



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): 23-May-2012, 15:18
CMS/CFO: Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 May 2012

Trial Day 61

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

Lawyers for the Accused:

SON Arun
Michiel PESTMAN
Andrew IANUZZI
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta Guissé

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
Faiza ZOUAKRI
DAV Ansan

For the Office of the Co-Prosecutors:

VENG Huot
Tarik ABDULHAK
Keith RAYNOR

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
Barnabé NEKUIE
Pascal AUBOIN
KIM Mengkhy
VEN Pov
HONG Kimsuon

For Court Management Section:

UCH Arun

INDEX

MR. PEAN KHEAN (TCW-504)	
Questioning by Mr. Abdulhak.....	page 2
Questioning by Ms. Simonneau-Fort.....	page 31
Questioning by Mr. Pich Ang.....	page 40
Questioning by Mr. Son Arun.....	page 50
Questioning by Mr. Ianuzzi.....	page 61
Questioning by Mr. Ang Udom.....	page 85
Questioning by Ms. Guissé.....	page 91
Questioning by Mr. Kong Sam Onn.....	page 104

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PEAN KHEAN (TCW-504)	Khmer
MR. PICH ANG	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 0907H)

3 MR. PRESIDENT:

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

5 During today's session and tomorrow's session, as scheduled, we
6 continue hearing this testimony of witness Pean Khean; questions
7 to be put by the Prosecution.

8 The Prosecution has already put some questions; however, their
9 allotted time still remains and they will proceed with putting
10 further questions and other parties will be given the floor to
11 put questions to the witness including the Judges of the Bench.

12 [09.09.28]

13 Ms. Se Kolvuthy, could you report on the attendance of the
14 parties to the proceedings today to the Chamber?

15 THE GREFFIER:

16 Mr. President, all parties to the proceedings are present, and
17 Mr. Pean Khean is also present and awaiting call from the Chamber
18 to appear before this Chamber.

19 MR. PRESIDENT:

20 Thank you.

21 Court officer is now instructed to bring in witness Pean Khean to
22 the court.

23 (The witness is taken to the dock)

24 Good morning, Mr. Pean Khean. We can see that you look fresh this
25 morning and that we hope you will remain healthy enough to be

2

1 able to give testimonies and so that we can conclude the
2 testimony of yours.

3 [09.11.57]

4 Before we proceed to the Prosecution, we would like to inform the
5 International Co-Prosecutor that the hearing on the 3rd of May
6 2012 was conducted for one hour and 20 minutes and the Chamber
7 had already decided regarding the request by the Prosecution
8 concerning the times allocated to put to the witness. The
9 Prosecution had used rather one hour and a half already and that
10 you can proceed until the morning adjournment for putting
11 questions to the witness.

12 [09.12.49]

13 You may now proceed.

14 MR. ABDULHAK:

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

16 And just before we start or resume the examination of the
17 witness, a small housekeeping matter. I'd like to introduce to
18 the Chamber and counsel, my colleague, Keith Raynor, who has
19 recently joined us and will be appearing before Your Honours in
20 -- in future hearings; he's seated right next to me.

21 QUESTIONING BY MR. ABDULHAK:

22 Q. Good morning, Mr. Pean Khean, and thank you for coming back to
23 testify and assist the Chamber in ascertaining the truth.

24 What I would like to do -- because we've had a two-week break
25 since your last testimony -- is to briefly revisit some of the

3

1 issues we discussed and didn't fully explore and see if we can
2 complete them in the short time remaining.

3 [09.13.53]

4 You said to us that, at the time of Koy Thuon's arrest, you were
5 living and working at Chraing Chamres; is that correct?

6 MR. PEAN KHEAN:

7 A. Yes, it is. However, I did not work. I was there to take good
8 care of the house; clearing grasses, for example.

9 Q. And I think you also said to us that in -- in that period, you
10 took care of Koy Thuon or provided food for him; I just want to
11 make sure that I -- I have that correct.

12 A. Yes, it is correct.

13 Q. Thank you. Just so that we -- we understand, you've said to us
14 that Chraing Chamres was a location where Koy Thuon work -- Koy
15 Khuon worked. Could you describe for the Court what Chraing
16 Chamres looked like? Was it a small place? Was it a large house?
17 Could you describe the site, itself, for the Chamber?

18 [09.15.43]

19 A. Chraing Chamres was not a location where we worked
20 substantially; it was a location where we would stay temporarily.

21 Q. And -- and just to -- to clarify, was it a large place or a
22 small place and how many people worked there or lived there?

23 A. Chraing Chamres -- the location at Chraing Chamres was small.
24 It -- the place accommodated about 20 to 30 people.

25 Q. And were -- were those people -- were all of those people

4

1 working for Koy Thuon or were there people from other offices
2 there?

3 A. All of them were with Koy Khuon, no outsiders.

4 Q. Thank you.

5 [09.17.13]

6 You also said to us that, after Koy Khuon alias Thuch was
7 arrested, you stayed at Chraing Chamres for a period of two
8 months. Could you describe what -- what happened at Chraing
9 Chamres after his disappearance?

10 A. I did not notice any change to the situation; it was normal.

11 Q. And how did you find out that Thuch had been arrested?

12 A. I learned about this through friends who told me; that's how I
13 knew this.

14 Q. Were these friends people that lived with you at Chraing
15 Chamres?

16 A. Yes, they were.

17 Q. You also testified on the 2nd of May that you knew and -- and,
18 for a period of time, worked for Koy Khuon's wife, Madam Yun, who
19 was chief of Sector 32. Was she at Chraing Chamres at this time?

20 [09.19.28]

21 A. No, she wasn't.

22 Q. Where was she?

23 A. I don't know where she was.

24 Q. Did you ever see her or talk to her after the disappearance of
25 Koy Khuon?

5

1 A. No, I did not see her since the disappearance of Koy Khuon.

2 Q. Now, you heard that Koy Khuon had been arrested and you
3 testified that this was ordered by Angkar. Did you hear what
4 happened to his wife or did you ever learn, in any way, what
5 happened to her?

6 A. I did not receive any information after the disappear -- after
7 Koy Khuon was arrested. I did not know what happened to any of
8 them.

9 Q. Thank you.

10 [09.21.09]

11 I'll -- I'll just note for the record, Your Honours, while we're
12 discussing this particular individual, she is listed on the S-21
13 revised prisoner list, which is document E3/342, entry number
14 12149, and that is at ERN 00330124; that ERN is common to all the
15 languages.

16 Mr. Pean Khean, you said to us on the 3rd of May that you -- that
17 Angkar had broadcast through radio programs that Koy Thuon was an
18 internal traitor and that he was affiliated with the CIA. When
19 you heard that, how did you feel?

20 A. I was concerned; first, because I -- I missed him because we
21 had been living together and, secondly, at that time, I did not
22 know where I would stay because I used to stay with him and now
23 he -- he had problem and I do not -- I did not know where I
24 should go.

25 Q. You also said to us on the 3rd of May that you had heard that

6

1 after Koy Khuon was arrested that his subordinates also were to
2 be arrested. Were you afraid that -- that you might also be
3 arrested at this time?

4 [09.23.42]

5 A. Yes, indeed, I was. I felt very afraid like other people
6 because we did not know where the person arrested could have been
7 sent to.

8 Q. Thank you.

9 Now, I'll just move on to a -- a slightly different issue. You
10 also said to us on the 2nd of May that when you joined the
11 revolution, you asked to write a personal biography. Were you --
12 did you ever write other biographies after this time or was this
13 the only biography you wrote?

14 A. I don't remember writing any other biographies, but that was
15 the only chance -- or time I wrote the personal biography.

16 Q. Do you know if any of your fellow staff in Phnom Penh were
17 asked to write biographies or -- or wrote biographies at this
18 time?

19 [09.25.44]

20 A. No, I didn't. I did not see or noted any other people writing
21 any such biography because it was their business. I just don't
22 know.

23 Q. But you did say to us that you took part or were required to
24 take part in regular criticism and self-criticism sessions. What
25 was discussed in these sessions?

7

1 A. During the criticism and self-criticism sessions conducted
2 every evening, people would be checked on their -- performance of
3 their daily work. For example, if there was no shortcoming, if no
4 mistake was committed, it was a kind of qualification that people
5 was -- were free from being criticized. However, if people failed
6 to achieve the day-to-day work performance, such sessions were
7 very important so that people could be criticized, reminded of
8 how to perform their work better.

9 [09.27.30]

10 Q. And if one continued to make mistakes, were there any
11 punishments for such mistakes?

12 A. To the best of my recollection, this never happened to me or
13 to others. No punishment was ever made. If we made mistakes, we
14 would be re-corrected; educated time and again.

15 Q. Now, Mr. Pean Khean, you were in Phnom Penh for a part of the
16 period from '75 to '79; could you describe to us what the city
17 was like in this period? Were there lots of people living in the
18 city and were people able to move around freely?

19 A. During this period of time, I did not take any notice of the
20 situation, but I felt that it was normal. I did not see people
21 move around after the liberation, but I did see them moving
22 around immediately after Phnom Penh was liberated.

23 [09.29.50]

24 Q. When you say immediately after the people were liberated; are
25 these the people, the large groups, that you saw being evacuated

8

1 on the 17th of April? Are these the people you are describing?

2 A. On the 17 of April 1975, I saw these people when I was
3 travelling from Oudong to Phnom Penh. I saw them walking on the
4 road and when I approached Phnom Penh, I noted that the city was
5 very quiet already.

6 Q. And you said to us you -- you felt later that the situation
7 was normal. As -- as far as you could tell, did those people who
8 left -- who were evacuated on the 17th of April; did they return
9 before the 7th of January '79?

10 A. I don't know whether these people returned or moved to live in
11 other parts of the country.

12 Q. Now, living in -- in Phnom Penh, at the time, were you,
13 personally, able to move around to any part of the city as you --
14 as you wished?

15 A. Back then, I could not move freely unless there was an
16 assignment or designation by Pang that I attended a training or I
17 went to certain places to get certain stuff; for example, I may
18 be instructed to transport rice or vegetables from Preaek Pnov or
19 Chraing Chamres to K-1 offices.

20 [09.33.01]

21 Q. And what about your colleagues, other people who worked K-1,
22 K-3, and other offices -- people like yourself? Were they able to
23 move around freely or did they also need a permission?

24 A. That, I did not know about them, but that's what happened to
25 me; I could describe what had happened to me.

1 Q. Very well, Mr. Pean Khean.

2 At this time, '75 to '79, in Phnom Penh, did you ever notice any
3 of your colleagues or anyone being removed or disappearing from
4 the places they were working?

5 A. Back then, I knew the matters relating to Pang and Koy Thuon,
6 but as for others, I did not know.

7 Q. I just want to make sure I understand your answer. Are you
8 telling us that, apart from knowing about Koy Thuon and Pang
9 disappearing – that you never heard or noticed that anyone else
10 disappeared during that entire period?

11 A. I did not know, or I did not notice, any other people who had
12 disappeared. I only knew about them.

13 Q. Thank you, Mr. Pean Khean.

14 [09.35.57]

15 Now, when we stopped on the 3rd of May, we were discussing your
16 prior interviews before coming here to the Court to testify, and
17 you said to us -- if I recall correctly -- that you had had two
18 interviews; is that correct?

19 A. Yes, I have had two interviews.

20 Q. And can you tell us who those interviews were with?

21 A. I do not recollect.

22 Q. Now, we showed you, two weeks ago, a document which is a
23 record of your interview with the investigators from this Court.
24 And that document is dated the 27th of August, 2009.

25 [09.37.33]

10

1 Do you recall having that interview?

2 A. In 2009, to my recollection, yes. There was an interview.

3 Q. And do you recall who your other interview was with? Or do you
4 not recall that right now?

5 A. I cannot recall the people whom I had interviewed with, but I
6 do recall that I had had two interviews.

7 Q. Thank you.

8 MR. ABDULHAK:

9 Mr. President, at this time, I'd like to show the witness
10 document E187.1. This is the document which Your Honours admitted
11 at our hearing, I believe, on the 2nd or 3rd of May, and it's
12 E187.1; it is a summary of an interview.

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 Court officer is instructed to take the document from the
16 International Co-Prosecutor and present it to the witness.

17 BY MR. ABDULHAK:

18 Thank you, Mr. President.

19 [09.40.15]

20 Q. Mr. Pean Khean, have you been given a copy of this document by
21 Court staff before coming here to testify today?

22 MR. PEAN KHEAN:

23 A. Yes, I was given this document, but I cannot recall it due to
24 my forgetfulness.

25 Q. We understand, Mr. Pean Khean. This document appears to be a

11

1 summary of a conversation that you had on the 25th of July 2005.
2 And it was a conversation about the issues that we've been
3 discussing these last few days. Does that refresh your memory? Do
4 you recall whether the people you met spoke to you in July 2005,
5 or around that time?

6 A. I can only recall that my first interview -- well, in that
7 interview there was -- there were two Cambodians, one female and
8 two or three men. And there were also two other foreigners, one
9 male and one female. And in my second interview, I could not
10 recall the names of the interviewers. They were all male
11 Cambodian people, and one foreigner.

12 [09.42.49]

13 Q. Very well. Perhaps to focus in a bit and see how much of this
14 you may be able to recall -- I'm going to ask my case manager to
15 show the Khmer page ERN 00801770. If we could show that one the
16 screen?

17 Mr. Pean Khean, if you're looking at a hard copy that should be
18 on the third page -- the third page, which has the number
19 00801770 in the top left-hand corner.

20 I'm just going to read to you two brief passages from this
21 document and ask if you can recall saying that to these people
22 that you met - quote:

23 "I was not involved with the CIA, KGB etc., or any coup plot, so
24 I don't know why I was named as a traitor. But I lived in fear
25 because everybody kept disappearing, and even though I did not

12

1 know whether they were alive or dead, there were whisperings that
2 people who disappeared were dead."

3 [09.44.36]

4 And then the next brief passage, very much related:

5 "We had some freedom to move around, and we could see that people
6 were disappearing. The word used was 'removed' (dak), but
7 everyone increasingly assumed that some were arrested. Being
8 'removed' sometimes really meant being transferred, but at other
9 times it meant arrest."

10 Mr. Pean Khean, do you recall making this statement? Is this a
11 correct summary of what you said to these people?

12 A. Yes, that was my understanding. The situation back then was
13 like what I described in my interview.

14 [09.45.58]

15 Q. Thank you very much. We may move on to -- or, rather, I'll
16 just stay on this topic very briefly. You have testified, of
17 course, that at one stage Pang himself disappeared. Do you recall
18 how you find out that he disappeared or was arrested?

19 A. Then I did not see him being arrested, but I stayed in his
20 place on a daily basis at K-1. We actually resided their
21 together, but a few days later he mysteriously disappeared and I
22 kept suspecting what had happened to him, because I could not get
23 any information about his disappearance. But a few days later, I
24 learned from some of my friends that Pang had been arrested. Then
25 I did not bother to dwell on the matters.

13

1 Q. Mr. Pean Khean, we might just return briefly to that 2005
2 record of interview. If we could show that on the screen, Your
3 Honours?

4 [09.48.05]

5 This is Khmer ERN 00801769. It should be the second page in the
6 Khmer language. And I just realized I haven't been giving French
7 and English ERNs. The English ERN is 00089701, and the French ERN
8 for this passage is 00644575.

9 So, Mr. Pean Khean, returning to this document, as I said, on the
10 second page in the Khmer language-- If we could show that on the
11 screen, Your Honours?

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 BY MR. ABDULHAK:

15 Q. Mr. Pean Khean, just to see if this refreshes your memory at
16 all -- there is a paragraph which starts with the words "Pang was
17 replaced by Lin, who died on the border of heart disease".

