



### **Document Procedure Debated as New Witness Takes the Stand**

By Mary Kozlovski

On Wednesday, August 15, 2012, trial proceedings in Case 002 involving the accused Nuon Chea, Ieng Sary, and Khieu Samphan resumed at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Witness Suong Sikoeun – an intellectual who returned to Cambodia from abroad during the Khmer Rouge period – continued his testimony today with questioning from lawyers for Nuon Chea and Ieng Sary. Witness Sa Siek began her testimony before the Trial Chamber, when she was questioned in the afternoon by the prosecution.

Ieng Sary observed the day’s proceedings from a holding cell, while Nuon Chea retired to a holding cell after the morning session.

#### ***Nuon Chea Defense Resumes Examination of Suong Sikoeun***

International Co-Lawyer for Nuon Chea Jasper Pauw began the day’s questioning of witness Suong Sikoeun by again referring to a telegram from the United States embassy in Phnom Penh to the U.S. State Department in Washington, D.C., in September 1971. Mr. Pauw quoted from Mr. Sikoeun’s August 8 testimony that FUNK (National United Front of Kampuchea) was a political organization with a central committee and a politburo of the central committee, of which Pen Nouth was chairman. In response to a query from Mr. Pauw, Mr. Sikoeun confirmed that Keat Chhon was a candidate member of the FUNK politburo in 1971.

Mr. Pauw said Keat Chhon was one of several people with asterisks next to their names who, according to the telegram, had been “dared by Prince Sihanouk to form a government” in the

1960s. Mr. Sikoeun could not confirm if Keat Chhon was dared by Prince Sihanouk to form a government.

Mr. Pauw steered his questioning to the evacuation of Phnom Penh and, noting Mr. Sikoeun's arrival in May 1975, asked if the witness observed fighting in the city, including gunfights. Mr. Sikoeun said that when he arrived on May 25, 1975, the city was calm, with no people except some female workers transporting rice onto a boat.

Mr. Pauw read an excerpt from a book *Beyond the Horizon: Five Years With the Khmer Rouge* written by Mr. Sikoeun's ex-wife Laurence Picq:

An important post-war step had been surmounted with the new rice harvest, but the security problem remained. Under the seal of secrecy, combatants often reported that arrests were taking place and gunshots were erupting night and day in various areas. Following the evacuation Phnom Penh was searched from top to bottom to drive out any remaining rebels. Several weeks after the liberation some were still found in hideouts stocked with provisions. The young ones found it amusing to see that their compatriots, hidden from the sun, had turned white.

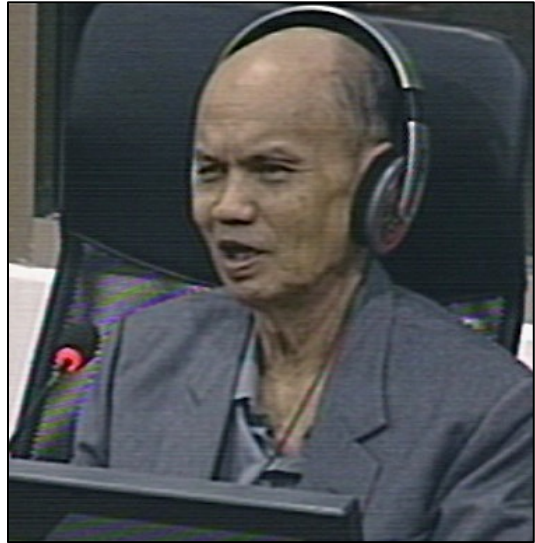
Asked whether the excerpt refreshed his memory about whether combatants remained in Phnom Penh, Mr. Sikoeun said it was "hearsay" that his ex-wife overheard from combatants and that he had heard similar comments. He then testified that there were only a few former combatants and civilians remaining.

Shifting the questions to the formation of B-1, or the Ministry of Foreign Affairs (MFA), Mr. Pauw cited a passage in Mr. Sikoeun's book *The Odyssey of a Khmer Rouge Intellectual*, which read that Mr. Sikoeun reorganized the ministry along with Keat Chhon and Keo Borey – an engineer who had returned from Moscow; the three "formed the nucleus of what later became the MFA of Democratic Kampuchea (DK)" where they were occasionally visited by their superior, Ieng Sary.

When asked what he meant by the reference to a "nucleus", Mr. Sikoeun said that the three were assigned by Ieng Sary to report their analysis of information from foreign radio broadcasts and the resistance by the Cambodian people, noting that at the time Cambodia was not yet DK. Mr. Sikoeun said the group – of which Keat Chhon was the leader who reported monthly to Ieng Sary – analyzed the situation in the newly liberated country. "Nucleus" meant that they monitored international developments in relation to the resistance in Cambodia after April 17, 1975, which helped the leadership formulate its foreign policy, Mr. Sikoeun testified.

