. Could you tell us a bit more about that because it seemed that
21 yesterday you stated that Nuon Chea did not have a proper office
22 within the Ministry of Propaganda? And what you are saying today
23 is - at least sounds like he did have his own office. Could you
24 explain the contradiction?

25 A. Let me clarify: It appeared that there was no separate office

1 dedicated for him, there was a table in the main hall working
2 with other colleagues in the office as well. But, once again, as
3 I said, if anyone from other - other section wanted to see him
4 then they simple would submit the document to people over there
5 who work closely with him. And I was working in another section
6 so I did not have close contact with him.

7 [11.59.30]

8 If I wanted to deliver any documents then I would pass through
9 his associate over there and I think that he would walk freely
10 within the office, and, as far as I was concerned, I simply met
11 with his colleague over there. I would give documents to his
12 colleague and then I would return back to my office.

13 Q. Thank you, and one more question about this issue, and it's
14 not because I doubt your description that is not why I'm asking
15 this question but I simply want to understand.

16 Just now you stated that you never knocked on his door, and I
17 understood that to mean that there was a certain door behind
18 which Nuon Chea worked. Can you explain once more what, as far as
19 you know, the working conditions of Nuon Chea were in that
20 Ministry of Propaganda, in that main building?

21 A. My answer was not different from what I stated earlier. Mr.
22 Kim Vun had more frequent contact with Mr. Nuon Chea, Mr. Nuon
23 Chea might have instructed him, but as far as my role was
24 concerned, my visit to his office was very brief, generally. So,
25 when I went there I only saw him briefly sitting at a table and I

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1 pass the document to his colleague and his colleagues would hand
2 in this document to him.

3 [12.02.08]

4 That was to the best of my recollection of the event at the time;
5 I did not understand any details because I did not have a close
6 relation. I did not receive direct instruction from him; whenever
7 my job was done I would return back to my section.

8 MR. PRESIDENT:

9 Thank you, Counsel.

10 The time is now appropriate for lunch adjournment. The Chamber
11 will adjourn until 1.30 this afternoon.

12 Court Officer, please arrange the place for the witness to rest
13 during lunch break, and have him back to this courtroom before
14 1.30 this afternoon.

15 [12.02.57]

16 Counsel, you may proceed.

17 MR. PAUW:

18 Thank you, Mr. President.

19 Mr. Nuon Chea is suffering from a headache, back pain, and a lack
20 of concentration and would like to follow the proceedings from
21 his holding cell and we have prepared the waiver.

22 MR. PRESIDENT:

23 The Chamber notes the request by Mr. Nuon Chea through his
24 defence counsel to follow the proceeding remotely for the
25 remainder of today's proceedings due to his health concern. He

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1 cannot sit in this courtroom for the entire day and the Defence
2 counsel has notified the Chamber that it would submit the waiver
3 to the Chamber immediately. The request is granted. Mr. Nuon Chea
4 is allowed to follow the proceeding from the holding cell
5 downstairs where the audio-visual means will be connected for him
6 to follow the proceeding for the remainder of the day.

7 [12.04.12]

8 The Chamber also notes that Mr. Nuon Chea has expressly waived
9 his right to - not to be present directly in this courtroom. The
10 Defence team for Mr. Nuon Chea is advised to submit the waiver
11 with the thumbprint or signature of Mr. Nuon Chea to the Chamber
12 immediately.

13 And AV assistants are instructed to connect the audio-visual
14 equipment to the holding cell downstairs where Mr. Nuon Chea can
15 follow the proceeding remotely from the holding cell for the
16 remainder of today's proceeding.

17 And security guards are instructed to bring the co-Accused to the
18 holding cell downstairs.

19 Mr. Nuon Chea is to remain in the holding cell where he will
20 follow the proceedings remotely by audio-visual equipment, and
21 Mr. Khieu Samphan is to be brought to this courtroom before 1.30.
22 The Court is adjourned.

23 (Court recesses from 1205H to 1330H)

24 MR. PRESIDENT:

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

1 We will give the floor again to Nuon Chea's defence to put
2 further questions to this witness. You may proceed.

3 BY MR. PAUW:

4 Thank you, Mr. President.

5 Q. Mr. Khiev En, we spoke before the break about the situation at
6 the Ministry of Propaganda and I am referring to the physical
7 situation, the structure of the buildings on the compound. And
8 you have told us that you performed your duties in a smaller
9 building away from the main building.

10 And the room where you worked, did that room have windows of
11 which you could see out?

12 [13.33.10]

13 MR. KHIEV EN:

14 A. The building in which I worked -- actually, there was like a
15 shed, a walk-through shed, into that building, and the actual
16 place where I was there was a window facing the north towards the
17 road behind the building.

18 So it is a room within that building where the entry was going --
19 by going through the shed. However, from that room there was no
20 rear door, there was only a window.

21 Q. And this window was facing north toward the road, and could
22 you see the main building from that window or was that in a
23 different direction?

24 A. The window from my office was facing the north and there was a
25 road to that north, and also there was another building across

1 the road as the -- it was known as Lycée Descartes. That's all.

2 Q. So, do I understand you correctly, Mr. Khiev En, that you
3 could not see the main building of the Ministry of Propaganda
4 from your window?

5 A. The building behind my office was a former Lycée Descartes,
6 but the big building - the big building, as part of the ministry,
7 was actually at the front of my office. It was to the south of my
8 office. Because the building was facing the south, and when I
9 enter through the rear of the building at about mid-section, I
10 would turn to the north walking through a shed toward that
11 office. And that office -- that is, my office, was next to the
12 road to the north of that office.

13 [13.36.48]

14 Q. Okay, that is clear.

15 And if we ask you about the time that Hu Nim was in charge of the
16 Ministry of Propaganda, was it -- let me rephrase that -- could
17 Hu Nim enter the main building of the Ministry of Propaganda and
18 for you not to see him enter the main building because you were
19 in your room working?

20 A. During the time that Hu Nim was there, I saw him even less
21 than the later leaders.

22 As I said earlier, I went to Phnom Penh after I left the province
23 and I was not familiar at all with the surrounding and I just
24 follow the instructions from those who were already there at that
25 ministry.

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1 [13.38.28]

2 So I usually would just do the work assigned to me by my direct
3 supervisor, but I did not know where Hu Nim's office is, although
4 later on I knew where Nuon Chea's office was.

5 Q. I understand your answer and I understand you saying that you
6 did not see Hu Nim very often, but my question is related to
7 specifically the entering of the main building. From your office,
8 could you see Hu Nim enter the main building, for example, in the
9 morning when he went to work or could you not see that from your
10 office?

11 A. The entry to the building was at the back of the building. I
12 saw Hu Nim when he left his office and had lunch because
13 sometimes when I went to lunch I saw him there as well. That's
14 how I knew him.

15 Q. So, you state that you saw Hu Nim when he was having lunch and
16 you state that the entrance to the main building was at the back
17 of the office.

18 Am I correct in understanding that you, for that reason, could
19 not see the entrance of the main building and that you,
20 therefore, did not see Hu Nim arrive at work but that you only
21 saw him during lunch?

22 [13.40.55]

23 A. Your question does not really respond to my earlier reply.
24 The main building was at the front and my office was at the
25 building, at the smaller one at the back. I usually entered my

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1 office through -- at the back of that building, and as I said
2 earlier, there was a window from my office facing toward road at
3 the back. So I could not respond properly to your question.

4 Are you referring or trying to get through to any other building
5 behind my office? There was one building across the road but it
6 was the former Lycée Descartes.

7 Q. I apologize if it's not clear.

8 Is it correct -- is the correct summary of what you are telling
9 us today that from your workroom you could not see the entrance
10 of the main building; is that, indeed, the case?

11 A. From where I sat in my office, I could not see, but outside I
12 could see the Lycée Descartes building. The entry into the office
13 was at the back of that building and, of course, the building,
14 there was a front entrance at the building as well, at the front
15 of the building as well.

