



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

ឯកសារបកប្រែ
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

23 January 2012

Trial Day 19

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
JUDGE LAVERGNE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. VANTHAN DARA PEOU (TCW-766)	Khmer
JUDGE YA SOKHAN	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 As scheduled, today session is on the testimonies of two people
6 and, early this week, the Chamber is hearing witness TCW-766 and,
7 before we proceed, the Chamber would like to inform the parties
8 that Judge Silvia Cartwright is now back on the Bench.

9 Court greffier, could you please report to the Chamber whether
10 TCW-766 is present?

11 THE GREFFIER:

12 Good morning, Mr. President, Your Honours. TCW-766, who has
13 already been summoned, is present at the waiting room awaiting
14 call by the Chamber. This witness has already taken an oath, and
15 the witness has certified that the witness has no relationship
16 with the civil parties.

17 MR. PRESIDENT:

18 Thank you, greffier.

19 Court officer is now instructed to call TCW-766 into the
20 courtroom.

21 MR. PESTMAN:

22 Your Honours, while we are waiting for the witness, maybe I can
23 ask for a clarification of comments you made, Mr. President, on
24 Thursday. There was a short exchange of arguments with regard to
25 the statements made by Prime Minister Hun Sen two weeks ago with

2

1 regard to my client.

2 [09.04.49]

3 As you know, he called my client a killer and a perpetrator of
4 genocide and, two weeks ago, I asked this Court to condemn the
5 Prime Minister's statement and to instruct him to refrain from
6 such statements in the future. And when I raised this issue last
7 week again, asking when I could expect a decision to this
8 request, Mr. President, you said that you prefer not to make any
9 comment to react to what I had stated -- I'm quoting from the
10 transcripts -- and you reminded me that I was not allowed -- I
11 could not raise this matter again.

12 I'm asking the Court to clarify this. Is this a decision? I hope
13 it is not. Or are you simply telling me that I have to be patient
14 and that a decision will come soon? And if so, could you please
15 tell us when I can expect a decision to this request?

16 Thank you.

17 (Judges deliberate)

18 [09.07.21]

19 MR. PRESIDENT:

20 We would like to hand over to Judge Silvia Cartwright to respond
21 to the remarks made by counsel for Nuon Chea concerning this
22 issue. It has -- it is the third time the counsel has raised
23 this, although we already informed the counsel on Thursday. So
24 for clarification, Judge Silvia Cartwright may now proceed to
25 shed light on this.

3

1 Thank you.

2 JUDGE CARTWRIGHT:

3 Thank you, President. I was not present when you raised this
4 matter for the second or third time last week. Please stand when
5 I'm speaking to you. Thank you.

6 [09.08.06]

7 I was not present when this matter was raised again last week. I
8 am informed that the President has said clearly that the Trial
9 Chamber has taken note of this matter and that you have been
10 asked not to keep raising it and please do not do so. The matter
11 will be taken into consideration in due course and when it's
12 appropriate to do so. It should not need repeating to counsel who
13 has any experience that these matters should not be repeatedly
14 raised when there has been a clear indication from the Bench.
15 Thank you.

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Mr. Witness, what is your name?

18 [09.09.07]

19 MR. VANTHAN DARA PEOU:

20 A. My name is Vanthan Dara Peou.

21 Q. Apart from Vanthan Dara Peou, do you use other name? If so,
22 what is it?

23 A. No, Mr. President, I don't use any other name.

24 Q. How old are you?

25 A. I am 40 years old.

1 Q. Where do you live?

2 A. I live in Phnom Penh.

3 Q. What do you do for a living?

4 A. I work at the Documentation Center of Cambodia.

5 Q. What is your role or position at the DC-Cam?

6 A. I am the Deputy Chief of the DC-Cam in charge of general work
7 and documentation, and I have been working there for 17 years
8 now.

9 Q. Thank you. Are you married?

10 A. I am married, Mr. President.

11 [09.10.53]

12 Q. How many children have you had?

13 A. I have two children.

14 Q. Mr. Vanthan Dara Peou, according to the report by the
15 greffier, you have already taken an oath before you called into
16 the courtroom; is that correct?

17 A. Yes, it is, Your Honour.

18 Q. According to the greffier report, you -- according to your
19 knowledge, you have no relationship with the -- or none of your
20 relatives have been admitted as civil parties in these
21 proceedings; is that correct?

22 A. Yes, it is.

23 [09.11.48]

24 Q. As a witness before this Chamber, you may reject any questions
25 put to you -- the questions that are so incriminating. If you

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1 feel that such questions are so incriminating then you may reject
2 them; do you understand this?

3 A. Yes, I do, Your Honour; clearly.

4 Q. Could you please tell the Court your brief work background at
5 the DC-Cam?

6 A. First of all, I studied at the law school in 1993. In 1995, I
7 took a job at the DC-Cam as a volunteer, then I continued working
8 at the DC-Cam after I had received trainings and had some
9 experience. Then I became full-time member in 1997 where I
10 continue working until present time.

11 [09.13.59]

12 MR. PRESIDENT:

13 Judges of the Bench, would you wish to put some questions to the
14 witness?

15 Judge Ya Sokhan, you may proceed.

16 QUESTIONING BY JUDGE YA SOKHAN:

17 Q. Good morning, Mr. Vanthan Dara Peou. At the DC-Cam, how many
18 staff members did you supervise or have you supervised?

19 MR. VANTHAN DARA PEOU:

20 A. From '95 to 2007 -- 2012, there are about 15 -- between 15 to
21 55 staff members at the DC-Cam.

22 Q. What are these staff doing? What are their roles?

23 A. They include security guards, general staff, and team leaders.

24 Q. Can you tell us your decision-making power in day-to-day
25 operation? To what extent can you do that?

6

1 [09.15.55]

2 A. I can make some decision with regard to security matter at the
3 DC-Cam and documentation and other affairs.

4 Q. In your capacity, are you assigned to manage all the document
5 collected by DC-Cam?

6 A. Yes, it is correct.

7 Q. What are your role and responsibilities concerning the
8 documents gathering and documentation at DC-Cam?

9 A. In general, documents are collected, compiled, and filed in a
10 secure place. For example, documents can be classified into a
11 catalogue to be easy for retrieval, including research purposes
12 for the public, for the researchers both inside and outside the
13 country. So in general, the documents compile are user-friendly
14 for people who would wish to retrieve those documents.

15 [09.17.28]

16 Q. To what extent do you know about the volume of documents
17 gathered by the DC-Cam?

18 A. All documents collected and input at DC-Cam, I am fully in
19 charge of these documentation.

20 Q. What is actually the DC-Cam or Documentation Center of
21 Kampuchea or Cambodia?

22 A. DC-Cam is an organization -- an independent, non-profit
23 organization which has a clear mission. Our mission is to
24 collect, compile Khmer Rouge related documents and also to
25 provide these documents to those who would like to find justice

7

1 for those survivors of the Khmer Rouge, indeed, through these
2 documents.

3 Q. Do you remember when DC-Cam was established?

4 A. DC-Cam was established in 1995.

5 Q. Who was the founder of this institution?

6 [09.19.03]

7 A. I think it has a long story to tell the Court, but I will be
8 brief regarding this historical background of the DC-Cam.

9 First, DC-Cam was set up as an office -- a research office for
10 research project of Yale University. In 1997, this research
11 project by Yale concluded and that DC-Cam continued its work
12 independently -- independent to the Yale research project, and it
13 became the Documentation Center of Kampuchea ever since.

14 Q. How is DC-Cam financed or funded?

15 A. DC-Cam is funded by various sources, including the government
16 source of funds, private businesses, schools including
17 universities, and non-profit organizations.

18 Q. What does Yale University play -- what role does Yale
19 University play in DC-Cam?

20 A. Yale University is a partner organization who has relation
21 with DC-Cam. The university worked with DC-Cam in 19 -- since
22 1995 so it is remaining -- it remains a partner.

23 [09.21.42]

24 Q. What is the relationship between DC-Cam and the government?

25 A. DC-Cam is a non-government organization; however, all the work

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1 at DC-Cam is supported by the government. For example, the DC-Cam
2 is allowed to conduct research for documents -- Khmer Rouge
3 related documents all across Cambodia. And it is support with
4 regard to security matters when our people went to provinces from
5 1975 to 1998 because back then the Khmer Rouge troupes were still
6 active in those remote areas and the government, indeed, provided
7 us with security when we went down to the provinces.

8 Q. Could you tell the Chamber the actual or the real objective of
9 the DC-Cam?

10 A. DC-Cam, as I already indicated earlier on, has main objectives
11 and missions. We are collecting, gathering and compiling Khmer
12 Rouge related documents, or DK related documents, to serve the
13 purpose of remembering what happened in the past during the
14 history of Kampuchea. And second main mission is to serve the
15 public; those who would like to seek for justice for the
16 survivors of the Democratic Kampuchea regime through these
17 provision of documents.

18 [09.24.00]

19 Q. Can you tell the Court the organizational structure of the
20 DC-Cam?

21 A. DC-Cam has clear organizational chart. It has a management
22 board for the DC-Cam chaired by a director and then deputy
23 director. There are two deputy directors currently and also there
24 is an independent financial team, and we have team leaders. Each
25 team leader is responsible for each project respectively and

1 clearly; then there are members of each team.

2 Q. Who is the Director of the DC-Cam?

3 A. He is Youk Chhang. He has been the Director of DC-Cam since
4 1997.

5 Q. Has DC-Cam had advisory board?

6 A. Yes, it does. We have internal and external advisory board
7 members. We have both national and international advisers.

8 [09.26.01]

9 Q. How many Khmer advisers does DC-Cam have and how many foreign
10 advisers?

11 A. The number of adviser change from year to year, and normally
12 advisers can be recruited according to the expertise and
13 timeline, or as required by the DC-Cam.

14 Q. Does DC-Cam receive information from outsiders or does it play
15 the role to gather these documents on its own?

16 A. With regard to this, the DC-Cam has its own strategy to this.
17 First, DC-Cam receives or if they're permitted by the Royal
18 Government of Cambodia to conduct research anywhere it wished to
19 do; in any institutions it wishes to conduct such research even
20 including a foreign country. And at the same time, DC-Cam has
21 appealed to other institutions and to contribute or to provide
22 DC-Cam with documents they believe that are important for the
23 public use and also for the purpose of the Court, in particular,
24 the Extraordinary Chambers in the Courts of Cambodia for its use.

25 [09.28.15]

10

1 With regard to the collection of documents or gathering of
2 documents, DC-Cam collects more documents than it received from
3 other sources. It collects this information on its own.
4 We also have our own magazines, "Searching for the Truth", the
5 magazines that have been publicly distributed all across the
6 country. Through these magazines, people learned that there is a
7 centre where document relating to the Khmer Rouge and the DC --
8 the DK regime are collected. And in light of these magazines, we
9 keep receiving documents from other sources to have them stored
10 in our centre and that it is available to the public who would
11 wish to retrieve those documents.

12 Q. What kind of information does DC-Cam keep in its archives?

13 [09.29.43]

14 A. With regard to information, I would like to stress a little
15 bit on this. We use the term "information" or "document" for any
16 document stored at DC-Cam. There are numerous pieces of
17 information in the documents stored at DC-Cam, and these pieces
18 of information are relevant, in particular, to the Democratic
19 Kampuchea regime.

20 Q. Are these pieces of information the documents that are
21 relevant to the survivors of the Khmer Rouge regime, including
22 video recordings?

23 A. We classified the document into five categories: first,
24 hard-paper documents; for example, a page or two pages of
25 document. We have about one million pages of such -- this -- of

11

1 such documents. Second category is the interviews DC-Cam has
2 conducted with people in provinces all across the country. The
3 third category is about the photographs that have been collected
4 and stored carefully. The fourth category is the mapping of the
5 common pits or graves, and DC-Cam has identified this category of
6 document as the actual documents concerning the Khmer Rouge
7 security centres and the mass graves. And the fifth category is
8 the documentary films; the films that have been provided to the
9 DC-Cam by donors -- by other sources, for the purpose of research
10 and study.

11 [09.32.45]

12 Q. Are staffs and advisers been trained to conduct research
13 concerning the crimes committed during the Khmer Rouge?

14 A. Advisers are experts -- experts who have the expertise in
15 documentation collection or gathering of documents, and they are
16 expert who have expertise in interviewing people. With regarding
17 -- with regard to the staff members at DC-Cam concerning the
18 documentation, staff are well trained. In particular, I, myself,
19 have been trained in -- on the compiling and documentation. I was
20 trained in New South Wales, Australia. And, apart from that, we
21 have experts from New South Wales and Yale University, who came
22 to DC-Cam to provide on-the-site training.

23 [09.34.02]

24 Q. How many staff are designated to collect information?

25 A. At the DC-Cam, almost all staff are involved in gathering and

12

1 compiling documents except the security personnel.

2 Q. Can you tell the Chamber the various sources of document the
3 DC-Cam receive?

4 A. Your Honour, I think this question is rather broad in terms of
5 the sources of documents. If you point to a certain category of
6 document, then we can inform Your Honour the specific source of
7 such document; however, I am trying to specify the sources of
8 documents.

9 We receive documents from various sources, from the state
10 institution, from the Royal Government of Cambodia and we also
11 receive it from private organization and personal donation.

12 Q. How does the DC-Cam receive its information?

13 A. As for the information received, I am sorry, Your Honour, your
14 question is a bit unclear. I do not know what information you are
15 referring to. Could you please elaborate on that? Thank you, Your
16 Honour.

17 [09.36.48]

18 Q. We would like to know the specific procedures. Do you have any
19 verification procedures in place when you collect information?

20 A. Your Honour, as for the procedure for collecting documents, we
21 follow a clear procedure which we have apply from the very start
22 of our collection to date. When we gather information, then we
23 have to inquire the source of documents. Upon receiving the
24 documents, we copy the documents so we maintain the original copy
25 in a safe and secure place, and the copy document will be kept in

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1 a specific procedure; for example, we enter the number for the
2 document to make an entry of the documents. And then, afterwards,
3 we catalogue document into different categories. Then we enter it
4 in the database according to the database categories.

5 [09.38.25]

6 Then afterwards, we would take the copy document to keep in a
7 safe cabinet and only DC-Cam can take the document out or keep
8 the document in the -- in that cabinet. So the outsiders or
9 people from -- from outside who wants to access this document,
10 they cannot take this document out without permission from the
11 DC-Cam; even though this document is actually meant to be for the
12 use of public, but it must get first approval from the DC-Cam.

