



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 June 2012
Trial Day 69

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:
SON Arun
Jasper PAUW
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:
DUCH Phary
Andrew James MCINTYRE
SE Kolvuthy
Natacha WEXELS-RISER

Lawyers for the Civil Parties:
PICH Ang
Élisabeth SIMONNEAU-FORT
HONG Kimsuon
Barnabé NEKUIE
SAM Sokong
SIN Soworn
VEN Pov
LOR Chunthy
TY Srinna
KIM Mengkhy

For the Office of the Co-Prosecutors:
VENG Huot
Keith RAYNOR
Tarik ABDULHAK
SENG Bunkheang
Dale LYSAK
Vincent DE WILDE D'ESTMAEL

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. LYSAK	English
MR. NEKUIE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. SAO SARUN (TCW-604)	Khmer
MR. SAR KIMLOMOUTH (TCW-583)	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Mr. Duch Phary, could you report the attendance of the parties to
6 the proceeding?

7 [09.02.43]

8 THE GREFFIER:

9 Mr. President, all parties to the proceeding are present. The
10 accused Ieng Sary is present in the room downstairs. The accused
11 Ieng Sary, through his lawyer, expressed his personal presence
12 for the entire day's proceeding today and a letter of waiver has
13 been delivered to the greffier.

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 What about the reserve witness? Is the reserve witness present?

17 THE GREFFIER:

18 The next witness, which is TCW-604, will arrive at the court this
19 morning, at 10 a.m.

20 [09.03.55]

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber received the letter of request from the accused Ieng
24 Sary through his counsel to waive his rights to participate
25 directly in the proceeding, and he wishes to follow the

2

1 proceedings through audio-visual means for the entire day today
2 due to his health, that he cannot sit for long to follow the
3 proceeding in the courtroom.

4 Having seen the request by the accused Ieng Sary not to
5 participate directly in the proceeding and to follow it in the
6 holding cell downstairs through audio-visual means and that he
7 can communicate with his defence team during the proceeding
8 today. As such, the Chamber agrees to the request by Ieng Sary to
9 waive his rights to participate directly in the proceeding today.
10 So he can follow the proceeding from the holding cell downstairs
11 through audio-visual means, and this applies for the entire day
12 proceeding.

13 [09.05.30]

14 The Audio-Visual Unit, you are instructed to link the proceedings
15 through audio-visual means to the holding cell downstairs for the
16 entire day.

17 Good morning, Mr. Sar Kimlomouth. The Chamber is grateful for
18 your valuable time to testify before us, with your patience. This
19 morning you will be questioned by the defence teams and the floor
20 will be given to Khieu Samphan defence team first and the other
21 two teams will follow.

22 The floor is now given to Khieu Samphan's defence team to put
23 questions to this witness. You may proceed.

24 QUESTIONING BY MR. KONG SAM ONN:

25 Good morning, Mr. President. Good morning, Your Honours. Good

1 morning, everyone.

2 Q. Good morning, Mr. Witness. My name is Kong Sam Onn, the
3 defence counsel for Khieu Samphan, and I have some questions for
4 you so that you can tell the Bench in relation to Case 002.

5 [09.07.07]

6 First, I would like to ask you in relation to the historical
7 context and your personal background in relation to the
8 Revolutionary Movement prior to 1975.

9 You stated before this Chamber regarding your personal
10 contribution to this movement. Can you further corroborate?
11 Besides the money contribution, did you provide encouragement
12 spiritually to the movement? If so, what were they?

13 MR. SAR KIMLOMOUTH:

14 A. No, I did not.

15 Q. Thank you. In relation to the meetings amongst your work
16 group, did you have meetings amongst your group?

17 A. Yes, there were meetings.

18 Q. I pause a little bit in order for the interpretation to be
19 done into other languages. So please be patient with me.

20 The meetings you participated, as you just stated, could you
21 recall the contents of those meetings?

22 [09.09.15]

23 A. I cannot recall the contents that well. It has been more than
24 30 years.

25 Q. Thank you. Can you recall the people who worked with you or

4

1 the ones who attended the meetings together with you during your
2 revolutionary movement prior to 1975?

3 A. I cannot recall them all because the meetings were held with
4 different people at different times.

5 Q. Did you meet Khieu Samphan prior to 1975?

6 A. Prior to 1975, I met him because he was the people's
7 representative. He was also a minister. But during the
8 Revolutionary Movement meetings, I did not meet him.

9 Q. Thank you. During the time that Mr. Khieu Samphan went to the
10 forest in 1968, or before 1968, did you meet him and in what
11 capacity he was in? Was it the office of state's affairs during
12 the time that you met him?

13 A. No, it was not the state affairs. I met him incidentally. I
14 just happened to meet him. I did not have any official contact or
15 communication with him either at the Commerce Ministry or in his
16 capacity as the people's representative. I just happened to meet
17 him in Phnom Penh during the time.

18 [09.12.08]

19 Q. Thank you. Did you ever meet Khieu Samphan to discuss about
20 the resistance movement?

21 A. No, I did not.

22 Q. After 1970, did you have any contact with Mr. Khieu Samphan?

23 A. No, after that, I had not met him.

24 Q. Thank you. In relation to your personal contribution to the
25 Revolutionary Movement, why did you contribute to that movement

5

1 with your money? Can you tell the Bench?

2 [09.13.38]

3 MR. PRESIDENT:

4 That is a repetitive question. He was asked yesterday already.

5 So, the Witness, you do not need to respond to this question.

6 BY MR. KONG SAM ONN:

7 Thank you.

8 Q. Now, I move on to another question: What was your status in

9 the Party in the CPK before 1975?

10 MR. SAR KIMLOMOUTH:

11 A. Prior to 1975, the Communist Party was not talked about and I

12 did not have any role or status. I occasionally attended the

13 meetings, but there was no mentioning about the Communist Party.

14 Q. Thank you. Did you hear the word "sarman achun" -- or

15 "sympathiser" -- during that time?

16 [09.14.56]

17 A. Yes, I heard the word "sarman achun".

18 Q. Were -- was your status regarded as one of the "sarman achun"?

19 A. Yes, I considered myself as within the "sarman achun" group.

20 Q. Can you explain to the Bench what does "sarman achun" mean?

21 A. "Sarman achun" are those people who support the movement.

22 However, it does not necessarily mean they are active members.

23 [09.16.15]

24 Q. Thank you. I would like to move on to the second topic of my

25 questioning regarding the evacuation.

6

1 You told the Chamber repeatedly regarding the evacuation, that
2 you left Phnom Penh amongst other people, when you were ordered
3 to do so.

4 My question is related to you personally: During the evacuation,
5 did you attempt to find the people whom you worked with before
6 the evacuation?

7 [09.17.05]

8 A. No, I did not try to find them and there was no means for me
9 to find them or where they were. Even if I would were wanted to
10 try, I would not be able to do so.

11 Q. Thank you. Did you receive any opinions or did you have any
12 special meeting with the officials from the Revolutionary
13 Movement that you joined before 1975 and that you received during
14 the evacuation?

15 A. No, I did not.

16 Q. Thank you.

17 My question is now on the third subject regarding your leaving of
18 the cooperative staff of Stueng Mean Chey when you came to Phnom
19 Penh to work.

20 You told the Bench that people came to inform the chief of the
21 cooperative, and then you were told by the chief of the
22 cooperative for you to leave the cooperative, but you did not
23 meet that person personally.

24 The question is that, when you were told by the chief of the
25 cooperative to go to Phnom Penh, did the chief tell you the exact

7

1 location that you have to come to Phnom Penh?

2 [09.19.07]

3 A. No, he did not tell me in advance. I recall that it was the
4 deputy chief of the cooperative who accompanied me to Phnom Penh
5 on a motorbike, as I recall, and then I stayed near the office of
6 the commerce, as I stated yesterday.

7 Q. Thank you. Let me confirm that, when you left the cooperative
8 at Stueng Mean Chey, you did not leave alone; you were escorted
9 by the deputy chief of the cooperative on a motorbike?

10 A. Right.

11 Q. Did the chief of the cooperative inform you that where you
12 would be dropped off when you left the cooperative?

13 [09.20.15]

14 A. No, I was not informed of the location.

15 Q. Thank you. Upon your arrival in Phnom Penh, when you reached
16 that location, did you know what the -- what that office was or
17 what were you told?

18 A. Upon my arrival, I did not know what that location was. Only
19 later, the chief of the ministry came to meet me and allowed me
20 to stay there temporarily.

21 Q. Thank you. Immediately upon your arrival, you were led to meet
22 the chief of the ministry immediately?

23 A. I cannot recall how many minutes or hours upon my arrival
24 before I was allowed to meet the chief of the ministry, but I
25 knew that I went to meet him. I cannot recall the exact time.

8

1 Q. Thank you. Did you meet the chief of that location on the same
2 day or next day?

3 A. I cannot recall.

4 [09.22.19]

5 Q. Can you confirm who the chief of the institution was?

6 A. It was An, the chief of commerce.

7 Q. After you met with Mr. An, or when you met Mr. An, what did
8 Mr. An tell you?

9 A. He did not talk much about anything else. He asked me to wait
10 there and that I would be made-- instructed by the upper echelon.
11 He did not give me any instruction on what I should do at that
12 location at that particular time.

13 [09.23.21]

14 Q. Thank you. So he did not give you any instruction because he
15 didn't know or whether he did not have the duty to tell you what
16 you should do?

17 MR. ABDULHAK:

18 Objection, Mr. President. There's no way the witness can
19 speculate as to what the chief of industry thought, or knew, at
20 the time.

21 [09.24.10]

22 MR. PRESIDENT:

23 Defence Counsel, do you have any reply to the objection raised by
24 the Prosecution?

25 MR. KONG SAM ONN:

1 There are two issues here, Mr. President.

2 First, it is related to the fact that the witness knew or that he
3 was told that that person did not have the responsibility to tell
4 him what to do, or there could be other people who had that
5 responsibility.

6 And another issue is that, as raised by the Prosecution, that the
7 witness himself did not know about what An thought.

8 MR. PRESIDENT:

9 The objection raised by the Prosecution is sustained.

10 The Witness, you do not need to respond to this question.

11 [09.25.25]

12 BY MR. KONG SAM ONN:

13 Thank you.

14 Q. Now I move on to another question: Until when did you meet the
15 people whom were told by An that they were from the upper
16 echelon?

17 MR. SAR KIMLOMOUTH:

18 A. As I recall, it was not that long after. It could be a day or
19 two after that, then the upper level came to give me instructions
20 as to what I should do. So it was within days, not weeks.

21 Q. Thank you. Whom did you meet who represented the upper
22 echelon?

23 A. The person who came to meet me was Mr. Vorn Vet, but I did not
24 know what his position was within the Party, but his position of
25 course was above Mr. An's position and he came to tell me what

10

1 tasks I should fulfil.

2 [09.26.59]

3 Q. Thank you. You already said that Mr. An was the chief of the
4 ministry where you stayed. Is that correct?

5 A. Yes.

6 Q. You also said that Vorn Vet, who came to meet you, you did not
7 know his status in the Party, but he is above Mr. An, which means
8 above the ministry level. Is that correct?

9 A. Yes.

10 Q. When you met Vorn Vet, what did Vorn Vet tell you?

11 A. I already replied to a similar question a few times already.

12 He told me that there was a Chinese delegation and there was a
13 banking representative, and within that place, nobody had any
14 expertise in banking, and he wanted someone who has the banking
15 expertise to meet the Chinese delegation.

16 And as I had the knowledge, he asked me to wait and to join the
17 delegation and meet with that Chinese delegation. I was supplied
18 the civilian clothes to wear in order to meet and greet that
19 Chinese delegation. So he asked me to prepare myself and the
20 suitable clothing to meet with the Chinese delegation.

21 [09.28.58]

22 Q. Thank you. What was the reason Vorn Vet knew about your
23 expertise at the time?

24 A. Could you please repeat your question?

25 Q. My question is why Vorn Vet knew about your expertise? Or let

11

1 me rephrase so that I will not have any objection to my question.
2 The question is: Why did Vorn Vet knew about your capacity in the
3 banking sector, that you have experience in this area? Why he
4 knew about this expertise and that's why you were called to
5 fulfil that expertise?

6 A. I did not know who gave the order to call me from the
7 cooperative, and a lot of people knew that I had the banking
8 expertise because I worked in the bank before that regime and I
9 was known by many people.

10 So I did not know which person actually ordered for me to return
11 to Phnom Penh.

12 [09.30.47]

13 Q. Later on, who else did you meet -- I mean, those who had known
14 you before that you had bank expertise?

15 A. I did not meet anyone else because those who knew me, that I
16 knew banking system, I only met one who actually used to work
17 with me before, and I could not really know exactly who else knew
18 me, that I knew banking systems.

19 Q. You mentioned that you met Van Rith who had worked with you
20 before. Did Van Rith meet you immediately after you met Vorn Vet
21 or it was sometime after you met Vorn Vet?

22 A. I did not meet Van Rith immediately when I returned to Phnom
23 Penh. It was until there was the revision of the structure of the
24 Commerce Committee, when Doeun was replaced. It was at that time
25 when I met Van Rith.

12

1 Q. Had you known Doeun before?

2 A. No, I hadn't.

3 [09.33.05]

4 Q. When did you get to know him?

5 A. When the Cambodian delegation was proposed and that delegation
6 was led by Doeun, and I was part of this delegation and I learned
7 that Doeun was the Chairman of the Commerce Committee. It was
8 from then that I knew him.

9 [09.34.12]

10 Q. When you were designated to work in the Foreign Trade Bank,
11 what was the organizational structure of the bank?

12 A. Concerning the structure of the bank, I have already told the
13 Court before.

14 MR. PRESIDENT:

15 The witness needs not answer the question because it is
16 repetitive.

17 [09.34.50]

18 BY MR. KONG SAM ONN:

19 Thank you.

20 Q. That's all right. You mentioned in your testimony earlier that
21 there was a Director General and then you, being the deputy
22 director general in that bank. Can you tell the Court whether or
23 not there were other departments within the bank?

24 MR. SAR KIMLOMOUTH:

25 A. None. There was none.

1 Q. Thank you. How about your day-to-day work concerning the
2 operation of the bank; what kind of jobs did you undertake in
3 relation to banking operations?

