



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 August 2012

Trial Day 93

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

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

Lawyers for the Accused:

SON Arun  
Andrew IANUZZI  
ANG Udom  
Michael G. KARNAVAS  
KONG Sam Onn  
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy  
Matteo CRIPPA  
DUCH Phary

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

CHAN Dararasmeay  
Vincent DE WILDE D'ESTMAEL  
SENG Bunkheang  
Dale LYSAK

PICH Ang  
Élisabeth SIMONNEAU-FORT  
LOR Chunthy  
VEN Pov  
CHET Vanly  
Ferdinand DJAMMAN NZEPA  
Marie GUIRAUD

For Court Management Section:

UCH Arun

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. IANUZZI	English
MR. KARNAVAS	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ONG THONG HOEUNG (TCW-490)	Khmer
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 You may be seated. The Court is now in session.

5 This morning, the Chamber will hear the testimony of the witness,

6 Ong Thong Hoeung, who will be questioned by the defence teams,

7 starting from Nuon Chea's defence.

8 [09.04.35]

9 Before I hand over the floor to the party--

10 I'd like to make amendment. In fact, this morning, this witness

11 will be questioned by the Lead Co-Lawyers for civil parties. And

12 after the civil party Lead Co-Lawyer's conclusion, then it will

13 be the defence team for Nuon Chea.

14 Ms. Se Kolvuthy, could you report the attendance of the parties

15 and individuals to the proceeding?

16 THE GREFFIER:

17 Mr. President, all parties are present except the accused Ieng

18 Sary, who is present in the holding cell downstairs. He requests

19 to waive his direct presence in the courtroom, and the request is

20 for the whole day today. The letter of waiver has been submitted

21 to the greffier.

22 MR. PRESIDENT:

23 Thank you.

24 [09.06.10]

25 The Court will now decide on the request by the accused by Ieng

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1 Sary. The Chamber received the request by Ieng Sary dated 9  
2 August 2012, through his counsel, to have his direct presence in  
3 the courtroom and request to follow it through a remote means  
4 from the holding cell downstairs for the whole day proceeding.  
5 Kieng (phonetic) Khor, the treating doctor of the Accused at the  
6 ECCC detention facility, has examined the Accused this morning  
7 and observes that Mr. Ieng Sary is fatigued during walking, he  
8 feels dizzy and cannot sit for long and recommends that the  
9 Chamber shall allow him to follow the proceeding through a remote  
10 means from the holding cell downstairs.

11 And as Ieng Sary himself also requests to waive his direct  
12 presence in the proceeding, due to his health, and as recommended  
13 by the doctor that he can follow the proceeding through a remote  
14 means and that he can directly communicate with his defence  
15 counsel, the Chamber therefore grants the request by the accused  
16 Ieng Sary to waive his direct presence in the courtroom and  
17 allows him to follow it through an audio-visual means from the  
18 holding cell downstairs, and that applies for the whole day  
19 proceeding.

20 [09.07.58]

21 AV booth, you're instructed to link the proceeding to the holding  
22 cell downstairs so that he can follow it for the whole day.

23 The floor is now handed to the Lead Co-Lawyers for civil parties  
24 to put questions to Witness Ong Thong Hoeung. You may proceed.

25 MR. PICH ANG:

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1 Good morning, Mr. President, civil parties, everyone in and  
2 around the courtroom.

3 As for questioning this witness, we designate the duty to Lor  
4 Chunthy, who is a civil party lawyer, and Madam Marie Guiraud,  
5 the international civil party counsel, to question this witness.  
6 We seek your permission, Mr. President.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 [09.09.11]

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Thank you. My name is Lor Chunthy. I am from the Legal Aid of  
12 Cambodia, representing the civil parties in this proceeding. Good  
13 morning, Mr. President, Your Honours, everyone in and around the  
14 courtroom, as well as the audience who are following the  
15 proceeding from their home. Mr. Ong Thong Hoeung, I thank you  
16 very much for your long trip travel to provide your valuable  
17 testimony at ECCC.

18 Q. My first question is related to the Cambodian students  
19 studying in France at the time and who joined the French  
20 Communist Party and later formed their own party.

21 The question is -- is that -- they actually formed the  
22 Marxist-Leninist Circle. Did all the students studying in France  
23 join that movement secretly?

24 MR. ONG THONG HOEUNG:

25 A. Good morning, Mr. President. Good morning, Your Honours,

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1 everyone, and all Cambodian patriots. Before I respond to this  
2 very important question, I'd like to go back a little bit, if I  
3 am allowed, in order to talk about the history of the Cambodian  
4 students studying in France.

5 [09.11.44]

6 As you're all aware, Cambodia was under the French colony, and  
7 the educational system under the French colony was  
8 underdeveloped. A few Khmer intellectuals mainly studied in  
9 Vietnam -- that is, in Hanoi.

10 After the Second World War, some elder students -- they boarded a  
11 ship. At that time, there was no airplane; they boarded a ship  
12 from Prey Nokor, traveling through the ocean to Marseille, in  
13 France. The journey took at least one month, and that was the  
14 first time that the Cambodian students went to study abroad.

15 Their intention was to study hard and to bring their experience  
16 back for the rebuilding of the country; that's the ultimate goal.

17 At that time, those Cambodian students all wanted independence  
18 for the country from France, and they did not split their  
19 tendency either to the leftist or the rightist, but they formed  
20 just one force.

21 [09.13.34]

22 And mainly they were the children of the elite or the children of  
23 the prince, who would be able -- in the position to afford their  
24 study abroad, because 80 or 90 per cent of the students in  
25 Cambodia were from the poor peasant class, so the parents

1 couldn't afford sending them abroad.

2 And they all wanted one same objective -- that is, to gain  
3 independence from France. So, at that time, everyone had only one  
4 goal -- that is, to get independence from the French colony.

5 And at that time, the Centre was referred to as the  
6 Marxist-Leninist Centre. Later on, they developed two tendencies.  
7 They had to decide which path they had to take: whether to reform  
8 the social structure, or whether just to demand independence and  
9 to replace the French administration in Cambodia.

10 As you are aware, the world at that time was in a struggle status  
11 between the free world and the socialist world, and the situation  
12 in France at the time was that the Communist had great influence,  
13 particularly within the French government. Their influence was at  
14 least 30 to 40 per cent, and in particular amounts the student's  
15 circle and the intellectual's circle, namely Jean-Paul Sartre,  
16 Albert Camus -- they all had the leftist vision, and the ones who  
17 had the rightist vision did not have such a great influence.

18 [09.16.14]

19 So some of the students who were from the wealthy families -- and  
20 we came from a society which was colonial. So the way of thinking  
21 is split into two: one was traditional, and one was under the  
22 influence of the colony. For that reasons, the students had some  
23 kind of contradictions amongst themselves and they tried to come  
24 out with a formula which can be used to salvage the country. And  
25 in political term, there was a leftist movement, and some had a



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1 kind of a moderate stance and -- who would take a compromise  
2 position to -- amongst the other parties or movements. And then  
3 there was a leftist movement influenced by the French, in  
4 particular the French Communist Party.

5 In Indochina, at the time, the war against the French colony  
6 moved forward with the - with the resistance by Ho Chi Minh in  
7 Vietnam, Mao Zedong in China. And once the Chinese Revolution  
8 won, it had a great influence in -- amongst other Asian  
9 countries, and the influence was also felt in France.

10 [09.18.30]

11 For that reason, some students were influenced by that victory  
12 and it expressed -- they expressed their tendency in their  
13 political expressions. Together, with the support from the  
14 students of the French Communist Party, they formed a  
15 Marxist-Leninist circle. However, at that time it was covered,  
16 and some of the senior students joined in that circle.

17 Q. Thank you. As this is a historical context, a few words cannot  
18 describe and make it meaningful, so my question is the following.

19 As, at that time, many Cambodian students who went to study in  
20 France, what was the relationship between the Khmer students and  
21 the Communist -- and the French Communist Party? And what was the  
22 factor or the course that encouraged them to understand the  
23 French Communist Party and to join that party in order to salvage  
24 the country?

25 A. The question is of great importance and related to our

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1 national history. Also, it's related to the current development  
2 in Cambodia. And I thank you for such a question. And that would  
3 be a key to understanding the Cambodian context. However, I do  
4 not know to what extent I can discuss this matter.

5 [09.21.03]

6 Let me recap. The main goal amongst all the students who were  
7 senior than me -- that is, before they became criminals or other  
8 types of people -- their one game (phonetic) was for the  
9 prosperity of Kampuchea, for the glory of Angkor Wat, as the fame  
10 and the prosperity seems to go down the hill by then. What they  
11 want is to maintain the everlasting Kampuchea and don't want the  
12 neighbouring countries to swallow our territory. And that was the  
13 key point that every Cambodians who studied at the time put their  
14 head into in order to resolve it. Everyone, from their  
15 childbirth, were thinking about trying to maintain our country  
16 and not to have it disappear.

17 Our aim in solving the problems faced greater challenges. In  
18 order to maintain our country, one would suggest a reform based  
19 on the moderate approach, and another would turn to the leftist  
20 approach. And the leftist approach or movement -- that is, the  
21 movement against the French colony and against other oppressed  
22 regimes -- were so active at the time around the world.

23 [09.23.07]

24 MR. PRESIDENT:

25 Counsel, could you try to direct your questions in relation to

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1 the facts mentioned in the Closing Order? We are not here for the  
2 witness to give a speech about the history. You also have to  
3 focus on the charges and the elements of facts alleged against  
4 the Accused. So please don't use the time which does not  
5 contribute to ascertaining the truth. Your questions shall be  
6 prepared carefully in order to elicit the response as part of the  
7 contribution to ascertaining the truth.

8 BY MR. LOR CHUNTHY:

9 Q. Thank you, Mr. President. I'd like to continue to another  
10 question within the same context.

11 The policies of the Communist Party, and I'd like to know, what  
12 was the drive that encouraged the Cambodian students to join that  
13 Communist Party? What were their main policies? Were they  
14 basically dealt with individuality or the personal properties,  
15 that is, with regards to the Marxist-Leninist doctrine at the  
16 time?

17 [09.25.16]

18 MR. ONG THONG HOEUNG:

19 A. I am unclear on the question, when you referred to the  
20 Marxist-Leninist party or doctrine. At that time, students did  
21 not form any of such party but they follow the Marxist-Leninist  
22 doctrine. Anyway, I'd like to respond in regards to what,  
23 actually, motivated some Cambodian students to choose the leftist  
24 movement. Can I respond accordingly?

25 Q. Yes.

1 A. If we are the youth coming from a Third World country -- and  
2 upon their arrival we encountered the progressive students, and  
3 they seemed to support us so that the relationship between the  
4 progressive students and that of the Third World students seemed  
5 to go along well. That was one main reason.

6 [09.26.39]

7 And the second main reason, here I not only talk about the  
8 Cambodian students but about the other students from the Third  
9 World country. As I said, there was a revolution elsewhere, in  
10 Vietnam and in China, and I'd like to summarize that.

11 Q. Thank you.

12 Now, I move on to another point regarding the preparation for  
13 your return to Cambodia as well as those other Cambodian students  
14 in their preparation for returning home.

15 Prior to the preparation for your returning home, did you receive  
16 any information from Cambodia so that you thought it was  
17 appropriate to return to Cambodia?

18 A. I'd like to respond to that question, and I actually kept  
19 asking myself about that too. To my knowledge, if we had a belief  
20 in something, like we did at the time, or if we were part of a  
21 sect, and if information was disseminated through newspapers or  
22 other medium, we don't believe that information because we had a  
23 strong commitment to something else, or a belief or trust, for  
24 example, in Hu Nim, Hou Youn, and Khieu Samphan.

25 [09.28.58]

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1 And with such strong belief or commitment or conviction, we did  
2 not believe other information to -- that was spread around, and  
3 the information we received was that that we received from Ieng  
4 Sary. So we believed in him, despite information contradictory to  
5 that spread in other newspapers, including the "New York Times".  
6 So, in short, that was the reason.

7 Q. Thank you. In your preparation to return to the country, the  
8 question is: Why did those students or other former civil  
9 servants or servicemen had to transit through Beijing and not  
10 directly through to Cambodia?

11 A. The situation back then was that there was no direct flight to  
12 Cambodia. All the flights from different location of the world  
13 had to transit through China. So all of us had to stopover in  
14 Peking and then transfer the flight to Cambodia. Cambodia, at  
15 that time, was rather isolated, so there was only one flight, one  
16 direct flight route that was from China.

17 [09.31.17]

18 Q. When you got to Peking, did they confiscate your belongings or  
19 so?

20 A. No, they didn't. Even those Peking at that time were  
21 undergoing a cultural revolution but they did nothing to us at  
22 that time.

23 Q. Thank you. So, on the way from Peking to Cambodia, did you  
24 have to cover the airfares and travel expense by yourselves?

25 A. Not only did we cover the airfares and expenses ourselves but

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1 the money we left we gave it all to Angkar at that time.

2 Q. Thank you. When you arrived in Phnom Penh, they -- where did  
3 they send those returnees to and what were they assigned to do  
4 over there?

5 [09.33.02]

6 A. Immediately when we got off the airplane, they took us away  
7 and then they kept us at K 15, and then they started to search  
8 through our luggage and they confiscated our books or radios or  
9 camera and other belongings, and then they ask us to settle in  
10 that office.

11 But these were the returnees who came along with me, but there  
12 were others who were transferred to other places. For example,  
13 other diplomats and some of my friends by the name of Ouk Ket,  
14 they were taken to somewhere else, but eventually I found his  
15 name in the list of prisoners in S 21.

16 Q. When you arrived in the office where you settled, were there  
17 peoples who re educate you or conducted any ideological trainings  
18 or so? Was -- what was the intention of the training? Was it  
19 meant to transform you into a pure peasant or worker class or so?

20 A. This is an important question, but I will try to be brief in  
21 response to this question.

22 First, when we first arrived, we tried to rebuild ourselves so  
23 that we could blend ourselves with the peasants and workers, and  
24 upon our refashion and rebuilding, we hope that Angkar would  
25 designated it to work in different places based on our ability.

12

1 That was my understanding of the impression of the -- my friends  
2 who settled over there at that time.

3 [09.36.02]

4 Then, after we stayed there for some time, we studied hard and we  
5 criticized ourselves but we realized that we did not have any  
6 rights at all. We were not -- we criticized our friends but we  
7 were not entitled to criticize the representative of Angkar. For  
8 example, if we did not content with what Angkar did, we would not  
9 allow to criticize the representative of Angkar. "Angkar" meant  
10 someone who was just, someone who is fair, so whatever Angkar did  
11 was all right. So, even if we knew that Angkar was wrong, but we  
12 must not criticize Angkar.

13 Q. Thank you.

14 On the 17th of April 1975, did you know that there was evacuation  
15 of people from the city? And if you did, where did you learn that  
16 information from?

17 [09.37.40]

18 A. At that time, I was driving along the way across one of the  
19 bridge by the name of Mirabeau, and I heard that people in Phnom  
20 Penh were being evacuated, and a friend who was driving me at  
21 that time said: "Well, the imperialists were fabricating the  
22 information; it was not true at all." That was my first  
23 impression of the news of evacuation. But later on, when they  
24 told us more and more about that, I come to -- came to believe  
25 it.

1 Q. Of course, following the liberation in 1975, there were  
2 information about evacuation. How about the news reports? Were  
3 the articles about evacuation run in media? Were there any -- was  
4 there any information about repercussion of the evacuation and  
5 did you feel annoyed or overwhelmed with the information about  
6 evacuation and the difficulties people endured at that time?

7 A. We learned that information, but we did not witness it by our  
8 own eyes. We were far away from our homeland. We did not  
9 experience it first-hand like our people back in Cambodia because  
10 the situation in Europe at that time was different. But the news  
11 article was widespread over there about this evacuation and, as I  
12 said a bit earlier that we believe fully in our brothers and we  
13 would not abandon that idea at that time. We maintained our  
14 belief in them.

15 [09.39.46]

16 Q. Thank you.

17 Yesterday, you also mentioned about "class struggle" and you also  
18 mentioned that the class struggle intensified and you also  
19 identified the enemies, "the enemies within ourselves". And you  
20 also said you were sent to Boeng Trabek Camp. When you were  
21 there, did you see any prisoner or people at Boeng Trabek Camp  
22 were punished because they still had the old regime mentality?

23 A. I never witnessed the physical punishment, but the severe  
24 punishment I witnessed was the mental punishment. We were  
25 dehumanized; they said that we were useless, we would never



14

1 refashion ourselves, we were the lackey of the imperialists, so  
2 on and so forth. So this was a very severe mental punishment.

3 Q. Thank you. Yesterday, you also mentioned that Boeng Trabek was  
4 under the -- under Mr. Ieng Sary. When did you learn about that  
5 information that Boeng Trabek was under Ieng Sary?

6 A. I would like to clarify on this point a bit to make sure that  
7 everyone understands it. I stayed in Boeng Trabek for a period of  
8 time.

