



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

31 May 2012

Trial Day 67

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

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IENG Sary
KHIEU Samphan

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MR. SAR KIMLOMOUTH (TCW-583)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SAR KIMLOMOUTH (TCW-583)	Khmer
MR. VENG HUOT	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 [09.02.39]

6 Before we proceed to the Co-Prosecutors, the Chamber notes that
7 accused person Ieng Sary is not present in the courtroom.

8 Ms. Se Kolvuthy, could you report on the status of Mr. Ieng Sary?

9 THE GREFFIER:

10 Mr. President, Your Honours, Mr. Ieng Sary is in his holding
11 cell. He has waived his right to be present in the courtroom and
12 the waiver has already been offered to the -- or submitted to the
13 Chamber.

14 MR. PRESIDENT:

15 Thank you.

16 The Chamber has received Ieng Sary's waiver signed on the 31st of
17 May 2012. He has asked that he be excused from this courtroom and
18 be permitted to observe the proceeding from his holding cell for
19 the rest of the day. He said he has health concern; that he
20 cannot remain seated in the courtroom.

21 [09.04.37]

22 The Chamber, therefore, grants such request. Mr. Ieng Sary is
23 allowed to observe the proceedings from his holding cell through
24 the audio-visual means. Mr. Ieng Sary is allowed indeed to
25 observe the proceedings through remote participation.

2

1 AV booth officers are now instructed to ensure that the AV or
2 audio-visual equipment are well connected to the holding cell so
3 that Mr. Ieng Sary can observe the proceedings from there.
4 Mr. Co-Counsel for the civil parties, you may now proceed.

5 MR. PICH ANG:

6 Thank you, Mr. President, Your Honours, I am on my feet just to
7 inform the Chamber that Counsel Sin Soworn and Mr. Barnabé Nekuie
8 will be putting questions to the witness when the floor is handed
9 to the civil party counsels.

10 [09.06.12]

11 MR. PRESIDENT:

12 Thank you, Counsel.

13 We note your position and we would like now to proceed to the
14 prosecutors to put questions to the witness. You may now proceed.

15 QUESTIONING BY MR. VENG HUOT RESUMES:

16 Good morning, Mr. President, Your Honours. Good morning, my
17 learned colleagues, Mr. Witness and people in the public gallery.

18 Q. Yesterday, before we broke, I put some questions to Mr.

19 Lomouth already, but I have a few more questions to put to you
20 today.

21 Before I proceed with my question, I would like to refresh your
22 memory concerning the question I put yesterday and I may seek
23 your clarification on this.

24 During the Democratic Kampuchea, was it the case that wounded
25 soldiers were made to get married with some women, and you said

3

1 you have no knowledge of that? Do you still maintain your
2 position?

3 [09.08.04]

4 MR. SAR KIMLOMOUTH:

5 A. Yes, I do. I have no knowledge of this.

6 Q. I would like now to ask you a question concerning the
7 religious belief during the Democratic Kampuchea. Have you ever
8 heard the term "reactionary"?

9 A. Yes, I have.

10 Q. Have you ever heard the expression "reactionary religion"?

11 A. I have never been told or talked to about this expression.

12 [09.09.13]

13 Q. During the Democratic Kampuchea, did you ever see any monks in
14 a pagoda?

15 A. In my cooperative there was a pagoda but I saw no monks.

16 Q. Could you tell the court were monks treated as the reactionary
17 religion followers?

18 A. Nobody talked to me like that.

19 Q. Were you ever told about the Christianity and Islam? Were they
20 regarded as the reactionary religions? Have you ever heard or
21 told about this?

22 A. I cannot explain this to you because I have never been told
23 about this to me.

24 Q. Thank you.

25 I would like now to proceed to the common plan before the 17th of

4

1 April 1975. Mr. Lomouth, yesterday you testified that you joined
2 the revolution movement, and you helped the movement
3 economically, emotionally and physically.

4 My question is: Did you attend the meetings very often with those
5 leaders?

6 A. No, I didn't.

7 Q. You stated that you did not attend the meetings; but did you
8 happen to know the plan to attack Phnom Penh?

9 A. I have no idea about this plan.

10 [09.12.35]

11 Q. Are you aware of the methods applied by the CPK to evacuate
12 people from Phnom Penh?

13 A. I don't know.

14 Q. On the 17th of April 1975, when this date -- during this date,
15 could you tell us, where were you?

16 A. I was at home in Phnom Penh on that day.

17 Q. Could you tell us what was -- could you tell us what Phnom
18 Penh was like on that date?

19 A. I was at home, so I could only tell you about what happened
20 near my home. I saw some Khmer Rouge combatants coming in the
21 vicinity but I have no idea what happened in other section or
22 districts in the city. I could only tell you what I saw near my
23 home.

24 [09.14.36]

25 Q. When you saw the combatants -- the young people coming near

5

1 your home, were you referring to the soldiers or civilians?

2 A. Indeed, I was referring to the soldiers because they were
3 armed.

4 Q. Did any of the Khmer Rouge soldier talk to you, anything?

5 A. When they came in they didn't say anything to me. They would
6 just walk near my home.

7 Q. Were you told by them to leave Phnom Penh?

8 A. Late in the afternoon we were told to leave the city. We were
9 told that we would be leaving the city for a few days only.

10 Q. So you indicated that the Khmer Rouge asked you to leave the
11 city only for a few days.

12 My next question is about the property: So how did the Khmer
13 Rouge tell people about their assets or property? What would they
14 do with them?

15 A. We were not told anything other than being asked to prepare
16 some food. That's all.

17 Q. When you were leaving Phnom Penh, what was your impression
18 concerning the people condition on the roads?

19 [09.17.43]

20 A. I saw people walking on the roads and there were a lot of
21 people on the roads. I don't know where they would be going.

22 Q. When you left Phnom Penh, where were your next stop?

23 A. I stopped at some relatives in a village in Kien Svay, which
24 is adjacent to National Road Number 1 and I stayed with them.

25 Q. Did you witness -- or could you tell us the condition of the

6

1 people, the evacuees, the Old People, and children?

2 [09.19.26]

3 A. People had to leave Phnom Penh in family. It was no strange
4 and everyone had to go altogether with the whole family and road
5 was crowded with people, and people could move and gather at Kien
6 Svay location and there were a lot of people there.

7 Q. In such a chaotic situation, did Angkar take effort to provide
8 any medical services for them -- for the people?

9 A. I did not see anything like that.

10 Q. How long did you have to stay in Kien Svay and what did you do
11 there?

12 A. There was a cooperative in that location, and because I had
13 some relatives there, I asked that I be allowed to settle at this
14 cooperative. However, later on, I was transferred to another new
15 cooperative.

16 Q. At the first cooperative, could you tell the Court your
17 impression concerning the food ration?

18 A. Each family had to do their best to find their own food to
19 feed their own family. There was no proper arrangement for people
20 to have proper food in the cooperative.

21 Q. Now, with regard to the second cooperative you said you were
22 transferred to, could you tell the Court the condition of the
23 food condition at that cooperative?

24 [09.22.47]

25 A. There was no food shortage in the second cooperative, although

7

1 food was not plentiful; but there was no shortage of food.

2 Q. Were you asked to put your property as a common property?

3 A. I was told so but I did not leave with any belongings or
4 property. I had only a watch, that's all.

5 Q. I have noted that for the rest of your life you had been doing
6 your best to enquire your assets. So, when you left Phnom Penh,
7 you left with nothing; is that correct?

8 A. Yes, it is.

9 [09.24.20]

10 Q. Did you know what happened to your property? Did you know that
11 Angkar seized your property?

12 A. After I left Phnom Penh, I had to leave my house behind. I had
13 no knowledge whether the house was seized or not. We, when
14 leaving Phnom Penh, had a car where our members of family could
15 have a ride, but then, at Kien Svay, we had to really give it to
16 other people.

17 Q. At each cooperative, were your biographies taken?

18 A. At the first cooperative, no biography was ever taken or given
19 because it was still not properly – the cooperative was not yet
20 properly managed. But when I moved to the second cooperative, my
21 biography was taken.

22 Q. Are you aware where your biography could have been sent to?

23 A. No, I am not.

24 [09.26.10]

25 Q. Thank you. In each cooperative of the CPK, your cooperatives –

8

1 the cooperatives you state in particular, did you know that
2 people would be classified into 17th of April People, the Old
3 People, and the New People?

4 A. At the first cooperative, there was no such classification.
5 People could stay where they wished to stay.

6 Q. What about at the second cooperative?

7 A. At the second cooperative, there were mainly intellectuals who
8 left Phnom Penh. There were also some workers in Phnom Penh,
9 along with some local peasants evacuating from the south part of
10 Phnom Penh, from all the way from Choeng Ek, to stay at that
11 cooperative. So I can say that, at the second cooperative, there
12 were intellectuals, workers, and peasants. Although there was a
13 diversity of people living -- staying at the cooperative, they
14 were equally treated, and they had to do farming equally.

15 [09.27.59]

16 Q. Were you married at that time?

17 A. Yes, I was.

18 Q. In the cooperatives, were you reunited with your family
19 members and spouse?

20 A. Our family members lived together except one of my children
21 who was abroad.

22 Q. When were you transferred to Phnom Penh?

23 A. I don't remember the exact date, but I'm sure that, at the
24 cooperative, I worked to do farming for a season. And after we
25 collecting the harvest and stacking the haystack, then I was

1 asked to move to Phnom Penh by Angkar. I think it was about 1976,
2 or so.

3 Q. Do you remember who were transferred to Phnom Penh with you at
4 that time?

5 A. I came to Phnom Penh alone.

6 Q. Were you told the reason why you had to return to Phnom Penh?

7 A. I was not told the reason behind this.

8 [09.30.26]

9 Q. When you entered Phnom Penh again, what was your impression of
10 the city? What was Phnom Penh like?

11 A. Phnom Penh was very quiet.

12 Q. I may go back a little bit. You said you returned to Phnom
13 Penh alone. What about your family members including your
14 children and spouse? Were they coming with you?

15 A. No, they weren't; they stayed at the cooperative.

16 Q. When could you reunite again, with your family?

17 A. Once in every two or three weeks, I was allowed to visit my
18 family for a night or two, and then I had to return.

19 Q. When they gave you permission, did they issue you a permit --
20 a travel permit?

21 A. I cannot recall, but to my knowledge, I was not given any such
22 authorization or permit.

23 [09.32.29]

24 Q. Who was in charge of permitting you to visit your family
25 without any such travel permit?

10

1 A. Someone who was in charge in Phnom Penh allowed me to do so,
2 and then I cycled into Phnom Penh or to other places, and then,
3 when I got to any one checkpoint, then I would tell them that I
4 had to go to this place and that place, and they allowed me. That
5 was it. And they did not even bother to ask me for such permit.

6 Q. Who was the person in charge?

7 A. He was Doeun. Doeun was the Chairman of the Commerce Committee
8 at that time.

9 Q. So I would like to now move closer to the events that took
10 place in Ministry of Commerce.

11 So my question is: Where did you stay when you first returned to
12 Phnom Penh?

13 A. When I first arrived in Phnom Penh, I stay in a house close to
14 the Industry Committee and the house in which I stay was close to
15 the Industry Committee compound. It was not called the Ministry
16 of Industry, at that time, it was called Industry Committee.

17 [09.35.01]

18 Q. Who did you meet when you first arrive in that house?

19 A. At that time, I stayed close to the Industry Committee. Then I
20 met the chairman of the Industry Committee, who told me that I
21 should stay there on -- temporarily.

22 Q. Who was the chairman of the Industry Committee?

23 A. He was An.

24 Q. Do you know his full name?

25 A. No, I don't. I only knew him as An, and people call him

11

1 Comrade An.

2 Q. What was your main duties at the time?

3 A. There was no clear designation. As for my roles, they asked me
4 to simply wait.

5 [09.37.06]

6 Q. Was there any meeting to introduce you to the team?

7 A. No, there was no such meeting.

8 Q. Did you ever meet foreign delegates on their official visit?

9 A. Yes, I did.

10 Q. What was the purpose of the foreign visitors visit?

11 A. Basically, they came to talk about trades between Cambodia and
12 Cambodian counterparts.

13 Q. So which country were those delegations from?

14 A. The delegation was from China -- the People's Republic of
15 China.

16 Q. At the time, was the foreign commerce bank established?

17 A. No, that foreign commerce bank was not yet established.

18 [09.39.29]

19 Q. Since such bank was not established, how did they go about
20 establishing trade relations?

21 A. At first, they simply told us the fundamentals of trades
22 between the two country, and they said that bank was instrumental
23 to the process, but bank was not yet established. So, in the
24 Cambodian side, not many of us understood banking transaction,
25 and I was the only one who used to work in the bank. I was not so

12

1 much skilful in the banking system. However, I knew the system --
2 how it worked -- so they asked me to facilitate.

3 Q. So in which year was the said bank established? And who was,
4 then, in charge of that bank?

5 A. I cannot recall it well. I do not remember the exact date, but
6 it was sometime in 1976 -- in late 1976 or so, but I cannot
7 recall the exact date. But when it was first established, it was
8 named Foreign Trade Bank of Cambodia and the chairman of that
9 bank, at that time -- no, I -- let me go back a little bit.

10 [09.41.28]

11 The -- according to the letter establishing this bank, there were
12 two individuals in charge of this bank. One being the director
13 general and the other was the deputy director general. But I
14 cannot recall their names, but I can remember his surname Mey,
15 but I cannot recall his full name. And the other one was the
16 deputy director general.

17 And, again, I would like to state that I did not even meet, in
18 person, with the director general of the bank at that time.

19 Q. Concerning the organizational structure of the bank that was
20 due to established, I would like to ask you: What institution was
21 this bank required to report to?

22 A. I am not sure. I did not know which institution supervised
23 this bank.

24 [09.43.25]

25 Q. As a matter of conventional practice in the bank, there was a

13

1 system of work reports. Who did you report to?

2 A. I had to be more detailed about that. The bank was managed by
3 one director and one deputy director but, again, I never met them
4 in person. But under -- but as for the other departments, there
5 were no other section, for example accounting section or finance
6 sections or so. So, in terms of reporting systems, there was no
7 established mechanism or procedures to submit report because
8 there no many people.

9 As I said, I never even met the director general, myself, so --
10 and this bank was a near-empty institution and only when there
11 were foreign delegates, then we would meet with them; otherwise,
12 no operation was taking place.

13 And if we had to prepare reports, then such report had to be sent
14 through a messenger and the messenger would convey this report to
15 the upper echelon, but I have no idea who upper echelon was and I
16 dare not ask the messenger as to whom this letter was supposed --
17 or this report was supposed to send -- to be sent.

18 [09.45.33]

19 Q. So are you saying that the messenger was tasked to communicate
20 between you and the upper echelon? Is that correct?

21 A. The messenger was about 13 or 15 years of age. They did not
22 know anything. They did not understand anything at all. Whatever
23 they got from us, they simply took it and pass it on to others.
24 And, again, I did not recruit the messenger myself. The messenger
25 was designated by the upper authority.

14

1 Q. Yes, you said that the messenger were about 13 or 15 years of
2 age. But, in your reports, did you address it to any individuals;
3 for example if you had to address it to brother this and that, or
4 at this level and that level?

5 [09.47.02]

6 A. Mostly, what I sent to the upper authority, it was in the form
7 of a draft. I had to draft it in English, and I had to admit that
8 my English was not good enough. I was not clear; certain terms I
9 was not familiar with, I put it in brackets using French term
10 because I knew that people at the upper level understood English
11 very well so they would revise it accordingly. So, at that time,
12 we sent to the office and I did not know whom I address to. But I
13 only addressed to the office. But I cannot even recall the number
14 of the office, and there was a central communication office up
15 there who was responsible for sending those report to. And,
16 again, I cannot recall the number of the office because it has
17 been 30 year overs, but I simply told the messenger every time he
18 came to my office that this was the report I was supposed to send
19 to office. But I did not make mention the person whom this letter
20 was addressed to.

