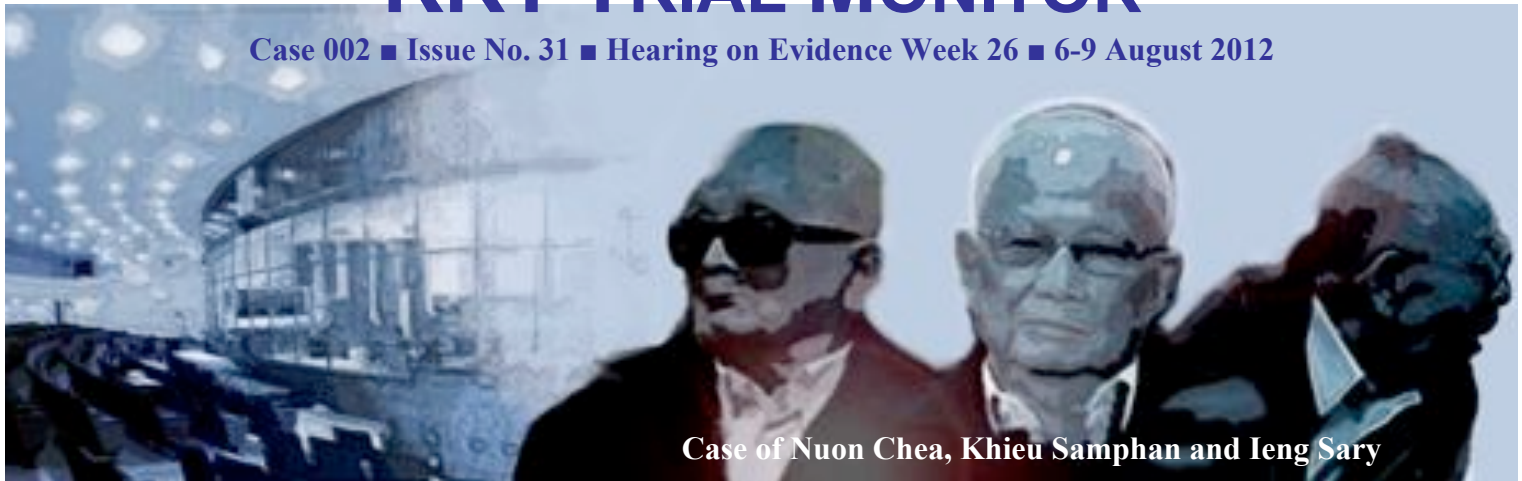


KRT TRIAL MONITOR

Case 002 ■ Issue No. 31 ■ Hearing on Evidence Week 26 ■ 6-9 August 2012



Case of Nuon Chea, Khieu Samphan and Ieng Sary

Asian International Justice Initiative (AIJI), a project of East-West Center and UC Berkeley War Crimes Studies Center

*At that time, I lived overseas and when I closed my eyes,
I could imagine my native village, my people and relatives.
And I never for once wanted to stay
or live 'til my death in a foreign country.*

- Witness Ong Thong Hoeung

I. OVERVIEW

Mr. Suong Sikoeun, a former high-ranking official from the Ministry of Foreign Affairs (**MFA**), continued his testimony this week. He provided the Trial Chamber with details of his duties in Democratic Kampuchea and his interactions with MFA Minister, the Accused Ieng Sary. The Witness also testified on CPK practices relating to confessions and arrests of persons during DK.

On Tuesday, the Chamber suspended hearing Suong Sikoeun's testimony in consideration of his frail health and called to stand a reserve witness, Mr. Ong Thong Hoeung, an intellectual educated in France who came home in the hopes of helping rebuild Cambodia after the fall of the Lon Nol regime. Ong Thong Hoeung provided information on Ieng Sary's involvement in the repatriation of Cambodian intellectuals and testified on his personal experiences in various re-education centers during the DK.

II. SUMMARY OF WITNESSES TESTIMONY

Both witnesses are intellectuals repatriated from France. Each provided a different perspective on the Khmer Rouge: Suong Sikoeun gave his insights as an official of the MFA, while Ong Thong Hoeung's testimony revealed the conditions he endured as a detainee.

A. Suong Sikoeun's Testimony

As the director of the information and propaganda section of the MFA, Suong Sikoeun was able to give detailed descriptions of the MFA's structure and decision-making process, as well as his interactions with the leaders of DK.

1. Return to Phnom Penh

Soung Sikoeun said he worked at the radio station *The Voice of FUNK* in Hanoi before he returned to Phnom Penh in May 1975, a month after the evacuation. He testified that according to a radio broadcast, Phnom Penh was evacuated out of fear of American bombings and famine. The evacuation was also carried out to disperse the spy networks of the enemy. He asserted that social class was not considered as a factor in determining who was evacuated from the city: everyone was evacuated. To his knowledge, of all socialist countries, only Cambodia evacuated people and, at the same time, abolished currency. Witness said, "This was something extraordinary in Cambodia."

