



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

21 August 2012

Trial Day 99

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

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MR. KIM VUN (TCW-338)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KIM VUN (TCW-338)	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. RAYNOR	English
MS. SA SIEK (TCW-609)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VENG HUOT	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 During today's sessions, the first session will commence with the
6 testimony of Witness Sa Siek; questions continue to be put from
7 counsels for Mr. Nuon Chea before the other two defence teams.

8 [09.01.09]

9 Before that, Ms. Se Kolvuthy is instructed to report to the
10 Chamber on the current presence of the parties to the
11 proceedings.

12 THE GREFFIER:

13 Mr. President, all the parties to the proceedings are present,
14 except that Mr. Ieng Sary is in his holding cell.

15 Mr. Ieng Sary, through his counsels, asked to waive his right to
16 participate directly in the courtroom for the full day today. His
17 waiver has been submitted to the greffier of the Trial Chamber.

18 A reserve witness, TCW 338, is in the waiting room at 10 -- will
19 be at the waiting room at 10 a.m. Witness has indicated that the
20 witness has no relationship or connection to any of the civil
21 parties admitted before the Chamber and to the accused persons.

22 The witness has already taken an oath. Thank you, Mr. President.

23 [09.02.37]

24 MR. PRESIDENT:

25 Thank you.

2

1 The Chamber would like to rule on the request by counsels for Mr.
2 Ieng Sary.

3 The Chamber received the request by Mr. Ieng Sary on the 21st of
4 August 2012, in which Mr. Ieng Sary has stated that he would like
5 to be excused from the courtroom and be allowed to participate --
6 or observe the proceeding from his holding cell.

7 His monitoring -- his doctor has examined the health condition of
8 Mr. Ieng Sary and the doctor notes that Mr. Ieng Sary is
9 fatigued, he has lower back pain, and he also has leg pain and
10 cannot remain seated for long or cannot move more frequently. The
11 doctor has asked the Chamber to allow Mr. Ieng Sary, also, to
12 observe the proceedings from the holding cell due to this health
13 reason. However, the doctor indicates clearly that Mr. Ieng Sary
14 is mentally capable of observing the proceedings from there.

15 [09.04.09]

16 In the holding cell, the equipment is available to ensure that
17 Mr. Ieng Sary can observe the proceedings from there.

18 In light of that, the Chamber rules that Mr. Ieng Sary is now
19 allowed to observe the proceedings from his holding cell through
20 the video-link for the whole day proceedings today.

21 AV booth officials are now instructed to ensure that the AV is
22 linked to the court -- or to the holding cell so that he can
23 observe the proceedings from there.

24 Without further ado, we would like now to proceed to counsel for
25 Mr. Nuon Chea to pose questions to the witness if they would wish

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1 to do so.

2 QUESTIONING BY MR. PAUW:

3 Thank you, Mr. President. And good morning to everyone, and
4 especially good morning to you, Madam Sa Siek.

5 Before I start, Madam Sa Siek, I will tell you that I do not have
6 many questions for you today. I hope that my questions can be
7 concluded in 20 minutes, maybe less, just so you know.

8 [09.05.34]

9 Q. Madam Sa Siek, my first question relates to an interview you
10 had with investigators of the Co Investigating Judges, and this
11 interview was held on the 24th of March 2009. The prosecutor
12 spoke with you about this interview already.

13 My question to you today is: Do you remember speaking with these
14 investigators?

15 MS. SA SIEK:

16 A. I did give interviews.

17 Q. I would like to read to you parts of the transcript of that
18 interview that was held on the 24th of March 2009. And for the
19 record, I will give the ERNs: the document number is D200/6.8;
20 English ERN 00834863 until 870, Khmer ERN 00833490 to 497, and
21 the French ERN is 00835914 to 21. And the passage I want to read
22 to you today can be found on English ERN 00834867 to 868; and
23 Khmer page numbers are 00833494 to 95.

24 [09.07.51]

25 And as a bit of an introduction, it relates to the policy

4

1 regarding one Khmer soldier being able to kill 30 "Yvon" soldiers
2 -- that by way of introduction.

3 And I will quote from the transcript, so this is the actual audio
4 recording of the interview -- and I quote - first, it's the
5 investigator, Mr. Daravan who says -- I quote:

6 "I want to ask you more. During your time working at Propaganda
7 and also during your life during the era, did you ever hear the
8 principle of the Democratic Kampuchea regime about 'one Khmer
9 Rouge soldier against 30 "Yvon" soldiers' broadcast in the news?"

10 And then you ask, Madam Sa Siek: "At the time of the fighting?"

11 And then the investigator states: "That's right, during the war
12 era. And while working at the Ministry of Propaganda, did you
13 hear this principle being broadcast?"

14 You then answer -- and I quote: "I do not remember."

15 [09.09.10]

16 The investigator then asks: "Did you ever hear this, or hear
17 broadcasts of this principle?"

18 You answer: "I do not remember. I have completely forgotten."

19 The investigator asks you: "But did you ever hear of that? Try to
20 recall it, Aunt!"

21 You answer: "I do not remember anything like that. If [I did hear
22 of it - if] I did hear of that, I have forgotten."

23 The investigator then asks: "So you do not remember? Do you not
24 remember if it was broadcast or not?"

25 And your answer is: "That's right."

5

1 So far for quoting from the transcript.

2 And here is my question to you today, Madam Sa Siek: Is it fair
3 to say that in April 2009, when you were interviewed by the
4 investigators of the Co Investigating Judges, you did not
5 remember whether or not this policy regarding 30 "Yvon" soldiers
6 had been broadcast during the DK regime or not? Is it fair to say
7 that in 2009 you had either forgotten or you simply did not know?

8 A. In fact, I did give this idea to the investigators because
9 that was part of the statement to be broadcast to the soldiers.

10 It means that one soldier can be against 30 "Yvon" soldiers. And
11 I also maintain that I did say I had forgotten because that thing
12 happened a long time ago.

13 [09.11.38]

14 Q. Thank you, Madam Sa Siek, for that answer.

15 And I would then like to move on to last week -- in fact, August
16 16 -- when you questioned by the Co Prosecutor on this topic. And
17 it can be found -- the passages that I will be reading can be
18 found on page 74 and 75 of the English draft transcripts and at
19 page 61 of the Khmer draft transcripts.

20 And it is -- the prosecutor has asked you about this policy
21 regarding the 30 "Yvon" soldiers.

22 And I will quote from the transcripts, starting on page 74 -- I'm
23 quoting the prosecutor: "Now, there was a paragraph of this -- in
24 this document that was read to you by the investigators which I
25 wanted to discuss with you briefly."

6

1 And then, a bit of it further down, the prosecutor quotes the
2 passage -- and I quote:

3 "The Party instructed that we must try to destroy as many of the
4 enemy as possible and to preserve our forces to the maximum. We
5 were small in number and we had to attack a larger force.
6 Therefore, we had to preserve our forces to the maximum and try
7 to kill as many of the enemy as possible. This was our slogan. In
8 terms of numbers, one of us had to kill 30 Vietnamese. If we
9 could implement that plan, we would certainly win." End of quote.

10 [09.13.40]

11 The prosecutor then asks you: "Madam Sa Siek, do you recall
12 hearing such broadcasts about one Khmer being able to kill 30
13 Vietnamese?"

14 And your answer, Madam Sa Siek was: "I am not clear that I
15 remember this."

16 Madam Sa Siek, my question to you today is: Is it fair to say
17 that also last week you did not remember whether such broadcasts
18 were conducted over the radio of Democratic Kampuchea?

19 A. After my testimony, I recollect the interviews I gave a few
20 years ago and I noted that I did give this statement and also I
21 heard through radio broadcasts such educational message to the
22 soldiers back then.

23 [09.15.05]

24 Q. Thank you. And the prosecutor also then read to you a part
25 from your earlier statements before the Co Investigating Judges

7

1 and the prosecutor quoted first a question by the investigators.
2 It relates to the paragraph that I just read you - read to you --
3 and I quote -- the investigators asked you: "Was this paragraph
4 the Party line?"

5 And you answered: "It was truly the line. According to my
6 understanding, the term 'we' refers to the senior leaders, among
7 them Pol Pot and his deputies."

8 Question: "What is the meaning of the term 'smash', according to
9 your view? What is the meaning of this propaganda term?"

10 Answer: "The term 'smash', if it is for the people, it means 'to
11 kill'; if it is for material, it means 'to destroy'." End of
12 quote.

13 And then the prosecutor asks you last week: "Is this an accurate
14 statement of what you told the Co Investigating Judges about that
15 paragraph?"

16 And then your answer last week was: "Yes. I remember stating
17 this, but I was not clear when I answered, but now, with some
18 refreshing of this, I can confirm it."

19 [09.16.46]

20 My question to you today, Madam Sa Siek: The "we" that is
21 referred to in the paragraph that I just read out to you, who
22 does that refer to, according to you?

23 A. The term "we" here refer to Om Om, my leaders.

24 MR. PAUW:

25 Thank you. I have no further questions for you today, Madam Sa

1 Siek.

2 I do want to state for the record that we will be asking to have
3 the relevant parts of these interviews by the Co Investigating
4 Judges transcribed because it will show clearly, in our opinion,
5 that, in fact, what happened during these interviews is that
6 certain information is actually fed to the witness who can now,
7 three years later, testify to these issues even though she did
8 not know about these matters at the time, in 2009. I will not go
9 into details as to not complicate the rest of the testimony by
10 Madam Sa Siek, when she is being questioned by my colleagues, but
11 I just to state it for the record that we will be filing such a
12 request, and it should be filed this week. I thank you.

13 [09.18.40]

14 MR. PRESIDENT:

15 International Co Prosecutor, you may now proceed.

16 MR. ABDULHAK:

17 Thank you, Mr. President. I don't want unduly delay the
18 proceedings. Just as a matter of order, I wanted to raise the
19 issue of making comments such as these in the presence of
20 witnesses.

21 I do think it's inappropriate and I do think it can tend to
22 suggest to the witness certain assertions with respect to her
23 prior interviews.

24 I think, where counsel wished to make applications with respect
25 to prior statements of witnesses, those applications should be

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1 made in the absence of witnesses, and in cases such of this,
2 where an announcement is made of an – of an intent to make an
3 application, there's no need for that announcement, but if
4 counsel feel that they need to make it, then they should do once
5 the witness leaves the courtroom.

6 And for the record, we see nothing wrong with this interview. We
7 think it was a very diligent and detailed interview, and it was
8 entirely appropriate for the investigators to use documents and
9 see if they refresh the witness's memory.

10 [09.19.54]

11 MR. PRESIDENT:

12 Thank you very much.

13 If party wishes to make any statement -- or file any application
14 concerning the testimony of any witnesses, you are advised to
15 refer to Internal Rules, Rule 92, of the ECCC. In that rule,
16 these -- that the statement shall be made in writing.

17 The Chamber would like now to hand over the floor to national
18 counsel for Mr. Nuon Chea.

19 QUESTIONING BY MR. SON ARUN:

20 Thank you, Mr. President. Thank you, Your Honours. Good morning,
21 Witness Sa Siek. I have a few questions. I may take 15 to 20
22 minutes for the questions. My first question is as follows--
23 Oh, my apologies, I forget to tell you that I am Son Arun
24 representing Nuon Chea, along with my colleagues.

25 [09.21.27]

10

1 Q. Ms. Sa Siek, could you tell the Court in which year you joined
2 the Revolution?

3 MS. SA SIEK:

4 A. I joined the Revolution in 1972.

5 Q. How old were you at that time?

6 A. I was born in 1966. By that calculation, I was about 14 or 15
7 years old.

8 Q. Who inducted you into the Revolution?

9 A. I was tending cows and I could sing "ayay", traditional
10 performance, and eventually, after the coup d'état, the village
11 chief by the name of Phum (phonetic), in my village, came to me
12 and asked if I -- asked to establish the district art performance
13 group, and I went through that.

14 Q. You said that the district committee inducted you into the
15 Party when you was at your young age. Could you tell the Court,
16 how were you convinced? Or the process of introducing you into
17 the Revolution, do you still recall it?

18 [09.23.30]

19 A. At that time, my village chief did not elaborate in details on
20 this, so there was no proper procedure. But at that time the
21 local militia group was established, although I did not know who
22 would be the leaders of the group and I did not know who led the
23 following groups and movement.

24 Q. My question was like this, I'm talking about the instruction,
25 about the message by the village chief. So how convincing was the

11

1 message, that you finally was convinced to join the Movement?

2 A. There was no message to convince us to join the work -- the
3 taskforce, but I was at very young age determined to join the
4 "yiké" -- art performance team. I told my mother I would not want
5 to tend cows; I would like to be in the art group.

6 [09.24.58]

7 Q. So it is fair to say that whenever people would like to induct
8 you into the art group, then you would be more than happy to join
9 and you didn't care about the politics -- politics behind this.
10 So, when the village chief asked you or offered this job, then
11 you voluntarily joined it; is it fair to say so?

12 A. Yes, it is.

13 Q. This is the second question of mine. Later, you worked at the
14 Propaganda Ministry. After being moved from Dei Kraham in 1975,
15 you worked for the CPK government under the leadership of Mr. Hu
16 Nim; is that correct?

17 A. Yes, it is. He was in charge of my department -- or ministry.

18 Q. How long had you remained with Mr. Hu Nim? Did you continue
19 working there until the disappearance of Mr. Hu Nim?

20 A. I had remained in that Propaganda Section all along since the
21 liberation of Phnom Penh, but in 1977, I was removed to make
22 picture books at Office 27, near the former Sorya Cinema.

23 Q. At that time, did -- or had Mr. Hu Nim been removed from the
24 Propaganda Ministry when you left?

25 [09.27.33]

12

1 A. Yes, he had. He -- I went to Office 27 under the supervision
2 of Uncle Chhoy.

3 Q. You worked under the supervision of Minister Hu Nim. Did you
4 know what was -- or what the reason behind the removal of Mr. Hu
5 Nim at that time?

6 A. No, I didn't. At that time, there was a meeting to exchange
7 experiences and lesson learned in my section, and we heard the
8 phone was ringing, and he went to pick up the phone, and that's
9 the last moment we saw him. He left on a vehicle. He were -- he
10 was seen wearing shoes and a checked scarf, the scarf originally
11 made in Prey Chhor. And that's the last time we saw him.

12 Q. After he left, who would be his successor?

13 A. Pou Chhoy -- or Uncle Chhoy -- was his successor. I already
14 stated before the Chamber that at the Propaganda and Education
15 Section, these two sections were integrated into one and chaired
16 by Madam Yun Yat.

17 Q. You testified before the Chamber that you joined the art
18 group; you sang and danced. Apart from these tasks, were you also
19 instructed to read news or texts for radio broadcast?

20 A. No, I didn't do that. We worked in different sections. They
21 had their own newscasters. And I belonged to the art group and I
22 was not -- I did not go high -- far enough at school; I did not
23 have a proper education or background to become newscaster
24 anyway.

25 [09.30.49]

13

1 Q. So my next question: You testified before this Chamber, in
2 response to the question by the prosecutor -- you said, in 1975,
3 following the liberation, the Democratic Kampuchea radio
4 broadcast the invasion and aggression by Vietnamese soldiers in
5 many islands -- offshore islands of Cambodia, and Cambodian
6 people became very angry and people were encouraged to stand up
7 in defense of their sovereignty. And you responded to that
8 question last week. But can you recall the motivation behind the
9 -- the Ministry of Propaganda? Or can you recall what the -- the
10 motivation or the reason behind the propaganda and the
11 information circulated or broadcast on the radio?

12 A. I do not recall.

13 Q. Apart from the art and song, do you still recall whether the
14 Ministry of Propaganda broadcast anything concerning security
15 matters of the -- of the country or the national defense of the
16 country?

17 A. I am afraid I do not recall.

18 [09.33.09]

19 MR. SON ARUN:

20 Thank you. I thank you very much Madam Sa Siek. The defence team
21 for Nuon Chea does not have any further question for you. Thank
22 you very much for your response to our questions.

23 MR. PRESIDENT:

24 Next, I hand over the floor to the defence team for Mr. Ieng Sary
25 to put the question to the witness. You may proceed.

