



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

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 August 2012

Trial Day 97

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

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KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

| <b>Speaker</b>                      | <b>Language</b> |
|-------------------------------------|-----------------|
| MR. ABDULHAK                        | English         |
| JUDGE CARTWRIGHT                    | English         |
| MR. DE WILDE D'ESTMAEL              | French          |
| MS. GUISSÉ                          | French          |
| MR. KARNAVAS                        | English         |
| MR. KONG SAM ONN                    | Khmer           |
| MR. MAM RITHEA                      | Khmer           |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer           |
| MR. PAUW                            | English         |
| MR. PICH ANG                        | Khmer           |
| MS. SA SIEK (TCW-609)               | Khmer           |
| MR. SUONG SIKOEUN (TCW-694)         | Khmer           |

1

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

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Ms. Se Kolvuthy, could you report the attendance of the parties  
6 and individuals to this proceeding?

7 [09.08.54]

8 THE GREFFIER:

9 Mr. President, all parties to the proceeding are present except  
10 the accused Ieng Sary, who is present in the holding cell  
11 downstairs. He requests to waive his direct presence, through his  
12 counsel, in the proceeding and that request applies for the whole  
13 day. The letter of waiver by the Accused has been submitted to  
14 the greffier.

15 As for the witness Sa Siek, she is waiting in the room to be  
16 called by the Chamber.

17 MR. PRESIDENT:

18 Thank you. Before I hand the floor to the counsel to put  
19 questions to this witness, the Chamber will now decide on the  
20 request by Ieng Sary.

21 We received the request by Ieng Sary, dated 16 August 2012  
22 through his counsel, to waive his direct presence in the  
23 proceeding today and instead to follow it through audiovisual  
24 means.

25 [09.10.16]

2

1 The treating doctor of the accused Ieng Sary at the ECCC  
2 detention facility has examined Ieng Sary this morning and  
3 observed that Ieng Sary is fatigued during his even small  
4 movement, he visits the toilet frequently, and cannot sit for  
5 long, and he feels dizzy, and recommends that he shall follow the  
6 proceeding through a remote means from the holding cell  
7 downstairs.

8 And as Ieng Sary himself requests to waive his direct presence in  
9 the proceeding today, due to his health, and as observed by the  
10 treating doctor, but physically and mentally he could follow the  
11 proceedings through a remote means in the holding cell  
12 downstairs, and that he can communicate with his defence team  
13 directly, the Chamber grants the request by the accused Ieng Sary  
14 for his waiver of his direct presence in the courtroom, and  
15 allows him to follow the proceeding remotely from the holding  
16 cell downstairs. That applies for the whole day proceeding.

17 [09.11.36]

18 AV booth, you're instructed to link the proceeding to the room  
19 downstairs so that Ieng Sary can follow it.

20 I will hand the floor to Judge Cartwright to respond to the  
21 request made by the defence counsel for Nuon Chea yesterday  
22 regarding the use of document during the questioning time.

23 Judge Cartwright, you may proceed.

24 JUDGE CARTWRIGHT:

25 Thank you, President.

3

1 The Trial Chamber acknowledges the request made by the Nuon Chea  
2 defence team yesterday concerning a particular document which it  
3 wished to use in examining this witness, and wishes now to try  
4 and deal with this matter more specifically.

5 The Trial Chamber has been unable to identify precisely which  
6 document you were referring to, as we don't have the transcript,  
7 so it would like you to identify specifically the document that  
8 you wish to use, and also to advise the Chamber whether or not it  
9 has been put before the Chamber.

10 So can we take that as a first step, please?

11 MR. PAUW:

12 Thank you, Judge Cartwright. And good morning to everyone. Of  
13 course, we will be able to provide you with those details and I  
14 will do so according to your wishes either in Court or via email.

15 [09.13.28]

16 To clarify my request, my request yesterday was not related to  
17 this one particular document that we have been asking questions  
18 about. The request dealt with all documents that are addressed in  
19 this courtroom, because we have noticed that for different  
20 parties there seem to be different rules.

21 And I have gone through the transcripts of the hearing of Mr.  
22 Suong Sikoeun and what I stated yesterday was correct. Not every  
23 time that a document is shown to the witness is the witness asked  
24 whether or not he has seen that document, and for that reason the  
25 document is not removed from the witness if he does not -- if he

4

1 has not seen that document immediately.

2 I can give a specific--

3 [09.14.21]

4 JUDGE CARTWRIGHT:

5 Perhaps I can just interrupt you here, because the Chamber

6 acknowledges that this issue needs clarification and will return

7 to it in more general terms at the trial management meeting

8 tomorrow. But what we are concerned to do today is to clarify the

9 specific document that you wish to address questions to this

10 witness on while the witness is available.

11 So the first point is: Has it been put before the Chamber, and

12 bear in mind we will be returning more generally to the issue of

13 documents tomorrow at the trial management meeting.

14 MR. PAUW:

15 Then I understand your request completely.

16 My request yesterday related to all the documents we were not

17 allowed to use during questioning because they were taken away

18 from the witness, and I will provide you with the details of

19 those documents even before the break via email or live here in

20 the courtroom according to your wishes if that's enough

21 clarification.

22 And I can tell you that one of the documents had a E3/something

23 number, and I assume it has been put before the Chamber, but we

24 will provide you with that information, and again, I'll wait for

25 your instructions as to whether you want it to be addressed in

5

1 the courtroom or via email.

2 [09.15.55]

3 JUDGE CARTWRIGHT:

4 Well, the Trial Chamber wishes to clarify this issue so that you  
5 have the opportunity to put questions based on a document that  
6 has been put before the Chamber. It will allow you to do this,  
7 but first you must satisfy us that these documents -- if it be  
8 only one document -- that document has already been put before  
9 the Chamber. Then we will allow you some time to address this  
10 witness with questions that are relevant, of course, and not  
11 repetitious. The usual rules obtain.

12 So the sooner you provide us with that information, the sooner  
13 you will be able to ask questions of this witness, if that is  
14 appropriate in all the circumstances. Thank you.

15 [09.16.44]

16 MR. PAUW:

17 Thank you, Your -- Judge Cartwright. And I think that is entirely  
18 clear, but just for my understanding, and I think it may assist  
19 all the parties in this courtroom. Do I understand correctly that  
20 there is a difference between documents that has been -- have  
21 been put before the Chamber as such on the one hand, and  
22 documents that are mentioned on one of those lists that have been  
23 provided by the parties in April 2011?  
24 Because our understanding -- I think everybody's understanding is  
25 that, those documents can be used for questioning, and I am not

6

1 sure whether there is a difference in the eyes of the Trial  
2 Chamber between those documents that have been officially put  
3 before the Chamber or that are mentioned on these lists. It's not  
4 clear to us and it -- perhaps it's -- as we are having this  
5 interaction here, it's perhaps a good moment to clarify for all  
6 parties.

7 JUDGE CARTWRIGHT:

8 Well, that more general point will be discussed tomorrow. I'm not  
9 sure if it will arise specifically in relation to your request in  
10 connection with this witness, and we'll try and deal with it then  
11 if it is, but we do not want to go into the more general question  
12 because questioning time for witnesses is very precious and we  
13 don't want to deal with that today more broadly.

14 [09.18.04]

15 So, if you can just satisfy us as to the documents you wish to  
16 use in relation to this witness and, of course, then go on to ask  
17 relevant and not repetitious questions, then we will provide you  
18 with that opportunity. Thank you.

19 MR. PAUW:

20 Thank you, Judge Cartwright.

21 MR. PRESIDENT:

22 We will now hand the floor to Ieng Sary's defence to continue  
23 posing questions to Witness Suong Sikoeun. You may proceed.

24 [09.18.47]

25 QUESTIONING BY MR. KARNAVAS RESUMES:

7

1 Good morning, Mr. President. Good morning, Your Honours. Good  
2 morning to everyone in and around the courtroom and good morning,  
3 sir.

4 And might I say to the Trial Chamber that we are grateful for the  
5 clarification and the decision to allow one of us, from the  
6 Defence -- and I assume the same thing will be for the  
7 Prosecution -- to revisit issues such as this.

8 Q. Sir, let me pick up where we left off yesterday, and we were  
9 talking about FUNK and GRUNK, and I was going through your  
10 transcript. So, now, we're back on August 2nd, 2012, when there  
11 were some questions posed to you concerning the Khmer Information  
12 Agency, which I understand from your testimony, from 1970 to '74  
13 you were representing in China and elsewhere; is that correct?

14 MR. SUONG SIKOEUN:

15 A. Good morning, Mr. President. Good morning, Brothers. Good  
16 morning everyone in and around the courtroom.

17 [09.20.24]

18 What has been said by the counsel is correct.

19 Q. Thank you. Now, some questions on this issue. May I ask who  
20 exactly appointed you to this position?

21 A. Ieng Sary appointed me as the representative of the AKI to  
22 China.

23 Q. And where were you at the time when he appointed you? Where  
24 were you physically located when you got the appointment?

25 A. At that time, I was at the Mittapheap Hotel, in Beijing. It

8

1 was part of the compound of the Council of Ministers of the  
2 GRUNK.

3 Q. All right, and if I may ask, how is it that you ended up in  
4 Beijing, or Peking as it was known back then, because we know  
5 that you were a student in Paris, so how is it that you went to  
6 Peking?

7 [09.22.01]

8 A. At that time, I was the President of the Khmer Student's Union  
9 in France, and all members of that union supported the appeal  
10 made by Prince Norodom Sihanouk, dated the 23rd March 1970, and  
11 subsequently, I was sent to meet with the Prince, brought along  
12 the support letter from all those Khmer students in France in  
13 response to the resistance made by the Prince.

14 Q. And if I may ask, who controlled the Khmer Information Agency,  
15 the Prince, the Front as a body, Mr. Ieng Sary, who controlled  
16 it?

17 A. As far as I know, when it comes to the internal resistance, it  
18 was the one who controlled the agency. It was not the Prince or  
19 any of the Cambodians residing abroad.

20 Q. Well, could the Prince use the Information Agency, if he'd  
21 wished, and did he, to your knowledge?

22 A. Surely, in his capacity as the Chairman of the FUNK, he could  
23 use the service of the state and the front within the framework  
24 of the resistance of the FUNK.

25 Q. All right. Now, when you say "within the framework", does that

1 mean that his information was censored?

2 [09.24.32]

3 A. Allow me to say this. The information that I obtained from  
4 inside the country, I received it through the Vietnamese  
5 diplomatic mission in Peking. I did not know how the information  
6 was transmitted from within the country to that embassy.

7 Q. All right. Well, help me out here. At some point did the King  
8 not move to Peking after the coup? Was he not residing there?

9 A. No. As far as I know, the Prince then was visiting the former  
10 Soviet Union, and he learned of the coup d'état upon his  
11 departure from Moscow to Peking -- that is, to China -- and he  
12 was informed by the deputy prime minister of the former Soviet  
13 Union, if I am not mistaken.

14 Q. Thereafter, that's what I'm asking you, sir, thereafter,  
15 because you said you were in Peking from '70 to '74. Thereafter,  
16 did the Prince not move and reside in Peking when he was the head  
17 of the Front, as you've told us yesterday?

18 [09.26.32]

19 A. No, on the day I went to Peking I paid a courtesy to the  
20 Prince and I brought along the support letter from the Khmer  
21 students in France for the support of the Front resistance. He  
22 was in Peking then.

23 Q. Let me stop you. Because I'm asking precise questions and  
24 perhaps it's a matter of translation. I am asking you, while you  
25 were in Peking, because you told us you were there from '70 to

10

1 '74, during that period, was the king not residing there? And I  
2 -- and we realize that at times he was travelling and we'll get  
3 to that, but was he not residing there during that period?

4 A. I am certain that in between 1970 through 1974, he resided in  
5 Peking, and maybe for a period of one month, maybe in 1973, he  
6 went to -- back to Cambodia in the company of Mr. Ieng Sary.

7 Q. Thank you. That's what I wanted to confirm from you. And now  
8 I'm asking you -- because you've -- you indicated that you were  
9 getting information from inside, and I was asking you questions  
10 about the Prince and him being able to use the Information  
11 Agency, the Khmer Information Agency, which you were responsible  
12 for.

13 And so my question is: From the period when the prince was in  
14 Peking and you were there, was he able to transmit his messages  
15 directly, or did it have to be censored first to make sure that  
16 it met within the parameters of whoever it was that was setting  
17 the parameters?

18 [09.29.01]

19 A. I cannot recall that clearly. However, at the time that I was  
20 the representative of the AKI, I was also the chairman of the  
21 Information Office in Peking for the Front, and if the prince had  
22 any message to be broadcast or to be published then the message  
23 would be placed in the weekly bulletin of the AKI, and in fact,  
24 the bulletin was published twice per week.

25 But when it comes to the AKI as a whole, I am not sure whether

11

1 the Prince himself had anything to do with AKI.

2 [09.29.59]

3 Q. Let me move on, then, to save some time. As I understand your  
4 testimony and the testimony of others, you accompanied the Prince  
5 on his trip to Romania. Do you recall that? This would have been,  
6 I believe, sometime in 19 -- in the seventies, early seventies.

7 A. Yes, I do. It was in 1973.

8 Q. All right, and one of the reasons I'm asking is, there's --  
9 you've indicated that you were also in Bucharest in '94. Was  
10 there more than one trip to Romania with the Prince, or was there  
11 only one trip?

12 A. I remember that I went to Romania along with Prince Sihanouk  
13 in 1973, and I went back to the country again in 1974 as an  
14 assistant to the delegation led by Mr. Khieu Samphan in which Mr.  
15 Ieng Sary was taking part.

16 Q. All right. The reason I'm asking is because according to David  
17 Chandler and according to testimony from another witness who  
18 appeared here, Ong Thong Hoeung, the trip was in 1974, when Mr.  
19 Ieng Sary and the Prince were in Bucharest. Could you have -- is  
20 it possible that you have the dates wrong -- that it was in 1974,  
21 and not 1973?

22 [09.32.13]

23 A. I do not have it wrong because there are two delegations, one  
24 led by then Prince Norodom Sihanouk and at that time, Mr. Khieu  
25 Samphan was in country, and it was in 1973. And I don't forget

12

1 this, I'm clear. In 1974, I returned to Bucharest, Romania, as a  
2 person who joined the delegation led from Khieu Samphan from  
3 within the country to the foreign country.

4 I don't know whether other people forget, but I am a great  
5 historian and I remember the dates precisely.

6 Q. All right. And on that trip in 1974, was the Prince there  
7 along with Mr. Ieng Sary, if you recall?

8 A. In 1973, Mr. Ieng Sary also joined.

9 Q. I'm speaking about 1974. My questions are rather precise and  
10 my time is limited. I don't wish to be rude, but I'm asking  
11 concrete questions.

12 In 1974, on that trip that you said you went to Bucharest, was  
13 Mr. Ieng Sary with Prince Norodom Sihanouk, if you recall? If you  
14 don't recall, I'll move on.

15 Q. Counsel, actually, you say you want to save time, but at the  
16 same time you're wasting time. Because I was involved in the  
17 delegation and Mr. Ieng Sary was with me along with In Sopheap.  
18 So it was in 1973, not 1974. This is what I would like to make it  
19 clear.

20 [09.34.33]

21 Q. My question is: Was -- Prince Norodom Sihanouk, was he there  
22 along with you? That's the thrust of my question, if you recall.

23 A. Counsel, could you please state the year again; is it in 1973  
24 or you're referring to 1974?

25 Q. I'm referring to 1974, because we've heard testimony from Ong

13

1 Thong Hoeung who indicated that it was 1974 that he went to  
2 Bucharest where he met the Prince and Mr. Ieng Sary, and it's  
3 also featured in David Chandler's book. So maybe they have it  
4 wrong and you have it right, but I'm merely trying to get that  
5 historical fact correct so I can ask my next series of questions.

6 A. I stated that in 1974 Mr. Ieng Sary could not be with the  
7 Prince because he was with the delegation led by Mr. Khieu  
8 Samphan and I was also in that delegation.

9 In 1973, it was the time when Mr. Ieng Sary was present along  
10 with then Prince Norodom Sihanouk.

11 I hope this message is clear, whether you believe me or not, or  
12 whether you're convinced by the other account, you also may  
13 question people on the record in Romania to verify this.