2. Roles During the DK

The Witness testified that DK's Foreign Minister, Ieng Sary, assigned him, Keat Chhon (current Minister of Economy and Finance) and a certain Don Saroun to organize the MFA. In late 1975, Witness became responsible for matters relating to South East Asia and Europe. From June 1977 until 1979, he served as the MFA's spokesperson and director of its information and propaganda section. Soung Sikoeun also indicated that, for a time, he worked as the MFA's deputy director of protocol and politics.

As the director of the MFA's information and propaganda section, the Witness said he was responsible for disseminating international news and DK's diplomatic activities in other countries. He listened to foreign broadcasts in French, English, Chinese, and Vietnamese, which were translated into Khmer. Similarly, broadcasts originally in Khmer were translated into foreign languages. According to Soung Sikoeun, while he gave Ieng Sary oral reports, the written daily, weekly and monthly bulletins on the broadcasts were submitted to a committee, which the Witness did not name. He said that he tried to be a "pacifist" and sometimes modified his reports so that he would not be accused of sharing the views of foreign press agencies. "And that's the point that I lied to stay alive during the time that I worked with him (Ieng Sary)," Soung Sikoeun explained.

Although Ieng Sary was Soung Sikoeun's immediate superior, the latter said he also worked directly with Pol Pot. He confirmed that Pol Pot appointed him director of the Kampuchea Information Agency, which was also known as Kampuchea Press Agency or the "AKP."¹ The AKP was responsible for disseminating local and international news. Soung Sikoeun said he only accepted his appointment after Pol Pot assured him that the position only required him to produce around five articles per day. Regardless of this assurance however, Soung Sikoeun stated that from 1977 to 1978, he only had half an hour of rest each day because he was in charge of writing, translating, and broadcasting news items. The Witness emphasized that it was Pol Pot who gave him instructions on the AKP's work, and the "broadcast was far from the charge of Ieng Sary."

As regards the *Black Book*, the Witness said that although a meeting was held to discuss the book's contents, those who were at the meeting, including Ieng Sary and Nuon Chea, merely listened to Pol Pot's proposals. "Ieng Sary and Nuon Chea were not involved in the writing of that book. It was actually Pol Pot who wrote that book," Soung Sikoeun testified. Moreover, he admitted publishing the *Black Book* in Khmer, French and English as part of his duties as the director of the information and propaganda section.

Significantly, the Witness recalled that Pol Pot did not need to ask other leaders' opinions as he could make any decision by himself. "Pol Pot could make a decision without the knowledge of the head, that is Ieng Sary," testified Soung Sikoeun.

3. Administration of the MFA

Soung Sikoeun described the MFA as the only fully functioning ministry during the DK because other ministries, such as the Ministry of Commerce, only existed on paper. The MFA had two main sections: the “bureau section” and the “department section.” The bureau section was responsible for production, security and food. The department section, which he also referred to as the “diplomatic section,” handled diplomatic affairs and included the “secretariat of the ministry of the protocol, the production, and the political affairs, and the propaganda and information section...”

a. Meetings

According to Soung Sikoeun, different meetings were conducted in the MFA, such as “working meetings” held by the respective directors of the various sections every three days, criticism meetings at least once a week, gatherings of the “Party branch” every fortnight, and meetings for all staff at the Ministry each month. Ieng Sary reportedly chaired meetings attended by section heads. The Witness related that during these meetings, Ieng Sary apprised them of important events and discussed the “collective decisions by the party.” He emphasized that the Accused never discussed the decisions of the Standing Committee with them. Soung Sikoeun added that Ieng Sary also presented documents in political training sessions.

All KR cadres (and not just those who worked at the MFA) reportedly attended detailed study sessions conducted every three or six months. The purpose of these study or re-education sessions was to enable participants to “grasp the revolutionary situation,” build socialism in the country, and understand the tasks assigned to them.

b. Self-Criticism and Sanctions

The information and propaganda section had around 20 personnel. Soung Sikoeun admitted that, as the section’s head, he conducted internal meetings every three days and reported to Ieng Sary after the meetings. Apart from drawing up plans during these meetings, they also engaged in self-criticism to identify shortcomings and encourage cadres to work more actively for the interest of the people and the Party. Another purpose of self-criticism was to “build revolutionary views and standpoints of each member.” The Witness said he was not exempt from criticism: he was criticized because he was educated overseas and had acquired behavior considered foreign, such as putting his hands behind his back when he walked and looking only at his own plate while eating. He was also criticized for having a foreign wife. Soung Sikoeun stated that he did not become fearful despite these criticisms because his superior, Ieng Sary, also studied in France and knew intellectuals like him. Further, he believed that the criticisms against him did not violate any of the party’s policies.