14

1 QUESTIONING BY MR. KARNAVAS:

2 Q. Good morning, Mr. President. Good morning, Your Honours. Good
3 morning to everyone in and around the courtroom. And good
4 morning, Madam. I'm Michael Karnavas. Along with Mr. Ang Udom, we
5 represent Mr. Ieng Sary. I just have a few questions.

6 [09.33.58]

7 Q. One is a follow-up of a question asked of you by the
8 prosecutor, based on something that you've indicated in your
9 statement. So I will refer to the question posed to you by the
10 prosecutor on August 15, 2012. This is at page 80 in English.

11 Khmer is 68; French is 85.

12 You were asked:

13 "In the record before the Co-Investigators, you said that you
14 also had knowledge of the presence of Mr. Ieng Sary at that
15 location and that you said Mr. Ieng Sary was working at the
16 Ministry of Foreign Affairs. Would you like to say anything about
17 this? If not, I would like to end now."

18 The period that we're speaking of would have been, by the way,
19 April 17th, 1975.

20 And your answer was: "No, I didn't see him. I knew of him."

21 That was your testimony.

22 Now, in your statement which you gave to the Co-Investigative
23 Judges on March 24, 2009 -- I'm referring to E3/379, and in
24 particular page 7 in English; it would be, Khmer, 00294803; the
25 French is 00385199; in English, 00323327.

15

1 [09.36.04]

2 Here was the question: "Were Mr. Pol Pot, Ieng Sary, and Nuon
3 Chea seen?"

4 And your answer at the time to the investigators was as follows:

5 "They were not seen. But Ieng Sary was at the Ministry of Foreign
6 Affairs at that time."

7 And, again, the context, if you were to look on the previous
8 page, is 17 April 1975.

9 And so here is my question, Madam: Can you please explain to us
10 how it is that you made this statement to the Co-Investigative
11 Judges and then signed it -- signed the document as a summary of
12 -- of your statement, representing that what is in the statement
13 is true, accurate, and complete?

14 MS. SA SIEK:

15 A. I would like to respond to the question. Actually, the
16 interview was about my travel from Dei Kraham back to Phnom Penh,
17 and then they questioned whether or not I saw those senior
18 leaders. I told them that I did not see Ieng Sary, Pol Pot, and
19 Khieu Samphan but I heard from other that Ieng Sary was in charge
20 of Ministry of Foreign Affairs. That -- that was all I knew at
21 that time.

22 [09.38.04]

23 And as for my signature or thumbprint on this testimony, of
24 course the -- the investigator did read it out, the record of
25 this interview, for me, but it took a rather long time to conduct

16

1 this interview; I felt fatigued and exhausted, so I did not
2 really pay attention to the -- every detail in the written record
3 of interview. And in that interview, I try my best to answer, to
4 the best of my knowledge, to the question posed by the
5 investigators. And I could speak for myself that I knew from my
6 experience, but in any place, any points that I was not clear, I
7 told the investigators that I could not recall it clearly.

8 Q. All right. Thank you very much for that answer. And just to
9 make sure that I understand it, what you're telling us today is,
10 what was put down by the investigator for the Co-Investigative
11 Judges and then was read to you was not what you had told them.

12 MR. PRESIDENT:

13 Prosecutor, you may proceed.

14 MR. ABDULHAK:

15 Your Honours, that's a -- that's a complete misrepresentation of
16 what the witness just said. She said the interview was read to
17 her and that she tried her best to tell the truth. She listened,
18 but may not have caught every part.

19 [09.39.37]

20 For the record, in that previous question -- and this now follows
21 that -- I think, that theme -- there's no discrepancy between the
22 OCIJ interview and what the witness said in Court, unless I'm
23 missing something. She did not give an inconsistent statement. So
24 I'm not sure where counsel is going with this.

25 BY MR. KARNAVAS:

1 Q. Did you tell the Co-Investigative -- the investigators for the
2 Co-Investigative Judges that you saw that Mr. Ieng Sary was at
3 the Ministry of Foreign Affairs on April 17, 1975? That's the
4 question. Did you tell that to the -- to the investigators at the
5 time?

6 MS. SA SIEK:

7 A. No, I did not see him. There was no Ministry of Foreign
8 Affairs. It was not up and running at that time because it was an
9 empty city. There was no place or office for this ministry. But
10 later on I learned that he was in charge of Ministry of Foreign
11 Affairs.

12 [09.40.56]

13 Q. Thank you. Now, my question is -- because this is very
14 specific and it goes to the heart of the objection that the
15 Prosecution just got excited about -- was: Did you tell the
16 investigators -- not what you knew, but did you tell them that
17 you -- that Mr. Ieng Sary was at the Ministry of Foreign Affairs
18 on April 17th, 1975?

19 A. No, I did not mention that, on the 17th of April, Mr. Ieng
20 Sary was in the Ministry of Foreign Affairs; I only said that Mr.
21 Ieng Sary was in charge of Ministry of Foreign Affairs.

22 Q. All right.

23 Now, let me go back to what I was asking before. Here, the
24 investigators typed up a summary of your interview, then they
25 read it to you, then you signed it as being true, and accurate,

18

1 and complete. And in the summary, it says: "But [Mr.] Ieng Sary
2 was at the Ministry of Foreign Affairs at that time", meaning 17
3 April.

4 Can you please explain who made the mistake? Was it you or was it
5 the investigators who typed up the summary and said that this is
6 what you had told them?

7 [09.42.40]

8 MR. PRESIDENT:

9 Witness, please hold on. I note the Lead Co-Lawyer for the civil
10 -- civil party is on her feet.

11 You may proceed, Counsel.

12 MS. SIMONNEAU-FORT:

13 Yes, Mr. President. I would like to raise an objection.

14 It seems to me that this lady has clearly explained that what she
15 said was not that Ieng Sary was at the Ministry of Foreign
16 Affairs on 17 April. This -- her answer is being interpreted, and
17 he is trying to convince this lady that she must change her way
18 of answering.

19 So I think this is inappropriate -- an inappropriate way of
20 putting questions to her.

21 [09.43.20]

22 MR. KARNAVAS:

23 Mr. President, I'm trying to determine who made the error.

24 Now, the prosecutor stood up and claimed that we should not be
25 making observations in front of the witness, so I don't want to

19

1 lead the witness, but I think part of the thrust of counsel for
2 Nuon Chea's remarks was that these summaries, which some Judges
3 may think are actually accurate, complete, and reliable, are
4 anything but that and that here we have an instance where the
5 witness -- and we are grateful -- has corrected the statement,
6 but we're trying to point out that there are some irregularities
7 that occurred, which is an issue that might be necessary for us
8 to address, at some other point, in a global sense.
9 And this is a perfect example. And I wish to find, with this
10 witness, who made this error, because the investigators drafted
11 this, then they read it, then the witness signed it. She's
12 telling us now that she never said this. Somebody made the error.
13 She told us she was fatigued at the time.
14 But my question is: How is it that it got on to the paper? Who
15 made the error?

16 MR. PRESIDENT:

17 Witness is directed to respond to the question.

18 [09.45.06]

19 MS. SA SIEK:

20 Mr. President, let me clarify on that point. Actually, I did not
21 see Mr. Ieng Sary at that time, but the investigator might have
22 got it wrong. He actually read it out to me, but I could not
23 catch up with everything. That's why I might have overlooked this
24 portion of the interview; and I apologize for that. Actually, I
25 did not see Mr. Ieng Sary in 17 of April 1975.

1 BY MR. KARNAVAS:

2 Q. Thank you.

3 Now, let me ask a couple of questions on some other matters;
4 questions that were posed to you by the Judge yesterday.

5 And let me begin by asking you: Did you ever attend any Standing
6 Committee meetings?

7 MS. SA SIEK:

8 A. No, I never.

9 [09.46.10]

10 Q. Did you ever attend any Central Committee meetings?

11 A. I do not recall.

12 Q. Now, you've told us here today or -- in your testimony that
13 you have some difficulty reading. Can you please tell us whether
14 they -- at the time that you were working there, in the ministry
15 of -- that you were working in, did they distribute documents
16 from the Central Committee or the Standing Committee for you to
17 analyze to know exactly what was happening in those committees?

18 A. No, they didn't -- I do not recall.

19 Q. Now, one particular question I want to ask you is -- is as
20 follows, and it's on page 109 from yesterday's transcript; in
21 Khmer, it's page 89; I don't have the French.

22 You were asked the following question: "Do you believe that the
23 Om Om could be worried about information that may give way to
24 criticism, so maybe it would be better to avoid criticism and,
25 therefore, not transmit information?"

21

1 [09.47.58]

2 Were you in a position, back then, to know what the Om Om's were
3 thinking of?

4 A. No, no, I was not. I did not analyze anything.

5 MR. KARNAVAS:

6 Thank you very much. I have no further questions. And we want to
7 thank you for coming here to give your evidence. On behalf of Mr.
8 Ieng Sary, Mr. Ang Udom and I would like to thank you, wish you
9 safe travels, and the best of luck. Thank you very much.

10 MR. PRESIDENT:

11 Counsel, you may proceed -- the defence team for Mr. Khieu
12 Samphan.

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President. And good morning, Your Honours. Good
15 morning to everyone. My name is Kong Sam Onn. I am the national
16 defence counsel for Mr. Khieu Samphan. I have a few questions to
17 ask you in relation to Mr. Khieu Samphan.

18 [09.49.20]

19 Q. First of all, I would like to seek your clarification. In your
20 previous testimony before the Chamber, you said that you met Mr.
21 Khieu Samphan in certain ceremonies well before 1975. Can you
22 tell the Court about those festivities or ceremonies? What were
23 they?

24 MS. SA SIEK:

25 A. The ceremony in Cambodia -- in Phnom Penh was the

1 congratulation ceremony to welcome the soldiers -- the victorious
2 soldiers in Phnom Penh.

3 Q. Well, I would like to know first about the ceremonies or
4 festivity held before 1975. I would like to make the timeframe
5 clear for you. It was before 1975.

6 A. Before the liberation, I met him. I could not recall the name
7 of the department where I met him, but our art group attended
8 that ceremony to congratulate the New Year -- the Khmer New Year.
9 It was 1974 or so.

10 Q. Thank you. How many times did you meet Mr. Khieu Samphan in
11 those ceremonies before 1975?

12 A. I met him only once. I met him -- at that time, he was the
13 guest to that ceremony.

14 [09.51.30]

15 Q. Thank you. I just want to know whether I understood it
16 correctly. You -- do you recall the venue where the ceremony was
17 held?

18 A. It was somewhere in the jungle, which was far from my base
19 department. I do not recall the name or the location of that
20 department.

21 Q. In the ceremony you mentioned, were there any other activities
22 -- for example, propaganda or education or so, or was it purely a
23 fun ceremony?

24 A. No, it was the traditional festivity, and they offer some fish
25 -- the fish. That -- that was it.

1 Q. I would like to go back, a little bit, to the transcript of
2 your testimony with the investigator of the Office of
3 Co-Investigating Judge, document E3/379; ERN in Khmer, 00294798,
4 ERN in French, 00385193, English, 00323322 to 23.

5 In this portion of the interview, you said you were proposed by
6 the Party Centre from the -- from the art group for -- from your
7 district.

8 My question to you is: Did you know what the Party Centre was?
9 [09.54.27]

10 A. I only noted that that was the hierarchy of the country's
11 administration. There was village, from village to commune, from
12 commune to sub -- to district and sectors, and then the Centre
13 stayed on the top. So that was the hierarchical structure, and
14 Centre must be higher than the sectors or zone.

15 Q. Thank you. You said that the Centre requested that you be
16 transfer. Did you know who, from the Centre, made that request?
17 Was -- was the request done in writing -- for example, any
18 requesting letter was sent to you, and then you were transferred?

19 A. I was actually selected to join the art group and -- through
20 Mr. Tiv Ol. At that time, Tiv Ol went to a commune in Sector 20;
21 it was Chi Klab commune. He went there to open the training
22 session of the people over there, and at the conclusion of that
23 training, our art group went to perform for the guests and the
24 public at that time. And he noted that I had some talent in
25 traditional arts.

24

1 So, from that time onwards, there was an announcement for the
2 recruitment of arts. They selected two artists from -- from one
3 district. I could recall that two artists were from Svay Rieng
4 province; and from Prey Veng province, there were two as well --
5 one male and one female -- and I was one of them.

6 Q. Thank you. So is that fair to say that you learned the
7 information about the recruitment of artists through Mr. Tiv Ol?
8 [09.57.11]

9 A. No, it was not direct recruitment from Mr. Tiv Ol, but he --
10 Mr. Tiv Ol only observe my talent in art, and it was my
11 supposition that it was through him. And the head of the art
12 group in my district introduced me to the art group at the
13 Centre. They did not want me to stay in that district and they
14 wanted to transfer me to the Centre.

15 Q. Thank you. So just a point of clarification here: You did not
16 know whether or not it was the decision at the Centre, but you
17 learned about that recruitment from Mr. Tiv Ol and others; is
18 that correct?

19 A. Yes, that is correct. That was my understanding at that time.
20 The recruitment could have been done through Mr. Tiv Ol, but once
21 again, it was my supposition because he observed my performance
22 and he noted my talent in art, and he was the one who was present
23 there. And my team leader by the name of Pou Ly, he introduced
24 me.

25 [09.58.56]

1 Q. I now would like to move on to another topic on after the 17th
2 of April 1975. You say that you were transferred from B-20, based
3 in Stueng Trang, to Phnom Penh following the news that Phnom Penh
4 was liberated, but before you went to Phnom Penh, you had to stop
5 over at Phnom Ath Ros, and you also said that you saw Mr. Khieu
6 Samphan, among others, were in the -- one of the jeep car. So is
7 that the correct summaries of what you testified earlier on?

8 A. I already testified concerning this before. After the 17th of
9 April 1975, everyone in my group packed and met him there.

10 I would like to emphasize also that a woman who was in the car
11 with him was Comrade Yet and Mol, whose husband was a person by
12 the name Ban.

13 Q. Where were you when you saw him from the jeep?

14 A. I was in a truck, and the jeep was close to the truck. And I
15 knew him very well.

16 Q. Do you still recollect the circumstance when you saw him? How
17 far were you from that place - I mean, from the jeep?

18 [10.01.29]

19 A. I, perhaps, can say that I would be like the President and me
20 here -- like from here to the President; it's that distance.

21 Q. Did you see him very clearly?

22 A. Yes, I did, very clearly.

23 Q. I would like to ask you a question concerning your trip from
24 Ath Ros Mountain to Phnom Penh. You said you stopped over Ath Ros
25 Mountain for three nights before you entered Phnom Penh. So, to

26

1 be precisely calculated, you would be in Phnom Penh by the 20th
2 of April 1975. And you said that the Om Om group had left an hour
3 earlier -- an hour or two, as you indicated.

4 My question is: How did you know that these people had left one
5 or two hours early?

6 A. I believe it to be true because I did not see them in the
7 place any longer; only our group remained.

8 [10.03.27]

9 Q. Did you observe any kind of farewell messages, whether they
10 waved goodbye to you, things like that?

11 A. I did not take notice of this. I did not pay attention to them
12 very much because I had to rehearse the song, the song of the
13 17th of April that we had to sing.

14 Q. Thank you.

15 My next question will be concerning another topic. This time I
16 would like to ask you about the recording of your statement --
17 document D200/6.8, on the last page. I think you perhaps cannot
18 read it; I can read it to you. Khmer ERN 00833497; in French,
19 00835921; in English, 00834870.

20 You were asked by the investigator concerning some leaders like
21 Mr. Ieng Sary, Nuon Chea, and Khieu Samphan. And the question was
22 about Khieu Samphan, and you said: "Mr. Khieu Samphan was mostly
23 attached to the Samdech."

24 Do you still recall making this statement before the
25 investigators of the Court?

1 A. Yes, I recollect having talked about this.

2 [10.06.02]

3 Q. I have a few questions concerning this. What do you mean by
4 way of saying "he was mostly attached to Samdech"?

5 A. I refer this to his work, that he had to travel a lot to a
6 foreign country, and I heard about this through radio broadcast.
7 But I did not know in details what he actually did because
8 normally, during visits, he would be seen meeting the former
9 King.

10 Q. You said "travel outside" -- or "abroad". You're referring to
11 foreign countries; right? Not just outside the zones?

