



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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Case File N° 002/19-09-2007-ECCC/TC

4 June 2012
Trial Day 68

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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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. MOEURN SOVANN	Khmer
MR. NEKUIE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. SAR KIMLOMOUTH (TCW-583)	Khmer
MS. SIMONNEAU-FORT	French
MS. SIN SOWORN	Khmer
MR. VERCKEN	French

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Greffier Se Kolvuthy, could you report the attendance of the
6 parties to the proceeding?

7 THE GREFFIER:

8 Thank you, Mr. President. All parties to the proceeding are
9 present.

10 And Ieng Sary is in the waiting room downstairs, as he expressed
11 his waiver through his counsel not to participate directly in the
12 courtroom for this whole day. The letter of waiver has been
13 handed to the greffier.

14 [09.02.21]

15 MR. PRESIDENT:

16 Thank you, Greffier.

17 Today, we observe the new duty counsel. The name is Moeurn
18 Sovann; is that correct?

19 MR. MOEURN SOVANN:

20 That is correct.

21 MR. PRESIDENT:

22 What is your ID number at the Bar?

23 MR. MOEURN SOVANN:

24 My ID number is 561.

25 MR. PRESIDENT:

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1 Thank you.

2 [09.03.04]

3 The Chamber receives the request by Ieng Sary, dated the 4th of
4 June 2012, through his counsel to waive his right to participate
5 directly in the proceeding today and to follow the proceedings
6 through audio-visual means -- that is, for the entire day
7 proceeding today -- due to his health, that he cannot sit for
8 long in the courtroom.

9 As the Chamber is of the view that Mr. Ieng Sary waived his right
10 to participate in -- directly in the proceeding, but to follow
11 from the -- from the waiting room downstairs through audio-visual
12 means and that he is able to communicate with his counsel, the
13 Chamber, therefore, agrees to this request by Ieng Sary to waive
14 his right. Mr. Ieng Sary can, therefore, follow the proceedings
15 through the room downstairs through audio-visual means for the
16 entire day proceeding.

17 [09.04.18]

18 And the Audio-Visual Unit, you are instructed to link the
19 proceeding to the waiting room downstairs for him to follow for
20 the entire day.

21 The Prosecution, you are now handed over the floor to continue
22 your question to this witness. You may proceed.

23 QUESTIONING BY MR. ABDULHAK RESUMES:

24 Thank you, Mr. President, and good morning, Your Honours. Good
25 morning, Counsel. Good morning, Mr. Sar Kimlomouth, and thank you

1 for coming back to testify.

2 Q. I'd like to return briefly to one of the topics that we dealt
3 with last week, on the 31st of May, and it is the relationship
4 between Khieu Samphan and Vorn Vet, vis-à-vis the Commerce
5 Committee and Van Rith.

6 [09.05.45]

7 Now, just by way of a refresher for everyone, you testified last
8 week that you had observed that Vorn Vet was in charge of the
9 economy and that that encompassed, I believe you said, both
10 commerce and industry. And there were also documents that you
11 looked at where the Commerce Committee was submitting reports to
12 Khieu Samphan and Vorn Vet.

13 I'd like to look at that relationship in a bit more detail.

14 You also mentioned to us that you had met, upon arriving in Phnom
15 Penh, an individual called An, who was the Chairman of the
16 Industry Committee.

17 What, if any, relationship was there between An and the Industry
18 Committee, on the one hand, and Khieu Samphan and Vorn Vet, on
19 the other?

20 MR. SAR KIMLOMOUTH:

21 A. Mr. President, I do not clearly know the relationship between
22 Mr. An and Mr. Khieu Samphan or Vorn Vet. Upon my return to Phnom
23 Penh, I was allowed to stay near the office of Mr. An, but I did
24 not know the details of his relationship with Vorn Vet or Khieu
25 Samphan.

1 [09.07.54]

2 Q. You say you are not sure, but do you have any knowledge, even
3 if you are not sure, based on your three years in Phnom Penh --
4 do you have any knowledge of what that relationship may have been
5 if there was a relationship?

6 A. I'd like to clarify that, during the time that I stayed near
7 the Ministry of Industry, I stayed there only for a short period
8 of time and, later on, I moved to another location. So I did not
9 know the relationship between Mr. An and his superior or with
10 Khieu Samphan or Vorn Vet. I did not know about that
11 relationship.

12 Q. You say you knew nothing of the relationship. Do you know --
13 and tell us, if you don't -- who would have been more senior,
14 Khieu Samphan and Vorn Vet, on the one hand, or An, at the
15 Ministry of Industry?

16 [09.09.47]

17 A. Upon my arrival, I was not told of the hierarchy of the
18 management. I knew that at Mr. An's place, which was to the
19 opposite site of where I stayed, I only knew that was a ministry,
20 but nobody told me about the organizational structure of the
21 Industry Committee or the ministry. Only, later on, through
22 reading the document given to me by the investigators from OCIJ,
23 I learned that about him; there was an Economic Committee
24 encompassing Mr. Khieu Samphan and Vorn Vet. And, as for the
25 commerce, there was Doeun and then Van Rith; that's all what I

1 know.

2 Q. Thank you. And -- and just to ensure that we fully understand
3 what you knew, when, I'd like to show you a brief excerpt from
4 your interview with the investigators of this Court.

5 Mr. President, this is document number D279/6 -- D279/6. It is a
6 -- a written record of interview of this witness, dated the 18th
7 of December 2009. With your permission, I'd like to show the
8 witness a section of this document.

9 [09.11.51]

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 Court Officer, could you take the hard copy of the document from
13 the prosecutor and show it to the witness?

14 MR. ABDULHAK:

15 If the court officer could also assist the witness in locating
16 question and answer number A38?

17 This document is convenient to navigate through; all the -- all
18 the questions and answers are numbered. This is A38.

19 [09.12.29]

20 And, Mr. President, if we have your permission, we'd like to
21 display the document on the screen as well.

22 MR. PRESIDENT:

23 Yes, you may do so.

24 Assistant, could you assist with the document and the AV Unit,
25 could you project the document on the screen?

1 BY MR. ABDULHAK:

2 Q. While we wait for the document to appear, I might just start
3 reading, in the interests of time.

4 Mr. Sar Kimlomouth, you've been shown the relevant section; it's
5 also here on the screen, but I will read it, and I'm sure the
6 interpreters will follow, so you can both see on the screen and
7 on paper and you will hear it read to you.

8 Question: "Do you know what position Hem held in the Ministry of
9 Industry?"

10 Answer 38: "When I started working there, An was the chief of the
11 Ministry and I assumed that Hem was above An, but he was not
12 known to the public. Probably, Mr. Hem was sitting on the above
13 Economy Committee and was in charge."

14 [09.14.17]

15 And to be fully fair to your responses, I will read the next
16 question and answer as well, so as to give a complete picture.

17 Question: "Based on your answers to the questions just raised,
18 does it mean that Hem was sitting on the Economy Committee or in
19 the Ministry of Economy under management of Vorn Vet?"

20 To which you respond -- answer 39:

21 "Yes, maybe Hem was sitting on the Economy Committee with Vorn
22 Vet or he was assigned by the upper echelon to be the chairman of
23 the commerce Unit."

24 Do you recall saying this to the investigators during your
25 interview, Mr. Lomouth?

7

1 MR. SAR KIMLOMOUTH:

2 A. Yes, I recall and I responded like that. That was also based
3 on the documents that I were -- was shown so I made a -- that
4 conclusion in that statement.

5 [09.15.41]

6 Q. Now, I am interested in -- in your explanation there simply
7 because, according to the written record, which you have before
8 you, prior to giving that answer, you were not shown any document
9 that reflects a relationship between Khieu Samphan and An; do you
10 recall that you had -- after that point, you were not asked --
11 you were not shown documents that indicate that relationship as
12 you described it in your answer? And if you can't recall, just
13 please say so.

14 MR. PRESIDENT:

15 Witness, please do not respond yet. We hear the objection first
16 from the defence counsel. Mr. Michael Karnavas, you may proceed.

17 MR. KARNAVAS:

18 Thank you, Mr. President. Good morning, Your Honours. Good
19 morning to everyone in and around the courtroom.

20 [09.16.58]

21 In fairness to the witness, perhaps he should be directed to look
22 at the question and answer number 36 and 37 and also be given the
23 opportunity to look at those documents because in order to answer
24 38 and 39, one would have to look at 36 and 37. Two documents
25 were shown to him. And perhaps that may allow him to give a more

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1 accurate and complete answer. So, in fairness to the witness, I
2 would request that he be allowed to look at question and answer
3 36 and 37, look at those documents and then, perhaps, be given an
4 opportunity to -- to answer.

5 MR. ABDULHAK:

6 Mr. President--

7 (Short pause)

8 [09.17.55]

9 MR. PRESIDENT:

10 Counsel for Khieu Samphan, you may proceed.

11 [09.18.29]

12 MR. VERCKEN:

13 Thank you very much, Mr. President. In the same vein as the
14 subject raised by my esteemed colleague, I would call to your
15 attention the fact that the document which has just been cited by
16 the Co-Prosecutor is simply a summary of the witness' statement,
17 and the Chamber has at its disposal an accurate record of the
18 witness' words in D26 -- 79/6.14 in ERN 00770738 and it would
19 appear that the witness' answer--

20 MR. PRESIDENT:

21 Defence Counsel, you should not interrupt the proceeding or the
22 question by another party. You may object to the question by
23 another party by raising your exact point of the objection, but
24 there is no need for you to teach another party to question the
25 Accused or the witness or any person. You need to state clearly

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1 the ground for your objection to the party.

2 [09.20.01]

3 Don't use this time as a forum for you to teach another party on
4 how to question a witness or what type of documents to be used.

5 You can do so at the time allocated to you when you need to
6 question the witness. And if you're on your feet to present your
7 objection, you need to raise your grounds -- your exact ground of
8 the objection.

9 MR. VERCKEN:

10 I thought I was doing so, Mr. President. My objection is very
11 straightforward: there are two documents at our disposal; a
12 written record of witness' statement--

13 MR. PRESIDENT:

14 What is the point for your objection, Counsel? You have the
15 document; you can use that document in your questioning time to
16 the witness.

17 [09.21.04]

18 Prosecution, you may proceed with your questioning.

19 MR. ABDULHAK:

20 Thank you, Mr. President. I'm -- I'm sure my friends will take
21 the time to go through that document. For the record and for the
22 transcript, the document which they're referring to is E3/182 --
23 E3/182. The reason I didn't read that question to the witness is
24 because that document has nothing to do with An, and I'm sure the
25 Defence will be able to see that when they review it in their

10

1 examination.

2 [09.21.51]

3 Rather than waste more time on this point, I may move on. I don't
4 think we need to belabour the point too much.

5 BY MR. ABDULHAK:

6 Q. Mr. Sar Kimlomouth, just staying with this general theme of
7 authority between the Economy Committee and Van Rith, as far as
8 you know, in addition to making reports to Khieu Samphan and Vorn
9 Vet, did Van Rith have independent powers to make decisions?
10 Could he make decisions in relation to the operations of the
11 ministry independently, on his own?

12 MR. SAR KIMLOMOUTH:

13 A. I cannot make a conclusion on that.

14 Q. Well, just to refresh your memory, I'd like to return to this
15 same record of interview.

16 Mr. President, if we could display, for the witness, that same
17 document, D279/6, the written record of interview, and if we
18 could display it on the screen, with your permission?

19 [09.23.57]

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 BY MR. ABDULHAK:

23 Thank you.

24 Q. Mr. Lomouth, if you look at that document and just move
25 forward to question and answer 56 -- and perhaps the court

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1 officer can assist -- in this section of your interview, Mr.
2 Lomouth, you were discussing a specific document -- and if need
3 be, we can show that document on the screen in a minute. I just
4 want to go through your comments on it. It was -- it's basically
5 another ledger which was submitted to Hem and Vorn.

6 [09.25.09]

7 The question put to you was: "We wish to show you a document with
8 ERN 00278398..."

9 And, I'll just indicate for the record, that document is in fact
10 D161/1.30 and also D279/6.5. Your response or comment on that
11 document was as follows, at answer 56 -- quote:

12 "At that time, the commercial relations were done with Yugoslavia
13 and goods were proposed to be sold to Cambodia. Van Rith did not
14 have any right to make a decision on purchase or rejection. He,
15 therefore, needed to ask Vorn Vet and Hem, the higher profile
16 people. This signature belonged to Van Rith. Hem ascribed and
17 replied 'Bong Vorn did not accept, please look for solution to
18 reply'. I cannot read this English writing. I have never seen
19 this list as it was not relevant to the bank."

20 [09.26.27]

21 The next question was: "With this process, i.e. on purchase and
22 sale affairs, did a decision need to be made by the upper
23 echelon?"

24 And your response in A57: "Yes, the decision needed to be made by
25 the upper echelon."

12

1 Mr. Lomouth, is that a correct summary of your observations on
2 that document, that a decision had to be made by the upper
3 echelon and Van Rith didn't have the power to make these
4 decisions independently?

5 MR. SAR KIMLOMOUTH:

6 A. Just then, I said I didn't know whether Rith had a power to
7 decide on anything, but when I was shown this document, he has to
8 refer all the matters to the upper echelon regarding sales or
9 purchase, but previously I did not know what power he had in the
10 Commerce Committee, which was separate from the banking sector
11 where I worked. At that time, I did not know much about the
12 affairs of the Commerce Committee and my response in A56, which
13 is my conclusion, Vorn Vet made a signature and then Hem ascribed
14 that Vorn should not accept it, and tries to find a solution to
15 reply to the Yugoslavian delegation.

16 [09.28.24]

17 There was also an English writing which I could not read. If I am
18 shown that English writing again, maybe I am able to translate,
19 but at that time I just could not read it. It was not legible to
20 me. And, of course, I, myself, had never seen that list as it was
21 irrelevant to the bank. The Commerce Committee affairs were
22 separate from the banking where I worked because, at that time,
23 the purchase or sale was not yet done. If sales or purchases were
24 to be done, it would have to go through the bank.
25 And, yes, I stand by my statement in this record of interview.

13

1 [09.29.29]

2 Q. Thank you. That is our understanding as well. You were shown a
3 document and making observations on it.

4 Now, that same document -- that same ledger -- was discussed in
5 your second interview, and I just wish to briefly show you that
6 response and see if you confirm it as correct, and we will then
7 stop with this particular set.

8 Mr. President, if I have your permission, I would like to show
9 the witness document D797 -- I apologize; D279 -- D279/7. That
10 document also bears the number E3/105. This is the witness'
11 second record of interview dated the 19th of December 2009. There
12 is a very brief reference to that -- to the same topic we've just
13 discussed, and I'd like to see if the witness recalls his further
14 comments. So, with your permission, we'd like to show this to the
15 witness.

16 [09.31.00]

17 MR. PRESIDENT:

18 You may proceed.

19 Court officer is instructed to take the document from the
20 Prosecution and present it to the witness.

21 And, Assistant, please have this document displayed on the
22 screens.

23 Defence Counsel, you may proceed.

24 MR. KONG SAM ONN:

25 Just now, I heard from the witness that the Prosecution presented

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1 him the documents presented to him by the Office of
2 Co-Investigating Judges over there, and I have not heard from the
3 Prosecution whether or not he has agreed to the request by the
4 witness as such.

5 [09.31.48]

6 MR. PRESIDENT:

7 Prosecutor, you may proceed.

8 MR. ABDULHAK:

9 I'm not sure I understand the question. I've read the relevant D
10 number and, given that the witness was able to recall the
11 annotations and his response, I was simply saving time and not
12 showing it on the screen.

