



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

7 August 2012

Trial Day 91

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. SUONG SIKOEUN (TCW-694)

Questioning by Mr. De Wilde D’Estmael resumes..... page 3

Questioning by Ms. Moch Sovannary..... page 31

Questioning by Mr. Djammen Nzepa page 46

MR. ONG THONG HOEUNG (TCW-490)

Questioning by the President..... page 65

Questioning by Mr. Chan Dararasmey..... page 68

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. DJAMMEN NZEPA	French
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ONG THONG HOEUNG (TCW-490)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SUONG SIKOEUN (TCW-694)	Khmer

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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 Today, we will continue to hear the testimony of the witness,

6 Suong Sikoeun, who will be questioned again by the Prosecution

7 and later on by the civil parties for -- civil party lawyers.

8 [09.03.27]

9 Greffier, could you report to the attendance of the parties and
10 the individuals summoned by the Chamber?

11 THE GREFFIER:

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

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

14 downstairs. He requests to waive his right directly through his

15 counsel for his participation this morning in the courtroom, and

16 that is for the whole day. The letter of waiver has been

17 submitted to the greffier.

18 As for the next witness -- that is TCW 490 -- he's present in the

19 waiting room, awaiting the instruction from the Chamber.

20 MR. PRESIDENT:

21 Thank you.

22 The Chamber will now decide to the request by Ieng Sary. The

23 Chamber received the request by Ieng Sary, dated 7th August 2012,

24 through his counsel, to waive his direct presence in the

25 courtroom and to follow it in the holding cell downstairs through

2

1 a remote means for the entire day proceeding.

2 [09.04.53]

3 Sovann Mich, the treating doctor of the Accused at the detention
4 facility, examined Mr. Ieng Sary this morning and observes that
5 he is fatigued, especially while he's talking and walking, he has
6 a backache, so he cannot sit for long, and recommends that he
7 cannot sit or stand for long.

8 As Ieng Sary also requests to waive his direct presence in the
9 courtroom, due to his health, and that he has been also examined
10 by the treating doctor, and that he requests to follow the
11 proceeding in the holding cell downstairs, and that he is able to
12 communicate with his counsel, his request is granted, and he is
13 authorized to follow the proceeding in the holding cell
14 downstairs through audio-visual means for the entire day
15 proceeding.

16 [09.06.06]

17 AV booth, you're instructed to link the proceeding to the holding
18 cell downstairs for him to follow.

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

20 MR. ANG UDOM:

21 Thank you, Mr. President. Good morning, Your Honours. Good
22 morning, everyone in and around the courtroom. I have an
23 information and observation to be made this morning.

24 This morning, we received an instruction from Mr. Ieng Sary
25 regarding difficulty and the loss of his ability to follow the

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1 proceeding yesterday. As of yesterday, in particular for the
2 afternoon session, his memory deteriorated greatly and that he
3 could not competently follow the proceeding.

4 If it continues, and if we receive such instruction further by my
5 client, I'd like to request the Chamber to adjourn the hearing of
6 important witnesses when it relates directly to my client and the
7 Ministry of Foreign Affairs. That is the express right of the
8 Accused, as it states that, if the Accused cannot competently
9 follow the proceeding, that shall be the case. Thank you.

10 (Judges deliberate)

11 [09.09.20]

12 MR. PRESIDENT:

13 Thank you, National Defence Counsel for Ieng Sary.

14 The Chamber noted the information passed to the Chamber by you
15 regarding the status of your client. We have not received any
16 clear request from you, so we will not make any decision. If you
17 wish to make a formal request, please do so based on the
18 procedure enforced, and you shall do it as soon as possible
19 before the hearing commence.

20 The floor is now given to the prosecutor to continue posing
21 questions to this witness. You may proceed.

22 [09.10.24]

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

24 Thank you, Mr. President, Your Honours. Good morning to all of
25 the parties. Good morning to the public, and good morning to the

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1 witness.

2 Q. Before picking up on the subject that we were tackling
3 yesterday afternoon, with your permission, Mr. President, I would
4 like to read a different excerpt from a manuscript, ES3.9, which
5 the witness wrote himself, and the pages I want to put up in
6 French is page 46, 00079031; in English 0081300; and in Khmer
7 00583631. The witness has a copy of this, and it's on page 46 for
8 his copy.

9 So the quote is as follows -- I think it's somewhere in the
10 middle of the page, Mr. Witness, and you said that:

11 "To be accepted as a member of the Party, and to be well-regarded
12 by the leadership, for one's indefectible fidelity and one's
13 steadfastness before all tests, that was everybody's basic wish.
14 The Party represented an all-powerful institution. It was in a
15 way a new god."

16 As an intellectual, Mr. Witness, was it simple, under the
17 democratic regime, to accept the paramount power of the
18 Democratic Party of Kampuchea?

19 [09.13.08]

20 MR. SUONG SIKOEUN:

21 A. Regarding this matter, there are two aspects to it: first, in
22 regard to the intellectual aspect; and the second aspect is in
23 regards to the Revolutionary who wished to become a Communist. So
24 which aspect has the priority?

25 All of us agreed at the time that the second aspect -- that is,

1 of wanting or transforming to become a Communist -- it has more
2 priority than the first aspect as being intellectuals. That was
3 the thinking at the time.

4 Q. And during that period, was there the slightest possibility
5 that you were able to take a critical glance towards any of the
6 policies conducted by the Party in the country? Was this
7 something that was within the bounds of possibility?

8 [09.14.43]

9 A. It was not achieved. I, myself, together with other Party
10 members, did not have the intention to pursue it, as we all
11 considered the Party as a god. Whatever was said by the Party, we
12 had to follow it and accomplish it. Whatever views expressed by
13 the Party, we had to agree and conform to such opinions of the
14 Party.

15 We were educated in the western countries, which were the best
16 for the capitalists and the feudalists. Even if we tried to
17 eliminate our old views and try to get hold to the new views, we
18 cannot be 100 per cent pure; we were still influenced somewhat by
19 the old view.

20 Q. Thank you. Was it, perhaps, because the Party had this divine
21 nature that it did not tolerate the existence or the practice of
22 other religions?

23 A. As for each Communist, as once said by Karl Marx, that
24 religion is an opium for the people. So religion was considered
25 as an opium in the ideology, which was against the Revolution.

6

1 Q. Thank you, Mr. Witness.

2 Let me turn back to this document and turn the page and take
3 pages 32 and 33; in French it's 0079717 to 18; in Khmer
4 005183623; and in English 00813093. This is the same document
5 E/340.

6 [09.17.47]

7 Under heading 5, it says "Official Proclamation of the Communist
8 Party of Kampuchea" -- and I quote:

9 "On the 27th of September 1977, an official delegation of the
10 Communist Party of Kampuchea, led by Pol Pot, travelled to the
11 People's Republic of China and the Democratic People's Republic
12 of Korea on official visit. This provided the leadership of
13 Democratic Kampuchea with an opportunity to officially proclaim
14 the existence of the Communist Party of Kampuchea (CPK), which
15 had been formed at the congress held in Phnom Penh on the 30th of
16 September 1960."

17 And this is where it gets more interesting. You say:

18 "For two consecutive days and nights, the entire Ministry of
19 Foreign Affairs staff was mobilized to prepare and circulate
20 French and English translations of a document about the history
21 of the Party under the title, 'Solemn Proclamation of the
22 Official Formation of the Communist Party of Kampuchea (CPK)'. We
23 also wrote the speech that Pol Pot was due to deliver in China
24 and North Korea."

25 [09.19.14]

7

1 Mr. President, if I have your leave, I would like to show the
2 witness a document which reproduces that speech by Pol Pot. The
3 reference of the document is E3/144. There are no precise pages I
4 want to show. I just want to ask the witness if he recognizes the
5 document as the one that was drafted by the Ministry at that
6 time. I have the French version in my hands here, that's the
7 original in fact, and, of course, as well, I would like to put
8 the first page up on the screen, if I may.

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 Court Officer, could you deliver the hard copy for the witness's
12 examination?

13 [09.20.40]

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. The title concerns the "Grandiose Victory of the Communist
16 Party of Kampuchea". And on the second page, it says it's a
17 speech by Comrade Pol Pot, Secretary of the Communist Party of
18 Kampuchea, at the meeting commemorating the 17th anniversary of
19 the foundation of the Communist Party of Kampuchea and on the
20 occasion of the solemn proclamation of the official existence of
21 the CPK, 7 -- 27th of September 1977. And below that, it says
22 that it is published by the Ministry of Foreign Affairs of
23 Democratic Kampuchea in 1977.

24 Do you recognize this document, Mr. Witness, as being one of the
25 ones which the ministry drafted on that particular occasion, and

8

1 as you also have said, taking two days and two nights to produce
2 it?

3 MR. SUONG SIKOEUN:

4 A. This document was translated and published. It was translated
5 into French and English and it was disseminated by the propaganda
6 and information section of the MFA.

7 [09.22.11]

8 Q. Thank you, Mr. Witness. I have no further questions about the
9 contents of the document, but I'd like to come back to where we
10 were yesterday.

11 And you said that, apart from yourself, who had four and a half
12 incriminations and documents, and Keat Chhon, who had some 60 --
13 did Thiounn Prasith end up being incriminated in a number of
14 documents as well?

15 A. I do not know about the whole incriminating documents.
16 However, as I knew, Thiounn Prasith was implicated as a CIA agent
17 and the security section intended to arrest him together with
18 Keat Chhon.

19 Q. How did you learn that Thiounn Prasith, along with Keat Chhon,
20 had been incriminated in a number of documents? Was this
21 discussed at meetings?

22 A. I knew because I was told by Ieng Sary, and I learned of that
23 during the meeting when he said so, but I cannot recall the exact
24 detail -- date of the meeting.

25 [09.24.03]

1 Q. Yesterday, you also said that Mr. Touch Kham Doeun's
2 confessions had been read by Ieng Sary, and you also talked about
3 a meeting with him where you said that you were incriminated by
4 Ros Sarin. How did Ieng Sary obtain these confessions in which
5 you were incriminated along with others, in particular Touch Kham
6 Doeun's own confessions and others in which you, yourself, were
7 incriminated?

8 A. I do not know clearly regarding this matter.

9 Q. Apart from Touch Kham Doeun's confessions, what other
10 confessions might Ieng Sary have read or for that matter
11 mentioned at meetings?

12 A. I cannot recall the names clearly. I can only recall that some
13 confessions were read out by him. And as I observed, one
14 confession by the name of Poeng Kim Sear, who was a doctor and
15 the brother -- the younger brother of Poeng Soy, who was the
16 editor-in-chief of a newspaper. I am not sure whether he is
17 living today. He's elderly and he's from Siem Reap.

18 [09.26.23]

19 And why I could recall that confession is that the writing which
20 -- the writing by this Poeng Kim Sear, who was incriminated and
21 accused, he was actually a sympathizer of the Revolutionary
22 Movement and for the progressive people.

23 As for his other brother, Poeng Soy, he was also a close friend
24 of Ieng Sary, Pol Pot, Khieu Samphan, and myself, but I was
25 younger compared to them.

10

1 What I observed was the inclusion of his delegation, that he was
2 inducted into the CIA network, and the formality was that very
3 much similar to the CPK induction process, and the swearing was
4 -- were almost identical.

5 So I conclude that the writing was made and the coercion, because
6 the process bore very similarity to that of the CPK process of
7 the induction.

8 Q. Did Ieng Sary read other confessions to you; for example, Koy
9 Thuon's confession?

10 A. As for other confessions, yes, there were. There was one
11 occasion that a wife of a cadre, who was a foreigner and worked
12 at the Pasteur Institute in Phnom Penh -- that document was about
13 Madam Keat Chhon, who was originally Vietnamese and who worked at
14 the Pasteur Institute.

15 [09.29.27]

16 As for Koy Thuon's confession, he did not read it out. However,
17 on the morning of the 7th of January 1979, prior to the
18 Vietnamese force and the force of the National Salvation Front
19 entered Phnom Penh, So Hong, who was then the general secretary
20 of the Ministry of Foreign Affairs, gave Koy Thuon's confession
21 to me to keep it.

22 At that time, I was about to leave the -- with my other 10
23 colleagues through the Propaganda Ministry and he handed me that
24 confession, but I was not sure whether that confession was the
25 original copy or it was a copy of the original. I had a rough

11

1 look and -- of that confession before I destroyed it at the
2 Ministry of Propaganda. At that time, the Vietnamese force and
3 the force of the National Salvation Front entered Phnom Penh. On
4 the night before I fled Phnom Penh, I destroyed that document.

5 Q. Thank you.

6 [09.31.03]

7 Now I wish to -- I would like to show you - or, in any case, read
8 an excerpt from one of your interviews, and it is at E3/177 (sic)
9 or D168. And this is the first reply you provide to a question
10 from the Co-Investigating Judges; it's quite easy to find. It's
11 normally on page 2 in Khmer as well as in the other languages.

12 Mr. President, may I please display this document on the monitor
13 and provide a paper copy to the witness?

14 MR. PRESIDENT:

15 Yes, you may proceed.

16 Court Officer, please obtain the hard copy document from the
17 Prosecution and present it to the witness.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. So it's on page 2 and it's the first reply, and you say in
20 this record in answer to the first question that "the situation
21 was tense, especially within the Foreign Ministry in 1978".

22 And then you continued by saying that:

23 "...we had started hearing about the disappearance of Koy Thuon, Hu
24 Nim, Touch Phoeun, and there were also people who disappeared
25 from the office within the ministry. For example, Ms. Sua Vasi,

12

1 who was born Cheam Sam At, who was in charge of the 'diplomatic
2 store' provisioning the diplomats. Everyone was worried. I
3 remembered that Ms. Saur Se, from the East Zone, was terrified."
4 And you already spoke, Witness, about Mr. Touch Phoeun, who was
5 the older brother of Touch Kham Doeun, and what role - well, you
6 mentioned his role in the excerpt I just read, but--
7 But, Ms. Cheam Sam At alias Roeun, what role did she play? Was
8 she a member of the Party committee at B-1?

9 [09.33.21]

10 MR. SUONG SIKOEUN:

11 A. Madame Cheam Sam At was obviously the member of the Party
12 because she was the wife of Sua Vasi, and Sua Vasi was once the
13 chairman of Office 870, which was the Party Centre Office.
14 But she -- I do not know whether or not she had any portfolio in
15 the Ministry of Foreign Affairs, but she was also in -- she was
16 also involved in the diplomats section of the Ministry of Foreign
17 Affairs.

18 Q. And as far as you know, back then, did Ieng Sary defend her as
19 he did for Keat Chhon or Thiounn Prasith?

20 A. Like yesterday, I talked about the disappearance and I
21 listened to the radio, and then it -- they reported that there
22 were arrests. I would like to make a distinction between arrests
23 and disappeared. It was not the arrest; what I knew was the
24 disappearance. I did not know where those people were taken to;
25 they disappeared, but that does not mean that they were arrested.

13

1 I simply said yesterday that they disappeared.

2 [09.35.24]

3 One of the radio station -- it could have been either Voice of
4 America or Radio Free Asia -- reported that I said those people
5 were arrested, but I said yesterday that they disappeared and I
6 did not know where those people were taken to and I had no idea
7 whether or not those people were arrested or they were simply
8 removed or transferred to other post. They disappeared from
9 Ministry of Foreign Affairs, and some were transferred to
10 Ministry of Industry, and some may have been transferred to other
11 ministry. That I did not know. So I want to emphasize -- I cannot
12 say for sure whether or not Ieng Sary defended those people,
13 because I did not know whether or not those people were subject
14 to arrest or they simply disappeared to somewhere else.

15 Q. Mr. President, I simply would like to mention for the purposes
16 of the record, Chuem Vasith (sic) alias Roeun, that her name is
17 on a prisoners list at S-21 -- and the reference is IS 16.47, and
18 this list is entitled "Office of the Ministry from 12 February to
19 12 March 1977" -- and she is described in this document as a
20 member of the Committee of the Ministry of Foreign Affairs who
21 entered S-21 on the 17th of February 1977.

22 [09.37.04]

23 Witness, if we look at the same record, D168, record of
24 interview, on page -- on the following page -- that is to say,
25 page 3, page 3 in French as well -- I don't have the page number

14

1 in English. But at 00327244 -- and, President, I wish to read an
2 excerpt from this page and to display it on the screen, with your
3 leave.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. So, you said:

8 "Militants were required total frankness towards the Party.

9 Enemies from within were divided into several categories. They
10 were the CIA agents, KGB agents, Vietnamese agents and agents of
11 the SDECE, French Intelligence Agency -- Service de documentation
12 extérieure et de contre-espionnage" -- French Counter
13 Intelligence Agency, [corrects the interpreter]."

