



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

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14 December 2012
 Trial Day 141

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

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I N D E X

MR. PHAN VAN (TCW-307)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PHAN VAN (TCW-307)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MS. SONG CHORVOIN	Khmer
MR. SUON KANIL (TCW-695)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 During today's sessions, the Chamber continues hearing testimony
6 of Witness Phan Van, alias Kham Phan. Questions are going to be
7 put by counsels for the accused persons, and then we proceed to
8 listen - or to hear the testimony of TCW-695.

9 Mr. Phary, you are now instructed to report to the Chamber on the
10 status of the parties to the proceedings.

11 THE GREFFIER:

12 Mr. President, Your Honours, today is the 14th of December 2012.

13 All parties to the proceedings are present, except Mr. Ieng Sary,
14 who is present but in his holding cell, due to his health
15 concerns.

16 [09.04.00]

17 Mr. Ang Udom has informed the Chamber that he would be absent
18 today, due to his personal commitment.

19 Today, the Chamber continues hearing the testimony of Witness
20 Kham Phan, who is present before us now.

21 The Chamber also has a reserve witness, TCW-695. The witness has
22 already taken an oath before - in the complex of the Court. The
23 witness also confirms that the witness has no relation or
24 biological relation with any of the civil parties or the parties
25 to the proceedings.

2

1 Thank you, Mr. President.

2 MR. PRESIDENT:

3 Thank you, Mr. Duch Phary.

4 Next we would like to hand over to counsels for Mr. Khieu Samphan
5 to continue putting questions to this witness.

6 [09.05.28]

7 QUESTIONING BY MR. KONG SAM ONN RESUMES:

8 Thank you, Mr. President and Your Honours. I would like to
9 continue putting a few more questions to you. Yesterday, we broke
10 off when I put questions to you on K-17 and your study at B-20. I
11 would like to also ask you a few more specific questions
12 concerning this.

13 Q. First of all, may I know how old you were, actually? Because
14 it appears to us that you have the same birth date on the three
15 records of the interviews before the Co-Investigating Judges. Is
16 it the genuine date - birth date?

17 MR. PHAN VAN:

18 A. I don't remember the exact date I was born, but I already
19 stated in the document.

20 Q. Do you believe that you are older than the actual age you
21 provided in the documents, or younger?

22 A. I am more or less older or younger than that date, perhaps
23 just one year different.

24 [09.07.17]

25 Q. Thank you.

3

1 You said you attended study session at B-20. You learned to type,
2 using the typewriter, and also you learned some Khmer letters.

3 Can you tell the Chamber in more detail what you learned,
4 actually?

5 A. I actually did not study typing, but I learned to decode
6 telegrams. I think -- I didn't study to become a typist, anyway.

7 Q. Thank you. I heard a lot about typewriter and that you studied
8 how to type. So, to correct this record, is it fair to say that
9 you did not study how to type, but to decode telegrams?

10 A. (Microphone not activated)

11 Q. Please, say that again.

12 A. Yes, I learned to decode telegrams.

13 Q. What did you learn regarding the telegrams?

14 A. At that time, we learned how to understand the 10-digit kind
15 of chart.

16 Q. Can you explain to the Chamber, please, what you mean by the
17 10-digit chart?

18 [09.09.28]

19 A. In the study session, we would be instructed on how to
20 understand the square boxes, for example the square columns with
21 10 columns, and then there would be number from zero to nine,
22 which is - and then we were instructed to convert or to decode
23 these numbers, to understand the numbers and translate them into
24 words.

25 Q. Apart from these techniques, did you study other lessons?

4

1 A. No, I didn't.

2 Q. Thank you. During the time you studied telegrams, how long was
3 the training?

4 A. The training was about one month.

5 Q. Thank you. After one month training, were you capable enough
6 to decode the telegrams? And how did your instructor say about
7 your performance?

8 [09.11.17]

9 A. At that time, there was no such assessment. After the session,
10 I had to work with my father and be with him at my home village.

11 Q. What was the instruction you were offered during the first
12 time you're allowed to decode some telegrams?

13 A. I don't recollect this.

14 Q. I would like to ask you a few questions concerning K-17.
15 You said you spent some time there from 1974 all the way to 1977.
16 You stayed at K-17 of Sector 105. What did you do there?

17 A. I was with my father, helping him decode telegrams.

18 Q. Thank you. Between 1974 and 1977, you worked with your father
19 on a regular basis, helping him decode telegrams; is that
20 correct?

21 A. Yes, it is.

22 Q. Thank you. Do you know whether there are other offices under
23 K-17 of Sector 105?

24 A. I don't remember this very well. It was something that
25 happened a long time ago.

5

1 [09.13.37]

2 Q. As a telegram decoder, did you work under the supervision of
3 other person or were you in charge of the section and you had
4 some subordinates?

5 A. I worked under the chairman of the office.

6 Q. What kind of office was that?

7 A. (Microphone not activated)

8 Q. Please repeat.

9 A. It's Office K-17.

10 Q. Allow me to seek some clarification on this. Your father was
11 the secretary of the sector, and there was another chief for the
12 office who was your father's subordinate, but your boss; is that
13 correct?

14 A. Yes, it is.

15 [09.14.52]

16 Q. Thank you. How many people were in your group? Or were you
17 there all by yourself?

18 A. Are you asking me about the people in my Telegram Decoding
19 Section?

20 Q. Thank you. Indeed, it was that matter. How many people were
21 there in your group of the Telegram Decoding Section?

22 A. At the beginning, I was alone working as the decoder.

23 Q. Until which year you continued working alone before you were
24 joined by other people?

25 A. Later on, when I was joined by my sister; she also was joined

1 by a few other people.

2 Q. Thank you. Did K-17 have other subsections, for example
3 section where people would be tasked with receiving the same
4 telegrams as you did?

5 A. No, there was none subsection.

6 Q. So, is it our understanding that there is no section for
7 receiving radio communication, other than your section? So who
8 received all the telegrams? Did you do that, or your superior?

9 A. I am not quite sure I understand your question. Are you
10 talking about telegram decoders or the radio communication
11 personnel?

12 [09.17.11]

13 Q. I am asking you about the Radio Communication Section because
14 you said you worked alone as the decoder until the time when you
15 were joined by your sister and other people.

16 My question is about the radio communication. Indeed, who
17 actually received all the telegrams? You worked as decoder; but
18 who received all these telegrams - incoming telegrams?

19 A. We had different people and staff member who worked at the
20 Radio Communication Section.

21 Q. Thank you.

22 I would like to seek some clarification from you concerning
23 document E3/58, the record of interview you gave before the
24 Co-Investigating Judges, under ERN in Khmer 00239936. I would
25 like to now proceed to give the Chamber the ERN numbers in

7

1 English.

2 (Short pause)

3 [09.20.09]

4 I would like to read the Khmer version to you first, and I would
5 then proceed to give the ERN numbers in French and English. I am
6 now looking for the relevant pages. So, please, read - listen to
7 me.

8 In this document - it is on page number 3, and I believe that it
9 would be on the same page of the English and French version, but
10 I will be looking for the right page for you. On this page, you
11 indicated that: "In 1975 to late 1977, I went to Phnom Kraol, at
12 K-17 Office, where the provincial committee members worked."

13 I would like to seek some clarification concerning the terms you
14 use, "provincial committee". Were these the right terms used at
15 that time? Did they use "provincial committee members" or "sector
16 members", "sector committee members"?

17 A. At that time, some people would refer to this as the "sector
18 committee" or "secretary of Sector 105". There was no such
19 official language used; it was about the routine, where people
20 would be using.

21 [09.22.10]

22 Q. Thank you.

23 I would like to read ERN in English for you: 00250088. French:
24 00283914.

25 So, you said that it is not quite sure for you; "provincial

8

1 committee member" could have been the committee members of the
2 sector; is that what you indicated?

3 A. (Microphone not activated)

4 Q. Please answer again.

5 A. Sometimes they used both terms interchangeably.

6 Q. Thank you.

7 Under the same ERN number -- both -- Khmer, English, and French
8 share the same ERN number -- I move to the next - the following
9 question. You said: "With regard to the instructions from the
10 Centre to K-17 for any arrest, such order or instruction was not
11 ever seen."

12 Do you still stand by your statement?

13 [09.24.00]

14 A. I do, yes, because at that time there was no such order for
15 arrest; people could be convened to work and they disappeared,
16 that's all.

17 Q. Thank you. Can you also confirm as -- to the best of your
18 knowledge, that there was no such order for arrest? How could you
19 be so sure, as a telegram decoder or you received some telegrams?
20 What made you conclude that there was no such instruction or
21 orders?

22 A. At that time, some telegrams were of strictly secret or
23 confidential, and I, perhaps, did not know all about this. Some
24 other people could have been called to attend study sessions at
25 the upper level, which is beyond my knowledge.

9

1 Q. As a telegram decoder, are you now saying you had no knowledge
2 of ever having received any instructions or orders in the
3 telegrams for any arrest? So, could you just confirm that it is
4 the case -- you haven't received any kind of instructions,
5 through the telegrams, on the arrests?

6 A. I can confirm because, if there was - there was such order,
7 then I would be able to read from the telegrams, but there was
8 none.

9 [09.26.25]

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. I have no more questions, but I would
12 like to cede the floor to my colleague to proceed with further
13 questions.

14 MR. PRESIDENT:

15 Counsel, you may proceed.

16 QUESTIONING BY MR. VERCKEN:

17 Good morning, sir. I do have a few questions to ask you. My name
18 is Arthur Vercken. I represent Mr. Khieu Samphan.

19 Q. I shouldn't need so much time, but to begin, I wish to quote
20 from your written record of interview of witness. You were asked
21 a question, during the first day of your testimony, by the
22 Co-Prosecutor. I'm referring to the first interview that you took
23 part in with the investigators on the 21st of November; it's
24 E3/58, ERN in French is 00283915; in Khmer, 00239934; and in
25 English, 00250088. So that it's perfectly clear, once again, the

10

1 ERNs: in Khmer, 002839934 (sic); ERN in English, 00250088.

2 [09.28.28]

3 During the interview, the investigators asked you the following
4 question - and I quote: "Where was - from where were you doing
5 your work? And to whom did you address the telegrams?"

6 And you answered: "Most of the time, I sent the confidential
7 telegrams to Office 870. For instance relating to equipment,
8 healthcare or social affairs, and matters other than security, I
9 had to use plain language, non-coded, and I sent them to Khieu
10 Samphan, alias Hem. And when he sent back his instructions and
11 assignments, he signed them and he used the name 'Hem'. For
12 instance, when he handed out assignments to the sector level,
13 then the Sector K-17, and would support at the central level, to
14 the Trade or Economic Section, to receive logistical support at
15 the central level, such as petroleum, machinery, medicines, and
16 cloth. In turn, the Centre also requested the Centre to send it
17 husked rice."

18 You then talk about security work and you stated that you had
19 sent some messages.

20 My first question to you is this: During the entire time that you
21 worked within the Telegram Section can you please confirm the
22 breakdown of work that was achieved within the section as you had
23 declared before the co-investigators?

24 MR. PHAN VAN:

25 A. I do not understand the question. I don't know whether or not

11

1 you are asking me about the distribution of materials or what
2 kinds of distribution are you talking about?

3 Q. I've just read a statement, and what I am asking you is if
4 today you still agree with its contents.

5 [09.31.32]

6 A. I do not understand your question, really, because according
7 to what you read just now and the statement I made, I stand by
8 it.

9 Q. Thank you. Well, that shows me that you have understood. I was
10 asking you for a yes or no answer; it was a very simple question,
11 actually.

12 And now I would like you to give me a little more detail. During
13 the time you were working for the Telegram Service, do you
14 remember seeing orders from Hem specifically relating to rice?

15 A. No, I don't. What I can recall is that people did send rice to
16 our sector and the person who sent this was Hem.

17 Q. All right. Did Hem -- Khieu Samphan, in other words -- send
18 and receive telegrams on security - all kinds of security -- in
19 your sector or region?

20 A. No, he had nothing to do with security. I did not see his name
21 involving in security matters.

22 Q. In that piece I read out, you said that exchanges of mail of
23 telegrams with Hem were non confidential in nature. Can you give
24 us some idea of exactly what that means when you say

25 "non-confidential"?

12

1 [09.34.26]

2 A. Because at that time they did not encode the secret numbers,
3 so this literally means that the communication was not
4 confidential. By "literal numbers", I mean that the numbers that
5 we actually studied at school ; everyone would understand it
6 easily. And letters, as well, used in that telegram communication
7 were the literal characters which -- ordinary people would
8 understand it.

9 Q. And, when you were working in the telegram service, you saw
10 such non coded letters going through the service from Hem.

11 A. Yes, I did see them; and I did make this statement already
12 with the investigator of the OCIJ.

13 Q. Thank you. Can you enlighten me on one point which may seem
14 slightly odd to you, about some wording that is being used?
15 Because, in some telegrams that were shown to you, it starts --
16 the telegram, I mean, starts "Office 870", and then "Beloved" -
17 or, rather, the other way around, "Beloved Office 870". Now, in
18 French, that sounds a little bit strange, when you say "Beloved".
19 In French, at least, that would be for an individual rather than
20 for an office. Is there anything that you can tell us about why
21 Office 870 was given the name "Beloved"?

22 [09.37.12]

23 A. I do not understand the term used, the specific meaning it
24 conveyed, but it was a comment that in the salutation they would
25 close the letter with this. And I was not actually well educated;

13

1 I do not really understand how it was arranged.

2 Q. Coming back to some statements made in this Court by other
3 witnesses to whom, in fact, I had asked the same questions about
4 the significance given to that term -- for example, E1/851 - 85.1
5 - French ERN 00817423; Khmer, 00816722; and English, 00817536.

6 This is a witness statement to this Court, an expert on telegram
7 matters and I asked this person the meaning of, "To Office 870,
8 much respected, much missed", and that witness answered that, in
9 point of fact, such telegrams were destined to Pol Pot. Would
10 you agree with that particular witness or do you continue to be
11 unaware of the significance of that way of addressing people as
12 beloved?

13 [09.40.15]

14 A. I am not knowledgeable of this. I did not know whether or not
15 M-870 was another name for Pol Pot or it was referred to as a
16 committee because at that time leaders were actually from this
17 office. That's what we knew when we were at the sector at the
18 time.

19 Q. But when you encoded telegrams to Khieu Samphan, you addressed
20 them to "Hem"; am I right?

21 A. Yes, you are.

22 Q. Thank you. One last question on this. It seems to me that in
23 an answer you've just given to my colleague, Kong Sam Onn, you
24 acknowledge quite happily that you worked with your father in the
25 Telegram Section up to 1977 -- in other words, the year of his

14

1 death. And you said this a moment ago. It's not always been
2 terribly clear in your statements precisely which period you were
3 decoding telegrams in. So I would like to ask you if the date you
4 gave a few minutes ago is in fact the right one -- that it's a
5 job you were doing up to 1977.

6 [09.42.33]

7 A. I stayed with him up until 1977. I was a driver at that time
8 but I worked as a telegram decoder just up until one year after
9 the war. It was not sometime in 1977, but it was sometime in 1975
10 or early 1976. Then I left this job. I was a driver. I do not
11 recall the exact year, but if you want to find out precisely
12 when, I have to spend some time to recall or conduct further
13 research in order to find out the exact date. And, once again, I
14 did not do the job as a telegram decoder up to 1977, but I did
15 stay with my father until 1977 but I do not recall the exact
16 date. It has been quite a long time. But I think that uncles may
17 still recall them very well because they may have kept a good
18 record of it.

19 Q. You testified that your sister took over from you; is that
20 correct?

21 A. Yes. It is.

22 [09.44.28]

23 Q. And when she replaced you, were you still working on decoding?

24 A. No, I no longer worked in decoding. My sister took my place.

25 Q. Yes, but when she came, that's when you went. In other words,

15

1 did she arrive at precisely at the moment you left?