12 A. Yes, I refer to a foreign country in this context.

13 Q. Were you talking about the events in 1975 or the events prior
14 to 1975?

15 A. I was talking about the events after 1975, but immediately
16 after 1975 because, during that year, the Prince came to
17 Cambodia.

18 [10.07.51]

19 Q. When you said "after 1975", it could be 1976; is that fair to
20 say so?

21 A. Well, it was before 1975 when I listened to the radio about
22 the King's visit.

23 Q. I would like to also ask you to clarify, when you refer to
24 "Samdech", who - who you refer to?

25 A. I refer to Samdech Ta, or Prince Norodom Sihanouk.

1 MR. KONG SAM ONN:

2 I thank you very much indeed, Witness, for your responses.

3 I would like to cede the floor to my colleague to proceed with
4 further questions.

5 MR. PRESIDENT:

6 Counsel, you may now proceed.

7 QUESTIONING BY MS. GUISSÉ:

8 Good morning, Mr. President. Good morning, Your Honours. Good
9 morning to all the parties. Good morning to you as well, Ms. Sa
10 Siek. My name is Anta Guissé; I am international co-counsel for
11 Mr. Khieu Samphan. I will also put a few questions to you, but
12 they -- that won't be very long.

13 [10.09.22]

14 Q. I would like to start with a statement you made a while ago,
15 responding to a question put to you by my learned colleague
16 Karnavas. And you made mention of an interview you had with the
17 OCIJ investigators, and you talked about the time when you were
18 read your statements -- or, to be more precise, the time when
19 your statements were read out to you. And you stated that at that
20 time you were tired and didn't pay attention to all the details.
21 My first question to you on this matter, Witness, is as follows:
22 Please, can you tell the Chamber how long the interview with the
23 Co-Investigating Judges investigators last?

24 MS. SA SIEK:

25 A. I'm afraid I could not remember the exact length of time, but

1 it took place for quite a long time, and the interview had to go
2 on even after lunch.

3 [10.11.06]

4 Q. Do you remember whether that interview lasted a whole day or
5 several days?

6 A. I do not remember precisely whether the interview was only
7 conducted in the morning and continued to the afternoon session;
8 I'm sorry.

9 Q. Madam Witness, perhaps, to refresh your memory, I want to
10 refer to document E3/379, which is your statement of the 24th of
11 March 2009. And on the first page of that document -- in French,
12 the ERN is as follows, 00385192; in Khmer, the ERN is 00294797;
13 and I don't remember the number in English, but it is the first
14 page of the statement.

15 On that first page we see that the interview started on the 24th
16 of March 2009, and in Khmer, on the last page of that statement
17 -- let me give the references - that is, the reference in Khmer:
18 00294814. And on this Khmer version, we find that the interview
19 ended on the 26th of March 2009.

20 Mr. President, let me point out for the record that in French
21 there is apparently a translation problem because the date on
22 that French document is the 24th of March; and the ERN in French
23 is 00385211.

24 [10.13.52]

25 However, Witness, since it is the Khmer which is the original,

1 according to the investigators, that interview ended on the 26th
2 of March. Does that ring a bell to you?

3 A. I do not recall whether the interview was conducted for the
4 whole day or was conducted only for one morning and in the
5 afternoon and continued to the following day. I just don't
6 remember.

7 Q. No problem, Madam Witness, I am only trying to refresh your
8 memory, nothing to worry about.

9 In any case, we are agreed that that interview was quite long?

10 A. Yes.

11 Q. Thank you.

12 In your answers to questions put to you by the Co-Prosecutor, you
13 said on many occasions, with regard to the decision for transfers
14 of people -- movements of people, you said that you did not know
15 who was involved in the transfers or who were moved, and that you
16 were informed by your leader.

17 My question to you is as follows: Do you remember whether you
18 were told about such movements during your interview with OCIJ
19 investigators? Did you indeed tell the investigators that you did
20 not know who were the people transferred during the population
21 movements?

22 [10.16.11]

23 A. I now remember that I have no idea who ordered the evacuation
24 of the population. I was there to see the evacuation but don't
25 know who was behind it.

1 Q. Thank you, Witness.

2 For the record, I would like to refer the witness to the partial
3 transcript of the audio document D200/6.8. And the ERN in French
4 is as follows, 00835914; and in English the ERN is as follows,
5 00834863; and in Khmer, the ERN is 00833490. I would like to
6 specifically put to the witness the question asked by the
7 investigator -- and the reference for this page is 20 minutes 40
8 seconds.

9 Investigator Kuehnel asked the following question: "At the time,
10 did you hear your leader give you the name of the person who had
11 ordered the evacuation of people?"

12 And your answer at the time was as follows: "No. I did not know."
13 Do you recall making that statement on the 24th of March 2009?
14 [10.18.25]

15 A. I don't think I follow your question. Could you repeat it?

16 Q. I have just read out to you, Witness, a part of the audio
17 transcript of the recording of your interview with the OCIJ
18 investigators.

19 And the question that was put to you then was as follows: "But at
20 that time, did you hear your chairman say who had ordered the
21 evacuation of the people?"

22 And your answer was: "No. I did not know."

23 I just wanted you to confirm whether you recall making that
24 statement during your interview of the 24th of March 2009?

25 A. In the interview, I was asked questions by the investigators

1 and I stated that I did not know who was behind the evacuation
2 plan; and I still stand by the position.

3 [10.19.56]

4 Q. Thank you.

5 I will go to another area of your testimony, and my questions
6 will be a follow-up to what my co-counsel asked.

7 You said you met Mr. Khieu Samphan on the 17th of April 1975 at
8 Ath Ros, and you confirmed to my co-counsel a while ago that Mr.
9 Khieu Samphan's vehicle, to the best of your recollection, had
10 left before you.

11 My question to you is as follows: Do you know where that vehicle
12 was going?

13 A. No, I had no idea where his vehicle would be going to.

14 Q. Thank you.

15 If I were to sum up what you have stated before this Chamber over
16 the past few days, after spending three days in Udong, you, along
17 with your artistic troupe, went in the direction of Phnom Penh.

18 You subsequently arrived at the Olympic Stadium, where you spent
19 one night, and thereafter you arrived at the Ministry of
20 Propaganda. Is this an accurate summary of your itinerary during
21 that period?

22 A. I left Chitrous Mountain and spent a night at a thatched hut.
23 It took us four days before we could reach Phnom Penh, and we
24 spent the whole day staying at the Olympic Stadium. Only in the
25 morning of -- the next morning that I would be at the Propaganda

1 Section.

2 [10.22.46]

3 Q. Very well.

4 You stated, at the hearing of the 15th of August, that you didn't
5 see Mr. Khieu Samphan again after the Ath Ros Mountain. And then,
6 the following day, on the 16th of August, you told the
7 Co-Prosecutor that you ultimately saw him at the Ministry of
8 Propaganda. I would like you to confirm during what period you
9 saw him again.

10 You arrived at the Ministry of Propaganda after spending the
11 night at the Olympic Stadium. Do you remember how long afterwards
12 you saw Mr. Khieu Samphan at the Ministry of Propaganda? Was it
13 after one day, after two days or more days? Do you recall that?

14 A. Yes, I remember that, after I was there, I saw him. But I did
15 not remain in one place for a long time because I had to look for
16 firewood and some room, and I saw him staying there.

17 Q. Very well. My question was aimed at having you assess in terms
18 of days how long it took you, after you arrived at the Ministry
19 of Propaganda -- you saw Mr. Khieu Samphan. I'm just asking you
20 to give you - give us an idea in terms of days. How long after
21 you arrived at the Ministry of Propaganda you saw Mr. Khieu
22 Samphan?

23 [10.25.04]

24 A. It was about in the morning, at about 8 or 9 a.m. I was at the
25 Ministry of Propaganda and I had to unpack my luggage and look

34

1 for firewood and a room to spend the night. And I can say that it
2 was on that day that I saw him, but I saw him in the afternoon
3 already. It was the same day when I reached Phnom Penh when I saw
4 him.

5 Q. Very well. Thank you for that clarification. When you saw him
6 -- and you have stated that you were at a certain location -- can
7 you tell us where exactly in the Ministry of Propaganda you saw
8 him?

9 A. Sure, I can. I saw him in the opposite of studio number 5.

10 Q. In answer to a question put to you by the Co-Prosecutor, you
11 specified that you saw him seated on a steel bed. Was the room in
12 which you saw him one of the rooms at the Ministry of Propaganda
13 that was used for housing people at the Ministry of Propaganda?

14 [10.27.04]

15 A. At the beginning, the place was not yet managed -- organized,
16 but it is indeed in the complex of the Propaganda Ministry
17 because I learned that he was at the studio hall, which was the
18 bigger room than the other rooms. And later on the young workers
19 were made to stay in another adjacent location which is about 100
20 metres from that studio.

21 Q. Do you recall for how long Mr. Khieu Samphan stayed in that
22 room?

23 In an answer to the Co-Prosecutor's question, given a few days
24 ago, you said that you saw him and you did not see him again.

25 My question is: Do you know for how long he was at that location?

1 [10.28.22]

2 A. I do not remember the exact days he remained in the location,
3 but he was there for a few days -- two to three days.

4 Mr. Hu Nim also left like Mr. Khieu Samphan did. The people who
5 remained were only the young artists.

6 Q. At the hearing of the 15th of August 2012, you indeed made
7 mention of the presence of Hu Nim during that period of three
8 days at the Ministry of Propaganda and you specified that Hu Nim
9 came.

10 And let me quote what you said. It's on page 111 of the
11 transcript in French. Thank you. Regarding the references in all
12 the other languages -- and it is at 15.53 -- 15 minutes, 53
13 seconds.

14 Regarding Hu Nim, this is what you stated: "Initially, he came to
15 the Propaganda Ministry for a day or two, but the place where he
16 was housed was not clean. I don't know where he was staying."

17 That is the part that is of interest to me. You said that it
18 wasn't well organized initially and you mentioned on that day
19 that the place where he was supposed to be housed was not clean.
20 Is the fact that the room where people were supposed to be housed
21 was not clean was the reason why other people had to go elsewhere
22 -- had to be housed elsewhere? Do you know?

23 [10.30.54]

24 A. I think -- you are asking about looking for a place where Mr.
25 Hu Nim and Khieu Samphan could be housed or the place for young

1 artists like us? Could you please be more precise on this?

2 Q. Yes, I was speaking about Hu Nim and Khieu Samphan.

3 A. Mr. Hu Nim and Khieu Samphan were there for three days, and we
4 also were in the same complex. It was a huge complex. At the
5 beginning, we were close together, but later on we had some
6 proper place where we could stay separately, and then they left.

7 MR. PRESIDENT:

8 Counsel for Mr. Khieu Samphan, could you advise the Chamber, how
9 much time would you need to put these questions?

10 [10.32.22]

11 MS. GUISSÉ:

12 I am almost done; two to three minutes maybe will allow me to
13 cover all of my questions.

14 MR. PRESIDENT:

15 Indeed, you may now proceed, and -- because we are about to
16 adjourn for the morning session. However, since you have just a
17 few more minutes to go, you may proceed, and then we can adjourn
18 for the morning session before we can release the witness.

19 BY MS. GUISSÉ:

20 Thank you, Mr. President.

21 Q. Witness, I am almost done. I have a last question. You said
22 that you had seen Mr. Khieu Samphan sitting on a steel bed at the
23 Ministry of Propaganda and you specified that you did not speak
24 to him. Do you know, however, if he remained within the Ministry
25 of Propaganda during these three days?

1 [10.33.45]

2 MS. SA SIEK:

3 A. No, he did not stay there throughout the three days. He went
4 there on a temporary basis. It was like other population as well.

5 Q. I need some clarification here. Let me reformulate my
6 question. Did you -- you said that he remained at the Ministry of
7 Propaganda for two to three days. So did you see him every day
8 during these three days or did you only see him once?

9 A. No, he stayed there for three days. I saw him every day. And
10 as for his meal, people over there prepared food for him --
11 prepared his meal for him; he did not bring his cook along.

12 MS. GUISSÉ:

13 Thank you for this clarification, Witness. Thank you for your
14 patience. And I am done.

15 Thank you, Mr. President.

16 [10.35.24]

17 MR. PRESIDENT:

18 Thank you very much.

19 Ms. Sa Siek, your testimony has come to an end now, so you are
20 not required to stay here anymore. You may now return back home
21 to -- or to any direction you wish to go.

22 And we would like to thank you very much for spending times and
23 efforts responding to the questions by all the parties in
24 response to the summons by the Chamber. Your testimony, indeed,
25 contributes to ascertaining the truth. And we would like to wish

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1 you the best of luck and safe trip back home.

2 Court officer is instructed to coordinate with the WESU unit to
3 arrange her transport back home or to any direction she wishes to
4 go.

5 [10.36.35]

6 And the Chamber wishes to advise the parties and members of the
7 public that following the adjournment this morning, the Chamber
8 will hear the testimony of another witness, TCW-336 (sic), and
9 the first party to put the question to this witness is the
10 Prosecution, and followed by the civil party lawyers.

11 And we will now adjourn and resume at 10 -- at 11.00.

12 The Court is now adjourned.

13 THE GREFFIER:

14 (No interpretation)

15 (Court recesses from 1037H to 1058H)

16 MR. PRESIDENT:

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

18 The following session, as already been informed, we are going to
19 hear testimony of TCW-338 -- not 336 as I stated; it was a
20 mistake, and I wish to correct it now.

21 Court officer is now instructed to bring in TCW-338.

22 (Witness enters courtroom)

23 [10.59.40]

24 Good morning, Mr. Witness. We note that you have already been
25 briefed on how to use the microphone. However, allow us to remind

1 you that before you respond to any questions, wait until you see
2 the red light is activated on the mic. Otherwise, your message
3 will not be properly conveyed through rendition and cannot be
4 properly recorded. So, after each question, you should observe a
5 pause; wait until you see that red light before you proceed to
6 respond to any questions.

7 QUESTIONING BY THE PRESIDENT:

8 Mr. Witness, what is your name? Could you please tell your name
9 in full to the Chamber?

10 MR. KIM VUN:

11 A. I am Kim Vun, alias Chhaom.

12 Q. Thank you. How old are you?

13 A. I am 53 years old.

14 Q. Where do you live?

15 A. Mr. President, I live in Pa Hi Tboang, Pailin district,
16 Pailin.

17 [11.03.09]

18 Q. What do you do for a living?

19 A. I am a government employee, working at the Department of
20 Telecommunication and Post.

21 Q. What is your father's name?

22 A. He was deceased. His name was Pech.

23 Q. Does he -- did he have a family name?

24 A. (Microphone not activated)

25 MR. PRESIDENT:

1 Could you please hold on? Wait until you see the red light before
2 you proceed to respond to us. Otherwise, your message will be
3 lost.

4 BY THE PRESIDENT:

5 Q. Please tell the Court your father's first name.

6 MR. KIM VUN:

7 A. My father was Kim Pech.

8 Q. What was your mother's name?

9 [11.04.31]

10 A. She was Touch Sdaeng, now deceased.

11 Q. What is your wife's name? I am asking about your current
12 wife's name.

13 A. She is Meas Samnieng.

14 Q. How many children do you have?

15 A. I have only a daughter with her.

16 Q. Thank you.

17 How far did you go to school? Did you learn how to read and write
18 Khmer?

19 A. When I was young, during the former regime, I did not go to
20 school very far; I was at seventh grade only.

21 Q. Do you read and write Khmer this day?

22 [11.05.59]

23 A. Yes, I do, Mr. President.

24 Q. Thank you.

25 Mr. Kim Vun, according to the report by the greffier of the Trial

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1 Chamber and according to your best capacity and knowledge, you
2 have no relationship with any individual of the civil parties
3 being admitted in Case File 002 and you are not related to any of
4 the accused persons, including Mr. Nuon Chea, Khieu Samphan, and
5 Ieng Sary; is that correct?

6 A. Yes, it is, Your Honours.

7 Q. According to the greffier's report, you had already taken an
8 oath. The oath was taken on the 15th of August 2012; is that
9 correct?

10 A. Yes, it is.

11 Q. I will proceed to inform you of your rights as a witness
12 before the Chamber.

13 As the witness before the Chamber, Mr. Kim Vun, you can refuse to
14 respond or make any statement that are self-incriminating. You
15 enjoy the right not to self-incriminate.

