

*Witness Suong Sikoeun returns to the witness stand at the ECCC on Tuesday.*

## **Defense Teams Take Center Stage as Witness Testimony Resumes**

*By Mary Kozlovski*

On Tuesday, August 14, 2012, trial proceedings in Case 002 involving the accused Nuon Chea, Ieng Sary and Khieu Samphan, resumed at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Hearings were suspended on Monday, August 13, due to concerns over the health of Ieng Sary and his right to participate in proceedings during the scheduled testimony of witnesses Suong Sikoeun and Ong Thong Hoeung. Trial Chamber President Nil Nonn noted that the witnesses were testifying to the role of Ministry of Foreign Affairs.

Suong Sikoeun and Ong Thong Hoeung were both intellectuals who returned to Cambodia from abroad during the Khmer Rouge period. Ong Thong Hoeung today concluded his testimony at the ECCC.

### ***Ieng Sary to Observe Proceedings Remotely***

President Nonn said that Em Savoeun, a treating doctor at the ECCC detention facility who examined Ieng Sary this morning, reported that the accused was fatigued, had to visit the bathroom frequently, and had a backache, and the doctor recommended that Ieng Sary observe proceedings from the holding cell. The Trial Chamber granted the request from defense counsel for Ieng Sary to waive his direct presence in the courtroom.

### ***Counsel for Ieng Sary Resumes Questioning Witness Ong Thong Hoeung***

International Co-Lawyer for Ieng Sary Michael Karnavas began by recounting Ong Thong Hoeung's testimony on August 7, 2012, indicating that the National United Front of Kampuchea (FUNK) movement was under Ieng Sary's direction and was meant to "reconcile and unite" Khmer people of different political persuasions under "one unified association." Mr. Karnavas asked whether he was correct in concluding from this testimony that Mr. Hoeung was motivated to join FUNK because of Prince Norodom Sihanouk, as opposed to Ieng Sary or others, to which the witness replied that generally that was his intention.

Mr. Karnavas referenced a section in David Chandler's book – *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945* – about Ong Thong Hoeung, asking whether the witness had met with Professor Chandler prior to the book's publication. Mr. Hoeung confirmed that he had met with Professor Chandler, among others, but said that while he stood by his book and his personal statements, he could not judge what others had written about him.

When Mr. Karnavas asked whether Mr. Hoeung had bought or read Mr. Chandler's book to examine the passages written about him, International Senior Assistant Co-Prosecutor Vincent de Wilde objected that the question had already been posed to the witness. Mr. Karnavas argued that he was about confront the witness with content in the book and was ascertaining whether

Mr. Hoeung had read what Professor Chandler wrote based on the interview. The Trial Chamber sustained the prosecution's objection.

Citing Mr. Hoeung's August 7 testimony, Mr. Karnavas asked whether he had, in general, consulted Professor Chandler's book when conducting research for his own book. Mr. Hoeung said that he had not read Professor Chandler's book.

Mr. Karnavas quoted a passage from Professor Chandler's book:

Ong Thong Hoeung, born in 1945, had earned a government scholarship for tertiary study in France when he was 20. He lived in Paris for the next 11 years and was drawn into left-wing political circles after the student uprising in May 1968 and the coup d'état in Cambodia two years later. Hoeung was an enthusiastic supporter of the NUFK, though motivated less by his fondness for Sihanouk than by his anger at the United States and his distaste for Lon Nol's regime. The front's political program seemed to Hoeung to be a refreshing departure from Cambodia's past.

Mr. Karnavas queried Mr. Hoeung about the passage, given his previous confirmation that he was drawn more to Prince Sihanouk, to which the witness reiterated that he could not comment on other people's writings.

A pattern emerged as Mr. Karnavas quoted three further passages from the book: "expecting to use his tertiary training and his intellectual skills, he was pitchforked into the world of revolutionary praxis"; "for the rest of 1976, Hoeung worked in Phnom Penh in a factory making electric pumps in an agricultural cooperative at Takmao on the outskirts of the city"; and "working conditions were harsh but food was adequate." Mr. Hoeung thrice repeated that he could not respond.

Mr. Karnavas moved his questioning to Mr. Hoeung's August 8 testimony, in which the witness had indicated that Ieng Sary "mainly talked about nationalism, patriotism, self-mastery, self-dependence, and repeatedly emphasized on the point that Cambodia was not an umbrella company to Vietnam," when convincing Mr. Hoeung and others to return to Cambodia.

Again citing Professor Chandler's book and Mr. Hoeung's prior testimony, Mr. Karnavas asked the witness whether the 1968 Paris uprising – and later the Lon Nol government's 1970 coup d'état in Cambodia – catalyzed his involvement in left-wing politics prior to Ieng Sary's arrival. Mr. Hoeung reaffirmed that he would not comment on what people had written about him.

Mr. Karnavas referred to Mr. Hoeung's August 7 testimony relating to his repatriation to Cambodia, quoting him as saying that many Cambodians including himself "did not want to stay" in a foreign country but wanted "to return and to die back in our native country". Mr. Karnavas asked for confirmation that Mr. Hoeung had voluntarily travelled to Paris on a scholarship, which the witness asserted was an "irrelevant" question.