2 A. That is correct.

3 Q. Perhaps, so that we can zone in more closely on these dates,
4 let me tell you that a telegram was in fact shown to you a couple
5 of days ago by the prosecutor. It's the third telegram that you
6 were shown, which is E3/1195. In the French ERN, it's 00531088;
7 in the Khmer, it's 00557296; and in the English, 00519519. It's
8 dated 25th of November 1976. And the prosecutor asked you some
9 questions about this telegram which is addressed to Comrade Pang
10 from your father, and as you explained, it makes reference to
11 your sister, Bophann. I do believe that it was she who replaced
12 you in the telegram service; was -- is that correct, sir?

13 [09.46.58]

14 A. That is correct.

15 Q. And in the 25th of November 1976 telegram, your father says to
16 Pang that he has asked your sister to attend a course on
17 confidential documents and he asks for some help with that. So,
18 if we can trust the telegram, it would appear that on the 25th of
19 November 1976 -- in other words, the end of that particular year
20 -- your sister had not yet been trained in how to decode
21 confidential telegrams. Does this enlighten your memory, Witness?

22 MR. PRESIDENT

23 Witness, please hold on.

24 Mr. Prosecutor, you may proceed.

25 MR. DE WILDE D'ESTMAEL:

16

1 Thank you, Mr. President. And good day to you, sir, and to the
2 Judges. I do have a question about the way in which this query
3 was put because, yes, indeed, it does say in the document that "I
4 assigned Bophann to attend the course on confidential documents",
5 but it doesn't necessarily mean that she had had no training
6 prior to that. It could be a kind of continuous training or some
7 sort of refresher course. There could be other reasons. And so I
8 think the question should take account of that.

9 [09.48.47]

10 MR. VERCKEN:

11 I have an objection to that objection because your objection, Mr.
12 Prosecutor, is also somewhat suggestive to the witness.
13 Depending on the answer I got from the witness, I was intending
14 to build on what the sister herself said when she was heard. So I
15 do believe that at this juncture the witness can answer the
16 perfectly open question I gave him about what conclusions he
17 draws from this telegram.

18 MR. PRESIDENT

19 Witness is not supposed to provide any answers that he may
20 speculate. So your questions should be more specific in relation
21 to what he has known or he has come across. You should not - your
22 questions should not be suggestive. It should be put in a manner
23 that he can reflect upon his own experience.

24 [09.50.22]

25 BY MR. VERCKEN:

17

1 Thank you, Mr. President. That is certainly my intention.

2 Q. Witness, in this courtroom, you commented on the telegram in
3 which your father refers to your sister, who took over from you,
4 to have some training. Now, how do you explain this telegram,
5 which is dated 25th of November 1976 and which refers to the
6 training -- training for your sister? What thoughts does this
7 inspire you with, please?

8 MR. PHAN VAN:

9 A. That I do not know. I did not know whether or not she came to
10 undertake further training or not. But actually, she had mastered
11 the skill before she came to take my place. She had been trained
12 earlier on how to decode telegrams.

13 [09.51.57]

14 MR. VERCKEN:

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

16 MR. PRESIDENT

17 Thank you, Counsel.

18 Now I hand over to the defence team for Mr. Ieng Sary to put the
19 questions to the witness. You may proceed, Counsel.

20 QUESTIONING BY MR. KARNAVAS:

21 Good morning, Mr. President. Good morning, Your Honours; and good
22 morning to everyone in and around the courtroom; and good
23 morning, sir. I'm Michael Karnavas and I represent, along with
24 Mr. Ang Udom, Mr. Ieng Sary.

25 [09.52.31]

18

1 Q. Let me begin by focussing again on your age.
2 I've looked at your statements and you told the investigators
3 that you were born in 1960. Today you told us plus or minus one
4 year. When you gave that answer to the investigators, that you
5 were born in 1960, did you qualify it -- in other words, that you
6 didn't actually know the year and actual date of your birth but
7 you could have been born as early as 1959 or as late as 1961?

8 MR. PHAN VAN:

9 A. When the investigator asked me, we actually discussed this as
10 well. I could not qualify it, as to when I exactly was born. I
11 asked my siblings, they could not tell me, and I asked people
12 whom I knew. They did not know exactly, but I could only say that
13 I was born around 1960.

14 Q. All right. Thank you. Now, when you asked your siblings, was
15 that during the interview, before, or after the interview?

16 [09.54.12]

17 A. No, I had asked them long before the interview was conducted,
18 when I was registering for identification card.

19 Q. Okay, thank you.

20 So, then, I go back to my original question: Since they could not
21 tell you, did you inform the investigators at the time, when they
22 asked you for your date of birth -- did you tell them, "I do not
23 know; it might be 1960, it might be '59, it might be '61"? Did
24 you actually say that or did you just give them "December 1960"?

25 A. I told them that I was not clear. The investigator at the time

19

1 told me that they -- I had to -- I could tell from the
2 identification card. So the date was taken from the
3 identification card.

4 Q. Thank you for that clarification.

5 Now, I want to focus initially -- the time when you were a
6 driver. Realising that you don't know the exact year of your
7 birth, do you know how old you were when you became a driver?

8 [09.55.42]

9 A. I do not know exactly when -- how old I was at that time, but
10 I think it could have been around 18 or 17 years of age.

11 Q. Or could it have been around 16 or 15, since you don't know
12 when you were actually born?

13 A. No, it couldn't have been 15 years old because at that time,
14 if I recall it correctly, I could drive a big truck as well, so
15 it could not have been 15 years.

16 Q. Okay. Is that because there was a prohibition during that
17 period, that 15-year-olds could not drive big trucks, or is it
18 because you were too short to reach the pedals of the truck and
19 that that would have disqualified you in being a driver?

20 A. Yes, my leg could not press the pedal. I could not do it. And
21 the strength as well; I did not have enough strength if I were 15
22 years at that time.

23 Q. All right. And what about 16? At 16, were you tall enough to
24 reach the pedals and strong enough to manage the wheel?

25 [09.57.27]

20

1 A. Well, if I was strong enough at that age, I could drive it. It
2 would be - it would have been even better.

3 Q. Well, that doesn't answer my question. The thrust of my
4 question, actually, is: Is it -- do you know for certain whether
5 you were 17 or 18, or could you be as young as 16 at the time
6 when you were driving, when you were a driver here in Phnom Penh?

7 A. No, it could not have been the case.

8 Q. All right.

9 Let me move on. Now, as a driver, was part of your function to
10 attend meetings -- in other words, not to merely drive
11 individuals from point A to point B, but to also attend the
12 meetings?

13 A. No, I didn't.

14 Q. Could you at least go inside the meeting rooms so you could
15 see who was conducting the meeting, who are participating in the
16 meetings?

17 [09.59.07]

18 A. As a driver, I simply took the people to the meeting hall and
19 I dropped them there. It was none of my business to enter into
20 the business room. I only knew that the meeting was between this
21 individual and that individual, but I did not enter the meeting
22 room.

23 Q. All right. Now, how far -- how close to the meeting room would
24 you drive up to?

25 A. As close as to the gate.

1 Q. Are we speaking about the gate leading into the compound,
2 where the buildings -- where the buildings -- where the meetings
3 would have taken place or are we talking about the gate of the
4 building itself -- which of the two?

5 A. Indeed, it's the outside gate of the compound.

6 Q. And from the outside gate of the compound, could you please
7 tell us how far the buildings or building would have been where
8 these meetings would have taken place?

9 A. I went to several places; I don't know which place you refer
10 to because, every time, I would stop at the gate. At some places
11 I would - the gate would be further from the building; at some
12 places the building was closer to the gate.

13 [10.01.14]

14 Q. And, when you would be waiting - I assume that you were
15 waiting - while the meeting was going on, were you inside the
16 compound or outside the gate -- which of the two?

17 A. As a driver, I had to make sure that I am with the car and in
18 the car, so it is outside of the compound.

19 Q. And were there walls around these compounds or - fenced or
20 just open?

21 A. In some places it was in the open, but in some places there
22 were some walls or fence.

23 Q. And while you were waiting outside, in your car, were you
24 carrying on having conversations with the guards to find out what
25 the meetings were about, who was meeting, and what the topics may

1 have been?

2 A. No, I wasn't.

3 Q. Now, on the way to the meetings, did you – being the driver,
4 that is – have conversations with the passengers, whoever they
5 may have been, as far as what they were up to, where they were
6 going, who they would be meeting, what they would be discussing?

7 [10.03.16]

8 A. No, I didn't.

9 Q. And, when the meetings ended and you had to drive those
10 individuals back to wherever you were taking them, do you engage
11 or did they engage with you in conversation to give you an update
12 as to what may have happened during the meeting, who attended,
13 what was spoken, what was resolved?

14 A. No, I didn't.

15 Q. Let me now switch to before you became a driver. You told us
16 of your functions; I don't want to go into that. I just wish to
17 touch upon a couple of issues concerning your father's position.
18 You told us that he was the secretary of the sector; that's
19 correct?

20 A. Yes, it is.

21 Q. And that's a pretty important position, is it not?

22 A. I can't say whether it was important or not, but I knew that
23 he was the secretary of the sector.

24 Q. All right. Well, help me out here, now, because you told us
25 about decoding secret messages, you told us about purges, you

23

1 told us all sorts of details, and I'm at a lost now because now
2 you're telling us, having lived through that period, being
3 intimate with your father, being intimate with his work, you
4 don't know how important his position would have been. Is that
5 your testimony today?

6 [10.05.34]

7 A. I'm afraid I do not understand your question because you seem
8 to stress the term "important" in that context.

9 Q. All right, let me clarify it.

10 In the sector itself, was there someone above your father's level
11 -- within the sector?

12 A. No.

13 Q. All right. Now, from that simple answer, can we conclude that,
14 at least within the sector, your father is the most important
15 person or should we be - should we have doubts?

16 A. As long as that regime's concerned, yes, we can.

17 Q. All right. Now, if I understand you correctly, you're doubting
18 the fact that your father was the most important or most powerful
19 person in the sector when he was secretary of the sector, with no
20 one above him within the sector.

21 A. Personally, if we look into today's situation, and as a --
22 compare it to this - the previous regime, during the time when my
23 father was holding that position, I do not see that such position
24 was that important, because he was assigned duties.

25 [10.07.56]

24

1 Q. Well, thank you for making that comparison, but we're talking
2 about the events back then, not what you may think of what a
3 secretary of a sector does today.

4 So, can you please tell us, do you have any doubts as to whether
5 your father was not the most powerful person in the sector when
6 he was secretary? It's a simple "yes", or "no", or maybe "I just
7 don't know".

8 A. I still believe that he was not a person of important position
9 or with great power.

10 Q. All right. Thank you.

11 Now, we know that you were working for your father and coding and
12 decoding confidential or secret messages. Did your father, by any
13 chance, describe his functions to you -- exactly what he did,
14 what his role was, what his responsibilities were at the time as
15 secretary of the sector?

16 A. No, he didn't.

17 [10.09.30]

18 Q. Did your father, at any time, hold secret meetings with
19 individuals while he was secretary of the sector?

20 A. No, he didn't.

21 Q. Well, did he hold meetings?

22 A. Yes, he did.

23 Q. And during those meetings, were you present?

24 A. No, I wasn't.

25 Q. Is that because the meetings were supposed to be confidential

1 or is it because you were not in a position to be in attendance
2 of those meetings?

3 A. The latter is correct.

4 Q. All right. Well, if you did not attend the meetings because
5 you were not qualified or competent – in your position, that is –
6 to attend the meetings, did your father at least tell you in
7 advance what those meetings were about and then after, perhaps,
8 tell you what occurred during the meetings?

9 A. He didn't tell me anything because I was not in a position to
10 be informed of the update. He could have talked to his colleagues
11 or his people about this.

12 [10.11.18]

13 Q. Well, did you ask him any questions to give you an update on
14 who he was meeting with, what decisions -- or what topics were
15 being discussed, what decisions were being reached, what orders
16 were being given?

17 A. No, I didn't; I wouldn't dare. And, again, he was not bound to
18 tell me anything about the update.

19 Q. And is that because during that period secrecy was a very
20 important factor for anyone, especially for someone who would
21 have a position such as secretary of a sector?

22 A. Yes, it is correct. At that time, people were asked to mind
23 his or her business only.

24 Q. And I take it that you minded your business, as well?

25 A. That was the policy.

26

1 Q. Policy is one thing, practice is another. I just want to get a
2 confirmation from you, sir: Did you follow the policy?

3 [10.13.04]

4 A. Yes, I did. No one dared challenge such policy.

5 Q. Thank you. Now, you told us that on occasion your father would
6 go to Phnom Penh, and on occasion you would go, as well. Did you
7 accompany him to those meetings or, again, were you left outside?

8 A. I was left outside, because when I was in Phnom Penh I could
9 not accompany him all the way to the meeting; I would be dropped
10 at the Commerce Office.

11 Q. And again, if I may press for clarification, at least with
12 those meetings, now -- the meetings in Phnom Penh, did your
13 father tell you what the meetings were about before and maybe
14 give you an update after the meetings to keep you abreast on the
15 situation?

16 A. No, he didn't. He didn't tell me anything.

17 Q. And just to make sure that I'm very, very clear on this point
18 or that we are clear on this point, when you were in Phnom Penh,
19 did you attend any important meetings or assemblies where
20 important decisions would have taken place?

21 A. No, I didn't.

22 [10.14.52]

23 Q. And just as a follow-up, did anyone other than - you told us
24 about your father, but did anyone else ever inform you of what
25 might have been taking place, what decisions might - what topics

1 might have been discussed and decisions reached at these meetings
2 or assemblies?

3 A. No, they didn't.

4 Q. Thank you.

5 Now, for my last topic, I just want to briefly touch upon your
6 interview - or, I should say, interviews.

7 I couldn't help but notice that when you were giving evidence,
8 with the Prosecution asking questions, there were times when your
9 memory needed to be refreshed on what you had told the
10 investigators, because you simply could not remember. Do you have
11 an explanation as to how is it that you had such vivid knowledge
12 and detailed knowledge when you were giving interviews to the
13 investigators, yet, only a few years later, you do not possess
14 those details?

15 [10.16.20]

16 A. I may explain as follows.

17 During the time - you know, like, for example, in this courtroom,
18 questions were bombarded at me quickly, at the same time, on one
19 day or two, but during the interviews, people came to me and they
20 set up the environment where we could converse. You know, it's
21 more like a kind of conversational setting, so I could have some
22 time to recollect the events. But here, I find it difficult
23 because it takes me some time to phrase my wordings. And I'm not
24 a person who reads and writes very well, so it is a burden for
25 me.

1 Q. That explains it. That's the - I understand. Well, I hope I
2 haven't been bombarding you with questions; I've been taking it
3 rather slow.

4 But let me ask you, when you - when you were conducting these
5 interviews in this sort of conversational style setting where you
6 could gather your thoughts and collect your memories, did the
7 investigators talk to you before you went on tape to sort of get
8 a sense of what knowledge you had, how good your memory was?

9 [10.18.02]

10 A. The - the tape - our conversation was tape-recorded time and
11 again after some conversation.

12 Q. All right. Now, there may have been a translation problem or
13 you may have misspoken. I just want to make very clear. Are you
14 saying that there was a conversation first, and then you would go
15 on tape? Because that's how it appeared in translation.

16 A. No, I think that's not the case. The conversation had to go on
17 the tape simultaneously. And then we would be talking, and then
18 we would be -- went on tape, and if something went wrong, then we
19 would correct and record it.

20 Q. I'm not sure I fully understand that last part. What do you
21 mean, "if something went wrong"? Because it would appear that --
22 one way of interpreting that is, if the correct answer wasn't
23 given, then you were given an opportunity to clean it up after
24 looking at some documents, maybe having your memory refreshed.
25 So, please tell us, exactly, what do you mean by that?

1 [10.19.40]

2 MR. PRESIDENT:

3 Mr. Witness, please hold on.

4 And, International Co-Prosecutor, you may now proceed.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President. I believe that the last question must

7 be reformulated so that it is phrased in a way that is open,

8 which would allow the witness to reply freely, without having any

9 suggestions made to him. Thank you, Mr. President.

