



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 March 2015

Trial Day 264

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

The Accused: NUON Chea
KHIEU Samphan

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SUON Visal
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Trial Chamber Greffiers/Legal Officers:
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UCH Arun
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILD D'ESTMAEL	French
Judge FENZ	English
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Ms. OEM Saroeurn (2-TCCP-980)	Khmer
The President (NIL Nonn, Presiding)	Khmer
MR. SREA Rattanak	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 And for today's proceeding, the Chamber will hear the testimony

6 of a civil party -- that is, 2-TCCP-980.

7 The greffier, Ms. Chea Sivhoang, could you report the attendance

8 of the Parties and individuals to today's proceedings?

9 THE GREFFIER:

10 Mr. President, for today's proceedings all Parties to this case

11 are present.

12 As for Nuon Chea, he is present in the holding cell downstairs as

13 he requests to waive his right to be present in the courtroom.

14 His waiver has been delivered to the greffier.

15 The civil party who is to testify today -- that is, 2-TCCP-980,

16 confirms -- rather, is ready to be called by the Chamber. Thank

17 you.

18 [09.02.52]

19 MR. PRESIDENT:

20 Thank you. And the Chamber now decides on the request by Nuon

21 Chea. The Chamber has received a waiver from Nuon Chea, dated 26

22 March 2015. He confirms that due to his health condition -- that

23 is, headache, back pain, and that he cannot sit for long and in

24 order to effectively participate in the future hearings, he

25 requests to waive his right to participate in and be present at

2

1 the 26 March 2015, hearing. He has been informed by his counsel
2 about the consequence of this waiver, that in no way it can be
3 construed as a waiver of his right to be tried fairly, or to
4 challenge evidence presented or admitted to this Court at any
5 time during this trial.

6 [09.03.54]

7 Having seen the medical report by the duty doctor for the Accused
8 at the ECCC, dated 26 March 2015, who notes that the health
9 condition of Nuon Chea is that he has chronic back pain,
10 dizziness and headache and cannot sit for long, and recommends
11 that the Chamber should grant him his request so that he can
12 follow the proceedings remotely from a holding cell downstairs.
13 Based on the above information and pursuant to Rule 81.5 for the
14 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
15 follow the proceedings remotely from a holding cell downstairs
16 via an audio-visual means for today's proceedings as he waives
17 his direct presence in the courtroom.

18 [09.04.49]

19 The AV unit is instructed to link the proceedings to the room
20 downstairs so that Nuon Chea can participate in and follow
21 today's proceedings remotely.

22 Court officer, could you usher the civil party, 2-TCCP-980, into
23 the courtroom?

24 [09.05.20]

25 (Civil party enters courtroom)

1 [09.07.16]

2 QUESTIONING BY THE PRESIDENT:

3 Good morning, Madam Civil Party.

4 Q. Could you please tell the Court your name?

5 MS. OEM SAROEURN:

6 A. My name is Oem Saroeurn. I live in Thnong Roleung village,
7 Leay Bour commune, Tram Kak district, Takeo province.

8 Q. Madam, can you tell the Court your date of birth if you recall
9 it?

10 A. I was born in 1955, but I cannot recall the day and the month.

11 [09.08.10]

12 Q. Thank you. And can you tell the Chamber your place of birth?

13 A. Currently I live in Thnong Roleung village, Leay Bour commune,
14 Tram Kak district, Takeo province.

15 Q. I'm asking you about your place of birth. Is it the same as
16 the address you are residing now?

17 A. Yes, it is.

18 Q. So, your place of birth is the same as the address you are
19 residing now, is that correct?

20 A. Yes.

21 Q. Thank you. And what is your current occupation?

22 A. I am a rice farmer.

23 Q. From 17 April 1975 to 6 January 1979, where did you live and
24 what did you do?

25 A. From 1979, I lived in Thnong Roleung village, Leay Bour

4

1 commune, Tram Kak district, Takeo province.

2 Q. I referred to the period of the Democratic Kampuchea regime --
3 that is, from 17 April 1975 to 6 January 1979. During that period
4 where were you living and what were you doing?

5 A. In 1975, I lived in Takeo province, and my husband was a
6 former Lon Nol soldier, and I sold some rice cakes at <Phsar Nath
7 (phonetic),> the market in Takeo.

8 [09.10.38]

9 Q. After Phnom Penh was liberated on the 17th April 1975 to the
10 6th January 1979 can you specify where you lived and what you did
11 during this specific period of time?

12 A. I also worked in the rice fields during this period.

13 Q. What is your father's name and your mother's name?

14 A. My father was Koem Pum (phonetic) and my mother was Sok Seung
15 (phonetic).

16 Q. What is your husband's name and how many children do you have
17 together?

18 A. My husband is Oy Mut (phonetic) and we have one child.

19 Q. Madam Oem Saroeurn can you read or write the Khmer language?

20 A. No, I cannot.

21 Q. Thank you. And Madam Oem Saroeurn towards the conclusion of
22 your testimony as a civil party, you will be given an opportunity
23 to make a statement of impact on the harms inflicted upon you
24 during the Democratic Kampuchea period if you wish to do so. So,
25 we inform you in advance so you can consider this opportunity

5

1 whether you wish to do that at the conclusion of your testimony
2 this morning. Pursuant to Rule 91bis of the ECCC Internal Rules,
3 the floor will be given first to the Lead Co-Lawyers for civil
4 parties to put questions to the civil party, Oem Saroeurn. And
5 the Chamber would like to notify to the Lead Co-Lawyers for civil
6 parties and the Prosecution that the combined time for both teams
7 is one session -- that is, from now until the short break this
8 morning. You have the floor.

9 [09.13.15]

10 QUESTIONING BY MS. GUIRAUD:

11 Thank you, Mr. President. Good morning, everyone. Good morning,
12 Madam Civil Party. I will start by putting a few questions to you
13 with a view to understanding your life experiences from April
14 1975.

15 Q. <Earlier> you <> told the President that you lived in Takeo in
16 April 1975. What happened from then on? Did you remain in Takeo,
17 or <did you leave>?

18 [09.14.01]

19 MS. OEM SAROEURN:

20 A. From 1975 I was evacuated from Takeo province to <Champa
21 pagoda,> Champa Leuk (phonetic) <>. All my family members
22 together with the other 17 April People were evacuated to Champa
23 pagoda. And a week after, we were evacuated to Prey Chheu Teal
24 village in Tram Kak district which was to the <east> of Champa
25 pagoda. And about a fortnight after we stayed at Prey Chheu Teal,

6

1 then we were evacuated Angk Neareay village in Leay Bour commune,
2 Tram Kak district, and by 1976 Angkar gathered the 17 April
3 People to live in Chreae Chumrov (phonetic) village, Leay Bour
4 commune, Tram Kak district. So the 17th April were gathered to go
5 and live there in that village. And I was in a concentration unit
6 in the village in 1976, and by 1977, I was assigned to a mobile
7 unit to carry earth, to engage in digging canals. And I also
8 carried cement at a railway station, and that work was done at
9 night <in a group of 12> females. <We were> assigned <by Angkar>
10 to carry cement, <salt> to store in a warehouse. Also in 1977, my
11 friends stole some food<. They were> caught by Angkar. Two of
12 them were arrested and raped and they disappeared since, so they
13 <were killed>. And personally in 1978, Angkar sent me to Chamkar
14 Siem (phonetic) to dig canals, to build dams there in Chamkar
15 Siem (phonetic). There were three female 17 April People,
16 including myself, so we were forced to work hard there.

17 [09.17.06]

18 Later on, which was towards 1979, the Vietnamese troops came to
19 liberate us. <There were trucks to transport people to various
20 locations to where I did not know>, but I fled to the east
21 direction. I had a kettle with me at the time and with that
22 kettle I cooked rice.

23 Q. Thank you, Madam Civil Party. I will backtrack a little and
24 ask specific questions regarding the life experiences you have
25 just described to us. <I would like to know at what point -- or

7

1 were> you separated from your family members during the trip
2 <that you have just described> from Takeo, <at the beginning of
3 1979? If that is so> then <when exactly> were you separated from
4 your family members?

5 [09.18.47]

6 A. It was from 1976.

7 Q. During that time, had you already arrived in Leay Bour
8 commune?

9 A. Yes, I did.

10 Q. Please can you tell the Chamber which of your family members
11 accompanied you to Leay Bour, and from whom you were separated?
12 Were you married? Did <you and/or> they have children and who
13 were the members of your family during that period?

14 A. We were separated in 1976 and my husband was in a unit. <We
15 had a child.> We did not live together and since that time I have
16 not seen him again.

17 Q. Did you have any children?

18 A. I had a son. He was one year old at the time and later on he
19 died.

20 Q. Were you also separated from your <son> at the time and how do
21 you know that he is dead today?

22 A. My son was put with the old female unit. The old women looked
23 after him and I was told that he died as a result of measles. And
24 at that time I was in a concentration unit.

25 [09.21.08]

8

1 Q. Thank you. You stated that you were placed in two units as
2 from your <arrival> in Leay Bour commune. The first <work unit>
3 was in 1976, and in 1977 you were sent to a mobile unit. I have a
4 question regarding the first unit to which you <belonged>. Who
5 <was in that work unit? Who were> the members of that <work>
6 unit <>?

7 A. Initially when I was put in the unit, the <first> unit
8 comprised of the Base People and the second unit comprised of
9 <people who had any relations with> the 17 April People, and the
10 third unit also comprised of the 17 April People.

11 Q. To the best of your recollection did the 17 April People and
12 the Base People live separately, or <did> they work together?

13 A. We worked separately and we worked based on the units and
14 groups that we were assigned to.

15 [09.22.47]

16 Q. Were working conditions identical <in both> the first unit to
17 which you belonged in 1976, and the second unit, the mobile unit,
18 to which you were transferred in 1977? Was the work in both units
19 of the same level of difficulty <or were there differences>?

20 A. I was in a mobile unit in 1977, and the members were rather
21 young so they were put in the mobile unit and we were assigned to
22 carry earth, <to dig a canal and build a dam>.

23 Q. When you were <assigned> to that mobile unit in the course of
24 1977, did you see people that you can consider as high-ranking
25 come to visit the work site at which you were working?

1 A. My unit chief told me that Angkar came to visit and two days
2 after they did come and the person I recognised clearly was Ta
3 Mok and Ta San, and Ta Nouv was the Leay Bour -- the former Leay
4 Bour commune chief. And I only saw these three figures very
5 briefly, so I cannot recall them well.

6 Q. Do you remember during what period that visit took place?

7 [09.25.17]

8 A. It happened in 1977, but I cannot recall the month of that
9 year. At that time, we were building -- digging a canal, <we
10 carried dirt to build> Ou Chambak railway station. And we were
11 facing towards the east, and the vehicle was approaching from the
12 west. But I knew Ta Mok clearly while he was in a jeep vehicle.
13 And there was another vehicle together, but I did not recognize
14 the model of that vehicle. And later on, after the visit, they
15 left. Then Yoeun told me the names of those senior figures. <I
16 never saw them before.>

17 Q. Do you remember the names that were given to you by the person
18 <who you call> Yoeun?

19 A. Yes, but Yoeun died.

20 Q. Thank you, but that was not my question. You said that after
21 those persons visited your work site, Yoeun gave you the names of
22 those persons. So, what I would like you to <know is if you
23 remember the> names of the persons <that Yoeun, who has since
24 died,> gave you.