Mr. Karnavas then asked what had prevented Mr. Hoeung from returning back to Cambodia in the years up to 1975 if, as by his own admission last week, he was not getting a university degree in France. Mr. Hoeung replied that the counsel was trying to "dig up" irrelevant information. Mr. Karnavas said he was pointing out that for 11 years nothing had prevented Mr. Hoeung from returning to Cambodia, to which Mr. Hoeung responded that he initially did not return for personal reasons but only when the situation was "favorable" and after receiving advice from Ieng Sary.

Mr. Karnavas questioned whether Mr. Hoeung had ever met Ieng Sary personally and spoke with him while in Paris, to which Mr. Hoeung said that he had only met with Cambodians who attended meetings with him. Queried on his contact with Prince Sihanouk aside from seeing him once in Bucharest, Mr. Hoeung said he called on the prince after 1970 when he invited Cambodian expatriates to meet him in France where, as "the legitimate head of state in Cambodia", he told them about his visit to Europe and meetings with other heads of state. Mr. Hoeung said he based his assessment of Prince Sihanouk as the head of state on his recognition by the United Nations.

Mr. Hoeung then confirmed that at the time Prince Sihanouk was the leader of FUNK and head of state of the Royal Government of National Union of Kampuchea (GRUNK). Mr. Karnavas queried whether Prince Sihanouk was advising Cambodians abroad to assist in "toppling the

regime that had toppled him.” Mr. Hoeung replied that Prince Sihanouk wanted to tell Cambodians to resist the Lon Nol regime and concurred with Mr. Karnavas that the prince was invoking “patriotism and nationalism” to do so.

Mr. Hoeung told Mr. Karnavas that he had been present during a meeting with Ieng Sary and Prince Sihanouk – the prince had “talked a lot” – but was not privy to any meetings where the two were talking amongst themselves.



Mr. Karnavas quoted from Mr. Hoeung’s August 9 testimony – a response to a query about past comments on Ieng Sary’s influence – in which he had said Ieng Sary made it known that he was the peoples’ representative and other dignitaries were “silly” and “followed others blindly.” The counsel questions whether Ieng Sary had made such comments in the witness’s presence.

Mr. Hoeung said that in France, Ieng Sary had networks that included former members of the Marxist-Leninist circle, who were “core forces” for handling relationships between Cambodians living overseas. Mr. Karnavas repeated his question, eliciting an objection from Mr. de Wilde. The prosecution requested that the question be phrased more broadly as Mr. Karnavas’ second question asked specifically whether Ieng Sary made such statements when the witness allegedly attended a meeting at which Ieng Sary and Prince Sihanouk were present, whereas the first question did not.

Mr. Karnavas asserted that he was trying to lock in whether the witness was present in any meeting, with just Ieng Sary or with both men. Mr. Hoeung said he never attended a meeting where Prince Sihanouk and Ieng Sary had discussions together but there was a meeting attended by Ieng Sary at which only Prince Sihanouk spoke.

#### ***Ong Thong Hoeung Questioned about K-15***

Mr. Karnavas moved on to questioning about K-15, which Mr. Hoeung affirmed was the first place he went after returning to Cambodia in 1976. In response to questions about the confiscation of belongings, especially writing implements, Mr. Hoeung said that his books were taken, generally radios and “unnecessary belongings” were removed and only some were permitted to keep writing pads. When Mr. Karnavas asked who was allowed to keep writing pads and who was not, Mr. Hoeung explained that he did not know the motivation behind the confiscation of the items.

Mr. Karnavas asked about the leadership of K-15, and the witness said he eventually discovered the man responsible for the camp was an Angkar representative named Phum, whose superior he did not know.

Mr. Hoeung stood by a passage from his book quoted by Mr. Karnavas, describing the former Khmer-Soviet Friendship Technical Institute as being transformed into a “unit for people arriving from abroad,” bearing the name K-15, that “as with all units reserved for intellectuals it was under the direct supervision of the Central Committee of the party.” He said that he only learned of its supervision by the Central Committee from others after he began writing the book. Mr. Hoeung confirmed that his research led him to conclude that the Central Committee supervised all premises where intellectuals were kept and that intellectuals included “students, professionals, engineers, civil servants, and the elite of the former regime.”

Mr. Karnavas asked about Mr. Hoeung’s movements after K-15, and the witness said that he was taken to D-2 after leaving K-15 and confirmed that he ended up in Boeng Trabek for a second time in late 1978, around October or November. He testified that he had first gone to Boeng Trabek in 1976 after leaving Dei Krahorn.

Asked whether Boeng Trabek was therefore under the direct supervision of the Central Committee, Mr. Hoeung said that this was only his supposition, and he had gleaned this information from others through research. Mr. Karnavas pressed the point, prompting an objection by Mr. de Wilde, who said that it was an attempt to ask the witness to become an expert.

Mr. Karnavas argued that he was asking questions based on Mr. Hoeung's writing and research, that his credibility and testimony were at issue, and that when he went to Boeng Trabek and who controlled or supervised it at which point in time is important. However, the Chamber sustained the objection on the grounds that the question was repetitive. Mr. Karnavas asked for the Trial Chamber's version of the witness' answer, as the Chamber indicated that he already answered the question. Rather than responding to the request, President Nonn told Mr. Karnavas to ensure that his question did not draw a conclusion from the witness.

