



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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3 May 2012
Trial Day 60

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Trial Chamber Greffiers/Legal Officers:

DAV Ansan
Faiza ZOUAKRI
SE Kolvuthy

Lawyers for the Accused:

SON Arun
Andrew IANUZZI
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn

For the Office of the Co-Prosecutors:

VENG Huot
Vincent DE WILDE D'ESTMAEL
Tarik ABDULHAK

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
SIN Soworn
Barnabé NEKUIE
SAM Sokong
VEN Pov
HONG Kimsuon

For Court Management Section:

UCH Arun

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MR. PEAN KHEAN (TCW-504)

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List of Speakers:

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MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PEAN KHEAN (TCW-504)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 According to our schedule, today we continue hearing the
6 testimonies of Mr. Pean Khean, questions continue to be put by
7 the Co-Prosecutor.

8 However, we have received some applications this morning; we need
9 to address them first.

10 Co-Prosecutor, you are on your feet. You may now proceed.

11 MR. ABDULHAK:

12 Good morning, Your Honours. Thank you, Mr. President. We did make
13 contact with Chamber's legal staff simply to ask that a very
14 small amount of time be allowed before the witness is called in,
15 Your Honours, and we thank you for making that allowance.

16 [09.03.56]

17 Very briefly, we - having heard part of the witness's testimony
18 yesterday, we wish to seek an extension of the time granted to us
19 to examine this witness. I think it became obvious to all of us
20 in Court that there was significant facts to which this witness
21 is able to testify which were not immediately apparent from his
22 statements. And of course the procedures at the Court mean that,
23 the first time we meet witnesses in -- is in here in the
24 courtroom, and so, as we - as we ask questions that are - that
25 are within what we consider to be the knowledge of the witness,

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1 sometimes we learn additional facts.

2 And I'll just indicate some of those additional areas that
3 emerged yesterday and which we think warrant additional time for
4 this witness to be able to give a comprehensive account on
5 pertinent issues.

6 [09.05.00]

7 Those areas were: his proximity to Koy Thuon -- it transpired
8 yesterday that this witness lived with - with Koy Thuon for 10
9 years or so; he also indicated yesterday that he arrived in Phnom
10 Penh on the 17th of April 1975 -- he, therefore, witnessed at
11 least a part of the forced evacuation; there was also evidence he
12 gave which indicates proximity to a cadre called Pang, who has of
13 course been referred to by a number of witnesses -- I think he
14 said that it was Pang that introduced him to the revolution; and,
15 lastly - there are other issues as well, but lastly, he also
16 described how he stayed with Koy Thuon the - for the entire
17 period before his arrest, including at Chraing Chamres. All of
18 these facts that I've just referred to are new; none of them
19 appear in his statement.

20 We're not suggesting that the witness is being dishonest; it's
21 just -- it appears from the statement he just wasn't asked in any
22 detail about these matters. These issues have emerged; they are
23 pertinent. The witness's proximity to the facts, in our
24 respectful submission, means that he should be examined on these
25 matters.

3

1 [09.06.25]

2 In terms of the extra time required, we are trying our utmost to
3 be as efficient as humanly possible. We think we can conclude our
4 examination by lunchtime, perhaps, give or take, half an hour. I
5 believe our friends on the civil party team require approximately
6 an hour. And we do appreciate that - that does take up most of
7 today's or, perhaps, three quarters of today's proceedings. But,
8 in light of these facts, we would be most grateful for that - for
9 that extension. I think, yesterday at least, one of the defence
10 teams indicated they wouldn't object to some flexibility. We
11 think it's warranted, but - but we're in your hands. Thank you.

12 MR. PRESIDENT:

13 Thank you.

14 [09.07.24]

15 Counsel for the civil parties, you may now proceed.

16 MS. SIMONNEAU-FORT:

17 Yes. Good morning, Mr. President. Good morning, Your Honours.
18 Good morning to everyone. We, of course, support what has just
19 been said by the Co-Prosecutor and we believe that we will
20 require at least one hour, maybe even an hour and a half.

21 [09.07.49]

22 So we would like to have a bit of an - we accept that the
23 prosecutors' time be extended, but we do not wish our time to be
24 restricted, because we need to have this extra amount of time for
25 the same reasons.

1 MR. PRESIDENT:

2 Counsel for Nuon Chea, you may now proceed.

3 MR. IANUZZI:

4 Good morning, everyone. Your Honours, despite the Prosecution's
5 failure to give us some leeway on what we consider de minimis
6 infractions of document filing deadlines, we have absolutely no
7 objection to the extra time -- that's perfectly reasonable -
8 assuming we would be extended the same courtesy at some point in
9 the future. Thank you.

