



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

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 30-Apr-2012, 09:15

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 April 2012

Trial Day 54

Before the Judges:

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

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IENG Sary
KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. LIM BUNHENG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SALOTH BAN (TCW-586)	Khmer
MR. SON ARUN	Khmer

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 For this week hearing, that is, starting from today, the Trial

6 Chamber will hear the testimony of witness TCW-586.

7 Greffier, could you report the attendance of the parties in

8 today's proceeding?

9 THE GREFFIER:

10 Good morning, Mr. President.

11 The Prosecution is present.

12 The civil parties and the civil party Lead Co-Lawyers are

13 present.

14 Each counsel for the defence are present.

15 As for TCW-586, is present and waiting in the waiting room to be

16 summons by the Court.

17 [09.05.34]

18 MR. PRESIDENT:

19 Greffier, could you report whether the witness has any

20 affiliation by blood or by law with any of the concerned parties?

21 THE GREFFIER:

22 Mr. President, the witness has already taken an oath on the 23rd

23 of April.

24 According to Rule 24.1 of the Internal Rule and Article 154 of

25 the Court of document procedure, the witness also declares that

2

1 he has no affiliation by blood or by law with any of the parties
2 or the civil parties in Case 002.

3 MR. PRESIDENT:

4 Thank you, greffier.

5 [09.06.34]

6 Court Officer, could you invite the witness, TCW-586, into the
7 courtroom?

8 Greffier, according to the report by the court officer that, the
9 witness also has his own counsel; is that correct?

10 THE GREFFIER:

11 That is correct, Mr. President. He requests to have his lawyer
12 present during the testimony.

13 MR. PRESIDENT:

14 Thank you.

15 [09.07.30]

16 Court Officer, could you please invite both the witness and his
17 counsel into the courtroom?

18 I notice the Lead Co-Lawyer for civil parties is on his feet. You
19 may proceed.

20 MR. PICH ANG:

21 Good morning, Mr. President, Your Honours. We would like to
22 inform the Chamber that for the questions or interventions by the
23 Lead Co-Lawyers, we would assign Ms. Chet Vanly and Elisabeth
24 Rabesandratana to take charge.

25 MR. PRESIDENT:

3

1 Thank you. Yes, the Chamber grants the permission for the
2 assignment of the question and intervention times to the two
3 civil party lawyers.

4 Michael Karnavas, you may proceed.

5 MR. KARNAVAS:

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

8 [09.08.55]

9 On April 9th, we were served with a -- with an email which more
10 or less put down the modalities for providing documents in
11 advance through this interface method. As of yet, no documents
12 have been released by the greffier. We don't -- this was supposed
13 to be done 24 hours in advance of the witness appearing.

14 Of course, I don't know what the prosecutor has in mind; whether
15 they provided the documents but, apparently, unless the greffier
16 releases them, no one has access to them.

17 So, as of this moment, we don't know if the Prosecution intends
18 to show any documents pursuant to this procedure.

19 [09.09.45]

20 And might I take the time to also suggest that when the -- when a
21 witness is coming in on Monday, it would be helpful to have the
22 list -- or at least a tentative list on Friday because,
23 otherwise, someone would -- we have no access other than coming
24 through the Tribunal, which means making a trip to the Tribunal
25 on a Saturday or Sunday to see whether documents have been

4

1 released by the greffiers. So, obviously, this is an
2 inconvenience.

3 We're not suggesting that the Prosecution has not provided a
4 list, but obviously it hasn't been released, so we don't know
5 what, if anything, the Prosecution intends to do. Perhaps they
6 can inform us what their intentions are. Thank you.

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 [09.10.41]

10 The International Co-Prosecutor, you may proceed.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, as counsel Karnavas said, we used the interface on
13 Friday to put the bulk of the documents that we're going to use
14 in and we have added a few more during the weekend. I don't
15 actually know why these documents weren't communicated to the
16 parties. If necessary, I can ask for photocopies to be made of
17 the lists that I have before me for all of the parties, Mr.
18 President.

19 MR. PRESIDENT:

20 Can you confirm whether you've sent the document to the parties
21 because the defence counsels do not have the documents and if you
22 sent, by what means? This is in regard to the documents you said
23 that you sent by electronic means on Friday. Could you also
24 provide a hard copy?

25 MR. DE WILDE D'ESTMAEL:

5

1 In fact, since the Chamber asked us to not use email, but the
2 interface, that is what we have done and that's where we put all
3 of the documents that we were intending to use, in the
4 Co-Prosecutor section of the interface. I assume it's now up to
5 the greffier to make these documents accessible to all of the
6 parties after that.

7 [09.12.32]

8 I have a copy here of the list of all the documents I intend to
9 use, which we are most happy to photocopy if you wish, Mr.
10 President.

11 MR. PRESIDENT:

12 If the transmission through the interface has not reached the
13 parties, in order to resolve the matter, could you provide the
14 documents to the parties?

15 QUESTIONING BY THE PRESIDENT:

16 Q. Good morning, Mr. Witness. What is your name?

17 MR. SALOTH BAN:

18 A. My name is Ban, alias -- my name is Ban Nitya and So Hong,
19 Bien, and Phat, and Ta Malai (phonetic).

20 Q. Your first name is Ban; what is your surname?

21 Please note that, when you see the red light on the microphone,
22 then you can speak, so that your voice will go through the
23 interpretation system.

24 [09.14.08]

25 A. My name is Saloth Ban.

6

1 Q. Thank you. Mr. Saloth Ban, how old are you?

2 A. I am 67 years old as of today.

3 Q. What is your current occupation?

4 A. I am a soldier to the Ministry of Defense. However, I am
5 retired.

6 Q. What is your current address?

7 [09.15.01]

8 A. My current address is in Malai.

9 Q. What is your father's name?

10 A. My father's name is Saloth Seng.

11 Q. And your mother's name?

12 A. Her name is Lim Him.

13 [09.15.34]

14 Q. How many children do you have?

15 A. I have five.

16 Q. Thank you, Mr. Saloth Ban.

17 According to the report by the greffier, you do not have any
18 affiliation by blood or by law to any of the civil parties or the
19 three accused or any parties in the proceeding; is that correct?

20 A. That is correct.

21 [09.16.22]

22 Q. The greffier also reported that you already took an oath
23 before you testify; is that correct?

24 A. That is correct.

25 Q. Thank you.

7

1 Today you are here to testify as summons by the Trial Chamber and
2 you request the presence of your lawyer during your testimony.

3 Today, the Trial Chamber and WESU assigned one counsel to you
4 during your testimony.

5 Also, at the same time, we would like to inform you of your
6 rights and duties.

7 [09.17.18]

8 Mr. Saloth Ban, as a witness in the proceedings before the Trial
9 Chamber, you may refuse to respond to any questions which you may
10 believe would incriminate yourself; this means that if your
11 response would put you in a position to be charged.

12 You also, as a witness, to provide a testimony before this Trial
13 Chamber, that is to respond to the questions put to you by the
14 Chamber or by any party, except in the case where you need to
15 make comments or to incriminate yourself.

16 Also, as a witness, you must only say the truth that you
17 experienced or knew or observed personally regarding the events
18 or event to be asked in the questions by the party. Do you
19 understand that?

20 A. Yes, I do.

21 MR. PRESIDENT:

22 Thank you.

23 As I observed, you already have your lawyer with you. This duty
24 counsel or lawyer is to advise you regarding the questions put to
25 you by the Chamber or by the parties.

1 [09.19.30]

2 And you may advise your client not to respond if you believe the
3 response would incriminate your client; that is the duty of the
4 duty counsel. So if you observe such a question is put to your
5 client, then you can consult with your client whether he wishes
6 to respond to such a question.

7 The Chamber would like to inform the Prosecution that the Chamber
8 will give the floor to the Prosecution to question this witness
9 before other parties. You may now proceed.

10 QUESTIONING BY MR. CHAN DARARASMEY:

11 Q. Good morning, Mr. President. Good morning, Your Honours. Good
12 morning, Mr. Witness. On behalf of the Prosecution, I would like
13 to put some questions to you.

14 Good morning, once again, Mr. Witness. I will ask you a question
15 regarding the events that you knew. First, I put some questions
16 regarding your identification and personal history.

17 [09.21.17]

18 Was your father a blood relative to Saloth Sar?

19 MR. SALOTH BAN:

20 A. My father was the elder brother of my uncle, Saloth Sar.

21 Q. What was your father's occupation?

22 A. He's a farmer.

23 Q. What is your mom's occupation?

24 A. She's a farmer.

25 Q. Based on the revolutionary movement or the movement of the

1 Communist Party of Kampuchea, what was your class status?

2 A. I was a student.

3 [09.22.35]

4 Q. Starting from the movement of the revolution, were you in the
5 worker's class, the peasant's class, the feudal class, or the
6 capitalist class; were you in any of these classes?

7 A. I was in the peasant's class.

8 Q. In the status as the nephew of Pol Pot, did it have any
9 influence regarding your class status at the time?

10 A. During that period, Pol Pot, himself, did not have any
11 influence on my class status.

12 Q. During that regime, as you were related to Pol Pot, who was a
13 leader, at the time, did the relationship give you any kind of
14 protection?

15 A. During that regime, I was a messenger; I was a cook, as well
16 as a medic. My apologies, I am not a qualified medic; I only knew
17 how to make some injection, that's all.

18 Q. Due to your blood affinity -- affiliation between you and Pol
19 Pot, did you receive any kind of protection?

20 A. It's not my profession to be a guard, but I am an honest
21 person.

22 [09.24.56]

23 Q. How many siblings do you have?

24 A. I have nine siblings; two sisters and eight brothers. My real
25 mother had three brothers and my second mother had eight sons and

10

1 my other mother had six children; two brothers and -- I

2 apologize, two daughters and four sons.

3 MR. PRESIDENT:

4 The Prosecutor, could you please direct more of your question

5 into the substance? It is not necessary to put more questions

6 regarding the identification of the witness. You may put a more

7 valuable question to this witness for more substantive response.

8 You have to also take into account the time and location for the

9 Prosecution.

10 [09.26.45]

11 BY MR. CHAN DARARASMEY:

12 Thank you, Mr. President.

13 Q. Who is Seng Lytheng, alias Theng? What is his relationship to

14 you?

15 MR. SALOTH BAN:

16 A. Seng Lytheng is my younger brother.

17 Q. Do you know what was his occupation before April 1975?

18 A. Before 1975, I heard that he was a soldier -- a Vietnamese

19 soldier.

20 Q. Does he have any other name besides Theng?

21 A. Punti (phonetic) is his other name.

22 Q. Did he use to work at K-1 Office?

23 A. He used to stay at K-1 Office, but I did not know about his

24 work.

25 [09.28.20]

11

1 Q. Did he have any relationship with Pol Pot, Nuon Chea, or Khieu
2 Samphan?

3 A. It is possible that he could make some contacts with them, but
4 I did not know what the contacts were about.

5 Q. Did you meet him, that is, your younger brother, Theng, often
6 during the period?

7 A. During that regime, I did not meet Theng often.

8 Q. Do you know the person by the name Chou Chey (phonetic)?

9 A. Is Chou Chey (phonetic) a male or a female?

10 Q. A male.

11 A. No, I do not know a man by the name of Chou Chey (phonetic).

12 Q. Now, I'd like to ask some questions regarding your work.

13 Can you describe briefly regarding your history of study and
14 employment?

15 Let me start with your study. What degree did you obtain and what
16 is your specialty?

17 A. I failed to get an entry into the college and I also failed in
18 my diploma exam.

19 [09.30.32]

20 Q. My other question is regarding the events during the Khmer
21 Rouge regime: Did you know whether Pol Pot left Phnom Penh for
22 Office 100 in April 1975?

23 A. No, I didn't know that.

24 Q. During the Sihanouk regime, were you abused in any sort in the
25 judiciary?

12

1 A. I was imprisoned for 10 days. Samdech Ta released me.

2 Q. Did Pol Pot introduce you to join the revolution when you were
3 13 years old?

4 A. Pol Pot did not introduce me to join revolution.

5 Q. Before the revolution movement took place during that period,
6 what was your position and where did you reside?

7 A. When I first joined the revolution, my first position was a
8 security guard in various places which I cannot recall and I was
9 on the move at that time.

10 [09.32.42]

11 Q. Back in 1967, what was your main occupation in Phnom Penh?

12 A. In 1967, I had several occupations: I peddled "cyclo"; two, I
13 work as a conventional construction worker. That -- that is it.

14 Q. When you left Phnom Penh, where did you go?

15 A. When I left Phnom Penh -- well, I left Phnom Penh because I
16 was accused of being a traitor and this accusation was made by
17 the Lon Nol administration. Then I fled and took refuge in Phnom
18 Penh. I peddled at night. I peddled "cyclo" at night to make a
19 living; I did not dare to peddle "cyclo" during the daytime for
20 fear of being arrested.

21 And then after that, I fled to Kratie province. I resided in
22 Snuol district and I stayed, most of the time, in Ou Krieng, Kbal
23 Damrei, in Kratie province.

24 [09.34.26]

25 Q. When you were residing in Kratie province, did you stay close

13

1 to Pol Pot back then?

2 A. I did not stay with Pol Pot.

3 Q. Did you meet any other leaders when you were in Kratie
4 province?

5 A. When I was in Kratie province, I met with Doeun who was one of
6 the leaders.

7 Q. Who was Doeun?

8 A. I did not know his biography.

9 Q. What was his position back then?

10 A. I don't know.

11 [09.35.24]

12 Q. Until what year did you live in Kratie province?

13 A. I lived in Kratie province from 1966 to 1967.

14 Q. Did you know that leaders -- Khmer Rouge leader went to
15 Rattanakiri province before 1969? They did not go to Rattanakiri
16 province before 1979, did they?

17 A. I don't know.

18 Q. Who else did you meet when you went to Rattanakiri province?

19 A. I met my uncle, Saloth Sar, Son Sen, Mr. Ieng Sary, and Madam
20 Ieng Thirith.

21 [09.37.01]

22 Q. Did you meet any other leaders, apart from the leaders you
23 have just enumerated?

24 A. Beside the leaders I have described, I had never met any
25 others.

14

1 Q. Did you know back then whether those leaders were members of
2 the Standing Committee or Central Committees during that period?

3 A. I did not know anything.

4 Q. What was the relationship between Pol Pot and Ieng Sary?

5 A. I did not know.

6 Q. In the mid-1960s, did Pol Pot and Ieng Sary's wives live in
7 maquis jungle with them? Did the wives of the two leaders, Ieng
8 Sary and Pol Pot, live with them in maquis jungle back then?

