



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

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 19-Apr-2018, 09:47
CMS/CFO: Sann Rada

29 August 2016
Trial Day 446

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Stavroula PAPADOPOULOS
SE Kolvuthy

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
PICH Ang
SIN Soworn

For the Office of the Co-Prosecutors:
Dale LYSAK
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. SENG Soeun (2-TCCP-219)

Questioning by The President (YA Sokhan) page 7

Questioning by Ms. GUIRAUD..... page 10

Questioning by Mr. LYSAK page 29

Questioning by Judge LAVERGNE..... page 72

Questioning by Mr. LIV Sovanna page 76

Questioning by Mr. KOPPE page 86

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
The President (YA Sokhan)	Khmer
Mr. SENG Soeun (2-TCCP-219)	Khmer
Mr. SREA Rattanak	Khmer

1

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

2 (Court opens at 0859H)

3 MR. PRESIDENT:

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

5 The Chamber wishes to inform the parties and the public that the
6 President of the Trial Chamber will be absent for the proceedings
7 before this Trial Chamber due to his health. And the Chamber does
8 not know when the President, Nil Non, is available for the
9 proceedings, and the Chamber will inform the parties and the
10 public when it receives an update on this matter.

11 And today the Chamber will begin hearing testimony of a civil
12 party, that is, 2-TCCP-219.

13 Ms. Se Kolvuthy, please report the attendance of the parties and
14 other individuals to today's proceedings.

15 [09.01.15]

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case
18 are present.

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

22 And the civil party who is to testify today, that is, 2-TCCP-219,
23 is ready to be called by the Chamber.

24 We also have a reserve Civil Party today, that is, 2-TCCP-286.

25 Thank you.

2

1 [09.02.01]

2 MR. PRESIDENT:

3 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
4 request by Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea, dated 29 August
6 2016, which states that, due to his health, that is, headache,
7 back pain, he cannot sit or concentrate for long. And in order to
8 effectively participate in future hearings, he requests to waive
9 his right to be present at the 29 August 2016 hearing.

10 He advises that his counsel advised him about the consequence of
11 this waiver, that in no way it can be construed as a waiver of
12 his rights to be tried fairly or to challenge evidence presented
13 to or admitted by this Court at any time during this trial.

14 [09.02.59]

15 Having seen the medical report of Nuon Chea by the duty doctor
16 for the accused at ECCC, dated 29 August 2016, which notes that
17 Nuon Chea feel dizzy when he stands up and he has a chronic back
18 pain when he sits for long and recommends that the Chamber shall
19 grant him his request so that he can follow the proceedings
20 remotely from the holding cell downstairs.

21 Based on the above information and pursuant to Rule 81.5 of the
22 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
23 follow today's proceedings remotely from the holding cell
24 downstairs via an audio-visual means.

25 The Chamber instructs the AV Unit personnel to link the

3

1 proceedings to the room downstairs so that Nuon Chea can follow.

2 That applies for the whole day.

3 [09.04.10]

4 And before we proceed to hear testimony of Civil Party

5 2-TCCP-219, the Chamber wishes to hear oral observations,

6 responses from parties concerning the closed sessions on the

7 hearing of testimony of witness 2-TCW-1002, as this witness has

8 been determined by the International Co-Investigating Judge to be

9 in the Category C whose testimonies shall be held in closed

10 sessions. And for that reason, the Chamber wishes to hear

11 opinions from concerned parties whether the hearing of the

12 testimony of this witness shall be held in public or closed

13 session.

14 And first, I'd like to hand the floor to the Co-Prosecutor.

15 [09.05.26]

16 MR. LYSAK:

17 Thank you, Mr. President. Good morning, Your Honours, counsel.

18 The Co-Prosecutors have no objection to the classification of

19 this particular witness. This is a witness who is exclusively to

20 one of the other cases, and a fairly significant witness in an

21 ongoing investigation, so we understand the classification in

22 this case and have no objection to the request that the witness

23 proceed in closed session.

24 MR. PRESIDENT:

25 And I'd like to hand the floor now to the Lead Co-Lawyers for

4

1 civil parties.

