



*Suong Sikoeun testifies before the ECCC on Thursday.*

### **CPK Intellectual Begins Testifying Before the Chamber**

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

The examination of witness Rochoem Ton wrapped up Thursday, August 2, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC). With its conclusion, the prosecution commenced its examination of another witness, Suong Sikoeun.

More than 400 villagers watched the proceedings from the public gallery, with 320 villagers from Kampong Chhnang observing the morning proceedings and 100 villagers from Mok Kampoul district, Kandal province, watching during the afternoon.

All parties but Ieng Sary, who was in his holding cell, were present in the courtroom. Ieng Sary's request to follow the day's proceedings from his holding cell because of his health issues was granted. After calling the court to order, Trial Chamber President Nil Nonn gave the floor to International Co-Lawyer for Khieu Samphan Arthur Vercken to continue his examination of witness Rochoem Tan.

#### ***Defense Counsel Faces Frustrated Witness and Unclear Translations during Examination***

Mr. Vercken continued with his examination from yesterday, asking the witness whether Hou Yon and Hu Nim were present at Office S-71. Mr. Rochoem replied that they were not at Office S-71 but at a nearby office of which he could not recall the name. Regarding whether he would occasionally see them, the witness said that he did not see them "at that location." When asked where he saw them, the witness reiterated that he did not see them at Office S-71 and added that people close to his office "told him about that; that is how I came to learn about that."

After recounting the witness's testimony from yesterday that the witness would join others at the guerrilla base to guard at night in groups of ten, Mr. Vercken inquired about how many guards typically were assigned to guard meetings. In his response, Mr. Rochoem explained that groups of guards were at "the four directions" and that at each direction there were "three main groups." When asked whether this was the practice also at B-5 or other places, the witness responded that it was the practice at S-71. After Mr. Vercken rephrased and asked if this practice was followed at bases set up after S-71, like B-5, the witness indicated that the practice was similar.

Moving on, Mr. Vercken asked the witness about his testimony that he had been transferred to B-5 in 1974 or at the beginning of 1975 on a "permanent basis." Asked what "on a permanent basis" means and whether it means he was no longer engaging in messenger activities after his arrival at B-5, Mr. Rochoem indicated that it meant that they "stayed or lived" at B-5 permanently and that "our group was present there at a permanent basis at that office." When asked whether he was still acting as a messenger in addition to as a guard while at B-5, the witness responded that he continued taking messages between "him" and the battlefield, the Southwest Zone, or the rear battlefield, which was Office S-74.

When asked why B-5 was created, the witness said that the reason for its establishment was "to issue commands for the attack on Phnom Penh." When Mr. Vercken inquired whether the attack of Phnom Penh was the "immediate military purpose" when B-5 was established, Mr. Rochoem indicated that it was. Mr. Vercken proceeded to ask when B-5 was created. After the witness replied that they were in Chrok Sdech in 1993 before B-5 was created, Mr. Vercken repeated his question, asking for a date or an event that would clarify when B-5 was created. The witness replied that B-5 was established in 1993, adding that his recollection was that it was during the early rainy season. Mr. Vercken asked him to concentrate and repeat the year, after which the witness clarified that the year was in 1973.

Referring to the transcript of the witness's testimony from July 26, Mr. Vercken recalled, "You stated ... that B-5 was a practical location in relation to the battlefield." He inquired what this battlefield was in 1973, when B-5 was established. In response, Mr. Rochoem replied, "It was a kind of military headquarters because that was the time that the attacks had to be carried out from all spearheads toward Phnom Penh."

After the witness provided this response, an exchange occurred between President Nonn and Mr. Vercken that suggested there might have been something lost in the translation of Mr. Vercken's question and the witness's response. President Nonn said that Mr. Vercken did not correctly quote the witness's testimony and stated that Sdok Taol was not a battlefield. Noting that there seemed to be a translation issue, Mr. Vercken replied that he had referred to B-5 and made no reference to Sdok Taol in his question. President Nonn added that they had not heard that B-5 was a battlefield either and told Mr. Vercken to quote directly from the transcript. Mr. Vercken quoted, "B-5 was a practical location in relation to the battlefield." President Nonn told him to "get the correct quote" from the transcript as his previous question was different from the transcript since "a military headquarters is completely different from the battlefield." Mr. Vercken stated that he quoted word for word from the transcript and indicated that this might be a translation issue.

Turning back to the witness, the counsel asked the witness what the “immediate military aim” was when B-5 was established in 1973. In his response, Mr. Rochoem stated that B-5 was established as a “stepping stone to liberate Phnom Penh,” commenting that the period 1973 to 1975, which was when Phnom Penh was liberated, was “not that long.” He stated that B-5 was the military headquarters for the preparation for the attack on and liberation of Phnom Penh. When Mr. Vercken inquired whether other cities needed to be liberated before Phnom Penh, the witness described that they had to attack the “defensive lines, the parameter outside Phnom Penh,” such as Udong and Phnom Praseth, which he said was along National Road Number 4 and National Road Number 5.



*A group of Khmer Rouge escorts gather in the Khmer Rouge controlled zone in 1973.  
(Source: Documentation Center of Cambodia)*

Mr. Vercken then asked the witness about a statement made earlier in his testimony that Khieu Samphan did not often go to B-5 since he was “in the rear.” Mr. Vercken inquired about what he meant when he said “in the rear.” The witness testified that in the rear, from 1973, there was a mobile unit referred to as Office S-24. He confirmed that this was where Khieu Samphan remained. When asked about Office S-24’s location, the witness said that it was in Samraong village in Stung Trong district. When Mr. Vercken sought clarification about whether this meant that Office S-24 was near Office S-71, the witness replied that Office S-71 was far from Office S-24, explaining that Office S-71 was close to the Chinit River, and that S-24 was to the East of Samraong village. He noted that the Chinit River also goes by this location. Mr. Vercken asked the witness if he was aware of why Khieu Samphan was located in the rear while the others were at B-5. After responding that Khieu Samphan was sometimes alone and sometimes with Nuon Chea there, Mr. Rochoem confirmed that he was not aware of the “exact reason.”

