



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 08-Feb-2012, 13:42
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

1 February 2012
Trial Day 25

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Michiel PESTMAN
Jasper PAUW
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:
DUCH Phary

For the Office of the Co-Prosecutors:

CHAN Dararasmey
SENG Bunkheang
Tarik ABDULHAK
Sarah ANDREWS

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
HONG Kimsuon
SIN Soworn
TY Srinna
CHET Vanly
VEN Pov

For Court Management Section:

KAUV Keoratanak

INDEX

MR. YOUK CHHANG

Questioning by the President..... page 2

Questioning by Mr. Chan Dararasmey..... page 4

Questioning by Mr. Abdulhak..... page 38

Questioning by Mr. Pich Ang..... page 100

Questioning by Ms. Simonneau-Fort..... page 109

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. CHAN DARARASMEY	Khmer
MR. KARNAVAS	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. YOUK CHHANG	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 [09.04.02]

6 As scheduled, the Trial Chamber, today, will hear the testimony

7 of witness Mr. Youk Chhang, the Director of the Documentation

8 Center of Cambodia, DC-Cam.

9 Greffier, can you report the attendance and also the

10 (unintelligible) -- or the oath of the witness who is to be

11 questioned this morning? Is he present? And has he taken an oath?

12 THE GREFFIER:

13 Mr. President, the witness, Youk Chhang, who has been summoned by

14 the Chamber, is present, awaiting to be called by the Chamber.

15 This witness has already taken an oath. The witness also declares

16 that, as best as -- to the best of his knowledge, he has no legal

17 or familial connection to the Accused or the civil parties. Thank

18 you.

19 MR. PRESIDENT:

20 Thank you, Mr. Phary.

21 Court officer, please invite the witness into the Courtroom.

22 (Mr. Youk Chhang is taken to the dock)

23 [09.07.07]

24 Good morning, Mr. Witness. You can only speak when you see the

25 red light, and you need to pause a little bit so that the

2

1 question and answer session is efficient.

2 Once again, good morning, Mr. Youk Chhang.

3 MR. YOUK CHHANG:

4 Good morning, Mr. President. Good morning, Your Honours.

5 QUESTIONING BY THE PRESIDENT:

6 Q. Is your name Youk Chhang?

7 MR. YOUK CHHANG:

8 A. My surname is Chhang and my name is Youk.

9 Q. Can you tell us your date of birth?

10 [09.08.23]

11 A. I was born on 22nd of January 1961.

12 Q. Where were you born?

13 A. I was born in Tuol Kouk, Phnom Penh.

14 Q. Where is your current resident?

15 A. I reside in Phnom Penh.

16 Q. What is your occupation?

17 [09.08.59]

18 A. I am the DC-Cam Director.

19 Q. To what-- What is your level of education?

20 A. I studied master's degree.

21 Q. Do you speak foreign languages like French or English? If so,

22 what is the level of proficiency?

23 [09.09.36]

24 A. I know English and I can use it as an official language. I

25 studied French since I was eight years old, but I haven't

3

1 practiced it for a long time. I can read French and I can speak
2 tourist language. I speak a little bit of Thai, but it is
3 unofficial. And I speak a little bit of Lao, as well.

4 Q. As reported by the greffier, as far as you know and to the
5 best of your knowledge, you have no legal or familial connection
6 with the civil parties in Case 002 and you also do not have this
7 legal or familial connection with the Accused; is this correct?

8 A. That is correct.

9 Q. Before you are brought into the Courtroom to give your
10 testimony, have you taken an oath?

11 [09.10.49]

12 A. Yes, I did.

13 MR. PRESIDENT:

14 Thank you.

15 We now like to inform you of your right and duty before the Trial
16 Chamber as a witness to provide testimony.

17 During the proceedings before the Trial Chamber, you have the
18 right not to respond to any question or statement which could
19 self-incriminate, this means if the statement or your response
20 could incriminate you. And as a witness to provide the testimony
21 before this Trial Chamber, you have to respond to questions posed
22 to you except in the cases where it could incriminate you. And as
23 a witness, you only have -- you must tell the truth or the answer
24 must be the one that you witness yourself.

25 [09.12.07]

4

1 Do you understand that?

2 MR. YOUK CHHANG:

3 Yes, I do.

4 MR. PRESIDENT:

5 Before we hand over the floor to the Prosecution, we would like
6 to, once again, remind all parties in regard to examination of
7 Mr. Youk Chhang, the DC-Cam Director, the questions shall relate
8 to the facts and the issues in the receipt of the documents, how
9 the documents were managed and catalogued at DC-Cam.

10 At this stage, the Trial Chamber will not allow any questions in
11 regards to any specific document. The document shall be requested
12 to be put before the Chamber before it can be referred to in
13 regards to the general documents as part of the questions.
14 Questions for specific document can be posed at a later stage.

15 [09.13.37]

16 We now hand over to the Prosecution to put questions to this
17 witness.

18 QUESTIONING BY MR. CHAN DARARASMEY:

19 Good morning, Mr. President. Good morning, Your Honours. Good
20 morning, everyone.

21 On behalf of the Prosecution, I have some questions for Mr. Youk
22 Chhang. Good morning, Mr. Youk Chhang.

23 Q. The questions that I ask are related to your personal
24 background and the work you have done at DC-Cam. I'd like to get
25 some information regarding your background while you studied and

1 lived in the United States.

2 [09.14.48]

3 What were your specialty in your study?

4 MR. YOUK CHHANG:

5 A. I studied the political science.

6 Q. Where did you study that?

7 A. At the University in Dallas in Texas.

8 Q. How many years did you study there?

9 A. It was from bachelor to master's degrees; it was about six
10 years.

11 Q. What degree did you get?

12 A. It's a master's degree.

13 Q. And where else did you study?

14 A. No.

15 Q. What other specialty did you study?

16 A. No other special areas that I studied.

17 Q. What about other specialties, besides the master's degree, did
18 you study?

19 [09.15.54]

20 A. I worked at Yale University and I received training in
21 documentation. I also worked in the community there on criminal
22 defence in Dallas in Texas, and I received various other
23 trainings for my work improvement.

24 Q. Regarding short-term training courses, what other courses did
25 you undertake?

6

1 A. First, I, myself, did not really like short-term trainings and
2 I did not include them in my c.v. For minor trainings, they are
3 true trainings. I do not consider them as specialized trainings,
4 except the training at the Yale University. It is a major course
5 -- a major training for my work improvement.

6 [09.16.55]

7 I also participated in various trainings, meetings, conferences,
8 but the subject matter is minor.

9 Q. What about the subjects that you study at -- in your
10 bachelor's degree?

11 A. It was political science.

12 Q. That was the only subject?

13 A. Yes.

14 Q. Where did you study?

15 A. I already told you; it's in Texas, in Dallas.

16 Q. You lived in Thailand. What training did you received?

17 A. I lived in Thailand in -- at the refugee camp in Khao I Dang.

18 I live in the refugee camp and I studied the Thai language, and
19 also I studied some English.

20 I also worked in a humanitarian organization and I learned how to
21 type by using a typewriter.

22 [09.18.06]

23 Later on, I worked as an assistant to an office in the refugee in
24 exchange for food, before I was sent to migrate to the United
25 States.

7

1 Q. Can you verify the criteria for you to go and live in the
2 United States?

3 A. It's a long story, if you really want to know. When I was at
4 the Khao I Dang refugee camp, it was the time where the -- when
5 the camp was already closed, so we tried to find a way to find
6 our relatives that are already residing in the United States to
7 assist. And when I found my relatives in the United States, I
8 refused to be sponsored by my relatives because I wanted to go
9 there by myself as a refugee selected from the camp without
10 having a sponsor or a relative as sponsor.

11 I thought that, because my family used to serve the previous
12 regime -- that is the republic regime -- and that I considered
13 myself not as supporting the Communist movement, it is a
14 condition during the interview in that camp.

15 [09.19.41]

16 I was then selected by an organization to settle in Texas. So,
17 actually, this is a brief snapshot of the entire story. So,
18 first, I went to the refugee camp, and then I went to the United
19 States.

20 Q. Why did you choose America?

21 A. It's another long story. When I was young, some members of my
22 family worked for the republic government, and a lot of
23 journalists came to my house and they spoke English; everyone
24 spoke English. At that time, I was about 10 or 11 years old, as I
25 was born in 1961, and I wanted to become a journalist.

8

1 I noticed a journalist -- a female one -- and I really liked her
2 very much. She was tall and she was highly educated, and I wanted
3 to become a journalist living in the United States.

4 [09.20.51]

5 Later on, when I came to stay in the camp, my boss asked if I did
6 not want to have a sponsor, which country did I prefer to go and
7 live. And my answer is, of course, the United States, regardless
8 of the state. Then he emphasize again: America is a very big
9 country; which state do -- did I prefer? And then he said, if I
10 wanted to go, then he would send me to Alaska, but, in fact, it
11 was a joke. So he asked me to think hard as to which state I
12 prefer to live. And I thought about the Kennedy -- that Kennedy
13 as I knew when I was young, that he was the one who facilitate
14 the solidarity between the black and the white and he was my
15 hero. Then I asked my boss that President Kennedy died at which
16 state, and I was told that he died in Texas, in Dallas, and then
17 I chose that state to live.

18 [09.22.05]

19 And there is a book about the place where he was killed, and
20 there was a book where the visitors can visit. Actually, he was
21 -- he died on the 22nd of November, and I used to go there yearly
22 to write in that book.

23 So, in fact, it was my childhood dream to live in America, and
24 that it only became true. And President Kennedy was the first
25 president of America that I heard since my -- in my childhood.

9

1 And I told this story to Mrs. Samantha Power, who was the author
2 of the book regarding the -- a book entitled "Issues from Hell",
3 where she study about the human rights violation. That's
4 throughout the world. If you read the book, there is a brief
5 summary of this event on page 200 plus.

6 When I arrived in America, I tried to find that female journalist
7 whom I remember since I was a child and, indeed, I found her. She
8 was actually a director of a UPI in Japan. I emailed her and I
9 told her about my childhood, that I really liked her very much,
10 and that she was a person I really paid a lot of respect to. And
11 in her reply, she was excited, that she thanks me that I really
12 loved her. And, in fact, she's not American, she was from New
13 Zealand. And, unfortunately, she died a few years ago, and it was
14 also published in the "Phnom Penh Post". I still have her photo.
15 She was the first lady that I really respected and she was my
16 role model.

17 [09.24.11]

18 As I recall, at that time, the Khmer Rouge arrested her in Tang
19 Kouk. It was a shocking story. And she was then evacuated for
20 treatment in Thailand. With all these events, I remember her even
21 more clearly. So she was arrested and detained by the Khmer Rouge
22 for 22 days and she wrote a book entitled "Twenty-two Days With
23 the Outsider". You cannot find it anymore, even at the amazon.com
24 -- .com; only a handful of people might have the book in their
25 possession.

10

1 So it's a long story, Mr. Prosecutor. I used to tell -- to tell
2 Ms. Samantha Power, who is currently the -- the advisor to the
3 President Obama.

4 [09.25.16]

5 MR. PRESIDENT:

6 The Prosecution, you are reminded that the time has been
7 allocated to you so you should use your time effectively in
8 examination this witness, and in terms of the purpose of this
9 witness appearance before us. And we already reminded you
10 regarding this. Your additional questions, I believe, are already
11 sufficient, so you should move on to the substance of the
12 hearing.

13 BY MR. CHAN DARARASMEY:

14 Thank you, Mr. President.

15 Q. I'd like now to ask you questions regarding your return to
16 Cambodia.

17 When did you return?

18 MR. YOUK CHHANG:

19 A. I returned in 1992. I was an international staff of the United
20 Nations -- that is, UNTAC. I was in the electoral unit in Kampong
21 Speu.

22 Q. What was your role when you worked for UNTAC?

23 [09.26.30]

24 A. For the election process.

25 Q. Besides that, did you work for any other unit?

11

1 A. For a short term, while I was working for UNTAC in Kampong
2 Speu, I was teaching those electoral staff and also work with
3 about 20 political parties. I work with my counterpart from
4 Colombia, and my supervisor was Rose (phonetic), from India; the
5 name sounds a bit female, but actually it's a male name from
6 India.

7 So we work for the electoral office and, for a short break, I
8 return to Yale University and I work for the IRI, International
9 Republican Institute.

10 [09.27.31]

11 Q. You were the DC-Cam Director; when did -- when was DC-Cam
12 established and what was its purpose?

13 A. It's going to be a long story because you are talking about
14 the background of the establishment of DC-Cam, and you may
15 interrupt if it -- if you believe my response is too long.

16 DC-Cam was not the first organization established for the purpose
17 of documentation. In fact, the study and the collection of
18 document was initially created by a law student from the Yale
19 University, that is Mr. Gregory Stanton. He came to Cambodia in
20 1979. Just as I recall, he worked with various international
21 organizations and he saw the misery, the mass graves, and the
22 hardship of the people, so he established a program called
23 Cambodian Genocide Project in 1980. I still have the leaflet from
24 this project in my office. However, the program was not
25 universally supported.

12

1 And later on there was the Cambodian Documentation Program led by
2 David Hawk, who was from the Columbia University. The program was
3 supported by National Endowment Democracy, and the program was
4 based in Chiang Mai, in Thailand.

5 [09.29.22]

6 After David Hawk, there were historians, Ben Kiernan, David
7 Chandler, and Madam Boua Chanthou, Peter Maguire, and various
8 others assisting and working in the project and the program. So
9 it was then ongoing until the time when I heard about this
10 project when I arrived in America.

11 I heard about this program in 1986 or '87 as I had a friend who
12 is American who gave me a document with the names of the Khmer
13 Rouge leaders. The document has also been archived at the DC-Cam.
14 In 1987, my English teacher, Anna Velasco (phonetic) -- who is
15 half Italian, half American -- bought me a book, the book
16 entitled "How Pol Pot Came to Power", and in that book, she wrote
17 an annotation that one day I can find the truth about my
18 wandering life from Cambodia. So I became interested in those
19 books and I wrote a letter to Ben Kiernan, as I found his name
20 from the book.

21 [09.30.58]

22 So, then, I had contacts with various researchers before DC-Cam
23 was established.

24 Later on, as I recall, in 1990 -- '89 until '90, there was a
25 campaign in America, which was the head office with various

13

1 branches in various countries, including Australia. The campaign
2 was to oppose the return of the Khmer Rouge regime. So I
3 volunteered myself to join the campaign in Texas, and I assisted
4 in the interpretation to disseminate information in Texas and in
5 the community where I lived.

6 The manager of the campaign named Ruth, R-u-t-h, and later on
7 managed by Mr. Craig Etcheson, who is now a staff at the OCP. He
8 is my old friend. So he oversaw the campaign.

9 I was -- I was a volunteer in that campaign and then there was a
10 big meeting organize at a university in Texas; a bit further from
11 where I lived. And of course I also have a photo of that, that
12 big meeting. In fact, the campaigns were initiated by only four
13 persons.

14 [09.32.35]

15 Later on, I tried to contact Ben Kiernan in order to initiate a
16 project so that we can propose a research fund from the
17 government, and he wanted me to be part of his project. At that
18 time, I was still a member of the United Nations -- a staff
19 member of the United Nation.

20 And in 1993 and '94, in the United States, the Congress of the
21 United States pass a bill known as Cambodian Genocide Act.

22 So, to make the story short -- I have been long-winded on this
23 background, but to make it short-- And if you have any further
24 question, I will be happy to answer it later on. But the purpose
25 of establishing this centre is to compile documents and in order

14

1 to seek reconciliation for the country. So compiling documents
2 from the Khmer Rouge era is the main purpose, but in doing that,
3 we have three main objectives.

4 [09.33.52]

5 We compile documents in order to study the historical backgrounds
6 and as well as to reconcile people in the country, and we have
7 three strategies in order to achieve this objective. When I talk
8 about "we" in this context, we are talking about staff members
9 working in DC-Cam. We actually wanted a court, an independent
10 court to ascertain the truth of what happened in the past. That
11 was the first objective.

12 The second objective, we want students in Cambodia to remember
13 the history and to learn accurate history.

14 And the third objective is to have a centre that compile all
15 historical information about that for the future uses.

16 Q. Thank you, Mr. Youk.

17 [09.34.50]

18 Have you -- have you published any documents or books or
19 articles?

20 A. Yes, I have written, but it is only a small piece of paper. I
21 don't consider myself a scholar. So I have written articles
22 published in the journal or newspaper, and sometimes I co-author
23 those articles with others.

24 Q. So what was the main subject of your writing?

25 A. There are many, actually, many different areas of subjects.

15

1 Q. Can you focus on the main one?

2 A. Well, we have to -- we - we, actually, are interested in
3 responding to the anticipation of the general public. For
4 example, people wanted to know what kinds of documents we have
5 gathered so far. So, so far, I have written articles and I
6 submitted to a book. We talk about the books and documents we
7 have gathered so far.

8 [09.36.00]

9 Q. So what was the article or book you have written by
10 yourselves?

11 A. What -- what are you asking specifically?

12 Q. Well, when you wrote an -- articles, how many of them were
13 published?

14 A. Well, there are many. I wrote an article about my life story
15 which was printed by "Phnom Penh Post", and there has been some
16 articles I wrote, and it -- it was published in "Rasmei
17 Kampuchea", and "Cambodia Daily", and others. And I have written
18 articles about the involvement of the United Nations in Cambodia.
19 And other than that, there are articles written by others about
20 my personal story, and I was quite busy in managing the
21 day-to-day work. I did not have much time to write.

22 Q. When you were participating in conferences or meetings or so,
23 have you ever made any statement in those conferences concerning
24 the Khmer Rouge era?

25 [09.37.13]

16

1 A. Normally, I do not like assembly or conference and the -- the
2 condition for my participation is to allow me to talk. I have
3 been to Sweden, for example, to attend a -- an assembly where
4 there are many participant from more than a hundred countries.
5 They talk about reconciliation and justice. And I have been to
6 Sweden several times. And this was a program initiated by the
7 Prime Minister of Sweden.