9 A. They -- yeah, I -- I saw they lived together.

10 Q. What was -- what were their names when they were living in the
11 maquis jungle?

12 A. To my recollection, she used the name Phea.

13 Q. Who are you referring to when you describe the person which --
14 by the name of Phea?

15 A. I refer to Madam Ieng Thirith.

16 Q. How about the other -- the other lady? Did she use another
17 alias?

18 [09.39.22]

19 A. Mr. Ieng Sary, himself, he was called Van.

20 Q. Did you know the reason for the pseudonyms to be used at that
21 time?

22 A. I did not know the motive behind the change of the name.

23 Q. Did you know that they were biological sisters and brother?

24 A. I knew that they were related by blood.

25 Q. Could you tell the Court about the love and affection of Ieng

15

1 Sary and Pol Pot were the same?

2 A. Yes, that was true.

3 [09.40.54]

4 Q. Why did Pol Pot, Ieng Sary, Son Sen decided to locate their
5 office there?

6 A. I did not know.

7 Q. What was the village -- the name of the village in Rattanakiri
8 province where they located their office?

9 A. That village belonged to the ethnic minority. It's a bit
10 difficult to recollect it. I have forgotten it.

11 Q. Later on they changed the name of that village. Do you recall
12 the new name of that village?

13 A. I don't know; I'm sorry. I have never thought of it.

14 Q. So what offices did you work with when you were in Rattanakiri
15 province?

16 A. I do not remember the office names or numbers.

17 Q. Have you heard of Office 100?

18 A. Yes, I have.

19 [09.42.23]

20 Q. What does Office 100 do?

21 A. I do not know. I don't know what it was for.

22 Q. Did you ever hear about Office 102 and what was its function?

23 A. Yes, I knew Office 102, but I did not know what it was for.

24 Q. Did you see Nuon Chea back then?

25 A. Yes, I did see Mr. Nuon Chea. Actually, to the best of my

16

1 recollection, I saw him once.

2 Q. Where did you see him?

3 A. I saw him at Office 100.

4 Q. Why did Mr. Nuon Chea visit Office 100?

5 [09.43.35]

6 A. I did not know anything other than the purpose of fighting
7 against the imperialists, the American imperialists.

8 Q. Did you know who the secretary of Office 100 was?

9 A. I don't know.

10 Q. How about Office 102, who was the secretary of this office
11 back then?

12 A. I did not know.

13 Q. Can you enlighten us why these two offices were established?

14 A. I did not know the reason for their establishment.

15 Q. Are you -- were you a member of the Communist Party of
16 Kampuchea?

17 A. Which -- which period are you referring to?

18 Q. During the Democratic Kampuchea period.

19 A. I was, of course, a member of the Party.

20 Q. Since you were a member, when did you join -- when did you
21 join the Party?

22 A. I joined it in 1968.

23 Q. To become a member of the Party, what was the -- what were the
24 requirements?

25 A. There were no specific requirements.

17

1 [09.45.57]

2 Q. Why did you decide to join the Party?

3 A. The only purpose was to liberate the country from American
4 imperialism.

5 Q. From 1969, did the Party resort to using arms struggle against
6 the centre?

7 A. I do not understand your question.

8 Q. From 1969, the Party had decided to wage arms struggle; so how
9 did this happen?

10 MR. KARNAVAS:

11 My apologies for interjecting; thus far, there have been a number
12 of leading questions. This one is so blatantly leading that I'm
13 compelled to object and perhaps request an admonition that no
14 leading questions. He's obviously feeding the witness a certain
15 particular fact which was -- has not been established, at least
16 through this witness, which is the requirement before he can pose
17 the question which -- which he imposed -- which he posed
18 eventually. Thank you.

19 [09.47.47]

20 MR. PRESIDENT:

21 Thank you, Defence Counsel. The objection is sustained.

22 The witness is directed not to respond to the last question posed
23 by the prosecutor because it is a leading question.

24 BY MR. CHAN DARARASMEY:

25 Thank you, Mr. President.

1 Q. I would like to move on to my next question: When you were
2 residing in Rattanakiri province, were you trained with ideology
3 or political ideology yourself?

4 MR. SALOTH BAN:

5 A. Back then, at that time, I did not understand what was
6 constituted as ideology, but I received trainings. I was trained
7 with a number of instrumental documents, namely, "Minority
8 Solidarity" and the "Revolutionary Flag".

9 Q. This very document you mention, what -- what does it mean for
10 the minority groups living in the north-eastern part of the
11 country, namely Rattanakiri province?

12 [09.49.31]

13 A. I was of the opinion that this very document was instrumental
14 document, at least, for me because we wanted to build solidarity
15 of ethnic minorities and the "Revolutionary Flag" in order to
16 liberate the country.

17 Secondly, this document trained the ethnic minorities in that
18 area. They were the vulnerable -- most vulnerable and
19 disadvantaged groups and they had to resist against exploiting
20 class and they had to educate themselves and they have to train
21 and behave themselves not to oppress others as well, if they don't
22 want to be oppressed.

23 Q. When this document was published and this document was
24 handwritten -- but can you tell us about the tactical and
25 strategic groups? What do these two terms refer to?

19

1 A. I cannot elaborate it orally. If you want me to describe, I
2 probably have to make use of a white board so that I can explain
3 it more thoroughly.

4 [09.51.12]

5 Q. Back then, what was the belief policy imposed by the Party for
6 ethnic minorities living in the north-eastern part of the
7 country?

8 A. Respect for and continuous improvements on the weaknesses of
9 the ethnic minorities.

10 Q. Can you tell us who told the ethnic minorities to abandon
11 their traditional belief?

12 A. I am of the view that on this universe there was nothing
13 abstract. Everything is tangible, but they are invisible and we
14 have to adopt an approach to explain them to ensure that they
15 understand it.

16 Q. Did Pol Pot use any other materials to instill ideology with
17 the people, for example the Statute of the Communist Party of
18 Kampuchea or other publication such as the "Revolutionary Flag"
19 or "Youth" magazines of the Communist Party of Kampuchea, to
20 introduce to the ethnic minorities?

21 [09.53.05]

22 A. It varies from one period to another. Which period are you
23 referring to?

24 Q. I refer to the period when you were staying with Pol Pot, when
25 you were resisting in the revolutionary movement.

20

1 MR. PRESIDENT:

2 Witness, please hold on. I note the defence counsel for Nuon Chea
3 is on his feet. You may proceed.

4 MR. SON ARUN:

5 May it please the Court, I have heard this morning that Mr.
6 Prosecutor failed to mention a specific period in which he want
7 to get the answer from the witness. So I would like to ask the
8 Chamber to remind the prosecutor that whenever he puts the
9 question to the witness the time bound must be specified so that
10 it is clear in his answer. Thank you, Mr. President.

11 [09.54.20]

12 MR. PRESIDENT:

13 Thank you, Counsel.

14 Just now I also observed that the witness found it a bit
15 difficult, as well, to answer to the question, simply because it
16 was not clear as to which period the Prosecution wanted to ask.
17 For example, the struggle in the maquis jungles; it was a bit
18 weak in terms of timeframe.

19 So I would like to remind the Prosecution to please ensure that
20 the question is specific in terms of times. And again, I would
21 like to remind parties that a specific period should be mentioned
22 in the question so that the witness can answer it correctly.
23 Secondly, when it comes to framing the question, please make sure
24 that you refrain from asking any leading questions. The parties
25 should avoid telling the facts to the witness and then ask the

21

1 witness to confirm it; then this is a question that of leading
2 nature and -- with the name of individual as well. It is
3 important that the question be asked to ensure that the person
4 has known any particular person before we ask further question
5 concerning whether or not the person has met that individual or
6 not.

7 So you may proceed.

8 [09.56.25]

9 BY MR. CHAN DARARASMEY:

10 Thank you, Mr. President.

11 Q. I would like to now move on to my next question: Did Pol Pot
12 teach you or tell you the objective of the establishment of
13 Communist Party of Kampuchea?

14 MR. SALOTH BAN:

15 A. I don't think that you are mentioning any time again.

16 Actually, he taught me and told me different things at different
17 times and it varied depending on the level of understanding of --
18 of people -- based on the level of their understanding.

19 Q. Can you tell the Court the principle political lines of the
20 Communist Party of Kampuchea?

21 [09.57.36]

22 A. I am not the founder of the Party so I did not know.

23 Q. In the Communist Party of Kampuchea, did all the leaders reach
24 consensus on the political lines or were there any points of
25 contention among Party members when adopting the political lines

1 of the Party?

2 A. It was not my business. I only minded my business back then.

3 Q. What were the disciplines embodied in the Communist Party of
4 Kampuchea?

5 A. I do not recall them all, but what I remember were the 12
6 moral principles.

7 [09.58.54]

8 Q. Those who breached the moral principle of the Party, what were
9 the likely punishment for the offenders?

10 A. I did not know much about the punishment or what kinds of
11 punishment, but I knew that people needed to refreshen themselves
12 and also have a common refreshening amongst themselves.

13 Q. When your uncle, that is, Pol Pot, left Cambodia through
14 China, through Vietnam -- that is between 1969 to 1970 -- did you
15 accompany him?

16 A. I did not know that he went to China at the time.

17 Q. Who would make a decision regarding the armed struggle during
18 his absence in the country?

19 [10.00.25]

20 A. No, I did not know that.

21 Q. When was the central office relocated from Rattanakiri
22 province?

23 A. It was after the coup d'état, that is, the coup d'état by Lon
24 Nol.

25 Q. Where was it relocated?

23

1 A. The central office was relocated to the area adjacent to the
2 borders of Kampong Thom and Kampong Cham provinces and it was
3 then mobile.

4 Q. Why was the office relocated to the area near Stoeng Chinit?

5 A. I did not know the actual reason. It was confidential.

6 [10.01.52]

7 Q. What was your role when Pol Pot and other leaders relocated to
8 live near Stoeng Chinit?

9 A. I was an ordinary combatant.

10 Q. Can you confirm who were the leaders who also stayed at the
11 area near Stoeng Chinit?

12 A. I saw Pol Pot, Nuon Chea; and besides them, there were others
13 who came and went.

14 Q. Did they stay in the same location or in a separate location
15 within the same village?

16 A. There was no village there; it was a jungle. They stayed close
17 to one another. They stayed in a separate hut.

18 [10.03.27]

19 Q. Did you see Khieu Samphan there at the time?

20 A. I'd like to request for clarification of the time period.

21 Q. It was the same time period when the office was relocated to
22 the area near Stoeng Chinit. Can you respond to my question?

23 A. In 1970, no I did not see him.

24 Q. At the area near Stoeng Chinit, you did not see him?

25 A. No, not in 1970.

24

1 Q. <Let me move on. How often did the Central Committee work?>

2 A. Could you please clarify your questions? You talk about
3 working. You talk -- probably they were working 24 hours -- 24/7.

4 Q. My question is <, how often did the Central Committee meet to
5 discuss the Party's policy, political lines and general party
6 affairs?>

7 A. You can say it is often or it is not. It depends on the
8 necessity decided by the leadership there.

9 Q. Who were members of the Central Office, and also the members
10 of the Standing Committee?

11 A. I did not know the details regarding the appointment of those
12 membership. I only knew the faces, but I did not know the detail
13 of each individual membership status.

14 MR. CHAN DARARASMEY:

15 Mr. President, I seek your permission to show three photos on the
16 screen, and we also would like the photos to be shown to the
17 witness.

18 MR. PRESIDENT:

19 Are they new photos or they are photos from the case file?

20 [10.06.55]

21 What are the document ID's for those photos?

22 MR. CHAN DARARASMEY:

23 Yes, we do have; the document ID is P00416593. And another photo

24 -- also another document is E3/136. And the photo is P00416593.

25 And another photo is P00416590. Another document is P00416592, or

25

1 document E3/137. And I would like the witness to view the photos
2 before I put questions to him.

3 MR. PRESIDENT:

4 Yes, you can go ahead.

5 [10.08.13]

6 Court Officer, could you assist the Prosecution with the photos
7 and bring them to the witness for his examination?

8 (Short pause)

9 BY MR. CHAN DARARASMEY:

10 Mr. President, now with the photos I'd like to put questions to
11 the witness.

12 Q. Mr. Witness, you have seen the photos, and I'd like to ask the
13 following questions: Do you know where the photo was taken? And
14 under what circumstance?

15 [10.11.15]

16 Please view the first photo, that is, document E3/136. That is
17 the first photo. Another document ID is P00416593.

18 MR. SALOTH BAN:

19 A. I am not sure where the photo was taken, and I do not know
20 under what circumstance. I only see the slogan at the background
21 of the photo.

22 Q. According to the document, the photo was taken during the 3rd
23 Session of the General Assembly in 1971.

24 A. I cannot recall that.

25 Q. During that General Assembly, did you attend?

26

1 A. No, I did not attend that assembly, and I did not know the
2 purpose of such an assembly.

3 Q. Do you recognize anyone in the photos? Can you describe, for
4 instance, Nuon Chea, Pol Pot, Ieng Sary, Khieu Samphan?

5 A. In this photo, I am sure only of the individuals whom I
6 frequently saw, including my uncle -- that is, Pol Pot.

7 Q. Where is Pol Pot in the photo?

8 [10.14.15]

9 Can you describe what role is he in -- whether he is standing or
10 sitting?

11 A. He is sitting on the back -- he's standing on the back row to
12 the side -- to the right side.

13 Q. Do you recognize any other people?

14 A. It is unclear to me. My eyesight is not that good, and the
15 photo is a little bit blurred. I can only clearly recognize the
16 figure of my uncle, Pol Pot.

17 Q. Do you recognize Nuon Chea in this photo?

18 A. I cannot say for sure, but it is likely that the person who is
19 wearing the scarf on the neck. But I cannot say for certain.

20 Q. What about Ta Mok? Do you recognize Ta Mok in the photo?

21 A. No, I cannot say for sure.

22 Q. Thank you. Please now look at the second photo. It's

23 D313/1.2.234 or P00416590.

24 My question is: Can you describe the setting in this photo?

25 [10.16.35]

1 Where was it taken, if you can recall, and when?

2 A. I cannot recall and I do not know the location where the photo
3 was taken.

4 Q. For the third photo, that is, E3/137 or P00416592, could you
5 please examine the picture and tell us where the photo was taken,
6 what kind of activities, and whom you recognize in that photo?