Turning to a new topic, the defense counsel requested the date of Udong’s second capture. Mr. Rochoem said it was either in January or February 1975. Mr. Vercken inquired if Pol Pot decided after Udong’s capture to move his command post nearer to Phnom Penh. The witness confirmed that Pol Pot did so, explaining that the leader moved to the Sdok Taol Office. The witness further testified that this move took place after the liberation of Udon, between January or February, or

mid- or late March. The witness confirmed that he was present at Sdok Taol and that Pol Pot commanded the attack on Phnom Penh.

Moving on, Mr. Vercken inquired whether the witness was aware of the Khmer Rouge's "principle of secrecy," namely that "you should not concern yourself with the activities of others but only of your own activities and that was the only means that would lead to victory." The witness replied that he had no knowledge of it. After Mr. Vercken referred to Mr. Rochoem's testimony on July 30, wherein he had indicated, "When I had to keep secrets, I had to do so," the witness explained that he understood Mr. Vercken's previous question to be whether he was aware of meetings at Sdok Taol about the principle of secrecy. After Mr. Vercken clarified his question, Mr. Rochoem replied, "The principle of secrecy was the core task. It was a kind of principle that everyone had to respect. In each meeting, the principle of secrecy had to be well informed among members of meetings, and when we had to travel places, principle of secrecy were our prioritized topic."

Mr. Vercken inquired whether the same person commanded the guard unit at B-5 and Sdok Taol. The witness replied, "When I was at B-5, Sdok Taol Office I only saw So Hong who remained there and he managed things there." He further testified, as far as he could remember, Sdok Taol did not have a code name. Moving on, Mr. Vercken asked the witness if he knew of Hun Tan, alias Sou Tan, at S-71, B-5, or Sdok Taol. The witness replied that he did not.

Switching to another topic, Mr. Vercken asked whether there was a "rule of discretion" in his guard unit that guards were to maintain a distance from the leaders while they were meeting. Mr. Rochoem replied that they were not stationed far from the "venue" during study sessions and that they could hear what was happening in the meetings. He added that he did not measure the distance between the guard post and the meeting. He described how, if the leaders needed them, they could easily hear their call and that the guards could be there "quick enough" to help. When asked what they were expecting that justified their being close to the meeting, the witness explained as an example that an attendee might pass out from exhaustion. He added that security at this location was "100 percent secured," explaining further, "Only if we learned that the security measure was no longer a concern then study sessions would be convened where cadres would be invited to attend." He further testified that the guards attended to both "security protection and other matters," including the leaders' health. He concluded, "This is all involved security."

Mr. Vercken referred to the May 2, 2012, testimony of So Hong, whom the witness had previously acknowledged was the commander of the unit to which he belonged. Mr. Vercken asked the witness to confirm So Hong's statement that guards had to keep a distance of about 60 to 75 meters from the leaders' meeting. Mr. Rochoem agreed but added that sometimes they had to maintain a distance from the leaders while other times they had to remain close. He explained, "The guard was assigned and posted at various layers for protecting the members of the meetings."

Assistant Prosecutor Dale Lysak brought it to the court's attention that So Hong's testimony was that generally the guards would be 50 meters away and the "very furthest" away they had to be was 50 to 60 meters. The witness testified, "In some meetings we had to be close, for example



guarding at the termite mounds which were close by. ... All in all some guards had to be close to the premises some had to be a little bit further from the location.”

Following up with the witness’s response, Mr. Vercken asked about the “termite mound” and asked why it was guarded. National Civil Party Lead Co-Lawyer Pich Ang said that the witness did not state he was guarding the termite mound. Mr. Vercken indicated that was the French interpretation and he was “wondering if it was a joke.” The witness explained that he was saying that at B-5, they sometimes guarded close to the termite mound,

which was adjacent to where the meetings occurred. He added, “My main task was guarding, but at the same time ... I had to know something about the presentation in the meeting. This is my personal intention to understand what was being discussed in the meeting, because apart from guarding I also was supposed to listen to what was being presented in the meeting.” Mr. Vercken tried to seek clarification as to whether he was describing his own curiosity or his duty when he stated that he had to know what going on during meetings. However, President Nonn told the witness that he did not need to respond, as the witness had already answered this question. Even after Mr. Vercken explained that from the French translation he did not understand the response, President Nonn reasserted that the witness did not need to respond. President Nonn also noted that the counsel’s question was repetitive. Mr. Vercken pressed the issue that he needed clarification in French, asking, “How do you want me to proceed if I don’t have the exact message?” But President Nonn said that the Chamber has already ruled and directed him to ask another question. Mr. Vercken commented, “Thank God my Cambodian colleague is assisting me.”

Moving on, Mr. Vercken brought up the witness’s earlier testimony that the meeting concerning the evacuation of Phnom Penh occurred at B-5 in the beginning of April and that the command post for the attack on Phnom Penh moved in January, February, or March 1975, from B-5 to Sdok Taol. Mr. Vercken sought clarification on why the April meeting took place at B-5 if the command center for the Phnom Penh attack was in Sdok Taol. Mr. Rochoem clarified that, to the best of his knowledge, the meeting occurred in April at B-5. He added that the meeting happened in the period between the liberation of Udong and the movement of the office from B-5 to Sdok Taol. He stated that they had not moved yet to Sdok Taol in early April and added that they were not at that location for long. He indicated that he might have been mistaken when he said Udong’s liberation was in January or February. Mr. Vercken inquired if he knew why Pol Pot would remain at B-5 after Udong’s liberation, rather than move nearer to Phnom Penh, his “main target.” The witness replied that Son Sen occupied Sdok Taol prior to Pol Pot moving there and that Son Sen had requested of Pol Pot that he go to Batkon. When Mr. Vercken tried to get clarification on his answer, the witness replied, “I already made my response, and if you could not understand it, it is your problem.”

Mr. Vercken referred to Philip Short's book, wherein he said the witness was quoted 37 times. Mr. Vercken represented that in this book, Mr. Short said that Sdok Taol was established at the beginning of March 1975. When asked if he agreed, Mr. Rochoem replied, "If you take the statement of my interview with that foreigner, that is your choice, because you seem not to grasp what I just explained to you just a moment ago." Mr. Lysak was recognized, and stated that counsel should display the passage to which he was referring, so the witness could see whether it was being attributed to him. President Nonn reminded Mr. Vercken that he had to show the document.

