



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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26 April 2012

Trial Day 57

Before the Judges: NIL Nonn, Presiding
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 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. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. SALOTH BAN (TCW-586)	Khmer
MS. SIMONNEAU-FORT	French

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Good morning, Mr. Witness Saloth Ban. We all know you have been

6 exhausted in providing your testimony during the last few days.

7 However, it's heading towards its conclusion for your testimony,

8 and we appreciate your cooperation, in particular your endeavour

9 to respond to the questions put to you in regard to your actual

10 experience of what you have known.

11 [09.04.02]

12 And this morning, you will be questioned by the defence teams

13 after you've been asked by some Judges of the Bench.

14 So, please, compose yourself and concentrate on the questions

15 before you respond precisely as part of the task to ascertaining

16 the truth.

17 QUESTIONING BY THE PRESIDENT:

18 Q. You have been asked by the parties. However, there are some

19 uncertainties and there are contradictions in your testimony

20 against the statement made by you with the investigators of the

21 Office of the Co Investigating Judges during the investigative

22 phase.

23 Can you reconfirm that in 1975 and '76 -- how many members were

24 in the Central Committee? Can you describe their names?

25 [09.05.49]

2

1 MR. SALOTH BAN:

2 A. Members of the Central Committee-- and as I was not the
3 founder and as I did not participate in their meetings, and there
4 was no official announcement of the -- who were the members of
5 this committee, and for that reason I am, myself, uncertain.

6 Q. Thank you.

7 Before the investigators, you stated that there were about 20
8 members of the Central Committee. Do you still stand by that
9 statement?

10 A. In reference to the statement and as I wanted to enlighten the
11 Office of the Co Investigating Judges, I used the word
12 "probably", as I, myself, was uncertain. That was based on the
13 work that I did at the time, and I provided that estimation.

14 Q. Now, as you observed, are you still standing by your
15 estimation that there were about 20 members of the Central
16 Committee?

17 A. Yes.

18 [09.07.41]

19 Q. Thank you.

20 What about the Standing Committee? How many members were they?
21 And how many of them do you know?

22 A. I was also not informed of as who were the members of the
23 Standing Committee; I only saw photos of their frequent meetings.
24 And to my knowledge, there were two: namely, Pol Pot and Nuon
25 Chea.

1 Q. Thank you.

2 Do you know Son Sen?

3 A. Yes, I do.

4 Q. As well as you know, was him a member of the Central
5 Committee?

6 A. As far as I know, I only saw the two members of the Standing
7 Committee. I only saw Son Sen working once in a while with them.
8 And as far as I can conclude, Son Sen was not a member of the
9 Standing Committee.

10 [09.09.28]

11 Q. What were Son Sen's responsibilities during the Democratic
12 Kampuchea regime?

13 A. As far as I clearly know, Son Sen was responsible for
14 military.

15 Q. Thank you.

16 As far as you know, is Khieu Samphan a member of the Standing
17 Committee or of the Central Committee?

18 A. If he was a member, it would be an ordinary member.

19 Q. Thank you. You mean he was an ordinary member of the Central
20 Committee?

21 A. Yes.

22 Q. Did you ever see Khieu Samphan lived or work with Ieng Sary,
23 Nuon Chea, and Pol Pot?

24 A. I saw them but I did not know the way they worked.

25 [09.11.48]

4

1 Q. You stated before the investigator of the Office of the Co
2 Investigating Judges, to the question that whether Khieu Samphan
3 ever met with Ieng Sary -- and you replied that they met each
4 other because the leaders were living together, so they all knew
5 about each other's work; can you recall that statement?

6 A. Yes, I can recall that statement. However, I'd like to make
7 comment to that statement.

8 To my understanding, it's that, if they were working together,
9 they were supposed to know each other's work; that is normality.
10 However, I did not know the details or the nature of their work.

11 Q. Thank you.

12 Court Officer, can you project the document D369/36 on the screen
13 and also indicate to the witness the questions that I may refer
14 to in my questioning to this witness? Of course, we do have that
15 document already, and just be ready to have the document
16 projected on the screen.

17 [09.14.04]

18 Mr. Saloth Ban, do you know Office 870?

19 A. Yes, I know that Office 870. And there were many locations
20 where the office was located, based on the situation and the war
21 situation at the time.

22 Q. You mean that the Office 870 existed quite a long time ago,
23 and not during the 1975 -- that is, after the 17th April '75; s
24 that correct?

25 A. Yes.

1 Q. What was actually the Office 870? Because 870 is just a secret
2 code designated for that office.

3 A. I did not think that Office 870 was a Central Office or of a
4 similar nature. It was referred to as "the Office of Angkar" and
5 also "the Office of the Leaders".

6 [09.15.48]

7 Q. Thank you. Based on the document, before 17 April 1975, the
8 office was not yet known as "Office 870". There was one office
9 called "Office 100", and only after that date there was one
10 office called "Office 870". Were the two offices, 870 and Office
11 100, one and the same - that is, one was known before the war and
12 one was known after the war?

13 A. I have never thought about that, but, yes, it is likely it is
14 same.

15 Q. Thank you.

16 What about the Angkar's Office which was relocated from
17 Rattanakiri province to a bushy area along the Chinit -- the
18 Stoeng Chinit, at the border of the province? What was the
19 numerical code of that office?

20 A. I cannot recall everything. However, I can recall that it was
21 known as Office S-21 and S-70.

22 Q. What was S-21? And what was S-70?

23 [09.18.04]

24 A. S-21 was also part of Office 870, which was located along
25 Stoeng Chinit. S-70, on the other hand, was a bit distant from

1 Stoeng Chinit. It was to the South, and it took about one day
2 walking.

3 Q. What were -- what was the difference between these two offices
4 -- that is, Office S-21 and S-70, in particular the roles and the
5 functions of those who worked at S-70 and S-21?

6 A. Office S-21 was a resting area for the leaders, and S-70
7 Office was the one that people were called for study.

8 Q. Thank you.

9 After 17 April 1975, where was the location of Office 870?

10 A. It seems that it was no longer referred to at Office 870, due
11 to its frequent mobility. There was no major office then. If
12 there were major meetings, they would convene meeting at S-71. So
13 it was a mobile, it was not a fixture.

14 [09.20.33]

15 Q. Please listen to my question carefully. My question is
16 referred to the period after 17 April 1975. And I'd like to know
17 whether Office 870 was relocated to Phnom Penh. And, if so, where
18 was it in Phnom Penh, to your knowledge?

19 A. As I knew, it was located at K-1, at the riverfront, near the
20 building block.

21 Q. Thank you.

22 Can we say that Office 870 or Office K-1 -- is it the same?

23 A. At that time, I only referred to it as Office K-1, not 870.

24 Q. Thank you.

25 As far as you know, after the liberation on the 17 April 1975 --

7

1 that is, after the war was over and as the leadership took
2 control of Phnom Penh -- who was actually in charge of Office 870
3 or Office K-1?

4 A. As far as I know, I, myself, was allowed to meet and to get
5 instruction from Mr. Pang. So, to my knowledge, Pang was the head
6 of that office.

7 Q. Thank you.

8 [09.22.53]

9 Do you know the person by the name Sua Vasi, alias Doeun?

10 A. Yes.

11 Q. What was the role of Sua Vasi, alias Doeun? What was his role
12 at Office 870 or Office K-1?

13 A. I know that he was the deputy-chief of Zone 304. Later, when I
14 communicated by letters to Office K-1, this K-1 Office was split
15 into various other offices, and there was one office which was
16 part of K-1 -- it was situated along the pasture road. I think it
17 was known as K-2. And that office was also mobile. So it was
18 separated from K-1. And at that office, I saw Doeun there. I did
19 not know his exact role, but I saw him -- was working on the
20 distribution of logistics in that office.

21 Q. What about Mr. Khieu Samphan? What was his role in the
22 Angkar's Office, or the Central Office?

23 [09.25.12]

24 A. I only knew that Khieu Samphan was responsible from the Front,
25 but later, when Doeun disappeared, I saw him working in the place

8

1 where Doeun worked, but I just did not know his exact role in
2 that distribution of logistics.

3 Q. Thank you.

4 Please refer to question-answer session 39 of the office,
5 D369/36.

6 Court Officer, could you assist the witness by showing him that
7 question-answer number 39 and let him examine this question and
8 answer?

9 (Short pause)

10 [09.26.39]

11 Mr. Witness, you have seen that question and answer session?

12 And let me read:

13 Question: "What was Khieu Samphan's role in Office 870?"

14 Answer: "So far as I know, he was the member of the Party Centre.

15 However, I have no idea when exactly he became [a member of] the

16 Standing Committee. He was in charge of the Front affairs and

17 collecting forces. Upon having seen him during work, I assumed

18 that Mr. Khieu Samphan were the head of Office 870, responsible

19 for logistics as the successor of Sua Vasi alias Doeun, who had

20 been arrested earlier. Initially, when he went into the jungle,

21 he worked in an office called the Front Office, not the Centre

22 Office. However, he was seen coming and going to the Centre

23 Office. Eventually, with the passage of time, he became the State

24 Presidium and then he came to stay in the Centre Office."

25 [09.27.48]

1 That was your statement before the investigator of the Office of
2 the Co-Investigating Judges. Do you wish to make any comment to
3 that statement?

4 A. The question was trying to ascertaining the truth, and I,
5 myself, tried to ascertain the truth as well, and I used the word
6 "I assumed".

7 Q. Thank you. That's why we want to know clearly, in addition to
8 that statement -- because you used the word "assumed" in your
9 statement then, and now we want to know of your actual knowledge
10 of the role of Khieu Samphan in Office 870.

11 A. I knew that, after Doeun disappeared, the work at whatever
12 level -- even if he has the role as a State Presidium, he would
13 be assigned to work by the upper echelon. So he came to assist,
14 doing that work temporarily.

15 Q. Thank you.

16 During these last few days, you mentioned the word "Pang" quite
17 frequently, and it seems that you knew this person clearly. What
18 is the full name of Pang, if you know?

19 [09.30.14]

20 A. I still do not know the full name of Pang.

21 Q. Thank you.

22 Do you know the person by the name Chhim Sam Aok?

23 A. No, I have never known that.

24 Q. Thank you.

25 From your observation or from your memory, what was the role of

10

1 Pang at Office 870, or Angkar Office?

2 A. As far as I know, Pang's role was to manage all ministries
3 under the control of the Centre. He had the authority to manage
4 all of them, all ministries.

5 Q. Do you think-- When Pang had the authority to control all the
6 ministries under the Centre?

7 [09.31.52]

8 A. I would like to make a correction. It was not initially
9 referred to as "Centre Office"; it was referred to as "Angkar". I
10 went into the jungle and I met Pang working there. It was in 1967
11 or probably early 1968. It was in Rattanakiri at the time.

12 Q. Now, the issue at hand is that we have Doeun, who was later
13 arrested, and the one who went to work temporarily at Office 870,
14 or the Angkar Office, was Khieu Samphan. But at the same time,
15 there was also Pang present at the office.

16 You said a while ago that Pang worked since they were working in
17 the jungle. But you did not indicate whether Pang was at a higher
18 level than Doeun. You indicated that Doeun was arrested, and then
19 Mr. Khieu Samphan came in to work temporarily at the place. And
20 then you said also that you saw Pang.

21 If Pang was the chief of the office -- and I want to know: When
22 did he become the chief? And I'm talking between 1975 and 1979.

23 A. I already said that, as far as I know, the role of Pang was
24 the chief since he was working in the jungle. And when he came to
25 that office, he was also the chief.

11

1 [09.34.53]

2 Q. Is it fair to say that Pang and Doeun were responsible for
3 separate offices since 1975, and the offices were under the
4 control of Angkar, as you said a while ago that there were K-1
5 Office and K-2 Office? But from the document, we never heard of
6 K-2; we heard of K-3. So, after - after April 1975, is it fair to
7 say that they were working at separate offices?

8 A. At K-2 Office, I saw - I saw Doeun when he was there, and I
9 also saw Pang there -- both of them were there; I also saw
10 Brother Khieu Samphan.

11 When Doeun disappeared, Brother Khieu Samphan came to replace
12 Doeun regarding management of staff. Pang was also there at that
13 time, he was also there at K-2 Office, so I assumed that Pang was
14 still the chief of Office 870.

15 Q. At question-answer 41, in the same document, D369/36 -- again,
16 at question and answer 41, the question was: "Did Pang ever
17 become the head of Office 870?"

18 And you said: "Yes, he did. He was also the head. However, he was
19 rather mobile for he oversaw external affairs, while Mr. Khieu
20 Samphan dealt only with internal ones."

21 [09.38.12]

22 What do you think of your answer to this question? Do you want to
23 explain it further?

24 A. Yes, I would -- I would like to explain it further. I did not
25 know about this issue very clearly. I only observed when I was

12

1 there, so that was based on my observations.

2 As I said, previously, Pang had the authority to control various
3 ministries. As for Mr. Khieu Samphan, he only remained within the
4 ministry; he did not go out.

5 Q. Thank you. You have said a lot. However, I do not clearly
6 understand regarding the people who Pang took away from B-1
7 Office. It is not clear regarding the people who were kept there
8 temporarily and those who were taken out, and those who were
9 taken out personally by Pang or those were taken out by the order
10 of Pang.

11 Is it fair, now, to say that we have these two scenarios? One is
12 that there were -- there was a group of people who were kept at
13 the office temporarily, and they were later taken out by Pang
14 personally. And another scenario was that a group of people who
15 were taken by -- taken out on the basis of the order from Pang.

16 [09.41.22]

17 A. Yes, it is.

18 Q. As far as you know, those people who were brought to B-1 and
19 kept there temporarily and who were later on taken away, do you
20 know how many were there? How many people were there, based on
21 your estimate?

22 A. As I remember, the Ministry of Foreign Affairs could not
23 recruit various staff at their own will -- either the
24 intellectuals or the peasants. I, myself, did not recruit them.
25 It was Pang who sent those people in, so it was Pang who also had

13

1 the authority to take those people away; it was the right of
2 Pang.

3 Q. I did not ask you that question. I want to know the number of
4 people who were brought out or taken away from the ministry.

5 A. I think there were more than 20.

6 [09.43.29]

7 Q. Thank you.

8 Regarding the staff, the working staff at the ministry who Pang
9 took away or Pang ordered people to take them away, do you know
10 the number of those people between 17 April 1975 and 6 January
11 1979, based on your estimate again?