8 I have attended meeting in Berkeley University -- another
9 university -- and they organize a program about the life story of
10 people -- of Cambodian people who came across the Khmer Rouge
11 regime.

12 And I went to South Africa, to England, to Ireland, and to many
13 other countries. If you want to -- if you want me to share with
14 you, I would rather talk about the continent. I have been to
15 Europe, Asia, Africa, but I remember I went once to Geneva in
16 Switzerland. It was a short article I wrote, but it was quite
17 interesting because we discussed whether or not this court would
18 be established in Cambodia and it should be -- or it should be in
19 other countries. And at that time I argue that the Court should
20 be station in Cambodia.

21 [09.38.46]

22 So, at that time, I wrote an article -- it's quite short -- and I
23 argue for the pros and cons of having the Courts in Cambodia or
24 in The Hague. And -- and in my argument I, of course, was for the
25 Court to be stationed in Cambodia. Mr. Thomas Hammarberg

1 convinced me to attend this seminar, and there were
2 representatives from different organization participated in this
3 seminar.

4 Q. Have you ever been interviewed by international or national
5 media? Can you tell us the names of -- the name of those media
6 outlets?

7 [09.39.37]

8 A. Well, if you search "Google", you will see all the list. There
9 are people who actually support my arguments, and there are
10 others who object against my argument, as well, and I have talked
11 to the journalists so far.

12 I can bring up some example. Christiane Amanpour, from the CNN,
13 is one of the journalists whom I have a great respect for. She
14 has reported about genocide around the world and she has
15 interview another person in Cambodia beside me. And I was
16 interview by "Washington Post", "New York Times", "Diplomat",
17 "AP", "Agence -- Presse", "Reuters", "Kyodo News", "Rasmei
18 Kampuchea", which is a local news outlet, "CTN", "TVK", "Al
19 Jazeera", "BBC", and there are the others.

20 Q. Have you ever receive funding in order to prevent the
21 recurrence of a genocide? And what were the source of funding?

22 A. We receive funding mainly from the United States, not only
23 from the budget of the government approved by the Congress, but
24 it was from many other organizations from the United States, as
25 well. The Congress has actually set aside a budget in order to

18

1 operationalize research project and, so far, we have receive
2 endowments, as well. And it comprises of some \$4 million U.S.
3 dollar fund, and this \$4 million endowment is reserved so we can
4 accumulate our fund for our operation. And, other than the budget
5 approved by the government, we have received funding from other
6 organization in order to invite the publics to attend meetings or
7 seminars or to hear the briefing or so.

8 [09.42.08]

9 And we have, so far, been financed by funding from the East Asia
10 Pacific Organization, which we received that funds from the
11 beginning. And we also receive funding from Mr. Patrick Leahy --
12 he has his own foundation. And we receive a portion of our
13 funding from this foundation as well.

14 So we receive funding from those organizations, in addition to
15 the fund provided by the USAID, which we receive around \$40,000
16 -- \$400,000 U.S. And the Government of Sweden has also provided
17 support to us for more than 10 years. And documents that we
18 actually have scanned for the ECCC was funded by the Sweden
19 Government funds. It costs around \$300,000 U.S. And so the
20 Swedish Government accounts for number 2 in funding the DC-Cam.

21 [09.43.37]

22 And then we have funding from Belgium. We receive funding from
23 this government -- from the government in order to operationalize
24 the teaching program of the history of Democratic Kampuchea.
25 And the fourth country is Norway. Norway is the first country

19

1 that supports the -- my initiative to print the "Search for
2 Truth" Magazine.

3 [09.44.05]

4 At that time, I had to -- I had to express my gratitude for them
5 because, at that time, I was in a dilemma whether or not I should
6 print the "Search for Truth" Magazine. But at that time, Norway
7 Government was the first government that supported me.

8 And then another country, Denmark, also provide me funds in order
9 to work with the Muslim community across Cambodia. Ms. Farida,
10 who is a research fellow of Southeast Asia, particularly on the
11 Muslim community, she has worked with us.

12 We have "Belgique", Norway, Denmark, and many other countries.

13 For example, England has provided funding as well. Canada,
14 Australia, and even Kuwait have, so far, provided funding to the
15 DC-Cam.

16 So this is the rough explanation of those financing sources. And
17 if you want the detail, then you can make a call to my office,
18 then my finance officers will provide you the detail list of the
19 funding sources.

20 [09.45.25]

21 Q. So the funds you have received from different sources. Do you
22 have a separate independent body to supervise the -- or manage
23 this fund?

24 A. Well, we have a director, Professor Heng Vanda, who is the
25 director of Vanda University, and he is specialist in accounting.

20

1 And we have, so far, commissioned international -- external
2 auditors to conduct audits of our financial operation and AID --
3 USAID has also monitors the management of fund utilization in our
4 office. And so far, our major donors have access -- have assessed
5 our operations that the management of funds has been transparent
6 and efficient.

7 Normally, the financial transaction is monitored by an
8 independent body, and with technical aspect of finance
9 management, we would ask expert advice from Professor Heng Vanda.

10 [09.46.49]

11 As you know, the United States has a very stringent requirement
12 for the use of funds. For example, if you have to come to this
13 Court by a car, then we will have to register our travel that we
14 actually left our office at seven and we arrived at the ECCC at
15 nine. And we have to actually register and log our travel,
16 otherwise they would say that we have misused the funds. So we
17 have to be very precise and very transparent.

18 And of course Sweden's Government is responsible for the managing
19 of the operation transparency and efficiency of this
20 organization. So when we submit our proposal, then when they
21 approve our proposal it comes along with a contract, a contract
22 that we have to follow the procedures and outlines in our
23 proposal. So this is what we have been doing for the past 10
24 years or so.

25 [09.48.09]

1 Q. Have you ever worked with the Affirmative Group? The
2 Affirmative Group works with the compilation of documents,
3 particularly compilation of documents from the - from the past.

4 A. Well, Affinity Group, you are talking about Affinity Group.

5 Well, Affinity Group, I have worked with this group because this
6 Affinity Group has worked in many other countries, and I was of
7 the opinion that we should exchange with each other's experience
8 about, you know, expertise and things like that in each country.
9 And then I initiated an idea that we meet once every year, and we
10 rotate amongst the offices of the member organizations. I have
11 been to Guatemala, to Iraq, to Burma's, and other countries in
12 Africa, for example, Rwanda, and we have met on a regular basis
13 to exchange our experience and draw the lesson learned.

14 For example, in Guatemala, they conduct exhumation of dead
15 bodies, and they are conducted forensic analysis on the scalp and
16 the bones from the excavation. And we have compiled documents as
17 well, and this document was being deposited at Austin University,
18 Texas.

19 [09.49.47]

20 And I participated in this initiative and I was one of the
21 founding organization. This is a voluntary organization so, where
22 we want to go or what -- when you -- we should decide to meet,
23 then we discuss and we reach consensus, then we would meet over
24 there.

25 Q. Have you ever been invited to speak about the crimes that took

1 place in Cambodia?

2 A. Generally, relating to this issue, the -- Paetitia van den
3 Attum (phonetic), the Ambassador of the Netherland; if I still
4 remember it correctly, sometime in 1998 or 1999, the Ambassador
5 of the Netherland said that I would learn more about
6 international standards if I was visited international courts, in
7 The Hague, for example, ICTY. So she encouraged me to visit the
8 Netherland. And Netherland, of course, is one of the donor
9 countries as well. So I went there and I had the opportunity to
10 meet with the prosecutors and judicial officers. And what I still
11 remember is that I met with a Kate Wilson, if I remember the name
12 correctly. He was in charge of evidence custody.

13 [09.51.36]

14 When I got there, I was surprised because I thought that, well,
15 this was the international tribunal, but the white work there,
16 there was not the black guys working there, as there were
17 Australians, there was other people from the West. So I was
18 wondering, I kept asking myself why weren't many other people
19 from different countries working in this tribunal, because it is
20 an international tribunal. But that was not important, and I
21 actually asked the person who actually is in charge evidence
22 custody, and I met with an Australian prosecutor, Mr. John Olsen,
23 and I ask him for his idea as to what we should go about bringing
24 accountability or justice to the victims of the Khmer Rouge in
25 Cambodia.

1 And he told me that I should not tell anybody, but wait until the
2 Court is actually established. And I thought to myself: How can
3 we wait anymore? Because we have been waiting for many years
4 already.

5 [09.52.28]

6 So I went to conferences and meeting. I met with different
7 peoples, renowned people from around the worlds, and I met with a
8 person from the Truth Committee, and I ask him what were the
9 criteria in order to establish the Committee for Truth.

10 So he told me that it depends on what the people want in a
11 particular country. So I actually ask him, and people talk about
12 different things. For example, those people who are Christians,
13 they believe that tolerance should be chosen as the way forward.
14 And Rwanda is a country where we can learn from the history and
15 how they reconcile in the country. And I have been to many other
16 countries, as well. So I have been to Burma as well. Actually, I
17 go to Burma every year. In Burma, they ask me how I document the
18 evidence or documents from -- documents from the previous era.
19 Cambodia was actually originated from the Mon ethnic. So, when I
20 went to Burma, I could have good relations with those people
21 because they thought that I was actually from Mon ethnic origin
22 as well.

23 [09.54.57]

24 And I share with them how to compile historical documents, and
25 they were very interested in reconciliation and peace-making, so

24

1 they have sent people to visit the DC-Cam. I've been to France.

2 Q. But can you be specific on the countries because I would like
3 to talk about the donors.

4 A. I -- what I would like to say is that there are many countries
5 providing funds for the DC-Cam, except France. France is the only
6 country that has not provided any funding in compiling documents.
7 And I went to South Africa, I went to Uganda, Kenya, Kampala, and
8 I -- and I also went to the International Criminal Court, and I
9 talk on the theme of peace process. And I went there, actually,
10 in a team of four. They are all male, and I ask why. When we talk
11 about the peace, and then there is no female participant here,
12 because if you talk about country that have gone through war,
13 there were -- there are a lot of widows in this country, so there
14 should be an elements of female in this discussion.

15 [09.56.39]

16 And at that time there was one lady. I invited her to come to sit
17 close to me so that, when we take the photos, at least there is a
18 female participant. And if people look merely at the photo, they
19 may consider that this lady was one of the speakers, but actually
20 she was not. She was simply an assistant to that conference. And
21 at that time I ask the world what they would think about a
22 country that has come across all the difficulties and human
23 disaster. So we need to have assistance from the outside world.
24 But more important than the external assistance, we have to do it
25 by ourselves because we are the victims. We have to start

25

1 everything by ourselves. I went to Canada, to McGill University,
2 and at that time Mr. Ben Kiernan was invited as a distinguished
3 speaker over there, and there are other speakers from Rwanda
4 talking about genocide in Rwanda. When we were talking and
5 attending that, there was transmission by the BBC about the abuse
6 on the Buddhist Monk in Burma. So, at that time, I said: Well,
7 there was violence going on, so we have to resolve this violence.

8 [09.58.14]

9 So, when I went to those meetings, I learned every time so I --
10 what I bring to myself is that we had to start everything all
11 over by ourselves.

12 MR. PRESIDENT:

13 The defence for Ieng Sary is on his feet. So do you have any
14 issue to raise? You may proceed.

15 MR. KARNAVAS:

16 Good morning, Mr. President. Good morning, Your Honours. And good
17 morning to everyone in and around the Courtroom. My apologies for
18 interrupting this 40-minute answer which is turning into, pretty
19 much, nonsense, if I may be so crude to put it that way.

20 [09.58.56]

21 I wish to point out to the Trial Chamber that you have been very
22 generous to the Prosecution in giving them a whole day to share
23 with the civil parties.

24 At the end of this day, in light of the fact that the prosecutor
25 is not controlling the witness and the witness is talking about

26

1 matters which are not necessarily relevant, that -- at the end of
2 the day, they should not be complaining that they did not have
3 enough time to accomplish the goals for which we are here today.
4 Now, while this may be fascinating conversation outside the
5 Courtroom, much of it is irrelevant.

6 And so, perhaps Your Honours could direct the prosecutor to ask
7 more focused questions or to interrupt the witness when the
8 witness is just going on, blabbering about things that are
9 totally irrelevant to the proceedings. Thank you.

10 MR. PRESIDENT:

11 Thank you very much, Counsel for the Accused. It has been an hour
12 now that the questioning is ongoing, and the Prosecution has
13 already been reminded that you have this - today's session minus
14 one hour for the Lead Co-Lawyers. And you should focus on the
15 facts to be put to the director of DC-Cam regarding the general
16 procedure, how the document is received, catalogued or archived.

17 [10.00.41]

18 And you have been reminded on a number of occasions already, and
19 you have wasted an hour already on irrelevant issues. Of course,
20 this is a waste of time on the Prosecution's side, and you need
21 to strictly adhere to the time allotment. If you do not use your
22 time effectively, it is a waste on your side.

23 So the national prosecutor, you are reminded again to focus on
24 relevant points and your questions need to be aimed at the main
25 objects of examination of this witness, as you have been notified

27

1 yesterday and once again this morning, because we repeat the
2 reminder as we want to make certain that you should be aware of
3 the time allocation, the direction issues by the Trial Chamber
4 and the main facts to be put to this witness.

5 [10.01.53]

6 I strongly believe, now, that the National Co-Prosecutor is very
7 well aware of this matter. And, as for Mr. Youk Chhang, please
8 make your response brief to the questions and do not make
9 unnecessary comments unless the question invites for your
10 commentary.

11 BY MR. CHAN DARARASMEY:

12 Thank you, Mr. President, let me continue. I don't have many
13 questions for you, Mr. Chhang Youk.

14 Q. Can you confirm how the document is received and processed at
15 DC-Cam? What was the process like from the stage of its receipt?

16 MR. YOUK CHHANG:

17 A. I was told that I should speak slower and I'll do that.

18 I will respond in two phases.

19 We have the abundance in the Khmer language; when we say

20 "document collection", it has two meanings.

21 One is to collect the document and then what we do with that
22 document.

23 [10.03.18]

24 Can I respond in two phases? First, in regards to how we collect
25 the document and what we do with the process of those documents--

1 Q. Yes, please, but make your response brief.

2 A. As my deputy director stated, and also we made a public
3 announcement requesting individual or institutions or other
4 countries to provide us the documents, and also from the
5 establishment of this Court, we requested that those documents be
6 sent directly to the Court so that the Court should have in its
7 hands those documents. Instead, some people delivered the
8 documents to us because -- for the sake of history, they
9 delivered the document to us and don't even bother much about the
10 Court.

11 [10.04.21]

12 For others, they deliver the documents to us with a certain
13 conditions, including those filmmakers. When they deliver us a
14 film, they attach a condition that this is for the research
15 purpose only and do not duplicate in the -- in infringement of
16 the copyright.

17 So we went to various places in the country and to other
18 countries and through people we know, our acquaintances, we
19 collected those documents.

20 And as Vanthan Peou Dara said last week, once we receive the
21 document we would read the document, I would read the document.
22 We have about 1 million documents. Of course, I cannot remember
23 every single page, but I did see every single page of those 1
24 million pages. So all those pages must go through my desk first.
25 So reading document is like having breakfast, for me, and after

29

1 that I give this task to Mr. Vanthan Dara, who is my deputy, and,
2 as he stated already in his testimony, that the document will be
3 processed, scanned or archived.

4 [10.05.43]

5 Q. In regards to how the database is established for the
6 documentation purpose, what is the process? How do you analyze
7 the database?

8 A. Can I ask you a question first, before I respond?

9 Q. Yes.

10 A. Can you recall how many types of documents we have at DC-Cam?

11 Q. Can you explain to us how the database for those for
12 categories or document is processed at DC-Cam? And what is your
13 level of involvement?

14 A. You shall remember that, at first, how many types of documents
15 that we would have and how many categories. Otherwise, you
16 wouldn't understand, because I seen there was a misunderstanding
17 when my deputy spoke last week. You need to know the types of
18 documents and then how the documents were catalogued.

19 So, please, can you recall when my deputy informed us that at
20 DC-Cam how many types of documents we have?

21 [10.07.06]

22 MR. PRESIDENT:

23 Witness, you are reminded you cannot put question to the person
24 who is supposed to question you. If you can reply, you do, and if
25 you cannot reply or if you do not understand, due to the nature

30

1 of the question, or if the person who put the question to you
2 does not understand the structure of DC-Cam, or if it is in a
3 wrong sequential order, for example, if the person who answer the
4 question, ask the last question, then the beginning of the
5 question, then you just say so, you state so.

6 If you cannot respond to that question, for instance, but you are
7 not allowed to question the person who questions you. You are
8 here as a witness.

9 [10.08.08]

10 MR. YOUK CHHANG:

11 Thank you, Mr. President, for your instruction.

12 MR. PRESIDENT:

13 I notice the defence team is on his feet. You may proceed.

14 MR. KARNAVAS:

15 Yes, Mr. President. And, Your Honours, I would most appreciate it
16 if the witness is directed to answer the questions as they are
17 posed, without referencing what his deputy told us last week.

18 If he's here to clean up his deputy's remarks or to clarify them,
19 there'll be ample opportunity. But right now I think it is best
20 to get his information, what he knows, what he does, as opposed
21 to trying to remind us what his deputy said and try to cure that
22 - that testimony or to amplify on that testimony.

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 And, Witness, you are instructed to respond directly to the

31

1 questions that you are asked to. And, parties, you are reminded
2 that questions shall be directed to this director of DC-Cam,
3 which is an independent institution. And of course there are
4 various issues in relations to the examination of DC-Cam
5 documentation, so please make sure that your questions are not
6 repetitive or the questions they already asked the -- his deputy
7 last week.

8 [10.09.51]

9 MR. YOUK CHHANG:

10 A. Let me respond. If it's not clear, then you can put more
11 questions for clarification.

12 When we receive the documents, then there's a group who has a
13 worksheet where staff writes the document, and then the data is
14 entered into that worksheet before it is entered into the
15 computer. And this hard copy worksheet is also maintained for
16 future clarification. There are 12 steps, if I can recall, before
17 the data can be entered into the computer. It has to be read,
18 summarized, translated if necessary, and to verify with other
19 copies, with the photocopies of those documents in order to
20 ensure accuracy.