25 A. Yoeun told me they were Nuon Chea, Khieu Samphan and Pol Pot.

10

1 But myself, personally, I did not know any of them.

2 Q. Thank you. Did you know Khieu Samphan's name before Yoeun

3 <said> it to you that day? Had you heard that name before?

4 A. Previously, I heard only of one name out of the three

5 individuals, as my uncle read an article to me, and that was

6 Khieu Samphan. My uncle was a teacher, and when he read the

7 newspapers, he told me that name -- that is, the name of Khieu

8 Samphan. <And I did not even know him. I only heard of his name

9 through my uncle.>

10 [09.28.22]

11 Q. Did you know Pol Pot's name? Had you already heard that name

12 before your unit chief, Yoeun, gave it to you on that day?

13 A. I heard of his name, Pol Pot, but I did not know him.

14 Q. And <finally,> the last name you gave was that of Nuon Chea.

15 Is that a name you knew before Yoeun <said it to> you <> that

16 day?

17 A. Previously, I did not hear that name. I only heard it at that

18 time -- that is, in 1977.

19 [09.29.29]

20 Q. How did you know at the time that the persons who had come to

21 visit the worksite were important <people>?

22 A. I did not know that they were senior people, because the unit

23 chief told me that the Angkar representatives came to visit the

24 worksite, so that we had to work <faster>. I only knew at that

25 time that Ta Mok and Ta San were senior figures. <And I knew that

11

1 Ta Nouv was a commune chief.>

2 Q. Thank you. Can you explain to the Chamber how the visit
3 unfolded? You talked of a first vehicle, a jeep, <in which> Ta
4 Mok <could be found>. And there was a second vehicle <that you
5 referred to.> Can you explain in greater detail <what you saw
6 that day>?

7 A. <I saw the army come> to receive them with the commune chief
8 and with the unit chief. But we were still busy carrying earth to
9 build the dam. And <> they were standing to the right -- to the
10 right side, <four to six meters away from me,> while I was
11 carrying the earth to build the dam.

12 Q. How many people were working with you on that day, or
13 generally, at <that worksite during that time>, in 1977?

14 A. There were many of us, but we were divided into units and
15 groups. And in my group, there were 12 of us. And there were
16 many, many groups within that concentration unit. <I do not
17 recall how many exactly.>

18 Q. Are you indeed saying that on that day there were many groups
19 of the same unit working at the worksite? Can you give us a rough
20 estimate of the number of workers who were with you on that day?

21 [09.32.36]

22 A. There were many people. There were hundreds of them <in the
23 mobile unit>. And we were in <> different groups, <I was in a
24 group of 12> and there were hundreds of workers.

25 Q. Thank you. I would like to put a few questions to you

12

1 regarding food and the food rations you received during that
2 period. Can you explain to the Chamber what you ate during that
3 period, starting with the first unit to which you were assigned
4 when you arrived in Leay Bour in 1976?

5 A. In 1976, we were given rice for cooking, to eat, and we could
6 have one can for two people per day.

7 Q. And after 1976, did those food rations change?

8 A. When I was transferred to a unit, I had gruel. I had thick
9 gruel when I was in the <mobile> unit.

10 [09.34.24]

11 Q. And from 1977, did you have more to eat, or less to eat?

12 A. After that, we had less food to eat.

13 Q. Did you suffer from hunger during that period, particularly in
14 1977?

15 A. When I was hungry, I went to steal a cassava and maize, and I
16 was arrested. And I was arrested for re-education. I was told
17 that next time, <> if I <stole> food once again, I would be in
18 danger. Because this was my first mistake, I was released. But
19 later on, I could steal some food as well, but little food and I
20 put it in my -- you know, I wrap around my skirt. <I stole a
21 little piece of cassava, not a lot like before.>

22 Q. Thank you. Did you know, during that period, whether persons
23 like you -- that is, 17 April People, were receiving the same
24 food rations as the Base People?

25 A. No. Base People, they could have enough <rice>. As for 17

13

1 April People, they had only gruel.

2 Q. Thank you. A while ago, you gave the name of a former Leay
3 Bour commune chief. And you gave the name "Ta <Nouv>", unless I
4 am mistaken. <Can> you confirm that that person was the Leay Bour
5 commune chief at the time you <were> there?

6 A. The commune chiefs -- as for the commune chief, there were
7 three of them. One was Ta Nouv, Ta <Ke (phonetic)> and Ta Hounh.
8 <I did not know who the superior among them was as I was just an
9 ordinary person.>

10 [09.37.21]

11 Q. You stated that you knew Ta Nouv. What can you say about him?
12 What kind of commune chief? What kind of person was he during
13 that period?

14 A. Ta Nouv was a harsh man. He asked a messenger to come and
15 <take> my uncle. And my uncle was beaten, and <all of> his teeth
16 <were knocked out. Then they realised they got the wrong person.>
17 And later on, he -- my uncle was sent back to his area, and he
18 was told not to say anything about the beating of my uncle.
19 <Otherwise, his whole family would be taken away and killed.> And
20 my uncle is still alive today. He is 92 years old. <His son, who
21 was a soldier, was taken away and killed.>

22 Q. Thank you. Do you have any other information to give the
23 Chamber regarding Ta Nouv? What were his duties and
24 responsibilities? And what was his conduct during that period at
25 Leay Bour commune?

14

1 [09.38.50]

2 A. I do not know. <I was 17.> I only knew that he was the commune
3 chief.

4 Q. Thank you. A while ago, you stated that your husband had
5 disappeared, and that he was a former Lon Nol soldier. I would
6 like to know <if> you <knew or if you> found out what happened to
7 your husband.

8 A. In 1976-1977, there was a man who was a soldier in Pol Pot
9 time. He was a guard at Angk Ta Saom prison in Tram Kak district.
10 And the individual you mentioned was put in Angk Ta Saom prison
11 and then he was killed at Krang Ta Chan security office. The name
12 was Chim (phonetic).

13 Q. I am not quite sure I understood <the> translation in French.
14 I'll ask a follow-up question <>. Who was that person working for
15 the Khmer Rouge you referred to, and who worked as a guard at
16 Angk Ta Saom prison? What was that person's name?

17 A. His name was Chim (phonetic).

18 Q. Thank you. What did Chim (phonetic) tell you regarding your
19 husband?

20 A. Later on, I was told that the person by the name Oy Mut
21 (phonetic) was brought into Chim's (phonetic) prison. And after
22 that, this individual was transferred to Krang Ta Chan office.
23 That's what he said.

24 [09.41.23]

25 Q. Was it Chim (phonetic) who told you?

15

1 A. There was another individual by the name Hou (phonetic). He
2 was a former Lon Nol soldier. He was detained in Krang Ta Chan
3 security office. This individual could flee from the security
4 office of Krang Ta Chan in 1979. Then he said that he <> met the
5 person I mentioned earlier <at Krang Ta Chan>, and that person
6 already died <>.

7 Q. <This person whom we are now speaking of, to be clear --> I do
8 not understand what you're saying from the interpretation. Was
9 that person Oy Mut (phonetic), your husband? Is that indeed the
10 person you are referring to?

11 A. Oy Mut (phonetic) was my husband, <Hou (phonetic)> was
12 detained in Krang Ta Chan security office <together with my
13 husband>. Hou (phonetic) was the former Lon Nol soldier. He said
14 that -- he told me not to wait for Oy Mut (phonetic), because Oy
15 Mut (phonetic) already died at that place. As for Hou (phonetic),
16 he <was released after the liberation>.

17 [09.43.01]

18 Q. And to be absolutely sure of what you're saying, you made
19 mention of Chim (phonetic), who was a guard at Angk Ta Saom
20 prison. Did Chim (phonetic) talk to you about your husband? And
21 did he tell you what had happened to your husband?

22 MR. PRESIDENT:

23 Please wait, Civil Party. You may proceed, Mr. Koppe.

24 MR. KOPPE:

25 Thank you, Mr. President. Good morning, Your Honours. While

16

1 admitting that the questions in itself are relevant to this
2 segment of this trial, I would also like to note that we are now
3 a half hour into the questioning of this civil party, and
4 literally two minutes of these 30 minutes have been dedicated to
5 the one and only reason why this civil party was called. I mean,
6 this is the last time that we ever agree to such a request.
7 Because the -- the context of this request, this urgent request
8 that came out of nothing, was the potential identification by the
9 civil party of high-ranking central committee members. And now
10 we're -- I'm not -- like the word 'sneaking in' but all kinds of
11 new evidence. And I think that is not the appropriate way of
12 proceeding. So, I understand the questions are in itself
13 relevant, but it is not the reason why we're having this civil
14 party here.

15 [09.44.50]

16 MS. GUIRAUD:

17 May I respond, Mr. President? We submitted an additional
18 testimony with an application under Article 87.4. We called this
19 witness because she has additional information <on the accused>.
20 In order to admit her additional testimony, <it is of utmost
21 importance that the Chamber> hears this civil party, in order to
22 give the defence an opportunity to react to her statements
23 regarding the presence of <two of> the Accused in 1977 at <a
24 worksite in Leay Bour commune>. In so doing, <I believe,> you <>
25 did not restrict the scope of the questions that could be put to

17

1 the civil party, <it is therefore up to us to use> the time
2 allotted <> as we <so> wish.

3 [09.45.46]

4 I would like the civil party to provide clarifications on <the>
5 information she provided on Nuon Chea and Khieu Samphan. The
6 Parties and the Defence will have the possibility <of course> of
7 examining the civil party on <this topic. For my part, unless I
8 am mistaken, I> have not received any instructions from the
9 Chamber <prohibiting me from asking more general questions which
10 are, I repeat, more relevant in terms of the segment being heard
11 here today by this Chamber>. And that is why I am <simply>
12 requesting <that> you leave <me> to do my work <as I usually do,
13 that entails asking the civil party> relevant questions <>. I do
14 not see why we would be forced to limit ourselves to the visit of
15 the four leaders, to the extent that the testimony of this civil
16 party covers a broader scope than <just that>.

17 MR. PRESIDENT:

18 The Chamber already decided that we'd call the civil party to
19 testify. Actually, <> the testimony is to focus on the presence
20 of the four individuals at Tram Kak <cooperative>. However, all
21 witnesses and civil parties who know the relevant facts
22 concerning Tram Kak <cooperative> and Krang Ta Chan security
23 office, Parties are allowed to put questions. So nothing can
24 alter and change the decision to call this civil party. The
25 Chamber therefore rejects the objection by Mr. Koppe. Civil Party

18

1 Lawyer -- that is, Lead Co-Lawyer, you are instructed to resume
2 your line of questioning, and you have perhaps only 23 or 25 more
3 minutes to put questions to this civil party. You may proceed
4 now.