9 First, before I was transferred to Dei Kraham -- or the "Red  
10 Land", it was in 1976. At that time, I did not know who the  
11 superior of Boeng Trabek Camp at that time, but then at the  
12 second time I returned to Boeng Trabek Camp, just two months  
13 before the fall of Phnom Penh, I realized that Boeng Trabek was  
14 under the supervision of Ieng Sary, because he came to receive  
15 us, so -- and I described that clearly yesterday.

16 [09.42.58]

17 Q. Thank you. You also said that "Ieng Sary had substantial  
18 influence. If Samdech Sihanouk wanted to do anything, but it was  
19 opposed by Ieng Sary, that would not be done". That was in  
20 document E3/97, page 6 in Khmer version.

21 [09.44.02]

22 How did you receive this information and do you confirm this  
23 statement?

24 A. I think that this statement is correct -- this document is  
25 correct, rather, because Mr. Ieng Sary always made it known to

15

1 others that he was the representatives of the people and other  
2 dignitaries were merely -- were merely the silly people who  
3 follow others blindly.

4 MR. PRESIDENT:

5 Counsel, you may proceed.

6 MS. GUISSÉ:

7 Thank you, Mr. President. Good morning, Mr. President, Your  
8 Honours, and good morning to the parties. I am sorry; I have to  
9 interrupt counsel for the civil parties. He has referred to a  
10 document; unfortunately we did not receive the ERN numbers in  
11 French and English. May I request counsel to give us the  
12 reference numbers?

13 BY MR. LOR CHUNTHY:

14 My apologies; since we are now locating the ERN in other  
15 language, I would like to move on to my next question.

16 Q. I would like to go back to document D141/1.2, Khmer ERN  
17 00659078. As for the relevant pages of the ERN's in other two  
18 languages, I shall provide later. This was a statement by the  
19 student interns, civil servants, former refugees, former force  
20 refugees who resided in Europe.

21 So ERN in English 0028--

22 [09.48.06]

23 MR. PRESIDENT:

24 You have not finished reading out the ERN number of the document.

25 If it was not a complete ERN, how can we identify the document?

16

1 So what are the ERN numbers in English and French?

2 Before you proceed, you have to tell the ERN numbers and if you  
3 haven't located it, then you have to tell us so. Whenever you  
4 refer to any particular document you have to mention the ERN  
5 numbers in the three working languages.

6 [09.49.06]

7 MR. LOR CHUNTHY:

8 Thank you, Mr. President. Just now I refer to document E3/97 --  
9 ERN in English, 00287100; French ERN 00241884. This is the  
10 document E3/97.

11 As for document D141/1.2, I would like to ask for your leave to  
12 tell the ERN number later on when we find it both in French and  
13 English.

14 MR. IANUZZI:

15 Good morning, Mr. President.

16 MR. PRESIDENT:

17 Yes, International Counsel for Mr. Nuon Chea, you may proceed.

18 MR. IANUZZI:

19 If I may assist my colleague across the stage, I would like to  
20 rely on that document at some point and I do have the ERN numbers  
21 at hand and I could provide them very quickly.

22 MR. PRESIDENT:

23 Court officer is instructed to obtain the document from the  
24 defence team for Nuon Chea to the lawyer for the civil party in  
25 order to expedite the proceedings. And I think that we have

17

1 conducted these proceedings for a long time. So everyone has to  
2 be prepared.

3 [09.51.39]

4 MR. LOR CHUNTHY:

5 Thank you. Thank you, Counsel.

6 Document D141/1.2 -- ERN in English, 006657419; and French ERN  
7 00287879 to 00288154.

8 MR. PRESIDENT:

9 It seems a bit weird because the Khmer ERN and English ERN  
10 contain only one page. When it comes to French ERN, it contains  
11 so many pages.

12 [09.53.19]

13 MR. LOR CHUNTHY:

14 My apology, Mr. President; I received that document just now from  
15 the defence counsel.

16 MR. IANUZZI:

17 Your Honour, again, if I may, the French document is on the case  
18 file in its entirety. The Khmer document is on the case file in  
19 its entirety. There are two separate English translations of  
20 different length. I would suggest that my friend read out the  
21 French and the Khmer; those versions are on the case file in  
22 their entirety.

23 MR. PRESIDENT:

24 Just now the counsel indicated the ERN number in Khmer as  
25 00659078, and French, 006675419. It contains only one page in

18

1 each respective Khmer and English -- Khmer and French, but the --  
2 sorry, the Khmer and English, but the French ERN contains many  
3 pages. And if I understand correctly, if the original version in  
4 English contains one page, then in Khmer, at most, it contains  
5 two pages, because I know that Khmer is a bit longer than  
6 English.

7 Counsel, since you are a separate party, you should not comment  
8 on this anymore. Let the civil party lawyer deal with this by  
9 himself.

10 Counsel, please be seated. You are not allowed to comment on  
11 this.

12 We will give the floor -- we want him to be on himself to  
13 identify the ERN numbers, and they have to make good use of their  
14 own time to do this.

15 [09.55.50]

16 MR. LOR CHUNTHY:

17 My apology, Mr. President, we cannot find the relevant ERN page  
18 in French; only English ERN is available.

19 MR. PRESIDENT:

20 You then now move on and I would like to remind you that you have  
21 to be prepared.

22 And if you are going to bring up any documents, please make sure  
23 that the ERN numbers in the three working languages are readily  
24 available. We have done that for a long time and such a thing  
25 should not happen.

1 [09.56.42]

2 BY MR. LOR CHUNTHY:

3 Q. So, when you left Paris, were there any statement released?

4 MR. ONG THONG HOEUNG:

5 A. Generally, before we left France, there were a -- the  
6 psychological struggle imparted in the people in order to fight  
7 against imperialists. The person who was responsible of this  
8 repatriation of the people were the one who prepared the  
9 statement, but I did not know who exactly. I only knew that he  
10 was someone close to Mr. Ieng Sary.

11 Q. Can you recall the main points in that statement?

12 A. The main points that I can still recall include the following:  
13 one, If the revolutionary organization was heinous and they  
14 dehumanize their own countrymen as what was reported in the  
15 foreign news article, then we would not participate with them and  
16 we believed that they would not succeed in that course. So that  
17 was the main point.

18 And the second point, it also flag out the struggle in the  
19 countries that were gaining momentum. So these were the two main  
20 points I can recollect.

21 Q. During the time of your stay at Boeng Trabek, were you  
22 afforded the freedom or were you allowed to communicate with  
23 other people? Or what was the limitation regarding these two  
24 aspects?

25 [10.00.15]

20

1 A. In conclusion, the term of "freedom", as defined in the normal  
2 society, did not exist.

3 Q. While you were living in that camp, what happened to the  
4 children?

5 A. Children were gathered up in one place while the parents were  
6 working. At that time, there were the father or mother was not  
7 allowed to use (sic) because they were considered the children of  
8 Angkar.

9 [10.01.28]

10 While I was at K-15, I recall that children were given more food  
11 than the adults because I remember when some children came to see  
12 our food and said that "that's the food for the pigs" and that  
13 they had better food.

14 Q. What about the education for children? Was there any kind of  
15 education?

16 A. As I knew and saw, throughout the period of Democratic  
17 Kampuchea there was no formal education, and at the department of  
18 education some children were taught some alphabets. And they were  
19 taught a slogans that they loved Angkar without boundary. They  
20 were taught some songs in relation to loving Angkar, but there  
21 was no formal teaching of other subjects -- namely, math.

22 So, once again, there was no formal education. Children were also  
23 instructed to engage in some kind of light labour work.

24 Q. During the time of your stay, did you witness any marriage  
25 celebration? Or wedding organization?

21

1 A. In general, and not only at K-15, that applies throughout the  
2 country, those who came from overseas did not have the rights to  
3 marry the local women. If there was a female cadre who came to  
4 manage the place and that some man loved her, that man or one of  
5 the men would not be allowed to marry that local female cadre.  
6 And during my stay and for those from overseas, some of them did  
7 marry one another from overseas. As they probably knew each other  
8 since they were overseas so they waited their time to come to the  
9 country together and marry.

10 During the four-year period -- let me recap, those coming from  
11 overseas were not allowed to marry a local person.

12 [10.05.19]

13 Q. Can you describe the ceremony of the wedding? Was it done  
14 according to the traditional way; or how was it organized?

15 A. As I knew during the wedding of a friend of mine, it was just  
16 a gathering for a meal. While I left K-15 and before I went to  
17 the factory -- that is, to agricultural department, we were asked  
18 to clean up the place, that is, that factory or the agricultural  
19 department. That was the place where we were asked to stay for a  
20 period of time before we were transferred to the factory.

21 [10.06.50]

22 And the location was near the formal faculty of law. At that  
23 time, I observed a wedding celebration and we were asked to clean  
24 up their houses within that vicinity in the participation for  
25 that wedding, and there were about 20 people. As I knew, they



1 stayed -- those couples stayed together for one night and next  
2 day they were separated to return to their working location.

3 Q. During the Democratic Kampuchea regime, in particular while  
4 you were at Boeng Trabek Camp, did you know about the purge of  
5 the enemy?

6 A. At that time, you could say I was foolish because I could  
7 never imagine that people were taken and killed or then -- or  
8 that I would be taken and killed. I never thought of that. Only  
9 toward the end I had some feeling about that.

10 And Boeng Trabek location was not far from S-21 compound, but we  
11 -- or I was never suspicious that there was an existence of such  
12 S-21 centre.

13 Q. So you never thought such reality, but you were staying  
14 together, and then people left. People were taken out. Did you  
15 ever see those people return?

16 A. That was a phenomenon, and there were two kinds of people who  
17 left and later returned, as in the case while I was at K-15. Some  
18 people were sent to Ta Lei. I do not know where it was, and it  
19 was a farming area.

20 So, later, when I went to the factory, I saw those people, so  
21 that was one instance of going and later coming back. But, in  
22 general, those who left never returned. In particular, when we  
23 were at Dei Kraham, four to ten people were taken out at a time  
24 -- and before they left, actually, there was a kind of a food  
25 reception for them.

1 [10.10.55]

2 Chicken were slaughtered in preparation as food for them. And  
3 those people, after they left, they never returned. And we  
4 thought that they would be transferred to Phnom Penh or to work  
5 elsewhere. At that time, there was no way of obtaining news.  
6 There was no newspapers, no exchange of letters, for instance,  
7 and we was -- we were never suspicious regarding their  
8 disappearance.

9 Q. Thank you.

10 Yesterday, you stated that you were asked to put your names on a  
11 list for your transfer to Dei Kraham, and so you did. What about  
12 those who did not put their names on the list? Were they still  
13 allowed to stay at Boeng Trabek, or were they taken somewhere  
14 else?

15 [10.12.08]

16 If you recall, later on you returned to Boeng Trabek.

17 A. Regarding those who put their names on the list -- we only put  
18 the names on the list, and whoever selected by Angkar to go -- it  
19 was at Angkar's discretion. As for those who were not allowed to  
20 go or -- and whether they were taken somewhere else or whether  
21 they were still at Boeng Trabek, I could not know.

22 But, later on, Madame Sarin went to Dei Kraham, and I didn't see  
23 her husband, because he did not go with us. And probably he  
24 thought that her husband would be reunited with her before they  
25 both were transferred to Dei Kraham, with other friends and

1 colleagues.

2 Q. Thank you. While you were there, there would be meetings  
3 regarding criticism and self-criticism. Was there any incident of  
4 violation of morality? Were that kind of issues raised during the  
5 meeting?

6 A. Could you please clarify your question again? Are you talking  
7 about the moral offence? Are you talking about the affairs  
8 between men and women?

9 Q. When it comes to moral offence, in that regime's context, I  
10 refer to the affairs between men and women.

11 A. During the time of my stay in the regime -- and I don't only  
12 refer to Boeng Trabek, but to other locations -- we never had any  
13 issues in regards to morality.

14 Q. Was there any abuse from the administrator towards those  
15 people living there, for example in terms of sexual rape?

16 [10.15.27]

17 A. I cannot make a conclusion regarding this matter, but at  
18 Takhmau, there was a rumour about one woman who was sexually  
19 abused. But it was just a rumour.

20 Q. Thank you. Amongst those people returning from overseas, did  
21 you meet anyone who was a Cham?

22 A. At Dei Kraham, I still recall a good memory that I had a good  
23 relationship with a Cham friend. He was with my group. One day,  
24 he had problem urinating, and as -- I remember, as my mum told me  
25 -- I gave him some herbal root medicine to him and he felt

1 better.

2 [10.17.06]

3 He was a good person. Later on, he was taken away, but I do not  
4 know the reason for him being taken away.

5 At Dei Kraham, or at other centres, we never discriminate the  
6 status. For example, if they are Cham or Muslim. But the fact  
7 that he did not eat pork as the rest of us -- but in general the  
8 relationship amongst us was equal, regardless of the ethnicity.

9 Q. You already said he had also the common meal.

10 The -- my question is: Was there an instruction from the  
11 administrator or supervisor that he would be having problem if he  
12 did not eat pork?

13 A. It's difficult to say. As -- while I was in Belgium or France,  
14 if you respect a religion which forbids you from eating pork,  
15 then the food will be prepared that way. However, while we were  
16 in the camp, during that regime, if we had a meat -- any kind of  
17 meat to eat, that would be luxury.

18 [10.19.05]

19 But I cannot recall whether he was forced to eat pork or any  
20 meat. But I knew that Angkar did not say, "Oh, because you are a  
21 Muslim or you are a Cham, then Angkar would not prepare any pork  
22 meat for you". No, there was no such thing.

23 Q. Thank you.

24 Let me move on to another subject matter -- that is, customs and  
25 religion. Upon your arrival in Phnom Penh, what was your

26

1 observation? For example, did you see monks at the pagoda?

2 A. Allow me to say that, first, I never saw any monks.

3 Second, I went through Langka Pagoda. I recall that pagoda,  
4 because while I was a youth, I had a brother who ordained as a  
5 monk at that pagoda.

6 So I -- my observation was that the temple at the pagoda was kind  
7 of used for pigs -- pig cage. But I cannot say for sure.

8 Q. Thank you.

9 My last question is related to tradition and custom. During the  
10 regime, were you allowed to respect and practice your religion?

11 And was the celebration for the Khmer New Year allowed?

12 [10.21.28]

13 A. As I recall from memory, there was no Khmer New Year  
14 celebration, but there was an anniversary for the 17 April 1975  
15 victory. At that time, I was at Dei Kraham, and they actually  
16 slaughtered a pig. Besides that, I cannot recall any other event.  
17 There was no theatre performance, there was no -- not -- there  
18 was no kind of such performance at all.

19 Q. Thank you. When it comes to custom and tradition -- and as you  
20 said you had a Cham friend -- was he allowed to practice his  
21 religion?

22 A. I did not see that.

23 MR. LOR CHUNTHY:

24 Thank you, Mr. Witness. Thank you very much for your time.

25 Mr. President, I conclude my question time.

27

1 MR. PRESIDENT:

2 The time is appropriate for a short recess. We will take a  
3 20-minute break and return at 20 to 11.00. Court Officer, could  
4 you assist the witness during the break and have him returned in  
5 the courtroom at 20 to 11.00?

6 (Court recesses from 1023H to 1042H)

7 MR. PRESIDENT:

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

9 I now hand over to the civil party lawyer to put the question to  
10 the witness. You may now proceed.

11 QUESTIONING BY MS. GUIRAUD:

12 Thank you, Mr. President. Good morning, Witness. My name is Mary  
13 Guiraud. I am civil party lawyer. I have a few questions to put  
14 to you.

15 Q. Mr. President, with your leave, I'll start by asking the  
16 witness to react to an answer he gave to a question put to him by  
17 the Office of the Co-Prosecutors. And the reference for the  
18 document is E3/97 and the French ERN is 002418844; and the Khmer  
19 ERN -- and I will slow down -- is 00270705; and in English, it's  
20 00287110.

21 [10.43.40]

22 Witness you are questioned by the Co-Investigation Judges -- and  
23 I'll read out what you said and I would like you to react to it.  
24 The question was as follows: "When did you understand that Ieng  
25 Sary was the general supervisor of Boeng Trabek Camp?"

1 And you answered in two ways: "I understood that when I returned  
2 from the Red Earth."

3 And you continued by saying -- and this is the part that  
4 interests me: "Previously, I had understood that he was the  
5 principal supervisor of Cambodians who returned to the country."

6 My question to you, regarding the first part of your question:  
7 What do you mean by what you said -- that Ieng Sary was the  
8 person who was responsible for Cambodians returning from abroad.

9 [10.44.43]

10 MR. ONG THONG HOEUNG

11 A. Good morning, Lawyer. My understanding was that anything  
12 relating to foreign affairs or to Cambodian living overseas or  
13 Cambodian returning to Cambodia, to my understanding, Mr. Ieng  
14 Sary was responsible, because he was the one who organized the  
15 returning of Cambodians, back to Cambodia. Because the returnees  
16 from overseas was under the arrangement of Mr. Ieng Sary, because  
17 Mr. Ieng Sary was the person in charge of facilitating the work  
18 in order to return those people to the country, as well as to  
19 arrange for their return.