10 MR. PRESIDENT:

11 Counsel Karnavas, you may now proceed.

12 [09.08.45]

13 MR. KARNAVAS:

14 Thank you, Mr. President. And good morning to you and to all
15 Judges on the Bench and everyone in and around the courtroom. The
16 Prosecution, in their summary, mention Koy Thuon, and they also
17 mention Pang. I think a reasonable reading of the statements
18 would give any seasoned lawyer the advance notice that the
19 gentleman would be speaking about Koy Thuon and Pang, maybe not
20 to the degree that was revealed yesterday, but nonetheless should
21 be prepared to go into those areas.

22 As for the evacuation of Phnom Penh, that might be something that
23 is slightly new, although I think, again, when you look at the
24 statement that was provided, I think a good advocate would be
25 able to glean from it that obviously, since he came to Phnom Penh

5

1 at some point, he might have been a -- witnessed the evacuation
2 or might have arrived along with the other troops on the 17th of
3 April.

4 [09.09.49]

5 Be that as it may, I think that I'm prepared to - to leave it to
6 the Court's discretion to be flexible with the Prosecution, again
7 provided that in the future the Prosecution show flexibility
8 towards the Defence, something that, in my opinion, has not
9 always been the case - at least with some members of the
10 Prosecution, the gentleman excluded, of course.

11 Also, it would appear that if time was granted to the Prosecution
12 and to the civil parties, this gentleman would not finish today.
13 And I would ask that the Trial Chamber consult and advise the
14 parties as early as is possible whether we should hold - continue
15 the proceedings until tomorrow or whether to bring the gentleman
16 back, for scheduling purposes. Obviously, I think it would be
17 preferable to just continue the proceedings on until tomorrow;
18 it's convenient for the - for the individual, it's convenient for
19 the parties, and it provides a continuity in the proceedings and
20 the testimony. And we would not have any objections to going on
21 until tomorrow, having proceedings continue on. Thank you.

22 [09.11.16]

23 MR. PRESIDENT:

24 Counsel for Khieu Samphan, you may proceed.

25 MR. KONG SAM ONN:

6

1 Thank you, Mr. President. Counsel for Khieu Samphan has no
2 objection to the request for additional time by the Prosecution.
3 However, we would like the Chamber to look into the situation
4 whether the witness is able to provide new evidence or his
5 testimony will be nothing new in it. And also the Chamber is -
6 should also look into whether such additional time is warranted,
7 due to these old things. And that, if the new things are raised
8 and that new matters are involved or are relevant to, perhaps,
9 our client -- and we would like to have additional time, as well.
10 And if additional time is added, we are afraid that the session
11 will even go further than Friday, and our client - or, in
12 particular, our client is of old age, and that, if the hearing
13 shall continue the whole week, it will affect his health.

14 [09.13.01]

15 MR. PRESIDENT:

16 Thank you.

17 Having noted the requests and observations by parties, arguments
18 have already been put before the Chamber concerning the
19 reasonings behind the additional time requested and that, as
20 indicated, the witness may have new things to tell the Court,
21 things that have not been well covered during the investigation,
22 and counsel for the defence - or defence counsel do not object to
23 this request for additional time because it is an effort for the
24 ascertaining of the truth.
25 For that, the Chamber hereby grants such a request by allowing

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1 the Prosecution to proceed putting questions to the witness for
2 this whole morning.

3 Counsel for Khieu Samphan.

4 MR. KONG SAM ONN:

5 Before you make further decision, we would like to inform the
6 Chamber that Mr. Khieu Samphan has a prior appointment with the
7 medical - doctor tomorrow.

8 [09.14.35]

9 MR. PRESIDENT:

10 Thank you.

11 The Chamber told - or informed the parties already that the
12 Chamber should be notified in advance concerning any matters the
13 party wish to communicate to the Chamber. You can see that,
14 today, witness is not yet called in because the Chamber needs to
15 address some issues before we proceed to the witness's testimony.
16 Now, the issue is raised, although we already informed the party
17 not to do so, and we just don't expect to see this happen again.
18 And, Counsel for the civil party, you may now proceed, then.

19 MS. SIMONNEAU-FORT:

20 Yes. You have given the morning to the prosecutor, so I would
21 like to know how much time will be available to us this
22 afternoon. Thank you.

23 MR. PRESIDENT:

24 There's no change to your time allotted to you. And in the
25 afternoon you will be handed over the floor to put questions to

8

1 the witness, and the Chamber has no intention to refrain you from
2 putting questions for that – for that duration of time.

3 [09.16.25]

4 And that you asked the Chamber for one hour, and that you will be
5 given one hour and 10 minutes for that. Because, normally, the
6 session will start for one hour and 10 minutes; then we will have
7 an adjournment; the next session will be resumed for another half
8 hour, so you will be given that appropriate time for the
9 questioning.

