



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**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 02-May-2012, 12:12  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 April 2012

Trial Day 56

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

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MS. CHET VANLY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MS. RABESANDRATANA	French
MR. SALOTH BAN (TCW-586)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 As scheduled, this morning the floor will be given again to the

6 Prosecution so that they can resume their questioning to the

7 witness, Saloth Ban.

8 The Prosecution, you may proceed.

9 [09.02.46]

10 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

11 Thank you very much, Mr. President. Good morning, Your Honours.

12 Good morning, distinguished colleagues.

13 Q. Yesterday, we were looking at D267/5.1.125, and yesterday the

14 President asked the witness to take a while to look at that

15 document. That's where we left off so I'd like to begin this

16 morning by asking the witness if he has had an opportunity to

17 look at the document, and whether he remembers the document from

18 the days when the Co Investigating Judges were asking him

19 questions.

20 MR. SALOTH BAN:

21 A. When I was interviewed by the investigator, I did not see this

22 document. I only saw the document in this courtroom.

23 [09.04.25]

24 Q. Mr. President, before a decision is taken on this document, it

25 seems that the witness does not remember this document, but if

2

1 you look at document 369/36, it does seem relatively clear, and I  
2 would like to display once again the page that has the two  
3 relevant questions on it. I do believe in fact that the court  
4 officer has already taken steps to show the relevant pages to the  
5 witness.

6 [09.05.39]

7 MR. KARNAVAS:

8 Mr. President, perhaps the gentleman could inform us which pages  
9 they are so we can also look for them.

10 BY MR. DE WILDE D'ESTMAEL:

11 Yes, of course. I'm talking about questions and answers 61 and 62  
12 in document D369/36. I think it's easier to refer to the numbers  
13 of the questions than the ERN numbers, it's clearer. So question  
14 61: "Regarding this life-view meeting, we would like to refer to  
15 document D267/5/1.1.25, ERN 00427859 in which Comrade Sim's  
16 life-view was mentioned. Who was Sim?"

17 And then the answer: "Sim was a cook who was under my  
18 supervision. Currently he lives in Siem Reap province."

19 And then, straight after that, you have question 62, and it says:

20 "Do you recognize whose writing is in this document?"

21 Answer 62: "No, I do not."

22 Then there are other questions, which relate directly to the same  
23 document. I can give the ERN numbers. Question 62 talks about  
24 seven different sections in D1, and so the answer "no, I do not"  
25 to answer 62 is completely clear.

1 [09.07.42]

2 Q. I can ask the witness again: Do you recognize whose writing it  
3 is in this document and the answer is perfectly clear. When you  
4 are shown documents with handwriting, do you, Witness, know the  
5 handwriting in the document? Handwritten, I specify.

6 MR. SALOTH BAN:

7 A. Your question is whether I saw that document, and my response  
8 was that I did not see the document then, I only see the document  
9 here in this Court.

10 When I was shown a document it was not this part of document, it  
11 was just a piece or two pages of document, and I did not put a  
12 thumbprint on that piece or two pages of document.

13 And now you show me this new document, which I did not see  
14 before. So how can I say I see this document?

15 [09.09.03]

16 Q. Perhaps you could tell us if the two pages that we showed you  
17 resemble the ones that are in the document that is before you  
18 today?

19 A. From my recollection, at that time the documents that was  
20 shown to me was not in this format, and of course I did not have  
21 any thumbprint acknowledging that I saw that document then.

22 Q. Before continuing to question the witness, Mr. President,  
23 perhaps I could have your authorization to develop this question  
24 a little bit and refer not only to what I raised yesterday but  
25 draw on the entire list of questions that are related to this

4

1 document. It's not only to D369/36, there is also D233/9.  
2 And I see another reason to submit this document to the witness  
3 because the questions have been put to him, the documents have  
4 been shown to him because in D233/9 he, in that respect, did  
5 recognize his own name and Van's name at an introspection meeting  
6 that he participated in, and that self-examination meeting was a  
7 part of the document that is before him today between 10 and 20  
8 pages and it's about one of those self-examination meetings.

9 [09.11.08]

10 Now, I don't know if I have the authorization of the President to  
11 go further with this particular demonstration or if at this  
12 juncture you are ready to take a decision on that question. Thank  
13 you.

14 MR. PRESIDENT:

15 Defence counsel, Michael Karnavas, you may proceed.

16 MR. KARNAVAS:

17 Thank you, Mr. President. Perhaps, before we go any further,  
18 there may be a few questions for precision sake.

19 Obviously, if you look at the document D369/36 which the  
20 gentleman has pointed to, there is clear indication that  
21 something was shown to him, and where he does indicate that he  
22 does not recognize the writing.

23 [09.11.58]

24 The question, then, that needs to be posed is whether  
25 subsequently, where they make reference to pages, whether those

5

1 pages were actually shown to the witness or whether they merely  
2 indicated to him that "in this document this is what is being  
3 told to you".

4 Now, I raise this because obviously it may be a question of  
5 credibility. I am not suggesting that the gentleman -- the  
6 Prosecution, that is -- cannot go into asking the questions where  
7 pages -- specific pages were referenced in the interview, but  
8 perhaps the confusion may lie in that the document itself was not  
9 provided. And why do I say that? Because I see that at least one  
10 Judge has this look of perplexion.

11 Because if you look at the five documents, the five interviews,  
12 you will see often that the investigators are saying, what if I  
13 were to tell you that there is a document, with never showing the  
14 document. What if I were to say that a witness says such and  
15 such, without naming the witness or the statement?

16 [09.13.01]

17 So this may be an indication where they did show him the document  
18 initially, he said he didn't recognize it, they then proceeded in  
19 asking questions noting which pages but not necessarily allowing  
20 the gentleman to review the document itself, either in whole or  
21 in part.

22 I think that's where the confusion may lie.

23 So one technical question, whether he was provided the document  
24 itself or pages of the documents on each question that he was --  
25 that was posed.



6

1 As I have indicated, I have no objections to questions being  
2 asked from pages that were referenced.

3 As far as the -- the earlier one, D33 -- D233/9, I'm unable to  
4 follow the train of thought that the Prosecution has alluded to.  
5 He's talking about a particular document, I don't know which  
6 document he's referring to, I suspect that we're going to go step  
7 by step, he's going to be able to identify the document that was  
8 actually shown to the witness, and we'll see what happens.

9 But I think one technical matter just needs to be clarified and  
10 then the prosecutor should be entitled to go into the pages that  
11 were referenced in this particular document. Thank you.

12 [09.14.18]

13 MR. PRESIDENT:

14 Thank you, Defence Counsel. Lead Co Lawyer for civil party, you  
15 may proceed.

16 MS. SIMONNEAU-FORT:

17 Good morning, Mr. President. Good morning to the Bench, and to  
18 everybody in the courtroom. I'd like to make two comments on the  
19 problem, which does seem rather worrying about document  
20 production.

21 [09.14.42]

22 The first point is connected with this particular document and  
23 what the Co Prosecutor said.

24 In the document 369/36, question 61 refers to a document and then  
25 straightaway after that there is question 62 about handwriting.

7

1 So it is rather hard to assume it could be anything other than  
2 the writing of that particular handwritten document.

3 There is -- there are different ways of establishing whether a  
4 witness has seen the document. There is what he says, and then if  
5 his memory is faulty, there are objective proofs, and I think the  
6 succession of questions here gives ample proof that he has seen  
7 the document. That is my first point.

8 [09.15.32]

9 My second point is that your Chamber has taken a decision on the  
10 production of documents, which is cause for concern because the  
11 debate here in this Chamber provides a way to establish the truth  
12 in this particular file. And during the debate, we have made use  
13 of testimonial proof and documentary proof, and it seems to me  
14 that we cannot disassociate testimonial witness proof from  
15 documentary proof. And it's very interesting in all instances to  
16 be able to debate documents at the same time as questioning a  
17 witness, and I am wondering why it is not possible to discuss  
18 documents in front of a witness solely because the witness says  
19 he has not seen the document. I think you can show a document to  
20 a witness. It doesn't mean that the witness has to draw  
21 assumptions from it. The witness can look at a document that is a  
22 piece of evidence on one side, and then ask the witness what he  
23 knows. And then cross-relate the two forms of evidence.

24 [09.16.55]

25 But saying that a document cannot be discussed or shown to the

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1 witness simply because the witness states that he is unaware of  
2 it -- I think we are depriving ourselves of a certain form of  
3 evidence and that is a great pity. Thank you.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 The National Defence Counsel for Nuon Chea, you may proceed.

10 The Prosecution, please hold.

11 MR. SON ARUN:

12 Thank you, Mr. President. Good morning, Your Honours.

13 [09.18.00]

14 My apology, I forget to switch my phone off.

15 The witness clearly stated that he does not recognize this  
16 document, and both the Prosecution and the Lead Co-Lawyer shall  
17 not compel this witness to acknowledge his recognition of this  
18 document. If a witness already states that he does not recognize  
19 the document, then the Chamber shall decide to withdraw that  
20 document from the proceeding. Thank you.

21 MR. PRESIDENT:

22 The practical issue before us is rather distinct from what we  
23 have practiced so far. In regards to the documents to be shown to  
24 the witness and the new document that is proposed -- the witness  
25 -- whether the witness knows or has seen or recognizes such a

1 document before he is summoned to testify before this Chamber. If  
2 the witness clearly states that he does not recognize or has  
3 never seen such a document, then the Chamber will decide to  
4 withdraw that document, either in the hard copy form or the  
5 electronic form from the screen.

6 [09.20.12]

7 However, this particular document is different from that  
8 category. The Prosecution intends to rely on this document by  
9 referencing to document D369/36, which is a written record of the  
10 interview by the investigator of the Office of the  
11 Co-Investigating Judges in relation to the indication of making a  
12 presentation of this document before this witness. It is likely  
13 that, at that time, there is sufficient reason to believe that  
14 the document was shown to this document by the investigator  
15 during the interview which have been transcribed into this  
16 written record of the interview.

17 And there are four portions of this document which reference to  
18 this particular document -- that is, in reference to document  
19 D257/5/1.1.25. The issue before us is that -- whether this whole  
20 bunch of document, which is considered to be a record obtained  
21 from the Ministry of Foreign Affairs, then, was shown in full to  
22 this witness during that interview, or maybe only one or two  
23 pages of that bunch of documents was shown.

24 [09.22.11]

25 So there are two possibilities here; whether the whole bunch of

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1 the documents was shown, or one or two pages of extracts from the  
2 whole bunch was shown to this witness. This is what we need to  
3 clarify. And if not, then we may just need to proceed. This is  
4 not the only thing that we need to base on. Because, so far, we  
5 relied on what has been recorded in those interviews. The  
6 question doesn't stop, whether he has seen this document or not.  
7 So the solution to this matter has to be clear. The Prosecution,  
8 you can once again ask additional question to the witness  
9 regarding the fact whether the witness knows that the whole bunch  
10 of documents was shown to him. If not, you need to specify which  
11 page of this whole bunch of documents were shown to this witness.  
12 You need to specify which page that he was shown during that  
13 interview, so that the witness can respond to your question.

14 [09.23.54]

15 And then the Chamber will decide. We shall then decide if this  
16 matter cannot be resolved when we have chance to proceed.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. I'll try and be as clear as I can. I'm  
19 going to base myself on document D369/36.

20 Question 52 refers to ERN in Khmer, 00427826. It was a question  
21 that was about the governing committee of the Foreign Ministry.  
22 In English, it's pages 00003250 to 51. There's no French  
23 translation for the extract of the document D267/5/1.1.25.

24 [09.25.25]

25 In the same document, in question 53, it says the same thing. The

11

1 same goes for question 54, which is a follow-up question.  
2 As to question 55, there is no ERN page mentioned. There is  
3 reference to a category of persons considered to be  
4 "incorrigible" -- and you find those terms on pages 00427825 in  
5 Khmer; in French, 00657829; and in English, 00003249.  
6 On question 56, it's very clear in the title of the question;  
7 there's reference to a congress of the 18th of July, 1976. And  
8 there's a whole section of document D267/5/1.1.25 which concerns  
9 that particular congress under a very clear title, "Congress or  
10 General Assembly: B-1 Ministry Assemblies, 10th of July 1976".  
11 And there's a whole section about that assembly which refers to  
12 pages 00427828 in Khmer until 00427857. That's almost 30 pages  
13 talking about that congress. In English, 00003251 to 3272; in  
14 French, it's rather harder to determine, it starts at 00--  
15 MR. PRESIDENT:  
16 The Prosecution, for the record, could you slow down, in  
17 particular when you speak on the ERN numbers of the document?  
18 You request for additional time, so please use your time  
19 effectively.  
20 [09.28.03]  
21 So please repeat the ERN numbers of the last few pages; the  
22 interpreter could not catch it.  
23 MR. DE WILDE D'ESTMAEL:  
24 Thank you, Mr. President. I'm sorry about that.  
25 The pages concerning the congress that was held on the 10th of

12

1 July 1976, in Khmer, are 00427828 to 00427857; in English,  
2 00003251 to 3272; and, in French, 00657831. Now, in French, the  
3 pages are not in correct order.

4 In question 56, there is a reference to "traitors" and the  
5 control of biographies among the staff. And the pages are very  
6 precise there: in Khmer, 00427844 -- within the 30 pages I  
7 mentioned just now; in English, 00003262; and in French 00657991.

8 [09.29.42]

9 I quoted just now questions 61 and 62. In 61, there is a specific  
10 reference to the Khmer page, which is 00427859, which in English  
11 corresponds to 00003272 to 73, and in French, 00657984. Question  
12 62 is the one that refers to the recognition of the writing that  
13 was shown to the witness.

14 In question 63, it says: "According to the document, B-1, where  
15 it was classified into seven sections: Education, Growing Crops,  
16 the Office, Politics, Protocol, the Secretariat and Civil  
17 Aviation."

18 And each of those different seven sections can be found in the  
19 document that I have submitted; 00427849 in Khmer. English  
20 00003267, and in French 00657989.

21 On question 65, in the question itself, there is an actual  
22 reference in Khmer to 00427849. There's a mistake in the  
23 transcription here, because in fact it shouldn't say 7849. It  
24 should say 7949.

25 [09.31.52]

1 In English, it's 00003436, and there's no French translation.  
2 Here we're talking about staff in Chraing Chamres in question 67,  
3 and here again you have the page references; in Khmer 00427928;  
4 in French, 00657891; and in English, 00003321.  
5 Regarding question number 68, it is practically the same page,  
6 continuous on the next page. As for question 70, they are talking  
7 about "enemies and recalcitrants" sent to the security centre.  
8 The contents are similar to those on page, Khmer 00427941, under  
9 heading number 1, regarding types of disputes and antagonism. And  
10 in English, 00004331.  
11 And I'll now talk about another document, D263/9. And the  
12 question was put to the witness -- and you'd understand that  
13 you're talking about a self-examination -- self-criticism  
14 meeting.  
15 I will have to read some extracts. The references are not  
16 mentioned in the two questions in this document. But when you  
17 read them, you'd understand that it is indeed part of the  
18 document that was shown to the witness -- that is, 265, which  
19 talks about self-criticism.  
20 [09.34.21]  
21 And this section is from pages 00427907 in Khmer, up to 00427927.  
22 We are talking about 20 pages. In English, it is 44443304 (sic)  
23 up to 3320; and in French it is 00657875. But the pages are mixed  
24 up, so it is difficult to give all the ERN numbers.  
25 Perhaps the most interesting passage is answer 1, and the witness



14

1 says: "I think that this document truly refers to a meeting held  
2 at the Foreign Ministry. There is a detail which confirms what I  
3 asserted, and it is the name of Comrade Pang."

4 And the translation is not very good. The quote says "giving me  
5 advice". The English is clearer. We understand that it is Comrade  
6 Van who gives advice -- Comrade Vorn. And the witness, in this,  
7 says that he really existed.

8 This document refers to a meeting that was held between 1975 and  
9 1978, because during that period, there were minutes of all  
10 meetings held.