10 MR. KARNAVAS:

11 Your Honour -- Mr. President, Your Honours, I said "how". The

12 classic open-ended questions are: who, what, where, how, explain,

13 describe. It was a "how".

14 How did this occur? He said that it would be corrected. What

15 exactly happened? Would they go off tape or would it be corrected

16 on the spot? Was he shown documents? If he could please describe

17 exactly how the interview occurred?

18 [10.20.44]

19 MR. PHAN VAN:

20 I may wish you to repeat that question.

21 BY MR. KARNAVAS:

22 Q. Okay. You told us that when you were interviewed, you were

23 tape-recorded. And then you seem to say that if there was a

24 problem, it would be corrected. Now, that's what's being

25 translated, so I have to work off the translation; my apologies

1 if I'm getting it wrong.

2 Now, when you say "if there was a problem", what do you mean by
3 that? And how was it corrected?

4 MR. PHAN VAN:

5 A. It was not a kind of error or mistake made during that time.
6 But for example, when I talked something which is not about the
7 truth, and -- I would be given the opportunity to play back the
8 tape and make sure that the version of the event is corrected so
9 that we get the truth.

10 [10.22.10]

11 Q. And thank you very, very much for that. And that's what I want
12 clarification because it seems - you seem to be telling us that
13 as you're giving your version, at some point, the investigator
14 would think that you're not telling the truth, he would stop the
15 tape-recording, you would listen to it, perhaps there would be an
16 exchange, and then you would be given an opportunity to correct
17 the version that you had previously given; is that what happened?

18 A. Yes, it is. We correct something that is not true. For
19 example, when we had to recollect something that happened in the
20 past without some recorded pieces of evidence to support our
21 memory, then we may be wrong. And at that same time, as you may
22 be aware, that - during the old days, people did not keep good
23 records of what had actually happened. In my memory, things that
24 happened to me, I still remember what - how they happened, but I
25 just could not confirm precisely when exactly they happened,

1 although they did. That's why, with this conversation and the
2 refresh of my memory, I could really correct the events
3 precisely.

4 [10.23.50]

5 Q. All right. Now, when they were refreshing your memory, I take
6 it it was the investigator refreshing your memory.

7 A. They didn't refresh my memory, actually, but they asked me
8 questions to help me recall. For example, they asked me question
9 where I was yesterday, and I said I was at Comrade A's home. And
10 then they would say, "But you said it was at Comrade B's" --
11 things like that. So, this is how it happened. But the way
12 questions were put to me helped me recollect the event or
13 remember the event.

14 Q. Well, in putting - in putting those questions to you, were
15 they not also suggesting what the answers might be, in order for
16 you to give a confirmation?

17 A. Please repeat that question.

18 Q. In the - when giving you - when trying - when correcting you,
19 were they - were they also suggesting what the right answer was,
20 in order for you to correct your memory and to have something
21 accurate on the tape?

22 [10.25.40]

23 A. Yes, that is correct. They would like to confirm to make sure
24 that I really said the right events.

25 MR. PRESIDENT:

32

1 Lead Co-Lawyer for the civil party, you may now proceed.

2 MR. PICH ANG:

3 Mr. President, thank you very much. I think I have a kind of
4 doubt. Counsel Karnavas were talking about the Co-Investigating
5 Judges who may correct the witness's statement.

6 So, we would - it would be fair if counsel also ask what kind of
7 version that the investigators corrected during that time.

8 MR. KARNAVAS:

9 Mr. President, lawyers normally don't stand up and voice their
10 doubts; they voice objections. The gentleman had an opportunity
11 to - to question the witness. The witness obviously understands
12 my questions; they're rather clear. If he has doubts, then
13 perhaps he can seek leave to ask for further questions.

14 But I'll go step by step to make sure that we have a very clear
15 record as to how these interviews were conducted.

16 [10.27.09]

17 BY MR. KARNAVAS:

18 Q. Now, you told us thus far that the investigators would help
19 you with your memory. Did they also show you any documents as
20 verification in order to get you to understand the dates, or the
21 places, or the names during the interview?

22 MR. PHAN VAN:

23 A. No.

24 MR. KARNAVAS:

25 All right.

1 And with that, sir, I wish to thank you for giving your evidence
2 here and thank the Trial Chamber for allowing me the opportunity
3 to pose these questions. And we want to thank you, sir, and wish
4 you good luck and safe travels.

5 (Judges deliberate)

6 [10.30.31]

7 MR. PRESIDENT:

8 Counsel, you're on your feet. You may proceed.

9 MR. IANUZZI:

10 Thank you, Mr. President. Good morning, everyone. I didn't get a
11 chance yesterday, before I left the courtroom, to properly thank
12 the witness.

13 Thank you, Mr. Witness, for answering some of my questions
14 yesterday. I'm sorry we didn't have a chance to have more of a
15 "conversational exchange", as you put it, but I'm grateful for
16 the answers that you did provide and I wish you all the best.
17 Thank you.

18 MR. PRESIDENT:

19 Mr. Phan Van, your testimony has now come to a conclusion, and
20 you are now excused. You may be led out of this room very soon.
21 And the Chamber would like to thank you very much, indeed, for
22 your time, and efforts, and patience. Your testimony will be
23 helping the Court in finding the truth. And we would like to wish
24 you all the very best and safe travels.

25 Counsel - duty counsel for Mr. Phan Van is also excused. You may

34

1 leave now.

2 And court officer is now instructed to usher both of them.

3 (Mr. Kham Phan and Counsel Mam Rithea exit courtroom)

4 [10.32.10]

5 And the Court will adjourn for 20 minutes. The next session will

6 resume by 10 to 11.00, when we hear testimonies of TCW-695.

7 (Court recesses from 1032H to 1052H)

8 MR. PRESIDENT:

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

10 Court officer is now instructed to call TCW-695 into the

11 courtroom, please.

12 (Mr. Suon Kanil enters courtroom)

13 [10.55.13]

14 QUESTIONING BY THE PRESIDENT:

15 Good morning, Mr. Witness.

16 Q. What's your name, please?

17 MR. SUON KANIL:

18 A. Good morning, Mr. President and Your Honours. I am Suon Kanil.

19 Q. Thank you. Apart from this name, do you have any other names?

20 A. I am also known as Neang.

21 Q. Thank you. Mr. Kanil, how old are you?

22 A. (Microphone not activated)

23 Q. And please wait - wait until you see the red light activated

24 on the console before you proceed. You may now proceed.

25 A. I am 59 years old.

35

1 Q. Thank you. Mr. Kanil. Where were you born?

2 A. I was born in Chhuk village, Pralay commune, Stoung district
3 of Kampong Thom.

4 [10.56.33]

5 Q. Where do you live now?

6 A. I still live in the same village and commune of the same
7 province.

8 Q. What do you do for a living?

9 A. I am a peasant.

10 Q. What's your father's name?

11 A. He is Suon Sin, deceased.

12 Q. What is your mother's name?

13 A. She is Chan Kim Huot, deceased.

14 Q. Thank you. What is your wife's name? And how many children do
15 you have?

16 A. She is Chiv Ny, or known as Meas Ny. We have six children -
17 two boys, four girls.

18 Q. Thank you.

19 Mr. Suon Kanil, according to the report by the greffier of the
20 Trial Chamber, in your capacity as the witness, you have no
21 biological relation to any of the civil parties or parties to the
22 proceedings, including the three accused persons, namely Khieu
23 Samphan, Nuon Chea, and Ieng Sary; is that correct?

24 [10.58.20]

25 A. Yes, it is.

1 Q. According to the same report, you took the oath already; is
2 that true?

3 A. Yes, it is.

4 Q. The Chamber would like now to inform you of your right before
5 the Chamber, the right self-incrimination of witnesses.

6 Mr. Suon Kanil, as the witness before the Chamber, you may choose
7 to refuse to respond to any questions if you believe that your
8 responses may be self-incriminating. And as the witness, you
9 shall tell the whole truth, nothing but the truth, and you are to
10 respond to all questions posed to you by the Judges of the Bench
11 and parties to the proceedings, and indeed, you may choose not to
12 respond to any questions if you are convinced that your responses
13 may be self-incriminating. And as the witness, you shall respond
14 to questions concerning your experiences, what you saw and what
15 you had lived through. Do you understand this?

16 [11.00.06]

17 A. Yes, I do, but partly, Mr. President. If you don't mind,
18 please explain further to me.

19 Q. Mr. Witness, as the witness, you can refrain from responding
20 to any questions that are - that you believe that your responses
21 may be self-incriminating. And at the same time, as the witness,
22 you are to respond to all the questions, because parties have the
23 right to put questions to you, including the Judges of the Bench.
24 So, all questions will be put to you, but questions that you
25 believe that they are self-incriminating, you may exercise your

1 right not to respond. And at the same time you shall tell the
2 whole truth, nothing but the truth. The truth here refers to the
3 accounts, the events you recollect, or you had experiences, or
4 you had some observations when living through these events. And
5 your responses must be relevant to the experiences you have had
6 during the time period from 1975 all the way to the 6th of
7 January 1979.

8 So you have these rights and obligations. We hope you understand
9 now.

10 A. Yes, I do, Mr. President. Thank you.

11 Q. Mr. Kanil, have you ever given any interviews to any of the
12 Co-Investigating Judges of the OCIJ?

13 A. I have given interviews to the investigators on some
14 occasions.

15 [11.02.29]

16 Q. How many times, exactly, have you had - have you given these
17 interviews, and where?

18 A. I was interviewed on several occasions at my home, at Chhuk
19 village, Pralay commune, in August 2009. It was on the 18, 19,
20 and 20th of August - three days in a row.

21 And there was another interview, but I don't remember the exact
22 date. They came to my house two times. And, again, Mr. President,
23 I do not remember the exact dates of my last interview.

24 Q. So, how many times, exactly, were you given that - those
25 interviews?

1 A. (Microphone not activated)

2 Q. And please hold on. Wait until you see the red light, please.

3 You may proceed.

4 A. They only came to my home on two occasions.

5 Q. Thank you, Mr. Suon Kanil. Before you appear before this
6 Chamber, have you read the record of interviews you gave to the
7 Investigating Judges to reflect your memory?

8 [11.04.13]

9 A. Yes, I have, Mr. President. I have read the documents again.

10 Q. According to your recollection, are these records the precise
11 reflection of the accounts you gave during the time when you were
12 interviewed by the investigators?

13 A. Yes, they are. The events reflect the accounts.

14 Q. To make sure we understand this pretty well, the question to
15 you is whether the events in the record of the interviews
16 reflected what you gave to the investigators back then?

17 A. I have already read the documents. I am in the position to say
18 that these documents -- the accounts are consistent with those I
19 gave.

20 MR. PRESIDENT:

21 The Chamber would like to inform the Prosecution that, during the
22 testimony of this witness, Co-Prosecutors will be offered the
23 opportunity to put questions first to this witness. Both
24 civil party lawyers and the prosecutors will have the whole day
25 to put questions to the witness.

1 You may now proceed.

2 [11.06.06]

3 MS. SONG CHORVOIN:

4 Thank you, Mr. President and Your Honours. A very good morning;

5 and very good morning to you, Mr. Suon Kanil. I am Song Chorvoin,

6 representing the Co-Prosecution Office. Today I have a few

7 questions to put to you.

8 But before I begin putting questions, I would like to seek Mr.

9 President's leave so that I can hand over to Mr. Witness the

10 documents of his interview, document E3/344, E3/411, and E3/74.

11 These three documents will be important to assist the witness, if

12 Mr. President allows.

13 MR. PRESIDENT:

14 You may proceed.

15 Court officer is now instructed to bring the documents to the

16 witness for examination.

17 [11.07.13]

18 QUESTIONING BY MS. SONG CHORVOIN:

19 Mr. Kanil, before you, you can see that these documents are the

20 record - the written record of interview of witness, the

21 statements you gave before the Co-Investigating Judges. A moment

22 from now, I will be putting questions concerning your statements.

23 The questions are more about the efforts to seek some

24 clarification from you.

25 Q. The first question to you is: When did you join the

1 Revolution?

2 MR. SUON KANIL:

3 A. I joined the Revolution on the 11 of November 1971.

4 Q. During the first time when you joined the Revolution, where
5 was it? Where did you join that Revolution?

6 A. I joined the Revolution at first at Khla Khmum commune (sic),
7 Toap Siem commune, and Chi Kraeng district of Siem Reap province.

8 Q. You stated that you joined the Revolution and, afterwards, you
9 were selected to attend a telegram training session. Can you tell
10 the Chamber, please, how long was that after you joined the
11 Revolution before you were recruited to attend the study session
12 of telegram?

13 A. I was selected to attend telegram training session six months
14 after I had joined the Revolution.

15 Q. You stated that it was six months after you had joined the
16 Revolution before you attended the telegram training session. You
17 know -- why were you selected to attend the session?

18 [11.09.36]

19 A. The reason I was selected to attend the study session, because
20 at that time it was a requirement for each sector, and at that
21 time I was attached to Sector 35, which was the former North
22 Zone, so I was selected alone to attend that training.

23 Q. During the time when you attended the training session on
24 telegram, how old were you?

25 A. (Microphone not activated)

1 MR. PRESIDENT:

2 Mr. Witness, please just observe some pause.

3 Court Officer, you are now instructed to ensure that the console
4 is adjusted a little bit to different angle so that Mr. Witness
5 can easily see the red light when it is activated.

6 Mr. Kanil, you can also sit back and relax because you can still
7 be heard; you don't need to lean forward to be heard. The current
8 position you're sitting now is fine, we can hear you clearly.

9 You may now proceed.

10 [11.10.55]

11 MR. SUON KANIL:

12 With that, Mr. President, I would like the question to be
13 repeated.

14 BY MS. SONG CHORVOIN:

15 Q. You said that after six months, you were recruited to attend
16 the study session. But how old were you at that time?

17 MR. SUON KANIL:

18 A. I was 18 years of age.

19 Q. Thank you. During the time when you studied telegram, can you
20 tell the Chamber what could have been the criteria for selecting
21 someone to attend such study session, or just suddenly you were
22 then recruited without warning?

23 A. At that time, there was - there was some kind of requirement.

24 I was asked to - I was part of the sector. For example, each
25 member -- or two members of each sector would then be selected to

1 attend such study session.

2 [11.12.04]

3 Q. According to your observation, where were the trainees from?

4 And how old were they?

5 A. These telegram trainees were as old as I was at that time. And
6 they came from three sectors of that same zone and they came
7 because they were sent - or they were invited by each respective
8 sector chief.

9 Q. Thank you.

10 According to your statement before the Co-Investigating Judges,
11 document E3/344 -- ERN in Khmer, 00373492; English ERN 00384424;
12 and French ERN 00426142 - the investigator asked you about the
13 time when you joined the Revolution. And I would like to cite
14 from that: "After joining the Revolution, I had been asked to do
15 some propaganda work at - in the village called Krabei Riel."
16 My question to you is: What was the substance of the propaganda
17 you dealt with the people in that village at that time?

18 A. At Krabei Riel village, I focused mainly on how to - the work
19 dealing with national liberation.

20 Q. Could you please be more precise as to how you mean by - what
21 you mean by "national liberation"?

22 [11.14.29]

23 A. To me, it is the revolutionary term. This means that it was
24 part of the revolution to convert, to change the old regime into
25 a new one.

1 Q. Thank you. How was propaganda work conducted?

2 A. At that time, the propaganda work would be carried out through
3 meetings.

4 Q. Were meetings convened at every sector, zone? And how often
5 were the meetings convened?

6 A. The meetings were convened according to each respective level.
7 I, myself, received instructions from the village - from the
8 commune level because I lived in the village. I was - I was
9 instructed on how to liberate the country and how we can convert
10 the society into a new one, for example.

11 Q. Thank you. If such meetings were conducted and that - people
12 from the commune level came down to the village to conduct such
13 propaganda work, how effective was the work?

14 A. During the meetings -- every meeting was successful.

15 [11.16.27]

16 Q. "Successful", as you said? Can you please be more precise on
17 this? How successful was it?

18 A. When I say "successful", because before the meetings were
19 convened, people had not understood that. So, after meetings,
20 people were convinced and they understood the course of the
21 revolution and, eventually, they joined us and supported us.