The counsel brought up the witness's previous testimony in which he indicated that Pol Pot did not go to Sdok Taol right away because Son Sen was there. He then referred to the witness's July 26, 2012, testimony, wherein the witness indicated that Son Sen's office was at Rasmach, near Udong. After Mr. Vercken noted that there appeared to be a contradiction in the witness's testimony regarding the location of Son Sen's office, Mr. Lysak was recognized. The prosecutor noted that Mr. Vercken did not refer to the time period that was being discussed during the part of the testimony he quoted, which Mr. Lysak provided was between 1973 and early 1975. Mr. Vercken contended that the prosecution was trying to lead the witness, which Mr. Lysak disputed. The president sustained the objection and reminded Mr. Vercken to provide a complete quote and not a half one and to "put your question in order to ascertain the truth." After further back and forth between Mr. Vercken and President Nonn, Mr. Vercken rephrased his question, inquiring, "Until when did Son Sen remain at Rasmach?" The witness replied:

During the past few days of my testimony it seems you do not grasp the situation. I refer a lot to mobile or mobility. It means that he did not only stay in one location. He was on mobile constantly, including Rasmach. Pol Pot himself was on mobile as well. No one stayed permanently in one place. ... When I mentioned a particular location, it was just one of the part of the mobility of that individual.

He additionally testified that Son Sen had "various locations where he occupied for the strategic means of liberating Phnom Penh."

Returning to the subject of the April 1975 meeting during which, according to the witness, the decision was made to evacuate Phnom Penh, Mr. Vercken inquired whether the people attending this meeting lunched together after the meeting concluded. Mr. Rochoem replied, "I decline to respond to your question. I have provided so many replies already to this kind of question." When Mr. Vercken indicated that he believed the witness should know the answer since he had indicated he was involved in the kitchens, the witness confirmed that the attendees had a meal and then left.

Mr. Vercken returned to questions related to the termite mound. He represented that the witness testified on July 26 that this April meeting occurred in the jungle, in a structure that had no walls, only a roof. With regards to his placement, the witness had testified on July 26, 2012, "Between me and the meeting there was a small little hill." When asked what he meant when he said "small little hill," the witness said it was a small termite mound, adding, "What else do you want me to say?" Mr. Vercken responded, "Whatever you wish, Witness," and then asked if the witness could indicate how high the mound was. The witness said it was perhaps a little above one meter high. When asked if during the meeting he was hiding behind this mound, the witness replied, "I

do not know how to respond to you if you still do not understand the concept of the small mound.” President Nonn interjected at this point and stated that the Chamber would adjourn for the morning break and asked the witness to regain his composure.

After the break, there was a discussion between Mr. Vercken and the President Nonn about the time he had remaining to question the witness. President Nonn indicated that Mr. Vercken had until lunch to examine the witness. Mr. Vercken explained that the defense teams had two and a half days to question the witness. Subtracting the time that Judge Jean-Marc Lavergne spent questioning the witness, Mr. Vercken claimed that he should still have time after the lunch break to examine the witness and emphasized that this was a critical witness for his client, Khieu Samphan. After President Nonn said that the matter was already ruled on it, Mr. Vercken argued that President Nonn was violating the rights of and censoring the defense. President Nonn directed him to continue his examination of the witness, indicating that they would see if any extension was needed later.



#### ***Inconsistencies Surface in the Witness’s Statements about the April 1974 Meeting***

Picking up where he had left off, Mr. Vercken returned to the termite mound. When asked how far it was from the meeting venue, the witness did not know, though he confirmed that he stayed near the termite mound for the entire meeting. When Mr. Vercken inquired whether the mound was large enough for him to hide behind, Mr. Lysak objected that the question was repetitive and commented that if counsel does not think he has a sufficient amount of time, he should not ask repetitive questions. After Mr. Vercken asserted he had not yet asked this question, President Nonn sustained the objection and added that the witness did not say he hid behind the termite mound. Mr. Vercken then referred to the witness’s statement from his second interview with the Office of the Co-Investigating Judges (OCIJ), wherein Mr. Rochoem did not refer to termite mounds but to a wall of leaves. He quoted, “The meeting took place in a wooden house four meters by five, and the roof was in palm leaves. This was a simple shed with a wall made out of palm leaves. Given that I was standing against the wall I could see and listen and hear everything.” When asked which was correct, the termite mound version or the wall of leaves version, the witness stated that he stood by his OCIJ statement. Next, Mr. Vercken referenced to Mr. Rochoem’s testimony on July 26, 2012, quoting as his response, “There were no buildings around, there were no walls; the meeting was held under a roof.” After noting the discrepancies between the OCIJ statement that there was a wall and the testimony that there were no walls, he asked which was correct. Mr. Rochoem replied, “It is up to you which version you wish to take; it is your choice.”

Moving on, the defense counsel asked about the duration of the meeting, and the witness replied that it occurred during a single morning session. Also, Mr. Rochoem confirmed, he was standing close enough throughout the meeting that he was able to hear what was being said. When asked about what was on the blackboard he previously testified to seeing, he explained they were drawing, with no text, “indicating the spearheads to target or to attack a particular location.”

Mr. Vercken referred again to the witness's testimony from July 26 wherein Mr. Rochoem apparently listed military commanders and their deputies who attended the April meeting, including Vorn Vet and his deputy, Cheng An; Koy Thuon and his deputy, Ke Pauk; Ta Mok; and Son Sen. After commenting that "the battle for Phnom Penh was in full force" in early 1975, Mr. Vercken asked the witness, "The fact of gathering in the midst of the battle all of the commanders as well as their deputies in the same place, do you remember if this was a problem? ... Did this give rise to any complications?" Mr. Ang objected that the question was speculative. President Nonn sustained the objection and instructed the witness that he did not need to respond, noting that the witness was not obligated to provide a "personal conclusion."