10 And the Chamber will also consider to see whether we can conduct
11 a hearing tomorrow or not.

12 Now, Counsel has just indicated that Khieu Samphan is not able to
13 attend the Court proceeding because he has to see the doctor. And
14 the Chamber will also look into the possibility of having the
15 hearing tomorrow, and whether it can be concluded by tomorrow,
16 and whether we can call the witness to be heard again in – on
17 another occasion, the following week. Indeed, the Chamber
18 endeavours to ensure that the hearing ends expeditiously on the
19 testimonies of this witness, but we have not yet ruled on this;
20 we are now looking into it.

21 Court officer is now instructed to bring the witness and his duty
22 counsel to the courtroom.

23 (Witness enters the courtroom)

24 [09.19.15]

25 Good morning, Mr. Pean Khean. The Chamber is informed that you

1 have some health concern. Are you all right this morning?

2 MR. PEAN KHEAN:

3 No, I have some health problem.

4 MR. PRESIDENT:

5 Are you able to be heard today again?

6 MR. PEAN KHEAN:

7 I will do my best to give my testimony.

8 MR. PRESIDENT:

9 Thank you very much for informing the Chamber. This information
10 is very helpful for the Chamber to ensure the conduct of the
11 proceeding and also for the Chamber to understand your situation.

12 [09.20.16]

13 If you have serious health reason, then, indeed, the Chamber
14 needs to be informed so that the Chamber can consider giving you
15 some time to rest temporarily, or we can even defer the session
16 to another late - another date.

17 Do you understand this?

18 MR. PEAN KHEAN:

19 Yes, I do.

20 MR. PRESIDENT:

21 We now hand over to the prosecutor to put questions to this
22 witness.

23 Mr. Co-Prosecutor is advised to put the most substantive
24 questions and that - ensure that the time allotted is efficiently
25 used, as much as possible.

10

1 And be mindful that witness is not of very good health, and for
2 that, Co-Prosecutor is advised to ensure that the questions are
3 brief and simple so that witness can respond effectively.

4 [09.21.37]

5 Co-Prosecutor, you may please be seated.

6 And, Counsel for Nuon Chea, you may now proceed first.

7 MR. SON ARUN:

8 Mr. President, Your Honours, thank you very much. I would like to
9 seek clarification concerning the names used in the courtroom.
10 Yesterday, witness said he worked with Koy Khuon, and the
11 prosecutor asked him whether it - he was Koy Thuon or Koy Khuon.
12 However, so far as we understood, in the document, the name
13 should have been Koy Thuon, not Koy Khuon.

14 MR. PRESIDENT:

15 It is now time for the Prosecution to put questions. If the names
16 are still not the right name or needs some further clarification,
17 you will have the floor to do that.

18 [09.22.39]

19 And, the Prosecutor, you may now proceed.

20 MR. ABDULHAK:

21 Thank you, Mr. President. Thank you, Your Honours, for allowing
22 us some extra time, and I think, counsel for the defence, for
23 their accommodation as well, we certainly will always endeavour
24 to be as flexible as we can in return.

25 QUESTIONING BY MR. ABDULHAK:

11

1 Good morning, Mr. Pean Khean, and thank you for coming back to
2 testify.

3 Q. We will continue, first, where we stopped yesterday. And I
4 think you said to us just before we broke that Koy Thuon had been
5 arrested and placed in a location 300 metres south of K-1; is
6 that correct?

7 MR. PEAN KHEAN:

8 A. Yes, it is.

9 Q. Thank you. I realize this was a long time ago, but are you
10 able to recall when this happened – how long after the CPK
11 entered Phnom Penh?

12 [09.24.31]

13 A. It was by late 1975, early 1976, when he was arrested.

14 Q. Thank you. Could you describe for the Court the place where he
15 was held? I think you said to us that you visited him at this
16 place once. Could you describe this location?

17 A. It was at – it was like a hotel surrounded by wall, and he was
18 detained alone. I was there briefly – rather, he stayed there,
19 and I went to offer him the chicken, and I was there very
20 briefly, and I returned.

21 Q. And how was it that you knew he was detained at this place
22 which looked like a hotel?

23 A. When I – I left K-1 to the South; it was about 300 meters to
24 the south of that location when I reached it. I don't remember
25 what that location was, because I don't recall.

12

1 Q. But you said to us he was detained. Were there any guards
2 there or- How was he detained? Could you describe for the Court?

3 A. I did not see any guards. When I went inside, I saw him
4 sitting on a bench and I greeted him. Then I offered him the
5 chicken and left.