14 [09.36.32]

15 Q. Thank you, sir.

16 Well, let's talk about 1973, then. Do you recall what the message  
17 was at the Bucharest meeting in 1973; what Prince Norodom  
18 Sihanouk did and said on that meeting?

19 A. Mr. President, may I ask Counsel to be more specific  
20 concerning the meetings, because there were several meetings and  
21 I attended only some meetings, not all the meetings.

22 So, if he can pinpoint to any particular meeting that I was  
23 attending, then it would be helpful.

24 Q. Did you attend any meetings where Prince Sihanouk was  
25 speaking; if you recall?

14

1 A. I recall that at one -- on one occasion at Kredeal (phonetic)  
2 -- it's in Romania -- Prince Norodom Sihanouk was interviewed by  
3 Henry Kamm from the International Tribune, and I with Mr. Ieng  
4 Sary were there also. There were -- Mr. Ieng Sary, Prince Norodom  
5 Sihanouk, and I, myself, were all together at the event when the  
6 interview was taking place.

7 Q. Thank you.

8 Now, setting aside that interview, did you attend any meetings  
9 between Prince Sihanouk and say the students -- the Khmer  
10 students that were coming in from Paris to visit?

11 [09.38.57]

12 A. I wish to respond that when I was in the delegation with the  
13 Prince, I was with Mr. Ieng Sary and In Sopheap.

14 Q. To my question, no, you weren't present at any meetings?

15 A. Mr. President, may I please be allowed to respond not being  
16 interrupted because when I giving testimony and being  
17 interrupted, I have problem recollect the event.

18 MR. PRESIDENT:

19 Counsel, you are now advised to rephrase the questions and to  
20 make sure that the questions do not exert any pressure to the  
21 witness, and allow him to elaborate or respond to the question  
22 precisely. And counsel and parties to the proceeding have been  
23 fully apprised already of -- concerning the civil law system or  
24 tradition, and that in questioning, leading questions should be  
25 -- should not be allowed.

15

1 [09.40.32]

2 BY MR. KARNAVAS:

3 Thank you, Mr. President. I am not asking any leading questions,  
4 but I would like permission to cut the witness off if the witness  
5 is being non-responsive to my question.

6 Q. But I will rephrase the question: Did you, sir, attend any  
7 meetings in Bucharest where Prince Norodom Sihanouk was speaking  
8 before the Cambodian students that had come from Paris to see him  
9 -- to see him and the others at the delegation?

10 MR. SUONG SIKOEUN:

11 A. I do not recall the meetings or having attended such meetings  
12 because it was not in my role to do that. But I wish to also  
13 emphasize that I attended meetings when Mr. Ieng Sary received  
14 the students from France.

15 [09.41.35]

16 Q. Thank you, sir.

17 Now, moving on, on page 83, well this would be Khmer page  
18 00831427; French 00832814 to 15; and English 00832700. This is  
19 again on August 2nd. You answered a question that was posed to  
20 you in the following fashion and I want some clarification.

21 "'My understanding is that Sihanouk forces were the tactical  
22 forces. At the same time, the CPK selected some individuals who  
23 could join the Party from the beginning until its completion.  
24 They were regarded as the tactical forces, but secondary, as  
25 opposed to the strategic forces. But at the same time, some

16

1 individuals from the tactical forces could be regarded as the  
2 long-term forces for the Movement."

3 Now, you did give us an explanation the other day about  
4 "tactical" and "strategic". But in this context, can you please  
5 explain what you meant by "tactical forces" versus "strategic  
6 forces"?

7 A. Mr. President, I recollect having stated or explained  
8 concerning these questions. Should I do it again?

9 (Judges deliberate)

10 [09.43.59]

11 MR. PRESIDENT:

12 Counsel may put another question because the current question is  
13 repetitive.

14 BY MR. KARNAVAS:

15 Very well, but for the record, the context is different. But I'll  
16 move along.

17 Q. If we now go to same date - Khmer, 00831431; French, 00832820;  
18 English, 00832705 -- here you were asked a question and you  
19 indicated that: "I went to Vietnam in 1970 in May, accompanied --  
20 accompanying Samdech Norodom Sihanouk as -- when he was the head  
21 of the GRUNK to visit Vietnam."

22 Let me stop here.

23 First of all, do you recall making that statement and do you  
24 stand by it?

25 MR. SUONG SIKOEUN:

1 A. Yes, I do, and I stand by it.

2 [09.45.21]

3 Q. And can you please tell us what, exactly, was the purpose of  
4 this trip to Vietnam in 1970, if you know?

5 A. In May, at that time of 1970, the FUNK was just established  
6 and the GRUNK was just also established; and the countries that  
7 supported both establishments immediately were the People  
8 Republic of China and Vietnam. So it was the Prince obligation to  
9 express his thanks to Vietnam for their support and for the  
10 Vietnamese and Vietnamese authorities and people support of the  
11 resistance in Cambodia.

12 Q. And did you attend any meetings where the Prince was speaking?

13 A. I don't remember, but I do not recall having attended all the  
14 meetings, but I did attend meetings to congratulate or to welcome  
15 delegations. I was back then as a representative representing  
16 students from France. We have representatives from --  
17 representatives of students from Russia also attended the events.

18 [09.47.31]

19 Q. Okay, thank you. Do you recall whether any tactical or  
20 strategic meetings were held or meetings where tactical and  
21 strategic issues were discussed on how the Vietnamese may assist?

22 A. I did not attend such meetings to know anything about the  
23 content of the meetings.

24 I wish to state that leaders of Vietnam received the Prince very  
25 warmly and fraternally during the banquet. Vietnamese singers and

18

1 musical band played or sang the songs written by the Prince;  
2 that's what I recollect.

3 Q. Okay, thank you very much.

4 Now, if we could move on to -- again for clarification purposes  
5 -- to Khmer 00831437; French 00832826; and English, it's  
6 00832711, and I'll be going into 12. Here you're talking about  
7 being in charge of international news; this is when you would  
8 have been in Hanoi.

9 [09.49.25]

10 And you were asked: "Did Ieng Sary and Khieu Samphan give you  
11 instructions [...]?"

12 And you indicated: "It seems none because it did not fall under  
13 their authority."

14 If I could ask, who was giving you instructions -- to you?

15 A. I received direct instructions from Ms. Ieng Thirith, the  
16 person in charge of the Voice for the FUNK.

17 Q. And I note here that you say that you wrote the text and  
18 broadcast and that she would oversee it. Was that based on  
19 instructions on what to write, or were you free to write the  
20 content which was then edited and approved?

21 A. There was no instruction to write the text, because  
22 information concerning activities that are supporting the FUNK  
23 could be gathered from other sources. So we could select the  
24 information and we had to have it gone through Ms. Ieng Thirith  
25 before it could be broadcast.

1 [09.51.15]

2 Q. And were you part of the process of selecting -- combing  
3 through the news, selecting and then collating it into a text for  
4 approval?

5 A. It is fair to say so. However, Ms. Ieng Thirith at the same  
6 time could also propose pieces of news or information for me to  
7 write, because this is the work regime, this is how we could  
8 communicate one another at work.

9 Q. Thank you.

10 Now, we're going to move to another topic but we're still on  
11 August 2nd, 2012, and it's Khmer, 00831441; French, 00832831; and  
12 English, 00832716. And I'm going to be referring to this passage  
13 in this page and then in another page for clarification.

14 Here you're asked a question: "Did you know if Pol Pot gave  
15 instructions to Ieng Sary, as he was the Minister of Foreign  
16 Affairs, in relation to the policies of Democratic Kampuchea?"  
17 And your answer was: "No, I do not know. That was the affairs  
18 between the two."

19 [09.53.09]

20 And then there was another question:

21 "This is my last question: Besides Pol Pot, was there any meeting  
22 between the senior cadres of Democratic Kampuchea in relation to  
23 the foreign policy where Mr. Ieng Sary was the minister, for  
24 example if Mr. Nuon Chea, Khieu Samphan held a meeting in this  
25 regard?"

20

1 And your answer is: "I do not know."

2 Then you go on to explain.

3 So, keeping that in mind, sir, I now want to turn to another  
4 passage, this would be from August 6th, 2012 – Khmer, 00832181 to  
5 82; English, 00833251; French, 00833134 to 35 -- now, you're  
6 asked a question here concerning the Standing Committee, and you  
7 say:

8 "I do not know. I only knew that he was in charge of foreign  
9 affairs of the Centre" -- "he" being Mr. Ieng Sary - "and as for  
10 the intellectuals arriving from France who were the former  
11 members of the Marxist-Leninist Circle -- he was also responsible  
12 for that group as well, including myself. I was part of that  
13 group. I also like to clarify the word 'responsible' or 'in  
14 charge'; when I made the statement. He was in charge of us, the  
15 intellectuals for the Centre -- that is, for Pol Pot. So Pol Pot  
16 also made the decision regarding the appointment for us to go and  
17 work here or there. And Ieng Sary was the person who was directly  
18 responsible for us in carrying out our duties."

19 [09.55.36]

20 Now, having these two passages in mind let me begin by asking  
21 you: Were you ever present at any meetings where Mr. Pol Pot was  
22 having conversations with Mr. Ieng Sary and the others that were  
23 on the Standing Committee or even the Central Committee?

24 A. No, I wasn't.

25 Q. Now, you seem to say that to clarify the words "responsible"

21

1 and "in charge" -- and here is where I would like you to add some  
2 more clarification. Let me begin by asking you, your position at  
3 the Ministry of Foreign Affairs; who appointed you?

4 A. The person who made the decision was Pol Pot, but the proposal  
5 was made by Ieng Sary -- wherever I should go, the decision was  
6 made by Pol Pot. I could elaborate on this at a later date, but  
7 for the time being I would like to be that brief.

8 [09.57.11]

9 Q. Okay. Well, if I could -- if we could stay with this topic a  
10 little bit. You say that you were proposed by Mr. Ieng Sary. How  
11 do you know that it was Pol Pot himself that actually appointed  
12 you and not the collective?

13 A. It is clear that in the Standing Committee of the Central  
14 Committee, for example if -- other than Pol Pot, who would be the  
15 one who decided on appointing me because Nuon Chea did not know  
16 me very well as Pol Pot did.

17 Now, to give you more examples, for example, my former wife would  
18 like to ask that she'd be returned to Cambodia, it was Pol Pot  
19 who made the decision to allow her to arrive, not Ieng Sary.

20 However, Pol Pot asked Ieng Sary to vouch for my ex-wife and Mr.

21 Ieng Sary asked me to also vouch for her past.

22 [09.58.51]

23 And I also wish to add to make sure we understand this. Later on  
24 commanders from zones in Pailin and Malai did not decide on my  
25 faith. It was the Centre who would be able to decide anything

1 relevant to me. Other people would not be in the position to make  
2 a decision on my case; although they perceived that I would be  
3 betraying the Party. So it was Pol Pot who made the final  
4 decision. Mr. Ieng Sary was the one who asked us to do things,  
5 but the final words were from Pol Pot.

6 Q. All right. Well, let me press you a little bit, because you  
7 also mentioned the word "Centre". So you're saying Pol Pot made  
8 this decision, but then, in the context of your answer, you also  
9 indicated that your faith was within the hands of the Centre, if  
10 I understood your answer.

11 And I need some clarification here. Can you make a distinction  
12 between Pol Pot and the Centre so we can understand it, or is it  
13 one and the same?

14 A. To me, it's the same. The Centre would mean those cadres, and  
15 the cadres were under the supervision of the Centre and the  
16 Centre meant Pol Pot.

17 [10.00.43]

18 Q. All right, thank you. Now, again, sticking with this and I  
19 want to clarify one point because you seem to be saying this  
20 also, but I want to get the date right and I'm referring to the  
21 Transcript of August 6 - Khmer, 00832153; French, 00833090; and  
22 English, 00833214. Here you're asked a question about D-N-U.M,  
23 DNUM, when it was created, and you state in your answer --  
24 because it appears that we're talking now past 1979, but given  
25 your answer it is unclear what you are referring to. You say:

23

1 "After 1975 -- 1979. Actually, what I wanted you to clarify is  
2 that Ieng Sary actually gave me instructions but he did not have  
3 the authority to decide on the assignments that were tasked to  
4 me. Decisions were made at a Standing Committee level, and in  
5 particular by Pol Pot. So my assignments were not done by Ieng  
6 Sary. It was ordered by Pol Pot. So Pol Pot first had to make the  
7 decisions, then the ministers in charge would issue such orders  
8 or relay just such orders or instructions to the subordinates.  
9 And that's how the command hierarchy works."

10 Now, in light of the question that was posed, and the period in  
11 which the question -- the contextual period of the question --  
12 were you referring in your answer here to post '79 or the  
13 situation as it was between '75 and '79 when you were at the  
14 Ministry of Foreign Affairs?

15 [10.03.11]

16 MR. PRESIDENT:

17 Witness, please wait.

18 The Prosecution, you may proceed.

19 MR. DE WILDE D'ESTMAEL:

20 The Defence has indeed specified that this question was on the  
21 DNUM, but the witness's explanation relates to the period after  
22 1979. So this question is not very clear because it is not  
23 related to the -- what the witness said in the hearing of the  
24 17th (sic) of August.

25 MR. KARNAVAS:

24

1 Mr. President, I'm reading the English version. It might be  
2 crystal clear in the French version, but from what I'm reading,  
3 it is not quite clear because he says "actually, what I want to  
4 clarify", and I'm asking for clarification. And was it like this  
5 between '75 and '79? And was the gentlemen referring to that, or  
6 was he referring simply to after '79?

7 [10.04.16]

8 I'm not trying to suggest anything, I'm merely asking for  
9 clarification, because later Your Honours will rely on the  
10 transcript in determining what are the facts in this case.

11 MR. PRESIDENT:

12 Witness, please wait.

13 (Judges deliberate)

14 [10.10.05]

15 Witness, can you recall the last question put to you by the  
16 counsel Michael Karnavas? If so, you can respond. If you cannot  
17 recall, you may request the counsel to repeat his last question.  
18 The counsel (sic) would also like to remind the counsel that  
19 please make your questions short and precise, and try to avoid  
20 repetitive questions. And your questions shall be relevant to the  
21 facts determined by the Chamber in the proceedings as part -- or  
22 as portion of the Closing Order.

23 [10.11.03]

24 MR. SUONG SIKOEUN:

25 Thank you, Mr. President. I'd like to request the counsel to

25

1 repeat his last question. Thank you.

2 BY MR. KARNAVAS:

3 Thank you, Mr. President and your Honours, and thank you,  
4 Witness.

5 Q. I'm referring to your previous testimony of August 6th -- we  
6 all have it in front of us -- wherein you indicate:

7 "After 1979. Actually, what I want you to clarify is that Ieng  
8 Sary actually gave me instructions, but he did not have the  
9 authority to decide on the assignments that were tasked to me.  
10 Decisions were made at a Standing Committee level, and in  
11 particular by Pol Pot. So my assignments were not done by Ieng  
12 Sary. It was ordered by Pol Pot. So Pol Pot first had to make the  
13 decision, then ministers in charge would issue such orders or  
14 relay just such orders or instructions to the subordinate. And  
15 that's how the command hierarchy works."

16 [10.12.24]

17 That was your answer.

18 And now my question, sir, is: Was that how the situation was in  
19 1975 to '79 or are you speaking only about after 1979?

20 MR. SUONG SIKOEUN:

21 A. That situation applied in between 1975 to '79. And after 1979,  
22 it was still applied until the re-integration of Ieng Sary from  
23 the Khmer Rouge movement in 1996.

24 Q. All right, thank you.

25 If we go on to our next area in your testimony which I need some

26

1 clarification -- this is, again, on August 6th -- Khmer,  
2 00832156; French, 00833095; English, 00833218. And here you were  
3 asked a question about trust. It's actually -- in Khmer, it would  
4 be the previous page, it would start with 00832156, where the  
5 words "close collaboration and trust" were used.

6 [10.14.17]

7 And you say in your answer:

8 "However, there was a limit to the word 'trust', because there  
9 was not a hundred per cent trust. It doesn't exist that way.  
10 Let's say it's 51 per cent. That's just the percentage I could  
11 give. This is just for the sake of the understanding. The word  
12 'trust' within the internal Party was not really a matter.  
13 Everything was an evolution -- was a resistant."

14 And then you give an example, and I want to focus on this -- on  
15 this answer -- this part of your answer concerning trust.