21 [09.48.28]

22 Q. Earlier on, this morning, you mentioned that Doeun was the
23 Chairman of the Commerce Committee. Did you know who the
24 immediate superior of Doeun?

25 A. No, I don't know.

15

1 Q. Between you and Doeun, who is the superior?

2 A. In terms of hierarchical structure, Doeun was more superior
3 than me. As you know, the bank was subordinate to the committee
4 so we simply explained technical matters to him.

5 Q. Concerning the structure of the ministry per se, did you know
6 who the chairman of the ministry?

7 A. I would like to be clear. We use the term "ministry". Now, we
8 have Ministry of Industry, Ministry of Commerce, but back then
9 they did not use the word "ministry" per se, because they use
10 "committee" instead; says Commerce Committee or Industry
11 Committee. And in the commerce industry (sic), there was a
12 chairman -- a chairman of the Commerce Committee.

13 And when I first arrive in Phnom Penh, Doeun was the Chairman of
14 the Commerce Committee. And then, later on -- I, again, cannot
15 recall the exact date -- Doeun was removed or dismissed, I don't
16 know, but he was removed and then Van Rith took his place.

17 [09.51.18]

18 Van Rith was a former member of the Commerce Committee. Since
19 Doeun disappeared, then Van Rith came to take his place.

20 Q. When Doeun was removed and disappeared mysteriously, then Van
21 Rith came to take his position. Did Van Rith inspect rice
22 production in each region?

23 A. That, I do not know.

24 Q. Had you ever receive reports on rice production sent from the
25 regions?

1 A. No, I never receive one.

2 Q. In your capacity as a deputy director of the bank, did you
3 forge any relationship with overseas banks?

4 [09.53.22]

5 A. At the time, despite of the fact that I was the deputy
6 director general, but I never sign off any documents because the
7 documents I prepared, I had to submit it to the director general
8 whom I never met in person and no archive copy was given to me
9 for records, because the people at the upper level would revise
10 it and send it out. And I believe, however, that reports or a
11 communication letter or so must have been communicated between
12 our bank and banks overseas.

13 Q. So are you saying that there were such documents, but you
14 cannot recall what documents was all about? Is that correct?

15 A. The document might have been endorsed by the director general,
16 but then the document was not sent back to me; I never had a copy
17 myself. So it was my pure assumption that the reports or the
18 document was sent away, but I did not have a copy myself.

19 Q. Did you know Vorn Vet?

20 A. Yes, I did.

21 [09.55.22]

22 Q. What position did Vorn Vet hold?

23 A. According to the organizational structure of the Democratic
24 Kampuchea, at that time I did not know it for sure because there
25 was no official announcement whatsoever but, through my

17

1 observation, I noted that Vorn Vet was in charge of economy. And
2 when I returned from the cooperative, he asked me to meet. He
3 called me Bong -- Bong or Brother -- because I was older than him
4 and he told me that there were Chinese delegates who were to
5 visit Cambodia and he needed people who understood the bank
6 transaction, so he asked me to be there in order to facilitate
7 the meetings with the Chinese delegates.

8 Q. We learned that Vorn Vet was in charge of economy, but my
9 question is: Do you know the organizational structure of the
10 Economy Committee?

11 A. No, I don't know.

12 [09.57.40]

13 Q. Can you tell the Court the revolutionary name of Hem? Did you
14 ever hear this name?

15 A. Yes, I did.

16 Q. Do you know his full name now?

17 A. His full name now is Khieu Samphan. Actually, I knew it long
18 time ago.

19 Q. Did you know the position of Khieu Samphan who used the
20 revolutionary name Hem at that time?

21 A. No, I did not know.

22 Q. Who had the authority to sign off the trade deal?

23 A. No, I did not know, because that was the affairs of the
24 Economy or Commerce Committee. I did not know it.

25 Q. I may now proceed to another portion concerning yourself in

1 particular.

2 [09.59.51]

3 You indicated that Mr. Doeun disappeared. Apart from Doeun, did
4 you know who else also disappeared?

5 A. I have no idea about this, and with regard to people who
6 worked at the bank, there was no other people other than I,
7 myself, with the young people I already mentioned. So I had no
8 idea about the disappearance of Doeun.

9 Q. Did you know anything about the transfer of people or the
10 reshuffle of personnel in the ministry?

11 A. No, I didn't.

12 Q. Do you know the person by the name of Krin?

13 A. At the beginning I did know this person, but later on, I don't
14 remember the exact date, it was on an occasion that I went to
15 Kampong Som and met him in his capacity as the chief of the
16 seaport, but I had never known this person previously.

17 Q. Do you know whether Krin is still alive or had already
18 disappeared?

19 A. I don't know. I don't know whether he is still alive or where
20 he could have been.

21 [10.02.02]

22 Q. Earlier, you said Doeun was the chief. When Doeun disappeared,
23 who came to take his place?

24 A. In the Commercial Committee, Doeun had been the head of the
25 committee all along, but when Doeun was absent, then it was Mr.

1 Van Rith who took his position.

2 Q. When did you know Vorn Vet disappeared?

3 A. I don't recollect this.

4 Q. You don't remember when he disappeared, or you don't remember
5 knowing that he had disappeared?

6 A. I don't know about his disappearance, because later on I had
7 not had any contact or communication with him, and for this I had
8 no reason to know where or when he disappeared, or whether he
9 disappeared or not.

10 Q. In the aftermath of Doeun's disappearance, what was your
11 emotion? Were you afraid?

12 A. My feeling was normal regardless of the disappearance of
13 Doeun. I was no afraid. I could work as normal and I could still
14 use my skills in banking -- in my daily routines. Whether I liked
15 it or not, whether I was happy or not, I just had to do my best
16 at work.

17 [10.04.57]

18 Q. Were you afraid when you worked or did you do your work
19 voluntarily based on your profession?

20 A. I used my profession and skills to work, but I was also afraid
21 of my superior.

22 [10.05.43]

23 MR. VENG HUOT:

24 Mr. President, I have already put all the questions that I wished
25 to put to the witness. However, with regard to other questions

20

1 concerning the relevant facts and evidence, my colleague, Mr.

2 Tarik Abdulhak, will proceed with those questions.

3 On behalf of the Prosecution, I would like to thank you, Mr.

4 Witness, very much for your time responding to our questions for

5 -- during the session, and I hope you will be pleased to respond

6 to questions my colleague will be putting to you as well.

7 And thank you, Mr. President and Your Honours, for the

8 opportunity to put the question. And that's all.

9 [10.06.39]

10 MR. PRESIDENT:

11 Co Prosecutor, you may now proceed.

12 QUESTIONING BY MR. ABDULHAK:

13 Thank you, Mr. President. And good morning, Your Honours. Good

14 morning, Counsel. And good morning, Mr. Sar Kimlomouth.

15 What I would like to do is briefly return to some of the topics

16 that you discussed with my colleague, and then we will move on to

17 other areas.

18 I want to thank you for being here. I know we're asking you about

19 matters which took place a long time ago, and we do appreciate

20 your assistance.

21 [10.07.40]

22 Q. You said yesterday that you had joined the revolutionary cause

23 sometime early in your life. Are you able to be a little bit more

24 specific for us? Was that in the 1950s or 1960s, or was it later

25 than that?

21

1 MR. SAR KIMLOMOUTH:

2 A. So far as I remember, it could have been in the 1950s or
3 sixties, I think in those years. I wish to also add that at that
4 time there was no proper arrangement of the Communist Party of
5 Kampuchea as such.

6 Q. And I think you said to my colleague that in this period you
7 had already met Mr. Van Rith; is that correct?

8 A. I met a few people, but I don't remember meeting any
9 particular person because I cannot recall.

10 [10.09.36]

11 Q. But do you recall knowing Van Rith before 1975?

12 A. Yes, I do.

13 Q. Did he participate in any of the meetings that you described
14 for us yesterday and today, at which revolutionary causes were
15 discussed?

16 A. In meetings, I sometimes met with different people, and it was
17 -- they were common meetings, and I don't remember seeing Van
18 Rith in the meetings because the meetings were attended by
19 several other people that it's difficult for me to recollect them
20 all.

21 Q. You said to us yesterday that at one stage Van Rith was forced
22 to escape, if I recall correctly, because Lon Nol's people were
23 after him. Were any of the other people that you were meeting
24 with, that were members of the movement -- were any of them
25 forced to escape in that period?

1 A. No, I don't know about this.

2 [10.12.06]

3 Q. So is it correct to say that, apart from Van Rith escaping,
4 the meetings continued with the other participants and yourself?

5 A. Yes, it is, but I wish to also emphasize that Van Rith did not
6 leave the country; he only had to move to another area still
7 under Khmer Rouge control.

8 [10.12.45]

9 Q. Thank you for clarifying that. Were you able to have any
10 contact with him after he fled Phnom Penh?

11 A. No.

12 Q. Focusing in on the 1960 period, early to mid 1960s, were you
13 then familiar with Mr. Khieu Samphan?

14 A. Yes, I was.

15 Q. What positions did he hold? What did he--

16 MR. PRESIDENT:

17 Co Prosecutor, please hold on.

18 Counsel for Mr. Ieng Sary, you may now proceed.

19 MR. KARNAVAS:

20 Thank you, Mr. President. Good morning, Mr. President. Good
21 morning, Your Honours. And good morning to everyone in and around
22 the courtroom. And my apologies to the prosecutor for objecting
23 at this point, but the line of questioning in the period that
24 were discussing, the 1960s -- people having to escape -- does
25 raise a particular concern in that now we're going into this area

23

1 where, obviously, it is somewhat outside the temporal
2 jurisdiction, but for contextual purposes is proper.

3 But it really does call into question the King Father's -- who
4 back then was the head of state -- his conduct, which is a rather
5 very dark period of the Cambodian history. And of course, on
6 numerous occasions we have argued that the King Father and others
7 must come and give evidence.

8 [10.14.43]

9 So, if we're going to go into this area, if we're going to go
10 into this area, then obviously witnesses from that period,
11 including the King Father, may need to be called to give evidence
12 in 002/1.

13 And I raise this issue because -- and I'm not suggesting that he
14 should come, but if we're going to be going into great detail
15 about why people had to escape, and we're going to go into the
16 context, then, obviously--

17 MR. PRESIDENT:

18 Counsel, could you please hold down -- hold on?

19 And, Co Prosecutor, you may now proceed with your line of
20 questioning.

21 [10.15.36]

22 BY MR. ABDULHAK:

23 Thank you, Mr. President.

24 Q. So, just returning to my question, Mr. Sar Kimlomouth, you
25 said to us you were familiar with Khieu Samphan. What positions,

1 if any, did he hold in this period?

2 MR. SAR KIMLOMOUTH:

3 A. I'm not sure I know what his roles in the revolution could
4 have been, but I believe that during the Kings Father's regime he
5 was a parliamentarian. So, again, in the revolution, I don't know
6 what he did.

7 Q. Did you meet with him in this period, early to mid sixties?
8 And how often?

9 A. I had nothing to meet with him, because when he was still in
10 the country, and not yet in the liberated zone, accidentally we
11 met, but I have -- I had never had any meetings in which he
12 attended.

13 [10.17.33]

14 Q. Thank you. You said to us you were not sure what role he
15 played in the Revolutionary Movement at that time; but as far as
16 you knew, was he involved with the Revolutionary Movement in that
17 period -- early to mid sixties?

18 A. I cannot speculate, because I'm not sure on this.

19 Q. Did you know Mr. Ieng Sary at this time?

20 A. Yes, I did.

21 Q. And was he involved in the work of the Revolutionary Movement
22 and did you see him at this -- in this period?

23 A. No, I don't know.

24 [10.18.50]

25 Q. And just finish very quickly on this. In this period, did you

1 know Mr. Nuon Chea?

2 A. No, I didn't.

3 Q. Thank you.

4 You said to my colleague, yesterday, that you provided some
5 assistance to the Movement in that period. Could you describe for
6 us exactly what assistance you were providing?

7 A. There was nothing other than some small financial
8 contribution. I don't remember the money I provided to the
9 Movement because I worked as an official and I earned a little,
10 so I just took a part of the income to assist the Movement, and
11 that's all.

12 Q. And how did you provide that money, who did you give it to?

13 A. During meetings, the lower level meetings, the contribution
14 could be offered to the chairpersons of the meetings. And I just
15 had no idea how my money could have ended up in any place, and I
16 just wished to offer something.

17 Q. Did you provide any other form of assistance, given your
18 experience as a banker as someone working in a loan unit in a
19 bank?

20 [10.21.36]

21 A. No, I didn't provide any other form of assistance.

22 Q. We're going to finish this topic very quickly, Mr. Sar
23 Kimlomouth. I just want to, for the sake of clarity, show you a
24 reference to your name in a document, and perhaps you can say to
25 us if it is an accurate description or not.

26

1 Mr. President, I'd like to show the witness a page from E3/9.
2 This is the Philip Short book. There was a very brief passage
3 that makes reference to the witness, and with your permission I'd
4 like to simply read that, showing the page and read the sentence
5 to him and see if he can assist us with clarifying the facts?

6 [10.22.40]

7 MR. PRESIDENT:

8 You may proceed, but before that, you should also advise the
9 Chamber and the parties to the proceeding on the page ERN numbers
10 and reference pages for the record.

11 MR. ABDULHAK:

12 Thank you, Mr. President. The ERNs for this document,
13 unfortunately, at the moment, is only available in English and
14 French. Requests have been made for some of this material to be
15 translated, but it's a very large book.

16 The English ERN is 00396469, and in French is 00639792. The
17 passage is very brief, and I propose to read it, and perhaps the
18 interpreters can translate for us. So, if we could have that on
19 the screen, with your permission, Mr. President?

20 [10.23.49]

21 MR. PRESIDENT:

22 You may proceed.

23 BY MR. ABDULHAK:

24 Thank you.

25 Q. Mr. Lomouth, are you able to read the text on the screen, or

1 would you like a hard copy?

2 MR. SAR KIMLOMOUTH:

3 A. It is not true, and I would not accept this.

4 Q. That's fine, Mr. Sar Kimlomouth. I just want to -- I'm just
5 going to read that out for the record. The passage is - states:
6 "The banker, Sar Kimlomouth, served as the Movement's occult
7 treasurer." And this page is discussing the 1974 period, and I
8 think we have your response on that and we can move on, unless
9 you have further comment.

10 A. I think this statement is purely speculation or guesswork of
11 the author of the book. During the period, I had contributed
12 nothing other than small amount of money. So I can conclude that
13 this assertion is just the unfounded or baseless argument by the
14 author of the book.

15 Q. Thank you very much.

16 Now, I might fast forward to the 17th of April 1975, and just by
17 way of follow up, see if you can assist us with a few specifics.
18 You said to us that you were told to leave Phnom Penh in the
19 afternoon of that day, and you were told that you would be able
20 to return within a few days. Did you leave with your family at
21 this point?

22 A. Yes, we had to leave Phnom Penh all together, and the whole
23 family.

24 [10.26.55]

25 Q. And what about your neighbours and others living around you?

28

1 Did they also have to leave, or did any of them stay in Phnom
2 Penh?

3 A. I believe none remained because everyone had to leave.
4 However, after leaving the vicinity I couldn't tell whether my
5 neighbours could be leaving as well, it's just my belief.

6 Q. And I think you said you moved out of Phnom Penh on National
7 Road 1 -- which, if I'm not mistaken, would be the Monivong
8 Boulevard -- and then continuing from there. Could you describe
9 for the Chamber what you were seeing at this time?