13 Q. How do you look for witnesses to provide information?

14 A. In search for the interviewee to corroborate the documents at
15 the DC-Cam, we do not use the term "witness;" we have to be clear
16 on this point -- the Documentation Center of Cambodia went down
17 to the countryside to conduct interview with the interviewee and
18 the Documentation Center of Cambodia staff have the document at
19 hands relating to the biography of the combatant -- former
20 combatants or the former comrades of the Khmer Rouge. And the
21 Documentation Center of Cambodia studies thoroughly the document,
22 and then we go down to the province according to the address
23 indicated in the document.

24 [09.40.21]

25 And the Documentation Center can locate the interviewee by asking

14

1 for the -- from the villagers; for example, we go down to a
2 village to conduct interview with A for example, and then Mr. A
3 will points to another person. For example, there are other
4 individuals who may be a potential person for interview. Then we
5 track down according to this informant.

6 Q. Does the Documentation Center of Cambodia provide any support
7 to the active interviewee?

8 A. I'm sorry, Your Honour, I am not quite clear with your
9 question; what do you refer to when you talk about support?

10 Q. Well, in this respect, we would like to know if the
11 Documentation Center recognizes that these potential interviewees
12 is one of the important interviewee; do you provide any necessary
13 protection or support for them?

14 [09.41.51]

15 A. Generally, when the Documentation Center of Cambodia goes down
16 to the village to conduct interview, we have to first conduct a
17 meeting -- a briefing among our team members so that we can map
18 out the security issues and disciplines, as well as other issue
19 relating to that interview.

20 With respect to each and every interview, the Documentation
21 Center of Cambodia always request for permission from the
22 interviewee, and we duly inform the interviewees that the
23 identity of the interviewee will be kept with strict confidential
24 to ensure their personal safety and security.

25 Q. Who ask question to the interviewee?

15

1 A. The staff member of the DC-Cam who go down to interview and I,
2 myself, have so far conducted interview with the interviewee like
3 other staff members as well.

4 [09.43.39]

5 Q. Those who provide information to the DC-Cam, do they receive
6 any allowance or financial support or so?

7 A. They only receive our gratitude and thanks for them.

8 Q. Before the Documentation Center of Cambodia accept or receive
9 any document, do you follow any procedures?

10 A. Yes, there is a strict procedure when the Documentation Center
11 of Cambodia receive or accept document. First, we ask for
12 clarification as to its provenance. Once the documents are handed
13 over to the Documentation C -- of Cambodia to archive them, then
14 we follow the specific procedures and these procedures are
15 applied across all documents. And we first make copy from the
16 original copies. Then if there is an original copies, then that
17 original copy is kept in a safe and secure place. Then we examine
18 the document; we examines the types of paper used and the content
19 of that document so that we can categorize those document
20 according to the various types. And then we -- we page the number
21 and -- so that we can compile them into different categories.

22 [09.45.56]

23 Q. Does the Documentation Center of Cambodia accept only original
24 document or copy documents?

25 A. We accept both.

16

1 Q. Does the DC-Cam assess the authenticity of documents and, if
2 so, how?

3 A. As for the assessment of authenticity of documents by the
4 Documentation Center of Cambodia, we inquire the person who offer
5 the document and we take records of the provenance of the
6 document before we accept the document. And such documents will
7 be compiled so that the source is clearly indicated.

8 Q. What steps does DC-Cam take to verify the authenticity of
9 non-original documents?

10 A. Upon receiving documents, especially myself, I first read the
11 document so that I can understand what types of document it is.
12 Then we try to identify certain terms used in that document and
13 we also examines the -- the types of paper used so that we will
14 see whether it is the document left over from the previous regime
15 or it was the document that was recently produced.

16 [09.48.56]

17 Q. Does DC-Cam reject any documents and for what reasons would a
18 document be rejected?

19 A. To the best of my recollection, Documentation Center of
20 Cambodia have rejected one document and that document was
21 supposed to be the one related to the Khmer Rouge regimes, but
22 actually those document was related to the kidnapping and ransom
23 of two foreigners in Phnom Voar Mountain. And we rejected that
24 document because it -- that document was not clear and the
25 language used was actually different from the terminologies or

1 words used during the period between 1975 to 1979. And that was
2 the basis of our rejection of that one document.

3 [09.50.15]

4 Q. Once a document is discovered, how is it processed or analyzed
5 by DC-Cam?

6 A. DC-Cam has never analyzed any document. DC-Cam gathers and
7 compile documents and maintain those documents as what it was
8 given to the document -- the DC-Cam, and it serve as the store
9 place for researcher and students and the publics who may want to
10 access such information.

11 Q. Does DC-Cam retain originals of any documents?

12 A. The Documentation Center of Cambodia retain original documents
13 in a safe and secure place. We have a safe cabinet for those
14 documents and even if there is a fire, it will not damage the
15 original because the original documents were kept in a room which
16 is safe and secure. And we also take into account the
17 ventilation, the humidity in that room, as well, that might
18 damage the document. So these document will be well maintain with
19 it originals.

20 [09.52.08]

21 Q. How can these documents be assessed as originals?

22 A. We examine these documents by ourselves. We read it out and we
23 identify the date of the document and we sees the overall
24 conditions of the document, the language used in the documents to
25 check against its original or to check whether or not it was a

18

1 copy document.

2 Q. Does the DC-Cam only retain the original documents or do you
3 have copy documents, and if you realize that there are copy
4 documents, do you know the original -- where the originals are
5 stored?

6 A. Your Honours, at the DC-Cam, we have both original and copy
7 documents. And, as for the copied documents, the copy documents
8 we have at the DC-Cam can be considered original or at least the
9 primary documents because the original copy might not be
10 available in Cambodia. But this master copy of the document, the
11 DC-Cam can track its source of original and we know as to what
12 institution possesses this document or who possesses this
13 document.

14 [09.54.05]

15 Q. Does the DC-Cam copy documents? If so, what is the procedure
16 for ensuring consistency and authenticity of copies?

17 A. At the DC-Cam, we make copies of documents, as I informed the
18 Bench earlier. We do not allow the publics or researchers to get
19 the original documents because at the DC-Cam we make copies
20 documents from the original and only the copy documents are
21 available and accessible for the publics and researchers. And
22 public and researchers and others who may be interested in
23 documents can make request to -- for the use or access to those
24 documents.

25 So, normally, a request is filed, and I, myself, designate a

1 staff member of my team to make a copy for the requester. And we
2 have the letter indicating that the person receives a copy of the
3 document, and it also indicates that we have handed over such
4 document to the requester.

5 [09.55.54]

6 Q. Are copies altered by the DC-Cam?

7 A. All copied documents, we keep them in the cabinet and we might
8 have made multiple copies, according to the requests of
9 researcher or public. And the publics or researchers who have
10 received documents from the DC-Cam, we do not know whether or not
11 they continue to copy from those copy documents or not. We are
12 not sure of that.

13 [09.57.04]

14 Q. Who is responsible for identifying persons to interview?

15 A. As for individuals with whom the DC-Cam interview, as I
16 informed the Bench earlier, we have the biography of that person
17 at the DC-Cam. And through this personal biography, we go down to
18 the village in accordance with the address indicated in that
19 biography.

20 Q. Are persons who are interviewed given any remuneration or
21 benefits?

22 A. Your Honour, as I informed you earlier, we give them nothing
23 but thanks and gratitude with respects to the individuals who
24 agree to have the interview with us or who has provided documents
25 to us.

20

1 Q. Beside the interviewers and interviewee, does any other person
2 was involved?

3 A. Beside the interviewer and interviewees, there are staff
4 members of the DC-Cam because we go down in team and in each team
5 we have two to three members. So in the course of the interview,
6 we have the interviewer and the person who take records of the
7 interview. And during interviewing, we also audio record the
8 interview and once this audio record is taken back to the DC-Cam,
9 we copy it and we transcribe it onto a hard copy.

10 [09.59.28]

11 Q. After you have already kept the record of this interview or
12 what do you do with this record of interviews?

13 A. Your Honour, do you refer to the record of interview?

14 Q. Yes, the record of interview. Just now you said when you
15 conduct interview, you audio record the interview and when you
16 take it to your office, you transcribe this records. How do you
17 keep these records?

18 [10.00.08]

19 A. When the interviews recordings have been brought back to the
20 office, we transcribe them and have them printed from computer
21 onto hard paper where coding would be made and documents are
22 classified into types of documents and filing cabinets where they
23 belong. These documents are managed like -- or are treated like
24 the other documents we obtained from other sources as well.

25 Q. Does DC-Cam evaluate the reliability or credibility of persons

1 interviewed?

2 A. With regard to each interview, after interview was made we
3 make a copy of the interview. We haven't had analyzed on all the
4 interviews after all.

5 Q. Does DC-Cam also store any magazines left over from the Khmer
6 Rouge regime?

7 A. Your Honours, we have stored such documents at the DC-Cam.

8 Q. Can you please elaborate? What are they?

9 A. There are magazines including the "Revolutionary Flag,"
10 "Revolutionary Youth Flag" or magazine and these kinds of
11 documents are the original documents with the original colour and
12 hard paper. They are old paper and we see the flags -- the red
13 flags on the documents.

14 [10.03.27]

15 Q. Does DC-Cam have the whole collections of all issues of these
16 magazines or journals?

17 A. DC-Cam has been doing its best to collect all documents
18 available. If we obtain those documents, we have them all stored
19 at the DC-Cam, but we -- I would like to state that we do our
20 best to collect them whether we have collected them all; that's
21 all I can say.

22 Q. Does DC-Cam have all the original copies of these documents or
23 magazines?

24 A. DC-Cam has no knowledge how many issues were these magazines
25 and -- but we are sure that we have some of these magazines

1 including the "Revolutionary Flag" magazines and "Revolutionary
2 Youth" magazines at the DC-Cam.

3 Q. Has DC-Cam ever made any copies of the "Revolutionary Flag"
4 magazines?

5 [10.05.17]

6 A. DC-Cam has copied all the original documents for the public
7 use, for readers, researchers who can access to them all. Because
8 the reason we make copies of these documents is that we do not
9 want user to access to the original or to touch the original
10 documents.

11 Q. Before these magazines were kept at DC-Cam, do you know where
12 they were?

13 A. Like other documents, these magazines were received first from
14 Tuol Sleng Genocide Museum and secondly, from individuals who
15 entered Phnom Penh after the collapse of the Khmer Rouge regime.
16 These documents could have been in some places -- in houses and
17 people who came to stay in those houses got them and brought them
18 to the DC-Cam.

19 [10.07.38]

20 Q. What steps are taken to ensure that the copies match the
21 originals?

22 A. Indeed. For example, with regard to the documents DC-Cam
23 provides to the Chamber --the Extraordinary Chambers in the
24 Courts of Cambodia, all those documents have been copied or
25 scanned. However, there are measures to ensure that the copies

1 are made from the original copies by certification or proof.

2 JUDGE YA SOKHAN:

3 Mr. President, I have no further questions. Thank you.

4 MR. PRESIDENT:

5 Thank you, Judge Ya Sokhan.

6 Does any other Judge of the Bench wish to put further questions?

7 [10.08.57]

8 Judge Lavergne, you may now proceed.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Q. Yes, thank you, Mr. President. I have questions more to

11 clarify the answers that you have already provided, Mr. Vanthan

12 Dara Peou. First of all, returning to DC-Cam's history, you told

13 us that the origin of your organization stems from a research

14 office that had been created by Yale University. And if I

15 remember correctly, I think you told us that this happened in

16 1996 - 1993; is it 1993?

17 MR. VANTHAN DARA PEOU:

18 A. No, Your Honour, I was saying 1955.

19 Q. 1955? The centre that was created in 1955, as you said -- how

20 is it possible that this centre became involved in the Khmer

21 Rouge period?

22 A. I was saying that DC-Cam was established as part of the Yale

23 University in 1995, Your Honour. Interpreter, correct -- indeed,

24 it is the fault of the interpreter who misinterpret 1955 as 19--

25 1995 as 1955.

24

1 Q. You also explained that DC-Cam became independent from Yale
2 afterwards.

3 [10.11.18]

4 Can you tell us how this was seen in factual terms? Was there a
5 new organization that was created? Did it take on a different
6 legal status? You told us that DC-Cam's current form is not a
7 governmental organization. So, is it a foundation? What is its
8 legal set-up?

9 A. Thank you, Your Honour. With regard to this, the DC-Cam, which
10 is the non-government organization, which is an independent
11 research organization -- back then, it's -- the mandate of the
12 university project ended after two years. It started from 1995,
13 ended in 1997. After that, DC-Cam has become an organization --
14 non-governmental organization -- an independent organization that
15 conducts further research, taking over from the project left over
16 by the Yale University.

17 Q. Can you tell us if there were modifications in DC-Cam's
18 objectives regarding projects that were developed first by Yale,
19 and then by DC-Cam.

20 [10.13.01]

21 Are you following the same objectives as those that were set by
22 Yale, or are your objectives now different?

23 A. The purpose of DC-Cam is, like I already emphasized early on.

24 Q. I am sorry, but I believe that we have a few translation
25 issues here. Could you repeat what you just said, because it --

25

1 in French, at least -- I did not hear the translation of your
2 answer. I'm sorry to say that, so could you please tell us --
3 answer us again? Thank you.

4 A. I would like to reiterate that DC-Cam has two main objectives.
5 First, to collect -- gather information with regard to the
6 Democratic Kampuchea regime to serve the purpose of recollection
7 of history of the genocide regime, and secondly, is to make these
8 documents available to those who like to search for the truth,
9 for justice for the survivors of the regime, and for those who
10 would like to trace their lost loved ones.

11 Q. So DC-Cam, therefore, continued developing the project that
12 was initiated by Yale, if I understand correctly. You have the
13 same objectives as Yale; is that so?

14 A. Yes, indeed, both the objective and mission remain the same.

15 A. Now, regarding financing, you told us that DC-Cam receives
16 funds from governmental as well as from schools and from
17 universities, and from other organizations -- even public --
18 private companies.

19 So could you give us an approximate idea of DC-Cam's budget and
20 what is the basic breakdown in terms of sources of financing?

