

Court Hears Another Day of Split Testimony

By Erica Embree, JD/LLM (International Human Rights) candidate, Class of 2015,
Northwestern University School of Law

On Wednesday, August 8, 2012, the Trial Chamber continued hearing the testimony of two intellectuals who returned to Cambodia during the Democratic Kampuchea period in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Witness Suong Sikoeun was examined by counsel for the civil parties, a member of the bench, and Khieu Samphan's defense team in the morning, while witness Ong Thong Hoeung was examined by the prosecution in the afternoon.

All parties were present in the courtroom, except Ieng Sary, who was in his holding cell. Trial Chamber Nil Nonn granted Ieng Sary's request to follow the day's proceedings from his holding cell due to his health issues.

After court was called to order, President Nonn began the day by addressing a request by Nuon Chea's defense team to submit new documents to be used during the examination of a witness. President Nonn stressed that applications under Rule 87.4 have to be timely, explaining that a document related to a particular witness has to be filed two weeks before the witness starts testifying. President Nonn noted that the defense's request was filed less than a week in advance of the witness's scheduled testimony. After stating that Nuon Chea's team did not provide enough information for the Chamber to judge whether the request could have been discovered earlier, President Nonn denied their request.

President Nonn gave the floor to Civil Party Co-Counsel Ferdinand Djamman Nzepa to continue his examination of the witness Suong Sikoeun.

Queries on the Ministry of Foreign Affairs Continue

Mr. Nzepa first focused on the time the witness worked in the Ministry of Foreign Affairs (“the Ministry”). Mr. Nzepa asked the witness if he remembered “regional cadres” transiting through the Ministry. Mr. Sikoeun replied that he could not remember the details of the “base cadres” going through the Ministry. Mr. Nzepa clarified that he was not inquiring about the details but only if they went through the Ministry. After remarking that the witness seemed to have indicated his awareness that some did go through it, however, Mr. Nzepa moved on to his next question. He asked the witness if he was aware of the reason the “regional cadres” transited through the Ministry. Mr. Sikoeun replied that no one told him the reason and added that some of the base cadres were appointed to diplomatic positions abroad. When asked who made the decision about where they would go and when, the witness indicated that he did not know, as “those cadres were not within the framework of my supervision.”

Mr. Nzepa indicated that he was going to focus next on the children of Ministry personnel and inquired whether it was usual in the Ministry for children to be separated from their parents. Mr. Sikoeun indicated that this was not a measure only found within the Ministry. He said children and parents were generally separated and children were placed a separate unit. When asked about his reaction to this separation measure, particularly, whether he accepted it, he stated that there did not appear to be a problem as there was “appropriate” supervision in the childcare center, and he said that their children were taken care of by the person in charge. He noted that his wife could see their children at this center, adding, “It was not too strict.”

Switching to the topic of education, Mr. Nzepa asked whether the separation was a form of indoctrination “to answer the whims of the directors of the party.” The witness explained that at the time he was not concerned with education; he explained, “I trusted the party and wanted my children to follow my path, that is, loving the country, loving the people, and sacrifice everything for the cause of the nation, the people, and the Revolution.” Mr. Nzepa followed up, asking if, after later reflection, the witness could say whether the education received by his children during the Democratic Kampuchea (DK) regime had a positive effect on his children’s development. Mr. Sikoeun asked President Nonn if he needed to respond, commenting that the question seemed to be outside the scope of the trial. After being directed to respond, he replied that the DK regime was not of long enough duration to notice “the result of that kind of education.”

Switching topics, Mr. Nzepa asked about the Khmer Rouge leadership structure in 1994, asking specifically if Mr. Sikoeun knew of an event that happened in June 1994 at this leadership level, after the 1993 elections. Co-Lawyer for Khieu Samphan Anta Guisse was recognized and objected that the question was outside the scope of the trial. In response, Mr. Nzepa indicated that he had concluded his examination of the witness.

Judge Jean-Marc La Vergne Puts Questions to the Witness

President Nonn asked the bench if they had questions for the witness; Judge Jean-Marc Lavergne indicated that he did and proceeded to put several questions to the witness. Judge Lavergne asked the witness, if, in his view, “there was a clear and joint political line between the different groups that together made up the FUNK [National United Front of Kampuchea] or was it more an alliance of convenience that brought together divergent elements.” He also asked about a common point among these groups. Mr. Sikoeun replied:

When we referred to the FUNK and the GRUNK [Royal Government of the National Union of Kampuchea], when Prince Sihanouk was the head of the state at the time, it had a clear agenda. First, within the country the aim was to liberate the country from the grip of the Imperialist Americans and their puppets, which was the Khmer Republic regime. And, in the area of country construction, there was a debate and discussion, and Sihanouk wanted it to be a socialist revolution. ... At that time Pol Pot was still in Beijing, and China opposed the word socialist, and instead it requested to build a country that is neutral, independent, and sovereign. As for the overseas view, we would adhere to the neutrality and non-alliance and not bend ourselves to the socialist or the western block or the *Soheto*, which means the Thailand, Pakistan, or the Philippines, where they were all led by the Americans. So, as I recall, those were the main themes at the time.

Judge Lavergne inquired whether the witness believed that Pol Pot and other CPK members had the identical vision as Prince Sihanouk regarding Cambodia's future. After asserting, "I do not know that clearly," Mr. Sikoeun continued to explain that from his "historical observation and as a Cambodian" Cambodians have pride in their country and its history and that "we should consolidate or join our forces without class splitting, without race or religious incrimination and that we join as one force to build a prosperous country within the current boundary of Kampuchea. I think all Cambodian leaders through various stages in the history are of the same view, as they loved the country and the people." The witness said that his understanding was that Prince Sihanouk "adhered entirely to this vision," and he then offered up his respect for and apologies to Prince Sihanouk.

Judge Lavergne indicated that from this response he understood the witness to be saying that Pol Pot and Prince Sihanouk had the same vision in the 1970s after the coup d'état. He then asked the witness whether, at the time, the public viewed there being four important people in the FUNK –Prince Sihanouk, Penn Nouth, and Ieng Sary, who were all in China, and Khieu Samphan, who was in Cambodia. The witness replied that Prince Sihanouk, who was the head, was the FUNK's "main important person" at the time. He noted that there were subordinates, naming Penn Nouth and also Khieu Samphan, Hou Youn, and Nu Nim, all of whom, he noted, were respected by Cambodians and the youth. He added that Ieng Sary, at the time, was not widely known, noting, "He was only well-known within the intellectual circle."



