



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

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1 March 2016

Trial Day 375

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

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KHIEU Samphan

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For Court Management Section:  
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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. BOYLE	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. KHOUY Muoy alias Khouy Moy (2-TCCP-259)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Ms. SIENG Chanthy (2-TCCP-1015)	Khmer
Mr. UCH Sunlay (2-TCCP-1014)	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the statement of harms and  
6 suffering of civil party Sieng Chanthy. And after it's concluded,

7 we continue to hear another civil party -- that is, 2-TCCP-1014.

8 And if possible, we will hear another <reserve> civil party --

9 that is, 2-TCCP-259.

10 Greffier, please report the attendance of the parties and other  
11 individuals to today's proceedings.

12 [09.06.11]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all parties to this case  
15 are present, except Anta Guisse, the international defence

16 counsel for Khieu Samphan, who is absent for personal reasons  
17 from today to the 7 March 2016.

18 And Victor Koppe, the counsel for Nuon Chea, is absent without  
19 reasons.

20 And Mr. Nuon Chea is present in the holding cell downstairs. He  
21 has waived his rights to be present in the courtroom. The waiver  
22 has been delivered to the greffier.

23 The civil party who is to continue her statement of harm and  
24 suffering -- that is, Madam Sieng Chanthy, is present in the

25 courtroom, and then we also have another civil party -- that is,

2

1 2-TCCP-1014.

2 We also have a reserve civil party -- that is, 2-TCCP-259.

3 During the proceedings to hear the statements of harm and  
4 suffering, we have Madam Chhay Marideth, the TPO staff who will  
5 sit next to the civil party to lend her support. And she is also  
6 present in the courtroom.

7 Thank you.

8 [09.07.38]

9 MR. PRESIDENT:

10 Thank you. The Chamber now decides on the request by Nuon Chea.

11 The Chamber has received a waiver from Nuon Chea, dated 1st March  
12 2016, which states that due to his health, headache, back pain,  
13 he cannot sit or concentrate for long. And in order to  
14 effectively participate in future hearings, he requests to waive  
15 his right to participate in and be present at the 1st March 2016  
16 hearing.

17 [09.08.14]

18 Having seen the medical report of Nuon Chea by the duty doctor  
19 for the Accused at the ECCC, dated 1st March 2016, which notes  
20 that Nuon Chea today has back pain and feels dizzy when he sits  
21 for long and recommends that the Chamber grant him his request so  
22 that he can follow the proceedings remotely from the holding cell  
23 downstairs. Based on the above information and pursuant to Rule  
24 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
25 request to follow today's proceedings remotely from the holding

1 cell downstairs via audio-visual means.

2 The Chamber instructs the AV Unit personnel to link the  
3 proceedings to the room downstairs so that Nuon Chea can follow.  
4 This applies to the whole day.

5 Madam Sieng Chanthy, the Chamber receives information that you  
6 need to visit the bathroom rather frequently. And please don't  
7 hesitate to do so. If you need to visit the bathroom, just raise  
8 your hand. Then we take note of that and you can go at any time  
9 during your statement.

10 Now the Chamber hands the floor to the Lead Co-Lawyers to  
11 continue putting further questions to the civil party.

12 You may proceed.

13 [09.10.08]

14 QUESTIONING BY MS. GUIRAUD RESUMES:

15 Thank you, Mr. President. Good morning, everyone.

16 Q. Good morning, Madam Civil Party. Yesterday, you talked of the  
17 rape of two young girls of Vietnamese origin, witnessed by your  
18 father.

19 <I wonder whether you can> tell us a bit more about that event,  
20 about the identity of the <>young girls and the impact of that  
21 event on you?

22 MR. PRESIDENT:

23 Counsel Kong Sam Onn, you have the floor.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President.

4

1 I would like to object to this question. This is not -- the  
2 question is about the fact, which is not related to the exact  
3 cause of harms and suffering to this civil party. It is about a  
4 general fact, and in particular, this civil party did not see or  
5 know the fact directly. It is a second or third-hand information  
6 only.

7 [09.11.44]

8 MS. GUIRAUD:

9 Mr. President, if you would allow me, I find it particularly  
10 relevant to ask this question and to find out to what extent the  
11 civil party was affected by this information to the extent that  
12 she, herself, was a young girl of Vietnamese origin at the time.  
13 So my question is to find out whether that event had a personal  
14 impact on the civil party, which appears to be the very purpose  
15 of these hearings. May I therefore request you to allow this  
16 civil party to explain the impact of that event on her?

17 (Judges deliberate)

18 [09.12.44]

19 MR. PRESIDENT:

20 The objection by Counsel Kong Sam Onn is overruled.  
21 And Madam Civil Party, please respond to the question by the  
22 International Lead Co-Lawyer.

23 MS. SIENG CHANTHY:

24 Please repeat your question so that I can remember it.

25 BY MS. GUIRAUD:

1 Q. Of course.

2 Yesterday, you talked of two young girls of Vietnamese origin in  
3 your village who were raped. I would like to know whether you can  
4 tell us a little more about that incident and the impact and the  
5 effect that that incident had on you at the time.

6 [09.13.45]

7 MS. SIENG CHANTHY:

8 A. Yes, I can do that.

9 The two victims had her -- had their mother as Vietnamese, and  
10 they were my neighbours. And they also carried dirt in my unit. I  
11 did not know when they were arrested. I only knew that they  
12 disappeared from the workplace. And then I quietly asked other  
13 workers about their disappearance, about <Sra'em Dy> (phonetic)  
14 and Srey <Tauch> (phonetic). That is their names. And then I was  
15 told that they were taken away and killed.

16 And when I returned home that night, my father whispered to me  
17 that the family members of <Sak> Bun Thon (phonetic) <had been>  
18 taken away and killed and that he was so afraid of that.

19 He was so afraid that his <own> children -- that is, us, would be  
20 raped before we were killed. I was so terrified upon hearing that  
21 from my father, and I was afraid that, one day, my turn would  
22 come, that I would be taken away because I was half Vietnamese  
23 blood. And that thought was with me all the time.

24 And when I returned to work, I did not dare to look at the face  
25 of my unit's chief. And I tried to avoid the unit chief wherever



6

1 I could, and I started to work so hard, sometimes I had to run to  
2 carry dirt <to impress my unit chief that I was hard-working>. I  
3 was afraid that I was taken away and killed.

4 [09.15.12]

5 Every day, I was so afraid and I tried to work hard in the  
6 morning. <When the morning passed, and> the afternoon <was  
7 coming>, the fear came back to me <again>. And that remained with  
8 me until the date of the suicide of my father, as I testified  
9 yesterday. The fear remained with me until the day of the  
10 liberation. And that is the truth.

11 I heard about that and, of course, <I felt that feeling as> I was  
12 half-blood <Vietnamese>, and that instilled fear in me. I did not  
13 know when <or what time> they would come for me.

14 When I saw the <cooperative> chief or the unit chief, I felt  
15 terrified and I just forced myself to work harder. Sometime, two  
16 workers had to carry a basket of dirt, and I had to do it myself  
17 because I was afraid that I would be taken away. And I and --  
18 other people, other workers, did not even dare talk to me because  
19 they knew that I was half-blood Vietnamese, and if they talked to  
20 me, maybe they would be implicated.

21 [09.17.12]

22 They fear that they were indicated with me and they would be  
23 killed, so I had to work alone, by myself. And of course, every  
24 time I recall it, the fear comes back to me.

25 Q. Thank you, Madam Civil Party. I have one last question for

1 you.

2 Yesterday, you talked about the loss of two of your brothers,  
3 Chantha and Chanthan.

4 <I would like to know if you could tell> <this Chamber> a little  
5 bit more regarding what happened to your two brothers and <> how  
6 you felt after you heard of <> their disappearance?

7 A. I'd like to first talk about my elder brother, Chantha, who  
8 was a second lieutenant of the Lon Nol regime. And I spoke rather  
9 at length about him yesterday.

10 [09.18.36]

11 He was arrested in Basak commune, and in Sala Boeng Rien or Bayab  
12 village in Svay Chrum district. He was tied and he was accused of  
13 cutting <fig trees to make a trellis for gourds>, and he didn't  
14 know how to plough the field because he was a soldier. So he  
15 didn't know how to plough the field, and by accident, it wounded  
16 a cow's leg. And he was accused of destroying Angkar's property.  
17 Then they arrested him. They walked him behind a bicycle while  
18 whipping him. And at that afternoon, actually, I was working. I  
19 was water -- watering the rice field, and I saw a person being  
20 <beaten and> walked behind a bicycle. And I did not know who it  
21 was, but then I could identify that he was my elder brother. <He  
22 was being beaten like they did to animals. Having seen that, Base  
23 People grabbed their carrying sticks to beat my brother. My  
24 brother spotted me and called me by my name. He asked me to tell  
25 my mother that he was being> taken to the district office. And I

8

1 felt so pity for him. When I returned home, I did not dare to  
2 talk about this to my mother and my father.

3 My mother had her illness, and <she would have had a heart attack  
4 if I had told her about that.> I didn't want to compound it by  
5 telling this sad story to her.

6 They <constantly> beat him up since he was in <Basak> while he  
7 was walked behind a bicycle, and the distance from <Basak> to the  
8 district office was about 10 kilometres.

9 [09.20.28]

10 There was blood everywhere on his body, and I could hardly  
11 identify him. However, when I heard his voice, I knew that he  
12 <was> my elder brother, so I ran to see what happened. And when I  
13 saw him, I felt so pity. And when he saw me, he told me that --  
14 he asked me to tell our parents that he was tied up and being  
15 taken away.

16 And that fear remained with me even at present time. When people  
17 catch a thief, I just feel so terrified. And the image of my  
18 brother being arrested vividly replays in my mind. <I can hardly  
19 erase this from my memory.>

20 <Another elder brother of mine, Chanthan,> was a policeman. He  
21 was also a second lieutenant <in the Lon Nol regime>. And he had  
22 a numbed illness. During the rainy water -- rainy season, he  
23 could not work in the rice field -- that is, in the water because  
24 of this numbness disease, illness<, and his legs would become  
25 numb>. And he asked for permission to work in the dry ground.

1 <One evening when> I was working in the <kitchen> -- I overheard  
2 the <unit chief> talk about my elder brother, <Chanthan,> that he  
3 always had this numbness illness <during the rainy season>, so  
4 <keeping him was no gain and losing him would not be a loss>.  
5 [09.22.14]  
6 They spoke also about the wheel of history and if anyone  
7 interrupts the wheel of the history, that <person's> arm or leg  
8 would be broken. <They said they would pull him out one day as  
9 keeping him was not a gain>. I felt so terrified when I heard  
10 that in the kitchen, and then I <ran and> walked to my father.  
11 And the kitchen hall was about two to 300 hundred metres from the  
12 house. And I spoke to my father and my elder brother that he  
13 should work hard. Otherwise, he would be in trouble because I  
14 overheard <Ta Veng (phonetic), Kaem (phonetic), and Vay  
15 (phonetic)> spoke about his condition, about his numbness illness  
16 <when the rainy season came>, and that <it> would not <be a loss  
17 for them for losing him>.  
18 And my elder brother was trembling upon hearing that. He <then  
19 hugged> my parents and asked them to help him. And he said that  
20 he didn't pretend, but it was his illness. <I told him to try to  
21 work nonetheless. He said he could not.>  
22 So we all wept together. We didn't dare to cry out loud. We  
23 <wept> quietly. We didn't dare to cry out loud, as we were afraid  
24 that people would hear us.  
25 That was the terrible thing that happened to my family, and I

10

1 believe the same thing <or even worse things> happened to many  
2 other families during the regime.

3 [09.23.56]

4 I want the Cambodian people and the international community to  
5 understand the hardship and the terrible situations that we  
6 experienced during the Pol Pot regime.

7 My brother, <Chanthan, tried> to endure <the hardship during> the  
8 rainy season, and then, during the harvest season in 1977 -- that  
9 is, toward the later part of the year, I harvested rice. And  
10 usually, my brother would also come to the field, but that day,  
11 he didn't turn up. And I asked <the man who carried rice for us>  
12 where he was. <He told me that my brother was around. He dared  
13 not tell me the truth.> I <was planning to approach> the unit<>  
14 chief, but then I was stopped <by the man> and <he suggested>  
15 that I should go home and ask my parents about my -- the  
16 disappearance of my elder brother. And I suspected something went  
17 wrong with my elder brother.

18 <Usually, when villagers> knew <that someone had been taken away  
19 and killed>, they <would become> so quiet. And they didn't dare  
20 to say anything. <Because of the fear, they just whispered to one  
21 another quietly.>

22 [09.25.12]

23 That evening, when I returned, I saw my mother weeping together  
24 with my father. <My parents loved each other very much that when  
25 they learnt of any horrible things that happened, they would hug

11

1 each other and weep together.> And then I asked my father what  
2 <had> happened and also asked my mother whether her illness  
3 actually relapsed.

4 And then I asked about my brother, <Chanthan,> and my mother wept  
5 and said that he <had been> asked to go and carry stuff for the  
6 militia. And during the time, when people spoke about a person  
7 being sent to carry stuff for the militia, it means the person  
8 was taken away and killed.

9 My mother wept and said that, "Your brother would not return".

10 And my father said before he left, he actually took off his new  
11 clothes and only wore old clothes when he went. <My father  
12 actually told him to put on his long trousers so that mosquitos  
13 would not bite his legs. Instead he told my father that mosquitos  
14 would not bite him when he got there. He only put on worn-out  
15 clothes before he left.>

16 It was -- there <was a black> patch<> on <>the shirt <he wore in  
17 order to> mourn <the death of> his wife. <He was taken away and  
18 killed after his wife had died several months. He put on only  
19 worn-out clothes before he left so that his siblings could make  
20 use of his new clothes.>

21 There were four men who came to take my brother away and killed.  
22 Amongst the four, there was one man who had what we call the holy  
23 care to identify that he had some magic with him. And when they  
24 returned, they spoke about my elder brother, and people overheard  
25 them spoke -- speaking about my elder brother that he <had>

1 passed out <even> before he was <> killed. <I overheard them  
2 talking because my house was close to the kitchen. Sometimes I  
3 went to ask for some salt from the cooks working in the kitchen.>

4 [09.27.22]

5 <They brought back the clothes to the kitchen, and they also  
6 sharpened their knives in the kitchen. I saw those clothes  
7 stained with blood soaked in the water for washing at the  
8 kitchen.>

9 They killed my elder brother, and they spoke about it. My mother  
10 was so shocked for the loss of my elder brother, and <bad things>  
11 happened <to my family> repeatedly in 1977.

12 First, the wife of my elder brother<, Chanthan,> delivered the  
13 baby, and three days after she delivered the baby, she died from  
14 infection. And not long after my elder brother was killed, later  
15 on, my father committed suicide. And later on, another elder  
16 brother<, Chantha,> was taken away and killed <at the district  
17 office>.

18 And for that, my mother didn't get out of the house. She remained  
19 in the house for three months. And sometimes we brought food to  
20 her. And actually, she was in a mood of committing suicide  
21 herself for the loss of her husband and her children.

22 [09.29.12]

23 Even after the liberation, sometimes I observed that she was in a  
24 lost state of mind, that she was by herself without knowing what  
25 she was doing. <Sometimes she just cried alone and when I asked

13

1 her what was happening, she said she was missing my father and  
2 brothers.> And that remained with her until the day she died from  
3 heart <attack>.

4 Every time I speak about this, it vividly plays in my mind, and  
5 without knowing, my tear drops.

6 MS. GUIRAUD:

7 Thank you, Madam Civil Party.

8 Mr. President, we have no further questions to put to the civil  
9 party. We are done.

10 MR. PRESIDENT:

11 Thank you.

12 The floor is now given to the Co-Prosecutors to put questions to  
13 the civil party, if any.

14 You may now proceed.

15 [09.30.45]

16 QUESTIONING BY MR. SENG LEANG:

17 Good morning, Mr. President, Your Honours, everyone in and around  
18 the courtroom.

19 Q. Good morning, Madam Civil Party. My name is Seng Leang, the  
20 National Deputy Co-Prosecutor of the ECCC. Today, I have a few  
21 questions, and I need your clarification for the Court.

22 My first question is that during the reign of Khmer Rouge, where  
23 were you living?

24 MS. SIENG CHANTHY:

25 A. I was living in Ruessei Prey village, Chamlang commune, <Svay



14

1 Chrum> district <>, Svay Rieng province.

2 Q. What nationality did your parents hold?

3 A. My mother was pure Khmer, and my grandparents were ethnically  
4 Vietnamese, but they resided in Cambodia, so my father was  
5 ethnically Vietnamese as well. However, later on, he <bought a  
6 Khmer> surname<, he studied Khmer> and he was employed as a civil  
7 servant in the country.

8 [09.32.33]

9 Q. You have made mention that your father was ethnically  
10 Vietnamese and your mother was pure Khmer, so for you, you <are>  
11 half-Vietnamese, <half-Khmer>. Is that correct?

