



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 August 2012

Trial Day 89

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

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IENG Sary
KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. IANUZZI	English
MR. KONG SAM ONN	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. ROCHOEM TON (TCW-564)	Khmer
MR. SUONG SIKOEUN (TCW-694)	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 You may sit. The Court is now in session.

5 We will continue to hear the testimony of the witness, who will
6 be questioned by Khieu Samphan's defence team.

7 Before I hand the floor to the counsel, Ms. Se Kolvuthy, could
8 you report the attendance of the parties and individuals to the
9 proceeding?

10 [09.04.36]

11 THE GREFFIER:

12 Mr. President, all parties to the proceeding are present except
13 the accused Ieng Sary, who is present in the holding cell
14 downstairs. He requests to waive his right through his counsel to
15 directly participate in the Court proceeding for the whole day
16 today. The letter of waiver has been submitted to the greffier.
17 As for the next witness -- that is, TCW 694 -- he is present in
18 the waiting room awaiting to be called by the Chamber.

19 MR. PRESIDENT:

20 Thank you.

21 The Chamber will decide to the request by the accused Ieng Sary.
22 The Chamber has received the request by the Accused, dated the
23 2nd August 2012, to waive his direct presence in the courtroom
24 and instead to follow the proceeding through audio-visual means
25 for the whole day.

2

1 [09.05.53]

2 Kouy Samnang, the treating doctor of the Accused at the detention
3 facility, has examined the accused Ieng Sary and notes that he is
4 fatigued and feel dizziness and cannot sit for long or make a lot
5 of movement and recommends that he should be authorized by the
6 Chamber to follow the proceeding in a holding cell downstairs
7 through audio-visual means.

8 As Mr. Ieng Sary requests to waive his direct presence in the
9 courtroom, due to his health, and as recommended by the doctor
10 for him to follow the proceeding remotely from the holding cell
11 downstairs, and that he can also communicate directly with his
12 defence counsel, the Chamber does agree to the request by Ieng
13 Sary to waive his direct presence in the proceeding today, and
14 that he is authorized to follow it remotely from a holding cell
15 downstairs. That applies for the whole day proceeding.

16 [09.07.12]

17 AV booth, you're instructed to link the proceeding to the holding
18 cell downstairs for the whole day for him to follow it.

19 The floor is now given to the international defence counsel for
20 Khieu Samphan to continue posing questions to this witness. You
21 may proceed.

22 QUESTIONING BY MR. VERCKEN RESUMES:

23 Thank you, Mr. President. Good morning. Good morning, Witness.

24 Q. I wish to put to you a question on the S 71 camp and ask you
25 if Mr. Hou Youn and Hu Nim were present at this camp?

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Case No. 002/19-09-2007-ECCC/TC
02/08/2012

3

1 MR. ROCHOEM TON:

2 A. Hu Nim and Hou Youn were not at Office S 71. He -- they were
3 at another office.

4 Q. And which one, then?

5 A. Their office was also near Office S 71, but I did not know the
6 code name for that office. It was not far from S 71.

7 Q. And did you see them on occasion?

8 A. No, not at that location.

9 Q. Where did you see them?

10 [09.09.48]

11 A. I did not see them while they were there in the Office S 71,
12 but those people who were near his office told me about that.
13 That's how I came to learn about that.

14 Q. Thank you. You also explained to us yesterday that an order to
15 stand guard at the office you would stand up at night and guard
16 in groups of ten, and I would like to ask you, how many guards
17 were usually assigned to stand guard at meetings when they would
18 take place at a guerrilla base?

19 A. The guarding groups, they were at the four directions, and
20 each direction would comprise of three main groups.

21 Q. And were these rules applied at S 71 as well as at B 5 or in
22 other locations?

23 [09.12.04]

24 A. I just said that was the practice at S 71.

25 Q. And was the same done in the bases that followed S 71, B 5 for

4

1 example?

2 A. It was a similar practice.

3 Q. Now, regarding B 5, you told us that you had been transferred
4 there on a permanent basis in 1974 or at the beginning of 1975.

5 What did it mean, "on a permanent basis"? Did this mean that you
6 stopped your other messenger activities as soon as you arrived at
7 B 5?

8 A. While we were at B 5, the word "permanently" means that we
9 stayed or lived there permanently and that our group was present
10 there on a permanent basis at that office.

11 Q. So, in order to complete this answer, when you were at B 5,
12 were you still acting as a messenger beyond your regular guarding
13 activities at B 5?

14 A. At that office, I still continued the task as a messenger
15 carrying the message between Hem and the battlefields or the
16 Southwest Zone or to the rear battlefields -- that is, to Office
17 74.

18 Q. Can you explain to us why B 5 was created?

19 [09.15.55]

20 A. The reason for the creation of B 5 was that, it was
21 established to issue commands for the attack on Phnom Penh.

22 Q. And when B 5 was created, was the immediate military purpose
23 of the Khmer Rouge to take Phnom Penh?

24 A. Yes, that is correct.

25 Q. Can you remind us of when B 5 was created, or at least as far

5

1 as you remember?

2 A. Previously, I said: Before the establishment of B 5 Office, we
3 were at an office at Chrak Sdach, and that was in the year of
4 '93.

5 Q. Let me please repeat my question, Witness: When was B 5
6 created? What was the date or is there any kind of event that
7 would allow us to pinpoint in time when B 5 was created?

8 [09.18.35]

9 A. I just said Office B 5 was created in '93. As I recall, it was
10 in early rainy season when it was established.

11 Q. And can you please repeat the year by concentrating a little
12 bit?

13 A. The year was 1973.

14 Q. And you stated here it -- and this is in the transcript on
15 page 20 of the transcript of 26 July, a bit before five past
16 10.00 -- that B 5 was a practical location in relation to the
17 battlefront. And what was this battlefront when B 5 was created
18 in 1973?

19 A. I said that it was a kind of a military headquarters, because
20 that was the time that the attacks had to be carried out from all
21 spearheads toward Phnom Penh.

22 MR. PRESIDENT:

23 Counsel, as I heard it, your quote is not correct. Sdok Taol is
24 not a battlefront, so you better provide a detailed specification
25 or -- regarding the quote you intend to use to put to this

6

1 witness. Please make sure that you provide correct detail of the
2 transcript that you intend to quote.

3 [09.22.02]

4 MR. VERCKEN:

5 Pardon me; I think there's a problem in the interpretation here,
6 so, obviously, the message might be a little bit blurred.

7 I did not speak about Sdok Taol in my question -- that's one
8 point -- and I spoke about B 5. So I don't know what you heard in
9 the interpretation, but I was not speaking about Sdok Taol, I was
10 speaking about B 5. That's the first thing.

11 And-

12 MR. PRESIDENT:

13 Likewise, you are to specify when it comes to Office B 5. So far
14 we haven't heard anything regarding Office B 5 as a part of a
15 battlefield or battlefront. So make sure when you quote -- quote
16 exact quote from the transcript -- that is, the word spoken by
17 the witness, whether there is in the transcript that B 5 was a
18 battlefront or not.

19 [09.23.07]

20 MR. VERCKEN:

21 Yes, I just read the page in question and I read it exactly the
22 way it is stated.

23 And I will read again what the witness said, because apparently
24 there has been a bit of confusion.

25 This is on page 20 of the transcript draft, dated 26 July, a

7

1 little bit before five past 10.00 in the morning, and the witness
2 said: "B 5 was a practical location in relation to the
3 battlefield, in relation to the battlefield."

4 MR. PRESIDENT:

5 Can you project that line on the computer screen?

6 MR. VERCKEN:

7 Yes, of course; page 18 in the Khmer version.

8 MR. PRESIDENT:

9 The Assistant, you are the assistant of the counsel. Try to show
10 that document on the screen as the common practice in this Court.

11 [09.24.41]

12 MR. VERCKEN:

13 We have done it, but apparently it still needs to be shown.

14 MR. PRESIDENT:

15 You may proceed with your question. And please get the correct
16 quote from the transcript, because your previous question was far
17 from the actual transcript. A military headquarter is completely
18 different from the battlefield.

19 BY MR. VERCKEN:

20 I quoted exactly what was written in the transcript. Maybe
21 there's a bit of confusion because of the translation, but I
22 quoted exactly what is in the transcript when I put the question
23 to the witness.

24 Q. So, yes, what I'm asking you, Witness, is to tell me, when B 5
25 was created what was the immediate military aim? I understood

8

1 that the final aim was, of course, to capture Phnom Penh, but in
2 1973, when B 5 was created, what was the immediate military goal?
3 [09.26.37]

4 MR. ROCHOEM TON:

5 A. In 1973, B 5 was established as a stepping stone to liberate
6 Phnom Penh. So the period between '73 to '75 was not that long
7 and the establishment was in the preparation for the liberation
8 of Phnom Penh city, and of course Phnom Penh was completely
9 liberated in 1975 and it was established as the military
10 headquarters for the preparation to attack and liberate Phnom
11 Penh.

12 Q. And before arriving -- before taking Phnom Penh, were there
13 other cities that had to be liberated?

14 A. Before we liberated Phnom Penh, we had to attack those
15 defensive lines, the perimeter outside or around Phnom Penh, for
16 example at Udong and also at Phnum Prasat -- or Prasat Mountain,
17 along that area -- along National Road Number 4 and National Road
18 Number 5.

19 MR. PRESIDENT:

20 Counsel, the document that you just showed on the screen, can you
21 provide the I.D. number of that document?

22 [09.29.11]

23 MR. VERCKEN:

24 There isn't any because it's just a transcript. It's a document
25 that has been given to us on an interim basis before it's

1 finalized. It is the non revised version of the transcript of 26
2 July 2012.

3 MR. PRESIDENT:

4 Yes, that is sufficient. So this is a draft transcript for the
5 proceeding on the 26th of July 2012, at 10.03.59.

6 [09.30.07]

7 BY MR. VERCKEN:

8 Q. Witness, you stated that Pol Pot was often at B 5, whereas
9 Khieu Samphan did not go there often because he was in the rear.
10 My question to you is as follows: Where exactly was Khieu Samphan
11 when you said he was in the rear? What did you mean by "the
12 rear"?

13 MR. ROCHOEM TON:

14 A. From 1973, there was a mobile unit at -- in the rear called
15 Office S 24.

16 Q. Is that where Khieu Samphan remained?

17 A. Yes.

18 Q. Can you give us the exact location of that place by giving us
19 a name, for instance, or the nearest village or region?

20 A. Office 24 was located in Samraong village in Stueng Trang
21 district.

22 Q. Do you, therefore, mean that it was close to S 71?

23 A. S 71 Office was far from that. The office of S 71 was near the
24 Chinit River; S 24 was located to the east of Samraong village.
25 The Chinit River was also passing -- or passes this location.

10

1 [09.33.15]

2 Q. Do you know why Khieu Samphan remained in the rear, whereas
3 the others were at B 5 close to the battlefield at Udong?

4 A. He was not there all by himself. Sometimes Om Nuon Chea was
5 with him, although sometimes he had to be there alone, but this
6 is how things worked.

7 Q. If I understand your answer correctly, you are saying that you
8 do not know the exact reason; is that correct?

9 A. No, I don't know the exact reason.

10 Q. On what date was Udong taken for the second time -- that is,
11 captured for the second time?

12 A. Udong was captured for the second time on January 1975. It was
13 either January or February, between these two months.

14 [09.35.07]

15 Q. From the time when Udong was captured, did Pol Pot decide or
16 not to bring his command post closer to his objective -- that is,
17 Phnom Penh?

18 A. Yes, he moved forward to the location at Sdok Taol Office.

19 Q. And on what date did he transfer or move to his new command
20 post?

21 A. It was after Udong was liberated.

22 Q. How long after?

23 A. I do not recall. I don't recall the exact date, but it was
24 between January and February or perhaps in late March or mid
25 March -- between these two periods.

11

1 Q. And from then on Pol Pot was at Sdok Taol, is that what you're
2 saying?

3 A. (No interpretation)

4 Q. You, by the way, said that you were at Sdok Taol and that Pol
5 Pot commanded the assault on Phnom Penh; is that correct?

6 A. Yes, it is.

7 [09.38.37]

8 Q. Do you know about the principle of secrecy which was prevalent
9 among the Khmer Rouge, including before 1975? And this principle
10 was that you should not concern yourself with the activities of
11 others, but only of your own activities, and that was the only
12 means that would lead to victory. Do you know about this
13 principle?

14 A. No, I don't know about this.

15 Q. A few days ago, before the Chamber on the 30th of July,
16 responding to questions put by my learned friend, Élisabeth
17 Simonneau-Fort, sometime before 3.30, you said that when you had
18 to keep secrets, you had to do so. Do you recall this statement
19 of yours? If you do, you would understand what I mean by this
20 "principle of secrecy" which prevailed among the Khmer Rouge?

21 [09.40.26]

22 A. You was -- you were asking me about a location at Sdok Taol. I
23 understood your question that you were asking whether at Sdok
24 Taol there were any meetings concerning the principle of secrecy
25 and whether I was aware of that, and I said I wasn't.

12

1 Q. Very well, then. It means that we did not understand one
2 another. I changed the subject abruptly. I crave your indulgence
3 with regard to that.

4 What I was referring to was the principle that was upheld in the
5 Party regarding the discretion which had to be observed. That is
6 what I am referring to in my question to you.

7 A. By that, I understand. In principle, principle of secrecy was
8 the core task. It was a kind of principle that everyone had to
9 respect. In each meeting the principle of secrecy had to be
10 well-informed among members of meetings, and when we had to
11 travel places, principle of secrecy was our prioritized topic.

12 Q. Thank you for this very clear answer.

13 I would like to ask you whether it was the same person who
14 commanded the guard corps of S-71, B-5 and Sdok Taol. Was it the
15 same person commanding the unit you belonged to?

16 A. When I was at B-5, Sdok Taol Office, I only saw So Hong who
17 remained there, and he managed things there.

18 [09.44.13]

19 Q. Did Sdok Taol have a code name? If yes, what was it?

20 A. To the best of my recollection, Sdok Taol had no code name.

21 Q. Whether at S-71, B-5 or Sdok Taol or all the three locations
22 simultaneously, did you know a person called Oeun Tan alias Chou
23 Tan?

24 A. No, I don't.

25 Q. Within the guard corps unit you belonged to, was there a rule

1 of discretion which require that the guards should keep their
2 distance from the leaders they were protecting when they were
3 holding discussions or meetings? Was there this security distance
4 that you had to maintain between yourself and the leaders you
5 were protecting?

6 [09.46.18]

7 A. During study sessions, we were stationed or post not very far
8 from the venue. The meeting went on, and we could hear what was
9 going on. However, I had never measured the distance from the
10 meeting to the place where we stood guard. But whenever they
11 needed help or they called us, then we would hear them easily.
12 And if thing happened, we could be there quick enough to help
13 them, so we were not very far from the premises.