Cambodian delegation visits China during DK regime. Front row center is Penn Nouth, who served as Cambodian prime minister six times under Prince Sihanouk. Suong Sikoeun is pictured at back row center, wearing sunglasses. (Source: Documentation Center of Cambodia)

Next, Judge Lavergne inquired about the relationship between Prince Sihanouk and Ieng Sary, specifically asking if Mr. Sikoeun noticed any incidents that happened between them. The witness replied that he “did not know the details of communication between these two elites” and went on to make comments regarding Prince Sihanouk. Judge Lavergne interrupted him and asked him to reply to his question, asking again for incidents that happened between Prince Sihanouk and Ieng Sary during their time in Beijing. As an example, he asked about the conditions surrounding a 1974 visit of Prince Sihanouk to European and African countries. Mr. Sikoeun replied, “I could not describe his personal characteristic and personal relationship at a very personal level, but in terms of working level, they worked along well.” He remarked that he did not notice any incidents during visits to other countries. He noted, “There was only one thing that could be a problem,” referring to a 1973 conference in Paris to negotiate a peace agreement with the United States and the Socialist Republic in Vietnam. He explained that the United States and Vietnam wanted FUNK to work with the Lon Nol administration in its participation in the conference, but, he explained, the resistance forces in Cambodia, which Ieng Sary represented, opposed the FUNK working with the Lon Nol administration. He then recalled that Prince Sihanouk was in agreement with the resistance’s position. He concluded, “So basically Prince Sihanouk and Ieng Sary did agree on the national solidarity in the country. Of course, there could have been some incidents in their relations, but I could not describe because it was at their personal level. But if you look at the overall picture of the resistance, there was an agreement between them that there would be a resistance without negotiation or reconciliation with the former Khmer Republic led by Lon Nol.”

When Judge Lavergne inquired whether this agreement was arrived at after a “long period of distrust” and whether people were concerned he would want to compromise, the witness replied that he did not have knowledge of this as he was not a part of the “leadership level.” After the witness once again veered away from Judge Lavergne’s question, including commenting about Cambodia today, the judge reminded him to limit his responses to the questions asked.

Next, Judge Lavergne asked the witness about his position at the GRUNK’s information department, particularly about the information he received. Mr. Sikoeun replied that while he worked in the FUNK’s Information and Propaganda Department in Beijing, he obtained information from several sources, with the three main ones being a French news agency, AFP, as well as a Chinese news agency and a Vietnamese news agency, from which he would get internal information about the battlefield.

When asked if he received information pertaining to the military, the witness replied that they heard military information from Hanoi from the Voice of FUNK broadcast. He noted that they also heard domestic news from AKI. Judge Lavergne inquired if from this information they were able to gather that a city, once taken, was evacuated. Mr. Sikoeun replied that he was not aware at this time of the evacuation of people and only learned of it upon his return to Cambodia. He added that when he was in Hanoi, Ieng Sary had a training course at the Voice of FUNK wherein Ieng Sary indicated to them that upon liberation, “the resistance forces had to live together with the people from Phnom Penh so we had to observe our attitudes and etiquette, we had to adhere to a moral standard, and so on and so forth. There was no indication or information from him that the people were to be evacuated out of Phnom Penh at all.” Upon prompting from Judge

Lavergne, the witness clarified that from the information received from their sources, they “could not know whether there was evacuation out of the city.”

Moving on, Judge Lavergne asked the witness to confirm whether when he returned to Cambodia he was sent to B-20 and was reeducated there. The witness clarified that he only transited at B-20 and that he was not reeducated there. He added that he attended “day-to-day meetings” there and was given the task of planting bananas. He also said that while there he met with Phum, the supervisor.

Judge Lavergne showed the witness a document titled “Regarding the Mastery of the Political Line and the Gathering of the Forces of the Democratic Forces.” He noted that this document was a list of directives and is referenced in footnotes in the Closing Order and read a lengthy quote related to Prince Sihanouk:

Outside the country there was an enormous amount of change with the following characteristics. First of all, people from the outside front had to return to the home country; they were no longer living abroad, which meant that we had put an end to this outside organization without any negative impacts. On the contrary, our influence in the world increased. The world never imagined that this could happen in this way. Second of all, once the people from the front returned to the country we were able to take charge of them firmly, from Penn Nouth all the way down the hierarchical line. ... Even Sihanouk, we were able to take charge of him as well because he had nothing left, no money, no power; ... we have everything. We take control of everything, including the Royal Palace. However, we can work with him easily. Nowadays he sees that he can live with us. If such are things he is satisfied as long as he can remain in the country for a little while and travel abroad. ... In the future if he changed his mind, we would consider him as a scab which will fall on its own without any suffering.... Thus forming a front with these people was not difficult.

When Judge Lavergne asked the witness if he had previously seen this document, Mr. Sikoeun replied that he had not and could not therefore say anything on it. He then said that this was the policy at the time. When Judge Lavergne asked if these instructions matched the political reality during Democratic Kampuchea, the witness replied that it did.

Judge Lavergne read another excerpt from the same document:

Those from the outside who asked to return to the country, they are living in Europe, in Western Europe and in the United States. They are intellectuals. Our principle is that we must mobilize them, as many as possible. ... If they came, what will we make them do? We would make them do labor work. If they had come in [19]72, '73, and '74, they were forced to perform manual labor as well. If they came now, they should engage in manual labor as well. These forces are only peripheral. However, we also must train them and reeducate them in the new society and in the new movement.

The judge asked whether this excerpt meant that all who returned had to be reeducated and that this reeducation meant “physical labor.” Mr. Sikoeun confirmed that this was the situation.

Judge Lavergne then asked whether intellectuals who wanted to return were informed that they would have to raise their consciousness through labor. The witness indicated that he did not know if specific instructions were given to them by people in charge of the front. He described how, while he was in Beijing, he along with a couple other intellectuals, tried to prepare

themselves for physical labor by participating in physical activities, so that when they arrived in Cambodia they could perform the labor.