13 Mr. President, I'm in your hands. If you would like me to show
14 that ledger itself, I am prepared to do so. I'm just trying to
15 move forward expeditiously. Certainly all counsel can pull up the
16 documents on their screens.

17 MR. PRESIDENT:

18 International Co-Prosecutor, you may proceed based on your
19 techniques in putting questions to the witness. You are a
20 representative of the Prosecution; you should undertake your
21 position as such. Thank you.

22 [09.33.04]

23 BY MR. ABDULHAK:

24 Thank you, Mr. President.

25 Q. We will then return to the written record of interview which

15

1 you have been given, Mr. Witness. It's D279/7 or E3/105.

2 Mr. President, if that could be displayed on the screen so that
3 all parties can see it?

4 If the AV Unit could help us with showing this document on the
5 screen?

6 And I'll just read in the interests of time.

7 Mr. Lomouth, at question and answer number 7, if you look at this
8 record of interview at question and answer number 7, your-- the
9 question put to you is -- it relates to the same ledger that you
10 commented on before -- quote:

11 [09.34.16]

12 "We presented to you the document with ERN number 00278398
13 yesterday, now we are presenting to you the same document again.
14 According to what you have read from the document do you agree or
15 disagree that with that designated role Hem and Vorn Vet had
16 significant authority to instruct their subordinates?"

17 And your response was: "Yes, I do."

18 Is that an accurate summary of your response and comment on this
19 document?

20 MR. SAR KIMLOMOUTH:

21 A. Due to the communication letter, I concluded that it was so.

22 But based on the documents they have communicated with each

23 other, normally those who were at the lower level would propose

24 to the upper authority to decide on matters. So I based my answer

25 on the communication documents. It was not my idea, my personal

16

1 assumption alone, but I base it on the documents.

2 Q. Thank you. And we will leave that document for now.

3 Now, Mr. Lomouth, you may recall on the 31st of May, you looked
4 at a couple of reports relating to meetings with foreign
5 delegations and you also commented on the annotations in those
6 reports.

7 [09.36.30]

8 What I'd like to do now, as we explore this relationship, is look
9 at a number of other Commerce -- Ministry of Commerce documents
10 which you have looked at during your interviews. And I wish to
11 have your comments on those documents as well because they are
12 slightly different.

13 Mr. President, what I have is six ledgers, financial documents,
14 which date from the period January 1978 to mid-October 1978. Now,
15 there are six documents. They are -- for present purposes, they
16 are identical. We're simply looking at the annotations.

17 I will do as Your Honours direct me, but what I propose to do is
18 show the witness the first and last and simply read onto the
19 record the remaining document numbers. I will give the witness
20 all of the records, but with your permission, I would only show
21 the first and last on the screen. And if I may proceed, the first
22 document, as I said, is from January 1978. It bears the number
23 D161/1.14 and also D279/6.6.

24 If we could have your permission, Mr. President, to show this
25 document to the witness? It is attached to his first record of

1 interview.

2 [09.38.57]

3 MR. PRESIDENT:

4 You may proceed. But, first, the document should be presented to
5 the witness.

6 Court officer is now instructed to obtain the documents from the
7 Prosecution and present them to the witness.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President.

10 Q. Mr. Lomouth, if you look at the document, it bears your
11 signature at the bottom. Now, could you-- Do you recall looking
12 at that document? Are you familiar with it?

13 [09.39.58]

14 MR. SAR KIMLOMOUTH:

15 A. Before responding to this question, I would like to clarify
16 that my workplace is adjacent to the commerce office and the
17 documents submitted to me concerned commercial matters.

18 And I would also like to take this opportunity to inform the
19 Chamber that it has been 30 years or so, and most importantly, I
20 did not interfere into the commercial affairs. And when the
21 investigator presented this document to me, I simply signed on
22 this document as a testament that I had read this document, but
23 it does not mean that I saw this document back then. And it was
24 30 years ago, and I was -- my office was just next door to the
25 commercial office, but that does not necessarily mean that I got

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1 every document they had. I may have known some documents, but I
2 may not have known others.

3 [09.41.09]

4 MR. PRESIDENT:

5 The purpose of presenting this document to you is to ask you
6 whether or not you have seen this document before you appeared
7 before the Chamber today. It means that before today, it means
8 that it can be any other day so far, and whether or not you have
9 been presented this document to you, for example, by the
10 investigators of the Office of Co-Investigating Judges in the
11 course of the interview conducted with you in 2009. That is it.
12 As for the contents, it was something else. So you should respond
13 to that question so that the Chamber has the basis to decide
14 whether or not this document should be subjected to questioning.

15 [09.41.57]

16 MR. SAR KIMLOMOUTH:

17 During the investigation, investigators did present this document
18 to me and I did read this document.

19 MR. PRESIDENT:

20 Prosecutors, you can now proceed.

21 And, AV Unit, please have this document projected on the screens.

22 BY MR. ABDULHAK:

23 Q. Mr. Lomouth, just as we wait for that document to appear on
24 the screen, if you could look at the hardcopy that you have
25 before you and simply direct your attention to the handwriting on

19

1 the left-hand side and tell me, are you able to read that text or
2 would you like us to read it from the translation?

3 MR. SAR KIMLOMOUTH:

4 A. I can read it out: "Sent to Brother Hem and Vorn."

5 (Recording malfunction) belonged to Van Rith.

6 [09.43.30]

7 Q. Thank you very much. The interpretation into English was cut
8 off just a little bit. Did I understand correctly that you said
9 that the signature was that of Van Rith?

10 A. Yes, to my recollection, it was that of Van Rith.

11 Q. Thank you very much.

12 Mr. President, as I indicated, I would also like to show the
13 witness the last in the series of six of these ledgers which he
14 discussed with the investigators. This particular one is from
15 October 1978 and it is -- its document number is E3/500. It also
16 bears the numbers IS 21.140 and D279/6.11.

17 With your permission, I will hand it to the witness and see if he
18 recalls looking at it.

19 [09.45.07]

20 MR. PRESIDENT:

21 Yes, you may proceed, Prosecutor.

22 And, Court Officer, please obtain the document from the
23 Prosecution and present it to the witness.

24 BY MR. ABDULHAK:

25 Q. Mr. Witness, there again I believe it should bear your

20

1 signature. But in any event, do you recall looking at this
2 document previously?

3 MR. SAR KIMLOMOUTH:

4 A. I do not recollect whether or not I have seen this document.

5 MR. ABDULHAK:

6 Mr. President, it is referred to at question and answer number 58
7 of the record of interview D279/6 and it is attached to that
8 record of interview. I'm not surprised that the witness may not
9 recall every record. There are -- more than 20 were shown to him.
10 I believe the record is clear that he has been given this
11 document before and, for all intents and purposes, it's almost
12 identical to the one we just looked at.

13 So, with your permission, I would like to proceed and show it on
14 the screen.

15 [09.46.51]

16 MR. PRESIDENT:

17 You may proceed.

18 Court Officer, please obtain the document from the Prosecution
19 and present it to the witness.

20 BY MR. ABDULHAK:

21 And if the AV Unit would kindly assist us by projecting it on the
22 screens as well? Thank you.

23 Q. Just in the interests of time, Mr. Lomouth, we're only - we
24 are interested now just in that single sheet, again with an
25 annotation in the top left-hand corner. Just for the record --

21

1 and this relates to all of the documents in this series -- could
2 you first read the heading there in the centre of the page? Could
3 you read that for us, please, just so we understand the nature of
4 the document for the record?

5 [09.48.03]

6 MR. SAR KIMLOMOUTH:

7 A. I would like to clarify it again. I never saw this document
8 before except that on the day of the interview by the
9 investigators, I appended my signature down there that I had read
10 this document, and that document reads: "Sent to-- Already sent
11 to Brother Hem and Brother Vorn."

12 And it was signed by Van Rith on the 21st of October. So the
13 annotation reads: "Already sent to Brother Hem and Brother Vorn."

14 [09.48.54]

15 Q. Thank you. Could you just read the actual title of the
16 document as well so we have that on the record, the typed words
17 in the - in the middle of the page?

18 A. "Credit expenditure". And words that come after that was
19 legible - illegible, around 140 million yuans.

20 So the title reads "Credit expenditure of the -- illegible
21 number, here -- million yuans as of the 15 of October 1978".

22 Q. Thank you.

23 Your Honours, as I indicated earlier, with your leave, I will
24 just read out the document numbers of the four ledgers which are,
25 as I say, for present purposes, identical. They just bear

1 different dates and figures. We saw, first, the earliest
2 document, which is from January. The -- a document from February
3 is D161/1.13. It was shown to the witness and assigned document
4 number D279/6.7. After that, there is a mid-April 1978 report,
5 D161/1.13. I apologize; I just read the same one twice. The next
6 one, indeed, was from mid-April 1978, and the document number was
7 D161/1.20. After that, an April 1978 -- end of April report,
8 D161/1.21; and, lastly, a July 1978 report, D161/1.25.

9 [09.51.27]

10 I'm just moving through them because they're there on the file
11 for Your Honours and all the parties to observe, but we did look
12 at the first and the last in that series. They all bear the same
13 annotation, in essence.

14 Now, returning to that last document that you looked at Mr.
15 Lomouth, it's dated from -- It's dated back to mid-October 1978.

16 You were also shown a few documents which were generated in
17 November 1978, and I would like to show you -- again with the
18 President's permission -- the first and the last in that series
19 to see if you could assist us with them.

20 Mr. President, the first document in the series is D279/6.12, and
21 it was again shown to the witness and attached to his record of
22 interview. With your permission, I will show it to the witness
23 and then we can proceed from there.

24 [09.52.55]

25 MR. PRESIDENT:

1 You may proceed.

2 First, the Court Officer, please take the document from the
3 Prosecution and give it to the witness.

4 The International Defence Counsel for Nuon Chea, you may proceed.

5 MR. PAUW:

6 Thank you, Mr. President.

7 My apologies to the Prosecution for interrupting this line of
8 questioning, and it's not so much an objection but a question to
9 the Prosecution because I was wondering if there was actually
10 going to be a question related to the document that was just
11 shown to the witness, because what we've seen so far is the
12 witness reading out the document that's on the screen. I'm not
13 sure if that's the only purpose of showing these documents, but
14 if not, I would invite the Prosecution to ask a question or make
15 it clear that we'll come back to this document.

16 [09.53.53]

17 MR. ABDULHAK:

18 Thank you.

19 Mr. President, I did indicate this is a series of documents, and
20 I assure counsel and everyone else there will be a question. This
21 is simply to establish that there is a continuity, at least for
22 the period of time we're looking at. A question will follow
23 shortly, if I may proceed.

24 [09.54.15]

25 MR. PRESIDENT:

1 Co-Prosecutor, you may continue your line of questioning.

2 BY MR. ABDULHAK:

3 Thank you, Mr. President.

4 Q. Mr. Lomouth, again, do you recall looking at this document
5 previously?

6 MR. SAR KIMLOMOUTH:

7 A. I do not recall I had read or seen this document before the
8 investigators of the Office of Investigating Judges presented it
9 to me. It was during the investigation that I saw this document,
10 but earlier than that, I do not recall if I had read it or seen
11 it before.

12 Q. Thank you.

13 Mr. President, with your permission, we will display this
14 document on the screen and show it to everyone in the courtroom
15 -- D279/6.12.

16 MR. PRESIDENT:

17 You may proceed.

18 Assistants, please make sure that the document is displayed on
19 the screens.

20 BY MR. ABDULHAK:

21 Thank you.

22 [09.56.08]

23 Q. Mr. Lomouth, if I can ask you again to read the - first, the
24 typed text, the heading of the document in the middle; if you
25 could read that for us first so that we have a record of the

1 nature of the document?

2 MR. SAR KIMLOMOUTH:

3 A. The heading reads: "Credit Expenditure of 140 million Yuans as
4 of the 31 October 1978." And the annotation reads: "Has already
5 sent two copies to Brother Hem." And the signature appears to be
6 that of Van Rith and it was signed on the 1st of April.

7 Q. Just because there is another date on this document, could you
8 look to the right-hand side where we have the typed text at the
9 bottom, the very last two lines; do you see that on the
10 right-hand side? It should read: "Phnom Penh, 4 November 1978,
11 Commerce Committee." Do you see that section?

12 A. It reads: "Phnom Penh, the 4th of November 1978, Commerce
13 Committee."

14 [09.58.19]

15 Q. Thank you. This document, as you just read to us, is addressed
16 apparently only to Hem -- or submitted only to Hem. Where was
17 Vorn Vet at this time, in early November 1978?

18 A. Mr. President, I don't know.

19 Q. Did you stay at your work station until the end of the
20 Democratic Kampuchea regime -- that is, until the 6th or 7th
21 January 1979?

22 A. Yes, I stayed there. I stayed there until the 6th of January.

23 Q. And do I take it that you didn't know at that time where Vorn
24 Vet was, or that you didn't see him at that time -- and I mean at
25 this stage, December 1978 and January 1979, the final days of the

1 Democratic Kampuchea regime?

2 [10.00.09]

3 A. At the Commerce Committee and at my work place, I actually did
4 not see Vorn Vet working in that office. Therefore, I did not
5 know his whereabouts during the later period of the regime,
6 because I did not have any communication with him.

7 Q. Did you hear anything as to his whereabouts or his position in
8 that period, in the very final months of the Democratic Kampuchea
9 regime?

10 A. No, I did not know his whereabouts.

11 Q. But -- just so I understand it correctly -- you're saying to
12 us that you heard nothing about Vorn Vet in this period, or did
13 you hear anything?

14 A. I did not hear anything about him.

15 Q. Thank you. I will -- I would like to read to you now another
16 excerpt from your first record of interview with the
17 investigators from this Court.

18 [10.01.56]

19 Mr. President, a document that we've looked at already, D279/6,
20 the written record of interview dated 18 December 2009. With your
21 permission, I'd like to take the witness back to a section of
22 this document.

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 BY MR. ABDULHAK:

1 Thank you.

2 Q. Mr. Lomouth, do you have that record of interview before you?
3 Could you please go through question and answer 60, 6-0, and 61;
4 we will read both of them together.

5 Mr. President, with your permission, we will show that on the
6 screen as well.

7 [10.03.15]

8 MR. PRESIDENT:

9 Yes, you may do so.

10 BY MR. ABDULHAK:

11 Q. Mr. Lomouth, I'll read to you those two questions and answers.
12 They follow immediately a section in which you were discussing
13 the ledgers that we have just -- that we were just looking at --
14 and this was the question to - question number 60 -- quote: "Can
15 you explain why they were sent to him alone but not to Vorn Vet?"
16 Answer number 60: "I do not know the reason. Maybe there was a
17 change at the upper echelon. I in the lower position did not know
18 the reason."

19 And then the next question: "When Vorn Vet disappeared, did
20 anyone talk about such disappearance?"

21 [10.04.12]

22 Answer A61 -- quote:

23 "No one talked about it. I just heard that he was removed.
24 However, no one confirmed the case and Rith never told me this.
25 At that time..." There's a word missing.

28

1 "At that time, although I was close to Van Rith, I did not dare
2 to ask him. At first the documents were sent to two people but
3 later on to only one person. For this, I just thought he was
4 probably removed or he was fired or I did not -- or I did know to
5 where he was sent."

6 And -- I'll just -- for completeness read the next section: "At
7 that time, do you know who removed Vorn Vet?"

8 Answer 62: "I do not know."

9 Question -- the next question: "Did you ever see Vorn Vet again?"

10 Answer 63: "I used to see him only before I moved to work in the
11 bank."

12 Mr. Lomouth, is that an accurate summary of your statement to the
13 investigators, that you heard that he was removed but that you
14 didn't dare ask Van Rith about this?

