



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
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-Mar-2017, 10:43
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 January 2015

Trial Day 233

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
SON Arun
Victor KOPPE
KONG Sam Onn
Anta Guissé

Trial Chamber Greffiers/Legal Officers:
SE Kolvuthy
Matthew MCCARTHY

Lawyers for the Civil Parties:
PICH Ang
Marie GUIRAUD
SIN Soworn
CHET Vanly
LOR Chunthy
TY Srinna
HONG Kimsuon
VEN Pov
Yiqiang LIU

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
SENG Bunkheang
SONG Chorvoin
Dale LYSAK
Joseph Andrew BOYLE
SREA Rattanak
Vincent de WILDE D'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MS. OUM SOPHANY (2-TCCP-296)

Questioning by Mr. Koppe (resumes).....page 5

Questioning by Ms. Guissepage 24

Questioning by Mr. Kong Sam Onn.....page 28

Questioning by Mr. Koppe (continues)page 30

MS. CHOU KOEMLAN (2-TCCP-238)

Questioning by The Presidentpage 43

Questioning by Ms. Guiraud.....page 46

Questioning by Ms. Song Chorvoinpage 76

Questioning by Mr. Boylepage 82

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BOYLE	English
MS. CHOU KOEMLAN (2-TCCP-238)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LIU	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. SONG CHORVOIN	Khmer
MS. UM SOPHANNY (2-TCCP-296)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0906H)

3 MR. PRESIDENT:

4 Please be seated.

5 (Short pause)

6 [09.07.16]

7 The Court is now in session and for today's proceedings the
8 Chamber will continue to hear the testimony of the civil party,
9 <Oum> Suphany, and we will - we will begin to hear the testimony
10 of another civil party, 2-TCCP-238. Ms. Se Kolvuthy, could you
11 report the attendance of the Parties to today's proceedings.

12 THE GREFFIER:

13 For today's proceedings, all Parties to this case are present. As
14 for Nuon Chea, he's present in the holding cell downstairs as he
15 waived his rights to be present in the Court. His waiver has been
16 delivered to the Greffier and the civil party, Oum Suphany is
17 present in the courtroom and the reserve civil party, 2-TCCP-238,
18 is present in the waiting room to be summoned by the Chamber.

19 Thank you.

20 [09.08.35]

21 MR. PRESIDENT:

22 Thank you. Before we commence the hearing of this civil party, we
23 have a number of decisions to be made. The Parties are informed
24 that the hearing of the testimony of Madam Oum Suphany and the
25 subsequent civil parties - Judge - the sitting Judge, You Ottara,

1 is absent due to his personal commitment and after the
2 deliberations by the bench, Judge Thou Mony is designated to take
3 place of Judge You Ottara during his unavailability, until such
4 time he returns back to the courtroom. That decision is based on
5 Rule 79.4 of the ECCC Internal Rules.

6 Second, the Chamber has received the waiver from Mr. Nuon Chea,
7 as he requests not to be present in the courtroom due to his
8 health, that he cannot sit for long and that he cannot
9 concentrate for long in the main courtroom. For that reason, for
10 today's proceedings, he requests to follow the proceedings from
11 the holding cell downstairs. And that waiver is also accompanied
12 by the medical report by the duty doctor who recommends that the
13 health condition of this Accused remains unchanged but he cannot
14 sit for long. For that reason, he should be allowed to follow the
15 proceedings from the holding cell downstairs. Therefore, based on
16 the medical report and recommendation of the duty doctor, as well
17 as the waiver of the Accused, the Chamber agrees and grants Nuon
18 Chea's request to follow the proceedings from the holding cell
19 downstairs through a remote means.

20 [09.11.20]

21 The AV unit, you're instructed to link the proceedings to the
22 holding cell downstairs so that Mr. Nuon Chea can follow it for
23 today's proceedings.

24 And thirdly, I'd like to give the floor to Judge Fenz, to clarify
25 on the objections put forward last by Nuon Chea's defence

1 counsel, Counsel Koppe, on the 23rd January 2015. Judge Fenz, you
2 have the floor.

3 [09.11.55]

4 JUDGE FENZ:

5 The Chamber notes that the Nuon Chea defence was - while
6 questioning the current civil party - was referring to a
7 document, a newspaper article, which has not yet been put on the
8 case file and was about to directly confront the civil party with
9 content of this document. He was then interrupted by the Co-Lead
10 Lawyers who reminded him of the previous practice, which was to
11 put documents on the shared drive - these kinds of documents.
12 Now, the Chamber wishes to remind all the Parties of the previous
13 practice.

14 [09.12.48]

15 Generally, Rule 87 clarifies the rules of evidence. It clarifies
16 that only evidence that has been put before the Chamber can be
17 used. For documents, there is a specific rule, 87.4, for all
18 evidence which - there is a specific rule 87.4. Now, we have
19 occasionally, as a Chamber, been flexible when it comes to
20 admitting documents under 87.4, specifically when it comes to the
21 requirement of availability. But that doesn't mean that we don't
22 need a decision according to this article and in order to allow
23 such decisions for the Chamber, documents need to be put on the
24 shared drive and our previous practice was - the time was 48
25 hours. So to sum up, if somebody wishes to use a document that

4

1 has not yet been put on the case file - in the end that should be
2 exceptional but still - then he has to put it on the shared drive
3 to allow the Parties and the Chamber to make an assessment or
4 prepare arguments before the decision on Rule 87. Now, after I've
5 clarified that - this is to Mr. Nuon Chea's defence obviously -
6 you have been reminded on Friday by the Co-Lead Lawyers of this
7 practice. Has the document been put on the shared drive? And if
8 so, is it accompanied by a request?

9 [09.14.37]

10 MR. KOPPE:

11 Thank you Judge Fenz. Good morning, Your Honours. The draft
12 transcript of the hearing is not yet available. However, if you
13 remember correctly my line of questioning you might remember that
14 I, at no point, actually referred to a document. I was very
15 careful in phrasing my questions and it was not my intention to
16 show any document. My questions were whether the Witness talked
17 to the Phnom Penh Post and if yes, whether she said that she was
18 forcibly married. It's not my intention to refer this Chamber or
19 the Parties to a document. It's general questions and it's not my
20 intention to put anything on the shared material drive.

21 [09.15.37]

22 JUDGE FENZ:

23 Counsel, would you agree that you were standing there waving a
24 copy of the Phnom Penh Post article and saying "did you tell the
25 Phnom Penh Post this and that?" Because that's how I remember the

5

1 scene and obviously this wouldn't be reflected in the transcript.

2 MR. KOPPE:

3 I was - I was holding pieces of paper in my hand but again, it is
4 not my intention to present this document to the Chamber. I am
5 asking questions - general questions about a possible interview
6 that the witness had with the Phnom Penh Post. That is all my
7 intention.

8 [09.16.21]

9 MR. PRESIDENT:

10 Thank you for the clarification. And once again the Chamber cedes
11 the floor to Nuon Chea's defence to continue putting questions to
12 the current civil party. The combined time for both defence teams
13 is for one session - that is from now until the <> break this
14 morning. You may now proceed.

15 QUESTIONING BY MR. KOPPE RESUMES:

16 Thank you Mr. President. Good morning Ms. Suphany. You might
17 remember my questioning of last Friday. My last question to you
18 was whether at one point in time you gave an interview to the
19 Phnom Penh Post telling the reporter of the Phnom Penh Post that
20 you, during the period of Democratic Kampuchea, were forcibly
21 married. My question to you is; did you say that to the reporter
22 of the Phnom Penh Post?

23 [09.17.35]

24 MS. OUM SUPHANY:

25 Good morning Mr. President. I cannot recall what I stated in the

6

1 interview unless I read that article.

2 MR. KOPPE:

3 Do you remember anything from that interview with the Phnom Penh
4 Post or nothing at all?

5 MS. OUM SUPHANY:

6 I knew that I was interviewed about the events that happened
7 during the Khmer Rouge regime and during the interview I showed
8 the interviewer the diary that I wrote during the time.

9 MR. KOPPE:

10 Thank you for your answer. Ms. Suphany, my question to you is;
11 are you generally telling members of the media, press or members
12 of the public that you were forcibly married in the period
13 between '75 and '79?

14 [09.19.02]

15 MR. PRESIDENT:

16 Civil party please hold on and the International Co-Prosecutor,
17 you may proceed.

18 MR. LYSAK:

19 Thank you Mr. President. I appreciate that Counsel may not intend
20 himself to put this document before, nonetheless we have an
21 objection to Counsel question - engaging in a series of
22 questioning based on a document. This question was - questions
23 were obviously originated when Counsel discovered this document,
24 without giving notice and without putting that before the
25 Chamber. The reason is because if you actually read this article

7

1 the statements that are attributed to the witness do not say that
2 she was forced marriage. It is a statement of the reporter. Now,
3 by not putting this document forward as he should have, it allows
4 him to mislead the public, mislead the witness and mislead the
5 Court. All we ask for is notice. If they discovered this
6 interview during lunch time, the last court session, give it
7 notice that we intend to use it. We have never relied on the
8 procedural grounds of 87.4 to oppose relevant evidence. We
9 appreciate the flexibility that Judge Fenz referred to. All we
10 ask for is that this not be trial by ambush, that they give
11 notice when they find a piece of evidence they want to use.

12 (Judges deliberate)

13 [09.22.14]

14 MR. PRESIDENT:

15 Judge Fenz, you take the floor.

16 JUDGE FENZ:

17 We have now ended up in a situation where a document which hasn't
18 been put on the case file, or the contents of this document, are
19 discussed controversial by Parties. The Chamber is not in
20 possession of this document. This is obviously not the situation
21 that can go ahead, therefore Counsel, if you wish to base any
22 further questions on this document, please put it before the
23 Chamber; otherwise we wouldn't allow this line of questioning.

24 [09.22.54]

25 MR. KOPPE:

1 Judge Fenz, if you request me, I am very happy to present this
2 document, however my question that was objected to was not based
3 on this newspaper article. It started a whole new line of
4 questioning.

5 (Judges deliberate)

6 [09.23.38]

7 JUDGE FENZ:

8 But Counsel you are starting your questioning on the - if I
9 remember correctly, on the forced marriage or not - on the
10 allegation that she said something in the Phnom Penh Post
11 article. Now the Prosecution is telling us she never said that.
12 From this point of view, any further question you ask in
13 connection with forced marriage is based on this article so for
14 God's sake, put it before the Chamber and make a request if you
15 want to use it.

16 MR. KOPPE:

17 No, but I beg to differ with you, Judge Fenz. She not only told
18 the Phnom Penh Post she was forcibly married but the whole world
19 so there's much more out there. I'm happy, if you like, to
20 present other documents to you as well, I have no problem with
21 that.

22 [09.24.28]

23 MR. LYSAK:

24 If Counsel says there are other documents out there, again, it's
25 his responsibility to give notice. That's all we ask. We're not

1 going to prevent relevant evidence from being put before this
2 Chamber, we just want notice.

3 MR. KOPPE:

4 Again, I have no problem. Here it is. It's actually - well, come
5 to think of it, four documents. You're right - it's the Phnom
6 Penh Post article. I'm also talking about a press release from an
7 organisation called the Association of Khmer Rouge Victims in
8 Cambodia, of which this witness is a prominent member. I'm
9 having, in front of me, a document from something called National
10 Radio. And, what I also found is her little book, "Under the
11 Drops of Falling", the book that the Civil Party Lawyers refused
12 to give to me. Somebody was very kind enough - who was in the
13 audience - to give that book to me so I have it now. So, while
14 I'm at it, I might as well put this book, "Under the Drops of
15 Falling", a non-fiction story as I can see on the cover, and add
16 it to the case file.

17 [09.25.50]

18 JUDGE FENZ:

19 Two questions before we do this. First of all, is any of these
20 documents yet on the case file?

21 MR. KOPPE:

22 No.

23 JUDGE FENZ:

24 Were you aware of the practice - of the recent practice that this
25 kind of procedure requires 48-hour notice to everybody involved

10

1 in these proceedings?

2 [09.26.15]

3 MR. KOPPE:

4 Judge Fenz, of course I know. But - it might be a different
5 situation if it was the Prosecutor's witness but just five
6 minutes before you entered the courtroom, the Civil Party Lawyer
7 was talking to her lawyer - getting instructions at the last
8 moment. I'm not an amateur. If I want to prevent this Witness
9 being coached, I'm not going to do it like that.

10 JUDGE FENZ:

11 So you're basically questioning the practice. You're saying you
12 won't honour the practice for reasons -

13 MR. KOPPE:

14 I'm happy to honour the practice but the way it goes now and the
15 way that civil party has the opportunity to be coached and guided
16 by her lawyer - that, of course, I am not willing to abide by.
17 And my questioning was just simple questions about whether she
18 talked to - I wasn't able - I wasn't going to show the document.

19 JUDGE FENZ:

20 Let's go back to the essentials. You're not - you're saying in
21 open Court, you're not willing to honour the practice established
22 by the Chamber for this kind of evidence. Did I get that
23 correctly?

24 [09.27.23]

25 MR. KOPPE:

11

1 Only in the situation that I actually would like to have a
2 document added to the case file. I wasn't intending to have this
3 document added to the case file.

4 MR. PRESIDENT:

5 The International Lead Co-Lawyer for Civil Parties, you may
6 proceed. However, you are reminded that after you have heard the
7 various reasons and responses from the other Parties, and
8 whenever you would like to oppose a party, please do so together
9 at the time that the Prosecution does. Otherwise, the opposed
10 party would have to respond differently - at different times to
11 you, the Civil Party Lawyers, as well as to the Prosecution, and
12 for that reason it's going to prolong the hearings. So the time
13 and location that has been carefully scheduled by the Chamber
14 would not be precise; it will take much longer. And please listen
15 to the proceedings carefully and if you wish to oppose, do so
16 when the Prosecution does, in regards to your position to oppose,
17 and for that reason, the Chamber would be able to consider the
18 opposition by you and the Prosecution at the same time. Anyhow,
19 you may now proceed.