4 A. There was no such operation as the normal banking operation
5 because in a conventional bank, there would be accounting systems
6 and systems recording transactions, but there was no such system.

7 Q. Are you sure that there is no system at all or there was any
8 form of recording the transactions?

9 A. I would not say that there was no system at all, but there was
10 no something that is noticeable.

11 [09.36.50]

12 Q. Thank you.

13 In your testimony, earlier, you said you had been the interpreter
14 on several occasions and you were engaged as a French
15 interpreter. Was your interpreting assignment related by any way
16 with the banking system?

17 A. I can say that it was almost no relation or connection with
18 the banking expertise I possessed at all.

19 Q. When you were appointed the Deputy Director General of the
20 Foreign Trade Bank of the Democratic Kampuchea, did you receive
21 advice or orders or instruction? And, if so, how?

22 A. There was no structure, guidance or advice.

23 Q. Did you give advice or guidance concerning banking transaction
24 to officials of the Democratic Kampuchea?

25 A. When -- upon our meeting with the -- with the Chinese

14

1 delegation and the Japanese counterpart, explain us how to do
2 trading with each other using the banking system, and when the
3 Cambodian official did not understand, I have elaborate the point
4 so that they could understand the process.

5 And when the Commerce Committee prepare export documents, I also
6 give some expert opinions as to how they should go about
7 preparing such document.

8 [09.40.11]

9 Q. You say -- you say that you give advice to someone in the
10 Commerce Committee and who did you refer to specifically?

11 A. I refer to those who worked in the Commerce Committee. There
12 was no somebody else -- anybody else. It was those who worked in
13 the Commerce Committee.

14 Q. Can you recall those whom you worked with in the Commerce
15 Committee back then?

16 [09.41.03]

17 A. I cannot recall them.

18 Q. In your subsequent work, upon your appointment as the Deputy
19 Director General, how often were you invited to provide expert
20 advice to official in the Commerce Committee?

21 A. I cannot recall how many times I was ask to go there, but
22 normally I would provide opinions or advice upon request. But
23 there was no formal training session; I only told them where I --
24 I knew.

25 Q. Can you tell the Court, how long did it normally last, asking,

15

1 telling or advising those official in the Commerce Committee?

2 A. I cannot say exactly how many minutes or hours it took me to
3 advise them, but it was not so long because I responded to the
4 points which they were not sure about and there were other points
5 which I was not sure about and I could not answer.

6 Q. Thank you. You said you provided your advice in relation to
7 banking operation and it was in the form of theory. Was it an
8 applied theory or it was the universal theory in the banking
9 world?

10 [09.44.16]

11 A. I normally told them about the universal practice in banking
12 system; particularly, when it came to import and export.

13 And there were certain particular issues when they asked me on
14 practical matters -- I cannot recall those matters, but I told
15 them from time to time about certain points, but I had to admit
16 that I did know everything in banking system.

17 I was more conversant in the credit section and I could recall
18 some of the theory I learned from school, but I did not know it
19 very well on every point. I only knew some theories and a couple
20 with some practices; I explain them on certain points.

21 Q. Under which institution were you supervised?

22 A. That, I am not sure.

23 [09.46.17]

24 Q. You told the Chamber earlier on that Mey was the designated
25 Director General who was your direct superior. Did they tell you

16

1 that Mey was an individual who actually supervised the bank or it
2 was a mere nominal name?

3 A. That, I do not know.

4 Q. Can you elaborate? What do you mean by "you don't know" about
5 this? Can you be more specific?

6 A. I did not know whether or not this name was an actual,
7 physical person or he was somebody else, or a nominal name, so I
8 did not know. I did not know whether or not that person was a
9 real, physical person or he was just someone who only bore the
10 name.

11 [09.47.47]

12 Q. Thank you. Did you ever report to a -- an upper authority
13 concerning the work plan of the bank or the progress to be
14 expected from the bank?

15 A. No, I never prepare such report and, in addition, I did not
16 have any idea to prepare the action plan or strategic plan of the
17 bank because I was all alone. There was no strategic plan or
18 action plan, at all, and I did not even have my own initiative to
19 start anything.

20 [09.48.55]

21 Q. How about your supervisor, those who were from the Democratic
22 Kampuchea or from line ministries supervising you? Did they ever
23 give you instruction to prepare any plan in order to ensure that
24 the bank would grow?

25 A. No, we never receive any guidance.

17

1 [09.49.49]

2 Q. What was your impression of your position as the Deputy
3 Director General of the Foreign Trade Bank?

4 MR. PRESIDENT:

5 The witness needs not answer this question because this will lead
6 to speculation or assumption by the witness in his answer.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President, but this question concerns the witness
9 himself.

10 MR. PRESIDENT:

11 The witness needs not answer the question and -- because this
12 question elicits assumption from the witness, and today we are
13 not prosecuting the witness. Now we need to ask him what he can
14 recall, what he has experienced.

15 So the counsel is advised to move on.

16 [09.51.10]

17 BY MR. KONG SAM ONN:

18 Thank you.

19 Q. Can you explain three terms?

20 The first term is "Front". Have you heard of this term before and
21 what it means?

22 MR. SAR KIMLOMOUTH:

23 A. I have heard of the word, but I cannot explain it because this
24 was the word commonly used in the Khmer Rouge regime when they
25 came to power and I cannot explain, but in Khmer definition,

18

1 "front" means being united to achieve certain goals, but I cannot
2 explain it in detail.

3 Q. How about the term "royal government", which was used during
4 the resistance-movement period up until the adoption of the new
5 constitution of the Democratic Kampuchea? Did you understand this
6 term?

7 A. At that time, I was not sure. There was resistant forces, or
8 movement, and the Khmer Rouge came to power. I cannot be precise
9 and clear about the event.

10 [09.52.53]

11 Q. Thank you.

12 My -- the last word was the "Angkar". What was your impression of
13 this term before 1975?

14 A. Before 1975, I did not hear the word "Angkar" at all.

15 Q. When did you get to know this word?

16 A. I heard it later on, when the Khmer Rouge forces took control
17 of Cambodia, and at that time we heard frequently the word
18 "Angkar", but before I never heard of the word.

19 Q. Thank you.

20 I would like to ask for permission from Mr. President to present
21 document D279/6, which also contain E3/439, on page 7.

22 MR. PRESIDENT:

23 Can you please give the title of the document as well as the
24 relevant ERN page? Because otherwise we cannot locate the
25 document easily?

19

1 [09.55.41]

2 MR. KONG SAM ONN:

3 The title of the document is "Record of Interview of Witness",
4 Khmer ERN 00418545. Because this particular document contains
5 question and answer, so I would like to refer to questions 35 and
6 36.

7 MR. PRESIDENT:

8 You may proceed. And this document is available.

9 Court officer is instructed to locate the document and present it
10 to the witness.

11 And, assistants, please project this document on the computer
12 screens.

13 [09.56.56]

14 MR KONG SAM ONN:

15 Q. I think you have located the point I would like to ask. Do you
16 need some time to go through this point?

17 MR. SAR KIMLOMOUTH:

18 A. I would like to ask the defence counsel what -- am I expected
19 to respond to the question? What was the question?

20 [09.58.07]

21 MR. PRESIDENT:

22 Mr. Witness, you simply go through this point first because we
23 would like you to have a look at this document because this
24 document is -- is the record of interview by the Office of
25 Co-Investigating Judges. When you go through this point, then the

1 counsel may put question to you relating to these points.

2 Counsel, you may proceed.

3 BY MR. KONG SAM ONN:

4 Q. On question number 35, the question reads: "Can you recall who
5 established the Ministry of Economy and when was it established?"

6 And you said, in your answer:

7 "I do not know when it was established, but the Khmer Rouge had
8 to have ministries for international relation. With my
9 estimation, the Ministry of Economy was probably established when
10 the Khmer Rouge government was created."

11 [10.00.0]

12 My question to you is the following. You use the word
13 "estimation" for the establishment of the Ministry of Economy. Do
14 you have any other reasons or ground for your estimation of the
15 establishment of the Ministry of Economy?

16 MR. SAR KIMLOMOUTH:

17 A. Mr. President, let me give a little bit detail regarding this
18 point.

19 First, I was evacuated from Phnom Penh to work in the fields in
20 the cooperative for a while. So that was the time that I was at
21 the cooperative, and I did not know what was going on in Phnom
22 Penh.

23 Second, I did not know the exact date of the establishment of the
24 ministry, so the estimation is my personal estimation due to the
25 circumstance at the time. There had to be the establishment of

21

1 the ministry, but I did not know the exact date, so it -- it was
2 my personal estimation.
3 Government needed to have the ministries. This estimation is my
4 personal conclusion based on my personal knowledge and
5 experience, because I had been, for some months, at a cooperative
6 and the ministry could be established during that time.

7 [10.01.55]

8 Q. Thank you.

9 Can you please read the question/answer session number 36? I will
10 read it to you.

11 Question: "You will be shown a document with ERN 00019108 to
12 00019126. It is entitled 'The Standing Committee Meeting', dated
13 9th October 1975."

14 And your answer to this question is that -- is the following:

15 "I never see this document. The Standing Committee was the
16 Central Committee. I was in the very low position at that time.
17 Although I was educated, I was in the low position in the Party
18 rank."

19 I would like you to elaborate further regarding the sentence that
20 you said "The Standing Committee was the Central Committee". Can
21 you elaborate on that?

22 A. In the document, he used the word "The Standing Committee",
23 and to my understanding, the Standing Committee -- the Central
24 Committee is, in French, the "Comité Central", so it was the
25 upper managerial committee. And I read that, in the document; it

1 was referred to as the "Standing Committee", so it is just my
2 understanding.

3 [10.04.27]

4 Q. Thank you. What I want is that can you explain to us whether
5 the word "standing" and "central" is one or the same, or whether
6 they're two separate entities, or whether the wording in the
7 document is wrong?

8 A. To me, either the Standing Committee or the Central Committee
9 -- they are the steering committees. Although I do not know the
10 exact wording referred to that steering committee, it could be
11 either the Standing Committee or the Central Committee. And
12 whether the document is right or wrong, it is beyond my
13 knowledge. I was shown that document.

14 [10.05.23]

15 Q. Let me interrupt you, Mr. Witness. As this document is your
16 statement and I'd like you to elaborate on that. I'd like you to
17 elaborate on the words: "The Standing Committee was the Central
18 Committee". Was that your statement and that you stand by that
19 statement or that you now believe that you make a mistake and you
20 like to change because they're two separate committees? Can you
21 elaborate on that?

22 A. To my understanding, "Standing" or "Central Committee" was the
23 steering committee; that is a leadership label. That is my
24 understanding. I'm not sure if my response is clear enough to
25 you.

1 [10.06.30]

2 Q. Thank you. So, in your opinion, at this time, you are not sure
3 what the Standing Committee is or what the Central Committee is;
4 you only know that they are the upper echelon; is that correct?

5 A. It is my understanding that the Standing Committee or the
6 Central Committee, they are the supreme leadership label. This is
7 my understanding.

8 (Short pause)

9 [10.07.21]

10 Q. Thank you. Also, in that same document, at question-answer
11 session number 38-- Have you find that portion yet, Mr. Witness?

12 [10.07.59]

13 The question is: "Do you know what position Hem held in the
14 ministry of industry?"

15 And your response to that question is the following: "When I
16 started working there, An..."

17 That is the name you use in that statement, but sometimes you
18 refer to An, that: "...An was the chief of the ministry and I
19 assumed that Hem was above An, but he was not known to the
20 public."

21 That is your statement in response to the question put by the
22 investigator from OCIJ?

23 A. Yes, that is my statement.

24 Q. Can you tell us, when you use the word "I assumed", what was
25 the basis for your assumption?

1 MR. PRESIDENT:

2 Mr. Witness, please hold on; don't reply yet.

3 The Prosecution, you may proceed.

4 [10.09.41]

5 MR. ABDULHAK:

6 It's an entirely repetitive question. We put the same passage to
7 the witness. He stood by his statement and said it was based on
8 his observations of the documents.

9 MR. KONG SAM ONN:

10 My response is that my question is related to the Standing
11 Committee and the Central Committee, and Mr. Witness made an
12 estimation regarding that committee, and this point is related to
13 the person by the name of Hem. The assumption here is not the
14 repetition of the previous one, so I'd like to seek the response
15 from the witness.

16 MR. PRESIDENT:

17 The objection raised by the Prosecution is denied.

18 Mr. Witness, you may respond.

19 [10.10.52]

20 MR. SAR KIMLOMOUTH:

21 A. At that time, I was presented with a number of documents to
22 read. After I read those documents I made my assumption, and this
23 assumption is based on those documents presented to me. It is not
24 just a plain assumption without any basis.

25 And based on the assumption, upon reading those documents, Hem's

25

1 position was above, and again, that assumption was based on the
2 documents shown to me.

3 And clearly, according to those documents, it is very likely that
4 Hem was above the Commerce Committee. It is not that I was just
5 sitting idly and made such an assumption.

6 BY MR. KONG SAM ONN:

7 Q. Thank you. So, as you just confirmed, you made your assumption
8 relying on the documents, not because of your knowledge in that
9 time period; is that correct?

10 MR. SAR KIMLOMOUTH:

11 A. That is correct. Because there was no official document of an
12 appointment of any of those people during that regime, and I was
13 shown the documents during their investigation.

14 [10.12.54]

15 Q. Thank you.

16 Now, we move on to question/answer 39. It is just below that
17 question-answer 38. The question that was put to you is the
18 following:

19 "Based on your answers to the question just read, does it mean
20 that time Hem was sitting on the Economic Committee or in the
21 Ministry of Economy under management of Vorn Vet?"

22 And your response is: "Yes, maybe Hem was sitting on the Economic
23 Committee with Vorn Vet or he was assigned by the upper echelon
24 to be the chairman of the Commerce Unit."

25 Do you have anything that you used as your basis to assume that

1 Hem was sitting on the Economic Committee or the Ministry of
2 Economy?

3 [10.14.29]

4 A. If I'm not mistaken, one of the documents that I was shown,
5 there was some annotations that read "they were sent to Brother
6 Vorn and Hem", so I made my conclusion, based on those
7 annotations in those documents, that the two were sitting in the
8 Economic Committee above other ministries, including the Ministry
9 of Commerce.