11 [09.36.10]

12 Now, when you look at that, along with the passage I have just  
13 mentioned in the documents shown to the witness, that is, the 20  
14 pages regarding the self-criticism meeting, you would understand  
15 that, indeed, the name of Comrade Van and Vorn appear, and that  
16 Comrade Vorn and other comrades, such as Cheam, and so on and so  
17 forth -- criticize themselves, and then Comrade Van draws  
18 conclusions or gives advice. I believe that the answer given by  
19 the witness in answer 1 is truly clear, because he says that: "I  
20 think that this document truly refers to a meeting that was held  
21 at the Foreign Ministry."

22 I do not think that he was not shown this document. I believe he  
23 was shown this document, because he himself says his name appears  
24 in the document. This is what I would say in this regard.

25 [09.37.16]

15

1 And, last point -- in his answer to question number 2, in  
2 document 233/2 -- and the question was: "Who is the person who  
3 wrote the minutes with his hand?"

4 And he says:

5 "According to me, the person who could have written the minutes  
6 could be Suong Sikoeun or Mr. In Sopheap or Mr. Bong Keat Chhon,  
7 as well."

8 I do not think either that, regarding this section, he could have  
9 given names without having looked at the document or the writing  
10 -- the handwriting on it.

11 So these are sections and pages that, I think, should be shown to  
12 -- that should -- must have been shown to the witness during the  
13 various interviews. Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you. And -- why don't you ask the question more  
16 specifically, about the document. Can you ask witness, regarding  
17 the documents you have just described, going back to the  
18 investigation phase, during which the investigation -- the  
19 investigators made reference to those documents whether he, the  
20 witness, still remembered those documents?

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President.

23 Q. Witness, regarding the meeting on self-criticism, in which the  
24 names of Comrades Vorn, Van, and Cheam appear, do you remember  
25 whether the investigators showed you that document?

1 MR. SALOTH BAN:

2 A. Allow me to answer this question again.

3 [09.39.39]

4 Initially, you asked whether I have seen this document before,  
5 and I answered that, this bunch of document -- no, I never saw  
6 this bunch of document. I only saw this document here and now.  
7 Only a few pages were given by the investigators to me, and those  
8 few pages -- I was asked whether I recognized the writings of the  
9 documents, and I said no. The last document provided to me by the  
10 investigators were of only a few pages, and I said no, I did not  
11 know about the documents. Now I am presented with a different  
12 document.

13 [09.40.52]

14 I did not even thumbprint the few pages of documents that I was  
15 provided by the investigators. That's why I did not answer your  
16 question. Otherwise, I would be then put other questions. If I  
17 did not see the document before, how could I answer the  
18 questions?

19 Q. Mr. President, I will try another question. I would like to  
20 ask the witness to tell us whether a section of this document may  
21 have been shown to you, since it appears that, in the record of  
22 the interview, you recognize the name of comrade Vorn, Van, and  
23 Cheam as they appear on the document.

24 Perhaps you should look at Khmer page 00427914, which is one of  
25 the pages dealing with that self-criticism meeting. And tell me

1 whether you saw that document.

2 MR. KARNAVAS:

3 Could we have the corresponding numbers for the rest of us who  
4 may wish to follow these proceedings?

5 MR. DE WILDE D'ESTMAEL:

6 Sorry. In English, it is 443310; and in French, 00657950.

7 MR. KARNAVAS:

8 Mr. President, I'm talking about the document itself that they're  
9 showing him.

10 Now, are they showing the gentleman his statement, or are they  
11 showing him a page from the document which they are attempting to  
12 introduce?

13 [09.43.14]

14 I don't know what's going on here. Because in the statement of  
15 233/9 -- and I note there was a European investigator at the time  
16 -- it says, "I will show you this document." And there's no  
17 number to the document. There's no page reference to the  
18 document.

19 So what is being shown to the witness? So the rest of us can  
20 follow along -- which calls into question, you know, the quality  
21 of the investigation -- never mentioning what the document is.

22 MR. PRESIDENT:

23 Thank you, Mr. Michael Karnavas.

24 [09.44.08]

25 The International Co-Prosecutor, could you identify the documents

1 -- the specific pages in either two or three languages, just like  
2 what we did before? This is a general principle, and everyone is  
3 to follow this principle. Parties use different languages; Khmer,  
4 English or French.

5 So this is the normal practice, and parties should remember what  
6 they are supposed to do.

7 MR. DE WILDE D'ESTMAEL:

8 Yes, Mr. President. The Khmer page that I wanted to show to the  
9 witness, whose reference I've given, is indeed a passage titled  
10 "Comments by Comrade Vorn". And in English, it is 00003310. It  
11 goes from 3309 to 3310. In Khmer, the pages that follow -- if you  
12 flip over the page, Witness -- have a title on page 00427914; in  
13 English, 44443310 (sic); and in French, 00657950. The title on  
14 this page is "Comments by Comrade Van to Assist Comrade Vorn".  
15 Perhaps I should clarify something in French because it's rather  
16 complicated; the comments of Comrade Hong on page 00557881 and  
17 the comments by Comrade Van are on page 00657950.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. What I would like you to say, Witness, is this regarding these  
20 particular pages: Were you shown those pages by the investigators  
21 during your interview? Since you say that you recognize certain  
22 names, would this document have been shown to you?

23 [09.47.14]

24 MR. SALOTH BAN:

25 A. This document was not presented to me back then. I only come

19

1 to know this document now. Besides, I only recognize my name and  
2 this document was not written by me. The name -- the title of  
3 this page reads -- concerns comments of Comrade Hong. I rejected  
4 -- I reject the contents of this document and I did not  
5 thumbprint this document.

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I think we are going round in circles. I am in the  
8 Chamber's hands regarding this decision since we are losing time  
9 and I want to move into another line of questioning. Thank you.

10 MR. PRESIDENT:

11 Can witness examine these four documents?

12 [09.48.23]

13 Court officer is instructed to take these documents to witness  
14 and ask him to have a look at these documents in this order.

15 (Short pause)

16 Witness, do you still remember whether you have seen the four  
17 documents that you have been provided just now -- whether you  
18 were presented with these documents during the investigation  
19 phase, particularly, during your interview with the investigator?

20 MR. SALOTH BAN:

21 During my interview, I was given a few pages of documents, but as  
22 I have seen these documents, those pages were not the same as  
23 these documents. This is from my recollection that is why I said  
24 I do not know the writings of these documents. This is my answer.

25 MR. PRESIDENT:

20

1 Thank you. You did say clearly in your written record of  
2 interview before the investigators -- that is, in document  
3 D369/36, you indicated that you did not recognize the author of  
4 the documents. You did indicated -- indicate that. However, there  
5 are questions in that documents which referred to the four  
6 documents that I gave to you.

7 [09.51.19]

8 The investigator made reference to these documents. For example,  
9 according to document D267/5/1.1.25 -- and refers to a particular  
10 page with ERN number and the question made reference to a number  
11 of names and asked whether you confirm that and you said  
12 something to that, so this is for you to consider -- that is for  
13 you to consider two points. Now, the investigator, based on a  
14 number of documents, to ask you some questions, the investigator  
15 referred only to four particular pages in asking you questions;  
16 that refers to the four documents that I provided to you. Can you  
17 confirm whether this is the case?

18 [09.52.44]

19 MR. SALOTH BAN:

20 I would like to say that the documents that were presented during  
21 the interview were not these four documents. From my memory, I  
22 can say that there was my name in the document, but I was not  
23 allowed to read the contents of the documents back then, so I  
24 could not guaranty whether the content of the document was  
25 accurate.

21

1 So, if you ask me to ensure that these are the document I were  
2 presented back then, I am afraid that I cannot do so because I  
3 was not allowed to thumbprint in order to acknowledge the  
4 contents of the document because I did not know about the content  
5 of the document. If something wrong with the content, and then--

6 MR. PRESIDENT:

7 There may be misunderstanding.

8 The reason why the Chamber provides you these documents is not to  
9 prove that these documents were written by you. We would like to  
10 know whether you were presented by investigators during your  
11 interview. This does not mean that you are going to be  
12 responsible for the contents mentioned in these documents because  
13 these documents were not written by you and if you did write  
14 these documents, the Chamber will not ask you to be responsible  
15 for the contents of these documents.

16 [09.54.50]

17 Court officer is now instructed to take back the four documents  
18 from witness.

19 Now, the Chamber would like to inform the Prosecution that this  
20 witness does not remember about these documents. However, on the  
21 basis of the questions asked by the investigators, as referred to  
22 in the documents you did before, the Co-Prosecutor may continue  
23 questioning this witness using general questions.

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President.



1 [09.55.46]

2 Q. Witness, yesterday, you stated that during meetings at B-1  
3 that those meetings did not bring together intellectuals, on the  
4 one hand, and persons who were under your responsibility in the  
5 production unit and who hailed from the peasant class. That  
6 notwithstanding, did you attend assemblies and congresses  
7 organized at the ministry under the auspices of the chairmanship  
8 of Mr. Ieng Sary?

9 MR. SALOTH BAN:

10 A. Yes, I did.

11 Q. Regarding those assemblies, can you tell us who was present?  
12 Were all cadres and staff members at the ministry and B-1 in  
13 attendance or which category of persons were in attendance?

14 A. I do not remember all. Sometimes, I was to travel abroad. I do  
15 not remember about this all but, in practice, all the office  
16 committees participated in the meeting.

17 [09.57.54]

18 Q. Thank you. Do you recall a general assembly held in July 1976?

19 A. (No interpretation)

20 Q. Whenever there was a general assembly, how many days could it  
21 last?

22 A. The assembly was conducted on the basis of the practical  
23 situations. Sometimes, we determined initially that it was to be  
24 -- last half a month, but in practice it lasts only a week. So  
25 the situations changed.

1 Q. You stated that, at times, you travelled. How many general  
2 assemblies did you attend at the Foreign Ministry between January  
3 1975 -- between April 1975 and January 1979? I beg your pardon.

4 A. I do not understand the question; can I have the question  
5 again?

6 [09.59.41]

7 Q. Yes, I wanted to know how many general assembly meetings and  
8 congresses you attended at the ministry between April 1975 and  
9 January 1979. Although you stated that there were times when you  
10 were not in the country, can you give us approximately the number  
11 of general assemblies that were held at the ministry chaired by  
12 Ieng Sary during that period?

13 A. There was about two times. I believe it was less than three.

14 Q. Around July 1976, was there a wave of arrests at the Ministry  
15 of Foreign Affairs?

16 A. I cannot recall the date but, yes, there were arrest.

17 Q. Can you remember the reasons for the arrests? In response 57  
18 of your -- the record, you said that these arrests were  
19 widespread.

20 I'd like your permission to show answer 57 of the document and  
21 put it on the screen, Mr. President.

22 MR. PRESIDENT:

23 Yes, you can proceed.

24 [10.02.18]

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. So my question was to know why there were widespread arrests  
2 of people in July '76.

3 MR. SALOTH BAN:

4 A. Based on my statement that I made then, large-scale arrest  
5 here which means that it's -- it's nationwide, not just only at  
6 B-1.

7 Q. In B-1 and nationwide, but can you give us some -- some idea  
8 of why these widespread arrests were taking place, please?

9 A. I do not know the reason for the arrest; however, the  
10 situation, at that time, was that the Vietnamese intensifies  
11 their attack toward Phnom Penh.

12 [10.03.57]

13 Q. What were the consequences of the Vietnamese attack at that  
14 time? Are you telling us that the arrests were connected with the  
15 attack by the Vietnamese?

16 A. I do not know everything in details. I only knew certain  
17 portions of the events I learned from the military who came from  
18 the border that the Vietnamese were advancing and then there were  
19 fierce attacks at the border; that's all what I knew back then.

20 Q. In those days, were they looking for Vietnamese spies in the  
21 different ministries?

22 A. I stated yesterday that was not my skill or expertise. My work  
23 was involved in educating the people to calm and to be vigilant.

24 Q. Thank you. At one of the ministry meetings that you attended,  
25 did you ever hear Ieng Sary saying that the country was being

1 betrayed to the tune of 1 to 5 per cent and that meant that you  
2 had to look very meticulously at biographies and at the results  
3 of the self-examination meetings? Did you ever hear that said?

4 A. I cannot recall these words. In general, I can recall that we  
5 had to be vigilant -- vigilant to the highest level. And, as for  
6 our internal affairs, we have to compromise ourselves and not to  
7 stray away from our patriotism. That's all what I can recall.

8 [10.06.53]

9 Q. Being ultra-vigilant in the security office of B-1, did that  
10 signify discovering the enemies who were gnawing away from  
11 within?

12 A. It is difficult for me to respond to this question. Enemies  
13 had to be discovered and what were those enemies? Are we  
14 referring to our internal or self-enemies? If we can find our  
15 self or internal enemy, then we can find any enemy.

16 Q. Witness, do you remember an episode where two young women were  
17 found carrying out treasonous activities in the ministry?

18 I'm still basing myself on the document that I couldn't show, Mr.  
19 President.

20 A. I cannot recall that event.

21 [10.08.50]

22 Q. At general assemblies or at self-examination meetings, did you  
23 ever hear Ieng Sary saying that you had to be doubly vigilant  
24 vis-à-vis people who had degrees and diplomas?

25 A. There were no such words.

1 Q. At that sort of meeting, was it ever said that within the  
2 intellectual section there was a shortage of people from the  
3 peasant or workers' category so as to balance the section better?

4 A. I cannot exactly recall, but I heard that, in the future, we  
5 had to teach the children of the poor peasants how to work like  
6 the -- like the intellectuals.

7 Q. Did you know Comrade Moeun, M-o-e-u-n, Moeun who worked in the  
8 Ministry of Foreign Affairs?

9 A. What was -- was he a male or was the person a male or female?  
10 Comrade Moeun that you referred to, was the person male or  
11 female?

12 [10.11.09]

13 Q. I don't know what gender that person was, but it was a cadre  
14 in the ministry. If you can remember the various cadres, can you  
15 possibly recall somebody whose name was Moeun?

16 A. Since you do not know the gender of the person, I do not need  
17 to respond.

18 Q. At self-criticism meetings, Witness, is there somebody who had  
19 to take notes on what the different cadres were saying when they  
20 were criticizing themselves and who recorded the conclusions  
21 drawn by Ieng Sary, at the end of the meeting, as you said  
22 yesterday? Were notes taken?

23 A. There were some minutes of some meetings, but not all. If the  
24 meetings were important, yes, there were minutes of the meetings.

25 [10.12.34]

1 Q. Who wrote the minutes, normally speaking, in the Ministry of  
2 Foreign Affairs for these self-criticism meetings?

3 A. Nobody specifically assigned to take minutes. People took  
4 minutes individually and they kept it by themselves.

5 Q. But you told me that there were records of some of these  
6 meetings; I mean records that could then have been shared with  
7 the different participants in the meetings. Were there records of  
8 the meetings that were typewritten, for example?

9 A. There were major meetings, for example, the meetings abroad or  
10 the speeches, then the foreign section of the ministry would take  
11 the minutes. As for my section, regarding the livelihood, no.  
12 There were no minutes of the meetings.

13 [10.14.10]

14 Q. At the general assemblies or at the big meetings that you  
15 refer to, were there ever cadres who reported that the population  
16 was hungry; that famine was raging?

17 A. Yes, for example, myself.

18 Q. When was it first reported?

19 A. It was reported about three weeks or one month before the  
20 Vietnamese arrival in the country.

21 Q. Well, Mr. President, I don't know if I can say this, but in  
22 the document that could not be presented, there was reference to  
23 "as of 1976".

24 At that time, did you hear officials talking about such things  
25 and not only in 1978?

1 Witness, did you understand the question?

2 A. (No interpretation)

3 Q. In 1976, when there were meetings held in the Ministry of  
4 Foreign Affairs, did one or several of the cadres express the  
5 concern that the population had nothing to eat? Did you hear that  
6 said in 1976 and not, as you suggested just now, towards  
7 September or October 1978?

8 [10.16.52]

9 A. Regarding starvation, in general, starvation existed during  
10 the war time. However, the failure to implement the Party's  
11 policies in certain areas, people were starved. The bases would  
12 then report regarding the starvation. As personally -- for me,  
13 when I went outside the ministry and I saw the events -- the  
14 starvation -- then I made a report, as I stated earlier.

