



**“It Ruined My Happiness”: Witness Provides Emotional
Testimony on Life in Democratic Kampuchea**

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The examination of witness Ong Thong Hoeung continued with questions from counsel for the civil parties, the bench, and the defense teams of Nuon Chea and Ieng Sary Thursday, August 9, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Six buses carried over 300 villagers from Prey Veng province to observe the morning proceedings. More than 100 villagers from Kampot watched the afternoon proceedings.

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

After court was called to order, President Nonn gave the floor to counsel for the civil parties to examine the witness. National Civil Party Lead Co-Lawyer Pich Ang announced that he would be giving the duty of examining the witness to his colleagues, Mr. Lor Chunthy and Ms. Marie Guiraud.

Counsel for Civil Parties Examines Witness about Developments in France

Mr. Chunthy began the civil parties’ examination by asking the witness whether all the students studying in France join the Marxist-Leninist Circle movement covertly. In response, Mr. Thong Hoeung gave historical background about Cambodian students studying in France. He explained about the early Cambodian students who came to France after World War II and said that their

ultimate goal was to study and return with their experience to rebuild Cambodia. He stated that all Cambodian students then desired independence for Cambodia from France and were united in this goal. He added that these students were largely from elite or royal families. Continuing, Mr. Thong Hoeung stated that two tendencies later surfaced, and they had to decide “whether to reform the social structure or whether just to demand independence and to replace the French administration in Cambodia.” He noted the “struggle status between the free world and the socialist world” generally at the time and that communism had significant influence in France at that time; those of the rightist vision did not have as much influence. He described how people in many countries, including students in France, were influenced when Mao Tse-Tung won the revolution in China. Students in France, together with students from the French Communist Party, formed the Marxist-Leninist Circle. The witness added that it was covert then and that some of the Cambodian students joined it.

Mr. Chunthy next asked about the relationship between the Khmer students and the French Communist Party, and about how they came to join it. The witness replied that he was not sure how much he could answer the question and explained that the main goal of the senior students was for Kampuchea to prosper, recalling, “They don’t want the neighboring countries to swallow our territory.” He noted differing opinions for reform, a moderate approach and a leftist approach. During the witness’s explanation, President Nonn interrupted and told counsel to ask questions relating to the facts alleged in the Closing Order, cautioning, “We are not here for the witness to give a speech about the history.”

Moving on, the counsel inquired as to the motivation that encouraged the Cambodian students to join the communist party. One reason, Mr. Thong Hoeung explained, was based on the relationship the youth who came from a third-world country had with progressive students they encountered in France who supported them. The witness also indicated that the second main reason related to revolutions occurring in other places. Although Mr. Thong Hoeung indicated he wanted to summarize further, his response was cut short when Mr. Chunthy thanked the witness and moved on to another topic.

Turning to the witness’s preparation to return to Cambodia, Mr. Chunthy inquired whether the witness received information from Cambodia that made him believe it was “appropriate” to return. In his response, Mr. Thong Hoeung explained that at that time they had a “strong commitment,” belief, and trust, for example, in Hu Nim, Hou Youn, and Khieu Samphan. Because of this, they did not believe other information. He concluded, “The information we received was that that we received from Ieng Sary, so we believed in him, despite information contradictory to that spread in other newspapers, including *The New York Times*.”

Mr. Chunthy inquired why they stopped over in Beijing prior to returning to Cambodia. The witness replied that, at that time, there were no direct flights to Cambodia with only flight to Cambodia being from China. Mr. Chunthy inquired whether his possessions were taken when they arrived in Beijing. After noting that there was also a cultural revolution occurring in Beijing at that time, Mr. Thong Hoeung replied that they did not do anything to them.

When asked whether he had to pay for the airfare and his expenses from Beijing to Cambodia, the witness confirmed that he did and also said, “The money we left, we gave it all to Angkar at that time.”

The Witness Testifies to His Experience and Observations within Cambodia

Focusing on the witness’s arrival in Phnom Penh, the counsel inquired where the returnees were sent upon their arrival and what tasks they were given. Mr. Thong Hoeung explained that they were taken to K-15 right away; their luggage was then searched, and their possessions, such as cameras and books, were taken. He noted that others, including diplomats and some of his friends, such as Puket, were taken elsewhere. He added that he encountered Puket’s name on a S-21 list.

Remaining on the subject of K-15, Mr. Chunthy asked the witness about the purpose of reeducation or ideological training that people underwent there, inquiring specifically whether it was to transform them into “a pure person or a worker class or so.” Mr. Thong Hoeung explained, “When we first arrived we tried to rebuild ourselves so that we could blend ourselves with the peasants and workers and, upon our refashion and rebuilding we hoped that Angkar would designate us to work in different places based on our abilities. ... After we stayed there for some time we studied hard, and we criticized ourselves, and we realized we did not have any rights at all. ... We criticized our friends, but we were not entitled to criticize the representative of Angkar, for example.” He added that Angkar was always right; even if they knew it was wrong, they could not criticize it.

Turning to the evacuation of Phnom Penh, Mr. Chunthy asked the witness whether he became aware of the evacuation on April 17, 1975, and, if so, how. The witness described how he was traveling in a car when he heard that people were being evacuated from Phnom Penh. He said a friend who was in the car with him said that the information was being fabricated by the Imperialists. He described how this was his “first impression of the news of evacuation.” He added that as more and more information was given to them, he believed it. Regarding the news reports addressing the evacuation, the witness said they were “widespread.” He added, “We believed fully in our brothers, and we would not abandon our ideas at that time. We maintained our belief in them.”

Mr. Chunthy moved on and asked the witness a couple of questions regarding his time at Boeng Trabek. He inquired whether Mr. Thong Hoeung observed anyone being disciplined for still having the old regime mentality. Mr. Thong Hoeung replied that he did not witness physical punishment but explained that there was mental punishment. He said, “We were dehumanized. They said we were useless, we would never refashion ourselves, we were the lackey of the Imperialists, so on and so forth.”

