



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

24 April 2012

Trial Day 55

Before the Judges: NIL Nonn, Presiding
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 YA Sokhan
 Jean-Marc LAVERGNE
 YOU Ottara
 THOU Mony (Reserve)
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MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. KONG SAM ONN	French
JUDGE LAVERGNE	French
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SALOTH BAN (TCW-586)	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 I observe the new duty counsel; could you please confirm your

6 name?

7 MR. MAM RITHEA:

8 Good morning, Mr. President. I am a duty counsel. My name is Mam

9 Rithea.

10 MR. PRESIDENT:

11 Please be on your feet when you speak.

12 What is your lawyer's ID?

13 MR. MAM RITHEA:

14 My name is Mam Rithea. My ID is 619.

15 MR. PRESIDENT:

16 Thank you. You may be seated.

17 [09.02.01]

18 Mr. Witness, do you have any concerns to raise this morning?

19 MR. SALOTH BAN:

20 Good morning, Mr. President. I do not have any concerned. I am

21 very delighted this morning.

22 MR. PRESIDENT:

23 Thank you. I asked about your concerns, since I see the change of

24 your duty counsel before the Chamber. If you have any concerns,

25 you may raise. Otherwise, I will give the floor to the

2

1 Prosecution to continue their questioning.

2 Prosecution, you may proceed.

3 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

4 Thank you. Good morning, Mr. President, Your Honours. Good

5 morning to defence counsel present this morning. And good

6 morning, Witness. Yesterday, you assisted us significantly by

7 answering our questions throughout the day, and I will press you

8 to do the same today.

9 Q. The questions that will be put to you will again focus on the
10 period from April 1975 to January 1979.

11 [09.03.29]

12 I will start by putting some questions to you with a view to

13 clarifying what you said yesterday, and I'll return to what you

14 said regarding K-1.

15 Yesterday, you confirmed that the major leaders of the Party

16 often met at K-1 and you explained to us that you went to K-1

17 from time to time to see your wife, who was working there as a

18 cook.

19 Can you please tell us how frequently you went to K-1 -- I mean

20 to say how many times a month?

21 MR. SALOTH BAN:

22 A. I cannot describe in details. The situation at that time was

23 kind of a secret, and I'm of the view that the secret work that I

24 did at the time was secret and confidential, and I would maintain

25 this secrecy 'til I die.

3

1 Q. Should I take it, Witness, that you are refusing to answer
2 this question? Or would you like to tell us how many times you
3 went to see your wife at K-1?

4 [09.05.17]

5 MR. PRESIDENT:

6 Mr. Witness, we already informed you of your obligation as a
7 witness to testify before this Chamber, that you are required to
8 respond to the questions being put to you, except when the
9 questions would elicit responses that would incriminate yourself.

10 And besides that; what you knew, you experience, or you saw
11 during the regime, you need to respond to the questions.

12 The question seeks your response on the frequency of your visit
13 to the office, and I think it is appropriate for you to respond
14 to this question.

15 We are here to seek for the truth, and if the witness before the
16 Chamber wishes to maintain secrecy, then the Chamber would have
17 no fact, no evidence before it to proceed. It is important that
18 the evidence shall be given to the Chamber by the party or by the
19 witness before it, which it will become the basis for our
20 judgment. And we hope that you understand this and that you
21 cooperate with the Chamber.

22 [09.07.00]

23 The Prosecution, you may proceed with your questioning.

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. I will repeat my question and let us

4

1 see whether the witness will answer it.

2 Q. You said you went to see your wife in K-1. Did you go there
3 often? And how frequently?

4 MR. SALOTH BAN:

5 A. I responded that I will not respond to your questions because
6 I wish to keep my secret 'til the end of my life. I am of the
7 view that the questions put to me yesterday were those that would
8 implicate me.

9 [09.08.24]

10 MR. PRESIDENT:

11 From what the Chamber have heard since yesterday, there seems to
12 be no questions that would incriminate yourself or that would
13 make you the offender, but-- So far, there is no question or any
14 of your response that would incriminate you, so we urge that you
15 continue to cooperate with the Chamber.

16 And as you're aware, in the agreement between the Government and
17 the United Nations as well as the ECCC Law, the charges are only
18 for the two specific groups -- that is, the senior leaders of
19 Democratic Kampuchea and those most responsible -- and the rest
20 are not subject to prosecution by this Court.

21 Also, before this Chamber, we already advised you of your right,
22 and you were even entertained with a duty counsel so that you can
23 seek consultation with your counsel in regards to any questions
24 put to you that would elicit a response that would incriminate
25 you. You can consult with your duty counsel before you make a

5

1 response or before you refuse to respond to the questions. As for
2 other questions, it is the duty, before this Chamber, to respond
3 according to your knowledge.

4 [09.10.17]

5 There is no implications to yourself regarding the response to
6 this question. Please try your best. And we appreciated your
7 effort yesterday, that you tried your best to respond to the
8 questions put to you throughout the whole day. And of course your
9 response will become our basis for the judgement. Do you
10 understand?

11 MR. SALOTH BAN:

12 (No interpretation)

13 MR. PRESIDENT:

14 Please, try your best and try to stick to what you did yesterday.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, may I ask the same question to the witness and ask
17 him whether he would like to answer that question?

18 [09.11.25]

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you.

23 Q. Mr. Witness, let me put the same question to you again.

24 Yesterday, you said that you went to K-1, from time to time, to
25 see your wife. How many times did you go there? And how

6

1 frequently?

2 MR. SALOTH BAN:

3 A. I came to testify before this Court and I took an oath before
4 I testified. I took an oath before the Iron God - ["lokta dambong
5 daek", in Khmer, says the interpreter] -- and yesterday I was
6 told by the Iron God that I should not -- I should speak very
7 carefully, I should choose the word Khmer carefully, that I
8 should consider the word "happiness"; and if the questions put to
9 me does not make me happy, then I should not respond to the
10 questions. These are the words told to me by the Iron God last
11 night.

12 [09.13.25]

13 MR. PRESIDENT:

14 The Prosecution, you may move on to another question and put that
15 question aside for now.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Witness, yesterday, you stated that you moved about and you
18 went as far as K-1. Did you need special authorization to move
19 about in the town? And did you need authorization to go to K-1?

20 MR. SALOTH BAN:

21 A. The Iron God also told me that this Court is unjust, it is not
22 a hundred percent just. Of course, it seems to be good that this
23 is a mixture of the Cambodian and international officials and
24 judges, but if I am testifying before the pure international
25 tribunal, then I would be prosecuted, but that I am lucky that

7

1 I'm testifying before a hybrid tribunal, which is not as the
2 Extraordinary Chambers in the Courts of Cambodia which is also
3 known as the Khmer Rouge Prosecution Tribunal. That I was told by
4 the God last night. And then I asked him why he said that this
5 Court is unjust, and the response was that: Because this Court
6 does not prosecute the Case 000.

7 [09.15.57]

8 MR. PRESIDENT:

9 Mr. Witness, can you show clearly your position? Are you refusing
10 to respond to the questions from now on? What is your position?
11 In the oath that you took and the laws that require you to do, is
12 that you have to testify to the truth that you have known, have
13 heard, and have remembered. Did you use all these words yesterday
14 during your oath?

15 MR. SALOTH BAN:

16 Yes, I took an oath. However, as I just stated, in my dream --
17 what I stated earlier was what I was told by the God.

18 [09.17.00]

19 MR. PRESIDENT:

20 Your dream is a superstition and it cannot be used in a court of
21 law. We have heard of your statements regarding your dream. This
22 is purely a dream of yours, and the Court cannot use that.
23 Now you have to show us your clear position: whether you are
24 going to respond to the questions. And in fact you already took
25 an oath to testify before this Court, and the oath is a written

8

1 text in the Court of Criminal Procedure, and the -- that oath is
2 used both in the domestic court and also before this ECCC.

3 MR. SALOTH BAN:

4 I agree to the statement made by the President. My only
5 suggestion is that, if whatever I say is improper, please make
6 sure that I am not implicated.

7 [09.18.56]

8 MR. PRESIDENT:

9 The Chamber is very careful. And of course, based on your
10 request, you are provided with a duty counsel so that you can
11 take consultation with your counsel before you respond to a
12 question that you would think that would incriminate yourself.
13 Even we, Judges of the Bench, we are very careful in listening to
14 the questions, and if we think the questions are improper, then
15 we would intervene and that you would not be allowed to respond.
16 And yesterday we also reminded the counsel -- and of course,
17 today, you have another duty counsel -- that the counsel should
18 assist you in listening to the questions put to you by the client
19 so that the counsel can analyze the questions and whether the
20 response would incriminate you for the acts committed during the
21 Khmer Rouge regime. Like yesterday, your duty counsel sought
22 permission from the Chamber to consult with you whether you
23 respond or not to the question.

24 [09.20.27]

25 And of course the Chamber would also have the discretion to allow

1 you to respond to certain questions or to refuse to respond. We
2 hope that you would cooperate with the Chamber so that we,
3 together, could seek for the truth.

4 The Prosecution, you may continue with your questioning.

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President. I will leave, for the time being, the
7 issue of K-1 and I will try to put another question to the
8 witness, but let me simply inform you that, if the witness again
9 refuses to answer the question, I would request that we go into a
10 closed session to invoke Article 28 -- I mean I will make an
11 Article 28 application.

12 Q. Witness, regarding what you said yesterday, when Ieng Sary was
13 not at the ministry, but on mission abroad -- you said that there
14 were no major meetings held at the time, and that there were no
15 major decisions to be taken in his absence, and that there were
16 no major problems to be resolved, and so the ministry was not
17 assisted by cadres from the Central Committee; is that, indeed,
18 what you stated yesterday?

19 [09.22.25]

20 MR. SALOTH BAN:

21 A. Yes, that is correct, but I would like to make clear that I
22 was not responsible at the time.

23 Q. I would nevertheless like to show you a document which is one
24 of the records of one of your interviews. And this record has not
25 yet been shown to the witness, Mr. President, and it is E3/417

10

1 and D233/9.

2 And if the witness's answer number 7 could be put on the screen?

3 That answer was given to tribunal investigators, at the time;

4 that was on the 27th of October 2009. May I request, with your

5 leave, the greffier to show this document to the witness?

6 MR. PRESIDENT:

7 Court officer, can you take the document from the Prosecution for

8 the witness?

9 Also, indicate the relevant portion related to the question.

10 [09.24.17]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. It is answer number 7. I will read it in its entirety in order

13 that we should all understand the context.

14 The question was as follows:

15 "When Ieng Sary was on mission abroad, you were in charge of

16 meetings at the Ministry of Foreign Affairs, weren't you? When

17 you and Ieng Sary were on mission abroad, who was in charge of

18 the Ministry of Foreign Affairs?"

19 And this was your answer:

20 "Yes, I was in charge of leading meetings of the ministry when

21 Brother Ieng Sary was on mission abroad. I was also in charge of

22 running the ministry in accordance with the instructions of the

23 Central Committee then. And when Brother Ieng Sary and I were on

24 mission abroad, sometimes Comrade Cheam or Comrade Mi or Comrade

25 Ok Sakun or Comrade Pech Bunreth, [who] -- were in charge.

11

1 Leaders from the upper echelon did not come to be in charge of
2 the Ministry of Foreign Affairs directly; they just communicated
3 by phone. In short, when he went on mission abroad, the major
4 activities of the ministry were scarce; most of the work was
5 about day to day affairs." End of quote.

6 [09.26.07]

7 So, in what you said yesterday -- a lot of what you said is
8 confirmed here. Do you confirm this statement I have just read
9 out to you, which you signed before the investigators sent by the
10 Co-Investigating Judges?

11 MR. SALOTH BAN:

12 A. I stand by my previous statement. However, I'd like to add
13 that I did not have the authority to decide on any affairs.

14 Q. Thank you, Mr. Witness. In the statement, you refer to the
15 upper echelon and you said that it communicated with others by
16 phone. Who were you referring to, exactly, when you talked of the
17 upper echelon? Who would have contacted the ministry by phone?

18 A. It was likely that it was Pang. It was Pang; I am certain that
19 it was Pang.

20 Q. What kind of recommendations was Pang making to the ministry
21 when Ieng Sary wasn't there at the time?

22 [09.29.32]

23 A. The instructions were not in detailed; it was brief. Mainly,
24 it was about the avoidance of conflict, maintaining security, and
25 consolidation.