Quoting again from the book, Mr. Pauw asked the witness to clarify what he meant when referring to Keat Chhon and "Prasith" as the "ministry's brains." Mr. Sikoeun responded that Keat Chhon was a former minister: clever, hardworking, generous and humble, and with qualifications "rarely matched" among intellectuals. Mr. Sikoeun described Keat Chhon as a loyal person who put people at ease and could "gather many forces" and would express his opinion to the leadership. Mr. Sikoeun said that Ieng Sary appealed to his colleagues and associates to express their opinions, though he cautioned them to first consider the consequences.

Mr. Pauw sought clarification on what kind of former minister Keat Chhon was, but President Nonn interrupted to tell the witness that he did not need to respond, instructing Mr. Pauw to put questions relevant to the facts alleged. When Mr. Pauw attempted to rephrase the question, President Nonn repeated his instruction.



Moving on with his questioning, Mr. Pauw read a response from Mr. Sikoeun’s March 12, 2009, interview with Co-Investigating Judges (CIJs), quoting him as saying that Ieng Sary had opposed the planned arrest of Keat Chhon and Chuon Prasith by explaining to Pol Pot that if they were detained, he might as well close the ministry. When asked by Mr. Pauw whether Keat Chhon and Chuon Prasith were important workers at B-1, which Ieng Sary seemed to suggest, Mr. Sikoeun sought consultation with his counsel.

President Nonn said such requests were granted only when a witness may self-incriminate but nevertheless told Mr. Sikoeun he need not answer as the question was repetitive. After Mr. Pauw attempted to repeat the question, President Nonn again told the witness he did not need to respond as it was outside the scope of the alleged facts.

Mr. Pauw read a statement of the witness’s May 6, 2009, interview about the structure of B-1, in which Mr. Sikoeun said that, at a meeting of the general policy department attended by Ieng Sary’s closest assistants,<sup>1</sup> Ieng Sary told him that Chuon Prasith and Keat Chhon had been accused of being CIA agents and the security committee wanted to arrest them. Mr. Pauw quoted:

Ieng Sary had explained that the ministry could not work without them. One must understand that he had complete trust in them. All of these people like me were part of the Marxist-Leninist group of Khmer students in Paris, of which Ieng Sary was the founder with Keng Vannsak and Ranarith Samoeun.<sup>2</sup>

After Mr. Pauw asked whether he shared Ieng Sary’s views on the indispensability of Chuon Prasith and Keat Chhon at the MFA, Mr. Sikoeun turned to President Nonn, who said that he did not have to respond, as he was not supposed to give his opinion and the question was repetitive. Another attempt by Mr. Pauw to pose the question was dismissed.

Mr. Pauw then cited an excerpt from Philip Short’s book – *Pol Pot: Anatomy of a Nightmare* – about Pol Pot’s “disappointed” attitude toward his subordinates, which fueled purges of those judged disloyal and made him spend time on “trivia”:

Pol approved the menus for state receptions, sent laundry lists of instructions to provincial officials receiving government guests, chose the announcers for Radio Phnom Penh and

<sup>1</sup> A number of names were listed as being present at this meeting, including Chuon Prasith and Keat Chhon.

<sup>2</sup> Spelling unclear from English translation.

supervised the program schedules. In a society where the words of the King had always been law, initiative was still borne. To Suong Sikoeun, micromanaging the smallest details was part of Pol's conception of leadership: a firm hand with no sharing of power. He wanted to monopolize everything.

Mr. Sikoeun confirmed that he had met Philip Short in China, and when Mr. Short was writing his book, Mr. Sikoeun introduced him to CPK leaders, particularly military leaders; he also did not deny that he talked to Mr. Short about the CPK. After being asked if he stood by his assessment of Pol Pot in Mr. Short's book, Mr. Sikoeun replied that he did, as he had lived with Pol Pot for two years and worked under his orders. Mr. Sikoeun testified that Pol Pot was "a meticulous person" and when senior guests visited, Pol Pot focused on the food and the catering service and what dishes would be served first. Pol Pot also managed who would deliver editorials or speeches on radio, Mr. Sikoeun said.

Mr. Pauw questioned Mr. Sikoeun about a February 10, 1978, telegram from the French Ministry of Foreign Affairs, relating a visit by the Thai delegation to DK in 1978. The telegram, quoted by Mr. Pauw, said the delegation was welcomed by Ieng Sary and that in a meeting Pol Pot appeared "capable, resolute and confident," wanting to impress upon people that he had been running the country since 1975 and taking credit for the Thai-Cambodian friendship. Contrastingly, Mr. Pauw read, Ieng Sary seemed "a lowly respectful subordinate," hardly answered questions, and seemed anxious to consult a higher authority, relying on Chuon Prasith and Keat Chhon.