20 [09.29.20]

21 MS. GUIRAUD:

22 Thank you, Mr. President, for this reminder with respect to the
23 procedural practice that I was unaware of. I <wished to react to
24 what Mr. Koppe said> after the Co-Prosecutor's intervention<,
25 which I why I stood up at that moment>. We are strongly opposed

1 to the fact that Counsel <has just presented documents> that
2 ha<ve> not been shared with all other Parties <beforehand>. This
3 is totally counter to normal procedure <in a court of law><. He
4 must pass around the documents before presenting them in
5 hearing>, all the more so since we are in public hearing, and
6 because we are in public hearing, it is all the more important to
7 be aware of the documents that are put before the Chamber. I am
8 strongly opposed to my learned friend presenting documents that
9 have never been mentioned <>. He is challenging the very rules of
10 this tribunal. Civil parties are Parties, they are not witnesses.
11 <Lawyers> are entitled to interact with the civil parties and I
12 would remind everyone that Madam <Oum> Suphany is not a witness
13 <for the Civil Party>. She is a civil party before <the Chamber>.
14 It is the Chamber that decides upon who shall be summoned before
15 this Court, be they civil parties, witnesses or experts. <There
16 are no witnesses for the Prosecution; there are no witnesses for
17 the Defence. There> are <witnesses for the Civil Party and
18 experts> chosen by the Trial Chamber. The defence of Nuon Chea
19 can very well live in its own imaginary world, making up its own
20 imaginary rules, however we have <to all agree> on common rules
21 that <will> govern these proceedings <because what has just
22 happened> is directly opposite to what has been mutually agreed
23 upon by this tribunal.
24 [09.31.20]
25 MR. KOPPE:

13

1 Mr. President, if I may react very briefly. In general terms
2 first<,> I was very happily surprised, I have to say, when the
3 Trial Chamber, proprio motu, put a document on the case file in
4 respect of the upcoming testimony of the witness next week and
5 the expert the week after, shows that the Trial Chamber is
6 actively engaged in the preparation of witnesses and experts so
7 I'm very happy with that. Now, getting these documents on this
8 civil party wasn't really rocket science. Just type in her name
9 in Google and it pops up and there's a whole bunch of documents
10 that any 12-year-old could find easily on the internet so, if
11 it's so important, then maybe my question to you, Mr. President
12 and Judges, why didn't you put up the documents yourself?

13 (Judges deliberate)

14 [09.35.52]

15 MR. PRESIDENT:

16 Judge Fenz, you may now proceed.

17 JUDGE FENZ:

18 Before I explain the ruling, the Chamber wishes to stress that
19 this is an exception. It won't happen again. The reason why we
20 are making this exception is because we are at the beginning of
21 Case 002/02 and some Parties might have forgotten the relevant
22 procedures. We sincerely hope that Nuon Chea's defence's
23 statement that he wilfully went against these procedures was not
24 as serious as it sounded. So what we'll do in this case, and in
25 this case only, is the following: no questions based on any

14

1 documents that are not on the case file will be allowed for this
2 time being, however, and as I said, exceptionally, if the Nuon
3 Chea defence wishes or thinks they have documents satisfying the
4 requirements of 87 then they are ordered to put them on the
5 shared drive within 48 hours, accompanied by a request - by a
6 request according to 87.4. This allows the Chamber to look at
7 these documents and make a decision, and obviously the Parties to
8 comment on it. Should it be necessary, the civil party will be
9 recalled and questions based on these documents can be asked. So
10 for the time being, no further questions on documents that
11 haven't been put before the Chamber.

12 [09.38.09]

13 BY MR. KOPPE:

14 Q. Madam Suphany, my question to you is to establish whether you
15 are a member of the Association of Khmer Rouge Victims in
16 Cambodia?

17 MS. OUM SUPHANY:

18 A. Yes, I am.

19 Q. Could you tell the Court a little bit more about this
20 association? Who are board members? Is it still existing? What is
21 its objective?

22 MR. PRESIDENT:

23 Civil party please hold on. Lead Co-Lawyer, please proceed.

24 [09.39.20]

25 MR. PICH ANG:

15

1 Mr. President, Your Honours, concerning the question put to the
2 civil party by the Counsel, I believe the question is irrelevant
3 to ascertain the truth. I believe the question put by Mr. Counsel
4 <of Nuon Chea> - perhaps he wants to know about the credibility
5 of the civil party but I believe there are many more other
6 questions which are relevant and can be put to questions about
7 her credibility. Thank you, Mr. President.

8 (Judges deliberate)

9 [09.40.46]

10 JUDGE FENZ:

11 Counsel, you are allowed, at this point in time, one or two more
12 questions, but it would help if we understand soon why this is
13 relevant.

14 BY MR. KOPPE:

15 Q. Madam Witness, do you remember my question?

16 MR. PRESIDENT:

17 Mr. Koppe, you may repeat what you said because there was no
18 translation.

19 BY MR. KOPPE:

20 Q. I will repeat my question, Madam Suphany. Do you remember my
21 question? My question was about the Association of Khmer Rouge
22 Victims in Cambodia. Are you a member? And if yes, can you tell
23 us a little bit more about that organisation?

24 MS. OUM SUPHANY:

25 A. I do not remember, but I wrote in my diary concerning this

1 matter.

2 [09.42.02]

3 Q. Are you saying that you are not in fact a member of this
4 association or an active officer of this association?

5 A. I am a member in the association.

6 Q. Do you know who the President is or was of this association?

7 A. I would like to reserve to my right to remain silent. I wish
8 not to answer to this question.

9 (Judges deliberate)

10 [09.44.53]

11 MR. PRESIDENT:

12 Judge Fenz, you may now proceed.

13 JUDGE FENZ:

14 Counsel Koppe, the President has asked me to ask you to give us
15 an indication on where this questioning is going. What's the
16 relevance of the questions?

17 MR. KOPPE:

18 I'd be very happy to tell you but I think the civil party speaks
19 English very well and I would like to explain to you where I am
20 going to without the civil party hearing what I'm saying.

21 MR. PRESIDENT:

22 The Chamber wishes to hear the relevancy of your questions
23 because we do not know whether it relevance to Tram Kak
24 cooperative, or concerned the treatments against Buddhists, or
25 the Chamber does not know whether it relevant to the killing site

17

1 in Krang Ta Chan area, so that the Chamber decides whether or not
2 to allow you to put further question and move on so that your
3 next questions are relevant to facts adjudicating in this trial.
4 [09.46.23]

5 MR. KOPPE:

6 Very well. The questions of course first go straight and directly
7 to the credibility and reliability of this witness. Second, it
8 goes to the crime of forced marriage in general. The reason for
9 the questioning in particular is that the witness is an active
10 member of this association and that in June 2011, during the time
11 of the initial hearing, she, together with the Chairwoman, Cheri
12 Sing [phonetic], published or issued a press release indicating
13 the various personal stories of the Board Members, including the
14 personal story of this witness, indicating in very clear and
15 unequivocal terms that she was forcibly married.

16 MR. PRESIDENT:

17 Mr. Koppe you may proceed to put further questions to Madam Civil
18 Party. The Chamber wishes to remind you concerning the time for
19 Defence Counsel for Mr. Khieu Samphan.

20 [9.47.55]

21 BY MR. KOPPE

22 Q. Ms. Suphany, I'm not exactly sure what was my precise last
23 question, but the question meant to ask you if you could explain
24 the Trail Chamber what you know about this organisation that you
25 are a member of - who is its Chairman, woman, what is it, what is

18

1 the objective of this organisation? Please enlighten us.

2 MS. OUM SUPHANY

3 A. I would like to decline to answer this question.

4 MR. KOPPE:

5 Q. I'm not sure, Madam Oum Suphany if you have been advised
6 properly, but as a witness only in a situation that you might
7 incriminate yourself you have the right not to answer the
8 question. So please answer the question.

9 MR. PRESIDENT:

10 Madam Lead Co-Lawyer, you may respond - sorry, Madam Civil Party
11 you may answer to the question put by the Party. If you don't
12 know you just say don't know. And Madam Lead Co-Lawyer, do you
13 have any matter to raise before the Chamber? You may proceed now.

14 MS. GUIRA<U>D:

15 Thank you Mr. President. I simply wanted to recall that the civil
16 party is not a witness. She is under no obligation to answer
17 questions, and certainly not based on the <injunction> of the
18 Defence for Nuon Chea<, but rather on your injunction, Mr.
19 President. A civil party has every right to refuse to respond to
20 questions. It will be up to the Chamber to draw the consequences
21 of this silence. But it> is perfectly <authorised;> nothing
22 <prohibits it>.

23 [9.49.50]

24 MR. KOPPE:

25 Maybe it's my misunderstanding of the law, but I don't think

19

1 it's, it's the situation as described. I think we have a person
2 testifying here, maybe not under oath, but there is no privilege
3 or right of this witness or civil party, however you want to call
4 it, to answer questions or not. It's - maybe Mr. President, the
5 Trial Chamber can give some guidance here.

6 MR. PRESIDENT:

7 Concerning the participation of a civil party in the Chamber, the
8 civil party is not required to take an oath. So this is the
9 difference of status between a civil party and a witness, because
10 a witness has to take an oath. That is why before putting
11 questions to a civil party and before giving the floor to Parties
12 to put questions, the Chamber already asked - already confirmed
13 that this person is a civil party. As for a witness, the Chamber
14 always asks whether they have taken an oath. This applies also to
15 experts.

16 [Short pause]

17 [9.52.00]

18 MR. PRESIDENT:

19 Madam Oum Suphany, I already informed you that you are required
20 to respond to the questions, because we are here to hear your
21 testimony. If you decline to answer the Chamber can assess that
22 your testimony may not be credible. So you may answer to the
23 questions that you know, you hear and you have observed. However,
24 I would like to remind you that you are required to answer - to
25 provide your answer as necessary as you can. If you provide your

1 answer beyond the question put by the Party, it may pose to any
2 other consequences. And when you answer the question by the
3 Counsel, as a civil party and as a witness or an expert, if you
4 do not know the answer for any question, you may give the answer
5 that "I do not know". This also can be considered as an answer.
6 Mr. Koppe you may now proceed your question. You may repeat your
7 last question, or you may ask a further question. Again I would
8 like to remind you concerning the time allotted for Defence
9 Counsel for Mr. Khieu Samphan.

10 [9.53.51]

11 BY MR. KOPPE:

12 Q. I am mindful of that Mr. President, thank you. Again, Ms. Oum
13 Suphany, I would like you tell us a little bit more about this
14 Association of Khmer Rouge Victims in Cambodia, about its Board
15 Members, about its objectives and what your role exactly is in
16 this association.

17 MS. OUM SUPHANY:

18 A. If you ask me to give full answer it may take much time. I
19 will give you a brief answer. At the outset I have an idea that
20 when I survived the Regime I was<determined> to find justice for
21 those who are deceased. There are victims across the country who
22 died and passed away during Pol Pot's time and <several members
23 of> my <> family has also passed away during the period. So this
24 association is established to find justice for victims. I am one
25 of the victims. That is why I joined to be a member in the

1 association. And in my view<,> no <matter> what had happen<ed>, I
2 have the intention to find justice for victims by writing a book.
3 [9.55.15]

4 You asked me <if I took> the books entitled<,> "Under the Drops of
5 Falling Rain," to be the evidence. No,> actually<,> I told you
6 from the beginning that> the book<,> "When Will We Ever Meet
7 Again," written in 1980,> is about my own account from <short
8 notes of my diary, which I had written in 1975>. <So in that
9 book, I follow the structure of a novel.> I wrote a novel as well
10 in the past. However<,> in my novels<,> it was> 80 <per cent> of
11 my real life in 1984, and I tr<ied> to record my memory during
12 Pol Pot's time. I included some characters, including the
13 character of my husband -- my husband<,> in that story<,> and the
14 female protagonist is me. I just changed it a little bit>. You
15 asked me about whether my marriage was forced. During the time<,>
16 my mother-in-law forced me to <say that I was already> married. I
17 could consider that it was a forced marriage<,> because> at the
18 time<,> I did not want to get married, since> my parents, my
19 relatives did not participate in my wedding party and ceremony.
20 <How should I want to> get married <>when <my husband was> sick<?>
21 You would understand if you read my book. Who would> want to get
22 married <when he was seriously sick? When he couldn't even walk?
23 So it was like a force marriage.> Thank you, this is my brief
24 answer.
25 [9.57.10]

1 Q. Following up on that, before I ask a brief question again
2 about this association. Are you now saying something different
3 than last Friday? Because, I was -- remember Friday I showed you,
4 or I read to you the passage of your diary, and you confirmed
5 that you were happily married in June '75 to the man that you
6 loved. But are you now saying that you, somehow, were forcibly
7 married, or am I wrong in understanding you?

8 [9.57.40]

9 A. I was happy that I got married to a man I loved. However my
10 mother-in-law asked me forcibly to say that we already got
11 married. So you can imagine during this time, this time marriage
12 is, you know, a big party and everyone is happy; relatives and
13 family members join the party normally in the current time. But
14 at that time, you know, I married happily because I married to a
15 man I loved, but there was no family member or relative joined my
16 wedding at the time.

17 Q. Madam Suphany, because of the time I think I have to cut it
18 short. But it is -- there is a big difference, won't you agree,
19 between your mother-in-law wanting you to marry and the Khmer
20 Rouge forcing you to marry. Now which one of the two is the
21 situation?

22 A. My mother-in-law forced me to get married, otherwise we would
23 be separated by Angkar. The <status> between me and my husband
24 was different. I am a resident -- I was a resident in Phnom Penh
25 and as for my husband he came to study in Phnom Penh but his

1 family members were Base People. Thank you.

2 [9.59.39]

3 Q. Again, because of the time, Ms. Oum Suphany, I am cutting my
4 questions short to you, but is it correct if I say that the
5 association that you are a board member of portrayed to the world
6 that you were forcibly married by the Khmer Rouge during the
7 Democratic Kampuchea period in time? Is that correct?

8 MR. PRESIDENT:

9 Madam Civil Party, please hold on. International Co-Prosecutor
10 you may now proceed.

11 MR. LYSAK:

12 Thank you Mr. President. Contrary to the rule that was here,
13 Counsel is now trying to put forward a question that is based
14 specifically on a document that he hasn't shared with the Parties
15 here. He's been given the opportunity to, to post that document,
16 give notice, make a request. And if it's warranted he'll have the
17 opportunity to ask questions. But he shouldn't be circumventing
18 that rule by asking a question that is clearly based on a
19 document that he hasn't given to anyone. So we can't see for
20 ourselves what the content is.

21 MR. KOPPE:

22 I'll stop my questioning I think. The media room is full of
23 journalists from the Phnom Penh Post, the Cambodia Daily, they
24 will all see what is happening here and so I rest my case.

25 [10.01.13]

1 MR. PRESIDENT:

2 Thank you, Counsel. The Chamber would like now to give the floor
3 to the Defence Team for Khieu Samphan to put questions to the
4 current civil party. You may proceed.

5 QUESTIONING BY MS. GUISSÉ:

6 Q. Thank you, Mr. President. Good morning, Madam Oum Suphany. My
7 name is Ant<a> Guissé. I am the International Co-Lawyer
8 representing Mr. Khieu Samphan. I have some questions of
9 clarification in light of the statements that you have made
10 before this Chamber.

