



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**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS  
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Case File N° 002/19-09-2007-ECCC/TC

14 August 2012  
Trial Day 95

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

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

Lawyers for the Accused:

SON Arun  
Jasper PAUW  
ANG Udom  
Michael G. KARNAVAS  
KONG Sam Onn  
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy  
Matteo CRIPPA  
DAV Ansan

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

CHAN Dararasmeay  
Vincent DE WILDE D'ESTMAEL  
SENG Bunkheang  
Dale LYSAK  
VENG Huot

PICH Ang  
Élisabeth SIMONNEAU-FORT  
LOR Chunthy  
VEN Pov  
SIN Soworn  
Ferdinand DJAMMAN NZEPA

For Court Management Section:

UCH Arun

INDEX

MR. ONG THONG HOEUNG (TCW-490)

Questioning by Mr. Karnavas resumes ..... page 3

Questioning by Ms. Guissé ..... page 65

MR. SUONG SIKOEUN (TCW-694)

Questioning by Ms. Guissé resumes ..... page 89

Questioning by Mr. Pauw ..... page 103

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. KARNAVAS	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ONG THONG HOEUNG (TCW-490)	Khmer
MR. PAUW	English
MR. SUONG SIKOEUN (TCW-694)	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

4 You may be seated. The Court is now in session.

5 This morning the Chamber will continue to hear the testimony of  
6 the witness, Ong Thong Hoeung, and if time permits we will hear  
7 the testimony of the witness, Suong Sikoeun. As the Chamber  
8 already informed the parties and the public, the Chamber will  
9 hear the two witnesses in alternate sessions.

10 As for the witness, Ong Thong Hoeung, who shall be heard this  
11 morning, will be questioned by the party and as he cannot change  
12 his air ticket, the Chamber decides to hear this morning. And we  
13 will hear him before another witness.

14 [09.02.25]

15 Ms. Se Kolvuthy, could you report the attendance of the parties  
16 and individuals to the proceeding?

17 THE GREFFIER:

18 Mr. President, all parties to the proceeding are present except  
19 the accused Ieng Sary, who is present in the holding cell  
20 downstairs as he requests to waive his presence through his  
21 counsel and the request is for the whole day proceeding. The  
22 letter of waiver has been submitted to the greffier.

23 As for the witnesses, Ong Thong Hoeung and Suong Sikoeun are both  
24 present in the waiting room. Thank you.

25 MR. PRESIDENT:

2

1 Thank you.

2 The Chamber will now decide the request made by the accused Ieng  
3 Sary. The Chamber has received the request by Ieng Sary, dated  
4 14th August 2012, through his counsel, to waive his direct  
5 presence in the proceeding and instead to follow it through a  
6 remote means for the whole day.

7 Em Savoeun, the treating doctor at the ECCC detention facility,  
8 has examined the Accused this morning and observes that Ieng Sary  
9 is fatigue, visits the toilet frequently and has backache and he  
10 recommends that the Accused shall be allowed to follow the  
11 proceeding through a remote means in a holding cell downstairs.

12 [09.04.22]

13 And as Mr. Ieng Sary requests to waive his direct presence in the  
14 courtroom due to his health, and as observed by the treating  
15 doctor -- and that he requests to follow the proceeding through a  
16 remote means and that he can also communicate with his defence  
17 team directly.

18 The Chamber does agree to the request by the accused Ieng Sary,  
19 to waive his direct presence in this proceeding and allows him to  
20 follow it through an audio-visual means from the holding cell  
21 downstairs for the whole day proceeding.

22 AV booth, you are instructed to link the proceeding through the  
23 holding cell downstairs so that Ieng Sary can follow it for the  
24 whole day.

25 Court Officer, can you invite Ong Thong Hoeung, the witness, in

3

1 to the courtroom?

2 (Witness enters courtroom)

3 [09.06.31]

4 Good morning, Mr. Ong Thong Hoeung. The Chamber will, this  
5 morning, continue to hear your testimony. You will be questioned  
6 by the Defence. There are two defence teams who are to question  
7 you. That is, the defence team for Ieng Sary and for Khieu  
8 Samphan.

9 Before I hand the floor to the Defence, I'd like to remind the  
10 witness that you shall be careful and try to listen to the  
11 question and limit your response to what you are asked. And don't  
12 make any unnecessary comment. Otherwise it's going to have some  
13 mental effect on you.

14 The floor is now given to Ieng Sary's defence to continue putting  
15 question to this witness. You may proceed.

16 QUESTIONING BY MR. KARNARVAS RESUMES:

17 Good morning, Mr. President. Good morning, Your Honours. Good  
18 morning to everyone in and around the courtroom. And good morning  
19 to you, sir.

20 Q. Let's pick up where we left off. We were talking about your  
21 affiliation back in Paris when you were a student and you got  
22 involved with FUNK. Now, according to your testimony, and I'm  
23 referring to 00 - Khmer 00832574 to 75, and then I just have the  
24 numbers -- in English it would be page 77 and in French it's 86  
25 to 87. This is from your testimony on August the 7th. You

4

1 indicate that the Front Movement was under the direction of Ieng  
2 Sary and that it was meant to reconcile and unite Khmer people  
3 who had different political trends to join as one unified  
4 association.

5 [09.09.07]

6 Do you recall saying this, sir?

7 MR. ONG THONG HOEUNG:

8 A. Yes, I recall that.

9 Q. And now, in -- during your testimony, you also repeatedly told  
10 us about the five points that had been articulated and the  
11 impression that you left, at least with some of us, was that you  
12 were motivated to join FUNK because of Sihanouk, as opposed to  
13 Ieng Sary or others. Am I correct in drawing that conclusion,  
14 based on your testimony? I'm referring - overall, sir. So the  
15 answer won't be found in that page.

16 A. In general, I acknowledge that the intention, yes.

17 Q. Now, if we could go back to what David Chandler wrote about  
18 you in "The Tragedy of Cambodian History". I'm referring to  
19 D108/50/1.75, and unfortunately we don't have it translated, but  
20 I'm referring to the English, the ERN number - ERN numbers will  
21 be 00193373 and it will go into 74. There's a section with your  
22 name on it. Can I assume that at some point you met with Mr.  
23 Chandler and as a result of you meeting with him he wrote certain  
24 things about you, in his book? Is that a fair assumption?

25 [09.12.08]

5

1 Sir, the question is not - it's not on the page yet, I haven't  
2 referred to the document, I'm asking you a simple question. Did  
3 you, or did you not meet with David Chandler when he was writing  
4 his book, "The Tragedy of Cambodian History" where you are  
5 featured in, particularly, three or four pages.

6 A. In general, I met Chandler as other people, I must first  
7 clarify that I am the author and I acknowledge and stand by my  
8 book or any statement I made -- and if you put a question to me  
9 as how I shall judge other books written by other authors about  
10 me, I cannot make that judgement.

11 Q. Thank you.

12 Now, if you could answer my question: Did you or did you not meet  
13 with Professor Chandler where he was asking questions for writing  
14 a text book - a book - a history book where you are featured in?  
15 And there's a title called "Ong Thong Hoeung" -- that would be  
16 you. So did you meet with him? It's a yes or a no.

17 [09.14.04]

18 A. Yes, I met with Chandler.

19 Q. Now, having met with Chandler, and having been interviewed by  
20 Chandler, and being featured in Chandler's book, did you, by any  
21 chance, purchase the book, or look at the book, to see what  
22 exactly Chandler wrote about you?

23 MR. PRESIDENT:

24 Witness, please wait.

25 The Prosecution, you may proceed.

6

1 [09.14.47]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. Your Honours, Colleagues. Mr.  
4 President, this question has already been put to the witness, as  
5 was the previous question, so I do not think we should go that  
6 far to resume the examination of the witness because these  
7 questions have already been put to him.

8 MR. KARNAVAS:

9 Mr. President, I am about to confront him with what is in Mr.  
10 Chandler's book. He indicated that he met with Chandler and that  
11 he spoke with Chandler. I am now asking whether he read what  
12 Chandler wrote based on the interview, before I confront him with  
13 what is written. I think it's a fair question to put to the  
14 witness before I confront him with the document.

15 (Judges deliberate)

16 [09.16.12]

17 MR. PRESIDENT:

18 The objection and its ground by the Prosecution is valid, as the  
19 question is repetitive.

20 Witness, you do not need to respond to the last question put to  
21 you by Ieng Sary's defence.

22 BY MR. KARNAVAS:

23 Thank you, Mr. President.

24 Q. If we could turn to Khmer 00832568, English page 70, French  
25 page 78 to 79 -- this would be from the testimony on August 7th.

7

1 You said--

2 MR. PRESIDENT:

3 Counsel, please repeat your question and try to slow down when it  
4 comes to the ERN number so that the interpreter can be accurate  
5 on the record. Just then the interpreter could not get the ERN  
6 number.

7 [09.17.18]

8 BY MR. KARNAVAS:

9 Q. I am referring to the transcript of August 7, Khmer 00832568;  
10 English, page 70; French, page 78 to 79. Here you say: "I learn  
11 of that during my research for my book."

12 Let me put it to you this way: Did you do any research for your  
13 book? And, if so, in doing your research, did you consult what  
14 Chandler had written, in general?

15 MR. ONG THONG HOEUNG:

16 A. I did not read Chandler's book.

17 Q. All right. Now, in his book, nonetheless, Chandler, featuring  
18 you, says, and I'm referring to the page that should be on the  
19 screen there in English, it's 00193373, it says here:

20 "Ong Thong Hoeung, born in 1945, had earned a government  
21 scholarship for tertiary study in France when he was twenty. He  
22 lived in Paris for the next eleven years and was drawn into  
23 left-wing political circles after the student uprising in May  
24 1968 and the coup d'état in Cambodia two years later. Hoeung was  
25 an enthusiastic supporter of the NUFK, though motivated less by

8

1 his fondness for Sihanouk than by his anger at the United States  
2 and his distaste for Lon Nol's regime. The front's political  
3 program seemed to Hoeung to be a refreshing departure from  
4 Cambodia's past."

5 [09.19.42]

6 Now, a little earlier you told us you were drawn more towards  
7 Sihanouk, here it appears that you were not fond of him. But you  
8 were fond of the programme which you identified to be Ieng Sary's  
9 - under Ieng Sary's direction; do I have it right?

10 A. Let me clarify that I cannot respond or give you comment on  
11 what other people wrote. I will respond regarding the content of  
12 the books, or the statements that I personally made and  
13 acknowledged it with my signature.

14 And I am present here, I will respond to you based on the  
15 experience that I have learned.

16 [09.20.50]

17 Q. All right. Now -- so we don't have to refer back to this  
18 document again. On the same page, this - actually, it would be  
19 the following page, which is 00193374 -- David Chandler writes,  
20 based on his interview of you: "Expecting to use his tertiary  
21 training and his intellectual skills, he was pitchforked into the  
22 world of revolutionary praxis."

23 Were those your expectations, sir, as you represented to David  
24 Chandler?

25 A. Let me, once again, repeat my previous response. I cannot make

1 any comment based on what has been written by other people about  
2 me.

3 Q. All right. He then goes on to say: "For the rest of 1976,  
4 Hoeung worked in Phnom Penh in a factory making electric pumps in  
5 an agricultural cooperative at Takhmau on the outskirts of the  
6 city."

7 [09.22.10]

8 Is that correct, sir?

9 A. I, once again, wouldn't like to make any comment based on what  
10 has been written by other people about me. If you want to know,  
11 please read my book or any article by - that I wrote and that I  
12 acknowledged or signed.

13 Q. And finally, so we can leave this document, Professor  
14 Chandler, who testified here as an expert for the Court, writes  
15 in his book that you noted to him: "Working conditions were  
16 harsh, but food was adequate."

17 Did you tell this to Professor Chandler when he interviewed you  
18 for his book?

19 A. I repeat my same response, if you really want to know, please,  
20 it's better for you to read my book. I don't really know the  
21 intention that you are trying to get, that you try to ask me  
22 questions based on the work of other people.

23 Q. Now, when you were testifying you were asked at one point  
24 whether Mr. Ieng Sary evoked patriotism and nationalism to  
25 convince you and others to return to Cambodia and that would be

10

1 from the transcript of August 8th on Khmer page 53, English page  
2 66, and French page 72.

3 Do you recall being asked that question? And you indicated he  
4 mainly talked about nationalism, patriotism, self-mastery,  
5 self-defendants, and he repeatedly emphasise on the point that  
6 Cambodia was not an umbrella company to Vietnam. Do you recall  
7 saying that?

8 [09.24.38]

9 A. Thank you, Counsel, for asking me the question. I clearly  
10 recall that was my statement in general, and, personally, it was  
11 Ieng Sary who introduced our 1,700 people coming from overseas.

12 Q. Let me make sure I get it right though -- prior to Mr. Ieng  
13 Sary coming, as early as 1968, according to your interview with  
14 Chandler, you became politically involved with a left movement.  
15 And then you told us last week, for sure 1970 with the Nol  
16 government committing the coup d'état. Ieng Sary had nothing to  
17 do with that, did he?

18 A. I do not get your question; can you rephrase it?

19 Q. All right. According to David Chandler, based on his interview  
20 with you, you began getting involved in left-wing politics as  
21 early as 1968 when there were - there was an uprising in Paris.  
22 You may recall that event, it was rather famous. Do you recall  
23 it? And isn't that the cause of you getting involved in left-wing  
24 politics?

25 [09.26.37]

11

1 A. In general, and let me repeat, I will not respond to the  
2 question regarding the work that other has written about me. Of  
3 course, all those authors had a right to write something about me  
4 but I, myself, will only confirm the statements or book that I  
5 personally wrote.

6 Q. Now, you were asked on – a question back in August 7th about  
7 going back – repatriating back to Cambodia, and on Khmer page  
8 00832578, English page 82, and French page 91, you say:

9 "In hindsight, the feeling of many Cambodians, including myself,  
10 was that we do not want to stay in foreign country, we want to  
11 return and to die back in our native country."

12 And then you went on to say: "I never for once wanted to stay or  
13 live till my death in a foreign country."

14 Now let me – let's talk about that a little bit. You left on a  
15 scholarship to go to France, is that right?

16 A. I did make comments regarding the feeling of the Cambodian  
17 students at the time as we really loved our country and that we  
18 were living overseas at the time.

19 Q. Let me repeat my question, because we are going to go step by  
20 step: You voluntarily went to Paris on a scholarship to study; is  
21 that right?

22 [09.28.55]

23 A. I decline to respond to your question as your question is  
24 irrelevant to my testimony before this Court.

25 Q. What prevented you, sir, since you weren't getting a

12

1 university degree, by your own admission last week -- what  
2 prevented you from returning back to Cambodia in '68, '69, '70,  
3 '71, '72, '73, '74, '75? What prevented you from returning back  
4 to Cambodia?

5 A. You are attempting to dig up this information but, personally,  
6 I don't think it is of any relevance to my presence here before  
7 this Court.

8 Q. Sir, I am basing my question on the answer that you provided.  
9 And based on what you want this Trial Chamber to believe that it  
10 was somehow patriotism and nationalism that convinced you to  
11 return, when, in fact by your admission here, you indicate that  
12 you wanted to go back to Cambodia; that you did not want to die  
13 abroad.

14 And I'm pointing out that for 11 years nothing prevented you from  
15 returning since you weren't getting an education as you were  
16 supposed to be getting. So can you please answer the question?

17 [09.30.53]

18 A. At that time, I did not intend to return to the country due to  
19 some personal reasons. And later on when I believed in the advice  
20 or instructions by Ieng Sary I returned to Cambodia, amongst many  
21 other Cambodian students.

22 As the situation in Cambodia before was not favourable for me to  
23 return -- and only later on when the situation was favourable, I  
24 returned.

25 Q. Now, you've told us that you saw Mr. Ieng Sary two or three

13

1 times when he was in Paris, but I'm not quite clear whether you  
2 actually ever met him personally and talked to him, tête-a-tête.  
3 Can you please tell us?

4 A. No, I never met him in person. But I met with other Cambodian  
5 who went to attend the meeting with him.

6 [09.32.46]

7 Q. And what about Prince Sihanouk? When he was abroad -- and we  
8 know that at least one occasion you went to see him in Bucharest  
9 -- did you have an opportunity to have a discussion with the  
10 Prince or were you just in the audience listening to what he was  
11 saying?

12 A. I had a courtesy call on him when he invited other Cambodian  
13 expatriates to meet him when he was in France.

14 Q. And can you please tell us about that? What exactly was Prince  
15 Sihanouk talking about when you went for that courtesy call? And  
16 in what capacity was he there?

17 A. At that time, he was the legitimate head of state of Cambodia  
18 and he also reported to the Cambodian expatriates over there  
19 about the - his official visit in France as well as in different  
20 parts of Europe. He met with the head of states of other  
21 countries in Europe, namely, Tito and a number of other heads of  
22 states.

23 [09.34.31]

24 Q. So this would have been before the coup d'état, before 1970?  
25 When you say he was the legitimate head of state? Are we to

14

1 interpret that you met him before 1970?