15 [10.05.47]

16 MR. SAR KIMLOMOUTH:

17 A. I fully stand by my statement in this record of interview. I
18 have nothing else to add to this statement.

19 MR. ABDULHAK:

20 Thank you very much.

21 Your Honours, again, in the interest of time, I will just read
22 out the numbers of the documents that were discussed in that
23 passage and which relate from the November to December 1978
24 period, in addition to the one document we looked at. We have
25 D161/1.7, that was assigned the document number D279/6.4, and

1 it's a 8th of November 1978 letter. Also, D161/1.31, it's a 12th
2 of November 1978 document, it relates to the purchase of some
3 tractor spare parts. And also, D279/6.3, dated the 26th of
4 November 1978, also relates to the purchase of tractor parts from
5 Yugoslavia.

6 [10.07.34]

7 And again, just in the interest of moving forward expeditiously,
8 I'm just placing those on the record. They have been seen by the
9 witness, and the annotations there are consistent with the ones
10 you just saw.

11 Now, Mr. Lomouth, I'd like to show you another document which you
12 discussed with the investigators, and this is a 3rd of December
13 1978 meeting report with a Chinese delegation. Perhaps, in the
14 interest of proceeding chronologically, I may first show you a
15 document that is dated the 2nd of December, again a document
16 you've discussed with the investigators.

17 Mr. President, I'd like to show the witness document D279/7.11,
18 this is a -- these are minutes of a meeting which were shown to
19 the witness and which indicate that he actually attended this
20 meeting on the 2nd of December 1978. With your permission, I'd
21 like to show it to the witness.

22 [10.09.36]

23 MR. PRESIDENT:

24 Yes, you may do so.

25 Court Officer, could you take the document from the Prosecution

1 for the witness to view it.

2 BY MR. ABDULHAK:

3 Q. Mr. Lomouth, do you recognize that document? Do you recall
4 discussing it with the investigators?

5 MR. SAR KIMLOMOUTH:

6 A. Yes, I recall it.

7 MR. ABDULHAK:

8 Mr. President, if we could now place it on the screen?

9 MR. PRESIDENT:

10 Yes, the document can be shown on the screen.

11 [10.10.30]

12 BY MR. ABDULHAK:

13 Thank you. It's a handwritten document, not easy to read.

14 Q. Mr. Lomouth, if we look at the first page, it indicates that
15 this was a meeting between Comrade Ieng Sary, the Deputy Prime
16 Minister in charge of Foreign Affairs, and the Commerce
17 delegation of the People's Republic of China led by the Vice
18 Minister for Foreign Trade on the 2nd of December 1978.

19 And I will just read the next line: "In attendance with Comrade
20 Ieng Sary are Comrades Rith, Sen, Tum, San, Un and Lomouth."
21 Do you recall attending that meeting?

22 MR. SAR KIMLOMOUTH:

23 A. In fact, I can't recall that meeting; it's been quite a long
24 time. But upon seeing this document, I acknowledge that I
25 participated in that meeting.

31

1 [10.12.15]

2 It was rather strange as Mr. Ieng Sary was the Foreign Affairs
3 Ministry, but he participated in a meeting of the Commerce
4 Ministry -- or Commerce Committee -- to me, that's rather
5 unclear. But I do not object to it since I see this document.
6 And I do not know whose handwriting the report belongs to.
7 Usually, after the meeting, the one who made the report would
8 make the report, but I was not shown the report after the
9 meeting.

10 Q. Thank you. If we could show that document on the screen again,
11 there is an annotation that I'd like to read and see if that
12 refreshes your memory.

13 Mr. Lomouth, there on the left-hand side -- I'll read it just in
14 the interest of time:

15 "Dear Respected Brother, I send you this minutes drafted by
16 Brother Lomouth, for your information and instruction.
17 Respectfully, K.R. 3/12."

18 [10.13.53]

19 Do you recall -- this seems to indicate that you had prepared the
20 minutes; do you recall that? If you don't, that's fine, just say
21 "I don't".

22 A. I'd like to clarify that I did not draft the report and that
23 handwriting is not mine. This report also talked about the
24 invasion which was beyond my knowledge.

25 And the annotation reads: "Dear Respected Brother, I send you

1 this minutes which was recorded by Brother Lomouth, for your
2 information and instruction. With respect, K-51. Date: the 3rd of
3 December." This is what I could read, but I did not draft this
4 report.

5 Q. Thank you. You said that you were surprised to see Ieng Sary
6 attend the meeting. Why were you surprised?

7 A. This is my personal surprise because the commerce affairs was
8 not related to him. But at this particular junction, he was the
9 head of the Kampuchea delegation, but I cannot make any further
10 conclusion than that.

11 [10.16.32]

12 Usually, for commerce related affairs, I, on behalf of the bank
13 would be present there, that is to participate in the meeting.
14 And this report is rather long and it talks more than the
15 commerce affairs, it talks about other topics as well.

16 Q. Thank you. You say you attended these meetings -- or you would
17 be present -- on behalf of the bank. Based on your experience
18 back then, was this an important meeting, or was it high level,
19 low level or just an ordinary meeting?

20 A. I can say that the meeting was important because on the
21 Democratic Kampuchea side, there was the presence of the Minister
22 of Foreign Affairs, so it has to be very important.

23 Q. Thank you very much.

24 Now, I'd like to move on to yet another minutes of a meeting with
25 the Chinese delegation, which took place on the following day,

1 Mr. Lomouth, and see if we can have your comments on that
2 document.

3 [10.18.40]

4 Mr. President, this next document is dated the 3rd of December
5 1978, it bears the number E3/828, and when it was shown to the
6 witness by the investigators, it was also assigned the number
7 D279/7.10. With your permission, I'd like to show this document
8 to the witness.

9 MR. PRESIDENT:

10 Yes, you may do so.

11 Court officer, please take the document from the Prosecution for
12 the witness to view.

13 BY MR. ABDULHAK:

14 Q. Mr. Lomouth, do you recall seeing and discussing that
15 document?

16 MR. SAR KIMLOMOUTH:

17 A. Yes, I received this document when I was shown and presented
18 by the investigator.

19 [10.20.11]

20 Q. Now, this meeting took place one day after the last meeting
21 that we looked at, if you could just go to the last page of it,
22 Mr. Lomouth, the very last page.

23 MR. ABDULHAK:

24 And, Mr. President, if we're able to show it on the screen, it's
25 D279/7.10, the very last page.

1 MR. PRESIDENT:

2 Yes, you may do so.

3 AV Unit, could you project the document on the screen?

4 MR. ABDULHAK:

5 And while we wait, I'll just--

6 MR. VERCKEN:

7 Mr. President?

8 [10.21.15]

9 MR. PRESIDENT:

10 Yes, Defence Counsel, you may proceed.

11 MR. VERCKEN:

12 Thank you. My objection is as follows: I do not see the interest
13 of asking this question, as the witness has only become familiar
14 with this document some decades after the facts allegedly occur
15 without absolutely no mention of specific lines in the document.

16 MR. PRESIDENT:

17 Your objection is denied.

18 This has become the proceeding that we're using in our courtroom.

19 The documents that have been seen or shown to the witness can be
20 raised and used by parties to the proceedings during the
21 questioning to that particular witness.

22 Prosecution, you may continue with your questioning.

23 [10.22.20]

24 BY MR. ABDULHAK:

25 Thank you, Mr. President.

1 Q. Here on the last page again, Mr. Lomouth, this indicates --
2 and I'll just read while we wait for it to appear on the screens:
3 "Made in Phnom Penh on 03 December 1978, Sent to: Brother Van, 1
4 copy; Brother Hem, 1 copy; K-51, 1 copy; and document, 2 copies."
5 It's there, on the screen, on the left-hand side.

6 The meeting, as we observed, follows one day after that high
7 level meeting which Ieng Sary attended. Did you attend this
8 meeting, to the best of your recollection?

9 MR. SAR KIMLOMOUTH:

10 A. I cannot recall.

11 [10.23.37]

12 Q. Very well. What was the reason that the document was being
13 sent to Brother Van and Brother Hem?

14 MR. PRESIDENT:

15 Mr. Witness, could you please wait?

16 Defence Counsel for Nuon Chea, you may proceed.

17 MR. PAUW:

18 Mr. President, this is clearly asking the witness to speculate.

19 He indicates he has never seen this document before, he doesn't

20 remember if he was present at this meeting. We cannot now ask him

21 to speculate as to why this document was sent to certain persons.

22 MR. ABDULHAK:

23 Mr. President, I disagree with my learned friend. We've now seen

24 that the witness attended numerous meetings on behalf of the

25 Commercial Bank and that he attended a meeting with Ieng Sary as

1 a member of the Cambodian delegation on the previous day; he
2 described that meeting as a high level meeting. This appears to
3 have been a follow-up meeting, and I think it is entirely
4 appropriate -- and the witness' record of interview indicates
5 that it is appropriate to ask him at the very least about his
6 observations as to the way in which these documents were
7 generated and where they were sent. That's all I'm seeking to
8 elicit from him, and it is within his knowledge.

9 (Judges deliberate)

10 [10.25.40]

11 MR. PRESIDENT:

12 The objection by the international defence counsel for Nuon Chea
13 is ineffective.

14 Mr. Witness, please respond to the question if you still can
15 recall the question.

16 Mr. Prosecution, could you please repeat your last question to
17 the witness?

18 BY MR. ABDULHAK:

19 Q. The question was simply: Why was the report of the meeting
20 submitted to Brothers Van and Hem?

21 MR. SAR KIMLOMOUTH:

22 A. I cannot tell you the reason why the document was sent to
23 them.

24 Q. Given that we saw numerous reports being submitted to Hem and
25 Vorn earlier in the period, and now we see a report submitted to

37

1 Van and Hem only, based on your experience at the time, are you
2 able to draw any conclusion as to why the report was now being
3 submitted only to Hem and Van?

4 MR. PRESIDENT:

5 Mr. Witness, you do not need to respond to this question as this
6 question tries to elicit your conclusion.

7 Please do not put a question which tries to elicit a subjective
8 response from a witness.

9 Court officer, please assist the witness with a headphone, maybe
10 the batteries ran out?

11 [10.28.26]

12 Mr. Witness, you do not need to respond to the last question by
13 the Prosecution because that question tries to elicit your
14 subjective conclusion. You are not obligated to provide or to
15 make any conclusions subjectively.

16 MR. ABDULHAK:

17 Mr. President, I would now move on to another set of records, but
18 I'm conscious of the time. I can continue or I can -- I can
19 continue now or I can continue after the break as you direct.

20 [10.29.20]

21 MR. PRESIDENT:

22 The time is now appropriate for a break. We shall take a
23 20-minute break and we resume at 10 to 11.

24 Court Officer, please assist the witness with a refreshment and
25 have him back in the courtroom at 10 to 11.

38

1 (Court recesses from 1029H to 1050H)

2 MR. PRESIDENT:

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

4 I hand over to the Prosecution to continue his line of
5 questioning. You may proceed.

6 MR. ABDULHAK:

7 Thank you, Mr. President. And just for scheduling purposes to
8 assist all counsel, I wish to indicate that we anticipate we will
9 end our examination today and we will hand the floor over with
10 your leave to civil parties at some point today, most likely
11 after lunch. And I believe civil parties will take approximately
12 half a day, give or take half an hour, and at that point we'll be
13 in a position to hand over to the Defence. And I'm just saying
14 this so that everybody can plan their time.

15 [10.52.08]

16 BY MR. ABDULHAK:

17 Q. Good morning again, Mr. Sar Kimlomouth. I'd like to move onto
18 another topic. You'll recall on Thursday the 31st of May, I -- we
19 looked at a number of documents which recorded the exportation of
20 produce from Democratic Kampuchea, or at least they referred to
21 the exportation of produce and I asked you if you recalled the
22 amounts involved. You said that you couldn't recall off the top
23 of your head, but you said to me that if I am able to show you
24 some documents on that topic that you may be able to clarify or
25 assist further.

1 Mr. President, I'd like to show the witness a number of documents
2 and see, if indeed, he can assist.

3 The first document is D366/7.1.487, and I should state now that
4 it is not discussed, as far as we can tell, with the witness in
5 his interviews, but these are Ministry of Commerce records and I
6 would like to show it to him and see if he is able to assist us
7 with it in any way. So, with your permission, I'll give the
8 witness a copy.

9 [10.54.26]

10 MR. PRESIDENT:

11 You may proceed.

12 First, the court officer is instructed to obtain the document
13 from the Prosecution and present it to the witness.

14 BY MR. ABDULHAK:

15 Q. Mr. Lomouth, if you could take a look at that document and
16 tell us if you have seen it before or if you have seen similar
17 records. For the transcript, this is a report on paddy and rice
18 between the 1st and 7th of March 1977; it's issued by the
19 Ministry of Commerce.

20 MR. SAR KIMLOMOUTH:

21 A. Mr. President, I have never seen this report before.

22 Q. Have you seen a table similar to it? It's part of your
23 activities in recording - alleges, as you explained to us last
24 week. Have you seen similar documents?

25 A. I have seen other documents but none was identical to this

1 kind of document.

2 MR. PRESIDENT:

3 Court officer is now instructed to remove the document from the
4 witness.

5 [10.56.13]

6 BY MR. ABDULHAK:

7 Q. Very well. Mr. Lomouth. We'll try another document to see if
8 you're able to assist us with it.

9 Your Honours, this is D161/1.32. It is a letter to the Embassy of
10 Yugoslavia and it deals with a shipment of certain commodities.

11 And with your permission, I would like to show the witness the
12 Khmer version of that document, D161/1.32.

13 [10.57.00]

14 MR. PRESIDENT:

15 You may proceed.

16 Would the court officer please take the document from the
17 Prosecution and give it to the witness first.

18 BY ABDULHAK:

19 Q. Mr. Lomouth, do you recall seeing this document or documents
20 similar to it in your work at the Commercial Bank?

21 MR. SAR KIMLOMOUTH:

22 A. Mr. President, neither have I seen this document before.

23 Q. Very well. Mr. President, I would like to try another document
24 and see if the witness is familiar with it and this would be IS
25 18.24.

1 MR. PRESIDENT:

2 You may proceed.

3 But, Court Officer, please obtain the document from the
4 Prosecution and present it to the witness while at the same time
5 you should remove the document from the witness, the preceding
6 document.

7 [10.58.57]

8 BY MR. ABDULHAK:

9 Q. Is this a document you're familiar with, Mr. Lomouth?

10 MR. SAR KIMLOMOUTH:

11 A. Mr. President, neither have I seen this document before.

12 MR. PRESIDENT:

13 Court Officer, please take the document back from the witness
14 that is document IS 18.24.

15 [10.59.48]

16 The Prosecution, you should select documents as your basis which
17 are certain that the witness has seen such documents before you
18 are presenting to this witness so that you do not waste your time
19 allocated to you. And, if you just pick a document at random
20 without thinking of its relevancy to this witness, it's going to
21 be a time waste.

22 BY MR. ABDULHAK:

23 Thank you, Mr. President. We were just -- what we were doing is
24 seeking to elicit from the witness whether he's seen these --
25 whether he is familiar with them given that he has testified that

1 he's seen a number of prepared ledgers relating to export.