7 A. I do not know where the photo was taken or under what
8 circumstance. I only clearly know one person in this photo; that
9 is my uncle, Pol Pot.

10 Q. Where is Pol Pot? Is he standing or sitting?

11 A. He is standing in the middle of the photo.

12 Q. Thank you, Mr. Witness.

13 Now we move on to another question: By late 1960 until April
14 1975, while you were living with Pol Pot and other leaders of the
15 Communist Party of Kampuchea, namely Ieng Sary; is this correct?
16 [10.18.36]

17 A. I mainly stayed with Pol Pot.

18 Q. During the time that you were living with him, was it the time
19 that you clearly understand the view of the leadership and of the
20 Communist Party of Kampuchea; is that correct?

21 A. I did not know it clearly. However, in hindsight, Pol Pot's
22 view was one that is peaceful.

23 Q. Thank you. Before 1975, in Cambodia, the leadership at the
24 time regarded certain individual as traitors. Who were those
25 traitors or enemies?

28

1 A. Pre-1975, the -- we supported the neutral policy by Samdech
2 Ta. Whoever Samdech Ta opposed, we would support his position.

3 Q. Within the principal policy of the Communist Party of
4 Kampuchea, who did they regard as the enemy, whether they were
5 within the class of the working class, the peasants class, or the
6 feudal class, or the capitalist class?

7 A. In general, the policy is for the national front policy.

8 Q. Who the CPK regarded as clean within the class status?

9 A. The clean status means those who adhered strictly to the 12
10 moral principles.

11 Q. Can you elaborate further on the 12 moral principles?

12 A. I cannot recall them all. I recall one clearly, though, that
13 is, we cannot steal even one chilli. We had to ask from the
14 people.

15 [10.22.08]

16 Q. Can you confirm, in order to become a member of the CPK, what
17 kind of criteria and whether the person has to be tempered before
18 they could join the CPK?

19 A. I cannot describe in details in regard to this matter. As I
20 said, they had to have the highest level in the 12 moral
21 principles, even if not 100 per cent perfect. If you can achieve
22 50 or 60 percent of the rate, then you will be considered.

23 Q. What was the reason for the alliance between the CPK with
24 Sihanouk and his FUNK?

25 A. I cannot know in details, as I said. We support the idea of

1 maintaining our territory, and to maintain our neutral policy of
2 Samdech Ta.

3 Q. The enemy class of the party, where was it?

4 A. The enemy class of Kampuchea, based on my understanding, is
5 embedded in the -- a class which destroyed its nation and the
6 nation's property.

7 Q. The enemy class, were they located within the city areas or at
8 the suburban or countryside?

9 A. I cannot describe in details, as this is the policy set up by
10 the upper level.

11 Q. The Phnom Penh residents, were they considered enemy?

12 [10.25.13]

13 Or were they at least considered to be untrustful?

14 A. I did not hear such a word from my leadership.

15 Q. Strict discipline of the religion of Buddhism or Islam, or
16 superstition -- did they have any impact on the principles of the
17 Party?

18 A. What I heard was that Buddhist religion was the religion of
19 the State. As for other religions, people who follow those
20 religions would be educated, and the good points would accepted,
21 and bad points would be getting rid of, that is, for the sake of
22 the nation as a whole.

23 Q. What were the punishment for those who refused to abandon
24 their religion?

25 A. I did not see any events related to your question.

30

1 Q. Regarding the Buddhist followers, in particular those leaders
2 -- religious leaders; were they considered enemies?

3 A. No, they were not considered enemies.

4 Q. In the liberated zone before 1975, were the Buddhist monks
5 disrobed by themselves, or were there any pressure from the Party
6 for them to disrobe?

7 [10.27.41]

8 And was it the policy -- or, the principle of the Party, that is,
9 to force other religious followers to abandon their religion?

10 A. I'd like to make a comment regarding this point. There was no
11 force used. The situation was as follows: at that time, there
12 were planes; they were locally called the "pig cage" planes, and
13 the situation was terrible. At that time, when there was a
14 concentration or gathering of a group of people, then they would
15 be shot at. And when they see people wearing the colour of the
16 robes of the monks, they would be shot at.

17 [10.28.41]

18 So, for that reason, the monks disrobed by themselves and -- to
19 join the resistance, because they were ashamed of the female --
20 of the women who assisted in the transportation.

21 Q. As a religious and an ethnic group -- or in regards to its
22 culture, were the Cham people considered enemies?

23 A. I did not hear that the leadership -- talking about the
24 opposition to those who adhere to the Islamic religion.

25 Q. The Lon Nol -- or -- who were considered the American allies,

31

1 were they considered enemies?

2 A. What I heard, by my own ear, they considered them as the
3 front, but not the enemy.

4 Q. How about administrative officials of the Lon Nol
5 administration?

6 Were they considered enemies?

7 A. I did not hear or knew it, clearly, but I only heard that
8 certain individuals had to be screened.

9 [10.30.46]

10 MR. PRESIDENT:

11 Well, the time is now appropriate for morning break, and the
12 Chamber will adjourn for 20 minutes, and we will resume at 10 to
13 11.

14 Court officer is instructed to arrange the place for the witness
15 and the duty counsel to rest during the break, and have them back
16 to this courtroom before 10 to 11.

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

18 MR. ANG UDOM:

19 Thank you, Mr. President. Thank you, Your Honour. Mr. Ieng Sary,
20 as usual, has requested that he be excused from this courtroom
21 but to follow the proceeding from the holding cell downstairs.
22 And this request is made to the Chamber due to his ailments --
23 his lumbago and other related illness. So, may it please the
24 Court, grant this request.

25 [10.31.56]

1 MR. PRESIDENT:

2 Having heard the request by Mr. Ieng Sary through his defence
3 counsel that he wishes to follow the proceeding from the holding
4 cell downstairs, where the video-link is connected for the
5 Accused to follow by – remotely. So, due to his health reason,
6 the Chamber, therefore, grants this request to waive his right
7 not to be present directly in this courtroom, but instead follow
8 the proceeding from the room downstairs through audio-visual
9 means for the whole day today.

10 However, the Chamber requires Ieng Sary defence team to submit
11 the Chamber the written waiver of the Accused, together with his
12 thumbprint or signature.

13 And the AV technicians are instructed to connect the audio-visual
14 video for the Accused so that he can follow the proceeding from
15 the holding cell.

16 And security guards are instructed to bring Mr. Ieng Sary and the
17 other co-accused to the holding cell downstairs.

18 The Court is adjourned.

19 (Court recesses from 1033H to 1053H)

20 MR. PRESIDENT:

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

22 And I hand over to the national prosecutor to continue his line
23 of questioning.

24 BY MR. CHAN DARARASMEY:

25 Q. Thank you, Mr. President. I would like to now continue.

1 Now Mr. Witness, I would like to ask you about the communal
2 living between 1970 and 1975. Were the bank notes used, or the
3 market system were established?

4 MR. SALOTH BAN:

5 A. Are you referring to the period before 1975?

6 Q. (Microphone not activated)

7 A. Before 1975, to my knowledge, there was preparation to print
8 bank notes for use in the economy.

9 Q. That was before--

10 A. No, no. Are you referring to before 1975?

11 Q. Yes, before 1975.

12 A. No, then.

13 [10.55.16]

14 Q. How about the market system? Was there an establishment of a
15 system whereby goods and services were sold?

16 A. To my recollection, commercial transactions were normal
17 function -- were functioning as normal.

18 Q. What was the means of payment during that period?

19 A. I am sorry; I would like to answer again. Before 1975, that
20 period could be broken down into different time periods. Before
21 1975, at the beginning, say from 1970, '71, and '72, they used
22 the bank notes printed by the Lon Nol administration. And then,
23 later on, they stopped using the bank notes from 1974 and 1975.

24 [10.56.56]

25 Q. Can you clarify the use of bank notes and means of payment in

34

1 the liberated zones? Were there any exchange of goods, or did
2 they abolish the bank notes or means of payment in the liberated
3 zones back then?

4 A. As I said just now, it was in stages. In 1971, '72, '73, they
5 still used bank notes printed by the Lon Nol administration. But
6 from 1973, '74, and '75, the bank notes used were subsided until
7 they abolished it completely in 1975.

8 Q. (No interpretation)

9 A. It was not clear. And I thought it to myself we had to apply
10 one policy--

11 THE INTERPRETER:

12 Mr. President, could you please direct the witness to clarify his
13 term?

14 BY MR. CHAN DARARASMEY:

15 Q. What do you mean, Mr. Witness?

16 MR. SALOTH BAN:

17 A. This was not the Party's policy, but it was my own thinking.

18 If you would like to tell the story, it is a very long-winded
19 story, and I would ask for permission from the President -- but,
20 to put it simply, is that we have to mobilize our own forces, and
21 we have to use our own resources in order to conquer the
22 imperialist forces.

23 Q. In a liberated zone, did the CPK agree to the private
24 ownership, or was it abolished?

25 A. I did not know in detail, however, as I stated, based on my

1 understanding, the principle of individualism needs to be
2 abolished.

3 [11.00.10]

4 Q. Can you describe in detail of your understanding regarding
5 this principle?

6 A. It goes like this: human beings have to seek for the truth, to
7 make sure it is true and certain.

8 Q. Did the CPK abolish private ownership, if so, since when?

9 A. Based on my recollection, the abolishment of private ownership
10 was not a desire. It was the direction for a proper collectivity
11 in order to defeat the enemy.

12 Q. Did it mean that private ownership was abolished in order to
13 create another form of ownership which is, in essence, better
14 that private ownership?

15 A. As I said, it is not at our own discretion. The situation
16 itself demanded for that necessity.

17 [11.02.04]

18 Q. What are you referring to in your last statement? Can you
19 elaborate?

20 A. The situation, as I said, is that, we need to sacrifice our
21 flesh and sweat and blood, that is, for self-reliance as said by
22 the Buddha, then we had to follow this principle.

23 Q. When the CPK decided to abolish private ownership, what other
24 regime was created by the CPK?

25 A. I am not sure on that. I am not a founder. However, as far as

1 I know, a regime was formed, that is, the Democratic Kampuchea.

2 Q. Regarding the ownership, it was a private ownership and a
3 collective ownership. Which form of ownership the CPK decided to
4 choose during the period?

5 A. I am not an expert on this matter. It was decided by the upper
6 level.

7 Q. Did you hear the word, "collectivity" at the time?

8 A. Yes, I heard of the word "collectivity". Here we need not have
9 a collectivity. Then there would be -- if we did not have a
10 solidarity, then we would not achieve anything.

11 Q. What does it mean, in regards to "collectivity", or
12 "collective regime"?

13 A. A "collective regime" is that a centralized democracy.
14 [11.04.13]

15 Q. "Centralization", was it a centralization for ideas, for
16 labours or for forces?

17 A. Whatever it was in order to defeat the enemy. It was
18 centralization.

19 Q. In regards to the establishment of the collectivity, when did
20 it - when was it established?

21 A. I cannot recall, because I only implemented it.

22 Q. Did you hear the word "cooperatives" at the time?

23 A. I heard of the word since the early beginning. It was used a
24 long, long time ago.

25 Q. Were cooperatives established in the liberated zone between

1 March and April '75?

2 A. I did not involve in these matters so I cannot respond to your
3 question.

4 [11.05.40]

5 Q. Did you hear that cooperatives were established, by whom, and
6 what types of cooperatives were established?

7 A. No, I did not know.

8 Q. The CPK leaders whom you knew during that period, that is,
9 from '70 to '75 -- did you know the reasons -- the proper reasons
10 that they chose for the establishment of the cooperatives, either
11 in a small or a larger forms of cooperatives?

12 A. Could you please repeat your question? I don't understand.

13 Q. As you were close to the leadership level, did you know the
14 intention -- that is, the main intention of the establishment of
15 the cooperatives, whether the cooperatives were in a small or a
16 larger form?

17 A. I cannot respond to your question. I am not an expert in this
18 area.

19 Q. I move on, then, to another question. I will ask you another
20 question that is before the 1975: Did you know about the policy
21 regarding choosing a spouse in the liberated zone, that is, the
22 principle of the Party in regards to the spouse selection?

23 A. No, I did not know about that. I only knew about my personal
24 business.

25 [11.07.59]

1 MR. PRESIDENT:

2 I notice the counsel is on his feet. You may proceed.

3 MR. KARNAVAS:

4 Thank you. It's a bit late because the answer, we have already,

5 but, again, the gentleman is leading the witness. These are facts

6 that are not in evidence from this particular witness.

7 So, if we are trying to figure out what this witness knows, then

8 I would respectfully request that the gentleman be instructed not

9 to lead the witness by suggesting facts which are not in evidence

10 from this particular witness, and which are leading, in other

11 words, suggestive of the answers. Thank you.

12 [11.08.45]

13 MR. PRESIDENT:

14 Thank you, Counsel, for your observation regarding the question

15 -- or the leading questions by the prosecutor.

16 The Chamber would like again remind the Prosecution to avoid the

17 kinds of questions prohibited by the Chamber.

18 And for the opposing party, please make your stand clearly, on

19 time, rather than a bit too late.

20 MR. CHAN DARARASMEY:

21 Thank you, Mr. President.

22 Q. Now I move on to another question: In regards to marriage and

23 spouse selection, can you clarify whether the Communist Party of

24 Kampuchea had a principle in regard to this matter?

25 A. As I said, I did not know about the principle. I only knew

1 about myself.

2 Q. You said that, before the taking control of Phnom Penh, the
3 Central Committee Office was relocated from Steung Chinit to
4 Udong, in Peam commune; is that correct?

5 A. It was not the Central Committee Office. It was not actually
6 an office, it was a mobile force, or mobile unit.

7 [11.10.46]

8 Q. What was the intention of that mobile unit?

9 A. It was light, mobile, and active.

10 Q. In the Kampong Speu, that is, in Udong, were you close to Pol
11 Pot, as always?

12 A. Yes, I was always with him.

13 Q. What was the purpose of being staying close as always to him?

14 A. There for -- I was there for his service.

15 [11.11.40]

16 Q. What was your role at the time?

17 A. I was an ordinary combatant.

18 Q. Did Pol Pot select you as a security guard, or who was his
19 bodyguard at the time?

20 A. We all had to carry out the role as a bodyguard.

21 Q. Did Pol Pot, Nuon Chea, Ieng Sary, or Khieu Samphan attend the
22 meeting in Udong district in Kampong Speu? Did you observe the
23 frequent meetings between these two or three people?

24 A. The three, or four, or five-person meetings were not held. The
25 meetings were usually between one or two individuals.