2 MS. GUIRAUD:

3 Thank you, Mr. President.

4 We will rely on the Chamber's wisdom regarding this particular
5 issue. No particular observations.

6 [09.06.22]

7 MR. PRESIDENT:

8 And now I hand the floor to the defence team for Nuon Chea.

9 MR. KOPPE:

10 Good morning, Mr. President. No observations.

11 MR. PRESIDENT:

12 And now I hand the floor to the defence team for Khieu Samphan.

13 MS. GUISSSE:

14 Thank you, Mr. President. Good morning to all of you.

15 No particular observations except the general reminder that
16 hearings should be as transparent as possible and, in my view,
17 this civil party has a lawyer and if there were particular
18 issues, it should be up to the lawyer to react.

19 [09.07.21]

20 MR. PRESIDENT:

21 I now hand the floor to the Co-Prosecutor.

22 MR. LYSAK:

23 Thank you, Mr. President. Just to be sure, the record is clear; I
24 think there might be some confusion with the Khieu Samphan
25 defence.

5

1 The witness we are discussing, I understand, is the fourth
2 witness or the -- third or fourth witness this week, 2-TCW-1002,
3 who is not a civil party, but just a witness, so I'm not sure
4 that the Khieu Samphan team was addressing the same person that
5 we were.

6 MS. GUISSÉ:

7 Indeed. Indeed, I made this error. I mixed up the pseudonyms.
8 However, my observations are the same regarding the necessity of
9 having transparent hearings, and I will rely on the Chamber's
10 wisdom.

11 [09.08.21]

12 MR. PRESIDENT:

13 And the Chamber thanks all parties for their observations. The
14 Chamber will notify the parties in due course in relation to the
15 hearing of testimony of that witness.

16 And the Chamber would also like to inform the parties and the
17 general public that the Chamber has received information from
18 WESU that witness 2-TCW-1002 has health issues and, for that
19 reason, the testimony could not be heard on Thursday, 1st
20 September 2016 as scheduled. For that reason, the Chamber will
21 begin hearing testimony of this witness on Monday, the 5th of
22 September 2016.

23 [09.09.12]

24 Now the Chamber will issue an oral ruling on Internal Rules 87.3
25 and 87.4 requests to admit civil party applications.

6

1 The Chamber notes that the Nuon Chea defence filed a written
2 request under Internal Rule 87.4, that is, document E430, on 22nd
3 August 2016 for the admission into evidence of four documents.
4 Two of the documents were admitted through an oral decision
5 rendered on 23rd August 2016. The Chamber now addresses the
6 remainder of the request in which the Nuon Chea defence seeks to
7 admit excerpts from document E319/45.4.8, which is the civil
8 party application of 2-TCCP-286, who is scheduled to give a
9 statement tomorrow.

10 While document E430 refers to 2-TCCP-28, it is clear from the
11 other information in the request that the Defence intended to
12 refer to 2-TCCP-286. The Chamber notes that part of the proposed
13 document, E319/45.4.8, is already contained within admitted
14 document E3/5010, which is also the civil party application
15 2-TCCP-286. The excerpts sought for admission by the Nuon Chea
16 defence are additional parts of said civil party application.
17 The Chamber notes that some of the ERN references provided in the
18 request are erroneous, and the Chamber therefore relies instead
19 on the excerpts attached to the Defence's filing in rendering its
20 decision.

21 [09.11.49]

22 The Trial Chamber recalls its practice to admit into evidence all
23 prior statements of civil parties or witnesses who appear before
24 it pursuant to Internal Rules 87.3 and 87.4. It is in the
25 interest of ascertaining the truth that the Chamber and parties

7

1 have access to all of the statements of civil parties and
2 witnesses who will be heard in Case 002/02.
3 The Chamber therefore grants the Nuon Chea defence's request to
4 admit into evidence the proposed excerpts of document
5 E319/45.4.11, which are contained at document number E430.2 and
6 E430.4. The Chamber assigns these excerpts combined document
7 number E3/5010B.

8 Court officer, please usher civil party 2-TCCP-219 into the
9 courtroom.

10 (Civil party enters the courtroom)

11 [09.14.46]

12 QUESTIONING BY THE PRESIDENT:

13 Q. Good morning, Mr. Civil Party. What is your name?

14 And please observe the microphone. When you see the red light on
15 the tip of the microphone, then you can speak. Please repeat your
16 response.

17 (Microphone not activated)

18 [09.15.15]

19 BY MR. PRESIDENT:

20 Mr. Civil Party, please repeat your response. And as I said, you
21 should speak only after you see the red light on the tip.