2 A. No, I said that I met him after 1970. At that time, he was a  
3 legitimate head of state and I base my assertion based on the  
4 recognition by the United Nations at that time that he was the  
5 head of state of Cambodia then.

6 Q. Well, was he part of the FUNK/GRUNK Movement at the time --  
7 part of the Front?

8 [09.35.20]

9 A. Counsel, I have already answered this question. I would like  
10 to emphasize that it was him who was the leader of the FUNK and  
11 he was also the head of state of the Royal Government of National  
12 Union of Kampuchea.

13 Q. All right. Now that we've clarified that, was he also, at that  
14 point in time, telling Cambodians abroad to assist in toppling  
15 the regime that had toppled him?

16 A. Well, that was the principle which he had introduced to  
17 others, I did not know exactly when he mentioned or made that  
18 appeal but he said that he wanted to contribute in order to tell  
19 Cambodians, both inside Cambodia and overseas, in order to resist  
20 against the regime that had toppled him.

21 Q. Right. And I take it -- or let me rephrase it. Was he evoking  
22 patriotism and nationalism for the students - the Cambodian  
23 students, such as yourselves, to assist in the struggle against  
24 the Lon Nol regime and for what it stood?

25 A. To the best of my understanding, yes, he did, and it was not

15

1 difficult to respond to that question because, according to the  
2 available public literature, he also - they also mentioned about  
3 that appeal; and other leaders, including Mr. Ieng Sary, also  
4 made such similar appeal.

5 [09.38.06]

6 Q. Thank you. Now, did you ever have an opportunity where you  
7 were in the presence of a meeting between Mr. Ieng Sary and  
8 Prince Sihanouk?

9 A. Counsel, would you mind repeating your question?

10 Q. Yes. Well, did you ever participate in any meetings where King  
11 - Prince Sihanouk was meeting with Mr. Ieng Sary and they were  
12 discussing matters?

13 A. Yes, I did. But when I was attending the meeting with the  
14 Prince, at that time the Prince was the person who talked a lot  
15 and when he met with Ieng Sary I did not notice whether or not  
16 Ieng Sary did make any observation then.

17 [09.39.24]

18 Q. All right. And I guess my question was - let me ask a  
19 follow-up question: Did you ever have the opportunity to be  
20 present when Mr. Ieng Sary and Prince Sihanouk were having a  
21 discussion among themselves?

22 A. That - no, no, I didn't. I was never present.

23 Q. Now, in your testimony on August 9, 2012 - Khmer, 008332930;  
24 English, it would be page 14; French, it would be page 15 -- you  
25 were asked a question and based on something that you have said

16

1 in the past that Ieng Sary had substantial influence if Samdech  
2 Sihanouk wanted to do anything but it was opposed by Ieng Sary  
3 that would not be done. That was in document E3/97.

4 And you then go on to say as part of your answer, cause you were  
5 asked how did you know, because Mr. Ieng Sary always made it  
6 known to others that he was the representative of the people and  
7 other dignitaries were merely - were merely the silly people who  
8 follow others blindly.

9 Let me ask you concretely, because you told us now that you never  
10 had a tête-a-tête with Mr. Ieng Sary. Is it your testimony today  
11 that Mr. Ieng Sary said these sort of things to - in your  
12 presence?

13 [09.41.33]

14 A. Let me clarify this again, if counsel has followed the student  
15 - the Cambodian students overseas and their movements - at that  
16 time when Mr. Ieng Sary was in France or so, he had his own  
17 networks. In his circle, there were friends who were former  
18 members of the Leninist-Marxist Circle in France and those  
19 members were the core forces for handling on relationship between  
20 Cambodian living overseas and in my personal observation, that  
21 was the recognition of other observers and commentators who had  
22 studied about the Cambodian students overseas and their movement.

23 Q. So, now, if you could answer my question -- do you recall what  
24 my question was?

25 Sir, I asked you a concrete question, and that is: When you were

17

1 present, because you have indicated you saw -- you were present  
2 at a meeting where Sihanouk and Ieng Sary were present and were  
3 speaking - did you ever hear Mr. Ieng Sary make the comments that  
4 you are attributing to him in your testimony? It's a yes or it's  
5 a no.

6 [09.44.10]

7 MR. PRESIDENT:

8 Witness, please hold on.

9 Prosecutor, you may proceed.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. The initial question was centred on the  
12 fact of knowing whether Ieng Sary had pronounced such statements  
13 but did not say that this necessarily happened in the presence of  
14 Prince Sihanouk.

15 However, the second question reduces these statements to the  
16 moment when allegedly the witness attended a meeting where Ieng  
17 Sary and Prince Sihanouk were present. So, it seems that this  
18 considerably reduces the scope of the question.

19 And asking the witness to answer by yes or by no seems to be a  
20 little bit limited, whereas he might have heard these statements  
21 during a meeting with Ieng Sary, without Prince Sihanouk being  
22 present.

23 So I would like the question to be put again in a broader way.

24 Thank you, Mr. President.

25 MR. KARNAVAS:

18

1 Mr. President, the counsel obviously might have lost it in  
2 translation or is just mischaracterizing the thrust of my  
3 question.

4 I went step by step. I wanted to lock the witness in, whether he  
5 had participated in any meetings. He makes a rather bold  
6 statement. I am asking him whether he was present at any time in  
7 a meeting, whether it's just Ieng Sary or Ieng Sary and the  
8 Prince. He can answer the question.

9 [09.46.07]

10 MR. ONG THONG HOEUNG:

11 A. I made it clear already that I had never attended a meeting  
12 with the presence of Prince Sihanouk and Ieng Sary when they were  
13 together. But I never attended in the meeting when the two of  
14 them discussed any matters together. But let me make it clear on  
15 that point. When there was a meeting between Prince Sihanouk and  
16 Mr. Ieng Sary during which only - like Sihanouk was the sole or  
17 solo presenter and I never heard any words from Mr. Ieng Sary  
18 during such meeting.

19 BY MR. KARNAVAS:

20 Q. All right. Thank you.

21 Let's move on to another topic. When you arrived in Cambodia back  
22 in 1976, I understand that the first place you went to was at  
23 K-15; is that correct?

24 MR. ONG THONG HOEUNG:

25 A. Yes, that is correct.

1 Q. And if I understand your testimony, it was at K-15 where your  
2 belongings were searched and everything was taken away, such as  
3 books; is that right?

4 A. Yes, that is correct.

5 [09.48.22]

6 Q. Now, did they just take books away or did they also take pens,  
7 pencils, notepads?

8 A. Generally, they took away radios and other unnecessary  
9 belongings including books, and even writing pads. They took some  
10 of them away and they left some with others.

11 Q. And can you tell us who was allowed to keep writing pads, and  
12 who wasn't? Because you seem to be making some sort of a  
13 distinction that some were allowed some materials while others  
14 were not allowed any.

15 A. I did not pay attention to that. But when we got to that camp  
16 they searched our luggage and they took away some belongings and  
17 I did not know the motive for the confiscation of those items.  
18 But it was up to them as to what they decided to remove from us.  
19 There was no basis or information whatsoever concerning that.

20 [09.50.00]

21 Q. All right. Now, at that time, did you know who was K-15 - who  
22 was responsible for that institution?

23 A. When I first arrived in that place I did not know who was  
24 responsible for that office, but later on I found out that the  
25 person in charge was Phum.

20

1 Q. Okay, he's the person in charge. But who did Phum work for?

2 Who was his superior?

3 A. That, I did not know. But I only knew that he was the  
4 representative of Angkar.

5 Q. All right. Well, in writing your book you did some research  
6 from your own admission and in your book you state, and I don't  
7 have the Khmer number unfortunately, but the English, it would be  
8 00785761 and French it's 00287929. It says here:

9 "The former Khmer-Soviet Friendship Technical Institute had been  
10 transformed into a unit for people arriving from abroad like us.  
11 It bore the name 'K-15'. As with all units reserved for  
12 intellectuals, it was under the direct supervision of the Central  
13 Committee of the Party."

14 Do you stand by what you wrote?

15 A. Yes, I stand by this statement. When I first arrived in that  
16 place I did not know that it was under the responsibility and  
17 supervision of the Central Committee at that time, but it was  
18 only later on when I started writing the book I heard from others  
19 that it was under the direct supervision of the Central  
20 Committee.

21 Q. Thank you. And what, I guess, what I want to focus on is this  
22 sentence, "as with all units reserved for intellectuals". So, at  
23 least in English, it would appear that you're saying that where  
24 all intellectuals were kept, those premises were supervised by  
25 the Central Committee of the Party.

1 [09.53.03]

2 That's what your research led you to conclude; is that correct?

3 A. Yes, that's what I heard from others that Phum -- I did not  
4 know his official rank, but it was under the direction of the  
5 Central Committee of the Communist Party of Kampuchea. But that I  
6 learned it later on when I started writing this book.

7 Q. All right. And then you qualify, or you give us a definition  
8 of who comes under the heading of intellectuals were grouped  
9 students, professionals, engineers, civil servants and the elite  
10 of the former regime. That's what your research led you to  
11 conclude; correct?

12 A. Yes.

13 Q. And so, if I understand you correctly, after K-15, from there  
14 you went to Boeng Trabek; do I have it right, or did you go  
15 someplace else before that?

16 [09.54.56]

17 A. After I left K-15, then I went to D-2.

18 Q All right. And now we know from your testimony that you ended  
19 up in Boeng Trabek in 1978 - sometime around October or November,  
20 cause you say the last couple of months before Phnom Penh falls  
21 to the Vietnamese. Had you been there before? And if so, can you  
22 please tell us about what time -- what period, what year?

23 A. In general, I went to Boeng Trabek twice: the first one, it  
24 was when before I left for Dei Kraham; and then the second time  
25 was in late 1978, as the counsel rightly pointed out.

22

1 Q. And the first time that you were there, that would have been  
2 1976; correct?

3 A. That's correct.

4 [09.56.28]

5 Q. And so the statement that you have here -- that is, "as with  
6 all units reserved for intellectuals, it was under the direct  
7 supervision of the Central Committee of the Party" -- can we  
8 rightly conclude from what you write here, is that when you were  
9 at Boeng Trabek the first time, that that was being under the  
10 direct supervision of the Central Committee of the Party?

11 A. It was only my supposition and I heard it from others and  
12 through my personal research. It left me to understand it as  
13 such.

14 Q. Whenever you say "supposition", I have to press you a little  
15 bit because I'm not asking you to suppose, to assume, I am asking  
16 you to verify based on what you wrote, because I see nothing  
17 about supposition in your book here. So, can you please be  
18 concrete?

19 [09.58.02]

20 A. And I did write it.

21 Q. Sir, I am not asking you whether you wrote it. I'm asking you  
22 to confirm that based on your research that you conducted in  
23 writing a book that you stand behind, as true, accurate and  
24 complete, what you write here: "As with all units reserved for  
25 intellectuals, it was under the direct supervision of the Central

1 Committee."

2 Now, this was back in 1976. Can you confirm, based on your  
3 research, that in 1976 Boeng Trabek was under the direct  
4 supervision of the Central Committee of the Party -- based on  
5 your research?

6 MR. PRESIDENT:

7 Witness, please hold on.

8 Prosecutor, you may proceed.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. I see perfectly clearly where the  
11 Defence is going, because it's basing itself on the book, of  
12 course, written by the witness. And, however, we took care to ask  
13 the witness to distinguish what he had seen and we didn't ask him  
14 these kinds of questions. And what bothers us, Mr. President, is  
15 that we are trying here to ask the witness to become an expert  
16 and the witness here is not here as an expert, he's here as a  
17 witness.

18 So that is my objection to this kind of question.

19 [09.59.52]

20 MR. KARNAVAS:

21 If I may briefly respond, when the Prosecution is up here they  
22 refer to the book, not a problem. Today, I press the gentleman;  
23 he tells me that I should ask him questions based on his own  
24 writing.

25 I am now asking him questions on his own writing, and there are

24

1 no qualifications as to what he stated. He indicated that he did  
2 some research, and I'm asking him to confirm. This is an  
3 important issue.

4 Now, he can say that what he wrote was false; I will accept that.  
5 He can say that what he wrote, he's not -- he will not stand  
6 behind it 100 per cent because he's uncertain, because he might  
7 have learned something thereafter; he can say that he was just  
8 guessing when he wrote it; or he can say that he stands behind  
9 it. There's a universe of choices. But his credibility is at  
10 issue here, and his testimony is at issue here.

11 [10.00.56]

12 And when he goes to Boeng Trabek and who controls or supervises  
13 Boeng Trabek, at which point in time is vitally important,  
14 because we've heard testimony about the conditions. That's why  
15 I'm pressing the gentleman for this question.

16 MR. PRESIDENT:

17 Witness, you do not need to respond to the last question. It is a  
18 repetitive question which has already been answered by the  
19 witness.

20 Secondly, Counsel, you seem not to remember the response and  
21 later on you put a question which tried to draw a conclusion from  
22 the witness. Please prepare your question appropriately and the  
23 Chamber observes that some of your questions cannot be -  
24 shouldn't be used, especially the form of the yes or no  
25 questions.

1 [10.02.06]

2 MR. KARNAVAS:

3 Very well, Mr. President.

4 I don't want to debate the point, but can I have the Trial  
5 Chamber's version of what the statement was? What did he say  
6 about this? Does he stand behind this? Because you've indicated  
7 the question was asked and answered; I don't know what the answer  
8 is.

9 MR. PRESIDENT:

10 Please make sure your question does not draw a conclusion from  
11 the witness. The witness responded that he wrote it that way  
12 through his research and his experience of living there. And you  
13 said that his respond was a kind of a conclusion, but in fact,  
14 your second question to him was to draw his personal conclusion.

15 [10.03.09]

16 BY MR. KARNAVAS:

17 Q. From your observation, sir, can you please describe to us  
18 whether the conditions were the same the first time that you were  
19 there versus the second time that you were there?

20 MR. ONG THONG HOEUNG:

21 A. I can tell you, Counsel, that in 1976 the living condition in  
22 Boeng Trabek was difficult. However, in 1978 -- that is, after we  
23 returned -- the situation was not as strict as previously.

24 Q. Well, was there more food in '78 than there was in '76?

25 A. In 1978, there was sufficient food, it was not abandoned, but

1 for us who did not have enough to eat before, was sufficient. And  
2 some of us became more healthy, physically.

3 Q. Now, in your book, and you were questioned by Judge Lavergne  
4 on this, not extensively, but you did indicate that there was a  
5 "Cheap" that you had met the second time you went to Boeng  
6 Trabek; is that correct?

7 [10.05.10]

8 A. As I recall, it was the person who received us from the boat.

9 Q. Right. And as I understand it, you associated him with the  
10 Ministry of Foreign Affairs and at one point, I believe you might  
11 have even indicated that he was under So Hong? Is that correct?

12 A. I never went to the Ministry of Foreign Affairs. However, in  
13 my book I wrote that he went to receive us when we returned from  
14 Dei Kraham and he took us to stay for one night in the Wat Phnom  
15 and next morning he took us to Boeng Trabek.

16 Q. Maybe something is getting lost in translation. I never said  
17 that you went to the Ministry of Foreign Affairs. Was it your  
18 understanding that this individual by the name of "Cheap" was  
19 under the Ministry of Foreign Affairs?

20 A. Yes, he must have come from the Ministry of Foreign Affairs as  
21 he said that he was instructed by Ieng Sary to come to fetch us.

22 [10.06.53]

23 Q. Well, according to your testimony -- and I am referring to  
24 transcript on August 9th, Khmer, 00833358; English is page 50;  
25 and then French is page 54 -- you state that when you are asked

1 about it -- about this individual: "I met him and when I saw his  
2 face I find his face familiar. When his picture was printed in  
3 the newspaper, I thought that was him; he was the close aide of  
4 So Hong."

5 So let me put it to you this way: Was it your understanding back  
6 then that he was So Hong's close aide, based on your interactions  
7 or based on what he might have said?

8 A. When I saw the photo, although I was not a hundred per cent  
9 sure, it was his photo, and if so, he was the close aide of So  
10 Hong.

11 Q. All right. Now, let me press you a little bit on - on seeing  
12 the photo. When was it that you saw his photo because you say  
13 here that you saw it in the press, I believe. So can you please  
14 tell us, in which context did you see the gentleman's face -- his  
15 photograph?

16 [10.08.53]

17 A. I saw his photo on the Internet.

18 Q. All right, well, can you be a little more specific. Were you  
19 following the proceedings and as a result of following the  
20 proceedings you saw his photograph? Did you read an article  
21 concerning his testimony when he testified here under oath? In  
22 what context did you see the photograph on the Internet?

23 A. I am not sure. My wife saw the photo so she told me so I  
24 looked at the photo and it looks familiar. As I said, I am not a  
25 hundred per cent sure whether it was his photo. And I did not

28

1 read any other text beside seeing that photo.

