



*Senior Assistant Prosecutor Tarik Abdulhak concludes his examination of Sar Kim LaMouth at the ECCC on Monday.*

**The Prosecution and Civil Parties Conclude Their Examination of Witness Sar Kim LaMouth on His Third Day of Testimony**

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The Extraordinary Chambers of the Courts of Cambodia (“ECCC”) resumed proceedings Monday, June 4, 2012, with the third day of testimony of witness Sar Kim LaMouth in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. All parties were present except the accused Ieng Sary, who participated in the day’s proceedings remotely from his holding cell.

Over 200 villagers were present in the public gallery, all hailing from Prey Veng province, located approximately 200 kilometers southeast of Phnom Penh. Entire families came to watch the proceedings and no one appeared to have been left behind; mothers who could not find caregivers for their infants simply brought them along. During lunch adjournment, the ECCC canteen looked like the picnic grounds of a jovial family reunion.

President Nonn began the day’s proceedings recognizing the presence of the witness’s new duty council before handing the floor to Senior Assistant Co-Prosecutor Tarik Abdulhak. Mr. Abdulhak resumed last week’s examination with the same examination technique he employed the previous week.

***Mr. Abdulhak Concludes The Prosecution's Lengthy Examination***

Mr. Abdulhak started off questioning the witness about the relationship between Khieu Samphan and Vorn Vet, whom the witness had stated was in charge of industry and economy under Democratic Kampuchea ("DK"). He reminded the witness of a man named On, whom Mr. LaMouth had said was Chairman of the Industry Committee. Asked to elaborate upon the three, the witness could not provide any specifics on the relationship between On, Khieu Samphan, and/or Vorn Vet. He said he only studied in the industry committee for "a short period of time" and therefore had little opportunity to acquire such knowledge. When asked if he knew who was more senior (Khieu Samphan, Vorn Vet, or On), Mr. LaMouth responded, "Upon my arrival I was not told of the hierarchy of the management." He added that he only discovered the relationship among the three when he was presented with documents by co-investigating judges in 2009.

Mr. Abdulhak requested permission to present the witness a transcript of the witness's December 18, 2009, interview with a court-investigating officer. President Nonn granted the request, after which Mr. Abdulhak read aloud to the Court, "When I started working there, On was the chief of the ministry. And I assumed Hem was above On, but he was not known to the public.... Maybe Hem was sitting on the Economy Committee with Vorn Vet or he was assigned by the upper echelon to be the Chairman of the Commerce Committee." The witness could recall making these statements but said they were conclusions based upon documents the co-investigating judges showed him. They were not, he emphasized, based upon his own experience or interaction with the Commerce Committee during DK.

Defense Counsel for Ieng Sary Michael Karnavas made the first objection of the day, suggesting to the Court that the witness should have the opportunity to read a broader portion of the transcript to help him put Mr. Abdulhak's questions into context.

Defense Counsel for Khieu Samphan Arthur Vercken followed, suggesting Mr. Abdulhak read to the Court a specific question and answer transcribed on the document.

President Nonn responded, "There is no need for you to teach another party how to question the witness.... Don't use this time as a forum for you to teach another party on how to question the witness and what kind of documents should be used." He then gave control of the floor back to Mr. Abdulhak.

Mr. Abdulhak continued his questioning. He read an excerpt from the same interview that suggested Van Rith did not have the power to make executive decisions within the Commerce Committee without approval from the upper echelon. Mr. LaMouth remembered making such a statement, but he reminded the Court that the bank where he worked was separate from the Commerce Committee, limiting the extent of his knowledge on the working hierarchy within that division.



*Vorn Vet (standing center, in dark suit) during the signature ceremony with North Korean counterparts during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia)*

Mr. Abdulhak placed another document before Mr. LaMouth, a continuation of the witness's December 18, 2009, interview, dated December 19, 2009. Mr. Abdulhak read an excerpt to the court in which the witness confirmed that Hem and Vorn Vet had enough authorization to instruct their subordinates. When asked if he still agreed, the witness said he did. However, the witness firmly reiterated that the statements he was quoted as making were assumptions based upon the documents presented to him by the co-investigating judges, documents of which he had no knowledge prior to that date.