22 What is your name, Mr. Civil Party?

23 Mr. Civil Party, please repeat your response. When you spoke, the
24 microphone was not yet operational.

25 What is your name?

1 MR. SENG SOEUN:

2 A. My name is Seng Soeun.

3 Q. When and where were you born?

4 A. I was born in 1956, and I was born in Trapeang Kak village,
5 Popel commune, <Tram Kak> district, Takeo province.

6 [09.17.19]

7 Q. Where is your current address?

8 A. I live in Khsach Tob village, Preaek Prasab district, Chrouy
9 Banteay commune. And I -- and that's in Kratie province.

10 Q. What is your current occupation?

11 A. I am a retired soldier.

12 Q. What are the names of your parents?

13 A. My mother is Duong Khun. She's from Trapeang Kak village,
14 Popel commune, Tram Kak district, Takeo province. She's deceased.

15 [09.18.34]

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

17 A. My wife is Sok Channy. She's in Khsach Tob village, Chrouy
18 Banteay commune, Takeo province.

19 Q. Thank you, Mr. Civil Party.

20 You are called to be here as a civil party in the proceedings
21 before the Chamber and, for that reason, toward the conclusion of
22 your testimony, you will be given an opportunity to make a
23 statement of harm and suffering, that is, harms inflicted upon
24 you during the period of Democratic Kampuchea, if you wish to do
25 so.

9

1 And Mr. Civil Party, have you been interviewed by OCIJ
2 investigators? If so, how many times, when and where, if you can
3 recall it?

4 A. I cannot recall it clearly. However, I met with a lawyer, and
5 that happened on a number of occasions, though I cannot say
6 exactly how many times I met with the lawyer.

7 [09.20.16]

8 Q. And before your appearance, have you reviewed or read the
9 written record of your statements that you have provided earlier
10 to the investigator in order to refresh your memory?

11 A. I cannot read the book or the note of my written interview.
12 After I became unconscious for three days and three nights and
13 after I regained my memory, I forgot about it all. And later on,
14 the lawyer tried to refresh my memory and I could recall part of
15 it.

16 Q. And to your best knowledge and recollection, can you tell the
17 Chamber whether the written records of your statements are
18 consistent with what you told the investigators?

19 A. Yes, that is the truth that I have reviewed and that I
20 provided information to them. Everything is the truth as I told
21 them. And the records are correct.

22 [09.22.07]

23 MR. PRESIDENT:

24 Thank you.

25 And pursuant to Rule 91bis of the ECCC Internal Rules, the

10

1 Chamber hands the floor first to the Lead Co-Lawyers to put
2 questions to this civil party. And the combined time for the Lead
3 Co-Lawyers and the Co-Prosecutors are <three> sessions.

4 You may proceed.

5 [09.22.38]

6 QUESTIONING BY MS. GUIRAUD:

7 Thank you, Mr. President. Good morning to all of you.

8 Q. Good morning, Civil Party. I'm going to put questions to you
9 this morning mainly about the issue of marriage during the DK
10 period, and then I will give the floor to the Co-Prosecution.

11 But before I put these questions to you on marriages during the
12 DK regime, I would like you to explain to the Chamber what you
13 did between the moment when you joined the revolution and the end
14 of the regime.

15 So my first question, therefore, is: Did you join the revolution
16 and, if yes, when?

17 MR. SENG SOEUN:

18 A. I do not know what to say.

19 MR. PRESIDENT:

20 Mr. Civil Party, do you understand your question?

21 And please, Lead Co-Lawyer, repeat your question.

22 [09.24.05]

23 BY MS. GUIRAUD:

24 Q. Well, let me try to make it simpler. Did you join Communist
25 Party of Kampuchea, and if so, when?

11

1 MR. SENG SOEUN:

2 A. At the time I was called to join the line, as I - it was
3 called, it happened in 1970. My teacher actually inducted me into
4 this arts group in Sector 13, and his name was Khieu Van Horn
5 (phonetic). And that happened in October 1970. I did not yet join
6 the "Youth League". And I served in the arts performance groups
7 in Sector 13 until <10> October 1972, then I left the arts
8 performance group and I joined the army. At that time, I was
9 assigned to be a group chief in a <platoon>, and I was not yet a
10 candidate member of the Party, but I was in the "Youth League".
11 And after that, I became a candidate member of the Communist
12 Party of Kampuchea, and then I was promoted to become chief of a
13 company.