12 A. Yes, that is correct.

13 Q. Can your siblings -- could your siblings <and mother> speak  
14 Vietnamese beside your <father>, who could?

15 A. In fact, only my father could speak Vietnamese, and the rest  
16 of the family could not speak it.

17 Q. How many siblings did you have, and what were their names?

18 A. I have -- I had eight siblings. My first brother -- my first  
19 <brother was Chrouk> Chanthan; my second sibling <was> Chrouk  
20 Chantha; and the third, Chrouk Chanthida (phonetic); fourth,  
21 Chrouk Chantheavy (phonetic). <> I am the fifth in the family,  
22 and my name is Sieng Chanthy. My younger sibling is <Thoeung>  
23 Mony (phonetic). My seventh sibling is Chrouk Chanthy (phonetic),  
24 and the last one is Hin Mony (phonetic).

25 [09.34.42]

1 Q. Thank you, Madam Civil Party.

2 Did the villagers in your village know that your family was  
3 Vietnamese ethnically?

4 A. Everyone knew because my father had a fair complexion, and he  
5 looked really like Vietnamese, so villagers were aware that my  
6 father was Vietnamese.

7 Q. Yesterday, you stated that, if I'm not mistaken, there were  
8 three other Vietnamese families in your village and, together  
9 with your family, all together there were four Vietnamese  
10 families. So is that correct, what I summarized?

11 A. In fact, there were only three Vietnamese families, including  
12 mine.

13 Q. Thank you, Madam Civil Party, for your clarification.

14 During Pol Pot regime, did you know that Khmer Rouge were  
15 searching out the families who had link to Vietnamese origin?

16 [09.36.28]

17 A. They did not do anything to search for Vietnamese since Khmer  
18 Rouge had known in advance that which family was half-blooded.  
19 <As for the two other families, their mothers were Vietnamese and  
20 they could not speak Khmer fluently.> My father, although he was  
21 ethnically Vietnamese, could speak Khmer clearly since he was  
22 residing in the country for so long.

23 Q. Beside your father who was ethnically Vietnamese, were your  
24 siblings considered Vietnamese children?

25 A. Everyone said that the children were half-blooded Vietnamese.

16

1 Q. Thank you.

2 Yesterday, and also today -- yesterday, you stated that Old  
3 People or Base People looked down on your family members since  
4 you -- your family members were <the feudalist and> ethnically  
5 half-blooded Vietnamese.

6 And one time, you said -- at one time, you stated that <your>  
7 co-workers did not talk to you because <> they were afraid that  
8 they would be taken away by speaking to you, the half-blooded  
9 Vietnamese child. Is that correct, what I summarized?

10 A. Yes, that is correct.

11 [09.38.32]

12 Q. So beside that, did Khmer Rouge treat your family members  
13 differently from Khmer families? For instance, was there any  
14 discrimination against you in relation to food ration?

15 A. We had the same food as the villagers, so we received the same  
16 amount of rice and porridge that other villagers received.

17 Q. Are you sure that you received the same food ration as others?

18 A. I am sure since I was working. I was in the kitchen, so we  
19 received a bowl of meal, but I cannot say whether others had  
20 sufficient food or could eat their fill. And sometimes I did not  
21 eat up the rice from my bowl, so I share the rice or meal with my  
22 father and my siblings. <Since I worked in the kitchen, I could  
23 ask for rice crust to eat so I could save my ration for my father  
24 and siblings.>

25 And on some occasion, my father wept when he noticed that I

17

1 shared food with him or with the siblings, and he always asked me  
2 whether I had my fill -- I ate my fill. And I <told> him that I  
3 was full.

4 [09.40.28]

5 Q. <Thank you, Madam>. In <your civil party application, document  
6 22366>, English, ERN <01192660>; and French, ERN 01206358; Khmer  
7 ERN is at 00492094; you stated that your siblings were  
8 half-blooded Vietnamese, so "there was a discrimination against  
9 all of us since we did not receive the same food ration. We  
10 received only one ladle <and a half> of food or meal, but <Base  
11 People> received three ladles of food or meal. And we were told  
12 not to protest against the unequal food ration. And we were told  
13 that <we should thank them because> we <were not> taken away and  
14 killed <so we should not> complain <and that we should work  
15 hard>. And during the time, we endured hard labour until <1976>."  
16 So what do you have to say about the statement that you <made  
17 today and> your statement <> in your <civil party application>?  
18 So which version of accounts do you stand by?

19 A. At the beginning <when the kitchen was established>, that kind  
20 of condition happened. But later on, it was better for all of us.  
21 At the beginning, we received very minimal amount of rice or  
22 porridge to eat. However, later on, <after the harvest> when the  
23 agricultural <produce by the cooperative> was good, <>the food  
24 ration was better. <They gave us enough to eat during the dry  
25 season. But when the rainy season came, they started starving us

18

1 again.>

2 [09.42.40]

3 Q. Thank you, Madam Civil Party, for your reply.

4 During the Khmer Rouge, when did the treatment of Vietnamese  
5 people become worse?

6 A. To my recollection, it was the time when the offensive by the  
7 Vietnamese troop happened. <After the Vietnamese had withdrawn>,  
8 the treatment <and persecution against the> Vietnamese people  
9 <and other ethnic groups> became worse. At the time, I was so  
10 young, so this is what I can tell you from my recollection.

11 Q. Do you know the reason that such treatment became worse after  
12 the attack by the Vietnamese?

13 A. It is my understanding that it was because of the offensive by  
14 the Vietnamese troops, and they accused us <of having linked to  
15 the Vietnamese, and> that <we had> Khmer body and Vietnamese  
16 <head>, so this is the word or accusation that <cooperative  
17 chiefs> used at the time against all of us.

18 [09.44.25]

19 Q. Thank you.

20 Yesterday, I heard you say that chief of cooperative <who  
21 addressed your father as Ta Thoeung (phonetic), and> always said  
22 that your father was pure Vietnamese, and you also made mention  
23 that your father was so terrified at the time. So do you know  
24 what was -- do you know <as to how> your father <reacted to that  
25 Khmer Rouge cadre> at the time after hearing <as such>?

1 A. He was so terrified after hearing that, he did not dare to  
2 look straight at that person's face. <He always tried to avoid  
3 meeting or seeing that person. He was so terrified that> he could  
4 not even eat the meal. And he suspected -- he <knew> that <>he  
5 would be taken away <one day like what was done to the two other  
6 families. Since he could not eat, he became very thin. He kept  
7 telling my mother about his plan to commit suicide so that his  
8 children could be spared due to the fact that our skin was like  
9 others except his. He was determined to commit suicide so that  
10 we> would <live. He had six other children to live. And it is  
11 true, the six of us survive the regime after his suicide.> So it  
12 is now -- it is true that we survived the regime, and this is the  
13 truth. I am not telling lies. <It is not a story in the movie>.  
14 I am not a storyteller. It is the facts that I experience.  
15 My father committed suicide for the sake of our lives, so six of  
16 us survived the regime because of his good deeds and because of  
17 his suicide.

18 [09.46.34]

19 Q. You have just stated that two Vietnamese families -- two other  
20 Vietnamese families had also been taken away and killed. So how  
21 many people were there in those two families all together?

22 A. I can recall <that> my father did not know the family of  
23 <Major> Thon (phonetic). <But the family was always referred to  
24 as the family of Major Thon (phonetic) which consisted of a  
25 mother, two daughters and three sons, while the family of

1 brother> Sa Onn (phonetic) <was> taken away and killed as well  
2 <on the same day my brother Chanthan was taken. They were killed  
3 at Tuol Snguon (phonetic).> I heard that, <about> 10 days <later,  
4 the wife of brother Sa> Onn (phonetic) <was> taken away <along  
5 with a daughter and a son>.

6 Q. So there were six members in the first family, and three  
7 members in the second families, from what I heard. Is that  
8 correct?

9 A. <Yes. The family of Major> Thon (phonetic) <> had six  
10 members<, while> the <other> family <whose mother was Vietnamese>  
11 had two children, one son and one daughter. <So there were three  
12 of them in the second family.>

13 [09.48.14]

14 Q. Thank you, Madam Civil Party.

15 Now I am asking about your elder <brothers>. You stated that you  
16 had two brothers, Chrouk Chanthan and Chrouk Chantha.

17 Where did they live <during> Lon Nol regime?

18 A. My first elder brother, Chrouk Chanthan, was a <policeman> in  
19 Phnom Penh. And my second brother, Chantha, was a soldier in Svay  
20 Rieng. <He was a military trainer>.

21 I did not know <as to> why he boarded the <plane to> Phnom Penh.

22 And after the 17 April 1975, he went to <> live with his wife <in  
23 either Bayab village or> Sala Rien <village in Basak commune. I  
24 am talking about my brother Chrouk Chantha>.

25 Q. Thank you, Madam Civil Party.

21

1 You just stated that Chanthan was a <policeman> and Chantha was a  
2 soldier.

3 After their return to your native village in 1975, did the Khmer  
4 Rouge try to identify that they -- their background as <a  
5 soldier> and <a policeman>?

6 [09.50.08]

7 A. At that time, they collected biography, and we told Khmer  
8 Rouge that they had been <in the> police and <army>. And <about  
9 half a> month <or twenty days after their return>, but I cannot  
10 recall it exactly, Chanthan <was> asked to <undertake a study>  
11 session<, while> Chantha went to reside with his wife in Basak  
12 <commune>.

13 Q. Thank you, Madam Civil Party. I would like to backtrack a  
14 little bit since I have forgotten one question to put to you.  
15 You stated that two other Vietnamese families had also been  
16 killed, but you did not learn this by yourself, but from others.  
17 Is that correct?

18 A. That is true. Every time people <were> taken away and killed,  
19 villagers would whisper one to another <about the incident>. They  
20 did not speak loudly about the taken away of those people, but --  
21 the taking away of those people. Usually, they whispered or they  
22 talked to one another quietly.

23 [09.51.22]

24 Q. Thank you, Madam Civil Party.

25 From that time, meaning after the collapse of the Khmer Rouge,



1 did you hear any news of the whereabouts of those <two other>  
2 Vietnamese <families>, or have you ever met them anywhere in the  
3 country after the fall of the Khmer Rouge regime?

4 A. So how could I have <the> chance to see them <again> after  
5 that time, since those family had been taken away and killed?

6 Q. During the Khmer Rouge, was there any time that meetings were  
7 held in the village to discuss about the Vietnamese people?

8 A. Cooperative chief was well aware that -- which families had  
9 link to Vietnamese origin. <They knew clearly who was who in the  
10 village. As for> my family, the chief of the cooperative knew  
11 <it> very well that my grandparents were ethnically Vietnamese.  
12 <They did not need to ask us anymore as they already knew who we  
13 were.>

14 [09.53.00]

15 Q. Thank you.

16 Now I want to ask about your elder brother -- your elder sister,  
17 <Chrouk> Thida (phonetic). How old was she <during> Khmer Rouge  
18 time?

19 A. She was about 20 years old, or more than that. She was in  
20 <her> early <twenty. My sister, Thida (phonetic), was either 21  
21 or 22 years of age>. And she was born in the Year of the Monkey.

22 Q. And when did she get married?

23 A. To my recollection, she got married in 1978 after my father  
24 had passed away and my elder brothers had died. At the time, she  
25 was forced to get married.

1 Q. You stated that your elder sister was forced, so she did not  
2 get married voluntarily. Is that correct?

3 A. She was forced. The man <had fallen in love with her, and>  
4 proposed <> to her, but she did not love that person. And it was  
5 -- and since she was afraid that she would be taken away and  
6 killed, she decided to get married with that man.

7 [09.54.55]

8 Q. Did you participate in the wedding ceremony of your elder  
9 sister at that time?

10 A. Yes, I did. Before the wedding ceremony, I decided not to join  
11 since I hated that wedding. And my mother begged me to attend the  
12 wedding since she was afraid that I would be taken away and  
13 killed. <The wedding ceremony was organized for four couples> in  
14 Ang Run <village>.

15 Q. During the wedding ceremony, did you notice the presence of  
16 the Khmer Rouge cadres<>?

17 A. Yes, <I did>, but I did not recognize them and I did not know  
18 them. I did not know whether they were chiefs of a cooperative or  
19 any units.

20 And my elder sister was asked to stand up and voice the  
21 commitment. <I saw them sit in front of the couples, and my  
22 sister> was asked to stand up to -- and hold hands together with  
23 the groom. And after that, they had to voice the commitment.  
24 <I just knew that they were village and commune cadres>, but I do  
25 not know <their names>.

1 [09.56.35]

2 Q. I have another question. Perhaps it is the last one.

3 I want to know about your feeling. You stated that you did not  
4 like the wedding and you did not want to attend the wedding  
5 ceremony. So what made you hate that wedding ceremony?

6 A. I did not like that kind of wedding. It was <held quietly and  
7 couples were asked to hold hands and make> a solemn  
8 declaration<>. It was so quiet. And I had to -- I was asked to  
9 attend the meeting. <They did not even throw a party>. And after  
10 the <wedding ceremony>, I came back <to the kitchen> and ate rice  
11 with salt <mixed with chilli>.

12 Q. I would like to quote <D109/5/1.2.1>, English<> ERN 00621378;  
13 French, <01204939; Khmer, 00621380-81.> You stated that:

14 "My elder sister, <Chrouk> Thida, <>about <20> years old, was  
15 forced to get married <to a man she had never known before> in  
16 <late> 1978. <I attended her wedding ceremony, and noticed that  
17 there> were four couples in the wedding, including my sister, and  
18 her -- the groom. And the wedding was held in <the cooperative  
19 of> Ang Run, Kampong Chamlang, Svay Chrum. And the wedding  
20 ceremony was held at around 10 a.m.

21 I was -- I <felt painful to witness> my sister was <being> forced  
22 to get married <to a> man whom she did not love. That kind of  
23 wedding <negatively> affected my feeling, and I was thinking at  
24 the time that it would be my time one day <to face such a>  
25 marriage because, at the time, I was about <16> years old."

1 So <does> this refresh your memory?

2 [09.59.11]

3 A. I was thinking at that time that one day, I would be forced to  
4 get married <to> a person whom I did not <love>, and I would have  
5 the same fate as my sister had. The wedding was held in Ang Run  
6 village.

7 MR. SENG LEANG:

8 Mr. President, I am done. Now I am handing the floor back to the  
9 Chamber.

10 MR. PRESIDENT:

11 The floor is now given to the defence team for the Accused,  
12 starting first by the defence team for Mr. Nuon Chea. You may now  
13 proceeding with your questions.

14 [09.59.56]

15 QUESTIONING BY MR. LIV SOVANNA:

16 Good morning, Mr. President. Good morning, Your Honours, everyone  
17 in and around the courtroom. <Good morning, Madam Civil Party>.

18 My name is Liv Sovanna. I am the National Co-Counsel for <Mr.>

19 Nuon Chea.

20 Q. I have several questions to ask you, Madam Civil Party.

21 First, it is about your two elder siblings.

22 Yesterday, at around 3.37, you stated that:

23 "<I do not recall exactly whether it was> 15 days or 20 days

24 following the evacuation <that> I met my elder <brothers who had

25 been evacuated from Phnom Penh>. They were former <policeman> and

1 soldier<>. Fifteen <or 20> days later, my elder siblings <were>  
2 taken away to <attend a study> session. And after five<> or <six  
3 months, they were released to return, and exposed to harsh labour  
4 work in> the village."

5 [10.01.18]

6 And a while ago, you stated that <the> Khmer Rouge <knew that  
7 they had been a soldier, a policeman from their biography>.

8 So now my question is that whether two of -- I want to know  
9 whether <it was one of the two or both> of your elder <brothers  
10 who were sent to a study> session <after their biography had been  
11 taken>.

12 MS. SIENG CHANTHY:

13 A. At Ruessei Prey village, my elder brother, Chanthan, was taken  
14 away for education. As for Chantha, he only stayed there for a  
15 short time. Then he went to Basak to live with his wife. <It was  
16 Chanthan who was taken away for education.>

17 Q. <Thank you.> And your brother, Chantha, did you know <as to>  
18 why he was not sent for education?

19 A. Because <by then> he <had already left> to live at his wife's  
20 place, so he was separate from us. <The communication between us  
21 was cut off.>

22 Q. Between your two brothers, Chantha and Chanthan, who was taken  
23 away and killed first?

24 A. It was my elder brother, Chanthan, who was taken away and  
25 killed. And I learned of his death from people who witnessed it.

1 And later on, I was also told that Chantha was killed at the  
2 place where he was detained.

3 [10.03.28]

4 Q. Regarding Chanthan, do you know which year he was killed?

5 A. <To> my recollection, it was during the harvest season in  
6 <late> 1977. He was killed at Tuol <Sngnuon (phonetic)> to the  
7 east of Chey pagoda.

8 Q. A while ago, you testified that your brother, Chanthan, was  
9 taken away and killed, as you overheard that he was accused of  
10 being lazy to work as a result of his illness.