2 We'll move on to another topic.

3 Q. Mr. Lomouth, are you familiar with an individual called Koy
4 Thuon? Do you know who that is?

5 MR. SAR KIMLOMOUTH:

6 A. Mr. President, I do not know this person.

7 Q. Very well.

8 Now, if we return to a document that we discussed at the last
9 hearing, the 31st of May -- this was one of the documents that
10 were shown to you by the Co-Investigating Judges, and I note that
11 you indicated that you didn't take part in the meetings, but you
12 recognized some of the people that are named in the document.
13 Your Honours, this is a minute of the Decisions of the Standing
14 Committee dated 19th to the 21st of April 1976; it bears the
15 number E3/235 and it was shown to the witness in his second
16 interview, and at that point it was assigned the number D279/7.1.
17 And Your Honours will recall that, in one section of the
18 document, there is a reference to the witness.

19 [11.02.57]

20 I'd like to show it to him, with your permission.

21 MR. PRESIDENT:

22 Yes, you may do so.

23 First, Court Officer, could you take the document from the
24 Prosecution for the witness to view?

25 [11.03.22]

1 BY MR. ABDULHAK:

2 Q. Mr. Lomouth, if you recall this is one of the documents we
3 discussed and, as I said, we note that you didn't take part in
4 this meeting. Do you recall our discussion about this document
5 last week?

6 MR. SAR KIMLOMOUTH:

7 A. Yes, I recall that.

8 MR. ABDULHAK:

9 Thank you.

10 If we could show the document on the screen, Your Honours, we
11 just wish to project the first page of the document.

12 MR. PRESIDENT:

13 Yes, you may do so.

14 Assistant and the relevant section, could you please assist with
15 the projection of the document on the screen.

16 [11.05.02]

17 BY MR. ABDULHAK:

18 If we could have that on the screen?

19 I wonder if -- there might be a technical issue. We have it
20 ready, but I wonder if there's a technical issue with the AV
21 Unit.

22 Thank you.

23 We've discussed the Commerce Committee extensively, Mr. Lomouth,
24 and I just wish to discuss with you briefly, the composition at
25 the top of the committee. If we scroll down, under number one,

1 there is a listing of the members of the Commerce Committee; now,
2 just to read in that section and for the record, under number
3 one, "Preparations to organize various committees surrounding
4 Office 870"; and then under number one, on the left-hand side we
5 see Comrade Rith, with whom we've become familiar; and we also
6 see Comrades Nhem and Chhoeun.

7 [11.06.39]

8 Mr. Lomouth, do you recall Comrade Chhoeun? Do you know who he
9 was?

10 MR. SAR KIMLOMOUTH:

11 A. No, I do not know this person. Amongst the three, I only know
12 one person that is Comrade Rith.

13 Q. If we just move forward in that same document, to a section we
14 were looking at last week -- and it starts with the Roman numeral
15 IV, if the AV Unit could show that on the screen - I just want to
16 see if this refreshes your memory in any way. Under Roman numeral
17 IV--

18 And if the AV units could show that? I will take us to the
19 relevant portion; it should be at the bottom of page five and top
20 of page six in the document you're looking at.

21 We did look at this section last time, Mr. Lomouth. Under number
22 II, regarding the Chinese commercial delegation, there is a
23 decision here to organize a delegation to receive and negotiate
24 and it includes Comrade Doeun, who you've discussed, Comrade
25 Krin, another individual that you've described as the head of the

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1 Ports Committee, Comrade Say, and then Comrade Chhoeun. And of
2 course, at the end of that list is also your name.

3 Does that refresh your memory? Were you appointed to a delegation
4 with this individual, Comrade Chhoeun, from the Commerce
5 Committee?

6 [11.08.49]

7 A. Yes, I recall, but I cannot recall the date. I recall that, at
8 that time, Doeun was the head of the delegation.

9 Q. Do you recall what happened to Comrade Chhoeun after that
10 appointment?

11 A. No, I did not know what happened to him.

12 Q. Very well. I'll just indicate for the record that his S-21
13 confession is IS 5.104.

14 Mr. Lomouth, if we come back one step in that Committee, on that
15 first page we read was Comrade Rith, Comrade Nhem and Comrade
16 Chhoeun, do you recall Comrade Nhem? Did you work with him? Or
17 did you meet him during the DK period?

18 [11.10.40]

19 A. Neither Nhem nor Chhoeun I worked with. I only worked with
20 Comrade Rith. So I did not have any contact with the other two
21 individuals.

22 Q. Thank you. And, before we leave Comrade Nhem, I'll just
23 indicate that he is listed in the S-21 list, which is document
24 D288/6.68.1 at ERN 00330065, entry number 10,781.

25 Mr. Lomouth, we saw from the passage that you discussed with the

1 investigators, rather that the passage from your witness
2 interview which related to the removal or disappearance of Vorn
3 Vet, you said that in that interview that you did not dare ask
4 what happened to him. Were you aware, at this time, of other
5 disappearances? Were there any other disappearances of people you
6 worked with or people you knew within the Ministry of Commerce?

7 A. I cannot recall clearly. Besides, there was one staffer who
8 was an interpreter at the Commerce Ministry. He was removed from
9 his post, but I did not know what happened to him.

10 Q. And how did you feel at the time? We -- you've now confirmed
11 that you were aware of two disappearances at least. How did that
12 make you feel?

13 A. I was concerned and worried because at the commerce section,
14 one individual was removed. So I did have a personal concern for
15 myself.

16 Q. Do you know who he was removed by?

17 A. No, I did not.

18 [11.14.21]

19 Q. Did you ever discuss such disappearances with Van Rith, who
20 you said you were close to at the time?

21 A. Let me clarify. Van Rith was not the chief at the Foreign
22 Commerce Section. And, of course, I did not discuss with him
23 about any disappearance.

24 Q. You said you were personally concerned and worried following
25 the disappearance of one of your colleagues. Were you able to

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1 observe how others around you felt? Did you have discussions with
2 any of them about this issue?

3 [11.15.35]

4 A. No, I did not discuss this issue with anybody.

5 Q. I'd like to show you a document, Mr. Lomouth, to see if you're
6 able to assist us with it. This is a decision by the Ministry of
7 Commerce; it's dated the 17th of October 1976. Your Honours, the
8 document number is D108/26.27. And, with your permission, I'd
9 like to show the hard copy to the witness first.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 Court Officer, please deliver the document from the Prosecution
13 to the witness for his view.

14 BY MR. ABDULHAK:

15 Q. And just while the witness is reading, for the record, I'll
16 indicate the title of the document is -- it's a Ministry of
17 Commerce document -- "Committee of the Ministry of Commerce,
18 after asking for opinions from the sections in the ministry,
19 decides to arrest and send the following persons to security to
20 interrogate for information..."

21 [11.17.55]

22 Mr. Lomouth, have you seen this document before, or documents
23 similar to it?

24 MR. SAR KIMLOMOUTH:

25 A. Mr. President, I have never seen this document or a similar

1 document to this one.

2 MR. PRESIDENT:

3 Court Officer, could you remove the document from the witness.

4 BY MR. ABDULHAK:

5 Q. I will just show you another -- one more document only on this
6 topic. It is slightly different and I'm wondering if you might be

7 able to assist us if you recognize the document. Your Honours,

8 this is D366/7.1.159 and it is dated the 17th of October 1976.

9 With your permission we'll show it to the witness and see if he's
10 familiar with it.

11 [11.19.24]

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 Court Officer, could you take the document from the Prosecution
15 and deliver it to the witness for his view.

16 BY MR. ABDULHAK:

17 Q. As with the last document, I'll just read, for the record, the
18 opening lines:

19 "After consulting with all the sections, Committee of the

20 Ministry of Commerce decides to send the people with the

21 following names to the re-education centre of the security..."

22 Are you familiar with that document, Mr. Lomouth?

23 MR. SAR KIMLOMOUTH:

24 A. Mr. President, I have never seen this document or a similar
25 one to this.

1 [11.20.21]

2 MR. PRESIDENT:

3 Court Officer, could you remove that document from the witness?

4 The Prosecution, that you are again reminded to be clear on the
5 documents to be presented to the witness and be certain that the
6 document -- the witness has seen or read the documents. Don't
7 just pick and choose a document for him to examine.

8 And, secondly, this witness does not work at the Commerce
9 Ministry. He worked at a bank section which is separate from the
10 said section. So, please don't waste the time. If you run out of
11 questions you should come -- conclude your question and don't
12 just try to fill in the gaps of the allocated time with
13 repetitive questions or by presenting irrelevant documents to the
14 witness.

15 I hope the Prosecution make use of the time available and make
16 the questioning more effective.

17 [11.21.48]

18 MR. ABDULHAK:

19 Thank you, Mr. President.

20 I just want to note for the record that we have no way of knowing
21 what documents the witness has seen other than those attached to
22 his interview. He worked at the ministry or at the bank for three
23 years, at least.

24 BY MR. ABDULHAK:

25 Q. Mr. Lomouth, you worked with Van Rith and, as we saw, you

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1 attended meetings with him, the foreign delegations. You have not
2 seen these documents that I have just showed to you, but if I ask
3 you a question based on the documents: Were you ever aware of
4 decisions by the ministry to send people to security?

5 MR. SAR KIMLOMOUTH:

6 A. No, I was not aware of that, nor I participate in any meeting
7 to send anybody to security. That was the affairs of the Commerce
8 Ministry and it was unrelated to my section. I did not even know
9 any of those individuals. Although we worked adjacent to one
10 another, but it was their business. So I did not interfere with
11 their operations or business.

12 [11.23.29]

13 And, that is also my personal attitude.

14 Q. Thank you. We will leave that topic. I think you've told us
15 everything that you are able to recall and willing to share with
16 us.

17 I will move onto another theme. I just wish to ensure that we
18 have a full understanding of the positions you held and roles
19 that you performed in the '76 to '79 period.

20 [11.24.12]

21 You confirmed last week that you were deputy director of the
22 Commercial Bank of Cambodia. When did you assume that position?
23 Was it immediately upon return to Phnom Penh in '76 or was it at
24 a different point in time?

25 A. Regarding that bank, that bank was not in a similar form of

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1 the current bank because, at that time, there was no currency. It
2 was called Foreign Commerce Bank. Its main task was in relation
3 to the southern purchase with foreign countries. It was not a
4 national bank like the bank we know these days.

5 When I was transferred from the cooperative, there was no
6 establishment of the bank yet until later on, after the decisions
7 by the committees in order to form a bank to deal with the
8 southern purchase; but with foreign countries, it was
9 established. And, initially, the decision to establish it was
10 only on paper. And I, personally, was not aware of how much money
11 the bank held. There was the general director or the chief of the
12 bank; probably he was by the name of Mey, as far as I can recall.
13 And then, for myself, I was titled as the deputy director and I
14 never met the general director at all. I did not know how he
15 looked like.

16 And I actually asked a gentleman there, what was my job in that
17 bank, because it was only formed in that sense. That is all.

18 [11.26.48]

19 Q. You haven't quite fully answered my question: At what stage,
20 what date -- approximately or precisely, if you recall -- was
21 that appointment made? When were you appointed the deputy
22 director?

23 A. I cannot recall the date. As I said repeatedly, it's been more
24 than 35 years so; I cannot recall the exact date of the
25 appointment. Either it was in the 1976, early, mid or later that

1 year, I cannot recall it.

2 Q. Very well. Thank you. And just by way of summarizing your
3 evidence, because you have been testifying now for two days, you
4 said to us you attended meetings; I think we saw instances where
5 you attended as an interpreter. And then also, today, you said
6 you attended meetings also where financial or banking matters
7 were concerned. Am I accurately summarizing your participation in
8 these meetings?

9 [11.28.24]

10 A. That is correct. However, let me clarify that when I became a
11 member of the delegation, I never made any comments except when
12 it comes to the technical aspect then I would make a comments.
13 Usually, I just sat still and listened to other people speaking,
14 but when it comes into interpretation that is a separate matter.

15 Q. Thank you. Do you recall attending any meetings with foreign
16 delegations or otherwise, where you were the chairperson? Were
17 there any such meetings?

18 A. No, there was no such occasion.

19 Q. Let me see if we can refresh your memory.

20 Mr. President, I'd like to show the witness document number
21 D366/7.1.341. It's a report of a meeting with a Korean delegation
22 dated the 5th of October 1978, and I have a copy for the witness.
23 With your permission, I'll show it to him.

24 [11.30.33]

25 MR. PRESIDENT:

1 You may proceed.

2 Court officer is instructed to obtain the document from the
3 Prosecution and present it to the witness first.

4 BY MR. ABDULHAK:

5 Q. Thank you. And while the witness is reviewing the document,
6 for the record again, I'll just indicate the opening lines: "At
7 the attention of the Beloved Commerce Committee may we report to
8 you on the meeting with Comrade Korea on 5 October 1978 from 8
9 a.m. until 10 a.m. at the Ministry of Commerce."

10 And the next line: "Cambodians side includes: Comrades Lomouth,
11 Phorn, and Suon".

12 Mr. Lomouth, do you recognize this document and do you recall
13 attending that meeting?

14 [11.31.33]

15 MR. SAR KIMLOMOUTH:

16 A. I cannot recall it clearly, and in addition, I have never seen
17 this document either. Looking at the substance, there was the
18 attendance of Lomouth, Phorn, and Suon. And to my recollection,
19 Suon was a small level officer of the Commerce Committee, and
20 Phorn was an advisor and also the third secretary of the Commerce
21 Committee, so he was a person of lower rank as well. So, by
22 looking at these individuals, I could comment that they were in
23 lower level positions. But I do not judge -- know the substance
24 of this document unless I am given time to go through this
25 document. But to my recollection, I have never been the

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1 chairperson of any meeting with foreign delegation, and if there
2 was, such meeting was of a low profile meeting.

3 MR. ABDULHAK:

4 Thank you.

5 Mr. President, I'm in your hands, but consistent with the
6 Chamber's rulings of last week, we submit it would be appropriate
7 to show the document on the screen. It clearly indicates the
8 witness as attending and the witness doesn't deny attending the
9 meeting.

10 [11.33.43]

11 MR. PRESIDENT:

12 You may proceed.

13 BY MR. ABDULHAK:

14 Thank you. We will just display the first page.

15 Q. Mr. Lomouth, we're not interested necessarily in the detailed
16 contents of the discussions. We're just -- I'm really only
17 wanting to understand the -- your relationship with the Ministry
18 of Commerce and your role in these meetings.

19 The first paragraph, I will read - quote

20 "Before commencing trade talks, we informed Comrade Korea after
21 exchanging an introductory expression that as Comrade Van Rith
22 was on a mission outside Phnom Penh, three of us have been
23 assigned to greet and discuss trade issues with Comrade Korea
24 today."

25 [11.35.04]

1 That passage indicates that, essentially, you were assigned to
2 attend this meeting in place of Comrade Van Rith. And do you
3 recall being assigned to attend meetings with foreign
4 delegations? Is that an accurate summary of your assignment for
5 that meeting?

6 MR. SAR KIMLOMOUTH:

7 A. I cannot recall it clearly, but I do not deny that I was
8 attending this meeting either, because I am not sure because, at
9 that time, probably, Mr. Van Rith was on mission, and Phorn,
10 Suon, and I, who were in the Ministry of Commerce, and then we
11 met with the third secretary of the Korean counterparts.

12 And as for the format of this report, I cannot recall whether or
13 not this was instructed by us or by somebody else.

14 Q. Do you recall who it was that assigned you to attend this
15 meeting in place of Van Rith?

16 A. I cannot recall it. I would like to ask for leave from the
17 Chamber to go through this document, particularly the latter part
18 of this document.