14 And after 17 April 1975, after Phnom Penh fell, I was wounded in
15 a battlefield near the Vietnamese-Cambodian border.

16 [09.26.25]

17 Q. Thank you.

18 Can you explain to the Chamber where you went after having been
19 wounded on the battlefield after the liberation of Phnom Penh?

20 A. After Vietnamese attacked Cambodia, I went to the Dang Rek
21 mountain range. And when I came down from the mountain, my
22 direction was to head to Kratie province under the supervision of
23 main leaders along the border area <at Dang Rek mountain>. And
24 there were Khieu <alias Son Sen> and Ta Mok who were in charge.
25 And their aim were try to get rid of the mistakes that the

12

1 previous Khmer Rouge leaders committed. And later on, I became
2 reintegrated into the government's military and, as I said, I
3 continued my service until <I became handicapped and> I retired.

4 Q. After having been wounded on the battlefield in 1975, where
5 did you go?

6 So we're speaking about 1975, that is to say, right after you
7 were injured on the battlefield.

8 [09.28.28]

9 MR. PRESIDENT:

10 Mr. Civil Party, please wait for the microphone before you speak.

11 You should only speak when you see the red light.

12 MR. SENG SOEUN:

13 A. Allow me to continue my response.

14 After I got injured, I was sent to a handicapped soldiers' office
15 in Sector 13. And later on, all handicapped soldiers were
16 gathered and sent to the Southwest Zone office located near Phnom
17 Penh. Later on, I left the southwest handicap office in Takhmau
18 to live in S'ang district. I worked in the administrative section
19 of the S'ang district office.

20 And later on, I was transferred to Kratie province and I was
21 there for less than a month. Then the "Yuon" groups attacked
22 Cambodia, then I fled to Dang Rek mountain range.

23 [09.29.45]

24 BY MS. GUIRAUD:

25 Q. Thank you.

13

1 You just indicated that after having been injured, you were
2 transferred to a handicapped soldiers' unit. Can you tell the
3 Chamber where, exactly, this office for handicapped soldiers was
4 located, and approximately how much time did you spend there?

5 MR. SENG SOEUN:

6 A. I cannot recall the location of that office or the period I
7 was there. I only knew that that office was for the handicapped
8 soldiers and it was in Sector 13, that is, for Takeo province.
9 <And later on I was sent to the southwest handicap office near
10 Phnom Penh in> Takhmau.

11 Q. Thank you.

12 I will read to you the response that you gave to the
13 investigators when they were questioning you in 2009. This is
14 document E3/409, answer number 6 in all languages. The
15 investigator asked you the following question: "What happened
16 after you were released from the hospital?"

17 And you responded: "I was sent to work for the <handicapped
18 youth> office, Sector 13, Takeo province, which is located in
19 Thon Mon, Baray commune, Treang district, Takeo province."

20 [09.31.37]

21 Mr. Civil Party, does that correspond to your memory and the
22 location of this <handicapped youth> office in Sector 13?

23 A. Yes, I went there. I went to Thon Mon.

24 Q. Earlier, you said that all handicapped soldiers were then
25 brought together in <the outskirts of> Phnom Penh. I would like

14

1 to read to you another response that you gave to the
2 investigators, E3/409, answer 11 in all languages. The
3 investigator asked you the following question: "How long did you
4 remain at the <handicapped youth> office?"

5 And you responded: "I do not remember as I was removed from one
6 place to another many times. But in any case, I believe that I
7 left the <handicapped youth> office in 1977. I was then sent to
8 the <regional handicapped youth> office in Takhmau, Kandal Stueng
9 district, Kandal province."

10 Does this information refresh your memory concerning the location
11 of the <regional handicapped youth> office?

12 [09.33.33]

13 A. Yes, that's correct. I can recall it.

14 Q. What were your functions when you were at the Takeo
15 <handicapped youth> office, or the first <handicapped soldiers'>
16 office where you were assigned after you were injured on the
17 battlefield? What was your role there?

18 A. When I was at the youth handicap office in Sector 13, I was
19 assigned as the deputy chief of the youth handicap office of
20 Sector 13.