14 [09.38.25]

15 And in this record, you provide a certain number of examples of
16 people who were members of these different agencies. Can you do
17 the same and assist us in understanding which examples there were
18 of -- if people who were members of the French Counter
19 Intelligence Bureau?

20 MR. SUONG SIKOEUN:

21 A. To my knowledge, at that time it was the allegation and --
22 based on the confession of only two identified: Mr. Chau Seng,
23 who was the former chief of cabinet of the then Prince Sihanouk
24 -- and in the Front he was the minister with the portfolio of
25 special mission of the GRUNK -- and Mr. Van Piny, who was the

15

1 former cultural advisor attached to the Embassy of Cambodia to
2 France, and he was also the vice minister of the Royal Government
3 of -- the GRUNK government. These are the two names I could
4 recall.

5 Q. And both of these people, did they work at B-1 after 17 April
6 1975?

7 A. No, they didn't -- they did not come to work in B-1.

8 Q. And who told you that Chau Seng and Van Piny were French
9 secret agents?

10 [09.40.48]

11 A. I cannot recall who told me about that, but it could have been
12 through one of the confessions and I cannot even recall whose
13 confession was that either.

14 Q. Thank you.

15 Do you know Mr. Lean Sirivut? And I apologize once again for my
16 pronunciation.

17 A. Lean Sirivut was my cousin, and before returning to Cambodia,
18 he worked with the Democratic Kampuchea Embassy in Beijing. He
19 was the brother-in-law of Duong Sam Ol -- Kong Sam Ol (phonetic),
20 rather.

21 Q. Was he also accused of being a French spy under the regime of
22 Democratic Kampuchea?

23 A. That I am not sure because later on I obtained a copy of his
24 confession -- and to my recollection, but I cannot recall it
25 precisely, I apologize to the Chamber, but to the best of my

16

1 recollection he had his network with the official of the Republic
2 -- of the Khmer Republic under the Lon Nol administration.

3 [09.42.57]

4 Q. Thank you. For the purposes of the record, we have here Lean
5 Sirivut's confessions under index IS 5.46.

6 Now, regarding Van Piny, there are many documents placed on the
7 case file, including prisoner list at S-21, in particular,
8 E3/1666.

9 Can you provide us with examples of KGB agents who were mentioned
10 when you were working at the Ministry of Foreign Affairs?

11 [09.43.41]

12 A. I do not know the complete story, but what I knew back then
13 was that the former president of Khmer Students' Union in the
14 USSR, back then, Mr. Hak Seang Lay Ni, he was the agent of the
15 KGB, KGB.

16 Q. And what about Keo Bori and Krin Lean, who, apparently, had
17 studied in Moscow? I think you spoke about them yesterday. Were
18 they also accused of being KGB agents?

19 A. I do not know exactly, but probably there could have been such
20 accusation that's why they were arrested. Normally, those
21 students who went to study in the USSR was accused of being the
22 KGB. And when I went to China, they also accused me of being a
23 member of KGB as well. When I returned to Cambodia then they
24 accused me of being CIA agents. It was all exaggeration.

25 Q. Thank you.

17

1 For the purposes of the record, again, we have the confessions at
2 S-21 of Hak Seang Lay Ni, indexed under IS 5.25 and D108/31.20.
3 And we also have Krin Lean's confessions -- alias Sam -- indexed
4 IS 5.40.

5 Witness, is it possible for you to give us examples of CIA agents
6 now?

7 A. Mr. President, can the prosecutor be directed to give precise
8 question concerning the CIA agent? Can the prosecutor clarify
9 this question?

10 [09.46.21]

11 Q. Yes, maybe I can read an excerpt of the written record that I
12 provided to you, Witness. In French, it's on pages 3 and 4; in
13 Khmer, it's on page 00327234; and in English, 00327244. And with
14 your leave, President, can we display this page on the monitor?

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. The question was centred on people who were accused of being
19 CIA agents and you answered -- and I quote:

20 "...(we can mention Koy Thuon[...], Hu Nim, In Sopheap, all the
21 intellectuals, the members of the General Association of Khmer
22 Students, all the regional leaders of the Northwest Zone, Ke Kim
23 Huot, Khek Penn, Van Piny, etc.)."

24 [09.47.33]

25 So we see that there are many names, but can you tell us who were

18

1 -- who was Ke Kim Huot and what his duties were?

2 MR. SUONG SIKOEUN:

3 A. Ke Kim Huot, his revolutionary name was Huot (sic). He was in
4 charge of Sector 4 or Sector 7 of the Northwest Zone. He was
5 later appointed to be the Ambassador of the Democratic Kampuchea
6 to Yugoslavia in 1978.

7 Q. And did he go to his duty station in 1978?

8 A. No, he didn't. I learned about that because on -- one day
9 before he departed for Yugoslavia, the Ambassador of Yugoslavia
10 to Cambodia, Mr. Michael (phonetic) Lompar, requested a courtesy
11 call on Mr. Ke Kim Huot. At that time, to my recollection, Mr.
12 Ieng Sary told to the director of Protocol Office, Mr. Ny Kan,
13 that he told the Ambassador of Yugoslavia to Cambodia that Mr. Ke
14 Kim Huot were not to be sent to Yugoslavia due to his illness.

15 [09.49.45]

16 Q. And do you know where he went instead of going to Yugoslavia,
17 Witness?

18 A. That I do not know.

19 Q. And for the purposes of the record, President, we have the
20 confessions at S-21 of Ke Kim Huot alias Huot. It's placed on the
21 case file under index IS 5.36.

22 Who was Mr. Khek Penn? And what were his duties at the Ministry?

23 A. Khek Penn did not come to work at the ministry office, but as
24 far as I know, he was in charge of the Communication Committee
25 for Cambodian-Thai Relation Committee. At that time, he resided

1 in Poipet.

2 [09.51.01]

3 Q. Yes, he was at Poi Pet. But, hierarchically, was he part of
4 the Ministry of Foreign Affairs?

5 A. Yes, I met him because he came once or twice to Ministry of
6 Foreign Affairs and I met him there.

7 Q. And what was his alias -- his revolutionary nickname?

8 A. I cannot recall his revolutionary name. It's on the tip of my
9 tongue, but I may recall it later on.

10 Q. Was it Sou, Witness -- if you remember, of course? If it's not
11 that, well, you can tell us.

12 A. Yes, yes that is correct, Sou. Sou was his revolutionary name.

13 Q. Mr. President, on the case file we have Khek Penn - Penn --
14 Sou's confessions indexed under D43/IV-Annex 29.

15 I am almost done, Witness. I would like now to speak to you about
16 Mr. Svay Bory.

17 You told us that he was a kind of trainee at the Ministry; that
18 his job was not clearly defined within the MFA. Was Svay Bory, as
19 other people, employed on a temporary basis at the Ministry of
20 Foreign Affairs?

21 A. I do not know whether or not he came to Ministry of Foreign
22 Affairs on a temporary basis, but he first came to the Ministry
23 of Foreign Affairs, he did not have any specific duties to carry
24 out. Of course, he was given some things to do as well, for
25 example, he was asked to write articles and other office stuff.

20

1 But, basically, he came to the Ministry under observation as to
2 which position he was to be given, but he stayed at Ministry of
3 Foreign Affairs for only a short period of time.

4 [09.54.30]

5 Q. Do you know what happened to him then, afterwards? What
6 happened to Svay Bory afterwards?

7 A. That I do not know. He was no longer present at the Ministry
8 of Foreign Affairs without any information. Like Mr. Sarin Chhak
9 and General Duong Sam Ol, they came to Ministry of Foreign
10 Affairs for some times and then they disappeared and I did not
11 know where they went to.

12 Q. For the purposes of the record, Svay Bory is mentioned in a
13 prisoners list at S-21, indexed under IS 16.139, we can also find
14 his confessions IS 5.101 and in this S-21 document it is
15 mentioned that he was a deputy at the Propaganda and Information
16 Department of the Ministry.

17 [09.55.54]

18 And the last aspect – the last point I would like to touch upon
19 in my question, were certain base cadres such as Ke Kim Huot,
20 called to the ministry or to become diplomats or at least as they
21 were told during the period of Democratic Kampuchea.

22 A. Back then, before anyone was posted overseas as the diplomats,
23 for us as the group of intellectuals, we did not have any
24 prospect of becoming the diplomats because of our pedigree. We
25 were not considered pure, and our position was not considered

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1 firm as well, so nobody was to be sent to be the ambassador. For
2 example, the representative of a Democratic Kampuchea to the UN
3 headquarter in New York, there were a lot of intellectual cadres
4 -- for example Mr. Chan Yourann, Mr. Thiounn Prasith, just to
5 name a few.

6 [09.57.27]

7 But the appointment to be the representative of Cambodia to the
8 UN had to follow the requirements and the principle of the
9 leaders, so they did not meet this requirement. The
10 representative of the Democratic Kampuchea to the United Nation
11 was appointed later in 1979, when the situation was ripe, and
12 then these intellectuals were appointed. Mr. Thiounn Prasith was
13 appointed to be the representative of the Democratic Kampuchea to
14 the UN.

15 Q. Witness, can we return to the period of Democratic Kampuchea?
16 Can we return to the period of - between April '75 and January
17 1979? And if you can tell us, among all of these base cadres, who
18 transited through the Ministry of Foreign Affairs in order to
19 become diplomats? Did some of them, such as Ke Kim Huot,
20 disappear before taking on their duties?

21 A. Mr. Prosecutor, I am telling you about the chain of a story
22 about that, but because you interrupted me, I could not finish my
23 response.

24 [09.59.01]

25 Of course, the cadres who came to work with the Ministry of

22

1 Foreign Affairs, had to meet the requirements and the principal
2 laid down by the Democratic Kampuchea before they are considered
3 competent to be posted overseas as diplomats. And when those
4 people were sent to Ministry of Foreign Affairs, as I said
5 earlier on, that those individuals were not the one who was
6 called upon by Mr. Ieng Sary himself.

7 Mr. Ieng Sary was like an administrator who will be supervising
8 the work of them, but the decision of the appointment was up to
9 Pol Pot. As to who were to be sent to Ministry of Foreign Affairs
10 was to be decided by Pol Pot. The detail about some protocols of
11 diplomats when they are attached overseas, for example the
12 presentation of credentials to the country with which he is
13 attached.

14 [10.00.32]

15 Q. Could you give us some names as indeed you already did to the
16 Investigating Judges of base cadres who went through the Ministry
17 and who subsequently disappeared or who -- as you said about Meak
18 Touch, he was ambassador in Laos before he was liquidated in '78
19 in Tuol Sleng. That comes from your draft manuscript IS 3.9 --
20 00079016 in French; in Khmer, 00583622; and in English, 00813092.
21 You gave some names to the Investigating Judges. Do you remember
22 those names, Mr. Witness?

23 A. I cannot recall all their names.

24 Regarding Meak Touch, I didn't know that he was sent to Tuol
25 Sleng. At that time, I did not even know about the name of Tuol

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1 Sleng. At that time, I did not know about Tuol Sleng or S-21,
2 neither Boeng Trabek. Only Chau Seng and Van Piny, who told me
3 after I asked him where he was, he said that he was at Boeng
4 Trabek and that was all.

5 So I could not say in regard to Meak Touch who was at Tuol Sleng,
6 as I did not know the whereabouts of Tuol Sleng at the time.

7 [10.02.40]

8 As for the diplomats, namely: Meak Touch, who was the ambassador
9 to Laos; and Cheam, ambassador to Vietnam -- at that time, it was
10 known as the North Vietnam; and Ke Kim Huot, who came from the
11 Northwest; and there was some other cadres whose names I could
12 not recall. They were separate from the rest -- I refer to the
13 group. And there was a person by the name of Teanh and another
14 one by the name of Nat, who came to the Ministry of Foreign
15 Affairs for a short period of time.

16 Q. Thank you.

17 I am almost done, but I would point out for the record, that Meak
18 Touch alias Kem's confession is indexed E3/15747 (sic) and IS
19 5.59.

20 Concerning Nat, these are the In Lorn's confessions -- alias Nat
21 -- D366/7.1.77.

22 And, concerning Teanh, these are Sun Ty's confessions -- alias
23 Teanh -- reference IS 5.100.

24 A final question, Mr. Witness, before we pass the torch to the
25 civil parties: Did Ieng Sary tell you why he agreed for the base

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1 cadres to go through the Ministry of Foreign Affairs prior to
2 their fate being decided upon? You said it was a decision by Pol
3 Pot. But why did Ieng Sary accept to let these people be
4 temporarily allocated to the Ministry of Foreign Affairs?

5 [10.05.17]

6 MR. PRESIDENT:

7 Witness, wait.

8 Defense Counsel for Ieng Sary, you may proceed.

9 MR. KARNAVAS:

10 Thank you, Mr. President. Good morning, everyone. I try to keep
11 my objections limited even though there have been some major
12 leading.

13 In this particular instance, there's a fact that is assumed;
14 that's not in evidence. The gentleman never said anything about
15 Ieng Sary agreeing, nor has he said that Mr. Ieng Sary had a
16 choice.

17 I think the way the question is posed is quite suggestive. The
18 gentleman has been doing that all day yesterday, all day this
19 morning. I'm allowing it because we're before professional
20 judges, but there's got to be a limit to this sort of technique.

21 [10.06.12]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Let's go one step back, Mr. President, and ask the witness how
24 he knows it was a decision by Pol Pot to temporarily allocate
25 base cadres to the Ministry of Foreign Affairs while waiting for

1 their fate to be decided upon.

2 MR. SUONG SIKOEUN:

3 A. I just stated that cadres who missed the qualification to
4 become the representative of DK overseas were not the
5 intellectuals from France, despite the fact that they had the
6 competency or clear stands. They did not gain the trust from
7 Democratic Kampuchea to become the representative of DK overseas.
8 Therefore, only the base cadres who were for example, holding the
9 status of the chief of a sector, if you compare to the current
10 administrative arrangement which is larger than the district
11 chief -- or at least the chief of the district then -- who had
12 the qualifications and met the criteria set out by the DK
13 leadership to become the DK representative for the overseas post.
14 So they would be selected to become the DK representatives for
15 overseas posting.

16 [10.08.01]

17 And there was nothing strange for them to temporarily stay at the
18 Ministry of Foreign Affairs waiting for the posting. And If they
19 were not elected or were sent elsewhere, as I said, they were not
20 the former members of the Marxist-Leninist Circle. They were the
21 base cadres and as I knew -- but I could not know any deep
22 details than that.

23 Those cadres despite their temporary stay at the MFA, they were
24 not under any instructions of Ieng Sary because I knew it
25 clearly. Ieng Sary never engaged in any military combat or

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1 military training at the base. He, himself, was of course senior
2 than the rest of us.

3 And as I said, Khieu Samphan was also in the same bracket, but he
4 was older than me, so his stand was firmer and he was appointed
5 as the Head of State. But in reality, we were in the same
6 situation and that's how the Communist leadership was organized.

7 [10.09.51]

8 And I'd like the prosecutor to really understand the underneath
9 issues regarding that status. When I was questioned by the OCIJ,
10 I was presented with a document issued by the MFA. That document
11 was not the original but it was a copy of the typed document. The
12 document states that during a meeting, the base people -- or the
13 base cadres -- need to strive hard in order to replace us; that
14 is our group. Meaning that if they were able to replace us, for
15 example in the field of certain expertise or engineering, then it
16 will be a bye-bye to us; we will be gone. It means our group
17 would be smashed.

18 When I saw that document, I was wondering what it was about. I
19 didn't even want to believe that because it's too extreme. And I
20 could say it would take at least 20 years to educate those base
21 people to replace us.

22 MR. PRESIDENT:

23 Prosecutor, you may continue your question.

24 [10.11.46]

25 BY MR. DE WILDE D'ESTMAEL:

27

1 Q. Yes, to return to my last question there, is it a supposition,
2 an assumption on your part that it was Pol Pot himself who
3 decided temporarily to send the base cadres to the Ministry of
4 Foreign Affairs? What is your source of information here? What is
5 it that entitles you to say that it was Pol Pot alone who took
6 the decision -- or, on the other hand, within the framework of
7 the Standing Committee, who took the decision?

8 MR. SUONG SIKOEUN:

9 A. Let me respond. At that time, appointments were made but not
10 in writing or on paper. We only saw documents coming out from
11 Tuol Sleng. But when it comes to appointment there was no
12 official record. And you asked me from whom, from where I knew?
13 And I could respond that, legally, there shall be an official
14 document, but it is my understanding that in practice there was
15 none. As a Party secretary, Pol Pot had all the power to decide
16 whether he wanting to tell other superiors or not; it was at his
17 own discretion.