6 [09.27.38]

7 Q. Did you talk to him at all at this point?

8 A. I just asked him how he was, just a few words. I did not
9 really talk at length with him.

10 Q. And who was it that asked you to deliver food to him?

11 A. It was Pang who asked me to do that.

12 Q. Did Pang say to you anything about what happened to Koy Thuon,
13 at that time?

14 A. No, he didn't, but he said that - he asked me to bring the
15 chicken to Koy Khuon and asked me to return immediately.

16 Q. Mr. Pean Khean, I'd like to show you a couple of photographs
17 and see if you're able to recognize any individuals in those
18 photographs for the Court.

19 Your Honours, Mr. President, with your permission, we would like
20 to show on the screen document D313/1.2.237 - D313/1.2.237; it is
21 a photograph of a number of individuals. I do have hard copies
22 also, but if we could have - perhaps, if we could have it placed
23 on the screen, and I will give the witness a hard copy as well,
24 in the event that it's easier to look at.

25 [09.30.25]

1 MR. PRESIDENT:

2 The President permits you to do that.

3 Court officer is instructed now to take the photo to the witness
4 for his examination.

5 (Short pause)

6 BY MR. ABDULHAK:

7 If the AV Unit could also show the picture on the screen? Thank
8 you very much.

9 Q. Mr. Pean Khean, the photograph on the screen is the same as
10 the photograph that I have given you a copy of, so you can look
11 at the screen or the page, whichever is easier for you.

12 If you look at that picture, do you recognize any of these
13 people?

14 (Short pause)

15 [09.32.28]

16 MR. PEAN KHEAN:

17 A. I don't think I know anyone in this picture. Perhaps I do not
18 remember anyone because it was a long time ago. And as I can see
19 it, I cannot tell you who is who.

20 Q. Very well. Thank you. It is a very old photograph.

21 Mr. President, if - with your permission, if I could show the
22 witness another photograph? This is document D108/32.2-P0043;
23 it's another photograph, and somewhat clearer than the last one.

24 MR. PRESIDENT:

25 The Chamber permits.

14

1 Court Officer, take the photograph to witness for him to examine
2 it.

3 BY MR. ABDULHAK:

4 Thank you, Mr. President.

5 Mr. Pean Khean-We might just wait for the photograph to show up
6 on the screen. Thank you.

7 [09.33.46]

8 Q. Mr. Pean Khean, in this photograph, do you recognize the
9 individual depicted?

10 (Short pause)

11 MR. PEAN KHEAN:

12 A. I don't think I have seen this picture before. I don't know
13 the person in this picture.

14 Q. Very well. Thank you.

15 Now, you said to us that you learned - it was in late '75 or
16 early '76 - that Koy Khuon, or Thuch, was arrested. Did you know
17 why he was arrested?

18 A. I did not initially know about the reason of his arrest. After
19 he was arrested, Angkar broadcast through radio program that Koy
20 Thuon was an internal traitor; he was affiliated with CIA. That
21 was disseminated to the people. And Koy Thuon confessed to the
22 Party. That was what I knew at that time.

23 Q. Thank you. And when Thuch was arrested, or after he was
24 arrested, was anyone else arrested, from his - from his zone or
25 from his ministry, as far as you know?

15

1 [09.36.52]

2 A. I did not know about it; I did not see it, but I heard it
3 through the grapevine, that, after Koy Thuon was arrested, his
4 zone was to be dismantled – that means his subordinates were to
5 be arrested – arrested too and a new zone was to be established.
6 That's what I knew.

7 Q. And in your work at the time, did you notice anyone that you
8 perhaps knew from the North Zone – did you notice that any of
9 those people disappear, or were they all still in Phnom Penh?

10 A. After that, I did not know anything. I was at K-1; it was a
11 crowded place. I was not able to know about it.

12 Q. And just a couple more questions on Thuch.

13 You said you lived with him until the period when he was
14 arrested. Did you talk to him about his work?

15 [09.38.47]

16 A. He never instructed or showed anything to me regarding his
17 work. I only knew that he was a representative of Zone 304; I did
18 not know anything else, I did not hear anything about it.

19 MR. PRESIDENT:

20 Mr. Co-Prosecutor, I would like to remind you to be very
21 attentive. As already raised by defence counsel regarding Koy
22 Thuon or Koy Khuon, you haven't asked witness whether these two
23 persons are the same person, and whether witness knows Koy Thuon,
24 and whether there was an alias for either Koy Thuon or Koy Khuon.
25 So try to refrain yourself from using a different name where

16

1 witness did not indicate that he knows about that name. The
2 effects of this will be countered by the Defence, and it will
3 affect the consideration of the Chamber.

