



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 July 2012

Trial Day 85

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Andrew IANUZZI
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
SE Kolvuthy
Natacha WEXELS-RISER

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

SENG Bunkheang
Dale LYSAK
SONG Chorvoin
Tarik ABDULHAK

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
VEN Pov
TY Srinna
Christine MARTINEAU

For Court Management Section:

UCH Arun

INDEX

MR. ROCHOEM TON (TCW-564)

Questioning by Mr. Seng Bunkheang resumes page 2

Questioning by Mr. Lysak page 17

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. IANUZZI	English
MR. KARNAVAS	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ROCHOEM TON (TCW-564)	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VERCKEN	French

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Before I hand the floor to the Prosecution to continue putting

6 question to the witness, the Greffier, could you report the

7 attendance of the parties and individuals to the proceeding

8 today?

9 [09.02.18]

10 THE GREFFIER:

11 Mr. President, all parties to the proceeding are present except

12 the accused Ieng Sary, who is present in the holding cell

13 downstairs. He requests to waive his direct presence through his

14 counsel in today's proceeding -- for the whole day today. The

15 letter of waiver has been submitted to the greffier.

16 MR. PRESIDENT:

17 Thank you. The Chamber has received the request by Ieng Sary

18 dated the 26th of July 2012 through his counsel to waive his

19 direct presence in the proceeding today and, instead, to follow

20 it through a remote means.

21 Dr. Suos Sem, who is the treating doctor of the Accused at the

22 detention facility of the ECCC, examined and confirms that Mr.

23 Ieng Sary is fatigued and he should not make a lot of movement

24 and he recommends that he should follow the proceeding from the

25 holding cell downstairs.

2

1 [09.03.39]

2 The Chamber is of the view that Ieng Sary who waives his direct
3 presence in the courtroom and instead to follow it remotely
4 through the holding cell downstairs and that he could directly
5 communicate with his defence counsel. The Chamber agrees to the
6 request for this waiver of his direct presence and authorize him
7 to follow it through a remote means in the holding cell
8 downstairs for the whole day proceeding.

9 The AV Unit, you're instructed to link the proceeding through the
10 holding cell downstairs for Mr. Ieng Sary to follow it for the
11 whole day.

12 The floor is now given to the Prosecution to continue putting
13 question to the witness. You may proceed.

14 [09.04.46]

15 QUESTIONING BY MR. SENG BUNKHEANG RESUMES:

16 Thank you, Mr. President. Good morning, Mr. President, Your
17 Honours. Good morning, everyone. And good morning, Mr. Witness.

18 Q. Witness, yesterday, we adjourned when you stated that Pol Pot
19 also went to various zones to give the study sessions.

20 My question is: Did Pol Pot ever go to the front battlefield?

21 MR. ROCHOEM TON:

22 A. Yes, he did go to the battlefields to Son Sen's place, to Koy
23 Thuon's place and to Ta Mok's place and also to Anlong Veng.

24 Q. Thank you.

25 MR. SON ARUN:

3

1 Mr. President, I'd like to take the floor.

2 MR. PRESIDENT:

3 You may proceed.

4 [09.06.17]

5 MR. SON ARUN:

6 I do not have any objection but I'd like the witness to clarify
7 what "battlefield" to mean. Is it where the people fight one
8 another?

9 MR. PRESIDENT:

10 The Prosecution, you may do that.

11 BY MR. SENG BUNKHEANG:

12 Thank you, Mr. President. Commonly used "battlefield" is a
13 battlefield, but we will not delve deeply in through this issue.
14 However, since the issue has been raised, let me put that to the
15 witness.

16 Q. Mr. Witness, could you clarify what you mean by the word
17 "battlefield"?

18 MR. ROCHOEM TON:

19 A. "Battlefield" is the location where soldiers are trained to
20 and to engage in fighting. For example, in regards to Koy Thuon,
21 battlefield was in Kampong Thom. As for Vorn Vet, his battlefield
22 was at the Special Zone.

23 [09.08.03]

24 Q. Thank you.

25 Son Sen -- regarding Son Sen and Ta Mok, where were they?

4

1 A. Regarding the battlefields of these two individuals, for Son
2 Sen it was also at Kampong Thom -- that belongs to the Centre --
3 and Koy Thuon's battlefield was part of the zone. As for Vorn
4 Vet, it was at the Special Zone, and Ta Mok was at the Southwest.

5 Q. Thank you.

6 When Pol Pot went to meet these people, did he make a frequent
7 trip to see them, to your knowledge?

8 A. Yes, he frequently made the trip in order to provide
9 encouragement to those people at the battlefields themselves.

10 Q. Thank you.

11 Let me now return to Office S-21. Can you tell us who actually
12 were living at that Office S-21 at the time?

13 [09.09.47]

14 A. (No interpretation)

15 Q. Let me interrupt, Mr. Witness, I think there is confusion. In
16 fact, I mean S-71.

17 A. The Office S-71, there were Pol Pot, Nuon Chea, and Om Khieu
18 Samphan who remained there rather permanently.

19 Q. Thank you.

20 Regarding Pol Pot's trips to various locations, when Pol Pot made
21 those trips, who was actually in charge while he was away?

22 A. When Om Pol Pot was away, Om Nuon Chea, and Om Khieu Samphan
23 would be there at the office.

24 Q. Thank you.

25 Yesterday, you told the Chamber that you were a messenger for Pol

5

1 Pot at S-71. During that period, did you ever work as a messenger
2 for other leaders of the Party, namely Nuon Chea?

3 [09.12.03]

4 A. When they were together, there was no need to deliver any
5 letter. However, when Om Nuon Chea was at the office and Om Pol
6 Pot was at the front battlefield, then I would be used as a
7 messenger to deliver the letter between them.

8 Q. Thank you. Did you know whether Nuon Chea also made trips as
9 Pol Pot did at the time?

10 A. Yes, he did. He made as many trips as Pol Pot did.

11 Q. When Nuon Chea was away on his trip, did he go there directly
12 -- straightaway or he had to stop somewhere first?

13 A. Sometimes he went directly to that -- the location; at other
14 time he would have to stop on the way at other locations.

15 Q. Thank you. Can you recall the other locations where he stopped
16 before he reached his destination?

17 A. For example, when he left S-71 to Zone 304, in between there
18 was a messenger's office.

19 [09.14.33]

20 Q. Did Nuon Chea ever make a trip to Samlaut?

21 A. He made a trip in 1972 and I actually went with him at the
22 time.

23 Q. So you went along with him. Did you know the purpose of his
24 trip to Samlaut?

25 A. He made his trip to Samlaut in order to meet with the

6

1 Northwest Zone leaders; namely Ros Nhim, Heng Teav, Ta Sou
2 (phonetic), Ta Samay (phonetic), Ta Vaing (phonetic), for
3 instance. He also met with Hou Youn.

4 Q. Did you know his purpose in meeting those people?

5 A. From what I observed and as I stated previously, he held a
6 meeting with those people so the scenario was as same as I
7 described yesterday.

8 Q. Thank you. Yesterday you also told the Chamber that you
9 listened to the radio broadcast -- the Beijing radio broadcast
10 that Ieng Sary was a special envoy in support of Samdech
11 Sihanouk. Can you tell us in what language the broadcast was and
12 who was in charge?

13 [09.17.06]

14 A. The broadcast was in the Khmer language and currently it is
15 still the same broadcast.

16 Q. Thank you. Do you know the reason for Ieng Sary's
17 companionship to Samdech Sihanouk at the time?

18 A. I cannot know the details. However, since that time there was
19 a frequent radio broadcast regarding his presence there.

20 Q. Thank you.

21 Based on your statement, you were the one who was close and
22 worked closely with the Party leaders since 1963. The question is
23 in regards to the liberated zone of the CPK: How many liberated
24 zones until -- of the CPK -- or belonged to CPK until 1975?

25 A. Based on the presentation and based on the information from

7

1 the radio broadcast, most of the countryside were the liberated
2 zones -- most of them, except the provincial towns -- and only
3 some provincial towns.

4 Q. Thank you. At those liberated zones, to your knowledge, was
5 there the authorization of money circulation and market?

6 A. Since my entry from 1967, there was a salary. I also received
7 my salary. And from 1967 to 1975, yes, there was a money
8 circulation.

9 [09.20.26]

10 Q. Thank you.

11 To your knowledge, do you know who were regarded as enemies by
12 the Party?

13 A. As what we were told, we determined that we engage in the
14 popular democratic revolution, and the main enemy was the
15 American imperialists. That's the top enemy who had invaded many
16 countries, and they engage in bombardment for 200 days and
17 nights. That was in 1973. So we were educated on this point, and
18 that was the chief enemy.

19 And another enemy was those who opposed the revolution, who
20 refused to join the revolution. They were kind of the covert
21 enemy, including the CIA and the KGB agents, and that we need to
22 know the distinction between these kinds of enemies.

23 Q. To your knowledge, did the Party have any measures against
24 those people considered to be the Party's enemies?

25 A. Between the period of the coup d'état of 18 March 1970 through

8

1 the '75, in the battlefields, the measure was between the Lon Nol
2 group and the resistance forces, and the Lon Nol groups was
3 backed by the American group.

4 [09.23.39]

5 Q. Thank you. Can you tell us whether you knew any measures taken
6 by the Party for those who were considered to be the enemies?

7 A. In the war time, all zones, sectors, and district levels were
8 <told the enemies were those whom we fought against on the
9 battlefield. Off the battlefield, enemies were those> who opposed
10 the revolution. But I, myself, did not witness any measures taken
11 against those who opposed the revolution at the time. I only knew
12 that we fought the <enemies on> the battlefield.

13 Q. Thank you. Just then, you informed the Chamber that he
14 educated you and others about who were the enemies, or who the
15 enemy was. Can you tell the Chamber, who do you refer to?

16 A. Those senior leaders in the Party, they <shared> the same
17 <opinion of the enemy>, including Pol Pot, <> Khieu Samphan, Son
18 Sen, <Yun Yat, Ieng Thirith> and the rest.

19 [09.26.03]

20 Q. Thank you.

21 Regarding the meeting by the Centre, or the Congress, when the
22 Party decided to relocate their office to Stueng Trang -- that
23 is, to Office S 71 -- which was for the period between 1971 to
24 1975, did you ever observe any meeting between the Party
25 leadership? And if there were any meetings, how frequent were the

1 meetings?

2 A. From what I observed, there were meetings amongst all the
3 members of the centre, from all the zones, for example, and one
4 was held in 1971, but it was not a frequent. That kind of big
5 meeting only took place every three or four years.

6 Q. Thank you. You said that there was a big meeting held in 1971
7 and then every three or four years. What about other smaller
8 meetings? Were there kind of smaller meetings held?

9 A. Yes, there were regular small meetings at the zones, at the
10 battlefields, regardless of the seasons, dry or rainy seasons,
11 and frequently the meetings took place during the rainy seasons.

12 Q. Thank you. You said that there was a big meeting in 1971. Can
13 you tell us who participated in that big meeting?

14 [09.28.38]

15 A. The big meeting held in 1971 was a kind of study session
16 chaired by these two senior leaders, the two Om's, and made all
17 the important cadres participate in that big meeting.

18 Q. Can you recall regarding that big meeting which was
19 participated by all cadres throughout the world and chaired by
20 the two big people -- that is, Nuon Chea and Pol Pot -- was it
21 also known as the Party's Congress?

22 A. There were two parts to that meeting. The sector and the
23 district levels were organized at Zone 304 and they were taught
24 by these two senior leaders, and after that big meeting
25 concluded, there was another meeting for the centre level, and

10

1 there were quite a number of participants as well selected
2 throughout country.

3 And - but, however, it was only the zone level who were recruited
4 to participate in that meeting, not the district or the sector
5 levels.

6 [09.30.50]

7 Q. Do you still recollect, how long did these meetings last for
8 each?

9 A. During the last meeting, it was held for over a week.

10 Q. Thank you. Do you still remember that amount of meetings
11 conducted at S 71, from 1971 through 1975, whether Ieng Sary
12 attended any of the meeting or not?

13 A. Ieng Sary did not attend meetings in 1971 because he had been
14 outside of the country.

15 Q. He did not attend meetings in 1971. What about meetings
16 between 1971 and 1975? According to your best recollection, did
17 he attend any of the meetings during this period?

18 A. Om Ieng Sary attended meetings in 1974, because in 1973 he
19 accompanied Samdech Euv, who came to visit the liberated zone.
20 The then King came to the zones on several occasions, and then in
21 1974, Ieng Sary attended the big meeting.

22 Q. When Ieng Sary attended that big meeting in 1974, do you still
23 remember the subject matter of the meeting at that time?

24 [09.33.36]

25 A. The meeting subject matter was not different from those at

11

1 various other meetings. It was about the general situation in and
2 outside of the country and the situation of the resistance
3 movement and the progress we had made so far concerning the
4 liberated zones, and people from the zones would confirm the
5 updates on this, and live view were also conducted, and these
6 were the routines in the meetings and we went back to each
7 respective zones after the meeting.

8 Q. How could you know that the meetings were all about these
9 subject matters?

10 A. I knew about this because I was on duty to protect -- to give
11 protection to the meeting, and I was also tasked with catering,
12 offering food to the people in the meeting. I shared the
13 conversations with people who catering the food services, and
14 also I spotted or noted the diagrams on the boards, the topics
15 discussed in the meeting, and I really observed what these senior
16 uncles were doing, because I would like to follow their role
17 models. I would like to grasp the update, because I worked with
18 them, I needed to know, it's good for my work, because I would
19 like to know more about this.

20 [09.35.59]

21 Q. Thank you.

22 You said you gathered at the premises. In 1975, did you also
23 guard a place where the meeting was convened?

24 A. From the liberation of 1975, the 17th of April, I had a lot of
25 work to do, and because of this work commitment I did not have

12

1 time to do the guard work. I was in charge of administration,
2 receiving guests, and I did not have time to provide security
3 protection in meetings.

4 Q. Before 1975, indeed before April 1975, was there any meeting
5 you attended as a guard?

6 A. In 1974, there was a meeting where I went to provide
7 protection. After 1974, I went to the battlefield surrounding
8 Phnom Penh. I was at B 5 Office where I provided protection,
9 security protection there.

