



Witness Sa Siek concluded her testimony at the ECCC on Tuesday.

**“Accurate, Complete, and Reliable”?
Defense Probes Interviews by Court Investigators**

By Mary Kozlovski

On Tuesday, August 21, 2012, trial proceedings in Case 002 involving the accused Nuon Chea, Ieng Sary and Khieu Samphan, resumed at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Witness Sa Siek concluded her testimony in the morning, after defense counsel for the accused swiftly conducted their examinations, which focused partly on Ms. Siek’s 2009 interview with investigators from the Office of the Co-Investigating Judges (OCIJ). The prosecution later began questioning new witness Kim Vun, alias Chhoam.

Khieu Samphan and Nuon Chea were present in the courtroom, though the latter retired to a holding cell midway through proceedings due to health complaints. Ieng Sary waived his direct presence in the courtroom and monitored proceedings from a holding cell for the entire day.

Defense Team for Nuon Chea Questions Witness Sa Siek

After court was called to order and the floor handed to Nuon Chea’s defense team, International Co-Lawyer for Nuon Chea Jasper Pauw started his examination by referring to Sa Siek’s March 24, 2009, interview with OCIJ investigators who inquired about a policy of “one Khmer Rouge soldier against 30” Vietnamese soldiers. After Mr. Pauw read an excerpt from her statement, Ms. Siek confirmed that in 2009 she could not recall if such a policy was broadcast during the Democratic Kampuchea (DK) regime. Citing Ms. Siek’s August 16 Trial Chamber testimony about an excerpt from a May 10, 1978, FBIS (Foreign Broadcast Information Service) broadcast

initially read to her by the OCIJ¹, Mr. Pauw sought clarification on whether Ms. Siek also could not remember during her previous testimony if broadcasts about such a policy were aired on DK radio. Ms. Siek confirmed that she gave those statements but asserted that she did hear “educational” radio messages for soldiers at the time.

Mr. Pauw again referred to Ms. Siek’s prior testimony, when prosecutors read an excerpt of her statement to the OCIJ² in which she answered questions about the FBIS report. Mr. Pauw asked to whom the term “we” referred in the paragraph read to her from the FBIS report, to which Ms. Siek said this referred to *Om Om*³, her leaders.

Nuon Chea Defense Contends Information “Fed” to Witness

Mr. Pauw announced that the defense team would request that relevant parts of OCIJ interviews be transcribed, which would, in their opinion, demonstrate that certain information is fed to witness. International Senior Assistant Co-Prosecutor Tarik Abdulhak argued that raising such issues in the witness’ presence was inappropriate and made certain assertions about her prior interviews. Mr. Abdulhak said the prosecution believed the interview was diligent, and it was acceptable for investigators to use documents to refresh the witness’ memory. President Nonn reminded the parties of ECCC Internal Rule 92.⁴ Mr. Pauw then concluded his questioning of the witness and turned the floor over to his colleague Son Arun.

Defense for Nuon Chea Examine Sa Siek’s Background and Duties

National Co-Lawyer for Nuon Chea Son Arun continued with the examination, asking Ms. Siek about her entry into the revolution. Ms. Siek said that she joined the revolution in 1972, at about 14 or 15 years of age, through a district art performance group. Her village chief “Pum” came to her after the coup d’état to ask her to enter the group, Ms. Siek said. In response to Mr. Arun’s questioning, Ms. Siek testified that there was no “message” that convinced her to join; she was determined to be part of the art group and did not care about the politics behind it.

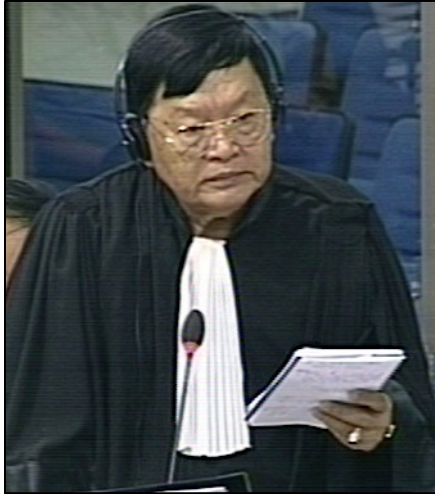
Turning to the post-1975 period, Mr. Arun asked if Ms. Siek continued to work at the Ministry of Propaganda after Hou Nim’s removal, to which Ms. Siek responded that she remained there until 1977 – under the supervision of “Chhay” following Hou Nim’s departure – when she was moved to Office 27 to produce books. Ms. Siek testified that she did not know who was behind the removal of Hou Nim at the time.