2 Q. All right. Well, we've had a gentleman here testify, his name  
3 is Cheam; there's no "Cheap" as you've indicated in your book --  
4 C-h-e-a-p -- that would have been working for Mr. So Hong. Is it  
5 possible that you have the wrong name? That it should be Cheam as  
6 opposed to Cheap?

7 A. What I said was not based on my hundred per cent certainty and  
8 I repeat that once again.

9 [10.11.20]

10 Regarding the name, sometimes people change their names to mask  
11 their identity, so I cannot say for sure whether I am a hundred  
12 per cent certain regarding the names I used or quote.

13 Q. All right. So is it your understanding that he might have been  
14 masking his name, he might have been going under "Cheap", which  
15 is why you wrote him on several occasions in your book as  
16 "Cheap", the one that was also riding a Honda, a Honda moto?

17 MR. PRESIDENT:

18 Mr. Prosecutor, you may proceed.

19 MR. DE WILDE D'ESTMAEL

20 Thank you, Mr. President. The defence counsel is asking the  
21 witness to speculate again by asking this question which is  
22 repetitive. It was already asked by the Judge and he says  
23 "perhaps" thereby inviting the witness to confirm his hypothesis.  
24 This is not a proper manner of putting questions to the witness.  
25 Thank you.

1 [10.12.48]

2 MR. KARNAVAS:

3 Your Honour, there's a point to this exercise. He's indicated -  
4 he's written a book where on numerous occasions he represents  
5 that this person by the name of Cheap -- now you can look high  
6 and you can look low on the case file, you won't find this name  
7 as somebody working under So Hong in the Ministry of Foreign  
8 Affairs.

9 We heard So Hong testify. We heard Cheam testify - who also went  
10 by Phy Phuon.

11 Now, there is a reason why I'm asking this question, and I want  
12 to make sure that this is not a typographical error, this is what  
13 he put down. And if he wants to claim now that this might be some  
14 other revolutionary name, that's fine, but there's no evidence  
15 thus far that Cheam went by Cheap or that a Cheap actually  
16 existed. Hence, I am pressing the gentleman for a clear answer.

17 (Judges deliberate)

18 [10.14.43]

19 MR. PRESIDENT:

20 The question is repetitive, so, Witness, you do not need to  
21 respond.

22 BY MR. KARNAVAS:

23 Q. Now, you were posed a series of questions by Judge Lavergne  
24 where you were asked to verify certain quotes that can be found  
25 in your book, in your testimony. And I guess my question is - on

1 your statement, I should say.

2 But my question is this: If you were – if you did indeed have the  
3 notes that you claim you had, you had a notepad where you were  
4 keeping notes when you wrote this particular chapter – how on  
5 earth did you get such a significant name grossly wrong?

6 Mr. ONG THONG HOEUNG:

7 A. Normally, for authors and, personally, sometimes I use a  
8 pseudonym for other people or sometimes I don't use the real  
9 names. However, when it comes to the name of Cheap, I think the  
10 name is Cheap, or it could be Cheam, I am not a hundred per cent  
11 sure. But what I heard was Cheap. But I could mishear it because  
12 I was told there was a person by the name of Cheap who rode a  
13 motor bike and who was waiting to receive us. So I cannot a  
14 hundred per cent confirm the certainty regarding the name.

15 [10.16.39]

16 Q. Let me make sure I understand your answer correctly. Are you  
17 suggesting that you only met this gentleman once, which may  
18 account for why you have the name wrong?

19 A. I met him two times: one during the day -- that is, after we  
20 arrived from Dei Kraham -- and in the late afternoon he brought  
21 us to Boeng Trabek -- that was the second time. Subsequently, he  
22 also returned to Boeng Trabek, but I never met him.

23 Q. And can you please tell us, what name did you put down in your  
24 notebook where you had all these other quotes? Or did you have a  
25 notebook?

31

1 A. I put the word – or the name "Cheap".

2 Q. Now, sticking with this notebook a little bit, can you please  
3 tell us where it is and whether you have shown this notebook to  
4 anyone, such as Mr. Heder -- with whom you met back in 1980, '79  
5 or '80 at the border -- Professor Chandler, Henri Locard, the  
6 investigators of the Office of the Co-Investigative Judges?

7 A. I cannot recall it, but I used to show it to some researchers  
8 but I am uncertain as to who they were.

9 [10.19.39]

10 Q. Well, can you name one researcher? Because here you were  
11 interviewed February to March 1980 by Mr. Heder -- and we are  
12 going to get into that interview shortly. That would have been  
13 right after you left Phnom Penh on November 1, I believe, 1979,  
14 and you went to the border. Did you have it then? And did you  
15 share it with Heder, who was there, obviously, collecting  
16 information from which he has written some rather extensive  
17 notes?

18 A. I cannot recall whether I showed it to him. If I show it to  
19 him it could be incidental because there was no point in me  
20 showing my personal notebook to him and I did nothing of the  
21 importance of showing my notebook to him. To me it's important,  
22 but I do not see the significance for others.

23 Q. All right. Well, he was there collecting information about  
24 your experiences at Boeng Trabek and other places and he was  
25 asking you some rather pointed questions. He also – let me remind

1 you - reads, writes, and speaks Khmer. So did you have this  
2 notebook with you at the time? You seem to remember quotes that  
3 happened some 30 years ago; surely you would remember whether you  
4 physically had the notebook on you.

5 [10.21.59]

6 A. I cannot recall it. However, I recall that I indeed met with  
7 Steve Heder in Thailand.

8 Q. And in that meeting, did he approach you, or did you approach  
9 him? He was there as a graduate student from Cornell University  
10 doing research. So do you recall, how was it that you connected  
11 with Heder at the time?

12 A. I did not have the money to buy an air ticket or to meet him  
13 at Cornell University. At that time, I was in the refugee camp  
14 and he came to meet me.

15 Q. All right. Well, something -- I can only apologize because the  
16 translation must be terribly wrong because I never said anything  
17 about you going to Cornell.

18 Let me rephrase my question, or re-ask it: How was it that you  
19 met him? Did you approach him or did he approach you? Which of  
20 the two, if you recall?

21 [10.23.32]

22 A. He could travel anywhere. He flew to meet me. How could I go  
23 to see him?

24 Q. Sir, again, let me press you. You're there over the border in  
25 Thailand. I'd like to know, how was it that you met him? Did you

1 know of him being there conducting research and you approached  
2 him or was he going around looking for refugees to interview --  
3 which of the two? It's a simple question.

4 A. It's a simple question, and my simple answer is: He came to  
5 meet me.

6 Q. All right. And how was it that he found you? How did he know  
7 that you existed where he found you, if you recall?

8 A. I cannot recall it.

9 Q. Do you recall how many days you met with him to be  
10 interviewed?

11 A. I cannot recall that event; it took place a long time ago. But  
12 I can say for certain that I met him.

13 Q. All right.

14 Now, let me fast forward a little bit, before we get to your  
15 interview, and go back to what you've written in your book where  
16 you say on page 15 that this book would not exist if Henri Locard  
17 had not found it at Stephen Heder's place. Is that what happened  
18 -- you had a draft, and it was at Stephen Heder's place, and  
19 Locard found it?

20 [10.26.16]

21 A. That's what I wrote and that's true and it is a kind of a  
22 courtesy.

23 But I do not know what you want, Counsel.

24 One day Steve Heder said that I was drafting a book and that I  
25 will write it in French. And he said that he would like to obtain

34

1 a copy, so I gave him a copy. And Henri Locard, while he visited  
2 Steve Heder in London, he came across that draft and encouraged  
3 me to publish it.

4 Q. Okay, thank you. So, if I understand you correctly you send a  
5 manuscript to Mr. Heder in London?

6 A. As I said, after I concluded the manuscript, I sent copies of  
7 them to a number of people -- not only to Steve Heder, but to  
8 others as well.

9 Q. And did Steve Heder get back to you with any comments  
10 concerning your book?

11 A. I cannot recall it but it seems none.

12 Q. And since showing him the manuscript and publishing the book,  
13 has Stephen Heder ever asked you to share your notes so he could  
14 have a first-hand look at notes that purportedly were taken  
15 contemporaneously to the events that you describe?

16 [10.28.50]

17 A. No, he did not. He never asked from me.

18 Q. Now, if we go to the--

19 I'm about to go into the interview itself, Mr. President. I see  
20 the time, it may take a little bit longer than five minutes or 10  
21 minutes, it might be an appropriate time to take a break, or I  
22 can continue. I'm at your - I'm in your hands.

23 MR. PRESIDENT:

24 How much time do you participate - anticipate in finish this  
25 portion?

1 MR. KARNAVAS:

2 Well, this portion could take a little bit longer, I've - I think  
3 I'm going to need the whole morning. And I'm hoping by noon I  
4 will complete my entire examination of the gentleman.

5 [10.29.48]

6 If we were to take a break now, it would give me the opportunity  
7 to condense and, perhaps, shorten my examination, which probably  
8 is very much appreciated by everyone.

9 MR. PRESIDENT:

10 Thank you.

11 As during the last day of your questioning you said that you  
12 might only take a one hour to conclude your questioning time, and  
13 if you are to take about 10 more minutes, then the floor can be  
14 passed on to another defence, but it means that your anticipated  
15 one hour extra is not accurate.

16 The time is now appropriate for a short recess. We will take a  
17 20-minute break and return at 10 to 11.00 to continue hearing the  
18 testimony of the witness.

19 Court Officer, could you assist the witness during the break and  
20 have him returned to the courtroom at 10 to 11.00?

21 (Court recesses from 1031H to 1051H)

22 MR. PRESIDENT:

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

24 I now hand over to the defence team for Ieng Sary to continue his  
25 line of questioning. You may proceed.

1 BY MR. KARNAVAS:

2 Thank you, Mr. President.

3 Q. Now, Witness, before we left off, we were talking about your  
4 interview with Mr. Heder, and you did indicate that you remember  
5 having an interview.

6 If we could look at document D108/27.19 – this was shown to you  
7 last – last week. And I want to look at Khmer, 00324684; English,  
8 00170700; and French, it's 00648967 to 8. I should note that on  
9 the previous page it says "Source: Ong Thong Hoeung and Sauv Kim  
10 Hong." This would be February 29, 1980.

11 [10.54.00]

12 Let me begin by asking you: When the interviews were conducted  
13 with Mr. Heder, were you alone or did he conduct it with the  
14 individual that he also lists as a source – if you recall?

15 MR. ONG THONG HOEUNG:

16 A. That, I do not recall.

17 Q. Do you recall where the interview took place? Was it in a  
18 room? Was it in a tent? Was it at a café? Do you recall the setup  
19 – the setting?

20 A. To my recollection, I met him several times, but sometime we  
21 met in our tent, in the camp.

22 Q. All right. And when you – when you met with him – I guess this  
23 is the thrust of my – of this particular question – were you  
24 alone or was anybody else there with you, who was also providing  
25 information to Mr. Heder's questions?

1 A. That, I don't recall.

2 [10.56.00]

3 Q. Do you recall whether you knew of Sauv Kim Hong, who is also  
4 represented as the source of this information?

5 A. Yes, I know - I know him.

6 Q. And was he - well, let me ask you, how was it that you know  
7 him?

8 A. He was a Cambodian living overseas, and he stayed in my - he  
9 came from the same hometown as me.

10 Q. All right. Well, was he in - in -- right before the fall of  
11 Phnom Penh to the Vietnamese, was he with you in Boeng Trabek or  
12 did you just happen to meet up with him?

13 A, Yes, I knew him when we were in France together, but we did  
14 not know each other for long over there. Then I met him in Boeng  
15 Trabek in late 1978. So, in short, he did not live with me in  
16 Cambodia for a long time.

17 [10.57.50]

18 Q. All right. Well, my question and what I'm interested in is to  
19 know whether, when you were in Boeng Trabek in 1978, the second  
20 time -- was he there with you? We know that you had - there was a  
21 B-30, B-31, B-32. Did you see him there, in Boeng Trabek, in  
22 1978?

23 A. Yes, I did, but I did not stay in the -- with him because  
24 after that he was taken away; I did not know where he was  
25 transferred. But immediately when I was transferred back from Dei

38

1 Kraham, I met him at Boeng Trabek in late 1978.

2 Q. All right. So the record is clear: he would have been there  
3 October, November, December 1978, to your recollection; is that  
4 correct?

5 A. I cannot recollect it very well, but when I arrived in Boeng  
6 Trabek in late 1978, I met him, but then, soon afterwards, he  
7 disappeared; I did not know where he went to.

8 [10.59.32]

9 Q. All right. And I take it you didn't ask him -- when you caught  
10 up with him on the border, you did not ask him what had happened  
11 to him, where he had been.

12 A. We talked to each other, but I just do not recall what we had  
13 talked to each other then.

14 Q. All right. Now, let's go to the page that I'm interested in,  
15 which is -- as I've indicated before, 00324684 - that's the Khmer  
16 ERN number. The English is 00170700, or page 9. And the French,  
17 it's 00648967 to 8.

18 And I'm going to read a portion and then I'm going to ask you a  
19 question, recognizing - recognizing that we don't know exactly  
20 whether you are the source or the other gentleman is the source.  
21 And, hopefully, you might be able to clarify this matter for us.

22 It states:

23 "I think after the Party anniversary in 1978, Savan was arrested  
24 together with two assistants and sent to Tuol Sleng prison and  
25 then executed. Ieng Sary later told us that Savan was a traitor

1 working with Vietnamese. After that, Boeng Trabek was officially  
2 divided into B-30, B-32, and B-31."

3 [11.01.35]

4 Do you recall whether you provided this information?

5 A. I do not know, as I cannot recall it. However, I received that  
6 same information.

7 Q. All right. Well, you were present there at the time. Does this  
8 - what I just read out to you, does this coincide with your  
9 memory of the events as they occurred at the time - if you  
10 recall, that is?

11 A. Yes, it is consistent.

12 Q. Could - would it be fair to say that -- when you look at this  
13 document, that there were extensive questioning being conducted  
14 on Boeng Trabek? Do you recall that?

15 A. What kind of questions? You referred to "extensive questions".  
16 Can you elaborate a bit further on that?

17 Q. All right. Well, Stephen Heder was meeting with you because  
18 you were an intellectual who had been at Boeng Trabek, among  
19 other places, and many of his questions dealt with your  
20 experience and your observations at Boeng Trabek; would that be  
21 correct?

22 [11.03.50]

23 A. Yes, that is correct.

24 Q. And you've indicated that the interview took place - or you  
25 met him over a period of days. Did he, by any chance, ask you to

40

1 think about any incidence or to provide him with any documents or  
2 information based on your experience there or your experience  
3 thereafter, such as when you were working at S-21?

4 A. Yes, I gave some documents to him, but I cannot recall the  
5 details of those documents. The purpose at the time was that I  
6 wanted him to spread the informations about the hardship that we  
7 -the Cambodian people faced during the time.

8 Q. Right. And he was also asking questions because of his own  
9 research, and you were providing comprehensive answers to the  
10 extent that you were able to do so; would that be right?

11 A. Let me repeat that I met him, I told him what I saw. However,  
12 I cannot say what he recorded or what note that he took; I did  
13 not read them.

14 Q. All right. Let me go back to my question. From the series of  
15 questions that he was asking you, was it not obvious that he was  
16 trying to get information from you, as accurate, as complete, as  
17 comprehensive as possible, concerning what you were able to see  
18 and experience in various places, Boeng Trabek being one of them?

19 [11.06.37]

20 A. Yes, that is true. He asked me about the various locations  
21 where I had been.

22 Q. All right.

23 Now, if we could turn to Khmer, 00324687; English, 00170702; and  
24 then, French, 00648969. And again, recognizing that this is a  
25 compilation of two sources, I will read a passage and then ask

41

1 you a few - the same sort of questions. It says:

2 "Ieng Sary said two months before the Vietnamese invasion that  
3 the Central Committee grasped only at that time still only 45 %  
4 of the coops in the country. One of his assistants, a Party  
5 member named Kon, said that some of the Party cadres had 'burned'  
6 the Party line and pursued the ultra-left line and [undermined]  
7 the Party from the below. Even the rightest had used the tactic  
8 of pursuing ultra-left line in order to undermine the Party.

9 [11.08.17]

10 "We understood from this that one of the problems was [that] each  
11 coop was supposed to be a little self-reliance society and that  
12 coops were supposed to provide statistics on rice production,  
13 population and the needs of the people to the higher levels. The  
14 amount of rice to be sent to the State was the sole  
15 responsibility of the coop chairman but many coop chairmen  
16 inflated the production figures in order to make themselves look  
17 good in the eyes of the Party, and sent rice to the State at the  
18 expense of popular consumption."

19 Do you - do you recall whether these are statements that you  
20 might have made to Stephen Heder?

21 A. I can concretely confirm that that statement could not be from  
22 the people coming from overseas. It means that Steve Heder surely  
23 met with the Khmer Rouge cadres or Khmer Rouge leaders who could  
24 provide such information.

25 We were in the camp; we did not have the authority to provide

1 such information to him. It is beyond the capacity as a detainee  
2 in the camp.