15 Q. Thank you, Witness. Did you often, yourself, go out to the  
16 rural areas in Democratic Kampuchea between April 1975 and 1979?  
17 If so, when -- could you tell us when you went out to the  
18 countryside?

19 A. If you use the word "visit", I do not have any visits at the  
20 time. But sometimes I accompanied guests, for example,  
21 journalists, and I was told by the local people that local cadres  
22 mistreated them. That happened in certain areas and sometimes  
23 they complained about the shortage of food. So then I reported on  
24 these events.

25 Q. As of which year did you go with these foreign delegations

1 that were visiting the country? And in which context -- you  
2 travelled yourself within the country. Tell us what year that  
3 started.

4 A. I cannot recall the numbers of trips. However, a list -- there  
5 were two trips per year that I escorted guests.

6 [10.19.48]

7 Q. So, two trips a year, from 1975 or from a later date?

8 A. It started when guests arrived in Cambodia, including those  
9 diplomats.

10 Q. Did you accompany foreign delegations from China around the  
11 country, and if so, at what sort of time?

12 A. I never escorted a Chinese delegation. However, I escorted  
13 other delegations.

14 Q. Could you tell us the nationalities, then, of the delegations  
15 that you did escort during the Democratic Kampuchea period? Not  
16 every single one, but give us the names of some of the  
17 nationalities of these delegations, please.

18 [10.21.15]

19 A. I escorted journalists from the United States, journalists  
20 from Japan -- Aneska (phonetic) that was the name. And I cannot  
21 recall the name of the newspaper or the journalist from the  
22 United States.

23 Q. Did you escort a Belgian delegation from the Belgian Cambodia  
24 Friendship Association?

25 A. Yes, I did.



1 Q. And at the end of these visits, did you go with them to K-1  
2 for meetings with Pol Pot?

3 A. I cannot recall that.

4 Q. Did you also escort a delegation from Laos that visited the  
5 country in 1977, if my memory serves me correctly?

6 A. No, I did not -- hold on, I recall that. Yes, I escorted them  
7 to Kampong Som at the time.

8 [10.23.16]

9 Q. Mr. President, I'd like to show a few photographs which could  
10 help us. It's a new document, which we placed in the file last  
11 April. The first is P00513612. Perhaps all three could be shown  
12 at the same time to the witness. The second is P00513592, and the  
13 third is P00513420. I'd like your permission, Mr. President, to  
14 project these on the screen and to show hard copies to the  
15 witness.

16 MR. PRESIDENT:

17 Yes, you can proceed. Court officer, can you take the document  
18 from the Prosecution and show them to the witness? The photos can  
19 also be shown on the screen.

20 BY MR. DE WILDE D'ESTMAEL:

21 Starting with the first one, Mr. President, if I may, 00513612,  
22 it's on the screen.

23 [10.24.50]

24 Q. Can you tell us who you can recognize on this photograph? Let  
25 us start with the right-hand side.

1 MR. SALOTH BAN:

2 A. It is likely that the gentleman is Ieng Sary, that is, far at  
3 the back. And the third from him is Nuon Chea, and then Khieu  
4 Samphan. That's all I can say.

5 Q. Can you see yourself in the photograph as well?

6 A. It seems that there is no photo of me in there, because I was  
7 the one who prepared the food, the lunch, so I did not have the  
8 opportunity to be with them.

9 Q. Who is the tall, elegant young man furthest to the right,  
10 whose body is sliced in half, unfortunately, by the photograph?  
11 Do you recognize that person?

12 A. I do not recognize this gentleman. He looks handsome, but I do  
13 not recognize him.

14 Q. Very well. Perhaps we can turn to the second photograph, and  
15 tell us where it might have been taken. This is 00513592. Please  
16 look at the people coming down the steps. Do you recognize  
17 anybody here from the Cambodian government and anybody in the  
18 foreign delegation that was visiting?

19 [10.27.59]

20 A. For this Laos delegation, I cannot recall the name of the  
21 person and -- besides, I only know Khieu Samphan. And then,  
22 behind, I am not sure -- I cannot say for sure who the person is.

23 Q. Do you know where the photo was taken? It's a foreign  
24 delegation. What sort of place might it be, when you look at this  
25 photograph?

1 A. I am not really sure. My duty was to prepare the food for them  
2 after their plane landed.

3 [10.29.02]

4 Q. Alright, let's quickly have a look at the third photo, taken  
5 with the same people, I believe. It's 00513420 P -- if we could  
6 have that one up on the screen. Do you recognize this place,  
7 where this official photo was taken? It looks like a rather large  
8 edifice.

9 A. If I am not mistaken, this photo was taken at the so-called  
10 house number 1.

11 Q. Is this still the visit by the delegation of Laos? Do you  
12 recognize members of the government, or Democratic Kampuchea  
13 cadres in the photograph?

14 A. I do not know the Laos delegation. And in this picture I can  
15 identify Brother Ieng Sary, Brother Khieu Samphan. I am not sure  
16 about the others. I do not know who they are. But another one,  
17 the lady over there, Ieng Thirith, and Yun Yat, but I do not know  
18 the other woman on the left.

19 Q. The person next to the third woman on that photograph, is that  
20 you?

21 A. He was probably a servant. It's not me.

22 Q. A servant on an official photograph, Witness? Are you sure?

23 A. At the time, I believe that everyone was -- or who were  
24 working there -- were called together. But it is hard for me to  
25 explain this. At the time, everything was equal. Those who were

1 responsible or in charge of security could not go there -- could  
2 not stand there. And as for me, who was in charge of security  
3 could not go there. But if the delegation say, "Well, servants  
4 could come and stand together and take a picture", yes, they  
5 could come. This is different from the European culture.

6 [10.32.58]

7 Q. Thank you. Regarding that Laotian delegation that visited  
8 Cambodia, did Mr. Ieng Sary accompany them on the ground? Did  
9 they go to Siem Reap? And, more generally speaking, do you know  
10 whether Mr. Ieng Sary sometimes accompanied major delegations --  
11 or important delegations -- on visits to the ground in Cambodia?

12 MR. PRESIDENT:

13 Witness, please hold.

14 Yes, Michael Karnavas, you may proceed.

15 [10.33.48]

16 MR. KARNAVAS:

17 Thank you, Mr. President. Your Honours. Last week we saw vigorous  
18 objections coming from the Prosecution and from the civil parties  
19 where there were compound questions. This is a three-part  
20 question, particularly the last part. If we are going to keep a  
21 clean record and we know exactly what the witness is answering to  
22 -- part 1, or part 2, or part 3 of the question -- I suggest that  
23 we break it down into simple, one fact per question. Thank you.

24 MR. PRESIDENT:

25 Yes, the International Co-Prosecutor, you may proceed.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you. That is a good idea. I thought, -- well, getting  
3 closer and closer to the break time. Let me repeat my question.

4 Q. Did you go to Siem Reap with the delegation from Laos and was  
5 Mr. Ieng Sary there as well?

6 [10.34.53]

7 MR. SALOTH BAN:

8 A. I do not remember that, and I did not accompany these  
9 delegations to Siem Reap province.

10 Q. I am sorry; you, indeed, said Kampong Som. You did refer to  
11 Kampong Som. So when you went to Kampong Som, was Mr. Ieng Sary  
12 with you?

13 A. I do not remember about that either.

14 Q. Now, let me put a more general question to you. Did Mr. Ieng  
15 Sary happen to accompany important delegations, particularly when  
16 there were ministers and foreign heads of states visiting  
17 Cambodia and going into the field between April 1975 and January  
18 1979?

19 [10.36.09]

20 MR. PRESIDENT:

21 Please wait until your mic is activated, witness.

22 MR. SALOTH BAN:

23 A. As his role was to receive guests, it would be true that he  
24 would receive delegations, but I could not recall the exact  
25 dates.

1 Q. He did, indeed, receive delegations. I agree with you. But did  
2 he accompany them on visits to the ground -- to the field?

3 A. I do not remember that. He went to the base, but I don't  
4 remember when.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you.

7 Mr. President, I see that the time now is 10.40; is this the  
8 right time to take our break?

9 [10.37.20]

10 MR. PRESIDENT:

11 It is now appropriate for us to take a break. The Chamber will  
12 now go into recess for 20 minutes.

13 The court officer is instructed to facilitate and bring the  
14 witness back to his waiting room and to return him to this  
15 courtroom along with his duty counsel at 11 o'clock.

16 Yes, Defence Counsel for Mr. Ieng Sary, you may proceed.

17 MR. ANG UDOM:

18 Thank you, Mr. President. Good morning, Your Honours.

19 Due to his health reason, Mr. Ieng Sary finds it difficult to sit  
20 in this courtroom, and he would like to waive his right to be  
21 present in this courtroom directly, but to follow the proceedings  
22 from the holding cell downstairs. And we seek you consideration  
23 accordingly.

24 [10.38.20]

25 MR. PRESIDENT:

1 Thank you. You may be seated.

2 After having heard the request of Mr. Ieng Sary made through his  
3 counsel to waive his right to be present directly in this  
4 courtroom and to request to follow the proceedings through  
5 audio-visual means from the holding cell for the remainder of  
6 today's proceedings, the Chamber grants the request of Mr. Ieng  
7 Sary that have been made through his counsel not to be present  
8 directly in this courtroom, but instead to follow the proceedings  
9 from a holding cell, downstairs, for the remainder of today's  
10 proceedings.

11 Defence counsel is required to submit a written waiver with a  
12 signature or thumbprint of Mr. Ieng Sary.

13 The AV Unit is now instructed to live the proceedings to the  
14 holding cell, downstairs.

15 Security guards are now instructed to bring Mr. Ieng Sary to the  
16 holding cell, downstairs, where equipment are ready for him to  
17 follow the proceedings.

18 The Court is now adjourned.

19 [10.39.51]

20 THE GREFFIER:

21 All rise.

22 (Court recesses from 1039H to 1059H)

23 MR. PRESIDENT:

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

25 We now hand over the floor again to the Prosecution to question

1 this witness. You may proceed.

2 [11.00.36]

3 BY MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 Q. Mr. Witness, just now you said that you reported to Ieng Sary  
6 about famine that you observed out in the countryside during  
7 trips you made outside the city.

8 As a consequence of the report to the ministers, was there a new  
9 policy prepared?

10 (Short pause)

11 MR. SALOTH BAN:

12 A. Yes, there was a policy, that is, a circular, as I recall. The  
13 content of the circular is that, the bosses need to provide  
14 sufficient food to the people. Two, before someone is accused of  
15 any offence, it has to be done through the seven-level hierarchy,  
16 that is, from the village up to the sub-district, to the  
17 district, to the province, up to the zone, and then through the  
18 national level and to the central level before the system can be  
19 made.

20 [11.03.07]

21 Q. When you say that it was a decision concerning accusation for  
22 some kind of misdemeanour, what exactly did this mean, execution?

23 A. It is not a decision to execute anyone. There is -- a review  
24 shall be made through the seven-level hierarchy in order to say  
25 if an offence had been committed. However, I did not know about



1 the punishment if there was an offence committed.

2 [11.04.09]

3 Q. Mr. President, I'd like to refer to D91/14, record of an  
4 interview; Khmer, ERN00204097; in French, 00503936; and in  
5 English 00361011. If we could have that on the screen, with your  
6 permission, Mr. President?

7 MR. PRESIDENT:

8 Yes, you can proceed.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. I repeat, in Khmer, 00208017, and it's at the bottom of the  
11 page. To correct, 00204097; and in English, Mr. President, it's  
12 page 00223597, rather than the one I mentioned before.

13 In the middle of that answer you talked about the fact that you  
14 accompanied people to Siem Reap and you say there:

15 "I realized that the population was facing extreme difficulties.  
16 During the trip I met my father in Kampong Thom; he said that he  
17 was going through severe adversity.

18 Once back home, I reported to Mr. Ieng Sary about the  
19 difficulties being endured by the population, and he in turn  
20 reported to the Central Committee. From that precise moment, the  
21 Central Committee of the party prepared a new policy which said  
22 that the cadre that gave rice porridge to eat to the population  
23 was a traitor. The decision to execute a person in the population  
24 was only possible as long as there was a decision taken at the  
25 village commune, district, region or zone level, and by three

1 members of the Central Committee of the Party."

2 [11.07.03]

3 Can I ask the witness if he confirms the contents of that report?

4 MR. SALOTH BAN:

5 A. Yes, I stand by my statement. However, I'd like to clarify  
6 that the policy had not yet been implemented because of the  
7 arrival of the Vietnamese.

8 [11.07.42]

9 Q. This was a new policy which appears to have been more  
10 restrictive than the one there was before, otherwise it wouldn't  
11 have been a new policy. What was the policy that was enforced  
12 before that one when it came to determining who was a traitor or  
13 how decisions were taken to execute somebody?

14 A. I did not have the knowledge in this regard.

15 Q. You said that there were seven echelons that have to give  
16 their agreement in the new policy. And in the old policy, how  
17 many echelons were required?

18 A. I did not know the previous policy; I only saw people being  
19 arrested.

20 Q. Thank you.

21 I'd like some clarification now concerning the role of Mr. Khieu  
22 Samphan.

23 You told this Court that both Khieu Samphan and Pang occupied  
24 duties in the office; it wasn't exactly clear what the  
25 differences between the two individuals' responsibilities were in

40

1 Office 870 when they were working there together.

2 A. I'd like to clarify, that responsibility is not a clear-cut  
3 distinction. From what I observed, I used the word "the  
4 responsibility". However, upon deep thinking, I would prefer to  
5 use the word "assist" – "assisting" in doing this chore or that  
6 chore because the word "responsibility" is more connected to  
7 politics.

8 [11.10.24]

9 Also, at that time, I was never informed officially of the status  
10 or function of this person or that person, and then because we  
11 keep commonly used the word "responsible" for this or for that.

12 Secondly, for Khieu Samphan, in regards to Khieu Samphan in that  
13 office, and as I will use the word "responsibility" in that  
14 office, I did not know the details of his roles and functions.

15 Everybody who worked in Office 870 would be -- said that the  
16 person would bear responsibility in that office and they were  
17 referred to, in general, as the people who worked at Office 870.

18 [11.11.15]

19 So the word used verbally at that time, and now translated in the  
20 document used in the court is rather subjective. I prefer to use  
21 -- to use the word "assisting", "assisting" this person doing  
22 that or this person distributing that.

23 Q. Between the two people, who dealt with affairs outside and who  
24 dealt with internal affairs?

25 A. You refer to both of them. Whom would you -- are you referring

1 to?

2 Q. Sorry, let's come back to the first question.

3 Khieu Samphan and Pang, one worked more outside and one worked  
4 more inside, is that the case or not?

5 A. Khieu Samphan mainly worked inside. Occasionally when I met  
6 him, he was always inside. As to whether he went to work outside,  
7 was beyond my knowledge.

8 [11.12.50]

9 Regarding Pang, Pang mainly worked outside. I saw him riding  
10 bicycle here -- motorbike here and there. Usually I only saw him  
11 on the street.

12 Q. So you met Khieu Samphan in Office 870; is that correct?

13 A. Yes.

14 Q. And you also met him when sometimes he came to the Ministry of  
15 Foreign Affairs. I think you told us on Monday that he sometimes  
16 came around to talk about questions of air flights and tickets?

17 [11.13.47]

18 A. Yes, I met him. However, I did not have a direct contact with  
19 him. He met with the intellectual groups regarding the  
20 foreigners.

21 Q. Did Khieu Samphan come to the ministry as well to gather  
22 information that he could have used in making speeches?

23 A. I am uncertain on this matter.

24 Q. Mr. President, I'd like to show response 30 that the witness  
25 gave in document D379/36 -- 369/36. If I may put that on the

1 screen, please?

2 MR. PRESIDENT:

3 Yes, you can do so.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. So response 30. Thank you.

6 The question is: "When Mr. Khieu Samphan had to work as a  
7 replacement, what did he do?"

8 And you gave the answer: "He came to search for information and  
9 asked about what kind of issue to be raised when giving  
10 speeches."