10 [10.28.09]

11 MR. PRESIDENT:

12 Witness, could you hold on?

13 And counsel for Mr. Ieng Sary is on his feet. He may proceed.

14 MR. KARNAVAS:

15 Thank you, Mr. President. My apologies for interrupting, but
16 again, we've covered this area already.

17 And here lies the problem. If we're going to have a national
18 lawyer or a prosecutor, on whichever side, get up first to cover
19 some areas, sort of like a smorgasbord, and then to have the
20 second lawyer get up, or prosecutor, to then go back to these
21 issues, we are duplicating the work, and it's time consuming.

22 This area was asked and answered.

23 Now, if it wasn't fully covered--

24 MR. PRESIDENT:

25 Counsel, could you please be brief concerning your ground for the

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1 floor you have? Because time is precious in this, and we observe
2 that every time you make comment you take long period of time to
3 do so. So, time and again, the Chamber would like to hear from
4 you whether you are now objecting the line of questioning, for
5 example whether the questions are leading or hypothetical, or of
6 any nature that are not allowed by the law.

7 Be more precise and brief. Then the Chamber will have the basis
8 for our ruling to your objection.

9 So please be more specific on this. Do you think that the
10 question is repetitive or else?

11 [10.30.06]

12 MR. KARNAVAS:

13 It's not only repetitive, but it's the practice that this Trial
14 Chamber has adopted to allow repetition ad nauseam, and that's
15 the purpose why I object, and that's why I give context to my
16 objection.

17 And in light of Your Honour's way I was previously treated, in
18 simply not even giving me a ruling, but rather asking the
19 prosecutor to move on, it is incumbent upon me to make a thorough
20 and accurate record for the purposes of an appeal, if necessary.
21 That's why I take longer than necessary, perhaps.

22 MR. ABDULHAK:

23 Mr. President, if I may be heard?

24 [10.30.51]

25 MR. PRESIDENT:

30

1 Mr. Co Prosecutor, would you wish to respond to the remarks made
2 by counsel for Mr. Ieng Sary?

3 Parties indeed are vested with the full rights to appeal any
4 decision by the Trial Chamber, and you can make use of all the
5 procedures before this Chamber if you would like to proceed, so
6 your rights have never deprived concerning this.

7 MR. ABDULHAK:

8 Thank you, Mr. President. Obviously, we strongly disagree with my
9 learned friend.

10 [10.31.33]

11 All I am doing is briefly following up in relation to my
12 colleague's examination. My colleague spent 45 minutes,
13 yesterday, covering the pre '75 period. I just spent 10. I don't
14 propose to spend more than 10 to 15 minutes on the evacuation of
15 Phnom Penh. And for the record, all the witness said was that he
16 saw people walking and that there were a lot of them.

17 I think, for the benefit of the Chamber and all the other
18 parties, it's appropriate to ask a few follow up questions to see
19 if the witness can paint a picture for us in a bit more detail.

20 And if counsel keeps objecting, then we will lose the flow of his
21 testimony and we'll just waste time.

22 I don't think the objection is well-founded at all.

23 (Judges deliberate)

24 [10.33.28]

25 MR. PRESIDENT:

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1 The Chamber will rule on the objection by the defence counsel for
2 Ieng Sary. This objection is not sustained.

3 The Prosecution may continue to put the questions to the witness
4 concerning the fact you just mentioned.

5 But once again the Chamber wishes to remind the Prosecution that
6 these facts was actually asked by the national prosecutor, but if
7 you have other questions which you would like to elicit answer
8 from the witness in detail, you may put the question more
9 briefly.

10 And, in addition, parties should -- if Prosecution or parties
11 devise the section concerning the alleged facts in the Closing
12 Order, then they should be organized in preparing the sections
13 they were responsible for cross-examine with the witness, so that
14 you will make good use of the Court time. Thank you.

15 [10.24.50]

16 BY MR. ABDULHAK:

17 Thank you Mr. President.

18 Q. Returning, then, to this topic, Mr. Sar Kimlomouth, briefly,
19 you said to my colleague that you saw a lot of people walking.
20 During this march, did you see any Khmer Rouge soldiers, such as
21 the one that you saw earlier in the day near your house?

22 MR. SAR KIMLOMOUTH:

23 A. When people were leaving the city, they brought along with
24 them their respective means. For example, if they had trucks or
25 vehicles or motorbike, they would bring them along. But I also

1 noticed that there were soldiers or people escorting those people
2 along the street.

3 [10.36.03]

4 And as for other events, I cannot really answer it unless you be
5 more -- you are more specific on your question as to what
6 situation you are asking about, but that was the overall picture
7 of the situation of evacuating people from the city at that time.

8 Q. Thank you. As far as you knew and from what you observed, did
9 everyone have to leave or could people ask to stay?

10 A. That I do not know.

11 Q. Did you see anyone refuse or ask if they could be exempt from
12 the evacuation?

13 A. That, I did not know either because, when they asked me to
14 leave, I had to leave at that time. As for those who resisted the
15 order to leave the city, I did not know.

16 [10.37.44]

17 Q. Thank you.

18 Now, moving on to Kien Svay, which I think you said to us was
19 your first location, how far from Phnom Penh was this place? And
20 how long did it take you to reach it?

21 A. It's about 20 kilometres away from Phnom Penh. And then, when
22 I got to one pagoda, by the name of Champa, in Champa village, it
23 was a little bit further than Preaek Aeng village. It was about
24 10 kilometres plus, but it was not about 20 kilometres, I guess.
25 But when we left Phnom Penh, we reached that destination the next

1 day -- early morning the next day because, actually, at that
2 time, it was so crowded on the street, we could not move fast.

3 [10.39.16]

4 Q. And when you reached Kien Svay, you said to us yesterday that
5 you asked to be allowed to settle there because -- I think you
6 said you had some family there. Who did you ask for permission?

7 A. On that first day, there was no exact structure of assignment
8 or appointment in the cooperative, so I asked people there, and
9 there was no -- actually the chief of cooperative assigned to
10 monitor that cooperative.

11 So, at that time, people who wanted to stay in certain place,
12 they could stay there. Those who had to go to other places, they
13 might leave at that time. So there was nothing clear at that
14 time. So I met my siblings, my relatives there, so I decided to
15 stay there temporarily.

16 Q. So, then, is your earlier testimony a little bit incorrect?
17 You didn't ask anyone to be allowed to stay there; you simply
18 decided to stay there by yourself.

19 A. That is correct. I stayed there temporarily; because I did not
20 intend to stay there for long because I wanted to leave for my
21 hometown. But since I met my relatives over there, I decided to
22 stay there with them, and then my relatives also agreed to
23 accommodate me.

24 [10.41.31]

25 Q. You were born in Kampot; is that correct?

1 A. (Microphone not activated)

2 Q. We just have to wait for the microphone.

3 A. Yes, I was born in Kampot province, in Chhuk district.

4 Q. You just said you wanted to go to Kampot. Why did you not go
5 to Kampot?

6 A. Because, when I left my home, I was guarded somewhere in Chbar
7 Ampov. I actually intended to go to Takhmau, but since it was so
8 crowded and packed with people at that time, so they pushed us
9 and then we had to walk, and we could not turn back because the
10 road was blocked and it was so crowded, so I had to cross the
11 bridge over there, and eventually I got to Chbar Ampov.

12 [10.42.46]

13 Q. Thank you.

14 You said to my colleague -- I believe, this morning -- that you
15 were transferred to a second cooperative after some time. Could
16 you tell us who it was that transferred you there?

17 A. I did not know.

18 Q. Well, did anyone tell you that you had to move? Or how did it
19 happen that you moved to another cooperative?

20 A. There was a friend of mine who was in Phnom Penh. I did not
21 know his position at that time, but he came to tell me that I had
22 to be prepared to leave the cooperative and return to Phnom Penh.
23 That was all he told me.

24 Q. I just want to -- I think you're one step ahead of me,
25 perhaps. I was referring to your relocation from Kien Svay to a

1 cooperative in the south of Phnom Penh. That particular
2 relocation, do you recall who told you to go to another
3 cooperative?

4 [10.44.47]

5 MR. PRESIDENT:

6 The witness need not answer this question because it was once
7 asked by the national prosecutor. The question is repetitive.

8 BY MR. ABDULHAK:

9 Thank you.

10 Q. You said to us also that, at the second cooperative, you were
11 asked to write a biography and you didn't know who it was sent
12 to. But did you know what the purpose was of your writing a
13 biography?

14 [10.45.44]

15 A. When I got there, everyone had to do it. Whether they be
16 intellectuals or peasants, everyone had to do the job. Other
17 farmers or peasants did not know how to read and write, but then
18 they asked me to have them write it down. And I did not know
19 where the chief of cooperative would take it to, but we all had
20 to do it.

21 Q. And were you told what you needed to write in this biography
22 or did you simply write it as you thought appropriate?

23 A. They told us; they told us to write that biography.

24 Q. And I do appreciate we're discussing events that took place a
25 long time ago, but if you're able to recall for us, what were the

1 things that you had to write?

2 A. We had to start from our personal details, our names, our
3 birthplace, our education level, and our work as well. So these
4 are some of the details, for example, before we left for the
5 cooperative, where we worked.

6 MR. PRESIDENT:

7 The time is now appropriate for adjournment. We will resume at
8 five past 11.

9 Court Officer, please facilitate the witness and his duty counsel
10 to relax and refresh himself and bring them back to the Court
11 before we resume. Thank you.

12 (Court recesses from 1048H to 1106H)

13 MR. PRESIDENT:

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

15 I hand over the floor to the Prosecution to continue his line of
16 questioning. You may proceed.

17 BY MR. ABDULHAK:

18 Thank you, Mr. President.

19 Q. Mr. Sar Kimlomouth, we might now move on to your work in Phnom
20 Penh when you returned to the city from the second cooperative.

21 [11.07.45]

22 Do you recall the month and year when you returned to Phnom Penh?

23 MR. SAR KIMLOMOUTH:

24 A. I cannot recall the month, but what I can recall was that it
25 was sometime in early 1976. It was after the harvest season, and

1 following the harvest we -- I was called back to Phnom Penh.

2 Q. Thank you. Now, upon your return to Phnom Penh, you said to us
3 that you met -- you stayed near the Industry of Committee
4 compound and you met An, who was the Chairman of the Industry
5 Committee. And you also said to us that you knew at the time that
6 Doeun was Chairman of Commerce and lastly that Vorn Vet was, I
7 believe you said, in charge of the Economy. Am I summarizing your
8 evidence this morning correctly?

9 [11.09.31]

10 A. To my knowledge, Vorn Vet was not the Chairman of Commerce,
11 but he oversaw both commerce and industry affairs. And in terms
12 of economies, economy encompassed the commerce and industry.

13 Q. Thank you very much for being so specific.

14 Now, because we are discussing a structure which involves a
15 number of committees and upper bodies and subordinate bodies, I
16 want to see if we can have your assistance with identifying a few
17 people and their roles from documents that you've been shown
18 previously.

19 Mr. President, with your permission, I'd like to show the witness
20 documents, IS 13.2, which is also admitted as E3/182. This is a
21 minute of a meeting of the Standing Committee dated the 9th of
22 October 1975.

23 [11.11.00]

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 MR. ABDULHAK:

2 Thank you, Mr. President. We do have a hard copy. If the court
3 officer could assist us? And these are fairly old documents.

4 MR. PRESIDENT:

5 Court officer is instructed to take the document from the
6 Prosecution and present it to the witness.

7 [11.11.42]

8 BY MR. ABDULHAK:

9 Q. Now, Mr. Sar Kimlomouth, we're not going to deal with this
10 document in any great detail. I just wanted to see if you could
11 assist us with some of the names that appear on the first page,
12 that's correct, where there is a delegation of authorities, or
13 rather work to a number of people.

14 Do you recognize, under number 3, Comrade Van? Do you recognize
15 that person? It states he's in charge of Foreign Affairs work,
16 both Party and State?

17 MR. SAR KIMLOMOUTH:

18 A. I have to make it clear from an outset that I had never seen
19 this document, and I was not involved in the meeting of the
20 Standing Committee. And number 3 -- the person in number 3,
21 Comrade Van, Foreign Affairs work, both Party and the State -- of
22 course I do see this name on this paper. But what your question
23 really is?

24 Q. Just who that person is. And if you're not sure, just say
25 you're not sure.

1 [11.13.40]

2 A. I am not sure.

3 Q. Other -- under number 4, we have Comrade Hem. Would that be
4 the same Hem that you were discussing earlier, and he's described
5 here as being responsible for the Front and the Royal Government
6 and Commerce for Accounting and Pricing?

7 MR. PRESIDENT:

8 Witness, please hold on. The International Defence Counsel for
9 Nuon Chea, you may proceed.

10 [11.14.23]

11 MR. PESTMAN:

12 Thank you, Mr. President. I object to this question.

13 The witness has indicated that he has never seen this document
14 before, and the prosecutor is now simply trying to make the
15 witness speculate as to whether one person that's mentioned in
16 the document is another person that he has spoken about
17 previously. If the witness does not know this document, he cannot
18 in that way speculate.

19 And further to your earlier rulings, I also think that there was
20 a question that these documents had to be removed. I know these
21 rules change almost by the week, but I would like to have your
22 opinion on that matter.

23 Regardless of that second issue, I think this specific question
24 should not be allowed. Thank you.

25 [11.15.08]

1 MR. ABDULHAK:

2 Mr. President, just--

3 MR. PRESIDENT:

4 The National Defence Counsel for Khieu Samphan, you may proceed.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I would like to add to my esteemed
7 colleague.

8 The witness did not say that Brother Hem was responsible for the
9 Front and the Royal Government; he never stated so. So this was
10 the question put by the Prosecution, and the Prosecution read it
11 out. It was a leading question.

12 MR. PRESIDENT:

13 Thank you.

14 Prosecution, do you have any response to the objections?

15 MR. ABDULHAK:

16 Yes, Your Honours.

17 First of all, our interpretation of the Chamber's rulings is
18 that, if there is a reasonable nexus between the witness and the
19 contents of a document, then it's proper to ask him about the
20 document.

21 [11.16.15]

22 But even more specifically, returning to the objection of my
23 friend, counsel for Nuon Chea, this document has been shown to
24 the witness, he has seen it before, and it's - it is referred to
25 it his first record of interview with the Co Investigating

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1 Judges. So, as a matter of form, he has in fact seen the
2 document.

3 Secondly, returning to the objection by my friend, counsel for
4 Khieu Samphan, we're not suggesting anything to the witness; I'm
5 simply asking him -- and if you recall my prior insisting that
6 the witness, I said if he's not sure, I asked him to say that he
7 wasn't sure.

8 What we're trying to do is simply see if people that are
9 mentioned in this document may be people that the witness
10 recognizes. If he doesn't we will move on.

11 [11.17.16]

12 MR. PRESIDENT:

13 Witness, please look at the document again and see if you have
14 seen this document before, particularly when you were interviewed
15 by the Office of Co Investigating Judges.

16 MR. SAR KIMLOMOUTH:

17 Mr. President, when I was interviewed by the Office of Co
18 Investigating Judges, I was not presented with this document.
19 In terms of the work -- internal work arrangement of the Front, I
20 did not know, and I only saw this document this morning.

21 MR. PRESIDENT:

22 The objections by the two defence teams is sustained.
23 The court officer is now instructed to remove the document from
24 the witness.

25 And, assistant, please withdraw the document from the computer

1 screens.

2 [11.18.35]

3 MR. ABDULHAK:

4 Thank you, Mr. President. I do note for the record that, at
5 question and answer 36 of his interview, the witness discussed
6 this document with the Co Investigating Judges. But we will
7 respect your ruling and move on.

8 BY MR. ABDULHAK:

9 Q. Mr. Sar Kimlomouth, we might move on to another document that
10 you have been shown.

11 And, Mr. President, with your permission, this is E3/235. Now, it
12 was shown to the witness in his second interview, and at that
13 point it was given the number D279/7.1. So I just want to clarify
14 that in advance of any objections.