5 [09.47.45]

6 BY MS. GUIRAUD:

7 Q. Thank you, Mr. President. I am coming to the end of my
8 examination<>. Simply, Civil Party, let us end with Chim
9 (phonetic), the guard at Angk Ta Saom prison. Did Chim (phonetic)
10 speak to you directly, and provide you with information regarding
11 what happened to your husband?

12 MS. OEM SAROEURN

13 A. Chim (phonetic) told me -- Chim (phonetic) was from my
14 birthplace, <but he was the first person> and he was a <>
15 soldier.

16 Q. And at what time did Chim (phonetic) tell you that? In what
17 year? Do you remember approximately when?

18 [09.49.03]

19 A. He told me in 1979, when I met him. At that time he once again
20 -- he was once again arrested, and <detained> in Takeo province.
21 <After> that time, he moved to live in Battambang province. He
22 dared not come to live in his home village. He is deceased now,
23 today.

24 Q. Thank you. You applied to be a civil party in January, 2010.

25 And I have before me your civil party application, D22/2500. May

19

1 I ask you, why did you apply to be a civil party?

2 A. The reason that I applied to be a civil party, because I lost
3 my father, <my mother, my child, my husband, my> relatives and
4 siblings. And I lost a lot of property. I came here to apply for
5 the civil party by myself. I came here by the car.

6 Q. When you say you came by yourself, what do you mean?

7 A. When I applied to be a civil party, I did not know Phnom Penh.
8 I did not know where this Tribunal was, and I came by a taxi. And
9 I asked the driver whether he knew this Tribunal. He told me that
10 he knew, and he drove me to that place.

11 [09.51.24]

12 Q. Thank you. In your civil party application, D22/2500, ERN in
13 Khmer, 00550905; ERN in English, 01069306; and it appears that
14 there is no French translation of that document <although> we
15 have requested the translation of the same; you stated in the
16 part concerning psychological harm <-- I am going to provide you,
17 as a matter of fact, with the term in English.> I'll quote the
18 phrase in English: "<I have a mental disorder.> And I am very
19 forgetful." Do you recall saying that? And <if so> can you
20 explain what do you mean by that statement?

21 A. <When> I came to apply <> to be a civil party, I could not
22 sleep well, <I had headache,> and I could not breathe well, and I
23 <kept> thinking about this matter. <I put it myself that I had
24 mental issues.>

25 Q. Thank you. You gave us a very precise account today at this

20

1 hearing, and you also provided very precise written statements,
2 <do you feel today that> you have <problems with your memory?>.
3 Can you explain to us <why you mentioned in your statement that
4 you were and I will use the English term once again,
5 "forgetful"?>

6 A. I recall my memory is good at the moment. Now, I could have
7 good sleep. I receive some drugs and medicine from TPO and it
8 make me better now, and I could sleep well and I could recall
9 some of the events in the past.

10 MS. GUIRAUD:

11 Thank you, Madam Civil Party. I have no further questions <>.
12 I'll give the floor to the Prosecution. Thank you, Mr. President.

13 MR. PRESIDENT:

14 Thank you very much, Lead Co-Lawyer. You may now proceed, <> the
15 National Deputy Co-Prosecutor.

16 QUESTIONING BY MR. SREA RATTANAK:

17 Thank you, Mr. President. My name is Srea Rattanak. Thank you,
18 Madam Civil Party. You mentioned about the food ration in your
19 cooperative, and you said that the food ration was not enough,
20 was not sufficient. When you received insufficient food, could
21 you complain about that? <Could you ask for more food?>

22 MS. OEM SAROEURN:

23 A. No, I could not complain, otherwise, I would be killed. If we
24 asked for more we -- there would be a problem for all of us. We
25 ate what we were given, <we had to endure it,> and we <just went

21

1 around to find ripe palm fruit,> the stem of banana and the stem
2 of papaya trees to cook to eat <secretly>.

3 [09.55.51]

4 Q. You said that if you complained, you would be killed. Did you
5 see anyone killed because of the complaint about food ration?

6 A. Yes, there was <a young person about 15 years old> complaining
7 about the food ration and this child complained that he could not
8 have enough food to eat, and he stole a <package of rice from the
9 economic section and searched for> fish to eat, and he was <taken
10 away to be> killed <when he was caught doing so>.

11 Q. Did you see that incident by your own eyes?

12 A. Yes.

13 MR. PRESIDENT:

14 Madam Oem Saroeurn, please repeat your answer because while you
15 were responding, the microphone was not yet activated.

16 [09.56.56]

17 MS. OEM SAROEURN:

18 A. Yes. At that time the child was 15 years old. He stole a
19 package of rice from the economic section and <searched for fish
20 to eat, then> there was a report about the matter. The child was
21 brought away and killed.

22 Q. During the time you were in cooperative, did you ever fall
23 sick?

24 A. I fell sick -- I fell sick and <the unit representative of the
25 village,> the chief of the economic deprived <me of> rice because

1 I -- I was accused of having <imaginary illness>. I had malaria
2 at that time in 1976. I was seriously sick. I was put in Leay
3 Bour Hospital and the hospital was named Hospital 17 <>.

4 Q. What kind of treatment did you receive at that hospital?

5 A. I received IV injection and I was given the medicine made up
6 -- made from cassava. The IV was made from coconut juice. <It was
7 injected into my leg. It made my leg become handicapped and I
8 have not walked properly since.> And at that time, I was told <by
9 a grandfather that if I left it like that, my leg would wither
10 away. He told me to find big red ants, punlei (phonetic) or a
11 kind of ginger, and liquor to apply on it>.

12 Q. Did any <other member at the cooperative> fall sick?

13 A. Yes, <there were>.

14 [09.59.26]

15 Q. Could you tell the Court your -- what you witnessed at that
16 time or what happened to those who fell sick?

17 A. I witnessed many people who got sick from different illnesses.
18 Some of them became worse and died and some recovered.

19 Q. In document D22/2500A in Khmer the ERN is, <00587133 to 34>;
20 and D22/2500B, in English the ERN is, <00594688> to 89; you
21 stated that you had been relocated from one cooperative to
22 another. However, in general, you stated that usually you saw
23 Khmer Rouge take people and killed. And my question to you is,
24 why those people were taken away and killed?

25 A. They were in the youth <> unit and they did not have

23

1 sufficient food to eat, so they resorted to stealing different
2 food namely cassava, sugarcane or corn <or watermelon, that they
3 grew it themselves>, and they were caught, then they were
4 arrested and sent for re-education. Sometimes they returned, but
5 at other times they disappeared since.

6 [10.01.32]

7 Q. Did you witness that rather often meaning that people were
8 taken away and killed? I referred to <the act of taking people to
9 be killed that you witnessed with your own eyes>.

10 A. Once in a while I witnessed it.

11 Q. When did it <usually> happened? Were those people killed
12 during the daytime or at night time?

13 A. When I saw it, it was during the daytime, and I did not know
14 about the night time event.

15 MR. SREA RATTANAK:

16 Thank you. And thank you, Mr. President. I don't have any further
17 questions for this civil party.

18 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

19 Good morning, Mr. President, Your Honours. Good morning, Madam
20 Civil Party. I see I have perhaps 10 minutes. I have a few
21 questions to put to you as well as the extract of a film, which I
22 would like to show you <too>.

23 Q. First question you talked of the evacuation of Takeo town
24 <just a moment ago>, and <> you ended up in <a pagoda in> Champa,
25 <in Champa Leu I believe> . Can you tell us whether there <were a

1 lot of> evacuees in that pagoda?

2 MS. OEM SAROEURN:

3 A. <> There were <ten of> thousands <or even millions> of people
4 <who> were evacuated from the Takeo province <>.

5 [10.03.27]

6 Q. Were any investigations conducted on the spot to determine
7 whether among the evacuees were high-ranking officials of the Lon
8 Nol Army or other senior officials, do you remember that?

9 A. Yes, I remember it. They went around to taking note of what we
10 did previously, and that they would send them back to the same
11 location that they used to work. So those people including myself
12 <fell for> their tricks, so they registered those people's names.
13 <And those people were then taken away.>

14 [10.04.25]

15 Q. In the Champa Leu (phonetic) pagoda, were there any
16 disappearances of people who <disclosed their past, as> soldiers,
17 for instance <>?

18 A. Yes, they did, including my uncle, he worked as a secret agent
19 and there were former teachers, soldiers, police, custom officers
20 who were taken away under the pretext that they would be sent
21 back to their previous offices and they disappeared since.

22 Q. Very well, still regarding the disappearances, you stated that
23 your husband was sent from Angk Ta Saom to Krang Ta Chan. You
24 also stated in <your statement> D22/2500, that in 1978, your
25 brother Ung Lim, was <killed at> Krang Ta Chan. Is that correct?

1 If it is correct, how <did you learn> that your brother was
2 <killed there>?

3 A. Ung Lim, my elder brother was in the economic section and
4 because he was a 17 April Person and sometimes he asked for food
5 from that section, for example, he asked for a fish, and later on
6 because of that he was criticised, and then sent for re-education
7 and disappeared since.

8 [10.06.27]

9 Q. You also stated that your father <-- if I read correctly,> Im
10 Pum <-- as well as> your uncle Im Chak, were also taken away <to
11 be> killed in Krang Ta Chan in 1976. How did you know that your
12 brother Ung Lim and <then> your father and uncle had indeed been
13 sent to Krang Ta Chan?

14 A. There was a document at Krang Ta Chan that <Pol Pot> soldiers
15 who took them to Krang Ta Chan made a report to <Chim (phonetic).
16 He said he controlled the list.> And their names were on the list
17 at Krang Ta Chan.

18 [10.07.26]

19 Q. Very well. While you were at Leay Bour in the <unit -- in the>
20 cooperative K3, did you see <the model cooperative K1?> Did you
21 see the buildings of K1?

22 A. Yes, I did, and I knew it. It was located to the south of
23 where I lived. We, the 17 April People, were put <> to the north
24 of that area and then there was <> Unit <2 in the middle and Unit
25 1 was located> to the south near the <commune office>. And

26

1 everything was different for different cooperatives, including
2 the dining halls <and the hospitals>.

3 Q. Did the unit of Base People in that model cooperative <Kor
4 Mouy -->, was it also called the unit of the "Great Leap
5 Forward"?