10 Q. Could you tell the Court what B 5 Office is?

11 [09.38.15]

12 A. B 5 was the command centre to attack Phnom Penh, to liberate
13 Phnom Penh.

14 Q. You stated that there were meetings at B 5. What were the
15 meetings about, if you still remember?

16 A. The regular meetings at B 5 were chaired by Om Pol Pot, who
17 regularly stayed at the location. Sometime Om Nuon Chea, Om Khieu
18 Samphan also came there. Sometimes the three of them would just
19 convene the meeting on a regular basis, and also they meet when
20 people from zones, including Son Sen, Ta Mok, Vorn Vet, Cheng An,
21 Koy Thuon, Ke Pauk, So Phim, and Ta Phuong, who was from the
22 West. He came with Ta Tum, and they set the date. For example,
23 they would meet every five days or a fortnight. It depends on the
24 actual circumstances in the battlefield.

25 Q. At B 5 Office in 1975, was there any meetings of a large

1 scale?

2 [09.40.28]

3 A. As early as 1975, there was no big meetings at the office.
4 Indeed, there were routines, regular daily meetings, but there
5 were more frequent meetings at the Northwest and the West. For
6 example, Koy Thuon and Vorn Vet were in charge of main -- some
7 main roads. Vorn Vet was in charge of National Road Number 4,
8 when Ta Mok was in charge of National Road Number 3.

9 Q. At B 5, with regard to the meetings, was there any time that
10 in the meeting matter of evacuation was discussed?

11 A. So far as I remember, that as early as April 1975, uncles met
12 to discuss about the evacuation of the population. Om Pol Pot
13 raised this concern. Om Nuon Chea, Om Khieu Samphan, Ta Mok, Son
14 Sen, Koy Thuon, Vorn Vet, Cheng An, So Phim, all were there in
15 the meeting. There was a meeting.

16 Q. In that meeting, how did you know the matter, as indicated,
17 was raised?

18 [09.42.47]

19 A. It was on the occasion that I was on duty to guard the
20 premises. The meeting was conducted in the open, in the shed
21 covered by palm leaves. The roof was covered by palm leaves, and
22 there were map. The map of Cambodia was laid there, hanging in
23 the meeting, and I heard that they talked about the friendly
24 situation where they said Lon Nol could never resist any longer;
25 we could really attack them everywhere, so it's just a matter of

1 time that we would win the victory. Later on, indeed, they were
2 defeated.

3 Q. Are you aware of any measures to be taken concerning how
4 people would be evacuated?

5 A. As the principal indicated in the meeting, when we conquered
6 the city of Phnom of Penh the people had to be evacuated. The
7 evacuation had to take place for one week, or people had to be
8 evacuated for a period of one week.

9 Q. At that time, did you also hear anything about the necessity,
10 what made them decide to evacuate the population from the city?

11 [09.45.02]

12 A. We learned from experience. Before we liberated Phnom Penh we
13 had liberated some other provincial towns, and people who engaged
14 in the battlefields shared their opinion and they said that if
15 people remained in the cities the Party would find it difficult
16 to control them, because they had been there for long, so it
17 would not be easy for the cadres to manage them. So they had to
18 be evacuated so that we could easily conquer the cities.

19 So the idea was that if we would like to live, to survive as the
20 resistance, we had to <evacuate> them all, and the revolutionary
21 <could> then move in when the city was empty. <By doing that, it
22 would be easier to manage. That was> the idea shared by many
23 people <at the lower level. I heard about this and it was
24 consistent with the plan from the upper echelon.>

25 Q. Thank you. Did you also hear about the evacuation of the

15

1 population in other areas, apart from Phnom Penh, in that
2 meeting?

3 A. No, I didn't. However, in 1974, Udong was liberated, and the
4 experience was obtained from this liberation. Some people who
5 resided in Tram Khnar, Neak Loeang, Skun, those who engaged in
6 these situations, raised their idea and shared their experience
7 learned from the situation.

8 Q. Thank you.

9 Next, with Mr. President's leave, I would like to provide a
10 document to the witness and have it projected on the screen.
11 Document which is the record of the interview, document E3/63,
12 under ERN in Khmer, 00228844; English ERN is 00231409 through 10;
13 French, 0076054 through 55.

14 (Judges deliberate)

15 [09.48.52]

16 MR. PRESIDENT:

17 You may proceed.

18 Court officer is now instructed to bring the document, the hard
19 copy from the Co-Prosecutor to the witness for examination.

20 BY MR. SENG BUNKHEANG:

21 Q. Mr. Witness, if you look at ERN in Khmer 00228844, it was
22 about early April 1975, concerning the evacuation of Phnom Penh
23 from -- evacuation of people from Phnom Penh led -- the meeting
24 led by Pol Pot, and you indicated that members of the meeting
25 raised or shared their impression concerning the evacuation plan.

16

1 At the same time, you indicated there were Khieu Samphan and Nuon
2 Chea who also gave some input and approved the evacuation plan.
3 My question is: Could you tell the Court what kind of comments
4 made by Khieu Samphan and Nuon Chea concerning the plans for the
5 evacuation of the population?

6 MR. ROCHOEM TON:

7 A. I noted that Om Nuon Chea was on his feet and raised this
8 first. He said that it was necessary and needed approval and it
9 -- the evacuation was noted to be necessary and he expressed his
10 position that he agreed with the plan.

11 [09.51.32]

12 Q. What about Mr. Khieu Samphan? Did he say anything before he
13 approved the plan?

14 A. Om Khieu Samphan also agreed with the plan and the whole
15 meeting applauded and approved the idea.

16 MR. SENG BUNKHEANG:

17 Thank you very much. Mr. President, I have no further questions.
18 I thank you, Mr. Witness, very much for his detailed testimony
19 and, indeed, that the testimony will be important for
20 ascertaining the truth and for the pursuit of justice for the
21 victims.

22 I would like to cede the floor to my colleague to proceed with
23 further questions.

24 [09.52.25]

25 MR. PRESIDENT:

17

1 Thank you.

2 International Co-Prosecutor, you may now proceed.

3 QUESTIONING BY MR. LYSAK:

4 Thank you, Mr. President, members of the Bench. Good morning, Mr.

5 Witness. My name is Dale Lysak, I'm also a prosecutor with the

6 Office of the Co-Prosecutors and I'll have a number of questions

7 for you today.

8 Q. I'd like to start by continuing on with some further questions

9 on the same subject you were just discussing with my colleague,

10 which is the meeting about the evacuation of Phnom Penh.

11 [09.53.16]

12 Just to clarify, was this a meeting that took place at the B-5

13 Office that you referred to before?

14 MR. ROCHOEM TON:

15 A. Yes, it was.

16 Q. And where was the B-5 Office located -- in what village,

17 commune, district or province, if you could tell us?

18 A. B-5 was located in Tang Poun village. I don't remember the

19 commune, but it was in Kampong Tralach district, Kampong Chhnang

20 province.

21 Q. Do you know -- do you remember when the B-5 Office was first

22 established?

23 A. The office was first established by late 1973.

24 Q. And when was it that you first went to the B-5 Office; what

25 year or month, if you remember that detail?

18

1 A. I went to that battlefield in 1972. That was once. Back then
2 B-1 was not yet established. I was there to accompany Om Nuon
3 Chea to Samlaut. That's the place where I first passed when
4 travelling. It was the home town of Nuon Chea's spouse.

5 [09.56.01]

6 And in 1973, first, I went to Chrok Sdech. However, the location
7 was not very convenient -- it was deep into the jungle -- and by
8 late 1973 there was a new location. That's why B-5 was
9 established at Tang Poun village. I remember this very clearly
10 because I was also the one who went there to inspect the location
11 with the commune chief.

12 We went to locate the location that would be -- then become the
13 site for the B-5.

14 [09.57.10]

15 Q. You mention that you first went through this area on your trip
16 with Nuon Chea to Samlaut in 1972 and you indicated that you
17 stopped in the hometown of his spouse. What was that -- the
18 hometown of Nuon Chea's spouse that you visited?

19 A. It was called Srae Andoung village.

20 Q. And while we're talking about this general -- the area of
21 Kampong Chhnang and the area of Udong, were there other Party
22 leaders who also had offices or bases there in the 1973, 1974 and
23 early 1975 time period?

24 A. To the west of that location there was an office of the west
25 zone administrated by Ta Mok.

1 Q. Did Son Sen also have an office or base somewhere near Udong?

2 [09.59.06]

3 A. Yes, he did. He had an office nearby.

4 Q. Do you recall where his -- Son Sen's office was located?

5 A. It was located at Ra Smach, which is near Udong provincial -
6 Udong town. The location was adjacent to the rail tracks.

7 Q. Did the Party also have a military hospital in that same area?

8 A. Yes.

9 Q. Who was responsible for that military hospital, if you know?

10 A. It was Thiounn Thioeunn, the top chief in that office and he
11 was a doctor and there was another person there by the name of
12 Hong. He remained there.

13 [10.01.08]

14 Q. And what about Vorn Vet? Did he also have an office or
15 headquarters somewhere near Kampong Chhnang?

16 A. Vorn Vet's office was together with Cheng An. It was not far
17 from one another, it was situated in Krang Kdep -- that is Krang
18 Kdep village.

19 Q. Was this the office for the Special Zone?

20 A. Yes, it was the office for the Special Zone and there were
21 three of them together, Vorn Vet, Cheng An and another person
22 whose name I cannot recall, but that person passed away already.

23 Q. You mention Cheng An a couple of times this morning as one of
24 the leaders who attended some of these meetings. Could you - did
25 you know what his position was in the Party?

20

1 [10.02.49]

2 A. I did not know his exact role in the Party, but he was always
3 close to and stay with Vorn Vet. He was with the military, or in
4 charge of the military together with Vorn Vet.

5 Q. And was there a point in -- a point of time when the leaders
6 who had been based at S-71 in the Stueng Trang, Chinit river
7 region, all moved and were located primarily at either B-5 or the
8 other Party bases in that area? Was there a particular point in
9 time when most of the Party leaders moved into the B-5 area?

10 A. No, not everyone gathered together. B-5 was the command
11 location for the front battlefields and there were various other
12 offices which were on mobile.

13 [10.04.23]

14 Q. Do I understand that - then, that in the 1974 and early 1975
15 period -- that you continued to work both at the S-71 Office and
16 B-5? Is that correct?

17 A. In 1974 and early '75, I became to stay permanently at B-5.

18 Q. How much time did Pol Pot spend at the B-5 Office in the 1974
19 and early 1975 time period?

20 A. He stayed there permanently during the dry season. However,
21 during the rainy season, he would move to S-71.

22 Q. What about Nuon Chea? How often was he at the B-5 Office in
23 1974 and early 1975?

24 A. As for Om Nuon Chea, he didn't stay long at B-5 Office. The
25 longest was for one week and then he would return to the rear

21

1 battlefield.

2 Q. And how about Khieu Samphan? What periods of time -- how often
3 did Khieu Samphan come to the B-5 Office?

4 A. As for Om Khieu Samphan, he did not go there frequently. On a
5 regular basis, he would remain at the rear battlefield.

6 [10.07.21]

7 Q. And when you say he remained in the rear battlefield, what
8 area are you talking about? Where was that?

9 A. When I say "rear battlefield", I refer to the mobile offices
10 and there were several mobile offices.

11 So, usually, he was on mobile in those offices.

12 Q. What were the names of those mobile offices? Did they have a
13 code number?

14 A. Yes, there were codes. For example, Office S-24, S-22, S-35,
15 S-74, B-17, B-19, B-20, so on and so forth.

16 Q. Thank you for telling us a little more about the B-5 Office.

17 [10.09.04]

18 Let's go back now to the meeting in April 1975 that you were
19 discussing with my colleague. Can you tell us, again,
20 approximately when it was that this meeting took place in
21 relation to the 17th of April 1975?

22 A. A little bit further to the front, there was another village
23 -- that is, Sdok Taol. That is after we moved from B-5 Office.

24 Q. There may have been a problem with the translation of my
25 question, which is a little long. The meeting that you were

1 talking about regarding the evacuation of Phnom Penh, when did
2 that take place? To the best of your recollection, when was that
3 meeting?

4 A. I just stated that there was a meeting in early April 1975 in
5 Office B-5.

6 [10.11.01]

7 Q. And how long did the meeting last? Can you tell us that?

8 A. The meeting did not last that long. It was usually for one
9 morning. So, usually, (inaudible) started at 7 a.m. and concluded
10 around 10 a.m.

11 Q. And you said that the meeting took place in a shed that was
12 covered by palm leaves. Where were you physically located in
13 relation to the shed? Were you inside or were you outside?

14 A. There was no coconut trees nearby the meeting place. The
15 meeting place actually took part in the middle of a jungle and
16 there were trees nearby and they used the palm leaves to cover as
17 the roof for that meeting place. And it was nearby.

18 Q. The - so we have a better understanding, where the meeting
19 took place, was there actually a building or structure that had
20 walls and, if so, what were the walls made of?

21 [10.13.08]

22 A. As I stated, there were no houses around and there was no
23 wall. It was held in the open, there was only roof. And the
24 surrounded area were just rice fields, and there was a small hill
25 nearby; but there were no walls. Even the location where Om Pol

1 Pot stayed, <there was no jungle. He resided near a small
2 ant-hill. The same was for Nuon Chea. He settled by another small
3 hill and the meetings were also held near an ant-hill in an open
4 space>.

5 Q. And while the leaders were meeting and having this discussion
6 about the evacuation of Phnom Penh, how close were you to them?

7 A. I was on <one> side of the <> hill and <they were> on the
8 other side <of the hill. The hill was relatively small>.

9 Q. From where you were located, were you able to hear what was
10 being discussed by the leaders during this meeting?

11 [10.14.37]

12 A. I heard the battlefield committees reported about the
13 situation, and after they report, then Om Number One would
14 summarize, and then he would propose the measures -- the measures
15 including both the military measures as well as the evacuation
16 measure. That was the last battlefield. And all the battlefield
17 commanders would report about the situation at each respective
18 battlefield, and then they decided that it would be better and
19 effective if all people were to be evacuated.