3 [11.10.20]

4 Q. All right. Well, the reason I'm asking you, sir, is, if we go  
5 back to the original page where it says "February 29, 1980" - in  
6 Khmer, it's 00324681; in English, it's - it's 8 - I don't have  
7 the French, unfortunately, but that was - it should be 00648966  
8 or 67. It says "Source: Ong Thong Hoeung and Sauv Kim Hong". And  
9 if we go through the next series of pages, it would appear -  
10 because there's no other listing as the source - that this  
11 information would have come either from you or the other  
12 gentleman you indicated that you knew and that you had been  
13 reunited with and met him, at least briefly, at Boeng Trabek in  
14 1978.

15 Can I take it, at least from your answer, that this is something  
16 that you would not have said?

17 A. I can confirm that I would not be able to provide such an  
18 information; it is beyond my knowledge.

19 Q. Okay. Thank you. And I take it, when it came to Boeng Trabek,  
20 however, that was within you knowledge. So, for instance, if you  
21 had attended meetings where names were named and inflammatory  
22 languages were said and quoted, that sort of information you  
23 would have been in the position to provide Mr. Heder.

24 [11.12.47]

25 A. I, personally, cannot know about membership of the Central -

1 of the Party Centre, even if when I was at the Khao I Dang  
2 Refugee Camp.

3 Q. Thank you. Again, I must apologize; the translation must be  
4 awful today because I never mentioned anything about what you're  
5 answering to.

6 So let me ask the question again: Concerning Boeng Trabek, you  
7 were in a position at that time - 1980, February or March - to  
8 provide concrete and reliable information to Stephen Heder;  
9 correct?

10 A. Can you repeat your question? Because I don't understand - I  
11 do not get it.

12 Q. All right. Let me try one more time. Mr. Heder was asking you  
13 questions about Boeng Trabek. I showed you a passage earlier, and  
14 you said you could not have possibly known that information and  
15 could not have given it at the time.

16 [11.14.27]

17 And so I'm now asking the question: Since you had been in Boeng  
18 Trabek, especially in 1978, you were in a position to provide  
19 information to Stephen Heder concerning that institution at the  
20 time that you were there, which would also include the meetings  
21 that you participated in or observed; is that a fair statement?

22 A. Yes, I could tell him about what I saw during my living at  
23 various detention camps in Cambodia, but I cannot recall the  
24 details of what I spoke to him; it's a long passage of times.

25 Q. Well, I'm not asking for the details; I just want to make sure

44

1 that I understand you correctly, that you were in a position to  
2 answer questions concerning Boeng Trabek in 1978, which featured  
3 as one of the main topics of his interview with you. And I – as I  
4 understand it, the answer to my question is: Yes, you were in a  
5 position.

6 A. I knew about the event at Boeng Trabek in 1978, as it was the  
7 office where I stayed.

8 [11.16.09]

9 Q. And concerning details that Mr. Heder wanted, you indicated  
10 that you provided him with some documents when it came to Boeng  
11 Trabek and what might have happened there and what you might have  
12 observed at meetings where Mr. Ieng Sary was present. Assuming –  
13 assuming you had the notebook with you, you would have been able  
14 to consult your notes to provide details; is that correct?

15 MR. PRESIDENT:

16 Witness, you do not need to respond to this question, as it tries  
17 to draw your conclusion, and it is not allowed in this instance.

18 [11.17.12]

19 BY MR. KARNAVAS:

20 Q. Now, during those meetings with Mr. Heder, you also spoke  
21 about S-21; is that correct?

22 A. Yes, that is correct.

23 Q. And at that point he also asked you some rather detailed  
24 questions concerning what you had observed at Tuol Sleng -- S-21  
25 - when you were there as - as I believe you characterize

1 yourselves - an archivist; correct?

2 A. What you mean? In Khmer, "bansar", or "archivist", in English?

3 Q. Well, let's take it step by step.

4 Khmer, 00324691to 92; English, 00170705, or page 14; French,  
5 00648971. At the top of the page, we see, at least in English,  
6 that this was from February 29, 1980. Source - it has your name.

7 Do you see that, sir?

8 [11.18.56]

9 A. Yes, I do.

10 Q. Now, it says here: "I was an archivist at Tuol Sleng for two  
11 months from the beginning of August until the time I left [...] in  
12 November 1979."

13 So those are your words - at least, that's what he said that you  
14 said, that you were an archivist at the time; correct?

15 A. Yes, that is correct.

16 Q. And in the same passage - in the same passage, you go on to  
17 say: "In early August 1979, the Vietnamese were preparing the Pol  
18 Pot Trial and they needed people to look into the archives. So I  
19 went to work at the archives at Tuol Sleng and was paid in 3 cans  
20 of rice a day for my work."

21 Now, let's stop here for a second. At the time did you know that  
22 a trial was going to take place and, if so, who was being tried?

23 A. As I recall, the trial was for two individuals, namely Pol Pot  
24 and Ieng Sary.

25 Q. And do you recall when the trial took place?

1 [11.20.58]

2 A. I can't recall the exact date. However, while I - it was  
3 during the time that I was working at the Tuol Sleng Genocidal  
4 Museum.

5 Q. All right. Well, you say that you were asked to assist in  
6 translating; they needed people to look into the archives. We  
7 know that the trial took place from the 15th to 19th of August  
8 1979. Would that be about correct, to your recollection?

9 A. I am not certain, but I think that was the date.

10 Q. And as I understand your testimony last week, you claimed not  
11 to have even known where the trial took place. You were  
12 speculating that it could be one of two places. Is that your  
13 testimony, that at the time, being in Phnom Penh on this very,  
14 very highly publicized trial for which you were assisting the  
15 Vietnamese in, you were not even aware where the trial was taking  
16 place?

17 A. Indeed, I cannot recall where the trial took place.

18 Q. Did you attend the trial?

19 A. No, I did not.

20 [11.23.08]

21 Q. Can you please describe to us how - what sort of assistance  
22 you provided the Vietnamese for this trial?

23 A. I assisted in preparing the cases -- that is, the files - and  
24 in translating confessions into the French language - some  
25 confessions. But I can't recall whose confessions they were.

1 Q. All right. Well, who selected the confessions?

2 And you said you were also assisting in the preparation of the  
3 file. Can you please elaborate a little bit on that? To what  
4 extent were you involved with those who were preparing to conduct  
5 this four-day trial?

6 A. Practically, I did - I did what I was asked, in particular in  
7 translating the documents, and I was with other colleagues as  
8 well.

9 [11.24.56]

10 Q. All right. And with the Vietnamese, were you speaking  
11 Vietnamese, were you speaking French, or were you speaking Khmer  
12 or some other language, like English?

13 A. I cannot recall the name of the person. He came to contact me  
14 for the translation and he's a Cambodian person, not a  
15 Vietnamese.

16 As I can recall it clearly, it was Mr. Keo Chanda who was overall  
17 in charge, but his subordinates came to see us. I cannot recall  
18 the names of those subordinates.

19 Q. All right. Well, now, I want to clarify some points based on  
20 your testimony, in your statement, and even what you might have  
21 said to the press.

22 We see here, from this particular document, which is D108/27.19,  
23 that you say that it was "in the beginning of August" when you  
24 began working at Tuol Sleng.

25 Now, if you can look at your testimony on 7 August 2012, which

48

1 is, Khmer, 00832589, and for English, it's - it's page 104, which  
2 is from the draft; and for French, it's 114 of the draft - here,  
3 you say: "...I returned to Phnom Penh in May or June 1979. At that  
4 time, I went to Tuol Sleng, which was also known as S-21, and I  
5 worked there for a period of time."

6 [11.27.12]

7 Now, just to be fair with you , sir, are you saying that it's  
8 when you got to Phnom Penh, in May or June, or are you also  
9 saying, as part of this answer, that you went to Tuol Sleng May  
10 or June 1979, as opposed to August '79 -- which of the two?

11 A. I cannot recall for sure. I worked for a little bit more than  
12 two months, and I can recall clearly the date that I left Phnom  
13 Penh; it was in November. But I cannot recall the exact date when  
14 I started working at Tuol Sleng.

15 Q. All right. And in your statement which you gave on 21 November  
16 2008, you did indicate - this is E3/97, Khmer ERN 00270697 to 99;  
17 English, 00287107; and then French, it's 00241890 to 91 - that  
18 you "worked at Tuol Sleng from August to November".

19 And then you say: "My work consisted in keeping lists of  
20 individuals who were reported missing, translating confessions  
21 into French in preparation for the 1979 Trial."

22 So, here, you do repeat what you said to Stephen Heder.

23 [11.29.27]

24 Now, in - there is - it's been reported that you gave an  
25 interview back in 2006, where you had indicated that it might -

49

1 that in July, sometime in July '79, you came across a confession  
2 that was being used as a wrapper for banana cake, and I believe  
3 you indicated something to that effect here, in Court, as well.  
4 Do you recall that?

5 MR. PRESIDENT:

6 Witness, wait.

7 The Prosecution, you may proceed.

8 MR. DE WILDE D'ESTMAEL:

9 Yes. Thank you, Mr. President.

10 The Defence is referring to a source that has not been identified  
11 that is probably not placed on the case file. So the questions  
12 should only be based on questions that the witness has already  
13 described, and it should not be using sources that carry no index  
14 number here, before this Court.

15 [11.30.45]

16 BY MR. KARNAVAS:

17 Q. Do you recall telling us that the way you got to S-21 was one  
18 day you saw part of a confession that was being wrapped -- used  
19 to wrap a banana cake?

20 MR. PRESIDENT:

21 Witness needs not answer this question because it is repetitive.  
22 You may refer to the transcript for that question.

23 BY MR. KARNAVAS:

24 Q. Very well, from -- I guess I want some clarification  
25 concerning how it is that you got to S-21. Was it because of the

50

1 wrapper of the banana cake; was it because somebody -- you ran  
2 into somebody and they noted -- they asked you to work for S-21;  
3 how exactly was it that you ended up in S21?

4 [11.32.16]

5 MR. ONG THONG HOEUNG:

6 A. I cannot recall the exact date, but on that day I was  
7 somewhere around Psar -- Tuol Tumpung Market and I was buying  
8 banana cake, and I noticed that one of my friends' name is -- by  
9 the name of Kol Dorathy -- his name was in that paper that was  
10 used to wrap the banana cake. And then I tried to track down the  
11 source where this paper was taken from, and they told us that the  
12 document -- the paper was taken from Tuol Sleng. So it motivate  
13 me -- motivated me to find out as to what had happened to my  
14 friend. At that time, I did not even notice that there was an  
15 existence of S-21. But it was upon my witness of that name on the  
16 paper used to wrap the banana cake, then I wanted to know where  
17 my friends had disappeared; that triggered my interest in going  
18 there.

19 Q. All right, I guess this is the point that I want to clarify,  
20 because now you're telling us that you, on your own, based on the  
21 banana cake wrapper, went to seek out where Tuol Sleng is. Yet,  
22 to Stephen Heder, in February 29th, 1980, you said that the  
23 Vietnamese were preparing for the Pol Pot Trial and they needed  
24 people to look into the archives, and that's how you went to work  
25 at the archives at Tuol Sleng. So can you tell us, which of the

51

1 two versions is the correct one?

2 [11.34.22]

3 MR. PRESIDENT:

4 Witness, please hold on.

5 The Prosecution, you may proceed.

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President. The Defence is trying to show that  
8 these are two contradictory versions. However, it is quite  
9 possible that both of these versions concur and that they may be  
10 similar information that can explain how the witness went to work  
11 at Tuol Sleng.

12 So the way of challenging the witness saying this happened this  
13 way or this way, does not seem proper to me.

14 MR. KARNAVAS:

15 Mr. President, aside from being a totally inappropriate objection  
16 by telegraphing to the witness what they might want to answer to,  
17 which I submit is the exact purpose why counsel did that, which I  
18 find borderline unethical, I'm entitled to ask for a  
19 clarification from the witness himself.

20 [11.35.24]

21 The Prosecution can conduct his Closing Argument as he wishes and  
22 as you remind the Defence all the time. Now he's given two, if  
23 not more than two versions: one, the Vietnamese approached him;  
24 two, it was a banana cake wrapper that he went to.

25 It calls into question his memory, his credibility, especially

52

1 when we are being asked to accept quotations that he attributes  
2 to things being said by my client some 30 years ago. So I'm  
3 entitled to press this issue, and I don't think it's appropriate  
4 for the Prosecution to be standing up and to be feeding the  
5 witness the potential answers that they may be able to give.

6 MR. PRESIDENT:

7 As a matter of principle, the objection can be raised only once,  
8 and party is not allowed to make any reply.

9 So witness is instructed to respond to the last question posed by  
10 the counsel. The objection by the Prosecution is not sustained.

11 [11.37.01]

12 MR. ONG THONG HOEUNG:

13 A. What I know for sure, for myself, was that when I first saw  
14 that paper, I went to Tuol Sleng. And when I got there, I learned  
15 that they needed people, new people to work in the archives  
16 because it was during the period when they started the  
17 preparation for the peoples' trial at that time.

18 So that was my account of that event, and I have already  
19 mentioned that in my response.

20 BY MR. KARNAVAS:

21 Q. All right. Thank you.

22 Now, in getting in into Tuol Sleng, can you please tell us  
23 whether you recall if it was guarded or if it was completely open  
24 and anyone could just walk in and have access to documents?

25 Let me repeat the question; I'm told the translation was poor

1 again.

2 [11.38.08]

3 When you went to Tuol Sleng, can you please recall -- tell us if  
4 it was guarded and you needed to get permission to have access to  
5 documents, or whether it was unguarded, there were no guards and  
6 anyone including yourselves, could just walk in and have access  
7 to the documents there.

8 MR. ONG THONG HOEUNG:

9 A. When I first got there, to my recollection, it was guarded;  
10 the public was not allowed to access the place freely. And I --  
11 myself when I got there, I met with a person whom I knew, so he  
12 allowed me to get in. And then he also introduced me to Mai Lam  
13 who was the officer in charge of that place at the time.

14 Q. Thank you. Now, as I understand it, subsequent to this period,  
15 you continued to carry out research in a sense on S-21  
16 confessions and that you assisted some in translating  
17 confessions; is that correct?

18 [11.39.47]

19 A. Yes, that is correct.

20 Q. And some were doing academic research such as, I believe,  
21 Laura Summers; correct?

22 A. Yes, I know Laura Summers. I have had contact with her for a  
23 long time.

24 Q. And in fact, you have translated S-21 confessions for her, or  
25 with her?

1 A. When I had time, I assisted her in translation and I also  
2 assisted others as well in translation work.

3 Q. And my question now is: How did you have access to these S-21  
4 confessions? Was this during the period that you were working  
5 there as an archivist/translator for the Vietnamese or was it at  
6 some other point in time?

7 A. I translated the documents at the Tuol Sleng archive but  
8 actually I started translating it when I was overseas, and I did  
9 not work as a translator when I was in Cambodia, except when I  
10 was asked to assist in the preparation of documents for the trial  
11 of Pol Pot.

12 Q. Thank you. And that's -- can I ask, what year are we talking  
13 about, that you're translating these confessions, you know --  
14 assisting others, that is?

15 [11.42.32]

16 A. It was from 1980 onward.

17 Q. And is that -- now, as I understand it, you were not in  
18 Cambodia at the time, and if my memory serves me correctly, the  
19 Internet wasn't working and we didn't have access to emails and  
20 electronic documents. So how was it that you were able to get  
21 these confessions to wherever you were? How were they provided to  
22 you? Or did you take confessions with you when you left S-21, for  
23 your own personal archive?

24 A. When I left Cambodia at the time, I brought certain documents  
25 from my friends and my relatives. I brought those documents along

1 with me to Thailand.

2 [11.43.54]

3 Q. Okay. Now, when you're saying "documents", are we speaking of  
4 documents that you had obtained from S-21 that you took with you?  
5 Is that what we're speaking of?

6 A. Yes, but I only took the documents that were available in many  
7 copies.

8 Q. All right. And did you ever turn over those documents to the  
9 Cambodia Documentation Centre for their archives?

10 A. No, I have never turned it over to any organization because  
11 the documents that I brought with me were the ones that had  
12 already -- had already been copied. So the original copy was  
13 still there.

14 Q. Okay. Now, when you say "the original copy", was there a copy  
15 machine that was used to copy these, or these were transcribed by  
16 hand, and there were multiple handwritten copies -- which of the  
17 two -- or typed?

18 A. Certain documents were typed, certain other documents were  
19 handwritten. The documents that I brought along with me were the  
20 ones that had been copied. I did not take the original documents,  
21 but I only took the copied documents from the original document.

22 [11.45.56]

23 Q. Now, just a few more questions on this general issue.  
24 From reading -- you told us that you read some S-21 confessions  
25 while working for the Vietnamese. You then took some and then you

1 also assisted in translating for others, such as Summers.  
2 Would it be fair to say that over the course of the years, you  
3 have read numerous documents from which you have drawn some of  
4 your research and information concerning what occurred during  
5 that period?