12

1 Q. Thank you. I will revisit this issue regarding the
2 relationship with Mr. Pang later on.

3 Let us try to clarify the structure of the Ministry of Foreign
4 Affairs. I'll put a few questions to you on that before we return
5 to relations with Mr. Pang.

6 As is often the case in foreign ministries, did the Ministry of
7 Foreign Affairs have a protocol office?

8 A. In the ministry, it seems that there was no protocol office
9 then, from my observation. Although the word "office" are used,
10 it was not actually a proper office. People were assigned based
11 on their practical skills. At that time, the administration of
12 the office was still very young; it was only two or three months
13 after the liberation. So, if we look back or in hindsight, 40
14 years ago, it was not proper. People were just assigned to do
15 whatever they could so that the office or the ministry could be
16 operational.

17 [09.31.55]

18 Q. You said that it got off to a faulty start, but I imagine
19 that, after a few months, the ministry became organized. And were
20 things after that a little more formal? And in '76, and '77, and
21 '78, was there a protocol office, or was it merely an individual
22 who was handed down certain tasks?

23 A. Yes, that's correct.

24 Q. As far as you're aware, who was in charge of the protocol
25 office?

13

1 A. There was no specific designation. Sometimes Brother Thiounn
2 Prasith was in charge, and at the other times Keat Chhon was in
3 charge, and at other times there were other people who were
4 designated to take charge of that position.

5 Q. Staying with this question of structure, was the ministry
6 responsible in any way for Pochentong Airport?

7 A. I didn't know.

8 [09.33.53]

9 Q. Who, in Democratic Kampuchea, was meant to welcome foreign
10 delegations or intellectuals coming back from abroad? Was it your
11 ministry or was it somebody else's ministry?

12 A. Could you please clarify your question? I don't quite catch
13 your question.

14 Q. Yes. I just wanted to know, when it came to receiving foreign
15 delegations coming into Democratic Kampuchea and receiving
16 Cambodian intellectuals who were returning to the country, was it
17 your ministry that was responsible for doing this? Did your
18 ministry go to the airport to welcome them, or was it a different
19 ministry that had that particular function? Thank you.

20 A. Ministry of Foreign Affairs was not in charge of receiving
21 foreign delegates; it was the responsibility of Pang.

22 [09.35.45]

23 Q. We will come back to this point later.

24 Did the foreign embassies of Democratic Kampuchea that were
25 situated abroad -- they and their staff -- depend upon the

14

1 Foreign Ministry?

2 A. Yes, it was within the Ministry of Foreign Affairs.

3 Q. How did the Ministry of Foreign Affairs send instructions or
4 information out to the ambassadors and to the staff working in
5 the embassies?

6 A. It was through the diplomatic connection through Ministry of
7 Foreign Affairs. And I do not know the details of such relation.

8 MR. DE WILDE D'ESTMAEL:

9 (Technical problem, no interpretation)

10 [09.37.31]

11 MR. PRESIDENT:

12 (Technical problem, no interpretation)

13 MR. DE WILDE D'ESTMAEL:

14 (Technical problem, no interpretation)

15 MR. DE WILDE D'ESTMAEL:

16 (Technical problem, no interpretation)

17 [09.40.44]

18 MR. PRESIDENT:

19 (Technical problem, no interpretation)

20 THE INTERPRETER (Khmer to English):

21 Your Honour, the technicians are repairing the equipment, so,
22 please--

23 (Short pause)

24 THE INTERPRETER (French to English):

25 Mr. President, we can go now.

15

1 MR. PRESIDENT:

2 The Interpreters, is everything coming back to normal?

3 THE INTERPRETER (Khmer to English):

4 Yes. Yes, Mr. President, we are ready.

5 [09.42.10]

6 MR. PRESIDENT:

7 International Co Prosecutor, you may proceed.

8 BY MR. DE WILDE D'ESTMAEL:

9 Thank you very much, Mr. President.

10 Q. Well, following up on what we were saying, let me ask if there
11 were direct contacts between the ministry and all of the
12 embassies or if it was necessary to go through one particular
13 embassy in order to contact the other ones? I think you referred
14 to cable as the means of communication.

15 MR. SALOTH BAN:

16 A. I don't know. I only knew my business at that time, and I was
17 in charge of the day to day affairs.

18 Q. Thank you. Can you tell me what authority the State market
19 depended on in Democratic Kampuchea?

20 [09.43.30]

21 A. The State market was within the Ministry of Foreign Affairs.

22 Q. And what exactly was the State market?

23 A. State market is the place that collects the produces from --

24 from the other offices subordinated to Ministry of Foreign

25 Affairs, and it was also tasked to collect other produce and meat

16

1 from -- produced by other ministries in order to serve foreign
2 delegates on their visit. But this State market was not like the
3 market in the present day.

4 Q. How many people would you estimate were working for the
5 Ministry of Foreign Affairs at the time -- perhaps not in 1975,
6 but once the ministry was fully up and running? Can you give us
7 some idea of the number of people who worked for that ministry at
8 the time?

9 A. Back then, there were around 100 to -- 150 to 300 personnels
10 working within this ministry. Those were the personnel working
11 for the State market, and they included the producers, the
12 farmers, as well as the people who were in charge of transporting
13 crops and produce. So those people were contributing to the State
14 market.

15 At that time, bank note was not used. So, when I talk about
16 market, in this context it was not a market that bank note was
17 being used, but it was more like a barter thing.

18 [09.46.45]

19 Q. Thank you. So you said 150 to 300 people working for the State
20 market. And in the other offices that belonged to the Ministry of
21 Foreign Affairs, how many people, roughly, were working there,
22 both in B 1 and outside B 1?

23 A. I did not have the statistic at hand, so I don't know.

24 Q. All right.

25 Let's come to the question of the relations between the Ministry

17

1 of Foreign Affairs and Mr. Pang. Let me summarize what you said
2 yesterday about Pang, and you'll tell me if this is right or if I
3 have misapprehended your comments.

4 Yesterday, you mentioned Pang's name several times, and you said
5 he was one of the leaders of Office 870, and you said that he
6 sent you to the Foreign Ministry. You also told us that he chose
7 the staff for B 1 among the pure peasant class. You said that,
8 when Pang came to the ministry, he could take certain decisions,
9 and he came in particular when Ieng Sary was not there. You said
10 that Boeng Trabek was under Pang's authority before, and then it
11 was transferred to the Ministry of Foreign Affairs. And when we
12 closed, yesterday, you were saying that Pang had provisionally
13 sent to the ministry a member of your in laws, and a little bit
14 later that person was arrested.

15 [09.49.02]

16 Is that a good reflection of what you were saying yesterday about
17 Pang, or would you like to add any details?

18 A. That is correct.

19 Q. Within his remit, who did Pang report to?

20 A. I did not know who he reported to.

21 Q. As far as you're aware, was Pang a member or a candidate
22 member of the Central Committee?

23 A. There was no declaration; it was my guess that he could have
24 been a member of the Central Committee.

25 Q. As far as you are aware, was Pang a member of the Standing

1 Committee of the Central Committee?

2 A. I did not know the secrecy of the Party, so I don't know.

3 [09.50.46]

4 Q. Yesterday, I read out one of your statements, in which you
5 mentioned a certain number of people who you believed belonged to
6 the Standing Committee, and you did include Pang. But as part of
7 his functions, do you know if Pang was under the authority of the
8 Standing Committee?

9 A. There was no edict or practice, so it was my pure guess.

10 Q. Let's just turn to what Pang did in the ministry; there, you
11 might find it a little easier to answer the questions.

12 Why did Pang come to the ministry?

13 A. Pang came occasionally to the Ministry of Foreign Affairs. For
14 example, he would come when he needed to take one person who --
15 one or two people who returned from overseas, but I did not know
16 where he took those people to.

17 [09.52.39]

18 Q. Did he often come to the Ministry of Foreign Affairs to take
19 people?

20 A. He did not come frequently.

21 Q. How many times did you see him in the Ministry of Foreign
22 Affairs, coming to take people away? Can you remember, more or
23 less, the number of times or the frequency?

24 A. To my recollection, there were only twice that he came to take
25 people away.

1 Q. Yesterday, you also said that he could take decisions in the
2 Ministry of Foreign Affairs. What kind of decisions are we
3 talking about here? Was it solely in the field of security, or
4 where there other areas as well?

5 A. As for Pang's responsibility, actually it was the instruction
6 from Brother Ieng Sary that, whenever Pang came and whatever he
7 asked for, we had to provide him. And as for the detail of his
8 authority, I did not know.

9 Q. Can you give us some names of people who were taken away from
10 the ministry by Pang at those times?

11 [09.55.25]

12 A. There were many people who were taken away, but Pang did not
13 come directly. And sometimes those people came in and they met
14 me, or sometime they met Cheam. And I remember one person very
15 clearly, who was my brother-in law; and the rest, I could not
16 recall their name.

17 Q. You talked about your brother-in-law yesterday, but I didn't
18 catch the name correctly. Can you please remind us of his
19 complete name and, if necessary, the different name he has --
20 names he had so that we can correctly identify him? Thank you.

21 A. I can recall only one name. It was Hong.

22 Q. What was his function under the Democratic Kampuchea regime?
23 Did he work in the Ministry of Foreign Affairs from the very
24 start or did he work elsewhere before?

25 [09.56.59]

20

1 A. I knew his biography and life profile; he was one of the old
2 timer resistant. And I did not know when he joined the revolution
3 or worked with the Ministry of Foreign Affairs. I met him when
4 Pang actually brought him to Ministry of Foreign Affairs, and I
5 met him for only several days after that.

6 Q. Did he work in a district, or a sector, or a zone before Pang
7 brought him into the Foreign Ministry? And, if so, which?

8 A. I did not know the exact sector or village he came from, but
9 he was actually originally sent from Sector 304.

10 Q. Thank you. Your brother-in-law and all the other people who
11 were taken away either by Pang or by Pang's people, did you ever
12 see them again afterwards?

13 A. When the person was taken away from minister -- Ministry of
14 Foreign Affairs, the person never returned.

15 Q. Does that mean that we are talking about arrests? And were
16 these people executed?

17 [09.59.23]

18 A. That, I don't know.

19 Q. You told us just now that Ieng Sary had instructed that, when
20 Pang came into the Ministry of Foreign Affairs, his orders had to
21 be obeyed. So does this mean that Ieng Sary was aware that people
22 from the ministry were being taken away by Pang?

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

24 Q. Yesterday, I gave you a document, D91/14, and I asked the
25 President -- I would like to ask the President if we could have

21

1 this on the screens once again. And I would like to ask the
2 witness to look at 00204097, in Khmer, to 98; in French, 00503936
3 to 37; and in English, 00223593.

4 So, just so that everybody is aware, it's the -- it's the last
5 question that was put to the witness by the investigators in
6 their record. It's the answer to a very long question, so I'll
7 only read part of the answer; there is a large part that isn't
8 pertinent.

9 [10.01.41]

10 MR. PRESIDENT:

11 Yes, you can proceed.

12 It seems that the court officer cannot locate the hard copy
13 (unintelligible). Have you found it? It seems that he has found
14 it now.

15 Please try to indicate the relevant portion regarding the
16 question by the Prosecution to the witness for his examination.
17 The Prosecution, you may continue.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. I shall simply sum up the question. The question that was
20 asked was whether he observed the disappearance of cadres and
21 members of staff of the Ministry of Foreign Affairs, and who had
22 ordered that they be arrested, and whether Ieng Sary was aware of
23 the arrests of those persons.

24 And this is what you stated.

25 [10.02.46]

22

1 First -- the first sentence was as follows:

2 "I knew that there were cadres and members of staff who
3 disappeared; that is true. However, I did not know exactly where
4 they were taken to. Members of my family also disappeared. I was
5 very worried myself."

6 And towards the end of your answer, this is what you said -- and
7 I quote:

8 "Among those who came to look for people was Pang. When cadres
9 and members of staff of the Foreign Ministry disappeared, Mr.
10 Ieng Sary was also aware of it. However, he never said anything
11 about that. He, himself, was afraid, and I was also afraid." End
12 of quote.

13 Do you confirm that what you stated -- that is to say, Mr. Ieng
14 Sary knew about the disappearance of cadres and members of staff
15 of the Foreign Ministry?