21 A. As indicated, with regard to financing, we have our experts
22 who are dealing with financial issues at the centre, and I am
23 particularly involved in documentation, and I have not been
24 dealing with finance in particular.

25 Q. You also told us that Yale University remains a partner of

1 DC-Cam. So is this partnership financial? Or is it a partnership
2 in terms of research? Is there any exchange of staff? Does Yale
3 provide any training? So how does this -- how is this partnership
4 materialized?

5 A. Our partnership with Yale University is focusing on research.

6 Q. And, concretely speaking, you have, therefore, researchers
7 from Yale University who come to work at DC-Cam? What kind of
8 partnership are you developing together?

9 A. We have researchers from Yale University working at the
10 DC-Cam, indeed.

11 Q. So, are there many researchers? Are they there on a permanent
12 basis? Or does this number vary?

13 [10.18.27]

14 Or does -- or do they come on a permanent basis and sometimes on
15 a temporary basis? Can you be more specific?

16 Q. It depends on the research project and the researchers
17 involved. With regard to timing, it's also determined by the
18 actual researchers. For example, those students or scholar who
19 would like to conduct a study on history of Cambodia or the Khmer
20 Rouge -- they can come to the DC-Cam during summer break and they
21 can stay here for between 6 to 12 weeks, and the length of stay
22 can vary in accordance with the length of the research project.

23 Q. Can you tell us a bit more about the different research
24 projects that are being undertaken now at DC-Cam, as well as
25 projects that have been completed? What kind of projects are you

1 developing, and what is the status of these research projects at
2 DC-Cam?

3 A. At DC-Cam, we have several projects to support the core work
4 of DC-Cam. These respective projects, led by each leader -- and
5 currently the projects are underway and being implemented.

6 Q. Well, it seems to me that you might have spoken about this
7 earlier. You were telling us about a mapping project -- a mapping
8 project of the different mass graves or of the different security
9 centres.

10 [10.21.00]

11 Can you tell us if this project has been completed, or if there's
12 still research being undertaken? And is this research being
13 published? Can you tell us a little bit more about all of this?

14 A. With regard to the specific project -- the mapping project of
15 mass graves -- the project was active from 1995 and it is still
16 being undertaken. And for the last few years there has less been
17 active, but it doesn't mean that we have already completed the
18 project. It's still ongoing.

19 Q. So can you tell the Chamber what are the main other -- what
20 are the other projects that are being developed right now -- the
21 main ones.

22 A. Apart from this mapping project, we have other projects such
23 as a project to -- for the accountability or responsibility.

24 [10.22.56]

25 This project involves interviews with survivors of the Khmer

1 Rouge and former cadres of
2 the Khmer Rouge, whose biographies we obtain. We still -- or, we
3 keep receiving new information with regard to this project.

4 And also there is another project called dissemination project,
5 in which the work of DC-Cam is publicized. And the history
6 education project at schools across Cambodia is also underway,
7 and teachers of Khmer history has been trained. So far, about
8 3,000 teachers have already been trained.

9 And there is another project, the collection of oral accounts of
10 the events.

11 And we also keep our next project -- the "Searching for the
12 Truth" magazine project -- continue.

13 And we also still have other projects being undertaken.

14 Q. You told us earlier, as well, that DC-Cam contains about, if I
15 remember correctly, 1 million pages of documents, paper
16 documents.

17 [10.25.14]

18 Can you confirm this figure?

19 A. Your Honour, I was saying that documents in hard paper is
20 about 1 million pages, not over 1 million pages.

21 Q. You explained that paper documents are copied at DC-Cam, and
22 then the copies are put into folders. So what I'd like to know
23 are: Are these paper copies that you do, or do you produce
24 digital copies? So are the documents scanned, or are they simply
25 photocopied?

1 A. Documents at DC-Cam, in particular documents in hard copies,
2 are all copied for the purpose of research and for the purpose of
3 public use, and also to those who are interested in researching
4 or learning more about the Khmer Rouge regime.

5 [10.26.42]

6 We have made those documents available in hard copies and kept on
7 the shelves.

8 Q. When people come consulting documents, from the general
9 public, do they have access to paper copies or do they have
10 access to a completely digitized database?

11 A. Normally, when visitors come to DC-Cam to retrieve
12 information, they can do so by -- or
13 through our webpage. And through the webpage, researchers can
14 search for any information -- document they want. And later on,
15 the researchers have to write a request to the DC-Cam so that the
16 copies they wanted can be copied -- or the documents they wanted
17 can be copied.

18 Apart from these digitized materials, we also have the hard
19 copies, and if the hard copies are not available in the digitized
20 form, then we also make it available for request.

21 Q. What kind of information is available on your website? Does
22 one have access to all of the document catalogues at DC-Cam, or
23 do -- or does someone only have access to part of these
24 catalogues?

25 [10.29.01]

30

1 Can you tell us a little bit more about this? Because I believe
2 that one of DC-Cam's roles is to establish catalogues in order to
3 facilitate access to document and to facilitate research. What
4 can you tell us about this?

5 A. Indeed, researchers can access to these documents through
6 internet -- through our website. The database of relevant
7 documents has been made available on the website, and there are
8 all kinds of documents that have been compiled and stored in our
9 archives -- have been made available on the internet.

10 Q. The list of documents, in the catalogues, that are accessible
11 online are exhaustive and complete? Or are there documents that
12 are stamped with a kind of confidentiality, where access is more
13 limited?

14 [10.30.32]

15 When you receive certain documents, do you get them with certain
16 confidentiality conditions attached, or are they completely free
17 of restrictions?

18 A. All documents compiled and guarded by the DC-Cam is for the
19 public purpose, so anyone can conduct research or request for
20 such documents. There is no restricted
21 condition on the use of such documents.

22 MR. PRESIDENT:

23 Thank you, Mr. Dara Peou.

24 Seeing as it is now time to take a short break, the Chamber would
25 like to adjourn for 20 minutes, and the Chamber will resume at 10

1 to 11.

2 Court officer is instructed now to bring the witness back to the
3 waiting room and bring him back to the courtroom before the
4 Chamber resumes.

5 Lawyer, you may--

6 MR. ANG UDOM:

7 Mr. President, I would like to ask for your permission to let my
8 client to stay in the holding cells, because he is not well to
9 sit in this courtroom.

10 MR. PRESIDENT:

11 The Chamber grants you with the permission for Mr. Ieng Sary to
12 remain in his holding cell to follow the proceeding by remote
13 means, through the video link equipment. So he may remain in the
14 holding cell, downstairs. So your request is granted.

15 [10.32.50]

16 And security guards are instructed to bring Mr. Ieng Sary to the
17 holding cell, downstairs, so that he can follow the proceedings
18 through video link means.

19 And the Defence is required to submit a waiver with the
20 thumbprint of the Accused and hand it over to the Chamber.

21 The Court is now adjourned.

22 (Court recesses from 1033H to 1048H)

23 MR. PRESIDENT:

24 The Court is now back in session.

25 Before we hand over to Judge Jean-Marc Lavergne, we would like to

1 instruct the technician to connect the audio video link for Mr.
2 Ieng Sary to follow the proceeding from the holding cell. Now--
3 Mr. Nuon Chea.

4 [10.53.44]

5 MR. NUON CHEA:

6 Your Honours, I would like to seek leave from Your Honours to
7 follow the proceeding from the holding cell, downstairs, because
8 my health is not good enough to stay in this room.

9 MR. PRESIDENT:

10 Your request is granted.

11 Mr. Nuon Chea expressly waives his right to participate directly
12 in these proceedings, and he would like to following the
13 proceedings by remote means in the -- in the holding cell,
14 downstairs.

15 So, again, the technician is instructed to link the audio visual
16 means so that Mr. Nuon Chea can follow the proceeding remotely.

17 And the Chamber wishes to remind Mr. Nuon Chea that, since
18 today's proceeding concerns a document -- and it is your right to
19 stay in this room to follow the proceeding relating to the
20 testimony by the witness to confirm the documents.

21 [10.55.24]

22 The security guards are now instructed to bring Mr. Nuon Chea to
23 the holding cell, downstairs, and make sure that he is linked
24 with the audiovisual means to follow the proceedings.

25 And the Chamber also advises the defence for Nuon Chea to submit

1 to the Chamber the express waiver of the right to participate in
2 the hearing directly with the fingerprint of the Accused.

3 (The accused Nuon Chea leaves the courtroom)

4 Now, I hand over to Judge Jean-Marc Lavergne to continue putting
5 question to the witness, Mr. Dara Peou. Judge, you may now
6 proceed.

7 [10.56.18]

8 BY JUDGE LAVERGNE:

9 Thank you, Mr. President.

10 Q. You told us, sir, that DC-Cam had something approaching one
11 million paper pages stored. Out of that, can you tell us roughly
12 how many of those pages would concern the Democratic Kampuchea
13 period -- if you know, that is?

14 MR. VANTHAN DARA PEOU:

15 A. For the mandate of the DC-Cam in collecting and compiling
16 documents, we -- we're mandated to collect document from 1975 to
17 1979, so all the documents we have in our custody relates to the
18 documents of the Democratic Kampuchea.

19 Q. Perhaps I didn't express myself as well as all that. I'm just
20 wondering how many of these can be considered primary documents?
21 Documents that are directly connected: reports, telegrams;
22 documents that are contemporaneous with the Democratic Kampuchea
23 period.

24 A. As I informed Your Honours earlier, the Documentation Center
25 of Cambodia did not conduct any analysis on the documents we have

1 received. So whatever documents we have received, we maintain
2 them as they are and we do not give any priorities to those
3 documents. In other words we do not say these documents are more
4 important than those documents. We consider them as all valuable
5 documents.

6 [10.59.10]

7 Q. Could you tell us if you can confirm whether, among these
8 documents, some are in Khmer and others are written in other
9 languages: English, Vietnamese, Thai, French, Russian? Can you
10 explain to us the range of languages in which these different
11 documents are written? Thank you.

12 A. Your Honour, documents at the DC-Cam are in Khmer, in English,
13 in Swedish, in German, and in several other languages.

14 Q. And does DC-Cam have internal resources to translate these
15 documents, and is there a specific policy regarding translation;
16 are the translations done when research is conducted or are
17 translations done upon a request basis? Can you tell us a little
18 bit about this translation issue?

19 A. At DC-Cam, we have a group of translators. These people help
20 translate documents at DC-Cam.

21 Q. And when a document is translated, is it given to researchers
22 right away or are there any specific annotations that make it
23 clear that the document was translated at DC-Cam by DC-Cam's
24 translators or is it not possible to obtain this information?

25 A. I would like to also emphasize on translation issue. DC-Cam

35

1 translates documents for the purpose of research -- study
2 research at DC-Cam. And for those outside researchers who would
3 like to conduct said research at the DC-Cam, they can bring with
4 them their own translators who can translate those documents
5 according to their purposes.

6 [11.02.16]

7 Q. And the translations done by DC-Cam, are they -- are they
8 towards English or are they translations into Khmer, essentially?
9 And when a translation is done, does the translated document bear
10 an indication that the translation was done by DC-Cam? For
11 example, is there is a stamp indicating that the translation was
12 done with DC-Cam's resources and at DC-Cam?

13 [11.03.03]

14 A. With regard to translation, when DC-Cam translates any
15 particular documents, there would be clear indication of who have
16 translated the documents, the names of relevant translators would
17 be written on those translated documents. And for clarification,
18 the majority of the documents at DC-Cam are in Khmer.

19 Q. You told us that the first step when you receive a document is
20 to make copies and then to establish catalogues, so I'd like to
21 know if DC-Cam has a specific policy regarding the recording of
22 the documents that are provided to the organization and what kind
23 of indexing you use to record these documents. Is it -- do you
24 base yourself on the category of the document? Can you tell us a
25 little bit what is your policy in terms of recording documents?

1 [11.04.54]

2 A. Could Your Honour please clarify the term "policy" in a more
3 simplified term? Because I frankly do not quite catch the term.
4 Could you please more specific with regard to the term "policy"?

5 Q. Can you tell us, simply speaking, how you record your
6 documents? Do you give the documents an index number and does
7 this index number appear on the document itself?

8 A. Every document is given coding number for the purpose of
9 study, research or retrieval of the documents when needed. The
10 indexing of the these document is done with -- in accordance with
11 the types of documents, for example we use the term "I", in
12 English, as an indication of particular document and then with
13 five digits to follow "I". And, also, these numbers can be input
14 with regard to the documents that are received at a later date.

15 [11.07.08]

16 Q. So, for example, the different letters at the beginning of
17 each index, at the beginning of each code, if you prefer. These
18 different letters, therefore, correspond to different catalogues?
19 I believe I saw numbers beginning with D, for example. So can you
20 tell us how many letters are used at DC-Cam to classify documents
21 and do these letters correspond to your catalogues?

22 [11.07.52]

23 A. In coding the documents, we put the latter numbers all
24 together depending on types of documents. If there are the
25 general documents, or mixed documents, we use D, in English, as

1 the first letter, followed by number of the documents. There are
2 also different letters used. For example, document relevant to
3 Lon Nol regime -- all documents are relevant to Lon Nol would be
4 classified at the beginning with letter L and several digits to
5 follow. And there is another kind of document with regard to
6 confessions.

7 [11.08.53]

8 At DC-Cam, J -- the English letter -- would be used before
9 numbers to identify confessions.

10 Q. Now, regarding the documents themselves, can you tell us if
11 there are other numbers or other codes than those used by DC-Cam?
12 For example, I'm thinking about a certain number of documents
13 that have been provided to you, that you have copied, or
14 documents from other archives or from other documentary bases
15 that use their own recording system.

16 So, can you tell us, if it is possible to see several indexes on
17 the same document, and if these different indexes are easy to
18 identify?

19 A. When we give code to documents, we never do anything to impact
20 the original documents. The original documents remain the same as
21 they are. We make copy of the originals, and that the numbering
22 only be done on the copied versions of the documents only. That's
23 why, on the copied documents, you would see this coding, and you
24 would never see these numbers on the original documents.

25 [11.10.47]

1 To do so is to help researchers and other people who would need
2 these documents on a daily basis to use them, and that the
3 original copies are kept untouched. And it's also serves the
4 purpose that, when documents are copied and codes are given, we
5 can trace the original document easily by this coding.