10 I did not just make a plain assumption. And that was the likely
11 reason that he was sitting in that committee, and the annotations
12 in those documents are obvious reasons.

13 Q. Thank you. Let me confirm that for what you have just stated:
14 you did not know the actual fact of the relationship between the
15 person by the name of Hem in relation to the Commerce or Economic
16 Committee before you were shown the document by the investigator
17 from the OCIJ; is that correct?

18 A. Yes, that is correct. I made my conclusion relying on those
19 documents.

20 [10.16.13]

21 Q. In the documents shown to you by the investigator of the
22 Office of the Co Investigating Judges, was any of the documents
23 included a name of a person by the name of a Hem or his
24 signature?

25 A. It seems that I did not see anything regarding the order by

27

1 the person named Hem, but the document was sent to Brother Hem;
2 that was in the annotation.

3 Or if there were such a reference to him, please show to me for
4 clarity sake.

5 MR. ABDULHAK:

6 Mr. President, I may be able to assist counsel. There was a
7 document that was discussed with an apparent instruction from the
8 upper echelon, and it was D279/6.5, if I recall correctly--

9 [10.17.31]

10 MR. KONG SAM ONN:

11 Mr. President, this is not the appropriate time for the
12 Prosecution to present a document.

13 BY MR. KONG SAM ONN:

14 Q. Let me move on with my line of questioning.

15 [10.17.51]

16 Could you please look at the last portion of the question/answer
17 39 of yours? Let me read it to you: "The bank was not under the
18 control of Economic Committee or Commerce Committee, and I did
19 not know who was at the upper echelon and controlled me."

20 Is that your true statement?

21 [10.18.30]

22 MR. SAR KIMLOMOUTH:

23 A. Let me read my statement. It is the following:

24 "Yes, maybe Hem was sitting on the Economic Committee with Vorn

25 Vet or he was assigned by the upper echelon to be the chairman of

1 the Commerce Unit."

2 That is that statement I made, based on the document that I
3 reviewed.

4 Q. Yes, you already made your confirmation regarding this point,
5 but what I want to ask regarding the last sentence in that
6 response, number 39, that--

7 "The bank was not under the control of Economic Committee or
8 Commerce Committee, and I did not know who was the -- at the
9 upper echelon and controlled me."

10 A. I stand by my statement, Counsel, because I did not know who
11 actually established it.

12 Q. Thank you. Did you have any wonder or doubt when the bank was
13 established and that you did not know who actually established
14 the bank or who were the subordinates of that person?

15 A. Of course, at that time, I had some wonders, but I did not
16 dare to ask anyone regarding this matter.

17 [10.20.27]

18 Q. Why was that?

19 A. I cannot give you the reasons.

20 Q. My question is that: Why you did not ask people about the
21 establishment of a bank and you did not know who was the superior
22 or were the subordinates?

23 A. If you compare the situation to the current situation, of
24 course now you would ask this question, but at that time I did
25 not ask the question. That is my short answer.

29

1 Q. You could not ask? Why you could not ask?

2 A. At that time, it was my belief that I should not ask any
3 questions, and that is my short response to you. I did not want
4 to ask for any details regarding the matter. Whatever I was told
5 to do I just do it, and if I had any doubts I just kept it to
6 myself.

7 [10.22.02]

8 Q. Can you elaborate a bit further that you kept the doubts in -
9 in you? Why? And why - because it is rather strange, isn't it? It
10 is strange that a bank was open and you did not know whom to
11 report to or who were the subordinates. What were the factors
12 that made you unable to raise these kinds of questions?

13 (Short pause)

14 MR. PRESIDENT:

15 Mr. Witness, please respond to the question. I don't believe
16 there is any concern for you to consult with your duty counsel,
17 as the -- your respond does not incriminate yourself. If you're
18 afraid that your response would incriminate yourself, then you
19 can seek advice from your duty counsel. For other questions, then
20 you just provide your direct response. You only seek consultation
21 with your duty counsel if you think it would incriminate you.
22 Of course, you also have the right not to respond to any
23 question; that is your right. If you can recall it or you recall
24 the question, please respond to that question.

25 [10.24.22]

1 MR. SAR KIMLOMOUTH:

2 A. Regarding a small number of staff, that were what I was told
3 when the bank was established. I had doubt about that because it
4 was not like a full bank, but I had to keep myself quiet. There
5 was no benefit for me of asking people around, because if I were
6 to ask the people around I would have concerns for my personal
7 safety.

8 BY MR. KONG SAM ONN:

9 Q. Thank you.

10 Let me ask you my last question: When you were the Deputy
11 Director of the Foreign Commerce Bank, did you know the person,
12 Hem?

13 MR. PRESIDENT:

14 The Prosecution, you may proceed.

15 MR. ABDULHAK:

16 Your Honours, I'm reluctant to intervene, but the question does
17 tend to mislead. The witness testified when examined by my
18 national colleague, that he knew who Hem was and testified that
19 it was Khieu Samphan. To ask him if he knew who Hem was again,
20 it's just repetitive and it may lead to confusion.

21 [10.26.15]

22 MR. KONG SAM ONN:

23 I think the Prosecution misunderstands that Hem was Khieu Samphan
24 was a separate matter. He referred to a person by the name of
25 "Hem", and whether he knew the person of Hem in his capacity as

31

1 the Deputy Director of the Foreign Commerce Bank.

2 (Judges deliberate)

3 [10.30.52]

4 MR. PRESIDENT:

5 The objection raised by the Prosecution is denied.

6 Defence Counsel, you can repeat the last question so that the
7 witness can respond.

8 BY MR. KONG SAM ONN:

9 Thank you, Mr. President.

10 Q. Let me repeat my question. The question is: Did you know Hem
11 when you were the Deputy Director of the Foreign Commerce Bank?

12 [10.31.32]

13 MR. SAR KIMLOMOUTH:

14 A. At that time, there was no communication with Hem. The bank
15 did not report to him, nor did he contact the bank, nor I met him
16 in person.

17 Q. Thank you. Let me confirm that you never met Hem in your line
18 of work as the Deputy Director of the Foreign Commerce Bank
19 during that period.

20 A. Yes, that is correct.

21 MR. KONG SAM ONN:

22 Mr. President, I conclude my question and I'd like to give the
23 floor to my international colleague.

24 MR. PRESIDENT:

25 The time is appropriate for a break. We shall take a 20-minute

1 break and return at 10 to 11.

2 [10.32.34]

3 Court Officer, please assist the witness and his duty counsel
4 during the break and have them back in the courtroom at 10 to 11.

5 THE GREFFIER:

6 (No interpretation)

7 (Court recesses from 1033H to 1051H)

8 MR. PRESIDENT:

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

10 I hand over to the defence team for Khieu Samphan to put
11 questions to the witness. You may proceed.

12 [10.52.04]

13 QUESTIONING BY MR. VERCKEN:

14 Good morning Mr. President. Good morning, Mr. Witness. My name is
15 Arthur Vercken. I am the international counsel representing Mr.
16 Khieu Samphan. I shall be putting to you a few very brief
17 questions. Therefore, I will be rather succinct.

18 Q. Prior to the break, you stated that during the time of
19 Democratic Kampuchea you had no contact with the person called
20 brother Hem.

21 My question for you is: At the time of Democratic Kampuchea, from
22 1975 to 1979, during that era, at any point whatsoever did you
23 think that, during the course of your work, Mr. Khieu Samphan was
24 your direct superior?

25 [10.53.29]

1 MR. SAR KIMLOMOUTH:

2 A. No, I did not think so, but I -- it was my own assumption --
3 or guess -- that he could have been the person in charge in the
4 upper level. But I was not sure. I am not sure if he was my
5 superior. But it was my guess -- my subjective guess -- that he
6 might have been leader. But I do not know the organization or
7 structure at the upper level.

8 Q. During the time of Democratic Kampuchea, did you know what
9 official functions were exercised by Mr. Khieu Samphan on behalf
10 of the state?

11 A. To my recollection, he was the Prime Minister or so. At that
12 time -- he was the Prime Minister. But as for which specific
13 period of that regime, I did not know.

14 [10.55.21]

15 Q. Furthermore, based on that assumption respecting his role, was
16 there any effect -- or basis -- for you to believe that he held
17 higher rank?

18 Allow me to rephrase if the question is not entirely clear. You
19 just stated that you assumed he was Prime Minister. Did the
20 presumed role lead you to believe that he was above you within
21 the hierarchy? Is that what led you to presume that perhaps he
22 held a role that was superior to yours?

23 A. (No interpretation)

24 [10.56.41]

25 His role was -- his role as the Prime Minister -- was not my

34

1 personal presumption, but it was the announcement.

2 MR. VERCKEN:

3 Pardon me for interrupting. I think there seems to be a technical
4 issue with the interpretation.

5 (Short pause)

6 [10.57.30]

7 MR. PRESIDENT:

8 (No interpretation)

9 Witness, please -- please respond to the last question posed by
10 the counsel.

11 (Short pause)

12 [10.58.12]

13 Witness, you may now answer to the last question posed by the
14 defence counsel for Khieu Samphan.

15 MR. SAR KIMLOMOUTH:

16 A. Mr. Khieu Samphan's role as the Prime Minister was not my
17 plain assumption. But it was the official role known to the
18 world. But as for his role overseeing the bank, I cannot say it
19 with certainty.

20 [10.59.03]

21 BY MR. VERCKEN:

22 Q. Are you familiar with the hand-writing or the signature of Mr.
23 Khieu Samphan?

24 A. No, I am not.

25 MR. VERCKEN:

35

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

2 MR. PRESIDENT:

3 Thank you.

4 Defence team for Nuon Chea, have the floor now in order to put
5 questions to the witness, Sar Kimlomouth. You may proceed.

6 [11.00.15]

7 QUESTIONING BY MR. SON ARUN:

8 Good morning, Mr. President. Good morning, Your Honours. Good
9 morning, everyone. Good morning, Mr. Witness. My name is Son
10 Arun, defence counsel for Nuon Chea.

11 I have the following questions for you.

12 Q. You replied to the Prosecution that you joined the revolution
13 during Sangkum Reastr Niyum -- that is, in the sixties; is that
14 correct? Can you confirm that?

15 [11.00.58]

16 MR. SAR KIMLOMOUTH:

17 A. Yes, that is correct.

18 Q. Can you recall about what year did you join?

19 A. I cannot recall the year.

20 [11.01.26]

21 Q. Thank you. When you joined the Front for the revolution, were
22 you still a student or you already worked?

23 A. Yes, I can recall, I already engaged in employment.

24 Q. When you joined the Front, what was it called? Was it already
25 a Front of -- Khmer Rouge? Do you know the acronym FUNK or GRUNK

1 at that time?

2 A. Yes, I heard of FUNK and GRUNK.

3 [11.02.49]

4 Q. When did you hear that?

5 A. I cannot recall the year, but at that time, there was a Front
6 with his Majesty, that is, the FUNK, but I cannot recall the
7 exact year.

8 Q. Thank you. When you joined the Front, does it mean you joined
9 the FUNK or GRUNK or the Front of the Khmer Rouge?

10 A. Initially, the word "Khmer Rouge" was not used at that time.

11 As for GRUNK and FUNK, I was not active in that movement. I
12 joined a movement, and it was not known as a Khmer Rouge movement
13 at all, at that time.

14 Q. You told the Chamber that you joined the Front in the 1960s.

15 And when you were a student, did you hear about the various
16 groups to liberate the country, namely, the Son Ngoc Minh group,
17 the Chan Raingsey group, Kao Tak group, etc.? Did you hear the
18 names of those groups?

19 A. Yes, I did.

20 [11.05.13]

21 Q. At that time, you were not active in joining any of these
22 parties, is that correct?

23 A. That is correct.

24 Q. Let me confirm that: At that time, the word "Front" was not
25 even heard of, only, let us state, the word "Front" was used. Let

37

1 me correct my statement -- at that time, the word in use was
2 "Issarak" and only later the word Front or "Renakse" -- or
3 "Renakse" in Khmer was referred to.

4 In the 1960s -- that is, from 1960 to 1975 -- the Khmer at the
5 Cambodian-Vietnamese border there was intense fighting between
6 the South Vietnam with the backing and support from the United
7 States to fight against the Viet Cong. The North Vietnamese
8 soldiers involved in the conflict, and it spread and spilled over
9 into the Kampuchean territory.

10 These are the factors for the killing of people by the Khmer
11 Rouge as alleged. And in the Kampuchean territory, near the
12 border, there were Viet Cong soldiers who took refuge and bring
13 the ammunition and medicine into the Kampuchean territory.
14 Were you aware of these facts through being told or through the
15 information?

16 [11.07.08]

17 MR. PRESIDENT:

18 The Prosecution, you may proceed.

19 MR. ABDULHAK:

20 Again, Mr. President, I am reluctant to intervene, but this is a
21 whole series of facts that counsel has just testified to and
22 asked the witness whether or not he was aware of them.

23 I don't think it's a proper way to put questions to the witness.

24 MR. SON ARUN:

25 I believe the Prosecution is now replying on behalf of the

1 witness, and I'd like to reject that reply by the Prosecution.

2 Mr. President, may I continue my question?

3 (Judges deliberate)

4 MR. PRESIDENT:

5 The observation by the Prosecution is appropriate.

6 Mr. Witness, you do not need to respond to the question.

7 Defence Counsel, it is not necessary for you to make a long
8 comment and then put a question to a witness. You have to make
9 your question clearly and understandable so that a witness can
10 respond.

11 [11.09.33]

12 BY MR. SON ARUN:

13 Q. I will move on to another question: From 1969 and until early
14 1970, where did you stay? Did you stay in Phnom Penh or were you
15 at the zone that belongs to the Front?

16 MR. SAR KIMLOMOUTH:

17 A. I was in Phnom Penh.

18 Q. Were you working at that time? Did you engage in employment
19 yet, by that time?

20 A. Yes.

21 Q. It is my understanding that you are an intellectual and you
22 have experience a lot about the facts. During the period from
23 1969 through 1970, did you hear, or did you see, or through
24 newspapers, that the North Vietnamese soldiers entered the
25 Kampuchean territory in massive numbers?