4 Now, witness has not yet indicated that he knew Koy Thuon.

5 BY MR. ABDULHAK:

6 Thank you, Mr. President. We will now clarify that issue.

7 [09.40.44]

8 Q. Mr. Pean Khean, we have referred to a man called Koy Thuon,
9 and you indicated that you knew someone called Koy Khuon, who was
10 the secretary of Zone 304. And yesterday you also said he was -
11 became Minister of Commerce.

12 Is it- To the best of your knowledge, did the man that you knew
13 as Koy Khuon have any aliases?

14 MR. PEAN KHEAN:

15 A. As far as I remember, I heard that Koy Khuon's alias was
16 Thuch. These were the two names used at the time.

17 Q. Thank you very much. As - as best as you can recall, is it
18 possible that the person you have described as Koy Khuon alias
19 Thuch is the same person as Koy Thuon?

20 [09.42.19]

21 MR. PRESIDENT:

22 I think there's something wrong with the interpreter. Koy Thuon's
23 alias is not Duch, it is Thuch.

24 Now, we are dealing with the names of the people, and we can't
25 just take it for granted.

1 BY MR. ABDULHAK:

2 Thank you very much, Mr. President, for that intervention.

3 Q. So I'll just repeat that question: Is it possible that the
4 person who you knew as Koy Khuon alias Thuch was the same person
5 that we described or named Koy Thuon?

6 MR. PEAN KHEAN:

7 A. As I remember, as I knew, his name was Koy Khuon alias Thuch.
8 That's all. I did not know anything about Duch. And these were
9 the two names for the same person.

10 Q. Thank you very much.

11 Could you tell the Court what happened – or where you were after
12 Thuch was taken away?

13 [09.44.15]

14 A. After I met him once, I never met him again, I never heard of
15 him again.

16 Q. We understand that. Thank you.

17 You said he disappeared in – or was arrested late '75 or early
18 '76. At that time, where were you working?

19 A. At that time, I was at Chraing Chamres. His house was in
20 Chraing Chamres. It was a house where he worked, also.

21 Q. Thank you very much. And do you know what happened with
22 Chraing Chamres after Thuch disappeared or was arrested? Did
23 people continue to live there?

24 A. After he was arrested, the unit where he had supervised was
25 dismantled. I did not know where the people working there went

18

1 to, but the whole unit was dismantled - dissolved.

2 Q. And how did you know this? Was - did you speak to anyone, or
3 did you see these people leave Chraing Chamres?

4 [09.46.36]

5 A. I knew about it from my friend; he told me.

6 Q. Thank you.

7 Now, I think you said yesterday - and, please, correct me if I'm
8 wrong - that it was approximately two months after Koy - after
9 Thuch's disappearance that Pang took you to work in K-1; did I
10 understand that correctly?

11 A. Yes, you do.

12 Q. Thank you very much. And where was K-1?

13 A. K-1 was on the south of Independence Monument; it was next to
14 Pol's house - rather, it was Pol's house.

15 Q. When you say "Pol", do you mean Pol Pot?

16 A. Yes, I refer to him.

17 Q. And could you describe for the Court what K-1 looked like?

18 [09.48.40]

19 A. At K-1, there were two houses; it -- the two houses were
20 facing to the east. They were close to each other. Surrounding
21 the houses were cemented enclosed gates and walls. But the space
22 itself was narrow; it was approximately 100 metres - square
23 metres. That was what I remember.

24 Q. Thank you. And you mentioned that it had cemented gates and
25 walls; did it have any guards?

1 A. I noticed at the time there were guards at the entrance, the
2 entrance from the Independence Monument. There was probably one
3 guard who was sitting there, guarding the entrance.

4 Q. Thank you.

5 And what did you do in K-1? What was your job?

6 A. At K-1, I delivered food, I looked for vegetables for the
7 cook, for him or her to cook for Om Pol.

8 [09.51.18]

9 Q. And how long did you stay there? Did you – I should first ask:
10 Did you live inside the K-1 compound or did you live somewhere
11 else?

12 A. I lived in that compound, exactly, yes.

13 Q. Thank you. And how long, as far as you can recall – how long
14 did you live there?

15 A. As I remember, I lived there for half a year – I lived there
16 for half a year.

17 Q. And in that period, did you see with your own eyes Pol Pot?
18 And did you see any other leaders of the Party?

19 A. During that time, when I was in K-1, Pol Pot was there
20 regularly, and I also saw Om Nuon Chea, but he went to K-1 only
21 once in a while. But regularly it was Om Pol who was there.

22 Q. Thank you. Just in the interest of clarifying, Mr. Pean Khean,
23 I know these events took place a long time ago, but we just want
24 to clarify exactly what you are able to recollect.

25 [09.53.46]

20

1 Mr. President, with your permission, I would like to show the
2 witness his interview with the Co-Investigating Judges - or
3 investigators of the OCIJ. This is D276/6. And I would just like
4 to show the witness a brief passage with the same issues
5 discussed to clarify his response.