16 [11.07.48]

17 At the same time, you are obliged, as a witness, to give
18 testimony before this Chamber by responding to all the questions
19 posed to you by parties and the Chamber, except the statement or
20 responses that are incriminating; in that case, you can refuse to
21 do so. And as the witness, you are obliged to tell the truth,
22 nothing but the truth, the truth based on your recollection of
23 the events you saw, you witnessed during that time.

24 Do you understand these duties and obligations?

25 A. Yes, I do, Mr. President.

1 Q. Thank you, Mr. Kim Vun.

2 Have you ever given interviews to the investigators from the
3 Office of Co-investigating Judges during the last few years
4 before you appear before this Chamber? And if so, how many
5 interviews did you give to them, and where were they conducted?

6 A. I had given three interviews. However, there were only two
7 official documents recording these two interviews.

8 Q. Do you still recollect, where was the interview conducted and
9 on which date?

10 [11.10.03]

11 A. Mr. President, I'm afraid I don't remember the exact date and
12 place, but I remember that I had three interviews.

13 Q. Could you say where were the interviews conducted?

14 A. I gave the interview at my office, the Office of
15 Telecommunication of the province.

16 Q. You said you gave three interviews, but then only two records
17 of the interviews were kept formally. What happened to this?

18 A. On the third occasion, I was attending a workshop on planning
19 and development, and the investigators could not wait for me and
20 they had to come back to do -- or to perform other tasks instead.

21 Q. Thank you.

22 Before you appear before this Chamber, had you have an
23 opportunity to read the interviews -- the records of the
24 interviews you gave on two occasions before the Co-investigating
25 -- before the investigators.

1 A. Yes, I had, Mr. President, briefly.

2 [11.11.54]

3 Q. According to your best recollection, can you tell the Court
4 whether your reading of the record of your interviews reflect
5 your statements given to the investigators previously?

6 A. Mr. President, yes, the statements are consistent.

7 MR. PRESIDENT:

8 Thank you.

9 The Chamber wishes to inform the Co-Prosecution that the
10 Prosecution will be given the floor to pose questions to the
11 witness. And at the same time the Chamber wishes to also inform
12 parties that Co-prosecutors will have a quarter of the full day
13 session for each party. So each party will have this time to put
14 questions to the witness. They may make the most of their time,
15 to select only the most potentially important questions to be
16 posed to the witness.

17 Now, the Prosecution, you may now proceed.

18 [11.13.33]

19 QUESTIONING BY MR. VENG HUOT:

20 Q. Thank you, Mr. President. Good morning, Your Honours, and good
21 morning, my learned colleagues and everyone in this courtroom.

22 Good morning to you, Mr. Kim Vun. I am from the Office of
23 Co-Prosecutors. I will have some questions concerning the
24 printing house. However, if my questions are believed to be
25 difficult to understand, please do not hesitate to ask me for

1 clarification or ask me to repeat the questions.

2 Q. Without further ado, I would like now to ask you some
3 questions concerning your statements before the Co-Investigators.
4 You stated that in February 1971, you joined work at the Front
5 printing house in Santuk district, along the Chinit River. It was
6 Pol Pot's base, and people who managed the office was by the
7 person by the name Pang. This document can be found under
8 document 00357197 in Khmer; English, 00365642; and ERNs in
9 French, 00485429.

10 With regard to your statement, I have a few questions as follows.

11 [11.15.39]

12 First, why did you go and work at the central printing house, not
13 elsewhere?

14 MR. KIM VUN:

15 A. At that time, during the FUNK regime, the leadership of the
16 district and the central level came to the base, and I had some
17 friends and the elder brothers who convinced me to leave the
18 village to work for the district. I worked at that time in the
19 village -- in the village for the Nationalist Youth group, and I
20 had no choice, there -- I had only a mother and I could not
21 decide to leave her behind. However, elder brothers from the
22 Centre and from the district kept coming to persuade me to join
23 the ground, and finally I was convinced that I could work at the
24 Central Office and be allowed to come back to visit my village.
25 And I was also thinking that if I had to work at the district, I

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1 had to work in the military, so -- at that time, I was an orphan.

2 Q. Thank you, Mr. Witness.

3 I would like now to ask you another question: Did you acquire
4 printing skill before you got the job?

5 [11.18.10]

6 A. No, I didn't. However, I could write Khmer nicely and I could
7 perform office tasks.

8 Q. How old were you at that time?

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 Witness, could you please be reminded again -- your message was
12 lost because you were responding when the mic was not activated.

13 BY MR. VENG HUOT:

14 Q. I would like to proceed -- to repeat the question. You said
15 you had no choice to work at -- but to work at the printing
16 house. How old were you when you worked there?

17 MR. KIM VUN:

18 A. I was more than 10 years old.

19 Q. In your statement through the investigators, you indicated
20 that you was 12 at that time.

21 [11.19.44]

22 My next question: Were only young people as young as 12 like you
23 recruited to work at the printing house?

24 A. (Microphone not activated)

25 MR. VENG HUOT:

1 Mr. Witness, could you please be reminded that wait until you see
2 the red light?

3 MR. KIM VUN:

4 A. During that regime, a lot of young people as young as I was
5 were asked to join the work, and some of my relatives who were
6 children were also introduced to the task before me.

7 BY MR. VENG HUOT:

8 Q. Including yourself, other children were recruited to work at
9 the printing house. Could you tell us your first impression when
10 you started work at the printing house?

11 [11.21.03]

12 A. There was no quite impression anyway, because the work was
13 assigned. I was appointed to the task, and if anyone was
14 appointed, then one had to work effectively as being ordered to
15 do so.

16 Q. With regard to the printing house, you said it was located in
17 Santuk district, on the Chinit River. How far was the printing
18 house from the place where Pol Pot would stay?

19 A. The printing house was a few kilometres from his place. It was
20 in the jungle.

21 Q. When you started working at the printing house, how long was
22 that before you met with Pang?

23 A. I had to stay at Office T-40, at Boeng Lvea, and I had to
24 cross Chinit River to kilo number 3 to "lor-64" [L-64], where I
25 stayed there.

1 Q. My question was about meeting with Pang. When did you meet
2 him? Or was Pang in charge of the printing house?

3 A. First, I didn't meet him but later on learned that the office
4 was under Pang's supervision.

5 [11.23.24]

6 Q. What was your actual skill -- or expertise?

7 A. I was good at writing, and I was assigned to write on pieces
8 of paper. So I was asked to practise writing. I was asked to
9 practise writing on a daily basis.

10 Q. Do you still recollect what kind of writing was that? Can you
11 tell us the content of the writing?

12 A. I learned to write on the pieces of paper. We used pen. And
13 then there would be a few pages underneath so that we could write
14 on the first page and then the message could be copied into the
15 beneath pages before it could be printed.

16 Q. Do you remember the content of the writing? What was it about?
17 Just give us some examples.

18 A. First, we made a small booklet, and the booklet was about Keo
19 Nhel.

20 Q. I think I missed that statement. Could you say again what the
21 book was about?

22 A. The booklet that I practised writing on was about - yes, I was
23 asked to write on a piece of paper so it could be copied into at
24 least three other copies, and then we made a booklet with that
25 text about a person by the name of Keo Nhel, the former

1 resistance activist.

2 [11.26.28]

3 Q. In that printing house, you said at a later date you met with
4 Pang. How many people were there at the printing house -- I mean,
5 the young people like yourself.

6 A. (Microphone not activated)

7 MR. PRESIDENT:

8 Mr. Witness, could you please be reminded again that the mic has
9 to be activated before you proceed to respond. Otherwise, you
10 will never be heard.

11 BY MR. VENG HUOT

12 Q. I would like to repeat the question. You stated earlier on
13 that Pang was the person in charge of the printing house.

14 Now, my question is: How many people were recruited to work at
15 the printing house? And how many young people or children as
16 young as yourself, all together in that place?

17 MR. KIM VUN:

18 A. In the outset, there were only two children -- young people:

19 I, myself, and another person by the name Ol.

20 [11.28.03]

21 And then we had other from Kratie province and other brothers. At
22 the beginning, there were only four people to start the printing
23 house.

24 Q. I would like to know from you what kind of documents were
25 being printed at the printing house.

1 A. There were some documents I saw being printed there, as I
2 already indicated, documents that we were assigned to write
3 about. There were other documents also relevant to the Front
4 affairs. News to be sent to the radio station were also printed
5 there, and we also had the telegram where -- by which telegrams
6 could be sent to brothers of the North, for example.

7 Q. Had you ever seen "Revolutionary Flag" magazine, or "Youth
8 Flag" magazines printed at the place?

9 A. At that printing house, only Front related documents were ever
10 printed.

11 Q. Do you recollect information relevant to the work of the
12 Front? If you do, please tell us briefly.

13 A. The affairs of the Front included news -- news from the
14 battlefields -- statements by the leadership, in French or in
15 Latin, and also the telegrams. But I was attached to the printing
16 house where I was tasked with writing only.

17 Q. I also would like to know whether those documents were typed
18 or handwritten before they were printed.

19 A. The documents at the time were mostly handwritten, and then
20 they were copied to a carbon paper, and then they were sent for
21 printing.

22 [11.32.04]

23 Q. Did you ever review the content of those documents?

24 A. Yes, I did. I reviewed the content and tried to comprehend it
25 before I could write.

1 MR. VENG HUOT:

2 Mr. President, with your leave, I would like to have one document
3 displayed on the screen – and document E3/637 -- E3/637. French
4 -- or Khmer ERN 00442332; English ERN 00740938; French, 00752174.
5 I would like to read it out for the witness, and if he
6 understands the content of this document, then I will put the
7 question.

8 [11.33.46]

9 "Bravo! The brave people and Kampuchean people's liberation armed
10 forces throughout the country!" This is a quotation.

11 The second quotation quotes: "Bravo! Great victories to our
12 people and the Kampuchean people's liberation armed forces in
13 every battlefield!"

14 You said just now that you reviewed the content and you normally
15 read the content of the documents. Did you read all the contents
16 of the documents sent for printing at the printing house?

17 (Short pause)

18 MR. PRESIDENT:

19 Mr. Kim Vun, can you respond to that question? If you are not
20 able to respond to this question because you cannot recollect it,
21 then you can ask the prosecutor again so that he may repeat the
22 question or he can move on to the next question.

23 MR. KIM VUN:

24 Mr. President, can the prosecutor be directed to repeat the
25 question?

1 [11.35.26]

2 BY MR. VENG HUOT:

3 Q. Thank you, Mr. Kim Vun.

4 I am trying to read out portion of this document. In the content
5 of this document, the words "Bravo! The brave people and
6 Kampuchean people's liberation armed forces throughout the
7 country!", and "Bravo! Great victories to our people and the
8 Kampuchean people's liberation armed forces in every
9 battlefield!"

10 Did you ever hear these slogans and were they ever printed in the
11 printing house where you worked?

12 MR. KIM VUN:

13 A. I do not recall this.

14 Q. Do you -- did you not recall the printing of these slogans or
15 did you not recall these slogans at all?

16 A. These two slogans were quite common at that period of time.

17 [11.37.14]

18 Q. Thank you.

19 I am going to read another portion of the document E3/637. I just
20 would like to ask whether or not you recall that these phrases or
21 content were printed at that time. In Khmer, ERN 00442328;
22 English, 00740933; French, 00752170.

23 I would like to read it as follows:

24 "'Entry Kmao' was arrested, and as the war prisoners--"

25 Rather, "The two battalions of Black Eagles and Chan Rainsy,

1 along with many of the enemy's reinforcement squads had been
2 smashed, injured, killed and deserted and been made prisoners of
3 war. According to an interim report, some 1,550 heads of the
4 enemy's military personnel and officers, including hundreds
5 colonels, captains, lieutenants, and major lieutenants, have been
6 smashed while ten thousands of people have been liberated.
7 "[...] And Kampuchean people's liberation armed forces have been
8 attacked by - and six main sites - six main sites have been
9 liberated and 1,200 heads of enemy's armed forces personnel were
10 smashed, killed, injured, and deserted."

11 Do you still recall these statements?

12 [11.39.43]

13 A. In fact, at that time, we broadcast this common statement in
14 both the radio and also printed it in magazines.

15 Q. Thank you, Mr. Kim Vun. I move on.

16 So, following the publication of the documents, did they
17 distribute those documents?

18 A. The documents were distributed to the base, particularly to
19 the Liberated Zone.

20 Q. Do you still recall who came to collect the documents for
21 further distribution to the Liberated Zone?

22 A. The books published from the printing house were distributed
23 through messengers to the Liberated Zone and the base.

24 Q. Did you ever participate in the distribution or dissemination
25 of those documents?

1 [11.41.34]

2 A. Generally, during that period, the tasks were clearly divided;
3 those people had to mind their own business. And if it was not my
4 task, I was not supposed to distribute any documents. My task was
5 at the printing house; I did not do anything else.

6 Q. Because -- why were you not authorized to distribute this
7 document? Was it because the document had any confidential
8 nature?

9 A. As a matter of fact, I was working with the printing house and
10 I was not supposed to go outside of the printing house. It was
11 the duty and job of the messengers to distribute those documents.

12 Q. You said you could not walk out of the printing house premise.
13 Were -- what was your impression? Was your freedom of movement
14 limited at the time?

15 A. In general, we had to maintain our job in utmost secrecy.
16 Otherwise, we would be targeted and maybe bombarded from aerial
17 attack. So we had to maintain secrecy. If they singled out any
18 location, then we would be air raid, so we could not go out
19 freely at that time.

20 Q. Who told you that this task was to be kept confidential? And
21 who warned you not to leave your working premise?

22 A. The officer in charge. As I told you, earlier on there were
23 only four members, but later on more people came to join us. And
24 after that it was the directors who supervised the place -- gave
25 me the instruction and advice not to leave the place.

1 [11.44.40]

2 Q. I now move on to the next question relating to your practical
3 work. In your capacity as a young man, how many days per week
4 were you supposed to work and how many hours per day were you
5 allowed to take rest?

6 A. In wartime, we had to divide our work clearly. Regardless of
7 our age, we had to help each other; we had to do whatever tasks
8 we could do. For example, we could prepare food for each other or
9 carry water. And other than that, we had to help each other. For
10 example, at that time we lived in the forest; we had to remind
11 each other of the health concerns, the infections, we had to - we
12 had to ensure that we lived in a hygiene place; we had to have
13 toilets properly, and otherwise we would be infected by many
14 diseases. We had to have mosquito nets and hammocks. And
15 particularly, we had to be vigilant at all times of the air
16 raids.

17 And as for the tasks, we had different work shifts. We had to
18 divide it in turns. But whenever we had to do it on an offensive
19 basis, we did not have to mind each other's work. We had to do it
20 all the time without thinking of the working hours per day or so
21 at all.

22 [11.46.52]

23 Q. So I would like to expand on this. You said that you had a lot
24 of things to do, and you were still very young at that time. Did
25 you ever meet the leaders of the Front? And if you did, who did

1 you meet?

2 A. The leader whom I knew as the leader was Hem.

3 Q. I cannot really catch your answer. Can you please repeat your
4 answer? Who were the leaders of the Front? Did you know their
5 official names or their revolutionary names?

6 A. At that time, I was very young. I only knew Brother Hem, who
7 visited that place once in a while. And then, later on, I learned
8 that Brother Hem was actually Mr. Khieu Samphan.

9 Q. When you met Brother Hem, which was the revolutionary name,
10 where did you meet him? And in that circumstance, what did you do
11 and what did he have to do at that time?

12 So my question really is: Where did you meet him, and why did he
13 go there?

14 A. At that time, Brother Hem went to the printing house.
15 Sometimes he simply came to say hello, and at other times he came
16 and brought along with him some food stuff to provide to people
17 working at the printing house, in order to encourage them,
18 motivate them to continue to struggle.

19 MR. VENG HUOT:

20 Thank you.

21 Mr. President, that is all for me. I would like to now handover
22 to my esteemed colleague. Thank you.

23 [11.50.21]

24 QUESTIONING BY MR. RAYNOR:

25 Mr. President, Your Honours, can I formally introduce myself? My

1 name is Keith Raynor, and I'm a barrister from England.

2 Q. Mr. Kim Vun, I would like to take up, please, on some of the
3 questions that you've been asked and to ask some clarification
4 questions, and the first is to do with statements by the
5 leadership.