Mr. Abdulhak placed yet another document before the witness. Asked if he recognized the document and noticing it too concerned affairs of Commerce Committee, the witness responded, "My work place was adjacent to the Commerce Office and the documents submitted to me concerned commercial matters." To make sure the Court firmly understood he was not a member of the Commerce Committee on which he was being questioned, Mr. LaMouth continued, "It has been 30 years or so and most importantly I did not interfere into the commercial affairs." He concluded by reiterating to the Court that his signature upon the documents merely signified he had read the document at the co-investigatory interview; it did not imply he had seen the document during his work under DK.

Understanding his concern, President Nonn explained to the witness, "The purpose of the question is to ask you whether or not you have seen this document before you appeared before the Chamber today."

#### ***Commerce Committee Documents Allegedly Forwarded To Brother Hem For Review***

Mr. Abdulhak proceeded to place another document before the witness; the document represented the last of a series of ledgers dated October 1978. Though the witness could not recall the document, Mr. Abdulhak informed the Court that Mr. LaMouth had been presented with the document during his interview with the co-investigating judges. President Nonn gave Mr. Abdulhak permission to proceed. The witness then read an annotation on the document stating, "Already sent to Brother Hem and Brother Vorn." He then informed the Court it was signed by Van Rith on October 21, 1978, and was titled, "Crated Expenditure of [illegible number of yuans] as of the 15<sup>th</sup> of October 1978."

Mr. Abdulak proceeded to put before the witness another similar document, beginning by asking whether the witness recognized it.

Before the witness could respond, International Defense Counsel for Nuon Chea Jasper Pauw stood to address the court. “This is not so much an objection as a question,” Mr. Pauw stated, “I was wondering if there is actually going to be a question relating to the document that is being shown to the witness.”

“This is a series of documents, and I assure counsel there will be a question. This is simply to establish continuity,” Mr. Abdulhak responded.

President Nonn instructed Mr. Abdulhak to proceed. Again, Mr. LaMouth could not recall seeing the document before the co-investigating judges had presented it to him. Asked to read the heading of the document, the witness quoted, “Crated Expenditure of 140 Million Yuans as of the 31<sup>st</sup> of October 1978,” the annotation on the document reading “two copies already sent to Brother Hem.” He added that the document was signed by Van Rith of the Commerce Committee on November 4, 1978.

Changing topics, Mr. Abdulhak asked if the witness had stayed in his position at the bank until the Vietnamese entered Phnom Penh January 6, 1979. He said he had. However, he told the Court he did not know of Vorn Vet’s whereabouts in the final months of DK.

Returning to the December 18, 2009 interview between the witness and the co-investigating judges, Mr. Abdulhak read to the witness the following: “Can you explain why they [copies of the ledger reports] were sent to Hem alone but not to Vorn Vet?” In the interview the witness went on to state he had heard Vorn Vet had been “removed,” but “he didn’t dare ask Van Rith about it.” Asked if the witness still agreed with his earlier statement, Mr. LaMouth responded that he did.

***Mr. Abdulhak Questions Witness On Ieng Sary’s Ties To The Commerce Committee***

While a few members of the civil parties could be seen raising their hands to cover yawns, Mr. Abdulhak proceeded to place another document before the witness. The document was a written report concerning a meeting held on December 2, 1978, between Ieng Sary and the Commerce Delegation of the People’s Republic of China; among others, the witness and Van Rith were listed as attendants. Although the witness could not recall the meeting, he acknowledged participating in it, adding, “It was rather strange that Mr. Ieng Sary was the head of the Ministry of Foreign Affairs but participated in a meeting regarding the Commerce Committee.”

The witness proceeded to read an annotation from the document stating, “Dear respected brother, I sent you these minutes which was recorded by Brother LaMouth.” Although the annotation mentioned his name, Mr. LaMouth firmly denied drafting the report; he said the handwriting was not his. His presence at such a meeting was no surprise, however, explaining that he normally participated in meetings concerning commerce related affairs on behalf of the bank.