21 Q. Can you explain to the Chamber who was sent to this office for
22 <handicapped> soldiers?

23 What was the type of handicap or injury that the soldiers sent to
24 the centre suffered from?

25 [09.35.17]

15

1 A. At the youth handicap office, those people who were sent there
2 were soldiers who were wounded during the fighting with Lon Nol
3 soldiers, and they became handicapped. So they were wounded by
4 bullets from the fighting, and they were sent there.

5 Q. Were there also soldiers who had vision problems, who did not
6 see well?

7 A. The word "handicap" referred to those who may <have broken>
8 legs or arms, and for those who have eye problem or blind, they
9 <were> also considered as handicapped person.

10 Q. Were there men and women, or only men in this handicapped
11 soldiers' <unit>?

12 A. Some had wives. Some who were handicapped had wives, and they
13 came to live at my place, while some other was still single. So
14 those who had wives and children, they brought their family to
15 live with them.

16 Q. Did the soldiers who were single get married at any time <at>
17 this handicapped soldiers' office when you were there?

18 A. When they were with me, there were -- there were no marriage
19 arranged for those single handicapped soldiers <in Sector 13>.
20 And for those who had already been married, they brought along
21 their families to live with them at my office.

22 [09.38.38]

23 Q. Mr. Civil Party, you responded to questions by DC-Cam in 2006,
24 so this is a document <from> several years ago, about 10 years.

25 And you were interrogated on a certain point.

16

1 The document in question is E3/5643. The ERN in French is
2 00756626; in English, 00753878; and in Khmer, 00059380.
3 I will ask my colleague, Ang Pich, to kindly read, in the
4 original Khmer version, the question that was asked of you at
5 that time and the response that you gave. And afterwards, I will
6 have certain clarifying questions to ask you.

7 [09.39.50]

8 MR. PICH ANG:

9 Good morning, Mr. President and the Bench and parties in the
10 Chamber. I would like to quote from the document.

11 "Boly: Was Soeun the smoung puk (phonetic)?

12 "Soeun was put in charge of Sector -- of youth handicap office of
13 Sector 13 in Takeo province. At that time, the handicapped people
14 from the Southwest Zone, including those from <Sector 25 in
15 Kandal province,> Sector 33 in Kampong Speu and Sector 13 in
16 Takeo province and Sector 35 of Kampot province, they were
17 gathered up and put at Takhmau.

18 "Did you ever know Takhmau?

19 "That started from Preaek Hour Bridge to -- and from the
20 psychological hospital to <Kampong> Samnanh (phonetic) market.

21 Those were the area that the handicapped people were based. When
22 I arrived there, I was assigned as the chief of <a company in
23 charge of 120 people>, and there were no chief and deputies yet.

24 Three months later, the chief of the office were arrested and
25 taken away because he was alleged of being part of the net -- the

17

1 betrayal network. And the person who was the -- the chief of the
2 factories of shampoo were assigned to take charge of that
3 position. <He was the chief and I was the deputy.> And then I
4 arranged married for those handicapped people. At that time,
5 there were women from the pepper plantation <in Kampot>. Those
6 women were brought in to marry to the handicapped people." End of
7 quote.

8 [09.42.20]

9 BY MS. GUIRAUD:

10 Q. Mr. Civil Party, you heard the answer that you gave at the
11 time in 2006. At this time now, do you remember these women who
12 were brought from the pepper plantation in Kampot to be married
13 to the handicapped soldiers in Takhmau?

14 MR. SENG SOEUN:

15 A. Yes, I can recall it. But there was some wrong information.
16 At that time, it was not me. I was already at S'ang district at
17 that time, but I visited the area. And the chief of the area told
18 me that those handicapped soldiers had been married to the women
19 who were brought in from the pepper plantation.

20 Yes, that's what I can recall. But the person in charge of
21 <arranging the marriage for the handicapped people in the
22 Southwest Zone> at that time was not me. I was simply a visitor.

23 [09.43.40]

24 Q. Did you know at that time why these handicapped soldiers had
25 been married?

18

1 A. At that time, under the order or instruction from above, that
2 those handicapped people were all -- marriage should be arranged
3 for them, and that was the order from Ta Mok. And I did not hear
4 the order myself, but my superior got the order and he relayed
5 the order to me that those handicapped soldiers were old; we
6 should arrange marriage for them.