16 Q. That's a very clear answer and I think the confusion is now
17 solved.

18 [13.43.31]

19 Is it correct to state that staff members of the Ministry of
20 Propaganda could enter that main building without you seeing
21 those people entering the building?

22 A. If I was in my office, I would not know when he entered.

23 Sometimes I saw him by incident (sic), for example when he went
24 for lunch and I went for lunch as well. And sometimes he left for
25 lunch earlier and when I left my office for lunch I saw him

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1 sitting there having lunch. That is my response.

2 Q. That is clear. And if we go a little bit -- no, let me
3 rephrase that question.

4 You have stated that at a certain point Nuon Chea was in charge
5 of the Ministry of Foreign Affairs. Can you exclude the
6 possibility that Yun Yat, in fact, did come to the Ministry of
7 Propaganda at that time when Nuon Chea was in charge?

8 MR. PRESIDENT:

9 Witness, please wait.

10 The Prosecution, you may proceed.

11 MR. LYSAK:

12 Two points, Mr. President.

13 [13.45.57]

14 I think counsel misspoke when he referenced the Ministry of
15 Foreign Affairs if I heard correctly but, more importantly, he's
16 calling for the witness to speculate by asking him whether he can
17 exclude possibilities or not.

18 MR. PAUW:

19 Indeed, I misspoke, Mr. President. Of course, I was referring to
20 the Ministry of Propaganda.

21 And I'm not asking the witness to speculate, I'm asking the
22 witness to provide an answer based on his knowledge of the
23 situation at the Ministry of Foreign Affairs at the time, but I'm
24 happy to rephrase the question.

25 [13.46.36]

1 BY MR. PAUW:

2 Q. And the question would be: Do you know, Mr. Witness, whether
3 Yun Yat ever came to the Ministry of Propaganda during the time
4 that Nuon Chea was in charge, according to you?

5 MR. KHIEV EN:

6 A. Your question is whether Yun Yat came to the office after he
7 left and Nuon Chea took charge.

8 As I can recall partly, at the beginning of the replacement
9 sometimes Yun Yat came but, later on, it became less and less
10 frequent. And for that reason I have stated earlier that I did
11 not know what was the arrangement at the Upper Level, but I could
12 only see what happened on the ground.

13 When Nuon Chea was there, initially, Yun Yat came but then it
14 became less and less frequent and completely stopped. So I didn't
15 know what was the process set by the Upper Level.

16 And as you also asked me this morning about the work of Chhaom, I
17 could not know about the nature of the work of Chhaom. I only
18 knew the nature of my work and I could only say regarding my work
19 and experience.

20 [13.49.05]

21 Q. That is exactly what I'm hoping for, that you will provide us
22 answers based on what you know.

23 Was it possible for Yun Yat to be in the main office, the main
24 building, without you seeing her because you were working in your
25 room?

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1 A. When Yun Yat came she would engage in her work but, as I said
2 from the beginning, my work did not involve much or directly from
3 the Upper Level. The Upper Level could have contacted frequently
4 with my direct supervisor and I only received my instructions and
5 assignment from my direct supervisor.

6 So the fact that, sometimes when I went to work I just happened
7 to see her when she came to work, and I did not know when she
8 left or sometimes when she left and then I left my work, I could
9 see her briefly. That's how it happened.

10 [13.51.09]

11 Q. So when you say that the Upper Level could have had contacts
12 with your supervisors -- with your supervisor without knowing it,
13 would you agree with me that Upper Level might also have been Yun
14 Yat?

15 MR. PRESIDENT:

16 Witness, please wait.

17 The Prosecution, please proceed.

18 MR. LYSAK:

19 Again, Mr. President, we object. He's asking the witness to
20 speculate. If the witness has knowledge of the specific persons
21 who contacted his superior, that's fine, but to be asked to
22 speculate whether Yun Yat, Nuon Chea, Pol Pot, who -- whether it
23 was possible any of these people contacted his superior, is
24 improper speculation.

25 [13.52.16]

1 BY MR. PAUW:

2 I will move on, Mr. President. And, in fact, I will repeat my
3 earlier question because the answer was not entirely clear to me.

4 Q. Even at the time that Nuon Chea was in charge, according to
5 you, and even at the time when you state that Yun Yat stopped
6 coming all together, can you exclude the possibility that Yun Yat
7 was still coming to the Ministry of Propaganda, that you simply
8 did not see her because you were in your room?

9 [13.53.38]

10 MR. KHIEV EN:

11 A. Regarding the work of the leadership, I could not know because
12 it was all in the hierarchical structure. I only knew about the
13 assignment from my direct supervisor, but I did not know the
14 communication or the contact between my direct supervisor and his
15 above supervisor or how many layers of supervision there were
16 within the structure at the ministry. So that's how it went when
17 it comes to the hierarchical structure, because I had my direct
18 supervisor, for example, when it comes to the telegraph, and I
19 could not know whether my direct supervisor would receive
20 instruction from this person or that person.

21 Q. Thank you. I think it's more clear now.

22 You have testified about Mr. Kim Vun, and you have testified
23 about his role at the Ministry of Propaganda, and you have
24 explained that he worked at a section that was frequent -- that
25 was visited more frequently by the leaders. Do you have any

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1 reason to not believe Kim Vun when he states that Yun Yat stayed
2 in charge until January 1979?

3 [13.55.56]

4 And I'm not asking you to speculate; I'm not asking you to guess
5 as to the reasons for Mr. Kim Vun for stating this. I'm asking
6 you to base your answer on your knowledge of the Ministry of
7 Propaganda at the time.

8 Do you know of any reason to not believe Kim Vun when he stated
9 that Yun Yat was in charge until January 1979?

10 MR. LYSAK:

11 Mr. President, he's exactly asking the witness to speculate and
12 to comment on the accuracy of another witness's testimony, that's
13 exactly what he's asking him to do, and he is in no position to
14 speculate. I think it has become dangerous here to ask this
15 witness to comment on Kim Vun's testimony when he wasn't here for
16 all of that testimony.

17 Counsel has suggested to this witness that Kim Vun had regular
18 contact with Nuon Chea when he testified to nothing of the sort.
19 He testified that he knew very little of Nuon Chea's role at the
20 ministry because he was reassigned from that building to go to
21 the Khmer Krom radio broadcasts, so to ask this witness to
22 speculate and to make suggestions to this witness about Kim Vun's
23 testimony is entirely inappropriate.

24 [13.57.44]

25 MR. PAUW:

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1 I'm not asking the witness to speculate. I have read out the
2 relevant transcripts of Mr. Kim Vun's statements and this witness
3 worked with Mr. Kim Vun, he knew what his positions were at the
4 ministry, and he would be able to provide us with an answer.
5 The witness has been very good at telling us when he does not
6 know or when he feels he needs to speculate, and perhaps the
7 witness knows of a reason why Kim Vun would be less accurate or
8 less truthful on this matter, and I think it should be a question
9 that is answered by the witness, and certainly conducive to
10 ascertaining the truth.

11 MR. PRESIDENT:

12 The objection and the grounds for objection by the Prosecution
13 are valid and thus sustained. The witness need not respond to
14 this question.

15 [13.58.58]

16 Can you please advise the Court as to how much more time you
17 envisage you will need, because the other two defence teams has
18 not advised the Chamber directly as to how much time they will
19 take to put the questions to the witness in question? In case the
20 other defence teams ask for an extra time, the Chamber will not
21 grant it unless otherwise you advise us in advance.

22 Counsel Jasper Pauw should respond to this first. We would like
23 to know how much time you envisage you will need so that we can
24 see how much time the other two defence teams will likely take?

25 MR. PAUW:

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1 I will take less than half an hour, Mr. President. I have been
2 informed that the Ieng Sary defence team has no questions, but
3 they can correct me if that has changed in the last 30 minutes.
4 And I saw that the Khieu Samphan defence team was on its feet, so
5 perhaps she can enlighten the Chamber.