18 [09.49.17]

19 What I'm interested in is a couple sentences further from that
20 sentence. There's a passage which states: "It was said Pang had
21 committed treason. We heard that Pang had committed treason,
22 although there was no official announcement."

23 And to complete that quote: "I was never sure whether Koy Thuon
24 was alive or dead, nor was I sure about what had happened to
25 Pang."

14

1 Mr. Pean Khean, is this a correct summary of what you said,
2 namely that you heard that Pang had committed treason but you
3 didn't know that for a fact?

4 MR. PEAN KHEAN:

5 A. That was correct. But the name here should be Koy Khuon,
6 rather than Koy Thuon, here. That is according to my
7 recollection.

8 Q. Thank you for pointing that out.

9 [09.50.40]

10 I might just brief -- pause here very briefly, Your Honours, and
11 for the record -- because there's been use of different names --
12 Koy Thuon and Koy Khuon -- both having the alias Thuch -- I'll
13 just briefly note for the record; document IS 5.39 sheds some
14 light on this issue. I don't want to go into great detail in
15 front of the witness, other than to indicate that, at Khmer ERN
16 00005994 and the pages following, you will find signatures and
17 dates with the name "Khuon" being used. These documents are from
18 February and March 1977.

19 To give one example of a page which is available in all three
20 languages -- Khmer ERN 00006066 is such a page signed by Khuon.
21 It is available in both English and French. The English ERN is
22 00769830, and the French ERN is 00766794.

23 [09.52.03]

24 And without further ado, I will continue. I just wanted to note,
25 for the record, that this document does shed light on the use of

15

1 these two names.

2 Mr. Pean Khean, returning to Pang's arrest and disappearance. You
3 said to us that Pang was an assistant to the senior leaders. When
4 he disappeared, was it widely known among people working with you
5 -- did people know and notice that he had disappeared?

6 A. Back then, in general, they knew that he had disappeared;
7 people who were living in K-1 and K-3.

8 Q. You said you were afraid following Koy Khuon's disappearance.
9 Were you afraid -- or, how did you feel following Pang's
10 disappearance?

11 A. Frankly speaking, when Koy Thuon disappeared, I was living in
12 fear, and then, when again Pang disappeared, I was even more
13 terrified, but I did not really understand the situation very
14 well.

15 Q. As far as you know, did anyone ever come to investigate what
16 happened with Pang? Did anyone ever try to find out where he
17 went, in K-1 or elsewhere, as far as you know?

18 A. Since his disappearance, there was no investigation whatsoever
19 -- was conducted.

20 Q. Moving on to another topic, Mr. Pean Khean, we discussed, on
21 the 3rd of May, some of the meetings that you saw take place in
22 K-3.

23 [09.55.40]

24 And just to refresh everyone's memory, you said to us, in
25 relation to K-3, that sometimes, during the sessions, only this

16

1 group of people would be seen, that is, the senior leaders,
2 because the sessions were not conducted for the popular masses,
3 but they were meant to be for this group of people. And that
4 group was, you said, Pol Pot, Nuon Chea, Khieu Samphan, Ieng
5 Sary, and sometimes Son Sen.

6 Do you recall how often you saw those meetings take place? Or how
7 often you knew they took place?

8 A. To my recollection, back then, the meeting of this kind took
9 place around twice or three times a month.

10 Q. Thank you.

11 [09.57.06]

12 You were -- you said to us you were catering. You were in charge
13 of catering during some of these meetings. Did you ever enter the
14 room where the leaders met?

15 A. Back then, I did not enter the meeting venue, because I was in
16 charge of catering, but I stayed mainly in the kitchen, because I
17 had to ensure that the food was being properly prepared, and I
18 oversee the preparation of foods in the kitchens, basically.

19 Q. Did you hear from anyone or did you know in any other way what
20 the purpose of those meetings was?

21 A. As for the purpose or substance of the meetings of the
22 leaders, I did not know what it was all about.

23 Q. Very well.

24 [09.58.56]

25 You said to us that some of these meetings were only for this

17

1 small group of people. Were there other types of meetings --
2 larger meetings, perhaps, or meetings with other people -- that
3 you saw at K-3?

4 A. I did not see the outsiders, beside the few leaders.

5 Q. Did you ever hear about meetings with other people at K-3,
6 other than the leaders?

7 A. No, I never saw outsiders. I only saw three or four leaders.

8 Q. Very well.

9 [10.00.15]

10 We have limited time, so we'll move on.

11 I asked you last time if you recall whether Khieu Samphan ever
12 attended meetings with people working in K offices, and I -- if I
13 recall correctly, you said that you didn't see him having such
14 meetings. Did you ever see Khieu Samphan attend any meetings
15 other than the meetings with the senior leaders that you
16 described?

17 A. No, I didn't. I didn't see him other than at K-3 office. I had
18 no -- I have no knowledge of this.

19 Q. Your Honours, I'd like to return to the document number
20 E187.1, which was that 2005 interview summary, to see if we can
21 assist the witness in refreshing his memory. E187.1. Mr.
22 President, if we could have that document on the screen.

23 MR. PRESIDENT:

24 You may proceed.

25 Court officer is now instructed to pinpoint the portion the

18

1 prosecutor would wish to ask witness about to ensure that the
2 proceedings are more expeditious.

3 MR. ABDULHAK:

4 Thank you very much, Mr. President.

5 [10.02.18]

6 Court officer, you will find this next passage on the -- it
7 should be the third page of the Khmer version, and in the top
8 left-hand corner it should be ERN 00801770. It's the same page we
9 were looking at earlier. If we could -- if the AV Unit could
10 display that document on the screen, so it can be seen by all the
11 parties? Thank you.

12 BY MR. ABDULHAK:

13 Q. Mr. Pean Khean, I'll just read a brief passage from this that
14 relates to the issue we just discussed -- and I quote: "It was
15 Pang who arranged meetings, but Hem (Khieu Samphan) who chaired
16 things politically, but under Pol, who was in charge of political
17 meetings together with Nuon."

18 [10.03.22]

19 And the next sentence states: "Hem (Khieu Samphan) chaired the
20 meetings of Party branches of K offices. Hem (Khieu Samphan) was
21 superior to Pang."

22 Do you recall making that statement, Mr. Pean Khean?

23 A. Yes, I do.

24 Q. And is it correct, as the statement indicates, that it was
25 Khieu Samphan who chaired things politically in meetings with K

19

1 officers and that Pang arranged those meetings? Is that the
2 truth?

3 A. Yes, it is, through my observation back then.

4 [10.04.51]

5 MR. PRESIDENT:

6 Counsel for Khieu Samphan, you may proceed.

7 MR. KONG SAM ONN:

8 We feel that the testimony of the witness is not very clear
9 whether he said such statement was made relevant to the time back
10 then or in the interview.

11 MR. PRESIDENT:

12 Co Prosecutor may continue putting questions.

13 BY MR. ABDULHAK:

14 Thank you, Mr. President.

15 Q. Mr. Pean Khean, just continuing with this theme, do you recall
16 a place called Borei Keila? Do you know where that is?

17 MR. PEAN KHEAN:

18 A. I had heard of Borei Keila, but I don't recollect where it
19 could have been located.

20 Q. Thank you. Do you recall what Borei Keila was used for, what
21 this location was?

22 A. I have heard about the name of Borei Keila, but I don't know
23 what it is for.

24 [10.06.56]

25 Q. Do you recall whether any of the accused, that is, Nuon Chea,

20

1 Khieu Samphan or Ieng Sary, provided political education for
2 cadre in the period '75 to '79?

3 A. I don't know about this.

4 Q. Very well. Mr. President, with your permission we will return
5 to E 187.1 and a brief passage in this document, which is at
6 Khmer ERN same page as last, the one we discussed earlier,
7 00801770.

8 [10.08.24]

9 MR. PRESIDENT:

10 You may proceed.

11 Court officer is now instructed to assist the witness concerning
12 the portion of the document the Co Prosecutor is now wishing to
13 put questions to the witness.

14 MR. ABDULHAK:

15 I'm grateful, Mr. President. For the record, the relevant ERNs,
16 in French this is at 00644576; in English it is 0089701. If the
17 Court officer could show this page to the witness? This passage
18 is at the bottom of this page. If the AV Unit could assist us
19 with having this document shown on the screen?

20 BY MR. ABDULHAK:

21 Q. I am interested in one brief passage here, Mr. Pean Khean:

22 "Nuon Chea and Hem (Khieu Samphan) gave high-level political
23 education at Borei Keila for Phnom Penh ministry and grassroots
24 cadre. Pang organized these meetings with Kham My providing
25 security. Those attending these meetings slept in villas around

21

1 Borei Keila and ate inside the perimeter."

2 Is this a correct summary of your -- of what you said to these
3 people in 2005, Mr. Pean Khean?

4 [10.10.21]

5 MR. PEAN KHEAN:

6 A. Yes, it is.

7 Q. Could you assist us with this term "high-level political
8 education"? What does that refer to, Mr. Pean Khean?

9 A. My observation is that, normally surrounding K 1, K 2, and K
10 3, Pang was the one who regularly in charge, but at Borei Keila,
11 on one occasion, I saw some senior people or leaders coming to
12 start the session. Those people include Uncle Hem, and Pang also
13 was there. So I can conclude that at that time the meeting must
14 have been at a higher level than the normal meeting Pang would
15 chair.

16 [10.12.03]

17 And the meeting could have been about how to construct the
18 country, how to establish property use, and how people could be
19 educated not to be overjoyed, and others.

20 And the content of the meeting was more important than the normal
21 meeting to ordinary peasants or workers because we were reminded
22 about the political line, about how to construct a country, how
23 to make the country prosper, and how to ensure that the people
24 had enough to eat, and I read about this in the document.

25 Q. Could you help us understand; who were the people that

22

1 attended these meetings who received the education? Were they
2 lower level cadre, were they senior people, or otherwise?

3 A. At that time, I don't know the people who were there, but I
4 guess at least people at sector levels or at least people who
5 would be working surrounding K offices attending the meeting,
6 although I don't know from which ministries they could have been
7 from, but they were senior.

8 [10.14.52]

9 Q. Did you, yourself, ever attend these meetings, or did you just
10 see them take place?

11 A. I was invited to attend the meeting as well. And the content
12 of the meeting, as I indicated earlier already, it was all about
13 that.

14 Q. And who did you hear speaking at that meeting that you
15 attended?

16 A. I don't recollect. I don't remember the person who was
17 speaking, but I recall the names of those people, in particular,
18 the leaders I already named.

19 Q. And do I understand correctly that it was that meeting which
20 you attended that you saw Khieu Samphan and Pang, and please add
21 if there were any others; is that the meeting that you have been
22 describing?

23 [10.16.41]

24 A. Yes, it is correct.

25 Q. Do you recall if that particular meeting was attended by Nuon

1 Chea or Ieng Sary?

2 A. So far as I recollect, Om Ieng Sary was not present, but Om
3 Nuon Chea was there.

4 Q. You said to us that some of the things that were taught were
5 about the political line. Could you be a little bit more
6 specific, tell us what that political line was?

7 A. After the 17th of April 1975, when Phnom Penh was liberated,
8 the first political line was to rebuild the country; secondly, to
9 defend its -- to defend the country; thirdly, to establish the
10 cooperatives and create the collective regime, and encourage the
11 people and the popular masses to build canals and dams to ensure
12 that the country can prosper quickly.

13 I cannot go deep inside the matter concerning the national
14 defence, but we were educated to protect our country from any
15 outside intrusion, and also to -- we were asked to ensure that
16 the American imperialists could never return. So these are the
17 two main things about the national defence side of the meeting on
18 the political line.

19 [10.19.39]

20 Q. Thank you very much, Pean Khean, for these comprehensive
21 answers.

22 Just to see if we can explore that last point a little bit
23 further. You also said to us, on the 3rd of May, that the -- in
24 some of the meetings you attended you were taught about enemies
25 who were affiliated with the American CIA and who had infiltrated

1 the Party, as well as those who were KGB Agents and the
2 Vietnamese or the Yuon.

3 As far as you recall, were all of these groups against whom you
4 were taught to defend the country?

5 A. These two groups are the same group.

6 [10.20.56]

7 Q. Thank you. And were you told about where these enemies were
8 and how you might defend the country against them?

9 A. The most important thing, first, we were asked to stop the
10 Vietnamese from invade the country, and to stop the American
11 imperialists from returning to the country. So these are the two
12 main points concerning the national defence.

13 Q. Given that you had told us that some of these people
14 infiltrated the Party, was there any discussion about how they
15 might be discovered, what might be done, in respect of those that
16 infiltrated the Party?

17 A. Normally people were reminded to watch over people who
18 violated the political line. Anyone who abused the line could
19 have been viewed as someone who did things against the Party, and
20 I don't know any other things other than this.

21 Q. Thank you very much, Mr. Pean Khean. I will briefly move on in
22 the time remaining to another topic and see if we can deal with
23 it quickly.

24 You said to us that you went or were sent to Svay Meas after
25 Pang's disappearance. Do you recall when this happened and who

1 sent you to Svay Meas?

2 [10.24.01]

3 A. Before the Vietnamese came into Phnom Penh, it was about three
4 months before that I was sent to Svay Meas, a small cooperative
5 where I would be tempered. The cooperative was meant for
6 tempering people, refashioning people, and I did not know what I
7 did wrong. I knew that I was with Koy Thuon and I was afraid, and
8 that's all.

9 Q. And who -- could you just recall for us who it was that sent
10 you to Svay Meas?

11 A. It was Yom who sent me there. I did not know where or from
12 whom Yom could have received instruction, but he was the chief of
13 the office at Preaek Pra.

14 Q. Thank you, and who did you go -- were you sent there alone or
15 with anyone else?

16 [10.25.59]

17 A. My family and I were sent alone. No other people were sent
18 along with us.

19 Q. When you say your family, who was that?

20 A. Family here referred to my wife; indeed no other people.

21 Q. Thank you. And what did you do at Svay Meas? Did you have any
22 position or responsibilities there?

23 A. So far as remembered when I was there at the beginning I was
24 fishing, looking for food, and later on I was tasked with
25 planting or growing vegetables and fixing the looms at Svay Meas

26

1 before I was sent back to Phnom Penh.

2 MR. ABDULHAK:

3 I do realize we have limited time, Mr. President. I think it's
4 fair that I clarify some inconsistent -- potential
5 inconsistencies with respect to this matter. If I could be
6 granted leave for an extra ten minutes or so, I'd like to show
7 the witness that interview again. I could do that now, or if Your
8 Honours prefer, we could continue after the break, or I can just
9 take the two minutes that are left.

10 [10.28.09]

11 MR. PRESIDENT:

12 Indeed, you may proceed, and make sure that you have the floor
13 before the break. After the adjournment then we will proceed to
14 the civil party counsels.

15 MR. ABDULHAK:

16 Thank you, Mr. President. If we could show that document very
17 briefly, again, it's E187.1. This is at Khmer ERN 00801769. It is
18 English ERN 00089701, and French ERN 00644575. If we could show
19 that document to the witness, Your Honours.

20 [10.29.08]

21 MR. PRESIDENT:

22 You may proceed.

23 BY MR. ABDULHAK:

24 Thank you very much, Mr. President.

25 If we could have that on the screen, AV Unit, and given that time

1 is limited, I will start reading.

2 Q. Mr. Pean Khean, on the page that you were shown, the summary
3 states:

4 "I was sent by Lin to take charge of Svay Meas pagoda after Pang
5 was arrested. At the end of 1978, I was in charge of first of Wat
6 Svay Meas and then workers at Ph-1, which was then under Ra(f),
7 Ieng Sary's youngest daughter."