16 So my question now is: What do -- in your -- to your  
17 understanding, what does "trust" mean during this period -- and  
18 "trust" in the context of secrecy, especially?

19 A. Mr. President, as I do not fully understand the question, I'd  
20 like to consult with my duty counsel first.

21 [10.16.01]

22 MR. PRESIDENT:

23 You cannot do that because your response is not the one that may  
24 incriminate you.

25 The counsel would like you to clarify the testimony you made

1 earlier before this Chamber, whether you make a mistake or if you  
2 stand by that statement.

3 You only can consult with your duty counsel if your response  
4 might incriminate you.

5 BY MR. KARNAVAS:

6 Q. I'll rephrase the question and see maybe it can be grappled  
7 with better.

8 You've given us information and we've heard from others that  
9 secrecy was paramount. I believe it was 50 per cent of the battle  
10 would be won by secrecy. And it's within that context that I want  
11 you to discuss and to explain to us the concept of trust.

12 A. Thank you, Mr. President, for your guidance.

13 I find it difficult to respond when it comes to trust. We can  
14 only use it in a comparative sense. For instance, in the capacity  
15 as the chairman of the radio broadcast, there could be three or  
16 four candidates for that position, and the trust can be amounted  
17 to 51 per cent up to 60 or 70 per cent, but if there is only a  
18 single person with the total trust of 51 per cent, that could be  
19 acceptable.

20 [10.18.18]

21 Or in regard to such a situation, someone could be appointed if  
22 that person was trusted only 48 to 49 per cent, but if that  
23 person -- or if the decision was decided by the Party Secretary  
24 and the order was relayed through his subordinates, who could be  
25 the chairperson of the radio station or the radio broadcast. And

1 that how it worked when it comes to the term "trust". It was  
2 dependant on the biography of individual member and it can only  
3 be used in that comparative sense.

4 There are various examples that I can provide.

5 Q. Okay, thank you. What about "with information"? Would somebody  
6 -- I mean, the concept of trust -- because you've told us that  
7 it's somewhat different during this period. Information that  
8 would -- might be passed on from a higher up to a lower, did the  
9 concept of trust come into play, particularly given the  
10 importance of secrecy and the repercussions for violating  
11 secrecy?

12 [10.20.14]

13 A. As I understand, the command works from the upper level to the  
14 lower level and to the lower, lower level. And, of course, there  
15 had to be a level of trust before the information can be relayed.  
16 And in this regard, it also depends on the line of the network.  
17 For instance, personally, I joined the Resistance since I was a  
18 very young boy, but because I did not have a proper line or  
19 network, so I was not fully trusted.

20 And let me apologize, maybe Khieu Samphan trusted me more, but  
21 when it comes to keeping secrecy he would be an expert in that  
22 area. Because myself, probably I was a bit talkative, and usually  
23 the trust was bonded within the lines or within the network of  
24 that individual; and that's how it worked. And that was the  
25 practical situation at the time.

1 I suffered a great deal, but I still have tremendous respect for  
2 those brothers because the decision had already been made.

3 [10.22.07]

4 Q. Okay, thank you.

5 Now, if we could move on to another section of your testimony --  
6 and this would be in Khmer, 00832156 to 57; French, 00833096; and  
7 then, in English, 00833219 to 20. Here you are asked about -- or  
8 you're telling us that you were the Director of Information and  
9 Propaganda of the MFA, and you were in that position until 1979.  
10 And then later on you state: "...Pol Pot assigned me to be the  
11 Director of Information. It was Kampuchea Information or Press  
12 Agency."

13 Now, was it Pol Pot who assigned you to this position?

14 A. Yes, Pol Pot actually assigned me to that position. At that  
15 time, I went to see him together with Ieng Sary - actually, I  
16 refused to take up that position because I had too many duties  
17 already.

18 I'd like to say that at that time, in 1977 and 1978, I could only  
19 rest half an hour per day -- that is, from 4.30 to 5 a.m. But to  
20 me, sleeplessness was not a major problem and you can observe  
21 that when I return from the testimony in this Court I go back  
22 home and I would go to bed immediately.

23 [10.24.43]

24 Let me go back to the time and let me apologize for the  
25 Cambodians who lost their children or parents. What I am saying

30

1 here is the truth. And I, personally, lost some of my relatives,  
2 aunts and uncles. And for those brothers in their capacity as  
3 leaders, they also lost relatives and family members.

4 Pol Pot himself was very optimistic and he told me that I could  
5 take up that position and I could only work on five stories per  
6 day. And to me five stories per day was not really a major  
7 problem. So, to sum up, Pol Pot personally assigned me to take up  
8 that position.

9 Q. Thank you. And we see that part of your answer we can find on  
10 Khmer, 00832159 to 60; French, 00833100 to 01; and English,  
11 00833222 to 23. And I appreciate your answer, but I want to press  
12 you a little bit on this -- in that because you seem to be giving  
13 us the impression that you had the right and authority to refuse  
14 an appointment by Pol Pot. And it somewhat contradicts what you  
15 said earlier, that Pol Pot is making all these decisions and in  
16 fact is speaking for the Centre.

17 And so, if you could give us some clarification -- were you in a  
18 position to decline an order by Pol Pot?

19 [10.27.05]

20 A. Frankly speaking, at that time, Ieng Sary advised me not to  
21 take up that position that will be assigned by Pol Pot; and I  
22 recall that advice. At that time I declined his offer because I  
23 personally knew Pol Pot very well. I was not really afraid of  
24 him, I knew him since I was young. And I only learned of what  
25 happened during the regime only after 1979; and even if I were to

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1 know what happened during the regime maybe I would not dare to  
2 refuse that offer. And usually I express my opposition to his  
3 opinions, for instance, during the tripartite negotiation.  
4 When he offered me the position, I finally accepted it. And if I  
5 did not accepted it, it means I opposed him.

6 Q. And what would that mean, if you opposed him?

7 A. I would not know what would happen to me, I could not say. But  
8 maybe I would be all right because Ieng Sary supported my  
9 position, and if I were to be killed because of such a position  
10 that would be a bit too far because I had known him for quite a  
11 long time.

12 [10.29.18]

13 And for that reason, I feel so painful when Son Sen and his  
14 family were ordered to be executed by Pol Pot. I think that  
15 should not have happened. At least they should be spared because  
16 they used to go through hardship for several years together.

17 Q. All right. Sticking with this same page that we're on, I want  
18 to -- I want some more clarification because you then go on to  
19 say that: "And this Information Agency was supposedly be within  
20 the portfolio of Ministry of Information and Propaganda."

21 And just a point of clarification: Was this the portfolio within  
22 the Ministry of Foreign Affairs or within a separate Ministry of  
23 Information and Propaganda?

24 [10.30.29]

25 A. It was not under the Ministry of Foreign Affairs or the

32

1 Ministry of Propaganda; it was dealing directly with Pol Pot.

2 Q. All right. Now, you have indicated that this consumed quite a  
3 bit of your time and as a result you were not getting much sleep.

4 Can you please tell us to what extent you interacted with Pol Pot  
5 in relation to this particular position that you held?

6 A. As I recall, I communicated through the head of the Party's  
7 branch -- that is, Ms. Saur Se -- and I could not know how she  
8 relayed that information or contacted Pol Pot.

9 MR. PRESIDENT:

10 Thank you, Counsel and Witness.

11 The time is appropriate for a short recess. We will take a break  
12 for 20 minutes and return at 10 to 11.00.

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

15 THE GREFFIER:

16 (No interpretation)

17 (Court recesses from 1032H to 1055H)

18 MR. PRESIDENT:

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

20 We once again hand the floor to the defence team for Ieng Sary to  
21 continue putting questions to the witness Suong Sikoeun. You may  
22 proceed.

23 BY MR. KARNAVAS:

24 Thank you, Mr. President. Thank you, Your Honours.

25 Q. Sir, I want to move now to the part where you were discussing

1 your duties as spokesperson of the Ministry of Foreign Affairs --  
2 and I'm referring to, in particular, Khmer ERN number 00832164 to  
3 65; French, it's 00833107 to 09, I believe; and it's -- and in  
4 English, 00833228 to 29.

5 So, here, you are asked the question about your duties as  
6 spokesperson, and you indicate -- and you're asked about who your  
7 direct superior is, and you state the following:

8 "Ieng Sary was my direct superior. However, in some sections or  
9 tasks, I directly worked for Pol Pot in his capacity as the  
10 Party's Secretary. In that capacity he would assign me to tasks  
11 -- to any task legally."

12 [10.57.47]

13 And so, I wanted some clarification, particularly in light of  
14 your answers earlier today. You are saying here that he would  
15 assign you in his capacity as Party Secretary, and these would be  
16 "legal tasks". Is he acting in a different capacity here than he  
17 would in the other instances you spoke of today, where he would  
18 just make decisions because he is Pol Pot?

19 MR. SUONG SIKOEUN:

20 A. That is the principle of the appointment in regards to the  
21 Party. The subordinate shall follow the orders or instructions  
22 from the superior, and the minority shall respect the majority.  
23 Pol Pot, in his capacity as the Party's Secretary, he can assign  
24 any task to any of the Party members directly without having to  
25 go through the direct superior of that Party member. And that is

1 the principle of organization.

2 [10.59.15]

3 Q. Okay, thank you for that clarification.

4 Well, perhaps you can help us out here, then, if we move to  
5 another section of your transcript -- and this would be, again,  
6 August 6, and it's Khmer, 00832188 to 89; French, 00833145; and  
7 English, 00833260.

8 Here, you are asked the question: Did you have -- if you had any  
9 contact with Nuon Chea during the DK period?

10 And your answer -- or part of your answer is that Nuon Chea  
11 requested that you prepare an article about a Democratic  
12 Kampuchea foreign policy. And that was the only occasion that you  
13 had with Nuon Chea.

14 Do you see that part of your testimony, sir?

15 A. Yes, that was my statement.

16 Q. And the clarification that I am seeking at this time is, in  
17 what capacity did Nuon Chea ask you, directly, to write an  
18 article on the foreign policy of Democratic Kampuchea? What  
19 authority did he have over you? You've told us that Pol Pot, by  
20 virtue of his position, could order anybody, including you, to do  
21 anything. What about in this instance?

22 [11.01.17]

23 A. Nuon Chea, at the time, was the deputy Party Secretary, though  
24 he also had the authority to contact directly with Party members.

25 Q. Okay, thank you.

35

1 One final question in this area. You told us what they could do  
2 legally as Secretary and Deputy Secretary of the Party. Did they  
3 need to get clearance from Mr. Ieng Sary in this instance? Or did  
4 they -- did -- yes, let's stick with that. Did they need to get  
5 clearance from him to allow you to carry on these functions?

6 [11.02.13]

7 A. I could not know for sure. But in certain circumstances it was  
8 not necessary, as Pol Pot would deal directly with any of the  
9 Party members.

10 Q. And when he would deal directly with you -- and we understand  
11 you had a personal, or friendly relations with him because you  
12 had known him for quite a bit -- but in dealing with you, in  
13 particular in assigning you tasks, did you always run those tasks  
14 by Mr. Ieng Sary in advance or did you carry out the tasks as  
15 instructed by Pol Pot?

16 A. When it comes to the tasks assigned to me directly, then I  
17 would deal with him directly without the presence or without  
18 having to consult with Mr. Ieng Sary.

19 Q. And if -- if Pol Pot were to ask you to not disclose what you  
20 were working on on his behalf, were you obliged to follow those  
21 orders or, because you were working for the Ministry of Foreign  
22 Affairs, you had to report that to Mr. Ieng Sary?

23 [11.03.58]

24 A. If I worked directly with him in my capacity as the Party's  
25 member, I had no obligation to report that to Ieng Sary. In the

1 case that he asked me about that task, then I would report to  
2 him, but if he did not ask me, then there was no need for me to  
3 report, because in regards to Pol Pot's position within the  
4 Party, he was above Ieng Sary.

5 Q. All right. And so, just to make sure I get it right, so if he  
6 were to ask you or order you to keep something secret and not  
7 disclose it, because of his position, were you obligated to  
8 follow his order?

9 A. Yes. That was sure. As a Party member, I had to respect his  
10 instructions.

11 Q. And that would not be considered insubordination with respect  
12 to Mr. Ieng Sary? That was perfectly legal in a sense, if you  
13 want to put it in those terms?

14 [11.05.34]

15 MR. PRESIDENT:

16 Witness, please wait.

17 The Prosecution, you may proceed.

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President. I think the question asked by Defence  
20 Counsel is a leading question by and large, and I would intervene  
21 here to say that this question is not appropriate.

22 Counsel Karnavas could have the witness confirm statements -- is  
23 trying to have the witness confirm statements that he's --  
24 conclusions that he's making on the basis of that passage, and I  
25 think this is not appropriate.

1 MR. KARNAVAS:

2 Mr. President, I'm asking for clarification. If you -- if one  
3 looks at my question, it's predicated on the facts that come from  
4 the witness himself, not facts that I am suggesting to the  
5 witness and for the witness to confirm.

6 So, if it's appropriate, he may answer. If you find it is not  
7 appropriate, I'll move on.

8 (Judges deliberate)

9 [11.08.00]

10 MR. PRESIDENT:

11 Regarding the question put by the counsel, the Chamber is of the  
12 view that the objection and its grounds by the Prosecution is  
13 valid.

14 So, please, Counsel, could you rephrase your question? That is  
15 point number 1.

16 And, point number 2, please try to avoid any hypothetical  
17 questions, or the ones that draw conclusions by the witness which  
18 are, of course, inappropriate.

19 BY MR. KARNAVAS:

20 Thank you, Mr. President.

21 [11.09.00]

22 Q. Well, Witness, I'm not asking you to speculate, but simply to  
23 assist us so we would understand the structure and how things  
24 operated.

25 I'll just move on. I think I'll leave it at what we have thus

1 far.

2 Let's talk about meetings. This was a topic that was raised by  
3 the Prosecution, and we can see on the same page that you talk  
4 about the -- that there were various types of meetings. And in  
5 the context of describing these meetings on the following page --  
6 and I'll read the ERN numbers: Khmer, 00832165, French, 00833108  
7 to 09, and English, 00833230 -- you state that the MFA was  
8 divided into two sections. One was the department section, and  
9 the other was the bureau section, and the bureau dealt with  
10 production, security, food, for example. The department section,  
11 it dealt with diplomatic affairs, and they were under different  
12 organizations under the different Party branch organization.  
13 And I want to discuss a little about the -- the structure of the  
14 MFA, and perhaps you can assist us in bringing some clarity to  
15 this.

16 You worked in the department section, if I understand your answer  
17 correctly, because it deals with diplomatic affairs. Is that a  
18 fair conclusion to draw from your answer?

19 [11.11.15]

20 MR. SUONG SIKOEUN:

21 A. No, that was the opposite. At B-1 -- that is, MFA -- it was  
22 divided into two. One was the bureau. It dealt with production,  
23 security. And as for the department, it deals with the practical  
24 diplomatic affairs.

25 I fell under the diplomatic department -- that is, to deal with

1 the diplomatic affairs.

2 Q. All right. So you were not with the bureau?

3 Let me move on, for the sake of moving on.

4 If we could look at -- I want to look at some of your  
5 statements--

6 [11.12.15]

7 MR. PRESIDENT:

8 Duty Counsel, you may proceed.

9 MR. MAM RITHEA:

10 Good morning, Mr. President. Good morning, Your Honours and  
11 everyone.

12 The witness just stated he worked at the department, not at the  
13 bureau section of the MFA.

14 BY MR. KARNAVAS:

15 I don't think there's a dilemma there. That's exactly what I  
16 said. I asked -- it was a question, there was no answer, so I  
17 moved on.

18 Q. If we go to the following page -- well, if you go to the  
19 following page you do explain that the bureau section had a Party  
20 branch, and so Madam Saur Se was the Party's Secretary, and I was  
21 a member. This is what is in the transcript on page 44 or, Khmer,  
22 00832165 to 26 (sic); French, 00833108 to 09; and English,  
23 00833230 to 31. This is why I am asking for some clarification.

24 [11.13.51]

25 And then, on another passage, you talk about meetings of the

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1 Party's cell -- and this would be in, Khmer, 00832172 to 73;  
2 French, 00833120 to 21; English, 00833240. And so I would like  
3 now to clarify some matters.