6 [14.00.24]

7 MR. PRESIDENT:

8 Yes, Counsel, you may proceed.

9 MS. GUISSÉ:

10 Thank you, Mr. President. Good day to the Chamber. Let me simply
11 reassure all of the parties that we do not have any questions for
12 this witness either, so there aren't going to be any time
13 problems in that connection. Thank you.

14 [14.00.54]

15 MR. PRESIDENT:

16 Thank you. How about the defence team for Mr. Ieng Sary?

17 MR. ANG UDOM:

18 Good afternoon, Mr. President. Good afternoon, Your Honours, and
19 good afternoon to everyone in and around the courtroom. The
20 defence team for Mr. Ieng Sary does not have any questions to put
21 to this witness. Thank you.

22 MR. PRESIDENT:

23 Thank you, Defence teams.

24 Now, the international lawyer for Mr. Nuon Chea may proceed with
25 your line of questioning.

1 BY MR. PAUW:

2 Thank you, Mr. President.

3 Q. I want to ask you a question based on the two different
4 locations where you and Mr. Kim Vun worked. You have stated that
5 you have worked -- that you worked in a smaller building outside
6 the main building and that Mr. Kim Vun worked in the main
7 building where Nuon Chea was conducting his activities.

8 [14.02.18]

9 Who would be in a better position to see visitors that came to
10 visit the Ministry of Propaganda and then specifically the main
11 building? Would that be Mr. Kim Vun who was working in that main
12 building or would it be you who was working in a separate
13 building with a window facing the Lycée Descartes?

14 MR. PRESIDENT:

15 Witness, please hold on.

16 Prosecutor, you may proceed.

17 MR. LYSAK:

18 My apologies for having to continue to get up, but again, counsel
19 is asking this witness to speculate on the knowledge of Mr. Kim
20 Vun, and he is ignoring the testimony of Kim Vun that when Nuon
21 Chea came to the ministry he was transferred from that building
22 to a different location. So again, counsel is asking this witness
23 to speculate based on a mischaracterization of Kim Vun's
24 testimony and facts.

25 [14.03.38]

1 MR. PAUW:

2 Again, I take objection to me -- to the Prosecutor constantly
3 saying that I am mischaracterizing the statements of Mr. Kim Vun.
4 I am doing nothing of the sort. I have read the transcripts. Of
5 course Kim Vun basis his testimony on the things he saw, and
6 that's all I'm doing. I am telling this witness what Kim Vun saw
7 and about which he has testified here before the Chamber.
8 Now, to get to the objection, I'm not asking the witness to
9 speculate about what Kim Vun knew or saw. I'm simply asking him
10 to base his answer on the physical location of the buildings. I
11 wasn't there. I hear one of the buildings has been destroyed
12 since.

13 This is a witness that can testify as to which from position it
14 would be easier to determine whether or not certain people
15 visited the Ministry of Propaganda. Was it Kim Vun that worked in
16 the main building where apparently the leaders were holding
17 office or was it this witness was working in a room that faced
18 north and Lycée Descartes?

19 [14.05.00]

20 I'm not asking the witness to speculate; I'm asking the witness
21 to provide an answer based on his understanding of the scene at
22 the time.

23 MR. PRESIDENT:

24 Witness is directed to respond to the last question posed by the
25 defence counsel. If you know the answer to the question; if you

1 don't, just say so.

2 MR. KHIEV EN:

3 A. If you ask me whether or not I saw people come in the main
4 building, I would say that I did not see it as often as those who
5 were working in the main building, because my building was behind
6 this main building so I did not see people come in. And in
7 addition, at that time the entrance to each building were blocked
8 and there were security guards over there.

9 [14.06.22]

10 So in terms of the visitors who came in to visit staff members in
11 the main building, I think that Kim Vun was the person who was in
12 the position to see the visitors coming in.

13 BY MR. PAUW:

14 Q. Thank you for that clarification. So I note that your
15 experience at the Ministry of Propaganda with Yun Yat was that
16 she, when she was in charge, came in every day. Is that a correct
17 portrayal of your description of Yun Yat's activities at the
18 Ministry of Propaganda?

19 MR. KHIEV EN:

20 A. That is correct and I agree with your summary.

21 Q. And you also state that at a certain point she came to the
22 Ministry less often and that Nuon Chea came to the office
23 instead. Is that correct?

24 A. That is true. When I was there I remember that Yun Yat was
25 there for a period of time and then later on I did not see

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1 anymore, and then Nuon Chea came to take charge. So there were
2 three different stages, and I did not know the internal
3 arrangement of the Administration, and I did not know whether or
4 not she remained in the Ministry structure, but I no longer saw
5 her, and that was the situation of the leadership of this
6 Ministry when I was there.

7 [14.09.48]

8 Q. You just stated that you did not know whether or not she
9 stayed in the Ministry structure. Was there any way for you to
10 know whether she stayed in the Ministry structure?

11 A. In terms of documentation of the structure, I did not know. I
12 did not know who was responsible for what position or what
13 ministry, and the reason I knew that Yun Yat was responsible for
14 Ministry of Propaganda back then was from the words of my
15 colleagues, but if you ask me whether or not I had seen any
16 formal appointment in writing appointing her to the Ministry of
17 Propaganda, I did not see such written appointment.

18 [14.11.22]

19 Q. I put it to you that Kim Vun, who has based himself on his
20 experiences at the Ministry of Propaganda, Kim Vun has stated
21 that Yun Yat stayed in charge until the Vietnamese came in
22 January 1979. What is your response to that if I confront you
23 with that statement by Mr. Kim Vun?

24 MR. LYSAK:

25 Mr. President--

1 MR. PRESIDENT:

2 Witness, please hold on.

3 Mr. Prosecutor, you may proceed.

4 MR. LYSAK:

5 Again, counsel is asking the witness to comment on the testimony
6 of another person. In addition, I think this question has been
7 asked many times. The witness has answered many times as to what
8 his knowledge was on this matter, so I think the question is also
9 repetitive.

10 MR. PAUW:

11 Mr. President, if I may. It is simply a follow up question to the
12 witness stating that he did not know what happened at the
13 Ministry level, what the arrangement was, and it was the witness
14 who came up with that piece of information. So I should be
15 allowed to explore that further.

16 (Judges deliberate)

17 [14.13.32]

18 MR. PRESIDENT:

19 Counsel, please move on. We find that this question is repetitive
20 and you are going back and forth in relation to the subject
21 matter. I'm afraid that you are not making a good use of the
22 Court time; you may -- as you should now move on.

23 BY MR. PAUW:

24 Thank you, Mr. President.

25 Q. Do you know what Yun Yat went on to do after January 1979?

1 [14.14.30]

2 MR. KHIEV EN:

3 A. The question is asking me--

4 MR. PRESIDENT:

5 Witness needs not answer this question because it is beyond the
6 scope of the facts before us.

7 MR. PAUW:

8 Mr. President, I would like you to reconsider because if it would
9 be the case that Yun Yat stayed in the business of education,
10 broadcasts, and radio it would be a relevant circumstance, and in
11 fact, evidence would suggest that is the case.

12 MR. PRESIDENT:

13 This is -- this question is not relevant to the alleged fact, so
14 the witness is directed not to respond to this question.

15 MR. PAUW:

16 Mr. President, just to understand your ruling, are we not allowed
17 to establish that Yun Yat stayed in the propaganda business, to
18 put it bluntly, after 1979?

19 [14.16.22]

20 MR. PRESIDENT:

21 That is not allowed, and it was the ruling. It is the discretion
22 of the Chamber to decide whether or not any part of the
23 questioning does not relate to the alleged facts in the Closing
24 Order. That is to ensure the expeditious trial, and this is
25 provided in the internal rules of the ECCC.

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1 The Chamber has the discretion to set aside any questions that
2 may not be conducive to ascertaining the truth. That is to
3 include the question that is beyond the scope of the alleged
4 facts in the Closing Order, and the Chamber has repeatedly
5 mentioned that to the parties.