19 Q. Mr. President, we have no objection if the witness wishes to
20 see the rest of the document.

21 (Short pause)

22 [11.37.15]

23 MR. SAR KIMLOMOUTH:

24 A. After going through this document, the Korean counterparts
25 suggested that they wanted to purchase some goods from Cambodia.

1 But I think in that meeting somebody else was the chairperson. If
2 I was the chair of that meeting then my writing style would be
3 different from this. But there must have been somebody else above
4 me in that meeting.

5 And to be honest by looking at this paper briefly, I cannot
6 comment in details because this event took place long time ago.

7 [11.39.34]

8 And I do not want to assume or speculate on this matter or that
9 matter by reading it briefly like this. But the writing style and
10 the format itself did not belong to my format, so somebody else
11 must have written it.

12 MR. PRESIDENT:

13 Co-Prosecutor may continue your line of questioning.

14 BY MR. ABDULHAK:

15 Q. You say that it appears someone else chaired the meeting. Do
16 you agree with me that you're listed as the first and most senior
17 member of the Cambodian delegation, there, on the first page?

18 Just yes or no, please.

19 MR. SAR KIMLOMOUTH:

20 A. I am not sure because, in this document, it indicated that on
21 the Cambodian side there were Lomouth, Phorn, and Suon, and there
22 was no indication as to who chaired the Cambodian side. And this
23 report involves the purchase and selling of rubber which was a
24 different matter. And there were other matters that might have
25 been dealt with by Phorn and Suon. I think there might have been

1 such meeting, but I am not sure if I was the chairman of the
2 meeting at that time.

3 [11.41.56]

4 MR. PRESIDENT:

5 Prosecutor, you may continue your question.

6 BY MR. ABDULHAK:

7 Thank you, Mr. President.

8 Q. Mr. Lomouth, would you agree with me that your assignment to
9 be at this meeting, apparently in a senior capacity, indicates
10 that you had a position of considerable responsibility in
11 relation to the Ministry of Commerce?

12 [11.42.58]

13 MR. PRESIDENT:

14 The Witness, please hold on.

15 The National Defence Counsel for Khieu Samphan, you may proceed.
16 Counsel?

17 MR.KONG SAM ONN:

18 Thank you, Mr. President. I would like to object against this
19 document on the basis that the question is repetitive and the
20 witness has already stated, very clearly several times, that he
21 was of lower rank.

22 MR. PRESIDENT:

23 The objection by the defence counsel for Khieu Samphan is
24 sustained because the question is repetitive.

25 And witness need not answer the question.

1 BY MR. ABDULHAK:

2 Q. Having looked at this document, Mr. Lomouth, how would you
3 describe your knowledge of the Ministry of Commerce's work? Were
4 you very knowledgeable about its work or is otherwise true?

5 [11.44.20]

6 MR. SAR KIMLOMOUTH:

7 A. Aside from what I have testified, the task under the
8 supervision of the Commerce Committee was different from my
9 designated task. When I look through this document I was a bit
10 curious of this document. I cannot say that it was not the one I
11 was involved, but I am not just sure of it because the writing
12 style and the format was not familiar to me. But I cannot be
13 precise on this document because there was events of our
14 dialogues with the Korean counterparts on purchasing and selling
15 certain stuff. And at that time, of course, there were other
16 comrades as well, and the two comrades mentioned in this document
17 were from the Commerce Committee, but there was no designation as
18 to who chaired the Cambodian delegation.

19 And as for the authority to decide whether to sell or purchase
20 any goods from the Korean counterpart, was not mentioned in this
21 document, either.

22 And, in addition, there was no indication as to who prepared or
23 authored this report.

24 [11.46.32]

25 Q. Thank you, Mr. Lomouth. I think your response is

1 comprehensive.

2 This meeting, of course, took place, as the document indicates,
3 on the 5th of October 1978. And it's a matter of public record
4 that on the 6th of January 1979, the regime -- the Democratic
5 Kampuchea regime fell.

6 Where did you go at that point? What did you do on the 6th or 7th
7 of January? Did you stay in Phnom Penh or did you go anywhere
8 else?

9 A. I remained in Phnom Penh until the last day of the regime, and
10 when the Democratic Kampuchea fell, I took refuge along with
11 others.

12 [11.47.40]

13 Q. And after that escape from Phnom Penh, did you continue to
14 work with people who had been members of the Democratic Kampuchea
15 regime? And if you did, did you hold any position in particular?

16 A. Mr. President, I think the Democratic Kampuchea regime ended
17 on the 6th of January 1979. And I don't know if I should respond
18 to the question concerning my involvement after that period.

19 MR. PRESIDENT:

20 Witness need not answer the question because the question is
21 irrelevant.

22 MR. ABULHAK:

23 Mr. President, the purpose-- I note and respect the decision.
24 I'll just indicate the purpose of asking that question was to
25 elicit other evidence on the witness' associations with senior

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1 people in Democratic Kampuchea.

2 And just before I end my examination, so that the record is not

3 incomplete -- and I will not ask the witness about this --

4 document E3/1435, which is dated the 18th of December 1979,

5 refers to the witness and the function he held. The relevant ERNs

6 are in English S00017988, Khmer ERN 00595274, and French ERN

7 00597820.

8 This is an official record of the Democratic Kampuchea

9 government, and it indicates that the witness held the position

10 of Secretary of State for supply and transportation.

11 [11.50.26]

12 Your Honours, I thank you for the time extended. We have no

13 further questions for this witness.

14 Mr. Sar Kimlomouth, thank you for coming here to answer these

15 questions and assist the Court in finding the truth. We will have

16 no further questions for you.

17 MR. PRESIDENT:

18 The civil party Lead Co-Lawyers and the delegated civil party

19 lawyers, can you indicate as to how much time you will need to

20 question the witness?

21 MS. SIMONNEAU-FORT:

22 Good morning, Mr. President. Good morning, Your Honours. I think

23 that the civil parties would need about two hours, which means

24 that the afternoon would suffice for our examination of the

25 witness. Thank you.

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1 [11.51.38]

2 MR. PRESIDENT:

3 Thank you, Lead Co-Lawyers, for the indication of the times.

4 And the time is now appropriate for lunch adjournment. The

5 Chamber will resume at 1.30 this afternoon.

6 Court officer is instructed to coordinate the place for the

7 witness and his duty counsel to rest and bring them back to this

8 courtroom by 1.30 this afternoon.

9 Counsel, you may proceed.

10 [11.52.16]

11 MR. PAUW:

12 Mr. President, my client, Nuon Chea, would like to attend the

13 hearing this afternoon from his holding cell for the usual

14 reasons, and we have the waiver to submit to you straight away.

15 MR. PRESIDENT:

16 Having noted the request by Nuon Chea through his defence counsel

17 to waive his right to be present directly in this courtroom, but

18 instead follow the proceeding from the holding cell through

19 audio-visual means from the holding -- holding cell and his

20 defence counsel have indicated that the letter of waiver is ready

21 for submission to the Chamber, so the request is granted.

22 Mr. Nuon Chea may follow the proceedings from a holding cell

23 downstairs through audio-visual equipment for the remainder of

24 the proceedings today. And he has expressly waived his right to

25 be present directly in this courtroom.

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1 And the defence team for Nuon Chea is required to submit the
2 Chamber immediately the letter of waiver not to be present in
3 this courtroom with the signature or thumbprint of the accused
4 Nuon Chea.

5 [11.53.47]

6 And AV officer is instructed to link the audio-visual means to
7 the holding cell downstairs for the remainder of the proceeding
8 this afternoon.

9 Security guards are instructed to bring Mr. Nuon Chea and Khieu
10 Samphan to the holding cell downstairs. This afternoon, Mr. Nuon
11 Chea will remain in the holding cell downstairs to follow the
12 proceeding by remote means from his holding cell and audio-visual
13 equipment will be ready for him to follow the proceeding as such,
14 and whereas Mr. Khieu Samphan is to be brought to this courtroom
15 before 1.30.

16 The Court is now adjourned.

17 (Court recesses from 1154H to 1330H)

18 MR. PRESIDENT:

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

20 The floor is now given to the civil party lawyers who are
21 authorized by the Lead Co-Lawyers for Civil Parties to put
22 questions to this witness. You may proceed.

23 QUESTIONING BY MS. SIN SOWORN:

24 Thank you, Mr. President. Good afternoon, Mr. President, Your
25 Honours. Good afternoon, everyone in and around the courtroom.

1 Q. Good afternoon, Mr. Witness. I am sure your presence today is
2 important. You are an independent witness in order to seek for
3 the truth and justice. The truth and justice refer both to the
4 Accused and the victims, so we seek your cooperation by telling
5 us what you know, you saw and you experienced.

6 My question is the following. On the 30 of May 2012, you said
7 that you joined the Movement during the Sangkum Neastr Niyum. Can
8 you tell us in what year that you joined the Movement?

9 [13.32.47]

10 MR. SAR KIMLOMOUTH:

11 A. I cannot recall the year clearly. It's been a long time.

12 MR. PRESIDENT:

13 Defence Counsel, you may proceed.

14 MR. KARNAVAS:

15 Thank you, Mr. President. I hate to -- to object, and I do
16 apologize, but perhaps the questions could be -- could cover
17 areas that have not been covered thus far. Otherwise, there's no
18 sense in just doing it two or three or four times.
19 They can pick up where the Prosecution left off, unless it's part
20 of a question and they want to loop it into their question.
21 But the gentleman has already answered these questions, and I
22 think we need to get him off the -- off the stand as quickly as
23 possible. Thank you.

24 [13.33.41]

25 MR. PRESIDENT:

1 Thank you, Defence Counsel, for your observation.

2 We hoped all parties to the proceeding will use the time more
3 effectively so that the proceeding in this case can conclude as
4 soon as possible.

5 We also would like to remind the party that you need to make it
6 clear that the person before us is a witness. He is not an
7 accused. So don't focus much on the historical background of the
8 witness. He is not the accused, and the information regarding his
9 background has been provided sufficiently by the Chamber when he
10 started to appear before the Chamber and when he was read his
11 right and obligations regarding his identity, for instance.

12 [13.34.55]

13 MS. SIN SOWORN:

14 Thank you. Mr. President, the question I put to him regarding the
15 year is that the question was put to him by the Prosecution, but
16 he only said about the regime, not the year. But let me move on.

17 BY MS. SIN SOWORN:

18 Q. My question to you is that, when you worked at the bank --
19 that is, the Foreign Trade Bank or Commerce Bank -- and -- you
20 were the chief of the loan unit; is that correct?

21 [13.35.26]

22 MR. SAR KIMLOMOUTH:

23 A. Yes, in that bank, I was.

24 Q. During the time that you was the chief of the loan unit before
25 the Khmer Rouge regime, did you receive any people who request

1 for the loan?

2 MR. PRESIDENT:

3 That question is irrelevant.

4 Witness, you do not need to respond to this question.

5 [13.36.08]

6 BY MS. SIN SOWORN:

7 Q. When you joined the revolution, you said you joined the

8 Revolutionary Movement. Also, you provided some of your own money

9 to the Movement.

10 As an intellectual, what was your thinking when you contribute

11 your money to the Movement?

12 MR. SAR KIMLOMOUTH:

13 A. That was pre-Democratic Kampuchea regime. At that time, they

14 tried to appeal for some money so I made them my contribution.

15 And at that time they did not talk or say anything about the

16 Communist Party. Although we studied its theory, it was not yet a

17 Communist Party; it was still the front.

18 Q. Thank you. During the time that you contributed your own money

19 to the revolution, on the 30 of May, you said that you also

20 participated in the meeting, and it was a covert meeting. It was

21 held here and there.

22 The question is: Were the meetings held in Phnom Penh?

23 A. Yes, I worked in Phnom Penh. The meetings were held in Phnom

24 Penh.

25 Q. Thank you. What were the contents of the meetings?

1 A. I cannot recall; however, it was about the general situation
2 in the country.

3 Q. Thank you. You know Mr. Van Rith very well; is that correct?
4 [13.38.31]

5 A. Yes, that is correct.

6 Q. When did you start to know him? Was it during the time that
7 you worked together?

8 A. I knew him when we worked together, but in fact I knew him
9 before that.

10 Initially, he studied at the Sisowath School and I was his
11 professor.

12 Q. Thank you. You also replied that Van Rith had an issue with
13 the Lon Nol group, so he fled to join the revolution; is that
14 correct?

15 [13.39.23]

16 MR. PRESIDENT:

17 You don't need to respond. You already replied to that question.
18 Civil Party Lawyer, you're reminded of how you have to put the
19 question to the witness. Make sure don't repeat the questions
20 which he already replied.

21 And also, don't try to put question to elicit his subjective
22 conclusion. We try our best to manage the proceeding and the use
23 of time effectively.

24 BY MS. SIN SOWORN:

25 Thank you, Mr. President.

1 Q. My question to you is related to the evacuation from Phnom
2 Penh. You replied to the Prosecution, yesterday and the day
3 before, that you were told to evacuate from Phnom Penh in the
4 afternoon and you left Phnom Penh toward Kien Svay. You also said
5 you did not plan to go to Kien Svay, but instead to go to Kampot.
6 You also said that, due to the crowded and due to the fact that
7 you were scared, you went and stayed at Kien Svay.

8 [13.40.53]

9 My question to you is: What was your fear at that time that's why
10 you redirected your travel?

11 MR. SAR KIMLOMOUTH:

12 A. Let me correct it. I did not say that I was scared. My
13 intention was to go to Kampot via Ta Khmau, but while we were at
14 the Ta Khmau roundabout, because it was crowded, so we were
15 directed to cross the bridge toward Kien Svay. Because -- I went
16 to Kien Svay due to the crowd and that I could not move towards
17 the direction that I intended to go, so I moved along with
18 others. We crossed the bridge toward the Kien Svay direction.

19 [13.41.47]

20 Q. Thank you. You said yesterday that you and your family were
21 evacuated to a cooperative in Kien Svay.

22 The question is: At that time, was your family considered
23 April people or liberated people?

24 A. We did not reach the Kien Svay market yet. We was around the
25 Champa village. There was no organization of cooperative yet. And

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1 we were not considered either a new or older people.

2 Only a few weeks later, they formed the cooperative and we
3 requested to stay in that cooperative.

4 At that time, there was no proper organizational management of
5 the cooperative, so at that time the situation was rather
6 confusing. And as we did not want to go anywhere else, we just
7 stayed there.

8 And I repeat, at that time there was no classification of New or
9 Old People yet.

10 [13.43.14]

11 Q. Thank you. When people were classified "new" or "old", when
12 was that?

13 A. I do not know clearly because I only stay for a short while at
14 the cooperative and then I was told to move to a cooperative near
15 the vicinity of Phnom Penh near Stung Meanchey area. And the
16 composition there were those including the intellectuals, the
17 peasants, the factory workers as well as some based peasants.

18 But there is -- there was no distinction at that time of the New
19 or Old People. And the peasants who came to settle there were not
20 poor peasants because they had cows, they had buffalos and they
21 were all put together into the cooperative for common use.

22 In fact, in that cooperative, we were all kind of new because we
23 were from different parts of the village, and some came with
24 their cattle.

25 So that's all what I know about the cooperative, but I do not

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1 know or cannot say about other cooperatives throughout the
2 country, as I did not partake myself in other cooperatives
3 besides the one that I stayed in.

4 [13.44.51]

5 Q. Thank you. You also told the Chamber yesterday that you
6 returned to Phnom Penh alone and your family you left behind at
7 the Champa cooperative in Kien Svay.

8 The question is, when you returned to Phnom Penh alone, were you
9 aware that one that -- that was the one who called you to Phnom
10 Penh, or was there somebody else called you?