20 That's why, in my understanding, I cannot say someone else other  
21 than Ieng Sary. For example, I will not say that Mr. Nuon Chea  
22 was responsible for that, but it was the task within the  
23 responsibility of Mr. Ieng Sary. I have never known Mr. Noun  
24 Chea, but I often saw Mr. Ieng Sary, who was in contact with the  
25 Cambodian people as well as foreigners overseas. That was the

1 first point.

2 [10:46:41]

3 And second point. Upon our return from Dei Kraham -- it was the  
4 time when I met him. At the time, he asked us what our impression  
5 was of our stay in Dei Kraham and who sent us in the first place.

6 And then I was surprised because why -- I wonder why he did not  
7 know that. Or, probably, he wanted to excuse himself on that,  
8 saying that his friends or so was assigning them to do that and  
9 -- because I did not understand why he did not know that, and I  
10 did not even know that those who left Dei Kraham eventually died.

11 [10.47.49]

12 But I then have a suspicion why all the people left Dei Kraham  
13 were dead, with the exception of his two nieces. And that remains  
14 the questions that we -- I have not had the answer.

15 Q. Thank you, Witness. There was some interruption in the  
16 interpretation.

17 In light of your answer, I would like to give you a number of  
18 names and I would like you to tell us whether these were  
19 Cambodians returning from abroad or not, and I would like you to  
20 react in regard to a number of names.

21 I will give you the name Ros Sarin, which you referred to  
22 yesterday. Yesterday, in your answer to a question put to you by  
23 the prosecutor you said that he was your brother in-law -- and by  
24 the way you said that his wife was a civil party in the case. You  
25 also said that Sarin was the director of Pochentong Airport and



1 that you met him in Boeng Trabek in 1976. May I, therefore, ask  
2 you to confirm whether Ros Sarin was a Cambodian returning from  
3 abroad?

4 A. I can say with 100 per cent certainty that Mr. Ros Sarin and  
5 three of his children were the Cambodian returnees from overseas.

6 [10.49.49]

7 Q Thank you. Yesterday, you told the Co-Prosecutor that you found  
8 Ros Sarin in Boeng Trabek. During the first days you spent there,  
9 what were the impressions you had when you saw him and did he  
10 tell you anything after several months of separation? What was  
11 his state of mind?

12 A. My impression of him at that time was that he was disappointed  
13 and depressed as well -- because he was being locked up in the  
14 camp.

15 Q. Yesterday, you also stated that you found the name of Ros  
16 Sarin on the list of detainees at S-21. You also said that he was  
17 called by Angkar when he was at Boeng Trabek. Where you present  
18 at the time when he was called during the meeting at the time  
19 when he was called?

20 A. At that time, there was a congress and Phum was the presenter  
21 in that congress and Mr. Ros Sarin, Phung Ton, Meng Mao, and a  
22 number of other Cambodian returnees were taken away. I wanted to  
23 say goodbye or see them off. But I could not leave the meeting  
24 room and I eventually did not meet them.

25 Q. Thank you, Witness. At that point in time during that period,

31

1 did you understand why Ros Sarin was summoned by Angkar?

2 A. That I do not know, and I thought at that time that Angkar may  
3 have needed him in order to restore and -- or revitalize the  
4 Pochentong Airport at that time; that's what I thought at that  
5 time.

6 [10.52.49]

7 Q. Thank you. Thank you, Witness.

8 Does the name Ham Sokong ring a bell to you? I hope I did not  
9 mispronounce that name. Does that name mean anything to you?

10 A. I know Ham Sokong very well, because I knew him when he was in  
11 France. He stays in one city blocks known as the Netherland  
12 building blocks over there.

13 Q. Was he a Cambodian who returned from abroad?

14 A. Yes, he was.

15 Q. After what you said regarding your movement from the airport  
16 to Boeng Trabek, and so on and so forth, did you see him again?

17 THE INTERPRETER:

18 The beginning of the question did not come through, Mr.

19 President; perhaps counsel should repeat the question completely.

20 [10.54.18]

21 MR. ONG THONG HOEUNG:

22 A. I saw him the last time when I was doing the earth work in the  
23 potato plantation. He waved his hand saying goodbye and he was  
24 taken away by a motorbike out of Dei Kraham.

25 Q. (Microphone not activated)

1 THE INTERPRETER:

2 Mr. President, Counsel is speaking a bit too fast.

3 BY MS. GUIRAUD:

4 Q. Do you know what became of Mr. Ham Sokong?

5 MR. ONG THONG HOEUNG:

6 A. To date, I have not known or seen him again. I did -- I do not  
7 even recall whether I came across his name in the list of  
8 prisoners in S-21.

9 Q. Thank you, Witness.

10 [10.55.50]

11 Does the name Hok Khy mean anything to you?

12 A. Yes, I know. I know this name, Svay (phonetic), Hok Khy.

13 Q. Was he a Cambodian who returned from abroad?

14 A. Yes, he was.

15 Q. Did you see him again in your movements between K-15 and Boeng  
16 Trabek?

17 [10.56.32]

18 A. He went to Dei Kraham and he died over there.

19 Q. Witness, do you know how Mr. Hok Khy died?

20 A. It is difficult to say exactly, but to my personal  
21 recollection, people over there said he committed suicide. But  
22 according to his wife, she said she was not sure of the reason  
23 for his death -- the Khmer Rouge might have killed him. But that  
24 I do not know exactly. What I knew was that he died in Dei  
25 Kraham.

1 Q. Thank you, Witness.

2 To further extrapolate on your answer, I would like to quote an  
3 excerpt from a book, Mr. President. I will quote extracts of  
4 Khmer Rouge documents. The exhibit number is D281 (sic), the ERN  
5 is 00288019 (sic); and Khmer, it's 00831070. And there is no  
6 English translation of this document.

7 I would like to read a passage of your book, Witness, in order  
8 for you to react to what you said with regard to the obscure  
9 circumstances under which Mr. Hok Khy died. I propose to read the  
10 paragraph which I would like you to react to.

11 [10.58.58]

12 And in that paragraph you explain why you wrote your book. You  
13 said -- and I quote:

14 "My intention was not to write a history book, but to talk about  
15 indoctrination, fear, hunger, and indoctrination and opportunism  
16 within the Khmer Rouge. I talked about the portrait of some of my  
17 companions who were robbed of their humanity, who were just  
18 looking for food to survive on. I have tried to talk about the  
19 character of some Khmer Rouge. I have reserved a privileged  
20 position to the people who were not privileged. Some people  
21 escaped, some committed suicide but they remain in my mind and in  
22 my heart."

23 I would like you to react to this passage, Witness. Do you know  
24 that the only solutions that were open to those in your camp were  
25 to escape or to commit suicide?

1 A. I believed that the true witnesses are those who died. We, the  
2 ones who are living, are not the real witnesses as we can only  
3 say about something from our heart.

4 Q. Thank you, Witness.

5 Now I am going to change topics and I am going to look at your  
6 second stay at Boeng Trabek.

7 You said yesterday very clearly that following your stay at Dei  
8 Kraham, you had spent the last months of the regime at Boeng  
9 Trabek -- and I apologize for arousing this emotion in you -- but  
10 I think it's important to speak about this.

11 And, of course, I don't want to disturb you, so I'm now going to  
12 turn to much more practical questions, say to -- so -- and ask  
13 you to -- and seek reaction to my questions about your second  
14 stay at Boeng Trabek.

15 [11.02.07]

16 You said to the prosecutors yesterday that you had first been  
17 placed in B-30 and then you were transferred to B-32. And you  
18 explained yesterday very clearly that there were three camps;  
19 B-30, B-31, and B-32. And I have some very brief questions on the  
20 way B-30 and B-32 were managed, in the continuation of the  
21 questions that were put to you by the prosecutor regarding B-15.  
22 And my question was: Did the Khmer Rouge cadres use intellectuals  
23 to supervise the prisoners?

24 A. My apology. The Khmer Rouge, they were like the Nazis. They  
25 appointed some people from our group to supervise ourselves; and

1 I believe that was the Nazis practice.

2 Q. And, taking up on your answer, can you tell us who was the  
3 person in charge -- or the leader, or whatever that person was  
4 called -- of B-30 when you were there?

5 A. As I recall, it was Mr. Huy. He also came from overseas. Do  
6 you want to know the name of the person -- or the Cambodian who  
7 came from overseas -- or you want to know the name of the Khmer  
8 Rouge cadre in that camp?

9 [11.04.28]

10 Q. Can you specify what kind of interaction existed between the  
11 Khmer Rouge cadre and the person from abroad who was managing the  
12 camp -- and maybe you could provide us with the names of both of  
13 these people, if you still remember them?

14 A. After I arrived from Dei Kraham, and stayed at Boeng Trabek, I  
15 recall that there was no supervisors in that location prior to  
16 our departure to Dei Kraham. We were actually then supervised by  
17 Ieng Sary and his subordinates who were close to him. And at  
18 B-30, there was Ham Huy, who was a good person, as I recall.

19 Q. Did you witness the election or the re-election or the  
20 re-nomination of Ham Huy.

21 A. Yes, I did; everyone did. And Ieng Sary was the person who  
22 chaired that meeting.

23 [11.06.16]

24 First, each office -- that is B-30, B-31, and B-32 respectively  
25 -- held an altogether meeting. And a little bit after, each

1 office had its own meeting in order to select the committee. Ieng  
2 Sary instructed the overseas Cambodians to nominate and select  
3 among ourselves to play supervisory role within each office.  
4 At that time, the situation was less intensive and - actually,  
5 from the early stage, there was no consultation with the people  
6 staying in the office. Everything was appointed by Angkar. But at  
7 that particular stage, Ieng Sary said we would conduct it in a  
8 democratic way, and that we should nominate people to be in that  
9 supervisory role. And he said that would be a true democratic  
10 approach practiced by Angkar at that time.

11 Q. Thank you for your answer, Witness.

12 Who was the head of B-32's committee when you were there?

13 A. It was Hor Namhong.

14 Q. Thank you, Witness. Did you attend his nomination or his  
15 re-nomination?

16 [11.08.42]

17 A. Yes, I did.

18 Q. Was Ieng Sary there during this nomination?

19 A. Yes, Ieng Sary was present. He was the chair of the meeting.

20 Q. Thank you, Witness.

21 You have just told us, while speaking about the nomination of  
22 B-32, you brought up both meetings that you attended in Ieng  
23 Sary's presence. And this is what you told us yesterday: you told  
24 us that you had seen Ieng Sary twice -- once at B-30, once at  
25 B-32. And you were questioned by the prosecutor yesterday on both

1 of these meetings, and I would like to go a little bit more in  
2 detail by using, if you allow me, Mr. President, excerpts from  
3 your book, "I Believed in the Khmer Rouge", in which you describe  
4 quite in detail both of these meetings.

5 [11.09.52]

6 So, we are still using document D141/1.2, and regarding the  
7 French (sic) meeting, we only have French and a Khmer version:  
8 French ERN 00288092; Khmer, 00831246. So this is page 213 of your  
9 book, Witness.

10 And I would like to read out a short excerpt of the paragraph I  
11 will ask you to comment on. You indicate, regarding this first  
12 meeting at B-30 in Ieng Sary's presence, you say the following:

13 "Ieng Sary then spoke about the enemies who relentlessly  
14 sabotage our noble enterprise at the service of our beloved  
15 people. He draws a small history of the struggle of his group  
16 against the domination of the Vietnamese Communist Party and  
17 mentions a few names of these abominable traitors: Ros Nhim,  
18 Chhouk, So Phim, Koy Thuon, Non Suon. And he wants to transmit an  
19 essential message to it. The great merit of his group is having  
20 been able to Khmerize the Cambodian Communist Party. Otherwise,  
21 Cambodia would have been definitely absorbed by Vietnam. And if  
22 we have been mistreated up until now, it is because of the agents  
23 of the Vietnamese Communist Party."

24 This excerpt from your book, Witness, does this give rise to any  
25 kind of comment from you?



1 A. I have no further comment, and I stand by that statement.

2 [11.12.08]

3 Q. Thank you.

4 You describe, then, the second meeting, and you described it in  
5 just as detailed the way at index D141/1.2, French ERN 00288100;  
6 Khmer, 00831254. And you indicate, regarding this second meeting  
7 -- and here again, I will read to you the relevant paragraph on  
8 which I seek your reaction -- you indicate:

9 "At the end of October, our meeting was held in the presence of  
10 Ieng Sary to nominate a new team of leaders at B-32. I would try  
11 to remain unnoticed. I was just satisfied to be present and just  
12 to applaud. Hor Namhong was kept in his function of president of  
13 the head of the committee of five members. Ieng Sary repeated  
14 pretty much the same thing what -- that he had said a few days  
15 before. We had to fight to death against Vietnam and the -- in  
16 the Chinese federation. It is either them or us. There is no  
17 other alternative. We have to stand up against aggressors.  
18 Vietnam is more and more isolated, and the international  
19 community supports us."

20 [11.13.28]

21 Here again, Witness, does this passage that I just read out to  
22 you give rise to any comment from you?

23 A. No, I don't have any further comment. I still stand by my  
24 understanding as it reflects what I heard back then.

25 MR. PRESIDENT:

1 Counsel, please try to slow down. You may proceed, but please  
2 slow down.

3 BY MS. GUIRAUD:

4 Thank you, President. I am coming to the end of my questions.

5 [11.14.31]

6 Q. Did you hold any kind of diary, or did you keep a diary  
7 between July 1976, when you returned to Cambodia and the  
8 beginning of 1979?

9 MR. ONG THONG HOEUNG:

10 A. My wife and I always made a note in our book. And in the book  
11 that I published, for the first part, was mainly based on the  
12 diary of my wife. When we fled to Thailand, I based my writing of  
13 the book initially on her diary, and for the later part of the  
14 book -- that is, after my departure from Dei Kraham, it was based  
15 on my own notes.

16 Q. Thank you.

17 So, clearly speaking, what you are explaining is that, in the  
18 first part of your account, you based yourselves essentially on  
19 your wife's diary, then as of "Terres Rouges" -- Dei Kraham, you  
20 took notes on your own that helped you to write your book; is  
21 that so, Witness?

22 A. My wife had a smaller notebook and she took notes since she  
23 arrived in Cambodia, prior to my arrival, of what she saw or how  
24 she felt. And when I arrived, she showed me her notebook and she  
25 then -- she kept it secretly with her. And she kept writing notes

40

1 in that book until we left Dei Kraham. And that's how I based the  
2 book.

3 And then, the portion of the book from Dei Kraham onward, it was  
4 based on my notes.

5 [11.17.15]

6 Q. And in order to get to the core of my question, the chapter of  
7 your book, entitled "Phnom Penh Under Ieng Sary", of which I read  
8 the two excerpts -- does this chapter -- or was this chapter  
9 written on the basis of your notes, so that I may understand what  
10 are the sources you used to write this chapter?

11 A. I wrote the book based on what I wrote back then until the  
12 time I was at Khao I Dang Camp -- Refugee Camp at the Thai  
13 border, and also after I discussed and talked with my wife.

14 [11.18.26]

15 Q. Thank you, Witness.

16 When did you write the first draft of this book?

17 A. It was when I fled to Thailand. That was in late 1979.

18 Q. When did you publish this book?

19 A. The book was published in 2003. And the reason for its 2003  
20 publication was that, I drafted the book and I just left it. My  
21 intention was for my children to read. But one day, Henri Locard  
22 met me, he read it, and other people -- other scholars, including  
23 David Chandler and Stephen Heder encouraged me to publish the  
24 book so that other people may know of my account. So then, I  
25 decided to send it to a French printing house for its

1 publication.

2 Q. Thank you, Witness.

3 When we read your book, we feel that many, many narrative threads  
4 intertwine together with more political-historical  
5 considerations. Can you simply explain to us quickly the way you  
6 wrote this book, because this work, of course, will be an  
7 important element in the case? And I would like to understand how  
8 you wrote this book.

9 [11.20.49]

10 A. In general, I wrote this book not based on revenge or anything  
11 like that, or that how we were mistreated by the Khmer Rouge. My  
12 main goal in writing the book is that, under whatever condition  
13 we are living, and here we are detained in a location without the  
14 freedom of movement, then how we would react to such a condition.  
15 So I expressed the feeling in the book of how people would react.  
16 Even personally, everyone was different. People would think  
17 differently, and react differently or change his or her identity.  
18 Things evolved, and sometimes we may be considered in carrying  
19 out a good deed, and I don't want to say that I was so miserable  
20 under the Khmer Rouge regime. That's not the intention of my  
21 writing that book.