12 A. Was about two or three people only. Are you talking about the
13 people who came to take those people?

14 Q. I'm talking about the working staff who were ordered -- the
15 working staff who were taken by the order of Pang or by Pang
16 himself. How many - how many of them?

17 A. It was about 20 people -- between 15 and 20.

18 Q. Thank you.

19 During Democratic Kampuchea period, did you know Security Office
20 S-21?

21 A. No, I did not know; I only heard of the name.

22 Q. Thank you.

23 [09.45.37]

24 Did you know that Pang came to take people from the Ministry of
25 Foreign Affairs or he ordered other people to take those people

14

1 at the Ministry of Foreign Affairs? And did you know where they
2 were taken to?

3 A. No, I did not, but I knew -- well, I asked where those people
4 were taken to and I was told that they were taken to help with
5 plantation -- I was told as such.

6 Q. Thank you.

7 Did you know if Cheam, who was your deputy, ever took people from
8 the Ministry of Foreign Affairs to Security Office S-21?

9 A. I knew that Cheam took people out of the ministry -- rather,
10 the Office S-21, but I did not know where those people were taken
11 to.

12 Q. What do you mean by Cheam taking people away from Office S-21?
13 [09.47.52]

14 A. Those people were taken out of B-1 Office, but I did not know
15 where they were taken to.

16 Q. Thank you. When Cheam took away the people out of B-1 Office,
17 were those people the working staff at the office or were they
18 those people who were sent in by Pang?

19 A. They were those people who were sent in by Pang.

20 Q. Thank you.

21 My other question is: Was Mr. Ieng Sary aware of that issue?

22 A. Based on my observations, it was unlikely that he knew about
23 that. Only after those people disappeared did he come to ask me
24 where those people went to, and I told him they were taken back;
25 that's what I told him.

15

1 MR. PRESIDENT:

2 Thank you.

3 Court Officer, you are now instructed to display the same
4 document at question-answer 47 and question-answer 49. Could you
5 assist him to locate the two question-answers?

6 [09.50.26]

7 BY MR. PRESIDENT:

8 Before the investigator, you answered to the question which
9 reads: "Some witnesses stated that Cheam was the driver who drove
10 prisoners to S-21. What do you think about this?"

11 You answered that: "Regarding this, whenever Pang issued order to
12 anyone, he or she had to execute it."

13 And the other question asked: "Do you confirm that prisoners were
14 loaded on a truck and transported away?"

15 And you said: "Yes."

16 Do you wish to elaborate on your answers to questions 47 and 48?

17 A. No, I do not wish to elaborate any further.

18 [09.51.27]

19 Q. At question 49, the question reads: "Was Mr. Ieng Sary perhaps
20 aware of this situation?"

21 And you answered: "Mr. Ieng Sary must have been aware of this
22 though he could not say anything."

23 Do you wish to elaborate on this answer of yours?

24 A. I once said that sometimes he did not know -- he did not know
25 that those people were taken away, but at some other times he

16

1 came to know only after those people were taken away. So I am of
2 the view that, when people disappeared, he must have known about
3 it. He could have asked people at the upper levels about that, so
4 he could have known about that, but he could not say that to me,
5 who also wanted to know about it.

6 Q. Thank you.

7 And my last question -- actually, you answered it already, but I
8 want a confirmation from you: Do you know -- do you know where
9 the people who were taken away from that office went to, either
10 they were taken by Pang himself or by the order of Pang?

11 [09.53.44]

12 A. I knew that Cheam took those people away. I did ask Cheam
13 about it -- that is, where those people were taken to -- and I
14 said: Could it be me next time? I was kidding at the time. And he
15 said to me that he took those people out of the office, and then
16 other people came to take them from him, so he did not know about
17 that.

18 Q. Thank you.

19 From your observation -- or have you ever noticed that, on behalf
20 -- or in the capacity of a deputy prime minister of the regime,
21 did Mr. Ieng Sary know about it or -- well, you said that he did
22 not know about it. What do you think about it? Do you -- what do
23 you think he felt about it?

24 A. I did not know how he felt, but I can notice that he was sad.
25 So was I. Everyone was sad. So the situation at the office was

1 very, very sad.

2 [09.55.24]

3 Q. Why? Why was everyone sad? Just because people were taken away
4 from one Office to another office? You said yesterday that --
5 also that Mr. Ieng Sary and you were sad, were unhappy. You said
6 yesterday that you and him were very concerned, and now you said
7 you and he were sad. You were-- What is the difference between
8 being concerned or afraid and being sad? What was the reason why
9 you and Mr. Ieng Sary were sad?

10 A. From my understanding, it was because -- because -- about
11 disappearance, and that happened not only at M -- at B-1, it was
12 a general situation, so it gave effect to the fear. People heard
13 -- people said that those who disappeared were shot, so people
14 became fearful, they - they fear of that.

15 Q. Did you ever observe that those who were taken away from the
16 Ministry of Foreign Affairs, both the staff themselves and those
17 who were sent in by Pang, did you ever observe that those people
18 ever came back?

19 [09.57.38]

20 A. No, I don't think so, they never came back.

21 MR. PRESIDENT:

22 Thank you. I have no further question.

23 Is there any Judge of the Bench who would like to put questions
24 to this witness?

25 Yes, Judge Lavergne, you may proceed.

1 QUESTIONING BY JUDGE LAVERGNE:

2 Thank you very much, Mr. President. Good morning, Witness. Good
3 morning to all parties.

4 Q. Mr. Witness, I have some initial questions with respect to
5 your civil status.

6 If I understand correctly what was stated over these past days of
7 hearings, I would require some clarification.

8 [09.58.27]

9 On Monday morning, you stated that you are 67 years of age --
10 that would mean that you were born in 1945, if my calculation is
11 correct - and, when you were heard before the Co-Investigating
12 Judges, that you were born on 9th of December 1951. You
13 identified yourself as Saloth Ban alias Loth Nitya, alias So
14 Hong.

15 During Monday's hearing, in response to a question put to you by
16 the Co-Prosecutor, you stated that you were born in 1947.

17 Yesterday, we received notification of two documents. The first
18 is a copy of your Cambodian identity card -- this is document
19 E172/13.1.2 (sic). This identity card indicates the name of Seng
20 Nitha -- S-e-n-g N-i-t-h-a -- and the date of birth is the 9th of
21 December 1951.

22 There's a second document which appears to be your military
23 identity card -- this is classified under E172/3 - or, rather,
24 E172/13.1.2 (sic) -- on which it is indicated your name is So
25 Hong, and the date of birth is simply 1951, with no month or day.

19

1 [10.00.48]

2 So, therefore, can you please tell the Court your correct name?

3 What is your correct date of birth? Thank you.

4 MR. SALOTH BAN:

5 A. In regard to my identification, there has been a mixture -- a
6 mix-up in the family book, for instance. So, even up to now,
7 everything is unclear because, from one period to another, it was
8 rather difficult to make a proper documentation, as I lost the
9 original documents, so I have to make a new one, and that was
10 based on the response of the members of the family, which were
11 rather inconsistent. That is one issue.

12 The second issue is that my real background is that I was born in
13 the Year of Rooster and in the month of -- in October -- in
14 Khmer, it's "Kadek" -- at 9 o'clock, on the 9th of that month,
15 which was a Saturday. So I clearly recall the Khmer date of
16 birth, as I was told by my parents.

17 [10.03.15]

18 However, later on when the information was registered in the
19 registrar office and that I went to school, when I was six years
20 old, my siblings registered my name and date of birth.

21 And later on, when I joined the militaria, as - the military, as
22 I wanted to maintain my wage, I never used my real age.

23 In regards to my name, I was known as Ban, and my grandfather's
24 name was Saloth, so then we joined and made up a name for me that
25 is Saloth Ban.

1 And when I was living with my uncle, he also registered my --
2 another name that is Loth Titya (phonetic), not Titha (phonetic)
3 as you said.

4 And later on, when I made the documentation for the military
5 service, it became known as was -- what was stated in the
6 document.

7 Q. Very well. I think we will have to content ourselves with
8 those explanations.

9 [10.04.48]

10 I wish to return to some of the questions that have already been
11 put to you, especially with respect to a person we've spoke about
12 extensively; this person is called Pang.

13 Could you please simply tell us if -- or, rather, whose orders
14 Pang obeyed to?

15 A. I did not know under whom Pang took the order from.

16 Q. Was Pang "Angkar"?

17 A. I did not consider Pang as "Angkar". The word used throughout
18 the communication, I referred to him as "Comrade Pang".

19 Q. Who was above Pang on the hierarchy?

20 A. In the hierarchy, the person above Pang, as I knew it, it was
21 Angkar.

22 Q. Who was Angkar?

23 [10.07.07]

24 A. I cannot tell you who Angkar was. However, my personal
25 understanding through my work experience is that it is a

21

1 collectivization and it -- it was a democratic centralism in
2 charge of all the common responsibilities. And everyone was
3 responsible individually, but Angkar was responsible
4 collectively. That what is known as "Angkar", to my knowledge.

5 Q. Was Pol Pot at the head of Angkar?

6 A. I do not know but I can elaborate on this.

7 Pol Pot was an individual within Angkar. He was one of the
8 needles in the ocean.

9 Q. Was Nuon Chea also one of those arrows in the ocean -- needles
10 in the ocean, rather?

11 A. I do not know. As Nuon Chea is present here, I think it's
12 better if you asked him directly.

13 Q. For now, I will be addressing my questions to you, Mr.
14 Witness. Let us proceed.

15 Was Mr. Ieng Sary a member of Angkar?

16 A. Yes-- In order to ascertain the truth, you have to ask him
17 yourself. I only explained to you what Angkar means.

18 [10.09.56]

19 Angkar, once again, is a democratic centralism and it is a
20 collective responsibility whereby individual has to be
21 responsible for his or her own act.

22 Q. Getting back to Pang, do you confirm that you stated that Pang
23 was responsible for recruiting staff at the Ministry of Foreign
24 Affairs?

25 A. I stated that staff at the Ministry of Foreign Affairs were

22

1 brought in by -- were sent in by Pang. I mean that there was a
2 group belonging to Pang who would make a clear biography of those
3 people, that they were appropriate for the ministry, then they
4 were sent to the Ministry of Foreign Affairs. Therefore, it is my
5 understanding that Pang was the person responsible for that
6 process -- that is, for the selection of people to work in the
7 ministry.

8 Q. Mr. Witness, were you, yourself, recruited by Pang to work at
9 the Ministry of Foreign Affairs?

10 [10.12.04]

11 A. Yes. Pang made a biography of myself, and then I was sent to
12 the Ministry of Foreign Affairs.

13 Q. Do you confirm that you stated that it was important to have a
14 pure biography?

15 A. Yes. The biography was -- had to be clean, and that is
16 important.

17 Q. Did you pen your own biography?

18 A. Yes. Clean biography would be required for the individual to
19 write, and then I -- my work would be monitored -- that is, my
20 past experience would be assessed. And then the third point was
21 that, if the message would say okay, I was appropriate for the
22 job, then I was taken in. So it means this is also a democratic
23 process of selection in regards to the biography.

24 [10.13.53]

25 Q. Let us now move to another subject.

1 With respect to some of the statements you made regarding your
2 adolescence, you revealed to us -- and that in 1966 you were
3 arrested and you were incarcerated for 10 days prior to being
4 released by Samdech Euv, King Norodom Sihanouk; do you confirm
5 this?

6 A. Yes, I stand by that statement of mine.

7 Q. Was your release granted on account of the family relations
8 with the Royal Palace?

9 A. I, myself, was not even aware of the relationship with the
10 Royal Palace. However, I knew that my -- my auntie worked at the
11 Royal Palace as well as my uncle -- they were the artist
12 instructors -- and they also worked at the Royal Museum.

13 [10.15.30]

14 Personally, in regards to my release, it was a common release; it
15 is not just a release for myself. I understood that at that time
16 students were imprisoned in dark cells. At that time, students
17 and intellectuals who were imprisoned were requested to be
18 released by the King, so this is -- this had nothing to do with
19 any connection with the Royal Palace.

20 Q. Your uncle, as you've just told us, is Suong, and the aunt of
21 your father is called Meak. Do you also know Roeung? Did these
22 individuals have relations with the Royal Palace?

23 A. My uncle's name is Saloth Suong, and my aunt's name is Roeung.
24 The two of them did not have anything to do in connection to the
25 Royal Palace. Their role at the Royal Palace was only Uncle Suong

24

1 and his wife; that's the only role they had at the Royal Palace.

2 [10.17.35]

3 Q. In document E3/91, which was previously D91/14, on page 3 of
4 the French -- ERN in English, 00223590 to 91; ERN in Khmer,
5 00204093 to 98 -- you stated that, following your release, you
6 changed names and that you were called Bien or Phat and that you
7 were able to survive by using the identity card of Sangkum Reastr
8 Niyum; do you confirm this?

9 A. Yes, I stand by my statement. At that time, those people who
10 were members of the Sangkum Reastr Niyum had to have an ID card,
11 and in order for me to conceal my identification -- that I would
12 not be arrested by the Lon Nol spies -- I did not have any ID
13 card, so I asked the person whom I knew to make me this ID card
14 so that I can travel.

15 Q. Thank you.

16 [10.19.43]

17 With respect to K-1, can you please tell us if, aside from your
18 brother, Seng Lytheng, and your wife, Chou Chheng, there were
19 other members of your family or in-laws who were employed at K-1
20 or who occupied positions that were in close proximity to the
21 leaders of Democratic Kampuchea?

22 A. In regards to the role of my wife, Chou Chheng, she was a cook
23 back then at K-1, for a short period of time. Later on, she came
24 to stay with me. I said "for a short period of time"; I mean for
25 a period less than one month. But while we were at the jungle,

1 she always cooked, but when we came to the city, she cooked for
2 less than one month.

3 Regarding my younger brother named Lytheng, I only knew that his
4 role was to take photographs.

5 Q. Let's now return to some of the statements that were made at
6 the hearing of the 24th of April, specifically with respect to
7 Chraing Chamres Centre.

8 [10.21.44]

9 To your mind, sir, is there a link between the arrest of Koy
10 Thuon and the waves of purges that followed that arrest and the
11 transfer of Chraing Chamres under the authority of the Ministry
12 of Foreign Affairs?