Continuing on, Mr. Vercken referred again to scholar Philip Short. He asked the witness if he spoke with Mr. Short about this April meeting, to which the witness replied, "Whatever you see in the statements, that's the statements that I made." Mr. Vercken inquired whether Mr. Rochoem meant by this answer that he spoke with Mr. Short about this early April 1975 meeting at B-5. Mr. Lysak objected that the question was leading and misstated the witness's testimony. Mr. Vercken indicated that he was looking for a "yes, no, or I don't know" answer as to whether Mr. Rochoem discussed this meeting with Mr. Short. President Nonn responded the witness had already replied and asked the national counsel for Khieu Samphan if he heard this response. Khieu Samphan's national counsel, Kong Sam Onn, indicated that he did hear the answer in Khmer but did not know if it was translated into French. President Nonn then reiterated that the witness had already answered the question.

Seemingly sarcastically, Mr. Vercken said, "I will continue working without knowing his answer, fine with me." President Nonn asked the interpreters to "provide your best service."

Returning to this question, the witness confirmed that he spoke with Mr. Short about this April meeting at B-5. Mr. Vercken asserted that Mr. Short must not have used the information the witness provided to him, since Mr. Short wrote that the meeting to evacuate Phnom Penh took place in the fall of 1974. Mr. Vercken then asked the witness if he knew why Mr. Short did not apparently agree with what the witness had told him. Mr. Lysak was recognized, objecting that the question called for speculation. Mr. Vercken, in his response, indicated that this was "pure obstruction." President Nonn sustained the objection and told the witness he did not need to respond.

***Mr. Vercken Inquires about the Period after Phnom Penh was Liberated***

Moving on, Mr. Vercken asked about meetings that occurred after Phnom Penh was liberated, specifically posing several questions about the meetings at the railway station to which Mr. Rochoem had previously referred in an effort to pin down exactly where these meetings took place. When he asked where the meetings took place, such as in the main waiting room downstairs, upstairs, or outside, the witness responded that at the station, there was "only one tall house." When asked where in this structure the meetings were held, Mr. Rochoem replied, "There were rooms in that house" and, when asked which room, he only said "a room." Mr. Rochoem indicated he was unable to provide further detail. When Mr. Vercken questioned if he was guarding inside or outside of the station, the witness explained that he was outside, and the



leaders were working inside the station on the upper floor. The witness agreed that he did not attend the actual meetings.

Mr. Vercken then asked about meetings in the former Ministry of Commerce between “the uncles and various military personnel.” The witness testified that these meetings occurred inside the building in one large room. Regarding his guard duties, he said he was not on guard at that location. He further testified that he did not attend meetings that occurred within the former Ministry of Commerce during the two weeks it was a base.

Turning to another topic, Mr. Vercken sought clarification on the witness’s prior testimony, inquiring whether, when he said the leaders moved from K-3 to K-1 in late 1975, Mr. Rochoem was including Khieu Samphan as one of those leaders who moved. The witness replied that Khieu Samphan was there; he also testified that this relocation was of business, not residences. When Mr. Vercken inquired if the witness was saying that Khieu Samphan had an office at K-1 after K-3, Mr. Rochoem replied, “I said they were together at K-1 and when they moved to K-3, they were all together. ... They moved their working places.” When Mr. Vercken tried to clarify whether the witness had said they moved from K-3 to K-1 or from K-1 to K-3, Mr. Rochoem stated, “I think whatever you understand, it’s up to you because I already stated very clearly they were mobile sections. People moved from one location to another. You can judge it.” Mr. Vercken asked President Nonn to intervene and remind the witness he is under oath and has to be as accurate as he can be. President Nonn reminded the witness to respond to every question if he can do so based on remembrance of his observations and experiences. He also asked the council to rephrase his question and ask concise questions.

Returning to his questions, Mr. Vercken inquired whether Khieu Samphan had an office in K-1 at any time after Phnom Penh fell. The witness replied that he was not sure, explaining, “When I saw them they were together, they were together in that place.”

Mr. Vercken moved on and asked the witness when he stopped being a messenger. Mr. Rochoem indicated by his response that he did not stop being a messenger. Mr. Vercken then questioned whether it was correct that Mr. Rochoem had stated that from 1975 to 1979, he “went on certain assignments, such as welcoming guests and foreigners, supplying food at B-1, psychological control of the 1,000 employees under you, inquiries in China which you referred to yesterday, and apart from these assignments you also carried out subordinate tasks such as delivering letters.” The witness replied, “I never stopped being a messenger because there were messages that needed to be ferried, and I also at the same time performed my administrative tasks and other relevant tasks surrounding my location, as ordered by my superior.”

When Mr. Vercken requested the witness confirm that he only gave Khieu Samphan letters that pertained to welcoming foreigners, Mr. Rochoem responded that he did not communicate with Khieu Samphan much, noting that Khieu Samphan took



over from Doeun in late 1978. He added that communication between B-1 and Office 870 was more frequent. When asked again if the communication he had with Khieu Samphan all related to welcoming foreigners, the witness answered that the communications were “more about” welcoming guests and taking them to provinces.

When asked if he worked with Khieu Samphan on matters relating to the arrests or elimination of people between 1975 and 1979, the witness replied, “Not at all.” Mr. Vercken then inquired whether the witness meant in his earlier testimony that Ieng Sary informed him that Khieu Samphan was replacing Douen he meant Khieu Samphan was taking over regarding welcoming guests. Mr. Lysak objected that the question was leading and misstated the witness’s testimony. Mr. Vercken rephrased, asking about what Ieng Sary specified when he said Khieu Samphan was replacing Douen. The witness replied that, from what he recalls, “it meant he [Khieu Samphan] was overly in charge from what Doeun could have done, but in my capacity working with him he only dealt with me concerning the reception of guests.”

Moving on, Mr. Vercken asked the witness if he was aware of an individual named Yem and if so, what his duties were. Mr. Rochoem said he knew Yem, explaining that they attended the same study session in Ratanakiri in 1967. He described how Yem was the Secretary of an area in Kratie province and that Yem went to work at the Ministry of Foreign Affairs after Phnom Penh was liberated. He added that Yem was also sent as a representative of Cambodia to North Korea and that they found out he had died.