6 A. I took with me around five documents. I cannot recall it very  
7 well but later on in the refugee camp in Thailand, Mr. Heder  
8 approached me and he wanted to find out more about those  
9 documents. So he went to Cambodia and then he got one photocopier  
10 machine and then he handed it over to the former S-21. And I  
11 translated those documents into French and I also circulated to  
12 others, including Laura Summers and other authors as well.  
13 And then, at that time, Mr. Heder went to Phnom Penh and he  
14 bought one photocopier machine and he handed it over to the  
15 former S-21, and not -- you know, even today, they still ask me  
16 to assist in translating certain documents as well.

17 [11.47.55]

18 Q. Right. And I guess -- from all of that work, would it be  
19 fair-- can you please tell us whether reading those confessions  
20 and translating them -- did that assist you with your  
21 understanding, your knowledge of what was happening at the time?

22 A. To my understanding, I read the documents that were extracted  
23 by ways of torture. So I did not believe entirely the contents or  
24 substance of that message, but I tried to relate to other events  
25 that took place during the Democratic Kampuchea period.

1 Q. Thank you.

2 Now, staying with the document that we are with, which is  
3 D108/27.19, I want to ask you something different. The Khmer  
4 version is 00324691 to 92; English is 00170705; and French,  
5 00648971, actually the same page.

6 [11.49.41]

7 It says here that "this guy came to meet me and invited me to  
8 participate in the 2nd Congress of the Heng Samrin Front and to  
9 become a member of the Front's Central Committee, and I did".

10 And I guess I just want some – a point of clarification. What  
11 exactly was this central committee that you became a member of,  
12 and how long you were a member, and what were your  
13 responsibilities, if any?

14 A. To my recollection, I stated that when I was working at Tuol  
15 Sleng, Vietnamese experts contacted me and introduced me to work  
16 in the Central Committee, but I did not accept the job.

17 Q. Let me just make sure I understand correctly. On this page  
18 that I just read, it said that you – you became a member of the  
19 Front -- of the Front's Central Committee, but your testimony is  
20 that, though you became a member, you declined to do any work  
21 thereafter, and that's when you left for the border.

22 A. (Microphone not activated)

23 Q. All right. Well, then, correct us.

24 [11.51.39]

25 A. I do not recognize and I categorically reject this document

1 because it was not based on the truth.

2 Q. Okay. Now, let me make sure that I understand you correctly.

3 You categorically reject Stephen Heder's notes from an interview  
4 which he took and where he notes you as the source of this  
5 information. This is your stated position today?

6 A. I did talk to Steve Heder and I also talked to others, but I  
7 did not tell them that I ever once became a member of the Central  
8 Committee of the Front. But I have already mentioned very clearly  
9 that I was never a member of the Front.

10 And if you wanted to know that, you can ask members of the  
11 Central Committee of the Front, and then you find out whether or  
12 not I was there. Or you can always look at the record of the  
13 Front Central Committee, then you may find my names in that  
14 committee's composition, if you wanted to find out.

15 Q. All right. So, just to make sure I understand you, at least  
16 with respect to this part of Heder's document, but not  
17 necessarily other parts, this one in particular, you  
18 categorically reject? Or is it the entire document that you want  
19 the Court to disregard?

20 [11.53.39]

21 A. I reject on the basis that if anyone wrote anything about my  
22 membership in the Central Committee of the Front, I would like to  
23 reject on that point, and I categorically reject it because never  
24 had I been a member of the Central Committee.

25 Q. Okay. Thank you.

1 Now, just one final topic -- and this deals with Hor Namhong. And  
2 you mention him in your book, and his name has come up in the  
3 testimony as well. And as I understand it from listening to your  
4 testimony, at one point he was elected as sort of a team leader  
5 for B-32. Do you recall testifying to that effect?

6 A. Yes, I do.

7 [11.54.50]

8 Q. And as I understand your testimony, you were present when he,  
9 in fact, was elected?

10 A. Yes.

11 Q. And if I also understand your testimony and what you have  
12 written, this would have been the second time or he was appointed  
13 at one point and then this would have been the first election,  
14 but this was the same position that he previously held?

15 A. When he first designated to that position, I was not present  
16 because I was still at Dei Kraham at that time. But I met him at  
17 Boeng Trabek when I returned to the place and he was designated  
18 for the second time.

19 Q. And -- now, do you recall whether during that particular  
20 meeting when he was elected, whether Ieng Sary was present? I  
21 believe you'd indicated yes, but I just want a confirmation on  
22 that.

23 A. Yes, Mr. Ieng Sary was present there.

24 [11.56.38]

25 Q. And as I understand your testimony, you indicated that on that

60

1 occasion Mr. Ieng Sary had repeated what he had said earlier at a  
2 previous meeting, much of which you – you've told us about.

3 I'm looking at--

4 A. (No interpretation)

5 Q. Go ahead--

6 I'm looking at Khmer 0083349 to 50; English, it would be page 38;  
7 French, it would be page 41 to 42; transcript. It would be of 9  
8 August, where you say that you try to remain unnoticed.

9 "I was just satisfied to be present and just to applaud. Hor  
10 Namhong was kept in his function of President of the head of the  
11 Committee for Five Members. Ieng Sary repeated pretty much the  
12 same thing that he had said a few days before."

13 And if we go to an earlier part of the transcript, you tell us  
14 more or less what he had said during the first meeting.

15 And I just want to make sure that I get a confirmation that that  
16 is your testimony, that's what you recall.

17 [11.58.38]

18 A. Mr. Ieng Sary had repeated again and again that first,  
19 Cambodia was facing severe problems with Vietnam but eventually  
20 Cambodia would conquer the war. That was the point. I can still  
21 recollect.

22 Q. And was that not the case, sir, at the time, if you think back  
23 -- if you know, that is, recognizing that you were in Boeng  
24 Trabek? But from your research thereafter, was that not the case,  
25 how the situation was in Cambodia in October–November 1978?

1 MR. PRESIDENT:

2 Witness, please hold on.

3 The Prosecutor, you may proceed.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. The question asked is not based on what  
6 the witness heard at the time, but the question is trying to have  
7 him confirm via subsequent research.

8 Again, we have a situation in which the witness is being asked to  
9 answer as an expert. But what interests us in this trial is what  
10 the witness saw, heard at the time he was there shortly before  
11 the arrival of the Vietnamese.

12 [12.00.32]

13 MR. KARNAVAS:

14 Mr. President, the furthest thing from my mind is to turn this  
15 gentleman into an expert. He can merely tell us what he recalls  
16 at the time. Was he aware of the situation at the time when Mr.  
17 Ieng Sary was describing the situation between Cambodia and  
18 Vietnam? And we're speaking contextually -- October, November  
19 1978. If he doesn't know, he doesn't know.

20 MR. ONG THONG HOEUNG:

21 A. The only substance of what Mr. Ieng Sary said at that time was  
22 as what I explained, but I did not understand any other comments  
23 he made in other meetings and, particularly, I did not recall the  
24 dates when he attended those meetings. And as I have informed the  
25 Chamber that I only can recall certain substance of his words at

62

1 the time.

2 [12.01.55]

3 MR. PRESIDENT:

4 Thank you.

5 The time is now appropriate for adjournment.

6 Counsel, can you advise the Chamber as to how much time you need  
7 to put the questions to the witness? The time is now appropriate  
8 for lunch adjournment.

9 MR. KARNAVAS:

10 I have one question, Mr. President, one question only -- and when  
11 I say "question", not a topic. Thank you.

12 MR. PRESIDENT:

13 Are you suggesting that you have only one last question or are  
14 you saying that one last question for this morning session and  
15 then you will have other questions in the afternoon?

16 MR. KARNAVAS:

17 Last question for this gentleman.

18 MR. PRESIDENT:

19 So you may proceed.

20 [12.02.44]

21 BY MR. KARNAVAS:

22 Thank you, Mr. President.

23 Q. Now, sir, you've indicated that Hor Namhong was there present  
24 when Mr. Ieng Sary was there making these remarks. You were  
25 present. Can you tell us, based on your observations and

1 physically being there, whether he would have been in a position  
2 to hear what you heard from Mr. Ieng Sary? And I'm not asking you  
3 to speculate.

4 MR. ONG THONG HOEUNG:

5 A. What I observed at the time was that Mr. Hor Namhong listened  
6 to Mr. Ieng Sary, and Mr. Ieng Sary appointed him to be the team  
7 leader of B-32, and he accepted that designation. So, at B-30,  
8 there was a designation of people to different positions based on  
9 the assignment from the upper authority, and that was true for  
10 other teams as well of Cambodian returnees.

11 [12.04.18]

12 MR. KARNAVAS:

13 Sir, on behalf of Mr. Ieng Sary, Mr. Ang Udom and I would like to  
14 thank you for coming here to give your evidence. Our apologies if  
15 our questions were a little pointed at times. We wish you the  
16 best of luck. Thank you.

17 MR. PRESIDENT:

18 Thank you.

19 The time is now appropriate for lunch adjournment. The Chamber  
20 will adjourn for lunch from now until 1.30 this afternoon.

21 Court Officer, please facilitate the witness and arrange the  
22 place for him to rest during lunch break and have him back to the  
23 stand before the Chamber this afternoon before 1.30.

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

25 MR. PAUW:

64

1 Thank you, Mr. President. Our client, Nuon Chea, would like to  
2 follow this afternoon's proceedings from the holding cell, as he  
3 is suffering from a headache, a lack of concentration and has a  
4 back pain.

5 And we have prepared the waiver.

6 [12.05.31]

7 MR. PRESIDENT:

8 Thank you.

9 Having noted the request by Mr. Nuon Chea through his defence  
10 counsel to follow the proceeding remotely through audio-visual  
11 means during the entire afternoon due to his health concerns, and  
12 the defence team has promised that you will submit immediately  
13 the waiver of Mr. Ieng Sary (sic) not to be present directly in  
14 the courtroom, due to the actual circumstance of Mr. Nuon Chea,  
15 the request is granted. So Mr. Nuon Chea will be brought to the  
16 holding cell downstairs where he will be connected to the  
17 audio-visual equipment.

18 And Mr. Nuon Chea has expressly waived his rights not to be  
19 present directly in this courtroom. The Chamber requires the  
20 defence team for Nuon Chea to submit immediately the waiver of  
21 Mr. Nuon Chea with his thumbprint or signature.

22 AV assistant is instructed to connect the audio-visual means to  
23 the holding cell downstairs so that Mr. Nuon Chea can follow the  
24 proceeding for the remainder of the day.

25 Security guards are instructed to bring the co-accused Nuon Chea

65

1 and Khieu Samphan to the holding cell downstairs. This afternoon,  
2 Mr. Nuon Chea is to be remained in the holding cell, where he  
3 will be following the proceedings through audio-visual means, and  
4 Mr. Khieu Samphan is to be brought to this courtroom before 1.30  
5 this afternoon.

6 The Court is now adjourned.

7 (Court recesses from 1207H to 1331H)

8 MR. PRESIDENT:

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

10 We hand the floor to Khieu Samphan's defence to put questions to  
11 Ong Thong Hoeung. You may proceed.

12 [13.32.01]

13 QUESTIONING BY MS. GUISSÉ:

14 Thank you, Mr. President. Good morning, Your Honours and to all  
15 parties. And good morning -- good afternoon, Mr. Ong Thong  
16 Hoeung. I am an international counsel for Mr. Khieu Samphan. Let  
17 me also inform you that my questions will not be very long. My  
18 questions will be aimed at obtaining some clarifications on your  
19 prior statements and also on some passages of your book "I  
20 Believed in the Khmer Rouge".

21 Q. First point. At the hearing of the 7th of August you stated  
22 that it was the first time in this courtroom that you are seeing  
23 Mr. Khieu Samphan face-to-face. Do you confirm that?

24 MR. ONG THONG HOEUNG:

25 A. While I was young, I saw him once. He was in a Citroën car

66

1 with Hou Youn near Wat Langka. I saw him from a distance. At that  
2 time, I was still a young boy. And of course, it's the first time  
3 that I have the honour to see him in this courtroom.

4 [13.34.06]

5 Q. Very well. To be very clear as far as the records are  
6 concerned, are we in agreement in saying that you, yourselves,  
7 and your wife had never seen Khieu Samphan at Boeng Trabaek?

8 A. Let me repeat that. My wife and I never saw Khieu Samphan  
9 personally at Boeng Trabaek.

10 MS. GUISSÉ:

11 Mr. President, with your leave, may I request that the witness be  
12 shown the transcript of his statement, E3/99? And would you,  
13 therefore, request the greffier to show the French version on the  
14 page that interests me? It's page 12. In French, the ERN is as  
15 follows: 00241889. And in Khmer -- and may I request that that  
16 part be shown on the screen for the public - 00270701. And in  
17 English, the ERN is 00287109.

18 May I request that the greffier show the witness the French  
19 version of his statement, which is the original?

20 [13.36.16]

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 Court Officer, could you deliver the hard copy for the witness  
24 examination and have the Khmer version displayed on the screen as  
25 well?

1 BY MS. GUISSÉ:

2 Q. Now, Witness, in order for me to properly explain how I intend  
3 to proceed, I will read out to you two extracts of that  
4 statement, page 12 of the French, and then I'll put questions to  
5 you on that.

6 This document, E3/97 is a statement of the 22nd of November 2008  
7 which you gave the OCIJ investigators.

8 So I will read the first part out to you. It's underlined in your  
9 copy. And the question that is of interest to me is the last but  
10 one question put to you by the investigator and the first part of  
11 your answer.

12 This is what the investigator said: "I would like to show you a  
13 document written in French. It is numbered 00142162 in the Court  
14 records. Can you tell us if you recognize the statement it bears  
15 your name?"

16 [13.37.46]

17 And in answer to that question, you said the following: "I have  
18 never seen this document. This is the first time I've seen it. I  
19 have noted some errors which I will point out to you."

20 That is the first part I wanted to read out to you to refresh  
21 your memory.

22 Now, let me read out the second part to you. It is still on the  
23 same page in French, but in Khmer the ERN is as follows:

24 00270702.

25 And what is relevant to me is the second part of your answer in

68

1 which you state: "Let me point out that I challenge this document  
2 which has neither been read out to me nor have I signed it. It  
3 only reflects what I said partially."

4 Now, this is my question to you, Witness, with regard to that  
5 part of the statement. It happens that during your meeting with  
6 the OCIJ investigators, you challenged the contents of a document  
7 that was shown to you.

8 [13.39.15]

9 My first question to you is as follows: Who did you grant the  
10 interview which led to that statement which has been read out to  
11 you?

12 MR. ONG THONG HOEUNG:

13 A. I did not have any discussion with anyone. When I saw that  
14 document, I read it and I refused the content of that document  
15 because that's not what I said.

16 Q. Well, Witness, I would like you to be more specific in your  
17 answer. You said that you did not have any discussion with  
18 anybody whatsoever. Now, prior to that interview with members of  
19 the Office of Co-Investigating Judges, did you meet other persons  
20 with regard to the matter that is before us today?

21 [13.40.54]

22 A. Could the counsel verify your question again -- whether I  
23 recalled that I met the representatives of the Co-Investigating  
24 Judges' Office? I actually met them once, around 2007, and the  
25 document that I have here I can consider as the base document for

1 me to refer to or reference.

2 Q. To reassure you perfectly, Witness, I would like to show you  
3 the first statement which you challenged. I am trying to proceed  
4 one step at a time, slowly, in order that the records may be  
5 clear.

6 You stated that you had an interview with members of the Office  
7 of Co-Investigating Judges sometime in 2007. Do you remember  
8 where that interview took place?

9 A. I cannot recall it clearly. However, as I recall, the location  
10 was somewhere near the vicinity of the Independence Monument.

11 Q. Was that interview conducted in an office, at an official  
12 venue, or somewhere else?

13 A. As I recall, it was conducted in the Court's office.

14 Q. On the day of that interview, did the persons who interviewed  
15 you inform you that a written statement would be produced at the  
16 end of that interview which would be presented before the  
17 Chambers?

18 [13.43.42]

19 A. Yes, I was informed.

20 Q. At the end of that interview, those persons from the Office of  
21 Co-Investigating Judges called you to read out to you your  
22 statement in order to enable you to make any corrections you may  
23 have had?

24 A. I want to refer to this document. I read it and yes, I signed  
25 it.

1 Q. Excuse me, Witness, I believe that the error was committed by  
2 me. I should have proceeded in another manner.

3 May I request you to set aside the statement you have before you?  
4 We have already read it out to you and talked about what was of  
5 interest to me, so set it aside.

6 My question now has to do with an interview with members of the  
7 Office of Co-Prosecutors prior to the interview you had with the  
8 OCIJ investigators. I don't know whether you can make the  
9 distinction. You granted an interview in 2008, and the statement  
10 from that interview is what you have before you.

11 [13.45.27]

12 You said that a first interview took place in 2007. The questions  
13 I'm putting to you have to do with that first interview you  
14 granted in 2007. Am I making myself well understood?