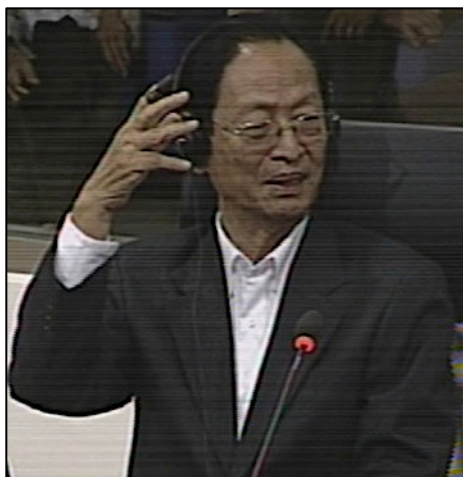
Mr. Abdulhak moved on to a December 3, 1978, document regarding the same Chinese delegation. The witness stated he had not seen the document prior to his interview with the co-

investigating judges. When the witness was asked if he remembered being present in the interview, Mr. Vercken objected, “I do not see the interest of asking this question, as the witness has only become familiar with this document some decades after the facts allegedly occurred.”

President Nonn responded, “Your objection is denied,” and subsequently handed the floor back to Mr. Abdulhak. Mr. Abdulhak repeated his question, and Mr. LaMouth said he could not recall being present in the December 3<sup>rd</sup> meeting.

Mr. Abdulhak went on to read an annotation from the document stating, “Sent to Brother Van – one copy, Brother Hem – one copy....” When he asked Mr. LaMouth the reason for sending the document to Brother Hem and Brother Van, Mr. Pauw objected, arguing that the question was asking the witness to speculate. Mr. Abdulhak disagreed, asserting that the witness was knowledgeable about these events as he remembered being present in a similar meeting the very day before.

After a few moments of discussion with his fellow judges, President Nonn ruled that Mr. Pauw’s objection was “ineffective” and gave the floor to Mr. Abdulhak once again.



Mr. Abdulhak repeated the question, to which the witness responded, “I cannot tell you the reason why the document was sent to them.” When asked if he could “draw any conclusions” as to why, the President interrupted and told the witness not to respond, explaining that the question was “trying to elicit your subjective conclusion.”

After a short break, Mr. Abdulhak announced that the prosecution intended to conclude its examination later that day and would subsequently hand the floor to the Civil Parties to continue examination of the witness.

### ***Mr. Abdulhak Struggles To Retrieve New Information From Witness***

Mr. Abdulhak continued to present additional documents to the witness until lunch adjournment. After presenting three documents that the witness stated he had never seen, President Nonn interrupted. He informed Mr. Abdulhak, “Don’t waste your time.... Don’t pick a document at random without considering its relevancy to the witness.”

After thanking President Nonn for his advice, Mr. Abdulhak then asked the witness if he knew a person named “Koy Thoun.” The witness said he did not.

After a very brief sojourn, Mr. Abdulhak presented another document to the witness. The document listed members of the Commerce Committee, including Comrade Rith, Comrade Nehm, and Comrade Chhoeun. Providing the Court some background context, Mr. Abdulhak said the document concerned the Commerce Committee’s decision to put together a “Commerce Delegation” that would include Comrade Chhoeun, Comrade Doeun, Comrade Krin, and Comrade Say.

Mr. LaMouth was unable to recall this specific meeting, though he was familiar with some of the individuals chosen as part of the delegation. He knew Comrade Doeun, who was cited in the document as head of the Commerce Delegation. When asked if he could recall what happened to Comrade Chhoeun or Comrade Nehm, the witness could not. He explained that he was only close to Van Rith and Doeun. Mr. Abdulhak then provided the Court the document number of an S-21 prisoner list containing the names of both Chhoeun and Nehm. When asked if he noticed any others who “disappeared” within the Commerce Committee, Mr. LaMouth remembered an interpreter at the Commerce Ministry who was removed from his post. However, the witness could not recall what happened with him. When asked how he felt about these disappearances, the witness said he worried about his own fate but never discussed his fears with others.