11 The first point is as follows: over the course of a discussion
12 regarding an objection made by Counsel Koppe <of Nuon Chea's
13 team>, your lawyer indicated -- which was later on confirmed by
14 yourself, I just want to make sure -- that you had authored
15 several works regarding the Democratic Kampuchea period. Is this
16 correct?

17 [10.02.27]

18 MS. OUM SUPHANY:

19 A. Yes, Madam Counsel for Khieu Samphan, that is correct. I wrote
20 several books and mainly the content of those books were my
21 recollections of my experience during the Khmer Rouge regime.

22 Q. At the outset, I wish to focus on the book that is annexed to
23 your civil party application. This document is D22/3248. In Case
24 002/02 you have been admitted as a civil party. <You therefore
25 admitted t>his document <as an> annex<>. Did you of your own

1 prerogative decide to admit your book as an annex to your civil
2 party application?

3 A. Yes, that is true.

4 Q. I seek a clarification <because in> response to a question
5 asked by Counsel Koppe you stated that in your books you had
6 recounted some 80 <per cent> of your personal experiences and <I
7 derive from> that the 20 remaining per cent were based on
8 fiction. As regards the book that is annexed to your civil party
9 application, would you say that 80 <per cent> of it is based on
10 your personal experience and 20 <per cent> is fictionalised? Or
11 have I misunderstood?

12 [10.04.29]

13 A. The book that I annexed to my application to the Court is
14 non-fiction. However<,> for the other book<,> "Under the Drops of
15 Falling Rain,"> that I published<,> 80 <per cent> are non-fiction
16 and 20 <per cent> are fictional as they exist in the form of a
17 novel.

18 Q. Therefore to be abundantly clear, what you have admitted as an
19 annex to your civil party application is 100 <per cent> real. Is
20 this correct?

21 A. Yes, that is correct. The book that I annexed to my
22 application to the Court is the truth.

23 Q. To the extent that you have confirmed before this Trial
24 Chamber that you married out of love, would we all agree on
25 saying that the books that have not been put on the Case File and

26

1 that have been referenced in your statements and during your
2 testimony, would it be fair to say that <when you talk about> the
3 forced marriage entered into by the heroine of your other books
4 are indeed fictionalised accounts of your experience with respect
5 to forced marriage under the Khmer Rouge regime? Is it fair to
6 say that <that part in> the other books <is> based on fiction?
7 [10.06.24]

8 A. Yes, that is true. When I wrote the marriage was forced,
9 because after the fall of the Khmer Rouge regime, and after I
10 listened to the news, there were similar accounts of other
11 Cambodians gone through the regime and for that reason I wrote
12 those books.

13 Q. My final question <concerning this point> is as follows. We
14 agree <that you> yourself, Ms. Oum Suphany, you are not a victim
15 of forced marriage under the Khmer Rouge regime; can we agree on
16 that? Under the Khmer Rouge regime<, you spoke of your
17 mother-in-law, but the Khmer Rouge regime did> not force< you> to
18 marry somebody you did not love. Do we agree on that?

19 A. Yes, that is correct. However my mother-in-law was under
20 pressure by the Khmer Rouge as well. If she did not arrange our
21 marriage then I would not be able to meet my husband. She was
22 under the pressure from Angkar. <She did not do that at will.>
23 For that reason she had to force me to marry her son. Otherwise
24 we would not be together, or one of us would have been dead.
25 [10.07.56]

1 Q. However based on your testimony the man you married had been
2 your fiancé in Phnom Penh. Did I gather that piece of information
3 correctly, based on your testimony?

4 A. Yes, he was my fiancé.

5 Q. Thank you for your answers. I wish to move on to a<nother>
6 very brief line of questioning. At one point during your
7 testimony you stated that during your hospitalisation when you
8 were delivering your child, <I believe to have understood that '
9 and please confirm <or clarify> to me this -- you stated that<,
10 at one time,> somebody was able to bring to you or to sell you
11 meat. Could you please confirm that or clarify as necessary<?>

12 A. No, it was not for sale because there was no monetary
13 circulation. However, because she could not eat anything, and
14 everything was not tasteful to her, and that I was eating <neem>
15 leaves with small frogs, she thought it was delicious and then
16 she brought these - a thumb sized deer meat to exchange for the
17 <neem> leaves that I ate. So it was a bartering and not the meat
18 for sale. And that lady, as I was told at the time<...,> because
19 while I was hospitalised I did not ask who was around<,> I was
20 told that she was the wife of a district <--> committee.

21 [10.10.25]

22 Q. Do you remember her name? Or not at all?

23 A. No, I did not know the name of any senior people. As for my
24 unit chief, I know the name. At that time everybody seems to keep
25 everything to himself or herself. We pretended just to be deaf

1 and that was all.

2 Q. Returning to that answer, would it be accurate to say that at
3 your level you didn't know who exactly were the chiefs within the
4 cooperative, <> who were the chiefs within the districts and you
5 <> who were the chiefs at the commune <>?

6 A. Yes, that is correct.

7 MS. GUISSÉ:

8 Mr. President I have no further questions to put to the civil
9 party.

10 [10.12.01]

11 QUESTIONING BY MR. KONG SAM ONN:

12 Q. Mr. President, I'd like to put a question to this civil party
13 if I may. Ms. Civil Party, you just stated that you, you
14 pretended to be deaf and mute during the Khmer Rouge regime. My
15 question is the following: what did it mean for you to do so
16 during the regime?

17 MS. OUM SUPHANY:

18 A. During the regime even husband and wife did not speak to each
19 other much. We just looked at each other's face. And as I here
20 stated, we considered the mouth that we had was only for having
21 meal and to speak very few words whenever it was necessary. For
22 instance, I would seek permission to go to the hospital when I
23 was unwell and I would not use my mouth to say anything freely at
24 the time.

25 [10.13.23]

1 Q. Did you receive instructions or orders from your upper
2 echelon, for example your group chief, or your unit chief, or
3 chief of the cooperative regarding pretending to be deaf and
4 mute?

5 A. No, I did not receive any instruction of that nature from my
6 unit or group chief. However, my parents-in-law and my aunts and
7 uncles and people in the village advised me to speak of a few
8 words only if necessary and that I should not be too friendly
9 with my husband. And one time my husband lay down on my thigh and
10 I was trying to catch lice from his head, but then I was
11 criticised that it was an indecent act by Phnom Penh dwellers.
12 And that was raised during a meeting in a village where I stopped
13 over. It was a criticism meeting. And when I was in my
14 parents-in-law's village I was advised of the same thing, that is
15 not to be too <intimate> with <husband> or with any relative and
16 to speak only a few words. For that reason I believed that my
17 parents and the Base People had known about the practice
18 implemented by Angkar at the time. <They told me that because I
19 was New People.>

20 Q. Did you ever receive comments from your co-workers or from
21 your parents-in-law or relatives on the topic of pretending to be
22 deaf and mute and to speak only a few words, and that you should
23 only mind your own business? Did you receive such information
24 from other people besides your parents-in-law?

25 [10.16.10]

1 A. Yes, I did. New People, like myself, whispered to one another
2 about this fact.

3 Q. What about those people whom you talked to, did they practice
4 the same thing? I mean, pretending to be deaf and mute?

5 A. They worked like me and they only whispered to me about that.
6 And besides we were all -- we kept things to ourselves.

7 MR. KONG SAM ONN:

8 Thank you, Madam Civil Party and Mr. President, I don't have any
9 more questions for this civil party.

10 MR. PRESIDENT:

11 Counsellor Victor Koppe you may proceed.

12 [10.17.04]

13 QUESTIONING BY MR. KOPPE CONTINUES:

14 Thank you Mr. President. I have just a few questions on an
15 unrelated topic that I was questioning before. I stopped asking
16 questions because of the time of the Khieu Samphan Defence Team.
17 It is some questions that I have, Madam Oum Suphany, about your
18 diary. And my question is the following: I read in your diary the
19 entries on 26th June, 27th June, 28th June and 29th June the
20 following - that would be here in ERN English 01036460; and Khmer
21 01032950 and I quote: "Thursday 26, I rest for one day. Friday
22 27, I have asthma; I did not go to work. Saturday 28, I have
23 asthma; I did not go to work. SN is better. Sunday 29, I have
24 asthma; I did not go to work. Friday" -- that's the next page,
25 here ERN 01036461 English; Khmer 01032951; "Friday 18th, the

31

1 tenth day of the waxing moon, I rested for half a day because I
2 was not fine." The next page, ERN 01036462; Khmer 01032952; "12
3 December, I rested for one day eating Khmer noodle."

4 Ms. Oum Suphany, would you be able to tell us a bit more about
5 you resting, or needed resting in the DK period. If you didn't
6 feel well or had problems with your asthma would it be up to you
7 to take the day off? Is that my understanding, or is that not
8 correct?

9 [10.19.20]

10 MS. OUM SUPHANY

11 A. Angkar set out very thorough work plan, and we were told that
12 Angkar would not use the sick people, the sick workers and based
13 on that principle I made my request, because apparently I could
14 not go because of asthma. Because asthma made the person very
15 difficult to breathe, as it was in my case. And I could not just
16 simply do it. I was pretty ill and for that reason I request for
17 permission in order to go to work. And that's what I wrote.

18 Q. And would it be fair if I were to conclude that whenever you
19 didn't feel well you would file a request and that in general the
20 request would be granted? If you were sick you didn't have to
21 work - is that correct?

22 [10.20.42]

23 A. Yes, however we had to ask for permission to rest, and we
24 could not do it at our own discretion, and without Angkar's
25 permission we would not be allowed to rest.

1 Q. Thank you, Ms. Suphany, my very last question. That's a follow
2 up question, but I have to question myself as well. You said that
3 you pretended to be mute and deaf during the DK period. I have
4 tried to find a similar expression of emotion or behaviour in
5 your diary, but I haven't found it. Do you -- are you able to
6 tell us, or do you remember why you didn't write in your diary
7 that you pretended to be deaf or mute?

8 A. I recalled it was noted in my diary. As I recall I wrote that
9 the mouth was only used for having meals and only spoke necessary
10 words. And personally I like to talk, I like to <sing>. But I was
11 not allowed to do that. I did not know about individuals' liking
12 of doing this. But for me, I liked to sing and to talk, and for
13 that it was restricted on me.

14 Q. A very short follow up question, Madam Suphany, would you be
15 able to tell us or guide us where in your diary you said that and
16 -- or is that too difficult of a question?

17 A. I don't have my diary with me, but I know there was an entry
18 where I wrote the eyes were only for looking, the ears were only
19 for listening and the mouth was only for having meals and it was
20 only to be used for necessary words. That's how I can recall it.

21 [10.23.30]

22 Q. Just to be sure, Madam Suphany, are there pages missing from
23 your diary? Or is the diary that you presented to us a complete
24 diary?

25 MR. YIQIANG:

1 Your Honour, I think it's a quote from Madam Oum Suphany's book,
2 "When Will We Ever Meet Again". I can assist with the ERNs. Let
3 me find it.

4 [Short pause]

5 [10.24.40]

6 MR. KOPPE:

7 There's no need, I'm sure it's somewhere in the book. My question
8 was whether it was somewhere in the diary, so.

9 MR. YIQIANG:

10 Your Honour, I think the civil party might get confused by this,
11 because that was answering to one of my questions before. She
12 read -- or either I read, or she read one passage of the book and
13 that is ERN -- Khmer ERN 00562857; English ERN 01037338; and
14 French ERN 01037346. If that assists the Chamber.

15 MR. PRESIDENT:

16 Thank you for your observation. And, Madam Oum Suphany, as a
17 civil party you are given an opportunity to make your statement
18 of impact on the facts alleged against the two Accused, Nuon Chea
19 and Khieu Samphan, during the Democratic Kampuchea regime and
20 which caused or led you filing to become a civil party in this
21 Court. The harms or impacts are physical or emotional or material
22 damages which are the result, the direct result of the crimes
23 committed during the Khmer Rouge. If you wish to do so, you may
24 have the floor.

25 [10.26.30]

1 MS. OUM SUPHANY:

2 Yes, I'd like to make a statement before this Court today. Mr.
3 President, Your Honours, Mr. and Madam Co-Prosecutors, Counsels
4 and everyone in and around the courtroom, I would like to state
5 before Mr. President that, besides myself, I do not know of
6 anyone else who is a living survivor who wrote a diary during the
7 period of Democratic Kampuchea. The idea of writing a diary was
8 from the advice of my second elder sister, Om Narat, who told me
9 that I should write a diary in order to become an author, and now
10 it is clear to me that that diary is a true reflection of the
11 events that happened during the Khmer Rouge regime that millions
12 of people were killed. What kind of hearts does -- do these two
13 criminals have? Why did they destroy human resources<;> <as well
14 as cultural resource, visible and invisible>, which is the
15 foundation of a nation. As for as all the infrastructure, and to
16 make it to a complete destruction and start to build a country
17 from zero. These activities shows that they are not nationalists,
18 and they deserve not to be intellectuals.

19 [10.28.14]

20 Before 1975 other people, including myself, were living with
21 families in harmony and peace and received education and were
22 aware of the society. However, immediately after the Democratic
23 Kampuchea took power, it caused strategic event just in the blink
24 of an eye and we all lost everything. Myself, among others, were
25 forced by Angkar to leave home and en route I saw dead bodies who

1 died in a pool of blood and the stench filled the air, and it
2 seems we were already in hell.

3 I did not know about the plans that Angkar gathered former civil
4 servants, soldiers and other skilled officials to return to Phnom
5 Penh in order to work for them. Only later, I was aware that that
6 was the pretext employed by Angkar to gather those people in
7 groups and kill them, and throw them into ponds and creeks
8 because they <had no much time to> dig <> pits to cover their
9 bodies.

10 [10.29.48]

11 Upon my arrival at Trapeang Thum Khang Tboung commune my elder
12 brother-in-law<, Hok Heng,> who was a pilot, and four <--> other
13 women whom I knew, whose husbands were military officials and
14 teachers, were sent for study sessions by the revolutionary
15 Angkar. Those women were put into a group and they were referred
16 to as the Widow Unit. This shows that Angkar had already executed
17 their husbands. Later on I became aware that my sixth elder
18 brother-in-law was sent away and never returned, and my fifth
19 elder brother-in-law, Sou Nai alias Sou Sot, who was a doctor
20 from Battambang were executed at Toul Sleng, S21 prison. You may
21 refer to the Toul Sleng publication, published by Ministry of
22 Propaganda and Culture, at page 37. Angkar used a pretext to
23 accuse my husband and tortured him in order to kill him.

