



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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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

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20 August 2012
Trial Day 98

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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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
JUDGE LAVERGNE	French
MS. LY NIMOL	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
MS. YE	English

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 During this morning's session, the Chamber continues to hear the
6 testimony of Mr. Suong Sikoeun. Questions continue to be put by
7 defence counsel, and the eventual time left after this testimony
8 of Mr. Suong Sikoeun, the Chamber is going to hear Witness Sa
9 Siek.

10 [09.03.15]

11 Mr. Duch Phary, you are now invited to report to the Chamber
12 concerning the current persons of the parties to the proceedings.

13 THE GREFFIER:

14 Mr. President, Your Honours, all parties to the proceedings are
15 present except Mr. Son Arun, who is absent due to his health
16 concern. Mr. Ieng Sary is in his holding cell downstairs.

17 Through his counsels, Mr. Ieng Sary has waived his right to
18 participate directly in the courtroom for the entire day today.

19 His waiver has been submitted to the greffier of the Trial
20 Chamber already.

21 With regard to Witness Sa Siek, she is in the waiting room
22 awaiting call from the Chamber.

23 MR. PRESIDENT:

24 Thank you, Mr. Phary.

25 Next, before we proceed to counsels for the Accused, the Chamber

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1 would like to rule on two requests.

2 [09.04.35]

3 First, the request by counsels for Mr. Ieng Sary. The Chamber has
4 received request by counsels for Mr. Ieng Sary on the 20th of
5 August 2012 in which Mr. Ieng Sary has requested that he be
6 excused from attending directly in the proceedings.

7 Mr. Vann Mich, the medical doctor who examined Mr. Ieng Sary, has
8 observed that Mr. Ieng Sary is fatigued. He becomes tired when he
9 moves and he feels dizzy when walking. Due to that problem, Mr.
10 Ieng Sary cannot stand up or remain seated for a long time, so he
11 has recommended that Mr. Ieng Sary be allowed to observe the
12 proceedings from the holding cell.

13 The Chamber therefore grants such a request as recommended by the
14 doctor. Mr. Ieng Sary is now permitted to observe the proceedings
15 from the holding cell because he is mentally fit to observe the
16 proceeding, although he is not physically well.

17 [09.06.19]

18 Mr. Ieng Sary can now observe the proceedings from there. He can
19 do so for the whole duration of today's proceedings, and AV booth
20 officers are now instructed to ensure that the AV equipment is
21 well connected to the room so that Mr. Ieng Sary can observe the
22 proceeding from there.

23 The second ruling is on the request to use document during the
24 examination of the witness. The Chamber authorizes the Nuon Chea
25 defence, if they wish to do so, to quote from document

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1 D366/7.1.564, but only if they have further questions to ask of
2 the witness.

3 They may not revisit topics which have already been canvassed,
4 particularly where these questions were found to be irrelevant or
5 repetitious. The motion to revisit documents D22/185.5 and
6 E3/1435 is denied. The full reasons for the decision will be
7 placed on the case file in due course.

8 Next, without further ado, the Chamber would like to hand over to
9 counsel for Mr. Ieng Sary to proceed with their remaining
10 questions.

11 QUESTIONING BY MR. KARNAVAS RESUMES:

12 Good morning, Mr. President. Good morning, Your Honours. Good
13 morning to everyone in and around the courtroom, and good
14 morning, sir.

15 [09.08.12]

16 Q. Let's pick up where we left off last Thursday, and just to
17 refresh your memory, we were discussing part of your testimony
18 from August 6th, 2012, and I'm referring to -- this will be in
19 English, page 64; Khmer is 00832181 to 82; French 00833134 to 35;
20 in English it's 00833251.

21 And we touched on this a little bit. You provide an answer where
22 you say that; Mr. Ieng Sary "was in charge of foreign affairs of
23 the Centre. And as for the intellectuals arriving from France who
24 were in -- who were the former members of the Marxist-Leninist
25 Circle, he was also responsible for the group as well", and that

4

1 included yourself.

2 You then went on to say or to clarify what was meant by

3 "responsible" and "in charge", and you indicated, "Pol Pot -- so

4 Pol Pot made also -- also made the decision regarding the

5 appointments for us", and that it was Mr. Ieng Sary who was

6 actually directly responsible for carrying out your duties.

7 Do you recall making those statements, sir?

8 [09.10.15]

9 MR. SUONG SIKOEUN:

10 A. First of all, allow me to express my respect to the President

11 and Your Honours.

12 My answer is yes.

13 Q. Thank you. Now, if we go over a page or so later, this would

14 be in the transcript 66 in English, but the Khmer ERN is 00832183

15 to 84; French 00833137 to 38; in English 00833253 to 54. You then

16 go on and you indicate that in certain cases, "he" -- that is Pol

17 Pot -- "was making a decision on his own discretion, for instance

18 in regard to the intellectual Communists returning from France.

19 And I knew that clearly, because he knew them individually,

20 clearly, so he was -- so he knew about their political stance".

21 You then go on to say: "And when it comes to making decisions

22 regarding them, he would make them by himself -- he would make it

23 by himself on his..."

24 And then later on you confirm that you are referring to Pol Pot.

25 [09.12.01]

5

1 Do you recall saying that and do you stand by this answer, sir?

2 A. I may wish to also emphasize that I testified based on what I
3 learned and what I knew. So far as I know, members who were the
4 intellectuals in the Marxist-Leninist Circle, they normally
5 followed the instructions of the Party inside the country, and
6 their purpose was, after the liberation on the 17th of April
7 1975, willing to come to Cambodia to serve the country.

8 Because I already indicated that people who made the decision on
9 the fate of intellectuals, including me, are referring these
10 individuals to only the Marxist-Leninist Circle, and these people
11 known to Pol Pot very well, and our political stance was also
12 clear and well recognized by Pol Pot.

13 [09.13.44]

14 And these people respected and listened to the orders by the
15 Party. However, that doesn't mean that each individual of the
16 group agreed to all decisions made by the Party. However,
17 according to the principle of the Party, lower ranking officials
18 had to obey the higher ranking officials. For that reason, we
19 were willing to contribute something to rebuilding the country
20 and the Party after the war.

21 Q. Thank you, sir.

22 I'm asking rather short questions just to confirm what you've
23 said.

24 Now, let's talk about Pol Pot in light of your previous answers
25 and the answers you have given us here today. And I want to refer

6

1 to the 15th of August 2012, your testimony which can be found on
2 page 18 in English. The Khmer is 13 to 14 -- it's the draft
3 version, that's all we have; and the French is page 19. That's
4 where I'll begin.

5 When you are first asked about Philip Short and his book,
6 "Anatomy of a Nightmare", and then we see that at some point you
7 are provided with a quote that is attributed to you -- and that
8 can be found on page 20 in English, 21 in French -- where you
9 talk about Pol Pot micro-managing. You indicate: "Micro-managing
10 the smallest detail was part of Pol Pot's conception of
11 leadership, a firm hand with no sharing of power. He wanted to
12 monopolize everything."

13 [09.16.01]

14 Now, is that your firm conviction here today as well, that based
15 on what you were able to observe at the time, Pol Pot
16 micro-managed everything?

17 A. Yes, it is. This is how he managed things. He was meticulous
18 in his leadership. He left no room for others to intervene in his
19 decision.

20 Q. Thank you. Now, as an example, perhaps you can help us here
21 and confirm whether this would be an example. I'm referring to
22 E3/42 -- and in Khmer, it's 00327206 through 07; French, 00327226
23 to 27; and English, 00327217. And this document is your statement
24 of May 6th, 2009.

25 And you were asked a question -- and I believe you even touched

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1 on it already -- where you were asked: "Did you have any contact
2 with Nuon Chea from 1975 to '79?"

3 And we see part of your answer is: "I never had any contact with
4 Nuon Chea from '75 to '79 because he was not dealing with the
5 foreign policy. It was Pol Pot who took care of this."

6 [09.18.06]

7 Would it be fair to say -- well, do you stand by that, that it
8 was Pol Pot who was taking care of the foreign policy at the
9 time?

10 A. Yes, I do. It is obviously clear it was the principle of the
11 Party as the Party was the general commander and the -- as the
12 Secretary of the Party, he monopolized all affairs, and he had
13 enjoyed this automatic authority to manage the affairs of the
14 Party and things that are relevant to the CPK.

15 Q. All right.

16 Now, then, as another example -- perhaps you can help us out here
17 -- is the so called "Black Book". Now, you've testified
18 concerning this matter, and I'm referring to your testimony of
19 August 6th, where you indicated that it was Pol Pot who actually
20 was responsible for the drafting of the "Black Book", that those
21 were his ideas. Do you recall telling us that?

22 [09.20.01]

23 A. Yes, I do. I did testify before the Chamber like that. He
24 called some cadres to meet up with him and at that time Mr. Ieng
25 Sary was present, and then he gave presentation and we took

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1 notes, and at the end of the session we returned to the Ministry
2 of Foreign Affairs.

3 At that time, I, myself, was, along with Mr. Keat Chhon and
4 Thiounn Prasith, and Ny Kan and Ms. Saur Se, and other cadres,
5 not all from the Ministry of Foreign Affairs who were there, and
6 we then carried out what presented in his presentation. We
7 drafted the document and presented it to him. He later on sent
8 the document back to us, to our propaganda section at the
9 Ministry of Foreign Affairs so that it could be translated into
10 three languages, Khmer, French and English.

11 And I had -- or we had no rights to amend what could have been
12 the content of his presentation, we only made some revision of
13 the wordings.

14 [09.21.50]

15 Q. Thank you, sir. And for the record, we can find your previous
16 testimony on this matter on pages 79 to 80 in English. The Khmer
17 numbers would be 00832192 to 94; French, 00833151 to 57; in
18 English, it would be 00833266 to 67.

19 Now, would that be an example of how -- of micro-managing in the
20 sense of how you conveyed it to Philip Short?

21 A. I already stated this micro-management what Pol Pot did but
22 only some of the points, but I would like to also state further
23 that, in 1976 during the trip or the visit of the Foreign
24 Minister of Thailand, Mr. Pichai Rattakul, at that time, the
25 relation between the CPK and Thailand was not well established.

9

1 We did not exchange our ambassadors. So the Thai representative
2 came to visit in Sisophon location.

3 At that time, I was also present during the visit, and Pol Pot
4 sent us soap, towels, and some shoes for -- or slippers for the
5 visitors, and Mr. Anand Panyarachun was also -- represent
6 Thailand when he was at the Foreign Ministry of Thailand.

7 [09.24.46]

8 Q. Thank you. And we're going to touch upon that meeting in a
9 second.

10 Now, I want to refer to your statement of 12th March 2009 in
11 light of what you just told us, that is, and this would be
12 E3/371, and in particular, I'm referring to -- it would be page 2
13 in English, but the Khmer ERN number is 00288234 to 35; French
14 00288241 to 42; and English 00290413 all the way to 16 -- 1 --
15 yes.

16 [09.25.39]

17 Here you say -- you give an answer:

18 "Democratic Kampuchea was a Communist country and so it was the
19 Party that decided everything, even on foreign affair matters.
20 This policy was defined by the leader of the Party, Pol Pot, and
21 my own destiny depended on him. Pol Pot nominated me to the
22 ministry and he also appointed me to the Kampuchea information
23 agency."

24 Now, if we just stop here, considering what you just told us, is
25 it the Party, as a collective, that is setting the foreign policy

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1 or is it Pol Pot who is actually in charge of setting the foreign
2 policy, dictating what it is?

3 [09.26.53]

4 A. As a normal member of the Party below the CPK, I am not able
5 to know the decisions made collectively based on this democratic
6 centralism and based on the Party's policy. However, whatever
7 decision made by the Party, normally, as the Secretary of the
8 Party, he shall be responsible for all the decisions made by the
9 Party to be implemented by members of the Party.

10 Q. All right.

11 Well, let's go back to the "Black Book". From what you witnessed
12 and from what you told us, Pol Pot directed it, dictated it,
13 approved it, and no one was able to edit it. From what you were
14 able to see, was it the Party that drafted the "Black Book" or
15 was it Pol Pot, he and he alone?

16 MR. PRESIDENT:

17 Witness, could you please hold on?

18 Co-Prosecutor, you may now proceed.

19 [09.28.31]

20 MR. DE WILDE D'ESTMAEL:

21 Good morning, Mr. President, Your Honours. Good morning,
22 colleagues. Good morning, Witness.

23 This question has already been put previously by Counsel Karnavas
24 and he's putting the question again because he just received an
25 answer that may not concur with what he wishes, but there is no

11

1 reason to put the same question to the witness again.

2 MR. KARNAVAS:

3 Well, Mr. President, we receive one answer with respect to an
4 example and then we receive another answer. There seems to be an
5 inherent contradiction. Part of the process is to try to see
6 whether we can bring some clarity to these contradictions. So I
7 leave it to you, Mr. President, whether to proceed with this line
8 or to move on.

9 (Judges deliberate)

10 [09.29.47]

11 MR. PRESIDENT:

12 The objection is grounded and therefore sustained as the question
13 itself was repetitious.

14 Witness is now instructed not to respond to the question.

15 The Chamber would like to remind counsel that you should ensure
16 that the remaining questions are not repetitive.

17 BY MR. KARNAVAS:

18 Thank you for the reminder, Mr. President.

19 Q. If we could go to the next page on the same document, you
20 indicate -- you were asked a question about Mr. Ieng Sary and
21 then you say:

22 "That is correct. It is also true that he chaired the CPK Central
23 Committee Commission on Foreign Affairs. But I do not know about
24 those activities.

25 "But I would like to add that in Communist countries, it is

12

1 normal that certain institutions are only fronts and have no
2 members apart from the Chairman. This was the case for the
3 Commission on Foreign Affairs, which was composed solely by Ieng
4 Sary, who reported directly to Pol Pot."

5 Do you see that part of your answer, sir?

6 [09.31.29]

7 MR. SUONG SIKOEUN:

8 A. Yes, that's what I said.

9 Q. And when you say that this was common in Communist countries
10 to have fronts, in other words, fictitious commissions and
11 committees and institutions, can you please tell us who would
12 have been responsible for creating these fronts? Because you go
13 on to say, at least in this instance, that Ieng Sary reported
14 directly to Pol Pot?

15 A. That, I am not certain about who established it, but for my
16 personal observation, that was the usual appointment, where Pol
17 Pot was the Secretary of the Party, and in foreign affairs
18 domain, Ieng Sary was in charge, and down below him included me
19 and other cadres working for the Ministry of Foreign Affairs,
20 were the implementing agents. We were the implementers. We were
21 not the decision makers.

22 [09.33.15]

23 Q. Thank you. But we were talking and discussing your answer
24 about this front that was established, this Central Committee
25 Commission on Foreign Affairs, and you say that this was a front.

13

1 Do you know who established this front? Who tried to create this
2 fiction of a commission that reported -- that had Ieng Sary as
3 chairman reporting directly to Pol Pot? If you know, fine. If you
4 don't know, just say so and I'll move on.

5 A. The specific details of the appointment was not known to me,
6 but in the Democratic Kampuchea, like other socialist countries
7 as well, it was under the decision and direction of the Standing
8 Committee. In certain countries like China or Vietnam, they have
9 politburo, and in that politburo there is a political committee
10 comprising of a small core numbers to lead important activities.
11 And in the Central Committee of the Party, there were
12 subcommittees as well. For example, subcommittee for economy, for
13 foreign affairs and for commerce and things like that, and I did
14 not know the specific appointment, but it was, I think, a usual
15 designation and appointment of working groups to handle the task.

16 [09.35.10]

17 But I would also like to add that the Commission on Foreign
18 Affairs, as far as I knew, that Ieng Sary chaired this
19 Commission. And as for members of this commission, I did not know
20 who was part of this commission, and I did not know the roles
21 they play either.

22 Q. Fine, sir, but I guess I'm going to stick with this a little
23 bit, because now you're telling us something different. In your
24 statement you're saying that it was a fiction. It was a front.
25 There were no other members, only Mr. Ieng Sary. Now you're

14

1 telling us that you didn't know who the other members were.
2 Back then, '75 to '79, did you actually know of this commission
3 or did you actually know how it operated, if it operated at all,
4 because you are characterizing it as a front? If you don't know,
5 please say so, and please do not speculate.

6 [09.36.29]

7 A. I do not know whether or not the defence counsel understood
8 the appointment of working groups in Communist countries.
9 Normally, in the countries which was led by a Communist
10 government--

11 MR. KARNAVAS:

12 I am going to cut off the witness. He's not responsive to my
13 question and he's eating up my time. I asked him for a direct
14 answer. Now, if the gentleman doesn't know, he can say so, but
15 he's not here to give speeches. It's non-responsive to my
16 question.

17 [09.37.15]

18 MR. PRESIDENT:

19 Witness is directed to respond to the question asked, and I have
20 already advised you in the course of these proceedings that you
21 should answer to the question, and if you do not know, then you
22 can say so. You do not have to add any additional responses.
23 Otherwise, it will add additional burden to you and you may be
24 exhausted as well in responding to those questions.
25 Once again, the Chamber wishes to remind the parties that

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1 questions were mostly repetitive, so I would like to once again
2 remind the counsel to avoid repetitious questions and also the
3 questions that impugn the witness. And please try to also avoid
4 any questions that is out of the scope of the current
5 proceedings.

6 In the interest of time for the Chamber, we would like to once
7 again urge a party to reframe their question so that they are
8 conducive to ascertaining the truth and they make good use of
9 Court time.

10 Representative from the Prosecution, you may proceed.

11 [09.38.44]

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. I am sorry I have to intervene again.