18 [10.13.27]

19 Let me give you an example regarding a radio broadcast. Of course
20 there was already a chairperson in charge of the broadcast, for
21 example regarding myself or Mr. Thuch Rin, who already passed
22 away. Thuch Rin was in charge of the literature and he was also a
23 head of the military radio station, but sometimes, when Pol Pot
24 wanted to broadcast a piece of information, that information was
25 delivered to his deputy without the knowledge -- without his

28

1 knowledge; and that's how it was processed.

2 And when it comes to the Ministry of Foreign Affairs, Pol Pot
3 could make a decision without the knowledge of the head -- that
4 is, Ieng Sary. As it refers to the Standing Committee, it is
5 beyond my knowledge as whether Pol Pot took consultation with the
6 Standing Committee when making a decision. I stayed for two years
7 with Pol Pot and I noticed that sometimes he made decisions on
8 his own without consultation with anybody or a committee.
9 So, legally speaking, maybe what I say is not counted, but that
10 was the practice at the time.

11 [10.15.24]

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. Witness, for your testimony.

14 This brings me to a close, Mr. President. I have to apologize to
15 my colleagues on the civil party Bench because I have somewhat
16 overstep my time. Thank you very much.

17 MR. PRESIDENT:

18 The time is now appropriate for a recess. We will take a
19 20-minute break and return at 25 to 11.00.

20 Court Officer, could you assist the witness as well as the duty
21 counsel during the break and have them returned to the courtroom
22 at 25 to 11.00? Thank you.

23 (Court recesses from 1016H to 1036H)

24 MR. PRESIDENT:

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

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1 Before I hand over to the Civil Party lawyers, I would like to
2 ask Mr. Suong Sikooun: We have received information from the
3 greffier that you are now encountering health concern; what is
4 your impression of your testimony this morning? Can you proceed?

5 [10.37.38]

6 MR. SUONG SIKOEUN:

7 Thank you, Mr. President. Due to my health concern - because,
8 following my heart surgery and operation, my ears cannot hear
9 clearly and my eyesight is not that good as well -- and I see
10 that my health is deteriorating and, if I continue today,
11 probably my health will exacerbate.

12 So I would like to earnestly request the Court that I be allowed
13 to take a rest this afternoon so that I can regain my strength
14 before I can resume my testimony tomorrow morning.

15 Thank you, Mr. President.

16 MR. PRESIDENT:

17 How about tomorrow? Do you envisage that you can testify the full
18 day tomorrow, taking into account your state of health at the
19 moment?

20 MR. SUONG SIKOEUN:

21 Tomorrow, at least in the morning, in my personal assessment of
22 my health now, I will be able to provide testimony. But in the
23 afternoon, I will make every effort to testify, but if my health
24 condition does not allow, then I would like to inform Mr.
25 President accordingly during the morning session.

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1 Is that possible, Mr. President?

2 (Judges deliberate)

3 [10.40.50]

4 MR. PRESIDENT:

5 Mr. Suong Sikoeun, your request is granted. So your testimony
6 will proceed until 12.00 this morning, and this afternoon we are
7 not going to hear your testimony, but the trial Chamber will hear
8 another witness, TCW-490, this afternoon.

9 And as for this particular witness, TCW-490, the Chamber will
10 start putting preliminary questions to the witness before we hand
11 over to the Prosecution.

12 And for your information, the two witnesses, Mr. Suong Sikoeun
13 and TCW-490, could do alternatively due to health reasons. And
14 tomorrow we will examine the health status of the witness as to
15 whether or not he can proceed the whole day. Otherwise, we will
16 alternatively hear the testimony of TCW-490. And we take into
17 every consideration the health concerns of the witness and of
18 course we will reserve the right to proceed alternatively between
19 these two witnesses.

20 [10.42.35]

21 So I now hand over to the Lead Co-Lawyers for the Civil Parties.

22 You may proceed.

23 MR. PICH ANG:

24 Thank you, Mr. President. Good morning, Your Honours and members
25 of the Court and the public. I would like to delegate to the

31

1 lawyer for the civil parties, Lawyer Moch Sovannary and Mr.
2 Ferdinand Djammen Nzepa. Thank you, Mr. President.

3 MR. PRESIDENT:

4 Your request is granted. You may now proceed.

5 QUESTIONING BY MS. MOCH SOVANNARY:

6 Good morning, Your Honours. Good morning, Witness. My name is
7 Moch Sovannary. I am the lawyer for the Civil Parties.

8 On behalf of the Civil Parties, first of all, I would like to
9 thank you very much for making every effort to respond to the
10 questions, and I thank you for taking time of your schedule to
11 participate in these proceedings. And your participation is very
12 important to ascertaining the truth and it will contribute to the
13 future generations.

14 Q. I have a few more questions to ask in addition to the
15 questions put by the prosecutors.

16 My first question to you is: When you were working with the
17 Ministry of Foreign Affairs, did you know Ouk Ket?

18 [10.44.20]

19 MR. SUONG SIKOEUN:

20 A. First of all, I would like to express my sincere thanks to Mr.
21 President for granting leave for me and taking my health concern
22 into consideration, and I also thank the lawyer for the Civil
23 Party for your encouragement and your sentiment on my
24 contribution to the proceedings here.

25 And responding to your question, Mr. Ouk Ket did not come to work

32

1 with the Ministry of Foreign Affairs, but I knew him clearly. I
2 also knew his wife as well. His wife is a French national, and
3 she worked with the DK embassy in Senegal or Egypt -- I am not
4 sure, but she worked in either one of these embassies. And I knew
5 their characters very well. They were very industrious. They were
6 very gentle, polite, and very open minded. And in communication,
7 he was someone whom -- everyone could approach him very easily.

8 Q. Thank you, Witness.

9 [10.45.57]

10 So I move on to my next question concerning Mr. Ouk Ket. During
11 the Democratic Kampuchea period, did Mr. Ouk Ket work in the
12 embassies of Cambodia of Democratic Kampuchea overseas for the
13 entire period of the Democratic Kampuchea or he was called back
14 sometime during this period?

15 A. I'm afraid I cannot answer this question because I don't know.
16 In the framework of my responsibility at the Ministry of Foreign
17 Affairs, I had no knowledge about the transfer or the rotation of
18 the ambassadors or diplomats overseas. It was the decision of the
19 Ministry.

20 Q. I have one follow-up question on this point: So is it fair to
21 say that the management of the embassies of Democratic Kampuchea
22 overseas was under the direction and supervision of the Ministry
23 of Foreign Affairs? Is that correct?

24 A. Yes, generally, it is under the Ministry of Foreign Affairs,
25 but I also mentioned earlier on that Democratic Kampuchea was a

1 Communist regime, so in any particular ministry, it was not up to
2 the leader of that institution or ministry who was responsible
3 but instead the secretary of the Party attached to the ministry
4 or the embassy who had the power and had all overall
5 responsibilities.

6 [10.48.00]

7 And as for the actual movement or internal work arrangement, I
8 did not know.

9 Q. Thank you.

10 Yesterday, you responded to the Prosecution that you created a
11 habit of reporting to your superior, particularly the task that
12 you have carried out to Mr. Ieng Sary.

13 So my question to you is: Was it a formal working arrangement or
14 a working procedure that each section or department had to report
15 to Mr. Ieng Sary?

16 A. That I do not know, but one thing that I knew very clearly was
17 that the report was made orally; rarely was it made in writing.
18 It is not difficult to understand because, during the Democratic
19 Kampuchea, we had to adhere to confidentiality and secrecy. So,
20 if we had to report it in writing, then we may not be able to
21 keep that secrecy. So we had to report mainly orally.

22 Q. Thank you. Do you know Rochoem Ton or Phy Phuon or Ton -
23 Cheam, rather?

24 A. I do not know him clearly, but he was once the deputy district
25 -- deputy governor of Malai district.

1 [10.50.32]

2 Q. Thank you. Thank you.

3 I would like to move on to the next point. In your record of
4 Interview with the Office of Co-Investigating Judges concerning a
5 discussion you mentioned about the transfer of the administration
6 of Phnom Penh to the Ministry of Foreign Affairs.

7 I would like to ask leave of Mr. President--

8 MR. PRESIDENT:

9 Lawyer, you are advised to read the numbers out slowly for the
10 record.

11 MS. MOCH SOVANNARY:

12 Thank you, Mr. President. It is the record of Interview dated the
13 12th of March 2009, document E3/371; ERN in Khmer, 00288234 to
14 35; French ERN 00288241 to 42; English ERN 00290413 to 14.

15 And with your leave, Mr. President, I would like to have this
16 document presented to the witness.

17 [10.52.36]

18 MR. PRESIDENT:

19 You may proceed.

20 The court officer is now instructed to obtain the hard copy
21 document from the lawyer and present it to the witness.

22 (Short pause)

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

24 MS. GUISSÉ:

25 Good morning, President. Good morning to all of the parties. I'll

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1 just take advantage of this little technical pause to point out
2 that since both parties are Khmer speaking, to ask them to speak
3 slowly and to have a break between the question and the answer,
4 because when listening to the French, it's very difficult to keep
5 up. Thank you very much.

6 [10.54.05]

7 MR. PRESIDENT:

8 Thank you.

9 We are all aware of the working languages here, and the Chamber
10 has advised the parties time and again that we have to be at all
11 times vigilant of the fact that we will have to move -- we have
12 to ensure that there is a pause in between questions and answers
13 to ensure that the record is clear.

14 Please proceed.

15 BY MS. MOCH SOVANNARY:

16 Q. So I would like to read out this portion. Responding to the
17 question of the Co-Investigating Judges, you said:

18 [10.54.52]

19 "The Democratic Kampuchea was a communist country, so Party had
20 the sole decision on all the matters, including foreign affairs
21 matters. This policy was determined by Pol Pot, the Party
22 secretary, and my fate was also decided by him. In this respect,
23 Pol Pot appointed me to the Ministry of Foreign Affairs and he
24 later appointed me to be the director of the Kampuchea
25 Information Agency. Another example is that the ministry had

1 responsibilities extending far beyond foreign affairs. It was
2 also responsible for civil aviation. At one time, there was even
3 discussion whether to transfer the administration of Phnom Penh
4 to the ministry, but Ieng Sary opposed it."

5 On this particular portion, I would like to draw the attention of
6 the witness on the last segment of this portion that you
7 presented to the Office of Co-Investigating Judges.

8 [10.56.27]

9 So my question to you is that: The discussion on the transfer of
10 administration of Phnom Penh to the Ministry of Foreign Affairs,
11 in what framework was this decision made? Was it decided by the
12 Central Committee or it was decided by any particular committee
13 or decision-making body?

14 MR. SUONG SIKOEUN:

15 A. I did not -- I do not know as to which body decided on that
16 matter. I only learned from it from Mr. Ieng Sary.

17 Both the civil aviation as well as the governance and
18 administration of Phnom Penh were not actually within the Foreign
19 Affairs Ministry and he told us that at the time.

20 Q. You testified that Mr. Ieng Sary opposed this idea.

21 So my question to you is that: Was Mr. Ieng Sary's opposition
22 effective?

23 A. I could say that it was effective, but I did not know whether
24 or not there were other people who opposed this idea as well. But
25 his opposition to this idea was effective because later on, the

37

1 administration of Phnom Penh was not under the Ministry of
2 Foreign Affairs.

3 [10.59.01]

4 Q. Thank you.

5 My next question concerns your record of interview and document
6 E3/377. It is the record of interview dated the 7th of May 2009.
7 The relevant page in my document, ERN in Khmer, 00327235 to 36;
8 French ERN 00327255; English ERN 00327245 to 46.

9 And, Mr. President, with your permission, I would like to have
10 this document displayed on the screens and I would also like to
11 have this document in hard copy for the witness.

12 MR. PRESIDENT:

13 You may proceed.

14 Court Officer, please obtain the document from the lawyer and
15 give it to the witness.

16 [11.00.45]

17 BY MS. MOCH SOVANNARY:

18 Q. During the time that you are now reading the document, I would
19 like to read the abstract of your written record of interview.

20 Let me read the quotation. You said that:

21 "In order to avoid their criticism, I requested to live at the
22 countryside: and as for the Democratic Kampuchea, becoming a poor
23 person was the last ambition of all Party members. However, we
24 were disappointed when Ieng Sary said we would be killed when we
25 go there."

1 So the question in regarding this quotation is that: Within the
2 framework of the Ministry of Foreign Affairs, did Ieng Sary have
3 the ability or is the one who would decide on the transfer of the
4 personnel to work at the countryside, or vice versa? Was it --
5 did it fall under his competency?

6 [11.02.10]

7 MR. SUONG SIKOEUN:

8 A. I do not know whether it was within his competency, but I made
9 that request, together with In Sopheap, as he was also
10 criticised. But when it comes to whether he has the authority to
11 do so, I do not know.

12 Q. My next question is related to the disciplines for the staff
13 at B-1 ministry. In the case where a staff or a cadre at the
14 Ministry of Foreign Affairs was decided that made a serious
15 mistake, what was the major imposed on that cadre? Or you can
16 also give us an example regarding your own section?

17 A. I, myself, did not know exactly how the sanction or discipline
18 were put in practice. In general, I knew that for Party members
19 or for any staff, the first discipline or sanction would be the
20 re-education. This meant that we treat the people's sickness in
21 order to make the people become better. There was no immediate
22 discipline. That was based on the Party's lines.

23 [11.04.18]

24 And unless such re-education was not effective, then the second
25 measure would be imposed. And that would include the suspension

39

1 of the membership of that individual to the Party. That would be
2 considered a serious organizational matter to be taken against
3 such person.

4 However, within my own section, no such sanction was -- it did
5 not occur in my section since no one actually violated the
6 disciplines.

7 Q. Now, I move to another topic regarding the people who actually
8 returned.

9 I'd like to seek the President's leave to present a document of
10 his interview with OCIJ dated 17 March 2009. The document is
11 E3/101. ERN in Khmer is 00290437, the French ERN is 00290448 to
12 49, and the ERN in English is 00290442 to 43.

13 And so I would like to seek leave from the President to hand the
14 hardcopy to the witness.

15 [11.06.35]

16 MR. PRESIDENT:

17 Yes, you may do so.

18 BY MS. MOCH SOVANNARY:

19 Thank you, Mr. President.

20 I'd like now to read the extract from your statement to the
21 Investigating Judges -- quote:

22 The question is: "How was -- what -- how was the arrangement for
23 the return of the intellectuals?"

24 And you said that: "Everyone has to transit through the Cambodian
25 embassy in Beijing. And as they had the communication with other

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1 embassies in Phnom Penh and it was done through two lines -- that
2 is, the Party's line and the state or the government line -- it
3 could be the instructions order from Pol Pot through the Party's
4 branch in Beijing. As for me, I was in charge of only receiving
5 them at the airport." End of quote.

6 The question is the following: How many times did you go to the
7 airport to receive those diplomats, and in what year?

8 [11.08.25]

9 MR. SUONG SIKOEUN:

10 A. As I recall, the statement does not include the fact that I
11 went to receive foreign diplomats, not the Cambodian diplomats
12 returning from overseas. Those Cambodian diplomats returning from
13 overseas, I never received them. I met them once as I told the
14 prosecutors. It was in late 1975 in a house in Phnom Penh, but I
15 never went to receive them at the airport.

16 Q. Thank you.

17 My next question is the following, regarding the confessions.

18 This morning you answered to the prosecutor's questions regarding
19 the confessions.

20 My question is: What was the purpose of Ieng Sary showing certain
21 confessions to you and to other staff of the Ministry of Foreign
22 Affairs?

23 A. As I recall, during -- it was made during the presentation on
24 the internal situation. That also covers the situation regarding
25 the production and the fulfilment of the quota set by the Party,

41

1 and the strengthening of the new revolution, and also the enemy
2 activities, both inside and outside the country, within the
3 Party's ranks, as well as within the military.

4 Q. Thank you.

5 This is related to the disappearance of a staff at B-1. Yesterday
6 and today -- today, in the morning session -- you testified
7 regarding the arrest of Touch Kham Doeun and the implicating
8 documents of Thiounn Prasith, for instance, and that Ieng Sary
9 defended them.

10 [11.11.15]

11 My question is the following: Did you know how effective it was
12 of Ieng Sary's defence for these two individuals?

13 A. Yes. It was effective, because the two continued to fulfil
14 their duties at the Ministry of Foreign Affairs.

15 Q. Thank you.

16 My next question is related to the production unit at Chraing
17 Chamres. In your written record of interview with OCIJ dated 19
18 of December 2007, you described an event related to that unit.

19 And I'd like to seek the President's permission to present that
20 document to -- and to hand that document to the witness. It is
21 D191/26 (sic). ERN in Khmer is 00204151; and in French, it is
22 00343362; and in English, 00223640 to 41.

23 [11.12.59]

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 Court Officer, could you deliver the document to the witness?