22 [11.22.28]

23 Q. Thank you, Witness.

24 I have a last question as a conclusion, regarding the title of  
25 your book, "J'ai cru aux Khmers Rouges" -- "I Believed in the

1 Khmer Rouge".

2 And my question is: Until when did you believe in the Khmer  
3 Rouge, and -- when did you stop believing in them?

4 A. As I mentioned earlier, that I supported the resistant  
5 movement; that I supported Khieu Samphan, Hu Nim and Hou Youn;  
6 and that I supported the Khmer Rouge that started since I was  
7 around 25 years old.

8 However, I'd like to add that this does not mean -- that was --  
9 in fact the title of the book was not of my choice. It was  
10 recommended by the printing house. So it is difficult for me to  
11 respond to your question.

12 MS. GUIRAUD:

13 That's perfectly suited, as an answer. Thank you very much,  
14 Witness.

15 I have no further questions. Thank you, President.

16 [11.24.24]

17 MR. PRESIDENT:

18 Judges of the Bench, do you have any further questions for the  
19 witness?

20 Judge Lavergne, you may proceed.

21 QUESTIONING BY JUDGE LAVERGNE:

22 Yes. Thank you, President. And thank you, Witness, for your  
23 statement and for the efforts you made travelling all the way to  
24 here.

25 Q. Witness, I wish to return to this meeting with Ieng Sary at

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1 Boeng Trabek and I also would like to quote a passage in addition  
2 to the passages that were already quoted by the civil party  
3 lawyer. So, again, I am referring to your book -- that is to say,  
4 document D141/1.2 -- on pages 214 and 215 of your book -- that is  
5 to say, French ERN 00288093 to 94; English, 00785878 to 79; and  
6 Khmer, I only have here a broader range of ERNs, and the list is  
7 00659077 to 00659085.

8 [11.26.11]

9 So I wish now to return to this meeting with Ieng Sary and on  
10 what you say in particular regarding what Ieng Sary said  
11 concerning Van Piny. You say the following: "The ministry  
12 nominated another person as a bad element coming from abroad, Van  
13 Piny, who was denounced, he said, in three confessions as a CIA  
14 agent. Before--"

15 Here you quote Ieng Sary's statements, so it's in--

16 "Before, he specifies, it was only necessary to have two  
17 incriminations, but now I'm requiring three incriminations before  
18 arresting someone."

19 So my question is the following. You put quotation marks, so this  
20 is a quote. Can you confirm -- can you remind us -- that this is  
21 what Ieng Sary said personally?

22 [11.27.40]

23 MR. ONG THONG HOEUNG:

24 A. I can confirm that these were the words that I recall Ieng  
25 Sary said. Van Piny was a long-time friend, or acquaintance. He

1 was also friend of my elder sibling, so I had a good relation  
2 with him. So whatever Ieng Sary said regarding Van Piny caught my  
3 interest. And I can confirm that that were -- the words spoken by  
4 Ieng Sary.

5 Q. Thank you for this answer.

6 Now, let me continue with your book, because you mention quite a  
7 few interesting things, and let me read again: "Ieng Sary  
8 continued his presentation by saying that Kampuchea is moving  
9 ahead towards a greater democracy. In order to achieve this, he  
10 took us -- asked us to take example on our friends who criticized  
11 Savan, because in this meeting, indeed, other people from Boeng  
12 Trabek had criticized Savan.

13 [11.29.14]

14 And then you quote the following, and you state that this is what  
15 Ieng Sary said -- open quote:

16 "'It is not easy, he pursued. Often, when I meet our peasants, as  
17 was the case last week in Chhouk in Kampot province, I questioned  
18 the members of the cooperatives to know if they do indeed eat  
19 three times a day -- if they have three meals a day. And first of  
20 all, they do not dare respond clearly, but then, when they feel  
21 they can trust me, they say no. So then I ask them why didn't  
22 they ask for the three meals they are entitled to from the people  
23 managing the cooperative. And you see, our brothers and peasant  
24 sisters have a lot to say to us. But they do not dare use their  
25 freedom. So we have created a new method to encourage them to

1 speak. I tell them that they should no longer be afraid. The  
2 prisons -- prisons do not exist here. Before, we often heard  
3 insults such as 'A Kouk' -- despicable Kouk -- 'A Chap Kouk' --  
4 despicable prisoner, despicable detainee."

5 So, here again, I would like to know if, as far as you -- this  
6 corresponds to what Ieng Sary actually said.

7 A. I can confirm that these are the words of Mr. Ieng Sary, to my  
8 recollection.

9 [11.31.12]

10 Q. Let me continue reading what you said:

11 "Looking solemn and satisfied, he continues and says: 'We should  
12 stop using the word 'prisons'. Prisons do not exist in our  
13 country. On the international scene, our international policy  
14 based on state sovereignty is supported by the overwhelming  
15 majority of countries in the world including non-aligned  
16 countries. The soviet revisionists and their Vietnamese  
17 accomplices are increasingly isolated. To fight the enemy abroad,  
18 we must first of all sweep away the enemy within. Our party has  
19 conquered the enemy within the country. Without their external  
20 accomplices the Vietnamese accomplices would not be able to  
21 conquer us'." End of quote.

22 And you continue and say the following: "Then he invited us to  
23 speak, to use our freedom in such a unique country in the world  
24 where we could say any -- everything. Nobody would do us any harm  
25 because prisons had been abolished."



1 [11.30.53]

2 Again, does this reflect what Mr. Ieng Sary stated? Are these the  
3 words used by Mr. Ieng Sary?

4 A. I can swear, or conclude that these were the words spoken by  
5 Ieng Sary at the time.

6 MR. PRESIDENT:

7 Witness, you are testifying in your capacity as the witness. You  
8 are not supposed to make or draw any conclusions in your  
9 statement.

10 MR. ONG THONG HOEUNG:

11 With respect, Mr. President, I think you may got my answer wrong.  
12 Actually, my testimony earlier was what I can recollect. So I  
13 recollect that Ieng Sary spoke those words at the time.

14 BY JUDGE LAVERGNE:

15 Q. Witness, to the best of your recollection, do you think that  
16 the people you were able to meet had the right to ask for food  
17 when they were not sufficiently fed? Did such a right exist?

18 [11.34.55]

19 MR. ONG THONG HOEUNG:

20 A. To the best of recollection, no. People were not entitled to  
21 enough food to eat. They did not have sufficient food to eat at  
22 the time.

23 Q. Regarding those you met, and the experience you had at K-15,  
24 Boeng Trabek, "Red Earth", and elsewhere, did your experience  
25 show that these were places of detention? Now when you hear Mr.

1 Ieng Sary say that there were no prisons in Democratic Kampuchea,  
2 did this elicit any reactions? Would this elicit any reactions?

3 A. At the time, I was taken aback by that statement because I  
4 thought that I was being imprisoned now. I was being in the  
5 prison, and the prison was actually widespread across the  
6 country. But I could do nothing about it. I dare not say  
7 anything. But at the time, I knew very well that I was in -- I  
8 was being in the prison, and at that time the entire Cambodian  
9 territory was the prison.

10 [11.36.42]

11 Q. To be more specific, at the end of the meeting during which  
12 you heard those words, were you told that you were free to leave  
13 Boeng Trabek? Were you told that you could move about freely,  
14 that you could go and meet your family members? Was your passport  
15 returned to you?

16 A. No, those were the words he spoke to satisfy himself, but the  
17 reality was -- was that -- the truth was the truth, and -- for  
18 example, when we were in Boeng Trabek at some point in time they  
19 also offered us the crocodile flesh to eat, but that was meant to  
20 simply please ourselves to mitigate the situation or so. But, in  
21 reality, we did not have any rights at all. We do not have, for  
22 example, freedom to travel. We could not travel back to France,  
23 and at that time nobody could imagine that they could be free to  
24 move around.

25 [11.38.27]

1 Q. Witness, during your experience, during the Democratic  
2 Kampuchea regime, did there come a time when legal explanations  
3 were given to you explaining why you are placed in custody where  
4 you were detained. Did they give you any legal reasons for such  
5 detention? Did they tell you whether a system or procedures  
6 existed allowing you to challenge your detention in those places?

7 A. To be precise on that point, at the time, Angkar was always  
8 right. Upon my return from Dei Kraham at that time, they called  
9 it the "Communist Party of Kampuchea".

10 [11.39.47]

11 I would like to bring up an example. Mr. Ieng Sary once said that  
12 we were entitled -- we had the right to speak. He asks us whether  
13 or not we were given three meals per day; we did not dare respond  
14 differently. And Mr. Savan, at that time, said that that was  
15 correct; we were offered three meals a day. But what was the  
16 reality at the time? At that time, it was the regime that people  
17 strived to survive by ourselves. And we asked who Savan was?  
18 Savan was Angkar.

19 Now, for example, at that time if we criticize that Pol Pot had  
20 shortcoming, people did not -- Pol Pot did not do the right  
21 thing; then we would be in trouble. If it was the monarchy  
22 regime, we could probably criticize that the King had some  
23 shortcoming. But in that regime if we say that Angkar had any  
24 shortcoming; we were not allowed to say that. We could not say  
25 that anyone had any problems or any shortcoming at all, so we

1 were not allowed to say so. Angkar was perfect; Angkar was always  
2 correct. Whenever Angkar said Angkar was wrong, then the entire  
3 Angkar structure would be dissolved. But that was my observation  
4 that Angkar was always correct.

5 [11.41.48]

6 Q. This is a question that - it's aimed at obtaining details. You  
7 said in your book that you participated in the demolition of the  
8 Phnom Penh cathedral. Did you find out why that cathedral had to  
9 be demolished?

10 A. At the time I arrived in Phnom Penh -- was just a short period  
11 of time, I was still staying at K-15. And at one point in time  
12 they took us in one truck, some tens of us to undertake a job.  
13 And then I do not know where it was, because it was at night at  
14 that time. But when I got there -- when I approached that place I  
15 heard people talking, many people talking to each other. When we  
16 got there, they assigned us to demolish the buildings with the  
17 purpose of getting the iron which was used as the frame or  
18 structure of the building. It was somewhere near the railway  
19 station.

20 Q. During that period, did you know what kind of building it was  
21 or you did not have an idea as to what kind of building it was?

22 A. I had seen this building when I was young. It was a former  
23 Catholic church.

24 [11.44.23]

25 Q. Did they give any reasons why the church was destroyed? Did

1 they say anything about that? Did they say it was destroyed  
2 because it was a Catholic church or for any other reason related  
3 to something else?

4 A. At the time, they did not make it clear concerning the purpose  
5 of the demolition of this building. When we got there,  
6 immediately we were given a hammer to knock down the building.  
7 Nobody explained us precisely why we had to do that. We simply  
8 took part in the demolition. And later on, we found that there  
9 were irons.

10 And then, later on, when I got to S-21, I saw the iron bars which  
11 were used to lock people up. My mind was that probably these iron  
12 were actually taken from the building that we demolished, but I  
13 was not sure it could have been from that place.

14 Q. I have another question for you. In your book, you mention the  
15 name of one of Mr. Ieng Sary's collaborators in several places  
16 and you say that his name was Cheap, and you specifically stated  
17 that he was a person who went to fetch you shortly before the  
18 arrival of the Vietnamese. Are you sure of this name Cheap, or it  
19 may have been the name Cheam?

20 [11.46.37]

21 A. I met him and when I saw his face, I find his face familiar.  
22 When his picture was printed on the newspaper, I thought that was  
23 him; he was the close aide of So Hong.

24 Q. I am not quite sure I understood the thrust of your answer. Do  
25 you mean that having seen the photograph of someone called Cheam

1 in the press, you thought that was the person you referred to as  
2 Cheap in your book? Is that your testimony?

3 A. I am not 100 per cent sure, but he may be the person.

4 Q. Witness, you have presented us your painful personal  
5 experience. I have another question for you, if it is very  
6 painful for you, please you may refrain from answering it. But  
7 could you tell me, sir, following your experience in Democratic  
8 Kampuchea, what were the consequences for you and your close  
9 family members? You are a member of a very broad family; you have  
10 many brothers and sisters. Can you please tell us what you  
11 experienced, what you felt?

12 [11.49.03]

13 A. My memory of that was that my family was separated and my  
14 parents were executed or -- and they arrested them. And then four  
15 other biological brothers of mine and my brothers and  
16 sisters-in-laws and nephews and nieces died during the period,  
17 only a few of them who could flee the country and survived.  
18 And as for my families of -- my wife's families, they were --  
19 some of them arrested and killed. And as for my friends, the  
20 majority of them -- those friends whom I know in Cambodia or  
21 overseas -- died. So the four-year period of experience in life  
22 was so sorrowful that it ruins my happiness for the entire life.  
23 And I would like to make it clear that I am coming here not to  
24 take the revenge. But I simply would like to come here to  
25 contribute in order to ensure that such atrocity and heinous

52

1 crimes would never, ever occur again. I do not come here in order  
2 to take any revenge, because let's -- it was over, we -- nothing  
3 can fully compensate what we have lost. But our mission is to  
4 ensure that such crimes would not happen again.

5 [11.51.40]

6 As human beings, we were born good but later on there were two  
7 elements inside human beings; the bad elements and the good  
8 elements. And the bad elements would bring about destruction and  
9 tragedy as what we experienced during the Democratic Kampuchea  
10 period.

11 Q. Part of your family resided in Phnom Penh. Among survivors in  
12 your family, did some of them relate to you their experience of  
13 the evacuation of Phnom Penh? Can you say a few words on that  
14 subject?

15 A. My families, at that time, resided along the road leading to  
16 Pochentong Airport; it was close to K-15. At that time, I had a  
17 brother who was a diplomat of Cambodia to -- overseas. And when  
18 the country was plunged into war, my parents fled our home and  
19 she came to live with my brother. And like other Cambodian  
20 families at the time, they brought their families together to  
21 live and my brother's home was overseas. So I -- my -- according  
22 to the account of my relatives and particularly my parents, they  
23 say that they were evacuated.

24 [11.53.59]

25 At the time, I had a brother who used to be a Buddhist monk, and

1 then later on he became a professor in one of the universities in  
2 Phnom Penh. So at that time, my brothers and sister tore apart  
3 their certificates and their degrees and they did not bring them  
4 along with them. And then they travelled all the way to my  
5 mother's hometown in Prey Kabbas district. They stayed there for  
6 a short period of time and then the base authority over there did  
7 not accept them. So we had to move to another place, to my  
8 father's place. Actually, they did not want my family to stay in  
9 Samraong Leu village, and so they continue to travel to their  
10 hometown along the river. So they tried to find the means in  
11 order to take all the family members to my father's hometown. And  
12 then along the way, we met people who told us that we must not go  
13 to our hometown. But he insisted that he used to be a Buddhist  
14 monk and also a teacher, so villagers over there would love him,  
15 so he insisted on going.

16 [11.55.44]

17 So he went there and a few days later, he was arrested. They told  
18 him that he would be taken away in order to produce some bucket  
19 or so. But then my mother kept waiting for my brothers and she  
20 insisted that we try to look for him. But we had lost him and we  
21 lost contact with him. And then the villagers over there told us  
22 that we must not stay in that place any longer, otherwise our  
23 life would be at serious risk. And then later on we found that  
24 his -- he was in prison in -- somewhere, and then later on he was  
25 taken away, which we never heard of him anymore.



1 So both the professors and other subordinates of his were taken  
2 away to somewhere in Battambang province, so they were all taken  
3 to Battambang province. And along the ways, they were not given  
4 food, they starved. And in one time, they were so hungry that he  
5 picked the dead cows skin to eat. And my brothers and his wife,  
6 as well as their children died over there. Only -- the survivors  
7 included my wife, my sister and one niece who was from my  
8 brother's families who survived to date. They are now residing in  
9 -- residing overseas.

10 [11.58.36]

11 As for my third older brother, he was the fishery engineer. And  
12 during the war time he went overseas and he was trained to raise  
13 some kinds of fish in Tunisia; and I met him over there. And  
14 after the war in Cambodia in 1971, he was eager to bring his  
15 entire family to live in France. And he told me that he had been  
16 a teacher at university and then he also personally knew Hou  
17 Youn, so he thought that it would be all right to come back to  
18 the country, so eventually, he returned to Cambodia. Then this  
19 entire family upon their arrival in Cambodia -- including their  
20 three children as well -- disappeared; we never hear any news  
21 from them. We did not know where they were executed.

22 And as for my fourth brother, it was somewhere in Kbal Thnal, he  
23 worked there in -- somewhere around Kbal Thnal -- but this entire  
24 family of my brother -- including his kids as well -- die during  
25 that period as well. And my house in my hometown was also

1 demolished.

2 This is my personal family history. It's still in my vivid memory  
3 but -- although it was over.

4 [12.00.10]

5 JUDGE LAVERGNE:

6 Thank you, Witness. I wish to thank you for your testimony and  
7 for sharing with us probably very painful memories. I have no  
8 further questions to put to the witness.