7 Q. And when you say that these handicapped soldiers were old, do
8 you remember the age of these soldiers at that time?

9 A. You want to ask about my age or the age of those handicapped
10 people who were arranged to get married?

11 [09.45.24]

12 Q. The age of the soldiers who had marriages arranged for them.

13 A. The age ranges were between 25 to more than 30 years old. And
14 those were the age range of the handicapped soldiers who were
15 arranged to get married.

16 Q. Did you meet soldiers or the wives of soldiers who had come
17 from the Kampot pepper plantations after their marriage when you
18 came to visit Takhmau? Did you have the opportunity to meet the
19 soldiers and their wives who had been married as you just
20 explained?

21 A. Yes, I met some of them, but I did not ask them. I simply saw
22 them, but did not have time to ask them about their names or
23 anything else.

24 [09.47.06]

25 Q. You said earlier that some of the soldiers lived in this unit

19

1 as a family with their wives and children. Can you explain to the
2 Chamber who these wives were?

3 Were they also soldiers? Were they civilian wives? What can you
4 tell us about these wives who lived with the soldiers, the women
5 who had been married to the soldiers?

6 A. Those females who were brought in to get married to the
7 handicapped people were from villages or from the plantations,
8 from the pepper plantations. They were not female combatants.

9 Q. And for the soldiers who were already married, you explained
10 earlier that some of the soldiers in the unit were already
11 married and already had children, and they lived as a family
12 within the handicapped soldiers' office. Did you know these
13 wives, and who were they?

14 A. I did not know all of them. I was -- I was only familiar with
15 their faces. When I was at office -- the <southwest> handicap
16 office <>, those wives were peasants who were collected from
17 villages <and communes> to stay with their husbands. I <was> only
18 familiar with their faces, but I did not know their names and
19 cannot recall their names now.

20 [09.49.40]

21 Q. Thank you.

22 You said earlier that you were then transferred to S'ang
23 district. What were your functions in that district?

24 A. In S'ang district, I was in charge of the district office. I
25 was responsible for taking care of the affairs of the district

1 office.

2 Q. Do you remember, approximately, in what year you were
3 transferred to the S'ang district?

4 A. I cannot recall it well. When -- because when I was sent to be
5 based at the zone youth handicap office, it was already after the
6 17 April 1975. <I was in Phnom Penh at the time> and, later on, I
7 was transferred to S'ang district. But I cannot recall how long I
8 was there when I was transferred from S'ang district to Kratie
9 province. And I stayed in Kratie province for almost one month,
10 and then the Vietnamese <invaded> Cambodia.

11 [09.52.02]

12 Q. When you were interviewed by the investigators in 2009, so
13 <still the same document,> E3/409, answer 24, you indicated that
14 you arrived in S'ang district in June 1978.

15 Does this correspond to what you remember today, that you arrived
16 in S'ang district in 1978?

17 A. Now I cannot recall all of them, especially about the dates,
18 when I was transferred from one place to another.

19 Q. When you were district office chief to S'ang district, did you
20 <have to> organize marriages?

21 A. I received the order from the district committee from Brother
22 Sao Phon, who was the district committee. He ordered me to take
23 the biographies of youth, I mean both male and females, from the
24 district mobile units so that those youths would be arranged to
25 get married.

21

1 I arranged the list twice, but I could not recall the number of
2 couples. At each time, there were between 20 to 30 couples.
3 Brother Phon (phonetic), who was the district committee,
4 instructed me to talk to the mobile unit chiefs, including the
5 male and female unit -- mobile units, to send the biographies to
6 <me to match the couples who were from the same village and
7 commune>. And for the males who would reach the age of marriage,
8 the age need to be 25. And for the wives that would be matched
9 with him, their age should be two or three years younger. So he
10 want the listed of the biographies of those male and females
11 youth. <I arranged the list twice. Later on, I was transferred to
12 Kratie.>

13 [09.55.14]

14 Q. Were all of the names that you wrote on this list from members
15 of the mobile unit?

16 A. The chiefs of the mobile units from the male units and female
17 units sent the biographies to me so that I would match them.

18 Q. Could you explain to the Chamber how you established
19 correspondences between the biographies? What were the criteria
20 that you needed to respect?

21 A. I simply followed the order from the district chief who want
22 me -- who wanted me to do so, that I needed to collect the
23 biographies from the male mobile units and female mobile units
24 and then decided whom should be arranged to get married.