4 You are telling us today that the way you understood it was, you  
5 were in the department, and within the department you were with  
6 the diplomatic section. Do I have that correct?

7 MR. SUONG SIKOEUN:

8 A. Let me clarify it once again. My duty counsel just clarified  
9 the matter as well.

10 The MFA divided into two: one was the bureau and one was the  
11 department. And I worked within the department section dealing  
12 with diplomatic affairs.

13 [11.15.30]

14 Q. Okay. And when there were meetings, who was chairing the  
15 meetings within the diplomatic section of the department? Would  
16 that be Madam Saur Se?

17 A. Madam Saur Se was the chair during the meetings as she was the  
18 head of the Party branch.

19 Q. And I believe this is the same person that you mentioned  
20 earlier, that you would turn over your work product to -- to pass  
21 on to Pol Pot, when you were working, drafting those articles for  
22 information and propaganda. Do I have it right?

23 A. Yes, it was the just same person.

24 Q. Now, were you physically -- let me rephrase. Where were you  
25 physically located -- your office -- keeping in mind that you

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1 worked in many different places, or had different tasks? Where  
2 were you physically located at the time?

3 [11.17.15]

4 A. My office was located in the curved glass house. It is  
5 currently the Council of Ministers' office. And my personal  
6 office, if you entered from the right-hand side, it was the first  
7 room. So, people who came to work, including those cadres, before  
8 they reached their respective offices, they would first come into  
9 my office.

10 Q. Okay. And was that in B-1?

11 A. Yes, it was within the compound of B-1.

12 Q. And can you tell us how many buildings were in B-1?

13 A. There were a number of buildings which were used as offices.

14 And actually, that building -- the curved glass house -- was used  
15 for offices, and another office, which was a one-storey villa --  
16 was not used as an office. It was a residence. And behind that  
17 there would be the accommodation for the cadres and the  
18 combatants. And that would be for or five buildings behind that.

19 [11.19.10]

20 Q. Thank you.

21 Now, if we could look at E3/100. This is a statement that you  
22 provided on 17 December 2007. You made several statements, and  
23 we're going to go through some of them. This is the first one  
24 that we will go through. Khmer, 00204147 to 48; French, 00344699  
25 to 700; and English, 00223636 or page 3.

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1 And here you are asked to explain the management structure of the  
2 Ministry of Foreign Affairs, and I want to go through part of  
3 your answer, and hopefully you can clarify some matters.

4 You state here:

5 "At that time, the Foreign Ministry was called B-1. Mr. Ieng Sary  
6 was chairman. There was a General Secretary and Office chairman,  
7 So Hong." I suspect it's So Hong. This office was divided into: a  
8 security section with Phy Phuon alias Cheam as chairman; Madam  
9 Saur Se was chairperson of the General Secretariat, Chairperson  
10 of the Protocol Section, and Secretary of the Party Branch. The  
11 General Political Section had Ieng Sary himself as the chairman,  
12 and in it were a number of intellectuals like Ok Sokun, Mr.  
13 Thiounn Prasith, and Mr. Keat Chhon, and others.

14 [11.21.06]

15 "The Propaganda and Information Section had me as the chairman.  
16 In late 1977, Mr. Ny Kan was Chairman of the Protocol Section as  
17 a successor of Madam Saur Se. Mr Ny Kan had previously been a  
18 Sector Secretary in the West Zone. The Party Affairs Sections --  
19 Section had separate people in charge whom I did not know."  
20 Let me stop right here. Do you stand by your answer here where  
21 you describe Mr. Ieng Sary as the chairman, then So Hong as  
22 general secretary, and under him, Phy Phuon being the chairman of  
23 the security section?

24 [11.22.14]

25 A. Yes, I stand by this statement.

1 Q. All right, and then you describe what Madam Saur Se did:

2 "Chairman of the General Secretariat, Chairperson of the Protocol  
3 Secretary, and Secretary of the Party Branch."

4 It would appear from this answer that she's holding three  
5 different positions; is that correct?

6 A. Yes, it is correct.

7 Q. Now, at some point, and we'll get to it, hopefully, you've  
8 indicated to us that the secretary at the embassies was actually  
9 the most important person, more important than the ambassador. Do  
10 you recall making that statement?

11 A. Yes, that was my statement.

12 Q. In fact, for the record, it can be found on Khmer 00832199 to  
13 200. I believe that's where -- yes. English 00833273 to 274, and  
14 French 00833160 to 62.

15 Now, I just have a point of clarification. Would she be the  
16 equivalent of the secretary, as you described in the embassies?

17 A. Mr. President, I'd like the counsel to clarify his question.

18 If he wants me to compare the status of the Party Secretary  
19 within an embassy to the role of the secretary of a Party's  
20 branch.

21 [11.24.50]

22 MR. PRESIDENT:

23 Counsel, could you please clarify your question, as the witness  
24 does not fully understand it? And could you make a clear  
25 distinction under the term "secretary", as you refer to, whether

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1 the secretary was also the head of a section or of a department,  
2 and a secretary in the sense of a Party Secretary, and also the  
3 distinction between the ambassador of an embassy or a secretary  
4 of that embassy stationed in a foreign country?

5 BY MR. KARNAVAS:

6 Thank you. Well, that's the clarification that I am seeking, and  
7 I'm not trying to fix powers or authority to anyone, just for  
8 some clarity.

9 [11.25.46]

10 Q. Well, let me go about it another way. What, exactly, was her  
11 function at the Ministry of Foreign Affairs, as you understood it  
12 at the time?

13 A. As far as I know, the counsel would like to know about the  
14 duties of Madam Saur Se; am I correct?

15 Q. Yes, in her various capacities.

16 A. In practice, she was the secretary of the Party's branch, but  
17 she had no real authority because above her there were So Hong  
18 and Ieng Sary. Her role was mainly in leading the meetings and  
19 that was it, and the result of the meeting would be reported to  
20 either So Hong or Ieng Sary, and I did not have detail about  
21 that.

22 Just to recap, her main role was the responsibility in the  
23 general secretariat in charge of preparing the documents, in the  
24 reception of guests, and the materials, and likewise, that  
25 applies to the protocol section, because these two sections were

1 so busy at the time.

2 [11.27.30]

3 Q. Thank you.

4 Now, further down -- well, before I go further down. You state  
5 that you mention So Hong, and what was your understanding of his  
6 position? What did -- what were his responsibilities as general  
7 secretary and office chairman?

8 A. In fact, his role as the general secretary had nothing to do  
9 with the diplomatic affairs section. He dealt directly with the  
10 bureau sections -- that is, dealing with the production, with the  
11 security, etc.,  
12 as well as dealing with the security for those foreign guests  
13 visiting Cambodia. He did that in combination with Phy Phuon and  
14 certain other cadres.

15 Q. All right. And I take it, since you were -- at least in 2007,  
16 you were aware that Phy Phuon was the chairman of the security  
17 section. Did you know him back then?

18 [11.29.11]

19 A. I knew Phy Phuon in 1975 when I went to work at the Ministry  
20 of Foreign Affairs. He told me that he was in charge of security,  
21 providing the protection for diplomatic residents, diplomatic  
22 compounds and all those diplomats, and diplomatic representatives  
23 stationed in Cambodia.

24 Q. Thank you. But it would appear, at least from your statement  
25 here, that you knew him as the chairman of the security section.

1 Did you know him as the chairman of the security section back  
2 then? Did he carry that title?

3 A. Let me clarify that. At that time, I knew him in his capacity  
4 as being in charge of security for the diplomatic personnels, but  
5 I did not know any other duties that he carried out.

6 Q. All right.

7 Now, sticking with So Hong for a second, in your statement of 13  
8 March 2009 -- and I'm referring to E3/372. Khmer would be  
9 00290420 to 21; French, 00290431 to 32; and English, 00290426.  
10 And you were asked the question here: "Were these two structures  
11 subordinated to Ieng Sary?" -- meaning the bureau and the - and  
12 the office.

13 [11.31.28]

14 And you state here: "In principle - yes, in principle. But in  
15 practice, since Pol Pot's nephew was the head of the 'office',  
16 the former could decide whatever he wanted without consulting  
17 Ieng Sary."

18 And then you say: "It was the same for the diplomats section."

19 And then you give an example.

20 Do you see that passage, sir?

21 A. Yes, I do.

22 Q. Now, you inform us here that So Hong was Pol Pot's nephew --  
23 of course, this is 2009. Were you aware that he was Pol Pot's  
24 nephew between '75 and '79? Did you have that information?

25 A. Yes, I was.

1 Q. And do you know what sort of a relationship he had with his  
2 uncle, Pol Pot?

3 A. No, I didn't know that at that time; I only learned about it  
4 after 1979. And the person who told me all about this was close  
5 to me. And practically, Pol Pot did not like So Hong because So  
6 Hong was a person -- I may say a person of middle path. He was  
7 not very determined. And he used the term "not a floating  
8 person". So he did not trust him very much; that's what I was  
9 told.

10 [11.33.13]

11 Q. All right. And may I ask who told you this information and  
12 when?

13 A. Counsel, may I wish not to respond to that question, please?

14 Q. Very well. I'll respect that. Well, let's go back to -- from  
15 '75 to '79. Were you able to observe his interactions with his  
16 uncle at the time -- if there were any, that is?

17 A. I do not recollect the details, but so far as I remember, when  
18 I worked every now and then with Pol Pot, I did not see So Hong  
19 there. It was only Ieng Sary who was present. This suggests that  
20 he had nothing to do with the diplomatic section or matters  
21 directly, and I contacted Pol Pot on the diplomatic affairs, for  
22 example, because we had to prepare the black paper issue on  
23 September 1977.

24 Q. Thank you. Now, when you say that, "this is what it meant",  
25 are you not drawing a conclusion?

1 [11.36.14]

2 A. Mr. President, I do not understand Counsel's question.

3 Q. I'll move on. I'll go step-by-step.

4 Did you know So Hong's relationship -- working relationship, that  
5 is -- with Phy Phuon, also known as Cheam, prior to '75?

6 A. Before 1975, I didn't know these two individuals.

7 Q. Did you ever learn, at that time -- that is, between '75 and  
8 '79 -- whether these individuals ever worked together prior to  
9 1975?

10 A. No, I didn't. As I indicated, I had never known these two  
11 people before 1975.

12 Q. Well, my question is not whether you knew them, I'm asking you  
13 whether you learned, whether you learned, between '75 and '79,  
14 whether these two individuals ever worked together. And if I  
15 understand you correctly, the answer to that question is no; is  
16 that right?

17 [11.37.57]

18 A. Yes, it is correct.

19 Q. And do you know whether these two individuals, prior to 1975,  
20 had any connection with Pang?

21 MR. PRESIDENT:

22 Witness, could you please hold on?

23 International Co Prosecutor, you may now proceed.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. The witness has just answered that he

1 did not know So Hong and Cheam before 1975 and that he did not  
2 know if they had worked together, and now, we're asking the  
3 witness once again if they had any kind of relationship with  
4 Pang. So I don't think the witness can answer this question. He  
5 did not know these individuals before 1975, so asking questions  
6 that the witness won't be able to answer is not something that is  
7 acceptable.

8 BY MR. KARNAVAS:

9 Well, Mr. President, now that we gave the witness the answer, my  
10 question was whether he learned between 1975 and 1979. Now, he's  
11 in situ, he's in B 1, and obviously he might have learned  
12 something during that period, and my question is: Did he know?

13 [11.39.31]

14 Now, the Prosecution brought out the name Pang and 870, and the  
15 witness indicated that he knew of him and, in fact, described one  
16 incident with the gentleman, and now I'm asking whether he  
17 learned. It's either yes or it's either no. If it's yes, how so?  
18 If it's no, I'll move on.

19 MR. SUONG SIKOEUN:

20 A. No.

21 Q. Thank you.

22 And I've just been told by my colleague that in Khmer, "learning"  
23 and "knowing" is the same word, so there may be something lost in  
24 translation; and my apologies if I am pushing you in a direction  
25 which may seem unreasonable.

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1 Very well. Now, do you know between 1975 and '79 whether So Hong  
2 had any dealings with or connections to Pang?

3 [11.40.57]

4 A. No.

5 Q. Same question with Cheam, Phy Phuon: Do you know whether Phy  
6 Phuon had any dealings with, directly or indirectly, with Pang?

7 A. No, I don't know this either.

8 Q. Can you please tell us whether Phy Phuon -- where Phy Phuon's  
9 office was located?

10 A. Phy Phuon was located in several locations. Rather, Phy Phuon  
11 had no office.

12 Q. Okay. Does that mean that he was floating around from building  
13 to building, including yours?

14 A. It appeared to me that he had only a place to stay and he had  
15 to float from one place to another performing his duties.

16 Q. All right. And when he was floating, was he also floating in  
17 the building where you had your office?

18 A. Yes, he just paid a visit and dropped by saying a few words  
19 and then he left.

20 [11.43.10]

21 Q. All right. And so I take it from this answer, from '75 to '79  
22 when he was floating in and out of the office where you were  
23 working in, you would have occasion to meet with and speak to Phy  
24 Phuon aka Cheam?

25 A. I believe I could have talked to him, but I also believe that

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1 the conversation was more on a conversational basis rather than  
2 digging into the duty or task we performed.

3 Q. And why not dig into the duty and task that he was performing?  
4 Why not ask him any questions concerning that?

5 A. It was imbedded in the principle of the CPK; people only  
6 minded their own business. People were advised not to dig into  
7 other people's business. If I had to ask Phy Phuon about his  
8 tasks I would have breached the CPK's principle. I was not afraid  
9 of the Party, but I was afraid that if I could have done so Phy  
10 Phuon would denounce me of breaching the CPK's principle.

11 [11.45.11]

12 Q. Thank you. And that's what I was getting back earlier, when I  
13 asked the question about secrecy and the slogan being that  
14 "secrecy is 50 per cent of winning the revolution". That's part  
15 of the principle, right -- not to know or only to know what  
16 you're supposed to know?

17 A. (No interpretation)

18 Q. Okay. What would happen to you if you were to pry in, if you  
19 were to be asking him questions about his tasks -- let me flip  
20 the question around. What if you -- if he, on his own, were to  
21 disclose to you information that you were not entitled to know?  
22 Was that permissible under--

23 MR. PRESIDENT:

24 Witness is instructed not to respond to question that begins with  
25 "if" because it suggests that the question itself is

1 hypothetical.

2 BY MR. KARNAVAS:

3 Q. Did the principle also apply to others, not just asking  
4 information, but also giving out information? And I don't want  
5 you to speculate. I want you to tell me from your personal  
6 experience.

7 [11.46.57]

8 MR. SUONG SIKOUEN:

9 A. This principle applied to everyone. We did not wish to know  
10 information about others and they also did not wish to know what  
11 they're not supposed to know.

12 Q. And if you were to be disclosing information that was  
13 confidential and secret to you, to what you were working on, were  
14 there any repercussions to follow?

15 MR. PRESIDENT:

16 International Co Prosecutor, you may now proceed.

17 MR. DE WILDE D'ESTMAEL:

18 Yes, Mr. President. It's the same situation as before. The  
19 question begins with "if ever you had communicated information".  
20 This, again, is a question relying on speculation, Mr. President.

21 [11.48.08]

22 MR. PRESIDENT:

23 The objection is sustained.

24 Witness is instructed not to respond to that question.

25 MR. KARNAVAS:

1 Thank you, Mr. President. I will avail myself to objecting on  
2 every instance the Prosecution does this, because otherwise we  
3 will not get any testimony from anyone. And simply because a  
4 question starts with "if" it is not speculating. It may be in  
5 some foreign language but it isn't in English. I am not asking  
6 the gentleman to speculate. I am asking him on the procedure.  
7 He is here to give evidence on the structure, and he's an  
8 insider. He would know. He told us personally what would happen  
9 if he asked questions. I am asking him personally what would  
10 happen to him if he gave away secret information, based on his  
11 experience, his knowledge. He lived through the period, we have  
12 not.

13 I accept your ruling, though I must say I disagree with it, but I  
14 respect it. Thank you.

15 BY MR. KARNAVAS:

16 Q. Let me turn now to another part of your testimony, 00832171 to  
17 72, French 00833119, English 00833238 to 39.

18 [11.49.36]

19 This is again on August 6th, and you are asked a question, and  
20 you provide the following answer concerning important events. You  
21 say: "Normally, when there were -- when there was any important  
22 events, then he would share it with members of the meeting."