14 Q. And please tell us, what could have happened aside from an
15 external enemy who could have justified the fact that you had to
16 be close to the venue of the meeting? What was the danger that
17 you were expecting?

18 A. Well, we had to be prepared to assist them. For example,
19 during the sessions, the presenters could have been fatigued or
20 exhausted and any of the member of the meeting may pass out
21 because of exhaustion, then we would have to be quick to help
22 them. Indeed, at the location, the security was 100 per cent
23 secured only if we learned that the security measure was no
24 longer a concern that study sessions would be convened where
25 cadres would be invited to attend. And guarding was always the

14

1 case in each event, even at home, in the meetings; it was a kind
2 of blanket principle already.

3 [09.49.06]

4 Q. That notwithstanding, Witness, was the role of the guards to
5 protect tired leaders or to protect the venue of the meeting?

6 A. The guards were tasked to provide both security protection and
7 other matters, including health concern of the leaders. This is
8 -- all involved security.

9 Q. Witness, I would like to show your Mr. So Hong's statement,
10 who appeared before this Tribunal, and you have indeed
11 acknowledged that he was a commander of the unit you belonged to.
12 It is the hearing of the 2nd of May 2012, reference E1/71.1, page
13 11 for the French version, and the ERN in French is 00806680, and
14 the Khmer is 00805095, and the English is 00806758.

15 Let me quote the exact passage, but in the meantime let me remind
16 you that Mr. So Hong said that the leaders of the meeting -- or
17 rather those guarding the leaders had to keep a distance of about
18 60 to 75 metres. Do you confirm this statement given by your
19 commander?

20 [09.51.52]

21 A. I agree that -- to that statement. But again, sometimes we had
22 to keep some distance, sometimes we had to be close to the
23 leaders. The guards was assigned and posted at various layer of
24 -- for protecting the members at the meetings, and he was right
25 to say so.

15

1 MR. PRESIDENT:

2 International Co-Prosecutor, you may now proceed.

3 MR. LYSAK:

4 I'm not sure whether there was just a problem in the translation
5 from French to English, but in the excerpt that counsel cited
6 from So Hong's testimony, he indicated that that the distance
7 that the guards would be -- would be generally 15 metres away and
8 that the very furthest they would be away would be 50 to 60
9 metres. That's not how it was translated when counsel read it,
10 but that is what the English transcript of So Hong's testimony
11 states.

12 [09.53.18]

13 MR. PRESIDENT:

14 Thank you, Co-Prosecutor.

15 Indeed, counsel was quoting only the furthest distance, not the
16 nearest one; and the witness already responded to that.

17 BY MR. VERCKEN:

18 Thank you, Mr. Prosecutor. Thank you, Mr President.

19 Q. What I would like to know, Witness, is this: Pursuant to the
20 rules that were prevalent at the time, you, as a guard, were
21 entitled to be at a distance that was such that you could hear
22 what the leaders said and the contents of the strategic meetings
23 they organized; is that your testimony, Witness?

24 MR. ROCHOEM TON:

25 A. As I have indicated on several occasions already, that -- in

16

1 some meetings we had to be close. For example, guarding at the
2 termites mounds which were close by. And if the meeting was
3 convened in a hall where hundreds of members of the meeting would
4 be attending, then we had to be a little bit further from the
5 place.

6 [09.55.11]

7 But again, all in all, some guards had to be close to the
8 premises; some had to be a little bit further from the location.
9 We, as guards, could not hear the detail of the meeting. But as
10 the people who were tasked with security matter, we had to be
11 well informed of security matter being discussed.

12 Q. Two questions arise from your last answer.

13 The first has to do with this termite mound. I do not understand
14 why you had to guard the termite mound. This question is
15 provocative: Did you fear an attack by termites? Why did you
16 refer to a termite mound?

17 MR. PRESIDENT:

18 Counsel for the civil parties, you may now proceed.

19 MR. PICH ANG:

20 Thank you, Mr. President. And thank you, Your Honours. Witness
21 didn't say that he was protecting the termite mound.

22 [09.56.59]

23 BY MR. VERCKEN:

24 That was the interpretation I got in French; that is why I am
25 wondering whether it was a joke. And that is why I'm asking the

1 witness to clarify this point.

2 Q. What is the termite mound you are referring to, Witness?

3 MR. ROCHOEM TON:

4 A. At B-5, I was mentioning about a meeting hall that was covered
5 by palm leaves and I was guarding near the termite mound. And
6 this is just an example to let you know that sometime we were
7 guarding at the place near the termite mound, but it was adjacent
8 to the meeting hall. But in some location when it was -- the
9 forest was cleared, then we would be stationed further from the
10 meeting places.

11 [09.58.23]

12 So my main task was guarding, but at the same time I already
13 emphasized that I had to know something about the presentation at
14 the meeting. This is my personal intention to understand what
15 being discussed in the meetings, because apart from guarding, I
16 also was supposed to listen to what being presented in the
17 meetings.

18 You asked me about guarding the termite mounds. Well, in Khmer,
19 termite mound is really common. I was saying about that and it
20 was not a joke.

21 Q. Yes. Yes, I understand that it wasn't a joke; I'm sorry.

22 What I'm really interested in is what you just said. When you
23 tell us "I had to know what was happening during meetings", are
24 you speaking about your personal curiosity or are you speaking
25 about a professional duty? Can we draw a distinction between --

18

1 in this regard, between the necessity to know the content of this
2 meeting? What was the purpose? Was it personal or was it
3 professional?

4 [10.00.06]

5 MR. PRESIDENT:

6 Witness, you don't need to respond. The witness already responded
7 to that question.

8 BY MR. VERCKEN:

9 Not in French; we did not understand what he answered in French.
10 That's why I'm asking for clarification. Maybe it was understood
11 in Khmer, but I did not understand it in French.

12 So, if I don't have any clarification on the reasons, then--

13 MR. PRESIDENT:

14 Witness, you do not need to respond. The question has been
15 answered already by the witness. It's a repetitive question.
16 The Chamber has noted that this morning you have asked a number
17 of repetitive questions.

18 [10.00.57]

19 MR. VERCKEN:

20 Mr. President, I wish to remind you that we're working in three
21 languages, so if I have -- I don't have a translation I can rely
22 on to continue my examination, what you're doing is you are
23 preventing me from continuing with my examination.

24 Maybe in Khmer you know what was said, but for me, in French,
25 it's not clear, and I need this clarification. It's maybe just a

19

1 question of language, but how do you want me to proceed if I
2 don't have the exact message?

3 It's not a very important issue or -- I'm not asking for anything
4 extraordinary, I just want to know whether he was listening on
5 the side or if, in the context of his duties, he was given
6 information on the content of the meetings. That's all I want to
7 know.

8 MR. PRESIDENT:

9 The Chamber has already ruled. You can pose another question.
10 As we have noticed, you have repeatedly put the same questions to
11 the witness.

12 [10.02.05]

13 MR. VERCKEN:

14 That is not correct. So thank God my Cambodian colleague is
15 assisting me -- and this is why -- and thank God my Cambodian
16 colleague told me that the reason for listening on to these
17 meetings was personal interest.

18 BY MR. VERCKEN:

19 Q. But here, before the Court, Witness, you stated that the
20 meeting on the evacuation of Phnom Penh took place at the
21 beginning of April 1975 and that this meeting took place at B-5.
22 So my first question is the following and it -- and you told us
23 earlier that the command post to attack Phnom Penh had moved from
24 B-5 to Sdok Taol. And let me just go through my notes here. Yes,
25 so that move was made in January, February or even mid-March 1975

20

1 -- that's what you said to us a few minutes ago.

2 So my question is the following: If, in January or February or
3 mid-March 1975, the command centre to attack Phnom Penh was in
4 Sdok Taol, why, then, was the meeting held -- the meeting to
5 decide on evacuating Phnom Penh -- why was the meeting held
6 elsewhere -- that is to say, at B-5?

7 [10.04.31]

8 MR. ROCHOEM TON:

9 A. I'd like to clarify that. As far as I recall the meeting took
10 place at B-5, the meeting took place in April. As I said, it was
11 in between the period of the liberation of Udong, and then there
12 was a move from B-5 to Sdok Taol. The liberation was the 17,
13 hence, the meeting that I mentioned, which took place at B-5, was
14 held in April. But a meeting took place prior our move to Sdok
15 Taol; we did not move yet in early April.

16 Maybe I made a slight mistake when I referred to the liberation
17 of Udong in January or February. In fact, we did not stay long at
18 Sdok Taol. And after the meeting at B-5, then there was a talk
19 about the evacuation of the people. And I believe it was not
20 true, during the period of the liberation of Udong in January or
21 February, and then we moved straight to Sdok Taol; it was not
22 that way.

23 [10.06.35]

24 Q. Do you know why Pol Pot kept a command centre at B-5 whereas
25 Udong had fallen? Why did he remain at B-5 rather than coming as

21

1 soon as possible close to his main target, which was Phnom Penh?

2 A. Let me respond. Before we moved to Sdok Taol, Sdok Taol was
3 occupied by Son Sen. Actually, he had asked Pol Pot to go to
4 Batkoun, the area, in order to use it as a stepping stone for the
5 final attack.

6 Q. Then Son Sen and Pol Pot couldn't work together in the same
7 command centre? I'm not quite clear about your answer, Witness.

8 A. I already made my response, and if you could not understand
9 it, it's your problem.

10 Q. Yes, of course, indeed.

11 And you were told a few days ago here at the Court referring to a
12 quote in a book by Philip Short -- and you agreed that you had
13 met Mr. Philip Short. And in this book, Philip Short says that
14 you met him four times, and he provides the dates on page 18, and
15 these dates were in 2007 (sic); it was on 4 and 5 (sic) May, 14
16 and 15 November 2001. And he pays a lot of attention to your
17 statement because you're quoted 37 times in the book. So these
18 interviews were quite fruitful for him, or at least it seems so.

19 [10.09.48]

20 And he mentions the creation of this Sdok Taol Office, and in
21 this document indexed E3/9, on page 339 of the French version,
22 French ERN 00639574 (sic); English, 00396471. And on this page,
23 he says that Sdok Taol was created at the beginning of March
24 1975, which is what you said. So do you agree with Philip Short
25 or do you have a different position? What is your exact take on

1 this?

2 A. If you take the statement of my interview with that foreigner,
3 that's your choice, because you seem not to grasp what I just
4 explained to you just a moment ago.

5 MR. PRESIDENT:

6 The Prosecution, you may proceed.

7 MR. LYSAK:

8 Yes, Mr. President. Thank you. I believe counsel, when he's
9 making references to this book, should show them to the witness
10 so that we can see whether Philip Short is writing something on
11 his own or whether the assertion is something directly attributed
12 to the witness.

13 The witness is entitled to know whether or not the statement in
14 Philip Short's book is attributed to him or not before he
15 responds to questions like this.

16 [10.12.14]

17 BY MR. VERCKEN:

18 May I answer? I did not claim that this information had been
19 taken from the interview of Mr. Short with Mr. Rochoem Ton. I
20 just wanted to remind that these were interviews that were
21 important for Mr. Philip Short.

22 So my intention is not to display this page; I am just referring
23 to it for the purposes of the proceedings.

24 Short, without saying that information comes from these
25 interviews, does set the date of the move to Sdok Taol in March

1 1975. That was just -- that was the information that I wanted to
2 share with the Chamber. But I did not wish to discuss the
3 interview itself.

4 MR. PRESIDENT:

5 You not only have to show the document to the witness, but to the
6 Chamber and other parties as I observed, when you refer to Office
7 B-5, and the front battlefield, and the command centre, in order
8 to make sure everybody is on the same page.

9 [10.13.44]

10 So you put a question to the witness, you have to show the
11 document to the witness whether what you intend to put to the
12 witness has a Khmer translation or not. Otherwise -- you have to
13 follow the same practice as has been done by other parties. If
14 you don't have a translation, please say so.

15 BY MR. VERCKEN:

16 No, Mr. President, not only is there no Khmer translation of this
17 book, but furthermore, I am not trying to pinpoint a
18 contradiction between what the witness stated to Mr. Philip Short
19 and what he said before the Chamber. So I don't see the use of
20 showing him this page because I'm not trying to underline here an
21 inconsistency in what the witness was saying.

22 I just wanted to remind the witness that when I asked him when
23 Sdok Taol had been created, he said to us: "January, February or
24 mid- March 1975." And Mr. Short seems to agree, more or less,
25 with this.

24

1 And then, when I told him that the meeting on the evacuation of
2 Phnom Penh took place at B-5 at the beginning of April 1975,
3 then, suddenly, the witness seemed to backtrack on what he had
4 said previously to -- by changing the date of the transfer to
5 Sdok Taol.

6 [10.15.29]

7 MR. PRESIDENT:

8 You have to put question to the witness and not to make a
9 statement.

10 Of course, the Chamber understands your intention of your
11 questioning to the witness. If you intend to rely or to refer to
12 a particular document, show it to the witness and the party as
13 well as the Chamber, and also the details of that document.

14 And most of your questions have answered by the witness already.
15 If you think there is a problem with the translation, please say
16 so, so that the Chamber can decide on a -- on that particular
17 issue.

18 BY MR. VERCKEN:

19 Thank you, Mr. President. I think I have provided all of the
20 references.

21 Q. Now let me move on to my following question. You said just
22 right now, Witness, that Pol Pot did not come to Sdok Taol or
23 right away, because it was Son Sen who was there already. But
24 here again, before the Chamber last week, on 26 July, at 9.57.17
25 exactly, the following question was put to you -- and let me

1 quote: "Did Son Sen have an office or a base that was close to
2 Udong?"

3 And the reply: "Indeed, Son Sen had an office that was not too
4 far from there.

5 And do you remember where Son Sen's office was located?

6 A. It was at Ra Smach, which is close to Udong."

7 [10.17.38]

8 Q. So it doesn't appear to me, Witness, that Ra Smach, which is
9 close to Udong, could be associated with Sdok Taol. Isn't there
10 some kind of contradiction between what you said last week and
11 what you are saying to us today regarding Son Sen's office?

12 MR. PRESIDENT:

13 The Prosecution, you may proceed.

14 MR. LYSAK:

15 I simply want to note that counsel left out the time period that
16 was being discussed when he read from this testimony. The time
17 period that was being discussed during this part of the -- of his
18 testimony was between 1973 and early 1975.

19 So I think it's important for counsel to clarify the time periods
20 that he's asking about in terms of Son Sen's location.

21 [10.18.46]

22 BY MR. VERCKEN:

23 I believe, Mr. President, that my question was perfectly open and
24 gave the witness full latitude to clarify his answer.

25 And I feel that the Prosecution's statement here has only one

1 single purpose, which is to lead the witness in his answers in
2 one way or the other.

3 But I, however, believe that my answer was sufficient -- or my
4 question was sufficiently open for the witness to answer this
5 question in a perfectly open way.