6 Q. So, therefore, on the accessible copy at DC-Cam, there is --
7 you may see different codes for the same document. So are these
8 codes clearly identifiable? Can we clearly know which code
9 correspond to the number used by DC-Cam and which code is used by
10 another database?

11 A. With regard to the documents that have been coded by DC-Cam,
12 we only use one coding system for one document. We do not have a
13 different coding for the same document. So this is how we code --
14 give coding to the document.

15 Q. So, beyond the stamping of codes on the documents -- within
16 DC-Cam, is it possible to provide annotations to these documents?
17 For example, can the DC-Cam staff or researchers -- could they
18 provide annotations themselves beyond the annotations that may
19 already exist on the documents that were provided to you?

20 A. With regard to annotations on documents, DC-Cam does not
21 annotate on any pieces of documents, other than giving these
22 documents the coding number after they are copied.

23 Q. Have you undertaken research on the annotations that may
24 appear on certain documents?

25 [11.14.13]

1 In particular, research to see if these annotations were
2 contemporaneous to the creation of the documents, or whether
3 these annotations were done afterwards? Have you verified this?
4 Or has DC-Cam verified this? And is this kind of information
5 available to researchers?

6 A. Upon receiving documents, documents are examined, and we see
7 if these documents obtain any annotations.

8 [11.15.03]

9 Such documents are well-examined if such annotations exist on
10 them.

11 Q. And when you note the existence of annotations, do you create
12 some kind of information sheet for each document that allows you
13 to know what the source of the document is, what annotations were
14 made on this document, in order to see -- or in order to see
15 whether or not the annotations were contemporaneous to the
16 creation of the document, or if it was possible to determine who
17 authored the document, or if these notes were made afterwards?

18 A. I would like to make this clear. If documents have
19 annotations, when we receive them, they are the only annotations
20 on the copy -- on the documents. DC-Cam has nothing to do with
21 giving further annotations on any piece of documents obtained.

22 Q. I, of course, understand very well that DC-Cam does not make
23 any extra annotations; but my question is a bit different,
24 because what I'm trying to understand is: if DC-Cam somehow
25 traces the annotations on a document, and if DC-Cam potentially

40

1 studies these annotations, and if it is potentially possible for
2 DC-Cam to determine who authored these annotations -- I believe
3 you will be led to examine many, many documents.

4 [11.17.28]

5 Let me give you a clear example. For example, if we look at
6 telegrams. Let's use the example of telegrams. On the telegram,
7 there may be annotations. So, do you note these annotations? Do
8 you study these annotations? Do you try to authenticate these
9 annotations and to understand who maybe wrote these annotations?

10 A. I think if I am given any particular documents that contain
11 such annotations, I would be able to clearly elaborate on them.

12 [11.18.19]

13 Indeed, there are documents that come with annotations, and other
14 documents do not really have annotations other than the pure
15 text. So, may I humbly request that Your Honour present to me any
16 particular documents with annotations so that I can further
17 elaborate on this?

18 Q. I -- this is an interesting suggestion, of course, and during
19 the proceedings -- but not now -- we may present you with certain
20 documents as examples, or to illustrate what we're saying, so
21 that you can tell us what you may understand from the different
22 annotations on -- so, now I would like to get back to my main
23 line of questioning, and we will consider this later.

24 So I would like you to tell us now what sources DC-Cam had access
25 to, and which sources allowed DC-Cam to put together its

41

1 documentary base. Can you, first of all, tell us about sources
2 here in Cambodia? What are the documentary sources that you used
3 and what connection do you have with these sources here in
4 Cambodia?

5 [11.20.20]

6 For example, I remember that there are documents that come from
7 Tuol Sleng, and other documents that come from the National
8 Archives, for example, or other archives. So can you tell the
9 Chamber what kind of archives, what kind of sources, DC-Cam had
10 access to, and could you explain to us what kind of ties you may
11 have with these different sources?

12 A. Thank you, Your Honour. With regard to this gathering of
13 documents; first, DC-Cam receive proper permission from the Royal
14 Government of Cambodia to conduct research in various locations
15 -- or in locations in Cambodia. Through this permission letter,
16 DC-Cam can conduct research for documents at all places in
17 Cambodia. And on top of that, DC-Cam has made an appeal to
18 foreign countries, or other organizations, to provide DC-Cam with
19 any relevant documents, or provide Extraordinary Chambers in the
20 Courts of Cambodia with those relevant documents.

21 [11.22.11]

22 DC-Cam also went to several places -- never mind the state
23 institutions or the National Archives or private institutions. So
24 these sources of documents come from the government, from private
25 institutions and from individuals as well.

1 Q. So, if we look, for example, at the governmental sources: Do
2 you have access to all of the archives, or are part of the
3 archives confidential, and can you tell us what the situation is
4 with all of this? For example, did you have access to all of the
5 archives at the National Archives?

6 A. I am afraid the question is -- were rendered through
7 interpretation. Could Your Honour please repeat the question? And
8 I will do my best to get it from the rendition.

9 Q. My question was the following; you tell us that you have
10 obtained documents coming from archives -- from governmental
11 archives here in Cambodia, for example from the National
12 Archives. So, my question was, did you have access to all of the
13 documents at the National Archives, or were part of these
14 documents secrets -- or considered as secret?

15 [11.24.39]

16 And, therefore, were there certain documents that you were not
17 able to access. Do you know this? Or do you not know?

18 A. With regard to the access to the National Archives, we have
19 collected these documents based on the mandate of the DC-Cam.
20 This means that we collect only Khmer Rouge-related documents and
21 the DK-related documents.

22 Q. I understand, of course, but my question was: were you given
23 free access to the entire range of documents, or are there
24 certain documents, regarding the period of Democratic Kampuchea,
25 that you were not able to access?

1 A. Since the National Archives is the place where national
2 relevant materials are stored, we can only make copies of the
3 relevant documents and have them stored at DC-Cam for the purpose
4 of research and study.

5 Q. So, can you give us the list of other archives from the State
6 of Cambodia that you have access to?

7 [11.26.31]

8 For example, did you have access to the archives of the Ministry
9 of the Interior? Or did you have access to the archives of the
10 Ministry of National Defence?

11 A. With this government permission letter, DC-Cam can access to
12 all relevant documents -- Khmer Rouge-relevant documents -- at
13 the National Archives, and also at the Ministry of Interior.

14 Q. Were all documents copied and made accessible to the public by
15 DC-Cam, or were only part of these document copied? Was there
16 some kind of selection that you undertook, and what was the basis
17 of this selection if so was the case?

18 A. For example, documents from the National Archives or from Tuol
19 Sleng -- these documents are properly managed or compiled. There
20 is an institution that already manages these documents.

21 [11.28.23]

22 For this reason, DC-Cam do not bring all the documents -- or
23 relocate them to be stored at DC-Cam. We only make some copy --
24 we only make copies of the documents for researchers and
25 learners. This means that we do not relocate those documents, but

1 we make copies, because those documents are under good control
2 and management by the other institutions already, for example the
3 National Archives and the other institutions.

4 Q. My question is slightly different. I'm not asking you if you
5 take charge of the original document itself, but my question is
6 -- do you copy all documents regarding Democratic Kampuchea, or
7 do you simply copy part of these documents?

8 [11.29.31]

9 For example, imagine if the National Archives are accessible to
10 the public, so, therefore, it would not be necessary for you to
11 photocopy all documents at the National Archives regarding
12 Democratic Kampuchea, and that you would, in that case, only copy
13 those documents that are relevant to you. But, once again, my
14 question is; do you copy all of the documents, or simply part of
15 documents?

16 A. Your Honour, in short, any documents relevant to the
17 Democratic Kampuchea is
18 gathered, copied, and stored.

19 Q. Apart from archives in government institutions, can you tell
20 us if you have other sources here in Cambodia? Are there, for
21 example, personal archives which are owned by important people
22 here in Cambodia which are also useful sources of documentation
23 for you in your work? If, for example, members of the government
24 had in their possession documents that you have in fact had
25 access to.

1 A. Relating to this issue; whenever we conduct research we do not
2 care whether or not that person is ordinary person or government
3 official or senior official, or so.

4 [11.31.50]

5 We would try to approach them and -- for the documents -- so that
6 we can make copy of such documents and store it at DC-Cam. And so
7 far we have received documents from government officials.

8 For example, we have receive a certain document from Mr. Sou
9 Phirin. At that time, he was the governor of Takeo Province. When
10 we conducting research in Takeo province, we receive certain
11 documents from Mr. Sou Phirin at that time.

12 Q. Are the sources of these documents noted and classified? When
13 a document comes into DC-Cam, do we know who submitted it? Who
14 was in possession of it? Is there a record of the different
15 individuals who were in possession of the documents when they
16 came?

17 A. Your Honours, this is the main task of the Documentation
18 Center of Cambodia.

19 [11.33.26]

20 Upon receive each and every document, we have to first verify the
21 document. Verify it against the source of the document as well as
22 the historical custody of document before they are compiled and
23 stored within the DC-Cam.

24 Q. Has it ever happened that you were given documents that were
25 copies? And when you

1 got the copies, you asked yourselves where the originals were.
2 And before accepting the copies, did you check if the copy was a
3 faithful copy of the original?

4 A. Once we receive a copied document, we ask for the source of
5 such document and how they receive that document in the first
6 place. Upon receiving the answer from the donor -- sometimes the
7 person who have in their position -- in their possession the
8 document do not even know the provenance of that document, but
9 they have with them that document.

10 [11.35.24]

11 So, we consider such document, as original document, as well, and
12 they are stored at the DC-Cam.

13 Q. So what you're telling us is that you can, sometimes, receive
14 documents which are not originals, without you actually knowing
15 where the original might be, but that you yourselves analyze the
16 document and decide that it is bona fide and is directly
17 equivalent to the original.

18 A. The copy document of this type -- we actually know the person
19 who proffered this kind of document. And if the Chambers would
20 like to question the person who provided the copy of document in
21 the first place, I think the Chambers may summon such -- the
22 person.

23 Q. Let's turn now to sources outside Cambodia. You have received
24 a certain amount of documents from external sources.

25 [11.37.22]

1 There's a whole collection called the Swedish Collection. Could
2 you give us an idea of what the Swedish Collection is, when it
3 was given to DC-Cam, who was the original collector, and were you
4 given originals, copies, and so forth? Can you enlighten us a
5 little bit about the Swedish Collection?

6 A. Your Honour, with regard to the Swedish Collection, we receive
7 document from the Swedish Collection through our appeal to the
8 external collector, who may have in their possession of documents
9 relating to the Democratic Kampuchea --- we appeal them to -
10 whether give it to the Documentation Center of Cambodia or to the
11 Extraordinary Chambers in the Courts of Cambodia; and the Swedish
12 Collection -- we receive it 2007, and these documents were
13 delivered to the DC-Cam. And all of these documents are the
14 copied documents.

15 [11.39.04]

16 Q. Can you briefly tell us what the Swedish Collection contains?
17 Who started the collection, with what object in mind?

18 A. The Swedish Collection include documents in Swedish and we do
19 not speak Swedish, so we do not know. So, once again, documents
20 in Swedish we do not know, but this document has been given to
21 the DC-Cam, and certain documents are in English language which
22 we can comprehend the content of those documents.

23 Q. Who started this Swedish Collection? Who was behind it all?
24 Was it a research centre? Who started this and why?

25 A. We do not know the purpose of the Swedish Collection and I am

1 of the view that the Chamber may put question to the collector of
2 these documents.

3 Q. Coming back to Cambodian sources, there also appear to be
4 archives that were given to the École Française d'Extrême-Orient,
5 and I think they were then deposited with the French National
6 Archives; and I think they are archives originating from King
7 Norodom Sihanouk. Are you aware of these archives? Have you had
8 access to them? And do you have copies of them?

9 [11.41.45]

10 A. Each and every document received by the DC-Cam -- both my
11 colleagues and myself who received this document -- eventually
12 the document will go through me and we will compile them and we
13 catalogue them and index those documents before they are
14 officially stored at the DC-Cam.

15 [11.42.30]

16 Q. Do you know where King Norodom Sihanouk's archives are at the
17 moment?

18 A. As for documents in the archives of Samdech Sihanouk, he has
19 actually made it available and accessible on his website but,
20 unfortunately, his website has been off. We, so far, have learned
21 that his archive is available on his website.

22 Q. Have you had access to other archives? Have you been able to
23 see the archives of the Cambodian People's Party, for example?

24 A. As I inform Your Honours earlier, the Documentation Center of
25 Cambodia received permission from the Royal Government of

1 Cambodia to conduct research across Cambodia. So, this enables
2 the Center to conduct research with all institutions in Cambodia,
3 with that permission. So, whether the documents are stored in the
4 library or archives of the Cambodian People's Party or from any
5 other personal archive, we can conduct research across Cambodia.

6 [11.44.30]

7 Q. Do you know, if in the 1980s, the Vietnamese authorities did
8 scientific research and criminal investigation work on what
9 happened during the Democratic Kampuchea regime; and if so, have
10 you been able to have access to those studies?

11 A. Could you please, Your Honour, repeat your question because I
12 do not understand your question clearly?

13 Q. I'm wondering if you are aware of any research that might have
14 been done, including criminal and scientific investigative work,
15 by the Vietnamese authorities on the events that took place
16 during the Democratic Kampuchea period; and, in the affirmative,
17 have you been able to see the documentation yourself which might
18 have been collected by the Vietnamese authorities? Is this one of
19 your sources in DC-Cam?

20 [11.46.20]

21 A. Thank you, Your Honour. To my knowledge, the Vietnamese
22 authority sent Vietnamese experts to work in the - People
23 Republic of Kampuchea in different institutions including
24 archiving documents, as well. So, certain documents might have
25 been assisted by those Vietnamese experts compiling, storing

1 those documents. For example, they assisted in compiling
2 documents at Tuol Sleng archives.

3 Q. Has DC-Cam had access to archives in Vietnam? Have you been
4 able to obtain documents from Vietnamese archives?

5 A. The DC-Cam did receive documents from Vietnam. We have
6 received, so far, document -- photographic documents as well as
7 films from the Vietnamese authority.

8 Q. Has DC-Cam had access to other archives outside the country,
9 for example in Thailand, or the United States, or China, or
10 Russia? Have you been able to acquire documents from these
11 sources and have you actively gone to speak to them to try and
12 acquire their documents?