Referring to the witness’s prior testimony that “Boeng Trabek was under Ieng Sary,” the counsel inquired how the witness came to know this information. The witness clarified



that with regard to his first stay in Boeng Trabek, he did not know who his superior was then. With regard to his second stay in Boeng Trabek, when he returned two months prior to Phnom Penh's fall, he stated, he "realized that Boeng Trabek was under the supervision of Ieng Sary because he came to receive us."

Mr. Chunthy referred to another statement made by the witness in which he intimated that Ieng Sary had considerable influence, in that if Ieng Sary opposed something Prince Sihanouk wanted to do, it would not happen. Asked to confirm, Mr. Thong Hoeung replied that he believed it to be true as Ieng Sary "always made it known to others that he was the representative of the people and other dignitaries were merely the silly people who follow others blindly."

Mr. Chunthy referenced a statement by the students, interns, civil servants, and former refugees who lived in Europe. After an issue regarding the identifying information of the documents was sorted, Mr. Chunthy asked the witness whether any statement was issued when he left Paris. The witness replied that generally the statement was prepared by those responsible for the repatriation of the people. He could not recall specifically who prepared the statement but said that it was someone "close to Ieng Sary." Mr. Thong Hoeung recalled that the main point of the statement was "if the revolutionary organization was heinous and they dehumanized their own countrymen, as what was reported in the foreign news article, then we would not participate with them and we believed they would not succeed in that course." The second point, he stated, "set out the struggle in the countries that were gaining momentum."

Returning to the subject of Boeng Trabek, Mr. Chunthy asked the witness about limitations on contact with others and freedom at Boeng Trabek. Mr. Thong Hoeung replied concisely that "freedom" as normally defined was nonexistent. Mr. Chunthy next asked the witness about children at Boeng Trabek. The witness explained that children were "gathered up in one place while the parents were working." He said the children were thought of as "the children of Angkar." He added that while he was at K-15, the children were fed better than the adults, recalling that when some children had seen the adult's food they said it was pigs' food and that theirs was better. Regarding education for children, the witness replied that formal education did not exist during the Democratic Kampuchea regime. He added that at the Department of Education, some children were taught alphabets, slogans that "they loved Angkar without boundary," and songs that had to do with loving Angkar; other subjects, such as math, were not formally taught. He added that the children were also taught to do light physical labor.

Mr. Chunthy inquired whether the witness ever saw any weddings. Mr. Thong Hoeung responded that generally those from abroad were not allowed to marry local women. He noted that some returnees married amongst themselves. When asked to describe the wedding, the witness said that his friend's wedding was "just a gathering for a meal." He described another wedding of which he was aware. He described how they cleaned houses for the wedding; he said there were about 20 people there and that those couples were together for one night and then separated to go back to where they worked.

The witness was next asked whether he was aware of enemy purges, particularly during his stay at Boeng Trabek. He replied, "At that time you could say I was foolish because I could never imagined that people were taken and killed." He noted that, while Boeng Trabek and S-21 were

not far from each other, he was never suspicious that such a place as S-21 existed. When Mr. Chunthy inquired if the witness saw anyone who had been removed return, Mr. Thong Hoeung replied, "That was a phenomenon." He noted one case, when some people from K-15 were sent to Taley, a farming area, and he later saw them when he went to the factory. He noted that generally those who went away never returned and added that at Dei Kraham four to ten people would go at one time and would not return. He said that there was no way to get information or news at the time.

Recalling the witness's testimony about adding his name to a list for transfer to Dei Kraham, Mr. Chunthy questioned what happened to those who did not choose to add their names to the list. Mr. Thong Hoeung replied, "Regarding those who put their names on the list, we only put the names on the list and whoever was selected by Angkar to go, it was at Angkar's selection. As for those who were not allowed to go, and whether they were taken somewhere else or whether they were still at Boeng Trabek, I could not know."

Moving on, Mr. Chunthy asked if the issue of morality, relating to affairs between men and women, was brought up as an issue in criticism and self-criticism meetings. The witness answered that he did not encounter any issues during the regime regarding morality. When asked about abuse by administrators, like rape, the witness replied that he "cannot conclude regarding this," then added that he heard a rumor of the sexual abuse of a woman at Ta Kmao.

Mr. Chunthy turned to a new topic, asking the witness if he met anyone from the returnees who was a Cham. The witness replied at Dei Kraham he had a Cham friend in his group who was taken away, and Mr. Thong Hoeung did not know why. He added, "At Dei Kraham or at other centers, we never discriminate the status, for example, if they were Cham or Muslim. . . . In general the relationship amongst us was equal regardless of the ethnicity." When asked if his Cham friend was told by a supervisor that it would be a problem if he did not consume pork, the witness replied that he could not remember if his friend was made to eat pork or other meat. He added, "I knew that Angkar did not say, 'Oh because you are a Muslim or a Cham then Angkar would not prepare any pork meat for you.' No, there was no such thing."

Next, Mr. Chunthy discussed custom and religion, asking the witness whether he saw monks at the pagoda when he came to Phnom Penh. Mr. Thong Hoeung said it seemed like the Laingka pagoda was used as a pig cage. When asked if he was allowed to observe his religion and celebrate the Khmer New Year, he replied that so far as he remember there was no celebration for the Khmer New Year, but he remembered there being one for the April 17th victory anniversary. At this time, he was staying at Dei Kraham and they killed a pig for it, he recalled. He did not remember any other events. Mr. Chunthy next asked if the witness's Cham friend was allowed to observe his religion, and the witness replied, "I did not see that." With that response, Mr. Chunthy concluded his questions.