¹ Mr. Pauw cited an exchange where International Senior Assistant Co-Prosecutor Tarik Abdulhak quoted a passage from a copy of a FBIS broadcast dated May 10, 1978, and entitled “Educational Program: Democratic Kampuchea’s National Defense Situation from April 1977 to April 1978,” which was read to Ms. Siek by the OCIJ: “The party instructed that we must try to destroy as many of the enemy as possible and preserve our forces to the maximum. We were small in number, and we had to attack a larger force. Therefore we had to preserve our forces to the maximum and try to kill as many of the enemy as possible. This was our slogan. In terms of numbers, one of us had to kill 30 Vietnamese. If we could implement that plan, we could certainly win.”

² Mr. Abdulhak quoted Ms. Siek as saying in her OCIJ statement that the above paragraph from the FBIS report was the party line, the term “we” related to senior leaders including Pol Pot and his deputies, and to “smash” means to kill when referring to people and to destroy if referring to material.

³ Ms. Siek appears to use the term “*Om Om*” to refer to Khmer Rouge leaders.

⁴ According to ECCC Internal Rules (Rev.8, Aug 3, 2011), Rule 92 (amended on March 6, 2009) on Written Submissions reads as follows: “The parties may, up until the closing statements, make written submissions as provided in the Practice Direction on filing of documents. The Greffier of the Chamber shall sign such written submissions and indicate the date of receipt, and place them on the case file.”



Mr. Arun asked if the witness was told to read news or text for radio broadcast, along with her singing and dancing duties. Ms. Siek said that she was in the art group and did not progress far enough in school to become a newscaster. Mr. Arun then turned to Ms. Siek's testimony on post-liberation DK radio broadcasts about Vietnamese aggression in relation to islands off Cambodia's coast, which encouraged people to defend the country's sovereignty. In response to Mr. Arun, Ms. Siek said she could not recall the motivation behind such broadcasts, nor whether the Ministry of Propaganda aired information about security or national defense.

Sa Siek.

The Nuon Chea defense team concluded their questioning of

Ieng Sary Defense Focuses on Sa Siek's Interview with the OCIJ

Taking the lead for the Ieng Sary defense team, International Co-Lawyer for Ieng Sary Michael Karnavas honed in on two previous comments by the witness about Ieng Sary's role on April 17, 1975: in Ms. Siek's August 15 testimony and her March 24, 2009, statement to OCIJ investigators, respectively.

First, Mr. Karnavas referred to the witness's August 15 testimony, when the prosecution asked Ms. Siek about a comment in her OCIJ statement that Ieng Sary was working at the Ministry of Foreign Affairs (MFA), on April 17, 1975. Ms. Siek told the prosecution during her testimony that she only "knew of" Ieng Sary.

Mr. Karnavas then cited a comment from the OCIJ statement, in which Ms. Siek said Ieng Sary was "at the MFA at that time," in the context of April 17, 1975. In response to an inquiry from the counsel, Ms. Siek said she told investigators she heard from others that Ieng Sary was in charge of the MFA. She said investigators read the record of the interview to her but, as the interview was long, she was fatigued and did not pay attention to every detail in the written record. Mr. Karnavas asked Ms. Siek if what was put down by the investigator and read to her was not what she told them. Mr. Abdulkhak interjected, arguing that this question misrepresented the witness's comments and stating that he did not note any discrepancy between the excerpt from the OCIJ interview and Ms. Siek's testimony.

Persisting in this line of questioning, Mr. Karnavas inquired whether the witness told investigators that she saw Ieng Sary was at the MFA on April 17, 1975. Ms. Siek responded that there was no MFA running at that time and she had only told investigators that Ieng Sary was in charge of the MFA without specifying a date. When Mr. Karnavas asked who had made the error, Civil Party Lead Co-Lawyer Elisabeth Simmoneau-Fort objected that Ms. Siek had already explained her comments. Mr. Karnavas emphasized that he was attempting to ascertain the origin of the mistake, as there was an apparent irregularity in the statement that might later be addressed. "I think part of the thrust of counsel for Nuon Chea's remarks was that these summaries, which some judges may think are actually accurate, complete, and reliable are

anything but that,” Mr. Karnavas said. Ms. Siek responded that the investigator may have gotten the information wrong and she may have overlooked this, as she did not see Ieng Sary on April 17, 1975.

Also in response to inquiries from Mr. Karnavas, Ms. Siek said that she did not recall attending any standing committee or central committee meetings or receiving any documents from these committees detailing their activities. Ms. Siek testified that she was not in a position to know the thoughts of the “*Om Om*.” The Ieng Sary defense team concluded its questioning of Sa Siek.