As regards sanctions, the Witness indicated that he did not know how punishments were meted out against erring MFA cadres. In general, the first sanction was re-education, and the second was suspension of party membership. The Witness said that the second sanction was never imposed in the information and propaganda section because none of his co-workers violated party discipline.

4. Party Policies on Intellectuals

Soung Sikoeun stated that Ieng Sary was also responsible for the intellectuals repatriated from France. He testified, as follows:

I only knew that he was in charge of foreign affairs of the Center. And as for the intellectuals arriving from France who were the former members of the Marxist-Leninist circle -- he was also responsible for that group as well, including myself.

The Witness further said that, "the decision to call those diplomats back to the country was made in late 1975, and normally, Pol Pot was the one who rendered that decision. It was not up to Ieng Sary to decide..." He indicated that he was "100% sure" Ieng Sary did not know what would happen to repatriated Cambodians. It was also Pol Pot who selected the persons to send overseas and the Witness likened Ieng Sary to an "administrator" who merely supervised them.

According to Soung Sikoeun, intellectuals were required to do hard labor upon their return from abroad so they could "rebuild" themselves. He testified that intellectuals were not chosen to serve as diplomats because they were not of a "pure" pedigree. "Base cadres" were instead chosen for posts overseas.

5. Enemies and Disappearances

The Witness testified that the CPK's enemies were categorized into different types: foreign enemies, domestic enemies, and "enemies within our self." Initially, American imperialists were considered foreign enemies. Beginning late 1977, they likewise included the Vietnamese and Kuomintang spies in this category. Domestic enemies, on the other hand, were agents and "lackeys of those imperialists." "Enemies within," the Witness explained, were the "remnants of the previous regimes." The CPK considered "enemies within" as its main enemies because it wanted to get rid of "those who were greedy, those who loved to hold on to their power and exploited people's labor and those who were extravagant," elaborated the Witness.

Soung Sikoeun stated that he noticed the disappearance of cadres who worked in the MFA. He explained that disappearances did not always mean that a person was arrested; it could also mean that a person was transferred to a different office. He revealed that some of his friends disappeared for reasons unknown to him and it was only after the fall of the regime that he discovered that they were in the S-21 prisoner lists. The Witness recounted that he and Ieng Sary had a close friend named Toch Kham Doeun who used to work at the MFA. In 1977, Toch Kham Doeun was arrested while Ieng Sary was not in the country. Soung Sikoeun indicated that their friend would not have been arrested if Ieng Sary had been in Cambodia at that time because he believed that Toch Kham Doeun was someone Ieng Sary would have protected. "It can be said so, because Ieng Sary defended a large number of cadres at the Ministry of Foreign Affairs," he stated.

The Witness described confessions as similar to fictional novels, as they contained accounts that "could not be believed." Initially, a person implicated in at least three confessions was arrested but Pol Pot's sister-in-law, Ieng Thirith,² intervened and asked to increase the required number of confessions. Consequently, a person had to be implicated in eight confessions (instead of three) before he or she was arrested. Soung Sikoeun recalled that in his case, four confessions directly implicated him as a "revisionist" or a person who was "pro-Soviet Union or Pro-Vietnam." One other confession concluded that all intellectuals who studied overseas were revisionists but since it did not name him specifically, it was only

considered as a partial implication. However, after a certain Hou Sarin (phonetic) incriminated him, Ieng Sary called him to clarify the accusation and instructed him to write his biography. Soung Sikoeun admitted that in his biography, he described a number of people as "traitors" or as "despicable." He justified this by saying that:

Those individuals were announced by the party as CIA agents and they betrayed the organization. As such, it had to be stated so. Believe it or not, that was what was to be done. I do not know the fact that by putting such allegations or names that I would be labeled as opportunist. However, if I were not to write down those names, what will be the consequence? That's what we call the Khmer democracy.

In his testimony, the Witness also lamented that people who were accused during the DK were not given the chance to confront their accusers. When Witness went to Tuol Sleng Museum, he saw friends who were loyal and good people, "but were taken and killed there; that was really a pity." Appearing to address the Accused, he remarked:

My apology to the brothers, if I knew that that was the result, I would not have joined the group because I myself, I reached a point of no return, that I would not beg anymore -- any longer. That was not a revolution.

6. Interactions with the Accused

Soung Sikoeun stated that he only saw Nuon Chea from a distance at a political session in Borei Keila³ in 1976. Moreover, he talked to Nuon Chea only once through the telephone when the latter requested him to prepare an article on the foreign policy of the DK. When asked whether he had interactions with Khieu Samphan, the Witness said that he accompanied the Accused to Sri Lanka in 1976 and they met in Cambodia during official functions. However, they never talked in a "private capacity."