6 A. Yes, it was called that way and it was told that that was the
7 model unit.

8 Q. <And why> was it <> a model unit, a unit of the "Great Leap
9 Forward"? How was it different from the other units?

10 A. Because they did not have any connection with this 17 April
11 People so they were considered good.

12 Q. Did you work in Leay Bour in a unit in which Madam Chou
13 Koemlan also worked?

14 MR. PRESIDENT:

15 Madam Civil Party, please wait. And Defence Counsel Koppe, you
16 have the floor.

17 [10.09.43]

18 MR. KOPPE:

19 Thank you, Mr. President. I also noticed that the Prosecution is
20 not at all interested in the so-called visit of high-ranking
21 leaders. I must say, we'll be very tricked into this request.
22 This is the last time ever that we will consent or concede into a
23 request having this civil party come to testify. If -- if it has
24 been told to us that there is a specific reason in both Parties
25 on the other side hardly pay any attention to the very topic than

27

1 effectively we have lost a one day of testimony so even though
2 the Prosecution has only 10 minutes, he doesn't even ask one
3 question that is astounding to me.

4 MR. DE WILDE D'ESTMAEL:

5 President, if I may<-->?

6 [10.10.38]

7 MR. PRESIDENT:

8 Counsel Kong Sam Onn, you have the floor.

9 MR. KONG:

10 I'd like to object to the last question by the Deputy
11 Co-Prosecutor -- that is, to give a name to the civil party. This
12 civil party has not spoken about another civil party whose name
13 has been stated by the Deputy Co-Prosecutor. This is apparently
14 -- apparently a leading question.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, I can see <there are attempts being made to rush
17 me to> complete my examination in the time allotted to me. <I
18 would therefore request that I be allowed to finish, I would like
19 to ask two final> questions I have and to show <a 40 second
20 extract of a video clip. It is at the behest of the
21 Co-Prosecutors to decide upon what questions they wish to ask>.
22 It is not up to the Defence to <give the green light so that
23 somebody, be they a civil party or a witness, can testify.> It is
24 the Chamber that decides. <You, the Defence, will> have all the
25 time to ask all the questions <you> like to ask on this visit. I,

28

1 for my part, I'm relying on the documents that we received and it
2 is specific enough <to not require any further elaboration.>
3 Regarding the fact that I mentioned <a> name, <that does not make
4 it a leading question>. I'm simply asking <> if this civil party
5 worked with Chou Koemlan in the same unit. <> The fact that that
6 name wasn't <brought up previously does not automatically make my
7 question a leading one, Counsel>.

8 [10.12.20]

9 MR. PRESIDENT:

10 Thank you and the objection stressed by the two different teams
11 are <overruled> as <the question is relevant and> the Chamber
12 needs to hear the response <to the question> put to the civil
13 party by the Deputy Co-Prosecutor. And Madam Oem Saroeurn, if you
14 can please respond to the last question put to you by the Deputy
15 Co-Prosecutor?

16 BY MR. DE WILDE D'ESTMAEL:

17 <I will> repeat the question. Did you work with Chou Koemlan in
18 the same unit at Leay Bour, particularly when the leaders came to
19 visit the work site? Were you with her in the same unit in the
20 same group?

21 A. No, we were in a different group and Chou Koemlan was in
22 another group, but we were working closer to one another on that
23 same day.

24 Q. <During the> hearing on <27> January 2015, at 14.03, <Chou
25 Koemlan> said that Ta Nouv was in charge of military matters at

29

1 Leay Bour commune. At 14.05, <she> stated <that> everyone was
2 afraid of him, <> when they saw Ta Nouv <they worked> very hard
3 because he was very stern. Were you yourself afraid of Ta Nou
4 during that period?

5 MR. PRESIDENT:

6 Madam Civil Party, please wait. And the Defence Counsel, you have
7 the floor.

8 [10.14.12]

9 MS. <GUISSE>:

10 I am objecting to the question and the manner in which it is
11 asked. The civil party responded a while ago when the question
12 was put to her regarding Ta Nouv and his conduct and she answered
13 that question. That question is not only repetitive, but it is
14 <also leading> because the Prosecution is trying to <reorientate
15 the question by giving her> the name of the colleague with <whom>
16 the civil party <supposedly> worked <with. Furthermore, the civil
17 party had already mentioned just a few minutes ago that she> had
18 nothing else to say regarding Ta Nouv's conduct.

19 [10.14.46]

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Mr. President, to gain time I will rephrase my question.<You
22 mentioned just a moment ago, when speaking about Ta Nouv that he
23 requested that a messenger bring one of your uncles somewhere and
24 that all of your uncle's teeth were subsequently broken,> Did you
25 have <legitimate> reason to be afraid of <a person like> Ta Nouv

30

1 in <the> Leay Bour commune?

2 MS. OEM SAROEURN:

3 A. Yes, I was afraid of him. He was a commune chief and from his
4 facial expression, he looked very mean.

5 [10.15.29]

6 MR. PRESIDENT:

7 The time is expired, Mr. Co-Prosecutor, and we will take a break
8 now and return at 10.30 to resume our proceeding.

9 And Court officer, please assist Madam Civil Party during the
10 break, and invite her back into the courtroom at 10.30. The Court
11 is now in recess.

12 (Court recesses from 1015H to 1031H)

13 MR. PRESIDENT:

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

15 Before I give the floor to the Defence Counsel for the Accused, I
16 would like to know whether any of the Judges have any question to
17 put to this civil party. You may now proceed, Judge Fenz.

18 [10.32.11]

19 QUESTIONING BY JUDGE FENZ:

20 Thank you, President. Witness, I want take you back to the visit
21 of the dignitaries at your worksite. Now, before I ask questions,
22 we know this is 40 years back, and was probably a rather short
23 incident. So if you do not remember something, then please tell
24 me 'I don't remember'.

25 Q. Do you understand that?

1 MS. OEM SAROEURN:

2 A. Yes.

3 Q. So, back to this incident when the dignitaries visited. You
4 told us they came by car and you were there with lots of people.

5 Now -- and then, they were pointed out to you by -- I think --

6 Yon or Yoeun as Nuon Chea, Khieu Samphan, and Pol Pot; is that
7 correct?

8 [10.33.35]

9 A. Yes, that is correct.

10 Q. Now, I want to know, at the time they were pointed out to you,
11 was this when they were still there, or was it before they came,
12 or was it after they left?

13 A. Before that time, she told me that Angkar would come to the
14 place. And on that day, that was true Angkar was coming. And
15 after Angkar went back, she told me the names of those
16 dignitaries. <She just whispered the names to me, she did not say
17 it loudly.>

18 Q. So let me clarify your last sentence. At the time when she
19 said Khieu Samphan, Nuon Chea, and Pol Pot have been here, they
20 had already left or were they still here?

21 A. They had already left.

22 Q. I see. So you didn't actually know who of the people, who had
23 been here, was Khieu Samphan and was Nuon Chea. You just knew
24 they had or were told they had been there; is that correct?

25 [10.35.24]

1 A. Yes, that is correct. I did not know who was who. <I only knew
2 clearly Ta Mok, Ta San and Ta Nouv.>

3 Q. So you couldn't put the face to the name?

4 A. I did not know the three dignitaries. <I only saw them briefly
5 so I could not recall.>

6 Q. Okay. And basically -- just tell us perhaps, when you were
7 told or when the three were identified, where were you at the
8 time, still at the worksite? Or did that happen in another place?

9 A. I was <> working in the mobile unit near the railway station
10 of <Ou> Chambak (phonetic).

11 Q. And you were still outside in this place when Yoeun told you
12 the guys who have just left or among the guys who have just left,
13 there were Nuon Chea, Khieu Samphan, and Pol Pot? You were still
14 in the same place?

15 A. Yes, I was still working there. It was not yet the time to
16 break.

17 Q. How far were you away from the group of dignitaries when you
18 saw them?

19 [10.37.27]

20 A. When I saw them, they were standing to the right of me, and
21 they were about five or six metres from me. They were standing on
22 the National Road, and I was working down there in the worksite.

23 Q. Were you just looking up from work, or were you actually
24 standing there, for instance, greeting them?

25 A. I was carrying earth at that time. I was shouldering the earth

1 carrier at that time. <I was just a 17 April Person, I could not
2 greet them because I had to work hard to complete the task.>

3 Q. So how long did you actually see them - couple of seconds,
4 couple of minutes, half an hour?

5 A. It was a brief moment. It was not for one hour. I did not know
6 how many minutes that I saw them. It was just a brief moment.

7 Q. Do you today remember the faces of the people you saw 40 years
8 ago at that time and place?

9 A. I did not recognise and recall their faces. I saw frequently
10 two individuals, Ta Mok and Ta San, <Ta Nouv, Ta Hounh>.

11 Q. So if we showed you photos today, would you be able -- of some
12 of the people who came, would you be able to say this person was
13 here, this person was here, besides Ta Mok and Ta -- Ta San?

14 [10.39.54]

15 A. I did not recall them.

16 Q. And as my last question -- sorry. My last question, you said
17 you knew Ta Mok well. Why did you know Ta Mok well?

18 A. While I was working there, Ta Mok was <> living in a house on
19 the water, <to> the east <of Ou Chambak (phonetic)>. And he
20 frequently drove <his car> on the National Road. Sometimes he was
21 alone and sometimes he was with the messenger. <I knew Ta Mok
22 clearly.> He would come to the worksite to examine all of us
23 <once a week or once every 10 days>.

24 JUDGE FENZ:

25 Thank you. That concludes my questions.

1 MR. PRESIDENT:

2 You may proceed, Judge Lavergne.

3 [10.41.11]

4 JUDGE LAVERGNE:

5 Thank you, Mr. President. Mr. President, I would <like to>

6 request your leave to show a video. The reference is E3/3091R.

7 MR. PRESIDENT:

8 There is interference in the sound.

9 Court officer, please work with the AV unit to deal with this
10 matter.

11 You may resume your line of questioning, Judge Lavergne.

12 JUDGE LAVERGNE:

13 Mr. President, I was requesting you whether it'd be possible for

14 you to <grant leave> to show a video with the following

15 references: E/3091R as well as reference V00172427, from the

16 <43:13 to 43:57>. So <I would hope that we can play this> video

17 <> for us to know whether the civil party can recognise <certain>

18 persons who feature in the sequence <played>.

19 [10.43.08]

20 MR. PRESIDENT:

21 AV unit, you are instructed to project the video as requested by

22 Judge Lavergne.

23 (Audiovisual presentation)

24 [10.44.11]

25 QUESTIONING BY JUDGE LAVERGNE:

1 There we are, Madam. Can you tell us whether you <> recognised
2 any <persons in> the video extract that has just been shown?

3 MS. OEM SAROEURN:

4 A. I saw Ta San. I knew Ta San.

5 Q. Did you recognise any other persons other than Ta San?

6 A. No.

7 Q. Mr. President, in order to avoid <any> ambiguity, may I
8 request that the video be shown again and that the civil party
9 <then tells> us <> the specific <moment in which> she recognises
10 Ta San?

11 MR. PRESIDENT:

12 AV unit, please play the video once again.

13 (Audiovisual presentation)

14 [10.46.28]

15 BY JUDGE LAVERGNE:

16 Madam Civil Party, I think the idea in showing you this video
17 again is to enable you to tell us the point at which you
18 recognise Ta San. Do you understand what I am telling you? There
19 may well be a translation problem <I don't know>. Is it
20 understandable in Khmer?