6 MR. PRESIDENT:

7 The Prosecution, you may reply.

8 MR. LYSAK:

9 Just very briefly, I'm sorry, Counsel, the purpose was not to
10 lead the witness; it was to correct your effort to misstate the
11 testimony. That was the reason. If you had correctly described
12 the testimony on the record, there would have been no need for me
13 to get up.

14 [10.19.54]

15 MR. PRESIDENT:

16 The objection and ground for the objection by the Prosecution is
17 sustained.

18 Witness, you do not need to respond.

19 Counsel, you might have to rephrase your question. And if you try
20 to put a quote from the transcript, please try to make a
21 complete, and not a half quote from the point. In the previous
22 case, you only mentioned, for example, the furthest distance, not
23 the closer distance. Please try to put your question in order to
24 ascertain the truth.

25 And if possible, please try to make your questions short so that

1 the witness can remember. Don't try to put too long a comment in
2 your question.

3 MR. VERCKEN:

4 Okay. First of all, I don't believe I only -- I didn't only quote
5 the maximum distance; I spoke also about the minimum distance,
6 because I said "between 15 and 60 metres".

7 And, second of all, regarding the prosecutor's remark, indeed,
8 yes, the question -- the initial question at least -- put to him
9 on the 26th of July was the following -- and I will quote it:

10 "And regarding this area of Kampong Chhnang and Udong, can you
11 tell us if other leaders of the Party had offices or bases in
12 this area between 1973 and 1974 and at the beginning of 1975?"

13 [10.21.47]

14 You see? So I don't know -- I don't understand where the notion
15 of "beginning of 1975" stops here, as far as the Chamber is
16 concerned. I don't know what the Chamber understands by "the
17 beginning of 1975"; maybe it's 3 January 1975, but for me it's a
18 vague notion.

19 So I asked an open question to the witness and I asked him if the
20 answer that he had provided to this question last week on the
21 location where Son Sen had set up his office "at the beginning of
22 1975", which is not the same place as the place that he indicated
23 now, was, yes or no, the same -- there was -- it seemed that
24 there was a contradiction, so I would like him to explain himself
25 because he is there for that purpose.

1 MR. PRESIDENT:

2 As you have been instructed, try to simplify your question. If
3 the witness can understand your question correctly, then he can
4 respond. Otherwise you might confuse the witness. As a result, we
5 will not get a truthful response from him.

6 [10.23.10]

7 So, please, you are reminded again to rephrase your question to
8 make it simpler and short.

9 And if you rely or refer to a transcript or any other document,
10 please provide the identification of that document. Have your
11 assistant show me that document on the screen so that the Chamber
12 and other parties can also have access and view it and we can see
13 exactly the words used in the transcript of such document.

14 BY MR. VERCKEN:

15 Okay, I will try.

16 Q. Witness, Son Sen remained at Ra Smach until when? Was Ra Smach
17 the place where Son Sen had set up his office?

18 MR. ROCHOEM TON:

19 A. During the past few days of my testimony, it seems that you do
20 not grasp the situation.

21 [10.24.37]

22 I refer a lot to the word "mobility". It means that he did not
23 only stay in one location, he was on mobile constantly including
24 Ra Smach. Pol Pot himself was constantly on mobile as well.

25 No one stayed permanently in one place, so please try to

1 understand the notion of mobility in this instance, because when
2 I mention a particular location, it was just one of the parts of
3 the mobility of that individual.

4 Q. So Son Sen was not assigned to a specific command post that
5 was clearly defined in the efforts to attack Phnom Penh; is that
6 what you're telling us?

7 A. If I understand your question, it means if Son -- had Son Sen
8 not a particular command centre means Phnom Penh would not be
9 liberated. But the truth is that he had various locations where
10 he occupied for the strategic means of liberating Phnom Penh and
11 gain the final victory.

12 Q. So let's revisit -- or let's get back to the meeting that took
13 place at the beginning of April, during which you told us that
14 the decision was taken to evacuate Phnom Penh once the city would
15 have been captured.

16 [10.26.46]

17 After this meeting, did the people who attended the meeting have
18 lunch together?

19 A. I decline to respond to your question. I have provided so many
20 replies already to this kind of question.

21 Q. You told us that back then, at the office, you also were
22 working in the kitchens and that you had maintenance duties, so I
23 believe you can also tell us about whether or not the people who
24 attended the meeting might have had lunch together after the
25 meeting.

1 A. After they had meal, then they departed.

2 Q. Here, before the Chamber, you told us that this meeting at the
3 beginning of April 1975, which was when the evacuation of Phnom
4 Penh was discussed, was held "in the jungle, under a roof without
5 walls". This is on page 22 of the transcript draft of 26 July, at
6 10.11 in the morning. And then, at least in French, the following
7 was answered -- and I need clarification here.

8 [10.29.06]

9 And you were asked: "Where were you standing when the meeting was
10 taking place?"

11 And your answer was -- translated in French as: "Between me and
12 the meeting, there was a small, little hill."

13 So can you maybe clarify what this -- what you meant here -- what
14 you meant here by "small, little hill"?

15 A. I do not know how it was translated, but it was a small mound
16 or small termite mound. What else you want me to say?

17 Q. Whatever you wish, Witness. Tell me, how high was that mound?
18 Can you give me an idea of it?

19 [10.30.31]

20 A. In Khmer, even just a small boost (phonetic), it would also be
21 referred to as a mound or a small hill. Maybe it's a little bit
22 above 1 metre high, that's all.

23 Q. Were you hiding behind that termite mound during the meeting?

24 A. I do not know how to respond to you if you still don't
25 understand the concept of the small mound, because in Khmer it's

31

1 simply just a small termite mound and -- but for you are French
2 and if you don't understand the concept, what do you want me to
3 do?

4 MR. PRESIDENT:

5 Since it is now an appropriate time for adjournment, the Chamber
6 will adjourn for 20 minutes. The next session will be resumed by
7 10 to 11.00.

8 Mr. Witness, could you please regain your composure? Don't be too
9 emotional. This is the Court proceeding. And, indeed, you may be
10 challenged emotionally in the cross-examination when some
11 questions are posed to impeach you. And please be poised to
12 respond to questions.

13 [10.32.29]

14 For example, when it comes to the length -- of the height of
15 termite mound, the response would be very simple. If you just
16 said, look, you have never measured any termite mound -- you
17 should not give statement or go further than that. And it is
18 really easily put in Khmer that you just respond to what's being
19 asked. And be straight to the point because, by going away from
20 that, it will stray apart from the intended purpose of
21 cross-examination.

22 Court officer is now instructed to assist Mr. Witness and his
23 duty counsel during the adjournment and have them returned to the
24 courtroom by 10 to 11.00.

25 (Court recesses from 1033H to 1051H)

1 MR. PRESIDENT:

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

3 Without further ado, we would like to now hand over to counsel
4 for Mr. Khieu Samphan to proceed with the questions to the
5 witness. You may now proceed.

6 Mr. Witness, could you please be reminded again that -- please
7 compose yourself and be ready to respond to the questions. Listen
8 to the questions attentively, and if you feel that the questions
9 are not understood then you should ask counsel to repeat them.
10 You bear with us for another hour because this session will be
11 concluded by lunch break.

12 The Chamber, indeed, thanks you very much for your effort to be
13 with us for the last few days. We know that a lot of questions
14 have been posed to you and, at some point, you could have been
15 affected emotionally -- psychologically, in other words -- but
16 the Chamber would like you to be as strong as you have been so
17 far to respond to questions during the last hour.

18 [10.53.51]

19 You may now proceed, Counsel.

20 MR. VERCKEN:

21 Thank you very much, Mr. President. For purposes of information,
22 given the slow speed at which I am proceeding, I intent to go
23 right up to the lunch break. So, if you said that the witness's
24 examination will end when we break off at lunch, that is not
25 correct, but I will try to use the time allotted to me. Otherwise

33

1 I will not be able to put other questions I have for the witness.

2 MR. PRESIDENT:

3 The Chamber does not allow you to proceed after lunch break. You
4 should make the most of the allocated time this morning because a
5 lot of repetitive questions have been put during the morning
6 session.

7 [10.54.52]

8 MR. VERCKEN:

9 Mr. President, we have two and a half days for the Defence. If we
10 deduct the one and a half hours used by Judge Lavergne to put
11 questions to the witness, which were very interesting, I would
12 like to put questions to the witness up to the afternoon break.
13 Otherwise I will--

14 MR. PRESIDENT:

15 We have already ruled on this, and you have until lunch break to
16 put the question. You should really put the question now, before
17 it's too late.

18 [10.55.36]

19 MR. VERCKEN:

20 Mr. President, this is a violation of the rights of the Defence.
21 You are censoring the Defence.

22 This is a very important witness for Khieu Samphan. It is not
23 because I'm the last person to speak, but my colleagues used the
24 time that were allotted - was allotted to them, half a day for
25 Nuon Chea's defence, one day for my learned colleague, Karnavas.

34

1 I do not see why I shouldn't be allotted the same time as has
2 been allotted to my colleagues.

3 Perhaps the Chamber has forgotten the exchange between the senior
4 legal officer and defence teams.

5 So may I request that you be - allow me to complete my
6 examination?

7 MR. PRESIDENT:

8 I am fully aware of that. I am here to ensure that the conduct of
9 the proceedings are properly managed and that the procedures -
10 proceedings are expeditious.

11 You should now proceed to put the questions.

12 [10.56.57]

13 MR. VERCKEN:

14 Perhaps we'll talk about that later, but I want to insist, Mr.
15 President, because this is a crucial witness.

16 MR. PRESIDENT:

17 I insist you put questions to the witness.

18 We will see whether there is a need to extend -- or to extend
19 your time in questioning and to see also how much time you need
20 by the end of the morning session.

21 BY MR. VERCKEN:

22 Q. Witness, how far was the termite mound from the venue of the
23 meeting -- the termite mound you referred to before the break?

24 MR. ROCHOEM TON:

25 A. I didn't measure it, so I don't recall.

1 [10.57.58]

2 Q. Did you stay close to that termite mound throughout the
3 duration of the meeting?

4 A. Yes.

5 Q. Was that termite mound big enough for you to be able to hide
6 behind it?

7 MR. PRESIDENT:

8 International Co-Prosecutor, you may now proceed.

9 MR. LYSAK:

10 I object to this question. It's repetitive. He asked, for some
11 reason, already, why - whether the witness was hiding behind the
12 termite hill. The witness has already responded to that.
13 If counsel feels he has inadequate time, he should start asking -
14 stop asking repetitive questions.

15 MR. VERCKEN:

16 That is not correct, Mr. President. I have not asked this
17 question before. I think this objection is a waste of my time.

18 MR. PRESIDENT:

19 The objection is sustained.

20 Witness is instructed not to respond to this question because
21 witness has never said that he was hiding behind the termite
22 mound.

23 [10.59.33]

24 BY MR. VERCKEN:

25 Q. Witness, during your second statement dated 21 September 2008,

36

1 before the OCIJ, you did not speak about termite mound you were
2 standing next to during the meeting, as you have just said to us
3 now, but you spoke instead about a wall, a wall made out of
4 leaves.

5 So let me refer to the transcript of the audio recording, and
6 this transcript reproduces exactly what you said on 21 September
7 2008. And this is document D207/3.1 - D107, [corrects the
8 interpreter], French ERN 00825629; Khmer, 00754368; and, English,
9 00826385.

10 [11.00.56]

11 So you were being interviewed - we can display it on the screen
12 if this hasn't been done yet, or, Mr. President, if you wish I
13 may display the Khmer version so that you may read it at the same
14 time, but I also have the paperwork copy if he prefers reading
15 from the paperwork.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 Court Officer, could you deliver the hard copy to the witness for
19 his examination?

20 BY MR. VERCKEN:

21 Thank you.

22 Q. So you said on 21 September 2008 -- open quote:

23 "The meeting took place in a wooden house, four metres by five
24 and the roof was in palm leaves. And this was a simple shed with
25 a wall made out of palm leaves and given that I was standing

1 against the wall, I could see and listen and hear everything."

2 End of quote.

3 So my question is simple: Which of the two versions is the
4 correct one? The version that you provided in 2008, in which you
5 said that you were able to hear what was said during this meeting
6 because you were standing next to a wall made out of leaves, or
7 the version that you provided to us here before the Chamber, when
8 you told us that you were next to a termite mound?

9 [11.02.58]

10 MR. ROCHOEM TON:

11 A. I stand by the statement that you displayed on the screen --
12 that is in regard to the thatch-walled house.

13 Q. What - so what was displayed on the screen is that you were
14 able to hear what was said during the meeting because you were
15 standing against the palm -- the wall, the thatched wall. Is that
16 what you are saying, Witness?

17 [11.03.53]

18 A. Yes, I stand by that statement.

19 Q. So I would like to show to you, now, the answer you provided
20 to a question regarding the description of this location -- of
21 this place. And this is what you said on the 26th of July 2012,
22 on page 22 of the draft transcript of 26 July, at 10.11. And
23 Khmer version already has an ERN, since -- it is ERN 00828349,
24 and the index is E1/97.1.

25 Can we display it, please? Since we have a Khmer version, we can

1 display the final version, the finalized version.

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 Court Officer, can you deliver the hard copy of the document for
5 the witness?

6 BY MR. VERCKEN:

7 It's on the screen. It's on the screen, yes. It is what - you can
8 see it here.

9 Q. On 26 July, you answered the following question as such: "In
10 order to understand where the meeting took place, was there any
11 kind of shed with walls and what were the walls made out of?"

12 And you answered: "As I said, there were no buildings around.

13 There were no walls. The meeting was held under a roof. There

14 were no walls. We were surrounded by rice paddies; there were no
15 walls." End of quote.

16 [11.06.17]

17 So, now, you have just confirmed what you said to the OCIJ in

18 2008 and you say that you were able to hear what was being

19 discussed at the meeting because you were standing behind a wall,

20 a thatched wall, and now, on 26 July, when you were asked to

21 describe the same place by - and asking you whether there was a

22 wall, you answered that there was no wall, no partition. So what

23 is the true version, Witness?

24 [11.07.03]

25 MR. ROCHOEM TON:

1 A. It is up to you which version you wish to take. It's your
2 choice.

3 Q. That's your answer? Okay, fine. I don't know if I need to
4 comment on it, but okay, I will continue.

5 And here you told us before the Chamber that the meeting lasted
6 at least three and a half hours or three to four hours. Can you
7 tell us exactly how long the meeting lasted?

8 A. It was for one morning session.

9 Q. And during the entire meeting, you were standing close to the
10 meeting in such a way that it was possible for you to hear
11 everything that was being discussed?

12 A. Yes.

13 Q. And you spoke about a blackboard, during the hearing last
14 week, and you said that certain - there were certain annotations
15 on this blackboard; is that true?