Civil Party Examination Elicits Strong Emotion from the Witness

Starting her examination of the witness, Ms. Guiraud first referenced the witness's interview with the Office of the Co-Investigating Judges (OCIJ). She noted that he had been asked at what point he understood that Ieng Sary was Boeng Trabek's general supervisor, and within his answer, he had said, "Previously I had understood that he was the principal supervisor of



Cambodians who returned to the country.” When asked what he meant by this statement, Mr. Thong Hoeung explained, “My understanding was that anything relating to foreign affairs or to Cambodians living overseas or Cambodians returning to Cambodia ... Mr. Ieng Sary was responsible because he was the one who organized the returning of Cambodians back to Cambodia.” He also noted the meeting with Ieng Sary upon returning from Dei Kraham, wherein he asked them about their time at Dei Kraham and who sent them. He added, “I was surprised because I wondered why he did not know that or probably he wanted to excuse himself on that saying that his friends or so were assigning them to do that.”

Ms. Guiraud proceeded to list specific names and ask if they were people who had returned to Cambodia from abroad. First, she brought up Ros Sarin and recalled that the witness had testified Mr. Sarin was his brother-in-law and the former director of Pochentong Airport and that the witness saw him in Boeng Trabek in 1976. When asked to confirm that Ros Sarin was a Cambodian who returned from abroad, Mr. Thong Hoeung replied that Mr. Sarin, along with three of his children, were returnees. Next, Ms. Guiraud asked the witness for his impression of Ros Sarin’s wellbeing when he saw him in Boeng Trabek. Mr. Thong Hoeung described that Mr. Sarin was “disappointed and depressed, as well, because he was being locked up in the camp.” When asked if he was present at the meeting when Ros Sarin was called away by Angkar at Boeng Trabek, the witness explained that a congress was held, with Phum as the presenter, and Ros Sarin, Phoeun Ton, Meas Me-Mao, and other Cambodian returnees were taken from there; he noted that he was not able to say goodbye. He also testified that he was not aware of why Ros Sarin was taken, adding that he thought that Ros Sarin might have been needed to help with Pochentong Airport.

Asked next about a man named Ham Sok-Kong, Mr. Thong Hoeung said he knew Mr. Sok-Kong well when he was in France and confirmed that Mr. Sok-Kong was a Cambodian who had returned from abroad. He added that he last saw Mr. Sok-Kong while the witness was laboring in a potato plantation; he recalled that that Mr. Sok-Kong waved goodbye and was then taken out of Dei Kraham by motobike. When asked if he knew what became of Ham Sok-Kong, Mr. Thong Hoeung replied that he never saw him again.

The witness was then asked about Svay Hok-Khy. He confirmed that he knew Svay Hok-Khy and that he was a Cambodian who returned from abroad. Mr. Thong Hoeung further testified that Hok-Khy went to Dei Kraham, where he died. When asked how Mr. Hok-Khy died, Mr. Thong Hoeung recalled people at Dei Kraham saying he had killed himself but noted that Mr. Hok-Khy’s wife said she was not certain of the reason for his death and that he might have died at the hands of the Khmer Rouge.

Moving on, Ms. Guiraud quoted from Mr. Thong Hoeung’s book his explanation for writing the book:

My intention was not to write a history book but to talk about indoctrination, fear, hunger, and opportunism within the Khmer Rouge. I talked about the portrait of some of my companions who

were robbed of their humanity, who were just looking for food to survive on. I have tried to talk about the character of some Khmer Rouge. I have reserved a privileged position, the people who are not privileged, some people escaped, some committed suicide, but they remain in my mind and in my heart.

When asked if the only solutions open to people in his camp were escape or suicide, Mr. Thong Hoeung replied, “I believed that the true witnesses are those who died. We, the ones who are living, are not the real witnesses, as we can only say about something from our heart.” During this point in his testimony, the witness was crying.

The Witness Testifies about His Second Stay at Boeng Trabek

Ms. Guiraud moved to a different topic – Mr. Thong Hoeung’s second stay at Boeng Trabek – and posed several questions about Boeng Trabek’s management. First she asked whether intellectuals were used to supervise the prisoners. The witness replied, “The Khmer Rouge were like the Nazis. They appointed some people from our group to supervise ourselves.” When asked who was in charge of B-30 during his stay, Mr. Thong Hoeung said Mr. Hamhuy was, noting that Mr. Hamhuy had returned from abroad. The witness also noted that during his first stay at Boeng Trabek, there had not been supervisors. During his second stay, they were supervised by Ieng Sary and his close subordinates. He repeated that Mr. Hamhuy was in charge at B-30 and added that Mr. Hamhuy was a good person.

He was then asked whether he witnessed Hamhuy’s nomination or the renomination, and the witness confirmed that he did, explaining that it occurred at a meeting chaired by Ieng Sary. He recounted:

First, each office, that is, B-30, B-31, and B-32, respectively, held an all-together meeting, and a little bit after, each office had its own meeting in order to select the committee. Ieng Sary instructed the overseas Cambodians to nominate and select among ourselves to play a supervisory role within each office. At that time, the situation was less intensive. And actually from the early stage, there was no consultation with people staying in the office. Everything was appointed by Angkar. But at that particular stage Ieng Sary said we would do it in a democratic way and that we should nominate people to be in that supervisory role. And he said that it would be a true democratic approach practiced by Angkar at that time.

When asked who headed B-32’s committee while the witness was at Boeng Trabek, the witness replied that Hor Namhong did. He confirmed that he also attended Hor Namhong’s nomination, recalling that Ieng Sary was also present as he was the one who chaired the meeting.

The Witness Testifies about His Book, I Believe in the Khmer Rouge

Ms. Guiraud recalled that Mr. Thong Hoeung had previously testified to two meetings held by Ieng Sary. She referred to excerpts from the witness’s book wherein he described these meetings. She quoted, “Ieng Sary then spoke about the enemies who relentlessly sabotaged our noble enterprise at the service of our beloved people. He draws a small history of the struggle of his group against the domination of the Vietnamese Communist Party and mentions a few names of this abominable traitors Ros Nhim, Chhok, So Phim, Koy Thuon. ... If we have been mistreated up until now it is because of the agents of the Vietnamese Communist Party.” Asked for his comment, the witness replied that he stands by his statement.