14 The Defence is asking questions solely with regard to the
15 external commissions -- the witness has mentioned in document--

16 THE INTERPRETER:

17 The reference is read too fast by counsel.

18 MR. DE WILDE D'ESTMAEL:

19 -- and the witness has said that the decision was taken in those

20 commissions. The question asked by the Defence is likely to

21 mislead the witness because counsel doesn't take into account

22 what the witness said regarding the importance of the external

23 commission -- External Relations Commission, E3/E77, page 7 in

24 French.

25 MR. KARNAVAS:

16

1 And now we're having the prosecutor trying to--

2 MR. PRESIDENT:

3 Let the Prosecution complete his statement first.

4 Prosecutor, you may continue.

5 MR. KARNAVAS:

6 (Microphone not activated)

7 MR. PRESIDENT:

8 Let the Prosecution finish his statement first.

9 You may proceed, Mr. Prosecutor.

10 [09.40.15]

11 MR. KARNAVAS:

12 (Microphone not activated)

13 MR. PRESIDENT:

14 Prosecutor, you may continue now.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President.

17 The quotation of the witness is as follows regarding the Foreign

18 Affairs Commission. It was in charge of relations between

19 different parties. It, therefore, had a very important role in

20 relation with Communist countries. What the witness said is at

21 variance with what was said in other statements.

22 So the defence counsel should also refer to the other quotations

23 in order for the witness to properly answer his question. Thank

24 you, Mr. President.

25 [09.41.15]

1 MR. KARNAVAS:

2 This is rich, coming from the Prosecution. They routinely do this
3 all the time, and then they say: "You can cover it on your --
4 when you examine." This is what happens, Mr. President, when you
5 delegate your authority to the Prosecution to go ahead with the
6 initialling the questioning and turning them into this -- into
7 this -- an adversarial proceeding. That's what you've done,
8 because they ask their questions that are for their case; they're
9 not asking the questions that you would ask, exhausting for both
10 sides, and then allowing the parties to supplement.

11 I'm entitled to conduct my examination based on their examination
12 and based on the answers of the witness. I do not have to follow
13 their script. If they wish to ask -- to question the witness
14 thereafter as a rebuttal, then we can introduce that system as
15 well.

16 But this is the problem; you've turned this into an adversarial
17 proceeding. This is no longer a civil law land proceeding. It is
18 an adversarial proceeding. The Prosecution puts on its case, they
19 show its documents, they question the witness based on selective
20 portions, and when I have objected in the past and I've said,
21 "Why haven't they asked other passages?" the answer is: "You can
22 do that when it's your turn." That's the problem.

23 And I'm entitled to ask questions concerning this statement and
24 ask for clarification based on the answers that the witness gave
25 today. Nobody is trying to mislead the gentleman. I'm simply

18

1 asking him who established this front. That was the thrust of my
2 question, not how appointments were made. Who established it? If
3 he knows, fine. If he doesn't know, I'll move on.

4 [09.43.11]

5 MR. PRESIDENT:

6 Witness, you are now instructed to respond to the question.

7 MR. SUONG SIKOEUN:

8 I was about to respond to that question, but since the counsel
9 intervened, then I lost some time for me to answer the question.

10 A. I did not know. I did not know, in response to that question,
11 but as far as I knew at that time, there was only one person who
12 chaired the commission, but as for the detailed appointment of
13 the composition of this commission, I did not know.

14 [09.43.48]

15 BY MR. KARNAVAS:

16 Q. Thank you.

17 Now, concerning this "Black Book", was it ever circulated around
18 after it was published, in-country, that is, and if so, in which
19 languages?

20 MR. SUONG SIKOEUN:

21 A. For our department, we knew that the "Black Book" was
22 circulated overseas as well, but internally in Cambodia, I did
23 not know who -- whether they circulated this to them or not
24 because it was not under my responsibility.

25 Q. Thank you. And the reason I'm asking is, Ong Thong Hoeung, in

19

1 his testimony, on August 9th, has indicated that Hor Namhong and
2 Pech Bun Tong, while at Boeng Trabek, spent almost an entire day
3 trying to translate this book into Khmer.

4 So do you -- I take it, based on your answer, you don't know how
5 they would have gotten hold of it in French in order to translate
6 it into Khmer?

7 [09.45.38]

8 A. No, I do not really understand the question because the book
9 was originally in Khmer. And why need to translate it back into
10 Khmer, because Khmer was the original language of the book?

11 Q. Thank you. That was why I was asking, because it seemed rather
12 curious. But thank you.

13 Now, if we move on to the next topic -- and I want to go back to
14 a line of questioning, but I didn't get a full answer. You had
15 indicated in your statement - and I'm referring to E3/372 -- and
16 in particular, Khmer, 00290420 to 21; French, 0029431 to 32; and
17 English, 00290426 - you indicate here that -- in your answer:

18 "Yes, in principle. But in practice, since Pol Pot's nephew was
19 the head of the 'office', the former could decide whatever he
20 wanted without consulting Ieng Sary. It was the same for the
21 diplomats section."

22 And then you gave an example, and then you say:

23 "On 31 December 1977, the decision was taken to sever diplomatic
24 relations with Vietnam. Normally, this declaration should have
25 been done by my department, but I was presented with the finished

20

1 text: Keat Chhon and Thiounn Prasith had been asked to write the
2 declaration under the direction of Pol Pot."

3 I want to focus a little bit on So Hong. It's - Obviously, from
4 your answer, it would appear that at the time you knew that he
5 was Pol Pot's nephew. It wasn't something that you learned after
6 '79; is that correct?

7 [09.48.24]

8 A. Yes, that's correct. At that time, I knew him as the nephew of
9 Pol Pot.

10 Q. And in light of his relations with Pol Pot and given the
11 answer that you've given us, was any deference given to So Hong
12 because of who he was related to?

13 A. As far as I know, the relationship -- or biological
14 relationship did not have any influence or impacts on the
15 leadership and management during the Democratic Kampuchea. So I
16 think there was no special treatment for So Hong for the -- on
17 the ground that he was related to Pol Pot, but, of course, So
18 Hong was the secretary general of the Ministry of Foreign Affairs
19 and he was also in charge of line departments and the ministry,
20 and certain matters he did not have to seek approval from Ieng
21 Sary. For example, the decision handed down by Pol Pot went
22 through So Hong. He did not have to seek approval from Ieng Sary.
23 So Pol Pot may directly order through So Hong. But this was my
24 observation, the observation of the working procedures and
25 leadership style at that time.

21

1 [09.50.20]

2 Q. All right. Thank you.

3 Now, I just want to, since we're on So Hong for a second, maybe
4 clarify one matter, and this concerns Koy Thuon's confession.

5 There seems to be a contradiction or a conflict between your
6 testimony and that of So Hong's. He indicates that it was you
7 that handed him Koy Thuon's confession. And that can be found,
8 Your Honours, in E3/413, and in particular it can be found on,
9 Khmer, 00357530 to 31; English, 00361014; and French, 00405456.

10 And you've told us, back on August 7, that it was So Hong that
11 actually handed you Koy Thuon's confession, and this is on,
12 Khmer, 00832518; French, 00833626; and English, 00833510.

13 And so my question, sir, is: Who is right, and who is wrong? Did
14 you hand So Hong Koy Thuon's confession, or did So Hong hand you
15 Koy Thuon's confession? And this would have been, I believe,
16 January 6, 1979.

17 [09.52.56]

18 A. On the morning of the 7 of January 1979, when I was about to
19 leave B-1 to the Ministry of Propaganda, at that time it has the
20 code name of K-33. At that time, So Hong handed in the confession
21 of Koy Thuon to me, and he told me that we would meet in the next
22 five days. So my understanding at that time, I did not know
23 whether or not he was serious about that, and I actually did not
24 receive any confessions from anyone myself, so I could never hand
25 in this confession to So Hong. It would be virtually impossible

22

1 for me to hand in this confession to So Hong.

2 [09.53.59]

3 Q. Okay. Thank you. Thank you for clarifying that.

4 Now, if we go on to another topic, still we're talking about Pol
5 Pot, and you've indicated to us in the past that he made
6 decisions and he made appointments and, in particular, he was the
7 one that was involved with the intellectuals returning from the
8 country.

9 Now, I have a question for you based on what Chandler writes, and
10 perhaps you could assist us here. Here, Mr. Chandler -- and I'm
11 referring to D108/50/1.75. The English ERN number is 00193374.

12 There's been no translation, but this is the same passage that
13 was shown to another witness. Let me read it very briefly. It's
14 just a short passage. It says -- this is with respect to Ong
15 Thong Hoeung, the section that he was writing about him, it says:
16 "Hoeung was affiliated with the UEK rather than the more extreme
17 Union Nationale des Étudiants Khmers (UNEK), the Maoist
18 organization to which Kol Touch's son belonged."

19 And this is the part that I'm interested in:

20 "Some thirty members of the UNEK, including Touch's son, were
21 allowed back into Cambodia in 1973 after being vetted by
22 Cambodians in Beijing. Students like Hoeung who were affiliated
23 with the UEK were told to wait, and none returned home until
24 after April 1975."

25 Now, you've told us that you were in Beijing at or around this

1 time. Can you add some clarity on this? Does David Chandler have
2 it right that, as early as 1973, a vetting process was going on
3 at the Beijing embassy as to which Cambodians would be returning
4 to join in the revolution?

5 [09.57.12]

6 A. At the time, there were many students, including Kol Dorathy,
7 who was the son of Kol Touch. He was there in Peking to prepare
8 himself to return to join the revolution in Cambodia. They were
9 there under training -- physical training to strengthen their
10 physical strengths when they had to endure difficulties when they
11 are involved in the revolution. So they had to endure all of
12 those hardships before they came.

13 Q. But my question goes to the vetting itself: Who could return
14 and who could not?

15 Mr. Chandler seems to -- well, he's indicating that there was a
16 vetting process, a selection process, being carried out from the
17 Beijing embassy. Is he correct in that?

18 [09.58.37]

19 A. Do you believe David Chandler or do you believe me? Because I
20 was there myself. I was a student among those students in Peking.
21 There was no selection process whatsoever. Those who requested to
22 be returned to Cambodia, they came. They decided to return to
23 Cambodia on voluntary basis.

24 Q. Okay. This is as early as 1973 we're speaking about?

25 A. It was in 1973.

24

1 Q. All right. And now at some point, you've told us - and this
2 would have been on your testimony of August 6 - and I'm referring
3 to Khmer, 00832199 to 200; French, 00833160 to 62; English,
4 00833273 to 74. You've said that the secretary that was attached
5 to the embassy had the real authority. Do you recall making --
6 telling us that?

7 [10.00.23]

8 A. Yes, that's the organizational structure of the Party. So who
9 was the Secretary of the Party had the authority to lead, not the
10 ambassador.

11 Q. All right.

12 Now, I want to go to E3/101. This is your statement of 17 March
13 2009, and perhaps you can add some clarity in light of the last
14 two answers that you've given us about David Chandler in this
15 last one, the secretary at the embassy.

16 You're asked a question: "How was--"

17 The ERN number is -- I'm referring to the document E3/101. ERN
18 number is 00290437 to 38 -- that's the Khmer; French, 00290449;
19 and then the English, 00290443.

20 And here you indicate:

21 "Everyone went through the Cambodian Embassy in Beijing. Since
22 communications between the embassy and Phnom Penh went through
23 two different channels, the party channel and the government
24 channel, it is possible that instructions were given to the party
25 cell directly by Pol Pot."

25

1 Do you see that part of your answer, sir?

2 [10.02.48]

3 A. Yes, I do.

4 Q. Now, the period that you're referring to here, would that be
5 post-'75 or would that also include pre-1975?

6 A. Mr. President, before 1975, the CPK was not yet in power. I do
7 not -- how this question was put in the first place by counsel?

8 MR. PRESIDENT:

9 You may refer to two dates. The first question was about 1973,
10 but the next question is about the new date, and it is
11 appropriate to put that question. So please listen carefully to
12 the question and respond accordingly.

13 [10.03.58]

14 BY MR. KARNAVAS:

15 Q. Do you know, sir -- do you know, sir, whether any instructions
16 were provided by Pol Pot to the Party cell in Beijing even prior
17 to 1975 concerning the return of intellectuals?

18 MR. SUONG SIKOEUN:

19 A. Prior to 1975, Cambodia embassies were the embassies of the
20 FUNK and the GRUNK, chaired by the then Prince Norodom Sihanouk,
21 and this had nothing to do with the CPK because the CPK only
22 ruled the country from the 17th of April 1975 only.

23 Q. Thank you. One final question on this matter: Was there a
24 Party cell in Beijing prior to '75?

25 A. Yes, it was. There was a Party cell in Beijing chaired by Ms.

1 Sien An.

2 Q. And did she remain Secretary of the Party after '75?

3 A. No. In 1975, she came -- so far as I remember -- back to the
4 country and no longer be the Secretary, she was not the Secretary
5 at the embassy for the Party, but no longer be in the position
6 after that.

7 Q. And to you know who made the decision to replace her or did
8 she voluntarily come back?

9 A. I do not know about this, but I know that her husband was the
10 ambassador to Hanoi for the GRUNK, so it was possible that she
11 returned to Hanoi to reunite with her husband.

12 [10.07.18]

13 Q. Thank you.

14 Now, I'm going to move to another topic, again somewhat related
15 to what we've been talking about, that is Pol Pot. You were asked
16 a series of questions concerning the base cadre transiting
17 through the Ministry of Foreign Affairs and also references made
18 to a Ke Kim Huot. Now, I want to ask you a question concerning
19 this. You state in your testimony on August 7th -- and this would
20 be, Khmer, 00832525 to 26; French, 00833639; and English,
21 00833521 to 22. You state that -- among others things:

22 "Mr. Ieng Sary was like an administrator who will be supervising
23 the work of them, but the decision of the appointment was up to
24 Pol Pot. As to who were to be sent to the Ministry of Foreign
25 Affairs was to be decided by Pol Pot. The detail about some

27

1 protocols of diplomats when they are attached overseas, for
2 example the presentation of credentials to the country with which
3 he is attached."

4 Do you recall making that statement, sir, here in Court?

5 [10.09.25]

6 A. The base cadres who had to go to the Ministry of Foreign
7 Affairs were not under the supervision of Mr. Ieng Sary because
8 they were the base cadres; they were under supervision of the
9 Standing Committee obviously. And with regard to any appointment
10 of any of these people, would have been done by the Standing
11 Committee, not Mr. Ieng Sary. And -- however, if they would like
12 to be sent elsewhere, then they would be transiting at B-1 and I
13 remember giving a radio to each individual cadre who was in Phnom
14 Penh. And before they returned or came to Phnom Penh, they were
15 at the base and they met me in my office, because my office was
16 close to the staircase and people who came to the building would
17 go through my office. So I can say that the Ministry of Foreign
18 Affairs was the transit point, it's not the place where decision
19 was made.

20 [10.11.04]

21 Q. Thank you. Well, going back to your answer and then we will
22 refer to one of your statements. You say here that the decision
23 was made by Pol Pot; you don't say anything about a Standing
24 Committee here. This is my first point. This is what you
25 testified on August 7th.

28

1 And now, if you'll look at E3/42, this is your statement of May
2 6th, 2009 -- and I'm referring to, Khmer, 00327207 to 09; French,
3 00327227 to 28 -- or I should say to 29; and 00327218 to 19.

4 Here you're asked about -- to comment on a passage that was from
5 your ex-wife's book. And you say here that:

6 "You have the answer in my manuscript under the title 'Le
7 ministère des Affaires Étrangères: Antichambre de la mort'? [The
8 Ministry of Foreign Affairs, antechamber of death?] (p. 154).

9 What I can say is that the cadre that Laurence Picq mentioned in
10 her book were regional cadre who had problems in their region.
11 They had been called to represent Democratic Kampuchea abroad.
12 They received diplomatic training at the foreign affairs
13 ministry, but the decision to call them to Phnom Penh and name
14 them as ambassadors was not taken by the foreign affairs
15 ministry. It was an office 870 decision, i.e. Pol Pot's decision.
16 This is a common characteristic of all Communist regimes."

17 [10.13.55]

18 And then you go on to talk about Ke Kim Huot.

19 So, here, sir, it appears that you are saying that it was Pol
20 Pot's decision. Do you stand by what you told the investigators
21 on 6 May, which is apparently what you wrote in your book that
22 has been published?

23 A. I wish to emphasize that those cadres were base cadres and
24 were not under the supervision of Mr. Ieng Sary. For that reason,
25 there was no other people other than Pol Pot, because if Ieng

1 Sary did not manage or supervise them, it was Pol Pot who made
2 the decision. Pol Pot called them to the ministry and any one of
3 them would be appointed to be an ambassador to any country
4 according to the sole decision by Pol Pot.

5 And to answer your question, yes, I do stand by that position.

6 Q. Thank you. And would that answer also apply to Mr. Ke Kim
7 Huot?

8 [10.15.40]

9 A. Yes, it does. In the book, "il faut rendre à César ce qui
10 appartient à César" -- "Return to Caesar What Belongs to Caesar"
11 -- that book is in French -- and this means that anyone who does
12 anything, he or she shall be responsible for his or her action.
13 It means that the hair grows on the person's head; I mean he's
14 the one who is responsible for that.