16 [10.04.17]

17 MR. SALOTH BAN:

18 A. I agree to the statement. However, I'd like to make additional
19 comment; the word that "I know": I knew about that after his
20 disappearance. That is all. Thank you.

21 Q. Thank you. Can you now tell us as from when Pang and those
22 people went to the Ministry of Foreign Affairs to take away
23 cadres or members of staff of the ministry and up until when they
24 did that?

25 MR. PRESIDENT:

1 Court officer, can you assist with the headphone of the duty
2 counsel?

3 The Prosecution, could you please repeat your question, as the
4 duty counsel has a problem with his headset?

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you very much, Mr. President.

7 [10.05.51]

8 Q. My question was as from when Pang and those people went to the
9 ministry to take away people or to arrest them and up until when
10 they did that; what I mean is, from what month and what year and
11 up until what month or what year that went on.

12 MR. SALOTH BAN:

13 A. Pang disappeared when the Vietnamese entered Cambodia. From my
14 knowledge, the Vietnamese arrived in Kratie at the time, and also
15 in Takeo Province.

16 Q. Can you tell us when Pang came to the ministry for the first
17 time to take away people?

18 A. He brought the people for the first time in -- about one month
19 or two months before the arrival of the Vietnamese in the
20 country.

21 Q. A while ago, you stated that Pang came from time to time and
22 that many people were taken away either by him or by people
23 working for him. Do you confirm what you are saying now -- are
24 you sure of what you are saying now, that Pang only came during
25 the last two months of the existence of the ministry before the

24

1 Vietnamese arrived? Do you confirm that?

2 (Discussion between the witness and his counsel)

3 [10.08.56]

4 A. I am unclear on this point.

5 Q. When Pang came to the ministry, did he always come with his
6 vehicles and people to take away members of staff of the Foreign
7 Ministry, or there were times when the ministry's vehicles were
8 used to take the people who were arrested away?

9 A. He used a motorbike.

10 MR. PRESIDENT:

11 Duty Counsel, could you exercise your duty to advise your client
12 to respond freely to the questions put to him, except those that
13 would incriminate himself? And for the rest of the facts or
14 events, if he knows clearly, please respond in details; this is
15 to avoid any misunderstanding, because his participation in this
16 proceeding is as a witness, not as an accused. So he can abstain
17 himself from any response that would incriminate him, and for the
18 rest he should respond thoroughly. And if he is not sure in
19 regards to how to respond to certain questions, then it is your
20 role to provide consultation to him.

21 [10.11.14]

22 The Prosecution, you may continue.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Yes. Witness, I wasn't asking you to tell me what means of
25 transportation Mr. Pang used, but the means of transportation he

25

1 used to take away people arrested at the Foreign Ministry. Did he
2 use the vehicles of Office 870 or, at times, vehicles of the
3 Foreign Ministry?

4 Since you said a while ago that Ieng Sary had asked that Pang's
5 orders be obeyed when he came, that is why I would like to know
6 whether he commissioned vehicles of the Ministry of Foreign
7 Affairs to take away the people who were arrested.

8 [10.12.26]

9 MR. SALOTH BAN:

10 A. No, he did not use the vehicles from the ministry. He came by
11 motorbike and he would show a letter that certain individuals
12 would need to be taken, to be transferred or to be sent for re
13 education, for instance. And those people would then be put on
14 the motorbike and taken away, and Pang himself would also ride on
15 his motorbike.

16 The frequency or the number of the people was not a lot. People
17 was taken one by one on a motorbike, and there was no commission
18 of any vehicle.

19 Q. You have just referred to a letter on which was written the
20 order that people be taken away. Did you see such a letter? And
21 who signed that letter?

22 A. Sometimes, Pang came by himself; in that case, there was no
23 letter. And in the case where Pang did not come by himself, then
24 his subordinate cadres would come with a letter signed by Pang.

25 [10.14.26]

1 Q. That is much clearer.

2 It appears that yesterday you stated that Mr. Pang came to the
3 ministry when Ieng Sary was not there. That notwithstanding, was
4 Pang able to communicate with Mr. Ieng Sary directly, perhaps by
5 some other means of communication? Did you see Pang meeting with
6 Ieng Sary, be it at the ministry, at K 1 or at any other
7 location?

8 A. Pang did not have any official Party communication with Ieng
9 Sary; Pang only communicated in terms of technical aspect with
10 Ieng Sary.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, may I request your leave to again show the witness
13 document D91/15, which was shown to the witness this morning? And
14 may I also request that page ERN in Khmer 00204100-- and in
15 French, it is 00524353 to 54 by the pages 2 and 3; and in
16 English, 00223595 up to 96. Thank you, Mr. President.

17 [10.16.52]

18 MR. PRESIDENT:

19 Yes, you can proceed. Please wait for the court officer to locate
20 the exact page for the witness to examine first, before you can
21 put your question.

22 Court officer, do you have the hard copy of the document -- that
23 is, D91/15?

24 This morning, we discussed the document D91/14, not 15. Could you
25 provide a hard copy to the court officer?

1 BY MR. DE WILDE D'ESTMAEL:

2 It is indeed an error, Mr. President; I hadn't yet shown this
3 document. And to assist the greffier, it is the second question
4 on that document. This is a record dating the 12th of December
5 2007, and it is the 5th and the last document I will be tendering
6 into evidence.

7 [10.18.37]

8 Q. The question put to you in the second question is as follows:

9 "Can you again specify, regarding diplomats who were brought back
10 to the country, such as Huot Sambath, Meak Touch alias Kem, Touch
11 Kham Doeun, and In Lorn alias Nat. Later on, those persons were
12 arrested and detained at S-21. Can you furnish explanations on
13 this?"

14 And you answered as follows:

15 "I knew all those names with the exception of Huot Sambath, whom
16 I did not know. Neither do I know exactly where those persons
17 were taken to. The decision was taken by the Standing Committee.
18 It was Mr. Pang's group from the Central Committee 870 that
19 brought those persons. Pang was directly in touch with Mr. Ieng
20 Sary. As for myself, I was not aware of that." And so on and so
21 forth.

22 [10.19.51]

23 May I ask you to confirm whether Pang was directly in touch with
24 Mr. Ieng Sary with regard to the arrests of persons who were
25 brought to the ministry from -- or brought to the ministry by

1 Pang, [beg pardon, says the interpreter].

2 A. I would like to remove the phrase starting -- or regarding the
3 decision made by the Standing Committee. Maybe at that time I was
4 confused, and my health was not good; and I would like to remove
5 that sentence -- that is: "The Standing Committee makes the
6 decisions."

7 I did not know who made the decisions; I saw the arrival of
8 Pang's group. And I believe Ieng Sary did not know as well.

9 Q. Witness, a while ago you, in document D91/14, which I read out
10 to you, you -- in that document, you said -- and you confirmed
11 your thoughts and response to the Co-Investigating Judges by
12 saying that, when cadres and staff of the Ministry of Foreign
13 Affairs disappeared, Ieng Sary was also aware of it. Doesn't that
14 contradict what you have just stated? Please feel free to answer
15 the question.

16 [10.22.14]

17 MR. PRESIDENT:

18 The Witness, please pause; I see the defence counsel for Ieng
19 Sary is on his feet.

20 You may proceed.

21 MR. KARNAVAS:

22 Yes. Good morning, Mr. President. Good morning, Your Honours; and
23 my apologies for interrupting. However, I believe the prosecutor
24 is attempting to either mislead the witness or to be unfair with
25 the witness.

1 The question that was previously posed to the gentleman was: Who
2 made the decision, meaning, in this -- and it was pointed out to
3 the fact that he had indicated the Standing Committee. The
4 gentleman corrected himself. So that answer had to do with who
5 made the decision. Then, now, he is trying to confront him and to
6 indicate that perhaps he is not telling the truth here, today,
7 because of the other statement.

8 [10.23.08]

9 The other statement refers to whether there was awareness as to
10 somebody being taken away, not as to who actually made the
11 decision that somebody be taken. There is a vast, vast
12 difference. The gentleman ought to know that. It is unfair.
13 And perhaps, if he wishes to rephrase, that's fine. Otherwise, I
14 object to the form of the question.

15 MR. DE WILDE D'ESTMAEL:

16 I very well understand what Mr. Karnavas is saying, Mr.
17 President. It was not very clear to me, it appeared, when the
18 witness said that Ieng Sary was not aware of what was happening,
19 that he did not understand that it was with regard to
20 decision-making, and not the arrest of persons. In any case, I
21 will withdraw my question.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Mr. Witness, you did not quite answer my question, as you
24 appeared to have indicated to the Co-Investigating Judges that
25 Mr. Pang was directly in touch with Ieng Sary. You said that you

1 confirm that statement except for the phrase regarding
2 decision-making.

3 [10.24.36]

4 To be absolutely clear that I understood your question, was -- or
5 your answer, was Mr. Ieng Sary directly in touch with Mr. Pang
6 with regard to the arrest of persons who were arrested and taken
7 away?

8 MR. PRESIDENT:

9 Witness, please pause.

10 The Defence Counsel, you may continue.

11 MR. KARNAVAS:

12 I hesitate to object in these instances because it gives the
13 impression that I am trying to protect my client. However -
14 however -- this question has been asked and has been answered.
15 And last week, there were several objections coming from that
16 direction, and the Bench sustained those objections.

17 [10.25.24]

18 Now, the question is being asked yet, I believe, for the third
19 time. Now, we either have a rule that's applicable to both sides
20 consistently or we just choose to apply it to one side, in which
21 case I would like to know what is the procedure here. But this
22 question was asked at least twice before, and the - the gentleman
23 has indicated his answer.

24 If there is clarity, then he should indicate to us exactly what
25 is the part that the gentleman is unclear of -- that is, the

1 answer given by the witness already -- but thus far it's rather
2 clear.

3 MR. PRESIDENT:

4 The Prosecution, do you have any reply to the response by the
5 defence counsel?

6 MR. DE WILDE D'ESTMAEL:

7 I thought I was clear enough, Mr. President. I had put a question
8 to the witness whether Pang was directly in touch with Mr. Ieng
9 Sary regarding the arrests.

10 [10.26.33]

11 MR. PRESIDENT:

12 My question is: Do you have any reply to the later response by
13 the defence counsel?

14 You put a question to the witness, and it was objected by the
15 defence counsel with his grounds.

16 And now my question to you is whether you, the international
17 prosecutor, have any reply to the response raised by the
18 international counsel for Ieng Sary.

19 We will have all these grounds; we will then consult amongst
20 ourselves and decide whether the witness should respond or not.

21 It is not for you to rephrase or just to repeat your question
22 again.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. Of course, I am not trying to rephrase
25 the question. What I am trying to say is that the question I

1 asked initially was not clearly answered, unless we can say that
2 the witness confirmed exactly what he has stated except for one
3 sentence. And I wanted to be sure that I had properly understood
4 what the witness stated. I thank you.

5 (Judges deliberate)

6 [10.58.54]

7 MR. PRESIDENT:

8 The objection raised by the international counsel for Ieng Sary
9 is rejected.

10 Mr. Witness, if you still recall the question put to you by the
11 Prosecution, you may respond. Otherwise, you may request for the
12 Prosecution to repeat his last question.

13 MR. SALOTH BAN:

14 A. Yes, I still remember the question.

15 In regards to your previous question, I replied that Ieng Sary
16 knew only after the arrest made by Pang.

17 MR. PRESIDENT:

18 Mr. Witness, you need to recall the last question put to you by
19 the Prosecution -- that is, in response to your response and your
20 written statement in D91/14. Please make sure you understand the
21 question and compose yourself before you respond.

22 The Prosecution, you may put the question to the witness.

23 [10.30.39]

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President.

1 Q. My question was whether you stand by what you said to the
2 investigators, that Pang was directly in touch with Mr. Ieng
3 Sary; and with regard to what subject?

4 MR. SALOTH BAN:

5 A. I already stated that Pang contacted Ieng Sary on other
6 miscellaneous matters.

7 As for the meetings regarding political aspects, for instance,
8 there was no contact between the two.

9 MR. PRESIDENT:

10 The time is appropriate for a morning break. We will take a
11 20-minute break and shall resume at 10 to 11.

12 [10.32.06]

13 Court Officer, could you assist the witness and the duty counsel
14 during the break and have them back here, in the courtroom, when
15 the Court resumes, at 10 to 11.