She then quoted regarding the second meeting:

At the end of October our meeting was held in the presence of Ieng Sary to nominate a new team of leaders at B-32. ...Hor Namhong was kept in his function of president of a head of a committee of five members. Ieng Sary repeated pretty much the same thing that he had said a few days before. We have to fight to death against Vietnam and the Indochinese Federation... Vietnam is more and more isolated and the international community supports us.

Asked for his comment, the witness once again replied that he stands by this statement.

Ms. Guiraud inquired whether the witness kept a journal from the time he returned to Cambodia in July 1976 to early 1979. Mr. Thong Hoeung testified that his wife took notes in a notebook since her return to Cambodia recounting what she saw and how she felt. She kept the notebook secretly with her and wrote in it up until they left Dei Kraham. The first part of the witness's book was based on his wife's notes; the latter part of his book, from Dei Kraham on, was based on his notes. The chapter entitled "Phnom Penh under Ieng Sary," from which the excerpts Ms. Guiraud had quoted were taken, was based on his notes and discussions he had with his wife.

Ms. Guiraud inquired as to when he wrote the first draft of his book. The witness explained that he wrote it in late 1979 when he fled to Thailand. He further testified that the book was published in 2003, explaining that he set it aside after he drafted it, intending for his children to read it. He said he was later encouraged to publish it by others, including Stephen Heder and David Chandler, and he did so.

Regarding how he wrote his book, Mr. Thong Hoeung, in his response, asserted, "My main goal in writing the book is that under whatever condition we are living and if we are detained in a location without the freedom of movement, then how we would react to such a condition. So, I expressed the feeling in the book of how people would react. Even personally, everyone was different. People would think differently and act differently or change his or her identity." He said it was not written based on revenge or how they were mistreated.

Ms. Guiraud noted that title of his book is *I Believed in the Khmer Rouge* and asked him when he believed, and stopped believing, in the Khmer Rouge. He indicated that he started believing from around 25 years old. He added that the title of the book was recommended by the publishers, so it was difficult to answer the question. After this, Ms. Guiraud concluded her examination.

Judge Lavergne Puts Questions to the Witness

Judge Lavergne took the floor. Returning to the meeting with Ieng Sary at Boeng Trabek, Judge Lavergne quoted from the witness's book, "The Ministry nominated another person as a bad element coming from abroad. Van Piny, who was denounced, he said, in three confessions as a CIA agent. 'Before,' he specifies, 'it was only necessary to have two incriminations, but now I'm requiring three incriminations before arresting someone.'" When asked if the part within quotes (single quotes above) was what Ieng Sary said, the witness replied that this was what he remembered that Ieng Sary said. He added that Van Piny was his long-time acquaintance, so he took particular note of what Ieng Sary said about him.

Judge Lavergne read another excerpt and within it was the following quote, purportedly of Ieng Sary:

“It is not easy,” he pursued, “often when I met our peasants as was the case last week in Chob, in Kampot province, I questioned the members of the cooperatives to know if they do indeed eat three meals a day. ... And, first of all, they do not dare respond clearly but then when they feel that they can trust me, they say no. So then I asked them why didn't they ask for the three meals they are entitled to, ... our brothers and peasant sisters have a lot to say to us but they do not dare use their freedom. So, we have created a new method to encourage them to speak. I tell them that they should no longer be afraid. Prisons do not exist here”

The witness again confirmed that this excerpt reflects what he recalled Ieng Sary saying.

Judge Lavergne continued quoting from the book, reading an excerpt in which the following quote is contained: “Looking solemn and satisfied, he continues and says ‘We should stop using the word prisons. Prisons do not exist in our country. ... To fight the enemy abroad we must first of all sweep away the enemy from within. Our party has conquered the enemy within the country. Without their external accomplices, the Vietnamese accomplices would not be able to conquer us.’” Asked again if these were Ieng Sary’s words, the witness confirmed that they were from his recollection.

Moving on, Judge Lavergne inquired whether people had the “right” to request food when they did not have a sufficient amount. The witness replied that, from what he remembers, “No. People were not entitled to enough food to eat.” Judge Lavergne next inquired how he reacted to Ieng Sary’s statement that there were no prisons. Mr. Thong Hoeung replied, “At the time, I was taken aback by that statement because I thought that I was being imprisoned.” He added, “At that time the entire Cambodian territory was the prison.” Judge Lavergne asked if they were told they were free to move about or could leave Boeng Trabek; he also inquired whether their passports were given to them at the conclusion of the meeting where Ieng Sary said there were no prisons. The witness replied, “Those were the words he spoke to satisfy himself, but ... in reality, we did not have any rights at all. We did not have, for example, freedom to travel. We could not travel back to France.”



Turning to another topic, the judge referred to when the witness was a part of the demolition of a cathedral in Phnom Penh. He asked if Mr. Thong Hoeung knew why the cathedral had to be demolished. The witness explained that at K-15 he was taken in a truck and when he got to the location they were assigned to demolish it. When asked if he knew what type of building it was at the time, the witness replied that he knew it was a former Catholic church, as he had seen it when he was young. Judge Lavergne repeated his earlier question about the reasons for the demolition. The witness explained that they were not told at the time why they were to destroy it, they were just told to “knock it down.” He later found out it was for the iron, and described wondering later whether this iron was used to form the iron bars he saw at S-21 that were used to lock prisoners up.

Judge Lavergne next asked the witness about his reference to Ieng Sary's collaborators that picked up the returnees, inquiring whether it was Chiep or Chiem. The witness replied that he was not 100 percent sure, but it might have been Chiem.

Witness Discusses the Effect of the Democratic Kampuchea Regime on his Family

After stating that the witness did not have to answer the next question if it was too painful, the judge asked the witness about the effect the DK regime had on him and his close family. The witness replied:

My memory of that was that my family was separated, and my parents were executed and they arrested them. And then, four other biological brothers of mine and my brother and sisters-in-laws and nephews and nieces died during that period. Only a few of them could flee the country and survive. As for my wife's family, they were, some of them, arrested and killed. As for my friends, the majority of them, both friends whom I know in Cambodia or overseas died. So, the four-year period of experience in life was so sorrowful that it ruined my happiness for the entire life.