6 [14.17.26]

7 MR. PAUW:

8 Mr. Khiev En, I would have more questions but cannot pose those,
9 and I will note for the record that if a contentious issue is
10 whether or not Yun Yat stayed in charge of the Ministry of
11 Propaganda it would clearly be relevant to establish whether she
12 stayed in that line of business in the years after.

13 I'm not allowed to go there so I will conclude my testimony, also
14 noting for the record that we were not allowed to explore the
15 full extent of your contacts with a very relevant witness, Mr.
16 Kim Vun, something which is clearly relevant to explore your
17 sources of knowledge, but I will rest.

18 I thank you for your cooperation. You've been very helpful and I
19 wish you a good and safe trip back home. Also, on behalf of Mr.
20 Son Arun, we thank you for your answers.

21 (Judges deliberate)

22 [14.21.09]

23 MR. PRESIDENT:

24 Mr. Khiev En, your testimony has come to an end. You may now be
25 released and you may return to your home or to any place where

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1 you wish to go. The -- on behalf of my colleagues on the Bench, I
2 would like to thank you very much for your patience and your
3 cooperation. Your testimony has contributed significantly to
4 ascertaining the truth, and we wish you all the best of luck and
5 safe journey back home.

6 [14.21.45]

7 Court officer is instructed to facilitate his return back home
8 with the witness Support Unit, and the reserve witness, 4WT – WTC
9 428 may also return back home and have him back to the courtroom
10 tomorrow morning.

11 And for the remainder of today's hearing, the Chamber will hear
12 the parties in relation to the status of health of Mr. Ieng Sary
13 who has been hospitalized at the Khmer Soviet Hospital, and we
14 would like to hear the oral submission by parties, particularly
15 to explore the venues in order to go forward from here, taking
16 into consideration the state of health of Mr. Ieng Sary, and
17 Judge Silvia Cartwright also made it clear to the parties in
18 relation to this issue as well yesterday.

19 [14.23.14]

20 And the time is now appropriate for adjournment, and we will
21 adjourn from now until three and then we will resume with the
22 oral submission by parties. The Court is now adjourned.

23 (Court recesses from 1423H to 1500H)

24 MR. PRESIDENT:

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

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1 For the remainders of today's proceeding, the Chamber will hear
2 the observation by parties in relation to the upcoming hearing
3 taking into consideration the state of health of Mr. Ieng Sary,
4 who is being hospitalized at the Khmer Soviet Hospital, and he is
5 been in the intensive care unit.

6 [15.01.56]

7 This is in accordance with the report by the medical doctor
8 attended to Mr. Ieng Sary on the 21st of September 2012, and the
9 recent report in relation to the result of the treatment of Mr.
10 Ieng Sary; Mr. Ieng Sary, Report No. 642, dated the 28th of
11 September 2012, and that is the purpose of the hearing for the
12 remainder of the day, and once we conclude this oral submission
13 by the parties the Chamber will proceed to reading the relevant
14 paragraph of Case 002/01.

15 And we need to advise parties as well as members of the public of
16 the relevant facts in the Closing Orders before we summon other
17 witnesses to testify before this Court, and Mr. Ieng Sary has
18 expressly waived his right not to be present directly in the
19 testimony of certain witnesses.

20 Now, I would like to ask the defence teams, particularly the
21 defence team for Mr. Ieng Sary, can you advise the Court as to
22 how much time do you envisage you need in order to raise this
23 observation in relation to the upcoming proceedings?

24 MR. KARNAVAS:

25 Thank you, Mr. President. I assume that we are speaking about the

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1 proceedings today? I'm a little unclear. I need about five
2 minutes to make my case today, if that's what I'm being asked of,
3 maybe not even five minutes.

4 [15.04.18]

5 MR. PRESIDENT:

6 Thank you.

7 On this particular issue, Judge Silvia Cartwright advised the
8 party already. Before the conclusion of yesterday's hearing, I
9 handed over to Judge Silvia Cartwright to advise parties in
10 relation to the oral submission by parties and now the time is
11 appropriate for parties to raise such observation. And to make it
12 even clearer, I would like to hand over to Judge Silvia
13 Cartwright to -- for the clarify this point before you raise your
14 observation in relation to the issue I have just mentioned. I now
15 hand over to Judge Cartwright.

16 JUDGE CARTWRIGHT:

17 Thank you, President.

18 [15.05.08]

19 Just to repeat and -- and expand on what the Trial Chamber,
20 through me, indicated yesterday, the Trial Chamber anticipates
21 that there will be significant delays in the proceeding until
22 Ieng Sary's health status is clarified and as I indicated
23 yesterday; the Trial Chamber has already sought the expert
24 opinion of Professor Campbell who was the last independent expert
25 to examine Ieng Sary before he became ill. We have forwarded to

1 him the scan and the report on the scan, other medical
2 information -- relevant medical information, and the weekly
3 medical updates and anticipate getting some indication from
4 Professor Campbell, shortly, on what steps the Trial Chamber
5 should now take in relation to getting more concrete information
6 concerning the -- the diagnosis and prognosis.

7 [15.06.32]

8 That being so, as I said, we anticipate some ongoing delays until
9 this process is concluded. What -- what we need today is some
10 discussion from counsel on how we might proceed during this
11 period while we await a definitive diagnosis and prognosis. And
12 as I indicated yesterday, the Trial Chamber is grateful to the
13 Ieng Sary team for its indications of waivers for particular
14 witnesses and it notes that after consultation between the Ieng
15 Sary team and the prosecutors, further names for upcoming groups
16 of witnesses have been added. However, I think it needs
17 emphasizing that it is for the Trial Chamber to determine which
18 witnesses will be heard, what order they will be heard in, and
19 it's not a very helpful step to take in indicating that parts of
20 a witness will be acceptable, but not other parts of the witness'
21 testimony. So we would like some comment on that issue including
22 comment on the upcoming document hearing and whether Ieng Sary
23 wishes to participate while that hearing is conducted. This is
24 simply to plan our time as expeditiously as we can, given that
25 there is going to be, inevitably, some delays while we regroup

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1 over Ieng Sary's health.

2 [15.08.29]

3 So having said that, Mr. Karnavas, I think you're ready to
4 address us, and I know that the President wanted to indicate that
5 one counsel only from each team please. Thank you very much.

6 MR. KARNAVAS:

7 Thank you for that clarification and normally, one counsel from
8 the Ieng Sary does speak on the issues.

9 Well, as you well know, Your Honours, today we submitted an
10 additional list of about close to 15 names I believe. It is,
11 obviously, up to you to decide which of those individuals will be
12 coming and in which order. Plus the other witnesses that we
13 already have, we agreed to -- or Mr. Ieng Sary agreed to because
14 we don't agree for him so approximately 20 witnesses.

15 We do note and appreciate that everybody has understood our
16 position with respect to an incident that came up with -- where
17 we did waive and then we -- it would appear that we -- we
18 withdrew the waiver and I have had a chance to speak with the
19 Prosecution on this and we're going to hear more from them
20 because I believe that we have found a way to go forward.

21 [15.09.48]

22 Our main concern was where we agreed to a witness based on having
23 looked at the available information that we believe is going to
24 come from the witness, the documents that they will show him, and
25 what's in the -- in the case file. Then something comes up that

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1 was unanticipated that puts us in a very vulnerable position
2 because I've given advice to the client, as Mr. Ang Udom, and
3 he's given us his -- his waiver and now I don't want to act
4 without consulting him or putting him in some sort of a jeopardy.
5 I don't think that we're going to have those -- those problems.
6 There may be instances where Mr. Ieng Sary's name or involvement
7 or alleged involvement may be coming up that wasn't anticipated.
8 I think the Prosecution will address that more concretely based
9 on our conversations, but I think we will be able to work around
10 those areas and if necessary, the Prosecution has indicated that
11 we could call the witness back for a very discrete issue,
12 although again, I don't see that being the problem.