25 I simply followed the instruction from the district committee. It

1 was not my own decision.

2 [09.56.58]

3 Q. And did you know if the district committee had received <these
4 instructions> from someone else?

5 You spoke earlier of Ta Mok, who had expressed these principles
6 for the handicapped <soldiers>. Were there similar instructions
7 for the people <from mobile units>?

8 A. Ta Mok did not instruct the subordinates below directly. He
9 instructed ?? the sector level, and the sector level relayed
10 ?instructions? to the district level. And ?? the district level
11 ?had to carry out? the order ?to marry those youths and women
12 since there were several of them who? were becoming old and they
13 should get married.

14 ?We should not leave many people unmarried. We had to follow his
15 plan successively. It was not done in one day,? we needed to
16 think about arranging marriage for them ?successively? because
17 they <were> becoming older and older ?These were the successive
18 plans?.

19 Q. Once you had put together these lists by comparing the
20 biographies, could you explain what the next step was? How did
21 the people learn that they were supposed to get married?

22 A. For those who would be arranged to get married, they were not
23 aware that -- in advance about their marriages. It was their
24 chiefs who were aware of this and who would call on them to the
25 wedding ceremony place <in the district office>. I can confirm

1 that those couples were not informed beforehand about the fact
2 that they would be arranged to get married.

3 [09.59.46]

4 Q. When you were interviewed by the investigators, E3/409, you
5 said at answer 65 the following, which I'm going to read out to
6 you, and I'd like to <hear> your reaction. You said:

7 "A man from the New People had to be married to a woman from the
8 New People. A Base Person would be arranged with a Base Person."

9 Does this answer correspond to the instructions that you received
10 from the district committee?

11 A. Yes, that is correct. That was the instruction from the
12 district committee, which was relayed to me, that New People
13 should be matched only with New People, while the Base People
14 would be matched to the <Base> People. And I just recall that.

15 [10.01.08]

16 Q. Did you attend marriage ceremonies after having drawn up these
17 lists? Were you present during the marriage ceremonies?

18 A. I attended the two wedding ceremonies. I handed everything to
19 the district committee, and I was sitting there when the
20 announcement was made that this person will be matched with that
21 person.

22 And after it's concluded, the district chief announced that for
23 both the male and females, if they disliked one another, they
24 should withdraw themselves, and if they liked, then they should
25 continue with that.

24

1 I was sitting there and I heard such announcement.

2 Q. Did some people remove themselves<, to use the word that was
3 translated in French>? Are there people who refused to get
4 married during these two wedding ceremonies?

5 A. Before I left, I saw a few couples who walked away. And that's
6 what I observed at the time. Mainly the men left. That's for the
7 first wedding ceremony.

8 And for the second one, there were more women who walked out.

9 However, I did not know if they faced other issues later on.

10 [10.03.20]

11 Q. Now I'd like to read out to you some of the answers you
12 provided to the investigators in 2009, so document E3/409, and
13 these are questions and answers 71 to 73. And the investigator
14 put the following question to you:

15 "Could people refuse to get married?"

16 And you answered: "They <had the right to refuse>."

17 The investigator then asked you a question again: "Did people
18 always <have to> agree to <these arranged marriages>?"

19 And you answered: "Some couples were not happy, while some were.

20 And those who were unhappy did not dare to refuse."

21 And finally, the investigator puts this last question to you:

22 "Why did they not dare to refuse?"

23 And you answered: "They were afraid of being killed by the Khmer
24 Rouge regime."

25 [10.04.26]

25

1 So is this something that you remember today? Do you remember
2 that some of the people did not dare refuse to get married
3 because they were afraid that the Khmer Rouge regime would kill
4 them?

5 A. That prior statement of mine is correct because that's what
6 happened, and that's what they did during the regime.

7 If they loved one another, that's fine. However, if someone
8 protested about that, the person would disappear.

9 Q. When you were the head of the district office in S'ang,
10 personally, did you witness such incidents that you have just
11 described, that is to say, couples who did not want to get
12 married and who then apparently disappeared? Do you have examples
13 in mind, examples that you may provide to the Chamber?

14 A. I only witnessed those couples who were matched. And if they
15 didn't like one another, they could walk away. But I did not know
16 whether, later on, they disappeared. They were members of mobile
17 units, and they would return to their respective units, which
18 were far from where I was based, so I did not know what happened
19 to them later on or whether they were sanctioned or punished for
20 their acts.