15 Q. Thank you.

16 Now, I want to turn to a document that was shown to you by my
17 colleague for the Nuon Chea team and I'm going to be asking you a
18 series of questions albeit, with a different focus on them and
19 I'm referring to document D199/26.2.80. And this seems to be a
20 telegram and this refers to a visit to Cambodia by the Thai
21 Minister of Foreign Affairs, Khmer personalities, it's only two
22 pages long. So I'll be referring to the second page and of course
23 you are quoted -- or it was read to you from this document a
24 passage and we can find it on the transcript, Khmer page 18 to
25 19; French, 24 to 25; English is 23. And it's -- the passage is

1 from the second page of this two-page document. I can read the
2 ERN numbers if it's necessary.

3 But this is what was read to you:

4 [10.18.12]

5 "Mr. Pol Pot appeared capable, resolute and confident. He spoke
6 in the first person. He obviously wanted to impress it upon
7 everyone that he is the man who has been running the country
8 since 1975. He also took credit for the policy of friendship with
9 Thailand, saying that he was the one who made the decision to
10 send Mr. Ieng Sary to Bangkok in October 1975.

11 "By contrast, Mr. Ieng Sary cut the figure of a lowly respectful
12 subordinate. He hardly answered any questions immediately. He
13 seemed anxious to always consult a higher or collegial authority
14 each time.

15 "2) In the course of the discussions, Mr. Ieng Sary also relied
16 on Mr. Thiounn Prasith and Mr. Keat Chhon, two seasoned senior
17 officials whose functions within the Ministry of Foreign Affairs
18 were not specified."

19 Now, we know from your testimony that you were not present, you
20 did not attend the actual meeting itself, so you may not have
21 been able to witness what is being described.

22 [10.19.52]

23 But you have indicated that you worked for the Ministry of
24 Foreign Affairs from '75 to '79, you've told us that you know Mr.
25 Ieng Sary as well as Mr. Pol Pot. And my question is: In any

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1 other meetings that you might have been present, did Pol Pot give
2 the appearance of being a capable, resolute and confident
3 individual who was running Cambodia at the time?

4 A. So far as I know him, he is not the person who is too proud of
5 himself individually or personally. However, as the Secretary of
6 the Party, everyone respected him and we agreed to his
7 leadership. So I do not know during the meeting when we received
8 the Thai Foreign Minister, whether there was his present. At that
9 time, he was the First Prime Minister - or, rather -- yes, the
10 First Minister who was assigned to receive visiting Foreign
11 Ministers from other country. It was part of the appointment.

12 Q. The question is: In other meetings, did you witness Pol Pot in
13 the manner which he's described here? That's the thrust of my
14 question. Because you've told us you weren't at the meeting, so
15 anything about the meeting itself, you may be speculating.

16 [10.22.46]

17 MR. PRESIDENT:

18 Witness, could you please hold on?

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

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President.

22 I believe the witness already answered this question, so the
23 question is repetitive. I could have objected earlier because it
24 seems that we're leading the witness to draw certain conclusions.
25 And maybe the question is not sufficiently precise because we

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1 don't know what kind of meeting is being -- the Defence is
2 referring to and if Ieng Sary was present or whatever. But, in
3 any case, I think that basically speaking, this question has
4 already been answered by the witness, therefore this question is
5 repetitive. Thank you.

6 BY MR. KARNAVAS:

7 Mr. President, I asked him if he witnessed other such meetings.
8 The answer could be yes or no. if yes, he appeared this way or he
9 didn't appear that way. That's -- there's nothing repetitive, but
10 I'll move on for the sake of moving on.

11 [10.23.51]

12 Q. Now, you talked about knowing Pol Pot very well, you told us
13 this on August 16th, that you personally knew him very well and
14 that you were not afraid of him. And this can be found in the
15 transcript on page 24 to 25 in the Khmer version; French, 32 to
16 33; and English page 30. And then you indicate that: "I only
17 learned of what happened during the regime only after 1979; and
18 even if I were to know what happened during the regime maybe I
19 would not dare to refuse that offer."

20 This was in respect to you meeting with Pol Pot when he offered
21 you a particular position.

22 Now, in the context of what you -- of your answer, I want to
23 clarify a couple of points.

24 On August 8th, 2012, you've told us -- and this can be found on,
25 Khmer, 00834205; French, 00834407; English, 00834298 -- you said:

1 [10.25.33]

2 "While I was in Beijing, I could never imagine that Pol Pot,
3 whose original name was Saloth Sar, was actually the Secretary of
4 the Party. We all thought that Khieu Samphan or Ieng Sary was the
5 Party Secretary, but he never thought that it was Pol Pot. So I
6 cannot say for sure and respond completely to your question."

7 Now -- and so my question is: How is it that you are very much
8 involved in Party politics and Party affairs from your days in
9 Paris and then your activities in Beijing, you know Pol Pot very
10 well -- at least that's what you've told us -- perhaps not as
11 well at that point in time -- but how is it that you could never
12 imagine that it was Pol Pot himself that was the Secretary of the
13 very same party that you were a member of? How could that be?

14 MR. SUONG SIKOEUN:

15 A. It is not difficult to understand. I was a member -- the
16 secret member in Cambodia before I went to France in October
17 1957. I was inducted by Mr. Ieng Sary. When I was in France, the
18 Leninist Circle chaired by Mr. Khieu Samphan was in place and I
19 knew Pol Pot in 1956 when I was the teacher at the Chamroeun
20 Vichea School. He was teaching French literature and I was
21 teaching geography and history.

22 [10.27.49]

23 And I did not -- I knew that Pol Pot was handsome and a very
24 polite and friendly person, so nobody could imagine that he could
25 become the Secretary of the Party, nobody could ever imagine

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1 that. And I knew him to be Saloth Sar when he paid a visit to
2 China in September 1977. At that time on we knew that Pol Pot was
3 actually Saloth Sar.

4 Q. Thank you. And may I ask, if you recall, when did it dawn on
5 you -- when did you learn that he was actually the Party
6 Secretary? Do you recall the year?

7 A. It was in Peking when I joined as member of the CPK.

8 Q. Okay. What year are we speaking of?

9 A. It was in 1971.

10 [10.29.29]

11 Q. And is that when you learned that it was Saloth Sar that was
12 the Secretary or is that when you learned that an individual by
13 the name of Pol Pot was the Secretary?

14 A. That was the time when I learned that he was Saloth Sar.

15 Q. Okay, thank you.

16 Now, I want to refer to your statement of May 7th, 2009, and
17 perhaps tie it in with the last question, because you've
18 indicated that you were -- you could never imagine that Pol Pot
19 would have been the -- or was the Party Secretary. And I'm
20 referring to E3/377 - Khmer, 0032735 to 38; French, 00327255 to
21 57; and English, 00327246 to 47.

22 You are asked a question about the relations between Pol Pot and
23 Ieng Sary, and part of your answer -- or your answer is:

24 "Pol Pot and Ieng Sary had very different personalities and
25 evolved in very different ways. Indeed, fundamentally, Pol Pot

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1 wasn't a 'revolutionary'. He had been educated in the Royal
2 Palace. During his stay in Paris he enjoyed having fun.
3 Thereafter, he didn't accept any contradiction. For him, a man's
4 life was less valuable than a 'drop of water in the ocean'. On
5 the contrary, Ieng Sary saved many people; he always asked us to
6 tell him the truth, even if it was unpleasant. He had come to
7 communism very early. In summary, I don't especially want to
8 defend Ieng Sary, but I know him very well and I can say that
9 without the Pailin and Malai revolts in the 1990s, there would
10 still be war."

11 [10.32.25]

12 Now, in the context of what you've told us that you were
13 surprised about Pol Pot, well, this might be one of the reasons,
14 because Pol Pot -- at least when you knew him as Saloth Sar in
15 Paris -- was not a revolutionary and he certainly came from what
16 would appear a bourgeois background.

17 A. This was obviously the evolution -- or historical evolution,
18 those who had the means and capability to become the Party leader
19 included Mr. Rath Samoeun. I did not know him personally, I only
20 heard about him from his friends and also from my friends who had
21 acquainted with him, he had the necessary qualification and
22 experience. For example, he was mature, he was--

23 Q. I'm talking about Pol Pot. My apologies for interrupting, but
24 we're speaking about Pol Pot.

25 Let me go on to the next question that I have within this answer

1 of yours, when you say: "Thereafter," meaning Pol Pot, "he didn't
2 accept any contradictions. For him, a man's life was less
3 valuable than a drop of water in the ocean."

4 [10.34.18]

5 Now, when you say "he did not accept any contradictions", what do
6 you mean by that?

7 A. To my knowledge, any ideas that were contradictory to his was
8 viewed by him that people did not cling to the Party's position.
9 At times he did not object or express any disapproval through his
10 expression, but he maintained a calmness and maturity. But
11 following the victory of 1975, he became convinced that his
12 position ever since was correct, that's why he did not believe in
13 any contradictions at all. Any ideas that were contradictory to
14 him was not accepted by him, and this led to the crimes of this
15 massive scale.

16 And to my understanding, the determination of the Party lines, at
17 that time, to transform Cambodia into a socialist country was
18 done in a swift manner, and it was solely relying upon one
19 person. That's why it led to this disaster and tragedy. That was
20 my judgment. I know that he was not a person who liked to
21 womanize or other things, but I, myself, believe that it was his
22 personal opinion.

23 [10.36.35]

24 I did not say that he considers human life or a man's life as a
25 drop of water, but that was probably the situation at that time.

1 MR. PRESIDENT:

2 The time is now appropriate for adjournment. We will adjourn now
3 and resume at five to 11.00. Court officer is instructed to
4 coordinate and facilitate the venue for the witness and his duty
5 counsel to rest during the break and bring them back by five to
6 11.00.

7 (Court recesses from 1037H to 1057H)

8 MR. PRESIDENT:

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

10 We would like now to hand over to counsel for Mr. Ieng Sary to
11 proceed with the remaining questions to Mr. Suong Sikoeun.

12 BY MR. KARNAVAS:

13 Thank you, Mr. President.

14 Q. If we could now turn to another subject -- or another topic --
15 and I want to discuss a little about the incident with Touch Kham
16 Doeun. And you've told us that -- in your testimony on August
17 6th, you told us that he was taken away when Mr. Ieng Sary was on
18 an official trip to Malaysia. And then you've indicated that, at
19 one point, you recall his confession being read out.

20 [10.59.27]

21 And then, based on that question, you were asked to identify some
22 of the individuals that would have been there, and I believe you
23 indicated that it would have been Thiounn Prasith and Keat Chhon
24 as well as Ok Sakun. Is -- do you know whether Ok Sakun is alive
25 or dead?

1 MR. SOUNG SIKOEUN:

2 A. I think Ok Sakun was not included in that because, according
3 to Touch Kham Doeun -- in his confession, he stated that there
4 was a CIA cell, and the person -- the code name is S808. And
5 there were four individuals, including myself, Thiounn Prasith,
6 Hak Seang Lay Ni, and Keat Chhon; not Ok Sakun.

7 Q. Okay. And so, those were the individuals that would have been
8 present, supposedly, when the -- this meeting took place and when
9 the confession of Touch Kham Doeun was read out? That's your
10 recollection?

11 [11.01.27]

12 A. I do not remember this clearly. It is possible that he could
13 be present as he was one of the main cadres at the Ministry of
14 Foreign Affairs.

15 Q. Well, I guess my question, and I don't want to belabour this
16 point, but you seemed to indicate that there was a meeting, that
17 the confession was read out and then we know that at least
18 Thiounn Prasith and Keat Chhon were present, and there may have
19 been one other person including yourself. Is that your
20 recollection?

21 A. I do not remember this clearly, whether Mr. Keat Chhon or
22 Thiounn Prasith was in that meeting, but it was likely that they
23 could have been there because they were key cadres at the
24 Ministry of Foreign Affairs who were supposed to be in the
25 meeting.

1 [11.02.51]

2 Q. All right. Okay. So, now, let me get this straight because I'm
3 a little confused. Now you seem to indicate they may not have
4 been there, whereas when the prosecutor was asking you questions,
5 you indicate -- okay, the following:

6 "I cannot recall the exact date of the meeting. Present there, as
7 I recall -- I could not recall all the participants, I'd rather
8 say so. However, I believe it was in 1977. Usually the attendees
9 were those cadres who worked within my section -- that is, within
10 diplomatic affairs section. They were also close friends of Touch
11 Kham Doeun, including Thiounn Prasith, Keat Chhon, Ok Sakun,
12 etc."

13 And for the record, I'm reading from the transcript on August
14 6th, and it was, Khmer, 00832205 to 06; French, 00833168 to 70;
15 and then English, 00833281. And I just need a point of
16 clarification; if you don't recall, that's fine.

17 A. I don't recall the individual cadres -- each individual cadre
18 in the meeting. I know that the majority of the cadres were there
19 and these people held the same positions as that of me and they
20 could have been there in the meeting.

21 [11.04.56]

22 Q. Okay, thank you.

23 And one other matter, and this goes back to what we discussed
24 earlier when you talked about Pol Pot, and that he did not -- he
25 would not accept to be -- any contradictions.

40

1 You seemed to indicate here that you say that if Mr. Ieng Sary --
2 you said this in the past -- if Mr. Ieng Sary had been there,
3 that he could not have been removed -- "Touch Kham Doeun would
4 not have been removed if Mr. Ieng Sary was present."

5 And I want to refer you to your statement of the 20th of March
6 2009, it's E3/371 -- it's page 4 in English; it's, Khmer,
7 00288236 to 37; French, 00288243 to 44; in English, 00290415.

8 And as part of your answer, you say that:

9 "I would add that Touch Kham Doeun was very close to Ieng Sary.
10 (Ieng Sary having himself been president of Étudiants Khmers)
11 and, in my opinion, this arrest could never have taken place had
12 Ieng Sary been present in Phnom Penh."

13 And here you seem to be giving an opinion and I need a point of
14 clarification.

15 Are you speculating when you say that, in your opinion, this
16 could never have taken place in light of your previous answers
17 where you seem to indicate that what Pol Pot wanted, Pol Pot got.
18 That he had the discretion and he would not tolerate

19 contradiction.

20 [11.07.44]

21 MR. PRESIDENT:

22 Witness, could you please hold on?

23 Co-Prosecutor, you may now proceed.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. The first part of the question suits me

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1 -- that is to say, knowing if the witness when he is speculating
2 when analyzing that situation -- but when the Defence adds to
3 that the link with what he said regarding Pol Pot, here, I think
4 that he is leading the witness to speculate, or in any case it
5 seems like a leading question. So the first part of the question
6 is okay, but not the second.

7 BY MR. KARNAVAS:

8 I'll be happy with him answering the first part of the question;
9 I'll leave it to Your Honours to decide to link the previous
10 answer with this answer.

11 Q. When you say, sir, that "in your opinion", are you
12 speculating?

13 [11.08.56]

14 A. You may say yes, I am. Because there is still certain of
15 curiosity in that the question put to -- the allegations against
16 Mr. Touch Kham Doeun. He was implicated as those who wrote about
17 the situation within the CPK and had his report submitted to a
18 CIA agent abroad, and his wife was also part of the informant.

19 Q. Sir, I just wanted to know whether you were speculating when
20 you gave that answer. I think you've answered the question and
21 the President has already indicated that you need not give any
22 further explanations.

23 Now let me turn to -- because we are short of time, not that I
24 don't wish to have you expand on these answers. If we could
25 discuss Keat Chhon and Thiounn Prasith, and here I am interested

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1 in some of your answers that you gave on August 7th, and you were
2 asked -- and this can be found on, Khmer, 00832516 to 17; French,
3 00833623 to 24; and English, it would be 00833508 to 09.

4 And you were asked: "How did you learn that Thiounn Prasith,
5 along with Keat Chhon, had been incriminated in a number of
6 documents?"

7 And then you are asked: "Was this discussed at meetings?"

8 And your answer is as follows: "I knew because I was told by Ieng
9 Sary, and I learned of that during the meeting when he said so,
10 but I cannot recall the exact detail -- date of the meeting."

11 So this was your testimony on August 7th.

12 Now, keeping that in mind, I would like to go to your statement
13 of 6 May 2009, E3/42 -- that would be page 8 in English - it's,
14 Khmer, 00327209 to 010; French, 00327228 to 29; and English,
15 0032219 (sic).

16 [11.12.40]

17 And here is the answer that you give:

18 "Ieng Sary did not inform me personally. He said that in a
19 meeting of the general policy department if I remember correctly,
20 attended by his close assistants, Thiounn Prasith, Keat Chhon,
21 Touch Kham Doeun, Ok Sakun." And then others are mentioned.

22 So here we have a slight contradiction. In your statement you
23 seem to say -- or you do say, your statement of 6 May 2009, that
24 Mr. Ieng Sary did not inform you personally, but you learned of
25 it in a meeting. But in your testimony of August 7th, you say

1 that Mr. Ieng Sary told you and you learned it in a meeting.

2 Is it possible that you misspoke in Court and that what you told
3 the investigators back in 6 May 2009 is more in line with your
4 recollection?

5 [11.14.07]

6 MR. PRESIDENT:

7 Counsel, I think there is a kind of misleading information here.

8 MR. SUONG SIKOEUN:

9 A. I was implicated in the confession -- I was implicated in the
10 confession that I and Keat Chhon belonged to a CIA network like
11 the person who wrote the confession. And also I wrote my
12 autobiography about this. I learned of this through a full
13 session of the meeting, so I only state according to the best of
14 my recollection.