1 A. Let me clarify that. The event took place before the Khmer
2 Rouge coming into control, and it was a history, and of course I
3 cannot tell you what was written in the newspapers.

4 [11.11.46]

5 Q. That is the fact which would lead to a fair trial. And, in
6 1970, there were Khmer Rouge soldiers and Viet Cong who attacked
7 the Lon Nol force, and the attack continued until 1975. Where
8 were you at that time?

9 A. I was in Phnom Penh.

10 Q. In 1973, in mid-1973, the Viet Cong troops -- that means, the
11 North Vietnamese soldiers, withdrew large numbers of their forces
12 from Cambodia. Did you know about that?

13 [11.13.17]

14 A. I cannot recall that clearly.

15 Q. You said that you cannot recall that clearly. Don't you
16 remember it, or you did not know anything about that?

17 A. I cannot recall it at all.

18 Q. In 1954, when the French stopped their colonization in
19 Cambodia, there was a final fighting with Vietnam in Dien Bien
20 Phu and the Vietnamese government arrested the 12 to 15 year old
21 Khmer children to educate the Communist philosophy in Hanoi.
22 Those children later returned to Cambodia in order to control the
23 country. As I know, these children married Vietnamese wives, but
24 for unknown reason they did not emerge as the Communist leaders
25 taking control of Cambodia.

40

1 MR. ABDULHAK:

2 Your Honours, we object. You've just instructed counsel to
3 refrain from--

4 [11.15.26]

5 MR. SON ARUN:

6 I'd like to provide a little bit background to the witness before
7 I put question to him.

8 BY MR. SON ARUN:

9 For unknown reason, the Khmer Vietnamese Communist group did not
10 take charge of control, but instead, the Chinese Communist Khmer
11 Rouge group took control of Cambodia from 1975 to 1979. Were you
12 well aware of these facts as documented, or did you hear anything
13 about that?

14 Of course, I stated from the outset that you are an intellectual
15 and that you should know about that.

16 MR. PRESIDENT:

17 The Lead Co-Lawyer, you may proceed.

18 MS. SIMONNEAU-FORT:

19 Yes, Mr. President. I would like to object to this question and
20 the follow-up to it as asked.

21 It would appear that counsel for Nuon Chea is availing himself of
22 this opportunity to tender evidence by giving his historical
23 perspective without providing documents, and I don't think this
24 is the right time to do that.

25 [11.16.55]

1 MR. PRESIDENT:

2 The Prosecution, you wish to respond? That is the opportunity for
3 you to make any objections before the floor is taken to reply by
4 the defence counsel on this very same issue.

5 MR. ABDULHAK:

6 Thank you, Mr. President. I think Lead Co-Lawyer has put the
7 objection eloquently. We have nothing to add.

8 MR. SON ARUN:

9 I'd like to respond to the objection raised by the Lead Co-Lawyer
10 for the civil parties. This is a one important fact leading to
11 the prosecution and trial of the Khmer Rouge leaders, and I'd
12 like to draw attention to this fact, to the witness, before I put
13 questions to him.

14 [11.18.08]

15 MR. PRESIDENT:

16 The objection's sustained.

17 Defence Counsel, you cannot put such a question. You are reminded
18 from the outset to put your question brief and precise so that
19 you can elicit a clear response from the witness. Two, the facts
20 you mention are not in the -- amongst the facts in the Closing
21 Order. They are irrelevant facts.

22 Witness, you do not need to respond to this question put to you
23 by the Nuon Chea defence team.

24 MR. SON ARUN:

25 I have about -- more than 10 questions to be put to this witness.

1 They are based on historical documents, on books, and on my
2 personal knowledge and experience through that time.

3 [11.19.22]

4 MR. PRESIDENT:

5 You are already ruled by the Chamber that you should make your
6 questions precisely and understandable to the witness, and they
7 have to be relevant to the facts stated in the Closing Order.

8 The facts you mentioned cannot be found by the Bench in the
9 Closing Order. There was no mentioning of Dien Bien Phu War as
10 part of the facts in the Closing Order.

11 You are also reminded again to be mindful in your questioning to
12 the witness. No party can draw experience from personal knowledge
13 to be used in the courtroom; otherwise, you should better serve
14 as a witness, not a party to the proceedings.

15 Because, if you relied your knowledge on the facts, then you
16 should be -- you should treat yourself as a witness.

17 Please pose other questions, and your questions shall be precise
18 and clear. Otherwise, it may face the objections by the parties
19 or ruled out by the Bench.

20 [11.20.58]

21 MR. SON ARUN:

22 Thank you, Mr. President.

23 Most of my questions are not those asked by the investigators of
24 the OCIJ, but if my questions are out of the topics, although
25 they are true, based on the historical facts, then I'll conclude

1 my question now and hand the floor to my international colleague.

2 [11.21.34]

3 MR. PRESIDENT:

4 The International Counsel, you may proceed.

5 QUESTIONING BY MR. PAUW:

6 Thank you, Mr. President. Good morning, Mr. Sar Kimlomouth. Thank
7 you for being here today.

8 Q. I will pose a number of questions relating to the testimony
9 that you have given before the Co Investigating Judges, and my
10 first question is the following.

11 You have been presented with a large number of documents by the
12 investigators of the Co Investigating Judge, and these documents
13 are allegedly dating from the time of the DK regime.

14 And my question to you is: Did these documents help you to
15 understand the structure of the DK regime?

16 MR. SAR KIMLOMOUTH:

17 A. It does help to a degree, but it cannot help me with every
18 detail of the structure of the regime. And sometimes I make my
19 assumption based on those documents.

20 Q. Could you tell us a little bit more about that? How did you
21 make your assumptions based on the documents that were shown to
22 you?

23 [11.23.51]

24 A. Those documents, and by considering the content, the
25 annotations, we can see the chain of hierarchy, who reported to

1 whom.

2 Q. Thank you.

3 I may come back to this topic later, but for now that's all as to
4 the sources of knowledge.

5 Mr. Witness, during the DK regime, were you ever present at
6 meetings where the export of rice was discussed?

7 A. I did not take part in the decision making of exporting rice.
8 That was the duty of the Commerce Ministry, but personally I did
9 not take part in that.

10 Q. Do you know which persons were involved in deciding whether or
11 not rice would be exported?

12 A. No, I do not know.

13 [11.25.25]

14 Q. You just spoke about rice; there's also the possibility of
15 exports of other foodstuffs. Were you ever present at meetings
16 where the export of other foodstuffs was discussed?

17 A. No, I did not.

18 Q. You have stated before, Mr. Witness, that you can assume that
19 unmilled rice was not exported in large quantity. Can you explain
20 to us why you assume that?

21 A. That was my personal assumption. There was no data or
22 statistic that I relied upon, and only lately, recently, I saw
23 the statistics.

24 But during that regime, I did not see much activities regarding
25 this matter. Of course, I did not have any data statistic to

1 present to you.

2 Q. I would like to follow up on this a little bit. You agree with
3 me that you did assume this, and you say it's a personal
4 assumption. Can you try to explain to us, a bit more
5 specifically, on what basis you assumed that; that assumption
6 came from a personal conviction, what was that personal
7 conviction based on?

8 [11.27.43]

9 MR. PRESIDENT:

10 Mr. Witness, please hold on. The civil party Lawyer, you may
11 proceed.

12 MR. NEKUIE:

13 Mr. President, since my learned friend likes -- wants to ask a
14 series of questions on this subject, I am not objecting, but I
15 would like us to -- him to tell us at what time and on what basis
16 he's making the assertion that the witness did say here that
17 unmilled rice was not exported in large quantities. What is the
18 basis for this assertion?

19 MR. PRESIDENT:

20 Defence Counsel, do you have any response to this observation?

21 [11.28.44]

22 MR. PAUW:

23 Mr. President, yes, I can provide counsel with this statement,
24 but I do not see if it's the way we want to go forward, if every
25 time I quote the witness -- and quoting documents that are

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1 available to all the parties and that are accessible to all
2 parties in preparation for such a witness testimony -- if we,
3 time and again, need to provide the specific references.

4 You are very keen to make this into an expeditious trial; I'm
5 trying to move things forward.

6 I will provide you with the reference if that's what you want me
7 to do, but I think for the sake of moving forward it would make
8 the questioning so much more efficient if we can just proceed.

9 (Judges deliberate)

10 [11.31.34]

11 MR. PRESIDENT:

12 Objection by the civil party lawyer against the last question
13 posed by the defence counsel for Nuon Chea is sustained.

14 The defence counsel is instructed to put questions that is
15 relevant to the document. And the identity of the document should
16 be mentioned, particularly concerning the words he used in his
17 earlier testimony. And the question posed to him should be
18 precise and succinct so that the witness can respond to the
19 question efficiently.

20 BY MR. PAUW:

21 Thank you, Mr. President. The reference can be found in document
22 D279/7. It is the answer to question 63. It is on English ERN
23 page 00425229. My case manager can put it up on the screen and --
24 in Khmer, and a hard copy can be provided to the witness if that
25 is what is needed, and we can then proceed from there.

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1 [11.33.23]

2 I believe that the witness has possibly even several copies of
3 this statement, so if the -- perhaps it's not necessary to
4 provide him with a hard copy of the document. So, for the clarity
5 of the witness, it's the answer to question 63.

6 So, Mr. President, with your permission, my case manager can put
7 it up on the screen.

8 MR. PRESIDENT:

9 You may proceed.

10 Assistant and AV support assistants, please make sure that the
11 document is projected on the screens, and court officer is now
12 instructed to indicate the portion of the document subject to
13 discussion now.

14 (Short pause)

15 [11.36.02]

16 MR. SAR KIMLOMOUTH:

17 A. In question 63, the question asked: "Can you tell us the
18 amount of unmilled rice exported?"

19 And my answer back then was:

20 "I cannot tell you on this since there was no statistic.

21 Moreover, it was more than 30 years ago. I have not recorded it
22 on paper, so I could not recall it. However, I could presume that
23 unmilled rice was not exported in large quantity."

24 And I just saw the documents yesterday when it was presented to

25 me, the document from the Commerce Committee, but back then I did

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1 not have access to that statistic, so it was my subjective
2 assumptions that the unmilled rice was not exported in large
3 quantity. I did not have the statistic at my disposal. If I had
4 access to statistic I would be able to give a specific answer to
5 the question.

6 [11.37.30]

7 BY MR. PAUW:

8 Q. Thank you, Mr. Witness. That is similar to the answer you gave
9 earlier, and I understand that you do not -- did not have access
10 to statistics. And I understand that you only saw this other
11 document only yesterday; however, I am interested in hearing
12 where your presumption came from.

13 You were working in this organization. You were dealing with
14 imports and exports, possibly in a limited fashion, but you were
15 exposed to these issues. So can you explain where your
16 presumption came from that unmilled rice was not exported in
17 large quantity?

18 [11.38.33]

19 A. I still maintain my answer that it was my subjective
20 assumption. And as for the basis for that assumption, I do not
21 have any other reason to substantiate that assumption. And if my
22 assumption was wrong, then -- it was the presumption on the top
23 of my head that the quantity exported was not much.

24 But based on the statistic recorded in the paper, I did not read
25 it in detail, but if it was in large quantity then my assumption

1 would be wrong then, I have no argument on that. I will leave to
2 the Chamber to decide on such matters.

3 Q. Thank you, Mr. Witness. I am not trying to argue with you on
4 this issue at all. I'm just trying to find out your sources of
5 knowledge with regard to this particular issue. I will move on
6 because you indicate it's a personal presumption.

7 My following question relates to your answer to question 62 in
8 the same document, where when asked by the investigators: "How
9 were foods exported?"

10 Your answer is:

11 "So far as I remember, there were milled and unmilled rice,
12 rubber, cotton from kapok. Agriculture product included beans,
13 soybeans, etc. There were not plenty of them. Though, I do not
14 know the details."

15 [11.40.31]

16 I will give you a minute to locate the answer to question 62.

17 So my question to you is: How did you know or how did you reach
18 the conclusion that there were not plenty of exports of
19 agriculture products?

20 A. The reason was the same as what I have stated. It was the
21 presumption on the top of my head that the quantity was not much,
22 and again, I did not have access to the statistics.

23 And if you ask me for the detailed basis of my assumption, then I
24 think there was no clear official statistic of agricultural
25 products, and if you ask me for the details of the basis for my

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1 presumption, I did not know. And I could have been wrong in my
2 presumption, then you could compare it with the official
3 statistic from the Commerce Committee.

4 [11.42.46]

5 Q. I think your answer is clear. I will move on to the next
6 topic, which is related to this issue. And I would like to show a
7 document to you with a number D279/7.4. Another document
8 reference number would be -- for the same document would be
9 E3/829; English reference number or ERN number is 00002714; Khmer
10 reference number -- ERN number is 00002711.

11 And with Your President's permission, I would like to show this
12 document on the screen, and it's the document called "Report on
13 the Negotiation between Democratic Kampuchea's Commercial
14 Delegation and the People Republic of China's International Trade
15 Delegation", and it's dated December 3, 1978. We spoke about
16 those documents yesterday in Court, as well.

17 [11.44.04]

18 Is it -- do you have a hard copy of this particular document in
19 front of you, or shall we provide you with one?

20 MR. PRESIDENT:

21 You may proceed.

22 And, assistants, please have this document displayed on the
23 screens, and court officer, please indicate the portion of this
24 document to the witness.

25 This document has been presented to the witness so far.

1 BY MR. PAUW:

2 Mr. President, we hold the document in front of this witness.

3 Maybe it's more convenient if we provide him with our copy so
4 that it can be more easily studied.

5 So the portion I want to ask you a question about is on page 2 on
6 the top of that page and it's marked in blue. I'll give you a
7 minute to read it.

8 (Short pause)

9 [11.47.08]

10 MR. SAR KIMLOMOUTH:

11 A. I have already read this portion.

12 Q. Thank you. Just to be clear for the people that don't read
13 Khmer on the screen, I will read out in English. This portion of
14 the document states -- and I quote:

15 "Adding to the threat of war, we have suffered two devastating
16 floods this year, which were the largest in 70 years. This
17 disaster affects our agriculture. As a result we could not export
18 as we planned for this year."