16 A. That is correct.

17 Q. And were these sentences or were these drawings on the
18 blackboard?

19 [11.10.18]

20 A. There were drawings or kind of sketch and there was no letters
21 on it, no writing -- the drawing indicating the spearheads to
22 target or to attack a particular location.

23 Q. And when you spoke before the Chamber, you provided us with
24 the list of the military commanders as well as of their deputies,
25 who all attended the meeting when the evacuation of Phnom Penh

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1 was discussed. For example, you mentioned Vorn Vet and his deputy
2 Cheng An or Koy Thuon and his deputy Ke Pauk, and you also spoke
3 about Ta Mok and about Son Sen. This is on page 13 of the draft
4 transcript of 26 July, at -- passed 9.40.

5 And my question is the following. At the beginning of April 1975,
6 the battle for Phnom Penh was in full force. Do you remember if
7 the fact of gathering in the midst of the battle all of the
8 commanders as well as their deputies in the same place -- do you
9 remember if this was a problem because it was necessary to remove
10 them from the battlefield and it was necessary to gather them in
11 one single place? And was this an issue? Did this give rise to
12 any complications?

13 [11.12.17]

14 MR. PRESIDENT:

15 Civil Party Lead Co-Lawyer, you may proceed.

16 MR. PICH ANG:

17 Thank you, Mr. President. The question is speculative.

18 MR. VERCKEN:

19 I don't believe so, because the witness was part of the guard
20 unit, so he -- therefore, he was informed of the difficulties
21 that we are describing here. Bringing together all the commanders
22 and their deputies, of taking them from the battlefield in the
23 midst of the battle, that could have led to a very difficult
24 situation, if we go along with the witness's reasoning--

25 MR. PRESIDENT:

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1 The objection by the Civil Party Lead Co-Lawyer is sustained.
2 Witness, you do not need to respond or to provide any response
3 based on your subjective opinion or to draw a conclusion in that
4 question.

5 MR. VERCKEN:

6 I would just like to place on the record that I was not asking
7 the witness to speculate, but simply to speak to us because he
8 was in - to speak to us about the issues that this could have
9 given rise to--

10 MR. PRESIDENT:

11 Witness, you do not need to respond to the questions which elicit
12 your personal conclusion. You are not obligated to provide such a
13 personal conclusion.

14 [11.14.15]

15 BY MR. VERCKEN:

16 I agree with you, Mr. President, at least in principle.

17 Q. Witness, following question. We already spoke about the book
18 by Philip Short, who met you four times. And I wish to ask you if
19 during the discussions you had with Mr. Short -- if he asked you
20 questions on this meeting that you spoke about to the OCIJ as
21 well as to the Chamber?

22 [11.14.59]

23 MR. ROCHOEM TON:

24 A. Whatever you see in the statements, that's the statements that
25 I made.

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1 Q. So must I understand from this that, yes, indeed, you spoke to
2 Philip Short about this B-5 meeting at the beginning of 1970 -
3 April 1975?

4 MR. PRESIDENT:

5 The Prosecution, you may proceed.

6 Witness, please wait.

7 MR. LYSAK:

8 Mr. President, the question is leading. The witness said no such
9 thing.

10 If counsel has passages that he wishes to refer him to, he can,
11 but he's misstating what the witness said and attempting to lead
12 him now.

13 [11.16.22]

14 MR. VERCKEN:

15 I don't believe that this is the case. I'm simply asking him if
16 he remembers having spoken about this meeting, this meeting at
17 the beginning of April 1975 at B-5 with Philip Short. Does he
18 remember speaking about this meeting with Philip Short? So the
19 witness can say "yes", "no" or "I don't remember". There is
20 absolutely no kind of suggestion here in my question--

21 MR. PRESIDENT:

22 The witness already responded. You already saw the statements and
23 you use your discretion to pick one. He already responded.

24 [11.17.08]

25 Is there any mistake in the translation? And, the National

1 Counsel, had you heard the response by the witness?

2 MR. KONG SAM ONN:

3 I listened to the Khmer channel; I am not sure whether it has
4 been translated into the French, and, yes, I heard his response
5 in the Khmer channel.

6 MR. PRESIDENT:

7 The witness already provided his response.

8 MR. VERCKEN:

9 Okay, fine. Fine. Well, then, I will continue working without
10 knowing his answer, fine with me. I don't know what he answered,
11 but, well, in any case--

12 [11.18.13]

13 MR. PRESIDENT:

14 Interpreters, please try to provide the best service. Now we are
15 at the core of the proceeding. The witness has already responded,
16 and it seems that the counsel did not get the response and, for
17 that reason, he asked the same question. And if the witness has
18 to respond again and if his second respond defers from the first
19 one, it's going to lead to confusion.

20 Counsel, you are instructed to try to simply find your questions
21 and make it short and precise so that the witness can understand
22 your intention in your question and that he can respond
23 accordingly.

24 Also, the way you use your reference, the reference of that
25 document shall be shown on the screen, and if he has not seen it,

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1 it is very unlikely that he can provide you the proper response.

2 BY MR. VERCKEN:

3 Q. Okay. may I please ask the witness if, during your discussion
4 with Mr. Philip Short, you spoke about the meeting that took
5 place at the beginning of April 1975 at B-5? Can you just tell us
6 -- yes or no -- whether you spoke about this meeting to Mr.
7 Philip Short?

8 [11.20.00]

9 MR. ROCHOEM TON:

10 A. Yes, I spoke with him.

11 Q. Thank you. So I would like to confront you with this - with
12 this specific point or -- in his book, Mr. Philip Short did not
13 use what you stated then, because he places this meeting when the
14 decision was taken to evacuate Phnom Penh -- or he situates it at
15 the Fall of 1974. And the reference is E3/9; French ERN 00639458;
16 English, 00306199. And I'd like to specify again that there is no
17 Khmer version.

18 So, Witness, since you met Philip Short four times, do you know
19 on the basis of your discussion with him, the reason why he does
20 not concur with what you said to him, apparently?

21 MR. PRESIDENT:

22 Witness, wait.

23 The Prosecution, you may proceed.

24 [11.21.42]

25 MR. LYSAK:

45

1 The question asks for the witness to speculate and provide
2 opinions. Counsel is claiming he doesn't have enough time and
3 yet, now, he's asking this witness to opine on the conclusions of
4 Philip Short. It's totally an inappropriate question. Counsel
5 should know that.

6 MR. VERCKEN:

7 Mr. President, all I can gather from this is that this is
8 obstruction; this is pure obstruction. I asked the witness if, on
9 the basis of the discussions he had with Mr. Short -- if he
10 understands why Philip Short did not use what he said to him. If
11 he doesn't remember this kind of discussion, okay, we can move on
12 to the next point. But there's no suggestion here, nothing is
13 being inferred.

14 MR. PRESIDENT:

15 The objection and its ground is sustained.

16 And, Witness, you do not need to respond to the last question
17 posed to you by the counsel.

18 [11.22.57]

19 BY MR. VERCKEN:

20 Okay.

21 Q. So let's move ahead in time, Witness, and I wish now to speak
22 about the meetings that were held, based on what you said, at the
23 Phnom Penh railway station and at the former Ministry of
24 Commerce, after the fall of Phnom Penh.

25 You stated before the Chamber that, before the fall of Phnom

1 Penh, part of the uncles progressively grouped together at the
2 railway station, and that they had remained there for a week. You
3 said then that they had spent two weeks after that in the
4 premises of the former Ministry of Commerce. And then you said
5 that in both of these places -- that is to say, the railway
6 station and the former Ministry of Commerce -- the uncles had met
7 many, many service men, military personnel. This is on page 63 of
8 the draft transcript of 26 July, at around 13 minutes past 2.00
9 in the afternoon.

10 So my question is the following: In the train station, the
11 meetings that you spoke to us about here -- were these meetings
12 held in the main waiting room downstairs, or were they held
13 upstairs, or outside the train station? Or where were these
14 meetings held?

15 [11.24.34]

16 MR. ROCHOEM TON:

17 A. As I said, the meeting was held at a railway station. At that
18 station, there was only one tall house.

19 Q. And in this building, where were the meetings held -- the
20 meetings you are speaking about?

21 A. There were rooms in that house.

22 Q. And in which of these rooms were the meetings held, or in
23 which room, specifically, the meetings -- that is to say, between
24 the uncles and the military personnel?

25 A. The meeting was held in a room. And that's the response.

1 Q. So you don't -- can't you provide us with more detail? Or is
2 that the case, or--

3 A. That's all I can provide to you.

4 Q. And were you standing guard inside the train station or
5 outside?

6 [11.27.25]

7 A. At that location, I stood guard outside, on the ground. But
8 the leadership was working inside, on the floor -- on the upper
9 floor.

10 Q. So, therefore, you did not attend the meetings that we are
11 speaking about; is that so?

12 A. Yes.

13 Q. So, now, let's move on, if you wish, to the former Ministry of
14 Commerce.

15 And I have the same question: The meetings there between the
16 uncles and various military personnel, were these meetings held
17 inside or outside the building?

18 A. It was held in the building. There was one large hall, or
19 large room.

20 Q. And you were standing guard inside or outside the building?

21 A. At that location, I was not on guard. There were other people
22 who were on guard at the time.

23 Q. Did you attend meetings that took place inside the former
24 Ministry of Commerce during these two weeks?

25 A. No, I did not attend the meeting.

1 [11.30.02]

2 Q. I'll move on to another subject.

3 You said to this Chamber that at a point in time after the fall
4 of Phnom Penh, the leaders had moved from K-3 to B-15. You said
5 this on the 26th of July 2012, page 72 of the French version of
6 the transcript.

7 "Do you remember when the leaders went to K-1?"

8 And your answer was: "There were many places. There was K-3, K-1
9 -- later on they moved to K-1 in later 1975." End of quote.

10 My question is as follows: When you said that the leaders moved
11 from K-3 to K-1 in late 1975, do you include Mr. Khieu Samphan
12 among those who moved to that location?

13 A. He was there altogether.

14 [11.31.33]

15 Q. And what kind of relocation was it? Were they moving from K-3
16 to K-1 offices or from one home to another, from K-3 to K-1?

17 A. It was not moving the house. It was that, first, he worked at
18 K-3, and then he moved to work at K-1. It was part of the
19 mobility of the leaders.

20 Q. So your testimony, Witness, is that at a point in time, after
21 K-3, Khieu Samphan had an office at K-1; is that correct?

22 A. I said they were together at K-1, and when they moved to K-3,
23 they were altogether. They just moved places. They didn't really
24 move their houses, but they moved their working places.

25 Q. Now, I have the impression that you have changed the

1 chronology and the places that they relocated to, because the
2 French I heard was that they were not moving from K-3 to K-1, but
3 from K-1 to K-3. Is that what you have stated, Witness?

4 [11.33.41]

5 A. I think whatever you understand it's up to you, because I
6 already said very clearly that it were -- they were mobile
7 sections. People moved from one location to another. You can
8 judge it.

9 MR. VERCKEN:

10 Mr. President, may I request you to intervene and remind the
11 witness that he is testifying on oath and he has to be as
12 accurate as possible, and that is why I am putting these
13 questions to him.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 Mr. Witness, you are reminded to be prepared to respond to
17 questions. Every question posed to you shall be responded if you
18 can do so, indeed, based on your recollection of the events, what
19 you saw, what you experienced and observed during the Democratic
20 Kampuchea regime, the events that are relevant to the questions.

21 [11.35.12]

22 And once again, Counsel, please rephrase your question, because
23 the confusion probably has been stemming from the question that
24 place concerning K-3 to K-1, K-1 to K-3, and witness already
25 indicated that the term "mobile" was used and the term was used

1 in the Democratic Kampuchea to preserve the principle of secrecy.
2 That's why locations had to be moved from one to another, and we
3 already learned that the information substantiated by accounts in
4 the case file.

5 You may now continue putting questions.

6 And witness may find it difficult to recollect the question that
7 was put, and then there was some intervention, and witness is of
8 old age, and the events happened a long time ago, so he may
9 forget the question quickly. So you are advised to put questions
10 more precisely and short so that -- you said you would like more
11 time, but indeed, you should really make the most of it.

12 [11.37.05]

13 BY MR. VERCKEN:

14 Q. Mr. Witness, at a point in time after the fall of Phnom Penh,
15 did Khieu Samphan have an office in the premises of K-1 -- yes or
16 no?

17 MR. ROCHOEM TON:

18 A. I'm not sure about this, but when I saw them, they were
19 together. They were together in that place.

20 Q. I'll therefore move on to the next question, Witness.

21 You stated before this Chamber that as of May 1975 -- that is,
22 after the fall Phnom Penh -- you stopped working as a body guard.
23 And you stated that, initially, you had been in charge of
24 receiving guests on the site of Ieng Sary, on page 72 of the
25 transcript.

1 [11.38.21]

2 My question to you is as follows: How about your work as a
3 messenger in the jungle? Had you stopped being a body guard?

4 A. I don't understand the question. Could you please repeat it?

5 Q. From when did you stop working as a messenger?

6 A. In Khmer, I can put it this way: communication had to remain
7 all along, so, when you asked me when I stopped being the
8 messenger, I can say that there is no time that I stopped
9 becoming a messenger because communication could be channelled
10 all along. Sometimes we had to contact people in the far
11 distance; sometimes we had to go to a nearby location.

12 Q. Thank you. So, if I understand you correctly, during the
13 period from 1975 to 1979, you went on certain assignments such as
14 welcoming guests and foreigners, supplying food at B-1,
15 psychological control of the thousand employees under you,
16 enquiries in China, which you referred to yesterday. And apart
17 from these assignments, you also carried out subordinate tasks
18 such as delivering letters; is that what you have stated,
19 Witness?

20 [11.41.09]

21 A. You asked me that -- you asked about my position as a
22 messenger, and I said that I never stopped being the messenger
23 because there were messages that needed to be ferried. And I
24 also, at the same time, performed my administrative tasks and
25 other relevant tasks surrounding my location as ordered by my

1 superior.

2 Q. During these hearings, you stated before this Chamber that the
3 only letter or -- letters between you and Khieu Samphan had to be
4 -- were reports. I am referring to the hearing of the 26th of
5 July, page 8 (sic) of the draft transcript, after 3 p.m., 40
6 minutes and 33 seconds. I am referring to page 93 of the same
7 draft transcript, after 3 p.m. (sic). I'm also referring to your
8 statement of the 30th of July 2012, page 6, between 9 a.m. (sic).
9 Do you confirm that the only letters that you handed to Mr. Khieu
10 Samphan had to do with welcoming other foreigners to Cambodia?

11 [11.43.29]

12 A. With regard to Om Khieu Samphan, I already stated that he was
13 Doeun's successor. It was in late 1978 when he took the office.
14 So there were not much I had communication with him because -- It
15 was the communication between B-1 and 870 Office were more
16 frequent. But I had some contacts, like communication with him --
17 between him and I -- but on occasional -- occasion.