Ieng Sary himself reportedly informed Soung Sikoeun that he (Ieng Sary) was a member of the Standing Committee. At that time, Soung Sikoeun said he knew that Ieng Sary was under Pol Pot and Nuon Chea in the DK hierarchy, so he concluded that the two leaders were also members of the Standing Committee. The Witness also confirmed his OCIJ statement naming Pol Pot, Nuon Chea, Son Sen and Vorn Vet as members of the Security Committee. He clarified however that, he learned this information only from a book or news article he read in late 1979 and that he did not know the function of the Security Committee. As regards Office 870, the Witness said he only knew that Pang⁴ was involved in this office.

When international Prosecutor Mr. Vincent de Wilde d'Estmael asked Soung Sikoeun to describe his relationship with Ieng Sary, he explained:

Because, as a Party's member, we are not closely related as individuals. We are closely to the Party's lines. ...We closely worked with those who were assigned to a similar task. It doesn't mean that I had to...work based on whatever he (Ieng Sary) assigned. I had to adhere to the tasks that were assigned to me, and not by him personally. And of course, the subordinates had to adhere to the instructions from the superior. The minority had to listen to the majority. That were some of the principles that we had to adhere to.

He added that although he knew Ieng Sary since they were young,⁵ he did not follow the Accused blindly. Trust during the DK was difficult to define, so they judged things "based on the reflection of the Party's line," said Soung Sikoeun. Since "[e]verything was an evolution," the trust they gave their leaders depended on the situation.

7. Witness Demeanor and Credibility

Soung Sikoeun informed the Chamber that he resolved to help the ECCC when, during a visit to S-21, he discovered that many friends who were loyal communists were tortured and smashed. He readily responded to questions put before him and asked Parties to clarify questions he deemed confusing or even irrelevant to the proceedings. He refused to respond when the questions related to matters that were beyond his personal knowledge.

Notably, Soung Sikoeun showed obvious displeasure whenever he perceived that questions lacked understanding of the situation in Cambodia during the DK regime. During his examination by the OCP, the Witness commented, "... when a question is put to me by the International Prosecutor, it doesn't seem that they are firmly aware of the situations in Cambodia, neither the movement of that regime at the time." The same Witness again showed his dissatisfaction on Wednesday, after he stated that he could not recall the details of the meeting Ieng Sary chaired in Paris in 1975. Judge Jean-Marc Lavergne inquired, "Is this memory loss, or simply because you were not there, or do you simply not want to remember?" Visibly vexed, Soung Sikoeun retorted –

...I do not gain anything from speaking out. I'd just like people to understand what happened and not for the purpose of mitigating the circumstances for other people or individuals. And if Your Honor knows me personally, clearly, and my background – of course I don't want to reveal that here in the courtroom, but you would know that if I am a person who will say what I know.

The Witness then went on to give a lengthy account of his political view and how he survived the regime, prompting the President to remind him of his role as a witness and advised him to refrain from making comments that were outside the scope of the trial. Thereafter, Witness responded precisely to questions and limited his answers to respond to issues raised.

B. Ong Thong Hoeung's Testimony

Mr. Ong Thong Hoeung, a Cambodian intellectual who studied and lived in France before he returned to Cambodia in 1976, began his testimony on Tuesday. He testified on his experiences in various re-education camps and indicated that many people disappeared during his stay in these camps. He later came to learn that some of them were executed.

1. Background

Ong Thong Hoeung began his education in political economics in 1965 in Paris, where he lived until he was repatriated in 1976. He became a member of the Khmer Students' Union⁶ in 1970. According to the Witness, Khieu Samphan, Hu Nim, and Hou Yun, known as the "Three Clean People," were also members of the Khmer Students' Union, and his respect for them inspired his participation in this organization. At that time, he knew that these three leaders had a reputation for "cleanliness," and their association with the Khmer Rouge contributed to the public's positive perception of the movement.

2. National United Front of Kampuchea

According to Ong Thong Hoeung, Prince Norodom Sihanouk and Penn Nouth founded FUNK with the purpose of building an independent, fair and just Cambodian society. He indicated that, everyone, regardless of political agenda, was allowed to join FUNK because it was not a communist party. Ieng Sary reportedly directed FUNK's activities and Khieu

Samphan was one of its members. While the group's activities were concentrated in the countryside, it also had supporters in cities.

3. Ieng Sary's Activities Overseas

The Witness recounted that Ieng Sary visited France often. In Paris, the Accused reportedly met with Cambodians, many of whom were students. He also met with the media. According to the Witness, Ieng Sary gave assurances of Cambodia's self-reliance and success during these meetings. When Ieng Sary went back to France after the Khmer Rouge's victory in 1975, Cambodian intellectuals and students greeted him as a great hero, recalled the Witness. The Accused reportedly spoke of the importance of self-mastery, patriotism, self-reliance and nationalism, and emphasized Cambodia's independence from Vietnam.