21 MS. OEM SAROEURN:

22 A. Yes, I understand.

23 Q. <In> this video, you have indeed recognised Ta San? <I mean,>
24 did you recognise Ta San or not?

25 [10.47.11]

36

1 A. Yes, I recognised him. <He visited the location frequently
2 because he had relatives in my village.> He now changed his
3 surname.

4 JUDGE FENZ:

5 Civil Party, we'll play this video again and as soon as you see
6 Ta San, say 'stop'. Do you understand that?

7 MS. OEM SAROEURN:

8 (Microphone not activated)

9 MR. PRESIDENT:

10 AV unit, please play the video footage once again, and when you
11 hear the word "stop" by Civil Party, please pause the video.

12 (Audiovisual presentation)

13 MS. OEM SAROEURN:

14 This is Ta San. So, he had no hair -- no hair you could see on
15 the forehead. He was young at that time, and now he is quite old.

16 [10.49.07]

17 MR. PRESIDENT:

18 You can stop playing the video now. Victor Koppe.

19 MR. KOPPE:

20 She raised her hand when she actually saw him, but the video
21 stopped later. I saw her -- I think she positively recognised
22 him, but the video stopped at the moment that it was obviously
23 not the person. So maybe it would be wiser to ask her to raise
24 her hand and we all watch, and then she can recognise the person.

25 (Judges deliberate)

1 [10.50.51]

2 MR. PRESIDENT:

3 AV unit, please play the video footage again. And we decided to
4 change the approach of projecting the video. And when you hear
5 Judge Lavergne say "stop", could you please pause the video
6 footage there <so that questions can be put to the civil party>.

7 MR. KOPPE:

8 I know she recognises -- but that obviously, I think, is the way
9 it shouldn't be done because then we're leading the civil party
10 into recognising the person. But in this time, it is immaterial.
11 But for next time, it should be not in a leading way. But now --
12 for now, I don't have any problem with it because I know she
13 recognises him.

14 JUDGE FENZ:

15 But the process is on record, so.

16 MR. KOPPE:

17 True.

18 [10.52.10]

19 JUDGE LAVERGNE:

20 <Wait>, I do not understand, <Counsel Koppe. On what grounds
21 could the presentation that was shown be considered> leading <>?
22 At no point in time have we sought to lead the witness.

23 MR. KOPPE:

24 No. But if you now stop at the image of Ta San and then you ask
25 her, "is this the person?", then of course, that is leading. So

38

1 it's rather -- it's better to have her see the video again, and
2 then raise her hand at the moment she sees him. We can all watch
3 her, and then it will be completely neutral. In effect, this
4 particular moment doesn't make any difference because I know she
5 recognises him.

6 MR. PRESIDENT:

7 The problem is that the moment she raised her hand, the picture
8 or the video footage already passed. And there is no objection
9 from the Defence Counsel, so I think there is no problem
10 concerning this matter. We heard only observation from the
11 Defence Counsel of the Accused. Judge Lavergne, do you have any
12 further question to put to the civil party?

13 [10.53.36]

14 JUDGE LAVERGNE:

15 To be absolutely sure that the witness has recognised the person,
16 <I think that the image in question must be shown> again, and <>
17 we'll ask the civil party to tell us whether she recognises the
18 person <or not. So I think we should continue to show the video,
19 and when I say stop, we can ask the civil party if she recognises
20 the person visible on the screen.>

21 MR. PRESIDENT:

22 AV unit, please play the video as instructed by Judge Lavergne.

23 (Audiovisual presentation)

24 BY JUDGE LAVERGNE:

25 <Ok just there, stop>. Do you recognise that person?

1 [10.55.02]

2 MS. OEM SAROEURN:

3 A. Yes, I recognise him.

4 Q. We saw another person before the one we have just seen on the
5 screen. Was that other person also Ta San <in your opinion>?

6 A. I recognise the photo in the screen. It is Ta San. He was
7 young before and he is now old, and he had no hair on his
8 forehead.

9 JUDGE LAVERGNE:

10 I think we should backtrack a little up to the previous image
11 when we saw another face. And at that point, we will pause and
12 <ask the same> question to the civil party.

13 MS. GUISSÉ:

14 Honourable Judge Lavergne, perhaps before we look at the other
15 image, <for the purpose of record, perhaps we can> identify the
16 <at what minute we stopped the video, at what minute the civil
17 party mentions that she indeed recognises a face>, otherwise, the
18 transcript will miss out on that detail.

19 [10.56.34]

20 JUDGE LAVERGNE:

21 <I agree completely.> I think such information is noted on the
22 <record>. I don't have that information <in> my possession.

23 <MS. GUISSÉ:>

24 I think you can see the minute on the screen. All we need to do
25 is to <show the image again at the point where we stopped> and

1 <we should have the> minutes below the image <to the left>.
2 Unless, I'm mistaken.
3 MR. PRESIDENT:
4 AV unit, please play the video footage once again.
5 (Audiovisual presentation)
6 BY JUDGE LAVERGNE:
7 Stop. So we are at <-- I am finding it very difficult to read
8 that --> 43 minutes 27 seconds. Madam, do you recognise this
9 person?
10 MS. OEM SAROEURN:
11 A. Yes, I recognise <him>.
12 Q. And who is <it>?
13 A. He is Ta San.
14 JUDGE LAVERGNE:
15 Very well. Can we continue <playing> the video?
16 (Audiovisual presentation)
17 [10.58.15]
18 BY JUDGE LAVERGNE:
19 Stop. <So we> are at 43 minutes 34 seconds. Madam, do you
20 recognise this person?
21 MS. OEM SAROEURN:
22 A. Yes, I recognise him.
23 Q. And is that the same person, <is it still> Ta San?
24 A. Yes.
25 JUDGE LAVERGNE:

41

1 Thank you. For the record, I think <that the precise time> is 43
2 minutes and 35 seconds <and not 34>. Thank you. I have no further
3 questions for the civil party.

4 [10.59.07]

5 MR. PRESIDENT:

6 I now hand over the floor to the Defence Counsel for the Accused.
7 First, you may proceed, Defence Counsel for Mr. Nuon Chea.

8 QUESTIONING BY MR. KOPPE:

9 Thank you, Mr. President. Good morning, Madam Civil Party. I have
10 some additional questions to put to you.

11 Q. Did Yoeun, when she spoke to you about the visitors, tell you
12 how she knew that these visitors were Khieu Samphan, Nuon Chea,
13 and Pol Pot?

14 MS. OEM SAROEURN:

15 A. This person was the chief of unit number 3. This individual
16 was the Base Person.

17 Q. I understand, but when she spoke to you, did she tell you how
18 she knew that these people that you had just seen were in fact
19 Pol Pot, Nuon Chea, and Khieu Samphan?

20 [11.00.40]

21 A. It was in 1977, I did not recall the month of the year.

22 Q. Let me try again, Mr. President. Madam Civil Party, did Yoeun
23 when she spoke to you about the visitors, did she tell you how
24 she learned that these people that you had seen were Pol Pot,
25 Nuon Chea, and Khieu Samphan?

1 A. She knew these people by herself.

2 Q. And did she tell you how she knew these people by herself?

3 A. She only said that she knew <> these people by herself. That's
4 it.

5 Q. So she didn't say to you that she had met them before, had
6 seen them before maybe in the magazine, during a meeting -
7 anything?

8 A. No. She did not told me this.

9 [11.02.38]

10 Q. And Madam Civil Party, you just said earlier to a question of
11 one of the Judges that the high ranking Angkar people were about
12 five to six metres away from you. Would that be about the same
13 amount that there is between you where you sit and me where I ask
14 questions?

15 A. Yes.

16 Q. And when you look at me, can you see my face clearly?

17 A. Yes, I can see clearly.

18 Q. And is it correct that when you saw these dignitaries from
19 Angkar, Ta Mok was one of them?

20 A. Yes.

21 Q. You told us also that you knew Ta Mok quite well. Mr.
22 President, with your leave, I would like to show something that
23 we have prepared earlier yesterday. It's a collage of 10 photos.
24 And the purpose of showing this document to her is asking her if
25 she could identify Ta Mok in one of these photos.

1 [11.04.26]

2 MR. PRESIDENT:

3 You may proceed. Court officer, please go and take the photos for
4 Civil Party to have a look.

5 (Short pause)

6 [11.05.10]

7 MR. KOPPE:

8 Madam--

9 MR. PRESIDENT:

10 Please note that the civil party is illiterate. So Court officer,
11 please sit close to the civil party to assist this civil party
12 when there is question by the Party.

13 BY MR. KOPPE:

14 Q. Madam Civil Party, take all your time that you need to have a
15 look at all of these ten photos, and then please, tell the court
16 officer if one of the people that you see on this photo is, in
17 your recollection, Ta Mok?

18 (Short pause)

19 [11.06.11]

20 Mr. President, I see the Court officer saying something. Madam
21 Civil Party, do you recognize Ta Mok on this list of photos?

22 MS. OEM SAROEURN:

23 A. In the photo he was young with his cap on his head. <So I
24 cannot recognise him in this photo.> And during the time back in
25 the past, he rarely wore his cap, <he came by car,> and he was

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1 young at that time <so I cannot recognise him>.

2 Q. Madam Civil Party, would you be so kind and tell the court
3 officer next to you if you recognize the photo and could you then
4 please point to the photo which you think is Ta Mok and then tell
5 this to the court officer?

6 [11.07.43]

7 MR. PRESIDENT:

8 Madam Civil Party, do you recognize one of any individuals in the
9 list of 10 photos. You just say you don't recognize any of them
10 if you don't recognize.

11 MS. OEM SAROEURN:

12 A. I don't recognize any one of them.

13 BY MR. KOPPE:

14 Q. Let me ask, then, a few more other questions. You said that
15 you were very close distance when you saw the high dignitaries.
16 Mr. Court Officer, please stay, because I would like to ask some
17 more questions to the civil party. You said that you recognized
18 other high dignitaries. Is any of the people that you see on the
19 photo--

20 MR. PRESIDENT:

21 Civil party appears to give clear response already that she does
22 not recognize any one of them. So do you have any other question
23 in relation to the same question or do you want to put a leading
24 question for the civil party?

25 [11.09.16]

1 MR. KOPPE:

2 I'm not -- maybe something went wrong in translation. I thought
3 she said only that she didn't recognize Ta Mok. I'm not quite
4 sure or maybe I didn't hear that she didn't recognize anybody,
5 because if that--

6 MR. PRESIDENT:

7 Madam Oem Saroeurn, among the photo in the list here, 10 photos,
8 do you recognize any one of them?

9 MS. OEM SAROEURN:

10 I do not recognize any one of them in the list of photos. <They
11 look young in the photos.>

12 MR. PRESIDENT:

13 Do you recognize any one of them in the list of 10 photos? Do you
14 understand my question, Madam Civil Party? Here, you have a list
15 of 10 photos. They are different people. So, among them all, do
16 you recognize one of them? <The question is not only referring to
17 one particular person.>

18 MS. OEM SAROEURN:

19 No, I don't, because when they put their caps on, I do not
20 recognize anyone.

21 [11.10.35]

22 MR. KOPPE:

23 I'll leave the subject, Mr. President. Madam Civil Party, I have
24 a few--

25 MR. PRESIDENT:

1 Court officer, please return to your seat.

2 BY MR. KOPPE:

3 Madam Civil Party, I have a few other questions that I would like
4 to put to you. Earlier this morning, you testified that your
5 one-year-old child unfortunately died of measles. Do you know, do
6 you remember if there were other children in Leay Bour or in Tram
7 Kak district who had died at young age of the measles?