Mr. Abdulhak continued, proceeding to place “one more” document before the witness. When the witness stated he had never seen it, President Nonn reminded Mr. Abdulhak again, “Don’t just pick and choose a document for the witness to examine.... Don’t just try to fill in the gaps of allocated time.”

Mr. Abdulhak thanked the President but noted for the record, “We have no way of knowing what documents the witness has seen.” He followed with a question to the witness, asking the witness if he was ever aware of the Commerce Committee’s decision to send people off to security. The witness responded, “That was the affair of the Commerce Ministry, and it was unrelated to my section. I didn’t even know any of those individuals.... That was their business, so I did not interfere with the operations of their business. And that was also my personal attitude.”

Realizing he had gotten as far as possible with the topic, Mr. Abdulhak moved on, asking the witness a few questions on the establishment of the bank. Mr. LaMouth explained that the bank was established to facilitate sales and purchases with foreign countries. The Director General of the bank, he recalled, was named Mei. Although the witness was appointed the Deputy Director General of the bank, he said he never met Mei. He could not recall the exact date he was appointed to this position.

Mr. Abdulhak, seeking to “refresh” the witness’s memory of his involvement with foreign delegations, presented another document to the witness. The document, a report to the Commerce Committee regarding a meeting with a Korean delegation dated October 5, 1978, listed the Cambodian attendants to be Comrade LaMouth (the witness), Comrade Phan, and Comrade Suonn. After perusing the document a moment, the witness, though stating he had never seen the report before, explained that Comrade Phan was an advisor and the Third Secretary of the Commerce Committee. Based on the individuals listed, Mr. LaMouth surmised that the meeting was low profile since it concerned individuals of lower levels.

Mr. Abdulhak then read an excerpt from the report, stating that the witness had been assigned to attend the meeting in place of Van Rith. The witness explained, “Mr. Van Rith was probably on a mission.” He did not deny being present at the meeting, though he could not recall specific details. Based on the “writing style” of the document, Mr. LaMouth said he must not have chaired the meeting (although the document said he was the most senior Cambodian official present). “Somebody else must have written it,” he concluded.

Switching topics, Mr. Abdulhak asked the witness where he went when the DK regime fell. The witness informed the Court that he remained in Phnom Penh until January 6, 1979, and then fled the city with others.

Mr. Abdulhak continued, asking the witness about his involvement in DK after January 6, 1979. Addressing President Nonn directly, Mr. LaMouth stated he was unsure he should answer since DK fell on January 6, 1979. The President, agreeing with the witness, told him not to respond to the question. With that, Mr. Abdulhak thanked the witness for his cooperation and concluded his examination.

President Nonn then handed the floor to the Civil Parties. International Lead Civil Party Co-Lawyer Elisabeth Simonneau Fort informed the Court that civil party examination would not take longer than two hours. The President, noticing it was time to adjourn for lunch, informed the Court that civil party examination would begin after the break.

***Civil Party Co-Lawyer, Sin Soworn, Delivers A Largely Repetitive Examination***

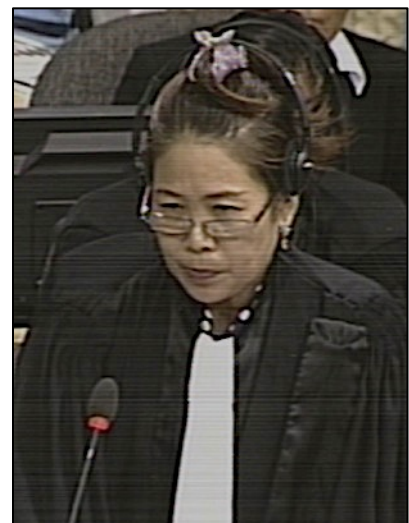
Proceedings resumed after lunch with the start of civil party examination. Civil Party Co-Lawyer Sin Soworn began her examination asking the witness what year he joined the revolutionary movement.

Before the witness could answer, Mr. Karnavas raised the first objection of the afternoon, saying as politely as possible that the question was repetitive. President Nonn thanked Mr. Karnavas and reminded Ms. Soworn, “This person is a witness – he is not an accused” and that his background was of secondary importance.