15 It's another minute or summary of decisions of the Standing
16 Committee, and it lists a number of committees which the witness
17 has been describing. With your permission, I'd like to show the
18 witness this document.

19 [11.20.10]

20 MR. PRESIDENT:

21 The Chamber grants leave for the Prosecution to present the
22 document in hard copy first to the witness and check if the
23 witness has seen this document before.

24 MR. SAR KIMLOMOUTH:

25 (Microphone not activated)

1 MR. ABDULHAK:

2 I'm sorry; I don't think we heard a response.

3 [11.21.28]

4 MR. SAR KIMLOMOUTH:

5 I have never seen this document before.

6 MR. ABDULHAK:

7 Mr. President, if I may just clarify, I'm not entirely surprised
8 that the witness doesn't recall -- he was shown 26 documents over
9 a course of two days -- but the document is referred to in D279/7
10 -- rather, D279/7, which is his OCIJ interview.

11 I don't propose to lead the witness in any inappropriate manner,
12 but these -- the document has been seen by him, and it actually
13 deals with matters that he has been discussing and I think it's
14 appropriate to simply ask him if he's able to assist us further.
15 And, in fact, the witness does -- the document does bear the
16 witness's signature in that version that was filed on the case
17 file.

18 [11.22.30]

19 MR. PRESIDENT:

20 Does this document being put before the witness carry the
21 signature of the witness when it was presented to him by the
22 Office of Co Investigating Judges?

23 MR. ABDULHAK:

24 Yes, Mr. President. If you wish, we can retrieve that from the
25 case file. We have possibly another printout. Often these

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1 documents have more than one number, but if you wish, we can find
2 that very quickly. But by -- as a matter of--

3 MR. PRESIDENT:

4 Court officer is now instructed to remove this document from the
5 witness because the witness has made it expressly clear that he
6 has never read this document before.

7 [11.24.00]

8 BY MR. ABDULHAK:

9 Thank you, Mr. President.

10 Q. Do you know whether Khieu Samphan, alias Hem, held any
11 positions or any functions within the Commerce or Economy
12 Committees?

13 MR. SAR KIMLOMOUTH:

14 A. I do not have any documentary evidence to confirm it, but I
15 did see some document presented to me by the Office of Co
16 Investigating Judges concerning Brother Hem. Because, in those
17 documents, I learned that certain documents were sent with the
18 attention to Hem -- Brother Hem and Brother Van.

19 I knew that Brother Hem must have had something to do with the
20 Economy Affairs or Commerce Affair, but as for his precise role,
21 I did not know, because I noted that certain documents were
22 addressed to both Brother Hem and Brother Van.

23 [11.26.23]

24 MR. ABDULHAK:

25 Just to clarify this issue a little bit further, Mr. President,

1 I'd like to show the witness his OCIJ statement, D279/6 -- D279/6
2 -- where the witness has also dealt with this same topic.

3 MR. PRESIDENT:

4 (No interpretation)

5 (Judges deliberate)

6 [11.26.52]

7 I would like to hand over to Judge Silvia Cartwright to proceed.

8 JUDGE CARTWRIGHT:

9 Thank you, President.

10 [11.33.10]

11 It's become apparent that there may have been some
12 misunderstandings as the result of translation over the status of
13 at least two documents referred to by the prosecutors.

14 I have notes that they were E3/235 and D/ -- D279/6, but I may
15 not have got it down accurately.

16 The misunderstanding, which gave rise to the President's ruling,
17 was whether those documents had in fact been put to the witness
18 during the investigation, and I think that the prosecutor -- it
19 would be helpful if you would make it clear exactly the status of
20 those documents.

21 And then the Chamber refers to its earlier ruling on the use of
22 documents which might not have been seen ever by a witness
23 previously, and in that ruling, the Chamber, nonetheless, ruled
24 that these documents may be used as the basis for questioning
25 should this be relevant to the proceedings.

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1 So, Prosecutor, could you just clarify very simply for us what
2 the situation is? Thank you.

3 [11.34.48]

4 MR. ABDULHAK:

5 Thank you, Judge Cartwright. And in -- in the brief pause that we
6 had, we've been able to retrieve the actual hard copies that were
7 -- that were shown to the witness.

8 The first document, which was a October 1975 minute of the
9 Standing Committee, is D279/6.1 and it is rather confusing
10 because all of these documents have several numbers. Now, that
11 version, D279/6.1, bears the witness' signature on the first page
12 as well as a note by the investigator indicating that this is the
13 document that was being discussed.

14 And moving on to the second document that I was intending to
15 show, this was D279/7.1, and, again, that document, on the front
16 page, has both the signature of the witness and of the OCIJ
17 investigator.

18 [11.36.08]

19 I do apologize if I was using E3 numbers; we're trying to give
20 the current document number, but obviously that number was
21 created subsequently, whereas these two D numbers, if you look up
22 those copies, you will see that -- and I have them now, if the
23 Chamber wishes to examine them -- that the witness has signed
24 these documents.

25 MR. PRESIDENT:

47

1 Counsel for Khieu Samphan, you may now proceed.

2 MS. GUISSÉ:

3 Thank you very much, Mr. President. Forgive me for interrupting,
4 but I believe that my following comments are of interest to all
5 parties involved.

6 I wish to draw your attention to what has been observed by a
7 member of my team to the Khmer channel. It appears that one of
8 the answers of the witness has not been translated entirely in
9 French and English, particularly when he mentioned the documents,
10 he stated - or, rather, the original Khmer wouldn't reveal that
11 certain documents were presented to him, and that only particular
12 segments of those documents were presented to him. I believe that
13 for the interest of clarity during these proceedings the
14 Co-Prosecutor could perhaps draw his attention to that.

15 [11.37.43]

16 Once again, the entirety of the witness' answer in Khmer has not
17 been translated in its entirety in the other two working
18 languages of this Court. Thank you very much, Mr. President.

19 MR. KARNAVAS:

20 Mr. President, if I may, for one second. The witness, however,
21 has also indicated that he had no prior knowledge; then upon
22 being shown documents by the investigators, he learned certain
23 things for the first time. In a sense, inadvertently, the
24 investigators created a memory to the witness. Now, the questions
25 ought to be very precise; what he knew at the time. Frankly, I

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1 think it is not necessary to show the documents. They can go down
2 the list of the names, but it is obvious that we cannot be asking
3 the gentleman what he learned subsequent to being shown documents
4 by the investigators. We're here to get the facts from his memory
5 as he knew them, at the time; not facts that were created, in his
6 memory, subsequent, as a result of the investigation. Thank you.

7 [11.38.58]

8 MR. ABDULHAK:

9 Mr. President, I do believe my learned friends are trying to tie
10 our hands here. The witness did say earlier that he learned
11 information from the -- from the documents he was shown, but that
12 inference simply does not flow from his statement. The witness
13 may be forgetting or -- or confusing his responses, but we simply
14 -- this is one of the reasons that we need to discuss these
15 matters and show the witness his prior statements.

16 For a witness to simply say, "I never saw a document", when we
17 have evidence otherwise, or for him to claim that he only learned
18 things from documents, when we will show through other evidence
19 that otherwise may well be the case-- We cannot simply rest with
20 whatever the witness tells us; we need to be able to test,
21 reasonably, the witness' recollection and -- and, frankly, his
22 credibility if necessary.

23 [11.40.19]

24 MR. PRESIDENT:

25 Mr. Co-Prosecutor, you may proceed with your questions to the

1 witness.

2 BY MR. ABDULHAK:

3 Thank you, Your Honour.

4 Q. Mr. Witness, if we could--

5 Just as a refresher -- we've had a break -- could you recall for
6 us what you knew as to Khieu Samphan alias Hem's role, if any, in
7 relation to commerce and the economy matters?

8 [11.41.20]

9 MR. SAR KIMLOMOUTH:

10 A. First of all, allow me to specify on a few things concerning
11 the documents given to me by the Co -- by the Investigating
12 Judges.

13 Sometimes, the whole documents were presented to me but, at some
14 point, only a portion of the annotations were presented to me.

15 And at that time I was at the very lower level; I was not engaged
16 in the Standing Committee to know the affairs of such things. So
17 I sometime have to ask myself, because I don't understand why
18 should I know about this, because the meetings were held among
19 the Standing Committee members and I was at the very lower level
20 and I -- it was too low to understand what the meetings could
21 have been about.

22 So, if you would like to challenge me on this, I would like to
23 see the writing in which my signature could have appeared.

24 Q. Thank you, Mr. Sar Kimlomouth. I -- we really -- all we need
25 from you is your knowledge as it was at the time and if and where

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1 you have learned facts subsequently and, please, indicate so, and
2 we'll just return to -- to some of these documents.

3 [11.43.08]

4 Now, I want to say to you so that we're clear: we're not alleging
5 that you were a senior cadre; that is not our view that you were
6 a very high-ranking cadre; we simply look at some of the
7 documents that we'll be discussing and wish to obtain your
8 assistance where we think you may have knowledge of the
9 documents.

10 And could -- could I restate my question then? What did you know
11 of Khieu Samphan alias Hem's role, if any, in relation to matters
12 of commerce, industry, and economy?

13 A. I read the documents given to me by the Co - rather, the
14 Co-Investigating Judges concerning the annotations, for example,
15 by Van Rith, Vorn Vet or Hem, so I believe that, based on that,
16 they could have been engaged in the economy section. And I could
17 not elaborate further than that.

18 Q. Thank you. And -- and did you base that -- those conclusions
19 on your experience when working in Phnom Penh from '76 to '79 as
20 well as the documents you were being shown?

21 A. I think I refer to the documents presented to me more than my
22 actual experience back then because I did not have a -- have
23 meetings with Vorn Vet or these people and that, upon having seen
24 the documents presented to me, I could see the communication
25 channel between Van Rith and other people involved.

1 [11.45.36]

2 MR. ABDULHAK:

3 Thank you.

4 Now, just by way of elucidating a little bit further, your role
5 and what you may have known back in 1976, Mr. President, I'd like
6 to return now to D279/7.1. This is the document I mentioned
7 earlier. It -- it was discussed with the witness in his second --
8 second interview, and for reasons that will become apparent, I
9 believe that the witness will be able to assist us with just one
10 or two sections of this document.

11 Do I have permission to show it to the -- to the witness, Your
12 Honour? D279/7.1. I should say it's a summary of decisions of the
13 Standing Committee of the 19th to the 21st April 1976.

14 (Judges deliberate)

15 [11.46.55]

16 MR. PRESIDENT:

17 You may proceed.

18 MR. ABDULHAK:

19 Thank you, Your Honour.

20 If the court officer could show this document to the witness?

21 And, Mr. President, it -- it may also be convenient if we show
22 this on the screen so that everyone else can see what the
23 sections that I'm asking the witness about. So, with your
24 permission, we would like to show this on the screen.

25 MR. PRESIDENT:

1 You may proceed.

2 BY MR. ABDULHAK:

3 Thank you, Mr. President.

4 [11.47.54]

5 Q. Now, Mr. Sar Kimlomouth, this document states, at number 1 --

6 and I will read it for those who are unable to read the Khmer

7 language: "Preparations to Organize Various Committees

8 Surrounding Office 870."

9 Now, you've already said to us that you knew Van Rith, who is

10 listed here, as the highest ranking member of the Commerce

11 Committee. You've also indicated to us that you knew Comrade

12 Krin, who was listed at number 6, as the Secretary of the Port

13 Committee, and you also have referred to Comrade An, who was the

14 -- and is identified here as -- in the same way you've described

15 him -- Secretary of the Industry Committee.

16 What I would like to do is move from that section a little bit

17 further down in the document, which is a section that starts with

18 the Roman numeral IV, and it starts with the words "On Commerce

19 and Industry". This should be ERN -- in Khmer, ERN 00019146, and

20 that should be on the screen shortly.

21 [11.49.41]

22 Now, under Roman numeral IV -- and I will read it -- I will read

23 it in English. It will be on the screen, Mr. Sar Kimlomouth, and

24 also it is in front of you. We're looking at a section that

25 starts with Roman numeral number IV, "On Commerce and Industry".

1 Number 1 starts with "Regarding the Korean Commercial Delegation"
2 -- and we will skip that section just for a moment; number 2,
3 "Regarding the Chinese Commercial Delegation"; and that then
4 starts over the page on 00019147, and I will just read the
5 sentence out for the benefit of those who may not be able to read
6 Khmer:

7 "Organize a delegation to receive and negotiate, Comrade Doeun,
8 Comrade Krin, Comrade Say, Comrade Chhoeun, Comrade Hok, one
9 person from foreign affairs, and Comrade Lomouth."

10 Do you see that, Mr. Witness?

11 A. (Microphone not activated)

12 Q. If you could just repeat your answer; do you see that in the
13 section?

14 A. I see that. Perhaps there is a translation problem because,
15 here, we see a person from the foreign affairs, then Lomouth, but
16 let -- let me explain. I saw this document and I confirmed
17 individual persons including Rith, Krin, and other and I also
18 made it clear, at that time, that I had never seen the document
19 before. I only came to learn about the document when I was
20 presented to me only and I was asked whether I recognized these
21 people and I confirmed, but I did not engage in the meeting.

22 [11.52.22]

23 During the investigation phase and the interviews, there were a
24 lot of documents being presented to me; some documents were
25 presented to me in full, some were not given to me. So, when it

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1 comes to the issues concerning the Standing Committee, I'm afraid
2 I don't know much about this. I was asked about these individuals
3 name, Krin, Rith, and An, and I had already confirmed that I --
4 on this.

5 And this document, somehow, was not presented to me at that time,
6 because it reads that a person from the Ministry of Foreign
7 Affairs and my name appeared; I never worked at the Ministry of
8 Foreign Affairs. I remember that on one occasion there were
9 visitors who spoke Korean, and no one could be able to provide
10 the rendition, so I was needed to assist. I was asked from the
11 bank. I could speak French very well, so whenever delegation -- a
12 French delegation was in the country and interpreters needed, I
13 would be picked from the bank to assist.

14 [11.53.55]

15 Q. Thank you very much. My question wasn't so much whether you
16 recall seeing that particular passage and we do note your
17 evidence that you didn't attend these meetings and we accept
18 that. I just -- I'm recalling that earlier, you said to us, I
19 believe, that you participated in meetings with foreign Chinese
20 delegations, I think you said, and it appears to me that that --
21 this -- this particular passage might be relevant; were you
22 informed then, in 1976, that you had been appointed by the
23 Standing Committee or were you otherwise told that you were to
24 attend these meetings and assist?

25 A. I remember having joined in the meeting where Chinese

1 delegation also attended, but in -- not -- not as the capacity as
2 the member of the Standing Committee, but in my -- in the meeting
3 where member of the Commercial Committee attended and I was there
4 as a person who understood banking affairs and I do not know
5 whether minutes of the meeting were taken or the content of such
6 minutes.

7 [11.55.44]

8 So, here, in this piece of paper, it is the decision or the
9 minutes of the meeting of the Standing Committee and I think when
10 delegations met, or foreign delegations met, I could not see
11 whether this has something to do with the Standing Committee
12 because I have no idea on this. I know no other persons other
13 than Van Rith and An and I know that Krin was in charge of the
14 port and that's all.

15 Q. Thank you. Apart from attending meetings with Chinese
16 delegations, did you attend meetings with any other delegations;
17 delegations from any other countries?

18 A. Yes, I did, in my capacity as an interpreter. For example,
19 when people were coming from the East Europe countries, they
20 spoke French, so I was there as an interpreter.