9 MR. PRESIDENT:

10 Thank you.

11 The time is now appropriate for lunch adjournment. The Chamber  
12 will adjourn from now until 1.30 this afternoon.

13 This afternoon, the Chamber will continue to hear the testimony  
14 by Witness Ong Thong Hoeung, and we will resume this afternoon  
15 with the question put by the defence team for Mr. Nuon Chea  
16 before other two defence teams.

17 Court officer is now instructed to facilitate the room for the  
18 witness to take a rest during the break. And please have him back  
19 to this courtroom before 1.30 this afternoon.

20 International Defence Counsel, you may proceed.

21 [12.01.34]

22 MR. IANUZZI:

23 Thank you, Mr. President. I'm just on my feet to inform you that  
24 I'm informed that our client is suffering from back pain, a  
25 headache and a genuine -- a general, excuse me, lack of

1 concentration. He would like to spend the afternoon in his  
2 holding cell. That's our application, thank you.

3 MR. PRESIDENT:

4 Thank you.

5 Noting the request by Mr. Nuon Chea through his defence counsel,  
6 to follow the proceeding remotely through audio-visual mean for  
7 the remainder of today's proceeding due to his health condition,  
8 the request is granted. Mr. Nuon Chea may follow the proceedings  
9 from holding cell through audio-visual means for the remainder of  
10 today's proceedings.

11 [12.02.32]

12 Mr. Nuon Chea has expressly waived his right not to be present  
13 directly in this courtroom. The defence team for Mr. Nuon Chea is  
14 required to submit the Chamber immediately the waiver of his  
15 right not to be present directly in the courtroom, with the  
16 signature or thumbprint of Mr. Nuon Chea.

17 AV assistant is instructed to connect the audio-visual equipment  
18 for Mr. Nuon Chea to follow the proceeding remotely from the  
19 holding cell.

20 Security guards are instructed to bring Mr. Nuon Chea and Mr.  
21 Khieu Samphan to the holding cell downstairs. And this afternoon,  
22 Mr. Nuon Chea is to remain in the holding cell where the  
23 audio-visual equipment is connected for him to follow the  
24 proceeding remotely.

25 As for Mr. Khieu Samphan, he is to be brought to this courtroom

1 before 1.30.

2 The Court is now adjourned.

3 (Court recesses from 1203H to 1331H)

4 MR. PRESIDENT:

5 You may be seated. The Court is now back in session.

6 Before I hand the floor to Nuon Chea's defence to put questions  
7 to this witness, Defence Counsel, do you have anything to say?

8 MR. ANG UDOM:

9 Good afternoon, Mr. President, Your Honours. Good afternoon,  
10 everyone in and around the courtroom. I apologize for the  
11 interruption. In order for a proper record and transcription, I'd  
12 like to raise an issue regarding the proceeding before this  
13 Court.

14 [13.32.56]

15 I observed throughout the questions posed to the witness, Ong  
16 Thong Hoeung, in particular the questions put by Judge Lavergne  
17 this morning, either directly, or indirectly, or intentionally,  
18 or unintentionally, it led the witness to express his sorrow or  
19 emotion which might have an impact on the time scheduled as well  
20 as the characteristic of the witness. And that is in  
21 contradiction with the instructions from the President of the  
22 Chamber that the witness shall not express the emotion during the  
23 testimony. But as we observed this morning, the witness was quite  
24 emotional while he was being questioned. It seems that the  
25 witness plays dual roles -- that is, being a witness and being a

1 civil party, and I inquire from the Bench whether this will be  
2 allowed again in this courtroom.

3 [13.34.36]

4 MR. PRESIDENT:

5 The Prosecution, you may proceed.

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President, and good afternoon. I am particularly  
8 surprised that the Defence raises this point, saying that the  
9 witness should not show any emotion.

10 Emotion is something that you cannot always control. The witness  
11 is called to speak about his experience and to testify on what he  
12 lived through and separating emotions from his experience is  
13 impossible. So, of course, he's not here as a civil party, but we  
14 cannot prevent someone from having emotions. I mean, emotions  
15 come naturally. That's all I have to say, Mr. President.

16 [13.35.26]

17 MS. SIMONNEAU-FORT:

18 Yes, President. I am not only surprised by this, but I am shocked  
19 by this reflection. I wonder if anybody here could reasonably  
20 expect speaking about all of this without feeling any emotion.  
21 The emotions are part of this trial and I find it absolutely  
22 shocking that this person is being criticized for behaving as a  
23 civil party. He was just reacting perfectly naturally.

24 [13.36.12]

25 MR. PRESIDENT:

1 You are not allowed to reply to the response. We'd like to remind  
2 other parties again regarding the Internal Rules related --  
3 stipulated in our Internal Rules of ECCC and that you should be  
4 on alert when it comes to questions put to a witness by another  
5 party and if you think the question is not appropriate,  
6 irrelevant, or prohibited by the regulations, you shall stand on  
7 your feet and object on the spot. Then the Chamber will decide  
8 and rule.

9 I hoped all relevant parties, and, in particular, counsel Ang  
10 Udom, will understand that and would make your questions the most  
11 appropriate for all the witnesses.

12 (Judges deliberate)

13 [13.40.45]

14 The observation raised by National Counsel Ang Udom is not  
15 appropriate. It is not mentioned in any of the Internal Rules or  
16 any of the Articles in the Cambodia Code of Criminal Procedure.

17 The Chamber also observes that the witness is here to testify  
18 before the Chamber, and it is his best contribution to the  
19 process of ascertaining the truth.

20 And, Counsel Ang Udom, you are once again reminded and the  
21 Chamber also expects that you will display an exemplary model in  
22 your questioning.

23 And, secondly, before you make any observation or comment you  
24 should be well aware of the content of what you want to say to  
25 the Chamber, whether it will be allowed by the Chamber or not.

60

1 And what you just stated either intentionally or otherwise, some  
2 kind of discouraging this witness from his testifying before this  
3 Court.

4 [13.42.41]

5 Judge Cartwright, you may proceed.

6 JUDGE CARTWRIGHT:

7 Thank you, President. It's just that I wish to add one more  
8 comment to what the President has rightly summarized.

9 The Trial Chamber considers that -- or is very grateful to every  
10 witness who comes to give evidence before this Tribunal and we  
11 are grateful that this witness has done so and have no criticism  
12 whatever of his demeanour or the way in which he has given his  
13 evidence. We do not wish him to feel criticized in any way for  
14 this point. Thank you.

15 [13.43.37]

16 MR. PRESIDENT:

17 Defence Counsel for Nuon Chea, you may now take the floor.

18 QUESTIONING BY MR. IANUZZI:

19 Thank you, Mr. President. Good afternoon, everyone, and good  
20 afternoon, Mr. Witness. Let me be the first person on this side  
21 of the stage to thank you for coming to Phnom Penh to answer our  
22 questions today. I won't take too long myself this afternoon. I  
23 will -- perhaps an hour or so; give or take a bit.

24 I'm being told by Major Son Arun that there's no translation.

25 Apologies; it's fine.

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1 And my colleague, Major Son Arun, may have some questions after  
2 I've finished.

3 Q. So, just to begin, if I may begin where you finished yesterday  
4 with my Belgian friend from the OCP, from the Prosecution, on the  
5 other side of the stage, I believe you ended your story on or  
6 around the 7th of January and you spoke of an aborted train trip  
7 that you described.

8 [13.44.51]

9 I'd like to jump a little bit ahead of that incident -- by a few  
10 months, in fact -- in order to discuss something that you  
11 mentioned on Tuesday afternoon. And perhaps just to pre-empt any  
12 objections from my colleagues across the stage, I'll just very  
13 briefly refer to something Mr. Lysak said in Court on the  
14 afternoon of the 1st of August and I'm quoting now from the  
15 transcript: "There are certainly--"

16 "There certainly are some post-January 1979 events that may be  
17 relevant to Case 002/01."

18 So I trust the relevance of my questions on this point will be  
19 immediately clear.

20 Then, Mr. Witness, now turning to what you told the Chamber on  
21 Tuesday -- and now I'm quoting from a draft transcript, so please  
22 correct me if I mischaracterize your evidence in any way -- you  
23 told the Chamber on Tuesday afternoon -- I'm quoting now: "I  
24 returned to Phnom Penh in May or June 1979. At that time, I went  
25 to Tuol Sleng, which was also known as S-21, and I worked there



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1 for a period of time."

2 Is that correct, Mr. Witness? Did you work at Tuol Sleng at some  
3 point in 1979? And if that is correct, how long did you work  
4 there?

5 [13.46.09]

6 MR. ONG THONG HOEUNG:

7 A. I went to work at Tuol Sleng for about two to three months.

8 Q. Thank you, Mr. Witness. What type of work did you do at Tuol  
9 Sleng for those two months?

10 A. I organized the files, in particular the confessions of those  
11 people who were killed there. Also I organized the list of those  
12 prisoners who were taken out and killed.

13 Q. Thank you, Mr. Witness.

14 Now, if I may turn to a document, and just for everyone's  
15 reference this is document number D108/27.19 and this document is  
16 on the interface. It is indeed on the Prosecution's document  
17 list, I believe, E109/4.12 number 254, and again, that's  
18 D108/27.19, and the ERNs, I'll just read those out quickly. Let  
19 me see. English ERN 00170692 through 00170773, French ERN  
20 00648960 through 00649033, and Khmer ERN 00324672 through  
21 00324798.

22 [13.48.39]

23 And now, if I may show that document to the witness, we have a  
24 hard copy for him, and perhaps it could be put on the screen. If  
25 the first page could be put on the screen, that's English ERN

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1 00170692, Khmer 00324672, and French 00648960.

2 If that page could be put on the screen, please?

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 Court officer, could you obtain the hard copy from the counsel  
6 for the witness examination?

7 [13.49.35]

8 BY MR. IANUZZI:

9 Q. Mr. Witness, if you wouldn't mind, if you could just have a  
10 look at the cover page first? This appears to be a record of  
11 several interviews with Kampuchean refugees at the Thai Cambodian  
12 border compiled at some point in 1980, and the interviewers were  
13 two individuals, a Japanese individual by the name of Masato  
14 Matsushita and an American by the name of Stephen Heder.

15 Mr. Witness, do you recall ever giving interviews to these two  
16 gentlemen in 1980, near the Thai Cambodian border -- at the Thai  
17 Cambodian border?

18 [13.50.31]

19 MR. ONG THONG HOEUNG:

20 A. I recall that I met Steve Heder with a Japanese journalist or  
21 something, but I cannot recall exactly the role of that Japanese  
22 person. This is the first time that I see this document.

23 Q. Thank you, Mr. Witness. Let's take it step by step then and  
24 see if we can refresh your recollection.

25 Could you please first turn to page 10 of that document? And I

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1 believe that's page 15 in the version you have, in the Khmer  
2 version, and it's ERN English 17 -- 00170701, Khmer 00324686, and  
3 French 648969, and I think we can put that on the screen.

4 And I'm interested in the last bit on page 10 in the English  
5 version, and again that's the 15th page in the -- let me just  
6 read that out to you, Mr. Witness:

7 "The present Khmer director of Tuol Sleng, now Museum, is Ung  
8 Pech, the younger brother of Ung Kiet, who is now in France. Pech  
9 does not seem to be a very reliable source. He says lots of  
10 things which don't make a lot of sense. He says, for example,  
11 that Thiounn Thioeunn was also in Tuol Sleng, and so were Vorn  
12 Vet, Son Sen. The Vietnamese director, Mai Lam, also says that  
13 after Son Sen came back from China, he attempted a coup in  
14 accordance with Chinese instructions and was arrested and held in  
15 Tuol Sleng."

16 [13.53.11]

17 Do you recall having this discussion with Steve Heder regarding  
18 the reliability of the Cambodian and Vietnamese directors of Tuol  
19 Sleng at the time?

20 MR. PRESIDENT:

21 Witness, please wait.

22 Prosecutor, you may proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Yes, Mr. President, a piece of -- an element of clarification. I  
25 simply wish to mention that this excerpt of discussions with the

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1 refugees bears the title sources Ong Thong Hoeung and Sauv Kim  
2 Hong. So we have the impression here from the question that this  
3 is only a conversation with the witness, but in reality this is a  
4 conversation that took place with two people.

5 [13.54.10]

6 MR. PRESIDENT:

7 Mr. Prosecutor, could you repeat what you say? And please slow  
8 down, as the interpreter cannot catch the names that you mention.  
9 So please slow down and specify the names again.

10 MR. DE WILDE D'ESTMAEL:

11 Yes. Thank you, Mr. President.

12 [13.54.36]

13 This is not really an objection. I simply wish to draw the  
14 counsel's attention to the fact that this excerpt that was read  
15 out follows several pages on top of which the sources are listed.  
16 The sources of this interview -- and we can see the witness's  
17 name and also another name, Sauv -- S-a-u-v -- Kim Hong. And I  
18 also wish to draw counsel's attention, as well as the Chamber's,  
19 to the fact that it is necessary to say who said what. Because,  
20 apparently, this interview took place with two people and it's  
21 not at all sure that what was said here can be attributed to one  
22 or the other of these two persons.

23 So I think that the way this interview was conducted with this  
24 Japanese journalist as well as with Mr. Stephen Heder should be  
25 clarified.

1 [13.55.48]

2 BY MR. IANUZZI:

3 That's perfectly fine with me, Your Honour. Let's clarify that  
4 right now.

5 Q. Mr. Witness, do you recall making a statement like that or is  
6 that something you would attribute to your counterpart in this  
7 interview, Sauv Kim Hong?

8 MR. ONG THONG HOEUNG:

9 A. Let me clarify with you; what statement are you referring to?

10 Q. I'm referring to the bit I just read out. Again, that's page  
11 15. I think you have in front of you. It should be--

12 A. I cannot confirm that I made that statement. However, at that  
13 time, I heard such rumour but I'm uncertain whether it's Mr. Sauv  
14 Kim Hong or myself made that statement. Because I was not given  
15 what I spoke at the time and this is the time that I just see  
16 this document and it's been almost 40 years.

17 [13.57.46]

18 Q. Thank you, Mr. Witness. While you were at Tuol Sleng, while  
19 you were working there in 1979, did you know Ung Pech or Mai Lam?  
20 Were you familiar with those individuals?

21 A. Yes, I know them.

22 Q. And did you consider them to be reliable?

23 A. I cannot say I trust them 100 per cent.

24 Q. Thank you, Mr. Witness. Let me ask you another question about  
25 your time at Tuol Sleng. When you were there, are you aware of

1 any documents that may have been taken away or destroyed?

2 A. At that time, I was looking for some documents but I couldn't  
3 find them, especially documents related to Nuon Khoeun, whom I  
4 knew earlier. And I tried to find other documents related to  
5 people whom I knew and when I asked for those documents, I was  
6 told that some documents were missing but I was not told the  
7 reasons for them – for their missing.

8 [13.59.48]

9 In another case, when I bought a banana cake, I saw that document  
10 was wrapped -- was used as a wrap for that banana cake, in  
11 particular in--

12 Another example is -- Mr. Khung Pon (sic), who found documents  
13 used as a wrapper for cake to sell, as well.

14 Q. Thank you, Mr. Witness.

15 If we could look at page 11 in English of the same document, and  
16 I believe that's page 16 in Khmer, and this is, English,  
17 00170702; Khmer, 00324687; French, 00648969.

18 And just going back for a moment to something that my colleague  
19 for the OCP raised -- we're still within that same particular  
20 interview, and I see at about the middle of that page an  
21 indication that the source is Sauv Kim Hong.

22 So I'm assuming that everything -- well, I would say it's  
23 reasonable to assume that everything that follows from Sauv Kim  
24 Hong is attributed or could be attributed to Sauv Kim Hong. And  
25 the previous portion relates to this witness, but let me see if

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1 this will refresh the witness' recollection.

2 Mr. Witness, there's a bit on the screen now -- should be -- and  
3 let me read it:

4 "The Vietnamese came to Tuol Sleng before anyone else and took  
5 away some of the documents, especially documents from 1978 and  
6 even prison registration book for 1978. The photographs presently  
7 displayed in the Tuol Sleng are from filmmaker that Vietnamese  
8 found in the prison and took to Vietnam for developing. The  
9 documents on Hu Nim and Hou Youn are missing."

10 Does that sound like something you may have told those  
11 interviewers, Mr. Witness?

12 A. I cannot guarantee that that was the original words of mine.  
13 Of course, I did not see the confession of Hou Youn and Hu Nim,  
14 but the confession of Hou Youn, I found it. But if I say that it  
15 was -- if I say that I did not see the confession of them, that  
16 was not correct because so far I have read the confession of Hou  
17 Youn.

18 [14.02.55]

19 I did not know what they really wanted in this interview and I  
20 did not have an opportunity to read this record of interview  
21 again following the interview. But what I would like to emphasize  
22 is that, documents at Tuol Sleng was scattered everywhere at the  
23 time and people who needed the paper for various purposes, they  
24 took them away. Some of the documents was used to wrap banana,  
25 cakes and things like that.