Mr. Karnavas asked whether conditions were the same during Mr. Hoeung's second time at Boeng Trabek as they were initially. The witness replied that in 1976, conditions were difficult, but in 1978, the situation was not as strict, the food was not abundant but sufficient for those who did not have enough to eat before, and some grew physically healthier.

Mr. Karnavas said that Mr. Hoeung had indicated under questioning by Trial Chamber Judge Jean-Marc Lavergne that, during his second time at Boeng Trabek, he had met a man named Cheap who Mr. Hoeung associated with the Ministry of Foreign Affairs and perhaps indicated was under So Hong. Mr. Hoeung said that after they returned from Dei Krahorm, Cheap took them to Boeng Trabek after they stayed the night in Wat Phnom. Mr. Hoeung said that Cheap must have come from the Ministry of Foreign Affairs because he said that he was instructed by Ieng Sary to fetch them.

Mr. Karnavas quoted Mr. Hoeung's August 9 testimony in which he described seeing a picture in a newspaper that he thought was Cheap, who was "the close aide of So Hong," and asked whether it was his understanding back then that Cheap was So Hong's close aide, based on his interactions with Cheap or what he said. Mr. Hoeung maintained that, though the face was familiar, he was not "100 percent sure" if Cheap was the man in the photograph, which he saw on the Internet after his wife alerted him to it.

The counsel explained that someone named "Chiem" had previously given testimony to the court and there was no Cheap that would have been working for So Hong. He questioned whether Mr. Hoeung was mistaken as to the name, asking whether it should be "Chiem" instead of "Cheap." Mr. Hoeung replied that what he said was not based on "100 percent certainty" and sometimes people changed names to mask their identities, so he could not be completely certain about names he used or quoted. Mr. Karnavas asked whether the man, who rode a Honda moto, might have been going under the name "Cheap." The prosecution objected, stating that Mr. Karnavas was asking the witness to speculate by repeating a question. Mr. Karnavas argued that there was nobody with the name "Cheap" recorded on the case file as working under So Hong at the Ministry of Foreign Affairs, and there was no evidence thus far that Chiem went by "Cheap" or that "Cheap" existed. The objection was sustained.

Pressed by Mr. Karnavas to explain how, if he had indeed kept notes on this particular chapter, he got such a significant name wrong, Mr. Hoeung reasserted that he could not be completely certain about the name and it could be "Chiem," but he believed it was "Cheap" because he was told there was person by the name of Cheap who rode a motorbike and was waiting to receive them. Mr. Karnavas asked whether Mr. Hoeung had only once met the man, which could explain why he has the name wrong. The witness said he first saw the man when he brought them to Boeng Trabek, and again when the man returned to the camp, though he did not meet him then. He confirmed that he wrote the name "Cheap" in his notebook.

Mr. Karnavas inquired whether Mr. Hoeung showed this notebook to Stephen Heder, Professor Chandler, Henri Locard, or investigators from the court's Office of the Co-Investigating Judges (OCIJ). Mr. Hoeung said he had shown it to researchers, but could not recall whom, and when pressed by Mr. Karnavas about his interview with Mr. Heder on the Thai-Cambodian border in February to March 1980, Mr. Hoeung said he could not recall whether he showed the notebook to Mr. Heder.

Mr. Karnavas asked whether Mr. Hoeung had the notebook on him all the time at the border. Mr. Hoeung said he could not remember but did recall meeting with Mr. Heder in Thailand. He confirmed that Mr. Heder had come to meet him, though he did not recall how Mr. Heder knew of his existence. Mr. Hoeung could not recall how many days he met with Mr. Heder to be interviewed.

Mr. Hoeung confirmed a passage in his book, which Mr. Karnavas quoted, that the publication would not exist if “Henri Locard had not found it at Steve Heder’s place.” He testified that Mr. Heder asked for a copy of the book, which Henri Locard encouraged him to publish after coming across it. He could not recall, however, whether Mr. Heder gave him comments on the book. He also stated that Mr. Heder had never asked him to share his notes.

***Examination Returns to Witness Interview with Researcher***

Mr. Karnavas cited a document sourced to Ong Thong Hoeung and Sauv Kim Hong dated February 29, 1980, and began by asking whether Sauv Kim Hong was present during his interviews with Mr. Heder. Mr. Hoeung said he met Mr. Heder several times for interviews, sometimes in his tent at the refugee camp, and he did not recall whether anyone else was present. He did confirm that he knew Sauv Kim Hong, who was from his hometown and whom he knew briefly in France, explaining that he met Sauv Kim Hong again at Boeng Trabek in 1978 but Sauv Kim Hong was soon transferred to an unknown location.

Mr. Karnavas read a passage from the document and asked whether it was Mr. Hoeung or Mr. Kim Hong who was the source:

I think after the party anniversary in 1978, Savorn was arrested together with two assistants and sent to Tuol Sleng prison and then executed. Ieng Sary later told us that Savorn was a traitor working with Vietnamese. After that Boeng Trabek was officially divided into B30, B32 and B31.

Mr. Hoeung said he could not recall the source, but the passage was consistent with his memory of the events and confirmed that many of Mr. Heder’s questions focused on his experience and observations at Boeng Trabek.