6 MR. PRESIDENT:

7 The Chamber permits you to do that.

8 Court officer is now instructed to take the document from the
9 prosecutor and bring it to witness for him to examine it.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President. Just as we do that, I will read out the
12 relevant ERN's.

13 In Khmer, this is - the passage we will show is 00373448; in
14 French, 00424123; and, in English, 00375887. So I'll just repeat
15 that for the - for the court officer. If you could look for the
16 page 00373448 in Khmer? So it should be ERN 448 in Khmer. But it
17 should also appear on the screen shortly.

18 [09.55.29]

19 Thank you very much.

20 Q. Mr. Pean Khean, as I said, we - we appreciate your dealing
21 with issues that - facts that took place a very long time ago. So
22 we just want to make sure that we understand exactly your
23 evidence.

24 There is a question here; you were asked - and this is your
25 interview with the investigators from this Court. In relation to

21

1 K-1, there's a question here: "Did you ever see any Khmer Rouge
2 senior leaders there?" Which is at K-1.

3 And I think you responded: "I never saw any leaders coming and
4 going to that place; I saw only Pang. K-1 was not a meeting
5 place."

6 And then you go on to say: "In general, the meeting was conducted
7 at the mobile K-3."

8 [09.56.31]

9 You just told us that you also saw Nuon Chea at K-1, and I just
10 wish to make sure that - that you remember correctly. If you
11 could just try for a moment and recall who, exactly, it was that
12 you saw? If you're not sure, that's fine, you can tell us you're
13 not sure. And we're talking about within the K-1 compound.

14 A. At K-1, as I said, it was not a working place; it was a
15 residence for Om Pol Pot, for him alone. But later on, Om Nuon
16 Chea came there once. That's all.

17 Q. Thank you very much for clarifying that. We appreciate it.

18 At this time, do I understand it correctly that Pang also was
19 staying in K-1?

20 A. Yes, it is correct.

21 Q. And if we could just discuss Pang very briefly, do you recall
22 his real name?

23 A. I only knew him by the name Pang; I did not know his alias.

24 Q. Thank you.

25 [09.59.12]

22

1 You said to us yesterday that it was Pang that introduced you to
2 the revolution in 1966. Do you know where he was from? Was he
3 also from Rattanakiri or was he from another part of the country?

4 A. I did not know where he was from, but I met him in
5 Rattanakiri. I knew that he was a supervisor of the office of the
6 messengers. That's what I knew.

7 Q. Thank you. And after 1975 - or after April 1975, do you know
8 what position he held?

9 A. I knew that Pang was overally in charge of Office 870. That's
10 all.

11 Q. And to the best of your knowledge, what was Office 870?

12 A. Office 870 was an office of the central framework of the CPK.
13 And Pang was the person in charge of the office on a daily basis.
14 For example, he would manage day to day tasks in the office,
15 including K-1, K-3, and K-7. It was Pang who was overally in
16 charge.

17 Q. Thank you very much. You said to us yesterday that your
18 understanding was that Pol Pot, Nuon Chea, Ieng Sary, Khieu
19 Samphan, and, I think, Son Sen were senior leaders. As far as you
20 know, was Pang one of the senior leaders or did he have a
21 different position?

22 [10.02.41]

23 A. Pang was an assistant.

24 Q. And do I understand you correctly that he was less senior than
25 people we just mentioned - Pol Pot, Nuon Chea, Khieu Samphan,

1 Ieng Sary, and Son Sen? Was he less senior than those people?

2 A. Yes, it is.

3 Q. Do you know whether Pang reported to or received instructions
4 from any of these senior leaders?

5 A. Through what I seen, Pol Pot was reporter to by Pang, and I
6 had no knowledge of the channel of communication; I don't know to
7 whom, other than Pol Pot, where he could have reported to.

8 Q. Very well. Thank you. Did he ever talk to you about his work
9 with the senior leaders?

10 A. He did never - he didn't tell this, and I have never known
11 about this.

12 Q. Thank you. And what happened to Pang? Did he stay at K-1 after
13 - after you left?

14 [10.05.41]

15 A. Pang had disappeared before I left K-1. So, after he
16 disappeared, I was transferred to Svay Meas.

17 Q. Thank you very much. At the time, did you know what happened
18 to Pang or did you know why he disappeared?

19 A. I did not know why Pang was disappeared; I just heard from
20 friends about his disappearance. I heard that he was arrested.

21 And later on Lin was in Pang's place. Previously, there were Pang
22 and Lin who were in the positions, and after the arrest, Lin took
23 his place.

24 Q. Very well.

25 Now, if we could return - if we could return briefly to what Pang

24

1 was doing at Office 870 and at K-1, did you, at any time, attend
2 meetings with him?