He added, "I am coming here not to take revenge, but I simply would like to come here to contribute in order to ensure that such atrocity and heinous crimes would never, ever occur again."

Judge Lavergne inquired whether the witness's family members told him of their experiences during Phnom Penh's evacuation. Mr. Thong Hoeung provided a lengthy answer, in which he stated in part:

According to the account of my relatives and particularly my parents, they say that they were evacuated. At that time I had a brother who used to be a Buddhist monk and then later on he became a professor in one of the universities in Phnom Penh. So, at that time, my brothers and sister tore apart their certificates and their degrees, ... and they traveled all the way to my mother's hometown in Prey Kabas district. They stayed there for a short period of time and then the base authority over there did not accept them, so we had to move to another place, to my father's place. Actually, they did not want my family to stay in Samovleav village, and so they continued to travel to their hometown along the river. So they tried to find the means in order to take all the family members to my father's hometown, and then along the way we met people who told us that we must not go to our hometown, but he insisted that he used to be a Buddhist monk and also a teacher so villagers over there would love him so he insisted on going so he went there, and a few days later he was arrested. ... The villagers over there told us that we must not stay in that place any longer otherwise our life would be at serious risk. And then later on we found that he was imprisoned. ... Then later on he was taken away, which we never heard of him anymore. So, both the professors and other subordinates of his were taken away to somewhere in Battambang province. ... And along the way they were not given food. ... One time he was so hungry he picked dead cow skin to eat. My brother and his wife as well as their children died over there. The survivors included my wife, my sister, and one niece who was from my brother's family who survived to date. They are now residing overseas.

Continuing, Mr. Thong Hoeung recounted the experience of his third older brother, noting that he was a fishery engineer. He recalled, "After the war in Cambodia in 1971, he [Mr. Thong Hoeung's brother] was eager to bring his entire family to live in France. He told me that he had been a teacher at University. And he personally knew Hou Youn so he thought it would be all right to come back to the country, so eventually he returned to Cambodia. Then this entire family

upon their arrival in Cambodia, including their three children as well, disappeared. We never heard any news of them. We do not know where they were executed.”

Turning to his last story, Mr. Thong Hoeung explained that his fourth brother “was somewhere in Kbal Thnal.” He recalled, “This entire family of my brother, including his kids as well, died during that period as well. And my house in my hometown was also demolished.”

Judge Lavergne thanked the witness for his testimony and for sharing his memories.

Prior to the lunch break, Nuon Chea’s counsel Jasper Pauw presented his client’s request that he be allowed to follow the remainder of the proceedings from his holding cell because of his poor health. President Nonn granted this request.

Counsel for Ieng Sary Challenges the Emotion Displayed by the Witness

Prior to handing the floor to Nuon Chea’s defense team, Co-Lawyer for Ieng Sary Ang Udom was recognized. Mr. Udom noted that the witness displayed emotion during some of his



testimony in response to Judge Lavergne’s questions. He called this a “contradiction with the instruction from the President of the Chamber that the witness shall not express the emotion during the testimony.” He indicated that it seemed like the witness was a civil party. He “inquire[d] from the bench whether this will be allowed again in this courtroom.” Senior Assistant Prosecutor Vincent de Wilde noted his surprise that the defense raised this point that the witness should not demonstrate emotion. He said, “Emotion is something that you can not always control.” He concluded, “Separating emotions from his experience is impossible. ... We cannot prevent someone from having emotions. I mean, emotions come naturally.”

International Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort added, “I’m not only surprised by this, but I am shocked by this reflection. I wonder if anybody here could reasonably expect speaking about all of this without feeling any emotion.”

President Nonn did not allow the defense to respond. He reminded the counsel that the proper time to object to a question is when the question is posed. After the judges conferred, President Nonn stated, “The observation raised by national counsel Ang Udom is not appropriate,” noting that it is not within the Internal Rules or the Cambodia Code of Criminal procedure. He concluded, “Before you make any observation or comment, you should be well aware of the content of what you want to say to the Chamber, whether it will be allowed by the Chamber or not. And what you just stated, either intentionally or otherwise, some kind of discouraging this witness from his testifying before this Court.”

Judge Silvia Cartwright was given the floor. She added, “The Trial Chamber is very grateful to every witness who comes to give evidence before this Tribunal, and we are grateful that this

witness has done so and have no criticism whatever of demeanor or the way in which he has given his evidence. We do not wish him to feel criticized in any way for this point.”

Witness Testifies to Fate of Toul Sleng Documents

The floor was then handed to Nuon Chea’s defense team to continue the examination of the witness. International Co-Lawyer for Nuon Chea Andrew Ianuzzi, before putting a question to the witness, quoted a statement Assistant Prosecutor Dale Lysak had made in Court on August 1, 2012, reading, “There certainly are some post-January 1979 events that may be relevant to Case 002/01.” Mr. Ianuzzi then quoted the witness’s prior testimony from Tuesday, reading, “I returned to Phnom Penh in May or June 1979. At that time, I went to Tuol Sleng, which was also known as S-21, and I worked there for a period of time.” When asked how long he worked at S-21, Mr. Thong Hoeung replied that he worked at Tuol Sleng for two to three months. Regarding the type of work he did there, he said, “I organized the files, in particular, the confessions of those people who were killed there. Also, I organized the list of those prisoners who were taken out and killed.”

Mr. Ianuzzi referred to a document, noting that, from the cover page, it seemed to be a record of interviews completed by Stephen Heder and a Japanese individual of Cambodian refugees; these interviews were conducted at the Thai-Cambodian border in 1980. When asked if he remembered being interviewed by these people, Mr. Thong Hoeung said he remembered meeting Steve Heder and added that he could not remember what role the Japanese individual played.