8 Is that a correct summary of what happened, Mr. Pean Khean?

9 MR. PEAN KHEAN:

10 A. This happened after I had already been at Svay Meas, and after
11 I had been sent to Phnom Penh to work as a worker. And I worked
12 in a group, a big group, about 100 people. These workers were
13 managed by Lin who later on passed down this responsibility to a
14 person by the name Ra.

15 [10.31.03]

16 Q. And is this Ra the person that this document describes as Ieng
17 Sary's daughter, or his youngest daughter to be more precise?

18 A. I don't know whether Ra was the daughter of Hem, but I told
19 that the person was called Ra and no other specific information
20 was given to me other than this.

21 Q. Thank you. So as a person who at one stage was in charge of
22 Svay Meas, what were your responsibilities, what did you do?

23 [10.32.17]

24 A. The term responsible of being in charge here refers to what I
25 was saying is that I was in charge or responsible for being

1 tempered. It has nothing to do with the role as a leader or as a
2 person who was leading a group. I was being responsible for being
3 tempered.

4 Q. So you were not in charge of anyone at Svay Meas, you were
5 simply being tempered, is that your evidence?

6 A. Yes, it is.

7 Q. Do you recall whether Svay Meas had any code number allocated
8 to it?

9 [10.33.44]

10 A. I know nothing other than what Svay Meas or Svay Meas Pagoda,
11 as the location was named, because there was a pagoda there, and
12 when I was there I saw the pagoda, the old pagoda.

13 Q. You said you were sent there with your wife for tempering.

14 Could you describe briefly the conditions of people who were held
15 there? What did they do; did they do any work; how were they
16 kept?

17 A. My spouse and I had been offered two meals per day and we had
18 to work a schedule. For example, from the morning we would be
19 working until lunch break, and at 1 o'clock we would start
20 working again and would break at 4 p.m. And like other people, we
21 were treated equally.

22 [10.35.19]

23 Q. If you were sent there to be tempered, what did this tempering
24 entail?

25 A. Tempering is nothing other than being offered the daily

1 activity to do. For example, people would be asked to do labour
2 work, to fix the looms and digging -- or carrying the earth and
3 also other tasks involved as I indicated.

4 Q. And I will ask you one -- or possibly two final questions, Mr.
5 Pean Khean, on a separate topic. I just want to make sure that
6 we've exhausted your memory.

7 You talked to us about your stay in Oudong in early 1975 with Koy
8 Khuon, and you said that at this time you knew of Pol Pot, Son
9 Sen and Ya -- this was on the 2nd of May -- and you also said to
10 us that there was a meeting or meetings of senior leaders to
11 discuss the attack on Phnom Penh.

12 [10.37.11]

13 Is there anything about those meetings that I have not asked you,
14 Mr. Pean Khean, that you can assist us with; what was discussed,
15 what if any decisions were made?

16 A. I only knew that there was a plan to attack, to liberate Phnom
17 Penh. I knew nothing other than this.

18 Q. And my final question, Mr. Pean Khean, after you came to Phnom
19 Penh did you ever hear what happened to people in the Lon Nol
20 government such as Lon Nol, Sirik Matak or Long Boret?

21 A. I don't know what happened to them, but I know that Lon Nol
22 fled to the United States, and I have no knowledge of what
23 happened to other people.

24 MR. ABDULHAK:

25 Thank you, Mr. Pean Khean, for coming and testifying.

30

1 [10.39.08]

2 Thank you, Your Honours, for the extra time; I'm very grateful.

3 And that concludes our examination.

4 MR. PRESIDENT:

5 Thank you.

6 It is now appropriate time for the adjournment. We will adjourn

7 for 20 minutes. The next session will be resumed at 11 o'clock.

8 When we resume, Lead Co-Lawyers for the civil parties will be

9 offered the floor, and the Chamber allocates, as requested, one

10 hour and 10 minutes for the civil parties.

11 Counsel for Ieng Sary, you may proceed.

12 MR. ANG UDOM:

13 Thank you, Mr. President. Due to my client's health reason, he as

14 requested that he be permitted to observe the proceeding from his

15 holding cell from now until the end of the day.

16 [10.40.24]

17 MR. PRESIDENT:

18 The Chamber has noted the request by Ieng Sary through his

19 counsels requesting that he be allowed to observe the proceedings

20 from his holding cell for the whole day starting from now. And he

21 has stated that he couldn't remain seated in the courtroom due to

22 his health reason.

23 The Chamber, therefore, grants such request, the request that has

24 been made through his counsel to waive his right to be directly

25 observing the proceeding in the courtroom, but instead be

31

1 permitted to observe the proceedings from his holding cell for
2 the whole day today.

3 Counsels for Mr. Ieng Sary are instructed to produce the waiver
4 signed or given thumbprint by Mr. Ieng Sary.

5 AV booth officers are now instructed to ensure that the
6 video-link is well connected to the holding cell, and personnel
7 securities are now instructed to bring the accused person to the
8 holding cell so that he can observe the proceeding from there.

9 (Court recesses from 1042H to 1102H)

10 MR. PRESIDENT:

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

12 Next, we would like to hand over to the Lead Co-Lawyers for the
13 civil parties. You may proceed.

14 MS. SIMONNEAU-FORT:

15 Good morning, Mr. President. Good morning, Your Honours. Good
16 morning, everyone.

17 QUESTIONING BY MS. SIMONNEAU-FORT:

18 Q. Good morning, Mr. Witness, Mr. Pean Khean. I don't have many
19 questions. The Co-Prosecutor has asked a great number of
20 questions, but I do have a few questions to put to you.

21 [11.04.19]

22 And I'd like to start from the last thing that you testified to
23 before the Co-Investigating Judges on 27 August 2009 in document
24 276. "What do you expect of the ECCC?", which was the last
25 question that was put to you, and you answered: "I would hope for

1 the ECCC to find justice for the country and for the Cambodian
2 people."

3 Mr. Pean Khean, can you please elaborate on what you meant by
4 that statement?

5 MR. PEAN KHEAN:

6 A. I do not think I understand your question. Could you please
7 repeat it?

8 [11.05.20]

9 Q. You told the Co-Investigating Judges: "I would hope for the
10 ECCC" -- the Extraordinary Chambers of -- before which you are
11 testifying today -- "I would hope for the ECCC to find justice
12 for the country and for the Cambodian people."

13 Can you please tell us what you mean by that statement?

14 A. I was saying that I wanted the Tribunal to find justice for
15 Cambodian victims, the true justice, and I want that these things
16 would never happen again in the future and I would like Cambodia
17 to be in peace and harmony.

18 Q. Thank you very much. So all of the information that you've
19 provided to us today are, in one way or another - or, is a way
20 for us to find justice for the Cambodian people and that is why
21 in your answer it is important to be as precise as possible so
22 that you can provide to us the most information as possible.

23 [11.07.08]

24 My first question for you is as follows. You stated that you were
25 recruited into the revolution when you were 16 years of age. That

1 means that you were at an age when you were still a child.

2 To your knowledge, were many children recruited and brought into
3 the revolution?

4 A. So far as I recollect, people in villages and districts were
5 brought into the revolution; people including the tribal people
6 in Rattanakiri as well.

7 In a nutshell, everyone all across the country was asked to join
8 the revolution. However, it is about joining the revolution first
9 or later, and I was the one who joined the revolution at an early
10 age and, later on, everyone else joined the revolution regardless
11 of their aging groups.

12 Q. Thank you. Regardless of the age of an individual, in your
13 opinion, why were children in particular recruited?

14 A. I don't know the reason behind this.

15 [11.09.28]

16 Q. What kind of tasks were children assigned?

17 A. I did not notice any significant tasks being assigned to
18 children. For example, in my case, I was tasked with delivering
19 letters, growing vegetables; just normal tasks.

20 Q. Thank you.

21 At one point or another, were you a member of Communist Party of
22 Kampuchea?

23 A. I don't know about a member of the CPK, but I joined in the
24 movement, the movement that was joined by other, and that's all I
25 know.

1 Q. Were you married, Witness?

2 A. I was not married back then.

3 Q. Before arriving Phnom Penh on 17 April 1975, you served in the
4 revolution for approximately seven years. During those seven
5 years, did you notice any disappearances?

6 A. No, I didn't.

7 [11.12.16]

8 Q. Were people sent to be re-educated during the period prior to
9 1975?

10 A. I've never seen people being sent.

11 Q. Mr. Witness, you told us that you spent 10 years with Koy
12 Khuon and his wife, 10 years in total. You testified that he did
13 not talk to you about his work. Did he talk to you about the
14 revolution?

15 A. Yes, he did. He used to talk about revolution. Revolution here
16 refers to the struggle to liberate the country and he talked
17 about people all across Cambodia were expected to rise and
18 struggle to liberate the country from the American imperialists.

19 Q. Sometime before his arrest, did he talk to you about any of
20 his concerns over his -- over his own fate or himself?

21 A. I don't know.

22 [11.14.45]

23 Q. You told the Court that when he was arrested you were sent to
24 deliver a good meal. Do you know why you were chosen to deliver
25 this meal as you had known him for a long time?

1 A. Pang was the person who assigned me with this task.

2 Q. Did Pang confer upon you an additional mission on top of
3 bringing him that meal; did he ask you to try and obtain any
4 information or anything else?

5 A. No, he didn't.

6 Q. You testified and told the Court that you were at Chraing
7 Chamres up until the arrest of Mr. Koy Khuon. Do you know who
8 followed Koy Khuon?

9 A. I don't know.

10 Q. Do you know So Hong?

11 [11.17.07]

12 A. Yes, I do. Mr. So Hong was a medic. He worked for Pol Pot.
13 After the liberation of Phnom Penh, Mr. So Hong worked at the
14 Ministry of Foreign Affairs, but I had no further contact with
15 him anymore.

16 Q. Were you, yourself, interrogated following the arrest of Mr.
17 Koy Khuon?

18 A. No, I wasn't. Other people were removed from -- or were
19 transferred from Chraing Chamres to other locations unknown to
20 me.

21 Q. With respect to Svay Meas, are you aware who decided to send
22 people to Svay Meas?

23 A. No, I'm not.

24 Q. When you were at Svay Meas with other people, had you heard
25 that people were being sent from Svay Meas to S-21?

1 A. No, I hadn't.

2 [11.19.18]

3 Q. And during the time that you were at Svay Meas, people were
4 departing from Svay Meas and they were going elsewhere. Were you
5 aware of this?

6 A. No, I wasn't. I was there briefly before I was returned to
7 Phnom Penh to know about this.

8 Q. This morning, the Co-Prosecutor read an excerpt from one of
9 your interviews in which you identified Kham My. Who is this
10 person, who is Kham My?

11 A. Kham My was the head of the security force -- or security
12 unit.

13 Q. What was the name of that unit?

14 A. It was a -- the Y-10 unit.

15 Q. Thank you. Was that unit responsible for arresting people?

16 A. No, I don't know because I have never seen what the unit was
17 doing.

18 [11.22.21]

19 Q. Who was the chief -- or who was the superior to Kham My?

20 A. Kham My received orders from Pang.

21 Q. And from whom did Pang receive his orders?

22 A. In general, Pang received direct orders from Pol Pot.

23 Q. You stated that you were accused of being a traitor and that
24 you didn't understand why you were being accused as a traitor. Do
25 you know who accused you of being a traitor?

1 A. Normally if a head of a unit was arrested, his subordinates
2 would be implicated as the elements -- bad elements that could
3 have been affiliated with the work of his or her superior. And I
4 was afraid because of that.

5 Q. At the beginning of May, you said that Angkar had arrested Koy
6 Khuon, who was your superior. You are saying today that
7 subordinates were very often, as a general rule, arrested as
8 well. You're saying that there's a link between the arrest of Koy
9 Khuon and the fact that you yourself were named as a traitor. Is
10 this what you are saying?

11 A. It is just my surmise and concern -- I was -- my concern was
12 that I would be accused of being a traitor, and I was intimidated
13 by the arrest of my superior.

14 [11.26.04]

15 I noted that people in the unit kept disappearing, and I started
16 to be very afraid.

17 Q. However, if Angkar decided that Mr. Koy Khuon would be
18 arrested, who would decide that Koy Khuon's subordinates should
19 also disappear?

20 A. I don't know. That's all I understand.

21 Q. Sir, from 1968 to 1979, during the revolution, did you obey
22 orders given by your hierarchical superiors?

23 A. In general, a person had to be appointed or assigned to
24 perform any particular task. Not necessarily me myself. And if
25 the task was assigned, the person who was assigned with the task

1 had to obey it.

2 Q. And if one did not obey the orders, what would happen?

3 MR. PRESIDENT:

4 The question is more hypothetical, so the witness is instructed
5 not to respond to it.

6 [11.28.40]

7 This fact does not happen and counsel is instructed not to refer
8 to any hypothetical fact to put question to the witness.

9 BY MS. SIMONNEAU-FORT:

10 Q. When one did not obey orders, did you notice anything happen?

11 Did you witness or hear about anything that would happen as a
12 consequence of a person not obeying orders?

13 MR. PEAN KHEAN:

14 A. Normally, during the daytime, people would be assigned to work
15 as usual, and in the evenings, we would be invited to attend the
16 criticism sessions, so that we could be criticized to correct our
17 mistakes or to correct what we hadn't done properly during the
18 daytime, so that we could do better the next day.

19 Q. Bearing in mind your experience in the revolution, Witness,
20 did you have any opportunity or any leeway to say no to actually
21 performing a task?

22 A. Yes, there were some. For example, if they sent a messenger,
23 and that messenger found that it was too difficult to send the
24 message alone, then we may say no to that order.

25 Q. And the orders that went directly to you?

1 Were you allowed to refuse?

2 [11.32.05]

3 A. As I said earlier, where I found that it was impossible to
4 accomplish the task alone, I would refuse it.

5 Q. Thank you. One last question; on the 2nd of May, you told us
6 that Koy Khuon had been arrested by Angkar. And then the
7 Co-Prosecutor asked you what was Angkar, and you said it was the
8 leadership. Then the Co-Prosecutor said; who were the leaders?
9 And you said it was Pol Pot, Nuon Chea, Ieng Sary, and Khieu
10 Samphan, and Son Sen.

11 [11.33.17]

12 Koy Khuon was arrested by Angkar. What about Pang -- Pang, who
13 was in charge of Office K-1 and K-3 and in charge of 870? Who
14 arrested Pang?

15 A. That, I don't know. I did not know who arrested him, but I
16 merely knew that he had disappeared.

17 Q. Who were Pang's superiors?

18 A. Pang received instruction directly from Pol Pot. All tasks
19 undertaken by Pang was ordered by Pol Pot.

20 Q. Thank you, Witness. I have no further questions. Excuse me, in
21 case I wasn't heard. Thank you very much, I have no further
22 questions.

23 MR. PRESIDENT:

24 The National Lead Co-Lawyer for the civil parties, you may
25 proceed.

40

1 The National Lead Co-Lawyer for the civil parties, you may
2 proceed.

3 QUESTIONING BY MR. PICH ANG:

4 Good morning, Mr. President. Good morning, Your Honours. Good
5 morning, colleagues. Good morning members of the public in the
6 gallery.

7 [11.35.23]

8 I am the National Lead Co-Lawyer for the civil parties. I have
9 some questions to put to the witness for the remainder of the
10 time allotted to the civil party lawyers.

11 Q. I would like to start my question with the time when you were
12 in Rattanakiri. When you were working as a messenger in
13 Rattanakiri, did you know who was in charge of the sector in
14 Rattanakiri province?

15 MR. PEAN KHEAN:

16 A. At that time, I did not know. I did not know the secretary of
17 the sector or the district.

18 Q. At that time, you were a messenger in Andoung Meas district.
19 Did you work as a messenger for this district, or you worked as a
20 messenger for other leaders outside of Andoung Meas district?