20 Q. And when the decision was made on whether or not to evacuate,
21 were all the leaders who were present at the meeting asked
22 whether or not they agreed that Phnom Penh should be evacuated?

23 [10.16.11]

24 A. I just stated that he raised or proposed the measures and Om
25 Nuon Chea also stood out and agreed to the measure. So everyone

1 -- all the participants agreed to the measure and applauded it.

2 Usually, applauding means they agree to the proposal.

3 Q. You told my colleague that some of the people at the meeting
4 discussed their experiences when other cities had been liberated.

5 Do you remember who it was, which of the people who were present,
6 that discussed their experiences with the liberations of other
7 cities?

8 A. There were liberations in various towns and cities and in the
9 presentation he explained to us about our experiments in
10 liberating those towns and cities. Om Nuon Chea also made that
11 presentation regarding the good points from the experimenting
12 with liberating those towns and cities in order to protect the
13 forces.

14 [10.18.18]

15 Also, this issue was mentioned during the major meetings as part
16 of the experience we had learned from liberating those towns and
17 cities.

18 Q. Just so I'm - to make sure I understand your answer, it was
19 Pol Pot and Nuon Chea who talked about the evacuations of other
20 cities; is that correct?

21 A. Yes, that is correct.

22 Q. And during this instruction -- during this meeting, were any
23 instructions given to the military or the zone commanders who
24 were present on what they were to do related to the evacuation?
25 Did you hear any instructions given to them as to what they were

1 to go back and do in their zones?

2 A. I saw them drawing sketches on the board, the targets that
3 everyone were to be in charge of. So the drawing was made by,
4 first, Pol Pot on the blackboard, and then those people who were
5 charged with those spearhead targets need to be responsible for
6 that.

7 [10.20.22]

8 Q. And did you hear anyone at the meeting express any concerns
9 about evacuating all the people from Phnom Penh; did anyone have
10 any concerns about doing that?

11 A. It seems there was no-one made such a comment during that
12 meeting.

13 Q. Thank you.

14 You also mentioned to my colleague that one of the cities that
15 had been evacuated before was the city of Udong. What do you
16 recall about the liberation and evacuation of Udong? First of
17 all, where were you located? Where were you when Udong was first
18 liberated by the Khmer Rouge forces?

19 A. I was at that Office B-5, and immediately after the liberation
20 of Udong, I went through it and all the way -- I went all the way
21 to Stueng Trang.

22 [10.22.08]

23 Q. The translation was a little impaired. Did you say that after
24 the liberation of Udong, you travelled through there on your back
25 to Stueng Trang? Is that correct?

1 A. Yes, that is correct.

2 Q. Do you remember when it was that Udong was liberated?

3 A. I cannot recall the date, but it was in April. Actually, the
4 attack started from January but it was liberated in April.

5 Q. Is that April of 1974?

6 A. I refer to 1974 because Udong was liberated in '74.

7 Q. And what was done with the residents of Udong when it was
8 liberated by the CPK forces?

9 A. When I entered the area, it was very quiet, there was no-one.
10 Mainly to the west of the river -- that is, the way to Amleang or
11 Trapeang Chour, Aoral, they went that way. So they evacuated from
12 the town centre and they spread to the nearby villages and
13 assembled on the way.

14 [10.24.48]

15 Q. How soon was it after the liberation of Udong that you
16 travelled to the city?

17 A. As I recall, it was about a week after. The town had been
18 liberated. However, the Lon Nol soldiers were still present at
19 the Tep Pranam School and it took another week to defeat them at
20 that school - at Wat Tep Pranam. And that Wat Tep Pranam, or
21 Pranam Pagoda, was close to Pranam School.

22 Q. Who was with you when you travelled through Udong one week
23 after it was liberated?

24 A. I went by myself. As I stated early, I usually travelled by
25 myself on a motorbike.

1 Q. And you indicated that you were at the B-5 Office at the time
2 of the liberation. Were any of the Party leaders at the B-5
3 Office at that time when you were there?

4 A. Yes, they were.

5 [10.26.50]

6 Q. Who was - who was there at that time?

7 A. On a regular basis, Pol Pot would be there.

8 Let me clarify it a bit further. At B-5, he actually asked me to
9 monitor the road all the way to Stueng Trang, so I was assigned
10 by him to monitor that road.

11 Q. So the reason that you left the B-5 Office and went through
12 Udong to Stueng Trang was because of this assignment from Pol
13 Pot; do I understand -- is that correct?

14 A. Yes, that is correct.

15 Q. And what was it that Pol Pot wanted you to monitor when you
16 went to Udong and continued on from there to Stueng Trang? What
17 is it that he wanted you to look for?

18 A. He assigned me to check on the situation along the road and,
19 number two, to deliver a letter to Koy Thuon. At that time, Koy
20 Thuon was at Batheay Mountain, he stationed there, so I also
21 delivered a letter to him.

22 Q. After you completed this assignment, did you report back to
23 Pol Pot on the situation?

24 A. After I reached the destination and after having met Koy
25 Thuon, I went to Stueng Trang.

28

1 [10.29.38]

2 Actually, I also had another letter at the time for Om Nuon Chea.

3 He was at Office 74 then.

4 Q. What was Office 74 or S-74? What was that office?

5 A. Office S-71 <was located near Chinit tributary, whereas Office

6 S-74 was along the main river in Meak village, Stueng Trang.

7 Situated between Meak village and Dei Kraham village was this

8 Office S-74, which was in close proximity> to the district town

9 of Stueng Trang.

10 Q. I want to ask you now about a statement that we have from you

11 from an earlier interview many years before you spoke to the

12 Investigating Judges.

13 But, first, I'd like to ask you, do you remember being

14 interviewed by a British journalist named Philip Short? This

15 would have been probably in the late 1990s or early 2000s. Do you

16 remember giving an interview to a British journalist named Philip

17 Short?

18 A. Yes, I do. He interviewed me and gave me some documents,

19 either in English or French, I don't remember.

20 [10.31.33]

21 MR. PRESIDENT:

22 Thank you, Mr. Co-Prosecutor and Witness.

23 Since it is now appropriate time for the adjournment, we would

24 adjourn for 20 minutes.

25 Court officer is now instructed to assist the witness and his

1 duty counsel during the adjournment and have them returned to the
2 courtroom by 10 to 11.00.

3 (Court recesses from 1032H to 1053H)

4 MR. PRESIDENT:

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

6 Without further ado, I would like to hand over to the
7 Co-Prosecutor to proceed with the questions.

8 BY MR. LYSAK:

9 Thank you, Mr. President.

10 Q. When we left off, we were talking about the evacuation of
11 Udong, and you had just confirmed that you remembered being
12 interviewed by Philip Short.

13 Mr. President, at this time I'd like to present to the witness an
14 excerpt from Philip Short's book that contains a quote from the
15 witness. The document is E3/9. It is English ERN 00396465, French
16 ERN 00639786 through 639787, and Khmer ERN 00755582. And I have a
17 hard copy to show the witness and would like to put that on the
18 screen too, with your permission.

19 [10.55.28]

20 MR. PRESIDENT:

21 International Co-Counsel for Mr. Khieu Samphan, you may now
22 proceed.

23 MR. VERCKEN:

24 Thank you, Mr. President. I object to the manner in which the
25 prosecutor is proceeding.

30

1 I haven't done so, so far, because – I object now because the
2 references are suggestive -- are leading. We know that the
3 witness can read the documents before testifying in Court, but
4 now we see the prosecutor trying to refresh the witnesses' memory
5 by mentioning a book by Mr. Short, without having asked him to
6 confirm the points on which the prosecutor wants to put questions
7 to him. I object to this manner of proceeding because it is
8 leading.

9 [10.56.45]

10 MR. PRESIDENT:

11 Co-Prosecutor, you may now proceed to respond to what counsel for
12 Khieu Samphan indicated.

13 MR. LYSAK:

14 Yes. Thank you, Mr. President. There's absolutely nothing leading
15 about this question.

16 The witness has already testified to his knowledge of Udong --
17 talked about these matters. This book contains a quote from him
18 that elaborates further and we're certainly entitled to present
19 that to him, to ask him to confirm that he provided that
20 information and use this book, which is admitted before the
21 Chamber, to further -- provide further details about this event.

22 (Judges deliberate)

23 [10.59.32]

24 MR. PRESIDENT:

25 The objection and the argument supporting the objection by

31

1 counsel for Mr. Khieu Samphan are not sustained.

2 The Chamber wishes to hear the response from the witness to the
3 question posed to him.

4 Court officer is now instructed to bring the hard copy of the
5 document from the Co-Prosecutor to the witness for examination
6 before questions are put to him.

7 BY MR. LYSAK:

8 And, Mr. President, if -- we have that prepared to show on screen
9 if the Court would also like us to display the Khmer version on
10 the screen for everybody.

11 Q. Mr. Witness, while you're reading that, let me read, for the
12 record, the exact section that I wanted to ask you about from
13 Philip Short's book. The passage reads as follows - quote:

14 [11.01.32]

15 "Finally, in March 1974 came the evacuation of Udong. According
16 to Pol's aide, Phy Phuon, 'it worked well in the sense that there
17 weren't any big problems [for us] in resettling the evacuees from
18 Udong in the countryside and, on their side, the town-dwellers
19 didn't cause any special difficulties either. It was a radical
20 solution designed to foil any attempt by the enemy to destabilize
21 our forces -- and at the same time it was an internal measure,
22 because for our cadres, if they were living close together with
23 the urban population, there was a risk that they would be
24 politically and ideologically corrupted. They might be influenced
25 by the new urban environment... If the town-dwellers were

1 evacuated, that risk was avoided. You must understand that the
2 final goal was the liberation of Phnom Penh, and to that end we
3 had to sharpen our political and ideological stance. Was it so
4 our cadres would avoid the 'sugar-coated bullets of the
5 bourgeoisie?' Yes!" End of quote.

6 [11.03.01]

7 Can you tell us, first of all, whether this is a accurate
8 statement of what you told Philip Short about the evacuation of
9 Udong?

10 MR. ROCHOEM TON:

11 A. He asked me a question and that was my response then.

12 Q. And when you said that the purpose of the evacuation of Udong
13 was to - quote -- "foil any attempt by the enemy to destabilize
14 our forces" -- end of quote -- and to prevent cadres from being
15 politically and ideologically corrupted by the urban population,
16 how had you learned that that was the purpose of the evacuation
17 of Udong? From whom did you learn that?

18 [11.04.31]

19 A. As I stated earlier this morning, I learned it through his
20 presentation at each study session. Either Nuon Chea, Pol Pot, or
21 Khieu Samphan presented this idea to us. And that was the
22 experience they learned. And they -- or, they were good
23 experiences, and we should draw the good point from it in order
24 to finally liberate Phnom Penh. And that's how I learned it.

25 Q. Thank you.

1 I'd now like to ask you a few more questions about the big
2 meetings in 1971 and 1974 that you mentioned to my colleague
3 earlier.

4 [11.05.36]

5 First of all, the meeting in 1971. You indicated that there was
6 two parts to the meeting: first, there was a meeting at the North
7 Zone office for sector -- that included sector and district
8 cadres and that, after that, there was a meeting between the
9 people -- the leaders from the Centre and the zone leaders. And I
10 want to focus on that second meeting between the Party Centre and
11 the zone leaders.

12 My first question is: Were you present during that second
13 meeting? Were you on guard at that meeting?

14 A. I already mentioned this morning that the meeting took place
15 in the office near Trapeang Prei village. It was held in the
16 jungle. In that meeting, I saw members from each zone
17 participating. And at that time, the meeting did not last that
18 long.

19 [11.07.13]

20 I was present there as well. I was on guard at the time. And as I
21 said earlier, the content of the meeting was similarly presented.
22 It was similar to the content of the meeting held for the sector
23 and the district leaders.

24 Q. Who were the leaders from the Party Centre who were present at
25 that meeting?

34

1 A. The meeting at that time was participated or attended by Pol
2 Pot, Nuon Chea. And as for the Zone 304, there was Koy Thuon, and
3 there were Ke Pauk and Doeun. And for the Zone 203, there was So
4 Phim, Phuong, and Ta Tum -- that is for the East Zone. And for
5 the Special Zone, there was Vorn Vet. And for the Southwest Zone,
6 there was Ta Mok, Ta Chong, and Ta Si (phonetic). As for the
7 Northwest, there was Ros Nhim and Ta Keu, and Ta Ktal (phonetic).
8 As for Sector 103 in Preah Vihear, there was also a leader from
9 there. As for the Northeast Zone, there were Ya and Bong Vong. As
10 for Mondulkiri, there was Bong Laing.

11 [11.09.40]

12 Q. Was Khieu Samphan present at this meeting?

13 A. I did not seem to see him. I think he was at Office S-71 at
14 the time. It was at the other side of the river -- that is,
15 Chinit River.

16 Q. Mr. President, I'd like to show the witness, at this point,
17 some photographs that have been admitted before the Trial
18 Chamber, to see if he recognizes them and can help us with the
19 photographs. What I'd like to present to the witness are
20 photographs E3/136, E3/137, and E3/1595.

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 Court Officer, could you take the hard copy document for the
24 witness to examine?

25 BY MR. LYSAK:

1 Q. And, Mr. Witness, before I put -- ask you any specific
2 questions, or put these on screen -- or ask to put on the screen
3 -- the first I want to ask you is whether you recognize the
4 location at which these photos were taken.

5 [11.12.13]

6 Have you seen these photographs, or have you seen this location
7 before?

8 MR. ROCHOEM TON:

9 A. That photo -- that is, 136 -- it was the congress that I -- it
10 was the big meeting that I mentioned earlier, that was held near
11 Trapeang Prei village. I can recall, there was a board -- that
12 is, the floor board -- yes, and that's how I remember it.

13 As for photo 137, I am not that sure of the location, but I saw
14 the background photo of the -- Lenin and other people. It would
15 point to the same location.

16 [11.13.45]

17 As for the other photo -- that is, 1595 -- that is rather blurred
18 to me. But I can recall that the roof was a zinc roof, so I
19 believe it was taken at the same location.