24 [10.31.02]

25 As for the marriage at the time, the revolutionary term was for

1 us to make a resolution or commitment. Despite what I did, the
2 ceremony was dry and meaningless. I could not find such a joy in
3 the situation where my husband was ill with wounds and infections
4 and none of my parents or relatives attended that wedding. During
5 my first child's delivery, the inexperienced revolutionary
6 medic<s> did not have sufficient experience or skill to assist me
7 and they said that I pushed too hard. They did not explain that
8 what was needed to engage in the labour at the time. They left me
9 alone from the early day on the first day until the second day,
10 and despite being -- coming to visit me, I was told that my child
11 was stillborn. And I said if <the baby was already dead>, please
12 take the baby out, but the medic did not have the skill or
13 experience to do so and allowed -- and let me give birth on my
14 own.

15 [10.32.20]

16 As for babies who were just delivered, the babies were put into a
17 common room, filled with the fumes from firewood and they almost
18 suffocated the young babies and the new mothers. When a woman
19 died from child delivery, the dead body was put into a bed in the
20 common room and just covered her with a white cloth. They did not
21 understand the impact on these new mothers. As for the medicine
22 it was just a round shaped rabbit drop like, and as for the
23 serums, something liquid was filled in the BGI orange juice
24 bottle.

25 As for meals, due to hunger, my husband and his co-workers ate

1 wild fruit, despite the fact that the wild fruit was poisonous,
2 and as a result one of them died immediately. I also ate wild
3 mushrooms, even though I didn't know whether it was poisonous or
4 not <because I was so hungry>. And one day I vomited, I had
5 severe diarrhoea, I almost died, and I was given something to
6 drink by Angkar, and later on I knew that it was cow dung mixed
7 with sugar palm juice.

8 Through the "Great Leap Forward" regime of Democratic Kampuchea,
9 in the end the only things left was a total annihilation, and
10 that is what is called the revolutionary making without any clear
11 stands, without any clear objective -- that is, it was made based
12 on greed and envy and revenge due to the criticism, based on the
13 wild and delinquent ideas without any reasons. People's lives
14 were lost, properties were <damaged> and those who survived were
15 in deteriorated health <and physical> conditions. And that was no
16 development to the nation at all.

17 In the end, Your Honour, I believe this Court will try its best
18 to find justice to the victims, and to find who are the offenders
19 and the accomplices to those acts. I am grateful, Mr. President.

20 [10.35.10]

21 MR. PRESIDENT:

22 Q. Madam Civil Party, do you have anything else that you wish to
23 say?

24 MS. OUM SUPHANY:

25 A. I don't have anything else, Mr. President.

1 MR. PRESIDENT:

2 International Lead Co-Lawyer for civil parties, you may proceed.

3 [10.35.37]

4 MS. GUIRA<U>D:

5 Thank you, Mr. President. I do not know if this is the
6 appropriate time to make this comment, but we sent to the Chamber
7 by email, copying all the Parties, the list of the three
8 questions that the civil parties wanted to put to the <Accused>.
9 And the motion that we wanted to make before those questions are
10 asked, was that those questions should be read during the
11 hearing. I would like this practice to be established - that
12 questions should be read during hearings and that <the written>
13 records should so reflect them, and that <the Accused> have the
14 opportunity <> to read those questions and to answer them or not.
15 But that this entire sequence be on the written record so that
16 there is a record because it's important for the civil parties,
17 for those here, but also for> <> everyone within the courtroom
18 and outside the courtroom<, and for the public generally
19 speaking, to show> that the civil parties are willing to put
20 questions<, and, if need be, that the Accused are willing> to
21 answer those questions or not.

22 MR, PRESIDENT:

23 Counsel for Mr. Khieu Samphan, you may proceed.

24 [10.36.56]

25 MS. GUISSÉ:

1 Yes, thank you, Mr. President. Regarding the proposal that
2 questions be put on the record, I do not have any objections to
3 that. However, I think that we should guard against putting
4 questions systematically to the Accused whether they wish to
5 answer questions or not. Especially, since they have stated at
6 the beginning of the trial<> that they would like to <assert
7 their right> to remain silent.

8 If we insist on asking <all> those questions, <if it doesn't come
9 from them,> will put pressure on the Accused, <which should not
10 be there> since they have already <stated their position>.

11 MR. PRESIDENT:

12 Thank you for your observation Counsel for Khieu Samphan. And
13 Madam Oum Sophany, you may proceed.

14 MS. OUM SOPHANY:

15 Once again, good morning to Mr. President, and Your Honours. I
16 have a song that I wrote in relation to the destruction of
17 property, not just only my property, but the properties of
18 Cambodian people at the time. Of course I understand that I
19 cannot request for a personal reparation for the loss of my
20 personal property. I would like to make a proposal to the Chamber
21 that I'd like my song to be composed officially and sung by
22 proper singers, and to play it or to accompany the Khmer Rouge
23 theme.

24 MR. PRESIDENT:

25 Madam Civil Party, the Chamber actually gave you an opportunity

40

1 to say anything or to make a request, and now it is the time that
2 the Chamber wants to know whether you have any questions to be
3 put to the Accused. And you cannot make a proposal or a request
4 at this time, when the time is for you to put the questions to
5 the Accused through the Chamber. And of course, we all know that
6 the Accused exercise their rights to remain silent. However, if
7 you still insist and want to put the questions to them, you may
8 proceed and the Chamber will decide accordingly. That has been
9 the practice that we have done in Case 002.

10 [10.40.29]

11 MR. YIQIANG LIU:

12 Your Honour, if I may, I think the civil party was confused when
13 she was granted the opportunity to put forward her request or
14 questions. On this, she confused that with her request for
15 reparation, so as her lawyer, I would wish to advise her now it's
16 the time for her to put her questions to the Accused, rather than
17 her request for reparation at this moment. Thank you.

18 [10.41.07]

19 MR. PRESIDENT:

20 I just stated that clearly. Your time for requests was ended, and
21 you are given the opportunity to put questions to the Accused
22 through the Chamber -- through the Bench, and if you do not have
23 any questions to be put to the Accused, then you will be excused
24 from this courtroom.

25 MS. OUM SOPHANY:

41

1 Yes, Mr. President, I have questions for the two criminals. The
2 two criminals are Cambodians. Why did you make a revolution to
3 destroy the good traditions and customs of this country? That is
4 my first question. My second question is the following: why did
5 the criminals make a revolution to destroy the educational
6 system? Did you think that you could develop a country by
7 forsaking an educational system? <That time, there was neither
8 school nor university.> My third question is the following: for
9 Cambodian people, the notion of family <membership> is very
10 important <to us>. Why did you make a - why did your revolution
11 separate us from our family, and force us to eat and live
12 communally? <That's all my question.> Thank you, Mr. President.
13 [10.42.38]

14 MR. PRESIDENT:

15 Thank you, Madam Civil Party, Oum Sophany.
16 The Chamber noticed that on <the outset of evidential hearing,>
17 the 8th of January 2015 proceeding, after we sought clarification
18 from the two Accused, we noted that the two Accused exercise
19 their rights to remain silent, except and when the Chamber
20 receives any explicit confirmation by the Accused himself or by
21 their counsels otherwise. For that reason, the Accused and their
22 counsel have the obligation to inform the Chamber in a timely
23 <and efficient> manner if the Accused waives their rights to
24 remain silent. So far, we have not received any information
25 regarding the -- any changes to their status of the right to

1 remain silent and not to respond to the questions.

2 [10.44.04]

3 Madam Oum Sophany, the Chamber is grateful of your testimony, and
4 the hearing of your testimony as a civil party is now concluded
5 and you may now be excused so that you can return to wherever you
6 wish to do so, and we wish you a safe trip.

7 Court officer, in cooperation with WESU, please arrange the
8 transportation for this civil party to wherever she wishes to go
9 to. The time is now appropriate for a short break, and we take a
10 break and return at 11 a.m. to resume our hearing. The Court is
11 now in recess.

12 (Court recesses from 1044H to 1102H)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is now back in session. For this session, the Chamber
16 will hear the testimony of a civil party, 2-TCCP-238. And,
17 Counsel Kong Sam Onn, you may proceed.

18 [11.03.19]

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I'd like to make a brief observation
21 regarding the civil party, Oum Sophany. During her testimony I
22 tried not to interrupt. And that she put the questions to the
23 Accused through Mr. President, I have heard repeatedly the words
24 that she used, as she referred to the Accused as "the criminals",
25 and I think that leads to confusion, even at this stage that my

1 client, Mr. Khieu Samphan, has found guilty in another judgement.
2 The judgement is being appealed against. For that reason, to
3 refer to my client as a "criminal" is a misunderstanding. It's -
4 it's prejudicial. For that reason, I am grateful if Your Honour,
5 strike off that word, or advise other civil parties, when they
6 refer to the Accused, they should not refer to them as
7 "criminals." Thank you, Mr. President.

8 MR. PRESIDENT:

9 Thank you for your very good observation, Counsel for Khieu
10 Samphan.
11 Court officer, could you usher the civil party 2-TCCP-238 into
12 the courtroom?

13 (Civil party 2-TCCP-238 enters courtroom)

14 [11.06.54]

15 QUESTIONING BY THE. PRESIDENT:

16 Q. Good morning, Madam Civil Party. What is your name?

17 MS. CHOU KOEMLAN:

18 A. My name is Chou Koemlan.

19 MR. PRESIDENT:

20 Thank you, Madam Chou Koemlan. We would like to give you some
21 advice regarding the proceeding with your testimony. Your voice
22 will go through a system which will be interpreted into other
23 languages of the ECCC. That is a necessary proceeding. For that
24 reason, before you respond, please look at the tip of the
25 microphone in front of you. When the light is red, then it is

1 operational and your voice will go through the system, and the
2 interpreters can interpret your testimony into other languages.

3 [11.08.03]

4 Q. When were you born?

5 A. In the document that was published a long time ago "In the
6 search for the truth", in the magazine, and it was republished in
7 2010.

8 Q. Can you recall when you were born? Please respond to my
9 question. When were you born?

10 A. I was born in 1951.

11 Q. Thank you. Where were you born?

12 A. My birthplace during the Sangkum Reastr Niyum was Leay Bour
13 commune, Tram Kak district, Takeo province. And before 1975 I
14 lived to the west of Depou market, in Phnom Penh.

15 Q. I am asking the place that you were born, not the place where
16 you lived. You could not be born at two different places. So, you
17 were born in Tram Kak district, Takeo province. Am I correct?

18 A. The first five years I was at Thnong Roleung village, Leay
19 Bour commune, Tram Kak district.

20 [11.09.58]

21 Q. Where is your current address?

22 A. It remains the same. At Thnong Roleung village, Leay Bour
23 commune, Tram Kak district, Takeo province.

24 Q. From 17 April 1975 to 6 January '79, where did you live and
25 what did you do?

1 A. After the liberation, in 1979 --

2 MR. PRESIDENT:

3 Q. I meant before that. That is from the 17th April 1975 to the
4 6th January '79, which is simply referred to as the Pol Pot
5 regime. Where did you live during the Pol Pot regime?

6 A. During the Pol Pot and Khmer Rouge regime, I lived in the same
7 commune and village. In Leay Bour commune, Tram Kak district,
8 Takeo province.

9 Q. What did you do at the time?

10 A. I did various things in a mobile unit. Initially, I was
11 assigned to work in the rice fields, <and> to transplant
12 seedlings <>.

13 [11.11.36]

14 Q. What is your father's name?

15 A. My father is <Chou Tim> and my mother is Pan <Lim>.

16 Q. And your husband's name? And how many children do you have
17 altogether?

18 A. My husband is named <Suos Dim>, alias Nuon <>. He was a
19 military medic, and that was during the Lon Nol regime. And
20 before that, during the Sangkum Reastr Niyum, he was a policeman.

21 [11.12.21]

22 Q. How many children do you have?

23 A. My <sister/brother> died, and I - <s/>he had four children
24 that I raised. And when I left Phnom Penh, I was three months
25 pregnant.

1 Q. Madam Chou Koemlan, as a civil party, you are advised that
2 towards the end of your testimony, you are given an opportunity
3 to make a statement of impact on the sufferings that you - that
4 you suffered during the Democratic Kampuchea regime if you wish
5 to do so.

6 In pursuant to Rule 91(bis) of the ECCC Internal Rules, the Lead
7 Co-Lawyers for Civil Parties is given the floor first to question
8 the civil party Chou Koemlan. And the time - the combined time
9 for the Prosecution and the Lead Co-Lawyers for Civil Party is
10 <half a> day.

11 QUESTIONING BY MS. GUIRAUD:

12 Thank you, Mr. President. Good morning, Madam Civil Party. You
13 stated before the President that you lived in Leay Bour <> from
14 17<-- from> April 1975 to '79.

15 Q. My first question is this: when did you arrive at Tram Kak?

16 [11.14.18]

17 MS. CHOU KOEMLAN:

18 A. I arrived at Angk Ta Saom district, in Angk Ta Saom and then
19 in Tram Kak. In fact, it took me 22 days to walk from Phnom Penh
20 to Angk Ta Saom. We were received by Khmer Rouge and settled in
21 <Pou Preah Sang>, to the west of Angk Ta Saom market. It's about
22 two kilometres west of Angk Ta Saom market. And at that time, we
23 were not assigned to engage in any work yet. They <gathered us
24 for checking> first.

25 Q. Thank you. Which members of your family accompanied you to

1 Tram Kak?

2 A. I went to Tram Kak with my father, my elder brother, and my
3 elder - my younger brother, my other brother with his children<,
4 and with my family as well. Also, I was pregnant at that time>.

5 [11.15.46]

6 Q. Could you please specify the number of children who belonged
7 to the brother who travelled with you?

8 A. He had four children, two sons and two daughters.

9 Q. Thank you, Madam. Did you also travel with your husband?

10 A. Yes, I did. And my father was elderly, so was my mother, and
11 we travelled together.

12 Q. You stated to Mr. President that you raised four children. Did
13 the children travel, and did they arrive at Tram Kak with you?

14 A. Yes, they did. They went together.

15 Q. Were you yourself in a particular <personal> situation when
16 you arrived at Tram Kak?

17 A. It took us more than 20 days to reach that location, and we
18 ran out of rice when we arrived. We were given some rice, with
19 corn to mix with the rice. It was very hard to eat. And then we
20 had a problem with our stomach from eating that corn. I still
21 have my stomach problem now. My husband was asked to build a
22 shelter where New People would accommodate - would live there. It
23 was to the <north> of <Leay Bour> commune office. He spent two
24 months there, and the 17 April People from Phnom Penh were put to
25 the north, in those series of huts. And after that, my husband

1 was arrested. He was taken at night time.