6 Now, you just said in Court a few minutes ago that the affairs of
7 the Front included news from the battlefields and statements by
8 the leadership in French, and also telegrams.

9 So how often, when you were employed at this printing house after
10 1971, did statements from the leadership come to the printing
11 house?

12 MR. KIM VUN:

13 A. As a matter of fact, at that time there were a lot of
14 documents. And normally the leaders never came to the printing
15 house themselves; more often than not, the messengers carried
16 those documents to the printing house.

17 [11.52.17]

18 Q. Did you stay at this printing house from 1971 through to 1975
19 at the same place or not?

20 A. Well, actually, we had to change several places, and to my
21 recollection, we changed the place three times, the first one
22 being along tribury (phonetic), and then the second place was
23 Office 24. And then, later on, it was moved to B-20, and
24 following 1975 it was moved to somewhere adjacent to the Olympic
25 Stadium.

1 Q. Just so that I have it correctly, it's right, then, that you
2 stayed in the job associated with printing right from 1971
3 through to 1975, when you were working in the Olympic Stadium; is
4 that correct?

5 A. Yes, that is correct.

6 [11.54.03]

7 Q. In this period, from 1971 to 1975, who decided what was going
8 to be published?

9 A. The detailed work of -- as such, I did not know, but normally
10 we received the documents from messengers. Rarely did the leaders
11 bring along with them documents. Most of the times, those
12 documents were delivered to us by messengers.

13 Q. You've also mentioned that there was news that went to the
14 radio station. Now, where was the radio station, in relation to
15 the printing house?

16 A. The radio station of the FUNK was based in China, because at
17 that time we could send news articles and we telegram it for
18 broadcast. And in 1973, 1974, and 1975, there was -- they
19 established a radio station in B-20. It was close to the printing
20 house.

21 Q. You mentioned that ultimately, or certainly at some stage, the
22 printing house was located at B-20. What was the geographic
23 location of B-20?

24 A. To my knowledge, B-20 was located in Stueng Trang district, in
25 the jungle as well as the rubber plantation. It -- the land over

1 there was fertile.

2 Q. I would like to deal with the following question this way. You
3 mentioned -- and we'll come to this later -- that you entered
4 Phnom Penh in April 1975. I want you to use April 1975 as a
5 marker.

6 [11.57.16]

7 Now, how long before April 1975 were you first at B-20?

8 A. When -- soon before the liberation of Phnom Penh, I was with
9 B-20. And at that time our team at the printing house was not
10 moved to Phnom Penh yet. They moved those who worked in the radio
11 station first.

12 And some time -- on the 20th or so, I went to Phnom Penh. We
13 travel a long way through Preak Kdam and Preah Ket Melea
14 Hospital, and then we got to Phnom Penh. We had to take the boat
15 at that time to reach Phnom Penh because the road were cut by --
16 cut in different places, so we had to take by waterway to reach
17 Phnom Penh.

18 Q. Help me then, please. Either in days, weeks or months, how
19 long were you personally located at B-20 at Stueng Trang?

20 [11.59.09]

21 A. I do not recollect how long I had remained there, but I had
22 been there for at least 10 years - rather -- yes.

23 Q. The English translation of that was that you'd been at B-20
24 for 10 years. Is that what you meant?

25 A. No, I think that was not correct because the war took place

1 for no longer than five years; I could have never been there more
2 than that. So I could be in between these five years period that
3 I was at that location, but I don't recollect exactly how long I
4 was there.

5 Q. Whatever the length of the period was that you were at B-20,
6 was the printing house effectively producing documents for the
7 whole of that period?

8 A. I had remained in the printing house even though the location
9 was relocated time and again, and I still worked at the printing
10 house even when in Phnom Penh. And I helped them write headings
11 of the articles or I helped with other publishing tasks by
12 helping with the cover of the printed materials and also the
13 pictures for the magazines.

14 [12.01.27]

15 However, I was more involved in writing rather than in technical
16 aspect of the publishing. I later worked in the Newspaper Section
17 and I also helped produce the magazine -- picture magazines.

18 MR. PRESIDENT:

19 Thank you, Mr. Co-Prosecutor, and thank you, Mr. Witness.

20 It is now appropriate time for lunch adjournment. The Court will
21 adjourn during this period, and the next session will be resumed
22 by 1.30 p.m.

23 Court officer is now instructed to assist Mr. Witness during the
24 adjournment and have him return to the courtroom by 1.30.

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

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1 [12.02.31]

2 MR. PAUW:

3 Thank you, Mr. President. Our client would like to follow this
4 afternoon's proceedings from his holding cell. He is suffering
5 from a headache, back pain and a general lack of concentration.
6 And we have prepared the waiver.

7 MR. PRESIDENT:

8 The Chamber has noted the request by Mr. Nuon Chea through his
9 counsel, in which he has requested that he be allowed to observe
10 the proceedings from downstairs for the remainder of the day, due
11 to his health concern. He indicated that he could not remain
12 seated in this courtroom for a long period of time.
13 In light of that, the Chamber, therefore, grants such request.
14 Through that, Mr. Nuon Chea is now allowed to observe the
15 proceedings from his holding cell, and he has expressly waived
16 his right to participate directly in the courtroom.

17 [12.03.42]

18 The Chamber asks that counsels for Mr. Nuon Chea produce the
19 waiver immediately -- the waiver that is signed or given
20 thumbprint by Mr. Nuon Chea -- to the Chamber.

21 And AV booth officers are now instructed to ensure that the
22 holding cell is connected to the audio-visual link so that Mr.
23 Nuon Chea can observe the proceedings from there.

24 And security personnel are now instructed to bring Mr. Nuon Chea
25 and Khieu Samphan to their respective cell -- holding cell,

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1 rather, and have Mr. Khieu Samphan returned to the courtroom when
2 the next session resumes.

3 THE GREFFIER:

4 (No interpretation)

5 (Court recesses from 1204H to 1332H)

6 MR. PRESIDENT:

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

8 Before we proceed to the -- indeed, we now proceed to the

9 Prosecution. You may now proceed.

10 BY MR. RAYNOR:

11 Q. Mr. Kim Vun, I'm still, at this stage, asking you questions
12 about B-20 at Stueng Trang prior to any move towards Phnom Penh.

13 At B-20, who was your boss?

14 MR. KIM VUN:

15 A. At B-20, Ban was my boss.

16 Q. And who, please, did Ban report to?

17 A. He reported to upper echelon, but I don't know who they were.

18 Q. At B-20, was there a headquarters building?

19 A. There was no building because, during the war time, we was
20 located in the banana plantation. We had to have the office under
21 trees -- or rubber trees to just avoid being bombarded. And the
22 office was normally covered by a kind of thatched roof huts.

23 [13.35.09]

24 Q. Now, you mentioned Ban being your boss. Who was in overall
25 charge at B-20?

1 A. Pang was still the person who was overally (phonetic) in
2 charge of the place.

3 Q. During the time you spent at Stueng Trang, did you ever see --
4 and for translation purposes, I stress the word "see", not "meet"
5 -- did you ever see any leaders at B-20?

6 A. In 1975, immediately after the liberation of Phnom Penh, I
7 rarely saw any leaders, except Madam Yun Yat.

8 Q. Mr. Kim Vun, can I make it clear I'm still at B-20 in my
9 questioning? I'm not talking about 1975 and when you got to Phnom
10 Penh; I'm talking before that period.

11 So I'm going to repeat the question again: At B-20 at Stueng
12 Trang, did you ever see any leaders?

13 A. Yes, I did, but only Ms. Yun Yat.

14 [13.37.00]

15 Q. Now, in your OCIJ statement -- and can I give some pages,
16 please, to this next question? The relevant document was E3/380.
17 Khmer ERN 00357200; French, 00485433; and English, 00365645.

18 Now, on that page, you mentioned the words "basic study
19 sessions". Were there ever any basic study sessions at B-20?

20 A. In general, all combatants, during the Front, had to attend
21 study sessions, the political study sessions, so that we could be
22 instructed on how to gather forces to liberate the country.

23 Q. Can you just explain that in a little more detail?

24 So, there are meetings about guarding forces to liberate the
25 country. Were there any other subjects that came up in these

1 meetings?

2 A. During the study sessions, at that time, the content of which
3 were more about the war, about our devotion, sacrifice, and
4 struggle. Although we could never be -- end up being sent to the
5 battlefields, we may work at the rear like in the printing house,
6 we were instructed through the sessions to have strong solidarity
7 among ourselves and at the same time we were asked to maintain
8 top secrecy because failing to do this, we could end up being
9 bombarded or shot at by our opponents; sometimes we could be
10 killed.

11 In the study sessions, people discussed about how to be very
12 vigilant, how to perform our duties very well.

13 [13.40.12]

14 Q. Mr. Kim Vun, thank you for that comprehensive answer.

15 Who would be speaking to you at these sessions?

16 A. At B-20, so far as I remember, Ms. Yun Yat would be the only
17 speaker.

18 Q. You mentioned in another part of your evidence, earlier this
19 morning, about being motivated and encouraged. Was that ever a
20 feature of your life at B-20 at Stung Trang?

21 A. Yes.

22 [13.41.15]

23 Q. Who would motivate and encourage you?

24 A. As I already stated earlier on, first, Brother Hem who
25 encouraged me, and also I was encouraged by elder brothers who

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1 worked there. At no time had I not been encouraged by people
2 surrounding me because at that time I was young and I had to be
3 far away from home for several years and I often time was
4 homesick, and I missed my family and parent. So, without
5 encouragement and motivation among ourselves, we could have never
6 performed our work enthusiastically very well.

7 Q. When Brother Hem was encouraging you and motivating you, what
8 would he say?

9 A. As also stated previously, that's the way we were encouraged.

10 Q. In your time at B-20 at Stueng Trang, what happened during the
11 period of Khmer New Year?

12 A. I do not recall having noted any events during the New Year,
13 but I think there was an event concerning the "White Khmer".
14 After the victory in the battlefield of the FUNK, problem
15 concerning the "White Khmer" would be raised. However, I have no
16 idea what the "Khmer Sar" -- or "White Khmer" -- could have been,
17 but we overheard that there was fighting, the fighting that was
18 staged by this group in the rear.

19 [13.44.06]

20 Q. You spoke earlier this morning about issues for the Front
21 being inclusive of "news from the battlefields".

22 Now, if you take your marker in time as being you arriving in
23 Phnom Penh -- but I'm moving backwards from there -- can you
24 remember what the last news was from the battlefields when you
25 were at Stueng Trang?

1 A. The last news was the offensive attack on the 1st of January,
2 because the 1st of January was part of the ultimate goal for the
3 offensive attack by the FUNK.

4 Q. Which area of the country was being attacked on the 1st of
5 January?

6 A. It was concerning the battlefields surrounding Phnom Penh.
7 [13.45.48]

8 Q. Who gave you the news from the battlefields surrounding Phnom
9 Penh?

10 A. News from the FUNK normally would have been sent through
11 telegrams, the telegrams that would be sent to the leadership
12 before being sent to us. And the actual news to be broadcast were
13 to be taken directly from the battlefields -- concerning the
14 practical situation in each respective battlefield.

15 Q. In the days leading up to you leaving Stueng Trang, did you
16 receive any instructions about where you were going and what your
17 duties were going to be?

18 A. To be prepared to take new tasks. My superior told us to
19 prepare for that because -- he told us that the victory was
20 nearing. And we also heard about this on radio broadcasts, and
21 the radio station at B-20 was broadcasting this piece of
22 information. And people from the printing house also worked for
23 the radio station. They had two jobs at the same time: working at
24 the printing house and the radio station.

25 Q. So, when you were at B 20, before you moved to Phnom Penh,

1 these radio broadcasts -- how often did these radio broadcasts at
2 B 20 take place?

3 [13.48.36]

4 A. The radio broadcasts would be on air on every day basis -- it
5 started from the morning -- concerning information fed from the
6 battlefields.

7 Q. Whose voice, then, would be speaking during these radio
8 broadcasts?

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 Witness, could you please hold on? The mic is not yet activated.

12 Wait until you see the red light before your response.

13 MR. KIM VUN:

14 A. During the Front period, there were poor people who were
15 reading the news: Comrade Phai, Sorn, and Yet. For the -- at the
16 beginning, there was only one woman, but later on Comrade Mol was
17 added to form a group of four newscasters.

18 [13.50.02]

19 BY MR. RAYNOR:

20 Q. Did you ever hear any leaders speaking on the broadcasts?

21 MR. KIM VUN:

22 A. In the broadcasts, we rarely heard the voices of the leaders,
23 except the statement by a person I don't remember, but there were
24 some statements by the leaders.

25 Q. I just want to clarify that. There were some statements by the

1 leaders on the broadcasts from B 20, but you can't remember that
2 content; is that fair?

3 A. (Microphone not activated)

4 Q. Mr. Kim Vun, I'm afraid I didn't pick up the response from
5 that. I was asking you to clarify this -- that during the period
6 that you were at B 20 at Stueng Trang, there was broadcasts by
7 leaders, but you can't remember the content. Is that fair?

8 A. (Microphone not activated)

9 MR. PRESIDENT:

10 Witness, you may now respond.

11 MR. KIM VUN:

12 A. Yes.

13 [13.52.09]

14 BY MR. RAYNOR:

15 Q. You describe being in a boat - you've described being in a
16 boat that -- you finally end up at Phnom Penh, but when you are
17 in the boat, did you know where you were going -- to which city?

18 MR. KIM VUN:

19 A. We had to stop by the Preah Ket Melea Hospital. It was the
20 place where we stopped after we left Preaek Kdam.

21 Q. I just want to go back if I can, please, to the broadcasts.
22 How many people were in the radio group at B 20?

23 A. I remember only the newscasters. There were five of them:
24 three men, two women.

25 Q. Can you tell us, what was the last piece of writing that you

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1 were involved with before you left B 20?

2 A. In the magazines, the news content would be more about the
3 battlefields or statements by the leadership, for example
4 statements appealing combatants and the popular mass to unite
5 together to fight the victory -- to win the victory.

6 [13.54.21]

7 Q. And I'd just like to be clear, Mr. Kim Vun, if I can, at this
8 point. Are you still copying out handwritten news, or is there in
9 fact any printing press of any kind at B 20?

10 A. At B 20, I still had to write text by hand.

11 Q. You've mentioned statements by the leadership of B 20 - so
12 written statements by the leadership. Which members of the
13 leadership had written these statements?

14 A. I do not know who wrote them because there were several
15 writers, but the main statements were from Mr. Khieu Samphan.

16 Q. All right. Can we pause? You're at B 20. The main statements
17 are from Khieu Samphan.

18 Just roughly, how many statements were from Khieu Samphan?

19 [13.56.14]

20 A. The statements were written into several pages, but I don't
21 remember them all because one given statement contained more than
22 10 pages. I do not know whether -- or believe that Mr. Khieu
23 Samphan wrote the statement all alone. In the CPK, without any
24 decision made by then-Prince Norodom Sihanouk, he would not be
25 able to write such statement, but that's my speculation.

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1 But in principal, the FUNK statement -- or the leader of the FUNK
2 statement would never have the clearance -- would never be able
3 to write any statement without the clearance by the former
4 prince.

5 Q. If there was a statement by Khieu Samphan, how would that get
6 delivered to B 20?

7 A. Messengers would ferry the statement -- the statement that
8 were handwritten or typed -- to be sent to us.

9 Q. If there was a statement by Khieu Samphan, how many copies
10 would be made of the statement?

11 A. I do not know how many copies were made, but the statements
12 were -- were also copied or read in the radio broadcasts and as
13 part of the news broadcasts.

14 Q. I just want to be clear on this. If there was a written
15 statement by Khieu Samphan, are you saying that was also
16 broadcast?

17 [13.58.38]

18 A. So far as I remember, the statement was rarely read live.
19 Normally, the statement would be recorded and the statement would
20 then played back on air.

21 Q. But would it be the voice of Khieu Samphan on air, on the
22 broadcast?

23 A. (Microphone not activated)

24 MR. PRESIDENT:

25 Witness, could you please hold on? The mic was not yet activated.

1 You may now proceed.

2 MR. KIM VUN:

3 A. Most of the texts were recorded in a - in a tape before they
4 could be played back and on air.

5 BY MR. RAYNOR:

6 Q. But would it be Khieu Samphan's voice on the tape?

7 [13.59.59]

8 MR. KIM VUN:

9 A. What I am saying here is that the newscaster would be reading
10 the text, reading the statement, and had his or her voice
11 recorded into a tape, then the tape would be played back on air.

