



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC  
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29 May 2012  
Trial Day 65

Before the Judges: NIL Nonn, Presiding  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
YOU Ottara  
THOU Mony (Reserve)  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. LOR CHUNTHY	Khmer
MR. NEKUÏE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NY KAN (TCW-487)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 As already informed to the parties to the proceedings, today, the  
6 Chamber would be hearing the testimonies of Mr. Ny Kan, the  
7 questions to be put by the Co-Prosecutor.

8 [09.05.13]

9 Ms. Se Kolvuthy, you are now instructed to report on the presence  
10 status of Mr. Ieng Sary.

11 THE GREFFIER:

12 Mr. President, Mr. Ieng Sary is in his holding cell. He has  
13 waived his right to be present in the courtroom and the letter  
14 has -- the waiver has already been given to the Chamber.

15 MR. PRESIDENT:

16 Thank you.

17 The Chamber has noted the request by Mr. Ieng Sary. He has asked  
18 that he be allowed to observe the proceedings from his holding  
19 cell and he has waived his right to be present in the courtroom  
20 due to his health concern that he cannot remain seated long hours  
21 in the courtroom. The Chamber notes that Mr. Ieng Sary has waived  
22 his right to be present in the courtroom and he is permitted to  
23 observe the proceedings from his holding cell. Through the  
24 audio-visual means, Mr. Ieng Sary can be assisted or can assist  
25 his counsels from his holding cell.

2

1 Mr. Ieng Sary is now permitted to observe the proceedings from  
2 his holding cell for the whole day.

3 AV booth officials are now instructed to ensure that the  
4 audio-visual link is connected to the holding cell so that he can  
5 observe the proceedings from there.

6 [09.07.17]

7 Next, we would like to hand over to the Prosecution to proceed  
8 with the questions they would wish to put to the witness. You may  
9 now proceed.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you very much, Mr. President. Your Honours, ladies and  
12 gentlemen, good morning to all and good morning to the witness.

13 Just one point before we get going about the time distribution  
14 between the Co-Prosecutors and the civil parties. We intend to  
15 continue questioning the witness this morning up until lunchtime  
16 and then this afternoon, the civil parties will pick up the baton  
17 for the rest of the day.

18 [09.08.09]

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

20 Q. Mr. Witness, can I ask you for some clarification about what  
21 you said yesterday about the structure of Sector 15, which  
22 subsequently became 32?

23 You said that Cheng An had been Deputy Secretary of the sector.  
24 Is it the same Cheng An who then became minister in the  
25 government of Democratic Kampuchea?

1 MR. NY KAN:

2 A. Good morning, Mr. President, Your Honours, and the Court.

3 With regard to this question, my response is: I do not understand  
4 that Cheng An became a minister.

5 Q. I'd like to come back to the issues that we were looking at  
6 when we closed yesterday evening; a question about the various  
7 meetings that you attended in the cell or unit or sector and in  
8 addition to those local meetings in the cell, Sector 32, were  
9 there annual or bi-annual zone assemblies that were meant to  
10 bring together the Party cadres?

11 A. I do not remember everything, but normally there would be  
12 assemblies, the zone assemblies that would be the regular ones.  
13 However, I do not recollect how often such assemblies were  
14 convened.

15 [09.10.40]

16 Q. Where were the zone assemblies held? Was it always in the same  
17 place or did the venue vary within the West Zone?

18 A. I remember the one location very well where the assemblies  
19 would be held; it was at Chamkar DOUNG as I already said  
20 yesterday.

21 Q. Who attended the assemblies at zone level? Was it reserved for  
22 a certain kind of cadre and, if so, what kind?

23 A. Normally, people from the commune branches would also be  
24 envisaged to take part in the assemblies.

25 [09.12.13]

4

1 Q. All right. Does that mean that people from the communes  
2 participated in every level above that district sector and so on?

3 A. Yes, it is correct.

4 Q. How often did you, personally, attend one of those assemblies  
5 as far as you can recall?

6 A. I do not recall it very well. I attended an assembly called  
7 the open assembly.

8 Q. Who was chairing the assemblies at zone level?

9 A. Normally, people who would chair the assemblies were the  
10 secretaries of the zone.

11 Q. Did the leaders of Democratic Kampuchea ever come over from  
12 Phnom Penh to deliver speeches during these assemblies?

13 A. As far as I remember, on one occasion, there were senior  
14 people from the upper echelon and, at that time, I saw Ta Nuon  
15 Chea.

16 [09.14.51]

17 Q. And, apart from Ta Nuon Chea, did you ever see or hear of the  
18 movement of other senior leaders to come to the West Zone to  
19 chair or preside over these meetings to help the zone secretary  
20 with the presiding work?

21 A. No, I never saw them.

22 Q. Mr. Witness, can you remember which year you saw Nuon Chea in  
23 the West Zone at an assembly of this kind?

24 A. I don't think I remember this very well because it was more  
25 than 30 years ago, but I may guess that it could happen by late

5

1 1974 -- or, rather, I would like to correct; it could have been  
2 sometime in late 1975, but I'm not sure myself.

3 [09.16.30]

4 Q. Could you tell us what sort of subjects were debated at the  
5 zone assemblies? What subjects were put forward by the zone  
6 secretaries or visiting leaders?

7 A. The only thing I remember very clearly was that when the war  
8 was over, everyone joined hands to reinstall the economy and also  
9 to implement the self-reliant policy; the self-mastery policy,  
10 the things that I already mentioned yesterday.

11 Q. How long did the assemblies last in the zone; was it one day  
12 or several?

13 A. The assembly was held for three days if my memories serve me  
14 well.

15 Q. Coming back to the subject debated, did you ever hear  
16 reference at these assemblies of subjects connected with enemies  
17 of the nation; internal or external? Did you hear talk of  
18 traitors, for example, at these assemblies?

19 A. I heard about the subject concerning the people who would  
20 obstruct the fight -- the course of a fight, but I could not be  
21 more specific than that.

22 [09.19.38]

23 Q. Did you ever hear Nuon Chea talking about people who were  
24 posing an obstacle to the struggle?

25 A. Personally, no, I didn't.



6

1 MR. DE WILDE D'ESTMAEL:

2 Mr. President, there are two copies of the "Revolutionary Flag"  
3 in the file, which is a reference to a speech to cadres that was  
4 made in June of 1976 and another in 1977. I don't want to show  
5 the first document, but it's "Revolutionary Flag" of June '76,  
6 reference E3/760 and D234.2.15.

7 I would like to show a second document, which is another  
8 "Revolutionary Flag" dated August 1977, which has reference  
9 E3/193 and D189.2. There's just one title, in fact. It's just a  
10 speech by a representative of the Party concerning a certain  
11 number of guidelines connected with construction, consolidation,  
12 and development of the guiding Party during the cadre assembly of  
13 the Western Zone on the 25th of July 1977.

14 And with your leave, Your Honours, I would like to show the  
15 document to the witness and to put on the screen certain specific  
16 pages.

17 [09.22.04]

18 MR. PRESIDENT:

19 Court officer is now instructed to bring the documents to the  
20 witness for examination and the court assistants are now advised  
21 to put up the document on the screen.

22 BY MR. DE WILDE D'ESTMAEL:

23 I will give the witness a few moments to look at the contents of  
24 this copy of the "Revolutionary Flag".

25 Q. Mr. Witness, have you already seen this copy of the

7

1 "Revolutionary Flag" which specifically dwells on the West Zone?  
2 Can you tell us if you're familiar with the publication and,  
3 indeed, with its contents which concerns that zone assembly that  
4 was held in July 1977?

5 [09.23.35]

6 MR. NY KAN:

7 A. I have -- I have never seen the document because only portions  
8 of the content of this document would be extracted to further  
9 publicize.

10 Q. Mr. President, one more question if I can: Mr. Witness, are  
11 you familiar with the speech that was delivered in the West Zone?

12 MR. PRESIDENT:

13 Counsel, you may now proceed.

14 [09.24.28]

15 MR. ANG UDOM:

16 Mr. President, Your Honours, Witness made it very clear that he  
17 has never seen the documents. Should we now follow the rules that  
18 have already been implemented?

19 MR. PRESIDENT:

20 Thank you, Counsel.

21 Court officer is now instructed to remove the document from the  
22 screen and take them from the witness.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. When the zone assemblies took place, did you hear, in more  
25 specific terms than I was mentioning before, the members of the

8

1 Party who had come across from Phnom Penh -- senior leaders, I  
2 mean talking about the fact that in the former Sector 15, there  
3 were a great many corrupted people; that there was nothing left  
4 but rotten, decomposing flesh and that that flesh had finally  
5 been dealt with and removed? Did you hear about this during the  
6 West Zone assembly -- this kind of language?

7 [09.26.33]

8 MR. NY KAN:

9 A. I have never heard anything as quoted in the speech you  
10 referred to and I believe that it was the role of the upper  
11 echelon and I haven't heard anything about this.

12 Q. Mr. Witness, could you tell us if, in the West Zone, at a  
13 given point in time, there was a wave of arrests, a purge among  
14 other cadres who belonged to the zone sectors, and districts?

15 [09.27.35]

16 A. I heard from people through gossip that and, as far as I  
17 remember, I already had left. I already moved to the ministry  
18 when that happened.

19 Q. Could you tell us exactly when you left the West Zone to go to  
20 the ministry which I assume is the Ministry of Foreign Affairs?

21 A. I left for the Ministry of Foreign Affairs, perhaps, during  
22 late 1977 and early 1978 and I had worked at the ministry very  
23 briefly; no more than three months indeed. And at that time the  
24 situation was very chaotic because we was still in the war; the  
25 new war was erupted -- or erupted and forces had been gathered

1 and people had no -- people did not dare ask anybody about  
2 anything.

3 Q. In region 32, when you were still there, were there ever  
4 people who disappeared from that region, from that sector? Did  
5 you notice anything yourself?

6 A. I did not know about the disappeared people, but what I had  
7 heard was that people were removed in order to assume other  
8 positions. But as to where they were taken to, it was not within  
9 my knowledge. But I only heard that those people were removed in  
10 order to assume other positions.

11 Q. And did you ever see those people who were removed again later  
12 on?

13 A. No, I didn't. I did not see them and, as I said earlier, the  
14 situation was chaotic so we did not know who went where.

15 [09.31.27]

16 Q. Within Sector 32, did you know a person called Sith who worked  
17 in the Oudong region?

18 A. No, I don't.

19 Q. Did you know a person called Keo who worked at Region 32? The  
20 person is called Keo, K-e-o.

21 A. I used to know him when we were in war and he was in charge of  
22 providing food supply.

23 [09.32.41]

24 Q. Do you know what happened to him afterwards? In 1977, he was  
25 among the people that you know -- that you knew were transferred

10

1 from one post to another. Do you know what happened to him?

2 A. That I did not know, because it was the decision of the upper  
3 authority.

4 Q. Do you know a person called Sim? S-i-m, who works in the  
5 region of Ponhea Lueu?

6 A. That I did not know either.

7 Q. I wish to indicate to the Chamber -- and for the purpose of  
8 maintaining the record -- all of these names are referenced in a  
9 report that is numbered D369/12.1. All of these individuals'  
10 names appear as having been individuals who were transferred to  
11 S-21 in May 1977.

12 Q. Mr. Witness, when you were working in region 32, were any  
13 accusations levelled at you? Did anyone cast any suspicions on  
14 you, even if they were unfair?

15 A. Well, concerning that question, I, myself could not conclude  
16 that the upper echelon would suspect or had any doubt against me.  
17 But it was my own assumption or speculation of what they were  
18 thinking.

19 Q. Just now, you said you were transferred to the MFA either at  
20 the end of 1977 or at the beginning of 1978. Who sent you from  
21 the West Zone to the Ministry of Foreign Affairs?

22 A. The authority to remove anyone from one place to another was  
23 vested with the zone committee.

24 [09.36.45]

25 Q. Did the zone committee tell you why you were being transferred

11

1 to the Ministry of Foreign Affairs? Yesterday, you stated that it  
2 was most likely because you were literate.

3 But were you given a rationale as to why you were being seconded?  
4 [09.37.09]

5 A. The rationale behind was that -- the fundamental rationale was  
6 that I was literate. I could read and write. I am conversant with  
7 numbers, so that I was transferred to this ministry because they  
8 thought that I would be more productive working in this industry,  
9 utilizing my skills.

10 Q. Very well. You're telling us that your transfer to the MFA had  
11 absolutely nothing to do with the wave of arrests and purges that  
12 were occurring in the West Zone. Is this correct?

13 A. I stated clearly, in my statement earlier, but I would like to  
14 reiterate it. I did not know any other reasons. The upper echelon  
15 did not specify the reason for my removal, but the only reason  
16 they gave to me was that I was literate. I could read and write.

17 Q. Mr. President, with your leave, I wish to quote a passage from  
18 documents that makes explicit reference to the witness.

19 This document has already been admitted by Your Honours. It is  
20 E3/89. It is also classified under IS20.6. This is an interview  
21 of Ieng Sary conducted by Steve Heder on the 17th of April 1996.  
22 Allow me to read a passage that can be found on the Khmer ERN  
23 page 00062471 to 72. In English, the ERNs are 00417313 to 15. And  
24 the French ERN is 00332695 and the following two pages.

25 [09.39.53]

12

1 MR. PRESIDENT:

2 Counsel Michael Karnavas, you may proceed.

3 MR. KARNAVAS:

4 Thank you, Mr. President. Good morning, Mr. President and good  
5 morning Your Honours. And good morning to everyone in and around  
6 the courtroom. Normally, I would not be objecting if we were  
7 under normal circumstances, admitting evidence and using evidence  
8 with witnesses, as we would be during in an adversarial  
9 proceeding.

10 [09.40.24]

11 In these proceedings, before the ECCC, the Trial Chamber has  
12 taken a number of decisions, some which I don't particularly  
13 agree with. But nonetheless these are the decisions that have  
14 been taken concerning the use of statements by others who haven't  
15 appeared in Court in order to confront witnesses.

16 I think we are with a -- this is a new development. We haven't  
17 been confronted with this sort of a situation.

18 The Prosecution began by asking leave. Leave was not actually  
19 granted. He then proceeded to go off and was about to read the  
20 passage.

21 So, at this stage, I would respectfully request that the Trial  
22 Chamber at least convene and decide whether, under these  
23 circumstances, this sort of a statement can be used in order to  
24 confront witnesses. As I've indicated, we haven't been confronted  
25 with this situation before. If the answer is yes, fine. Then I

13

1 take it that, whenever any witness comes up to testify, then we  
2 would be permitted to use statements where references are being  
3 made to that witness by others who may or may not be testifying  
4 before this Tribunal.

5 So I respectfully request a ruling before the Prosecution  
6 proceeds. Thank you.

7 [09.42.06]

8 MR. PRESIDENT:

9 The representative of the Prosecution, you may proceed.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you very much, Mr. President. I believe in this particular  
12 situation -- this is the first time we were confronting such a  
13 scenario.