11 What were your brother, Chantha -- what was the reason he was  
12 taken away and killed?

13 A. Regarding my brother, Chanthan, who was spoken about, and that  
14 happened during the rainy season. <Although they said that  
15 keeping him was no gain, and losing him was not a loss, they  
16 still kept him for work in that rainy season. And> later on, he  
17 was taken during the <harvest> season in late '77.

18 As for Chantha, he lived in the village and commune of his wife.  
19 He actually <cut> some <fig> trees <that grew on palm trees> to  
20 make the -- to make the <trellis> for <gourds>. And <in addition  
21 to that, since he did not know how to plough, he happened to  
22 injure a leg of an ox while ploughing, and he was accused of  
23 destroying the Angkar's property, and being opposing the Angkar.  
24 That's> all I knew.

25 [10.05.15]

1 Q. So the killing of your two brothers did not have anything to  
2 do with their former <professions> -- that is, one was a  
3 policeman and one was a soldier of the Lon Nol regime. Am I  
4 correct?

5 A. Of course it is related because they knew that my brother <had  
6 been> a policeman and that <the other> brother <had been> a  
7 soldier. And if someone made a mistake, then they would combine  
8 that with their previous occupation.

9 People who were taken away and killed with Chanthan were all  
10 former soldiers.

11 Q. As I reminded, you just then said your brother, Chanthan,  
12 after the statistic was drawn and <found that he had been a  
13 policeman,> he was sent to -- for re-education <for six months>  
14 and then he was sent back <to work as usual>. And that happened  
15 six months after. And <so it could have been> in <October of 1975  
16 that he was released to return home, and in> '77 he was taken  
17 away and killed. But now you claim that he was killed because,  
18 during the transplanting season, he was accused of being lazy<,  
19 first>.

20 Second, <as> for your brother, Chantha, you claimed that he made  
21 a mistake, that he cut <fig trees> and when he ploughed the  
22 field, he wounded the leg of a cow.

23 So please clarify to the Chamber that your brother was -- your  
24 brother was arrested because of these two mistakes -- that is,  
25 <for> cutting <fig trees> and <wounding> a cow while he <was

1 ploughing> the field, or was it because of his former occupation  
2 as a policeman or soldier?

3 [10.07.33]

4 MR. PRESIDENT:

5 National Lead Co-Lawyer for civil <parties>, you have the floor.

6 MR. PICH ANG:

7 Mr. President, the question is repetitive, and a summary of the  
8 testimony of this civil party is not thorough or not complete.  
9 The civil party said her brothers were taken away <and killed>  
10 because of the combination -- that is, they were former policemen  
11 and soldier in addition to the mistakes that they were alleged of  
12 committing.

13 [10.08.12]

14 MR. LIV SOVANNA:

15 Mr. President, I actually read out an excerpt of yesterday's  
16 transcript, and she testified that her brother was taken for  
17 re-education and allowed to return home after.

18 And when I asked for the reason of their brother's -- her  
19 brother's arrest, she said it's because he was accused of cutting  
20 a "Chrey" (phonetic) tree and of wounding a cow's leg while he  
21 ploughed the field. And that's why I asked her that the arrest  
22 had nothing to do with their former profession, occupation as  
23 former policeman or Lon Nol soldier.

24 MR. PRESIDENT:

25 The civil party already testified that the two things were



30

1 interconnected -- that is, their former occupation as a former  
2 Lon Nol soldier or policeman as well as the alleged mistakes that  
3 they made. That's why they were arrested and killed.

4 So the civil party already replied to your question, counsel.

5 Please move on.

6 [10.09.26]

7 BY MR. LIV SOVANNA:

8 Thank you, Mr. President.

9 Q. So Madam Civil Party, you said they were connected. Can you  
10 tell the Chamber that their backgrounds were already learned by  
11 the Khmer Rouge after the evacuation in 1977 -- '75, rather, and  
12 then they were killed in 1977?

13 How could you say that these two things were connected -- that  
14 is, their former profession and the mistakes they made later on?

15 [10.10.05]

16 MS. SIENG CHANTHY:

17 A. <Thank you.> Allow me to respond.

18 The -- regarding their former professions and the mistakes they  
19 made, in the village, they selected those who had the former  
20 professions with the former regime and the mistakes that they  
21 made, the people were selected, taken away and killed. <That was  
22 how they were selected and singled out.>

23 Q. How did you know that those people were selected?

24 A. There were many former soldiers and teachers in the area, but  
25 they only selected -- they only singled out some of them,

1 arrested them and taken away and killed. Not everyone was taken  
2 away and killed.

3 That's why I concluded my elder brother and the <> three <other>  
4 men were taken away and -- on that day. There were many former  
5 Lon Nol soldiers in the village.

6 Q. So from your observation, there were many former soldiers in  
7 -- living in your village. Were they the former soldiers of which  
8 particular regime? Can you clarify that?

9 A. To my knowledge, they were former Lon Nol soldiers. I was born  
10 in the Lon Nol regime, and I knew about them being the Lon Nol  
11 soldiers.

12 [10.11.54]

13 Q. Regarding the cadres and the leadership at your village and  
14 cooperative, did they know that those people were former Lon Nol  
15 soldiers?

16 A. They did because they already drew up the statistics and list.  
17 And however, <those who> were <active and hard-working> were not  
18 selected.

19 For my elder brother, he was accused of being lazy to work and,  
20 because of his former profession, that's why he was <among the  
21 first batch to be> singled out. <They constantly spoke of their  
22 saying, "Keeping them is not a gain, and losing them is not a  
23 loss." They took him away, and kept those who were active and  
24 hard-working to work for them.>

25 Q. You said there were many former Lon Nol soldiers who were not

1 taken away. And did they survive after the liberation in 1979?

2 A. There were many of them. However, I do not know where they are  
3 now. Maybe they had left to live in other areas, and they are  
4 living.

5 I only knew their faces because they were old people, and I was  
6 rather young. I kept working hard, although I saw them in the  
7 village.

8 [10.13.35]

9 MR. PRESIDENT:

10 Thank you, counsel. It is now convenient time for us to have a  
11 short break.

12 We'll take a break now and resume at 10.30 to continue our  
13 proceedings.

14 Court officer, please assist the civil party at the waiting room  
15 reserved for witnesses and civil parties, and invite her as well  
16 as the TPO staff back into the courtroom at 10.30.

17 The Court is now in recess.

18 (Court recesses from 1014H to 1033H)

19 MR. PRESIDENT:

20 Please be seated. The Chamber is now back in session.

21 And we would like to give the floor to the defence counsel for  
22 Nuon Chea to put more questions to the civil party.

23 You may now proceed.

24 [10.33.50]

25 BY MR. LIV SOVANNA:

1 Q. Good morning again, Madam Civil Party. We just discussed about  
2 the former <officials> of the old regime.

3 You said that besides the soldiers, there were also <teachers>,  
4 so beside both groups, were there any other officials who were  
5 taken away and killed?

6 MS. SIENG CHANTHY:

7 A. I did not know much. I just told you what I knew because, at  
8 that time, I was still young.

9 Q. <Thank you.> Based on your own observation, were all the Lon  
10 Nol soldiers were sent to study with your brother named Chanthan?

11 A. Yes. They joined the study session with my brother, and they  
12 returned <> with my brother.

13 [10.35.02]

14 Q. Before they were sent to study, do you remember that if there  
15 was any meeting held that the Lon Nol officials and soldiers were  
16 invited to join that meeting?

17 A. I did not know about that because I was still young. When I  
18 came back from finding fish, I did not see my brother and I asked  
19 my father where was he? And my father told me that he <had been>  
20 sent to study.

21 Q. Now, we turn to focus on the two <other> Vietnamese families.

22 You said earlier that one of the <families> who <had> six family  
23 members <was> of <Major> Thon (phonetic)<. They had four

24 children.> So <regarding Major Thon's> (phonetic) family, was it

25 <> the husband <or the wife who> was Vietnamese<? Or were> both

1 of them <> Vietnamese?

2 A. I did not know the husband, but I <just> knew <she> was the  
3 wife of <Major> Thon (phonetic). I never met <her husband. I just  
4 knew that it was the family of Major Thon (phonetic), and there  
5 were six members in the family: one mother and five children.  
6 Although I did not know Major Thon, but I heard that his wife was  
7 Vietnamese>.

8 Q. What about <the> other <Vietnamese> family? In that family,  
9 the husband's name Oun (phonetic).

10 So <as for this> Vietnamese family<,> I want to ask you whether  
11 <it was> the husband <or the wife who> was Vietnamese<;> or <both  
12 of them were> Vietnamese.

13 A. The wife was Vietnamese.

14 [10.37.46]

15 Q. So when the family members were taken away to be killed, was  
16 the husband also taken away with them?

17 A. The husband <was> taken away on the same day that my brother,  
18 <Chanthan>, was taken away to be killed. And <about a week or so>  
19 later, <his> wife and <> children were also taken away <under the  
20 pretext that they were being taken to stay with the husband. In  
21 fact, the husband had already been taken away and killed on the  
22 same day my brother, Chanthan, was taken.>

23 Q. What about the family of <Major> Thon (phonetic)<>? What  
24 happened to <his> children?

25 A. They were all killed. The whole family <was> taken away and

1 killed. No one survived. And <his daughters were> raped and  
2 killed. And <as> for the remaining three <sons> were also taken  
3 away and killed.

4 [10.39.35]

5 Q. A while ago, you said that their children worked in the same  
6 unit with you. So do you remember the names of his children? And  
7 if you remember, please tell us what their names <were>.

8 A. I did not -- I do not remember their surnames. I remember only  
9 their names, <they were Sa'em Vandy (phonetic),>Touch (phonetic),  
10 <> Bong Ki (phonetic), Bong Kou (phonetic) and <Bong> Mao  
11 (phonetic). So, <I just knew that> all of them were <Major>  
12 Thon's <children, but I never talked to them except Touch  
13 (phonetic) who worked with me>.

14 Q. Earlier, you also said that you did not witness the killing  
15 with your own eyes. You simply heard from other people.  
16 So who told you that?

17 A. My father witnessed the rape incident, and he told me about  
18 that. And as for what happened to <his sons and wife>, I heard  
19 from the villagers <> that they <had been> taken away and killed.  
20 And it -- people knew about that through whispering from one  
21 person to another. And that was how the news spread in the  
22 village.

23 [10.41.38]

24 Q. So in that whispering, did people specify the exact location  
25 where the family members were killed?

1 A. No. People only whispered about <them> being taken away and  
2 killed, but they did not mention the specific location.

3 My father made fertilizer, and while he was making the  
4 fertilizer, he saw <what was happening to those two girls>. And  
5 when he came back, he told us about that because he felt <so>  
6 afraid that his daughters would face the same fate <that my  
7 father decided to commit suicide.>

8 He -- my father felt afraid that the fate of his daughters would  
9 be the same like the two -- like the fate of those <two girls>.

10 [10.42.54]

11 Q. Yesterday, you said that your <paternal grandparents> were  
12 Vietnamese, <meaning that the parents of your father were  
13 Vietnamese but lived in Cambodia. Please> let me quote from your  
14 supplementary <statement,> document E -- document <D409/5/1.2.1>;  
15 ERN in Khmer, 00621379; French, 01204938; English, 00621377:

16 <"My grandfather was originally from Vietnam during King  
17 Sihanouk's regime (1950s). He married a Khmer wife, and they had  
18 my father, who was half-Vietnamese, half-Khmer."

19 Does this part of your statement refresh your memory?>

20 So <was> your father born <in a family of> Vietnamese parents or  
21 <a Khmer mother and a Vietnamese father>?

22 A. As I told you yesterday, my grandparents were both Vietnamese,  
23 but they lived in Cambodia. <I made it clear yesterday with this  
24 regard.>

25 Q. What about the quote that I just <read to> you<? Was it> your

1 <statement> or <not>?

2 A. What you just read <to me> is -- it's not my answer. I have  
3 read it, and I saw some errors in it. <And by the time, I had the  
4 chance to look at it, it was already too late to make a  
5 correction. It was not correct to put it> that my grandfather  
6 came <to Cambodia> and got married <to a> Khmer woman<>.

7 [10.46.05]

8 Q. Now we move to <the case of> forced marriage of your sister.  
9 You said that your sister was forced to get married. My question  
10 is whether your sister and the man <to whom she> got married  
11 during the Democratic Kampuchea regime, <remain> husband and wife  
12 until now?

13 A. Yes, they are still husband and wife, but the -- but her  
14 husband <constantly harms> her <physically and psychologically.  
15 He is always drunk, and causes all sorts of problems each and  
16 every day. My sister has to endure all of these things, but> both  
17 of them still live together <for the sake of her> children <and  
18 grandchildren>.

19 My sister <bears> the suffering, and <lives> with her husband.  
20 <It is impossible for her to divorce him as they have children.  
21 She continues to live with the situation, and accepts it as her>  
22 karma.

23 [10.47.17]

24 Q. So how many children did they have?

25 A. They had eight children, but one of them passed away. <So they



1 currently have seven children.>

2 Q. Did you know about the marriage proposal during the regime?

3 Because you said that the man proposed to the woman<. So was> the  
4 proposal <> made to the parents or to someone else<?>

5 A. I did not know clearly about that because I was young at that  
6 time. I only heard what people said, that the proposal were made  
7 to Angkar <for the wedding to take place. The proposal could have  
8 been made via village chief or group chief.> At that time, I did  
9 not know clearly about what exactly the content of -- or the  
10 procedure of the proposal. <I just heard from my parents that a  
11 proposal had been made to have my sister wedded. They could have  
12 approached my mother as well.>

13 And I was not so much interested in that matter, either, because  
14 every day during the regime, I was busy working on the field. And  
15 I <just heard from my mother about the proposal.>

16 [10.48.48]

17 MR. PRESIDENT:

18 Madam Civil Party, please give your answer based on what you  
19 <know>. If you <know something>, you say "yes", and if you don't  
20 know, you say "no" because your testimony is very important to  
21 the ascertaining of the truth. <Don't just say, "maybe",  
22 "likely", or so on and forth. These terms of uncertainty are  
23 useless, and it is a waste of time to do so.>

24 So please give specific answer that you knew. Do not give any  
25 statement that is speculated.

1 BY MR. LIV SOVANNA:

2 Q. <Did> your mother <tell> you <about the proposal before or  
3 after her wedding>?

4 MS. SIENG CHANTHY:

5 A. My mother told me before the marriage took place.

6 [10.50.01]

7 Q. Did your mother tell <you> any other thing besides that?

8 A. Yes, she told me that my sister was proposed to get married,  
9 and I said that she should not get married. And I did not want to  
10 join the marriage.

11 And my mother said, "You should go <and attend the ceremony>.

12 Otherwise, you would be taken away and killed". And that was what  
13 my mother told me.

14 Q. So before the marriage took place, did your sister tell you  
15 anything?

16 A. She told me that she did not love the man.

17 Q. And after the marriage, did your sister tell you anything?

18 A. No, she did -- she did not. After the marriage, she lived with  
19 her husband because she felt afraid of Angkar.

20 She did not tell <us> anything about her husband after the  
21 marriage, and I did not ask her, either, because everything  
22 already happened, so we simply did our routine.

23 [10.52.03]

24 Q. Why did your -- why did you tell us that your sister were  
25 forced to get married?

40

1 A. I told you earlier that she told me that she did not love the  
2 man. <If she had loved the man, it would not have been referred  
3 to as a forced marriage.>

4 MR. LIV SOVANNA:

5 Thank you, Madam Civil Party; and Mr. President, I have no more  
6 questions.

7 MR. PRESIDENT:

8 Thank you.

9 Now we would like to give the floor to the defence counsel for  
10 Khieu Samphan.

11 You may now proceed.

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. And good morning, Madam Civil Party.

14 I have no -- I have no question to put to this civil party.

15 (Short pause)

16 [10.53.44]

17 MR. PRESIDENT:

18 <Ms. Chea Sivhoang, what about the next civil party?>

19 National Lead Co-Lawyer <for civil parties>, do you have any  
20 matter to raise?

21 MR. PICH ANG:

22 Mr. President, in fact, the civil party also has some questions  
23 to put to the Accused through you, Mr. President.

24 MR. PRESIDENT:

25 Have you sent those questions to the Senior Legal Officer of the

1 Trial Chamber?

2 MR. PICH ANG:

3 Yes, we have, Mr. President. We sent it yesterday.

4 [10.54.36]

5 MR. PRESIDENT:

6 That is fine.

7 And Madam Sieng Chanthy, at the end of your statement of harm and  
8 suffering, do you wish to add anything else or do you have any  
9 questions that you wish to put to the two accused through me, the  
10 President of the Chamber?

11 MS. SIENG CHANTHY:

12 Thank you, Mr. President. I have questions for the Accused.

13 The first question is the following: Why did Democratic Kampuchea  
14 regime kill people and why they discriminated against other  
15 ethnicities, including the Cham, the Vietnamese and the Chinese  
16 who lived through the regime? <Why did they kill those people?>

17 And my second question is: Why didn't they take their victory  
18 day, the 17 April 1975, to develop the country in a leap forward  
19 fashion, as they usually said it in their slogan<, but to kill  
20 people and destroy the country>?