15 BY MR. KARNAVAS:

16 Q. Thank you. And that's what -- that's what we're asking for.

17 Now, if we could look at D91/26 and this is your statement --

18 this is -- this is your statement of December 19, 2007, and if we
19 could look at -- it would be page 4 in English. The ERN numbers
20 are Khmer, 00204152 to 53; French, 00343363 to 65; and English,
21 00223642. You say here, in one of your answers:

22 "As I knew it, anyone of those -- anyone whose case had three
23 documents in which they had been implicated was arrested." And

24 then you go on, "As for Keat Chhon and Thiounn Prasith, they had
25 tens of documents, but Ieng Sary told Pol Pot that if Keat Chhon

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1 and Thiounn Prasith were arrested, the entire Foreign Ministry
2 would have to be wiped out."

3 And as I understand it, part of your testimony is that this was
4 also said at the meeting when these two gentlemen were present;
5 is that correct?

6 [11.17.06]

7 MR. SUONG SIKOEUN:

8 A. Mr. President, could counsel be instructed to specify on which
9 date the meeting was convened and what the meeting was about?

10 Q. Sir, I wasn't at these meetings. You provided testimony here;
11 you also gave statements. And you have indicated -- you have
12 indicated that these matters were discussed at the meetings.

13 Do you recall today -- as you sit here today, do you recall these
14 meetings taking place and Keat Chhon and Thiounn Prasith being
15 present where a discussion was held about documents against them
16 and where, supposedly, Ieng Sary had told Pol Pot that, without
17 those two, the ministry would have to be shut down?

18 [11.18.27]

19 A. I remember that there was meeting I attended. In that meeting,
20 Mr. Ieng Sary apprised us of the information as such. However,
21 whether Mr. Thiounn Prasith or Keat Chhon was present or not, I
22 do not recollect.

23 Q. Well, in your -- you do indicate that they were present when
24 supposedly Ieng Sary informed them that they had all these
25 documents against them. Are you now saying that you could have

1 been mistaken when you said that?

2 A. No, that's not the case, because there were several meetings
3 and perhaps that falls into another meeting, not the meeting that
4 you are asking me about and this event happened a long time ago,
5 and I still only remember just a brief picture of it.

6 [11.20.05]

7 Q. All right. Now, do you know whether Thiounn Prasith and Keat
8 Chhon were present when Mr. Ieng Sary supposedly said, as you
9 claim, that without them the Ministry of Foreign affairs would
10 have to be shut down -- that this is what he informed Pol Pot?

11 A. I do not remember precisely as such.

12 Q. All right. Thank you. Based on that answer, I'll move on.
13 Now, you did indicate that you learn that Keat Chhon had 60
14 documents, and in fact, it appears that you even knew some
15 details that was in these documents. And I just want a clearer
16 understanding of your testimony.

17 Are you telling us here that you saw the actual documents where
18 Keat Chhon was mentioned some 60 times, reportedly to be, I
19 guess, an enemy of the people, or a spy, or whatever?

20 A. I have not seen in passing the documents concerning this, but
21 for -- with regard to Mr. Keat Chhon, I was informed through the
22 meeting about him, and I was told that he had 60 documents. And
23 when he attended a dinner party -- when Mr. Touch Phoeun was the
24 minister, he would have been called to attend the party every now
25 and then. I was also invited but I did not like going to party.

1 So only on one occasion that he went to the Party, he was
2 implicated on that document. So--

3 Q. Thank you. I think you've answered that part of the question.
4 Now, my next question was: Since this was being discussed in the
5 meetings, as you claimed, that he had 60 documents, do you know
6 whether Keat Chhon would have also have learned that he had
7 documents against him -- since these meetings were not secret?

8 [11.23.27]

9 A. I may say that Mr. Keat Chhon learned that he was implicated
10 as an CIA -- or CIA agent. Whether he knew that there would be 60
11 documents or not, I don't know.

12 Q. And when you were at the meeting where supposedly he learned
13 -- you learned that he had all these documents against him, do
14 you know whether Mr. Keat Chhon was also present?

15 A. I cannot be more precise than this because the confessions
16 were read on several occasions, so I could say that Mr. Keat
17 Chhon could have been there.

18 [11.24.40]

19 MR. PRESIDENT:

20 Mr. Witness, please be reminded that you are not allowed to
21 speculate, and you cannot give your testimony based on your
22 speculation, because such speculation has no probative value. The
23 Chamber has already informed you of your duty to respond to the
24 questions based on your memory, your experience and, in
25 particular, your best recollection of the events that you

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1 witnessed. And if you keep saying that you "think", you "guess",
2 or -- these statements that comes -- or come after the expression
3 would not be perceived to be of any probative value.

4 Could you, then, be reminded again that you should be as precise
5 as possible to say yes or no or you don't know?

6 BY MR. KARNAVAS:

7 Thank you, Mr. President.

8 Q. Now, if we could go to another topic -- and the topic would be
9 the biography that -- that you wrote, first, let me turn to what
10 another witness has testified here in Court, commenting on your
11 biography. And I am referring to the testimony of Mr. Youk Chhang
12 of 1 February 2012, in particular it would be page 80 of that
13 transcript in English, but Khmer is 00776592; French, 00776475;
14 and then English, 00776350. And the ERN -- number of the
15 document, by the way, is E1/37.1.

16 [11.26.50]

17 Now, he was being asked a series of questions concerning
18 biographies and this is one of his answers. He says:

19 "Of course, there are different types of biographies. The
20 biography of Suong Sikoeun alias Kung, that is a self-biography
21 that the person wrote about his personal involvement, how the
22 person joined the revolution, etc. And that type of biography was
23 done on a six-month basis."

24 And he was referring to, for the record, D154.3, which is the
25 gentleman's biography.

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1 Now, my question to you is: Is Youk Chhang correct when he
2 states, looking at your biography, it seems to be the type of
3 biography that was written "on a six-month basis"?

4 A. It's completely incorrect.

5 Q. Thank you.

6 Now, if we go to see what--

7 [11.28.22]

8 MR. PRESIDENT:

9 Counsel, could you please hold on?

10 International Co-Prosecutor, you may proceed. But if it is an
11 objection, that it would be belated, and if you would like to ask
12 counsel to rephrase the question, then you would not also be --
13 you would not be allowed because you are not permitted to advise
14 party to frame the question according to what you prefer. But if
15 you have any other matter to raise, you may go ahead.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. You have just reminded the witness that
18 he should not speculate and that he should answer in a brief
19 manner and the witness is fully aware of this. And the question
20 that was put to him, or in any case, the answer to the previous
21 question was cut off, and we didn't understand the witness's
22 justifications. I think that we should allow the witness to
23 express himself fully, and we cannot ask the witness to only
24 answer by yes or by no. Certain questions require explanations,
25 and I think it is normal to allow him to finish his answer. Thank

1 you.

2 [11.29.44]

3 MR. KARNAVAS:

4 If I may briefly respond, because I don't wish the gentleman to
5 come back yet for another day, if he gives answers that are
6 really well beyond the purpose of the question.

7 We've heard his testimony extensively concerning his biography,
8 so we have that in the Court.

9 It was asked both by the Prosecution and it may have been asked
10 by the members of the Bench.

11 I just read to him, an individual who came into Court, who is
12 viewed as somewhat of an expert having reviewed, more or less,
13 all of the biographies that are contained at DC-Cam archives. It
14 was the witness himself who -- who mentioned the gentleman's
15 name, and it would appear that this was in line -- this was an
16 answer to a question posed by the Prosecution themselves. I then
17 just asked the gentleman to confirm whether this is -- whether
18 the witness, Mr. Youk Chhang, got it right. He said no. I am
19 perfectly satisfied with that; I would like to go on with my next
20 series of questions. If this is not the sort of biography that
21 one gives every six months, very well. I am perfectly willing to
22 give the gentleman more opportunity to respond, but if he can
23 keep it within two minutes; that's the - that's the problem that
24 I am having.

25 (Judges deliberate)

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1 [11.31.45]

2 MR. PRESIDENT:

3 Witness may continue responding to the last question that was
4 posed by the counsel, and please keep your response brief. You
5 are now instructed to clarify your response to the question. You
6 may proceed.

7 MR. SUONG SIKOEUN:

8 Thank you, Mr. President.

9 A. The circumstance under which I were -- I was asked to write my
10 biography was extraordinary because that was also -- I was also
11 implicated in the confession by Mr. Sarin that I and Mr. Keat
12 Chhon were the agent of CIA, and Mr. Ieng Sary called me to see
13 him in his office and he instructed me to prepare this biography.

14 BY MR. KARNAVAS:

15 Q. Thank you. That's in -- you've already testified to that and
16 we will get to it.

17 [11.32.56]

18 And just to go on to the next part of this question of mine,
19 which is E1 -- I am referring to E1/95.1, a transcript of David
20 Chandler, who testified on 24th July 2012, and it's page 90 in
21 English. The Khmer is 00826678 to 79; French, 00828657 to 58; and
22 English, 00828805.

23 And he was asked the questions about biographies, and part of his
24 answer is:

25 "No, I think the -- I don't think there's any sinister purpose in

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1 making or requesting members of the staff of S-21 to prepare
2 biographies. This was just something the Party people and
3 military people had to do from time to time. I think -- no, I
4 would say that this was not the purpose. It was just a practice
5 that was universal."

6 [11.34.17]

7 And so my question to you is: Was it not a practice, sir - or was
8 it a practice -- was it a practice to write biographies, as David
9 Chandler, the historian, seems to indicate? And I'm not saying --
10 we're not speaking about S-21, we're talking about the Ministry
11 of Foreign Affairs.

12 MR. SUONG SIKOEUN:

13 A. I never wrote a regular biography, for example, every six
14 months or so. I never wrote such a biography. But the very
15 biography I mention here, it was written under special or
16 extraordinary circumstance following the allegation on me that I
17 was part of the CIA agent.

18 Q. Okay, thank you. And, in fact, you've testified to that effect
19 on August 6th -- it's in the transcript --that -- that's what you
20 indicated.

21 Now, if you look at - and, in fact, let me just go through that
22 real quickly; it's page 102 in English; in Khmer, it's 00832211;
23 French, 00833179; and English, it's 00833289.

24 And here you do say that Ieng Sary called you -- you say:

25 "...Ieng Sary called me to his office at the MFA and he said that,

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1 in the confession of Ros Sarin, who was the director of the Royal
2 -- of the Royal -- of the Cambodian Aviation and was also my
3 friend from the Sisowath School -- he was also a friend of Keat
4 Chhon. In his confession, as he was accused of being a CIA head,
5 he said Keat Chhon and I were also CIA agents, and for that
6 reason Ieng Sary called me to his office to clarify the matter."

7 [11.36.35]

8 Now, keeping that in mind, if we could go to D154.2, this seems
9 to be a commentary on the revolutionary biography of Suong
10 Sikoeun, circumstances in which the biography had been written.
11 Do you have the document there, sir? And I'm referring to, Khmer,
12 00824620; French, 00290701 to 2; and English, 00826569.

13 Now, let's--

14 MR. PRESIDENT:

15 Counsel, can you please repeat the ERN number in French? Because
16 it was not clear for the record.

17 BY MR. KARNAVAS:

18 Thank you. I believe it's 00290701 to 02. I hope we have the --
19 have it right. The document, again, is D154.2.

20 [11.38.08]

21 Q. And here -- do you recognize the document, sir?

22 MR. SUONG SIKOEUN:

23 A. To my recollection, this biography was -- this document was
24 prepared in French. I handwrote this document. I did not write it
25 in Khmer, at that time. So, if possible, I would like to seek the

1 original documents that I hand-produced in French.

2 Q. Now, it starts by saying: "First of all, it is important to
3 describe the circumstances in which my autobiography was
4 written."

5 This is from the translation -- the official translation from
6 this institution.

7 And then you begin by saying:

8 "At the beginning of July 1977, Ieng Sary called me into his
9 office at B-1 (Ministry of Foreign Affairs of Democratic
10 Kampuchea). Speaking in a grave voice, he asked me if I was in
11 regular contact with Ros Sarin, former General Manager of Royal
12 Air Cambodia, a State-owned company. He did not tell me that Ros
13 Sarin had been arrested on accusations of being a CIA agent (US
14 spy agency). However, I had been linked -- however, he had laid
15 blame on me, along with Keat Chhon."

16 [11.40.25]

17 Now, it would appear from your own handwritten commentary on your
18 biography years later -- many, many years later -- that you state
19 here that Mr. Ieng Sary did not tell you that Ros Sarin had
20 implicated you.

21 Then we further go down, before you answer the question that I'm
22 about to pose -- in the same page, it says: "I did not realize
23 the gravity of my situation until I read the confession of Touch
24 Kham Doeun many years thereafter, in December 2001."

25 And so here's my question, sir: Is it that you read confessions

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1 after 1979, and having seen your name in confessions, that you
2 mixed things up, which is why we have this inconsistency between
3 what you testified in Court and what you wrote in your book?

4 [11.41.54]

5 A. Mr. President, I don't seem to understand the question being
6 posed by the counsel. Can the counsel be directed to put a more
7 precise question?

8 MR. PRESIDENT:

9 Counsel, please put the question again to the witness and please
10 try to avoid any leading question.

11 BY MR. KARNAVAS:

12 I'll do so.

13 Q. Sir, do you stand by what you wrote in your book, where you
14 say: "He" -- that is, Mr. Ieng Sary -- "did not tell me that Ros
15 Sarin had been arrested on accusations of being a CIA agent (US
16 spy agency)"? Do you stand by that?

17 MR. SUONG SIKOEUN:

18 A. Yes, I do.

19 [11.43.03]

20 Q. And from your book here, on this very same page, it would
21 appear that you read Touch Kham Doeun's confession -- that you
22 became -- that you read it after December 2001; do you stand by
23 that?

24 A. I do not really understand the question posed by the counsel.

25 Q. Okay, sir. I'm -- I'm referring you to what you wrote. You say

1 here: "I did not realize the gravity of my situation until I read
2 the confession of Touch Kham Doeun many years thereafter in
3 December 2001."

4 So, would it be right to say that it was after December 2001 that
5 you actually saw the confession of Touch Kham Doeun?

6 A. Well, that -- that is correct, because I learned about that
7 confession by Touch Kham Doeun following 2001.

8 [11.44.52]

9 Q. And you've noted that you were a great historian. You told us
10 this on -- when you were testifying last week on August 16th. As
11 part of your historical work in writing this book, did you refer
12 to documents and did you particularly look at S-21 confessions of
13 your colleagues?

14 A. I did not read the confession by others when I was writing
15 this autobiography.

16 Q. All right. Did you read Ros Sarin's confession?

17 A. I did read that confession, but I -- I did it in 2010 when I
18 discovered this confession at Tuol Sleng. I went there myself.

19 Q. Yes. And that was the -- that was the point that I was trying
20 to get at earlier that, subsequent to you writing your own
21 biography, it was subsequent to that -- much later -- that you
22 actually came across S-21 confessions; is that right?

23 A. Yes, that is correct.

24 Q. And I take it in reading those confessions, did you try or did
25 you notice or was it apparent when those confessions were made

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1 and when you had been asked to write your own biography?

2 A. Mr. President, I am afraid I cannot quite catch the question.

3 [11.47.47]

4 MR. PRESIDENT:

5 Counsel, please repeat your question and please simplify your
6 question because the question, as we heard it from Khmer, is not
7 easy to understand.

8 BY MR. KARNAVAS:

9 Thank you.

10 Q. Well, when you -- when you were going through these
11 confessions, especially the confession of So -- of Ros Sarin, did
12 you reflect back or did you -- did you pay attention to the date
13 when it was written and think about when you were asked to write
14 your biography to, sort of, try to link them?

15 [11.48.40]

16 MR. SUONG SIKOEUN:

17 A. I am not sure of the question either; I am still unclear.

18 Q. I'll move on. According to Long Norin, in his statement of
19 December 4, 2007 -- and I'm referring to document E3/34 -- he
20 indicates on page 4 in English -- the Khmer would be 00204007 to
21 8; French, 00491003 to 4; and English, 00223556 -- he notes that
22 it was you that asked him to write his confession -- to -- I
23 mean, to write his biography -- my apologies. Is that correct?
24 Did Long Norin get it right when he said that you were the one in
25 the Ministry of Foreign Affairs that asked him to write his

1 biography, if you recall?

2 A. Yes, that is -- that is correct, because he is a member under
3 my supervision.

4 Q. And that biography, was that one of those biographies that Mr.
5 Youk Chhang talked about, one that is periodically made every six
6 months, or was it another sort of biography, as the one you've
7 indicated yours was, if you recall? And if you don't recall,
8 that's fine.

9 [11.50.54]

10 A. The biography I asked Long Norin to prepare was exactly the
11 same, in terms of format, as the one that Ieng Sary asked me to
12 prepare because we wanted to know whether Ieng -- whether Ros
13 Sarin was a CIA agent when he was leading the Cambodian student
14 in Czechoslovakia. It was sometime in 1971 or 1972 when there was
15 a riot attacking the Cambodian Embassy in Czechoslovakia. At that
16 time, Mr. Isoup Ganthay was there, as well, and in that particular
17 circumstance, Mr. Long -- Mr. Sarin was alleged that the riot
18 against the Khmer embassy in Czechoslovakia was under the
19 organization of the CIA agent backed by the United States and
20 they were infiltrated in the Cambodian front. So the biography
21 prepared by Mr. Sarin was not prepared on a six-month basis, but
22 it was prepared under special or extraordinary circumstance.

23 [11.52.12]

24 Q. Okay. And we're speaking about Long Norin?

25 A. (No interpretation)

1 Q. Okay, thank you. All right.

2 Finally, with what -- the time that's remaining, I just want to
3 go back to one issue and -- and have some matters clarified and
4 this is with respect to your contact with Phy Phuon prior to
5 coming here to give evidence, and so let me go back.