23 And then you go on to say to the following question -- to the  
24 next question:

25 "I cannot recall it clearly. He did not tell us frequently

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1 concerning the decision of the Standing Committee, but he did not  
2 even mention that it was the decision of the Standing Committee.  
3 But rather he mentioned that it was a decision of the Party, so  
4 it was a collective decision by the Party."

5 [11.50.39]

6 So given that we're on the topic of speculating and assuming, can  
7 you please tell us how can you possibly say that this was a  
8 collective decision or these were collective decisions when you  
9 have also told us, based on the prosecutor's questions, that you  
10 never attended any Standing Committee meetings? Are you not, sir,  
11 speculating here when you say that these are collective  
12 decisions?

13 MR. SUONG SIKOEUN:

14 A. Mr. President, I do not understand the expression  
15 "speculation" here in his question.

16 MR. PRESIDENT:

17 Counsel, you are advised to rephrase the question, because you  
18 used the term "speculate", "presume", or "assume" in the question  
19 that is part of the wordings that should be avoided in putting  
20 question and the witness appears to have problem understanding  
21 the question, so you are advised to rephrase it. The question  
22 should be brief, precise, concise, indeed, and that the witness  
23 is able to understand it and respond to it precisely.  
24 People who are good at putting questions also be good enough to  
25 make sure that the response can be made. It's not really that

1 good at putting questions, then you never expect that people  
2 could answer to the questions.

3 [11.52.55]

4 BY MR. KARNAVAS:

5 Thank you, Mr. President.

6 Q. Let's take it step-by-step. You were asked by the prosecutor  
7 whether you had attended any Standing Committee meetings or  
8 whether that they had provided you with any information of their  
9 meetings, and the answer to that question, I believe, was no. Do  
10 you stand by that?

11 MR. SUONG SIKOEUN:

12 A. Yes.

13 Q. And just for the record, lest there be any question that I am  
14 making this up, we can find it on 00832200, French 00833162, and  
15 English 00833274.

16 [11.53.53]

17 Now, let's go back to this part of your answer where you were  
18 asked about the Standing Committee or meetings -- I'm sorry, you  
19 were asked about information that was imparted, and the question  
20 is:

21 "But can you remember if, from the time -- from time to time or  
22 regularly, he", being Mr. Ieng Sary, "talked about decisions that  
23 are being taken by the Standing Committee of the Party Central  
24 Committee?" This was the question posed. Your answer:

25 "I cannot recall it clearly. He did not tell us frequently

1 concerning the decision of the Standing Committee, but he did not  
2 even mention that it was the decision of the Standing Committee.  
3 But rather he mentioned that it was the decision of the Party, so  
4 it was a collective decision by the Party."

5 Now, I want to focus on the last part where you say: "So it was a  
6 collective decision by the Party."

7 If you did not attend any Standing Committee meetings, how would  
8 you know that it was a collective decision by the Party?

9 A. I stated that Mr. Ieng Sary did not tell me that the decision  
10 was of the Standing Committee. Although I do not recollect the  
11 full message, that decision was the common decision by the Party  
12 or the collective decision by the Party. But, as usual, the  
13 decision made by Pol Pot alone represents the decision made the  
14 Party -- the decision made by the Party already, and other people  
15 would then agree with such decision.

16 [11.56.24]

17 Q. All right. If I understand your -- now, let me go back  
18 earlier. Today, you testified that Pol Pot would issue decisions  
19 on his own. Do you recall saying that?

20 A. Yes, sometimes he had the authority to make his own decision  
21 as the Secretary of the Party.

22 Q. And so what you're saying now is that only in those occasions  
23 Pol Pot would make decisions on his own? That's your testimony  
24 under oath?

25 A. I do not know this very well, but in some instances he did not

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1 have to meet with others before he made the decisions. So far as  
2 I know that's what I stated. Indeed, I have taken an oath and I  
3 still keep -- I still stand by what I state under oath, and you  
4 repeat this. It's like knocking my head by repeating that I made  
5 the statement under my oath.

6 [11.58.21]

7 MR. PRESIDENT:

8 Counsel, could you please be now advised to refashion your line  
9 of question and try not to demoralize the witness by way of  
10 putting your question? We understand very well altogether that  
11 this witness has taken an oath and his oath -- taken notes --  
12 also well recorded. And we can also verify to make sure for the  
13 record that at the beginning of the trial that he took this oath  
14 before the Chamber.

15 BY MR. KARNAVAS:

16 Q. If we go to Khmer ERN 00832172 to 73, French 00833120 to 21,  
17 English 00833240. Here you're talking about these Party cell  
18 meetings--

19 MR. PRESIDENT:

20 Counsel, please repeat the ERN numbers again because it was read  
21 out too fast that they could not be properly rendered into Khmer.

22 [12.00.01]

23 BY MR. KARNAVAS:

24 Q. In Khmer, 00832172 to 73; French, it's 00833120 to 21;  
25 English, 00833240. This is again from the transcript of August

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1 6th, and here you say that "there were two branches of the Party:  
2 the Party subordinate to the ministry, and the other one to the  
3 Party cell of diplomatic affairs". And then, further down, you  
4 say that "the members of the ministry Party cell were myself, Mr.  
5 Touch Kham Doeun, Keat Chhon, Thiounn Prasith, Sophann". And you  
6 say that "Sophann was his personal secretary".  
7 May I ask what was being discussed at these Party cell meetings,  
8 and since these individuals were members, and we know that Keat  
9 Chhon and Thiounn Prasith are alive and well, would they be  
10 willing -- would they have information concerning what was  
11 happening at these meetings?

12 [12.01.43]

13 MR. PRESIDENT:

14 Witness, could you please hold on?

15 International Co Prosecutor, you may now proceed.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. I would like to make two points.

18 First of all, the quotation is only partial, it's not complete. I  
19 want to draw the Chamber's attention to this fact. The defence  
20 counsel did not say that Ieng Sary chaired the two cells of the  
21 Party.

22 Secondly, Counsel is inviting the witness to speculate as to what  
23 other persons may have known regarding the contents of a meeting,  
24 and I don't think the witness is the right person to give that  
25 information.

1 MR. KARNAVAS:

2 If I may respond, first of all, the Prosecution is notorious for  
3 taking things out of context or reading only parts of the  
4 answers. So I'm not doing anything that is not being done all the  
5 time, and nor are we denying that the transcript says Ieng Sary.  
6 The thrust of the question is, he's indicated who the members  
7 were.

8 [12.02.51]

9 Now, I'll forgo the last part of the question, but does he stand  
10 by his answer that these two individuals, Keat Chhon and Thiounn  
11 Prasith, were members and were sitting in on the very same  
12 meetings that this gentleman was sitting in.

13 (Judges deliberate)

14 [12.04.23]

15 MR. PRESIDENT:

16 I would like to hand over to Judge Cartwright, please.

17 JUDGE CARTWRIGHT:

18 Thank you, President.

19 Mr. Karnavas, could you restate the question, please? Because  
20 you've dropped part of it, but we need to be clear which question  
21 you are now asking. Thank you.

22 [12.04.43]

23 BY MR. KARNAVAS:

24 Apologies.

25 Q. Simply, do you stand by your testimony that these were the

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1 members of the Party cell and that they were attending the  
2 meetings along with you?

3 MR. SUONG SIKOEUN:

4 A. Yes, I know that they attended the meeting because I was  
5 member of the cell.

6 MR. PRESIDENT:

7 It is now appropriate time for lunch adjournment. Before we  
8 adjourn we would like to ask counsels for Mr. Ieng Sary as to how  
9 much time he would like to put questions to this witness.

10 MR. KARNAVAS:

11 Thank you, Mr. President; apologies. I will need the remainder of  
12 our time that was allotted to the Defence, which was two days. I  
13 believe I will need the entire Monday morning with the gentleman.  
14 I would say that I'm going -- I'm about halfway through my  
15 material. I will go and streamline, and I believe that there is  
16 -- there's room to streamline and I'll -- keeping in mind the  
17 admonitions of the Court I will try to be as brief as possible,  
18 but I don't want to mislead the Trial Chamber. I will try to  
19 finish within the first part of the morning but I cannot  
20 guarantee it. I think I will need the entire morning, but there  
21 is a possibility that I could finish earlier. Thank you.

22 (Judges deliberate)

23 [12.07.36]

24 MR. PRESIDENT:

25 Counsel, if witness is willing to give his testimony this

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1 afternoon so that his session is fully concluded by the end of  
2 today, what would you say about this? We have just obtained  
3 information that if his testimony can be concluded by this  
4 afternoon he will do his best to make sure that the testimony  
5 session is concluded by today. He is willing to go back home as  
6 soon as possible because he has been here for several days  
7 already.

8 [12.08.19]

9 MR. KARNAVAS:

10 I think that can be accomplished -- the whole afternoon. I'll  
11 spend the lunch period, you know, refashioning my examination,  
12 but I think I can accommodate the gentleman. I only mentioned  
13 Monday because of the half days.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 Mr. Suong Sikoeun, can you advise the Chamber whether you can  
17 bear with us for this afternoon's session or you stay healthy  
18 enough to give testimony for the rest of the day?

19 MR. SUONG SIKOEUN:

20 Mr. President, I am doing my best, but I am afraid that I may not  
21 be able to proceed to the afternoon session. I may need a few  
22 days to rest because if failing to take some good rest my health  
23 will be worse, and according to my observation of the questions  
24 by Counsel, I believe that without good rest I am not able to  
25 respond to the questions to the full capacity.

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1 I can be back on Monday if you wish and by that I believe that I  
2 can recoup and regain my strength to be healthy enough to respond  
3 fully to the questions posed to me.

4 [12.10.18]

5 MR. PRESIDENT:

6 Thank you very much. The Chamber grants your request, and we  
7 follow what you asked, and counsels for Mr. Ieng Sary can proceed  
8 with the remaining questions by Monday.

9 Mr. Suong Sikoeun is invited to return to the courtroom by Monday  
10 morning, along with his duty counsel. So the next session for Mr.  
11 Suong Sikoeun's testimony will be Monday next week.

12 Court officer is now instructed to assist Mr. Witness, working  
13 with the WESU unit, so that Mr. Suong Sikoeun can be properly  
14 assisted and returned to his home and have him returned to the  
15 courtroom by Monday next week, by 9 a.m.

16 [12.11.32]

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

18 MR. PAUW:

19 Thank you, Mr. President. Our client, Nuon Chea, would like to  
20 follow this afternoon's proceedings from his holding cell, as he  
21 is suffering from a headache, back pain and a general lack of  
22 concentration. And we have prepared the waiver for you.

23 [12.12.02]

24 MR. PRESIDENT:

25 The Chamber noted the request made by Mr. Nuon Chea through his

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1 counsel in which he has asked that he be excused from the  
2 courtroom and be allowed to observe the proceedings from his  
3 holding cell due to his ill health. Counsel has already indicated  
4 that he would proceed with the submission of the waiver signed or  
5 given thumbprint by Mr. Nuon Chea in due course.

6 The Chamber, therefore, grants such request. Mr. Nuon Chea is now  
7 allowed to observe the proceedings from his holding cell through  
8 video link, and he has expressly waived his right to participate  
9 directly in the courtroom.

10 Counsel is now advised to submit the waiver signed or given  
11 thumbprint by Mr. Nuon Chea as soon as possible.

12 And AV booth officers are now instructed to ensure that the AV  
13 equipment is well linked to the holding cell so that Mr. Nuon  
14 Chea can observe the proceedings from there for the remainder of  
15 the day.

16 And security personnel are now instructed to bring Mr. Nuon Chea  
17 and Khieu Samphan to their respective holding cell and return  
18 Khieu Samphan back to the courtroom in the afternoon session when  
19 the Court resumes.

20 [12.13.49]

21 The Chamber wishes to inform the parties and the public that  
22 during this afternoon's session the Chamber continues hearing  
23 testimony of Witness Sa Siek, questions continue to be put by the  
24 Prosecution.

25 The Court is adjourned.

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1 (Court recesses from 1214H to 1332H)

2 MR. PRESIDENT:

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

4 For this afternoon's proceeding, the question for the witness  
5 will be put by the Prosecution.

6 The Prosecution, you may proceed with your questions for this  
7 witness, Sa Siek.

8 [13.33.45]

9 QUESTIONING BY MR. ABDULHAK RESUMES:

10 Thank you, Mr. President. Good afternoon, Your Honours. Good  
11 afternoon, Counsel. Good afternoon, Madam Sa Siek. We will resume  
12 at the same point where we broke yesterday afternoon when you  
13 were telling us about your work at the Printing Office.

14 Q. You described for us some of the books that -- that were being  
15 printed there, and when you talked about the contents of those  
16 books, you said that some of the books -- or that a book  
17 contained photographs of salt fields -- or, rather, women working  
18 in a salt field. And there would be a heading which essentially  
19 talked about the -- the work that was being done in these -- in  
20 these salt fields.

21 What I'd like to do is show you a document which contains a  
22 photograph similar to that which you're describing, see if you  
23 can recognize that for us.

24 [13.35.24]

25 Your Honours, this is document E3/752. It is a "Revolutionary

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1 Male and Female Youths" magazine. I have a hard copy for the  
2 witness and with your permission, we can give it to her and then  
3 I'll read out the relevant ERNs and we'll ask the witness whether  
4 she recognizes that particular document.

5 MR. PRESIDENT:

6 The Defence Counsel for Khieu Samphan, you may proceed.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I just heard what has been said by the  
9 prosecutor, that the photo he intends to show to the witness was  
10 similar to what has been described by the witness yesterday. I'd  
11 like first to clarify whether the photo is of a similar nature to  
12 what has been described by the witness.

13 [13.36.44]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 The Prosecutor, you may respond.

17 MR. ABDULHAK:

18 Well, Your Honours, I'd like to believe that my learned friend  
19 would take my word for it when I describe a photograph. And  
20 certainly we will show it to the witness and with your  
21 permission, to everyone else very shortly. I don't understand the  
22 purpose of the -- of the intervention.

23 MR. PRESIDENT:

24 Prosecutor, you may proceed.

25 BY MR. ABDULHAK:

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1 Q. Madam Sa Siek, as you look at that document -- and I'll just  
2 read for everyone else's benefit the ERNs: in Khmer, it is  
3 00063862; in French, 00525897; and in English, 00593566.

4 Madam Sa Siek, as you look at that photograph, is that the  
5 picture and the caption that you were describing to us yesterday?

6 MS. SA SIEK:

7 A. Good afternoon, Mr. President. Allow me to respond.

8 This photo is similar to the photo in the book where we printed.

9 However, I cannot recall the heading or the title for the photo.

10 The photo in the -- that book was the one depicting the activity  
11 after the liberation.

12 [13.39.15]

13 Q. And if you look at the -- the first page -- if you could now  
14 look at the first page of that document and look at the heading  
15 of it, in English the title of the document is "Revolutionary  
16 Male and Female Youths". Is that the title of documents or is it  
17 similar to the title of the documents or books that you were  
18 printing at the Printing Office?

19 MR. PRESIDENT:

20 Witness, please wait.

21 National Counsel for Khieu Samphan, you may proceed.

22 [13.40.10]

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. The previous response by the witness  
25 stated clearly that she cannot recall the title or the heading

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1 for the photo. The question -- the subsequent question put to the  
2 witness is, therefore, repetitive and should not be allowed.

3 MR. ABDULHAK:

4 Your Honours, there might have been an issue with interpretation.

5 I was not asking about the title of the photograph. I was asking  
6 about the title of the document, its first page, and whether or  
7 not the witness recognizes that title.

8 MR. PRESIDENT:

9 The objection and its ground is not sustained.

10 Witness, can you review that document and respond?

11 MS. SA SIEK:

12 A. It is similar to the book that I saw and worked on, but I  
13 cannot recall the exact title at all. While I was working there,  
14 I noticed that there were similar photos where the senior workers  
15 there worked on before I came.

16 [13.41.46]

17 BY MR. ABDULHAK:

18 Q. Thank you.

19 I'm going to show you another similar document and see if that --  
20 if you recognize that, the format of that document.