Ms. Soworn moved on to ask a series of questions, many of which Mr. LaMouth had answered under earlier questioning, regarding the witness’s initial participation in the revolutionary movement. President Nonn interrupted her examination twice, reminding Ms. Siworn to refrain from asking repetitive questions or questions eliciting a subjective opinion from the witness.

Ms. Soworn continued to inquire about the witness’s evacuation of Phnom Penh and his time in cooperatives. Mr. Lamough explained that he planned to go to Kampot province, but due to the mass exodus of Phnom Penh, he and his family were veered in the direction of Kien Svay. He said that there was no distinction between “new” or “old” people in the first cooperative at the Champa pagoda in Kien Svay; the cooperative, he explained, was rudimentary and poorly structured. In the second cooperative, though, he recognized separate groups of intellectuals, workers, and peasants; he informed the court that he did not notice any differential treatment between them.

By this point, the witness appeared exhausted and exasperated in answering what seemed to be one repetitive question after another. When Ms. Soworn she inquired what Mr. LaMouth



felt when he was forced to leave his family and move to Phnom Penh, he responded sarcastically, “Living separately of course is hard.”

Moving on, Ms. Soworn asked the witness about his position as Deputy Director General of the Foreign Trade Bank. Again, answering questions that appeared to be largely repetitive, the witness stated he did not know the identity of the person to whom his reports were sent. Regarding the core tasks of the bank, the witness reminded the Court, “It was a mere symbolic bank because there were only two individuals working there..., and there were no records of transactions of profit or loss.” The bank work, he continued, was light enough to provide him free time to “raise chickens and plant vegetables.”

Mr. LaMouth, visibly frustrated with repeating himself, began answering questions with phrases such as, “If I am not mistaken...” or “I said this morning....”



*The National Bank of Cambodia, after it was destroyed by an explosive device in 1975. On April 17, 1975, this bank was closed, and currency was eventually abolished. (Source: Documentation Center of Cambodia)*

The witness was then asked to describe any relationships between his bank and other foreign banks. Although he was unable to recall them all, the witness did recollect relations with banks in Yugoslavia, Madagascar, and China. Establishing relationships with foreign banks, he emphasized once again, was a duty of the Commerce Committee.

Regarding his role as a translator during meetings with foreign delegations, the witness re-emphasized the fact that he only participated in such meetings when the foreign delegates spoke French. However, the witness was able to recall accompanying the delegates on trips to Kampon Som province and the Angkor Wat Temple in Siem Reap.

Ms. Soworn asked who presided over meetings with foreign delegations. Doeun was the chair of the Commerce Delegation while he was in authority, Mr. LaMouth explained. Regarding other types of meetings or delegations, he could not say. In general, he continued, the chair of the related department presided over foreign delegations. The frequency of these meetings, he commented, was highest in late 1978, early 1979.



Ms. Soworn reminded the witness of his comment that morning concerning Ieng Sary's participation in a Commerce Committee meeting with the Chinese delegation. Asked whether Ieng Sary chaired the meeting, Mr. LaMouth reminded Ms. Soworn that he was never a participant at that meeting. His comments that morning, he clarified, represented his conclusions after reading the meeting report first given to him by the co-investigating judges.

Moving on to his knowledge of foreign trade under DK, the witness stated that he did not know if DK had ever traded in gold or diamonds since the bank did not possess hard currency. Ms. Soworn then mentioned Rin Fung, a Hong Kong company acting as a front for DK foreign transactions. When asked if there were any other companies like Rin Fung, the witness said he was not aware of any.

Switching subjects, Ms. Soworn asked Mr. LaMouth if he was aware of the disappearances of officials within the Commerce Committee. He replied, "I was asked that question already, and my response was that I didn't know about that." Although he was concerned when he noticed these disappearances, Mr. LaMouth asserted, he simply focused on the "technical aspects" of his work. Because his work at the bank did not involve many people, the witness explained that it was relatively easy for him to keep out of the affairs of others. Ms. Soworn subsequently finished her examination.