National Civil Party Lead Co-Lawyer Pich Ang interjected, seeking clarification as to whether the witness had already seen the document. President Nonn instructed that, according to court practice, the document must be withdrawn from the witness if he confirmed that he had not previously seen it.

In response to Mr. Pauw, Mr. Sikoeun confirmed that he was present when the Thai Foreign Minister called on Ieng Sary but not during his meeting with Pol Pot. When Mr. Pauw asked Mr. Sikoeun to clarify information in the telegram that Keat Chhon was a former GRUNK deputy prime minister, President Nonn said the question was irrelevant.

Mr. Pauw asserted that all parties were attempting to establish a history of FUNK and GRUNK, before proceeding with his questioning. Mr. Pauw asked Mr. Sikoeun if there was a sub-section at B-1 called the "general leadership committee." Mr. Sikoeun said he was unaware of such a committee at his office, where Ieng Sary was the sole leader.

Mr. Pauw referred next to an annex to a civil party application. President Nonn interjected as Mr. Pauw began to speak, stating he must inquire whether the witness had read or seen the document before asking questions.

Some confusion ensued, as Mr. Pauw argued that the chamber appeared to be reversing an earlier position regarding questioning, namely, that if a witness is related to the subject matter of a document, they can read and comment on it.



President Nonn repeatedly requested Mr. Pauw to provide the chamber with examples of such a reversal and ordered the document removed from the witness and the screen – as Mr. Sikoeun had not seen it – before instructing Mr. Pauw to pose his questions.

Mr. Pauw read a list of names in a section titled “Gouvernement de Pol Pot on January 6, 1979.”<sup>3</sup> In response to a query about the accuracy of the government’s composition in the document, Mr. Sikoeun said Keat Chhon and Chuon Mom were not relevant to the government because Keat Chhon was then working with him and was not a minister. Mr. Pauw noted the document described GRUNK’s composition on December 3, 1973, listing Pen Nouth as Prime Minister and Keat Chhon as Deputy Prime Minister.

Mr. Pauw questioned whether details from a statement of a December 18, 1979 congress<sup>4</sup> - again, in accordance with procedure the document was removed from the witness after he confirmed that he had not previously seen it – was an accurate reflection of the DK government at the time.

In a somewhat confusing exchange after President Nonn told the witness he did not need to respond to the question, Mr. Pauw and Senior Assistant Prosecutor Vincent de Wilde argued over the relevance of the document to the scope of the trial. President Nonn told Mr. Pauw that his questions were straying from the facts alleged in the closing order.

### ***Nuon Chea Defense Questions Witness about Hor Namhong***

Moving on, Mr. Pauw turned his examination to Hor Namhong, whom Mr. Sikoeun said he knew him as the Secretary of the Cambodian Embassy in Paris during the DK regime, but did not meet him in Phnom Penh during that period.

Mr. Sikoeun testified that Mr. Namhong was the GRUNK ambassador in Cuba prior to 1975, but he did not know when Mr. Namhong returned to Cambodia after 1975.

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<sup>3</sup> Mr. Pauw listed a series of names and positions in French including: Prime Minister Pol Pot; Deputy Prime Minister and Minister of Foreign Affairs Ieng Sary; Deputy Prime Minister and Minister of Defense Son Sen; Ministry of the Presidency of the Council Keat Chhon; Ministry of Sciences Chuon Mom; Minister of Health Chuon Choeun; Minister of Social Action Khieu Thirith; Minister of Culture and Education Yun Yat.

<sup>4</sup> Mr. Pauw referred to the document as a statement of the Congress of the Standing Committee of the Assembly of the Kampuchean People’s Representatives, the Government of DK, the representatives of the DK National Army and the representatives of the various government departments, which states the congress “unanimously decided” to improve the DK government composition to: Prime Minister Khieu Samphan; Deputy Prime Minister in charge of Foreign Affairs Ieng Sary; Deputy Prime Minister in charge of National Defense Son Sen; Minister for Economy and Finances – and for Health – Chuon Choeun [same name listed for both positions]; Minister for Social Affairs Ieng Thirith; Minister for Culture and Education Yun Yat; Minister of the Prime Minister’s Office Keat Chhon; Chairman of the National Commission of Sciences and Technology with Minister’s Rank Chuon Mom; Secretary of State for Information [inaudible]; Secretary of State for Supply and Transportation Sar Kim Lamut; Secretary of State for Postal Services and Telecommunications Chan Ea [spelling unclear].