2 BY MS. MOCH SOVANNARY:

3 Q. I'd like to read the quote that, in -- there was one case in
4 1977 when there was a meeting in the unit with Ieng Sary:

5 "There was a report that Seng Ly, an internee from France, who
6 was at the Chraing Chamres Unit, went to shoot a bird and walked
7 into the military administered zone, and he was arrested by the
8 military and disappeared since. At that time, Chraing Chamres
9 Unit contacted the military to -- for his release, but the
10 military responded that they did not know." End of quote.

11 My question is: During that meeting that Ieng Sary reported about
12 this incident, what -- what was the content of that meeting?

13 [11.14.39]

14 MR. SUONG SIKOEUN:

15 A. I cannot recall it clearly. It could be just an ordinary
16 working meeting, or it could be another type of meeting, because
17 there were various kinds of meetings, big or small, important or
18 a normal meeting. It could be a weekly meeting or a monthly
19 meeting. I cannot recall exactly the nature of that meeting.

20 Q. During the meeting, at that time, where it was held?

21 A. The meeting with Ieng Sary was held at B-1 ministry -- that
22 is, MFA.

23 Q. Did you know the reason for the disappearance of Seng Ly,
24 which is a special case here? He was at the Chraing Chamres
25 Office, but the report was made through Ieng Sary. Can you tell

1 us the reason?

2 [11.16.10]

3 A. I do not know. I do not know the reason for that. And I did
4 not try to know that matter, because at that time we should only
5 know what we were supposed to know. And whatever affairs we --
6 besides the affairs of our section -- then we should not know.
7 And as for me, I only should know about the affairs dealing with
8 the Propaganda and Information Office within the ministry.

9 Q. Thank you.

10 My last question is the following. You testified that, at your
11 return to Cambodia in May 2005 (sic), the question is: Along the
12 way that you made your trip, did you see the flock of people
13 evacuating -- or being evacuated from Phnom Penh?

14 A. No, I did not see that kind of event as -- upon my return to
15 Cambodia, when I first travelled by a ship from -- to Phnom Penh
16 , I did not see the current flow of the evacuation as it was
17 already concluded.

18 [11.18.20]

19 Q. My apologies. I have two more questions.

20 During the time that you worked at the Ministry of Foreign
21 Affairs, you stayed at the -- in Phnom Penh until the fall of the
22 regime. Did you ever see the exodus of people from Phnom Penh in
23 April, or did you see their return to Phnom Penh at any time
24 during the regime?

25 A. No, I did not.

44

1 Q. My last question, regarding your written record of interviews
2 with OCIJ dated 12 March 2009, document E3/371. ERN in Khmer is
3 00288238; and in French, 00288245; and in English, 00290417.

4 I'd like to seek your leave, Mr. President, to have the document
5 shown on the screen and to deliver the hard copy to the witness.

6 [11.20.05]

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 Court Officer, could you assist the process?

10 (Short pause)

11 The Prosecutor, you may proceed.

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, several times, in my headset, I heard that this
14 was a statement made to the Co-Prosecutors Office, and of course
15 it was a statement made to the Co-Investigating Judges. For the
16 sake of the record, this ought to be corrected. Thank you.

17 MR. PRESIDENT:

18 Civil Party Counsel, could you provide the specification of the
19 document again?

20 [11.21.11]

21 BY MS. MOCH SOVANNARY:

22 The document is the written record of the interview of this
23 witness with the Co-Investigating Judges.

24 Q. Let me give you a quote of the -- your statement -- that you
25 said: "I was the Khmer Rouge cadre until 1975, because the Khmer

45

1 Rouge were not wrong until then. But they subsequently betrayed
2 their ideals."

3 The question is: During the Khmer Rouge regime, did you ever see
4 -- or observe -- the events that you would say those activities
5 actually betrayed their ideals?

6 MR. SUONG SIKOEUN:

7 A. From 1975 to early 1979, I did not know. I did not see about
8 the killings or the crimes committed throughout the country. I
9 was only -- I stayed only in Phnom Penh and when I went to the
10 countryside to accompany foreign delegations, I did not see such
11 crime. So I could not know the sheer scope of the tragedy.

12 [11.23.00]

13 Q. Thank you, Mr. President. In that same record of interview,
14 you clearly stated -- or expressed your view.

15 And my question is: What did you know that would lead you to say
16 that they betrayed their ideals? Because I seem not to understand
17 your response.

18 A. I made such a conclusion after 1979, while I worked at the
19 Ministry of Foreign Affairs. Back then I did not know about such
20 crimes.

21 MS. MOCH SOVANNARY:

22 Thank you, Mr. Witness, once again for your cooperation and
23 responding to my questions.

24 [11.24.10]

25 Mr. President, I thank you very much and I'd like to -- your

1 permission to hand the floor to my colleague.

2 MR. PRESIDENT:

3 Yes, you may do so.

4 QUESTIONING BY MR. DJAMMEN NZEPA:

5 Thank you very much, Mr. President. Your Honours, colleagues,

6 Witness, good morning.

7 Q. Since we were in Phnom Penh, let's stay there. On the 25th of

8 May 1975, you arrived by boat. How did you experience the city

9 when you stepped off this boat?

10 MR. SUONG SIKOEUN:

11 A. When I arrived in Phnom Penh, frankly speaking, I was not

12 surprised because I already knew that people were -- had already

13 been evacuated. What I -- what my first impressions -- because I

14 had lived overseas for so long in France -- that is, in Paris --

15 in Beijing, and in other countries, so my first impression was

16 finding the city was so small. So, again, that was my first

17 impression.

18 [11.25.48]

19 And, secondly, I met some of my former members of the

20 Marxist-Leninist Circle in Phnom Penh, namely Mol Phourik, who

21 was an engineer for the public works. I met him, and probably he

22 knew that I would be wondering of seeing him in Phnom Penh to

23 assist the work, and that's what he told me. He was allowed to

24 stay in Phnom Penh to assist with the works.

25 So these were my two impressions upon my arrival in Phnom Penh.

1 Q. Yes. So, it seems to me that you were looking at an empty city
2 and then you took residence in a house. And in this house, did
3 you receive visits from colleagues? Did you meet other people at
4 that time?

5 [11.26.58]

6 A. When I arrived, I stayed at a pink house belonging to one of
7 the princesses, the wife of the then Prince Sihanouk. I believe
8 she was the first wife of the Prince Sihanouk then. It was near
9 the Royal Palace. In French it was called "la maison rose" -- or
10 the "pink house", in English. And in 1975, it was the -- it was
11 used as the bureau for the Thai diplomatic mission in Phnom Penh.
12 At that time, I stayed with Keat Chhon. Keat Chhon had some of
13 his former friends, the majority of them were the members of the
14 CPK infiltrated in Phnom Penh, including Touch Phoeun, and a few
15 other professors who used to come and go to that Pink House.

16 Q. Mr. Witness, my question, really, was to know if you discussed
17 the situation in the country with others at this time.

18 A. Mr. President, I'd like the civil party counsel to clarify the
19 question, since I do not understand it clearly.

20 [11.29.20]

21 Q. Let me try and phrase this in a different way: When you
22 received guests and colleagues, did you discuss the prevailing
23 situation in the country?

24 A. Usually, guests of those people you earlier spoke about, their
25 former friends, where were they, for instance, because we did

48

1 have some former friends as majority of them were those members
2 of the Marxist-Leninist Circle in Paris, including Khieu Komar,
3 Ros Chethor. They were intellectuals returning from overseas. So
4 we mainly spoke about them.

5 Also there was a person named Panara who also went to study in
6 France, and when he arrived in Phnom Penh, he was appointed,
7 together with me, as the core persons as part of the Party -- of
8 the CPK.

9 [11.31.02]

10 Q. Must I understand from this witness that, at no moment when
11 you were speaking with your numerous friends, you spoke about the
12 evacuation issues, about the issues related to the city of Phnom
13 Penh?

14 A. To my recollection, I did not talk about that matter with them
15 because all of those friends resided in Phnom Penh, and the Party
16 kept them in Phnom Penh in order to undertake certain functions,
17 so they did not talk or describe anything concerning the
18 evacuation of Phnom Penh City.

19 Q. Thank you, Witness, for this clarification.

20 Now, I would like to speak about another issue. Yesterday, when
21 you were being examined by the Co Prosecutor, you told him that
22 when you were a member of the FUNK -- that is to say, from 1970
23 to 1973 in Beijing, Ieng Sary nominated you the representative of
24 the AKI -- the AKI press agency in Beijing.

25 [11.32.38]

1 And in the document that you have in front of you, E3/42 -- the
2 exact ERN in French is 00327224; Khmer, 00327203; English,
3 00327214 -- and in this examination -- or in this interview by
4 the Co Investigating Judge, you say that you were also in charge
5 of security when you were in Beijing. So was it Ieng Sary who
6 appointed you a person in charge -- or Ieng Sary appointed you as
7 person in charge of information? But who appointed you to the
8 position of security?

9 A. I have already responded to that question earlier. At that
10 time, I was a member of the FUNK, a committee in Beijing, and the
11 person who appointed me to be in charge of security was General
12 Duong Sam Ol, who was the chairman of this committee.

13 Q. Was it necessary to have specific skills? Were you -- was this
14 a choice or were you asked to demonstrate specific skills to be
15 in charge of security or was this just a random choice?

16 [11.34.39]

17 A. I think I have already responded to this question when it was
18 posed by the prosecutor, and I said that I did not have any
19 necessary qualification or skills, because security back in
20 Beijing was not an issue because it was in Beijing, in China. And
21 General Duong Sam Ol appointed me for the reason that I was close
22 to him, and I assumed that position because I knew him
23 personally. And if it was not him as the supervisor, then I would
24 not do it because I was not interested in arresting people or so,
25 but if I was tasked to do something to do with economic matters

1 or so, then I would be interested.

2 Because during the Democratic Kampuchea I was often placed in
3 charge of economic affairs. For example, I was once -- supervised
4 the warehouse and stocks. So, whenever people needed anything, I
5 would give to them. So there was no specific criteria for the
6 requirements to be in charge of security as what it may be
7 required in the present day.

8 Of course, there may be certain requirements in the present day
9 concerning the qualification to -- or skills before a person
10 assumes the position, and it was not like the practice in the
11 foreign countries that people must have certain skills before
12 they are appointed a position.

13 [11.36.35]

14 Q. Thank you, Witness, for your answer.

15 Now, I would like to continue speaking about the intellectuals.
16 They were very much courted to return to Cambodia, and who was
17 the person encouraging the intellectuals, Cambodian intellectuals
18 living abroad, to return to Cambodia?

19 A. On that particular issue, overall, it was the responsibility
20 of the Front or the -- each organs. For example, if it was in
21 France then the organization in charge of that would appeal them
22 to return.

23 And I think the situation of that time was quite pressing, that
24 even if there wasn't an appeal then the people would be eager to
25 come back to the country, because at that time there was a united

1 front headed by then Prince Sihanouk, and in Cambodia as well, we
2 -- people tend to respect our Buddhists, Buddha, monks and
3 dhamma. But at that time Khieu Samphan was considered Buddha, and
4 Hu Nim was considered the monk, and Hou Youn was considered the
5 dhamma. So, at that time, Cambodians used -- loved these three
6 individuals so much. They were well-respected, and that was the
7 strategy -- the -- that was the tragedy that we had to endure.

8 [11.38.42]

9 In 1975, we met all the requirements to become an independent
10 country that we could build our country in unity and harmony. We
11 could fulfil these requirements, but conversely it turned out to
12 be a tragedy in the world's history. This was the suffering and
13 the disappointment we have endured.

14 Q. Witness, during this period, from '70 to 1975, are you aware
15 of the fact that Ieng Sary had to go abroad to convince
16 intellectuals abroad to return to Cambodia?

17 A. It was his duty, and for your information he was the first
18 president of the Students' Union in France, and in addition, he
19 was also one of the founders of the Leninist-Marxist Circle in
20 France. So he returned to Cambodia in order to serve the people
21 and the nation, and this commitment was well-received by the
22 intellectuals residing in France, and at that time Sihanouk also
23 appealed to people to return to Cambodia to serve the nation.
24 But as for the fate of those people who returned to Cambodia at
25 that time, I think that Ieng Sary himself did not know, and I am

1 a hundred per cent sure about that, that I think that Ieng Sary
2 did not know what would happen to those returnees.

3 [11.41.44]

4 If I were in his shoes at that time, I would do the same thing as
5 what he did, because we had to explain the qualification needed
6 to serve the country, and nobody could imagine that there was
7 execution or so in the country and if anybody told us that we
8 would not believe it either, and the scale and magnitude of the
9 execution and the tragedy was learned only after 1979.

10 And even I, myself, and Cambodian people would not have survived
11 without the 1979. Ieng Thirith, Suong Sikoeun, and others were
12 also in the lists. I did not know who prepared those lists, but
13 the lists to be smashed. So in -- the situation in January 1979
14 was that -- and that aspect was of course there.

15 [11.42.53]

16 If anyone who studied dialectical materialisms, they would
17 understand that there were negative aspects, there were bad
18 aspect, and good aspect of it.

19 Q. Witness, you remember that in 1974 you went to Paris with Ieng
20 Sary in order to try to convince your compatriots abroad to
21 return to Cambodia. And during these meetings, were they your
22 students who challenged or who criticized the situation in
23 Cambodia at the time?

24 A. The meeting was held in 1975. At that time, it was not
25 Democratic Kampuchea government, it was still the GRUNK

53

1 government, and we sent a delegate to the United Nations, and in
2 that meeting I did not know exactly who were the members of that
3 delegation. And the overall situation back then in 1975, those
4 national compatriots were eager to come back to the country to
5 rehabilitate the country, and there was no one who objected that,
6 and I did not -- I do not recall as to who joined the Movement.

7 [11.44.53]

8 Q. Thank you, Witness.

9 Now, I would like to turn to another document. This is a letter
10 or a reply to your former wife, and it's an interesting letter.
11 I'm going to give you the French ERN numbers. Well, first of all,
12 it is index D115/2.5, and this is a letter dated from 5 October
13 1996, and in this letter -- let me give you the French ERN first:
14 00323628. Khmer, 00251078; English, 00181975 -- 9075.

15 In this letter, you say that she is facing Son Sen who are known
16 for being the true butchers of the Khmer people.

17 So my question is the following: Both of these people you
18 mention, Son Sen and Ny Kan, what did they do to be considered
19 "butchers" as such? Do you have any ideas in that regard?

20 A. Mr. President, could you please advise the lawyer to present
21 this document? Because I think that I did not present this
22 document, and Ny Kan was my friend, and I did -- I never
23 mentioned anything that he was a "butcher".

24 [11.47.00]

25 And as for Mr. Son Sen, when Malai rallied the government, I was

54

1 also accused of being an associate with Son Sen, but I did not
2 mention anything about them being a butcher, particularly for Ny
3 Kan, I had never mentioned anything about him.

4 So I would appreciate it if you could present me with this
5 document.

6 MR. DJAMMEN NZEPA:

7 Unfortunately, I don't have the Khmer version. Somebody might
8 have it, and this will be given to you. Court officer -- can the
9 court officer please provide this document to the witness?

10 MR. PRESIDENT:

11 You may proceed.

12 Court Officer, please obtain the document from the lawyer and
13 present it to the witness.

14 (Short pause)

15 [11.48.49]

16 BY MR. DJAMMEN NZEPA:

17 Q. I hope that the witness can find this excerpt I was speaking
18 about.

19 Can he, therefore, answer my question? And, since it is written
20 here, why can he state that they were "true butchers"? What did
21 they actually do?

22 MR. PRESIDENT:

23 Lawyer, can you please tell the relevant ERN pages? And to be
24 precise, you can also tell the paragraph number or line number,
25 because I am of the opinion that the witness cannot locate the

1 portion where you want to discuss.

2 MR. DJAMMEN NZEPA:

3 (No interpretation) – 00251078 -- and we highlighted this in
4 yellow. I think he can locate the passage very easily because we
5 highlighted it in yellow.

6 MR. SUONG SIKOEUN:

7 Mr. President, could the lawyer be directed to present the
8 original letter I wrote? And it was in French. The original
9 letter was in French because I sent to my French wife, and this
10 one is -- this document is typewritten, it was not a handwritten
11 letter. So--

12 [11.51.07]

13 MR. PRESIDENT:

14 It is good.

15 Then, Lawyer, please be advised that you present the original
16 version of the letter to the witness and this witness can read
17 French, so it is conducive as well if you present it to the
18 witness in original format.

19 MR. SUONG SIKOEUN:

20 Mr. President, this is not my handwriting. It is a typed document
21 that I have with me now. I don't think that this is the authentic
22 document.

23 MR. PRESIDENT:

24 I note the defence counsel is on his feet just now. So, the
25 International Lead Co Lawyer for the civil party, do you have

1 anything to raise?