2 [11.18.25]

3 Q. Thank you, Madam Civil Party. You just talked about <the term,
4 ">New People<">. Were you and your family considered as "New
5 People"?

6 A. Yes, we were considered New People, and we did not have a
7 right to gather or to walk freely. For the Base People, they had
8 good rice to eat. As for us, we did not have the same rice. At --
9 one night, when my husband was taken, at 9 p.m. - in fact, they
10 came to call him to go for a study session. And I protested. Why
11 there was such a study session or meeting at 9 o'clock at night?
12 But I was told that the Ta Vet called him to go for that study
13 session. So, he put on his shirt and he did not wear his
14 trousers, because he was told it was a quick meeting. So, he wore
15 his scarf and he went with them.

16 [11.19.58]

17 Q. Thank you, Madam Civil Party. Can you please tell the Court
18 what happened afterwards? After the arrest of your husband, what
19 occurred?

20 A. After the arrest of my husband -- in fact, when they took him
21 away, I - I peeped. He was walked to the west direction. And his
22 mother also peeped, and saw they used a rope to tie his hands
23 behind his back. And in fact, his parents were the Base People,
24 and I asked them for help. But <they> could not help him, even if
25 he was <their> biological son, because at that time, everybody

1 minded his or her own business. So, they took him away, and about
2 one and a half hours later, or maybe two hours, then I heard
3 three gun shots. The three militia, who came to take him was the
4 village chief, and the commune militia, and they had a rifle.

5 Next day, I was sent out from the north of the commune office to
6 another unit in another village to the south of Leay Bour commune
7 office. I was <made> to do all kinds of work, hard work indeed.

8 [11.21.58]

9 Q. Following that, did you receive any information regarding your
10 husband's fate?

11 A. The information that I received was from a few Base People,
12 who told me that night that my husband was killed behind Leay
13 Bour pagoda<,> that is, to the west of the pagoda, in a forest in
14 that area. I received that news. And my parents-in-law could not
15 save their son. They became very emotional. Later on, they became
16 sick and died. So, I would just like to repeat. I received the
17 information that my husband was arrested, and I was sent to work
18 <unit 3> to the south of the commune office to engage in rice
19 harvest.

20 And I in fact just delivered my baby, <27 days> after delivery,
21 and I had to harvest the rice in a field near the house, and then
22 I had to come back to the house to breast-feed my baby. The Base
23 People were not asked to harvest the rice. They ordered me to
24 work hard, as my husband was taken away and killed.

25 [11.23.40]

1 There was a <rural> midwife in the village. However, there was no
2 proper hospital and there was no proper medicine to give to me
3 during my child's delivery.

4 Q. Thank you, Madam Civil Party. In the interest of clarity, <and
5 it may be an issue of translation,> could you please tell us if
6 you were present during the arrest of your husband?

7 A. Yes, I was there. We were sleeping together. In fact I
8 protested not to let him go, because it was already 9 o'clock at
9 night and I said that the meeting already ended at 8 o'clock. But
10 they refused, and they said that he needed to attend a meeting
11 which was a study session. At that time my baby cried, and they
12 shouted at me to look after the baby. So, they took him away.
13 And I in fact asked them, because the meeting had already ended
14 as it has started at 6.30 and ended at around <8.30> but they
15 came to take him around 9 o'clock at night. But in fact he did
16 not attend any study session. He was sent to be <clubbed to
17 death>. And after they fold up the regime, I went to look at the
18 burial site where he was buried. My life <subsequently> was so
19 pitiful.

20 [11.25.34]

21 Q. Thank you, Madam Civil Party. In your opinion, why was your
22 husband arrested?

23 A. The reason was that he was a civil public servant since the
24 Sangkum Reastr Niyum, and he also had a rank and they actually
25 search a pack of clothing that we had. And the shirt that he wore

1 had a photo or an ID card with his rank and for that reason he
2 was taken away for that study session.

3 Q. Thank you, Madam <Civil Party>. You just stated that you were
4 pregnant at the time, and therefore I will ask you a few
5 questions with respect to the child you gave birth to at Tram Kak
6 as well as the other children <you spoke about,> and <who arrived
7 with> you and your family <at Tram Kak>. You very briefly
8 mentioned the delivery of your baby. Once you gave birth, did you
9 <yourself> provide care to your child?

10 [11.27.03]

11 A. I took only the youngest baby because the other children whose
12 age were 10, 12 and 14, they were put into a unit. And I only
13 took care of the baby, but because I did not have enough food to
14 eat. In fact at the beginning, we were only given corn to eat.
15 And later on, I cannot remember the month, but it was still in
16 1975, we were asked to eat communally. And my baby did not have
17 enough to eat. So he crawled round and found something to eat,
18 because we actually lived at the side of a house belonging to the
19 Base People. I did not know maybe we were New People, we had to
20 live at the site of the Base People so that they could monitor
21 us. And because of insufficient food, my baby got sick; that's
22 the youngest one. But after I delivered my own baby, that baby
23 died. And she died because of the insufficient food. As for my
24 youngest baby, became sick and also later died. As for my other
25 children, they worked in a unit and one of them also died.

1 [11.29.04]

2 Q. Thank you, Madam Civil Party. Once again, for clarification,
3 you stated that you arrived at Tram Kak with four children and
4 that you yourself were pregnant at the time. If I understand
5 your testimony today correctly, two of the children who
6 arrived with you died by lack of sustenance and nourishment; is
7 that correct? Do I have a proper understanding of what you're
8 telling us today?

9 A. The little one died of insufficient food and another
10 one, 13 years old, died while he was at a unit. And that
11 child's unit was located -- or worked to the east of Ta Mok's
12 house not at Leay Bour village with me. They took my son away to
13 be killed because he uprooted some potatoes to eat. It was a
14 brutal killing. I was told by my elder siblings that the son was
15 killed and maybe they embowelled and he was buried under a
16 coconut tree.

17 [11.30.21]

18 Q. Thank you. Therefore you had one small child who died by lack
19 of food and another child who worked in an area away from your
20 place of residence and the elder son passed away; is that
21 correct?

22 A. Yes. It's true. The older died because he picked up the potato
23 to eat. He did not have enough food to fill his stomach, and then
24 he went to pick up the potatoes and he was tied up and taken
25 away to be killed. My elder sister/brother, who lived in Tro

1 Sok Paem with my niece/nephew as well,> told <me> of the
2 incident. I lived in Vihear Khpos<, to the south of Leay Bour
3 commune office>. I was told at -- during lunch time that Vanara
4 (phonetic) was killed because Vanara (phonetic) went to uproot
5 the potato to eat and Vanara (phonetic) was about 13 and 14 years
6 at the time he was in children unit.

7 [11.31.46]

8 Q. Thank you, Madam Civil Party. One final question, regarding
9 your children. You stated that you were pregnant when you arrived
10 at Tram Kak and you delivered your child at Tram Kak. Were you
11 able to care for the baby?

12 A. As I told you, after I delivered the baby, for 27 days, I went
13 to work in a farm to harvest. And when the baby <cried>, my
14 mother would call me so that I could breastfeed the baby. And
15 after breastfeeding, I went back to the field to harvest. At
16 10.30, <we were allowed to take a break;> my mum would go to
17 collect rice for me to eat. I did not go to eat.

18 Q. Thank you, Madam. Thank you, Madam Civil Party. I will now put
19 a few questions to you regarding other members of your family you
20 referred to at the beginning of your examination. You talked
21 about <> a brother who <left from> Phnom Penh <and arrived in
22 Tram Kak> with you. Can you explain to the Chamber what happened
23 to that brother?

24 [11.33.29]

25 A. My elder brother not elder sister. My elder brother name was

1 Chou Teng. He went together with me. My elder sister she went on
2 National Road Number 1. My elder brother Chou Teng, he went with
3 me. He lived in a village, west of Angk Neareay and Leay Bour
4 <commune office>. And my sister lived in unit six, and I lived in
5 unit three near the village hall. So we lived in different
6 places. And <>my <brother and> his wife <had> four children.
7 [11.34.26]

8 Q. What happened to that brother, Madam Civil Party?

9 A. My elder brother, he worked in the unit responsible for
10 ploughing the field. His name was registered to be killed. And
11 that was in 1977. He was in a unit responsible for ploughing the
12 field in 1977. He tried to instigate his peer to revolt and he
13 fle<d> to -- into Vietnam. He came to <say goodbye to> my parents
14 and he said that he would go. And after a few days, he was
15 arrested and killed at <Sonlong> (phonetic) mountain in another
16 cooperative.

17 Q. Thank you, Madam Civil Party. Could you please be more precise
18 with regard to his departure? How did he get to Vietnam,
19 according to what you stated today? How did he get there? Who
20 accompanied him? How did he manage to escape to get there? How
21 did you know that he was executed? Which is what you just stated
22 today.

23 A. I know about this because I was at home. There was a Base
24 woman, she cooked for cadres. In the Leay Bour, K-1 was the model
25 cooperative. And this old lady came to my house and told my

1 mother that your son was arrested to be killed. And at K1 unit
2 <at a smithy>, my elder brother was beaten and was forced to
3 drink fish sauce. And this old lady told me about this. I did not
4 witness the event. So those who fled into Vietnam, <some were
5 killed at Sonlong (phonetic) mountain, and one was taken here to
6 be beaten and forced to drink fish sauce to make an example.>

7 [11.37.36]

8 Q. Thank you, Madam Civil Party. From what I have understood,
9 <this is what you heard;> you did not witness the execution of
10 your brother. Can you tell us why you think he escaped? Do you
11 have information on how he left Tram Kak?

12 A. When he fled, he got a package of meal, the flour for making
13 Khmer noodle and then he got a bag of rice and a <a pot for
14 cooking> in the forest. <According to the account provided by>
15 the old lady <who> was in K-1 cooperative <> that my brother
16 seized <> a rifle from a militiaman<. He pretended to be one of
17 the Khmer Rouge soldiers> and then he fled into Vietnam. He was
18 chased and after that my brother was arrested to be killed.

19 Q. Thank you, Madam Civil Party. You also referred to another
20 brother. Can you tell us what happened to him?

21 [11.39.15]

22 A. As for my other elder brother, he was a soldier in Takeo
23 province, in <Banteay Soup provincial hotel>, he was a soldier
24 for a long time and he got quite high rank. When he reach Champa
25 pagoda, he was <tied> up and I was told that <he and many others

1 were> brought to a study session <>and never return<ed>. <I did
2 not know what kind of that study.> My mother was told that he --
3 rather, my elder - my elder <sister> in-law told me that <she>
4 went to <her> village <near Chisor Mountain, because she did not
5 see her husband coming back>. <The> son of my elder brother, <who
6 was Base people,> was a monk. Then he was asked to disrobe so
7 that he could carry a rifle to liberate Takeo<, Phnom Penh>. And
8 later on, my <nephew> was known that he was the son of an enemy.
9 His father was a soldier with a quite high rank. And after he was
10 disrobe<d>, he got married to a woman medic<, who lived near
11 Chisor mountain, to the south of the mountain>. And my <nephew>
12 was known as the enemy, the son of an enemy. And <the> father was
13 a soldier. <>And the female medic was asked to disembowel <her
14 husband> so that she could got the gall bladder <for medicine>.
15 <After '75, they knew the boy's father was a high-ranking
16 officer. They ordered the wife to kill the husband. They asked,
17 "Can you do it?" She said, "Yes."> The female medic <would> do
18 this because she wanted to go to a higher rank.

19 Q. Thank you, Madam Witness. I will move on and ask you about
20 your experiences<, leave the family to the side a bit, and ask
21 you questions about your experience> when you were in Tram Kak.
22 Were you able to move about freely in Tram Kak?

23 A. We could walk, we could move between 11 to 1 p.m. we could
24 move during lunch break. We could visit our relatives. We had -
25 we would have to return back in time for our work otherwise, we

1 would be blamed. We could move secretly; that is what we call the
2 prison without wall. We live in a prison without wall and we got
3 a heavy duty to perform as well.

4 [11.42.59]

5 Q. Thank you, Madam Civil Party. To ask a follow-up question on
6 your last remark and the difficult<> <conditions>, can you
7 describe to the Chamber, the diff<erent> tasks you carried out
8 when you got to Tram Kak?

9 A. I remember all <varied> duties, the sufferings that I got. I
10 was asked to transplant rice and I could do whatever they asked
11 me to do. Otherwise, I would be killed because I was accused <of
12 being> a daughter of a former civil servant. I was a <wife> of an
13 enemy. I was asked to pick up, or to uncover faeces. I could do
14 whatever I was asked to. I was asked to also dig the canal, and I
15 was also asked to transplant a plot -- a <>hectare plot of land
16 with only seven people. I could do so because I got experience
17 <when I lived in Leay Bour>. <But in 1977, I met him. Do you want
18 me to talk about that?>

19 [11.44.30]

20 Q. Thank you, Madam Civil Party. A while ago you stated <a
21 specific time; you said> 10.30 p.m. Can you tell us exactly what
22 was your work schedule? Did that work schedule change from one
23 year to the other? Just give the Chamber an idea of your work
24 schedule.

25 A. I got a small baby that's why I could excuse from work at

1 10.30. And for other, they would be excused from work at 11.00 or
2 11.30. So we would be asked to work anywhere, any cooperative,
3 whenever they wanted us.

4 Q. Thank you, Madam Civil Party. Earlier this morning or perhaps
5 yesterday, we heard the testimony of another civil party who
6 stated that when people were <> sick or tired, they could rest
7 and not have to work; is that what happened to you?

8 [11.45.57]

9 A. When I was asked to transplant and <> I was working very hard,
10 and I had to breastfeed my baby because we -- because I had to
11 transplant in <water>, and <> I <could> collapse at the time and
12 I was released to get <coin> massage on my body. <Seeing this
13 condition, I was allowed to go home.> And whenever we got -- the
14 other baby got sick, then we would be excused. As for my baby,
15 because my baby was breastfed, sometimes he or she got diarrhoea.
16 We would need to take care of the baby. As for me, <when> I had
17 to collect rice or meal from cooperative<, they said my name was
18 supposed to collect rice at the unit. So I had to take a little
19 bit of the food ration of my mother and my children just for the
20 time being>. And the day after, we had to work again. And as for
21 ration, it was very strict, if we did not perform our work, we
22 would not get our meal.

23 Q. Just one follow-up question based on the last question<, that
24 if one did not work, one could not eat, c>an you tell the
25 Chamber, what were the consequences if someone <> could not <go

1 to> work? You said you were not fed; were there any other
2 consequences?

3 A. We would work in the morning. If we return to work, then we
4 would get our food ration. Although our baby did not recover from
5 the disease yet, we would need to go back to work to get food
6 ration. If we had to rest for very long time, we would <be
7 considered mental, and> also be taken away to be killed.