Judge Lavergne noted that the directive he had quoted from was dated September 22, 1975, the month that Ieng Sary traveled to Paris and New York to attend a session of the United Nations (UN) General Assembly. He inquired whether Mr. Sikoeun went with Ieng Sary on these trips and whether Ieng Sary referred to required physical labor for all returning intellectuals. Mr. Sikoeun confirmed that he went with Ieng Sary. However, he could not recall what was discussed in the meeting in Paris with the students.



Judge Lavergne asked frankly, “Is this memory loss, Witness, or simply because you were not there, or do you simply not want to remember?” After asserting that he was a frank person, Mr. Sikoeun said he could not remember it; he also maintained that he attended the meeting in Paris. After the witness continued his explanation beyond Judge Lavergne’s question, including how he was rescued by a “political enemy” when he took ill, President Nonn again reminded the witness to limit his response to the question posed and not make extra comments.

Changing subjects, Judge Lavergne asked the witness how many people were living in Phnom Penh during the DK regime. The witness said he heard from others that there were around two million people living in Phnom Penh. After Judge Lavergne said he believed the number the witness gave might have been for the inhabitants prior to the fall of Phnom Penh, he clarified that he was asking about the number there during the DK regime. President Nonn noted that in Khmer the witness stated there were around 200,000 inhabitants and indicated that the witness need not provide a further response.

Turning the testimony again to the Ministry of Foreign Affairs, Judge Lavergne inquired whether the witness knew if anyone committed suicide there. Mr. Sikoeun recalled someone of Charay ethnicity who committed suicide; this person, he explained, had headed a department under Koy Thuon, the head of the North Zone who was later “smashed.” The witness could not remember the person’s name, nor did he know what the person’s duties were when he came to work at the Ministry. Recalling a meeting that involved this person, Mr. Sikoeun stated, “The nature of the meeting was for those who were responsible before the party. . . . There was Ieng Sary, So Hong, Phy Phuon, and there could be also Madame So Se, who was the Secretary.” He described how during the meeting this person was “seriously criticized” since he was close to Koy Thuon. He noted that Ieng Sary did not criticize him “that seriously,” that it was his close colleagues who did so. He noted that the individual did not give a response to their criticism, and that later he heard the individual had killed himself. He contended that persons of Charay ethnicity have a “strong self belief” and added that he would probably have done the same. So far as he was aware, this was the only suicide in the Ministry.

Interjecting, International Co-Lawyer for Ieng Sary Michael Karnavas commented that he had been told by his Khmer colleagues that President Nonn, when clarifying earlier the number of

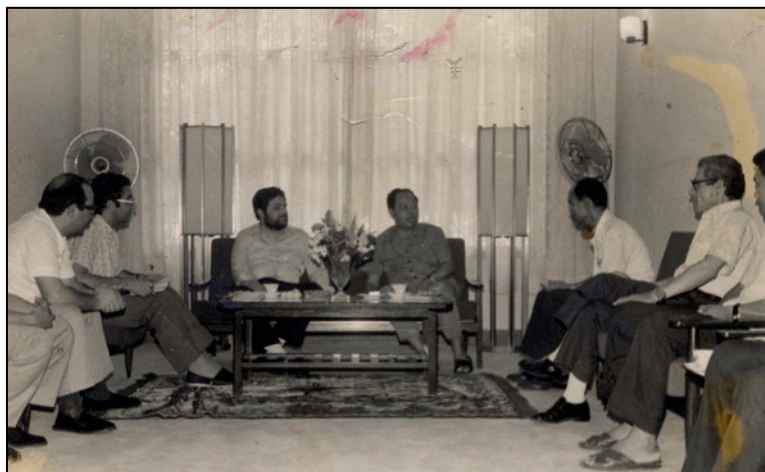
people the witness had said remained in Phnom Penh, had said 20,000; however, he explained, in English, the number 200,000 was heard.

To clear up the matter, Judge Lavergne again asked how many were living in Phnom Penh during the DK period, and the witness said it was around 20,000 inhabitants, adding that those who remained were not “ordinary civilians” but workers, soldiers, and public servants. Mr. Sikoeun confirmed that no census was conducted during the DK period, however.

Moving on, Judge Lavergne asked the witness whether he was ever informed of offers to DK representatives by foreign countries or institutions of food or money for the Cambodian people. Mr. Sikoeun replied that in 1975, OPEC [Organization of the Petroleum Exporting Countries] offered Cambodia an unconditional grant of \$5 million. He recalled that Ieng Sary had said, “There is no politics involved because OPEC comprises of member countries who were rich, so we could actually accept that financial offer.” But, he asserted, so far as he was aware, the offer was rejected.

When asked if human rights bodies like Amnesty International were in contact with the DK leaders at this time, the witness replied that he did not know, as this matter was outside his responsibility.

Judge Lavergne next focused on Office 870, inquiring whether Mr. Sikoeun had contact with this office while he was at the Ministry. The witness replied, “There was no such contact because we were two separate bodies; one was the party and one was the administration.” When Judge Lavergne asked specifically about whether he sent articles, documents or translations there, Mr. Sikoeun replied that while it is possible such documents were sent there from his section, he did not personally do so.



Ieng Sary (center) meeting with a visiting foreign delegation. Suong Sikoeun, to the right of Ieng Sary, served as an interpreter during the meeting. (Source: Documentation Center of Cambodia)

Focusing again on his work at the Ministry of Foreign Affairs, the witness confirmed that Ieng Sary was his superior there. When asked if this meant he only gave his work to Ieng Sary, Mr. Sikoeun clarified that it depended on the task, explaining that Pol Pot directly gave him some tasks and that, in this case, “nothing would go through Ieng Sary.” When asked how he sent

documents to Pol Pot, the witness explained that the documents went through the Secretariat, headed by Madame So Se.

Judge Lavergne asked the witness whether Ieng Sary would ask after giving an interview abroad to see what was published subsequently. The witness said Ieng Sary did not do so and added that the text of such an interview would not have been published in Cambodia, and, if it was, it was not by his section. Judge Lavergne clarified that he was asking about times when Ieng Sary was interviewed abroad and the interview was published abroad. Mr. Sikoeun reiterated that it did not go through his section and maintained, "If the interview was made overseas, I would have known of that through the publication in the newspapers." When the judge asked specifically if he would have been informed about articles that appeared in German and Italian papers, Mr. Sikoeun replied that he was not informed.