6 On August 14th, 2012, which would be page 104 in English, Khmer
7 is 84, and in French is 115 to 116, you say that: "He phoned me,
8 and I met him." This was what you told us on August 14th.

9 So I want to be clear because when I asked you, you seemed to
10 indicate that you called him. So which one is it? Did he call
11 you, or did you call him?

12 A. We -- there were two times when we called. The first one, Mr.
13 Phy Phuon, told me that he got to Phnom Penh and I asked to meet
14 him, but it was not at that time that I met him; it was later on
15 when I met him. And I asked him where he was so that I could go
16 and see him. It was my initiative to contact and meet him.

17 And I can also clarify, on that point, as well, that if it was
18 not me, I don't think that he would be willing to meet, but
19 because it was me, he could hardly say no to my request.

20 Q. Okay, thank you.

21 [11.54.26]

22 And so -- now, on the 15th of August 2012, at page 49; in Khmer
23 it would be page 40 to 41, in French 52 to 53, you say:

24 "I cannot recall it exactly. When he left Malai -- that is,
25 during the morning -- he came to my house. He brought along a

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1 document. That was around 6 a.m. And around 9 or 10 a.m., he was
2 taken from my -- from his house by the ECCC vehicle from Malai to
3 Phnom Penh."

4 Here, you're telling us that he actually came to your house at 6
5 a.m. and gave you -- and brought along a document. Is that where
6 the initial meeting took place?

7 A. Yes, that -- that is correct, because he brought along with me
8 the document concerning his biography which was published in the
9 "Searching for Truth" magazines and then he said that after
10 giving this document to me, he would go to his cassava plantation
11 to -- before he left for Phnom Penh by the vehicle by the ECCC.
12 [11.56.04]

13 Q. Okay, thank you. Now, did he bring it on his own, or did you
14 request his biography or his statement that he gave to DC-Cam?

15 A. It was at my own request because there was -- I learned that
16 there was a publication of his biography, so I made that request
17 to him.

18 Q. All right, thank you.

19 Now, you then go on to say -- this is on the same page - that:

20 "He did not have anything, and I also did not have anything."

21 MR. PRESIDENT:

22 Counsel, please hold on.

23 Witness, you need to go to the restroom?

24 Court Officer, please facilitate the witness what he needs.

25 (Short pause)

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1 [11.57.35]

2 Counsel, can you please advise the Chamber as to much -- how much
3 more time do you envisage you need to put question to this
4 witness?

5 MR. KARNAVAS:

6 Thank you, Mr. President. I need approximately 10 minutes.

7 MR. PRESIDENT:

8 Thank you, Counsel, for your indication of times, but the witness
9 is fatigued now so he cannot go any further.

10 So court officer is now instructed to facilitate the witness to
11 take a rest.

12 [11.58.28]

13 How about the defence team for Nuon Chea? Do you have any
14 questions to put to this witness in addition to the document
15 ruled upon by the Chamber this morning? But can you advise the
16 Chamber as to how much time you envisage to put the question to
17 this witness?

18 MR. PAUW:

19 Thank you, Mr. President. I did have three questions relating to
20 the documents that we are allowed to use, but the questions I had
21 have been answered in the course of the questioning by my
22 colleague, Mr. Karnavas, so I will take no further time. Thank
23 you.

24 MR. PRESIDENT:

25 Thank you, Counsel, for indicating your clear position on this.

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1 Nonetheless, since witness has some health reason, he is not able
2 to provide his testimony further.

3 Perhaps, I would like the court officer to consult with him
4 whether he can bear with us for another 10 minutes because after
5 this he can exactly be excused. He can be returned to his
6 hometown after lunch or maybe during lunch.

7 [12.00.01]

8 Duty counsel for Mr. -- for the witness is also advised to stay
9 put and remain in the courtroom in case witness is able to come
10 back for another 10 minutes, because for 10 minutes he would not
11 need to come back tomorrow for the testimony; he should do it
12 today if he may.

13 (Short pause)

14 Mr. Michael Karnavas, could you please indicate to the Chamber
15 whether your remaining questions are very significant that you
16 need to speak to him because he -- the witness indicates that he
17 is not able to give the testimony today or even in the afternoon.
18 Do you think that the remaining questions qualify his presence or
19 return to the courtroom by tomorrow morning? Please advise the
20 Chamber on this.

21 [12.01.44]

22 MR. KARNAVAS:

23 Thank you, Mr. President. I already cut about a half an hour of
24 my presentation because of the way things are going.

25 Regrettably, yes, this is a point where I do wish to press the

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1 witness to get some clarification. I think it's very important.
2 We had one witness testify and then it appears that there was a
3 meeting. Now, it looks like, from the transcript, there may be
4 something more to it and so I do wish to have those 10 minutes
5 with the witness and I regret that he may have to come back
6 tomorrow, but such is the case; my apologies.

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 Since it is now appropriate time for the lunch adjournment, we
10 will adjourn and we cannot continue to hear from Witness Suong
11 Sikoeun, even the remaining time for questioning is just 10
12 minutes, but we fully appreciate his health concern. And in light
13 of the position stated by Counsel Karnavas, Mr. Suong Sikoeun is
14 instructed to be returned to the courtroom tomorrow for the
15 10-minute session.

16 [12.03.10]

17 We feel that witness has been questioned a lot and he -- he is,
18 indeed, under pressure for answering the questions and please
19 bear with us for just 10 more minutes for tomorrow morning. We
20 would appreciate that.

21 Doctors are also advised to check -- examine his health condition
22 immediately to see whether he is now fine.

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

24 MR. PAUW:

25 Thank you, Mr. President. Our client would like to follow the

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1 proceedings this afternoon from his holding cell. He is suffering
2 from a headache, back pain, and a general lack of concentration,
3 and we have prepared the waiver.

4 [12.04.13]

5 MR. PRESIDENT:

6 Counsel, could you please be more precise? Is it your client
7 request or he would like to do that? So I think the message in
8 Khmer is not very clear enough. Please rephrase it.

9 MR. PAUW:

10 Thank you, Mr. President. Just to be clear, yes, it is our client
11 that is suffering from a headache, back pain, and a general lack
12 of concentration, so he would like to follow the proceedings from
13 his holding cell.

14 MR. PRESIDENT:

15 The Chamber grants such request. Mr. Nuon Chea is now allowed to
16 observe the proceedings from his holding cell for the remainder
17 of the day. He has indicated clearly through his counsel that he
18 has waived his right to participate directly in the courtroom.

19 In light of that, the Chamber asks the counsel for Mr. Nuon Chea
20 submit the waiver signed or given thumbprint by Mr. Nuon Chea
21 immediately.

22 [12.05.43]

23 And AV booth officers are now instructed to ensure that the AV
24 equipment is well connected to the holding cell where Mr. Nuon
25 Chea can observe the proceedings from there.

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1 Security personnel are now instructed to bring Mr. Nuon Chea and
2 Khieu Samphan to their respective holding cell and return Mr.
3 Khieu Samphan to the courtroom in the afternoon session by 1.30
4 p.m.

5 The Court is adjourned.

6 THE GREFFIER:

7 (No interpretation)

8 (Court recesses from 1206H to 1331H)

9 MR. PRESIDENT:

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

11 On Thursday and -- we just now, before the break, said that Mr.

12 Suong Sikoeun would be coming back to the courtroom to give his

13 testimony and this afternoon we will hear Sa Siek. However, we

14 have just obtained the information from Mr. Suong Sikoeun that he

15 would be able or healthy enough to provide the testimony this

16 afternoon for another 10 minutes.

17 Counsel, could you -- Mr. Phary, could you advise the Chamber

18 whether Mr. Suong Sikoeun is now fine to give further testimony

19 for this afternoon?

20 THE GREFFIER:

21 Thank you, Mr. President. Indeed, Mr. Suong Sikoeun indicates

22 clearly that he would prefer giving his testimony this afternoon.

23 MR. PRESIDENT:

24 Mr. Karnavas, would you mind putting the remaining of the

25 questions to Mr. Suong Sikoeun this afternoon for about 10

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1 minutes, as you claim?

2 MR. KARNAVAS:

3 That would be fine, Mr. President.

4 [13.33.04]

5 MR. PRESIDENT:

6 Court officer is now instructed to call Mr. Suong Sikoeun and his
7 duty counsel into the courtroom.

8 (Witness Suong Sikoeun and counsel enter courtroom)

9 MR. PRESIDENT:

10 Without further ado, we would like to hand over to counsel for
11 Mr. Ieng Sary to proceed with his questions. You may now proceed.

12 [13.34.27]

13 BY MR. KARNAVAS:

14 Thank you, Mr. President. And good afternoon to everyone, and
15 good afternoon, sir.

16 Q. We left off this morning where I showed you part of your
17 testimony on 15th of August, where you indicated that you had
18 called Phy Phuon and he came over to your house at 6 a.m. in the
19 morning and dropped off his statement that he had given to
20 DC-Cam. And we were on page -- the Khmer page is 40 to 41,
21 French, 52 to 53; and the English would be page 49 going into 50.
22 Now, further down on this same page, it says here that -- you
23 were asked a question whether he had anything -- whether he gave
24 you anything and you said: "He did not have anything, and I also
25 did not have anything. In the morning, he was having breakfast

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1 with a representative from WESU, and we did not speak about
2 anything related to Court."

3 And then you go on to give your reasons for meeting him.

4 [13.35.58]

5 Now, going back to my original question whether it was one
6 meeting or two meetings, in reading your statement of the 15th of
7 August, it would appear that the first time you met him was in
8 your house at 6.00 a.m. in the morning and then, either that day
9 or on another occasion, you met him when he was having breakfast
10 with a representative of the WESU. Was it one meeting or two
11 meetings?

12 MR. SUONG SIKOEUN:

13 A. I met him on two occasions. First, before he left for Phnom
14 Penh from Malai, he met me at my home in Malai. Later on, I met
15 him on another occasion at the Mittapheap Hotel, near Wat Kah.

16 Q. Okay. So, when you met him the second time, was he still
17 testifying in Court?

18 A. I met him on Friday, if I recollect, and his testimony was not
19 yet complete. And he was on the way to his child's home
20 somewhere. I don't know. And he said that on Saturday and Sunday,
21 he would come back to spend the night at the Mittapheap Hotel.

22 [13.37.55]

23 Q. Okay. Just to make sure that I have -- that I have it right,
24 you met him twice, first time at your house, where he came with a
25 document. He then came and testified or gave part of his

1 testimony. Then he came back to Malai, and that's when you met
2 him the second time.

3 A. Not that. I met him first in Malai, and he came to Phnom Penh
4 to give testimony. A few days after that, I met him at the
5 Mittapheap Hotel, near the Wat Kah hotel -- Wat Kah pagoda.

6 Q. Now, did you speak to him about his testimony the first time
7 when apparently, based on your testimony, you called him and you
8 asked him to come and bring you his DC-Cam interview?

9 A. During the first occasion when I met Phy Phuon in Malai at my
10 home, he gave -- he brought along with him the interview he gave
11 to the DC-Cam on the searching for truth. This interview was
12 conducted a long time ago, the interview he brought with him to
13 me.

14 Q. Okay. But I just want to make sure that I have the facts
15 right.

16 Did he bring it along or did you request it? And then, when you
17 requested it, did you ask him about his testimony in Court?

18 [13.40.11]

19 A. I personally requested for the document from him, but I met
20 him before he came to the Court to give testimony, so I -- I want
21 to make sure that it is correct. I met him before he came before
22 the Chamber.

23 Q. Okay, thank you. All right. Now, at some point you said that
24 one of the reasons you wished to meet with him was so that you
25 could -- you could be prepared to respond to the Court. And

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1 here's what I want to know.

2 Why did you think it was necessary for you to prepare yourself to
3 come here to give evidence and, in preparing yourself, you needed
4 to ask Phy Phuon for assistance?

5 A. I was not really preparing something, I was just wanting to
6 ask him what kind of questions he would be asked or was asked so
7 that I could be able to provide the full testimony before the
8 Chamber. I was afraid that I would not be able to recollect
9 everything because the things happened a long time ago.

10 [13.41.55]

11 Q. All right. Now, we know from your testimony that you listened
12 to his testimony over the radio. I believe that's what you said.
13 We now know that you spoke with him. We also know that you read
14 his statement to DC-Cam, which you say he gave you before he
15 testified.

16 Is there anything else that you looked at or studied other than
17 your own statements before coming here to give your evidence?

18 A. I didn't read his statement when -- concerning the one he was
19 about to give testimony before the Chamber. I only read the
20 statement that was written on the search for the truth. I knew
21 him as Phy Phuon or Cheam only; no other names.

22 MR. KARNAVAS:

23 Thank you. With that, I have no further questions. We wish to
24 thank the gentleman for coming here to give his evidence. So, on
25 behalf of Mr. Ieng Sary, Mr. Ang Udom and I would like to thank

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1 you and wish you safe travels and the best of luck.

2 And thank you, Your Honours, for allowing us the time to question
3 this witness. We know it's been very difficult and testing. Thank
4 you.

5 [13.43.29]

6 MR. PRESIDENT:

7 Thank you, Counsel.

8 Thank you very much indeed, Mr. Suong Sikoeun. Your testimony has
9 now come to an end. You are now excused. You are free to go back
10 to your place. And the Court thanks you very much indeed for
11 giving up so much of your time to give testimony before this
12 Chamber. We appreciate your great effort -- patience. And now
13 your testimony contributes a lot to the ascertaining of the truth
14 before the Chamber. The Chamber would like to wish you all the
15 best and wish you travel back home safe and sound.

16 Court officer is now instructed to assist with WESU to ensure
17 that Mr. Witness can be returned home. Thank you.

18 (Witness Suong Sikoeun exits courtroom)

19 [13.46.06]

20 MR. PRESIDENT:

21 (Technical problem; no interpretation)

22 (Witness Sa Siek enters courtroom)

23 [13.49.28]

24 MR. PRESIDENT:

25 (Technical problem; no interpretation)

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1 Good afternoon, Ms. Sa Siek. The Chamber continues to hear your
2 testimony today. Yes -- rather, during your current testimony, at
3 that moment you were too emotional that we could not continue our
4 proceeding and we already consulted with the WESU unit to ensure
5 that someone is sitting next to you, someone who can consult with
6 you or at least to be with you to ensure that you can cope with
7 your emotion when giving testimony.

8 MS. LY NIMOL:

9 Mr. President, I am Ly Nimol from the WESU unit, Your Honours.

10 MR. PRESIDENT:

11 Thank you very much. You have already been informed that WESU
12 unit is -- has provided us with a staff member to assist witness
13 Sa Siek during her testimony, so the Chamber has admitted Ms.
14 Nimol to assist witness Sa Siek.
15 According to our schedule today, it is time for the prosecutor to
16 proceed with their remaining questions. The Chamber would like to
17 know how much time Co-Prosecutor would need to put questions to
18 the witness because we have learned that perhaps you would need
19 only 10 more minutes, as we still recall.

20 [13.51.42]

21 MR. ABDULHAK:

22 Thank you, Mr. President. Fifteen minutes might be closer to the
23 estimate. Just overall, we've done some planning in terms of time
24 between us and our colleagues, the counsel for civil parties.
25 Last week, we had asked the senior legal officer to shorten our

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1 allocation for this witness from one and a half days to one days
2 and a quarter in order to allow an extra quarter of a day for the
3 next witness, which is, we understand, TCW-338. And looking at
4 the real time and where we are now, by my calculation, we've done
5 approximately three hours and 50 minutes, which would leave
6 approximately two hours and 40 minutes, on the basis that we are
7 given a day and a quarter.

8 And if that is -- if we have your leave to proceed on that basis,
9 I will take approximately 15 minutes and then the rest,
10 approximately two and a half hours, or thereabouts, would be left
11 to my colleagues on this side of the bench.

12 [13.53.02]

13 Thank you, Mr. President.

14 QUESTIONING BY MR. ABDULHAK RESUMES:

15 Good afternoon, Ms. Sa Siek.

16 As you heard, my questions will be fairly brief. What I would
17 like to do is simply go back to your testimony from last week and
18 clarify just a few specific matters.

19 Q. Firstly, I asked you about the order or instruction that was
20 given on the 17th of April 1975 to delay entry by three days in
21 order to allow for the evacuees to leave Phnom Penh. And there
22 was one aspect of that issue that I wanted to clarify with you.
23 We now have a transcript of your interview with the investigators
24 and, for the record, this is document D200/6.8. And there is a --
25 a difference in the account that you gave the investigators to

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1 the -- to how you responded to my questions last week, and I just
2 want to see if we can reconcile that difference.

3 You told me that you recalled that the instruction had come from
4 Tiv Ol and Hu Nim and that it was your unit chairman, Sao, that
5 had passed on this instruction. Do you recall that?

6 MS. SA SIEK:

7 A. I am not sure what kind of instruction was about. Could you
8 please give me more details on this through the President?

9 [13.55.10]

10 Q. Yes. I was referring to the instruction to delay entry into
11 Phnom Penh by three days because more time was needed for people
12 to fully evacuate.

13 A. At that time, my superior did give this instruction to us to
14 spend some time at Chitrous mountain, be there until the city was
15 evacuated before we could be allowed to enter.

16 Q. And -- and do you recall telling the Court last week that you
17 recalled that it was Tiv Ol and Hu Nim that had issued that
18 instruction and that Mr. Khieu Samphan was not one of the people
19 who had given that instruction?