21 [11.57.26]

22 I was joined by another person who also spoke French from the
23 Ministry of Foreign Affairs. And, as an interpreter, I couldn't
24 do that alone because it was too much for one interpreter to do
25 that at -- in the meeting so we normally had two people to

1 interpret during the meeting. I worked with my co-interpreter
2 whom I don't remember his real name.

3 Q. Thank you. Could you recall for us which countries, apart from
4 China, you attended meetings with -- just briefly -- which
5 countries, apart from China?

6 A. There were people from Yugoslavia and another country in the
7 East Europe -- Romania, I guess -- so Yugoslavia, Romania and
8 these people from these countries spoke French.

9 Q. Thank you.

10 Mr. President, at this point, I'd like to show the witness a few
11 documents that relate to these meetings. Would you like me to
12 continue now? I'm just looking at the time. I'm happy to continue
13 if you prefer for us to deal with these now.

14 [11.59.20]

15 MR. PRESIDENT:

16 Since it is now appropriate time for the lunch adjournment, the
17 Chamber will adjourn until 1.30 p.m.

18 Court officer is now instructed to assist the witness during this
19 lunch break and also have them return to the courtroom by 1.30
20 p.m.

21 Counsel for Mr. Nuon Chea, you may now proceed.

22 MR. PAUW:

23 Mr. President, Nuon Chea would like to attend this afternoon's
24 hearings from his holding cell with your permission, and we have
25 the waiver here. And we can file it with you straight away.

1 MR. PRESIDENT:

2 Thank you, Counsel.

3 The Chamber has noted the request from Nuon Chea through his
4 counsel. He asked that he be excused from the courtroom. He has
5 waived his right to be present in the courtroom and has asked
6 that he be allowed to observe the proceedings from downstairs
7 from his holding cell.

8 [12.00.49]

9 Counsel indicated that his waiver has already been prepared and
10 signed by Mr. Nuon Chea. The Chamber notes this very well, and
11 therefore grants such request. Mr. Nuon Chea is now allowed to
12 observe the proceedings from his holding cell through the
13 audio-visual link for the remainder of the day.

14 Counsels for Nuon Chea are now instructed to produce this waiver
15 signed or given thumbprint by Mr. Nuon Chea.

16 AV booth officials are now instructed to ensure that the AV -- or
17 audio-visual equipment linked to the holding cell so that Mr.
18 Nuon Chea can observe the proceedings from there.

19 [12.01.43]

20 Security personnels are now instructed to bring Mr. Nuon Chea and
21 Khieu Samphan to their holding cells and have Mr. Khieu Samphan
22 returned alone to the courtroom in the afternoon session, when we
23 next resume the sessions by 1.30 p.m.

24 The Court is adjourned.

25 (Court recesses from 1202H to 1331H)

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1 MR. PRESIDENT:

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

3 And we would like to hand over to the prosecutors to proceed with
4 the questions to the witness. You may now proceed.

5 BY MR. ABDULHAK:

6 Thank you, Mr. President. And good afternoon, Mr. Sar Kimlomouth.

7 Q. We were discussing before the break some of the committees
8 such as the Commerce Committee and the Industry Committee.

9 Now, what I would like to do just before we return to issues of
10 structure in terms of senior people on these committees, I just
11 want to see if you can assist us a little bit with the Commerce
12 Committee itself, what it did, where it was located, etc. So just
13 if you could first tell us where the Commerce Committee was
14 located in 1976 when you were in Phnom Penh?

15 [13.33.34]

16 MR. SAR KIMLOMOUTH:

17 A. In 1976, after I returned from the cooperative to work there,
18 I noted that the committee was located at the vicinity near Psar
19 Chas. It is now the insurance company, and I don't remember on
20 which building the Commerce Committee was once housed, but it
21 could have been somewhere near that main buildings.

22 And later on it was moved to -- or relocated to the Ministry of
23 National Defense compound. So first it was at the location I
24 mentioned earlier, next to the current insurance company, and
25 later on moved to the defense -- national defense section or

1 compound.

2 And at the old premise, Mr. Doeun was the head of the committee.

3 And I don't know who else was the heads.

4 Q. When you say "the Ministry of Defense", would that be on the
5 Russian Boulevard in Phnom Penh, as the street is called today?

6 A. Yes, it is correct.

7 [13.35.17]

8 Q. Thank you very much. As far as you knew and as far as you
9 recall, how large was the committee?

10 Of course, you said to us that the terms used at the time were
11 "committee", whereas today we would use the term "ministry". So,
12 given that the Commerce Committee was, in reality, a ministry,
13 could you tell the Court how large it was, how many staff
14 employed, as far as you knew?

15 A. I do not know how many people were in the committee. I haven't
16 been familiar with details of the composition of the committee as
17 were indicated in the text before me. And later on, I came to
18 know Mr. Van Rith, who also involved in the committee.

19 And at that time, I would not ask for further information because
20 it was none of my business anyway.

21 Q. My question was really about the staff, ordinary people that
22 were working there, not so much the -- the three members of the
23 committee at the top. I was wondering if you were able to
24 estimate roughly how many people were working -- ordinary cadre,
25 ordinary people.

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1 [13.36.57]

2 A. With regard to the ordinary staffer, I think there were about
3 120 people; not more than that. And they -- the sections were
4 classified into foreign commercial section and also another
5 section. And I can't say exactly how many people would be
6 recruited in each respective section.

7 And as I indicated, there was a section called the foreign
8 commercial section, and I do not know whether this section was
9 also in the same compound in Phnom Penh or elsewhere.

10 Q. Thank you.

11 You've said to us this morning, I think, that the bank in which
12 you worked was subordinate to the Commerce Ministry or Committee.
13 Were you part of one of these two branches that you described to
14 us, or was the bank separate?

15 A. The bank was not under any part of the Commerce Committee. It
16 was a separate institution. So I can say that the bank was not
17 engaged in any way with the Commerce Committee.

18 [13.39.04]

19 Q. Thank you. And just if we can explore a little bit further the
20 offices of the committee or ministry, or -- I apologize; I'll
21 just return to another question first.

22 Could you describe for us what was -- what were the tasks of that
23 Ministry or Commerce Committee? What did it do?

24 A. I cannot give you the detailed information on this because
25 this task was a unique one that belonged to the Commerce

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1 Committee, and the Commerce Committee could also be divided into
2 different sections. And how work arrangement could have been
3 taking place, it is not knowledgeable to me. And I, at that time,
4 did not interfere in their affairs. I was just the -- doing what
5 I was asked to help them.

6 [13.40.35]

7 Q. But as Deputy Director of the bank, you were -- and correct me
8 if I'm wrong -- handling financial transactions or recording
9 financial information. And in that, through your work, were you
10 able to observe what other parts of the Commerce Ministry were
11 doing, such as, for example, the foreign commerce branch?

12 A. At that time, we did not have financial tasks. At the -- at
13 our place, for example, we were supposed to only produce the
14 lists of inventories, the freight to be shipped on the ships. And
15 this list should be forwarded to the upper echelon, who would
16 make the final decision on them. And we -- in my capacity as
17 people who assisted in this work, I would just help when I was
18 needed.

19 [13.42.12]

20 Q. You said to us that you would produce lists of freight when
21 required. How would you go about preparing those lists? Where
22 would you get your information, and what freight were you
23 listing?

24 A. The freight includes garments, steel, cement. I don't remember
25 the details, but there are a few items included in the list, and

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1 these items would be registered onto the list. For example, what
2 items were being imported, they had to be recorded, and what
3 items had to be exported, they had to be also recorded into that
4 list.

5 Q. Thank you. That's very helpful.

6 In recording that information as to what items were to be
7 imported, what items were to be exported, were you given that
8 information by anyone? How were decisions made on what is to be
9 recorded on imports? What is to be recorded on exports?

10 A. I don't know who ordered this. Normally, I obtained the
11 documents that were delivered to me and I had to record the items
12 onto the list. And I never asked where these documents could have
13 been sent from.

14 [13.44.29]

15 Q. Thank you.

16 And just one last question on -- while we're on this topic. You
17 said to us that, largely, your role was recording information
18 which you were given. You said earlier that you were also brought
19 back to Phnom Penh because of your banking expertise. So, in that
20 -- in your role as Deputy Director of the bank, how did you use
21 those expertise, if at all? How did you use your banking
22 expertise to facilitate these processes of import and export?

23 A. I did not use much of the -- the expertise you mentioned.

24 Q. Now, I may just also ask you about other offices that were --
25 that may have been involved or assisting in the work of the

1 ministry.

2 You mentioned earlier today that you had met Comrade Krim during
3 a visit to Kampong Som. And, of course, we saw this morning that
4 Comrade Krim was appointed, and you say -- this is consistent
5 with your testimony. He was appointed head of the Sea Ports
6 Committee. Was -- were the sea ports under the Ministry of
7 Commerce or did they cooperate otherwise with the Ministry of
8 Commerce?

9 [13.46.34]

10 A. I have no idea whether -- under which section the port would
11 be, but I believe that the commerce section and the port could
12 have been inter-related. But I just don't know which one was more
13 superior than the other.

14 Q. Thank you. You've talked to us about imports and exports. Did
15 those imports and exports go through the ports, or did they leave
16 the country and arrive differently?

17 A. I don't know where else goods imported and exported, but I
18 believe that goods had to go through this port. I just don't know
19 whether goods also were exported at other ports or any other
20 locations.

21 [13.48.08]

22 Q. Now, from your knowledge in creating lists of freight, could
23 you recall for us what types of goods were being exported?

24 A. Exportation or export affairs were mainly the tasks of the
25 foreign commerce section. People at the section were tasked with

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1 looking at where -- which kind -- or which kind of goods were to
2 be exported, and Commerce Committee -- or the bank had nothing to
3 do with this. But I believe there could have been some beans,
4 rice, which were part of the export products. And the Commerce
5 Committee would contact with other people with these -- these
6 products to be exported. And the bank would only be contacted
7 when necessary, but most of the time the Commerce Committee was
8 the one who solely in charge of preparing -- looking into the
9 products to be exported.

10 [13.49.55]

11 And I wish to also add that normally, whenever goods were to be
12 exported, then a letter -- a credit letter had to be produced and
13 -- through the bank. But that didn't happen because the -- the
14 department -- rather, the ministry at that time had to contact
15 with outside customers or partners to deal with these businesses.
16 And there was no money in the bank, so we could not do much with
17 that.

18 Q. Mr. Sar Kimlomouth, if the foreign commerce section handled
19 these letters of credit and if the bank handled no money, then
20 what was the purpose of the bank?

21 A. The bank was meant to produce some actual documents like in
22 normal cases. However, it was the Commerce Committee who had to
23 deal with these affairs. And they had to contact with the upper
24 echelon. And whatever they did was beyond my understanding.
25 We believed that there was a bank, but as a person who was in

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1 charge of the bank alone, I would not be a jack of all trades.

2 [13.52.05]

3 Q. Of course; we understand that.

4 I'd like to show you an extract from one of your prior
5 statements, and it's really only to see if we can clarify a point
6 where there might be some inconsistency.

7 Mr. President, I would like to show the witness his first
8 interview with the Co-Investigating Judges, and this is document
9 D279/6 -- D279/6. And the section of that document that I would
10 like to show the witness is questions and answer 44 and 45.

11 MR. PRESIDENT:

12 You may proceed.

13 Court officer is now instructed to take the document -- the hard
14 copy of the document from the Co-Prosecutor and have it presented
15 to the witness so that question can be put to him on this.

16 (Short pause)

17 [13.53.50]

18 BY MR. ABDULHAK:

19 Q. Now, just to give this some context, Mr. Sar Kimlomouth, I
20 might actually return -- start at question and answer 39. And
21 it's really only to clarify, largely, technical matters. And, of
22 course, we're dealing with matters which did take place a long
23 time ago, and these are complex structures.

24 At question A39 -- question and answer A39 -- I will actually
25 skip the beginning of your response to 39, where there's a

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1 reference to Hem because, really, all I'm interested in is the
2 second sentence of A39, where you say, "At first" -- that is,
3 upon your arrival in Phnom Penh:

4 "At first, I was not asked to do anything till the meeting with
5 Chinese delegate was conducted. After the meeting, Chinese
6 delegate suggested a bank be established to facilitate the
7 exports and imports and unit was formed with its official name..."

8 [13.55.10]

9 And then you went on to say: "...Overseas Commercial Bank of
10 Cambodia in which I worked."

11 Now, if we -- and I'll just -- I apologize. I will finish that
12 quote for completeness:

13 "The bank was under the control of Economy Committee or Commerce
14 Committee, and I did not know who was the upper echelon and
15 controlled me."

16 And now I would like to fast forward to question and answer 46:

17 Question: "If my understanding is correct, did China provide 140
18 million Yuan to establish the Overseas Commercial Bank."

19 [13.55.58]

20 And response: "To my understanding, you are correct, but I cannot
21 confirm the sum. But in conclusion, the bank is needed to do the
22 overseas commerce."

23 Is this an accurate summary of your explanations given to the
24 investigators?

25 MR. SAR KIMLOMOUTH:

1 A. (Microphone not activated)

2 BY MR. ABDULHAK:

3 Q. We just have to wait for the microphone, Mr. Kimlomouth.

4 I'm just asking you whether the passages I just read were
5 accurate, in particular A46.

6 MR. SAR KIMLOMOUTH:

7 A. Yes, it is correct. However, having read the text again, I
8 think I was not complete when giving the statement because at
9 that time there were several other questions that led to my
10 conclusion to that particular statement.

11 And, frankly, at that time I was rather tired, and I was
12 bombarded with several documents, and I felt dizzy, so I could
13 have said that.

14 [13.57.58]

15 And I indicated clearly that I had no knowledge of the sum. And I
16 -- and with regard to your question whether it is correct to say
17 so, and I would just maintain that yes, it is correct because I
18 have no idea how much money the Chinese would provide for the
19 establishment of the bank. And I never know how much money was
20 ever put to create the bank.

21 And I think my statement at that time was rather short, and I
22 just wish to make some adjustment to it. And I have no basis to
23 say the exact amount.

24 I'm afraid that, when I said that it was the right amount of
25 money the Chinese gave us, then the Chinese could have some kind

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1 of document to prove that it was not really the real sum. So my
2 simple answer is that I was rather exhausted at that time and I
3 had to just simply answer to questions. And later on I learned
4 that I could have not, for example, answered like that.

5 (Microphone not activated)

6 [13.59.42]

7 Q. We need the microphone, please. If the AV Unit could turn the
8 microphone on for the witness? Thank you.

9 A. Mr. President, with your permission, I would like to continue
10 adding a few more words on this.

11 I have never had -- obtained any documents from the Chinese
12 people concerning the right amount of money projected for that
13 banking section. And again, I wish to reiterate that I did not
14 know the exact amount of money. And when I was asked whether it
15 was correct to say so and I just say yes. So I wish to correct
16 it, that the money was decided by the upper echelon. From what --
17 from whom the money could be borrowed, I have no idea. Thank you.

18 [14.00.48]

19 Q. Thank you. We're really not concerned with the exact -- with
20 the exact amount of money, Mr. Sar Kimlomouth. I'm really only
21 clarifying the role of the bank, but just to see if we can -- if
22 we can refresh your memory with one document, very briefly, and
23 then we will move on.

24 Mr. President, I'd like to show the witness document Introductory
25 Submission 21.93 -- that's 21.93.

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1 Mr. President, the relevance of this document is that it is a
2 document generated by the Ministry of Commerce and it refers to
3 the witness, so I just want to clarify this last point in
4 relation to the financial matters and then move on. So, with your
5 permission, I would show the witness document 21.93.

6 MR. PRESIDENT:

7 You may proceed.

8 Court officer is now instructed to take the document from the
9 Prosecution and present it to the witness.

10 [14.02.41]

11 BY MR. ABDULHAK:

12 Q. And I just want to say, Mr. Lomouth, my intention is not to
13 challenge your recollection here; I just want to show that your
14 recollection in that interview was, indeed, consistent with other
15 records.