Mr. Karnavas asked if Mr. Heder requested that Mr. Hoeung think about incidents or provide him with documents or information related to his experiences in Boeng Trabek or subsequent experiences working at S-21. Mr. Hoeung stated that he gave some documents to Mr. Heder, of which he could not recall the details, in order to convey the hardship that Cambodian people had faced and that he told Mr. Heder what he saw, but he could not say what Mr. Heder recorded or what notes he took.

Mr. Karnavas inquired whether it was obvious from Mr. Heder’s questions that he was trying to get information from Mr. Hoeung concerning his experiences at various places, including Boeng Trabek; Mr. Hoeung agreed this was the case.

Mr. Karnavas again quoted an excerpt from the same document, which discussed problems within cooperatives around rice production, distribution and consumption and asked whether the witness made the statement to Mr. Heder. Mr. Hoeung said that those in the camp did not have the authority to provide such information, and Mr. Heder “surely met with the Khmer Rouge cadres or Khmer Rouge leaders who could provide such information.” Mr. Hoeung confirmed that he could not have provided such information to Mr. Heder.

Asked whether he would have been in a position to answer questions about meetings at Boeng Trabek, Mr. Hoeung explained that he did not know about the party membership but he could tell Mr. Heder about what he observed at various detention camps in Cambodia, including at Boeng Trabek in 1978.

Mr. Karnavas asked if Mr. Hoeung would have been able to consult his notebook to provide detail to Mr. Heder in response to his questions, but President Nonn told the witness he did not have to respond to the question.

Mr. Karnavas put to the witness that Mr. Heder asked him specific questions about his time as an archivist at S-21, quoting Mr. Hoeung as saying in the document that he worked at the prison for two months November 1979. Mr. Karnavas quoted an excerpt from the document:



In early August 1979, the Vietnamese were preparing the Pol Pot trial, and they needed people to look into the archives. So I went to work at the archives at Tuol Sleng and was paid in three cans of rice a day for my work.

As to whether he knew of the trial and who was being tried, Mr. Hoeung replied that Pol Pot and Ieng Sary were being tried during his time working at Tuol Sleng, though he could not recall the exact date. When Mr. Karnavas said the trial took place on August 15 to 19, 1979, Mr. Hoeung said he was not certain but thought that was the right date. In response to Mr. Karnavas, though he could not recall where the trial took place and did not attend it.

When Mr. Karnavas asked what assistance the witness had provided to the Vietnamese for the trial, Mr. Hoeung said he assisted in preparing the files and translating confessions into French. Mr. Karnavas asked who selected the confessions and to what extent Mr. Hoeung was involved with those preparing for the trial. Mr. Hoeung said that he did what he was asked, working particularly in translation. In response to Mr. Karnavas's question about which language he was speaking with the Vietnamese, Mr. Hoeung recalled that a Cambodian named Keo Chenda contacted him about translation.

Mr. Karnavas quoted from Mr. Hoeung's August 7 testimony, in which he had testified that he returned to Phnom Penh in May or June 1979 and went to Tuol Sleng at that time, and requested clarification of when he began work there. Mr. Hoeung said that he could not recall the exact date. Mr. Karnavas cited a statement from the witness on November 21, 2008 – which said he worked at Tuol Sleng from August to November keeping lists of missing people and translating documents into French for the 1979 trial – and then to a report of a 2006 interview in which Mr. Hoeung said that in July 1979 he came across a confession being used as a wrapper for a banana cake. However the prosecution interjected, with Mr. de Wilde stating that the defense was referring to an unidentified source that is likely not on the case file. When Mr. Karnavas asked about the witness's testimony related to the banana cake wrapper, President Nonn interrupted, deeming the question repetitive.

When asked to clarify how he arrived at S-21, the witness responded that at Tuol Tom Pong market one day he noticed his friend Kol Dorathy's name on a paper used to wrap a banana cake. He was told the paper was taken from Tuol Sleng, which triggered his interest in going there. Mr. Karnavas then asked Mr. Hoeung to clarify how he went to work at Tuol Sleng, as he told Mr. Heder that the Vietnamese needed people to look into the archives to prepare for the trial.

Mr. de Wilde interjected to say that it was possible both versions concur. Mr. Karnavas responded that the prosecution was telegraphing to the witness how he might respond, which was "borderline unethical," and that the two versions called into question the witness' memory and credibility. President Nonn said the objection was not sustained, and Mr. Hoeung therefore responded that after he saw the wrapper he went to Tuol Sleng, and he learned there that people were needed to work on the archives in preparation for the trial.

Mr. Karnavas asked whether Tuol Sleng was guarded or if anyone could access documents. The witness explained that the public was not permitted to enter freely, but he was able to gain entrance because he knew someone who introduced him to Mai Lam, the officer-in-charge there at the time.

In response to Mr. Karnavas, Mr. Hoeung confirmed that he also conducted research on and assisted people in translating S-21 confessions when he was overseas – including academic researchers such as Laura Summers – from 1980 onwards. When asked how he accessed the confessions and if he had taken some with him upon leaving S-21, Mr. Hoeung said that he brought copies of certain documents relating to friends and relatives with him to Thailand. Mr. Karnavas asked how the documents were copied, and Mr. Hoeung said some were typed and some handwritten.

Regarding his own research, Mr. Hoeung said that he used about five documents from Tuol Sleng. He said that after Mr. Heder approached him at the refugee camp, he wanted to learn more about the documents and obtained a photocopy machine for S-21. He said he then translated the documents into French and circulated them to Laura Summer and others and that he still assisted in translating certain documents to this day.