13 A. Your Honour, as I informed you earlier, the DC-Cam appealed to
14 foreign countries that may have in their possession documents
15 relating to the Democratic Kampuchea regime or the Khmer Rouge
16 regime, so that they can provide those document to the
17 Documentation Center of Cambodia or the Extraordinary Chambers in
18 the Courts of Cambodia. So, so far, the DC-Cam has made such an
19 appeal to foreign countries.

20 [11.49.29]

21 Q. And, specifically, what was the results? Did you get a lot of
22 documents from abroad?

23 A. Through such an appeal we have received documents from the
24 Swedish government and we receive information from personal
25 archives of Professor Laura Summers.

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1 Q. Have some researchers who are working on their own, without
2 any formal links with your institution, given you any of their
3 personal archives, or are there photographers, for example, who
4 have given documentary materials to you which is relevant to the
5 period in question?

6 [11.50.42]

7 A. Your Honour, as I informed you just now, through such an
8 appeal we receive documents from personal archive of Professor
9 Laura Summers. And, personally, I, myself, have received
10 documents -- photographic documents -- from personal donation as
11 the photo courtesy to the Documentation Center of Cambodia.
12 And we take note the name as well as the contact number of the
13 individuals who have given such photographic documents to the
14 DC-Cam.

15 Q. Switching to another area, can you tell us something about how
16 DC-Cam co-operated with the ECCC? Can you tell us about the
17 relations you were able to establish with the Co-Prosecutors, to
18 begin with? How did the links get going between DC-Cam and the
19 Office of the Co-Prosecutors?

20 A. Thank you, Your Honour. I, myself, who is in charge of
21 documentation, have worked with the Extraordinary Chambers in the
22 Courts of Cambodia and we provide documents based on the requests
23 from the Court.

24 And so far we have worked with all -- almost all offices and
25 organs of the Extraordinary Chambers in the Courts of Cambodia.

1 It is not confined to the Office of Co-Prosecutors or Office of
2 Co-Investigating Judges or the Defence Support Section or the
3 Court Management Section.

4 [11.53.25]

5 We have so far provided documents upon the request from the
6 Victims Support Unit as well. So, so far, the Documentation
7 Center of Cambodia has provided documents, upon request, by each
8 section of the Extraordinary Chambers in the Courts of Cambodia.
9 And in the provision of such documents, we have also provided the
10 specification as to the receipt as well as the delivered of the
11 document.

12 [11.54.26]

13 Q. There are a certain number of documents that are in the Trial
14 Chamber file and they have all been given codes and digitized --
15 and, in your relations with the OCP, who was doing the copying of
16 the documents held by DC-Cam? Was it staff in DC-Cam or was the
17 job done jointly or was it done exclusively by the Office of the
18 Co-Prosecutors? How, in practical terms, was it done? What, in
19 fact, was given to the OCP?

20 A. Your Honour, I am directly in charge of the provisions of
21 documents and I am also in charge of receiving request from
22 different organs of the ECCC. Upon receiving request for
23 documents from any section, my team and I work to accommodate
24 this requests, and I verify the request against the available
25 documents at DC-Cam. And, if the documents are available, then we

1 take this document out and have it copy or scanned in accordance
2 with the requests.

3 For example, if this document was requested that it be scanned,
4 then DC-Cam would scan it for the requester. And we have a
5 scanner there, and actually the scanner was kindly given by the
6 Extraordinary Chambers in the Courts of Cambodia. And now this
7 scanner has already been returned to the ECCC.

8 [11.56.57]

9 Q. To summarize, in the case of some documents, paper copies were
10 submitted. In other cases, it is the digital version. But can you
11 tell us if these digital documents were digitized in black and
12 white or in colour?

13 A. Every time we provide documents to the ECCC, on each occasion
14 there is a letter confirming the delivery or the receipt of the
15 document and in that confirmation, as well, it specifies as to
16 whether or not this document was scanned or copied from the
17 originals or from the copied documents.

18 And when the documents were copies, they were copy in black and
19 white. As for scanning, if the scanning was requested that it be
20 in colour, then we would accommodate it accordingly.

21 [11.58.41]

22 Q. It seems to me that I had -- have seen some digitized copies
23 of S-21 confessions in the file for Case 001. Do you have S-21
24 confessions? Is it Tuol Sleng Museum that keeps these or is it
25 DC-Cam?

1 A. On this particular issue, I would like to make it clear; with
2 regard to the confession which the ECCC has scanned for its
3 official use -- there is one confession from Tuol Sleng and this
4 type of document were not available at the DC-Cam. There were
5 other statements, which are stored at the DC-Cam, but they are
6 not available at the Tuol Sleng archive.

7 I recall when the officer from the Office -- the investigator
8 comes to the DC-Cam to get this document, they scan it in colour
9 at the DC-Cam. And as for the confessions available at the Tuol
10 Sleng archive, to my knowledge I believe that the investigator
11 must have been to the Tuol Sleng archive to scan those
12 confessions. As for confessions available at the DC-Cam, the
13 investigators have scanned those confessions at the DC-Cam.

14 [12.00.52]

15 Q. So, you are confirming that you have received requests from
16 the OCP as well as from the OCIJ, so did you also receive other
17 requests from other departments at the ECCC and, in particular,
18 did you receive any requests from VSS or from the Defence Support
19 section?

20 A. It is correct to say that we received requests for documents
21 from the DSS of the Extraordinary Chambers in the Courts of
22 Cambodia and from the Civil Party Lawyers.
23 The documents had been provided to them through requests and, if
24 necessary, I can also tell the Court the exact number of
25 documents DC-Cam has provided to the Defence Support Sections.

1 And DC-Cam has been open, and we are open to all parties
2 concerned. In particular, we're open to the DSS and also we
3 reserve. I think the -- we reserve a day, for example Friday, for
4 such purpose.

5 [12.02.47]

6 MR. PRESIDENT:

7 Thank you, Mr. Dara Peou.

8 Since it is now appropriate time to take an adjournment for
9 lunch, we will break for lunch and resume the session by 1.30.

10 Legal officers are now instructed to assist the witness so that
11 he can have his lunch and return to the courtroom by the time as
12 indicated.

13 Counsel for Nuon Chea, we note you're on your feet.

14 MR. PESTMAN:

15 Thank you, Mr. President. Just a quick question with regard to
16 the incident this morning.

17 This morning, I was asked to stand up when spoken to by Judge
18 Cartwright. As far I know, this is the first time that the
19 defence counsel was asked to do so. I remember another incident
20 with my colleague, Michael Karnavas, who was asked to sit down
21 after he had addressed the Court, and my Cambodian colleagues
22 told me during the break that it is not common in Cambodian
23 courts, in ordinary Cambodian courts, to stand up when talked to
24 or addressed to by a judge; only the Accused is supposed to stand
25 up.

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1 I would like to have some instructions. Are we adopting a
2 procedure different from the Cambodian -- the local courts? Do I
3 have to stand up to - when addressed by any Judge on the Bench?
4 Does this rule only apply to international counsel? Does it apply
5 only when I'm addressed by Judge Cartwright? Does it only apply
6 to me?

7 I would like to have some clear instructions, maybe before the
8 afternoon session. Thank you.

9 MR. PRESIDENT:

10 Thank you, Counsel, for raising this.

11 The Chamber will address your remark when we resume our session
12 in the afternoon.

13 Security personnels are now instructed to take Mr. Khieu Samphan
14 to the holding cell and have him return to the courtroom before
15 1.30 p.m.

16 The Court is adjourned for lunch.

17 (Court recesses from 1205H to 1332H)

18 MR. PRESIDENT:

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

20 Before we proceed to Judge Lavergne, the Chamber would like to
21 inform parties to the proceedings that every time when party
22 addresses the Chamber or the Bench, and every time when the Bench
23 speaks to any particular party or lawyer, counsel is advised to
24 be on his or her feet to show his or her respect to the Chamber
25 and to preserve the good code of ethic. It is not true that

1 counsel say that such practice is not normal in Cambodia. In
2 Cambodian judicial setting, whenever the Chamber speaks to any
3 person concerned, he or she shall remain standing.

4 [13.34.26]

5 The person who the Chamber is speaking to shall be on his or her
6 feet. This will be the normal practice here at this Court
7 setting.

8 The Chamber may allow the accused person or other people to
9 remain seated when addressing the Court, due to their old age or
10 due to other physical condition, but this can only be done
11 through permission by the Chamber, for example, in the case of
12 testimonies of Mr. Long Norin, when parties were allowed to put
13 questions when remain seated.

14 We now proceed to Judge Lavergne to put further questions to this
15 witness, Mr. Dara Peou. Judge Lavergne, you may proceed.

16 BY JUDGE LAVERGNE:

17 Q. Thank you, Mr. President. I would like to dwell on one
18 particular document in my question; it's confession from S-21. It
19 is possible that other relevant documents will be put to the
20 witness as well, tomorrow -- telegrams relating to S-21. But for
21 the moment I will just refer to one paper. It's D43/IV - roman
22 four -- Annex 57. Number - ERN: in French, 00235668; English,
23 00234085 to 4086; and Khmer, 00174375 to 4391. This document was
24 put into the files of the Co-Investigating Judges after a
25 rogatory letter concerning Steve Heder and Sim Sorya, who went to

1 the D-Cam in order to make a colour scan of original documents
2 kept in the DC-Cam centre. I would like to ask the greffier if it
3 is possible to show the cover page of this document to the Court.

4 (Short pause)

5 [13.39.04]

6 Thank you. Well, you can get better copies than this, it is true;
7 but may I ask the witness, if despite everything, he can read
8 what appears on the screen?

9 MR. VANTHAN DARA PEOU:

10 A. Your Honour, indeed, I can read the writing.

11 Q. Well, this is a cover page. Could you begin by telling us if
12 you recognize this document -- if you know this document and if
13 you have any initial comments to make about this document?

14 A. Yes, Your Honour, I do recognize this document. It is the
15 confession -- the confession that is classified at the National
16 Defence of the Democratic Kampuchea under the supervision of Son
17 Sen. This document -- the original version of this document is
18 stored at the DC-Cam. It is classified as "J".

19 But when Steve Heder made the scanning of this document, he made
20 from the original document. That's why the letter J is missing,
21 because, as I indicated, no writing is made on the original
22 document.

23 Q. Very good. So, if it hadn't been a scanned document that was
24 put into the file, but a copy of it -- a paper copy of it -- on
25 the paper copy we would have seen the DC-Cam registration number

1 beginning with a letter J.

2 A. Yes, it is correct, Your Honour.

3 Q. As you can see, there are several annotations on that cover
4 page. In your estimate, how can you tell if those annotations on
5 the document cover are contemporaneous?

6 A. With regard to the annotations on this document, the ink seen
7 on this piece of letter is the old ink. It's not written
8 recently, and in some incidences, there were names of individuals
9 who made such annotations. However, on this particular document,
10 there is no name of the person who annotates.

11 However, having made observations and read or examined several
12 documents, I can conclude that this writing belongs to Son Sen.

13 Q. On the cover page, a title and some typed letters are visible,
14 and there are several annotations that don't seem to have been
15 written by the same person.

16 [13.44.08]

17 So the annotation that you say is by Son Sen, if I understand
18 correctly, is which one, precisely?

19 A. The document that is being shown to me, on the screen on my
20 right hand side, has the red annotation. If possible, or if the
21 Chamber allows, I may read the writings on this document so that
22 you're sure that -- which document I'm referring to.

23 Q. Yes, you can. What would also be useful would be if we could
24 keep the document itself on the screen.

25 [13.45.38]

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1 I can see several red annotations, so please be clear about which
2 one you're talking about.

3 A. There are red letters on top, just below the typed letters,
4 and it was written in bigger size, compared to the letters on the
5 rest of the paper.

6 Q. Can you read to us what the annotations say?

7 A. I will indeed try to read: "Dhoem, the deputy chief of the
8 division, Comrade Muth".

9 Q. Thank you. I heard the word "Dhoem" and then "Comrade Muth",
10 but I might have missed the full wording. And then, while you're
11 at it, perhaps you could read the annotations that are a little
12 lower down on that page.

13 A. I would like to repeat: "Dhoem, the deputy chairman of the
14 division of Comrade Muth".

15 And the rest of the annotation reads, first, in circle: "To be
16 presented to brother as information concerning the plan, which is
17 correct. Some people-"

18 I think this writing is hard to read when it is on the scanned
19 document.

20 (Short pause)

21 [13.49.04]

22 Q. Perhaps to make the reading of this easier, we could have a
23 paper copy of it given to you.

24 (Short pause)

25 [13.49.53]

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1 A. I would like to repeat the annotations. Number 1:
2 "To be presented to you as information. With regard to the plan,
3 it is correct. Some people were the right people, but some were
4 most likely not. I will invite Comrade Muth to see this. These
5 guys -- this guy would implicate his own people. He implicated
6 Comrade Dhoem in a previous confession. It is being transcribed
7 from the tape."

8 [13.51.29]

9 Q. What comment would you like to make to the Chamber about these
10 annotations? Were they written by the same person? Do you
11 recognize the handwriting of the person who may have written the
12 annotations?

13 A. Your Honour, through my work experience and observation as the
14 person who compiles
15 this document, I can conclude that these annotations are made by
16 only one individual -- the same person. And according to the
17 writings, as compared to other annotations, I can say that these
18 annotations belong to Son Sen.

19 Q. Now, if possible, I would like to show on the screen Khmer ERN
20 00174384.

21 (Short pause)

22 [13.54.57]

23 So, I think you now have a paper copy of the page as well. Do you
24 have any comments to make about this new page? And would you read
25 out to us the annotations that are written on that page?

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1 A. Indeed, I can read this annotation as well -- the annotations
2 that are written on the original document. Through my
3 observation, and having read this document on my own at DC-Cam,
4 these annotations belong to Khieu, the person whose name is
5 underneath the annotations. These annotations are identical in
6 terms of form of writings and letters, that -- to the one that
7 was shown to me a moment ago.

8 I can also read this writing. For example, the "Sor" [S], in
9 bracket, which states very clearly that the term "strictly
10 confidential", and it is underlined. Then, when it comes to
11 notes, it reads:

12 "This document is confidential because it is related to the East.
13 "It cannot be sent to the base, except it is summarized first.
14 31st of July 1977. Khieu."

15 [13.57.26]

16 And then underlined.

17 Q. Is the use of the red colour something particular? Does it
18 have significance? Was red used often? Does it signify something
19 special in these annotations?