16 Now, this document on the first page--

17 If we could have that on the screen, Your Honours, so that all
18 parties can see it?

19 If the AV Unit could display this document, please? Thank you
20 very much.

21 On the first page, there, in the heading, on the left-hand side,
22 it states: "Democratic Kampuchea Ministry of Commerce". And then,
23 in the centre: "Credit expenditure of 114 million Yuan as of 15
24 January 1978".

25 And then, if we could go to the very last page of this document?

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1 If you'd just turn to the very last page? That would be one more
2 page, Mr. Lomouth, the very last page. One more. One more. On the
3 back of the sheet you're looking at.

4 [14.04.07]

5 There is some handwriting there which indicates expenditure -- or
6 perhaps we can ask you what it relates to -- reference to "Bong
7 Lomouth". Is that a reference to yourself?

8 A. (Microphone not activated)

9 Q. We'll just wait for the microphone. If you could--

10 A. Yes, it was a reference to me.

11 Q. Thank you very much. We don't need that document any more.

12 I just wanted to indicate that your recollection in that
13 interview did appear to be accurate.

14 Now, I'm sorry, if we -- I did skip one point of relevance on
15 this document. If we could just have that back on the screen for
16 a brief moment?

17 [14.05.02]

18 And, Mr. Sar Kimlomouth, if you look at the -- I believe it
19 should be the top left-hand corner in the Khmer version. There is
20 some handwriting there, left-hand side of the first page.

21 Diagonally across the page, there is some handwriting.

22 If we can show that on the screen so that all parties can see it?

23 The AV Unit could just display this document very briefly again

24 -- 21.93. Thank you.

25 [14.05.51]

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1 Mr. Lomouth, I'll read to you -- my translation is in English.

2 You tell me if it's consistent with how you read those words that
3 are handwritten. In English, "Sent to Bong Hem, Vorn..." Then there
4 is a signature and a date, 19/2.

5 Do you agree with me that that's what it says?

6 A. Yes. Yes, I do see it on the page.

7 Q. And, based on your experience at the time, do you -- are you
8 able to tell us why this type of a document may have been sent to
9 Hem and Vorn?

10 A. I did not know the real reason, but when they sent it to
11 Brother Hem and Brother Vorn, and I think it may have been only
12 for their information.

13 MR. PRESIDENT:

14 The defence counsel is on her feet. You may proceed.

15 [14.07.44]

16 MS. GUISSÉ:

17 Mr. President, thank you for handing me the floor. I again
18 apologize for interrupting the Co-Prosecutor, but I object to the
19 way the question is being asked.

20 The question has already been answered by the witness, and the
21 first question the prosecutor should have asked was whether or
22 not the witness was familiar with this document because,
23 generally speaking, the Co-Prosecutor to date has been asking the
24 witness to make assumptions and has not established whether or
25 not he, indeed, is the author of these documents. Therefore, for

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1 the sake of the clarity of these proceedings, the witness should
2 not be led to speculate.

3 The Co-Prosecutor should be advised to make sure that his
4 questions are clear and founded.

5 MR. PRESIDENT:

6 Thank you, but the defence counsel should have raised the
7 objection in a timely manner.

8 We, the President of the Chamber, have observed the whole
9 proceedings and we will note whether or not any party would raise
10 any objection against any document that is put forth by the
11 party. But you raise your objection now. It was not in an
12 appropriate time, and it was not appropriately raised.

13 The prosecutor may now continue, but the Chamber wishes to remind
14 that you identify the identity of the document and, before you
15 put the questions to the witness, it is important that the
16 witness be asked whether or not he or she is familiar with a
17 document. And that has been the practice before the Chamber. And
18 we have already applied it throughout the proceedings.

19 [14.10.35]

20 And this issue has happened time and again, so I would like to
21 once again remind that you are -- follow the procedures that we
22 have applied.

23 MR. ABDULHAK:

24 Thank you, Mr. President. My approach was simply based on the
25 fact that the witness recognized himself in the document, but we

1 -- we will move on.

2 BY MR. ABDULHAK:

3 Q. If -- did the witness want to say something?

4 [14.11.22]

5 MR. SAR KIMLOMOUTH:

6 A. Mr. President, for this particular document, the investigator,
7 during their investigation, presented me with a number of
8 documents and they asked me to read documents. And upon receiving
9 this one document from them, I don't know if I cannot recollect
10 it or not. And I do not contest the veracity of this document,
11 but it was at the back page when they mentioned my names and the
12 signature. And it was translated into English to Brother Lmut.
13 And I was a Cambodian national. I read Khmer, so why wasn't it
14 addressed to me in Khmer?

15 I do -- I, again, am not contesting the veracity of this
16 document, but of course, such document was sent to Brother Hem
17 and Brother Vorn reporting the transaction of the money usage.
18 And we did not keep a record in the bank. When they gave it to
19 us, we simply kept it.

20 [14.13.02]

21 MR. PRESIDENT:

22 Well, you should -- Mr. Witness, you should continue to listen to
23 the question because the point you just raised was not asked by
24 the prosecutor.

25 The prosecutor, you may now proceed.

1 BY MR. ABDULHAK:

2 Thank you. And I do wish to clarify for your reference, Mr.
3 Lomouth, the reason for the English words was simply my own
4 handwriting, a translation for my benefit. But it was obviously
5 there in Khmer as well. We will move on.

6 Q. Thus far, we have discussed within the Ministry of Commerce or
7 the Commerce Committee a foreign commerce branch. And you
8 indicated there was another branch. And you said that the sea
9 ports at Kampong Som, you thought, were involved in -- in the
10 exporting of goods.

11 [14.14.05]

12 Apart from these offices, were there other offices that were
13 involved, as far as you recall, in the activity of international
14 trade, export and import of -- on behalf of Democratic Kampuchea?
15 Were there other offices?

16 MR. SAR KIMLOMOUTH:

17 A. (Microphone not activated)

18 I do not know.

19 MR. PRESIDENT:

20 Mr. Witness, please be reminded once again to please wait until
21 your microphone is on. Otherwise, it will not be possible for the
22 record and the translation would not get through, either. And it
23 would lead to the delay of the proceedings and, in a serious
24 case, it would be resulted in the appeal by the party, which may
25 continue to delay the proceedings.

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1 And if you have any difficulty using the mic, then we can ask the
2 court officers to arrange the microphone in a manner that is
3 convenient for you.

4 The Co-Prosecutor, you may continue.

5 [14.15.45]

6 BY MR. ABDULHAK:

7 Thank you, Mr. President.

8 Q. Do you recall a -- or, rather, I'll rephrase that: Do you know
9 what Ren Fung was?

10 MR. SAR KIMLOMOUTH:

11 A. During the interview by the investigator of the OCIJ, I cannot
12 recall the name of this, but at that time the investigator
13 presented me a document, and that document contained this name.
14 This name was not of Cambodian name; it was a Chinese name. And I
15 explained to the investigator at that time, that was a company
16 based in Hong Kong and it was an office that did trading with
17 country in the West.

18 [14.17.08]

19 Q. Thank you very much. Was that office -- or, rather, what was
20 the relationship of that office with the Commerce Committee or
21 the Ministry of Commerce?

22 A. It was the relationship established by the Commerce Committee
23 in order to forge trade deals with country in the West. So it was
24 under the supervision of the Commerce Committee.

25 Q. Thank you very much for that response.

1 And just finishing off, if we could, other offices which may
2 have, in one way or another, worked with the Ministry of
3 Commerce--

4 You said to us earlier that the exports included food such as
5 beans -- beans and rice. Do you know where that produce was kept
6 prior to its -- to its exporting?

7 A. I do not know. It was the responsibility of the foreign trade
8 committee who was tasked to handle that matters and I did not
9 know.

10 Q. Did you ever hear of a warehouse at a location called Tuol
11 Tumpung?

12 A. No, I didn't.

13 [14.19.43]

14 Q. And what about a location called Kilometre 6? Did you know
15 about that location?

16 A. Kilometre 6 was a place where -- which where is commonly known
17 that a train, you know, went through that particular place, and I
18 saw that there could have been a warehouse over there where the
19 trains transported goods there.

20 Q. Thank you. Do you know whether this particular location was
21 used during the 1975 to 1979 period by the Ministry of Commerce?

22 A. No, I do not know.

23 Q. Thank you very much for these answers.

24 Now, just returning to your evidence given earlier in relation to
25 the meetings that you attended with foreign delegations, and I

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1 want to say to you that we accept your evidence, what I would
2 like to do now is show you a few documents and see if you can
3 assist us in understanding the purpose of those documents.

4 Mr. President, I would like to show the witness a number of
5 Ministry of Commerce documents, and the first document in the
6 series bears the number D248/6.1.11. And, Your Honours, the
7 relationship of the document to the witness is he has indicated
8 earlier that he attended meetings with foreign delegations. This
9 is a minute of such a meeting and it indicates that he attended
10 it on the Cambodian side.

11 So, Your Honours, with your permission, I would like to show the
12 document to the witness and see if he is familiar with it and is
13 able to assist us.

14 [14.23.06]

15 MR. PRESIDENT:

16 You may proceed.

17 And court officer is now instructed to obtain the document from
18 the Prosecution and present it to the witness first.

19 And the Prosecution should begin by asking whether or not this
20 witness has seen this document before so that the Chamber has the
21 basis to decide whether or not this document is subject to
22 examination now.

23 [14.23.54]

24 BY MR. ABDULHAK:

25 Q. Mr. Lomouth, if you could take a look at this document -- take

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1 your time -- and as instructed by the President, if you could
2 tell us whether you recall seeing that document before?

3 MR. SAR KIMLOMOUTH:

4 A. May I ask for leave from the Chamber to read this document
5 first, before I can respond to the question?

6 (Short pause)

7 [14.25.22]

8 To my recollection, there was a meeting with the Korean
9 delegation. As for the detail of the goods or commodities
10 purchased at that time, I did not know. And the report was
11 prepared by the Commerce Committee, and I was not involved in the
12 process of preparing the report with the committee, but I did
13 join the Cambodian delegation in discussions with the Korean
14 counterparts. And at that time some of the Korean delegates spoke
15 French, and I could speak French, so I was asked to engage in the
16 discussion.

17 MR. PRESIDENT:

18 Co-Prosecutor may now put question to this witness.

19 MR. ABDULHAK:

20 Thank you, Mr. President. And thank you, Mr. Lomouth. I don't
21 propose to deal with the detail -- the detailed contents of the
22 document. Perhaps, Mr. President, if we can show it on the screen
23 it may be of assistance to others in the courtroom? Do we have
24 your permission, Mr. President, to show this on the screen?

25 MR. PRESIDENT:

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1 You may proceed. But next time you should seek for leave first
2 before the document is displayed on the screens.

3 [14.27.45]

4 MR. ABDULHAK:

5 Thank you. If the AV Unit could project this document now on the
6 screen? Thank you. I'll just, for the benefit of--

7 We seem to have an objection.

8 MR. PRESIDENT:

9 The Defence Counsel, you may proceed.

10 MR. PESTMAN:

11 Thank you, Mr. President. I am not completely clear here. I do
12 not think that the witness has answered the question whether he
13 has seen this document before. He has talked about the substance
14 of the document, but he hasn't answered the question whether this
15 document is familiar to him.

16 MR. ABDULHAK:

17 Mr. President, I think we're really splitting hairs now. Clearly,
18 there is a proper foundation for the witness to be asked about
19 the document; he participated in the meeting and he recognizes
20 the meeting as having taken place.

21 MR. PRESIDENT:

22 It has already been ruled upon.

23 The Prosecution can now put the question to the witness.

24 [14.29.13]

25 BY MR. ABDULHAK:

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1 Thank you, Mr. President.

2 Q. So, returning now to this document, Mr. Lomouth – and, again,

3 if we can have it on the screen for everyone in the courtroom?

4 Mr. Lomouth, again, I'll just read briefly only a couple of lines

5 that I'm interested in, in English, and you tell me if they are

6 consistent with your reading of the Khmer version. On the left

7 hand side, it states that, "The Ministry of Commerce", and in the

8 centre, it is addressed to "Respected and Beloved Bong Hem".

9 [14.29.54]

10 Is that your reading of it as well on the first page? Just that

11 top section, at the very centre, the very first line. Yes, thank

12 you.

13 MR. SAR KIMLOMOUTH:

14 A. Yes, we are on the same page.

15 Q. Thank you. If we skip now to the last page of that document,

16 and if you could also take a look, Mr. Lomouth, and we will show

17 it on the screen again, if the AV Unit could show the document

18 again for a brief moment. If the AV Unit could now project it,

19 please? Thank you.

20 I may start with the middle of the page on the left hand side.

21 I'll read it for the benefit of those who are not familiar with

22 the Khmer language. Just lift that screen a little bit.

23 "Sent to Bong Hem, one copy; Bong Vorn, one copy; and 51, one

24 copy.".

25 Do you see that section Mr. Lomouth?

1 [14.31.56]

2 A. Yes, I do.

3 Q. And do you agree with me that if we look just above that, two
4 sentences above that, the letter states -- or the report rather,
5 states "Please, Bong, be informed and provide advice." Do you see
6 that section? It's just one sentence.

7 A. Yes, I do see that.

8 Q. Thank you very much. This was, of course, a meeting with a
9 Korean delegation as the document states and, just for the
10 record, also it indicates on the Cambodian side that it is
11 attended by Comrades Rith, Cheng and Lomouth as interpreter.

12 [14.33.10]

13 At the time -- or since -- did you understand why these reports
14 were being prepared for Hem and also sent to Vorn?

15 A. I don't know the reason behind this. But normally subordinates
16 had to report to their superiors. The reason behind this report
17 was not known to me, but as I said, as routines subordinates at
18 the Commerce Ministry - rather, Commerce Committee had to report
19 to the superiors whose name already appeared as Bong Vorn and
20 Bong Hem.

21 Q. Thank you. So, just to confirm I understood that correctly,
22 that would mean that Bong Hem and Bong Vorn were the superiors of
23 the Ministry of Commerce, hence the report was being submitted to
24 them; is that correct?

25 A. Yes, it is.

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1 Q. I am grateful to you. Now, on that last page there was also a
2 reference to a copy being sent to 51? I'm just wondering if
3 you're able to assist us with that particular designation, what
4 51 refers to?

5 A. I'm afraid I cannot explain to you on this. I do not know
6 whether the code refers to the ministry or to an individual.

7 Q. Thank you.

8 Now, continuing on this theme, I'd like to show you another
9 similar document. And, Mr. President, with your permission we
10 wish to now display D366/7.1.160, and the relevance of this
11 document to the witness is very much as with the last document.
12 It is a Ministry of Commerce report and there is a reference to
13 the witness being in attendance in relation to the meeting being
14 reported.

15 [14.36.20]

16 With your permission, we can show the witness the document and
17 ask him if he is familiar with the event.

18 MR. PRESIDENT:

19 You may proceed, but first the document should be presented to
20 the witness first to see whether he recognizes.

21 Court officer is now instructed to bring the document to him for
22 examination.

23 [14.36.55]

24 BY MR. ABDULHAK:

25 Thank you, Mr. President.

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1 Q. And, Mr. Lomouth, as with the last document, if you could
2 review this document and tell us if you're familiar with it or
3 with the meeting being described?

4 [14.37.47]

5 MR. SAR KIMLOMOUTH:

6 A. I still recall that there was a meeting with the Yugoslav
7 delegation concerning the trade, and I was there as an
8 interpreter. However, the report was not made known to me, but
9 having looked at the content of the report, I agree that these
10 things happened.

