



Senior Assistant Prosecutor Tarik Abdulhak questions the witness Pean Khean at the ECCC on Thursday.

Court Adjourns Early After Witness Falls Ill

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On Thursday, May 3, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. The day's scheduled witness, Pean Khean, who is believed to be a close acquaintance of Koy Thuon, was examined by the Prosecution for an hour before he fell too ill to continue. He will return to testify when the Court resumes hearing evidence on Thursday, May 17.

Prosecution Requests Time Extension

Before Pean Khean was brought into the Chamber, Tarik Abdulhak, Senior Assistant Prosecutor, petitioned the Bench for an extension to the time allotted to the Prosecution for the examination of the witness. He argued that the testimony provided by the witness yesterday revealed that he could attest to significantly more information than was apparent from his prior statements. He specified that he would like to gather additional evidence about Koy Thuon, Pang, and the evacuation of Phnom Phen.

Elisabeth Simonneau Fort, international Civil Party lead co-lawyer, took the floor to support the Prosecutor's application but cautioned the Court that it was not fair to reduce the time allotted to the Civil Parties to accommodate the Prosecution's request.

Andrew Ianuzzi, co-lawyer for Nuon Chea, added that he had no objection to the additional time, and expressed his hope that the same courtesy would be extended to him in the future. Michael

Karnavas, co-lawyer for Ieng Sary, observed that any “seasoned lawyer” would be able to ascertain from the witness’s statements that he had substantial knowledge of Koy Thuon and Pang but conceded he was willing to acquiesce to the Prosecution’s request. Kong Son Onn, co-lawyer for Khieu Samphan, also noted that he had no objection, but asked the Chamber to consider carefully whether the witness could actually provide critical information.

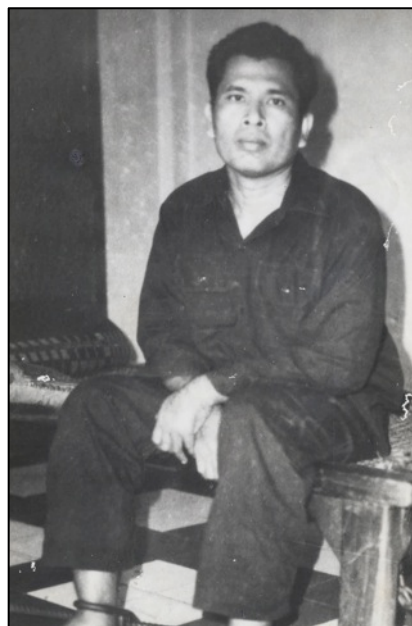
The Chamber President, Nil Nonn, granted the Prosecution’s request and assured the other parties that the decision would have no impact on their previously allotted time.

Peon Khean Returns to the Chamber

The President then welcomed Pean Khean into the Chamber and inquired about his health. The witness stated he was not well but agreed to attempt to provide testimony.

Before the prosecution resumed its questioning of the witness, Son Arun, co-counsel for Nuon Chea, requested clarification on whether the witness had been referring the previous day to a person named Koy Khoun, and if so, if he had intended to refer to Koy Thuon. The President informed him that it was the Prosecutor’s time to ask questions and reminded him that he would be able to seek clarification on this point during his allotted time for examination.

Mr. Abdulhak began his examination by reminding the witness that he previously stated that Koy Thuon had been arrested and placed in a location 300 meters south of K-1. The witness was able to recall that this occurred in late 1975 or early 1976. He also remembered that Pang ordered him to bring “Koy Khoun” a chicken after he was arrested. He told the Chamber that the holding cell was like a hotel surrounded by a wall. He did not recall seeing any guards around the facility.



*Koy Thuon in chains purportedly at S-21 after his arrest
(Source: Documentation Center of Cambodia)*

The witness was then shown a series of photographs and asked if he could recognize the people portrayed. He was not able to identify anyone.

Mr. Abdulhak next asked the witness if he knew why Koy Thuon was arrested. Pean Khean responded that Angkar held a radio broadcast where it was proclaimed that “Koy Khoun” was a member of the CIA and a traitor. The witness also said he heard “through the grapevine” that after “Koy Khoun” was arrested, his Zone was “dismantled,” meaning that his subordinates were arrested as well. The witness told the Court that the only thing he knew about “Koy Khoun’s” work was that he was the leader of Zone 304.