11 A. Mr. President, let me correct it. After we returned from the
12 Champa cooperative to a cooperative in Stung Meanchey, I and the
13 family came together. Only when I left that cooperative in Phnom
14 Penh to work in Phnom Penh I came alone. But when we came from
15 the Champa Pagoda cooperative, we all came together. And that is
16 the truth.

17 Q. Thank you. Mr. Witness, my question to you is that, when you
18 were evacuated from Phnom Penh, you stayed at the Champa Pagoda
19 with your family, but later on, after about two months, Angkar
20 called you to Phnom Penh. And when you came to Phnom Penh, you
21 came alone.

22 My question is: When Angkar called you to Phnom Penh, was it by
23 Vorn Vet at the Commerce Ministry or somebody else who called you
24 to return to Phnom Penh?

25 [13.46.47]

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1 A. At the Champa cooperative, I did not know who came to call us.
2 We all came together and we did not come to Phnom Penh. We came
3 to a cooperative near Phnom Penh, not to the Phnom Penh itself.
4 And we -- so we went to that cooperative near Phnom Penh together
5 and only I who went from that cooperative to work in Phnom Penh.
6 Let me clear on this point.

7 MR. PRESIDENT:

8 The question is that: When you were called from the new
9 cooperative to work in Phnom Penh by yourself, who called you to
10 come to work in Phnom Penh? Was it Vorn Vet or was it somebody
11 else? That is the question to you: Was it Vorn Vet or was it
12 somebody else who called you to work in Phnom Penh as the deputy
13 director of the bank?

14 [13.48.00]

15 MR. SAR KIMLOMOUTH:

16 A. Mr. President, I did not know who actually made a call.

17 BY MS. SIN SOWORN:

18 Thank you.

19 Q. In -- once you arrived in Phnom Penh, who actually received
20 you and who provide you the place -- or your accommodation?

21 MR. SAR KIMLOMOUTH:

22 A. As I said earlier, there was a house near the industry
23 committee. And at that place, An was the one who provided me the
24 accommodation near his workplace.

25 Q. Thank you. Were you aware, before you arrive, that you would

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1 be appointed as the deputy director of the Foreign Commerce Bank?

2 [13.49.07]

3 A. No, I did not know. And I did not know that there was a plan
4 to establish a bank. I was told at the cooperative that Angkar
5 requested me to go and work in Phnom Penh. That's all I was told,
6 but I was not told of the details of the work involved.

7 Q. Thank you. During the time that you were in Phnom Penh -- and
8 as you told the Chamber, if you wanted to visit your wife and
9 children in Kien Svay, you only told them and then you would be
10 able to go and visit your family; is that correct?

11 [13.49.52]

12 MR. PRESIDENT:

13 You do not need to reply to this question.

14 BY MS. SIN SOWORN:

15 Q. When you went to visit your family in the name of an
16 intellectual at the time and that you lived separately from your
17 family, how did you feel when you lived separately from your wife
18 and children?

19 MR. SAR KIMLOMOUTH:

20 A. Regardless of the status of being intellectual or not, living
21 separately, of course, is hard. Nobody is satisfied with that
22 stage.

23 Q. Thank you. Your response to the Prosecution question that, in
24 the cooperative before you left for Phnom Penh, you did not know
25 about whether marriages were organized--

1 My question is: During the time from '76 to '79, were you aware
2 that in other cooperatives or in your ministry or the Foreign
3 Commerce Bank -- were marriages organized or held?

4 [13.51.32]

5 A. When I was at the cooperative near Stung Meanchey, I did not
6 know about whether marriages took place. I only knew that at the
7 place where I work, marriages were organized, but it was not a
8 forced marriage.

9 At the commerce section, there were only myself and a few young
10 children, so there was no marriage, or maybe marriages took place
11 in other sections. And whether marriages were forced or not, it
12 was beyond my knowledge.

13 Q. Thank you. You just told the Chamber that at the cooperative
14 you saw marriages taking place, but they were not forced
15 marriages.

16 My question to you is that, the marriages that you observed, were
17 any relatives of the people participated or whether the -- it was
18 a traditional ceremony with the "achar" participating?

19 A. No, it was not a traditional marriage. At that time, tradition
20 was no longer there. It was like a form of meeting and the
21 parents there attending the marriage ceremony. There was no music
22 or it was not a traditional type of marriage.

23 [13.53.24]

24 Q. Thank you. You just said there was no traditional music. Was
25 it contradictory to the will of those who were to -- to get

1 marriage based on your observation?

2 MR. PRESIDENT:

3 The witness, you do not need to respond to this question, as you
4 cannot provide your observation based on the feeling of other
5 people.

6 BY MS. SIN SOWORN:

7 Q. My next question to you is that: Do you know Doeun clearly?

8 MR. SAR KIMLOMOUTH:

9 A. Before I was called to work in Phnom Penh, I did not know him.
10 But when I arrived, I learned that he was the chief of the
11 Commerce Committee and I had to work and cooperate with him. I
12 did not know him previously -- know his background.

13 [13.54.41]

14 Q. Thank you. When you learned that he was the chief of the
15 Commerce Committee, did you know that Doeun was also chief of
16 Office 870?

17 A. No, I did not know. And I also did not know the -- the Office
18 870.

19 Q. Thank you. Do you know An clearly?

20 A. I knew An when I came to stay with him. I did not know him
21 before that time.

22 Q. Thank you. An was the chief of the industrial section; is that
23 correct?

24 A. Based on the place where he worked, he was the chief, but
25 there is no proper document or something to show that he was

1 chief of that section. But from what I could see, he was chief.

2 Q. Thank you. Did you know Vorn Vet clearly?

3 A. I only met him after I was introduced to my work. I only met
4 him once. I did not work with him anymore after that.

5 Q. In what year was that?

6 A. I could not recall the year clearly; that was after I returned
7 from the cooperative, it could be in early 1976 or middle or
8 later '76. It was likely -- it was in early 1976. That was after
9 the harvest season. So after the harvest season, I returned to
10 Phnom Penh.

11 [13.57.05]

12 Q. Thank you. You was a professor at the Sisowath School. Did you
13 know Ieng Sary, Saloth Sar or Khieu Thirith at that time? Because
14 they were also professors at Sisowath School.

15 A. I had known them before I became the professor. I knew them
16 since I was still studying. Ieng Thirith was also in a similar
17 class like mine. Ieng Sary studied, probably, a year before and
18 they all studied, also, at the Sisowath School . But previously,
19 Pol Pot or Saloth Sar studied at Kampong Cham, but later on we
20 went to separate schools.

21 Q. Thank you.

22 Yesterday and today, you said that you worked at the Foreign
23 Commerce Bank and you worked based on your profession and because
24 you were scared. How did you work because you were scared?

25 A. It was that if I made a mistake during my work then I would be

1 in trouble.

2 [13.59.07]

3 Q. Thank you. So the word "scared" that you used, you scared that
4 you might make a mistake as in the case of Doeun and Vorn Vet?

5 A. No, I cannot make such a comparison. I did not know what
6 mistakes they were accused of because, at that time, I did not
7 know whether they committed anything or any wrongdoing. I only
8 knew about them during the investigation stage when I was shown
9 the documents.

10 Q. Thank you. You worked in Phnom Penh separated from your
11 family. Is it from '75 until the Vietnamese entered Phnom Penh?

12 A. Yes, it was not a complete separation because I was allowed to
13 visit my family, probably, every fortnight because they were not
14 far from where I worked.

15 [14.00.25]

16 Q. Thank you. As the deputy director of the Foreign Commerce Bank
17 in Phnom Penh, from what year were you in that deputy director
18 position. Was it from the time that you came to Phnom Penh until
19 the time Phnom Penh fell?

20 A. When they established that Foreign Trade Bank, I did not
21 recall the exact date, but it was sometime in the -- in mid-1976,
22 but I cannot recall the exact date.

23 Q. Thank you. In your capacity as the deputy director general of
24 Foreign Trade Bank, did you receive order or did you have to
25 report to somebody else?

1 A. I did not receive any direct order from anyone but, in the
2 documents, there was the communication line sent through the
3 messenger. For example, if there was any documents to be sent
4 from the central level, they would send it through a messenger.
5 There was a central communication office which was tasked to
6 deliver documents to me, but I did not know from whom the
7 document was sent.

8 [14.02.21]

9 Q. What were the main missions of the Foreign Trade Bank back
10 then?

11 A. The core task of this bank, as the name suggests, was meant to
12 carry out foreign trade transactions with business counterparts
13 but, once again, as I said this morning, it was a mere symbolic
14 bank because there were only two individuals working; one was my
15 colleagues and myself and there was no records of transaction of
16 profit and loss and it was a mere symbolic or nominal bank
17 actually.

18 Q. When you were working in that bank, in mid-1976, what year did
19 you consider your busiest year? Was it in 1977 or 1978?

20 A. There were task in 1978/79, but the work, itself, was not so
21 busy that we could not do any other thing else because we had
22 free time to raise chicken -- animals, and plant vegetables as
23 well.

24 [14.04.11]

25 Q. You have told the Court that for the produce or good

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1 exportation, you recorded the items for export yourself; how did
2 you prepare your records of good exports? For example, if they
3 had to import this -- this much pharmaceutical or other produce
4 or goods, how did you prepare your transaction records?

5 A. If I am not mistaken, this morning I said nothing about my
6 responsibility taking records of information of good exported or
7 imported. There were times when I was asked to record something,
8 but it was not my principal task and it was not my initiative to
9 keep a record of good exported or imported.

10 But sometime I was asked to verify certain documents and I had to
11 take records from the documents. There was no accounting system
12 or profit and loss statements or so at that time. As I have said,
13 repeatedly, that it was merely nominal; nothing was specific and
14 concrete in terms of recording systems. For example, the record
15 of credit of 140 million yuans, it was something that was not
16 within my responsibility; it was the responsibility of the
17 Commerce Committee and, at the bank, we did not even have the
18 ledger or records kept at the bank.

19 [14.06.25]

20 Q. When you kept records of imported goods to Cambodia, did you
21 encounter the description of items being imported as weapon or
22 ammunition or so?

23 A. There were civilian goods and commodities and there were no
24 records of arms or weapons or ammunition imported and I think
25 that, if there was, my place was not responsible for keeping

1 tracks or records of such imports; it was the state-to-state deal
2 and it was somebody else who was responsible for that.

3 Q. Can you describe the relationship of the Foreign Trade Bank of
4 Cambodia with any other foreign banks?

5 A. I cannot recall them all, but there were relations with many
6 countries; for example, the bank in Yugoslavia, Madagascar, and
7 China, but I'm not sure whether or not there was relationship
8 because, normally, the relation was established with the commerce
9 ministry. I am not sure. If I cannot know it for sure, I dare not
10 answer to that question precisely.

11 [14.08.21]

12 Q. Can you tell the Court the structure of the Commerce Committee
13 and tell its line departments?

14 A. The structure of the Commerce Committee was actually available
15 before the Court and it has been presented to the Court, as well,
16 over the past few days, but what I would like to emphasize is
17 that, this document is not a public document and, during the
18 interview with the investigators of the OCIJ, they introduced the
19 documents to me and if there were any other structures of this
20 committee, I did not know.

21 Q. So, based on your testimony, your work was or had something to
22 do with Foreign Trade Bank and you also said, in your testimony
23 earlier that, you, at times, worked as the interpreter for the
24 Cambodian delegation so my question is as follows: When there
25 were visits of the foreign delegations to Cambodia, were you

1 assigned as the interpreter?

2 [14.10.06]

3 A. For the Chinese delegation, they had interpreters with them
4 who interpreted into Khmer and Chinese, respectively. But as for
5 other delegations, unless the delegates spoke French, then I
6 would be assigned as the interpreter. So it was up to other
7 people who decided whether or not I be assigned as the
8 interpreter. So, once again, I was assigned only when there were
9 delegation who spoke French and there were official from Ministry
10 of Foreign Affairs who actually worked as the interpreter, but
11 they noted that I could speak French; that's why I was engaged
12 from time to time.

13 Q. For those foreign delegation, when they were on their official
14 visit, where did they go?

15 A. In Phnom Penh, there were many houses -- accommodated the
16 foreign delegations. They could stay in one of the houses.

17 [14.11.37]

18 Q. How about the visit to the provinces? Did they ever visit the
19 province?

20 A. To my recollection, when there were -- there was delegation
21 which used French as a means of communication, I accompanied them
22 as interpreter and there were only when we went to Siem Reap and
23 Kampong Som, to my recollection.

24 Q. On their visit to the provinces, how long would it last?

25 A. To my recollection, it took about one or two nights.

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1 Q. So, when they were on their provincial visit, did they go to
2 any specific line ministry or provincials departments?

3 A. I cannot recall, but when they went to Siem Reap, we took them
4 to visit Angkor Wat and we formed the composition of workforce to
5 accompany those foreign delegation. But when we went to Kampong
6 Som, we met with the port authority and if there were cargo ship
7 embarked at the pier -- at the port authority, we also
8 accompanied them to the pier.

9 [14.13.33]

10 Q. You said you were an interpreter so if those foreign delegates
11 visited the -- to -- to Kampong Som, who accompanied those
12 foreign delegates? Because you were the interpreter, there must
13 have been other representative of the Democratic Kampuchea
14 accompanying those delegations.

15 A. If it was to do with commerce affairs, then Van Rith was
16 assigned to accompany them.

17 Q. So, whenever there was official visit by foreign delegates to
18 Cambodia, who had the authority to decide as to what those
19 foreign delegates had to deal with during their stay?

20 A. That, I do not know.

21 Q. Thank you. Upon the completion of their mission, did the
22 foreign delegates have a courtesy call on some of the leaders of
23 the regime?

24 A. That, I don't know.

25 [14.15.23]

1 Q. Now, let's talk about the -- your interpreting service during
2 the meeting. When there was delegation -- foreign delegation
3 visiting Cambodia, do you recall the representative from the
4 Cambodian side participating in such meeting?

5 A. I cannot recall. I cannot recall.

6 Q. Who used to chair the meeting or presided over such meeting?

7 A. Can you please clarify your question; I don't really
8 understand it?

9 Q. During the meeting with foreign delegation in Cambodia, you
10 were engaged as the interpreter. So my question is: Do you know
11 who presided over the meetings with those foreign delegations?

12 [14.16.58]

13 A. In order to respond to this question, I -- let me bring up --
14 let me take one example. For example, there was a commerce
15 delegation. In Cambodia, we would assign one counterpart
16 delegation and, in Cambodia, back then, when Doeun was in
17 authority, he was the one who chaired the meeting and there were
18 other members in the Cambodian delegation, but I cannot recall
19 their names. And as an interpreter, at that time, I could do
20 anything but simply to discuss or chit chat with members of the
21 delegations. But, as for the precise appointment or designation
22 of members in the delegation, I do not know. That is an example.
23 So it -- it varied depending on the committee itself. If it had
24 something to do with commerce, then the person who chaired the
25 Commerce Committee would preside over the meeting.

1 Q. In your capacity as the interpreter, what were the common
2 items on the agendas?

3 A. Sometime, they raise issue of how to further strengthen trade
4 relations between the countries but, as for the minor detail
5 concerning the goods to be purchased or exchanged, it was the
6 decision of the Commerce Committee.

7 [14.18.55]

8 In one instant when I was interpreting for the Korean delegation,
9 there were items of commodities mentioned, as well, in the
10 meeting, and they spoke French, at the time, and -- but we did
11 not discuss in details.