18 Q. Very well, Witness. Regarding the contacts you had Khieu
19 Samphan, did all that have to do with welcoming foreigners, or
20 there was something else that you had to handle?

21 A. The content of the communication was more about welcoming
22 visitors and bringing them to provinces.

23 Q. Throughout the duration of Democratic Kampuchea between 1975
24 and 1979, did you work or collaborate directly with Khieu Samphan
25 on matters relating to arrests of persons or eliminations of

1 persons?

2 [11.45.19]

3 A. No, not at all.

4 Q. When you state that Ieng Sary talked to you about the facts
5 that Khieu Samphan had taken over from Doeun, was he telling you
6 that with regard to welcoming guests? It was Khieu Samphan who
7 was responsible for that.

8 MR. PRESIDENT:

9 Witness, could you please hold on a second?

10 International Co-prosecutor, you may now proceed.

11 MR. LYSAK:

12 Mr. President, we'd object. The question is leading and misstates
13 the prior testimony of the witness.

14 MR. VERCKEN:

15 Mr. Prosecutor, can you explain how my questions are misleading
16 and I am distorting the witness's testimony?

17 [11.46.38]

18 MR. LYSAK:

19 If you want me to use your question time to do that, I'm happy to
20 do so.

21 The witness testified to his communication with Ieng Sary, which
22 was that Ieng Sary took over Doeun's functions at Office 870.
23 There was no qualification that it was limited to matters
24 relating to foreign guests. You added that into your question and
25 suggested it to the witness, making the question leading and

1 misrepresenting his prior testimony.

2 BY MR. VERCKEN:

3 I do not think that is the case, Mr. President, but I will
4 rephrase my question, with your leave.

5 Q. Witness, when in late 1978 Ieng Sary tell you that from then
6 onward Khieu Samphan would be taking over from Doeun, did he
7 specify that the duties he was referring to had to do with all of
8 Doeun's functions, or he specified that the functions were
9 limited to welcoming foreign guests?

10 [11.48.16]

11 MR. ROCHOEM TON:

12 A. So far as I remember, when he was in charge or taking over
13 from Doeun, it meant that he was already in charge from what
14 Doeun could have done. But I only -- in my capacity with working
15 with him, he only dealt with me concerning the recipient of
16 guests -- reception of guests.

17 Q. Very well. I think the witness has answered my question, Mr.
18 President.

19 Do you know a certain brother called Yem, and if yes, what were
20 his duties and responsibilities?

21 A. Yes, I know Bong Yem, because in 1967 he attended at the same
22 study session when I attended in Ratanakiri. Later on he became
23 the secretary of an area in Kratie province. And in -- after the
24 liberation, he came to work at the Ministry of Foreign Affairs
25 and was sent to represent Cambodia in the North Korea. Later on

1 we learned that he passed away.

2 [11.50.42]

3 Q. Thank you.

4 My next question is for clarification purposes. You stated on the
5 26 of July, page 91 of the draft, just after 15 hours (sic) --
6 you were asked who was in charge of Office 870, and you said that
7 it was Bong Pang who was -- or Brother Pang who was in charge,
8 and that Khieu Samphan took over from him later.

9 My question to you is when Pang stopped being in charge of that
10 office -- when Pang disappeared.

11 A. I don't recollect very well. However, in -- it was in 1978,
12 between May or June -- between these months. I don't remember the
13 details.

14 [11.52.12]

15 Q. And do you recall when Doeun disappeared? Do you recall the
16 date?

17 A. Doeun also disappeared in 1978.

18 Q. I will move to another question, Witness.

19 You were asked whether you knew of Khieu Samphan's speech
20 regarding to the seven super traitors in Lon Nol's team. You were
21 asked whether you were aware of Sihanouk's statement dictated 26
22 March during that period and - rather, on 1, 2 April 1975, in
23 which the prince declared the death sentence against Long Boret
24 and said these seven super traitors of the Lon Nol clique had to
25 be tried -- that the seven other traitors had to be tried.

1 [11.53.33]

2 Do you remember this speech by Sihanouk?

3 A. No, I don't.

4 Q. And, lastly, yesterday you stated that you were in charge of
5 organizing the flight of Sihanouk in January 1979 when Phnom Penh
6 was attacked by the Vietnamese. Was Khieu Samphan with the prince
7 and the princess during that flight?

8 A. The evacuation was conducted in late 1978 not 1979. I didn't
9 see Khieu Samphan there.

10 MR. VERCKEN:

11 Mr. President, I am sure you'll be pleased with me; I have no
12 further questions for the witness.

13 Thank you, Witness.

14 [11.55.36]

15 MR. PRESIDENT:

16 Thank you very much.

17 Mr. Rochoem Ton, the sessions of your testimony have now come to
18 an end. The Chamber wish not to hear your testimony anymore, and
19 you are now excused. The Chamber would like to express its
20 profound thanks to you for all your time and efforts in providing
21 this testimony in the hearing. We believe that your testimony
22 will be part of the process to ascertaining the truth, and you
23 may now return home.

24 Court officer is now instructed to assist him so that he can be
25 returned home safe and sound.

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1 It is now an appropriate time for lunch adjournment. The Chamber
2 will adjourn momentarily, and the next session will be resumed by
3 1.30 p.m.

4 When we resume, the Chamber would like to inform the parties to
5 the proceedings and the public that the Chamber is hearing
6 Witness TCW-694, questions to be firstly put by the Bench,
7 followed by the Prosecution.

8 [11.57.29]

9 Counsel, you are on your feet. You may now proceed.

10 MR. IANUZZI:

11 Thank you, Mr. President. Good morning, everyone. Very briefly,
12 I'm informed that our client is suffering from a backache, a
13 headache, and a general lack of concentration. Therefore, he
14 would like to spend the afternoon in the holding cell. That's our
15 application this morning.

16 We've prepared the waiver. Thank you.

17 MR. PRESIDENT:

18 The Chamber notes the request by Nuon Chea through his counsel
19 asking the Chamber to allow him to observe the proceedings from
20 the holding cell, for the remainder of the year -- rather, of the
21 day.

22 [11.58.24]

23 The Chamber, therefore, grants the request and asks that counsel
24 for Nuon Chea produce the waiver, given thumbprint or signed by
25 Mr. Nuon Chea. Mr. Nuon Chea has expressly made it clear through

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1 his counsel that he has waived his right to participate directly
2 in the courtroom, so please produce this waiver immediately.

3 AV booth officers are now instructed to ensure that the AV
4 equipment is properly linked to the holding cell of Mr. Nuon Chea
5 so that he can observe the proceedings from there.

6 Security personnels are now instructed to bring Mr. Nuon Chea and
7 Khieu Samphan to their respective holding cells, and Mr. Khieu
8 Samphan shall be returned to the courtroom by 1.30.

9 The Court is adjourned.

10 (Court recesses from 1159H to 1330H)

11 MR. PRESIDENT:

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

13 This afternoon, the Chamber will hear the testimony of TCW-694.

14 Court Officer, could you invite the witness TCW-694 and his duty
15 counsel into the courtroom?

16 (Witness enters courtroom)

17 QUESTIONING BY THE PRESIDENT:

18 Good afternoon, Mr. Witness. I would like to ask you some initial
19 information.

20 Q. Can you tell us your name?

21 MR. SUONG SIKOEUN:

22 A. My name is Suong Sikoeun, alias Kung or Thorn.

23 Q. Thank you. Mr. Witness, please pause a bit after my question,
24 until you see the red light on your microphone, so that your
25 response will go through the system.

1 Can you tell us your date of birth?

2 A. I was born on the 15th December 1936.

3 Q. Where is your present address?

4 A. Currently, I live Kbal Spean village, Malai sub-district,
5 Malai district, Banteay Meanchey province.

6 Q. What is your current occupation?

7 A. I am retired.

8 Q. What is the name of your father?

9 [13.36.09]

10 A. His name is Suong Kak. He is deceased.

11 Q. And your mother's name?

12 A. Her name is Nou Ren. She is also deceased.

13 Q. What is your wife's name?

14 A. Her name is Taing Huy Eng.

15 Q. How many children do you have?

16 A. My current wife has one child.

17 Q. What about the -- from the previous marriage?

18 A. I had four children from the previous marriage. One passed
19 away.

20 [13.37.10]

21 Q. Mr. Suong Sikoeun, based on the report from the greffier, to
22 the best of your knowledge, you do not have any relationship by
23 blood or by marriage to any of the parties or the civil party, or
24 to the Accused -- Nuon Chea, Ieng Sary, or Khieu Samphan; is this
25 information accurate?

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1 A. Yes.

2 Q. Also as reported by the greffier, you already took an oath on
3 the 1st of August 2012; is that correct?

4 A. Yes, it is.

5 Q. Mr. Suong Sikoeun, as a witness, we shall inform you of your
6 right and responsibility.

7 As a witness in the Proceeding before this Chamber, you can
8 object to -- not to respond to any question or make any comments
9 which would incriminate yourself -- meaning that if your comments
10 or response would lead you to possible prosecution.

11 [13.38.50]

12 You're also given, through the WESU unit, a duty counsel who will
13 assist you in exercising your right before this Chamber.

14 Do you understand the right that I just mentioned?

15 A. Yes, I do understand my right.

16 Q. Also, along with the right, you have the obligation to testify
17 before this Chamber, and you shall respond to the questions put
18 to you, either by the Chamber or by any of the parties to the
19 proceeding, unless your response or comment may incriminate you,
20 as I stated in your right earlier.

21 And you shall only answer the truth that you have heard, you have
22 seen, or experienced personally, in regards to the events posed
23 to you through questions or put to you by the Chamber or by any
24 other parties.

25 Mr. Suong Sikoeun, have you been interviewed by investigators of

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1 the Office of the Co-Investigating Judges?

2 A. Yes. I made two interviews; in 2007 and also in 2009 before
3 the Co-Investigating Judges.

4 [13.40.37]

5 Q. How many times were you interviewed by the Co-Investigating
6 Judges? Was it two times?

7 A. Yes, two times.

8 Q. Can you recall the locations where the interviews took place?

9 A. It was here, in this compound.

10 Q. Was -- were the interviews taken place here in the compound of
11 the ECCC?

12 A. Yes.

13 Q. Prior to your appearance before this Chamber, have you
14 reviewed or read your written records of interview made with the
15 investigators, in order to recollect your memory?

16 A. Yes, I read the statements.

17 Q. To your best recollection and knowledge, the record of
18 interviews that you just read -- are they consistent with the
19 statements you made with those investigators?

20 [13.42.13]

21 A. Yes, they are.

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber would like to inform the Prosecution that, for the
25 process of hearing the testimony of this witness, the Prosecution

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1 will be given the first opportunity to question this witness
2 before other parties.

3 You may wait for a moment. Court Officer informs the Chamber that
4 you have some health issue that you need to make a frequent trip
5 to the bathroom. Please indicate to the Chamber by raising your
6 hand if you wish to visit the bathroom. Please do so, for
7 example, after your response to a question, not in the middle of
8 the question and answer session, so that it's not going to
9 interrupt the question and answer session.

10 [13.43.50]

11 And you do not need to worry about switching on and off the
12 microphone. It will be operated by the AV booth.

13 So, when you need to use the bathroom, please raise your hand and
14 notify the Chamber. We also prepare a little sticky note. You may
15 use it to indicate or to get attention of the Chamber if you want
16 to use the bathroom during the Proceeding. We understand that,
17 due to your elderly age.

18 The Prosecution, you may proceed.

19 QUESTIONING BY MR. CHAN DARARASMEY:

20 Good afternoon, Mr. President, Your Honour. Good afternoon,
21 everyone. And good afternoon, Mr. Suong Sikoeun. My name is Chan
22 Dararasmey, the deputy prosecutor at the ECCC. I have some
23 questions for you, and then my international colleague will also
24 question you.

25 [13.45.23]

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1 Q. Let me first ask you regarding your name. The alias that you
2 mentioned to the President, just then, of Kung and Thorn, when
3 did you start using these aliases?

4 MR. SUONG SIKOEUN:

5 A. The alias Kung was used when I joined the Communist Party of
6 Kampuchea in Malai. That name was known in Malai and Pailin.
7 As for the alias Thorn, that was my revolutionary name when -- I
8 used in Koh Kong.

9 Q. Thank you. Besides Kung and Thorn aliases, do you have any
10 other revolutionary names?

11 A. No.

12 Q. Why do you use the alias Kung or Thorn during the revolution?

13 A. Kung and Thorn are one and the same. It means "lasting
14 forever" in Khmer.

15 [13.46.58]

16 It was Ieng Thirith who gave me the name of Kung, which means
17 "lasting forever", or "kung vung" (phonetic) in Khmer. And during
18 my life -- period of resistance, I used that alien -- that alias
19 and I survived. And I mentioned that as well in my book.

20 Q. In document, as I observe, there are various names and aliases
21 for the Khmer Rouge cadres. Can you tell us why there is a need
22 to use a different name or alias during the Revolutionary
23 Movement?

24 A. It is easy to understand. During the complicated Revolutionary
25 Movement and Resistance, cadres usually moved from one location

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1 to another. And once they moved to another location, they chose
2 another alias for the purpose of avoiding being tracked down by
3 the enemy. And that was the principle of the Movement of the CPK.
4 That is, we had to keep secret. And if we could maintain secrecy,
5 it means we have won 50 per cent already of the victory.

6 [13.48.37]

7 Q. Now I move on to another subject, regarding your biography
8 right through April 1975.

9 First, in relation to your education, can you describe to the
10 Chamber which schools you attended?

11 A. I attended Preah Sihanouk College in Kampong Cham, based in
12 Chhloung district. And then I went to another college in
13 Chhloung. And after, I went to the Preah Sihanouk College in
14 Kampong Cham and to Kampucheabot College in Phnom Penh, and later
15 on at the Lycée Sisowath in Phnom Penh.

16 After that, I went to study in France in 1957 via a scholarship
17 from the French government. And that was for my study in civil
18 aviation. At that time, I also took my exam in the French
19 second-degree -- secondary in Paris. And after that I studied in
20 a university in Paris -- that is, Sorbonne. In Sorbonne, I
21 received my baccalaureate in French literature, and later on my
22 master's degree, also in French literature.

23 [13.51.05]

24 Later on, I became a candidate member for the political studies
25 in French. However, I gave up that study as I had to have a heart

1 surgery in 2004.

2 Q. During the course of your study in France or in Cambodia, or
3 in both, did you ever join any political activity? If yes, which
4 party -- which political party?

5 A. While I was studying in Chhloung district, the director of the
6 school, who was also my teacher -- and as I stayed at his house
7 -- that is, Kol Saroeun (phonetic), his name. He was the director
8 of the Democratic Party with the symbol of the head of the
9 elephant. So I joined that party while I was about 13 or 14 years
10 old. I joined the youth group -- propagandized for that
11 Democratic Party. And later on I joined the People's Movement of
12 Son Ngoc Thanh.