21 I am not the data-inputter, but I know how the system works.

22 [10.11.05]

23 Q. My main and last question is in regards to your experience, in
24 the documentation of DC - of the Khmer Rouge documents, and I
25 have a small minor question.

1 Question: Did you personally involved or participate in those
2 documents that you gathered and store at DC-Cam, did you
3 personally involved in every piece of document?

4 A. The collection of document is banned collectively -- that is,
5 I, myself, together with all the DC-Cam staff. Some of us went to
6 provinces, and when we obtain document or photos they would be
7 collected by my staff, but then I would be informed of those
8 photos or documents, so almost everyone has the role to collect
9 the document.

10 [10.12.10]

11 Q. What about the document from overseas?

12 A. Generally, it's myself, and in Sweden, I have a staff, Mrs.
13 Sann Kalyan, who is now an ECCC staff. She helps me collecting
14 the documents. At that time, she was studying in Sweden, as for
15 other countries, like Japan, America. Generally, I, myself,
16 collected those documents.

17 We can also say that, because I have a staff studying in various
18 other countries, and when I go to that country, I would ask the
19 assistance from those staff, and they also contribute in the
20 collection of those documents.

21 Q. I repeat: So documents you collect inside a country or from
22 oversea, did you study every single page of those document?

23 [10.13.13]

24 A. It is rather difficult because of the large volume of
25 documents, but I read many, many of those documents, and

1 sometimes I read two or three times.

2 I apologize, Mr. President, but sometimes I use analogy: to me,
3 reading a piece of document is like picking a piece of cooked
4 rice, and to me it's sweet. So, once I have the opportunity, I
5 would read any piece of a document, either it's a hard copy
6 document, or an interview, or an exhibit, or a photo, but my
7 preference is to look at photos once and again, and I never get
8 bored, and I have watched most of the movies. But of course I
9 cannot memorize every single piece of document.

10 Q. For the documents that you have read or examined, did you also
11 take a consultation with a Cambodian staffer or international?

12 [10.14.22]

13 A. Usually, after that, then we would enter it into our database
14 in the computer, and then it will be a catalogue.

15 The discussion is about the understanding and the research in
16 order not to have these genocide re-occurred. This is a separate
17 stage. For me, once the document is read, then I would decide
18 whether it's in the biography category. If that's so, then it
19 would be entered accordingly. The discussion is a relative stage
20 of the process.

21 Q. Can you confirm regarding your personal knowledge regarding
22 the DCK - the Democratic Kampuchea correspondent, communication,
23 confessions, instructions, etc.--How would you rate your
24 understanding?

25 A.I have been working in this area for about 20 years, now, since

34

1 1987, so I read this type of document even if I was working or
2 studying. My attention is still on these documents.

3 [10.15.50]

4 So my brain, my mind focus on this area. Of course, I do not rate
5 myself as a high level researcher, and due to the my benefit as a
6 Cambodian, I understand the Cambodian language, Cambodian
7 culture, and characteristics. So it is easier for me to read to
8 those documents. Majority of those documents exist in the Khmer
9 language and of course, for some documents, in English. I do read
10 them. So I, myself, can see which type of category the document
11 belongs to.

12 Let me clarify the word that we use, the "Khmer Rouge document".
13 To me, I can know immediately whether it is a Khmer Rouge
14 document or a Khmer Rouge song because the language is so
15 specific; it is not that difficult to distinguish or to have --
16 to have a doctorate degree to distinguish this type of document.

17 Q. Do you believe that you are an expert in the archiving of the
18 DK documents?

19 MR. PRESIDENT:

20 You do not need to respond to this question, Mr. Witness. The
21 question cannot be used to get the presumption or an assumption
22 from a witness.

23 [10.17.25]

24 BY MR. CHAN DARARASMEY:

25 Thank you Mr. President. I have two more questions for Mr. Youk

1 Chhang.

2 Q. Regarding the documents that you have received, some of the
3 documents would be the original documents or the photocopied
4 documents that you copied from others.

5 What is your understanding of the documents that is the copied
6 documents without the original ones? And what is the difficulty
7 in finding the original documents to order to verify the copied
8 ones?

9 MR.YOUK CHHANG:

10 A. For the five types of documents that we have a DC-Cam are
11 categorized into two parts, and it has not been mentioned by my
12 deputy. For the first category, we refer to the original
13 documents. And for those documents which are not available in
14 Cambodia, they are also considered as original documents.
15 For instance, in reference to the "Black Book", as it was by Son
16 Arun, the "Black Paper" document was transferred in 1978 and
17 published in America. The original document was in French and the
18 document was with Mr. Boistrom (phonetic), who supported the
19 Democratic Kampuchea government. The document can also be found
20 at the Lund University in Sweden. You can contact Madam Laura
21 Summers, who is a professor.
22 So these documents cannot be obtained because they belong to a
23 certain library, and they consider a copy of those documents as
24 authentic.
25 And we would then annotate in red colour, in red pen, in order to

1 denote that these documents are the original documents of these
2 documents, are available in Cambodia. And they are the copied
3 from the originals held overseas. So we know clearly that, if the
4 original documents cannot be found, then we would seek the person
5 who witnessed the original documents. Sometimes, we try to trace
6 the origin of a document, but it's on request, but still,
7 sometimes, we cannot locate the original documents. However, if
8 we look at the content of the document, there is no doubt, as
9 they are similar -- in wording, structure, and content -- to
10 other documents.

11 So it is at the discretion of the judges to consider the type of
12 the document. For us, these photocopied documents, and due to the
13 lack of the original documents, they are considered original
14 documents inside the country.

15 Q. I have my last question for you: If a document is not a
16 fabricated document, how can you distinguish if it is not an
17 authentic or if it is a fabricated document? What is the
18 mechanism?

19 A. First, let me verify how you-- How do I know whether it is an
20 authentic document; is that right?

21 Q. What is your mechanism in order to ascertain that one document
22 is not a fabricated one?

23 [10.21.29]

24 A. When we hold a document, we would notice that the color; that
25 is the good use of our eyes, whether it is pale or the color is

1 new or old. As one artist said, if there is no color, everybody
2 will die.

3 So, once we notice the color, we can think that it is an old or
4 new document, and then we will locate the date and then the
5 author, because, in some documents, there will be the authors.

6 And, number four, we will look at the content. The DK documents,
7 of course, would not talk about the presence of Prince Sisowath,
8 because it was about that regime, that era.

9 And the language used in the DK documentation; the language is so
10 specific and it is so distinct from the language we use at
11 present time.

12 And I, myself, is not alone in reading the document; the DC-Cam
13 staff also reads those documents and the documents have been used
14 by various other individuals. And people also assist us in
15 ascertaining that the documents were from the DK era.

16 MR. CHAN DARARASMEY:

17 Thank you, Mr. Youk Chhang, for answering my questions. And thank
18 you, Mr. President. I'd like now to hand over the floor to my
19 colleague.

20 [10.23.08]

21 MR. PRESIDENT:

22 Thank you, the National Co-Prosecutor and the Witness.

23 The time is now appropriate for a break. We will take a 20-minute
24 break, and we shall resume at a 10.45.

25 Court officer, please assist the witness during the break and

38

1 bring him back in before the Court resumes.

2 I notice the defence counsel on his feet.

3 MR. ANG UDOM:

4 Mr. President, due to my client's health and back pain, we would
5 seek your permission for him to waive his rights to follow the
6 proceeding in the holding cell, downstairs.

7 [10.24.07]

8 MR. PRESIDENT:

9 Thank you. Your request is granted. So we grant Mr. Ieng Sary's
10 request, through his defence counsel, to follow the proceeding in
11 the holding cell, downstairs.

12 However, the Defence Counsel, you are instructed to deliver
13 immediately the waiving letter of Mr. Ieng Sary for today's
14 proceeding.

15 And the AV Unit, please link the proceeding to the holding cell,
16 downstairs, for Mr. Ieng Sary to follow.

17 Security guards, you are instructed to take Mr. Ieng Sary to the
18 holding cell, downstairs.

19 The Court is now adjourned.

20 (Court recesses from 1025H to 1048H)

21 MR. PRESIDENT:

22 The Court is now back in session.

23 I now hand over to the International Co-Prosecutor to put
24 question to the witness. You may now proceed.

25 QUESTIONING BY MR. ABDULHAK:

1 Thank you, Mr. President. And good morning, Your Honours. Good
2 morning, Counsel. And good morning, Mr. Youk Chhang. And thank
3 you, of course, for coming here to answer questions from the
4 parties in relation to DC-Cam's collection of -- and sorting of
5 documents.

6 [10.49.05]

7 What I propose to do this morning is discuss with you a number of
8 -- perhaps, the larger collections that, we understand, are held
9 by DC-Cam, and then, later in the day, we might go through some
10 specific examples of documents and see if you can assist us in
11 understanding their form and content and, perhaps, how we assess
12 their origin and authenticity.

13 Q. So, just before we do that, before we start dealing with some
14 of these collections, if you could, very briefly, just name for
15 the Chamber the main archives or sources from which you have
16 received documents over the years -- and if you can just say, you
17 know, one, two, three, four, five, six -- and then we'll move on
18 to the specific ones.

19 MR. YOUK CHHANG:

20 A. Thank you for the question.

21 [10.50.17]

22 There are of course various sources of documents we have
23 collected. They are from government sources, from external
24 sources, as well as from individual archives.

25 Q. And perhaps-- Focusing on government archives, as you've

Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 25
Case No. 002/19-09-2007-ECCC/TC
01/02/2012

40

1 mentioned, which particular ministries or otherwise -- or other
2 repositories did you receive documents from?

3 A. I think you are referring to the documents in the custody of
4 the Ministry of Interior, but we have so far collected documents
5 from the National Archives, Tuol Sleng Museum, and one more
6 source is the Central Education and Propaganda Office, which was
7 part of Ministry of Information. And we also collected certain
8 document from Ministry of Education, Youth, and Sport as well.
9 This is the internal sources, or domestic sources. And
10 domestically as well, we have received document from personal
11 archive, and we have received from visitors to Cambodia, foreign
12 visitors, and we also collected documents from the local people
13 as well.

14 [10.51.58]

15 And we have, so far, collected documents from the -- for example,
16 district offices. We have collected those documents from the
17 provincial or district offices.

18 Q. Thank you. And are you able to estimate -- just before we move
19 on to the specific collections, are you able to estimate, perhaps
20 in a general sense, for the documents originating from the '75 to
21 '79 period, how many of those would be or appear to be originals,
22 and how many are copies, as you described earlier? Just a general
23 percentage.

24 A. As I informed you, earlier, for the documents whose original
25 is not available in Cambodia, are deem original. So we have

41

1 around 1 million documents, and there are five categories of
2 them, and they are considered original.

3 [10.53.10]

4 For example, document from Sweden or the Netherlands, we do not
5 have the originals in our repository, but the originals are not
6 available in Cambodia, so we consider documents of those kinds
7 original as well. So documents we have, we consider them
8 originals, so documents that are available in Cambodia. Those
9 document who are not available in Cambodia but they are properly
10 copy, we have in our possession up to around 1 million documents.

11 Q. Thank you. And just one more question on that topic: Does that
12 mean that most or all -- please correct me if I'm wrong --
13 photocopies that you have, there are also originals of those
14 documents, albeit held somewhere else by another repository.

15 A. For example, documents from Sweden, it accounts for about
16 600,000 to 700,000 pages. Those documents was compiled by the
17 Committee of Laos, Vietnam, Cambodia and Sweden Friendship. And
18 those document -- those committee -- the committee was
19 established after 1979, and four members of this committee had
20 visited the Democratic Kampuchea, probably in August 1978, and
21 those committee members are still alive now.

22 [10.54.45]

23 And we also receive a document from Mr. Izzy Young. He is an
24 American, but he lived in Sweden when there was Vietnamese war at
25 the time. And Mr. Gunnar was the person who had in his custody

1 all the documents.

2 But before those documents was transferred into the custody of
3 the DC-Cam, I requested those individuals, committee members,
4 send those documents to Lund University, in order to ensure that
5 those documents were maintained properly, because I considered
6 those documents invaluable, because Swedish people have kept
7 those documents.

8 However, Mr. Gunnar's personal collection, I receive the original
9 copies from him.

10 [10.55.47]

11 And another kind of document is provided by Professor Laura
12 Summers, and those documents are original documents, including
13 the film and microfilms provided to the DC-Cam.

14 And as for the percentage you asked to the original and the copy,
15 it's a bit hard to come up with the precise percentage, but the
16 document that we sent to the tribunal, we indicated very clearly
17 that those documents either copy from the original or scanned
18 from the original or from the copy of the copy. So, overall, I
19 don't have the precise percentage, but if you refer to particular
20 documents, then I would be able to respond to it.

21 Q. Thank you very much. And so we will move on to a specific
22 category, and we may come back to the Swedish Collection also, a
23 little bit later.

24 You've referred already to the Ministry of Interior as one of the
25 repositories form which you've collected the documents.

1 [10.57.00]

2 Could you just tell us, very briefly, what types of documents are
3 in that collection?

4 A. The Ministry of Interior collection comprises two types of
5 documents: the videos and the paper documents. And Mr. Ben
6 Kiernan considered those document as Santebal documents -- it
7 means that the document concerning national security -- and he
8 made a brief summary of the content of these documents.

9 There are around 1,000 files of document, including photos as
10 well. There are biographies, there are photos, correspondence,
11 and some confessions as well.

12 [10.58.11]

13 Q. Thank you very much. And when were those documents collected
14 by DC-Cam from the Ministry of Interior?

15 A. If my memory serves me well, it was in 1999, because generally
16 -- I went there several occasions. I had to collect documents
17 from the place and I went to visit the place several times,
18 because sometime the staff working with those document do not
19 understand the content or the substance of the document, so I've
20 been there several times, meeting and checking with people, and I
21 -- on certain occasions, I noted that people over there used
22 those paper or document recklessly. So, sometimes, staff members
23 also took those documents back home, as well, and use it for
24 other purposes. So, even to date, I visit those places as well.

25 Q. Thank you. And when these documents were transferred, were --

1 did DC-Cam obtain originals, or were they copies of documents
2 that you found at the ministry?

3 A. They're all original documents.

4 Q. And to the best of your knowledge, prior to these documents
5 being at the Ministry of Interior, where were they located?

6 [11.00.34]

7 A. I did conduct a research on -- to locate the source of the
8 documents, and, in 1980, there was a group of individuals who
9 collected those documents in order to establish their workplace,
10 because documents were scattered everywhere at the time. And
11 through the contact with those who actually worked on documents
12 -- and I also handed the names of those individuals to the Office
13 of the Co-Prosecutors -- based on my research, the documents were
14 based in -- were located in a house on the street toward the
15 residence of the current U.S. Ambassador.

16 [11.01.25]

17 The documents were collected and deposited in a building, in the
18 Office of the Ministry of Interior, and later on they were put
19 onto shelves. And there was a working group, at the Ministry of
20 Interior, to clean up the documents, to put them into folders or
21 into their cabinets.

22 Q. You said you've had contact with some of the people who worked
23 on the documents. Were those people that you had discussions with
24 from the Ministry of Interior?

25 A. They were staff of the Ministry of Interior. And as I can

1 recall, there are one or two currently living in Australia.

2 Q. Did you also, by any chance, discuss this collection with
3 anyone who may have been involved in the original transfer from
4 the house to the Ministry of Interior?

5 A. Could you please repeat your question?

6 [11.02.49]

7 Q. You've described very thoroughly how you've looked into the
8 origins of the documents. And my question is simply whether you
9 have been able to identify and speak to any of the individuals
10 who were involved in the transfer -- original discovery of the
11 documents, and then in their transfer to the Ministry of
12 Interior.

13 A. No.

14 Q. And, in your discussions with the employees of the Ministry of
15 Interior, did you learn whether they may have had discussions or
16 if they knew the individuals who did transfer the documents from
17 the house to the ministry?

18 A. Yes, they know.

19 Q. And through your research and discussions with the Ministry of
20 Interior, were you able to ascertain any information as to who
21 the house where the documents were found belonged to or who it
22 was inhabited by during the DK period?

23 A. Is your question that who actually resided in that house
24 during the DK period, or at the present time?

25 Q. During the DK period.

1 [11.04.43]

2 A. There is no clear information as who resided -- or which cadre
3 resided in that house. It was in the vicinity of Silep market
4 where the documents were found.

5 Q. And do you know the approximate time or date of when they were
6 originally discovered at this house?

7 A. I think it was around the 1980s -- that is, around 1982 or
8 '83, as I asked those who worked on the documents and I was told
9 that it was around that area -- that time.

10 Q. And you indicated earlier that the Ministry of Interior knows,
11 or knew the individuals that transferred the documents from the
12 house.

13 [11.05.48]

14 Do you know the identity of those individuals, yourself?

15 A. "Ministry of Interior" is a broad term, but for those who
16 worked on the documents or who knew the people who brought the
17 documents from the house to the Ministry of Interior, I got the
18 names of those individuals, and I already compiled the names, and
19 I submitted a copy to the Co-Investigating Judges.

20 Q. Thank you very much. You've indicated earlier that this
21 collection included -- I think you said confessions, biographies,
22 and communications.

23 Could you describe very briefly what those biographies -- what
24 form they're in? Could you describe them for the Court, what they
25 are, basically?

1 A. In regards to the biographies, they exist in two forms: one is
2 the biographies of the DK cadres, and another one is the
3 biographies of those detainees who were arrested at the base and
4 sent to the detention centre.

5 [11.07.28]

6 The biographies that we found at the Ministry of Interior are the
7 biographies of the detainees arrested at the base. However, there
8 are some documents which were the biographies of cadres of the
9 Democratic Kampuchea, including Suong Sikooun. I found his
10 biography amongst those documents, and of course he was not a
11 detainee.