19 My question to you, Mr. Witness is: Do you remember those two
20 devastating floods in 1978?

21 [11.48.07]

22 A. I do not remember them.

23 Q. Okay.

24 Then I will move to a following topic, which relates to documents
25 IS 21.130. This is a document by the Ministry of Commerce.

1 English ERN is 00664494; Khmer ERN is 00072699; and the French
2 ERN is 00643583.

3 And with your permission, Mr. President, I would like to provide
4 the witness with a hard copy and show it on the screen?

5 MR. PRESIDENT:

6 Court Officer, please obtain the document from the defence
7 counsel and present it to the witness first.

8 [11.49.55]

9 MR. PAUW:

10 I must point out that -- before I proceed to use this document,
11 that I do not know if this document was actually listed on the
12 prosecutor's submission for this particular part of the trial. I
13 do submit that it's a document that was used in introductory
14 submission by the Prosecution. Apparently, the Prosecution has
15 relied on it.

16 It relates to matters that are relevant to this witness and to
17 the topic that witness is talking about and it would allow me to
18 tie the topics that I have been covering today with an actual
19 document that is on the case file, and accessible to all parties,
20 and translated in all three languages.

21 So I wait for your ruling on this as to whether I can use the
22 document or not to proceed.

23 [11.51.08]

24 MR. ABDULHAK:

25 If I can assist, Mr. President, just a brief look at our

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1 database, at short notice it does appear to have been on our
2 list, and if need be I can confirm in a minute the exact ERN, but
3 it certainly does appear to have been on our list.

4 (Judges deliberate)

5 [11.52.18]

6 MR. PRESIDENT:

7 Witness Sar Kimlomouth, have you seen this document before?

8 MR. SAR KIMLOMOUTH:

9 Mr. President, I have never seen this document before.

10 MR. PRESIDENT:

11 Court officer is now instructed to remove this document from the
12 witness.

13 And, assistants, please make sure that this document is also
14 removed from the computer screens.

15 [11.52.48]

16 The Chamber wishes to remind the defence counsel that for any
17 document to be questioned with the witness, the defence counsel
18 is required to identify the document before it is subject to
19 examination.

20 It should not be a practice that such document be placed in the
21 Courts and then in the Court with uncertainty, so you may now
22 move on.

23 [11.53.38]

24 MR. PAUW:

25 Thank you, Mr. President. Just to be absolutely clear, we did

1 indicate this document on the list of documents that we would be
2 using for the questioning of this witness.

3 I also want to make a more general observation. I am sure that
4 the Prosecution will support me in my submissions, at least to a
5 certain extent.

6 This is a relevant document. It relates to the export of rice.

7 This witness was close to the action, if I want to say it in an
8 easy way. He could shed light on these documents, especially
9 because they relate to financial matters, income for rice that
10 was exported to, in this case, Madagascar.

11 This witness is knowledgeable on these issues, and if the witness
12 was allowed to comment on these issues before the Co
13 Investigating Judges, whenever the investigators presented him
14 with the document, then there's no principled reason why he
15 should not be allowed to comment on this document. That is what
16 the questioning of a witness is about.

17 This is relevant information that we've tried to extract from
18 this witness, and you are limiting our opportunity for an
19 effective questioning of the witness.

20 As I said, all the questions that I posed today were tied
21 together in this document, and could be further clarified by
22 posing questions about this particular document. So, yet again,
23 we cannot question this witness effectively, and I see no other
24 choice than to stop here.

25 [11.55.41]

1 MR. PRESIDENT:

2 Counsel Michael Karnavas, you may proceed.

3 MR. KARNAVAS:

4 Good morning, Mr. President. Good morning, Your Honours. And good
5 morning to everyone in and around the courtroom.

6 As I understand the Trial Chamber's decisions concerning these
7 matters, if the gentleman is unaware of the document, obviously
8 he can't talk about that document, but nothing prevents a party
9 from posing questions related to contents within the document.

10 And--

11 [11.56.16]

12 MR. PRESIDENT:

13 We do not prevent the defence counsel from asking the question
14 about the content of the document, but we simply ask that the
15 document be removed from the computer screens. And if the defence
16 counsel wants to ask questions, then he can put questions. But
17 instead of putting questions, he made a statement.

18 So that has been the practice so far, that the defence counsel
19 can ask questions about the document, but the document must not
20 be displayed on the screen.

21 So there is no prevention whatsoever from the Chamber that he put
22 the question concerning the document, but we simply ask that the
23 document be removed.

24 And we have ordered that the document be removed from the
25 witness, as well as from the computer screens.

1 [11.57.15]

2 MR. PAUW:

3 Mr. President, just to be absolutely clear on this issue. There
4 is a serious limitation of the right to question the witness if
5 documents cannot be used. There is merit to using documents, and
6 that is exactly the reason why you, 30 minutes ago, forced me to
7 put a document on the screen, it's there for all to see and to
8 verify.

9 So it is limiting, and I have not yet heard in the last few
10 months a principled explanation as to why we cannot use documents
11 that have not been seen by a witness before coming into this
12 courtroom.

13 [11.58.05]

14 MR. PRESIDENT:

15 You may refer to our decision earlier. You may examine the
16 transcript of the decision of the Chamber concerning matters of
17 this nature. You may have taken turns among yourself and the
18 teams, that's why you have missed this portion of the ruling.
19 So you do not have any further question to the witness; is that
20 correct?

21 Counsel, you may proceed. International counsel for Nuon Chea,
22 you may proceed.

23 MR. PAUW:

24 Mr. President, yes. I had ceded the floor considering that I
25 cannot use that document as a basis for my questioning. Thank

1 you.

2 MR. PRESIDENT:

3 The National Defence Counsel for Ieng Sary, you may proceed.

4 MR. ANG UDOM:

5 Thank you. Thank you, Mr. President, Your Honours. And hello to
6 everyone in and around the courtroom. And hello Mr. Sar
7 Kimlomouth. I am the national defence counsel for Ieng Sary.

8 [11.59.51]

9 In order to save the Court's time, I would like to confirm that
10 we do not have questions for you, but on behalf of my
11 international esteemed colleague -- Mr. Karnavas and I would like
12 to thank you very much for availing yourself before the Court,
13 contributing to asserting the truth.

14 MR. PRESIDENT:

15 Thank you, the defence team for Ieng Sary, for confirming your
16 position concerning the questioning of this witness so that the
17 Chambers will have the basis in order to ensure that the
18 proceedings before us is expeditious and efficient.

19 (Judges deliberate)

20 [12.02.59]

21 MR. PRESIDENT:

22 I now hand over the floor to Judge Jean-Marc Lavergne.

23 QUESTIONING BY JUDGE LAVERGNE:

24 Yes. Thank you, Mr. President.

25 Q. I would perhaps have a question to put to the witness to

1 clarify a point that has been dwelt on at length. It has to do
2 with the identification of the person called Hem.

3 Witness, you have been questioned on several occasions as to the
4 identity of Hem, which name appears in various reports. You
5 stated that you identified Hem, not during the period of
6 Democratic Kampuchea, but when the document was presented to you.
7 Do you know whether there are other persons who can be identified
8 as Hem, persons other than Khieu Samphan? You have told us that
9 you base your analysis on subjective considerations, but it would
10 appear that the report contains objective information on the name
11 Hem.

12 [12.04.37]

13 So my question to you is: Whether there are any objective reasons
14 why we can doubt that Khieu Samphan is the person identified as
15 Hem?

16 MR. VERCKEN:

17 Mr. President?

18 MR. PRESIDENT:

19 You must -- you may - you are not allowed to object against the
20 question put by the Judge on the Bench.

21 [12.05.26]

22 MR. SAR KIMLOMOUTH:

23 A. Mr. President, concerning the name Hem, it's a bit complicated
24 to respond because there could have been many Hem's that I did
25 not know. And in other documents, particularly document from the

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1 Commerce Committee, they were addressed to Brother Hem. And I did
2 not have any official document to indicate that Hem was referred
3 to as Khieu Samphan. But later on it was known to everybody that
4 Hem was the alias for Khieu Samphan.

5 But if you ask me for the proof of document to indicate
6 objectively that Hem was Khieu Samphan, I could not find, but it
7 was the general knowledge of the public that Hem was referred to
8 as Hem.

9 But if there were any other documents that contained the name
10 Hem, which did not refer to Khieu Samphan, then I had no idea
11 about that.

12 [12.07.25]

13 MR. PRESIDENT:

14 Thank you, Mr. Witness. Once again, thank you for spending your
15 valuable time to appear before the Chamber, and thank you for
16 making effort to respond to all the questions by parties.

17 [12.07.50]

18 Now, the testimony -- your testimony is coming to an end, so you
19 can be now released. You can go back to your home. We would like
20 to wish you a safe trip back home.

21 Court officer is instructed to work with the Witness Support
22 Section to facilitate the transport back home of the witness.
23 The Chamber wishes to advise the party and members of the public
24 that the Chamber will hear another witness, TCW 604, and the
25 questions will be first put by the President of the Chamber to

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1 that witness.

2 [12.08.51]

3 The time is now appropriate for lunch adjournment. The Chamber
4 will adjourn from now until 1.30 this afternoon.

5 Now I note the defence counsel for Nuon Chea is on his feet. You
6 may proceed.

7 MR. PAUW:

8 Mr. President, Nuon Chea would like to follow the proceedings
9 from his holding cell this afternoon, and we have the waiver to
10 submit to you.

11 MR. PRESIDENT:

12 Thank you. Having noted the request by Mr. Nuon Chea through his
13 defence counsel to follow the proceeding from the holding cell
14 downstairs for the remainder of the proceeding -- he has
15 expressly waived his rights to be present in this courtroom, and
16 his counsel has already made it clear that they would submit the
17 letter of waiver of the Accused to the Chamber -- the Chamber
18 grants the request. Mr. Nuon Chea may follow the proceeding from
19 a holding cell downstairs through audio-visual means for the
20 remainder of the proceeding today, and he has already expressed
21 his waiver of rights to be present directly in this courtroom.
22 The defence team for Nuon Chea is required to submit to the
23 Chamber the letter of waiver with the thumbprint or signature
24 from the accused Nuon Chea.

25 [12.10.38]

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1 AV assistant is instructed to connect the audio-visual means so
2 that Mr. Nuon Chea can follow the proceeding from the holding
3 cell for the remainder of the proceedings today.

4 Detention security guards are instructed to bring the Co-Accused
5 to the holding cell downstairs, and Mr. Nuon Chea will remain in
6 the holding cell where the audio-visual equipment is linked for
7 him.

8 For Mr. Khieu Samphan, he is to be brought before the Chamber
9 before 1.30 this afternoon.

10 The Court is adjourned.

11 (Court recesses from 1211H to 1335H)

12 MR. PRESIDENT:

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

14 As the Chamber informed the parties this morning, we will hear
15 the testimony of the witness TCW-604 this afternoon.

16 Duch Phary, is the witness TCW-604 is present? Does he have any
17 relation with any party to the proceeding?

18 [13.36.47]

19 THE GREFFIER:

20 Mr. President, the witness TCW-604 is present in the waiting
21 room, awaiting to be called by the Chamber. The witness has
22 already taken an oath this morning. This witness has confirmed
23 that, to his knowledge, he has no relation by law or by blood to
24 any of the Accused or civil parties who have been recognized by
25 the Chamber. Thank you.

1 MR. PRESIDENT:

2 Court Officer, can you invite the witness TCW-604 into the
3 courtroom?

4 Counsel, you may proceed.

5 MR. PICH ANG:

6 Good afternoon, Mr. President. Lead Co-Lawyers will delegate the
7 task of questioning to counsel Ty Srinna and Élisabeth.

8 [13.38.12]

9 MR. PRESIDENT:

10 Thank you.

11 (Witness enters courtroom)

12 QUESTIONING BY THE PRESIDENT:

13 Good afternoon, Mr. Witness.

14 Q. What is your name?

15 MR. SAO SARUN:

16 A. Good afternoon. My name is Sao Sarun.

17 Q. Thank you.

18 Mr. Sao Sarun, besides this name, have you used any other names
19 or aliases?

20 A. (Microphone not activated)

21 Q. Mr. Sao Sarun, please answer my question: Besides the name Sao
22 Sarun, do you use any other name or alias?

23 [13.40.18]

24 A. No, I only have one name.

25 Q. Thank you. During the revolution period, during the 1970s up

1 to 1979, did you have any revolutionary name?

2 A. No, I did not have any other name.

3 [13.40.51]

4 Q. Besides Sao Sarun, you don't have any other name; is that
5 correct?

6 A. (Microphone not activated)

7 Q. Please do not answer too quickly. You need to wait until you
8 see the red light on the microphone. Otherwise, your response
9 does not go through the system for interpretation purpose. In
10 this courtroom, we use three languages, i.e. Khmer, English, and
11 French.

12 Mr. Sao Sarun, how old are you?

13 A. My real age is 80 years old.

14 Q. Do you know your date of birth? Can you tell the Chamber when
15 were you born?

16 [13.42.15]

17 A. I do not know the date of birth.

18 Q. Where is your current address?

19 A. Currently, I live in Thnorl Keng Village, Ph'av sub-district,
20 Trapeang Prasat district, Oddar Meanchey province.

21 Q. Thank you. Mr. Sao Sarun, you may sit straight. Even if you
22 are a bit far from the microphone, your voice can go through the
23 microphone clearly. You don't have to bend yourself closer to the
24 microphone.

25 What is your current occupation?

1 A. I am a farmer.

2 Q. Please respond again.

3 A. I am a farmer.

4 [13.43.22]

5 Q. What is the name of your father?

6 A. My father's name is Nou.

7 Q. What is the surname of your father? What is the full name of
8 your father, including his surname?

9 A. Sao Nou.

10 Q. What is your mother's name?

11 A. Her name is Prang.

12 Q. And what is her surname?

13 A. The surname is Pren (phonetic).

14 Q. What is the name of your wife? Please respond to the question:

15 What is your wife's name?

16 [13.45.06]

17 A. (Microphone not activated)

18 Q. Is her name Meut? And what is the surname of your wife's name?

19 A. (Microphone not activated)

20 Q. Is your wife's name Nou Meut?

21 A. Nou Meut is her name.

22 [13.45.47]

23 Q. How many children do you have, Mr. Sao Sarun?

24 A. Altogether, I have 10 children.

25 Q. How many sons and how many daughters?

1 A. Five sons and five daughters.

2 Q. Thank you.

3 Mr. Sao Sarun, as reported by the greffier, to your best
4 knowledge, you do not have any relation by blood or by law to any
5 parties of the proceeding, or to the civil parties or any of the
6 Accused; is that correct?