13 [15.11.03]

14 As far as documents are concerned, we have consulted with Mr.
15 Ieng Sary and he's given us his full authorization to go forward
16 on that. So I can reasonably say that with some preplanning,
17 there should not be any delays in the immediate future. I think
18 we can go forward for the next couple of months and certainly,
19 just for this last list of witnesses, we made four separate trips
20 to the hospital to walk Mr. Ieng Sary over -- over them, made
21 sure that he was comfortable with what he was doing, and only
22 upon that time -- as you noticed yesterday, Mr. Ang Udom left
23 early and that was for purposes of getting the waiver. That was
24 the fourth conference that we had on those names. So we
25 appreciate everybody's indulgence and understanding, and I

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1 believe that we are making all efforts not to delay the
2 proceedings because we do have a lot of work that we could do
3 without any delays. Thank you.

4 [15.12.15]

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 How about the other two teams; do you have any observations to
8 make in relation to this issue? You may proceed.

9 MS. GUISSÉ:

10 Thank you, Mr. President. Very briefly, Judge Cartwright had
11 noted yesterday that we were, indeed, endorsing the position of
12 Ieng Sary when the defence team said that in regard to new
13 documents produced by the prosecutor. As far as his claim was
14 concerned, it was normal that the waiver be lifted, and that it
15 is important for each accused person to be present during the
16 proceedings and to be confronted during the proceedings and in
17 order to be able to assist his defence team with regard to
18 examination of witnesses.

19 [15.13.26]

20 This said, it is obvious that Mr. Ieng Sary, himself, is the
21 person best placed to know when he should be present or not
22 during the hearing of his witnesses. I'm actually saying in this
23 regard that we endorse Mr. Ieng Sary's request.

24 We would like to recall the major principles involved because we
25 have already had occasion to raise the issue during similar

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1 problems. We are defence counsel and we may one day find
2 ourselves in the same situation as our learned colleague for Ieng
3 Sary and these principles must always be applied.

4 It is important to raise one point today and may I point out that
5 in response to our -- the request made by the Co-Prosecutor
6 regarding TCW-386, it is with regard to our motion, I point out
7 that we were opposed to the turning of this document into
8 evidence. We maintain our request even though Ieng Sary's defence
9 has pointed out that insofar as we do not use that document or
10 use parts that concerns his client, there will be no problem with
11 hearing the witness. Whatever may be the case, the response that
12 we made in E233/2 remains the same regarding the hearing of
13 witnesses. I wanted to point this out today for the record.

14 [15.15.19]

15 MR. PRESIDENT:

16 Thank you.

17 How about the defence team for Mr. Nuon Chea; if you have any
18 observation to make, you may proceed.

19 MR. PAUW:

20 Thank you, Mr. President. We can be even more brief. We fully
21 support the position by our colleagues for the Ieng Sary defence
22 team. We have nothing further to add at this stage. Perhaps,
23 after the Prosecution has spoken, we may want to make some
24 additional comments, but for now, we have nothing to add.

25 MR. PRESIDENT:

1 Thank you.

2 [15.15.59]

3 Now, I hand over to the Prosecution. If you have any observation
4 in relation to the subject matter of the discussion now, you may
5 proceed.

6 MR. SMITH:

7 Thank you, Mr. President, Your Honours, Counsel, and everyone
8 before the Court.

9 I think the issue of significant delays, of course, is a concern
10 for the Prosecution and I think all the parties as well as the
11 Trial Chamber and certainly, Judge Cartwright was quite correct.
12 Certainly, as of last week, the situation presented itself where
13 it was quite possible, in the near future, that there may be some
14 delays if Ieng Sary's health didn't improve and, at the same
15 time, depending on what Ieng Sary, himself, thought of hearing
16 witnesses that didn't directly provide evidence against his act
17 and conduct and hearing those witnesses with the waiver.

18 [15.17.09]

19 As Your Honours are aware the situation between last week and
20 this week has changed. A proposal was put forward to the Chamber
21 and to the Defence to look at a number of Prosecution witnesses
22 in which, if the Chamber accepted to be witnesses before this
23 trial in relation to the -- the first forced movement and the
24 second forced movement, if waivers were given in relation to
25 those witnesses; certainly, there would be a substantial period

1 of time in which evidence could proceed forward whilst the Court
2 was determining the prognosis of the health of Ieng Sary.
3 I think it's -- it's fairly clear that his health -- up until
4 recently, he's been fit to appear before this Court and because
5 of the -- the recent downturn in his wellness, as Your Honours
6 have indicated and instructed, it's important that expert reports
7 or certainly expertise be obtained to determine what really is
8 the diagnosis and the prognosis for Mr. Ieng Sary. So whilst this
9 is occurring, it's unclear, as Your Honours have noted, that
10 whether he improves within a week or two weeks or whether it's a
11 condition that lasts a lot longer and until such time that this
12 information is to be obtained, we would submit that, as with the
13 Defence, that it's important that the trial can continue;
14 particularly, if the Defence for Ieng Sary or Ieng Sary, himself,
15 has allowed for his defence to be conducted in his absence at the
16 hospital, but through his counsel. In saying that, of course he's
17 saying that his rights are being protected and the trial can move
18 forward.

19 [15.19.16]

20 In relation to the numbers of witnesses that the Ieng Sary
21 defence have put forward in which Ieng Sary is happy to have
22 before this Court, in his absence, the numbers we got to is, as
23 the Defence, and it's about 20 witnesses that were on the
24 Prosecution's list in relation to the first forced transfer and
25 the second forced transfer.

1 In addition to that, they've also -- well, Ieng Sary has waived
2 his right to two further witnesses; witness 389 and witness 126
3 and we note a further witness, 186, which he's waived his right
4 to be present at, but the Chamber's noted he's currently
5 unavailable.

6 [15.20.07]

7 So in addition to that, Ieng Sary, himself, is happy to be
8 defended by his defence in his absence in relation, as you -- as
9 Your Honours have mentioned earlier, to the documentary hearing
10 next week; the administration and communications structures. And
11 if the -- my memory of the communications are correct, which I
12 think they are, he has also waived his right to the other
13 document presentations and -- and the ones I'm referring to in
14 relation to military structure and communication policies and
15 also, certainly, the corroborative evidence debate about whether
16 or not statements, how many statements, and what should be
17 admitted before this Court without witnesses testifying.

18 So I think when defence counsel, Mr. Karnavas, said last week
19 that there's enough business to not delay this trial at all.

20 Pending the situation with Mr. Ieng Sary, there's enough business
21 to be conducted until Christmas. Our calculations are that is
22 correct.

23 From -- I just received a document from the Chamber. It was
24 issued just a couple of minutes ago and we would need to take a
25 little bit more of a moment to review it. But certainly, from the

1 list of the preliminary indications of individuals that Your --
2 Your Honours intend to hear in relation to the forced movement of
3 this trial, it would appear a significant number of the witnesses
4 that the Prosecution put forward, Your Honours have now decided
5 to call in this trial.

6 [15.21.55]

7 And we also note a number of witnesses that the Lead Co-Lawyers
8 have put forward and Your Honours would like to hear in relation
9 to the forced evacuations and obviously, time will tell. But I
10 think the situation with the Ieng Sary defence team, on the basis
11 of their cooperative approach, in relation to witnesses that
12 don't directly give evidence against the acts and conduct of Ieng
13 Sary; it may well be highly likely that these other witnesses
14 that were proposed by the Lead Co-Lawyers would fall in the same
15 category. And certainly, from the -- the numbers here, there
16 would be enough witnesses to hear up until and probably shortly
17 beyond the Christmas period. So that's -- that's a period of --
18 of a couple of months.