12 So it was kind of a mixture of these two kinds of biographies,
13 but mainly they were the biographies of the detainees.

14 Q. And the confessions, were you able to ascertain as to where
15 they originate, or rather which prison, perhaps, they came from?

16 A. Let me explain a little bit further regarding the confessions.

17 [11.08.38]

18 Generally, we misunderstand when we talk about the confessions,
19 as we only look at the Tuol Sleng prison. There are about 4,000
20 confessions from Tuol Sleng, and it was from about 12,000
21 detainees at that prison. And we received about 1,000 confessions
22 from the Ministry of Interior, and they were the document
23 originated from the Santebal of that regime. They are different.
24 There are only a few similarities of the documents, only a
25 handful, about five or six.

1 But the documents that we found -- I mean, the confessions that
2 we found, are much thicker than the documents found at Tuol
3 Sleng. So they are not duplicate confessions, because the volume
4 and the contents are different.

5 In general, these confessions are that of those confessions at
6 S-21, and also the confessions of those from various other
7 detention centres.

8 Q. And you indicated that, in some cases, they are longer than
9 the confessions at S-21.

10 [11.09.58]

11 Have you been able to ascertain the reason for why the
12 confessions at this house - why they were longer than the ones
13 founds at S-21?

14 A. Of course, I'm not sure why some of them are longer. As I can
15 recall, it could be the confession of Koy Thuon or another person
16 which was longer. And in general the confessions we received from
17 the Ministry of Interior have annotation on the cover page, and
18 this is different from the confession from the Tuol Sleng prison,
19 which either blank or only have an annotation of the chief of the
20 Tuol Sleng prison.

21 Q. Were you able to identify whose annotations they are, the ones
22 that you found -- that were found at this house?

23 A. Well, if it is an annotation by Duch, it is easier to remember
24 - or to notice because he also signed. But for the rest, they use
25 their initial, for example "Om Van", or "Om Nuon", or the rest,

1 so we do not know about their real names, and sometimes they use
2 only a code. Or sometimes "Ta Mok" was also used on the
3 annotation. Sometimes, we know straight away from the annotation
4 as to who actually annotated. Also, some of the documents contain
5 the date on the cover page.

6 [11.11.54]

7 Q. If you were able to identify some of the names, are you able
8 to list them for us, at least from -- the ones in your memory
9 now, what initials or signatures you've been able to identify?

10 A. Generally, the annotations were brief. There is one document
11 which is of my interest as there were four or five separate
12 annotations. I cannot recall the date, but it was around
13 December. Duch annotated that this person committed this or that,
14 and then, on the (unintelligible), there is annotation by Comrade
15 Khieu, and it was then sent to another person. And then, on the
16 left, there is another red annotation that it was already done,
17 and then -- then another annotation that it was sent to the East
18 Zone. So we could see there are four or five separate annotations
19 for such confession. But of course, sometimes we cannot identify
20 those who made the annotations.

21 Q. Who was Comrade Khieu?

22 A. Through our research and by the research by Ben Kiernan,
23 Comrade Khieu is Comrade Son Sen, who was the Minister of Defence
24 during the DK period.

25 [11.13.31]

1 Q. You said that Professor Kiernan had described this collection
2 as the Santebal collection. Do you know why that might be? And
3 could you explain for us?

4 A. It is difficult for me to explain to you what he thought, but
5 that's what he wrote. As I understand, Professor Ben Kiernan also
6 knows the Khmer language.

7 Of course, Ben Kiernan is the only person who knows the Khmer
8 language better amongst the other foreigners, and then the second
9 one is Mr. Steve Heder. He can even scold somebody in Khmer
10 language.

11 So he noticed that there was "Santebal" on the left margin. He
12 annotated that the documents are from Santebal, and "Santebal" is
13 the Khmer word, it refers to the police or the security force.
14 So-- And actually the word "Santebal" was also used in the
15 original document, so it could -- he could base his analysis of
16 the existing wording or annotation. So let me repeat. The word
17 "Santebal" was already on to the original documents.

18 Q. Thank you very much. You indicated earlier, also, that this
19 collection included correspondence style of documents. What type
20 of documents were these? Were they letters or other types of
21 correspondence?

22 [11.15.28]

23 A. There are various types of correspondence. Let me give you two
24 examples, two types.

25 One is the minutes of the meetings of the Ministry of Commerce of

1 China with Comrade Van. So there were minutes of those meetings,
2 and then subsequent correspondence.

3 And another kind of correspondence is, as I clearly remember,
4 from a woman who requested for the abortion -- for an abortion
5 because she believed the child in the womb was the enemy. But of
6 course we could not know the reason for her request for the
7 abortion. And actually there was another confession that she
8 committed an immoral act and she was afraid of being killed, so
9 she wanted to survive; for that reason, so she requested for an
10 abortion. And in that there is a letter, and from the content of
11 the letter, we can identify that a person is not that well
12 educated. Maybe, then, she was arrested and that her letter was
13 then contained in her file.

14 [11.16.52]

15 Q. Are any of these -- any of this correspondence-- Does it
16 appear as official governmental correspondence or other type of
17 correspondence?

18 A. Yes, there are documents which are the governmental official
19 correspondence as there is official stamp.

20 Q. And very briefly, for this entire collection, if I was to
21 search for one of these documents using your codes that you use
22 and that we have seen, would the database that you mentioned
23 earlier, would it indicate the source of these -- of these
24 documents as being Ministry of Interior or some other source?

25 A. In our database, we clearly indicate the source of the

1 document. That is for two reasons: one is to ensure the accuracy,
2 and second, to appreciate those who also -- who give us the
3 documents.

4 In general, the people who give us the documents, they believe
5 the documents were historical and they want the world to know
6 about those documents. So we try to retain the source of the
7 documents unless the person does not wish to have his or her name
8 mentioned.

9 [11.18.47]

10 Q. In your interviews with the Co-Investigating Judges, you
11 mentioned a particular subset and you refer to them as Lon Nol
12 documents.

13 Could you describe very, very briefly why some of these documents
14 are described as Lon Nol documents?

15 A. We were actually surprised when we found this type of
16 document. On -- the cover page of the document said the Republic
17 Government documents, but in fact, inside, there were the Khmer
18 Rouge documents. I believed the person who compiled them were
19 mistaken. So we still call them -- use the same name because the
20 word was used by the original individuals.

21 In this type of document, there are two types. One is the DK
22 documents, and one is from the public government documents.

23 [11.20.00]

24 Q. You mentioned earlier that each document, upon receipt, is
25 processed, and a worksheet is generated.

1 Was this also done when you transferred the documents from the
2 Ministry of Interior to DC-Cam, or was a different procedure
3 followed?

4 A. Are you referring to the documents when we received those
5 documents, and whether we entered those into the computer
6 database, and the source of the document? Is that what you want?
7 Because the worksheet will then be input into the computer, so
8 there is -- there are various columns, with the names and the
9 address and a summary of the document, and there is a column for
10 the source of the document.

11 Let me also confirm that, in the database, many of the documents
12 were scanned and uploaded on the website for quite some time ago,
13 but maybe it is difficult for people to search because there is a
14 column or a box which you can choose or select a PDF file, and
15 you would find those documents. And sometimes you just do a
16 common search and you can find those documents as well.

17 Q. So then, in summary, those documents were processed like other
18 documents -- correct me if I'm wrong -- and that information was
19 recorded in the ordinary course of your work.

20 [11.21.46]

21 A. Yes, that is correct. All the documents follow one standard.

22 Q. And I apologize if you've already answered this question, but
23 just to be absolutely clear for the record, do these documents
24 appear to be originals that you receive from the Ministry of
25 Interior? I think you've answered this question, but just to be

1 absolutely clear.

2 A. I believe they are original documents, as I stated earlier,
3 because, first, our eyes will attract to the colour. Of course,
4 when you hold a napkin or a piece of paper in your hand, of
5 course it is distinguished from an outdated or an old document,
6 and then you would look at the date, the author of the document.

7 And, as I said earlier, some documents also contained
8 photographs.

9 And in addition, we have annotations. So those annotations could
10 not be made on the current document.

11 And it's also -- the document is also important, so the colour,
12 the age of the document, and the date, and the content of the
13 document.

14 The content of those documents, even if it was written in the
15 Khmer language, it is specifically distinguished from the current
16 Khmer language usage.

17 And of course this is not based on one document; it is an overall
18 assessment of about one million documents in order to find the
19 similarity, and then we can ascertain that they are original
20 documents.

21 [11.23.49]

22 Q. Thank you very much. And could you describe for the Chamber
23 very briefly -- given that, when the documents are received,
24 codes are allocated -- whether those codes are written on the
25 documents themselves or if that's done in some other fashion?

1 A. For every document, first, I read them. You know, to me, it's
2 like a breakfast, a morning breakfast. After I read, I give the
3 documents to my deputy, and then it can be categorized, whether
4 they are biographies or photos or fall into the general category.
5 Then, Mr. Vanthan Dara Peou has his team to register the
6 documents or to code it.
7 But original documents will not be written on in order to
8 maintain its authenticity. The code is only written on the copied
9 of the document, and we put in a bracket indicating its source.
10 So, if the document is written or started with D or K, then I
11 know immediately that, under that line, there will be a symbol in
12 two or three character identifying its source.
13 After the document is coded, then there is team who would
14 microfilmed the documents.
15 [11.25.50]
16 Later on, the documents will be placed in the cabinet -- in a
17 folder, and then in a cabinet. And then we will also give a code
18 to those cabinets. And after them -- after that, there is another
19 team who will remove the document and then register them in the
20 worksheet. And for the registration of those documents in the
21 worksheet, there are 12 steps.
22 And there is also another team who will translate those documents
23 from Khmer to English, and there will be another team to review
24 the translation. And after that the document will be returned to
25 the cabinet.

1 The person who holds a key is only my deputy, and for anyone who
2 wants to access a document in the cabinet has to contact my
3 deputy.

4 [11.26.53]

5 So, if there is a request for the same documents, then a folder
6 is established so that a requester can get a copy of that
7 document easily. Not many people use the internet, especially for
8 those people in the countryside, and they would want hard copies
9 when they make a request.

10 So, after all these process, the document will be returned to the
11 cabinet, and then we will also have data inputters into the
12 computer. At DC-Cam, I would request that all staff to make a
13 weekly report as how much they have input into the database.
14 Then, I would review and edit a hard copy of printout of the
15 database from the staff, because this is my work preference. So,
16 then, the data inputter would print out what he or she has input
17 for that week, and then I will review or edited it in order to
18 ensure its accuracy.

19 So the process has been ongoing in a systematic way.

20 [11.28.06]

21 Q. Thank you very much. I might move on to another source which
22 -- which we discussed during prior hearings and which we may show
23 examples of a little bit later, and specifically the National
24 Archives.

25 Could you tell the Court-- First of all, were documents received

1 by DC-Cam from the National Archives?

2 A. Yes, we received some documents from the National Archives.

3 Q. And do you recall when those documents were received by you?

4 [11.28.54]

5 A. Let me elaborate a little bit.

6 When the DC-Cam was first established, we were given advice by
7 the regular governments to work with the National Archives and
8 with the Tuol Sleng Museum. So they provided us assistance.

9 Our position is that we will not take the documents from the
10 National Archives or the Tuol Sleng Museum to the DC-Cam because
11 they are the national institutions, and if we need to conduct
12 research, then we will request for a photocopy from these two
13 institutions.

14 In regards to the National Archives, as I recall, we went to
15 conduct our research there since 1995. There was three staff at
16 that time, and their salary was only \$20 a month. They were sent
17 to conduct research there, as I believe. There was still some
18 documents remaining there and they have not been found by
19 international researchers. So we paid staff going to National
20 Archives to look at their list of documents and to receive the
21 National Archives themselves. And I personally went to National
22 Archives on many, many occasions. And during the 1980s, when the
23 country was still facing hardship, not many people paid attention
24 to documentation, as they were mainly focus on their surviving on
25 a daily basis. So we would then look at the official documents

1 storing at the National Archives, and then we would request for
2 them to search in other offices in case there were -- there would
3 be remaining documents there.

4 I actually read a book written by Ben Kiernan regarding the
5 commerce made during the DK regime, and he made a reference to
6 the document he found at the National Archives. And based on
7 this, I went to National Archives and I found more documents. And
8 of course they were opened to the public, and I made a complete
9 copy of those documents.

10 I also went -- gave a complete collection to the Defence -- that
11 is, Mr. Rogers, at the time. It came in many boxes, and sometimes
12 he complained that some documents could not be found in the case
13 file, and asked him to cooperate amongst other parties at the
14 Court. But in order to avoid any further delay, I gave a whole
15 collection to him.

16 [11.32.21]

17 Q. You've, very helpfully, already described one type of document
18 being Commerce documents. When you say "commerce", which - which
19 Democratic Kampuchea office do those documents appear to have
20 come from or authored by?

21 A. There are documents which, on the left -- upper left, it reads
22 "Department of Commerce", and there was also a seal of the
23 Department of Commerce as well, so these documents came actually
24 be said that it belongs to the Department of Commerce.

25 Q. And can you also tell us again, very, very briefly, what other

1 types, apart from Commerce documents, what other types of
2 documents were you able to locate at the National Archives?

3 A. Generally, in the big collection of that kind, there are other
4 documents as well, for example, it is the -- it may involve
5 biography or the minutes of the meeting. But it is -- since it is
6 in one collection, we call it the collection from the Archive.
7 But if we examine them thoroughly, there are different kinds of
8 documents.

9 To my recollection, there is a list, for example logistic list,
10 list -- the price list of the rice, as well as paddy rice. And
11 there was a researcher who wrote a book about the starvation
12 during the Democratic Kampuchea, and I read this book and I also
13 found other relevant references and documents as well.

14 [11.34.44]

15 So beside -- aside from the written documents, there are also
16 tables and stuff as well, in that collection.

17 Q. And did I understand you earlier -- correctly earlier that
18 these documents held at the archive appear to be originals?

19 A. We take documents from the National Archives. They are copied
20 documents. But in terms of its authenticity, it has to be the
21 National Archives itself who explain the authenticity of those
22 documents. But those documents we actually copy from the National
23 Archives.

24 [11.35.38]

25 Q. Did they appear to you to be documents from the DK period, if

60

1 you've looked at some of the actual documents that were copied?

2 A. Yes, that's correct. That was true, because we look at the
3 dates, we look at the language used, the author of those
4 documents, the types of paper used.

5 And the person was in charge at that time was Van Rith. Van Rith
6 -- Van Rith was in charge of this commerce, and he actually
7 admitted that those documents belonged to the Democratic
8 Kampuchea. But unfortunately Mr. Van Rith is dead now.

9 Q. You said he "admitted" that they belonged to Democratic
10 Kampuchea. Can you tell us where he did that?

11 A. In this collection, there was a signature of Mr. Van Rith, and
12 he was one of the comrades of the Democratic Kampuchea, working
13 in Ministry of Commerce.

14 And, as I mentioned earlier, this collection consists of tens of
15 thousands of pages, so they may be inter-related. So, if he
16 followed a story of a document -- for example we know the
17 transport of rice from one destination to another destination,
18 the cultivation of rice -- so they are all consistent, and of
19 course it may originate from the Democratic Kampuchea.

20 And in addition to that, we also look at the date, as well as the
21 authors. They were all from the period of the Democratic
22 Kampuchea.

23 [11.37.37]

24 Q. Thank you. When you collected these documents, did you discuss
25 them with the staff or employees of the National Archives?

61

1 A. I discussed these documents with Mrs. (sic) Lim Ky; she
2 remains the staff member of that. Mr. Lim Ky was the chief of
3 this National Archives, but I don't know if he has retired or
4 not, now. But he has the actual information as to the providence
5 of certain documents.

6 Q. Do you recall, for this particular collection, where they were
7 collected before being deposited at the National Archives?

8 [11.38.35]

9 A. To my recollection, I did ask him the question, but I try to
10 recall my conversation with him. I remember that these documents
11 were first kept at the Ministry of Information and Culture, and
12 it was actually managed by Mr. Keo Chenda in 1979. So all of
13 those documents were kept with this ministry, under his
14 supervision, and then, subsequently, the National Archives was
15 established and it was mandated to collection national documents.
16 So those documents were transferred into the custody of the
17 National Archives.

18 And of course, at the National Archives, there were also document
19 used in the People's Revolutionary Party. At that time, Mr. Keo
20 Chenda was the Minister of Propaganda and Information. I
21 apologize; it was not Ministry of Culture, but Propaganda and
22 Information.

23 And, if I remember correctly, the building of this ministry was
24 along Monivong Boulevard, close to Orussey Market, but those
25 documents were sent to the National Archives because it was a

1 national policy that all national documents be kept at the
2 National Archives. So documents concerning the People's
3 Revolutionary Tribunal were also kept in this repository.
4 [11.40.23]

5 Q. And, when you collected photocopies from the National
6 Archives, again, did those photocopies undergo the same process
7 that you described earlier in relation to the Ministry of
8 Interior?

9 A. The registration or processing of those documents follows the
10 same procedure.

11 Q. Now, I might move onto another category of documents.
12 I think you mentioned earlier that among the many organizations
13 and researchers who have collected documents in the post-DK
14 period was Mr. David Hawk and the Cambodian Documentation
15 Commission.

16 Could you describe for us, to the best of your knowledge, what
17 documents -- what types of documents that commission collected in
18 the post-DK period?

19 A. They include photos, and there are two types of photographs:
20 photograph from Tuol Sleng, and the other types of photographs
21 are the photographs of mass graves taken by Mr. David Hawk; he
22 took photograph of the pits as well as mass graves. So there are
23 two categories of photos: one from the Democratic Kampuchea, and
24 the other type of photographs are the ones he took himself.
25 And the other type is the audio records. He recorded the voice --

63

1 the songs of Muslim community and other interview as well, so it
2 was actually typewritten on hard paper, as well as the audio
3 records.