Mr. Vercken referred to the witness’s July 26 testimony that Pong was in charge of Office 870. Asked when Pong disappeared, Mr. Rochoem replied that it occurred between May and June 1978. When asked if he recalled when Doeun disappeared, the witness replied that Doeun also disappeared in 1978.

Mr. Vercken turned to the witness’s testimony from yesterday wherein he indicated that he was responsible for organizing the flight of Prince Sihanouk in January 1979 when the Vietnamese were attacking Phnom Penh. Mr. Vercken asked whether Khieu Samphan was with the Prince and the Princess. Mr. Rochoem corrected that the evacuation occurred in late 1978 and stated that he did not see Khieu Samphan. With that, Mr. Vercken stated, “Mr. President, I am sure you will be pleased with me, I have no further questions for the witness.”

President Nonn informed Rochoem Ton that his testimony had concluded and he was excused. He thanked the witness for his effort during his testimony. Before breaking for lunch, International Co-Lawyer for Nuon Chea Andrew Ianuzzi put forth his client’s request to observe the proceedings for the remainder of the day from his holding cell as Nuon Chea was suffering from health problems, and President Nonn granted the request.

### ***Witness Suong Sikoeun Begins His Testimony Before the Chamber***

After the lunch recess, President Nonn directed that the next witness be brought into the courtroom. After the witness was seated, the president proceeded to ask him preliminary questions. The witness responded that his name is Suong Sikoeun, alias Kung or Thorn; he was born on December 15, 1936. He currently lives in Kbal Spean village, Malai commune, Malai district, Banteay Meanchey province. He is currently retired. His wife’s name is Taing Kuy-Eng.

When asked if he had children, he stated this his current wife has one child and that he has four children from his first marriage, one of whom has died.

The witness confirmed that he is not related by blood or marriage to the parties, the accused, or the civil parties. He also confirmed that he took an oath on August 1, 2012. President Nonn informed him of his right as a witness not to self-incriminate and his duty to tell the truth and respond to the questions posed.

The witness testified that he was interviewed twice, in 2007 and 2009, by the Office of the Co-Investigating Judges (OCIJ). These interviews took place in the ECCC's compound. He confirmed that he reviewed the written records of the interviews to recollect his memory and that these records reflect his statements to the investigators.

President Nonn said that the court officer had informed the Chamber that Mr. Sikoeun frequently has to use the restroom due to health issues. He instructed the witness to raise his hand if he needed to do so, requesting that he wait until after responding to a question to do so. He also indicated he had a yellow sticky note for him to use to indicate this as well.

***Senior Assistant Prosecutor Dararasmey Chan Begins the Prosecution's Examination***

After President Nonn had handed him the floor, Senior Assistant Prosecutor Dararasmey Chan first asked the witness when he started using his aliases Kung and Thorn. The witness explained that he used the alias Kung when he joined the Communist Party of Kampuchea (CPK) in Malai. The alias Thorn was his revolutionary name that he said he used in Koh Kong. He testified that he had no other revolutionary names. When asked for the reason that he used these aliases during the Revolution, Mr. Sikoeun explained that Kung and Thorn are the same; in Khmer they both mean "lasting forever." He also testified that he had been given the alias Kung by Ieng Thirith. Mr. Chan inquired why it was necessary for him to use another name during the Revolution. Mr. Sikoeun explained that cadres typically went from place to place, and when they went to another place they used another alias "for the purpose of avoiding being tracked down by the enemy. And that was the principle of the movement of the CPK. That is, we have to keep secret and if we could maintain secrecy, it means we have won 50 percent already of the victory."

Mr. Chan inquired as to the witness's education. The witness explained that he went to Preah Sihanouk College in Kampong Cham in Chhlong district, then to another college in Chhlong, then to Kampuchea Bot College in Phnom Penh, and later to the Sisowath in Phnom Penh. He also went to France on a scholarship in 1957 to study civil aviation, at which point he took his French secondary exam in Paris. He studied at a university in Paris, where he received his B.A. in French Literature and his Master's degree in French Literature. Later on, he was a candidate member for Political Studies in French, but he stopped this course as he needed heart surgery in 2004.

Mr. Chan asked if Mr. Sikoeun ever joined any political activity while studying in Cambodia or France. The witness stated that when he was studying in Chhlong district, his teacher, Kol Saroeun, was the director of the Democratic Party. When he was 13 years old or 14 years old, Mr. Sikoeun joined this party. He later joined the People's Movement of Son Ngoc Thanh, he

testified. The witness then started to stray away from the question, providing additional details on his education.

President Nonn reminded Mr. Chan that Mr. Sikoeun was a witness, not an accused, and to make sure his questions are relevant to the Closing Order. Mr. Chan asked the witness if he met Ieng Sary before April 1975. Mr. Sikoeun replied that, from his recollection, he met Ieng Sary in early 1957 when Ieng Sary return from France. He described how at the time he wanted to become a part of the covert resistance movement. He said he met twice with Ieng Sary at the former student association, where the witness was staying, and that Ieng Sary consented to him becoming a secret member of the movement.

***Witness Testifies about the Marxist-Leninist Circle***

Mr. Chan inquired whether Mr. Sikoeun was aware of the Marxist-Leninist circle when he was in France. Mr. Sikoeun described that while he was in France, he was sent a letter on October 18, 1957, by Ieng Sary to transmit to Khieu Samphan in Paris, who was hospitalized; he said he was not aware of what was in the letter. After Khieu Samphan received the letter, the witness explained, he accepted Mr. Sikoeun as a member of the Marxist-Leninist Circle in Paris.

Mr. Chan inquired about the purpose of the founding of the Marxist-Leninist Circle. The witness testified that documents suggest Ieng Sary, Tou Samouth, and Keng Vansak founded it. Asked about the circle's main objective, Mr. Sikoeun testified that he was not aware of the "real objective," but "in practice" the main objective was to study the Marxist Leninist doctrine and "it was a movement in order to prepare for the formation of a party."