Lawyers for Khieu Samphan Examine Witness Sa Siek

National Co-Lawyer for Khieu Samphan Kong Sam Onn began the Khieu Samphan team’s examination of the witness by seeking clarification on her testimony about observing Khieu Samphan at ceremonies before 1975. Ms. Siek recalled that she observed Khieu Samphan once at a Khmer New Year celebration she attended with her art group in the jungle around 1974.

Citing Ms. Siek’s interview with OCIJ, Mr. Sam Onn asked Ms. Siek what the “party center” was, to which she replied that the country’s administration was composed of villages, communes, districts, sectors and zones, with the “center” at the apex.

In response to queries from Mr. Sam Onn about her transfer to the center, Ms. Siek said Tiv Ol saw her perform at Chi Klar commune in Sector 20, and she was one of two artists from Prey Veng province – along with two artists she recalled from Svay Rieng province – chosen to join the art group. Ms. Siek testified that she supposed Tiv Ol and the head of her district art group Punly “introduced” her to the art group in the center because they wanted her to be transferred there.

After Mr. Sam Onn pressed the witness for further details about her observation of Khieu Samphan as she journeyed to Phnom Penh after news of the liberation, Ms. Siek said she saw Khieu Samphan in a car with Comrades Yet and Mul while she was in a truck a short distance away. Recalling her prior testimony, Mr. Sam Onn asked how Ms. Siek knew that the “*Om Om*” had left for Phnom Penh from Udong Mountain an hour or two earlier than her group did. The witness said she believed it to be true, because only her group remained and she did not take notice of any farewell messages, as she had to rehearse a song.

Mr. Sam Onn asked the witness what she meant by a comment in her interview with the OCIJ that “Khieu Samphan was mostly attached to the Samdech,” a reference to Prince Norodom Sihanouk. Ms. Siek said Khieu Samphan’s work involved travelling overseas – which she heard through radio broadcasts – though she did not know the details of his duties.

Khieu Samphan Defense Also Tackles Sa Siek’s Interview with Court Investigators

At this point, International Co-Lawyer for Khieu Samphan Anta Guissé took the floor, and began by questioning Ms. Siek about the duration of her interview with OCIJ investigators. Ms. Siek said though she could not recall precisely, the interview was lengthy and continued “after lunch.”⁵

⁵ At this point, Ms. Guissé stated that the final page of the Khmer version of the OCIJ interview states that the interview ended March 26, 2009, while the French version reads March 24, 2009.

Ms. Guissé inquired whether the witness was informed during her interview with OCIJ investigators about the transfer of people and if she told investigators she did not know the people transferred during the population movement. Ms. Siek said she did not know who ordered the evacuation, which she had told OCIJ investigators.



Turning to Ms. Siek's stated encounters with Khieu Samphan around April 17, 1975, Ms. Guissé asked for further detail from the witness. Ms. Siek said she did not know where the vehicle carrying Khieu Samphan – in which she had seen him at Udong – was going, and she then saw him at the Ministry of Propaganda, where she went a day after arriving in Phnom Penh following a four-day journey, after news broke of the liberation. Ms. Guissé pressed the witness about her observation of Khieu Samphan at the Ministry of Propaganda. Ms. Siek said she saw Khieu Samphan opposite 'Studio Number 5' in the afternoon of the day she arrived at the ministry.

Ms. Guissé cited Ms. Siek's prior testimony that she saw him seated "on a steel bed" and asked if this was in a room at the ministry that housed people. Ms. Siek said the ministry was disorganized then but Khieu Samphan stayed within the compound in a bigger room than the others for around two to three days, where she saw him everyday. Thereafter Khieu Samphan, along with Hou Nim, left and only the young artists remained, Ms. Siek concluded.

The defense team for Khieu Samphan asked no further questions. At this point, Sa Siek's testimony at the court concluded.