13 A. I did not know anything at all in regard to the situation
14 connected to Koy Thuon. I already knew about the transfer of
15 Chraing Chamres to be under the management of the Ministry of
16 Foreign Affairs.

17 Q. What was the code name for Chraing Chamres?

18 A. I cannot recall the code name; it was commonly referred to as
19 Chraing Chamres.

20 Q. Does M-1 or B-60 ring a bell?

21 A. No, it doesn't ring a bell.

22 [10.23.37]

23 Q. Over the course of the hearing of the 24th of April, you
24 stated that you knew that S-21 confessions had been sent to the
25 Ministry of Foreign Affairs; more specifically, you confirmed

1 that you had even stated previously before the Co-Investigating
2 Judges that, to your knowledge, many of these things were
3 fictitious. And this is contained in document D233/2 -- on page 6
4 in French, page 7 in English, and on Khmer ERN page 00357530.
5 Over that same hearing, you also stated that the confessions of
6 Koy Thuon had been read by Ieng Sary during a meeting of
7 intermediary cadres and that everyone, including Mr. Ieng Sary,
8 became frightened.

9 What I'd like to know is why, why Ieng Sary read those
10 confessions.

11 A. There were confessions, and it was compiled into a rather
12 thick book. The situation back then was that the Vietnamese were
13 intensifying their approaching. Everyone, including those in the
14 ministry and those residents in Phnom Penh, closely followed the
15 situation.

16 [10.25.54]

17 I did not know when that book arrived, but at that time I saw the
18 book, and the book was read out. That was the time not long
19 before the arrival of the Vietnamese. During the reading of the
20 book, I personally believed it was very unreasonable, and after
21 the conclusion of the reading of the book -- one day after or two
22 days after -- there was a circular, or instruction which stated
23 about the principle for the arrest, that the arrest could only be
24 made through the seven-level mechanism, and for that reason I was
25 very concerned. That's all.

1 Q. I'm sorry, but you have not answered my question.

2 Why did Ieng Sary read those confessions? The fact that the
3 Vietnamese were approaching or were poised to attack Cambodia, is
4 that the reason, or was there another reason?

5 [10.27.35]

6 A. At that time, as I recall, he, personally, did not read out
7 the confession. I think he asked Comrade -- female Comrade Saur
8 Se to read it out. He brought the book in; that is, the book of
9 the confession, but he asked a female cadre Saur Se to read it
10 out.

11 Q. Sir, can you please tell us if Mr. Ieng Sary provided any
12 explanations following the reading of those confessions?

13 I don't think this is something that was extraordinary -- that
14 is, for the senior leaders of DK to read those confessions. Were
15 they elaborated upon? Were they given any explanations? Do you
16 know why this was done?

17 A. As you ask me in this line of questioning, then I respond.
18 After the read out, then he asked everybody to make the
19 impressions -- everybody, including myself -- as he asks whether
20 we have any connection with Koy Thuon. That was the meaning of
21 the read out of the confession. So he asks us to express
22 ourselves.

23 [10.29.35]

24 Q. Therefore, Mr. Ieng Sary asked all participants at the meeting
25 to reveal any affiliations or links with Koy Thuon. And if I've

1 understood correctly, following that meeting, sometime later,
2 arrests were made. Do you see a connection between the reading of
3 these confessions and some of the indications -- interpretations
4 that were made and the arrests that followed?

5 A. The document that was read out in the situation that I
6 described -- that is, when the Vietnamese almost came in -- those
7 documents were only displayed, or shown, to show whether any
8 other people were connected to that. If so, those people were
9 supposed to speak out, and there would not be any problem. But as
10 I remember, at that time no one was connected with bad issues or
11 offences in the military, so it was only concerned with the book.
12 [10.31.22]

13 A few days later, no other people were taken away. It was only
14 the implementation of the law, or the rule that required the
15 seven-level mechanism.

16 Q. During the hearing of the 24th of April, you were also asked
17 whether you, yourself, chaired a meeting at Chraing Chamres
18 during which you mentioned the arrest of Koy Thuon and the fact
19 that he was implicated as a traitor. I read through the -- my
20 notes taken during the hearing and I realize that you said that
21 you worked on psychological issues with a view to calming
22 people's minds, and further on you say that many people at
23 Chraing Chamres were from the -- the fourth zone and that people
24 affiliated with Koy Thuon were peasants, and that they had no
25 connection with military matters or weapons, and that they did

1 not call for any investigation.

2 So let me put this question to you again: Did you attend a
3 meeting at Chraing Chamres during which Koy Thuon's arrest was
4 mentioned, and the fact that he was implicated as a traitor?

5 [10.33.40]

6 A. In my capacity as giving assistance to Chraing Chamres, I went
7 to work at Chraing Chamres. But during my work there, I did not
8 see any document concerning Koy Thuon, but I heard people saying
9 this and that; that Koy Thuon was arrested and he was accused of
10 being a traitor. As one of the leaders, I was supposed to help
11 calm down those people. So I said I was responsible for calming
12 -- calming down those people. So I could have said that. I do not
13 remember all of it, but this is the summary. I could have said
14 that.

15 Q. Witness, according to you, at Chraing Chamres, were there only
16 the children of peasants, or other persons?

17 I will read to you the statement by Kaing Guek Eav alias Duch,
18 and it is his eighth answer to a question put to him:

19 "In some locations, for example the Chraing Chamres and Boeng
20 Trabek, etc., were the centres in which the intellectuals were
21 brought, some of whom were members of the FUNK and GRUNK. These
22 people were regarded as those whose political position was not
23 decided; they could be friends or enemies."

24 [10.35.50]

25 My question to you is whether you saw members of the FUNK and

1 GRUNK at Chraing Chamres.

2 A. I already said that Chraing Chamres, which was under the
3 control of Zone 3 or 4 and which was under my responsibility --
4 there, I did not see any high-ranking officials there. And
5 whether Koy Thuon was controlling that office, I did not know.

6 Q. Did Pang arrest any persons at Chraing Chamres?

7 A. To me, I am not aware of that.

8 Q. I will now read out to you the extract of a statement given by
9 a witness. This is from document number D2 -- 369/18 and it is a
10 statement by witness Toch Vannarith; the ERN in French is
11 00702953; and in English, the ERN is 00498631; and the Khmer ERN
12 is 00488076 to 94.

13 [10.38.02]

14 And this is what is stated therein -- and the question was --
15 Toch Vannarith said he was detained at Chraing Chamres and he
16 says the following:

17 "When it was announced that Koy Thuon had been arrested, all
18 members of the Centre and other people from the North Zone, as
19 well as cadres what work with him were withdrawn in turn, one
20 after the other. Those who were pro-Koy Thuon were sent to M-1."

21 And Toch Vannarith considered M-1 as Chraing Chamres. So pro-Koy
22 Thuon persons were sent to M-1, and many widows whose husbands
23 had been arrested and combatants were also sent from B-1 to M-1.
24 So, unless I am wrong, B-1 is the Ministry of Foreign Affairs.

25 [10.39.21]

31

1 Do you have any remarks to make in light of what I have just read
2 out?

3 A. I would like to elaborate on this accusation as follows. For
4 Chraing Chamres, within the framework that it was transferred to
5 the Ministry of Foreign Affairs, as far as I know, and I know
6 about that later on. Pang controlled that place for a short time
7 -- for a period of time -- for a long period of time, rather. I
8 did not know about the arrests. When Pang handed over that place
9 to the Ministry of Foreign Affairs to be under my control, there
10 was no arrest.

11 MR. PRESIDENT:

12 Thank you very much.

13 It is now appropriate for us to take a short break, a 20-minute
14 break, and we'll resume at 11 o'clock.

15 [10.41.04]

16 Court officer is now instructed to accommodate witness and his
17 duty counsel and return them to the court at 11.

18 Yes, Defence Counsel, you may proceed.

19 MR. KARNAVAS:

20 Thank you. Thank you, Mr. President. Good morning, Mr. President.

21 Good morning, Your Honours. On January 24th, January 26th, and
22 January 30th, the Trial Chamber issued directives, in a sense, or
23 rulings from the Bench saying that the parties could not refer to
24 a statement or another witness when questioning a witness. And
25 I'm referring to, on -- on January 24th; in English, it would be

1 page 44 to 45. 26 -- From January 26, it would be starting with
2 page 108 all the way through 110. And, again, on January 30th, it
3 would be on page 56.

4 [10.42.05]

5 Now, I've just seen Judge Lavergne avail himself -- appropriately
6 so, in my opinion -- to what other witnesses have said in their
7 statements. It would appear that the rules that apply to the
8 parties do not apply to the Bench, or vice versa. In other words,
9 the Trial Chamber is entitled to use statements to confront; yet
10 the parties are not. And I believe it was the civil parties that
11 attempted on one occasion, and they were objected to.

12 So perhaps, during the -- during the break, the Trial Chamber
13 could consider their positions because if -- I can assure the
14 Trial Chamber that this morning I had to revise my own
15 preparation because we had anticipated using certain statements
16 of other witnesses. However, in keeping with the Trial Chamber's
17 rulings and trying to abide by those rulings, I changed course.
18 So we just need clear rules.

19 And if the Trial Chamber is entitled to do that while the parties
20 are not, that's fine, as long we are all aware of what the rules
21 are. Thank you.

22 [10.43.20]

23 MR. PRESIDENT:

24 Civil Party Lawyer, you may proceed.

25 MS. SIMONNEAU-FORT:

1 Yes, Mr. President. Your Honours and everyone here present, good
2 morning. I support the position of my learned friend of the
3 Defence.

4 If the jurisprudence is modified I'll be happy, as well as the
5 other civil parties, because it is important for us to invoke
6 documents brought in by other witnesses, including their
7 testimonies.

8 The only issue that arises, as far as I'm concerned, today is
9 that, if the Chamber modifies the jurisprudence as Judge Lavergne
10 has done, it would be fair that all parties should question the
11 witness according to the same rules, and not only the Defence. I
12 thank you.

13 [10.44.24]

14 MR. PRESIDENT:

15 Defence Counsel for Nuon Chea, you may proceed.

16 MR. PESTMAN:

17 Thank you very much, Mr. President. I think this is the -- maybe
18 the first time that the Defence -- Lead Co-Counsel and the
19 Defence agree. We would welcome a change in jurisprudence. As --
20 as far as we are concerned, quod licet Iovi also licet bovi.

21 Thank you.

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber notes what the parties have raised.

25 We will extend the break time to 11.10.

1 Counsel for Mr. Ieng Sary.

2 [10.45.24]

3 MR. ANG UDOM:

4 Thank you, Mr. President. I will now talk about the point which
5 has been raised by our colleagues, but I would like to forward
6 Mr. Ieng Sary request to waive his rights to be present in this
7 courtroom for the remainder of today's proceedings, due to his
8 health reason, which cannot afford him to sit in this courtroom,
9 and to follow the proceeding from holding cell, downstairs,
10 remotely. Thank you, Mr. President.

11 MR. PRESIDENT:

12 Thank you. Having heard Mr. Ieng Sary request which has been made
13 through his counsel, the Chamber grants the request which seeks
14 to -- permission from the Chambers to follow the proceedings from
15 downstairs through audio-visual means for the remainder of today
16 proceedings.

17 [10.46.23]

18 The Chamber requires that defence counsel submit immediately the
19 waiver with a thumbprint or signature of the accused Ieng Sary.

20 The AV Unit is now instructed to live the proceedings to the
21 holding cell, downstairs, so that the Accused can follow the
22 proceedings remotely.

23 Security guards are now instructed to bring the accused Ieng Sary
24 to the holding cell, downstairs, where equipments are ready for
25 him to follow the proceedings remotely.

1 The Court is now adjourned.

2 THE GREFFIER:

3 All rise.

4 (Court recesses from 1047H to 1111H)

5 MR. PRESIDENT:

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

7 The Chamber will now give the floor again to Judge Lavergne to
8 respond to the observations made by parties regarding --
9 regarding the use of one witness statement to question another
10 witness, and after that he will continue his line of questioning
11 to this witness.

12 Judge Lavergne, you may proceed.

13 [11.13.00]

14 JUDGE LAVERGNE:

15 Thank you very much, Mr. President.

16 With respect to the issue of using testimony given by another
17 witness during interrogation of a witness in the stand, I must
18 make it very clear that it is an unfortunate error made on my
19 part.

20 And the Chamber does not have any intention to modify its
21 jurisprudence or previous rulings.

22 It wishes to indicate to parties that -- this concerns TCW-729 --
23 the parties are therefore restricted (sic) from using the
24 pseudonym that is associated with this particular witness. We
25 also wish to clarify to the parties that, in order to avoid any

1 future difficulties, the Chamber does intend to hear from this
2 particular witness so that any constructive questions can be put
3 at that stage.

4 BY JUDGE LAVERGNE:

5 Q. Witness, turning to you, now, I have a few more brief
6 questions for you.

7 [11.14.17]

8 You indicated that there was a climate of fear that reigned over
9 the Ministry of Foreign Affairs. You also indicated that you
10 played the role of providing psychological support. Could you
11 please elaborate on that? What do you mean by your description of
12 the role that you played in "calming people's minds"? What did
13 you have to calm them -- what was the reason for which you had to
14 calm them, vis-à-vis what kind of fear?

15 MR. SALOTH BAN:

16 A. First, let me touch upon the issue of fear by referencing to
17 the actual situation back then. "Fear" was not particular meant
18 -- particularly meant for that day; fear started from the
19 beginning. However, with fear, people had to be vigilant and
20 tried to counter that fear. That was the solution to eliminate
21 the fear.

22 Those who made me feared -- and here I am talking about my own
23 feeling -- the fear that I wanted to say is that the case should
24 started from 000. I was afraid of those who started the trouble,
25 and I found who that person was.

1 So, in that sense, I had to work on the psychological issues with
2 those people to inquire about them that who caused the issues. It
3 was the Cambodian people as a whole, not just for a particular
4 regime.

5 [11.16.43]

6 And the second point is that I fear that the Vietnamese would
7 swallow Cambodia -- that's my personal feeling. I was fearful
8 because of the two buffalos, despite of the white and black
9 colours, that we were caused to be in conflict. And that is my
10 elaboration on this point.