Judge Lavergne told the witness he had no additional questions for him, and the court broke for the morning recess.

Khieu Samphan's Defense Team Questions the Witness

Returning from the morning break, President Nonn gave the floor to Khieu Samphan's defense team to examine the witness. National Co-Lawyer Kong Sam Onn began the examination by asking whether the National United Front of Kampuchea (FUNK) and the Royal Government of the National Union of Kampuchea (GRUNK) were subdivided into groups based on their political trends. Mr. Sikoeun replied, "In both FUNK and GRUNK there were respective organizational management." FUNK was a political organization, he explained, with a central committee and above that there was a bureau. Penn Nouth served as the Chairman of the central committee. The witness further noted, "In each country there was a cell of the FUNK. It was the appointment by FUNK." He then described FUNK's political trend as "open" and stated that the movement was mainly led by Prince Sihanouk, adding that there were Sihanoukists who also supported this movement. Later on, Mr. Sikoeun said, the movement broke down into FUNCINPEC. The witness testified that this movement "gained momentum at that time and it had a wide range of members." The leftist side, he explained, had a "wide range of members as well," though, he noted, the leftists were distinct from the "Rouge people" and included dignitaries such as Chao Seng, who had been Prince Sihanouk's Cabinet Chief as well as a minister with the special mission portfolio. The Rouge people were another faction and were later referred to as the Khmer Rouge. Mr. Sikoeun contended that Ieng Sary, Khieu Samphan, Hou Youn, Hu Nim, and Thiounn Mumm lead this faction. Additionally, he explained, an old resistance force faction also arose, made up of people who took refuge in North Vietnam after the 1954 Geneva conference; Keo Meas, Chea Soth and others led this group. He concluded, "So there was a large composition of different functions in the FUNK, but there were no specific designation for them."

When Mr. Onn asked about Sihanoukism, Mr. Sikoeun explained that this term referred to "the elite group who used to work in the *Sangkum Reastr Niyum* regime and later on worked in the government under Norodom Sihanouk." Huot Sambath, Chea San, Kea Meas, who was the ambassador to China, and Poeng Peng Cheng, who was the former Cabinet Chief of Prince Sihanouk were Sihanoukists, he asserted; others who were within the circle but not active were General Kong Sam-Ol, and the ambassador to North Korea.

When Mr. Onn asked if it was correct that Sihanoukism was not an organization, the witness confirmed that there was “no clear organization.” Some Sihanoukists were activists who were “100 percent loyal” to Prince Sihanouk, he contended; the rest were “neutral without any particular political tendency” but had respect for and were influenced by Sihanouk.

Mr. Onn asked the witness about his earlier statement that the leftists were not the Rouge people. Mr. Sikoeun described how when he was in France, there were two separate organizations. The witness said that the Khmer Student Organization were the leftists; the other core organization within the Marxist-Leninist Circle was “the Red,” who “liked to use, for example, the former Soviet Union as a model, or China, or the People’s Republic of Vietnam as a model. ... This group was a group which sympathized with communists, but they were not within the organization.” Sou Neng and Chao Song belonged to this group. Chann Youran, who was within the Sihanoukist group, also cooperated with the group.

Moving on, Mr. Onn inquired whether the forces overseas and domestically cooperated with each other. In response, the witness replied that after Lon Nol’s coup d’état, people within the country, including in Kampong Cham, demonstrated but it was not organized. He discussed the Viet Cong force from South Vietnam being in Cambodia in significant number. He concluded, “They both raised the flags of Samdech Sihanouk in order to gather the forces from the people to join the resistance movement.”

Mr. Onn next asked the witness whether FUNK had a domestic force made up of Cambodians and, if so, he asked for an estimate of the forces. Mr. Sikoeun said he does not “know it clearly” as he was abroad. He said he knew of a peasant rebellion in 1970 in Samlot, and that in 1968 the Communist Party of Kampuchea (CPK) rioted and confiscated weapons throughout Cambodia from the enemy. He added that the number of these armed forces was small and concluded, “They would be gathered to form a force of the Front. And the Viet Cong force inside the country also gathered and organized that force in the name of Prince Norodom Sihanouk.”

Turning to the subject of the CPK, Mr. Onn referred to the witness’s testimony that he became a party member in 1971 in Beijing. He asked about when the CPK was established, to which the witness replied that he did not know. Mr. Sikoeun then detailed how he became a member in 1971, after what he said had been a long preparatory stage.

Explaining the CPK’s mission, Mr. Sikoeun stated, “The ultimate aim of the party was to build a communist regime within Kampuchea. And a communist regime means everyone was equal, everything was communal.” He then indicated that this was the party’s long-term objective and that the CPK’s early objectives in the 1970s were to liberate Cambodia and to make a national revolution.

Mr. Onn next asked about the division of responsibility between the FUNK and the CPK. The witness replied that he did “not know clearly.” As he understood it, the CPK was to lead the domestic armed struggle; everything else overseas would be under Prince Sihanouk’s leadership, as he was the head of FUNK and the official head of state then. As to which organization had more influence, Mr. Sikoeun said, “The two organizations joined forces as one.” However, with

regard to individuals, the witness said, it appeared that Prince Sihanouk had more influence abroad and still had authority within Cambodia.

When Mr. Onn asked whether FUNK had authority at the battlefield, the witness replied that he did not know since he was abroad. He added, "I only know that the domestic force was divided into the armed forces of the CPK and the armed forces of Viet Cong, that is, the Front movement of Vietnam. They were armed, trained, and also led the armed forces belonging to Sihanouk."

Turning to his client's role, Mr. Onn inquired about the witness's knowledge of Khieu Samphan's "actual role and function" in GRUNK during the resistance period, recalling the witness's testimony that Khieu Samphan was the deputy prime minister and the commander in chief of the National Liberation Force. After asserting that he could not talk about how things functioned within Cambodia since he was abroad, Mr. Sikoeun stated, "I can tell you that, as a commander in chief of the national liberation force, I could say Khieu Samphan was in a figurative role, he did not have any real power, and I learned of that at a later stage. . . . It was other people who actually had the real power to issue commands for the military." Following up, Mr. Onn asked who were the actual commanders. The witness replied that he did not know, adding that he was not even aware of who the party secretary was then.