40

1 Q. Can you elaborate further regarding the two or three-man
2 meeting, what were the contents of those meetings?

3 A. I did not know any details regarding those meetings.

4 Q. Did you know about the discussion regarding the fighting or
5 the making plans to attack Phnom Penh? Did you know who actually
6 came up with the plan and where was such a meeting held?

7 A. I did not know anything about this.

8 [11.13.44]

9 Q. The chief of the zone, or the chief of the military, are they
10 all those at the district or sub-district levels ever attended
11 the meetings between the Pol Pot, Ieng Sary, and Khieu Samphan in
12 that area?

13 MR. KARNAVAS:

14 Mr. President, before the witness answers--

15 MR. PRESIDENT:

16 Witness, please hold.

17 Defence Counsel, you may proceed.

18 [11.14.18]

19 MR. KARNAVAS:

20 Again, Mr. President, I didn't object a little bit earlier; he
21 used the words "frequent meetings" as suggesting that there were
22 frequent meetings, and now he is insisting that there were
23 meetings with Ieng Sary over there.

24 First, he should ask the witness, who -- if there were meetings,
25 who attended those meetings, before suggesting in the answer --

41

1 or in the question that Mr. Ieng Sary was involved in meetings.

2 And I am getting a little agitated at this point because the
3 gentleman ought to know better and he's been instructed twice
4 already.

5 He can go step by step: were there meetings; who attended the
6 meetings; what do you know about the meetings; and so on, but to
7 suggest a name is improper. Thank you.

8 MR. PRESIDENT:

9 The objection by the defence counsel for Ieng Sary, sustained.

10 Witness, you are instructed not to respond to the question by the
11 Prosecution.

12 [11.15.28]

13 BY MR. CHAN DARARASMEY:

14 Q. I move on to another question: After the meeting at the Peam
15 sub-district, were there other relocations within the Kampong
16 Chhnang province before or during the evacuation of people from
17 Phnom Penh? Who were the leaders who attended the meeting after
18 the meeting held in Peam sub-district? Was it held before or
19 during the evacuation of people from Phnom Penh?

20 MR. SALOTH BAN:

21 A. I cannot recall the event.

22 Q. During the evacuation of people from Phnom Penh, where were
23 you? Whom were you with?

24 A. At that time, the leaders were not with me. I was by myself.

25 Q. Under what circumstance were you alone?

1 A. I was guarding the heart of the leadership.

2 Q. During the evacuation of people from Phnom Penh, were you
3 still in the Peam sub-district, or were you relocated elsewhere?

4 A. I was still guarding the heart.

5 Q. What situation did you observe in regards to the evacuation or
6 the movement of people from Phnom Penh to the Peam sub-district?

7 [11.18.02]

8 A. You are referring to a sub-district, but in fact it was not
9 really a sub-district. It was a jungle, so I did not see any
10 people.

11 Q. Do you know the name of a district called Srok Dabpir
12 (phonetic)?

13 A. I heard of that name, but I do not know where it was.

14 Q. Can you confirm where Ieng Sary was between 1970 and 1975?

15 A. I did not know his whereabouts.

16 Q. Did you know whether Ieng Sary went overseas during that
17 period, that is, from 1970 to 1975?

18 A. I did not know where he went.

19 [11.19.31]

20 Only when he returns, then I knew that he had been overseas.

21 Q. When did he return?

22 A. I cannot recall clearly from my memory. It was after the
23 liberation of Phnom Penh.

24 Q. Did you see him or knew where he came from -- or which country
25 he came from?

1 A. No, I did not know.

2 Q. You knew that he came from overseas. Do you know who actually
3 accompanied him from overseas?

4 A. I cannot recall clearly the names of those individuals.

5 [11.20.37]

6 However, there were some intellectuals who came with him.

7 Q. Can you try to recall some of the names?

8 A. I recall the name of Long Norin and In Sopheap.

9 Q. Did you know the purpose of his overseas trip?

10 A. No, I did not know.

11 Q. Did you hear people saying that he went to Beijing, in China?

12 A. I went there once with him.

13 Q. When did you go, and for what purpose?

14 A. We went to the United Nations and to the Non-Aligned
15 countries.

16 Q. Who else went with you on that trip, that is, the entire
17 delegation that accompanied him?

18 A. I cannot recall all the names. There were Mr. Keat Chhon, Mr.

19 Thiounn Prasith, Mr. Chan Yourann.

20 [11.22.49]

21 In short, those who worked at the Ministry of Foreign Affairs
22 accompanied Mr. Ieng Sary, according to their role and function.

23 Q. Can you recall what year was it?

24 A. I cannot recall it clearly. I only recall that it was after
25 the liberation.

1 Q. Did you hear about the presence of Mr. Ieng Sary in Beijing?

2 A. I did not know about that. I did not know about his affairs,
3 or where he went.

4 [11.23.45]

5 I -- if I went with him, it was just for his company, because I
6 did not know about the language.

7 Q. Regarding the intellectuals who participated in the revolution
8 movement, did you know about the policy of the Party towards
9 those intellectuals between the 1970 through April 1975?

10 A. I did not know the details, only knew about the solidarity;
11 about the construction and the defence of the country.

12 Q. Was there a selection process for the intellectuals before
13 they would be able to join the Communist Party of Kampuchea?

14 A. I did not know the details regarding this matter.

15 Q. Let -- I now move on to the meetings by the Central Committee
16 in 1974. The questions are the following: Did you know about the
17 meeting by the Central Committee in 1974?

18 A. No, I did not know anything about that.

19 Q. Did you never hear people talking about that meeting?

20 A. No.

21 Q. Did you know, when Ieng Sary returned from overseas trip,
22 where did he go within the liberated zones upon his return to the
23 country?

24 A. I did not know, because I was not his bodyguard.

25 Q. What about the meetings?

1 [11.26.42]

2 Did he organize the meeting? And at what level? Or at which zone?

3 A. Could you please clarify which period was it? 1974?

4 Q. 1974.

5 A. No, I did not know.

6 Q. You stated that you were close and always with Pol Pot. Did

7 you know about the chief ideas of Pol Pot -- that he always

8 discussed those ideas with his subordinates?

9 A. Details were not discussed with his subordinates, but the
10 instruction to me is detailed and I can elaborate further on this
11 instruction from him to me.

12 Q. Can you elaborate further?

13 A. Are you talking about my -- instructions to me?

14 Q. Yes.

15 A. The instructions are usual. Of course, he did not have to give
16 me instructions, as I was an ordinary combatant.

17 [11.28.18]

18 What he said was that I have to try my best to guard him, to
19 protect him in his life.

20 Q. Regarding the plan to attack Phnom Penh, what level of
21 leadership was decided?

22 A. To me, it was dark. I did not know anything about that.

23 Q. Later on, did you know anything about that -- the plan?

24 A. No, even later on, I did not know. However, I heard the
25 soldiers talking that they were afraid the spies infiltrated by

1 the imperialists, and they were in the amount of thousands, and
2 that they would conduct sabotage or espionage in Phnom Penh.

3 Q. Can you confirm what types of people determined by the CPK as
4 spies or enemies of the CPK in regard to the U.S. or to the
5 Soviet Union at the time?

6 A. I cannot elaborate on this matter.

7 Q. Can you confirm that the people who were evacuated -- what was
8 their conditions?

9 A. I was guarding the heart, and when I returned to Phnom Penh,
10 it was already quiet.

11 [11.30.37]

12 So I did not see the events of the evacuation.

13 Q. Between 1970 and 1975, did you ever accompany the -- Pol Pot's
14 trips? So, between this period, 1975 -- 1970 to 1975, did you
15 work as Pol Pot's bodyguard?

16 A. Between 1970 and 1975, yes, most of the time I was close to
17 him.

18 Q. Beside Pol Pot, did you stay close to any other leader?

19 A. Yes, I stayed only with Ieng Sary.

20 Q. Mr. President, I have only three more questions to ask this
21 witness.

22 [11.32.00]

23 Mr. Witness, I have three last questions for you. Did you ever
24 work as the bodyguard for Ieng Thirith, Nuon Chea, and Khieu
25 Samphan?

1 A. As for the three leaders you mentioned, I did not provide any
2 close protection for them directly, but in certain ceremonies I
3 did provide protection, but it was in the overall protection
4 context.

5 Q. Did you know whether the leaders; namely, Pol Pot, Nuon Chea,
6 Ieng Sary, Khieu Samphan, Ieng Thirith, meet often? And if they
7 did, how did they organize the meeting?

8 A. They did not meet often. And as for the substance of their
9 discussion, I did not know. And as to the venue of the meeting, I
10 did not know either, because the meeting took place in various
11 places.

12 Q. In your capacity as a close protection for Pol Pot -- and you
13 also encounter with Ieng Sary, did you see Pol Pot and Ieng Sary
14 go to liberated zones? And if you did, where did he go to?

15 [11.34.10]

16 And what did he talk to the people over there?

17 A. I had never provided any close protection to Mr. Ieng Sary to
18 the countryside, but I did for Pol Pot. But on occasional -- it
19 was not that frequent. But when I broke off with my uncle, Pol
20 Pot, I came to Ieng Sary. But normally, when Pol Pot went to the
21 countryside, he merely went there to open the training session.

22 MR. CHAN DARARASMEY:

23 That is all for me, Mr. President. I have no further questions
24 for this witness. And I thank you, the witness, for endeavouring
25 to answer my questions.

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1 And I would like to hand over to my international colleagues to
2 continue our lines of questioning.

3 MR. PRESIDENT:

4 Thank you, the National Co-Prosecutor.

5 [11.35.20]

6 And I, of course, hand over to the International Co-Prosecutor to
7 continue the questioning.

8 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President, Your Honours. Good morning, Witness.

10 Let me start by thanking you for coming to talk to us about this
11 period. We know it is not easy. All of that happened a long time
12 ago. I would like to simply thank you, and I would request that
13 you should be as brief as possible in answering the questions I
14 will put to you.

15 Q. My questions will focus mainly on the period from April 1975
16 to January 1979. However, before I start putting those questions
17 to you, I would like to have you clarify a few points you made
18 this morning.

19 [11.36.24]

20 For instance, this first question was not answered clearly: At
21 what age did you leave your parents? What I mean is, when did you
22 leave the province in which you were, and where did you go?

23 MR. SALOTH BAN:

24 A. I left my parents when I was about seven years old.

25 Q. And with whom did you go to live?

1 A. I went to live with my uncle, who was the elder brother of Pol
2 Pot, then I move on to live with another uncle. Then, finally, I
3 went to stay with Pol Pot.

4 Q. How old were you when you went to live with Pol Pot?

5 A. I was about 15 or 16 years of age, at that time.

6 Q. Did you continue to live with Pol Pot? And was he in charge of
7 you from the age of 15 until later period?

8 A. Yes, that is correct.

9 Q. In concrete terms, did you accompany him wherever he went from
10 the age of 15?

11 [11.38.45]

12 Or there were periods when you lived away from him?

13 A. It's a bit difficult to answer this question, but I endeavour
14 to answer this question. When I was 15 years of age, my uncle,
15 Pol Pot, was residing in Phnom Penh, and I was a student. I did
16 not accompany him, but I only -- I was brought up by him, because
17 I lived with him. But when I met him in the jungle, of course it
18 was then when I stayed close to him all the time.

19 Q. Can you tell us more or less in what year you went to meet him
20 in the jungle, and for how long you stayed with him?

21 A. To my recollection, it was in 1968 -- '68 or '69.

22 Q. And prior to that period, when Pol Pot was still in Phnom
23 Penh, did you also reside with Ieng Sary?

24 A. When Pol Pot mysteriously disappeared, I left home, which I
25 used to live with Pol Pot. I was a freelance worker. I went to

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1 seek for shelter from many friends' house.

2 Q. I would like to revisit this point, in light of statements you
3 gave.

4 [11.41.08]

5 My first question to you is as follows: Were Tribunal
6 investigators interview you on several occasions, and did you
7 give any statements to them?

8 A. Yes, I am ready to respond.

9 Q. Can you please tell us how many times you were interviewed by
10 Tribunal investigators, and how many times questions were put to
11 you, and how many times you signed statements made by you?

12 A. My apology; I have a disease, and my health is not good enough
13 and I cannot remember every detail of that. And when I am
14 summoned here, I feel compelled to come.

15 [11.42.32]

16 Therefore, I cannot recall the number of interviews conducted by
17 the OCIJ with me. I care for my daily living. I have to make an
18 earning to feed my families, and I have my family business to
19 deal with on a daily basis.

20 Q. I would like to inform you that I have five records of
21 interviews, and I would like to give the first of these;
22 E3/11.91, D91/14, as well. I would like to give these to the
23 Court greffier.

24 MR. PRESIDENT:

25 Court officer, please take the documents from the representative

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1 of International Co-Prosecutors to bring it to the witness. Do
2 you wish to display the documents on the computer screens?

3 BY MR. DE WILDE D'ESTMAEL:

4 Yes, absolutely. We would like to show the first page, so that
5 the witness may see his name, and then the page which has the
6 Khmer number 00204096. And in French it is page 00503934. And
7 that is page 5. And in English, it is page 4 of the same
8 document, with the ERN 00223592.

9 [11.44.38]

10 Q. Mr. Witness, I would like to refer to something you said, and
11 I'll quote it, and at the time, it was in the year -- the
12 interview of the 11th of December 2007, in Malai commune. And
13 this is what you stated;

14 "I lived with Mr. Ieng Sary and I had known him since I was aged
15 13. That was due to the fact that I was living with my junior
16 uncle, Pol Pot. And Mr. Ieng Sary was living in the same home
17 with us. And given the fact that he lived with us as if he was a
18 member of the same family, I always respected him, and I loved
19 him exactly the same way I loved and respected my own uncle, Pol
20 Pot."

21 [11.45.50]

22 Do you remember saying that? And would you confirm that?

23 MR. SALOTH BAN

24 A. Yes, I stand by this statement. But my apology if the age was
25 that exact, because it may have been 13 or 14 years of age at

1 that time.

2 Q. Fair enough. Thank you for that clarification. When you say
3 that you lived with Pol Pot underground after that date, was Ieng
4 Sary also there with you?

5 A. As I inform you earlier, I did see him there with us.

6 Q. Can you please tell us in what region Pol Pot was and where
7 you lived with him – underground? And you said that Ieng Sary was
8 there -- you told us a while ago that that was in 1968-1979
9 (sic). Can you confirm that?