14 This passage concerns the witness. Statements made by the  
15 accused, Mr. Ieng Sary, are also contained in this document, and  
16 this document has already been admitted. And I believe the  
17 witness should be given an opportunity to react to this passage,  
18 which I intend to read aloud -- upon granting of your  
19 authorization, of course -- so that we may have insight on the  
20 circumstances in which the witness joined the Ministry of Foreign  
21 Affairs. I thank you, Your Honours.

22 (Judges deliberate)

23 [09.45.17]

24 MR. PRESIDENT:

25 The objection by defence counsel for Ieng Sary concerning the



14

1 introduction of document D3 -- E3/89 is not sustained.

2 The Chamber grants leave for the Prosecution to introduce this  
3 document as the basis for his questioning.

4 Counsel Michael Karnavas, you may proceed.

5 MR. KARNAVAS:

6 Thank you, Mr. President. Just one point of clarification; I did  
7 not object.

8 I asked for a ruling, and so I want the record to be very clear  
9 that I was not objecting, because then it gives the impression to  
10 the public, and to counsel, and to the record that, somehow, we  
11 have something to fear with this being used. I asked for a  
12 ruling, and I want to be very, very precise. Thank you.

13 MR. PRESIDENT:

14 The reasoning for this particular case was different from the  
15 ones we had so far, because this case was an interview with the  
16 accused Ieng Sary. And now Ieng Sary himself is being -- is  
17 attending the hearing from the holding cell downstairs. And when  
18 he is following this proceeding and he has anything to object or  
19 to confront this witness, then he is allowed to do so.

20 [09.47.16]

21 The Prosecution, you may continue.

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you very much, Mr. President.

24 Q. I will now go ahead and read this passage, for which I've  
25 already indicated the references.

15

1 Steve Heder asked the following question -- and the document  
2 reads: "Ny Kan, when was he inserted?"

3 The response of Ieng Sary is as follows and is as transcribed in  
4 the document:

5 "In 1978 -- early 1978. No, in late 1978 -- in late 1978. Yes,  
6 July 1977. When they accused him of all sorts of matters relating  
7 to him belonging to the CIA, they placed him, as a relative of  
8 Son Sen, and they placed him in the Foreign Ministry. They had  
9 placed anyone who had been charged of being a member of the CIA  
10 or having any connection with anything. Those who had not yet  
11 acted -- what do they call it? They call it evidence. And anyone  
12 who had not yet been sentenced, they placed them in the Foreign  
13 Ministry. Like Nat -- they brought him to the Foreign Ministry.  
14 And they also brought Hok to the Foreign Ministry." End of  
15 passage.

16 "And where was Ny Kan when he was in the field?"

17 The response of Ieng Sary is as follows: "In the West, on the  
18 outskirts of the West, in Oudong district." End of quote.

19 Did Ieng Sary ever tell you the real reasons behind your transfer  
20 to the Ministry of Foreign Affairs, or did your brother, Son Sen,  
21 talk to you about why you were sent to the Ministry of Foreign  
22 Affairs afterwards?

23 MR. NY KAH:

24 A. As I told the Court a bit earlier today, the only reason I got  
25 for the transfer to Ministry of Foreign Affairs was that the job

16

1 that I was undertaking at that time was not compatible with my  
2 ability, and they were of the view that, if I were transferred to  
3 Ministry of Foreign Affairs, I would be doing better.

4 [09.50.12]

5 And when I was transferred to Ministry of Foreign Affairs, I was  
6 attached to the Department of Protocol. And my main task was to  
7 accompany visitors.

8 And as for the allegation against me of being connected to CIA or  
9 any other agency, I did not know. And I -- as I told the Court  
10 yesterday, that there was a strict secrecy policy or principle  
11 over there. So, normally, we did not know the decision at the  
12 upper echelon. And up to date, I have not been aware of any other  
13 reasons.

14 And I only learned from the Prosecution just now -- that he  
15 introduced this document to me through the content he read out.  
16 That's what I would like to respond to this question.

17 Q. And in that passage I have just read aloud, Ieng Sary is of  
18 the belief that you arrived at the Ministry of Foreign Affairs in  
19 1977. Earlier, you mentioned late 1977, or early 1978. Do you  
20 agree with Ieng Sary in that you entered the Ministry of Foreign  
21 Affairs in 1978?

22 Does that refresh your memory?

23 [09.51.50]

24 A. I cannot recall it very well. I could only answer with my  
25 unclear memory of the event.

17

1 Q. And once you arrived at the Ministry of Foreign Affairs, was  
2 it Ieng Sary who decided the role that you would play within the  
3 ministry?

4 A. Based on the structure of that ministry, the person who was on  
5 the top of the structure was the chairman of the ministry. So it  
6 was up to him to decide on my role. So I did not receive the  
7 appointment from Ieng Sary directly, but it was from my direct  
8 supervisor.

9 Q. You talked about the fact that you worked within the protocol  
10 department. But what were your duties, exactly?

11 A. During my short period of attachment to the Department of  
12 Protocol was to accompany individual visitors. I was not  
13 responsible for accompanying delegations -- overseas delegations.  
14 But I only accompanied individual visitors.

15 I accompanied them to visit Angkor Wat. And when I accompanied  
16 those visitors, then other comrades also accompanied me. And we  
17 -- it took us about a week or even longer, because the road  
18 condition at the time was not that good.

19 And, other than that, I merely cleaned the house -- tidied up the  
20 house for the guests to stay. So those were my main functions,  
21 being with this protocol department. And in my free time I would  
22 help plant the vegetable or so surrounding the ministry compound.

23 [09.55.04]

24 Q. Were you the director of the protocol department within the  
25 Ministry of Foreign Affairs?

1 A. There was no formal appointments yet, at that time.

2 Q. Mr. President, I wish to read another, very short, abstract  
3 from the same document E3/89 IS20.6. In Khmer, the ERN begins at  
4 the start of page 00062472. In English, the passage begins at ERN  
5 00417314. And in the French version, the passage begins at  
6 00332695. I'll repeat for the record, the French ERN is on  
7 00332695.

8 Steve Heder asks the following question -- and I quote: "And when  
9 Ny Kan came to the ministry, what did you assign him to do?  
10 Receive visitors?"

11 Response from Ieng Sary: "No, to protocol; the director of  
12 protocol."

13 Steve Heder asks the following question: "Oh, the director of  
14 protocol?" to which Ieng Sary replies the following: "Ny Kan was  
15 above So Se, but Ny Kan was a much better administrator than  
16 Hong."

17 [09.57.00]

18 And I believe that the last sentence is unintelligible on the  
19 French version, but the English reads very clearly -- and I  
20 repeat: [In English:] "Ny Kan was above So Se, but Ny Kan was a  
21 much better administrator than Hong." [End of intervention in  
22 English]

23 [09.57.41]

24 (No interpretation)

25 [In English:] "Ny Kan was above So Se, but Ny Kan was a much

1 better administrator than Hong." [End of intervention in English]  
2 First and foremost, Mr. Witness, do you agree with Mr. Ieng Sary  
3 in that you were appointed as the director of protocol within the  
4 Ministry of Foreign Affairs during the period that you worked  
5 there?

6 A. For clarification on that matter, the director of the protocol  
7 department was someone else. And -- but when I arrived -- and  
8 then the director of that department went somewhere else -- I did  
9 not know where he went to -- so I was more acting like an acting  
10 director at that times. And my main responsibility was to  
11 accompany visitors.

12 But, again, the visitors themselves were received by other people  
13 who were responsible for receiving guests.

14 And on the second part of your question, I don't agree with that.  
15 Because, to me, I think it was unfair to say so, because I don't  
16 think I had any ability above the department committee or the  
17 committee of the ministry itself; that was not true.

18 Q. You're saying that, in your capacity as acting director of the  
19 protocol department, your job was to essentially -- was  
20 essentially to accompany visitors and travelling delegations.  
21 Were there any -- was there anything else that you had to do  
22 within the ministry?

23 [10.00.12]

24 And I'm not talking about planting vegetables, but I'm talking  
25 about duties that were in connection to children.

1 A. With regard to children, when I had some free time, I would be  
2 teaching them some English.

3 Q. How many children were there in the Foreign Affairs Ministry,  
4 and what were they doing there?

5 A. I don't remember how many, but in general, during the time of  
6 war, people would part their ways, and I don't know where  
7 everyone would go.

8 [10.01.46]

9 Q. Where did the children come from, who were in the Foreign  
10 Ministry?

11 A. These children came from various zones, but I have no further  
12 specific information about this.

13 Q. Did some of these children work to receive guests or to help  
14 with accompanying delegations that were visiting the country?

15 A. Children were not allowed to accompany guests. Only youth --  
16 male and female youth would be allowed to do so.

17 Q. Who was your immediate superior in the Ministry of Foreign  
18 Affairs?

19 A. My immediate supervisor was the chief of the department and he  
20 was called Cheam.

21 Q. Do you know the other names of this Cheam?

22 A. No, I don't.

23 Q. Did you know Cheam before, during the five-year war?

24 A. I just got to know him very well when I started working at the  
25 ministry.

21

1 Q. But had you seen him before, during the war?

2 A. Mr. Cheam was the upper-echelon person, so, as the person who  
3 worked at the base, I would never meet him.

4 [10.05.23]

5 Q. But you said that Cheam was at the head of your unit. What  
6 unit are we talking about?

7 A. The department that I was referring to here is the department  
8 within the ministry. I do not know any other departments you're  
9 referring to.

10 Q. What was Cheam's main job in the ministry?

11 A. What I saw and knew was that he was overly in charge of  
12 assigning the tasks to people in their department, and he was  
13 also in charge of food to be delivered to the personnel of the  
14 department, and I know nothing other than this.

15 [10.07.05]

16 Q. Was there any kind of link between the protocol service and  
17 the security side, for example, the security of guests?

18 A. Through my observation, I did not see any linkages between the  
19 two. However, it's just my own observation because I would never  
20 know the actual situation concerning this.

21 Q. Who was Cheam's immediate superior? Who occupied the level  
22 between Ieng Sary and Cheam or the levels, if there were several?  
23 Ieng Sary was the minister; Cheam was head of the service; and  
24 who occupied the hierarchical slot between the two of them?

25 A. There were people in between, but I'm not sure who they were.



1 As you indicated to me that in the interview Hong and Si were  
2 mentioned, but I know that there were Hong and Cheam. Other  
3 people were those who were in the Technical Unit practically and  
4 I would or, we would be assigned tasks by Mr. Cheam.

5 Q. When you were working as Head of Protocol, did you always  
6 respect the instructions and authority of your hierarchical  
7 superiors?

8 A. Yes, I did. We had to respect all the instructions rendered.

9 Q. And what about Cheam and Hong? Were they always obliged to  
10 abide by instructions coming from above, from the person at the  
11 top of the ministry, Ieng Sary?

12 [10.10.33]

13 MR. KARNAVAS:

14 Excuse me, Mr. President. This is rather leading and thus  
15 suggests a fact that's not in evidence. Perhaps he can elicit  
16 more information to see whether the witness is competent to  
17 answer that question.

18 But I do believe that he's trying to put words into the witness's  
19 mouth, and perhaps he's not -- he's asking him to speculate. So  
20 he can go step by step on this one.

21 [10.11.05]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. I'll reword the question: In the same way as you had to  
24 respect instructions coming from the superior level, did Cheam,  
25 who was your superior, also have to proceed in the same fashion

1 with his superiors?

2 MR. NY KAN:

3 A. The hierarchy and orders of operation were like that, I was  
4 under Cheam; I had to abide by Cheam's orders. And then he would  
5 also have to implement the orders from his superior. And we all  
6 had to be abided by the orders and we were in the same situation.

7 Q. A little earlier, you said that Ieng Sary was at the Head of  
8 the Ministry of Foreign Affairs, do you know if he had other  
9 positions within the bodies governing Democratic Kampuchea?

10 A. These affairs are far beyond my knowledge, I don't know.

11 [10.13.04]

12 Q. Just now you told us that you weren't absolutely sure about  
13 the duties of Hong and Si who were superior to Cheam in the  
14 hierarchy. Do you know the jobs that were done by other people  
15 who were working in the ministry? What about Suong Sikoeun, alias  
16 Kong?

17 A. I know these people, but I don't know what they did because  
18 they were assigned with specific tasks in specific sections, so  
19 they would be doing their job and I don't know.

20 Q. In the Ministry of Foreign Affairs, did you meet a French  
21 woman called Laurence Picq alias Phal?

22 A. I don't know this person, but I remember that there was a  
23 French woman working within the ministry and I know that she got  
24 married to a Cambodian man by the name of Kong. That's all I  
25 know.

24

1 Q. Among these various colleagues, did you know Thiounn Prasith?  
2 [10.15.24]

3 A. Yes, I did. I knew this person through -- in the course of my  
4 work to receive guests, and he worked as an interpreter.

5 Q. Did he often accompany foreign delegations on visits to the  
6 field?

7 A. I did not see him accompanying people to the fields very often  
8 because he only seen in the important events.

9 Q. Did you know Ok Sakun, alias Men?

10 A. I know the person by the name of Kun but I don't know his  
11 alias. Kun used to work as an interpreter as well. Whenever there  
12 were national and French visitors, he would be called to  
13 interpret.

14 Q. Thank you. Did you know Long Norin, alias Rith, in the  
15 Ministry of Foreign Affairs?

16 A. Yes, I do. I know the person by the name of Rith, but I don't  
17 know Long Norin. During the war and after the war, people would  
18 have different names.

19 [10.18.04]

20 Q. In the Ministry of Foreign Affairs and according to what was  
21 heard on the radio, who was designated as Comrade-Secretary for  
22 relations with friends of Democratic Kampuchea throughout the  
23 world? Do you know who in the ministry was doing that particular  
24 job?

25 A. No, I don't.

1 Q. Let's just talk about your time in the ministry. As you said,  
2 you worked three months there in 1977; do you confirm that  
3 response or did you work longer than three months?

4 A. It is just my estimation because I had focused on working and  
5 by that I may have forgotten the certain duration I worked there,  
6 and I would not be very precise when I said about that duration.

7 Q. Did you stay in the Ministry of Foreign Affairs right up to  
8 the arrival of the Vietnamese? This is perhaps something that's  
9 easier to situate in the course of time.

10 [10.20.08]

11 A. Yes, I remain attached to the ministry until the arrival of  
12 the Vietnamese when we then fled to the West, direction of Phnom  
13 Penh.

14 Q. Very well, Mr. Witness. If I conclude by adding up the number  
15 of months between January 1978 and January 1979 and the arrival  
16 of the Vietnamese, then it seems to me that that amounts to 12  
17 months, perhaps a little more, perhaps a little less; is that  
18 correct?

19 A. I haven't had to calculate this clearly and I am not in the  
20 position to say that it would be 100 per cent correct. It is more  
21 or less -- I haven't had in mind this calculation of the time I  
22 worked there.