15 A. The document in my hand dates 2008. I must inform you again  
16 that I will use this 2008 interview as the base for my reference  
17 and testimony.

18 Q. I very well understand, Witness, but the specific question I'm  
19 putting to you is as follows:

20 Before the interview that gave rise to the statement you have  
21 before you, did you have another interview with other persons  
22 prior to 2008? That is my question to you.

23 A. I am not sure but maybe I met another group, but I am  
24 uncertain of that. For that reason, I will use this interview as  
25 my reference, and when I met with the Court's representative I

71

1 inform them that I will use this 2008 interview as my reference  
2 during my testimony.

3 [13.47.36]

4 Q. I have properly understood, Witness.

5 My question is not with a view to knowing which document you'll  
6 use for reference purposes, my question is as follows: Before the  
7 interview which gave rise to E3/97, did you have any other  
8 interview with other persons before that interview whose  
9 statement you have before you?

10 A. I am not sure if I did because every time I returned to  
11 Cambodia, people came to meet me. But in a judicial sense, that  
12 was the first time that I gave a proper interview, in 2008. And  
13 as I said, every time I came to Cambodia, people wanted to meet  
14 me.

15 Q. A while ago, in your answer to one of my questions, you made  
16 mention of a meeting with some people in 2007. Do you recall that  
17 meeting?

18 [13.49.37]

19 A. I could say I met someone but I am not certain of under what  
20 condition I met that person.

21 Regardless of the circumstance in that year, when I provided an  
22 interview in 2008 I was shown that document.

23 MS. GUISSÉ:

24 Mr. President, to refresh the witness's memory, may I request  
25 that Annex 1 to this statement be shown to him? And I will give

1 you the ERN immediately. The ERN in French is as follows:  
2 00142162. A translation of this document also exists in English,  
3 and the ERN for that document is as follows: 00239987. And in  
4 Khmer -- may I also request your leave, Mr. President, to have  
5 this document put on the screen -- the ERN is 00178330.  
6 May I request the greffier to give the French original of this  
7 document to the witness?

8 MR. PRESIDENT:

9 Court Officer, could you deliver the hard copy from the counsel  
10 for the witness's examination?

11 [13.51.53]

12 BY MS. GUISSÉ:

13 Q. While you are glancing through the document, Witness, may I  
14 ask you to tell us whether the document you have before you is  
15 indeed the document that was shown to you during your interview  
16 with OCIJ investigators -- that is, the document with regard to  
17 which you said you challenged the contents -- the documents whose  
18 contents you challenged?

19 MR. ONG THONG HOEUNG:

20 A. Yes, I challenged that document.

21 First at D-2, I never said a colleague of mine requested to  
22 return to -- to go to the cooperative, and he did not -- or he  
23 was not allowed to. But in the content of that document, it read  
24 that he was sent to the hospital -- to the cooperative and died.  
25 But in fact, he's still living today. And for that reason, I

1 challenged the content of that document.

2 Q. There is one particular point which I would like to raise with  
3 regard to that document, and it is a passage I have underlined,  
4 and it reads as follows: [Free translation] "Ieng Sary and Khieu  
5 Samphan came to Boeng Trabaek to chair political meetings. I  
6 personally saw Ieng Sary when he came around October 1978. My  
7 wife saw Khieu Samphan there."

8 [13.53.44]

9 Are we agreed, Witness, that this part of the statement does not  
10 tally with what you stated?

11 A. This document is really not so clear when it comes to its  
12 content, and actually my wife met Khieu Samphan when she first  
13 arrived in the country while she was at K-15. It's so confusing.  
14 And it read that I met Ieng Sary in October 1978. I really do not  
15 understand the content of this document, and for that reason, in  
16 2008, when I met the judicial representative of this Court, I  
17 challenged the content of this document.

18 Q. And precisely, Witness -- and I hope my questions to you would  
19 be more clear -- the interview which led to the production of the  
20 statement whose contents you challenge, do you know to whom you  
21 granted that interview?

22 [13.55.24]

23 A. I cannot recall it clearly, that's why I was wondering about  
24 its content and why it is stated so. It is not based on the fact,  
25 and for that, in 2008, I challenged the content.

1 Q. You have stated that you do not quite remember that first  
2 interview. That notwithstanding, do you know with whom you spoke  
3 on that day and did the persons in question at least meet you?

4 A. I cannot recall who Monique Sokhan is. However, as to Kheng  
5 Ham Heng, I know this person because he's the person returning  
6 from overseas as well.

7 And to me, I am perplexed because he should be aware of the fact  
8 -- the same facts that I knew, and how come he said that person  
9 that was sent from D-2 to the cooperative and later killed  
10 because that's not true. That's why I do not understand the  
11 content of this document.

12 Q. Is it, therefore, correct to say that you never had an  
13 opportunity to make any corrections before your interview with  
14 the Office of Co-Investigating Judges this time around?

15 [13.57.52]

16 A. Could you please repeat your question, Counsel?

17 Q. A while ago, I read out to you a passage of your statement  
18 following your interview with Co-Investigating Judges. You  
19 challenged the contents of that document. I want to be sure that  
20 before obtaining that document from the Co-Investigating Judges  
21 you had never received it before and you never had the  
22 opportunity to make any corrections on the document.

23 A. Yes, I am -- or I cannot recall if I was shown this document  
24 or how it was obtained because it is contradicting to what I  
25 said.

1 Q. Thank you, Witness, for the clarifications you have made on  
2 this point.

3 To be specific with regard to the meeting which you mentioned in  
4 your testimony before this Chamber -- and you reiterated it a few  
5 minutes ago -- your wife saw Mr. Khieu Samphan, but that was at  
6 K-15. Is that indeed your testimony?

7 A. Yes, my wife saw Khieu Samphan when she first arrived in  
8 Cambodia. That was in early 1976.

9 Q. And if I understood you -- what you said before the Chamber  
10 back then -- you had not yet returned to Cambodia; is that so?

11 [14.00.12]

12 A. Yes, that is correct.

13 Q. I am done with this aspect -- with the statement from 2007 and  
14 2008.

15 And for the purposes of the record, I wish to specify to the  
16 Chamber that the errors noted in this Annex 1 of the 2007  
17 statement. And you can find on the case file the transcripts of  
18 this interview -- of this interview under D141/1.3.

19 Witness, I wish now to return to certain excerpts of your book  
20 titled "J'ai cru aux Khmers rouges" -- "I Believed in the Khmer  
21 Rouge" in order to gather some clarification, if that is  
22 possible.

23 First of all, I have a few preliminary questions. If I understood  
24 the methodology that you used properly in order to write this  
25 book, you first took notes -- or used notes from your wife,

1 [corrects the interpreter], and then you took personal notes, and  
2 you also conducted a bit of research; is that so? Is this how you  
3 proceeded?

4 A. Yes, that is correct.

5 [14.02.16]

6 Q. Now, regarding the research that you conducted, did you  
7 research works from other authors or did you interview certain  
8 witnesses from the period? So, basically speaking, what were your  
9 sources?

10 A. The sources on which I relied were the documents I have read,  
11 and I noted those who were arrested and imprisoned at S-21. And  
12 another source was based on what I have read from the testimony  
13 of the survivors of the regime. So these were the two main  
14 sources on which I relied in writing my book.

15 Q. Thank you for this clarification.

16 Now I wish to look more specifically at specific segments from  
17 your book. And with the President's leave, I wish to provide to  
18 the witness a copy -- of course I didn't copy the whole book, but  
19 I only copied the segments I wished to use.

20 [14.04.08]

21 And the first segment I wish to put before the witness, from this  
22 book whose general index is D141/1.2 -- and the first segment  
23 that I wish to use, in the French version, is on page 20 and page  
24 21 -- page 20. First of all, ERN 00 -- French ERN, that is to  
25 say, 00287899; Khmer ERN 00831078; and unfortunately I do not

77

1 have any English ERN because, a priori, there is no translation  
2 of this passage.

3 So, with the President's leave, I wish to display the Khmer  
4 version -- the Khmer page of this segment. And may I request the  
5 court officer to provide the French excerpt to the witness -- the  
6 paper copy of the French excerpt?

7 MR. PRESIDENT:

8 You may proceed.

9 Court Officer, please obtain the document from the counsel and  
10 present it to the witness.

11 [14.05.56]

12 BY MS. GUISSÉ:

13 Q. Witness, I believe that you have the French version before  
14 you, so the excerpt I'd look at is at the end of page 20 and  
15 continues on to page 21, and reads as follows:

16 "In 1956, Khieu Samphan succeeded Ieng Sary at the Head of the  
17 Marx-Lenin and the Khmer Student's Union and one of his companion  
18 speaks about Khieu Samphan as an active militant who was  
19 disciplined and with passion, but deprived of personality he was  
20 a follower for whom the hierarchy was always right."

21 Witness, I would like to know, regarding this excerpt, where you  
22 got your sources from.

23 MR. ONG THONG HOEUNG:

24 A. I obtained the sources from those who had been the Khieu  
25 Samphan associates who were in the Leninist and Marxist Circle

1 when he was in France.

2 Q. Can you mention names, Witness? Can you specify, who are the  
3 people you spoke to to get this information?

4 A. I did not consult with anyone; I obtained information from one  
5 or two of them. I used to live together with them, so I obtained  
6 that information from them.

7 [14.08.19]

8 Q. I understood, Witness, thank you. But what I wanted to know  
9 was who provided you with this information. Do you remember the  
10 names of these people?

11 A. I cannot recall their names.

12 Q. And these interviews that led you to get this description of  
13 Khieu Samphan do you remember when they took place?

14 A. It was sometime in 2002, because this article was written at a  
15 later date. Because at that time the printing house wanted the  
16 executive summary or brief summaries of the content, so I sent it  
17 to them. And before, it was printed in 2003.

18 Q. Well, speaking about publishing this work, your work was  
19 published in French in 2003. And as far as I understand, this  
20 work has also been translated into Khmer and the Khmer copy --  
21 the Khmer edition dates back to 2006.

22 So my question is the following: Did you translate and revise the  
23 Khmer version or did you organize the translation of the book or  
24 is it someone else who ran the translation of your book?

25 [14.10.48]

1 A. I translated it myself into Khmer.

2 MS. GUISSÉ:

3 I'm sorry, I should have thought about this the first time, and  
4 I'm sorry, Court Officer, I would like to display the -- to  
5 provide the witness with the Khmer version of the excerpts I  
6 would like to use, because as far as I understand from the Khmer  
7 members of my team, it seems that there is a discrepancy between  
8 both versions, so I would like to sort this out.

9 With your leave, Mr. President, can we provide the Khmer paper  
10 copy to the witness?

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 Court officer is instructed to obtain the hard copy document from  
14 the counsel and hand it over to the witness.

15 [14.12.07]

16 BY MS. GUISSÉ:

17 Q. So, now, regarding the Khmer version on page 00 -- ERN  
18 00831078, it appears to me that it is not Khieu Samphan who is  
19 mentioned, but Ieng Sary. Can you therefore tell the Chamber if  
20 this is an error in the printing?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 The Prosecutor, you may proceed.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. It's not an objection, but in the

80

1 paragraph that Counsel Guissé read, both names appear in French.  
2 So maybe the question could be reformulated in order to know  
3 exactly where she believes both names were switched. Thank you.

4 BY MS. GUISSÉ:

5 Q. Witness, I don't know if this -- if you could please read out  
6 and -- well the passage that I'm focusing on -- which I read to  
7 you in French -- it's the last paragraph, and unfortunately I  
8 cannot give you the Khmer version of this, but the text reads as  
9 follows:

10 "In 1956, Khieu Samphan succeeded Ieng Sary at the Head of the  
11 Marxist-Leninist Circle and the KSU and one of his companions  
12 speaks about Khieu Samphan as an active militant with passion and  
13 with discipline, but deprived of character."

14 [14.14.10]

15 MR. ONG THONG HOEUNG:

16 A. My apology to the defence counsel, I have the Khmer version of  
17 the text with me. And the version I had in French was a bit  
18 different and the Khmer version I have here is the -- describes  
19 the event when I was at the factories.

20 And as for the French version of the document that you gave it to  
21 me in French here, was my account -- my brief account of the  
22 event concerning the Cambodian students living in France at the  
23 time.

24 [14.15.14]

25 MS. GUISSÉ:

81

1 Yes, yes, I apologize, Witness, it is my error, I provided you  
2 with the wrong page in Khmer, it seems.

3 Court Officer, I apologize, but could you please give him the  
4 right Khmer page so that the witness may have the correct  
5 reference?

6 MR. PRESIDENT:

7 Court Officer, please obtain the hard copy document from the  
8 counsel and hand it over to the witness.

9 BY MS. GUISSÉ:

10 Q. Normally, Witness, the excerpt is highlighted on the copy  
11 before you.

12 [14.16.57]

13 MR. ONG THONG HOEUNG:

14 A. Let me respond to this question.

15 Actually, there was a typo error in Khmer because Ieng Sary was  
16 used instead of Khieu Samphan, but when I verify it with the  
17 French version, I found that it was a typo error.

18 Q. Fine, fine. This is very useful information because we're  
19 working in three languages, so it's important that all of us have  
20 the proper version.

21 President, you should know that in the Khmer version there is an  
22 error in the segment that I have just quoted.

23 Now, to finish with the way -- discussing the way you wrote your  
24 book was the first draft in Khmer or in French?

25 [14.18.02]

1 A. It was in French and the Khmer version was the translated one  
2 and it was handwritten. And since I did not -- I was not familiar  
3 with typewriters, so I actually sent the handwritten document to  
4 the printing house in Cambodia for publication. And I considered  
5 as a usual problems that might have happened due to the typing  
6 errors, and I consider this as a technical errors in printing and  
7 typing.

8 Q. So we agree that the French version is the version we should  
9 stand by.

10 A. Yes, that is correct.

11 Q. Thank you for this clarification.

12 Now, I would like to return to another segment from your book.  
13 And this is page 77 in French, French ERN 00287956, Khmer ERN  
14 00831134, and unfortunately there is no English ERN again.

15 And the segment I wish to focus on is a conversation you relate  
16 having had with a so-named Bunroeun -- please forgive me for the  
17 pronunciation.

18 And basically, what -- this is what he tells you -- he is asking  
19 you: "Do you know who Secretary Pol Pot is?"

20 And the answer: "No."

21 And then he tells you: "It is Saloth Sar, a genius. Even the  
22 Chinese say that he can be compared to Mao."

23 So my first question regarding this excerpt is: Can you tell the  
24 Chamber who was Bunroeun?

25 [14.20.52]

1 A. Bunroeun was a former student from the East Germany, and he is  
2 deceased.

3 Q. Now, regarding what he says about Pol Pot in this  
4 conversation, apparently he is fascinated by Pol Pot.

5 So my question is the following: Did you have the opportunity to  
6 see other intellectuals be as fascinated by Pol Pot during that  
7 period?

8 A. I am not clear about that, but as far as I can recall, it was  
9 like what I just described earlier.

10 Q. So maybe I will put my question to you again because I did not  
11 quite understand your answer in French.

12 I was asking you if you noticed that aside from Bunroeun, if you  
13 met other intellectuals who spoke about Pol Pot with the same  
14 degree of fascination, with the same interest in Pol Pot.

15 A. I have often heard from friends who had worked with other  
16 Cambodians other than the re-education camps that we stayed at  
17 that time, about him.

18 [14.23.27]

19 Q. And when you say that you heard friends speak with other  
20 people elsewhere than in the re-education camp, can you specify  
21 whether this happened between '75 or '79, or if it was after  
22 that?

23 A. I was referring to the period before 1979.

24 Q. Thank you.

25 On the following page in French -- so, therefore ERN 00287957,

84

1 Khmer ERN 008311 -- and I believe it's 34 or 35 -- I'm sorry, I  
2 don't have the right reference maybe, but it's either one because  
3 the segment I am focusing on covers two pages.

4 So you continue and you keep on -- you continue with the  
5 description of your conversation with Bunroeun and you ask him:

6 "And Khieu Samphan, what does he do?"

7 And this is what Bunroeun answers you: "You know, he's not even a  
8 member of the political office of the Communist Party of  
9 Kampuchea; he's only the eighth in rank in the Party. Now, as far  
10 as Hou Youn and Hu Nim, it's not even worth speaking about them;  
11 they don't weigh that much in the organization."

12 So my first question is, regarding this passage: Is this exactly  
13 what Bunroeun told you when you spoke to him that day?

14 [14.26.02]

15 A. Yes, it was correct.

16 Q. And is this a conversation that you noted among your notes  
17 that you used to write your book?

18 A. This was according to what I could recollect.

19 Q. So, if I understand well, this conversation was -- you did not  
20 note this conversation among your notes; is that correct?

21 A. That, I am not clear. I am not clear, but I can still recall  
22 that event.

23 Q. And did you save these notes that helped you write your book?

24 A. I have kept all the notes with me.

25 Q. Now, as far as Bunroeun is concerned, who is speaking to you

1 about the political office of the CPK, do you know where he got  
2 that information?