11 Q. Therefore, are you telling us that you were afraid because you
12 thought that you would eventually be surrounded by enemies? Did
13 the fear stem from the suspicion that there could be enemies that
14 had infiltrated the Ministry of Foreign Affairs, or was it fear
15 over the policy that was being led throughout Democratic
16 Kampuchea?

17 A. I believe what I stated is sufficient. I was not afraid of
18 Democratic Kampuchea; I was afraid of what I stated already.

19 Q. There seems to be a mysterious reference to Case 000. I'm not
20 sure what this refers to. Is this related to the investigation?

21 [11.18.34]

22 A. The Case 000 that I referred to is that I had my rational
23 thinking and that I compiled a personal document for myself to
24 progress and for the prosperity of my family. However, if this
25 progress has an impact on the world, of course it is okay.

1 Otherwise, it is just within my family prosperity.

2 Q. I wish to come back to one of your statements, sir; it was
3 made during the hearing of the 24th of April.

4 The prosecutor -- the Co-Prosecutor had addressed some questions
5 to you with respect to some individuals who had been assigned
6 temporarily to the Ministry of Foreign Affairs before they were
7 being arrested.

8 And in response to that question, "Do you know the reasons why it
9 was absolutely necessary for them to pass through the Ministry of
10 Foreign Affairs" -- and you replied as follows: "I noticed that
11 there were no weapons or arms at the Ministry of Foreign
12 Affairs."

13 "Now, could you please provide us further explanations on the
14 fact that there were no weapons and that there were arrests?"
15 [11.20.25]

16 You replied that: "Perhaps it was because they trusted me."

17 I looked at you and I noticed that there was not a direct answer
18 that you had given to the question asked of you. You were not
19 asked as to why there were no weapons at the Ministry of Foreign
20 Affairs; you were being asked why certain individuals had been
21 assigned there temporarily.

22 Do you understand my question?

23 A. No, I do not understand your question.

24 Q. To your mind, it's not easier to arrest somebody when one
25 knows that they are in a location where there are no weapons?

1 A. Where there was no weapon, I believe it was easier for people
2 to be arrested from that location. This is my understanding.

3 Q. Was that not the reason why those individuals had been
4 assigned to the MFA, because it was known that they did not
5 possess any weapons?

6 [11.22.13]

7 A. I made my own analysis, and that is the case.

8 Q. When the arrests occurred, were you asked any questions? And
9 what did you reply to calm people down? Were people afraid over
10 the arrests that were happening?

11 A. Yes, they were fearful.

12 The principle was that we had to mind our own business and let
13 others mind their own business. Whether people were taken out,
14 that's their business. Just ignore that, just -- don't want to
15 know about other people's affairs, just focus on our own work,
16 then we can survive. Because there were accusations, at the time,
17 "floating around"; and that's the words that I used to say.

18 Q. Very well.

19 [11.23.47]

20 One last question: When you talked about your uncle, at the start
21 of this morning's hearing, were -- there were some remarks made
22 with respect to the societal project. You said that he had
23 constructed a peace project; is this the correct statement? Is
24 this what you said, or am I mistaken?

25 A. You are talking about the social plan and the peace plan.

40

1 I am really uncertain regarding your question, so I cannot
2 respond. Could you please make your question more precise?

3 Q. In your opinion, what was the intended outcome of your uncle's
4 societal project? Did he envisage a peace project? Is this what
5 you said this morning?

6 [11.25.14]

7 A. I did not say anything about the peace plan. I said it was a
8 theory where we learned to love ourselves, our nation, and our
9 people, and that we should not violate the nation or the people,
10 and that we should live together peacefully with our neighbours,
11 and that we should not have any military base in our territory.
12 We want to be neutral and we want to live in peace. That's the
13 words of my uncle that I can recall.

14 JUDGE LAVERGNE:

15 Thank you very much, Witness, for your answers.

16 Mr. President, I have no further questions.

17 MR. PRESIDENT:

18 Thank you, Judge Lavergne.

19 I'd like now to give the floor to Ieng Sary's defence team in
20 order to pose questions to this witness. You may take the floor.

21 QUESTIONING BY MR. KARNAVAS:

22 Good morning, Mr. President. Good morning, Your Honours. Good
23 morning, sir. And good morning to everyone in and around the
24 courtroom.

25 [11.26.55]

1 Q. Before I begin asking you questions that I had prepared, I
2 want to go back to this Case 000 that you just mentioned today
3 and mentioned before. And I understand that you -- you just told
4 us that you had found the person, when you were talking about
5 fear and 000. Can you please elaborate, so we are clear, on what
6 is this Case 000? Who is the accused -- or accused -- in that
7 case?

8 MR. SALOTH BAN:

9 A. I'd like to reiterate. As to my understanding, Case 000 is the
10 one who create the problem. Can you imagine if it doesn't start
11 from 0, how can you reach number 10? This is the question that I
12 asked myself. So you cannot reach number 10 or 20 without
13 starting from number 0, or even the 10,000; you cannot go that
14 far.

15 [11.28.26]

16 My father, my mother, and myself -- and my parents gave three
17 children, and I was the elder, and I was advised by my father
18 that I was the eldest; and how come I could not protect my
19 younger siblings? And that's the idea that has been stuck with
20 me.

21 And that's my personal theory. I did not derive the theory from
22 any communism.

23 Q. All right. When you are saying that you could not protect your
24 siblings, does that mean that you could not protect them during
25 that period, from '75 to '79? Is that what you are talking about?

1 A. What I meant is very general. This is not particular for me,
2 but for the whole world.

3 Q. I think we will move on, then.

4 I want to talk to you a little about your background. And as I
5 understand your testimony, you went out to the -- to meet your
6 uncle, either in late -- '67 or '68 or '69; is that correct?

7 A. Could you specify a bit more clearly whether I met him during
8 the war or just met him outside the war context?

9 [11.30.23]

10 Q. From your testimony, you indicated that you went out to the
11 jungle sometime in '67 or '68, and you've also indicated that it
12 was around '68 or '69 when you were with your uncle Pol Pot; is
13 that correct?

14 A. I was with my uncle in jungle in Rattanakiri.

15 Q. And from your testimony, as I understand it, you were with
16 your uncle all the way until the fall of Phnom Penh -- that would
17 be 1975; correct?

18 A. Yes, it is.

19 Q. And from the statements you have given, you've indicated that
20 you were rather close to your uncle during that period of time.

21 A. If you compare that to Pang, Pang was more close to him than I
22 was.

23 Q. We'll get to Pang; right now, we'll focus on you. Were you
24 close to your uncle?

25 [11.32.04]

1 A. Allow me to explain this. I said it once, and now you ask me
2 again.

3 The word "close" can have two senses: one "close" in terms of
4 family members, and another one is being close in terms of a
5 combatant who was under the authority of the war.

6 Q. Thank you for that clarification. Well, let's talk about being
7 physically close as opposed to emotionally close. Were you
8 physically close to your uncle, Pol Pot? And if so, what were
9 your tasks during that six or seven-year period?

10 A. I was always close to him, and I loved him. I worshipped him.

11 Q. Did you cook for him?

12 A. He trusted me, and I prepared food for him; I made the most
13 delicious food for him.

14 Q. And did he trust you enough so that you could also give him
15 shots?

16 [11.33.48]

17 MR. DE WILDE D'ESTMAEL:

18 (No interpretation)

19 MR. PRESIDENT:

20 Mr. Witness, please hold.

21 The International Co-Prosecutor, you may proceed.

22 MR. DE WILDE D'ESTMAEL:

23 Mr. President, we didn't hear the beginning of Mr. Karnavas'
24 question.

25 Perhaps he should repeat it and observe a pause after the

1 witness's answer in future.

2 MR. KARNAVAS:

3 Apologies.

4 Q. Did you administer any shots to your uncle?

5 [11.34.34]

6 MR. SALOTH BAN:

7 A. Yes, I did.

8 Q. Were you his guard, as well?

9 A. I had mixed jobs. I could not be considered as either a cook,
10 a guard or a medic. I did what I was told to do; if I was told to
11 drive a motorbike, I would do that, and after that I would take a
12 rest.

13 Q. All right. And during that period, could you please tell us
14 how many days a week you were close to your -- physically close
15 to your uncle, and how many hours a day?

16 A. Talking about being close, you're not talking about love issue
17 here; do not mistaken with that sense. I'm -- I was close with
18 him due to my duty. Everyone, as a bodyguard, was supposed to be
19 close to him. So, given the premise that I was to be present, I
20 must have been close to him. Security guards were to be close to
21 him. Everyone were on guard in order to protect him 24 hours.

22 [11.36.25]

23 Q. All right. And from that answer, can we say that you were 24/7
24 close to him - 24 hours a day, seven days a week close to him,
25 based on your answer? Can we draw that conclusion?

1 A. But we took turns; we took turns in order to guard him 24
2 hours a day.

3 Q. All right.

4 Now, let's talk about how emotionally close you were with your
5 uncle. Can you please describe us that relationship?

6 A. I told you that I loved and worshipped my uncle, and I'm sure
7 the word "worship" has its full meaning -- that is, now he died,
8 I pray for him.

9 Q. And what about your uncle towards you? Did he love and worship
10 you, like a good nephew or a good son?

11 A. He educated me. He criticized me a lot. I had both good and
12 bad points. The good points I had included that I could -- I have
13 solidarity within the unit.

14 [11.38.35]

15 Q. Did you have access to your uncle -- when you wanted to see
16 him, that is?

17 A. I could not have access to him.

18 Q. Did you have to go through someone in order to see him when
19 you wanted to see him?

20 A. Unless I was on duty -- unless I was on duty. Otherwise, I was
21 not supposed to meet him.

22 Q. Well, you say that he "educated" you. Did you have educational
23 sessions where he would sit down, and give you lessons, and talk
24 to you? How was that?

25 A. When I was young, he allowed me to sit on his lap; he educated

1 -- this is the way he educated me. And when we were in the jungle
2 -- that was when we struggled -- I was never called by him to sit
3 next to him and talk to me again.

4 Q. All right. Now, can -- from that answer, can we draw any
5 conclusions such as that he never educated you about what he was
6 thinking or what was in the - the program of the revolution?

7 A. He generally educated me.

8 [11.40.55]

9 Q. Well, did he tell you who was on the Standing Committee?

10 A. He never tell me about that.

11 Q. Did he tell you who was on the Central Committee?

12 A. No, nothing.

13 Q. Did he tell you anything about the structure of the
14 leadership, who had what authority, what powers? Did he have any
15 of those discussions with you?

16 A. No, he did not.

17 Q. Did he ever explain to you what his particular authority was?

18 A. No, he was not that proud.

19 [11.42.10]

20 Q. Did he ever tell you that he took decisions based on some
21 principle of democratic collectivism?

22 A. He taught this principle in general.

23 Q. Did he tell you that that's how he exercised this principle in
24 general?

25 A. He did not tell me personally; it was during the study

1 session.

2 Q. All right. Did he ever invite you to attend any meetings where
3 -- he was presiding over? And I'm not speaking of study sessions;
4 I'm speaking about meetings that he would have.

5 A. "Meetings" means there were a lot of people participating. If
6 use the word "meetings", it means we had a lot of people
7 participating. Yes, I did participate in such a meeting.

8 Q. All right. So, I take it, when a zone leader came up to see
9 him, you would be sitting in on that meeting where your uncle,
10 Pol Pot, was having discussions with a zone leader?

11 [11.44.12]

12 A. No, it was not like that. When the zone leader came to meet
13 with him, I did not join that meeting. When I talk about meeting,
14 I refer to the meeting among my levels, who were responsible for
15 a particular unit.

16 Q. Did your uncle ever disclose to you what was being discussed
17 at any of those meetings?

18 A. I did attend the meeting at school, as for -- for example,
19 meeting within the unit. That was when I went to live in a zone.
20 It was a central zone - rather, a west zone. It was held in a
21 hut, and there were ammunitions. I was responsible for the list
22 of the ammunitions, were called upon, and my wife was a cook, and
23 some other security guards were called upon to attend the
24 meeting. That was when I met him, and he instructed us. He said,
25 for example, we need to -- we needed to prepare ammunitions. We

1 were almost to enter Phnom Penh. So that was what we call

2 "meeting". It was a simple meeting among family members.

3 [11.46.10]

4 Q. All right. But now, what I'm speaking about is meetings that
5 you did not attend, meetings that your uncle, Pol Pot, had with
6 other leaders, such as zone leaders. Did he, afterwards, inform
7 you of what was discussed and what, if anything, might have been
8 decided at those meetings?

9 A. No, I was not told about that.

10 Q. Did he provide you with any written documents, minutes, notes
11 that may have been taken, so that you could at least brief
12 yourself on what, if anything, was discussed or decided during
13 those meetings?

14 A. No, I was not.

15 Q. And when those meetings took place out in the jungle, when
16 zone leaders had meetings with your uncle, Pol Pot, did they come
17 unannounced or was it at his invitation?

18 A. There was no announcements that allow me to know that.

19 [11.47.51]

20 Q. Am I -- are we to conclude that you don't know whether they
21 were invited or that they came on their own? Is that your answer?

22 A. I did not know about that.

23 Q. Then, when they arrived for these meetings, were you informed
24 by Uncle Pol Pot or someone else as to who the invited guest was
25 -- or guests that were having a meeting with Uncle Pol Pot?

1 A. I was not told about that.

2 Q. Well, did you ask anyone, such as Pang or maybe even Uncle Pol
3 Pot, who the – who the invited guests were?

4 A. I won't ask people about that; I only asked for the names and
5 I did not ask for anything else.

6 Q. And were you able to get the names?

7 A. When did that meeting occur?

8 [11.49.43]

9 Q. Well, that's what I'm asking you. You said "on one occasion".
10 I'm not necessarily interested in the names, but you said that
11 you asked someone for the names. Now, earlier today you also said
12 that one had to "mind their own business".

13 And so, now, I'm posing the question: When you were curious as to
14 who was meeting with Uncle Pol Pot, were you informed of those
15 people, were you given their names or were you told to mind your
16 own business?

17 A. Speaking about that, up to now -- until now, I know all the
18 names. They were chiefs of the zones -- that includes also Doeun,
19 Nuon Chea. Well, I know these people, those – those people whom I
20 asked about.