13 At that time, I tried to flee from being arrested from the
14 government, so I fled into the jungle in Kampong Speu with Chan
15 Raingsey -- that's the Prince. And after the Geneva Conventions,
16 as I was sentenced to engage in heavy work for 20 years, but
17 after the 1954 Geneva Conventions, it was expunged, and I studied
18 in the third class at a private college in a -- called
19 Kampucheabot. And at that time, Hou Choun -- Hou Youn was the
20 principle of that colleague, and Mey Mann was my teacher.

21 [13.54.03]

22 I received my baccalaureate from that school, and then I went to
23 study as the Lycée Sisowath in Phnom Penh.

24 MR. PRESIDENT:

25 The Prosecutor, for your next questions, please try to

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1 distinguish the status of the witness. The witness here -- the
2 person is he, as a witness, not as an accused. Try to pose your
3 question related to the facts mentioned in the Closing Order.
4 Otherwise the response might be too far and out of the scope of
5 the Closing Order.

6 You spent almost half an hour already, and nothing is really
7 relevant to the portion of the Closing Order.

8 BY MR. CHAN DARARASMEY:

9 Q. Mr. Suong Sikooun, can you tell us if you met Ieng Sary prior
10 to the event in April 1975?

11 [13.55.35]

12 MR. SUONG SIKOEUN:

13 A. I met Ieng Sary upon his return from France. As I recall, it
14 was in early 1957. At that time, I wanted to join the covert
15 assistance movement within the framework of the Communist Party
16 of Kampuchea. At that time, the CPK was not yet established,
17 because the Movement was still covered. I met him twice as I
18 stayed at the former student association along the Pasteur Road.
19 At that time, Ieng Sary met me at that location and consented to
20 my request as a secret member of that Resistance.

21 Q. Thank you.

22 While you were in France, was you familiar with the
23 Marxist-Leninist Circle?

24 A. While I was studying in France, on the 18th of October 1957,
25 Ieng Sary sent me a letter in order to give it to Khieu Samphan

1 in Paris. I clearly recall it. That was the time when Khieu
2 Samphan was hospitalized at the Cité Universitaire Internationale
3 de Paris. I did not know the content of that letter. However,
4 after receiving the letter, Khieu Samphan accepted me as a member
5 of the Marxist-Leninist Circle in Paris.

6 [13.58.02]

7 Q. What was the purpose of the establishment of the so-called
8 Marxist-Leninist Circle?

9 A. Documents also indicate that the founder was -- were Ieng
10 Sary, Tou Samouth and Keng Vannsak. These were the three
11 founders.

12 Q. What was the main objective of this Marxist-Leninist Circle?

13 A. I do not know clearly the real objective of this
14 Marxist-Leninist Circle. However, in practice, I knew that the
15 primary objective was to study from the -- from the
16 Marxist-Leninist doctrine. And, secondly, it was a movement in
17 order to prepare for the formation of a Party, for example,
18 regarding the organization of the disciplined -- better living,
19 so that we can -- we could qualify ourselves as Communist.

20 Q. Thank you.

21 [13.59.34]

22 What was the reason for you to join that Marxist-Leninist Circle?

23 A. I was born in a poor peasant family. I thought of my mother,
24 who could not even have a proper clothing for going to a pagoda,
25 and our living throughout the year -- could not even afford our

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1 living and eating. We had to borrow it from other people.
2 That kind of anger is still burning in my heart, and that -- it
3 started from my childhood. At that time, our country was under
4 the colony of France. Our country was under a regime which, under
5 the eyes of the French colony, though not a real puppet -- but a
6 regime which served that French colony. And this hatred, this
7 anger, made me think of trying to find a way in order to
8 contribute to liberate my country from that French colony. And
9 that was the reason I joined the Democratic Party with the Prince
10 Sisowath Youtevong, who was the president of that Party then.
11 However, that Democratic Party failed to respond to the need that
12 I have in regards to the social justice. For that reason, I
13 turned to the Communist doctrine -- that is, the Marxist-Leninist
14 doctrine -- that would be able to rescue my country from the hand
15 of the oppressed regime and from the colony.

16 [14.02.13]

17 And that thinking was while I was still a youth, but it is not my
18 present thinking.

19 MR. PRESIDENT:

20 Mr. Co-Prosecutor, could you be reminded that your questions
21 should only be framed to fall within the ambit of the alleged
22 facts in the Closing Order only? The information the witness just
23 responded to you is nothing important for the Chamber to consider
24 as probative value for the judicial proceedings. And questions
25 like this had already been asked before the Co-Investigating

1 Judges. We are here before the Chamber to find evidence or proof
2 concerning the alleged facts against the accused persons in the
3 Closing Order.

4 And please do not treat the witness as he is an accused. Please
5 make sure that you are not mistaken.

6 MR. CHAN DARARASMEY:

7 Thank you, Mr. President. Before I proceed to another topic,
8 which is about the National United Front of Kampuchea, I was
9 asking the previous questions because I would like to establish
10 the linkages between the background and my follow-up questions.

11 Q. I would like now to proceed to the National United Front of
12 Kampuchea. Mr Sikoeun, I would like now to put the questions as
13 follows: If you can, please tell the Court about the activities
14 of the FUNK in China. Did you engage in any of its activities?

15 A. Yes, I did. I was involved in establishing the FUNK in China
16 and I was elected by the meeting as the secretary of the Central
17 Committee for that Front.

18 Q. What was your motive behind joining this Front?

19 A. The National United Front of Kampuchea was established in the
20 aftermath of the coup d'état staged by Marshall Lon Nol -- or
21 General Lon Nol, who toppled down the legitimate leader who was
22 then Prince Norodom Sihanouk.

23 [14.05.36]

24 And the Front was established to free ourselves from the -- Lon
25 Nol's yoke -- and this is the way we would like to free

1 ourselves.

2 Q. When did you join the Front?

3 A. The National United Front of Kampuchea was established after
4 the appeal of King Norodom Sihanouk on the 23 of June - rather,
5 [correction], the 23rd of March 1970. And we all together agreed
6 the idea of establishing the National United Front of Cambodia --
7 or Kampuchea, and I was elected as the representative to lead the
8 Khmer student's union. And at that time we supported the
9 chairmanship of then-Prince Norodom Sihanouk, who was in Peking

10 Q. Did you join the Front voluntarily or were you compelled?

11 A. I joined this Movement voluntarily. The Khmer student's union
12 was formed by the progressive students and the decision was made
13 voluntarily. And we, as national -- the youth who were patriotic,
14 were very concerned of the fate of our country.

15 [14.07.42]

16 Q. Did Mr. Ieng Sary conduct any meetings for the FUNK in Peking?

17 A. Mr. Ieng Sary was in Peking not in his capacity as the leader
18 of the FUNK. He was in Peking as the representative of an
19 internal party of the resistance movement in Cambodia. So he
20 represented the Movement in Cambodia.

21 Q. In which circumstance did you became a member of the Communist
22 Party of Kampuchea?

23 A. I became the full-right member of the CPK in 1971.

24 Q. Was there any ceremony where you were inducted into the CPK?

25 If it was, who chaired such ceremony?

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1 A. At that time the ceremony was held at Mr. Ieng Sary's house in
2 Peking, and the person who vouched for me as the member of the
3 Party at that time was -- there were two people. I don't recall
4 them. Perhaps they were Mr Keat Chhon and Thiounn Prasith. And
5 the ceremony was chaired by Mr. Ieng Sary.

6 [14.10.10]

7 Q. Before you were inducted into the CPK, had you done anything
8 or shown any position to convince them to introduce you into the
9 member -- as the member of the Party?

10 A. To respond to that question, I may have to go back a little
11 bit, because this Movement was a resistance movement -- political
12 one in Cambodia at that time. The Resistance Movement was part of
13 the progressive people in the Democratic Party, and this force
14 was joined by the elderly, or the senior people. "Elderly", I'd
15 rather say, I'm not impolite when I refer to elderly people here,
16 because they're old people.

17 And there was contradiction or disagreement concerning the
18 movements -- Resistance Movement of Vietnamese -- Viet Minh.
19 Members of the Democratic Kampuchea who supported Son Ngoc Thanh
20 were determined not to join the Viet Minh Resistance Movement --
21 they treated the Movement as that of the French colonial
22 movement.

23 [14.11.57]

24 So we were of the opinion that the common enemies of our people
25 -- of Kampuchean people, and Vietnamese people, and Laotians

1 people were the French colony. So we had only one enemy and we
2 had to join hands, equally and fraternally, to fight the French.
3 Later on, the Movement was split into two. On one part it was a
4 movement called the People's Movement, led by Son Ngoc Thanh, and
5 then another movement was led by Marshall Lon Nol, backed by the
6 Americans -- rather, this is part of the first movement. And
7 another movement was the movement found by intellectuals from
8 France, including Mr. Thiounn Mumm, Keng Vannsak.

9 Q. In the line of the CPK, there was at times when an enemy of
10 the Party was discussed. How could one identify enemies of the
11 Party and the general enemies?

12 A. Mr. President, I do not think I understand the question.

13 [14.13.55]

14 Q. Mr. President, I may repeat. Could you tell the Court -- or
15 describe the differences between the enemies of the CPK or the
16 enemies of people of Kampuchea? So according to the CPK's line
17 what kinds of--what kind of people treated as enemies. You say
18 that there are a lot of good things that stated in the Statute of
19 the Party, but could tell us in detail how enemies were
20 classified?

21 A. The enemies of the CPK at that time were the American
22 imperialists and their internal henchmen. That's the first
23 category of enemies.

24 And the second category was the landlords, the comprador, those
25 who supported the American imperialists. In the comprador class,

1 there were people who also were nationalists, loyal to the
2 country, that -- the CPK didn't treat them as enemies, but some
3 were alliance of the American imperialists.

4 Q. When Mr. Ieng Sary was in Peking, what was his function?

5 A. He was a representative representing internal movement within
6 the country at that time.

7 [14.16.02]

8 He was representing, first, a Resistance Movement for China as
9 well. And, secondly, he was representing mainly -- he was
10 attached then-Prince Norodom Sihanouk to unite all forces within
11 and outside the country to continue the Resistance Movement to
12 free the country from the French colonial - rather, the Khmer
13 Republic government backed by the American Imperialists.

14 Q. Can you also clarify where the CPK had any representative
15 abroad in April 1975?

16 A. I recall that we had representative of the CPK from North
17 Vietnam and also for the CPK in Cambodia. Mr. Ieng Sary was the
18 representative.

19 Q. Who was representing the North Vietnam in Peking at that time?

20 A. That's all I recall. I know that Mr. Ieng Sary was
21 representing the CPK in North Vietnam and in Peking. I don't know
22 other things other than this.

23 [14.18.15]

24 Q. When did Mr. Ieng Sary return to Peking? Indeed, he came to
25 Cambodia and then he returned to Peking. When was his last trip

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1 to Peking before he returned to Phnom Penh -- or Cambodia?

2 A. Mr. President, I would like Mr. Prosecutor to be precise on
3 his question, because he went to China on several occasions. I'm
4 not clear in which period he was talking about.

5 Q. Thank you, Mr. President.

6 I would like to skip this and move to another question. I would
7 like to refer to the Khmer Information Agency, or AKE (sic). Did
8 you ever engage in the activities of the AKE -- AKI?

9 A. From 1970 to 1974, before I came back to the country, I was
10 representing the AKI in China.

11 Q. Who was the head of the Information Office at the AKI?

12 A. Frankly, I don't know. I only know that the information
13 agency--the information relative to his was sent to me from
14 Hanoi, through the North Vietnamese Embassy to Peking.

15 Q. What about the Information Office of the FUNK? Who was the
16 chairperson of that Information Office of the FUNK?

17 [14.20.38]

18 A. The head of that office in Peking was I, myself.

19 Q. What was the function of this Information Office of the FUNK?

20 A. It was an organization broadcasting information from the
21 battlefield, internal battlefields, and activities -- or
22 diplomatic activities that are supporting the Movement of the
23 FUNK and the GRUNK chaired by Prince Norodom Sihanouk.

24 Q. What about the AKI? What was its role in the FUNK?

25 A. The AKI was not, somehow, relevant to the FUNK. It was a

1 section assigned -- although I don't know very clearly -- not as
2 an organization appointed by a Political Office of the FUNK
3 itself.

4 Q. Was AKI involved anything in the Movement of the CPK?

5 A. Regarding the roles of AKI, the roles were not different from
6 those of the FUNK. It was to broadcast information of the
7 Movement and diplomatic activities and to gather supports from
8 abroad to fight the American imperialists and their henchmen.

9 [14.23.12]

10 Q. According to your experience and what you have heard, you have
11 learned during the time you stayed in France, did you ever see
12 any Cambodians abroad who attended -- who joined the CPK'S
13 Movement there?

14 A. At that time, CPK was not yet established. It was when I was
15 in France. There was no information that such establishment was
16 in place, but there were two organizations of gathering Khmer
17 immigrants abroad, in particular in Europe: the Marxist-Leninist
18 Circle and the Khmer student's union led by Khieu Samphan. And we
19 got support from students and intellectuals, and the support was
20 overwhelming from students in Belgium, the European countries,
21 and also Russia.

22 Q. You said that there were bulletins. Were these bulletins sent
23 to a foreign country? And what was the motive in sending such
24 bulletins abroad?

25 A. The bulletins was sent to France for sure, because after the

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1 establishment of the FUNK in France, there was an office, what we
2 called the Mission Office of the FUNK in Paris. At that time,
3 there was Mr. In Sokan and Ok Sakun, who became the heads of the
4 office.

5 [14.25.42]

6 Q. In the bulletins of the AKI -- before these bulletins were
7 published, could you tell the chamber who revised, edited the
8 content of the text before they went published?

9 A. These texts were prepared by our group -- by my group, and
10 people who edited the text were from the Political Office of the
11 FUNK, whose members were Thiounn Mumm and Thiounn Prasith.

12 Q. Thank you.

13 At the Information Office of the FUNK and the AKI -- in these
14 both organizations, who had the authority to make decisions on
15 the policy concerning publishing or broadcasting?

16 A. No one made the decision because it was meant to publish --
17 publicize the information to others, and we gathered or collected
18 information from the inside and the diplomatic activities from
19 various embassies abroad. This information combined and compiled
20 and put into text so that it could be printed and published twice
21 a week.

22 [14.27.58]

23 Q. Did Prince Norodom Sihanouk and his group ever engage in the
24 activity of the information-related activity?

25 A. At that time, the King was -- the Prince was the head.

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1 Whatever the Prince would like us to print, we had to follow, and
2 we had no intentions to hide anything from him. Politically, we
3 had no intention to keep anything from being published if these
4 were from the Prince.