23 Q. Thank you very much. As Head of Protocol, let us discuss your  
24 role there with visiting delegations and guests. So, as Head of  
25 Protocol during the time you were in the ministry, did you often

1 have to go out to Pochentong airport to receive foreign  
2 delegations or to receive Democratic Kampuchea leaders who were  
3 coming back from trips abroad?

4 [10.22.18]

5 A. With regard to my task to receive foreign guests or leaders,  
6 actually the task was divided into sections and people would be  
7 in charge of different sections. On some important days, the  
8 respective important people who were in charge of the respective  
9 sections would be assigned to receive the important delegations.

10 Q. I might just refresh your memory. On file we do have a FBIS  
11 article which refers to a Democratic Kampuchea radio broadcast.  
12 It's an article referenced under E3/1361 and D262.40 dated 24th  
13 of April 1978. At this stage, we only have an English ERN, which  
14 is 00168863. And this is a radio Phnom Penh broadcast which talks  
15 about Leon Burstein from the U.S. Marxist-Leninist Communist  
16 Party's arrival on the 22nd of April 1978, and the fact that he  
17 was received by the Comrade Head of Protocol from the Foreign  
18 Affairs Ministry at the airport. Can you remember having welcomed  
19 or met Leon Burstein representing the Marxist-Leninist Communist  
20 Party of the United States?

21 [10.24.55]

22 A. No, I don't, I don't remember this. There were several  
23 American visitors and I don't remember those names.

24 Q. If, as I understand it, you didn't go regularly to the  
25 airport; then who did go from the ministry? Was it the minister

27

1 himself or were there others who went to welcome foreign  
2 delegations that were landing at Pochentong?

3 A. The people who took turn to receive visitors were those people  
4 who are senior and who understood the world -- who had good  
5 knowledge of the world and could speak foreign languages. A  
6 person like me, from the rural area, would not be interested. And  
7 I remember the person named Kun or Ok Sakun would be someone who  
8 would be assigned to receive the delegates. And Mr. Prasith was  
9 also often engaged in this -- receiving guests and event. Again,  
10 I was an ordinary person.

11 [10.27.03]

12 Q. And what about Ieng Sary? Did he go several times to the  
13 airport to welcome high ranking delegations?

14 A. According to the hierarchy, if they were senior people, then  
15 senior individuals had to receive them. I don't recollect how  
16 many times Mr. Ieng Sary would be there to receive them.

17 Q. As Head of Protocol, were you required to attend receptions  
18 and banquets and ceremonies, shows, film projections that were  
19 organized for foreign delegations or by foreign embassies in  
20 Phnom Penh? And if the answer is yes, could you quote a few  
21 examples for us?

22 [10.28.30]

23 A. Could you repeat the question, because I couldn't catch it?

24 Q. Yes, I just wanted to know if, when you were in charge of  
25 protocol, your duties included attending a certain number of

28

1 events such as banquets, receptions, ceremonies, shows, film  
2 projections that were either organized for foreign delegations to  
3 attend, or which were set up by foreign delegations visiting  
4 Cambodia, and more particularly in Phnom Penh?

5 A. I used to only take people - usher people -- to any particular  
6 sessions. I would be there to arrange the seats before visitors  
7 came in. I had knowledge of arranging any banquets or film  
8 projections and I cannot remember the details of this, but I  
9 believe that there were Chinese film projections at some old  
10 cinemas in Phnom Penh where workers and staff from ministries  
11 were called to watch them. And I was assisting this, that's what  
12 I remember.

13 MR. PRESIDENT:

14 Thank you.

15 It is now an appropriate time for the morning adjournment. The  
16 Chamber will take a 20 minute adjournment.

17 The court officer is now instructed to assist the witness and his  
18 duty counsel to have a proper place during the break and have the  
19 witness return to the courtroom by 10 toll.

20 (Court recesses from 1031H to 1051H)

21 MR. PRESIDENT:

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

23 I now hand over to the Prosecution to continue his line of  
24 questioning.

25 BY MR. DE WILDE D'ESTMAEL:

1 Thank you very much, Mr. President.

2 [10.52.33]

3 Q. Mr. Witness, you told the Court that you had attended several  
4 banquets, film projections, and other events that were being held  
5 for foreign delegations. Now, during those occasions, did you  
6 regularly see the leaders of Democratic Kampuchea?

7 MR. NY KAN:

8 A. Your Honours, before responding to the question I would like  
9 to make a suggestion following my consultation with the duty  
10 counsel.

11 I would like to clarify the term used, "Director of Protocol".  
12 That, in reality-- Back then, I was in charge of one section  
13 within the Protocol Department, and there were people above me in  
14 that department. So, if the word "director" as used was referred  
15 to somebody who oversaw the overall functioning of this  
16 department that was not my responsibility because I don't want  
17 people to be misled that I was the person who was in charge of  
18 that department.

19 And if there was an interview with Ieng Sary and, in that  
20 interview, it was mentioned that I was alleged to be associated  
21 with the CIA, I would not be appointed to be somebody important  
22 in that department, but once again I knew for myself that I would  
23 not stay in that ministry for long. So this is my clarification.

24 [10.54.42]

25 And I would like to respond to the Prosecution's question as to



1 whether I had met or seen the senior leaders of the Democratic  
2 Kampuchea during the banquets or film screening or welcoming the  
3 foreign delegation.

4 I did not see them often because I met visitors, lower level  
5 visitors, but for those senior visitors there were other people  
6 who were responsible for receiving them. There were people who  
7 were in charge of receiving foreign delegation, particularly  
8 those who could speak foreign languages and those who understood  
9 foreign affairs who were tasked to welcome those high level  
10 visitors.

11 [10.55.44]

12 Q. You said that you very seldom saw the regime's leaders, aside  
13 from Son Sen and Ieng Sary, whom you knew. Did you know Pol Pot,  
14 Nuon Chea and Khieu Samphan? Or did you know anyone else who held  
15 similar positions of the same rank?

16 A. In the organizational structure of a government, I naturally  
17 knew the leadership of the structure and I also met them during  
18 the banquet or conferences or high level meetings, and I at times  
19 work as usher who introduce guests to their seat, so I met them.  
20 But once again, as for high level tasks, it was handled by other  
21 people.

22 Q. Did you know the exact titles of Pol Pot, Nuon Chea, and Khieu  
23 Samphan?

24 A. Yes, I knew their titles through the open meetings or  
25 assemblies. We knew their title during the meeting, but we rarely

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1 met them in person because we had to work with the hierarchical  
2 structure. But we got to know their titles through the open  
3 meetings.

4 Q. Could you please tell us what you know is the titles of those  
5 individuals you have just cited so that it is absolutely clear?

6 A. You're referring to the titles of those senior leaders?

7 MR. PRESIDENT:

8 The Prosecution should ask questions which individual leaders one  
9 by one to make it precisely clear for the witness.

10 [10.59.16]

11 BY MR. DE WILDE D'ESTMAEL:

12 Yes, very well, Mr. President.

13 Q. Therefore, what was the title and what were the functions of  
14 Mr. Pol Pot?

15 MR. NY KAN:

16 A. The only thing I know is that he was the most senior person of  
17 -- the most senior person is all. But I don't know exactly what  
18 his rank or status could have been.

19 Q. And what about Nuon Chea? Did you know what his title was and  
20 do you know what his functions were? Obviously, as Director of  
21 Protocol, you had the responsibility of assigning them seats at  
22 performances and events. Therefore, do you know what his title  
23 was and what were his functions?

24 A. Apart from Pol Pot, whom I told was the most senior leader, I  
25 only know the other persons as upper uncles, and I don't know

1 their real functions for sure.

2 [11.01.04]

3 Q. And as a Party cadre, did you ever hear about an entity called  
4 the Central Committee of the Communist Party of Kampuchea?

5 A. The term "Central Committee" was rarely used. I often heard  
6 about the term "87" used.

7 Q. Did you know where the senior leaders of Democratic Kampuchea  
8 worked; were there very specific locations where they carried out  
9 their work and where they met? And again, I am referring to Pol  
10 Pot, Nuon Chea, Ieng Sary, and Khieu Samphan.

11 A. I don't know, I think it is part of the very secret affair.

12 Q. I wish to return to the topic of accompanying foreign  
13 delegations during their visits to Democratic Kampuchea. You said  
14 that you were often sent to work on the field and were assigned  
15 there for week long events. Can you please tell us which foreign  
16 delegations you accompanied during this period from 1978 up until  
17 the arrival of the Vietnamese?

18 [11.03.15]

19 A. I used to accompany people, including the Belgians -- three  
20 Belgians, both male and female, but I don't recollect their  
21 names. I took them on two trucks. One truck was for catering  
22 services and one for accommodating the delegation, and there was  
23 a driver, a young driver, and I would be next to the driver  
24 taking the guests.

25 The roads were not in good condition after the war, that's why I

1 said it would take us one week or so to reach our destination.

2 Q. Do you remember when this delegation, comprised of three  
3 Belgian diplomats, came to Democratic Kampuchea? And when you  
4 were on the field, what were you visiting exactly? Which regions  
5 were you traveling to with this Belgian delegation, for example?  
6 What kind of cell did you visit with the Belgian delegation?

7 A. The most privilege we had was to take the delegations to visit  
8 Angkor Wat; that was the prime location, that's all.

9 Q. Very well. But en route to Siem Reap, did you stop off at any  
10 locations to conduct tours, to visit cooperatives, factories,  
11 workshops, anything of that kind?

12 [11.06.13]

13 A. Our trip -- we rather would stop at Kampong Thom, where we  
14 would have some meals. Then we would move on all the way to Siem  
15 Reap with any other stops, because we had to make sure that we  
16 reached Siem Reap before the nightfall.

17 Q. For the record and to refresh the memory of the witness,  
18 there's a FBIS document referenced under E3/75 and E3/45 that is  
19 dated August 1978. It makes frequent reference to the  
20 Belgian-Kampuchean friendship delegation that took place in 1978;  
21 ERN008935; 008940 to 42.

22 Radio Phnom Penh had also broadcast the news that the delegation  
23 had visited the central and northern regions, a pharmaceutical  
24 factory, a rubber factory in Chamkar DOUNG, as well as the 6th  
25 January Dam. And according to this radio broadcast, the tour

1 continued on to Takeo, and then Kampong Sam before returning to  
2 Phnom Penh.

3 [11.08.28]

4 Now, Mr. Witness, what I've just described to you, does that  
5 illustrate a typical tour circuit that would be followed by a  
6 foreign delegation visiting Democratic Kampuchea? Were there  
7 stops to these types of factories and dams?

8 [11.08.59]

9 A. During each trip, even when we had only one visitor, and in  
10 the case when I was assigned to take the guest to Siem Reap,  
11 Angkor Wat, I would be assigned to accompany the guests, and the  
12 other people who would be assigned to take delegates to other  
13 directions. But my destination was mainly Siem Reap.

14 So, for example, with regard to one visitor, there would be two  
15 people involved in taking the person to different places, but I  
16 was assigned to take the visitor to Siem Reap.

17 Q. And among other foreign delegations, did you also accompany a  
18 Japanese delegation that was representing the Japanese/Kampuchean  
19 friendship group traveling to the country in 1978?

20 A. I don't think I remember them all.

21 BY MR. DE WILDE D'ESTMAEL:

22 Mr. President, to refresh the memory of the witness, and to --  
23 for this to be reflected in the record, I'd like to refer to a  
24 number of broadcasts that were aired on Japanese Radio Kyodo on  
25 the 13th and 14th and 15th of October, and that were transcribed

35

1 in FBIS document D262.46 or E3/294.

2 The name of the witness is mentioned a good number of times  
3 throughout this record, and with your leave, Mr. President, I  
4 would like to read two passages from this broadcast and ask for  
5 the witness's reaction to these passages.

6 (Judges deliberate)

7 [11.12.05]

8 MR. PRESIDENT:

9 You may proceed.

10 BY MR. DE WILDE D'ESTMAEL:

11 Thank you very much. Just a point of clarification?

12 MR. PRESIDENT:

13 Counsel -- International Co Prosecutor, please make your point  
14 before we can proceed to counsel for Nuon Chea.

15 [11.12.39]

16 MR. DE WILDE D'ESTMAEL:

17 Yes, I simply wanted to clarify that this FBIS document, which  
18 carries the ERN numbers 00170263 to 68 is comprised of Kyodo  
19 Tokyo radio broadcast, which are also replicated in the BBC  
20 summary world broadcast dated from 15th of October 1978 and which  
21 is referenced under document D109/28.318. I repeat: that document  
22 is D108/28.318. And that particular document does have a French  
23 translation; the French ERN number is 00793498 to 99. And another  
24 passage is referenced under ERN numbers S00793503 to 05. In  
25 English, the BBC SWB document bears the reference number

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1 S00013184 to 85. And another passage is contained in S00013190 to  
2 192.

3 Now, the first passage I wish to read -- unless there are any  
4 objections?

5 [11.14.52]

6 MR. PRESIDENT:

7 We note that there -- Nuon Chea's counsel was on his feet and the  
8 decision has already been rendered, but he was on his feet, we  
9 don't know what he would have to say.

10 You may proceed.

11 MR. PESTMAN:

12 Thank you, Mr. President. I have no objection, but a request.

13 It would be helpful for me if the extract the prosecutor is about  
14 to read -- if that is put on the screen for the parties. Not for  
15 the witness, but for the parties. It's much easier for me to  
16 follow a quote if I can also read the quote.

17 [11.15.45]

18 MR. DE WILDE D'ESTMAEL:

19 Mr. President, with your leave, we would be more than obliging to  
20 heed that request. The Khmer translation does not exist, but with  
21 your leave, and if this is of use to the parties, I have  
22 absolutely no objection to projecting the passages in question.

23 MR. PRESIDENT:

24 You may proceed. You may ask your assistant to put up the portion  
25 you wish to cite to refresh the memories of this witness.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you very much.

3 Q. I'm talking about document D108/28.318. The ERN in English are  
4 00013184 to 00013185; and in French, the ERN pages are S00793498  
5 to 99.

6 The paragraph begins with the words "So Hong". I believe that it  
7 has just been found.

8 [11.17.28]

9 The Japanese are reporting on their visit to Democratic  
10 Kampuchea:

11 "Our guide, Ny Kan, one of the senior public servants of the  
12 Ministry of Foreign Affairs indicated that there were difficult  
13 years when they were subsisting on tapioca and tiger meat in  
14 order to implement the policy of drastic realization and help  
15 them maintain their austere government policies. It appeared that  
16 these young revolutionaries trusted only those who were their  
17 compadres in the war of liberation."

18 Mr. Witness, does this passage accurately reflect what was said  
19 to the travelling Japanese delegation?

20 MR. NY KAN:

21 A. The content I talked to the visitors could not be well  
22 recollected by me, myself. But I received some instructions in  
23 which I had to convey concerning the victory we had, and we had  
24 to do that to the guests. And I was instructed and I talked about  
25 this to the guests, but I cannot recall the details. I was just



1 asked to tell the guests that we were proud to win the victory.