Mr. Karnavas queried whether reading and translating confessions assisted the witness with his understanding and knowledge of the time. Mr. Hoeung said the documents were extracted through torture and he therefore did not entirely trust their substance but explained that he tried to relate them to other events from the Democratic Kampuchea (DK) period.

Referring to the same document, Mr. Karnavas quoted Mr. Hoeung as saying that somebody had come to meet him and invited him participate “in the second congress of the Heng Samrin front” and become “a member of the front’s central committee and I did.” Mr. Karnavas requested clarification on what this central committee was, how long he was a member, and what his responsibilities were. Mr. Hoeung recalled stating that when he was working at Tuol Sleng, “Vietnamese experts” asked him to work in the central committee, but he did not accept. Upon further prodding from Mr. Karnavas, Mr. Hoeung said he “categorically reject[ed]” the document as untrue.

Mr. Karnavas sought clarification of whether the witness categorically rejected Mr. Heder’s notes from the interview with him. Mr. Hoeung said that he never told Mr. Heder or others he was a member of the central committee and that he was not a member of that front and rejected any writing that said so.

Steering the questioning toward Hor Namhong, Mr. Karnavas inquired whether the witness recalled testifying that Mr. Namhong was elected as something of a “team leader” for B-32. Mr. Hoeung confirmed that he was present during the election. Mr. Karnavas questioned whether it was the second time Hor Namhong had been appointed to the same position. Mr. Hoeung said he was at Dei Krahorn the first time Hor Namhong was designated to the role but met him after returning to Boeng Trabek when Mr. Namhong was designated for the second time. He further confirmed that Ieng Sary was present at the meeting where the election occurred.

Mr. Karnavas said Mr. Hoeung testified on August 9 that Hor Namhong kept “his function of president of the head of the committee of five members” and “Ieng Sary repeated pretty much the same thing that he had said a few days before” and that earlier Mr. Hoeung had recounted “more or less” what Ieng Sary said during the first meeting. Mr. Hoeung stated that Ieng Sary had repeated “again and again” that Cambodia had severe problems with Vietnam but would conquer the war, prompting Mr. Karnavas to query if that was the situation in Cambodia in October and November 1978.

Mr. de Wilde interjected, stating that the question was not based on what the witness knew at the time and was trying to have him confirm subsequent research and to act as an expert.

Mr. Karnavas repeated that he was asking if Mr. Hoeung was aware of the situation at the time, as Ieng Sary was describing it. The witness responded that he did not comprehend any other statements made by Ieng Sary, other than what he had already explained. Finally, Mr. Karnavas questioned whether Hor Namhong would have been in a position to hear what Ieng Sary said. Mr. Hoeung said he observed Hor Namhong listening to Ieng Sary, who appointed him as team leader of B-32, a position that he accepted.

Mr. Karnavas concluded his testimony of Mr. Hoeung.

### ***Nuon Chea Retires to the Holding Cell***

Before President Nonn adjourned the hearing for the break, International Co-Lawyer for Nuon Chea Jasper Pauw informed the chamber that Nuon Chea had a headache, back pain, and a lack of concentration and wished to follow the afternoon’s proceedings from the holding cell. President Nonn granted the request.

### ***Anta Guisse Questions Ong Thong Hoeung***

When the proceedings resumed after the break, the floor was handed to International Co-Lawyer for Khieu Samphan Anta Guisse to continue with the defense’s examination of Ong Thong Hoeung. Ms. Guisse began by requesting the witness to confirm, in relation to his August 7 testimony, whether he was seeing Khieu Samphan face to face for the first time.



Mr. Hoeung recounted that when he was young he once saw Khieu Samphan in a Citroen with Hou Youn near Wat Langka but confirmed that neither he nor his wife had seen Khieu Samphan personally at Boeng Trabek.

Ms. Guisse proceeded to read two extracts of Mr. Hoeung's November 22, 2008, statement to OCIJ investigators, after providing the witness with a French version. In the first extract, Ms. Guisse quoted the investigator as saying, "I would like to show you a document written in French. ... Can you tell us if you recognize this statement? It bears your name." She quoted the witness as responding, "I have never seen this document; this is the first time I have seen it. I have noted some errors, which I will point out to you."

In the second extract, Ms. Guisse quoted another part of Mr. Hoeung's response, "Let me point out that I challenge this document which has never been read out to me, nor have I signed it, it only reflects what I said partially."

In response to questioning by Ms. Guisse, Mr. Hoeung said that he did not have discussions with anybody and rejected the content of the document because it did not reflect what he said. Ms. Guisse asked whether Mr. Hoeung met with anybody regarding the matters before them, prior to that particular interview with OCIJ staff. In his response, Mr. Hoeung said, "Could the counsel verify your question again, whether I recall that I met with the representatives of the CIJs office? I actually met them once around 2007, and the document that I have here I can consider as the base document for me to refer to or reference."

Ms. Guisse asked if Mr. Hoeung remembered where the 2007 interview with OCIJ staff took place. Mr. Hoeung said that he recalled it was conducted in the court's office, near the Independence Monument and confirmed that the interviewers informed him that a written statement would be produced at the conclusion of the interview to be presented before the Chamber. Ms. Guisse asked whether at the end of that interview, OCIJ staff read out that statement to allow him to make potential corrections.