Mr. Ianuzzi quoted the following excerpt:

The present Khmer director of Tuol Sleng, now museum, is Oung Bich. ... Bich does not seem to be a very reliable source. He says lots of things which don’t make a lot of sense. He said, for example, that Thiounn Thioeun was also in Tuol Sleng, and so were Vorn Vet, Son Sen. The Vietnamese director Mai Lam also says that after Son Sen came back from China he attempted a coup in accordance with Chinese instructions and was arrested and held in Tuol Sleng.

Mr. Ianuzzi then inquired whether the witness remembered discussing this matter. Mr. de Wilde interjected to note that there are two sources provided for the interview – the witness and Souv Kimhong – and that it is not clear what can be attributed to whom. Mr. Ianuzzi asked the witness if he recalls whether he made this statement or whether Souv Kimhong did. The witness was unable to confirm that he made it but noted that he heard “that rumor at the time,” but he did confirm that he knew Oung Bich and Mai Lam. When asked if he thought they were reliable, Mr. Thong Hoeung replied, “I cannot say I trust them 100 percent.”

Next, Mr. Ianuzzi inquired whether the witness knew of any documents that were taken or destroyed when he was working at Tuol Sleng. Mr. Thong Hoeung responded that he could not find some documents pertaining to people he knew, particularly Nuon Khoeun, for which he was looking. He explained that he was told that there were some missing documents but was not given a reason. He added that he, and also Phoeng Ton, had bought banana cakes and noticed that documents were used as the wrapper.

Turning to another section of the interview, Mr. Ianuzzi quoted, “The Vietnamese came to Tuol Sleng before anyone else and took away some of the documents, especially documents from

1978, and even a prison registration book for 1978. ... The documents on Hu Nim and Hou Youn are missing.” The witness could not confirm that these were his original words, noting that he had read Hou Youn’s confession. He also stated that he has never read the record of this interview. He then emphasized, “Documents at Tuol Sleng were scattered everywhere at the time, and people who needed the paper for various purposes, they took them away. Some of the documents were used to wrap banana cakes and things like that.”

Witness Asked about Post-January 1979 Events

Moving on, Mr. Ianuzzi asked whether Mr. Thong Hoeung assisted with the 1979 trial of Pol Pot. The witness replied that he was involved with the trial’s preparation but clarified that he did not attend it and that he was not aware of where it was held. He added that it might have taken place at the former Chinese Embassy or in Chaktomuk Theater.

After noting that the witness was listed as the only source, Mr. Ianuzzi quoted from another part of the interview, “As a result of this participation, I was taken into two committees, a committee



to write a Constitution and to write a history text, an official government history text. The Vietnamese asked me to use the Vietnamese Constitution as a model for the Cambodian Constitution, and they also asked me to completely ignore French sources in writing history and to rewrite in such a way that the basic point was the historical solidarity between Vietnam and Cambodia.” Mr. Ianuzzi asked the witness if this seemed like something he might have said.

Assistant Prosecutor Dale Lysak was recognized. First, he clarified that when he said there were post-January 1979 events that were relevant he was referring to paragraphs within the Closing Order, in particular ones within the character section, which contain allegations related to Khieu Samphan, Nuon Chea, and Ieng Sary’s post-1979 activities. Questions pertaining to this, Mr. Lysak argued, are relevant, whereas questions dealing with drafting the Constitution are not. Mr. Ianuzzi defended the relevancy of events related to the Vietnamese in 1979, concluding “If context is relevant, than it is relevant for the defense as well as the prosecution.” President Nonn sustained the objection and advised the witness not to respond. Mr. Ianuzzi replied, “I would ask for a polling of the entire bench on that issue, and I would also ask for some support in writing based on jurisprudence to back that up.” President Nonn cut off his microphone and asserted that the ruling had been made and he may not make further comments. He noted that the counsel may appeal it under the applicable rules. Mr. Ianuzzi responded, “Under the internal rules, I can’t appeal until the end of this trial when it will be far too late to present my evidence.”

Returning to the examination, Mr. Ianuzzi asked the witness if, based on his work in Tuol Sleng, it could be said that the Vietnamese were interested during that time in “crafting their own unique version of Cambodian history, one that suited their political agenda at the time.” Mr. Thong Hoeung, in his response, stated, “The victims who died at Tuol Sleng was the truth. Those people were executed during the Democratic Kampuchea. At the time it was true that the

Vietnamese wanted us – Van Nykan, and Kang Sinarat, and I – to envisage, to rewrite the history again because there was no history books left to teach the younger generation, but at that time we did not write it. Instead, we fled the country.”

Mr. Ianuzzi then noted that there seemed to have been a translation issue earlier wherein there was some confusion with references to K-15 and K-5. He asked the witness if he knew of the K-5 mobilization. Mr. de Wilde objected that the question was not relevant. President Nonn said the witness did not need to respond because it was not within the scope of the proceedings. Mr. Ianuzzi’s explanation of the relevancy was interrupted by President Nonn who said that the counsel is not allowed to comment.

Mr. Ianuzzi Focuses on Hor Namhong

Mr. Ianuzzi then moved on to the topic of Boeng Trabek. The witness confirmed that his second stay was during the last two or three months of the regime and that Hor Namhong was his group’s supervisor at B-32. He stated that Hor Namhong was one of the people who had returned from overseas. He also confirmed that Hor Namhong took over after Sovorn Van Piny’s disappearance. Mr. Ianuzzi then asked what Hor Namhong’s responsibilities were as Chairman. In response, Mr. Thong Hoeung stated how there were no disappearances after he returned from Dei Kraham. He added that he did not believe Hor Namhong was ever a Khmer Rouge cadre or that he knew of S-21’s existence. He confirmed that Hor Namhong’s revolutionary name was Yem and that he is the current Minister of Foreign Affairs in Cambodia.