11 [11.16.01]

12 Does that refresh your memory, Mr. Witness? Do you have a comment  
13 to make?

14 MR. SALOTH BAN:

15 A. Yes, I recall that, and I do not have anything else to add.

16 Q. Did he also come and ask for that information when Ieng Sary  
17 was there?

18 A. It seems that Ieng Sary was not present when he came.

19 Q. Taking a step backwards to the period before April '75, we're  
20 staying on the subject of Mr. Khieu Samphan here. Before April  
21 '75, what was the exact role or precise functions of Khieu  
22 Samphan in the revolution when he was in the Maquis, when he was  
23 working for the front, or did he work for the Kampuchea Communist  
24 Party?

25 [11.17.39]

1 MR. PRESIDENT:

2 The Witness, could you please hold?

3 The Defence Counsel, you may proceed.

4 MS. GUISSÉ:

5 Good morning, Mr. President. Good morning to the Chamber and to  
6 the parties. I have an objection to lodge with the prosecutor's  
7 question, which is particularly leading.

8 I think he's going to have to re word this one. Thank you.

9 BY MR. DE WILDE D'ESTMAEL:

10 All right. So, as not to waste time, I will ask the first  
11 question.

12 Q. In your knowledge, what was the role and functions of Khieu  
13 Samphan in the revolution before April 1975? It wasn't entirely  
14 clear before. Thank you.

15 MR. SALOTH BAN:

16 A. No, I did not know.

17 [11.18.40]

18 Q. Yesterday, you confirmed the contents of response 39 of  
19 document D369/36, and you said, more particularly before the  
20 investigators that, "When initially he went into the jungle he  
21 worked in an office called the Front Office. It wasn't an office  
22 from -- of the Central Committee. However, he was seen coming and  
23 going to the Central Committee Office." This you confirmed  
24 yesterday, but can you tell the Chamber now, what exactly you  
25 mean by this "Front Office"? What did the Front Office do?

44

1 A. At that time, I was in charge of security or protection, and I  
2 led people to build that office. There were about four to ten  
3 people who came to -- with me to work there, and then it was  
4 commonly known as the Front Office, so I just referred to that  
5 common name, the Front Office.

6 [11.20.42]

7 Q. So is this word "front" to do with the FUNK, or is it simply  
8 that you are -- it's a descriptive term to describe it as the  
9 Front Office?

10 A. Regarding the administrative structure or relationship between  
11 the Front Office or the FUNK, it was beyond my knowledge.  
12 Everyone at the time minded his or her own business, and that is  
13 a theory in order to protect the general security.

14 Q. Can you tell us who worked in that front office?

15 A. I cannot recall clearly. However, the main people -- I cannot  
16 even recall the names of those main individuals. There were some  
17 children or sons of the King Samdech Euv, and I cannot recall  
18 those people's names.

19 Q. Where were the premises of the Front Office and the Central  
20 Committee Office?

21 A. I only know some details, that it was located at the border of  
22 Kampong Cham and Kampong Thom Province. The Front Office was at a  
23 far distance from the Central Office. It took about two days to  
24 go between these two offices.

25 [11.23.53]

1 Q. Thank you. I'll come back to what you said about the office,  
2 or rather the house or the hut of Peam when you were out there  
3 and you were working as a bodyguard for Pol Pot.

4 When you went to Peam to the west of Udong and you were with Pol  
5 Pot, did you see Khieu Samphan come to the same place and attend  
6 the meetings?

7 A. Are you referring to a person by the name of Kim? You talk  
8 about the name of a person Kim; is that correct?

9 Q. No, I was talking about the place called Peam. You mentioned  
10 various villages west of Udong where you stayed before the attack  
11 on Phnom Penh with Pol Pot, and what I want to know is if Khieu  
12 Samphan came to that same place and if he attended meetings  
13 there.

14 A. Yes, I saw Khieu Samphan there. The meeting was not of a large  
15 scale. I saw him assist in making the list. I believe it was the  
16 list for the ammunition. As for the contents of the meeting, it  
17 was beyond my knowledge.

18 Q. Did Mr. Khieu Samphan have military responsibilities before  
19 the attack on Phnom Penh?

20 A. No, he did not.

21 Q. Why was he in charge of lists of munitions if he had nothing  
22 to do with military affairs?

23 A. As I understand, because he was literate, so he was asked to  
24 lend a hand. At that time, nobody minded another person as long  
25 the person could accomplish the task.



1 Q. Did you also see Nuon Chea coming to the same place to meet  
2 Pol Pot in the same commune?

3 A. I believe I saw him once or twice.

4 Q. Do you know if there were other offices or other houses for  
5 the Party, or military bases, near Udong -- from the start of  
6 1975 until the final onslaught against Phnom Penh?

7 A. No, there were no other house anywhere else. It was only one.  
8 [11.28.03]

9 Q. And in that house, how many people were working for Pol Pot?

10 A. I was always there. And there was a cook, and there were two  
11 guards, and that was all. I'd like to add that that was just a  
12 kind of a bush area, so no major structures could be built; then  
13 it would be bombarded and destroyed by plane. So it was kind of  
14 discrete area, and we were constantly on mobile.

15 Q. What about Cheam who you said later worked as your assistant  
16 in the Ministry of Foreign Affairs -- also worked there with you  
17 for Pol Pot?

18 A. Cheam went there once in a while as a messenger, or to go and  
19 find food supply or fish for the people at the hut.

20 Q. Whose messenger was Cheam at that point?

21 A. He was the messenger of Office 870.

22 Q. When Pol Pot and the other leaders left for Phnom Penh, you  
23 said that you continued to guard the house in their absence.

24 [11.30.40]

25 Why was it important to guard a house when all the people had

1 already left, especially given it was just a hut?

2 A. The importance of my guard around the hut was the fact that  
3 ammunitions were buried around there, and we kept those  
4 ammunitions to attack the enemies.

5 Q. Thank you. I understand.

6 [11.31.25]

7 Regarding the capture of Phnom Penh, you told the Chamber that  
8 you heard soldiers saying that thousands of spies had infiltrated  
9 in Phnom Penh and were capable of carrying out acts of sabotage.  
10 When and where did you hear those soldiers say that?

11 A. I was not a spy or intelligence. I was not able to know where  
12 those spies were. However, as a rule -- and I only came to know  
13 about this rule only in the present time -- that the European  
14 intelligence is very good. They could even now invent planes  
15 without a pilot, and during my time, there was not even a  
16 telephone. Your questions reflect the failure of knowledge during  
17 my time. So this is my reaction, but my apologies to that.

18 Q. When you heard that there were thousands of infiltrators in  
19 Phnom Penh, did you get to know what was the reason for the  
20 evacuation of the town?

21 A. I only knew that the reason of the evacuation was because of  
22 that -- that is, there must be -- because of the losing policy of  
23 Lon Nol.

24 [11.34.00]

25 In other words, Lon Nol attempted to gain victory, and by doing

1 so they would infiltrate the spies in the city.

2 Q. Was the evacuation also part of a policy aimed at ensuring  
3 some kind of egalitarianism and the abolition of the feudal  
4 class? Did you hear anything of the sort?

5 A. I never heard of the words you said. You are now -- touch upon  
6 the issue of philosophy again. As to what the enemies intended to  
7 do, it's hard for me to answer that.

8 Q. Thank you. Let me be more concrete. I will return to the  
9 Ministry of Foreign Affairs for some time, and will talk about  
10 the period from April 1975 to January 1979.

11 During that period, did the Ministry of Foreign Affairs call on  
12 Cambodian intellectuals abroad to return home?

13 A. Could you indicate the year again? Are you talking about 1975  
14 or 1979? I heard both 1975 and 1979.

15 Q. Yes, I asked whether throughout that period -- and  
16 particularly at the beginning -- when the ministry was functional  
17 for the first two years -- whether the ministry issued a call on  
18 intellectuals living abroad to return to the country to help the  
19 country.

20 A. Was it before 1975?

21 Q. No, of course, not.

22 [11.36.55]

23 I am referring to the period after the Ministry of Foreign  
24 Affairs started functioning. I'm asking you whether the Ministry  
25 of Foreign Affairs, where you and Mr. Ieng Sary worked -- whether

1 the ministry issued a call on intellectuals resident abroad to  
2 return home.

3 A. As far as I know, there was no appeal. It was on a voluntary  
4 basis, as to those who came back home.

5 Q. You mentioned earlier -- I believe that was on Monday -- that  
6 you went on mission to the United States with Mr. Ieng Sary, and  
7 I believe that was to attend the United Nations General Assembly.  
8 [11.38.09]

9 During that mission, or on another mission, did you stop over in  
10 Paris to meet Cambodians who were resident there?

11 A. Yes, it was the case.

12 Q. Did that happen once or several times?

13 A. It happened only once.

14 Q. During your stopover in Paris, and during your meeting with  
15 Cambodians living in Paris, what did Ieng Sary say regarding the  
16 Democratic Kampuchea regime? What information did he give  
17 Cambodians who wanted to know what was happening in the country?

18 A. I did not know about that. I was guarding the luggage.

19 Q. To your knowledge, how many Khmer intellectuals or students  
20 based in Paris returned to Cambodia with their families, or  
21 without their families, between April 1975 and early 1979?

22 A. (No interpretation)

23 Q. May I request that you repeat your answer?

24 [11.40.25]

25 Because it was not heard by the interpreters.

1 A. I forget all about it.

2 Q. Let me refresh your memory. D91/14 is the document, the Khmer  
3 number is 00204097. And in French, it is 00503936. And I note  
4 that there is no English translation. Part of the record is  
5 missing in the English. This question was not translated, neither  
6 was the answer to it translated.

7 [11.41.35]

8 Mr. President, it is a short sentence that I would like to use to  
9 refresh the witness's memory with. The question had to do with  
10 the return of Khmer students and intellectuals, and your answer  
11 was: "Several hundreds of student returned."

12 Do you recall stating that, Witness?

13 A. Yes, I do.

14 Q. Who was in charge of welcoming those intellectuals on their  
15 arrival at Pochentong airport?

16 A. At Pochentong airport, there were the Pochentong military who  
17 received those people. They were in charge of that place, and  
18 when they arrived in the city, it was Pang who took charge. And  
19 after that, those people were brought to the Ministry of Foreign  
20 Affairs.

21 Q. Thank you.

22 [11.43.31]

23 I will repeat the same page in Khmer -- D91/14. And there is no  
24 ERN in English, of course. And in French, it is ERN 00503936. And  
25 In Khmer, it's 00204097. I believe you have the document before

1 you, so let me read what you stated therein. The question had to  
2 do with Ieng Sary's role -- Ieng Sary had made a call on Khmer  
3 students abroad, and your answer was as follows;

4 "He called on Khmer intellectuals and students abroad to return  
5 to the country to participate in the reconstruction of the  
6 country. That is true. At the time, I was in charge of welcoming  
7 all those groups at Pochentong airport. Several hundreds of  
8 students returned, and those intellectuals went to live in the  
9 Boeng Trabek office. And Pang was in charge."

10 You also said that Pang was in charge of them. I hope it is  
11 clearer to you now.

12 [11.44.59]

13 Are you in a position to confirm your statement?

14 A. I would like to explain this. The word "appeal" is the spoken  
15 word. As far as I know, back then, those people wanted to come  
16 back home. Only a few of them approached him, and he told them  
17 back that they should wait. But they said they wanted to go there  
18 no matter how hard it would be. So it was not appealing by  
19 speaking through the microphone or to publish any newspaper  
20 articles appealing them to come back home. So I am of the view  
21 that those people wanted to come back home by themselves. They  
22 told those students that it was hard back home, but those  
23 students insisted that they would want to come home. And when  
24 they arrived, as I described earlier, it was to do with Pang.

25 Q. Thank you. What became of travel documents -- that is, the

1 passports of those persons once they set foot at Pochentong  
2 airport?

3 A. I did not know about this issue. It was the security and the  
4 military at Pochentong who took charge. I did not know where  
5 those people were transported to. But those people's belongings  
6 were brought to be kept at the Ministry of Foreign Affairs.

7 [11.47.38]

8 But I did not know what contained in those stuff.

9 Q. And why was it necessary to take their personal effects upon  
10 their arrival?

11 A. I did not know the reason why. I just saw those stuff were  
12 kept there, and I was told that those stuff were to be kept  
13 properly, and we didn't dare to touch it.

14 Q. I have just read in your statement that, those persons were  
15 sent to Boeng Trabek, under the responsibility of Hing. Did some  
16 of those intellectuals -- were some of those intellectuals not  
17 sent directly to Boeng Trabek, but to the Ministry of Foreign  
18 Affairs instead?

19 [11.49.08]

20 A. As far as I know, at that time, they were not supposed to go  
21 through the Ministry of Foreign Affairs.

22 Q. Regarding the intellectuals Mr. Ieng Sary had already met in  
23 China, did some of them subsequently work at the Ministry of  
24 Foreign Affairs?

25 A. I can recall one person whose name was In Sopheap.

1 Q. And those who did not go to the Ministry of Foreign Affairs,  
2 to whom were they entrusted?

3 [11.50.36]

4 A. The first person who was directly contacted was In Sopheap,  
5 and when they arrived at the Ministry of Foreign Affairs, they  
6 were distributed to Pang. I saw a few people kept coming to the  
7 ministry.

8 Q. Mention was made of Boeng Trabek a while ago. Why was it  
9 necessary to send those intellectuals to Boeng Trabek? Was it a  
10 form of education, or was -- were they sent there for some kind  
11 of training to see what they were capable of doing?

12 A. I did not know about the others work. I only knew my work.

13 Q. Did Ieng Sary and yourself go to Boeng Trabek?

14 [11.52.06]

15 And, if yes, when?

16 A. I did not know Boeng Trabek. As far as I remember, I went  
17 there with Bong Ieng Sary about half a month before the  
18 Vietnamese came.

19 Q. Were there any relations between Boeng Trabek and the Foreign  
20 Ministry when Pang headed Boeng Trabek -- given the fact that it  
21 was intellectuals who worked at Boeng Trabek?

22 A. I did not see any connection.

23 Q. Is it possible that some cadres of the Foreign Ministry went  
24 to Boeng Trabek to indoctrinate or train intellectual residents  
25 there before Boeng Trabek was placed under the supervision of the



1 Ministry of Foreign Affairs?

2 MR. PRESIDENT:

3 Witness, please wait.

4 [11.54.16]

5 Counsel, you may proceed.

6 MR. KARNAVAS:

7 Thank you, Mr. President. Perhaps, if the question could be  
8 rephrased so that it doesn't call for speculation, I would most  
9 appreciate it.

10 MR. DE WILDE D'ESTMAEL:

11 My question to the witness is whether he is aware of the fact  
12 that some cadres may have gone to Boeng Trabek when it was placed  
13 under the supervision of Pang, where he met or indoctrinated  
14 intellectuals. Is he aware of this or not?

15 MR. KARNAVAS:

16 Mr. President, if I may -- just very quickly.

17 I would appreciate if the gentleman would be very careful. His  
18 first question called for speculation. Now, he's talking about a  
19 fact and about awareness. Is he rephrasing the question, or is he  
20 suggesting that that was his initial question? Because it gives  
21 the impression that somehow the objection that was raised is  
22 somehow improper. So if he is rephrasing, then he should tell us  
23 that he is rephrasing. And also, he is claiming that this is a  
24 fact. So, this is counsel leading the witness or testifying.

25 BY MR. DE WILDE D'ESTMAEL:

1 I will ask another question, Mr. President, because we have very  
2 little time left.

3 [11.56.05]

4 Q. And when Mr. Ieng Sary went to Boeng Trabek, Witness, what did  
5 he do there?

6 MR. SALOTH BAN:

7 A. As I have said, I went there with him sometimes before the  
8 Vietnamese came, probably to weeks before. He went there in order  
9 to help the people there not to be afraid, and to be prepared in  
10 the event that we could not fight back, we would evacuate. And he  
11 told me to be responsible for evacuating the people.

12 Q. In late 1978 or early January 1979, did you receive  
13 instructions from Ieng Sary regarding the evacuation of  
14 intellectuals from Boeng Trabek?

15 A. From my recollection, no. As we understood the situation --  
16 that the Vietnamese came in -- it was about a week before they  
17 arrived. He told me to prepare the place.