7 [13.46.45]

8 A. Yes. I do not have any relationship with any of them.

9 Q. Also, the greffier reported that you already took an oath
10 before you came in to testify here in this courtroom; is that
11 correct?

12 A. Yes.

13 [13.47.15]

14 Q. You are hereby informed of your rights and obligations as a
15 witness before this Court. Mr. Sao Sarun, as a witness to these
16 proceedings, you can decide not to respond to any questions put
17 to you or not to respond because you think of the
18 self-incrimination, which means that if you think your response
19 or declaration will subject you to prosecution.

20 Also, as a witness, you have the duty to provide your testimony
21 to the proceeding by responding to the questions put to you by
22 the parties or by the Bench, except in the cases where your
23 response or comment would incriminate you, as I stated earlier,
24 regarding self-incrimination.

25 And as a witness, you have to tell the truth that you see,

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1 experienced or remember, or that you observed personally during
2 the events related to the questions put to you by any other
3 parties or the Bench.

4 Do you understand your right and responsibility?

5 [13.48.59]

6 A. Yes, I do.

7 MR. PRESIDENT:

8 Before the Chamber hands over the floor to the Prosecution to
9 question this witness, we would like to remind the parties that,
10 as the witness is elder and he has problem with hearing and with
11 his eyes, so the eyesight is poor, it is recommended and it's
12 better for the party to put short questions -- short and precise
13 to this particular witness and make it easier for him to
14 understand.

15 The floor is now given to the Prosecution to put question to this
16 witness. You may proceed.

17 QUESTIONING BY MR. SENG BUNKHEANG:

18 Thank you, Mr. President. Good afternoon, Mr. Sao Sarun.

19 Q. I will ask you some questions regarding your family
20 background. As you just stated, you have 10 children. And I'd
21 like to clarify on this point.

22 In your response to the investigators from the Office of the
23 Investigating Judges in your four written records of interview,
24 that is, in particular, in document D125/167, you told
25 investigator that you have six children; so which one is correct?

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1 [13.51.35]

2 MR. SAO SARUN:

3 A. I say I have 10 children. In fact, I have 10, but four died,
4 so I only have six.

5 Q. Thank you.

6 Also, your wife's names, Nou Meut as you stated; does she have
7 any other name?

8 A. Yes.

9 Q. What is her other name?

10 A. Yun is her other name.

11 [13.52.42]

12 Q. Thank you.

13 Can you also inform the Bench of how many siblings you have?

14 A. In total, I have 10 siblings. Some died and some are living.

15 Q. Can you tell us how many brothers and sisters you have?

16 A. I have four brothers and six sisters.

17 Q. Thank you.

18 Recently, the Witness and Expert Support Section has reviewed
19 your status and that you use your name as Nou Sarun. Is that your
20 other name?

21 A. No, it's my father's name. And, actually, my grandfather's
22 name is Sao.

23 Q. Can you tell the Bench since when you started using your name
24 as Nou Sarun?

25 A. I use that name in around 1974 or '75.

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1 Q. During the period of Democratic Kampuchea, did you use any
2 other name, for instance, Bai?

3 A. I only used one name that is Sao Sarun.

4 [13.55.15]

5 Q. Can you tell us whether you use any other name, like Bai?

6 A. No, I did not.

7 Q. Were you aware that in Sector 105, any other individual by the
8 name of Bai or Sarun?

9 A. Only my name, which was Sao Sarun in that sector.

10 Q. Before the control of the country by Democratic Kampuchea, did
11 you ever fill in your personal background or revolutionary
12 background with any other name?

13 A. I did fill in the form.

14 Q. I have a document which is the revolutionary personal
15 background of this witness, Sao Sarun, and I have some questions
16 regarding that background information. And I'd like to submit to
17 have the document put before the Chamber, of document D175/3.74
18 based on the Internal Rule, so that I can question this witness
19 by using that document.

20 [13.57.34]

21 The document number is D175/3.55. The reason for our submission,
22 Your Honour, is that previously the Office of the
23 Co-Investigating Judges, who interviewed this witness, did not
24 raise other names that he used in the interview. Until lately,
25 when the WESU submitted a report which states that this witness

1 also used another name, which is Nou Sarun.

2 And, during our preparation time, the OCP viewed documents that
3 two witnesses also confirmed that this person also use another
4 name, is Bai. And later on through the research on ZyLAB we found
5 a personal background of a cadre with the name of Bai, alias
6 Sarun.

7 That document is already part of the case filed with that
8 document ID number that is D175/3.55. In that revolutionary
9 personal background, it shows the information; the personal
10 background of this person. And, by reviewing this document, the
11 place of birth and that name of the wife and the number of the
12 children is consistent with that of the record interviewed by the
13 OCIJ with this witness.

14 [13.59.44]

15 Pursuant to Internal Rule 87.3, this document is relevant to this
16 case and this witness, as the document reveals information --
17 information regarding the role of this witness in the movement of
18 the CPK, as well as, the facts that he served in the sector in
19 Mondulkiri province.

20 This document also provides detailed information that the cadres
21 of the CPK had to fill in their revolutionary information
22 regarding the level of education etc.

23 And the information is similar to that of the information that
24 the witness provided. For that reason, we request the submission
25 of this document, D175/3.55, before this Chamber and that we can

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1 use the documents to assist us as a base to question this
2 witness.

3 [14.01.01]

4 MR. PRESIDENT:

5 Counsel for Mr. Ieng Sary, you may proceed.

6 MR. KARNAVAS:

7 Thank you, Mr. President, Your Honours. Good afternoon to
8 everyone in and around the courtroom. At this point in time, I
9 don't know whether I have an objection to the document itself.
10 However, it took approximately 10 minutes to give an explanation
11 about this document when 10 minutes could have been used to pose
12 questions to this particular witness, questions that may make
13 this document irrelevant other than to just simply have it
14 admitted for the purposes of admitting it.

15 We have the witness; let's get to the questions and then if we
16 need to show this document, if this is his biography, then
17 perhaps there won't be any objections. But I don't see the
18 purpose of having a 10 or 15 minute explanation on a document
19 without posing any questions to the witness.

20 MR. PRESIDENT:

21 The Prosecution is likely to request that this document be put
22 before the Chamber so that, upon the decision of the Chamber,
23 this document may be subjected to examination with the witness.

24 [14.02.38]

25 About other defence teams, do you have any objection against this

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1 document? Because the Prosecution has already mentioned that this
2 document was not put before the Chamber before, and this document
3 has just been found and now they are seeking that it be put
4 before the Chamber.

5 MR. PAUW:

6 Thank you, Mr. President. As to whether the document should be
7 allowed to be put before the Chamber or not, we will take no
8 position at this time as to whether this document can be used in
9 the questioning of this witness for impeachment purposes.

10 I think our position is clear and always has been clear. It
11 should clearly be allowed to be used for that purpose. It might
12 be a relevant document and the witness might be able to comment
13 on this and we might elicit some useful information on the basis
14 of the document.

15 So, for the purpose of questioning this witness, this document
16 should be allowed to be used. That's our position.

17 (Judges deliberate)

18 [14.0.4.14]

19 MR. PRESIDENT:

20 Prosecutor, you may proceed.

21 MR. LYSAK:

22 Thank you. Good afternoon, Mr. President and the other members of
23 the Court. I just wanted to add to my colleague's comments to
24 make the record clear that after we discovered this document,
25 last week, we filed a Rule 87.4 motion on Thursday, explaining

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1 the reasons for the discovery of this document.

2 So the reason for the statement by my colleague is that we are at
3 the point of where we would like to ask questions, and my
4 colleague simply wanted to set out our position so that we would
5 have permission from the Trial Chamber to ask questions to the
6 witness, specifically from what we believe is his biography.

7 (Judges deliberate)

8 [14.07.19]

9 MR. PRESIDENT:

10 Having noted the request by the Prosecution to put before the
11 Chamber document D175/3.55 on the -- the document entitled "Check
12 Revolutionary Biography" is founded based on Rule 87.3 and 87.4.

13 [14.08.02]

14 And, in addition, the Prosecution has made it clear that it had
15 submitted in writing this request last week.

16 Since the subject of this document is relevant, so the Chamber
17 grants leave for the Prosecution to put this document before the
18 Chamber to examine.

19 But the Chamber wishes to make it clear that this -- the purpose
20 of putting this document before the Chamber is not to impeach
21 upon the witness because, issue concerning impeachment of the
22 witness has already been dealt with as indicated in the
23 memorandum of the Chamber dated the 24th of May 2012.

24 You may proceed.

25 [14.09.09]

1 BY MR. SENG BUNKHEANG:

2 Thank you, Mr. President. I would now like to put the question to
3 the witness.

4 MR. PRESIDENT:

5 Mr. Sao Sarun, can you see the light -- the red light on the
6 microphone?

7 MR. SAO SARUN:

8 No, I cannot see it. I cannot see it, Mr. President.

9 [14.09.48]

10 MR. PRESIDENT:

11 We have received information from the WESU unit that he has poor
12 eyesight, so we now would like to ask the Court Officer to ensure
13 that the volume of his microphone is more sensitive.

14 As for his eyesight, it is a rather challenging now and we will
15 have to rely on the duty counsel to be vigilant whenever he needs
16 to respond to the question. Please make sure that you alert him
17 whenever the mic is on so that he is ready to respond to the
18 question.

19 But again, your assistance to this witness is merely to ensure
20 that the technical matter is ready for him to testify before the
21 Court. So I again ask that the duty counsel be alert at all times
22 when he is about to answer the question.

23 The Prosecutor, you may continue now.

24 BY MR. SENG BUNKHEANG:

25 Thank you.

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1 Q. Mr. Sao Sarun, I have just informed the Court that the Office
2 of Co-Prosecutor have discovered a document entitled "Bai alias
3 Sao Sarun", which is identical to biography -- your own
4 biography, which is: "He was born in Koh Mayeul village, Peam Chi
5 Miet commune, Koh Nhek and it is, he is married, he has--"
6 [14.12.07]

7 Do you believe that this is your biography?

8 MR. SAO SARUN:

9 A. I actually had 10 children, five boys and five girls.

10 Q. So do you believe that the biography I just introduced to you
11 a bit earlier on, that it is -- that of yours?

12 A. Yes, that is correct. It is mine. Bai was not commonly used
13 and I was known to it either because normally I have known myself
14 as Sao Sarun.

15 Q. Can you recall whether or not such biography was used during
16 the Democratic Kampuchea period?

17 A. Yes, it was used, but Sao Sarun was used. As for Bai, it was
18 never used back then.

19 Q. I would like to ask you for clarification on the format for
20 the biography. Can you tell the Court whether or not this format
21 was used during the Democratic Kampuchea period?

22 MR. PRESIDENT:

23 National Defence Counsel for Ieng Sary, you may proceed.

24 And, witness, please hold on; we have to listen to the objection
25 by the defence counsel, and the Chamber will rule on this

1 objection as to whether or not you should respond to the question
2 or not.

3 [14.14.30]

4 MR. ANG UDOM:

5 Good afternoon, Mr. President. Good afternoon, Your Honours. I do
6 not have objection but I have one observation of -- in order to
7 ensure fairness for the witness.

8 The Prosecution is asking him about the biography, and since this
9 witness is not been able to read or he has poor eyesight and he
10 has never read the biography to him, and I think it would be of
11 benefit to the witness if he has been read his biography before
12 him, before he appears before the Chamber, because he has not
13 seen this report. And if the Prosecution continue to ask such
14 question to the witness, it will undermine the ability of the
15 witness to ensure that this statement is correct and a good
16 reflection of the biography.

17 MR. PRESIDENT:

18 Thank you. The observation of the defence counsel for Ieng Sary
19 is correct because the witness has poor eyesight and he cannot
20 read this biography, so there is no way in which the witness can
21 confirm the biography.

22 So the prosecutor is advised to reframe your questions so that
23 the witness can respond to the question, particularly, the
24 question concerning the document that the Chamber has already
25 agreed to put before us.

1 And the question should be well prepared before putting question
2 to this particular witness.

3 [14.26.24]

4 BY MR. SENG BUNKHEANG:

5 Thank you, Mr. President.

6 Q. For the revolutionary biography I just raised to the witness,
7 consists of 15 pages, and the format of this biography in the
8 form of question and answer, and there is blank for the person to
9 write or fill in their own personal data and biography. And there
10 are several section. The first one is the personal data and the
11 second section is on family background, spouse background. And
12 the next section is about the family details, children, parents;
13 and the last section of this biography concerns close friends and
14 acquaintances outside of the revolutionary Angkar.

15 So the question I would like to put to Mr. Sao Sarun is whether
16 or not this format of the personal biography is the uniform
17 format used during the Democratic Kampuchea period.

18 MR. SAO SARUN:

19 A. I do not understand this well enough.

20 Q. Thank you. Looking at your personal biography on your personal
21 data question 15 of the document, D175/3.55, ERN in Khmer
22 00230783--

23 And before I go ahead asking the question to the witness, I would
24 like to seek leave from Mr. President and your Chamber to have
25 this document displayed on the screens.

1 MR. PRESIDENT:

2 You may proceed.

3 BY MR. SENG BUNKHEANG:

4 Q. On question 15, after -- the question asked about
5 revolutionary life criticism biography that were examined the
6 times of examination of the biography, and in that answer, you
7 said you have the revolutionary self-criticism and biography for
8 10 times and you spent three to four days for the preparation and
9 examination.