16 Defence Counsel, you may proceed.

17 MR. ANG UDOM:

18 Thank you, Mr. President. Good morning, Your Honours. Due to his
19 health, my client, Ieng Sary, would like to waive his right to
20 participate directly in the proceedings and, rather, to follow it
21 from the room downstairs.

22 MR. PRESIDENT:

23 Having heard the request by Ieng Sary through his counsel to
24 waive his right to directly participate in today's proceeding and
25 to follow it through the remote audio-visual communication due to

34

1 his health, the Chamber agrees to the request made by Ieng Sary
2 through his counsel -- that is, to waive his rights to directly
3 participate in today's proceedings and to follow it through
4 remote means in the holding cell, downstairs, for the entire day.

5 [10.33.45]

6 The counsel for Ieng Sary needs to immediately deliver to the
7 Chamber the letter of waiver signed or thumb-printed by Ieng
8 Sary.

9 The AV Unit is instructed to link the audio-visual to the holding
10 cell, downstairs.

11 Security guards, you are instructed to bring Ieng Sary to the
12 room downstairs so that he can follow the proceedings.

13 The Court is now adjourned.

14 (Court recesses from 1034H to 1053H)

15 MR. PRESIDENT:

16 (Technical problem, no interpretation)

17 (Judges deliberate)

18 [11.06.11]

19 JUDGE CARTWRIGHT:

20 Yes. Thank you, President. There is a problem with the English
21 translation in particular, and the President has been advised
22 that it will take some time to fix it. Consequently, he has
23 called an early lunch adjournment, and we will resume at 1.30.
24 He has also directed the security guards to -- he's made the
25 usual order in relation to the Accused and for the witness.

1 Thank you, President.

2 MR. PRESIDENT:

3 (Technical problem, no interpretation)

4 MR. PESTMAN:

5 I don't know whether what I'm saying now is going to be
6 translated, but I would like to do the usual request for my
7 client to go downstairs, to the holding cell, and follow the
8 remainder of the day from the holding cell.

9 [11.07.16]

10 I will hand over the appropriate document as soon as possible.

11 MR. PRESIDENT:

12 (Technical problem, no interpretation)

13 (Court recesses from 1109H to 1330H)

14 MR. PRESIDENT:

15 Please be seated. The Chamber is back in session.

16 The floor is now handed to the Prosecution to continue their
17 questioning of the witness.

18 Before we continue, we would like to seek the time estimation
19 from the Prosecution. How much time do you need with this
20 witness?

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. I was going to bring this up before the
23 Chamber, sir, because this morning we were delayed at the start
24 of the hearing, and then there was a technical breakdown, and it
25 doesn't seem that we will be able to cover all of the points that

1 I wanted to tackle with the witness today.

2 [13.31.53]

3 And I would like, therefore, to ask the Chamber if I can carry on
4 tomorrow morning, on the understanding that I will try and be as
5 concise as possible. Progress, however, is relatively slow, and
6 what I can tell you is that we will need the morning and finish
7 at the latest by mid-day, tomorrow.

8 The agreement we have with the civil parties was that we would
9 take two days out of the two and a half and that the civil
10 parties would use the morning of the third day. If my request is
11 granted, I would hope that the time allocated to the civil
12 parties is not affected by the possible extension of the time
13 granted to us, if you so agree. Thank you, sir.

14 MR. PRESIDENT:

15 The Chamber cannot agree to your request. We can give you one
16 hour extra time in compensation of the breakdowns.

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President.

19 Q. If I may, I would now continue with my questions to the
20 witness.

21 [13.33.40]

22 This morning, Witness, you told us that a member of your in-laws,
23 called Hong, who had been sent temporarily to the ministry, was
24 subsequently arrested by Pang. I need a little clarification on
25 this.

37

1 If I refer to D233/2 -- and it's one of your -- one of the
2 reports on interviews with you -- with the agreement of the
3 Chamber and the President, I would like this to be put up on the
4 screen so that we can look at the very last question of that
5 document and so that the witness can see it as well.

6 MR. PRESIDENT:

7 Yes, the Chamber agrees to your request.

8 (Short pause)

9 [13.35.52]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Thank you. I would read it in its entirety. It's a question
12 about meetings in the Ministry of Foreign Affairs. The subject
13 was internal purges, and you answered:

14 "In the meeting, there were no charges against anybody; even Mr.
15 Ieng Sary never brought charges against anybody in the Ministry
16 of Foreign Affairs. Only people from outside that made
17 accusations against the Ministry of Foreign Affairs, such as my
18 former teacher, Vanh, whose original name was Chea Huon, who was
19 the Northwest Zone chief and moved to work at the Ministry of
20 Foreign Affairs; later on, he was arrested. Another person, Khem,
21 district secretary of Kratie Sector, elder brother of my wife,
22 who had to come to work at the Ministry of Foreign Affairs, was
23 arrested too. The same cases happened to Meak Touch alias Kem, an
24 intellectual, Mr. Touch Phoeun, Touch Kham Doeun, In Sokan, etc."
25 And I will stop there.

1 [13.37.32]

2 My first question is to know if you maintain -- you stand by what
3 I have just read out, you maintain what you said to the
4 Investigating Judges.

5 MR. SALOTH BAN:

6 A. Yes, I stand by my statement. However, I'd like to make a
7 comment.

8 Previously, during the interview and the written statement that
9 is in reference to this document, I usually used the word
10 "administered" or "managed", which is a common term regardless of
11 the significance of the job. However, in reference to the current
12 political situation, I cannot say I am an administrator; I am an
13 assistant to the leader, as I did not administer or make any
14 decision on my own. And I'd like to add that to the statement.

15 Q. Thank you. Just now, you talked about Hong, who was one of
16 your in-laws. And here you talk about "Khem, district secretary
17 of Kratie Sector, elder brother of my wife". Is this somebody
18 else or is it the same person that you mentioned just now?

19 [13.39.48]

20 A. I can only recall now that Hong was his original name, and his
21 revolutionary name is Khem.

22 Q. Thank you. Do you remember why he was taken to the Ministry of
23 Foreign Affairs and then arrested?

24 A. I do not know the reason for his arrest.

25 MR. DE WILDE D'ESTMAEL:

1 Mr. President, I would now like to refer to another hearing
2 report, in response 56 given to the Investigating Judges. If this
3 could also be pointed out to the witness, I would be grateful.

4 MR. PRESIDENT:

5 Court Officer, can you take the document from the prosecutor and
6 give it to the witness for his examination?

7 (Short pause)

8 [13.42.31]

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. So question 56 in this document 369/36 is: "Can you show the
11 names of those who were recruited to work at the Ministry of
12 Foreign Affairs?"

13 And your answer was: "Yes, I can. As I already indicated, my
14 in-law was taken to work at the Ministry of Foreign Affairs ever
15 since when he has disappeared. He was affiliated with Koy Thuon."
16 End of quote.

17 Does this help to refresh your memory with respect to the reasons
18 why your brother-in-law was taken to the Ministry of Foreign
19 Affairs and then arrested?

20 MR. SALOTH BAN:

21 A. I need to consult with my duty counsel, since I'm not clear on
22 the question.

23 (Discussion between the witness and his counsel)

24 [13.44.27]

25 I do not know the reasons for his arrest, but I know that my

1 brother-in-law was from 304 Zone, which was under the control of
2 Koy Thuon.

3 Q. What is actually meant by this term, to be "affiliated" with
4 somebody? What did that mean under the Democratic Kampuchea
5 regime, to be "affiliated" with Koy Thuon? I don't want details
6 about whatever your brother-in-law might have done; I just want
7 to know what this term, "affiliated", means.

8 A. Here, we refer to the revolutionary affiliation or line. It
9 means, if he's from 304 Zone, it means he is affiliated with 304
10 Zone. That's what it means.

11 Q. Thank you.

12 Can I take you back to the previous response which you have
13 confirmed, in which, just now, you quoted "ex-teacher named Vanh,
14 or Chea Huon, who had been transferred to the Ministry of Foreign
15 Affairs and subsequently arrested"?

16 [13.46.39]

17 This case, was it also somebody who originally worked outside the
18 ministry and who had been brought into the ministry by Pang on a
19 provisional basis?

20 A. That is correct.

21 Q. Generally speaking, can you say that it happened quite often
22 that Pang would bring people from the provinces, who were cadres
23 or who had other duties, and then temporarily affected them to
24 the Ministry of Foreign Affairs?

25 A. That is correct.

41

1 Q. In D369/36, in one of your responses that you confirmed, you
2 said: "In B-1, we put people whose biography was not clear on one
3 side..."

4 And I don't know if I have to show the document again. If I could
5 just briefly quote what was shown yesterday. As you wish, Mr.
6 President.

7 [13.48.25]

8 MR. PRESIDENT:

9 The document shall be shown on the screen so that other parties
10 and the public can view it.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Let me just read out what was confirmed by the witness
13 yesterday -- quote: "In B-1, we put people whose biographies were
14 not clear on one side, and once we had investigated them, we
15 threw them out and sent them elsewhere."

16 My question is the following: Once they got to the Foreign
17 Ministry, who did the investigations? Were they done in the
18 ministry or was this done outside the ministry?

19 MR. SALOTH BAN:

20 A. Pang sent those people temporarily to work at the ministry,
21 and the investigation was conducted outside - it means by Pang.

22 [13.50.14]

23 Q. Thank you. But can you help us to understand why they were
24 temporarily sent to the ministry and why they weren't directly
25 arrested and sent to a security centre, rather than having them

1 transit through the ministry? Do you understand the reason why
2 they did have to go through the ministry?

3 A. I observed that there were no weapons kept at the Ministry of
4 Foreign Affairs.

5 Q. And why did that make it necessary to have these people
6 transit through the Ministry of Foreign Affairs, the simple fact
7 that there weren't weapons in the ministry?

8 A. It is rather difficult to respond to your questions. Anyway, I
9 try.

10 Maybe because they have a confidence in me, or something, because
11 I was in charge, and probably trust -- they trusted me.

12 [13.52.09]

13 Q. Thank you. In the extract from your response in D233/2, in
14 quoting the name, there was Meak Touch alias Kem, who you
15 described as an intellectual. What was his precise duty? What
16 were his functions before he was taken away and arrested by Pang?

17 A. I did not know his position or his role.

18 Q. What about Touch Kham Doeun? Did you know what his role was
19 before he was arrested?

20 A. No, I did not.

21 Q. And concerning Touch Phoeun and In Sokan, did you know their
22 functions before they were arrested, outside B-1, and eventually
23 what they were doing inside the ministry?

24 A. I only knew their faces and the work that they did, but I did
25 not know of their exact roles because it was not pronounced.

1 [13.54.02]

2 Q. But you've just said that you knew the work they were doing;
3 could you tell us what it was, the work they were doing inside
4 the ministry? I'm talking about Meak Touch, Touch Phoeun, Touch
5 Kham Doeun, and In Sokan.

6 A. Could you please clarify your question?

7 Q. Yes. You said that you didn't know the exact titles of the
8 functions of these people, but you did know what kind of work
9 they were doing in the Ministry of Foreign Affairs. So what I
10 would like to know is what were the tasks ascribed in the
11 ministry to these people before they were arrested.

12 [13.55.32]

13 A. As I can recall, they came to rest at the ministry and they
14 helped with minor tasks, for example like in writing, and if he
15 was needed for some other task, then he would assist other
16 people. At that time, whoever could assist other people, then the
17 person would assist, based on their practical knowledge; there
18 was no clear function of each individual.

19 Q. And among the names that I quoted, before they went to B-1,
20 were there any former ambassadors in the group?

21 A. I cannot recall.

22 Q. This morning, in addition to the names that I quoted in the
23 extract and which you confirmed, there was another piece that was
24 read out from your answers to questioning D91/15. And I'll try
25 and find the ERNs for you. You also mentioned the name of In

1 Lorn, alias Nat. Do you know who In Lorn alias Nat was?

2 (Short pause)

3 [13.57.59]

4 So, just to assist you, it's document 91/15 -- E233/2 -- French

5 ERN 00524353 and 54; in English, 00361014; and in Khmer,

6 00204100. It's the second question in the document, where you

7 were asked if you knew a certain number of diplomats--

8 MR. PRESIDENT:

9 Prosecutor, could you hold on? The court officer is trying to

10 locate that portion for the witness.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. It's just about the one person who was mentioned in the

13 question. And you said that you knew the people, including In

14 Lorn, alias Nat. So could you just tell us what the activities

15 and duties were that were carried out by In Lorn alias Nat before

16 he went to B-1 and at the point where he was in the Ministry of

17 Foreign Affairs?

18 [14.00.18]

19 MR. SALOTH BAN:

20 A. It seems that I am not familiar with the name In Lorn. I knew

21 the - the person by the name Nat, but not by the name of In Lorn.