21 [11.36.48]

22 A. At that time, I was a messenger attached to Andoung Meas
23 district.

24 Q. Did you receive any training or attend any meeting as a
25 messenger attached to Andoung Meas district?

41

1 A. There was no specific training also, but there was some
2 reminders that, as the messengers, we had to deliver the message.
3 And -- but there was no actually systematic training or so.

4 Q. Did you ever receive any instruction -- or, so, that if you
5 ever tampered with the letter or message then you would risk
6 being arrested, or so?

7 A. At that time, they advised us to be vigilant. If anything
8 happened -- for example, a letter was lost -- then what would
9 happen to me as the messenger, I did not know. They did not
10 actually tell me specifically.

11 [11.38.44]

12 Q. Did you ever receive any instruction or training on the
13 Party's policy?

14 A. No, I did not.

15 Q. I would like to move on to the next phase, when you were
16 working as a messenger in Kampong Thom.

17 Apart from your role as the messenger, did you observe the
18 overall treatment of people in Kampong Thom, the place where you
19 were working?

20 A. No, I did not see any irregular treatment.

21 Q. Did you hear the word "evacuation" in the area where you lived
22 -- namely in Sandan and Santuk districts?

23 A. No, I never heard or saw the evacuation. Because when I
24 arrived there, people had already stayed there.

25 [11.40.32]

1 Q. Before April 1975, did you stay with Koy Thuon, from late 1974
2 to early 1975?

3 A. Yes, I stayed with him.

4 Q. Did you happen to know that Koy Thuon had travelled to attend
5 meetings?

6 A. I do not understand your question.

7 Q. Did you know that Koy Thuon had attended meetings with anyone
8 before the attack on Phnom Penh on the -- in April 1975?

9 A. Generally, Koy Thuon received instruction from Pol Pot.

10 Q. You said that Koy Thuon received instruction from Pol Pot. How
11 did you know that Koy Thuon received instruction from Pol Pot?

12 A. The reason why I said Koy Thuon received instruction from Pol
13 Pot -- because before -- wherever he went, he would go and see
14 Pol Pot first.

15 Q. Did you see his meeting with Pol Pot by your own eyes, or did
16 you accompany Koy Thuon to see Pol Pot?

17 A. Yes, I did see them meet.

18 Q. When was it?

19 [11.43.33]

20 A. It was in Chamkar Leu district.

21 Q. Where was the meeting on the attack of Phnom Penh held?

22 A. I cannot recall the exact location, but it was somewhere in
23 Chamkar Leu district.

24 Q. Did Koy Thuon ever meet Pol Pot in any other venues before the
25 attack on Phnom Penh?

1 A. That I do not know.

2 Q. Thank you.

3 I move on to the next question. Did you know when Koy Thuon first
4 came to Phnom Penh?

5 [11.45.13]

6 A. Koy Thuon came to Phnom Penh on the liberation day. That was
7 on the 17th of April 1975, sometime in the afternoon -- late
8 afternoon, around four or five in the afternoon.

9 Q. Did you come along with Koy Thuon then, or you came on the
10 other day, after Koy Thuon arrived in Phnom Penh?

11 A. Koy Thuon came to Phnom Penh earlier, and I followed. I left
12 Oudong around 4.30 in the afternoon.

13 Q. You said Damnak Smach -- was it the location where Pol Pot
14 based his forces? Or it was a different place?

15 A. Well, that was the base of Division 304, led by Koy Thuon
16 himself.

17 Q. When you were travelling to Phnom Penh, did you come alone or
18 in group?

19 [11.47.30]

20 And what was the general condition or situation when you were
21 travelling into Phnom Penh?

22 A. I left the base to Phnom Penh and I was riding on a motorcycle
23 alone. No, but actually somebody took me on a motorcycle.

24 Q. Did you see people marching or walking along the street?

25 A. Along the street, I saw people walking and travelling by

1 trucks.

2 Q. What was the condition of the people walking along the street
3 or travelling along the street? Were they soldier or civilians?

4 A. Well, they were not soldiers; they were Phnom Penh dwellers
5 who left the city.

6 Q. Did they march or walk out of the city by themselves, or they
7 were being escorted by others?

8 A. I did not see any people escort them. They simply walk along
9 the streets.

10 [11.50.17]

11 Q. Did you happen to see soldiers walking or loitering in the
12 city?

13 A. No, I didn't.

14 Q. Did you see the elderly, young people, or monks walk among
15 other people on the street?

16 A. Immediately after Phnom Penh was liberated, the city was not
17 busy. But after that, there were people evacuated from the city.

18 Q. For a clarification, when you came -- when you travelled your
19 way to Phnom Penh -- what was the route of your travel?

20 A. I left Oudong and then I travelled all the way to Kampong
21 Speu. Then I came to Phnom Penh.

22 Q. Can you clarify whether or not the route you took was the
23 national route, or it was the secondary road leading to Phnom
24 Penh?

25 [11.52.38]

1 A. From Oudong to Kampong Speu, we took the secondary road; but
2 from Kampong Speu to Phnom Penh, we took the national road.

3 Q. When you first got to Phnom Penh, you said you stayed
4 somewhere near Wat Phnom. What was the specific location where
5 you stayed?

6 A. I do not -- I did not know the exact location. Somewhere near
7 Wat Phnom. But people generally call it "the French House".

8 Q. How far was it from Wat Phnom?

9 A. It was about half a kilometre.

10 Q. Which direction was it, if you compare with the Wat Phnom
11 landmark?

12 A. I cannot recall, but back then I did not even know Wat Phnom.
13 I first arrived in Phnom Penh and I stayed there for a short
14 period of time.

15 Q. When you got there, did you meet Koy Thuon immediately?

16 A. Yes, when I got there I met Koy Thuon over there.

17 [11.55.15]

18 Q. Did you have the freedom to walk around from the place where
19 you stayed at that time?

20 A. I do not understand your question.

21 Q. When you first got to the so called French house, you stayed
22 in the house, or you traveled to other places surrounding the
23 compound where you resided?

24 A. No, I did not go anywhere. When I first arrived, I stayed in
25 that location, but two or three days after that I was transferred

1 to Chraing Chamres.

2 Q. When you were staying in that location, what was the general
3 living condition of the people surrounding that area? What was
4 the general situation of people over there?

5 A. When I arrived in that location, I did not see the people, the
6 population. People had already been evacuated.

7 [11.57.08]

8 Q. Let me clarify the point here. You said when you traveling
9 into Phnom Penh you did not see many people walking out of the
10 city, but you said after you arrived in Phnom Penh several days
11 later then you saw people marching out of the city, but now you
12 are saying that you did not see the people in the location where
13 you resided.

14 How did you know that there were people leaving the city within
15 the period of three days after Phnom Penh was liberated?

16 A. The reason why I said I did not see people, because when I
17 arrived in Phnom Penh from Oudong, I did not see people in my
18 location. Then three days later I was transferred to Chraing
19 Chamres. It was a long national road, and there I saw people
20 marching out of the city.

21 Q. When you were staying in Phnom Penh, before you were
22 transferred to Chraing Chamres, did you travel to other places
23 inside the city?

24 [11.58.58]

25 A. No, I didn't.

1 Q. When you were travelling to Chraing Chamres, did you observe
2 the general conditions of people along the way?

3 A. I observed that some people left the city on trucks, on cars,
4 or motorcycles, and some of them pulled their carts along with
5 them.

6 Q. What was their general facial expression, were they happy to
7 leave the city?

8 A. Through my observation they were not happy.

9 Q. Were there soldiers escorting people walking out of the city?

10 A. I didn't see them.

11 Q. When you were in Phnom Penh during the few days, did you ever
12 hear any gunshots?

13 A. No, I didn't. The city was very quiet.

14 Q. Did you ever hear any screaming or people talking out loud on
15 the roads?

16 [12.01.36]

17 A. No, I didn't.

18 Q. The place where you stayed, was it far from the road?

19 A. I lived next to the road to Wat Phnom.

20 Q. When people were being evacuated from Phnom Penh, did you know
21 why they were being evacuated?

22 A. I don't know.

23 Q. I would like to ask you the final question. Before the --
24 before my colleague ended, you said Koy Thuon was arrested and
25 that people in the unit started to be afraid. Apart from the

48

1 disappearing of people in your unit, did you hear or noted --
2 note any other disappearance of people elsewhere?

3 [12.04.09]

4 A. As indicated, I remembered only the cases of Koy Thuon and
5 Pang. With regard to my concern, it was normal. It's more like a
6 mother and her daughter or her children. It's like a father and
7 his son. So when our superior were arrested, then we subordinates
8 had reason to be afraid.

9 Q. Could you describe your worries? Were you afraid because you
10 were saddened or because you were intimidated?

11 MR. PRESIDENT:

12 Counsel, you may now proceed.

13 MR. KARNAVAS:

14 Good morning, Mr. President. Good morning, Your Honours, and good
15 morning to everyone in or around the courtroom.

16 We've heard the answers to these questions already, they're
17 repetitious. It's past 12 o'clock. If the gentleman wishes to ask
18 any questions which have not been answered, that's fine, but
19 these questions have been asked and answered and it's a waste of
20 time.

21 [12.05.48]

22 MR. PRESIDENT:

23 Thank you, Counsel, for your observation.

24 Counsel for the civil party is now instructed to put questions
25 that are allowed by the law and try to avoid putting questions

49

1 that are repetitive, and since we're running out of time, Counsel
2 should be advised to put more concrete questions. Could you
3 advise the Chamber how many more questions do you have to put to
4 the witness? It is now five past twelve.

5 MR. PICH ANG:

6 Thank you, Mr. President. I have no further questions to put to
7 the witness.

8 MR. PRESIDENT:

9 Thank you, Counsel, and thank you, Witness.

10 Since it is now time for the lunch adjournment, the Chamber will
11 adjourn. The next session will be resumed by 1.30.

12 [12.07.00]

13 We thank you very much indeed, to the witness, for your time.

14 And court officer is now instructed to assist the witness during
15 lunch break and also assist his duty counsel and ensure that
16 witness is returned to the courtroom by 1.30.

17 Counsel for Nuon Chea, you may now proceed.

18 MR. IANUZZI:

19 Thank you, Your Honour. Good morning, everyone. I'm on my feet
20 only to make our habitual request that Nuon Chea be permitted to
21 retire to the holding cell for the afternoon session. We have
22 prepared the necessary paperwork. Thank you.

23 [12.07.54]

24 MR. PRESIDENT:

25 The Chamber notes the request by Nuon Chea through his counsel.

50

1 He asks that he be excused from this courtroom and that he be
2 permitted to observe the proceedings from his holding cell due to
3 his tiredness. The Chamber therefore grants such request.

4 Mr. Nuon Chea is now permitted to observe the proceedings from
5 his holding cell from now until the remainder of the day, and
6 Nuon Chea has indicated very clearly that he has waived his right
7 to directly participate in this courtroom.

8 The counsels are advised to produce -- or to present the waiver
9 signed or given thumbprint by Mr. Nuon Chea to the Bench.

10 AV officials are now instructed to ensure that the video-link is
11 connected to the holding cell so that Mr. Nuon Chea can observe
12 the proceedings from there.

13 Security personnels are now instructed to bring Mr. Nuon Chea and
14 Khieu Samphan to the holding cells and return Mr. Khieu Samphan
15 alone to the courtroom, while Mr. Nuon Chea can remain in the
16 holding cell. Please have Mr. Khieu Samphan returned to the
17 courtroom by 1.30.

18 The Court is adjourned.

19 (Court recesses from 1209H to 1332H)

20 MR. PRESIDENT:

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

22 We would like to hand over to counsels for the accused persons,
23 starting from counsels for Nuon Chea to put questions to this
24 witness. You may now proceed.

25 QUESTIONING BY MR. SON ARUN:

51

1 Good afternoon, Mr. President, Your Honours. Good afternoon, Mr.
2 Pean Khean. I am Son Arun. I am representing Mr. Nuon Chea. I
3 have a few questions to put to you as follows.

4 [13.34.29]

5 Q. According to my observation concerning your responses to the
6 Prosecution counsels for the civil parties, you indicated that
7 you joined the revolution for a long time already. I remembered
8 you saying that you saw the "Revolutionary Flags" of the
9 Communist Party of Kampuchea. How could you describe the
10 "Revolutionary Flags" to the Court? How were they like and what
11 were they like? Were they printed or handwritten or were they
12 published in the forms of a magazine? Could you please tell us
13 about this?

14 MR. PEAN KHEAN:

15 A. Regarding the "Revolutionary Flags", so far as I remember,
16 there were sickle -- the rice stalks were part of the
17 "Revolutionary Flags". The flag itself represents the country.
18 There was a temple inside in yellow colour. Whether the flags
19 were written or handwritten or not, I'm afraid I don't recollect
20 it.

21 [13.37.04]

22 Q. This means that you only saw the cover of the "Revolutionary
23 Flags" and you had no opportunity to even read the content of the
24 flags; is that correct?

25 A. Yes, it is.

1 Q. Mr. Witness, you testify before the Chamber. You have been
2 heard for almost two weeks, and you indicated that you have known
3 Mr. Nuon Chea; is that correct?

4 A. Yes, I had just known him when I started working at K-1
5 because I was working at the kitchen with his wife so I knew him
6 back then.

7 Q. Thank you, Witness. How did you know Nuon Chea? Did you know
8 him very well or were you told when walking on the road that
9 somebody -- were you told that he was Nuon Chea or have you had
10 any conversation with him, for example?

11 A. I know him because I used to deliver food to him and, also, I
12 chatted with him.

13 [13.39.30]

14 Q. Thank you. You -- so this means that you know him, but your
15 relationship with him has not been very close, I may say so. Can
16 you tell the Court what Nuon Chea characteristic is like; is he a
17 very mean person, cruel, for example?

18 A. I remember knowing him as a person who is friendly as normal.
19 I have never heard any problem caused by him.

20 Q. Do you know what Nuon Chea did during the revolution?

21 A. During the revolution, I had not known him yet. I got to know
22 him after Phnom Penh was liberated. It was in late 1975 or late
23 1976 that I came to know him.

24 Q. After 1975 or 1976 that you said you offered food to him, do
25 you know what he did back then?

1 A. So far as I know, he was the -- representing the people. He
2 was in charge of the People's Assembly.

3 [13.41.54]

4 Q. Apart from the Chairman of the People's Assembly, do you know
5 what function he had back then?

6 A. No, I don't know.

7 Q. According to the records of interview, document D76/6, you
8 stated before the Co-Investigating Judges that you worked at the
9 construction section for half a month, then the Vietnamese troops
10 attacked Cambodia. Do you remember when, exactly, the Vietnamese
11 troops came in?

12 A. I don't remember the exact date, but on the 7 of January, it
13 was the time when the troops came; that's all I remember.

14 Q. What -- what year was it?

15 A. It was 1979.

16 [13.43.48]

17 Q. Is it correct to say that it was on the 7 of January 1979?

18 A. Yes, it is.

19 Q. When the Vietnamese troops attacked Cambodia in 1979, in
20 particular, you told the Prosecutors and Lead Co-Lawyers for the
21 civil party that you left Phnom Penh on the 7 of January 1979. At
22 that time, the Vietnamese troops already entered Phnom Penh. Did
23 you see the Vietnamese troops coming to Phnom Penh with your own
24 eyes?

25 A. I did not see the troops, but I saw the convoy of tanks and

54

1 armoured vehicles and soldiers were seen on the roads. I was
2 fleeing on National Road Number 4, going all the way to Kampong
3 Speu, going on to the West until I reached the border.

4 Q. Just now you stated that you did not see the troops directly,
5 but you stated that you saw tanks; whose tanks were they?