10 Can you tell the Court about the conduct of revolutionary life
11 criticism and examination of biography?

12 [14.20.42]

13 MR. SAO SARUN:

14 A. When we attended the meeting, we were asked to prepare our
15 biography.

16 Q. Do you know who was in charge of examining the biography?

17 A. No, I did -- I did not know. I simply prepared my biography
18 and submitted to them; that was it.

19 Q. For how long was it in between one interval to another when
20 you had to prepare your biography?

21 [14.21.35]

22 A. I cannot recall it.

23 Q. Do you remember submitting your biography to someone? Do you
24 recall the person who you submitted your biography?

25 A. We had to submit it to the chairman of the sector.

1 [14.22.19]

2 Q. Which sector and who was the chairman of the sector then?

3 A. It was Mondulkiri sector.

4 Q. What was the chairman of that sector's -- what -- what was the
5 name of that chairman?

6 A. Laing.

7 Q. Do -- do you know where the biography of other comrades was
8 stored?

9 A. No, I did not know where it was kept.

10 Q. So, now, I move on to another topic. When you first joined
11 revolutionary, you said you was born in Koh Mayeul, in Kaoh
12 Nheaek district. So, in 1954, did you stay in that same place or
13 you moved somewhere else?

14 A. I remained in that village.

15 [14.24.28]

16 Q. Back then, did you know Ket and Bon?

17 A. No, I didn't.

18 Q. Do you remember who introduced you to the revolution back in
19 1954?

20 A. Laing.

21 Q. What position did Laing hold at that time?

22 A. I did not know. I did not know what role he undertook at that
23 time.

24 (Short pause)

25 [14.25.57]

1 MR. SENG BUNKHEANG:

2 Next, I would like to ask for permission from the Chamber to
3 project the document -- the same document, D175/3.55.

4 MR. PRESIDENT:

5 You may proceed.

6 [14.26.41]

7 BY MR. SENG BUNKHEANG:

8 Q. Khmer ERN 00230781. On this document, on question 8 of the
9 first section of this biography, it said you joined the
10 revolution in 1954 at Koh Mayeul and Comrade Bon and Comrade Ket
11 introduced you to the revolution. And on the same first section,
12 question 10, it indicated that you joined the Party on the 4th of
13 March 1963 at Ta Kok village, and Comrade Bun and Comrade Laing
14 introduced you to the Party; is this the correct summary of -- of
15 that to your recollection?

16 MR. SAO SARUN:

17 A. That is correct.

18 Q. How did you get to know Ket and Bon and what were their
19 positions in the Party back then?

20 A. I did not know. I did not know what position they held at that
21 time.

22 [14.28.52]

23 Q. When you joined the Party, were you introduced or train with
24 the Party political line?

25 A. We had minimal lesson about that.

1 MR. SENG BUNKHEANG:

2 I would like to seek the permission from Your Honour, Mr.
3 President to again show the document, D175/3.55, on screen.

4 MR. PRESIDENT:

5 Yes, you may do so.

6 The AV Unit, please, project that document on screen.

7 BY MR. SENG BUNKHEANG:

8 Q. Thank you, Mr. President.

9 [14.30.06]

10 In question number 14, the first section in that biography, the
11 question as whether you undertook any revolutionary training and
12 you said that you have gained revolutionary knowledge from the
13 schools for 10 times and from training courses for several times.
14 Can you recall where the schools were where you attended for 10
15 times?

16 MR. SAO SARUN:

17 A. It was in the village. It was not a proper schooling it -- it
18 was a -- just a form of a school in the forest.

19 Q. Can you recall that when you joined the education or training,
20 how many days did it take for each training?

21 A. Sometimes it took three days; sometime it took two days.

22 Q. Can you recall the -- what were the Party and the
23 revolutionary lines that you were taught?

24 A. I knew they were the revolutionary lines; that's all I knew.

25 Q. What about the trainer; can you recall the name of the trainer

1 or trainers?

2 A. No, I cannot recall it.

3 [14.32.23]

4 Q. For each session, how many trainees?

5 A. Sometimes there were 8, 9, or 10 trainees.

6 Q. Can you recall that this -- about your revolutionary
7 biography, in what year did you make this one?

8 A. I cannot recall that.

9 Q. Can you tell the Chamber was it before or after 1975?

10 A. I cannot tell the Bench since I cannot recall it.

11 Q. I'd like to ask you some questions regarding your role and
12 duties in the revolution and the Party in 1975, also when you
13 joined the revolution in 1954, and that you joined the Party in
14 1963.

15 [14.34.13]

16 Can you tell the Bench, what was you assigned to do, or what was
17 your responsibility at that time?

18 A. My -- my role was to educate the people to understand about
19 the revolution.

20 Q. Can you recall what were you educating the people about?

21 A. I educated them about building the economy and to fights the
22 American Imperialists.

23 Q. Can you tell the Chamber regarding the meaning of economy that
24 you educated those people? How was it done -- or to be done?

25 A. By doing or engaging in rice farming, in growing plants,

1 crops, or corn and to be self-sustained.

2 Q. The knowledge that you shared to those people, where did you
3 -- you learn it?

4 A. I learned it through the instructions from the upper echelon.
5 What I learned, I share with other people.

6 Q. Thank you. Can you tell us that in Mondulkiri province in the
7 1950s and the 1960s, what were the classes of people residing in
8 that province and what were their occupation?

9 A. The people in Mondulkiri were of ethnic minority including
10 Phnong, Jarai, and Tumpoun. They were main ethnic minorities'
11 group.

12 [14.37.02]

13 Q. What were their job at the time?

14 A. They worked in the rice field and they grew crops.

15 Q. Did you know about the -- the objective of the revolution in
16 Mondulkiri province?

17 A. I did not know what the objective of the revolution were at
18 the time.

19 Q. Let me return to the time that you joined the Party in 1963
20 until the 17th April 1975. During this period, can you tell the
21 Chamber where did you live and what tasks were you assigned to do
22 for the Party?

23 A. After 1970, I worked as a soldier.

24 [14.38.40]

25 Q. What was the name of your unit?

1 As -- with the permission from Mr. President for the continuation
2 of the projection of the existing document, I'd like to have it
3 shown again on screen, and I will put a question to the witness
4 in relation to question number 11 in that document.

5 In that document, you received that you became the deputy
6 secretary of Peam commune responsible for village militia and you
7 were also responsible for the economic affairs of the commune. Do
8 you stand by this statement that you made?

9 A. I cannot say because I cannot recall it.

10 Q. As stated in that document, you became the deputy secretary in
11 Ou Buon responsible for village militia and for the economic
12 affairs of that commune. Can you recall that you held that
13 position?

14 A. Yes, I recall it. Yes, I held that position.

15 Q. In your role, when were you appointed to that position, what
16 year was it?

17 A. I cannot recall the year. I forget it all.

18 Q. What were the specific tasks that you were assigned to do in
19 regards to the economic affairs of the commune, can you tell the
20 Chamber?

21 A. The task was to do rice farming; to engage in crop plantation
22 etc.

23 Q. Thank you. What about your position as the village militia?
24 When did you hold that position and what were the tasks involved
25 as a village militia? Let me repeat. When you were assigned as a

1 village militia, what were your tasks?

2 A. In the position as a -- a village militia was to defend the
3 village and to prevent any stealing from the village.

4 [14.42.28]

5 MR. PRESIDENT:

6 Thank you, Mr. Witness.

7 The time is now appropriate for a break. We shall take a
8 20-minute break and we shall resume at 3 p.m.

9 Court Officer, could you assist the witness during the break, as
10 well as to assist the duty counsel and have them back in the
11 courtroom at 3 p.m?

12 THE GREFFIER:

13 All rise.

14 (Court recesses from 1443H to 1501H)

15 MR. PRESIDENT:

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

17 I hand over to the Prosecution to continue putting question to
18 the witness.

19 BY MR. SENG BUNKHEANG:

20 Q. Thank you, Mr. President.

21 Mr. Witness, I would like to continue with my question: Was there
22 any point in time when you were appointed the secretary of a
23 district?

24 MR. SAO SARUN:

25 A. I was once appointed the secretary of a district, it was in

1 1971.

2 Q. What was the name of that district?

3 A. It was Pech Chenda district.

4 [15.03.42]

5 Q. Thank you. Can you recall when Mondulkiri sector was liberated
6 by the Khmer Rouge?

7 A. It was liberated in 1970.

8 Q. Thank you. Concerning your appointment as the secretary of the
9 district, who appointed you?

10 A. Ta Laing.

11 Q. When Ta Laing appointed you as the secretary of the district,
12 what was Ta Laing position, really, at that time?

13 A. I do not know what position he held.

14 Q. Can you tell the Court your job description, mainly your
15 responsibilities and duties as the secretary of the district?

16 A. My duty was to manage and lead the people in order to ensure
17 that people have proper shelter, enough food to eat.

18 Q. How about the office of the district, where was it located?

19 Can you recall?

20 A. Our work station was within the district office.

21 [15.06.25]

22 Q. Where was the district office located, in which village or
23 commune?

24 A. The district office was in Bu Sra village and Bu Sra commune.

25 Q. In your work station, how many people worked there?

1 A. There were a lot of people, around 3,400 citizens in the
2 districts.

3 Q. Now, I would like to know about the officials working in the
4 district -- Pech Chenda district office, how many people worked
5 in the district office?

6 A. Basically, there were four, but if we count the combatants, as
7 well, there were around 30 of them.

8 Q. The four officials working in the district office, what were
9 their respective functions?

10 A. Their main role was to oversee the communes subordinate to the
11 district.

12 [15.08.36]

13 Q. How many communes were there in Pech Chenda district?

14 A. There were four communes.

15 Q. Do you recall the name of those four communes?

16 A. Yes, Krang Teh commune, first. Second; Bu Sra commune. Third,
17 Tor Svay (phonetic) commune, and fourth, Kaoh Kley (phonetic)
18 commune.

19 Q. Thank you. Do you know whether or not there were secretary or
20 member of the Parties attached to each commune?

21 A. Certain communes there were Party members attached to them but
22 others, none.

23 Q. Who appointed the secretary of each commune?

24 A. I, as the secretary of the district, appointed them.

25 [15.10.34]

1 Q. So you became the secretary of the district in 1971 and for
2 how long did you continue to hold that position?

3 A. I held that position from 1971 until 1978.

4 Q. Thank you. In Sector 105, how many districts subordinated to
5 Sector 105?

6 A. There were five districts.

7 Q. Do you still remember the names of those five districts?

8 A. Kaoh Nheaek, first. Second, Chbar district. Third, Pech Chenda
9 district. Fourth, Ou Reang district. Fifth, Kaev Seima district.

10 Q. Thank you. Do you remember the secretary of respective
11 districts?

12 A. I did not know them.

13 [15.13.21]

14 MR. SENG BUNKHEANG:

15 If I have the permission from the President, I would like to now
16 put up the document before the Chamber and also on the screens,
17 document E3/367, Khmer ERN 00251438, English ERN 00278695, French
18 ERN 00486010. This is the record of interview conducted by the
19 Office of Co-Investigating Judges.

20 MR. PRESIDENT:

21 Yes, you may go ahead.

22 BY MR. SENG BUNKHEANG:

23 Thank you, Mr. President.

24 Q. In this document, you mention that other secretaries appointed
25 in 1972 include Ky, secretary of Ou Reang district, Svay,

1 secretary of Kaoh Nheaek district, Cham, secretary of Chbar
2 district, Kham Phoun, secretary of Kaev Seima district. Is this
3 the correct statement of yours?

4 MR. SAO SARUN:

5 A. Yes, it is correct.

6 [15.15.27]

7 Q. Thank you. What was Kham Phoun, later on, appointed in the
8 sector?

9 A. I do not know. I do not know what he was later appointed in
10 the sector.

11 Q. Did you know a man by the name of Ka Si (phonetic)?

12 A. I did not know him because we were far away from each other
13 geographically.

14 Q. Did you tell the Court -- in sector 105, which districts
15 shared the border with Vietnam?

16 A. There were three districts.

17 Q. What were they?

18 A. They were: one, Pech Chenda, Ou Reang, and Kaev Seima
19 districts. The three districts shared border with Vietnam.

20 [15.17.33]

21 Q. Do you know that the five districts subordinate to Sector 105
22 remain five throughout the period from the 17 of April 1975 to
23 the 6 of January 1979?

24 A. Yes, there were five district and these remain from the
25 previous regimes as well.

1 Q. Were there any addition of other districts or the reduction of
2 the number of district, for example, there were five earlier on
3 and then, later on, it was reduced to three or so?

4 A. No, there remained five throughout the period.

5 Q. Do you recall as to when Kham Phoun held on to his position as
6 the secretary of the district?

7 A. I cannot recall.

8 Q. Do -- do you know a man by the name Ham Ansi who was a - a
9 relative of Laing?

10 A. Yes, I knew him.

11 Q. How long did you know Ham Ansi?

12 A. His village was close to mine.

13 [15.20.09]

14 Q. How long did you know him? Did you know him for a long period
15 or just a -- a short period of time?

16 A. I knew him for a long time. Actually, I -- I knew him since we
17 were little kids because we live in a village close to each
18 other.

19 Q. Did you know what position Ham Ansi held during the period of
20 the Democratic Kampuchea?

21 A. I did not know what position he held.

22 MR. SENG BUNKHEANG:

23 Now, with permission from Mr. President, I would like to project
24 documents, which is the statement of Mr. Ham Ansi, document
25 E3/366 or D125/165. ERN in Khmer 00242412 to 13. ERN in English,

1 00250749. ERN in French, 00283164 to 65.

2 [15.22.31]

3 MR. PRESIDENT:

4 I note the defence counsel is on his feet. You may proceed.

5 MR. KONG SAM ONN:

6 I note that the documents the prosecutor is about to put before
7 the Chamber belongs to another person. I don't know whether or
8 not this document is being used in order to impeach against this
9 witness or -- or not and I'm of the opinion that this document
10 cannot be used as the basis for putting the question to this
11 witness.

12 And, in addition, the person in that document is not here to
13 respond to any question that the prosecutor is about to ask.

14 MR. PRESIDENT:

15 The representative of the Prosecution, you may proceed.

16 MR. LYSAK:

17 Thank you, Mr. President. Let me just respond quickly to that.

18 The Trial Chamber has been allowing the use of witness statements
19 of other witnesses who are not going to appear before the Chamber
20 where -- certainly, where there's a matter within that -- that is
21 within the witness' knowledge. It is our understanding that this
22 person is deceased now, so he will not be appearing; there's no
23 possibility of him testifying.