12 Q. Normally, before a meeting took place, the agenda would be
13 set. So who was the one with the authority to decide the items of
14 the agenda to be included for discussion?

15 A. That, I do not know. Back then, it appear that there was no
16 items on the agenda. We -- we did not do it as we are doing in
17 the present times. At that time, the delegation would meet and
18 discuss on various matters that came up to their mind. There was
19 no items of agenda circulated to members of the delegation wells
20 in advance. There might have been, but I did not know.

21 [14.20.29]

22 Q. Which year were considered the busiest year for the meetings
23 with foreign delegations?

24 A. It was sometime in late 1978 or early 1979, but it was not
25 that busy anyway.

1 Q. You said that certain items on the agenda was to discuss the
2 imports and exports of goods; was there a specific indicator as
3 to how many metric tonnes of goods to be imported to Cambodia or
4 how many tonnes of processed rice or beans to be exported?

5 A. To my recollection, there was no specific figure in terms of
6 what or how much to be imported from this country or that
7 country.

8 Q. Now, in your capacity as the deputy director general of the
9 Foreign Trade Bank, did you ever visit other foreign country on
10 your bank mission?

11 A. No, I never went -- never went overseas.

12 [14.22.40]

13 Q. You said, this morning, that Mr. Ieng Sary attended a -- one
14 of the meetings of the Commerce Committee and you were surprised.
15 And, according to the record of interview with the
16 Co-Investigating Judges back in 2009, you said that Mr. Ieng Sary
17 attended a meeting with the Chinese counterparts; it was one of
18 the important meetings. And you said in that testimony that he
19 participated in the meetings, not only once, but on several
20 occasions, according to your record of interview.

21 A. I do not recollect that I attended the meetings with him but,
22 according to the documents I was given, I noted that he was also
23 in attendance in those meetings and that during our meetings with
24 foreign delegations, of course, there were smaller meetings and
25 high-level meetings. Whenever there were high-level meetings,

1 then senior leaders would attend but, in terms of Commerce
2 Committee or commerce affairs, then he would -- he was not the
3 one who chaired the meeting but, if he was present during that
4 meeting, that meeting would be important; that's why the foreign
5 minister was present.

6 [14.24.31]

7 Q. In your record of interview back in 2009, on question and
8 answer 20, you said that Mr. Ieng Sary attended the meeting with
9 the Chinese delegation, and he did not attend only once, but on
10 several occasion; do you stand by this statement?

11 A. I would like to rectify it, a bit, because he attended one of
12 the meetings, but there could have been other meetings, as well,
13 that he attended, but I knew he had attended that meeting because
14 I was given a document which bore his name.

15 Q. In the same document, question and answer 38, you said that
16 Vorn Vet, back then, was the Chairman of the Commerce Committee,
17 and he was the Deputy Prime Minister at that time, and he was in
18 charge of Commerce and Industry Committee, and he might have--
19 You said -- you also said that there could have been other
20 committees as well. Do you stand by that statement?

21 A. This is in accordance with the documents I read when I was
22 presented with those documents. I actually did not understand the
23 detailed structure of the organizations at that time, but the
24 documents that were presented to me at that time -- I could
25 understand that the structure would be as what you have

1 described. And Vorn Vet, back then, was in charge of Commerce and
2 Industry Committee.

3 [14.26.30]

4 Q. I would like to now know -- find out more about the
5 transaction of deposit and withdrawal of money from the bank. For
6 imported and exported goods, were there transactions recording
7 the deposit of funds or withdrawal of funds in order to pay for
8 those goods?

9 A. Again, there was no transaction and there was no money in the
10 bank either. There was only papers, and the transaction was
11 handled by people in the Commerce Committee. And as I said in my
12 earlier statement, that the bank did not record any transaction,
13 and we did not have accounting system either.

14 Q. Thank you. So, for the terms of payment for goods imported or
15 exported, do you use Yuan currency or you use any other currency
16 for the payment?

17 [14.28.16]

18 A. There could have been other currencies as well, Yuan being one
19 of the currencies. But Yuan back then did not have-- was not
20 considered hard currency because it was not strong enough against
21 other currencies. So there must have been other currencies as
22 well, but for transactions with Hong Kong and other parts of
23 China, we did use Yuan as the terms of payment.
24 And, again, I did not have any document. It was my pure
25 assumptions that we would use that Yuan for commercial

1 transactions with Chinese counterparts.

2 Q. My question is regarding for other trade activities, including
3 diamonds or gold; what kind of transaction did you use? Because,
4 in Cambodia, we do not use currency. So was there any trade by
5 using hard gold or diamond?

6 [14.29.22]

7 A. I do not know about that, whether there was any trade exchange
8 in gold or diamond.

9 Q. For gold to be exported from Cambodia to other countries, were
10 there valuables like gold or diamond exported through China or
11 Yugoslavia, to your knowledge?

12 A. No, I do not know about that.

13 Q. Regarding the establishment of a company, the company that was
14 established in Hong Kong, was it-- It was a DK company. And how
15 many companies were created in Hong Kong?

16 A. Regarding the company establishment, actually, the company was
17 already established. When I was shown the document by the
18 investigator, I could recall about the name of the company that
19 was established. There was a company that I could recall
20 established in Hong Kong.

21 Q. Was it only one company in Hong Kong?

22 [14.31.05]

23 A. I only knew about one company, as it was shown in the document
24 as well.

25 Q. So a company was only established in Hong Kong. Was any other

1 company established elsewhere, in other countries?

2 A. No, I do not know about that.

3 Q. I would like to ask you regarding the disappearances, as in
4 document D279/7 -- ERN in Khmer is 00418555 -- at question and
5 answer number 13 regarding the arrest of 22 people in 1976
6 through '79 and were taken to S-21--

7 My question is: Were you aware of these arrests or the
8 disappearances of some cadres?

9 A. I was asked that question already and my response was that I
10 didn't know about that as it was related through the commerce
11 affairs.

12 [14.32.35]

13 Q. You told the Chamber this morning that you were afraid of the
14 arrest; is that correct? Is this what you mentioned this morning?

15 A. What I said this morning was that I did not know about those
16 arrests, and sometimes I noticed that the people did not turn up
17 to work. So sometimes I felt -- wondered what happened to them. I
18 did not know about the arrest of these 20-something persons and I
19 did not know whether they were arrested or where they were taken
20 to. I only learned from the document shown to me by the
21 investigator, and my concern was not about coming to know about
22 that. It was the general situation that I observed. Sometimes
23 people did not turn up to work.

24 Q. As you were fearful, what sort of measure you take to reduce
25 your fear or maybe you had to be loyal to the organization or

1 something of that sort?

2 [14.34.17]

3 A. Of course, everybody had to be loyal, but when it comes to my
4 work, I was dealing with the technical aspects of it. It was not
5 related to any policies or to any arrests. So I just focused on
6 my banking skills and the technical aspects of it. And it did not
7 have anything to interfere with any other people's business. I
8 was concerned, but I just have to stick to my line of work.

9 Q. Thank you. You told the Chamber this morning that you did not
10 think about anything else besides your personal security; is that
11 correct?

12 A. I did not think I said it like that this morning; or maybe I
13 made a mistake when I said that thing. Because my work is of a
14 technical nature, it did not involve other people's business and,
15 of course, I did not just focus on my personal security without
16 thinking about other people. I only just focused on my work,
17 truly on my work.

18 [14.36.10]

19 Q. Thank you. In relation to the company, usually, a company is
20 established in order to earn the profits.

21 My question is: Since the establishment of a company in Hong Kong
22 until it is resolved, did the Democratic Kampuchea earn benefits
23 from that company or are there still any countries owing the
24 money to Democratic Kampuchea through that company in Hong Kong?

25 A. The form -- the establishment of a company was the duty of the

1 Commerce Committee and it did not have anything to do with my
2 sector. So either loss or profit was their business, and I did
3 not know whether it made a profit or not. Of course I was shown a
4 document that the company was established in Hong Kong, but its
5 ledgers did not go through me because the company was based in
6 Hong Kong. So they only made reports to their relevant
7 hierarchical structure, not to me.

8 Q. Thank you. My last question to you. In the decision in
9 document D279/7.1, at page number 6, there was an appointment of
10 a delegation to receive and negotiate, and the composition was
11 Doeun, Krin, Sath, Chhoeun, Hok, and one from Foreign Affairs and
12 Comrade Lomouth. What does it mean? Did you ever work at the
13 Foreign Affairs? Can you tell us?

14 [14.38.39]

15 A. From my recollection, I am unclear on this point. In '75 and
16 '76, Doeun was the chief of commerce, but I did not know much
17 about the composition of the delegation, and there was one
18 individual from the Foreign Affairs. Because at that time I was
19 also new, I was asked to join to the delegation in relation to
20 the banking business and, of course, I was not from the Foreign
21 Affairs Ministry.

22 Upon my return to Phnom Penh from the cooperative, I worked for
23 the bank and also on the delegation of the other side, there was
24 also people representing the banking sector. That's why I was
25 invited to participate in that delegation. I did not work at the

1 Foreign Affairs Ministry. That is my recollection.

2 [14.39.51]

3 Q. Thank you. The documents say there is one person from the
4 Foreign Affairs Ministry and that was Comrade Lomouth. Can you
5 recall what year that you came to join that delegation?

6 MR. PRESIDENT:

7 I think the civil party lawyer may misread the text. Could you be
8 careful? Because there was one person from the Foreign Affairs
9 Ministry, then there was a break, and then there was another
10 person called Comrade Lomouth. It did not mean Comrade Lomouth
11 was the one from the Foreign Affairs Ministry.

12 MS. SIN SOWORN:

13 My apology, Mr. President; yes, there was one person from the
14 Foreign Affairs Ministry and there was Comrade Lomouth.

15 [14.40.57]

16 MR. SAR KIMLOMOUTH:

17 A. As I just stated earlier, probably that was the time that I
18 was called from the cooperative, and there was a delegation. I
19 think it was a Chinese delegation. There was one person or so
20 representing a banking sector in that delegation, and as I had
21 knowledge about the banking sector, I was put into that
22 delegation because I had nothing at all to do with the Foreign
23 Affairs Ministry. I was called to work in Phnom Penh and I stayed
24 in a house adjacent to the Commerce Committee that belongs to An,
25 and as I said earlier, it could be in early or mid-1976. And that

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1 was how it was organized.

2 [14.42.07]

3 MR. PRESIDENT:

4 Thank you.

5 The time is appropriate for our break. We shall take a 20-minute
6 break and shall return at 3 p.m.

7 Court Officer, could you assist the witness with refreshments
8 during the break, as well as for the duty counsel and have them
9 back here in the courtroom at 3 p.m.?

10 (Court recesses from 1442H to 1502H)

11 MR. PRESIDENT:

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

13 I note that defence counsel is on his feet. Is there any issue
14 you want to raise?

15 You have to indicate the subject of your point first before you
16 proceed, because the Chamber will have to decide whether or not
17 to allow you to proceed or not, because we will not allow any
18 statement during this course of proceeding.

19 [15.04.14]

20 MR. PAUW:

21 Thank you, Mr. President. I'll be very brief; there will be no
22 need to turn off my microphone.

23 I don't want to take time away from the civil parties but I just
24 want to indicate that the Defence teams have discussed the order
25 of the questioning later this week of this witness. And the Khieu

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1 Samphan team has indicated it would like to go first, and I
2 understand the Ieng Sary team has no objections, and neither do
3 we.

4 So, if it's all right with the Trial Chamber, the Khieu Samphan
5 team would start the questioning of this witness. Thank you.

6 MR. PRESIDENT:

7 Thank you.

8 I now hand over to the delegated civil party lawyers to continue
9 her line of questioning.

10 [15.05.10]

11 MS. SIN SOWORN:

12 Thank you, Mr. President. I do not have any further question for
13 the witness, but I would like to hand over to my esteemed
14 colleague to continue with the questioning.

15 MR. PRESIDENT:

16 Yes, International Counsel for the Civil Party, you may proceed.

17 QUESTIONING BY MR. NEKUIE:

18 Thank you very much, Mr. President. Good afternoon, Your Honours,
19 esteemed colleagues, and all members who are attending in the
20 public gallery. Good afternoon Mr. Witness.

21 Q. Can you hear me loud and clear, Mr. Witness?

22 MR. SAR KIMLOMOUTH:

23 A. Yes, I can hear you; you may proceed.

24 [15.06.08]

25 Q. First and foremost, Mr. Witness, allow me to tell you how

1 delighted I am to be posing questions to a witness who is fully
2 fluent in the French language, which should allow for seamless
3 communication.

4 I seek to grasp the essence of your work during the time that you
5 worked at the bank from 1976 to 1979. Now, am I correct to gather
6 that your activities centered around the establishment of lists
7 of goods to be imported and exported?

8 A. That is correct, but that list was not exhaustive and it was
9 not in compliance with the standard for records of import and
10 export internationally, it was not that comprehensive.

11 In other words, it is not comprehensive enough according to the
12 customary practice of trades, because certain transactions did
13 not go through bank. And even if some of them did go through bank
14 -- but it was not fully recorded.

15 [15.07.50]

16 And as I say, the accounting system was not put in place at that
17 time and -- at that time, there were no accounting system as such
18 and it has been 30 years since then. So I cannot really recall
19 every detail and I cannot rely on any particular document to
20 confirm any statement. So, once again, there was no proper
21 recording system at that time.

22 Q. Thank you very much, Mr. Witness, for those exhaustive
23 explanations. I think I have a very good understanding.

24 Nonetheless, I wish to ask you a question with respect to the
25 exporting of rice and husked rice and paddy: Can you tell the

1 Chamber if those two specific products were the subject of lists
2 in December 1978 or 1979?

3 A. The list of rice export came to my attention only when the
4 prosecutor presented it to me and before that I never saw it. And
5 in addition, the list, as such, was not given to us at the bank.
6 And again, I only saw this list today.

7 [15.09.33]

8 And the list was prepared by the Commerce Committee and I don't
9 know to whom the list was referred. But to my recollection, this
10 list did not go through the bank. And again, the quantity of rice
11 exported to any country was not made known to us either.

12 Q. Very well, Mr. Witness. We noted, during your testimony, that
13 you had the opportunity to lead delegations from abroad to
14 Sihanoukville and Kampong Som; is this accurate?

15 A. Yes, I went there but I was not the head of the Cambodian
16 delegation, I was the interpreter at that time. So I did not lead
17 the delegation; I went there to work simply as an interpreter, a
18 French interpreter.

19 Q. Mr. Witness, we understand that. But can you please specify
20 before this Chamber, during those occasions, did those
21 delegations make specific request to visit particular
22 cooperatives?

23 [15.11.24]

24 A. I do not know whether or not there was such a request. But as
25 far as I can recall, whenever they visited the provinces, namely

1 Siem Reap and Kampong Som, I did not see that those delegations
2 visited the cooperatives. But they might have been to
3 cooperatives at other times in which I was not present; that I
4 did not know.

5 Q. Thank you. During the journey from Phnom Penh to those two
6 villages, Sihanoukville, and in Kampong Som, do you have the
7 memory, Mr. Witness, of what the food situation was? And exactly
8 what situation was prevailing among the people?

9 A. I do not know because, when we were on the travel to Kampong
10 Som, we were on the bus and we stopped along the way at certain
11 points. But as for the overall welfare of people in the
12 countryside, we did not notice anything. We went straight to the
13 destination.

14 Q. To the best of your memory, do you remember a deterioration of
15 the food situation at the time? Please speak in general terms
16 based on the best of your memory.