20 So all three photos -- to my mind, they are taken at the same
21 location. One photo, as I can recall, it was the floorboard, and
22 the other one was the zinc roof. That's how I remember it.

23 Q. Do you remember who took these photographs?

24 A. At that time, there would only be one person that -- there was
25 Bong Pang. He was the sole photographer.

1 Q. And if you could turn back to photograph E3/136 -- and, Mr.
2 President, if we could put this on the screen -- we've also, in
3 the copy we can show on the screen -- put numbers next to the
4 various people to make it easier to identify, if the witness is
5 able to identify the people. So we'd like to display that on the
6 screen. I have extra copies of the photograph with the numbers
7 marked for the parties and for the greffier, if he would like to
8 keep a copy for the Court record as well.

9 But the reason we marked the numbers on was to make it easier for
10 the witness to identify -- ask questions about who people were
11 and to identify the specific people in the photograph.

12 MR. PRESIDENT:

13 You may proceed.

14 [11.16.40]

15 Mr. Witness, please wait till you are asked before you speak.

16 BY MR. LYSAK:

17 Q. Mr. Witness, if you could start by looking at the people who
18 are standing in the back row of photograph E3/136 and identify
19 them. And if you can use the numbers that are put there, that
20 would be helpful to us too. But can you tell us which people in
21 the back row of the photograph that you are able to recognize?

22 MR. ROCHOEM TON:

23 A. Number 1 is Pol Pot, number 6 is Ya, number 4 is Nuon Chea,
24 number 3 is Koy Thuon, number 2 is Ta Mok, and number 14 is So
25 Phim. And to me, the rest is unclear. It's rather blurred to look

1 at.

2 [11.18.12]

3 Q. And the person you identified as Pol Pot, is that the person
4 who's standing at the very far right-hand side? You indicated
5 "1". Actually, it appears to be number 10.

6 MR. PRESIDENT:

7 The Prosecutor, you cannot put such a question to the witness.
8 Defence Counsel, you may proceed.

9 MR. KARNAVAS:

10 Thank you. Obviously, he's not happy with the answer. There is a
11 technique. This is not the technique. This is giving the answer
12 to the witness. This is, regrettably -- is a technique that
13 should never be used in this Court, and for these purposes. And
14 if we had been doing this, he would be yelling at us.
15 I'd appreciate if the gentleman would simply ask him to point
16 out, or to say who he is next to, or give another number. But to
17 do it the way he did it is utterly inappropriate, and he knows
18 better.

19 [11.19.19]

20 MR. LYSAK:

21 Mr. President, we're talking about Pol -- Pol Pot here. I don't
22 think there's a whole lot of controversy about that. The witness
23 clearly did not see the full number when he identified this
24 person and I'm simply seeking to clarify that. I hardly think
25 this is a matter of great controversy. But I'm happy to have the

1 witness clarify and explain where in the photo the person he
2 identified as Pol Pot is located.

3 MR. PRESIDENT:

4 Witness, you can respond to that question of the prosecutor.

5 MR. ROCHOEM TON:

6 A. Pol Pot is number 10, Ya is number 6, Nuon Chea is number 4,
7 Koy Thuon is number 3, and So Phim is number 14. I cannot
8 remember the rest because they are rather unclear.

9 [11.20.45]

10 BY MR. LYSAK:

11 Q. Thank you for that.

12 Can you now turn to photograph E3/1595? And I recognize that the
13 copies we have of this photograph are also somewhat blurry. But
14 I'd like to direct you to the back row of the photograph and ask
15 you if you are able to identify for us the person who has the
16 number 11 above his head.

17 MR. ROCHOEM TON:

18 A. For figure number 11, it seems like it is Om Khieu Samphan,
19 but I am not a hundred per cent sure. It is very difficult to
20 identify it in this blurry photo.

21 Q. Thank you. We'll see if we can -- if we happen to have a
22 clearer copy of this photo. Do you see yourself -- are you in
23 this photo anywhere, Mr. Witness?

24 A. I cannot see myself in the photo. Number 35, that is the wife
25 of Om Pol Pot.

1 Q. Looking at these photographs, can you tell us when, in 1971,
2 this congress took place?

3 [11.24.28]

4 A. It was held during the rainy season, and the rain at that time
5 was rather heavy. I believe it was in July or August.

6 Q. Thank you.

7 I have no more questions about the photograph, so we can turn to
8 another subject now, which is the other big meeting that you
9 mentioned to my colleague this morning, which was a meeting in
10 1974.

11 And the first question I wanted to ask you is: Did the meeting in
12 1974 take place at the same location as the 1971 meeting, or was
13 it at a different location?

14 A. The 1974 meeting was held at a far distant location. The first
15 meeting was held near Stoeng Chinit River, but the second one was
16 near the river bank of <the> Mekong River. It was near <Stoeng
17 Trang district. It was held in Meak village which was at the
18 lower part of Dei Kraham village. Along the base of the mountain,
19 that area elevated slightly. The 1974 meeting was held at a
20 completely separate location.>

21 [11.26.24]

22 Q. How many of the Party leaders were present at the 1974
23 meeting, if you recall?

24 A. There were many participants in 1971 meeting, but there were
25 less in the 1974 meeting.

40

1 Q. How long did the meeting in 1974 last? Do you recall how many
2 days?

3 A. It lasted more than a fortnight.

4 Q. And do you remember what time of the year, what month, in
5 1974, that meeting took place?

6 A. The 1974 meeting was also held in the rainy season, and it was
7 in July.

8 Q. Mr. President, at this point to help refresh the recollection
9 and seek some clarification, I'd like to present and ask the
10 witness about a issue of "Revolutionary Flag", which is the
11 September 1977 issue, which is document E3/11. The specific site
12 is Khmer ERN 00063162, English ERN 00486247, and French ERN
13 00492836. And we have a copy for the witness and can put the
14 relevant part of the document on the screen, too, with your
15 permission.

16 [11.29.10]

17 MR. PRESIDENT:

18 Defence Counsel for Ieng Sary, you may proceed.

19 MR. KARNAVAS:

20 Thank you, Mr. President. Before we get to that, perhaps the
21 gentleman may wish to lay a foundation.

22 If, in fact, the witness has never seen that particular
23 "Revolutionary Flag" or is unaware of the content, showing him
24 the content in order to now create a memory or validate or expand
25 on what he is testifying is improper. The "Revolutionary Flag",

41

1 if it's already in, it's in, it's for you to consider. But that
2 should not be used at this point if, in fact, the witness has not
3 seen that edition or has heard of the contents therein. So some
4 questions prior to showing such documents should -- should be
5 posed in order to lay a proper foundation to see whether the
6 witness is competent to answer questions from that particular
7 document. Thank you.

8 [11.30.12]

9 MR. LYSAK:

10 Mr. President, the foundation has already been laid. This witness
11 has indicated he was a Party member, that he recalled receiving
12 "Revolutionary Flag" after -- after liberation.

13 Moreover, I am going to ask him specifically about a reference to
14 a meeting of the Central Committee for mid-1974 that's referred
15 in this.

16 He's already indicated that he was present at a meeting of the
17 Centre, and I simply want him to confirm whether or not the
18 meeting that is described in the "Revolutionary Flag" is the
19 meeting that he has been testifying to before us today.

20 (Judges deliberate)

21 [11.33.03]

22 MR. PRESIDENT:

23 The objection made by international co-counsel for Mr. Ieng Sary
24 is not substantiated and therefore not sustained.

25 The court officer is now instructed to bring the hard copy of the

42

1 document from the Co-Prosecutor to the witness for examination
2 before he proceeds with the questions he intended to ask the
3 witness.

4 The Co-Prosecutor is advised to give some time to the witness to
5 review the document. The Chamber will ask him a few questions
6 concerning his knowledge of the document, whether he has seen the
7 document before or not. Only if he has said he has seen the
8 document that questions relevant to this should proceed.

9 (Short pause)

10 [11.34.42]

11 MR. LYSAK:

12 Mr. President, just so -- the translation in English indicated
13 the Chamber was going to ask questions. Was that a correct -
14 correct translation?

15 MR. PRESIDENT:

16 Mr. Witness, you already have read the document in your hands. Do
17 you recall having seen the documents or read them during the
18 course of your work during the Democratic Kampuchea and at a
19 later stage?

20 MR. ROCHOEM TON:

21 I have seen some of them. This document dated June -- the
22 Congress in June 1974 -- I have read this document before.
23 Indeed, there were a lot of documents that I have read, and I
24 don't remember the details.

25 [11.36.22]

1 MR. PRESIDENT:

2 Mr. Co-Prosecutor, you may now proceed with your questions.

3 BY MR. LYSAK:

4 Thank you, Mr. President.

5 Q. The question I wanted to ask you, Mr. Witness, is that this
6 issue of "Revolutionary Flag" refers to a meeting of the Party
7 Central Committee that was held in June 1974, and states as
8 follows -- quote: "...our Party's Central Committee, in the course
9 of its June 1974 conference, resolved to mount the decisive
10 offensive to liberate Phnom Penh and the entire country." End of
11 quote.

12 My question to you is: Does this refresh your recollection that
13 the big meeting in 1974 that we've been talking about took place
14 in June of 1974? You had mentioned July 1974 which is close, but,
15 does this refresh your recollection? Do you think that this is
16 the same meeting that we've been talking about?

17 [11.37.50]

18 MR. ROCHOEM TON:

19 A. Just now, I said it was in July. However, having read the
20 document, it stated that it's June, and I agree that it was in
21 June, because I cannot fully recollect the exact date. It was
22 indeed happening during the rainy season.

23 Q. And do you recall whether one of the issues that was discussed
24 at this meeting in 1974 was mounting the offensive to liberate
25 Phnom Penh?

1 A. Yes. They were focussing on the attack to liberate Phnom Penh.
2 It was already after Udong was liberated and it was -- and the
3 meeting was convened to prepare for liberating Phnom Penh.

4 [11.39.12]

5 Q. And you told my colleague already that Ieng Sary had returned
6 at this time. But I just want to again clarify, was this a
7 meeting that Ieng Sary participated in? Was this during the time
8 that he returned to Cambodia in 1974?

9 A. I stated that the meeting was in 1974. He also attended the
10 meeting, but he didn't stay there quite long. He was there
11 briefly and left.

12 Q. And, in addition, you indicated there were fewer participants
13 at this 1974 meeting. In addition to Ieng Sary, who were the
14 other people -- the other leaders -- that you recall who were
15 present at the June 1974 meeting?

16 A. People from all zones came to the meeting. However, the
17 meeting in 1974 was not fully attended by members from the zones
18 as it was conducted in 1971.

19 Q. Were Pol Pot, Nuon Chea, and Khieu Samphan at the 1974
20 meeting?

21 A. Yes. They were; all of them.

22 [11.41.43]

23 Q. And you've indicated that not all the zone leaders were there.
24 Which of the zone leaders do you remember being present at that
25 meeting?

45

1 A. I saw So Phim, Koy Thuon, Ta Mok, Vorn Vet, Ros Nhim, Son Sen,
2 Ieng Sary; all of these people attended that meeting.

3 Q. Do you remember whether at this 1974 Central Committee meeting
4 -- whether one of the issues that came up was the situation
5 related to a man named Prasith, who had been the leader of the
6 Koh Kong region? Do you remember whether that issue came up in
7 the 1974 meeting?

8 A. No, I don't know.

9 Q. Do you recall what happened to Prasith, the Party leader from
10 Koh Kong in 1974?

11 A. At Koh Kong, he was known as Ta Chong, who was representing
12 the province. But he was not present during the meeting. We
13 didn't see him.

14 [11.44.36]

15 MR. LYSAK:

16 Mr. President, to refresh the recollection of the witness, I'd
17 like to refer him to a -- read to him another passage from Philip
18 Short's book that contains a quote attributed to him. This is
19 document E3/9, and the translation -- or the relevant ERN is
20 English, 00396468; French, 00639790-91. And there is
21 unfortunately not a Khmer translation of this particular passage.
22 So I would request leave to read it into the record for the
23 witness.

24 MR. PRESIDENT:

25 Do you have the document available in Khmer in hard copy?

1 [11.45.55]

2 MR. LYSAK:

3 Mr. President, this is the book written by Philip Short that's in
4 the case file. There is only particular parts of the book that
5 have been translated in Khmer. There is a complete English and a
6 complete French translation, so what I am proposing to do here is
7 read the -- read the quote that's attributed to the witness and
8 have it translated into Khmer for him to then respond to. But we
9 don't have a -- there is not a Khmer translation of the entire
10 Philip Short book at this time.

11 MR. PRESIDENT:

12 You may proceed.

13 However, I heard that you would like to provide the document in
14 hard copy to the witness. But you indicated earlier on that the
15 copy was not available in Khmer. However, you may now proceed.

16 And witness is now advised to put aside the documents in his hand
17 so that he can focus on another question relevant to another
18 piece of document.

19 You may proceed, Co-Prosecutor.

20 [11.47.15]

21 BY MR. LYSAK:

22 Thank you, Mr. President.

23 Q. Mr. Witness, let me read this to you, and -- and this is a
24 section from Philip Short's book that is talking about what
25 happened to Prasith in 1974 -- quote:

1 "This was the first time, however, that intra-Party conflict had
2 reached into the ranks of the Central Committee. It was the first
3 time, too, that the Party leadership had authorized the execution
4 of one of its own members. Prasith's case was discussed at length
5 during the plenum at Meak. 'Pol explained', his aide-de-camp Phy
6 Phuon remembered, 'that the class struggle had become extremely
7 acute, and we had to take a resolute, decisive stance against our
8 enemies. He said that anti-communists and counter-revolutionaries
9 had to be dealt with categorically'." End of the quote attributed
10 to you.

11 [11.48.32]

12 The passage then continues: "But Phuon was not entirely
13 convinced. 'Prasith', he told himself, 'was from a national
14 minority, as I am. Is that how they think they can treat people
15 like us?'"

16 My first question is: Do you remember discussing Prasith with
17 Philip Short when he interviewed you a number of years ago?

18 MR. ROCHOEM TON:

19 A. I'm afraid I don't recollect this. I already stated that he
20 failed to show up in that meeting. It was not normal, because
21 normally he would have attended the meeting. So I could not come
22 into detail regarding this.