24 [15.24.03]

25 The Trial Chamber has allowed all the parties to use witness

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1 statements of witnesses who will not appear as witnesses pursuant
2 to a ruling that was issued a couple of weeks ago, and that is
3 why we want to ask a question to this witness from this document.

4 (Judges deliberate)

5 [15.26.15]

6 MR. PRESIDENT:

7 Since this document has already been granted by the Chamber for
8 record of interviews conducted by the Investigator of the Office
9 of Co-Investigating Judges concerning the witness, whom the
10 Chamber may not summon to testify before the Court, then the
11 party may put the question concerning such record of interview.

12 So the objection by the defence counsel for -- for Khieu Samphan
13 is not sustained, and the prosecutor may have the document
14 projected on the screens.

15 [15.27.17]

16 BY MR. SENG BUNKHEANG:

17 Thank you, Mr. President.

18 Q. According to the statement by Mr. Ham Ansi in the document I
19 indicated earlier on, he said that he was the district committee
20 members of Kaev Seima back in 1977 and, in mid-1978, he went to
21 Nang Khi Loek commune because the whole population of Kaev Seima
22 district was removed because of the fear of their participation
23 or rally with the Vietnamese -- Vietnamese. So do you agree that
24 this statement is an accurate reflection of that situation at the
25 time?

1 MR. SAO SARUN:

2 A. Yes. Yes, there was a removal of the population of that
3 commune and people were removed and relocated in Kaoh Nheaek
4 district.

5 Q. Do you know how many people resided in the Kaev Seima District
6 then?

7 A. I did not know the exact number of population in that district
8 back then.

9 Q. Were they all relocated to Kaoh Nheaek District or to other
10 districts?

11 A. They were relocated to the district.

12 Q. Besides the Kaoh Nheaek District, were they also sent to other
13 districts, or only to the Kaoh Nheaek District?

14 [15.29.58]

15 A. They were transferred from Kaev Seima to Kaoh Nheaek District,
16 but in that area they were still considered part of the Kaev
17 Seima District.

18 Q. To your knowledge, did you know the reason for the relocation
19 of the people?

20 A. No, I did not.

21 Q. In general, where you or other district secretaries in Sector
22 105 have to report to?

23 A. All have to report to the sector.

24 Q. Who was your superior?

25 A. It was the sector.

1 Q. What was the name of the person in that sector?

2 A. It was Ta Lan.

3 Q. Did Ta Lan have any other alias?

4 A. I do not know whether he has any other alias. I only knew him
5 by the name of Ta Lan.

6 Q. Did you know about the role and responsibility of Ta Lan in
7 his capacity as the sector secretary?

8 A. I only knew that he was the sector secretary and that was all.

9 [15.32.33]

10 Q. In relation to the reporting system, whom did Ta Lan report
11 to?

12 A. I do not know whom Ta Lan would report to.

13 Q. During the Democratic Kampuchea regime, was Sector 105
14 considered an autonomous sector?

15 A. Yes, it was referred to as an independent sector.

16 Q. Thank you. Can you inform the Chamber what was the difference
17 between an independent sector like 105 to other sectors as part
18 of the zone?

19 A. I cannot tell you that.

20 [15.34.05]

21 Q. Besides Ta Lan, who was the sector secretary? Who were the
22 members of the sector at that time?

23 A. There was Kham Phoun, there was Mey, there was Cham; that's
24 all.

25 Q. As for yourself, in addition to your role as the district

1 secretary, did you have any other role or were you a member of a
2 sector?

3 A. No, I did not have any other role. I was -- my role was only
4 the district secretary.

5 Q. Thank you.

6 MR. SENG BUNKHEANG:

7 Mr. President, I will again refer to document D175/3.55.

8 And please, assistant, can you assist with the projection of the
9 document on screen?

10 MR. PRESIDENT:

11 Yes, you can do so.

12 AV Unit could assist in the projection of the document on the
13 screen.

14 [15.35.53]

15 BY MR.SENG BUNKHEANG:

16 Q. In your revolutionary biography -- that is, in relation to
17 question 11 -- you wrote that you were a member of the sector
18 committee and in charge of two districts. The two districts that
19 you were in charge in this biography, what are the names?

20 MR. SAO SARUN:

21 A. I was in charge of the two districts in term of the economic
22 affairs.

23 Q. Can you recall the names of the two districts?

24 A. It was Pech Chenda and Ou Reang, which was adjacent to Pech
25 Chenda.

1 Q. In your role as a sector member in charge of health, what year
2 was that?

3 A. It was in 1975.

4 [15.37.21]

5 Q. Thank you. What were your specific responsibilities when you
6 were in charge of the sector health?

7 A. I was asked to prepare for the health office in the sector;
8 also regarding the housings and hospitals in that sector to make
9 sure that the hospital was clean.

10 Q. How many hospitals in Sector 105 during the DK period?

11 A. There was one sector hospital, and in each district there was
12 a district hospital which was in a smaller form.

13 Q. In Sector 105, where did you receive the medicine and the
14 medical equipments?

15 A. We receive them from Phnom Penh.

16 [15.39.11]

17 Q. Do you know who delivered those medicines and medical
18 equipments?

19 A. No, I do not know. It was the sector secretary who received
20 those medicines and medical equipments.

21 Q. Based on your observation in Sector 105, were there sufficient
22 medicines and medical equipments during the period?

23 A. Yes, it was sufficient -- sufficiently enough. It was not
24 abandoned, but it was not insufficient. There were adequate
25 medicines and equipment for the treatment of people.

1 Q. In Mondulkiri, during the DK period, in general, what kind of
2 diseases or what were the health issues in the area?

3 [15.40.36]

4 A. First is the malaria, which was the major disease, and then
5 there were TBs and other forms of diseases and they would acquire
6 a number of them.

7 Q. Thank you.

8 I would also like to present the same document at ERN in -- that
9 is the document D175/3.55 with ERN in Khmer 00230782 on screen.

10 MR. PRESIDENT:

11 Yes, you can proceed to do so.

12 BY MR. SENG BUNKHEANG:

13 Q. In your revolutionary biography again, at question 11, you
14 wrote that you were also in the Foreign Committee for Sector 105.
15 What was your role in that Foreign Relation Committee?

16 [15.42.11]

17 MR. SAO SARUN:

18 A. When we were in the forest, in the term of Foreign Relation
19 Committee, was that because I knew the general language so I was
20 appointed as member of the committee to liaise in terms of
21 economy.

22 Q. In your role to work as a Foreign Relation Committee, when did
23 you start working in that committee?

24 A. It was for only one year; that was in 1974.

25 Q. In your capacity as a member of the sector committee for the

1 Foreign Relation Committee, what was your specific task?

2 [15.43.17]

3 A. We contacted each other in relation to economic affair.

4 Q. Can you recall where was the working office in Sector 105?

5 A. It was in Kaoh Nheaek Village, It was in Kaoh Nheaek Commune
6 and District.

7 Q. Was there any code name for that working office?

8 A. No, there wasn't.

9 Q. Do you know what K 17 stands for?

10 A. K 17 was a working office of the sector.

11 Q. Thank you. How many people working at a sector office?

12 A. I did not know how many people working in that office.

13 Q. Thank you. In relation to the meetings held with the Party
14 leader prior to 1975, in 19 -- between 1963 and 1975 did you ever
15 participate in any meeting with the Party leaders?

16 [15.45.27]

17 A. No.

18 Q. Between 1966 through 1970, did you ever participate in any
19 other meetings in Rattanakiri Province?

20 A. No, I did not.

21 MR. SENG BUNKHEANG:

22 Now, can I seek the President's permission to present the
23 document D3/367 or D125/167, at ERN in Khmer, 00251437; in
24 English, 00278693; and in French, 00486009?

25 MR. PRESIDENT:

1 Yes, you can do so.

2 [15.46.59]

3 BY MR. SENG BUNKHEANG:

4 Thank you, Mr. President.

5 Q. In this document, you state that prior to 1970 you
6 participated in a meeting with Ta Laing, Ta Thuch and Ta Ya at Ou
7 Leav, in Rattanakiri Province, near the Vietnamese border; is
8 this a correct statement?

9 A. Yes.

10 Q. Who were Ta Thuch and Ta Ya?

11 A. I do not know them. I only knew that they came to attend the
12 meetings.

13 Q. Can you recall where the meeting was held?

14 A. No, I cannot recall. At that time we were in the forest and
15 the meeting took place in Rattanakiri Province.

16 Q. Did you know how many people participated in that meeting?

17 [15.48.50]

18 A. There were three or four attendees in that meeting. It was
19 held in the forest.

20 Q. Can you recall what were discussed during the meeting?

21 A. The meeting was about the forced mobilization to attack the
22 American Imperialists. That was the main call, and to liberate
23 the country.

24 Q. Did they discuss any other topics?

25 A. No.

1 MR. SENG BUNKHEANG:

2 I would like to continue to - to show the same document -- that
3 is, document E3/367, ERN in Khmer, 002514 (sic); and the one in
4 English is 00278693; in French, 00486009.

5 MR. PRESIDENT:

6 Yes, you can proceed.

7 [15.50.43]

8 BY MR. SENG BUNKHEANG:

9 Q. Mr. Witness, this is a record of your interview before the
10 Office of the Co Investigating Judges. You talk about the
11 building of the forced mobilization to fight against the American
12 Imperialists, the feudalists and the capitalists; is that
13 correct?

14 MR. SAO SARUN:

15 A. As I just stated earlier, yes.

16 Q. Did you receive any instructions regarding the opposition of
17 the fight against the feudalists and the capitalists?

18 A. We received instructions from Ta Laing to fight against the
19 American Imperialists, the feudalists and the capitalists and to
20 liberate the country.

21 Q. At that time, what were you told to do in fighting against the
22 feudalists and the capitalists?

23 A. We actually did not do anything.

24 [15.52.15]

25 Q. The question is that: During the meeting what were the

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1 instructions to you for the purpose of fighting against the
2 feudalists and the capitalists?

3 A. We were told to fight against the oppressive regime. That was
4 all.

5 Q. During the meeting, did you see whether Pol Pot or Ieng Sary
6 attending that meeting?

7 A. I never saw them.

8 Q. Between 1970 and 1975, did you travel to participate any
9 meeting in Kampong Thom Province?

10 A. Yes, I went for a meeting there once.

11 [15.53.43]

12 Q. Can you recall what year was that?

13 A. No, I cannot recall it. I cannot recall the year.

14 Q. In the meeting in Kampong Thom Province, who were the meeting
15 participants, if you can recall?

16 A. I cannot recall anyone. There were quite a large number of
17 participants, but I did not know them because that was the only
18 meeting I went to.

19 MR. SENG BUNKHEANG:

20 I would seek the permission from the President to present the
21 same documents, that is E3/367. The Khmer ERN is 00251437; in
22 English, 00278694; and in French, 00486009.

23 MR. PRESIDENT:

24 Yes, you can proceed.

25 BY MR. SENG BUNKHEANG:

1 Thank you.

2 Q. Mr. Witness, in that document, when you responded to the
3 investigator of the OCIJ that in 1971 you went to attend the
4 meeting in Kampong Thom Province, the attendees from Mondulkiri
5 were Laing and Mey, and the senior leaders from Phnom Penh
6 included Thuch and Pol Pot.

7 [15.55.45]

8 Can you recall, besides the senior leaders, Thuch and Pol Pot,
9 were there anybody else?

10 MR. SAO SARUN:

11 A. I did not know any other people. That's all I knew.

12 Q. Was it the first time that you met with Pol Pot?

13 A. That was the first and only time.

14 Q. Did you know the position of Pol Pot at the time?

15 A. No, I did not. I did not know which position he held at the
16 time.

17 [15.56.53]

18 Q. Do you know a person by the name of Mey?

19 A. I knew him. He was a member of the Mondulkiri Sector
20 Committee.

21 Q. Can you recall that the meeting in Kampong Thom Province in
22 1971, where was it held and how many participants?

23 A. I did not know where it was held, and I cannot tell you the
24 number of participants.

25 Q. Can you recall how many days did the meeting take place?

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1 A. It was almost 10 days.

2 Q. Thank you. During the meeting, which senior leaders made the
3 presentation?

4 A. I only saw Pol Pot making the presentation.

5 Q. What were the contents of Pol Pot's presentations?

6 A. The presentation was again regarding the fighting against the
7 American Imperialists.

8 Q. The presentation was about the fight against the American
9 Imperialists? Was there any presentation regarding the fight
10 against the Lon Nol soldiers?

11 [15.59.21]

12 A. No, I only knew about the forced mobilization to fight against
13 the American Imperialists.

14 Q. According to your personal knowledge, were Lon Nol's officers
15 and soldiers regarded as the enemy of the party?

16 A. No, I did not know about that.

17 Q. In the same meeting in Kampong Thom Province in 1971, can you
18 recall if there were a Party congress to elect member of the
19 Central Committee?

20 A. No, I cannot recall that.

21 MR. PRESIDENT:

22 Thank you, representative of the Prosecution. Thank you, Mr.
23 Witness.

24 The proceeding today is going to conclude as it is the
25 appropriate time, and the hearing will continue tomorrow,

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1 starting from 9 a.m.

2 [16.00.57]

3 As for tomorrow, we will continue to hear the testimony of the
4 witness, Sao Sarun, questioned by the Prosecution.

5 Mr. Sao Sarun, as the hearing of your testimony has not yet
6 concluded it will continue tomorrow, and the Chamber will invite
7 you to testify again tomorrow.

8 Likewise, the duty counsel, you're invited to appear tomorrow
9 morning, and please make yourself available tomorrow morning.

10 Court Officer, in cooperation with WESU, please arrange for the
11 travel of the witness to his residence and have him returned
12 tomorrow morning, at 9 a.m.

13 Security guards, you're instructed to take the three Accused back
14 to the detention facility and have them back here tomorrow
15 morning, before 9 a.m.

16 The hearing is now adjourned.

17 THE GREFFIER:

18 All rise.

19 (Court adjourns at 1602H)

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