8 [11.48.48]

9 Q. Thank you, Madam Civil Party. You have talked <for the second
10 time now> about the fear of being executed if you didn't work <>.
11 Can you explain to the Chamber why you were afraid of being
12 executed?

13 A. We were accused that we were 17 April People. We were accused
14 that we were lazy, we did nothing. That is why -- so they would
15 need to smash all of us. And those who had relation or were
16 linked to civil servants in the <>former regime, <Lon Nol
17 regime,> we would be killed since we were 17 April People. We
18 were afraid of being killed. That is why <whatever> we were
19 <told> to do our work, we would try to perform them. <That's how
20 I've survived till today.>

21 Q. Thank you, Madam Civil Party. A little earlier in your
22 testimony, you stated that a few months after you arrived in Tram
23 Kak, you <began> eating <communally>. Can you explain how these
24 meals <took place>?

25 [11.50.25]

60

1 A. As for communal eating, we work hard in our field. And the
2 field was green -- very green. And the field sometimes look very
3 golden. And as for commune -- communal eating, there was a pot, a
4 soup pot in the middle of us. And we could have only a spoon full
5 of rice, and we could not have enough meal. And we dare not to
6 say anything although we were not full, if we accidentally
7 slipped -- if the word slips out of our tongue accidentally that
8 we were not full, then we would be taken away to be killed or to
9 a study session. <Mostly, men, there were rarely women. There
10 were two women who were taken away to be killed because they
11 complained the food was not enough.> I would like to mentioned
12 about two ladies, could I do so Mr. President?

13 MR. PRESIDENT:

14 You may answer to the question put by Party. You may not provide
15 your answer beyond the question asked. Your answer should be full
16 enough so that we understand.

17 BY MS. GUIRAUD:

18 Q. Thank you, Madam Civil Party. I have other questions as a
19 follow-up to what you have just stated. As far as you can
20 remember, did you have the impression that when you were eating
21 <communally>, the <quantity> of the food had dropped? Did you
22 have <less> to eat, when you started eating <communally>?

23 [11.52.31]

24 MS. CHOU KOELMAN:

25 A. The food ration was reduced. Sometimes when the rice was not

1 delivered, our food ration would be reduced. The grains of cereal
2 would be reduced, and the gruel would be instead mixed with
3 potatoes - sweet potatoes in some - on some occasions. When the
4 rice <ran out,> so the gruel would be mixed with sweet potatoes,
5 on some occasions.

6 [11.53.11]

7 Q. Thank you, Madam Civil Party. Still to the best of your
8 recollection, did the New People have the same food as the Base
9 People? <Was there a difference>?

10 A. Base People <truly> ate together with us. But in their shelter
11 or their house, they had their own rice to have additional meal
12 in the morning. <In the morning, they cooked and left for work.>
13 As for New People, we did not have such latitude. We did not have
14 extra rice. We could eat only in the communal eating. That is why
15 some people complained that they did not have enough food and as
16 a result, they would be taken away to be killed.

17 Q. Thank you, Madam Civil Party. In order to <be clear>, were you
18 often hungry <during these years>? <>

19 A. Yes. Absolutely. I was absolutely hungry. Sometimes, I would
20 -- I had a sarong with me so I would barter the sarong or skirt
21 with the Base People near -- living close to my place. And I
22 would <secretly> cook rice or gruel in the kettle at night time
23 so that the Angkar would not know.

24 Q. Thank you, Madam Civil Party. A while ago, you gave us a list
25 of the assignments that you carried out from the time when you

1 arrived in Tram Kak. You talked of transplanting rice, picking up
2 excrements, and the last task was digging canals. Can you please
3 explain to us further what that last task consisted in? When <and
4 where> did you have to dig canals?

5 [11.56.00]

6 A. It was from 1976 until dry season of 1977 after harvest,
7 <every dry season, we> would be required to go to dig canal near
8 the embankment in the rural area. And I was required to build,
9 you know, the big embankment <on> the road< to Takeo> so that we
10 could reach at the head work <at the pumping station, Ou
11 Chambak>. I was asked to dig canal for a period of 15 days. And
12 at the time, I met some leaders of Khmer Rouge -- that is the
13 leaders of <that so-called>Democratic Kampuchea. When I was asked
14 to dig canal in 1977, I was working and could see four of them
15 including Ta Mok. At that time, they <were> talking to the
16 worker<s> that we need<ed> to attack our work so that we could
17 get water <from Ou Chambak Pumping Station,> to farm on the west
18 of the railroad<, about three to four tons per hectare>. So, we
19 need to attack in our work, so we could reach to a prosperous
20 future and having rice to eat. And after that, we would need - we
21 would have energy.
22 Later, after digging the canal, and after having good harvest, we
23 would also not get enough rice to eat. Three of my colleagues,
24 three of my peers, disappeared because they complained that they
25 did not have enough to eat. And my three peers that they

1 complained that they could not have enough food, and then after
2 that, they disappeared.

3 [11.58.51]

4 Q. Thank you, Madam Civil Party. To be absolutely sure that I
5 properly understood the chronology of the events you described,
6 you stated that you arrived, you started digging the canal<,
7 participating in the construction of dykes and embankments>. And
8 in 1977, did you say that you saw on that site a number of Khmer
9 Rouge leaders? Do you recall <> <,more or less, during> what
10 period precisely you saw those persons?

11 A. I saw them in 1977. I do not recall the month -- the exact
12 month whether it was in February, it was in March, April or May.
13 It was long time ago. The three leaders, they were in car, they
14 stop at the head work <at the foot of Ou Chambak bridge> area,
15 and they were looking at us carrying earth. The commune
16 committees and head of the unit <accompanied> them. A few days
17 later, three of my peer disappeared.

18 [12.00.30]

19 MR. PRESIDENT:

20 Thank you. It is now convenient time for break. From now, until
21 1.30 in the afternoon so that we can resume our hearing.

22 Court officer, you are instructed to facilitate a proper place
23 for civil party during the break time and have her return<ed>
24 before the Bench enter the courtroom.

25 Security personnel, you are instructed to bring Mr. Khieu Samphan

1 to the holding cell downstairs and have him back before 1.30 p.m.

2 The Court is now adjourned.

3 (Court recesses from 1201H to 1334H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session. And, again,

6 the Chamber would like to give the floor to the Lead Co-Lawyers

7 for the Civil Parties to put questions to the civil party. You

8 may proceed.

9 International Lead Co-Lawyer for civil party, please hold on, and

10 Counsel Koppe, you may proceed.

11 MR. KOPPE:

12 Thank you, Mr. President. I have a question relating to filing

13 this morning from the Office of the Prosecution. It seems that we

14 are getting new statements coming from Case 004. I have two

15 questions. First, whether the statements that are going to be

16 released have any relevance to this Witness or the upcoming

17 witnesses this week. And my second question would be if these

18 four statements, the release of these four statements, is it that

19 that's it or are there more to come in relation to this segment

20 of the trial?

21 [13.35.42]

22 MR. LYSAK:

23 Thank you, Mr. President. Apologize for responding from the

24 second row. The answer to the question is these four statements

25 do not concern any of the immediate witnesses that are up-coming.

65

1 The answer to the other question is that there is an ongoing
2 investigation going on. There have been some additional
3 statements. None of them, to my knowledge, involve trial
4 witnesses, but requests have been made, and when authorization is
5 provided for these new statements, they will be disclosed too.
6 But they do not relate to trial witnesses. It's a pretty small
7 number to my recollection too. But the four statements, three of
8 them do relate to trial witnesses, but not in the group that's
9 coming up in the next three or four weeks, I believe.

10 MR. PRESIDENT:

11 Thank you for the clarification, the Co-Prosecutor. And the
12 International Lead Co-Lawyer for Civil Parties, you may proceed
13 again.

14 BY MS. GUIRAUD:

15 Thank you very much, Mr. President. Good afternoon, Madam Civil
16 Party. I wish to continue with my questions and go back to the
17 period of February, March, April or May 197<7>.

18 This morning, you told us that you saw senior leaders of the
19 Khmer Rouge visit the worksite where you were assigned, at Tram
20 Kak. This morning, you spoke of Ta Mok, and I'd like to know,
21 based on your recollection, if you saw any other senior leaders
22 accompany Ta Mok <that day>.

23 MS. CHOU KOELMAN:

24 A. During the DK regime of Khmer Rouge, Ta Mok accompanied the
25 three Khmer Rouge leaders who travelled in a vehicle, and they

1 were Pol Pot, Khieu Samphan and Nuon Chea. And Ta Mok was in a
2 separate vehicle. They visited the Ou Chambak canal worksite. The
3 plan was to irrigate the water from to Ou Chambak to the west
4 area of the railway, in order to make three harvests per year of
5 rice produce.

6 [13.38.47]

7 Q. Thank you, Madam Civil Party. You provided the names Khieu
8 Samphan, Nuon Chea. I'd like to know, how <> did you recognize
9 Mr. Khieu Samphan? That is my first question.

10 [13.39.06]

11 A. I knew it was him because I worked together with the group
12 chief and the unit chief, and they said that Pol Pot and Khieu
13 Samphan came to visit. And while I was standing in fact I smiled
14 at them, but I was still working hard at the time to unearth the
15 soil. They actually walked past to the west of the canal and they
16 went further and I came back to continue focusing on my work.

17 <Yes, I knew them.>

18 Q. Had you already seen Khieu Samphan prior to that event?

19 A. I saw him during the Sangkum Reastr Niyum regime, because his
20 photo was published in the newspaper as the People's
21 Representative and I had heard of his name during that regime as
22 well. So, when he came for a visit, I recognized him and he, in
23 fact, called all the - in fact all the chiefs, unit chiefs, group
24 chiefs and commune committee accompanied him while he was
25 walking, but I was still unearthing the soil. And he actually

1 went to Cooperative Number 1, as well as my other sibling saw him
2 too and the other two Khmer Rouge leaders, at the K1 cooperative.

3 Q. Thank you, Madam Civil Party. You also mentioned Noun Chea. I
4 would like to know if you can tell us today how you knew that it
5 was Noun Chea.

6 A. It was the Base People, namely the unit's chief who knew him.
7 The district chief, the commune committee knew him and told my
8 unit chief, and unit chief told me further that the
9 representative of the country came to visit us. They were the
10 leaders and they were the one who were in charge of the country.

11 [13.42.05]

12 Q. Thank you very much <Madam Civil Party>. You talked about Ta
13 Mok, who was part of the delegation. Had you already seen Ta Mok
14 at Tram Kok, prior to that <visit>?

15 [13.42.24]

16 A. I saw him frequently, because my house was near Ou Chambak and
17 it was not far from the house of Ta Mok, so I saw him frequently
18 <visiting Leay Bour>.

19 Q. Thank you, Madam Civil Party. I wish to return to a statement
20 you made prior to the lunch break. You talked about a nephew who
21 was a monk and he was, <and I quote>, "disrobed". Could you
22 please tell us very clearly, what <the story was in relation to
23 this nephew, starting by explaining very clearly what your
24 relationship <was> to him? <>

25 And can you please tell us what happened to him afterwards?

1 [13.43.19]

2 A. He was my immediate nephew. And his father was my elder blood
3 brother. During the Lon Nol regime, my mother sent her
4 grandchildren to Prey <Kabbas> area near Chisor mountain, because
5 their grandparents there were the Base People. And this nephew
6 became a monk, because they were afraid that he would be sent <>
7 to the battlefield and because they wanted to attack and take
8 over Takeo, he was forced to disrobe and to make a resolution
9 together with the village medic. After Phnom Penh fell and Takeo
10 fell, they knew or learnt of his background, as he was the son of
11 a military officer <at Banteay Soup>. And then the wife was asked
12 to come and urged to kill her husband, if she dared to do so.
13 That happened in 1976. And after the fall of the Khmer Rouge
14 regime, it was my aunt who came to tell me about these events
15 together with the other event of another tragic one.

16 [13.45.22]

17 Q. Thank you, Madam Civil Party. This morning, as far as I
18 understood it, you talked about marriage. And this afternoon,
19 you're talking about a vow, a commitment. Can you please tell the
20 Chamber if your nephew married and in what circumstances <> he
21 <was married>?

22 A. I apologize. It was not a marriage, but he was asked to make a
23 commitment or a resolution. And that happened before Phnom Penh
24 fell. The Pol Pot organization asked him to make a resolution.
25 His wife works <as a medic> in the social affairs section. And

1 she was told that her husband was the son of the enemy, of a
2 senior member of the enemy. For that reason, she was encouraged
3 to kill him, to embowel him and only after the fall of the
4 regime, the grandmother came to tell me about that and she wait
5 while telling me the tragic event. And because of that, she did
6 not want to live in the area<, because she pitied her grandson>.
7 She moved further.

8 [13.46.59]

9 Q. Thank you<, Madam Civil Party>. One last question, because I'm
10 not entirely clear on th<is> event<> that you are describing
11 today; did your nephew<, who became> a monk, <and> was then
12 defrocked<, was he> then <> married during the regime<?> Can you
13 just please clarify, because I do not fully understand <your
14 testimony in this regard.>

15 [13.47.29]

16 A. He was a monk and then he was ordered to disrobe, then to make
17 a commitment, then he was given a weapon to be part of the Khmer
18 Rouge military and to attack and take control of Takeo province.
19 And then later on, they had realized that he was a son of a
20 senior military official at the sub-military headquarters in
21 Takeo. And then they asked his wife whether she dared to kill her
22 own husband and the wife said yes, <> she would kill the enemy
23 <for her revolution>. Then he was tied up, he was emboweled, and
24 his gall bladder was removed to make herbal medicine.

25 MR. PRESIDENT:

1 The questions have been put to you and your answer is very
2 difficult to understand. You make - you keep saying the words "to
3 make a resolution" or "to make a commitment". What does it mean
4 to make a resolution? To be part of Khmer Rouge soldiers or to
5 make a resolution to marry his wife? But from the latter
6 response, you seem to say that he made a resolution to be a part
7 of soldier to attack and take control of Takeo. Can you clarify
8 that? I think that is the sticking point here. And make your
9 answer brief and precise, please.

10 [13.49.18]

11 MS. CHOU KOEMLAN:

12 A. That is to make a commitment to marry the woman to become his
13 wife, who was a woman working as a medic for the social affairs
14 section.

15 MR. PRESIDENT:

16 The Lead Co-Lawyer, please continue.

17 BY MS. GUIRAUD:

18 Q. I think this would warrant an additional question, Madam Civil
19 Party. Can you please describe the circumstances in which the
20 marriage was held? Do you know of the context in which the
21 marriage took place?