5 Q. Whose leaders -- of the CPK who attended in the affairs of the
6 information?

7 A. As far as I know, there was none. Ieng Sary had nothing to do
8 with the information.

9 Q. Who was the most responsible for the text published by the
10 AKI?

11 A. Mr. President, I would like the prosecutor to clarify the
12 question -- when you talk about the most responsible. Legally, I
13 was the most responsible, as I was the manager of the AKI -- or
14 you can say also the Political Office of the FUNK -- that is,
15 Thiounn Mumm or Thiounn Prasith.

16 Q. Thank you, Mr. President. He already responded to my question.

17 [14.30.31]

18 During your stay in Beijing, what are the offices or roles -- did
19 you take?

20 A. Besides being the director of the Information Office of the
21 FUNK, I was also a member of the FUNK in China with -- Duong Sam
22 Ol was the chair, and I was in charge of security.

23 Q. Thank you.

24 Can you tell us who was in charge of the military in the CPK at
25 that time?

1 A. I do not know.

2 Q. Did you ever work as an interpreter for the leadership during
3 your stay in Beijing?

4 A. No, because the affairs dealt exclusively with the Chinese and
5 they did have their interpreters to interpret into the Khmer
6 language.

7 Q. Thank you. Did you ever accompany any leaders for their
8 overseas visit?

9 [14.32.15]

10 A. I accompanied through Africa, through Romania, and a few other
11 countries of the then-Prince Sihanouk, and I travelled with Ieng
12 Sary. And later, in 1974, I also accompanied for a trip to
13 Africa, Albania, Yugoslavia, Romania with Khieu Samphan. At that
14 time, he was the deputy prime minister and the
15 commander-in-chief.

16 Q. You said you was in charge of security in the FUNK. In that
17 role, what kind of tasks did you undertake?

18 A. At that time, there were not many activities, and we were in
19 China, which was a sovereign country. Amongst the Cambodian
20 people, however, the Chinese government would not be able to
21 interfere with our affairs, but in my -- it might have an impact
22 on the security in China.

23 [14.34.05]

24 For example, in 1971, Keo Chhieng, who was the son of Keo Meas --
25 then the ambassador to China. Keo Chhieng was a bodyguard of

1 Prince Sihanouk for his visit to a weapons manufacturing facility
2 in Xinjiang province in north China, and Keo Chhieng provided the
3 information regarding that factory to the Italian Embassy in
4 China. The Chinese got that proof and without the presence of the
5 FUNK, he would have been arrested, because they had proof of he
6 -- reaching that information. So they contacted us to deal with
7 that security issue.

8 As a committee of the FUNK in China, we decided to detain Keo
9 Chhieng and to question him. Later on, the senior leadership of
10 the Chinese government decided to release him.

11 On the other hand, in another instance which occurred in 1972,
12 Princess Kossamak was sick and hospitalized in China, and Nouth
13 Choeum, who accompanied the princess, passed this secret
14 information to the English authorities in Hong Kong, which
15 interfered with the internal security of the Chinese government.
16 The Chinese reminded us to resolve the issue and, as a result, we
17 decided to detain him and question. And, as in the case of Keo
18 Chhieng, he was released.

19 [14.36.43]

20 Q. Regarding the arrest of individuals, did the cadres or members
21 of the CPK -- or, as a member of the CPK, did you ever issue or
22 make a decision -- or, were you -- did you have the authority to
23 decide on the arrest of any member of the CPK back then?

24 A. Mr. President, I'd like the prosecutor to clarify regarding
25 the date.

1 Q. That is the event prior to April 1975. I want to know, as a
2 person responsible for security, did you have the authority to
3 decide -- or to issue an order for the arrest of any individual
4 or any member of the CPK?

5 A. I undertook the role for security within the framework of the
6 FUNK. I did not have the authority to make any arrests within the
7 circle of the CPK.

8 Q. Thank you.

9 [14.38.20]

10 Within the FUNK, did you have the authority to decide on the
11 arrest of any member of the FUNK?

12 A. As a person responsible for security, I did not have that
13 authority, because the FUNK in China had the chairperson. Also,
14 they had the chairperson throughout the country -- that was
15 then-Prince Sihanouk, and I did not have such authority.

16 Q. Who actually encouraged you to undertake the role within the
17 FUNK?

18 A. It seems that General Duong Sam Ol, although he was old -- but
19 he befriended me well, and as I respected him well, he designated
20 that role to me.

21 [14.39.39]

22 And usually I am the person who rarely denied any request put to
23 me. I am also -- the security role was not that major in China. I
24 am not kind of a playboy person or roughneck person.

25 Q. Thank you.

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1 Now I move on to another topic regarding the strategy of the

2 CPK--

3 MR. PRESIDENT:

4 The time is now appropriate for a short recess. We will take a

5 20-minute break and we shall return at 3 p.m.

6 Court Officer, could you assist the witness and the duty counsel

7 during the break and have them return at 3 p.m.?

8 (Court recesses from 1440H to 1500H)

9 MR. PRESIDENT:

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

11 We would like now to hand over to the Co-Prosecutor to proceed

12 with his questions.

13 BY MR. CHAN DARARASMEY:

14 Thank you, Mr. President. I would like to continue the questions.

15 Q. Mr. Sikoeun, I would like to move to another topic concerning

16 the CPK strategy between -- before 1970, when there was an appeal

17 -- and after that -- when there was an appeal by then-Prince

18 Norodom Sihanouk. In Peking, when Mr. Ieng Sary was there, had he

19 been in contact with the Party's cadres or members of the

20 Resistance Movement in the FUNK or not, and how?

21 A. In Peking, Mr. Ieng Sary had a branch established there, and

22 as a special envoy of the GRUNK, rather of FUNK, representing

23 from the internal side of Cambodia, he also conducted training

24 sessions on politics at the Political Office of the FUNK in

25 Peking.

1 Q. Were you aware of the relationship between him and the then
2 Prince Norodom Sihanouk in the FUNK?

3 [15.03.45]

4 A. The relationship between Samdech Preah Norodom Sihanouk and
5 the representative of the FUNK to Peking was a kind of matter
6 that I do not know in details, because it was outside the ambit
7 of my jurisdiction. Mr. Ieng Sary was representing the stance of
8 the inside movement of the FUNK and he was representing the
9 movement concerning the -- join in the conference in 1973, where
10 the Vietnamese people also were to attend. At that time, Mr. Ieng
11 Sary was representing Cambodia and his position was very clear
12 that there was no negotiation at all with the Lon Nol's regime,
13 and he indicated clearly that we had to fight until the last drop
14 of blood, and it was really different from the position by the
15 Vietnamese counterpart at that time.

16 Q. Could you describe the means of communication between then
17 Samdech Preah Norodom Sihanouk and the inside resistance movement
18 in Cambodia?

19 A. At that time, the channel of communications between King
20 Sihanouk and people inside was done through a visit of the king
21 in Cambodia in March. It was a crossroad that had been walked
22 concerning the position of Samdech Sihanouk and people inside to
23 agree to free the country from them.

24 [15.06.47]

25 Q. Could you also elaborate further concerning the relationship

1 -- the communication between Mr. Ieng Sary and the local
2 resistance movement? How could this communications take place?

3 A. At that time, Mr. Ieng Sary's activities with members in
4 Peking were secret. In particular, his communication with people
5 inside the country was not known to me.

6 Q. Did the Communist Party of Kampuchea on that date, as I
7 indicated earlier, regard Samdech Norodom Sihanouk as what,
8 inside the Party?

9 A. Honestly, I don't know.

10 Q. Did you ever know the "Sihanoukists"? What does this term
11 refer to? And who created such movement, and for what purpose?

12 A. I used to hear the expression but I did not know who was the
13 founder of such movement. But so far as I know, it must have been
14 those who supported Norodom Sihanouk, and this line was very
15 clear that Cambodia had to be neutral.

16 [14.08.57]

17 The neutral policy had to be followed both inside and outside the
18 country, and they also took the middle path, which means that
19 Cambodians had to be united and there should not be leftists or
20 rightists.

21 Q. Did you ever hear the "strategic force" and "tactical forces"?
22 What were these terms meant to express, and for what reason were
23 they found?

24 A. I believe that these were the tactical strategies or the
25 functioning of the CPK. The strategic forces refer to the

1 long-term forces. If you refer to the classes, they could have
2 been the peasant and worker classes. The tactical forces refer to
3 the alliance based on the actual historical circumstance.
4 These forces were gathered in accordance with the circumstance of
5 the Resistance Movement. These forces had to be attached to the
6 strategic forces. However, when we moved to the social
7 revolution, the latter forces had to be abundant because we
8 already had the peasant and the worker class, which were the core
9 forces for the leadership.

10 [15.11.14]

11 Q. To hold power as they wished, according to your best
12 recollection, did the CPK have any plan? Or how did it plan to
13 distinguish between Sihanoukist, or supporters, and those who
14 were the CPK's followers?

15 A. My understanding is that Sihanouk forces were the tactical
16 forces. At the same time, the CPK selected some individuals who
17 could join the Party from the beginning until its completion.
18 They were regarded as the tactical forces, but secondary, as
19 opposed to the strategic forces.

20 But at the same time, some individuals from the tactical forces
21 could be regarded as the long-term forces for the Movement.

22 [15.12.39]

23 Q. The next question will be about the positions, about power
24 within the FUNK and the GRUNK. These are the individuals I would
25 like to read to you, and could you confirm what position they

1 held back then?

2 Number 1, Mr. Sarin Chhak.

3 A. Mr. Sarin Chhak was the member of the Political Office of the
4 FUNK and also a member of the GRUNK.

5 Q. What about Mr. Huot Sambath?

6 A. Mr. Huot Sambath was also a member of the Political Office of
7 the FUNK and the minister of the GRUNK's government.

8 Q. Could you please be more precise? What kind of position they
9 were holding? For example, Mr. Sarin Chhak, what ministry was he
10 the minister of?

11 A. I remember that Mr. Sarin Chhak was the Minister of Foreign
12 Affairs Ministry.

13 Mr. Huot Sambath held a position as the minister, but I don't
14 remember of which ministry he was the minister.

15 [15.14.21]

16 Q. What about Mr. Chan Yourann, the third person here?

17 A. Mr. Chan Yourann was also a member of the Political Office of
18 the FUNK and the Minister of Education of the GRUNK.

19 Q. What about Mr. Chea San?

20 A. Mr. Chea San was also the member of the Political Office of
21 the FUNK and the Minister of Justice of the GRUNK.

22 Q. Number 5, Mr. Keat Chhon?

23 A. Mr. Keat Chhon was a reserve candidate or member of the
24 Political Office of the FUNK and the minister attached to the
25 Cabinet of Ministers of the GRUNK.

1 Q. Number 6, Mr. Thiounn Prasith.

2 [15.15.34]

3 A. Mr. Thiounn Prasith was a reserve member of the Political
4 Office of the FUNK and the minister coordinating the Resistance
5 Movement of the GRUNK.

6 Q. Number 7, Mr. Van Piny?

7 A. Mr. Van Piny was the deputy prime minister -- deputy minister
8 of the Foreign Affairs, rather.

9 Q. What about Mr. Keo Meas?

10 A. Mr. President, could you ask Mr. Co Prosecutor to be more
11 precise, whether Keo Meak or Keo Meas?

12 Q. Keo Meas.

13 A. Keo Meas was the former leader of the CPK.

14 Q. Number 9, Mr. Isoup Ganthy?

15 A. Mr. Isoup Ganthy was the Chargé d'affaires.

16 [15.17.11]

17 Q. Was he also a member of the CPK?

18 A. No, he wasn't.

19 Q. Number 10, Mr. Chau Seng?

20 A. Mr. Chau Seng was a member of the Political Office of the FUNK
21 and the minister in charge of a special mission of the GRUNK.

22 Q. Number 11, General Duong Sam Ol?

23 A. General Duong Sam Ol was also member of the Political Office
24 of the FUNK and the minister of -in charge of weaponry of the
25 GRUNK.

1 Q. Number 12, Mr. Thiounn Mumm?

2 A. Mr. Thiounn Mumm was also the member of the Political Office
3 of the FUNK, also the Minister of Finance of the GRUNK.

4 [15.18.35]

5 Q. The third person here is Mr. In Sokan?

6 A. Mr. President, In Sokan or In Sokun?

7 Q. In Sokan.

8 A. Mr. In Sokan was the representative of the FUNK and the GRUNK
9 at the same time to France.

10 Q. Thank you, Mr. Sikoeun. I would like to have a few more
11 questions to you. Among these individuals who were ministers and
12 diplomats of the FUNK and the GRUNK, did they work - or, rather,
13 between 1975 to 1979, was any of them arrested? And if so, what
14 was -- why were they arrested?

15 A. I have no idea what happened to the arrest.

16 Q. Amongst these individuals, as I indicated, had anyone worked
17 under direct supervision of Mr. Ieng Sary?

18 [15.20.29]

19 A. Among these people, the 13 people, there were only Mr. Keat
20 Chhon and Thiounn Prasith who worked at the MFA under the
21 supervision of Mr. Ieng Sary.

22 Q. I would like to move to another topic concerning the
23 delegation of the GRUNK abroad.

24 My next question would be: Did Mr. Ieng Sary and Khieu Samphan
25 travel or pay a visit to a European country, and to which

1 country, and when?

2 A. They were there on early March -- early April, rather, in
3 1974. Mr. Khieu Samphan and Ieng Sary led a group of delegation
4 of the FUNK and GRUNK to visit Yugoslavia, Romania, and Albania.

5 Q. What about a trip to Africa? Did they both go to this country
6 -- and to which countries in the continent?

7 [15.22.08]

8 A. I believe they went to Algeria, Mauritania, and Egypt, and
9 another country that I don't recollect.

10 Q. During the trips to these two continents, did you accompany or
11 ever accompany them?

12 A. Yes, I did, in my capacity as an assistant to the delegation
13 led by Khieu Samphan and Ieng Sary.

14 Q. What was the purpose of that trip or the visit?

15 A. The visit was to inform our friend countries about the
16 Cambodian's Resistance Movement and the position of the GRUNK and
17 FUNK concerning the conference, the peace accord abroad with
18 regard to the Cambodian support of this.

19 Q. I would like to know your background of activities. In these
20 two institutions, the FUNK and the GRUNK, in which institution
21 did you work for the most, and in what capacity?

22 A. It is not possible to distinguish between the work in the FUNK
23 and the GRUNK, as a member of the CPK our primary objective of
24 each individual, of each member, was to fulfil our work as a
25 Communist to the best of our capacity and in line with the

1 political line. So we can't distinguish the task between these
2 two institutions.

3 [15.24.48]

4 Q. When did you last leave China?

5 A. I left China in 196 -- or rather, 74.

6 Q. Where did you head to after leaving China?

7 A. At that time, in my capacity as a member of the Party, and it
8 was very honoured as an individual who was in the Resistance
9 Movement, and as an intellectual who had a better education and
10 spent so much time abroad, our main purpose was to return to
11 Cambodia to enjoy living peacefully with our people to contribute
12 to the Resistance Movement as guided by the Party.