Regarding why he joined the Marxist-Leninist circle, Mr. Sikoeun explained that he came from a poor, peasant family. He described how his mother did not even have proper clothes for visiting a pagoda and that they were unable to support themselves and had to borrow from others. He stated:

That kind of anger is still burning in my heart and it started from my childhood. At that time, our country was under the colony of France. ... This hatred, this anger, made me think of trying to find a way in order to contribute to liberate my country from that French colony. That was the reason I joined the Democratic Party. ... However, that party failed to respond to the need that I had in regards to social justice. For that reason I turned to the communist doctrine, that is the Marxist-Leninist doctrine, that would be able to rescue my country from the hand of the oppressive regime and of the colony.

***Witness Testifies about the FUNK and His Membership in the CPK***

President Nonn again reminded Mr. Chan that his questions should only fall within the facts of the Closing Order and that he should not treat the witness like an accused.

Moving on, Mr. Chan posed questions related to the National United Front of Kampuchea (FUNK). Mr. Sikoeun confirmed that he was involved in the FUNK's establishment in China. He stated that he was elected to be the Front's Secretary of the Central Committee. When asked about his motive for joining the Front, the witness explained that the FUNK was established after the Lon Nol coup d'etat that ousted Prince Norodom Sihanouk to "free ourselves from the Lon Nol yoke." When asked at what time he joined the front, Mr. Sikoeun stated that the FUNK was established after Norodom Sihanouk's March 23, 1970, appeal. He stated that he was elected to

lead the Khmer Students Union. He further testified that he voluntarily joined the front. He added that the decision to form the Khmer Students Union was made voluntarily, and it was formed by “the progressive students.” Regarding whether Ieng Sary held meetings for the FUNK in Beijing, the witness replied that Ieng Sary was not there as a leader of the FUNK but as a representative of the “internal party of the resistance movement in Cambodia.”

Mr. Chan queried how Mr. Sikoeun became a member of the Communist Party of Kampuchea (CPK). Mr. Sikoeun testified that he became a CPK full rights member in 1971. Regarding his induction ceremony, he said it was at Ieng Sary house in Beijing and was chaired by Ieng Sary. He added that two people vouched for him as a party member, recalling that perhaps it was Keat Chhun or Thiounn Prasith. Mr. Chan asked if he had done anything to convince them to induct him into the party. Rather than answering the question directly, the witness launched into background pertaining to the fight for independence against the French.



*Suong Sikoeun (far right) joins others during the official visit of Laos Prince Sophanavong (in gray jacket). Also appearing in the photograph are Thiounn Prasith (far left), Khieu Samphan (third from left), and Ieng Sary (to right of Prince Sophanavong). (Source: Documentation Center of Cambodia)*

Mr. Chan asked about how enemies were classified by the CPK. The witness described how the “first category of enemies” was the American Imperialists and their “internal henchmen.” The second were “the landlords, the Cong brother, those who supported the American Imperialists. Some Cong brother were nationalists and not treated as the enemy, while others were American allies.”

Returning to Ieng Sary, Mr. Chan inquired what Ieng Sary’s role was in Beijing. Mr. Sikoeun reiterated his previous answer that Ieng Sary was representing the internal movement in Cambodia. He also stated, “He [Ieng Sary] was representing first a resistance movement for China, as well. And secondly, ... mainly, he was attached to then Prince Norodom Sihanouk to unite all forces within and outside the country, to continue the resistance movement to free the country from the Khmer Republic government backed by the American Imperialists.”

Regarding CPK representatives abroad in April 1975, the witness recalled there being one from North Vietnam, as well as Ieng Sary from Cambodia. He could not remember who the representative from North Vietnam was.

***Witness Testifies to the Khmer Information Agency and FUNK's Information Office***

Mr. Chan then moved on to the Khmer Information Agency (AKI). When asked whether he was involved with AKI, Mr. Sikoeun testified that he represented the agency in China from 1970 to 1974. He did not know who the head of AKI's information office was, but he did testify that he was the head of the information office of the FUNK in Beijing. Regarding the role of this office, the witness described it as "an organization broadcasting information from the battlefield, internal battlefields, and diplomatic activities that are supporting the movement of the FUNK and the GRUNK chaired by Prince Norodom Sihanouk." When asked about AKI's relation to the FUNK, the witness clarified that the AKI was "not relevant" to the FUNK. Regarding its involvement with the CPK movement, however, the witness replied, "Regarding the roles of AKI, the roles were not different from those of the FUNK. It was to broadcast information of the movement and diplomatic activities and to gather support from abroad to fight the American Imperialists and their henchmen."

Mr. Chan then inquired whether Mr. Sikoeun saw Cambodians joining the CPK's movement abroad. The witness stated that the CPK was not established then, explaining that two groups – the Marxist-Leninist Circle and the Khmer Students Union, which Khieu Samphan led – were gathering Cambodians abroad. He added that there was "overwhelming" support from students in Belgium, other European countries, and Russia.

Mr. Chan focused next on bulletins, which he said the witness had mentioned. Regarding whether these bulletins were sent abroad, Mr. Sikoeun testified that they were definitely sent to France because the FUNK "mission office" was in Paris, with En Soka and Ouk Soka there at that time. Ouk Soka became the head of the office. Regarding who revised and edited the text of AKI's bulletins prior to them being published, the witness said the texts were edited by people from FUNK's political office. The members of this office were Thiounn Mumm and Thiounn Prasith.

Mr. Chan asked who at the information office of the FUNK and the AKI had the authority to make broadcasting or publishing policy decisions. The witness responded, "No one made the decision because it was meant to publicize the information to others, and we gathered or collected information ... and put into texts so it could be printed and published twice a week.

Regarding whether Prince Sihanouk ever took part in "information related activity," Mr. Sikoeun explained that the prince was the head at the time. He added, "Whatever the Prince would like us to print we had to follow, and we had no intention to hide anything from him. Politically, we had no intention to keep anything from being published if these were from the prince."

Regarding the CPK, Mr. Sikoeun stated that, to his knowledge, none of the leaders of the CPK attended to the "affairs of the information." Mr. Chan asked the witness who was most responsible for AKI's published texts. The witness indicated that "legally" he was, but also there was the political office of the FUNK, whose members, as he previously stated, were Thiounn Mumm and Thiounn Prasith.