Mr. Pauw referred to a document, which the witness said he had not seen. President Nonn told Mr. Pauw he could refer to the document content when examining the witness but could not quote from it – a ruling that the defense counsel called “a further refinement of the case law of this chamber. Mr. Pauw proceeded to paraphrase a statement by Hor Namhong in the document – which originated from Vietnamese archives – that he was made to attend a study session led by Chuon Prasith and Keat Chhon. Mr. Pauw asked the witness if he could confirm the information. Mr. Sikoeun said it was outside of his authority.

In response to Mr. Pauw, Mr. Sikoeun said Chuon Prasith was a member of the general politics department at the MFA, where he thought Mr. Prasith may have written speeches or editorials but could not be sure. Mr. Prasith was an English interpreter for Pol Pot, Mr. Sikoeun testified, but he did not know if Mr. Prasith conducted study sessions.

Mr. Pauw questioned Mr. Sikoeun about a summary of a 2001 telephone conversation between Stephen Heder and Chuon Prasith, in which the latter claims that Hor Namhong was in charge of Boeung Trabek. Responding to a query from Mr. Pauw, Mr. Sikoeun maintained that Chuon Prasith never spoke to him about Boeung Trabek or Hor Namhong’s role.

Mr. Pauw inquired whether the witness had heard on the radio a recent statement by Hor Namhong – as current Minister of Foreign Affairs – relating to his experience at Boeung Trabek. The prosecution objected that the question was unrelated to the facts before the court. President Nonn sustained the objection, despite arguments from Mr. Pauw that the inquiry spoke to the witness’ sources of knowledge.

Persisting with this line of questioning, however, Mr. Pauw asked Mr. Sikoeun if he was aware of Hor Namhong’s role at Boeung Trabek during the DK regime, to which Mr. Sikoeun responded that he was not aware. Mr. Pauw asked if Mr. Sikoeun heard on the radio that the witness Phy Phoun<sup>5</sup> recanted his testimony that Hor Namhong was in charge of Boeung Trabek. The prosecution again objected, stating that the witness was not present to make comments about radio broadcasts. Mr. Pauw argued that it was relevant for the defense to explore whether this information might have colored the witness’ testimony. President Nonn said the objection was valid.

Mr. Pauw asked Mr. Sikoeun if Keat Chhon has information relevant to the chamber and to Nuon Chea. In a separate inquiry, Mr. Pauw referred to comments by Mr. Sikoeun that he was the only former Khmer Rouge intellectual to speak regardless of potential risks and questioned what other intellectuals he was thinking of. After both questions were posed, President Nonn informed the witness he need not reply. Mr. Pauw repeated the first question, and the prosecution protested that it was irrelevant.

Mr. Pauw concluded the Nuon Chea defense team’s questioning of Suong Sikoeun.

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<sup>5</sup> Phy Phoun is also known as Rochoem Ton and Chiem. He testified before the Trial Chamber in the present trial in July 2012.

### ***Ieng Sary Defense Continues Examination of Suong Sikoeun***

International Co-Lawyer for Ieng Sary Michael Karnavas started his questioning by clarifying details of Mr. Sikoeun's aforementioned meeting with Phy Phuon. Mr. Sikoeun confirmed that he had initiated the meeting in order to prepare himself for testifying. When Mr. Karnavas attempted to clarify the time of the meeting, Mr. de Wilde asserted that in French he did not hear Mr. Sikoeun say he was interested in the substance of Phy Phuon's testimony. Mr. Karnavas again asked Mr. Sikoeun to clarify the purpose and time of the meeting. Mr. Sikoeun said he believed Phy Phuon's testimony had been going for "half a day" when he met with Phy Phuon and that he had wished to know certain things in order to be prepared to testify.

Mr. Sikeoun then strayed somewhat from Mr. Karnavas' question, testifying that, at the time he was head of the protocol section, Keat Chhon and Hor Namhong had "less power" than him. The witness asked that they not be troubled because they were intellectuals like him. "At that time, intellectuals held no power," he asserted.

After this lengthy response from the witness, Mr. Karnavas returned to the topic of the meeting and asked how long it had lasted. Mr. Sikoeun said that it lasted about 30 minutes and indicated that he had followed Phy Phuon's testimony via radio. In a reply to Mr. Karnavas, Mr. Sikoeun said he had not met Phy Phuon since or read comments he made in the media.



Upon an inquiry from Mr. Karnavas, Mr. Sikoeun said that he knew So Hong, who received him in May 25, 1975, and whom he knew well from his work at the MFA from 1975 to 1979. He testified that though he was not in regular contact with Mr. Hong, who was unwell and in Phnom Penh, their relationship that had been formed over the resistance period continued. Mr. Karnavas asked if Mr. Sikoeun was aware that Mr. Hong had testified, to which the witness said he had only seen the testimony on television and did not contact Mr. Hong about it.