4 And there were also correspondence for him and-- asking for
5 permission to conduct research, and there was a written letter
6 authorizing him to conduct research and copy document from Tuol
7 Sleng. And there was also written papers and the thesis on the
8 Buddhism in Cambodia, and other documents that he prepared
9 himself and had them translated into English. And there were
10 lists of prisoners who were executed, and there were documents
11 who came into his possession, that he used as the reference for
12 his papers, and documents that he obtained from other scholars,
13 for example Steve Heder, or David Chandler, or Mrs. Elizabeth
14 Becker.

15 [11.43.49]

16 Q. Just focusing on one subcategory, very briefly, you've just
17 identified prisoner lists, I assume, from the DK period.

18 Were there any other documents that -- that you know of, that
19 were collected that were from the DK period?

20 [11.44.11]

21 A. Can I ask for clarification? Are you referring to David Hawk
22 collection?

23 Q. Yes -- I should have been clearer - in that collection.

24 A. In this collection, the list of prisoners were actually taken
25 from Tuol Sleng Museum, but he was compiling it into a booklet, a

64

1 small booklet, and I don't think that any other prisoner lists
2 were taken from anywhere else. I thought that this prisoner list
3 were only taken from Tuol Sleng Museum.

4 Q. And as far as - as far as you know, were they originals or
5 photocopies that were taken from Tuol Sleng?

6 A. There are two types of photographs: the photographs taken from
7 Tuol Sleng remained from the Democratic Kampuchea, they were the
8 mug-shots of prisoners. I think people may be confused. They may
9 consider that all the mug shot photos from Tuol Sleng were the
10 prisoners, but, no, it was not true, because some photos are the
11 ones belong to the personnel working in this security office. So
12 the photos in the collection of Mr. David Hawk are the ones which
13 belong to the personnel staff of the Tuol Sleng as well as the
14 mug-shot of the prisoners.

15 And Mr. David Hawk also went to other provinces, in the country,
16 and he took photos about -- took photos of the Mosque and with
17 its pagoda and others, and he put them all in this collection.

18 [11.46.16]

19 Q. And does DC-Cam have either the actual documents or
20 photocopies of any documents that were held by Mr. David Hawk and
21 the Cambodian Documentation Commission?

22 A. I have the whole collection, the entire collection. All of
23 those documents were shipped from New Jersey, and certain
24 photographs, I carry them myself in my suitcase. So we actually
25 empty his - his store room and we gathered all documents in his

1 possession.

2 [11.47.08]

3 Q. Thank you. And in the time remaining, I might just very
4 briefly deal with yet another source. You've discussed earlier
5 that you have, I think, obtained photocopies of Tuol Sleng --
6 files held at the Tuol Sleng Museum.

7 Do you -- does DC-Cam holds any originals that were -- that were
8 originally located at the Tuol Sleng Museum?

9 A. Do you expect a long or short answer? Because the answer can
10 be long on this question.

11 Q. If we - if we can be very brief, so-- If we can be brief. Just
12 the actual categories, if possible.

13 A. So I try to brief. The original documents from Tuol Sleng were
14 actually kept at Tuol Sleng, so, when we conduct our research, we
15 receive permission from the government. And with that permission,
16 we can go to different corner of the country.

17 So, when Cornell University help us in maintaining this document,
18 then there is no reason to go and take those documents from Tuol
19 Sleng Museums. But we have advised -- we have advised the Tuol
20 Sleng custodian that there should be a fire-proof cabinet to keep
21 those documents.

22 So, so far, Yale University and DC-Cam have made copies of those
23 documents for the research and study purpose. And it is the
24 policy of the government, as well, to publicize and disseminate
25 information to researchers and those who may be interested in the

1 historical facts of the country.

2 [11.49.24]

3 Q. Just to come back to that question, are there any original
4 Democratic Kampuchea documents that are now at DC-Cam which were
5 previously held at the Tuol Sleng Museum?

6 A. I'm sorry, I do not understand your question.

7 Of course, at the DC-Cam we have some original documents, but we
8 do not take the original from Tuol Sleng Museum to keep it in the
9 DC-Cam. But there are documents which we obtain from others, and
10 those original documents are kept in the fire-proof cabinet. So
11 we maintain those originals, but we do not take the original from
12 Tuol Sleng.

13 [11.50.17]

14 Q. And would it be fair to say that you have a close working
15 relationship with the management and staff of the museum, of the
16 Tuol Sleng Museum?

17 A. One may say we have close relation, but sometime we also have
18 some not so close. But so far we have received permission from
19 the government of Cambodia; we go and research documents in
20 different places. But, even if we have that permission, we have
21 to establish good relations with each and individual institution.
22 We have to, for example, arrange the meeting with them, we have
23 to check whether or not they are available to meet, and discuss,
24 and cooperate with us or not. So we will have to follow
25 formalities in order to ensure that we can work with them.

67

1 So, so far, we have worked with Tuol Sleng Museum for almost 10
2 years, the same as for the National Archives.

3 Q. And you've indicated that you've undertaken research at DC-Cam
4 -- at the Tuol Sleng Museum.

5 Based on your work, could you tell the Court: Apart - apart from
6 the prisoner files, which you mentioned earlier, were other types
7 of contemporaneous DK documents found at the Tuol - at the S-21
8 compound?

9 [11.52.04]

10 A. Yes, there are, as I said earlier. I did not go to the place
11 where I found the document once, I went there several times. I
12 know that more than 10,000 prisoners were executed in Tuol Sleng,
13 but why were there only some 5,000 photos or a few thousands
14 confession or records? So I had to conduct further research. I
15 asked Mr. Chea Sopheara, who was the -- in charge of this, and he
16 told me that there were other documents, some of them were
17 considered rubbish as well. So, I decided to go to the warehouse
18 -- or the stock room, where I decided to ask him to clean the
19 room myself. I was actually the cleaner. I cleaned that room
20 myself. I asked for permission from the management to clean the
21 room. Actually, that room had never been opened for quite a long
22 time.

23 [11.53.18]

24 So I went there to clean the room and I checked the cabinet, I
25 look up and down in the room, and then I found records, some 400

1 records of cadres, particularly cadres who were arrested and
2 imprisoned in the S-21. And there were other types of documents
3 as well.

4 I found a photo book containing the wedding photos of the former
5 prison director. And this other photo I found in the rooms that
6 had never been clean or tidy up, so I went to this place several
7 times, and I normally kept my eye on the items that had been
8 overlooked.

9 So I asked for permission to clean those room, and I found a
10 number of documents.

11 And then I proposed to the management of Tuol Sleng Museum to
12 establish the log book where we can locate those document very
13 easily. So those documents were found later on, after Cornell
14 University made microfilm in 1992.

15 And I also noted that some borrowers of documents had borrowed
16 documents but they failed to return them to the Museum because
17 they have the log book of borrowers who borrows the book, but
18 they simply did not return those books, so those books were lost.

19 I also located the - the plan or the construction plan of Choeung
20 Ek Killing Field. I did not find it in the Tuol Sleng Museums,
21 but I found it in a private house. So those documents were
22 scatter everywhere. And the conditions, at that time, were not
23 conducive to collecting those documents, and people were not very
24 interested in collecting those documents.

25 [11.55.40]

1 So, when I talk about Tuol Sleng documents, I do not confine
2 myself to the confessions, but it involves other types of
3 documents as well. As I said, I went there several times in order
4 to do my research and collection. Sometimes, the staff working
5 there take those documents for granted. And I actually keep my
6 eyes on every minor detail, particularly documents that may have
7 been overlooked.

8 Q. Thank you. And, for the documents that are still stored at the
9 Tuol Sleng Museum, to the best of your knowledge, and if you've
10 had discussions with staff or reviewed them otherwise, do they
11 appear to you to be the original records from the Democratic
12 Kampuchea period?

13 [11.56.36]

14 A. As I said earlier, I was not the first person to see these
15 documents. These documents have been touched, have been filed and
16 seen or studied by many people since 1979. And I have indicated
17 names of those individuals, for example the renowned scholars
18 like David Chandler or Ben Kiernan, Mr. Ing Pech and others.
19 And subsequently, Cornell University, which is a renowned
20 university, as well, seek permission from the government to make
21 copies of those documents. So Cornell University, which is a
22 prestigious university, did not merely microfilm the fabricated
23 documents or fake documents. It should believe that they are
24 authentic documents.
25 And I also ask Rithy Panh to produce a documentary film, known as

70

1 "The Killing Machine", and they -- of course, microfilms and take
2 photos of those documents as well. So we know who was who in -
3 when it comes to contacting with those documents. There are
4 surviving individuals who actually have held these documents, so
5 those people can actually testify whether or not those documents
6 are authentic or not.

7 [11.58.13]

8 So, based on all of these facts, I believe, to the best of my
9 knowledge, that those documents are the ones left from the
10 Democratic Kampuchea.

11 MR. ABDULHAK:

12 Thank you very much.

13 Mr. President, I'm mindful of the time. Is this an appropriate
14 time to break, or would you prefer me to continue?

15 [11.58.42]

16 MR. PRESIDENT:

17 Thank you, International Co-Prosecutor. And thank you, Mr.
18 Witness.

19 It is now appropriate to take a short break for lunch. And the
20 Chamber will adjourn for lunch until 1.30 this afternoon.

21 The court officer, please have arrange the room for the witness
22 to take a rest, and please bring him back before the Chamber
23 before 1.30.

24 The defence counsel is on his feet. You may proceed.

25 MR. PESTMAN:

71

1 Thank you. My client would like to ask his permission to follow
2 the remainder of the hearing downstairs, from the holding cell.
3 I've already given the appropriate waivers to the greffier.

4 MR. PRESIDENT:

5 Thank you. The Chamber has heard the request by Mr. Nuon Chea,
6 through his counsel, to follow the proceeding from the holding
7 cell, downstairs, and he has expressly waived his right to be
8 present in this courtroom. And the Chamber grants this request.
9 The Counsel is required to submit to the Chamber a letter of
10 waiver with the signature or fingerprint of the Accused.
11 And the audiovisual technicians are instructed to arrange the
12 audiovisual equipment to make sure that the Accused can follow
13 the proceeding from the holding cell, downstairs.

14 [12.01.09]

15 Security personnel are now instructed to bring the Accused to the
16 holding cell, downstairs. And this afternoon, bring Mr. Khieu
17 Samphan back to this courtroom before 1.30.

18 The Court is now adjourned.

19 (Court recesses from 1201H to 1331H)

20 MR. PRESIDENT:

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

22 [13.32.08]

23 We'll continue to hear the examination of Mr. Youk Chhang, the
24 DC-Cam Director.

25 For this afternoon session, the Prosecution will have from now

72

1 until the break. That is your time allocation. You may now
2 proceed.

3 MR. ABDULHAK:

4 Thank you, Mr. President.

5 Mr. Youk Chhang, continuing on from our discussion this morning,
6 What we would like to do is to go through a series of documents,
7 show them to you, and perhaps have your assistance in
8 interpreting the form of the documents and some of the markings
9 that appear on them.

10 [13.33.18]

11 Mr. President, with your permission, we will connect to the AV
12 booth and proceed to show a series of documents, and if that's
13 appropriate, then I will just call them up as proceed to the --
14 things can proceed perhaps a bit faster.

15 MR. PRESIDENT:

16 Yes, the Chamber allows that.

17 MR. ABDULHAK:

18 Thank you, Mr. President. We're just logging in here.

19 (Short pause)

20 [13.34.19]

21 BY MR. ABDULHAK:

22 Q. And, just before we start, while we wait for the system to
23 come online, Mr. Youk Chhang, could you tell the Court whether
24 the DC-Cam has assisted officers of this Court in searching
25 through your archives or otherwise accessing your materials?

1 MR. YOUK CHHANG:

2 A. Generally, starting from 2006, as I have already informed the
3 Chamber, we will have an opportunity for court officers to
4 conduct research at our DC-Cam. And as for the Prosecution, you
5 can go anywhere - anytime, on Monday and Tuesday, and Wednesday
6 is for the Lead Co-Lawyers, the civil party lawyers, Thursday for
7 the Prosecution, and Friday for the Defence. This mechanism has
8 been put in place since 2006.

9 [13.35.42]

10 And, when they are at the DC-Cam, they may ask questions, or
11 sometimes they hold their internal discussions. And, if they have
12 any questions for us, then they will put questions to me.

13 Q. And so, just following on from that, would it be fair to say
14 that your services are available to any participant in these
15 proceedings and perhaps any member of the public?

16 A. That is correct.

17 Q. Thank you very much.

18 And I would like to start now by showing you a document which is
19 on the case file. And if the AV booth could now switch to our
20 screen? For the transcript, this document is D108/28.243. If we
21 could have that document on the screen, now, please?

22 (Short pause)

23 [13.37.00]

24 Could the AV booth could please project this document, now?

25 (Short pause)

1 [13.37.23]

2 Mr. President, it may be that we have a technical problem. Could
3 perhaps the Court officer be instructed to just resolve it with
4 the AV booth?

5 (Short pause)

6 [13.37.45]

7 MR. PRESIDENT:

8 Court officer, is it okay now?

9 BY MR. ABDULHAK:

10 Thank you very much.

11 Q. Mr. Youk, the image on the screen can be a little bit blurry.

12 We have some extra copies in case you wish us to give us a hard
13 copy. But, really, we're not particularly concerned, right now,
14 with the content so much as we are with the type of document and
15 the annotations on it.

16 Could you tell the Court what the two annotations in the top
17 right hand corner relate to? And I'm talking about the sequence
18 starting with "D29".

19 MR. YOUK CHHANG:

20 A. It is the number annotated by my staff, that is "D29060". And
21 in the bracket, it's SE2007. This document is the document from
22 Sweden, and we receive it in 2007.

23 Q. And, if you are familiar with the document itself, could you
24 tell the Court what the document is?

25 A. This document is at the DC-Cam. It is in the first category.

75

1 That is, it is a hard copy. It is brought from Sweden, and this
2 is the document that we consider the original in Cambodia. And
3 the actual original document can be found at Lund University, in
4 Sweden.

5 Q. Just looking at the markings on the document itself -- if we
6 can have it on the screen again -- do you recognize any of those
7 markings? And could you tell the Court, if you do, what they are?

8 [13.40.05]

9 If we can just show that document again? So I'm just referring,
10 here - just referring, here, to the letterhead and the letters
11 below.

12 A. That is the symbol of the Democratic Kampuchea, and there is
13 also a Khmer phrase underneath the symbol. So this is a symbol of
14 Democratic Kampuchea.

15 Q. Thank you very much.

16 We'll move on to another document. And if we could have this now
17 shown on the screen?

18 (Short pause)

19 [13.41.30]

20 If this document could be shown, please? Thank you.

21 Mr. Youk Chhang, could you first tell us what-- Or, rather,
22 first, I'll just read onto the record the document number: this
23 is D243/2.1.13.

24 Could you tell the Court what -- what is this document?

25 A. This is a "Revolutionary Flag", and we usually refer to

1 "Revolutionary Flag" magazine, and this is a special edition,
2 October–November 1977. This is a scanned copy of the original
3 document. In the original document, the flag is in red colour.

4 Q. Thank you. And have you, yourself, seen an original version of
5 this particular document?

6 A. Yes, I have.

7 Q. Do you recall where the original is currently stored?

8 [13.43.02]

9 A. There are many publications of the "Revolutionary Flag"
10 magazines. We have some at DC-Cam, and we also have some at Tuol
11 Sleng Museum.

12 Q. And have you been able to look at the originals that are held
13 at the Tuol Sleng Museum?

14 A. Yes, I have.

15 Q. And to the best of your recollection, how many, approximately,
16 of these magazines are in existence or have survived in original
17 form?

18 A. I saw this document firstly in 1995, and I -- as I stated, the
19 original is in colour. Of course, colour is my first attraction.

20 [13.44.22]

21 And the colour is rather dated. Even the -- the size of the
22 magazine itself is rather special, different from the size of the
23 magazine at the present time. And the content of the magazine,
24 which I've read -- were the content and the language used during
25 the DK period.

1 Q. Thank you very much for that answer. I was also just
2 wondering-- You said that this was a special issue from 1977.
3 Do you know roughly how many issues there were, or how many have
4 survived in original form?

5 A. I haven't counted the exact numbers of the publications, but
6 we try to find all the series of the publications. We have the
7 series in -- of the publications in '76, '77, and '78.

8 [13.45.34]

9 We could have between 20 to 25 originals, out of the 36
10 publications, and sometime we would have a duplicate publication,
11 for example number 76 and 76B, and it also applies to the special
12 publication or special edition.

13 Q. Thank you very much.

14 And we'll move on to another type of document. If we can have
15 this document shown on the screen, please? And I apologize,
16 again, the quality is not ideal. This is, for the transcript,
17 D22/174.5.

18 First, could you tell us, if you recognize this document, what
19 type of document it is?

20 A. This document refers to the I-serie document. It is a
21 biography of a detainee, as the writing in the box reads:

22 "Biography of the detainee."

23 This document is not from the Tuol Sleng Museum. It is from the
24 Santebal collection. If it is from Tuol Sleng, we would use the
25 initial TSL. And the number on top is not our number, but the

78

1 number below -- that is I08375 -- is a DC-Cam.

2 Q. Thank you very much. And we'll move on to another document.

3 [13.47.59]

4 And while we wait, with that last document, if I may ask one more
5 question, this is, if I understand you correctly, one of the
6 documents collected at the Ministry of Interior.

7 A. That is correct.

8 Q. And then, just going back to your earlier description of these
9 records, does that mean that, in this case, you -- DC-Cam has an
10 original?

11 A. Yes, we do.

12 Q. Thank you very much.

13 I'd like to now show you another document. If we could have this
14 document shown on the screen, please? Thank you. And for the
15 record, this document is D366/7.1.27.

16 Again, with this document, Mr. Youk Chhang, could you tell us
17 what type of document it is, and what the markings in the top
18 right hand corner relate to?