20 MR. PRESIDENT:

21 Mr. Co-Prosecutor, please repeat your question because it was not
22 rendered by the interpreter.

23 BY MR. ABDULHAK:

24 Thank you, Mr. President. I will do so.

25 [13.56.30]

1 Q. Ms. Sa Siek, do you recall telling us last week that you -- as
2 far as you could remember, it was Hu Nim and Tiv Ol that had
3 issued that instruction and that it was not Mr. Khieu Samphan? Do
4 you recall saying that?

5 MS. SA SIEK:

6 A. I learned about this from my superior, and it was not Mr.
7 Khieu Samphan who told us, it was our superior at that time, the
8 head of the -- our team who told us.

9 Q. I do understand that. My question is as to your recollection
10 about where that instruction originated, and I'm going to read to
11 you now from your interview with the investigators. And this is
12 the document I referred to earlier, D200/6.8, and the English ERN
13 is 00834863; Khmer ERN is 00833490; and French, 00835914.

14 [13.57.58]

15 I'll read this brief discussion -- or this part of it:

16 "Aunt, did you hear of that evacuation from your chairman, or did
17 your chairman issue the order to evacuate the people?

18 "No. This might have been from others making the communication --
19 from the side of those Grandfathers, and then the instruction was
20 given to our chairman, saying that their entry was not yet
21 possible, like that, because the people were evacuated in the
22 wrong direction.

23 "Who were the Grandfathers you have spoken about?

24 "Those three uncles.

25 "Khieu Samphan, Son Sen, and Hu Nim -- those three persons?

1 "Yes."

2 [13.58.52]

3 Ms. Sa Siek, I know you've told us that Son Sen -- that you only
4 met Son Sen in Phnom Penh when you entered, but does that refresh
5 your memory as to where the original instruction came from? In
6 this statement to OCIJ, you specifically include Mr. Khieu
7 Samphan as one of the people who gave the instruction.

8 A. So far as I remember, I did not hear directly from Mr. Khieu
9 Samphan but my chairperson, Mr. Sao, and Tiv Ol, and Hu Nim, I
10 heard from them. And I also gave my statement to confirm this to
11 the investigators who conducted the interview and I referred to
12 them as "Om Om", or "Uncles" because they elderly people.

13 Q. Thank you. In the interests of time, I'll move on from that
14 point.

15 We also discussed anniversary speeches last week and you will
16 recall there was one particular speech -- or transcript of a
17 speech -- that I made a reference to, and it was a speech
18 attributed to Mr. Khieu Samphan in April 1977.

19 [14.00.36]

20 What I want to ask you about is your knowledge as to whether
21 broadcasts of speeches were made by the radio. So could you tell
22 us whether you recall whether there were broadcasts of speeches
23 by the Party leaders or the country leaders that were made on the
24 radio station where you worked?

25 A. I do not recall it.

1 Q. Very well.

2 We will return to D200/6.8. Again, this is a transcript word for
3 word of your interview with the investigators, and this section
4 starts in Khmer on 00833495; French, 00835919; and English,
5 00834868. And it starts at the bottom of the page in each of
6 those languages.

7 I will read the relevant parts to you, Madam Sa Siek, and see if
8 you recall this interview, if this refreshes your memory:

9 "Or Nuon Chea or Pol Pot or Ieng Sary -- did they ever come to
10 the Ministry of Propaganda to make any statements live on the
11 radio or speak about their instructions or principles?"

12 "No. If they wanted to deliver a speech or communicate some
13 information, they recorded it on a small cassette player.

14 [14.02.46]

15 A little bit further down:

16 "So a small cassette player would be brought in?"

17 "Yes. Tape recording.

18 "Tape recording?"

19 "Yes. The recording [...] would be brought in, copied, and echoed."

20 Madam Sa Siek, does that refresh your memory that tapes were
21 brought in from the leaders to be broadcast on the radio?

22 A. Mr. President, that is correct, and if the leaders' addresses
23 the mass during important festivity, normally it was
24 tape-recorded and that recorders was -- recording was passed to
25 us for broadcast.

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1 Q. And do you recall whose speeches they were?

2 A. I am sorry, I cannot recall.

3 Q. And do you recall hearing the actual tapes?

4 A. No, I don't, but if there was important speeches to be
5 delivered to the popular masses, I had to listen to radio
6 broadcast myself.

7 [14.04.46]

8 Q. So then you did hear some speeches by the leaders delivered on
9 occasions such as the anniversary of the 17 April; is that
10 correct?

11 A. I do not recall this detail, but, in certain cases, I
12 overheard the broadcast on the radio but I did not pay attention
13 to them.

14 Q. Thank you.

15 And moving onto another topic, briefly, we also discussed last
16 week a meeting that you attended with Hu Nim and a meeting that
17 was cut short because he was called away and then never returned.

18 Do you recall what the occasion for that meeting was; what, if
19 any, programme or broadcasts were you discussing with Hu Nim?

20 [14.06.18]

21 A. I would like to respond to this question as follows. The
22 meeting was simply to draw the lesson learned relating to the art
23 performance and the reading out of the news, for example, on the
24 radio. This was the meeting in order to draw lesson learned.

25 MR. ABDULHAK:

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1 Your Honours, in the short time remaining, with your leave, I
2 would like to read out to the witness a brief excerpt from a
3 document that we've referred to before. It is a letter written by
4 Hu Nim on the 10th of April 1977, and it is addressed to Pol Pot,
5 Brother Nuon, Brother Van, Brother Vorn, cadre Khieu, and Hem.
6 It's document Introductory Submission 5.30.

7 With your permission, I'll just read the first paragraph and see
8 if this refreshes the witness's memory as to the circumstances of
9 the meeting.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 [14.07.31]

13 BY MR. ADHULHAK:

14 Q. Madam Siek, I'll read the first two sentences of this letter:

15 "Today, 10 April 197--"

16 I apologize, I will first give the ERNs; I just realized I
17 haven't done that. Khmer ERN 00008923; French, 00766902; and
18 English, 00249844.

19 And I'll return to the document.

20 "Today, 10 April 1977, while I was extremely busy preparing a
21 radio broadcast to memorialize the 2nd anniversary of the great
22 victory of 17 April 1975, cadre Pang called me on the phone to
23 work with Angkar. I was very surprised and did not expect to be
24 arrested by our military."

25 [14.08.34]

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1 Madam Siek, looking at that passage, it suggests that this event
2 took place on 10 April 1977 and that Hu Nim was working on a
3 broadcast in relation to the second anniversary of the 17 April
4 victory. Does that refresh your memory of the meeting that you
5 had with Mr. Hu Nim that day when he was called away?

6 MS. SA SIEK:

7 A. No, I do not recall this.

8 Q. Who is the "Pang" referred to in this document that I just
9 read out?

10 A. Mr. President, I don't really know this name.

11 Q. Because our time is limited, I'll just indicate that the
12 witness discusses this individual at -- in D200/6.8 -- Khmer ERN
13 00833492; French, 00835916; and English, 00834865.

14 You told us last week, Madam Sa Siek, that you had gotten to know
15 Mr. Khieu Samphan and his wife after 1979. Did you ever discuss
16 with them Hu Nim's disappearance?

17 A. Mr. President, I actually knew Mr. Khieu Samphan during the
18 wartime, the five-year period of wartime, but as for his wife, I
19 got know her at a later date. But I had never had any personal
20 conversation with them.

21 [14.11.17]

22 Q. And just a couple more questions. You said you never had any
23 personal conversations with them; how is it that you got to know
24 Mr. Khieu Samphan's wife?

25 A. From 1979 to 1982, I met her in Office 808 along the Dangrek

1 Mountain. At that time, I met her.

2 Q. Did you work with her or with Mr. Khieu Samphan?

3 A. No, I did not work with either Mr. Khieu Samphan or his
4 family, but I worked in a unit, the transport unit, in 1982.

5 Q. Now, you told us Mr. Khieu Samphan's wife came to see you. How
6 is it that she knew where you lived in 2010?

7 [14.12.49]

8 A. I cannot recall the year, but before my husband passed away
9 she went to meet my husband and she wanted to know whether or not
10 Mr. Khieu Samphan had ever been to the propaganda unit, but at
11 that time, my husband was not around. And -- but before that, I
12 did not know her personally, I did not have any personal
13 conversation with her but I simply knew her.

14 Q. Let me just repeat that question -- it's my last question: How
15 did she know where you lived -- where you and your husband lived?

16 A. That I did not know the -- how she could get to know me;
17 probably she noticed me when I was performing arts or so, but she
18 knew my husband.

19 MR. ABDULHAK:

20 Thank you, Ms. Sa Siek.

21 And thank you, Your Honours, for the time extended to examine
22 this witness. I have no further questions.

23 [14.14.21]

24 MR. PRESIDENT:

25 Thank you.

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1 Now I hand over to the Lead Co-Lawyers for the civil party. You
2 may now proceed.

3 MR. PICH ANG:

4 Thank you, Mr. President. Good afternoon, Your Honours, and good
5 afternoon, everyone. And also good morning to Madam Sa Siek. Ms.
6 Beini Ye will take the floor to put the question to you and I
7 will take the question after she completes her version of the
8 question.

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 QUESTIONING BY MS. YE:

12 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
13 afternoon, everyone in and outside of the courtroom. My name is
14 Beini Ye. I am one of the International Civil Party Lawyers and
15 I'm here today to ask some questions to you, Madam Sa Siek.

16 [14.15.31]

17 Q. Madam Sa Siek, first, I want to talk a bit about the time you
18 were working at the Ministry of Propaganda in Phnom Penh between
19 April 1975 and early 1978. You said that, at that time, you were
20 a singer in the Arts Unit of the Ministry of Propaganda; is that
21 correct?

22 MS. SA SIEK:

23 A. Yes, that is correct, Lawyer. Following the liberation of 1975
24 to 1977 -- after 1977, I left and joined the Ministry of
25 Propaganda.

1 Q. As a singer, did you have to memorize the text of the songs
2 that you were singing?

3 A. Whenever there was a live performance or -- or performing arts
4 in certain place, then we had to rehearse, but if it was recorded
5 on the disc, then we had to look at the manuscript.

6 [14.16.54]

7 Q. Do you remember what the text of the songs talked about?

8 A. I can still remember the song entitled "Liberation of Phnom
9 Penh on the 17 April 1975" but I cannot remember them all. It has
10 been a long time, I forget most of them.

11 Q. Do you remember any other topics except for the "Liberation in
12 Phnom Penh" from the songs or from the performances that you did?

13 A. I can only recall the title of the performance or the story,
14 for example "Everything for the Revolution". And as for other
15 additional performing arts of Cambodia, I cannot recall the names
16 or titles of those stories and performing arts.

17 Q. Can you tell us who wrote the text of these songs or who wrote
18 the stories for these performances?

19 A. Lawyer, in my department, there were different sections. For
20 example, if it is a Song Composition Section, then they may draft
21 the text of the song. And even those who were blind or they were
22 handicapped, they were also asked to design -- or to compose
23 songs -- so and then -- it was passed to somebody else in order
24 to refine and fine tune the language of the songs before it is
25 sent to us to sing. But it was not confined to the handicapped,

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1 the physical handicapped people, but there were other people as
2 well who were in the Song Composing Section, so there were
3 different sections under the department with which I was attached
4 at that time.

5 [14.19.50]

6 Q. And the Song Composing Section, was it under the control of
7 the Ministry of Propaganda?

8 A. Yes. Yes, it was under the Ministry of Propaganda.

9 Q. Thank you. And you said you also had to record songs for the
10 radio. Were these songs broadcasted on the radio?

11 A. Yes, they were.

12 Q. And do you know what was the purpose of broadcasting these
13 songs over the radio?

14 A. I did not understand the motive of broadcasting these songs,
15 but I think that the prime motivation was to encourage people to
16 strive to grow crops and other agricultural work.

17 [14.21.06]

18 Q. Was the Ministry of Propaganda the only one recording songs
19 during the Democratic Kampuchea?

20 A. Yes, only Ministry of Propaganda was entrusted to record songs
21 in order for broadcast through national radio station.

22 Q. And do you know if they broadcasted any other songs that were
23 not recorded by the Ministry of Propaganda but recorded by other
24 artistes before the Democratic Kampuchea?

25 A. No, they didn't.

1 Q. Do you know what the reason was for not doing that?

2 A. In my understandings, it was not compatible with the
3 circumstance -- situation at that time.

4 Q. Can you explain further what it means "not compatible with the
5 situation at the time"?

6 [14.22.41]

7 A. Because, at that time, we gain independence. It was not the
8 situation of the previous regime.

9 Q. So the songs from the previous regime were regarded as
10 inappropriate for the time of the Democratic Kampuchea; is that
11 correct?

12 A. I do not understand it very well, but practically, at that
13 time, those songs were not broadcast.

14 Q. And do you know what happened to these old songs?

15 A. I -- that I do not know and I do not understand it either.

16 Q. Okay. Thank you very much. I would like to come to a different
17 topic now.

18 You mentioned that after Hu Nim's disappearance from the
19 ministry, other workers of the ministry were also removed and I
20 would like to ask you to tell me if you know some of the people
21 that I will give you the name of.

22 And I will start with a person named Chhoy. Do you know the
23 person named Chhoy?

24 A. Yes, I do. Chhoy was in charge of the work over there
25 following the removal or the transfer of Hu Nim.

1 Q. Do you know his full name?

2 [14.24.48]

3 A. I do not know his surname, but people called him Om Chhoy or
4 Uncle Chhoy.

5 Q. And can you tell me what his responsibilities were at the
6 Ministry of Propaganda when you say that he was in charge of
7 things?

8 A. He came to take the place of Hu Nim and he was tasked to
9 oversee works of different sections.

10 Q. And did Chhoy at some point leave the Ministry of Propaganda?

11 A. Yes. Later on, I did not see him anymore, and then after that,
12 I also left this ministry, so I did not know or have any
13 information of that ministry anymore.

14 Q. But he left before you left the ministry, is that right?

15 A. No, I left earlier than he did. I left the Ministry of
16 Propaganda to the printing house, the State printing house.

17 [14.26.22]

18 MS. YE:

19 Mr. President, with your permission, I would like to read from
20 the OCIJ statement of Madam Sa Siek, document number E3/379,
21 English ERN 00323334, Khmer ERN 00294810, and the French ERN
22 00385207. In the--

23 MR. PRESIDENT:

24 You may proceed.

25 BY MS. YE:

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1 Q. In the OCIJ statement, Madam Sa Siek, you said that: "I knew
2 Chhoy: Chhoy was arrested in approximately 1977; Chhoy came from
3 the Ministry of Education."

4 Do you still stand by this statement?

5 MS. SA SIEK

6 A. I may have confused this -- on this point. Actually, Chhoy was
7 the one who sent me to the Department of Printing House. But
8 later on, Chhoy disappeared from the Ministry of Propaganda.
9 That's what I knew. I learned, later on, that he was not the
10 person in charge of the Ministry of Propaganda, but it was him
11 who sent me to work at the State's printing house. I met him for
12 a short while.

13 [14.28.09]

14 Q. How did you know that he disappeared after you left the
15 ministry to go to the printing?

16 A. I actually did not know whether or not he was replaced or he
17 was transferred to somewhere else. But I knew that he just
18 disappeared from this ministry.

19 Q. And for the record, Mr. President, I would like to -- I would
20 like to mention the document E3/342, which is a revised S-21
21 prisoner list. And the name of Chhoy, alias Sao Chhan, can be
22 found on this list under the ERN number 00329972, which is the
23 ERN number for English and Khmer, both.

24 [14.29.10]

25 I would like to move on to another person. Did you know the

1 person called Haan?

2 A. Are you talking about Han or Haan?

3 Q. I'm speaking about Haan.

4 A. Yes, I do.

5 Q. Can you tell us what his responsibilities were?

6 A. Haan was a writer. He helped writing and correcting some of
7 the radio broadcast texts, including information on news
8 broadcasts.

9 Q. Do you know his full name?

10 A. No, I don't.

11 Q. And can you tell me what the other Han's responsibilities
12 were?

13 [14.30.34]

14 A. Another person is by the name Han. He was on -- in the group
15 of the music corps, or music band. So we have two people: one
16 person by the name Haan and another by the name Han.

17 Q. I would like to know more about the music -- the person from
18 the music unit, Han -- I hope I pronounced it correctly.

19 Can you tell me if this person left the Ministry of Propaganda at
20 some point?

21 A. Yes, he did. He left before I left the propaganda sector --
22 section -- to the printing house.

23 [14.31.39]

24 Q. And did he leave because he was transferred to another unit,
25 or do you know why he left?

1 A. I don't know. I do not know whether he was relocated or not.

2 And I still don't know until this date.

3 Q. Do you know something about his background?

4 [14.32.15]

5 A. I knew him through some conversations with him. And he talked
6 to me in detail, his background. He said he was an intellectual
7 from Russia. He educated - indeed, he was educated in Russia, and
8 he returned to Cambodia. I do not recollect in which year he came
9 back from Russia, but I met him in 1973 and we had been working
10 together all along until he disappeared.

11 MS. YE:

12 For the record, I would like to cite the same document that I
13 just mentioned before, E3/342, which lists Han alias Ngaun Cheng
14 Ly as a music teacher from the Ministry of Propaganda, under the
15 ERN English and Khmer 00329863.

16 [14.33.22]

17 BY MS. YE:

18 Q. Madam Sa Siek, another person I would like to ask you about is
19 called Man. Do you know a person called Man?

20 A. Yes I do. I remember the person by the name Man.

21 Q. Can you tell me what he did at the ministry?

22 A. He was an assistant. He worked in the same group as Han from
23 the music band. I do not know who would be the team leader, but
24 he belonged to the same group.