2 [11.52.37]

3 MS. SIMONNEAU-FORT:

4 No, I simply wanted to let you know, President, that as always,
5 here, we are showing a document that is on the case file, and
6 this is a document that has never been challenged by anyone, and
7 he, the witness, is able to read it in French since he wrote this
8 document in French. And I think he can see what this document is
9 about since the particular passage is highlighted.

10 MR. PRESIDENT:

11 Witness, please examine the content of this document. This
12 document was re typed, and you can simply scan through this
13 document and, if there is anything that you want to object
14 against the content of this document, then you can do so, but the
15 document is now presented to you. Please go through it briefly.

16 [11.53.55]

17 MR. SUONG SIKOUEN:

18 Mr. President, I would like to seek your permission to consult
19 with my duty counsel.

20 MR. PRESIDENT:

21 This question is -- this question does not incriminate you. You
22 may consult with your duty counsel when you are of the opinion
23 that the question put to you may incriminate you, but this
24 question is -- does not incriminate you.

25 So, if the duty counsel provides you other advice other than the

1 ones that concerns with the possibility of self-incrimination,
2 then the duty counsel may deviate from his role.

3 MR. SUONG SIKOUEN:

4 Mr. President, I only recognize that this document was not the
5 original handwritten document of mine, and I don't know why the
6 lawyer had the possession of this document. And as far as I can
7 remember, I could comment nothing about Ny Kan because he was a
8 close friend of mine and he was the secretary at the West Zone,
9 so I had nothing to do with him and I had no comment concerning
10 the two persons mentioned here as the "butchers" or so. And his
11 wife is also my close friend as well.

12 [11.56.44]

13 So I wanted to verify it against my original handwriting letter.
14 And I also want to consult with my duty counsel whether or not in
15 the legal procedure these kinds of document has any probative
16 value.

17 I didn't -- I do not intend to discuss of -- on the content, but
18 I simply want to seek consultation with my duty counsel whether
19 or not it is official.

20 MR. PRESIDENT:

21 This document is already in the case file, and if you are
22 suspicious of the substance of this document due to the
23 translation of your original version or you can simply recall of
24 what happened at that time in relation to that situation, you
25 simply clarify the situation over there whether or not such thing

58

1 happened or it was not actually true according to your
2 recollection.

3 Counsel, you may proceed.

4 [11.58.13]

5 MR. KONG SAM ONN:

6 Thank you, Mr. President, Your Honours. I would like to assist
7 the Chamber that the witness has already reviewed this document
8 and this witness asked that the original document be presented to
9 him so that he can verify whether or not the substance or the
10 contents of the document that has been retyped and his original
11 was the same. And as the President said just now, the document is
12 already in the case file, but the authenticity of this document
13 remains a question.

14 So, before this document is admissible, it is important that the
15 original document authored by this witness is presented to him.

16 Thank you.

17 MR. PRESIDENT:

18 Two options now: one, the duty counsel has the original document
19 -- first, the lawyers, do you have the original document of the
20 witness; and, second, if you do not have -- do you have any other
21 questions to put to the witness because now the time is also
22 appropriate for lunch adjournment.

23 [11.59.55]

24 MR. DJAMMEN NZEPA:

25 Thank you, President. We are not fabricating this evidence. We're

1 just using documents that are on the case file that are available
2 to everyone and, the original document is probably in the case
3 file and you could find it.

4 In any case, we have an official document here that is recorded
5 and has been officially approved. So either he challenges the
6 content or he -- maybe he believes he never wrote it, but we do
7 have another document. This is an article of the Phnom Penh Post
8 from 15 November to 28 November 1996 and it's indexed at
9 D115/2.5. This is the article which -- letter to his former wife.
10 So, Witness, do you challenge having had this letter published in
11 the Phnom Penh Post in 1996? President, if you give me leave, I
12 can provide to the witness, the copy of this letter in the Phnom
13 Penh Post of which he challenges -- which he contests today.

14 [12.02.00]

15 MR. PRESIDENT:

16 Prosecutor, you may proceed.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, President. Just for the purposes of clarification, it
19 seems to me that the original copy we have in the case file is
20 what, indeed, appeared in the "Phnom Penh Post".

21 If I understood, at the beginning of the article - or, rather, at
22 the very end, it said in English -- and this was translated from
23 the French original by Philippe Hunt, and the two other documents
24 that were provided to the witness are the French translations and
25 Khmer translations of this article that was published in its

60

1 original version by the Phnom Penh Post between 15 and 28
2 November 1996.
3 And what is published here is a letter dating from 5 October
4 1996, so we don't have the original handwritten letter on the
5 case file. It must -- probably is still at the "Phnom Penh Post"
6 if they have kept it, but what we have is the article that did
7 appear in the paper and then there was a translation to Khmer and
8 into French.

9 [12.03.15]

10 MR. DJAMMEN NZEPA:

11 Thank you, President. I have a few small questions,
12 unfortunately, on this document if the Chamber grants me the
13 time.

14 I would like to make a side point to remind the witness that if
15 he had challenged this letter in the "Phnom Penh Post" of 1996, I
16 believe that he could have maybe contested it in writing that
17 challenged the truthfulness of this document, and he hasn't done
18 it. Maybe this afternoon or tomorrow he'll provide us with this
19 letter, but I do see that this article is on the case file and I
20 understand that the questions I might be asking are problematic,
21 but I will continue.

22 MR. PRESIDENT:

23 Now, if the witness does not respond to your questions, do you
24 have any additional questions to ask or you still insist that the
25 witness respond to this question? So you have to specify your

61

1 position on that. You probably ask him about when this issue was
2 reported by "Phnom Penh Post" or so.

3 [12.04.45]

4 And I also indicated very clearly that if you have other
5 questions you may proceed because even if the witness cannot
6 respond to this one specific question, then we can still move on.

7 Can you advise the Court as to how much time you will need
8 because we will have to schedule it for the adjournment for
9 lunch?

10 MR. DJAMMEN NZEPA:

11 I might need a little under half an hour, but it might not be
12 possible today, President. I -- of course, I can put my questions
13 to him tomorrow when he feels a bit better.

14 MR. PRESIDENT:

15 The time is now appropriate for lunch adjournment. The Chamber
16 will adjourn now until 1.30 this afternoon.

17 And this afternoon the Chamber will listen to the testimony --
18 hear the testimony TCW-490, and this witness is scheduled to
19 provide testimony alternatively with Witness Suong Sikoeun, due
20 to their health reason. Mr. Suong Sikoeun has requested the Court
21 that he be granted permission to take a break this afternoon.

22 [12.06.37]

23 And, Mr. Suong Sikoeun, for your information, your testimony has
24 not yet come to a conclusion. So the Chamber, once again, called
25 you to testify before the Chamber tomorrow morning, at 9 o'clock

1 in the morning.

2 And the same is for the duty counsel; you are also invited to
3 provide assistance to the witness.

4 And, Court Officer, please facilitate with the WESU unit to
5 accommodate the witness and his duty counsel and make sure that
6 they are present in this courtroom before 9 o'clock in the
7 morning, tomorrow.

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

9 MR. PAUW:

10 Thank you, Mr. President. Just to inform you that Nuon Chea is
11 suffering from a headache, a back pain - he has back pain and
12 he's suffering from a lack of concentration and therefore, would
13 like to follow the proceedings this afternoon from his holding
14 cell.

15 And we have prepared the waiver. Thank you.

16 [12.07.43]

17 MR. PRESIDENT:

18 Having noted the request by Nuon Chea through his defence counsel
19 to follow the proceedings from the holding cell downstairs for
20 the remainder of today due to his health concern -- and the
21 Defence team has already made it clear that it would submit the
22 waiver of Mr. Nuon Chea, together with his thumbprint or
23 signature -- so the request is granted. Mr. Nuon Chea may follow
24 the proceeding by audio-visual means from the holding cell for
25 the remainder of today's hearing, and Mr. Nuon Chea has expressly

1 waived his right not to be present directly in this courtroom.

2 The Chamber requires the defence team for Nuon Chea submit the
3 waiver of Mr. Nuon Chea immediately with the signature or
4 thumbprint of Mr. Nuon Chea.

5 [12.08.57]

6 Audio - AV assistant is instructed to connect the audio equipment
7 so that Mr. Nuon Chea can follow the proceeding for the remainder
8 of the day, of today's proceeding.

9 And security guards are instructed to bring the Co-Accused to the
10 holding cell downstairs. Mr. Nuon Chea is to be remained in the
11 holding cell where the audio-visual equipment will be connected
12 for him. And Mr. Khieu Samphan is to be brought in this courtroom
13 this afternoon, before 1.30.

14 The Court is now adjourned.

15 (Court recesses from 1209H to 1332H)

16 MR. PRESIDENT:

17 You may be seated. The Court is now back in session.

18 This afternoon, we will hear the testimony of a new witness --
19 that is, TCW-490. As we informed the public this morning, and as
20 reported by the greffier, the witness is present and ready to be
21 summoned to the courtroom for his -- for the testimony by the
22 Chamber.

23 Once again, I'd like the greffier, Se Kolvuthy, to report
24 regarding the witness status and regarding his relationship, if
25 any, to the parties, and whether he's already took an oath. You

64

1 may proceed.

2 THE GREFFIER:

3 Mr. President, the witness summoned by the Chamber to testify --
4 that is, witness TCW-490 --is present in the waiting room to be
5 called by the Chamber.

6 [13.35.15]

7 The Chamber -- expressed that, to his knowledge, he has no
8 relationship by blood or by law to any of the civil party.

9 However, he has a relationship with a civil party, 124, but no
10 relationship by blood or by law to any of the parties or any of
11 the Accused. The witness already took an oath voluntarily this
12 morning.

13 MR. PRESIDENT:

14 Thank you.

15 Court Officer, could you invite the witness to the courtroom? And
16 if he is accompanied by a duty counsel, please also invite the
17 duty counsel.

18 (Witness enters courtroom)

19 [13.38.28]

20 MR. PRESIDENT:

21 Good afternoon, Mr. Witness.

22 First, we will ask you some initial information regarding your
23 background before we ask you questions, and we will also inform
24 you regarding the use of the microphone and how the system works
25 in the courtroom.

65

1 Before you respond, please wait until you see the red light on
2 the microphone so that your voice will go through the
3 interpretation system, as it will be translated into the working
4 languages of the Court.

5 QUESTIONING BY THE PRESIDENT:

6 Q. Mr. Witness, can you tell us your name?

7 MR. ONG THONG HOEUNG:

8 A. My name is Ong Thong Hoeung.

9 Q. Mr. Ong Thong Hoeung, can you tell us your date of birth?

10 A. (Microphone not activated)

11 [13.39.55]

12 Q. You need to wait until you see the red light.

13 A. I was born on the 7th August 1945.

14 Q. Thank you. Where is your current address?

15 A. I lived in Brussels, in Belgium.

16 Q. Thank you. What is your current occupation?

17 A. I am a retiree.

18 Q. Thank you. What is your father's name?

19 A. My father's name is Ong Ly, alias Douch (phonetic).

20 Q. Thank you. And your mother's name?

21 A. Her name is Nieng (phonetic) Try Yei. Both of them passed
22 away.

23 Q. Thank you. What is your wife's name?

24 [13.41.29]

25 A. Chuor Bounnie is her name.

66

1 Q. Thank you. How many children do you have?

2 A. I have two daughters.

3 Q. Thank you.

4 Mr. Ong Thong Hoeung, as reported by the greffier, to your
5 knowledge, you have a relationship with a civil party -- TCCP124
6 -- but you do not have any relationship by blood or by law to the
7 three Accused -- that is, Nuon Chea, Ieng Sary, Khieu Samphan --
8 and any other parties who have been recognized as a civil parties
9 in this case; is that correct?

10 A. Yes, that is correct.

11 Q. Also, as reported, you voluntarily took an oath this morning;
12 is that correct?

13 A. Yes, that is correct.

14 Q. Mr. Ong Thong Hoeung, in your capacity as a witness before
15 this Chamber, we will now inform you of your right and
16 obligation. As a witness to the proceedings before this Chamber,
17 you may refuse to respond to any question or assertion that may
18 incriminate you. "Self-incrimination" means if you believe that
19 your response might incriminate you, you may decline to respond.

20 [13.42.45]

21 Do you understand this right?

22 A. Yes, I do.

23 Q. Do you require -- do you need a duty counsel, or you wish to
24 testify on your own without the assistance of a duty counsel?

25 A. Thank you, Mr. President, but I do not need a duty counsel.

1 Q. Thank you.

2 Mr. Ong Thong Hoeung, also in your capacity as a witness to
3 testify before this Chamber, you must respond to the questions
4 put to you by the Chamber or by any of the parties, except in the
5 case that you believe that your response may incriminate you.

6 [13.44.50]

7 As a witness, you must tell the truth that you have known, have
8 heard, have experienced, and remember or observed personally
9 regarding the events related to the questions put to you by
10 Judges of the Bench or any of the parties. Do you understand
11 that?

12 A. Yes, I do.

13 Q. Thank you.

14 Mr. Witness, have you ever given any interview to the Office of
15 the Co-Investigating Judges of the ECCC during the past years?
16 And if so, how many times, and where were the interviews taken
17 place?

18 A. I was interviewed once in Phnom Penh. I cannot recall the
19 location clearly, but it was somewhere near the vicinity of the
20 Independence Monument.

21 Q. Can you recall the date?

22 A. It's about -- it was about more than three years ago.

23 [13.46.18]

24 Q. Thank you. Regarding the interview that you made with the
25 investigators of the Office of the Co-Investigating Judges - and

68

1 before you came into this courtroom, have you reread that
2 interview? That is, the one that you made with the investigators
3 of the OCIJ in order to recollect your memory?

4 A. Yes, I reread the statement, and it is correct.

5 MR. PRESIDENT:

6 Thank you.

7 The Chamber would like to inform the Prosecution that, regarding
8 the hearing of the testimony of this witness, the Chamber (sic)
9 will be given the floor first. And you may proceed.

10 QUESTIONING BY MR. CHAN DARARASMEY:

11 Thank you, Mr. President. Good afternoon, Your Honours. Good
12 afternoon, everyone in and around the courtroom. Good afternoon,
13 Mr. Ong Thong Hoeung. I would like to ask you some questions, so
14 please try to bear with us and respond to my questions.

15 [13.47.57]

16 Q. First, it is in relation to your education. Can you tell us
17 which schools did you attend and what degrees did you obtain?

18 MR. ONG THONG HOEUNG:

19 A. I studied at my native village. I also studied at the college
20 in Kaoh Thum, and later on I attended "lycée" in Phnom Penh. And
21 then I went to study in France in 1965 in political economic
22 field.

23 Q. Besides that political education field -- economic field --
24 did you study in other specialized area?

25 A. No, I did not. But I closely followed the situation as it

1 happened in Europe, and also the French literature.

2 Q. Now I would like to touch upon your living in France. Can you
3 tell us the main reason for you to leave Cambodia for France?

4 A. As the other Cambodian people or people in the Third World
5 country who regarded France as a symbol of education -- since my
6 childhood, it was my dream to go to France. And as I got the
7 opportunity, so did I go to France.

8 Q. Thank you. When did you go to France and how long did you stay
9 in France?

10 A. I stayed in France from 1965 until 1976.

11 Q. Thank you.

12 [13.50.45]

13 Did you ever become a member of a political party or any
14 political movement during your stay in France?

15 A. While I was in France, initially, I would sympathize with the
16 French Socialist Party. And after the 1970 coup d'état and after
17 the appeal by the Prince Sihanouk -- that is, the five points in
18 the appeal which was made in 1970 -- I volunteered to be a member
19 of the Khmer union -- or the Khmer Students' Union.

20 Q. Thank you. Can you tell us the reason for you to become a
21 member of the French Socialist Party and later, a member of the
22 Khmer Students' Union?

23 A. Initially, I became a member of the French Students' Union
24 because at that time I was fond of Michel Rocard. I respected him
25 a lot, and my friends -- my French friends or friends from Africa

1 also had the tendency towards that movement, and I decided to do
2 so.

3 [13.52.31]

4 Q. Thank you. What was the reason for you to join the Khmer
5 Students' Union?

6 A. Since I was in Cambodia, I always had a huge respect for the
7 "Three Cleaned People", namely Khieu Samphan, Hou Youn, and Hu
8 Nim. And while I was in France, I clearly knew the three used to
9 be members of the Khmer Students' Union, and for that reason I
10 liked to follow their path and to use them as my exemplary
11 models.

12 Q. Thank you. Can you tell us the main purpose for the
13 establishment of the Khmer Students' Union?

14 A. It was actually a long story. However, as I know, Khmer
15 students who first arrived in France were not -- were only a few
16 -- that is after the Second World War. Those students -- they
17 were the senior students, including Rithivung (phonetic) --
18 formed an association -- that is, the Khmer Student's Association
19 -- and amassed the students at that time.