The Witness testified that, based on a press statement from Ieng Sary, Cambodian repatriates were happily aiding in the country's reconstruction. He added that when Ieng Sary addressed the United Nations General Assembly, the Accused stated that the evacuees from Phnom Penh were gradually being brought back to the capital. Thus, while Ong Thong Hoeung knew that he needed to engage in "rebuilding" to become part of the revolution, he never thought that it would entail starvation and hard labor. He thought it only meant that he had to become accustomed to the way Cambodians in the country lived. Despite news reports of evacuations, starvation and executions in Cambodia, Ong Thong Hoeung said he chose to believe in Ieng Sary –

I thought that those people who had sacrificed their life and their happiness to save the country would not do anything that would put their country at risk. So whatever he (Ieng Sary) said at that time, I believed completely.

Ieng Sary's appeals to encourage Cambodians to return to the country were reportedly very effective: Cambodian expatriates sold their houses and left their families behind to return to Cambodia. The Witness estimated that around 1,700 Cambodians like him returned to their homeland but only around 200 of them survived the regime.

4. Repatriation

Ong Thong Hoeung said he voluntarily returned to his homeland in July 1976 because he could not imagine living his whole life overseas. His traveling companions on the flight to Cambodia were former military personnel and members of Ieng Thirith's family. He revealed that upon his arrival at Pochentong Airport however, he felt that if he had been given the chance, he would have boarded the plane and left again because the Cambodia that he saw was so different from the home he remembered. At the airport, he saw Saloth Ban,⁷ also known as "So Hong," who directed him to other KR officials.

5. Khmer Soviet Technical School or K-15

The Witness disclosed that upon his arrival in Cambodia, he was taken to a re-education center at Khmer Soviet Technical School, where he and his fellow repatriates were allowed to rest and were given stale rice to eat. Subsequently, they were taken to rice fields and instructed to move and restore houses, and remove rocks to maximize rice production. He said he noticed that even old persons had to work very hard. Ong Thong Hoeung recalled that they were directed to produce "Fertilizer Number 1" from feces and urine:

If we were able to produce effective Fertilizer Number 1, it would mean we were effective in rebuilding ourselves. So, in short, it means we would be able to get rid of our existing stance or status in the class.

Ong Thong Hoeung further testified that his wife arrived at K-15 sometime in January 1976. She told him that Khieu Samphan was in the facility at that time and had conducted a study session. According to his wife, Khieu Samphan commended the returnees for being patriotic and told them that they were right to have returned to Cambodia.

People in K-15 were mostly Khmer students and former soldiers from France, the United States and the Eastern Block, recalled Ong Thong Hoeung. They were organized into groups and the Khmer Rouge cadres appointed a leader from each group. The appointed leader supervised the group and reported to the officer in charge, said the Witness. He remembered that this system fomented distrust because the group leaders always tried to please their supervisors, to the detriment of the members of the group.

Group meetings were held weekly while study sessions were conducted sporadically. The repatriates also attended criticism sessions but they were never allowed to criticize Angkar or any KR official. According to the Witness, while they were told that Angkar represented freedom and justice, they had neither freedom of speech nor the freedom to not speak. They had no contact with anyone from the outside and had no knowledge of the living conditions beyond the camp.

The Witness further recalled that there were also children in K-15. The children were separated from their parents but they were given better food than the adults. They received some education: they learned the alphabet and Khmer Rouge slogans, such as “I love Angkar without boundary,” said the Witness. When asked about marriage at that time, he answered, “[i]n general, not only at K-15, those who came from overseas did not have the right to marry the local women.”

According to Ong Thong Hoeung, he never saw any physical torture at K-15. He noticed that some people were taken away but he did not know where they were brought. He said he only learned about executions when he worked at Toul Sleng in mid-1979.

6. D-2

After approximately three months at K-15, Ong Thong Hoeung was taken to D-2, a rice-milling factory and iron refinery located between Phnom Penh and Prey Phnom. The Witness said that in the factory, soldiers were assigned to operate machinery despite the fact that “they did not even know what a refrigerator looked like.” Some former workers of the factory taught the soldiers how to operate the rice threshing machinery. Vorn Vet reportedly came to inspect D-2 occasionally.

7. Ta Kmao

Living conditions in Ta Kmao were worse than in K-15 and D-2, described the Witness. He recalled that sick detainees’ food rations were cut. The Witness testified that he heard rumors of the arrest of another returnee, Cheng Seng Nong, after he tried to escape from Ta Kmao. The Witness said that after the DK fell, he found Cheng Seng Nong’s name in the records at S-21.