6 [13.46.10]

7 A. The situation was very chaotic. I heard people were saying
8 that there were tanks that belonged to both the Vietnamese and
9 the Cambodians and since it was very confusing -- the situation
10 was very confusing, I couldn't be more precise.

11 Q. Thank you.

12 Next question: You stated time and again that you know Pang and
13 Lin very well and you also been very close to them, in
14 particular, to the two people Pang and Lin. Since you have had a
15 close relationship to them, could you describe Pang; his personal
16 -- his personality, whether he is -- or he was a cruel person or
17 a normal person, please?

18 A. I have known them very well because I had -- had been working
19 with them. I received instructions on how to perform my work from
20 him; for example, the tasks of delivering vegetables. He would
21 ask me to do this and do that and he would chit chat with me and
22 he was known to be a normal person.

23 [13.48.31]

24 Q. On the 7 of January 1979, you left Phnom Penh; the Vietnamese
25 troops had come. Could you describe to us the situation in Phnom

55

1 Penh? Was it -- was the situation confusing and were people kept
2 at home or were they fleeing? Please describe the actual
3 situation of Phnom Penh on that date.

4 A. As indicated, Phnom Penh situation was confusing. It happened
5 both at houses and also on the streets. Things were chaotic.

6 Q. Could you please describe how chaotic -- would you refer --
7 how chaotic was the situation? Was there fighting or conflicts
8 that led to this chaotic situation?

9 A. The chaotic situation was caused by people fleeing their homes
10 and people running on streets. There was no fighting, but the
11 situation was chaotic, as I said.

12 [13.50.33]

13 Q. Thank you. Before 1975, during the time when you joined the
14 revolution to liberate Cambodia from the imperialists, had you
15 ever witnessed any bombardment -- aerial bombardments by the
16 Americans?

17 A. Yes, I did. I saw or I was witnessing these aerial
18 bombardments in Kampong Thom when the bombs were dropped from
19 B-52 both at nights and during the daytimes. Each time, we would
20 see three B-52 bombers flying over our village dropping bombs.

21 Q. Thank you. Has any members of your family injured in the
22 aerial bombardments?

23 A. None of them has been injured.

24 MR. PRESIDENT:

25 Counsel, could you please hold on?

1 (Judges deliberate)

2 [13.52.52]

3 Counsels for Mr. Ieng Sary, do you know anything about Mr. Ieng
4 Sary?

5 MR. ANG UDOM:

6 No, I have -- know nothing about him.

7 (Judges deliberate)

8 [13.54.00]

9 MR. PRESIDENT:

10 Counsels, you may go to check your client to see what happens to
11 him.

12 (Counsels Ang Udom and Karnavas exit courtroom)

13 [13.57.24]

14 Counsel, you may now proceed.

15 [13.57.29]

16 MR. MAM RITHEA:

17 Mr. President, witness would like to go to the bathroom.

18 MR. PRESIDENT:

19 He may go to the bathroom now.

20 (Witness Pean Khean exits courtroom)

21 (Counsels Ang Udom and Karnavas enter courtroom)

22 [13.58.02]

23 MR. ANG UDOM:

24 Mr. President, Your Honours, Mr. Ieng Sary has significant health
25 reason. However, with the assistance of the doctors on standby,

57

1 his health -- he is now stabilized, but still under close watch
2 by the doctor. I have received information from the doctor that
3 he will be evacuated to the hospital immediately.

4 However, to save us time, I have consulted with Mr. Ieng Sary
5 that we may proceed with the current proceedings. Unless the
6 situation changes, I may advise the Chamber on this, but he has
7 advised us to continue without his presence.

8 (Judges deliberate)

9 [13.59.11]

10 MR. PRESIDENT:

11 Now, due to the serious health concern of Mr. Ieng Sary, the
12 Chamber allows the doctors to evacuate him to the hospital so
13 that he can be treated. Just now, counsel for Mr. Ieng Sary
14 indicated clearly that he -- they have consulted with the accused
15 person, that Mr. Ieng Sary has consented that the proceedings
16 would move on to save time, and according to Internal Rule --
17 subrule 5 of 81 -- of Rule 81, rather, the proceedings may
18 continue since we have obtained approval from the accused person
19 and it already clear to the Chamber that counsels have consulted
20 with the Accused so the hearing will continue.

21 We have already deferred on two occasions such hearing and we
22 should now continue since the witness health is stable to provide
23 further testimony to the Chamber.

24 Counsel for Mr. Nuon Chea, you may now proceed with your
25 questions.

1 BY MR. SON ARUN:

2 Thank you, Mr. President. I have three or four more questions
3 before I conclude, and my colleagues will continue.

4 Q. Just now, I asked Mr. Witness that you said you heard or you
5 witnessed the American bombardments -- aerial bombardments, but
6 the question is: Could you describe the casualties, the damages
7 caused by the aerial bombardments?

8 [14.02.21]

9 MR. PEAN KHEAN:

10 A. The bombings caused damages to the paddy field -- the paddy --
11 the rice fields and bridges; this is what I have heard, but there
12 is no human casualties; at least not I had seen.

13 Q. When you came to Phnom Penh on the 17th of April 1975, did you
14 see whether there was any rice or properties left or were -- or
15 were there any people at all staying in Phnom Penh because you
16 indicated that when you came, some people were leaving? So my
17 question again is whether you saw people all in Phnom Penh or was
18 it empty?

19 [14.03.58]

20 A. What I saw was that in Phnom Penh it was quiet. So I could say
21 that, after the 17th of April 1975, people could have been
22 evacuated already. Perhaps during the time when I entered Phnom
23 Penh, people could have been evacuated already. I came to Phnom
24 Penh through Preaek Kdam, and I saw people were on the road to
25 that direction.

1 Q. Before you came to Phnom Penh, you worked as a soldier. And
2 when Phnom Penh was attacked, you remained a soldier. When in
3 Phnom Penh, did you see the Khmer Rouge soldiers fighting
4 alongside the Vietnamese troops, attacking Phnom Penh? Or were
5 the Vietnamese troops attacking or the Khmer Rouge troops
6 attacking Phnom Penh alone?

7 A. Before Phnom Penh was liberated, in Kampong Thom, I saw the
8 Vietnamese troops.

9 [14.06.04]

10 I asked people why the Vietnamese troops were there, but I was
11 told that they were there to attack the common enemies -- the
12 American Imperialists, alongside the Khmer Rouge soldiers. But
13 when I entered Phnom Penh, I did not see them anymore, because I
14 was not a fighter, myself. I lived with Koy Khuon. I was kept at
15 the place to look after it, and I had not been armed. So I did
16 not engage in the fighting to see this.

17 Q. You said in Kampong Thom you saw the Vietnamese troops. How
18 many of them did you see?

19 A. I saw a lot of them. They were stationed along the river or
20 streams near Santuk location.

21 I saw them -- or, rather, the Vietnamese troops were gathered in
22 three locations. But I don't remember which location they were.

23 [14.07.42]

24 Q. So according to your recollection, you said that the
25 Vietnamese troop was seen in Sandan or Santuk in Kampong Thom.

60

1 Were the Vietnamese troops mixed with the Khmer Rouge soldiers?

2 A. They live separately, and their work was also separate. And
3 they also located in different places as well.

4 Q. Thank you. To your knowledge, or to what you heard, were there
5 many Vietnamese soldiers? How many divisions were there, or how
6 many regiments were there?

7 A. To my surmise, there could have been around one division of
8 the Vietnamese armies there.

9 Q. After Koy Thuon was arrested, do you know what happened to
10 those who were in the rank, particularly those who work closely
11 with him?

12 [14.09.53]

13 Did you know the reason for the arrest of Koy Thuon -- Koy Khuon?
14 Koy Khuon -- my apology.

15 A. At first, I was not aware of the reason of his arrest. But,
16 later on, there was a radio broadcast that Koy Khuon was alleged
17 to be affiliated with the CIA network. That's what I learned.

18 Q. Thank you. After Koy Khuon was arrested, according to your
19 previous testimony, you said you lived in fear. And then you were
20 transferred to Wat Svay Meas pagoda. And you were in charge of
21 the work at Wat Svay Meas pagoda.

22 Did you understand why Koy Khuon was alleged to be affiliated
23 with the CIA network and he ended up being arrested, while you
24 were transferred and promoted to be in charge of the work at Svay
25 Meas pagoda?

61

1 A. At Svay Meas, my task was not something important. It was a
2 very small cooperative, and it was a place where people were
3 forged in the heat constantly. So I did not assume any leading
4 role. I was only charged with the responsibility of overseeing
5 the tempering session of the people over there.

6 [14.12.26]

7 And I was living in fear, and when I was being transferred from
8 K-1 office to Svay Meas, my concern was growing, because I did
9 not know what would happen to me.

10 Q. So, when you were transferred to Svay Meas, did they tell you
11 what you were supposed to do over there?

12 A. As I told you earlier, it was a small cooperative. It was a
13 small collective cooperative, and over there they were weaving
14 (sic), and we grew vegetables. There were about 30 people in that
15 cooperative. And my responsibility was not important. I was -- my
16 everyday job was to go out fishing, and then, after that, I --
17 when free, I grew vegetables. And then, after that, I was sent to
18 Phnom Penh, and I worked as a construction worker in Phnom Penh.

19 Q. Thank you. That is all for me, Mr. President, and I would like
20 to ask for your leave to hand it over to my international
21 colleague.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [14.14.09]

25 QUESTIONING BY MR. IANUZZI:

62

1 Thank you, Mr. President. Good afternoon, everyone. Good
2 afternoon, witness. And, once again, thank you for coming to
3 Phnom Penh to assist us. I'll be very brief. I don't have too
4 many questions this afternoon.

5 Q. I've got two areas I'd like to cover. The first relates to
6 some testimony about K-1. You have provided testimony already
7 about the location of K-1, and I just note that previously there
8 has been some testimony that K-1 was located on the riverfront of
9 Phnom Penh, near the Chaktomuk theatre. And that, of course, is a
10 very famous building here in Phnom Penh, designed by the great
11 Cambodian architect Vann Molyvann.

12 Mr. Witness, are you familiar with the Chaktomuk theatre, or the
13 Chaktomuk conference hall, as it's sometimes called?

14 [14.15.22]

15 MR. PEAN KHEAN:

16 A. Yes, I know that theatre, but I did not know its exact
17 location and direction, because I went there -- I have not been
18 there again.

19 Q. Thank you, Mr. Witness. There's also been testimony before
20 this Chamber that a certain Chinese circus troupe gave a
21 performance at that theatre -- at the Chaktomuk theatre, sometime
22 during the DK period.

23 Mr. Witness, are you aware -- are you personally aware -- that
24 any such performance took place during the DK regime at the
25 Chaktomuk theatre, that is, a Chinese circus performance?

1 A. Yes, I saw it once, but I cannot recall the place where the
2 performance took place.

3 [14.16.43]

4 Q. Thank you, Mr. Witness. Mr. Witness, did you also know -- are
5 you also aware -- that later, in the same year -- later in 1979
6 -- the Vietnamese-backed government in Cambodia -- that's the
7 PRK, the People's Republic of Kampuchea -- in which, by the way,
8 I'm sure you're aware, Hun Sen and Heng Samrin held key positions
9 -- are you aware, Mr. Witness, that at that same location, the
10 Chaktomuk theatre, the PRK orchestrated a trial, in absentia, of
11 Pol Pot and Ieng Sary?

12 Have you ever heard of that trial, Mr. Witness?

13 A. I do not know about that.

14 Q. Thank you, Mr. Witness. And my final question on this point;
15 are you aware that this building -- that is, the building that we
16 are standing in today, the one that houses the ECCC courtroom --
17 are you aware that this building is a copy -- a reproduction,
18 albeit not a very faithful one -- but that this building is a
19 copy of the Chaktomuk theatre, where that circus and political
20 show trial were held. Are you aware of that fact?

21 [14.18.17]

22 MR. PRESIDENT:

23 The witness is instructed not to answer to this question because
24 the question is irrelevant.

25 MR. IANUZZI:

64

1 Your Honour, I'll just note for the record that we have raised
2 the issue before about show trials and the fairness of the
3 proceedings, so this should come as a surprise. This is certainly
4 not the first time that this issue was raised.

5 But I will move on to my next set of questions for the witness.

6 Mr. Witness, my next set of question relates to testimony you
7 gave this morning regarding your time at Svay Meas pagoda. Now,
8 you've already told us that for some time you worked there -- you
9 worked at the Svay Meas pagoda. And perhaps we could place a
10 document on the screen -- that's E187.1. That document was
11 already on the screen this morning. I'd like to ask the witness a
12 few questions about that document.

13 [14.19.30]

14 MR. PRESIDENT:

15 You may proceed.

16 BY MR. IANUZZI:

17 Thank you, Mr. President.

18 Q. Mr. Witness, do you see the document in front of you?

19 MR. PRESIDENT:

20 Counsel, please identify the document together with the ERN
21 number so that the Court officer can point to the place where you
22 want to discuss to the witness, so that we can move on
23 expeditiously.

24 BY MR. IANUZZI:

25 Yes, I will do that, Your Honour. My apologies for neglecting

65

1 that. It's document -- again, as I said -- E187.1. It's the
2 former SOAS interview with the witness. The English ERN -- I'm
3 looking at 00089701, Khmer 00801769, and the French 00644575.
4 It's the same document that was before the witness this morning.
5 (Short pause)

6 Q. And Mr. Witness, I would just like to ask you two brief
7 questions about this document. The second full paragraph, the
8 first sentence, it says: "I was sent by Lin to take charge of
9 Svay Meas pagoda after [Pnang] - Pang - rather, excuse me -- was
10 arrested."

11 [14.21.58]

12 Is that a correct -- an accurate summary of your statement, that
13 first sentence?

14 MR. PEAN KHEAN:

15 A. Yes, indeed. I was sent to Svay Meas pagoda. But as I -- I
16 wish to reiterate again that I did not hold any position of
17 importance. I was not the leader of that particular place.

18 Q. I understand your evidence on that. Thank you, Mr. Witness.

19 And the second point, the next sentence: "At the end of 1978, I
20 was in charge of first Wat Svay Meas, and then workers at PH-1."

21 Is that also an accurate reflection of your statement?

22 A. I was in charge -- the word "in charge" here does not
23 necessarily mean that I led the people over there, but I actually
24 oversaw the tempering session over there.

25 [14.23.31]

66

1 When I left K-1, I was transferred to Svay Meas.

2 Q. Thank you, Mr. Witness. And that was next question. Just to
3 clarify something that I took down during the questioning of my
4 colleague; you said you were overseeing -- even though it was a
5 small cooperative -- you were overseeing the tempering sessions.
6 So that is indeed your evidence, correct? That you were
7 overseeing the tempering sessions?

8 A. Yes, that's correct.

9 Q. Thank you, Mr. Witness. And just to clarify, as you've already
10 said in your evidence that it was true that people were sent to
11 that location for a certain kind of forced labour -- were there
12 other forms of tempering at that location?

13 A. The forms of tempering at Svay Meas, as I indicated earlier --
14 that the work was divided among members of the cooperative. Some
15 people were assigned to go out fishing, and others were
16 responsible for vegetable growing. Others were responsible for
17 weavering (sic).

18 Q. Thank you, Mr. Witness.

19 [14.25.22]

20 This morning, you told my colleague across the stage for the
21 civil parties that you didn't know whether anyone was taken away
22 from Svay Meas to be killed at S-21. My question to you now is:
23 Isn't it true that people were taken from that location -- from
24 Svay Meas -- to be killed at other locations; not necessarily
25 S-21? Are you aware of that?

67

1 A. No, I'm not aware of it. And neither have I seen it.

2 Q. Thank you, Mr. Witness.

3 Mr. Witness, are you familiar with someone called Yim, the widow
4 of an S-71 cadre, Yom? Are you familiar with this person?