Mr. Ianuzzi turned to the witness’s book, quoting a series of short statements. First, he quoted, “Like in Boeng Trabek was held under the iron rule of Savorn and his henchman, Pheak, Huot, and Ek.” The witness confirmed that he stood by this statement. Next, Mr. Ianuzzi read, “My interlocutors detailed that Hor Namhong and Van Piny were docile instruments of Savorn and that they mistreated those who where under their responsibility. This no one seems to forget about.” When asked if he stood by this, Mr. Thong Hoeung replied “That is what I heard.”

Mr. Ianuzzi again quoted, “At the end of October 1978, a meeting was held. Hor Namhong was maintained in his duty as President, heading a committee consisting of five members.” The witness confirmed that this was accurate. Then, Mr. Ianuzzi read, “Almost all the other moderate members have disappeared. Only Chan Youran and Hor Namhong remained. They become faithful servants of the Angkar.” The witness confirmed that he wrote this.

Finally, Mr. Ianuzzi quoted, “People talked about it as Hor Namhong and Pich Buntong spent almost one day to translate this book into Khmer.” The counsel noted that he believed the book referenced was the Black Book. When asked if he stood by this, Mr. Thong Hoeung replied, “That’s how I observed.”

Mr. Ianuzzi then inquired whether the witness would say, based on his experience and what he has written, that Hor Namhong had information that would be useful to the Chamber in understanding Boeng Trabek. Mr. de Wilde objected that it asked for speculation as to Hor Namhong’s knowledge. After hearing Mr. Ianuzzi’s reply, President Nonn sustained the objection and told the witness he did not have to respond.

The defense counsel inquired whether Mr. Thong Hoeung had anything to say about “what appears to be the so few degrees of separation between the alleged crimes of yesterday and the leaders of Cambodia today.” Mr. de Wilde again objected that this was outside the scope of the closing order. After Mr. Ianuzzi responded, President Nonn again sustained the objection and told the witness he did not need to respond.

Mr. Ianuzzi then asked if the “strongman of Cambodia” was the same as the person who the witness said has “remained at the top because of ruthless intrigue.” Senior Assistant Prosecutor Dararasmey Chan objected that the question was not relevant. President Nonn sustained the objection and told the witness that he did not have to respond. Mr. Ianuzzi responded, “In my considered view, I would say that this goes directly to issues of impunity, moral bankruptcy, and, not least of all, the hypocrisy of those who are dictating the terms and scope of prosecutions before this court.” In response, President Nonn noted that it appeared that the counsel did not have any more questions, adding that, if he did, he had to contain them to the facts.

In a parting response, Mr. Ianuzzi stated, “I’ve got plenty of questions, Your Honor; it’s answer I’m in need of, but as I don’t get them in this courtroom, I will complete my questions for today.” He thanked the witness and gave the floor to National Co-Counsel for Nuon Chea Son Arun.

Son Arun Examines the Witness

Mr. Arun asked about the witness to explain the relationship between the National United Front of Kampuchea (FUNK) and the Communist Party of Kampuchea (CPK) after 1970. The witness replied that the CPK “was a covert organization. ... After the coup d’état in 1970, people, that is, Cambodian people, both inside and outside the country did not know that Hu Nim, Hou Youn, or Khieu Samphan were members of the CPK, and they don’t even know who Saloth Sar was. Here I refer to the majority of the people. So we cannot say that the FUNK cooperated with the CPK.”

When asked when he joined the FUNK, Mr. Thong Hoeung said it was after Sihanouk’s March 1970 five-point appeal and Lon Nol’s coup d’état. Regarding from whom FUNK obtained equipment for their struggle, the witness said most materials came from China.

Moving on, Mr. Arun returned to the topic of S-21. When asked when he worked there, the witness recalled working there for approximately three months, until November or December 1979. He confirmed that S-21 was renamed Tuol Sleng and further testified that the director at the time was Mai Lam, whom he noted was Vietnamese nationality and was a French speaker. Mr. Arun then inquired why a Vietnamese person would be put in charge of it. The witness explained that Vietnamese soldiers were all over Cambodia at that time.

Next, Mr. Arun asked the witness if he ever encountered documents relating to the structure of the former S-21. Mr. Thong Hoeung said he knew that the Chairman of S-21 was Duch but added that he did not focus on this issue.

Switching topics, the defense counsel inquired whether Mr. Thong Hoeung knew of Nuon Chea when he joined FUNK. The witness replied, “I came to hear his name more clearly when he signed a document endorsing the confession of prisoners at Toul Sleng. At that time I learned he

held a position of importance in Democratic Kampuchea.” Regarding these confessions, he said he saw hundreds of signatures of Cambodian returnees, but he could not recall who they were.

Mr. Arun asked the witness if he was aware of what position Nuon Chea had from 1975 to 1979. Mr. Thong Hoeung indicated that he did not; he also confirmed that he only came across Nuon Chea’s signature when he started working at Tuol Sleng, asserting that he was told by Oung Bich and Kang Samret that it was Nuon Chea’s signature. When asked if he could recognize it if someone showed it to him, he said he did not think so as he did not really take note of its features.

Moving on, Mr. Arun inquired whether the witness saw any document about Prince Sihanouk’s resignation when he returned to Cambodia. Mr. Thong Hoeung said he heard it from a radio broadcast. Asked for the reason behind the resignation, the witness responded that he did not ask because he was in detention at the time. Mr. Arun noted that it occurred in mid-March 1976 and recalled that the witness said he returned in December 1976. He repeated his question, asking if the prince’s resignation raised concern among his followers. Mr. de Wilde noted that he thinks the witness said it was July 1976 when he returned. Mr. Ang argued that he was being asked to speculate.

Rather than responding, Mr. Arun stated he had no further questions, and President Nonn handed the floor over to Ieng Sary’s defense team.

Mr. Karnavas Asks the Witness about His Background and the Khmer Student Union

Taking the floor, Mr. Karnavas returned the examination to the witness’s education, asking the witness what university degrees he holds. Mr. Thong Hoeung replied that he was studying for his Master’s degree but could not complete it because he was ill. The witness confirmed that he does not have a bachelor’s degree in the social sciences. When asked if he was then stretching the truth when he said he left his PhD studies, the witness replied that that path was possible in the French education system.