10 [11.47.50]

11 MR. PRESIDENT:

12 Representative of International Co-Prosecutor, please repeat your
13 question, because the witness doesn't get your question, so he
14 cannot answer to that question.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. You have just stated that you joined Pol Pot in the jungles
17 around 1968, 1969, to the best of your recollection. And you also
18 said that you saw Ieng Sary there. That is where the Party
19 leaders were residing at the time.

20 MR. SALOTH BAN:

21 A. As I stated earlier, the village was named after the ethnic
22 minority tradition, so it was quite difficult to remember, and I
23 did not even know its whereabouts.

24 Q. I believe you said that that region was in Northeast
25 Rattanakiri; is that correct?

1 A. Yes, it was somewhere in the Rattanakiri province, in the
2 North-Eastern Zone.

3 [11.49.28]

4 Q. A while ago, you talked of the movement of leaders to a place
5 near the Chinit River, and you told us that you did not see Khieu
6 Samphan there, specifically in 1970. But did you see him after
7 1970 -- that is, 1971, 1972, 1973, or 1974?

8 A. Yes, it was on a later date when I met -- when I saw him.

9 Q. Was he residing there with the other leaders? Or he only came
10 there occasionally?

11 A. He only went there occasionally, because his residence was
12 somewhere else.

13 Q. I would like us to revisit what you said regarding Peam
14 commune, where you resided at a point in time. And you told us
15 that it was not the office of the Central Committee, but a mobile
16 force. I'll give you another document. It is another interview
17 record, and the reference is E3/446 -- D369/36. I would like you
18 to be shown this document, and may I request that the page with
19 the answer to the second question be put on the screen. I think
20 this page would suffice to enable the parties to identify what I
21 am talking about -- what I am referring to.

22 [11.51.48]

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 And, Court Officer, please take the document from the prosecutor

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1 and present it to the witness.

2 And AV technician, please ensure that the document is displayed
3 on the screen.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. I would also like you to read the answer to question number 1
6 and question number 2. And if I may, let me read it.

7 [11.52.32]

8 The first question was as follows: "Before 17th of April 1975,
9 where were you, sir?"

10 Your answer was:

11 "Before the 17th of April, I was in Kampong Speu province, Udong
12 district, which was the office of the Central Committee, and it
13 was a quartering area, in view of any attack against Phnom Penh."
14 And the second question was as follows: "What was the code number
15 of that office?" Your answer was: "I have forgotten the code
16 number. At the time, I was Krang Beng village -- Krang Khmao
17 village, Kampong Speu province".

18 [11.53.15]

19 Do you stand by your statement that that was a mobile force
20 office, or that it was an office of the Central Committee, as you
21 told investigators on the 17th of April 2010?

22 MR. SALOTH BAN:

23 A. I used the word "office", but actually it was not like an
24 office, per se, because it was only a house, and only -- and, it
25 was on mobile, as well.

1 Q. Who was working in that office? That office whose name changed
2 with time, but which was still in the region? Who were the
3 leaders who worked in that office?

4 A. Pol Pot.

5 Q. Did any leaders from other regions and zones come to visit Pol
6 Pot in that office?

7 A. It was at his behest, and once in a while one or two zone
8 leaders were invited to meet him in that place.

9 Q. Do you have the slightest idea as to what Pol Pot and the
10 different zone leaders could have discussed in that place?

11 A. I have no idea of what they were discussing.

12 Q. In the same record, may I read the answer to question number
13 4, Mr. President? It is still the same record, D369/36 or E3/436.
14 May I request that the document be put on the screen, with your
15 leave?

16 [11.56.12]

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Question number 4 was follows regarding the three or four
21 persons who attended meetings, "Who are they?" And your answer
22 was as follows:

23 "At times, people from the east or the southeast zone were
24 convened to meetings, and after they went home, they had to
25 disseminate information they gathered at those meetings. After

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1 the fall of Phnom Penh, major meetings were held for
2 disseminating state instructions."

3 And to question 5, you said the following:

4 "Did you know the subject of meetings attended by three or four
5 persons you referred to, sir?"

6 [11.57.03]

7 And your answer was as follows:

8 "No, I know nothing at all about the contents of those meetings.

9 All I know is that the objective of those meetings was to discuss
10 the plan of the attack of Phnom Penh town. They also talked about
11 the manner in which ammunition had to be managed."

12 My question to you is as follows: Do you recall saying that, and
13 do you confirm that today or not?

14 [11.58.36]

15 MR. SALOTH BAN:

16 A. It was my guess because at that time we were about to attack
17 Phnom Penh, so naturally we had to discuss the management of
18 ammunition.

19 Q. Did they ever discuss the fate of the people of Phnom Penh at
20 the time?

21 A. I did not know anything about that.

22 MR. DE WILDE D'ESTMAEL

23 Mr. President, I will now go into another line of questioning
24 from April 1975 to 1979, so may I request that we stop the
25 questioning at this point and go on our lunch break, by your

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1 leave?

2 [11.58.46]

3 MR. PRESIDENT:

4 Thank you very much. Since the Prosecution is to move on to the
5 next topic in his line of questioning and the time is now
6 appropriate for lunch adjournment, the Court will adjourn for
7 lunch until 1.30 this afternoon.

8 And court officer, please ensure that there is room for the duty
9 counsel and the witness to rest during the lunch break and bring
10 them back to this courtroom before 1.30 this afternoon.

11 I note that the defence counsel for Mr. Nuon Chea is on his feet.

12 You may proceed.

13 MR. PESTMAN:

14 Thank you, Mr. President. As usual, my client would like to
15 request to follow the remainder of the proceedings from the
16 holding cell. I have the appropriate waiver here to hand over to
17 the court official.

18 [11.59.58]

19 MR. PRESIDENT:

20 Thank you, Counsel. Please be seated.

21 Having heard the request by Nuon Chea through his defence counsel
22 requesting that he be excused from this courtroom and to follow
23 the remainder of the proceedings today in the holding cell
24 downstairs, and the counsel has expressly made clear that he will
25 submit the waiver to the Chamber, the Chamber grants the request

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1 by Nuon Chea through his defence counsel to follow the proceeding
2 from the holding cell downstairs, where the audio-visual link is
3 connected for him, for the remainder of the proceedings.

4 So he has expressly waived his right to participate directly in
5 this courtroom.

6 [12.00.56]

7 The Chamber requires the defence team for Nuon Chea to submit to
8 the Chamber immediately the waiver with the signature or
9 thumbprint of the Accused.

10 And AV technicians are instructed to connect the audio/video for
11 the accused to follow the remainders of the proceeding this
12 afternoon.

13 And security guards are instructed to bring Mr. Nuon Chea and Mr.
14 Khieu Samphan to the holding cell downstairs. And Mr. Nuon Chea
15 is to remain in the holding cell this afternoon, where he will be
16 linked to the video to this courtroom. However, Mr. Khieu Samphan
17 shall be brought to this courtroom before 1.30.

18 The Court is adjourned.

19 (Court recesses from 1201H to 1331H)

20 MR. PRESIDENT:

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

22 The floor is now again given to the Prosecution to put questions
23 to the witness. You may proceed.

24 [13.32.08]

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. Thank you very much, Mr. President. Good afternoon, Your
2 Honours, good afternoon, different parties, and good afternoon,
3 witness.

4 This morning, questions were put to you on the period prior to
5 the fall of Phnom Penh. This afternoon and tomorrow we will focus
6 on the period between April 1975 and January 1979, the period
7 that is of interest to you.

8 May I request you, if possible, to make an effort to place
9 yourself in that particular context and to try to recall the
10 events of that period, and I thank you in advance for that.

11 My questions will focus on the administrative structure with
12 regard to communication, the role of the Accused and the
13 different policies.

14 Witness, my first question is as follows: Where did you work
15 after the 17th of April 1975, upon your arrival in Phnom Penh?

16 [13.33.43]

17 MR. SALOTH BAN:

18 A. After 1975, I arrived in Phnom Penh. I did the cleaning at the
19 Ministry of Defense, which is currently the Prime Minister
20 Council's office.

21 Q. When was that after the 17th of April 1975 -- that is, after
22 you arrived in Phnom Penh?

23 A. It was about one month or less than one month when I arrived
24 in Phnom Penh after that date.

25 Q. You stated that you worked as a cleaner in the Ministry of

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1 Defense. Do you know whether there was another ministry on the
2 same premises?

3 A. The Ministry of Defense is currently the Foreign Affairs
4 Ministry.

5 Q. I would like you to specifically clarify this point. Did you
6 work for the Ministry of Defense or for the Ministry of Foreign
7 Affairs?

8 A. I did the cleaning at the minister's -- the Council of
9 Minister's office, which was at the time the Foreign Affairs
10 Ministry -- that is, the Ministry of Foreign Affairs during the
11 1975 period.

12 [13.36.15]

13 Q. Very well. Thank you very much.

14 Who decided at the time to appoint you to the Ministry of Foreign
15 Affairs?

16 A. It was Pang.

17 Q. When you had finished cleaning the premises, what position did
18 you hold in the Ministry of Foreign Affairs? After you stopped
19 being a cleaner, what position did you hold in the Ministry of
20 Foreign Affairs?

21 A. I did not have any position. When I did the cleaning, I was an
22 ordinary combatant.

23 Q. Very well. But after your job as a cleaner ended and you
24 became a combatant, when the Ministry of Foreign Affairs became
25 operational, what function did you hold?

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1 A. I had mixed responsibilities. There was no clear sole
2 responsibility that I did at the time.

3 As I recall, Ieng Sary upon his return from abroad assigned me to
4 be in charge of the psychological factor of the people there.

5 [13.38.30]

6 Q. I will return to your functions later.

7 When Ieng Sary returned to Phnom Penh, what position did he,
8 himself, hold, that is, upon his return?

9 A. Upon his return, I saw him making contact and communication
10 with foreigners, so from my perspective he was working at the
11 Ministry of Foreign Affairs.

12 Q. And what was his position in the Ministry of Foreign Affairs,
13 sir?

14 A. I think he was a Deputy Prime Minister in charge of Foreign
15 Affairs.

16 [13.39.49]

17 Q. Did he hold that position immediately upon his return to Phnom
18 Penh?

19 A. No, only upon the ministry was completely cleaned. It means it
20 took two to three months before the ministry was operational.
21 However, it was not fully organized at the time.

22 Q. This morning you mentioned Mr. Sarin Chhak, so I believe that
23 you knew him. Do you know what position Sarin Chhak held at the
24 time, that is, immediately before the fall of Phnom Penh and
25 immediately after Phnom Penh was captured?

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1 A. I was not sure regarding this matter. It was the technical
2 aspect of the Ministry of Foreign Affairs. I was only working in
3 regards to the livelihood of the people who worked at the
4 Ministry of Foreign Affairs.

5 Q. Was the office of the Ministry of Foreign Affairs always
6 located at the same place from the very beginning, or it was
7 moved elsewhere thereafter?

8 A. (No interpretation)

9 [13.41.53]

10 MR. DE WILDE D'ESTMAEL:

11 I did not hear any interpretation, Mr. President.

12 MR. PRESIDENT:

13 Could you please repeat the question?

14 We will adhere to the procedure we practised this morning between
15 both the question and answer sessions. Please make a pause.

16 And for the witness, you please observe the red light on the
17 microphone before you start speaking.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Let me ask the question again, then: Was the Ministry of
20 Foreign Affairs always located at the same place from 1975 to
21 1979, or it was moved to other premises?

22 MR. SALOTH BAN:

23 A. There was no relocation of the ministry.

24 [13.42.58]

25 Q. Thank you.

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1 You told me that Ieng Sary was Vice Prime Minister in charge of
2 Foreign Affairs. Do you know whether he was a member of the
3 Party's Central Committee?

4 A. I was not sure on his membership. I only heard about his
5 membership.

6 Q. Was Mr. Ieng Sary a member of the Standing Committee, to your
7 knowledge?

8 A. As I was not in the committee, I did not know.

9 Q. Thank you.

10 Witness, I believe I showed you this morning document E3/446,
11 which is also document D369/36.

12 And may I request the Chamber to allow me to have placed on the
13 screen the response or answer number 37 in this document?

14 MR. PRESIDENT:

15 Court officer, can you check the document and open it to the page
16 for the witness so that he can be questioned by the Prosecution?

17 [13.45.32]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Now, in answer to question number 37, you said:

20 "No, Khieu Samphan was not a member of the Standing Committee.

21 There were only a few members of the Standing Committee, namely,

22 Pol Pot, Nuon Chea, Ieng Sary and Ta Mok."

23 Now, my question is as follows: At the time, in 2010, you told

24 the investigators that Ieng Sary was a member of the Standing

25 Committee, and today you are no longer very sure of that. Does

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1 this passage refresh your memory, Witness?

2 MR. SALOTH BAN:

3 A. I said that I did not attend the meeting, so I was not sure.

4 Regarding the members of the Standing Committee, I only heard

5 from other people. And during my trip with them, I learned that

6 Ieng Sary was the Deputy Prime Minister in charge of the Foreign

7 Affairs, but I, myself, was not told of his membership.

8 [13.47.16]

9 Q. Under the Democratic Kampuchea regime, generally speaking, in

10 the different governing bodies, were the individuals who were

11 members of such bodies capable of taking decisions alone, or

12 decisions were taken collectively?

13 A. I'm not sure on this point. However, in principle, the

14 decision was made collectively.

15 Q. For instance, was Pol Pot capable of taking decisions alone,

16 be it in the Standing Committee or in the Central Committee?

17 MR. PRESIDENT:

18 Witness, can you pause? We will now hear the objection by the

19 defence counsel.

20 Defence Counsel, you may proceed.

21 [13.48.30]

22 MR. KARNAVAS:

23 First of all, it is calling for -- it is leading in nature.

24 There's a lack of foundation. He needs to establish that the

25 gentleman was a member of or participated in Standing Committee

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1 meetings or Central Committee meetings or that somehow he has
2 some first-hand knowledge before he can answer that question. So
3 the question assumes facts which are not in evidence from this
4 witness.

5 If a foundation can be laid because of his association with his
6 uncle, maybe his uncle told him, maybe he participated, maybe he
7 came into contact with something other than simply asking the
8 witness to speculate.

9 Those are the grounds of my objection, Your Honour.

10 [13.49.16]

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, I have laid a foundation to this question because
13 questions have been put to the witness on this subject before the
14 Co-Investigating Judges. I think this question is well founded;
15 he has indeed stated that Pol Pot was a member of the Standing
16 Committee.

17 MR. KARNAVAS:

18 Mr. President, if I may be heard, obviously the gentleman doesn't
19 understand the basis of the thrust of my objection.