11 MR. ABDULHAK:

12 Thank you.

13 With your permission, Mr. President, I will continue to ask the
14 witness questions about the document.

15 MR. PRESIDENT:

16 You may proceed.

17 Assistant of the prosecutors may now put up the document on the
18 screen.

19 And AV booth officers are now instructed to also assist to ensure
20 that the document is on the screen.

21 [14.39.02]

22 MR. ABDULHAK:

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Co-Prosecutor, please hold on.

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1 Counsel for Mr. Nuon Chea, you may now proceed.

2 MR. PESTMAN:

3 Thank you, Mr. President. I do not want to argue that this
4 document should be taken away from the witness, but I would like
5 to note that this decision does not seem to be in line with
6 previous jurisprudence of the Trial Chamber.

7 Maybe you can clarify this decision for all of us.

8 MR. ABDULHAK:

9 Mr. President, our view is that this is entirely consistent with
10 the Chamber's prior rulings. The witness has mentioned the
11 document, he recognizes the event. There is a -- clearly a proper
12 foundation for him to be asked about it. And our submissions is -
13 are that this is consistent with your rulings.

14 (Judges deliberate)

15 [14.40.20]

16 MR. PRESIDENT:

17 The Chamber would like to inform--

18 Mr. Michael Pestman, please be on your feet.

19 The jurisprudence or practice the Trial Chamber have referred to
20 previously are not the same as the document being put before the
21 witness for examination at this moment in time. You should
22 reconsider this. This document relates directly to the truth, the
23 actual activities in which the witness witnessed, was engaged or
24 saw. So the content of the document itself is not that matter,
25 but what it matters was the truth concerning the content of that

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1 document. And for that reason the Chamber allowed the document to
2 be put before the witness and the Chamber for examination. And it
3 is different from the previous documents in which witness had
4 never knowledge -- had no knowledge or witnessed the content of
5 the document.

6 [14.43.17]

7 So the Chamber rejects such objection, and the objection itself
8 was belated.

9 Please be seated.

10 Counsel for Mr. Khieu Samphan, you may now proceed.

11 Could you advise the Chamber on what issue you are now on your
12 feet to address -- the same issue or the new one? Please advise
13 the Chamber on this before you may proceed.

14 [14.44.06]

15 MS. GUISSÉ:

16 Mr. President, it's another subject, a point of information that
17 is important certainly, at least, for the French because, in this
18 courtroom, on the subject of this document -- and the document in
19 French with ERN 00501192 does not have the translation of the
20 handwritten part that is to be found on the Khmer document and
21 which is also contained in the English.

22 And so, for the clarity of the record and when you retire to
23 deliberate, I would think this is worth bearing in mind for the
24 sake of the record of this exchange. Thank you.

25 MR. PRESIDENT:

1 Thank you, Counsel.

2 It is now appropriate time for the adjournment. The Chamber will
3 adjourn for 20 minutes. The next session will be resumed by five
4 past 3.

5 Court officer is now instructed to assist the witness and his
6 duty counsel during the break and have him return to the
7 courtroom by the set time.

8 The Court is adjourned.

9 (Court recesses from 1445H to 1504H)

10 MR. PRESIDENT:

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

12 International Co-Counsel for Mr. Nuon Chea, you may now proceed,
13 but first advise the Chamber on the issue you would like to
14 address in brief. Then the Chamber will rule upon to see whether
15 you would be allowed the floor to make any statement.

16 MR. PAUW:

17 Thank you, Mr. President. My apologies to the Prosecution for
18 interrupting their questioning at this point, but there never
19 seems to be a good time to make these submissions.

20 I want to raise one issue that relates to an email received from
21 your senior legal officer a weeks ago and we had asked your Trial
22 Chamber for further information regarding the email
23 communications between Judge Cartwright and Andrew Cayley, and
24 particularly focussing on the fact that, judging from the text in
25 that email, it would seem that--

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1 [15.05.59]

2 MR. PRESIDENT:

3 You are now advised to put that in writing. And any other matter
4 that is out of the debate before us today in this courtroom would
5 not be allowed.

6 You may be seated.

7 And, Co-Prosecutor, you may now proceed.

8 We have already made it clear and told you that your issue can be
9 put in writing and have it submitted before the Chamber and it
10 will be addressed in due course.

11 MR. PAUW:

12 (Microphone not activated)

13 [15.06.49]

14 MR. PRESIDENT:

15 You are now - you should now be seated. You're not allowed to
16 speak. I repeat, you are not allowed the floor. You can do that
17 in writing.

18 The Prosecutors, you may now proceed.

19 BY MR. ABDULHAK:

20 Thank you, Mr. President. And good afternoon again, Mr. Sar
21 Kimlomouth. I realize it's late in the day, and you must be
22 getting tired, so we'll try and proceed slowly. And we do thank
23 you for being here to assist us.

24 Q. If we can return to the last document, that - just prior to
25 the break, we were permitted to show it to you. And just for the

1 record, this is D366/7.1.160.

2 Mr. Lomouth, if you look in the top right hand corner of that
3 document the numbers should start with D366. Perhaps the court
4 officer can assist?

5 [15.08.40]

6 And, Mr. President, if we could display the document on the
7 screen so that it can be seen by all the parties?

8 MR. PRESIDENT:

9 You may proceed.

10 Court officer and the AV officers are now instructed to ensure
11 that the document is put up on the screen.

12 [15.09.28]

13 BY MR. ABDULHAK:

14 Thank you.

15 Q. Mr. Lomouth, we might just take a look at two very brief parts
16 of this document. Again, I am going to look at the English
17 version. Is the document addressed to respected and beloved
18 Brother Hem? At the very top, the very first line, in the centre
19 of the -- at the top of the document, in the centre first line:

20 "To Respected and Beloved Brother Hem."

21 Do you see that?

22 MR. SAR KIMLOMOUTH:

23 A. Yes, I do. It reads: "To Respected and Beloved Brother Hem."

24 Q. And are you able to read the handwriting there on the left
25 hand-side or do you want us to read the English and then for you

1 to compare?

2 [15.10.42]

3 A. I can read it but in Khmer. Indeed, I can do that if you would
4 like me to do so. I could not read the initial two letters but it
5 reads: "Having sent to Brother Hem and Vorn via K--" something. I
6 cannot read the detail.

7 "A copy of letter to Yugoslav Ambassador is also attached."

8 And, again, I just can't read the "K" code, but it is for sure
9 the writing reads that: "Having sent to Brother Hem plus Vorn via
10 K --" something, "a copy of letter to Yugoslav Ambassador is also
11 attached."

12 [15.11.59]

13 Q. Thank you very much. And you said to us that you recall this
14 was a meeting with a Yugoslav delegation, and the document
15 indicates it was a meeting with the Yugoslav Ambassador.

16 If we could look at that first page -- at the same page you're
17 looking at, where the report indicates "Remarks by Yugoslav
18 Ambassador"-- Do you see that? It's approximately one-third of
19 the page down -- "Remarks by Yugoslav Ambassador". Just above the
20 middle of the page.

21 Oh, I'm sorry, because you're looking at a Khmer version, it
22 might actually be slightly -- a slightly different part. I think
23 I can see it in Khmer, "Remarks by Yugoslav Ambassador", and then
24 "Issue 1". Can you see that? I think it's at the end of that long
25 paragraph.

1 Perhaps the court officer can assist?

2 You see that page?

3 [15.13.48]

4 A. Yes, I do. If you would like me to read the first issue, I can
5 do that for you. It reads: "We have received yesterday a telegram
6 on the sale of rice and coffee crops."

7 Q. Thank you, Mr. Lomouth. That's the part I was interested in.
8 It refers to a sale of rice and coffee crops. Do you recall what
9 that discussion was about? Was this rice and coffee being
10 exported by Cambodia?

11 A. I don't recollect this. I know that it was the sale of rice
12 and coffee beans, but I don't remember any details other than
13 this.

14 Q. And would it be accurate to say, as with the last document,
15 that this is, again, a report by the Ministry of Commerce or the
16 Commerce Committee to their superior, Brother Hem?

17 [15.15.28]

18 MR. PRESIDENT:

19 Witness, could you please hold on?

20 We note that counsel for Mr. Khieu Samphan is on her feet. She
21 may now proceed.

22 MS. GUISSÉ:

23 Yes, indeed, Mr. President, I object this question, which is
24 clearly a leading question.

25 I would remind counsel that, in the previous question put by the

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1 Co-Prosecutor, he had invited the witness to speculate and to not
2 testify on what he had seen and experienced.

3 Once again, I raise an objection to this line of questioning.

4 MR. ABDULHAK:

5 Mr. President, if I may respond briefly, I'm proceeding very
6 carefully because I don't want to lead the witness. We have thus
7 far heard the witness comment in relation to two documents; that
8 the reason they were being submitted to Hem is because Hem was
9 the superior. I would not have asked this as an initial question.
10 I'm trying to save time. If I have to ask the witness for his
11 observations on every document without honing in on a specific
12 issue, I think we would just waste time.

13 I don't think at this stage anyone can suggest that I'm giving
14 the witness new information and leading him. It's simply
15 reflective of what he has already said.

16 [15.17.07]

17 MS. GUISSÉ:

18 Mr. President, do I have your leave to reply?

19 MR. PRESIDENT:

20 No.

21 (Judges deliberate)

22 [15.17.51]

23 MR. PRESIDENT:

24 The objection by co-counsel for Mr. Khieu Samphan is not
25 sustained.

1 Witness is now instructed to respond to the question by the
2 prosecutor. If witness has not recalled all the question, then
3 the prosecutor is now advised to repeat the question to him.

4 BY MR. ABDULHAK:

5 Q. Mr. Lomouth, would you like me to repeat the question? I will
6 do so.

7 We've discussed a couple of documents before, and my question was
8 simply: Is this another instance of the Ministry of Commerce
9 reporting to Brother Hem as their superior? It's my question; is
10 that correct or not?

11 MR. KONG SAM ONN:

12 Mr. President, may I be heard?

13 MR. PRESIDENT:

14 The issue is the same. The ruling was already made, and that no
15 party to the proceeding is allowed to touch upon the same issue
16 when it has already been ruled upon.

17 Co-Prosecutor may now proceed and witness is instructed to
18 respond to the question.

19 [15.19.30]

20 MR. SAR KIMLOMOUTH:

21 A. This document is consistent with my memory.

22 BY MR. ABDULHAK:

23 Q. Just to confirm, was it being submitted to Brother Hem as the
24 superior to the Ministry of Commerce?

25 MR. KONG SAM ONN:

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1 Mr. President, I would like to object to this.

2 MR. PRESIDENT:

3 Witness, hold on.

4 And, Counsel, you may proceed.

5 [15.20.15]

6 MR. KONG SAM ONN:

7 I would like to lodge my objection concerning the use of terms,
8 which the prosecutor just indicated. He said that Mr. Hem was the
9 superior, but the witness has never indicated that Mr. Hem was
10 his superior.

11 MR. PRESIDENT:

12 Objection is not sustained.

13 Witness is now instructed to respond to the question just put to
14 him by the prosecutor.

15 MR. SAR KIMLOMOUTH:

16 A. In the annotation, it addressed Brother Hem and Brother Vorn.
17 And the content of the report is consistent with the matters I
18 remember having been discussed during the meeting concerning the
19 sale of these produce.

20 And with regard to the part in the annotation, the "K" portion
21 which is not legible -- so I cannot comment on that because I
22 couldn't read it.

23 So Mr. Van Rith who was also the chief of the Commerce Committee
24 was also there.

25 [15.21.55]

1 BY MR. ABDULHAK:

2 Q. Mr. Lomouth, just before we leave this document, I asked you
3 earlier, in relation to another report, why Rith was submitting
4 documents or reports to Hem and Vorn. You said: "Subordinates had
5 to report to their superiors." And then you confirmed that that
6 meant that Hem and Vorn were the superiors to whom Van Rith
7 reported.

8 My question is simply: Is this last document another example of
9 Van Rith reporting to these two people as superiors?

10 MR. SAR KIMLOMOUTH:

11 A. Yes, it is correct.

12 [15.22.55]

13 BY MR. ABDULHAK:

14 Thank you very much, Mr. Lomouth.

15 Now, in order to save time, Your Honours, I may just for the
16 record read out document numbers. There are three additional
17 reports or four that were submitted to Hem, and they are report
18 of meetings attended by Mr. Lomouth. I can show all of these
19 documents to him, but I propose to move on simply because they
20 are consistent with what we've just seen and they're there for
21 all the parties to observe.

22 The first document is IS 18.50. It's a report on a meeting which
23 took place on the 27th of September 1977.

24 Second is Introductory Submission 18.53, another meeting with the
25 Yugoslav Ambassador dated 18th of October 1977.

1 And the third document is number D366/7.1.509. It's another
2 report of a meeting, this time dated the 22nd of November 1977.
3 [15.24.34]

4 And, lastly, D366/7.1.510, again a meeting -- a report to Brother
5 Hem dated the 29th of November 1977.

6 And while I'm dealing with the matter, I should state for the
7 record, there are over 20 such reports that this subset that I
8 have just referred to is -- are the documents reflecting the
9 meetings that this witness attended.

10 Q. Mr. Lomouth, we might just deal briefly with the issue of
11 exports, and I want to see if that last document refreshes your
12 memory in any way.

13 You said to us earlier, I think, that you recalled rice and beans
14 were exported. This document also refers to coffee. Do you recall
15 any other types of produce that Democratic Kampuchea was
16 exporting?

17 MR. SAR KIMLOMOUTH:

18 A. No, I don't remember.

19 [15.26.10]

20 Q. As for rice and beans, do you recall, in preparing the freight
21 documentation, roughly what amounts of rice were being exported,
22 and beans?

23 A. This task was for the Commerce Committee section. I was not
24 kept in the loop concerning this, so I don't know. Unless you
25 present me with some documents for clarification, I would not

1 remember the details without documents.

2 Q. Just one further question on that topic: Do you recall where
3 the produce that was being exported came from? How it was that
4 this produce was being exported through Kampong Som?

5 A. I don't know where this produce was from, but I guess they
6 could have been brought from the countryside. But who brought
7 them, I can't confirm.

8 Q. Thank you very much. Very briefly, in this period, did you
9 ever meet or work with Khieu Samphan?

10 A. No, I didn't.

11 [15.28.45]

12 Q. What about Mr. Ieng Sary? Did you ever work or meet with him?

13 A. Mr. Ieng Sary was the Minister of Foreign Affairs, and my unit
14 was not under his section. I used to attend meetings with him in
15 my capacity as the person representing the banking sector, for
16 example, when the topics of commerce and economy were being
17 discussed.

18 I never called -- I never told myself or asked myself any
19 questions why he appeared in such meetings because the meetings
20 were mainly about the commerce and the economy and no other
21 matters being discussed when I attended.

22 Q. Do you recall what position Mr. Ieng Sary held at the time?

23 A. The one thing I know for sure is that he was the Minister of
24 Foreign Affairs.

25 [15.30.34]

1 Q. Thank you very much.

2 What I would like to do next, Mr. Sar Kimlomouth, is show you
3 another series of documents, which have been shown to you
4 previously and which you've commented on in your interview with
5 the Co-Investigating Judges.

6 Your Honours, these documents relate to the -- or rather contain
7 communications with Ren Fung, the company in Hong Kong which the
8 witness described earlier. Each of the next -- each of these
9 documents that I propose to show to him were discussed with him
10 in his OCIJ interview.

11 And the first document is D161/1.4. And when it was shown to the
12 witness, it was also given document number D279/7.5. It is a
13 letter to Ren Fung, and as I said, it has been shown to the
14 witness previously.

15 With your permission, I would like to show it to the witness.

16 [15.32.33]

17 MR. PRESIDENT:

18 You may proceed.

19 But, first, the court officer is instructed to obtain the
20 document from the Prosecution and present it to the witness.