2 [11.20.28]

3 Q. There's also an issue about drastic ruralisation by the  
4 Cambodian Kampuchean Communist Party; can you tell us about that  
5 policy?

6 A. I cannot say anything about this because it is an explanation  
7 of a theory and I am not able to do that.

8 Q. I'd like to take you to a different extract from the same  
9 document. In English it's page S00013190; in French, it's  
10 00793503 to 04. And I think that the English page can be put up  
11 on the screen. In the article which has been written by the  
12 Japanese from the Cambodia-Japan Friendship Association under Mr.  
13 Kozo Sasaki -- and I quote:

14 "Ny Kan, the Foreign Affairs Ministry official who accompanied  
15 us on our tour said that most people" -- and here we're talking  
16 about the evacuation of Phnom Penh -- "most people left without  
17 resistance and were allowed to return to their former villages.  
18 He also told us of a redistribution several weeks later,  
19 apparently referring to the forced removal of the less  
20 cooperative capitalist classes."

21 [11.22.45]

22 And further on down the page:

23 "Ny Kan said that the problems Vietnam has had with its Chinese  
24 population have not touched Cambodia because all people in  
25 Cambodia, including the Chinese, are being treated equally. He

1 admitted that those few who held special privileges in the  
2 pre-liberation days have had some problems adjusting, but  
3 stressed that in revolutionary Cambodia, the privileges of the  
4 past are no longer valid." End of quote.

5 Mr. Witness, my first question to you is that -- it says here  
6 that you talked about a redistribution of people who had been  
7 evacuated, and this is a few weeks after the evacuation of Phnom  
8 Penh. So what exactly do you mean by this term, "redistribution"?

9 [11.24.16]

10 A. The terms I used sometimes are consistent with what were  
11 written. The term "redistribution" was already indicated in my  
12 statement yesterday. The Old People in the base who had the food  
13 would be asked to share their food supplies with the newcomers.  
14 So "redistribution" here was meaning like that.

15 Q. Now, if I'm not mistaken, you were still in Sector 15 at that  
16 stage. Did you see people coming in to the sector who had been  
17 evacuated from the different towns and cities -- in the West  
18 zone, sorry, in the special zone -- in your Sector 15?

19 A. I only saw people leaving Phnom Penh on National Road number  
20 5, coming over to Sector 15. And I also saw people going on Road  
21 Number 4 and through the paddy fields.

22 Q. Okay, so in Sector 15 there were no evacuees who set  
23 themselves up in the village in Sector 15 that later became  
24 Sector 32? You didn't see any new people coming to settle there?

25 [11.26.35]

1 A. I only saw people coming from Phnom Penh to settle there, they  
2 were received by the Base People and I did not see any other  
3 people from elsewhere other than from Phnom Penh.

4 Q. Why do you say that the privileged people who lived in Phnom  
5 Penh had trouble adjusting? That's what the Japanese say in their  
6 article anyway. Why did they have trouble adjusting to rural  
7 life?

8 [11.27.27]

9 A. I think it's not difficult to respond, people who lived in the  
10 cities would not be the same as people who lived in the rural  
11 areas. People who used to live in the cities got used to their  
12 lifestyle in the city, and for that reason it would be difficult  
13 for them to adjust themselves into the rural life.

14 [11.27.57]

15 Yesterday, I mentioned already that normally even in Phnom Penh  
16 they lived in a small house, the houses belong to them. But when  
17 they were evacuated into the rural areas, they had to settle in  
18 the new homes, which was not as easy as their old homes.

19 Q. You told us that you went with a number of delegations to  
20 different parts of the country, especially Siem Reap and to the  
21 base areas. During all of these visits in 1978, did you ascertain  
22 anything about the state of health of the inhabitants and the  
23 workers living in the base areas? What did you see in that  
24 particular respect concerning the state of health of all of these  
25 people?

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1 A. To be more specific, I wish to make it clear that during my  
2 trips when I accompanied visitors, I would take them to Angkor  
3 Wat and through the course of my trip we had to go through  
4 National Road number 6, and on the road -- along the road there  
5 were fewer people living there. So it would not be easy for me to  
6 understand the real situation of the inhabitants along the roads.

7 [11.30.10]

8 But I understood that the livelihood of the people after the war  
9 was not good. They did not have decent food, and since a lot of  
10 people had to be evacuated, and the influx of new people coming  
11 to the places also added a burden to this food problem.

12 Q. How did you actually see that these people weren't eating  
13 enough? And I'm talking about 1978 when you were doing your  
14 visits. What particular signs were there of the fact that people  
15 weren't getting enough to eat?

16 A. The sign which I considered as the basis for my conclusion was  
17 that the production year was minimal and yet there were many  
18 mouths to feed. That's why I drew that conclusion.

19 Q. Were people thin as you saw them?

20 [11.32.06]

21 A. Generally, they were of the same condition, but I did not see  
22 the patients in hospitals. But those whom I saw along the street  
23 were of similar condition.

24 Q. Did you report each time to your superiors, about each one of  
25 your missions with foreign delegations?

1 A. Generally, when there was a visit of guests then there was a  
2 report, an oral report to the upper authority. For example, they  
3 would ask me how the visit of the guests was going and how the  
4 food was like when we served them. These kinds of things was the  
5 basis of the report for them.

6 Q. Did you ever report, in writing to your superiors or orally at  
7 meetings, the fact that the Base People didn't have enough to  
8 eat?

9 A. Could you please repeat your question?

10 [11.34.08]

11 Q. Did it ever happen that you reported to your superiors the  
12 fact that the Base People didn't have enough to eat when you,  
13 yourself, had seen that out on your missions? And as I said, this  
14 could have been a written report or an oral report at a meeting.

15 A. In the meeting, there were many items of the agenda, but I,  
16 myself, had raised once in a while the issue of food ration of  
17 the people at the base level. But I did not raise that issue  
18 frequently; it was in accordance with the situation when it was  
19 conducive to do so.

20 Q. Coming back to the reports that you drafted on your visits,  
21 did you write them once you got back to Phnom Penh to the  
22 Ministry of Foreign Affairs, or did you do certain reports while  
23 you were still travelling and send them in by telegram?

24 A. When I returned to the ministry, then I would prepare such  
25 report. We did not send it through telegram at all.

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1 Q. Mr. Witness, did you accompany a delegation of Yugoslav  
2 journalists on a visit around the country at the start of 1978?  
3 Can you remember that?

4 [11.36.28]

5 A. I cannot recall every visit, but at that time there were, of  
6 course, Yugoslavian visitors. I cannot recall all events, but I  
7 did accompany the Yugoslav visitors.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you.

10 Mr. President, with your permission, I would like to show the  
11 witness a document and put it up on the screen. And I refer to  
12 E3/1112 which also carries reference D252.12. We have ERNs in  
13 English and Khmer, and I believe last week we got a French  
14 translation. In English, it's 00434861 to 63, it's a three-page  
15 document; in Khmer, 00020960 to 62; in French, 00810029 to 32.

16 Mr. President, do I have your permission?

17 [11.38.37]

18 MR. PRESIDENT:

19 You may proceed.

20 Court officer is now instructed to take the document and present  
21 it to the witness.

22 And assistant may project the document on the screen.

23 BY MR. DE WILDE D'ESTMAEL:

24 While we wait for that to go up on the screen, let me tell you  
25 that it's two telegrams, numbers 306 and 307, that are addressed

1 to the -- for the attention of the well-respected Bang Van.

2 Regarding 307, we know this received on the 15th of March 1978.

3 Q. Mr. Witness, Ny Kan, you said that your alias was Kan and you  
4 were, at least for a time, at the head of the Protocol Service of  
5 the Foreign Affairs Ministry.

6 So I'd like to ask you if you sent these two telegrams to Brother  
7 Van in March 1978. Take your time to read the two telegrams and  
8 then give me your answer.

9 (Short pause)

10 [11.42.23]

11 Witness, have you had time to look through this document? And can  
12 you tell me if you are the one who sent these two telegrams to  
13 Brother Van?

14 MR. NY KAN:

15 A. Upon reading through this document briefly, I don't think that  
16 this document belonged to me and I was not the one who authored  
17 this document either.

18 Because I remember back then I did not have any position or so to  
19 undertake. So, in short, I deny that this document belongs to me.

20 Q. Do you know other people called "Kan" in the protocol service  
21 of the Foreign Ministry who might have reported on interviews  
22 between journalists from Yugoslavia and individuals on worksites  
23 when they went there?

24 A. I did not know or recall all of them, but I simply scanned  
25 through this document, and looking at its substance I don't think

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1 that the wordings were mine. And obviously I did not know Foreign  
2 Affairs, for example, things that happened in Thailand, it was  
3 beyond my knowledge at that time.

4 Q. Well, could you at least tell us, within the ministry, who was  
5 known as Brother Van?

6 A. Brother Van, at that time, was referred to Ieng Sary. But  
7 there were many names at that time, but back then I heard  
8 "Brother Van" who was referred to Ieng Sary.

9 [11.45.35]

10 Q. And if you were not the person who penned these telegrams, can  
11 you please tell us in spite of that, why it was important for the  
12 member of the Ministry of Foreign Affairs to draft this telegram  
13 reporting the conversations that were being held between the  
14 Yugoslav journalists and others, and the questions that were  
15 being asked during these missions? Was it important at other  
16 occasions to report on the actions of foreigners visiting the  
17 country and reporting on the interviews that were being  
18 conducted?

19 [11.46.33]

20 A. I stated earlier that for a visiting delegation was  
21 accompanied by other protocol officers. For example, I would  
22 accompany them to visit Siem Reap, but upon their return to Phnom  
23 Penh then other groups would accompany them.  
24 So it was divided into different parts, and if it was within my  
25 responsibility then I would report it, but it was under other



1 responsibility then they would report it according. That was the  
2 practice at that time.

3 However, this practice was not actually written or so, it was  
4 based on the ability, the actual ability of individual groups and  
5 their impression of the visit, and sometimes they even reported  
6 orally.

7 [11.48.02]

8 MR. DE WILDE D'ESTMAEL:

9 Very well. I have another further two documents to put before the  
10 witness before we break for lunch.

11 Mr. President, I'm referring to document E3/1113, which is also  
12 classified as D252.13 dated March 15, 1978.

13 This document is a telegram. It is Telegram No. 61, addressed on  
14 the 15th of March 1978, and it reports a visit being paid by  
15 Yugoslav journalists in the northwest zone of the country.

16 [11.48.49]

17 Mr. President, do I have your leave to admit this document and to  
18 have it projected on the screen?

19 MR. PRESIDENT:

20 You may proceed.

21 Court Officer, please take the document from the Prosecution and  
22 present it to the witness.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Mr. Witness, would you be so kind as to review this document  
25 and take notes of the names which are referenced at the end of

1 the document?

2 And to be of assistance, all of the questions that were being  
3 asked by the Yugoslav reporters at the Trapeang Thma Dam, where  
4 there were 20,000 people working, and the question being asked  
5 was relating to food, transporting workers, marriage, family  
6 visits. This is a summary of what this document contains; I'll  
7 allow you a few moments to review it.

8 [11.50.19]

9 Can you please confirm that it was you, yourself, who had drafted  
10 this telegram and addressed it to "Respected and Beloved  
11 Brother"?

12 MR. NY KAN:

13 A. It was long time ago, some 30 years past, so I cannot recall  
14 every task I undertook. But on the subject of accompanying the  
15 guests, and the report on the visit was drafted by me, yes, of  
16 course that was, but I could not recall every detail of it.

17 But the essence of the report was basically the welfare of the  
18 visiting guests, and the report itself was my pure impression and  
19 observation of the visit, and I -- when upon my return I reported  
20 to the upper authority as to what the visit was like.

21 And to my recollection, most of the time I reported orally, but  
22 in terms of telegram, such as this, I cannot recall.

23 [11.52.27]

24 Q. I understand that you do not remember if you were the person  
25 who drafted this telegram, but can I draw your attention to a

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1 note at the end of the telegram, just before the signature of  
2 Kan. It reads: "The other day, I wrote the report by pencil.  
3 Cheam brought it to the base. Our compatriots have sent this  
4 telegram directly to Office 870."

5 Now, regardless of who was the author of this telegram, can you  
6 please tell us, Mr. Witness, what is Office 870? Was the telegram  
7 destined for that office?

8 [11.53.41]

9 A. Office 870 referred to the office of the upper echelon, but I  
10 normally call it Office 87, but of course it was referred to the  
11 office of the upper authority.

12 Q. And generally speaking, telegrams that were addressed to  
13 individual senior leaders had to necessarily go through Office  
14 870 before arriving at their final recipient.

15 MR. PRESIDENT:

16 Witness, please hold on, because the counsel for Ieng Sary is on  
17 his feet. Counsel Karnavas, you may proceed.

18 MR. KARNAVAS:

19 Thank you, Mr. President. I didn't object earlier; I can see how  
20 the prosecutor wishes to engage in speculation with this  
21 particular witness.

22 He needs to lay a foundation, he knows that. There's no need to  
23 try to sneak this sort of information in.

24 First he should ask him whether he knows it -- he has any linkage  
25 with that particular office, and then whether he knows the

1 protocol and whether he knows, in specific to any particular  
2 document that he wished to raise with this particular witness,  
3 whether it was actually delivered to the recipient that may be  
4 copied on a document.

5 [11.55.21]

6 But to simply try to get a witness to speculate is improper, and  
7 the gentleman should know this by now. Thank you.

8 MR. PRESIDENT:

9 Representative of Prosecution, do you have anything to reply?

10 [11.55.55]

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, we only have five minutes remaining, and I do wish  
13 to project another document, so I don't wish to spend much time  
14 on this issue that was just raised. However, I will respond by  
15 saying the following.

16 [11.56.14]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Were telegrams, ultimately sent to 870, forced to go through  
19 office -- or telegrams meant for the Ministry of Foreign Affairs  
20 supposed to go through Office 870. Can the witness answer that?

21 MR. PRESIDENT:

22 Counsel, you may proceed.

23 MR. KARNAVAS:

24 Again -- I mean, this is why I raised my objection.

25 Clearly, the gentleman knows that he hasn't laid a foundation.

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1 This is a slippery way of trying to get at information from any  
2 witness.

3 Does this person actually know this information? He can pose that  
4 question.

5 First he began by reading a telegram, which in my opinion was  
6 rather sleazy. That's what I consider a sneaky way of trying to  
7 get information in before laying a foundation.

8 He could have simply asked him if he knows what Office 870 is, if  
9 he knows how it operated, how he knows that information, and if  
10 telegrams were being used, you know, what was the procedure. But  
11 to simply go out and read a document and then say, well, gee--

12 MR. PRESIDENT:

13 Can you please be more specific in your objection, and be brief  
14 as well?

15 And you should compose yourself. Particularly, you should be  
16 mindful of the words you use, they should be appropriate.

17 So please be brief. You cannot be longwinded on the objection,  
18 because we need to move more expeditiously. So please be brief on  
19 your objection.