23 [11.49.44]

24 Q. Fair enough.

25 Were you aware of any Party leaders in the 1974 period who were

1 disciplined because they disagreed with Party policy?

2 A. I have not read in details in the form of documents, so I
3 don't recollect it.

4 Q. Do you recall whether Hou Youn, in 1974, expressed any
5 disagreement with Party policies?

6 A. I then heard that people who worked together met him and
7 chit-chatted and Uncle Youn was heard to had -- have disagreed
8 with the evacuation plan. And, indeed, there were 80 people who
9 worked at the location, so when we were tasked with guarding the
10 premises, we heard from others about this discussion that Uncle
11 Youn disagreed with the evacuation plan of the people from the
12 city of Phnom Penh.

13 Q. Was Uncle Youn subject to any tempering or discipline for
14 expressing disagreement with the Party's policies?

15 [11.52.45]

16 MR. PRESIDENT:

17 Witness, could you please hold on? Wait until we hear from
18 counsel for Mr. Ieng Sary first.

19 Counsel Ang Udom, you may now proceed.

20 MR. ANG UDOM:

21 Thank you, Mr. President, Your Honours and the Court, and
22 everyone in and around the courtroom. Just now, the witness
23 indicated about the meeting and the person by the name of Hou
24 Youn and he said that he heard from others concerning this
25 individual. So he only heard from others. I should have been on

1 my feet to reject such a question.

2 [11.53.29]

3 Now the -- my learned colleague -- is trying to dwell on this
4 question of this matter again. We should now reject such a line
5 of questioning because the witness says that he heard from
6 others, and such a statement could not be used as evidence.

7 MR. PRESIDENT:

8 Mr. Co-Prosecutor, would you wish to respond to such objection?

9 MR. LYSAK:

10 Yes, very briefly, Mr. President. That's not a valid objection in
11 this Court. There is no hearsay rule. Witnesses are entitled to
12 testify to information that they heard from other sources. So
13 that is not a valid objection.

14 (Judges deliberate)

15 [11.55.22]

16 MR. PRESIDENT:

17 The objection by counsel for Ieng Sary is not sustained.

18 The argument itself was not substantiated. Therefore, the Chamber
19 would like to hear from the witness to the question posed by the
20 Co-Prosecutor.

21 It appears that the witness may have forgotten the question
22 already, so prosecutor is instructed to repeat the question.

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. My question was whether Hou Youn was subject to tempering or

50

1 some other discipline for expressing disagreement with the
2 Party's policy.

3 MR. ROCHOEM TON:

4 A. I, at that time, personally did not see whether he was being
5 tempered or subject to such tempering or not, because he worked
6 at the bases. He attended meetings in areas that were liberated.
7 So he went to the locations more regularly.

8 [11.57.06]

9 Q. Fair enough.

10 I want to turn now -- we have a few minutes left before the break
11 -- turn now to the events of 17 April 1975, if I may. Can you
12 tell us where -- where were you on the morning of 17 April 1975?

13 A. On that day, the 17th of April 1975, I was at the Sdok Taol
14 Office with Om Number One.

15 Q. And by -- just so the record is clear -- by "Om Number One",
16 you are referring to Pol Pot?

17 A. Yes, it is. It is referred to Pol Pot.

18 Q. Where was the Sdok Taol Office located in relation to the B-5
19 Office that we talked about earlier today?

20 A. Sdok Taol Office was 10 kilometres apart from that office; it
21 was more adjacent to the Ra Smach location, closer to the front
22 battlefield.

23 [11.59.22]

24 Q. And other than yourself and Pol Pot, who else was at the Sdok
25 Taol Office on the morning of 17 April 1975?

51

1 A. There were other people, including the commanders of the
2 battlefields. There was Son Sen, Koy Thuon, Ta Mok, and Vorn Vet
3 who gathered on that day at that location.

4 Q. Was Khieu Samphan there?

5 A. No, he wasn't there on that day.

6 Q. Did you know -- do you know where he was located on the 17th
7 of April 1975?

8 MR. PRESIDENT:

9 Witness, could you please hold on? The question from the
10 Co-Prosecutor was not properly heard. Perhaps his mic was not
11 activated. Could you please repeat it?

12 [12.01.14]

13 BY MR. LYSAK:

14 Q. My apologies. The question is: Do you know where Khieu Samphan
15 was located on the 17th of April 1975?

16 MR. ROCHOEM TON:

17 A. I just didn't see him in the Sdok Taol Office. He could have
18 been at the rear battlefield.

19 Q. Do you remember whether Nuon Chea was at the Sdok Taol Office
20 that day?

21 A. I didn't see him.

22 Q. Were you asked by Pol Pot to go into Phnom Penh on the 17th of
23 April 1975?

24 A. No, I wasn't. On the 17th of April I was with him. There was
25 no assignment. But on the 19 of April, Son Sen went to Phnom

1 Penh, and I went with him. It was on the 19th of April.

2 MR. PRESIDENT:

3 Thank you, Mr. Co-Prosecutor and the Witness.

4 Since it is now appropriate time for lunch adjournment, the
5 Chamber will adjourn until 1.30.

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

7 [12.03.44]

8 MR. IANUZZI:

9 Thank you, Your Honour. Good morning, everyone. Very briefly, I'm
10 informed that our client is suffering from lower back pain,
11 headache and a general lack of concentration. Accordingly, he
12 would prefer to retire to the holding cell this afternoon.

13 I'm also informed by our client that these reoccurring conditions
14 are routinely preventing him from actively participating in the
15 proceedings during the afternoon sessions. I wanted to put that
16 on the record. I understand the Court is partially in the
17 business of keeping up appearances here. I want to make it very
18 clear that he is not always actively following the proceedings
19 from his holding cell, but the request stands. Thank you.

20 (Judges deliberate)

21 [12.05.02]

22 MR. PRESIDENT:

23 The Chamber has noted the request of Nuon Chea through his
24 counsel, asking the Chamber to allow him to observe the
25 proceedings from the holding cell for the remainder of the day.

53

1 The Chamber therefore grants such request.

2 Nuon Chea can observe the proceedings for the remainder of the
3 day. He has already waived his right to directly participate in
4 the courtroom.

5 The Chamber would like counsel for Nuon Chea to produce the
6 waiver thumb-printed or signed by Nuon Chea.

7 And AV booth officers are now instructed to ensure that the AV
8 audio links are connected to the holding cell so that Mr. Nuon
9 Chea can observe the proceedings from his holding cell.

10 Security personnels are now instructed to bring all the accused
11 persons back to the holding cells and have Mr. Khieu Samphan
12 return to the courtroom, leaving Nuon Chea in the holding cell,
13 where he can observe the proceedings from there.

14 The Court is adjourned.

15 (Court recesses from 1206H to 1339H)

16 MR. PRESIDENT:

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

18 The floor will again be given to the Prosecution to continue
19 posing question to this witness.

20 However, before we hand over the floor, the Chamber would like to
21 make an observation, in particular for the international defence
22 counsel for Nuon Chea.

23 Please stand.

24 [13.40.28]

25 Due to the matter arising this morning before the lunch break,

54

1 regarding your request to the Chamber for Nuon Chea to observe
2 the proceeding remotely, the Chamber would like to inform you
3 that the room equipped with the audio-visual means, although it
4 is not the same as being directly in the courtroom, it is
5 appropriate and sufficient for the Accused to follow the
6 proceeding and that he's in a position to communicate with the
7 counsel, and vice versa.

8 The room which has been prepared and equipped with the
9 audio-visual means has already been examined by all the lawyers,
10 and there has been no objection to the arrangement of the
11 audio-visual equipment which the ECCC has put in place.

12 In the case of the client or the counsel as raised by the counsel
13 this morning, which does not have any grounds to support such a
14 request - and as defence counsel, the issue between you and your
15 client is their own issue and you have to deal with it and fulfil
16 your duty and obligation as a counsel appropriately -- and
17 whatever you raise, you shall have grounds for that request or
18 submission. This is to avoid being put a request or submission
19 without any ground.

20 [13.42.59]

21 And if any Judges of the Bench would like to add to what I said,
22 please proceed.

23 Judge Cartwright, you may proceed.

24 JUDGE CARTWRIGHT:

25 Thank you, President. Just to summarize, the facilities in the

1 holding cell are available to enable the Accused -- any Accused
2 -- to participate in more informal circumstances than in the
3 courtroom. They have been inspected and approved by all parties.
4 If, however, they are not serving their purpose, it is the
5 responsibility of counsel for the particular Accused to draw that
6 to the Chamber's attention when it happens, and not make a
7 general comment in Court. Thank you, President.

8 [13.43.56]

9 MR. IANUZZI:

10 Thank you, Your Honours. If I may just make a point of
11 clarification, I was not criticizing in any way -- excuse me --
12 the facilities. I've seen the facilities. They're more than
13 adequate.
14 What I was saying for the record is that in reality, due to those
15 concerns that I mentioned this morning, our client is not
16 actually -- he's not actually actively participating in the
17 proceedings -- without any reference to the technical
18 capabilities of these facilities that you've been discussing.
19 So perhaps my point was missed, as it often is, and perhaps
20 that's my fault for not making it very clear. Let me make it
21 clear now. I have no problem with those facilities. You are
22 correct. We've checked them out. We've all seen them. They're
23 perfectly fine. The point I was trying to make is that our
24 client, because of those health conditions I mentioned, is not
25 down there actively following the proceedings. That's the

56

1 clarification I would like to make for the record.

2 I don't want to waste any more time on this. I thought it was
3 very clear this morning.

4 [13.45.00]

5 JUDGE CARTWRIGHT:

6 What was clear to the Chamber was that you placed the
7 responsibility in some very vague way on the Court or the Chamber
8 itself. The responsibility is yours to raise this issue if your
9 client, at any point, is unable to participate. Thank you.

10 And I think the President does not want any more discussion on
11 this matter, as we, too, do not wish to waste any more time.

12 Thank you.

13 MR. IANUZZI:

14 Thank you.

15 [13.45.36]

16 MR. PRESIDENT:

17 Thank you, Judge Cartwright.

18 The Chamber would also like to inform the parties and the public
19 that the Chamber will not hold any proceeding tomorrow. We will
20 conclude this afternoon and resume on Monday next week.

21 The floor is now handed to the Prosecution to continue posing
22 question to this witness. You may proceed.

23 [13.46.12]

24 BY MR. LYSAK:

25 Thank you, Mr. President. Good afternoon.

1 Q. We were talking about the date of 17 April 1975 when we broke
2 for lunch. Can you tell the Court how you learned that Phnom Penh
3 had been liberated on that date?

4 MR. ROCHOEM TON:

5 A. At that time, Son Sen went to Pol Pot's place and he learned
6 -- he learned about it at that time. Also, there was a big radio
7 at our location and we could listen to any communications
8 throughout all the battlefields, so we know when a particular
9 spearhead advanced to a particular location.

10 Q. Tell us a little bit more about this radio that allowed you to
11 listen to communications. Whose -- whose communications were you
12 able to listen to through this radio? Were these communications
13 of the CPK military?

14 A. Usually there was a radio communication through the
15 headquarters, so where -- which battlefield they reached or
16 advanced to, that information would be reported through the
17 headquarters, for example, when Ta Mok or Son Sen reached a
18 particular target, so such a report through that radio
19 communication was regular. And it was reported throughout the --
20 the vicinity around Phnom Penh.

21 That communication radio was a particular type. It was called
22 C-46 model, and we seized it from the Udong. And it could receive
23 or intercept all the radio communications.

24 [13.49.18]

25 Q. And for how long a period had this radio communication device

58

1 been used either at the Sdok Taol Office or at the B-5 Office?

2 How long did you have that ability to listen to the radio
3 communications?

4 A. That radio communication device was constantly on. It is like
5 24 hours on.

6 Q. Just to clarify, my question was also: How long had you been
7 in possession of this radio device? Had -- is it something -- you
8 indicated you seized it in -- at Udong. Is this something that
9 you had been--

10 Restart the question: Is this a device that had been in use at
11 either B-5 or the other offices in that area since the capture of
12 Udong?

13 A. Prior to that, we had a Chinese-made two watts radio device. I
14 did not know how it was obtained. We also have a C-25 radio
15 device, but when we capture Udong, we capture that C-46 radio
16 device and another bigger capacity radio device from Udong as
17 well.

18 [13.51.34]

19 Q. Thank you.

20 Going back to, again, the date of 17 April 1975, after you and
21 the other people learned that Phnom Penh had been captured, were
22 you given any assignments in order to get ready to move into
23 Phnom Penh? And if you were, what were you asked to do?

24 A. After the liberation of Phnom Penh, as I stated this morning,
25 I entered Phnom Penh on the 19th together with Son Sen to Phnom

1 Penh. And on the 20th, everyone went to Phnom Penh. So all the
2 targets – or spearheads entered Phnom Penh, including Pol Pot, on
3 that day.

4 Q. What was the reason that you went with Son Sen one day ahead
5 of the other leaders to go into Phnom Penh before them?

6 A. I did not know the actual reason, but from that office I was
7 assigned to go ahead and to go with Son Sen because he said
8 everybody would go the next day. So I went as I was assigned. I
9 went together with Son Sen.

10 [13.53.50]

11 Q. Were there other people who went with you in addition to you
12 and Son Sen?

13 A. There were not just the two of us. Ta Mok also went, and so
14 did Koy Thuon, Vorn Vet. Pol Pot also went.

15 Q. Can you tell the Chamber what you saw on your trip to Phnom
16 Penh and what you saw when you arrived at the city on the 19th of
17 April?

18 A. On the 19th, I entered through National Road Number 4 from the
19 junction of Thnal Totueng. And first I saw the scene at
20 Pochentong airport. I saw some planes, and then I arrived at the
21 stadium. After that, I went to the Royal Palace and next I went
22 to the Monivong Bridge. And from there, I went to Chrouy Changva
23 Bridge. And actually, near that bridge, there was the French
24 Embassy.

25 I saw – actually, people basically left the city already, but I

60

1 still saw a handful of people. But many of them were already on -
2 en route out -- en route, as I saw, at National Road Number 4.
3 There were many of them. And I also saw dead bodies along the
4 road. There were many, many dead bodies along the road, and some
5 of the corpses were already decomposed.