21 Your Honours, this is document E3/11. It is a September 1977  
22 issue of the "Revolutionary Flag" magazine, so slightly different  
23 from the last magazine we looked at. With your permission, I  
24 would like to give the witness a hard copy and only look at the  
25 first page.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 [13.42.40]

4 BY MR. ABDULHAK:

5 Q. Madam Sa Siek, recalling that you told us that you worked at  
6 the Printing Office in 1977 and this document is from September  
7 1977, the title in English is "Revolutionary Flag Special Issue  
8 September 1977". Is this one of the documents that you were  
9 responsible for assisting with printing?

10 MS. SA SIEK:

11 A. In 1977 I -- when I left the Ministry of Propaganda, it was in  
12 very late '77, so I therefore did not work on this document. It  
13 could be somebody else turn to work on this document, as there  
14 were several workers working there. So we took turn working in  
15 that Printing Office.

16 Q. Thank you. Just one more question on the -- on the name of the  
17 document.

18 You started working there in late September 1977 -- or rather,  
19 you said late 1977. Do you recall whether the title

20 "Revolutionary Flag" appeared on the documents that you were  
21 printing or assisting after you joined that Printing Office?

22 A. I cannot recall -- recall it, Mr. President.

23 [13.44.45]

24 Q. Very well. Moving on to your work at the Ministry of  
25 Propaganda, you testified yesterday that in April 1975, as you

1 arrived in Phnom Penh, your responsibilities were to work in the  
2 Arts Section.

3 Did those responsibilities change at any time between April 1975  
4 and late 1977 when you went to the Printing Office?

5 A. Could you please repeat your question?

6 Q. Sure. After April 1975, what were your responsibilities at the  
7 Ministry of Propaganda before you went to the Printing Office?

8 A. Within my arts group, I performed the singing and sometimes I  
9 performed the live show, and that was all.

10 [13.46.24]

11 Q. And just so I understand correctly, apart from singing and  
12 performing and undertaking artistic performances, you're telling  
13 us that you did not have any other responsibilities.

14 A. Besides singing and stage performance, I was a staff member  
15 and I assisted in typing. The typing was extracted from the radio  
16 broadcast.

17 Q. Which radio broadcasts were you typing?

18 A. It was an extract from the fax or the telex and information  
19 was gathered from the overseas broadcasts, for example, when  
20 there was news about an earthquake or information related to a  
21 delegation. So, basically, it was international news and it would  
22 be translated into the Khmer language.

23 Q. So do I take it that, at this point -- rather, I'll rephrase  
24 that.

25 Who was your immediate superior at this point? Who was the head

1 of your section?

2 A. For the Arts Section, the chair of our group was Sao. He was a  
3 male.

4 Q. And what about the section which was extracting and typing up  
5 the foreign news broadcasts?

6 A. I only knew the name of the person who translated the news  
7 into Khmer, and his name was known as Uncle Phen.

8 [13.49.26]

9 Q. Could you tell us, once you typed up these broadcasts, who  
10 were they given to?

11 A. I return it to the person who actually translated into the  
12 Khmer language and I did not know where he would distribute it or  
13 whether it would be broadcast locally. I did not know what  
14 happened to that typed document.

15 Q. How often were these extracts prepared and typed by you? How  
16 often was that done?

17 A. It was on occasional basis. It happened once or twice per  
18 week.

19 Q. Do you know, and please tell me if you don't, who decided  
20 which extracts or which broadcasts would be typed up by you?

21 A. I cannot recall that person.

22 Q. Was it a -- was it a person different than Sao or the  
23 translator, Phen, who you mentioned? It was a different person,  
24 or was it?

25 A. Could you please repeat your question?

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1 [13.51.38]

2 Q. I'll move on in the interests of time.

3 Were you ever nominated to any other -- any other departments,  
4 any other sections as part of the Ministry of Propaganda, whether  
5 in Cambodia or elsewhere?

6 A. I did not do any other work.

7 Q. My question was slightly different. I was asking whether you  
8 were nominated to go to any other -- other section.

9 A. Are you referring to working in the district or something like  
10 that? Because I don't really understand the question.

11 Q. Very well. Just in the interests of time, I will read a brief  
12 passage from your statement -- and this is document E3/379. The  
13 relevant ERNs are, in Khmer, 00294810; French, 00385286; and  
14 English, 00323334. It's a very brief question and answer.

15 It was -- you stated: "There was another radio station in China I  
16 was named to go to."

17 And then question: "How did you know?"

18 Answer: "Because I was named to go too, but I met my uncle  
19 (husband). I no longer had to go."

20 [13.54.12]

21 Is that a correct summary of your statement that you were named  
22 to go and work at the radio station in China but you didn't go  
23 because you met your husband?

24 A. I now understand your question. That was the period in 1979 or  
25 1983 in fact, but maybe this record of interview does not really

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1 reflect well on what we were discussing at the time.

2 Q. Thank you for clarifying that. It's not an issue of major  
3 importance.

4 So, just to ensure that we understand fully, when was it that you  
5 met your husband or that you married?

6 A. It was in 1983.

7 Q. Thank you. Returning to the work of your Ministry from 1975 to  
8 1977, did Hu Nim continue to work at the ministry as its chairman  
9 or as the Minister for Propaganda and Information from 1975 to  
10 1977?

11 A. From 1975 to 1977, he -- he was there. He was in 1976.

12 However, after 1976 he might be moved to another section because  
13 he left the ministry in late 1976.

14 Q. And you told us yesterday that Tiv Ol was an assistant to Hu  
15 Nim. Did he also continue to work at the ministry after 1975  
16 until some later point in time?

17 A. No. Both of them left at the same time.

18 Q. We'll come back to the events surrounding Hu Nim. While we're  
19 discussing the ministry, I'd like to look at the issue of  
20 broadcasts that were made by the ministry during the period from  
21 1975 to 1979. And you discussed yesterday in response to my  
22 colleague's questions some of the broadcasts you talked about,  
23 broadcasts on increasing production, self-reliance, the conflict  
24 with Vietnam.

25 Could you -- could you expand for us a little bit on the

1 broadcasts, particularly the ones dealing with production? What  
2 was it that was being said on the radio?

3 [13.58.28]

4 A. The broadcasts was about the encouragement for the people to  
5 work hard in the rice field for self-sustainability and to  
6 increase the production from two to three tonnes per hectare. In  
7 a sense, it was for self-mastery and self-reliance.

8 Q. And were there any broadcasts about the Party lines, the lines  
9 of the Communist Party of Kampuchea?

10 A. Maybe. I can't recall. I did not pay attention at the time.

11 [13.59.34]

12 Q. Let's take a look at your interview with the Co-Investigating  
13 Judges. Again, that's document E3/379, and this particular  
14 passage is at Khmer ERN 00294806, French 00385203 and English  
15 00323330. And this is what you said:

16 Question: "If there was a broadcast, would you give us some  
17 examples, like what?"

18 Answer: "Like broadcasts about the Party line that is, building  
19 forces. When the lower forces were strong, the upper ones were  
20 not easily shaken, too. Spoke about the construction of the  
21 canals, encouraging the people, but did not speak about the  
22 shortcoming."

23 Next question: "What internal security issues were broadcast?"

24 Answer: "There were broadcasts about the defense of the country."

25 Do you recall saying this to the Co-Investigating Judges, in

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1 particular the Party line, that "when the lower forces were  
2 strong, the upper ones [would not be] shaken"?

3 A. The interview was conducted a few years ago. I may forget  
4 something, but having seen the document again, I can confirm  
5 that's the statement I made.

6 [14.01.54]

7 Q. Based on your work at the time, what did you understand that  
8 to mean, that the lower forces were to be strong so that the  
9 upper forces would not be shaken?

10 MR. PRESIDENT:

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

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. I would like to object to this line of  
14 questioning because the Co-Prosecutor is now trying to put  
15 question that allows this witness to express her own opinion  
16 rather than the fact.

17 MR. ABDULHAK:

18 Mr. President, the information that I'm asking the witness to  
19 give us is entirely within her knowledge. These were the  
20 broadcasts that she heard during the period. She just described  
21 them. And I'm simply asking her what she understood them to mean.  
22 That is not asking for opinion it is simply asking her to explain  
23 to us how she understood these broadcasts, given her work at the  
24 ministry and associated offices for a number of years.

25 MR. PRESIDENT:

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1 Witness, could you please hold on?

2 (Judges deliberate)

3 [14.05.03]

4 The objection is not sustained.

5 Witness is now instructed to respond to the question put by the  
6 prosecutor if she still remembers the question. If not, she may  
7 ask the prosecutor to repeat it.

8 MS. SA SIEK:

9 A. With regard to your question, you asked about my  
10 understanding. At that time, I was educated on this and I  
11 believed that it was a good radio broadcast to encourage people  
12 to be forces in the Party's line. That's what I understood.

13 BY MR. ABDULHAK:

14 Q. Thank you. Now, moving on to one specific broadcast that you  
15 were shown by the Co-Investigating Judges during your interview  
16 -- Your Honours, this is document number D200/6.3. It is another  
17 FBIS broadcast dated the 10th of May 1978. It was discussed by the  
18 witness in her OCIJ interview. It's the third attachment to that  
19 interview.

20 With your permission, I'll give her a hard copy and ask her a few  
21 questions about it.

22 [14.07.22]

23 MR. PRESIDENT:

24 You may proceed.

25 Court officer is now instructed to bring the document from Mr.

1 Co-Prosecutor to the witness for examination.

2 BY MR. ABDULHAK:

3 Q. Madam Sa Siek, this is one of the documents that were  
4 discussed with you and that was -- that were read to you by the  
5 investigators, according to the record of interview. The relevant  
6 ERNs -- there is, unfortunately, no French translation, but in  
7 Khmer it is 00340543 and in English 00294785. It is entitled  
8 "Educational Program, Democratic Kampuchea's National Defense  
9 Situation from April 1977 to April 1978".

10 Now, there was a paragraph of this -- in this document that was  
11 read to you by the -- by the investigators which I wanted to  
12 discuss with you briefly. And this passage is at Khmer ERN  
13 00340547 and English ERN 00294786. For those looking at the  
14 English version, the paragraphs are numbered. This is paragraph  
15 number 5. I'll read to you a part of that passage, Madam Sa Siek:  
16 [14.09.54]

17 "The Party instructed that we must try to destroy as many of the  
18 enemy as possible and to preserve our forces to the maximum. We  
19 were small in number and we had to attack a larger force.  
20 Therefore, we had to preserve our forces to the maximum and try  
21 to kill as many of the enemy as possible. This was our slogan. In  
22 terms of numbers, one of us had to kill 30 Vietnamese. If we  
23 could implement that plan, we would certainly win."

24 Madam Sa Siek, do you recall hearing such broadcasts about one  
25 Khmer being able to kill 30 Vietnamese?

1 MS. SA SIEK:

2 A. I am not clear that I remember this.

3 [14.11.08]

4 Q. Well, let's look at your statement again. So that's document

5 E3/379. The Khmer ERN is 00294813, French ERN 00385209, in

6 English 00323336.

7 Having been read that paragraph, you were asked by the

8 Co-Investigating or by the investigators: "Was this paragraph the

9 Party line?"

10 Answer: "It was truly the line. According to my understanding,

11 the term 'we' refers to the senior leaders, among them Pol Pot

12 and his deputies."

13 Question: "What is the meaning of the term 'smash'? According to

14 your view, what is the meaning of this propaganda term?"

15 Answer: "The term 'smash', if it is for the people, it means 'to

16 kill'; if it is for material, it means 'to destroy'."

17 Is this an accurate statement of what you told the

18 Co-Investigating Judges about that paragraph?

19 [14.12.45]

20 A. Yes. I remember stating this, but I was not clear when I

21 answered but now with some refreshing of this, I can confirm it.

22 Q. Very well. Thank you--

23 MR. PRESIDENT:

24 Witness, please hold on.

25 Counsel for Mr. Khieu Samphan, you may now proceed.

1 MS. GUISSÉ:

2 Thank you, Mr. President, for giving me the floor. I am sorry to  
3 interrupt the Co-Prosecutor.

4 May I request that the witness be shown the sentence preceding  
5 the one that has been quoted by the Co-Prosecutor? Because she  
6 says on page in French, 00385209 -- the witness says that the  
7 sentence that didn't mean anything to her on the day of the  
8 interview doesn't mean anything to her today.

9 I just want the Co-Prosecutor to bear this in mind.

10 [14.14.16]

11 MR. ABDULHAK:

12 Your Honours, I don't think that's a proper objection, and my  
13 learned friend is free to take these issues up in her examination  
14 of the witness. The statement is lengthy. I am referring her to  
15 specific words that she spoke and she's confirmed them as being  
16 true. My learned friend is free to go to any other part of the  
17 statement, which she wishes the witness to elaborate on.

18 [14.14.48]

19 MR. PRESIDENT:

20 Indeed, Mr. Co-Prosecutor, you may now proceed.

21 BY MR. ABDULHAK:

22 Thank you.

23 Q. Now, that passage discussed the conflict with Vietnam, and  
24 there was another aspect of the broadcasts relating to the  
25 Vietnamese that you discussed with the Co-Investigating Judges,

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1 and this related to the broadcasting of confessions of Vietnamese  
2 prisoners.

3 Madam Sa Siek, do you recall those broadcasts, broadcasts  
4 containing confessions by Vietnamese prisoners?

5 MS. SA SIEK:

6 A. Yes, I do, partly. For example, at each battlefield after the  
7 fighting, we arrested some prisoners of war or I can say that we  
8 arrested the surrendered Vietnamese soldiers who later on were  
9 interviewed and the content of the interviews would be aired.

10 [14.16.24]

11 Q. How often were these confessions broadcast?

12 A. It didn't happen on a daily basis for example, only after a  
13 fighting at a battlefield when prisoners of war were arrested,  
14 the interviews were conducted on the spot where the people were  
15 arrested. The recordings would then be broadcast. The content of  
16 the broadcast included the name of the prisoners and how many  
17 times they came to the area of the battlefield, so on and so  
18 forth.

19 Q. On the actual broadcasts -- rather, I'll take a step back.

20 Did you know who decided to have these confessions played on the  
21 radio?

22 A. I don't know.

23 Q. Were these broadcasts ever discussed at ministry meetings, at  
24 your work meetings, and dealing with the daily work?

25 [14.18.17]

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1 A. No. I worked in a different section. I was familiar with the  
2 work in my capacity as a worker in the section.

3 Q. What -- did you know what the purpose of broadcasting these  
4 confessions was?

5 A. No, I don't know.

6 Q. Let's return to your statement, E3/379. The relevant ERNs are  
7 in Khmer 00294813, French 00385210 and English, 00323337.

8 Question -- investigator's comment: "The witness was shown a  
9 confession entitled 'Report on the Confession of Private Chiu Ly'  
10 in the SRV Army who was assigned to be a secret agent broadcast  
11 on 27th of March 1978 and the confession of former South  
12 Vietnamese First Lieutenant Thach Van Thong, who was captured in  
13 Prey Veng Province on 14 February, broadcast on the 10th of March  
14 1978."

15 And then you were asked: "Are these examples of what you raised  
16 previously in relation to confessions?"

17 Answer: "Yes, they really did that in order to let the people  
18 know that the Vietnamese soldiers had been actually captured."

19 [14.20.41]

20 Do you recall giving that answer to the investigators that the  
21 purpose of these broadcasts was to let people know that  
22 Vietnamese soldiers had actually been captured?

23 A. I may forget this. The investigator may have read this out to  
24 me, and I did confirm the statement back then that when the  
25 Vietnamese prisoners of war were arrested, the interviews would

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1 be taken and played on the radio.

2 Q. Thank you. Now, when the broadcasts were played, do I  
3 understand it correctly that it was the -- that one could hear  
4 the actual voice of the prisoner speaking?

5 [14.22.10]

6 A. Could you please repeat that question?

7 Q. Yes, indeed. Could one hear the voice of the prisoner, him or  
8 herself, apart perhaps from a translation, could one hear the  
9 Vietnamese voice?

10 A. For people who listened to the radio broadcast, they would be  
11 able to listen to the original interviews taken from the  
12 prisoners.

13 Q. Now, I just want to clarify issue of how these tapes were  
14 prepared because I think there's a slight lack of clarity in your  
15 statement. Could you confirm for us who it was that actually  
16 recorded the interviews and brought the tapes to the Ministry of  
17 Propaganda?