22 Maybe I was confused or maybe this is a mistake made by the

23 transcriber in this record. I must say I do not know any person

24 by the name of In Lorn but I know a person -- or an individual

25 named Nat. I did not know about Nat issues.

1 Q. Thank you. Nat was the revolutionary name he used at the time.
2 Can you, therefore, tell us what Nat's duties were before he came
3 to B-1? And what were his duties at B-1 when he got there?

4 A. As I know, Nat was a military.

5 [14.02.02]

6 Q. He was a soldier; but what duties did he fulfil as a soldier
7 before he went to the ministry?

8 A. I knew that he was military, but I did not know what role or
9 task he performed.

10 Q. Thank you. In the passage I read a while ago, you confirmed
11 that accusations came from outside of the ministry and you said
12 this morning that people were arrested by Pang. How did you know
13 that members of the Ministry of Foreign Affairs were accused by
14 outsiders? What do you mean by "outsiders"?

15 A. It means that Pang had the authority and he was able to take
16 whoever he wants and whenever he wanted.

17 Q. But on what basis would Pang arrest one person or another? Did
18 he base such arrests on documents?

19 A. I did not know about that.

20 [14.04.13]

21 Q. Witness, as Ieng Sary, member of the Standing Committee and
22 Central Committee, vice-minister -- vice-prime minister in charge
23 of the Ministry of Foreign Affairs, did he receive information,
24 for instance confessions of prisoners or reports regarding the
25 contents of confessions of prisoners? Did he receive such

1 information?

2 A. He only came to know about that when they were taken away.

3 Q. Did Ieng Sary convene meetings to discuss such problems and
4 arrests of persons at the Ministry of Foreign Affairs?

5 A. Those people were already taken away, and there were no
6 meetings.

7 Q. Mr. President, may I request the Chamber's leave to have
8 placed on the screen a passage from D233/2. That is an answer
9 given by the witness. It is, in Khmer, 00357531; and in French,
10 it is 00405457 -- page 7; and in English, it is page 7 and ERN
11 00361014.

12 (Short pause)

13 [14.07.08]

14 The question asked was as follows:

15 "Some witnesses said that, regarding reports on the contents of
16 confessions, Duch sent them to Office 870; and Duch sent this to
17 Mr. Ieng Sary. How did Mr. Ieng Sary manage such cases?"

18 And you were asked whether you knew, and you said:

19 "Yes, I knew; Mr. Ieng Sary convened a meeting at the ministry to
20 discuss this issue, but I am not aware of any decision taken by
21 Ieng Sary. Sometimes, he had a sad face; as far as I knew more
22 deeply, it was the Central Committee that had appointed Mr. Son
23 Sen to take charge of security." End of quote.

24 Do you recall saying this to the Co-Investigating Judges or to
25 the investigators sent by the Co-Investigating Judges?

1 [14.08.31]

2 MR. SALOTH BAN:

3 A. I did answer that. He knew when those people were brought in,
4 and when he was absent, I would later on inform him that those
5 people had been brought in, so he must have known about that. He
6 would also accept those people, but he did not know where those
7 people were sent out, and I did not know about that either.

8 Q. If you do remember, can you tell us when Ieng Sary convened
9 that meeting regarding reports of the contents of confessions?

10 A. I do not understand the question -- I do not understand the
11 question.

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, can you ask the question again?

14 [14.09.58]

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. In the excerpt I just read and whose contents you confirmed,
17 it is written: "Yes, I am aware; Mr. Ieng Sary convened meetings
18 of leaders in the ministry to discuss that."

19 My question to you is: When was that meeting convened?

20 MR. SALOTH BAN:

21 A. People disappeared, and we did not know where those people
22 were brought to. I and he were responsible for dealing with the
23 psychological issues among the staff so that the staff would not
24 feel afraid. There was measures that we took in order for them
25 not be afraid, because we did not know the reason why they

1 disappeared.

2 Q. Still with regard to the same extract, we will return to what
3 you have just said. In that extract which I read out, it is said
4 that the Central Committee had designated Mr. Son Sen to be in
5 charge of security.

6 [14.11.32]

7 My question to you is: Was Mr. Son Sen in charge of security
8 throughout the period from April 1975 to January 1979, or were
9 there any changes with regard to those in charge of security at
10 any point in time during that period?

11 A. I did not know about this issue.

12 Q. You stated that both Ieng Sary and yourself did not know where
13 Pang took the persons arrested.

14 I will now read out to you an extract from the same document,
15 D233/2, on page -- Khmer ERN 00357530; in French, 00405456, and
16 it is page 6; and page 7 in English -- that is, 00361014. I'll
17 take a few seconds to find the exact extract.

18 (Short pause)

19 [14.14.04]

20 I will return to it later, Mr. President. I have mixed up the
21 pages.

22 Let me return to what you said regarding Pang a while ago. And at
23 this stage, Mr. President, I have observed that, on several
24 occasions, the witness stated that Pang came to the Ministry of
25 Foreign Affairs to arrest people in late 1978, particularly in

1 the last two months of 1978. However, in -- on the case file, we
2 have the confession of Pang -- and it is document IS 5.14.

3 I am not requesting that this document be shown to the witness or
4 put on the screen, because he has never seen it, but I deem it
5 important to ask the witness whether, in that period of May 1979,
6 regarding the arrest of Pang -- whether I can refresh his memory,
7 or ask him whether he saw Pang in the Ministry of Foreign Affairs
8 in late 1978.

9 A. I would like to examine the date, the year; can anyone assist
10 me?

11 Q. I am talking of 1978.

12 (Short pause)

13 [14.16.59]

14 As I said, regarding the period when Pang was arrested, that
15 period was May 1978. Would that refresh your memory, as far as
16 the period of that arrest is concerned? Because you stated
17 earlier that Boeng Trabek was transferred to the Ministry of
18 Foreign Affairs only in late 1978, and then you also said that
19 Pang came to the Foreign Ministry probably two months before the
20 arrival of the Vietnamese in the Capital.

21 The time that elapsed between the arrest of Pang and the arrival
22 of the Vietnamese could not have been longer; what do you think
23 of that?

24 A. My apology; I may mix up when it comes to years. But I would
25 like to answer the question as follows, on the basis of my

1 memory.

2 Pang disappeared for no reason. When he disappeared, I and Mr.

3 Ieng Sary went to assist with the preparation at Boeng Trabek.

4 And as for the work -- or the situation of Pang disappearance, I

5 was not aware of that.

6 [14.19.23]

7 Q. Thank you. We will return to Boeng Trabek later on.

8 I have found the extract that I wanted to read out to the

9 witness, and it is document D233/2; page 6, in French, middle of

10 the page; page 7, in English; and in Khmer, it is 00357530.

11 Mr. President, may I request that this page be placed on the

12 screen and that a hard copy thereof be shown to the witness?

13 MR. PRESIDENT:

14 Yes, go ahead.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Now, the question that was asked was as follows: "Some

17 witnesses said that the report about the implications in the

18 confessions from S-21 were sent; are you aware of that?"

19 [14.20.52]

20 And your answer was:

21 "Yes, I was aware of that; they were sent to the Ministry of

22 Foreign Affairs. Some documents were kept by Mr. Suong Sikoeun,

23 but at the time of the flight, all those documents disappeared.

24 And most of those documents contained fictitious facts or

25 information."

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1 Now, my question to you is as follows: As you stated, were
2 confessions indeed sent by S-21 to the Ministry of Foreign
3 Affairs? Do you confirm that assertion?

4 MR. SALOTH BAN:

5 A. Yes, I stand by that.

6 Q. Do you know whether those confessions were sent by Pang, or by
7 someone else?

8 A. I did not know who sent those confessions, but I saw those
9 confessions at the ministry.

10 [14.22.28]

11 Q. Can you tell us precisely which confessions you saw at the
12 ministry and who were implicated -- or what did those -- who were
13 concerned by those confessions?

14 A. As I remember, those confessions were of Mr. Koy Thuon.

15 Q. And who showed you those confessions involving Mr. Koy Thuon?

16 A. At the time, I saw Mr. Ieng Sary, who brought the confessions
17 and read out those confessions.

18 Q. Did he read those confessions at a meeting in the Foreign
19 Ministry?

20 A. He read them at the Ministry of Foreign Affairs.

21 Q. I didn't quite understand your question (sic). Are you saying
22 that he read out the confessions to all the staff at the
23 ministry, or in a restricted meeting attended by only some of the
24 cadres in the ministry?

25 [14.24.56]

1 A. He read them a meeting amongst the middle cadres, from the
2 upper levels to the middle levels.

3 Q. Apart from reading Koy Thuon's confessions, did Ieng Sary make
4 any remarks on those confessions or express his thoughts on those
5 confessions?

6 A. After he read the confessions, both Mr. Ieng Sary and I, as
7 well as everyone, became afraid.

8 Q. And why were you afraid? Were Ieng Sary, yourself, and others
9 affiliated to Koy Thuon?

10 A. We were afraid because I thought that my day would come later.

11 Q. Following Koy Thuon's arrest, can you tell me whether, at the
12 Foreign Ministry, for those who had worked with Koy Thuon, who
13 came from the North Zone, there were any consequences?

14 [14.27.22]

15 A. It was not only about the North Zone; the Vietnamese had big
16 attacks, so the situation became chaotic. The fears and the
17 attacks by the Vietnamese caused everyone to even -- become even
18 more afraid.

19 Q. Thank you. Which period are you referring to when you talk
20 about the reading of Koy Thuon's confessions and the attack by
21 the Vietnamese? In which year are we?

22 A. I did not know the exact year because I am a forgetful person.
23 I did write something in my notebook, but when we ran, we left
24 them behind.

25 The Vietnamese began their attacks, their aggression on Cambodia

1 a long time ago, but the situation became intensified at that
2 time. It was clear that the Vietnamese came in. So the situation
3 was like what I have just described.

4 Q. Let me clarify that -- that the Vietnamese attacked on several
5 occasions. Are you talking of the final attack in late December
6 1978, or an attack that occurred a lot earlier in 1977?

7 A. It is difficult for me to make a specific date. I can only
8 respond in general. That is all.

9 [14.30.12]

10 Q. Still with regard to the Koy Thuon affair, after Ieng Sary
11 read out his confessions at a meeting attended by middle cadres,
12 did Ieng Sary talk about a meeting at Chamres regarding the
13 arrest of Koy Thuon?

14 A. In my position as assistant to Ieng Sary, I had to work on the
15 psychological issues so that -- in order to calm the peoples
16 down.

17 Q. In Chraing Chamres, were there people who came from the zone
18 where Koy Thuon had worked? And could he, therefore, have been
19 suspected of being affiliated to Koy Thuon?

20 A. At Chraing Chamres, many of them were from Zone 304 -- that
21 is, from Koy Thuon's zone.

22 Q. Was it therefore necessary to carry out an investigation to
23 find out the extent to which such people were affiliated with Koy
24 Thuon?

25 A. I do not hear the translation.

1 (Short pause)

2 [14.32.54]

3 Q. I'll pick up again on my question, Mr. President.

4 It might be my last question before the break, but that, of
5 course, is up to yourself.

6 You said, Witness, that in Chraing Chamres there were a lot of
7 people who came from 304, the North Zone. And might they have
8 been suspected of being affiliated with Koy Thuon? And,
9 therefore, might it have been necessary to conduct an
10 investigation to find out how close they were to Koy Thuon and
11 what they knew about his activities?

12 A. Those who were at Chraing Chamres and who came from the -- Koy
13 Thuon's zone were the children of the peasants or were peasants
14 themselves. They did not have any influence regarding the weapons
15 or the military issue, so there was no need to conduct any
16 investigation there.