Gesturing to the 2008 statement in front of him, Mr. Hoeung said that he read and signed it. A misunderstanding appeared to have occurred, as Ms. Guisse requested the witness set aside the 2008 statement and explained that her questions pertained instead to the 2007 interview. Mr. Hoeung maintained, however, that he would use the 2008 interview as the basis of his testimony.

When Ms. Guisse pressed the witness on whether he had another interview before 2008, Mr. Hoeung said he was uncertain, that he perhaps met another group, but insisted again that he would use the 2008 statement as his reference. Ms. Guisse repeated the question. Mr. Hoeung explained that many people came to meet him when he returned to Cambodia and "in a judicial sense" his first proper interview was in 2008. For a third time, Ms. Guisse enquired about his reference to a 2007 meeting; Mr. Hoeung recalled he met someone but was uncertain as to the conditions of the meeting.

Ms. Guisse requested that an annex to the statement be shown to the witness, and asked in the interim whether the 2008 document before him was shown to him during the interview with OCIJ investigators, as he challenged its contents. Mr. Hoeung confirmed that he contested a section related to D-2, explaining that he never said a colleague requested to return to a cooperative and was not allowed, and in the document it said that this colleague was sent to the cooperative and died. "In fact, he is still living today," Mr. Hoeung said.

Once the annex was in front of the witness, Ms. Guisse read a passage from the statement, "Ieng Sary and Khieu Samphan came to Boeng Trabek to chair political meetings. I personally saw Ieng Sary when he came around October 1978; my wife saw Khieu Samphan there." She noted that this section did not tally with what Mr. Hoeung had said. Mr. Hoeung said that the document was unclear, and his wife in fact met Khieu Samphan when she first arrived in the country and was at K-15. He noted that the document also read that he met Ieng Sary in 1978. Ms. Guisse asked to whom Mr. Hoeung gave the interview that produced the statement, but he said he could not recall.

Ms. Guisse noted that the witness had stated that he could not recall that first interview, but asked whether he remembered the people with whom he spoke – persons named Monich Sakorn<sup>i</sup> and Kheng Ham Heng. Mr. Hoeung said that he could not recall who Monich Sakorn was, but he



knew Kheng Ham Heng as someone who also returned from overseas, and he was “perplexed” because Mr. Heng should be aware of the same facts. Ms. Guisse questioned whether, before obtaining that document, he received or had the opportunity to correct it. Mr. Hoeung said that he could not recall.

In response to a question from Ms. Guisse, Mr. Hoeung clarified that his wife saw Khieu Samphan in early 1976 before he returned to Cambodia.

### **Examination Turns to Witness Ong Thong Hoeung’s Book**

Ms. Guisse next asked Mr. Hoeung about the methodology and research for his book. Mr. Hoeung said that he relied on documents, accounts of S-21 detainees, and testimony of survivors from the regime.

Ms. Guisse queried Mr. Hoeung’s sources on the following excerpt from his book:

In 1956, Khieu Samphan succeeded Ieng Sary at the head of the Marxist-Leninist [circle] in the Khmer Students Union and one of his companions speaks about Khieu Samphan as an active militant who was disciplined and with passion but ... he was follower, for whom the hierarchy was always right.

Mr. Hoeung said that his sources were Khieu Samphan’s associates in the Marxist-Leninist circle in France, and he could not recall their names but remembered that the interviews took place in 2002. He confirmed he translated the work from French to Khmer, at which point Ms. Guisse pointed to a discrepancy between the two versions relating to the above quote and queried Mr. Hoeung as to whether this was a printing error. After a few minutes of exchanging papers, Mr. Hoeung confirmed a typing error in the Khmer version whereby “Ieng Sary” was used instead of “Khieu Samphan.”



*Khieu Samphan (right) guides Burmese President Ne Win (left) during the president’s visit to Cambodia in November 1977. (Source: Documentation Center of Cambodia)*

Mr. Hoeung confirmed that his book was originally drafted in French and noted that the French version should be replied upon.

Ms. Guisse referenced another segment from the book, which related a conversation between himself and Bun Roeun – in which Mr. Hoeung told him he did not know who Secretary Pol Pot was, and Bun Roeun responded that he was “Saloth Sar, a genius” who even the Chinese said was comparable to Mao. Mr. Hoeung said that Bun Roeun was a former student in East Germany, who was now deceased. Ms. Guisse asked whether other intellectuals from the period were as fascinated with Pol Pot as Bun Roeun appeared to be. Mr. Hoeung said he often heard friends outside of re-education camps talk about Pol Pot prior to 1979.

Ms. Guisse again quoted from the conversation, with Mr. Hoeung asking what Khieu Samphan did, and Bun Roeun answered, “He is not even a member of the political office of the Communist Party of Kampuchea (CPK). ... As far as Hou Youn and Hu Nim, it’s not even worth speaking about them; they don’t weigh that much in the organization”.

Mr. Hoeung confirmed that he recalled the conversation but could not remember if it was among his notes. Ms. Guisse asked how Bun Roeun knew about the political office of the CPK, but Mr. Hoeung said he dared not ask as such discussions were meant to be secret.