New Witness Takes the Stand to Testify

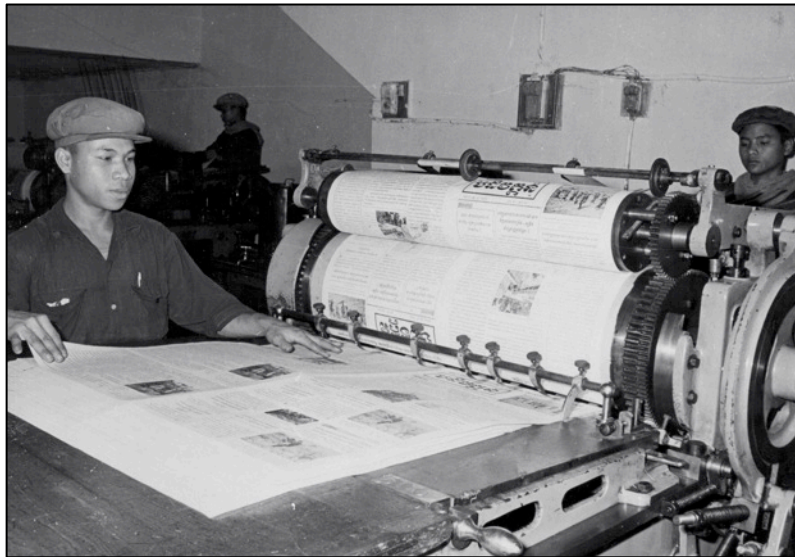
Following the midday break, a new witness – Kim Vun, alias Chhoam – entered the courtroom. In response to preliminary questions from President Nonn, Mr. Vun stated that he is 53 years old and lives in Pailin district in Pailin province, where he works as a government employee for the department of posts and telecommunications. Mr. Vun confirmed that he could read and write Khmer and has no relationship with a civil party or accused in Case 002. The witness said he had read two written records of interviews he had with the OCIJ, and they were consistent with his answers.

Prosecution Leads Questioning of Witness Kim Vun

National Senior Assistant Co-Prosecutor Veng Huot launched the prosecution's examination by citing one of Mr. Vun's statements to OCIJ investigators, that in February 1971 he began work at the front's printing house in Santouk district⁶ along the Chinit River, which was Pol Pot's base. Mr. Huot asked why Mr. Vun had begun work at the central printing house. Mr. Vun said that during the FUNK (National United Front of Kampuchea) regime, the district and central leadership came to the base, and he was convinced to work for the district. At the time, Mr. Vun

⁶ Santouk district is located in Kampong Thom province.

recalled, he worked for the “nationalist youth group” in his village and did not want to leave his mother behind. Mr. Vun said the “elder brothers” from the district and the center persuaded him to work at the central office, and he could visit his village.



Teenage workers were printing the Khmer Rouge newspaper Revolution at a printing shop in Phnom Penh during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia)

In response to Mr. Huot’s questions, Mr. Vun testified that he had no printing skills at that time but could write Khmer nicely and perform office tasks. Mr. Vun said he was “more than 10 years old” at the time. Mr. Huot noted that the witness’ statement to investigators indicated he was 12 years old and asked if only people as young as 12 were recruited to work at the printing house. Mr. Vun said many people that young at the time were asked to join, including some relatives who were younger than him. In response to questions from Mr. Huot, Mr. Vun said that he was appointed to tasks that he had to perform effectively at the printing house, which was located in the jungle a few kilometres from where Pol Pot resided. Mr. Vun testified that he learned later on that the “office” was under the supervision of “Pang.”

As Mr. Huot directed his inquiries to the work Mr. Vun performed, the witness said he was assigned to practice writing with pen on paper everyday, with a few sheets of paper beneath so the writing would be copied onto those pages before being printed. Mr. Vun testified that the printing house first made a small booklet about a “former resistance activist” named Keo Nhil. At the beginning, there were only two children – or young people – among four people working at the printing house and later other people came from Kratie province, Mr. Vun testified.

Mr. Huot questioned the witness about documents printed, to which Mr. Vun said other documents included those relevant to “front affairs” and news for the radio station, and telegrams could also be sent from the printing house. When asked if *Revolutionary Flag* or *Youth* magazines were printed, Mr. Vun said only “front-related” documents were printed, such as news from battlefields, leadership statements in other languages, and telegrams, which he tried to comprehend before writing. The documents were mostly handwritten, copied, and then sent for printing, Mr. Vun said.

Mr. Huot read two quotations from a document – “Bravo the brave people and Kampuchean Peoples’ Liberation Armed Forces throughout the country” and “Bravo great victories to our people and the Kampuchean Peoples’ Liberation Armed Forces in every battlefield” – and asked if the witness ever saw such slogans printed. Mr. Vun said he could not recall, but the two slogans were “common” at that time.

Referring to the same document, Mr. Huot read another excerpt that referred to the “heads of enemies” being “smashed” while tens of thousands were liberated and inquired whether such phrases or content were printed at the time. Mr. Vun responded that this “common statement” was broadcast on the radio and printed in magazines.

Mr. Huot moved his inquiries to the distribution of documents after publication, with Mr. Vun testifying that they were disseminated to the base, particularly to the liberated zones, through messengers. Mr. Vun commented that as tasks were “clearly divided,” he did not distribute documents and was not supposed to leave the printing house. When asked whether his freedom of movement was restricted, Mr. Vun responded that their job had to be performed in “utmost secrecy” and they could not roam freely or they could be targeted and bombarded in an aerial attack. Mr. Vun explained that the directors who supervised the premises gave this instruction.