8 [11.11.37]

9 MS. OEM SAROEURN:

10 A. Yes, there were. The children who were between two to three
11 years old, many of them died when they were being looked after by
12 the old women.

13 Q. Do you remember how many children died of measles? Was it a
14 few? Were there many? Do you remember?

15 A. Near the house that I stayed, for those young children, there
16 were about seven or eight of them died <at Unit 3>.

17 Q. Thank you, Madam Civil Party. Now another question that I have
18 for you is the following. You said earlier this morning that the
19 Base People had enough to eat, but that the 17 April People did
20 not have enough to eat. Can you tell us a little bit more about
21 how you knew this, how you know this? What was your observation
22 in that regard?

23 A. They had enough to eat, <> they told me that. Those people who
24 lived in the same village that I lived told me about this.

25 Q. But how do you know then that other 17 April People did not

1 have enough to eat?

2 A. I knew it because my <parents> and I were given a shared pot
3 of gruel and <sometimes> each of <the four> us would be given a
4 ladle of gruel.

5 [11.14.06]

6 Q. But at the beginning, let's say 1975, 1976, did you eat
7 together in the same communal hall with the Base People? Did they
8 eat together; the 17 April People and the Base People?

9 A. At the beginning, the 17 April People and the people in <the
10 second category> ate together communally. Later on, they would
11 <collect the names of> the 17 April People and <put them in a
12 separate group, there was another group for the people in the
13 second category, namely those who had any connections or
14 relations to the 17 April People, and another group for the
15 people in the first category.>

16 Q. Do I understand your testimony correctly that at the time that
17 Base People and 17 April People were eating together both
18 categories had the same food? Is that correct?

19 A. No, that was not correct.

20 [11.15.33]

21 Q. How so? You were eating in the same communal building. The 17
22 April People and Base People were mixed together as I understand.
23 How was it that the Base People ate more than the 17 April
24 People?

25 A. At that time, that was the beginning, the Base People had

1 their houses and the New People <were allowed to stay> nearby.

2 But later on, they were divided into separate groups and they ate
3 <seperately>.

4 Q. That is how I understood your testimony. But at the time when
5 everyone was still eating together everybody had the same food
6 rations. Is that not correct?

7 A. No, that was not correct. Later on, the 17 April People was
8 put in a separate group and not to mix with the Base People.

9 Q. But my question was when people were still eating together
10 mixed, then everybody was eating the same thing. Is that correct?

11 A. No.

12 Q. Can you explain to us what happened when you were eating
13 together? Were Base People getting more rice or more gruel or
14 more vegetables? And if yes, how did that go?

15 A. The Base People were allowed to ask from the other Base People
16 working in the kitchen. But as for us, the 17 April People, we
17 were not allowed to go into the kitchen as they were afraid we
18 would put a poison into the food. <We were not allowed to go near
19 it, only when it was meal time that we were allowed to go eat.>
20 And for old people who could not <walk, the food> would be <given
21 to them to eat at> home and that also applies to people who fell
22 sick.

23 [11.18.41]

24 Q. But at the tables, where everybody was eating together, the
25 same thing was served to everybody. Is that correct?

1 A. No. The thing was that the 17 April People were allowed to eat
2 first and after that, the Base People would <> eat <with their
3 own group. The cook> had big fish to eat. <So they kept it for
4 their own group. They did not let me know about it.>

5 Q. And how would the people who were in charge of this communal
6 dining place know who were the 17 April People and who were the
7 Base People? How would they know?

8 [11.19.44]

9 A. Because they took down the names. Because the group chiefs
10 would take down the names of their members and then gave the list
11 of names to the village chief. <Then the village chief would
12 manage it accordingly.>

13 Q. Three times per day? At breakfast, lunch and dinner?

14 A. No, there were only two meals. One was for lunch time and one
15 was at dinner time. <There was no breakfast.>

16 Q. But two times per day this procedure was followed. Is that
17 what you're saying, Madam Civil Party?

18 A. Each day we were given two meals, in the morning and in the
19 evening.

20 Q. Yes, but my question was about if any, if certain people got
21 more to eat than other people. I'm trying to understand what
22 you're saying. So, how did that go?

23 A. The Base People worked in the kitchen and the other Base
24 People knew one another, probably from, I don't know, maybe
25 around <1970,> 1971, 1972 <or 1973,> so they <knew each other>.

1 And for us, the 17 April People, they knew who we were because
2 our names were recorded on a list.

3 Q. You described earlier this morning the killing of a child, a
4 15-year-old child, because you said that the child had stolen
5 food. However, before you were recounting the story, you said
6 that you yourself had also stolen food once but that you were
7 only re-educated and were sent back and were given a warning. Can
8 you tell us why this was different with that child of 15?

9 [11.22.38]

10 A. The child stole some rice and he was taken away and killed. As
11 for me, I was disciplined and I was re-educated and I <told> them
12 that I would not do it again. And later on, they sent me to work
13 at Chamkar <Seang> (phonetic) <as a punishment>.

14 Q. But can you explain us the difference? Why did you just get a
15 warning and why are you saying that this child did not get the
16 same warning that you had gotten?

17 A. The economic people reported to a teacher, and the teacher had
18 a messenger who came to take that child away.

19 [11.23.51]

20 Q. Madam Civil Party, in your so-called victim information form,
21 D22/2500, English ERN, 01069306; Khmer; I don't have the Khmer
22 right now, I will get that as soon as possible, Mr. President, I
23 apologize; you said that you were not only very forgetful, but
24 you also said that you have a mental disorder. What do you mean
25 when you wrote that down or when you said that that you have a

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1 mental disorder?

2 A. Because at that time I could not sleep and I kept recalling
3 the events that happened in the past. However, I still could
4 recall all those stories.

5 Q. I understand, Madam Civil Party, but not being able to sleep,
6 of course, is one thing, but a mental disorder is something quite
7 different. Would you be able to tell us what you meant when you
8 used the words "mental disorder" to describe your medical
9 situation?

10 A. I got some medicine from an organization, probably named as
11 TPO.

12 Q. And did TPO tell you that you have something which they call a
13 mental disorder?

14 A. Yes, but later on when I went there again, I was told that I
15 no longer had it.

16 MR. KOPPE:

17 Thank you, Madam Civil Party. Thank you, Mr. President.

18 MR. PRESIDENT:

19 Thank you, and the floor is now handed to the Defence Counsel for
20 Khieu Samphan. You may proceed.

21 [11.26.35]

22 QUESTIONING BY MS. GUISSÉ:

23 Thank you, Mr. President. Good morning, <Madam> Oem Saroeurn. My
24 name is Anta Guisse. I am the international counsel for Mr. Khieu
25 Samphan, and it is in this capacity that I <will> put a few

1 questions to you. <I am going to try to> ask very specific
2 questions and may I ask you<, in return,> to answer those
3 questions as specifically as possible.

4 Q. A <moment> ago, you stated that you <filled out, or> applied
5 to become a civil party at your own behest and that you yourself
6 came to the tribunal to fill out your civil party application
7 form. Did I understand you correctly?

8 [11.27.24]

9 MS. OEM SAROEURN:

10 <A.> Yes, that is correct.

11 Q. I also understood that you can neither read nor write, <so was
12 it> someone at the Tribunal who helped you to fill out your
13 application form<>?

14 A. No, that is not correct, because I remember the events
15 well by myself.

16 Q. In that case, I think we are misunderstanding one other. My
17 question to you is as follows: In order to fill out the form, the
18 person who assisted you noted what you told him or her. Is that
19 how things happened?

20 A. Yes, I told the events, because I could not read and write, so
21 then that person assisted me in the writing.

22 Q. <After that did you then reread what was> written on the form
23 <> before you signed it or <in any case,> put your fingerprints
24 on it?

25 A. Yes, it was read out to me.

1 Q. Do you recall whether among the questions <to be answered in
2 the form> there was a question regarding the <alleged
3 responsible>?

4 A. I cannot recall it.

5 [11.29.34]

6 Q. A <moment> ago, you stated that you knew Ta Mok <and that> you
7 saw him in your district <between> 1975 and 1979. Do you confirm
8 that?

9 A. Yes, I confirm it, because I knew him. But when I was asked to
10 look at black and white photos, I could not recognize it <because
11 he looks young in the photo>.

12 Q. You also stated that you did not know Khieu Samphan, but that
13 you had heard one of your uncles utter his name. You also said
14 that you only saw him once <during his> visit <to> the worksite
15 where you were. Is that correct? And that was the only time you
16 saw him. Is that correct?

17 [11.30.35]

18 A. Yes, I saw him only one time. And before that, my uncle read
19 newspapers and told me about his name. And while he went to visit
20 at the worksite where I worked, I was busy working and I only had
21 a quick look at him. <So I cannot recall.>

22 Q. We agree <then> that it was only subsequently, after his
23 departure and after the departure of those leaders, that your
24 unit head gave you the names of the leaders who had come to visit
25 the worksite. <Is that the case?> Did I properly understand your

1 testimony?

2 A. Yes. After they left, <she whispered their names to me>.

3 Q. During the time of the events, did you ever hear of Ieng Sary?

4 A. I heard of the name Ieng Sary, but I did not know him. I only
5 heard of his name.

6 Q. How about Kaing Guek Eav, alias Duch? Did you hear his name
7 mentioned between 1975 and 1979?

8 A. I heard of the name of Duch, but I do not know this person.

9 Q. My question was more specific. I wanted to know whether you
10 heard of him between 1975 and 1979, between the 17th of April
11 1975 and January 1979.

12 A. I heard of his name only after 1979 that I heard of his name
13 and Tuol Sleng. But personally I do not know Tuol Sleng, nor did
14 I know this individual. <I just got to know Tuol Sleng later on.
15 I had relatives who died there.>

16 [11.33.18]

17 Q. I am putting questions to you <regarding> those persons,
18 <Madam> Oem Saroeurn, because in your statement <-- testimony,>
19 titled "Report on Civil Party Application" <-- sorry>, it only
20 exists in English -- document D22/2500/1; in that document, where
21 they mention the "Alleged Responsible">, you mention the names of
22 <> Ta Mok, <Khieu Samphan>, Ieng Sary, <Nuon Chea and> Kaing Guek
23 Eav, <alias> Duch. Are you the person who mentioned those names
24 on the day of your interview when you had to fill out that form?
25 Perhaps I should give the ERN number. I'm sorry I didn't give it.