1 [14.03.36]

2 Q. Thank you, Mr. Witness. Staying with this document for a  
3 moment, if you could turn to page 14, that's English page 14;  
4 and, I believe, in your Khmer copy, it's page 20, 21.

5 And let me ask you a question about this first: Do you recall or  
6 are you familiar with a trial that may have been prepared by the  
7 Vietnamese in 1979 in Phnom Penh? That is to say during your time  
8 at Tuol Sleng when you worked there, did you participate in any  
9 way in the preparation of the 1970 trial of Pol Pot?

10 A. Yes, I was. I was involved in the preparation of that trial.

11 [14.05.04]

12 Q. And where was that trial held, Mr. Witness?

13 A. I did not attend the trial, but I was working in the archive  
14 section. I was working at Tuol Sleng but when the trial was  
15 conducted, I did not know where the proceeding was held because  
16 it could have been at the former Chinese Embassy or it was in the  
17 Chaktomuk Theatre.

18 Q. Thank you, Mr. Witness. One last question with respect to this  
19 document, and I may come back to it at a later stage, but I'd  
20 like you to have a look at -- it's the same page in English --  
21 and that's 00170705; 00364691 to 93 in Khmer; and 00648971 to 72  
22 in French.

23 And I would just like to read a bit to you. First of all, I would  
24 just like to show you at the top. This refers to an interview of  
25 February 29th, 1980, and you are listed as the sole source. And



1 if I could read the bit starting in the middle of the English  
2 page:

3 "As a result of this participation, I was taken into two  
4 committees: (1) committee to write a Constitution (2) to write a  
5 history text, official government history text. The Vietnamese  
6 asked me to use the Vietnamese Constitution as a model for the  
7 Cambodian constitution and they also asked me to completely  
8 ignore French sources in writing history and to rewrite in such a  
9 way that the basic point was the historical solidarity between  
10 Vietnam and Cambodia.

11 "So the people in the committee with me thought these were  
12 impossible; to use Vietnamese Constitution as a model and to  
13 ignore the French colonial sources. So they decided that the  
14 Vietnamese wanted a Constitution, Cambodian history books and  
15 they might as well write them themselves. They figured that the  
16 Vietnamese were smart enough to realize there was a problem, so  
17 they were afraid of being arrested, and decided to leave."

18 Mr. Witness, does that sound like something you may have told  
19 those interviewers?

20 [14.07.53]

21 MR. PRESIDENT:

22 Witness, please hold on. We have to hear the objection from the  
23 Prosecution.

24 You may proceed.

25 [14.07.59]

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1 MR. LYSAK:

2 Thank you, Mr. President. I will object to this issue since  
3 counsel made a reference to a statement I made earlier.

4 I think questions that he was asking earlier regarding the  
5 documents at S-21 were fair. And just to clarify, when I  
6 indicated that there were post-January '79 issues that are  
7 relevant, I'm referring to the fact that in E124/7.2, which is  
8 the Trial Chamber's list of the paragraphs of the Closing Order  
9 that are part of this trial. They include a number of paragraphs  
10 in the character section. And in particular, paragraphs 1581 to  
11 1582, 1590 to 1596, and 1602 to 1603 contain allegations relating  
12 to activities of Nuon Chea, Ieng Sary, and Khieu Samphan in the  
13 post-'79 time period. So, certainly, questions relating to that  
14 would be relevant.

15 However, counsel is now asking questions relating to the drafting  
16 of the Cambodian constitution post-January '79, which I think are  
17 completely beyond the scope of this trial.

18 [14.09.30]

19 MR. IANUZZI:

20 If I may just briefly respond to that, the concept of context  
21 being relevant to either before or after an indictment period  
22 cannot simply be limited to the Prosecution's inculpatory  
23 theories but must, must include the Defence's own exculpatory  
24 theories.

25 Now, it's -- we've been long on record as stating that what

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1 happened in the immediate aftermath of 1979 and the Vietnamese  
2 treatment of documents, collection of documents, rewriting, in a  
3 sense, of history is very much relevant to this case. And I don't  
4 see any reason why Mr. Lysak's reading of his contextual argument  
5 should be strictly limited to issues of Nuon Chea's character. I  
6 don't think the jurisprudence supports that kind of a reading. I  
7 don't think it's fair and quite honestly, I don't think anyone in  
8 this room reasonably could agree with that.

9 So my position is, if context is relevant, then it's relevant for  
10 the Defence as well as the Prosecution.

11 So -- I'll wait. Are you deliberating?

12 (Judges deliberate)

13 [14.12.42]

14 MR. PRESIDENT:

15 Objection and the grounds of objection by the Prosecution is  
16 valid. The question is beyond the facts relevant to the current  
17 proceeding.

18 The witness is advised not to respond to the last question posed  
19 by the defence counsel for Nuon Chea.

20 MR. IANUZZI:

21 Thank you, Mr. President. I would ask for a polling of the entire  
22 Bench on that issue, and I would also ask for some support in  
23 writing, based on jurisprudence to back that up, because it's my  
24 very strong opinion that that is an incorrect application of--

25 MR. PRESIDENT:

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1 That was the ruling. We are done with this issue. You are not  
2 allowed to make any comments regarding the ruling issued by the  
3 Chamber, but by virtue of law, you may appeal based on the  
4 Internal Rules applicable before this Chamber.

5 [14.14.00]

6 MR. IANUZZI:

7 Thank you, Mr. President. Unfortunately, based on the Internal  
8 Rules, I can't appeal until the end of this trial, when it will  
9 be far too late to present my evidence. In any case, I'll move on  
10 to my next question.

11 BY MR. IANUZZI:

12 Q. Mr. Witness -- and let me just say, Mr.--

13 MR. PRESIDENT:

14 So, then, you may now move on; if you have other questions, you  
15 may now move on.

16 BY MR. IANUZZI:

17 Thank you.

18 [14.14.32]

19 Q. Again, I was saying to you, Mr. Witness, I was not in any way  
20 trying to suggest that you, yourself, were involved in any  
21 rewriting of history.

22 But let me come back to the area, then, that Mr. Lysak agrees  
23 with me is relevant, the time you spent working in Tuol Sleng on  
24 the documents.

25 Based on your time there, is it fair to say that during that

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1 period, the Vietnamese were very much interested in crafting  
2 their own unique version of Cambodian history, one that suited  
3 their political agenda at the time? Is that a fair statement  
4 based on your experience working at Tuol Sleng?

5 MR. ONG THONG HOEUNG:

6 A. At the time, as a matter of fact, Vietnamese came to Tuol  
7 Sleng, and Mai Lam, who was of Vietnamese nationality, he was the  
8 officer in charge of Tuol Sleng back then.

9 I did not know what response the defence lawyer expects but the  
10 victims who died at Tuol Sleng was the truth. Those people were  
11 executed during the Democratic Kampuchea.

12 At the time, it was true that the Vietnamese wanted us -- Vandy  
13 Kaonn and Kong Sinarath (phonetic), and I -- to envisage, to  
14 rewrite the history again because there was no history books left  
15 to teach the younger generation. But at that time, we did not  
16 write it. Instead we fled the country.

17 [14.16.54]

18 Q. Thank you, Mr. Witness. And while we are still in this  
19 post-'79 period, if I could just clarify something from the  
20 record yesterday. There was some confusion at some point, I  
21 believe it was a translation issue, and there was confusion  
22 between the terms K-15 and K-5 -- "kor dop-pram" and "kor pram",  
23 I believe.

24 Mr. Witness, are you familiar with K-5, with the K-5  
25 mobilization? Have you ever heard that expression?

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1 [14.17.27]

2 MR. PRESIDENT:

3 Witness, please hold on. The Prosecutor is on his feet.

4 You may proceed, Prosecutor.

5 MR. DE WILDE D'ESTMAEL:

6 I would like to clarify what was said. During the questions we

7 asked, we always asked about K-15, where the witness went from

8 Pochentong Airport.

9 Now, if at any point, that was interpreted erroneously as K-5 by

10 the interpreters, then that is a circumstance, but it was

11 clarified in the proceedings that we were always talking about

12 K-15.

13 So I really think that the question about K-5 has no relation to

14 this witness. Thank you.

15 [14.18.21]

16 BY MR. IANUZZI:

17 I apologize; I did not mean to impugn the Prosecution in any

18 sense.

19 Q. Mr. Witness, K-5 is relevant to our defence theory and I'm

20 asking you if you know anything about it, the K-5 mobilization--

21 MR. PRESIDENT:

22 Defence, the witness need not answer this question because it is

23 not within the confines of the current proceedings.

24 MR. IANUZZI:

25 Thank you, Mr. President. I would totally accept if the witness

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1 doesn't know anything about K-5. That would be a perfectly  
2 reasonable answer. However, we have stated that the issue is  
3 relevant to the death toll, relevant to our defence theory. So  
4 again, I would ask for some legal support.

5 Are you saying that it--

6 MR. PRESIDENT:

7 You may now move on to put the precise questions to the witness.  
8 You're not allowed to arbitrarily make any comments outside what  
9 you are supposed to do here.

10 [14.19.39]

11 BY MR. IANUZZI:

12 Thank you, Mr. President.

13 Q. I will now move on to a precise -- to a precise area, in fact,  
14 to an area that is clearly covered by the Closing Order and which  
15 has been the subject of testimony here for the last two days. And  
16 I'm talking now about Boeng Trabek.

17 And, Mr. Witness, if we could, I would just like to return to  
18 some of your testimony from yesterday and today and this, with  
19 respect to your second stay at Boeng Trabek, which was I believe  
20 you said during the last two or three months of the DK regime; is  
21 that correct?

22 MR. ONG THONG HOEUNG:

23 A. Yes. Yes, that is correct.

24 Q. Thank you, Mr. Witness.

25 Now, just in terms of orienting my next set of questions, I would

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1 like to recapitulate one or two things that you've told us  
2 already and reconfirm something that you appear to have told  
3 those investigators back in 1980.

4 First of all, this morning before we broke for lunch, my  
5 colleague across the stage for the civil parties had a brief  
6 discussion with you, and I believe you told her that Hor Namhong  
7 was the supervisor of your group at B-32; is that correct?

8 [14.21.06]

9 A. Yes, he was one of the Cambodian returnees from overseas  
10 together with my batch, and he was appointed the supervisor of  
11 B-32. That was when I came to Boeng Trabek for the second time.

12 Q. Thank you, Mr. Witness. And just to clarify, is it correct  
13 that he took over after Sovan (phonetic) Piny's disappearance --  
14 or arrest, as you put it?

15 A. That is correct.

16 Q. Thank you, Mr. Witness. So, just to make that abundantly  
17 clear, he was first the assistant and then later the chairman  
18 himself. What were his responsibilities in that role as chairman?

19 [14.22.19]

20 A. When I returned from Dei Kraham, the situation was a little  
21 better. I did not know what had happened before I arrived.  
22 Before, there could have been disappearances but when I arrived  
23 there, there were no more disappearances.

24 But in order to be precise on that particular point and to avoid  
25 any suspicion on that point, I would like to clarify as follows.



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1 And what I'm trying to say here is based on my understanding.

2 I don't think that Mr. Hor Namhong was ever a cadre of the Khmer  
3 Rouge. I did not have a document with me that Mr. Hor Namhong was  
4 one of the members of the Communist Party of Kampuchea and I  
5 don't think that, at that time, Mr. Hor Namhong ever knew that  
6 there was an existence of S-21.

7 That is my belief and I did not know what the Defence expects  
8 from my answer but that's what I understand. And I am not acting  
9 in the defence of him, but I am defending the interests of  
10 justice.

11 Q. Thank you very much, Mr. Witness. That's exactly what we're  
12 expecting. I appreciate that.

13 Could you tell me, at the time, did he go by the revolutionary  
14 alias Yaem or Yem -- I might be mispronouncing that.

15 A. Yes, that was his nickname.

16 [14.23.59]

17 Q. Thank you, Mr. Witness. And just, again, for the sake of the  
18 clarity of the record, is the gentleman we are talking about, Hor  
19 Namhong -- is he the current Minister of Foreign Affairs in  
20 Cambodia?

21 A. I do not understand the question. Can you please clarify it?

22 Q. Certainly. Mr. Hor Namhong, the gentleman we have been  
23 speaking about, is he currently the Minister of Foreign Affairs  
24 in Cambodia?

25 A. Yes, he is.

1 Q. Thank you, Mr. Witness.

2 And now, if we could turn to another document, and this is your  
3 book. This is the book that we've already discussed this morning.  
4 So I don't know if I need to read out all those ERNs again. I  
5 think everyone is familiar with it. Do you have a copy of it in  
6 front of you, Mr. Witness?

7 [14.25.19]

8 A. Well, I have brought it along with me for the last three days  
9 but since I was not allowed to open and read that book, I no  
10 longer bring it with me today.

11 Q. I think we've got a copy somewhere in the courtroom. Let me  
12 just make it very clear for the record. I'm talking about  
13 D141/1.2, and that is available in its full version in Khmer and  
14 French on the case file. There are a few English excerpts but  
15 they do not relate to the portions I'd like to speak to you with  
16 today.

17 [14.26.05]

18 I think we'll just put it on the screen; it would probably be a  
19 bit easier. I've got five questions I would like to ask you about  
20 your book. And actually, I'd just like you to confirm a few  
21 things you've written in that book.

22 First of all, and this is page 207 of the French version of your  
23 book, and that's French ERN 00288086; Khmer ERN 00831241; and I'm  
24 just looking at a passage, which I think should be in front of  
25 you now: "Life in Boeng Trabek was hell under the iron rule of

1 Savan and his henchmen, To Ti Pheak, Try Meng Huot and Ek."

2 Do you stand by that portion of your statement or of your book,  
3 rather, Mr. Witness?

4 A. Yes.

5 Q. Thank you. Now, if we could turn to page 221 in the French  
6 version, and that's 00288100; Khmer 00831253 and 254, I believe.  
7 And that also should be highlighted on the screen.

8 "My interlocutors detailed that Hor Namhong and Van Piny were  
9 docile instruments of Savan and that they mistreated those who  
10 were under their responsibility. This, no one seems to forget  
11 about."

12 Do you stand by that portion of your book?

13 A. That is what I heard. I did hear that.

14 [14.28.40]

15 Q. Thank you, Mr. Witness. And if we could stay on that same  
16 page: "At the end of October 1978, a meeting was held. Hor  
17 Namhong was maintained in his duty as president, heading a  
18 committee consisting of five members."

19 Is that correct?

20 A. Yes, that is correct.

21 Q. Thank you. And, now, if we could turn to page 222 in the  
22 French version, and that's ERN 00288101, Khmer 00831254. And here  
23 it reads: "Almost all the other moderate members have  
24 disappeared. Only Chan Yourann and Hor Namhong remained. They  
25 became faithful servants of the Angkar."

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1 Do you stand by that portion of your book?

2 A. Yes, I acknowledge that I did write that.

3 Q. Thank you, Mr. Witness.

4 [14.30.13]

5 And one more point on the book. And now we're at page 223, and  
6 that's the French ERN 00288102, and the Khmer ERN 00831255. And  
7 here it's written:

8 "People talked about it" -- and I believe here you're referring  
9 to the so-called Black Book, which we've heard about before in  
10 this courtroom -- "as Hor Namhong and Pech Bun Tong spent almost  
11 one day to translate this book into Khmer."

12 Do you stand by that bit, Mr. Witness?

13 A. Yes, that's how I observed.

14 Q. So, based on your experience -- your experience at Boeng  
15 Trabek and the things that you've written about Mr. Hor Namhong,  
16 would you say that he is in possession of information that would  
17 be helpful before this Chamber in terms of understanding the  
18 structure of Boeng Trabek?

19 MR. PRESIDENT:

20 Witness, please wait.

21 [14.31.45]

22 The Prosecutor, you may proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Yes. It look -- it seems that the Defence is trying to ask the  
25 witness to speculate on what Hor Namhong might know.

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1 I don't think that this is appropriate.

2 MR. IANUZZI:

3 I'm not asking for speculation. I'm asking for the witness' own  
4 view, based on his experience at Boeng Trabek with Hor Namhong.

5 This is clearly highly relevant to the Closing Order -- it's an  
6 entire section of the Closing Order. The structure and function  
7 of DK bodies is highly relevant, and I think this witness is in a  
8 position to tell us if Hor Namhong could shed some further light  
9 on the structure.

10 MR. PRESIDENT:

11 The objection and its ground by the Prosecution is valid and  
12 sustained.

13 [14.32.50]

14 Witness, you do not need to respond to this question.

15 BY MR. IANUZZI:

16 Thank you, Mr. President. I'll move on, then.

17 Q. Mr. Witness, as an intellectual -- as a thinking person, and

18 obviously a very thoughtful man -- and as someone who has had

19 much to say publicly about a number of issues related to

20 Cambodian history, do you have anything to tell the Chamber about

21 what appears to be the so few degrees of separation between the

22 alleged crimes of yesterday and the leaders of Cambodia today?