5 A. No, I don't. I don't know this name, and neither have I met
6 the person.

7 Q. Thank you, Mr. Witness. I'd now like to place a document on
8 the screen.

9 [14.29.51]

10 It's document D224.14, and that's English ERN 00352073, Khmer ERN
11 00658158, and French -- for -- Judge Lavergne's on his feet --
12 00631370.

13 (Judges deliberate)

14 [14.28.33]

15 MR. PRESIDENT:

16 Yes, Counsel, you may continue.

17 BY MR. IANUZZI:

18 Thank you, Mr. President.

19 Q. Mr. Witness, the document in front of you is another SOAS
20 witness statement, similar to the one that you gave, and I'd just
21 like to read a portion of that -- the portion that I'm interested
22 in:

23 "But when we were Wat Chey Otdam, Wat Slaeng, Wat Svay Meas and
24 Kamtuol, there was no political education, just work at paddy
25 farming. People disappeared every night, and were taken under

68

1 Y-10 guard. If anybody made any trouble, the Y-10 guard would
2 come arrest them and take them away."

3 [14.29.32]

4 Does this, Mr. Witness, in any way, refresh your recollection
5 whether anyone was ever taken away at Svay Meas pagoda?

6 MR. PRESIDENT:

7 The International Co-Prosecutor, you may proceed.

8 MR. ABDULHAK:

9 Thank you, Mr. President. I apologize to my friend for
10 interrupting. I'm not on my feet, strictly speaking, to object.
11 But just, more generally, as a matter of principle -- thus far,
12 we haven't been permitted use statements of other individuals in
13 our examination of witnesses. We don't object to this practice,
14 where there is a legitimate basis to do so. But it may be
15 appropriate, perhaps, if the Chamber would give some direction at
16 this stage, so that we all operate on the same understanding.

17 [14.30.20]

18 Thank you.

19 MR. PRESIDENT:

20 Counsel, you may respond to the objection raised by the
21 Prosecution.

22 MR. IANUZZI:

23 Thank you, Your Honour. Of course, it's always been our stated
24 position, for the record, that there's no legal basis for that
25 position that the Chamber has adopted, and we've said that

69

1 several times. This is not an OCIJ statement; this is not a
2 statement that was taken -- prepared by the ECC. This is
3 something that was prepared by a researcher. I think it's
4 perfectly acceptable to put the proposition to the witness and
5 see what he has to say about it. I don't see anything
6 controversial in that practice.

7 [14.31.08]

8 I might add -- I might just ask for the Chamber's clarification
9 on a point. This is a document that's not on our witness list.
10 It's a document that we'd like to use for impeachment purposes.
11 So can I take it that the scenario -- the proposal, the
12 methodology -- that I referred to before with respect to the
13 distinction between impeachment material and new documents -- can
14 I infer that that has been accepted, and that we will be allowed
15 to continue impeaching witnesses?

16 (Judges deliberate)

17 [14.37.12]

18 Your Honour, if I may just make two brief corrections, for the
19 record. I'm told by my colleagues that I said witness list,
20 rather than document list. I assume everyone understood what I
21 was talking about.

22 I'm also told by my Cambodian colleague -- and I'm being told by
23 Judge Cartwright to slow down -- I was also told by my Cambodian
24 colleague that the word "impeach" has a certain -- or a very --
25 negative connotation in Khmer. So all I mean by that is to test

70

1 the credibility. That's all I mean -- to challenge the
2 credibility; to test the credibility. I don't mean whatever in
3 fact it is that it means in Khmer, which is, as I'm told, quite
4 strong.

5 I'm sorry; I cut you off, Mr. President.

6 MR. PRESIDENT:

7 Thank you all.

8 The time is now appropriate for the afternoon adjournment. We
9 will -- the Chamber will take a short break for 20 minutes, and
10 we will resume at 3 o'clock. And we will continue the proceeding
11 after we resume.

12 And court officer is instructed to bring the witness and his duty
13 counsel to the waiting room and have them here before 3 o'clock.

14 MR. IANUZZI:

15 Thank you.

16 (Court recesses from 1439H to 1502H)

17 MR. PRESIDENT:

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

19 Before we proceed to counsel for Nuon Chea to continue putting
20 questions to the witness, the Chamber rules on the application by
21 Nuon Chea before we broke.

22 First, we would like to inform counsel that the decision on the
23 request to impeach the witness -- or a witness -- will be
24 rendered in due course.

25 With regard to document D224.14, parties are allowed to put the

71

1 document before the Chamber since the document appears in the
2 list of the -- lists of the Prosecution and has never been
3 challenged by any parties. Counsel may refer to document D224.14
4 to put questions to the witness. However, counsels are advised
5 that the person who has given testimonies in this statement has
6 not been summoned to give testimonies by the Chamber before this
7 Court, so this document has little probative value.

8 We would like now to proceed to counsel for Nuon Chea to continue
9 putting questions to the witness.

10 [15.04.57]

11 MR. IANUZZI:

12 Thank you, Mr. President.

13 Shall I repeat the last question I put to the witness?

14 I think the last thing I said, I think I read out a portion of
15 the statement and asked the witness if that refreshed his
16 recollection of whether people were taken away to be killed from
17 Svay Meas.

18 MR. PRESIDENT:

19 Counsel, it would be good if you repeat the question and due to
20 time lapse that question should be repeated indeed.

21 BY MR. IANUZZI:

22 Thank you, Mr. President.

23 Q. Mr. Witness, I'll just repeat the portion that I read out
24 earlier:

25 "But when we were at Wat Chey Otdam, Wat Slaeng, Wat Svay Meas

72

1 and Kamtuol, there was no political education, just work at 23
2 farming. People disappeared every night, and were under Y-10
3 guard. If anybody made any trouble, the Y-10s guard would arrest
4 them and take them away."

5 [15.06.20]

6 And I believe the question I put to you, Mr. Witness, was: Does
7 this in any way refresh your recollection that people were, in
8 fact, taken away from Wat Svay Meas?

9 MR. PEAN KHEAN:

10 A. People were removed, but I don't know where whether they were
11 taken away to be executed. I know for sure that people were
12 removed, but I just don't know whether they would end up being
13 executed.

14 Q. Thank you, Mr. Witness. Were you, yourself, as someone who was
15 involved in overseeing the tempering process as you've said, were
16 you, yourself, ever involved in anyone being taken away for any
17 reason?

18 [15.07.45]

19 A. Even I, myself, was tempered because I was affiliated with Koy
20 Thuon so I was put under surveillance.

21 Q. Thank you, Mr. Witness. I have no more questions with respect
22 to that document.

23 I would like another document to be placed before the witness.

24 This is D125/207 and it's English ERN 00250139, Khmer ERN
25 00242055 and French ERN 00277308.

73

1 Now, let me be the first to say I have no idea whether this
2 particular document is on the Prosecution's list. My submission
3 would be that, for purposes of the approach I've suggested with
4 respect to impeachment, it makes no practical difference.

5 So that's certainly our position; that's the position we've
6 stated previously, so perhaps Your Honours would like to
7 deliberate on that sub-point. Perhaps it is on the Prosecution's
8 list; it's certainly not on our list.

9 MR. PRESIDENT:

10 Lead Co-Lawyer for the civil parties, you may now proceed.

11 [15.09.33]

12 MS. SIMONNEAU-FORT:

13 Mr. President, I am rather confused because the previous document
14 was not given to the witness; he's not familiar with it so
15 obviously we can't present him with a document that he's unaware
16 of.

17 So is it possible that henceforth that any document that's given
18 to the defence of Nuon Chea is provided to all parties? I would
19 hope that for the second document, which is very clear, that any
20 document, again, that is given to the Nuon Chea defence be
21 provided to all parties.

22 MR. PRESIDENT:

23 Counsel, could you indicate whether you have any problem with
24 this current document, document being put before us?

25 [15.10.26]

74

1 The document that you were referring to was not challenged and
2 you did not indicate your position concerning that previous
3 document, and now we are now talking about this document. The
4 previous document was concerning the testimonies taken from
5 another witness who is not summoned to appear before the Chamber,
6 and the Chamber ruled on that matter already.

7 Now, this is the new issue. The document is proposed and we would
8 like to know whether you have any observation concerning this new
9 document.

10 MS. SIMONNEAU-FORT:

11 I'm lodging an objection because if a witness is unfamiliar with
12 a document, is the Chamber going to rule whether or not such
13 documents can be presented or produced before the witness, which
14 I think is the case for this particular document.

15 If we're all going to follow that same rule--

16 [15.11.43]

17 MR. PRESIDENT:

18 Any document that has already been ruled should not be revisited,
19 but if any other document that is different from what the Chamber
20 has already ruled upon, then counsel or counsels are allowed to
21 comment on it and for this, counsel in particular is not allowed
22 to refer to the document that the witness who gives testimony in
23 that document is not summoned before the Chamber.

24 This new document - or, rather, this document being put before
25 the Chamber has already been indicated by counsel concerning its

75

1 difference with regard to that previous document.

2 Now, the request has already been made and the document is now
3 being before us, and if you have any problem concerning another
4 document you would like to raise or -- you may do so, and -- but
5 it is not a good idea to go back to the document that the Chamber
6 has already ruled upon.

7 [15.13.03]

8 Now we are talking about the document being put before us here up
9 on the screen. Please indicate to the Chamber your objection or
10 your observation concerning the new document -- or the current
11 document being put up on display.

12 MS. SIMONNEAU-FORT:

13 Mr. President, I have two problems.

14 The first is that I believe that the defence of Nuon Chea must
15 indicate whether or not this document does figure in a list or
16 not.

17 My second problem is whether or not the Nuon Chea defence is
18 going to ask any questions to the witness and ask him whether or
19 not he's familiar with this document because up until now -- and
20 even concerning the previous document -- the Chamber has always
21 held the position that one is not able to present to a witness a
22 document that he or she is unfamiliar with.

23 [15.14.07]

24 Therefore, I'm just simply asking for some specific indications
25 as to what exactly is the procedure.

1 (Judges deliberate)

2 [15.14.38]

3 MR. PRESIDENT:

4 Judge Lavergne, you may now proceed.

5 JUDGE LAVERGNE:

6 Thank you very much, Mr. President. One must draw a distinction
7 between several issues.

8 The first is: Which documents can be presented during these
9 proceedings in order to impeach or test the credibility of a
10 witness?

11 Now, I will specify that the Chamber will issue a ruling very
12 shortly, but obviously up until now the Chamber considers that it
13 is not possible to use documents which are statements of
14 witnesses who will be heard at a later stage.

15 In the present case, what the Nuon Chea defence team has proposed
16 is to introduce into the proceedings a statement that has been
17 made by a certain individual. The statement was gathered beyond
18 the framework of the investigative -- the judicial investigation
19 by an outside researcher.

20 [15.15.55]

21 The document figures on the Prosecution list of documents,
22 therefore, there have been no objections. The document,
23 therefore, has been admitted into the proceedings without any
24 issues or difficulties and can be used as a basis for examination
25 or interrogation to be conducted by the Nuon Chea defence.

77

1 Now, the Chamber, if it deems that the document is without
2 relevance because the witness is unfamiliar with the witness who
3 made the statements or the subject is not within the framework of
4 the debate, then the Bench will simply rule that questioning will
5 not go on.

6 Now, does this elucidate the Bench's position? Is this clear for
7 you and for all parties?

8 MS. SIMONNEAU-FORT:

9 I'm sorry for insisting.

10 Now, I understand that a witness cannot speak on a document of a
11 statement witness, but we also have the problem of documents that
12 may or may not be known by the witness. Therefore, sometimes one
13 has -- you are dealing with a document that is a statement of a
14 witness or a document that is simply unfamiliar or not known by
15 the witness.

16 So the first question to be asked to the witness, which I object
17 to, is whether or not this witness is familiar with the document
18 and the Chamber will make the ruling, and that ruling will apply
19 to all.

20 [15.17.54]

21 MR. PRESIDENT:

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

23 MR. IANUZZI:

24 Thank you for that clarification, Judge Lavergne.

25 I would just like to make it very clear for the record: our

78

1 position is that we don't see any significant distinction between
2 whether or not the witness has given a prior testimony to the
3 OCIJ or to some official of this Court or to someone such as a
4 researcher out of the Court.

5 We have taken a principled stand on that, and by "principle" I
6 just mean a consistent stand, and we've said that any material --
7 any material -- that can somehow be shown to be relevant to the
8 testimony at hand should be allowed to be used, to attempt to
9 test or challenge the credibility of the witness.

10 [15.18.40]

11 And I was going to raise this issue later, but I think now is
12 quite an appropriate time to do it. We had a lengthy debate on
13 this subject in a closed session -- I think that was on the 5th
14 of May -- it was a day that we moved into closed session to
15 discuss a Rule 28 application, and I circulated a notice to all
16 the parties, a request which I was informed was sent to the
17 Chamber. Much of that discussion -- much of the discussion in
18 that closed session related to this very issue that we're talking
19 about.

20 Judge Cartwright has just sort of motioned for me to stop saying
21 this.

22 (Judges deliberate)

23 [15.19.40]

24 MR. IANUZZI:

25 It was a very simple request. We would just like--

1 MR. PRESIDENT:

2 With regard to this, the Chamber is seized of your application
3 and the decision will be rendered in due course, so we may try to
4 hear -- may try not to hear the same application so we can have
5 time to work on other matters.

6 MR. IANUZZI:

7 That's an acknowledgement, for the record; it suits my purposes
8 just fine.

9 I would like to state for the benefit of my colleague across the
10 stage for the civil parties, both of these documents were placed
11 on the interface system -- whatever it is called, I never
12 remember -- so all of the parties were -- and I believe I even
13 read out those document numbers during previous trial hearings.
14 So I don't think anyone could credibly say they've been taken by
15 surprise.

16 And, as I said, I do accept that a written decision on all of
17 these matters will be issued in due course.

18 [15.20.49]

19 So perhaps, now, we could turn to D -- again, perhaps now we
20 could turn to D125/207. I've already read out the ERN's and I
21 have said that this is not on our document list. I don't know if
22 it's on the Prosecution's document list or the civil party
23 document list, but our position is consistent with what I just
24 said earlier, that we should be able to use it or at least
25 attempt to use it.

80

1 MR. PRESIDENT:

2 The Co-Prosecutor should now take the floor, but we should have
3 already noted the objection when the Lead Co-Lawyer was on her
4 feet because by doing so we could expect that any responses from
5 counsels for the defence would be heard, but now we already
6 reminded parties but the things repeat themselves.

7 [15.22.00]

8 MR. ABDULHAK:

9 Thank you, Mr. President.

10 I'm not on my feet specifically to object and I refrained from
11 intervening earlier, but I think we're operating now with a
12 number of pieces of information which are actually not entirely
13 correct.

14 Just on this document that our friend has referred to, this is on
15 the Co-Prosecutor's document list; it's contained in Annex 20.

16 It's a rogatory letter issued by the Office of the
17 Co-Investigating Judges and just noting your ruling from a few
18 minutes ago, this document has been objected to. Rogatory letters
19 were the subject of hearings, of the recent hearings before the
20 Chamber.

21 More specifically, this particular one, D125/207, is objected to
22 by Ieng Sary in document number E131/1/10.19. Being in Annex 20,
23 it is yet to be ruled upon, and that's the reason I'm on my feet
24 to indicate that if the approaches that documents that have been
25 ruled upon and admitted or that or not objected to, that those

1 documents can be cited.

2 [15.23.29]

3 I just wanted to indicate that this latest document, D125/207,
4 has not been ruled upon as far as we can tell and, for
5 completeness of the record, the preceding document, D224.14, was
6 itself objected to, and you'll find that in document
7 E131/1/10.11, and a decision on that objection is still pending.