19 [15.22.52]

20 Your Honours, we certainly understand your concerns, the concern
21 of all of us in terms of planning of this case. It's -- it's one
22 to say that to have waivers, but then another thing to pull them
23 away the night before and I think, as Mr. Karnavas has mentioned;
24 the situation with the witness that will be attending tomorrow
25 was one which they didn't foresee and the Prosecution didn't

1 foresee. It was a prior statement taken from another organization
2 which had some information in it about Ieng Sary in the post-'79
3 period. And it was only late notice that that arrived and then on
4 reviewing it, we made the indication, certainly from the
5 Prosecution's perspective, that the type of information that was
6 in that statement, in relation to Ieng Sary after 1979, was not,
7 in our view -- and we're not saying that everything after 1979 is
8 irrelevant, but in our view, wasn't particularly relevant and so
9 we wouldn't be asking questions of the particular witness. And on
10 -- on hearing that, the Ieng Sary defence team immediately
11 reinstated their waiver showing good faith in that process.

12 [15.24.14]

13 I think as -- as Mr. Karnavas has said, I think the situation of
14 -- in relation to the forced transfer witnesses of the first and
15 the second phase, a situation of waivers being given, which they
16 have, in large part -- and will have to marry it up with Your --
17 Your Honour's list -- of being revoked, as Mr. Karnavas has said,
18 I think it's highly unlikely because these witnesses, as Your
19 Honour's are aware, have been selected and placed in that part of
20 the case that relates to the largely -- largely, the crime
21 itself; the crime of what we're alleging of the transfer of the
22 population that not centrally in relation to the acts and conduct
23 of the Accused. So we would find that it would be unlikely that
24 any, if not unlikely only a few, witnesses may present themselves
25 in that manner.

1 [15.25.11]

2 And Mr. Karnavas also raised the discussion that we had earlier
3 and if that situation arose where a witness mentioned some
4 evidence about Ieng Sary and it's not on the record of their
5 statement so it's nothing that the -- the Trial Chamber or the
6 parties could have predicted, then there would be a couple of
7 options, of course, and one option would be that witness could be
8 recalled for that 10 minutes or 15 minutes of cross-examination
9 once and assuming Ieng Sary gets better and secondly, if that
10 couldn't happen, that information could be excised from the
11 transcript so there's no -- no breach of his right. But I think
12 it's important to note that these witnesses have not been
13 selected on the basis they give evidence on the acts and conduct
14 against Mr. Ieng Sary.

15 So Your Honours, our submission would be based on -- based on the
16 waivers given by the Defence that we don't think there'll be
17 significant -- we don't think there'll be any delay in fact. The
18 only difference being is that the way that Your -- Your Honours
19 had envisaged the case that the forced transfer witnesses or the
20 movement of the population witnesses would come a bit further
21 down the track, they would have to be brought forward. And it's
22 our submission that that's the situation that we're presented
23 with and as Your Honours have always advised the parties, we --
24 we will be flexible and we will move to that part of the case and
25 then if Ieng Sary's health improves, then those further witnesses

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1 could be brought forward at the end of the -- the movement of the
2 population where the situation could be reconsidered after
3 Christmas. I have nothing further, Your Honour.

4 [15.27.25]

5 MR. PRESIDENT:

6 Thank you.

7 The Lead Co-Lawyer for the civil parties, you may proceed.

8 MS. SIMONNEAU-FORT:

9 Thank you, Mr. President. I would like to make a few remarks
10 regarding the civil parties.

11 As you said -- as we said the last time, civil parties would like
12 the proceedings to move forward as coherently as possible so we
13 are, of course, in agreement with the idea that we should proceed
14 with witnesses and civil parties concerning forced transfers.

15 [15.28.04]

16 We have seen the list proposed by Ieng Sary, but I have also
17 discovered that this Chamber is putting forward a new list of
18 witnesses and civil parties to be heard, in the near future, and
19 I suppose that Ieng Sary defence team will have occasion to make
20 submissions on that list and I hope he will do so as quickly as
21 possible so that we may know the witnesses and civil parties who
22 will be heard in the next few weeks and months because we are
23 mindful of the need to move the proceedings forward.

24 We know that the list before the Chamber contains a number of
25 civil parties so we'd like to know what the position of the Ieng

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1 Sary team is regarding that list and it may well be that we'll
2 have to discuss some issues relating to that list.

3 On behalf of the civil parties, I would like to draw the
4 Chamber's attention to the fact that this situation can only be
5 temporary because there may be problems that will arise. Ieng
6 Sary's defence team and the prosecutor has already referred to
7 some of these problems. For instance, when a witness may have to
8 talk about Ieng Sary or the parties present may also refer to
9 Ieng Sary.

10 [15.29.41]

11 We, the civil parties, are particularly concerned about the
12 health status of Ieng Sary. We want to know how serious his
13 situation is and for how long he will be in that situation. The
14 civil parties do not receive medical reports. We did not receive
15 the last report. We had to discuss that 10 years ago. I'm
16 speaking in the abstract terms, would like the Chamber to give us
17 precise information with regard to what Mr. Campbell will decide.
18 We would like to be informed as quickly as possible because it is
19 fundamental because the Chamber will have to take important
20 decisions. So in the coming weeks, it is acceptable that we
21 should hear witnesses and civil parties in the absence of Mr.
22 Ieng Sary, but it'll be very important for us to know exactly
23 what the situation of Mr. Ieng Sary will be.

24 MR. PRESIDENT:

25 Judge Cartwright, please proceed.

1 [15.30.58]

2 JUDGE CARTWRIGHT:

3 Thank you, President. Just in response to those submissions from

4 the Lead Co-Lawyers, first, I believe it's already been made

5 clear to the Lead Co-Lawyers that relevant medical material has

6 been placed on the case file and is available to all parties.

7 Secondly, the information that has been provided to Professor

8 Campbell is as I summarized it earlier, except I have been told

9 that the Office of Administration does not yet have the scan from

10 the Khmer Soviet Friendship Hospital and we are asking the

11 administration to ensure that urgency is given to that.

12 Thirdly, the medical assessments have been made available to the

13 parties as -- and when appropriate and relevant to those parties

14 and I anticipate that the Chamber will continue to do that. In --

15 in short, the civil parties are not being deprived of information

16 that other parties do not have.

17 [15.32.13]

18 Thank you, President.

19 MR. PRESIDENT:

20 Thank you, Judge Cartwright.

21 Judge Lavergne, please proceed.

22 JUDGE LAVERGNE:

23 Thank you, Mr. President. I'd like to ask the Ieng Sary defence a

24 question. Prior to that, I would thank them for the useful

25 information they provided this hearing this afternoon, but it is

1 important for the Chamber to know precisely what the scope is of
2 the waivers to which Mr. Ieng Sary has consented.

3 When you hear a witness, you hear a certain number of questions
4 being put to that witness and the Chamber has to decide if such
5 questions are relevant and that is the -- the standard that is
6 applied; the relevance of the question vis-à-vis the scope of
7 Case 002.

8 If I take the case of a witness who will be here as of tomorrow,
9 that witness is supposed to testify on military structures, but
10 that witness may possess relatively important information on a
11 certain number of other points which concern Case 002/1. And so
12 my question is this; the -- is the waiver conditional and if so,
13 to what extent. And we need to understand this because we do need
14 a certain foundation to be able to establish an agenda and a
15 program for hearing all of these witnesses.

16 [15.34.14]

17 I hope that question was clear to you. Thank you.

18 MR. KARNAVAS:

19 Thank you, Judge Lavergne. Let me just explain the process that
20 we went through in -- in going through the list and then also
21 going over them with our client in order to secure the waiver.
22 We looked at the witnesses. We looked at their statements. We
23 looked at the documents that are associated to the -- to the --
24 the witness. We -- we went through parts of the case file to see
25 what, if anything, might be used with respect to these witnesses.

1 And where we were of the opinion that there may be something that
2 Mr. Ieng Sary would definitely need to be -- be present to give
3 us further advice, we advised against the waiver; leaving it, of
4 course, up to him. Recognizing also that almost every witness is
5 going to come here and say we think or we know or we -- we were
6 told that the leaders did this, the upper echelon did that. These
7 are buzz words that are often heard in this courtroom which, one
8 could say, touch upon Mr. Ieng Sary one way or the other.