20 [11.58.06]

21 Enumerate the points you want to raise so that it allows the  
22 Chamber to see whether or not your objection is sustained or not  
23 so that the proceeding can move forward.

24 And you should not advise other parties to frame their question,  
25 because they may have their own ways and techniques in framing

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1 the questions to put to the witness.

2 MR. KARNAVAS:

3 Far be it for me to give advice to other counsel in how to frame  
4 a question, but when it comes to technique, one would expect  
5 someone of his calibre and his experience to know exactly how to  
6 comport himself and how to conduct examination of witnesses.

7 He has not laid a foundation--

8 (Microphone not activated)

9 MR. PRESIDENT:

10 We do not get the main points of your objection. We want to get  
11 the point of your objection so that there is a basis for our  
12 ruling. And you see the time is now close to lunch break and we  
13 need to move forward. So we would like to know a specific reason  
14 for your objection.

15 [11.59.43]

16 MR. KARNAVAS:

17 --Mr. President, is that he's asking the witness to speculate,  
18 that he hasn't laid a foundation, and that the technique that  
19 he's using is utterly improper; and the gentleman knows that.  
20 That's my objection, and I want a ruling on this.

21 Otherwise, we can present to any witness any sort of information  
22 and get them to validate, because all we want to do is read a  
23 document into the - into the evidence. This is improper.

24 [12.00.18]

25 MR. PRESIDENT:

1 International Co Prosecutor, you are now advised to change your  
2 question. You may put a new question before we adjourn.

3 And the witness is now advised not to respond to that question  
4 you put earlier on.

5 And counsel is also advised to be precise and briefer when making  
6 objections so that the Chamber can rule upon immediately, on the  
7 spot.

8 MR. DE WILDE D'ESTMAEL:

9 I'll not dwell on this issue, Mr. President. I believe that I did  
10 lay the foundation by indicating the signature that is placed on  
11 the telegram. So I have one final question, because I do see that  
12 the hour is nearing noon.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Mr. Witness, in December 1978, just prior to the Vietnamese  
15 attack, did you meet with an American journalist and a British  
16 professor? I'm referring here to Professor Caldwell and Ms.  
17 Becker. Were those two people among the three people that you,  
18 Mr. Witness, had met with in December 1978 before the arrival of  
19 the Vietnamese?

20 [12.02.04]

21 MR. NY KAN:

22 A. I don't recollect this.

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, do I have your leave to show the witness a  
25 document which is only a half-page for the purpose of refreshing

1 his memory? This is a telegram dated the 8th of December 1978.  
2 The author of this telegram -- the authors are, rather, Kan and  
3 Mut, and they make direct reference to Professor Caldwell as well  
4 as Ms. Becker. This document is E3/1156, also classified under  
5 D256/13.14.

6 [12.03.03]

7 MR. PRESIDENT:

8 You may proceed.

9 The court officer is now instructed to bring the document from  
10 the prosecutor to the witness for examination.

11 BY MR. DE WILDE D'ESTMAEL:

12 I will just allow the witness a few moments to review the  
13 document and have him tell the Court whether or not he had the  
14 opportunity to meet with these individuals, and whether he  
15 reported on this visit alongside his colleague, Mut, to the  
16 Ministry of Foreign Affairs.

17 (Short pause)

18 [12.05.10]

19 Q. Mr. Witness, have you been able to review this document? And  
20 can you tell the Court who are the authors of this document? Can  
21 you please tell us who Kan and Mut are, who apparently drafted  
22 this document on the 8th of December 1978?

23 MR. NY KAN:

24 A. I know the person by the name of Mut. At the ministry, he was  
25 called Mut. I think he is His Excellency Keat Chhon. This is what



1 I believe.

2 I don't know whether I am right or wrong, but I know the person  
3 by the name Mut to be the person I mentioned. And I already  
4 indicated that my memory does not serve me very well because it  
5 was a long time ago and I have no plan to take any notes of the  
6 event. And I just remember what I can recall.

7 Ta Mut was the one who took notes. He understood the languages  
8 and the subject of the debate, so he could accompany the people  
9 and, at the same time, took note.

10 I don't recollect everything, but since you already presented the  
11 document to me along with the names of individuals, and I agree  
12 that these people could have been there as indicated.

13 [12.09.02]

14 Q. Were you the author of this document alongside Ta Mut? I'm not  
15 sure I clearly understood. Who met with this delegation of  
16 journalists and professors?

17 A. As far as I remember, having seen this document you presented  
18 to me and the old story, it was I and Ta Mut who jointly reported  
19 on the event. There were two people reporting on this. I just  
20 don't remember the details.

21 Q. One final question, Mr. President.

22 With respect to the contents of this document, you state for the  
23 record that you were the co-author.

24 Now, it is clear that the journalists had asked a great number of  
25 questions. They had made requests to travel to the border area.

1 They had asked to travel through the countryside to witness the  
2 daily lives of country dwellers, to meet with cadres in all of  
3 the cities and to visit cooperatives, to visit political prisons,  
4 to speak with individuals separately, to gain information on the  
5 Cham people, to gain information on executions and to also meet  
6 with the leaders of the country, including the prime minister,  
7 the deputy prime minister, Ieng Sary, Son Sen, Khieu Ponnary,  
8 Ieng Thirith, Nuon Chea, Sihanouk, Hou Youn, and Hu Nim.

9 Mr. Witness, can you please describe to us the hierarchy to which  
10 you addressed all of these requests on behalf of this travelling  
11 delegation comprised of journalists and professors and whether or  
12 not they were able to receive what they were asking for?

13 A. I remember briefly -- I don't think this request was  
14 significantly entertained. I only reported on this to the upper  
15 echelon, who would make the final decision. That's all.

16 [12.12.18]

17 MR. DE WILDE D'ESTMAEL:

18 I see, Mr. President, that it is the appropriate time for the  
19 noon break. I wish to thank you, Mr. President, Your Honours, and  
20 the witness, for your patience. Thank you very much.

21 MR. PRESIDENT:

22 Thank you.

23 It is now an appropriate time for lunch adjournment. The Chamber  
24 will adjourn for this time, and the next session will be resumed  
25 by 1.30.

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1 Court officer is now instructed to assist the witness, his duty  
2 counsel during lunch break and have the witness return to the  
3 courtroom by 1.30.

4 Counsel for Nuon Chea, you may now proceed.

5 [12.13.09]

6 MR. PESTMAN:

7 Thank you very much. I would like to make the usual request for  
8 the usual reasons for my client to follow the rest of the  
9 proceedings from the holding cell this afternoon.

10 MR. PRESIDENT:

11 Thank you. And please be seated.

12 The Chamber has noted the request by counsel for Nuon Chea asking  
13 that Mr. Nuon Chea be permitted to observe the proceedings from  
14 his holding cell for the remainder of the day. Counsel for Nuon  
15 Chea has already made it clear that they would proceed with the  
16 production of the waiver to the President signed by Mr. Nuon  
17 Chea. The Chamber grants such request.

18 Mr. Nuon Chea is now allowed to observe the proceedings from his  
19 holding cell for the remainder of the day. He has already  
20 explicitly waived his right to be present in the courtroom.

21 The Chamber instructs counsel for Nuon Chea to produce this  
22 waiver signed, given thumbprint by Mr. Nuon Chea, to the Chamber  
23 immediately.

24 AV booth officers are now instructed to ensure that the  
25 audio-visual links are connected to the holding cell so that Mr.

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1 Nuon Chea can observe the proceedings from the cell for the  
2 remainder of the year -- rather, of the day.

3 Security personnels are now instructed to bring the accused  
4 persons to the holding cell and have Mr. Khieu Samphan alone  
5 return to the courtroom in the afternoon session when the Court  
6 resumes, at 1.30.

7 The Court is adjourned.

8 (Court recesses from 1215H to 1333H)

9 MR. PRESIDENT:

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

11 It is now time for the civil party counsels to put questions to  
12 the witness. The Chamber would like to hand over to the civil  
13 party counsels. Counsels who have been authorized to put  
14 questions to the witness will now proceed.

15 QUESTIONING BY MR. LOR CHUNTHY:

16 I am Lor Chunthy, representing the civil parties. Good afternoon,  
17 Mr. President, Your Honours. I am very honoured to be given the  
18 opportunity to put questions to witness Ny Kan.

19 [13.35.30]

20 Q. Good afternoon, Mr. Ny Kan. I have some questions concerning  
21 your background, historical background.

22 Where were you born and when did you leave your home town to  
23 study?

24 MR. NY KAN:

25 A. I was born in Kampuchea Krom. I was born in Tra Vinh district;

1 in Khmer, Preah Trapeang. And I left the district when I was 15  
2 years old. I came to Phnom Penh.

3 I studied at Phnom -- I studied in Cambodia until the day I  
4 enrolled in the Sisowath Junior High School.

5 After I passed the diploma -- junior high school exam at Sisowath  
6 High School, I got a job.

7 [13.37.23]

8 Q. Thank you.

9 In 1969 -- rather, '66, you worked as a school teacher in Siem  
10 Reap. In 1970, you said you went to the forest. Later on, in 1975  
11 to 1977, you engaged in propaganda in the Special Zone. In 1978,  
12 you were transferred to the Ministry of Foreign Affairs.

13 My question is: In 1970, there was an appeal for people to go  
14 into the jungle or the forest to start the resistance movement.  
15 Could you tell us how you joined this movement?

16 A. I decided to join the resistance, or the struggle, because I  
17 noted the general aspect within the country that all people of  
18 all walks of life was convinced by the appeal of the King to  
19 fight the imperialists to promote living standards of the  
20 Cambodian people economically. For that reason, I voluntarily  
21 joined the movement.

22 [13.39.26]

23 Q. I understood that it is your conscience that you joined the  
24 resistance to fight for the independence of the country. From the  
25 day when you started joining the movement until when everything

1 was over, could you tell the Court about your impression  
2 concerning your joining it?

3 A. I joined the movement based on the reason I indicated earlier  
4 on, and at that time the situations kept evolving. And I did not  
5 really envisage the future situations when I joined the movement.  
6 That was the actual circumstance during that time.

7 Q. According to your historical background, it reads that you  
8 have three siblings and your brother, elder brother, Son Sen, and  
9 Ny Chhum. May we ask why Son Sen had different surname?

10 A. My elder brother's surname was after -- was taken after  
11 someone based on his choice. However, when it came to me, I was  
12 not sure what kind of surname I would pick. I just chose the  
13 surname -- the name of my father as the -- as my surname.

14 [13.42.04]

15 Q. Before 1975, you already had joined the resistance. Where had  
16 you been in those years?

17 Indeed, you said you were a school teacher in Siem Reap, but when  
18 you joined the revolution or the movement, where had you been?

19 A. I moved from Siem Reap to a new location. Indeed, when the war  
20 was started, forces were gathered to attack Phnom Penh, and I  
21 also was asked to move to a location in the vicinity of Chitrous  
22 location. When I reached that location, I stayed with the  
23 military doing some propaganda tasks.

24 Q. Concerning your education, you said you had finished junior  
25 high school, so you are somehow educated. My question is about

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1 the propaganda.

2 How could you convince people to join the movement to support the  
3 military, so what kind of principles you obtained to integrate  
4 into -- in your propaganda tasks?

5 A. The policy taken on the propaganda courses emanating from the  
6 idea of having the monarchy as the key person behind this because  
7 the King once appealed for people to go to the Maquis to fight  
8 the imperialists.

9 [13.44.54]

10 "Imperialists", here, had a broader meaning. It referred to the  
11 Lon Nol people. So people of all walks of life had to obey or  
12 respect the King. They loved the King. And the slogan was  
13 integrated -- the slogan of affection toward the King was  
14 integrated in our propaganda to convince the people.

15 Q. With that, you said the King was used to convince -- the  
16 King's name was used to convince the people, but could you be  
17 more precise?

18 Where was this policy obtained from? Where did you receive such  
19 instructions; from the Party or from any other level?

20 [13.46.04]

21 A. The source of this information was from the groups. As I  
22 indicated time and again, teachers were formed into their own  
23 groups. And at that time, each group would be responsible for  
24 each respective district and province, and each group was tasked  
25 with propagandizing at their own respective location. And after

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1 the fighting was intensified, then we kept using such same  
2 policy, using the name -- the appeal of the King.

3 And I do not know further on this because it was rather secret  
4 things. And we received this information from those people, and  
5 we had to have the policy being -- the information being imparted  
6 to other people and we joined the movement.

7 Q. When you already had started working in the revolution in late  
8 1975, you indicated that you had persuaded some people to join  
9 force to attack Phnom Penh before Phnom Penh was liberated.

10 [13.47.57]

11 Could you tell the Court how you told the people, how you did to  
12 convince the people to leave the city? Did you ask them to leave  
13 the city on their own accord, or what?

14 A. The basis for our propaganda or appeal for the people to leave  
15 the cities were the ones I already talked about yesterday.

16 We indicated in that propaganda that the aerial bombardments  
17 would be -- would not be avoided and that people had to evacuate  
18 the cities temporarily. And I don't know any other things other  
19 than this.

20 Q. Thank you. Between 1975 and 1976 and late 1977, at that time  
21 the West Zone -- did you observe any changes in the West Zone?  
22 Because you said you left Sector 32 for the Ministry of Foreign  
23 Affairs. But had the situation changed before you left for the  
24 ministry?

25 [13.50.10]



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1 A. When I was transferred to the Ministry of Foreign Affairs,  
2 there was news obtained from other people that, at the West Zone,  
3 some cadres were removed, but we could never establish the exact  
4 information about the fact of these removal. And later on, we  
5 heard that the secretary of the zone was also removed. But the  
6 information was somewhat unofficial. We heard from -- or we heard  
7 through grapevine.

8 And this is my own experience. Sometimes I did not know very  
9 clearly like this morning because I was transferred to assist the  
10 ministry and, at the same time, the people at the base thought  
11 that I would be removed already. But I was actually transferred  
12 to assist the ministry.

13 [13.51.51]

14 Q. You said you heard this through grapevine that people were  
15 being removed.

16 Later on, did you know or were you aware of the fate of the  
17 people who were removed?

18 A. That's all I know. I don't know anything beyond this.

19 Q. At the Ministry of Foreign Affairs, how many departments were  
20 there in the Ministry of Foreign Affairs?

21 A. The division of departments or offices at the ministry is not  
22 knowledgeable to me. I was assigned a small office in which I was  
23 put to in charge -- to be in charge of the protocol.

24 And may I take this opportunity to specify that when I was asked  
25 whether I was the director of protocol and what it means and I

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1 had consulted with my duty counsel, and we agreed that the term  
2 "director" implies that I was overly in charge of the office,  
3 which was not actually my role because my function at that time  
4 was very minimal. I was assigned to a very small section of the  
5 department. And it is good that I had to make it clear before  
6 this Chamber.

7 If I had been consulted before concerning the term "director", I  
8 would also have opportunity to clarify this earlier already.