Mr. Huot asked Mr. Vun how many days a week he had to work and how many hours per day he was permitted to rest. Mr. Vun explained in a lengthy response that during wartime, work was divided regardless of age, people had different shifts, and hours per day were not considered. People had to help with food and water and remind each other of health concerns, Mr. Vun said.

Asked whether he ever met front leaders, Mr. Vun said Brother Hem⁷ – or Khieu Samphan – visited the area once in a while, including the printing house, where he sometimes came to greet the workers and at other times brought food to encourage them to continue the struggle.

Prosecution Quizzes Witness about Printing House Locations

International Senior Assistant Co-Prosecutor Keith Raynor then assumed questioning for the prosecution, asking how often statements from the leadership come to the printing house. Mr. Vun said normally leaders did not attend the printing house and usually messengers ferried documents there.

Mr. Raynor queried whether Mr. Vun remained at the same printing house from 1971 and 1975, to which the witness responded that the location had to change several times from the initial location onto Office 24, then to B-20⁸, and then adjacent to the Olympic Stadium in Phnom Penh after 1975. When asked who decided what was published from 1971 to 1975, Mr. Vun repeated that the printing house received the documents from messengers. Mr. Raynor inquired about the radio station to which news was sent. Mr. Vun said the FUNK radio station was based in China and there was a radio station close to the printing house in B-20 from 1973 to 1975.

⁷ “Hem” is Khieu Samphan’s alias.

⁸ B-20 was identified as being located in Stung Trang district, in Kampong Cham province.

In response to questions from Mr. Raynor, Mr. Vun said he was at B-20 shortly before the liberation of Phnom Penh and those who worked at the radio station were eventually moved to the city before the printing house team was, explaining that they had to take a boat to get to Phnom Penh. Mr. Raynor inquired how long Mr. Vun was at B-20, to which the witness said he could not recall. Mr. Vun testified that he remained in the printing house at B-20 and in Phnom Penh, assisting with headings for articles, covers for printed materials, and magazine pictures. He emphasized that he was more involved with writing than technical aspects of publishing and later worked in the newspaper section and helped to produce picture magazines.



Mr. Raynor asked a series of questions about B-20 and its structure. Mr. Vun said his superior at B-20 was a man named Ban who reported to the “upper echelons” but noted that Pang was in charge overall. B-20 was located in a banana plantation, with offices concealed under trees to avoid bombardments and offices typically covered with thatched roofs, Mr. Vun said. He further testified that the only leader he saw at B-20 was Yun Yat.

Citing a comment from Mr. Vun’s statement to OCIJ investigators about “basic study sessions,” the prosecutor inquired whether there were any such sessions held at B-20. Mr. Vun said that generally during the front movement, all combatants had to attend political study sessions to receive instructions on gathering forces to liberate the country. The sessions focused on war, devotion, sacrifice and struggle, Mr. Vun testified, and attendees were told to have solidarity among them and to maintain secrecy in order to avoid being bombarded or shot at by opponents. Mr. Vun said people discussed how to be vigilant and perform their duties well. At B-20, Yun Yat was the only speaker at these sessions, Mr. Vun recalled.

Recounting Mr. Vun’s earlier testimony, Mr. Raynor asked the witness who motivated and encouraged him at B-20. Mr. Vun said Brother Hem encouraged him earlier on, as did “elder brothers” who worked there. He testified that he was young and homesick at the time, and the workers could not have performed enthusiastically without encouragement and motivation among themselves.

When Mr. Raynor asked what occurred during Khmer New Year in his time at B-20, Mr. Vun replied that he believed there was an event involving the “White Khmer,” as he overheard there was fighting staged by this group.

Mr. Raynor asked what the last news from the battlefields was when Mr. Vun was at Stung Trang. Mr. Vun said news came in about an offensive attack on January 1 in the battlefields around Phnom Penh, which was one of the goals of the FUNK. When asked how news from the

battlefields was received, Mr. Vun said news from the FUNK was normally sent via telegrams, which were first sent to the leadership.

Mr. Raynor inquired if the witness was given instructions about his new location and his duties in the days leading up to his departure from Stung Trang. Mr. Vun said his superiors told them to prepare for “new tasks” as victory was imminent, and this information was broadcast through the radio station at B-20, where people from the printing house also worked. In response to queries from Mr. Raynor, Mr. Vun testified that radio broadcasts would air from B-20 everyday, beginning in the morning with information from the battlefields. Mr. Vun said newscasters named Phai, Sorn and Yet initially read the news and were later joined by Mul.

When asked by Mr. Raynor if he heard any leaders speaking in broadcasts from B-20, Mr. Vun said there were some statements from leaders – though their voices were rarely heard – but he could not remember the content. Mr. Vun also testified that there were five newscasters – two men and three women – in the radio group at B-20.