17 Q. Thank you.

18 [14.34.22]

19 Mr. President, shall I continue to 20 to like yesterday, or do we
20 stop?

21 MR. PRESIDENT:

22 You may continue until 2.40 p.m.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Witness, just now, you talked about S-21 confessions, which
25 were referred to the Ministry of Foreign Affairs. As far as you

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1 were aware, were confessions transmitted from S-21 which
2 implicated people in the Ministry of Foreign Affairs?

3 MR. SALOTH BAN:

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

5 [14.35.23]

6 Q. On the other hand, were you able to glean information that
7 some staff members from the Ministry of Foreign Affairs had been
8 implicated in confessions, even if those confessions were not
9 actually transmitted to the ministry?

10 A. As I said, I, myself, was also worried and I believed
11 everybody else was also afraid.

12 Q. Mr. President, I'd like to refer to D233/2 -- same document
13 again -- in 00357530 in Khmer.

14 MR. PRESIDENT:

15 Yes, you can use the document.

16 Court Officer, could you indicate the exact portion on the
17 document to the witness so that he can view that portion and
18 respond the question?

19 [14.37.03]

20 MR. DE WILDE D'ESTMAEL:

21 In French, it's page 5 -- in other words, 00405455; and in
22 English, it's pages 5 and 6 - 00361012 to13.

23 Q. So the question that was put to you, which is on the previous
24 page in Khmer, concerned two individuals, Keat Chhon and Thiounn
25 Prasith.

1 And the question is:

2 One witness said that Mr. Keat Chhon and Mr. Thiounn Prasith had
3 been implicated by a number of documents; but Mr. Ieng Sary told
4 Pol Pot that if the two people were arrested, the Ministry of
5 Foreign Affairs would have to be abolished. Did you know this
6 story? Was this the reason that Mr. Keat Chhon and Thiounn
7 Prasith were arrested (sic)? Was it because Mr. Ieng Sary had
8 influence that these two persons had not been arrested?"

9 [14.38.36]

10 In the question in French at least, it is worded in a somewhat
11 confusing fashion.

12 But in any case you answered:

13 "I was aware about this but I was worried for myself too. I did
14 not know who had invented such a story of accusation. These two
15 persons were indeed defended by Mr. Ieng Sary. As far as I knew,
16 not only Mr. Ieng Sary, but also Pol Pot."

17 So do you confirm what you answered this question about the fact
18 that Keat Chhon and Thiounn Prasith were implicated in a number
19 of documents?

20 A. Yes, I stand by my statement.

21 Q. What does it mean in that case, to be "implicated in several
22 documents"?

23 [14.40.03]

24 MR. PRESIDENT:

25 The assistant to the prosecutor, because a lot of numbers have

1 been used during these questioning sessions, could you please try
2 to be a bit more precise? Otherwise, it is very difficult to
3 follow all the documents being used in reference to the question
4 put by the Prosecution?

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, I was referring to the question that was put to
7 the witness in document D233/2; and at the start of the question,
8 it was saying that these two people had been "implicated in
9 several documents". My wish was to find out what it meant to be
10 "implicated in several documents" within Democratic Kampuchea.

11 [14.41.04]

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Perhaps I can reword this for you: Does being "implicated in
14 several documents" mean being accused by somebody, under the
15 regime?

16 MR. PRESIDENT:

17 Would the witness please pause?

18 Defence Counsel for Ieng Sary, you may proceed.

19 However, you are reminded of your objection; you have to make it
20 precise and brief and not to make in details as what you did this
21 morning.

22 MR. KARNAVAS:

23 Very well, Mr. President. And good afternoon. Again, out of
24 principle, this is quite leading in nature.

25 Now, I understand the frustrations the counsel is feeling, but it

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1 is leading. And if it's -- if it's going to be permitted -- and I
2 have no objections to that -- then some leeway should be given
3 and granted to the other side, because he's asking: What does
4 this mean, and he gives him the answer. That's why it's leading;
5 it suggests the answer.

6 (Judges deliberate)

7 [14.42.53]

8 MR. PRESIDENT:

9 The Prosecution, you may take the stand before we take a break.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. I was talking about the portion of the
12 question where there is reference to implication, as in other
13 documents, but I don't think the question I'm putting to the
14 witness is quite as leading as that because straight after there
15 is the reference to "if these two people were arrested, the
16 ministry would have to be abolished". So there's reference to
17 implication in various documents, and quite obviously it involves
18 arrest. So I was simply asking, here, for confirmation that
19 accusation was what was concerned.

20 [14.44.14]

21 MR. SALOTH BAN:

22 A. It is of my understanding -- my apology; I'd like to consult
23 with my duty counsel first.

24 MR. PRESIDENT:

25 International Counsel for Nuon Chea, you may proceed.

1 MR. PESTMAN:

2 Thank you very much, Mr. President. While the witness is
3 consulting his -- his lawyer, maybe, just for the record, there
4 is a discrepancy between the English, the French, and the Khmer
5 translation of the answer the prosecutor just read. Maybe the
6 prosecutor can clarify this.

7 In the English version -- as far as I understand it, in the
8 English version of the answer to this question, the question read
9 out by the prosecutor, he said he did not know about the
10 incident.

11 [14.45.24]

12 So maybe the prosecutor can help us to clarify this discrepancy.

13 MR. PRESIDENT:

14 Thank you for your comment.

15 The Prosecution, could you please respond?

16 MR. DE WILDE D'ESTMAEL:

17 I believe I can't answer straight away, Mr. President. I think
18 the best thing will be to go back to the original Khmer because
19 there does appear to be a discrepancy between the English and
20 French versions, and I can't read Khmer. So the best thing would
21 probably be for me to have this looked at during the break and to
22 come back to you with an answer afterwards.

23 MR. PRESIDENT:

24 Thank you.

25 [14.46.26]

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1 The time is appropriate for the break.

2 Before the break, we would like to ask other parties who have yet
3 taken turn to question this witness.

4 As far as the Prosecution has put some questions to the witness
5 already, I'd like to check with the Lead Co-Lawyers: How much
6 time do you need for your questioning of this witness?

7 MR. PICH ANG:

8 Mr. President, the Lead Co-Lawyers require the same time
9 allocation of three hours to question this witness.

10 MR. PRESIDENT:

11 Lead Co-Lawyers, you should reconsider your time because the time
12 have shifted already, and for - usually, for one morning or
13 afternoon session, the time allocation cannot be three hours; the
14 actual time per each session is two hours and 10 minutes. So
15 please consult yourself and try to recalculate the time.

16 [14.48.01]

17 What about Nuon Chea's defense team? How much time do you
18 envisage that you will need?

19 MR. PESTMAN:

20 Thank you very much, Mr. President. I think we don't need more
21 than half a day. If that's two hours and 10 minutes, I'm not
22 sure; it depends on whether it's the morning or the afternoon.
23 That will do.

24 In any case, we have discussed this issue with the Ieng Sary
25 defence team, and they have expressed the wish to go first, and

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1 we do not object to that. If the Trial Chamber agrees, then Ieng
2 Sary would start, and we may need less time than half a day to do
3 our questioning.

4 [14.48.53]

5 MR. PRESIDENT:

6 Thank you, Defence Counsel.

7 What about Ieng Sary's defence counsel? How much time do you
8 participate -- anticipate that you will need?

9 MR. KARNAVAS:

10 Good morning -- or good afternoon, Mr. President, Your Honours.

11 Initially, I had anticipated about a day and a half. However,
12 depending on what happens today, tomorrow, that may shift,
13 probably less than -- less than. But right now I would say
14 slightly over a day.

15 I think we -- the Defence was given two and a half days; I think
16 we will be able to manage within the time period originally
17 envisaged.

18 Now, when - usually, when I say a day, it could be less than a
19 day, and if, for instance, the Prosecution and civil parties take
20 the entire day tomorrow, then, obviously, it gives us the
21 opportunity to spend the night in condensing our -- or
22 re-evaluating, as opposed to going immediately, which means that
23 we may take a little bit longer, which is normally the case.

24 Anyway, I hope this is helpful.

25 [14.50.11]

1 MR. PRESIDENT:

2 Thank you, Counsel.

3 For the Lead Co-Lawyer, it is unlikely that we will grant you
4 more than one session, and we might only give an additional one
5 hour extra time to the Prosecution.

6 And probably for the afternoon session, after the break, when we
7 return, then it will be the time for the Defence to question this
8 witness, except in the cases where we may face some technical
9 issues like what we did experience this morning.

10 [14.51.07]

11 What about Khieu Samphan's defence?

12 MR. KONG SAM ONN:

13 We, the defence counsel for Khieu Samphan, require between one
14 and one and a half hours to question this witness.

15 MR. PRESIDENT:

16 Thank you to all parties for your anticipation of the time
17 required.

18 The Chamber will consider your time anticipation so that we can
19 rearrange the time to make it more effective for questioning this
20 witness so that it can be concluded as envisaged and that we try
21 to have it finished within this week. So it's not going to cause
22 any difficulty to this witness if it were to continue to next
23 week, and we'll try our best to accommodate that and find a
24 better solution. Except in the cases where we could not find an
25 appropriate solution, then it will be moved to next week.

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1 [14.52.26]

2 Lead Co-Lawyer, you may proceed.

3 MR. PICH ANG:

4 Mr. President, I'd like to reconfirm that the time that we need
5 -- that is, the Lead Co-Lawyers need -- is three hours, but there
6 is one minor mistake. In fact, we agree to the recommendation by
7 the Trial Chamber that we only need one morning session, so it is
8 roughly about two hours 15 minutes to two and a half hours.

9 MR. PRESIDENT:

10 It is now appropriate for a 20-minute break, and we shall resume
11 at 10 past 3.

12 Court Officer, could you assist the witness and his duty counsel
13 with refreshment and a waiting room during the break and have
14 them back at 3 -- at 10 past 3?

15 The Court is now adjourned.

16 THE GREFFIER:

17 All rise.

18 (Court recesses from 1453H to 1510H)

19 MR. PRESIDENT:

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

21 [15.11.26]

22 Before giving the floors to the Prosecution to continue his
23 questions to this witness, the Chamber would like to inform the
24 Prosecution that, after considering the importance of questioning
25 this witness to ascertain the truth, the Chamber has decided by

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1 the majority that the Prosecution will have another morning
2 tomorrow for questioning this witness, and the afternoon session
3 will be devoted to the Lead Co-Lawyers.

4 The Chamber will consider and inform the defence teams tomorrow
5 as to how much time they will have for questioning this witness.

6 Now the floor is handed over to the Prosecution to continue
7 questioning this witness.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. It appears that, before the break, a
10 question was asked by counsel for Nuon Chea regarding the French
11 and English interpretations of the witnesses answer in document
12 D233/2.

13 [15.13.23]

14 We cross-checked it and found that the Khmer version agrees with
15 the French version, and not with the English version because the
16 English version states that he was not aware, whereas the Khmer
17 and French version say that he was aware. It appears that there
18 may be a problem in the question, as far as the three languages
19 are concerned, because the question was: Was that the reason for
20 Keat Chhon's and Ieng (sic) Prasith's arrest? And the witness
21 said they were not arrested. And it is obvious in the next
22 question, when the witness says: "It was due to the fact that Mr.
23 Ieng Sary was an influential person, and that was why those
24 persons were not arrested."

25 I wanted to flag such ambiguity. I don't know whether this

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1 addresses your question, Mr. President.

2 [15.14.43]

3 MR. PRESIDENT:

4 The Prosecutor, you may proceed with your questions.

5 MR. DE WILDE D'ESTMAEL:

6 If I remember correctly, before the break, the witness was not
7 able to answer the question-- that is, whether it meant that they
8 were implicated in many documents.

9 The Chamber did not rule on this matter.

10 I asked whether it meant that the person was accused.

11 May I turn to you, Mr. President? Because Mr. Karnavas had
12 objected.

13 [Correction: the interpreter meant to say "Keat Chhon" as opposed
14 to "Koy Thuon".]

15 MR. PRESIDENT:

16 You are permitted to put that question to witness.

17 [15.15.46]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. Witness, what did being "implicated in several documents"
20 mean? Did it mean being accused by other persons?

21 MR. SALOTH BAN:

22 A. This phrase means we heard that that particular person or
23 persons were accused or implicated. But we only heard; we did not
24 know who, exactly, implicated those people.

25 Q. While you were at the Ministry of Foreign Affairs persons were

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1 implicated, namely Keat Chhon and Thiounn Prasith. What were the
2 consequences of such implication or such accusations?