19 A. The-- Could you please return to the first page?

20 [13.49.42]

21 The number is a type of biography, that is I02908. The number is
22 registered by DC-Cam.

23 I'd like also to draw your attention to you that, when the Court
24 made a request to DC-Cam, they add their own list of number. So
25 the number below I02, that is the number used by the Court, it's

1 not DC-Cam's number. For example, the word "ERN" is the only
2 serial number used by the Court. And only the phrase "I" is the
3 one used by DC-Cam.

4 And this biography is about the biography of Comrade Ri.

5 Q. And, again, do I take it that the coding "I" relates to the
6 Ministry of Interior, as was the case with the last document?

7 A. Yes, it is correct.

8 Q. And I'd just like you to - I'd like to show you the second and
9 third page of that document. It appears to be slightly different
10 from the previous document we looked at. So if we could just show
11 that document again, now, please?

12 [13.51.15]

13 The last document we saw, Mr. Youk, was a single page document.

14 This - this one appears to have several pages, approximately 20.

15 Are you familiar with this type of document? And could you tell
16 the Court, in very brief terms, what it is and your understanding
17 of its purpose?

18 A. This document is in the type of the biography of the DK
19 cadres. It is a biography of individual cadre, and it is not the
20 biography of the detainee as in the previous one you show. I am
21 not sure if the Court has received a book; actually, Ben Kiernan
22 wrote an article explaining the distinction of the cadre -- DK
23 cadre biographies and the types of biographies. This particularly
24 -- particular biography belongs to a DK cadre.

25 Q. And just very, very briefly, do you -- based on your research,

80

1 have you seen other documents of this type? And, if you have, do
2 you -- have you come to a conclusion as to what their purpose
3 was, what they were used for? In very brief terms, if we can.

4 [13.53.00]

5 A. Of course, there are different types of biographies.

6 The biography of Suong Sikoeun, alias Kung, that is a
7 self-biography that the person wrote about his personal
8 involvement, how the person joined the revolution, etc. And that
9 type of biography was done on a six-month basis.

10 And then there's another type of biography written by a detainee.

11 So, actually, you can read the information from different types
12 of biographies.

13 Q. Thank you very much.

14 I might move on to another category. If we could - if we could
15 show this next document on the screen? For the transcripts, this
16 will be D366/7.1.789. If we can show that document on the screen?

17 (Short pause)

18 [13.54.23]

19 If you're able to read-- First of all, Mr. Youk Chhang, can you
20 describe for us what type of document this is?

21 A. This document belongs to the Ministry of Commerce, number
22 0159-27, and the number on the right is registered by my staff,
23 D20638. And underneath, in the bracket, it's "ANC"; that is the
24 -- to notify the archives, the National Archives of Cambodia -
25 "45BOX09". You can find the original document at the National

81

1 Archives, and that document is number 45 in the box 09.

2 Q. I'm just mindful that we have a Khmer version of the document
3 on the screen. If you don't mind, just for those who are not --
4 who are not able to read Khmer, would you be able to read just
5 the first two lines, so that everyone is familiar with the type
6 of document we're looking at?

7 [13.55.49]

8 And we'll just show it on the screen briefly.

9 A. "To beloved and respected Brother Hem, report on a meeting
10 with Comrade Chinese at the Chinese Embassy on 14 March 1977 from
11 9:00 to 10:05 a.m.

12 "On the Cambodian side: Comrades Hong and Van; and

13 "On the Chinese side, there are Comrade Ma, and Chai, Yai
14 (phonetic), and Hong. And the Comrade Hong is a female."

15 Q. Thank you very much. And so, just to return briefly to your
16 testimony this morning, where you talked about documents from the
17 National Archives, is this one of those documents that you
18 described making photocopies of at the National Archives?

19 A. That is correct.

20 Q. Thank you very much.

21 [13.57.04]

22 I'd like to show you another document. And for the transcript,
23 this will be D366/7.1.159. And we will have that document on the
24 screen briefly.

25 If you are able to-- Perhaps we'll start with the markings, this

1 time. On the top right hand corner, we see a sequence starting
2 with a D, and then a sequence with, I believe, "TSL". Could you
3 explain to the Court what those numbers and letters mean?

4 A. DC-Cam registered this document as D13678. And underneath it
5 is the code to identify that this document is from the Tuol Sleng
6 archive; that is TSL4838.

7 Q. And again, for those – for those who are unable to read Khmer,
8 we'll show the document again, and if you could just read from
9 the top, up to "number one", perhaps?

10 A. "After consulting with all the sections, Committee of the
11 Ministry of Commerce

12 "Decides to:

13 "Send the people with the following names to the re-education
14 centre of the security;

15 "1. Supply Section:

16 "The person called to Hai, close to Sat and At, a child of the
17 deputy chief; they did not do any work."

18 Q. Thank you very much.

19 [13.59.14]

20 Now, is it correct that this is a Ministry of Commerce record?

21 A. This document on the left hand side reads "the Ministry of
22 Commerce", but it ended up at Tuol Sleng; I have no idea how it
23 arrives at Tuol Sleng, but from the form, we can see that this
24 document was from the Ministry of Commerce.

25 Q. And do you recall others -- other example where this type of

1 occurrence can be seen, where, perhaps, a document from one
2 collection may appear in another repository, such as in this
3 case?

4 A. Do you mean the transfer from one – one document from one
5 ministry to another ministry during that regime?

6 Q. Yes. And, to be even more specific, this document appears to
7 be a Ministry of Commerce record, but then the coding would –
8 would indicate that it was discovered at Tuol Sleng. Is that
9 entirely unusual or are you aware of other similar situations
10 where – where documents are located in that manner?

11 A. It is not unusual because there were documents from communes
12 or districts and ended up at Tuol Sleng, and we also had
13 photographs coming from different places and ended up at Tuol
14 Sleng.

15 Q. Thank you very much.

16 We'll move on to yet another document. And again we will show you
17 the Khmer version. This document, for the transcript, is D43/IV.
18 If we could show this document on the screen?

19 [14.02.11]

20 Perhaps, again, for the non-Khmer speakers, Mr. Youk, if you
21 could read just the text in – written in black letters?

22 A. "My respects to 870 Committee.

23 "I would like to forward the confession of Van San Oum
24 (phonetic), alias Khon, to Saey, alias Phang.

25 "For examination and research purposes.

1 "My regards to the Committee.

2 "17 April 1978."

3 Q. And are you able to read the signature line to show who the
4 author of that document was?

5 A. It was Se.

6 Q. And could you tell the Court if you know who - who that may
7 have been? If we could show the document again, please?

8 A. In this document we have the name Se, but I have no idea who
9 he is.

10 [14.03.53]

11 Q. And, just looking at this document, it would appear to be a
12 photograph of an actual document. Would you - would you agree
13 with me that it would appear to be a photograph or a scan of an
14 original record?

15 A. This document is a copy of the original. I once held this
16 document in my hand. It is very small, and this is a scan of the
17 - the scanned copy of the original document. And, as you can see,
18 the annotation was in color ink.

19 Q. And so this document, in its original form, was collected or
20 received by DC-Cam?

21 A. Yes, it is correct.

22 Q. Thank you very much.

23 We will move on to another - another type of document. And for
24 the transcript, this will be D108/28.231. And if we could show
25 this document on the screen?

85

1 Mr. Youk, this will be in the English language, and I hope you'll
2 assist us by-

3 Just one moment, we're trying to show the entire document. We'll
4 in fact show you the second page of that document. If we could
5 just- Thank you very much.

6 For those who don't speak English, Mr. Youk, would you be so kind
7 to read just the first - the heading in the first paragraph for
8 us?

9 A. I prefer reading in Khmer rather than reading in English, but
10 I can read this document in English. Khmer is my mother tongue,
11 my mother is also speaking Khmer, and probably she is watching
12 this at home, and I don't want to speak English to her. But this
13 might be the exception: (In English:) "Confession of Vietnamese
14 Spy." (End of intervention in English)

15 Q. I think a part of that last sentence just got cut off. If you
16 could just read that first line again.

17 [14.07.24]

18 A. (In English:) "Confession of Vietnamese Spy." (End of
19 intervention in English)

20 Q. Thank you very much. If we could- We'll just return to the
21 first page of this document. Now, if the AV Unit could just show
22 this document again?

23 Again, could you just briefly explain what the markings relate
24 to, the "D" number and "SE" on the first page?

25 A. It's "D30269", and this is the code provided by DC-Cam staff

1 to register this document. And below that, in brackets, is
2 "SE2007". It indicates that this document was from Sweden in
3 2007.

4 Q. And just because the document doesn't really have a heading
5 indicating who published it, if we could show it again, there are
6 some letters at the top on the first page, and I was interested
7 in whether or not you may be able to assist us with what those
8 letters mean. If we could just show that first page one more
9 time?

10 [14.08.51]

11 A. Do you want me to read the phrase preceded by number 3?

12 Q. We'll just see if we can show the document on the screen
13 again; I don't think it's on the screen just yet. There we are.
14 Just -- top left hand corner, there are three letters, I believe,
15 "SWV". Are you familiar with what those letters refer to, by any
16 chance?

17 A. I do not know.

18 Q. Thank you very much.

19 And we will move on to another set of documents. And the first
20 document is D366/7.1.516. If we could show this document on the
21 screen? Thank you. And we will just zoom out to show the entire
22 page. Thank you.

23 It's not very clear, Mr. Youk Chhang, but I hope you might be
24 able to, again, explain to us- We can take it, I guess, from your
25 earlier testimony, that the D number is another - this is another

1 example of a DC-Cam code - correct me if I'm wrong. Are you able
2 to read the letters below, below that code? And what do they
3 mean?

4 [14.11.01]

5 A. At the bottom, it's "15-bor-bor-kor" [15BBK]. This is the
6 source of the document; it is from the Ministry of Interior. And,
7 if you want to locate the source of this document, you can refer
8 to this number, "15-bor-bor-kor" [15BBK].

9 Q. And again, if it is a document from the Ministry of Interior,
10 does that mean that, again, DC-Cam, in this case, has the
11 original document in its archives?

12 A. Yes, we have the original.

13 Q. And if we can show the document again on the screen, just for
14 the benefit of those who are not Khmer speakers, if you would
15 just read for us the two sentences as well as the signature line
16 of this document?

17 A. "Be informed that:

18 "The East Zone has sent a copy of report on the enemy's
19 activities in Muk Kampoul to the Office by requesting the Office
20 to send to you, Brother.

21 "Brother, please monitor this situation and take any measure
22 based on the reality by communicating with Muk Kampoul.

23 "With warmest revolutionary fraternity,

24 "On the 20th of March 1978,

25 "M870."

1 [14.12.55]

2 Q. Based on your experience and research of these documents, do
3 you – are you able to identify who M870 was?

4 A. As I already told you, I am not a senior researcher, and my
5 understanding is based on my understanding of reading books. So
6 M870 is the secret code for the Office 870.

7 Q. Thank you. And just for the record also, can you tell the
8 Court what type-- It appears to be correspondence. Could you tell
9 the Court what type of correspondence this was? Was it a letter
10 or a different type of – different type of correspondence? If we
11 can just show it on the screen again? If we could just show the
12 document very briefly?

13 A. This document is the first type document. It is hard copy --
14 in hard copy. It is a kind of correspondence between the ministry
15 and an individual. And two people were copied, too, as indicated
16 in this document.

17 Q. Thank you very much.

18 We might move on to another set of documents. And for the
19 transcript, the first document we will show is D175/4.3 -
20 D175/4.3. If we could – if we could show this document on the
21 screen? Thank you.

22 Mr. Youk, the coding, or the annotation in the top right hand
23 corner, in this case, appears to be a little bit different. Could
24 you explain to us what those sequences mean?

25 A. This is Lon Nol case file, or Lon Nol document.

89

1 Originally, we used N0001435. However, we found out later that
2 "N" was already used, so we struck "N" and we use "L" instead.
3 Below that is a code to indicate the source of this document, but
4 it is not clear to me whether it is a 01 or 02 followed by
5 "bor-bor-kor" [BBK], and this document is obtained from the
6 Ministry of Interior. If we can read this number more clearly, we
7 can locate the source of this document.

8 [14.17.00]

9 I also want to indicate that the Court used a series of numbers
10 to indicate documents obtained from DC-Cam. As, for example, we
11 have ERN number as indicated on the top left hand side, and this
12 may cause confusion to researchers. Now, we understand that this
13 document was originally coded with L followed by number, but
14 later, researchers may wonder what was the ERN numbers provided
15 by the Court.

16 Q. Thank you very much. And again, for those who are not Khmer
17 speakers, would you be so kind just to read the title of the
18 document? If we could show it on the screen again?

19 A. "Weekly Report of Sector 5 Committee."

20 Q. It's quite a long document, Mr. Youk -- I think it's some 12
21 pages -- but we'll just show you the last page to obtain a date
22 of the document. If we could show it on the screen again? Are you
23 able to read the date on this document?

24 [14.18.30]

25 A. "Done on the 21st May 1977."

1 Q. You've just read to us the title of the document being a
2 Sector 5 report, weekly report. Do you recall where Sector 5 was
3 located?

4 A. In fact, I lived in Sector 5 during the DK period. It was
5 Battambang, Banteay Meanchey, and it was about 5 kilometers from
6 Banteay Meanchey.

7 Q. Thank you very much. If we can show the document on the
8 screen, very briefly, that last page again? You've read to us the
9 date. Just to the left of the date, there are three brief series
10 of letters. Could you just read for us what that - that
11 particular text?

12 A. "Copied to:

13 "Zone Secretary Brother: 1 copy

14 "M-560: 1 copy

15 "Documentation: 1 copy."

16 Q. So does it appear that-- You've indicated Sector 5 was in the
17 Northwest, or Battambang area. Does it appear, just based on that
18 brief piece of information, that this was basically being sent to
19 the zone secretary for his information?

20 [14.20.38]

21 A. I'm not sure about the question. As we have seen from the
22 beginning of this document, it was from Sector 5, done on the
23 21st of May 1977, and it was copied to the zone secretary. And we
24 know that Battambang was located in the Northwest Zone. And this
25 document was also copied to M560.

91

1 Q. Do you recall, by any chance, what M560 was?

2 A. No, I do not.

3 Q. Thank you.

4 We'll move on to another document. And this is - this has two
5 document numbers on the case file: IS 18.41 and D175/3.94. If we
6 could project this on the screen?

7 [14.22.06]

8 Again, does this appear, looking at the markings in the top right
9 hand corner, does that appear to you to be similar or to belong
10 to the same category as the last document we were looking at?

11 A. This document falls in the same category as I told you before.
12 Originally, we used N, and later on we changed it to L. It is
13 "L0001436", and below that we indicate the source of the
14 document: it is "08BBK", or "bor-bor-kor".

15 Q. And again, for the non-Khmer speakers, would you be so kind to
16 read just the title of the document?

17 A. "Report."

18 Q. And is there an indication in the following line? Could you
19 also read the following line?

20 A. "Beginning from May the 4th 1977 until May the 29th of 1977."

21 Q. And we may just scroll to the end, the last page of this
22 document, and -- and if you could again just read for us the date
23 and signature line? If we could just show that last page? Thank
24 you.

25 A. "May the 29th of 1977"

1 "M 560."

2 Q. Thank you. So it appears - both of these documents appear to
3 refer to Office M560. Would you be able to clarify, perhaps, just
4 one matter for us? The coding "L", what would that normally
5 relate to?

6 A. L refers to the documents from the Lon Nol regime. As I said
7 this morning, we were surprised when we look at the document page
8 by page, we encounter this document. Originally, we used N to
9 indicate this kind of document, but as when we are cataloguing
10 these document we realized that N was already used.

11 Q. And if I understood your testimony correctly this morning, in
12 some cases, documents from the DK period were marked with an L
13 simply because they had arrived together with a batch -- and
14 correct me, please, if I'm wrong -- because they were together in
15 a batch which related to the Lon Nol era; is that correct?

16 [14.25.30]

17 A. Yes, it is correct.

18 Q. Thank you very much.

19 And we'll move on to another document. If - if we could show this
20 document on the screen, please?

21 Now, you'll notice, Mr. Youk, we've actually blacked out some
22 sections of this document, and it's simply because it contains
23 the name of a witness which is confidential at this stage.

24 Now, this document doesn't appear to have those same markings
25 that we've been looking at with earlier examples. And would you

1 be able to tell us: First, is this -- or do you recognize this as
2 a DC-Cam - a document from the DC-Cam holding?

3 A. I'm interested in this document. We have a black box there,
4 but I know this document clearly, it is a telegram, and it
5 indicates clearly; in Khmer language, it reads: "Telegram: number
6 11", and "353" digits. And, as you can also see in this document,
7 the annotation is in color ink and it is not the photocopied
8 version.

9 [14.27.53]

10 Q. In other words, this would appear to be a photograph or a scan
11 of an original record?

12 A. This is the scanned copy of the original. As we can observe,
13 the color of the paper itself and the annotation on the left hand
14 side is in blue ink. If it is a photocopied version, we can't
15 have this color ink, so it must be the scanned version of the
16 original.

17 Q. I should note for the record this is D200/3.5. And if we could
18 show the document just one more time to the witness?

19 So you -- I was particularly interested in the - what appear to
20 be annotations in a top right hand corner and on the left hand
21 side. And I'm wondering whether you may be able to tell us what
22 they are. If we could show the document again?

23 A. Are you talking about the right number or the left number?

24 Q. If we could just take a look on the right hand side, on the
25 original scan, there appears to be a number 17 or a similar - or

1 similar handwriting, and then, on the left hand side, there
2 appears to be a number 14, and then there is a word written in
3 Khmer, I believe.

4 Are you able to identify those annotations and tell us what they
5 are?

6 [14.29.42]

7 A. Number 17 and number 14 was already on the document when the
8 documentation group, at the Ministry of Interior, collect those
9 documents. It is the number of document - the number of the page
10 of the document. So I believe they may have made a mistake and
11 they made a new number of the page. It could be number 17 here,
12 and then it could be 18 to 19th page. So there were a number of
13 telegrams, and then they would count how many telegrams in that
14 bunch of the documents, so this is the 17th page in that bunch.