23 MR. PRESIDENT:

24 Witness, please wait.

25 [14.33.34]

1 The Prosecutor, you may proceed.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. The Defence, again, is reaching way  
4 beyond the Closing Order and beyond the reason why we are here at  
5 this hearing.

6 MR. IANUZZI:

7 Well, again, our position is that one of the reasons that we're  
8 here is to see if our client can receive a fair trial in this  
9 courtroom. And this issue, as we have said from the beginning, is  
10 highly relevant. So, for all the reasons I've stated previously,  
11 for all the reasons that my colleagues have stated previously,  
12 for all the reasons that are on the record, we think that this is  
13 a relevant question.

14 MR. PRESIDENT:

15 The objection and its ground is valid and sustained.

16 Witness, you do not need to respond to this kind of question.

17 BY MR. IANUZZI:

18 Thank you, Mr. President.

19 [14.34.42]

20 Q. Mr. Witness, who is -- as you have described, yourselves --  
21 the strongman of Cambodia? And is that the same person you have  
22 characterized as the one who has - quote -- "remained at the top  
23 because of ruthless intrigue"?

24 MR. PRESIDENT:

25 Prosecutor, you may proceed.

1 MR. CHAN DARARASMEY:

2 I object to this question. The counsel raised an inappropriate  
3 question which is not relevant to the facts before this  
4 proceeding.

5 MR. IANUZZI:

6 Again, Mr. President, in my considered view I would say that this  
7 goes directly to issue of impunity, moral bankruptcy, and not  
8 least of all the hypocrisy of those who are dictating the terms  
9 and scope of prosecutions before this Court.

10 [14.35.56]

11 MR. PRESIDENT:

12 The objection and its ground by the Prosecution is valid,  
13 therefore sustained.

14 Witness, you do not need to respond to this kind of question.

15 Counsel, it seems that you run out of question. If you do have  
16 remaining questions, please try to limit it to the facts in our  
17 Proceeding.

18 MR. IANUZZI:

19 I've got plenty of questions, Your Honour; it's answers I'm in  
20 need of. But, as I don't get those in this courtroom, I will  
21 complete my question for today and thank the witness for  
22 answering some of my questions. And thank you again for coming  
23 here.

24 Major Son Arun may have some questions for you. Thank you.

25 QUESTIONING BY MR. SON ARUN:

1 Good afternoon, Mr. President. Your Honours. Good afternoon,  
2 everyone. Good afternoon, Mr. Ong Thong Hoeung. My name is Son  
3 Arun, the national counsel for Nuon Chea. My colleagues already  
4 asked you some questions, and I have a few additional questions  
5 for you.

6 Q. Mr. Witness, in your reply to the prosecutor on the 7th of  
7 August 2012, regarding the FUNK and the CPK, prior to 1975 -- can  
8 you shed some light on these two bodies? How did they liaise with  
9 one another? And, after 1970 -- that is, after the coup d'état to  
10 topple Norodom Sihanouk by Marshal Lon Nol -- and how did the  
11 relationship go?

12 MR. ONG THONG HOEUNG:

13 A. In a historical context, the Communist Party of Kampuchea had  
14 been spoken in great details by other people. However, to respond  
15 to your question, I can say that the Communist Party of Kampuchea  
16 -- whereas Saloth Sar was the secretary -- was a covert  
17 organization.

18 [14.39.34]

19 And, in general, after the coup d'état in 1970, people -- that  
20 is, Cambodian people both inside and outside the country -- did  
21 not know that Hu Nim, Hou Youn, or Khieu Samphan were members of  
22 the CPK. And they don't even know who Saloth Sar was. Here, I  
23 refer to the majority of the people. So we cannot say that the  
24 FUNK cooperated with the CPK.

25 The FUNK was established within the elite group supported by the



1 local people, and those elite group composed of the "clean  
2 members", including Khieu Samphan, Hu Nim, and Hou Youn. So that  
3 is the reply to your question.

4 Q. Thank you. When the two groups that are just asked cooperated  
5 with one another under the leadership of Prince Norodom Sihanouk,  
6 did the Khmer Rouge or the CPK -- was known by another name? Or  
7 it was still known as the CPK? And the second point is that -- or  
8 did they use the term FUNK exchangeably in their cooperation?

9 A. I never witnessed any signature or agreement between the CPK  
10 and the FUNK.

11 [14.42.00]

12 What I observed was that the FUNK was established by Prince  
13 Norodom Sihanouk, and other leaders also joined in that FUNK. But  
14 I never witnessed Pol Pot going to see Sihanouk in order to sign  
15 a joint agreement between the two bodies.

16 Q. Let me go back a little bit. When did you join FUNK?

17 A. I joined the Front after the appeal made by Prince Norodom  
18 Sihanouk -- that is, the Five Point Appeal. It was made in March,  
19 2000 -- 1970, rather.

20 Q. Does it mean that it was after Lon Nol already toppled Prince  
21 Norodom Sihanouk?

22 A. Yes, indeed.

23 Q. You were a member of the FUNK since March 1970; did you know  
24 whether FUNK had -- from where FUNK received their equipment for  
25 their struggle?

1 A. I know that a majority of the materials were from China.

2 Q. Thank you.

3 [14.44.08]

4 You -- in your reply to my colleague, you said that you worked at  
5 S-21. Can you tell us the period of your working there again, in  
6 order to clarify it?

7 A. I cannot tell you the exact date, but I worked there until  
8 November 1979. So I worked there for about three months, until  
9 about November or December 1979. My memory is rather vague  
10 regarding the detailed date of where I worked over there at the  
11 time.

12 MR. PRESIDENT:

13 Thank you, Counsel.

14 The time is appropriate for a short recess. We will take a  
15 20-minute break and return at five past 3.00.

16 (Court recesses from 1445H to 1503H)

17 MR. PRESIDENT:

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

19 I now hand over to the national defence counsel for Mr. Nuon  
20 Chea. You may now put your questions.

21 [15.03.55]

22 BY MR. SON ARUN:

23 Mr. President, thank you very much. I have only a few more  
24 questions left.

25 Q. You mentioned that you later worked at the former S 21 and

1 then when the Vietnamese came, that place were renamed as Tuol  
2 Sleng School; was that correct?

3 MR. ONG THONG HOEUNG:

4 A. Yes, at that time they called that place Tuol Sleng.

5 Q. Who was the chairman or the officer in charge of Tuol Sleng  
6 when you worked there?

7 A. The director -- at that time there was a signboard at the gate  
8 which read "Genocide Museum" or so, and then Mai Lam was the  
9 director. He was of Vietnamese nationality but he spoke French.

10 Q. Thank you. Did you wonder why a Vietnamese was put in charge  
11 of the Genocide Museum, because there were Cambodian nationals,  
12 why was the Vietnamese put in charge of that place?

13 A. At that time, Vietnamese soldiers were everywhere across  
14 Cambodia. Wherever you went you would meet Vietnamese soldiers.

15 [15.06.38]

16 Q. When you worked there, according to you -- your previous  
17 statements, you were tasked to re document the various documents  
18 that had been scattered around, and you archived those documents  
19 to keep record of them for the later state's administration. When  
20 you were collecting and gathering those evidence, did you notice  
21 the structure of the former S 21, because if it was a working  
22 place there should be an organizational structure of the place?  
23 Did you encounter any written organizational structure of the  
24 place?

25 A. What drew my attention at that time was that I had a friend of

1 mine who also returned from France, he was a former teacher of  
2 philosophy, and he saw me from a distance and he approached me,  
3 telling me that if I like documents then I should come to this  
4 place because there were plenty of documents here.

5 [15.08.12]

6 And my main goal at that time was to see the confession of my  
7 friends who returned from overseas. Actually, at that time, I was  
8 still wondering where my friend had gone missing. I wanted to  
9 know because people said that they had disappeared so I went  
10 there in order to look for certain documents about their  
11 whereabouts and I wanted to see the confession and documents at  
12 Tuol Sleng, and that's why I came to work at Tuol Sleng. In  
13 consultation with Mai Lam, he asked me to assist the work at Tuol  
14 Sleng, and I started working from that time onward.

15 And I -- when I was working there I was looking at various  
16 document in search for the names of my friends who were in prison  
17 there and made -- and provided confession there. And as for the  
18 structure, I knew that Duch was the chairman of S 21 but I did  
19 not dwell on the structure because I worked there for a short  
20 period of time and I was still suffering a very painful memory  
21 because of the loss of my close friends over there. I did not  
22 think much at that time. What I wanted to do was to look for the  
23 names of my friends in those documents.

24 [15.09.38]

25 Q. My question was to ask you about the structure of S 21 during

1 the Khmer Rouge regime. Did you encounter any document indicating  
2 the structure of former S 21?

3 A. I did not bother to dwell on that issue. I only knew that Duch  
4 was the chairman of S 21.

5 Q. Thank you. I now would like to turn to another topic. When you  
6 became a member of the FUNK and GRUNK, and FUNK and GRUNK was  
7 joining efforts with the Communist Party of Kampuchea to fight  
8 against the American Imperialists. Did you know Nuon Chea when  
9 you became a member of FUNK and GRUNK?

10 A. I came to hear his name more clearly when he signed a document  
11 endorsing the confession of prisoners at Tuol Sleng. At that  
12 time, I learned that he held a position of importance in the  
13 Democratic Kampuchea.

14 [15.11.44]

15 Q. You said that you saw the signature of the -- on the  
16 confession of prisoners at Tuol Sleng. Could you tell the Court  
17 the people who affixed their signature on those confessions?

18 A. I saw the signatures of those Cambodian returnees. I cannot  
19 enumerate their names now because there were hundreds of them.

20 Q. Can you recall one or two of them, your close friends, and  
21 those confessions was endorsed and signed by Nuon Chea? Can you  
22 tell the Court your close friends who were in prison there?

23 A. I cannot recall it on the top of my head now, but I did come  
24 across it at the time.

25 Q. During the period between 1975 to 1979, did you know what

1 position Nuon Chea held in the Democratic Kampuchea? Did you ever  
2 hear or know what position Nuon Chea held during the entire  
3 period of Democratic Kampuchea?

4 A. Mr. Lawyer, out of respect I would like to respond to your  
5 question again. I never knew Mr. Nuon Chea, and I had never known  
6 him before I started my work at the Tuol Sleng.

7 Q. If so, you are saying that you only came across the signature  
8 of Mr. Nuon Chea after you started working at S 21, when you  
9 started working from August to November 1979, is it correct to  
10 summarize that?

11 A. Yes, that is correct.

12 [15.15.01]

13 Q. When you saw the signature of Mr. Nuon Chea, did you know the  
14 content of the document? Did you read the document thoroughly and  
15 what was it about?

16 A. I only saw that there was a signature, his signature, and I  
17 was told by other colleagues that that was the signature of Mr.  
18 Nuon Chea, and they also told me that Nuon Chea was someone with  
19 a position of importance in the previous regime. So I have to  
20 repeat it again and again that I did see the signature and the  
21 signature was actually on the documents that was stored at Tuol  
22 Sleng.

23 [15.16.08]

24 Q. If you saw the signature of Mr. Nuon Chea at that time, do you  
25 think that you can recall it if I present you another signature

1 of Mr. Nuon Chea? Do you think that you can still recognize his  
2 signature?

3 A. I cannot recognize it because I never knew Nuon Chea at that  
4 time. At that time, Ung Pech and Kong Sinarath told me that that  
5 signature belonged to Nuon Chea, and I did not really take note  
6 of the special feature of his signature, so I cannot really  
7 recall. If you present me a signature now I don't think that I  
8 can compare it or recognize it because I did not have an  
9 expertise in it.

10 Q. When you arrived in Cambodia you said you saw a document about  
11 Samdech Sihanouk who -- the document about Samdech Sihanouk  
12 resigning from the leadership of the Democratic Kampuchea. I am  
13 sorry, I would like to rephrase my -- and simplify my question.  
14 When you returned to Cambodia, did you ever see any document  
15 concerning the application for -- or the tendering of resignation  
16 of Samdech Norodom Sihanouk, document dated the 11 March 1976?  
17 I did not know what the state of Cambodia was called officially  
18 at that time. I did not know whether or not it was a Democratic  
19 Kampuchea or it was the -- still the GRUNK, but my question is:  
20 Did you ever see the letter of resignation of Samdech Norodom  
21 Sihanouk at that time from the leadership of-

22 [15.18.27]

23 A. I did not remember it, but at that time we did not have access  
24 to media, to newspaper either, but we heard it from radio. I did  
25 not remember the exact date when that was announced.

1 Q. You said just now you heard it on the radio broadcast that  
2 Samdech Norodom Sihanouk was to resign from his post, and you  
3 also know that, at that time, Samdech Norodom Sihanouk was the  
4 president of FUNK and GRUNK. He was the leaders -- your leader  
5 because you were members of FUNK or GRUNK.

6 Now, did you ever wonder that -- why Samdech Sihanouk had to  
7 resign from his post? Did you know the reason or motivation  
8 behind his resignation?

9 [15.19.59]

10 A. I did not bother to ask about that question at all because, at  
11 that time, I was in the refugee and I was quite concerned of my  
12 personal safety because I was trapped in the detention. Actually,  
13 I had wondered about that myself but I did not bother to ask that  
14 question because I was being in detention myself.

15 Q. It was in mid March 1976. According to your testimony before  
16 the Court you said you returned to Cambodia in December 1976, so  
17 it means that you came to Cambodia after Samdech Norodom Sihanouk  
18 had already declared his resignation. So when he tendered his  
19 resignation you were still in France and you also learned about  
20 his resignation as well. You heard it from a radio broadcast.  
21 So my question is: Did you ever wonder to yourself why he decided  
22 to resign, and particularly, those who followed him from the very  
23 beginning, why he resigned from his post and did that raise  
24 concerns among his followers?

25 MR. PRESIDENT:



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1 I note the Prosecutor is on his feet. You may proceed.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you. This is not an objection per se, but the lawyer  
4 mentioned that the witness came back in December '76, or that's  
5 what I heard, but I think it was July '76. I think that  
6 clarification is worth making, Mr. President.

7 [15.22.07]

8 MR. PRESIDENT:

9 The Lead Co-Lawyer for the civil party, you may proceed.

10 MR. PICH ANG:

11 Thank you, Mr. President. Before us we have the witness who is  
12 now testifying before the Chamber based on what he saw, what he  
13 came across during the relevant period of the Closing Order.  
14 The questions that is being put by Mr. Son Arun now is to elicit  
15 his personal observation of the events which he was not involved  
16 and he did not see directly by his own eyes. So I would like to  
17 object based on this basis.

18 [15.22.47]

19 MR. SON ARUN:

20 I would like to respond to both the Prosecution and the  
21 representative of the civil parties. The witness joined the  
22 resistance movements in the 1960s, so he was active already and  
23 he knew a lot of information concerning the resistance movement,  
24 and if he said that he did not know about the resignation of  
25 Samdech Norodom Sihanouk on the 3rd of July 19 -- 3rd of March

1 1976.

2 So I simply would like to ask the witness in his capacity as the  
3 supporter, as a member, did he ever wonder why Samdech Sihanouk  
4 resigned and would that have any problems to other followers?

5 That is all for my questions.

6 MR. PRESIDENT:

7 Thank you.

8 So, now, I would like to hand over to the defence counsel for Mr.  
9 Ieng Sary to put the question to this witness. You may proceed.

10 [15.24.00]

11 QUESTIONING BY MR. KARNAVAS:

12 Good afternoon, Mr. President. Good afternoon, Your Honours, and  
13 good afternoon to everyone in and around the courtroom, and  
14 especially good afternoon to you, sir. Along with Mr. Ang Udom,  
15 we represent Mr. Ieng Sary.

16 Q. First, let me begin by asking you some questions about your  
17 background.

18 Could you please tell us what university degrees you hold?

19 MR. ONG THONG HOEUNG:

20 A. I studied for a master degree but I could not finish it due to  
21 my illness.

22 Q. Well, according to sources they say that you abandoned your  
23 PhD studies in order to come to Cambodia in 1976. So let me go  
24 back. Were you in a PhD program, were you in a master's program,  
25 did you ever receive a bachelor's degree, because you were in

1 France from 1965 to 1976 as a student?

2 [15.25.09]

3 A. I studied political economy but I did not complete the study.

4 Q. Thank you. So I take it from that answer you don't hold even a

5 bachelor's degree in political economics or economics or any

6 other social sciences; is that correct?

7 A. That is correct.

8 Q. So when you put down -- or when you represent that you

9 abandoned your PhD studies that's stretching the truth, is it

10 not?

11 A. In the French education system, tertiary education system,

12 that was allowed.

13 Q. Very well. Let me move on. Now, you have indicated to us and

14 you've indicated in your statements that subsequent to the coup

15 d'état you became a member of the Khmer Students' Union, and that

16 would be sometime in 1970; is that correct?