12 Q. If there was a statement by Khieu Samphan at B 20, what would
13 be the typical content of such a statement?

14 A. The statements were mainly about promoting the offensive
15 attack to win the victory at battlefields and appeals for people
16 in the Liberated Zone, along with the cadres and other people, to
17 support one another, both at the battlefronts and the rear.

18 Q. Thank you, Mr. Kim Vun. I want to move to another subject
19 heading.

20 The next subject heading is Communication generally. Source
21 document: E3/380. Khmer, 00357200; French, 00485433; English,
22 00365645.

23 On this page, you said that the upper echelon communicated to the
24 middle and lower echelons "through letters", and sometimes the
25 middle and lower echelons "were summoned to meetings to receive

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1 plans".

2 [14.02.24]

3 I want to deal first with letters. How did the letters get sent
4 from the upper echelon?

5 A. The working procedure was arranged through messengers.

6 Messengers had to courier letters from one place to another. So
7 nobody else could assume this role. And messengers normally were
8 people who were considered friend, honest, loyal, and they had
9 come across a lot of obstacles. And in couriating the letters,
10 they had to maintain the utmost secrecy.

11 Q. And if one's taking example of a letter being sent from the
12 upper echelon down to what you called "the middle echelon", what
13 do you mean by "the middle echelon"?

14 A. (Microphone not activated)

15 [14.03.56]

16 MR. PRESIDENT:

17 Witness, please hold on. The counsel is on his feet.

18 You may proceed, Counsel.

19 MR. KONG SAM ONN:

20 Mr. President, I'm sorry to interrupt. The prosecutor is now
21 asking the witness to refer to the letter without specifically
22 mentioning any letter.

23 So this was the second time he asked the same question, and I
24 would like to object on this basis.

25 MR. RAYNOR:

1 Mr. President, you have been at pains on a number of occasions in
2 these proceedings to urge counsel to pick a relevant topic from
3 the OCIJ statement and then to ask relevant, admissible,
4 targeted, clarifying questions based on that extract.

5 This witness has mentioned letters in the context of
6 communication, and I'm simply asking for clarification to assist
7 the Court.

8 (Judges deliberate)

9 [14.05.46]

10 MR. PRESIDENT:

11 The objection and the grounds for objection by the defence
12 counsel is not sustained.

13 The Chamber needs to hear the testimony of the witness in
14 responding to the last question posed by the prosecutor.

15 MR. KIM VUN:

16 A. I would like to bring up an example. The "upper echelon" means
17 those who were above my direct superior. As for "middle echelon",
18 refers to the cadres within respective units. And as for the
19 subordinates of those who were within each department or office,
20 they refer to subordinates, but they were not members of the
21 Central Committee. That's what I said. Because, normally, the
22 directive or order was sent from the upper echelon to the middle
23 echelon, and the upper -- the middle echelon would hand down the
24 decision to the subordinates. So I was down below and I received
25 direction from the middle echelon.

1 [14.07.01]

2 BY MR. RAYNOR:

3 Q. Can you give us an example, from your own experience, of what
4 sort of direction or instruction you were given as a subordinate
5 based on these letters?

6 MR. KIM VUN:

7 A. Generally, people at the lower level never received letters
8 from our -- lower levels only received letters from our
9 relatives. But as for letters from the upper echelon, we never
10 received them directly; we had to receive it from the middle
11 echelon. But if they were personal documents, it was nothing
12 secret; but if it were the letters from the upper echelons, they
13 had to be kept with utmost confidentiality.

14 Q. I want to move on to the next subject heading, please, if I
15 may, which is -- I'm going back to basic study sessions. Now, I'm
16 not limiting these -- this questioning to B 20. So, in the whole
17 of the time, from 1971 to 1979 -- I'm dealing with the whole of
18 this period for the next question.

19 It's the same page references as those I have just given and you
20 said this: "...the Khmer Rouge cadre were usually summoned to
21 attend basic study sessions to enable them to understand before
22 plans were set for implementation."

23 [14.09.13]

24 First question: How were cadres summoned to a basic study
25 session?

1 A. Generally, they would tell individual members to attend a
2 basic study session, and during that entire period of time, the
3 training session in this context refer to the political training,
4 political indoctrination. Once they understood it, then they
5 would be sent to the work field. And if they had not gone through
6 the political doctrines or so, they would not be able to carry
7 out the work. So they had to have a unified position or
8 standpoint on the plan set before the activity were carried out.
9 So we had to understand the things we had to do. So the cadres
10 had to attend those basic training sessions. For example, if
11 there was a plan to be executed, those cadres had to understand
12 how to execute them.

13 Q. Who would have set the plans in the first place?

14 [14.11.19]

15 A. It was not beyond my -- it was beyond my capacity. It must
16 have been planned by people in the upper authority.

17 Q. What did "the upper authority" or "the upper echelon" mean to
18 you?

19 A. "Upper echelon" means the senior leaders, those who set forth
20 the plan of actions. So, before any plan was carried out, then it
21 -- there would be a training document or training manuals for
22 conducting training sessions.

23 Q. Who were the senior leaders?

24 A. When I was young, at that time -- actually, it was based on my
25 intuition. It was not by knowledge I gained through information.

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1 And to date I could assess the situation back then as follows: in
2 the supreme authority.

3 Q. You mentioned the worlds "political indoctrination". So what
4 was the political message?

5 A. During the war time, they train us how to engage in war, but
6 when the war was over, we moved to the next phase of development,
7 so we focused on development. But in the war times we discussed
8 only the warfare, but during the peace time we discussed
9 reconstructing the country and national defense.

10 [14.14.13]

11 Q. How many people would attend these basic study sessions?

12 A. The training sessions, both in the war times and the peace
13 times, we -- they were attended by combatants in various
14 departments and offices. They were all trained.

15 Q. Concentrating in the period after the 17th of April 1975,
16 where were the basic study sessions held?

17 A. They were held at Borei Keila, to my recollection.

18 Q. How regularly were they held?

19 A. For the -- those who were in the upper authority, they -- it
20 would last for months, but for those who were at the lower
21 levels, it would last for two weeks or even one week. So it
22 varied depending on the level of authorities.

23 [14.15.53]

24 Q. So, if we pause there and take a two week study session, who
25 would be giving the political indoctrination at such a session?

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1 A. After 1975, I was trained by the ministries, ministries of
2 propaganda -- because I was within the Ministry of Propaganda.
3 There was one female minister, Madam Yun Yat, as I mentioned
4 earlier. She was the Minister of Propaganda and Education. So the
5 political indoctrination was trained by her. She was the only --
6 the sole lecturer in that ministry.

7 Q. If cadre attended a basic study session and it received this
8 information for two weeks, what were they expected to do, if
9 anything, with that information?

10 A. As I mentioned earlier, the -- there were only directions.
11 First, it -- we had to do everything to defend our nation and to
12 also reconstruction our nation. For example, I was working with
13 the printing house, so I had to handle my job efficiently and
14 well.

15 [14.17.49]

16 Q. I'm moving on to the next topic, which is the printing house
17 after the 17th of April 1975. So this is the printing house in
18 front of the Olympic Stadium.

19 Source document: E3/380. Khmer, 00357197; French, 00485429
20 leading into 30; and English, 00365642.

21 You said: "...I was assigned to organize a printing house..."

22 Who assigned you?

23 A. As a matter of fact, when I arrived in Phnom Penh, the
24 handwritten magazine that I produced myself, I could produce,
25 actually, one copy on reconstruction of the country. And

1 afterwards, I was no longer involved in that. I had to assist the
2 printing house in preparing for printing magazines and
3 newspapers.

4 [14.19.33]

5 As I said, I was there, in the first place, to prepare the
6 headings of the article as well as certain clichés and I also
7 assisted in writing certain articles as well, particularly the
8 heading of the newspaper. So I was not involved in the technical
9 aspect of the printing house anymore, in accordance with the
10 designation.

11 Q. I hope a straightforward question, Mr. Kim Vun: Who sent you
12 to your tasks, then -- to do your writing?

13 A. Then, the minister -- the minister of Ministry of Propaganda
14 and Education.

15 Q. Who was that?

16 A. She was Yun Yat.

17 Q. In terms of the various K offices, is this right: K-25 through
18 26, 27, 28, 29, 30, and 31, are they all sections of the state
19 printing house, or have I got part of that wrong?

20 A. From K-25 to 31, they were the offices subordinate to the
21 Ministry of Propaganda and Education. However, K-25 was an office
22 where the minister worked, and now it was -- it is also a
23 ministerial office in front of the Olympic Stadium. And the place
24 where I worked was the former "National Salvation" newspaper
25 during the Khmer Republic.

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1 Q. Can you just help me on this? The "Salvation" newspaper -- or
2 the "National Salvation" newspaper, can you help me -- was that a
3 pre-existing newspaper in Phnom Penh before you arrived, or not?
4 [14.22.36]

5 A. The "National Salvation" newspaper was established during the
6 Lon Nol Administration. It was located in front of the Olympic
7 Stadium. It was adjacent to a boxing centre.

8 Q. So I have it clearly - that, then, is a functioning newspaper
9 premises, complete with printing presses and all the machinery
10 that is needed to produce a newspaper; is that right?

11 A. (Microphone not activated)

12 MR. PRESIDENT:

13 Witness, please repeat your statement because, just now, the
14 microphone in front of you was not activated. So please repeat
15 your question (sic).

16 MR. KIM VUN:

17 A. Yes, you're right. That place was capable of printing a
18 newspaper because it was the pre-existing printing house.

19 [14.24.13]

20 BY MR. RAYNOR:

21 Q. Next topic: what K-25 produced and how.

22 Source document: E3/381. Khmer, 00357205; French, 00402997;
23 English, 00365528.

24 You said that K-25 published the "Revolutionary Flag" and the
25 "Male and Female Youth" magazine and that "there was a group of

1 writers, the interview section, the writing section, and the
2 editing section".

3 Now, Mr. Kim Vun, I'd like you please -- and if it helps, use
4 this courtroom as an aid to explaining things -- but if we look
5 at the size of this courtroom or the whole building, using that
6 as a guide, how big were the offices at K-25?

7 MR. KIM VUN:

8 A. The printing house attached to K-25 was small -- was rather
9 small, and the printing house adjacent to K-26 was bigger, but
10 the most modern one was attached to K-27. Of course, at K-26, we
11 could print magazines as well, but mainly it was meant to print
12 the cover page of the "Revolutionary Flag" and the "Revolutionary
13 Youth" - "Female and Male Youth" magazine and the "Revolutionary
14 Flag". But at K-25, it was used to print the subsequent pages of
15 the "Revolutionary Flags" and other documents. But as for the
16 cover pages, it was printed at K-26. At K-27, they printed
17 certain documents in foreign languages, including French and
18 English as well.

19 [14.27.02]

20 Q. Of the four sections of K-25 that you mentioned, which section
21 did you work in?

22 A. At K-25, my first workplace -- actually, I was the assistant
23 to the printing house. As I said, I was assigned to assist in
24 preparing the headlines for various articles, and then, later on,
25 after I had subsequent training on photographing, so then I was

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1 transferred to a different section where I was tasked to write
2 articles in the "Revolutionary" newspaper.

3 Q. I'm just going to concentrate for one moment on the first part
4 of your answer, which has to deal with writing up headlines. Do I
5 have it right that you'd have to read a document before you could
6 write a headline for it, or was the headline given to you?

7 A. Generally, before we print the newspaper, we had to have
8 headlines. And inside the newspaper, we had to arrange the
9 headings. At that time, they had to prepare letters by
10 handwriting and they wanted to appear nice as well, so at that
11 time I used the black-- the Chinese ink, and then there were copy
12 and offsetting, because normally the leaders did not want the
13 typewritten articles to be printed; they wanted the handwritten
14 headings.

15 Well, I actually only assisted in preparing those headings. The
16 texts were not-- the printed texts were not good enough to be
17 re-printed, but the written text would be better for the later on
18 printing purposes and - or to enlarge or to make them smaller.

19 [14.30.35]

20 Q. The written text is better for printing at this stage.

21 My question was relating to, Mr. Kim Vun, the headline. In other
22 words, if we imagine a piece of paper with some writing on it and
23 above the writing there's a headline, who came up with the words
24 for the headline? Was it you or somebody else?

25 A. Normally, the minister of the ministry would convene meetings

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1 of the writers to share input of how to come up with the best
2 words for headlines for the magazines, and we gathered
3 information and we followed the majority opinion concerning the
4 wordings.

5 Q. At this early stage, was it Chhoy who was head of the writers'
6 team?

7 A. Bong Chhoy was a student from the Royal University of Phnom
8 Penh. And during the three-year period, people who had been
9 affiliated with the Resistance Movement were those who were
10 former students or professors or teachers; that's why he or she
11 would be recruited to work at the printing house to help write
12 news articles.

13 Chhoy was promoted to be the head of the unit. He was former --
14 or old-timer Resistance person in Phnom Penh, so he became the
15 head of the unit.

16 Q. When was the first time you saw a front page to any
17 "Revolutionary Flag" magazine?

18 [14.33.41]

19 A. I'm afraid I do not quite catch your question. You're
20 referring to the first page or the first cover of the page, or
21 did I see the page first?

22 Q. It was a bad question, Mr. Kim Vun.

23 I'm going to rephrase it: Do you know when the first issue of
24 "Revolutionary Flag" came out?

25 A. The "Revolutionary Flag" was first published in 1970s -- early

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1 1970s, perhaps 1971 or 1972, because by the time I started
2 working at the printing house, there had been several copies of
3 the "Flags" already. They classified the "Flags" into two-- at
4 that time there was not yet the issues of the "Revolutionary
5 Youth" magazines. However, I do not recollect very well whether
6 the magazines were already issued by 1971 or 1972, and I know
7 that some magazines for the Front were already printed back then.

8 Q. Next subject: the source of the material for the
9 "Revolutionary Flag".

10 Source document: E3/381. Khmer, 00357205; French, 00402998;
11 English, 00365528.

12 You said that "the writers came from the Party Centre".

13 Who were the writers from the Party Centre?

14 A. I do not know, but I believe that they could have been from
15 the CPK Party Centre. I did not know who wrote them. However, on
16 the annotation or the revised versions of the magazines, I noted
17 that the writing could have belonged to Brother Pol.

18 [14.36.59]

19 MR. PRESIDENT:

20 Mr. Witness, you are here to only tell the truth, nothing but the
21 truth; you are not supposed -- or not allowed to give your pure
22 speculation when giving testimony.

23 BY MR. RAYNOR:

24 Q. Mr. Kim Vun, I'm not sure the President heard the back end of
25 your answer.

1 Don't rely on anything other than personal knowledge in asking my
2 next question, but the back end of your answer was something
3 about the writing of Brother Pol.

4 Now, from your own knowledge, and not relying on any source, are
5 you saying, for any reason, that you recognized the writing of
6 Brother Pol?

7 MR. KIM VUN:

8 A. I guess I still recognize his -- because documents that I used
9 as the sources for my writing had some annotations, some of which
10 belonged to Pol Pot.

11 [14.38.30]

12 Q. Given the whole of the length of the time that you were
13 involved with handling written material, are you saying that you
14 recognize the handwriting of any other leaders?

15 A. I had just come to learn about this at a later date. Before, I
16 had not known about this.

17 But for the "Revolutionary Flags" none of the lower level cadres
18 could have been written -- could have been writing such texts
19 because they were about political lines, about theory, ideology
20 and none of the lower-level people could be knowledgeable to
21 produce such texts, so I believe they must have been written by
22 the people at the leadership.

23 And with regard to the text that I rely upon in my writing of the
24 news, there was some annotations, revised version that could have
25 been written by several authors.

1 [14.40.05]

2 Q. Just to clarify, if the material you were looking at contained
3 annotations, are you saying that you could recognize the
4 handwriting on those annotations?

5 A. (Microphone not activated)

6 Q. Mr. Kim Vun, I'm afraid I didn't hear the response to that
7 question. Would you like me to raise the question again?