8 [15.24.02]

9 So I just wanted to clarify those matters for the record, that
10 the previous document has already been dealt with but I wanted to
11 correct the record just so that we're all clear. And on this
12 second one, it's a rogatory report, it is on our list and has
13 been objected to, a decision is pending.

14 MR. IANUZZI:

15 Your Honour, if I may briefly reply to that, and I thank my
16 friend for the clarification, and I think this is why it's
17 crucial that that debate that we had before becomes a public
18 debate. And let me correct myself, it was the 2nd of May.
19 On that day we made a distinction. The objections that my
20 colleague is referring to are substantive objections, objections
21 to documents that were presented as possible evidence, and I made
22 that distinction in that closed session regarding material that
23 may be presented on the one hand as substantive evidence of
24 something, and the same material that may be used for a different
25 purpose, impeachment, sorry, excuse me, testing the credibility

82

1 of the witness. So I think that's a key distinction that needs to
2 be made.

3 So the fact that any document may have been subject to a prior
4 objection based on its substantive value has absolutely no
5 bearing on its later use to impeach a witness, for the reasons as
6 I stated, we didn't know the witness order when were told to
7 submit those lists. We didn't know who was going to be called.

8 [15.25.20]

9 As I've said it's, in my submission, utterly unreasonable to
10 expect us to be somehow clairvoyant and to guess as to who the
11 Chamber is going to call.

12 So that's the difficulty we really have with this distinction
13 between substantive evidence and impeachment material, and I'll
14 stop using that word, I'm sorry.

15 (Judges deliberate)

16 [15.28.05]

17 MR. PRESIDENT:

18 Judge Cartwright, you may now proceed.

19 JUDGE CARTWRIGHT:

20 Thank you, Mr. President.

21 Mr. Co Prosecutor, you indicated that the document currently
22 under consideration, D125/207, has been objected to.

23 Could you refresh the Chamber's memory, which party objected to
24 it in writing, please? Was that also Ieng Sary's defence team?

25 MR. IANUZZI:

1 Yes, indeed, Your Honour. It was Ieng Sary, and the relevant
2 filing is E131/1/10.19. It's in fact a chart, and this is item
3 number 41 in that chart, if that assists.

4 JUDGE CARTWRIGHT:

5 Thank you. In that case, Counsel for Ieng Sary, can we infer that
6 you no longer maintain this objection because you've not reminded
7 the Chamber of this this afternoon?

8 Did you even remember that you had objected to it?

9 MR. KARNAVAS:

10 Well, I do recall objecting. As a matter of principle, we do
11 object to all of those sorts of reports. Suffice it to say, when
12 we do lodge an objection, until there is a decision we are of the
13 position that we need not stand up each and every time to inform
14 the Trial Chamber that we maintain our objection.

15 [15.29.50]

16 Suffice it to say, there are a lot of documents, and it's
17 somewhat difficult to keep track of all of these things.

18 Our position is pretty clear. If a party wishes to use a document
19 for limited purposes, it's up to the Trial Chamber to use its
20 discretion and then decide to what extent it will give weight to
21 that.

22 That said, I should note that we have about half an hour left,
23 and if we are efficient with our time, perhaps we could finish
24 this witness and allow the gentleman to go back to his home and
25 to his family. Thank you.

1 [15.30.29]

2 JUDGE CARTWRIGHT:

3 In that case, I will summarize what you've said, Mr. Karnavas.

4 You have no major objection to a limited use of this document,

5 bearing in mind the Chamber's earlier comments that it may -- it

6 will place limited weight unless this witness is to be called. Is

7 that -- and I think you've reflected the Trial Chamber's concerns

8 about the waste of time with arguments of this nature. Thank you.

9 MR. KARNAVAS:

10 Correct. Thank you.

11 MR. PRESIDENT:

12 The Chamber now allows counsel for Nuon Chea to proceed with this

13 document. Counsel may put questions to the witness as there is no

14 strong objection to the document. You may proceed.

15 [15.31.47]

16 MR. IANUZZI:

17 Thank you, Mr. President. And thank you, Your Honours. I

18 apologize for not indicating whether or not these documents have

19 been objected to. I find it very difficult to remember what I did

20 yesterday, let alone several months ago. Perhaps that's why I'm

21 such a bad lawyer, but I'll very quickly finish this up.

22 BY MR. IANUZZI:

23 Q. Mr. Witness, I'd just like to read a portion out to you, and

24 this is from the witness statement, which I think has been placed

25 before you on the screen:

1 "When I lived in Svay Meas Pagoda, a covered vehicle with a
2 license plate Office 870 came to arrest people occasionally. Each
3 time they arrested one or two persons. As I found out after 1979
4 some of those workers, who were transported out of Kampong Som
5 were killed, and among them some were the native of Stoung
6 district."

7 [15.32.42]

8 So, very briefly, Mr. Witness -- and this is my very last
9 question for the day -- does this, in any way, refresh your
10 recollection that certain people were taken out of Svay Meas and
11 killed?

12 MR. PEAN KHEAN:

13 A. To my recollection, when the people were removed or taken out,
14 I did not know exactly where they were taking them to, but, of
15 course, they did take out those people.

16 MR. IANUZZI:

17 Thank you, Mr. Witness. And thank you, Your Honours. I have no
18 further questions.

19 MR. PRESIDENT:

20 Thank you. I now hand over to the defence counsel for Ieng Sary
21 to put questions to this witness. You may proceed.

22 QUESTIONING BY MR. ANG UDOM:

23 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
24 afternoon everyone in and around the courtroom. And good
25 afternoon, Mr. Pean Khean. My name is Ang Udom. I am the national

1 defence counsel for Ieng Sary. I would like to touch upon two
2 points, and my questions will last for about 10 minutes or so.

3 Q. Mr. Pean Khean, in this courtroom, in your testimony so far,
4 you have told the Court that you had never attended any meeting
5 with the senior leaders of the Democratic Kampuchea. Do you stand
6 by this statement?

7 MR. PEAN KHEAN:

8 A. I stand by it, and it is based on the truth, based on what I
9 have known. So I maintain this statement.

10 Q. Thank you. You also enlightened the Court that while the
11 meeting was being held among the senior leaders of the regime,
12 you never brought in the food or meal to the leaders when they
13 were holding the meeting. Do you still stand by this answer?

14 [15.36.27]

15 A. Yes, I stand by this answer, because I had never entered the
16 meeting -- seen the meeting itself.

17 Q. So is it fair and correct to say that you did not actually
18 know who the senior leaders were? Can it be safe to say that you
19 did not know who actually were attending the meeting?

20 A. I maintain my answer, because I knew only a few of them, so
21 others I did not know. So I could only tell those whom I knew.

22 Q. Thank you. So is my understanding correct that you did not
23 know the subject matters of the discussion of the leaders? Is
24 that correct?

25 A. That is the truth, and I was not one of the leaders so it was

1 not my job to know what was being discussed back then.

2 Q. Then is it correct to say that you did not know the outcome of
3 the meeting either? Simply put, you did not know the result of
4 the meeting; is that correct?

5 A. Yes, it is correct.

6 [15.39.05]

7 Q. Thank you. Based on your answers to my last few questions, and
8 the fact that you did not know the outcomes of the meetings of
9 the senior leaders, can we say that it was your assumption that
10 the meeting was going on among them; is that correct?

11 A. I considered that the meeting was being held when the leaders
12 gathered in that place, and in addition, I did not enter the
13 meeting venue. I merely visited the kitchen where the food was
14 prepared to serve people in the meeting.

15 [15.41.01]

16 Q. It appears to me when you say that it was likely that the
17 meeting was being held, then you are saying that it was your
18 assumption that the meeting was being held; is that correct?

19 A. Yes, yes, it is.

20 Q. Thank you.

21 Now, I move on to the next topic on the Angkar. How about the
22 meetings organized by Angkar, did you ever attend those meetings?

23 A. No, I never attended Angkar's meeting.

24 Q. Thank you. So you said you never attended the meetings
25 organized by Angkar, so after each meeting organized by Angkar,

1 was the minutes or brief summary of the outcome of the meeting
2 delivered to you?

3 A. No, it was not. I had never received one.

4 Q. Thank you.

5 Now, I would like move to the members of Angkar. Was the
6 composition of Angkar released or made known widely?

7 [15.43.46]

8 A. No, it was not disseminated.

9 Q. Thank you. It may have been in today's testimony, you said
10 that among members of Angkar, Ieng Sary was one of the members of
11 Angkar. Is it correct to say that you base your answer on your
12 own assumption?

13 A. That was to the best of my knowledge, and it was also shared
14 that those leaders were within the structure of Angkar.

15 Q. I do not really get your answer. Was it a rumour or word of
16 mouth or was it a formal announcement of the conversation of
17 Angkar? Did you simply learn it from your colleagues or through
18 rumours also?

19 A. (Microphone not activated)

20 [15.46.10]

21 Q. I am sorry; I did not get your answer. Can you please repeat
22 your answer?

23 A. I learned it from the words of mouth. There was no written
24 document outlining the composition of Angkar.

25 Q. Thank you, Mr. Pean Khean.

1 I have one last question for you. You said just now that you
2 learned from others, can you please be more precise. Who exactly
3 were the members of the Angkar, and you also said that Ieng Sary
4 was also one of the members of Angkar, who did you learn that
5 information from?

6 A. I learned it from Pang and Lin.

7 Q. You said you learned it from Pang and Lin. How did you learn
8 that information? Did the two people tell you directly or you
9 learned it from them through any organized setting?

10 A. I learned it from the day meeting, the daily meeting, because
11 normally we worked during the daytimes, and then at the end of
12 the working day we convened the meeting of the day. I learned it
13 through that meeting.

14 Q. Thank you. So, beside Ieng Sary, did Lin and Pang tell you
15 about other members of the Angkar?

16 A. No, they didn't.

17 Q. According to your answer earlier, you said that Lin and Pang
18 told you that Ieng Sary was a member of Angkar, and then you said
19 that Lin and Pang did not tell you about any other members of
20 Angkar. Was that your statement?

21 [15.49.31]

22 A. I am sorry; I do not understand your question.

23 Q. My apology, I simplify my question.

24 Just now you said that in one of the meetings, Lin and Pang told
25 you during that meeting that Ieng Sary was one of the members of

1 Angkar. So I was wondering whether or not during that meeting,
2 Pang and Lin told you about any other members other than Ieng
3 Sary of the Angkar. Did Pang tell you about any other person
4 beside Ieng Sary?

5 A. No, they didn't. They only told us about Ieng Sary.

6 Q. Just now you said that Pang and Lin told you. So can you tell
7 the Court the position of Pang in the Standing Committee? Did you
8 know that Pang was a member of the Standing Committee?

9 A. I did not know, but what I knew was that he was in charge of
10 Office K 1 and K 3.

11 Q. How about Lin, did you know about his position? Was Lin a
12 member of the Standing Committee or not?

13 [15.51.54]

14 A. I did not know, but what I knew was that he was the head of K
15 1 office.

16 MR. ANG UDOM:

17 Thank you. Thank you, Mr. Pean Khean. I have no further questions
18 for you.

19 On behalf of my defence team, Mr. Michael Karnavas and I thank
20 you very much for taking your time to testify before the Court in
21 order to ascertain the truth. I would like to wish you a safe
22 trip back home.

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Thank you, Counsel.

1 I now hand over to the defense team for Khieu Samphan to put
2 questions to this witness.

3 [15.53.01]

4 QUESTIONING BY MS. GUISSÉ:

5 Good afternoon, Mr. President. Good afternoon members of this
6 Chamber.

7 I shall start by apologizing, because I'm not going to complete
8 my questions in the remaining 10 minutes of this afternoon, and
9 it is better that I say this straight out straightaway, and that
10 we will need to continue tomorrow morning.

11 Q. Good afternoon, Mr. Witness. I am Anta Guissé. I am one of the
12 counsels for Mr. Khieu Samphan, and that is the capacity in which
13 I will be asking you some questions now.

14 These really are matters of detail concerning the statement that
15 you have made before the Chamber. If any of my questions appears
16 unclear to you then please don't hesitate to stop me and ask me
17 to make my point clearer.

18 [15.54.01]

19 The first thing I want to bring up with you, Mr. Witness, is the
20 period you spent working in K 1.

21 On the 3rd of May, you told this Court that you spent six months
22 working in K 1; can you tell the Chamber please exactly what
23 period that six months was within? Thank you.

24 MR. PEAN KHEAN:

25 A. I am sorry; it was long time ago I cannot recall it, but it

92

1 was in late 1975 -- it was sometime in late 1975.

2 Q. Thank you. On the 3rd of May, you also said to this Court when
3 you were asked to describe K-1 that in fact K-1 was made up of
4 two units which were very close to each other, and you also
5 stated that you spent the six months within K-1 as a whole. So my
6 question to you is: Were you housed inside the two units that you
7 described or did you live in a different place?

8 [15.56.06]

9 A. As for my place to stay, it was not regular. Sometime I stayed
10 outside and some other time I stayed inside. So it was not
11 regular, I can hardly give you a specific answer.

12 Q. Very good. You said that K-1 was where Pol Pot lived; when you
13 stayed inside K-1, did you stay in the same building as Pol Pot
14 was or were you in a different building?

15 A. I stayed in a different building, but during the daytime I
16 went to this building because I had to oversee the cooks
17 preparing food for him and I also did other clean-up work as well
18 such as getting rid of the weeds.

19 [15.58.08]

20 Q. You said that you went into the same building that Pol Pot was
21 living in; does this mean that the kitchens were inside that
22 building?

23 A. Yes, the kitchen was within the compound of the building, and
24 outside -- beside the kitchen there was a fence surrounding the
25 house.

1 Q. How many floors did the building have?

2 A. I cannot recall.

3 Q. And my final question for today: Was there a special security
4 procedure for coming in to K-1?

5 A. As for the access procedure, there was a guard at the gate of
6 the building and the guard was on duty around the clock.

7 MS. GUISSÉ:

8 Mr. President, I see that it is 4 o'clock; perhaps this is a
9 reasonable time to draw to a close for this afternoon?

10 [16.00.23]

11 MR. PRESIDENT:

12 Counsel for Mr. Khieu Samphan, could you advise the Chamber how
13 much time would you need to put questions to this witness?

14 MS. GUISSÉ:

15 Mr. President, I believe I have another 30 to 35 minutes worth of
16 time that I need.

17 MR. PRESIDENT:

18 National Counsel, could you also advise whether you need -- how
19 much time to put questions to the witness?

20 MR. KONG SAM ONN:

21 I have a few questions as well, Mr. President.

22 MR. PRESIDENT:

23 How much time would you prefer?

24 MR. KONG SAM ONN:

25 About 10 to 15 minutes.

1 (Judges deliberate)

2 [16.02.35]

3 MR. PRESIDENT:

4 The Chamber wishes to conclude the testimony of this witness
5 today, and we would not want to commit more time inviting him to
6 come to the courtroom tomorrow, so it is better to grant
7 permission to counsel for Khieu Samphan another 30 minutes now to
8 finish her questions.

9 BY MS. GUISSÉ:

10 Q. Mr. Witness, I apologize for taking up more of your time and
11 perhaps making you tired, but I will do my utmost to be very
12 specific in my questions.

13 Now, in response to one of the questions put to you by the
14 Co-Prosecutors, you stated that Pol Pot lived alone at K-1, and
15 that the only other person who lived with him was Pang; do you
16 confirm that statement?

17 MR. PEAN KHEAN:

18 A. I still stand by my position, what I saw back then.

19 [16.04.19]

20 Q. And following the six-month period during which you stated
21 that you were being boarded either within or outside K-1, did you
22 return to K-1 and when did you return to K-1?