3 [14.27.57]

4 A. I dare not ask him. I met him at the time, and then we  
5 discussed with ourselves. And in that situation, as you may be  
6 well aware, that -- this kinds of business was supposed to be a  
7 secret, so the discussion was not made in open.

8 Q. Well, since you are bringing up this issue of secrecy, on the  
9 same page in French you state -- so with the same references,  
10 therefore -- that: "Complying with the rules of secrecy, I just  
11 listened to him without trying to show too much curiosity."

12 And for the purposes of the record, it seems to me that this  
13 passage has not -- does not appear in full in the Khmer version.

14 So, therefore, Witness, you are bringing up here the rules of  
15 secrecy.

16 So were these directions given to you when you arrived in  
17 Cambodia? And which directions -- which rules are you speaking  
18 about precisely?

19 A. I would like to recall the principle of secrecy at that time,  
20 and these principles were of paramount importance to the Angkar.  
21 Upon our return to Cambodia during any political trainings as  
22 well as self criticism and criticism, we were always reminded of  
23 the importance of keeping things in secret.

24 [14.29.58]

25 For example, as a principle if we met with anyone -- anyone from

1 outside we must not reveal our -- or disclose any information  
2 about ourselves. So, that was the strict principle of secrecy.

3 Q. Thank you. I would like us to now look another passage in your  
4 book. In French, it is page 206, and the ERN is as follows:

5 00288085, and in Khmer it is 00831240, and in English -- and this  
6 time around, there's an English version -- the ERN is 00785869.

7 May I request that the Khmer version be put on the screen for the  
8 public? And I will read the first part of the paragraph, page 206  
9 of your book. Here again, you are talking about Pol Pot and you  
10 say - you say the following:

11 "This Education Tribune is a new broadcast of Democratic  
12 Kampuchea. Although it has never been specified that it is Pol  
13 Pot speaking in person on the radio every day at 6 a.m., everyone  
14 knows it. And those who have met him confirm that. A week ago,  
15 some of us who have had technical education were chosen to attend  
16 a conference by the Party secretary at Chaktomuk Hall. The  
17 purpose of that meeting was to announce the opening of the  
18 Technical Institute. On that occasion, we were able to see for  
19 the first time -- to see him for the first time and to listen to  
20 him speak for the first time. Some people were impressed by his  
21 character and his persuasiveness." Let me stop here for the time  
22 being.

23 [14.32.45]

24 Did you have an opportunity to discuss any issues directly with  
25 those who attended Pol Pot's presentation?

1 Perhaps I should have started by asking you another question: Did  
2 you, yourselves, attend that presentation by Pol Pot?

3 A. No, my name was not amongst those who were selected to listen  
4 to Pol Pot's speech. However, my friends went and said that Khieu  
5 Samphan came and he was amongst others and he was not greeted  
6 like a dignitary, no reserve seat for him. So, those coming from  
7 overseas were wondering, because he was a state - a head of  
8 state. And how come nobody came to greet him? So those people --  
9 the participants of the meeting -- was wondering, and that's how  
10 I express it in that passage.

11 [14.34.14]

12 Q. Now, to make sure I properly understood your answer, when you  
13 state that no armchair had been reserved for him, are you talking  
14 of Khieu Samphan?

15 A. Yes, I referred to Khieu Samphan.

16 Q. Let me press on with the reading of this paragraph, and then  
17 you can complete your answer.

18 We are still on the same page, and this is what you state:

19 "Obviously, Khieu Samphan, whose influence was very significant  
20 in his political commitments, was someone who was like some kind  
21 of puppet..."

22 Were these the statements of persons who attended that speech or  
23 who listened to that speech when the Technical Institute was  
24 being inaugurated?

25 A. Yes, that was it.

88

1 Q. Do you remember the names of the persons who made those  
2 statements?

3 A. No, I cannot recall it.

4 [14.36.12]

5 Q. But you do recall hearing one or two persons make such an  
6 utterance or having a conversation with one or two persons?

7 A. Yes, that is correct.

8 Q. And to be more specific, are you talking of one person or  
9 several persons?

10 A. At least, there were three or four people.

11 MS. GUISSÉ:

12 Witness, thank you for answering my questions. I have no further  
13 questions for you.

14 (Judges deliberate)

15 [14.38.15]

16 MR. PRESIDENT:

17 Thank you. Mr. Ong Thong Hoeung. The hearing of your testimony  
18 has come to a conclusion. Therefore, you can return to your  
19 residence or wherever you wish to go.

20 The Chamber is grateful for your long travel from Belgium and  
21 spent your valuable time to testify before this Chamber during  
22 the last few days and that you tried your best to contribute to  
23 ascertaining the truth in this case. We wish you all the best and  
24 bon voyage.

25 Court Officer, in coordination with the WESU unit, please arrange

1 for the return of the witness to his residence or wherever he  
2 wishes to go.

3 The Chamber would like to inform that we might hear the alternate  
4 witness between Ong Thong Hoeung and Suong Sikoeun. And we will  
5 have another one hour and 10 minutes before the recess of the  
6 afternoon session. For that reason, we will hear the witness  
7 Suong Sikoeun after we return from the break.

8 [14.39.55]

9 For Suong Sikoeun, the floor will be given to the Defence, and  
10 that will be for the Khieu Samphan's defence to conclude their  
11 questioning time.

12 We will now take a recess for 20 minutes and we shall resume at 3  
13 p.m.

14 Court Officer, when we return, could you invite Suong Sikoeun,  
15 the witness, into the courtroom?

16 THE GREFFIER:

17 (No interpretation)

18 (Court recesses from 1440H to 1501H)

19 MR. PRESIDENT:

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

21 We will hand the floor to Khieu Samphan's defence to continue  
22 putting questions to this witness. You may proceed.

23 QUESTIONING BY MS. GUISSÉ RESUMES:

24 Good afternoon, Witness. Let me introduce myself once again  
25 because we only saw each other very briefly a few days ago. So,

90

1 my name Anta Guissé and I am the international defence counsel of  
2 Mr. Khieu Samphan. And last time we met, we were speaking about  
3 the distrust felt towards intellectuals returning from abroad.

4 Q. Now, I would like to turn to another topic. You spoke about --  
5 during your testimony, you spoke about your ex-wife, Ms. Laurence  
6 Picq. And with the leave of the President, I would like to  
7 revisit one of your prior statements indexed D154.2 -- that is to  
8 say, D154.2.

9 [15.04.04]

10 This is your comments on your revolutionary biography. In French,  
11 the ERN is 00290739. I will say again, in French ERN 00290739;  
12 English, 00826586; and in Khmer, I believe it covers two pages,  
13 00824637 and 00824638.

14 And with the President's leave, can we please provide the French  
15 -- the paper copy of the French version to the witness? And can  
16 we display the Khmer version on the monitor, with the assistance  
17 of the court officer?

18 MR. PRESIDENT:

19 You may proceed.

20 Court Officer, could you deliver the hard copy document for the  
21 witness examination?

22 BY MS. GUISSÉ:

23 Q. So I am going to read out in French of the excerpt that I  
24 would like to focus on.

25 And you write: "A problem of the same order would make Laurence

91

1 suffer a lot many years later." And you speak about Lon Nol's  
2 speech.

3 "In October 1975, she was purely and simply expelled from a  
4 seminar that was organized for the members of the FUNK after  
5 arriving from China. And the order then came from Khieu Samphan."

6 [15.06.33]

7 So we can perfectly understand that Laurence had a sufficient  
8 reason to feel a lot of rancour towards the Khmer Rouge leaders.

9 So my question is the following: Witness, were you present during  
10 this seminar -- during this FUNK seminar?

11 MR. SUONG SIKOEUN:

12 A. At that time, I was not present. However, I can recall that I  
13 was outside that school.

14 Q. If you were not present, what did you just say that the  
15 decision to expel her from the seminar came from Khieu Samphan,  
16 did she tell you that he was the one behind that decision?

17 A. At that time, I was near the door to the meeting hall and I  
18 was with Tun Chot Sirinn who was my colleague and who was  
19 actually managing that workshop. I saw Laurence Picq coming out  
20 from the workshop with her tears and Sirinn and I saw that.

21 Sirinn and I were in the Marxist-Leninist Circle and we witnessed  
22 that.

23 [15.08.47]

24 Q. Thank you for this clarification, Witness.

25 My question, however, was: Who told you that the decision to

1 expel Laurence Picq from the meeting -- or to not allow her to  
2 attend this seminar -- who told you that this order came from  
3 Khieu Samphan, as you wrote?

4 A. Nobody told me. At that time, Khieu Samphan was the presenter  
5 in that workshop. So there could be nobody else who would decide  
6 to exclude Laurence Picq besides the sole presenter in that  
7 workshop.

8 Q. So, if I understood properly, Witness, this is something that  
9 you are concluding.

10 A. Yes, that's my conclusion.

11 Q. Thank you.

12 Now, I would like to move on to another topic. You said often  
13 during your testimony -- or you spoke often about this notion of  
14 secrecy, this notion of confidentiality, and you told us that you  
15 were only focussing on what you had to focus on. Can you tell us  
16 where this rule of secrecy came from?

17 A. The principle of maintaining secrecy was one of the most  
18 important principles of the Communist Party of Kampuchea. The CPK  
19 always instructed us that maintaining confidentiality guarantees  
20 half a victory.

21 [15.11.15]

22 Q. And concretely speaking, as far as your duties as department  
23 leader at the Ministry of Foreign Affairs, would you select the  
24 information that you would transmit to your colleagues or to your  
25 subordinates?

1 A. Mr. President, I'd like the counsel to clarify her question a  
2 bit further.

3 Q. That's not a problem, Witness. You just spoke about the  
4 importance of secrecy. So what I would like to know is whether  
5 you followed this rule of secrecy in your professional  
6 activities. Was there some information that you did not share  
7 with your colleagues or with your subordinates?

8 A. I can put it this way. Giving information to someone, in  
9 particular to subordinates, was the case. However, based on the  
10 Party's lines, as a Party member, we should not conceal  
11 information with our superior or the leadership; we shall  
12 transmit such information to the superior, which would be a  
13 testimony of our loyalty to the Communist Party of Kampuchea.

14 Q. Yes, indeed, Witness. But my question was vis-à-vis your  
15 colleagues and vis-à-vis your subordinates. Did you share -- not  
16 retain any information from them?

17 A. I can say that, as a general principle, I must withhold some  
18 information within the framework of the - my responsibility and  
19 that I shall not transmit such information to my subordination.  
20 That is -- that was the principle, but in practice it was not  
21 that clear cut.

22 [15.14.39]

23 Q. Thank you for this clarification.

24 And when you were answering the Co-Prosecutor's questions, you  
25 said during your testimony that you worked as an interpreter for

1 Mr. Khieu Samphan, in particular when foreign diplomats were  
2 being accredited. And if I understood your testimony properly,  
3 you were working as an interpreter, as a French interpreter.  
4 So my question is the following: Mr. Khieu Samphan speaks perfect  
5 French, so why did he use an interpreter for these purposes? Was  
6 it just a matter of protocol or was there another reason?

7 A. As I understand, Khmer language is the language of the nation  
8 and of the state. For that reason, today communication with  
9 foreign countries or representatives, we, as Cambodian peoples,  
10 we shall use the Khmer language. And that was one of the main  
11 principles of the CPK.

12 [15.16.22]

13 However, it does not mean that -- if I did not provide the  
14 correct interpretation and as Khieu Samphan who knew French, the  
15 French language, he would be able to correct it.

16 Q. So, if I understood your testimony well, what you're saying is  
17 that Mr. Khieu Samphan would speak in Khmer because that was the  
18 language -- the state language, even if he spoke French. So,  
19 vis-à-vis foreign diplomats, he was required to speak Khmer; is  
20 that so? Is that what I must understand from your testimony?

21 A. Let me clarify that. That was the principle of the Democratic  
22 Kampuchea -- that is, the Khmer language shall be used, as it was  
23 the national language. This does not necessarily mean that a  
24 leader who knew a foreign language could not use it.

25 I can give you a real example. I used to interpret for Nuon Chea,

1 who was receiving the diplomat representative from Laos. The Laos  
2 diplomat spoke in the Laos language, and I interpreted into  
3 French, but Nuon Chea, he spoke the Thai language and he could  
4 understand the Laos language, so he spoke and responded in the  
5 Thai language. So it was a flexible and changes according to the  
6 real situation.

7 [15.18.41]

8 Q. But if I understand your testimony well, the leaders, whether  
9 the leaders spoke a foreign language or not, they were always  
10 accompanied by an interpreter; is that true, or am I mistaken?

11 A. Yes, as usual, the state leaders or the Party's leaders, when  
12 they met with foreign guests, there had to be an interpreter on  
13 the Cambodian side. And when there was a meeting between the Laos  
14 or the Chinese or the Vietnamese groups, they would also have  
15 their own respective interpreter. So we -- each party would have  
16 an interpreter. And that was the normal practice within the  
17 diplomatic communication.

18 Q. Thank you for this clarification, Witness.

19 President, with your leave, I wish now to show another document  
20 to the witness, and this is a written record of interview of 6  
21 May 2009, indexed E3/42 and also under index D167. And the  
22 excerpt I wish to focus on for the moment is French ERN 00327226,  
23 English ERN 00327216, Khmer ERN 00327205.

24 [15.21.08]

25 And with the assistance of the court officer, I would like to

1 provide the Khmer paper copy to the witness so that he may follow  
2 my questioning more easily.

3 MR. PRESIDENT:

4 Court Officer, could you assist in delivering the document from  
5 the counsel to the witness?

6 BY MS. GUISSÉ:

7 Q. Witness, do you have the excerpt before you? I will read it  
8 out to you -- to read out the passage I would like to focus on.  
9 This is your second answer to the Investigators of the OCIJ and  
10 the Investigators asked you to comment on a passage from your  
11 biography, in which you bring up Khieu Samphan.

12 And here you answer:

13 "What I wrote concerns the period when I met Khieu Samphan in  
14 Paris; he was better known for his human qualities, his kindness  
15 and simplicity than for his political commitment. He was seen by  
16 the Khmer Rouge more as a tactical than strategic force."

17 [15.23.13]

18 So my question is as follows: Can you explain the difference  
19 between a "tactical force" and a "strategic force"? And can you  
20 tell us what this meant, specifically, regarding Khieu Samphan?

21 A. The tactical force related to overall intellectuals, in  
22 particular those who went to study in France and those who joined  
23 the Marxist-Leninist Circle. The CPK, back then, needed those  
24 intellectuals in order to represent their appearance and as a  
25 force to gather more masses -- popular masses, as they were more

1 effective than ordinary students. And those intellectuals -- or  
2 they were known as the "red intellectuals" -- were good in their  
3 study and they were gentle and had respect for the elders, and  
4 they were generous and helpful to the rest, and to other  
5 students. And that would be considered as the igniting force or  
6 the supporting force, which is different from the strategy force.  
7 They would be turned in to a strategic force when they could  
8 themselves be in the country, change their status and mentality  
9 to become a proletarian state, or the labour class. Then they  
10 would become the strategic force and stay forever with the Party  
11 and the CPK.

12 [15.26.05]

13 So those people who refashioned themselves and who had the  
14 proletarian view as the view expressed by the workers would be  
15 considered that they transform themselves into a strategic force.

16 Q. Thank you for your clarification. And I wish now to continue  
17 with this same page.

18 And - and you continue speaking about Khieu Samphan and you say:  
19 "He was put at the head of the Presidium because he fulfilled  
20 certain criteria: he was a doctor in economics, he was calm and  
21 self-controlled, but in 1975 and later, he essentially played a  
22 figurative role. He did what the Party required of him, but he  
23 was not one of the leaders with real power, contrary to the  
24 members of the Party's Standing Committee..." And I will stop here.  
25 So my question is the following: Can you tell the Chamber what

98

1 kind of experience you had in this regard, what you saw that  
2 allows you to come up with this assertion – that is to say that  
3 Khieu Samphan only had a figurative role?

4 MR. PRESIDENT:

5 Witness, please wait.

6 The Prosecution, you may proceed.

7 [15.28.09]

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. It's just, here, a question of  
10 methodology.

11 The answer was read out in its totality, but the last -- the end  
12 of the last sentence was dropped, so maybe out of respect for the  
13 other defence teams -- but still the sentence reads as follows:  
14 "...the members of the Party's Standing Committee, like Nuon Chea  
15 and Ieng Sary."

16 So I think that the Defence should quote the entire sentence and  
17 not only pick out what it is interested in and leave out five  
18 words from the quote. Thank you very much.

19 BY MS. GUISSÉ:

20 Mr. President, if I may answer, I must say that I am quite  
21 surprised by the Co-Prosecutor's objection because a few days  
22 ago, the civil party lawyer also read a part of the book of the  
23 previous witness and focussed on the points that it wished to  
24 focus on, the points it had questions about, and I did not see  
25 the Co-Prosecutor stand up. And now I am examining the witness,

1 and I'm examining the witness on the topics that I wish to focus  
2 on.