8 A. Please, do it again.

9 Q. Well, the question is this: In respect of any material --
10 written material that you saw in the whole of the time that you
11 were at the printing house -- containing annotations, are you
12 saying that you could recognize the handwriting on the
13 annotations?

14 A. (Microphone not activated)

15 [14.41.28]

16 MR. PRESIDENT:

17 Mr. Witness, please respond again because your first response was
18 not heard because you made it made it when the mic was not
19 activated, so it was like no answer. So, please do it again.

20 MR. KIM VUN:

21 A. To respond to your question, I understand that the annotations
22 are recognized by me, because normally the text -- for example,
23 if I had to write based on the text, I had to ask people for
24 clarification if we did not understand the annotations on each of
25 the text because -- often times the text came with brief

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1 annotations and we could recognize them. That's why I say: Yes, I
2 am, and the annotation belonged to Brother Pol. Because I asked
3 question to Chum (phonetic), and the Front also asked question if
4 they did not understand anything about the text.

5 [14.43.00]

6 MR. PRESIDENT:

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

8 Because it is now appropriate time for the adjournment, the
9 Chamber will adjourn until 3 p.m.

10 Court officer is instructed to assist Mr. Witness during the
11 break.

12 And, Mr. Co-Prosecutor, you are advised to tell the Chamber how
13 you manage the time -- or allocate time among civil party
14 lawyers, when we resume. Thank you.

15 (Court recesses from 1443H to 1502H)

16 MR. PRESIDENT:

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

18 Without further ado, I would like to now hand over to the
19 International Co-Prosecutor to put questions to the witness.

20 [15.02.25]

21 Before that, as indicated, could Mr. Co-Prosecutor indicate to
22 the Chamber the time that has been allocated among the civil
23 party lawyers and the Co-Prosecutors, please?

24 MR. RAYNOR:

25 Mr. President, can I explain the position, please, in this way?

1 The Office of the Co-Prosecutors initially made a request for Mr.
2 Kim Vun to be allocated one and a half days to be shared between
3 the Office of the Co-Prosecutors and the civil parties.

4 There was then a response that effectively was allocating only
5 three quarters of one day to be shared between the prosecutors
6 and the civil parties. Mr. President, that led last week to the
7 prosecutors effectively asking for more time, and the three
8 quarters of a day became one day to be shared between the
9 Prosecution and the civil parties.

10 Mr. President, I want, please, very respectfully, to make this
11 request, and it's made against this background that the
12 Prosecution are not in the habit of making unwarranted requests
13 for further time. But, Mr. President, I am going to request
14 further time for these reasons.

15 [15.04.00]

16 Mr. Kim Vun is an important witness. He has an extensive
17 knowledge about this period.

18 Secondly, we wish to avoid, if possible, having to recall him to
19 come back at a later date to give evidence in these proceedings.

20 Thirdly, my examination of him will be involving the assessment
21 of a number of issues of "Revolutionary Flag" magazine. He is
22 therefore a document heavy witness.

23 Can I also say this, that in respect of the former witness that
24 we heard from, Madame Sa Siek, we've saved half a day already in
25 terms of her overall time estimate.

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1 Can I give you, Mr. President, please, some timings? So far, the
2 Prosecution have spent one hour and 50 minutes with Mr. Kim Vun.
3 A one-and-a-half-day allocation of time to be shared between the
4 Prosecution and civil parties would amount to seven hours and 10
5 minutes.

6 [15.05.01]

7 It's for those reasons, very respectfully, I urge, please, Mr.
8 President, the Court to consider allocating one and a half days
9 to be shared between the Prosecution and the civil parties for
10 this witness. And, as I say, that was the original request from
11 the Prosecution.

12 I hope you will accept that my questioning thus far has been
13 targeted on specific issues, with short questions seeking to
14 elicit relevant evidence for the Court. And it's for those
15 reasons I ask for one and a half days to be shared between the
16 prosecutors and the civil parties.

17 MR. PRESIDENT:

18 You may proceed.

19 MS. SIMONNEAU-FORT:

20 Yes, Mr. President. If I may clarify for the Chamber, I'd like to
21 specify that this witness will only be questioned by one of the
22 civil party lawyers, Counsel Beini Ye, who needs an hour and a
23 half maximum -- between an hour and an hour and a half. Thank
24 you.

25 (Judges deliberate)

1 [15.07.17]

2 MR. PRESIDENT:

3 Counsel Karnavas, would you wish to be heard? You may proceed.

4 MR. KARNAVAS:

5 Thank you, Mr. President. Good afternoon, Mr. President. Good
6 afternoon, Your Honours, and good afternoon to everyone in and
7 around the courtroom.

8 First of all, it is up to the Trial Chamber to decide how much
9 time to allocate for each witness, not for the parties to barter
10 and say, well, we'll less - take -- use less time for witness if
11 we have more time for the other. If that's the case, then it's up
12 to the Trial Chamber to make a decision in advance.

13 But, secondly and more importantly, time saved from one witness
14 because some of us are being more judicious or have no need to
15 question the witness doesn't mean that we get to spend that time
16 with another witness. Otherwise, if that is the case, then, in
17 order to prevent the Prosecution from having even more time, we
18 would be forced to use all of our time just as a matter of
19 principle.

20 [15.08.20]

21 For the sake of efficiency, we should only be taking the amount
22 of time that is absolutely necessary.

23 Now, I take the prosecutor at its word, but I think the better
24 argument is to say "this is the amount of time we want", not
25 "since the Defence did not use up all of the time in the previous

1 witness, now we get to use it for this witness that's coming up".

2 So far, I have yet to hear an argument as to why so much time is
3 necessary with this witness, because the amount of time that is
4 being asked is a lot of time for a witness of this nature.

5 Thank you.

6 MR. PRESIDENT:

7 Thank you, Counsels, for the observation.

8 The Chamber has not yet ruled upon this.

9 Co-Prosecutor may continue to proceed posing questions to the
10 witness until the end of the day.

11 The Chamber will come up with the ruling on this by tomorrow.

12 [15.09.25]

13 And we also have noted concerning the time that has not been used
14 with one witness, that the time could be then cumulated to be
15 used for other witness. This is not appropriate. Time that has
16 already been allocated for one witness has to be used at that
17 time, and it cannot be considered to be used for putting
18 questions to another witness.

19 The Chamber, again, will rule upon the additional time, whether
20 it could be granted or not given the importance of a witness.

21 You may now proceed, Mr. Co-Prosecutor--

22 I would like to also inform parties that, if I am not mistaken,
23 each -- the witness (sic) will have only one day and a half for
24 putting questions to the witness. So, no party shall be allowed
25 to ask for more than one and a half day. We may give additional

1 time, but based on the time wasted during -- for example, matters
2 that may arise during the question of the witness.

3 You may now proceed.

4 [15.11.17]

5 BY MR. RAYNOR:

6 Mr. President, I'm grateful.

7 Q. Mr. Kim Vun, we were talking, before the last break, about
8 handwritten annotations on materials that you considered. You
9 said that you had recognized the handwriting of Brother Pol. Was
10 there any other annotation handwriting that you recognized?

11 MR. KIM VUN:

12 A. I noted the annotations would be, for example, like these
13 documents or texts needed to be printed immediately. That's part
14 of the annotations.

15 Q. We're going to move on for another -- to another topic: the
16 content of the "Revolutionary Flag" magazine.

17 [15.12.23]

18 Source document: E3/381. Khmer, 00357205; French, 00402998; and
19 English, 00365528.

20 You said, Mr. Kim Vun, that "the contents of the 'Revolutionary
21 Flag' were about [...] internal Party principles and guidelines of
22 the upper echelon of the Party for the low-level cadres to
23 implement and follow".

24 In respect of principles, you said already in evidence today,
25 that the content concerned political lines, theory, and ideology.

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1 Can you please give us an example of the political lines?

2 A. I may wish to give you an example. The plan was laid out for
3 rebuilding the country. In that context, we would be talking
4 about building or constructing the country. Then there would be a
5 plan to increase the rice yield to 3 tonnes per hectare.

6 And another example: if it was to offensive attack to defend the
7 country based on the great leap forward principle, then they had
8 to follow the plan accordingly. And I have not remembered other
9 lines and I am not tasked to -- or with reading the
10 "Revolutionary Flags" magazines anyway.

11 Q. Were you a Party member?

12 A. (Microphone not activated)

13 [15.14.58]

14 MR. PRESIDENT:

15 Mr. Witness, you should not respond without the red light. If you
16 do so, then it will be very time consuming because you have to
17 repeat that, and your message may not be heard. So please do that
18 again -- respond again.

19 MR. KIM VUN:

20 A. No, I was not; I was in the Youth League.

21 BY MR. RAYNOR:

22 Q. Now, in terms of "Revolutionary Flags" that you saw, was the
23 victory of the 17th of April 1975 ever mentioned in

24 "Revolutionary Flag"?

25 [15.15.58]

1 MR. KIM VUN:

2 A. I do not think I have verified the information when I came to
3 Phnom Penh because I was tasked to writing the newspapers and I
4 was too busy with that task to care about that "Flags".

5 Q. Correct me if I'm wrong, but earlier in your evidence, this
6 morning -- or today, you had mentioned that when you first got to
7 Phnom Penh -- that you were tasked with, as far as I understood
8 your evidence, putting together some sort of paper or document;
9 is that correct?

10 A. Yes, it is.

11 Q. So, on this first document that you are dealing with -- and
12 this is soon after the evacuation of Phnom Penh -- what was that
13 article, magazine, document about?

14 A. It was -- I did not prepare those documents. At that time, for
15 me, who was attached to the Newspaper Section, we had to visit
16 printing houses to check the books that stored in each printing
17 house.

18 [15.17.52]

19 When it comes to the content of the documents we -- as authors,
20 we had to make sure that the message was to be friendly and read
21 by the public, the popular mass, and it should be broad. And for
22 the content of the "Revolutionary Flags", no author had ever had
23 experience in the "Flags" writing because it was written by
24 others.

25 Q. Now, aside from political lines, theory and ideology, Party

1 principles and guidelines, can I ask this: Was the anniversary of
2 the 17th of April 1975 -- did that anniversary ever give rise to
3 any written material?

4 A. Normally, during the anniversary of the 17th of April, there
5 would be events, and the newspapers would have to cover this
6 information of the events, and also the radio broadcast could
7 also cover such content.

8 [15.19.43]

9 Q. Thank you. Was the birthday of the Communist Party of
10 Kampuchea -- from 1960, was that ever covered in the
11 "Revolutionary Flag"?

12 A. I don't remember this precisely. Nonetheless, during the
13 anniversary in -- at the stadium, there was statement or speech
14 by Brother Pol. It is possible that such content could be
15 covered. However, such statement would never be released to the
16 Newspaper Section; only if we had some curiosity or wanting to
17 know the content of this that we could ask for reading.

18 Q. Thank you. I'm moving on to another subject, which I'm calling
19 "Target Audience".

20 Source document: E/380. ERNs: Khmer, 00357200; French, 00485433;
21 English, 00365645.

22 When you were talking about who received the "Revolutionary
23 Flag", you said "only to Party cadres and the zone, sector, and
24 district levels" and you also said it was a confidential
25 document.

1 First question: Why was the "Revolutionary Flag" only distributed
2 to cadres?

3 A. So far as I know, cadres need this very much for leading other
4 people. So the content was very much wanted in the "Revolutionary
5 Flags" because the "Flags" served as the medium for communicating
6 the message to the other people.

7 [15.22.19]

8 Q. From your knowledge, then, was it important that cadres read
9 the "Revolutionary Flag" magazine?

10 A. Yes. From my knowledge, during the time of war or any other
11 time, cadres very much in need of reading the "Flags" so that
12 they are well guided.

13 Q. How would an individual cadre know it was important to read
14 the "Revolutionary Flag"?

15 A. As indicated earlier on, the content of the "Flags" were
16 mainly about the rebuilding the country, defense of the country,
17 and normally these message would be secret. However, those cadres
18 who were informed would then have to impart this to others.

19 Q. So, just to clarify that back end of your last answer, were
20 cadres expected just to read the contents on their own,
21 individually, or was group discussion ever encouraged?

22 [15.24.21]

23 A. I don't know about this. I don't know whether each individual
24 would be offered a copy, but I believe that an individual would
25 be offered the copy and he or she would impart the information to

1 other. Like at my place; we have our senior cadres who supervised
2 us, and if we would like to read anything about the "Flags", then
3 we would have to talk to them, because we, the writers, needed
4 some information so that we could be good at writing.

5 Q. Thank you.

6 Can you help us on, just roughly, how many copies were published
7 each time the "Revolutionary Flag" was published?

8 A. I don't know the exact number of copies, but every time, there
9 were stacks of magazines, of each issue.

10 Q. Next subject heading: Distribution.

11 Source document: E3/380. Khmer, 00357197; French, 00485430;
12 English 00365642.

13 On that page, Mr. Kim Vun, you said that the "Revolutionary Flag"
14 was disseminated nationwide.

15 First question: Can you help us on who came to collect the copies
16 prior to them being distributed?

17 [15.26.46]

18 A. I do not know; I just saw the copies being loaded on trucks
19 and they would be distributed to 304, for example, not individual
20 person's name would be listed on the recipients list. Sometimes
21 they would just say that these copies had to be delivered to the
22 East, without referring to each or specific individual.

23 Q. Mr. Kim Vun, just for clarification; when you just said
24 "district", I don't know if you said "District 304" or "District
25 3 or 4"; can you clarify it, please?

1 A. (Microphone not activated)

2 THE INTERPRETER:

3 The interpreter could not catch what the witness was saying; the
4 mic wasn't activated.

5 [15.28.00]

6 MR. PRESIDENT:

7 Mr. Witness, your response was not heard because the mic was not
8 on.

9 MR. KIM VUN:

10 A. The number -- the coding 304 here refers to the North Zone.

11 BY MR. RAYNOR:

12 Q. Thank you.

13 Did the Party leaders receive copies?

14 MR. KIM VUN:

15 A. Sometimes they could be retrieved or could be collected back.

16 Q. Mr. Kim Vun, it's probably me; I don't understand that answer.

17 You said "sometimes they could be retrieved or collected back".

18 [15.28.58]

19 My question was -- and a yes or no will suffice for my purposes:

20 Did the Party leaders receive copies?

21 A. (Microphone not activated)

22 MR. PRESIDENT:

23 Mr. Witness, your mic was not yet activated. Please hold on until
24 you see the red light before you proceed with your response.

25 MR. KIM VUN:

1 A. I said, as long as the people in the zone and sectors received
2 the copies, those in Phnom Penh would also have received the
3 copies, because my boss also received a copy, and I believe that
4 every member or cadre of the Party could have received a copy.

5 [15.30.02]

6 BY MR. RAYNOR:

7 Q. When we say "every cadre", were they distributed to cadres
8 working outside the country?

9 MR. KIM VUN:

10 A. I don't know.

11 Q. Did you ever receive complaints that cadres were not receiving
12 their copies?

13 A. No, I don't know.

14 Q. How did you know, Mr. Kim Vun, if an edition of the
15 "Revolutionary Flag" was a success or a failure or how it had
16 been received?

17 A. I don't know. The only thing I knew was that I saw the copies
18 were being delivered in stacks to various locations.

19 Q. Thank you, Mr. Kim Vun.

20 I'm moving now to specific documents.

21 [15.31.45]

22 Mr. President, I'd like, please, Mr. Kim Vun to be shown from the
23 Prosecution's document bundle -- it is three pages, certainly, in
24 English -- source document number E3/5 -- that's the front copy
25 of a "Revolutionary Flag" magazine -- and then two extracts from

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1 that document, which I'll give the ERNs to in due course.

2 So, please, Mr. President, can Mr. Kim Vun be handed this bundle
3 of documents extracted from E3/5?

4 MR. PRESIDENT:

5 You may proceed.

6 Court officer is instructed now to obtain the document from the
7 prosecutor and hand it over to the witness.

8 [15.33.05]

9 BY MR. RAYNOR:

10 While that's being done, can I explain to everyone in Court that
11 this is the front page of a "Revolutionary Flag", Issue 8, August
12 1975.

13 Q. Now, Mr. Kim Vun, you should have before you, first of all, in
14 this pack, the front page of a "Revolutionary Flag", Issue 8,
15 August 1975. ERNs: Khmer, 00063311; French, 00538951; English,
16 00401476.