9 [15.35.43]

10 But we have to be realistic. And in our consultation with Mr.
11 Ieng Sary, we went through the names and we went through the
12 summaries that were prepared by the Prosecution as far as what
13 they believed they would -- the evidence they would be giving or
14 the civil parties for instance. We had a discussion concerning
15 his knowledge of the individual and whether that individual had
16 any particular information pro or against Mr. Ieng Sary and based
17 on that, we made -- we provided advice and he gave us his
18 instructions and the waiver.

19 It is our understanding that all of these witnesses are going to
20 come in and testify to the full extent that the Trial Chamber
21 deems their testimony necessary. So whether something is relevant
22 or not relevant, that's a discretionary issue that is up to the
23 Judges, but we do recognize, from looking at the witnesses, where
24 the relevance of a witness' testimony would be.

25 [15.36.57]

1 Now, if -- if something unexpected were to come up, obviously
2 that's where we have reached this understanding with the
3 Prosecution that rather than hold up the entire event and, you
4 know, that we could hear the witness on that issue and then bring
5 the witness back, if necessary, after we've had an opportunity to
6 consult with Mr. Ieng Sary. We don't anticipate that happening,
7 at least not on a regular basis. It may happen here or there, but
8 I -- I doubt very seriously.

9 But I don't think -- as far as I'm concerned and as far as my
10 understanding and my advice to Mr. Ieng Sary was that this
11 waiver, barring that one caveat, is to allow the parties to
12 examine the witness to the full extent for which the witness is
13 being brought here. So that's -- that's our position and that's
14 why we're taking a very strict position with respect to witnesses
15 that we're saying we're not waiving.

16 [15.38.07]

17 In those instances, we are not waiving full stop. Here, we're
18 trying to accommodate to the extent possible. A lot of these
19 witnesses are what we would call them in -- in other courts,
20 crime-based witnesses. They're necessary for a variety of
21 reasons. You have civil parties as well. And Mr. Ieng Sary
22 knowingly, intelligently, and voluntarily has issued his waiver
23 and that's why we went over this -- these names -- the last 15
24 names on three different occasions with him to make sure that he
25 fully understood what it was.

1 I don't know if I'm answering your question. I'm trying.

2 [15.39.03]

3 JUDGE LAVERGNE:

4 Just one clarification if I may. Questions, of course, will be
5 asked by the parties, but also by the Judges because we have a
6 mixed system here where the Judges also ask questions as you are
7 aware. And I understand that your client has accepted to have a
8 witness heard, in as complete a way as possible, to the extent
9 that the questions are relevant. And, of course, you would
10 request to have the witness back, at a later stage, if that had
11 to be necessary to guarantee the defence rights of your client;
12 is my understanding correct?

13 MR. KARNAVAS:

14 Yes. Yes and I do fully appreciate the fact the Judges can and
15 do, in fact, ask questions in this system and -- as they do at
16 the other international tribunals so I don't -- we obviously
17 factor that in and especially the -- when a Judge can -- can ask
18 questions beyond what may be apparently, you know, areas of
19 relevancy; they can go to the full -- to other areas. We fully
20 understand that.

21 If a situation were to come up where I was under the impression
22 or Mr. Ang Udom, I would say -- I should say we as opposed to I,
23 if we were under the impression that somehow our client's rights
24 were being compromised, I can assure -- I can assure you as day
25 follows night that I would be the first on my feet to raise an

1 objection. I -- I don't think that shyness is one of my qualities
2 in court at least.

3 [15.40.50]

4 Thank you.

5 JUDGE LAVERGNE:

6 One very final clarification, tomorrow we're going to be hearing
7 TCW-428; what is the precise position of the Ieng Sary defence
8 for this witness? Does it accept to have the witness heard on
9 every relevant subject concerning Case 002/1 or do you feel that
10 we can only hear the witness on issues relating to the military
11 structure?

12 MR. KARNAVAS:

13 No, they can -- the witness for 002/01, I think that's the case
14 with every witness. That is the case with every witness that
15 we've -- that Mr. Ieng Sary has waived. Let me repeat. It is my
16 understanding that these witnesses that we have waived are for
17 the -- the purpose of 002/01. That's how we looked at it.

18 [15.42.15]

19 I hope -- I think I'm being clear on that -- on that point. If
20 there are no more further questions, then I'll be seated. Thank
21 you.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 Thank you for all the remarks and observations made by all the
25 parties regarding the possibility of the upcoming proceedings as

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1 it is related to the challenge of the health of the accused, Ieng
2 Sary, who is being treated at a hospital. And in particular, the
3 Bench is grateful to the clarification and confirmation by the
4 defence counsel for Ieng Sary, Michael Karnavas, in his response
5 to the questions put to him by Judges of the Bench.

6 [15.44.02]

7 As the Chamber informed, in order to facilitate the agenda for
8 the upcoming hearings, as well as to further clarify the facts
9 alleged against the three Accused within the scope of the
10 proceedings in Case 002/01 in the third segment, as the Chamber
11 determined pursuant to Rule 89.1 bis; the Chamber will assign the
12 greffiers of the Trial Chamber to read the facts alleged against
13 the Accused as indicated in the Closing Order in the document
14 E121/7.2. Those are the remaining facts to be read out.

15 And as for the Closing Order, the portion of the paragraphs shall
16 be read out where it is redacted. That is for the purpose or the
17 protection of the witnesses.

18 [15.45.40]

19 Ms. Se Kolvuthy, you are now instructed to read portions of the
20 Closing Orders starting from 118 to 149, 156 to 165, 221 to 227.

21 You may proceed.

22 THE GREFFIER:

23 "Section 5, Military Structure: A) Establishment of the

24 Revolutionary Army of Kampuchea

25 Paragraph 113: The Revolutionary Army of Kampuchea, the RAK, was

1 a core institution within the CPK governed Democratic Kampuchea.
2 CPK policy relied heavily on the implementation of its goals by
3 forceful means making the military an important part of its
4 government imperatives. From the outset, the CPK considered that
5 for self-defence and self-liberation; it is imperative to use
6 violence, whether political violence or armed violence. It is
7 imperative that the people be armed, that if there must be an
8 army in order to defend the people, to defend the revolution, and
9 to go on the offensive to counterattack the enemy.

10 [15.47.28]

11 Paragraph 114: The CPK asserted that its armed forces originated
12 in a secret defence unit. By 1968, these forces had been upgraded
13 into the armed guerilla units. 17 January 1968 marks the official
14 launch of an armed struggle and the birth of the CPK
15 Revolutionary Army. According to the official lines of the Party,
16 by 1969, the preconditions for an army were already there. In
17 some locations, in the major zones, there were already companies,
18 many units, platoons, squads, teams. Other locations had just
19 platoons, squads, and teams; however, those forces were the ranks
20 of Revolutionary Army. In March 1970, the latter was officially
21 designated as the Cambodian People's National Liberation Armed
22 Forces or the CPNLAF.

23 Paragraph 115: The former reorganization of the armed forces was
24 proclaimed in July 1975 at a gathering that was officially
25 described as an important political conference of the CPK Centre

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1 for approximately 3,000 representatives of every unit of the
2 Revolutionary Army which was addressed by the Comrade Chairman of
3 the high-level military committee of the Party. RAK received
4 expert assistance and military equipment from other countries,
5 most prominently from China.

6 [15.49.32]

7 B) Role of RAK, Paragraph 116: The role of the RAK is defined in
8 two central documents on the organization of Democratic
9 Kampuchea. Article 19 of the Constitution of Democratic Kampuchea
10 describes the two goals of the Revolutionary Army of Kampuchea,
11 the RAK, defends the state power of the Kampuchean people, and at
12 the same time, help it to be a country. According to Article 27
13 of the Communist Party of Kampuchea Statute, the RAK was
14 responsible for both external and internal security as well as
15 generally participating in building the country. This
16 understanding of the RAK's role was repeated and reiterated in
17 various CPK publications and Party committee meetings.