18 Q. Mr. President, I have only two questions left, but with your  
19 leave I would like to show the witness document D91/14, and the  
20 Khmer number is 00204097. And in French, it is 00503936.

21 [11.58.53]

22 MR. PRESIDENT:

23 (No interpretation)

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you very much. May I again say that there is no English

1 ERN, and that part of the record is missing.

2 Q. Let me read what the witness said in that regard. This is what  
3 he said;

4 "When the Vietnamese were about to arrive, Mr. Ieng Sary asked me  
5 to rally all those intellectuals, and to put them on board the  
6 train that had to go West."

7 Do you confirm that statement, Witness?

8 MR. SALOTH BAN:

9 A. Yes, I do.

10 [11.59.52]

11 Q. Why was it important for the intellectuals to follow the Khmer  
12 Rouge at the time when they were fleeing?

13 A. I went there to educate them myself. They volunteered; they  
14 were not forced to do so.

15 Q. Thank you. Now, I want to put the last extract to the witness,  
16 with your leave, Mr. President. Since the witness has said that  
17 there was no link between Boeng Trabek and the ministry before  
18 Boeng Trabek was placed under the responsibility of the ministry  
19 after Pang's death -- and it's document D233/2. And in French it  
20 is 00405454. In Khmer, it is 00357528, and in English it is on  
21 page 4, 00361011. May I request that this page be placed on the  
22 screen, Mr. President?

23 MR. PRESIDENT:

24 The Chamber permits.

25 (Short pause)

1 BY MR. DE WILDE D'ESTMAEL:

2 Now, this is a question that was put to you: "In the past, Mr.  
3 Hing Un was able to manage Pang, where he worked in different  
4 locations." So we are talking of the past.

5 [12.02.22]

6 You said: "Un was an intellectual and managed Boeng Trabek with  
7 Mr. Pang.

8 To my knowledge, there was only one unit at Boeng Trabek. Mr.  
9 Hing Un reported to the Foreign Ministry. Regarding the  
10 administration, it was Mr. Pang who reported to the Central  
11 Committee. Such reports had to do with issues regarding arrests  
12 and provisions. Mr. Hing Un had no powers. He was only a  
13 coordinator. He neither had political or organizational powers."  
14 Why did Mr. Hing Un report to the Foreign Ministry when Boeng  
15 Trabek was under the responsibility of Pang if there was no link  
16 between Boeng Trabek and the ministry?

17 MR. SALOTH BAN:

18 A. I only came to know after the Vietnamese came in -- I met with  
19 Hing Un, and he told me so.

20 [12.03.42]

21 Before that, I did not have any knowledge about the connections  
22 between Boeng Trabek and the Ministry of Foreign Affairs. In  
23 other words, I only came to know about this after I met Hing Un,  
24 after the Vietnamese came in.

25 MR. DE WILDE D'ESTMAEL:

1 Thank you very much, Witness. I have no more questions for you.

2 And thank you, Mr. President, for granting us a little more time  
3 this morning.

4 MR. PRESIDENT:

5 Thank you, Mr. Co-Prosecutor. And thank you, Witness and Duty  
6 Counsel.

7 It is now appropriate for us to adjourn for lunch. We will break  
8 from now until 1.30 in the afternoon.

9 The court officer is instructed to accommodate the witness and  
10 his duty counsel and to return them to this courtroom at 1.30.

11 [12.05.06]

12 Yes, Defence Counsel for Nuon Chea, you may proceed.

13 MR. PESTMAN:

14 Thank you, Mr. President. I'll be brief. My client is waiving his  
15 right to be present in court this afternoon, and he's requesting  
16 permission to follow the afternoon session from the holding cell.

17 MR. PRESIDENT:

18 You may be seated, Counsel.

19 After having heard the request from Mr. Nuon Chea made through  
20 his counsel to waive his right to be present in the court and to  
21 follow the proceeding through remote means for the afternoon  
22 session, the Chamber grants the request of Mr. Nuon Chea that has  
23 been made through his counsel -- that he waives his right to be  
24 present in this court and to follow remotely, from the holding  
25 cell downstairs, for the remainder of today's proceedings.

1 Counsel is required to submit immediately the waiver with the  
2 Accused's thumbprint and/or signature.

3 The AV Unit is now instructed to live the proceeding for the  
4 afternoon session for the Accused to follow from downstairs.

5 Security guards are now instructed to take the accused persons to  
6 the holding cell, downstairs, and to keep the accused Nuon Chea  
7 there in the afternoon, and to bring the accused Khieu Samphan to  
8 this courtroom by 1.30.

9 The Court is now adjourned.

10 THE GREFFIER:

11 All rise.

12 (Court recesses from 1207H to 1331H)

13 MR. PRESIDENT:

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

15 According to our schedule for this afternoon session, the Lead  
16 Co-Lawyers would take the floor and the assigned lawyers for  
17 civil parties will be able to take the floor in order to question  
18 the accused.

19 So the assigned counsel, you may proceed.

20 [13.32.48]

21 QUESTIONING BY MS. CHET VANLY:

22 Q. Good afternoon, Mr. President. Good afternoon, Your Honours.

23 Good afternoon, Mr. Witness.

24 During the past few days, we have observed that you have shed  
25 light on certain events, so this afternoon I would need your

60

1 assistance to shed more light on certain events to the best of  
2 your ability, and I thank you in advance for that.

3 Mr. Witness, this morning in your reply to the Prosecution you  
4 stated that you knew about the appeal by Ieng Sary for the return  
5 of Cambodian people from abroad. In this regard, I'd like to  
6 verify with you when those people arrived at the Pochentong  
7 airport, you removed their passport and some personal belongings.  
8 What were the reasons for that?

9 MR. SALOTH BAN:

10 A. As I stated, those people upon their arrival at the airport,  
11 the military authority protecting the airport removed their  
12 passport. It is not the Ministry of Foreign Affairs who took away  
13 their passports. And those people were not sent to the Ministry  
14 of Foreign Affairs.

15 It was Pang's group who took them away. I did not know where they  
16 were taken to. I only received their belongings, for example,  
17 their luggage, where I kept them at the Ministry of Foreign  
18 Affairs. I did not dare open any of those luggages.

19 [13.35.16]

20 THE INTERPRETER:

21 Please, the lawyer, could you switch on your microphone?

22 BY MS. CHET VANLY:

23 Q. The day before yesterday, you responded to the Prosecution  
24 that you managed those intellectuals. Did you know where -- which  
25 countries they came from besides France and the United States?

1 MR. SALOTH BAN:

2 A. I actually amended the word "managed" or "administered". I  
3 only assisted those people who arrived in Phnom Penh. They were  
4 from France, from the United States. These are the two main  
5 countries where I knew they came from. I was not sure of other  
6 countries.

7 [13.36.21]

8 Q. Thank you. Did you know those intellectuals who returned,  
9 whether there were some diplomats amongst them?

10 A. Yes. Amongst them, there were some diplomats.

11 Q. Thank you. Can you recall the names of those intellectuals who  
12 were the former diplomats? What are their names?

13 A. There were Touch Kham Doeun, Hor Namhong. I only knew these  
14 two diplomats. I did not know about the status of other  
15 intellectuals.

16 [13.37.51]

17 Q. Thank you. Among those people, was there a person named Huot  
18 Sambath and Norodom Sirinarat (sic)?

19 A. I heard of the name -- of the names, but I did not know their  
20 faces.

21 Q. Thank you. When those intellectuals and diplomats who were  
22 Cambodians returning from overseas, in your capacity as the  
23 general secretary of the Ministry of Foreign Affairs, where did  
24 you take them to?

25 A. As I stated, I did not take them anywhere. It was Pang who



1 took them.

2 I was at the Ministry of Foreign Affairs and I saw them there.

3 [13.39.14]

4 Q. Thank you. Do you know where Pang took those people?

5 A. I did not know where Pang took them to; only upon the arrival  
6 of the Vietnamese I learned that there was a location where Pang  
7 took them to. It was at Boeng Trabek, and I did not know any  
8 other locations.

9 Q. Thank you. Besides having them placed at Boeng Trabek, did you  
10 take them elsewhere? Did they work at the Ministry of Foreign  
11 Affairs or other ministries?

12 A. I did not have people arriving from overseas elsewhere. I only  
13 received them when they were sent to the Ministry of Foreign  
14 Affairs.

15 Q. Thank you. Amongst those people arriving from abroad, can you  
16 recall the name of Keat Chhon and In Sokan?

17 A. Yes, I knew Keat Chhon and In Sokan.

18 [13.41.09]

19 Q. Thank you. Later, did you know that Keat Chhon worked at the  
20 Ministry of Foreign Affairs with you?

21 A. Yes, I knew that.

22 Q. Thank you. Amongst all the intellectuals returning to  
23 Cambodia, do you know who survives until the present day?

24 A. When they arrived in Phnom Penh, besides the situation at the  
25 Ministry of Foreign Affairs, I did not know about their wellbeing

1 elsewhere. I only knew about them when I gathered them all to  
2 leave Phnom Penh and we went separate way. And I knew about the  
3 misery they experienced.

4 However, regarding their fate, I did not know. Some fled away,  
5 some stayed in the country and some went abroad.

6 Q. Thank you. When those intellectuals arrived in Cambodia, did  
7 you or Ieng Sary educate them or strengthen their spirit?

8 A. Within the framework of the Ministry of Foreign Affairs, I saw  
9 Ieng Sary and I, myself -- although I say I, myself, I was not  
10 responsible. I only knew that he was the administrator of the  
11 ministry. Within the ministry, we worked with them, but outside  
12 the ministry, I never saw Ieng Sary educate them.

13 [13.43.50]

14 Q. Thank you. Did you or Ieng Sary meet them and educate them  
15 about the policies of the Party?

16 A. I never saw Ieng Sary bring along any of the Party's  
17 documents. He educated them, as I recall, within the framework of  
18 the Front.

19 Q. Thank you. Besides the education, the principles of the Front,  
20 did Ieng Sary educate them or strengthen their psychology  
21 regarding their misery?

22 A. As far as I can recall, the words used at the time, I can  
23 conclude the words that were used included the word "resistance"  
24 or "struggle", which were kind of very difficult, and that we had  
25 to be brave and sometimes we had to sacrifice ourselves.

1 [13.45.06]

2 Q. Thank you. I'd like now to move on to another point.

3 Did you and Ieng Sary make a frequent visit overseas? If so,  
4 which countries?

5 A. Ieng Sary went to visit foreign countries quite often, as I  
6 recall. He visited the Non-Aligned countries. He went to those  
7 countries to work with the government of those countries and  
8 probably he had to pass through various other countries. And he  
9 also visited China.

10 He also went through France, for instance, and I did not have any  
11 details of other visits overseas.

12 Q. Thank you. You were the secretary general of the Ministry of  
13 Foreign Affairs. Could you explain to us the work regime and the  
14 protocol?

15 A. I was the secretary general. That title was existing only in  
16 name. If you refer to the current status, it is improper for me  
17 to hold such a title since I do not know any foreign languages.  
18 And as I said earlier, briefly, I was just a facilitator or  
19 coordinator. I am -- I was a coordinating cadre between the  
20 patients and the intellectuals group.

21 [13.47.47]

22 Q. Thank you. I'd like also to have you clarify regarding the  
23 work regime. Was it done before 1975 or was it implemented during  
24 1975?

25 A. It was implemented in 1975.

1 Q. Thank you. Regarding each meeting at the Ministry of Foreign  
2 Affairs, was the Party's policies disseminated? If so, what were  
3 those policies?

4 A. The policies or the political documents of the Party were not  
5 studied. This is because I did not see the Party's statute. I did  
6 not study it at all. Mainly, the study was focused on the current  
7 situation back then and the analysis of the present situation at  
8 the time, as well as the future situation. So people were  
9 informed of those analysis and then they would make their  
10 impressions regarding the situations and that we should have an  
11 overall measure toward the situation to strengthen ourselves, as  
12 well as to strengthen the national security and the national  
13 construction.

14 [13.50.01]

15 Q. Thank you. In reference to your response, I'd like to know  
16 about the Party's policies and plans.

17 What are the Party's plans?

18 A. The Party's plans were varied depending on the actual  
19 situation, and I cannot describe them all in details.  
20 For instance, I am a vegetable grower. I need to manage that  
21 group so that I can -- I have to reach the quota, the work quota  
22 for the group. And for another pig-raising group, they had to  
23 make sure that we would have sufficient meat for the guest. And  
24 as for the foreigners' section, then they would have to deal with  
25 those foreign affairs.

1    However, regarding my section, it is not identical section. We  
2    are -- we were only dealing with the psychological issues and not  
3    dealing with the intellectuals. We only worked with the patients.  
4    [13.51.39]

5    Q. Thank you. Now I move on to another point.

6    At B-1, which was under the control of the Ministry of Foreign  
7    Affairs, what sections were there within B-1 and who were  
8    actually in charge of each section?

9    A. During the period after liberation, that is, a little bit of  
10    -- over three years after the liberation, the administration at  
11    the Ministry was still not smooth. The main task at that time was  
12    cleaning because cleaning took more than one year after the war  
13    was over. And as for the administrative structure within the  
14    Ministry of Foreign Affairs, I worked a bit here and bit there.  
15    If I was required for a -- for a particular section, then I would  
16    be sent there by my superior.

17    [13.53.10]

18    Q. Thank you. Now I move on to another point.

19    This morning, you responded to the Prosecution that, in 1976  
20    there were a massive arrest. What I want to know is that: Who  
21    were those people that were arrested?

22    A. Yesterday, I already stated that the massive arrest was not at  
23    -- only at the Ministry of Foreign Affairs, but it was  
24    nationwide. Regarding those who were arrested, mainly they were  
25    those from the rural area.

1 As for the Ministry of Foreign Affairs and those staff who were  
2 arrested, they were those people who were sent to the ministry  
3 temporarily and then they were taken away. That's what I referred  
4 to as being arrested, and I did not know where they were taken  
5 to.

6 Q. Thank you. Amongst those who were sent to the ministry  
7 temporarily, can you recall if there is a person by the name of  
8 Keo Seng (phonetic)?

9 A. Yes, there was a person by the name of Chau Seng, not Keo Seng  
10 (phonetic). But I did not know where he went to.

11 [13.55.22]

12 Q. Thank you. I'd like you to shed some light on the fact that  
13 amongst the intellectuals who were appealed by Ieng Sary to  
14 return to the country, were they -- were there some of them  
15 amongst those who were arrested in 1976?

16 A. I cannot recall that.

17 Q. Thank you. Can you tell us who made those arrest and who were  
18 responsible for the arrest?

19 A. I did not know about some of the arrest. For example, the  
20 arrest of Chau Seng, I did not know about that.

21 [13.56.52]

22 I knew that Pang came to take away some people and sometimes he  
23 ordered his group to come and take away the people. If that is  
24 the case, then there would be a letter with a signature of Pang.

25 Q. Thank you. You said that Pang was responsible for the arrest.

1 Can you confirm whether that was the plan designated by the upper  
2 echelon?

3 A. I did not know the details of this matter.

4 Q. Thank you.

5 You stated before the Prosecution this morning that, for all the  
6 major meetings, Ieng Sary always attended; is that correct?

7 A. Yes.

8 Q. Can you confirm what you mean by main meetings or major  
9 meetings?

10 A. Major meetings were kind of the assembly. There would be a  
11 committee from my side, that is, from the peasants' side as well  
12 as those from the intellectual side, participated in those  
13 meetings.

14 [13.58.55]

15 And another kind of a major meeting which I did not participate  
16 in was the one to be attended by the intellectuals, for instance,  
17 the meetings to be held at the United Nations. Then Ieng Sary  
18 would convene a meeting regarding that matter, and that I would  
19 also consider a major meeting.

20 Q. Thank you. Can you further confirm regarding those major  
21 meetings, how frequent was it per year or was it on a monthly  
22 basis?

23 A. As I recall, first it was depending on the actual situation  
24 for the need to have a meeting.

25 Secondly, it was when there was free time, then an assembly would

1 be organized or whether the time was convenient enough and the  
2 workload was not many.