21 That is all, Mr. President. Thank you.

22 [10.56.02]

23 MR. PRESIDENT:

24 Thank you.

25 And the Chamber wishes to inform you, Madam Sieng Chanthy,

1 pursuant to Internal Rule 21.1(d) of the ECCC, which states that,  
2 at all stages of the proceedings, the Chamber shall inform you of  
3 the right of the accused to remain silent.

4 On 8 January 2015, in response to the question by the Chamber,  
5 the Co-Accused reaffirmed their position to exercise their right  
6 to remain silent. Also, during the hearing, the Chamber noted  
7 that the Co-Accused maintained their express position until and  
8 -- unless and until such time the Chamber is informed otherwise  
9 by the Co-Accused or their counsels.

10 The Chamber also instructs the Co-Accused and their counsels to  
11 inform the Chamber in a timely and efficient manner should the  
12 Accused resolve to waive their rights to remain silent and be  
13 willing to respond to questions by the Bench or relevant parties  
14 at any stage of the proceedings.

15 [10.57.28]

16 As of today, the Chamber is not informed that the Co-Accused have  
17 changed their position and agree to provide their responses to  
18 questions. And pursuant to both domestic and international laws,  
19 the Chamber is not in a position to compel the Accused to respond  
20 to questions, as this is the right of the Accused expressly  
21 stated in both national and international laws.

22 Madam Sieng Chanthy, the Chamber is grateful of hearing your  
23 testimony as well as the statement of harm and suffering in your  
24 capacity as a civil party that you claimed you suffered during  
25 the Democratic Kampuchea regime. Your testimony may contribute to

1   ascertaining the truth in this case and your presence in this  
2   courtroom is no longer required.

3   You may return to your residence or wherever you wish to return  
4   to, and the Chamber wishes you all the very best.

5   And the Chamber would like to thank Madam Chhay Marideth, the TPO  
6   staff, for your support given to the civil party during her  
7   testimony and statement of harm and suffering, <and please remain  
8   in your seat as another civil party will be testifying.>

9   Court officer, please make arrangement with WESU to send the  
10   civil party back to her residence or wherever she wishes to  
11   return to.

12   (Witness excused)

13   [10.59.20]

14   MR. PRESIDENT:

15   Next, the Chamber will hear the statement of harm and suffering  
16   of another civil party -- that is, 2-TCCP-259. We decide to hear  
17   the -- this civil party due to the unavailability of another  
18   civil party -- that is, 2-TCCP-1015, who is being examined by the  
19   duty doctor at the ECCC.

20   Court officer, please usher Civil Party 259 into the courtroom.

21   (Short pause)

22   (Civil party enters the courtroom)

23   [11.01.06]

24   QUESTIONING BY THE PRESIDENT:

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

1 MS. KHOUY MUOY:

2 A. My name is Khuoy Muoy.

3 Q. Madam Civil Party, do you recall when you were born?

4 A. No, I do not recall it. However, I am 58 years old.

5 Q. That is all right.

6 And <what> is your current address?

7 A. I live in Srae Cham, which is in Ou Chrov commune, Prey Nob

8 district, Kampot province. And now it is part of Kampong Som

9 province.

10 [11.02.24]

11 Q. What are the names of your parents?

12 A. My father is Theng Khoung and my mother is Yi.

13 Q. What is your husband's name, and how many children do you

14 have?

15 A. My husband is Hong Oan. He passed away. And I'm the mother of

16 five children.

17 MR. PRESIDENT:

18 Thank you.

19 The Chamber would like to inform you, Madam Civil Party, that you

20 have an opportunity now to make your statement of harm and

21 suffering which you claimed you have suffered, and this includes

22 physical, material or mental injuries as a direct consequence of

23 those crimes and that made you to become a civil party and which

24 are alleged against the two accused: Nuon Chea and Khieu Samphan.

25 And that it happened during the Democratic Kampuchea regime from

45

1 the 17 April 1975 to 6 January 1979; and in particular, in  
2 relation to the targeted groups of Cham, Vietnamese, and the  
3 former officials of the Khmer Republic.

4 [11.04.38]

5 And that is the main purpose of hearing your statement of harm  
6 and suffering.

7 And as requested by the Lead Co-Lawyers <for civil parties>, you  
8 will be asked questions by the Lead Co-Lawyers instead of  
9 proceeding with your statement.

10 For that reason, the Lead Co-Lawyers will be given the floor  
11 first to put the questions to this -- to this civil party. And  
12 you may proceed.

13 MR. PICH ANG:

14 Thank you, Mr. President. We would like to assign the questioning  
15 to civil party to our civil party lawyer, Lor Chunthy.

16 MR. PRESIDENT:

17 Yes. Your request is granted.

18 And <Lawyer> Lor Chunthy, you may proceed.

19 [11.05.38]

20 QUESTIONING BY MR. LOR CHUNTHY:

21 Thank you, Mr. President. And good morning, Your Honours.

22 Q. Good morning, Madam Khuoy Muoy. My name is Lor Chunthy. I'm  
23 from the Legal Aid of Cambodia.

24 I will put some questions to you in relation to the events that  
25 happened from 17 April 1975 to 6 January 1979, and which you,



1 yourself, experienced during this period.

2 My first question to you is the following. Can you describe to  
3 the Chamber the events that happened during the regime and that  
4 had impacts upon you, for example, the loss of your parents or  
5 the loss of your relatives or family members?

6 [11.07.20]

7 MS. KHUOY MUOY:

8 A. Before 1975, I was in Koh Seh, and then, later, the Khmer  
9 Rouge transferred us to Srae Cham with my parents. In 1976, the  
10 Khmer Rouge soldiers separated me from my parents to go and live  
11 in a mobile unit in Prey Nob pagoda.

12 One day, I sought permission from Che Tang to visit home, and  
13 when I arrived, I did not see my parents or my siblings. I only  
14 saw an empty house. I <waited> and I waited for them until 3  
15 o'clock in the afternoon. Then an elder person came to me and  
16 said that my mother <had been> taken away and killed. And she  
17 actually shouted <to her neighbours> while she was <being> taken  
18 away<, and asked them to tell me about it when I would ask for  
19 her>.

20 I kept waiting for them, and then I stayed overnight in that  
21 elder man house. And in the morning, I returned to my mobile  
22 unit.

23 <According to the man, my> mother <had been> taken away and  
24 killed together with my siblings and other relatives totaling  
25 eight. I felt so terrible and so pity for them. They took care of

1 me since I was born, and suddenly, I lost them all. I was told  
2 she was crying, she was shouting when they took her away.  
3 I wept so hard when I heard that news. I felt so pity for that  
4 and, as a result, I lost more than 10 family members and I am by  
5 myself.

6 [11.09.48]

7 After I returned to my mobile unit, I sought permission from the  
8 unit chief to go and inform my younger brother that my parents  
9 had been killed. And when I went to his place, he was not there.  
10 Another youth told me that my younger brother, <Khoun Keng> was  
11 taken away <to "kong serei"> quite some time ago and that he was  
12 killed.

13 I then returned to my unit. I kept weeping, and other people who  
14 were older than me consoled me and told me not to weep and that I  
15 should consider them <>my family members. But I said no, it would  
16 not be the same.

17 And there was a Vietnamese family. The mother was taken away and  
18 killed, and her children, who worked in the mobile unit, were  
19 also taken away and killed.

20 A worker whispered to me that I should be careful and that I  
21 should stop weeping. Otherwise, I would be taken away and killed.

22 [11.11.20]

23 Q. You have stated about the time that you went to visit your  
24 home and that you didn't see your parents there. Did you wait for  
25 them at your house, or did someone come to tell you about what

1 happened to your parents?

2 A. While I was waiting for them to return <until evening>, there  
3 was an old man, Chrunh (phonetic), that is his name, came to tell  
4 me that my parents were taken away and killed and that my parents  
5 were accused of Chinese and Vietnamese.

6 Upon hearing that, I wept. And at night time, I did not sleep. I  
7 kept weeping. And next morning, I had to return to my unit.

8 I <have endured great> pain. I am still feeling pain every day.

9 Every time there is a ceremony or celebration, and when I have to  
10 pray, I feel so painful that I, <as half-Chinese and  
11 half-Vietnamese,> had to pray for the lost souls of my mother, my  
12 father, and my siblings. I am by myself, without parents and  
13 siblings, and there is nothing that could compare to the loss of  
14 my family members.

15 [11.13.16]

16 Every time I think of what happened to them, I keep weeping  
17 <until my eyes are swollen>. There is nothing that can exchange  
18 for the loss of my parents and siblings. Even if it's gold of the  
19 size of a coconut, I would not <accept it as exchange for my  
20 mother and father. They took away all our gold. It's such a great  
21 pain to be parentless. After the liberation, people came to ask  
22 me to go to the mountains, but I refused>.

23 <Instead,> I went to my village <to find my relatives>. I saw my  
24 aunts and uncles, and that <reminded> me of my parents. And it  
25 was painful. I would start weeping every time I think about it,

1 that this is not a good life for me since I was born without  
2 having my parents to take care of me. <Since they were  
3 Vietnamese, my parents tried to work hard, but they were still  
4 taken away and killed. They worked non-stop.>

5 Q. Did you know why they took your parents away and killed? Did  
6 you know the reasons they were accused of?

7 A. My aunt and uncle in Kaoh Khyang whispered to me that my  
8 parents were accused of having Chinese and Vietnamese blood and  
9 that they spoke Khmer with accent. That's the reason they were  
10 taken away and killed. <That's what I have heard.>

11 [11.15.30]

12 Q. <Thank you.> What was the nationality of your father and  
13 mother?

14 MR. PRESIDENT:

15 Madam Civil Party, please observe the microphone.

16 MS. KHUOY MUOY:

17 A. My father was Chinese and my mother was Vietnamese, so they  
18 were accused of Vietnamese and Chinese blood. And that's why they  
19 were taken away and killed. <That's what I have heard. I do not  
20 know of the actual reason, anyway.>

21 BY MR. LOR CHUNTHY:

22 Q. Were your parents and family members taken on the same day  
23 and, if so, how many of them were taken away?

24 MS. KHUOY MUOY:

25 A. There were 13 family members and relatives that I lost,

1 including my parents, my siblings, my nieces, nephews, aunts and  
2 uncles.

3 [11.17.00]

4 Q. You said that you lost your other siblings, nieces and  
5 nephews. Did you mean that actually your elder sibling had a  
6 separate family of his or her own and, if so, how many family  
7 members in that family?

8 A. There was my elder brother and his wife, and they had six  
9 children, so all together, there were <eight> family members in  
10 that family. Also, my cousin, and there were about <four to> five  
11 <> family members in that cousin's family, were taken away on  
12 that day.

13 Actually, my cousin's wife was not taken, but she said that if  
14 they -- her entire family members were taken, then there was no  
15 point for her to live, so she went along with the family members.  
16 <That's what I have heard about them. All of them lived next to  
17 one another in Srae Cham. My cousin was Vietnamese, and she was  
18 Chinese.>

19 Q. Can you tell the Court about the ethnicity of your elder  
20 sister -- elder sister's husband?

21 A. He was Vietnamese and of course, my elder sister was half  
22 Chinese, half Vietnamese.

23 [11.19.01]

24 Q. <Thank you.> Did you receive the information that they were  
25 taken away from your neighbour and if so, did you know where they

1 were taken to?

2 A. The villager told me that they were taken along the way <from>  
3 Srae Cham Kraom <where they lived> to Kaoh Khyang area at Chung  
4 Sroy (phonetic) <where> there was a prison there. That's what I  
5 was told and that my mother shouted along the way while she was  
6 <being> taken to that area. It was about two to three kilometres  
7 away.

8 Q. You spoke about another family. Can you elaborate a bit  
9 further; who was that family? That's what you stated earlier.

10 A. That family was actually a child of my uncle and they were  
11 Chinese and Vietnamese blood. And as I said, he was my cousin and  
12 his wife was not taken <as her mother was a Base People>, but the  
13 wife didn't want to be by herself since her husband and children  
14 were taken away, so there was no point of her living, so she went  
15 along with her husband and family <members>.

16 [11.20.59]

17 Q. After you heard of that news and that you returned to your  
18 mobile unit and you stated a while ago that you kept weeping, did  
19 you receive any advice or warning that something would happen to  
20 you if you kept weeping?

21 A. I actually wanted to inform my younger brother about the death  
22 of my parents and other relatives and as I said, when I went  
23 there, he was no longer there as he had been taken away and  
24 killed.

25 So I kept weeping about what happened to my parents, my younger

1 brother, but I did not dare to weep in public, so I wept quietly  
2 and I kept on working very hard so that I could survive. People  
3 said that I was very fortunate that I was a daughter of a  
4 Chinese-Vietnamese family and that I could survive the regime.

5 [11.23.01]

6 Q. My question is this: You stated that people consoled you and  
7 advised you to stop weeping; did they tell you what would happen  
8 if you continued weeping?

9 A. <Later on, older> people in the same unit advised me to stop  
10 weeping. They said that the children of Yeay Yuon (phonetic) --  
11 that is, a Vietnamese woman, <had already been> taken away and  
12 <they were coming for her children to put them to work in a  
13 100-member unit, and a lady by the name of Sien (phonetic) had  
14 also been taken away and> killed <> and that I should be careful  
15 and that I should stop weeping; otherwise, I would be taken away  
16 and killed.

17 Of course, while I was by myself and I thought of what happened  
18 to my parents and family members, I wept and I did not think of  
19 what happened to me because I felt so pity for the loss of my  
20 parents and family members. <By then, I was about 16 years of  
21 age.>

22 [11.24.36]

23 Q. <Thank you.> You have spoken about your younger brother; was  
24 your younger brother in the same mobile unit as yours or he was  
25 in a separate mobile unit?

1 A. He was in a youth mobile unit, a separate one from my unit and  
2 his unit was about 200 <or 300> metres from my unit. In fact, I  
3 was in the woman's mobile unit or female mobile unit, rather.

4 Q. You stated that you went to see your other -- your older --  
5 younger brother, but you did not see him. Can you elaborate a bit  
6 further that what happened to your brother; who told you about  
7 your brother while you were there?

8 [11.26.15]

9 A. I asked permission from the unit's chief to go and tell my  
10 younger brother about the death of my parents. While I was there,  
11 a youth came to me and whispered to me that my brother<, Khoung  
12 Kheng> had been taken away and killed <at "kong serei"> quite  
13 sometimes ago.

14 I had to return to my unit and while I was on the way, I wept  
15 <all along the way>, but I didn't dare to cry out loud. I felt so  
16 pity and so lonely and I thought that after the deaths of my  
17 parents and other family members, I at least had a younger  
18 brother with me, but <then he was gone so> I was by myself,  
19 alone. <I still feel that pain these days.>

20 And later on, during this regime, I told my children that they  
21 were all lucky as they had us as parents, that I was not that  
22 fortunate as I lost my parents during the Pol Pot regime and I  
23 tell this story to my children and grandchildren so that they  
24 know what happened to me during the regime.

25 [11.27.47]



1 <Q: Thank you.> So your younger brother, Khoung Keng, was in a  
2 mobile unit and that when you were there somebody told you that  
3 you -- he was assigned to a "kong serei" or a free mobile unit;  
4 can you explain to the Court what it meant?

5 A. During the Khmer Rouge regime, the word "kong serei", or a  
6 free unit or liberal unit; it means that any familiar -- any  
7 person who was put in that unit means the person would be killed.  
8 <It did not matter how hard a person had worked, if he or she was  
9 accused of opposing> Angkar or <being lazy at work>, that person  
10 would be sent to the -- these "kong serei" and later on, would be  
11 killed.

12 And that is the truth; I don't have anything to lie here. I lost  
13 my parents and family members and I swear that if this is not  
14 true, then I will be killed by a car. <I am not afraid of death  
15 anymore these days.>

16 [11.29.55]

17 Q. Through your experience and suffering during the regime, can  
18 you tell the Court whether they still have an impact upon you  
19 presently?

20 A. Every time I go to my village, I see my aunts and uncles and I  
21 see other families who unite with the rest of their family  
22 members. I feel so sadden as I don't have any family member to  
23 unite in the village. And every time there is a ceremony, I think  
24 of my parents and family members and that is painful. Sometimes,  
25 when I listen to <sad songs, I break down to cry as> it reminds

1 me of what happened to me and I don't want anyone to go through  
2 the experience that I went through.

3 Q. Did you receive any education during the regime?

4 A. Please repeat your question.

5 Q. During the Khmer Rouge regime, did you go to school?

6 A. During the regime, I did not receive any schooling as I was  
7 busy <farming,> digging the dirt or digging canal or building  
8 dams. I worked so hard because I was afraid that I would be taken  
9 away and killed.

10 [11.33.05]

11 MR. PRESIDENT:

12 Thank you, civil party lawyer. It is now convenient for our lunch  
13 break. We take a break now and resumed at 1.30 this afternoon.