20 Irrespective of what is in the statements that were taken by the
21 Investigative Judge, that is not a foundation. The foundation has
22 to be laid here because we are - we are dealing, after all, at
23 least in this courtroom, with a principle of orality.

24 If that is the -- if we're going to suggest that everything --
25 the foundation has been laid in the documents, then why simply go

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1 through the exercise of having -- of asking questions? Why not
2 just suggest to the gentleman to look at the documents, verify
3 that these are the documents and then we can all go home?

4 [13.50.23]

5 Under the principle of orality, a foundation has to be made here.
6 And based on the foundation, then it can be put to him. That's
7 the way I understand the principle of orality, and I believe
8 that's exactly what we have been doing since the beginning of
9 this trial.

10 And I'm not suggesting that the statements cannot come in. The
11 statements can come in. But you cannot say something was said to
12 the Investigative Judges, as was just indicated, as a response to
13 my objection, and, therefore, what's in the -- in some report is
14 a foundation and I can just skip through it. That's the thrust of
15 my objection.

16 MR. PRESIDENT:

17 The National Prosecutor, do you have any reply to the objection
18 raised by the defence counsel for Ieng Sary?

19 [13.51.49]

20 MR. DE WILDE D'ESTMAEL:

21 Yes. Thank you, Mr. President. Let me state again that the
22 witness said that, to his knowledge, Pol Pot was a member of the
23 Standing Committee. And he also says that the principle whereby
24 decisions were taken in organs of Democratic Kampuchea was
25 collective, hence my question, the more so as Pol Pot is his

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1 uncle.

2 My question is whether Pol Pot could take decisions alone. I
3 think there is a clear link between what the witness said and my
4 question.

5 (Judges deliberate)

6 [13.53.36]

7 MR. PRESIDENT:

8 The objection raised by the defence counsel, Michael Karnavas --
9 that is, for Ieng Sary -- to the last question by the Prosecution
10 is denied.

11 The Chamber will now hear the response by the witness to the
12 question last asked by the Prosecution.

13 It seems that the witness probably forgets the question asked by
14 the Prosecution. Could the Prosecution repeat the last question
15 so it can be answered by the witness?

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Of course, Mr. President. Witness, my question was as follows:
18 Could Pol Pot take decisions alone in the Central Committee or
19 the Standing Committee of the Party?

20 MR. SALOTH BAN:

21 A. This is the internal matter of the Standing or the Central
22 Committee, and I did not know the details of their internal
23 arrangement.

24 Q. A while ago, you also stated that Nuon Chea was a member of
25 the Standing Committee; what was his exact role in the Party?

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1 [13.55.38]

2 A. I do not know his exact role.

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, I would like to show the witness another document;

5 it is the transcript of an interview by the witness -- an

6 interview of the witness, I beg your pardon, and the reference is

7 E3/413 and the other reference is D230.3/2 and it is a transcript

8 of the interview of the -- of July 2009 before the

9 Co-Investigating Judges. May I request that page 6 in English,

10 00361012, and in French the ERN is 00405455. And I will give you

11 the ERN for the Khmer version shortly. And I'm seeking your leave

12 to have these documents screened.

13 MR. PRESIDENT:

14 Yes, you may proceed, and the documents can be shown on the

15 screen.

16 Court Officer, could you make the arrangement and to have the

17 document delivered for the examination of the witness?

18 [13.57.30]

19 BY MR. DE WILDE D'ESTMAEL:

20 The ERN in Khmer is 00357530 - 00357530.

21 Q. The question put to the witness was a very long one regarding

22 Keat Chhon and Thiounn Prasith and in his answer this is what the

23 witness said; he is referring to an incident with Hou Youn:

24 "This means that Pol Pot could not take decisions alone. To the

25 best of my knowledge, it was Pol Pot who was in charge of policy

1 and Brother Nuon Chea was in charge of administrative
2 organization."

3 There may be a problem of translation here, because the English
4 version doesn't talk of administrative organization or Nuon Chea,
5 but of the appointment of cadres.

6 Mr. Witness, do you confirm that Nuon Chea was in charge of the
7 appointment of cadres of the Party?

8 [13.59.41]

9 MR. SALOTH BAN:

10 A. I am not clear regarding this matter.

11 Q. Do you stand by what you stated or you deny what you stated?

12 A. I do not deny my statement.

13 Q. But do you confirm it?

14 A. Yes, I do.

15 Q. If Nuon Chea was responsible for appointing cadres in the
16 Party, was he also responsible for appointing those who were in
17 charge of security?

18 MR. PRESIDENT:

19 Witness, please wait. The Chamber will now hear the objection by
20 the defence counsel for Nuon Chea.

21 Counsel, you may proceed.

22 [14.01.14]

23 MR. PESTMAN:

24 Thank you, Mr. President. The witness only said that he confirmed
25 his statement; no more, no less. He did not say today that my

1 client was in charge of appointing people for or in the Party.

2 MR. PRESIDENT:

3 Yes, International Co-Prosecutor, you may again ask the last
4 question to the witness.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. Witness, the question is: Do you -- since you confirmed your
7 declaration about the appointment of these cadres, was Nuon Chea
8 also responsible for appointing those cadres who were responsible
9 for security?

10 MR SALOTH BAN:

11 A. I knew that Mr. Nuon Chea was responsible for the
12 appointments, but I did not know what kind of appointments that
13 was.

14 Q. Thank you. Did you often see Pol Pot, Nuon Chea, Ieng Sary,
15 Khieu Samphan, Son Sen, and other leaders meeting together
16 between April 1975 and January '79?

17 [14.03.11]

18 A. I saw they held meetings, but I did not know what was
19 discussed during the meeting.

20 Q. Where were the meetings held, please?

21 A. My apology, between which year to which year are you talking
22 about?

23 Q. Same period, April '75 to January '79. Can you tell me where
24 these meetings took place; in which office?

25 MR. PRESIDENT:

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1 Once again, there may be a confusion between the periods. As I
2 heard from my channel, it is between the January 1979 to 1975 so
3 it's the reverse period. Here, are we talking about events
4 between 1975 to 1979?

5 Can we have the question again? Otherwise, the witness may not be
6 able to answer the question.

7 BY MR. DE WILDE D'ESTMAEL:

8 I believe that's what I said, April '75 to January '79.

9 Q. Where did these meetings between the various leaders take
10 place?

11 MR. SALOTH BAN:

12 A. That was when I was separated from Pol Pot. That was after
13 1975. He was in a different place and I remained at the Ministry
14 of Foreign Affairs with Mr. Ieng Sary. So I never saw they met at
15 the ministry and I did not have any knowledge about the meeting
16 at his place.

17 [14.05.53]

18 Q. Witness, this morning you received document D369/39, and if I
19 may, I'd like to refer to response 32 in that document; it's also
20 E3/446. If we can look at response number 32 that you gave the
21 investigators during the investigation, I would be grateful.

22 MR. PRESIDENT:

23 The court officer is now instructed to assist the witness so that
24 he could locate the portion where the question is being put to
25 him.

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. Let me read the question that you were asked:

3 "32: Did you see Mr. Khieu Samphan, Ieng Sary, and Nuon Chea
4 meeting together?"

5 Answer: "Yes, they were accustomed to meeting. When they had
6 confidential meetings, it took place in K-1 by the riverside.
7 They didn't meet in the Foreign Ministry."

8 14.07.44]

9 So, Witness, can you now remember those meetings and can you
10 remember the place that was called K-1?

11 MR. SALOTH BAN:

12 A. I knew about K-1 Office because I went there once in a while.
13 However, I did see there was a meeting there. It was the place
14 where they stayed together, all the leaders. And when I went
15 there, once in a while I saw them meeting, but I did not know
16 what the meeting was about.

17 Q. Witness, as part of your duties, even if you weren't actually
18 a member, did you have any opportunities to attend one or several
19 meetings of the Central Committee?

20 A. Are you talking about Mr. Ieng Sary? Which individual are you
21 talking about?

22 Q. No, I was talking about you. Were you able to join those who
23 attended meetings of the Central Committee of the Party?

24 A. I never attended the meetings. As an ordinary combatant, I
25 never did.

1 [14.09.58]

2 Q. Why every now and then did you go to K-1? What was your
3 business in K-1? Tell us about that.

4 A. I went to K-1 Office because my wife was a cook there.

5 Q. What was your wife's name, please?

6 A. Chou Chheng.

7 Q. And what was the name of the unit she worked in?

8 A. It was called K-1.

9 Q. Thank you. What was Khieu Samphan's role in the party between
10 1975 and 1979 or he may have had several roles; perhaps you could
11 elucidate that for us?

12 A. I accept what has been mentioned in these documents, but on
13 the basis of my uncertainty.

14 Q. Can you just answer the question about what Khieu Samphan's
15 role was in the Communist Party of Kampuchea between '75 and '79
16 or if he had played several roles and if he had several titles?

17 [14.12.07]

18 A. I did not follow that issue closely. I only knew about myself
19 importantly.

20 Q. Witness, are you aware of Office 870?

21 A. I knew Office 870, but there was no particular location for
22 this office. This office was on the move.

23 Q. Which senior officials ran Office 870, which, as you say, "was
24 on the move"?

25 A. The senior cadres was the Central Committee; they were the

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1 senior cadres.

2 Q. Can you draw some kind of link between Khieu Samphan and
3 Office 870 or was there no connection whatsoever between the two?

4 A. <Occasionally.>

5 [14.14.04]

6 Q. Perhaps you could explain what the link was between Khieu
7 Samphan and Office 870?

8 A. It is a long history because we have -- the office itself
9 changed its location several times and I do not recall whether
10 there were meetings or where the meetings were held. It was now
11 more than 30 years ago.

12 Q. Perhaps I could come back to the same document that we have
13 before us, which is D369/36, response 39 that you gave the
14 investigators. Perhaps it would be helpful if we just read this
15 out and then you could tell us if you can confirm what you said.
16 And of course we would like to have this on the screen if
17 possible.

18 [14.15.54]

19 The question that you were asked was: "What role did Mr. Khieu
20 Samphan have in Office 870?"

21 And in answer 39, you said:

22 "So far as I know, he was a member of the Party centre. However,
23 I have no idea when exactly he became [a member of] the Standing
24 Committee. He was in charge of the Front affairs and more
25 particularly collecting forces. Merely on seeing him coming to

1 work, I assumed that Mr. Khieu Samphan was the head of Office 870
2 responsible for logistics as the successor was Sua Vasi, alias
3 Doeun who had been arrested earlier."

4 And then, right at the end of that same response, you say that:
5 "Eventually, as time passed, he became president of the State
6 Presidium and then he became attached to the central office of
7 the Party."

8 Does that help your memory a little, Mr. Witness? And could you
9 now tell us a little bit more about the role of Khieu Samphan in
10 Office 870, please, and in the Party?

11 [14.17.25]

12 A. I accept the answers in this document. I agree with this
13 answer. For me to describe or elaborate further, I cannot recall,
14 because I drew a conclusion when I answered the question during
15 that time and I now even forget what I said during that time.

16 Q. Can you tell us if you know what particular period Sua Vasi
17 alias Doeun was arrested, and why?

18 A. I do not know.

19 Q. So, coming down to specifics, did you see Khieu Samphan coming
20 sometimes to the office of the Foreign Ministry?

21 A. It seems that he came there sometimes and he talked about the
22 air tickets.

23 Q. Was that his sole interest or did he have, perhaps, other
24 reasons as well for coming?

25 A. He was not interested in anything else; it was only about the

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1 technical issues, when we went to abroad, it was not a meeting.

2 [14.19.51]

3 Q. When he came to B-1 -- or the Ministry of Foreign Affairs,
4 rather, was that while Ieng Sary was there or did he sometimes
5 come when he wasn't there?

6 A. I could not remember that.

7 Q. I'd like to look at the internal structure of the Ministry of
8 Foreign Affairs and perhaps, in order to see things a little bit
9 more clearly, I'd like to come back to what your duties were
10 within the ministry.

11 So, once this Ministry of Foreign Affairs was up and running,
12 what duties did you have to fulfil inside it?

13 A. I did not know any foreign languages, but the superior
14 appointed me to work at the Foreign Affairs Ministry. I did not
15 really agree with that. However, the superior, especially Ieng
16 Sary, said that I was to assist the work -- or his work; to work
17 as the general secretary of the Ministry of Foreign Affairs. I
18 was not even aware for sure what that meant. He said the work was
19 to be in charge so that workers or everyone was in agreement;
20 that was the main duty.

21 [14.22.04]

22 Q. How old were you when you became secretary general of the
23 Ministry of Foreign Affairs? And was that quite a hefty duty?

24 A. Probably, I was in my late thirties -- in my late thirties.

25 Q. Late thirties or just in your thirties? Please clarify.

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1 A. Well, I was born -- please help me with the calculation. I was
2 born in 1947.

3 Q. Well, if you were born in 1947, then you would have been about
4 28. But just to shed light on this point, in all of the records
5 of interviews, the date of birth we have is the 9th of December
6 1951; well, is that wrong? Were you, in fact, born in 1947?

7 A. I did not hear the translation. I did not hear the
8 translation.

9 [14.24.06]

10 Q. All right. Let me repeat: If you were born in 1947, then in
11 1975 you were more or less 28. But I just wanted to ask you to
12 clarify this for us because in the five records of questionings
13 from the investigators in Malai, it says that your date of birth
14 is 1951. So can you just let us know if you were born in 1947 or
15 1951?

16 A. About my biography, when I joined the army, I lower -- I
17 lowered my age. My actual age is that I was born in 1947.

18 Q. Very good. Just now you said you were appointed
19 secretary-general, and I believe you told us that you were
20 appointed by Ieng Sary, who asked you to give him some help. Now,
21 that was a certain demonstration of trust, and in the subsequent
22 three years you spent in the ministry, did you enjoy the same
23 level of trust from Ieng Sary in your direction?

24 A. Yes, it could probably be so.

25 Q. Before we break, I would like to ask a rather lengthier

1 question. And it's about the structure of the Ministry of Foreign
2 Affairs.

3 [14.26.09]

4 When you were secretary-general -- please, can you explain to us
5 what the different bodies, cells, or departments were in that
6 ministry? And perhaps to make things easier, if you could start
7 with the people at the top, the committee members, and then move
8 downwards towards departments and sections and cells? Thank you.