20 A. My observation is not that different from Your Honour
21 observation, because the annotations are of red ink and I cannot
22 elaborate as to why such annotations were made in red, or why it
23 were made in other ink colour.

24 Q. Last question. You told us that at the bottom of the page the
25 name Khieu appeared? If you are aware, can you tell us if that

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1 name corresponds to anybody in particular?

2 A. Your Honour, this name is an alias for Son Sen.

3 Q. Thank you very much. I have no further questions to put to the
4 witness, but, tomorrow perhaps, with a telegram I might ask you
5 to make some clarifications for us about the annotations on that,
6 but, at this stage, Mr. President, I have no further questions.

7 Thank you very much.

8 [13.59.26]

9 MR. PRESIDENT:

10 Thank you, Judge Lavergne.

11 Does any other Judges of the Bench wish to put questions to the
12 witness?

13 Since there id no further questions from the Bench, we will like
14 now to proceed to the Co-Prosecutors to put questions to the
15 witness.

16 The Co-Prosecutor, you may now proceed.

17 QUESTIONING BY MR. ABDULHAK:

18 Q. Thank you, Mr. President. Good Afternoon, Your Honours. Good
19 Afternoon, Mr. Dara Peou, and thank you for coming here to
20 testify and provide information to assist the Chamber in
21 ascertaining the truth with respect to the various holdings from
22 DC-Cam. We're going to try and build on the extensive examination
23 that the Judges have already conducted, so I hope you'll forgive
24 me if, in some respects, I cover some of the grounds that you've
25 been asked about or if my questions cover a number of topics.

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1 [14.00.36]

2 Just very briefly, dealing with your qualifications, you
3 testified this morning that you've studied law, and you've
4 undertaken further studies, I believe, at -- in New South Wales,
5 in Australia.

6 Could you tell us a bit more about those additional studies in
7 Australia, what they entailed?

8 MR. VANTHAN DARA PEOU:

9 A. Thank you. In Cambodia, I studied law and earned a Bachelor
10 degree from Royal University of Law and Economics. When I worked
11 at the DC-Cam, I received training as to how to manage and to
12 compile documents, at New South Wales, University of New South
13 Wales, in Australia. Besides, I also received training concerning
14 how to investigate criminal cases, and the training was conducted
15 in Ireland, back in, probably, 2000.

16 [14.01.59]

17 And I also continue my study in the United States of America, and
18 I earned my Master's Degree in Human Rights and Humanity at -
19 from Notre Dame University.

20 Q. Thank you very much. And I think you indicated also that -- I
21 believe it was the University of New South Wales, and Yale
22 University, that provided some training at DC-Cam; is that
23 correct?

24 A. Yes, it is correct. Not only did Yale University send some
25 specialists to provide trainings at DC-Cam, some DC-Cam staff

1 also received the training there, at the University.

2 Q. And do any of these staff still work at DC-Cam?

3 A. Some of them continue to work at DC-Cam while some others went
4 to work outside which, means they no longer work in DC-Cam

5 Q. I might just move on to, a bit more generally, DC-Cam and its
6 structure, again to build on the questions that your Honours
7 asked this morning.

8 I think you indicated DC-Cam receives funding from a number of
9 sources.

10 Are there any conditions attached to that sort of funding?

11 A. Generally, a funding provided by donors cannot come with any
12 conditions imposed on DC-Cam. It is DC-Cam who decide how to work
13 and to work independently.

14 [14.04.36]

15 Q. Would the same apply to any funding or assistance that you may
16 have received from the Cambodian Government?

17 [14.04.52]

18 A. DC-Cam does not receive any financial assistance from the
19 Cambodian Government; rather, it receives such support as
20 permission for the centres to conduct its research across the
21 country.

22 Q. Do you receive any instructions from the Cambodian Government,
23 apart from this assistance?

24 A. We never received any instructions from the government beside
25 the permission it provides us for the centres to conduct its

1 research everywhere across the country as well as other places
2 outside the country.

3 [14.05.58]

4 Q. Thank you. I think you also testified that DC-Cam is managed
5 by a board of directors. Can you tell us if you know how many
6 directors are on the board and how they're appointed?

7 A. Could I hear the question again because I did not catch the
8 question?

9 Q. Certainly. With respect to the Board of Directors, how many
10 directors sit on the board? And what is the procedure for their
11 appointment or election?

12 A. Concerning on its organizational structure, we have the Board
13 of Directors, including an Executive Director, with two Deputy
14 Directors, and we have Team Leaders. And as for the General
15 Director, rather, the Board of Directors, we also have experts
16 who could provide us - advise us in accordance with their
17 expertise and this provision is done voluntarily for the Director
18 of DC-Cam. After we finished our work with Yale University back
19 in 1977 [sic], Mr. Youk Chhang became the Director of DC-Cam and
20 he remains to be Director of DC-Cam.

21 Q. Thank you. So, in other words, you've described expert
22 assistance provided by academics or scholars, and that assistance
23 is provided free of charge to assist DC-Cam in its mandate; would
24 that be correct?

25 A. Yes, it is correct.

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1 Q. Thank you. You also testified that over the years-- I think
2 you've supervised anywhere between 15 and 55 staff at DC-Cam.
3 Can you tell the Chamber approximately how many staff are
4 currently employed?

5 [14.09.10]

6 A. Currently, at the DC-Cam, we have 55 staff that, include, both
7 a full-rights staff and voluntary staff. For voluntary,
8 voluntarily staff, it means that they do not receive any salary
9 from the Center, but they are bound by the internal regulations
10 of the Center. They are to work in accordance with the other
11 discipline imposed by the Center just like any other regular
12 staff.

13 Q. You also testified that-- Most of the staff, I think, are
14 involved in the handling and processing of documents; is that
15 correct?

16 [14.10.06]

17 A. At DC-Cam there are a lot of staff who participated in the
18 compilation of documents. Mr. Chhang Youk and I are not the only
19 two people who do this work.

20 Q. But these individuals, if I understand you correctly, work
21 under your supervision.

22 A. It is correct, especially when it comes to these kind of
23 documents.

24 Q. Thank you. And just one last question on the staffing: When
25 staff joined DC-Cam, if they are assigned to work on documents,

1 are they provided any training or given instruction in any
2 procedures that DC-Cam has in place?

3 A. It is true. For those who work with the documents who do not
4 receive any training from foreign countries will receive training
5 from experts who come from Yale University and the University of
6 New South Wale at the Center. And, I, as the immediate
7 supervisor, will conduct meetings during which we share our
8 experiences. And the meetings are held every Friday where we
9 share together how we work on these kinds of documents.

10 Q. Thank you. I'll just move on to some of the other areas that
11 DC-Cam deals with, some of your other projects, very briefly,
12 before we move on to documents more specifically.

13 [14.12.24]

14 You've discussed this morning the interviews which have been
15 conducted by DC-Cam staff throughout Cambodia.

16 Were they interviews only of victims or alleged victims of
17 crimes?

18 A. Interviews were conducted through a project of DC-Cam and we
19 call the projects as the Responsibility or Accountability
20 Project. Through this project we went to interview individuals on
21 the basis of the biographies of former combatants of the regime
22 and when we conducted the interview at the local base we brought
23 along these documents and we tried to locate the persons
24 according to the address that we have in the documents. We
25 interviewed both the former Khmer Rouge and the survivors of the

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1 Democratic Kampuchea regime. We also interviewed relatives of
2 those who we can identify from the biographies. And during the
3 interview or the conduct of our interviews we have – we have sets
4 of questionnaires that have been examined by our legal experts
5 before the questionnaires are to be implemented and we also
6 provide a copy of these questionnaires to the Chamber and also to
7 the Co-Investigating Judges who went to the Center.

8 Q. And why was it that a decision was made to interview both
9 alleged victims and alleged perpetrators from the DK period?

10 [14.15.24]

11 A. I am of the view that, first of all, we have precise
12 documents. Secondly, we express our purpose on our behalf of the
13 AA Centre who compiles documents in order to collect memories of
14 the history of the Democratic Kampuchea. So, because there is an
15 understanding of the purpose of on our side and because of the
16 willingness that the interview we provide to us and then the
17 interviews were conducted successfully.

18 [14.16.20]

19 Q. And when you say the "purpose", is that -- are you referring
20 to your testimony, earlier, that your -- one of your objectives
21 is to record the history of the period?

22 A. Yes, it is correct. And as of now, DC-Cam has also produced a
23 history book about the Democratic Kampuchea, and the book has
24 been integrated into the school curriculum across the country.

25 Q. Thank you. In addition to the book, I think you referred to

1 the magazine "Searching for the Truth", this morning.

2 Has DC-Cam published any other books or similar educational
3 materials on this period?

4 A. Besides the "Searching for the Truth" magazines, DC-Cam also
5 published a number of written research at the centre.

6 Q. Does DC-Cam conduct any public information projects, I think,
7 you've mentioned this morning, about the training of teachers? Is
8 there any other public education initiatives that you've
9 undertaken in relation to the work of the Court or the DK period
10 more broadly?

11 A. It is true. This is one of the primary work that we need to
12 train teachers for them to be able to teach these history lessons
13 to the next generation, and the purpose is to prevent to seek
14 reconciliation, to seek forgiveness from one another and to avoid
15 any vengeance that people may seek.

16 Q. In other words, would it be fair to say that reconciliation is
17 one of your objectives, just following on from your answer?

18 A. Could I have the question again? I do not seem to catch it.

19 Q. Of course. Just following on from that last answer, where
20 you've talked about reconciliation and forgiveness, are these
21 principles an important part of your work?

22 A. As the work in this project is to turn this kind of study into
23 some kind of reconciliation and tolerance and to avoid any
24 vengeance.

25 Q. Thank you. And lastly, on projects, other than your document

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1 holdings, you've described the mapping project this morning.
2 Approximately how many districts in Cambodia were you able to
3 cover in this project?

4 A. I only know that there are 186 districts in Cambodia and
5 because our mapping project was conducted during the time where a
6 number of districts were under the control of the Democratic
7 Kampuchea, this project has not yet concluded which can cover all
8 the districts across Cambodia.

9 [14.21.20]

10 Q. And could you tell the Chamber, very briefly, how would you go
11 about identifying a particular site which may be mapped as a
12 potential mass gravesite?

13 A. Before we conducted our research in districts or provinces, we
14 based on documents related to, first of all, research on crimes
15 committed during democratic -- during the Khmer Rouge regime, and
16 this research was conducted by - by Republic of Cambodia in 1980s
17 and they also based on a document what we called as the front
18 documents. And besides we also based on the complaints by the
19 villages that was stored at the front offices. We also referred
20 to documents that were stored at propaganda and information
21 offices. So on the basis of these documents we were able to
22 identify the mass graves.

23 [14.23.33]

24 In addition we also have heard from, we also heard from people
25 who used to participate in the digging up of the mass graves and

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1 who provided us this information so all of this is the basis on
2 which DC-Cam grounded our project.

3 Q. And once a site is identified by your staff, was it in any way
4 geographically identified as well, or recorded?

5 A. In identifying these locations we also used GPS, which is the
6 Global Positioning System that can tell us the latitude and
7 magnitude -- the longitude of the location and we can identify
8 this clearly on the map. And when we use this system, we also a
9 record the statistics of this magnitude and longitude that have
10 been generated by these GPS equipment.

11 [14.25.38]

12 Q. And, lastly, is it correct that that information -- or is that
13 information available in any way on the internet?

14 A. It is true. We also upload the result of our study on the
15 website of DC-Cam.

16 Q. Thank you. I might move on to your document holdings and the
17 issue of recovery of documents.

18 To the best of your knowledge, do we know what happened to the
19 majority of records of Democratic Kampuchea Government following
20 the toppling of the regime, in early 1979?

21 A. To the best of my knowledge, all those documents might have
22 been scattered everywhere. Some may end up in the possession of
23 someone and while others are found somewhere else, the point is
24 not - these documents do not exist in one place, but DC-Cam
25 managed to gather some of these documents.

1 [14.27.40]

2 Q. In other words, we don't have all the documents, do we, of the
3 Democratic Kampuchea regime?

4 A. It is correct.

5 Q. And if I understood you correctly this morning, various
6 apparent Democratic Kampuchea documents are located still in a
7 number of repositories; is that correct?

8 [14.28.26]

9 A. Yes, it is correct.

10 Q. Just to try, if I may, to identify with you some of those main
11 areas, were some of the documents found at the site of the S-21
12 prison?

13 A. Yes, there must be some documents that can be found there,
14 especially documents that are not confessions because -- and
15 confessions from S-21 are not stored at DC-Cam.

16 Q. And did I understand you correctly that there are also
17 documents which are not confessions but which were located at
18 S-21?

19 A. Yes, it is correct.

20 Q. And who located these documents?

21 A. As I said from the very beginning, concerning the collection
22 of these documents, we have a number of other DC-Cam staff and
23 these include I and my director, along with my other staff. And
24 especially for the documents from Tuol Sleng, I, myself, went
25 there personally and I studied those documents and -- to see how

1 those documents are important for the research at DC-Cam.

2 [14.30.31]

3 Q. And to the best of your knowledge, prior to the establishment
4 of DC-Cam, did these documents remain at the S-21 site between
5 the period of 1979 and, perhaps, 1995, when DC-Cam was
6 established?

7 A. To the best of my knowledge, I believe that these documents
8 remained there before I even went there. And when I got there to
9 collect the documents, we had seen them being stored there.

10 Q. And how do we know that these were the documents which had
11 remained at S-21 throughout that 16-year period approximately?

12 [14.31.41]

13 A. S-21 was put to public use after the toppling of the Khmer
14 Rouge regime, so the general public in Cambodia started to know
15 that S-21 was the Khmer Rouge prison and that documents were kept
16 there. So as researchers and learners, we learned that there
17 could have been documents there and, sure enough, we went there
18 and found the documents.

19 Q. I think Judge Lavergne asked you earlier about another
20 repository, which is the Ministry of Interior.

21 Do you know or recall how and when the documents from the
22 Ministry of Interior were collected by DC-Cam?

23 A. Documents stored at DC-Cam were started to be collected in
24 1995 and since there are a lot of documents that have been
25 collected, I'm afraid I can't recollect the exact dates when they

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1 were collected. But still, I'm sure that there are dates, clear
2 dates at DC-Cam when the documents are brought in and when we
3 collected them.