14 Court Officer, please assist the civil party at the room reserved  
15 for civil parties and witnesses during the lunch break and invite  
16 her, as well as the TPO staff, back into the courtroom at 1.30  
17 this afternoon.

18 Security personnel, you are instructed to take Khieu Samphan to  
19 the waiting room downstairs and have him returned to attend the  
20 proceeding this afternoon before 1.30.

21 The Court is now in recess.

22 (Court recesses from 1133H to 1331H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is back in session and the floor is given to the Lead

1 Co-Lawyers for civil parties to resume their questioning.

2 BY MR. LOR CHUNTHY:

3 Thank you. Good afternoon, once again, the Chamber. I have two  
4 last questions to put to Madam Khouy Muoy.

5 [13.33.05]

6 Q. My questions are related to the information that you received  
7 when you got back home. So what were you told about the fact that  
8 your <parents> had been arrested together with your siblings; so  
9 where were they sent to?

10 MS. KHOUY MUOY:

11 A. I received news from villagers that my parents had been <told  
12 to pack up so they would be> sent back to Vietnam, so I was told  
13 that <they> had to pack <up> in order to go back to Vietnam.

14 Q. Thank you. And my last question, perhaps: During the Khmer  
15 Rouge and Democratic Kampuchea, were you asked to get married?

16 [13.34.28]

17 A. My chief of the -- the chief of my mobile unit asked me to get  
18 married with a man, but I said I was not mature yet and I did not  
19 want to get married. Four couples in my unit were asked to get  
20 married and <make their declaration. Among> the four couples,  
21 some refused <to consummate,> and <after> the Khmer Rouge knew  
22 that <they did not consummate>, they were taken away and killed.

23 I was so terrified, at the time, after hearing that people had  
24 been killed and later on, I was sent to Ta <Ney> to <make baskets  
25 and harvest thatch there. I have been traumatized since then and

57

1 to the present even after the> liberation in 1979<>.

2 MR. LOR CHUNTHY:

3 Thank you, Madam Civil Party.

4 Mr. President, I am concluded with my questioning.

5 MR. PRESIDENT:

6 And the floor is now given to the Co-Prosecutors to put questions  
7 to this civil party if you have. You may now proceed.

8 [13.36.13]

9 QUESTIONING BY MR. BOYLE:

10 Thank you, Mr. President. Good afternoon, Your Honours. Good  
11 afternoon, counsel.

12 Good afternoon, Madam Civil Party. My name is Andrew Boyle. I'm  
13 going to be asking you some questions on behalf of the  
14 Co-Prosecutors.

15 Q. I'd like to start off by revisiting what you talked about this  
16 morning. You stated this morning that you were living on Koh Seh  
17 Island before the Khmer Rouge moved you and your family to Srae  
18 Cham; can you tell us when it was that the Khmer Rouge moved you  
19 and your family to Srae Cham?

20 MS. KHOUY MUOY:

21 A. Khmer Rouge had liberated me from Koh Seh and sent me to a  
22 school at Prey Nob. Ten days -- perhaps, 10 day later, I was  
23 further sent to Srae Cham <to be reunited with my parents,> and I  
24 -- where I <continued to live> there until 1976 and after 1976, I  
25 parted my parents to <work in a mobile unit>.

1 [13.37.54]

2 Q. So can you tell us the month and year that you moved to Prey  
3 Nob district?

4 A. Khmer Rouge evacuated me <and my parents> from Koh Seh <> to  
5 stay in <Prey Nob> school <in> 1975<, and about 10 or 15 days  
6 later, we were asked to pack up again, and move> to Srae <Cham>  
7 Kraom <on foot>.

8 Q. And when you left Koh Seh, did you have a choice about whether  
9 you and your family left Koh Seh or were you forced to leave Koh  
10 Seh?

11 A. I was forced to leave. They were armed. Khmer Rouge was armed.  
12 If I did not leave, I -- if I had not left, I would have been  
13 killed. <We were afraid of them, and so we had to follow their  
14 order.> Although that location was <close> to Vietnam, <and it  
15 was easy for us to escape to Vietnam, but> we were instructed to  
16 <leave> that location and we were told that we could <run> a  
17 small business by selling coffee, <and> noodles, as <usual>.

18 Q. You told us, this morning that your mother was of Vietnamese  
19 ethnicity and that your father was of Chinese ethnicity; can you  
20 tell us what country or countries your parents were born in?

21 A. My mother told me that she was born originally in Vietnam and  
22 my father was born in Cambodia.

23 [13.40.22]

24 Q. And do you know when your mother moved to Cambodia?

25 A. I was quite young, at the time, so I do not know about that.

1 Q. You mentioned this morning that your aunt and uncle stated  
2 that your family was accused of being Vietnamese because they  
3 spoke Khmer with an accent; were you aware of any other methods  
4 that the Khmer Rouge used to try to identify who was of  
5 Vietnamese ethnicity?

6 A. My parents had been -- had settled in the country for quite a  
7 long time, so everyone was aware that we were a <mixed-blood>  
8 family. <They knew that my mother was Vietnamese, and my> father  
9 <was> Chinese and he could not speak Khmer very clearly. <I only  
10 spoke Chinese and Vietnamese with them.>

11 Q. And how about your mother, could she speak Khmer clearly or  
12 did she speak with an accent?

13 A. My mother did not speak Khmer well -- or she spoke Khmer with  
14 <an> accent.

15 [13.42.20]

16 Q. And you stated, this morning that you were separated from your  
17 family when you were sent to work in a mobile unit in 1976; is  
18 that correct?

19 A. Yes, that is correct.

20 Q. After you were sent to Prey Nob District, were you ever aware  
21 of the Khmer Rouge treating people of Vietnamese ethnicity  
22 differently from the way they would treat people of Khmer  
23 ethnicity?

24 A. I learned by the time that my mother had been sent away and  
25 killed. On that morning, I was mistreated and I was made to go to

1 work and I did not receive <sufficient> food to eat. I <felt> so  
2 <pity> for my life.

3 After they learned that my mother was ethnically Vietnamese, <and  
4 killed her, they also mistreated by giving me> insufficient food  
5 to eat. <Since I did not have enough to eat, I became so thin.> I  
6 had only <a ladle of> watery gruel. I was mistreated because of  
7 the fact that I was <>Vietnamese.

8 I feel pain until today. I am so sad. And at the time, I could --  
9 I hid some <salt in our clothes> to eat <with rice. We had very  
10 little to eat.> We were so skinny and my younger <siblings were>  
11 so skinny. And I, at that time, did not think that I would  
12 survive the regime, but it was lucky that I survived. <Having  
13 been through these hardships, I am not afraid of death anymore  
14 these days.>

15 [13.44.48]

16 Q. You just mentioned that once they discovered that your mother  
17 was Vietnamese, they gave you insufficient food; were you aware  
18 whether other people that were discovered to have Vietnamese  
19 backgrounds were also given less food than Khmer people?

20 A. I do not know about that. <I noticed that members> of <my>  
21 mobile unit <had> only watery porridge. <When we were assigned to  
22 dig canals, we were also given gruel,> and <sometime, when  
23 drinking water was not available,> we <drank salted water. Those  
24 with> fair complexion were considered <>Chinese <and they> were  
25 <badly> mistreated. <They were exposed to harsh labour work. For

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1 example, after finishing a canal, they would be assigned to do  
2 something else. It is> so difficult <to> describe <it>.

3 [13.46.16]

4 Q. After you joined the mobile unit in 1976, did you ever attend  
5 any meetings?

6 A. Meetings would be held not very often. The meetings were held  
7 once in a while to encourage all of us to be active in our work  
8 and we were instructed and asked to voice our commitment in our  
9 work<; otherwise, we would be taken away and killed. That was the  
10 meeting was about. I, myself, was very committed to work as I was  
11 afraid that I would be killed. I was doing my best until>

12 I was so skinny<. As> I said, at that time, and <whenever> I  
13 recall the experience that I went through, I feel <much> pain in  
14 my heart.

15 As I said, I lost my husband and my parents, so I -- I am so  
16 devastated every time I recall what <has happened> to me and my  
17 family, at that time, and - <my husband died about ten years ago,  
18 and I cried the whole time on the way back from Saigon. I have  
19 been through lots of suffering. It is very hard to describe such  
20 a feeling. Whenever I talk of these things, I just break down to  
21 tears.>

22 Q. Do you recall whether anything was said at any of those  
23 meetings regarding people of Vietnamese ethnicity?

24 A. I cannot get your question, sir.

25 [13.48.14]



1 Q. You just mentioned that, on occasion, some meetings were held  
2 when you were part of the mobile unit and I was wondering if you  
3 recall whether anything was ever said at any of those meetings  
4 about Vietnamese people.

5 A. Sometime, <they talked about> the Vietnamese, as well. <Since  
6 I was speaking Khmer with an accent,> I was <urged by my  
7 co-workers> to try to speak Khmer more clearly. Meetings <usually  
8 <happened> at night time after 7 p.m. and sometimes, we were  
9 bitten by mosquitoes at night in the meetings. <Meetings were not  
10 held during the day.> We were asked to <be committed to work  
11 during those meetings>.

12 Some <small> children from Srae Ambel <who> had night blindness  
13 <were badly mistreated while working. Whenever> I saw those  
14 children, I felt so pity on them. <I felt so devastated to  
15 witness those night-blind children being mistreated. They were  
16 punished because they were accused of being lazy at work.> They  
17 became -- they were separated from their parents<, and put to  
18 work in a child unit. I felt so sorry for them.>

19 The meeting -- the content of the meeting, at that time, was  
20 about our commitment in our work. <It was not about anything  
21 else.> If anyone failed to work, <he or she> would be <taken away  
22 and> killed.

23 [13.50.04]

24 Q. This morning you described the events of returning to Srae  
25 Cham to visit your family and your parents and learning from a

1 villager that they had been taken away to be killed in Kaoh  
2 Khyang. Just after the break, you also stated that you were  
3 provided information that they had returned to Vietnam; can you  
4 explain what you meant when you said that you were provided  
5 information that they had been sent back to Vietnam?

6 A. Later on, villagers at Kaoh Khyang and Srae Cham told me that  
7 -- particularly the elderly, told me that my parents had been  
8 sent back to Vietnam and some said they had been sent away and  
9 killed. And it is my understanding that they had been killed. And  
10 my mother left a message for me through the villagers that I had  
11 to take care of myself <as she would no longer take care of me.  
12 My mother loved us very much, and she took very good care of us  
13 when we were sick. When any of us had a fever, she would spend  
14 the whole night to fan us in order to keep us cool>. So at that  
15 time, I was so sad. I do not really want to <talk about> my  
16 mother <and father>.

17 I had no -- I have no parents, no relatives, siblings now. I lost  
18 everything, including money. I was -- I am poor. <And I am still  
19 suffering from poverty>. It is the truth. I am not telling lies.  
20 [13.52.27]

21 Q. I understand, Madam Civil Party, and I apologize that some of  
22 these questions are difficult to talk about. I assure you I  
23 wouldn't ask them unless they were important, so again, my  
24 apologies for asking questions about difficult subjects.

25 Can you tell us the year that you returned to Srae Cham to try to

1 visit your family?

2 A. It was in late 1978 when I went to visit them, but it was in  
3 vain; I could not see them. I met only -- I met no one; I saw  
4 only my house standing there. <It was just an empty house. I  
5 waited until evening.>

6 And when the elderly returned from work, they told me that my  
7 parents had been sent away and killed<, and that my mother> was  
8 crying so loudly in the street and <>asked <people to tell me  
9 that she would be killed. I lost everyone in my family. I lost  
10 more than 10 people.>

11 I have lost my relatives, siblings. I have lost my <parents and>  
12 siblings<. I also lost some cousins.> I know that they died.

13 [13 .54.30]

14 I was crying along the way when I returned back and I know that  
15 Kaoh Khyang was the place -- the execution place. People died at  
16 that location everywhere.

17 I <dreamt> that my mother had become a crocodile and I believe  
18 from that dream that my mother, perhaps, <must have> been  
19 <dumped> into the water, so I do not really want to recall what  
20 was happening to them. I cannot -- nothing could compare <to> my  
21 suffering <for having lost> my parents and siblings.

22 <I already felt sorry for my chick when it died. So it is a big  
23 loss when any of your family member dies, in particular, your  
24 parents and siblings>.

25 Q. Madam Civil Party, do you remember hearing the names of any of

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1 the militia that came to take your family away?

2 A. I do not know them. I only know that Voeun <Sorn (phonetic)>,  
3 the chief of co-operative, and perhaps four or five soldiers with  
4 him came. Uncle Chrunh (phonetic) told me -- secretly told me  
5 that.

6 [13.56.34]

7 Q. Madam Civil Party, when you were in Prey Nob district, were  
8 you ever aware of the Khmer Rouge compiling lists or registering  
9 Vietnamese or other minorities?

10 A. I do not know about that since I was in a mobile unit.

11 Perhaps, lists were <developed in the mobile unit>. I may have  
12 forgotten that.

13 I could visit my house once in every half a year or once in a  
14 year for a brief moment only <so I did not know what happened in  
15 the cooperative>.

16 Q. I'd like to read you two excerpts from statements of people  
17 that were in the Prey Nob area to see if that refreshes your  
18 memory about the compiling of lists. The first is E3/5506. This  
19 is a written record of interview of Sau Khon, who states, amongst  
20 other things, that he was in Srae Cham in Prey Nob district from  
21 1975 to 1979, and saw truckloads of people being transported to  
22 Kaoh Khyang prison.

23 [13.58.06]

24 Question and answer 19 and 20, he says the following, which is  
25 what I would like you to focus on: Answer 19: "During mid-1977,

1 there was propaganda that they were having anyone who was  
2 Vietnamese to return to Vietnam in a trade for Cambodian families  
3 that were living in Vietnam. In my co-operative, there were more  
4 than 10 Vietnamese families. At the time, they had all those  
5 families -- Vietnamese families' register their names and then  
6 they gathered them all up and put them in trucks."

7 A little later on: "Those families boarded the trucks together  
8 and they were all taken away and killed."

9 Question: "Did you see them kill anyone else?"

10 Answer 20: "I saw them tie people together in lines and walk them  
11 and some were transported in covered GMC trucks headed for Kaoh  
12 Khyang Prison."

13 [13.59.06]

14 The next statement that I would like to bring to your attention  
15 is E3/5501. It's a written record of interview of Tuon Lorn, who  
16 is a deputy village chief in Prey Nob district, and this is at  
17 English, ERN 00373309; Khmer, 00368651; and French, ERN 00426222  
18 and he states the following:

19 "They had me compile statistics on the people, for instance, how  
20 many were Cham, Khmer, Chinese, and 'Yuon'; Khmer Kampuchea Krom.  
21 After I made the lists, I sent all the lists to the district  
22 level to Ta Chen."

23 Mr. Tuon Lorn then continues slightly later on at English, ERN  
24 00373310; Khmer, 00368653; and French, 00426224; and says --  
25 quote: "At that time, the ethnic 'Yuon', Khmer Kampuchea Krom,

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1 were all arrested and taken away to be killed. All those arrests  
2 were made at night and they were all sent to Kaoh Khyang Security  
3 Office."

4 [14.00.38]

5 Now, Madam Civil Party, I realize that those were rather long  
6 excerpts. These individuals describe the compilation of lists and  
7 then the gathering up of Vietnamese and taking them to Kaoh  
8 Khyang Prison to be executed. Does that refresh your memory that  
9 in Prey Nob district, lists were made of Vietnamese and perhaps  
10 other minorities?

11 MR. PRESIDENT:

12 Please hold on, Madam Civil Party. You have the floor now, Kong  
13 Sam Onn.

14 MR. KONG SAM ONN:

15 Thank you, Mr. President. I would like to object to the question  
16 on two grounds: 1) The quote is too lengthy <as acknowledged by  
17 the International Deputy Co-Prosecutor>; and 2) As I said  
18 earlier, the facts, which were mentioned by the Co-Prosecutor,  
19 were so -- were too general and the civil party is not aware of  
20 those facts. She lived in Koh Seh, not Kaoh Khyang, so the  
21 statement from her before the Chamber is only the presumption of  
22 <what> happened <generally and>, perhaps, <it is not related to  
23 the harm and suffering inflicted upon> the civil party. <Thank  
24 you>.

25 [14.02.20]

1 MR. BOYLE:

2 Mr. President, if I could respond briefly. First, on the issue of  
3 a quote being too long, this Chamber has never imposed a length  
4 on quotes that could be used. Certainly, longer quotes have been  
5 used.

6 On the second objection as to being too general, in fact, this is  
7 quite specific. It's related to the specific district in which  
8 the civil party was moved to. Contrary to what counsel just  
9 stated, she lived in Koh Seh. Before April 1975, she then was  
10 moved by the Khmer Rouge to the relevant district and she has  
11 stated that her family was brought to Kaoh Khyang, so I ask that  
12 I be able to proceed along this line of questioning with this  
13 civil party.