20 [13.54.27]

21 That association was the only association in France at the time,
22 and there were about 20 members in that association, although I
23 am not clear. I learned of that during my research for my book.
24 They both tried to form another for the independence of Cambodia.
25 However, their resistance later split into two. First, there were

71

1 the leftists, and secondly there were the rightists. And the
2 Khmer Students' Union was the leftist movement.

3 Q. Thank you. Can you tell us the relationship between the Khmer
4 Students' Union and the Communist Party of Kampuchea?

5 A. Frankly speaking, at that time I did not know that there was a
6 Communist Party of Kampuchea in Cambodia at all.

7 Q. Thank you.

8 [13.55.38]

9 Who was actually the president of the Khmer Students' Union? And
10 what was the criteria to become a member? And how the information
11 was disseminated within the Khmer Students' Union?

12 A. Shortly after my arrival, Mr. Touch Kham Doeun, who already
13 passed away at S-21 -- and then there was Suong Sikoeun, who was
14 the president of that union. At that time, I contacted him at the
15 Khmer House and, as I knew at that time, Suong Sikoeun was the
16 president of that union.

17 Q. Thank you. Who was actually the founder of the Khmer Students'
18 Union?

19 A. My apology. As I wrote in my article, the founders were Ieng
20 Sary, Khieu Samphan, Thiounn Mumm, and some other senior people
21 whose names I cannot recall. But I wrote all of their names in my
22 book.

23 Q. Thank you. When -- or in what year was the Khmer Students'
24 Union established?

25 A. I cannot recall it clearly, but it was around 1956. I'd have

1 to check my book to make sure.

2 Q. Thank you. When did you become a member of that union?

3 A. I cannot recall the exact date, but clearly it was after the
4 coup d'état by Marshall Lon Nol.

5 Q. Thank you.

6 [13.58.04]

7 My next question is related to Ieng Sary and Khieu Samphan. Can
8 you tell us when Ieng Sary and Khieu Samphan returned from France
9 to Cambodia?

10 A. I do not know the exact date. Of course, I wrote all of that
11 in my book, but I cannot recall offhand. Khieu Samphan returned
12 probably in 1954, but I cannot recall the exact date. And Ieng
13 Sary arrived before Khieu Samphan.

14 Q. Thank you. Did you know or did you read any article and
15 learned of the reasons for their arrival in Cambodia?

16 A. At that time, I did not know the reason.

17 [13.59.12]

18 Occasionally, I learned of the name Khieu Samphan as he was
19 mistreated. He was stripped naked near the Independence Monument
20 as he wrote an article in the "Observateur" newspaper. That's how
21 I learned, but I do not know the real reason.

22 Q. Thank you. Did you know or hear about the word "Khmer Rouge"
23 while living in France?

24 A. I heard of the word "Khmer Rouge" since I was in Cambodia. And
25 while I was young, the word "Khmer Rouge" represented the

1 cleanness and they were represented by Hu Nim, Hou Youn and Khieu
2 Samphan.

3 Q. Thank you. I would like to now move to the next question on
4 the National United Front of Kampuchea which was established
5 before 1975. Can you tell the Court about this Front? When was it
6 established -- when was it established and what was the reason
7 for its establishment?

8 [14.00.47]

9 A. The National United Front of Kampuchea, or FUNK, was
10 established in Peking in China after the statement made by
11 Samdech Sihanouk. It was a five-point statement of Prince
12 Sihanouk, and it -- and Thiounn Mumm and Sarin Chhak were the one
13 who drafted the statement.

14 Q. Can you elaborate further the primary objective of the
15 establishment of this National United Front of Kampuchea?

16 A. I respond to this question based on my understanding of the
17 situation back then. My understanding of the situation then was
18 that the political programs of the National United Front of
19 Kampuchea then was to reunite Cambodian and Khmer people in order
20 to build a just and fair society, and it was not a communist
21 society. So people from different political belief could join the
22 Front, they could be from the royal families or from other
23 political trends.

24 [14.02.27]

25 Q. Who was the chairman or president of this Front?

1 A. The chairman of FUNK was his Royal Highness Samdech Norodom
2 Sihanouk and Samdech Penn Nouth.

3 Q. Where did the FUNK receive its funding from?

4 A. Back then, I was still young, I did not know that much. But I
5 -- it was a supposition, but I thought that Cambodian people in
6 the country would not have money to send to support this movement
7 in Beijing. Probably it was supported by the government of China.

8 Q. Did Khieu Samphan or Nuon Chea ever participate in the FUNK?

9 A. I knew Mr. Khieu Samphan, I had never met him in person, not
10 until today, I had never met him in person. And Nuon Chea, I did
11 not even hear of his name. At that time, I did not hear of Nuon
12 Chea, I did not know. But I learn about Mr. Khieu Samphan and he
13 was of course in the FUNK. But Nuon Chea and Pol Pot, I did not
14 hear of them; I did not know what position they held at the time.

15 [14.04.19]

16 Q. How about Ieng Sary? Did Ieng Sary ever join the activities of
17 the FUNK?

18 A. When I was in a foreign country, gradually I got to know Mr.
19 Ieng Sary. By "getting to know", I mean I did not know him
20 personally but I heard more and more about him. I cannot recall
21 it exactly, but probably immediately after the coup d'état or
22 around two year following the coup d'état. He went to Beijing
23 representing the Cambodian Party, and at that time I was a
24 student and I thought that Ieng Sary would go there in order to
25 provide support to Samdech Sihanouk. He could act -- I thought at

75

1 that time that as Chou En-Lai who was supporting Mao Zedong.
2 But when he got there, then he knew many Cambodian students who
3 used to study during his time in France. And then he had
4 influence on the Cambodian student community over there and it
5 gained momentum from then.

6 Q. Can you explain to the Court the relationship between Ieng
7 Sary with the Communist Movement in the country and his
8 relationship with Beijing?

9 [14.06.19]

10 A. Well, at that time, I was very young compared to other senior
11 people. If you ask me about that relationship, it's beyond my
12 ability to respond.

13 Q. So the FUNK started its activity in Beijing and then it came
14 to Cambodia. Can you tell the Court, in which areas of Cambodia
15 did the FUNK operate?

16 A. To my knowledge and according to the information I received at
17 that time, the activities started mainly in the countryside.
18 There were some sympathizers in the city as well. It is my
19 supposition, but I heard from Mr. Ieng Sary once in a while that
20 the FUNK political agenda was based on reuniting Cambodia. And
21 Mr. Ieng Sary did not take that political program very seriously
22 but it's -- once again, it is my supposition.

23 MR. PRESIDENT:

24 Witness, we have heard times and again that you mention about the
25 suppositions in your statement. Once again, if you try to guess

76

1 anything, then it's not going to have any probative weight in
2 your testimony. So you have to rely on your -- rely your answer
3 on a -- any particular source, rather than trying to speculate.
4 That does not carry any evidentiary weight before the Chamber.
5 The Defence Counsel for Khieu Samphan, you may proceed.

6 [14.08.50]

7 MS. GUISSÉ:

8 Thank you, Mr. President. Good afternoon to all of you. Good
9 afternoon, Witness. I am -- I apologize for interrupting you once
10 again. I'm going to request, once again, if it's possible to slow
11 down because we have a hard time following the French
12 interpretation. Thank you.

13 MR. PRESIDENT:

14 There may be two options. Mr. Prosecutor, can you make sure that
15 you press the button of your mike? And you should ensure that
16 there is a pause between questions and answers.

17 You can -- in addition, the AV technician, please make sure that
18 the mike for the witness be activated once the question has
19 already been asked and interpreted.

20 [14.09.58]

21 BY MR. CHAN DARARASMEY:

22 Q. Mr. Ong Thong Hoeung, I would like to now continue my
23 question. You told us about Ieng Sary communication with the
24 Cambodian student in France and the FUNK. How did Mr Ieng Sary
25 communicate information from Cambodia to student in France?

1 MR. ONG THONG HOEUNG:

2 A. In my personal observation, it was not my supposition but it
3 was my observation, that Mr. Ieng Sary circulated information
4 through the bulletin -- information bulletin of the Front. And
5 secondly, he tried to establish a core force of Cambodian
6 students and he would train them to hold on to the standpoint
7 which he represents back in Cambodia.

8 [14.11.43]

9 Q. For FUNK, following its inception, did it create any other
10 movements? And if so, where those movements were taking place?

11 A. No, I don't know about that.

12 Q. Thank you.

13 About Sihanoukism, the Sihanoukist Movement was established --
14 and who were the founders of this movement? And when was it
15 established?

16 A. Sihanoukist Movement was established by Samdech Sihanouk
17 himself. And Sihanoukist Movement had many trends, one of which
18 were those who were close to the Royal Palace, and another
19 supportive of those who worked closely with Samdech Penn Nouth
20 and Sarin Chhak; namely, Van Piny, Chan Yourann, Hor Namhong, and
21 others.

22 Q. Following the establishment of the FUNK, did it also establish
23 a representative office of FUNK in Paris?

24 A. Following the establishment of the Front in Beijing, Paris was
25 the second location where this Front was established. And Mr. Ok

1 Sakun was the one in charge of the representative office in Paris
2 then.

3 [14.14.36]

4 Q. Thank you. What were the main missions of this representative
5 office in Paris?

6 A. The overall goal of establishing this representing office was
7 to propagandize to students in France and elsewhere in Europe.
8 Second objective was to publicize to the media outlets in Europe.
9 And third was to establish relationship with dignitaries as well
10 as political parties in Europe.

11 Q. Thank you. The Front -- the FUNK and the Khmer Students' Union
12 had some relationship. Can you describe the relationship between
13 the FUNK and the Students' Union in France?

14 A. Back then, a student did not resist in order to support
15 communism, but instead they try to resist to support
16 non-communist movement. That was what I knew at that time.
17 Secondly, the Front Movement, under the direction of Mr. Ieng
18 Sary, was meant to reconcile and unite Khmer people who had
19 different political trends to join as one unified association.

20 [14.16.57]

21 Q. Thank you. Just now you say that the representative office of
22 FUNK in France also published bulletin in France. So can you name
23 the -- can you tell the names of that bulletin?

24 A. It was called the National United Front of Kampuchea Bulletin,
25 if I remember correctly.

1 Q. Thank you. Now I would like to move on to another topic
2 concerning the Khmer delegation in France. Can you tell me the
3 purpose of the visit of Khmer delegations to France?

4 A. I did not know the main purpose, but what I knew was that they
5 went there in order to publicize information to international
6 community.

7 Q. Who were part of this delegation? And who were the head of the
8 Cambodian delegation to France back then?

9 A. I knew that Ieng Sary was part of the delegation. Mr. Suong
10 Sikoeun was also part of the delegation, Mr. Chan Yourann and
11 others I cannot recall.

12 [14.19.06]

13 Q. Thank you. Mr. Ieng Sary was part of this delegation. What was
14 the main agenda for his visit? And where did he go in France? And
15 what statement did he make when he were in Paris?

16 A. He delivered many statements, but the one I remembered the
17 most was that the Cambodian people would succeed and gain victory
18 based on our own force. And he made this statement following the
19 meeting between the United States and Vietnam and other
20 imperialist, but I cannot recall them all.

21 Q. Did Mr. Ieng Sary ever attend -- how often did Mr. Ieng Sary
22 lead the delegation to France?

23 A. Mr. Ieng Sary visited France the most because he was the one
24 who communicated with his foreign counterparts. He visited South
25 America or other foreign countries. And normally he had to stop

80

1 by Paris and he met Cambodian student and Cambodian communities
2 in Paris. And of course over there in France there were many
3 Cambodian nationals there and there were members of medias there,
4 as well. So he often stopped by Paris, but I cannot recall
5 exactly how many times he visited Paris.

6 [14.21.49]

7 Q. You said Mr. Ieng Sary visited Paris often. Did he make that
8 visit prior to 1975 or after 1975?

9 A. In my personal opinion -- I am not sure, but it could be both
10 prior to 1975 and after 1975.

11 Q. Thank you. Did Mr. Ieng Sary ever attend the United Nations
12 General Assembly?

13 A. Yes, I knew that Mr. Ieng Sary used to visit the United
14 Nations and he stopped over by Paris.

15 Q. When did he go to the United Nations and what did he address
16 the United Nations General Assembly then?

17 A. I'm sorry; I cannot recall the exact date.

18 Q. Can you recall the content of his statement he addressed the
19 United Nations General Assembly?

20 A. The thing that I can still recall was that he repeated many
21 times that the resistance force of Cambodia was self-reliant; we
22 had to rely on our own force. And Democratic Kampuchea was an
23 independent country and a non-aligned nation and a country that
24 does not -- oppose against imperialism.

25 [14.24.12]

81

1 Q. When you were in France before you returned to Cambodia, did
2 you ever hear about the torture or execution of Cambodian people
3 in Cambodia?

4 A. After Phnom Penh was evacuated, I also heard about the
5 suffering of people in the countryside and mistreatment of people
6 in the countryside. And people who lived in the countryside could
7 not even pick the fruits that they had grown or planted, they
8 could not even cook the chicken that they had raised.

9 But back then, I did not believe that Cambodian people did not
10 have enough food to eat because I had been away from the country
11 for a long time. Then I could not believe my ears even if my
12 brothers who came to tell me the story, I did not believe him. I
13 only believed that Cambodian people did not kill their own
14 people.

15 [14.25.48]

16 A. Thank you. Just now you say that you also heard about the
17 evacuation of people out of Phnom Penh city. How did you know
18 this information? And what else did you know about this
19 evacuation; for example, what was the magnitude of the evacuation
20 itself?

21 A. I learned from international news, particularly news in
22 French, it discussed a lot about the evacuation. It mentioned
23 about Cambodian people who took refuge in the French embassy, and
24 there was information about the forbidden of people who sought
25 refuge in French embassy.

82

1 So information were going around in the news at that time. But I
2 did not believe it because I was convinced that that was not the
3 real situation on the ground in Cambodia at the time.

4 Q. Thank you. After you received information about the evacuation
5 of people out of the city as well as the execution of the people,
6 did you ever receive any information directly from Mr. Ieng Sary?
7 Or did you ever hear any information - explanation, whatsoever,
8 from the leadership of the Democratic Kampuchea then?

9 [14.27.29]

10 A. At the time, I can recall clearly when he was at the United
11 Nations General Assembly, he had a press statement over there
12 that those people who had been evacuated were returned gradually
13 back to the city. And I was one of the sympathizer of -- as well,
14 and I thought that those people who had sacrificed their life and
15 their happiness to save the country would not do anything that
16 would put their country at risk. So, whatever he said at that
17 time, I believed completely.

18 Q. Thank you.

19 So I now move on to another topic concerning your return back to
20 Cambodia. What was the motivation for your repatriation back to
21 Cambodia?

22 A. In hindsight, the feeling of many Cambodians, including
23 myself, was that we did not want to stay in foreign country, we
24 want to return and to die back in our native country. That was
25 the strong belief of the general Cambodians. At that time, if I

83

1 lived overseas and when I close my eyes I could imagine my native
2 village, my people and relatives.

3 And I never for once wanted to stay or leave till my death in a
4 foreign country.

5 [14.30.03]

6 Q. My apology for arousing such an emotional question to you.

7 With whom did you return to Cambodia?

8 MR. PRESIDENT:

9 The time is appropriate for an afternoon break and also for the
10 witness to recompose himself. We shall take a break and return at
11 10 to 3.00.

12 Court Officer, could you assist the witness during the break and
13 have him return to the courtroom at 10 to 3.00?

14 (Court recesses from 1431H to 1450H)

15 MR. PRESIDENT:

16 You may be seated. The Court is now back in session.

17 The Prosecutor, you may resume your questioning of the witness.

18 BY MR. CHAN DARARASMEY:

19 I thank you, Mr. President. Allow me to resume.

20 Q. My question to you is in regards to your returning back to
21 Cambodia. Did you return to Cambodia voluntarily or were you
22 forced to?

23 MR. ONG THONG HOEUNG:

24 A. In fact it was a voluntary return. I was not forced to do so.

25 [14.52.02]

1 As I said earlier, I thought of my country and my wife had
2 already returned in January, six months prior to my return. So
3 there were several reasons for me to return.

4 Q. Why did your wife return to Cambodia before you?

5 A. My wife was a professor and she was never involved in
6 politics. She only thought of the culture, and the friends, and
7 the Khmer literature. However, after our marriage, and as I
8 wanted her to return to Cambodia, and so she did, although she
9 never said of anything regarding her return to Cambodia; that was
10 because of my advice.