23 A. I left K-1 and never returned to the office.

24 Q. Mr. Witness, let's now move on to the topic of K-3. Relative
25 to K-1, can you provide us a description of K-3? Was it smaller

1 or was it larger than K-1?

2 [16.05.43]

3 A. K-3 was a more crowded place where more people would stay, so
4 all of them came together to that office. So I conclude that K-3
5 was larger than K-1.

6 Q. You stated that they were all together in that office; can you
7 please describe the buildings at K-3? It's not very clear.

8 A. I don't recollect the exact appearance of the office because
9 people would only stay at each separate house.

10 Q. For how long did you work at K-3?

11 A. About half a year.

12 Q. And during those six months, how often did you go to K-3?

13 A. I had been there frequently because I had to deliver food,
14 meat, rice for example. So I would go and come from that office.

15 Q. If I understand correctly, unlike your work at K-1 you did not
16 stay at K-3?

17 [16.08.31]

18 A. No, I didn't stay at K-3.

19 Q. Was K-3 enclosed by a fence or anything?

20 A. So far as I recollect, I saw only the fence on the front and
21 on the side but not at the backyard.

22 Q. And when you travelled to K-3, did you have to go through any
23 security barrier? Did you have to go through any sort of security
24 control at K-3 like you did at K-1?

25 A. Normally, K-1 is not different from K-3. People had to go

1 through security control because people were tasked with guarding
2 the gates of those places.

3 Q. Just a few moments ago, you indicated that at K-3 there were
4 separate houses, everybody had separate houses. Can you please
5 tell me where the kitchen in which you worked was located?

6 [16.10.56]

7 A. The kitchen was located to the north side of the compound and
8 apart from that there were houses. It was the house where Uncle
9 Nuon would stay.

10 Q. You stated that you presumed that meetings were being held
11 amongst the various leaders and you never actually entered those
12 meeting rooms. Could you please -- would you be able to -- or can
13 you locate where those meetings were held, that is to say in
14 which house and which room?

15 A. I don't recollect this very well. The only thing I know is
16 that the location of the kitchen is very obvious to me and also
17 the location where he stayed, but not where people would meet.

18 Q. As a kitchen worker, did you have authorization to move about
19 freely in all of the rooms and houses of K-3?

20 A. No, I was not authorized to move about freely, I had to be
21 able to move from the kitchen to the house, that's all.

22 [16.13.30]

23 Q. And you said that you only went from the kitchen to the house;
24 which house are you talking about?

25 A. The house where Uncle Nuon would stay.

1 Q. And that's the only other building to which you had access; is
2 this correct?

3 A. I was allowed to access to only the house and the kitchen, and
4 I frequently accessed to these two locations.

5 Q. Thank you very much, Witness. I would like to now move on to
6 another subject. Today and during previous hearings, but today
7 you focused particularly on the two times that you were
8 interrogated with respect to Democratic Kampuchea in response to
9 the questions of the Co-Prosecutor, you stated that you were
10 interrogated for the first time in July of 2005 and for a second
11 time you recalled being questioned by investigators from the
12 Extraordinary Chambers of the Courts of Cambodia.

13 [16.15.18]

14 I have some questions with respect to the first interrogation
15 that was held in July of 2005. In response to a question put to
16 you by the Co-Prosecutor, you stated that you cannot recall the
17 names of the individuals who put questions to you. My question is
18 as follows; without recalling the names of those who questioned
19 you, do you recall how those individuals were introduced to you?
20 Did they tell you which organizations they represented and for
21 which organizations they worked?

22 A. At that time, I was told that they were researchers from the
23 Khmer Rouge Tribunal, that's all I was told.

24 Q. Now, I will remind you that I'm talking about the first
25 interview that took place in July 2005. There were some

1 individuals who introduced themselves to you as researchers from
2 the Tribunal; is this correct?

3 A. Yes, it is.

4 Q. How were you contacted in order to take part in this
5 interview?

6 [16.17.32]

7 A. There was a person who knows me; I don't remember the person's
8 name who established this contact. When I was in Phnom Penh I was
9 close to that person and the person learned that I worked at K-1
10 and K-3. And later on this same person who led the group to see
11 me at my home.

12 Q. This morning -- and even during part of this afternoon's
13 session, you were read several passages from summaries that were
14 drafted by those individuals with whom you had participated in
15 the interview in July 2005. Now in response to one of the
16 questions put to you by the Co-Prosecutors, you provided
17 statements in the summary.

18 [16.19.07]

19 Now my question is: Of the staff members from the Tribunal who
20 presented to you the documents, had you seen them at a previous
21 location?

22 A. No, I haven't. And I don't remember these very well because it
23 happened a long time ago.

24 Q. On the day of the interview that took place in July 2005, did
25 you sign any document whatsoever?

1 A. I don't recollect it.

2 Q. Did you see the individuals who conducted the interview again
3 after your interview of July 2005?

4 A. No, I didn't; that was the only one occasion I saw them.

5 Q. Now in those circumstances, would it be accurate to say that
6 you never had the opportunity to provide clarifications or
7 corrections on the notes taken during that interview?

8 [16.21.14]

9 A. I don't understand your question; could you repeat it?

10 Q. Certainly; I apologize for not being clearer. My question to
11 you is this: Did you have the opportunity, in one way or another,
12 to reread the notes that were drafted by the interviewers who
13 questioned you in July 2005?

14 A. No, I didn't. After the interview, the documents are kept at
15 my home and I had other business to attend to -- to read any of
16 the documents, only when I was summoned by the Court that these
17 documents had to be collected and reviewed.

18 Q. Just a clarification, because I'm not sure I understood the
19 last part of your answer. Now, in July 2005 at the end of the
20 interview, were you given any documents?

21 A. No, I wasn't. After the interview concluded we all parted.

22 [16.23.09]

23 Q. And therefore, if I understand your response correctly, it is
24 only in preparation of this appearance before the Court now, was
25 the last time that you were able to see the summary of your

100

1 interview?

2 A. The document that I reviewed was those obtained during the
3 second interview. During the first interview, I was not given any
4 piece of document.

5 Q. So the documents that you were referring to are documents that
6 relate to your second interview; is this correct? Do I understand
7 correctly?

8 A. Yes, you do.

9 Q. Let us return, for a few moments, to the contents of the
10 summary of the first interview of July 2005; since today, you've
11 just confirmed that you did, indeed, make statements that are
12 contained in these summaries.

13 And I would seek leave from the Chamber, in order to refresh the
14 memory of the witness, to project on to the screen statements
15 E187/9, D2-15.58. I would request that these documents be shown
16 on the screen so that I may proceed with questions for the
17 witness.

18 [16.25.23]

19 MR. PRESIDENT:

20 You may proceed.

21 BY MS. GUISSÉ:

22 Q. For the record, the ERNs for the three languages are as
23 follows: In French, 00644576; in English, ERN 00089701; and in
24 Khmer, 00801770.

25 Mr. Witness, I'm particularly interested in a paragraph that

101

1 starts with the sentence: "Previously, I had stayed at K-1 and
2 K-3" -- for the interpretation.

3 Mr. Witness, do you see the passage that I'm referring to?

4 (Short pause)

5 [16.27.10]

6 Mr. Witness, do you see the paragraph that I'm referring to?

7 MR. PEAN KHEAN:

8 A. This paragraph I'm reading is referring to K-1 and K-3; is
9 that what you are asking me about?

10 Q. Yes, indeed. And, in that same paragraph, allow me to draw
11 your attention to a specific passage that was read out to you by
12 the Co-Prosecutor this morning; it's further on and it reads:

13 "Pang was in charge of all of the K offices. It was Pang who
14 arranged meetings, but Hem, Khieu Samphan, chaired things
15 politically, but under Pol, who was in charge of political
16 meetings together with Nuon. Hem, Khieu Samphan, chaired the
17 meetings of the Party branches of the K offices."

18 My question to you is this: You confirmed to the Co-Prosecutor
19 that Khieu Samphan chaired the meetings of the Party branches of
20 the K offices as is inscribed in this summary; what is the basis
21 of that statement?

22 A. The base is -- was from what I heard from Pang and Lin because
23 I was one of the persons who would access to the location very
24 often bringing food to people there and it was based on my
25 interactions at the location and working at the complex to

102

1 conclude that Khieu Samphan was in the meeting as a chairperson.
2 However, he shared the burden of the work and that Pang was
3 overly in charge. I don't know the details of the content of the
4 meeting because I was never engaged in such meetings. I was
5 saying from my perspective as an outside observer.

6 [16.31.04]

7 Q. So you're making these assertions as an observer. Did the
8 meetings take place in Nuon Chea's house?

9 A. As I said, repeatedly, earlier, that I did not know the exact
10 location of the meeting.

11 Q. You were unaware of the location of the meeting. You stated
12 that you didn't attend any of those meetings; therefore, what can
13 you -- how can you possibly state or what can you possibly rely
14 upon to say that Khieu Samphan chaired the meetings of the Party
15 branches at the K offices?

16 A. That was according -- according to my assumption because
17 somebody above Pang was Khieu Samphan so it was very likely that
18 the chairman of the meeting was Khieu Samphan and, according to
19 what I heard, was consistent with my assumption, as well.

20 [16.32.55]

21 Q. Mr. Witness, were you aware of Mr. Khieu Samphan's titles and
22 assignments, at the time?

23 A. Officially, he was the chairman of the -- or he was the
24 President of the State Presidium.

25 Q. And were you aware of what the position of President of the

103

1 Presidium consisted of?

2 A. I did not know. I -- I did not know the -- what this position
3 entailed.

4 Q. Therefore, you are stating that all of your assertions and
5 statements with respect to Khieu Samphan made today and during
6 previous statements are simply assumptions or suppositions on
7 your part?

8 A. It was not a total assumption; part of it was the truth. For
9 example, Khieu Samphan official position was the President of the
10 State Presidium; that is correct. And as for his work at K-3, he
11 must have participated in the meetings because he resided in K-3
12 and he worked there, as well, and Nuon Chea and Ieng Sary also
13 worked and stay at K-3.

14 [16.35.09]

15 Q. One final question pertaining to K-3, Mr. Witness; are you
16 aware as to whether or not other people, other individuals, other
17 family members of the leaders that you referred to resided at K-1
18 or K-3?

19 A. No, I never -- I never saw them. I never saw others beside the
20 leaders.

21 Q. In light of the answers that you provided this Court earlier
22 in response to the questions put to you by my esteemed colleague,
23 the defence for Ieng Sary, you have no direct knowledge of the
24 roles of the leaders of Democratic Kampuchea?

25 A. That's correct. I did not know all the detail of the

104

1 leadership of the Democratic Kampuchea because it was the secrecy
2 and it was within the domain of the leadership as well. I did not
3 know the details of their work.

4 [16.36.57]

5 Q. Mr. President, I have no further questions for the witness.
6 Mr. Witness, I wish to thank you for your patience in enduring
7 this day. Thank you very much.

8 MR. PRESIDENT:

9 National Counsel for Khieu Samphan, you may proceed.

10 QUESTIONING BY MR. KONG SAM ONN:

11 Thank you, Mr. President. I will be brief, and I have only a few
12 brief questions to the witness, and I also expect a brief answer
13 too.

14 Q. I would like to ask for your clarification concerning the time
15 before April 1975 when you were staying with Koy Thuon. What was
16 your position, really, at that time?

17 MR. PEAN KHEAN:

18 A. Since I started joining the revolution since I was 16 years of
19 age, I never assumed any official position.

20 [16.38.26]

21 Q. Can you tell the Court your day to day work before 1975; what
22 were your main roles when you were staying with Mr. Koy Khuon?

23 A. Back then, I lived together with Koy Khuon's family. I
24 accompanied him back and forth to Kampong Cham and other places,
25 and I also prepare food for them. I also did laundry for them, as

105

1 well. So I helped them with all the ability I could.

2 Q. So you are saying that your main role was mainly the house --
3 housekeeping work; is that correct?

4 A. Yes, that was correct.

5 [16.39.53]

6 Q. So, after the liberation day, after the 17 of April 1975, you
7 said that you worked at K-1 and K-3; can you tell the Court your
8 day to day work at K-1 and K-3?

9 A. Yes, I can -- I can. When I was in K-1 and K-3 -- and I -- I
10 think I have already responded to this question earlier -- my
11 role was mainly to transport rice, vegetable, foodstuff to K-1
12 and K-3. This was my routine daily work and, at times, I also
13 assisted in preparing foods for the leaders, as well.

14 Q. You said you helped transport vegetables and foodstuff; did
15 you grow vegetable yourself?

16 A. I used to grow vegetable and I -- I grew them in the vacant
17 space in between office K-1 and K-3.

18 Q. Was it a small-scale vegetable growing or it's vegetable
19 growing that have the specific pattern?

20 A. No, it was a very small-scale planting or growing. It was
21 somewhere close to the house and the building.

22 [16.42.14]

23 Q. How much time did it take you to grow vegetable? How much time
24 did you spend on growing vegetable?

25 A. It varied; sometime, it took me half an hour and, at other

106

1 times, it took me an hour or so.

2 Q. Concerning a question and an answer asked by a group -- by
3 OSAS back in 2005, you mentioned Koy Khuon; was it Koy Khuon or
4 Koy Thuon really?

5 A. I have clarified this name very clearly over the past several
6 days that it was not Koy Thuon, but Koy Khuon, alias Thuch.

7 Q. So when you were interviewed with this group back in 2005, did
8 they ask you for clarification; whether or not the name was Koy
9 Thuon or Koy Khuon?

10 A. They did not ask for clarification.

11 [16.43.51]

12 MR. KONG SAM ONN:

13 Thank you, Mr. Witness. And thank you, Mr. President. That is all
14 for me.

15 MR. PRESIDENT:

16 Thank you.

17 The proceedings on the testimony by witness Pean Khean is coming
18 to an end now.

19 And before we conclude today's hearing, we would like to thank
20 Mr. Pean Khean for taking your time to testify before the Chamber
21 in accordance with the summons by the Chamber.

22 This is your second time to appear before the Chamber. The first
23 time, due to your health reasons, you could not stand testifying
24 before this Chamber. But since you are now in better health, you
25 appeared again before the Chamber. And now, your testimony is

107

1 coming to an end and there is no further question from the
2 parties concerning the matter at hand. So you can now return to
3 your home.

4 [16.45.06]

5 Today's proceeding is coming to an end, and the Chamber is
6 scheduled to continue the proceeding on the 21st of May 2012,
7 that is on Monday next week.

8 According to our scheduling order, we advise the parties that the
9 Chamber will continue to hear witness TCW-487. And the Chamber
10 wishes to advise the parties and the public that the testimony of
11 this witness, according to our calculation and based on the
12 indication by the parties, that the testimony will take two days
13 from the -- but due to the fact that this witness is concluded
14 earlier, within one day, and tomorrow there will not be any
15 witness scheduled to appear before the Chamber.

16 [16.46.33]

17 And then, to date, the Chamber has not been advised concerning
18 the health status of Mr. Ieng Sary. The Chamber will examine the
19 medical report on the health status of Mr. Ieng Sary on Monday,
20 first thing on Monday, before the proceedings commence.

21 Security guards are instructed to bring Mr. Khieu Samphan and Mr.
22 Nuon Chea back to the detention facility of the ECCC and bring
23 the three co-accused, including Mr. Ieng Sary, to this courtroom
24 on Monday, before 9 a.m.

25 If Mr. Ieng Sary has problems sustained and that he cannot attend

108

1 the meeting, the Chamber will examine the medical report provided
2 by the physician of the ECCC and the Chamber will look into the
3 Rule 81.5, and we will consider this case on Monday morning.

4 The Court is now adjourned.

5 (Court adjourns at 1648H)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25