9 [13.54.24]

10 MR. PRESIDENT:

11 Mr. Witness, the Chamber is saying thank you for this. You  
12 already clarified on this point, this morning, and you -- it is  
13 enough. You should refrain from repeating the same clarification.  
14 And we would like to also remind counsel for the civil parties  
15 that you should refrain from putting question that are not  
16 allowed by the law. For example, you should avoid questions that  
17 solicit speculation from the witness.

18 BY MR. LOR CHUNTHY:

19 Thank you, Mr. President.

20 Q. In the context of the Ministry of Foreign Affairs, again, you  
21 said you were in charge of escorting visitors to some places. Had  
22 you ever escorted Chinese delegations or visitors?

23 MR. NY KAN:

24 A. Yes, I had, but I don't remember the details of each visitor.

25 [13.56.08]

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1 Q. You escorted other visitors. My question is: Before you  
2 accompanied visitors to the other locations, had you informed  
3 other people concerned about the trip, for example, the trip to  
4 Angkor Wat?

5 A. At that time when we accompanied visitors to Angkor Wat, we  
6 did not need to inform the people or the Base People -- local  
7 people because at that time there was a section assigned. People  
8 were assigned in the section to receive incoming visitors and  
9 information would be distributed to the section through a  
10 messenger. For example, in the notes, we would inform the section  
11 that visitors would be visiting Angkor Wat in this particular  
12 period of time, so on and so forth.

13 [13.57.37]

14 Q. When you were accompanying visitors to that location, you --  
15 had you ever met people along -- on the road to that location?  
16 And could you tell us about the situation of the people you saw?

17 A. As I said this morning, people or in the habitants along Road  
18 Number 6 were of very small number. People were concentrated in  
19 other, far away work sites and I could never see them because  
20 when I reached Kampong Thom, we would stop for meals and we had  
21 to move on. And I would see very few people.

22 And I indicated that I saw them, and they appeared to have  
23 suffered from food shortage.

24 [13.58.54]

25 Q. You say that you saw them briefly. How could you conclude that

1 these people did not have enough to eat? Did you see them look  
2 skinny?

3 A. I saw them, and it was based on my assumption or my belief  
4 that a lot of people were evacuated from Phnom Penh. And these  
5 people who I saw on the road were not the wealthy people, people  
6 who could barely -- or who could have -- or couldn't have enough  
7 food to eat. So I believed that they did not have enough food to  
8 eat.

9 And with regard to their physical appearance, they looked equally  
10 the same. I couldn't tell.

11 Q. At the Ministry of Foreign Affairs, how many groups were there  
12 in the ministry being assigned the -- this task like yours?

13 A. There were several groups who -- or that were assigned to  
14 receive or to accompany visitors. People would be assigned  
15 different tasks. If the visitors were of -- like they were  
16 experts, then different group of people would be assigned to  
17 receive them. And whatever assignment was, it would have been  
18 rendered from the department.

19 [14.01.17]

20 Q. At the same ministry, when you had been working there, had you  
21 attended meetings regularly or frequently, and how were the  
22 meetings conducted?

23 A. Meetings were held in accordance with the calls from the  
24 groups. Normally, there would be a common meeting, a big common  
25 meeting where each personnel would be expected to attend. Another

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1 meeting is for work meeting; for example, what we would do  
2 tomorrow, who would go anywhere. This kind of subject should be  
3 part of the debate in this kind of normal work meeting.

4 Q. Is it fair to say that there were big meetings? So how many  
5 people in the Ministry of Foreign Affairs attended these  
6 meetings? Can you give us some estimation of how many people  
7 joining the meetings?

8 [14.02.53]

9 A. I could not be exact on the number because there were members  
10 from different departments in accordance with the department's  
11 concerns. But overall, in each meeting there were not more than  
12 15 members.

13 Q. In -- within the period with which you worked, there was  
14 meeting held regularly, so from one meeting to another, did you  
15 notice any people disappeared?

16 A. Since I arrived in the ministry, I did not notice anyone had  
17 disappeared.

18 Q. In 1978, do you remember saying this? I would like to quote:

19 "Certain number of Party members destroyed the Party lines and  
20 turned to the leftism in order to undermine the forces of the  
21 Party from the lower level. Even those who were from the liberal  
22 lists of view was also involved with them in order to destroy the  
23 Party from inside."

24 Do you remember stating this?

25 [14.05.06]

1 MR. PRESIDENT:

2 I note the defence counsel is on his feet.

3 You may proceed, Counsel.

4 MS. GUISSÉ:

5 Thank you very much, Mr. President. Good afternoon, Your Honours  
6 and members of this Court. I'm very sorry to step in here, but my  
7 colleague is quoting a document, and we don't know what is being  
8 quoted here.

9 I think that, for all of the parties present and for the witness  
10 himself, it would be useful for us to be given the references.

11 Thank you.

12 MR. PRESIDENT:

13 Counsel for the civil parties, please be reminded that, when you  
14 are quoting an excerpt from a document, please identify the  
15 document, including the relevant ERN page number before you read  
16 out the portion of that excerpt.

17 [14.06.15]

18 MR. LOR CHUNTHY:

19 Yes, Mr. President. I was about to mention the identity of the  
20 document.

21 MR. PRESIDENT:

22 No, that was not the practice. The practice was that, before you  
23 indicate any substance of the excerpt, you supposed to identify  
24 the document. It was not the practice that you quote it and then  
25 you tell the Court the identity of the document.

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1 BY MR. LOR CHUNTHY:

2 Thank you. I -- Document IS 19.170 -- IS 19.172. Relevant page in  
3 Khmer are 0070069, French 00703455, ERN in English 00078077 --  
4 the document recording the interview of Ong Thong Hoeung.

5 [14.08.16]

6 Q. So, Mr. Witness, do you have any comment to make concerning  
7 the excerpt I just read out just now?

8 MR. NY KAN:

9 A. I am sorry; I don't really get your questions -- what your  
10 question really is, anyway. Can you clarify it?

11 Q. Thank you. In 1978, do you remember saying this: "Certain  
12 members of the Party continued to destroy the Party. They adopted  
13 the leftist sentiment in order to undermine the Party from the  
14 lower level. Even the liberalist group also applied a policy of  
15 leftism in order to destroy the Party."? Can you explain this  
16 portion?

17 [14.09.49]

18 MR. PRESIDENT:

19 The Witness, please hold on; the national counsel for Ieng Sary  
20 is on his feet.

21 You may proceed.

22 MR. ANG UDOM:

23 Thank you, Mr. President. There are two points I would like to  
24 raise.

25 One, the counsel did mention the identity of the document, but he

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1 failed to have it projected on the screen.

2 Secondly, the defence -- the counsel for the civil parties said  
3 that this was the document recording the interview of Ong Thong  
4 Hoeung. And I would like to remind the Chamber that Mr. Ong Thong  
5 Hoeung may be a potential witness that may be subject to be  
6 summoned by the Court to testify for this Chamber, so I am of the  
7 opinion that the counsel should use pseudonym instead of the real  
8 name.

9 So I would like to ask for your ruling whether or not this  
10 witness be directed to answer this question or it will violate  
11 the ruling that the Chamber has already ruled upon. Thank you.

12 [14.11.01]

13 MR. PRESIDENT:

14 Can counsel elaborate on the basis and reasoning behind your  
15 objection so that the Chamber will rule upon this objection?

16 And the counsel for civil party has already identified the  
17 document, and we have to see what the counsel for the civil party  
18 will have to say concerning this document, and the Chamber will  
19 then decide whether or not to allow the witness to respond to  
20 this question.

21 If the Chamber is of the view that the question is not in  
22 compliance with the practice here, then we would not grant leave  
23 for that.

24 MR. ANG UDOM:

25 I basically reject the way of this line of questioning.



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1 [14.12.07]

2 MR. PRESIDENT:

3 Can you please elaborate the reason for your objection so that  
4 other parties may respond or reply accordingly?

5 MR. ANG UDOM:

6 I have two points, Mr. President. The first point is that the  
7 statement or the excerpt from this document was taken from an  
8 interview of a witness, and this witness' name was mentioned. And  
9 I simply would like to repeat that this was the interview of Mr.  
10 Ong Thong Hoeung. And this name of witness was actually in the  
11 list of the -- list of witnesses whom the Chamber may summon.  
12 So I would like to know, based on the ruling that the President  
13 has already pronounced, that any interview of the potential  
14 witnesses will not be subjected to a comment by the witness being  
15 heard by the Chamber. Otherwise, it will violate the ruling of  
16 the Chamber. This is the basis for my objection that this  
17 particular document should be presented to this witness. Thank  
18 you.

19 [14.13.40]

20 MR. PRESIDENT:

21 The Defence Counsel for Khieu Samphan, you may proceed.

22 MS. GUISSÉ:

23 Thank you, Mr. President. Just to supplement my colleague's  
24 objection, I want to come back to the wording that was put by my  
25 learned colleague from the civil parties.

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1 He quoted the document, saying that it was a quote from witness  
2 Ny Kan. Then, when we see the document -- and, indeed, this is  
3 why it is useful to have such things on the screen -- we realize  
4 that it is not an interview with witness Ny Kan, but an interview  
5 with Ong Thong Hoeung.

6 That being the case, and in all fairness vis-à-vis the witness, I  
7 believe that it would be proper to put the document into its real  
8 context so that the witness can understand that these are some  
9 statements that he is supposed to have made but which have only  
10 been reported upon by a third party.

11 That is to add to the objection already expressed. Thank you.

12 [14.14.52]

13 MR. PRESIDENT:

14 The civil party Lead Co-Lawyer, you may proceed.

15 MR. PICH ANG:

16 Good afternoon, Mr. President, Your Honours and members.

17 The defence counsel mentioned that this document is the interview  
18 of another potential witness, and the basis for this objection  
19 was that this violates the ruling of the President. And we  
20 actually understand this practice. That's why we do not simply  
21 present this as what the defence counsel say.

22 But, here, what we are trying to do is simply take portion of  
23 this interview so as to refresh his memory. It is not the -- the  
24 extraction of the portion of the interview itself, but it's a  
25 mere extraction of some substance of this document to present to

1 the witness.

2 [14.16.26]

3 And, secondly, concerning the mention of the name of this  
4 potential witness because this document actually carries the  
5 names of this individual, but Mr. Chunthy did not mention that  
6 this person is a potential witness before this Chamber. But it  
7 was the defence counsel himself who made it public that this is a  
8 potential witness. And this actually breached the confidentiality  
9 of the name of potential witnesses.

10 MR. PRESIDENT:

11 Counsel for Khieu Samphan, you may proceed.

12 [14.17.15]

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. And I would like to reply to the civil  
15 party Lead Co-Lawyer.

16 I think that the Lead Co-Lawyer might be mistaken in relation to  
17 the presentation of the document. That document may be presented  
18 when the party introduce a new document in order to confront  
19 another witness. That was not allowed in accordance with the  
20 procedure before this Chamber, and it was the practice before.

21 (Judges deliberate)

22 [14.22.55]

23 MR. PRESIDENT:

24 After hearing the objections by the defence counsel against the  
25 question put by the counsel for the civil parties, first, the

1 Chamber wishes to remind the civil party lawyers and other  
2 members to be mindful when they are using the name of potential  
3 witnesses whom the Chamber may summon to testify before the  
4 Chamber.

5 And counsel should be prepared in order to implement this  
6 practice smoothly, particularly before presenting any document in  
7 a public session like this.

8 Secondly, the Chamber advise the civil party lawyers to put the  
9 question again to the witness.

10 BY MR. LOR CHUNTHY:

11 Thank you, Mr. President.

12 Q. I have some additional questions concerning his work in the  
13 Ministry of Foreign Affairs. When you were propogandizing in the  
14 Ministry of Foreign Affairs, you said that you, actually,  
15 yourself educated some 50 children who were selected to the  
16 ministry. What were the subject matters of your education for  
17 those children?

18 MR. NY KAN:

19 A. The children -- of about 50 of them -- whom I trained, I  
20 actually educated them how to read and write and some numerical  
21 calculation, as well. And as for ideological training, it was the  
22 responsibility of other section and my responsibility was  
23 confined to that I described earlier.

24 [14.25.28]

25 Q. When you were working in the Ministry of Foreign Affairs, how

1 often did you meet Mr. Ieng Sary?

2 A. As I mentioned in my subsequent answer -- in my previous  
3 answer, I did not meet him frequently. Often times, I only met  
4 him when we had to welcome foreign delegations, and at that time,  
5 I accompany the motorcades and accompanying the delegation.

6 Q. I got it from your statement earlier that "we had to implement  
7 the independence policy". What do you mean by "independent  
8 policies"? What was -- constituted independence?

9 A. Actually, it was the interpretation of this policy based on  
10 the understanding from one to another. For example, we had to be  
11 self-reliant; we plant vegetables to support ourselves; we plant  
12 sugar cane in order to produce sugar for ourselves. So that's  
13 what we mean by independent.

14 Q. How about the communications structure within the Ministry of  
15 Foreign Affairs? How did you communicate with each other? For  
16 example, when you had to go down to the field, upon coming back  
17 you had to report to your superior. Who did you report to?

18 A. I mentioned in my earlier statements already, but, again, I  
19 had to report to my direct supervisor, Cheam.

20 [14.28.30]

21 Q. Since you had joined the revolution for quite some time, could  
22 you tell us about the establishment of the cooperatives because  
23 cooperatives were created in villages and in districts? How were  
24 they managed? What was the structure of the cooperatives like  
25 from the lower level to the zone level?

1 A. At the base, the cooperatives were under supervision of the  
2 commune branch. Each cooperative had its own cooperative  
3 committee and the committee was under commune; commune was under  
4 the district; district was under the upper level institution.

5 Q. This morning, the prosecutor showed a document to you,  
6 document concerning the journalists, the three journalists. My  
7 questions is: When the three journalists would like to visit some  
8 provinces, were their requests to visit the places entertained  
9 and, after the visits were they allowed to return to their home  
10 country or not?

11 [14.30.46]

12 A. The request by those journalists was not significantly  
13 entertained -- I mean as far as I remember the request -- not all  
14 the requests were granted. And, I believe that after such visits  
15 they would return home.

16 Q. With regard to the evacuation, you indicated that on the 17th  
17 of April, you were in Phnom Penh and you had to go back the same  
18 day when you came in. Why did you have to rush to go back? What  
19 kind of mission was that?

20 A. The mission was not clear. I was behind the military. I was  
21 working in the rear and I was engaged in propaganda. After the  
22 victory, everyone had to -- or everyone went to the city to see  
23 it with their own eyes. And I was not part of the military who  
24 won the victory over Phnom Penh. And I had nothing to do with  
25 this because the military was involved and they had to be in

1 charge and they had to take control of the vicinity. At that  
2 time, they were still -- they were preparing for some other  
3 event.

4 Q. Could you tell us what you witnessed when you came to Phnom  
5 Penh?

6 [14.33.24]

7 A. I think you need to clarify the question. Are you asking me  
8 that -- what I saw when I went to the city? Yes, I saw the Lol  
9 Nol soldiers, the disserted soldiers, those who were defeated,  
10 and I would see them -- their weapons being surrendered and  
11 carried on the "cyclos", and the military was still in Phnom  
12 Penh.