#### ***Barnabé Nekuie Concludes Civil Party Examination of the Witness***

The last segment of proceedings for the day began with a statement by Mr. Pauw. After informing the President, "There will be no need to turn off my microphone," Mr. Pauw announced that the Khieu Samphan team would begin the defense's examination of the witness subsequent to the conclusion of civil party questioning.

After thanking Mr. Pauw, President Nonn handed the floor over to Civil Party Co-Lawyer Barnabé Nekuie. Before beginning his examination, Mr. Nekuie told the witness how "delighted" he was "to pose questions to a witness who is fully fluent in the French language," hoping it would "allow for seamless communication."

Mr. Nekuie began by asking the witness a series of questions concerning the exportation of rice under DK. The witness, however, was unable to offer much specific information. The lists of quantities of rice exported to foreign nations, Mr. LaMouth explained, were compiled by the Commerce Committee and not made known to those at the bank.

Whether foreign delegations visited cooperatives during their trips, the witness could not say. He indicated that he never personally witnessed such visits and could not speak for other delegations he did not accompany. As far as the delegations he accompanied were concerned, Mr. LaMouth explained that aside from Angkor Wat in Siem Reap and the ports in Kampong Som, he never accompanied delegations to any other locations, including cooperatives.

Mr. Nekuie then asked the witness about the cooperative where Mr. LaMouth's family resided and which he visited regularly. The witness said he never noticed any food shortage at that cooperative, but added, "That particular cooperative was unique." He explained that the cooperative was located on a lake where people were able to fish for food; he also said they

raised livestock. Since his experience in cooperatives was likely different from the experiences of most others, Mr. LaMouth was not willing to make assumptions about general DK policy for collecting.

Moving on, Mr. Nekuie referred to a document discussed early that morning concerning a meeting with a Korean delegation involving Comrade Phan and Comrade Suon, whom the witness had said held middle-level positions within the Commerce Ministry. When asked how he knew Phan and Suon held middle-level positions, Mr. LaMouth responded, “Nobody told me, but during the meeting they exchanged ideas. Then we learned that they were from the Commerce Ministry.”

Mr. Nekuie then asked about the witness’s relationship with On and Mei Prang. Mr. LaMouth explained that On was in charge of the Industry Committee when he arrived in Phnom Penh; when he left Phnom Penh in early 1979, however, he lost contact with On. Mr. Nekuie then asked the witness to elaborate upon his earlier testimony, where he admitted the disappearance of his colleagues “instilled fear in him.” Mr. LaMouth, seeking to clarify any misconceptions, informed the Court that he was never aware of the fate of his colleagues; he merely noticed they were no longer present at their posts.

Returning to the subject of rice collection and export, Mr. Nekuie asked the witness if he ever noticed a warehouse along National Road #6 while riding his bicycle around Phnom Penh. The witness responded that he had and that the warehouse, known as Kilometer #6, was a DK storage center for rice paddy. He never witnessed the physical export of rice via ports in Kampong Som province, however. Mr. LaMouth said the little he knew about the process was the result of the commerce-related meetings he participated in as a translator. As a banker, he added, he only instructed members within the Commerce Committee on “how to deal with the paperwork.” Because he was not permitted to travel around Phnom Penh or other areas of the country frequently, the witness reminded the Court that his personal observations of any physical exportation of rice were quite limited.



Mr. Nekuie continued his examination by asking the witness if he knew Mr. Krin, the head of the ports in Kampong Som province, personally. Mr. LaMouth replied that he only met Mr. Krin a few times while accompanying foreign delegates to the ports. He could not recall the date Mr. Krin was transferred to Rin Fung in Hong Kong.

Due to the witness’s close relationship with Van Rith, Mr. Nekuie concluded his inquiry by asking the witness if he and Van Rith ever discussed issues concerning the Commerce Committee. The witness responded with an unequivocal “No. I had to shut my mouth and would not dare ask people. It was better to be quiet,” he stated firmly.

Mr. Nekuie thus ended the civil party examination.

Before adjourning for the day, President Nonn announced that the Chamber would resume Sar Kim LaMouth's testimony the following day, June 5, 2012, with the examination of the witness by the defense counsel. If the defense concluded its examination early, President Nonn added, the Court would be prepared to hear testimony of witness TCW 604.