Mr. Karnavas queried whether Mr. Sikoeun could explain So Hong and Phy Phuon's work obligations within the MFA, to which Mr. Sikoeun replied that he only knew "he" worked as a guard for embassies in Phnom Penh. Mr. Karnavas inquired whether the witness was suggesting the only thing he knew about the two men was that they were guards at embassies in the capital. Mr. Sikoeun responded that Phy Phuon was the head of the guard unit in charge of protecting embassies, while Mr. Hong was the MFA general secretary and Ieng Sary's right hand. When Mr. Karnavas pressed Mr. Sikoeun on when he acquired this information, the witness responded that it was during his time at the MFA.

### ***Witness Testimony Returns to FUNK and GRUNK***

Mr. Karnavas cited the witness's August 2 testimony, asking if Mr. Sikoeun could clarify a comment that FUNK was established following an appeal by Prince Sihanouk. Mr. Sikoeun said

the appeal was made on March 23, 1970, to Sihanouk's compatriots to rise against Lon Nol's forces and go to the maquis to stage armed resistance with forces led and trained by the CPK and South Vietnamese soldiers.

Referring to witness Ong Thong Hoeung's August 7 testimony, Mr. Karnavas said Mr. Hoeung had indicated that the front was under the direction of Ieng Sary, and he sought clarification from Mr. Sikoeun on this point. Mr. Sikoeun asked if Mr. Karnavas was referring to the front section locally or abroad, and Mr. Karnavas queried whether there were, in fact, two fronts.

Mr. Sikoeun answered that the front referred to joint forces with different political backgrounds, with the FUNK joined by the nationalist and royalist forces, the CPK, and other "middle" forces. Mr. Karnavas again asked who was directing the front, or if every faction was pursuing a common goal through different agendas, to which Mr. Sikoeun replied that Sihanouk chaired the front and assumed responsibility for diplomatic relations. In response to Mr. Karnavas, Mr. Sikoeun said the front had no spokesperson at the time, but as leader Sihanouk gave press interviews and the front's politburo head Pen Nouth was charged with disseminating information about the front and garnering international support. Mr. Sikoeun said Ieng Sary represented the local front section at the time.

Mr. Karnavas inquired if there was a review, and potential editing, process in place for what Sihanouk said or wrote to ensure the content was authorized and consistent with the front's message. Mr. Sikoeun said that as chairperson, Sihanouk had the right to make any statement he deemed beneficial to the resistance movement and did not seek clearance or opinions from others. Mr. Sikoeun affirmed that Sihanouk's statements would never damage or demoralize soldiers of the resistance movement.

At this point, President Nonn halted questioning of Suong Sikoeun and scheduled further testimony for Thursday, August 16, due to the witness' ill health.

Mr. Pauw informed the court that due to continuing headache, back pain and lack of concentration, Nuon Chea wished to monitor proceedings from the holding cell. The request was granted.

#### ***Witness Sa Siek, Alias Sim, Takes the Stand***

After the court returned from the lunch recess, a new witness, Sa Siek, alias Sim, was brought into the courtroom. In response to preliminary questions from President Nonn, Sa Siek said that she was born in 1956 in Trapaing Meanchey village in Prey Veng district's Teok Thla commune in Prey Veng province. She currently lives in Battambang province's Samlaut district, where she works as a farmer, and has one son and three daughters. Ms. Siek said she has no blood or marital ties to the accused or to civil parties and had taken an oath. Ms. Siek confirmed that representatives from the Office of the Co-Investigating Judges (OCIJ) had interviewed her once at her house – though she was unsure of the date – and she had read a written record of her interview. In response to President Nonn's query about the consistency of the written record against her statements to OCIJ investigators, she replied only that she forgot things quickly.



### ***Prosecution Begins Questioning New Witness***

National Senior Assistant Co-Prosecutor Veng Huot began his questioning by asking Ms. Siek what she knew of events on April 17, 1975. Ms. Siek said that Cambodia and its capital had been liberated. In an area near “the stadium”<sup>6</sup> she observed male and female soldiers, weapons, tanks, plans and people being evacuated. “That was the last round of the evacuation,” Ms. Siek said.

Mr. Huot asked if Ms. Siek entered Phnom Penh on April 17, 1975, to which the witness replied that she was with her “art group” who were travelling through an area near Kampong Speu province and stayed for three nights at Udong Mountain. Mr. Huot asked why she entered Phnom Penh while people were being evacuated. Ms. Siek said that within her unit she was in an art group – known as S-6 – that was told it would serve in the propaganda department after the liberation.