3 [14.00.26]

4 These kind of major meetings were held less than twice a year, as  
5 I recall.

6 Q. Thank you.

7 You are the secretary general of the Foreign Ministry. Did you  
8 know the war prisoners, for example, Vietnamese war prisoners and  
9 other foreigners who were detained at S-21?

10 A. No, I didn't know.

11 Q. How about Mr. Ieng Sary, did he -- or were he aware of this?

12 A. I did not know whether or not he was aware of it either.

13 Q. Did either you or Ieng Sary himself contacted with those  
14 foreign countries whose prisoners were being kept at S-21?

15 A. I am sorry, I don't really understand this question. Can you  
16 please simplify it?

17 Q. In your capacity as the secretary general of the Ministry of  
18 Foreign Affairs, you said you did not know whether or not there  
19 were foreign detainees kept at S-21, and you also said that Ieng  
20 Sary was not aware of any imprisonment of foreigners there as  
21 well.

22 So my question is: whether or not you or Ieng Sary were aware --  
23 you or Ieng Sary had contacted the country whose prisoner were  
24 being kept at S-21?

25 [14.02.41]



1 A. I already answered to that questions, that I was not aware of  
2 that, and as for Mr. Ieng Sary, I have no idea whether or not he  
3 was aware of it. And I did not know whether or not there were  
4 foreign prisoners being kept at S-21.

5 Q. Thank you.

6 So I would like to move on to the next topics on Boeng Trabek. I  
7 would like to ask you to enlighten us as to where Boeng Trabek  
8 office was exactly located.

9 A. Back then I did not know exactly where it was located, but  
10 when the situation was looming when the Vietnamese troops was  
11 approaching, Ieng Sary and I went to visit that place and  
12 particularly to tell the people who were there about the overall  
13 situation, but I did not have any idea as to where it was located  
14 specifically.

15 But when I was -- when I defected to the government, lately I  
16 learned that Boeng Trabek was actually located close to the  
17 former Khmer Soviet hospital somewhere around Psar Thmei market.

18 Q. Thank you.

19 Did Mr. Ieng Sary frequently go and teach at Boeng Trabek office  
20 and, if he did, when was it exactly?

21 [14.05.25]

22 A. I did not know that he went to Boeng Trabek. I only knew one  
23 instance when he and I went to that place when the Vietnamese  
24 troop was approaching.

25 Q. Thank you. What did you and Ieng Sary go to Boeng Trabek for?

1 A. As I told you earlier, at that time Vietnamese troops were  
2 approaching the capital of Phnom Penh, so we had to go there to  
3 tell them the tactics and strategy in order to avoid any disaster  
4 when the Vietnamese conquered Phnom Penh.

5 Q. Thank you. Can you tell us what the Boeng Trabek office was  
6 for?

7 A. When I first got to know Boeng Trabek office, it was when I  
8 accompanied Ieng Sary to that place, then I learned that, well,  
9 it was the place where Pang kept the intellectuals.

10 Q. Thank you. Who were kept at Boeng Trabek office by Pang?

11 A. They were intellectuals but I did not know their backgrounds  
12 very well, but it was later on that I got to know some of them,  
13 particularly when I went there in person, and I learned that  
14 those intellectuals were very renowned intellectuals, including  
15 renowned professors and lecturers.

16 [14.08.18]

17 And when those intellectuals were kept over there, I felt to  
18 myself that it was not an appropriate action. One of the  
19 intellectuals, for instance, Mr. Hor Namhong, who was a diplomat,  
20 was kept there as well. So this was the only people whom I knew  
21 their background. But I came to know them when I went there  
22 together with Brother Ieng Sary to that place.

23 Q. Thank you. How many times did you accompany Mr. Ieng Sary to  
24 that place?

25 A. To my recollection, I went with Brother Ieng Sary twice, and

1 at another time I went there on my own twice as well. And the  
2 last time I visited there was to evacuate forces from Boeng  
3 Trabek because, at that time, the Vietnamese was approaching near  
4 Phnom Penh.

5 Q. When Ieng Sary and you went to visit Boeng Trabek, what was  
6 the overall living condition of people over there?

7 A. People welcomed, warmly welcomed Brother Ieng Sary and me. It  
8 seems to me that they were happy in the sense that they thought  
9 that they would be free or so. Those people were very glad to see  
10 us. Before they look a bit frightened, but when they saw our  
11 presence they expressed their welcome and they were happy.

12 And we instructed the people over there to look -- or to try to  
13 find ways to improve the condition of people over there, and we  
14 also offered them two cans of rice to them each.

15 [14.11.20]

16 Q. You were talking about those people who were considered  
17 intellectuals. Were they intellectuals who graduated from  
18 overseas or were there intellectuals from overseas?

19 A. Yes, the overwhelming majority of them were from overseas;  
20 they returned from overseas. I did not see local intellectuals  
21 because local intellectuals normally were sent to the base in  
22 order to work in the local base.

23 [14.12.23]

24 Q. Thank you. You said that when you went to Ieng Sary to Boeng  
25 Trabek, people welcomed you and Mr. Ieng Sary.

1 When you went there, do you still recall some of the names whom  
2 you knew back then?

3 A. The person whom I remember the most was Khuon David. When I  
4 was working at the Foreign Ministry, I heard from other  
5 intellectuals who returned from overseas that there was one  
6 person by the name of Khuon David; he was a very smart person. He  
7 -- when he was studying abroad, he was the professor of the  
8 professors.

9 Upon hearing that, I went to tell my uncle, Pol Pot, when I  
10 brought along with me with good fish and other foodstuff, then I  
11 were permitted to enter K-1 premise. And when I met him he asked  
12 me whether or not I notice any smart intellectuals and I told him  
13 that there was one person by the name of Khuon David. Then he  
14 asked me to check whether or not that person was that smart and  
15 we could actually introduce him to work for him. So that was the  
16 only person whom I know -- I knew his name very well.

17 [14.14.40]

18 And as for others, for example, Brother Khuon and others, I got  
19 to know that later on, but Khuon David was a very well talked  
20 about.

21 Q. Thank you. You say that Mr. Khuon David was a very smart guy  
22 and Pol Pot told you to take him to work with him. Was that  
23 correct?

24 MR. PRESIDENT:

25 Please hold on because the mic was not on for the witness, so the

1 witness has not yet answered that question, so please hold on and  
2 make sure that you answer, Mr. Witness. Before you answer, the  
3 mic should be on before you respond to the question.

4 MR. SALOTH BAN:

5 Well, that was his intention. He wanted him to work for him.

6 [14.15.46]

7 BY MS. CHET VANLY:

8 Q. Thank you. So the purpose of getting Mr. David on board to --  
9 in his schemes, was that a success? In other words, did he  
10 eventually get the person to work for him?

11 MR. SALOTH BAN:

12 A. Upon his instruction, I went to meet with Pang and I told him  
13 accordingly because I knew that Pang was the person who  
14 supervised those intellectuals. I did not know where Pang had  
15 taken other intellectuals to, but I believe that Pang must have  
16 known the person and I told Pang that he should pay attention to  
17 that person, but unfortunately his intention did not materialize  
18 because he, to date, he did not come to work for him.

19 Q. Where did he go?

20 A. I did not know.

21 Q. When you returned to the place, did you still see David's name  
22 there?

23 A. No, I didn't.

24 Q. Thank you. And what came to your mind then; did you think that  
25 he were taken away by Pang?

1 A. I had no idea.

2 [14.17.43]

3 Q. Thank you.

4 You were with the Ministry of Foreign Affairs, were you aware of  
5 the Office 21 at Takhmau?

6 A. I had never heard of it, but later on when the Vietnamese  
7 troops took control of Cambodia, then I came to know that office.

8 Q. Was this Office 21 ever under the Ministry of Foreign Affairs?

9 A. No, never.

10 Q. Did you know who supervised the Takhmau Office 21?

11 A. I don't know.

12 [14.19.19]

13 Q. Thank you.

14 Do you know Khieu Thirath?

15 A. Yes, I do.

16 Q. What is his relation with Ieng Sary?

17 A. He was the elder brother-in-law of Ieng Sary.

18 Q. Did you know the death of Ieng (sic) Thirath in Takhmau?

19 A. Yes, I did.

20 Q. What was the cause of his death?

21 A. When he died in Takhmau, I took his corpse to cremate in one  
22 of the pagoda north of Olympic Market. His body was cremated. I  
23 actually cremated his body by myself at Preah Put Pagoda. We  
24 invited Mr. Thiounn Thioeunn to examine the corpse, and then he  
25 found that the person died of strangulation.

1 JUDGE LAVERGNE:

2 Thank you, Mr. President.

3 I'm just intervening here, Mr. President, because there may be an  
4 issue with translation into French. I heard reference to Khieu  
5 Thirith and, in fact, I believe we are talking about Khieu  
6 Thirath, the elder sister of Khieu Thirith, who is not a man but  
7 a woman.

8 Am I correct in this?

9 [14.22.09]

10 MS. CHET VANLY:

11 Mr. President, Your Honours, Ms. Khieu Thirath -- Khieu Thirath  
12 was a female and she was the elder sister of Ieng (sic) Thirith,  
13 so she was the elder sister of Ieng Sary.

14 BY MS. CHET VANLY:

15 Q. Did Mr. Ieng Sary know about his death?

16 [14.22.47]

17 MR. SALOTH BAN:

18 A. Back then I cannot recall, I don't know whether or not he was  
19 in Cambodia or he was on trip overseas, but when we took his body  
20 for cremation, I was there, and children of Mr. Ieng Sary were  
21 also there and a few of my assistants from Ministry of Foreign  
22 Affairs. We all took her body for cremation in that pagoda, but I  
23 cannot recall the events in detail.

24 Q. Was Ms. Ieng (sic) Thirath considered intellectual? And was  
25 she from France?

77

1 A. Yes, she was an intellectual from France. She was a Khmer  
2 teacher.

3 Q. Who was responsible for Office 21 at Takhmau?

4 A. I am totally blank about Office 21 at Takhmau. I do not know  
5 who was in charge of that office.

6 MS. CHET VANLY:

7 President, may I seek your leave to present a document, document  
8 E3/9--

9 THE INTERPRETER (Khmer to English):

10 I'm sorry, Your Honours, could you please ask -- advise the  
11 counsel to repeat the ERN numbers?

12 [14.25.50]

13 MR. PRESIDENT:

14 Counsel, please read the ERN numbers of the documents you wish to  
15 present again?

16 MS. CHET VANLY:

17 Thank you. ERN in English 00223593; ERN in French 00503936 to  
18 00503937.

19 MR. PRESIDENT:

20 You may proceed.

21 Assistant, please make sure that the document is put up on the  
22 screens.

23 [14.27.13]

24 MS. CHET VANLY:

25 I would like to read a portion of this document:



1 "Older sister of Khieu Thirith, named Khieu Thirath, an  
2 intellectual from France whom Angkar had sent to rest at Takhmau.  
3 She subsequently died with marks of strangulation on her neck  
4 while she was under the supervision of Pang at Takhmau. Later,  
5 Thiounn Thioeunn went to examine the body and saw that she had  
6 died due to strangulation."

7 BY MS. CHET VANLY:

8 Q. Mr. Witness, do you have any comments in relation to the death  
9 of Khieu Thirath?

10 MR. SALOTH BAN:

11 A. I have no further comment.

12 Q. Thank you.

13 MS. CHET VANLY:

14 Mr. President, I don't know if it is appropriate time for  
15 afternoon adjournment or not?

16 MR. PRESIDENT:

17 You may proceed for another 10 more minutes because we are going  
18 to take our usual break at two-forty.

19 [14.29.16]

20 BY MS. CHET VANLY:

21 Q. We now move on to another point regarding the Chraing Chamres  
22 location. Could you enlighten us; when was Chraing Chamres  
23 established?

24 MR. SALOTH BAN:

25 A. I did not know when Chraing Chamres was established. This is

1 because it was the area under the management of Zone 304.

2 However, later on it was -- the location was designated to the  
3 Ministry of Foreign Affairs in 1977, as I recall.

4 Q. Thank you. Can you confirm where was the location of Chraing  
5 Chamres? Where was it about in relation to Phnom Penh city?

6 [14.30.36]

7 A. It was at the present Chraing Chamres, which is to the north  
8 of the capital city of Phnom Penh.

9 Q. Thank you. Where was exactly the office of Chraing Chamres,  
10 can you recall it?

11 A. When I came back to Phnom Penh I cannot recognize the  
12 location, it's been so many years already.

13 Q. Thank you. Was it next to the national road or was it a bit  
14 further inside?

15 A. It was near the national road, however, now the landscape is  
16 completely changed and I saw ponds where fish was raised -- is  
17 raised along the road now.

18 Q. Thank you. Was Chraing Chamres belong to the Ministry of the  
19 Foreign Affairs or belongs to a zone?

20 A. As I stated, I did not know when Chraing Chamres was  
21 established, but I went to take charge there from Zone 304 in  
22 1977, and we supervised it since.

23 Q. Thank you. Who was actually in charge of Chraing Chamres?

24 [14.32.28]

25 A. Chraing Chamres was part of the crop-growing group and the

80

1 rice-farming group. As I recall, the supervisor was Ta Cheang and  
2 his wife's name is Sae, and it was under the Ministry of Foreign  
3 Affairs. It means under the supervision of myself and under the  
4 supervision of Cheam.

5 Q. Thank you. Did Ieng Sary appoint you to supervise Chraing  
6 Chamres?

7 A. Yes, he appointed me to look after Chraing Chamres.

8 Q. Thank you. In what year did you go and supervise Chraing  
9 Chamres?

10 A. As I said, it was in late 1977.

11 Q. Thank you. Who were under your supervision; how many people  
12 were under your supervision there?

13 A. As I recall, there were less than 100. There could be around  
14 70 or 70-plus people there.

15 [14.34.18]

16 Q. Besides you, who was supervisor at Chraing Chamres; who were  
17 other people that took over when you were not at Chraing Chamres?

18 A. There was a Mr. Cheam.

19 Q. Thank you. The overall people there, how many were they all in  
20 total?

21 A. As I said earlier, there were around 70 people.

22 Q. What did they do there?

23 A. They worked in the rice field, they grew crops, and they  
24 raised fish.

25 Q. Thank you. Was it part of the Ministry of Foreign Affairs?

1 A. Yes, it was part of the Ministry of Foreign Affairs starting  
2 from 1977.

3 Q. Thank you. The people who were living there, where were they  
4 from?

5 A. They were the people that were put there already by Zone 304.

6 Q. Thank you. Were there any intellectuals living there?

7 A. When I went to supervise, there was no intellectual.

8 Q. Those people who were there, were they mainly New People or  
9 Base People?

10 [14.37.02]

11 A. Mainly they were base people who were brought there by Zone  
12 304.

13 Q. Thank you. Can you confirm to us that there were New People  
14 and Old People? What is the distinction between these two groups?

15 A. Those people who were under the -- my supervision were mainly  
16 sent by the bases. They were not there upon the appeal, they were  
17 sent by the upper level. I did not select them, not as we used  
18 the selection through the internet at present time. No, they were  
19 sent from the base.

20 Upon their arrival, and as the feeling of myself as the  
21 supervisor, I did not consider them as a new person or a base  
22 person, I just considered them altogether as a person. So under  
23 my supervision, there was no distinction between a base person or  
24 a new person. I don't know about somewhere else, but under my  
25 supervision, no, there was no distinction between these two

1 groups.

2 [14.39.15]

3 Q. Thank you. Why in Chraing Chamres only base people were sent  
4 there?

5 A. I could only make a conclusion, but it's probably a likely  
6 conclusion that in order for them to be clean around the outskirts  
7 of Phnom Penh so that it would prevent any issue of security.

8 MR. PRESIDENT:

9 The time is appropriate for an adjournment. We will take a  
10 20-minute recess and return at 3 p.m.

11 Court Officer, could you assist the witness and his duty counsel  
12 with refreshment during the break and have them return to the  
13 courtroom at 3 p.m.?

14 The Court is now in recess.

15 [14.40.30]

16 THE GREFFIER:

17 All rise.

18 (Court recesses from 1441H to 1501H)

19 MR. PRESIDENT:

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

21 I now hand over to the representative of the civil party lawyers  
22 to continue her line of questioning. You may proceed.