21 Q. All right. And that's -- and you were told those names at the
22 time, you were provided with that information at the time, or is
23 this something that you learned afterwards?

24 [11.51.24]

25 A. I knew about that at the time when I asked for the names, but

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1 I did not ask after the particular meeting, but later on, after
2 that I asked and then I came to know about those people. But
3 mostly I did not know the names of those leaders.

4 Q. All right, thank you.

5 Now, let's switch to Pang. You said that you were not as close to
6 Pol Pot as Pang was. Now, were you speaking physically or were
7 you speaking emotionally? Which of the two?

8 A. Allow me to explain this. Pang was in charge of me, so, as for
9 everything, I did not seek for opinions or comments from Pol Pot.
10 My duty was to guard, and to cook for his food, and to give shots
11 to him. And as for -- for the plan of the offices, it was Pang
12 who went there to seek instructions from Pol Pot.

13 Q. Let me make sure I understand this correctly. You didn't
14 receive instructions from Pol Pot for your day to day affairs,
15 but Pang, on the other hand, would have daily contact with Pol
16 Pot so he could get instructions from Uncle Pol Pot; is that
17 correct? Is that we are to understand from your answer?

18 [11.53.43]

19 A. Yes, it is correct.

20 Q. And do you know whether Pang was getting instructions from
21 Uncle Pol Pot as to what you should be doing?

22 A. For example, tomorrow I was supposed to accompany Brother Pol
23 Pot, so I was supposed to prepare motorbike and to prepare
24 medicine, for example, to accompany him to a battlefield. So I
25 had to do the preparations so that in the next morning I took him

1 to the place.

2 Q. Very well. And was Pang aware that you were Pol Pot's nephew,
3 the oldest son of Pol Pot's brother?

4 A. He knew.

5 Q. We will speak more about Pang in a bit.

6 [11.55.38]

7 But let me switch slightly to Cheam. As I understand your
8 testimony yesterday, you also met him out there in the jungle in
9 '68 or '69; is that -- is that correct?

10 A. Yes, it was some time in 1967, '68 or '69.

11 Q. And was he also under Pang's supervision or authority, or was
12 he under someone else's authority at the time?

13 A. Both Cheam and I were under the supervisions of Pang.

14 Q. And if you could enlighten us a little bit, what, exactly,
15 were Cheam's responsibilities at the time?

16 A. Cheam was a messenger and also a bodyguard. At that time,
17 there was no specification of job, or job descriptions, we would
18 do whatever we were told or asked to do by the superiors under
19 the supervision of Pang.

20 [11.57.23]

21 Q. Right. You were multitasking. Were you also working together
22 with Cheam back then?

23 A. I was under Pang's supervision, so I worked together with
24 Cheam.

25 Q. Did you also live in the same hut -- or structure -- where

1 Cheam lived? And did you share meals together?

2 A. It is hard for me to explain that because Office B-1 consisted
3 of house number 1, house number 2, and the place that
4 accommodated guests. Let me summarize this.

5 Q. I'm talking about back in the jungle -- back in the jungle,
6 when Pang is giving you and Cheam instructions to do messages,
7 deliver messages, guard, and what have you. Were you living
8 together, eating together, socializing together?

9 [11.59.10]

10 A. I heard the word "building", and it's hard for me to explain
11 that, but I can say I lived with him.

12 Q. And were you friends at the time? Were you close at the time?

13 A. In the revolution, we were not addressed by the title "His
14 Excellency"; we were addressed or we addressed each other by
15 "Comrade", and we addressed each other by "Comrade" unless we
16 understand each other, we trust each other, and we will not
17 betray each other.

18 Q. And was that the case at the time?

19 A. This is what I saw they did.

20 [12.00.25]

21 MR. KARNAVAS:

22 Mr. President, I see that we're about some minute and 10 seconds
23 over the hour of 12 o'clock, so perhaps we could adjourn here for
24 lunch.

25 MR. PRESIDENT:

1 Thank you, Counsel. Thank you, Witness.

2 It is now appropriate for us to adjourn for lunch break. The
3 Chamber will now break until 1.30.

4 Court officer is instructed to accommodate the witness and his
5 duty counsel and to return them to this courtroom at 1.30.

6 Yes, Defence Counsel for Nuon Chea, you may proceed.

7 [12.01.22]

8 MR. PESTMAN:

9 Thank you. My client has signed the usual waivers and he's asking
10 for permission to follow the rest of the day from the holding
11 cell, downstairs.

12 MR. PRESIDENT:

13 Thank you. Please be seated.

14 Having heard accused Nuon Chea's request that has been made
15 through his counsel, to follow the proceedings remotely through
16 audio-visual means from the holding cell, downstairs, for the
17 remainder of the day's proceeding -- that is, to waive his rights
18 to be present directly in this courtroom -- with a promise to
19 submit to the Chamber a written waiver with the signature of the
20 Accused, the Chamber grants the request that has been made
21 through his counsel to follow the proceedings remotely from
22 holding cell, downstairs, for the remainder of today's
23 proceedings.

24 [12.02.35]

25 The Chamber requires that defence counsel for Nuon Chea submit

1 immediately the written waiver with the signature of the accused
2 Nuon Chea.

3 The AV Unit is now instructed to live the proceedings to the
4 holding cell, downstairs, so that the accused Nuon Chea can
5 follow the proceedings for the rest of today's proceedings.
6 Security guards are now instructed to escort the Accused to the
7 holding cells, and keep Mr. Nuon Chea there in the afternoon
8 session, and return Mr. Khieu Samphan for the afternoon session
9 before 1.30.

10 The Court is now adjourned.

11 THE GREFFIER:

12 All rise.

13 (Court recesses from 1203H to 1330H)

14 MR. PRESIDENT:

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

16 The Chamber is now given to Ieng Sary's defence to continue
17 questioning the witness. You may proceed.

18 BY MR. KARNAVAS:

19 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
20 afternoon, Witness. And good afternoon to everyone in and around
21 the courtroom.

22 Q. We're still back, Mr. Witness, prior to April 17, 1975; we're
23 in the jungle; you're with Uncle Pol Pot.

24 This morning, you told us that you would give him injections.

25 Could you please tell us, when you were giving him these

1 injections, were you alone or were there others with you?

2 MR. SALOTH BAN:

3 A. When I gave him the injection, I was alone.

4 [13.33.00]

5 Q. So it was just you and Uncle Pol Pot during those moments when
6 you were giving him injections.

7 A. Yes. And on other occasions, his wife was also present.

8 Q. And on those occasions when you were alone with Uncle Pol Pot,
9 did you have any conversation, small talk?

10 A. Yes, there was small talk, like you said. Sometimes, he told
11 me to tell my wife to cook this dish or that fish and that it
12 should not be salty. That's all.

13 Q. Well, did he not ask you about what else was happening
14 outside, what you were able to observe others doing, what
15 conversations might be taking place? Did he never ask you about
16 that?

17 A. No, not at all.

18 [13.34.51]

19 Q. All right. Now, before the fall of Phnom Penh, you told us
20 that at one point there was a meeting -- I believe you called it
21 a "family affair" -- there was a meeting about guarding
22 ammunition. This would have been some place in the West Zone --
23 Kampong Speu, perhaps. Do you recall discussing that?

24 A. My duty was assigned to me by Pol Pot -- that is, to guard the
25 ammunition and to make a proper list for that ammunition. That

1 was his instruction, so I fulfilled my duty as instructed by him.

2 Q. And what about Pang? Was he involved as well, or was it just
3 Pol Pot giving you direct and specific instructions?

4 A. Pang was not in that office with me at the time; Pang was at
5 the east of Tonle Sap, while I was at the west of Tonle Sap.

6 Q. All right. Now, how much ammunition are we talking about?

7 A. As I recall, there was 2 or 3 tonnes of ammunition.

8 [13.37.17]

9 Q. And by the standards of the day, was that a lot of ammunition?
10 How would you quantify it?

11 A. The quantity was not that many -- was not that -- not much
12 more than that. And a bit later Phnom Penh fell.

13 Q. And, as I recall your testimony from yesterday, you remained
14 guarding that ammunition for some time after Pol Pot and others
15 had left; is that correct?

16 A. Yes, that is correct.

17 Q. Do you know why Pol Pot selected you and had this meeting with
18 you to guard this ammunition?

19 A. I did not know the reason. However, at that time, my wife was
20 pregnant, and, maybe due to that pregnancy, he wanted me to take
21 care of my wife at the time.

22 [13.39.07]

23 Q. Well, was the ammunition also important and needed someone to
24 be a trustworthy guard of that ammunition? Might that be a
25 reason?

1 A. To consider whether the ammunition was important, to my
2 knowledge, of course the ammunition was important. And another
3 important factor was that he trusted me. And, third, I had a wife
4 who was pregnant, there, at the time.

5 Q. And what about Cheam? Was he with you as well or was he off
6 with Pang?

7 A. As I recall, Cheam was at the east of the river.

8 Q. Do you know whether he was with Pang or under Pang at the
9 time, or with someone else? Do you recall?

10 A. He was with Pang because the office was under the supervision
11 of Pang. I refer to the office located to the west -- to the
12 east, rather, of the Tonle Sap.

13 Q. Now, this morning you told us that Pang was in fact closer to
14 Pol Pot, your uncle, than you were. Do you know who had assigned
15 Pang to the East, where he was located at that point in time?

16 A. I did not know the reason.

17 [13.41.49]

18 Q. Before Pang went off to the East, can we conclude, based on
19 what you've told us this morning, that his immediate superior was
20 Pol Pot?

21 A. Let me enlighten you on this matter. The hut that I referred
22 to, where I stayed -- that is, the one situated to the west of
23 Tonle Sap, in the area of Krang Beng or Krang Doung -- Pang was
24 not there. There was myself, who was the second supervisor after
25 Pol Pot. So Pang did not make any trip between the west and the

1 east of the river; he always stationed at the east of the river.

2 Q. Okay. Let me make sure that I understand correctly. So he was
3 east of the river from 1968–69 all the way to '75; is that what
4 you're telling us now?

5 A. Yes.

6 [13.43.35]

7 Q. And it was during this period when Pang was still giving you
8 instructions from day to day on what to do.

9 A. When I left Pang, I did not receive any instruction from him;
10 I only received instructions from Pol Pot.

11 Q. All right. Maybe we're -- something is being lost in
12 translation.

13 When you were with Uncle Pol Pot, you told us this morning that
14 you would receive instructions from Pang, who would receive his
15 instructions from Pol Pot; do I have it right?

16 A. I would provide the same response, which is: Whenever I was
17 with Pang, I receive instructions from him, and while Pang was
18 not there, then I personally received instructions from Pol Pot.

19 [13.45.10]

20 Q. Thank you for that. And I apologize for the confusion.

21 Now, as I understand it, after the fall of Phnom Penh, about a
22 month or so later, you, in fact, come to Phnom Penh; is that
23 correct?

24 A. Yes. It was about one or two months after until after my wife
25 delivered the baby. Then I came to Phnom Penh together with her.

1 Q. Now, when you came, when you left your post where you were
2 guarding the ammunition, did you receive any written or oral
3 instructions from anyone for you to leave that one location and
4 come to Phnom Penh?

5 A. As I recall, at that time, before he left, he instructed me
6 that it should be handed over to the -- to the sector authority.

7 [13.46.46]

8 Q. Now, when you say "he", we're talking about Pol Pot; Uncle Pol
9 Pot told you this.

10 A. Yes, "he" meant Pol Pot.

11 Q. And when you came to Phnom Penh -- when you immediately came
12 to Phnom Penh, who did you report to, if anyone?

13 A. Upon my arrival in Phnom Penh, Pang came to meet me. I did not
14 report to anyone else. Pang met me and he told me where I should
15 stay.

16 Q. And how did Pang know where to meet you? And, of course, where
17 did he meet you?

18 A. Pang told me to live within the compound -- the compound of
19 the Ministry of Foreign Affairs, and that was to the west of the
20 Council -- of the present Council of Minister's office.

21 Q. Let me ask my question again. You said when you came to Phnom
22 Penh Pang came to you. Phnom Penh was then, as it is today, a
23 large city. How did Pang know where to find you in order to give
24 you instructions?

25 [13.49.03]

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1 A. I did not know how Pang arrived, but when I entered with other
2 people, at that time, I think there was a messenger who came to
3 tell me that, when I go to Phnom Penh, I should go to the
4 Ministry of Defense. And when I was at the Ministry of Defense,
5 people who were already there asked me to stay there temporarily,
6 and then Pang came to tell me that I should stay there.

7 Q. All right. And you told us that you -- you worked for the
8 Ministry of Defense for one or two months, cleaning houses. I
9 believe that's what you indicated to us the first day; do I have
10 it right?

11 A. At that time, the place where I was asked to stay, I cleaned
12 that place and also cleaned the surrounding areas together.

13 Q. But who gave you those instructions? Or was it that you just
14 wanted to keep yourself busy until you got formal instructions,
15 formal briefings on what to do?

16 A. It was again Pang who gave me instructions.

17 [13.50.58]

18 Q. And when you left the Ministry of Defense, again, who came to
19 you to inform you to leave and where to go?

20 A. Pang instructed me to do the cleaning, and then Ieng Sary did
21 not yet arrive. It was Pang who told me to do the cleaning in
22 those areas.

23 Q. All right.

24 Now, you told us that your wife was a cook at K-1; right?

25 A. (No interpretation)

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1 Q. And you said – translation, we all understand that's "yes", at
2 least I do.

3 Now, who gave your wife the job at K-1?

4 A. It was again Pang.

5 Q. And -- we'll talk a little bit more about that, but I -- you
6 also told us that you had a brother that was there who had been a
7 soldier for the Vietnamese army back in 1970, I believe, and
8 today we learned that he was a photographer. Can you please tell
9 us, if you know, who gave your brother the job at K-1?

10 [13.53.13]

11 A. Actually, I heard through the translation that you referred to
12 my elder brother, but actually it's my younger brother.

13 Q. My apologies. Who gave your younger brother the job, if you
14 recall or if you know?

15 A. I learn of that at a later stage, that I asked him, and he
16 told me -- he told me that it was my uncle, Pol Pot, who gave him
17 the job to be a photographer.

18 Q. Now, when was the first time that you were reunited with Uncle
19 Pol Pot after he had left for the liberation of Phnom Penh while
20 you remained behind guarding the ammunition?