22 Q. I would like now to move to another small topic concerning
23 your telegram training sessions. You stated that when you - after
24 six months of your revolution sign-up, you were sent to study
25 telegram. Where was it? Where was the training session venue?

1 A. I may talk broadly on this.

2 I came from Siem Reap, and we went to a jungle near Kratie or
3 perhaps bordering Kampong Cham province, the location of "Tor-8".

4 Q. You talked about "Tor-8". Where was it - what was it referred
5 to?

6 A. I think - perhaps it was at Tuol Sambour -- Tuol Sambour
7 location or Areaks Tnaot, but I don't know for sure; it was a
8 long time ago.

9 [11.18.27]

10 Q. So, at "Tor-8", were you familiar that there would be Office
11 870 at that time, already?

12 A. During that time, I heard of it.

13 Q. How did you hear of this - from whom?

14 A. I heard this through my instructor during the training
15 sessions, the telegram training sessions.

16 Q. Do you still remember, your instructor, what is his name?

17 A. He - I still remember his name, indeed. We have two sections:
18 first, for the Morse code, and second section for repairing. So,
19 for the Morse Code Section, we had to study for three months and
20 a half, and the second session last for six months. Moeun (sic)
21 was the instructor of first section, when Yoeun was the
22 instructor of the second section.

23 And at that time I attended the third section already because the
24 student - or the good trainee of the first and second sections of
25 the training would be recruited to become a trainer for the

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1 following section, those who could type the Morse code more
2 efficiently and quickly enough.

3 [11.20.34]

4 Q. You said that your instructor told you that there was Office
5 870 in the jungle. Can you please be more precise? Is he Moeun
6 (sic) or Yoeun?

7 A. Yoeun was the instructor who told me about the existence of
8 Office 870.

9 Q. In which year did you learn that Office 870 existed?

10 A. I don't remember the date for sure, I forget it already.

11 Q. If you cannot remember the exact date, did you learn that
12 Office 870 existed during the time when you were in the jungle,
13 attending that training session?

14 A. Yes, it is correct. It is - it is when I was there that I
15 learned about this, because I had no knowledge of this office
16 before I went to that jungle.

17 Q. Thank you. Did you - or were you told the purpose of using the
18 telegrams?

19 A. During the training, we were taught about the meaning of
20 telegrams. Telegrams were meant to use for military, both the -
21 for air, land, and water - the military dealing with this kind of
22 channels of communication.

23 [11.22.40]

24 Q. Thank you. I would like to talk about this at a later stage,
25 but I would like to also ask you more questions concerning this

1 Telegram Section.

2 Do you still remember what the purpose of these telegrams for? I
3 mean, the communication of the telegrams was meant to be
4 communicated to which level?

5 A. Telegrams were used to communicate people at the zone, from
6 zone to sector, and to the commander of the battlefields. That's
7 what happened at that time.

8 Q. Were telegrams used from one zone to another zone?

9 A. Later on, telegrams were used to communicate to the upper
10 offices, including Office 870.

11 Q. Thank you.

12 Now I would like to have a few questions concerning the coding of
13 the telegrams.

14 Do you still remember when exactly such secret coding were
15 introduced?

16 [11.24.18]

17 A. Coding system or coding letters were introduced when - as soon
18 as the Morse code tapper was brought in.

19 Q. When the device was sent to your location -- do you remember,
20 when was it sent to that area?

21 A. This coding machine, or device, was sent to me during the time
22 when there was some kind of clashes in Phnom Penh. It was perhaps
23 in 1973 - early 1973 or late 1974 - rather, late 1972 or early
24 1973.

25 Q. Where was this coding or telegram decoding machine or device

1 placed? Was there an office for it?

2 A. When the device arrived – and as the telegram was part of the
3 important communication for the military, they would like to set
4 an office which was further away from the headquarter – the
5 military headquarter. We were asked to locate this unit about 2
6 kilometres from the main military headquarter, when four people
7 were assigned to work on one device.

8 Q. Thank you.

9 After you attended the telegram training session and after the
10 telegram decoding device was introduced – and you said, because
11 the – we lacked people at work, you were reassigned to work at
12 the printing house. Do you remember when you was transferred to
13 work at that printing house?

14 A. (Microphone not activated)

15 [11.26.55]

16 MR. PRESIDENT:

17 Mr. Witness, please observe some pause. You may now proceed.

18 MR. SUON KANIL:

19 A. I don't remember the exact day and month, but it was most
20 likely in late 1972 or early 1973 because when we had been
21 waiting for the telegram decoding machine to arrive, and after –
22 sometime after the training, I was asked to do some farming. But
23 then I was asked to help with the printing task. I could do that
24 properly, so I was then needed to assist people at the printing
25 house.

1 BY MS. SONG CHORVOIN:

2 Q. Where - where was that printing house located? And how - how
3 big was it?

4 MR. SUON KANIL:

5 A. The printing house was at Kilometre 13, in Kampong Cham
6 province.

7 The printing house was not big; it was very small. And we had
8 some people who could write on the stencils, and two or three
9 more people who worked in a small shack house.

10 [11.28.33]

11 Q. Who was in charge? Who was overallly (phonetic) in charge of
12 the printing house?

13 A. Chhi (phonetic) was overallly (phonetic) in charge of the
14 printing house, along with another person whose name I don't
15 remember.

16 Q. Have you ever heard a person by the name Soeun (phonetic)
17 working at the printing house?

18 A. No, I haven't.

19 Q. Thank you.

20 What kind of documents were part of the products printed at this
21 printing house?

22 A. There were some documents including the "Reaksmei Padevath"
23 magazine - or "Revolutionary Ray" - or "Light".

24 Q. Can you please be more precise when you talk about these
25 documents? Were - were they in the form of journals or magazines?

1 A. (Microphone not activated)

2 [11.30.00]

3 MR. PRESIDENT:

4 Mr. Witness, please be patient and pause before you respond. You
5 may proceed.

6 MR. SUON KANIL:

7 A. "Reaksmei Padevath" is more or less a magazine.

8 BY MS. SONG CHORVOIN:

9 Q. Were slogans, or banners, or letter of permissions also
10 printed at the printing house?

11 MR. SUON KANIL:

12 A. When needed, people at the printing house may be asked to
13 write some slogans and make some banners.

14 Q. To refresh your memory, in your statement before the
15 Co-Investigating Judges, as in the same document I stated -- and
16 the Khmer ERN 00373509, English ERN 00390076, French ERN 00424036
17 - you were asked this question: "What kind of documents were
18 printed at the printing house?"

19 And you stated before the Co-Investigators that, "at the printing
20 house, documents including banners, slogans, and permission
21 letters, and other documents to -- for the arrangement of the
22 zone were part of the products printed". Is that correct?

23 [11.32.00]

24 A. According to this document I stated before the
25 Co-Investigating Judges, I still stand by my statement, indeed.

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1 And it was three years ago; I may forget something, but I still
2 remember it is correct.

3 Q. At the same printing house, who had the authority to make a
4 decision to print any particular text or document? Can you please
5 give us the name of that person if you still remember?

6 A. The decision for documents to be printed was made by the zone
7 secretary.

8 Q. Thank you. After the documents were printed, how were they
9 distributed?

10 A. At that time, the documents would be distributed to different
11 sectors and districts where the cadres were working.

12 Q. When you were circulating the documents, was it the decision
13 of the secretary of the zone for this dissemination, or there was
14 an order from anyone else?

15 [11.33.56]

16 A. At that time, at that particular place, the decision was up to
17 the secretary of the zone. For example, how many copies would be
18 distributed to certain sectors, it was all up to the secretary of
19 the zone.

20 Q. The secretary of the zone you are mentioning, who was he?

21 A. Normally, people called him Brother Thuch (phonetic).

22 Q. In the printing house, when you were working there, did you
23 ever see the copy of the "Revolutionary Flag"?

24 A. When I worked at the printing house I did see the
25 "Revolutionary Flag", but it was not printed in the printing

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1 house because it was distributed by the upper authority. They
2 simply sent some 10 copies or so to our section.

3 Q. So, you say you saw "Revolutionary Flag", and these
4 "Revolutionary Flag" magazines were sent from the upper
5 authority. Do you know who ordered the distribution of these
6 "Revolutionary Flags"? And did you ever read the content of the
7 magazine?

8 [11.35.49]

9 A. I saw these magazines because I was working in the printing
10 house, but I was not allowed to read these magazines because they
11 were not for me, after all, they were for party members.

12 Q. Just now you mentioned that people at the upper authority who
13 ordered the distribution of these magazines. Can you tell the
14 Court, to your knowledge, who sent those magazines?

15 A. (Microphone not activated)

16 MR. PRESIDENT:

17 Please wait until you see the light is on.

18 MR. SUON KANIL:

19 A. The upper authority I am referring to is, of course, the
20 Centre, but I did not know who exactly he or she was because it
21 was a secretive office.

22 [11.36.46]

23 Q. Of course. You were transferred from one province to another
24 in the course of your work at that time. I would like to ask you
25 for your clarification. Once you were with Ke Pauk in Kampong

1 Thom province, it was some time in 1973; do you agree?

2 A. That is correct, it was in 1973.

3 Q. When you were working with Ke Pauk in Kampong Thom province in
4 1973, do you recall any important events that is worth note
5 taking -- for example, there was an on-going fierce battle during
6 that period?

7 A. Yes, I do recall the event at that time, because at that time
8 I stayed attached to the battlefields when it broke out in
9 Kampong Thom province. The battlefield was breaking out somewhere
10 around Roluos (phonetic). It was a very fierce, a fierce battle
11 indeed.

12 Q. Can you please be a bit more precise? Where did the war erupt?
13 You describe it as a "fierce battlefield". Where did it all
14 start?

15 [11.38.20]

16 A. Back in 1973, the battle erupted around Kampong Thom province,
17 from Santuk, Kampong Thma, and other districts, and then they
18 were approaching toward the Kampong Thom downtown centre. And
19 back in 1973, I was stationed at Roluos (phonetic) village,
20 southern part of Kampong Thom provincial town, and we - and we
21 had to fight along the eastern part, and there were - you know,
22 the fighting was from all directions, and they were all
23 approaching the provincial towns surrounding Kampong Thom
24 province.

25 Q. Thank you. So, in 1973, how many people worked for Ke Pauk?

1 And, if you can, can you recall some of the names who were close
2 to Ke Pauk at the time?

3 A. Back in 1973, those who worked closely with Ke Pauk were the
4 people in charge of Telegram Section, security guards or body
5 guards, and commanders working in the battalions or companies.
6 Those who were subordinate to Ke Pauk at that time and they --
7 were in charge in overall security were working very closely with
8 Ke Pauk.

9 Q. Can you please tell the Court the names of those who were -
10 for example, the commanders of battalions or companies who were
11 working with Ke Pauk according to you just now? Can you tell the
12 Court a few names?

13 [11.40.32]

14 A. It all happened a long time ago; I do not recall everything
15 very well. I only recall those who were responsible for the
16 Telegram Section and those whom I knew at that time.

17 At the Telegram Section there were four altogether, including
18 myself. There were four who were in charge of Morse typing and
19 there was only one repairer at that time. And close to Ke Pauk at
20 that time, there was a man by the name of Chhit (phonetic). Chhit
21 (phonetic) was a close aide of Ke Pauk who assisted him from time
22 to time, in time of war.

23 And as for the battalion, at that time there was a commander
24 battalion - Battalion 305, led by Beng (phonetic); he was the
25 commander of a battalion, 305; and Morn (phonetic), commander of

1 Battalion 308. But it happened a long time ago; I cannot recall
2 everything.

3 [11.42.02]

4 Q. Thank you. So, let me ask you a little bit further. In 1973,
5 the war broke out at the time, so the telegram communications
6 were the frequent means of communication -- it was in use at that
7 time; is that correct?

8 A. The telegrams that was put in operation at that time was used
9 as a means of communication. I was stationed at Samraong; it was
10 in 1973 -- early 1973, and then they transferred me to the
11 battlefield somewhere near Siem Reap. So, telegrams were
12 operational from that time onwards. When the fighting was getting
13 fierce, we had to communicate via telegrams in order to avoid
14 sending messages by individual people.

15 Q. In relation to the report regime, who did Ke Pauk report to?

16 A. In terms of report, Ke Pauk was in charge of the General Staff
17 of the zone so he reported to the zone secretary. In addition,
18 the -- at the zone level, they also communicated back to the
19 General Staff of the zone.

20 [11.44.02]

21 Q. Can you enlighten us a little bit further? Who was Ke Pauk's
22 superior -- who did he report to?

23 A. At the time, Ke Pauk had to report to his immediate superior.
24 He reported to the secretary of the zone, and the secretary of
25 the zone had to relay the message to the upper authority in the

1 hierarchical structure.

2 Q. How did Ke Pauk report the situation -- the overall situation
3 -- to his upper authority? And how often did he do it?

4 A. At the time, Ke Pauk had to report to his upper authority
5 through telegrams. If any important matters arose, they had to
6 communicate with his superior, because many battles in different
7 places broke out at that time. They had to report -- wars broke
8 out in, for example, in the Southwest Zone or in the North Zone
9 -- so they had to report the overall situation of warfare to the
10 upper authority.

11 [11.45.47]

12 Q. This is going to be last question for 1973. You said that
13 "telegrams was put in place for operation and communication in
14 1973". Did you know how to use telegrams at the time, in 1973?

15 A. In 1973, to my knowledge, we sent telegrams to M-870, but to
16 my knowledge, the information in those reports was about the
17 factories (sic) in the war. It was solely about the victory in
18 the war. There was not any other issue, to my knowledge.

19 Q. How did you know? How did you know that there was a telegram
20 sent to M-870? Did you witness it by yourself or were you told
21 about that?

22 A. For my side, of course, we only sent telegrams to 870 about
23 the victory at war, and at that time we simply sent a plain
24 message.

25 MR. PRESIDENT:

1 Prosecutor, please be advised that you should be focused on the
2 relevant part of the case.

3 You have to be vigilant of the time. You have taken approximately
4 half -- almost an hour now, and then you are still in 1973.

5 [11.47.57]

6 BY MS. SONG CHORVOIN:

7 Thank you, Mr. President, for your guidance. I have only very few
8 questions left concerning this period, then I will move to 1975.

9 Q. Witness, in 1974, where did you reside? And what did you do
10 back then?

11 MR. SUON KANIL:

12 A. In 1974, they withdrew me and the General Staff back to Siem
13 Reap province because the war was going on at that time over
14 there, so we were sent to reinforce our forces over there.

15 Q. So, when you were withdrawn to Siem Reap, were you aware of
16 the evacuation of people out of Kratie province, Kampong Cham or
17 Udong?

18 A. In 1974, I was not aware of that.

19 Q. Thank you.

20 [11.49.11]

21 Now I move on to a period in 1975, particularly following the 17
22 of April 1975. The zone under the command of Ke Pauk was
23 transformed into the Central Zone, or New North Zone; is that
24 correct?

25 A. Following the 17 of April 1975, there was a breakup of the

1 zones. The Old North Zone was transformed to be the Central Zone,
2 and that is correct, according to your summary. That was the
3 division of zones administration at the time.

4 And Ke Pauk was sent to be in charge of the area surrounding
5 Kampong Cham and – and he brought with him only security guards,
6 bodyguards, and a few people. The other forces were left in
7 Sector 34, in Siem Reap.

8 Q. So, when you – in 1975, did you observe the evacuation of
9 people or movement of population in general at that time?

10 A. In 1975, the issue of the evacuation of people – people in my
11 group were not informed because we were in the front line, in the
12 battlefields. I think we held different responsibilities. So,
13 only those who were responsible at the district level, for
14 example, would have known that.

15 [11.50.58]

16 Q. So, when you first entered Kampong Cham town, what was your
17 overall impression of the living conditions of people? Did you
18 witness any dead bodies or corpses along the street?