Ms. Guisse quoted a passage that the witness wrote about complying with rules of secrecy as he listened to Bun Roeun “without trying to show too much curiosity,” questioning if such directions were given when he arrived in Cambodia. Mr. Hoeung said that people were always reminded of principles of secrecy – “of paramount importance to the Angkar” – during political training and self-criticism sessions. He said that people must not reveal information about themselves to outsiders.

Ms. Guisse read another passage in the book about a new DK radio broadcast that people believed to be done by Pol Pot, and a conference at Chaktomuk Hall where he spoke and “some people were impressed by his character and his persuasiveness.” Ms. Guisse asked whether Mr. Hoeung attended the conference or discussed Pol Pot’s presentation with people who did. Mr. Hoeung said that he did not attend but his friends went and told him that Khieu Samphan was not greeted like a dignitary and that there was no armchair reserved for him.

Quoting a final paragraph from the book that said Khieu Samphan, whose influence was “significant in his political commitments,” was like “some kind of puppet,” Ms. Guisse queried whether people who heard Pol Pot’s speech had made these statements. Mr. Hoeung confirmed that three or four people had made such statements, though he could not recall their names.

The defense team for Khieu Samphan concluded their questioning, and the witness Ong Thong Hoeung concluded his testimony and escorted from the courtroom.

#### ***Anta Guisse Resumes Examination of Suong Sikoeun***

After a short recess in which witness Suong Sikoeun returned to the stand, the defense team for Khieu Samphan again took the floor. Ms. Guisse began by questioning Mr. Sikoeun about previous comments on his revolutionary biography, quoting an excerpt that stated his then-wife Laurence Pich<sup>11</sup> was expelled from a FUNK seminar in October 1975 after arriving from China on the order of Khieu Samphan and she therefore had reason to “feel a lot of rancor toward the Khmer Rouge leaders.” Ms. Guisse asked if Mr. Sikoeun was present at the seminar, to which he said he was outside the school where it took place and explained that Khieu Samphan was the presenter of the workshop. He concluded that nobody else could have decided to exclude his wife.

Ms. Guisse questioned the witness about the origin of his references to secrecy and confidentiality in his testimony. Mr. Sikoeun explained that maintaining secrecy was one of the most important principles of the CPK and the party told them that doing so “guarantees half a victory.” When asked whether he followed this principle in his professional activities at the Ministry of Foreign Affairs, by concealing information from his colleagues and subordinates, Mr. Sikoeun said that the party members should not conceal information from superiors or the leadership, and transmitting such information testified to their party loyalty. He asserted that as a general principle, he had to withhold some information from his subordinates, but in practice it was not “clear cut.”

Referring to testimony in which Mr. Sikoeun had said that he was a French interpreter for Khieu Samphan, particularly when foreign diplomats were being accredited, Ms. Guisse queried why Khieu Samphan needed interpretation when he speaks French. Mr. Sikoeun explained that Khmer was the language of the nation and state and it was a CPK principle to use Khmer, though he emphasized that leaders could still use a foreign language. Mr. Sikoeun said that he translated for Nuon Chea when he received a representative from Laos; though the Lao diplomat spoke in Lao and Mr. Sikoeun interpreted into French, Nuon Chea speaks Thai and could understand Lao so he spoke and responded in that language. Mr. Sikoeun confirmed that interpreters always accompanied leaders.

Ms. Guisse cited a written record of Mr. Sikoeun’s May 6, 2009, statement to OCIJ investigators, in he commented on passages in his biography that said Khieu Samphan was more known for “his human qualities, his kindness and simplicity than for his political commitment. He was seen by the Khmer Rouge more as a tactical than strategic force.” Ms. Guisse requested the witness elucidate the difference between a tactical and strategic force. Mr. Sikoeun responded that

tactical force related to intellectuals generally, but particularly those in the Marxist-Leninist circle in France, who were needed as a force to gather popular masses. He concluded:

That would be considered as the igniting force or the supporting force, which is different from the strategic force. They would be turned into a strategic force when they could themselves be in the country, change their status and mentality to become a proletarian state or the labor class. Then they would become the strategic force and stay forever with the party, and the CPK. So those people who refashioned themselves and had the proletarian view, as the view expressed by the workers, would be considered that they transformed themselves into a strategic force.

Ms. Guisse quoted an additional passage, which said Khieu Samphan was placed as head of the State Presidium because he was a doctor of economics and calm and self-controlled, but post-1975 he “essentially played a figurative role.” She read, “He did what the party required of him, but he was not one of the leaders with real power, contrary to the members of the party’s standing committee.”

After Ms. Guisse asked Mr. Sikoeun from where this assertion sprang, the prosecution objected that the end of the final sentence was dropped, which included references to Nuon Chea and Ieng Sary and requested that the full quote be read. Ms. Guisse replied that several days ago civil party lawyers read parts of the book that they wished to focus on and the prosecution did not object. President Nonn instructed the witness to respond to the question.

Mr. Sikoeun said that party members educated overseas, particularly in France, understood that their personalities, mentalities, and views were obstacles to becoming good party members, and wanted to contribute to their country and would sacrifice everything for the party, the revolutionary cause and the people. “Even if the party consider[ed] me as a traitor or as a patriot, I would accept it, it depended on the party’s decision. But I myself believed that the party would judge me better than I judge myself,” he said. Mr. Sikoeun said that Khieu Samphan had explained that he did not demand a leadership role in the party and it was up to the party to decide whether he was capable of certain assignments. The witness confirmed that he interpreted for Khieu Samphan and also for doctors who examined the health status of ambassadors’ wives and contended that the position of Khieu Samphan was “as ordinary as the wives of ambassadors and other people.”