*Traditional performance by Khmer group praising the Khmer Rouge revolution; performed in 1978 for a visiting Romanian dance troupe. Photo by Gunnar Bergstrom. (Source: Documentation Center of Cambodia)*

Returning to Ms. Siek’s stay at Udong Mountain, Mr. Huot questioned whether she had seen any of “leaders.” Ms. Siek testified that she saw Khieu Samphan near Kampong Speu, in a car with two female newsreaders from a mobile broadcast station.

In response to a question from Mr. Huot, Ms. Siek said she saw tens of thousands of people being evacuated and that when she was near the stadium people came from the riverfront, whom the head of the art unit said were being evacuated in the wrong direction. Ms. Siek said she did not know who was in charge during the evacuation.

Mr. Huot next referenced Ms. Siek’s statement to OCIJ investigators, which said that she saw the evacuation and soldiers but did not know to which division they belonged, that it was dark and rainy, and that there were weapons and military backpacks around.

Ms. Siek maintained that she saw the evacuation of civilians, not soldiers but confirmed that there were Khmer Rouge soldiers. Mr. Huot asked whether Ms. Siek stood by her statement to

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<sup>6</sup> Sa Siek appeared to be referring to Olympic Stadium in Phnom Penh.

OCIJ investigators that soldiers were controlling the people during the evacuation process. Ms. Siek affirmed that she did not know who controlled the evacuation.

Mr. Huot queried whether Angkar prepared space for women who were pregnant or had just given birth. Ms. Siek said that she only knew that they wanted people to move from the city and return to their native villages. She said that she did not see any pregnant women, only people pushing cars and carts.

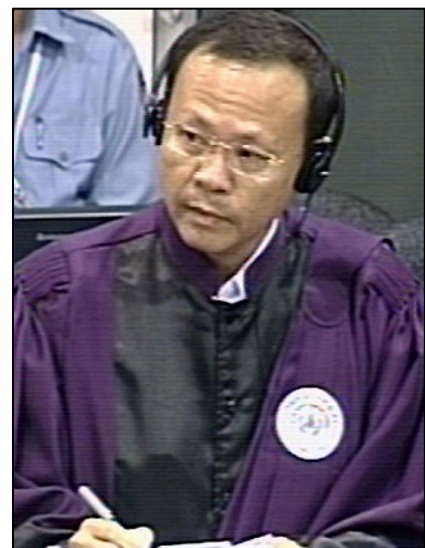
Mr. Huot recounted that Ms. Siek had told OCIJ investigators that she was at Office S-6 broadcasting news and asked if the radio broadcast information about the hardship faced by people being evacuated in the rain and dark. Ms. Siek that the mobile broadcast station only disseminated information about “the liberation of the city” and did not broadcast any other information besides the liberation on April 17, 1975.

Mr. Huot read another excerpt from the statement given by the witness to investigators, asking if she stood by comments that people were asked to raise white flags at houses and surrender their arms. Ms. Siek said that as she came to Phnom Penh she saw the flags raised at some homes and the stadium was preparing to do so as well. Mr. Huot sought clarification on whether the witness heard that white flags should be raised on the radio or saw them being raised herself and also asked if there was an instruction for Lon Nol soldiers to disarm or raise white flags as Phnom Penh was about to fall, to which Ms. Siek said that she was unsure.

Ms. Siek testified that she did not know who was in charge of the mobile broadcast unit at the time, as she was in the arts section, but the unit was intended to serve the battlefield and encourage soldiers. When asked by Mr. Huot about the leadership of the propaganda ministry, Ms. Siek said that Hou Nim was the chairperson, and she could not recall the deputy’s name. After Phnom Penh was liberated Tiv Ol was assigned as Hou Nim’s assistant but later left, Ms. Siek said.

Asked if she saw Lon Nol soldiers evacuated when she worked at the propaganda ministry, Ms. Siek said that some former technicians and operators at the radio station remained, but she did not know about other senior officials. Mr. Huot again quoted from Ms. Siek’s statement to investigators, which said that before Ms. Siek approached the propaganda ministry, “former artists had already been evacuated,” Ms. Siek responded that indeed she did not see former artists there, only six remaining technicians.

Mr. Huot asked if there were radio broadcasts about cooperatives, production, and digging or building canals and dams. Ms. Siek said that she was not in charge of radio broadcasts, but she knew of a broadcast that promoted production and how to be self-sustaining and self-reliant. Mr. Huot pressed Ms. Siek about other radio broadcasts, querying whether there was any information disseminated about conflicts on the Vietnamese-Cambodian border or Cambodian



islands. Ms. Siek testified that they heard that Vietnamese troops had conquered Koh Tral; the broadcast encouraged people to be vigilant, mourn the loss of the island, and consider how to protect the country from being conquered. The broadcast also wanted to educate people about “aggressive neighbors” and told people to devote themselves to defending the country, Sa Siek said.