14 (Judges deliberate)

15 [14.09.30]

16 MR. PRESIDENT:

17 The Chamber decides to reject the objection by Counsel Kong Sam  
18 Onn and Madam Civil Party can respond to the last question put by  
19 the International Deputy Co-Prosecutor. However, in order to  
20 refresh the memory of the civil party, please repeat your last  
21 question <by skipping the quote> so that she can respond.

22 BY MR. BOYLE:

23 Thank you, Mr. President.

24 Q. Madam Civil Party, I won't read those admittedly lengthy  
25 excerpts again but these excerpts described the compiling of

1 lists of Vietnamese in Prey Nob district and the use of those  
2 lists to conduct arrests. Does that refresh your memory that  
3 lists of Vietnamese or other minorities were compiled in Prey Nob  
4 district?

5 MS. KHUOY MUOY

6 A. Please repeat your question again.

7 [14.11.15]

8 Q. Absolutely. I read a few moments ago two statements by other  
9 individuals in this case and they were in Prey Nob district and  
10 they described the taking of lists of people who were of  
11 Vietnamese ethnicity in that district and the use of those lists  
12 by the Khmer Rouge to conduct arrests. Does that make you  
13 recollect that you were also aware that lists were compiled in  
14 Prey Nob district of Vietnamese or other minorities?

15 A. I do not know about that as I was in the mobile unit and I  
16 only focused on working hard there.

17 MR. BOYLE:

18 Thank you, Madam Civil Party.

19 Mr. President, I am aware of the time. I would like to ask for  
20 approximately no more than 10 minutes to conclude my questioning.

21 [14.12.40]

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. BOYLE:

25 Thank you.



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1 Q. Madam Civil Party, you stated this morning that the villager  
2 who told you that your family was taken to Kaoh Khyang also told  
3 you that there was a prison there. Do you recall whether you were  
4 told or that you became aware in some other fashion of what unit  
5 of the Khmer Rouge was in charge of that prison centre?

6 A. <Those> villagers or neighbours of my mother whispered to me  
7 that my mother <had been> taken to Kaoh Khyang and I knew that  
8 there was a prison there where people were detained and shackled  
9 and many of them died as a result.

10 My mother, as well as my family members and relatives were taken  
11 there too.

12 [14.14.01]

13 Q. I'd like to read to you from another written record of  
14 interview to see if it refreshes your memory. This is E3/7750 and  
15 this is at English, ERN 00275052; Khmer, 00206377; and French,  
16 00275063.

17 This is a female detainee at the Kaoh Khyang security centre who  
18 saw Vietnamese there and she states that she was arrested by two  
19 soldiers from Division 1. Does that refresh your recollection  
20 that the Kaoh Khyang security centre was run by Division 1?

21 MR. PRESIDENT:

22 Civil Party, please hold on. And Counsel Kong Sam Onn, you have  
23 the floor.

24 [14.15.18]

25 MR. KONG SAM ONN:

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1 Thank you, Mr. President.

2 I again would like to object to this question. The question is  
3 about the general facts in relation to the proceedings here.

4 However, today's proceeding <focuses> primarily on the harms and  
5 suffering of the civil party and if the Co-Prosecutor mentioned  
6 all the facts that the accused -- that are alleged against the  
7 accused, it is rather difficult to focus on what is before us.

8 That is also in reference to the presence of the civil party. She  
9 is here to provide the Chamber with a statement of her personal  
10 harms and suffering and not about the general facts.

11 [14.16.21]

12 MR. BOYLE:

13 Mr. President, a similar objection was raised by counsel  
14 yesterday. It was rapidly rejected. This issue has come up  
15 repeatedly. We are entitled to ask civil parties who appear  
16 during the victim impact statements regarding factual matters as  
17 well.

18 I ask that I be allowed to proceed.

19 (Judges deliberate)

20 [14.17.51]

21 MR. PRESIDENT:

22 The objection by Counsel Kong Sam Onn is sustained and the  
23 <>International <Deputy> Co-Prosecutor, you are reminded to refer  
24 to E315/1 -- that is a document by the Chamber, in particular  
25 paragraph 8 that the hearing of a victim's statements limited to

1 the facts within the segment of the trial, 002/02.  
2 As for the general statements of harm and suffering, it is not  
3 necessary to separate the general facts and what happened to the  
4 civil party herself. For that reason, you need to rephrase your  
5 questioning based on the instructions in that document. We  
6 actually have given some leeway to your team yesterday, in  
7 particular on the implementation of the general policy regarding  
8 the targeted groups. However, your question is not related to the  
9 implementation of the general policies toward the targeted  
10 groups, in particular the Cham, the Vietnamese or the former  
11 officials of the public -- of the Khmer Republic.  
12 And Civil Party, you are instructed not to respond to the last  
13 question.  
14 [14.19.42]  
15 MR. BOYLE:  
16 Thank you, Mr. President. If I may, perhaps I was not clear in  
17 responding. This relates to the targeting of the Vietnamese,  
18 specifically, as I was about to address, this security centre was  
19 run by an individual who was called as a witness in this section  
20 by this Chamber. And, therefore, because the civil party has  
21 testified that her family was brought to that civil -- security  
22 centre and executed and we have had the leadership of that  
23 security centre testify for us, I believe that this falls  
24 squarely within the targeting of the Vietnamese and within Case  
25 002/02 and I ask that I be able to ask what really would be only

1 about maybe one or two more questions regarding this security  
2 centre.

3 [14.20.48]

4 MR. PRESIDENT:

5 The Chamber has already ruled on this point. If your question is  
6 related to the facts that is on the application of the general  
7 policies, that is separate from the relevant facts within this  
8 segment and your question is not part of the scope of Case  
9 002/02.

10 BY MR. BOYLE:

11 Thank you, Mr. President.

12 Q. Madam Civil Party, did you ever learn or hear the Khmer Rouge  
13 discussing any policy towards people of Vietnamese ethnicity?

14 MS. KHUOY MUOY:

15 A. I heard that because my mother was of the Vietnamese <and my  
16 father was of the> Chinese origin that they would be killed  
17 <sooner or later; that's why I was certain that they would be  
18 killed> after they had been taken away. <I heard about it and  
19 knew it.>

20 [14.22.36]

21 Q. And did you hear that stated by the Khmer Rouge officials or,  
22 if not, who did you hear it stated by?

23 A. I heard it from Voeun <Sorn (phonetic)>, who was in charge of  
24 an elderly unit in the cooperative. When I went to visit home I  
25 heard him talking about this. So when I did not see my mother

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1 when I visited home, I knew straight away that she was taken away  
2 and that she would be killed.

3 Q. Did you ever hear any Khmer Rouge state that Vietnamese who  
4 did not leave Cambodia would be smashed?

5 A. I heard that because even in my village people had been taken  
6 away and smashed. <I knew this.>

7 MR. BOYLE:

8 Thank you, Madam Civil Party.

9 Thank you, Mr. President. I have no further questions.

10 MR. PRESIDENT:

11 I would like now to hand the floor to the defence teams, first to  
12 the defence team for Nuon Chea to put the questions to this civil  
13 party. You may proceed.

14 [14.24.28]

15 MR. LIV SOVANNA:

16 <Thank you, Mr. President. Good afternoon Your Honours, and  
17 everyone in and around the courtroom. Good afternoon, Madam Civil  
18 Party. My name is Liv Sovanna. I am a National Co-Counsel for Mr.  
19 Nuon Chea. I have a few questions to put to you. My first  
20 questions relates to the evacuation of Vietnamese people from Koh  
21 Seh.>

22 MR. PRESIDENT:

23 <Counsel, hold on. There is no English> interpretation. <Court  
24 officer is instructed to check on the  
25 technical failure.

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1 You may be seated, Counsel, as it could take up to 15 minutes.>

2 <It is now convenient time for us to have a short break.

3 We'll take a break now and resume at 15 to 3 to continue our  
4 proceedings.

5 Court officer, please assist the civil party at the waiting room  
6 reserved for witnesses and civil parties, and invite her back  
7 into the courtroom at 15 to 3.

8 The Court is now in recess.>

9 [14.25.01]

10 (Court recesses from 1426H to 1446H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Court is back in session and the floor is given to the  
14 defence team for Mr. Nuon Chea first to put questions to this  
15 civil party. You may now proceed.

16 [14.47.28]

17 QUESTIONING BY MR. LIV SOVANNA:

18 Thank you, Mr. President.

19 Q. Madam Civil Party, the first batch of my questions have  
20 something to do with the evacuation of you from Koh Seh. Before  
21 <17 April> 1975, how many families were living on that Koh Seh or  
22 Seh Island <to your observation>?

23 MS. KHUOY MUOY:

24 A. About 50 families were living on that island, including the  
25 soldiers.

1 Q. Were they all Vietnamese or were there some other ethnicities  
2 as well living on that island?

3 A. There were different types of people. There were ethnic Khmer,  
4 Vietnamese, and Chinese on that island.

5 Q. How many Vietnamese families were living on that island?

6 A. I do not know, Mr. Lawyer; <there were two or three families  
7 of> my <in-laws> living on that island.

8 [14.49.18]

9 Q. Were all of the people there on the island evacuated or only  
10 Vietnamese were evacuated?

11 A. All of us <were> sent out of that island. If we refused to  
12 leave we would be shot dead and thrown into the water. So we had  
13 to leave for Srae Cham; all of us.

14 Q. I have a question in relation to Chrun, and his wife was Phon.  
15 So how was he related to you?

16 A. <He was not related to my family.> He was living in a nearby  
17 house in Srae Cham. We were in the same unit.

18 Q. To refresh your memory, I would like to cite a document,  
19 <E3/5544>; Khmer, ERN 03 -- my apologies, 00375532; French,  
20 00424096; and English, 00377836. This is your <WRI>. You stated  
21 -- I quote: "<Evening came, and they had> not <returned> from  
22 work<. (That was in early 1977)>. So I went to <the house of  
23 Uncle> Chrun--"

24 So what do you mean by <stating Uncle Chrun>?

25 A. As I said that uncle was living in a nearby house. He was

1 living close to my mother's house.

2 [14.52.11]

3 Q. You have just stated that you had an aunt. So <what was her  
4 name? And> how was she related to you?

5 A. Aunt Phon was the wife of Chrun <who> lived close to my  
6 mother's house.

7 Q. Besides your parents <>, did your parents have siblings  
8 <during the> Democratic Kampuchea?

9 A. My mother had relatives living in Vietnam. And as for my  
10 father, some of his relatives had died in Thma Sar (phonetic) and  
11 not -- and until now, his relatives -- all of his relatives  
12 passed away.

13 Q. To your observation, particularly on the people who used to  
14 live with you in Koh Seh and after that in Srae Cham village,  
15 Srae Cham commune, Prey Nob district, how many of them were  
16 Vietnamese?

17 MR. PRESIDENT:

18 Please observe the microphone, Madam Civil Party. Please wait  
19 until the red light turn on, then you can give your answer.

20 [14.54.32]

21 MS. KHUOY MUOY:

22 A. Four or five families were ethnically Vietnamese. <That is my>  
23 cousin's family, my <elder sister's family>, and also my family  
24 <who were evacuated to Srae Cham and later on were all> killed.  
25 Some went to live somewhere else. We are not living together and



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1 we did not live together at that time as well.

2 BY MR. LIV SOVANNA:

3 Q. I am <> asking about your younger <brother>. You stated that  
4 your younger <brother> lived in a different mobile unit. The name  
5 was Khoung Keng. Can you tell the Court <as to> why <>he was sent  
6 to <the so-called "kong serei" or> free unit?

7 MS. KHUOY MUOY:

8 A. <He> was living close to my location at the time. It was about  
9 200 metres away. <Female mobile unit was based in a location,  
10 while the male mobile unit was based in a different location.> We  
11 <saw each other every day when we went out to work>. Although  
12 <he> had tried to work very hard, my <young brother> was accused  
13 of <being disobedient or having moved around freely, and so he>  
14 was <placed in the> free unit. <During the regime, when someone  
15 was placed in the free unit, he or she would be dead. Members of  
16 the unit were shackled while working>.

17 [14.56.15]

18 Q. Besides <your> younger <brother>, were <Khmer> people sent to  
19 that so-called free unit, if you know?

20 A. Many people <> including <the Khmer, the> Cham <, the>  
21 Vietnamese and <the> Chinese people <were sent to the unit as  
22 long as they were accused of being disobedient or moving around  
23 freely>.

24 Q. What did the people in that so-called free unit do?

25 A. <They also worked nearby.> They were assigned to grow sweet

1 potatoes and dig canals, <and building dams,> and they were  
2 headed by <a> chief. So they were engaged in those tasks.

3 Although they had watery gruel or porridge or they did not have  
4 enough food to eat, they had to go to work <full day>.

5 Q. Did you ever notice that after those people had been sent into  
6 the free unit and after they had refashioned themselves, would be  
7 sent back to their <respective> units?

8 A. <During the regime, when someone was> sent to <the> free unit,  
9 <it was certain that he or she would die there>. You can <go and>  
10 ask other elderly people about that so-called free unit.

11 [14.58.18]

12 Q. So <> your younger <brother was sent to the free unit because  
13 he had moved around freely or without permission>? Wasn't it not  
14 -- was it not because of the fact that he was an ethnic  
15 Vietnamese?

16 A. <I have no idea of whether they had such knowledge.> The Khmer  
17 Rouge was brutal and cruel. <Whenever they wanted to have someone  
18 executed, they would produce accusation. It did not> matter how  
19 <hard a person> worked, it was up to them to decide <or produce  
20 accusation against> us. <So I was not aware of what wrongdoing a  
21 person had committed to be sent to> the so-called free unit<>.

22 Q. Now, I am asking about you. You were in a mobile unit. <Was>  
23 there <anyone in your> mobile unit <whose parents were>  
24 Vietnamese <like yourself>?

25 A. I do not know about that. There was a <person whose mother

1 was> Vietnamese. <She worked in the same 100-member unit as mine.  
2 After her> parents had been sent away to be killed<, and they  
3 came to take her> away <to be> killed <as well> later on. <>

4 Q. After you had returned to Srae Cham to visit your parents, did  
5 you happen to meet <any> cadres <working in that> cooperative <or  
6 village> at the time?

7 A. When I filed a request to visit my parents I did not meet any  
8 <cadre>.

9 [15.00.48]

10 Q. Did your unit chief know that you had a Vietnamese mother?

11 A. I did not tell him about that fact. I was trying to perform my  
12 tasks <well until> I <became> so bony and skinny, so I did not  
13 dare to tell him about my background that I had a Vietnamese  
14 mother. Whether he knew that I had a Vietnamese mother or not, I  
15 do not know. <I was also afraid of being killed.>

16 Q. Did that unit chief come from the same village, Srae Cham, or  
17 he was from a different village?

18 A. Most of them came from Srae Ambel in Koh Kong. <Her name was  
19 Tong (phonetic).>

20 Q. I am moving now to <ask about> your father. You stated -- you  
21 asserted that your father was ethnically Chinese. Were <any  
22 other> Chinese <people> arrested and <treated the way> your  
23 father <was treated>?

24 A. Chinese and <half Chinese and half> Khmer people <were taken>  
25 away as well. <>

1 [15.03.20]

2 Q. Concerning the families who had been transferred out of Koh  
3 Seh and some of them were Vietnamese as you said, did any of  
4 those people survive the regime after 1979?

5 MR. PRESIDENT:

6 Please observe the microphone, Madam Civil Party, before you  
7 speak.

8 MS. KHUOY MUOY:

9 A. After 1979, I went to Vietnam <to visit the relatives of my  
10 mother, and noticed that none of them survived. All of them were  
11 killed.> My uncle or aunt <asked> me <to move to Vietnam for fear  
12 that> I would be <killed if a regime like> Pol Pot <ever  
13 reoccurred. They told me that those who had been taken away, were  
14 dead. If they were still alive, they would see them. All the  
15 family members of my elder sister, my small nieces and nephews  
16 and my cousin> were <all> killed <during> Khmer Rouge time.

17 BY MR. LIV SOVANNA:

18 Q. A while ago you stated that you, at one time, wept when you  
19 heard that your younger <brother> died and you also stated that  
20 you were encouraged <> to speak more clearly <>like Khmer people.  
21 So who encouraged you to do that?

22 [15.05.18]

23 MS. KHUOY MUOY:

24 A. The co-workers -- my co-workers <in the mobile unit> felt pity  
25 on me and they <told> me that I should not cry any longer but I

1 had to try to work hard<, and speak Khmer more clearly>. And they  
2 said that the <daughter> of <Yeay Yuon (phonetic) who worked> in  
3 the 100-woman unit was <taken away and killed after her parents  
4 had been taken. Having heard that, I was afraid, and dared not  
5 weep anymore. However, I would hide myself and wept alone during  
6 the night>.

7 Q. Concerning the people who encouraged you to speak more  
8 <clearly> like Khmer people, were those people <>chiefs of mobile  
9 unit<> or were they simply workers in <the unit>?

10 A. They were my co-workers.

11 Q. Earlier you have stated that you have <> been through <a lot  
12 of suffering> and your husband <also> died, but could you clarify  
13 for the Court whether your husband died in Democratic Kampuchea  
14 regime or he died later on after that regime?