22 [13.49.58]

23 MS. CHOU KOEMLAN:

24 A. I did not know about the marriage of the nephew, as they lived
25 in Prey <Kabbas> district, while I lived in Leay Bour. <During

1 the Pol Pot regime,> I only knew about those who made resolution
2 at the place that I lived and about these events related to my
3 nephew, I heard it from my aunt, who was the grandmother of the
4 nephew.

5 Q. Thank you for that specific information. Just to return to
6 what you said to the Court. You testified that you <only> saw <>
7 marriages <that took place> in your commune, but did you
8 <personally> observe any marriages that took place in <your>
9 commune at the time?

10 A. I saw people making resolutions at my village. However, there
11 were only a few couples. There was my younger brother and two
12 other couples. However<,> at the K-1 cooperative during the
13 marriage, there were many couples who were instructed to make a
14 resolution during the ceremony<,> and Ta Mok was the one who
15 presided the marriage.>

16 [13.51.41]

17 Q. If I understand correctly, <Madam Civil Party,> you witnessed
18 a marriage ceremony <with> a few couples in your own commune and
19 you had also heard that at K1, there were marriage ceremonies,
20 which were held for a higher number of couples. <Did I correctly
21 understand> what you are telling the Court today?

22 A. Yes, at the K1 cooperative, we was a model cooperative. My
23 younger sibling was also instructed to make a resolution. <They
24 were from villages.> I think during that time there were between
25 30 to 32 couples, and even after he made a resolution at the

1 time, his wife was not allowed to come with him to the village,
2 but she was sent to her respective unit to work in the mobile
3 units to carry earth or dig a canal, although they became
4 husbands and wives.

5 [13.53.00]

6 Q. Final question on the topic: Who, in your opinion, organized
7 the marriage ceremonies?

8 A. To my knowledge, it was the party of the Angkar who instructed
9 them to make a resolution to become husband and wife, but it was
10 only Ta Mok, who was a representative of Angkar, but I did not
11 know from where he received that instruction. That happened at
12 the K1 cooperative, which was located opposite the Leay Bour
13 office -- commune office.

14 [13.54.00]

15 Q. Thank you, Madam Civil Party. I want to take you back to an
16 event that you referred to <in> this morning's testimony. You
17 stated that your brother attempted to flee to Vietnam<. I wanted
18 to be sure that I understood properly what you had seen.> Did you
19 tell the Chamber this morning that your brother was taken back by
20 the Khmer Rouge and it <was he> who <had been> sprayed with fish
21 sauce? Is that a correct understanding?

22 A. Yes, that is true. That - that was what happened.

23 Q. Thank you <Madam Civil Party>. Just to be crystal clear on
24 that incident, I wish to <refresh> your memory and have you react
25 to <document E3/5469>; <ERN in French 00822246;> ERN English

1 00746219; and ERN in Khmer 00506465. In this document, Madam
2 Civil Party, the name Rin (phonetic) is mentioned, I'd like to
3 know if the name triggers your memory and if you could tell the
4 Court, who <wa>s Rin (phonetic) and what happened to Rin
5 (phonetic)?

6 [13.55.51]

7 A. Rin (phonetic) was a friend of my other brother, who lived
8 next to his house. They gathered about six of them and fled to
9 Vietnam. They reached a village somewhere en route and they
10 <>seized a rifle <from the militiamen>. <An old woman> came to
11 tell my mother that my other brother had been arrested. He was
12 tied up, he was tortured and they splashed fish sauce over his
13 body. <Then my mother and I were crying.> I think it happened
14 about five or six days after he fled. So, they tortured him.

15 Q. Thank you, Madam Civil Party. Have you ever heard of the
16 expression -- when you were at the Tram Kak <during those years>
17 -- had you ever heard <the expression> "moral offences"?

18 A. I heard of that rather frequently and I also saw events
19 related to that offence. People made "moral offences" would be
20 ordered to carry earth for a certain cubic meters per day and one
21 day I saw two couples who made or committed moral offences and
22 who were ordered to carry earth.

23 [13.57.56]

24 Q. At the time, did you know what kind of moral offence the <two>
25 couple<s had> committed?

1 A. They said that they secretly fell in love with one another.
2 And the woman was a widow and she fell in love with uncle, that's
3 what they referred to men at the time. So, their love affair was
4 known by them and then they were punished by ordering them to
5 carry earth. And another one who was accused of a moral offence<;
6 felt embarrassed,> committed suicide by hanging <herself>.

7 Q. Regarding that last detail you just provided, <> the person
8 who was in breach of the moral code <and who hanged herself,
9 w>ere you a witness to that event or is it something that you had
10 heard about? Can you just provide more details about that
11 particular incident <to the Chamber>?

12 A. I only heard these events from another person who was a Base
13 Person. I do not know whether <s>he was arrested and killed. But
14 the Base Person told me that the person was accused of a moral
15 offence and felt offended or somehow and then hanged <her>self.
16 <I didn't witness that, but I only knew that if you committed
17 moral offences, you would be detained in Leay Bour pagoda.> But I
18 am not sure, just to make - to be clear, whether they hanged
19 <her> or <she> hanged <herself>.

20 Q. Thank you, Madam Civil Party. I have one last question<. T>his
21 morning, you testified that you wished to talk about two women
22 and you had addressed the President <on this subject>. Can you
23 please tell us what you would like to <> talk about <on the
24 subject of these two women you wanted to speak about>?

25 [14.00.11]

1 A. The two women - who were my friends - who worked in a unit
2 adjacent to mine, they were the younger sisters of a singer at
3 the National Radio Station, <Oy Samet (phonetic), Oy Samann
4 (phonetic)> the other one was the younger sister of <Oy> Sokon
5 (phonetic)<, who was a musician>. So, they were my friends, and
6 they were very good at carrying soil. They could carry three
7 baskets on each side of the shoulder pole. But then they
8 complained that the rice was not sufficient, how could we
9 strengthen our stance because of the lack of food. In the morning
10 we had the pumpkin and in the afternoon we had <winter melon>
11 which was not sufficient. Then they were transferred to the
12 commerce section at Leay Bour <to have enough rice to eat>. They
13 were asked to <sift> rice and then a messenger from my village,
14 came to the village with the information about the two women.
15 Because all male comrades there, at the Leay Bour commune office,
16 raped - sexually raped the two women, who were my friends. And
17 that information was relayed by the village messenger when he
18 delivered the messages or the letters to the village. They said
19 that anyone who made a mistake in the village would be sent to
20 their commerce office and then that woman would be sexually
21 raped. And later on I did not know whether they were transferred
22 to be imprisoned elsewhere in another detention centre, because
23 they disappeared since.
24 [14.03.05]
25 Q. Thank you, Madam Civil Party. I have no further questions, Mr.

1 President.

2 MR. PRESIDENT:

3 Next, I now hand over the floor to Co-Prosecutors to question the
4 civil party. You may proceed now.

5 QUESTIONING BY MS. SONG CHORVOIN:

6 Mr. President, Your Honours, Parties, everyone in and around the
7 courtroom, good afternoon. Madam Koemlan, I am the representative
8 of the Co-Prosecutors. I have a few questions for your
9 clarification. My first question concerns the answer you gave to
10 the Lead Co-Lawyer in relation to the time you saw Ta Mok
11 frequently.

12 My question is, when you said you saw Ta Mok frequently, where
13 did you see him exactly?

14 [14.04.09]

15 MS. CHOU KOEMLAN:

16 A. I saw him at the work site when I was carrying earth, I was
17 digging canal, I was transplanting in -- among my seven member
18 team. Sometimes I saw him in a vehicle, sometimes he rode the
19 bicycle.

20 Q. When he rode to the work site, what did he go there for?

21 A. What I knew is that he went there to ask us to strengthen our
22 position, so that we can comply with the "leaping forward" policy
23 of Angkar. <And this policy was to have only a ladle of gruel.>

24 Q. What was Ta Mok's position in the Tram Kak District?

25 [14.05.31]

1 A. Ta Mok was the provincial governor. He was in charge of three
2 provinces: Kampong Speu, Takeo and Kampot provinces. He had a
3 senior position.

4 Q. Thank you. This morning you mentioned about your eldest son
5 who was killed to the East of Ta Mok's house, do you know where
6 Ta Mok's house was?

7 A. Ta Mok's house was on the road to Baray, north of the Takeo
8 Province, and it was to the west of the roads. <His house was
9 above the water.>

10 Q. <Do you remember the village?> - <what> commune <and village
11 was it>?

12 A. It was in the Baray commune, Doun Keo District.

13 Q. I now move to another topic, this morning you told the Chamber
14 that your family members and you were evacuated from Phnom Penh
15 to the Tram Kak District. Upon arrival, your husband was asked to
16 build a hall east of Leay Bour <commune office>. I would like to
17 hear your clarification, where was <it located in relation to>
18 Leay Bour <commune office> and what was he asked to do at the
19 place?

20 A. He was working to the north<, not the east,> of Leay Bour
21 commune hall. He was there to cut <palm trees,> small trees, to
22 build a shelter, a small shelter for New People. After the
23 makeshift hall was built for two or three months, some of us who
24 were transported from west of Angk Ta Saom <model school>, we
25 were transported to the makeshift hall so that we can live in

1 that hall. So, these halls, or small huts were built to the
2 <north> of the Leay Bour commune office. And after a few days,
3 these people were killed. <They found the photo.>

4 [14.08.37]

5 Q. I would like to have your clarification. Small huts, which
6 were built to the <north> of Leay Bour <commune office> were only
7 for New People or also for Base People?

8 A. Small huts, Old People - Base People were also living in those
9 small huts and Base People had enough food to eat. <For us, we
10 were provided wheat.>

11 Q. I would like your clarification concerning the huts which were
12 built. While your -- when your husband was sent to that place,
13 were some huts already built or were it being built?

14 [14.09.30]

15 A. I do not know. I do not know whether some huts had already
16 been built. After the evacuation of my family and I <from Phnom
17 Penh> to that place, my husband and those who have energy, they
18 were asked to go there and build huts. So, not only my husband,
19 other people were also asked to build the huts.

20 Q. So, from my understanding, after hall or huts were built, the
21 New People and Base People were asked to live in the huts. Is
22 that correct?

23 A. New People and Base People were asked to live in the huts and
24 people were grouped to do labour.

25 Q. Thank you. You said your husband was taken away and killed.

1 Could you clarify, did your husband have any link or network in
2 the Lon Nol regime, or what was his position during the Lon Nol
3 regime?

4 A. His position at the time, he was a military medic. He treated
5 wounded soldiers from battlefields -- at the battlefields. He
6 worked at the <Borei Keila> hospital and he was also working at
7 one hospital north of the Central Market, the name was Ket Mealea
8 military hospital. <He> worked at those two hospitals.

9 [14.11.57]

10 Q. Thank you. In relation to your husband, when your family
11 members and you were transported -- were evacuated to the Tram
12 Kak district, were all of you asked to do biographies?

13 A. We were <>asked <twice> to make our biographies after we were
14 transported to <Pou Preah Sang,> Tram Kak district, and after we
15 were then asked to live in the huts, we were once again asked to
16 make biographies. My husband said that because he <did> not <do
17 office work. He was a medic treating wounds>. Later on, there was
18 a search in my husband's clothes and some photos <, which were
19 taken before the New Year, were> found. Those clothes were put in
20 a white plastic bag and it was searched, some photos were found
21 inside the white plastic bag.

22 Q. You said you were asked to make biographies. Were all people
23 in the village were asked to do or to make biographies or only
24 New People were asked to do biographies?

25 [14.13.42]

1 A. Base People needed not to make biographies, only New People
2 were asked to make biographies. Their biographies were already
3 made in 1971 or 1972, only the 17 April People were required to
4 make biographies.

5 Q. Who asked you to make biography? Did you make your own
6 biography? Did you make biography by yourself or did someone help
7 you in making the biographies?

8 A. The village chief assisted in making biography. The deputy
9 chief of the village also helped us and some - and another female
10 assisted us. Actually, three of them noted down what we provided
11 them. We did not have any books so they did for us.

12 Q. After making the biographies, after they learned that you were
13 New People, were there distinctions in the treatment between New
14 and Old - and Base people?

15 A. As for New and Base People, they were separated, they were
16 Base People and we were 17 April People, whenever our infractions
17 were found, we were taken to a study session. New People would be
18 taken away and killed, as for Base People, I never saw Base
19 People disappear. I was there <three years> eight months and
20 <three days,> I did not see Base People disappear.

21 [14.15.48]

22 Q. Did I understand you correctly when you said that New People
23 were under surveillance? This means that New People had to behave
24 well, otherwise they would disappear, is that correct?

25 A. That is true, if we committed any mistakes or if we were not

1 active, if we were not energetic enough, we would disappear. And
2 if we did not drop -- if we did not stop calling "papa" or
3 "mama", they would disappear. <That was my cousin's case. The
4 younger sibling called "mak," "pa".>

5 Q. In relation to your biological parents, what were their
6 positions? Were they ordinary people?

7 A. They <>were the <Leay Bour> sub-district chief.

8 Q. So, do I understand from you that she or he was a civil
9 servant in the former regime?

10 A. He, my father, was a civil servant <since the Sangkum Reastr
11 Niyum> and, after that, in Lon Nol regime, he <served in both
12 regime.>

13 [14.17.48]

14 Q. My last question for you concerning your hardship in Khmer
15 Rouge period, you told the Lead Co-Lawyer and the Chamber that
16 your living condition in Pol Pot time -- that is, the New and the
17 Base People, food rations were different from each other. Was
18 there any distinction between the food ration, also was there any
19 distinction concerning the work they do?

20 A. I already told the Chamber that New and Base People had to go
21 to work at their worksites. However, their food rations were
22 different, because the Base People had their reserve meal or food
23 <at their homes>. As for New People we could only have meal as we
24 were provided and we had the same work. We went to work at the
25 worksites. Sometimes we faced hunger.

1 MS. SONG CHORVOIN:

2 Thank you very much. Madam Civil Party, I now - I do not have
3 further questions. I may ask the Chamber to give the floor to my
4 International learned friend.

5 MR. PRESIDENT:

6 You may now proceed, International Co-Prosecutor.

7 QUESTIONING BY MR. BOYLE:

8 Thank you, Mr. President, good afternoon to the Judges and to the
9 Counsel. Good afternoon Ms. Koemlan, thank you for being with us
10 here today.

11 My first question is just a follow up to a question that my
12 colleague had. You said that your husband was a Medic in the Lon
13 Nol Military. Did he have rank and if so, do you know what that
14 rank was?