8. Boeng Trabek⁸

Ong Thong Hoeung was moved to Boeng Trabek, where he said his fellow repatriates in K-15 were transferred after the latter facility was closed down. There were also a few Khmer Rouge cadres among the detainees in Boeng Trabek, he recalled. He indicated that class struggle “gained momentum” in this facility. Instead of explaining what he meant by this statement, he gave the following example: they were not allowed to take ripe coconuts that had fallen to the ground because this was inconsistent with the principle of liberalism as defined by the CPK. As such, people who picked them up were reportedly arrested. He added that many people were taken away, and “there was no information whatsoever concerning the transfer out of those people.”

Like in K-15, the system of having leaders and deputy group leaders was also implemented in Boeng Trabek. The Witness indicated that once again, there was an atmosphere of distrust among the group leaders and the rest of the detainees.

9. Dey Krahorm

According to Ong Thong Hoeung, he was in Dey Krahorm from late 1976 until late 1978. The conditions there were reportedly better than the other camps. “We had access to potatoes and other crops... we could roam around the area, and we had access to waters and streams,” he stated. Moreover, the Khmer Rouge officials “were more polite and treated us more friendly.”

He also testified that some people were immediately taken away to an undisclosed place upon their arrival in Dey Krahorm. Among them were Ieng Thirith’s two nieces. Ong Thong Hoeung remembered that at least 100 people were taken away over the course of his detention in this camp.⁹ He later discovered that of those who were transferred, only Ieng Thirith’s nieces survived.

10. Return to Boeng Trabek

From Dey Krahorm, the Witness said he was taken to a place near Wat Phnom in Phnom Penh, where he stayed for one night. He learned that while he was sleeping, Ieng Sary visited the place. The other detainees informed him that “[h]e (Ieng Sary) asked where we had been during the past few years and who actually sent us to Dey Krahorm and how the situation was like back in Dey Krahorm,” recalled Ong Thong Hoeung. The next day, Witness was transferred back to Boeng Trabek, where he was sent, first to B-30, and then B-32, because he was told that he had already re-educated himself at Dey Krahorm. People who were taken to B-4, on the other hand, had not yet completed their re-education.

According to Ong Thong Hoeung, there was sufficient food¹⁰ in Boeng Trabek and the work was not as intensive as before. He revealed that, Ieng Sary gave a presentation on Cambodia’s resistance against Vietnam, and spoke about traitors and the arrest of a certain To Ti Peah. The Accused reportedly said that he would, “as always,” defend comrades who came back to Cambodia from overseas because he did not believe that all repatriates were traitors.

11. Freedom from the Khmer Rouge

Ong Thong Hoeung testified that on 6 January 1979, Saloth Ban told the detainees to prepare to leave Boeng Trabek. He recalled that, in the morning of the next day, they were taken to the Thai-Cambodian border by train amidst explosions from the direction of Phnom Penh. No Khmer Rouge took charge of them. When the train stopped, they traveled by foot and dispersed themselves among various cooperatives, stated the Witness.

12. Witness Demeanor and Credibility

Ong Thong Hoeung answered questions during his examination in a forthright manner and candidly informed the Chamber whenever questions required information outside his knowledge. He became emotional as he recounted the deaths of his family and friends during the regime. He also expressed how bewildered he was when he was mistreated in the camps, as he did not understand the intentions of the Khmer Rouge. The Witness emphasized that he did not testify out of revenge:

So the four-year period of experience in life was so sorrowful that it ruined my happiness for my entire life and I would like to make it clear that I am coming here not to take revenge, but simply...to contribute in order to ensure that such atrocities and heinous crimes would never occur again. I don't come here to take any revenge, because it is over. Nothing can fully compensate what we had just lost.

III. LEGAL AND PROCEDURAL ISSUES

This week, the Chamber reminded the Parties to submit their applications in writing, instead of making oral submissions. The Chamber also reiterated its ruling relating to use of documents that are not in the Case File.¹¹ Further, the Chamber clarified that witnesses are not prohibited from showing emotions while giving testimony.

A. Application under Rule 35 on Interference with the Administration of Justice

On Monday, international counsel for Nuon Chea, Mr. Jasper Pauw, notified the Chamber that the Nuon Chea Defense will file a motion under IR 35 concerning alleged statements of the Minister of Foreign Affairs, Mr. Hor Namhong, published in the Phnom Penh Post and the Cambodia Daily the previous Friday. The President immediately turned off Pauw's microphone and stated:

You are not allowed to proceed and the Chamber has already advised parties that if there is any issue to be raised, you may submit it in writing to the Chamber so that the Chamber has the basis for its decision.

Thereafter, the President promptly handed the floor to the Prosecution.