21 A. I would like to talk a little bit about my younger brother who
22 was a photographer.

23 [13.54.44]

24 In the jungle, there was also a photographic group, but my
25 brother was not among them. I think I need to explain a little

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1 bit further for you to understand in regard to my younger
2 brother. At that time, I did not meet him yet; he was a soldier
3 for the Vietnamese army. And later on, when we learned about
4 that, I brought him in to live in the office. And after the
5 liberation, he was used as a photographer.

6 Q. All right. If I could pick up from that, maybe, a few more
7 details to make sure I understand it, you learned that your
8 brother is in the Vietnamese army and then you bring him to where
9 you're stationed with Uncle Pol Pot; do I have it right?

10 A. I personally did not go and take him. Actually, through the
11 research, then the Zone 304 -- that is Koy Thuon's zone --
12 learned that my brother was with the Vietnamese army. So then
13 they requested for all the Cambodian soldiers who were with the
14 Vietnamese Army to return into the army of resistance of ours.

15 Q. Okay. But if I understand you - if I understand your previous
16 answer, he came to the office where you were. So are we to
17 conclude, from your answer, that your brother was with you when
18 you were with Uncle Pol Pot?

19 [13.57.05]

20 A. Yes, that is correct.

21 MR. PRESIDENT:

22 The representative of the Prosecution, you may proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, there seems to be many questions, and counsel is
25 not specifying the date or the place. Counsel Karnavas is simply

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1 not indicating where the brother would have met him, and
2 therefore the witness is not in a position to provide specific
3 answers, since the questions are not focussed enough.

4 MR. KARNAVAS:

5 Mr. President, he seemed to be pretty clear on the answer. I'll
6 try to be more specific and take guidance from - from the
7 prosecutor.

8 [13.58.04]

9 BY MR. KARNAVAS:

10 Q. Now, let's go back to when you were in Phnom Penh; it's around
11 - it's after the fall of Phnom Penh, we're in the year 1975.
12 You've come back. You've told us that you initially went to the
13 Ministry of Defense.

14 And my question now is: When was the first time that you met
15 Uncle Pol Pot after you came to Phnom Penh?

16 MR. SALOTH BAN:

17 A. I would like to clarify that. I did not stay at the Ministry
18 of Defense, but I went there to clean. I met Pol Pot after he
19 already made his preparation at Office K-1.

20 Q. Do you know about what month, in 1975, that would be?

21 A. My apology; in fact, the first time that I met him was at
22 Preah Keo Morakot, at the Preah Keo Morakot Temple.

23 Q. Okay. And what period are we speaking of? What's the period,
24 so we can be precise?

25 [14.00.22]

1 A. It was around May.

2 Q. Now, did you, after that first meeting--

3 Well, let me - let me ask you this: On that particular meeting,
4 what was the occasion that you met your uncle?

5 A. As I recall, it was during a meeting, although I did not know
6 about the nature of the meeting. There was a meeting in that
7 Preah Keo Pagoda, or -- which is now known as the Silver Pagoda.

8 Q. And did you have an occasion to speak with your uncle when you
9 saw him for the first time, now that you were in Phnom Penh?

10 A. No, I did not have any opportunity to talk to you (sic)
11 directly. My duty was confined to security matters and the
12 preparation of his food.

13 [14.02.12]

14 Q. Now, when you said "security matters", who had appointed you
15 in charge of security matters? Who was - who was your supervisor?

16 A. All I did was under the supervision of Pang.

17 Q. And is this prior to going to the Ministry of Foreign Affairs?

18 A. Yes, it was before I went to the Ministry of Foreign Affairs.

19 Q. Was Cheam there as well, if you recall?

20 A. Yes, Cheam was also with us then.

21 Q. And when you say "us", do you mean he was also providing
22 security for Uncle Pol Pot?

23 A. No, it was not the direct task under Pol Pot, but it was the
24 overall protection task. And Huon (phonetic) was actually the
25 direct supervisor, but Huon (phonetic) is -- was dead.

1 Q. All right. Well, was Huon (phonetic) above Pang or below Pang?

2 A. Huon (phonetic) was subordinate to Pang.

3 [14.04.38]

4 Q. And was Pang there at the time to oversee the security of Pol
5 Pot?

6 A. Yes, Pang was always there. He was in charge of the overall
7 security matters.

8 Q. Now, at that time -- we're speaking now in 1975, in Phnom
9 Penh, and you're providing security -- who was Pang's supervisor?

10 A. That, I was not clear as to who was Pang's direct supervisor.

11 I only knew that Pang was my direct supervisor.

12 Q. How close was he to Pol Pot then?

13 A. As I said earlier, whenever there was a need to open a
14 training session, then Pang would come by and open the sessions.

15 [14.06.22]

16 Q. Or would he have taken -- to your knowledge, that is -- would
17 he have taken directions or instructions from Pol Pot or would
18 somebody else provide him instructions? And I'm asking only if
19 you know.

20 A. I did not know who else instructed Pang, if he was the person
21 who instructed him, and no one else would have instructed Pang
22 otherwise.

23 Q. How long had Pang, by that point in time, been together with
24 Pol Pot, to your knowledge?

25 A. I cannot recall it.

1 Q. Well, wouldn't it have been before your arrival in the jungle,
2 in '68 or '69?

3 [14.07.50]

4 A. (Technical problem, no interpretation)

5 MR. KARNAVAS:

6 (Technical problem, no interpretation)

7 MR. PRESIDENT:

8 (Technical problem, no interpretation)

9 MR. KARNAVAS:

10 (Technical problem, no interpretation)

11 [14.12.40]

12 MR. PRESIDENT:

13 The technical problem has already been sorted out.

14 The Counsel, you may proceed.

15 BY MR. KARNAVAS:

16 Thank you, Mr. President.

17 Q. Witness, by 1975, do you know how many years Pang had been
18 with your uncle?

19 MR. SALOTH BAN:

20 A. Pang had always been with my uncle since the date he
21 disappeared.

22 Q. And where was Pang from, originally?

23 [14.14.04]

24 A. I am being frank because I want to assist the Court. I met
25 Pang, maybe, in 1966 or 1967. Back then, the resistant movement

1 were gaining momentum, and they asked me to go to -- you know,
2 cook corns, because at that time people grew corns. And then
3 there I met Pang. And it was in a house, and, surrounding that
4 house, there was a bridge and there were several many other
5 vegetations -- or plantation, and corn was also grown over there.
6 And I met Pang there.

7 And over there I also learned the name of Chou Chet. Actually, I
8 met him over there, and then - well, actually, when I first
9 joined the revolution, I heard of this name; then, when I went
10 there, I met him.

11 And when I read the newspaper I came to learn that Chou Chet was
12 the chairman -- or editor in chief of one of the newspapers with
13 the logo of plow. And when the resistance movement was gaining
14 momentum against the American imperialists, I joined this
15 resistance and I attended a meeting in Santhor Mok School, and
16 over there I met Pang. I did not know his name and I did not know
17 his full names, but I actually saw him, because I recognized his
18 face when I met him in the jungle.

19 [14.16.35]

20 Then, when I met him in the - in a meeting in a school near Preah
21 Chan traffic stop -- it was the -- it was one of the junior high
22 school close to the traffic light. And I attended that meeting,
23 but actually Pang at that time did not attend the meeting; he
24 told me that he did not come to meet with everyone but he was on
25 guarding duty. And I was attending with others. That was my

1 second encounter with him.

2 And my third encounter with him was when I met Pang, in 1977 or
3 1978 (sic), in Rattanakiri province.

4 That was the history of my encounters with Pang.

5 Q. Okay. The third – the third encounter, to make sure we have
6 the year right, that's not '77, but '67 or '68; correct? When you
7 met him in Rattanakiri.

8 A. (Microphone not activated)

9 Q. When you met him the first time, do you know whether he was
10 associated, back then, with your uncle, Pol Pot?

11 [14.18.33]

12 A. Yes. Yes, I did.

13 Q. All right.

14 Now – now, I'm skipping forward again; we're back in 1975. And
15 you're on security detail with Cheam, and you told us that Pang
16 was in charge of security of this one particular meeting.

17 And my question is as follows: If Pang is in charge of security
18 for Pol Pot, what conclusions can we draw about his relationship
19 with Pol Pot?

20 A. In this respect, let me clarify. He did not provide personal
21 security solely for Pol Pot, but the overall security for the
22 office. So, at that time, office were on mobile, so wherever the
23 meeting was convened, that place were considered office. So
24 "security", in this context, is not confined to the sole security
25 of Pol Pot, but it is the overall security matters.

1 [14.20.16]

2 Q. All right. Now, you've told us, yesterday or the day before,
3 that there were some occasions when you visited K-1. Do you
4 recall saying that?

5 A. Yes. Yes, I do. I used to go to K-1 when there was some
6 important or necessary matters there; then I would go there. And,
7 in addition, my wife was a cook there, so I visited the place.

8 Q. All right. When you wanted to visit your-- Well, did you ever
9 go there just to visit your wife or did you go there when there
10 was an important matter and, while there, you visited your wife?

11 A. Well, I went there to visit my wife as a - as her family
12 member, and I did not go there arbitrarily or on any other
13 purposes.

14 [14.21.50]

15 Q. All right. Well, when you went there to visit your wife as a
16 family matter, did you need a pass, did you need some
17 authorization or, because you were Pol Pot's nephew, you could
18 just come and go as you pleased?

19 A. Let me clarify on this point. The kitchen of K-1 Office was
20 outside the compound of the K-1 Office. It was a separate kitchen
21 adjacent to the K-1 Office, and it was the place where my wife
22 worked. So, whenever I was supposed to go to K-1 compound or
23 premise, then I needed a pass.

24 Actually, when we talk about authorization, or pass, I issued the
25 authorization, or pass, for my personnel, for my staff, but for

1 myself, I could go there without any pass at all.

2 [14.23.25]

3 Q. That's what I wanted--

4 A. And let me make the point clear: but if I simply went to meet
5 my wife over there, I did not have to be screened, but if Brother
6 Ieng Sary ask me to deliver message or letters to K-1, then I had
7 to undergo checked.

8 Q. All right. Now, you said earlier that you would write a pass
9 for yourself, that you had the authorization to write yourself a
10 pass to go there; did I hear you correctly?

11 A. I wrote the pass to my staff so that they would be allowed to
12 enter the premise, but if I went to visit my wife, then I did not
13 need a pass because my wife's place were a separate place from
14 K-1. And if I went there on an official visit, then I had to have
15 the pass and I had to be checked as well.

16 Q. All right. Now, when you were at K-1 -- we'll stick with this
17 for a little bit -- when you went in, did you attend any
18 meetings, formal or informal, by the Standing Committee?

19 A. I went to K-1 to deliver letters from my ministry, and after
20 placing the letters over there, I had to return without saying
21 anything at all, not even the people who were -- whom I met over
22 there.

23 [14.25.53]

24 Q. All right. But let me go step by step because I want to make
25 sure that we're clear on this point.

1 Did you attend any meetings hosted by the Standing Committee?

2 A. No, I did not.

3 Q. What about by Angkar, whoever they or that may be?

4 A. The word "Angkar" is a bit difficult to respond to that
5 question because, when we talk "Angkar", it ranges from the small
6 level -- from the base level to the top level. I merely attended
7 the organization at a smaller level. As for the Standing Angkar,
8 or Central Committee, or Zone Committee, or so, I never attended.

9 Q. Well, did you ever receive any documents from the Standing
10 Committee or the Centre?

11 A. No, I never received one from the Central Committee or the
12 Standing Committee.

13 [14.28.06]

14 Q. Now, we talked about Uncle Pol Pot when you were in the
15 jungle.

16 While both of you were in Phnom Penh, did Uncle Pol Pot ever
17 share with you what he was up to, what he was doing?

18 A. I don't really catch the question because you talk about the
19 time when I met him in the jungle and in Phnom Penh. It is not
20 quite clear in the question itself, so I find it a bit difficult
21 to respond to that question.

22 Q. I'll rephrase. I'll rephrase: When you and Pol Pot were in
23 Phnom Penh, from '75 to '79, did you -- did your uncle have any
24 discussions with you about what he was doing, about his affairs?

25 A. As I indicated this morning, no.

1 Q. Did he tell you exactly what his authority and
2 responsibilities were?

3 A. As I indicated this morning, no.

4 Q. Did he tell you about any decisions that he might have made
5 either by himself or by others?

6 [14.30.16]

7 A. No.

8 Q. Did he tell you about the decision-making process, how he and
9 his colleagues would reach decisions? Did he discuss that at any
10 time during this period?

11 A. No.

12 Q. Did the conversation come up -- ever come up concerning
13 Angkar, who was Angkar, who was a member of Angkar, what did
14 "Angkar" mean? Did that ever come up?

15 A. No.

16 Q. Did you ever ask Uncle Pol Pot what Pang's authority and
17 responsibilities were?

18 A. No, I dare not.

19 [14.31.30]

20 Q. Having known Pang for many, many years, can you please tell us
21 whether he was a talkative individual, whether he would share
22 information that he had learned from various meetings? Would he
23 share that information with you? Can you recall any occasions?

24 A. During the conversation with me, no. Mainly, he discussed
25 outside -- he worked outside. I mainly stay and worked inside.

1 Q. Did he ever discuss with you what he might have observed or
2 overheard at meetings?

3 A. He never told me anything regarding the meetings.

4 However, I recall one event. I recall that he asked me whether
5 Ieng Thirith and Yun Yat -- what were they -- did they have any
6 conflict. It seems that they had conflict with one another. And I
7 replied that I did not know anything, but in fact I was thinking
8 that there was something going on with him. Maybe he wanted to
9 know about the internal affair, but I just keep quiet.

10 [14.34.17]

11 Q. Did he ever tell you whether he had attended any Standing
12 Committee meetings?

13 A. No, he never said anything of that nature.

14 Q. Did he ever tell you who he thought or knew were on the
15 Standing Committee at the time?

16 A. I do not clearly understand the question. Are you asking me or
17 are you referring to Pang, regarding your question?

18 Q. My question is whether Pang ever had any discussions with you.
19 In other words, when you would meet him or when he would meet
20 you, did he disclose to you whether he had attended any of these
21 meetings, including Central Committee meetings? Did he ever say
22 anything about that?