Before handing over to International Senior Assistant Co-Prosecutor Tarik Abdulhak, Mr. Huot asked if Ms. Siek had observed other senior leaders besides Khieu Samphan. Ms. Siek said she had met Son Sen when she reached the stadium with her group at about 5 p.m. and he shook hands with them. Ms. Siek said the written record of her statement to OCIJ was incorrect, as she did not meet Son Sen alone. Mr. Huot asked for confirmation of part of her statement, which said she knew Ieng Sary was there and worked for the MFA. Ms. Siek said she did not see Ieng Sary, but “knew of him.”

Mr. Abdulhak began his examination of the witness by inquiring where she worked prior to April 17, 1975. Ms. Siek said that S-6 was not a radio station but rather where the art group was located in northern Stung Trang district.<sup>7</sup> The witness confirmed that there was a mobile radio station in Stung Trang when she was there in 1973 but was unsure when it was established.

Asked if there were other offices in the area besides S-6 and the radio station, Ms. Siek said K-18, B-20 – an office for distributing food to units in the area, and office 19 were also located there, and she believed that senior people could have been working in the vicinity. K-18 was a sewing group for women, who also grew vegetables, Ms. Siek testified.

Mr. Abdulhak inquired whether Ms. Siek recognized Khieu Samphan because she knew him from an earlier time, to which the witness responded that she had seen Khieu Samphan at various ceremonies, such as New Year celebrations. Ms. Siek testified that she understood Khieu Samphan was “amongst the leadership.” Mr. Abdulhak then asked if Sa Siek knew, or knew of, Hou Nim and Son Sen prior to April 17, 1975. Ms. Siek said she knew Hou Nim when she was “in the jungle” but came to know him better when he was in charge of her ministry; she had also heard of Son Sen prior to that date.

Shifting his examination to the mobile radio station, Mr. Abdulhak asked if the witness knew who was responsible for and prepared broadcasts. Ms. Siek said she did not know this, and she could not recall how long broadcasts were and how many times per day they aired. Broadcast time and coverage was limited and she and her colleagues could only hear broadcasts when she was within range, Ms. Siek said.

In response to Mr. Abdulhak’s inquiries about her trip to Phnom Penh from Stung Trang, Ms. Siek testified that they left on April 17, 1975, stayed for three nights at Udong Mountain and an additional night in a rice field before arriving at the stadium in Phnom Penh. Ms. Siek described Udong at the time as “normal.” Ms. Siek said she could not recall how many people travelled with her from Stung Trang – though Hou Nim and Tiv Ol both came and went on to Phnom Penh before the rest – and could not say if people from B-20 and K-18 came.

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<sup>7</sup> Stung Trang district is located in Kampong Cham province.

Ms. Siek confirmed to the prosecution that the mobile radio station travelled with her group after they met in Kampong Speu, and after arriving in Phnom Penh, they switched to using a small radio station near Wat Phnom. She testified that the mobile radio station continued to broadcast programs as it moved from Stung Trang to Udong mountain but prepared to make use of the bigger station in Phnom Penh. Ms. Siek responded to Mr. Abdulhak that she could not recall why the group stayed at Udong for three nights.



Returning to Ms. Siek’s statement to OCIJ investigators, the prosecutor asked her to confirm a response to a question about the activities of Khieu Samphan, Son Sen, and Hou Nim, stating that she “saw nothing, their activities were normal, getting ready to enter and occupy the city of Phnom Penh” while in Udong. Ms. Siek said that Son Sen was not there. Mr. Abdulhak referenced a passage in which Ms. Siek referred to “three senior leaders” who had not yet allowed entry into Phnom Penh because people had been evacuated in the wrong direction. The witness said that two people – Hou Nim and Tiv Ol – had not permitted entry, as her superior told her. In response to Mr. Abdulhak’s question, Ms. Siek said that she did not see Khieu Samphan again after April 17, 1975.

### ***Defense Queries Chamber’s Ruling***

Disagreement and confusion over court procedure clogged the proceedings after International Co-Lawyer for Khieu Samphan Anta Guissé objected at Mr. Abdulhak’s move to present Ms. Siek with a FBIS (Foreign Broadcast Information Service) transcript dated April 1, 1975. Mr. Abdulhak sought leave to show a hard copy to the witness – noting that she was unlikely to have seen the transcript as it was produced abroad – and question her about its contents.

Ms. Guissé recalled the chamber’s instruction that if a witness does not recognize a document a party presents to them, the document cannot be quoted to the witness, in accordance with the decision taken during Mr. Pauw’s cross-examination. Mr. Pauw said the prosecution should not be permitted to quote directly from the document if the witness does not recognize it, though he noted that the defense team disagreed with the ruling itself.