3 A. As I have said, he, and I, and others were afraid.

4 Q. And, regarding persons who were implicated or accused, did
5 those persons have to furnish any information or to justify their
6 position in relation to such implications?

7 [15.18.02]

8 A. There was no response; they remained working.

9 Q. Did such persons have to write any documents regarding such
10 implication?

11 A. I did not know about that.

12 Q. Before we go into another line of questioning, I would like us
13 to revisit the Koy Thuon affair, which related to us with regard
14 to consequences at Chraing Chamres.

15 You said that investigations did not have to be carried because
16 the persons concerned were peasants and they were not close to
17 Koy Thuon.

18 Let me read out the answer you gave the Co-Investigating Judges
19 in this regard in document D369/36. And there are three answers
20 that concern you in particular, answers 107, 108, and 110.

21 Mr. President, am I allowed to place this document on the screen
22 and to show it to the witness? Thank you.

23 [15.20.02]

24 MR. PRESIDENT:

25 You are permitted.

1 Court officer is instructed to coordinate with this issue -- that
2 is, to bring the document to witness.

3 (Short pause)

4 [15.21.02]

5 BY MR. DE WILDE D'ESTMAEL:

6 Very well, thank you.

7 Q. Now, question 107 was as follows -- and I quote: "Did you ever
8 attend a meeting at B-1 on an external allegation that someone at
9 Chraing Chamres had an affiliation to the enemy?"

10 Answer: "Yes, I did. I attended B-1 meetings and used to call
11 people at Chraing Chamres to the meetings."

12 Question -- that is, question 108: "Can you give us a practical
13 example of such an event, if there is any?"

14 Answer 108: "For example, Koy Thuon was accused. To that effect,
15 his subordinates had to be questioned and arrested to see what
16 Koy Thuon had ordered them to do or to know what they knew about
17 Koy Thuon's activities?"

18 [15.22.13]

19 And, lastly, question 110: "During the meeting when the alleged
20 document was reviewed, was Mr. Ieng Sary present?"

21 Answer: "No, not at all. He did not attend that meeting. I was
22 the person who reported it to him. In the report to him, I
23 indicated that those people were ignorant; they only followed
24 their leader."

25 [15.22.48]

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1 Now, may I know whether you confirm what you stated? Because a
2 while ago I thought I heard that there were no investigations,
3 whereas here, in the answer you had given earlier on, it is
4 clearly stated that Koy Thuon's subordinates were arrested and
5 questioned. What do you say to that?

6 MR. SALOTH BAN:

7 A. Allow me to answer this question as follows.

8 The word "meeting" does not mean an investigation. It was not an
9 investigation. During the meeting, there were study documents,
10 and after the study sessions, comrades were told to consider the
11 issues, and not to worry about the issues, and to tell the truth,
12 and to be honest. And if there were no any issues, they were
13 supposed to continue their works as usual. So there was no
14 investigation; it was about study.

15 Q. Thank you.

16 You talked about a session or the study of documents. What
17 documents did you study at meetings at Chraing Chamres?

18 [15.24.53]

19 A. There were many documents, but the documents that I have
20 talked about, that I have been describing, concern the documents
21 about the 12 morals. First one is to love the country
22 enthusiastically. Another term in that document is that we should
23 not steal even a piece of chili.

24 Q. You also said that you reported to Ieng Sary that all those
25 persons were ignorant. Was a question put to you as to whether

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1 you knew anything about Koy Thuon, his arrest, and the
2 accusations levelled against him?

3 A. I do not understand the question.

4 MR. PRESIDENT:

5 Could the prosecutor ask the question again? Because the witness
6 does not understand the question.

7 [15.26.35]

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. You referred only to a study of the 12 moral principles and at
10 the same time you said in answer 110 that you reported to Ieng
11 Sary that all those persons at Chraing Chamres knew nothing and
12 that all they did was to execute orders by the cadres.

13 My question, therefore, is that, for you to say that those
14 persons knew nothing, were questions put to you as to whether
15 those persons had any relations with Koy Thuon?

16 MR. SALOTH BAN:

17 A. The study methods have been described by me that each
18 individual was supposed to self-criticize, each individual was
19 supposed to tell whether they were connected to Koy Thuon or not,
20 whether they had done anything damaging to that place. So, after
21 the collective consideration, they would decide whether those
22 people were wrong or not, and this is what I reported to Ieng
23 Sary, that those people did not do anything wrong.

24 Q. Are such meetings referred to as biography meetings?

25 [15.28.39]

1 A. There were many meetings. For example, the meeting that I have
2 talked about is the meetings that helped everyone not to be
3 afraid that their superior was arrested. We could call that
4 meeting as a revolutionary self-criticism, but this kind of
5 meeting may mean much more than what I have just said, because
6 the meeting I have - I have just described concern only with
7 helping those people not to be afraid.

8 Q. I will now talk about - I will now talk about some of the
9 meetings dealing with security or meetings in which enemies from
10 within were discussed -- and we referred to this yesterday.
11 When there were meetings concerning internal security at the
12 ministry, were any reports prepared? Meetings concerning enemies
13 from within and meetings concerning international security at the
14 ministry, I mean.

15 A. As for my side, there was no minutes of the meetings because
16 not many people could write.

17 [15.30.35]

18 Q. And, on the other hand, you said that there were meetings
19 chaired by Ieng Sary. Were any written reports prepared at such
20 meeting?

21 A. Regarding the intellectuals' side -- that is, regarding those
22 people and the foreigners - yes, there were reports of the
23 meetings. I did not participate in such a meeting.

24 Q. And when the meetings were attended by both intellectuals and
25 the peasantry, meetings chaired by Ieng Sary, were any minutes of

1 such meetings prepared?

2 A. There was no meeting of a mixture of the intellectuals and
3 peasants.

4 Q. Mr. President, I'd like to show a new document, E3/857 - it's
5 also IS 18.49. In English, it's called "Working With the
6 Committees of Every Unit", 12 September 1977. There's a Khmer
7 version from ERN 00086707 to 00086713; in English, 00355487 to
8 94; and as yet we do not have a French translation of the
9 document.

10 [15.33.15]

11 So, with your leave Mr. President, I would like to have that
12 document displayed.

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 BY MR. DE WILDE D'ESTMAEL:

16 And I will leave the witness the necessary time to have a look
17 and leaf through that document.

18 (Short pause)

19 [15.35.10]

20 Q. I would just like to ask the witness a first question: Have
21 you seen this report? Are you familiar with this kind of
22 document?

23 MR. SALOTH BAN:

24 A. I cannot even remember my personal documents; how could I can
25 -- remember other's documents? It's been almost 40 years.

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1 Q. Perhaps, with the Chamber's authorization and with a view to
2 refreshing your memory, we can pick up on one or two points in
3 the document, which do suggest that it is a document from B-1. If
4 the Chamber agrees, I'll read the one or two references that do
5 talk about sections of B-1 and of the office.

6 [15.36.31]

7 MR. PRESIDENT:

8 Defence counsel Michael Karnavas, you may proceed.

9 MR. KARNAVAS:

10 Thank you, Mr. President. In the past, the procedure has been to
11 show the document to the witness and then to ask him if he has
12 seen the witness (sic) before. The - that's the--
13 And of course there was a compound question from the Prosecution;
14 I didn't object, but it would appear that it's unclear whether
15 the witness has seen this document before. He's indicated that he
16 can't remember, but if he hasn't seen this document before, then
17 it would - it seems to me that at that point the document has to
18 be withdrawn from the witness, but the contents from the document
19 may be used to question the witness.

20 That was my understanding of the ruling, unless the ruling has
21 shifted, or I misunderstood the ruling, which is a very likely
22 possibility.

23 [15.37.30]

24 MR. PRESIDENT:

25 Thank you, Defence Counsel.

1 The Prosecution, could you adhere to our practical guidelines and
2 the practice we've been doing to the witnesses before the
3 Chamber, in particular with those documents that are intended to
4 be put before the Chamber?

5 You need to question the witness whether the witness knows or
6 have seen that document that you wish to relied in your
7 questioning. Otherwise, the Chamber will request you to remove or
8 withdraw that document.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. In that case, I will content myself
11 with some general questions about the content, without signalling
12 out individual pages of the document. So I think that the
13 document is valued in that case.

14 [15.38.57]

15 MR. PRESIDENT:

16 Court Officer, can you withdraw the document from the witness?
17 And also, the assistant, please also remove that document from
18 the screen.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. I'd simply like to ask our witness for some information about
21 meetings, internal meetings.

22 Yesterday, you said that the subject of some of these meetings
23 was enemies, building the country, and defending the country.

24 Were there meetings that you attended which concerned
25 infiltration of enemies within the Ministry of Foreign Affairs?

1 MR. SALOTH BAN:

2 A. Thank you. Regarding the meetings, I have my personal view of
3 my patriotism toward my nation and my country. I saw documents --
4 those documents that I lied -- and personally I also have to
5 invent myself so that I can convince the peasants to understand
6 what "patriotism" means.

7 [15.40.51]

8 For instance, I had to create a story for them to understand, to
9 make them happy and understand at the same time, so that they
10 understand the meaning. For instance, in the current situation I
11 do not want to create a story whereby that buffalo and a brown
12 buffalo were in conflict due to the incitement by a rabbit.

13 Q. I have heard your point, Mr. Witness, but can we come back to
14 the original question, which was to know whether there were
15 meetings on the subject of enemy infiltration within the Ministry
16 of Foreign Affairs and on the fact that it, therefore, was
17 necessary to remain visioned?

18 A. Of course. And not only the infiltration existed within the
19 ministry, but the infiltration existed at -- nationwide.

20 [15.42.47]

21 Q. Who were the enemies who were trying to infiltrate inside the
22 Party ranks, countrywide and in the Ministry of Foreign Affairs?
23 What kind of enemy are we talking about?

24 A. It is rather difficult for me to explain to you. However, I
25 can make a general remark.

1 The main enemy was the enemy who intends to destroy the world,
2 and they are the ones who actually destroy the environment --
3 that is, the lands, the soils, the wind, and the fire.

4 This morning, I touch upon, briefly, the issue that we all tend
5 to forget about the Case 000 and we're only now working on Cases
6 001 and 002.

7 MR. PRESIDENT:

8 Mr. Witness, please compose yourself in order to respond to the
9 question put to you by the Prosecution. You need to listen
10 carefully to the question and respond directly to that question.
11 This is also in order to expedite the proceedings so you can
12 return to your residence as soon as it concludes.

13 [15.44.36]

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. Mr. Witness, I didn't really understand what you meant by the
16 person wishing to destroy the world and the environment. Can you
17 please be more precise and tell me who the enemies infiltrated in
18 the interior could be? And how, indeed, could they be discovered?

19 MR. SALOTH BAN:

20 A. Regarding the destruction of the world, I cannot explain to
21 you here. If I were to do so, it would likely take me one month.
22 As for the monitoring of the enemy, I am not a technician, or an
23 expert in this area. I just worked on my psychological issue to
24 make myself pure first so that, once I am pure, then I could see
25 the enemy from the outside.

1 [15.46.05]

2 For myself, I did not have any duty or responsibility in any of
3 the arrests, neither I was a spy.

4 MR. PRESIDENT:

5 Mr. Witness, please make your response precise and short and, if
6 possible, please refer to a specific period. When you refer to
7 the enemy infiltration on the Prosecution part, you need to also
8 specify the period and whether the witness knows about that
9 during the time that he went through the regime.

10 The Chamber already reminded the parties last week that you have
11 to try to make your questions simple, precise, and easy to
12 understand so that the witness can understand it and can respond
13 to the questions. This is for the benefit of ascertaining the
14 truth. It is not important that your questions have to be
15 complicated, that the witness cannot understand. There is no use
16 in that sense, and it's not going to shed any light on what we
17 are trying to seek in this Chamber.

18 [15.47.59]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. Mr. Witness, I was talking about the period where you were
22 present in the Ministry of Foreign Affairs and when there were
23 meetings where the main subject was infiltration by enemies at
24 country scale and within the ministry.

25 Now, can you tell us when -- you told us, once one reached

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1 purity, one could identify "enemies" who were coming from
2 outside, but I still don't understand what sort of enemies we are
3 talking about. When we're talking about "enemies that
4 infiltrate", are you meaning spies?