19 A. When I first entered Kampong Cham town, the situation and –
20 and the city had already been organized. Of course, immediately
21 after the war, there would be dead bodies scattered on the
22 street, but when I entered Kampong Cham provincial town,
23 actually, the city had already been organized, so I did not see
24 any dead bodies on the streets.

25 Q. You said you did not see the people either. What do you mean?

1 When you got to Kampong Cham province, did you see the Muslim
2 Cham community in Kampong Cham province?

3 A. When I got to the province, I knew about the Muslim Cham
4 community. They had not been evacuated because they were living
5 somewhere in Peam Chi Kang. This were the community. And I went
6 out at night to catch fish; also, I saw the Muslim Cham
7 community. They were still there at the time.

8 [11.52.44]

9 Q. I would like to dwell a little bit on the Old North Zone. And
10 you mentioned that Ke Pauk was the secretary of the zone. So, can
11 you tell the Court, who was his deputy?

12 A. As planned, he was supposed to be sent to Kampong Cham.
13 Before, he was the deputy secretary of the zone, and then, later
14 on, he was promoted to the secretary of the zone. And, following
15 the 17 of April 1975, Sector 305 was given to Sae. So, he was in
16 charge of the Siem Reap Section.

17 Q. You said that the reorganization of the structure was
18 following April the 17, 1975. When exactly was it reorganized?

19 A. (Microphone not activated)

20 MR. PRESIDENT:

21 Witness, please observe the light on the microphone before you
22 speak.

23 MR. SUON KANIL:

24 A. Well, it was not long after the 17 of April 1975, but I do not
25 recall the exact date. It could have been three, four, five

1 months or so after 17 April 1975. Ke Pauk was, before, the
2 General Staff, and then he was later on promoted to the zone
3 secretary, and then Sae was placed in charge of Sector 305, in
4 charge of Siem Reap.

5 [11.54.41]

6 Q. So, let me talk about the Centre Committee. In your statement
7 with the investigators of the OCIJ, document E3/344 -- ERN in
8 Khmer, 00373496; English, 00384428; and French, 00426144 - at the
9 time, you told the investigators that the zone committee
10 comprised five members: Ke Pauk was the secretary; Pol was
11 member, but he disappeared; Chhon, disappeared; Som Oeun
12 (phonetic), Ke Pauk's brother-in-law, disappeared. Do you stand
13 by this statement?

14 A. Yes, I maintain - I maintain my statement.

15 Q. Thank you. Did you ever know a man by the name of Suor
16 (phonetic)? And, if you did, who was he really?

17 A. Yes, I do. There were two Suor (phonetic): one was with the
18 district committee, and the other one was in the members of the
19 office committee.

20 [11.56.38]

21 Q. In the same document, your statement, you mentioned that Suor
22 (phonetic) disappeared in 1977 and he was a political resistant.
23 Which Suor (phonetic), in this statement, are you referring to?

24 A. Suor (phonetic) who was working with the office.

25 Q. So, now we go down from the zone to the sector level.

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1 In the Central Zone, there - there were three sectors: Sectors
2 41, 42, and 43; is that correct?

3 A. That is correct.

4 Q. Who was the Secretary of Sectors 41, 43, and 42?

5 A. The Secretary of Sector 41 was Sreng; and I do not know his
6 deputy.

7 Q. Sreng was the secretary of this sector. Did he hold his
8 position throughout the period, or somebody else came to take his
9 place at certain point in time?

10 A. No. Later on he was replaced; he was replaced by Ta An.

11 Q. Why did Ta An come to take his place? Where did Sreng go?

12 A. Sreng mysteriously disappeared, and Ta An came to take his
13 place. And I knew this because, in the telegrams, the compendium
14 of telegrams, they mentioned that the secretary of the sector was
15 replaced; Sreng had stopped working there and he was replaced by
16 Ta An. That's what it indicated in the telegram. I did not bother
17 to ask any further because I was not allowed to do that.

18 [11.59.22]

19 Q. You said there was "a small booklet about telegrams". I would
20 like to ask you to elaborate a little bit further. What do you
21 mean by "a small booklet of telegrams"?

22 A. (Microphone not activated)

23 MR. PRESIDENT:

24 Mr. Witness, please observe some pause. And you now proceed.

25 MR. SUON KANIL:

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1 A. At the Telegram training - Session, we have a list of
2 contacts. For example, contacts from zones to sector. At the
3 beginning, the focal person was Sreng. Later on, Ta An's name
4 appeared. I didn't ask questions about this.

5 MR. PRESIDENT:

6 Since it is now appropriate time for lunch adjournment, the
7 Chamber will adjourn for now, and the next session will resume by
8 1.30 p.m.

9 Court officer is now instructed to assist Mr. Witness during this
10 period of time and have him returned to the courtroom by 1.30
11 p.m.

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

13 [12.00.42]

14 MR. IANUZZI:

15 Thank you, Mr. President.

16 I've just been informed by our client that he's not feeling well.
17 He would like to retire to the holding cell this afternoon. He's
18 suffering from a headache, a lack of concentration, and a
19 backache.

20 And our application is that he be permitted to follow the
21 proceedings from the holding cell this afternoon. Thank you.

22 MR. PRESIDENT:

23 Mr. International Co-Prosecutor, you may proceed.

24 MR. RAYNOR:

25 Mr. President, Your Honours, can I please raise this matter

1 (unintelligible)?

2 This Trial Chamber yesterday ejected Mr. Ianuzzi because he was
3 in contempt of Court.

4 [12.01.35]

5 Mr. President, in the jurisdictions that I practice in, when a
6 counsel, witness or other participant in the Court proceedings is
7 formally held by a court to be in contempt of Court, which was
8 the finding yesterday, the person in contempt - certainly in
9 English law called "the contemner" - is given the opportunity,
10 having been held in contempt of Court - and I'm using English
11 legal phraseology - to purge the contempt.

12 Purging the contempt, in Common Law jurisdiction - and I can see
13 Mr. Karnavas agreeing. In a Common Law jurisdiction, purging the
14 contempt involves the contemner - in this case, Mr. Ianuzzi -
15 being given the opportunity, if he so wishes, to apologize to the
16 Court for the contempt. That brings the contempt, potentially, to
17 an end.

18 Does he wish to purge his contempt and does he wish to apologize?

19 MR. IANUZZI:

20 Thank you, Mr. President.

21 I think there's been enough purging in this country; I will not
22 add--

23 MR. PRESIDENT:

24 Please hold on, Counsel.

25 (Judges deliberate)

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1 [12.11.19]

2 The Chamber would like to hand over to Judge Silvia Cartwright to
3 respond to what's raised by the Co-Prosecutor.

4 You may proceed.

5 JUDGE CARTWRIGHT:

6 Thank you, President.

7 The Trial Chamber recalls that the notion expressed by the
8 prosecutor is not part of the Internal Rules of this Court.

9 Nonetheless, this was an opportunity for Ianzuzzi to apologize. He
10 has chosen not to do that in a manner that is inappropriate, by
11 referring to the words "there have been enough purges in this
12 country". That is completely unacceptable as a way of
13 communicating with the country, people who have suffered so much.

14 [12.12.30]

15 As he has chosen not to apologize, this fact will be included in
16 the further report that the Trial Chamber will make to his Bar
17 Council.

18 Thank you, President.

19 MR. PRESIDENT:

20 The Chamber notes the request of Mr. Nuon Chea through his
21 counsel, in which Mr. Nuon Chea has asked that he be allowed to
22 retire to his holding cell for the whole afternoon, due to his
23 health concerns.

24 The Chamber, therefore, grants the request. Mr. Nuon Chea is now
25 permitted to observe the proceedings from his holding cell, where

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1 the video-link is connected so that he can observe the
2 proceedings from there.

3 Mr. Nuon Chea has expressly waived his right to be present in the
4 courtroom. The Chamber would like counsels for Mr. Nuon Chea to
5 submit to the Chamber the waiver given thumbprint or signed by
6 Mr. Nuon Chea as soon as possible.

7 [12.13.50]

8 The AV booth unit is now instructed to ensure that the
9 audio-visual link is connected to the holding cell of Mr. Nuon
10 Chea so that he can observe the proceedings from there.

11 Security personnel are now instructed to bring Mr. Nuon Chea and
12 Khieu Samphan to the holding cells, respectively, and have Mr.
13 Khieu Samphan returned to the courtroom when the next session
14 resumes, by 9 - rather, 1.30 p.m.

15 The Court is adjourned.

16 (Court recesses from 1214H to 1332H)

17 MR. PRESIDENT:

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

19 We would like now to hand over to the Prosecution to continue
20 putting questions to this witness.

21 BY MS. SONG CHORVOIN:

22 Thank you, Mr. President. Good afternoon, Mr. Suon Kanil.

23 Q. This morning, we were talking at the point when we discussed
24 Sector 41, and when touched upon the secretaries and deputy
25 secretary of the sector, you indicated that Seng (phonetic) was

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1 the Sector 41 Secretary, and his successor was Ta An. You learned
2 about this because you had a small telegram logbook.

3 [13.33.55]

4 My question to you: In the telegram contact book or logbook, did
5 you see other people's names? Or what was the book like?

6 MR. SUON KANIL:

7 A. Good afternoon, Mr, President and Your Honours, again. I would
8 like to respond to this question as follows.

9 I learned that Ta An was the successor because the book regarding
10 the contacts allowed me to see this individual, because if I had
11 to address Sector 41, I would address Sreng. Later on, Sreng
12 disappeared, and I was told by the zone that this person was
13 already replaced and I was told not to say anything about this.

14 Although that was the case - that's what had happened, I was told
15 to keep silent because if I talked about this, I would be in
16 danger. And I learned this from the messenger.

17 So, normally, when the person who was supposed to be the
18 recipient of the telegram disappeared, his or her messenger would
19 disappear alongside, and new persons would come into the
20 position.

21 [13.35.42]

22 Q. Thank you. Before we move to Sector 42, can you please tell
23 the Chamber concerning the tables you talked already? Was it in
24 the form of square tables?

25 A. (Microphone not activated)

1 MR. PRESIDENT:

2 You may pause; now you proceed.

3 MR. SUON KANIL:

4 A. In the small book, there was a table for contacts, the list of
5 names in coding number. For example, 34 would be translated as
6 Sreng.

7 BY MS. SONG CHORVOIN:

8 Q. Thank you.

9 I would like now to move to Sector 42. Do you still recollect who
10 were the secretaries and under – and deputy secretary of Sector
11 42?

12 MR. SUON KANIL:

13 A. (Microphone not activated)

14 [13.36.45]

15 MR. PRESIDENT:

16 Mr. Witness, please be patient and observe some pause. You may
17 now proceed.

18 MR. SUON KANIL:

19 A. I still recollect this very well. Like Sector 41, Sector 42
20 had their own secretary and deputy secretary, but when these
21 people disappeared, they had their own messenger.

22 BY MS. SONG CHORVOIN:

23 Q. What were their names?

24 MR. SUON KANIL:

25 A. Tol was the secretary. After Tol disappeared, Oeun was his

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1 successor. Oeun was Ke Pauk's in-law.

2 Q. Do you know where Tol could have disappeared to?

3 A. Tol had disappeared, and I was not informed, or I had no
4 reason to know about this because I worked in a different
5 section.

6 [13.38.06]

7 Q. What about Sector 43? Who was the Secretary of Sector 43?

8 A. Sector 43 Secretary was also replaced by a new person. First,
9 the person by the name Chhan was in place, and then he was
10 replaced by Ta Ngin.

11 Q. Thank you.

12 This morning you gave meaning to the importance of the telegrams,
13 and I already promised that I would touch upon this again soon. I
14 would like to now ask you to elaborate why telegrams were very
15 important for the communication of the regime at that time.

16 A. Telegrams are more or less like the blood vessels in the whole
17 body of a human being, and that means that if there was no
18 telegram, there was no blood flowed to different parts of the
19 body; it means the whole body will be malfunctioned. So, at that
20 time, because of a small problem in the misconnection in the
21 telegram, there was a (unintelligible) problem caused by this.

22 [13.40.12]

23 Q. Did people communicate through other means, other than through
24 telegrams?

25 A. Communication from zone to sector or from sector to the Upper

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1 Echelon was normally done through telegrams because it was more
2 efficient and effective.

3 Q. My question was this: Apart from communicating with one
4 another through telegrams, did people communicate with each other
5 through other means, for example in the form of letters,
6 messages?

7 A. Indeed, there were other means of communication -- through
8 written letters, messages.

9 Q. (Microphone not activated)

10 MR. PRESIDENT:

11 Co-Prosecutor, please activate your mic.

12 [13.41.26]

13 BY MS. SONG CHORVOIN:

14 Thank you, Mr. President.

15 Q. Which form of communications would be most favourable?

16 MR. SUON KANIL:

17 A. People used telegrams and written letters as means of
18 communication equally, and at each office there would be
19 messengers who carried letters for and to different places. The
20 short messages should be - or would be sent through telegrams,
21 when the long message would be made in the form of written
22 letters.

23 [13.42.26]

24 Q. Thank you. In your statement before the Co-Investigating
25 Judges, document E3/344 -- Khmer ERN 00373498; English, 00384429;

1 French, 00426148 – you talked about the hierarchical order in the
2 communication aspect and you said that the Centre would be the
3 supreme top level, and followed by zone, sector, and district. Do
4 you still stand by this statement of yours?

5 A. Yes, I do.

6 Q. Thank you.

7 I would like to leave these telegram-related issue for a while
8 and I would like my colleague to touch upon this during his time
9 for putting questioning to you after this. And I would like to
10 talk to you about the arrests and disappearances of people.

11 Under document ERN in Khmer 00373513; English, 00390079; 00424039
12 -- the investigators asked you about the arrests, and you said
13 that when the situation changed, people continued to be arrested,
14 and these people who were arrested were those who had been
15 implicated in other people's confessions. And people were
16 arrested in the form of strings, and their associates were
17 arrested at the same time. Do you still stand by this statement?
18 And this is what – was that what you saw during that time?

19 [13.45.10]

20 A. I still maintain this position.

21 Q. Thank you. I have a few questions concerning your personal
22 observations and your experience.

23 I would like you to please tell the Chamber what it means by way
24 of "disappearing" or "disappearance"?

25 A. "Disappearing" means that I no longer saw the people, I only

1 saw newcomers. I saw people coming to attend meeting, people from
2 different sectors, zones, but the others could no longer be seen,
3 so I believed that they disappeared.

4 Q. Under document ERN 00 -- in Khmer, 003271 -- rather, 0032710
5 (sic); or 390077 (sic); and French, 00424032 - in that, you say
6 that "disappearance" means some people disappear because of
7 natural cause of death, and some because they never appeared. Do
8 you stay - stand by this position?

9 A. Yes, I do.

10 Q. Under the same document, a few lines underneath that paragraph
11 - document in Khmer, 0375311 (sic); French, 0042437 (sic);
12 English, 00390078 - you said to the investigator, as I quote: "I
13 did not know these people were sent to - anywhere, but mainly
14 these people were sent to Kampong Cham and Phnom Penh."

15 [13.47.48]

16 My question to you is: When you said that the people who had
17 disappeared were mainly sent to Kampong Cham and Phnom Penh, how
18 did you know about this? Did you know this on your own and - or
19 were you told?

20 A. I'm afraid I forget your question already.

21 Q. Well, I would like to now rephrase it. You said you do not
22 know where people could have been sent to but you believe that
23 these people who had disappeared might have been sent to Kampong
24 Cham and Phnom Penh, largely.

25 And the question is: How did you know about this?

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1 A. Regarding the disappearance of the people, these names would
2 be brought to me, and I saw the list of the names of those who
3 had disappeared.

4 Q. Could you tell the Chamber, please, how were you presented
5 such list of names?

6 A. When people disappeared, I did not know, but later on the list
7 of names were brought to me by the investigators, and I were
8 asked whether I remembered them and I told the investigators
9 that, indeed, I remembered them because these individuals worked
10 with me. They only presented the document to me to make sure I
11 confirm whether I knew the individuals or not. So, after reading
12 the names presented to me, I could say that this and that person
13 disappeared or not.