In response to further questions, Mr. Vun also recalled that news content in magazines was about the battlefields or statements by the leadership, appealing to combatants and the masses to unite to achieve victory. Mr. Raynor asked if Mr. Vun was still copying out handwritten news at B-20, which Mr. Vun confirmed.

Mr. Raynor questioned who wrote the leadership statements at B-20 to which Mr. Vun had referred. The witness said the main statements – which could contain more than 10 pages - were from Khieu Samphan, though he did not recall how many. He then speculated that FUNK statements could not have been written without clearance from Prince Norodom Sihanouk. Mr. Raynor pressed Mr. Vun for details on Khieu Samphan’s statements, and Mr. Vun testified that messengers would ferry handwritten or typed statements, which were copied and read as part of radio news broadcasts. He said the statement would normally be recorded by newscasters and then aired. When asked about typical content in Khieu Samphan’s statements at B-20, Mr. Vun said the statements would mainly promote offensives geared at achieving victory in the battlefield and appeal to people in liberated zones and cadres, among others, to support each other.

Mr. Raynor quoted Mr. Vun’s comments from a document, as saying the upper echelon communicated “through letters” to the middle and lower echelons, which were sometimes summoned to meetings to receive plans. He asked how documents were sent from the upper echelon. Mr. Vun said messengers – who were normally considered to be honest and loyal – couriered letters in utmost secrecy. Following an objection from Mr. Sam Onn that the prosecution was not specifying a letter – which was overruled – Mr. Vun responded to Mr. Raynor by stating that the “middle echelon” referred to “cadres within respective units,” from whom he received directions and letters. Mr. Vun said people at the lower level never received letters directly from the upper echelon, and letters from the upper echelon were confidential.

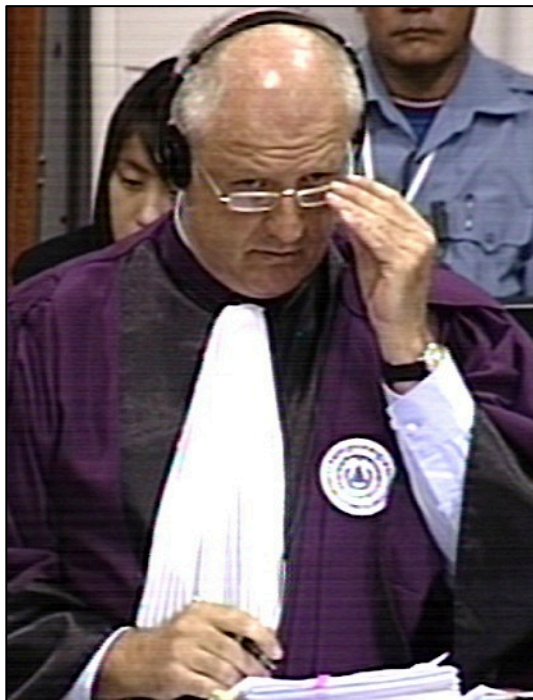
Returning to so-called “basic study sessions” from 1971 to 1979, Mr. Raynor cited the same document, quoting Mr. Vun as saying cadres were summoned to such sessions to enable them to understand before plans were implemented. Mr. Vun said individual members were generally

told to attend the sessions, which involved political training and indoctrination to prepare people to work in the fields, and allowed cadres to understand plans to be executed. In response to Mr. Raynor, Mr. Vun said the “upper echelon,” or senior leaders, must have made the plans.

When Mr. Raynor asked the witness about the message of “political indoctrination,” Mr. Vun replied that initially warfare was discussed among combatants, but during peacetime, the topics were reconstruction and national defense. Mr. Vun testified that after April 17, 1975, study sessions were held at Borei Keila and could last for months for those in the upper authority and for one or two weeks for the lower levels. Mr. Vun said Yun Yat trained him after 1975, when he was with the Ministry of Propaganda.

Prosecution Questioning Turns to Period after April 17, 1975

Turning to the status of the printing house after April 17, 1975, Mr. Raynor quoted Mr. Vun as saying he was “assigned to organize a printing house.” When asked who assigned him, Mr. Vun said that after arriving in Phnom Penh he produced one copy of a handwritten magazine on reconstruction of the country, before he began assisting with preparing magazines and newspapers to be printed. Mr. Vun testified that he prepared headings of articles and assisted in writing some articles and was no longer involved with technical aspects of printing. Mr. Vun said Yun Yat sent him to complete such tasks.