13 Q. Thank you.

14 My final question, I would like to know the management system and  
15 the communication between the lower level and upper level people:  
16 With regard to your reports, where all the reports mechanism  
17 being informed to the upper echelon?

18 A. I think your question draws my speculation. As a person at the  
19 lower level, I had to obey the upper level; and the upper level  
20 would be reporting to another upper level and I am not  
21 knowledgeable of the content of such communication on -- or  
22 system because -- I don't understand this.

23 [14.35.21]

24 MR. LOR CHUNTHY:

25 Mr. President, I have no further questions to put to the witness.

1 MR. PRESIDENT:

2 Thank you.

3 Since it is now appropriate time for adjournment, the Chamber  
4 will adjourn for 20 minutes. The next session will be resumed by  
5 3 o'clock.

6 (Court recesses from 1435H to 1458H)

7 MR. PRESIDENT:

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

9 We would like to now handover to the Lead Co-Lawyers to proceed  
10 with further questions if they would wish to do so. So counsel  
11 who has been authorized to put questions to the witness, you may  
12 now proceed.

13 [14.59.29]

14 QUESTIONING BY MR. NEKUIE:

15 Thank you very much, Mr. President. Good afternoon to the Bench,  
16 esteemed colleagues, parties, and members of the audience. Mr.  
17 Witness, good afternoon to you as well.

18 Q. Do you hear me sir?

19 MR. NY KAN:

20 A. Yes, I do.

21 Q. I understand, therefore, that my message is getting through,  
22 Mr. Witness. I want to focus -- perhaps I should introduce myself  
23 first, Barnabé Nekuie. I'm international lawyer for the civil  
24 parties.

25 I would like to start our exchange on the subject of the visit by



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1 the Japanese delegation that you took to Siem Reap in 1978.

2 You've told us a little bit about it this morning with the  
3 International Co-Prosecutor. Do you recall this?

4 A. Yes, I do. I remember the brief content of that.

5 Q. Good. Thank you very much. I dare say you recall that this  
6 visit took place in September 1978; is that correct?

7 [15.01.28]

8 A. I don't remember the exact date.

9 Q. Very good. I understand, but in looking back at the documents  
10 that came up this morning, that is indeed the date. But what I'm  
11 going to ask you is whether you remember at that time the war  
12 against Vietnam that you mentioned as well this morning was  
13 raging. Do you remember that?

14 A. The war in which the Vietnamese attacked us was not remembered  
15 quite well by me, but from the words I got from the upper  
16 echelons, I learned that the Vietnamese came in. That's all I  
17 remember.

18 [15.02.52]

19 Q. Thank you. Now, against the backdrop of this war, and I would  
20 urge you to recall what you learned about that from the upper  
21 echelons, were you aware that, at the same time as Vietnam was  
22 attacking you, it was also carrying out a campaign of denigration  
23 referring to Cambodia as a country of a genocide? Do you recall  
24 that?

25 A. As a person who was in charge of protocol, I do not know

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1 anything about that. But persons who were in charge in the  
2 information and propagandas section at the ministry, they would  
3 have knowledge of this.

4 Q. Very well. Mr. Witness, I would perhaps refresh your memory by  
5 submitting to you an extract that we saw this morning in document  
6 D108/28.318, and the ERNs are as follows: 00 -- this is English -  
7 start again, S00013180; in Khmer, S00870127; and in French,  
8 S00793502.

9 What we're looking at here is an extract from a Phnom Penh  
10 newspaper article that contains an interview with the head of the  
11 Japanese delegation at the end of the visit. And if I may, Mr.  
12 Witness, I will extract -- I will read the answer to a question  
13 that was put to him on the basis of which I will ask you a  
14 question.

15 [15.05.44]

16 Mr. President, do I have your leave to put this extract on the  
17 screen and to give the witness a copy of the Khmer version, so  
18 that his task is facilitated?

19 MR. PRESIDENT:

20 You may proceed.

21 Court officer is now instructed to take the document from counsel  
22 and have it presented to the witness for examination.

23 BY MR. NEKUIE:

24 Thank you, Mr. President.

25 [15.06.38]

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1 Q. Mr. Witness, now that you have the document, I will read out  
2 one of the questions that was put to Kozo Sasaki -- it's the  
3 third paragraph in the French version:

4 "The Vietnamese aggressors, international expansionism, and  
5 imperialism are propagating slanderous propaganda saying that the  
6 government of Democratic Cambodia is being isolated because the  
7 people are against it; that there is unrest throughout Cambodia;  
8 that there are no human rights in Cambodia; and that the people  
9 in Cambodia are being massacred. Now that you've been in  
10 Democratic Cambodia for two weeks, what do you think of this  
11 propaganda?"

12 So that was the question that was put to the leader of the  
13 delegation. I'm not proposing to read out the answer that he gave  
14 straight away.

15 I just want to ask you a question about this.

16 As you recall, is this information that was officially known  
17 within the ministry in 1978, when you were there, information  
18 that was official about Vietnamese propaganda?

19 [15.08.24]

20 MR. NY KAN:

21 A. I don't remember the substance of this. It is -- I think the  
22 person who imparted the information concerning this substance  
23 could have been the one from the propaganda section. And  
24 normally, according to my experience, when it comes to the  
25 journalism section or journalist section, I can say that people

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1 were not very accurate when it comes to the report because their  
2 knowledge was not enough to make them an objective journalist. So  
3 the wording could have been exaggerated and it is not falling  
4 under my section to do that.

5 [15.09.49]

6 Q. Thank you.

7 Now, Mr. Witness, since you accompanied that delegation, I'd like  
8 to read out the answer that the head of the delegation gave --  
9 and it comes straight after the question:

10 "We have seen no massacres. The people have sufficient food to  
11 eat in the countryside. We've seen thousands of cattle in  
12 cooperatives. If the Cambodian people were short of food, they  
13 could kill all of those cattle in order to get meat. Therefore,  
14 the news about the Cambodian people experiencing food shortages  
15 is only a new Vietnamese deception. We must smash such deceitful  
16 propaganda. You concealed nothing from us during our visit. We  
17 have seen the true situation in Democratic Cambodia."

18 Mr. Witness, tell us, as far as you can remember, this report  
19 which the head of the delegation delivers, is it a true  
20 reflection of what you showed them during the tour of Cambodia?

21 A. The words of the head of the Japanese delegation, as cited, I  
22 don't think I remember them all. There was conversation while we  
23 were on our trip in the car. Today, I came to know the writing  
24 itself, and it refreshes my memory as the head of the delegation.  
25 Normally, such wordings would be very common as a head of

1 delegation. One was supposed to tell the delegation like that,  
2 and he did mention that there were people he saw walking the  
3 cattle, and he saw those cattle in the fields. And it is true.  
4 [15.12.58]

5 Q. Thank you for that answer.

6 This morning, you reminded the Chamber that what you were meant  
7 to do was talk about the victories you had achieved and say that  
8 you were proud of those victories. Is that a proper summary of  
9 what you said this morning answering the Co-Prosecutor?

10 A. Normally, in any involvement in a movement, everyone would be  
11 pleased to congratulate the victory and this reflects my position  
12 back then. I was happy, along with the other people including the  
13 military who jointly cheered the victory.

14 [15.14.24]

15 Q. Very well. But at the same time, your statements in this  
16 courtroom that you have made since yesterday show that you had  
17 noticed that the population was short of food. In fact, you  
18 referred to this, this afternoon once again. Do you agree to  
19 this? Do you confirm?

20 A. Yes, I do. What I saw was already inflicted in my words, and I  
21 just said what I witnessed and what I understood. I already made  
22 some explanation concerning this and no matter what happened,  
23 there would never be enough food to feed all the people,  
24 including those who were coming from different places.  
25 So my impression concerning this is maintained.

1 Q. Very good. Thank you. Mr. Witness, is it, therefore,  
2 reasonable to infer that the information which the Ministry of  
3 Foreign Affairs asked you to communicate to guests on the  
4 predicament of the population was not a true reflection of  
5 reality and the ministry knew it? Is it fair to say that?

6 A. What I indicated was part of my personal impression. The real  
7 actual situation -- what the real situation was, I don't know,  
8 but it is just my personal and objective impression.

9 [15.17.17]

10 Q. I think we need to be clear about this, Mr. Witness. What  
11 exactly do you mean when you say your personal impression?

12 A. My impression is the same. I noted that people did not have  
13 enough food to eat, no matter what.

14 Q. All right. Well, so that we are entirely clear on this point,  
15 perhaps I should put to you the minutes of your interview of the  
16 13th of December 2007 that was made by the investigators of the  
17 Office of the Co-investigating Judges; it's D91/22. In French,  
18 00529341.

19 And with the Bench's leave, I would like to trigger the witness'  
20 memory by quoting the first question that was put to him in the  
21 document. I don't know if the Khmer version is available. If so,  
22 it could be given to the witness, so that he can read it.

23 [15.19.17]

24 MR. PRESIDENT:

25 So who should present this document to the witness? Are you

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1 prepared to give the document to the witness or would you wish to  
2 ask someone else to help you with this?

3 MR. NEKUIE:

4 Mr. President, I said that the Khmer version is available and  
5 that I would like to give it to the witness. I have it here, in  
6 my hand.

7 MR. PRESIDENT:

8 You may now proceed.

9 Court officer is now instructed to fetch the document and have it  
10 handed over to the witness for examination.

11 BY MR. NEKUIE:

12 Q. So, Witness, let me just remind you of the first question and  
13 the answer that you gave. The question reads as follows:

14 "During the time you worked at the Ministry of Foreign Affairs  
15 and during the time you accompanied the guests to visit Siem Reap  
16 and other places, what did you observe? Did you notice how people  
17 were living?"

18 And your answer was:

19 "I noted the people did not have sufficient food to eat. The  
20 situation was similar in each location. When there was plenty of  
21 food, people ate more. When there was not plenty, people ate  
22 less. The reason for the food shortages was that the local  
23 authority had to receive the city evacuees. Essentially, most  
24 people's work consisted in building dams and digging canals. They  
25 were putting into practice the policy of self-reliance. I never

1 took the guests to worksites."

2 So, having read that out, Witness, my question to you is: When  
3 you say that this was what you noted, it was your impression, are  
4 you saying that this was different to the reality that you  
5 observed in situ?

6 [15.22.07]

7 MR. NY KAN:

8 A. I personally know that it is the truth.

9 Q. Thank you for that answer.

10 Coming back to the document that the Co-Prosecutor brought up,  
11 I'd like to read an extract that concerns Mr. Ieng Sary. This is  
12 document D108/28.318. Once again, I'd like to read an extract  
13 from English ERN S00013185; in Khmer it's S00810122; and in  
14 French it's S00793499.

15 In the French version, it's the second paragraph, that I'm going  
16 to read to you, Witness. It says:

17 "The leaders we talked to had unwavering pride and felt bold  
18 confidence in the openness of the victorious. Ieng Sary treated  
19 us with a banquet with fine Bordeaux wine, which he laughingly  
20 referred to as the spoils of war. Other top officials invariably  
21 wore expensive Swiss watches and several were seen using West  
22 German or American fountain pens."

23 [15.24.50]

24 Have you seen this extract, Witness? Very good. In that case, let  
25 me ask you my question: Is this report a faithful reflection of



1 an event that you were present at during the Japanese visit to  
2 Siem Reap in company of Mr. Ieng Sary? Did he indeed offer a  
3 banquet to the Japanese delegation on that occasion?

4 A. I don't remember this. With regard to this, I don't think  
5 everything is completely correct, not everyone had, in the  
6 opposition, these kinds of materials you mentioned.

7 Q. Apart from the material details, do you remember the banquet?  
8 In fact, this morning, you said you were in charge of organizing  
9 banquets. So do you remember whether or not this banquet was  
10 offered to this Japanese delegation that spent a fortnight in  
11 Cambodia?

12 [15.26.38]

13 A. No, I don't remember this.

14 Q. Very well. I know it was a long time ago, but I would like you  
15 to stretch your memory back a little bit. Do you remember the  
16 place where the Japanese delegation stayed in Siem Reap when you  
17 took them there?

18 A. Immediately after the war was over, there was no hotel. I  
19 remember there was a hotel called Bungalow. I don't know what it  
20 was converted into later on. The place was adjacent to a concrete  
21 bridge and that was the biggest hotel of all and the guests would  
22 be asked to stay there.

23 Q. Very well. Let's turn our attention to the trip made by the  
24 head of the delegation, in particular. Perhaps I can trigger your  
25 memory once again by reading out an extract from the same

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1 document that you have before you. The page for the English ERN  
2 is S00013184; in Khmer it's S0081012; and in French, S00793498.  
3 With your leave, Mr. President, perhaps the court officer could  
4 make sure that the witness has found the right place in the  
5 document. It's just the previous page to the one we were looking  
6 at.

7 [15.29.30]

8 MR. PRESIDENT:

9 Counsel, you may repeat the ERN in Khmer because the two versions  
10 of the ERN numbers you presented to us seem to be different.

11 MR. NEKUIE:

12 Yes, the Khmer code is S0081012, S0081012.

13 We're in the same document, Mr. President. I gave a reference  
14 just now and that was the subsequent page to the one we're  
15 looking at now. In French, it's S0079-- and as read out  
16 previously -- and now it's 007989 (sic). And I was looking at the  
17 89 page and now I want to take your attention back to S00793498  
18 in French. In Khmer, it's S001012 -- no, 81012 -- S0081012. I  
19 believe that is clear now.

20 MR. PRESIDENT:

21 Assistant to the counsel may now put up the document on the  
22 screen so that we can verify the ER numbers.

23 (Short pause)

24 [15.32.05]

25 MR. NEKUIE:

1 Mr. President, seeing that as I have little time remaining,  
2 perhaps I can broach another subject with the witness and we can  
3 return to this particular point at a later stage. I have several  
4 topics that I'd like to address.

5 BY MR. NEKUIE:

6 Q. Mr. Witness, do you have before you the document that I have  
7 just referenced?

8 (Short pause)

9 Mr. Witness, could you please answer me and tell me if you have  
10 before you the document and the specific page numbers I  
11 indicated?

12 MR. PRESIDENT:

13 Counsel, your document is not located, and on the screen it does  
14 not display the relevant ERN page. You may confuse with the  
15 number because the relevant page being put up on the screen  
16 carries a different ERN number.

17 MR. NEKUIE:

18 Indeed, Mr. President. I see now that the reference I gave  
19 earlier was not correct. Therefore, I will repeat: S00810121. I  
20 beg your pardon; I'm afraid that I gave you the wrong number  
21 earlier on.