9 A. The Ministry of Foreign Affairs consisted of two major parts:
10 one was concerning the Foreign Affairs -- and that section
11 includes those intellectuals who knew foreign languages; the
12 second section concerns the economics -- the livelihood of the
13 ministry and the psychological issues of the staff. And this
14 latter issue dealt with the production issues, and I was
15 responsible for this latter issue.

16 [14.27.34]

17 And as for the Foreign Affairs section concerning the
18 intellectuals -- was not under my control, so I cannot describe
19 it. I was only responsible for the production of agriculture or
20 growing plants, and to deal with psychological issues of the
21 staff who work at the ministry.

22 Q. Thank you. Let's try and distinguish between the office of the
23 Ministry of Foreign Affairs itself, which you have described to
24 us, and the different component parts that were dependent upon
25 the ministry but which were outside the compound of the office.

1 So, starting with the office itself, can you let us know if there
2 was some kind of committee that was in charge of B-1?

3 A. The committee responsible for B-1 -- concerning that place, I
4 was responsible for the production. Even though I held the
5 position of the secretary-general -- but I was responsible for
6 the production.

7 [14.29.11]

8 Others were responsible for -- by Mr. Ieng Sary. The plantations
9 were done there as well as -- at the logistics place.

10 Q. Thank you very much. But you haven't really told us if there
11 was a committee; and if there was a committee, who was a member
12 of it?

13 A. There was a committee. I did not know a lot about the section
14 under Mr. Ieng Sary, and as for my section, we had I, myself, and
15 Cheam, but I could not recall others. Together we have three.
16 Three of us. It was probably Saur Se - Ms. Saur Se, but I'm not
17 sure. I'm sorry.

18 Q. Even if you were not a member of the intellectual section of
19 the ministry, can you at least tell us who worked in the
20 political bureau, among the intellectuals who were under Ieng
21 Sary? Can you tell us their names and their functions, if you do
22 know them?

23 A. There were various sections under the Ministry of Foreign
24 Affairs, and I cannot know the details of those technical
25 aspects. There were those who were in charge of the Asian region

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1 or the European region, for instance.

2 [14.32.36]

3 As I did not like this type of work, so I did not pay much
4 attention to it. I saw them holding meetings with this committee
5 or that committee, with Keat Chhon, for instance, or Suong
6 Sikoeun or Saur Se, for instance. So I cannot count all those
7 names for you. I cannot describe in details regarding the
8 technical aspect of the ministry.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you very much.

11 I think it is already more than 2.30 p.m., Mr. President. If you
12 don't mind, perhaps we should take our break now. Thank you.

13 MR. PRESIDENT:

14 We actually take a break at 2.40 p.m.

15 BY MR. DE WILDE D'ESTMAEL:

16 Thank you very much, Mr. President.

17 Q. Before we talk about the specific cellules and departments you
18 are responsible for, regarding all units that were outside the
19 Ministry of Foreign Affairs itself -- that is, outside B-1 -- can
20 you describe those units to us?

21 [14.33.40]

22 And tell us which ones outside of B-1 were under the Ministry of
23 Foreign Affairs. A while ago you talked about the production unit
24 and units dealing with other -- similar activities.

25 MR. SALOTH BAN:

1 A. There were no other departments outside to the ministry. There
2 were only various sections within the ministry compound, that is,
3 for the internal affairs and the Foreign Affairs with -- and the
4 sections were within the ministry. And of course there were those
5 sections dealing with the cleaning of the ministry and cleaning
6 of the guesthouses.

7 And as for the production unit, it was held and done behind the
8 ministry. There were those who worked on the plantation, for
9 instance, or the vegetation, and their lifestyle or the way they
10 lived was similar to that of the peasants. So it was like
11 half-modern, half-agrarian.

12 Q. Thank you. You talked of host houses. Did they have any names?
13 And where were they situated?

14 [14.35.22]

15 A. If we see -- if we saw some nice houses, then those houses
16 would be cleaned first. If they were likely the location for the
17 guests to stay, then we would clean those houses first, for
18 instance at K-1, which was a former residence. So I cannot really
19 recall these main places.

20 And for houses number 2, that would be the hotel near the Wat
21 Phnom, and then those big places would be numbered -- 2, 3, 4 --
22 accordingly.

23 Q. Were there other guest houses in the provinces, apart from
24 those in Phnom Penh?

25 A. As for guest houses in the province, we would contact those in

1 the province to clean the houses in receipt of the guest. For
2 example, in - as for the Kep area, then some of my people would
3 go there and clean those houses for guests.

4 Q. Regarding the production units, Witness, how were they called,
5 and where were they located? I mean those that were independent
6 of the Ministry of Foreign Affairs?

7 [14.37.24]

8 A. Previously, it was located behind the Ministry of Foreign
9 Affairs, and later on it was moved to house number 1, near the
10 riverfront, as there was quite a bigger backyard, so we could
11 make some plantation there. And later on, in 1977, it was
12 relocated to Chraing Chamres. That was around that year -- either
13 1977 or '78. So we did both the farming and the rice farming.

14 Q. Did you ever hear of Boeng Trabek? Was Boeng Trabek among
15 production units under the supervision of the Ministry of Foreign
16 Affairs?

17 A. Boeng Trabek was not under the Ministry of Foreign Affairs. It
18 was under the charge of Mr. Pang.

19 [14.39.08]

20 Q. I will return to that. So are you telling us today that Boeng
21 Trabek was never under the responsibility of the Ministry of
22 Foreign Affairs?

23 A. I said in the past it was not under the Ministry of Foreign
24 Affairs, and it only -- it became part of the Ministry of Foreign
25 Affairs in around 1973 or '74.

1 MR. PRESIDENT:

2 Witness, could you be confused in regards to the year? '73 or
3 '74? Could you try to recall?

4 MR. SALOTH BAN:

5 (Microphone not activated)

6 MR. PRESIDENT:

7 Please note the red light on the microphone.

8 MR. SALOTH BAN:

9 1975 and '76, it was under the 304 Zone, and only in '77, when
10 the Ministry of Foreign Affairs took charge of that area.

11 MR. PRESIDENT:

12 The time is appropriate for the afternoon break; we will have a
13 20 minute break until 3 p.m. and we shall resume after that.

14 [14.40.56]

15 Court Officer, could you make an arrangement for the witness
16 during the break for the refreshment and have him back here in
17 the courtroom by 3 p.m.?

18 The Court is now adjourned.

19 GREFFIER:

20 All rise.

21 (Court recesses from 1441H to 1500H)

22 MR. PRESIDENT:

23 Please be seated. The Court is back in session.

24 And the floor is now handed over to the Prosecution to continue
25 questioning the witness.

1 [15.01.33]

2 BY MR. DE WILDE D'ESTMAEL:

3 Thank you very much, Mr. President.

4 Q. Witness, let me ask you just a further point of information on
5 what you were saying before we broke just to be absolutely sure
6 about this. When you said that one of the production units was
7 under Zone 304 and around 1977 it was transferred over to the
8 Foreign Ministry, were you talking about Boeng Trabek or Chraing
9 Chamres?

10 MR. SALOTH BAN:

11 A. I would like to make a correction. I was focusing on Chraing
12 Chamres before we broke and I would like to correct that to Boeng
13 Trabek. I was not in charge of Boeng Trabek when Pang was not
14 there. Bong Ieng Sary asked me to help taking in charge
15 temporarily. It lasted no longer than two weeks. I went there to
16 help organizing -- organize things, that is, to prepare when the
17 Vietnamese came in. I did not stay there for long.

18 Q. Thank you. Well, we can come back to Chraing Chamres and Boeng
19 Trabek production units at a later stage, probably tomorrow.
20 You told us just now that internal business of the ministry was
21 under your responsibility. You talked about logistics. You talked
22 about guest houses, cooking, production units. And you also said
23 that you were in charge of psychological questions.
24 Now, I'm not really quite sure what these words mean in this
25 particular context and so I would like to hear what you really

1 meant when you talked about these psychological questions?

2 [15.04.17]

3 A. The section that I was responsible for did not contain any
4 factories, this is point number one. There was no factory.

5 As for the psychological issues, we did whatever it takes for,
6 first of all, our people to live with morals, to be nationalist,
7 to defend the nation and to build the nation. And as for the
8 morals, just like what I said earlier, we refer to the 12 morals.

9 In addition to this, we also studied a number of documents
10 concerning building clean spirits.

11 [15.05.22]

12 Q. So could one summarize, by just talking about political
13 indoctrination of the members of the Foreign Ministry offices,
14 you were in charge of that?

15 A. I was not essentially responsible for that. But because there
16 was a lack of human resource I was put in place, that is, to
17 continue the operation of the place. If we talk about the
18 structure of the ministry, the structure itself was not complete
19 yet.

20 Q. Were you also entrusted with the task of giving the cadres
21 ideological training?

22 A. I do not understand the word "ideology". I think I only train
23 psychological issues about national issues. So what I implemented
24 was to help our peoples to protect and build the nation.

25 Q. Did you also have duties in respect of intellectuals? Can you

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1 tell us that? Excuse me, I don't mean the intellectuals in the
2 ministry, I mean other intellectuals outside the ministry.

3 A. I was not responsible for any intellectuals outside the
4 ministry. I did not have any full responsibility for the
5 intellectuals inside the ministry either. It was Mr. Ieng Sary
6 who was responsible for that.

7 [15.08.46]

8 Q. Mr. President, I would like to refer to D91/14 once again.
9 It's also E3/91, and in particular to the French ERN 00503933, in
10 English 00223592 and in Khmer 00204095296.

11 And, I believe the witness already has the document and it's
12 around page 4 or 5.

13 MR. PRESIDENT:

14 Court officer is instructed to assist witness so that he can
15 locate the portion being questioned about.

16 [15.10.24]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. It's an answer, in fact, that's below a question that talks
19 about the liberation of Phnom Penh on the 17th of April 1975, and
20 the question is: "At what stage did you earn work in the Foreign
21 Ministry? What were your duties? What was the name of the
22 minister at the time?"

23 [15.10.51]

24 And in the middle of the paragraph, you say that:

25 "Mr. Ieng Sary was in charge of the Foreign Ministry and I was

1 the secretary general. I was responsible for the supervision of
2 the cadres and the staff in the ministry. And at that particular
3 time I had to look after 1,000 children, who were the children of
4 revolutionary cadres and they all required technical training
5 together. I also had responsibility for intellectuals who had
6 come back from France and from the United States and I was also
7 responsible for other intellectuals inside the country."

8 You say a few more words in that response, but I won't read the
9 entire document.

10 So, turning now to this responsibility for intellectuals coming
11 back in from abroad or others who were already in the country,
12 can you confirm what you stated there or would you like to make
13 things a little clearer?

14 MR. SALOTH BAN:

15 A. I would like to add concerning the portions that read "I
16 supervised intellectuals who had returned from France and the
17 United States and some others inside the country". I would like
18 to say that the work -- the scope of the work was confined to
19 only that within the ministry and that work itself was concerning
20 with facilitating or helping people not to be in conflict
21 concerning their livelihood. That is my additions. And I stand by
22 the rest of my statement.

23 [15.13.28]

24 Q. Thank you. In the same answer, you talked about being in
25 charge of the cadres and the personnel. Did you deal with

1 recruiting and management of personnel or rather the disciplinary
2 side?

3 A. Concerning the staff at the ministry as I said, we had two
4 sections; one dealt with the intellectuals and another dealt with
5 the workers, the peasants. The one who had the highest
6 responsibility was Ieng Sary. I was only a co-ordinator; I was
7 coordinating between the peasants and the intellectuals so that
8 they would not be in conflict.

9 Q. In the ministry, who was responsible for organizing visits by
10 foreign delegations? Was that part of your sections work or did
11 it fall to the intellectuals?

12 A. It was the intellectual section.

13 Q. What about security?

14 A. I was also part of the security. I was part of it.

15 Q. Mr. Cheam, your deputy, had what particular responsibilities?

16 A. The main responsibilities of Cheam included the security,
17 plantations and cleaning, cleaning houses for the guests.

18 [15.16.11]

19 Q. Just now you told us that your role was as a co-ordinator and
20 Ieng Sary was, in reality, the real boss. Does that mean that he
21 had complete responsibility for everything done in the Foreign
22 Ministry?

23 A. Yes, it is correct.

24 Q. So, when you were working, when as secretary general of the
25 ministry, you fulfilled your duties, it was always in full

1 respect of the hierarchy with permission from above from Ieng
2 Sary; is that correct?

3 A. Yes, we had to have permission from Mr. Ieng Sary. However, if
4 Mr. Pang was present there, Mr. Pang could decide without
5 informing Mr. Ieng Sary.

6 [15.17.40]

7 Q. What was Mr. Pang's duty?

8 A. As far as I know, because we had no announcements concerning
9 the rank of Mr. Pang, he was probably chief of Office 870.

10 Q. Just now you confirmed a statement in which you said that,
11 upon the death of Sua Vasi alias Doeun, he became head of Office
12 870; now you're saying Pang was. What is the explanation for
13 this?

14 A. I could not know for sure because I saw them visiting the
15 place so I assumed that he was the chief of the office. I was not
16 even sure when it comes to Doeun because there were no
17 announcements concerning the appointments of these two
18 individuals and their duties.

19 Q. Carrying on on the question of the jobs you did within the
20 ministry, according to the principles that prevailed at the time,
21 who were you supposed to report to for all of the activities that
22 were undertaken in your office and by your general secretariat?

23 A. I reported to Mr. Ieng Sary.

24 [15.20.11]

25 Q. Did you also report to Ieng Sary on security or did your

1 report to Pang?

2 A. Yes, for security I also reported that to Mr. Ieng Sary.

3 Q. Do you know if Pang met with Ieng Sary in the ministry?

4 A. I do not understand the question.

5 Q. Well, just now you were talking about the fact that Pang had a
6 certain amount of authority in the ministry. At the same time he
7 wasn't actually a part of it but the normal procedure when you go
8 to a ministry in which you had business to do would be presumably
9 to meet the head of the ministry. In other words, did Pang sit
10 down and talk with Ieng Sary?

11 [15.21.23]

12 A. The procedure at that time was that Pang was probably in
13 charge of the security at Office 870. Therefore, Pang had the
14 authority to come and communicate with the ministry, the Ministry
15 of Foreign Affairs, that's what I'm talking about.

16 Q. Yes, but my question was to know if Pang had a working
17 relationship with Ieng Sary when he came to the ministry,
18 obviously when Ieng Sary was there and not abroad.

19 A. When Ieng Sary went outside, Pang came. Pang did not come when
20 Ieng Sary was present at the ministry.

21 Q. Coming back to the question of reports that you submitted to
22 Ieng Sary, were they written reports or did you report to him
23 orally at meetings you held with him?