6 [13.57.03]

7 And after we left the river bank, in the afternoon, we returned
8 to our location and Son Sen reported that basically our forces
9 controlled the city and then that the leaders could actually
10 arrive or enter the city. So, then, the leaders could leave on
11 the 20, so a lot of people actually left that office on the 20.
12 And when everybody from other spearheads arrived, we actually
13 gathered at the railway station, which was a meeting point.

14 [13.58.06]

15 Q. When you say that you saw many, many dead bodies on the road,
16 which -- where is it? Was this on National Road 4 or some other
17 location where you saw the dead bodies?

18 A. I -- from the junction of Baek Chan along National Road Number
19 4, I saw dead bodies and also at the junction of National Road
20 Number 3 and Number 4, I saw dead bodies as well. I also saw dead
21 bodies at the Pochentong airport.

22 There was also a few dead bodies as well at the stadium. And when
23 I asked about the dead bodies to Son Sen, he said that in some
24 places when there were fierce resistance we had to put them down.
25 So those who resisted us, we had to put them down.

61

1 And at that time soldiers -- there were plenty of soldiers at
2 every spearhead. I refer to the 19th and the 20th of April. So
3 all the military commanders were at all those assigned
4 spearheads.

5 Q. The corpses that you saw at these locations, were they
6 civilians, were the soldiers or were they both?

7 A. Mainly they were soldiers since I noticed the helmet they
8 used.

9 [14.00.40]

10 Q. And on the next day, who -- which leaders came into Phnom Penh
11 on the 20th and met with you at the railway station?

12 A. I already indicated that each commander of each battlefield
13 came together. Both the heads of divisions, regiments and
14 battalions all come -- came together.

15 Q. Did those battalion commanders, battlefield commanders, did
16 they come with Pol Pot?

17 A. Everyone who was engaged in the battlefield had to come all
18 together.

19 Q. What I want to ask you and have you clarify is which of the
20 leaders arrived at the -- arrived and met you at the Phnom Penh
21 railway station on the 20th. Can you tell us the group of leaders
22 that came and based themselves at the railway station on that
23 date?

24 A. At the train station, it was the location where Son Sen wanted
25 people to come and meet, so his people came to that place. And at

1 the location on National Road Number 5, there were also heads of
2 divisions who came to meet together, received by Koy Thuon.

3 I did not see Nuon Chea at that location yet. I only noted that
4 there were heads of battlefields, from each battlefield from the
5 zones. There were people, included Koy Thuon, So Phim, Vorn Vet,
6 Cheng An and Ta Mok. So all the commanders or the committees of
7 the divisions of the surrounding battlefields and cadres came to
8 meet.

9 [14.04.18]

10 Q. At what time did Pol Pot, Nuon Chea, and Khieu Samphan arrive
11 at the railway station? Was that also on the 20th of April, or
12 did they not arrive until a later date?

13 A. Nuon Chea came later, perhaps on the 21st of April, I believe.
14 And other people kept coming on National Road Number 5 and I
15 entered Phnom Penh on National Road Number 4. We had to cross the
16 Preaek Kdam ferry crossing.

17 Q. Do you remember when Pol Pot and Khieu Samphan arrived? Did
18 they arrive with this other group of military commanders, or did
19 they travel separately from them?

20 A. At that time, Om Nuon Chea and Khieu Samphan, their trip was
21 arranged by Pang and they came at a later date.

22 Q. How long were the Party leaders located or based at the
23 railway station after they all arrived in Phnom Penh?

24 A. At the train station, we had remained there for less than a
25 week before we departed.

1 [14.06.57]

2 Q. And what was your assignment? What were you assigned to do
3 during that week period, that one-week period that the leaders
4 were at the Phnom Penh railway station?

5 A. I was assigned to guard the complex, the surrounding complex,
6 days and nights and I had to remain there because security was a
7 primary concern and I had to focus on providing security
8 protection for the people there.

9 [14.07.52]

10 Q. When did Ieng Sary arrive in Phnom Penh?

11 A. Om Ieng Sary arrived in Phnom Penh after the liberation, a
12 week or maybe after that.

13 Q. Is it correct, did he arrive after the other -- all the other
14 leaders had already arrived at the train station?

15 A. Yes, it is correct. He arrived the latest because he was
16 abroad and had to land at the Pochentong airport and came to the
17 location.

18 Q. And when Ieng Sary arrived in Phnom Penh; did he also stay at
19 the railway station with the other leaders?

20 A. At that time we relocated, we moved from the train station to
21 the Ministry of Commerce, at that time. And it is now the place
22 called the General Staff location and it was the place where we
23 stayed after the train station.

24 [14.10.10]

25 Q. And do you remember whether when Ieng Sary arrived you were

64

1 still at the train station or whether you had already moved on to
2 the Ministry of Commerce? Or do you not remember when exactly he
3 arrived?

4 A. I don't remember what happened between this period, but I
5 remember that at the former Ministry of Commerce, when I went
6 there, I saw him with other people.

7 Q. And how long were the leaders based at the Ministry -- or the
8 former Ministry of Commerce? How long were they there?

9 A. They were there for about a fortnight.

10 Q. Can you describe for us a little bit what Pol Pot, Nuon Chea,
11 Khieu Samphan, Ieng Sary, and the other leaders were doing during
12 the period that they were based at the railway station and the
13 Ministry of Commerce? Can you tell us a little bit about what was
14 going on during that time period?

15 A. I saw them working at the train station and at the former
16 Ministry of Commerce, they met and had meetings -- they met a
17 lot, they met days and nights, and they kept meeting people at
18 the battlefields.

19 [14.12.57]

20 Q. In English, it was translated as "they kept meeting people at
21 the battlefields". Did you mean that they were meeting people --
22 military commanders from the battlefield or were they going --
23 leaving their base at the train station and the Ministry of
24 Commerce to have meetings outside those locations?

25 A. What I was saying was that they worked at the train station

65

1 and commanders of each battlefield had to remain in their
2 respective battlefield, but they had to come and meet at the
3 place, for example, the former Ministry of Commerce. Sometimes,
4 when other people had other prior commitment, only two or three
5 people would convene the meeting and they would meet without
6 having all people together in each meeting.

7 [14.14.24]

8 MR. PRESIDENT:

9 Co-Prosecutor, could you please hold on?

10 Counsel Karnavas is on his feet; he may proceed

11 MR. KARNAVAS:

12 Thank you, Mr. President and good afternoon, Mr. President. Good
13 afternoon, Your Honours and everyone in and around the courtroom.

14 I didn't object to the last question but I thought it was --

15 aside from being compound it was unfair. He talked about -- the

16 gentleman has indicated that Mr. Ieng Sary was not at the train

17 station, then very cleverly the question was Mr. Ieng Sary and

18 the others at the train station and at the Ministry of Commerce

19 what they were doing and whether they were meeting, the "they"

20 and what have you. What troubles me is the manner in which the

21 questions are framed; we're not getting clear answers. So, if

22 we're going to talk about what happened when they were at the

23 train station, who was there, what happened, who they meet, then

24 move to the Commerce, if there were meetings, who's at the

25 meetings, or what were these meetings about.

66

1 [14.15.25]

2 But "they" in the Military -- I understand the Prosecution would
3 like to lump everybody in, doing everything together, but there
4 may be some nuances here that need to be clarified for the
5 record. And I'm sure that the prosecutor is very -- very skilful
6 and artful and he can do so if he wishes to. Thank you.

7 MR. LYSAK:

8 I'm not sure I understand the objection. I mean, if Mr. Karnavas
9 wishes to pursue nuances on that, he can. The witness testified
10 he was not certain whether Ieng Sary arrived while they were
11 still at the train station or after they'd move to the Ministry
12 of Commerce, this was a very short period of time. Therefore,
13 there's simply no reason to break it apart in the way he suggest,
14 but he is certainly welcomed to examine the witness on those
15 points if he wishes.

16 (Judges deliberate)

17 [14.16.51]

18 MR. PRESIDENT:

19 International Co-Prosecutor, you may now proceed with your
20 questions.

21 BY MR. LYSAK:

22 Q. Partly in response to what Ieng Sary's counsel has raised,
23 you've talked about that you saw leaders meeting with military
24 commanders who would come in. Who were the leaders from the
25 Centre who you saw meeting with military commanders? Which people

1 did you see participating in this?

2 MR. KARNAVAS:

3 At what time? When? This is important.

4 MR. LYSAK:

5 Mr. President, if I can get an answer to this question, then I
6 can follow up with other questions such as when, where, that type
7 of thing. Being interrupted is not helping the process here.

8 [14.18.09]

9 MR. PRESIDENT:

10 Indeed, Co-Prosecutor, you may continue putting your questions.

11 And, Counsel Karnavas, indeed, you feel that there is something
12 wrong in the line of questioning or the statement by the witness,
13 you may take the opportunity to address the issues when your time
14 is on. And, indeed, Co-Prosecutor may have different techniques
15 for that.

16 You may proceed.

17 BY MR. LYSAK:

18 Q. To repeat my question, Mr. Witness, who is it that you saw
19 meeting with military leaders either at the train station or the
20 Ministry of Commerce?

21 [14.19.16]

22 MR. ROCHOEM TON:

23 A. Just now, I just stated that at the train station military
24 commanders from each respective battlefield -- for example, Ta
25 Mok, Vorn Vet, Koy Thuon, So Phim battlefields -- these people

1 kept coming to work with them on a regular basis and also their
2 commanders from divisions who came to meet at the train station.
3 Then we relocated to the Ministry of Commerce and at that
4 location cadres from each battlefield would come and go. They
5 came to meet then so they worked on a regular basis, they worked
6 every day and night at the train station and at the Ministry of
7 Commerce. When it was necessary, they had to continue working
8 until late at night.

9 Q. And was Nuon Chea a regular participant in these meetings?

10 A. Indeed, when they met they came all together to meet.

11 Q. Was Khieu Samphan a regular participant in these meetings?

12 A. Yes, he was. These people came to work on a regular basis
13 including Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary, Son Sen,
14 who worked on a daily basis. They worked together there.

15 Q. Thank you for clarifying that. Bear with me, let me ask you
16 specifically again about Ieng Sary. After he arrived in Phnom
17 Penh, did he regularly participate in those meetings?

18 [14.22.24]

19 A. Yes, he did after he arrived from abroad. When he arrived, the
20 most urgent matter was to organize the place adjacent to the rear
21 of the Royal Palace to receive guests and we had to think of
22 security, provision, kitchen, catering services and other.

23 Q. During this period that the leaders were together in the train
24 station and then the Ministry of Commerce, were they living and
25 working together day and night or did they have separate places

1 where they were going to sleep at night?

2 A. What I saw was that Om Pol Pot, Nuon Chea, Khieu Samphan, Ieng
3 Sary lived close to one another except Son Sen and Ta Mok, Vorn
4 Vet, and Koy Thuon, who lived separately. So Phim also had his
5 own separate place to live. And for each person they had their
6 own forces and people to work for them respectively.

7 [14.24.24]

8 Q. Thank you. Where did the leaders move to after the Ministry of
9 Commerce?

10 A. After that place they moved to different locations, namely
11 K-3. Then at K-3 -- indeed I was not there to be part of the
12 arrangement.

13 Q. Was there a period of time where the leaders were located at
14 the Silver Pagoda?

15 A. We met there in May.

16 Q. So there was a -- were they located there for the entire month
17 of May 1975?

18 A. They met at the Silver Pagoda. Some of the leaders of the
19 zones came to attend study sessions for about 10 days there.

20 Q. And when the leaders were located at the Silver Pagoda; were
21 you also located -- working there as a guard?

22 A. They stayed at the Silver Pagoda but I stayed at a house which
23 was to the west -- adjacent to the place -- but to the west of
24 the premises. It was at the house where people received guests.

25 [14.27.33]

1 Q. Did you work during the day at the location in the Silver
2 Pagoda where the leaders were?

3 A. During the daytime, I would go there, but I was based to the
4 west of the Silver Pagoda because I had to guard the guest house.

5 Q. Now you've indicated that in May 1975 while the leaders were
6 at the Silver Pagoda, there was a period of 10 days where there
7 was meetings with the zone leaders. I'd like to turn now to those
8 meetings to ask you some questions about that.

9 First of all, can you tell us approximately how many people in
10 total were participating in these meetings that went on for 10
11 days at the Silver Pagoda in May of 1975?

12 A. I did not count the number of people attending the sessions,
13 but I noted that people from all zones coming to the session.

14 Q. And were you present in the room where the meetings were
15 taking place?

16 [14.29.46]

17 A. Some days I was there, but on some days I was at the guest
18 house.

19 Q. Who was leading these meetings during the days that you were
20 present and were able to observe them?

21 A. The people who led the meetings were mainly Pol Pot and Nuon
22 Chea.

23 Q. And based on your observations, what were the purpose of these
24 meetings? What were the leaders doing during these 10 days?

25 A. From what I observed regarding the meetings or the meetings in

71

1 the jungle, the study session and the meetings at that place,
2 usually they would summarize the situation stating that Phnom
3 Penh was completely liberated and that we had to plan our
4 targets. It was that we conducted -- or engaged in popular
5 democratic revolution and that was completed. And after the
6 meeting, I saw a document which stated that now we are going to
7 engage in socialism revolution -- socialist revolution. And the
8 subsequent meetings talked about the socialist revolution in
9 order to achieve the communism state. And usually they would also
10 touch upon the situation inside and outside the country, the
11 revolutionary life view and the planning -- the future planning
12 that needs to be implemented.

13 [14.32.42]

14 Q. When you say that the meetings discussed that national
15 democratic revolution had been achieved and that you were going
16 to proceed to socialist revolution -- do you remember what
17 matters were discussed in terms of what needed to be done to
18 achieve socialist revolution?

19 A. I cannot recall all the details regarding the documents.
20 However, the purpose was what I just mentioned earlier. Many of
21 the documents discussed about the construction of the socialist
22 revolution; about building and defending the country; about
23 building the progressive cooperatives. But I cannot recall the
24 details of those documents. I saw and I read those documents.