13 Q. You said you left China in 1974. Do you still recall the exact
14 date, month and day, for example?

15 [15.26.19]

16 A. It was as early as May, after the Cambodian delegation led by
17 Mr. Khieu Samphan and Ieng Sary to the east European countries.
18 It was, so far as I recall, on the early April -- rather, May
19 1974.

20 Q. Did you ever travel to Vietnam or any other countries after
21 returning from China?

22 A. I went to Vietnam in 1970 in May, accompanied -- accompanying
23 Samdech Norodom Sihanouk as -- when he was the head of the GRUNK
24 to visit Vietnam, and I returned to Cambodia in May in 1974 from
25 China. I stayed for a while in Hanoi.

1 Q. When you were in Vietnam, did you see Ieng Sary and Khieu
2 Samphan there?

3 A. In 1974, when I went to Vietnam, I was traveling with both of
4 them.

5 Q. You left Cambodia for Vietnam with these two people on which
6 date? Could you please tell us the date?

7 A. It was in May 1974. Indeed, the trip that was made after the
8 trip to Laos, and also the trip to the Liberated Zone in South
9 Vietnam.

10 Q. How was -- how long was the visit to Vietnam?

11 A. I don't remember for sure, but it was not short. It was at
12 least one week, because the trip was important for the Resistance
13 Movement.

14 [15.29.12]

15 Q. In Vietnam you said you saw Ieng Sary and Khieu Samphan. What
16 did they do back then?

17 A. I joined in their activities in negotiating officially with
18 the leadership of Vietnam and also attended the banquet with
19 students, but I did not know the details of the important matters
20 being discussed.

21 Q. Did you hear about the Liberated Zone of Kampuchea? Where was
22 the zone?

23 A. At that time, the Liberated Zone was almost throughout the
24 country, except the surrounding areas around Phnom Penh and
25 certain provincial towns.

1 Q. Did you ever make a trip to the Liberated Zone?

2 A. When I returned, I returned to the Liberated Zone. Phnom Penh
3 was liberated on the 17 April 1975.

4 [15.30.39]

5 Q. Did you ever observe Ieng Sary or Khieu Samphan make a trip to
6 the Liberated Zone in Kampuchea?

7 A. In May 1974, after the visit by the delegation headed by Ieng
8 Sary and Khieu Samphan to the Liberated Zone in Laos and South
9 Vietnam, Ieng Thirith and myself returned to Hanoi in order to
10 continue our tasks and the radio station of the FUNK. As for Ieng
11 Sary and Khieu Samphan, the two returned to -- back to the
12 country, to the Liberated Zone.

13 Q. Does this mean Ieng Sary and Khieu Samphan continued their
14 journey to the Liberated Zone after the two of you -- after the
15 two of them returned from Vietnam? Is that correct?

16 A. Yes.

17 [15.32.00]

18 Q. Thank you. How many days after Ieng Sary and Khieu Samphan
19 left Beijing to Cambodia? What was the purpose of them leaving
20 Beijing?

21 A. That was the time the war was intensified between the
22 Resistance forces who gathered at -- within the FUNK and the
23 GRUNK against the forces of the Marshal Lon Nol supported by
24 Americans. As a leader of the Resistance Movement, the two had
25 the obligation to return to join the Resistance in the country.

1 Q. Can you tell us, after Ieng Sary and Khieu Samphan decided to
2 return to country and to the Liberated Zone, how did they travel?
3 By what means and which areas did they pass through from Vietnam
4 to Kampuchea?

5 [15.33.38]

6 A. My apology, I cannot know that detail.

7 Q. Can you tell us the reason that Ieng Sary and Khieu Samphan
8 had to wait for quite a long while at the Liberated Zone although
9 they wanted to return to Kampuchea as early as possible?

10 A. Mr. President, could you ask the prosecutor to clarify the
11 question?

12 Q. The question is -- I want to know the reasons why Khieu
13 Samphan and Ieng Sary had to wait for a long time at the
14 Liberated Zone inside Kampuchea even though they wanted to return
15 Kampuchea as soon as they could? Why did they have to wait for
16 such a long time?

17 [15.35.03]

18 A. Mr. President, my apology; I still cannot understand the
19 question put to me by the prosecutor.

20 At that time, Kampuchea was divided into two. One was under the
21 control, which was called the liberty zone by our group, and the
22 other part was controlled by the Lon Nol's regime.

23 And I would like the prosecutor to ask me again.

24 Q. Let me move on to another question as this question is not
25 really of that importance.

1 My next question is in relation to another topic -- that is, the
2 radio of -- the radio station of the FUNK in Hanoi. Mr. Suong
3 Sikoeun, can you tell us, what was the reason for the
4 establishment of the radio station of the FUNK in Hanoi?

5 A. I do not know the exact reason for that. However, as I said
6 earlier, our Resistance Movement at the time was that the
7 Kampuchean people, the Vietnamese people, and the Laotian people
8 face a common enemy.

9 [15.36.41]

10 Mr. President, what I say is historical context, and there is
11 nothing else in what I say. We all face the same common enemy,
12 and the three regimes in each respective country was a kind of a
13 puppet country of the Americans. And, for that reason, it is
14 important to have a common struggles among the three people and
15 to support one another.

16 And one form of the support of the Communist Party of Vietnam for
17 the CPK was their permission for us to have our radio station on
18 the territory of the People's Republic of Vietnam.

19 Q. Thank you. Can you tell us, in regards to the establishment of
20 the radio station in Hanoi, who was the main supporter?

21 A. As far as I know, Vietnam at the time provided us the support
22 in the form of the space and some technical staff to a limited
23 degree. However, when it comes to the resistance by the
24 Kampucheans, they -- the Vietnamese government allowed us act
25 independently.

1 [15.38.38]

2 Q. Thank you. Regarding the Kampuchean staff working for the
3 radio station, how were they recruited and from what source?

4 A. The Kampuchean staff working in that radio station of the FUNK
5 were the former resistance. They were recruited amongst the
6 former resistance, and we have one main news broadcaster who was
7 an old hand and experienced.

8 And also we recruited staff from the Fine Arts and others were
9 intellectuals, including myself, who were patriots who wanted to
10 enter the country but due to the circumstance and necessity in
11 order to contribute to the voice at the radio station, those
12 intellectuals stayed and worked at that radio station.

13 [15.40.01]

14 Q. Thank you. The Kampuchean staff who worked there, were they --
15 had they been members of the CPK or member of the FUNK? Or what
16 were they?

17 A. Majority of the staff as far as I know were members of the
18 CPK. However, there was a small number who were not members of
19 CPK. In the Communist Movement, they were labelled as the
20 sympathizers.

21 Q. Thank you. What was the code name for that radio station of
22 the FUNK, if you can recall?

23 A. No, I do not know the code name for that radio station.

24 Officially, it was known as "The Voice of the FUNK".

25 Q. Thank you. Regarding the programs broadcast on the radio, were

1 -- who actually controlled the programs broadcast on that radio
2 station?

3 A. Speeches or main text were brought out from the country and
4 some other information related to foreign affairs were produced
5 on the spot, and those oversee the overseas segment was Ieng
6 Thirith, who was the director.

7 [15.42.06]

8 Q. Thank you. So as you just stated, Ieng Thirith was the
9 director of the radio station of the FUNK. Does it mean she was
10 the highest leader for that radio station?

11 A. In terms of the political role of the radio station, in
12 general she was not the most responsible; she was only in charge
13 of the segment under her supervision.

14 Q. Thank you. Since the establishment of the radio station, what
15 was the main target of the audience? Was it for the Resistance
16 Movement inside the country or for overseas?

17 A. The radio station represented the voice of the Resistance
18 Movement of the Kampuchean people at the time, both inside the
19 country and overseas.

20 Q. Thank you. In what languages was the radio broadcast?

21 A. It was only broadcast in the Khmer language.

22 Q. In the programs broadcast in the Khmer language by that radio
23 station, for what programs were you in charge?

24 [15.44.00]

25 A. I was in charge of the international news.

1 Q. Before the broadcast of the international news oversaw by you,
2 who would be the immediate supervisor who would control that
3 segment, above you?

4 A. It was Ieng Thirith who would oversee the text that I wrote
5 and broadcast.

6 Q. Thank you. Did Ieng Sary and Khieu Samphan give you
7 instructions regarding the radio broadcasts or did they ever give
8 instructions to other staff concerning the broadcasts on the
9 radio at the time?

10 A. It seems none because it did not fall under their authority.

11 Q. Thank you. Until when did the radio finish their broadcast?

12 A. I do not know. What I knew was that the radio broadcast until
13 17 April 1975. That was the time I returned to Kampuchea. The
14 radio on that day broadcast about the victory on the 17 April
15 1975.

16 [15.45.56]

17 Q. Thank you. Can you recall which public frequency the radio was
18 broadcast, and who decided on its frequency?

19 A. I cannot recall the frequency of the broadcast or who actually
20 authorized for the broadcast on that frequency.

21 Q. Regarding the general information and the important
22 information, what was the main point of these two kinds of
23 information?

24 A. Important information would encompass the speeches which were
25 the core news as were -- as were a report from the battlefields.

1 Q. Could you tell us the main sources of your information and how
2 did you obtain that information?

3 A. The editorials and the news from the battlefield were obtained
4 from inside the country through the use of the coding system.

5 [15.47.28]

6 Q. Thank you. Who were the translators who translated information
7 from the foreign news into the Khmer language?

8 MR. PRESIDENT:

9 Witness, you do not need to respond to this question. This
10 question is, of course, not relevant and further, further away
11 from the scope or the facts in the Closing Order.

12 MR. CHAN DARARASMEY:

13 Thank you, Mr. President. I'll move on.

14 MR. PRESIDENT:

15 Please try to orient your questions to the facts before us. It
16 seems that you are wandering here and there for the whole
17 afternoon.

18 BY MR. CHAN DARARASMEY:

19 Thank you.

20 Q. Now I move on to another topic regarding the return to
21 Kampuchea from Hanoi, and the working at B-20.

22 [15.48.39]

23 Witness, can you tell us what B-20 was?

24 MR. SUONG SIKOEUN:

25 A. During the time that I stayed at B-20, it was an office that

1 cadres from overseas stayed provisionally before they moved to
2 other locations. That's all I knew. I did not know any other
3 details regarding this office.

4 Q. Where was B-20 located and what was its function?

5 A. B-20 was located at Stueng Trang district. It was a production
6 site. There were a lot of trees. There were banana trees, durian,
7 mangoes, etc. The soil there was rich and good for fruits.

8 [15.49.57]

9 Q. Who was the head of B-20?

10 A. I cannot recall. During the time that I stayed there, I saw
11 the head, but I cannot recall the name. Maybe I can recall later
12 on.

13 Q. During your stay at B-20, whom did you see working there?

14 A. During my stay, I did not know anybody whom I knew previously,
15 and there were not many people there.

16 Q. Upon your arrival in Kampuchea, who actually sent you to work
17 and stay at B-20?

18 A. As I knew, the order came in systematically and -- from the
19 above -- for those who had to go here or there.

20 Q. Thank you. What was the real nature of the establishment of
21 B-20?

22 A. I do not know. As I believe, there was no real intensive
23 purpose of the establishment of B-20 as there was no real
24 intensive training or education. There were, of course, a weekly
25 meeting, but everything was not in detail.

1 [15.52.18]

2 Q. Did you ever see the Khmer students and intellectuals? Where
3 were they sent to?

4 A. No, I do not know.

5 Q. Were they -- were some of them ever sent to B-20?

6 A. During my transit there, besides my group, I did not see any
7 other student or intellectual from overseas.

8 Q. After you work at B-20, where else was you transferred to?

9 A. After B-20, I went to stay at a house which was known as "Pink
10 House" - "ptes por kolab", in Khmer. It was near the riverfront,
11 and it belonged to the Princess Norleak; who was also the wife of
12 then Prince Sihanouk.

13 [15.53.47]

14 Q. Mr. President, I have five more questions before I conclude my
15 part, and tomorrow then my international counterpart will
16 continue.

17 Mr. Suong Sikoeun, I'd like to ask you regarding the evacuation
18 of people from Phnom Penh. Did you see the evacuation and, if so,
19 in what scale?

20 A. When I went to Phnom Penh, the evacuation was almost complete.
21 I entered Phnom Penh on the 20 of May 1975.

22 Q. What was the reason for the evacuation of people from Phnom
23 Penh and who made that decision?

24 A. Regarding the purpose of the evacuation, as I was told, was
25 that -- as the Americans planned to bombard Phnom Penh city and,

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1 number 2, if all the people in Phnom Penh were not to leave, they
2 would be starved as there was not sufficient rice and supplies
3 for these millions of people in a city. And the third reason was
4 that the evacuation from Phnom Penh was to disperse the spy
5 network of the enemy.

6 [15.55.50]

7 Q. During the evacuation of Phnom Penh from -- the people from
8 Phnom Penh to the countryside, did you know whether the people at
9 the base welcomed the new evacuees from Phnom Penh?

10 A. I cannot know about that as I was in the city then.

11 Q. Question number 4 -- it is in relation to Pol Pot and Ieng
12 Sary and Khieu Samphan. This is my second-last question. Did you
13 know if Pol Pot gave instructions to Ieng Sary, as he was the
14 Minister of Foreign Affairs, in relation to the policies of
15 Democratic Kampuchea?

16 A. No, I do not know. That was the affairs between the two.

17 [15.57.05]

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

23 A. I do not know. At that time, I was working at the Ministry of
24 Foreign Affairs, and the three had the duties and stayed
25 elsewhere. And I did not have a right to know about their affairs

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1 and work.

2 MR. CHAN DARARASMEY:

3 Thank you, Mr. President, for allowing me to put questions to the
4 witness. And thank you, Mr. Sikoeun, for allowing me to ask you
5 questions. Now, I conclude my part.

6 MR. PRESIDENT:

7 Thank you, Mr. Witness.

8 Mr. Suong Sikoeun, the hearing of your testimony is not yet
9 concluded, and we will continue next week starting on Monday, and
10 you're invited to return on that day.

11 Likewise, the Duty Counsel, you are invited to return as well on
12 Monday next week.

13 [15.58.49]

14 Court Officer, in cooperation with WESU, please arrange for the
15 return of the witness to his residence and have him return by
16 Monday next week, before 9 a.m.

17 Today hearing has come to a conclusion. We will now adjourn and
18 resume on the 6th of August 2012, starting from 9 a.m., and we
19 will continue to hear the testimony of the witness Suong Sikoeun,
20 who will again be questioned by the Prosecution.

21 Security guards, you are instructed to take the three Accused
22 back to the detention facility and have them returned to the
23 courtroom on Monday next week, prior to 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1559H)