Moving on, Mr. Onn asked about Khieu Samphan's role after April 17, 1975, recalling the witness's testimony that Khieu Samphan was the President of the State Presidium. Mr. Sikoeun said that he only knew that the State Presidium was made up of the president, the first deputy president, and the second deputy president. He added, "I did not know where the office of that State Presidium was, and this applies to other ministries as well. It only existed on paper."

When asked for examples of other entities that only existed on paper, the witness replied, "Let's say the Ministry of Public Works, where Touch Phoeun was the Minister; it seems there was no actual ministry. Another one is Ministry of Commerce. The actual appropriate Ministry structure was only the Ministry of Foreign Affairs with the proper systematic organization. As for other Ministries, for instance, the Ministry of Propaganda and Information, there was a kind of organization but it was not full. . . . As for the Ministry of Health, Chuon Choeun was the Minister but he was aloof, by himself. So, many of the ministries only existed on paper, with no proper organization." He then referred to the need to maintain secrecy and not keep things on paper.

Mr. Onn recalled Mr. Sikoeun's testimony that he and Khieu Samphan were in "the same situation" and that it was only due to his "senior" position that Khieu Samphan was appointed as the President of the State Presidium. The witness explained, "Before the Communist Party of Kampuchea, by virtue of the principle of the party as well as the actual implementation of the policy, it was so because no one was permanently important to the party." He also said, between him and Khieu Samphan, "in terms of authority, I do not think he had more authority than I did." He added, "Of course, he [Khieu Samphan] did not have any authority to sign or authorize anything. . . . That was the actual situation on the ground I witnessed myself." However, he concluded, "I am not trying to have the judges believe that what I am saying is all correct and accurate, but I only described the situation back then; I may not have understood the situation very well at that time either."

Senior Assistant Prosecutor Vincent de Wilde was recognized and asked President Nonn to direct the witness not to speculate or draw personal conclusions. After Mr. Onn commented on the witness's knowledge and the usefulness of it, he continued asking his questions. When Mr. Onn asked the witness, "Why did the intellectuals at that time who were in the Communist Party of Kampuchea not use their intelligence in order to deal with the situation at that time," President Nonn told the witness that he did not need to respond and ruled that the question sought to elicit a conclusion from the witness.

Rephrasing, Mr. Onn asked the witness if, through his experience in the movement up until the liberation in 1975, there were "any principles imposed by the Communist Party of Kampuchea on the mobilization of the intelligence or skill of intellectuals." The witness, in his response, stated:

What I had been trained and acquired overseas was considered the impediment to my participation in the movement. To put it simply, the precondition was that I had to abandon whatever I acquired from my overseas training because it was not only the burden but also the obstacle of my participation in the movement and I had to refashion myself; I had to rebuild my personal view in line with the line as well as the principle of the Communist Party of Kampuchea. So whatever the party decided, ... we had to adhere to. The mere fact that we started to question it raises the question of our trust in the party. ... We still had our own thinking, but we did not question whether the line was correct. That was what we understood at the time.

Mr. Onn asked the witness to explain the principle of solidarity during the DK period. President Nonn asked the counsel to rephrase, as asking the witness to explain indicated that he is questioning an expert witness. Rather than doing so, Mr. Onn noted that he had no further questions.

Ms. Anta Guisse Starts her Examination of the Witness

International Co-Lawyer for Khieu Samphan Anta Guisse commenced her examination of the witness. She recalled the witness's August 6, 2012, testimony regarding his education, that he had to "combat the enemy within himself to foster a new mentality." Ms. Guisse asked if he, as an intellectual, was considered to have more problems "combat[ing] the enemy within" than others such as the peasants. Mr. Sikoeun answered the question through a discussion of private ownership. Within his response, he stated, "Both in theory and in reality it was normal that once we were from a high pedigree then the elimination of private property posed an issue." He indicated that he personally did not have an issue with the abandonment of private property and then commented further on his personal character. Ms. Guisse asked the witness to speak more slowly and asked him to answer her questions precisely.

The counsel then referred to the witness's earlier testimony where he indicated that people had mistrust towards intellectuals educated in foreign countries. She inquired how this mistrust "came across clearly on a daily basis during your daily activities." Mr. Sikoeun replied, "During the Democratic Kampuchea we were under the communist



regime, so we lived collectively and everything was connected and usually influencing, so mistrust was everywhere.” He explained how he was “not so afraid” when it came to communication between him and senior leaders because he knew them. However, with others that he did not know well, he said, “I dare not say anything about them because I do not know them that well.”

Prior to adjourning for lunch, President Nonn asked the witness if he was able to give testimony in the afternoon in light of his health. Mr. Sikoeun requested again that he not be required to testify during the afternoon, as well as for the entire day on Thursday due to his poor health. President Nonn granted the request and told the witness he will be called to testify next Monday, August 13, 2012, at 9:00 a.m. President Nonn noted that the witness Ong Thong Hoeung would be testifying after lunch.

Nuon Chea’s counsel Jasper Pauw requested that his client Nuon Chea be allowed to follow the remainder of the proceedings from his holding cell due to his health issues. As usual, President Nonn granted this request.

Ong Thong Hoeung Returns to the Stand

Returning from the lunch recess, President Nonn indicated that the prosecution and the civil parties would have up until lunch tomorrow to examine the witness Ong Thong Hoeung.

Senior Assistant Prosecutor Vincent de Wilde took the floor to continue questioning this witness. Before he asked his first question, he stressed that the prosecution was interested in knowing about what the witness knew at the time and not what he learned after from, for example, S-21 lists.

Turning to his questions, Mr. de Wilde asked the witness whether the Khmer Student Union, when the witness was a member, was more pro-Soviet or pro-Chinese. The witness indicated that the Khmer Student Union had a tendency toward the Soviet Union, after noting that the Soviet Union had helped form the Khmer Student Union. When asked how long the Khmer Student Union continued functioning, Mr. Thong Hoeung could not provide the exact date but said that the dissolution was at Ieng Sary’s instruction. He then provided a further explanation that seemed to address the first question he was asked by Mr. de Wilde, stating, “After the contradiction regarding the ideologies between the Soviet Union and the revisionists within the Communist Party of Soviet Union and the Communist Party of China, the situation within the Khmer Student Union in France was also in a contradictory stage.” He noted that young students then coming to France largely had Chinese tendencies. He also noted that the Khmer Students Association, lead by Paok Chhay, also tended more towards China than to the Soviet Union.