25 Q. And, again, I would like to ask you, did Man leave the

1 ministry at some point?

2 A. Yes, he did. He left from our ministry.

3 [14.34.37]

4 Q. And do you know where he went to?

5 A. No. I don't.

6 Q. Mr. President, again, I would like to refer to the document

7 E3/342 which lists Man alias Mao Kim Srea, as member of

8 performance ground K33 of the Ministry of Propaganda. And this

9 can be found under ERN English and Khmer 00329829.

10 And now, Madam Sa Siek, I would come to a person that you've

11 mentioned frequently before, Sao. Can you tell me again what

12 Sao's responsibility was?

13 A. Sao was in charge of the art group. He was overally (sic) in

14 charge of the art section.

15 Q. Do you know his full name?

16 A. No, I don't.

17 [14.35.57]

18 Q. And was Sao -- did Sao leave the ministry or was he removed

19 from the ministry at some point?

20 A. I do not recollect the exact date, but he was relocated.

21 Q. Mr. President, again, I would like to cite document number

22 E3/342, the S-21 prisoner list, which lists Sao alias Tech Seang

23 as staff of the Ministry of Propaganda under the ERN number

24 English and Khmer, 00329647.

25 Thank you, Madam Sa Siek. Now, I would like to ask you a few

1 questions on what happened in early 1978. I know this is going to
2 be difficult for you to answer, but I think it's very important
3 that the Court will hear about this, because many of the victims
4 may have experienced similar things as you have. So, please take
5 your time with the answers.

6 [14.37.14]

7 You mentioned to us last week that you were removed from the
8 Ministry of Propaganda in 1978. Can you remember what month it
9 was?

10 A. Actually, I think I wish to elaborate a little bit on this.
11 That doesn't affect me, myself, but it affects my whole family.

12 (Short pause)

13 Q. Would you like to tell us more about what happened to you and
14 your family?

15 A. I would like, indeed, to tell you about my family. I got
16 married in 1976. I got a daughter. However, my husband was
17 removed from the location. I have no information about him. I
18 don't know whether he alive or dead.

19 [14.39.06]

20 And later I was taken to study session, but it was not at the
21 study session. I was placed at Botum pagoda. And my little
22 daughter kept walking outside of the fence. And I tried to grab
23 her. Then some male -- some men came to me to stop me from going
24 out of the compound. And then I was told that I had to remain in
25 the building because I would be seen by the visitors. And I told

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1 the men that, how could I be seen by visitors because were
2 concealed by the corrugated metal wall.

3 And at that time, I was told also to pack my luggage to go
4 further. Then I moved to an office where food would be offered to
5 us and we -- I was told that I would be taken to Dei Kraham. On
6 the trip, I was asked whether I knew Dei Kraham and I said I knew
7 Dei Kraham and he told me that I had to be tempered there. Only
8 after I re-corrected myself I could be returned to Phnom Penh. I
9 was saddened by the news because I never done anything wrong. My
10 husband disappeared and I could never meet him again. So, right
11 now, I did nothing wrong, and I had to be tempered. I got married
12 again, but in 1993.

13 [14.40.56]

14 MR. PRESIDENT:

15 Thank you, Witness, and thank you, Counsel.

16 Since it is now an appropriate time for adjournment, we adjourn
17 for 20 minutes. The next session will be resumed by 3 o'clock.

18 Court officer is now instructed to assist the witness and her
19 assistant during the break.

20 THE GREFFIER:

21 (No interpretation)

22 (Court recesses from 1441H to 1501H)

23 MR. PRESIDENT:

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

25 Before I hand over to the delegated lawyer for the civil parties,

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1 I would like to remind lawyer that the question you put to this
2 witness should be limited to the confines of the relevant facts
3 in Case 002/01 -- that is to say, the confines of the first phase
4 of population movement and the second phase of population
5 movement in 1975 and part of 1976 and early 1977.

6 [15.02.40]

7 BY MS. YE:

8 Thank you, Mr. President.

9 Thank you, Madam Sa Siek, for your courage and your strength to
10 tell -- to share your story here with us.

11 Q. Before we talk more about Wat Botum, I would like to go back
12 and ask you about the day of the removal at the ministry. Do you
13 remember what month that happened?

14 MS. SA SIEK:

15 A. I was removed from the printing house department in 1978. It
16 was in April 1978. And I left Wat Botum to Dei Kraham, or B-20,
17 and I arrived there three days before the Khmer New Year's day.

18 [15.03.41]

19 Q. Thank you. Who told you that you had to leave the ministry?

20 A. The director of the department, Comrade Hun (phonetic), who
21 told me that I had to pack my stuff and I would leave for
22 education.

23 Q. Did you know, at that time, what it means to "leave for
24 education"?

25 A. Ms. Lawyer, the "education", in this context, was the

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1 re-education I had to undergo, refashioning session. And I
2 learned that from the driver. I cannot recall the name of the
3 driver, but he told me, at that time, that I was to be sent to
4 Dei Kraham, B-20, which I would have to undergo a refashioning
5 session. And once I could refashion myself, then I would be
6 transferred back.

7 [15.05.07]

8 MR. PRESIDENT:

9 Lawyer, you are, once again, reminded to remain within the
10 confines of Case 002/01. You should focus on the facts relevant
11 to the first and the second phases of population movement.

12 MS. YE:

13 Thank you, Mr. President. To my understanding, the removal from
14 the Ministry of the Propaganda relates to the structure of the
15 time and also to the policy of removal and disappearance that
16 were -- that we are under Case 002/01.

17 [15.05.44]

18 BY MS. YE:

19 Q. Madam Sa Siek, I would like to continue with my question. You
20 said there was a driver.

21 Did someone pick you up in a vehicle? Was it a car?

22 A. At first, Comrade Hun (phonetic) told me that I had to leave
23 for education for a few days. And, at that times, they came to
24 pick me up by a truck by the name of Lambretta, and it was
25 actually the car belonged to the security guards which was used

1 to transport Madam Yun Yat and the driver was Ta (phonetic).

2 [15.06.39]

3 Q. So it was Madam Yun Yat's car that picked you up and brought
4 from the Ministry of Propaganda to Wat Botum?

5 A. Yes, you are right.

6 Q. Now, you said that they told you were taken to be educated.
7 What happened in Wat Botum in terms of education?

8 A. I stayed in Wat Botum for three nights, but the overall
9 situation in that place was that there were all male persons over
10 there, and I, at that time, water some vegetable and garlic
11 plant. And I actually saw a lot of back sacks, luggage, and
12 clothes over there, and I did not know where those belongings
13 came from -- where those stuff came from. I did not know who left
14 them over there either.

15 Q. Did you know the other men who were at Wat Botum?

16 A. No, there were no other men. I came here along with my kid and
17 other men were already there when I got there.

18 Q. And the other men who were already at Wat Botum, did you know
19 them?

20 A. No, I never knew them.

21 Q. So, during your overstay at Wat Botum for three nights, did
22 you have to attend study sessions?

23 [15.09.10]

24 A. No, I didn't. They did not even ask me a single question. They
25 only warned me not to walk out of the premises freely.

1 MR. PRESIDENT:

2 Lawyer, this is the final reminder for you. Please try to refrain
3 from asking the question that is beyond the scope of -- you
4 should focus on the policy concerning the first and second phases
5 of movement of the population from 1975 to 1976. And it may go to
6 early part of 1977. That is the confine of Case 002/01.

7 [15.10.09]

8 This is the last -- this is the third reminder for you.

9 BY MS. YE:

10 Thank you, Mr. President. Then I will ask the final question on
11 this topic.

12 Q. Do you know why you had to stay there for three nights at Wat
13 Botum before you moved to B-20?

14 MR. PRESIDENT:

15 Witness need not answer this question. This question falls
16 outside the confine of the facts before us.

17 BY MS. YE:

18 Thank you, Mr. President. I will move on on the topics, then.

19 Q. So, you said you were -- so you said you met -- you were
20 married in 1976. That was a different husband than the husband
21 that you're married to today; is that correct?

22 MS. SA SIEK:

23 A. Yes, that is correct.

24 Q. And at that time you were already working at the Ministry of
25 Propaganda in 1976. Did you have to get an approval from your

1 superiors for this marriage?

2 [15.11.31]

3 A. Well, at the time, if anyone fell in love with anyone else,
4 they had to propose a marriage by words. For example, if my
5 superior was a female person then the other man who loved me
6 would propose the marriage through my superior. And if I agreed
7 and consent with the proposal, then they would arrange the
8 marriage for us and, at that time, I can still recall that there
9 were six couples who got married on the same day as mine. So
10 Angkar was like our fathers, like our parents, as well. There was
11 no any other people who organized the marriage festivity for us,
12 but it was the Angkar.

13 [15.12.38]

14 Q. So, did the couples know each other before the marriage?

15 A. Yes. They did, but they work in different departments or
16 section. For example, my husband was in the broadcasting section,
17 while I was at the art section.

18 Q. And did anyone ever refuse a marriage if it was proposed by
19 Angkar?

20 A. Of the six couple, none refused the marriage.

21 MS. YE:

22 Thank you, Madam Sa Siek. I have no further questions.

23 And I would pass the floor to my colleague, Mr. Ang, Pich, to
24 continue the questioning. Thank you very much.

25 QUESTIONING BY MR. PICH ANG:

1 Thank you. And good afternoon, Mr. President, and good afternoon,
2 Your Honours. I will be brief; I will not go beyond 20 minutes in
3 this line of questioning.

4 Q. Ms. Sa Siek, I have a few questions; I would like to seek your
5 clarification.

6 When you first arrived in Phnom Penh, you said that you stayed
7 overnight at the stadium and then you were transferred to
8 Ministry of Propaganda. Could you describe the situation
9 following the evacuation of Phnom Penh? What was your impression
10 of Phnom Penh? Were Phnom Penh -- was like a normal city where
11 people resided normally or there was no people in Phnom Penh at
12 that time?

13 [15.15.03]

14 MS. SA SIEK:

15 A. When I got to Phnom Penh following the evacuation of the
16 people, I did not see ordinary people or residents in Phnom Penh.
17 I only saw soldiers, male soldiers, along the street and our
18 team. But frankly, I never went anywhere freely. I was
19 transferred to the stadium and then I was transferred out to the
20 Ministry of Propaganda.

21 Q. So, from the time when you first arrived in Phnom Penh until
22 1976, were you -- or did you enjoy your freedom to roam around
23 Phnom Penh city?

24 [15.16.04]

25 A. No, I never went anywhere. I stayed in my place, but in terms

1 of freedom, if we wanted to go anywhere, we had to ask for
2 approval from our superior then we could go, because I did not
3 find it very stringent in terms of that.

4 Q. So, you said that before you went anywhere you had to ask for
5 permission, but did you ever request your superior to visit your
6 relatives or family members or so? And did you receive their
7 approval?

8 A. No, I never requested them to visit my hometown. I only stayed
9 in my workplace.

10 Q. So, I would like to move on to another topic then. You got
11 married to your second husband; can you tell the Court what your
12 second husband's name is?

13 A. According to the -- his ID card, his name was Sot Tha, but in
14 his soldiers ID his name is Tha Sot.

15 We -- Sot Tha was the official name in his soldier ID.

16 Q. Can you tell the Court what your husband did during the Khmer
17 Rouge regime and who did he work with?

18 A. I had not known him earlier until 1983, when I got married to
19 him.

20 Q. When you started settling down with him as a family? Did you
21 ever ask him about his work during the period of the Democratic
22 Kampuchea from 1975 to 1979?

23 [15.18.59]

24 A. Yes. I have heard his story about his involvement in the
25 battlefields from 1970 to 1971 and 1973. He discussed about the

1 hardship and other story about his warfare and battlefield story.

2 Q. Did he ever tell you about his life in general from 1975 to
3 1979? I would like to know whether -- I know that your husband
4 already passed away, but I would like to know when you were still
5 living with your husband, did he ever tell you about his life and
6 his work from 1975 to 1978; and if he did, who did he work for?

7 MR. PRESIDENT:

8 Witness, please hold on.

9 The defence counsel is on his feet. You may proceed, Counsel.

10 [15.20.00]

11 MR. KARNAVAS:

12 Thank you, Mr. President. My apologies for interrupting, but it
13 would appear that now we're going in to elicit hearsay
14 information from a witness who is no longer available to testify.
15 Obviously, they may wish to try to get the statement in from the
16 deceased husband. We don't know why this may be relevant. We have
17 about approximately 40 minutes left. I think if we're efficient,
18 we may be able to complete this witness and allow her to go about
19 her life.

20 So, I don't see the use of going on with these sorts of
21 questions. Thank you.

22 MR. PICH ANG:

23 Mr. President, with your leave, I would like to respond.

24 In terms of the hearsay evidence or testimony in this context,
25 the Chamber has so far ruled upon this issue and as for the --

1 this form of evidence was not objected by the Chamber. So, this
2 is also one of the procedural rule applied here. So, since she
3 got married to her husband, she may have shared some story with
4 her husband.

5 (Judges deliberate)

6 [15.23.15]

7 MR. PRESIDENT:

8 Counsel, can you enlighten the Chamber concerning the last
9 question you posed the witness? What is the relevance of this
10 question to the current proceeding before us? Can you enlighten
11 us as of its relevance in the case before us now?

12 MR. PICH ANG:

13 Thank you, Mr. President. Her husband was Sot Tha. He was one of
14 the messengers of one of the co-accused and he might have known
15 of the activities of the Accused and he could have known the
16 relationship between the Accused and S-21 as well.

17 MR. PRESIDENT:

18 You may proceed.

19 And, Witness, you are advised to respond to the question based on
20 what you can recollect very well. You cannot speculate in your
21 answer.

22 [15.24.49]

23 MS. SA SIEK:

24 A. Thank you. Well, he was my husband, but as for his work and
25 his relation with other, I did not know. So my answer to this

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1 question is I do not know. It was his business.

2 BY MR. PICH ANG:

3 Q. I have my last question on this topic. I would like to know
4 whether or not your husband had ever shared with you about his
5 life during that period.

6 MS. SA SIEK:

7 A. I never asked about his background and his work as well.

8 Q. Yes, you said that you never asked him questions about his
9 work background, but my question to you is: Had you ever heard
10 him talk about this -- his work with others?

11 A. No, I never heard him talk of it.

12 Q. Thank you for your response.

13 I have one last topic to ask you. You said that Khieu Samphan's
14 wife went to meet you or went to meet your husband's -- your
15 husband. What did she want to know?

16 MR. PRESIDENT:

17 The witness need not answer this question because it is
18 repetitive.

19 [15.26.56]

20 BY MR. PICH ANG:

21 Q. Can you clarify why Khieu Samphan's wife went to meet your
22 husband to ask him for the information concerning the work of Mr.
23 Khieu Samphan?

24 MR. PRESIDENT:

25 This question induces the witness to speculate. She is the

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1 witness. You should not ask any questions that elicit any
2 speculation.

3 [15.27.41]

4 BY MR. PICH ANG:

5 Q. This is my last question for you. You worked at the Ministry
6 of Propaganda. Did the radio programmes describe the hardship
7 that people had to endure in the countryside and in other work
8 sites at all?

9 MS. SA SIEK:

10 A. Well, in terms of broadcast, before the liberations we did not
11 have sufficient food to eat. People had to live without many
12 things, but after the liberation we tried to broadcast and
13 encourage people to dig up canals and water reservoirs in order
14 to supply to rice paddy.

15 MR. PICH ANG:

16 Thank you very much for responding to all my questions. Thank
17 you.

18 MR. PRESIDENT:

19 Thank you very much.

20 [15.29.02]

21 We would like now to proceed to the defence counsel for the
22 accused persons, starting from counsels for Mr. Nuon Chea--
23 Apologies; Judges of the Bench would like to put some questions
24 to the witness first.

25 So, Judge Lavergne, you may proceed before the floor is given to

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1 the counsel for Nuon Chea.

2 QUESTIONING BY JUDGE LAVERGNE:

3 Yes. Thank you, Mr. President. I have a few questions to put to
4 the witness -- follow up questions.

5 Q. Witness, you said that you met Mr. Khieu Samphan often,
6 several times before 1975. You also said that you knew that he
7 was one of the leaders of Democratic Kampuchea, and you also said
8 that in the days that followed 17 April 1975, you met him several
9 times; first, in Kampong Speu, then Chitrous Mountain, and then
10 at the Ministry of Propaganda.

11 [15.30.29]

12 So, I would like you to tell me if you have any kind of precise
13 recollection of these encounters?

14 MS. SA SIEK:

15 A. I met him first at Speu, Srae Veal, as I indicated in my
16 testimony. Later on, I met him near the Chitrous Mountain,
17 briefly. I did not know where he went after this. Then we met at
18 the propaganda and he also left.

19 Q. You also said that you did not have a chance to talk to him.
20 However, were you able to observe him? And do you remember if
21 Khieu Samphan behaved in any kind of special way? Do you remember
22 him being rather satisfied of seeing Phnom Penh liberated? Or,
23 was he rather frustrated? Can you tell us if he expressed any
24 kind of feeling whatsoever then?

25 A. Mr. President, I noted that he was not overjoyed with the

1 victory. He was calm and a normal characteristic of an elderly
2 person.