Mr. Abdulhak suggested that the two defense lawyers had “misconstrued” the ruling, noting that the transcript was not a contemporaneous DK document and he could not show the witness the actual broadcast but could only read a brief passage to see if she recognizes, or is familiar with it.

After a discussion among the judges, President Nonn said the document differed from other documents because it was a transcript of radio broadcast that is relevant to the case. President Nonn said that as the prosecution noted that the witness would not be aware of the document, they were permitted to read or cite any portion from the document to refresh the memory of the witness.

Trial Chamber Judge Jean-Marc Lavergne said that as the document the prosecution wished to use was before the chamber, it may be used to put questions but that there was a limit based on the relevance of questions and of reading the document.

Mr. Abdulhak proceeded to quote two passages from the transcript, which was entitled “Khieu Samphan Issues a Statement on Current Situation” and had been released in Khmer by the Voice of the National United Front of Kampuchea of Phnom Penh. In response to Mr. Abdulhak, Ms. Siek said she could not say whether she had heard this or similar statements on the radio and that she had not heard broadcasts about the situation on the battlefield or requests for the Lon Nol Regime to surrender. Ms. Siek asserted that she did not know if radio programs generally included messages read by senior leaders of the movement.

#### ***Nuon Chea Defense Again Raises Document Issue***

The examination was halted, as Mr. Pauw again raised the issue of the use of documents. Mr. Pauw said that Judge Lavergne’s comments indicated that the relevance of the questions and whether it has been put before the chamber partly determined whether a document could be quoted from. He noted that documents the defense team referenced earlier were before the chamber, but they were told they could not quote from them before even formulating questions. Mr. Pauw suggested that a rule be established as to when a document could be quoted from and that his team favored a “liberal approach” to the issue.

Mr. Abdulhak referred to a filing by the prosecution that summarized their understanding of the issue, noting one appropriate practice was that a document might be used or shown to a witness to corroborate or extrapolate its substance based on the witness’ knowledge. Mr. Abdulhak suggested the issue could be brought up at a forthcoming trial management meeting. President Nonn said the chamber would rule on the issue the following day.

#### ***Witness Sa Siek Recalls Days Following Evacuation of Phnom Penh***

Returning to the examination, Ms. Siek confirmed that she arrived at Olympic Stadium approximately four days after April 17, 1975, and stayed there for one night before going to the Ministry of Propaganda. She recalled that the only “senior” person she saw at the stadium was Son Sen, with whom the group had a casual conversation.

Mr. Abdulhak requested Ms. Siek describe the “tens of thousands of people” who walked from the riverside. The witness replied that she did not see any monks and though she was far away she could see elderly people and people on motorbikes. In response to Mr. Abdulhak’s inquiry about whether they were accompanied, Ms. Siek said that she did not see any soldiers escorting them. “I saw people who were walking in the direction they wanted to go; it was kind of normal to me,” she recalled.

Appearing puzzled by the response, Mr. Abdulhak attempted to clarify it. Ms. Siek said that she did not understand why the people were leaving the city and did not know who instructed them to do so.

### ***Examination Turns to the Ministry of Propaganda***

Mr. Abdulhak next questioned Ms. Siek about the Ministry of Propaganda. The witness explained that this ministry was located near Wat Phnom to the east of the railway station – at a large school compound she believed was called Lycée Descartes. She told the prosecutor she stayed there until late 1977 before she was moved to a printing house. Ms. Siek confirmed that the radio station and the art group were both within the compound of the Ministry of Propaganda.

Mr. Abdulhak asked where Hou Nim stayed after April 1975. Ms. Siek said he stayed in the compound for one or two days but it was not clean, so he moved, but later returned to stay there with his wife and children. Ms. Siek testified that at the Ministry of Propaganda there was a news reading section, technical section, telegram section, and artist section. Mr. Abdulhak asked if the printing office was part of that ministry, to which Ms. Siek replied that she was transferred to work on a book at the printing office but the two were later integrated and became the Ministry of Propaganda and Education. Yun Yat headed the integrated ministry and “Chhay” replaced Hou Nim as the person responsible for propaganda, Mr. Siek said.

When asked by Mr. Abdulhak about the book she was working on at the printing office, Ms. Siek said she did not remember the title but explained that it was about women in the salt fields and had a picture to that effect. Ms. Siek said that if the book had been about building canals, then it would be entitled “People Working Hard to Build the Dams.”

With that response, President Nonn adjourned the day’s proceedings, to resume on Thursday, August 16, 2012, at 9 a.m. President Nonn said further questioning of witness Suong Sikoeun by the Ieng Sary defense would depend on the witness’ health, and the Chamber may hear more testimony from Sa Siek.