5 MR. SALOTH BAN:

6 A. I cannot reply to this question.

7 [15.49.11]

8 Q. Well, I heard in my headphones: "I cannot reply to this
9 question". Does that actually mean that you don't know what the
10 answer is or that you do not wish to reply? It was a little
11 ambiguous in what I heard; could you please enlighten me?

12 A. Because I'm not a technical expert in spying or something of
13 similar nature; I only worked on the psychological issues for the
14 people there.

15 Q. Mr. Witness, did you ever attend meetings where the subject of
16 knowing how many cadres or combatants within the Ministry of
17 Foreign Affairs were pure or were good was on the agenda, and the
18 proportion that were not and were in fact suspect? Did you ever
19 attend this kind of meeting where this sort of issue was aired?

20 A. No, I did not.

21 Q. When you said that the enemy had infiltrated, was there
22 discussion in meetings about infiltration by the CIA or the KGB
23 or Vietnamese agents?

24 [15.51.20]

25 A. I did not understand clearly regarding these forms of the

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1 enemy infiltration; I only heard from others. I was not really
2 clear on what "KGB" or "CIA" meant. I only concentrated on doing
3 a good work because, if I could not engage in a good work, then I
4 would have to refashion myself.

5 Q. Mr. Witness, what is the significance for you of the term
6 "revolutionary vigilance" and "remaining vigilant"? What does
7 this mean for you -- what did it mean at the time?

8 A. The phrase "revolutionary vigilant" is that we try not to have
9 anybody sit on our head or ride on our head and also that we do
10 not take that advantage by riding on somebody else's head.

11 Q. Thank you.

12 Mr. President, I have a voluminous document to put before the
13 witness, and I don't know if this is the right time to do it
14 before we close for the day. If you prefer I do it straight away,
15 it will be necessary to have a few explanations because there are
16 significant discrepancies between the English, French, and Khmer
17 versions, and it'll probably take me five minutes to explain to
18 all of the parties here which is the best version to use.

19 [15.53.59]

20 MR. PRESIDENT:

21 Yes, you can proceed.

22 MR. DE WILDE D'ESTMAEL:

23 It's document E3/522. It has another E3 number, /926, and also
24 D267/5/1.1.25. And this document, D267/5/1.1.25 is the original
25 in Khmer. All of the pages are complete and in the right order.

1 And on the basis of that document, a translation in English was
2 done, which is also complete.

3 On the other hand, on the case file, in French, there is document
4 E3/925, which is also under IS 14.1. It's a Khmer version of the
5 second document -- it's the same document that I have mentioned a
6 moment ago, on the basis of which an English translation was
7 done.

8 [15.55.45]

9 But the problem with IS 14.1 is that an enormous number of pages
10 have been muddled up. There are duplications and other pages that
11 are missing, and the French translation was done on the basis of
12 this second version I have mentioned.

13 So it's important that you understand that you won't find a full
14 and complete text of the document in the French translation,
15 which is why I will try and refer to the English version as well.

16 Having given you that explanation, Mr. President, I'd like to
17 look at D267/5/1.1/25 (sic). And it's a long document of 150 to
18 200 pages. I would like the witness to be acquainted with it to--

19 MR. PRESIDENT:

20 Could you please hold, the Prosecution?

21 [15.56.59]

22 Defence counsel Michael Karnavas, you may proceed.

23 MR. KARNAVAS:

24 Thank you, Mr. President. I would -- I would suggest -- and I
25 submit that the same procedure should be used with this document

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1 as was used with the previous one -- to show it to the witness,
2 ask him whether he recognizes it, whether he has seen it before.
3 If not, then there is no need to go through all of this exercise
4 on page numbers, the different translations, and what have you.
5 The same procedure of questioning should occur. Thank you.

6 MR. PRESIDENT:

7 Judge Lavergne, you may proceed.

8 JUDGE LAVERGNE:

9 Thank you. Before putting the document to the witness, we could
10 perhaps ask him about a notebook that he, himself, said that he
11 kept. I don't know exactly in what shape or form that notebook is
12 now, and it might be a good idea to ask him that question at this
13 stage.

14 [15.58.13]

15 BY MR. DE WILDE D'ESTMAEL:

16 Very well, Mr. -- Your Honour.

17 Q. You have referred to notes that you took in a notebook. Do you
18 remember anything about this notebook, in particular what there
19 was on the first page of the notebook?

20 MR. SALOTH BAN:

21 A. I'm sorry, but I am in the dark here; I do not understand your
22 question at all.

23 Q. A few minutes ago, you said that you had taken notes -- I
24 think you said it in connection with espionage -- that you took
25 notes at the time, at the Democratic Kampuchea era, and you had a

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1 notebook, therefor and apparently, now, you have lost it. I am
2 just wondering if you could now tell us what this notebook looked
3 like, what the format was, what was written on the first page,
4 and what the book looked like inside?

5 [15.59.43]

6 A. The notebook, it may slipped my mouth when I talk about the
7 notebook. It was actually a piece of paper and we fold the paper
8 into two. We did not have any books at the time. But I saw -- as
9 I saw just now on the screen, there was a picture of a "singha",
10 or a lion. So I do not know about that.

11 Q. Well, I'm sorry, Mr. President, but the opening page seems to
12 have been on the screen before I asked the question. But I don't
13 think that the description corresponds quite to the document that
14 I am intending to show him.

15 May I now show him the document and so that I can ask him the
16 document of whether he's seen it before?

17 MR. PRESIDENT:

18 Court officer is instructed to take the document from the
19 Prosecution and provide the document to witness so that he could
20 examine it.

21 (Short pause)

22 [16.01.28]

23 I note defence counsel for Mr. Khieu Samphan is on his feet. You
24 may proceed, Counsel.

25 MR. KONG SAM ONN:

1 Thank you, Mr. President. I would like to make an observation
2 concerning this document.

3 This document is large; I'm not sure how witness is going to
4 examine this document. Is he going to read the entire document?
5 Perhaps Mr. Co Prosecutor can be asked whether he would like the
6 witness to examine a particular portion of that document instead.

7 MR. PRESIDENT:

8 Thank you.

9 To clarify the matters, can the prosecutor proceed with asking
10 the witness whether he has ever seen this document before?

11 [16.02.40]

12 BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President.

14 Q. Witness, have you ever seen the document before you
15 previously? I know you have not had time to read it; perhaps you
16 could just run through it.

17 MR. SALOTH BAN:

18 A. As I have read the headings of this document, I can say that I
19 do not know about it.

20 Q. Mr. President, I would like the witness to read more than the
21 title, which has nothing to do with the contents.

22 And I would also like to ask the witness whether this document
23 was shown to him by the Co Investigating Judges' investigators
24 during the investigations.

25 A. No, I never saw this document.

1 [16.04.10]

2 Q. Mr. President, I am obliged to refer to certain records of
3 interviews in which certain questions were put to the witness
4 with specific reference to this document D267/5/1.1 (sic). And I
5 will say that it was the case in D369/36, question 52, 61, and
6 67, at least. In another record of an interview, D233/9, it
7 appears that questions 1, 2, and 3 are also on the document that
8 was also shown, and the Co Investigating Judges did not indicate
9 the exact reference. In any case, in D269/26 (sic), it was
10 indicated that this document was used to put questions to the
11 witness.

12 And so I would like to rephrase the question and put it to the
13 witness again, whether that document was shown to him on that
14 occasion.

15 [16.05.45]

16 MR. PRESIDENT:

17 Yes, you -- you may proceed, Counsel for Mr. Ieng Sary.

18 MR. KARNAVAS:

19 Thank you, Mr. President. Perhaps counsel could point out where,
20 whenever it was shown to him during -- by the Co Investigating
21 Judges, the gentleman indicated that he recognized either the
22 document or the writing -- or whose writing the document was,
23 because the question, then - because I think, if we're going to
24 be using the document to show that he was familiar with the
25 document, when -- he needs to state clearly that he recognizes

1 the document and how he recognizes it.

2 [16.06.23]

3 If, on the other hand, as the Court has ruled in the past, that
4 you can go into contents within the document and posing
5 questions, then nothing prevents counsel from doing so, but from
6 the references that we -- he has provided thus far, at least I am
7 unable to see where the gentleman -- the witness, that is -- has
8 indicated that he recognizes the handwriting or that he has seen
9 the document back then, prior to it being shown to him by the
10 OCIJ. Now, perhaps I missed it somewhere.

11 MR. PRESIDENT:

12 It appears that the situation before us is different from what
13 the Chamber has decided before, that this document was referred
14 to by the co investigators during the investigation phase.

15 [16.07.19]

16 In our usual practice, we have never done this before. That is
17 why we are trying to ensure whether witness has seen this
18 document previously.

19 As claimed by the International Co Prosecutor, the witness has at
20 least been shown during the investigation phase. That is
21 mentioned in document D39 -- D369/36. So the Chamber is
22 interested to know whether it may be a mistake made by the
23 witness or it is because he forgot about it. And the fact that he
24 forgot about it, was it -- is this because he never saw it
25 before, or he saw it before?

1 So, again, the situation we are dealing with, this is something
2 different from what we have done before, before this Court.
3 Now, the Chamber permits that the Co Prosecutor can proceed with
4 showing this document to witness.

5 [16.08.53]

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 I know it is past 4 p.m. My questions will be very long, and I
9 would like us -- I would like to know whether we should adjourn
10 now or I should start putting my questions to the witness on the
11 contents of this document.

12 MR. PRESIDENT:

13 The Chamber, just now, allows you to ask questions to this
14 witness, whether he has seen this document or not, as you have
15 referred to the questions in document D369/36, because you have
16 just referred to a question in which document D267/5/1.1.25 was
17 referred to. After that, we could -- we will be able to continue
18 with other questions tomorrow.

19 [16.10.01]

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Yes. Witness, can you tell us whether this document, or
22 probably parts or pages in it, were shown you by the
23 investigators with a view to having you express your thoughts or
24 remarks as to the contents of the document?

25 MR. SALOTH BAN:

1 A. I do not know about this document, but I haven't yet examined
2 it thoroughly -- I haven't read thoroughly this document. So I
3 determine that I have never seen this document before, as I
4 haven't read this document. So I do not accept this document.
5 Allow me to indicate a bit further, that it appears on the first
6 look that this document talks about the meetings during that
7 regime. But I do not know who wrote this document, but I can
8 conclude that this is not my document.

9 [16.12.09]

10 MR. PRESIDENT:

11 Let us deal with this issue as follows.

12 The prosecutor has put forward that this document was shown to
13 witness during the investigation phase by referring to document
14 D369/36. In other words, this document has been shown to you,
15 Witness, during your interview with the investigator.

16 This document is now put before you. You are not being questioned
17 for the entire content of the document; only part of the document
18 is being questioned before you. This is the reason why the
19 prosecutor is raising questions to you on the basis of your
20 answers to the Co Investigating Judges.

21 [16.13.20]

22 Now, to be precise, the Chamber will allow you -- or will give
23 you some time for you to examine the document, and after your
24 examination, we will continue discussing about this document.
25 Especially, we want to know whether you were shown the document

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1 by the investigator during the investigation phase -- that is, in
2 the records of the Ministry of Foreign Affairs, as document
3 D267/5/1.1.25 and ERN 00427826. Well, this is an example, and you
4 -- the point is that you were shown or not this document to you,
5 and you did say in this document that you recognize it.

6 So you are requested to come to the court, tomorrow morning,
7 before we begin so that we have some time for you to examine the
8 document tomorrow morning. Can it be possible?

9 Thank you.

10 [16.14.52]

11 And because we -- it is now over time for us to adjourn the
12 Chamber, we'll adjourn for today's proceedings and we will
13 continue tomorrow morning.

14 And because of the importance of questioning witness Saloth Ban,
15 Mr. Witness, you are invited to come to the court again tomorrow.

16 And because you are supposed to examine this document before we
17 begin our proceedings, tomorrow, you should arrive before we
18 begin -- before 9 o'clock, in other words.

19 Duty counsel is also invited to come again tomorrow.

20 Court officer is instructed to facilitate and assist the witness
21 regarding the examination of document and to bring him back
22 before 9 o'clock, tomorrow.

23 Security guards are now instructed to bring the accused persons
24 back to the detention facilities.

25 The Court is now adjourned.

1 THE GREFFIER:

2 All rise.

3 (Court adjourns at 1616H)

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