24 A. Usually, it was done orally.

25 Q. Did you often have meetings with Ieng Sary during the whole

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1 period where you were secretary general of the Ministry of
2 Foreign Affairs?

3 A. We had frequent meetings.

4 [15.23.43]

5 Q. Are you able to tell us if you met him every day, a couple of
6 times a week or maybe twice a month?

7 A. That was close to the Ministry of Foreign Affairs so it was
8 daily. When he came to work at the Ministry of Foreign Affairs, I
9 met him every day.

10 Q. Were there always only the two of you at the meetings or were
11 they ministerial committee meetings and, if so, how regularly did
12 the latter take place?

13 A. We had the meeting of both of us. We also had meetings that
14 comprised of more than two of us.

15 Q. And when there were more than two of you, for example the
16 office heads -- by which I mean "munti", in Khmer -- who did the
17 reports at the end of those meetings?

18 A. The directors of office of plantations or what I could say is
19 the peasants; it was me who reported it or it was Cheam. But
20 concerning the intellectuals, somebody else would report that
21 because I was not aware of the intellectual's issues.

22 [15.26.09]

23 Q. You weren't aware of the issues, but you were present at the
24 meetings and somebody had to produce the report so who among the
25 officials there actually did the report on the activities of the

1 intellectuals within the ministry?

2 A. I saw the report from respective sections of the ministry. We
3 had respective reporters. Some units, they have their own
4 reporters but, as for me, I was not aware of the intellectuals.

5 Q. And at these meetings, what role did Ieng Sary play? Did he
6 take the floor? And what sort of things did he say?

7 A. I cannot remember all concerning particular work, but he'd
8 talk about technicality of work that we had.

9 Q. Did he give instructions, dispense advice or set objectives
10 for the ministry at these meetings?

11 A. If we talk about the word "order", I don't think he ordered
12 others.

13 [15.28.20]

14 Q. Did he also use the meetings to share information with you
15 about Party positions or the Standing Committee's position on
16 different issues? Did he keep you abreast of what the Party was
17 taking by way of decisions in certain areas?

18 A. I don't think he used to do that.

19 Q. Did he chair -- did Ieng Sary chair meetings that were devoted
20 to self-examination inside the ministry?

21 A. Yes, he did.

22 Q. And how would they run these meetings? What did they consist
23 of? What did Ieng Sary do during these introspections -- these
24 self-examination meetings?

25 A. The self-criticism was to self-build oneself -- that is, to

1 observe oneself to see whether one has done anything wrong and to
2 consider that.

3 [15.30.19]

4 Secondly, it was up to the collectivity, or the collective group
5 who would decide on that.

6 And, thirdly, it was Mr. Ieng Sary who would draw the conclusion
7 concerning the advantages and disadvantages of that particular
8 individual.

9 Q. Was Ieng Sary always present at such meetings? Was he always
10 the person who chaired those meetings?

11 A. He was only present during the major meetings, for example,
12 for the months -- the yearly meeting or the three-month meeting
13 and the monthly meeting was only held at each respective section.
14 As for the weekly meetings, they were held for each group.

15 Q. Very well. When Ieng Sary was present at self-criticism
16 meetings, did they talk about enemies; enemies within and enemies
17 outside?

18 A. In general, yes.

19 [15.32.22]

20 Q. Why did they talk about enemies? Were there any threats? Were
21 there enemies within the Ministry of Foreign Affairs?

22 A. It is rather difficult for me to respond to your question. I
23 decline to respond to this question as I do not really understand
24 the deep -- the depth of your question.

25 Q. Let me rephrase my question: Why did they have to talk about

1 enemies? Since you did say that they talked about enemies in the
2 self-criticism meetings, why was it necessary to talk about
3 enemies in the Foreign Ministry? Was it because there may have
4 been enemies hiding in the Ministry of Foreign Affairs?

5 A. The question is, I believe, related to the philosophy and I
6 cannot explain that to you. Let me make some conclusive remarks.
7 Each individual, including myself, has a view on the -- on the --
8 world view and also the view related to hell, that is, to another
9 world and also the view on the dark side. That is my philosophy.

10 Q. In your opinion, what were the aims of the self-examination
11 meetings and the revolutionary self-criticism meetings?

12 A. Are you asking about the intention or the purpose?

13 [15.35.19]

14 Q. Yes. Why was it important for those meetings to be organized?
15 Why was it important for the Party?

16 A. The importance was that as I stated earlier. Personally,
17 myself is attached to the philosophy of Phrum. What does it mean?
18 It means whether the person who built a house also built with a
19 Phrum attached. It means individual so practiced or so behave
20 based on the discipline or on the principle of Phrum.

21 [15.36.13]

22 For instance, when you refer to the criminal law which states if
23 you commit something wrong against the -- the law or against the
24 Phrum that is based on the philosophy, then you will be -- you --
25 you commit an offence and if you refer to the philosophy of Phrum

1 that is of those four substance; the earth, the air, the water,
2 for instance; then you -- you commit something wrong. This is
3 just my understanding, my own philosophy. And, for that reason,
4 it is better to have a reflective, revolutionary self-criticism.
5 If we do -- do not adhere to such a principle or philosophy, we
6 cannot control ourselves and if we cannot control ourselves, how
7 can we manage the country?

8 Q. During those meetings, could people be criticized in relation
9 to the 12 moral principles you referred to and did people also
10 air any weaknesses they had?

11 A. Indeed, yes. If you were toward the side of the devil, then
12 you would need to change yourself. If you do not change, then you
13 will self-destruct yourself and also destroy the country.

14 [15.38.31]

15 Q. And if someone sided with the devil, as you have said, but did
16 not change and during the self-criticism meetings held on several
17 occasions, it was discovered that errors had been made; what were
18 the consequences for that person if the said person persisted in
19 making those mistakes?

20 A. They had to change. They had to change gradually. It -- it
21 never appeared to happen that nobody ever admitted that they did
22 not do anything wrong.

23 Q. Were there people who quite simply did not happen to change?
24 Were there examples of people who did not abide by the
25 disciplinary rules and who had to be shoved aside or punished at

1 the Foreign Ministry?

2 A. There was no disciplinary action at the ministry. However,
3 could you please clarify what you refer to when you talk about
4 the discipline? Are you referring to the punishment or that the
5 person will be taken and killed? Could you make it -- that clear?

6 [15.40.36]

7 Q. Indeed, I am referring to disciplinary measures. Did such
8 measures exist?

9 And, secondly, if the person concerned persistently committed the
10 errors, could that person lose his or her post, be transferred
11 elsewhere, or arrested?

12 A. Within the Ministry of Foreign Affairs, there was no
13 disciplinary measure of arrest. There was a transfer process. For
14 instance, if somebody committed an offence in house number 1,
15 then they would be transferred to house number 2; or if they
16 committed an offence in house number 2, they will be transferred
17 to house number 3. That's how the process was organized.

18 Q. Thank you. Whenever Ieng Sary, as Minister of Foreign Affairs,
19 was on missions, who was in charge of the ministry in his
20 absence?

21 MR. PRESIDENT:

22 Duty counsel, you may proceed.

23 [15.42.08]

24 MR. LIM BUNHENG:

25 Thank you, Mr. President. The question asked by the international

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1 prosecutor, actually - actually, was asked once to Ieng Sary and
2 now the question is intended for my client which means that would
3 possible to incriminate himself.

4 MR. PRESIDENT:

5 Counsel, you're advised to discuss with your client first whether
6 your client wishes to respond to the question. You can take step
7 to explain to your client regarding the possible response to the
8 question and whether he is willing to respond to that question.
9 It is the decision of your client to -- to respond or not and it
10 is the -- it is your role to discuss with your client regarding
11 his decision.

12 [15.43.20]

13 MR. LIM BUNHENG:

14 I would like to seek your permission for time to consult with my
15 client.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 (Discussion between the witness and his counsel)

19 MR. PRESIDENT:

20 Counsel, you need to have your client speak.

21 MR. SALOTH BAN:

22 I would like the prosecutor to repeat his last question.

23 [15.45.26]

24 MR. PRESIDENT:

25 Thank you, Witness. Witness, could you please listen to the

1 question? If you think the question would elicit your response
2 that might incriminate yourself, then you need to pause and
3 consult with your duty counsel what is the legal implication of
4 your response before you decide to proceed or whether you would
5 decline to respond to that particular question as your response
6 may incriminate yourself.

7 And it is not for the duty counsel to seek advice from the
8 Chamber or to restrain questions from being posed to you. And of
9 course this only occurs on a few occasions or it might never
10 occur for the entire proceeding.

11 Prosecutor, could you repeat your last question so that the
12 witness can hear and respond?

13 [15.46.45]

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 Q. Yes, my question was as follows: When Ieng Sary was away on
17 mission, who chaired meetings at the Ministry of Foreign Affairs?

18 MR. SALOTH BAN:

19 A. Regarding the meetings at the ministry, the meetings were held
20 based on respective sections.

21 Q. How about big meetings? Were there big meetings attended by
22 all heads of offices, for instance?

23 A. No, there was no such meetings.

24 Q. Why were such meetings not held? Did Ieng Sary have to return
25 from his missions for such meetings to be organized?

1 [15.48.09]

2 A. This meant the meetings were held, but they were just smaller
3 meetings based on the group or the teams.

4 Q. In the event where a major problem occurred, was the Foreign
5 Ministry assisted by cadres from the Standing Committee when Ieng
6 Sary wasn't present?

7 A. No. And it seems that there had never been any major problems.

8 Q. Did you and Ieng Sary happen to travel together? You already
9 mentioned that you went to China at the UN General Assembly and
10 that both of you attended such meetings. Who headed the Ministry
11 of Foreign Affairs then, when he went on those two trips?

12 A. I cannot recall. I forget about that.

13 Q. Witness, can you tell us who was in charge of the committee
14 relating to Friends of Democratic Kampuchea worldwide? Who was
15 responsible for that committee?

16 [15.50.23]

17 A. I do not understand your question.

18 Q. I wish to know whether there was a committee in the Foreign
19 Ministry that was in charge of improving relations with friendly
20 countries and foreigners all over the world, and I would like to
21 know who was in charge of that committee.

22 Since I have 10 minutes left, I would like us to talk about a
23 subject of importance -- I mean how people who were not
24 intellectuals in the Foreign Ministry were treated.

25 Can you, first of all, tell us what was approximately the

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1 proportion of the staff of the Foreign Ministry who were from the
2 worker or peasant class in relation to the intellectuals?

3 A. The Ministry of Foreign Affairs did not select their staff by
4 itself. It was Mr. Pang who made that selection.

5 [15.52.24]

6 Q. Were there more staff members drawn from the worker or peasant
7 class than the staff who were intellectuals working in the
8 Foreign Ministry? Which was the bigger group?

9 A. The bigger group was the peasants' group.

10 Q. Can we take it that those peasants that were recruited by Pang
11 were drawn from a class that was pure?

12 A. Yes, that is correct.

13 Q. What do you mean by this concept of pure biography? Can you
14 explain that to us, having a pure past or coming from a pure
15 class? What does that mean under the Democratic Kampuchea regime?

16 A. They were from the poor class.

17 [15.54.03]

18 Q. Were there persons whose class or biography was not clear-cut
19 in the Foreign Ministry or only people drawn from a pure class
20 were recruited?

21 A. It is difficult for me to respond. It seems rather confused. I
22 decline to respond to this question.

23 Q. Is it that the question is too difficult for you to understand
24 and answer, or you decline to answer that question?

25 A. I find it difficult to respond, as I have stated already

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1 regarding the peasant class. The people from the peasant class
2 was selected for me. Of course, from my point of view, they were
3 already screened. So it is rather difficult for me to talk about
4 this technical process. If they were selected from the lower
5 level to provide service to my level, then, of course, I would
6 accept it. This is just in laymen's terms. But if you refer to
7 the technical process to me, it's rather difficult and confused.
8 [15.56.05]

9 Q. Mr. President, I would like to refer the Chamber to two
10 answers which the witness gave in 2010, document E3346 (sic),
11 D376. These are answers 21 and 70. With your permission, may I
12 request that these documents be placed on the screen and that the
13 witness be asked to read what he said at the time to
14 investigators?

15 Well, in answer number 21, this is what you said:

16 "As I have already stated in B1, people whose biography wasn't
17 clear-cut were set aside and, subsequently, when investigations
18 were conducted on them, they were sacked and sent elsewhere."

19 And in answer number 70 -- I will repeat the question for
20 purposes of clarity: "There is a document--" And this is the
21 question:

22 "There is a document stipulating that there are enemies in the
23 offices. If these enemies were recalcitrant, the ministry would
24 send them to the security centre in order for them to be brought
25 under control."

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1 [15.58.19]

2 And the investigator asked you to say whether that was true and
3 you said that did not exist and you said that in the ministry,
4 people whose biography was clear-cut were recruited.

5 In light of both answers, may I ask you to clarify your position,
6 whether you stand by your statement -- that is, whether your
7 answer to - answer 21 still stands -- that is, those whose
8 biographies were not clear-cut were set aside and that, if they
9 persisted, they were sacked and sent elsewhere? Do you stand by
10 your answers to those questions? And do you have any remarks to
11 make in light of what I have just said?

12 [15.59.25]

13 MR. SALOTH BAN:

14 A. I still stand by my statement. However, I would like to
15 clarify one point. For instance, in relation to my
16 brother-in-law, his name is Ra (phonetic), Pang sent him to me
17 temporarily. Whenever they wanted it, they took him out, and I
18 did not know where he was sent to.

19 MR. PRESIDENT:

20 The time is now appropriate for the adjournment. I thank you, the
21 Prosecutor and the Witness.

22 The proceeding for today comes to an adjournment and we shall
23 resume tomorrow, commencing from 9 a.m.

24 And as for Mr. Witness, we still need to hear your testimony due
25 to the larger scope of the events and the many other questions

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1 related to you. We would invite you to return tomorrow to provide
2 your testimony and that you would be questioned by other parties.
3 Of course, the questions will be different from today's
4 questions.

5 And, Duty Counsel, you are also invited to accompany your client
6 during his testimony tomorrow. Please make yourself available
7 before 9 a.m., tomorrow.

8 [16.01.34]

9 Court Officer, could you coordinate with WESU to assist the
10 witness for his transportation and assist him for his arrangement
11 to be here tomorrow morning, before 9 a.m.?

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

15 The Court is now adjourned.

16 (Court adjourns at 1602H)

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