25 Q. You've told us that Pol Pot and Nuon Chea led these meetings.

1 Can you tell us -- was Ieng Sary and Khieu Samphan present during
2 these meetings?

3 [14.34.32]

4 A. Yes, they were present during those meetings.

5 Q. And I wanted to ask you whether -- about a number of subjects
6 -- whether you heard any discussion about some of these items,
7 whether they came up during the meetings. You told us earlier
8 today that the meeting that you were present at B-5, where there
9 was a decision made to evacuate Phnom Penh on a temporary basis
10 for a one-week period. Was there any discussion during these
11 meetings in May 1975 about whether the evacuation of the people
12 from Phnom Penh should be permanent?

13 A. During the time that I was on guard, I did not hear the
14 discussion regarding that kind of evacuation.

15 Q. At any time, did you come to learn whether or not a decision
16 was made that the evacuation of the people from Phnom Penh was to
17 be permanent and not temporary? Were you ever informed of such a
18 decision?

19 [14.36.42]

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

21 Q. Do you remember whether at the May 1975 meetings there was any
22 discussion about whether or not to circulate currency in the
23 country?

24 A. No, I did not hear about that kind of discussion.

25 Q. Did you hear any discussion about what to do with pagodas and

1 monks in the country? Was that a subject that was discussed at
2 the May 1975 meetings?

3 A. I did not hear about that matter, there was no comment made
4 regarding that matter. It was silent on that matter.

5 [14.38.24]

6 Q. Do you remember whether following the 10-day meeting of the
7 leaders at the Silver Pagoda -- was there a larger meeting that
8 took place after that that was attended by cadres from throughout
9 the country, either at the Khmer-Soviet Institute or at the old
10 sports arena? Do you recall that meeting?

11 A. I cannot recall that.

12 Q. How long did you continue to work as a guard for the leaders
13 following the meetings at the Silver Pagoda in May of 1975? How
14 long did you continue to work as a guard for them?

15 A. Upon the arrival from abroad of Om Ieng Sary, guest arrived --
16 started arriving from May. And my duty at the time was to guard
17 and to prepare the guesthouse. But I mainly worked in the
18 preparation for the guests at the guesthouse, and not on guard.

19 [14.40.30]

20 Q. When was it that you transitioned from being a bodyguard from
21 the leaders to working for Ieng Sary and preparing preparations
22 for the Ministry of Foreign Affairs? Do you recall when you made
23 that transition in 1975?

24 A. Yes, I can recall that it started from May.

25 Q. Do you remember when it was that the leaders moved into the

1 K-1 Office?

2 A. Based on my collection, there were many places; there were
3 K-3, and later on they moved to K-1. That was in late 1975.

4 MR. PRESIDENT:

5 Thank you, the Prosecution. Thank you, Mr. Witness.

6 The time is now appropriate for a break -- a short break -- and
7 resumed at 3 p.m.

8 Court Officer, could you assist the witness in the waiting room
9 during the break and have him returned to the courtroom at 3
10 p.m.?

11 Defence Counsel, you may proceed.

12 MR. VERCKEN:

13 Thank you very much, Mr. President.

14 [14.43.38]

15 Perhaps you have -- perhaps you've noticed that Mr. Khieu Samphan
16 has been taken by some strong coughing and he had to leave so as
17 not to disturb this tribunal. And he is asking permission to
18 spend the coming hour, up to the end of today's hearings, in the
19 room downstairs so that he won't have to try and stop himself
20 from coughing non-stop. And he doesn't want to disturb the work
21 of this Chamber. Thank you.

22 MR. PRESIDENT:

23 Yes, the Chamber grants that request.

24 Security guard, you're instructed to take the Accused to the
25 holding cell downstairs, which has been equipped with the

75

1 audio-visual facility.

2 The Court is now adjourned.

3 (Court recesses from 1443H to 1500H)

4 MR. PRESIDENT:

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

6 Before we hand over to the Co-Prosecutor, the Chamber would like

7 to inform counsel for Mr. Khieu Samphan to submit the waiver of

8 Mr. Khieu Samphan to the greffier of the Trial Chamber at the

9 earliest convenience.

10 And at the same time, AV booth officers are now instructed to

11 ensure that the AV equipments are very well linked to the holding

12 cell where Mr. Khieu Samphan can observe the proceedings from

13 there.

14 [15.02.09]

15 I would like now to hand over to the Co-Prosecutor to proceed

16 with the questions.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Mr. Witness, you'll be happy to know that I've finished the

20 questions -- the detailed questions about where the leaders were

21 located and the periods they were at. I appreciate you bearing

22 with me on that. I know that's some very detailed questions.

23 I want to turn now to the period that you worked for the Ministry

24 of Foreign Affairs. And what I'd first like to ask you is you

25 indicated that you started working on preparations for the

1 ministry starting in May of 1975. When did the ministry begin
2 operations?

3 [15.03.10]

4 MR. ROCHOEM TON:

5 A. The Ministry of Foreign Affairs, as already mentioned, started
6 in May -- rather, 1975, when Om Ieng Sary came back from abroad,
7 because from May 1975 onwards, the ministry had received guests
8 on a weekly basis. There was no official announcement, but I was
9 in charge of arranging the guesthouse, or the place where we
10 received guests. I was in charge of catering services, and I
11 already was deeply engaged in my tasks, commencing from the 5th
12 -- rather, from May 1975.

13 And by late 1975 or early 1976, the ministry, B-1, was
14 established.

15 Q. You just made a reference to B-1. Was B-1 the codename for the
16 Ministry of Foreign Affairs?

17 A. Yes, it was.

18 [15.04.36]

19 That's the code name for the ministry and for the section in
20 charge of receiving foreign guests.

21 Q. And can you tell us what your position was, at the Ministry of
22 Foreign Affairs?

23 A. I was the head of the B-1 administration section, overly in
24 charge of administration.

25 Q. And can you tell us a little bit about what your areas of

1 responsibility were, as the head of administration for the
2 Ministry of Foreign Affairs?

3 A. I already stated I was the head of B-1 Office. I was overly in
4 charge of psychologically and politically controlling or
5 administering the people there. And also this section supervised
6 other parts of the country, like section in Sihanouk, Serei
7 Saophoan, Battambang, Kampong Cham and Kampong Chhnang. There
8 were branches where guesthouses were established to receive
9 guests.

10 [15.07.16]

11 Q. During the time that you worked as the head of administration,
12 who was your superior? Who was the superior to whom you reported?

13 A. Om Ieng Sary was the overall -- person who overally (sic) in
14 charge of the place.

15 Q. And was he the highest-ranking official at the Ministry of
16 Foreign Affairs?

17 A. Yes.

18 Q. Can you identify for us some of the other cadres who had
19 managerial responsibilities at the Ministry of Foreign Affairs,
20 and reported to Ieng Sary? Can you identify us who the other
21 section heads were at the ministry?

22 A. There were different sections. For example, for the diplomatic
23 section, Mr. Thuon was in charge; for the kitchen section, Sin
24 (phonetic) was in charge; and for political affairs, So Hong was
25 the man in charge.

1 Q. How many people in total worked at the Ministry of Foreign
2 Affairs?

3 A. By late 1978, there were up more than 1,000 people working
4 there.

5 [15.10.33]

6 Q. Going back to when the ministry was established, can you tell
7 us how the personnel were selected to work at the ministry?

8 A. At the cadre level, Office 870 was in charge of selecting
9 people to work at B 1, and for personnel who worked in the
10 ministry, Om Ieng Sary was the one who advised and recruited and
11 I was the one who had to implement to the instruction or to
12 advise or instruct people to work at the kitchens and elsewhere
13 concerning administration.

14 MR. LYSAK:

15 Mr. President, at this time I'd like to provide the witness with
16 a copy of his first interview with the Investigating Judges,
17 which is document E3/24, originally -- previously in the case
18 file as D91/10, and I wanted to ask him about a couple of
19 passages from that. The specific passages that I'm going to ask
20 him about, the first is at English ERN 00223583; Khmer ERN
21 00204070; and French ERN 00503923.

22 So, if I have permission to provide a copy to the witness and put
23 that document on the screen--

24 MR. PRESIDENT:

25 You may proceed.

1 Court officer is now instructed to bring the hard copy of the
2 document to the witness for examination.

3 [15.13.31]

4 MR. VERCKEN:

5 Mr. President, may I request the prosecutor to repeat the ERN in
6 French? Because what I have does not correspond to what he must
7 have said.

8 MR. LYSAK:

9 Yes, I'm happy to do that. The French ERN is 00503923.

10 MR. VERCKEN:

11 I crave the Court's indulgence. That reference does not
12 correspond to any of the statements given by the witness. Could
13 you please, therefore, give me the page of the other version in
14 English that would enable me to find the page? Thank you.

15 [15.14.43]

16 MR. PRESIDENT:

17 Counsel for the civil parties, you may now proceed.

18 MS. SIMONNEAU-FORT:

19 As far as I am concerned, the ERN in French is correct, and it is
20 page 7. Perhaps that would help my learned friend. Thank you.

21 MR. PRESIDENT:

22 Thank you very much, Counsel.

23 Mr. Co Prosecutor, you may now continue.

24 BY MR. LYSAK:

25 Q. The passage from your interview I would like to direct you to,

80

1 Mr. Witness, reads as follows:

2 "At Borei Keila, there were people from every zone. The Ministry
3 of Foreign Affairs had the right to choose its people directly.
4 Other ministries also went to Borei Keila to select. Office 870
5 had selected them from the zones. And at the Foreign Ministry,
6 Ieng Sary was the person who designated the selection: first, by
7 the class; second, by the qualifications; and third, persons from
8 old revolutionary bases."

9 [15.16.03]

10 And my first follow up question on this is -- you've stated that
11 Office 870 selected people from the zones and brought them to
12 Borei Keila and that the ministries then selected personnel from
13 that group. Can you tell us, first of all, what Office 870 is?
14 When you referred to Office 870, what were you referring to?

15 MR. ROCHOEM TON:

16 A. Office 870 was in charge by Pang, who received instructions
17 from Om Pol Pot, and this office communicated with other zones.
18 For example, how many people would be needed by the ministry then
19 Pang would be the one who helped select these people.

20 Q. And did you participate in selecting the people from Borei
21 Keila who were then assigned to work at the Ministry of Foreign
22 Affairs?

23 [15.17.45]

24 A. Yes, I also was personally engaged in the process.

25 Q. Can you tell us, approximately, when it was that you went to

81

1 Borei Keila to select people to work at the Ministry of Foreign
2 Affairs?

3 A. It was starting from the year 1977. Before 1977, it was the
4 Office 870 who selected the people and sent them to me and my
5 section to further arrange.

6 Q. Just so I'm clear, so you're saying it was only starting in
7 1977 that you were able to go to Borei Keila and select people
8 yourself; is that right?

9 A. Yes, it is.

10 Q. Now, in the passage that I read from your interview, you
11 indicated that Ieng Sary had provided some criteria for selecting
12 those personnel. How did he communicate those criteria to you?

13 A. He instructed and referred to the written documents and he
14 verbally told me about that, and he said that the recruitment had
15 to follow the instructions as stated in the written documents.

16 Q. Where had these written documents come from? Were these
17 Ministry of Foreign Affairs documents or were there -- were they
18 documents that came from somewhere else?

19 [15.20.57]

20 A. These documents were from Office 870.

21 Q. And you indicated in your testimony to the Investigating
22 Judges that the first criteria that you were instructed to look
23 at for selecting personnel was their class or their class
24 background. What class backgrounds were you told were required in
25 order to select personnel to work at the Ministry of Foreign

1 Affairs?

2 A. When it comes to class pedigree, it referred to the people
3 from poor peasant class. People who had never been affiliated
4 with any groups; they had been doing farming on some very
5 difficult land to farm.

6 Q. Were you told why it was important that people who be
7 appointed come from a poor peasant class?

8 [15.22.53]

9 A. Through study sessions, poor peasant class and worker class
10 were regarded as the core forces of the revolution, and these
11 statements were substantiated in the study sessions materials, or
12 confirmed in those materials.

13 Q. And when you went to Borei Keila to select people to work at
14 the ministry, how did you know what their class background was?
15 Had they been required to prepare biographies, or were you
16 required to question these people?

17 MR. PRESIDENT:

18 Mr. Witness, could you please hold on?

19 International co counsel for Mr. Ieng Sary is on his feet. He may
20 now proceed.

21 MR. KARNAVAS:

22 I know these are hyper technical, or at least it may seem to be
23 technical, but why can't we just ask the simple question, as
24 opposed to then going on and giving a smorgasbord of options from
25 which to choose? How was it determined? And let the witness -- it

83

1 just seems it's leading all the way.

2 [15.24.21]

3 Now, if we're not going to do it right, and we're going to lead,
4 let's lead, and allow us to lead as well, but I think it confuses
5 everything.

6 And I understand that this may be a technique that they find
7 amusing, but I certainly don't think it is amusing and I think
8 this is the wrong approach.

9 MR. LYSAK:

10 Mr. President, there's nothing leading about the question. The
11 witness can tell us -- and there's nothing wrong with asking him
12 -- whether these witnesses had biographies. So I do not think
13 this is an appropriate objection. This witness is certainly able
14 to tell us the answer to this. There's -- in no way have we
15 suggested or fed him an answer as to this question.

16 [15.25.33]

17 MR. PRESIDENT:

18 The objection by the counsel for Ieng Sary was not substantiated
19 and, therefore, not sustained. Witness is now instructed to
20 respond to the question, if you still remember.

21 If you don't, International Co Prosecutor is now advised to
22 repeat the question so that witness can clearly understand the
23 question and respond accordingly.

24 BY MR. LYSAK:

25 Q. Mr. Witness, would you like me to repeat the question, or do

1 you remember it?

2 MR. ROCHOEM TON:

3 A. It would be better if you repeat the question, please.

4 Q. So my question to you was: When you arrived at Borei Keila,
5 how did you know the class background of the people who were
6 there who you had to choose to be at the Ministry of Foreign
7 Affairs?

8 A. At Borei Keila, there were summary of biographies that kept
9 there and we had to contact the people who kept the documents.
10 Then we would call the person whose name appeared in each
11 respective biography and have it checked against the guidelines
12 as instructed in the documents.