3 A. I attending simple meetings with him at K-1.

4 [10.08.12]

5 Q. And who else was attending these meetings, apart from you and
6 Pang?

7 A. There were other members who lived in that vicinity, including
8 five to six people, those people who worked at K-1.

9 Q. Thank you. And what was discussed at these meetings?

10 A. No substantial work were discussed in the meeting; we
11 discussed only the roles of each individual at K-1. For example,
12 I was supposed to deal with looking for vegetables, looking for
13 foods so that these vegetables and food could be found or
14 delivered on time, things like that.

15 Q. You said to us yesterday that, before '75, you attended
16 criticism and self-criticism meetings, usually at night. Did you
17 attend such meetings after April '75?

18 A. Normally, each unit or location, people had to attend the
19 criticism and self-criticism sessions every evening. And during
20 these sessions, people had to criticize one another or criticize
21 oneself. The meetings were not conducted on a daily basis; at
22 least, it was held every three nights.

23 [10.11.13]

24 Q. You said to us yesterday that, before '75, you were taught
25 about the need to remove capitalist and feudalism oppressive

1 classes. Were those issues discussed after April '75?

2 A. We kept discussing these matters and we kept being educated on
3 this.

4 Q. And do you recall who it was that was educating you about
5 this?

6 A. It was Pang who was teaching us.

7 Q. And what did he say about the enemies?

8 A. Could you please repeat your question?

9 Q. When Pang was teaching you about the enemies, what was he
10 saying? Who were the enemies?

11 [10.13.44]

12 A. Enemies were those who were affiliated with the American CIA
13 and who infiltrated in the Party and those who were KGB agents of
14 the Vietnamese - the "Yuon" - or the Russian. If anyone who were
15 - who was affiliated with the KGB or the CIA agents, he or she
16 shall be destroyed. And people were reminded in each meeting and
17 we were asked to be vigilant concerning the CIA and KGB agents
18 because these people were against the revolution of the CPK.

19 Q. Thank you very much.

20 As far as you know, were there any other meetings that Pang
21 attended?

22 A. That's all I know; I don't know any other things, other than
23 this.

24 Q. And again as far as you recall, did any of the senior leaders
25 hold any meetings at this time?

1 A. I don't understand your question; could you be more specific
2 on the date, in which year you're referring to, please?

3 [10.16.31]

4 Q. Thank you very much. In the period after April 1975, in Phnom
5 Penh, you said to us Pang held meetings and educated you about
6 enemies. At that same period, do you know if any of the senior
7 leaders held such meetings?

8 A. No, there was no more meeting. That's all I got from Pang.

9 Q. Do you know--

10 Or I'll take a step back. You said you worked at K-1 for six
11 months. And where did you work after K-1?

12 A. After K-1, I moved to Preaek Pra. It was the location where we
13 planted -- or grow vegetables and it is the place where a group
14 of children are kept - or were kept for training, and there were
15 about five to six babysitters, people who cared for the children,
16 at that location. When I went there, I saw them.

17 [10.18.41]

18 And then I moved to Svay Meas, as I indicated yesterday.

19 Q. In that period, while you were working at the vegetable farm,
20 did you ever go to any of the K offices that you've described -
21 K-1, or K-3, or K-7?

22 A. Occasionally, I would go there bringing with me some longan
23 and some vegetables, but I went there rarely.

24 Q. And could you describe for the Court what K-3 was and what it
25 looked like?

1 A. Through my observation back then, K-3 was a location where
2 leaders of the Party would come to meet, including Om Pol, Om
3 Hem, Om Nuon Chea, Om Khieu Samphan, and Om Son Sen, who would be
4 coming to meet in that location. The reason I said so, because I
5 saw at that location these individuals who came in and out of the
6 vicinity. Sometimes, during the - the sessions, only this group
7 of people would be seen, because the sessions were not conducted
8 for the popular masses, but they were meant to be for this group
9 of people.

10 [10.21.25]

11 And I was in charge of catering, looking for vegetables and food
12 stuff for the people.

13 Q. In this group of people that you mentioned, was Ieng Sary also
14 one of these people or was he not there?

15 A. He was also among the group at K-1. However, Om Khieu -- or Om
16 Son Sen -- he would only come to that location occasionally, and
17 I just don't know where he would be stationed.

18 Q. Thank you. Did you know what the purposes - what the purpose
19 of those meetings was, what the meetings were for?

20 A. At that time, I knew nothing because it was part of the secret
21 affairs of the leaders. I did not know anything about the
22 objective of such meetings.

23 Q. Did you ever hear of a body called the Standing Committee?

24 [10.23.38]

25 A. I have never heard about this and, most importantly, I have

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1 not understood this very well because I was not part of the
2 senior leaders to know this.