3 So, if the prosecutor wishes to put questions in regard to this  
4 segment, he could have done so when it was his turn.

5 [15.29.44]

6 So, if possible, could the witness answer and explain to us what  
7 allows him to tell us that Khieu Samphan only had a figurative  
8 role on the basis of his experience back then?

9 And again, I'd like to stress the importance of your experience,  
10 because you will remember that in the questions that were put to  
11 you prior, we insisted a lot upon what you lived through, and  
12 that's what we would like to concentrate on.

13 MR. PRESIDENT:

14 The objection is not valid.

15 Witness, can you respond to the question put to you by Khieu  
16 Samphan's counsel?

17 MR. SUONG SIKOEUN:

18 A. I would like to clarify as follows.

19 [15.30.55]

20 At the time, we, in our capacity as the Party members who were  
21 educated overseas, particularly in the country that once  
22 colonized Cambodia, we understood that our personality trait, our  
23 mentality, and our view were the obstacles to becoming good Party  
24 members.

25 We were not resented at that time, that Communist Party of

100

1 Kampuchea -- whether the Communist Party of Kampuchea considered  
2 us as a strategic force or not, but we wanted to only contribute  
3 to our country. And we were very dedicated, that -- we would  
4 sacrifice everything, including our life, for the Party and for  
5 the revolutionary causes and for the people. I did not know  
6 whether brothers and other friends understood this sentiment or  
7 not, but I understood it very well to myself. Even if the Party  
8 considered me as a traitor or a patriot, I would accept it. It  
9 depended on the Party's decision. But I, myself, believed that  
10 the Party would judge me better than I judged myself because I  
11 was involved with the concepts and mentalities of the West. And I  
12 believed in the judgment of the Party, and because of this firm  
13 belief in the Party that we could succeed in the 17th of April  
14 1975.

15 And as for Mr. Khieu Samphan, I knew him very clearly that he had  
16 explained the position -- his position and his dedication and  
17 conviction about that very clearly. He did not demand or ask for  
18 any role, a leadership role or so in the Party, and he submitted  
19 himself to the Party. And it was up to the Party to judge whether  
20 or not he was capable to handle any certain assignments the Party  
21 designated to him.

22 [15.33.50]

23 And at the time, Mr. Khieu Samphan believed, like others  
24 believed, in the leadership of the Communist Party of Kampuchea.  
25 And before 1975, the Communist Party of Kampuchea decided --

101

1 rather, the Communist Party of Kampuchea had achieved remarkably  
2 for the national cause. Those achievements convinced us to submit  
3 ourselves to the Party.

4 And as I explained in my earlier testimony, that -- in the  
5 morning, I would go to interpret for Mr. Khieu Samphan in his  
6 capacity as the President of the State Presidium, who received  
7 credential presentations by the Ambassador of Albania to  
8 Cambodia. And then, in the afternoon, I also interpreted for the  
9 doctors who went to examine the health status of the Ambassador's  
10 wife.

11 And I -- actually, in terms of the position or so of Mr. Khieu  
12 Samphan was as ordinary as the wife of ambassadors and other  
13 people as well. That's why his interpreter also went there simply  
14 to examine the health condition of ordinary people.

15 [15.35.26]

16 Q. Thank you for these clarifications, Witness.

17 Apart from his functions, which consisted in receiving foreign  
18 diplomats, do you know whether Mr. Khieu Samphan discharged other  
19 duties?

20 A. That, I do not know.

21 Q. I would like to read out to you again a passage from your  
22 statement, and it is still on page 5. So the references are the  
23 same. And this is what you said in answer to the following  
24 question.

25 The question was put to you by investigators of the OCIJ, who

102

1 asked you the following question: "What form of contact did you  
2 have with Khieu Samphan from 1975 to 1979?"

3 And your answer was as follows:

4 "I met him occasionally, for instance when he received  
5 credentials from ambassadors, but we never had the chance for a  
6 real discussion. He was busy with other things, such as buying  
7 medicines and spare parts, etc., abroad."

8 [15.37.19]

9 My question, in light of this part of your answer, is as follows:  
10 How did you know that he had other duties, such as purchasing  
11 medicines and spare parts abroad?

12 A. I learned about that because I -- because of a friend of mine.  
13 He is deceased now. He was Van Rith. He was the former chairman  
14 of the Commerce Committee. In other words, he was the Minister of  
15 Foreign Trade, and he told me about that.

16 Q. Thank you for this clarification.

17 Let me continue with the same paragraph, and this will be my last  
18 question.

19 You subsequently state that: "Later, I lived with him and Pol Pot  
20 in 1981-1982. And I noticed that his role was zero: under the  
21 tripartite government constitution, Pol Pot made all the  
22 decisions."

23 Here again, Witness, are you making these statements because you  
24 had acquired some experience in this area or where did you get  
25 this information?

103

1 And in Khmer, the reference is 00327206.

2 [15.39.24]

3 A. On this particular issue, I am pretty sure because in 1981 and  
4 1992 I was the representative of the Communist Party of Kampuchea  
5 in the Movement to establish the tripartite negotiations and I  
6 negotiated with the representative of Samdech Sihanouk and the  
7 representative sent by Son Sann faction. I was the one who  
8 travelled from the office of the central -- Party Centre of the  
9 Communist Party of Kampuchea from area known as 105 all the way  
10 to Bangkok.

11 And as for the records of the negotiation, I kept it and reported  
12 it to Pol Pot, and Pol Pot instructed me personally to prepare  
13 the substance of the negotiation before negotiating with other  
14 parties.

15 Khieu Samphan was nearby as well at that time, but Pol Pot never  
16 called Khieu Samphan to the meeting. Pol Pot decided all by  
17 himself and he instructed me to convey all the necessary message  
18 from the Democratic Kampuchea to the negotiation held in Bangkok.  
19 We had to report on a regular basis, once every two days, until  
20 the negotiation was finally achieved in Singapore on the 4th of  
21 October 1981 to establish the Tripartite Coalition among the  
22 Democratic Kampuchea and the forces loyal to Prince Sihanouk and  
23 the forces loyal to Son Sann faction.

24 [15.41.50]

25 MS. GUISSÉ:

104

1 Witness, thank you very much for answering my questions.

2 Mr. President, this brings my cross-examination of the witness to  
3 an end.

4 MR. PRESIDENT:

5 Thank you.

6 Now, I hand over the floor to the defence team for Mr. Nuon Chea  
7 to put questions to the witness.

8 QUESTIONING BY MR. PAUW:

9 Thank you, Mr. President. Good afternoon, Mr. Suong Sikoeun.

10 Thank you for being with us today. And I understand it's been a  
11 long period of waiting for you, but we appreciate you being here  
12 today to answer some more questions.

13 Q. And my first question relates to your sources of knowledge --  
14 there will be some general questions about things you may have  
15 read since 1979 -- and my first question is: Since 1979, have you  
16 read any books that relate to the regime of Democratic Kampuchea?  
17 And if so, could you give us some names?

18 [15.43.17]

19 MR. SUONG SIKOEUN:

20 A. Mr. President, may I ask you -- may I ask that the Defence be  
21 more specific because in terms of books, I have read a lot of  
22 books. So I would like to suggest that the Defence be more  
23 precise in the question. When it is too broad, I find it hard to  
24 respond.

25 Q. I understand that. I'll try to be more precise.

105

1 Have you, Mr. Witness, read books that deal specifically with the  
2 period of 1975 until 1979, when the Khmer Rouge was in power in  
3 Cambodia?

4 A. In general, I read only important books and often time I do  
5 not remember the titles of the books, for example books written  
6 by Professor David Chandler, by Ben Kiernan, by Philip Short, and  
7 other books by other writers. But as for now, I cannot recall the  
8 authors of those books.

9 [15.45.20]

10 Q. Thank you, Mr. Witness. That is a clear answer. And just to be  
11 absolutely sure, you just mentioned that you did read books by  
12 David Chandler, Philip Short, and Ben Kiernan. Is that how I  
13 understand your answer?

14 A. Yes, that is correct.

15 Q. Thank you. Do you still read newspapers like -- these days?

16 A. Since I had heart surgery, I found it difficult reading  
17 newspapers. I could not concentrate on the newspaper for longer  
18 than 10 minutes. Consequently, I have rarely read newspapers, but  
19 I have listened to radio broadcasts.

20 Q. That would indeed have been my following question because you  
21 have spoken about those radio broadcasts here, in Court. So could  
22 you name a few of the radio stations that you currently listen  
23 to?

24 A. Normally, I listen to FM-102, the Women Media Centre, which  
25 was broadcast live with other radio stations, and I listen to the

106

1 Voice of America, the French International radio, and Voice of  
2 America, and Australian channels as well. And I also watch TV,  
3 like CTN and the newly established CNC. And other than that, I  
4 also watch BBC and Asia -- New Asia and TV5 of France.

5 [15.47.50]

6 Q. Thank you. And when you listen to those radio stations, do you  
7 also listen to reports that deal with this Tribunal -- the  
8 proceedings before this Tribunal?

9 A. I follow the proceedings here as well but due to my poor  
10 health, I normally listen to the radio at night and sometimes I  
11 fell asleep in the middle of the broadcast. I could not really  
12 cover the complete program of the broadcast.

13 Q. Thank you for that clarification.

14 A slightly different topic is the following. You have had to wait  
15 for a long time to give testimony here before this Chamber, and  
16 other witnesses sometimes have to wait as well.

17 And my question to you is: While you were waiting to give your  
18 testimony before this Chamber in the past week -- or, by now,  
19 weeks -- did you meet any of the other people that have to give  
20 testimony before this Court?

21 [15.49.22]

22 A. I have met. Because at that time I was in Malai, and the  
23 gentleman, Mr. Phy Phuon -- by the name of Phy Phuon, who came a  
24 bit earlier, I consider him as my younger brother as well because  
25 we have had a lot of fond memories of our past. And when he came

107

1 to testify before this Chamber, he phoned me, and I met with him.  
2 I met him in [REDACTED]. And at  
3 that time, there was an official from the Witness Support  
4 Section. I did not discuss much at that time. I did not want to  
5 -- or I did not intend to hide my intentions or so, but the  
6 motivation to meet him was to ask him what the likely questions  
7 to be asked in the Court, so that I could be well prepared,  
8 because I knew that after his testimony I would be summoned to  
9 testify before this Court as well.

10 Q. Thank you for that elaborate answer. And perhaps I will come  
11 back to this issue at a later stage.

12 Now, I would like to move to a more substantive topic, and that  
13 is the FUNK and the GRUNK. And I want to start my questioning in  
14 the year 1971. You have stated that you became a full member of  
15 the Party in 1971. Do you remember the exact date?

16 [15.51.33]

17 A. If my memory serves me well, it was just one day before the  
18 birthdate of Prince Norodom Sihanouk; it was on the 30th of  
19 October 1971.

20 Q. And you have stated earlier that perhaps Keat Chhon vouched  
21 for your membership. Do you remember what his position in the  
22 Party was at that time when you were -- when you became a member  
23 of the Party?

24 A. When I joined the Party, at that time, Mr. Thiounn Prasith and  
25 Mr. Keat Chhon vouched for me at that time.

108

1 As a principle, if you wanted to become a Party member, you had  
2 to be vouched for by at least two members, and Mr. Keat Chhon was  
3 a member of the Communist Party of Kampuchea at the time.

4 Q. I understand that Keat Chhon was a member of the Communist  
5 Party, but did he hold any special role? Did he have any special  
6 position in the Party at that time?

7 [15.53.04]

8 A. Back then, in the Party, it was a flat organization. There was  
9 no position. And Mr. Ieng Sary was the leader of the Party. And  
10 the secretary of the Party, if I knew it correctly, was Madam  
11 Sien An, who was the Cambodian Ambassador to Hanoi in the  
12 Socialist Republic of Vietnam, and his -- her husband was the  
13 secretary of the Party. That's what I can recall. But as for  
14 other members, they did not have any portfolio or position to  
15 hold at that time.

16 MR. PAUW:

17 Then, Mr. President, with your permission, I would like to show a  
18 document on the screen. It is document number D313/1.2.267.

19 English ERN is 00419033 to 40, French ERN is 00774451 to 57, and  
20 the Khmer ERN is 00738357 to 65. And with your permission, I  
21 would like to show the first page on the screen. I think the  
22 Khmer version might be most appropriate, and we can provide the  
23 witness with a hard copy, both in English and Khmer.

24 MR. PRESIDENT:

25 You may proceed.

109

1 Court Officer, please obtain the document from the counsel and  
2 hand it over to the witness for his examination.

3 [15.55.16]

4 BY MR. PAUW:

5 And while the witness reads, I will explain what this document  
6 is. This document is a telegram by the American Embassy in Phnom  
7 Penh dated September 30, 1971. It was sent to the Department of  
8 State in Washington. And on the first page, the opening is -- and  
9 I quote:

10 "The following is our most current compilation, principally from  
11 FBIS reports, of the names and identities associated with the  
12 FUNK/GRUNK. We have acquired some biographic data on the nature  
13 of the contrived character of this organization. Most of the  
14 second rank of members listed below are known as anti-Sihanouk  
15 and Khmer Rouge, and in several cases are out-and-out Communists.  
16 The balance has apparently shifted from the Sihanouk entourage to  
17 the Khmer Communists, if, indeed, Sihanouk has ever had control.  
18 (Of the 40 names listed, at least nine were among 34 persons  
19 publicly described as leftists, extreme leftists, and subversives  
20 in 1962 and, as such, were dared by the Prince to form a  
21 government. The nine indicated have asterisks after their names.)  
22 The gradual increase in the number of young students to Peking  
23 also indicates the GKR has a long way to go to gain complete  
24 control and influence over the Khmer student population abroad."

25 [15.56.51]

110

1 That is the introduction on page 1 of this telegram.

2 And then, if we move to the following page with English ERN  
3 00419038 and Khmer ERN 00738363 -- it can also be displayed on  
4 the screen - then, under number 30 of this telegram, we see your  
5 name, Mr. Sikoeun, and you are identified as a "Member of the  
6 FUNK Central Committee".

7 Now, my question is the following. This is a telegram by the  
8 American Embassy in Phnom Penh to the Department of State in  
9 Washington. So you have not seen this telegram before.

10 But my question to you, Mr. Suong Sikoeun, is the following: Is  
11 this information correct, by September 1971, were you a member of  
12 the FUNK Central Committee?

13 A. Yes, that information is correct, because I was the member of  
14 the FUNK Central Committee of the National United Front of  
15 Kampuchea and I was also the secretary of the FUNK Central  
16 Committee.

17 Q. Thank you.

18 And if we go back a few pages to the page with English ERN  
19 00419035 and with Khmer ERN 00738360, there we see, under number  
20 13, the following -- and I quote: "Keat Chhon, Secretary of the  
21 FUNK Politburo, Minister Delegate to the Prime Minister."

22 And my question -- I'll wait until you've found the relevant  
23 passage. And my question, Mr. -- I mean, Mr. Suong Sikoeun --  
24 apologies -- my question is: Is this information correct? In  
25 September 1971, was Mr. Keat Chhon the secretary of the FUNK

111

1 Politburo and was he a minister delegate to the prime minister?

2 [16.00.14]

3 A. Yes, that information is accurate.

4 Q. And can you explain to us what the FUNK politburo did what was  
5 its role?

6 A. I am not that certain. However, that politburo under the  
7 chairmanship of Samdech Penn Nouth, who was overseas, most of the  
8 tasks dealing with this politburo was to deal with the issues  
9 abroad, not the internal issues.

10 Q. And as minister delegate to the prime minister, do you know  
11 what Keat Chhon's role was?

12 A. In his capacity, I would say that he usually acted as  
13 representative on behalf of others to receive dignitaries, to  
14 attend the reception, as the ones organized by the Chinese.

15 Q. Thank you. And--

16 [16.02.11]

17 MR. PRESIDENT:

18 Thank you, Witness and Counsel.

19 The time is appropriate for today's adjournment. We will adjourn  
20 today's hearing now and resume tomorrow morning -- that is, 15  
21 August 2012 -- starting from 9 a.m., and we will continue to hear  
22 the testimony of Suong Sikoeun, who will continue to be  
23 questioned by the same defence team.

24 And in the afternoon, we might hear the testimony of another  
25 witness -- that is, TCW-609 -- who will be initially questioned

112

1 by the Bench.

2 Mr. Suong Sikoeun, the hearing of your testimony has not yet  
3 concluded, and you are invited to return tomorrow morning.

4 Likewise, the Duty Counsel, you're invited to return tomorrow  
5 morning as well.

6 [16.03.17]

7 The Court Officer, could you assist the witness, in coordination  
8 with WESU, to his - for his return to his residence and have him  
9 return tomorrow morning, prior to 9 a.m.

10 Security guards, you are instructed to take the Accused back to  
11 the detention facility and have them return to the courtroom  
12 tomorrow morning, prior to 9 a.m.

13 The Court is now adjourned.

14 THE GREFFIER:

15 (No interpretation)

16 (Court adjourns at 1603H)

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