17 A. (No interpretation)

18 Q. Now, you had been in France since 1965. May I ask, from '65 to

19 '70, were you politically active in any way?

20 [15.28.22]

21 A. Like other students, I joined the political movements with

22 French students.

23 Q. And does that mean that you were just talking politics among

24 other fellow students, or were you engaged in an organization, a

25 club, a committee that belonged to a particular political

1 spectrum?

2 A. At that time, I sympathized -- those who were in the leftist  
3 movement. And when I was a student over there, there were  
4 movements in France, and I participated along with other friends.

5 Q. All right. Now, you've indicated that you knew of Khieu  
6 Samphan, Hu Nim, Hou Youn. Were you aware of their studies; what  
7 they had studied at university?

8 A. I read the thesis written by Khieu Samphan, by Hu Nim, and by  
9 Hou Youn.

10 Q. Thank you very much. You anticipated my next question; I  
11 wanted to ask that question. Thank you.

12 [15.30.11]

13 Now, when you were a member of the Khmer Students' Union, could  
14 you please tell us how active you were?

15 A. I was active in the sense that I was in the International  
16 House. I joined in the meetings with foreign students to talk  
17 about the issues in Cambodia. I contacted various other students'  
18 movements.

19 Q. And may I ask how many students -- how many Cambodians -- were  
20 members of the Khmer Students' Union when you were a member?

21 A. I cannot recall it clearly. At least, there were 50.

22 Q. And can you please tell us whether the Khmer Students' Union  
23 had a president, a vice-president, a treasurer, secretary? Were  
24 there officers elected to that student union?

25 A. Yes, there was a system like that.

1 Q. And was there a charter which set out the rules of this  
2 organization?

3 [15.32.18]

4 A. Yes, there was a by-law of the union, in the form of the  
5 by-law for the association. So we can call it an internal statute  
6 of the union.

7 Q. Was there a president at the time when you were there -- when  
8 you were a member -- and if so, who was the president or  
9 presidents during the period when you were a member of the Khmer  
10 Students' Union?

11 A. When I was a member, Suong Sikoeun was the president of the  
12 union.

13 Q. All right. Now, were there factions within the Khmer Students'  
14 Union, in other words, ideologically -- from left or centre to  
15 far-left?

16 A. There were two movements within the union. The one major  
17 movement was to ^the senior students who had contact with the  
18 French Communist Party. And after the coup d'état, there were  
19 younger Cambodian students who tend to bend towards the Chinese  
20 Party.

21 [15.34.25]

22 Q. And where did you lean? In which faction were you associated  
23 with or leaning towards?

24 A. I was in the centre.

25 Q. Okay. Now, in your statement -- and I'm referring to E3/97 --

1 in your statement, and -- Khmer ERN number is 00270684 to 86; in  
2 French, 00241883 to 84; in English, 00287100. You are asked a  
3 question: "Why was the Khmer -- the Khmer Students' Union  
4 dissolved in 1971?"

5 And here you say that "Ieng Sary took the decision to dissolve  
6 the movement".

7 And I want to focus on that a little bit, and then we're going to  
8 go to an earlier part of you answer. Now, from the charter, can  
9 you please explain to us how it is that someone who is not a  
10 member of the Khmer Students' Union could dissolve the Khmer  
11 Students' Union, which had a president at the time of which you  
12 were a member of?

13 A. At that time, in France, there were various associations who  
14 supported the ^Five Point Appeal by Norodom Sihanouk.

15 [15.36.57]

16 And then there were different names popping up as associations.  
17 Ieng Sary gave advice to those associations to resolve in order  
18 to form just one union, and they all agreed.

19 Q. All right. So, if I understand your answer, he didn't dissolve  
20 this union, but he gave advice as to what the students running  
21 the union -- who were of different factions -- might do. Would  
22 that be an accurate way of putting your answer?

23 A. The advice was given by Ieng Sary to the president of each  
24 association, and they all agreed to his advice. And that was the  
25 reality back then.

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1 Q. So, in other words, he took no decision. He gave advice, which  
2 was accepted.

3 A. In my understanding, it was an order, because everyone had to  
4 implement the line put by Ieng Sary.

5 [15.38.41]

6 Q. All right. Let me make sure I understand your testimony  
7 correctly. Here you say he took a decision. Earlier you said that  
8 he gave advice, because there were three factions. Now you're  
9 changing your story and you saying he gave an order. Do you see  
10 three different versions to a question being posed to you? Do you  
11 see that you're giving three different versions?

12 A. I respond to your question in the sense that everyone gave the  
13 value to Ieng Sary's words. It was like magic. So whatever word  
14 was used -- requires us, a suggestion, whatever -- everybody  
15 would follow his words.

16 Q. Okay, let's move on now. Now, you've indicated that, at some  
17 point, you were getting your information from FUNK, because there  
18 was a bulletin being put out; am I correct?

19 A. What kind of information?

20 Q. Thank you for pointing out the -- my question was incomplete.

21 [15.40.25]

22 Information concerning what was happening in Cambodia, as I  
23 understand your testimony from yesterday that a bulletin was  
24 being circulated by FUNK. And I believe you also indicated that  
25 something was even being printed in Paris.

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1 A. It was known as the "FUNK Bulletin" back then.

2 Q. Well, who was circulating the bulletin, under which title?

3 Because you've indicated that, in Paris, something was being  
4 printed and circulated. So who was printing it, what was the  
5 title of it, who wrote the content of it?

6 A. In general, the content was derived from the radio broadcast  
7 of the FUNK. And the one who circulated the bulletin was the  
8 students.

9 Q. All right, so as I understand it, somebody's listening to the  
10 radio, transcribing what they heard, and then circulating to  
11 those who might not have heard what was on the radio, coming from  
12 FUNK. Do I have it right?

13 [15.42.19]

14 A. Yes, because in Paris, you could not tune to the Front  
15 channel, but the text was sent from Hanoi or from elsewhere to  
16 Paris. That was the general context.

17 Q. Well, that was going to be my next question; do you know  
18 exactly where it was coming from, and who was actually writing  
19 the content of what was being circulated? Because you've also  
20 indicated, at this point in time, we have the former King -- the  
21 former head of state -- Prince Norodom Sihanouk, who was the head  
22 of FUNK for all intents and purposes; correct?

23 A. I don't understand your question.

24 Q. Where was the broadcasting coming from, and who was  
25 responsible for the content? Because by this point in time you've



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1 indicated the Prince Sihanouk was head of FUNK -- unless I have  
2 it wrong.

3 [15.43.55]

4 A. As a matter of fact, Prince Norodom Sihanouk was the head of  
5 FUNK. And usually he also had his own bulletin. He likes to have  
6 his own bulletin, and another bulletin was -- came from the FUNK  
7 office. And the content was also broadcast on the FUNK radio.

8 Q. And this information that you were getting from Prince  
9 Sihanouk -- from his bulletin -- was it the same, or basically  
10 the same, information that was in the other bulletin? Or was it  
11 radically different?

12 A. Generally, the bulletin coming out of Sihanouk was about his  
13 own activities.

14 Q. All right. Now, as I understand it from your testimony today  
15 -- but also from looking at your book -- you give credit to  
16 Professor Chandler for encouraging you to write your own book; is  
17 that correct? Do I have it right?

18 A. No, that is not correct, because I already completed my draft  
19 and later I knew Chandler and I have him read my draft -- not  
20 only him, a few other people as well.

21 [15.46.06]

22 Q. All right. Well, I have a -- on page 15 from your book, it  
23 says here -- words to the effect -- this book would not exist if  
24 Henri Locard had not found it at Steve Heder's place, and if  
25 Heder and David Chandler had not encouraged me to publish it.

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1 That's on page 15 of your book. It's in French, it was translated  
2 for me.

3 Is that about right?

4 A. Yes. Let me clarify that. I already concluded my draft or  
5 finished my draft before the encouragement for me to publish it.

6 Q. Then I stand corrected. The encouragement was for the  
7 publishing not for the writing of it. Now, based on that, can we  
8 draw any conclusions that you might have had an association with  
9 David Chandler -- that you might have spoken to him -- prior to  
10 him coming across a draft of your manuscript? In other words,  
11 have you met the gentleman before that? And have you spoken to  
12 him at any point in time?

13 [15.47.42]

14 A. In general, authors, when they complete their manuscript, they  
15 would distribute among themselves to review. And I was in the  
16 same situation. I share my transcripts for review with some of my  
17 peers, and it was done in that sense.

18 Q. All right. Well, were you aware that you're featured in David  
19 Chandler's book, "The Tragedy of Cambodia History", which was  
20 initially with a copyright of 1991, and with a South Asian  
21 edition of 1993 reprinted in 1994? Were you aware that you're  
22 mentioned in his book?

23 A. No, I cannot recall that.

24 Q. Have you read any of his books? And let me go on, because it  
25 appears to me -- my understanding -- that, in writing your own

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1 book, you did quite a bit of research.

2 A. I did some research, but when I read Chandler's book, I did  
3 not know him as the author. So the book that I wrote did not rely  
4 on any of his books.

5 Q. All right.

6 [15.49.35]

7 Now, if we could look at -- it's D108/50/1.75 -- and I'm told  
8 this has not been translated into either French or Khmer, so I'll  
9 just read it -- and this is from -- ERN 00193374. Here he says  
10 that "Hoeung was affiliated with the UEK rather than with the  
11 more extreme Union nationale des étudiants Khmers (UNEK), the  
12 Maoist organization to which Kol Touch's son belong".

13 Is that an accurate statement that Mr. Chandler makes about you?

14 A. Yes, that is correct. I always encouraged the Cambodian  
15 students to reunite together, despite their different tendencies  
16 towards different affections. I also had contact with all those  
17 who either leaned toward the French Party or toward the Chinese  
18 Party.

19 Q. (Microphone not activated) -- I just want confirmation of what  
20 he's saying, just to make sure that it's accurate.

21 [15.51.31]

22 He then goes on to say:

23 "Some thirty members of the UNEK, including Touch's son, were  
24 allowed back into Cambodia in 1973 after being vetted by  
25 Cambodians in Beijing. Students like Hoeung, who were affiliated

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1 with the UEK were told to wait, and none returned home until  
2 after April, 1975."

3 Now, is that accurate, to your understanding?

4 A. That is the opinion of the author. It is not my statement,  
5 because I, myself, did not submit a request for my return to the  
6 country.

7 Q. All right. So -- to make sure -- you did not request to go  
8 back to Cambodia on or about 1973 or '74, where you would have  
9 had to go to Beijing and be vetted out. No requests were made by  
10 you?

11 A. I never made such a request to go back in either '73 or '74.

12 Q. All right. Thank you.

13 [15.53.26]

14 Now, he goes on to say that in 1974, Hoeung and others in the  
15 movement went to Bucharest to meet Ieng Sary, who was travelling  
16 with Sihanouk. Now, I've listened to your testimony yesterday and  
17 the day before, and you never mentioned anything about going to  
18 Bucharest in 1974.

19 Can you please tell us whether that's -- whether Mr. Chandler has  
20 it accurate? In other words, did you go to Bucharest in 1974?

21 A. Yes, I went to Bucharest in 1974.

22 Q. Now, you've told us that by this point the Khmer Students'  
23 Union has been dissolved. Did you go there on your own account,  
24 or did you go there as part of an association or group? And if  
25 so, what was the group or association?

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1 A. I went, as the rest of us, in the name of a member of the FUNK  
2 Student's Association.

3 [15.54.58]

4 And in 1974, he made a visit with Sihanouk to Romania, Albania,  
5 and Yugoslavia.

6 Q. And what was the person -- what was the purpose for you  
7 travelling all the way from Paris -- or wherever you were in  
8 France -- all the way to Bucharest in 1974? Why go there?

9 A. Officially, the FUNK's Students' Association assigned some  
10 students to meet with Norodom Sihanouk, who was the president of  
11 the Front. And after we met with Samdech Sihanouk, we  
12 subsequently met with Ieng Sary.

13 Q. All right. Now, when you met with Sihanouk and Ieng Sary, did  
14 you ask any questions? Or was it just a social event?

15 A. I cannot recall whether I asked any questions.

16 Q. All right. Well, maybe I shouldn't say "you" in particular.  
17 Did the group go there to perhaps get some information from  
18 Prince Sihanouk and Mr. Ieng Sary, and also perhaps have  
19 questions of their own answered by these two individuals who are  
20 representing FUNK?

21 A. I cannot recall if any of the students put some question to  
22 Ieng Sary.

23 [15.57.22]

24 It is the -- the custom of the students just to be the audience  
25 to the speech made by Prince Sihanouk, and not to put any

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1 questions to him. Not like the way you are doing now.

2 Q. All right. Okay. Well, then, can you please tell us -- this  
3 must have been a memorable event, going to meet the Prince all  
4 the way in Bucharest. Can you please tell us what his message was  
5 to the students coming from Paris, who were essentially the  
6 representatives of FUNK in Paris?

7 A. I cannot recall what he said, but we met him. He talked about  
8 whom he met, but I did not take note in any other things or make  
9 any other observations.

10 Q. All right. Let me make sure I get this straight. He's there on  
11 behalf of FUNK to give information. Are you telling us that, from  
12 that meeting, today, you don't remember whether he talked about  
13 what was happening in Cambodia, how the struggle against Lon Nol  
14 was going, what the plans might be for the future?

15 [15.59.16]

16 You're drawing a blank. Is that your testimony today?

17 A. I don't say he didn't say anything, but I did not pay  
18 particular attention to the fact that he met this president of  
19 this country or that president of that country. Maybe he also  
20 talked about the situations back home, but I just simply cannot  
21 recall it.

22 Q. Let me ask you one final question before we run out of time  
23 today. And this is, again, from the same page in Chandler's book.  
24 He goes on to say:

25 "In the second half of 1975, perhaps thirty Khmer expatriates

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1 were brought into Cambodia from Europe, in particular from the  
2 Soviet bloc, via Beijing, but it was not until April 1976 that  
3 Hoeung and his wife received permission to travel in the fourth  
4 group of returnees, each of which numbered about forty men and  
5 women."

6 Now, you've told us when you came back. But my question is: Were  
7 you waiting for permission to come in? In other words, from the  
8 time Phnom Penh had fallen, in April 1975, were you putting in  
9 request to return to Cambodia -- and it wasn't until a year later  
10 that you and your wife were actually granted permission to come  
11 to Cambodia via Beijing?

12 A. Back then, it was up to Angkar. When Angkar needed us, they  
13 would call us and we had to come back.

14 Q. All right. Well, maybe something was lost in translation.

15 [16.01.45]

16 I'm not asking whether they called you. I'm asking you, sir,  
17 whether you had requested permission -- in other words, you  
18 voluntarily wanted to come back -- as early as April '75, and had  
19 to wait for permission to be granted to come in. There's a nuance  
20 there that's rather significant.

21 A. Yes, we put a request. All of us put a request, and I also put  
22 a request for permission to return to Cambodia, and with the  
23 permission, then I came back.

24 MR. KARNAVAS:

25 Mr. President, I'm going to be moving on to another chapter, plus

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1 it's a couple minutes after 4.00. I'm in your hands.

2 MR. PRESIDENT:

3 You may continue, Counsel.

4 [16.02.58]

5 MR. KARNAVAS:

6 Thank you, but I'm going to need at least another hour with this  
7 gentleman, so we're not going to finish today because also the  
8 Khieu Samphan team has questions. I didn't want to exercise  
9 jurisdiction over the clock.

10 MR. PRESIDENT:

11 There might have been a loss in translation. Of course, I thought  
12 that you had only a little more time to put the question to the  
13 witness. Probably there was loss in translation in Khmer, and if  
14 you still had an hour or so of the question time then we need not  
15 have to ask you to proceed because the time is now appropriate  
16 for the day adjournment.

17 [16.03.59]

18 The time is now appropriate for adjournment. The Chamber will  
19 adjourn here, and the hearing will resume on Monday the 13th of  
20 August, starting from 9 o'clock in the morning.

21 And on Monday next week, we will resume the testimony -- resume  
22 hearing the testimony of Mr. Suong Sikoeun, and we will begin by  
23 the question by the civil -- by the defence team. And it -  
24 alternatively, we will have Mr. Ong Thong Hoeung as an alternate  
25 witness in case there was a health issue with Mr. Suong Sikoeun.



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1 So, Mr. Ong Thong Hoeung, your testimony has not yet been  
2 concluded, so the Chamber will invite you to come to the Court on  
3 Monday next week.

4 Court officer is instructed to coordinate with the Witness  
5 Support Unit to facilitate the accommodation and transport of the  
6 witness and have him back to the Extraordinary Chambers in the  
7 Courts of Cambodia again on Monday next week as an alternate  
8 witness, in case Mr. Suong Sikoeun's health is not good enough to  
9 continue providing his testimony.

10 Security guards are instructed to bring the co-accused to the  
11 detention facility and bring them back to this courtroom before 9  
12 o'clock, on Monday next week.

13 The Court is now adjourned.

14 (Court adjourns at 16h05H)

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