14 [13.50.12]

15 Q. Thank you. Concerning the disappearance of the people -- for
16 example, like, suddenly, a person disappears -- what does that
17 mean?

18 A. That means he or she was arrested.

19 Q. In an event of arrest, who issued such order for the arrest?
20 And where did that happen?

21 MR. PRESIDENT:

22 Mr. Witness, please hold on.

23 National Counsel for Mr. Khieu Samphan, you may now proceed.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I take issue with this question because

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1 it is of a hypothetical nature, because counsel - the
2 Co-Prosecutor used the term "if" in her line of questioning,
3 which is inviting speculation.

4 [13.51.20]

5 MS. SONG CHORVOIN:

6 Mr. President, please allow me to elaborate on this.

7 This witness already stated before the Co-Investigating Judges on
8 the point I was seeking clarification and he said that when
9 people disappeared, it means they had been arrested. He already
10 confirmed this.

11 BY MS. SONG CHORVOIN:

12 Q. Mr. Witness, a moment ago, you stated that -- when you were
13 asked by the investigators whether you knew any people who had
14 been arrested or disappeared, you stated that you knew them. Can
15 you now, please, tell the Chamber whether you remember some of
16 these individuals, including their functions?

17 [13.52.17]

18 MR. PRESIDENT:

19 Madam Co-Prosecutor, can you precisely tell the Chamber the
20 period of time, the timeline of your questioning? Which
21 particular date are you referring to? Because, if you do not
22 emphasize clearly the period of time you're focusing in, I'm
23 afraid that you mislead us or, perhaps, talk something that is
24 outside the ambit of the Case File 002/01. And your questions
25 shall be relevant to the population movement of first and second

1 phases.

2 MS. SONG CHORVOIN:

3 Thank you, Mr. President, for reminding us on this.

4 Mr. Suon Kanil indicated that he worked at the Messenger Unit
5 from a – for a certain period of time, and his tenure at this
6 place is falling squarely within the temporal jurisdiction of the
7 Court and the issues before us. And he worked there for the
8 period between 1975 and '79.

9 [13.53.49]

10 MR. PRESIDENT:

11 For that reason, the Chamber asked the Co-Prosecutor to emphasize
12 precisely when exactly the disappearance happened or the arrest
13 happened. If it happened further than the period immediately
14 during or after the evacuation, then you may not be allowed to do
15 so, as it falls outside the scope of the matter being debated.

16 BY MS. SONG CHORVOIN:

17 Thank you, Mr. President.

18 Q. Mr. Kanil, when did you learn about the disappearance of some
19 people? How many people had disappeared during the period of
20 1975? Can you name the – a few individuals you may recollect?

21 [13.54.56]

22 MR. SUON KANIL:

23 A. I learned about disappearance only in the area where I had
24 worked; I had no idea what happened at the sector level. The
25 names of individuals I can remember were those including Pauch

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1 (phonetic). Pauch (phonetic) was the head of the security and he
2 disappeared at a later stage. Then -- I don't remember the exact
3 date; then Im was his successor who then disappeared. After that,
4 at the Reception Unit - Guest Reception Unit, Lei (phonetic) came
5 to work as the head, and he also disappeared. After Lei
6 (phonetic) had disappeared, Kuon (phonetic) came to replace him,
7 who then disappeared soon. And at the Military Logistic Unit,
8 there was a head who also disappeared after the incidents of an
9 explosion.

10 So, these individuals are those I remember who had disappeared
11 during that period of time.

12 [13.56.25]

13 Q. During the Democratic Kampuchea regime -- and when you were
14 asked -- I would like to refer to document 00373516 in Khmer;
15 00398082; 00424041 in French. It is about the arrest. You said
16 that the Central Committee had the authority to make arrests or
17 issue any order to arrest. Is it your statement?

18 MR. PRESIDENT:

19 Witness, could you please hold on?

20 National Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I take issue with this line of
23 questioning, as it is not within the scope of the current
24 hearing. In order words, it is not within the scope of Case File
25 002/01.

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1 If Co-Prosecutor could be kind enough to say whether this matter
2 is relevant to the first and second phases of the population
3 movement, then I would not object.

4 MS. SONG CHORVOIN:

5 This question was put time and again by parties to the
6 proceedings and it was about the communication, how people
7 communicated with one another concerning the disappearance of
8 their colleagues. I believe that this question is relevant and
9 within the scope of these proceedings.

10 (Judges deliberate)

11 [14.00.32]

12 MR. PRESIDENT:

13 National Prosecutor, can you enlighten the Chamber how your
14 question is relevant to the current case, 002/01. Please don't be
15 confused with Case 002 as a whole, because the Court has already
16 segmented the trial for the whole Case 002, and now we are
17 hearing Case 002/01. And the Chamber has advised you time and
18 again in relation to this matter, so please be vigilant on this.

19 MR. RAYNOR:

20 Thank you, Mr. President, Your Honours. It will be useful to
21 clear this up, I'm sure, for everyone again.

22 Mr. President, during the currency of these proceedings, you have
23 heard numerous evidence about authority structures, who ordered
24 who, when and how, you've heard a massive evidence about
25 communication. This evidence pulls into precisely that same

1 category; it is evidence that goes to authority structure. That
2 is an overarching principle over Case 002/1, and communication
3 too is an overarching principle over this case.

4 [14.02.10]

5 To give the Court some examples, there plainly has been document
6 presentations on communication covering the entire period, not
7 simply 1975, 1976, 1977. There has been extensive questioning
8 throughout this trial, for instance, as to arrests leading to
9 entry at S-21. That questioning has not simply been pursued by
10 the Prosecution. Judge Lavergne himself, for instance, during the
11 questioning of a telegram witness, Norng Sophang, put to that
12 witness numerous telegrams from 1977 and 1978.

13 So, for the purpose of the legitimate inquiry as to authority
14 structure and communication, we respectfully submit that this
15 line of questioning is entirely appropriate.

16 MR. IANUZZI:

17 Mr. President, could I be heard on that point? Thank you.

18 I listened closely to what my colleague had to say, and I don't
19 take issue in a general sense, but his submissions really hinge
20 on whether or not we accept the fiction that there are going to
21 be further mini-trials in Case 002. So, that would be my
22 submission for the record.

23 Those kinds of overarching areas, as he - as he put it, relate to
24 a very long period of time which does not form the underlying
25 basis of the current trial, and they're only relevant, again, if

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1 we maintain that fiction, which, I believe, Andrew Cayley himself
2 has gone on record as saying will never happen.

3 (Judges deliberate)

4 [14.04.57]

5 MR. PRESIDENT:

6 Prosecutor, you may proceed with your line of questioning.

7 BY MS. SONG CHORVOIN:

8 Q. Mr. Suon Kanil, I'm going to ask you one last question. When
9 the investigators asked you who had the authority to decide on
10 the arrests, you told the investigator that those who were
11 arrested at the North Zone were the result of the decision of
12 people at the Centre, and you said you maintained this statement.
13 So, I would like to ask you for your clarification once again,
14 that there were certain exception as to the arrest of certain
15 individuals at the Central Zone.

16 MR. SUON KANIL:

17 A. In carrying out the arrest, my team working at the Telegram
18 Section, at certain point in time, they also asked some of our
19 members to assist in the conduct of the search, as well, and at
20 that time Ke Pauk told us that the arrest could be pursued only
21 when there was a case against them and there was an order from
22 the upper authority.

23 [14.06.40]

24 And if anyone asked him whether or not he had the authority to
25 excuse anyone, for example to forgive anyone, he could not do

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1 that. There were two issues here. There was two examples.
2 My father-in-law was also part of the problem. At that time, they
3 told me that my father-in-law had been arrested, and then they
4 asked the officer who carried out the arrest - they told me that
5 he was arrested because he had been working as a militia in the
6 village. And then, at that time, he ordered that he was released
7 - he be released, and he was taken back to the Stoung district.
8 And there was another case with my brother-in-law in Kampong Cham
9 province. He came - his wife came to me, telling me that her
10 husband had been arrested, and I asked her what was the reason
11 for the arrest. She said that she did not know. And when I took
12 the telegram toward him, I asked him why my brother-in-law had
13 been arrested. He told me that he was not aware of the arrest.
14 Then he summoned the chief of security. Then I asked the chief of
15 the security why he had arrested my brother-in-law. Then I talked
16 to the - to him, so he ordered the release of them.
17 [14.08.28]
18 So, both of them, in these two examples, were released. That was
19 what happened in the zone.
20 But the decision was not from the upper authority, but at that
21 time the arrests were carried out.
22 Q. So, so long as there was an order from the upper authority,
23 people down below the authority must carry out this order. Is
24 that correct?
25 A. That is correct. So long as there was an order from the upper

1 authority, the arrest must be carried out, regardless of their
2 relation. Even if, for example, they were husband and wife, so
3 long as there was an order, they had to arrest the person.

4 Q. Can you tell the Court the year when the arrests were carried
5 out?

6 A. To my village, the situation became chaos in late 1977 or
7 early 1978.

8 Q. Following the arrests, Ke Pauk -- did Ke Pauk have to report
9 to his upper authority?

10 A. Could you please repeat your question?

11 Q. Once the order was handed down to Ke Pauk and Ke Pauk ordered
12 the arrest of any named individual, following the arrest, did Ke
13 Pauk have to report back to the upper authority on the arrest?

14 A. As a practice, once the arrests were done, then the person
15 would be taken on a truck and carried away to Phnom Penh.

16 [14.11.00]

17 Q. Thank you.

18 Now, I would like to move on the topic on the re-education. They
19 used the word "re-education" at that time. Do you know what
20 "re-education" means?

21 A. Are you talking about the disappearance following the summons
22 for re-education of individuals? If that is correct, to my
23 knowledge, there can be two instances: one is the summons for
24 re-education, the other one is the relocation.

25 Q. Can you distinguish between the two? What - what is the

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1 distinguishing feature of these two terms?

2 A. As far as the re-education was concerned, it was all about the
3 arrest, but they would not use the word literally. Otherwise,
4 people would evade the arrest. So they had to use this term
5 instead, but it literally means that the person was arrested.
6 That was one of the approaches applied by them at the time.

7 [14.12.48]

8 Q. How did they do it when they summoned people for re-education?

9 Did they extend the invitation letter, for example?

10 MR. PRESIDENT:

11 Witness, please hold on.

12 National Counsel for Mr. Khieu Samphan, you may proceed.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. I would like to object once again to
15 the last few questions posed by the national prosecutor because
16 she discussed the re-education as well as the arrests.

17 I believe that these two semantic topics are not relevant at all
18 to the current trial.

19 MS. SONG CHORVOIN:

20 May I briefly respond, Mr. President?

21 The last question I asked is intended to ask him to explain how
22 or what means of invitation the organization at that time
23 summoned people for re-education.

24 MR. PRESIDENT:

25 Witness is now instructed to respond to the last question; the

1 objection is not sustained.

2 [14.14.11]

3 MR. SUON KANIL:

4 A. There were two forms of summoning people for re-education. It
5 could be through a telegram invitation or through the letters
6 sent to individual people. During the Democratic Kampuchea
7 period, people were fearful, so, once he or she was summoned, he
8 or she would surrender without knowing what was really going on
9 at the time. So, once he or she received the summons, they had to
10 surrender.

11 BY MS. SONG CHORVOIN:

12 Q. You said that the summoning can take two forms, either through
13 telegram or letter. Do you know who issued telegrams or letters
14 of invitation?

15 MR. SUON KANIL:

16 A. The letters came from the zone committee.

17 Q. How about telegrams? Who produced the telegrams?

18 A. It came from the same source.

19 [14.15.44]

20 Q. Did you ever know that those telegrams or letters were sent
21 directly from the Centre?

22 A. The documents from the Centre were sent down to the zone, and
23 then the zones would revise it accordingly. And it was left to
24 the zone to decide on the arrest. And it was - if it was the
25 telegrams, then the Telegram Section would forward it to the

1 decoders in the Telegram Section to decode the message before it
2 was implemented.

3 Q. In document E3/411 -- in ERN Khmer 00373511 to 12; English,
4 00390078; and French, 00424038 - extract: "The invitations for
5 re-education in Phnom Penh were convened by the M-870 through
6 telegram. I learned about this through the messenger of the
7 zone."

8 Do you still maintain this statement?

9 A. On this issue, I maintain my statement.

10 Q. Thank you. Can you tell the Court who was the messenger of the
11 zone whom you mentioned?

12 A. He was Hen.

13 [14.18.17]

14 Q. Were there many people who were summoned by M-870 for
15 re-education in Phnom Penh?

16 A. No, there were not many.

17 Q. If you can expand a little bit further, for instance the names
18 of individuals whom - who were summoned by Office 870 for
19 re-education in Phnom Penh?

20 A. I can recall some of them, but once again, I think that it may
21 be rather subjective. And the investigator asked me. For example,
22 Sei (phonetic), from one division, they asked whether or not I
23 knew this name, and I told the investigator that I have known
24 this name; Veyreap (phonetic), from another division, I have also
25 known him; and Ly - Ly (phonetic) was also responsible for

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1 logistics of the division -- I knew him as well; so three people.

2 I cannot recall any other names.

3 Q. In the same document, E3/411 - ERN 00373513; English, 00390072

4 to 82; French, 00423049; and in Khmer, 003512 (sic) to 16 - in

5 the same document, the investigator asked you - and, of course,

6 the investigator showed you the list of prisoners from S-21, in

7 this list with ERN 00333779 to 00333795, from number 1 to 360.

8 You told the investigator some of the individuals who were

9 arrested or mysteriously disappeared. Do you still maintain your

10 statement?

11 [14.21.23]

12 A. I maintain my statement.

13 Q. I will ask you one final question on this. When the

14 investigator ask you, you recall one instance when the bomb was

15 detonated, and you told that - the investigator that there was

16 big bombing in Kampong Cham, and the house of the division

17 commander was destroyed, and house nearby was destroyed, as well.

18 And, following this explosion, certain individuals were arrested,

19 including Ke Pauk, brother-in-law Yin (phonetic). And then, after

20 that, many other individuals were arrested following the arrest

21 of Yin (phonetic). Do you still maintain this statement?

22 A. Yes, I do.

23 MS. SONG CHORVOIN:

24 Thank you, Mr. Suon Kanil. I have no further question for now. I

25 would like to hand over to my colleague to continue his

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1 questions. I thank you very much for your answers to my
2 questions.

3 And I thank you, Mr. President. I would like to cede the floor to
4 my colleague.

5 [14.23.02]

6 MR. PRESIDENT:

7 Thank you.

8 Before you proceed with your line of questioning, International
9 Co-Prosecutor, can you advise the Chamber whether or not you have
10 consulted with the Lead Co-Lawyers as to the time allocation for
11 putting the questions to the witness?

12 MR. RAYNOR:

13 Mr. President, yes, we have consulted. The civil parties do not
14 have many questions.

15 Can I remind, please, Mr. President, you and the other Judges
16 that the Prosecution questioning today started at 10 past 11.00
17 this morning, and the Prosecution and the civil parties have been
18 given one full day to question Suon Kanil.

19 Against that background, I obviously will try and make as much
20 progress as I can this afternoon, but I -- can I please ask that
21 some time is allowed on Monday, given that, as I say, we did not
22 start until 10 past 11.00 today?

23 [14.24.11]

24 MR. PRESIDENT:

25 The Chamber will grant the time for you for only one session in

1 the morning for the two parties.

2 QUESTIONING BY MR. RAYNOR:

3 Mr. President, I'm very grateful and I anticipate that that will
4 be sufficient time.

5 Mr. Suon Kanil, good afternoon. My name is Keith Raynor, and I am
6 one of the International Co-Prosecutor in the Office of the
7 Co-Prosecutors. Good afternoon.

8 Q. I'd like to ask you some questions to clarify the means of
9 communication regarding arrests. In your OCIJ interview -
10 relevant ERN numbers: in English, 00384433; French, 00426154; and
11 Khmer, 00373503 -- when you were asked about communications
12 regarding arrests, you said this - and I quote: "Communications
13 related to arrests were not made by telegram, but by letter
14 through the messenger."