15 [14.30.37]

16 But if I know the source of the document, then I would know the -
17 that bunch number and on the 17th page, then I would find this
18 document.

19 Q. And so is it the case that you believe those letters were
20 written at the Ministry of Interior or originally, when the
21 document - originally, when was created?

22 A. It is - it was written at the Ministry of Interior.

23 Q. Thank you. And if we could just take another look at that
24 document, there was what appears to be handwriting in the Khmer
25 language, on the left hand side. I was wondering if you are able

1 to read that for us. If we could have it on the screen? So just
2 next to the number 14.

3 [14.31.41]

4 A. It reads "Mesa Thngak"; it is a name of a location near
5 National Road Number 1.

6 Q. And are you able to tell us -- and please tell us if you're
7 not sure -- whether that annotation appears to be contemporaneous
8 with the document or whether it may have been placed on the
9 document subsequently?

10 MR. PRESIDENT:

11 I notice the defence counsel is on his feet. You may proceed.

12 MR. KARNAVAS:

13 Thank you, Mr. President. My apologies for interrupting, but I
14 believe yesterday's instructions that we received -- I believe it
15 was sometime around 5 o'clock -- was that, for the purposes of
16 this witness, we were -- we were going to stick to methodologies.
17 Now, it would appear that we're going into specific documents to
18 try to authenticate the documents -- at least it has that
19 appearance.

20 [14.32.48]

21 I think we've moved well beyond the illustrative purpose, of
22 using a document for illustrative purposes -- at least that's how
23 I see it -- the last two questions in particular.

24 I leave it to Your -- to the Court's discretion, of course, but I
25 think that, if we're going to be commenting on specific documents

1 beyond illustrative purposes, then the Defence should also have
2 that opportunity.

3 I'm not suggesting that we want to or we wish to, you know,
4 prolong the proceedings, but I think we should stick to the
5 guidelines. Thank you.

6 MR. ABDULHAK:

7 If I may, very briefly, Mr. President, we were merely trying to
8 illustrate that - or, perhaps, obtain Mr. Youk's observations as
9 to the annotations because they do appear often on these
10 documents. But I'm happy to move on; time is limited. So I shall
11 move on to the next document.

12 [14.33.55]

13 MR. PRESIDENT:

14 You can move on. And you only have six more minutes.

15 BY MR. ABDULHAK:

16 Thank you, Mr. President. And we're nearing the end of our
17 relatively long list of documents.

18 Q. This, for the record, is IS 13.2. It has a number of other
19 documents as well, but the original was IS 13.2. And another
20 number, just for the record, in the event that that number does
21 not produce the result, is D232/8.3. If we could show that
22 document on the screen? If the court officer could move to the
23 right?

24 I might just ask you, first, again for the benefit of those who
25 are not Khmer speakers: Mr. Youk, could you just read the very --

1 the two -- the first two lines in Khmer language?

2 MR. YOUK CHHANG:

3 A. It reads:

4 "Permanent meeting

5 "On 9th of October 1975."

6 Q. Thank you.

7 If we could-- And again I take it being -- since it has a D

8 number on it, I take it it's a document that is held by DC-Cam?

9 A. Yes, that is the code used by DC-Cam; that is D00677.

10 Q. Thank you very much. And are you able to tell the Court where

11 this document was received from? If we could have it on the

12 screen?

13 [14.36.21]

14 A. We received this document from Ben Kiernan, and we have

15 "B-e-n" on the upper right corner.

16 Q. And I think you mentioned this morning that you've received a

17 number of documents from -- from researchers, including Professor

18 Ben Kiernan.

19 The document you received, was it an original or a photocopy?

20 A. We received from Professor Ben Kiernan a photocopy.

21 Q. And to the best of your knowledge, particularly if you've --

22 if you've discussed it with him, does he possess the original?

23 A. It's a long story, if you want my explanation, because I'm

24 instructed by the President to make my response brief.

25 When I received this document from Professor Ben Kiernan, I asked

98

1 for the original document, and he said that the document was
2 given to him by a government official. And I went to speak with
3 that government official on the source of the document, and he
4 said he received it from the Ministry of Culture and Propaganda,
5 but it could not be found.

6 [14.37.50]

7 And then there were arguments by the researchers, because, for
8 this type of documents, David Chandler also might have some, and
9 the author who writes the biography of the -- His Majesty also
10 have some of this type of documents.

11 And I have spoken a great deal on this topic, in particular
12 before the Office of the Co-Investigating Judges.

13 Q. Thank you very much. And I'll -- mindful of the time, I'll
14 just try and finish here very briefly.

15 Mr. Youk, we've looked at a number of documents; some of them
16 appear to be originals and some photocopies. And you've testified
17 this morning that -- that you have been dealing with these
18 documents for many years.

19 [14.38.42]

20 Have you personally encountered a situation where you were in
21 doubt as to the authenticity of a document?

22 A. Yes, there have been one or two documents that I have doubt --
23 and my deputy already spoke about that -- that is in regards to a
24 document on the kidnapping of foreigners in Kampot. That document
25 was in a new kind of document, and the wording used in that

1 document was not the wording used during the DK period. And that
2 document was made during 1994 or 1995. So it is difficult to
3 identify the source of the document.

4 And another doubt that I have on this document is that we do not
5 know who is the author of the document, and the person who gave
6 it to us did not reveal the identity of the author. So that is
7 the only document that I have doubt.

8 Q. And so my last question, and following on from that answer: Do
9 we take it that, where DC-Cam has documents in its holding such
10 as the documents we looked at -- such as the documents you looked
11 at today, that, based on your research, all of those documents
12 appear to be authentic Democratic Kampuchea documents?

13 [14.40.17]

14 A. In fact, the documents that we have indicate that they were
15 the documents belonging to the DK period, based on the content,
16 the physical appearance, the source of the documents.

17 MR. PRESIDENT:

18 Thank you, Mr. Co-Prosecutor. Thank you, the Witness. The time
19 allocation for the Prosecution has expired.

20 And the time is also appropriate for a break. We will take a
21 20-minute break and we shall resume after that.

22 Court officer, please assist the witness during the break and
23 bring him back in before the Court resumes.

24 (Court recesses from 1441H to 1454H)

25 MR. PRESIDENT:

100

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

2 [15.01.58]

3 Next, the Chamber hands over to Lead Co-Lawyers for civil parties
4 to put questions to this witness if they wish to do so.

5 QUESTIONING BY MR. PICH ANG:

6 My respect to Mr. President, and my respects to Your Honours and
7 everyone in this courtroom.

8 I will first put some questions to this witness, and I will hand
9 over the floor to my colleague.

10 [15.02.46]

11 Good afternoon, Mr. Chhang Youk. I have a number of questions
12 that I wish to put to you, and I hope you can answer the
13 questions straightforward because we, Lead Co-Lawyers, have only
14 one hour to put these questions, and this hour is to be divided
15 among ourselves.

16 Q. You said that DC-Cam's mission is to seek the truth; it is
17 correct?

18 MR. YOUK CHHANG:

19 A. It is to reconcile the nation.

20 Q. How important is this seeking the truth for DC-Cam as well as
21 for you?

22 A. It is to reconcile the nation, and in order to do so, we need
23 to seek the truth. And we need to do three works: one is to
24 establish the Court and to find out who committed the wrong
25 deeds; and, secondly, I believe that it is very important for the

101

1 next generations to learn about this history; and, thirdly, we
2 need to have a place that can be used as a research centre.

3 [15.04.24]

4 Q. How is -- how important it is for you, regarding the
5 conciliation?

6 A. I believe that this is very important for me because--

7 MR. PRESIDENT:

8 Can witness pause his answer?

9 And, Mr. Karnavas, you may proceed.

10 MR. KARNAVAS:

11 Thank you, Mr. President. Again, I apologize, but I don't see how
12 these questions are relevant to why the gentleman is here.

13 No one is questioning what the -- what the mission is of DC-Cam.

14 He's here to give evidence as to how the documents are collected,

15 stored, categorized, and used. That's the whole purpose, not for

16 civil parties to give a venue to the director to talk about

17 reconciliation, all these grand issues and aspirations that we

18 all agree are noble. That's not the purpose, however, of this

19 afternoon. Thank you.

20 [15.05.39]

21 MR. PRESIDENT:

22 Thank you, Counsel. And your objection is sustained.

23 The national counsel for civil parties, the Chamber has already

24 determined the purpose of the hearing of witness Chhang Youk. Mr.

25 Youk Chhang is invited here on -- in his capacity as the director

102

1 of DC-Cam, and he is speaking on behalf of the centre. He is not
2 speaking on behalf of himself alone.

3 So you are advised to think about your questions to be put to
4 this witness.

5 You demanded a lot of time to put questions to this witness, but
6 make sure that this time is used effectively.

7 MR. PICH ANG:

8 Thank you, Mr. President.

9 [15.07.05]

10 I was asking the witness concerning the general principle in
11 doing the work at DC-Cam. Thank you very much, Your Honours, for
12 your instruction.

13 BY MR. PICH ANG:

14 Mr. Witness, I will ask you other questions, and you may just
15 answer yes or no in order to save some time. Some of these
16 answers may be asked and answered. However, you are now speaking
17 as Director of DC-Cam.

18 Q. Does DC-Cam ever consider itself an investigating body on
19 crimes committed during the DK regime?

20 MR. YOUK CHHANG:

21 A. I don't think I can just answer this question by yes or no,
22 because previously we have discussed the use of words or some
23 terms. No laws stipulate that the word "investigate" is only for
24 the Court. I can be seen as I was investigating, but it may not
25 mean in a legal sense.

1 Q. How about when we talk about the legal context?

2 A. DC-Cam is not a legal entity.

3 Q. Is it DC-Cam's goal to collect all DK and DK-related
4 documents?

5 A. Yes, it is.

6 Q. One question-- And this was asked to your deputy, and he said
7 that DC-Cam never performs analysis of documents. What does it
8 mean by that? Can you explain it briefly?

9 A. The same thing. We read and we try to think about the content
10 of the documents. This is what we did, and maybe you can call
11 this analysis of the document. What we did was to read and to
12 think about the content of the document and try to understand the
13 history and try to prevent bad things from happening again.

14 [15.09.40]

15 Khmer language is rich, and we can use Khmer language in several
16 senses. So the word cannot be that absolute.

17 Q. Thank you. In the process of obtaining, cataloguing, and
18 maintaining documents, do you have any guidelines, precise
19 guidelines that you can use and your staff can use, in order to
20 do these three things? Do you discuss broadly within DC-Cam or do
21 you receive any consultation from the outsides in order to -- in
22 order for the guidelines to be good?

23 A. As you may be aware, or remember, that there are five
24 categories of documents at DC-Cam, so the process of obtaining
25 these documents, these five types of documents, are different.

104

1 We have a manual uploaded on the website of DC-Cam, and in the
2 manual, you can find how documents were obtained and how to
3 create worksheets of documents and how to register documents, for
4 example by putting the names of the deceased in the file so that
5 it serve the research purposes.

6 [15.11.34]

7 Documents were written in other languages, for example in French,
8 in English, and so we, DC-Cam, think about a way that we could
9 help researchers to locate what they are looking for.

10 So when -- for example, when it comes a word that was used by the
11 Khmer Rouge and which is not easy -- easily understood, we try to
12 create glossary of those difficult terms for our DC-Cam staff so
13 that there would be some kind of guidelines for them to collect
14 documents and to manage the documents.

15 We also consulted experts as to the method we use in order to
16 store documents in the computer.

17 Q. Is the importance of locating the sources of documents
18 included in the guidelines?

19 A. In the worksheet, there's one column where we indicate the
20 source of the document. There must be one there.

21 [15.13.09]

22 Q. For documents that you obtained from the Ministry of Interior,
23 as well as from Tuol Sleng and the National Archives, when DC-Cam
24 received documents from the three places, did DC-Cam copies all
25 documents without selecting documents, for example on the basis

1 of importance of document?

2 A. We collected all documents from the period between 1975 and
3 1979. The originals stored at Tuol Sleng were not taken to
4 DC-Cam. We only made copies of documents at Tuol Sleng, and
5 because there is no use to bring the original from Tuol Sleng and
6 to store them at DC-Cam. Unless documents were located from
7 abandoned buildings, we collected those documents and stored them
8 at DC-Cam.

9 Q. You said that all documents that you received -- that DC-Cam
10 received from a particular place, you said that you read almost
11 all documents and you read once or twice, or even three times.

12 [15.14.49]

13 I want to know: How about the documents that you did not read? Do
14 you think -- why do you think you should not read those
15 documents?

16 A. I read all documents. I read them.

17 Q. But this morning, you said you read "almost" all documents.

18 A. You're referring to other documents. I read all documents, but
19 I do not remember all of them. I made contact with the document,
20 but I will not be able to remember all the documents. There are a
21 lot of documents in my office, and I will be able to recognize a
22 document that I have read. For example, I may not be able to
23 recall all the documents, but if I am in my office, I will be
24 able to show the documents.

25 Q. Are you saying that you read all documents without leaving any

106

1 one document behind?

2 A. It depends on the type of document.

3 [15.16.25]

4 For example, administrative or accounting documents, I do not
5 read this kind of documents. The word "document" is broad,
6 anything can be documents. The audit papers or the administrative
7 papers are documents that I do not read. But, if you are referring
8 to the documents that we collected during the Khmer Rouge regime,
9 yes, I read them all.

10 Q. I refer to those documents.

11 Can you explain one point that appears on the website of your
12 centre? And I want you to explain the meaning of that phrase.

13 (Short pause)

14 [15.17.41]

15 Please, Mr. President, allow me--

16 MR. PRESIDENT:

17 What is your request, Counsel? Do we have the number of the
18 document? What is the ERN number? I think we are having the same
19 issue.

20 MR. PICH ANG:

21 Mr. President, this is a page -- rather, a webpage of DC-Cam. And
22 this is done -- this was done before by the Prosecution, that he
23 -- they showed this webpage on the screen once, Mr. President.

24 MR. PRESIDENT:

25 Can you indicate clearly the ID of the document -- is it the new

107

1 document, is it a document already in the case file -- before the
2 Chamber can decide whether you can display this document and put
3 it for examination, as we can read from Internal Rule 84, as well
4 Internal Rule 87.3?

5 BY MR. PICH ANG:

6 I thank you of my idea. I will move on with another question.

7 [15.19.50]

8 Q. A question concerns "Revolutionary Flag".

9 Do you know how many issues of this magazine were published
10 during the DK period, and how many issues were obtained by the
11 DC-Cam?

12 MR. YOUK CHHANG:

13 A. As I told the Prosecution, I did not count these documents.

14 And there should be 12 issues of this magazine in one year. We
15 obtained a lot of issues, but we did not obtain all of them. For
16 example, we obtained a number of issues in one month; we did not
17 obtain any issues in another month.

18 Q. The documents that you provided to the Prosecution or the
19 OCIJ, for example the "Revolutionary Flags" or the "Revolutionary
20 Youth" magazines, I want to know whether these documents are
21 truly copied.

22 A. The documents that we provided to the Prosecution, the OCIJ,
23 and the Defence are provided on the basis of their request.

24 [15.21.25]

25 And we also indicated that, for example, this particular document

108

1 was taken from the original -- was copied from the original, and
2 we provided this document to the Defence, to the Investigating
3 Judges, and also to the Prosecution. We also received requests
4 from the Court Management Section, and we also provided documents
5 to that section. I have to be very careful because a lot of
6 people are interested in getting documents, so I require the
7 Court to send me letters to the DC-Cam, which I forwarded to my
8 deputy.

9 Q. So the documents were copied by the DC-Cam, and they were
10 rubber stamped by the documents or-- Who did this work?

11 A. We had to two types of documents.

12 [15.22.33]

13 We -- for example, we provided the documents to the Prosecution,
14 and then the Prosecution will have to indicate that they have
15 received the document from DC-Cam by signing some kind of paper,
16 and this goes the same to OCIJ. And as for the Defence, Richard
17 went to DC-Cam and brought back the documents by himself. His
18 predecessor also did that. So what we is trying to do is that we
19 want to be open to everyone to get these documents.

20 Q. You said that DC-Cam also provided documents to the Defence.

21 Did DC-Cam try to hide any documents from the Defence?

22 A. I will provide all documents that are requested. As long as
23 they request for documents, I will provide the documents. I try
24 to establish a clean institution. I recalled I saw you coming to
25 my place as well. So, on Thursday, we devote that for the

109

1 Prosecution, and on Friday, it is for the Defence. So they can
2 get any documents they want.

3 Q. I have two more questions before I hand over to my colleague
4 to continue her questions.

5 [15.24.31]

6 I am wondering-- This morning you said that all countries donated
7 funds, except one country. Why?

8 A. Yes, it is unusual. France is a difficult country. I don't
9 know whether because I do not understand French properly, but
10 what I was talking this morning that France does not pay any
11 attention to this issue. But France is a co-founder of this
12 Court.

13 MR. PRESIDENT:

14 Counsel, you seem to spend your time talking about issues that
15 are outside the facts, which are not allowed to be raised before
16 this witness. You always seek for more time, but the time given
17 to you is not being used effectively. You are asking questions
18 that are outside the facts or are not related at all.

19 MR. PICH ANG:

20 I have no further questions, Mr. President.

21 [15.26.13]

22 I now hand over to my colleague to continue with her questions.

23 QUESTIONING BY MS. SIMMONEAU-FORT:

24 Good morning, Mr. President, Your Honours. Good afternoon,
25 everyone. Good afternoon, Mr. Youk Chhang. Thank you for

110

1 answering our questions.

2 Q. Now, it's publicly known that the questions being asked today
3 and the reason why you're here today all relate to DC-Cam's
4 partiality or impartiality and the admissibility of DC-Cam
5 documents that have been the subject of discussions.