Mr. de Wilde then brought up the FUNK office in Paris, which disseminated the FUNK bulletin there. When he inquired whether the witness had read this bulletin, Mr. Thong Hoeung replied that he read it, as well as helped with its production. Mr. de Wilde put before the witness an April 4, 1974 bulletin disseminated by the Information Bureau of the FUNK. The witness confirmed that this was the kind of bulletin he regularly read in Paris. The prosecutor noted the titles on the first page, including “Crimes Committed by Phnom Penh Traitors against Pagodas,” “A Trip by Mr. Ieng Sary and Khieu Samphan to China,” and another about the military situation

in Cambodia, and he inquired whether these were the sort of articles the witness typically saw in a FUNK bulletin. Mr. Thong Hoeung confirmed that the content was similar to those articles that he read at the time.

Mr. de Wilde asked the witness whether he saw the term “super traitors” in information bulletins or other FUNK communications before Phnom Penh fell. Mr. Thong Hoeung, by stating that he did “not have any reaction against [the word,]” seemed to indicate that he had seen it before.

Turning to the topic of Ieng Sary, Mr. de Wilde sought clarification on the witness’s previous testimony that Ieng Sary had gone to Paris several times, asking the witness how often he went to meetings with Ieng Sary in Paris. Mr. Thong Hoeung replied that he went there “more than two or more than three times.” The witness further explained that he went to at least one meeting before the victory in 1975 and at least one meeting afterward.

Mr. de Wilde inquired whether Ieng Sary was “welcomed as a hero of the revolution” after the victory. Mr. Thong Hoeung replied, “He was not really received as a hero but the status was much larger than that.” Regarding Ieng Sary’s prestige among the Khmer community and students in Paris then, the witness explained that Ieng Sary had “great influence over the intellectuals and students” there, adding that this was largely because he had a lot of friends there, a “core group.”

Mr. de Wilde asked the witness if he noticed others aside from In Sopheap and Suong Sikoeun, whom the witness referenced yesterday, that accompanied Ieng Sary post-April 17, 1975. He particularly asked whether So Hong was there, which the witness confirmed. The witness stated that he spoke with So Hong to try to learn the situation in Cambodia.

Regarding Ieng Sary’s method of convincing people to return during these meetings in Paris, Mr. Thong Hoeung explained that Ieng Sary “mainly talked about nationalism, patriotism, self-mastery, self-dependence, and he repeatedly emphasized on the point that Cambodia was not an umbrella country to Vietnam.”

When asked if Ieng Sary discussed any difficulties within Cambodia, the witness replied that he did not. He added that Ieng Sary “gave an example of those who had returned to the country, namely Suong Sikoeun and that they were happy joining the struggle with the people.” He said that upon hearing this, they were “anxious” to go back to Cambodia and “to perform the task as the one [done] by Suong Sikoeun.” When asked whether others close to Ieng Sary told them at these meetings that he, as an intellectual, would have to be reeducated upon his return, the witness said that Ieng Sary discussed “self-rebuilding” but that they did not know they would have to starve and perform hard labor.

Mr. de Wilde asked whether the students and intellectuals in Paris acted upon the appeals made after



the liberation to return to Cambodia. Mr. Thong Hoeung noted that some sold their houses and left their families to return to rebuild Cambodia. Regarding who returned following these meetings, the witness said one was Ty Chun Leng, who left his wife and children behind in France, and was told by Ieng Sary he was needed because he was an engineer. Another that went was Ly Nay Sim, a medical doctor who brought his small child with him. Also, Penn Trivan went. He noted there were many others.

When asked how many people returned between the liberation and the time he left to return, the witness replied that in total 1,700 returned to Cambodia, with only 200 surviving.

Mr. de Wilde put before the witness an excerpt of an interview from Ieng Sary to *Newsweek* on September 8, 1975, in which he was asked if Phnom Penh was still empty of its population; reportedly, Ieng Sary had responded, “No, about 100,000 people have returned and others are returning little by little. . . . People can go back to Phnom Penh if they wish or they can stay in the countryside.” When asked if this excerpt mirrors what he heard Ieng Sary say regarding the return of Phnom Penh evacuees, Mr. Thong Hoeung replied that his response had been based on this article.

Mr. de Wilde next asked the witness about a statement he made in his book that a group of fellow travelers signed a statement they gave to the press before they left to return to Cambodia. Mr. Thong Hoeung was unable to say who wrote the statement. Regarding its content, however, he said, “The statement was about the assertion by the Cambodian returnees that they were willing to return to Cambodia, and their motivation for their return was because they did not believe in the news run by media controlled by the Imperialists.” Regarding what this Imperialist-controlled media was saying about Cambodia, he explained that there were some allegations of atrocities taking place in Cambodia.

When asked if he was advised about what to bring, or not bring, to Cambodia before he left, Mr. Thong Hoeung indicated that they were told that they should only bring with them one package or one backpack. He further testified that the returnees received a document from the diplomatic mission of Cambodia that was in Paris.

Examination Returns to K-15, the former Khmer Technical Soviet School

Mr. de Wilde focused his next questions on the witness’s experience at K-15. He recalled that the witness testified on Tuesday that he was told to grow vegetables and inquired whether Mr. Thong Hoeung was informed who would be given the vegetables. The witness replied that they were told that they needed to grow them so that they could be self-sufficient.

Mr. de Wilde next asked if intellectuals continued arriving at K-15 during the witness’s three-month stay there and whether they stayed there. Mr. Thong Hoeung corrected that he stayed at K-15 for six months, not three months. After the witness noted that he observed large numbers being taken to Taley, Mr. de Wilde reiterated his question, and Mr. Thong Hoeung confirmed that other intellectuals arrived, including Ros Sarin, his brother-in-law, and his family members.