4 Q. Perhaps, if need be, you can provide that information
5 subsequently.

6 A. Yes, indeed.

7 Q. Do you recall, by any chance, which types of documents were in
8 that particular cache that you collected from the Ministry of
9 Interior?

10 A. The documents we gathered from the Ministry of Interior
11 include the confessions. At DC-Cam we have catalogued them as the
12 "J" documents, and there are other documents like the Lon Nol
13 related regime documents and other documents as well.

14 [14.34.53]

15 Q. And do you know how those documents came to be at the Ministry
16 of Interior?

17 A. What I know is that when the ministries were established,
18 documents were collected and kept at the Ministry of Interior
19 repository, because they classified those documents as the
20 documents left over from the previous regime. And when we
21 conducted our research, we came across these documents that are
22 relevant to the Democratic Kampuchea regime. Eventually we had
23 them stored at the DC-Cam.

24 [14.36.05]

25 Q. So is it the case that, in this particular instance, you

1 transferred the actual originals to DC-Cam from the Ministry of
2 Interior?

3 A. Yes, we conducted the authenticity of the documents. We asked
4 where these documents had belonged before they were in the
5 possession of the Ministry of Interior and that -- we asked that
6 the documents be transferred to be kept at the DC-Cam, and these
7 are the mechanism in verifying documents.

8 Q. And I think you mentioned earlier that this cache also
9 included confessions, if I understood you correctly.

10 A. Yes, it is.

11 [14.37.23]

12 Q. And do you know why there would be confessions both at the -
13 at another location from which they came to the Ministry of
14 Interior, apparently, as well as at S-21? What would be the
15 reason for there to be two sets, perhaps, of originals in this
16 case?

17 A. I think these documents were sent to another upper level, to
18 those who managed the documents at the National Defence of the
19 Democratic Kampuchea. And to me, I think that the documents were
20 relevant to security matters. That's why they were sent to the
21 National Defence of the Democratic Kampuchea regime and back
22 then, was under the immediate supervision of Son Sen, alias
23 Khieu. When the regime was toppled, the documents were found and
24 transferred to the Ministry of Defence of the current government.
25 And when -- or after the toppling of the Democratic Kampuchea,

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1 places for -- spaces for staff members were needed so people who
2 cleared or who found out that we could remove some of the papers
3 to leave spaces for office space then they could do so.

4 [14.39.27]

5 MR. PRESIDENT:

6 Since it is now an appropriate time for adjournment, we may take
7 a 20-minute break. We will resume at 3 o'clock.

8 Court officers are now instructed to take the witness to a
9 waiting room and have him return to the courtroom by the time as
10 indicated.

11 (Court recesses from 1439H to 1500H)

12 MR. PRESIDENT:

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

14 We would like to proceed with the Co-Prosecutor to put further
15 questions to the witness. You may now proceed.

16 [15.01.16]

17 MR. ABDULHAK:

18 Thank you, Mr. President. And just before I start, I'll indicate,
19 for the benefit of the Chamber and the other parties, that we
20 have now filed the -- an updated version of the Co-Prosecutor's
21 document list for the first phase of the trial, as was discussed
22 last week. I believe we had committed to the deadline of Tuesday,
23 but we've managed Monday. And I'd just correct: rather than being
24 an updated version, in fact, this is a table that contains only
25 the documents which came from DC-Cam and which have been

1 submitted to the Court, and I believe that contains approximately
2 2,384 documents. And that list should be coming through shortly,
3 if it hasn't already done so.

4 BY MR. ABDULHAK:

5 Q. Mr. Dara Peou, if we may continue with the questions regarding
6 the documents that you collected or that DC-Cam collected from
7 the Ministry of Interior.

8 [15.02.31]

9 You testified earlier that these documents are believed to have
10 been held under the control of Son Sen, the Minister of Defence
11 of Democratic Kampuchea.

12 How do we know that to be the case?

13 MR. VANTHAN DARA PEOU:

14 A. We looked at the documents and we noted that the documents,
15 after being authenticated, were held under the control of the
16 Democratic Kampuchea and stored in the centre of Phnom Penh and
17 it was -- they were document under Son Sen's supervision.

18 Q. Is this the collection that's generally -- I've seen a
19 collection referred to as "Santebal".

20 Is that this collection or another collection?

21 A. It is correct. These documents that we had collected are
22 relevant to the Santebal.

23 Q. And you've indicated, I think, also, that that collection
24 included documents referred to as "Lon Nol documents"; is that
25 correct?

1 A. Yes, it is. They are the compilation of documents we obtained
2 from the Ministry of Interior.

3 [15.04.51]

4 Q. And are those Lon Nol documents identified in any way in
5 particular? And I apologize if you've already answered this
6 question.

7 Is there a particular prefix or any other identifier that's used
8 to identify those documents, the Lon Nol subset?

9 A. We looked at the contents and the dates of the documents to
10 identify the Lon Nol related documents. For example, to that
11 specific document, when it was about the report on the enemy
12 situation, it would be referring to the Khmer Rouge movement and
13 in the Lon Nol dossier; there were documents that were relevant
14 to the Khmer Rouge regime as well.

15 Q. Thank you very much. And I just want to clarify. I was also
16 interested in whether or not DC-Cam has used any particular
17 designation to -- or code for those -- for that particular
18 collection.

19 [15.06.22]

20 A. At the Documentation Center of Kampuchea, after the documents
21 have been copied and coded, "L" would be used to signify these
22 relevant documents.

23 Q. So then is it -- is it the case that there may be documents on
24 which the prefix "L" is affixed, and they may be Lon -- documents
25 from the Lon Nol era, and they may be documents from the Khmer

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1 Rouge era, in some cases? Is that correct?

2 A. To put it simply, in the compilation of Lon Nol documents'
3 dossier; we classify these related documents as an "L" documents.

4 Q. Thank you.

5 Moving on to another possible repository, I believe, that was
6 discussed earlier, you've indicated that a certain cache is also
7 found -- was -- is also located at the National Archive; is that
8 correct?

9 [15.08.02]

10 A. Yes, it is correct. These documents are the copied documents
11 that are available at the DC-Cam now as well.

12 Q. Thank you. So the difference, perhaps, between the documents
13 which you have received -- and correct me if I'm wrong please --
14 the documents which you have received from the National Archives,
15 as you've just indicated, are photocopies, whereas those that you
16 received from the Ministry of Interior appear to be originals; is
17 that correct?

18 A. Yes, it is, because these documents that have been collected
19 from National Archives were the copied documents already when we
20 obtained and-- However, the documents we obtained from the
21 Ministry of Interior were the original documents, and we could
22 really identify them very clearly by having a look at the dates
23 and the quality, for example the quality of the paper, to see
24 whether the documents had been produced a long time ago, and also
25 the obvious annotations appearing on the documents.

1 [15.09.36]

2 Q. And moving on to other possible sources of documents, are you
3 familiar with the work of the Cambodian Documentation Commission,
4 or-- This was a commission to assist-- If that title doesn't
5 assist -- is not helpful, it was headed by an individual called
6 David Hawk.

7 A. We have been familiar with this Cambodia Documentation
8 Commission led by David, and the documents also being provided to
9 the Documentation of Kampuchea and classified as the "D"
10 documents.

11 Q. And broadly, if you recall, what types of documents might have
12 been in that particular collection? Were they documents
13 contemporaneous to the Democratic Kampuchea period or other types
14 of related documents?

15 [15.11.09]

16 A. In the compilation of David Hawk's documents, there are Khmer
17 Rouge related documents, interviews conducted with the refugees,
18 including audio recordings, and some photos.

19 Q. And to the best of your knowledge, do you -- does DC-Cam now
20 hold the entire collection from this commission?

21 A. Documents sent by David Hawk to DC-Cam has been
22 well-maintained and kept.

23 Q. Maybe my question wasn't entirely clear. Do you hold the
24 entire collection which was generated or which was collected by
25 the commission? Did they transfer to DC-Cam their entire

1 collection, as far as you know?

2 A. I can tell you that these documents were sent through airplane
3 -- by air mail. It was 450 kilograms of documents sent by plane
4 with letter certifying the exact amount of documents sent.

5 Q. And do you know where -- how the -- this Commission headed by
6 Mr. Hawk came to be in possession of those documents? In other
7 words, where did they collect those documents from?

8 [15.13.33]

9 A. After the collapse of the Khmer Rouge regime, the survivors of
10 the regime would not be very interested in collecting the
11 documents. Back then, there were researchers, including Mr. David
12 Hawk and Professor Ben Kiernan, who understood the importance of
13 these documents. And when DC-Cam was established, in 1995, those
14 people thought that -- or learned that there was a proper
15 institution for storing or maintaining these documents. That's
16 why they have them transferred to the DC-Cam -- have the
17 documents transferred.

18 Q. And so, if I understand you correctly, in some cases, these
19 documents, in fact, came from Cambodia or were collected from
20 Cambodia by individuals such as Mr. Hawk and were then
21 subsequently returned to DC-Cam after DC-Cam was established; is
22 that an accurate summary?

23 [15.15.21]

24 A. Yes, it is.

25 Q. And moving on to other categories, you have just indicated

1 that individuals such as David Hawk -- and I think you referred
2 to Professor Ben Kiernan -- provided documents after DC-Cam was
3 established. Were there other individuals of note, other scholars
4 or individuals who collected documents that you can recall now
5 that provided those documents to DC-Cam?

6 A. In general, we can immediately identify which document was
7 provided by whom. For example, documents that was -- that were
8 provided by Mr. David Hawk, after they were given coding "D" as
9 the -- and then we also put another initial, "H", to prove that
10 these documents were provided by Mr. David Hawk. And if the
11 documents were provided by Mr. Ben Kiernan, then we would
12 classify them with the "B" -- with the "K" as a short
13 abbreviation.

14 Q. Do you recall any other scholars who may have provided
15 documents as did Mr. Hawk and Professor Kiernan?

16 [15.17.28]

17 A. Professor David Chandler also provided the DC-Cam with
18 documents.

19 Q. And when you receive a document from a -- one of these
20 researchers and it appears to you to be a Democratic Kampuchea
21 document, how do you verify that it is what it appears to be and
22 that it is not, for example, a forgery?

23 A. DC-Cam normally asks questions directly to the people who
24 provide documents to -- to it, for example like Professor David
25 Chandler who has travelled back and forth through Cambodia and he

1 also visited DC-Cam, where we could really put questions directly
2 to him on this verification.

3 Q. Do you, at all, review the documents as you did earlier, when
4 Judge Lavergne was interested in a particular example?

5 [15.19.08]

6 A. Could you please be more specific which document you are
7 referring to, please?

8 Q. Of course, I apologize. Just following on from your previous
9 answer where a document is received from a researcher, you've
10 interviewed the provider, and the document appears to be a
11 contemporaneous document

12 Do you also review the document for authenticity or for its
13 general consistency with other records?

14 [15.19.48]

15 A. Indeed. For example, documents that we obtained from Professor
16 David Chandler, we examined the documents, we read them
17 carefully, and we also examined the content and the dates on
18 those documents, including the language used, etc., for us to be
19 able to verify whether these documents are relevant to the
20 Democratic Kampuchea, or the Khmer Rouge, or other documents.

21 Q. And do you feel confident, with your 17 -- approximately 17
22 years of experience, do you feel confident that your assessment,
23 in addition to your interviews and other checks that you
24 conduct-- Do you -- are you confident that that assessment is
25 accurate?

1 A. Having had experience in this work for 17 years and having
2 been very meticulous and very careful, myself, I can assure that,
3 after reading the documents very carefully and examining the
4 content essence of the documents, looking at the dates and the
5 language used on the documents can make me feel confident that I
6 can assess them well.

7 [15.21.51]

8 Q. And if you were in doubt as to the authenticity of a document,
9 on your own assessment, what steps, if any, would you take to
10 further verify that document?

11 A. In general, this does not happened very often, because, if it
12 happened, then we would have our experts, who are also
13 researchers in -- of Cambodia and also Democratic Kampuchea
14 regime. They can be asked to verify, to explain the content or
15 the language in the document, so that they can be verified.

16 Q. You mentioned earlier that you've provided many of your copies
17 of many of your records to researchers and academics who
18 specialize in this period.

19 Were you ever informed by anyone, any of those researchers, that
20 perhaps a document you provided may not be an authentic document?

21 [15.23.29]

22 A. With regard to researchers, or scholars, or those who would
23 like the documents for their study or for other relevant
24 purposes, we normally tell them that the documents are compiled
25 by DC-Cam and that they are provided to the users to make their

1 own assessment on the documents. We normally do not really judge
2 the documents. We allow users to make their own analysis on the
3 documents.

4 Q. And to the best of your knowledge, do some of these experts
5 speak and read the Khmer language?

6 A. Professor David Chandler can speak Khmer very well. Professor
7 Ben Kiernan can also speak Khmer.

8 Q. Thank you very much.

9 [15.24.53]

10 MR. ABDULHAK:

11 At this stage, Mr. President, with your permission, I'd like to
12 show the witness a small series of documents just so that he can
13 take a quick look at them and perhaps, if he's able, identify
14 markings on them, which may assist me in the ascertainment of the
15 truth with respect to the origin of documents. If that is
16 appropriate, I'll proceed.

17 MR. PRESIDENT:

18 You are allowed to do that, please.

19 BY MR. ABDULHAK:

20 Thank you very much.

21 [15.25.40]

22 Q. Mr. Dara Peou, we will show you a small number of documents,
23 all of which, I believe, we've received from DC-Cam, and if -- I
24 will just ask you to look at them and tell us what markings on
25 them may mean.

1 So, if we could have, now, our screen shown to the witness?

2 I apologize. Just one moment, we seem to have a slight technical
3 problem.

4 (Short pause)

5 [15.26.34]

6 Okay, if we could just show that document now? Thank you very
7 much.

8 Mr. Dara Peou, if you look at this document, in the top right
9 hand corner there is -- there are two series of digits and
10 letters, I believe. Can you tell us, first, what the series of
11 letters starting with -- series of numbers starting with the
12 letter "D", what -- what that relates to?

13 MR. VANTHAN DARA PEOU:

14 A. As indicated, all documents have been given coding starting
15 with a letter and followed by numbers.

16 "D", here, doesn't mean anything in the eyes of the law, but for
17 our memory, we know that "A," "B," "C" have already been used, so
18 we used the term "D" to refer to the letter that corresponding
19 with the Documentation Center for Cambodia, so we used "D" as the
20 letter.