17 Now, just pausing for a minute on this front document, you said
18 to us earlier today that there was a time when the front page to
19 "Revolutionary Flag" -- I think you said -- was being produced at
20 K-27; is that correct?

21 MR. KIM VUN:

22 A. No, it was never published in K-27. The publication was
23 normally printed in Office K-25, but this particular cover page
24 was printed in K-26.

25 [15.34.43]

1 Q. Now, if we just set this in a timeframe, this issue is August
2 1975, so this is only four months after you started working at
3 the ministry.

4 Looking at the front page, we can see that there are five flags
5 towards the top of the document. Was there any meaning or message
6 behind these five flags, to your knowledge?

7 A. That, I do not know because I was not a member of the Party. I
8 did come across this front page, but I did not read them.

9 Q. Mr. Kim Vun -- can I just check? Because it doesn't sound to
10 me as though you're picking up my speech. Can everyone hear me?

11 Mr. Kim Vun? Yes, that's fine.

12 Now, I'd like you to turn the page over. Explaining to my learned
13 friends present in Court and Mr. President and Their Honours,
14 this is still on E3/5; it's ERN, Khmer, 00063324; French,
15 00538963; and English, 00401488.

16 [15.36.42]

17 Now, Mr. Kim Vun, the heading on the top of this page is "Long
18 Live the Magnificent Revolutionary Army of the Communist Party of
19 Kampuchea", and the document starts with these words:

20 "On the 22nd of July 1975, on the occasion of the ceremony of the
21 Communist Party of Kampuchea Centre to establish the
22 Revolutionary Army, the comrade chairman of the High-Level
23 Military Committee of the Party convened an important political
24 conference of the Communist Party of Kampuchea Centre for
25 approximately 3,000 representatives of every unit of the

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1 Revolutionary Army."

2 Now, can you remember this ceremony which took place on 22nd of
3 July 1975?

4 A. I do not recall, and I do not even recall where it was
5 organized. It could have been organized in the Olympic Stadium,
6 but I could not recall. And particularly, I did not attend these
7 kinds of important gathering.

8 Q. I want to ask you about the content of the document, and I'm
9 going to ask you if the entries I read were typical of what
10 you've already told us about messages.

11 Page, still on E3/5, ERN page: Khmer, 00063341; French, 00538976;
12 English, 00401501.

13 And you're going to be handed now this page to follow what I'm
14 reading in English.

15 [15.39.28]

16 So this is an extract from the document and it says as follows --
17 and I hope you have a red box on your document. I'm going to read
18 the English and I'd like you to follow it in Khmer and indicate
19 if you do not have this extract. But there's an extract which
20 reads as follows:

21 "Now that we have seized control, we must defend the country,
22 because the external enemies and the internal enemies want to
23 seize back power; to seize it overtly by warfare, to seize it
24 ideologically and economically by espionage, [and] to seize it
25 overtly and covertly in every way so that war will re-emerge."

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1 Now, is that extract talking about defending the country typical
2 of the message that you've already described earlier this --
3 today to the Court?

4 [15.40.46]

5 MR. PRESIDENT:

6 Witness, please hold on.

7 The Defence Counsel for Nuon Chea, you may proceed.

8 MR. PAUW:

9 Thank you. Mr. President. If I understood your clarifications of
10 last Friday correctly, the Prosecution is supposed to first
11 establish whether or not the witness has seen this document, and
12 specifically this part of the document. If he has not, then it
13 needs to be taken away from him because, in your words, it might
14 confuse the witness.

15 We do not agree with that understanding of the rules, but these
16 are the rules and they should apply to the Prosecution as well.

17 MR. RAYNOR:

18 Mr. President, the ruling that was expanded upon by Judge
19 Lavergne last week was in these terms, as I understood it: that
20 if the witness hadn't seen the document, questions could still be
21 asked about the contents of the document; that extracts of the
22 document could be cited, and not, as my learned friend, Mr. Pauw,
23 had last week of being urged to paraphrase when he was on his
24 feet.

25 [15.42.10]

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1 Can I make this observation, that if we take the written document
2 away from a witness, he's listening to my explanation of what the
3 document contains, he can't follow it with having the document in
4 front of him. And I put my -- it's a rhetorical question,
5 effectively -- but is there any difference between the witness
6 having the document in front of them to follow the question so
7 that they can actually read what the question contains -- is
8 there really any difference between that and me reading out the
9 whole of the extract to him?

10 I would respectfully suggest that if a witness has a nexus with
11 the subject matter of the document, which plainly this witness
12 does with his connection with "Revolutionary Flag" -- if one then
13 adds on to that Judge Lavergne's clarification of the ruling,
14 which was in these terms: that provided the questioning goes to
15 content which is relevant, then the questioning is admissible
16 before the Court--

17 Now, it really matters to me not whether this document is
18 withdrawn from the witness or whether the witness keeps it, but a
19 witness in any position, in my respectful submission, is far
20 better assisted by having a document in front of them to follow,
21 which contains relevant admissible evidence, than to remove the
22 document from him.

23 But I'm in the Court's hands.

24 (Judges deliberate)

25 [15.48.19]

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1 MR. PRESIDENT:

2 I now hand over to Judge Jean-Marc Lavergne to respond to the
3 objection raised by the defence team for Nuon Chea. You may
4 proceed, Judge.

5 JUDGE LAVERGNE:

6 Yes. I will try to recall what was said during the trial
7 management meeting, basically that when we are dealing with a
8 document that has been tendered into evidence and that has been
9 shown to the parties, it is a document whose contents can be used
10 to lay a foundation to questions that a party wishes to ask. Such
11 a document can be given to the witness, but it would be withdrawn
12 from the witness if the President is of the view that the
13 document is likely to influence the answers of the witness. But
14 insofar as a document is known to the witness or may be related
15 to the document, I don't think there is need to withdraw the
16 document from the witness or that it be removed from the screen.
17 I hope that this answers the objections.

18 So the objection is overruled.

19 (Judges deliberate)

20 [15.50.09]

21 MR. PRESIDENT:

22 I hand over to the Prosecution to continue his line of
23 questioning. You may proceed.

24 BY MR. RAYNOR:

25 Q. Mr. Kim Vun, I was reading out an extract from this

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1 "Revolutionary Flag". I'd read out the extract. Part of the
2 extract mentioned, as you know, defending the country, and I was
3 asking you the question: Was the extract that you have in front
4 of you -- was that typical of the message, "defending the
5 country"?

6 MR. KIM VUN:

7 A. I do not recall it clearly, but if you ask me to respond to
8 the portion of this document, I don't think I can respond to it
9 well enough. I was a journalist or a news writer, and if you ask
10 me about the content of the "Revolutionary Flag", I could not
11 comment on it. And normally I was given only a portion of the
12 article written in the "Revolutionary Flag" for publication. I
13 could not comment in details about that because I was the news
14 writer and I did not understand the policy or so behind.

15 [15.51.43]

16 Q. Mr. Kim Vun, can I clarify? You've already told us in your
17 evidence today about the content of "Revolutionary Flag"
18 containing politics, ideology, theory. I'm not asking you whether
19 you saw this particular extract in this particular "Revolutionary
20 Flag". What I'm asking you is: Was "we must defend the country"
21 part of the political message?

22 A. I also attended the training about that, and when I had to
23 write any articles about that, I had to discuss with my fellow
24 colleagues because when we wrote a news article, it had to be in
25 a broader perspective; it was not some things that was secretive.

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1 Normally, the content of the "Revolutionary Flag" was meant to be
2 distributed to cadres across the country as a training material,
3 but as for newspaper we had to expand it in a broader way.
4 But if you ask me to comment on the content of the "Revolutionary
5 Flag", I'm afraid I cannot explain. But of course, in terms of
6 the central message of it, that was the defense of the national
7 country, yes, it was -- the defense of the country before the
8 construction of the country could take place. But if you ask me
9 to dwell on the substance of these "Revolutionary Flag", I cannot
10 comment.

11 And as I mentioned earlier, I was not a Party member, I was
12 merely a member in the Youth League, and within the Youth League,
13 aside from the editors and the writers of the "Revolutionary
14 Flags", they did not understand the detail of the content of the
15 magazine.

16 [15.54.07]

17 But I think it was likely to be the case as what I described
18 earlier, because I did see the cover page but I did not study the
19 content of this magazine.

20 Q. Next question is not restricted necessarily to "Revolutionary
21 Flag", but in the whole of your time from 1975 through to 1979.
22 Do you remember anything being said about internal and external
23 enemies?

24 A. Yes, I did, but they did not explain it in detail. They
25 normally mentioned the Vietnamese or "Yuon" enemy or the KGB

1 agent, but I could not explain the detail of this. And in each
2 presentation or training, they did not provide us any study
3 materials at all; we had to jot down the points by ourselves.
4 Normally, when we attended the training, we have to bring along
5 with us a writing pad and a pen in order to take notes of the
6 points that -- during the training. And for example, we had to
7 use certain shorthand to take notes certain points throughout the
8 training course.

9 Q. Mr. Kim Vun, thank you very much.

10 I'd like to move on to another document, please. Source document:
11 E3/380. ERN: Khmer, 00357202; French, 00485434. This is still one
12 of your statements to the investigators in this case. I'm going
13 to read out the extract and then show you a document.

14 You said on this page -- and you're talking about Samdech
15 Sihanouk, and you say:

16 [15.56.29]

17 "At first, Samdech Sihanouk was the chairman of the State
18 Presidium, but later on Samdech Sihanouk transferred the position
19 to Khieu Samphan. I saw the document in the printing house I
20 worked in; I saw that document in French and English."

21 Mr. President, I'd like, please, now to hand to Mr. Kim Vun the
22 relevant document.

23 Whilst it's being handed forward, can I explain to my learned
24 friends in Court that the document is headed "The First Plenary
25 Session of the First Legislature of the People's Representative

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1 Assembly of Kampuchea".

2 Now, Mr. Kim Vun, I'm going to take you through sections of this
3 document, and then I'm going to ask you if having seen the
4 document -- whether it refreshes you in any way.

5 The E3 number on the document I have is E3/262.

6 [15.58.06]

7 Now, if you look at the front page, it talks of a "press
8 release". The date of the press release is the 14th of April
9 1976. The bottom of the page reveals that -- there's this writing
10 on the bottom: "[The] Mission of Democratic Kampuchea to France".

11 The next page that you have I hope will be, Khmer, 00622986;
12 French, 00004706; English, 00528389. Again, we have the same
13 detail, that it's a press release of the 14th of April 1976, and
14 the first line of the text talks of this - and I quote: "After
15 the successful election of its members on the 20th of March 1976,
16 the People's Representative Assembly of Kampuchea held the first
17 plenary session of its first legislature."

18 After that, Mr. Kim Vun, you should have a page - Khmer,
19 00622989; French, 00004708; and English, 00528391.

20 And I wonder if I can have assistance just checking that Mr. Kim
21 Vun has the Khmer page 00622989.

22 [16.00.18]

23 We have a heading on this page, in capitals:

24 "Examination and Decision on the Request of Samdech Norodom
25 Sihanouk for Retirement from Office as Set Out in His Statement

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1 of the 2nd of April 1976 and Examination of the Government's
2 Statement of the 4th of April 1976 Thereon".

3 And in the text of the document, it says: "The Assembly grants
4 the request for retirement of Samdech Norodom Sihanouk..."

5 On the next page - Khmer, 006229--

6 MR. PRESIDENT:

7 Counsel for Mr. Khieu Samphan, you may proceed.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I take issue with the line of
10 questioning by the Co-Prosecutor because he has gone deep inside
11 the content of the document without having asked the witness to
12 confirm whether he has ever seen this document before. I am
13 convinced that this practise is not appropriate.

14 [16.01.55]

15 MR. RAYNOR:

16 Mr. President, there needs to be a crystallization -- I suggest,
17 now -- of the understanding by counsel of this rule.

18 It is not, as far as I understand the ruling and in my respectful
19 submission -- I'm going to ask the question that everyone wants
20 to ask - wants me to ask in one moment, but it's not necessary
21 for the first question to be "have you seen the document before?"
22 because, if the document's relevant and the witness has an nexus
23 to it -- and in this case the witness has mentioned what appears
24 to be the document in their OCIJ statement - well, then, the
25 questioning has to establish the foundation of what's in the

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1 document before the witness can be asked "was this the document
2 that you're referring to?".

3 And so it's not necessary, as far as I understand this rule, with
4 every single document, the first question of counsel having to be
5 "have you read it?" because, if the witness says "no, I haven't",
6 Judge Lavergne's saying: "Well, if the content's relevant,
7 questioning can still proceed with the document in the witness's
8 hands."

9 This has to be understood by all counsel in this Court.

10 (Judges deliberate)

11 [16.05.52]

12 MR. PRESIDENT:

13 The objection by counsel for Mr. Khieu Samphan is overruled.

14 Mr. Co-Prosecutor, you may proceed to put your questions to the
15 witness.

16 And witness is instructed to respond to the questions being put.

17 BY MR. RAYNOR:

18 I wonder if I can ask just for some assistance with checking that
19 the witness will have this page in Khmer in the pack that's
20 already been provided.

21 The page -- the next page I was referring to is ERN Khmer,
22 00622990; French, 00004709; and English, 00528392.

23 [16.06.45]

24 Q. This document then has towards -- or there should be a red box
25 for you, Mr. Kim Vun. The heading is "Appointment of the State

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1 Presidium of Democratic Kampuchea", and it says:

2 "After in-depth discussion of the ramifications of the various
3 conditions, the Assembly appointed the following persons to the
4 State Presidium of Democratic Kampuchea.

5 "[Number] 1, Khieu Samphan, President..."

6 Now, pausing there, this document says in terms that Samdech
7 Norodom Sihanouk has retired and that Khieu Samphan has been
8 appointed as President of the State Presidium.

9 Now, was this the document that you saw, whether in English or
10 French -- perhaps French -- but was this the document you saw in
11 the printing house you worked in when you were saying, "At first,
12 Samdech Sihanouk was the Chairman of the State Presidium, but
13 later on Samdech Sihanouk transferred the position to Khieu
14 Samphan"?

15 [16.08.19]

16 MR. KIM VUN:

17 A. This document was originally in Khmer. When I noted that it
18 was published at 27, I grasped the overall content that the King
19 has -- had resigned and that Mr. Khieu Samphan would then become
20 his successor as a State Presidium. However, I do not - I did not
21 take notice about the shake off of this leadership level.

22 But I have never seen this document in Khmer before. I believe
23 that the documents I noted that I saw back then was in French or
24 English. I just feel that at that time I paid no attention to
25 that; I only learned that the King -- or Samdech Euv - resigned,

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1 and there was a statement on that, and I was overwhelmed with my
2 tasks, too overwhelmed to care for the information. So people who
3 would like to know more about the evolution of the event would
4 have to resort to listening to the radio broadcasts to abreast --
5 to keep themselves abreast of the situation.

6 MR. RAYNOR:

7 Mr. Kim Vun, thank you very much for that answer.

8 [16.10.14]

9 Mr. President, I see that the time is 10 past 4.00. Is this an
10 appropriate moment to break? And, if it is, can I thank the Court
11 for its indulgence in allowing this theme to be questioned upon?

12 MR. PRESIDENT:

13 Thank you very much, Mr. Witness and Prosecution.

14 It is now an appropriate moment for today adjournment. This
15 session will be adjourned. The next session will be resumed by
16 Wednesday, which is tomorrow, by 9 a.m.

17 For tomorrow's session, we continue hearing the testimony of Mr.
18 Kim Vun, questions continued to be put by the Prosecution and
19 followed by the co-lawyers for the civil parties; then defence
20 counsels will have the floor.

21 [16.11.25]

22 Mr. Kim Vun, your testimony has not yet been concluded. You are
23 invited to return to the courtroom tomorrow.

24 Court officer is now instructed to coordinate with the WESU unit
25 to ensure that Mr. Kim Vun is properly accommodated tonight, and

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1 have him returned to the courtroom by 9 a.m.

2 Security personnel are now instructed to bring all the three

3 accused persons to the detention facility and have them returned

4 to the courtroom by 9 a.m.

5 The Court is adjourned.

6 THE GREFFIER:

7 (No interpretation)

8 (Court adjourns at 1612H)

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