Asked whether Khmer Rouge cadres selected detainees from among the intellectuals to manage other prisoners, Mr. Thong Hoeung explained that a team leader would be designated from the

detainees, noting that it was like in Germany with the Jews. The team leader would supervise the team's work and report to the officer that was in charge, he explained, noting that team leaders had to try to please those in charge due to an environment of distrust at K-15.

The Witness Testifies about Ta Kmao

Moving on to the topic of Ta Kmao, the prosecutor requested the witness to describe the relative living and working conditions at Ta Kmao compared to K-15 or D-2. Mr. Thong Hoeung stated that the conditions were "getting worse." He explained that they were not allowed to be ill and if they were, then their food would be reduced. Regarding the work he performed there, he indicated he did different things and provided an example of clearing bushes so vegetable plants could be put in. When asked who were the enemies, he replied, "The main enemies were the enemies within ourselves."

Mr. de Wilde then asked the witness if he was still viewed as people from the FUNK and not revolutionaries at Ta Kmao, like at D-2 and K-15. The witness confirmed that they were, adding that the D-2 chairman was "not as cruel" as at the Ta Kmao camp. Mr. de Wilde asked why being a FUNK member was viewed unfavorably, asking whether it was because the witness had joined the revolution late. Mr. Karnavas objected that Mr. de Wilde was leading the witness in his questioning. Mr. de Wilde rephrased and asked why being a member of the FUNK was looked down upon. The witness responded that he did "not have a response to this question." He added that he and his wife thought that the difference between them and those in the countryside was that he and his wife had gone to school.

Asked who the supervisor was at Ta Kmao during that period, the witness said that it was Yuth, which was his revolutionary name. He further testified that he was not aware what entity Ta Kmao was under but added that in his mind he thought it was Ieng Sary. However, he stated that he did not have supporting evidence for this assertion.

Mr. de Wilde next asked whether anyone attempted to escape Ta Kmao. The witness explained how Chao Seng Nung did. He explained that Chao Seng Nung had returned to Cambodia from France and was on the plane with the witness's wife. Mr. Thong Hoeung said that at Ta Kmao he was ill and isolated. According to the witness, Chao Seng Nung had to stay under the camp chief's house, not his own, and no one could contact him. The witness said that they were called to a meeting one day wherein they were told that Chao Seng Nung had fled and that he was a traitor. Then, he said, he heard a rumor a couple of days afterwards that Chao Seng Nung had been arrested. He noted that he later saw Chao Seng Nung's name at S-21.

Regarding how long he stayed in Ta Kmao, Mr. Thong Hoeung replied that he was there for a little over a month, in late 1976, likely in October or November. He further testified that after that, his group was transferred to Boeng Trabek, noting that some in his group were sent elsewhere and he learned later that they were taken to S-21.

Witness Testifies about his First Stay in Boeng Trabek

Focusing on the witness's first stay in Boeng Trabek, Mr. de Wilde inquired whether the witness met intellectuals he had known previously there. Mr. Thong Hoeung responded that upon his arrival in Boeng Trabek he learned K-15 had closed down and the people from overseas sent to

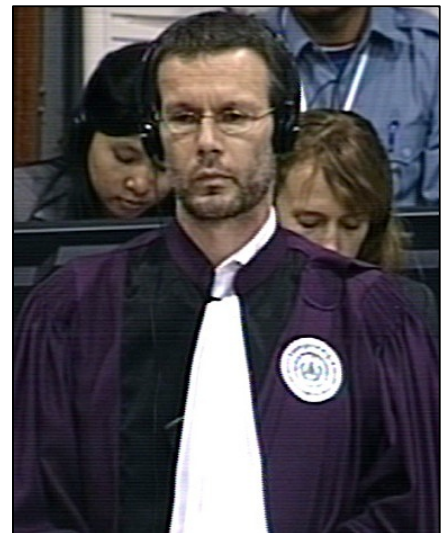
Boeng Trabek. Regarding how many people were in Boeng Trabek, he explained that, while it did not reach the thousands that came from abroad, it was more than had been in Ta Kmao. He recalled that a few Khmer Rouge cadres as well as Cambodians from abroad, the majority of which came from France, were at Boeng Trabek.

Asked if he saw anyone at Boeng Trabek who was on his flight returning to Cambodia, the witness replied “No.” Neither did he see former diplomats at Boeng Trabek then. The witness could not recall what Boeng Trabek’s code name had been in 1976 and 1977.

Regarding the hierarchical structure of Boeng Trabek, Mr. Thong Hoeung explained that, like at Ta Kmao, team leaders and deputy team leaders were appointed. He noted that the intellectuals returning from abroad were assigned as supervisors to teams and they were told they had to report to Angkar. He said they would regularly report to those who were in charge and had to please them, which he said created a feeling of mistrust among them. He emphasized that the tenseness of the situation was greater at Boeng Trabek than K-15.

When asked about who was running the camp, Mr. Thong Hoeung replied that he could recall one Khmer Rouge cadre, Savorn. Regarding Savorn’s superior, he said he only heard them refer to Angkar, though, he asserted, he did not know who or what Angkar was. His friends from abroad included Try Meng Hout, who had a doctorate in Chemistry, and Tou Pheap, who used to study in Beijing for his medical degree and studied in France also.

Mr. de Wilde inquired whether people were taken away from Boeng Trabek during the witness’s first stay there. Mr. Thong Hoeung confirmed that this occurred, including to Ros Sarin, his brother-in-law, Ol Tol, and Chhok Me-Mao. He did not know where they were going but recalled that he thought Ros Sarin was being transferred elsewhere because of his work experience as the former director of Pochentong International Airport.



Mr. de Wilde asked the witness whether he knew of someone called Khuon David while he was at Boeng Trabek. The witness replied that Khuon David had been his friend, but he could not remember if Khuon David was removed from Boeng Trabek or K-15. He added that he later saw Khuon David’s name on a S-21 list. He confirmed that he saw Krin Lean at Boeng Trabek on the day he was taken away by Phum, who had convened a general meeting there. He was not sure why Phum, who was in charge of supervision at K-15, had convened that meeting.