Moving on, Mr. Karnavas focused on the Khmer Student Union. The witness confirmed that he became a member after the coup d’état in 1970. Mr. Karnavas inquired whether he was



politically active from 1965 to 1970. When the witness replied that he joined the political movement with French students, Mr. Karnavas sought clarification about whether he was “just talking politics” or “engaged in an organization” with a political bent. In response, Mr. Thong Hoeung said, “At that time, I sympathized with those who were in the leftist movement. When I was a student over there, there were movement in France and I participated along with other friends.”

Next, Mr. Karnavas asked if the witness knew what Hu Nim, Hou Youn and Khieu Sampha studied. The witness replied that he had read Khieu Samphan’s, Hou Youn’s, and Hou Nim’s theses.

When asked how active he was as a member of the Khmer Student Union, the witness described, “I was in the international house. I joined in meetings with other students to talk about the issues in Cambodia, I contacted various other student movements.” When asked how many Cambodians were in the Khmer Student Union while he was a member, he estimated that there were 50. Mr. Karnavas then asked if the Khmer Student Union had elected officers like a president. Mr. Thong Hoeung replied that it did, noting that it also had bylaws, or an “internal statute of the union.” He further testified that the president when he was a member was Suong Sikoeun.

When asked about ideological factions within the Khmer Student Union, the witness explained that there were “two major movements. One was those senior students who had contact with the French Communist Party, and after the coup d’état there were younger Cambodian students who tend to bend toward the Chinese party.” He testified that he was in the center.

Mr. Karnavas recalled the witness’s statement, made in response to a question of why the Khmer Student Union was dissolved in 1971, in which he said, “Ieng Sary took the decision to dissolve the movement.” Mr. Karnavas inquired how the Khmer Student Union could be dissolved by someone who was not a member of it. Mr. Thong Hoeung replied, “At that time in France there were various associations who supported the five-point appeal by Norodom Sihanouk and then there were different names popping up as different associations. Ieng Sary gave advice to those associations to dissolve in order to form one union and they agreed.” When Mr. Karnavas asked if Ieng Sary took no decision, but gave advice, the witness replied, “In my understanding it was an order because everyone had to implement the line put by Ieng Sary.” Mr. Karnavas then noted the discrepancies in the witness’s testimony that it was a decision, then it was advice, and now it is an order. In response, the witness asserted, “Everyone gave the value to Ieng Sary’s word; it was like magic. So whatever word you use, a request, a suggestion, or whatever, everybody would follow his words.”

Moving on, Mr. Karnavas sought confirmation that the witness obtained information from the situation within Cambodia from a FUNK bulletin that was being disseminated. The witness described that the content of the bulletin came from the radio broadcast of the FUNK and was disseminated by the students. He confirmed that someone was listening to the radio, transcribing it, and then disseminating it. He indicated that the test was being sent from Hanoi to Paris, because the Front could not be listened to in Paris at that time. Mr. Karnavas inquired about who handled the content, referencing that the witness had said Prince Sihanouk was the head at the time. Mr. Thong Hoeung replied that Prince Sihanouk typically had his own bulletin, about his own activities.

Witness Questioned on Whether He Requested to Return to Cambodia

Moving on, Mr. Karnavas asked whether it was correct that Mr. Thong Hoeung credited Professor Chandler for encouraging him to write his book. The witness indicated it was not, that he had Professor Chandler read his completed draft and described how he circulated his manuscript among his colleagues. Next, Mr. Karnavas asked if the witness knew that he was in Professor Chandler’s book *A Tragedy of Cambodian History*. The witness could not recall this mention, though he confirmed that he had read some of Chandler’s books.

Mr. Karnavas referred to a document where Professor Chandler is quoted as saying, “Houeng was affiliated with the UEK rather than the more extreme Union Nationale d’Estudiantes Khmers (UNEK), the Maoist organization to which Kol Touch’s son belonged.” Asked if this was accurate, Mr. Thong Hoeung replied, “That is correct, I always encouraged the Cambodian students to unite together despite their different tendencies toward different factions. I also had contact with all those who either leaned towards the French party or toward the Chinese party.”

Returning to the same document, the defense counsel read, “Some 30 members of the UNEK including Touch’s son, were allowed back into Cambodia in 1973 after being vetted by Cambodians in Beijing. Students like Houeng who were affiliated with the UEK were told to wait, and none returned home until after April 1975.” Asked if this was accurate, the witness replied, “This is the opinion of the author. ... I myself did not submit a request for my return to the country.” Mr. Karnavas sought confirmation that he never made a request to return in 1973 or 1974, and the witness said this was right.

Mr. Karnavas quoted another passage wherein a 1974 trip to Bucharest was referenced and asked the witness if he went to Bucharest in 1974; the witness confirmed that he did. He further testified that he went “in the name of a member of the FUNK student association.” When he was asked why he traveled to Bucharest, he explained that the FUNK student association assigned some students to meet with Prince Sihanouk and Ieng Sary. Mr. Karnavas asked whether questions were asked when they met with Prince Sihanouk and Ieng Sary or “was it just a social event?” Mr. Thong Hoeung could not personally recall asking questions, or if other students did. Regarding what Prince Sihanouk’s message was, the witness said he could not recall, as he “did not pay particular attention to the fact that he met this president of this country or that president of that country.”

Mr. Karnavas then quoted another passage from Professor Chandler’s book, reading, “It was not until April 1976 that Hoeung and his wife received permission to travel in the fourth group of returnees.” When Mr. Karnavas pressed the witness on whether he requested permission to return as early as April 1975, Mr. Thong Hoeung responded, “We put a request, all of us, to return to Cambodia.”

With the conclusion of this question, President Nonn adjourned the day’s proceeding and noted that proceedings will resume Monday, August 13, at 9:00 a.m., starting with the examination by the defense teams of Mr. Suong Sikoeun. Mr. Ong Thong Hoeung will serve as an alternate witness.