18 Paragraph 117: External security or national defence was the core
19 task of the RAK; in particular, in the context of the armed
20 conflict with the SRV and in relation to (inaudible) disputes.
21 Internal security comprised of the defence of the CPK rule
22 against perceived enemies and spies within the armed forces, the
23 Party, and the country as a whole.

24 Paragraph 118: With the term 'building the country,' the Party
25 imposed upon the RAK a responsibility for furthering prosperity

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1 and increasing the peoples' living standards and also committing
2 the armed forces to strive for the achievement of the four-year
3 plan's goal of a rice paddy yield of the three tonnes per
4 hectare. In addition, each military unit was supposed to support
5 itself with the exception of the troops at the border.

6 [15.51.51]

7 CPK Centre Military Organs, Military Committee of the Central
8 Committee, Paragraph 119: The Military Committee or high-level
9 Military Committee was a CPK Central Committee organ set up since
10 at least 1970 and the existence of which was reaffirmed at the
11 fourth Party Congress. In line with the original functions of the
12 CPK's armed forces, combining security with purely military task;
13 the Military Committee has also been described as the Security
14 Committee or Military and Security Committee. Also attached to
15 the Central Committee were assistance with military
16 responsibilities.

17 Paragraph 120: The Military Committee acted as an organ of the
18 Party Centre and thus ensured control of the RAK by the Party
19 Centre. The Central Committee and the Military Committee
20 sometimes met in joint session to decide on military matters
21 affecting unified strategic command over the armed forces.

22 [15.53.17]

23 Paragraph 121: Ieng Sary claims that the Military and Security
24 Committee was comprised of Pol Pot, Nuon Chea, and Son Sen. Other
25 members of the Military Committee included So Phim and Ta Mok,

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1 although they may have had less formal responsibility. Witnesses
2 also named Vorn Vet and Ke Pauk as members of the Military
3 Committee. After 17 April 1975, Pol Pot continued to chair the
4 Military Committee. Although Nuon Chea recognized that such an
5 organ assisted during the CPK era, he denies being a part of it.
6 Several witnesses, however, including Ieng Sary, mentioned him as
7 a member of the committee.

8 Paragraph 122: The Military and Security Committee decided on
9 military and security matters including killing, operation of
10 S-21, other secret locations, secret agents, and general matters.
11 Ieng Sary states that this committee reported to the Standing
12 Committee after receiving reports from the zones and that he,
13 personally, heard reports on security.

14 [15.55.02]

15 Paragraph 123: Apparently, in connection with their positions on
16 the Military Committee, Pol Pot, Nuon Chea, and Son Sen were in
17 overall charge of S-21 and the security policy in general. Son
18 Sen frequently met and coordinated with the other members of the
19 Standing Committee ensuring that the CPK leadership had constant
20 knowledge and control over RAK activities.

21 General Staff, Paragraph 124: The central body of the RAK was the
22 general staff. During a CPK Standing Committee meeting on 9
23 October 1975, Son Sen was designated as responsible for general
24 staff and security while Pol Pot was assigned the general
25 responsibility over the military. Son Sen subsequently headed the

1 general staff; reports were submitted to him and he issued
2 orders.

3 [15.56.21]

4 Paragraph 125: The general staff was assigned to be the command
5 and administration of the armed forces. It centrally coordinated
6 various tasks such as the setting up of divisions, organization
7 matters, intelligence, military installations, policy, logistics,
8 weapons, ammunition, food supplies, uniforms, transport and
9 medicine and issued movement orders to the divisions. The general
10 staff also removed secretaries and other cadre at central
11 divisions while appointments to leading positions in the central
12 divisions were made in the name of the Central Committee or by
13 Pol Pot, Nuon Chea, Ieng Sary, and Son Sen. To implement the
14 Party's line and policy, the general staff organized study
15 sessions for selected cadre as well as regular meetings of the
16 leaders of the centre divisions and independent regiments for
17 reporting and issuing orders on various matters.

18 Composition of the RAK, Paragraph 126: Article 19 of the
19 Constitution of Democratic Kampuchea describes three branches of
20 the RAK; regular, regional, and guerilla forces. All of these
21 three categories were under the absolute leadership monopoly of
22 the Communist Party of Kampuchea. The Revolutionary Armed Forces
23 included the regular army of the Centre and all local military
24 units which were all ultimately under the command of the Central
25 Committee and its Military Committee. Similar to other state

1 organs, the Revolutionary Army was described as a pure
2 dictatorial instrument of the Party.

3 [15.58.43]

4 The Regular Army, Paragraph 127: The regular army was composed of
5 divisions and independent regiments. Divisions were separated
6 into centre divisions reporting directly to the Centre and
7 regional divisions. In most cases, a division consisted of three
8 regiments; each regiment of three battalions, and each battalion
9 of three companies.

10 Centre Divisions, Paragraph 128: The centre divisions were
11 commanded directly by the Centre as were the independent
12 regiments. They constituted the main military force of the RAK
13 and as such, carried out the bulk of the military operations
14 against the external enemies.

15 Paragraph 129: Centre divisions were frequently redesignated,
16 dissolved, or merged into each other during the CPK era. As of
17 March 1977, the centre forces included Divisions 801, 703, 310,
18 450, 170, 290, 502, 920, and 164, and independent Regiments 152,
19 377, and 488.

20 Paragraph 130: The RAK also established two combined field
21 commands that each exercised command over several divisions. Both
22 were established in the East Zone. The first of these field
23 commands was located on Route Number 1 in Sector 23. It was
24 commanded by Son Sen and comprised of Divisions 703, 340, 221,
25 460, and 805, 210, 230, 250, and 270. The second field command

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1 was located on Route 7, also in the East Zone. It included
2 Division 207, ex-Division 310, Division 603, ex-Division 450,
3 Division 280, and Division 175 plus elements of Division 502 and
4 forces of the Central Zone; former North Zone. Originally, Route
5 7 field command was commanded by So Phim with Ke Pauk as deputy.
6 So Phim was replaced by Son Sen after the purge and suicide of So
7 Phim.

8 Paragraph 131: Centre divisions were severely purged which led to
9 their subsequent re-designation or merging into other divisions.
10 Notably, Divisions 310, 450, and 920 were purged as part of the
11 purges in the North Zone from where these units originated. As a
12 result of this purge process, Division 310 and Division 450 were
13 re-designated Division 207 and 603 respectively.

14 [16.02.50]

15 Paragraph 132: Reorganization of divisions also occurred due to
16 the intensification of the armed conflict with Vietnam from late
17 1977 which was accompanied by the creation of a number of new
18 centre divisions formed out of an expansion and reorganization of
19 units originating in the Southwest Zone. These included Divisions
20 340, 221, 440, 460, 210, 230, 250, and 270.

21 Zone Armies, Paragraph 133: The second primary branch..."

22 MR. PRESIDENT:

23 Thank you, Ms. Se Kolvuthy.

24 (Judges deliberate)

25 Today's proceeding has come to a conclusion. We will adjourn the

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1 proceeding today and resume tomorrow; that is, the -- Wednesday
2 the 3rd October 2012 starting from 9 a.m.

3 [16.06.05]

4 For tomorrow's proceeding, the Chamber will continue to hear the
5 readout of the portion of the Closing Orders as part of the Case
6 002/01 which are the facts in the segment of the proceeding in
7 this case and then we will hear the testimony of the witness
8 TCW-428. In fact, the witness was here today as a reserve witness
9 and due to the time arrangement, he will appear again tomorrow.

10 Security guards, you are instructed to take the accused, Nuon
11 Chea and Khieu Samphan, to the detention facility and bring them
12 back to the courtroom tomorrow morning before 9 a.m.

13 The hearing is now adjourned.

14 (Court adjourns at 1607H)

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