23 BY MS. CHET VANLY:

24 Good morning -- good afternoon, Mr. President. Good morn -- good  
25 afternoon, Your Honours, and good afternoon everybody.

1 Q. Before we broke, I touched upon the topic relating to Chraing  
2 Chamres, so I would like to continue my question.

3 Those who stay at Chraing Chamres office, did they enjoy freedom  
4 -- their freedom of movement? Could they move around easily?

5 [15.02.47]

6 MR. SALOTH BAN:

7 A. Those were at Chraing Chamres could not move arbitrarily. They  
8 -- or at -- they did not have freedom to move around, they had to  
9 stay within their premise.

10 Q. Thank you. How about the food ration and the food regime over  
11 there?

12 A. As for food regime, people had to be so reliant and if they  
13 did not have, or if there were lack of any necessary items, then  
14 the upper office would offer them.

15 Q. Did they eat in a communal hall or did they eat separately?

16 [15.03.55]

17 A. They ate collectively.

18 Q. Thank you. If any member or person found -- committed any  
19 wrongdoing, what would be the consequence for the person?

20 A. At Chraing Chamres, self-criticism meetings were held  
21 regularly. When I was transferred to take charge at Chraing  
22 Chamres, actually I was designated by Brother Ieng Sary, and I  
23 was tasked to coordinate the tasks over there, and I convened  
24 meetings regularly. Normally, I designated tasks to my -- to  
25 peoples over there so that they knew what they had to do. So over

1 there, there were no substantial mistake were made by people over  
2 there, so nobody would have been alleged of being enemies or so.

3 Q. Thank you. In your capacity as the supervisor of Chraing  
4 Chamres, did you report regularly to Mr. Ieng Sary?

5 [15.05.55]

6 A. Yes, I reported to him regularly.

7 Q. Thank you. Did Mr. Ieng Sary visit the place often?

8 A. When I was designated to take charge of that place, Brother  
9 Ieng Sary rarely went there. At that time, Mr. Ieng Sary was very  
10 busy travelling overseas.

11 Q. Thank you. Can you recall, did Ieng Sary ever visit the place  
12 or he had never visited the place at all?

13 A. When I was transferred to supervise that place, I did not see  
14 Mr. Ieng Sary visit the place often, but before I was transferred  
15 there, Chraing Chamres, which was subordinate to one of the  
16 zones, Mr. Ieng Sary and I took foreign visitors on their visits  
17 and then we stop by that place a few times as well.

18 Q. When you went there, did you ever convene a meeting and  
19 introduce any political studies to people over there?

20 A. There, I went to attend a meeting, but the meeting was of  
21 nothing importance; it was a mere day-to-day meetings and to  
22 learn from our experience.

23 MS. CHET VANLY:

24 Mr. President, with your leave, I would like to ask -- I would  
25 like to ask the assistant to display the document D369/36,

1 question/answer 94.

2 MR. PRESIDENT:

3 You may proceed.

4 [15.08.50]

5 Assistant, please display this document on the computer screens.

6 BY MS. CHET VANLY:

7 Q. My -- my apology, Mr. President; it's question and answer 106,

8 not -- not 94. My -- my apology for that.

9 Mr. President, with your leave, I would like to read this portion  
10 out. Thank you.

11 [15.09.55]

12 Question: "For those who committed a wrongdoing, would they be  
13 punished?"

14 Answer: "During that time there were daily meetings. When  
15 something out of ordinary happened the head of the office would  
16 report to Mr. Ieng Sary. However people were not punished for  
17 their having committed the wrongdoing. The out of the ordinary  
18 thing here refers to the situation when any of the Chraing  
19 Chamres people were externally accused of having been affiliated  
20 with the enemy network."

21 So on this particular portion, I would like to ask the witness as  
22 to who was in charge of the office.

23 MR. SALOTH BAN:

24 A. The chairman of the office back then, to my recollection, was  
25 Ta Cheang. His wife's name was Sae.



1 Q. Thank you. Can you clarify us another point; when you say  
2 things out of ordinary situation or irregular things, what --  
3 what does it mean in this context?

4 A. The irregular things in this context means as well, when I was  
5 meeting with Ta Cheang, who was a person in charge over there, he  
6 reported to us that the person did not commit any wrongdoing and  
7 he performed his task as usual, but other peoples from outside  
8 accused him of committing certain wrongdoings; that's what we  
9 considered as irregular.

10 [15.12.02]

11 Q. On that particular portion, there was a phrase which reads  
12 "Chraing Chamres people who have been affiliated with the enemy  
13 network"; what does it mean?

14 A. I do not understand the word "ordinary" because what I did, I  
15 considered that as an ordinary course of action, but sometime, I  
16 was alleged of doing something irregular or something not  
17 ordinary so I do not understand that myself.

18 Q. Thank you.

19 I have the last two questions before I hand over to my esteemed  
20 colleagues.

21 Do you know Mr. Huot Sambath?

22 A. Well, I have heard of his name, but I have never met him in  
23 person.

24 Q. Thank you. During the Sihanouk period or Lon Nol  
25 administration, what was Mr. Huot Sambath's role?

1 [15.13.39]

2 A. I don't know.

3 Q. Thank you.

4 This is going to be my last question here: Did you know the  
5 arrest of Mr. Huot Sambath from Chraing -- Chraing Chamres in  
6 1976?

7 A. In 1976, I knew nothing about what was going on at Chraing  
8 Chamres.

9 MS. CHET VANLY:

10 Thank you very much, Mr. President. In the interest of time, I  
11 would like to conclude my question here and I would like to hand  
12 over to my international colleague to continue our line of  
13 questioning.

14 MR. PRESIDENT:

15 Yes, you may proceed.

16 [15.14.52]

17 QUESTIONING BY MS. RABESANDRATANA:

18 Mr. President, distinguished Judges, Counsels, Witness, good  
19 afternoon to you all. I am the international lawyer representing  
20 civil parties. Bearing in mind the time available to us this  
21 afternoon, I shall proceed fairly rapidly. I have some questions  
22 for clarifying the general workings of aspects that you have told  
23 us about in the last few days about the Ministry of Foreign  
24 Affairs and the offices that were attached to it. After that, I  
25 will bring up some more personal cases relating to civil parties

1 that we represent and for whom we are spokespersons.

2 Q. First then, the matters for clarification; my first question  
3 to you -- please, point out to me if I am speaking too fast for  
4 the interpretation system -- my first question concerns an issue  
5 that did come up in my colleague's questions just now and that is  
6 the death by strangulation of Ms. -- or Miss Khieu Thirath. We  
7 are perfectly well aware of the facts and the situation, but my  
8 question is: Was any disciplinary action taken against Pang?

9 Thank you.

10 MR. SALOTH BAN:

11 A. Back then, no disciplinary action was taken; Pang remains  
12 Pang, but later on, I heard that Pang had disappeared and the  
13 reason behind his disappearance, I had no idea.

14 [15.17.38]

15 Q. Thank you. Do you believe that there's a link between Pang's  
16 disappearance and the event that we have been talking about  
17 relating to the death of Khieu Thirath?

18 MR. PRESIDENT:

19 Mr. Witness, please hold on. The defence counsel is on his feet.  
20 You may proceed, Mr. -- Mr. Karnavas.

21 MR. KARNAVAS:

22 Thank you, Mr. President. Just as a matter -- as a matter of  
23 principle, the gentleman just indicated that he wasn't aware the  
24 circumstances under which Pang or for what reasons he  
25 disappeared.

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1 Now, he's being asked to speculate and so he's being asked to  
2 draw some sort of a conclusion or speculation when he doesn't  
3 have any facts to that. So I object to the form of the question.  
4 If you wish to allow it, that's fine, but I think for consistency  
5 purposes, we should not be asking witnesses to speculate.

6 [15.18.43]

7 MS. RABESANDRATANA:

8 Mr. President, I would have two comments to make. The witness  
9 answered on two points: "no disciplinary measure was taken", and  
10 immediately after that, he said: "...but I observed that Pang  
11 disappeared."

12 So I don't believe I am speculating; I'm simply bringing together  
13 the two comments which the witness made in the form of a question  
14 without separating the two things, but this is not a speculative  
15 question.

16 MR. PRESIDENT:

17 Objection by the defence counsel is sustained. So the witness is  
18 directed not to answer to the last question posed by counsel for  
19 the civil parties.

20 [15.19.55]

21 BY MS. RABESANDRATANA:

22 Q. Very well, then, I'll ask another question on the subject of  
23 Boeng Trabek. You said that you went to Pang to tell him to take  
24 care of Khuon David, an intellectual, after having seen him at  
25 Boeng Trabek. Logically, you said to us that you went to Boeng

1 Trabek before Pang's arrest. You also said that there was no  
2 connection between the ministry and Boeng Trabek before Pang's  
3 arrest. But how do you explain that you went to Boeng Trabek when  
4 it was still under Pang's authority and in what capacity did you  
5 go?

6 MR. SALOTH BAN:

7 A. When I met Pang to discuss about Khuon David, I did not meet  
8 Pang at Boeng Trabek, but I met him in another venue which was  
9 somewhere I cannot recall, but it was not in the ministry  
10 setting, but it was somewhere along the road or somewhere I  
11 cannot recall, but there were a place -- it was a reception place  
12 when I met him and I ask him about that matter. I did not meet  
13 him at Boeng Trabek, and I told him that he should take care of  
14 Khuon David because the upper echelon wanted him to work with  
15 them. So I did not meet Pang at Boeng Trabek.

16 [15.22.37]

17 Q. Thank you. You said that you went to Boeng Trabek before the  
18 arrival of the Vietnamese in order to evacuate the soldiers who  
19 were stationed there. What authority did you -- did you have over  
20 those soldiers? Were they part of the ministerial security detail  
21 or defence units for the ministry?

22 MR. PRESIDENT:

23 Witness, please hold on. The Defence is on his feet. You may  
24 proceed.

25 [15.23.30]

1 MR. KARNAVAS:

2 Thank you, Mr. President. I apologize for interrupting, but I  
3 don't recall that there's been any such testimony where the  
4 individual has indicated that he went there to vacate soldiers.  
5 So -- and I know we don't have a transcript. I know that he went  
6 there for other purposes, for -- which I don't wish to reveal at  
7 this point, because the gentleman -- I don't want to give the  
8 impression that I'm trying to tell him what to say. But I don't  
9 recall him ever saying that he went there to vacate any soldiers.

10 MR. PRESIDENT:

11 The representative of Prosecution, you may proceed.

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. I was taking notes and I did write down  
14 that at one point the witness said that, twice with Ieng Sary and  
15 twice on his own, he went, once to evacuate the Boeng Trabek  
16 soldiers before the arrival of the Vietnamese.  
17 You may ask the witness if he wishes to confirm.

18 [15.24.59]

19 MR. PRESIDENT:

20 The National Counsel for Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I simply would like to intervene to  
23 bridge the differences here. Actually, he did not go there to  
24 vacate the soldiers at Boeng Trabek, but actually he went there  
25 to evacuate the intellectuals who were being kept there.

1 MR. PRESIDENT:

2 The objection by the defence counsel is sustained. The witness  
3 has not said that he went there to vacate the soldiers over  
4 there, but he did say that he went there four times; two of which  
5 he went with Ieng Sary and the other two, he went there by  
6 himself and the last time he went to evacuate intellectuals when  
7 the Vietnamese troops were heading for Phnom Penh. So when the  
8 Vietnamese troops were on the verge of conquering Phnom Penh,  
9 then he went there to evacuate those intellectuals.

10 [15.26.27]

11 BY MS. RABESANDRATANA:

12 Q. Thank you. I think we'll have to look more closely at this,  
13 but the French version clearly does not quite correspond to the  
14 Khmer and English one.

15 One more question on the general functioning and here I'm going  
16 to ask about the role of Office 870. Did you often see Pang in  
17 Office 870?

18 MR. SALOTH BAN:

19 A. I saw Pang at Office 870 very often.

20 [15.27.53]

21 Q. Can you make this clearer? How often did you see him; once a  
22 day, once a week?

23 A. I was at the Ministry of Foreign Affairs. When I went there,  
24 for example, once or twice every month, I always saw Pang over  
25 there, but as far as I knew, Pang travelled from one place to

1 another and normally, I met him almost every places -- every  
2 place I went to. Sometime, I met him at Office 870; at the other  
3 time, I met him when he was meeting with soldiers or so. So it  
4 was like he was a mobile cadres of Office 870.

5 Q. What are the duties to be performed by a mobile cadre, in  
6 particular, Pang?

7 A. I think the people in that group has the right to travel  
8 anywhere or to enter any office; that's why I said they were  
9 mobile everywhere.

10 [15.30.05]

11 Q. Thank you. Do you mean that it was possible for them to move  
12 about freely nationwide? Did I understand your statement  
13 correctly?

14 A. Are you referring to Pang, in specific? Are you referring to  
15 myself?

16 Q. Oh no, I am referring to Pang, the mobile cadre of the Office  
17 870.

18 A. As far as I knew, he had freedom of movement but, of course,  
19 it's not nationwide; it was within the capital city of Phnom  
20 Penh.

21 Q. Who chaired the committee after the arrest of Pang?

22 A. Which committee are you referring to?

23 Q. Still 870.

24 A. The chief of that office was Pang. As for 870, there were Pol  
25 Pot, Nuon Chea etc. who were in the leadership role and I do not



1 need to describe that.

2 [15.32.41]

3 Q. My question was: Who replaced Pang after his disappearance?

4 A. No, I didn't know about that at the time.

5 Q. And how about today; are you able to answer the question  
6 today?

7 A. Even today, I still do not know because when Pang gone, the  
8 situation was chaotic. I did not ask anybody about who was the  
9 replacement. I was only concerned about myself. I was trying to  
10 manage my office and the people who worked in my office so that  
11 they were in a better secure place upon the invasion by the  
12 Vietnamese troop.

13 Q. Does it mean that in a de facto manner, you replaced Pang  
14 occasionally in that office?

15 A. Are you referring to me, myself?

16 [15.34.54]

17 Q. Yes. Since you have stated that the question didn't occur to  
18 you and that you didn't want to find out who replaced him and  
19 that you were more preoccupied with administering that office in  
20 order that it may function during the turbulent period as the  
21 Vietnamese were approaching.

22 MR. PRESIDENT:

23 The witness, could you please hold. Defence counsel Karnavas, you  
24 may proceed.

25 MR. KARNAVAS

1 Thank you, Mr. President. Perhaps there is a problem with the  
2 translation because what's coming out from English is vastly  
3 different from the way the lawyer now is phrasing what -- what  
4 the witness testified and perhaps she may wish to rephrase the  
5 question. But he never indicated sort of the predicate that she  
6 put to the question; the facts that she's alluding to.

7 [15.36.17]

8 MR. PRESIDENT:

9 Thank you, Counsel.

10 Defence counsel for Khieu Samphan, you may proceed.

11 MS. GUISSÉ:

12 Yes, Mr. President, I endorse the objection because I was  
13 listening to the French and there was no mention of the witness  
14 replacing anyone in 870 because from the French, the witness said  
15 that he was in charge of his own office.

16 [15.36.49]

17 MR. PRESIDENT:

18 Objections raised by the Defence teams are sustained. The  
19 witness, you are instructed not to respond to this question.  
20 Representative of Lead Co-Lawyers, please try to rephrase your  
21 question and to make it more precise for the witness to respond.

22 BY MS. RABESANDRATANA:

23 Mr. President, I will not rephrase the question. The witness'  
24 answer is quite clear to me because he states that no one  
25 replaced Pang as chairperson of that committee. I will stick to

1 that answer.

2 [15.37.40]

3 Now, I will talk about a more personal aspect because, as you  
4 know, we are representing civil parties who are trying to  
5 understand the situation and the circumstances under which their  
6 close friends and relatives disappeared; very often, after  
7 heeding the call made by their Cambodian brothers to return home.  
8 I would be grateful if the witness could assist the civil parties  
9 in their search for the truth. I will talk about some key cases  
10 and review with you what such cases bring to mind, if you have  
11 anything to say on the different cases. I will merely show you  
12 some photographs, if it is possible.