B. Admission of New Evidence

On Wednesday morning, the Chamber denied the Noun Chea Defense's application under IR 87.4 to use a new document during their examination of Ong Thong Hoeung because it was untimely filed. Further, the Chamber denied the application on the ground that the Nuon Chea Defense failed to satisfy the requirements of IR 87.4 because the document in question has been publicly available since 2009.

C. Demeanor of Witnesses

On Thursday, national counsel for Ieng Sary, Mr. Ang Udom, commented that Judge Jean-Marc Lavergne's questions provoked Ong Thong Hoeung to "express emotion and the President has said the witnesses are not allowed to be emotional." According to counsel, Ong Thong Hoeung seemed to play the roles of both witness and Civil Party during his testimony. The OCP and the Civil Party lawyers expressed surprise and disagreement, as they argued that it was difficult for any person to speak of their experiences under DK without emotion.

President Nil Nonn ruled that Ang Udom's observation was inappropriate and stated that the Witness was giving "his best contribution to the process of ascertaining the truth." In addition, Judge Silvia Cartwright gave assurances to Ong Thong Hoeung that the Chamber was grateful for his cooperation and that the manner by which he testified was not being criticized.

Expecting witnesses to be composed and display little emotion while they are recalling painful memories in open court is a tall order. The need for the Chamber and the Parties to show sensitivity toward witnesses who testify about their suffering and loss of loved ones during the regime cannot be overemphasized.

IV. TRIAL MANAGEMENT

The Trial Chamber and WESU continued the commendable practice of having a reserve witness (Ong Thong Hoeung) on stand by, allowing the proceedings to continue whenever Witness Soung Sikoeun was unable to proceed with his testimony because of his failing health. The Chamber also remained consistent in requiring Parties to submit applications in writing and thus avoiding oral debates during the hearings. As in previous weeks, translation proved to be a challenge this week despite the slow pace of exchange between the witness testifying and the Party conducting the examination.

A. Translation and Technical issues

Translation continued to be a problem this week. For instance, on Wednesday, when Soung Sikoeun answered Judge Lavergne's query on the number of people living in Phnom Penh during the regime, the Witness' answer of 200,000 in Khmer was translated as 2 million in English. On the same day, "K-15" in French was translated as "K-5" in Khmer.

Accurate translation is pivotal not only to the efficient conduct of the proceedings but also to the protection of the rights of Parties. It is hoped that the quality of translation services improve moving forward.

B. Attendance

The attendance of the Accused this week was generally consistent with their participation in previous weeks. Ieng Sary continued to participate from the holding cell because of his health condition. Nuon Chea was present in the courtroom during the morning sessions throughout the week but retired to the holding cell in the afternoons. Only Khieu Samphan remained in the courtroom for all of the sessions.

Civil Party Attendance. The 10 seats in the courtroom reserved for Civil Parties were fully occupied throughout the proceedings this week.

Attendance by Counsels. All the Parties were represented during the week's proceedings. On Monday, at the request of national CPLCL, Mr. Pich Ang¹² the Chamber recognized Mr. Ferdinand Djammen-Nzepa as international Civil Party Lawyer.

Attendance by the Public. On Monday morning, more than 400 villagers from Tbong Khmom, Kampong Cham, observed the proceedings. At least 20 monks and around 200 villagers from Kandal Province participated in the afternoon. On Tuesday, approximately 400 villagers from Kampong Siem District, Kampong Cham Province were in attendance. In the afternoon, almost 200 villagers from Borset District, Kampong Speu took the place of the visitors from Kampong Cham. At least 400 villagers from Kropom Chhouk Commune, Koh Andet District, Takeo Province, were in the gallery on Wednesday morning; more or less 300 villagers from Rolea Pa-ear District observed the hearing in the afternoon. On Thursday, 500 villagers from Kampong Trobek District, Prey Veng Province filled the public gallery, and around 200 villagers from Kompong Trach District, Kampot Province attended the hearing in the afternoon.

C. Time Table

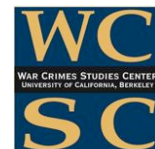
DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS IN SESSION
Monday 06/08/12	9:04	10:32-10:52	12:02-13:31	14:42-15:02	16:05	4 hours and 52 minutes
Tuesday 07/08/12	9:02	10:16-10:36	12:09-13:32	14:31-14:50	16:08	5 hours and 04 minutes
Wednesday 08/08/12	9:00	10:31-10:53	12:08-13:31	14:41-15:01	15:58	4 hours and 53 minutes
Thursday 09/08/12	9:03	10:22-10:41	12:00-13:32	14:44-15:03	16:05	4 hours and 52 minutes
Average number of hours in session				4 hours 55 minutes		
Total number of hours this week				19 hours 41 minutes		
Total number of hours, days, weeks at trial				405 hours 03 minutes		
92 TRIAL DAYS OVER 27 WEEKS						

Unless specified otherwise,

- the documents cited in this report pertain to *The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan* (Case No. 002/19-09-2007-ECCC) before the ECCC;
- the quotes are based on the personal notes of the trial monitors during the proceedings; and
- photos are courtesy of the ECCC.