The President interjected to remind Mr. Abdulhak to be cautious about the name being used by the witness, noting that the defense will “capitalize on this.” Mr. Abdulhak explained to the witness that it was not clear to whom he was referring when he said “Koy Khoun.” He then asked whether the man Pean Khean knew as Koy Khoun had any aliases. The witness responded that Koy Thuon’s alias was “Duch.” He was then asked whether it was possible that this person was also known as Koy Thuon. The President interrupted to scold the interpreter for being sloppy and mixing up the aliases “Duch” and “Thuch.” The witness then stated the only two names he knew were “Thuch” and “Koy Khoun.”

The witness was asked what happened after “Thuch” was taken away. He responded that he never heard of him again. The witness responded that at the time of “Thuch’s” arrest they were living together at Chrang Chamres.

Pean Khean recalled that about two months after “Thuch’s” arrest Pang took him to work as a “food deliverer” at K-1. He lived and worked at the Office for six months, which he described as two houses surrounded by gates and walls. He testified that he saw Pol Pot there regularly and Nuon Chea occasionally.

The prosecutor showed the witness part of his interview with the Co-Investigating Judges in which he is recorded as stating that meetings were not held at K-1 but rather the Mobile Office K-3. Mr. Abdulhak asked Pean Khean to remember what leaders he actually saw at K-1. The witness replied that K-1 was a residence for Pol Pot and he also saw Nuon Chea there once.

Mr. Abdulhak asked whether Pang was also staying at K-1, and the witness told him this was correct. He was able to remember that Pang was in charge of Office 870, which he defined as an office of the central framework of the Communist Party of Kampuchea (CPK). In response to whether Pang was one of the senior leaders, he replied that Pang was “as assistant” who reported to Pol Pot. Pean Khean also recalled that Pang disappeared before he left K-1.

The witness was next asked whether he ever attended meetings with Pang. He responded only “simple” meetings at K-1, such as meetings on what vegetables and food should be gathered. He also attended self-criticism sessions, led by Pang, at least once every three nights. He recalled that Pang would say, “Enemies are those who are affiliated with the American CIA and who infiltrated the party” and anyone “affiliated with the CIA or KGB shall be destroyed.” He explained that in each meeting people were reminded to “be vigilant regarding the CIA and KGB agents because these people were against the revolution of the CPK.”

Mr. Abdulhak inquired whether any senior leaders held meetings during this time. The witness said that he did not understand the question. Upon clarification, he replied that other meetings were not held.

The witness then testified that after leaving K-1 he worked at a vegetable farm where children were kept for training. He recalled that he occasionally went to the “K Offices” to supply them with vegetables. When asked about the nature of Office K-3, he told the Chamber that K-3 was a location where the leaders, including Ieng Sary, would meet. The witness asserted he never knew the objectives of the meetings.



Mr. Veng inquired whether Pean Khean had ever heard of the “Standing Committee.” He was unable to recall it. The witness was then asked if he ever saw Khieu Samphan meeting with any of the cadres at the “K Offices.” The witness remembered seeing Khieu Samphan at K-3 but did not know whether he was there to attend meetings.

The witness was asked about an interview he is believed to have given to researchers in 2005, but he was unable to recollect the event. Mr. Abdulhak pressed further and was able to assist the witness in recalling that he had given two interviews. Mr. Kong objected that the prosecutor’s questions were leading.

Court Takes Morning Recess

At this point, the Chamber adjourned for a twenty-minute morning break. Ang Udom, defense counsel for Ieng Sary, made his usual request that the accused be permitted to waive his right to be present in the courtroom and retire to his holding cell to observe the remainder of the day’s proceedings via audio-visual link due to his health concerns. As usual, the President granted the request, requiring that a waiver be submitted with the defendant’s signature or thumbprint.

Witness Falls Too Ill to Continue

Forty minutes after the Court adjourned for the morning recess, the President informed the public that the witness was having health problems that prohibited him from continuing to testify on this day. Before adjourning the court, he announced that Pean Khean’s testimony would continue on Thursday, May 17, 2012, when the Court returns from an extended recess.