3 [15.32.34]

4 Q. Was he rather aged in 1975?

5 A. He was younger than today.

6 Q. So, in one of his books, Khieu Samphan stated the following --
7 this is his book, "The Recent History of Cambodia and My
8 Opinions". This is document E3.18. ERN in English, 00103750;
9 French, 00595425 to 28. And Khieu Samphan states that he was
10 "extremely surprised to see Phnom Penh being evacuated". Not only
11 he said that he was surprised, but he said that he was
12 "absolutely flabbergasted". He even said that he was
13 "particularly sad and that this pained him". It pained him to
14 "imagine elderly people, pregnant women, children, people who
15 were sick being evacuated in all directions on foot under a
16 blazing sun".

17 [15.34.08]

18 So, did they know where they had to go? How many of them would be
19 able to reach their destination? And he also "wondered what had
20 happened to his brothers, to his sisters, to his relatives and to
21 his dear friends".

22 He also wondered how, when hope was returning, to find his
23 parents and therefore, his parents were separated from him. So,
24 he was wondering what further trials they would be facing and if
25 they would be able to overcome them and how many would succumb.

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1 And he finishes by saying the following: "These were questions
2 that anguished me."

3 So, did you remember seeing someone who seemed "anguished"?

4 A. I'm afraid I have not observed his behaviour. I did not
5 understand his personal sentiment back then.

6 Q. In the days following the liberation of Phnom Penh, you do not
7 remember hearing statements made by Khieu Samphan or made on
8 behalf of Khieu Samphan -- that is to say, for example,
9 statements that might have been broadcast over the radio. You
10 have absolutely no recollection of such statements?

11 A. I did not listen to the broadcast and I did not take good
12 notice of any of the broadcast.

13 [15.36.26]

14 Q. So, for the purposes of the record, I will say that there are
15 six statements attributed to Khieu Samphan, then most of them are
16 indexed under E3/118, which is therefore a collection of the
17 radio broadcasts that were recorded by the FBIS.

18 And the first message dates back to 1st April 1975. It is a
19 statement saying that Khieu Samphan is making a statement on the
20 current situation with the mention that this is a recording of a
21 text that was read by Khieu Samphan himself. French ERN 00700256
22 (sic) to 57; English ERN 00166897 to 98; and Khmer, 00707207
23 (sic) to 88.

24 And the second document is a document dated 3 April 1975, and the
25 title is the following: "Khieu Samphan is Congratulating the

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1 FPLNK with -- for the Neak Loeang victory", and this is a text
2 that was read by a broadcaster. The English ERN is the following,
3 00166923 to 25; and Khmer is the same as the one I stated before.
4 And the third message, this is a broadcast of 8 April 1975,
5 titled: "Khieu Samphan's Denial", so he was "denying the
6 existence of any kind of negotiation with the Khmer Republic".
7 The ERN in English is 00166927; Khmer, 0070207 - 77 (sic) to 88.
8 [15.38.36]
9 And the fourth message is the broadcast of a statement dated 14
10 April 1975 -- that is to say, a few days before the capture of
11 Phnom Penh, and Khieu Samphan -- it's titled "Khieu Samphan Is
12 Calling the Phnom Penh Population to Rally the FUNK". English,
13 006948 (sic) to 49; Khmer, 00700267 - 77 to 88.
14 Fifth message, this is a message that has already been mentioned
15 by the Prosecution during the previous hearing and this is a
16 broadcast of a speech by Khieu Samphan on 22 April '75, titled
17 "Khieu Samphan's Congratulatory Message". ERN English, 00166994
18 to 96; Khmer, 00700277 to 88.
19 So I would like to specify that the text of this message is also
20 available in French. We can find it in the archives in the former
21 German Democratic Republic. This is document 359/1/1.1.37, with
22 the following ERN, 00537478 to 0 -- to 81.
23 And finally, there is a sixth message, which is the broadcast of
24 a statement attributed to Khieu Samphan, titled "Press Release
25 from the Special National Congress of Cambodia that Convened from

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1 25 to 27 April 1975" -- French ERN 00700264 to 00700266; English,
2 00167012 to 13; and Khmer, 00 -- is the same as the one I
3 mentioned before.

4 [15.40.32]

5 So all of this, Witness -- does all of this refresh your memory?
6 Do you remember any of these six broadcasts that were broadcasted
7 over the radio called back then "The Voice of the FUNK"?

8 A. No, I don't personally, because the studio was about more than
9 100 metres, more than 100 metres from the place where I stayed.

10 So I never heard the direct reading of the news, and it was a
11 long time ago and my recollection doesn't serve me very well.

12 Q. Did you hear or did you learn later on if the radio had
13 broadcast any of these messages for the population to inform the
14 population that they were going to be evacuated and also to
15 provide reasons for this evacuation? Did you hear anything to
16 that effect, any kind of explanation that might have been
17 provided by the authorities, explanations given to the
18 population?

19 A. I tried to recollect whether I recalled having listened to
20 that broad -- those broadcasts, but I can't remember. Perhaps I
21 was back then where -- was too young to care about the broadcast.

22 [15.42.34]

23 Q. Witness, you said during the hearing of 16 August at 1503, you
24 said that,

25 "Before the liberation, each time Khieu Samphan would give a

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1 speech, he asked people to attend the sessions, but after the
2 liberation I did not receive any directions in that regard, and
3 if I received instructions of the like, I would follow them."
4 So did you confirm that before the liberation of Phnom Penh each
5 time Khieu Samphan would give a speech you were required to
6 attend the session, and what kind of sessions were these? Were
7 these sessions just to go listen to Khieu Samphan in person or
8 were these sessions where you had to listen to the radio?

9 A. Indeed, it was my statement. I -- for example, if my
10 chairperson asked me to meet to listen to the statements made by
11 him, then I would go there. I remember that, but not the
12 remembering listening to the radio broadcast.

13 [15.44.13]

14 Q. So you would go listen to Khieu Samphan in person; is that
15 correct? You would go see him and listen to him, or would you
16 just listen to him on the radio?

17 A. I did not listen to neither of this.

18 Q. Fine. Since there isn't much time left, we are going to now
19 look at other aspects of your testimony. First, I would like to
20 look at other documents. We have on the case file three documents
21 that have already been put before the Chamber, and these are
22 reports of meetings, meetings of the Standing Committee a priori,
23 and that -- we're focusing on propaganda and on information.
24 So the first document is a document indexed E3/228. It is titled
25 "Record of the Standing Committee Meeting of 9 January 1976", and

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1 the agenda was the following: "The objective of propaganda of
2 education for 1976 and in the future."

3 So this meeting was held in the presence of the following people:

4 Comrade Secretary, so we can imagine that this was Pol Pot;

5 Comrade Under Secretary, I suppose this was Nuon Chea; Comrade

6 Doeun, Comrade At, Comrade Phoas. I believe that Comrade Phoas

7 was Comrade Hu Nim, and Comrade Touch. Khmer ERN 0001705 to 13

8 (sic); English, 00182614 to 19; French, 00301321 to 29.

9 [15.46.43]

10 So I have a few questions on this document, and what I'm trying

11 here is to define the importance of propaganda for the members of

12 the Standing Committee and here we're -- it is a question of the

13 shortcomings and qualities of the propaganda services, and the

14 following is said:

15 "What - a great inadequacy is that we undervalue the importance

16 of mentality" -- or "ideology", in English.

17 "Educational propaganda regarding the class struggle does not

18 exist in a systematic manner."

19 So these kinds of concerns, were these concerns that you heard

20 about when you were working for the Ministry of Propaganda? Was

21 this the main objective of Propaganda, that is to say, to

22 broadcast messages with ideological content that were there to

23 reflect the position of class struggle, and what does it mean,

24 this position of class struggle, for you?

25 A. I do not understand what class struggle means.

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1 [15.48.33]

2 Q. Were you told that the programmes had to have an ideological
3 content? Was it necessary for the programmes for the broadcasts
4 to have a political connotation?

5 A. In the radio broadcast content, the message concerning
6 education, encouragement were part of the broadcast. Yes, they
7 were such messages.

8 Q. So, now we are going to move on to another document, which is
9 document E3/231. It is a -- the report of another meeting titled
10 "Record of the Working Meeting of Propaganda from 8 March 1976",
11 and the agenda was the following: "First, the broadcast of the
12 news of the 20 March 1976 elections; the duty to monitor the
13 news" -- which I understand more as the duty to control
14 information. And the meeting was held in the presence of the
15 following people: "Super Comrade Secretary" -- I suppose this was
16 Pol Pot; "Super Comrade Under Secretary" -- I suppose this was
17 Nuon Chea; "Super Comrade Van" -- so I suppose this was Ieng
18 Sary; "Super Comrade Hem" -- I suppose this was Khieu Samphan;
19 "Super Comrade Doeun"; "Super Comrade Phoas" -- and here again, I
20 suppose this was Hu Nim; and "Super Comrade Touch". Khmer ERN
21 00017124 to 127; English ERN 00528385 to 87; French, 00323930 to
22 31.

23 [15.50.54]

24 So this is a meeting that took place when elections -- the
25 elections were held, the first elections in Democratic Kampuchea,

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1 and the following is said:

2 "It is necessary to broadcast information on these elections, but
3 we will not broadcast the rules behind these elections. We will
4 congratulate the elections and we will make a few comments on the
5 constitution, find a way of indicating this, and we are
6 broadcasting the meaning and the comments on the constitution,
7 but not with too much insistence."

8 So do you remember having received instructions geared to
9 restricting the information on the elections that were held in
10 March 1976? Were there certain things that were you were told not
11 to speak about? Were there certain topics that were not supposed
12 to be discussed in the radio broadcasts?

13 [15.52.27]

14 A. I do not remember about this. When it comes to meetings, it
15 was Om Om -- the superiors, uncles -- who would be the ones who
16 managed them all.

17 Q. Do you believe that the Om Om could be worried about
18 information that may give way to criticism, so maybe it would be
19 better to avoid criticism and therefore not transmit information?

20 A. I am afraid I don't understand your question, Your Honour.

21 Q. Well, fine. Let's move on to the third document, and this is
22 the third document regarding propaganda and information -- and
23 this is document E3/225 -- titled "Records of the Working Meeting
24 of Propaganda of 1 June 1976", and the agenda was the following,
25 "The different technical areas within the Party, organization and

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1 the public", and the meeting was held in the presence of the
2 following people: "Comrade Secretary" -- Pol Pot, therefore;
3 "Comrade Under Secretary" -- Nuon Chea; "Comrade Phoas" --
4 sometimes called Comrade Kas in certain translations. And the
5 radio group: "Comrade Kuoy"; "Comrade Song". And the Cinema
6 Group: "Comrade Touch" -- who was in charge of taking the
7 minutes. ERN Khmer, 00000837 to 851; English, 00182715 to 24;
8 French ERN 00323903 to 13. And there is also another French
9 version which is indexed under D200/6.4, and the ERN there is
10 00538890 to 99.

11 [15.55.07]

12 So I would like to focus on a few quotes from this record. For
13 example, at the French ERN we can find the following, 00538898,
14 and the following is regarding radio: "The current radio
15 station--

16 THE PRESIDENT:

17 Judge Lavergne, could you repeat the ERN numbers because the
18 interpreter could not follow yours?

19 JUDGE LAVERGNE:

20 Fine, the ERN of the last page I just read out is the following,
21 in French, 00538898.

22 So the following is said regarding radio:

23 "The current radio station has -- we have to protect it with
24 extra revolutionary vigilance and in particular in regard to the
25 enemies from within. We are afraid that they will set bombs.

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1 Therefore, it is necessary to monitor, we have to monitor people
2 coming in and coming out to avoid chaos. In principle, the
3 enemies have all been annihilated, however, they still have the
4 desire to destroy us in terms of ideas and -- so we have to
5 increase our vigilance in terms of positions as well as in terms
6 of concept."

7 [15.57.06]

8 So do you remember meetings in which such directions were given,
9 directions to be vigilant, to display revolutionary vigilance?

10 And if so was the case, what did all of this mean?

11 MS. SA SIEK:

12 A. I do not recall this. Again, they were the task by Om Om.

13 Q. In the same document again, a bit further down -- and the ERN
14 00538894 -- now regarding the editors-in-chief of the radio and
15 the following is said:

16 "Generally speaking, their work has been quite positive, but
17 there are three people only and that's too little. We have to
18 boost the staff. The editors are intellectuals, the problem that
19 is raised concerns the political line of the Party, it is
20 necessary to indoctrinate for four to five years the editors so
21 that they become impregnated with this line. We have to bring
22 them to the base to train them."

23 [15.58.32]

24 So, when you were working at the Ministry of Propaganda, did you
25 note that sometimes intellectuals would be removed to be replaced

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1 by Base People?

2 A. I already indicated concerning the removal of people, at that
3 time only Han, who was the intellectual who worked for composing
4 music and lyrics -- who was removed.

5 Q. You spoke about a certain number of people who had been sent
6 to work in the rice fields who left the Ministry of Propaganda;
7 you also spoke about the arrest of Hu Nim and the arrest of his
8 wife. Did Hu Nim also have children working for the Ministry of
9 Propaganda? And were these children also arrested?

10 A. Mr. Hu Nim did not have his children working at the Propaganda
11 Department. His daughter worked at the medical section, and
12 another one studied language -- foreign language, and another
13 child followed his wife.

14 [16.00.14]

15 Q. To your knowledge, did some people commit suicide at the
16 Ministry of Propaganda? Did you hear about the suicide of a
17 person called Prum Sam A?

18 A. I have forgotten.

19 Q. You have forgotten or it is very difficult for you to recall
20 that?

21 A. I do not recall; I have forgotten it.

22 Q. And do you recall whether during meetings, confessions of
23 persons characterized as traitors were read out?

24 A. I listened to it and then there was an announcement about Koy
25 Thuon, that Koy Thuon was a traitor, he was not a person that

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1 everyone should look up to him and should not follow his model.

2 And that was simply an advice to us, but it had little to do with
3 us because we were only artist.

4 [16.02.20]

5 Q. Last question: As an artist, were you a theater actress apart
6 from being a singer? Did you take part in theatre performances?

7 A. Yes, I was part of the "ayay" team. And as for the performing
8 arts, I also involved in this form of art as well. But my
9 interest was in "ayay" -- traditional performance.

10 Q. Do you recall a play titled "The Road" -- or "The Path of
11 Liberation is a Farsighted Path"?

12 A. I do not recall the title of that.

13 JUDGE LAVERGNE

14 For the record, let me point out that this play is in -- the
15 reference is E3637 (sic), and references are 00445401 (sic),
16 and--

17 THE INTERPRETER:

18 The interpreter didn't hear the other references.

19 [16.04.10]

20 JUDGE LAVERGNE:

21 Thank you, Witness, for your testimony.

22 MR. PRESIDENT:

23 Thank you. Thank you, Ms. Witness.

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

25 [16.04.26]

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1 MR. PAUW:

2 Thank you, Mr. President. I'll be very brief but it's for the
3 purposes of keeping a clean record.

4 When Judge Lavergne was questioning about document D200/6.4 --
5 perhaps it was a translation issue -- but Judge Lavergne mentions
6 Comrade Secretary Nuon Chea. And it would appear -- at least in
7 the English translation -- that he would be mentioned in this
8 document on that page. But just for the record, the only thing
9 that's mentioned on the actual document is "Comrade Secretary",
10 without any further addition. The same is true in Khmer, I've
11 been told. Thank you.

12 JUDGE LAVERGNE:

13 I did not take note of the number of the document in question.

14 [16.05.31]

15 MR. PAUW:

16 Judge Lavergne, it's the last document you discussed, it's the
17 minutes of the meeting of propaganda works of the 1st of June
18 1976. Perhaps it was lost in translation, but you stated "Comrade
19 Secretary, Nuon Chea", as if that was in the document, but it's
20 not. Thank you.

21 JUDGE LAVERGNE:

22 The French version refers to the following participants: "Comrade
23 Secretary; Comrade Deputy- Secretary, Comrade Phoas, Cinema
24 Group." And the reference is D200/6.4. So there may be an
25 interpretation problem with regard to the French version, and I

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1 see that is the case. It is under exhibit number E3/25, I see:

2 "Composition: Comrade Secretary; Comrade Deputy-Secretary;
3 Comrade Phoas..."

4 [16.06.39]

5 MR. PAUW:

6 Judge Lavergne, I do not want to belabour the point. I understand
7 what you're saying but for the other documents you at least
8 mentioned that you supposed that Comrade Secretary was Nuon Chea.
9 And for this document, you stated Comrade Secretary Nuon Chea, as
10 if it was in the minutes. At least that was the English
11 translation, and therefore I wanted to get that clear for the
12 record.

13 MR. PRESIDENT:

14 Thank you.

15 The time is now appropriate for the day adjournment. The Chamber
16 will adjourn now and we will resume tomorrow, the 21st of August
17 2012, starting from 9 o'clock in the morning.

18 And tomorrow, the Chamber will be hearing the testimony by Ms. Sa
19 Siek, and we will start with the testimony by the defence team
20 for Nuon Chea and followed by other defence team.

21 [16.07.40]

22 Ms. Sa Siek, your testimony has not yet been concluded, so we
23 invite you to come to testify before the Chamber again tomorrow
24 and the same is for the assistant from the WESU unit.

25 I thank you very much for accompanying the witness and today's

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1 testimony was smooth. And thank you very much for your presence.

2 Court officer is instructed to coordinate with the WESU unit to

3 arrange the transport and accommodation for the witness, and have

4 her returned to this courtroom before 9 a.m. in the morning,

5 tomorrow.

6 Security guards are instructed to bring the co-accused back to

7 the detention facility and have them back to this courtroom

8 tomorrow morning, before 9 o'clock.

9 The Court is now adjourned.

10 (Court adjourns at 1608H)

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