3 Q. As far as you knew, did Khieu Samphan ever meet with any of
4 the cadre from K offices?

5 A. I never seen him meeting them. I know that he was at K-3,
6 attending - he was at K-3, but I did not know what he was doing
7 at that location.

8 Q. Mr. Pean Khean, we're asking you about things that happened a
9 very long time ago and we realize sometimes it's difficult to
10 recall. So I will ask you about some prior interviews that you
11 have - that you have had or that we think you have had.

12 Do you recall meeting a group of researchers in 2005 and
13 discussing with them this - these issues?

14 A. No, I don't. It was a long time ago. I don't think I
15 remembered.

16 Q. Apart from being interviewed by the investigators of this
17 Court, were you ever interviewed by anyone else about the
18 Democratic Kampuchea regime?

19 [10.26.31]

20 A. I had conducted - I had given interviews on two occasions. I
21 never given any other interviews to other people, other than
22 this.

23 Q. You just said "two occasions"; do I understand correctly, one
24 occasion was with the investigators from this Court?

25 A. (Microphone not activated).

1 Q. I'm sorry-- I'll repeat the question: Of the two interviews,
2 was one of them with the investigators from this Court?

3 A. (No interpretation)

4 MR. PRESIDENT:

5 Witness, could you please hold on?

6 Counsel for Khieu Samphan, you may now proceed.

7 [10.27.49]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I think the question put by the
10 Co-Prosecutor just now was the leading question.

11 Witness said that he gave interviews on two occasions, but
12 counsel - prosecutor should not put the leading question.

13 MR. PRESIDENT:

14 Counsel for Khieu - Khieu Samphan's objection is sustained, and
15 that Co-Prosecutor is now advised to refrain from putting leading
16 question.

17 BY MR. ABDULHAK:

18 Thank you, Mr. President.

19 Q. I would like to show the witness a document which Your Honours
20 admitted yesterday, which is document E187.1. This is a record -
21 or a summary that we were discussing yesterday, and, I think,
22 given the somewhat unclear picture of what interviews were
23 conducted, I think it's appropriate now to show the witness this
24 document.

25 MR. PRESIDENT:

30

1 Indeed, you are allowed to proceed with that.

2 However, since it is now appropriate time for the morning
3 adjournment, the Court will adjourn for 20 minutes. The next
4 session will be resumed at 10 to 11.

5 [10.29.41]

6 Regarding the request to put question concerning these documents,
7 you may proceed when we resume after the adjournment.

8 Court officer is now instructed to assist the witness and his
9 duty counsel during the break and have them returned to the
10 courtroom by 10 to 11.

11 Counsel for Ieng Sary, you may now proceed.

12 MR. ANG UDOM:

13 Mr. President, Your Honours, due to health concern of my clients
14 - and he has lumbago and pain in his leg - he has requested that
15 he be excused from this courtroom from now on until the remainder
16 of the day's session, and that he asked he be allowed to observe
17 the proceeding from his holding cell, downstairs.

18 MR. PRESIDENT:

19 Thank you, Counsel. Be -- please be seated.

20 [10.30.42]

21 The Chamber has noted the request made by counsel for Ieng Sary,
22 asking that Mr. Ieng Sary be excused from this courtroom and be
23 permitted to observe the proceedings from his holding cell,
24 citing his health concern and that he can't remain seated longer
25 in the courtroom.

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1 The Chamber, therefore, grants such request, request that made
2 through his counsel to waive his right to participate in person
3 in this courtroom. The Chamber permits him to observe the
4 proceeding from his holding cell through the video-link for the
5 whole day hearing.

6 The Chamber asks that counsels for Ieng Sary produce the waiver
7 signed by - or given thumbprint by Mr. Ieng Sary.

8 And AV booth officers are now instructed to ensure that the
9 video-link is well connected to the holding cell so that Ieng
10 Sary can observe the proceedings from downstairs.

11 And personnel securities are now instructed to bring Mr. Ieng
12 Sary to his holding cell.

13 The Court is adjourned.

14 (Court recesses from 1032H to 1113H)

15 MR. PRESIDENT:

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

17 The Chamber would like to inform the parties and the public that,
18 due to the fact that witness Pean Khean is having serious health
19 problem and he cannot continue giving testimony, the hearing of
20 his testimony will be now postponed. The hearing of his testimony
21 will be resumed on Thursday the 17th of May 2012, and will
22 continue until Friday, next day of that month.

23 Today hearing is therefore adjourned now.

24 Security guards are now instructed to take the three accused
25 persons back to the detention facility.

1 The Court is now adjourned.

2 THE GREFFIER:

3 All rise.

4 (Court adjourns at 1115H)

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