21 (Short pause)

22 [15.33.24]

23 BY MR. ABDULHAK:

24 Q. Mr. Sar Kimlomouth, do you recall being shown that document by
25 the investigators? You will see your signature there at the

1 bottom of the first page.

2 MR. SAR KIMLOMOUTH:

3 A. Yes. At that time, the investigator did present this document
4 to me, and I did sign that I had read this document.

5 [15.34.07]

6 Q. Thank you.

7 Now, looking at -- perhaps, Mr. President, if we could place it
8 on the screen, so that others can see it?

9 MR. PRESIDENT:

10 You may proceed.

11 Assistants and AV technicians, please make sure that this
12 document is put up on the screens.

13 BY MR. ABDULHAK:

14 Thank you.

15 Q. Mr. Lomouth, this is a letter dated the 7th of July 1978, and
16 it is addressed to Ren Fung Co. Ltd., Hong Kong. I'm not
17 particularly concerned about the content of the letter as with
18 the last document. Are you able to read for us the annotation
19 that appears at the top of that first page or would you like me
20 to read the translation and for you to check against the Khmer?

21 [15.35.38]

22 MR. SAR KIMLOMOUTH:

23 A. Yes, I will read it out: "Already sent to Brother Hem. Copied
24 letter -- copy letter."

25 But I did not understand what it was. And "sample of two sets of

1 boxes" -- we had to send sample boxes for them to keep goods.

2 Q. Thank you very much. Could you just read out for us the text
3 at the very end of this letter? We just want to see who signed;
4 in whose name the letter was sent. The words below number 7. So
5 it starts with "warmest revolutionary fraternity".

6 Do you see that section, just below paragraph 7?

7 [15.37.14]

8 A. Do you want me to read the line below that line?

9 Q. Yes, please, if you could.

10 A. "Please send a sample of 2 kilos of black pepper so that you
11 can forward it to INTRACO Company in Singapore to meet its
12 request. With warmest revolutionary fraternity, FORTRA, Phnom
13 Penh."

14 Q. And do I understand correctly that this was -- and please
15 correct me if I've got this wrong -- that these were samples of
16 Cambodian pepper for exporting that were being sent to Hong Kong?

17 A. Yes, that is correct.

18 Q. Thank you very much. The letter is signed by FORTRA --

19 F-O-R-T-R-A. Could you tell the Court what that was?

20 A. FORTRA was an acronym which I am not sure. I was not the one
21 who created this acronym, but it could have been an acronym for
22 foreign trade. But again, I was not the one who created this
23 acronym, and I was not involved in creating this acronym either.

24 So in my understanding, this could have been Foreign Trade; "FOR"
25 for "foreign", and "TRA" for "trade".

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1 [15.39.47]

2 Q. Thank you very much; you're very kind to assist us. And we
3 will leave that document for now.

4 What I would like to show you next is another document, another
5 communication to Hong Kong, we believe, which again you have been
6 shown by the Co-Investigating Judges. Mr. President, this is
7 document IS 21.142, and when it was shown to the witness, it was
8 also allocated number D279/7.7.

9 And with your permission, I would like to show the witness this
10 document now.

11 [15.40.49]

12 MR. PRESIDENT:

13 You may proceed.

14 But, first, court officer is instructed to obtain the document
15 from the Prosecution and present it to the witness.

16 BY MR. ABDULHAK:

17 Thank you, Mr. President.

18 Q. I'll just -- I'll give you a moment, Mr. Lomouth, if you want
19 to just quickly review that document and see if you recall
20 discussing it with the Co-Investigating Judges.

21 A. Yes, the investigator did present this document, and I did
22 sign at the end of the document that I had read this.

23 MR. ABDULHAK:

24 Mr. President, if we could show the document on the screen? And
25 I'll give a brief summary. I'll read a couple of passages in

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1 English, so that non-Khmer speakers can also follow. If we could
2 have it on the screen, Mr. President?

3 [15.42.18]

4 MR. PRESIDENT:

5 You may proceed.

6 Assisting officers, please put up the document on the screens.

7 BY MR. ABDULHAK:

8 Thank you.

9 Q. Mr. Lomouth, in this case, we see that the letter is signed by
10 the Commerce Committee. It is dated the 27th of October 1978, and
11 it is addressed to, if you look at the first line, "Beloved and
12 missed Comrade Krin and Nat".

13 I'll just read the first sentence, so that others who are not
14 reading the English -- who are not looking -- who cannot read the
15 Khmer version understand what the purpose of the document is. The
16 first sentence states:

17 "We have received information from Angkar about your reporting
18 letter on the name transfer between Krin and Comrade Sok and the
19 share transferred from Comrade Nat to another comrade."

20 Mr. Lomouth, the letter seems to be dealing with a transfer of
21 shares or rather -- indeed; a transfer of name and shares, and
22 the transfer is between Comrade Krin and Comrade Sok in relation
23 to the name. And shares are to be transferred from Nat to another
24 comrade.

25 First of all, we discussed a Comrade Krin earlier today. Might

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1 this be the same Krin or could it be a different person?

2 [15.44.25]

3 MR. SAR KIMLOMOUTH:

4 A. I think that it was the same person.

5 Q. So this is -- just to refresh everyone's memory, this is
6 Comrade Krin, the head of the Sea Ports Committee in Kampong Som.
7 Do you know who Comrade Sok and Comrade Nat were? Do you recall
8 that?

9 A. To my recollection Sok was a member of the company, and he was
10 based in Hong Kong. And Nat I did not know, but I learned about
11 his name later on -- on the last day when the Investigator
12 presented his document and they told me a little bit about the
13 background of Nat.

14 But as for Sok, he was a company staff member attached to Hong
15 Kong. And this was all about the transfer of share among members,
16 and it was the internal matters of the Commerce Committee.

17 I don't know if you understand my explanation, but if there is
18 any unclear point, then I am happy to respond to your further
19 questions.

20 [15.46.10]

21 Q. I'm very grateful. Are you able to recall what was the purpose
22 of that share transfer and who they were being -- were they being
23 transferred to Krin or otherwise?

24 A. The share must have been transferred to Krin. It was
25 transferred from one shareholder, but I did not know who that

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1 shareholder was. But the share must have been transferred to
2 Krin. And for what purpose of that transfer, I did not know.

3 Q. We understand. Just want to trace it if we can -- the
4 transaction.

5 So, to sum up, shares were being transferred to Krin in the
6 company Ren Fung. That's your evidence?

7 A. The transfer was not from Ren Fung to Krin, but it was from
8 among the shareholder. Ren Fung was a company and there were Nat
9 and Sok who were shareholders. And there was a transfer of share
10 from one person to another. If it was the transfer from Nat to
11 Krin, then Krin was the new shareholder, and Nat had nothing to
12 do with the share anymore.

13 [15.48.15]

14 Q. Thank you very much. That's exactly what I was trying to
15 understand.

16 Now, we have just one more document that relates to this -- or
17 rather one more letter that relates to this company.

18 Mr. President, this document is Introductory Submission 21.147,
19 and it was shown to the witness in his second interview and
20 assigned an additional number, D279/7.9. It was a -- it's another
21 letter from the Commerce Committee to the people in Hong Kong.

22 [15.49.10]

23 MR. PRESIDENT:

24 You may proceed.

25 Court officer is now instructed to take the document from the

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1 Prosecution and give it to the witness.

2 BY MR. ABDULHAK:

3 Thank you, Mr. President. And if--

4 We will give the witness a moment to review the document.

5 And if the AV Unit could also place it on the screen?

6 Q. Mr. Lomouth, do you recall also being shown this document by
7 the investigators? It has your signature at the bottom.

8 MR. SAR KIMLOMOUTH:

9 A. My apology; I need some time to review this document first
10 before I can respond.

11 MR. PRESIDENT:

12 Court officer is now instructed to arrange the headphone for the
13 witness.

14 (Short pause)

15 [15.50.52]

16 MR. SAR KIMLOMOUTH

17 A. I have read this document, and the investigators, during the
18 interview, presented this document to me.

19 I did not sign on this document, but I recall I had looked at
20 this document. But at that time, the investigator did not ask me
21 to sign it. But to my recollection, I did saw this document.

22 MR. PRESIDENT:

23 Assistant, please make sure that the document is put up on the
24 screen.

25 [15.52.04]

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1 BY MR. ADULHAK:

2 I'm grateful, Mr. President. We will be very brief with this
3 document.

4 Q. This is a letter dated the 10th of December 1978. And it is
5 authored by the Commerce Committee. And I will -- perhaps just to
6 speed matters along, I might read the relevant passages and see
7 if you're able to assist us with this at all. The letter starts:
8 "Attention to Comrade Krin and Comrade Nat with love and
9 nostalgia."

10 First paragraph: "We are instructed by Angkar that Comrade Sok
11 and Nat are to be given a new task in the near future."

12 And I will skip to the third paragraph, simply to speed matters
13 along.

14 "Upon the completion of the tasks, we would like to request that
15 Comrade Krin help facilitate a return to the country trip of
16 Comrade Nat and a child named San Feng and make sure that they
17 are safe and well."

18 It appears from that document -- and please correct me if I'm
19 wrong, Mr. Lomouth -- that Sok and Nat, the shareholders of Ren
20 Fung, are being reassigned new tasks and are returning to
21 Cambodia. Is that a -- is that a correct summary of this
22 document?

23 [15.54.04]

24 MR. SAR KIMLOMOUTH:

25 A. Yes, that is correct. The two individuals were to return home

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1 and then the share was transferred to Krin, and Krin would assume
2 the position. And Krin should take care of the task over there.
3 So that was this letter all about.

4 Q. Thank you. You said to us that you knew Sok or knew who he was
5 but that you found out from the -- from the documents you were
6 shown by the Investigating Judges that Nat was his wife. Do you
7 know at all what happened? Did they return to Cambodia, and what
8 happened after this instruction from the Commerce Committee?

9 [15.55.14]

10 A. I do not know because that was the letter sent by the Commerce
11 Committee. And I was not involved in this matter and I did not
12 know. I only learned it when the investigator presented this
13 letter to me and I helped the investigator explain the working
14 process at that time.

15 Q. Thank you.

16 There is another document which relates to this matter, the
17 return of these individuals to Cambodia. But, Your Honours, in
18 the interests of time, I don't need to show it to the witness.
19 I'll simply read out the relevant numbers and leave it for all
20 the parties to examine.

21 This document is IS 3.1. It has been allocated an E number:
22 E3/1532. This is a prisoner sheet from S-21 in the name of In
23 Sok, who is described as the Commerce Chairman stationed in Hong
24 Kong.

25 [15.56.54]

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1 MR. PRESIDENT:

2 National Counsel, you may proceed.

3 MR. KONG SAM ONN:

4 It appears that the Prosecution is making a statement rather than
5 putting the question to the witness. I am objecting on that
6 basis.

7 MR. PRESIDENT:

8 Prosecutor should try to frame the approach of putting questions
9 to the witness to avoid any leading questions to the witness.

10 MR. ABDULHAK:

11 Thank you, Your Honours. I will stop there. I was simply making
12 reference to a document and, in the interests of time, I didn't
13 want to show it to the witness.

14 I'll just indicate that IS 3.5 is also relevant and relates to
15 Nat.

16 The reason that I didn't show these two documents to the witness
17 is that he made it clear in his interviews that he had no
18 familiarity with them, and legitimately so. They're not commerce
19 records, unlike the previous documents.

20 [15.58.20]

21 BY MR. ABDULHAK:

22 Q. Now, in the very limited time remaining, Mr. Lomouth, if we
23 can return to some of the names, some of the people that you have
24 mentioned to us? You said Doeun, who was Van Rith's predecessor
25 as the Chairman of Commerce, disappeared or was removed. Do you

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1 know what happened to him?

2 MR. SAR KIMLOMOUTH:

3 A. I cannot recall the exact date, but the words "disappearance"
4 or "removal" to me was not something so significant. At that
5 time, what I noticed was that the gentleman was not there anymore
6 and he might have been transferred or removed or so. But I only
7 -- what I only noticed is that this man was the Chairman of the
8 Commerce Committee, but on a later date I did not see him any
9 more in the office.

10 [15.59.56]

11 Q. And did you ever find out -- after this time did you ever find
12 out what happened to Doeun? Did you ever see him again or did you
13 ever hear what happened to him?

14 A. No, I don't know.

15 MR. ABDULHAK:

16 Thank you. For the record, Doeun's S-21 confession is document
17 number IS 5.92, and he appears in the revised S-21 prisoner list
18 at number 9546.

19 Now, Mr. President, I can move on to other topics. I'm conscious
20 of the time. I can also stop here, and I'm happy to continue next
21 week, as you direct me.

22 MR. PRESIDENT:

23 Counsel Karnavas, you may now proceed.

24 [16.00.56]

25 MR. KARNAVAS:

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1 Thank you, Mr. President. I know it's 4 o'clock, or past 4
2 o'clock, but I do have an objection to this technique.
3 The gentleman indicated he did not know. Then counsel begins by
4 effectively testifying about documents from S-21.
5 There will be plenty of opportunity for them to bring those
6 documents in through other witnesses or to comment on documents
7 in closing argument, but this is utterly improper. Why does this
8 gentleman need to know that the individual ended up in S-21
9 unless, somehow, it fits into their questioning down the road?
10 But frankly, it is utterly improper. There was an objection, a
11 good objection made, but the gentleman proceeded by then
12 testifying.
13 We're here to elicit evidence from the witness, and not to impart
14 information from documents as lawyers unless it's final argument,
15 and then we can do whatever we wish to do with the documents and
16 comment on them. Thank you.
17 [16.02.04]
18 MR. ABDULHAK:
19 Mr. President, by way of clarification, the reason I make
20 reference to these documents is that we are sitting through a
21 very long trial. We're dealing with large numbers of documents.
22 I have exhausted the witness' memory. There is absolutely nothing
23 improper about me simply nothing for the record that a document
24 relates to this -- to this individual.
25 Now, unless the Defence wish to contest the Doeun was arrested

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1 and killed at S-21, I see absolutely no point to these sorts of
2 objections. There is nothing improper in terms of leading the
3 witness.

4 [16.02.43]

5 MR. KARNAVAS:

6 If I may, Mr. President, and I--

7 MR. PRESIDENT:

8 You may not be allowed to make further response on this. Indeed,
9 you have the right to only make an objection, not twice on the
10 same issue. And all parties should also be well apprised of this
11 as well.

12 (Judges deliberate)

13 [16.05.02]

14 Objection by counsel for Mr. Ieng Sary is not sustained.

15 Co-Prosecutor only wished to establish the relevance of the
16 document in the case file.

17 And it is now time for the adjournment of the day.

18 And, Mr. Sar Kimlomouth, we have not yet concluded your testimony
19 sessions, and we also need you to come back to give testimonies
20 again on Monday, the 4th of June 2012, by 9 a.m.

21 Mr. Duty Counsel for the witness is also invited to come to the
22 Court on the same date to give the witness some assistance when
23 needed.

24 Court officer is now instructed to assist the witness with the
25 WESU unit to ensure that Mr. Witness can be well escorted to his

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1 house and have him return to the courtroom by Monday, the 4th of
2 June 2012.

3 Today's session has now come to an end. The Court will adjourn
4 today, and the next session will be convened on Monday, the 4th
5 of June 2012, at 9 a.m.

6 The Chamber will continue hearing the testimony of Mr. Sar
7 Kimlomouth and that questions still remain to be put by the
8 Co-Prosecutor.

9 And the Chamber would like to inform the public and the parties
10 that the Chamber may hear another witness, TCW-604, alongside the
11 testimony of TCW-604 (sic), if needed.

12 [16.07.27]

13 Security personnels are now instructed to bring all the accused
14 persons back to the detention facility and have them return to
15 the courtroom by 4th of June 2012.

16 The Court is adjourned.

17 (Court adjourns at 1607H)

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