15 And later in that interview: "But if they carried out the arrest
16 in the zone, it would be known to me."

17 Is that correct?

18 [14.26.25]

19 MR. SUON KANIL:

20 A. I maintain my statement, but if you would like to ask me for
21 clarification, I will be more than happy to elaborate further.

22 And I would like to elaborate a little further. It was done
23 through letter or messenger.

24 But can you please repeat your question? I am not clear.

25 Q. Can I break it down?

1 Your quote: "If they carried out the arrest in the zone, it would
2 be known to me."

3 How would it be known to you that there was an arrest carried out
4 in your zone?

5 A. I knew it through messenger of the zone because the Messenger
6 Unit and the Telegram Unit worked very closely with each other.
7 So whatever decision was made and whatever was written in the
8 telegrams, then they would send it through messenger or so, so we
9 knew the information. That's how I derived the information. And
10 normally the messenger would come to our section and talk with
11 us, as well, but I dared not expand further; I simply asked
12 certain information.

13 [14.28.21]

14 Q. Let's talk about a particular arrest or circumstance that you
15 mentioned in your interview.

16 You were talking about the Central Zone Security Office at the
17 provincial hall in Kampong Cham, when you saw or heard about some
18 security guards from the Centre coming to that security office,
19 and it was to do with a man called Im. Can you please elaborate
20 what you knew about that?

21 A. Concerning this issue, our section knew it. Im was the last
22 security chief assigned in Kampong Cham province. At the time,
23 the Centre almost applied the - you know, tolerance principle.
24 But just before that the Centre sent officer to inspect the
25 prisoners in Kampong Cham province. So, following the search, Im

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1 -- Im went down to meet the security officers who were from the
2 Centre, and knowing that Im went to -- down to the prison -
3 prison cells, they alleged Im as the associate of those
4 prisoners. So they reported to Ke Pauk, and Ke Pauk ordered the
5 arrest of this person. So, of course, at that time, Ke Pauk had
6 also to listen to those who received the order from the Centre,
7 so he ordered the arrest at the time.

8 [14.30.48]

9 Q. So, on this subject of arrests, how often was it that cadres
10 from Centre were coming to your zone's security office?

11 A. The arrests was made at the very last minute already during
12 the Khmer Rouge regime, so it's by the very end of the regime.
13 The arrests didn't occur very frequently. And, so far as I know,
14 that was only an occasion that I learned about such arrest.

15 Q. Mr. Suon Kanil, I want to move on to telegrams now, please.
16 You've already said: "The Centre, at the top of the hierarchy;
17 next down, the zone; next down, the sector; next down, the
18 district."

19 Now, in your statement to the investigators - English ERN
20 00384429; French, 00426148; Khmer, 00373498 - you said that "each
21 telegram usually talked about the situation of its own unit that
22 needed to be sent to a specific destination". Is that correct?

23 A. I'm afraid I don't understand the question. Could you repeat
24 it?

25 Q. You have a telegram; it's being sent from one location to

1 another location. In your interview, you said that the person
2 sending the telegram was talking, in the telegram, about the
3 situation of its own unit. Is that correct?

4 [14.34.21]

5 A. Yes, I still stand by my statement.

6 Q. Thank you.

7 Mr. Suon Kanil, I want to move on now to telegram from the Centre
8 or from certain brothers, that were being sent to a zone, the
9 next level down, and then sent on to a sector.

10 Now, in your interview, when you're talking about these telegrams
11 from the Centre, you said this - English ERN 00384429; the same
12 pages as the previous quote - you said this: "...[when] the Centre
13 sent something to the zone, and the zone sent it to the Sector
14 for disseminating. Most of those telegrams were [...] directives."
15 Is that correct?

16 A. Yes, it is.

17 Q. Staying on this subject of a telegram from the sector to you,
18 at the zone, what was the name of the office or unit based at the
19 Centre which dealt with telegrams?

20 A. I don't know. During that time, names were not revealed, and
21 that -- I only knew my work, when others were supposed to know
22 theirs.

23 [14.37.06]

24 Q. Was there a name of an office at the Centre?

25 A. Please repeat that for me.

1 Q. Mr. Kanil, I am going to deal with this, in fact, when I show
2 you some telegrams in a moment.

3 Now, the setup at the zone - so, this is the Central Zone after
4 the division of the old North Zone. Ke Pauk is the zone
5 secretary; is that correct?

6 A. Yes, it is correct. And I still stand by my statement.

7 Q. In your team, the telegram team, five people; is that correct?

8 A. Yes, it is.

9 Q. Your job is that you are the Morse code operator, sending the
10 telegrams; is that correct?

11 A. Yes, it is.

12 Q. In your interview, you talked about a telegram translator at
13 the Central Zone by the name of Chhean; is that correct?

14 [14.39.06]

15 A. Yes, it is.

16 MR. PRESIDENT:

17 Mr. Co-Prosecutor, we should observe some break. The Chamber will
18 adjourn for 20 minutes now, and the next session will be resumed
19 by 3 o'clock.

20 Court officer is now instructed to assist the witness during the
21 adjournment and have him returned to the courtroom by then.

22 The Court is adjourned.

23 (Court recesses from 1439H to 1500H)

24 MR. PRESIDENT:

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

1 We would like now to hand over to the Co-Prosecutor to continue
2 putting questions to this witness.

3 BY MR. RAYNOR:

4 Mr. President, thank you.

5 Q. Mr. Suon Kanil, in the Central Zone Office, were you and
6 Chhean, the telegram translator, allowed to work in the same
7 office?

8 [15.01.40]

9 MR. SUON KANIL:

10 A. Yes, we were. We were in the same office, holding different
11 functions. I was the Morse code operator, when he was a telegram
12 translator, or decoder.

13 Q. Thank you.

14 I want to deal now with telegrams from the Centre to you, at the
15 zone. And in your OCIJ interview E3/344 - ERNs: English,
16 00384429; French, 00426148; and Khmer, 00373498 - you said that
17 there was a schedule that "was set by the Centre level" for
18 telegrams to the zone, and the schedule "was how I [knew the
19 telegram] came from the Centre". Is that correct?

20 A. According to the technicality of telegram, we had our own
21 rule. From the Centre - the zone to the Centre, we would be
22 allowed to communicate with them on two occasions only - two
23 times only per day; one in the morning, and one in the afternoon.

24 [15.03.44]

25 However, later on, there was another radio communication. This

1 radio communication is only one-way communication. In other
2 words, from the lower level to the upper level, we could do that,
3 but not the other way around.

4 Q. I'm concentrating, with these questions, on telegrams from the
5 Centre to you, at the zone. Can you, perhaps, then, picture that
6 I'm at the Centre and I'm sending a telegram to you, at the zone.
7 What contact was there between the zone telegram receiver and the
8 Centre telegram sender before a telegram was sent -- in the
9 moment before, please?

10 [15.05.00]

11 A. It is not difficult to get back to you on this because, as a
12 technician myself, I can say that normally we would send our
13 telegrams out and we have our schedule, the list of contacts. And
14 on my side, for example, we name ourselves as "A", and our
15 partner of communication would be named "B". Every five minutes,
16 we would be communicating and using this code. By repeating this,
17 the other person would know this code number and be ready to
18 communicate. Otherwise, we would not be able to communicate at
19 all. And we never had mistakes. And I had been doing this all
20 along alone, and at one point I was in charge of five devices -
21 radio communication devices -- at the same time.

22 Q. So, I am at the Centre, I am sending you a telegram at the
23 zone, we're in contact before the telegram's sent to make sure
24 that we're both ready, and then, using Morse code -"tik-tik-tik",
25 "ta-ta-ta", "tik-tik-tik", or something similar - I, at the zone,

1 send a telegram to - sorry, I, at the Centre, send the telegram
2 to you, at the zone, and it's coded - it's in secret code; is
3 that correct?

4 [15.07.02]

5 A. In our communication from Centre to the zone, as I already
6 stated, it was time when we were allowed to do that, and there
7 were code names we used to communicate one another. If we had to
8 send some messages, then we would tell our partner that we would
9 be sending the message in any given time. And if the message was
10 urgent, it was also communicated to the person in the
11 communication to make sure that priority was made.

12 They used some kind of code, or sign - universal sign - to
13 communicate one another. And the reason I say that we used some
14 kind of universal signs, because I see French letters, as
15 "A-D-D", something like that.

16 Q. Right. So, if I send you a telegram - I'm at the Centre, I'm
17 sending a telegram to you, at the zone, how did you write down
18 the message - just on any piece of paper, or was there a special
19 book? How did you write out the telegram that you'd received?

20 A. Telegrams normally came in numbers or digits. And at the zone,
21 if I would like to send a letter to the sector, then a secretary
22 or assistant of the sector would draft the letter and have it
23 translated so that it could be sent to me - rather, it was
24 drafted and then decoded into numbers so that we could then send
25 it out. So, this is the rule. There was rules and norms in doing

1 this.

2 [15.09.33]

3 Q. I just want to break that down. You've written down numbers,
4 as the telegram receiver, and those numbers need to be decoded
5 from numbers into letters; is that correct?

6 A. Yes, it is. Yes, the letter would be written into numbers and
7 then decoded into letters.

8 Q. But the person who did the decoding wasn't you. Was it Chhon
9 or somebody else in the Translation Unit?

10 A. As I stated already, it was Chhean, who was personal assistant
11 to Ke Pauk, and he was the telegram decoder, or translator. And I
12 was the one who actually input these coding, or numbers, into the
13 device so that I could send them out.

14 Q. I just want to - I'm trying to break it down into really small
15 stages. You've received the telegram, the telegram's been
16 decoded. But what would happen with Ke Pauk? Would Ke Pauk see
17 every telegram?

18 [15.11.23]

19 A. Every telegram that sent to the zone had to be sent directly
20 to him, and then, after receiving the telegrams, he would then
21 send them to his telegram decoder so that they could be decoded
22 into letters.

23 Q. So, telegram received, telegram written down, telegram
24 decoded, telegram to Ke Pauk. Now, if this telegram that I, at
25 the Centre, have sent to you, at the zone, needs to be sent on to

1 the sector, how did that happen? How did it get to the sector
2 from the zone?

3 A. When telegrams were sent from Centre to zone, we had different
4 coding. And then, from zone to Centre, we would have different
5 telegram decoding tables. And it is more complicated because they
6 had to do their best to make sure that it could not be tracked by
7 the satellite.

8 Q. Now, we know that there is a schedule of timings for the
9 Centre to contact the zone by telegram. What if the zone was
10 passing on the telegram to the sector? Was there also a schedule
11 of timing for a telegram from the zone to the sector, please?

12 [15.13.47]

13 A. Indeed, there were schedules of timings. They would not do
14 that when the time was overlapping with another schedule. For
15 example, at 5 p.m. we would be communicating our message from
16 Sector 41 to 42, and then we would then set the time to a
17 different one so that we could do that properly. If we had many
18 or quite a few devices, then there would not be a big problem,
19 but we didn't.

20 Q. Let's deal with a concrete example. In your OCIJ interview
21 E3/411 - English ERN 00390077; French, 00424036; Khmer, 00373510
22 - you said that if the Centre "wanted to invite the sector
23 secretaries to attend [a] meeting at the zone", this would be
24 done by telegram; is that correct?

25 A. That's - that's the order of the flow: Centre to zone, zone to

1 sector, and sector to district.

2 Q. All right.

3 I now want to deal with the telegrams in the reverse direction;
4 what I mean is a telegram from a sector to you, at the zone,
5 which needed to be forwarded to the Centre.

6 [15.16.24]

7 And in your OCIJ interview E3/344 - ERN English, 00384429;
8 French, 00426148; Khmer, 00373498 - you said this - and I quote:
9 "Every telegram related to the sectors which was sent to the
10 Central Zone had to go through my place."

11 So, is that correct: telegram from the sector to you? You were
12 the person who dealt with such telegrams?

13 A. Yes, it is correct.

14 Q. And in the same interview, you said: "The telegrams coming
15 from the sectors were not on a regular basis. [...]Each day I
16 received only one telegram from the [sector - or sectors]. But in
17 1978 the telegrams were sent [to us] more often."

18 Is that correct?

19 A. Yes, it is.

20 Q. Is there the same contact between the sector telegram man and
21 you, as the zone telegram man, where you're making regular
22 contact before the telegram's actually sent to make sure that
23 both operators are ready for the telegram?

24 [15.18.44]

25 A. That is correct.

1 Q. Telegram comes in to you, at the zone, from the sector,
2 translated, and then it's sent up to the zone. Would Ke Pauk see
3 the telegram from the sector to the zone before it went up to the
4 Centre?

5 A. Ke Pauk had to be -- had to be informed of the telegram. And
6 there was a logbook, for example how many telegrams were sent in,
7 and we had to have them registered properly. Otherwise, we would
8 be in trouble if we missed the telegrams that were sent in.

9 Q. So, did you record in the logbook every telegram coming in and
10 every telegram going out?

11 A. Yes, I did.

12 Q. And, so we're clear, in your zone, the Central Zone, we have
13 three sectors - Sector 41, Sector 42, and Sector 43 - and they
14 each had their own telegram operators; is that correct?

15 A. Yes, it is.

16 [15.20.51]

17 Q. Mr. Kanil, I'm going to move on now, please, to some specific
18 examples of telegrams.

19 Mr. President, with your leave, can I please hand to Mr. Suon
20 Kanil telegram E3/519?

21 MR. PRESIDENT:

22 You may proceed.

23 And court officer is now instructed to bring the document from
24 the Co-Prosecutor to the witness.

25 MR. RAYNOR:

1 And, Mr. President, can I also ask for permission to that -- for
2 this document to go up on the screens, please?

3 MR. PRESIDENT:

4 You may proceed.

5 BY MR. RAYNOR:

6 Q. Mr. Suon Kanil, just take some time, please, to familiarize
7 yourself with this document.

8 We can see that, in the top left-hand side of the page, "Telegram
9 No. 32". At the bottom of the page, we can see that this was a
10 telegram sent by Comrade Pauk, was sent on the 29th of March
11 1978, and it was received on the 29th of March at 2300 hours. The
12 telegram, at the bottom, has "Copied to Om Nuon, Office, and
13 Documentation". And the telegram is addressed to "Dear Missed
14 Committee 870".

15 [15.23.09]

16 Now, what did you understand, if anything, "Committee 870" or
17 just the numbers "870" to mean or signify?

18 MR. SUON KANIL:

19 A. This telegram is genuinely the real telegram, because I can
20 confirm this by way of looking at the text that was typed. And
21 the number - the number and the band here were very familiar. And
22 in the telegram process - for example, if the other end of the
23 line did not receive enough text, then we would also note on the
24 letter - like "number 295" band on the top left represents the
25 number of text sent to the other side - end of the line. And, if

1 they didn't receive well, we should also note on the text. But
2 this telegram was well received.

3 Every one minute, we could proceed up to 60 bands. So,
4 altogether, it took us about five to six minutes to finish this
5 telegram. I was not a fast typist or telegram typer, but others
6 could do that very quickly.

7 Q. We can see in the first few words of the telegram, Ke Pauk is
8 saying: "'I would like to report to Angkar..."

9 So, who was this telegram received by?

10 [15.26.08]

11 A. This telegram was reported to Angkar, so it's up to the
12 telegram decoder who had to arrange the text and add some words
13 to make sure that they look readable and understood.

14 If I was the decoder myself, I would not translate the text as it
15 appeared on this telegram. However, this is what we received from
16 the decoder, and this is how we typed through the telegram.

17 The term "Angkar", here, is referring to the general group rather
18 than to individual, so by way of saying that the telegram
19 addressed to Office 870; people would know who to send to.

20 Q. All right. Now, let's just see what we learn about this
21 telegram. It's from Ke Pauk. He says at the bottom - or towards
22 the bottom of the telegram: "The substance of this letter, I copy
23 from Comrade An's letter in Sector 41..."