6 I'll go straight to the heart of the matter.

7 Now, with respect to admissibility and the reliability and
8 authenticity, as well as DC-Cam's stance, my question for Mr.
9 Youk Chhang is-- During your interview of the 19th of March 2009,
10 you were answering questions before the Co-Investigating Judges
11 in your capacity as Director of DC-Cam. This is document D50
12 (sic). And on page 2 of this document-- ERN French, number
13 00391431 (sic); English, ERN 00294420; and Khmer, ERN 00291424.
14 Now, in response to the first question asked by the
15 Co-Investigating Judge, you responded:

16 "I will point out that it is not for me to decide on protective
17 measures, but rather out of the interest of my family and
18 personal -- personnel. However, in 1999, I received a letter from
19 Ieng Thirith, as well as other veiled threats. I had reported
20 these facts to the High Commissioner for Human Rights, as well as
21 the Ministry of the Interior. My sister also had received threats
22 that same year, on the part of unidentified soldiers. All of this
23 led me to put a pause to my research for DC-Cam."

24 [15.29.02]

25 I've not asked my question, but I see that an objection is going

111

1 to be raised. I will, therefore, proceed with my question.

2 Mr. Youk Chhang, can you please confirm that this statement was
3 made and the fact that you were led to cease your research?

4 MR. PRESIDENT:

5 Witness may pause for a while before the Chamber decides on this
6 issue, whether you need to answer this question. Witness is here
7 to tell -- to talk to the Chamber, so may I suggest that you face
8 the Chamber when you address the question.

9 The Chamber will consider the testimony of witnesses for the
10 purposes of ascertaining the truth.

11 Counsel for Ieng Sary, you may proceed.

12 MR. KARNAVAS:

13 Thank you, Mr. President, Your Honours. Again, I apologize, but I
14 believe this is a non-relevant question.

15 Yesterday, we were told that the purpose of the hearing -- and
16 I'm more or less quoting from what we received - is-"The hearing
17 of DC-Cam Director Youk Chhang is to examine general questions of
18 methodology for obtaining, cataloguing, and treatment of DC-Cam
19 and/or other specific categories of documents." And that is not
20 -- we're not here to challenge individual documents.

21 The question being posed today by the civil party has absolutely
22 nothing to do with why this gentleman is here. She's using a
23 question or an answer given to the Investigating Judges to,
24 somehow, suggest that the gentleman put a pause on his
25 obligations at DC-Cam to do research or cataloguing.

112

1 [15.31.15]

2 There has been absolutely no suggestion that that ever took
3 place. Be that as it may, he's indicated that he's not an
4 investigator, that he wasn't investigating, that they are looking
5 for documents to catalogue for historical purposes and for others
6 to use, but that he's not advocating one -- for one party or the
7 other.

8 To now use something from -- to the Investigating Judge, at this
9 point, for this -- for this particular hearing, is out of the
10 scope, and therefore I object. Otherwise, if this continues,
11 then, throughout this trial, we will be disregarding directives
12 from the Trial Chamber and doing as we all wish to do. Thank you.

13 MR. PRESIDENT:

14 I give the floor now to the Lead Co-Lawyer.

15 MS. SIMONNEAU-FORT:

16 Thank you, Mr. President. Now, before you deliberate on this
17 matter, allow me to raise two points.

18 From a procedural point of view, the Chamber said very clearly
19 that we would be using written records of witness interviews
20 conducted by the Co-Investigating Judges, especially for those
21 who would be summoned and making testimony before this Chamber.

22 [15.32.41]

23 Secondly, what we are in the midst of doing, and which is very
24 clear in the minds of all, is to examine the admissibility of
25 documents. By doing so, I believe that it is crucial to

113

1 understand if at any other point in time, anyone, whoever they
2 may be, had intended for DC-Cam's documents to not be admitted.
3 I believe that this is very important to understand and examine
4 in order to gauge the full context of what we are studying today.

5 MR. PRESIDENT:

6 Defence Counsel, you may proceed.

7 [15.33.20]

8 MR. KARNAVAS:

9 If I may respond, Your Honour, while I agree that we should be
10 able to use statements taken by the OCIJ, they have to be within
11 the relevant scope of the area of which we're -- we're dealing
12 with. Simply because a statement was taken by the OCIJ doesn't
13 mean that we get to use it for whatever purposes; it has to be
14 relevant to the proceedings. We submit that what is being used
15 here is not relevant.

16 Now, I understand what's -- what the lawyer wishes to do: to
17 somehow suggest that the gentleman was threatened and, therefore,
18 it somehow compromised the integrity of the documents, or - or --
19 that the Defence or some, on the Defence, are somehow trying to
20 intimidate the gentleman or the institution so that documents are
21 not admitted.

22 [15.34.10]

23 Last week, the Nuon Chea team tried to raise the issue of
24 political interference. That's their position; far be it for me
25 to engage in that. But the Court made it very, very clear that

114

1 that's not what we're here for. Whether something has -- whether
2 there's interference into 003 or 004. how did that relate to Case
3 002, Your Honours decided that that -- that it wasn't relevant
4 and asked counsel to move on.

5 We take the same position. To be suggesting, somehow, that there
6 has been interference by the Defence -- by the Defence -- on
7 DC-Cam so that DC-Cam documents cannot be used is utterly
8 ridiculous and absurd. And to use a statement that was made by
9 the gentleman to the -- to the OCIJ for the purposes of this
10 particular hearing, which is related to whether the documents are
11 authentic, reliable, and should therefore be used for the
12 purposes of this trial, that question being posed is utterly
13 irrelevant, and it's a waste of time.

14 [15.35.21]

15 And if the Trial Chamber decides that it will allow these
16 extraneous matters to be interjected, then I think we're going to
17 have a runaway train; every party is going to be doing whatever
18 they wish, anytime they wish. Thank you.

19 MS. SIMONNEAU-FORT:

20 Mr. President, I'm simply reading the statements made by the
21 witness. This is an exhibit.

22 Secondly, I observe that the Defence is trying to prevent me from
23 using my speaking time; I find this regretful.

24 I was simply reading a statement made by the witness, and I do
25 deem it relevant. But I can move to the next question, if you

115

1 wish.

2 (Judges deliberate)

3 [15.39.05]

4 MR. PRESIDENT:

5 After deliberations among the Judges of the Bench, the Chamber
6 rejects the objection raised by the defence counsel.

7 And, Lead Co-Lawyer, you may ask that question to the witness.

8 Did you intend to use that question or to move on to another
9 question? This -- this question is in relation more so to the
10 operation of DC-Cam.

11 Due to the objection raised by the defence counsel, the Lead
12 Co-Lawyer now is allocated another five minutes.

13 BY MS. SIMONNEAU-FORT:

14 I thank you very much, Mr. President.

15 Q. Now, very quickly, Mr. Youk Chhang, can you please confirm
16 that you made those statements, and specifically that you stated:
17 "All of this led me to stop my research for DC-Cam"? Do you
18 confirm that you did state that?

19 [15.40.27]

20 MR. YOUK CHHANG:

21 A. I do not have any younger sister. There might be an issue of a
22 translation. I have an elder sister. And, yes, there was a threat
23 against my other sister, and that my other sister was told to
24 tell me that I stop conducting these activities, but I did not.
25 The research for reconciliation is important for Cambodia.

116

1 Q. Mr. Youk Chhang, are you of the view that DC-Cam's research
2 and collection of documents and data may disturb certain people?

3 A. It happened quite a long time ago and it also happened within
4 the society, so, of course, some people may not feel the same
5 way.

6 [15.41.42]

7 Q. Thank you. DC-Cam and yourself have stated publicly, on
8 several occasions, that you're engaged in the struggle against
9 impunity, crimes against humanity, and crimes of genocide. Are
10 you of the belief that such a commitment could influence, in one
11 way or another, the authenticity of documents you collect or
12 their reliability? In other words, would this commitments force
13 you to make any breaches in the ethical manner in which you carry
14 out your work?

15 A. Our decision in - in our attempt to prevent serious
16 human-rights violation is unaltered. We believe it will help the
17 memory, the prevention, and the national reconciliation. It does
18 not have any impact on the documents.

19 As I informed the Prosecution, the way we received, we tried to
20 retain the condition of the document for the public to
21 understand. That -- for that reason that I use the word
22 "reconciliation" because so many people participated in the
23 process.

24 [15.43.13]

25 So we gather the document and we then distribute those documents

117

1 to the public.

2 Q. Thank you. Earlier, you said that it was routine to
3 identifying certain areas, including Tuol Sleng documents that
4 should have been found elsewhere because they originated from the
5 Ministry of Commerce or from a particular district.

6 From a professional standpoint, do you have an explanation for
7 this?

8 A. I cannot clearly understand the question.

9 Q. I was asking you if you could explain to us why certain
10 documents that come from the Ministry of Commerce during the
11 regime of Democratic Kampuchea or certain districts have been
12 found in an entirely different area, including Tuol Sleng, which
13 you mentioned earlier.

14 A. I believe during the regimes there were correspondence within
15 one institution to another, and in -- the document that we refer
16 to it was a kind of a report from the Ministry of Commerce. It is
17 possible that a member of the ministry made a report to other
18 locations; that's why the reports ended up in another location.

19 [15.45.08]

20 Q. Have you ever found documents that were significantly damaged?

21 A. Yes, some -- some documents became decayed, and there was an
22 expert group to repair those documents, but we did not repair it,
23 we retained the original condition. At the National Archives,
24 there is an expert group for the reparation of those documents.
25 If we find a document torn or tear or in bad condition, we will

118

1 retain it as it is.

2 Q. Thank you. When you come across a document or when you were
3 given documents that do not implicate the Accused of this trial,
4 but documents that pertain to Democratic Kampuchea, does DC-Cam
5 consider that those documents are of interest? Do you entertain
6 those documents?

7 [15.46.28]

8 A. For those documents within the DK regime are considered
9 historical documents and they're important; even one page or one
10 phrase is of important significance. So, for those five category
11 documents, we collect them all.

12 Some documents refer to the issues of rice planting, etc., but at
13 least this is a piece of historical document that we try to
14 gather; so every single piece of document from that era is
15 important.

16 Q. You may have already answered my next question, then: When you
17 come across a document or when you were given documents that
18 boast the merits of the Democratic Kampuchea regime and describe
19 the regime as an ideal regime, does the document retain its level
20 of interest for you?

21 A. When it tells about the glory and the leap forward of
22 Democratic Kampuchea, of course we collect them. We collect the
23 Khmer Rouge songs, we have collected more than 100 songs. They
24 were good songs with music, but they have the essence for the
25 Khmer Rouge regime, but these are historical materials and we

119

1 collect them all. Even clothing from that era, we also collect
2 them.

3 [15.48.19]

4 Q. Thank you.

5 I wish to return now to the issue of your contribution before
6 this Chamber and the contribution you have made to the offices of
7 the Co-Prosecutors, the civil parties, and the defence teams,
8 three of which are here today.

9 You stated earlier that all parties are at liberty to come to
10 DC-Cam and consult documents, obtain documents, and you stated
11 that each party is allocated one day out of the week; this was
12 confirmed by your deputy last week.

13 [15.49.14]

14 Can you please provide us an indication of the number of
15 documents that you have provided to all defence teams?

16 A. I have a list at the office. I can recall that all the
17 documents in relation to the commercial requested by the defence
18 that the entire collection and there are other various documents.
19 Also, one document from the USAID regarding the situation in
20 1975, and there were requests for telegrams that were missing
21 from the case filed and any documents related to their clients.
22 Also, the request for the documents in relation to the mass grave
23 -- mass graves throughout the country, and of course various
24 other documents, but I can't give the exact figures -- tomorrow,
25 if you wish, as I have the list in the office.

120

1 [15.50.19]

2 And, of course, I also have a written request from those before I
3 deliver them the document. They have their own space to work in
4 DC-Cam, but when they need a document then they would ask us
5 where the document is held. So this is a -- there is no
6 discussion on the documents between DC-Cam and various parties.
7 They work among themselves.

8 Q. Thank you very much, sir. I don't require an exact number, I
9 just wondered if there were many documents that you provided.
10 Your deputy said during a public hearing, last week, that, when
11 parties visit DC-Cam, the staff at DC-Cam would provide guidance
12 and explanations on the documents being sought; can you please
13 confirm this?

14 [15.51.36]

15 A. In general, we will advise them where they can locate a
16 document. For instance, if they want a document in relation to
17 Kraing Ta Chan, we will show them the cabinet where the documents
18 are held, because we have a hard copy of the list of where of the
19 documents and which cabinets they are held. And only with the
20 permission of my staff or of Mr. Dara before the document can be
21 unlocked from those cabinets, and there is upon a request by
22 parties from the ECCC. So, once they read the document then they
23 will return, and then we will return to the document into its
24 cabinet.

25 And we also advise them not to bring any food or drink -- that

121

1 is, a coke -- in order to avoid any risk of documents being
2 damaged.

3 Q. Thank you. Mr. Vanthan Dara also stated that parties were
4 treated equally and in an identical manner; can you please
5 confirm this? And please be succinct in your response.

6 [15.53.09]

7 A. In the document request, yes, everyone is equal. When I
8 receive a letter of request from the defence team, for instance,
9 or from the Lead Co-Lawyers or the prosecutors; we treat everyone
10 equal.

11 Q. Thank you.

12 I have a few remaining questions with respect to the request for
13 original copies that may have been put forward by parties.

14 Last week, the Defence showed us the website of DC-Cam. I assume
15 that I would enjoy the same privilege. And on this website, you
16 have a manual that lays out how one could obtain a copy or
17 original document from DC-Cam. I, therefore, request that this
18 document be projected.

19 [15.54.31]

20 MR. PRESIDENT:

21 Yes, your request is granted.

22 BY MS. SIMONNEAU-FORT:

23 Thank you, Mr. President. I'll just wait for the document to
24 appear on the screen.

25 Q. Mr. Youk Chhang, can you please confirm that there is indeed a

122

1 manual that sets out the procedure for obtaining copies and
2 originals of documents and that this manual is also accessible on
3 your website?

4 MR. YOUK CHHANG:

5 A. In fact, there is no instructional manual, but this PowerPoint
6 has been prepared by a US expert in 2006 or 2007, where I met
7 with Michelle Lee, and I informed the Court that there shall be
8 an agreement between the Court and DC-Cam in order to facilitate
9 the request, and we request for agreement on -- for signature on
10 the agreement. But it has been three years, and there was no
11 response from the Court, so we give up the idea.

12 [15.55.47]

13 We also inform the Prosecution and the Office of Administration
14 that there shall be a principle and agreement between the Court
15 and the ECCC to facilitate a request and the delivery of
16 documents, but the document has not been accepted by the Court.
17 So, then, I posted on the website for people to look at or to
18 make comments.

19 At that time, I wrote a letter to Michelle Lee and to see a
20 result, and maybe the two representatives since 2005 until 2008,
21 but by 2009, I gave up that hope that there was no light for an
22 agreement on the -- this process between the DC-Cam and the Court
23 regarding the procedure. And it was prepared by a student from
24 the Harvard University.

25 Q. Thank you. Have you received any request from parties who

123

1 sought to obtain original copies?

2 A. No, there is no party requesting for the original document.

3 Q. In other words, one can assume that parties were happy
4 receiving a photocopy of documents.

5 [15.57.28]

6 MR. PRESIDENT:

7 Witness, you pause for a while. And the floor is now given to
8 defence counsel for Ieng Sary.

9 MR. KARNAVAS:

10 Thank you, Mr. President. And she can have another few more
11 minutes from my time for this objection, but that is an
12 absolutely objectionable question. I shouldn't even have to be on
13 my feet. Thank you.

14 MR. PRESIDENT:

15 The objection raised by the Defence is sustained.

16 The party -- or any party cannot ask a witness to make a
17 presumption. And all parties have been reminded repeatedly on
18 this issue and on the nature of questions, that is the question
19 shall not be the one that asked the witness to express personal
20 opinions or make a presumption.

21 BY MS. SIMONNEAU-FORT:

22 Q. I will therefore ask a different question, and that will
23 almost leave me to my conclusion: Mr. Youk Chhang, have you ever
24 received any challenges or any expressions of dissatisfaction
25 from any of the parties present with respect to your work

124

1 methodology with respect to photocopies of documents that you
2 have provided to each and every party?

3 MR. YOUK CHHANG:

4 A. Are you referring to the Accused himself, or the defence for
5 the -- defence team for the Accused, or all of them?

6 [15.59.21]

7 Q. I'm referring to the defence teams, to the Co-Prosecutors, and
8 to all counsel present at today's hearing.

9 A. I have never been opposed by any party. In general, we were --
10 we have been in a friendly atmosphere regarding this event. Of
11 course, I met with the Prosecution, with Michael Karnavas, as
12 well, so it was a friendly atmosphere, and I believe I have been
13 treated in the same way, of course including your team -- that
14 is, the civil party lawyers.

15 MS. SIMONNEAU-FORT:

16 Thank you very much, Mr. Youk Chhang. I have no further
17 questions. Thank you, Mr. President.

18 MR. PRESIDENT:

19 Thank you, Mr. Youk Chhang, for appearing before the Trial
20 Chamber as a summons. However, the examination of your testimony
21 is not yet finished in regards to the operation of DC-Cam. You
22 are invited by the Chamber again to appear tomorrow morning,
23 starting from 9 a.m., to continue with the parties' examination
24 on the same subject matter.

25 [16.01.05]

125

1 The time is now appropriate for the adjournment.

2 But, before we adjourn, we would like to ask the three defence

3 team-- As you have been allocated time to examine Mr. Youk

4 Chhang, the DC-Cam Director, for a period of two days, we would

5 encourage you to discuss amongst yourselves how much time each

6 team anticipates to take, and tomorrow morning, before I hand

7 over the floor to Nuon Chea's defence, we would like to get this

8 information from your three teams regarding the time allocation

9 amongst yourselves for the two-day time allocation.

10 It is now appropriate for the adjournment, and we shall adjourn.

11 And, court officer, please assist the witness for his returning

12 to his residence.

13 Security guards, you are instructed to take the three Accused

14 back to the detention facility and bring them back here tomorrow

15 morning, before 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1602H)

18

19

20

21

22

23

24

25