The Witness Testifies about Dei Kraham

Turning to the witness’s time at Dei Kraham, or Red Earth, Mr. de Wilde asked how long the witness had stayed there. Mr. Thong Hoeung said he left in late December 1976 and remained there until two or three months before the DK regime fell. When asked why they made him transfer to Dei Kraham, he explained that at Boeng Trabek they asked for volunteers to go to Dei

Kraham and said there was plenty of crops and food there. Ros Sarin, his brother-in-law, volunteered first, he recalled, and had asked the witness to register. Mr. Thong Hoeung asserted that he was cautious at first but eventually he added his name to the list to transfer. He explained how they left in the evening and that he was told by those who were familiar with the geography that it was in Stung Trang. He described how they drove through a rubber plantation. The next morning, they arrived at Office 17, which was in a forest, where they were received by Kan and others and were told that many senior leaders like Hou Youn lived there.

When asked about his work at Dei Kraham, Mr. Thong Hoeung replied that first they had to clear bushes to plant potatoes. The witness commented that conditions were better at Dei Kraham; for example, they had more food than they did in Boeng Trabek; also, the Khmer Rouge cadres were friendly and more polite towards them in Dei Kraham. Regarding whether people were taken away there, he said that some were taken away on the day he arrived. He also described a week when three people were taken away, namely, Ham Sok-Kong, a former engineer in France, as well as a nephew and niece of Ieng Sary and Ieng Thirith. He noted that others were also removed. Mr. Thong Hoeung approximated that around 100 people were removed during his Dei Kraham, but he did not know where they were taken. He also did not know at the time whether the nieces and nephews of Ieng Sary disappeared or were later found. The witness added that out of all those who were taken from Dei Kraham all were dead, except two nieces of Ieng Thirith.

Witness Testifies about his Second Stay at Boeng Trabek

Moving on from the topic of Dei Kraham, Mr. de Wilde asked the witness where he was taken when he arrived in Phnom Penh. The witness replied that they exited the boat near the Royal Palace and were brought to a house near Wat Phnom by Chiem, who said that Ieng Sary told them to rest there. He further testified that they stayed there for only one night. He was told that during that night Ieng Sary went to the house to meet with them, but the witness was asleep at the time. Others said Ieng Sary asked them questions like how things had been the past few years. He described it as “brother-to-brother chatting.”

After this night, Mr. Thong Hoeung said he was sent again to Boeng Trabek, where there were three divisions within the compound – B-30, B-31, and B-32. When asked if these divisions had existed previously, he noted that the organization was different from his earlier stay; he was told his group was under Ieng Sary’s supervision. Mr. Thong Hoeung explained that he was first put in B-30 and then moved to B-32, where he stayed with former diplomats; he was told that he was moved because he had reeducated himself during his stay at Dei Kraham. He noted that people at B-30 would sometimes be moved to B-31 and then taken to work at B-34. This meant that they had not yet finished reeducating themselves, he explained.

Regarding the Khmer Rouge cadres running Boeng Trabek, Mr. Thong Hoeung could not recall if there were supervisors other than Ieng Sary and his associates. He noted that unlike his first stay at Boeng Trabek, he had sufficient food and the work as “was much less intensive.” When asked if Savorn, who had been in charge of Boeng Trabek during his first stay, was still there, the witness replied that he heard that Angkar had removed him.

Next, Mr. de Wilde asked the witness if he attended meetings with Ieng Sary while in Boeng Trabek. Mr. Thong Hoeung indicated that he attended two of them. Regarding the first, he testified that it took place in a room in Boeng Trabek and lasted for one day. This meeting, the witness described, was a common meeting for everyone from B-30, B-31, and B-32 to hear Ieng Sary's presentation. He noted that this was the first time he saw prior diplomats he knew, including Sarin Chhak, Chen Snuon, and Hor Namhong. Regarding what Ieng Sary talked about in his presentation, the witness recalled discussion of the current situation within the country and discussion about fighting with Vietnam. Ieng Sary told them to be at ease because they would prevail over the Vietnamese, Mr. Thong Hoeung recalled. When asked if there was any talk of traitors, the witness confirmed that there was but added that he could not recall if this occurred during the first or second meeting. He did remember that Ieng Sary spoke about security and arrest and spoke about Tou Thipheap, who was a member of the Boeng Trabek Committee before the witness went to Dei Kraham. Ieng Sary also talked about Van Piny, who had been implicated in two documents, but said there must at least be three implicating documents; he also said he would "defend our comrades from overseas because he said he did not believe all of us would be traitors." The witness emphasized that Ieng Sary had said "as always" when he said he would "defend our group from overseas." Regarding whether Ieng Sary said if Van Piny had been arrested, the witness said he was only aware that Van Piny had two incriminating documents but that he did not know what the significance of this was. He could not recall what Van Piny was accused of, but Tou Thipheap was accused of belonging to the kurmontant group.

Mr. Thong Hoeung also recalled Ieng Sary calling Savorn a traitor. When asked if he heard Ieng Sary discuss Leang Sereivuth during the meeting, the witness said he heard Leang Sereivuth joined the CIA but could not remember where he heard it. Mr. de Wilde asked what Ieng Sary said at the first or second meeting regarding Vietnam, and the witness recalled that they were told "we had to engage in intensive battle with Vietnam."

Moving on from these meetings, Mr. de Wilde asked the witness whether he continued working in Boeng Trabek up until the time he left Phnom Penh. In response, Mr. Thong Hoeung described how he came to leave Boeng Trabek, explaining that So Hong told them on January 6 to ready themselves for departure from Boeng Trabek. The men were to go first. That night they left, but had to return because there was no train at the station. The next morning, on January 7, everyone left, including family members. He was told that the plan had been to take them to the Thai-Cambodian border, but, after they heard explosions in Phnom Penh, the train stopped. After waiting, it did not start back up again, and they were told to go on foot. He said they dispersed into various cooperatives.

When asked whether Ieng Sary was with them when they left the train and entered the cooperatives, Mr. Thong Hoeung replied that no responsible Khmer Rouge was present; they, the Cambodians from abroad, were by themselves.

With this response, Mr. de Wilde concluded his examination of the witness.

President Nonn adjourned the day's proceedings, to be resumed tomorrow, Thursday, August 9, 2012 at 9 a.m. with the examination of witness Ong Thong Hoeung by lawyers for the civil parties and then by Nuon Chea's defense team.