Moving on, Mr. Chan inquired as to the witness's other roles while in Beijing, other than director

of the information office of the FUNK. Mr. Sikoeun replied that he was also a member of the FUNK in China and was in charge of security. Duong Sam-Ol, he said, was the chair. The witness did not know who was in charge of the military of the CPK then. When asked if he was ever an interpreter for the leaders while in Beijing, he said no and explained, "The affairs dealt exclusively with the Chinese and they did have their interpreters." When asked whether he ever went with leaders for their trips overseas, he said he went to Africa, Romania and a few other countries with Ieng Sary. In 1974, he went with Khieu Samphan for a trip to Africa, Yugoslavia, and Romania. He said Khieu Samphan was the deputy Prime Minister and the Commander in Chief at the time.

Mr. Chan asked Mr. Sikoeun about his previous testimony that he was in charge of security in the FUNK. Mr. Sikoeun indicated that there was not a lot of activity at the time, and provided two examples of instances when they interacted with the Chinese with security matters. He testified that he did not have the authority to "make arrests within the framework of the CPK." Neither did he have the authority to arrest someone within the FUNK. Regarding who encouraged him to undertake the role within the FUNK, he said it seemed that General Duong Sam-Ol did.

#### ***The Witness Discusses Ieng Sary and Prince Sihanouk***

Mr. Chan picked up his questioning after the afternoon break, returning to Ieng Sary's time in Beijing. Mr. Chan inquired whether Ieng Sary had been in contact with CPK cadres or members of the FUNK. The witness responded that Ieng Sary had a branch established in Beijing and explained that he also conducted political training sessions at the FUNK's political office there.

Next, Mr. Chan asked about the Ieng Sary and Norodom Sihanouk's relationship in the FUNK. Mr. Sikoeun replied that he did not know the details of this relationship. He stated, "Ieng Sary was representing the stance of the inside movement of the FUNK." He described Ieng Sary representing the movement at a conference in 1973 with the position that there was to be no negotiation with the Lon Nol regime. He said Ieng Sary indicated that "we had to fight until the last drop of blood."

When asked about communication between Prince Sihanouk and the resistance movement in Cambodia, the witness explained that it was done when Prince Sihanouk visited Cambodia in March. When asked about the communication between Ieng Sary and the local resistance movement, Mr. Sikoeun indicated that he did not know, explaining that Ieng Sary's activities with members in Beijing were secret. He also did not know how the CPK regarded Sihanouk inside the party at this earlier time.

Mr. Chan asked about the term "Sihanouk Niyum." The witness replied that he had heard of it but was not aware of who founded the movement but that it must have been supporters of Prince Sihanouk. He stated that the "line was very clear that Cambodia had to be neutral," inside and outside Cambodia. He further described how "they took the middle path, which means that Cambodia had to be united and there should not be leftist or rightist." Asked about the tactical and strategic forces, the witness responded that "strategic forces" refer to the "long-term forces." The tactical forces refer to "the alliance based on the actual historical circumstance. These forces were gathered in accordance with the circumstance of the resistance movement. These forces had

to be attached to the strategic forces. However when we moved to the social revolution, the latter forces had to be abundant.”

Mr. Chan inquired whether the CPK had a plan to distinguish between Sihanouk Niyum supporters and CPK followers. The witness replied:

My understanding is that Sihanouk forces were the tactical forces. At the same time the CPK selected some individuals who could join the party from the beginning until its completion. They were regarded as the tactical forces, but secondary, as opposed to the strategic forces. But at the same time some individual from the tactical forces could be regarded as the long-term forces for the movement.

***Witness Identifies People’s Roles in the FUNK and GRUNK***

Mr. Chan had the witness go through a list of names and identify their roles within the FUNK and GRUNK. Mr. Sikoeun stated as follows: Mr. Sarin Chhak, member of the Political Office of the FUNK and member of the GRUNK and minister of the Foreign Affairs Ministry; Mr. Huot Sambath, member of the Political Office of the FUNK and a minister of the GRUNK’s government; Mr. Chan Youran, member of the Political Office of the FUNK and the Minister of Education of the GRUNK; Mr. Chau Seng, member of the Political Office of the FUNK and the Minister of Justice of the GRUNK; Mr. Keat Chhon, reserve member of the Political Office of the FUNK and a Minister attached to the Cabinet of Ministers of the GRUNK; Mr. Thiounn Prasith, reserve member of the Political Office of the FUNK and the Minister coordinating the Resistance movement of the GRUNK; Mr. Van Piny, deputy Minister of Foreign Affairs; Mr. Keo Meas, former leader of the CPK; Mr. Chau Seng, member of the Political Office of the FUNK and the minister in charge of Special Mission of the GRUNK; General Doung Sam-Ol, a member of the Political Office of the FUNK and a minister in the GRUNK; Mr. Thiounn Mumm, member of Political Office of the FUNK and Minister of Finance of the GRUNK; and Mr. En Soka, representative of the FUNK and the GRUNK at the same time to France. (One name not listed here was unintelligible through the live ECCC English translation.)

Regarding these individuals, the witness did not know what happened with arrests between 1975 and 1979. Of these individuals, he recalled, only Mr. Keat Chhon and Thiounn Prasith worked at the Ministry of Foreign Affairs under Ieng Sary’s supervision.

Moving on, Mr. Chan asked if Ieng Sary and Khieu Samphan went to Europe. Mr. Sikoeun explained that Khieu Samphan and Ieng Sary led a delegation of the FUNK and GRUNK in early April 1974 that went to Yugoslavia, Romania, and Albania. He also testified that he thinks Ieng Sary and Khieu Samphan traveled to Algeria, Mauritania, Egypt, and another country in Africa he could not recollect; Mr. Sikoeun accompanied them. Regarding the purpose of the visit, the witness replied that the “visit was to inform our friend countries about the Cambodian resistance movement and the position of the GRUNK and FUNK concerning the Conference, the Peace Accord abroad.”