22 [15.35.09]

23 BY MR. NEKUIE:

24 Q. Now, Mr. Witness, without further ado, allow me to read aloud  
25 the first paragraph of this particular passage entitled "Japanese

1 Visitors Impressions of Youthful Cambodian Regime". The text  
2 reads as follows -- and I quote:

3 "Kozo Sasaki, leader of our delegation of the Japan-Cambodia  
4 Friendship Association was somewhat abashed when, during our  
5 visit to Angkor Wat, he was housed in the gorgeously decorated  
6 main bedroom of Prince Norodom Sihanouk's detached palace in Siem  
7 Reap."

8 Mr. Witness, my question for you is as follows: Does this  
9 particular passage refresh your memory over where Mr. Kozo Sasaki  
10 was staying during this particular visit?

11 MR. NY KAN:

12 A. I stated earlier that, to my recollection, it was in a  
13 bungalow. A bungalow, at that time, was considered a -- one of  
14 the finest hotels in Siem Reap.

15 And as for the palace of the former king, I had not heard of it.  
16 That is what I can enlighten you on that issue.

17 Q. Very well, Witness.

18 I'll move on to something else. However, it is still in  
19 connection to this particular visit.

20 [15.37.35]

21 It would appear that Mr. Ieng Sary had told this delegation of  
22 the evacuation of Phnom Penh. Now, once again, I'm referring to  
23 the same document, D108/28.318, this time, and the ERNs are as  
24 follows: S00013190 in Khmer; S00810129 to 31; and in French,  
25 S00793503. I draw your attention to the last paragraph on the

1 page in question which, if I may, I will read aloud -- I quote:

2 "Cambodian leader is sensitive to the evacuation of certain urban  
3 centres were at pains to explain to us the necessity of moving  
4 people to rural areas to attain their revolutionary goals. Deputy  
5 prime minister Ieng Sary told us that, at the time of the  
6 liberation, 3 million of the nation's 8 million people lived in  
7 cities. Most, he said, were former farmers who had escaped  
8 bombings of liberation zones by U.S. forces and the former  
9 Cambodian regime's army. He explained that low food productivity  
10 have resulted in food shortages and the drive to reach  
11 self-sufficiency required that these former farmers be moved back  
12 to rural areas."

13 [15.40.31]

14 My question: Do Ieng Sary's words and descriptions, according to  
15 your memory, reflect accurately the information that you were  
16 given or that was conveyed to the visiting delegation with  
17 respect to Phnom Penh and with respect to other cities?

18 MR. PRESIDENT:

19 Witness, please, hold on.

20 The Defence Counsel for Ieng Sary, you may proceed.

21 MR. KARNAVAS:

22 My apologies for interrupting; I understand it's late in the day,  
23 and the gentleman has a short period of time. However, if we look  
24 at the document, this is what a reporter claims Mr. Ieng Sary  
25 said.

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1 And so, to be fair to Mr. Ieng Sary, perhaps the question should  
2 be rephrased to reflect that.

3 This is hearsay information. Now, to ask this gentleman if what  
4 Mr. Ieng Sary said is accurately reflected without first  
5 acknowledge -- getting an acknowledgement from the witness  
6 whether he was present and whether he heard Mr. Ieng Sary would  
7 be unfair.

8 [15.42.05]

9 On the other hand, if the gentleman wishes to rephrase to say  
10 whether, if indeed Mr. Ieng Sary said this, would this accurately  
11 reflect the situation as it was occurring at the time; I would  
12 not object to that question. But, as posed, I think it's  
13 improper. You're asking this witness to speculate.

14 BY MR. NEKUIE:

15 Q. Mr. President, I wish not to dwell on that objection, so I  
16 will rephrase my question: Mr. Witness, during the visit of this  
17 Japanese delegation, did you hear Mr. Ieng Sary provide  
18 explanations to those guests? Did you hear him talk about the  
19 evacuation of cities and, in particular, the evacuation of Phnom  
20 Penh since the time you were leading the -- or you were guiding  
21 the delegation?

22 [15.43.17]

23 MR. NY KAN:

24 A. It was too long ago and it was the dialogue between Ieng Sary  
25 and the Japanese delegation and I cannot recall the detail of

1 their dialogue. And if you ask me to verify this -- the veracity  
2 of the content of their discussion, I cannot do it.

3 Q. Mr. Witness, I will remind you of the paragraph that was read  
4 to you by the prosecutor this morning in which it was stated that  
5 you, as a director of protocol, had guided the delegation and had  
6 explained that the vast majority of people had left and were  
7 evacuated and were able to return to their home villages. This  
8 particular passage was read to you this morning.

9 My question to you is: Did you talk about the issue of the  
10 evacuation of cities with the Japanese delegation?

11 [15.45.08]

12 A. I cannot recall it clearly, but even if there were some  
13 explanation to the guest, but it was within the context in which  
14 I stated earlier. And one of the reasons for evacuating people  
15 out of the city was because of the fear of aerial bombardments  
16 and I did not see that people were evacuated by force, but there  
17 was a public appeal that people who came from any particular  
18 location in the countryside, as their hometown, they should move  
19 or they should head that respective direction.

20 Q. Mr. Witness, you testified that on the 17th of April, in the  
21 evening, you returned to your sector by motorbike; do you  
22 remember this?

23 A. That -- that is correct.

24 Q. Did you take anyone with you as a passenger on your motorbike  
25 when you left? Were you alone or was there somebody accompanying

1 you?

2 A. Generally, in time of war, we did not go anywhere alone.

3 Normally, there was a youth who took me on a motorbike; in other  
4 words, we went there with the two of us.

5 [15.47.44]

6 Q. It was a young Khmer Rouge soldier; is that correct?

7 A. He was a youth in the army, in the battlefield.

8 Q. Therefore, Mr. Witness, the masses and the crowds that you had  
9 seen during your journey, which you had described during your  
10 testimony, you didn't know that these people were returning to  
11 their home villages? You didn't know where they were going; is  
12 this correct?

13 A. Basically, people left Phnom Penh in accordance with the  
14 public appeal that anyone who came from any location should  
15 return there, but those who were the Phnom Penh dweller, they  
16 left through route Number 4 and those who came from Kampong Cham  
17 or from Kampong Chhnang; they left through National Road Number  
18 5. And there was a sheer volume of people. So, again, in that  
19 situation, they could not travel that far within a day so it took  
20 them several days to reach their destination.

21 [15.49.54]

22 Q. Mr. Witness, you testified several times that ultimately,  
23 because of the evacuations, there were food shortages throughout  
24 the country and this was on top of the fact that yields and  
25 harvests were very poor; is this true? Is this an accurate



1 reflection of the testimony that you have provided in previous --  
2 on previous occasions?

3 A. Yes, that is correct.

4 Q. Therefore, Mr. Witness, it would be entirely reasonable to  
5 conclude that it would be inaccurate to consider that residents  
6 of Phnom Penh would have been able to reach their home villages  
7 under the Democratic Kampuchea regime and help resolve the food  
8 shortages?

9 A. I do not understand the question; could you please clarify  
10 your question?

11 [15.51.37]

12 Q. Yes, of course; allow me to simplify. Now, even if some of the  
13 statements made by Ieng Sary are being challenged, one of the  
14 reasons why the residents of Phnom Penh were evacuated is -- or  
15 was, firstly, because they originally came from rural areas and,  
16 secondly, there were food shortages in Phnom Penh; and as a  
17 result, they were being sent to rural zones in order to find  
18 sustenance; isn't this a reasonable conclusion to draw?

19 MR. PRESIDENT:

20 I note the defence counsel is on his feet.

21 You may proceed.

22 [15.52.35]

23 MR. KARNAVAS:

24 Thank you, Mr. President. Again, I apologize. I'm uncertain  
25 whether the gentleman is suggesting that this is what Mr. Ieng

1 Sary is saying or whether this gentleman is aware of these are  
2 the reasons that those who made the decision used for the  
3 purposes of the evacuation. It's utterly unclear exactly who's --  
4 what he's talking about.

5 I think if we go step by step, whether the gentleman knows  
6 exactly the reasons, how he knows them, and so on, I have no  
7 objections.

8 Clearly, because of his position, he may or may not know, but, I  
9 think, to, sort of, take a statement that somebody else wrote  
10 claiming this is what Mr. Ieng Sary said, and then, from that,  
11 trying to extract something and then put it to the witness, I  
12 think, is utterly improper.

13 So perhaps the gentleman should either rephrase or give up.

14 [15.53.42]

15 BY MR. NEKUIE:

16 Mr. President, I will preclude the Chamber from having to rule on  
17 this issue; allow me to move on to another topic.

18 Q. Witness, you provided some explanations and descriptions of  
19 your propaganda activities when you were working in Sector 32.

20 You testified before this Chamber that, you were encouraging the  
21 masses to produce and you were talking about techniques to  
22 increase productivity and all of this was part and parcel of your  
23 duties of farming and agricultural production.

24 Now, can you please tell us exactly what kind of production  
25 techniques you were teaching the masses? Can you please provide

1 us some specifications on that?

2 [15.54.57]

3 MR. NY KAN:

4 A. We propagandized the people to improve their production,  
5 agricultural production. At that time, we had nothing to convince  
6 them other than trying to grow grains and, as an alternate  
7 growing, we encouraged them to plant potatoes.

8 And as for agricultural techniques, we actually encouraged them  
9 to make use of the lowland along the riverbank and so that they  
10 can do farming during dry season; they can get the water from the  
11 river. So this is the technique and there is nothing special  
12 about that technique.

13 Q. On the same topic, you also stated that the encouraging and  
14 words of encouragement comprised a message of being able to yield  
15 two or three harvests in one season; is that correct?

16 A. I don't think it is correct because the situation or the land  
17 condition over there would not allow farmers to do farming three  
18 times a year because the land was not that fertile and, in  
19 addition, there was water shortage as well.

20 [15.57.19]

21 Q. During those propaganda activities, did you spread the slogan,  
22 "2 to 3 tonnes per hectare"?

23 A. That was the instruction, and of course people at the lower  
24 level had to abide by the instructions, so we had to continue to  
25 propagandize and encourage people to comply with the instruction.

1 but the -- in actuality, it depended on the condition, the  
2 agricultural condition of each location; the majority could not  
3 achieve the target set.

4 Q. And during those propaganda activities, did you ever raise the  
5 health condition or health status of the masses who were  
6 responsible for meeting that target?

7 A. I cannot recall it all, but generally I had to mention it,  
8 because at that time there was a question of the fact that, when  
9 the war was over, we were in short of many things, so in -- in --  
10 so in preparing medicines, we normally used the tree roots in  
11 order to boil into water to produce a traditional medicine and we  
12 actually had some medical personnel as well.

13 [15.59.49]

14 Q. In your opinion, Mr. Witness, were those remedies sufficient  
15 in maintaining the good health of the masses you had under your  
16 charge in Sector 32?

17 A. Normally, it is part of the solution. We would need to  
18 substitute the rice with other things that people could eat, but  
19 it was still not enough and I can say that we could never  
20 substitute the rice with some kind of potatoes or other roots.

21 MR. NEKUIE:

22 Mr. President, I see that we have exceeded our usual end time by  
23 a few minutes. I still have a few issues to raise with the  
24 witness. I do not believe that it will take me longer than five  
25 minutes.

1 Do I have your leave to raise one additional document before I  
2 close my cross-examination?

3 [16.01.51]

4 MR. PRESIDENT:

5 You may proceed. However, it -- you should be reminded that some  
6 potentially important questions should have already been prepared  
7 to put to the witness to avoid needing more time to put some  
8 additional questions, but you may proceed.

9 BY MR. NEKUIE:

10 Thank you very much, Mr. President.

11 Q. Witness, I wish to draw your attention to a document that was  
12 put to you by the Co-Prosecutor this morning. It is an issue of  
13 the "Revolutionary Flag" in which Nuon Chea's speech is recorded.  
14 It is a speech that he delivered in the zone in July 1977.

15 [16.03.03]

16 Allow me to recall the ERN numbers: in French, 00711840 (sic); in  
17 Khmer, 00062964; and, in English, 00399235 to 36.

18 I'll simply read you a passage from this speech, Mr. Witness. Mr.  
19 Nuon Chea says the following:

20 "Nevertheless, in a good number of cooperatives, power is still  
21 not in the hands of the workers and the Party. It is in the hands  
22 of other classes. If power remains in the hands of other classes,  
23 are those classes loyal and rallying with the revolution? No,  
24 they are against the revolution. We must bring together poor  
25 peasants and all other farmers so that they can take over the

1 cooperatives so that they can smash the other classes who are  
2 controlling our cooperatives. This problem does not affect only  
3 the West Zone, but all zones across the country."

4 Mr. Witness, my question for you is this: Do you have a memory of  
5 Mr. Nuon Chea raising the issue of social classes during the  
6 assembly meeting of July 1977 that was held in your zone?

7 MR. NY KAN:

8 A. I don't recollect it. So far as I heard or known, such a  
9 message could never been ever heard because the cooperatives  
10 normally would be chosen by the commune branches and, also,  
11 decisions were consulted with the upper echelon and I may say, in  
12 short, that I don't remember the details.

13 [16.06.21]

14 Q. In Sector 32, did you know a certain person called Ham; Ham --  
15 H-a-m?

16 A. I don't know this person.

17 With regard to Sector 31, I only know the person by the name of  
18 Ta Sarun, who was involved in that sector.

19 Q. I was talking about Sector 32, Mr. Witness. Does the name Ham  
20 ring a bell?

21 A. There is no person by the name of Ham in Sector 32.

22 MR. NEKUIE:

23 Very well.

24 Mr. President, I believe that brings me to the end of my  
25 cross-examination.

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1 I take note of the comment you made earlier. I do believe that I  
2 put a certain number of significant questions to the witness and  
3 I wish to thank him for his answers. Thank you.

4 MR. PRESIDENT:

5 Thank you, Counsel. Thank you, Witness.

6 [16.08.23]

7 The hearing for today has come to an end. The Chamber will  
8 adjourn right now, and the next session will be resumed by  
9 tomorrow, at 9 a.m.

10 During tomorrow's sessions, the Chamber will continue listening  
11 -- or hearing Mr. Ny Kan, the questions to be put by counsels for  
12 Nuon Chea first.

13 Mr. Ny Kan, your testimonies are not yet finished and you are  
14 required to be present tomorrow for further testimonies. And duty  
15 counsel is also asked to come back tomorrow and the following day  
16 to assist the witness.

17 Court officer is instructed to coordinate with the WESU to ensure  
18 that Mr. Witness is well-coordinated, and that he is properly  
19 accommodated, and that he return to the courtroom tomorrow, by  
20 the time indicated.

21 [16.09.38]

22 Security personnels are now instructed to bring all the accused  
23 persons to the detention facility and have them returned to the  
24 courtroom by 9 a.m.

25 As for Mr. Ieng Sary, if he indicates that he wishes to observe

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1 the proceedings from his holding cell as today, with his waiver  
2 produced in writing before the commencement of tomorrow's  
3 session, then he will be instructed to remain in the holding  
4 cell, where he can follow the proceedings from there.

5 The Court is adjourned.

6 (Court adjourns at 1610H)

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