24 So, do I have it right that this telegram was being sent from the
25 zone up to Angkar, based on information from Comrade An, in

1 Sector 41?

2 [15.28.17]

3 A. It is correct. I also may wish to elaborate a bit.

4 Something happened at Sector 41 at that time. There was a group
5 of bandits, and they were arrested. And Sector 41 sent telegrams
6 for us to send to the zone who reported all the way to the
7 Centre. This is the message that I remember detailing the event
8 happened at Sector 41.

9 Q. And then we can see what Ke Pauk wanted to happen, from the
10 words at the bottom of the telegram: "... Angkar, please ask
11 Comrade Met. Are there such reported names? If so, please inform
12 by communicating with Comrade An to receive these combatants. If
13 not, Angkar, please inform back."

14 So, do I have it right that Angkar was going to respond to this
15 letter with instructions?

16 A. I can respond to this precisely.

17 In the text, I may also add, two combatants were involved in this
18 case. They came home. The combatants stayed - work with Met at
19 the airport, and when they went home, they didn't have the
20 permission letter and they were stopped by people at Sector 41.
21 But - and report had to be informed to Met. Met - the
22 communication had to go through some proper channel, because we
23 could never overstep this boundary. And this is how it happened.

24 [15.30.56]

25 Q. Overstepping the boundary. Why couldn't Ke Pauk just send the

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1 telegram straight to Met?

2 A. If it was not in line with the procedure of telegrams, then it
3 will not be accepted. And, of course, at – the zone and the
4 airfield did not have any line of communication. I mean, the
5 telegram was not communicated, so the zone cannot send any
6 telegram across to the airport field. In other words, no telegram
7 could be sent to Met.

8 Q. And, concentrating at the bottom of the telegram, who's Om
9 Nuon?

10 A. Om Nuon is of course Nuon Chea.

11 Q. And why would he have to know about this?

12 A. I did not grasp this internal communication, but that's what
13 we were asked to do; we had to copy it to Uncle Nuon. It was the
14 order. And I was told that he was at the Centre. So, we had to
15 send it to the Centre. And here, of course, "Uncle Nuon" refers
16 to Nuon Chea.

17 [15.33.00]

18 Q. So – I mean, where would the order come from to tell you to
19 send it to Nuon Chea?

20 A. The order was from the zone. I was a Morse operator; I had no
21 decision. And it was the decision by the zone, and the zone would
22 order me to type it accordingly and send it out to the Centre.
23 And I did not know who were at the Centre level; I was in a very
24 low position. I did not know who they were, at the Centre level.

25 Q. But the order to send telegrams to Nuon Chea, would that come

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1 from - I don't know, Ke Pauk, the translator, somebody else at
2 the zone?

3 A. As I said earlier, the order was handed down through
4 hierarchical structure. For example, if anything happened in
5 Sector 41, then it had to be reported to the zone, and the zone
6 had to relay it to the Centre for decision. And that was the
7 hierarchical lines of communication then.

8 Q. Thank you, Mr. Kanil. I would like -- Mr. Suon Kanil.

9 I would like now, please, to hand to you, with Mr. President's
10 permission, please, document number E3/932. And, Mr. President,
11 can it, please, also go up on the screen?

12 [15.35.06]

13 MR. PRESIDENT:

14 You may proceed.

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

17 BY MR. RAYNOR:

18 Q. Mr. Suon Kanil, again, just take a moment to have a look at
19 this. We can see that this document, in the top-left hand of the
20 page, is a "Telegram 02". The radio band of "680" is given. It's
21 headed to "Respected Committee 870". From the end of the
22 telegram, we can see that it was sent on the 12th of April 1978
23 from Comrade Pauk and that it was received on the 13th of April,
24 at 2015 hours.

25 As to the substance of the telegram, the first line reads: "I

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1 would like to give an additional report on the situation of the
2 battlefield around Road Number 7."

3 [15.36.42]

4 In the final part of the telegram, Ke Pauk is saying: "I have
5 laid down clear measures to be taken in each prongs of the west
6 and east battlefields..."

7 And then: "I would request Angkar to report on the above
8 situations."

9 Now, you said that telegram activity was busier in 1978; is that
10 correct?

11 MR. SUON KANIL:

12 A. In -- yes, that is correct, in 1978 it was busier.

13 And, if I look at the substance of this telegram, I knew about it
14 as well because at that time the situation was looming in the
15 East Zone. At that time, Ke Pauk was on duty because other cadres
16 were summoned to - for meeting in Phnom Penh. So he was in charge
17 of the warfare in the eastern part of Mekong River, and he was
18 the one who communicated through this telegram to the Centre. He
19 was at that time stationed somewhere in Suong. So, he prepared
20 telegraph, and then he asked us, who was stationed at Kampong
21 Cham, to send it to the Centre. And he undersigned the telegram.
22 And there were Morse numbers, or code numbers there. So, that was
23 the real telegram sent at the time.

24 [15.39.07]

25 Q. At the bottom of the telegram, under the "Copied" extract,

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1 taking the names in turn, firstly, "Uncle". Who did you
2 understand that to be?

3 A. I do not recall exactly who he was. I do not know many people
4 at the Centre level, but my understanding of the situation at
5 that time, "Uncle", here, would refer to Pol Pot. And "Uncle
6 Nuon", right below "Uncle" was - would you like me to describe
7 other individuals down there?

8 "Uncle Nuon", "Uncle Vann", "Aunt Vorn", "Office", and
9 "Documentation"; I did not know two of the names. As for "Uncle
10 Nuon", I know him; it was referred to Nuon Chea. But as for
11 "Uncle Vann" and "Uncle Vorn" - and "Aunt Vorn", they were
12 revolutionary names at the time, and I did not know them.

13 Q. Thank you, Mr. Suon Kanil.

14 Next, please, Mr. President, document number E3/516. Can I please
15 ask for permission for the witness to see this document and for
16 it to go up on the screen?

17 [15.41.06]

18 MR. PRESIDENT:

19 You may proceed, Mr. Prosecutor.

20 And Court Officer, please bring the document to the witness for
21 his examination.

22 BY MR. RAYNOR:

23 Q. Mr. Suon Kanil, this is a document which is - in the top left
24 of the document, we have "Brother Van", "Telegram: 10", "393"
25 characters, and addressed to "Dear Beloved Com 870". From the end

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1 of the telegram, we can see it is from Comrade Pauk, that it was
2 sent on the 4th of May 1978 and received on the 5th of May 1978,
3 at 1000 hours.

4 And Ke Pauk, in paragraph 1, on page 1, is reporting in these
5 words: "We reached the battlefield in the evening of [the 4th of]
6 April 1978, at 6.30, and have received Angkar's letter."

7 He says at paragraph 5 that his "forces have left Kampong Cham".

8 Now, by looking at this, the - you've said already that the
9 previous telegrams are real. Does this look to you like a
10 genuine, real telegram?

11 MR. SUON KANIL:

12 A. By my examination, this telegram is genuine -- and "Telegram
13 Number: 10" and "Characters: 393". And, by looking at this, I
14 know that this - this is the real or genuine telegram. If it was
15 a handwritten one, it was different from this.

16 [15.43.39]

17 And there was an - a signature by Ke Pauk. I did not know about
18 his signature at that time because he was in charge of Central
19 Zone. I don't understand why he was assigned to be responsible
20 elsewhere. At that time, he was a member of the National Defence
21 Committee, and normally, when there was any immediate situation,
22 he would be assigned to handle the task. At that time, the
23 warfare in the eastern part of the country was looming, and he
24 was assigned to be responsible for that. And then he communicated
25 to the Centre through telegrams to inform them that he had

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1 already departed, or left for the designated areas of
2 responsibility. He wanted to inform his superior that he was
3 complying with the order.

4 And this was the matters military affairs. That's why it was
5 rather secretive; and it was a matter urgency.

6 Q. I would like to move on, please. And the next topic heading is
7 this: Communication between one zone and another zone.

8 [15.45.48]

9 Now, in your OCIJ interview E3/344 - English ERN 00384430;
10 French, 00426150; and Khmer, 00303499 - you were asked: Could
11 this be done? In other words, could one zone communicate with
12 another zone directly?

13 And I quote your answer: "No, absolutely not. The communication
14 between one zone to another without going through the Centre
15 could not be done."

16 Do you stand by that?

17 A. I still maintain my statement. But in order to enlighten Mr.
18 Prosecutor, as I have mentioned earlier, that - there was no
19 telegram communication between zones, unless there was permission
20 from Office 870.

21 And here, you may wish to ask me why Ke Pauk was assigned to be
22 responsible in another zone. I can enlighten you. Because at that
23 time it - the--

24 [15.47.10]

25 Q. Sorry - sorry. Forgive me, Mr. Suon Kanil; I don't want,

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1 please, to ask you about why Ke Pauk was being responsible for
2 another zone. Forgive me for interrupting, but time - time is
3 running.

4 In your OCIJ statement, you went on to say - same page references
5 - the investigator said to you: Well, why not? Why can't one zone
6 communicate directly with another zone?

7 Your answer - I quote: "That was because they did not want us to
8 communicate with each other directly."

9 On the next page: "...it must go through the Centre first."

10 Do you stand by those statements?

11 A. Yes, I still maintain my statement.

12 Q. You also said in a separate OCIJ interview, E3/74 - English
13 ERN 00384690; French, 00426163; and Khmer, 00373520 -- you were
14 talking about approvals from the Upper Echelon: We could not do
15 anything without the approval from the Upper Echelon. "It was not
16 possible"; "it was the instruction of the Upper Echelon."

17 Is that correct?

18 [15.49.17]

19 A. First, I maintain my statement, with further elaboration. At
20 that time, the subordinate had to respect the order of the
21 superior.

22 MR. RAYNOR:

23 Mr. President, can I please show to the witness document number
24 E3/254 and ask for the permission to - for that to be shown on
25 the screen, please?

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1 MR. PRESIDENT:

2 You may proceed.

3 BY MR. RAYNOR:

4 Q. We can see on this document, E3/254, it is a telegram, "No.
5 32", it has "295" characters, it's from 870, it's dated the 20th
6 of March 1978, and it is copied to "Bong Si" - or "Sy"
7 (phonetic), I don't know how to say it - and "Bong Pauk". So, it
8 is from 870.

9 [15.51.08]

10 And the telegraph says:

11 "Be informed that the East Zone has sent a copy of a report on
12 the enemy's activities in Mukh Kampul to the Office by requesting
13 the Office to send to you, Brother.

14 "Brother, please monitor this situation and take any measure
15 based on the reality by communicating with Mukh Kampul."

16 So, pausing there, this is from 870. And do I have it right that
17 the East Zone has sent a report to Office 870?

18 MR. SUON KANIL:

19 A. To my understanding, by looking at this telegram, this
20 telegram was copied to Brother Si and Brother Pauk, and the
21 sending office was M-870, and M-870 was the Centre - the Office
22 of the Centre. So, Office 870 sent this telegram and sent to Mukh
23 Kampul. And there was a report from the East Zone to Office 870,
24 and 870 sent this letter to -- this telegram to Mukh Kampul. And,
25 of course, Brother Si was copied, and Brother Pauk was also

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1 copied here. And there was an order that this telegram be copied
2 to Brother Si in order that he was informed that the problem has
3 been handled. That's why there was an order that we had to copy
4 to both of them. So, there was an order from the upper authority
5 that I had to copy to them.

6 [15.53.47]

7 So, once again, M-870 was different from Office 870. One is
8 M-870, and the other one was Office 870. And if it was sent to
9 Office 870, they would address to, for example, Uncle Nuon, also.

10 Q. The point, Mr. Suon Kanil, is this -- that prior to this being
11 sent, the East Zone has sent "a report about the enemy's
12 activities in Mukh Kampul". Now, which zone is Mukh Kampul in?

13 A. Mukh Kampul was in the Central Zone at that time.

14 Q. So, if there was enemy activity going on in Mukh Kampul, in
15 the Central Zone and that was being observed by the East Zone,
16 could the East Zone contact the Central Zone directly or did it
17 have to go through somewhere else?

18 A. As a matter of fact, East Zone would report to the Centre. But
19 if we look at this telegram, the Mukh Kampul and East Zone was
20 close, geographically, so at that time they copied to Mukh
21 Kampul, one copy, and then they also sent to the Centre. That's
22 why, when it was sent back from the M-870, it copied to the Mukh
23 Kampul. So, if it refers to the 870 Committee, they would - they
24 would not address them by "Bong", or "Brother"; they would
25 address to them as "Uncle".

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1 [15.55.52]

2 Q. Now, in terms of the supervision of your telegram work at the
3 Central Zone, you said in your OCIJ interview E3/311 that Ke Pauk
4 used to call you twice to meet him personally to talk about the
5 telegram work and that he instructed you to work seriously and
6 respect the working schedule so that work would not be slow, and
7 to organize additional staff for the Telegram Section; is that
8 correct?

9 A. That is correct. I maintain this statement, but I would like
10 to clarify a little bit further.

11 At that time, the day - tomorrow, Pol Pot would visit Kampong
12 Cham province, and then this telegram was received by me at
13 around 8 o'clock. And at that time the weather was not good
14 enough; I knew that there was a telegram sent from 870, and at
15 the time I actually knew that the telegram was to be sent from
16 the Centre to me, but I did not receive - I did not know what was
17 going on.

18 And then, the next morning, Pol Pot arrived before Ke Pauk woke
19 up in the morning. Actually, at around 7.00, when Ke Pauk got up,
20 he saw Pol Pot and he was surprised that Pol Pot was there. And
21 Pol Pot asked him whether or not Ke Pauk had received his
22 telegram, and Ke Pauk told him that he had not received the
23 telegram.

24 [15.58.00]

25 Then Pol Pot went back, and I was summoned, and I went along with

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1 nephew of Ke Pauk. And then I told them that, no, I could not go
2 alone, I had to bring a witness with me, so I brought Ke Pauk's
3 nephew with me at that time. Then I was asked – I was blamed, why
4 I dealt with this recklessly. He warned me that I would run the
5 risk of being imprisoned, or detained, or so. So I told him that,
6 "Please, let me explain the situation first." And I did explain
7 him; I told him that it was the rainy season at that time. I was
8 a very diligent staff member. I was responsible for my tasks, but
9 at the time the weather was not good enough to send anything out
10 at the time.

11 So, he tolerated me and he actually asked me to write whatever
12 had happened. So I reported everything: that I was a punctual,
13 very self-disciplined staff. And I reported everything – that,
14 actually, at the Centre, they have a lot of machines, but for our
15 part, we only have one machine or so, so we did not receive or
16 send anything out properly.

17 So then -- of course, Ke Pauk was also from the very low
18 background, as me as well, so he understood the situation. So, at
19 that time, he forgave me, following my explanation, and I had all
20 the report and I had a witness as well. So, I report the reality
21 of what had happened.

22 [15.59.50]

23 MR. PRESIDENT:

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

25 Court Officer is now instructed to take back all the documents

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1 from the witness.

2 And, Mr. Prosecutor, the time is now appropriate for the day
3 adjournment. The Chamber will adjourn for today, and we will
4 resume on Monday, starting from 9.00 in the morning.

5 And the hearing on Monday, the Chamber will resume hearing the
6 testimony of Mr. Suon Kanil, and then, if we can conclude it, we
7 continue to hear the testimony of TCW-620. This is for the
8 parties' information and for the members of the public as well.

9 Mr. Suon Kanil, your testimony has not yet been concluded, so the
10 Chamber wishes to invite you to come to testify in the Court
11 again on Monday next week, starting from 9 o'clock in the
12 morning.

13 Court officer is instructed to facilitate with the Witness
14 Support Section - to facilitate the travel and accommodation of
15 the witness and have him back to this courtroom on Monday next
16 week.

17 [16.01.17]

18 Security guards are also instructed to bring the co-accused back
19 to the detention facility and bring them back to this courtroom
20 on Monday, the 17th of December 2012, before 9 o'clock on the
21 morning. And as for Mr. Ieng Sary, he is to brought to the
22 holding cell downstairs, where the audio-visual equipment is
23 there for him to follow the proceedings remotely.

24 The Court is now adjourned.

25 (Court adjourns at 1601H)