21 The numbers that follow the "D" are the consequence -- or,
22 consequential number responding to the documents we keep
23 receiving after a period of time. And the letters in brackets,
24 9BBK, this is an indication to prove that -- where original
25 source of the document could have been, because we never allow

1 any researchers, or students, or users access or touch the
2 original documents. For that reason, we made copy of the
3 documents and we put some reference numbers. And for this purpose
4 of verifying the copy documents with its own original source,
5 this is the coding that we maintain at our place.

6 Q. Thank you. Just as a footnote, the document that I was showing
7 is the Introductory Submission 21.18, and it is of course on the
8 case file and included in the Co-Prosecutor's first phase
9 document list.

10 [15.29.55]

11 So just -- if we may discuss that document for a brief moment
12 further, you indicated that the sequence starting with the letter
13 "D" is a sequential number allocated by DC-Cam? And just -- if
14 you may elaborate further on what you believe the letters or
15 numbers in the brackets, immediately below that first number,
16 relate to?

17 If we could perhaps show that document again to assist the
18 witness?

19 (Short pause)

20 [15.30.54]

21 Thank you. So just that second sequence, below the letter "D", if
22 you could comment on that further, what that indicates?

23 A. As I said, the number and letters below the code tell us the
24 source of the original copy. These letters are assigned to the
25 compilation of documents. Sometimes, we receive the documents in

1 a compilation of documents, and we have sequential pages within
2 the compilation. So, when assigning it a number of the documents,
3 we provide this kind of coding in order to -- in order for us to
4 make reference to the original copy and the photocopied document.

5 [15.32.27]

6 Q. And I know it's very difficult because we're discussing a very
7 compilation, but just on that particular document, are you able
8 to identify where this document came from, just by looking at
9 that sequence, or would you need to consult the database?

10 A. It is true that, once I saw a particular document, I will
11 recognize immediately from which compilation this document was
12 copied from and I would be able to pinpoint the original document
13 without mistake because we had made the reference as indicated in
14 this document.

15 Q. And if we could just switch to our screen again, briefly, we
16 will try to locate this document using your database and the
17 D-number. If we could have our screen shown, please?

18 (Short pause)

19 [15.33.57]

20 If we could show this screen now? Thank you.

21 This is the -- of course, DC-Cam website, and my colleague will
22 just type in those numbers that we saw a moment earlier, which
23 was D01648. I know it's not very clear, but I hope you're able to
24 identify the page. What page are we looking at, here, Mr. Dara
25 Peou?

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1 A. What page are you referring to? Because, as I can see on the
2 screen, it is the result of the search on the DC-Cam website, and
3 we can see here the ID number -- that is, D01648, and the
4 document date is 18 June 1977. And we -- the result also shows
5 that we collected this information from the Ministry of Interior
6 in 1999. And this document can be found in the original source,
7 number 09BBK.

8 So, if there is a request for an original document for this
9 copied document, we will be able to find where the original
10 document is located.

11 Q. Thank you. You've answered my question fully.

12 And if we may show another document? And this document is on the
13 case file, again. This is D83-Annex0001. And if court officers
14 could now switch to our screen, please?

15 [15.36.25]

16 Thank you very much. The page appears to be-- Okay, this is a bit
17 better.

18 Mr. Dara Peou, looking at this document, are you able to
19 identify, again, the sequence starting with letter "D"? And is
20 that a similar number as we saw in the previous example?

21 A. Right. As shown on this document, we have letter D followed by
22 numbers 13527. Below that, we have TSL1813. This is the coding
23 system used at DC-Cam. For TSL1813, this code refers to where
24 this copied document is from. In other words, it refers to the
25 original source.

1 So, if there is any request for the verification of the
2 photocopies against the original document, we would be able to
3 locate the original document, and we can refer to the archives at
4 Tuol Sleng, and -- where number 1813 is used.

5 Q. Does TSL, then, relate to Tuol Sleng?

6 A. It is correct.

7 [15.38.15]

8 Q. And again, just briefly, we will attempt to locate this
9 document on the - on the same web site that we were looking at
10 earlier.

11 And if the court officers could again switch to our screen,
12 please? Thank you.

13 And I believe, as you read out, the document number was D13527.

14 And again, could you summarize for us very quickly what this page
15 shows?

16 A. Yes. Thank you. The document number shown here, ID number is
17 D13527. This document was collected in 1999 from Tuol Sleng
18 source, as you can see in brackets, TSL1813.

19 [15.39.46]

20 Q. Thank you very much. And we'll move on quickly to another
21 document. And just for the record, this document is D243.2.1.1.

22 And again, if the court officers could switch to our screen
23 briefly? Thank you very much.

24 And just looking at this document, could you just first indicate
25 what document we are looking at, please?

1 A. It is a "Revolutionary Flag" document, and this is a scanned
2 version of the original copy which is available at DC-Cam. The
3 colour of the flags is not the one that we can see on this
4 screen. The original will tell us that the colour is the red.

5 Q. And in this case, it appears that the document - this
6 particular scan didn't have a D number in its top right hand
7 corner.

8 Could you explain to the Chamber why that might be the case?

9 [15.41.37]

10 A. This is because this document was scanned from the original,
11 and as I indicated earlier, we did not write anything on the
12 original, we do not touch the original. So, when we scanned the
13 original, you will not find any coding system - any D or some
14 other letters, because, like I said, this is the copied document
15 of the original version, and we did not write any code on the
16 original copies.

17 Q. Thank you very much. We might try very quickly to, again,
18 locate this document on the database - even though we don't have
19 the D number. You've indicated that it was an August 1977 issue -
20 or, rather, '75, I apologize. My colleague will just quickly
21 attempt to locate, by searching for "flag", this document.

22 And I believe here we have a series of results. We will try and
23 search this-

24 Is this -- does this correspond, Mr. Dara Peou, to the document
25 that you were looking at earlier, just the basic information

1 about the date and title?

2 [15.43.09]

3 A. Yes, the question could be like this: why we can find the
4 document number beginning with the letter D followed by number
5 214 and 10, the reason is that we have the catalogue of the
6 copied documents. In other words, we provide coding system to the
7 photocopied documents. That is why we have this document number
8 here.

9 And we also record the document date, which is August 1975, and
10 the collection date, 1999. And the source of this document is at
11 Tuol Sleng Museum, which in short is TSL.

12 Q. Thank you very much. Again, just very briefly, you've
13 indicated -- and the database certainly confirms -- that the
14 source of this document is Tuol Sleng.

15 Does that mean, in summary, that the original of this document
16 was recovered from the S-21 compound?

17 [15.44.35]

18 A. Yes, it is correct.

19 Q. And, based on your research, is there a particular reason why
20 one might encounter "Revolutionary Flag" magazines at S-21?

21 A. Could you please specify your question, because from the
22 translation I heard that the location found -- the location where
23 the document was "there"; what do you mean by "there"?

24 [15.45.22]

25 Q. Certainly. The question was simply-- The location is indicated

1 as being Tuol Sleng. And my question is: Based on your research,
2 why would we find a copy or an actual original of the
3 "Revolutionary Flag" at Tuol Sleng?

4 A. When we conducted our research at Tuol Sleng, as I said
5 earlier -- or for those documents that are related to document --
6 Democratic Kampuchea regime would be collected and stored at
7 DC-Cam. And, because these "Revolutionary Flag" documents were
8 available at Tuol Sleng, we made photocopies of the documents and
9 kept the photocopied documents at DC-Cam so that these documents
10 are available for researchers and other people who are interested
11 in these documents.

12 [15.46.47]

13 Q. Is it possible, then, that the original versions of this
14 particular magazine may be found in a number of different
15 locations during the DK period?

16 A. Practically speaking, we may also receive a copy of
17 "Revolutionary Flag" from other individuals, not from Tuol Sleng.
18 And, because the "Revolutionary Flag" magazines were disseminated
19 to the Democratic Kampuchea cadres, these documents may be in
20 possession of individuals, and individuals may be those who lived
21 around the city. So it is possible that we may have found a
22 document in a house, in Phnom Penh, for example, that we may
23 encounter such a kind of document somewhere in Phnom Penh.

24 [15.48.18]

25 Q. I'm going to try and show one more document in the time that

1 we have remaining. And, for the record, this is document
2 D366/7.1.331, again, of course, a case file document, and
3 included in the OCP document list.

4 If we could show this document on the screen? Thank you.

5 And again very quickly -- time is limited now -- Mr. Dara Peou,
6 can I take it that the D sequence relates to your internal DC-Cam
7 number, as we saw previously?

8 A. Yes, this document number is D20476. This is the number
9 provided by DC-Cam. And in the brackets below, there is also a
10 code written by DC-Cam, and this tell us the source, which is the
11 -- which we have here, the short form ANC -- that is the Archive
12 National Centre -- and followed by number 37 and BOX 08. So, when
13 -- if we want to locate the original copy of this document, we go
14 to the place and tell them this number.

15 Q. Thank you very much.

16 And in the remaining time, I may just, very quickly, deal with a
17 separate issue, perhaps relating to the relationship with -- of
18 DC-Cam with the Court and the parties before the Court.

19 Did DC-Cam provide any assistance to victims who have filed
20 applications with this Court, in the progress of these
21 proceedings?

22 [15.50.55]

23 A. May I ask you again: Are you referring to the Witness Support
24 Section? Not only the Witness and Expert Support Section. As long
25 as there is a request for documents, DC-Cam will provide

1 documents to those requesters. We will not provide the documents
2 without any request that indicates precisely the document number.
3 Otherwise, we could not find the documents.

4 Q. Thank you. My question probably wasn't very clear. My question
5 was more in relation to applications as a civil party, whether or
6 not DC-Cam may have assisted any individuals to apply as civil
7 parties before the Court.

8 A. Yes, there is.

9 [15.52.10]

10 Q. And what type of assistance was that? What did that entail?

11 A. I have worked personally with the request for documents for
12 civil parties, I have worked with either the civil parties
13 personally or their lawyers. The documents that I provide them
14 include the documents of their deceased relatives, and the civil
15 parties are requesting these documents in order to support their
16 complaint application. And so this is what the -- this is the
17 assistance that DC-Cam provides to civil parties or their
18 lawyers.

19 Q. And of course you've indicated earlier that that assistance is
20 equally available to any party -- and please correct me if I'm
21 wrong -- to any party participating in these proceedings.

22 A. It is true, and I can list those parties, and they include the
23 defence counsel, civil parties, the Office of the Co-Prosecutor,
24 the Office of the Co-Investigating Judges as well.

25 Q. And what would you say, Mr. Dara Peou, to anyone alleging

1 that, because DC-Cam has indicated that crimes took place during
2 the DK period, that DC-Cam is therefore biased and that its work
3 is in some way tainted and cannot be relied upon? How would you
4 respond to that claim?

5 [15.54.54]

6 A. First of all, as I have said, DC-Cam has two primary purposes:
7 that is to collect and compile a document to keep it as memory of
8 the history; and, secondly, we compile documents to provide to
9 any individual who are entrusted in finding the justice for the
10 survivors of the Democratic Kampuchea.

11 So this is-- To serve this purpose, we have provided our
12 documents to the ECCC and we have provided documents to all
13 parties without any restrictions. We provide any document, as
14 long as there is a request for one. And we also provide to
15 researchers who study about the Democratic Kampuchea. We also
16 provide documents to media. We also provide documents to students
17 who conduct their research on this area.

18 The important point for the DC-Cam is that we do not analyze the
19 documents that we have collected. We keep the documents as they
20 are, and it is up to those who would use the documents to analyze
21 and to evaluate the documents. We do not provide any judgement to
22 the documents. Let me correct this: we do not analyze the
23 documents.

24 [15.57.09]

25 Q. And what would you say to an allegation that, because DC-Cam

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1 was created with the assistance of a foreign government,
2 originally, back in 1995, that it should not be relied upon, that
3 perhaps it has some bias or a preference in the outcome of these
4 proceedings? Is that a fair claim?

5 A. I uphold my position that I expressed earlier, with regards to
6 any allegations of the bias or biasness of the DC-Cam. I just
7 want to reiterate my position.

8 MR. ABDULHAK:

9 Thank you very much. You've been more than clear. And I know it's
10 been a very long day, so I thank you.

11 Mr. President, at this stage, I note it's 4 o'clock now, and I
12 would hand over to my national colleague. Would you wish us to
13 continue now or, perhaps, recess and continue tomorrow?

14 [15.58.33]

15 MR. PRESIDENT:

16 Thank you, Deputy Co-Prosecutor. Thank you, Mr. Witness.

17 It is appropriate for us to adjourn now. We will resume with the
18 National Deputy Co-Prosecutor tomorrow morning.

19 The Chamber wishes to inform Mr. Witness that you're testimony
20 has not been concluded yet. We will resume with questioning you
21 tomorrow morning, and in this regard you are required to be
22 present tomorrow, from 9 o'clock in the morning.

23 I note that the defence counsel for Nuon Chea is on his feet. You
24 may proceed.

25 [15.59.35]

1 MR. PESTMAN:

2 Thank you, Mr. President. Last week, we were asked how much time
3 we think we would need to examine this witness. Following today's
4 examination, I think that our team would need at least a half a
5 day to examine this witness. I know that we have been allotted
6 four and a half hours for all defence teams, and I think that
7 will not be enough. Originally, we had indicated one and a half
8 day for all three defence teams, and I think that is a more
9 realistic estimate of how much time we will need.

10 [16.00.29]

11 MR. PRESIDENT:

12 Since it is now the appropriate time for the adjournment, the
13 Chamber will adjourn now, and tomorrow's session will be resumed
14 at 9 o'clock.

15 The observation made by counsel for Nuon Chea will be addressed
16 and informed tomorrow. Today, we have already made it clear to
17 the parties, concerning the time allocation and schedule for
18 putting questions to the witness. This is an additional request
19 from counsel on top of what the Chamber has already ruled. So, in
20 the morning, the Chamber is going to address this request, early
21 in the morning, when we commence.

22 Security personnels are now instructed to take the three accused
23 persons back to the detention facility and have them return to
24 the courtroom before 9 o'clock.

25 The Court is adjourned.

1 (Court adjourns at 1601H)

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