11 Q. Thank you. So it means that you both agreed to return to
12 Cambodia?

13 [14.53.58]

14 A. Yes, you can say so.

15 Q. Thank you. With whom did you return to Cambodia at the time?

16 A. I cannot recall it clearly. It was in July 1976. Amongst us
17 there were former military personnel from the United States.
18 There were about 10 of them. There were chargé d'affaires of the
19 GRUNK from Cuba, Mr. Pov (phonetic) Seang and his wife, who was
20 the daughter of -- a Khmer film star, Dara Dirivath (phonetic),
21 and a daughter, and there were the wife of Srey Thonn, who was
22 the younger in-law of Madam Ieng Thirith. He married the younger
23 sister of Ieng Thirith, and Ms. Thonn was probably chargé
24 d'affaires in the east -- in East Germany, and a while after she
25 died, the three children came along, as well as the mother of

1 Ieng Thirith also on board, and Ieng Thirath, the daughter of
2 Ieng Thirith also came along. At that time, the person was a
3 professor at a secondary school. So, for that family, there was
4 Ieng Thirith's mother, two of her younger sisters and three
5 nephews -- in fact, one niece and two nephews.

6 [14.56.51]

7 Q. Thank you. While you were travelling together with those who
8 you just described, was the wife of Ieng Sary and the relatives
9 of the family give you any information regarding the situation
10 back home?

11 A. The memory that I had was that they all had sad faces. I could
12 not say whether the sadness was the result of her husband who
13 just passed away -- that is the one who was the ambassador to
14 East Germany -- or whether the sadness because of their return to
15 the country. But they were a friendly group of people and I
16 really respected the mother of Ms. Ieng Thirith. She did not
17 speak much and I respected her as I respected my mother. She was
18 gentle in her speech and that family in general were not
19 politically motivated.

20 They did not know much about politics. They never joined FUNK.
21 That's how my impression was. And their - the reason for
22 returning to Cambodia was that may be because of their -- the son
23 who held a senior position in the country, and maybe because the
24 daughter of Ms. Thonn, whose father passed away recently, had a
25 very sad face and wept occasionally. I'm not sure why she wept;

1 it could be because she was forced to return home, or for some
2 other reasons. But, in general, they were quiet and friendly
3 while we were on the plane.

4 [14.59.12]

5 Regarding other people, including those military personnel from
6 the United States, they were actually those who recently fled
7 from Kampong Som to Thailand and they were former residents in
8 Khmer -- in Kampuchea Krom and their wish was to return back home
9 to defend their country, and sometimes they were -- some of them
10 were experts in different fields and for the purpose of defending
11 the country.

12 Q. Thank you.

13 Before your return to Cambodia, did you receive any bad news
14 regarding the situation back home? And if so, what was the news
15 about?

16 [15.00.10]

17 A. The news that I really wanted to hear is in relation to my
18 wife, who had returned to Cambodia before me. I was really
19 anxious as I did not receive any news at all after her return.
20 And for those who were lucky to leave, including Suong Sikoeun
21 and In Sopheap, who left with the delegation, I kept asking
22 people about the whereabouts of my wife, and I was told she was
23 okay. She was at the pedagogical institute, etc. That's how those
24 friends told me and, of course, I believed them.
25 But I did not know whether my friends told me the truth or they

1 actually knew about the real situation.

2 Of course, we received other news about the refugees leaving
3 Cambodia due to the worse situation and starvations in the
4 countryside. And as I used to live in Cambodia as well, I could
5 always imagine that where there is water, there is a fish and so
6 there would be plenty of food to live on in Cambodia. However,
7 that was my subjective conclusion and as I had been abroad for so
8 long, my sentiment did not lead me to the suspicion of what I was
9 told.

10 I strongly believed that we have Tonle Sap and Tonle Bassac, and
11 the food should be abundant, and I did not believe in the issue
12 of starvation.

13 Q. Thank you. The aircraft which you took from France, where did
14 it land on the way to Cambodia?

15 [15.03.17]

16 A. Back then, there was no direct flight to Cambodia. All the
17 flights had to stop over and transit in Beijing. So I had to stop
18 over in Beijing and stayed there for two nights before I
19 continued to Cambodia.

20 Q. Thank you. So in Beijing, when the flight landed over there
21 and stopover there, who went to receive the Cambodian delegates
22 at the airport in Beijing?

23 A. When I got to Beijing, I saw Cambodian youths in -- which were
24 wearing short sleeve shirts and black trousers. They were not
25 diplomats. They were youths who spoke Khmer and they were the

1 staff members of the embassies. There were four or five of them
2 standing there to wait for us.

3 And the passengers on the plane were of three categories: one was
4 the family members of Ieng Sary, and to my recollection, for this
5 group of people, the Chinese official came to take them.

6 And Hay Kim Seang, who was the chargé d'affaires of Democratic
7 Kampuchea to Cuba. I knew him actually, this gentleman, because
8 he was the former student in Moscow. He went to stay at the
9 Cambodian Embassy in Beijing.

10 And I had to be taken to a hotel not too far from the airport. It
11 was actually the hotel reserved for passengers who had to transit
12 in Beijing.

13 [15.05.51]

14 Q. When you arrived at the airport in Beijing, were you told of
15 any information about Cambodia at all?

16 A. When I arrived in Beijing, I did not receive any information,
17 but the youth who went to receive us, they told me that they were
18 the former combatants, that they were supposed to be the heroes
19 because they had conquered the war in Cambodia. And they told me
20 that if I had free time, I should visit the Cambodian Embassy,
21 and I went to visit Tiananmen Square and then I continued to
22 visit the embassy -- Cambodian Embassy over there.

23 And what I noted over there was that there were a lot of young
24 people working over there, and Mr. Touch (phonetic) Chheang was
25 the Ambassador back then. And as -- looking at his appearance, I

1 did not think that that person was a diplomat, was an ambassador
2 because his physical appearance did not tell me that he was a
3 diplomat. But he lived with his family in the embassy and other
4 than that, there were other young officials working at the
5 embassy.

6 [15.07.45]

7 I had met with diplomats in other countries, but --- for example,
8 Mr. Pech Chheang was someone who was senior but what I noted that
9 was a bit strange was that there were young people working in
10 this embassy. That was my observation, and Mr. Pech Chheang also
11 talked about the situations in Cambodia and he told me about the
12 situation, and he asked me a lot of questions about my knowledge
13 about the Cambodian country. And he -- I talked to Mr. Pech
14 Chheang and he told me that the information that I had received
15 about Cambodia was not true because he continued to convince me
16 that those people were of a revisionist sentiment. So, now,
17 Cambodian society at the time did not need those people anymore.
18 So I asked other people about him, and he -- I was told that he
19 used to be a teacher back in Cambodia. But then I thought that
20 probably this person was overjoyed with the victory. I thought to
21 myself, "I know Khieu Samphan, Ieng Sary, and others before". But
22 I did not believe whatever people told me because I had already
23 believed in the situation back in Cambodia.

24 [15.09.35]

25 Q. Thank you. You said you met with the diplomats in Beijing and

1 you also listened to their description of the situation back in
2 Cambodia. So, upon hearing their story, did you still intend to
3 return to Cambodia or you intended to return back to France?

4 A. Upon hearing the story by those diplomats, when I returned to
5 the hotel, I thought to myself, "Why they told me those stories?"
6 It raised suspicion in my mind. Then I thought to myself -- well,
7 since I had already decided to return to Cambodia, I had to reach
8 Cambodia.

9 Q. Thank you.

10 While you were in Beijing, did you ever meet personally with Ieng
11 Sary or any other senior leaders of the Democratic Kampuchea
12 while in Beijing?

13 A. No I didn't. I did not meet anyone other than the people I
14 have just mentioned earlier.

15 [15.11.23]

16 Q. Thank you. Then when did you leave Beijing for Cambodia?

17 A. I cannot recall it well, but it could have been two or three
18 days. No longer than two or three days after I arrived in
19 Beijing, then I left for Cambodia.

20 Q. Thank you. So before you left Beijing for Cambodia, did you
21 ever receive any information or statement made by Ieng Sary or
22 other leaders of the Democratic Kampuchea? That was before you
23 left Beijing for Cambodia.

24 A. No, I didn't. If I were in France, I would go to the news
25 outlet and got a newspaper to read in French, but in Beijing I

1 did not have -- I could not read Chinese. So I could not get and
2 understand the information in Chinese. And I did not have access
3 to Khmer speaking radios over there as well, so I did not know
4 any information.

5 Q. Thank you.

6 So I would like to move to another topic concerning your arrival
7 in Cambodia. So, when you got back to Cambodia, I would like to
8 know about the place you stayed as well as the work you did.

9 When you first arrived in Cambodia, you landed at Pochentong.

10 What was your overall impression of the situation surrounding
11 Pochentong?

12 [15.13.23]

13 A. It was -- the memory was vivid. It was like I travelled and
14 landed in Pochentong yesterday.

15 When the aircraft landed in Cambodian territory, militaries,
16 students -- stared out of the aircraft window and then they saw
17 vacant lands, they saw different pictures out of the aircraft
18 windows. And then they were very excited for arriving home. And
19 they saw -- they saw the large pitch or holes because of the
20 carpet bombardment by the U.S. B-52.

21 So we were very deeply moved by this situation, and we wanted to
22 arrive in Cambodia as soon as possible, so that we could see by
23 our own eyes what happened to our country.

24 Then when we landed, personally, I can't recall because I left
25 Cambodia in 1965 and I never returned to Cambodia until that day.

1 Because I could still recall that on that day, my wife -- or my
2 mother saw me off at the airport, and I looked at the buildings
3 and landscape towards the west of the airport. But when I
4 arrived, I did not see any such same situation. I only saw a few
5 mechanics -- Chinese mechanics who were dressed in white. And
6 other than those mechanics and technicians, I only noted that the
7 people were wearing different types of clothes. It was not the
8 clothes worn by the people working in the airport normally. I did
9 not know. I just wondered to myself where I -- which country I
10 was in. I thought that I was not in any particular country.

11 [15.16.01]

12 So, at that time, if they asked whether or not I wanted to board
13 the plane and return back or not, I would probably have done that
14 because I did not even know where -- in which country I was
15 really in, because the situation was different. Because the
16 person who actually conducted the search of the arrival
17 passenger, they had with them a bucket where they removed our
18 belongings.

19 And then I went out at the arrival gate and then I hoped that I
20 would see my wife, but actually I did not. I saw So Hong. So Hong
21 waved his right (sic) at me. Of course, So Hong used to live in a
22 foreign country. He visited France once or twice. I met him over
23 there as well, and he used to tell me that if I came from Kaoh
24 Thum hometown, he would accompany me back to my hometown.
25 So he -- actually, So Hong, looked at me as if I was somebody who

93

1 was not equal to him when I met him. He just pointed to other
2 people -- said -- saying that "those people would come and
3 receive you", and then he just walked away. And then I started to
4 get on a Volkswagen or so -- make of the car, I cannot recall --
5 and then, when I got on the car, they took me along the way to a
6 Khmer-Soviet technical school in Phnom Penh.

7 [15.17.57]

8 Q. Thank you, Mr. Ong Thong Hoeung.

9 I would like to expand further on that. When you arrived in
10 Pochentong Airport, beside So Hong, did you meet anyone else?

11 A. I met a few other Khmer people who used to live overseas; for
12 example, Hak Sieng Lay Ni and one or two others. Hak Sieng Lay Ni
13 was a former student in Moscow and I met him and then he just
14 tapped on my shoulder, and then he left. He did not speak much.
15 He simply came and see me. I was surprised when I got that
16 because I used to know him, and I considered him a close person
17 to me. But when I met him for the first time, he simply tapped on
18 my shoulder and left and I was taken aback by that, and then they
19 asked me to get into the car. Then I just did.

20 [15.19.20]

21 Q. Thank you. You mentioned about So Hong. Did So Hong tell you
22 on your arrival what position he held at the time?

23 A. No, I did not know at the time, but I met him and Ieng Sary.
24 People told me that he was the close aide of Ieng Sary.

25 Q. Did you ask the person who took away or removed your passport

1 from you -- did you ask them for the reason for the removal of
2 your passport?

3 A. I dare not ask because I understood the atmosphere over there.
4 I did not even dare to open my mouth to ask. I looked at the
5 people's facial expression around me. They were very serious. I
6 did not dare even to smile at them.

7 Q. Thank you. When you left the Pochentong International Airport,
8 what was your impression of the situation along the road into
9 Phnom Penh?

10 [15.20.56]

11 A. First, I still had a good memory of Pochentong road connecting
12 to Phnom Penh, and my sister's house was not quite far from the
13 Khmer Soviet technical school. So before I left for France, I had
14 acquainted myself with the location. I noted that back then there
15 were many people and traffic was quite hectic as well.

16 But surprisingly, when I returned this time, I did not see many
17 traffic and I also witnessed some broken cars left unattended on
18 the street, and I also saw some of the things that had not been
19 maintained for a long time, and houses were abandoned as well.
20 And certain houses were not occupied by people, and trees and/or
21 grass were growing on those old and dilapidated houses. I thought
22 that these houses were not occupied by any owners.

23 [15.22.16]

24 Q. So, along the way, did you notice the presence of any soldiers
25 of the Democratic Kampuchea guarding along the streets?

1 A. Apart from the soldiers, I did not see the presence of
2 civilians. I only noted that there were soldiers, and those are
3 very young soldiers.

4 Q. When the intellectuals or other Cambodian people who returned
5 from France and elsewhere to Cambodia, did the leaders of the
6 Khmer Rouge -- Nuon Chea, Ieng Sary or Khieu Samphan -- prepare
7 any welcome ceremony or so for those returnees?

8 A. (No interpretation) -- I did not meet those senior leaders. I
9 only met Ieng Sary a few weeks later after that.

10 MR. CHAN DARARASMEY:

11 (No interpretation)

12 MR. PRESIDENT:

13 (No interpretation)

14 [15.24.15]

15 BY MR. CHAN DARARASMEY:

16 Q. When you arrived in Cambodia--

17 MR. PRESIDENT:

18 (No interpretation)

19 Prosecutor, you may continue.

20 BY MR. CHAN DARARASMEY:

21 Thank you, Mr. President. I would like to continue my question.

22 Q. When you left Pochentong Airport, where did they take you to
23 and what work was assigned to you?

24 [15.25.28]

25 MR. ONG THONG HOEUNG:

1 A. On the first day of our arrival, they took us from Pochentong
2 Airport and then they dropped us at the former Khmer-Soviet
3 Technical School.

4 Q. Did they assign any work for you to undertake? And if so, what
5 was the assignment? And where did you undertake those
6 assignments?

7 A. When we first arrived, they told us to take a little rest. At
8 that time, they offered us rice to eat. And they only offered us
9 the old rice to eat, and I also noticed that people surrounding
10 that premise are physically very thin and skinny. And they kept
11 telling us that we had to be patient because soon the situation
12 would be better.

13 So we had to stay over there for a few more days and then they
14 assigned us to go to the rice fields and they also asked us to
15 restore broken houses as well. And sometimes they asked us to
16 take away the rocks in order to make way for rice growing, and
17 they also asked us to move the houses as well.

18 [15.27.36]

19 Q. Thank you. When you were staying at the "techno" school, did
20 you receive any information about your wife and if you did, where
21 did you get the information from?

22 A. When I first arrived, I met some of my friends whom I had just
23 been away from each other for four months or five months, but I
24 saw their physical look. It was like they were the Jewish people
25 in another country that I watched in the films.

1 And I saw some old, senior people, like Om Meng Mao and others --
2 had to do hard labour; they had to carry water and they had to
3 work very, very hard, and he had to pick up and search the
4 rubbish bin in order to look for the banana skin. I used to meet
5 those old people who ate "fromage" and send cheese and good foods
6 back in the foreign country, but when I witnessed that situation,
7 I was deeply moved.

8 [15.29.32]

9 And when I was observing that, I saw my wife from a distance, and
10 then I realized that my wife must have been working with this
11 technical school. But even if my wife saw me from a distance, she
12 dare not approach me, but not until late in the afternoon, when
13 she completed her task. She came to meet me briefly. She told me
14 that I had to do whatever I was assigned to do, and I must never
15 put my hands on my vest when I talked to anyone. I had to be
16 polite and respect the rules. And if I had anything in my
17 possession -- for example, candies or medicine, or so -- I must
18 not share with anyone else or -- because if they learn that, I
19 would be in trouble. That's what my wife told me at that time.

20 Q. Thank you. When did you and your wife come to live together?

21 A. I cannot recall it clearly. However, it was about one week or
22 10 days after. They gave us a place on the third floor or
23 something at that technical institute and where I stayed with my
24 wife.

25 Q. Thank you.

1 My question is related to K-15. Do you know K-15? If so, what was
2 K-15? And where was it located? And who actually established that
3 K-15? And who, actually -- the head of K-15?