1 It's 00550904.

2 [11.34.28]

3 My question is as follows: Are you <yourself> the one who gave
4 those names when you had the interview <to> fill out the form?

5 MR. PRESIDENT:

6 Civil Party, please wait. And the International Lead Co-Lawyer
7 for Civil Parties, you have the floor.

8 MS. GUIRAUD:

9 Thank you, Mr. President. I would <simply> like to make a
10 clarification on the nature of <this> document. There <is an>
11 application <to become a> civil party <that is called the "Victim
12 Information Form" in English, which is a document that is signed
13 by the civil party. Then> you have a second document, which <is>
14 drafted by the Victims Unit <> after the application <is filed>
15 and it is simply a summary <carried out by the> Victims Unit, as
16 is the case with all civil party <applications.> And that
17 document is not signed by the victim him or herself. So, there is
18 a time lapse <> between <-- now I'm speaking generally here so
19 that everyone can understand what document is being referred to
20 --> the time when the victim's information sheet is <signed by
21 the victims> and the report, which is prepared by <what we call>
22 the victims support <unit>. I just wanted to make this
23 clarification so that we <can> understand the <difference between
24 the two documents.>

25 BY MS. GUISSÉ:

1 Thanks for this clarification, but it is important for me to put
2 questions to the <witness, or, no, the> civil party so that she
3 can respond herself <because> the documents <were> filled out and
4 signed by the civil party <herself on the same day, it is
5 therefore not a summary and the names appear as well>. I have
6 only the Khmer version. It is D22/2500, and since we do not have
7 the full translation, be it in French or in English, I am obliged
8 to give the ERN <only> in Khmer, 00550909. These names also
9 appear on <Madam> Oem Saroeurn's information sheet. So, <Madam
10 Oem Saroeurn> my question remains relevant.

11 Q. <Can you confirm that you were> the person who mentioned
12 those names?

13 [11.36.47]

14 MS. OEM SAROEURN:

15 A. Yes, I mentioned it by myself.

16 [11.36.57]

17 Q. My question is therefore, why did you mention those names if
18 you did not know those persons, and if you did not see them
19 between 1975 and 1979? <And there when I mention that you did not
20 see them> I am referring in principle to Duch and Ieng Sary whom
21 you said you hadn't seen. Why did you <then> mention their names
22 on the form?

23 A. Because my uncle read to me the newspaper article.

24 MR. PRESIDENT:

25 Defence Counsel, can you inform the Chamber as to how much time

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1 you anticipate to conclude your questioning?

2 MS. GUISSÉ:

3 Since Counsel Koppe started at 11 hours, normally I should
4 conclude at midday, <if we are still being allotted equal time,>
5 we decided that the two teams would share the time equally.

6 MR. PRESIDENT:

7 And do you wish to continue putting questions to the civil party,
8 or shall we need to have a break now? We take into consideration
9 the issue of the health of your client, as he expressly requested
10 to adjourn the hearing at 11.30.

11 MS GUISSÉ:

12 I thank you, Mr. President, for <thinking of this aspect>. I
13 <agree and if> we could continue to midday since we are not
14 meeting this afternoon <I do not think that my client would have
15 a problem with that. But I will address this with him and> I will
16 ask him to confirm that.

17 MR. PRESIDENT:

18 <The Chamber decides to continue the proceeding.>

19 MS. GUISSÉ:

20 Yes, if there are no hearings this afternoon, <that should be
21 manageable for my client. But thank you for-- >

22 [11.39.29]

23 MR. PRESIDENT:

24 If that is the case then you can continue.

25 BY MS. GUISSÉ:

1 I've lost track of my question.

2 Q. Can you tell me why you mentioned the names of those persons

3 -- that is, Ieng Sary and Kang Guek Eav, alias Duch, if you

4 didn't see them during that period and, in principle, you did not

5 meet them at Tram Kak?

6 [11.40.07]

7 MS. OEM SAROEURN:

8 A. My uncle told me and the elder people knew them. <And I can

9 recall.> Some of the elder people are now at around 89 or <over>

10 90 years old.

11 Q. When you say that your uncle told you <that he> saw the name

12 in the newspaper, whose name did he see in the newspaper?

13 A. He mentioned the name of Khieu Samphan and Ieng Sary.

14 MS. GUISSSE:

15 <And he saw their names in the newspaper when exactly? Was it

16 before '75? After '75, after '79? At what point did he see their

17 name in the newspaper?>

18 MS. OEM SAROEURN:

19 A. He read in 1973 or '74. My uncle was a former teacher in Takeo

20 province.

21 [11.41.45]

22 Q. What about Duch's name? Did your uncle see his name before

23 1975?

24 A. Yes, I heard that in 1979.

25 Q. So you heard that after 1979, <we agree that it was not your

1 uncle who told you? I want this to be clear.>

2 A. My uncles worked in Phnom Penh in the Royal Palace. <They are>
3 now deceased. <Their names were Om Maub (phonetic), Om Yen
4 (phonetic).> The whole family, <including all their children,>
5 was killed. They were detained and after that were killed at
6 Choeung Ek. The whole family was killed, <except a grandchild.>

7 Q. Madam <Oem> Saroeurn, <excuse me but> I have <> time
8 <limitations, so I am going to ask you to really answer the
9 questions that I ask you with precision>. My question <was
10 whether or not the name Duch was also read by your uncle in the
11 newspaper, yes or no?>

12 A. Yes.

13 Q. <And we are clear on --> when did he <see> that name from the
14 newspaper<? Can> you recall which <date>?

15 A. I cannot recall the year.

16 Q. Was it after the arrival of the Vietnamese or was it before
17 that?

18 A. I cannot recall it.

19 Q. In your <statement> D22/2500, you <mentioned> the names of
20 Khieu Samphan and Nuon Chea as <the "Alleged Responsibles",> but
21 you failed to mention <this> visit to Tram Kak <during which you
22 supposedly saw them. Why?>

23 A. I saw them only once in 1977.

24 [11.44.38]

25 Q. <I've understood> that you saw them only once, my question to

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1 you is why did you not mention <the visit in your form, given
2 that you mentioned their names>. Why did you not mention <this>
3 visit <>?

4 [11.45.06]

5 A. Because I did not know a proper procedure to put or to write
6 on the form. As you know, I cannot read or write.

7 Q. Yes, I understand that Madam Oem Saroeurn, but <despite all
8 that> the form was filled in, <you mentioned,> with the help of
9 an assistant and you only had to tell that person and then the
10 information you told would be <written down> on the form. My
11 question is, why, at that time, you did not mention <the visit
12 when there was nothing that prohibited you from doing so>?

13 A. I forgot about it.

14 Q. We have a document <from> the 12th of March 2015, <in which
15 you provide> supplementary information <by mentioning this
16 visit>. Can you tell the Chamber <what happened that caused you
17 to> recall <this> visit that happened in 1977? <Did you contact
18 your Lawyer or was <it that someone came to you to ask you if you
19 had any recollection of this visit> in 1977?

20 A. No, there was no one. It was done personally by me.

21 Q. <Along with the> Co-Prosecutor <you referred to> a woman by
22 the name of Chou Koemlan, and you stated that <she> was present
23 on that day at the work site,<the same day when> the leaders came
24 to visit. <Have I correctly understood your statement>?

25 A. On that day, Chou Koemlan was there, although she was in a

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1 different unit but <> she was working nearby where I was working.

2 Q. Is it correct to say that Chou Koemlan was born in <Thnong
3 Roleung village,> the same village that you were born <in> and
4 <that> currently she is still living in the same village as you
5 are living <in?>

6 A. Yes, that is correct.

7 [11.48.00]

8 Q. Do you see her often?

9 A. Yes.

10 [11.48.12]

11 Q. Have you spoken <> about <the fact that she has testified here
12 in this Chamber about this same> visit in 1977?

13 A. Once in a while when I saw her, we talked about it <secretly>.
14 But because she was in a different unit, we didn't talk much on
15 this issue.

16 Q. <But you did> talk <with her> about her testimony before this
17 Chamber?

18 A. <This> is my first time that I appear before this Chamber. <I
19 used to come here to observe the trial at the back.>

20 Q. <No, my question was not whether or not you have ever
21 testified before this Chamber, my question <was whether or not
22 you spoke with Madam> Chou Koemlan about her testimony on the 27
23 January 2015 <before this Chamber>, when she <also mentioned
24 this> visit of the <leaders in '79> to Tram Kak. Did you talk
25 about her testimony <with her>?

1 A. No, I did not talk to her about her testimony at all.

2 Q. <At what point did you get in touch --> let me put it in
3 another way, whom did you contact in order to provide
4 supplementary information about the visit of Pol Pot, Mr. Nuon
5 Chea, Mr. Khieu Samphan <to> Tram Kak? <At what point> did you
6 contact your lawyer or another individual regarding this
7 additional information? <And when?>

8 A. No, I did not contact <anyone>. I came forward with the
9 information myself.

10 Q. To whom did you provide that information?

11 A. As I stated, I tried to come to the Court and because of my
12 memory issue, I can't even remember the location of the Court and
13 for that reason I asked for an assistant to <read the form to me
14 and> to fill in the form of what I told that person about the
15 events during the regime.

16 Q. That was the first time that you filled in the form in 2010,
17 but I <am asking you to refer to the time when> you provided
18 additional information <,> you signed <a statement that we have
19 here,> E344.1, this is a supplementary <statement to your
20 original statement,> and it was made in the presence of your
21 lawyer, and my question to you is when did you make contact with
22 your lawyer in order to provide <this additional> information?

23 [11.52.06]

24 MR. PRESIDENT:

25 Civil party, Please hold on. The International Lead Co-Lawyer for

1 civil parties, you have the floor.

2 MS. GUIRAUD:

3 Thank you, Mr. President. I would like to <just remind everyone
4 that in the request that we put forward, that is> E344, we
5 clearly stated that the way that we received that supplementary
6 information. <The link with> Chou Koemlan <is established in that
7 request as well. I understand that the Parties wish to ask
8 questions on that matter, but we were -- we were as transparent
9 as we could possibly be regarding the methods we used to procure
10 information on this testimony>.

11 MS. GUISSÉ:

12 <Very well, but my intent was> not <> to know about <how my
13 colleague obtained knowledge of the testimony. My questions were
14 addressed to the Civil Party so as to discover how she went about
15 contacting her lawyers -- seeing as that is what she told us she
16 did -- contacting her lawyers, and how she went about discussing
17 the content of this testimony, a testimony that we essentially
18 consider to have appeared rather late in the day. In that regard
19 I believe that I am fully entitled to ask questions that probe
20 probative value and credibility. I do not claim that the
21 Co-Lawyers for the civil parties did not comport themselves in a
22 transparent manner. I just want to hear the civil party's version
23 of the events.>

24 <MR. PRESIDENT:>

25 <Judge Lavergne, you have the floor.>

1 JUDGE JEAN MARC LAVERGNE:

2 <Yes,> Counsel Anta Guisse, <this line of questioning being used
3 seems to me to raise many questions, especially regarding the
4 confidentiality of all communication> between a lawyer and his or
5 her client. <Don't forget that the civil party has a lawyer.
6 Asking questions so as to know how she communicated with her
7 lawyer, that seems to me like it could be> problematic.