13 [15.27.46]

14 If the person's biography matched the description then they would
15 be selected to work for B 1. Indeed, people who selected for B 1
16 would also be poised to work abroad. We need to -- we needed to
17 look at people who had a proper physical appearance, like well
18 build, tall, for that purpose.

19 Q. Thank you.

20 I'd like to turn to another subject now. During the time that you
21 worked at the Ministry of Foreign Affairs, was one of the
22 functions for which you were responsible the delivery of letters
23 or other documents from the Ministry of Foreign Affairs to other
24 persons and organizations? Were you responsible for delivering
25 documents?

1 A. I'm afraid I do not quite get the question. Could you please
2 repeat it?

3 [15.29.29]

4 Q. During the time you worked at the Ministry of Foreign Affairs,
5 was one of your responsibilities delivering documents for Ieng
6 Sary?

7 A. You referred to the documents transmitted to Ieng Sary. Of
8 course, if there were other documents from other offices. Those
9 documents would be transmitted to Ieng Sary, and I, myself, had a
10 personal discussion with him regarding the staff selection. For
11 example, how many staff had been selected for this zone or that
12 zone, and he would agree, then that process would move ahead.

13 Q. I think there was either a problem in the way I asked the
14 question or the translation. So let me try again. What I was
15 asking you about was whether you were responsible for delivering
16 letters or other documents that Ieng Sary had prepared and wanted
17 delivered to other persons?

18 A. Any document that he asked me to deliver to Office 870, I
19 would did (sic) so. I would deliver them to the head of Office
20 870 -- that is, to Pang.

21 Q. Were there other persons or offices to whom you delivered
22 documents or letters from Ieng Sary in addition to Office 870?

23 A. Regarding the delivery of documents from Ieng Sary to others
24 besides Pol Pot, it was not frequent. If the documents or letters
25 needs to be delivered to the bases or those letters had to go

86

1 through Office 870, then that office would disseminate those
2 letters to the bases. We did not deliver those messages or
3 letters directly to the bases. It had to go through Office 870.
4 [15.32.51]

5 Q. Well, let me take you through various people and groups. Did
6 you deliver documents from Ieng Sary to Pol Pot?

7 A. If he assigned me to deliver a document to Pol Pot, then I
8 did, but actually they worked together and basically they would
9 contact each other personally, because usually, in the evening,
10 they would gather all together.

11 MR. LYSAK:

12 Mr. President, I'd like to at this time refer the witness to
13 another section of his interview with the Investigating Judges
14 and then ask some follow up questions to that. This is again
15 document E3/24, the same interview that we provided to him a few
16 moments ago, and the passage that I'd like to ask him about is at
17 Khmer ERN 00204071, English ERN 00223583, and French ERN 00503923
18 through 503924.

19 [15.34.48]

20 And if we may have permission to put that on the screen also?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 BY MR. LYSAK:

24 Q. The section of your interview that I wanted to ask you about,
25 Mr. Witness, reads as follows:

87

1 "The courier work in the Foreign Ministry, whatever needed to be
2 delivered to Pol Pot and the other ministries, I was the person
3 in charge of taking it to senior ministry leaders including Pol
4 Pot and Son Sen. Sometimes I waited for written or oral replies
5 to take back."

6 And I understand what you just told us, which is that Pol Pot and
7 Ieng Sary worked together. But when you were asked to deliver
8 documents or letters from Ieng Sary to Pol Pot, where would you
9 go? Where would you go to bring Pol Pot a letter?

10 [15.36.16]

11 MR. ROCHOEM TON:

12 A. As I just stated, if there was a document or letter from the
13 ministry and if Mr. Ieng Sary was to assign it to me to deliver
14 to Pol Pot, I would just do that -- or to Son Sen, I would do the
15 same, or to Vorn Vet. It was the same procedure for these people
16 as well as for Khieu Samphan. That was how it's done.

17 Q. Did you personally deliver letters to Ieng -- I'm sorry -- to
18 Pol Pot and Son Sen, or would you deliver them to one of their
19 assistants?

20 A. Based on the instruction from Ieng Sary, if I was to deliver
21 to the assistant, then I would do that. If I had to deliver to
22 him personally, then I would deliver to him personally.

23 Q. Where was Son Sen located? Where was it that you would go to
24 deliver a letter if you were asked to deliver a letter to Son
25 Sen? Can you tell us that?

1 [15.38.09]

2 A. Regularly, Son Sen would stay at the Ministry of Defense.

3 However, the Ministry of Defense was adjacent to the Ministry of
4 Foreign Affairs.

5 Q. Same question for Pol Pot: If you were asked to deliver a
6 letter from Ieng Sary personally to Pol Pot, where would you go
7 -- to what office?

8 A. If -- it depends on the instruction from Ieng Sary. If he --
9 if he told me -- if he told me that I had to take it to Pol Pot
10 at K-3, then I would deliver to K-3 -- or K-1, then I would
11 deliver to K-1, or the Silver Pagoda that was based -- it
12 depended on the instruction from Om Ieng Sary.

13 [15.39.31]

14 Q. Okay. Thank you.

15 On the same page of your OCIJ interview, you also provided the
16 following answer.

17 The question was: "Do you remember taking messages from Ieng Sary
18 to Khieu Samphan?"

19 Answer: "There were many, like when preparing for visitors,
20 before travel down to the zones."

21 And the same question -- I want to ask the same question about
22 Khieu Samphan: When you would deliver letters from Ieng Sary to
23 Khieu Samphan, where is it that Khieu Samphan was based? Where
24 was it that his office was located?

25 A. I used to deliver letters to Khieu Samphan and his office was

1 located at Office K-3. Basically, he stayed at Office K-3.

2 Q. And did you also deliver letters to Khieu Samphan at Office
3 870?

4 A. Office 870 -- actually, Office K-3 or K-1 was still part of
5 Office 870 and sometimes I delivered the letters to both offices;
6 that is K-1 and K-3 which were part of Office 870.

7 [15.41.52]

8 Q. In the answer I just read to you from your interview, you
9 indicated that one of the times that Ieng Sary and Khieu Samphan
10 exchanged correspondence was when preparing for visitors or
11 before travel down to the zones. Were there occasions where Ieng
12 Sary and Khieu Samphan travelled together to the zones?

13 A. Usually, the exchanges of messages occurred when there was a
14 delegation visiting the country. For example, there was this
15 delegation visiting Kampong Cham and Prey Veng, and he
16 communicated with Khieu Samphan in order to inform the zone to
17 receive the delegation, but Khieu Samphan did not go; only Ieng
18 Sary went with the - that delegation -- that is, the delegation
19 of Chen Yung-Kuei.

20 Q. Did you travel with Ieng Sary when he would go to the zones or
21 provinces?

22 A. Yes, I did.

23 [15.43.51]

24 Q. And how often did Ieng Sary travel to the zones, or visit the
25 zones?

1 A. As I recall, when there were many delegations or diplomatic
2 corps, then he would go, but it was not that often.

3 Q. When you travelled with Ieng Sary to the zones, were you able
4 to observe the condition of the people who were living there?

5 A. I made my observation during my trip with him. What I observed
6 was that the people along the way that I travelled, their outward
7 appearance was not that pleasant. They looked tired as they had
8 to build dams and dig canals and in certain places they only had
9 gruel to eat.

10 Q. Thank you for that response.

11 Now, in the first passage I read to you from your interview about
12 delivering documents, you indicated that sometimes you waited for
13 written or oral replies to take back. Do you recall occasions
14 when you delivered a document for Ieng Sary and received a --
15 waited and received a response back? Can you tell us who it was
16 that would provide responses to Ieng Sary in response to his
17 letters?

18 [15.46.53]

19 A. As I recall, if the letter was to be sent to Pol Pot, Pol Pot
20 would read the letter, annotate it, and the letter would be sent
21 back. In the case of Khieu Samphan, a similar case happened, and
22 also likewise with Nuon Chea and Son Sen. On a regular basis,
23 those people would annotate the letters and the letters would be
24 delivered back to him.

25 Q. I want to turn now to some more questions about Office 870.

91

1 Your interview with the Investigating Judges, document E3/24, if
2 you look on Khmer page 00204071, which is English page 00223584
3 and French at page 00503924 -- I want to direct you to the
4 following question and answer:

5 Question: "Did you personally hand letters to Khieu Samphan?"

6 [15.48.39]

7 Answer: "Yes. I took them to Khieu Samphan, telephoning him in
8 advance. Mostly I met him personally, and when I did not meet
9 him, I placed them on his desk. Office 870 was located in the
10 current Russian Embassy."

11 When you refer to an Office 870 that was located in the current
12 Russian Embassy, was that part -- was that the same location as
13 Office K-1 or was that a different office or different building;
14 can you tell us that?

15 A. I already made some statements regarding Office 870. The
16 Office 870 where Khieu Samphan stayed would be both at K-3 and
17 K-1. These were the two locations where I had contact with him.
18 And, yes, before I went to see him I would telephone him in
19 advance and if he was not there then I would just place the
20 letter on his desk.

21 Q. Can you tell us where the K-1 Office was located and where the
22 K-3 Office was located?

23 [15.50.30]

24 A. Currently, I cannot recall the location of K-3. The landscape
25 has completely changed; it's been more than 30 years. It was

1 along the embassy compound. There were the Laos Embassy, the
2 Cuban Embassy, the Yugoslavian Embassy, and K-3 Office was
3 located in that vicinity. As for K-1 Office, it was located along
4 the riverbank of the Basak River.

5 Q. Who was the Chairman of Office 870?

6 A. Initially, it was Bong Pang who was the Chairman. And after
7 Pang disappeared, Doeun was in charge, and after the
8 disappearance of Doeun, it was Om Khieu Samphan who was in
9 charge.

10 Q. Was there a division of responsibilities at Office 870 between
11 administration and policy matters?

12 A. Whatever matter related to the case of visiting the zones or
13 at the designated locations, they would have to contact Office
14 870.

15 [15.53.04]

16 Q. Let me read to you another excerpt from your interview, and
17 then I'd like you to explain what you meant by this answer.

18 It's the same document and it is at Khmer ERN 00204071, at
19 English ERN 00223584, and French ERN 00503924, and the statement
20 of yours that I'd like to ask you about reads as follows:

21 "The person in charge of Office 870 was Pang, the chairman. When
22 Pang was gone, Doeun came to replace him for a period, and still
23 later on there was Khieu Samphan. Pang was in charge of 870
24 administration, and Doeun was in charge of policy. Like at B-1
25 where Hong had the policy and I had the administration."

1 Can you explain to us what you meant by this distinction between
2 administration and policy?

3 A. I would like to clarify this point when it comes to the
4 distinction between the policy and the administration.

5 [15.55.00]

6 In terms of policy, it means that as he was a member of the
7 Office 870, he <was> in charge of <opening> study sessions <to
8 instil political and ideological standpoints and leadership. This
9 was the portfolio of the politburo>. <As> for the administration,
10 it would deal with the day-to-day tasks -- who had to go where,
11 <on what day, how to get there, and what had to be done>. And
12 that would fall under the shoulder of the one in charge of the
13 administration <. They were> also <in charge of designating
14 people> to various zones. <They had communication lines to the
15 zones.>

16 Q. How did you come to learn about Pang and Doeun's respective
17 responsibilities at Office 870?

18 A. To respond to your question and as I stated earlier, Doeun was
19 dealing with the policy. He would have the study sessions, in
20 various sessions to teach about the policy. For example, there
21 would be a session for 100 participants or for a group of 50
22 participants based on the necessity, and that's how it was
23 operational.

24 And the same thing applied when I was at B-1, where Pang -- Hong
25 was in charge of policy or of the study sessions, and I had to

1 deal with the administration, with the housing, with the kitchen
2 issues, and with the reception of the guest and with the guard
3 task. That was part of the administration.

4 [15.57.37]

5 Q. You told us a few minutes ago that after Doeun disappeared
6 that Khieu Samphan was in charge. How did you -- do you recall
7 when it was that Doeun disappeared and Khieu Samphan took over
8 his responsibilities?

9 A. As I recall, it was <> in mid-1978 <. It was well into the
10 second semester of 1978. It was around that time, for it was for
11 a relatively short period of time.>

12 Q. How did you learn that Doeun had disappeared and that Khieu
13 Samphan had taken over from him? How did you become aware of
14 that?

15 A. I learned of it through Om Ieng Sary. He said Pang had been
16 transferred and he had been replaced by Doeun, and after the
17 disappearance of Doeun he said Doeun will be replaced by Khieu
18 Samphan and Khieu Samphan was the one who I had to contact or
19 communicate with.

20 Q. Did you ever talk to Khieu Samphan himself about his
21 responsibility at Office 870?

22 A. I did ask him about his responsibility because I was wondering
23 -- because I had to communicate with him.

24 [16.00.28]

25 Q. And what did he tell you?

95

1 A. I cannot recall the details but, of course, I can recall some
2 main points. For example, in regards to visitors going to the
3 zones and when I hand the letters to him, then he would send or
4 transmit that letters to the zones and that I could go ahead with
5 the arrangement for the guest to visit the zones.

6 MR. PRESIDENT:

7 Thank you, Mr. Witness. Thank you, the Prosecution.

8 The time is now appropriate for the adjournment. We shall recess
9 for today's adjournment and resume on Monday the 30th, starting
10 from 9 a.m. We then will continue to hear the witness -- the
11 testimony of the witness, Rochoem Ton, and continue to be
12 questioned by the Prosecution.

13 [16.01.45]

14 Mr. Rochoem Ton, your testimony has not yet concluded, and you
15 will be required to be present next Monday, 30 July 2012, and you
16 need to be present in this courtroom on that day.

17 Likewise, the Duty Counsel, you are required to be present on
18 Monday.

19 Court Officer, please assist the witness to return to his place
20 of residence and have him returned next Monday, at 9 a.m.

21 Security guards, you are instructed to take three Accused back to
22 the ECCC detention facility and have them back in the courtroom
23 on Monday, 30 July 2012, before 9 a.m. In the case of Mr. Ieng
24 Sary, you need to bring him to this courtroom.

25 The Court is now adjourned.