4 [15.31.22]

5 A. K-15 was a technical institute. It's the code name for that
6 institute. When I arrived, the person who was the head was Phum -
7 Bong Phum. The person was younger than me, but out of respect, we
8 call him Bong -- or Brother, Brother Phum.

9 He was the head, and he was the one who received us. One of my
10 friends whispered to me that that person, Phum, had another name
11 -- but I cannot recall the name -- and that he used to study at
12 that technical school. But he advised me just to ignore it and
13 not -- pretend not to know him or to know his background.

14 Q. Thank you. What was the purpose of the establishment of K-15?

15 A. It was a re-education place, or centre.

16 Q. Can you tell us when it was established?

17 [15.33.23]

18 A. I do not know, but when my wife returned, she went to that
19 institute. So it means that it had been established upon the
20 arrival of my wife in January.

21 Q. Besides the person by the name of Phum, did you recognize any
22 other individuals working at that technical school?

23 A. There were a few soldiers -- or three or five soldiers, but I
24 cannot recall the names. And they were young.

25 Q. Thank you. Did you ever see Ieng Sary or Khieu Samphan or Nuon

1 Chea or any other leaders of the Khmer Rouge go there to visit or
2 to hold a meeting -- at K-15, I mean?

3 A. Upon my return and upon my departure, no. There was none. But
4 my wife told me upon her arrival there was a study session
5 chaired by Khieu Samphan.

6 Q. Did she tell you the content of that study session?

7 A. I asked her what did he teach. She said, first, Khieu Samphan
8 -- she actually called him Brother Khieu Samphan or Bong Khieu
9 Samphan -- she talked that it was right that we were patriotic,
10 that were returning to Cambodia, and, number two, Cambodia is
11 being developed and it needs the resources, and also that we had
12 to build ourselves. And besides that, I cannot recall any other
13 point.

14 [15.35.52]

15 Q. You said K-15 was an education -- re-education centre. What
16 types of people were sent to be re-educated at K-15?

17 A. Those Cambodian people coming from overseas, like my group.
18 However, they were also subdivided.

19 There were those Khmer students from overseas, and there were
20 soldiers. I learned at a later stage that some Cambodians
21 arriving from overseas were taken away, but I did not know where
22 they were taken to.

23 But, in general, that location was for Cambodians arriving from
24 overseas. However, some other Cambodians from overseas were not
25 taken to K-15, and I saw their names later at Tuol Sleng. The

100

1 majority of those people at K-15 were from France, and others
2 from the United States or military soldiers who were later on
3 taken away. There were also some Cambodians from the Soviet Union
4 or from the Eastern Bloc who were also later taken away from
5 K-15.

6 [15.37.35]

7 Q. Did you know the reasons for the categorization of people
8 arriving from overseas?

9 A. Back then, I did not know. I did not know why some of the
10 Cambodians arriving from overseas were taken away.

11 Q. During your stay at K-15, did you actually see any particular
12 events or general events during that time? Can you describe it?

13 A. The general situation was that we had to rebuild ourselves.
14 And we rebuild ourselves -- means to break the rock in order to
15 build the rice field. And -- for example, that was done near
16 Borei Keila -- or to grow morning glory. And as we were told, to
17 engage in intensive labour was an effective way to rebuild
18 oneself. And then there would be sessions for criticism and
19 self-criticism. And on a weekly basis there would be a team
20 meeting, and once in a while there would be a study session.
21 That was the general situation, and it is rather difficult to
22 explain any further, as we just engaged in the production, in
23 carrying rocks, in doing whatever task we were assigned to. Some
24 of us would work with fertilizer number one, which was one of
25 their main strategies.

101

1 [15.40.02]

2 Fertilizer number 1 means the mixture of the faeces with urine.

3 That was one of the core tasks of the Revolution. And if we were

4 able to produce effective fertilizer number one, it would mean we

5 were effective in rebuilding ourselves. So, in short, it means

6 that we would be able to get rid of our existing stance or status

7 in the class.

8 Q. My question is in regards to freedom and discipline practiced

9 at K-15. If any of the residents at K-15 -- workers at K-15 --

10 were they allowed any freedom? Or if they made any mistake, what

11 kind of discipline applied to them?

12 A. We saw first, as ourselves, what re-education was. The

13 re-education was for us to forget everything in the past. And the

14 main point was that we shall be able to understand that if we

15 want a freedom, freedom does not exist, because Angkar or

16 organization itself is a freedom.

17 And the word "Angkar" itself -- for example, when it comes to

18 criticism or self-criticism, it means we were limited to

19 criticize our group members only, those from overseas. Or maybe

20 someone could not engage intensively in the labour force or some

21 others would still have their sentiments -- sentimental feelings

22 overseas, in Paris or somewhere else overseas.

23 [15.42.40]

24 And if somebody senior made a mistake or something, then we would

25 not be -- we were not there to criticize. It would be Phum, the

102

1 head. Phum would represent justice. He would represent Angkar.
2 And we did not have the authority to criticize him or to
3 criticize any combatant working in that centre. We could only
4 criticize ourselves among the group to rebuild our stance.
5 And usually we would engage in this criticism and self-criticism
6 before we took a rest. And the main objective was that we would
7 serve our boundless organization -- or Angkar, because Angkar
8 represented the justice. And if we believed in that perception,
9 then there would be nothing else to consider. Angkar was the main
10 thing -- as -- in part of our life there. And we refashioned
11 ourselves in order to become a pure labour or peasants' class.
12 [15.44.03]
13 But the question is whether the labour class or the peasant class
14 could lead to a better future. I did not see it that way, but I
15 was also rather confused. I was not -- know the intention of
16 assigned re-education. Everything was mixed up, because
17 everything which was related to Angkar -- would mean that thing
18 or that aspect would be perfection. We could only criticize our
19 group members. So when you come to talk about freedom -- freedom
20 did not exist in that sense. No freedom, no democracy -- that
21 means no free speech. If we speak -- if we were to speak, it
22 meant we might make mistakes as well. That's what the situation
23 was at K-15.
24 We did not have a freedom of speech. We also did not have a
25 freedom of not speaking.

103

1 Q. What about the disciplinary sanction? How the disciplinary
2 sanction worked, if someone made a mistake?

3 A. In that centre, I never witnessed any beat-up or any torture.
4 I also never saw anyone die at that location.

5 [15.45.51]

6 I, of course, saw people who were taken out, but I did not know
7 the reason for them to be taken out. Probably they were taken out
8 by Angkar for some other reasons. Some soldiers who came with me
9 -- they were taken out, and some of them were not satisfied with
10 the situation at that centre.

11 At that time, I did not have any suspicion at all that they would
12 be taken out and executed at S-21. I never thought of it that
13 way. We -- I did not witness any physical torture. Of course,
14 there was -- this psychological torture that we suffered by
15 ourselves internally. But we were never beaten up.

16 Q. What about the food regime?

17 A. In my book, I wrote a portion regarding the food ration. It
18 was like a thick gruel, but it's not rice. There were more
19 morning glory with just a few grains of rice.

20 There was barely any fish in the soup, or in that gruel mixed
21 with morning glory. It's like the food we give pigs to eat.

22 Q. Who actually made the decision regarding this food ration? Was
23 there any order? Or who actually made that decision?

24 [15.48.01]

25 A. I did not know. Everybody said it was from Angkar.

104

1 Q. What was the purpose of the establishment of Angkar and what
2 did it mean?

3 A. I think we have to ask the brothers -- or "bong bong" -- who
4 actually established Angkar.

5 For us, Angkar asked us to re-educate ourselves, but I did not
6 know the purpose of such re-education.

7 Q. Did you ever hear Ieng Sary or Nuon Chea or Khieu Samphan say
8 anything or disseminate anything regarding the lines of the Party
9 from the upper to the lower echelons, either at K-15 or at other
10 locations?

11 A. I stayed at K-15. That was after my arrival in Cambodia and
12 after a time I left in '79. I never heard of the name Nuon Chea.
13 I did not know who he was, and during the time of my stay at K-15
14 we heard of the word "Angkar", and "Angkar" educated us that we
15 shall have pride in the Kampuchean Revolution, that we shall
16 rebuild ourselves.

17 [15.50.10]

18 I heard of all that points, but I did not know the purpose of
19 such rebuilding or re-education -- until when it should conclude.
20 As I said, I did not know the purpose of the rebuilding oneself,
21 or how we should learn anything regarding the revolution through
22 such medium.

23 I could not grasp anything at the time. I just blindly followed
24 what I was asked to do. I was rather hopeless back then, and I
25 just wished the end would come -- when we heard on the radio that

105

1 the revolution would be marvellous and that it would last for the
2 next 3,000 years. It was very difficult to recount the story, but
3 in short it means the future was not near.

4 Q. Thank you.

5 Did you ever know -- hear about the disappearance of people
6 during the Khmer Rouge regime? And what does it mean? And why
7 some people disappeared?

8 [15.51.44]

9 A. I came to know about the disappearance clearly only when I
10 returned to Phnom Penh in May or June 1979. At that time, I went
11 to Tuol Sleng, which was also known as S-21, and I worked there
12 for a period of time. And there -- where I learned that those
13 comrades who disappeared had their names at Tuol Sleng. Then I
14 realized those friends who disappeared from the "Red Land" Camp
15 were sent to be killed at Prey Kong, or Kong Forest. It's about 3
16 kilometres from Tuol Sleng. It's just a rough estimating of the
17 distance, because from the Dei Kraham -- or the "Red Land" --
18 Camp we could see that area. So people -- some of the people had
19 their names listed at S-21, and some were at the "Red Land" Camp
20 in Stueng Trang district.

21 Q. Can you tell us more regarding the place where you stayed and
22 worked? Did you personally witness the activities of the Khmer
23 Rouge cadres? What did they do to all the Cambodian people at the
24 location where you either lived or worked?

25 A. At K-15 or at other locations, we only lived within the

106

1 parameter of the camp. We did not have any contact with the
2 outsider or with other people. We were not allowed to do so. So,
3 during my entire time staying in the camp during the Khmer Rouge
4 regime, I was not aware of the living conditions of the people.

5 [15.54.41]

6 We did not receive any letters from anyone. We were not visited
7 by anyone. We only lived amongst ourselves. And we were not
8 allowed to contact any other individuals besides the members of
9 our group.

10 For example, at K-15, I saw an old man who was walking along the
11 rail tracks. If we were to go and talk to him, then we would be
12 criticized during the meeting. So, besides -- who were allowed by
13 Angkar to contact, we would not be allowed to contact any other
14 individual, so I did not know anything at all regarding the
15 living status of the Cambodian people. We were told that people
16 would have three meals per day in the community, but in reality
17 we did not know anything and we did not witness any such
18 situation. And when we were told that they had three meals per
19 day, we wished that we would be able to join the people at the
20 community to have that same luxury of three meals per day.

21 [15.56.00]

22 Q. I'd like to move on to another topic. It is in relations to
23 D-2. Can you tell us what D-2 was, and where it was located, and
24 the purpose for its establishment?

25 A. I stayed at K-15 for a while after my arrival. Probably I had

107

1 stayed there for three months or a little bit more than three
2 months. Then some of us were transferred to the factory, and
3 others were sent to Angkor Chey. It was a state farm.

4 As for myself and a few of my friends -- there were five other
5 friends -- we were sent to D-2. D-2 was a factory located in
6 between Phnom Penh to Preaek Pnov. It was around the vicinity of
7 kilometre number 6, but I currently cannot locate that place.

8 [15.57.20]

9 It was an old factory. We were sent there and there were five of
10 us altogether. And the head of the factory, by the of Sok, told
11 us that during the attack on Phnom Penh, Angkar instructed him
12 and his group, who were soldiers -- and there were about 200 of
13 them -- to station at that factory. And his group -- the majority
14 of them were young soldiers -- made their base there for various
15 reasons, including that they were not familiar with the Phnom
16 Penh location.

17 So they based in the old factory. They did not even know what a
18 refrigerator looked like. And he was instructed by Angkar to make
19 the machinery in that factory operational. And as I observe in
20 the factory, there was him, who was a soldier, and there were a
21 few Chinese-Cambodian families. And he told me that they were the
22 former workers who used to work in that factory, so that the
23 factory could function as these former workers could teach the
24 soldiers to operate the rice threshing machinery over there.

25 Q. Did you ever meet the Cambodian intellectuals whom you knew at

108

1 D-2?

2 [15.59.28]

3 A. Besides my group -- that is, a group of five members -- I only
4 saw the soldiers and families of soldiers, and occasionally I saw
5 Vorn Vet, who came to inspect the place. I did not know him, but
6 I was told that it was Vorn Vet who came to inspect the place.
7 But I never saw anybody else.

8 Q. Did you ever see Ieng Sary, Khieu Samphan, or Nuon Chea
9 visiting D-2, or was there a meeting held at D-2?

10 A. No.

11 Q. At D-2, what was your main function, and what was the
12 day-to-day work assigned to personnel over there?

13 A. The main function of D-2 was rice mill. But it was a
14 traditional rice milling factory. And there were some personnel
15 who were attached to China in order to learn some skill in
16 refining iron ore. And iron ore was the raw material, and
17 normally every day they would send a young teenager to go out to
18 Phnom Penh to collect the iron pieces, and then they would be --
19 it would be collected and refined.

20 [16.01.58]

21 And when I went to visit that factory, I was happy because I
22 thought that it was a place where we would meet other people over
23 there. And then, when we got there, they told us that -- they
24 told us that we were called the "Front People". And I noted that
25 those people knew me -- that I was from the Front, but the --

109

1 Angkar advised us that we had to hide our own identity and we had
2 to try to blend ourselves with other people. So we had to
3 remember that in our mind, that we had -- we must not let other
4 people that we were from a foreign country or we were educated
5 overseas. We had to be friends with people and peasants at the
6 base.

7 And when we got to B-2, people over there knew where we were
8 from, and Brother Phum, who told us not to reveal our identity to
9 them -- actually, those people knew us already, so we could not
10 maintain the secrecy. We did not know whether or not we could
11 really maintain the secrecy about our identity because they had
12 already known our identity already. And people over there -- Sok
13 told me that I should join his group.

14 [16.03.35]

15 Then our friends who went there, who -- told me that we must
16 remove our mentality of being intellectuals and we had to blend
17 ourselves with other peasants and we have to forge ourselves with
18 the people over there and then try to integrate ourselves within
19 the group. And they told me that I -- they told me that they
20 needed technician people with technical skills or so. So it was
21 like they were trying to convince me in order to elicit the
22 answer from me. And they tried to persuade me in many ways. For
23 example, they needed technical skill people in order to ensure
24 that the factory would be operational. But then we did not tell
25 them about our skills, because it was the order from Angkar that

110

1 we must not reveal our identity.

2 So I did not join the team. Instead, we just gathered our own
3 team. And at that time I was assigned to be the team leader
4 because I was senior compared to other fellow folks over there.

5 And I -- my team was responsible for cutting wood in the
6 carpenter team, actually. And I, myself, had never crafted wood
7 or -- so I told them that I was ignorant. I did not know
8 anything. They asked us to try to craft the wood to make
9 furniture and things like that, and they asked us to look at the
10 -- you know, the design of the furniture or so, so I had to learn
11 how to craft the skill. And actually I knew something, but I did
12 not share with them because I was terrified and worried.

13 [16.06.08]

14 And people over there was very frustrated and disappointed with
15 me because I told them that I did not know anything. So I
16 pretended that I did not know anything, and consequently I could
17 live together with them.

18 MR. PRESIDENT:

19 Thank you, Witness.

20 The time is now convenient for the day adjournment. The Chamber
21 will adjourn now, and we will resume tomorrow, at 9.00.

22 And tomorrow morning, we are going to hear the testimony of Mr.
23 Suong Sikoeun, and then, after the conclusion of the questions by
24 the civil party lawyers, we will give the floor to the defence
25 lawyer for Khieu Samphan first.

111

1 [16.06.56]

2 And, Mr. Ong Thong Hoeung, your testimony is not yet concluded,
3 so we will invite you to come to the Court again. Tomorrow
4 morning, we are going to hear the testimony of Mr. Suong Sikoeun
5 first, but alternatively you will be invited to stand by, as
6 well, because if, due to health reason, Mr. Suong Sikoeun is
7 unable to testify before the Chamber, then you will take his
8 place tomorrow.

9 And, Court Officer, please facilitate with the WESU unit to
10 provide assistance to him and accommodation and lodging for him.

11 And please have them back to this courtroom tomorrow morning,
12 before 9 o'clock.

13 And security guards are instructed to bring the Co-Accused to the
14 detention facility and bring them back to this courtroom before 9
15 o'clock in the morning.

16 The Court is now adjourned.

17 THE GREFFIER:

18 (No interpretation)

19 (Court adjourns at 16h08)

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