Mr. Raynor sought clarification on whether offices K-25 through K-31 were all sections of the printing house, to which Mr. Vun answered that they were offices under the Ministry of Propaganda and Education and K-25 was an office where the minister worked. Mr. Vun said the place he worked at was formerly the office of the *National Salvation* newspaper during the Khmer Republic under Lon Nol. Mr. Vun confirmed to Mr. Raynor that as an existing printing house, it had facilities to print newspapers.

Again citing a document, Mr. Raynor quoted Mr. Vun as saying that K-25 published *Revolutionary Flag* and *Male and Female Youth* magazines and was comprised of a group of writers and interview-writing and editing sections. In response to a question from Mr. Raynor about the size of K-25, Mr. Vun replied that the printing house attached to K-25 was quite small, the one adjacent to K-26 was

bigger, and the most modern one was attached to K-27. Mr. Vun said magazines could be printed at K-26, but it primarily printed cover pages of *Revolutionary Flag* and *Revolutionary Female and Male Youth* magazines. Meanwhile, Mr. Vun testified, subsequent pages of *Revolutionary Flag* and other documents were printed at K-25, and at K-27 certain documents were printed in foreign languages including French and English.

Mr. Raynor asked in which section of K-25 the witness worked. Mr. Vun responded that he was an assistant who prepared headlines for articles but, after learning about photography, he was transferred to another section to write articles for the revolutionary newspaper. He testified that they had to arrange headings in the newspaper, which “the leaders” usually wanted to be handwritten. When asked who generated the words for the heading, Mr. Vun said usually the minister convened writer meetings to discuss the best wording for headlines, where the majority opinion was followed. When Mr. Raynor asked if Chhay was the head of the writers team, Mr. Vun said Chhay was an “old-time resistance” figure in Phnom Penh and was therefore promoted to head of the unit.

Moving his questioning to *Revolutionary Flag*, Mr. Raynor asked when the first edition was published, to which Mr. Vun responded that it may have been 1971 or 1972, because there were several copies when he started work at the printing house. Mr. Raynor cited another document, in which he quoted Mr. Vun as saying the writers came from the party center. Mr. Vun said he did not know who the writers were, but he noticed written annotations on revised versions of the magazines that could have belonged to Brother Pol. At this point, President Nonn told the witness he was not allowed to speculate during his testimony.

Mr. Raynor asked the witness if, based on his own knowledge, he recognized Brother Pol’s writing. Mr. Vun responded that documents he used as sources for his writing had annotations, some of which belonged to Pol Pot. Mr. Raynor inquired if Mr. Vun recognized the handwriting of any other leaders. Mr. Vun said:

For the *Revolutionary Flags*, none of the lower-level cadres could have been writing such texts because they were about political lines, about theory, ideology, and none of the lower-level people could be knowledgeable to produce such texts. So I believe they must have been written by the people at the leadership.

Mr. Vun recalled that there were some annotations on texts on which he relied for news articles that “could have been written by several authors.” He testified that he recognized annotations because if he had to write based on texts, he needed to seek clarification if he did not understand the annotations.

Prosecution Requests Further Time to Question Witness Kim Vun

Following a brief recess, Mr. Raynor requested that the chamber grant the prosecution additional time – on top of time remaining – to question Mr. Vun, as he was an important and “document-heavy” witness for the prosecution. The prosecutor also noted that half of a day had been saved in questioning of Sa Siek.

The request prompted an objection from Mr. Karnavas who argued that time saved from one witness could not be spent on another and that time allocations were at the Trial Chamber’s discretion. President Nonn said the issue would be decided upon the following day but agreeing that time allocated for one witness could not be used to put questions to another witness.

International Prosecutor Presses Witness on Magazine Content

Returning to the examination, Mr. Raynor quoted Mr. Vun as saying in a document that the contents of *Revolutionary Flag* were about “internal party principles and guidelines” of the

party's upper echelon for lower-level cadre to "implement and follow." He requested the witness give an example of aforementioned "political lines" in the content. As an example, Mr. Vun referred to a plan for rebuilding the country, which included increasing the rice yield to three tons per hectare, or launching an offensive to defend the country.

In response to a question from Mr. Raynor, Mr. Vun confirmed that he was not a party member but was in the youth league. Mr. Raynor asked if the April 17, 1975, victory was mentioned in *Revolutionary Flag*, to which the witness said he was assigned to work on newspapers in Phnom Penh and was too busy to care about those magazines. Mr. Vun said authors had to ensure that the message was friendly and read by the public, but none of the authors wrote for *Revolutionary Flag* because others did. Mr. Vun testified that usually on the anniversaries of April 17, 1975, there were events the newspapers and radio broadcasts would have to cover. He could not recall, however, if the birthday of the Communist Party of Kampuchea (CPK) from 1960 was included in *Revolutionary Flag* but noted that during the anniversary there was a speech by Brother Pol at the stadium, which might possibly have been covered.