18 A. To the best of my recollection and what I've learned, for  
19 example at battlefields A or B when prisoners of war were  
20 arrested, there would be a group of one or two people to conduct  
21 the interviews and record the original interviews, but I don't  
22 recollect the names of those in charge.

23 But this is how the interviews were conducted.

24 Q. As far as you recall, did anyone from the Ministry of  
25 Propaganda go and assist with the taping of interviews?

1 A. I just don't remember their names.

2 Q. Apart from their names, were they people from the Ministry of  
3 Propaganda?

4 [14.24.46]

5 A. For example, if the interviews were conducted in Vietnamese,  
6 then there would be an interpreter assigned for example, Uncle  
7 Vei, who passed away already, would be called to interpret the  
8 interviews.

9 Q. And did you ever discuss with him or any of the other  
10 translators where they went to assist with the interviews?

11 A. No, I think we worked in different sections.

12 Q. And do you know what happened to these soldiers after they  
13 gave their statements?

14 [14.26.06]

15 A. I cannot speculate on this, but when it comes to fighting,  
16 there would be winners and losers, and people would like to win  
17 after all. And when I talked to the investigators, I indicated  
18 that it most likely that -- these people would never be sent to  
19 their home country. So I just don't know what happened to them.

20 Q. Thank you.

21 Moving on to another topic, when you were questioned by my  
22 colleague yesterday in relation to some of the broadcasts, you  
23 mentioned the word "vigilance", that people were asked to  
24 maintain their vigilance in these radio broadcasts. What did you  
25 understand that to mean, "to be vigilant"?

1 A. I do not recollect this I don't know what "maintaining the  
2 vigilance" referred to here.

3 Q. I think it was a word you used yesterday, and I can look for  
4 the relevant passage of the transcript. But the way it came  
5 through in English, certainly, was that "people were [asked] to  
6 be vigilant". Do you recall saying that yesterday?

7 A. I don't remember this, I'm afraid.

8 [14.28.20]

9 Q. Very well. In the interest of time, we'll move on.

10 And I'd like to discuss with you one specific broadcast. Now, you  
11 said to us that -- and correct me if I'm summarizing your  
12 evidence incorrectly, that Hu Nim travelled with Tiv Ol to Phnom  
13 Penh at about the same time as your unit and that during that  
14 period in transit, the mobile radio unit continued to broadcast.  
15 And you've also said to us that Hu Nim continued to work as  
16 Chairman from that period in 1975 until sometime in 1976.  
17 Do I recall correctly your -- am I summarizing correctly your  
18 statements on this topic?

19 A. Yes, you do, because when we entered Phnom Penh, Mr. Hu Nim  
20 continued to manage the ministry until 1976.

21 [14.30.01]

22 Q. Thank you.

23 Now, what I'd like to do is show you another transcript of a  
24 broadcast, with the President's permission.

25 And this is a broadcast, which unfortunately is only available in

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1 English -- but in accordance with Your Honours directions of  
2 yesterday, I can perhaps read the relevant passages to the  
3 witness and see if she recognizes them. The document number is  
4 E3/118. It is an April 1975 issue of FBIS. The first passage that  
5 I wish to refer to can be found at English ERN 00166996.  
6 And with your permission, Mr. President, I would read out a brief  
7 passage attributed to Hu Nim and see whether the witness recalls  
8 this particular broadcast.

9 [14.31.24]

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 BY MR. ABDULHAK:

13 I will proceed slowly because I appreciate the interpreters will  
14 be interpreting simultaneously without the benefit of a  
15 translation.

16 Q. Madam Sa Siek, this document or rather this broadcast starts  
17 as follows. As I said, it's dated the 21st of April 1975  
18 indicates it was broadcast at 2205H, meaning 10 o'clock at night.  
19 And it begins as a statement by the Royal Government of the  
20 National Union of Cambodia Minister of Information and  
21 Propaganda, Hu Nim. And the text, just one part of the text to  
22 see whether you recall this statement made by him:

23 "My homage to every venerable Buddhist monk, my respects to all  
24 brother countrymen, my respect to all beloved Cambodian people,  
25 National Liberation Armed Forces combatants of both sexes, and to

1 cadre."

2 And the next sentence states:

3 "After having fought valiantly for five years and one month under  
4 the most difficult circumstances and with a great spirit of  
5 sacrifice and the highest revolutionary heroism to crush the U.S.  
6 Imperialists most ferocious and barbaric war of aggression, and  
7 to overthrow the most traitorous, fascist, corrupt and  
8 contemptible Lon Nol, Sirik Matak, Son Ngoc Thanh, Chen Heng, In  
9 Tam, Long Boret, Sosthène Fernandez clique, the Cambodian  
10 Revolutionary Army and the great Cambodian people definitely  
11 liberated Phnom Penh on the 17th of April 1975."

12 [14.33.44]

13 Madam Siek, do you recall this public statement apparently issued  
14 by Minister Hu Nim?

15 A. I cannot recall it and I did not listen to that broadcast.

16 Q. So when you told us yesterday that there was a broadcast about  
17 having defeated the Imperialists, was that a different broadcast  
18 than the one that I've just read?

19 A. When Phnom Penh was liberated the content of the broadcast was  
20 similar to this one. However, I did not know who actually gave  
21 that speech, but the content is consistent with that one.

22 [14.34.55]

23 Q. Given that you recognize some of the content, I want to read  
24 to you another passage from the same document to see if this is  
25 consistent with what you heard.

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1 Your Honours, we're still on E3/118, a couple of pages up. And  
2 the ERN in English is 00166994. This broadcast appears to have  
3 followed shortly in time the one that I read earlier. It's  
4 indicated as beginning at 2115H, as in 10 o'clock and 15 minutes  
5 at night.

6 [14.35.41]

7 Again, I'm going to read to you, Madam Siek, a very short passage  
8 from that and you tell us whether you recall this particular  
9 statement. And it begins:

10 "Congratulatory statement by Royal Government of the National  
11 Union of Cambodia, Deputy Prime Minister, Minister for National  
12 Defense, and the Cambodian People's National Liberation Armed  
13 Forces, Commander in Chief Khieu Samphan, to CPNLAF Units and  
14 Cambodian people - live or recorded."

15 [14.36.31]

16 And one passage in particular that I wish to read to you states  
17 as follows: "This is our nation's and people's greatest historic  
18 victory."

19 And then, skipping one sentence:

20 "It has opened the most brilliant and righteous path which led  
21 the Cambodian people and the CPNLAF in waging the powerful  
22 people's war to fight the enemy on every field, military,  
23 political, economic and in its efforts to drain the population  
24 from controlled areas, successively smashing all enemy  
25 manoeuvres, relentlessly attacking and draining the enemy of its

1 military, political, economic, and financial strength, food and  
2 rice, until it reached a point from which it could not recover,  
3 finally the enemy died in agony."

4 Madam Siek, do you recall that particular statement?

5 A. In fact, I did not listen to that broadcast or to follow it  
6 and I cannot recall it at all. If I ever listened to it, maybe I  
7 can at least recall it partly.

8 Q. Well, turning to what you did listen to, you told us that the  
9 broadcast mentioned liberation from the Imperialists -- rather,  
10 the broadcast mentioned liberation from the Imperialists, what  
11 else -- what else do you remember? Who were the Imperialists that  
12 were defeated by the Khmer Rouge forces?

13 A. At that time, after we liberated the country from Lon Nol and  
14 the Imperialists, the Imperialists at that time meant the  
15 Americans.

16 [14.39.07]

17 Q. Thank you.

18 I want to ask you about one last broadcast before we move on from  
19 this subtopic.

20 This is document E3/201, and it is another transcript, Your  
21 Honours. And this time, it is by SWB or Summary of World  
22 Broadcasts. The relevant passage for that document starts on  
23 Khmer ERN 00292808, French ERN 00612165, and English ERN  
24 00419512.

25 Mr. President, given that it is a transcript, I propose to follow

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1 your directive and simply read a couple of passages to the  
2 witness and see whether she recognizes it, rather than giving the  
3 witness a translation.

4 [14.40.31]

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 BY MR. ABDULHAK:

8 Q. Madam Sa Siek, that page that I just quoted for Counsel is  
9 entitled "Khieu Samphan's Speech at Anniversary Meeting, Phnom  
10 Penh Home Service, 2300H GMT, 15th of April 1977", and it is  
11 entitled "Text of Recorded Speech by Khieu Samphan, President of  
12 the State Presidium of Democratic Cambodia, at the 15th April  
13 Mass Meeting in Phnom Penh, Marking the Second Anniversary of the  
14 17th April Victory and the Birth of Democratic Cambodia".

15 Madam Siek, do you recall broadcasts of speeches given by the  
16 country's leaders at mass meetings, such as the one that we're  
17 looking at here?

18 [14.41.46]

19 A. In fact, if there was an instruction for offices or  
20 departments to hear the broadcast of the speech by Khieu Samphan,  
21 then that kind of broadcast would be made, but I cannot recall  
22 the text that you just read out.

23 MR. PRESIDENT:

24 The time is appropriate for a short break. We shall have a  
25 20-minute break and return at 3 p.m.

1 Court Officer, could you assist the witness during the recess and  
2 have her returned in the courtroom at 3 p.m.

3 (Court recesses from 1442H to 1502H)

4 MR. PRESIDENT:

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

6 Mr. Co-Prosecutor, you may now proceed.

7 BY MR. ABDULHAK:

8 Thank you, Mr. President.

9 Q. Madam Siek, if I can ask you one more question about that  
10 speech that we discussed earlier? I think you said that if the  
11 people were instructed to hear speeches then they went, but you  
12 can't recall the text of the speech that I was referring you.

13 [15.03.09]

14 Were you instructed as a Ministry of Propaganda cadre to attend  
15 any ceremonies or public events where leadership delivered  
16 speeches?

17 MS. SA SIEK:

18 A. Before any statement made by Mr. Khieu Samphan, before the  
19 liberation took place, people would be asked to attend the  
20 session, but I was not instructed to do so. If I were, then I  
21 would go.

22 Q. That was before liberation. What about after liberation?

23 A. Could you please repeat that question?

24 Q. I think you said that before liberation if people were  
25 instructed to go and attend or listen to Khieu Samphan's

1 speeches, then people went but you didn't go. What about after  
2 liberation, after April 1975? Were cadre instructed to go and  
3 attend speeches by Mr. Khieu Samphan or other leaders?

4 A. I don't know about this.

5 Q. Is your answer that you don't know or that you never heard or  
6 witnessed people going to attend speeches by Mr. Khieu Samphan?

7 [15.05.26]

8 A. I never attended such sessions and I were never instructed to  
9 go to those sessions.

10 Q. You told us yesterday that you saw Mr. Khieu Samphan on 17  
11 April 1975. Did you ever see members of his family, his wife or  
12 his children, at any point after April 1975?

13 A. At that time, I only saw him at the Propaganda Section for a  
14 few days. After that I never saw him again.

15 Q. You said you saw him at the Propaganda Section for a few days.  
16 When was that? Was that in April '75 or later?

17 A. It was in 1975. It was after I moved from the stadium to the  
18 Propaganda Section. He left us and we never met him. I never saw  
19 him again.

20 Q. When you saw him for a few days, what was Mr. Khieu Samphan  
21 doing and where exactly did you see him?

22 A. He came to the Propaganda Section and spent -- and was seen  
23 sitting on a steel bed. He stayed in the area with the other  
24 people who worked at the location. He spent a few days and nights  
25 there.

1 [15.07.54]

2 Q. Madam Siek, where is this location are we talking about a  
3 place at the Ministry of Propaganda after 17 April 1975, or a  
4 different place?

5 A. It was at that Propaganda location. That's the only location.

6 Q. So, when you told us yesterday that you never saw Mr. Khieu  
7 Samphan after the 17th of April 1975, that wasn't entirely  
8 correct, was it?

9 A. I don't think I get your question please repeat it.

10 Q. I just want to confirm that you did see Mr. Khieu Samphan at  
11 the Ministry of Propaganda after the 17th of April 1975?

12 A. After the liberation, I saw him. I mean, after the liberation  
13 of 1975.

14 [15.09.15]

15 Q. And apart from sitting on a steel bed, what was Mr. Khieu  
16 Samphan doing? Was he meeting anyone? Was he speaking to people  
17 working there?

18 A. He was seen staying there but not meeting any other people. I  
19 think perhaps he chatted with people normally and I believe that  
20 it was immediately after the liberation. He would just spend a  
21 few nights there and left, and I never knew where he would have  
22 gone.

23 Q. Did you talk to him yourself?

24 A. No, I didn't.

25 Q. And returning to a question I asked you earlier, did you ever

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1 speak to or meet any members of his family?

2 A. At a later date, I started to know them, but not before.

3 Q. What later date was that?

4 [15.10.52]

5 A. I became to know him more precisely starting from 1979.

6 Q. Now, do you recall or did you know, Madam Siek, that your  
7 husband, Tha Sot, was interviewed by the investigators from this  
8 Court?

9 A. Yes, I do. My husband was interviewed by a working group from  
10 the Court.

11 Q. And if I understand it correctly, Madam Siek, your husband has  
12 passed away -- he's no longer alive?

13 A. Yes, he has.

14 Q. Your Honours, just for the record, so we have a reference to  
15 the documents I just mentioned -- or, rather, the interviews I  
16 just discussed with Madam Sa Siek, they are found in E3/464 and  
17 D369/22.

18 What I'd like to discuss with you, Madam Siek, briefly, is an  
19 occasion on which the investigators came to speak to your husband  
20 when he was--

21 MR. PRESIDENT:

22 Counsel Karnavas, you may now proceed.

23 MR. KARNAVAS:

24 Thank you, Mr. President, and thank you, Your Honours, and good  
25 afternoon to everyone in and around the courtroom. I now suspect

1 Counsel will then begin to go through what is in the statement.

2 At this point, we would object to using any part of the  
3 statement. We've already established that the gentleman is no  
4 longer with us, he's unavailable.

5 If they wish to have that statement before the Trial Chamber to  
6 consider in your deliberations they can do so by filing the  
7 appropriate measures, but going into the content, asking  
8 questions about what's in the statement or trying to verify  
9 anything that was questioned of the gentleman, we would object  
10 to.

11 [15.13.49]

12 MR. ABDULHAK:

13 Your Honours, this is what happens when--

14 MR. PRESIDENT:

15 Co-Prosecutor, could you please hold on.

16 Counsel for Mr. Khieu Samphan, you first. You may proceed.

17 MS. GUISSÉ:

18 Thank you, Mr. President. I'll be very brief. I just want to say  
19 that I endorse Counsel Karnavas's objection.

20 MR. ABDULHAK:

21 Your Honours, the problem with pre-emptive objections is that my  
22 learned friend hasn't heard the question and so his objection  
23 should be rejected outright.

24 For the record, I'm actually not proposing to do what he's  
25 accused me of intending. I am not -- for the record, I am not

1 going to ask Madam Siek about the contents of the statements that  
2 her husband gave OCIJ.

3 I wish to ask about a related but different matter, and if I may  
4 be allowed to proceed, the relevance will become apparent  
5 shortly.

6 (Judges deliberate)

7 [15.15.58]

8 MR. PRESIDENT:

9 The objection is appropriate. The document concerning the  
10 deceased person, as the Co-Prosecutor stated, may be different  
11 from the point by Counsel for Mr. Ieng Sary that has been raised,  
12 so we rule that the objection is not sustained.

13 Then the Chamber would like to hear from the Co-Prosecutor first  
14 before we can proceed further concerning the document.

15 MR. ABDULHAK:

16 Thank you, Mr. President. The document which I wish to discuss  
17 with the witness briefly is D369/40. It is on our document list.  
18 It is proposed to be put before the Chamber.

19 [15.17.08]

20 The relevance of the document is that it actually contains a  
21 summary of words spoken by the witness to OCIJ investigators. It  
22 is a written record of investigative action by OCIJ -- in our  
23 submission, highly relevant because it has words, as I say,  
24 spoken by the witness to the investigators. It is not a statement  
25 by her husband.

1 And perhaps if it might be of assistance, we can go to the  
2 document and I can read the relevant section and then Your  
3 Honours can rule as to whether or not further questions are  
4 permitted.

5 MR. PRESIDENT:

6 Counsel for Mr. Khieu Samphan, you may now proceed.

7 MS. GUISSÉ:

8 Thank you, Mr. President. Before objecting to whatever may be  
9 said by the Co-Prosecutor and have the prosecutor say that I am  
10 objecting too early in time, could the prosecutor specify whether  
11 this document has already been seen by the witness and signed by  
12 the said witness?