13 Q. The first person I would like to talk about is Mr. Chau Seng.  
14 Do you know him?

15 MR. PRESIDENT:

16 Civil party lawyer, can you provide the identification of that  
17 photo or document and whether it is in the case file?

18 MS. RABESANDRATANA:

19 It is, indeed, in the case file. The reference is as follows,  
20 D22/289.12. May I request your leave, Mr. President, to have this  
21 photograph placed on the screen?

22 [15.40.06]

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 MS. RABESANDRATANA:

1 (Microphone not activated)

2 MR. PRESIDENT:

3 Please switch on your microphone; your time is running out fast.

4 BY MS. RABESANDRATANA:

5 Q. Thank you.

6 You would find -- on this photograph taken at the press  
7 conference in Paris in 1971, you'd see Mr. Chau Seng. I crave  
8 your indulgence for the pronunciation. He is speaking to  
9 journalists; he's using a microphone. He is -- and next to him is  
10 King Norodom Sihanouk. My question is simple. On the one hand, do  
11 you know this name and do you know those persons?

12 [15.41.30]

13 MR. SALOTH BAN:

14 A. I know the person by the name of Chau Seng through reading the  
15 newspapers, but I do not recognize the gentleman in the photo.

16 Q. Thank you. Do you recall during what period that person  
17 arrived at Pochentong airport?

18 A. I cannot recall it clearly.

19 Q. Did you not go to welcome him at Pochentong airport?

20 A. No, I did not go to greet him.

21 Q. Do you know where that person was subsequently sent?

22 A. No, I did not know.

23 Q. That person was at Boeng Trabek for a start and then he was  
24 sent to S-21. Were you aware of his arrest?

25 A. No, I was not.

1 [15.44.15]

2 Q. How about Ieng Sary? Was he aware of it, to your mind?

3 A. I do not know about Mr. Ieng Sary.

4 Q. Do you know who went to fetch Mr. Chau Seng?

5 A. No, I did not.

6 Q. Is it not possible that he was picked up by Pang?

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

8 Q. Did it often happen that persons under the authority of the  
9 Foreign Ministry left that ministry without Ieng Sary being privy  
10 to it or being informed of it?

11 A. There were times when Pang came to take those people or his  
12 subordinates, with his -- with his letter, without the knowledge  
13 of Mr. Ieng Sary.

14 [15.46.58]

15 Q. Thank you. The fact of the matter is that that person was  
16 arrested at Boeng Trabek and sent to S-21 under a false name,  
17 Cheng Suon. Were you aware of that?

18 A. No, I was not.

19 Q. Did people not talk about such matters at the ministry, in the  
20 office?

21 A. No, it was silent.

22 Q. That was an important member of GRUNK, in charge of external  
23 affairs and working with the King. That person was certainly  
24 well-known and his return to the country was known -- was public  
25 knowledge. Do you stand by your assertion that people did not

1 talk about it?

2 MR. PRESIDENT:

3 The witness, please hold. Defence Counsel, you may proceed.

4 [15.48.56]

5 MR. KARNAVAS:

6 Thank you, Mr. President. I think first a foundation has to be  
7 laid. Did anyone know where this person was taken and if others  
8 knew, whether this person knew that others knew that this person  
9 was taken someplace like S-21? So I think we need to ask this  
10 witness whether he knew where the person was taken at which  
11 point. How can people talk about something if they don't know  
12 about it? Now, perhaps if a foundation is laid that's one thing,  
13 but to simply suggest that because he was an important person who  
14 went one place and then later disappeared, does not necessarily  
15 follow from that that people knew exactly where the person went  
16 and what happened to the person. A foundation has to be laid.

17 [15.49.49]

18 MR. PRESIDENT:

19 Thank you, Counsel, for the observation. Your observation is  
20 appropriate.

21 Representative of the Lead Co-Lawyers for civil party, please  
22 reword your question. It doesn't mean that upon the return to the  
23 country of Chau Seng everybody knew about that, and not everybody  
24 knows the name of Chau Seng.

25 BY MS. RABESANDRATANA:

1 I would refer to the transcript of the 7th of April 2010, E34 --  
2 346 -- E3/436 (sic), in which the witness was questioned and the  
3 name of Mr. Chau Seng was mentioned, and it is the last question  
4 -- the answer to the last question. The question was as follows  
5 -- last page and it is answer number 114.

6 "A witness mentioned the names of former diplomats who lived at  
7 Chraing Chamres, and among them were the following dignitaries,  
8 [...] including Mr. Chau Seng. Are you aware that all those persons  
9 were sent to Chraing Chamres?"

10 And the witness says:

11 "I was not at all aware of that. I knew only the elder brother of  
12 Sarin Chhak. He often came there with Ieng Sary, but he didn't  
13 work there and he didn't live there."

14 [15.52.47]

15 Q. Now, Witness, did you know the name and the existence of that  
16 person, at least following the questions of the Co-Investigating  
17 Judges as from 2010?

18 I am not here to cause a controversy. I just want to bring up  
19 specific cases for this witness to comment on with regard to the  
20 manner in which the ministry functioned together with its organs  
21 as we've seen throughout the week. Thanks to this witness we have  
22 been able to see parts of the reality.

23 Now, I will talk about another figure and this is Mr. Phung Ton,  
24 an associate professor of law. I also have a photograph of him  
25 because I think it is important that these people who were

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1 figures of authority, who were well-known, and Cambodian elites  
2 should also appear on Cambodian TV, and I would request the  
3 Chambers leave to have the photograph of this witness put on the  
4 screen and it is document D2886.7.3. May I request your leave,  
5 Mr. President, to have this document placed on the screen?

6 [15.55.03]

7 MR. PRESIDENT:

8 Counsel, could you give the ERN or the document ID again of the  
9 photo of Phung Ton? The interpreter could not get it.

10 MS. RABESANDRATANA:

11 The reference is D288/6.171.3. The reference is P00384759.

12 (Short pause)

13 Can the photograph be shown to the witness, Mr. President?

14 MR. PRESIDENT:

15 Court officer, can you take the hard copy of the document for the  
16 witness examination?

17 [15.57.12]

18 BY MS. RABESANDRATANA:

19 Q. Witness, do you know the name of that person?

20 MR. SALOTH BAN:

21 A. No, I do not know this person.

22 Q. This is an associate professor of law who, by the way, was  
23 offered a job to teach in French universities. He worked abroad  
24 for the Ministry of Foreign Affairs in early 1975 and he worked  
25 on the problem of the Poulo Wai Islands, which was the subject of



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1 a dispute between Vietnam and Thailand. And that person returned  
2 home in 1975.

3 MR. PRESIDENT:

4 Counsel for Ieng Sary, you may proceed.

5 [15.58.50]

6 MR. KARNAVAS:

7 Mr. President, Your Honours, I apologize for the interruptions. I  
8 know it's late in the day and counsel wants to get through a  
9 certain amount of material, but testifying, as she has just done,  
10 is not proper in these proceedings; where the -- the fact that he  
11 was a professor, the fact that he'd negotiated on other things.  
12 Now, perhaps because he was with the Ministry of Foreign Affairs  
13 prior to 1975, that fact may be relevant, but I think the  
14 question has to -- there are -- within reason, the facts have to  
15 be put out within a question as opposed to giving lengthy  
16 explanations.

17 Granted, you know, we don't wish to curtail the rights of the  
18 civil parties, but they have to do -- they have to behave like  
19 the rest of us when posing questions, as opposed to making  
20 speeches and testifying. And that's what this is about,  
21 testifying; none of this is in evidence.

22 MR. PRESIDENT:

23 Thank you.

24 [15.59.56]

25 Counsel, do you have any other questions because you may have

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1 only one or two more question times to ask? You should put  
2 questions right away rather than describing the photos because  
3 here is the testimony; we are hearing the witness concerning his  
4 experience that he has come across, particularly, the knowledge  
5 he has known concerning the facts alleged in the -- in the case  
6 file that has been severed to be in Case 002/01.

7 MS. RABESANDRATANA:

8 I didn't hear the objection made by my learned friend because I  
9 had problems with my headsets.

10 BY MS. RABESANDRATANA:

11 Q. I have the following question for the witness. That person was  
12 sent to Boeng Trabek. We have a biography of that person.  
13 My question is as follows: Who issued instructions at B-1 for  
14 people's biographies to be obtained?

15 MR. SALOTH BAN:

16 A. I do not know this person and I did not know who wrote his  
17 biography either.

18 [16.02.10]

19 Q. It is document D22/106; I am giving the reference of the  
20 document and I will explain to the Chamber the specific problem  
21 the civil parties have regarding the document. The document is  
22 D22/106 with an ERN number in Khmer, in English, and in French.  
23 This document is part of the civil party file. This document has  
24 not been shown to the witness. As you know, the civil parties  
25 submit documents before, during, and after the work of the

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1 Co-Investigating Judges and applications that they file are not  
2 before the Trial Chamber. And since we are talking of many  
3 victims, it is possible for the applications to be disputed. Each  
4 time a witness appears before your Chamber, documents of civil  
5 parties are not brought to the knowledge of the witness. So, in  
6 that case, how can we talk about our files with the evidence we  
7 have in support of those applications?

8 Whereas applications exist and we hope that they will be  
9 admissible, since we cannot produce these documents and place  
10 them before the Trial Chamber and the witness has not had an  
11 opportunity to see them.

12 [16.04.13]

13 MR. PRESIDENT:

14 Counsel, you may proceed.

15 MR. KARNAVAS:

16 Thank you, Mr. President. Well, first of all, asking a witness  
17 questions about matters which the witness is incapable of  
18 answering and then trying to show a document which may not  
19 necessarily refresh your memory or assist the witness is not  
20 terribly helpful.

21 Throughout the process -- and this is a very lengthy process --  
22 there will be witnesses where documents or questions can be asked  
23 of witnesses in order to elicit certain facts which would be  
24 necessary later on. But you cannot try your entire case with  
25 every witness. This witness has a certain capacity to answer

1 certain areas.

2 [16.04.54]

3 Now, the question is: Does he know the gentleman? Did he know  
4 where he was? If there are records where the gentleman was and  
5 what happened to him thereafter, I am sure they'll be able to  
6 establish that through another witness. But this witness has  
7 indicated as much as he's able to indicate.

8 Now, if there's a way of impeaching the witness by showing him  
9 some prior inconsistent statement, that's fine. But to simply say  
10 that there are civil parties and that there are constraints and  
11 that they need to make certain proofs doesn't mean that they get  
12 to use these documents with any witness that simply appears.  
13 I understand and I sympathize, but they know which other  
14 witnesses that are scheduled to come and I am sure that there may  
15 be other witnesses that they could put these documents to.

16 [16.05.44]

17 And I'm also confident that the Trial Chamber, since it's here to  
18 get as close to the truth as possible, will be very mindful in  
19 allowing certain documents to come in even if witnesses haven't  
20 touched upon them because they're admitted under the -- the civil  
21 law process and the procedure that we're exercising here. So I  
22 don't see what profit is to be gained by going past 4 o'clock, as  
23 in this case, in posing questions to a witness concerning a  
24 document on something that he's never seen and there's no need to  
25 have explanations of this nature. Now we're going into making

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1 oral pleadings about evidentiary documents. And I -- I apologize  
2 for -- for having to make these objections, but I think that we  
3 need to be very precise on -- on the proceedings.

4 MS. RABESANDRATANA:

5 I'd like to answer that, if I may, Mr. President. We're not  
6 talking about asking questions on subjects of which the witnesses  
7 are unaware. We have spent the entire week so far talking about  
8 the question of biographies, since he talked about an educational  
9 role and pure biography, but you have to understand that the  
10 civil party is shedding a human light on the documents and the  
11 reports that have been referred to.

12 [16.07.29]

13 This is entirely within the scope of the subject. We're talking  
14 about a biography that was written in Boeng Trabek, but I can't  
15 talk about it because the witness doesn't know the document. But  
16 the general reality has been established by the debate.

17 So this is not speculation, it's today's theme, tomorrow's theme;  
18 the day after tomorrow, well, we'll talking about something else  
19 no doubt, but I do not believe, and I don't particularly want to  
20 produce that document, I am simply indicating that it exists and  
21 I am demonstrating to the court the problems that are faced by  
22 the civil parties on a given subject. They have-

23 [16.08.25]

24 MR. PRESIDENT:

25 Could counsel please be mindful of the times. We are actually

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1 passing 4 o'clock now, and could you please be brief because I --  
2 I would like to know where -- as to how much time you will need.

3 BY MS. RABESANDRATANA:

4 Q. Well, the witness answered my question about who was supplying  
5 the instructions for the biography, and I shall close at that  
6 point.

7 I will now go to one final individual, Mr. Ros Sarin and his wife  
8 - Mr. Ros Sarin and his wife, Ros Chuor Siy. Are you aware of  
9 this name?

10 MR. SALOTH BAN:

11 A. No, I don't.

12 Q. Ms. Ros Chuor Siy and her husband and their two children were  
13 sent to Boeng Trabek. So you don't know Ms. Ros Chuor Siy?

14 [16.10.16]

15 MR. PRESIDENT:

16 Cambodian Counsel, could you please assist in reading the name of  
17 the person because it is not clear from the pronunciation of  
18 international counsel.

19 Mr. Ang Udom. Oh, sorry, correction interpreter, Mr. Pich Ang.

20 MR. PICH ANG:

21 Ros Sarin -- Ros Sarin was the name pronounced by my  
22 international colleague. Ros Chuor Siy was the name of his wife.

23 MR. PRESIDENT:

24 Witness, do you know these two individuals, Mr. Ros Sarin and his  
25 wife Ros Chuor Siy?

1 MR. SALOTH BAN:

2 A. No, I don't.

3 [16.11.56]

4 BY MS. RABESANDRATANA:

5 Q. This person was arrested and sent to S 21 at the same time as  
6 Mr. Toeung. So am I to take it that you were not informed about  
7 that and disappearance?

8 MR. SALOTH BAN:

9 A. No, I was not informed.

10 Q. In the ministry, did you receive lists of people to be  
11 transferred?

12 [16.13.01]

13 A. No, we did not have that list.

14 Q. How did you know what transfers were being made in that case?

15 A. I don't really understand the question.

16 Q. These people came into the airport, then they went to B 1, and  
17 then they were sent for re education in camps or they  
18 disappeared. If you didn't have a list of names, how did you  
19 transfer the people?

20 A. I don't really understand this question, but I endeavour to  
21 answer this question. I was not in charge of transferring people,  
22 but I assisted them in searching for their family members. And I  
23 could not even search for my family members; how could I search  
24 for other family members? It's a bit difficult to answer to that  
25 question.

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1 [16.15.38]

2 MR. PRESIDENT:

3 Counsel, your time is up. We are now well over 4 o'clock.

4 Thank you, Witness.

5 It is now 15 minutes past 4. It is therefore appropriate to take  
6 the day adjournment and the court will resume tomorrow morning,  
7 starting from 9 a.m.

8 Witness and the duty counsel, due to the incomplete of the  
9 testimony here so the Chamber wishes to invite both of you to  
10 come to testify before the Chamber again tomorrow starting from 9  
11 a.m., and we also invite the duty counsel to accompany the  
12 witness.

13 Court officer is instructed to coordinate and facilitate with the  
14 WESU to provide lodgement and as well as transport of the  
15 witness.

16 [16.17.05]

17 And the Chamber wishes to inform the parties that tomorrow we  
18 will start by -- the questioning by the member of the Bench, if  
19 any, and after which the Chamber will hand over the floor to the  
20 defence team for Ieng Sary.

21 And the Defence teams have also agreed amongst each other that  
22 the defence team for Ieng Sary would be the first team to put  
23 questions to this witness. And this is also consistent, as  
24 indicated in the memorandum of the Chamber, that any moving party  
25 would have the opportunity to put the question first, but since



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1 there was an agreement amongst the Defence teams that's why  
2 tomorrow we will start the questioning by the defence counsel for  
3 Ieng Sary first.

4 The security guards are instructed to bring the accused to the  
5 holding cell -- to the detention facility.

6 The court is adjourned.

7 (Court adjourns at 1618H)

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