17 [15.13.42]

18 A. We could not notice anything because when we were accompanying
19 the delegation, there were no any other person who approached us
20 or who came close to us and telling us the situation of the
21 cooperatives. The cooperatives might be far away from the
22 delegation, so nobody came to tell us about the general situation
23 of cooperatives.

24 Q. Thank you, sir. And with respect to the cooperative where your
25 family resided and which you visited rather regularly, did you

1 observe progressive deterioration of the food situation in that
2 cooperative?

3 A. For that particular cooperative, I did not notice any
4 significant deterioration. That particular cooperative was rather
5 unique because it was located close to a lake. So the people
6 could go out fishing and people also raised cattle and livestock,
7 and they also cultivate rice as well. So there was sufficient
8 food over there.

9 [15.15.24]

10 And even when I left for Phnom Penh already and I returned there
11 once in a while, I did not notice any deterioration in terms of
12 food supply. They plant vegetables to supply themselves and, in
13 addition, they also raise livestock to feed themselves. But I
14 cannot say for other cooperatives, it was unique to that
15 cooperative and I have never been to other cooperatives either, I
16 cannot comment on them.

17 Q. Thank you, Mr. Lomouth. Based on your testimony, Mr. Lomouth,
18 are we to gather that, based on your observations made at the
19 time, rice cargos and paddy cargos were taken from surpluses that
20 were registered from the cooperatives? Is this a fair assumption
21 for us to make, based on your testimony?

22 A. I cannot say it precisely because I have no ideas or figures
23 concerning the production of other cooperatives. So I have
24 nothing as the basis for any assumption, so -- as for the
25 production yield of rice across the country, I also have no idea

1 because there was no figure -- I have no access to figures.

2 [15.17.18]

3 Q. Thank you very much for this honest answer, Mr. Witness.

4 Let us return to some of the documents that were put to you by

5 the Co-Prosecutor this morning. I don't wish to dwell on them,

6 Mr. President, I simply wanted to provide you the ERN references.

7 They are a summary of a meeting that you, Mr. Lomouth, attended

8 in December -- pardon me, on the 5th of October 1978. This is a

9 meeting that was attended by the Korean delegation. It bears the

10 ERN number 00753603 in French; English ERN, 00711446; and in

11 Khmer, 00188530.

12 [15.18.33]

13 It would appear that you, along with Mr. Van Rith and another

14 colleague, were present at this meeting, Mr. Lomouth. Do you have

15 a memory of this?

16 Allow me to ask you a question with respect to members of the

17 Cambodian delegation; they are Phorn and Suon. Do you remember

18 talking about those two individuals with the Co-Prosecutor this

19 morning?

20 A. Yes, we discussed this document this morning, and I explained

21 to the Court as well this morning concerning this document. But

22 again, to make it even clearer, when there was a meeting with

23 that Korean delegation, if -- they spoke French, so I spoke

24 French, so I was engaged as an interpreter also at that time.

25 And as for Phorn and Suon, they were middle level officers in the

1 Commerce Committee at that time, because the detail of that
2 report suggests that the Korean counterpart wanted to know
3 certain information.

4 [15.20.17]

5 But this document, again, did not specify that I was the
6 chairperson of the meeting. I may have been an interpreter during
7 that meeting, I could have been assigned as an interpreter for
8 the two names mentioned in this document, because there were some
9 talks with the Korean counterpart on the items to be bought or
10 sold. I might have been an interpreter, if I remember it, but I
11 was not definitely the chair of the meeting.

12 Q. Thank you very much, Mr. Witness. I'm not seeking to
13 understand whether or not you chaired that meeting. I would just
14 like you to explain before this Court, Mr. Witness, how did you
15 know that Phorn and Suon were middle level cadres within the
16 Commerce Committee? What were your sources of information at the
17 time?

18 A. That was because these two individuals worked in the
19 Department of Foreign Trades of the Commerce Committee. So they
20 were members of the Committee, but they were at the lower level.

21 [15.22.10]

22 I cannot even remember their names and faces, but they were
23 technical people. They were not the members of the Commerce
24 Committee, but they were the official -- the technical official
25 responsible for offices subordinate to the Committee.

1 Q. And based on that information, did it stem from your personal
2 observation or was it derived from a particular piece of
3 information or communication that was transmitted to you
4 according to which they spoke about their technical role?

5 A. Nobody told me, but during the meeting, they exchanged ideas.
6 Then we learned that they were from the Commerce Committee, but
7 there was no announcement that they were at this level or that
8 level. But during that meeting, they mentioned that those two
9 individuals were from the Commerce Ministry.

10 [15.23.58]

11 Q. Mr. Witness, during your testimony you cited two names rather
12 frequently, those names were An and Mey Prang; do you have a
13 memory of this? An is A-n, and Prang is spelled as P-r-a-n-g.

14 MR. PRESIDENT:

15 Counsel, please repeat your last question. There is a difficulty
16 to get the names of the individuals in Khmer. So please speak
17 slowly when it comes to names and if it is not clear, you should
18 consult with your esteemed national colleagues to check whether or
19 not the pronunciation of the names is correct in Khmer.

20 BY MR. NEKUIE:

21 Yes, of course, Mr. President. I was referring to An. The name;
22 as transcribed in our transcripts is spelled A-n; I pronounce it
23 as An. As for the second name, I am referring to Mey Prang --
24 M-e-y -- and Prang is spelled as P-r-a-n-g.

25 Q. My question to the witness is simply whether he recalled

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1 citing these two specific names during his testimony.

2 MR. SAR KIMLOMOUTH:

3 A. For An, I have discussed a lot about him, particularly when I
4 was called back to Phnom Penh. At that time, I stayed temporarily
5 in a house adjacent to the industry committee. And An met me when
6 I was there.

7 [15.26.38]

8 But then we moved to a place which is now the headquarters of the
9 Ministry of Defence; and then he moved to live somewhere in front
10 of that ministry, but I never met him anymore.

11 And Prang was in charge of the railway station, but I never met
12 Prang in person because I had nothing to do with him. But his
13 place was just right opposite my office. So that's what I knew as
14 Prang.

15 Q. Thank you for those explanations, Mr. Witness.

16 Do you know whether prior to your departure from Phnom Penh in
17 January 1979, An was still with you?

18 A. No, I never stayed long with him. I met only him -- only after
19 I arrived in Phnom Penh. He was in charge of the Industry
20 Committee, and I did not know his fate later on. And when we left
21 Phnom Penh, I did not know anything about him at all because we
22 never contacted each other again.

23 [15.28.45]

24 Q. Witness, you stated in response to the Co-Prosecutor and to a
25 question put to you by my esteemed colleague that, as you started

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1 to notice disappearances from your service, fear instilled in
2 you. You noticed some disappearances occurring within the
3 commerce department.

4 Therefore, my question for you is: When you no longer saw those
5 people, what, exactly, were you afraid of? Were you afraid of
6 something happening to you or of something else?

7 [15.29.25]

8 A. Mr. President, just for clarification, I was not a member of
9 the Commerce Committee. And as for the disappearance of members
10 of the committees, I did not know. I never knew it. I came to
11 know about it only when I saw the document presented to me by the
12 investigators of this Court.

13 I only noticed that one person was removed and I did not see him
14 anymore. And at that time, I did not know that a large number of
15 people disappeared. I only came to know it recently when I was
16 given the document. So I was not afraid of the disappearance
17 because I did not know that there was -- such a thing happen.
18 And as for documents sent to S-21, I never, never knew it. It
19 came to my mind only when I came to this Court.

20 Q. Very well, Mr. Witness.

21 We've all heard what you were saying. Nonetheless, I would like
22 to know, when you were travelling about Phnom Penh by bicycle,
23 did you ever go to the warehouse located along National Road 6,
24 as you indicated to the Co-Prosecutor?

25 A. Let me make a clarification of two points. There was a

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1 warehouse in kilometre number 6, and there was also a railway
2 passing that warehouse. I've never been to that warehouse, but I
3 learned of its name. And that name was still used during the
4 Democratic Kampuchea regime. The warehouse was also for the rice
5 storage.

6 [15.31.58]

7 I could not really travel freely. I could ride a motorbike from
8 my place to the cooperative. I need to follow that path, and I
9 did not dare go anywhere else besides that. And so I travelled
10 back and forth through that exact road. If we were to veer into
11 other roads, then I would be stopped and asked the purpose of my
12 travel.

13 Of course, I could travel, but I could not just travel anywhere.
14 I'd stick to my designated road. If I were to go to travel, I
15 would just go to the cooperative and return.

16 [15.32.49]

17 And of course I have heard about the name of the warehouse in
18 kilometre number 6. There the kilometre number 6 warehouse was
19 used since before the DK regime for rice storage. But personally,
20 I had never been in or to that warehouse. That was the affairs of
21 the commerce section.

22 Q. Thank you for these explanations, Witness.

23 Witness, please tell us how frequently you went to Kampong Som to
24 ascertain what quantity of rice had to be exported or what
25 shipments had to be exported?

1 A. Let me clarify this point. Regarding the rice export, I never
2 went to oversee such a transaction or affair. I only saw the list
3 through the hearing at this Court.

4 Regarding the delegation, for example, the Yugoslavian delegation
5 visit, I went in my capacity as an interpreter, not to oversee
6 the ledger or the transaction, and it was not that frequent. It
7 happened occasionally only. It was not as active as the
8 delegations visiting Phnom Penh at present day.

9 Q. Perhaps I did not quite understand your answer to my colleague
10 a while ago, when you said that you also went to Kampong Som to
11 witness the loading of shipments. Is that what you stated, or I
12 did not properly understand your testimony?

13 [15.35.19]

14 A. I said earlier that sometimes I assisted those people who
15 worked at the commerce section regarding the shipment by ship. I
16 saw them -- the process. But when they actually export the goods,
17 I never participated in that process.

18 And of course I did not accompany the delegation frequently;
19 occasionally only, when I accompanied the delegation. And it did
20 not happen five or six times per year. It only happened once or
21 twice per year. And that is the frequency that I referred to.
22 And I never went to oversee the goods being unloaded. I only told
23 them the process of how to deal with the paperwork, but I
24 personally did not go there to oversee the transaction or the
25 process of examining the ledger of shipment there.

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1 [15.36.58]

2 Q. Very well, Witness.

3 Witness, to the best of your recollection, since at the time you
4 are able to at least move about in Phnom Penh, did you observe
5 that some families had returned to Phnom Penh and reoccupied the
6 homes they had abandoned in 1975, on the 17th of April 1975?

7 A. I cannot answer to these questions. Although I was in Phnom
8 Penh, I did not have the right to travel freely anywhere. I could
9 only travel from my workplace to the designated place or to visit
10 my family. So I did not know about the affairs of other people
11 regarding travel.

12 Q. I thank you. Witness, you said a while ago that you had
13 age-old relations with Mr. Ieng Sary. My question to you is as
14 follows: To the best of your knowledge, did you attend the
15 wedding of Mr. Ieng Sary and Ms. Ieng Thirith at the time -- that
16 is, during your youth?

17 A. I cannot recall whether I did. It is likely that his wedding
18 took place in France and I was in Cambodia. So I could not attend
19 the wedding.

20 [15.39.33]

21 Q. It is true that a lot of time has elapsed, Witness, but do you
22 think that if you had attended that event, you would have
23 forgotten about it? Because your answer suggests that you do not
24 quite remember. That is why I wonder whether you could have
25 forgotten about it.

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1 [15.40.06]

2 MR. PRESIDENT:

3 You do not need to respond to this question, Mr. Witness. The
4 response of these kinds of questions cannot lead us to justice.

5 BY MR. NEKUIE:

6 Very well, Mr. President. I will move on to another question.

7 Q. Witness, you made mention of Mr. Krin who was the person in
8 charge of Kampong Som port. You also stated that you also had
9 occasion to meet him during that period. Can you please tell us
10 how many times you met Mr. Krin during that period?

11 MR. SAR KIMLOMOUTH:

12 A. I knew him when I accompanied the delegation. I met him there
13 and I learned that he was in charge of the port, but I could not
14 recall how many times I met him. I only knew that I met him and
15 that I learned he was the chief of the port, and I had not known
16 him before I met him at that time.

17 [15.42.06]

18 Q. Were you able to find out, Witness, when he was transferred to
19 Hong Kong to manage the company that he managed at the time, Nat
20 or Rith or something of the sort?

21 MR. PRESIDENT:

22 Civil Party Lawyer, please repeat your last question and can you
23 also spell the name of the persons you mentioned in your question
24 clearly as you did in your previous question? That would assist
25 both the witness and the interpreter to know the exact

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1 pronunciation of the name you wish to raise in your question to
2 the witness.

3 BY MR. NEKUIE:

4 Yes, Mr. President, indeed I will do so.

5 Q. My question to the witness was whether he knew precisely when
6 Mr. Krin went to Hong Kong to take over from Sok -- S-o-k. That
7 is the name I put to him.

8 MR. SAR KIMLOMOUTH:

9 A. I cannot recall when Mr. Krin was sent to Hong Kong. That will
10 be the business of the Commerce Committee and it had nothing to
11 do with my banking work. The name of the person is Krin --
12 K-r-i-n.

13 [15.44.15]

14 Q. Thank you, Witness.

15 In fact, Witness, I would like us to talk about your relations
16 with Mr. Van Rith. You did provide some information on him this
17 afternoon saying that he was your classmate at the Sisowath
18 School and that you worked later on in state banks before you
19 eventually joined Democratic Kampuchea and worked together. My
20 question to you is as follows:

21 Should we take it -- within the limits of your knowledge, as you
22 explained today - that, in spite of the more or less intense
23 relations between you and Mr. Van Rith, during your travels,
24 there were no exchanges between you on issues relating to the
25 Commerce Committee which he chaired?

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1 A. No, there was no such thing. I had to shut my mouth and I
2 would not dare to ask people around. It's better to be quiet,
3 even if I knew that person from the previous regime. Even here
4 when the two of us met, I dared not raise such a question.

5 MR. NEKUIE:

6 Very well, Witness. This brings me to the end of my examination
7 this afternoon. I thank you for kindly answering all my
8 questions.

9 Mr. President, Your Honours, I think that the civil parties will
10 stop the examination of witness Sar Kimlomouth at this point. I
11 thank you for your kind attention.

12 (Judges deliberate)

13 [15.47.36]

14 MR. PRESIDENT:

15 Thank you, Mr. Witness. The hearing of your testimony is not yet
16 concluded, and you are invited to appear again tomorrow morning.
17 So please make yourself available tomorrow, at 9 a.m.

18 And also, Duty Counsel, please make yourself available tomorrow,
19 starting from 9 a.m.

20 Today's proceeding has come to an end. We shall adjourn for today
21 and we will resume tomorrow, which is the 5th of June 2012,
22 starting from 9 a.m.

23 As for tomorrow's proceeding, we shall continue to hear the
24 testimony of this witness. And for the defence counsel, Mr. Khieu
25 Samphan's defence will first question the witness and the other

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1 two defence teams will follow accordingly.

2 [15.49.09]

3 Court Officer, could you assist the witness in cooperation with
4 WESU for the witness to return to his accommodation and have him
5 back here tomorrow morning?

6 At the same time, the Chamber would like to inform all parties
7 for the proceeding that, if tomorrow's hearing of the witness Sar
8 Kimlomouth concludes early and if we have more time appropriate,
9 we will hear the witness TCW-604, and it will commence by the
10 Prosecution first.

11 Security guards, you are instructed to bring the Accused to the
12 detention facility and bring the three back to the main courtroom
13 tomorrow morning, before 9 a.m.

14 The Court is now adjourned.

15 (Court adjourns at 1550H)

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