13 [15.18.46]

14 MR. ABDULHAK:

15 Your Honours, as my learned friend would know, reports by the  
16 Co-Investigating Judges are, as a rule, never signed by  
17 witnesses; they are official records of this Court. They don't  
18 require witness signatures but they contain, sometimes,  
19 information relevant to the way in which evidence was gathered.  
20 They were proposed by us for that reason to be admitted and  
21 indeed, this document is on our Rule 80 trial document list.  
22 I don't see how the issue of whether or not a witness signed an  
23 official record of this Court is in any way relevant to whether  
24 or not that document can be used. It is simply not a procedure of  
25 this Court for witnesses to sign such documents.

1 MS. GUISSÉ:

2 Mr. President, I was asking for this clarification because, as I  
3 understand -- if I understand correctly, the Co-Prosecutors may  
4 tender any document they wish as part of their investigations.  
5 The manner in which a document is put to the witness should take  
6 that fact into account.

7 [15.20.13]

8 MR. ABDULHAK:

9 Mr. President, having heard Counsel's observations, I propose  
10 that we proceed and that I read a brief passage from this  
11 document to the witness. It's relevant. It contains her words as  
12 stated by the investigators, and then we can see whether or not  
13 the witness recalls this discussion.

14 MR. PRESIDENT:

15 You may proceed.

16 MR. ABDULHAK:

17 Thank you, Mr. President.

18 And if the court officer could give the document to the witness?

19 [15.21.02]

20 MR. PRESIDENT:

21 Could you please hold on?

22 Madam Sa Siek, we noted that you're not literate -- or you could  
23 not read or write. May we ask you again whether there is a  
24 misunderstanding in the statement you stated before the  
25 Co-Investigating Judges or investigators that you stated you

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1 could read and write Khmer? However, you appear before us -- it  
2 appeared to us that you do not read or write.

3 So the question is: Did you go to school, or how far did you go  
4 to school?

5 MS. SA SIEK:

6 I did not go to proper school. I studied to -- some alphabets,  
7 readings, but I couldn't read or write very well. I just learned  
8 by myself, but very little.

9 MR. PRESIDENT:

10 What about documents given to you since yesterday and lunch  
11 break, when the documents presented to you? Did you read?

12 MS. SA SIEK:

13 I could read, but it took me so much time to understand the text.

14 [15.22.57]

15 MR. PRESIDENT:

16 Since the witness appears to be not literate, the document can  
17 perhaps not be shown to her because she can't read.

18 So the Chamber does not need to instruct that the document is  
19 given to her in writing because there's no point to give the  
20 document in writing to her when she cannot read.

21 BY MR. ABDULHAK:

22 Mr. President, thank you for that instruction.

23 Q. The passage that I wish to read is very brief and it is found  
24 at Khmer ERN 00498437, French ERN 00498434 and 00492721.

25 [15.23.58]

1 Madam Siek, the document is dated -- or rather the meeting which  
2 the document describes took place on 14 March 2010, not long  
3 before the passing of your husband I believe.

4 The report states that an interview did not proceed because your  
5 husband was unwell, and the passage I wish to read to you is as  
6 follows:

7 "Information he gave in the last interview to us was general and  
8 brief, but he knew more he further added. At the same time, his  
9 wife intervened that one week prior to our presence, the wife of  
10 Khieu Samphan went to see Tha Sot at home to ask him, 'Did you  
11 remember what year or when Khieu Samphan went to Preaek Kdam ?"

12 Madam Siek, do you recall that visit by the investigators and do  
13 you recall discussing with them this visit by Mr. Khieu Samphan's  
14 wife?

15 [15.25.29]

16 MS. SA SIEK:

17 A. At the beginning I was asked whether I knew Mr. Khieu Samphan  
18 and I stated that I didn't know him back then but I knew him  
19 after 1979. But yes, the visit was paid because my husband was  
20 wanted -- a meeting with him was wanted, and she asked whether  
21 Khieu Samphan used to go to Preaek Kdam and the propaganda, and I  
22 recall that she was there.

23 And she also instructed me to say everything and she asked me not  
24 to hide anything if I was ever asked -- if my husband was ever  
25 asked, rather. I met her, but I don't remember when exactly.

1 Q. Is it the only time that you met her and discussed what you or  
2 your husband knew about Mr. Khieu Samphan, is it the only time  
3 that you met her on that issue?

4 A. I met his wife and I started to know her after 1979, but later  
5 on I didn't meet her again. She met my husband and people would  
6 like to interview my husband but he had health concern. He had  
7 problem with his heart that he could remain seated so he couldn't  
8 give interviews.

9 [15.27.31]

10 Q. And did you or your husband ask her why she was interested  
11 whether Tha Sot saw Mr. Khieu Samphan at Preaek Kdam or the  
12 Ministry of Propaganda?

13 A. Khieu Samphan's wife came to ask the question because Mr.  
14 Khieu Samphan did not recollect whether he went there or not. She  
15 just would like to confirm whether we -- or he still remembered  
16 the event.

17 Q. And if I understand it correctly, if I understood your answer  
18 correctly, she encouraged you to tell the full truth about what  
19 you knew about Mr. Khieu Samphan?

20 A. Yes, it is correct, that was what she told him, and that what  
21 was told because we were told that if investigator asked any  
22 question about Khieu Samphan, we had to tell the whole truth.

23 Q. Just one last question on that: Testifying here yesterday and  
24 today, have you told the Court everything that you knew,  
25 truthfully, about Mr. Khieu Samphan's activities?

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1 [15.29.27]

2 A. I am very honest and I've been honest in my statement  
3 concerning my knowledge about him. I already talked it all to the  
4 Court.

5 Q. Let's move on to another topic, Madam Siek.

6 In your interview you were asked about meetings which took place  
7 at the Ministry of Propaganda and the meetings that you attended.  
8 Could you tell us what types of meetings you did attend from 1975  
9 to 1977?

10 A. The meetings at that time were held in groups. They were kind  
11 of a livelihood meeting, and the meetings about the performance,  
12 about the recording of the songs. That was a typical type of  
13 meeting and I can only recall that.

14 Q. Who presided over those meetings that you attended?

15 [15.31.16]

16 A. It was held within a group. For example, within a group of 12  
17 then we would be -- we would attend that meeting that is a  
18 livelihood meeting. I cannot recall it exactly whether it was  
19 held on a weekly basis or on a fortnight basis.

20 Q. Did you take part in any self-criticism sessions at the  
21 ministry?

22 A. Yes, within the group. During the meeting, the chairperson  
23 would open the meeting and everyone would express -- would  
24 criticize themselves and the request for the criticism from  
25 members of the meeting regarding the shortcomings.

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1 It was done in a humble way without any expression of anger and  
2 each of us would do that. And sometimes we would also encourage  
3 for the work that we performed.

4 Q. Now, in the meetings that you attended, whether the  
5 self-criticism meetings or other meetings that attended, was Hu  
6 Nim ever present?

7 A. No, it was held amongst the youth within the group, so we  
8 criticize and self-criticize one another within the group and  
9 assisted to improve each member of the meeting, for example if  
10 someone could not attend the work-hour regularly or was late for  
11 the meal at the kitchen hall.

12 [15.33.31]

13 Q. What about meetings to discuss broadcasts, contents of  
14 broadcasts, such as artistic performances? Did you ever attend  
15 meetings with Hu Nim to discuss those types of issues?

16 A. One day it was a section meeting so there were various section  
17 attending that meeting, for example, the artists meeting group  
18 and then the technical group. And the meeting was held in the  
19 morning and he did attend that meeting, but meeting did not last  
20 that long as he was -- he had to go somewhere else. That was  
21 called as a work experience, drawing meeting.

22 Q. And was that the only time that you attended such a meeting  
23 with Hu Nim?

24 A. Yes, that was the only one time that I attended a meeting  
25 where he was present. The meeting was to draw experience and to

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1 improve the performance -- for example, among the artists -- and  
2 he gave us some advice regarding the worker performance.

3 Q. You said the meeting ended early because the phone rang and he  
4 left. Do you know what happened to Hu Nim where did he go after  
5 that telephone conversation?

6 [15.35.44]

7 A. I did not know, but I heard that he had to go and I presumed  
8 that he had to go to work. However, I did not know where he would  
9 go. So then the meeting concluded.

10 Q. I'm going to show you a passage from your prior statement --  
11 or rather I'll read it on the record given that you've told us  
12 that your reading is -- that you're not very confident when  
13 reading.

14 Your Honours, this is document E3/379, the statement that we've  
15 looked at earlier. The relevant Khmer ERN is 00294809; French,  
16 00385205 to 6; and English, 000323333. And this was the passage:

17 Question: "How did you know that Hu Nim had been arrested?"

18 Answer: "I knew that Hu Nim had been arrested because at 8 a.m.  
19 there was a meeting to edit the art texts led by Hu Nim. The  
20 phone then rang and he answered the phone saying, 'Yes, yes,  
21 Brother, I will go right away'. Then he told us to take a break  
22 for a while. He drove himself to the meeting wearing a krama  
23 around his neck and wearing sandals. At 3 o'clock, a military  
24 truck came to take his wife away."

25 Madam Sa Siek, how was it that you knew that he had been

1 arrested?

2 [15.38.06]

3 A. On that day, there was a phone call and Hu Nim left. Since  
4 that day I never saw him returning until the present time. He  
5 left in a hurry after that phone call and he drove by himself. He  
6 had a krama and he wear sandals, and I witnessed that with my own  
7 eyes.

8 When I said that he was arrested, as reflected in the record, it  
9 might not be that accurate but he told us that he had to go to  
10 work somewhere, but maybe when the statement was re-read to me I  
11 did not catch that phrase. For that reason it has not been  
12 amended.

13 [15.39.19]

14 Q. Now, before we return to Hu Nim and others in the ministry, I  
15 want to ask you about another senior leader who you discussed  
16 with the investigators.

17 What did you know about the fate of Koy Thuon -- what happened to  
18 him?

19 A. I do not know because I have not met him since. I knew him  
20 through the zone arts group and that the zone arts group and my  
21 group co-operated and co-ordinated in our performance in the  
22 countryside when there was a performance for the guest.

23 Later on, there was news about him being a traitor. I heard that  
24 rumour, but I am uncertain whether he is alive or he already  
25 passed away.

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1 Q. And to this day, Madam Siek, you are still uncertain as to  
2 what happened to Koy Thuon; is that your evidence?

3 A. In my feeling I presume that he died because I haven't seen  
4 him since.

5 Q. After his disappearance, did anyone else who was working --  
6 did any other people working in the arts or working as artists  
7 disappear, were any of them removed?

8 [15.41.35]

9 A. Later, in the ministry, there were some replacements, namely  
10 amongst the youths, the singers and the news readers. Some had  
11 been transferred to work at a rice field at Chey Dam (phonetic)  
12 or Kantuot. I did not know those locality, I only heard the  
13 names. I heard that people were transferred out, so they  
14 disappeared and I only knew that they were relocated somewhere  
15 else.

16 Q. And did you ever see any of those people that were removed?  
17 Did you ever see them again after that time?

18 A. No, I never saw them again, because later on I no longer  
19 stayed at the Ministry of Propaganda as I moved to the Printing  
20 Office. And later on, I also was transferred to B-20 at Dei  
21 Kraham, so I could not tell you the fate of those people.

22 [15.43.07]

23 Q. And who was it that told you that Koy Thuon was a CIA agent?

24 A. After there was news that Koy Thuon was removed, it was my  
25 superior, Sao, who told us. At that time I was still there.

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1 Q. Now you told us yesterday that in 1977 the Ministry of  
2 Propaganda and the Printing Office were combined and that Yun Yat  
3 became the chairperson or the minister of that combined ministry.  
4 Did she continue to lead the ministry until 1979?

5 A. In 1979, I was at the Ministry of Propaganda and Education it  
6 was a combined component of the Ministry of Propaganda and the  
7 Printing Office. By early 1978, I was removed from that office,  
8 so I would not know what happened to it because by then I went  
9 further from Phnom Penh I was at the north of Stueng Trang.

10 [15.45.10]

11 Q. Apart from Yun Yat, just to make sure we understand, did you  
12 know of any other senior leaders being in charge of the Ministry  
13 of Education and Propaganda?

14 A. Before I left, I know the person by name of Chhoy, as I said  
15 yesterday.

16 Q. Very well, thank you.

17 Returning to some of the disappearances from the Ministry of  
18 Propaganda, as these people were removed, first Hu Nim, then his  
19 wife, and I think you mentioned a number of other people what was  
20 the general feeling among the cadre? Were you concerned about the  
21 departure of these people?

22 A. At that time, Hu Nim and his wife and some youths around my  
23 age then were taken, and there was some brothers and sisters and  
24 some uncles who were told that they would be sent to work in the  
25 rice field.

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1 Q. And how did you feel about these people being removed from the  
2 ministry?

3 [15.47.18]

4 A. When those people whom I knew removed, I was rather concerned  
5 because I did not know whether they were actually sent to work in  
6 a rice field or the location of where they were sent to.

7 Q. And do you recall, Madam Siek, who it was that was making the  
8 decisions to remove these people?

9 A. No, I do not know.

10 Q. When they left, as far as you know, were they transported by  
11 anyone and -- or did they leave on their own?

12 A. A vehicle came to pick them up.

13 Q. And was that vehicle a Ministry of Propaganda vehicle or was  
14 it -- did it belong to a different person or institution?

15 [15.49.06]

16 A. Most of the time it was the ministry vehicle that transported  
17 them. The vehicle came from Yun Yat's office.

18 Q. And when it was another vehicle -- that is a vehicle that was  
19 not from Yun Yat's office -- did you know who that vehicle  
20 belonged to?

21 A. Regarding the vehicle that came to pick up Hu Nim's wife it  
22 was a military vehicle. But later on only the ministry vehicle  
23 was used.

24 Q. You said to us a few minutes earlier that at one point you,  
25 yourself, were removed, and I think you said you were sent to Wat

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1 Botum could you describe for the Judges what happened?

2 Your Honours, it may well be an appropriate time to break. I  
3 think the witness may find it difficult to answer these  
4 questions.

5 MR. PRESIDENT:

6 Court Officer, could you assist the witness?

7 (Short pause)

8 [15.51.18]

9 The time is appropriate for adjournment. And as we observed, the  
10 witness is also emotional.

11 The Chamber does decide to adjourn today proceeding and will  
12 resume her testimony in the afternoon session on the 20th of  
13 August -- that is, Monday afternoon session.

14 MR. PICH ANG:

15 Mr. President, it is just an opinion, if we have this type of a  
16 witness, we shall have someone who are, who was an expert -- who  
17 is an expert on psychology to provide emotional support.

18 MR. PRESIDENT:

19 Thank you, Counsel. However, she's been very stable during the  
20 last few days, but when it came to the disappearance of her  
21 colleagues, it made her -- aroused her emotions. So we wait and  
22 see next week.

23 [15.52.43]

24 We will adjourn today proceeding at this stage, and we'll resume  
25 on Monday next week, starting from 9 a.m.

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1 On Monday, we will continue to hear the testimony of Witness  
2 Suong Sikoeun, who will again be questioned by Ieng Sary's  
3 defence. And in the afternoon, we will hear the testimony of this  
4 witness, Sa Siek, who will be questioned by the Prosecution, then  
5 by the Lead Co-Lawyers for civil parties.

6 Ms. Sa Siek, we will decide to break a little bit early -- that  
7 is, 10 minute before the scheduled time, as we observe that you  
8 are emotional. And we still need to hear your testimony and you  
9 will be invited to return to Monday, the 20th of August.

10 Court Officer, in coordination with WESU, could you assist the  
11 witness for her return to her residence and have her return to  
12 the Court on Monday next week?

13 And as for WESU, we would like to remind you that, please, you  
14 need to provide support, emotional support for this witness and  
15 to take a consultation with her.

16 Security guards, you're instructed to take the three Accused back  
17 to the detention facility and have them returned in the morning  
18 of Monday, the 20th August 2012, at 9 a.m.

19 As for the relevant parties to this proceeding, you will need to  
20 participate in the proceeding on Monday as well.

21 The hearing is now adjourned.

22 (Court adjourns at 1555H)

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