15 [15.07.29]

16 A. He was born in the Year of Dragon. He passed away when he was  
17 56, so it's almost 10 years -- or it was more than 10 years ago.  
18 <In addition to the loss of my parents and siblings, the passing  
19 of my husband made me feel worse. He passed> away when he was 56.  
20 <He passed> away <about 10 years ago. I lost my parents and I  
21 lost my husband. So whenever I think of this,> I feel <very sorry  
22 for myself, and I just cannot help it but cry> my heart <out>.

23 Q. Was he Khmer -- pure Khmer - or, was he ethnically Vietnamese?

24 A. My husband was <> Chinese.

25 Q. <Was> he <also half-Vietnamese>?

1 A. No.

2 Q. I am moving now to a new topic in relation to your mobile  
3 unit.

4 To your assertion, there were Khmer workers and you was in -- you  
5 were in that mobile unit and <only> you <> together with <your  
6 cousin were> Vietnamese<.> I would like to know about the food  
7 <ration distribution among members of the mobile unit,  
8 particularly,> for Khmer and Vietnamese people.

9 <Were the members> provided <with> the same amount <of food>?

10 [15.09.31]

11 A. Chiefs of units have -- could eat <to> their fill. <I did not  
12 know the amount of food provided to the Khmer, or the Chinese,  
13 but> workers like <myself> and others, when -- after we returned  
14 from work, we could have only a ladle of porridge or soft rice.  
15 Sometimes we could have salt to eat with the meal, rice and  
16 gruel, thanks for the tricks that we used to hide the salt.

17 Q. Did <other unit members, except unit chiefs, receive> the same  
18 <tasks and amount of food> as you did at the time?

19 A. Unit chiefs <who> accompanied us, all of us to work <ate among  
20 themselves after work. They did not eat with the unit members.  
21 They ate to their fill, while we had only a ladle of gruel with  
22 salt>.

23 [15.11.10]

24 Q. I am not asking about the unit <chiefs>. I am asking about  
25 your co-workers. What about their <> food rations<?> Did they

1 receive the same food ration as you?

2 A. My co-workers received the same food. If I received porridge  
3 or soft rice they had the same meal; for example, a ladle of  
4 rice. If they received a ladle of rice or porridge, I also had  
5 the same amount.

6 Q. In your <statement,> you were requested to get married and you  
7 refused <it>. So what happened <to you> after you refused the  
8 marriage<? And> who was the one who asked you to get married?

9 A. It was my unit chief who asked me to get married and at the  
10 time I said I was not mature yet, so I did not want to get  
11 married. <They also> asked <> others in my unit <> to get  
12 married. <Some were willing to get married, while some others  
13 were forced to get married.> Some couples <did not get along well  
14 with each other> after they had married<, and> so <four or five  
15 couples were taken> away and killed.

16 [15.12.42]

17 Q. You stated that you refused <the> marriage after you were  
18 asked to get married, so what did they do to you after you  
19 refused the marriage or nothing happened to you although you  
20 refused the marriage?

21 A. After that - or, because of my refusal, my unit chief asked me  
22 to go to <Ta Ney> with a few others, four or five of them. <They>  
23 had us <made earth-carrying> baskets <and collected thatch  
24 there>. I was so terrified at the time.

25 Q. You stated that a few others -- four or five -- went with you

1 to <be punished>. Were they sent to that location because they  
2 refused the marriage as you did? <Or they did something else  
3 wrong?>

4 A. At one particular time I saw four or five couples <being>  
5 taken out <from Wat Prey Nob. It was right next to the location  
6 where my unit based>.

7 [15.14.03]

8 Q. After you, together with another four or five people, had been  
9 sent to <be punished> and <had you made> the baskets, what  
10 happened next?

11 A. I do not know <as I had already been relocated to Ta Ney.  
12 Before I was being relocated, I heard that some of them had been  
13 taken away and killed for not getting along well with each  
14 other>.

15 Q. I did not ask about that point. I want to know what happened  
16 next after you and others -- four or five - <were> sent to <be  
17 punished and they had you made> baskets <after you had refused to  
18 get married>. Did you come back to your mobile unit <after that>?

19 A. I did not say that I <was sent there to be punished. I was  
20 saying that my unit chief asked me and four or five other people  
21 to make earth carrying baskets in Ta Ney>.

22 Q. My <apologies. I was mistaken>. So you did not receive  
23 <punishment> but you were <relocated> to a location <so-called>  
24 Ta <Ney> to work; is that correct?

25 A. Yes, that is correct.



1 [15.15.53]

2 Q. I want to <seek for your> clarification <on one point.> You  
3 stated that you had no uncle or aunt staying with you at that  
4 time but <in your WRI, document E3/5544> - at ERN in Khmer,  
5 00375533; and French, 00424097; English, 00377836; in question  
6 and answer you stated: "I lived and worked in a mobile unit in  
7 Prey Nob until the arrival of Vietnamese troops. At that time the  
8 unit chief forced us to climb -- go and climb up the mountain,  
9 but I refused and I escaped. I ran back to Srae Cham to gather --  
10 to join the group with my aunt."

11 So what do you mean by saying you come back -- you came back to  
12 join with your aunt? What do you mean by the word "aunt"? <What  
13 is her name? And how was she related to you?>

14 A. I addressed that person as "aunt" since she used to live <with  
15 my mother> in Srae Cham<, but I do not know her place of origin>.  
16 After 1979, when the Vietnamese troops liberated us, she went  
17 back to Srae Cham <where I met her>.

18 [15.17.46]

19 Q. Was she related to you?

20 A. She used to live in the same village with my parents and I did  
21 not know -- I do not know where she was living in Pol Pot's time.  
22 In 1979, I encountered her so I came back with her to settle.  
23 <She knew my mother as they used to live in the same village.>

24 Q. Was she ethnically Vietnamese?

25 A. She was <> Chinese.

1 MR. LIV SOVANNA:

2 Thank you, Madam Civil Party.

3 Mr. President, I have no further questions.

4 MR. PRESIDENT:

5 Thank you. The floor is now given to the defence counsel for

6 Khieu Samphan. You have the floor.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I have no further -- no questions, Mr.

9 President.

10 [15.19.04]

11 MR. PRESIDENT:

12 Lastly, Madam Civil Party, you are given an opportunity to make a

13 victim's impact statement or do you have any questions to put to

14 the Accused? If you have, please proceed.

15 MS. KHUOY MUOY:

16 I have a question for the Accused. I <raised> a chick <and> took

17 care of that chick <by trying to cure it with medicine when it

18 got sick. When it died, I felt sorry for it>. And I have lost my

19 parents, my siblings. I <have> suffered much <pain> from that bad

20 experience. <What can you tell me about this? I still suffer from

21 the pain these days.> During -- every time that I hold <a

22 ceremony, I cry for them. I would go to two or three different

23 places to dedicate to them.> I feel pain in my heart. In my

24 culture we keep the holder of incense so that we could memo --

25 could think of the dead people. And it is my proposal that this

1 regime should not make that things happen.

2 MR. PRESIDENT:

3 Thank you, Madam Civil Party. The Chamber wishes to inform you  
4 that pursuant to Internal Rule 21.1(d) of the ECCC, which says  
5 that at all stages of the proceedings, the Chamber shall inform  
6 you of the right of the accused to remain silent. On 8 January  
7 2015 in response to the question of the Chamber, the Co-Accused  
8 reaffirmed their position to exercise their rights to remain  
9 silent.

10 [15.21.22]

11 Also, during that hearing, the Chamber noted that the Co-Accused  
12 maintained their position to remain silent, unless and until such  
13 time the Chamber is informed otherwise by the Co-Accused or their  
14 counsel. The Chamber on that day instructed the Co-Accused and/or  
15 their counsel to inform the Chamber in a timely and efficient  
16 manner should the Accused resolve to waive their rights to remain  
17 silent and be willing to respond to the questions by the Bench or  
18 relevant parties at any stage of the proceedings. As of today the  
19 Chamber is not informed that the Co-Accused have changed their  
20 position and does agree to provide their responses to the  
21 questions.

22 In accordance with the applicable national and international  
23 laws, the Chamber cannot compel the Accused to respond to the  
24 questions as long as they do not agree to it while remain --  
25 while exercising their right to remain silent.

1 [15.22.46]

2 I am grateful to you, Madam Khuoy Muoy, for coming to make a  
3 victim impact statement. You have stated that you went through  
4 the horrible experience in Democratic Kampuchea. The hearings to  
5 hear your victim impact statement has now come to an end. Your  
6 presence here is not required now so you may return to any place  
7 you wish to go, and I wish you good luck, good health and  
8 prosperity in your life.

9 Thank you, <Ms.> Chhay Marideth, TPO staff. Since you have to  
10 accompany another civil party in the next victim impact statement  
11 hearing, you are asked to remain seated.

12 [15.23.38]

13 Court officer, please work with WESU to send Madam Khuoy Muoy  
14 back to her residence or to any location she wishes to go, and  
15 please invite 2-TCW -- 2-TCCP-1014 into the civil party stand.

16 (Witness 2-TCCP-259 excused)

17 [15.24.49]

18 (Witness 2-TCCP-1014 enters courtroom)

19 [15.25.20]

20 QUESTIONING BY THE PRESIDENT:

21 Q. Good afternoon, Mr. Civil Party. What is your name?

22 MR. UCH SUNLAY:

23 A. My name is Uch Sunlay.

24 Q. Thank you. When were you born, Mr. Civil Party?

25 A. I was born on Monday, 2nd October 1948.

1 Q. <What> is your current address?

2 A. I lived in Phum Voat village, Kratie commune, Kracheh  
3 district, and Kratie province.

4 [15.26.15]

5 Q. Thank you. What is your current occupation?

6 A. I am a retired government official.

7 Q. What is your wife's name and how many children you have?

8 A. My wife's name is Sa Kim Ni and we had three children and they  
9 were all killed during the Khmer Rouge regime.

10 MR. PRESIDENT:

11 Mr. Uch Sunlay, in your capacity as the civil party in front of  
12 this courtroom you may make a victim's impact statement, if any,  
13 concerning the crimes which are alleged against the two accused,  
14 Nuon Chea and Khieu Samphan, and harms inflicted upon you during  
15 the Democratic Kampuchea regime from 17 April 1975 to 6 January  
16 1979, resulting in your civil party application to claim  
17 collective and moral reparations for physical, material or mental  
18 injuries as direct consequences of those crimes.

19 [15.27.40]

20 And based on the request from the Lead Co-Lawyers for civil  
21 parties to put questions to the civil party about the harms and  
22 suffering, therefore, the Chamber gives the floor first to the  
23 Lead Co-Lawyers for civil parties to put questions. You may now  
24 proceed, lawyers.

25 MS. GUIRAUD:

91

1 <Thank you, Mr. President.> I would like to give the floor to our  
2 colleague, Ven Pov.

3 MR. PRESIDENT:

4 Yes, your request is granted. Now the floor is given to Mr. Ven  
5 Pov.

6 MR. VEN POV:

7 Good afternoon, Mr. President, <Your Honours> and good  
8 <afternoon>, parties.

9 Good afternoon, Mr. Uch Sunlay. I received the information that  
10 your health is not well<; however>, I <would like you to answer  
11 some> questions <regarding what happened to your family during  
12 the Democratic Kampuchea>.

13 [15.29.01]

14 QUESTIONING BY MR. VEN POV:

15 Q. My first question to you is that in your civil party  
16 application, you mentioned that during Democratic Kampuchea  
17 regime you lost members and relatives of your family, and the  
18 total number of people lost <was> 14 people. And those people  
19 included your <father, your wife>, three of your children, <> and  
20 <a total of 13> relatives <of your wife who were> half-Vietnamese  
21 <and half-Khmer>. Therefore, I would like you to tell the Chamber  
22 about the harms and suffering inflicted upon you <regarding> the  
23 loss of your <three> beloved children, <wife>, and relatives <of  
24 your wife who were> half-Vietnamese <and half Khmer>.

25 [15.30.12]

1 MR. UCH SUNLAY:  
2 A. Good afternoon, Mr. President and the Bench and all parties in  
3 this courtroom.  
4 I lost <13> family members and relatives, altogether <> including  
5 my -- Chhay Kim Eng <alias Y (phonetic)>, my father-in-law <who  
6 was a clerk of Kratie commune>; Thi Be, my mother-in-law, and she  
7 was half-Vietnamese <half Khmer>; and my wife, Sa Kam Ni. She  
8 could not speak Vietnamese. She studied in Cambodia <at Khet Bun  
9 Sun (phonetic)> secondary school. And Sa Kam Na, my wife's  
10 younger sister, <the children of another young sibling were> Chan  
11 Sambat, <Chan Visal (phonetic), Chan Srey Pov (phonetic); Sa Kam  
12 Na's husband was Chin Sa'Im (phonetic) whose> children <were  
13 Sarak (phonetic) and Sarin (phonetic), and together with my own  
14 children> Sothireak; Sothira; Sothida, <so> I lost <a total of 13  
15 family members> when the Khmer Rouge came to power.  
16 <Kratie was one of the first batch of places liberated by the>  
17 Khmer Rouge and it was there that the Khmer Rouge first started  
18 to prepare, organize the cooperatives and various units. And I  
19 was <considered a secondary class of people, and targeted for  
20 being sent from Krakor commune to Tuol Monourom commune in  
21 Cooperative Kor Pir (phonetic)> in 1973, and as my previous job  
22 in the old regime as the teacher came to an end at that time and  
23 I <became a farmer and a member of a production unit, and exposed  
24 to all types of labour works>.  
25 [15.32.11]

1 When I lost my family members and relatives, my own father named  
2 Uch Sunli <alias Taing Chhay (phonetic),> a clergyman at the  
3 pagoda, <was> also <> killed <for having collected some dead  
4 plants to burn as incense for praying to Buddha. The> Khmer Rouge  
5 <militiamen arrested him after having witnessed> that he <was  
6 praying to Buddha. He was arrested and dragged away. Comrade Yean  
7 (phonetic), one of the men who took him away came later to tell  
8 me that my father had a deep faith in Buddhism and he had been>  
9 sent to meet Buddha. <I then became very angry, and my heart grew  
10 heavy.> I would like to tell the Chamber that even lighting the  
11 incense to pay <gratitude> to Buddha, he was arrested <and  
12 executed> for that simple reason.

13 As for my wife, Sa Kam Ni, and other members Sa Kam <Na> and <my>  
14 three <small> children, they were evacuated <Kor Pram (phonetic)>  
15 to <settle in the middle of an island so-called Kaoh Trong  
16 located right in front of the current Kratie pagoda> and they  
17 were killed and pushed into the pit <next to a Kdol (phonetic)  
18 tree>. And, later on, the riverbank was flooded and the <Kdol  
19 (phonetic) tree> fell into the river <and> all their bones were  
20 also fell into <> the river <so there is not a single trace of  
21 evidence of the crime left>.

22 [15.33.57]

23 <Villagers> told me that it was <such> a <painful moment to  
24 witness> my children <running> around when they were about to be  
25 killed <by being> swung against the <Kdol (phonetic)> tree and



1 died instantly. <I learned of this from villagers. It was Thol, a  
2 villager who took them by ox-cart from the middle of the island  
3 to the edge of the island. They were taken there under the  
4 pretext that their husbands had already collected bamboo. That  
5 year, because of a big flood,> Moeun (phonetic), the cooperative  
6 chief, assigned those who <had> Vietnamese <wives> to go and cut  
7 the bamboo tree at <Ou Khyoung> (phonetic) and that place was  
8 very far away. It took <at least> two nights to get there <by  
9 boat> and I joined the journey.

10 <It was the most painful moment in my life upon my return, the  
11 cooperative chief summoned those men and I to a psychological  
12 support session during which> Moeun (phonetic), the cooperative  
13 chief, said that, "You all had fulfilled a great task for the  
14 Angkar. <You have cleansed yourselves of your origin> and you  
15 sacrificed a lot for the labour and working class, but all of  
16 your wives <and children had been> collected and taken away. I  
17 want all of you, comrades, to get rid of this <piece of rotten>  
18 flesh."

19 [15.36.03]

20 I heard about the purge, about the word "smash". Now they used  
21 another word, that is cutting away the <rotten> flesh. <We were  
22 asked not to be sorry for that, and> that we <needed to make a  
23 huge> sacrifice <in order to follow the Party. We were asked to  
24 stand up and repeat after him as follows, "We would like to  
25 solemnly declare our commitment, and sacrifice to have this piece

1 of rotten flesh cut off>, in order to build the <>labour class  
2 <of the Communist Party of Kampuchea">.

3 I said what he instructed us to say, but in my heart I <was  
4 suffering bitterly> because I had very long <> and good memory  
5 with my <beloved wife and children> and <for just a blink of an  
6 eye, all of them> were taken away and killed <by those  
7 executioners>.

8 So all this suffering and harms cannot be forgotten. Despite  
9 <some 30-40> years <has passed, and my tears have kept flowing  
10 for months and years, I still think of them and miss them.> I  
11 could never forget <them>. I suffered a lot and I would like to  
12 ask for apology and understanding from the Chamber that I told  
13 about my suffering.