Switching topics, Mr. Chan inquired whether Mr. Sikoeun worked for the FUNK or the GRUNK more. The witness replied, “It is not possible to distinguish between the work in the FUNK and the GRUNK and as a member of the CPK our primary objective of each individual ... was to fulfill our work as a communist to the best of our capacity and in line with the political line. So we cannot distinguish the tasks between these two institutions.”



The witness testified that he left China as early as May in 1974. Mr. Chan asked if he traveled to Vietnam or elsewhere after he returned to China. Mr. Sikoeun recalled going to Vietnam in May of 1970 in May with Norodom Sihanouk. After returning from China, he traveled with Ieng Sary and Khieu Samphan to Vietnam in May 1974, for a trip that lasted at least one week. He described this trip as “important for the resistance movement.” He also testified that this trip was made after a trip to Laos and to the liberated zone in South Vietnam. When asked what Ieng Sary and Khieu Samphan were doing in Vietnam, the witness replied that he “joined in their activities in negotiating officially with the leadership of Vietnam and also attended the banquet with students, but I do not know the details of the matters being discussed.”

Mr. Chan next posed questions related to the liberated zone of Kampuchea. Asked about the location of the zone, Mr. Sikoeun replied that, minus a few areas around Phnom Penh and certain towns, it was “almost throughout the country.” When asked if he ever went to the liberated zone, he indicated he had, as Phnom Penh was liberated in April 1975. Regarding whether he ever saw Ieng Sary or Khieu Samphan travel to the liberated zone in Kampuchea, the witness stated that the two men returned to the liberated zone after their May 1974 trip to Vietnam.

Moving on, Mr. Chan asked why Ieng Sary and Khieu Samphan left Beijing to return to Cambodia. Mr. Sikoeun explained that the war had intensified between the resistance forces and Lon Nol’s forces, supported by the Americans. According to the witness, Ieng Sary and Khieu Samphan, as leaders of the resistance movement, were obligated to return. The witness did not know how Ieng Sary and Khieu Samphan returned to Cambodia or where they might have gone first.

### ***FUNK’s Radio Station in Hanoi***

Mr. Chan focused next on FUNK’s radio station in Hanoi. Mr. Sikoeun indicated that he did not know precisely why the station had been established but explained that Vietnam’s allowance of this radio station was a “form of support of the Communist Party of Vietnam for the CPK.”

When asked who the main supporter of the station was, the witness responded, “As far as I know, Vietnam at the time provided us the support in the form of the space and some technical staff to a limited degree. However, when it comes to the resistance by the Kampuchians, the Vietnamese government allowed us to act independently.”

Mr. Chan asked about the Kampuchean staff at that station. Mr. Sikoeun explained that the staff members were the “former resistance.” He added that artists and other intellectuals were also recruited. He further testified that, from his understanding, the majority of the staff members were CPK members, although some were not. He described the latter group as “sympathizers.”

Mr. Sikoeun could not recall a code name for the FUNK’s radio station but said its official name was “The Voice of the FUNK.” Regarding the programs broadcast on the radio, he testified that Ieng Thirith, the director, oversaw the segment. When asked if she was the top leader at the station, the witness clarified that, in terms of political role, she was not the most responsible. Regarding the main target audience, the witness explained, “The radio station represented the voice of the resistance movement of the Kampuchean people at the time both inside the country and overseas.” He further testified that the broadcast was only in the Khmer language.

The witness explained that he was in charge of the international news for the station. He described how Ieng Thirith would oversee what he wrote. When asked if Ieng Sary and Khieu Samphan instructed him or other staff on the radio broadcast at the time, the witness replied, “It seems not, because it did not fall under their authority.” He did not know when the broadcasts ended, nor could he recall the public frequency the radio was broadcast on or who made the decision about the frequency.

Asked about “general information” and “important information,” the witness explained, “Important information would encompass the speeches, which were the core news and well as the report from the battlefields.” Regarding his sources of information, he said, “The editorial and the news from the battlefield were obtained from inside the country from the use of the coding system.” When Mr. Chan asked who translated the foreign news into Khmer, President Nonn told the witness that he did not need to respond because it was not relevant to the facts.

### ***The Witness Testifies about B-20***

Moving on, the prosecutor requested Mr. Sikoeun explain the function of the office B-20. The witness replied that, while he was there, it was an office where cadres who had been abroad stayed provisionally before going to other locations. He testified that it was located in Stung Trong district. He referred to it as a “production site,” describing how it had rich soil and fruit trees. He could not remember who the head of B-20 was. Asked who he saw working there, the witness replied, “I did not know anybody whom I knew previously, and there were not many people there.”

When he was asked who sent him to B-20 when he arrived in Kampuchea, Mr. Sikoeun indicated that the order came “from above.” Mr. Chan asked about the “real nature” of B-20’s establishment. The witness stated that he did not have knowledge of this but added that he believed there was “no real intensive purpose of the establishment of B-20 as there was no real intensive training or education.” He testified that he did not see students or intellectuals from abroad there, apart from his group.

After B-20, Mr. Sikoeun was transferred to the “Pink House” near the riverfront, he recalled, which belonged to the wife of Prince Sihanouk, Princess Noleak.

***Witness Questioned on the Evacuation of Phnom Penh and Foreign Affairs Meetings***

Asked if he saw the evacuation of Phnom Penh, Mr. Sikoeun stated that he arrived at Phnom Penh on May 20, 1975, and that the evacuation was almost finished. Regarding the purpose of the evacuation, the witness explained being told that:

1. The Americans planned to bombard Phnom Penh city;
2. If all the people in Phnom Penh were not to leave, they would be starved as there was not sufficient rice and supplies for these millions of people in the city;
3. The evacuation from Phnom Penh was to disperse the spy network of the enemy.

Mr. Sikoeun did not know if Pol Pot provided instructions to Ieng Sary as the Minister of Foreign Affairs in relation to DK policies. Nor did he know if there was any meeting that took place between senior cadres, such as Nuon Chea or Khieu Samphan, regarding foreign policies. He added that he was working at the Ministry of Foreign Affairs at the time and was not entitled to know about their affairs.

President Nonn adjourned the proceeding, noting that the proceedings, and the witness's testimony, will continue Monday, August 6, 2012, at 9:00 a.m.