Glossary of Terms

Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev. 8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCF	Office of the Co-Prosecutors of the ECCC
RAK	Revolutionary Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit



* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in South-East Asia. The Program is funded by the Open Society Foundation, the Foreign Commonwealth Office of the British Embassy in Phnom Penh, and the Embassy of Switzerland in Bangkok.

This issue of **KRT TRIAL MONITOR** was authored by Mary Kristerie A. Baleva, Faith Suzzette Delos Reyes, Pavithra Prakash Nair, Noyel Ry, Sovanna Sek, and Penelope Van Tuyl, as part of AIJI's KRT Trial Monitoring and Community Outreach Program. KRT TRIAL MONITOR reports on Case 002 are available at <www.krtmonitor.org>, and at the websites of the [East-West Center](http://www.eastwestcenter.org) and the [War Crimes Studies Center](http://www.warcrimesstudiescenter.org).

¹ When Prosecutor de Wilde d'Estmael referred to the agency as “AKI,” Soung Sikoeun corrected him and said “But actually, it was not the AKI, but it was the AKP.”

² Ieng Thirith, one of the Accused in Case 002, was the Minister of Social Affairs during the DK and is the wife of Accused Ieng Sary. The Trial Chamber severed Ieng Thirith's case from Case 002 upon finding that she is unfit to stand trial. Her mental fitness is currently under evaluation. See CASE 002 KRT TRIAL MONITOR. Issue No. 2, Fitness to Stand Trial I (29-31 August 2011); and CASE 002 KRT TRIAL MONITOR. Issue No. 4, Fitness to Stand Trial II (19-20 October 2011).

³ Based on the Closing Order, Borei Keila (also referred to as K-6) was a meeting place. At Borei Keila, Nuon Chea allegedly conducted several mass political trainings where he taught the policies of the CPK to Party cadres and workers in Phnom Penh. OCIJ. “Closing Order” (15 September 2010). D427 [hereinafter **CLOSING ORDER**]. Para. 59 and 886.

⁴ According to Kaing Guek Eav alias “Duch,” Chhim Sam Aok alias “Comrade Pang” was responsible for the “Government Office.” See CASE 002 KRT TRIAL MONITOR. Issue No. 16, Hearing on Evidence Week 11 (26-29 March 2012). 3.

⁵ As regards members of the Marxist-Leninist circle in France, Witness Soung Sikoeun described the movement as “solid” and “very strong,” despite the fact that they sometimes understood things differently. “We love each other as brothers and sisters. So, I feel the pain when the Khmer Rouge leaders fought amongst themselves.”

⁶ Ong Thong Hoeung stated that the Khmer Students’ Union was the leftist faction of the Khmer Students’ Association established around 1956 by, among others, Ieng Sary and Khieu Samphan, with the help of French and Soviet student unions. He said that when he arrived in France, Suong Sikouen was the President of the Khmer Students’ Union.

⁷ Saloth Ban testified before the Trial Chamber from 23 April to 3 May 2012. See CASE 002 KRT TRIAL MONITOR. Issue No. 20, Hearing on Evidence Week 15 (23-26 April); and CASE 002 KRT TRIAL MONITOR. Issue No. 21, Hearing on Evidence Week 16 (30 April, 2-3 May 2012).

⁸ The Closing Order states that Boeng Trabek is one of the locations in Phnom Penh where returnees were sent for reeducation. In around February 1977, all returnees in other reeducation sites were transferred to Boeng Trabek; all returnees arriving after this period appears to also have been sent to this site. CLOSING ORDER. Para. 1090 and 1096. See *also* CASE 002 KRT TRIAL MONITOR. Issue No. 20, Hearing on Evidence Week 15 (23-26 April 2012). 6.

⁹ That the circumstances were better at Dey Krahorm may also be gleaned from the Witness recollection of people preparing food for those who were being transferred.

¹⁰ The Witness said that Ieng Sary occasionally brought food for them in Boeng Trabek.

¹¹ See CASE 002 KRT TRIAL MONITOR. Issue No. 29, Hearing on Evidence Week 24 (23-26 July 2012).

¹² This is in accordance with IR 22, which provides: “The national lawyer shall request recognition of any foreign lawyer, the first time such lawyer appears before each judicial body of the ECCC. Once recognized, such foreign lawyer shall enjoy the same rights and privileges before the ECCC as a national lawyer.”