8 MS. GUISSSE:

9 I <am not asking her to disclose exactly what she said in her
10 correspondence, but seeing as we are dealing with transparency
11 and considering that in the request -- it's not confidential,
12 and I think that what my colleague just said today confirms that
13 it is not confidential. Seeing that discussions took place
14 regarding this new information -- I need to know, seeing as it
15 was only in 2015, that this information appeared in the file and
16 the Civil Party has been a civil party since 2010, I am entitled
17 to know when she reminded -- or when she remembered this event.
18 And I also need to know if there is a link between the
19 discussions that she supposedly had with Ms. Chou Koemlan, so as
20 to ascertain the integrity of her testimony.
21 I am not asking for any staggering secrets to be revealed, these
22 are details that, as my colleague reminded us, are in the
23 request. But I want to hear from Madam Oem Saroeurn about how she
24 came about remembering and how she contacted or didn't contact --
25 I need to know if it was something she took upon herself to do or

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1 not, for that is what she seems to be telling us. Was it
2 something that was instigated by someone else? This is what I
3 need to know. That in itself contributes to its credibility. If,
4 as a Defence Lawyer, I am not in the position to follow such a
5 line of questioning, then I have absolutely no business being in
6 this Chamber.>

7 [11.55.32]

8 JUDGE LAVERGNE:

9 <Counsel Anta Guisse, are you or are you not asking questions
10 that relate to discussions that this civil party had with her
11 lawyer?>

12 [11.55.43]

13 MS. GUISSSE:

14 My question to her <was, now first of all I did not even know if
15 it was to her lawyer that she posed the question. I asked who she
16 shared this information with to begin with -- that's it. There
17 are no confidentiality issues on that point. However, on the
18 alleged confidentiality issue of this particular detail: the
19 question is not being asked in a circumstance in which we have a
20 document that was passed to the Parties on which any type of
21 contact with the civil party is mentioned. So, there you have it.
22 But in any case I believe that I am perfectly entitled to ask
23 this type of question.>

24 MR. PRESIDENT:

25 Counsel Kong Sam Onn, you can proceed.

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1 MR. KONG SAM ONN:

2 In order to clarify the issue raised by Judge Lavergne, on
3 document E344.1, in fact that document did not state whether it
4 was done by the lawyer. <And the name that appears in the
5 document is rather new.> For that reason we can put the question
6 as to how the document was made and for that reason there is no
7 issue of confidentiality <> of the communication between the
8 lawyer and <the> client.

9 (Judges deliberate)

10 [11.57.40]

11 MR. PRESIDENT:

12 Judge Claudia Fenz, you have the floor.

13 JUDGE FENZ:

14 Counsel, in order not to lose more time, just be mindful of the
15 privilege and we invite the Co-Lead Lawyers to raise their hands
16 once they feel there has been an infringement. Go ahead.

17 [11.58.06]

18 BY MS. GUISSÉ:

19 Q. Madam Oem Saroeurn, you <just told us> that you yourself <took
20 measures> to provide further information <on this visit in 1977>.

21 Am I correct in saying so?

22 MS. OEM SAROEURN

23 A. Yes, I did it personally.

24 Q. <Was it after you had a discussion with Ms. Chou Koemlan that
25 you decided> to provide further information?

1 A. Yes.

2 [11.59.06]

3 Q. You stated that you saw Khmer Rouge leaders come to visit your
4 work site and you stated that Ta Mok came in a vehicle and there
5 was another vehicle which came along. Is my understanding
6 correct?

7 A. I don't understand your question.

8 Q. <> On the day that you saw the Khmer Rouge leaders, how many
9 cars did you see?

10 A. There were two cars.

11 Q. Did you see Khmer Rouge leaders get <out of the> cars?

12 A. No, I did not see them getting off the cars but I remember
13 there were two cars. <I was busy carrying dirt> and when I saw
14 them, they were walking.

15 Q. How many leaders did you see on that day?

16 A. <On that day,> I saw five of them including the commune chief.

17 Q. You said that you saw Ta San. <Can you confirm that?>

18 A. Yes, I saw Ta San. Because, Ta San came to my village rather
19 often as he had relatives living <in Leay Bour commune>.

20 Q. Can you tell the Court <when the> first time that you saw Ta
21 San in your village <was>?

22 MR. PRESIDENT:

23 The time is running out, Counsel.

24 MS. GUISSÉ:

25 Q. Madam Oem Saroeurn, <if I have understood correctly, you saw

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1 Ta San many times in your village> before you saw him again on
2 the day of the visit in 1977 <>?

3 A. Yes, that is correct.

4 Q. When you saw him in your village what was his position at that
5 time. <What position did he have at that time in your village
6 before the leaders' visit in> 1977 <>?

7 A. I did not know which position he held, I only knew that he
8 worked at the commune level.

9 [12.03.03]

10 MR. PRESIDENT:

11 Defence Counsel, your time expired and court officer please make
12 arrangement with the AV unit in order to change the DVD
13 recording.

14 (Short pause)

15 [12.04.11]

16 MR. PRESIDENT:

17 Madam Oem Saroeurn, as a civil party you are given an opportunity
18 to make a statement of impact before this Chamber and the impact
19 about harms caused by the two Accused, Nuon Chea and Khieu
20 Samphan that took place during the Democratic Kampuchea Regime
21 which led you to become a civil party requesting for moral and
22 collective reparation, as far as the harms inflicted upon you,
23 physically, materially or emotionally or any direct consequences
24 of those harms. If you wish to do so, the floor is yours.

25 MS. OEM SAROEURN:

1 I would like to seek an individual <compensation> for the loss of
2 my materials and property and for the loss of the lives of my
3 husband, <my child> and my relatives.

4 MR. PRESIDENT:

5 Is there anything else you would like to add?

6 MS. OEM SAROEURN:

7 I have some questions to put. The first question is the
8 following. Why, why, when I worked very hard, was not given
9 sufficient food to eat. My second question; what was the reason
10 <> for the execution of my family, my <parents, my child>, my
11 relatives. Third question; why <were we not> provided <with
12 enough clothing>? That is all.

13 MR. PRESIDENT:

14 Do you wish to put the three questions to the Accused or to the
15 Chamber?

16 MS. OEM SAROEURN:

17 I meant <> to <ask> the Accused.

18 [12.07.11]

19 MR. PRESIDENT:

20 The Chamber wishes to inform you, Madam Oem Saroeurn, <> the
21 position of both Accused on 8th January 2015, regarding the
22 exercise on their right to be remain silent, the Chamber notes
23 that the two Accused maintain their expressed positions unless
24 and until such time the Chamber is expressly informed otherwise
25 by the Co-Accused or by their counsel. It is therefore incumbent

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1 upon them to inform the Chamber in a timely and efficient manner,
2 should the Accused resolve to waive the right to remain silent
3 and be willing to respond to questions by the Bench or relevant
4 Parties at any stage of the proceedings. And as of today, the
5 Chamber is not informed that the Co-Accused have changed their
6 expressed positions and <> agreed to provide their responses to
7 questions.

8 [12.08.30]

9 Today's proceeding has come to an adjournment. We will adjourn
10 the proceeding now and we will resume on Monday 30 March 2015,
11 commencing from 9.00 o'clock in the morning.

12 And on next Monday the Chamber will hear the testimony of Dudman,
13 by way of video conferencing from the United States of America as
14 informed to the Parties. The testimony of Mr. Dudman is conducted
15 only in the morning from 8.00 to <10> o'clock for <several> days
16 from Monday <30th of March to 2nd of April>.

17 Counsel Koppe, you have the floor.

18 MR. KOPPE:

19 Thank you, Mr. President. I actually have a request relating to
20 the upcoming witness, Richard Dudman. We just received an email
21 from the senior legal officer, 20 minutes ago, indicating that
22 the order of questioning the witness has been revised. As you
23 know we have asked for this witness and it seems, I deduct from
24 the email, that it is now the Trial Chamber who will start with
25 the questioning and then Prosecution and then us. So clearly this

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1 is a change to the normal practice and procedure and we would
2 like to request clarification as to the reasons why the Trial
3 Chamber deems this necessary.

4 (Judges deliberate)

5 [12.10.57]

6 MR. PRESIDENT:

7 That is the working arrangement decided by the Chamber. <Before,>
8 the Chamber <did not> take into account the questions by the
9 Bench and <after the deliberation, the Bench have some
10 questions,> due to the time constraint of hearing the testimony
11 of this witness --that is, two hours for a series of three days,
12 the Chamber took into account all these concerns and in order to
13 make the hearing, the proceeding of the testimony of this person,
14 more effective, we decided to do so as the witness is very old,
15 he is 95 years old already. <So it would be better to finish the
16 questioning in three days as planned.> That is the arrangement
17 and the discretion of the Chamber to hear this particular
18 witness.

19 [12.11.56]

20 As far as the time allocation for a witness or a civil party, of
21 course the Chamber doesn't have to abide by any request by any of
22 the Parties to the proceedings. The Chamber will decide the time
23 allocation accordingly for an effective arrangement of the
24 proceedings.

25 The Deputy <International> Co-Prosecutor, you have the floor.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. I don't have any <> comments to make
3 <really, but in any case we> do not object to the <Defence>
4 questioning this witness <first, if anything we consider it
5 rather logical. That's all we can say from our side.>

6 MS. GUIRAUD:

7 As for us, <neither do we> have any objections and the defence
8 teams can put the questions first <when it is a witness that they
9 have put forward themselves so-->.

10 MR. PRESIDENT:

11 Thank you for your comments, <this is not a big issue> and we
12 will make an arrangement as necessary on Monday.

13 And I think there is a misunderstanding -- a confusion on <how
14 many days we would hear this witness>. In fact, it shall be on
15 the 30th, 31st of March and 1st April <2015>, and it is conducted
16 only <two hours per day> for the morning sessions from 8.00 to
17 10.00.

18 [12.13.39]

19 Madam Oem Saroeurn, the Chamber is grateful of your valuable time
20 to testify as a civil party this morning and your testimony may
21 contribute to ascertaining the truth in this Case. And the
22 hearing of your testimony is concluded and you may be excused
23 from the Court and return to your residence or wherever you wish
24 to go to. The Chamber wishes you a safe journey.

25 [12.14.09]

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1 Court officer, in collaboration with WESU please make necessary
2 transportation for Ms. Saroeurn to go to wherever she wishes to
3 go to.

4 And security personnel, you are instructed to take the two
5 Accused back to the detention facility of the ECCC and return
6 them to the courtroom on Monday morning on 30 March 2015, before
7 8.00 o'clock.

8 The Court is now adjourned.

9 (Court adjourns at 1214H)

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