14 [15.37.50]

15 And what <made it> even worse was that the Khmer Rouge  
16 distributed the clothes from those people they killed to people  
17 in the cooperatives<, and told them that they were trophies>. And  
18 <when a lady by the name of Lom (phonetic) and other women> saw  
19 the clothes <including blouses, shorts, Krama and T-shirts, they  
20 knew it immediately that they had belonged to my wife and>  
21 children. <They knew which clothes belonged to my wife, Sa Kam  
22 Ni, and which ones belonged to my children. They knew for certain  
23 that they were all killed at the edge of Kaoh Trong. It was very  
24 painful to hear them claimed that those clothes were trophies>.  
25 I <was so depressed> that I could not eat <or> drink<. When I

1 went out, I just looked to the ground.> I tried to avoid myself  
2 to meet with any people because the Party instructed us that we  
3 had to <be determined, make a> high sacrifice<, and never looked  
4 down> for the purpose of the great Party. So we could not let  
5 people see that we suffered or we had emotional problem. <We had  
6 to show that the working class the Communist Party of Kampuchea  
7 was great and strong, and was achieving great accomplishments. I  
8 am referring to the year of 1977.>

9 [15.39.10]

10 After my wife and children were taken away and killed, <and the  
11 death of my respected father,> the cooperative <chief whispered>  
12 to me that <I had> to be <more> careful because <my name was on a  
13 list sent from Sector 505, and it was written that Ngieng Yang  
14 Lay (phonetic) was infiltrating into Cooperative Kor Pram  
15 (phonetic). I challenged> him that <it was not me as my name was>  
16 Uch Sunlay. <He said it was very clear that the name was Ngieng  
17 Yang Lay (phonetic), not anyone else was known as Lay. The person  
18 was a KGB agent infiltrating into the cooperative in order to spy  
19 on them>. So I <became more depressed and> frightened<. I was  
20 shaking like a little bird.>  
21 And at quiet night-time, <I kept praying.> I <was so> frightened  
22 <that I could easily wake up from just the sound of a> running  
23 <mouse> in the house. <I was trembling with fear> because I knew  
24 that <militia> men <including Chhoeung (phonetic) were  
25 patrolling> the area at night-time <to spy on us.>

1 <At> every meeting <regularly held on the 10th, 20th, and 30th of  
2 each month>, they always <mentioned of their aim to> smash the  
3 capitalist class, the feudalist class, and the oppressing class.  
4 <They were determined to get rid of all these classes.>

5 [15.40.37]

6 At Krakor, which is my native place, I was evacuated and  
7 transferred to Tuol Monourom<>. My father was also transferred  
8 from Krakor to <Changkrang village, Changkrang commune, Chet  
9 Borei (phonetic) district>.

10 So all of this were harms and suffering inflicted upon me and I  
11 <remember> all of this until now.

12 After 7 January 1979, I saw other people <reunite> with their  
13 family, but not for me.

14 Q. Mr. Civil Party, <I am sorry to interrupt you. But please>  
15 tell us about the suffering and harm as a result of losing your  
16 father <in-law. What happened to him? Was he somehow forced to  
17 get married? Please tell us about him.>

18 A. After the Khmer Rouge took away my - Thi Be, my mother-in-law,  
19 <Moeun (phonetic) who was> the cooperative chief <assigned clerk  
20 Y (phonetic), one amongst the> 11 couples <> to get married at  
21 <Ou Ruessei or Kor> Pram (phonetic) and at the time I was told  
22 that I used to be a teacher so I <should know how to decorate  
23 the> ceremony by placing on the wall a photo of a sickle and <a>  
24 hammer<, and the Party's flag on the photo, and the national flag  
25 below. I was also asked to arranged chairs and tables for that

1 ceremony. I was told that a wedding ceremony would be held in a  
2 socialist style. During the ceremony, I also noticed> the  
3 presence of <clerk Y (phonetic),> my father-in-law<. He always  
4 covered his face, and spoke nothing>.

5 [15.42.44]

6 <It was just a> few months after my mother-in-law had been  
7 killed, my -- Angkar arranged the marriage <for 11 couples during  
8 which> my father-in-law <was also forced to get married to Len  
9 (phonetic)>. So my pain -- the pain in my heart was compounded by  
10 that experience. So I <felt> pain, so much pain in my heart, I  
11 wept at the time. <I could not talk to him.>

12 So at the time, I was talking to myself: why the marriage was  
13 only held for 11 couples? <And they claimed themselves as the  
14 regime of the working class.> And during the wedding, couples  
15 were asked to voice their commitment and to adhere to the policy  
16 lines of <the Communist Party of> Kampuchea. <Whenever I see a  
17 wedding ceremony, it reminds me of my aging father-in-law who was  
18 forced to get married.>

19 And I was told that the Revolution could not <be carried out just  
20 half way. One could eat only half to his fill, but> the  
21 Revolution had to go on <to the end. One could still go to bed at  
22 midnight -- and so on and so forth. They had plenty of theories.  
23 I thought that many teachers of my time had joined> the  
24 Revolution. I was always criticized: "You Lay, teacher Lay,  
25 should <quit your job and join us." They also said to me,

1 "Whether or not the rooster may crow, the sun will rise  
2 beautifully in the east." They had urged me over and over to  
3 join the revolution. However, those teachers were later on killed  
4 by the East Zone cadres. The East Zone cadres had accused the  
5 Northeast Zone cadres of being traitors, and later on the East  
6 Zone cadres were accused by the Southwest Zone cadres of being  
7 traitors. I know this well because many teachers I knew joined  
8 the revolution>.

9 [15.44.54]

10 Q. Mr. Civil Party, before your wife had been taken away to be  
11 killed, was there any meeting held to announce the plan to kill  
12 -- to identify and kill the Vietnamese?

13 A. In relation to the execution of Vietnamese people, they did  
14 not talk <about it straight forward. They just said that the  
15 Angkar wanted people to> gather <>at Krakor pagoda where there  
16 were trucks waiting for them. Trucks were there to transport  
17 Vietnamese back to <their origin in Vietnam. There were many  
18 people at that time. They were Yeay Gung> (phonetic), <Kim Ka>  
19 (phonetic), Ta <Ba> (phonetic), <Yeay Hoeung, and Yeay Thi Be  
20 who> was my mother-in-law. <I was told of her transfer. I myself  
21 was not transferred.>

22 [15.45.47]

23 I did not see them off, see my relatives off, and what I know is  
24 that the people who had been sent to that pagoda had to board the  
25 <trucks, and their trucks headed Vietnam passing by Prich

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1 (phonetic) mountain.> So <there was> no announcement <that  
2 Vietnamese were not allowed to stay although they were married to  
3 Cambodian guys or women. They were not told as such. I was not  
4 aware of such information.>

5 Q. This is my last question for you, Mr. Civil Party.

6 I want you to describe your feeling after the fall of Khmer Rouge  
7 time during which other families could have a reunion of their  
8 families, but you did not have such a latitude.

9 A. <Thank you.> I felt hopeless after the regime fell <I could  
10 turn to no one to whom I could depend>. Why? Because my family  
11 members, <and> my father died. They disappeared <forever>. My  
12 father-in-law disappeared.

13 Sometimes I felt like I wanted to kill myself in order that I  
14 could see them in the next life, but at the time I <recalled a  
15 French saying that goes "Life> is a struggle." <I have learned  
16 from this saying that I had to do my best to live my life in any  
17 given situation, and I could not just give up things easily>. We  
18 have to bear the situation to see -- to have the life going  
19 forward.

20 [15.47.45]

21 And by 1979, I heard the sounds of explosion <in the east from  
22 the direction of Snuol>, so it was a time that I knew that it was  
23 the liberation day. And <I thought that the regime that forced  
24 people to eat and work collectively would fall. Those> people,  
25 the <cadres>, tried at the time to evacuate people to <go along

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1 with them. There was only one option left for me, and that was to  
2 live with the soldiers as I was desperate>.

3 I, at the time, told the <soldiers in French> that I was <a Khmer  
4 but I suffered badly, and I was all> alone so I was willingly -  
5 <I asked> to stay with <them. I told them that I could eat  
6 anything a soldier could eat. I just wanted some> rice to eat. <I  
7 then continued to stay with the soldiers up until> 1989 <when  
8 the> Vietnamese troops went back to their country.

9 [15.48.38]

10 MR. VEN POV:

11 Thank you, Mr. Civil Party. Mr. President, I am done with the  
12 questioning.

13 MR. PRESIDENT:

14 <Thank you, Lawyer.> The floor is now given to the Co-Prosecutors  
15 to put questions to this civil party.

16 QUESTIONING BY MR. BOYLE:

17 Thank you, Mr. President.

18 Q. Good afternoon, Mr. Civil Party. My name is Andrew Boyle and I  
19 will be asking you a few questions on behalf of the  
20 Co-Prosecutors.

21 Can you tell us again what village were you living in when your  
22 wife and children were taken to be killed?

23 MR. UCH SUNLAY:

24 A. Thank you. My wife and children <were> sent away <and killed  
25 at the edge of an island so-called> Kaoh Trong. The island <was



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1 surrounded by the river. By the time they> were sent there<,> I  
2 was <staying> in <Kor Pir (phonetic) cooperative or Veal Pha'set  
3 (phonetic)> - Tuol Monourom, Krakor commune, Kracheh district,  
4 Kratie province.

5 [15.49.58]

6 Q. And during the period of Democratic Kampuchea, were you ever  
7 aware of the Khmer Rouge conducting any sorts of investigations  
8 or asking any questions to determine who was of Vietnamese  
9 origin?

10 A. <Thank you. In fact, since it was my place of birth and  
11 residence,> militia <men knew it clearly who we were. And they  
12 knew clearly the woman I got married to before 1970 was of>  
13 Vietnamese <origin. They also knew who her parents were. They  
14 even labeled them as those who had Khmer body>, and Vietnamese  
15 <head>.

16 My mother -- my father-in-law at the time <said> that <they did  
17 good things with any> Khmer people<,> and they did not even speak  
18 Vietnamese. On one occasion, when Vietnamese were arguing with  
19 each other, I asked> my wife, Sa Kim Ni, <what they were fighting  
20 about, and she said she did not understand them as she never  
21 studied> Vietnamese language. <She was ethnically Vietnamese  
22 because her mother, Thi Be, was of Vietnamese origin. They  
23 already knew all of us and everyone else in the villages and  
24 commune clearly. They did not have to conduct any further  
25 investigation>.

1 [15.51.45]

2 Q. Other than it being generally known that your wife had a  
3 Vietnamese background or ethnicity, were you aware of any other  
4 steps that the Khmer Rouge took to discover who else might be of  
5 Vietnamese origin?

6 A. <Thank you. I was not aware whether the> Angkar <had> assigned  
7 their workers to investigate who were Vietnamese. In fact, in  
8 villages and communes, the cadres and Khmer Rouge were aware <of>  
9 the activities that we were doing and who <belonged to which>  
10 families. <They knew who was who clearly in the village. In fact,  
11 everyone knew everyone else in the village.> For this reason, we  
12 decided not to escape to anywhere else, but to stay at our  
13 location.

14 [15.53.08]

15 Q. Were there any other individuals who were arrested at the same  
16 time that your wife was arrested?

17 A. <Thank you.> Not only my wife and children were <targeted for  
18 the transfer> to Kaoh Trong to be killed, <but the> wives <of  
19 three or four other men> were <also> sent away as well<; for  
20 example,> Oem Malen (phonetic), wife of <Yin Khim> (phonetic)  
21 together with two children, <> Barang (phonetic) and Srey <Vech>  
22 (phonetic), were sent away; <wife and children> of Tot Nhev  
23 (phonetic), <wife and children of> Pan Huon Seng (phonetic) and  
24 other family members of Pou Seang (phonetic) <were> transferred  
25 out of the <village, while their> husbands were assigned to

1 <collect bamboo for making ladders to> climb up the palm trees.

2 <They used this ugly trick to separate the men from their wives  
3 and children before taking them away>.

4 Q. And those other individuals who you just mentioned, were those  
5 wives also of Vietnamese ethnicity?

6 A. <Thank you.> That is true. <They> were half Vietnamese <and  
7 half Khmer>.

8 [15.55.05]

9 Q. And can you clarify again when it was that your wife and these  
10 other women and their children were arrested?

11 A. <Thank you. They were not arrested one after another. The  
12 whole family consisting of a mother> together with children <was>  
13 sent away <to Kaoh Trong. This applied to all the families I  
14 mentioned earlier. In the meantime, their> husbands were sent  
15 away to <collect bamboo for making ladders to> climb <>the sugar  
16 palm trees. And these people were put on carts and they were  
17 transported <from the middle of> the island <to be killed at the  
18 very edge of the island>.

19 Q. Do you recall what year this occurred?

20 A. <Thank you. I actually already mentioned this. It occurred  
21 during> during the time that the water rose, the waters in Mekong  
22 River rose. It was perhaps in September. <Again, I do not  
23 remember the exact date. Usually, it is in> September <when the  
24 Mekong River is flooded. Whenever the Mekong is flooded, it looks  
25 like an ocean>.

1 [15.56.44]

2 Q. In your civil party application, you state that it was  
3 September 1978. Is that what your recollection is here today?

4 A. <Thank you.> It was in September <when the Mekong River was  
5 flooded. And usually it is in October when the water starts to  
6 recede. And the level of water is just good enough in November  
7 when Water Festival is> celebrated<>.

8 Q. And do you confirm that it was in 1978?

9 A. That is true. It was in September in 1978 when my wife,  
10 together with my children, <were> sent away to be killed. It was  
11 in the flooding -- in the flood season.

12 [15.58.06]

13 Q. You stated that once you returned from cutting bamboo or  
14 climbing sugar palm trees, you were told by villagers that your  
15 wife and the other wives and your children had been taken away to  
16 be killed, do you recall the names of the individuals that you  
17 talked to that told you this?

18 A. <Thank you.> Not <only> one villager; <but also> many other  
19 villagers told me <about this. One of the> surviving <villagers  
20 who told me is Ta Thol>; he is <a clergyman at a pagoda and>  
21 living in Kaoh Trong, <Kaoh Trong commune,> Kracheh district,  
22 Kratie province.

23 Q. You state in your civil party application, this is document  
24 E3/4844; English, ERN 00982031; French, 00920490; and Khmer,  
25 00527657 - quote:

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1 "The sources of this detailed information are people living in  
2 Kbal Kaoh Trong who witnessed the killing, namely, Ta Sen, who  
3 later became seriously ill and lost all his hair, and a man named  
4 Thol, who drove the ox cart carrying those women and children  
5 for execution to the forest."

6 Does that refresh your memory that at least two of the  
7 individuals you spoke with were Ta Sen and Thol, who drove the ox  
8 cart carrying the women and children?

9 [16.00.15]

10 A. <Thank you.> It is true what you quoted. Thol elaborated that  
11 incident to me. Ta Thol suggested that a stupa should be built at  
12 one specific location. He hinted the points to me about the  
13 building of stupa and I reply that I cannot -- I do not know yet  
14 whether the stupa will be built. And there is another person, but  
15 he is now -- he or she is now deceased.

16 Q. And these villagers that you spoke with, did they witness the  
17 killings themselves or did they hear about the killings?

18 A. <Thank you.> The villagers did not witness that scene of  
19 execution. Militiamen went with the wives and with the woman --  
20 women and her children. <No one else was allowed to follow them>.  
21 They <were being taken under the pretext that they were to be  
22 reunited with their husbands on> the other side of the <Mekong  
23 River>; only Thol <> who witnessed the real incident <and  
24 remembers the incident well>.

25 MR. PRESIDENT:

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1 Thank you, the <International> Deputy Co-Prosecutor.

2 Thank you, Mr. Uch Sunlay. The hearing of your statement and  
3 suffering as a civil party has not come to an end yet. You are  
4 therefore invited to come here once again to state your  
5 sufferings and injuries tomorrow at 9 a.m.

6 I am grateful to Chhay Marideth, the TPO staff, for assisting  
7 emotionally and physically during -- to the civil party. You may  
8 be excused.

9 [16.02.50]

10 Court officer, please work with the WESU to send the civil party  
11 back to the place where he is staying at the moment and please  
12 invite him back into the courtroom tomorrow at 9 a.m.

13 It is now a convenient time for the adjournment.

14 The hearing will resume tomorrow, Wednesday, 2nd March 2016, at 9  
15 a.m.

16 And tomorrow the Chamber will continue hearing the suffering and  
17 harms of Uch Sunlay as a civil party, and then start to hear  
18 <2-TCW-933> in relation to Au Kanseng Security Centre. Please be  
19 informed and be on time.

20 Security personnel are instructed to bring the two accused, Nuon  
21 Chea and Khieu Samphan, back to the ECCC's detention facility and  
22 have them returned into the courtroom tomorrow before 9 a.m.

23 The Court is now adjourned.

24 (Court adjourns at 1603H)

25