23 [14.35.47]

24 A. No.

25 Q. Did he ever disclose to you -- if he knew -- who the exact

1 members were -- of the Central Committee -- Central Committee
2 were -- you know, how many people were on there and their names?

3 A. No, he did not.

4 Q. Did anyone tell you at the time who the Standing Committee
5 members were or the Central Committee members were? Do you recall
6 learning that information at that time? And the period I'm
7 speaking of is '75 to '79.

8 A. No, nobody told me officially regarding this matter; I just
9 made my own conclusion.

10 Q. Now, when you made your own conclusion, can you please share
11 with us the facts that you based this conclusion on?

12 [14.37.40]

13 A. While we were in the jungle, I saw my uncle, Pol Pot, and Nuon
14 Chea were close to each other, so I made a conclusion that they
15 were members of the Standing Committee. Besides, I observed major
16 meetings were convened, and through what I heard other people say
17 about this level or that level of membership of the committee,
18 then it was likely that they were members of the Standing
19 Committee. And there was a rumour that Pang would become a member
20 of the Central Committee, but that was a rumour from outside.
21 This is not what Pang told me, but it was -- I heard from the
22 outsiders who spoke about that at the Office K-1. So that's the
23 basis of my conclusion.

24 Q. Can you name one person who was a member of the Standing
25 Committee who shared with you information about who the members

75

1 were on the Standing Committee? Did any one member share with you
2 any information?

3 A. No, nobody told me.

4 [14.39.31]

5 Q. What about Central Committee members? Did any of those members
6 ever have a discussion with you to disclose to you the members of
7 the Central Committee?

8 A. No.

9 Q. Now, today, when you were asked a question from the Presiding
10 Judge about how many members were on the Central Committee, I
11 believe you indicated that perhaps it was as many or as few as
12 20. Do you recall saying that?

13 A. Yes, that's what I indicated to the Judge. However, that was
14 based on my conclusion -- personal conclusion, and I was not
15 officially informed of any of their official status.

16 Q. (Microphone not activated)

17 MR. PRESIDENT:

18 You may proceed. Please switch on your microphone, Counsel.

19 [14.41.00]

20 BY MR. KARNAVAS:

21 Q. Could we say on this matter, then, sir, that when you came up
22 with the figure 20, this morning, that you were speculating?

23 MR. SALOTH BAN:

24 A. Yes.

25 MR. PRESIDENT:

1 Thank you, Counsel and Witness.

2 The time is appropriate for the afternoon recess. We will take a
3 20-minute break and return at 3 p.m.

4 Before we take a recess, I'd like to inquire from the defence
5 teams: How much time does Ieng Sary defence team anticipate to
6 have to conclude with this witness?

7 [14.41.56]

8 MR. KARNAVAS:

9 Well, if I had to give a guesstimate at this point in time, I
10 would say not only the rest of the day, but perhaps as much as a
11 half a day on Monday; perhaps less, but that's what I would have
12 to say. Of course, over the weekend, we would -- you know,
13 reconsider our position, but certainly I will need to go into
14 Monday.

15 MR. PRESIDENT:

16 Thank you, Counsel.

17 What about Nuon Chea's defence team?

18 MR. PESTMAN:

19 Still maximum half a day.

20 [14.42.46]

21 MR. PRESIDENT:

22 Thank you, Counsel.

23 What about Khieu Samphan's defence?

24 MR. KONG SAM ONN:

25 Previously, we request up to one and a half hours, and we stand

1 by that.

2 MR. PRESIDENT:

3 Thank you.

4 Court Officer, could you assist the witness and the duty counsel
5 with a refreshment during the break and have them back at -- at
6 3?

7 The Court is now adjourned.

8 (Court recesses from 1443H to 1504H)

9 MR PRESIDENT:

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

11 I will hand over the floor to the defence counsel for Ieng Sary
12 to continue his line of questioning.

13 BY MR. KARNAVAS:

14 Good afternoon, Your Honours. And good afternoon to everyone in
15 and around the courtroom, again. And good afternoon, sir.

16 [15.05.06]

17 Q. Let's talk about your appointment to the MFA -- the Ministry
18 of Foreign Affairs.

19 You've told us that it was Pang who appointed you to that
20 position. Do you recall telling us that?

21 MR. SALOTH BAN:

22 A. Yes, I do. Indeed, Pang appointed me to the Ministry of
23 Foreign Affairs.

24 Q. Now, let's talk a little bit about your qualifications for the
25 position that you ultimately had at the Ministry of Foreign

1 Affairs. And to do that, let's talk a little bit about your
2 education.

3 As I understand it, you had some schooling but you failed some
4 exams. Could you please tell us how many years of -- school years
5 did you actually complete?

6 A. I completed the so-called Third Class level.

7 Q. For those of us who come from different school systems, could
8 you please tell us how many years of school did you actually
9 complete?

10 [15.07.29]

11 A. To my calculation, it was about 13 years of schooling. No, it
12 was about 10 years of schooling.

13 Q. All right. And you indicated that you had taken one exam but
14 you had failed it. Therefore, you could not go any higher; am I
15 correct?

16 A. Yes, you are.

17 Q. Now, aside from that education, did you have any other sort of
18 education or training?

19 A. Aside from the formal schooling, I attended other trainings.
20 The trainers did not reveal his identity; they used their
21 pseudonyms. They provided us with materials, including books. We
22 read story books. And at that time I enjoyed reading Chinese
23 stories. And we read and we watch films, particularly films
24 relating to revolutionary movements. So that was the other
25 trainings I undertook.

1 [15.09.41]

2 Q. Had you worked prior to your appointment -- did you have any
3 work experience in a government office?

4 A. Well, no, I never had any prior experience working with the
5 government; I was a freelance worker.

6 Q. And by "freelance", as I understand it from your testimony,
7 you did some construction work, you were a "cyclo" driver, and
8 then, later, you were a combatant, a soldier. Does that cover the
9 sum total of your work experience?

10 A. Yes, you're correct.

11 Q. Now, before taking your position with the Ministry of Foreign
12 Affairs, did you get any sort of training or orientation on your
13 position at the Ministry of Foreign Affairs?

14 [15.11.34]

15 A. Upon assuming my role in the Ministry of Foreign Affairs, I
16 was in charge of managing the forces, particularly the forces of
17 peasantry and children who were sent to work or to be trained in
18 the Ministry of Foreign Affairs. And the purpose was to transform
19 those children to be future personnel of the Ministry of Foreign
20 Affairs.

21 Q. All right. And prior to going to the Ministry of Foreign
22 Affairs, how many people had you managed? In other words, when
23 you were out there in the jungle, how many people were under you,
24 when you were organizing and managing them?

25 A. Back then, my role was mainly to guard the offices. And then,

80

1 the guards under my supervision was no more than 30 members.

2 Q. All right.

3 Could you please tell us about Pang's level of education? Do you
4 know whether he was an educated man?

5 [15.13.34]

6 A. Through my interaction with my colleagues, I learned that this
7 person was a very outspoken guy and he could communicate well
8 with his colleagues.

9 Q. Could he read and write?

10 A. When I first got to know him, he could read and write. He
11 spoke Vietnamese as well.

12 Q. All right.

13 Now, can you please tell us what qualified you to have a position
14 as the number 2 in the Ministry of Foreign Affairs, in light of
15 the fact that you had only managed maybe up to 20 or 30 people,
16 guards, had no real training or education in the field, and, by
17 your own admission, did not speak any languages? What qualified
18 you for that position?

19 A. I do not understand your question. Because my answer to you
20 earlier was when I was in the jungle, but when you asked me
21 concerning my work at Ministry of Foreign Affairs, I'm a bit
22 confused, now. 30 people whom I supervised at that time, I
23 referred to the period when I was in the jungle, but since now --
24 I would like to know whether or not you are asking me about my
25 work at the Ministry of Foreign Affairs or back when I was in the

1 forest.

2 [15.15.40]

3 Q. My apologies; the question was rather long.

4 What qualifications did you have to be appointed to the position
5 of secretary general of the Ministry of Foreign Affairs?

6 A. I did not have any necessary qualification to be appointed to
7 the Ministry of Foreign Affairs. I actually protested at that
8 time that I did not want to go to Ministry of Foreign Affairs
9 because I did not have any necessary skills. But to my
10 recollection, Mr. Ieng Sary had his personal affection on me and
11 he thought that probably I could do something on his behalf. I
12 was the person whom he can -- he could rely on. So I think the
13 only qualification I had was the honesty. I think that is my
14 conclusion of his trust on me.

15 Q. I thought you told us that it was Pang who told you to go
16 there. What qualifications did Pang see in you to send you to the
17 Ministry of Foreign Affairs?

18 [15.17.23]

19 A. In my personal understanding, perhaps Brother Ieng Sary who
20 was the person who proposed my name.

21 Q. Thank you for telling us about your personal opinion, because
22 that's something that I want to discuss a little bit.

23 When you say to your "understanding" -- what does that mean, to
24 your "understanding"? Does that mean that you actually know, or
25 are you trying -- are you drawing some sort of a conclusion?

1 A. By practice, the leaders were very humble. They did not
2 demonstrate their pride. Respect must be earned.

3 Q. Let me go back again. Maybe something was lost in translation.
4 When you say "to my understanding", does that mean that you
5 actually have knowledge, or does that mean that you are
6 speculating? Which of the two?

7 A. It was according to my analysis. And I knew it by myself.
8 [15.19.27]

9 Q. All right. When you say your "analysis", and you knew it by
10 yourself, does that mean that you have some concrete facts, or is
11 this something that you are speculating about?

12 A. I learned it by myself.

13 Q. Do you think being Pol Pot's nephew helped at all in you
14 getting that position?

15 A. It had nothing to do with that. That is not a correct
16 conclusion.

17 Q. Do you think that having a close working relationship with
18 Pang over many, many years -- that that may have had something to
19 do with it?

20 A. It had nothing to do with that, either.

21 Q. And if I were to ask you about Cheam -- Phy Phuon -- do you
22 know how it is that, somehow, he ended up at the Ministry of
23 Foreign Affairs, as well?

24 A. Cheam worked in one of the section under my supervision and he
25 was in charge of peasantry. And he was supervising security

1 matters and cultivation matter.

2 [15.21.52]

3 Q. Let me go back and ask the question again. You've told us
4 earlier that Pang was the one that appointed Cheam to the
5 Ministry of Foreign Affairs; do I have it right?

6 A. Yes, you are right.

7 Q. And you just told us that he worked in security -- on security
8 matters; is that right?

9 A. (Microphone not activated)

10 Q. He was your subordinate; you were his superior.

11 A. Yes, within the framework of Ministry of Foreign Affairs, that
12 was the case.

13 Q. And you were also in charge of security matters.

14 A. Yes, I was.

15 Q. And prior to coming to the Ministry of Foreign Affairs, you
16 were working on security matters under Pang--
17 I'll stop here. I see counsel's on her feet; maybe I'm doing
18 something wrong.

19 [15.23.35]

20 MS. SIMONNEAU-FORT:

21 Could you please wait for your questions to be translated before
22 asking the next question -- or wait for the witness's answer to
23 be interpreted before asking your next question, please?

24 MR. KARNAVAS:

25 My apologies; I understand the French is being translated from

1 the English, which is being translated from the Khmer, so my
2 apologies; I am going rather slow, considering my usual pace.

3 BY MR. KARNAVAS:

4 So where were we?

5 [15.24.20]

6 Q. Prior to going to the MFA -- the Ministry of Foreign Affairs
7 -- you were involved -- you and Cheam were involved in security
8 matters under the direct supervision of Pang; is that right?

9 MR. SALOTH BAN:

10 A. That is right.

11 Q. Now, a little earlier -- this morning, I believe -- to a
12 question that was posed to one of the Judges, when you were asked
13 about your own biography and how it was important for you to have
14 a clear biography, do you recall that question that was posed to
15 you?

16 A. I have forgotten it.

17 Q. Well, as I recall, you seemed to have indicated that, because
18 you had a clear biography, it was the masses that, actually, were
19 responsible for you being in the position that you ultimately
20 held at the Ministry of Foreign Affairs; perhaps I got it wrong.

21 A. Yes, that - that is correct.

22 [15.26.06]

23 Q. Now, I assume -- I assume -- that that's based on some sort of
24 an analysis; would I be correct?

25 A. Yes, that is correct.

1 Q. And can you please share with us what are the facts that you
2 have that would suggest that an analysis was done of your
3 personal biography that the masses were comfortable with having
4 you appointed to that position?

5 A. I know that I had both weaknesses and strengths, but I had
6 more strengths than weaknesses. My strength is that I do not
7 interfere into other people's business and I only want people to
8 live with each other in harmony and enjoy prosperity and progress
9 together. So, in Ministry of Foreign Affairs, wherever --
10 whichever department I supervised, people enjoyed that day to day
11 work.

12 Q. All right.

13 [15.27.57]

14 Now, you had indicated-- Well, over and over again, today,
15 yesterday, the day before, you were posed some questions about
16 Pang, about this period of time -- '75-'79 -- and you were asked
17 repeatedly: Who was his superior?

18 As you stand here today, are you telling us that -- despite all
19 the years that you had spent with him, that you don't know his
20 superior?

21 A. I do not know who the direct superior of Pang was, but what I
22 knew was that Pang was the chairman of Office 870.

23 Q. All right. Now, you say that you knew -- you knew -- that he
24 was the chairman. What's the basis of your knowledge? Who told
25 you this information?

1 A. Because Pang had the power. He could freely travel; he also
2 provided laissez-passers to people or the travel documents to
3 people. And it was the people at the office told me that Pang was
4 the chairman of that office.

5 [15.30.04]

6 Q. And earlier today, when you said that he controlled or had the
7 authority over a variety of ministries, what was the basis of
8 that - of that conclusion, or that answer that you gave us?

9 A. First, Ieng Sary told me that, when Pang arrived and whatever
10 Pang needed, I needed to assist him in that regard.

11 Secondly, the people who were working the office, in particular
12 in Office K-1, told me that Pang was the chairman of that office.

13 Q. All right. Let's start with the latter.

14 Who were the people in K-1 that told you that Pang was the
15 chairman of the office? Name me some - some people.

16 A. It was Mr. Lin who told me.

17 Q. What about your uncle? Did you ever speak with Pol Pot about
18 Pang's position?

19 [15.31.55]

20 A. No, I never asked him about the role of Pang.

21 Q. You've told us that Pang could come and go as he pleased, that
22 he could bring people to the ministry and take them away as he
23 pleased. What was the basis of his authority to do that?