15 MS. CHOU KOEMLAN:

16 A. As for his rank, he was a captain but he was about to get a
17 major after the Khmer New Year. But for those who <were
18 ignorant>, they said my husband was first star general and <they
19 took> my husband <>away <to be killed without any hesitation. The
20 people, who took him away, were from commerce unit, commune
21 office, and village chief>. <Three> persons from the commune,
22 armed with rifles, <let say two more persons, but I only saw
23 three of them during the arrest.>

24 After liberation on 7 April 1979, <I called on that commune chief
25 to the commune office.> the commune chief said he did not kill by

1 himself he just used the pretext. He said the <two> other
2 <militiamen> came to take those people. <The two militiamen and
3 the village chief went there together for sure.> <That was the
4 collapse in 1979 when> the Vietnamese came into Cambodia, I asked
5 about the matter and that is what I was told.

6 [14.21.52]

7 Q. Thank you. I would like to now, ask some questions about the
8 visit of the leaders that you described earlier this morning and
9 this afternoon. I'd like to get a few details about that visit.
10 Can you first tell us to best of your recollection, when did the
11 leaders arrive at the worksite that you were at?

12 A. They came to Ou Chambak worksite, west of Ta Mok House, in
13 1977. <But> I do not recall the exact month, perhaps it was in
14 March, April or it was in perhaps April or May. I remember it was
15 in dry season when we were digging canal and I saw those leaders
16 came to my work place to propagandise their policy. They were the
17 one who would <navigate the ship of the nation> during Democratic
18 Kampuchea. However, the way they lead the country was wrong <i to
19 the extent to sink> the country <>.<This is my conclusion.>

20 [14.23.34]

21 I do really want to know from the leaders. On the 7 August, he
22 said that he did not know about the <such> killings of people and
23 I do not know why he dare to say such things because killing
24 people occurred after the fall of Phnom Penh, during the period
25 of three months - 3 years, eight months, 20 days. If he said that

1 he did not know about the killing for a certain period of time.
2 For example, for one month or one year, I think it can be a
3 reasonable pretexts. But this killing happened for a longer
4 period of time. Khmer kill Khmer people. I do really want a
5 clarification and real answer from the Accused. <Who else stood
6 behind them?>

7 MR. PRESIDENT:

8 Madam Civil Party, you are asked to provide your answer to the
9 question put by the Party. After hearing your testimony, you will
10 have time to put questions through the Chamber, to the Accused so
11 that the conduct of hearing is not confused here. Your time for
12 questioning the Accused through the Chamber will be allotted to
13 you. So, please pay your attention to the questions put by the
14 Party and again you are advised to provide answer in the scopes
15 of the questions asked by the Party. If your answer go beyond
16 question asked it will not help ascertain the truth. We will try
17 to expedite our proceedings as fast as possible so that we can
18 hear testimony from each and every witnesses.

19 [14.25.51]

20 International Co-Prosecutor, you may now proceed and resume your
21 questioning.

22 BY MR. BOYLE:

23 Q. Thank you, Mr. President. Ms. Koemlan, can you tell me how
24 many people were at the worksite on the day that the leaders
25 visited?

1 MS. CHOU KOEMLAN:

2 A. There were many workers. People from <Leay Bour> commune came
3 to <Ou> Chambak worksites. Those who had full energy they came to
4 the worksite to dig the canal to store water -- to irrigate
5 water. I cannot give the approximate number but perhaps it was to
6 300 to 400 people.

7 [14.26.49]

8 Q. And what did you see the leaders do, while they were there?

9 A. They did nothing. They were walking there and they just
10 pointed their fingers that this area should be dug deeper so that
11 we could irrigate much water to achieve three to six tons per
12 <hectare> and after talking like this he -- they kept walking. As
13 for the Ta Mok, he said that he needed sugar palm juice. During
14 that time, it was about at 9.00 a.m. and he said "Please, I need
15 it. Sweet sugar palm juice and if you could not make it sweet,
16 you should add wine in it." The leaders went there together and I
17 did not know where they went to convene a meeting because I was
18 carrying earth during that time.

19 Q. Thank you and can you tell me about the meeting that you just
20 mentioned?

21 A. What was the question? I did not catch up the question.

22 [14.29.51]

23 Q. You just mentioned a meeting that was conducted while the
24 leaders were there. Can you tell us more about that meeting?

25 A. The leader went there and head of group, head of chiefs, head

1 of units and the committee of the commune and district were
2 called to be in the meeting with the leaders. <I on the other
3 hand was carrying dirt as normal.> <After> lunch time <in the
4 afternoon>, we were told that we need to work hard so that we
5 could finish our work <within 10 or 15 days, I don't really
6 remember the exact duration,> and after we finished digging canal
7 here we -- our force would be <withdrawn and> sent to another
8 place to dig another canal. I did not know what the meeting, the
9 leaders and the heads and chief of the unit and group were
10 talking about.

11 [14.30.12]

12 Q. Thank you very much. On the case file at document number
13 E3/135, there is a 30 June 1977 award given by the Central
14 Committee, the honorary "Red Flag", to three model districts and
15 that was announced on the radio and that is available at E3/289
16 at 23 July 1977, and English ERN 00168509 to 11. The translations
17 are not currently available of that, but that have been
18 requested. My question to you, Ms. Koemlan, is do you ever recall
19 hearing on the radio, or a radio announcement of an award been
20 given to the Tram Kak district?

21 A. As for the award, I have never heard about it. Oh, I recall it
22 now. It was said that the region 105 Tram Kak districts, it was a
23 model district compared to other districts. Tram Kak, District
24 105 achieved and got much harvest. I heard from the chief of the
25 unit that the upper echelon praised Tram Kak district. Angkar

1 admired the district because the district had good labour, had
2 good irrigation system and had good harvest during DK periods.

3 [14.32.34]

4 Q. Ms. Koemlan, do you recall the visit by the leaders occurred
5 before you became aware that Tram Kak district had received this
6 award or afterwards?

7 A. No, I did not know about the award but later was told about it
8 although I cannot recall the date. It happened in 1977, while we
9 were pushing to work hard. I knew that Angkar praised for what we
10 did and during the meeting we were instructed to make a
11 resolution not to move against the <wheel> of the history.

12 [14.33.44]

13 Q. Thank you, Ms. Koemlan. I'm going to move on to different
14 topic now. You've already told us this morning and this afternoon
15 a bit about the arrest of your husband. Can you tell us, did you
16 ever see anyone else being arrested at co-operatives or any - at
17 the co-operatives you were present at?

18 A. <> They would arrest people at night time so we would not know
19 who had been arrested at night. Only in the morning, we whispered
20 to one another while we were at the worksite as of who had been
21 arrested at night. Even just two house down from where I slept at
22 night I would not know that the person would have been taken away
23 at night. They would do it quietly.

24 [14.34.57]

25 Q. So, do I understand correctly that after an arrest would

1 happen at night, the following day you would become aware that
2 someone had been arrested?

3 A. Yes. Everybody knew about that so we also became scared. And
4 in fact at night time, they would quietly come down near the
5 house to listen to what we were talking especially for those
6 newly married couples. They would pay more attention to try to
7 listen to the couples talking at night but for the widows group
8 they did not do that frequently. <It's true that they took people
9 away to be re-educated in Krang Ta Chan or somewhere else.>

10 Q. Are you able to give us an estimate of the number of people
11 that you were aware were arrested in the cooperative that you
12 were in?

13 A. I know but I cannot recall the names. <Arresting at my
14 village,> there were two of them. But sorry, I cannot recall
15 their names. It happened 36 years and one month ago.

16 [14.36.37]

17 Q. Thank you, Ms. Koemlan. Were New People targeted for arrest
18 more than Base People?

19 A. Yes, New People were the primary target for the arrest. Since
20 my departure from Phnom Penh to live in Tram Kak district, I only
21 observed that only New People had disappeared not any Base
22 Person.

23 MR. BOYLE:

24 Thank you, Ms. Koemlan.

25 Mr. President, on the case file at E3/4083, is a prison list from

1 Krang Ta Chan Security Centre which includes some individuals who
2 are listed as being from the civil party's home village Thnong
3 Roleung. I would like to show this list to the civil party and
4 ask if she recognises any of the names of individuals from her
5 village, with your permission.

6 MR. PRESIDENT:

7 Yes, you may proceed. Court officer, could you assist to deliver
8 the document from the prosecutor for the civil party's
9 examination.

10 [14.38.44]

11 BY MR. BOYLE:

12 Q. Ms. Koemlan, at the -- it should be the first tab which is at:
13 English ERN 00323948; Khmer ERN 00068026; and French ERN
14 00778854. You will see the name Uk Chan, 28 years old and UM Kun,
15 39 years old. Do you recognise either of those names?

16 MS. CHOU KOEMLAN:

17 A. I heard of the first name. The person was to the unit of
18 <north> of Leay Bour commune office while I was working <at the
19 south> part of it. So I only heard of the first name<, Om Chhorn
20 (phonetic)>. In fact I knew of several other names<, including
21 Ngoun (phonetic), and others> though I don't know whether their
22 names appear on this list.

23 [14.40.05]

24 Q. Thank you very much. If you can actually go to the second tab
25 on that document, there are two more names I would like to ask

1 you about. And this is at English ERN 00323961 to 2; French ERN
2 00778865 to 66; and Khmer ERN 00068030. Those names are Tep
3 Theng, 40 years old and Port Nget, 46 years old. Do you recognise
4 either of those names?

5 A. No, I do not recognise these two names. People were arrested
6 from all the eight units within <Leay Bour> commune.

7 Q. Okay. Thank you, Ms. Koemlan. We'd also like to ask you about
8 whether you were ever asked to participate in any meetings while
9 you were working at the co-operatives?

10 A. As for meeting at the village, the meetings held at a village
11 level were frequent. However, for big meetings it happened only
12 maybe every 10 days or 20 days and it was chaired by the Ta Mok
13 and it was held at a Leay Bour pagoda. This was for the big
14 meeting <in Prey Chheu Teal>. In the meetings, for example, those
15 frequent meetings held at village level, we only listened what
16 they said and that we had to make a resolution to engage in
17 harder work and to get rid of the capitalist clash -- attitude.
18 [14.42.58]

19 Q. Would anyone in the meetings ever make any complaints about
20 the conditions of life in the co-operative?

21 A. Yes. People complained about not enough rice to eat, because
22 they got a lot of rice harvest in the end of the harvest season
23 but no rice was given enough to us. However, we only complained
24 within our group. If it was heard by them then that person would
25 have been arrested, taken away and killed.

1 Q. Are you aware of any incidents where an individual complained
2 during a meeting and then was subsequently arrested?

3 A. During the meeting none of us dare to speak. If we would have
4 to say something and it was heard by them then we would be in
5 trouble.

6 [14.44.29]

7 MR. BOYLE:

8 Okay. Mr. President, I have just two more questions. I'd like
9 your permission to proceed.

10 MR. PRESIDENT:

11 Yes. You may proceed but please be brief. You are running out of
12 time.

13 BY MR. BOYLE:

14 Q. I will be brief, Mr. President. Ms. Koemlan, could you please
15 tell us whether you were aware of any Vietnamese or Khmer Krom
16 families living in the same commune as you?

17 MS. CHOU KOEMLAN:

18 A. Yes, there were some of them. We even worked in the same rice
19 field, transplanting seedlings. There were <one Vietnamese family
20 and> Kampuchea Krom people who spoke with an accent. There were
21 some couples of them and in fact some of them did not know how to
22 transplant seedlings and when the group chief or unit chief saw
23 that then their names were picked and we were told that they were
24 sent back to Vietnam. That happened in 1976. But in fact, that
25 was a <vicious trick.> They were in fact sent to be tortured and

1 killed as a whole family <but I did not know where they were
2 executed>. <There were two families.> In fact before they left,
3 they came to say good bye to us including the parents and the
4 younger children, they told me that they were happy that the Unit
5 Chief would send them back to Vietnam. They said good bye to us
6 and later on they were killed but I do not know where they were
7 killed.

8 [14.46.43]

9 Q. How did you learn that they were subsequently killed?

10 A. I knew it because Khmer Rouge sometime arrested people who
11 stole potato at night and they were told that Vietnamese people
12 could not be sent back to their country and the only thing that
13 they could do was to kill them and we simply also knew it
14 <through their cruel tactics> and they would <surely> kill these
15 people. They did not give value to a person's life at all. They
16 killed people like they would kill an animal.

17 [14.47.44]

18 MR. PRESIDENT:

19 Thank you, Madam Koemlan. The time for the Prosecution is
20 concluded. We will take a short break and return at 3.00 o'clock
21 this afternoon.

22 Court officer, please arrange a proper place for the civil party
23 during the break and have her return to the courtroom at 3.00
24 p.m.

25 The Court is now in recess.

1 (Court recesses from 1448H to 1511H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Court is now session.

5 The Chamber wishes to inform Parties and the Public that, during
6 the break time, Khieu Samphan has issues with his health, his
7 blood pressure is high and he has fatigue. The treating doctor of
8 the ECCC recommends that the Chamber -- the Court is adjourned
9 for this afternoon.

10 After result the Chamber is not able to resume the hearing now.
11 The principle -- the sitting before the ECCC has to have the
12 presence of the Accused. For this reason the Chamber cannot
13 resume the hearing for this afternoon. <The hearing will resume
14 tomorrow.>

15 [15.13.02]

16 The Chamber wishes to inform Madam Civil Party, that your
17 testimony has not come to an end yet. The Chamber planned to
18 finish your testimony by this afternoon, however, the Chamber is
19 not about to do so. You are invited to appear before the Chamber
20 tomorrow morning.

21 In addition, the Chamber wishes to inform the Parties <> that the
22 Chamber received a request of the Defence Counsel and the Chamber
23 has also received the report -- medical report concerning the
24 fitness to stand trial of the Accused. However, in light of the
25 health issues of Mr. Khieu Samphan and it has hindered the

1 proceedings before the Chamber.

2 [15.14.08]

3 From tomorrow onwards the hearing will start from 9.00 a.m. until
4 11.30 a.m. only. We would allow further time, extra time for Mr.
5 Khieu Samphan to take rest so that we can proceed and have him in
6 the courtroom.

7 Security Personnel, you are instructed to bring the Accused in
8 the holding cell back to the Detention Facility.

9 Court officer, please facilitate with WESU to send the civil
10 party to her place and have her back tomorrow from 9 a.m. < Since
11 there was no translation; I state again.>

12 For tomorrow -- from tomorrow onwards we will resume the hearing
13 as normal. However, in the morning we will start hearing from
14 9.00 a.m. to 11.30 a.m. As for the afternoon, the hearings in the
15 afternoon remain the same.

16 The Court is now adjourned.

17 (Court adjourned at 1515H)

18

19

20

21

22

23

24

25