Mr. Raynor queried the witness's comments in a document about *Revolutionary Flag* being a "confidential document" only distributed to "party cadre and the zone, sector, and strict levels." Mr. Vun said that cadres needed the magazine to lead people, and it was important that cadres read it so they were "well-guided." He testified, "I believe that an individual would be offered a copy and he or she would impart the information to others." Mr. Vun said he did not know how many copies of the magazines were printed, but "stacks" of each issue would be loaded onto trucks for distribution to 304⁹, for example, rather than to individuals. In response to further questions on the topic, Mr. Vun said he did not know if they were distributed to cadre outside the country, if cadres complained that they were not receiving copies, or how the magazines were received.

Mr. Raynor referred to Issue 8 of *Revolutionary Flag* magazine from August 1975, and Mr. Vun confirmed that, while the publication was normally printed at K-25, this cover page was printed at K-26. Mr. Raynor asked if there was any meaning behind five flags featured on the front page. Mr. Vun said he was not a party member and therefore did not know. Mr. Raynor cited a heading – "Long live the magnificent revolutionary army of the CPK" – over the page, and read a passage about a July 22, 1975, CPK political conference to establish the "revolutionary army" in the presence of around 3,000 army representatives. In response to a query about his recollection of the event, Mr. Vun said he did not recall it but he did not attend such gatherings.

Mr. Raynor read another passage to Mr. Vun, asking if it resembled messages that he had described earlier in his testimony:

Now that we have seized control we must defend the country because the external enemies and the internal enemies want to seize back power: to seize it overtly by warfare, to seize it ideologically and economically by espionage, and to seize it overtly and covertly in every way so that war will re-emerge.

⁹ Mr. Vun referred to "304" as the North Zone in his testimony.

At this point, Mr. Pauw interjected, arguing that in line with a directive on documents from the chamber last week, the prosecution must first establish if the witness has seen the document and, if not, the document must be removed from the witness. Mr. Raynor said he understood that if the witness had not seen the document, questions could still be asked and extracts read, and observed that the witness is better served by having the document in front of him to follow. He further submitted that if the witness has a nexus with the subject of the document and that the questioning goes to content that is relevant, then the questioning is admissible before the court.



After a lengthy discussion among judges, Trial Chamber Judge Jean Marc-Lavergne said that a document tendered into evidence and shown to the parties could be used to “lay a foundation” for questions a party wishes to ask. Such a document can be given to the witness, Judge Lavergne said, but will be withdrawn if the President believes it is likely to influence the witness’ answers. The objection was overruled.

In response to Mr. Raynor’s original question, Mr. Vun said he could not comment on the content of *Revolutionary Flag*. The prosecutor pressed Mr. Vun, referring to his testimony that the magazine contained information about politics, ideology and theory, and asked if the notion of defending the country was part of the political message. In a lengthy response, Mr. Vun explained that the central message of *Revolutionary Flag* was the defense of the country before its construction could take place, but he could not dwell on the magazine’s substance, noting again that he was not a party member. Mr. Vun said newspaper articles were written with a “broader perspective” and not intended to be “secretive” but the content of *Revolutionary Flag* was meant to be training material for cadres.

Mr. Raynor inquired whether the witness recalled anything said about internal and external enemies from 1975 to 1979. Mr. Vun said he did but commented that it was not explained in detail and only mentioned the Vietnamese or KGB agents. He noted that during presentations or training, participants were not provided with study material and had to take their own notes.

Mr. Raynor moved his questioning back to Mr. Vun’s statement to OCIJ investigators, in which he mentions reading that Norodom Sihanouk transferred the position of chairman of the state presidium to Khieu Sampahn in a document in French and English at the printing house. Mr. Raynor then asked to place a document entitled “The First Plenary Session of the First Legislature of the People’s Representative Assembly of Kampuchea” before the witness and proceeded to quote several sections from it. At one point, Mr. Sam Onn objected that the prosecution had not asked that the witness confirm if he had seen the document. Mr. Raynor argued that it was not necessary for this to be the first question, because if the document is relevant and the witness has a nexus with it, the questioning must first establish what is in the document. The objection was overruled.

Continuing with his questioning, Mr. Raynor inquired whether the document from which he was reading was the same document the witness saw in the printing house. Mr. Vun said he believed he only saw the document in French or English, not Khmer, and at the time he learned that Norodom Sihanouk resigned and Khieu Samphan was his successor.

With that response, President Nonn adjourned proceedings, to resume on Wednesday, August 22, 2012 at 9 a.m. with further questioning of Kim Vun by the prosecution.