24 A. It was based on the points I indicated earlier; firstly, that
25 Ieng Sary told me to assist Ieng Sary (sic) in whatever ways he

1 needed.

2 Q. All right. Did-- What would have happened if you had told --
3 if you had resisted Pang when he came to take some people away?

4 A. I did not have anything to object to him. When I met him, I
5 asked why he need to take them away. Then, he told me that the
6 people would be transferred to this office or that office, and
7 sometimes that the people would be sent to another location. So
8 then I would let those people; I would have no further objection.

9 [15.34.08]

10 Q. All right. Now -- but if you were in charge of security, why
11 did you not take any measures to protect those people that were
12 working within the Ministry of Foreign Affairs?

13 A. No, I did not have the authority to refuse. When I saw him
14 come, I just had to abide by his instruction.

15 Q. Were you afraid of him?

16 A. Previously, when there was no arrest, no; but upon seeing the
17 arrests, then I became to be afraid of him, I was thinking that
18 when my turn would come.

19 Q. Why would you be afraid of Pang, knowing him all those years
20 and given the fact that you were Pol Pot's nephew, a very, very
21 close associate of Pang's?

22 [15.35.56]

23 A. It is difficult for me to explain to you. That was what
24 happened at the time. He was in a higher position, so I had to
25 abide by his instructions. As I indicated, he told me that people

1 would be taken to this location or that location, so, in my mind,
2 I thought that people would be transferred to work elsewhere. But
3 only later on, when -- I thought that those people were not sent
4 for education, they were sent out and disappeared, and that
5 caused my concern.

6 Q. But you had this personal relationship with Pang, why didn't
7 you ask him what is going on? Why not have a discussion with him?

8 A. As I indicated, I asked him some questions and he told me that
9 people were sent elsewhere; he did not tell me that people would
10 be mistreated.

11 [15.37.31]

12 Q. Why not go to your uncle and ask him what's going on?

13 A. As I indicated, I had to be very certain before I could
14 report. Otherwise, I would just cause trouble for myself. If I
15 was clear that when I went to the base I saw people be
16 mistreated, when I saw it with my own eyes, then, of course, I
17 would have to report.

18 In the case of my father, I reported to Ieng Sary, and Ieng Sary
19 would report to the upper echelon. And then that law of the seven
20 level measure was created.

21 Q. But let's -- let's talk about your fear at the Ministry of
22 Foreign Affairs. If you were afraid of Pang, why didn't you go to
23 talk to Uncle Pol Pot about Pang, who was providing security for
24 Uncle Pol Pot? Why not go and talk to him?

25 [15.39.00]

1 A. I had to obey the hierarchical line. My uncle was not the one
2 who was selfish and family-centred. I had to follow the line of
3 the order.

4 Q. Now, you indicated that Pang was in control of various
5 ministries. What other ministries was he controlling, other than
6 the Ministry of Foreign Affairs?

7 A. As far as I know, he had influence in every ministry; he could
8 travel wherever he pleased. Even his group could travel anywhere.

9 Q. And when you say "he had influence" and they "could travel
10 anywhere", does that mean that they had influence over those
11 individuals who were responsible for the ministries?

12 A. I cannot make that conclusion.

13 Q. All right.

14 Now, you indicated that there were times when Cheam would take
15 people outside from the Ministry of Foreign Affairs; do you
16 recall saying that?

17 [15.40.56]

18 A. Yes. At that time, when Cheam took them away, I was not aware
19 of it, only upon his return I asked him, and he said that people
20 came to take those people from Cheam and he did not know where
21 the people were taken to.

22 Q. Well, did -- those people that came in, did they identify
23 themselves? Did they have any documentation, any authorization,
24 anything concrete permitting them to just take people out of the
25 Ministry of Foreign Affairs, or was this just something that

1 Cheam was telling you?

2 A. Cheam was under my supervision, so I could only ask him
3 regarding this matter.

4 Q. Well, did he ever identify the people? If you were in charge
5 of security and he works for you, he's your subordinate. Did you
6 ever ask him who the people were, under what authority did they
7 -- did they come and take people out? Did you ever ask that
8 question?

9 [15.42.50]

10 A. Are you referring to when I was going to Cheam or to somebody
11 else?

12 Q. You said that you learned that Cheam had turned some people
13 over from the Ministry of Foreign Affairs to be taken away. And
14 I'm asking you: Since you were his supervisor, his superior, did
15 you ask him to identify the individuals and the authority upon
16 which they came and took those people away?

17 A. I asked him, and he told me that those people were from the
18 Pang's group.

19 Q. And how did he know they were from Pang's group?

20 A. It is very difficult to explain to you how, because they
21 received the order from Pang. And how did they come? Of course,
22 probably by motorbike.

23 Q. Well, did they have any documentation from Pang or did they
24 just represent themselves as being members of Pang's security or
25 group and, based on that, they took people away?

1 [15.45.04]

2 A. Because Cheam knew that those people were the subordinates, or
3 the members of Pang's group.

4 Q. Now, is this because Cheam had worked with those people prior
5 to taking up his position at the Ministry of Foreign Affairs?

6 A. No. Cheam did not have any major role or worked with Pang.

7 However, sometimes, when I was not present, Pang could call Cheam
8 and introduce those people to him. And that was the method Pang
9 used at the time. And he would instructed Cheam that -- to work
10 or to cooperate with the people from his group.

11 Q. And when you were present, would Pang come to you?

12 A. I am -- I did not hear the question properly. When -- who --
13 who was absent?

14 Q. When you were present and there was no need to go to Cheam,
15 did Pang come to you?

16 [15.47.09]

17 A. When people -- the people were taken away while I was present,
18 I never saw Pang come to me.

19 Q. When you were present, was anyone ever taken out of the
20 Ministry of Foreign Affairs, or are you telling us that, when you
21 were there, no one was taken away? Which of the two?

22 A. When I was at the ministry, I can recall that there was people
23 who came to pick other people from the ministry. However, Pang
24 telephoned me that when -- if I see people come to pick up the
25 people, then I just would allow them to take those people. At

1 that time, they used -- or Pang used a landline phone to call me.

2 Q. Okay, thank you. And just to make sure I'm clear, did -- did

3 Pang ever explain to you on whose authorization he was requesting

4 these -- these people to be transferred out of the Ministry of

5 Foreign Affairs?

6 [15.49.06]

7 A. No, he did not explain to me, and I did not ask him.

8 Q. Why didn't you ask him? Or was that something that you were

9 not supposed to do?

10 A. I did not ask him -- I did not ask him about the arrests of

11 the people. I could even find it -- I found it difficult to ask

12 him why people were taken away. However, sometimes, I quietly

13 asked other people where they were taken, and I was told that

14 they were taken for re education or they were taken out to work

15 on electricity, due to their technical expertise, and that was

16 all.

17 Q. And did you believe what you were being told?

18 [15.50.21]

19 A. When I could not grasp the general situation -- at that time,

20 the situation at the Ministry was also not chaotic, so I did not

21 know much about people who were taken away, because I presumed

22 that they were taken away based on what I was told. Only later

23 on, for example when I escorted a guest to the rural areas and I

24 found out about the hard living condition, then I presumed that

25 it was not about being transferred to work elsewhere, but

1 probably they were taken out and killed. That's how I knew at a
2 later stage.

3 Q. And did you ever ask Uncle Pol Pot -- say, after -- either
4 before or after 1979 -- about what happened to those people?

5 A. No, I never asked him personally.

6 Q. We have 10 minutes left, so I want to cover another point, and
7 then we'll return to where we are on Monday.

8 You've indicated to us -- I believe it was two days ago -- that
9 Pol Pot, your uncle, could not take a decision alone; do you
10 recall that?

11 A. Yes, I recall that.

12 [15.52.25]

13 Q. And, in fact, I believe you said that, generally speaking,
14 decisions were taken collectively; is that your understanding?

15 A. This is part of my study and it is partly of my original
16 understanding.

17 Q. (Microphone not activated)

18 THE INTERPRETER:

19 Counsel, please switch on your microphone.

20 BY MR. KARNAVAS:

21 Q. As I understand, you were never -- you never witnessed or were
22 a part of a decision-making process; correct?

23 MR. SALOTH BAN:

24 A. (Microphone not activated)

25 Q. Now, if we could--

1 [15.53.27]

2 A. (Microphone not activated)

3 Q. Thank you. Now, let's see what--

4 MR. PRESIDENT:

5 Please wait, and wait for the witness to reply first, before you
6 move on.

7 MR. SALOTH BAN:

8 A. Yes, that is correct.

9 BY MR. KARNAVAS:

10 Q. Now, let's see -- revisit a document that was shown to you --
11 and it's D233/2, also is E3/415; and I'm going to be referring to
12 Khmer page 00357530 to 31; French, 00404555; English, 00361013.
13 Now, if -- with the Court's permission I would like to show the
14 document to the witness and we can even display this part on the
15 screen; we've seen it in the past. I believe I can cover this
16 point within the next five minutes, Mr. President.

17 [15.55.03]

18 MR. PRESIDENT:

19 Yes, you can do so.

20 Court Officer, could you locate the document and indicate the
21 relevant portion for the examination of the witness?

22 (Short pause)

23 [15.55.37]

24 BY MR. KARNAVAS:

25 Do you have it, sir?

1 MR. SALOTH BAN:

2 A. Yes.

3 Q. Now, if you look at towards the end of the question, it says:

4 "So it meant that Pol Pot could not make a decision alone. At
5 that time, as far as I knew, it was Pol Pot who was in charge of
6 politics, and Brother Nuon Chea was in charge of the
7 appointment."

8 Do you recall being shown this part and giving your -- and you,
9 in fact, gave an answer in reference to this -- this answer?

10 A. Yes, I can recall that.

11 Q. Now, if you look further up, let's see how you got to that
12 conclusion. We talk -- you say here that you had some information
13 that was provided to you concerning Hou Youn; do you see that,
14 sir, as part of your answer?

15 (Short pause)

16 [15.57.25]

17 Let me read it; I'll read part of it:

18 "When Hou Youn died, he (Pol Pot) was charged too; but it was
19 unknown that for [that] reason Hou Youn had been killed. As far
20 as I knew, when Hou Youn was alive, Mr. Pang always said that Pol
21 Pot had asked to take Hou Youn to stay close to him working as a
22 secretary; but it was unknown why the Centre had not agreed. When
23 Hou Youn disappeared, I thought that it would have been a reason.
24 So it meant that Pol Pot could not make a decision alone."

25 Do you see that, sir?

1 A. During that interview -- that was after my defection to the
2 government, and my only response was that, if Pol Pot could make
3 a decision by himself, how could Ta Mok could killed him? So I
4 believe my response now enlightens your question.

5 [15.59.21]

6 Q. Well, let's set - let's set aside Ta Mok and what happened to
7 your uncle when he was arrested and put on trial; let's focus on
8 your answer.

9 You say that Pang told you that Pol Pot wanted Hou Youn as his
10 secretary; is that correct? And that--

11 A. Yes, that is correct.

12 Q. --and that, somehow, others -- or the Centre had intervened
13 and prevented Hou Youn from becoming Pol Pot's secretary; is that
14 correct?

15 A. Yes.

16 Q. (Microphone not activated)

17 THE INTERPRETER (English to Khmer):

18 Counsel, please switch on your microphone.

19 BY MR. KARNAVAS:

20 Q. Other than what Pang told you, do you have any -- any other
21 information that would substantiate that your uncle, Pol Pot,
22 wanted Hou Youn as his secretary?

23 [16.01.05]

24 MR. SALOTH BAN:

25 A. No, there was nothing else. It became more serious--

1 Q. Did Pol Pot, your uncle, ever tell you that he wanted Hou Youn
2 as his secretary and the Centre, or others, prevented him from
3 having Hou Youn as his secretary?

4 A. No, he never told me; I only heard that through Pang.

5 Q. So, if we look at your answer, when you say that this means
6 "that Pol Pot could not make a decision alone", sir, are you
7 basing that answer on what we have here, on the statement, based
8 on what Pang told you about Hou Youn and your uncle? Is that the
9 sum total of information that you have in making the conclusion
10 that your uncle could not make a decision alone?

11 [16.02.52]

12 A. When I was told, at that time, I did not make such a
13 conclusion as that my uncle could not make a decision alone.
14 However, only when I witnessed the later situation that Ta Mok
15 opposed Pol Pot, then it was clear to me that, although Pol Pot
16 was a secretary of the Party at the time, now they did not
17 respect him, so he could not make a decision alone.

18 And the second point is that collectivism had more weight than
19 individual decision, so the minor opinion had to abide by the
20 major opinion.

21 Q. Just one question, Mr. President -- and I know it's past four:
22 When you say that Ta Mok went against Pol Pot, your uncle, just
23 now, are we not referring to the period of 1996-'97? Is that not
24 the period that you're referring to?

25 A. I refer to that period -- that is, '96 '97.

1 Q. And that's when -- that's right after Son Sen and his family
2 were murdered, presumably by your uncle; is that right?

3 A. Yes, it was.

4 [16.05.17]

5 MR. KARNAVAS:

6 I have no further questions at this time, Mr. President, and I am
7 very grateful for allowing me the five extra minutes.

8 MR. PRESIDENT:

9 Thank you.

10 The time is now appropriate for the day adjournment.

11 The Court will resume on Monday, the 30th of April 2012, starting
12 from 9 o'clock in the morning.

13 Thank you, Witness, for endeavouring to answer to many questions
14 posed to you over the last few days. But due to the magnitude of
15 the issue the questioning has not yet been completed, so we will
16 need one more day -- that is, Monday, next week. So we would like
17 to invite you to come to testify before this Chamber on Monday,
18 next week.

19 [16.06.38]

20 And the Chamber wishes to also invite the duty counsel to
21 accompany the witness during his testimony, on Monday, just to
22 give your expert advice on the witness concerning any question
23 that may incriminate him.

24 Security guards are instructed to bring the Accused to the
25 detention centre and bring them back to this courtroom before 9

1 o'clock in the morning.

2 The Court is adjourned.

3 (Court adjourns 1607H)

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