*Lao Prince Sopheanvong (in light gray suit) joins Khieu Samphan (right) and Ieng Sary during a worksite inspection during the prince’s visit to Cambodia during DK. (Source: Documentation Center of Cambodia)*

In response to Ms. Guisse, Mr. Sikoeun said he did not know whether Khieu Samphan discharged any other duties.

Ms. Guisse then queried the witness about a comment in his statement to OCIJ investigators, responding to a question about his contact with Khieu Samphan between 1975 and 1979 that said he met Khieu Samphan occasionally when he received credentials from ambassadors but Khieu Samphan was busy with “buying medicines and spare parts, etc., abroad”. In response to Ms. Guisse’s enquiry as to how he knew this, Mr. Sikoeun said that Van Rith, former chairman of the commerce committee or ministry of foreign trade, told him.

Finally, Ms. Guisse quoted from the same statement that the witness had said that he noticed in 1981 and 1982 that Khieu Samphan’s role was “zero” and that “under the tripartite government constitution, Pol Pot made all the decisions.” Ms. Guisse asked where Mr. Sikoeun obtained this information. Mr. Sikoeun said that in 1981 and 1982, he was a CPK representative in the

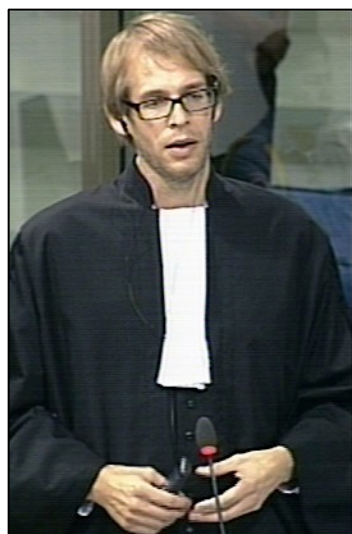
movement to establish tripartite negotiations with representatives from Prince Sihanouk's and Son Sann's factions. Mr. Sikoeun testified that he travelled from the party center, an area known as 105, to Bangkok and reported on negotiations every two days to Pol Pot, who instructed him to prepare the substance of negotiations. He recalled, "Khieu Samphan was nearby as well at that time, but Pol Pot never called Khieu Samphan to the meeting. Pol Pot decided all by himself and he instructed me to convey all the necessary message[s] from the DK to the negotiation held in Bangkok." Mr. Sikoeun said negotiations were completed in Singapore on October 4, 1981.

Ms. Guisse concluded questioning of Suong Sikoeun by the Khieu Samphan Defense.

### ***Nuon Chea Defense Questions Suong Sikoeun***

Taking the lead for the Nuon Chea defense, Jasper Pauw questioned whether the witness had read any books about the DK regime. Mr. Sikoeun said that he could not recall titles, but he had read books by David Chandler, Ben Kiernan, Philip Short and others. Mr. Pauw asked if the witness still read newspapers, to which Mr. Sikoeun replied that he found it difficult to concentrate since having heart surgery, but he listened to radio broadcasts from Women's Media Centre in Cambodia, VOA, French international radio, and an Australian radio channel. He said he watched CTN and CNC in Cambodia, as well as BBC, News Asia, and TV5 in France. He also confirmed that he listened to reports about ECCC proceedings but often not to full programs due to his health.

Mr. Pauw questioned whether the witness had met with anyone testifying before the court prior to his testimony. Mr. Sikoeun said he met with Phy Phuon to ask him what questions were likely to be asked, so that he could be prepared.



Returning to the FUNK and GRUNK, Mr. Pauw asked for the exact date of Mr. Sikoeun's membership – which the witness confirmed was October 30, 1971 – and what Keat Chhon's position was in the party at the time. Mr. Sikoeun responded that Thiounn Prasith and Keat Chhon vouched for him to become a party member. He testified that Ieng Sary was the leader of the party and the secretary was Srey Seang An, the Cambodian ambassador to Hanoi, but other members did not have portfolios.

Mr. Pauw referred to a U.S. Embassy telegram dated September 30, 1971, and sent to the Department of State in Washington, D.C., which included a compilation of people associated with FUNK and GRUNK, as well as data about the organization, in which Mr. Sikoeun is identified as a member of the FUNK central committee. Mr. Sikoeun confirmed that he was a member of the FUNK central committee by September 1971 and that Keat Chhon was secretary of the FUNK Politburo and minister delegate to the Prime Minister.

Mr. Pauw questioned the witness about the role of the FUNK Politburo. Mr. Sikoeun responded that he was unsure, but it was under the chairmanship of Pen Nouth and dealt mostly with issues abroad. Mr. Sikoeun said Keat Chhon's role was usually to be a representative, receive dignitaries, and attend receptions.

At this point, President Nonn adjourned the hearing for the day. The proceedings are set to resume on Wednesday August 15, at 9 a.m., with further questioning of Suong Sikoeun by the defense.

---

<sup>i</sup> Spelling not clear from English translation.

<sup>ii</sup> Spelling not clear from English translation.