21 [10.06.50]

22 MS. GUIRAUD:

23 Mr. President, I have one last series of questions, which I can
24 put before the break or after the break. You decide.

25 MR. PRESIDENT:

1 You may proceed.

2 BY MS. GUIRAUD:

3 Q. Civil Party, you, yourself, were you married during the DK
4 regime?

5 [10.07.40]

6 MR. SENG SOEUN:

7 A. Talking about me, yes, I was. I never thought of having a wife
8 because I had been relocated on several occasions. During the
9 ceremony, there were two couples <in S'ang district>; I was one
10 of them. Sao Phon told me that I should have a wife. I refused
11 but he assigned a woman who was deputy chief of the district
12 hospital to be my wife. <Her native village was near Damnak Sek
13 (phonetic).> He spoke to me once, and I refused. However, after
14 the third time, I agreed to his proposal. So, Phon (phonetic)
15 arranged my marriage. And the wife was the cousin of Sao Phon,
16 the district committee.

17 Since I was afraid of him for one thing, and I also did not want
18 to get married, but he insisted and I agreed.

19 (10.09.02)

20 Q. Had you met this cousin of the district committee <chief, Phon
21 (phonetic),> before the wedding ceremony?

22 A. I did not see her or meet her before that. Only when I came to
23 the handicap office, the lady walked into my office and only on
24 the day of the marriage that <I came to know that> it was her who
25 was arranged for me. She was from Doung village<, Doung commune,

1 Srae Knong district>, and she was the cousin of Sao Phon.

2 Q. And do you remember when this marriage took place? Was this
3 when you were in Takhmau or when you were relocated to S'ang
4 district?

5 A. At that time, I was in S'ang district and Phon (phonetic), the
6 district committee, arranged the marriage for me with his cousin.
7 And as I said, she from Doung village, Doung commune<, Srae Knong
8 district>.

9 (10.10.44)

10 Q. And you spoke about the presence of two other couples at this
11 marriage. So, did I understand you correctly that there were <a
12 total of> three couples or was there only you and the <woman> who
13 was going to become your wife, and another couple?

14 A. I was one of the three couples and another couple was a woman
15 who was chief of a district mobile unit <and the other one was
16 the cook at the district office>. That's all I can recall.

17 Q. Were there specific rules that were applied to the marriages
18 of people who <like you> were candidate members or <did> the same
19 rules apply to everyone?

20 A. By that time, they did not consider the status of being
21 members of the "Youth League" or a candidate member of the Party.
22 The marriages were organized throughout various units and
23 offices.

24 (10.12.29)

25 Q. Did you live with your wife after your marriage?

28

1 A. After the marriage and it's about three months after the
2 marriage, Phon (phonetic), myself, and two other individuals from
3 S'ang district were transferred to Kratie province. But the
4 women, we were told, would be transferred later.

5 Q. And was your wife, indeed, relocated later? Did you see her
6 again in Kratie?

7 A. No, I came to live in Kratie province. Then, the "Yuon" troops
8 arrived. I fled to Dang Rek mountain range. Then, Phon (phonetic)
9 organized another woman for me to remarry, and I never received
10 any information from my previous wife who was from Doung village<
11 in Srae Knong district>. I asked Doung (sic) (phonetic) about her
12 and -- I asked Phon (phonetic) about her, and he said that she
13 went to live with <Meas> Muth in the area of Pailin or Samlout.
14 That's all I knew about her.

15 [10.14.35]

16 Q. And my last question, Mr. President, if you will please allow
17 me to.

18 You said earlier that you accepted to get married because you
19 were afraid of Phon (phonetic). What were you afraid of exactly?

20 A. It is difficult to describe about the situation of fear during
21 the regime. Everyone was under their leadership, and it is a very
22 difficult situation during the regime.

23 Sometimes, people died or disappeared without reasons, and that's
24 what made us think that if we were forced or instructed to marry,
25 then we just simply did.

1 [10.15.40]

2 MS. GUIRAUD:

3 Thank you, Civil Party. Thank you, Mr. President. I have no
4 further questions.

5 MR. PRESIDENT:

6 Thank you. And the Chamber will rest for 20 minutes from now.

7 (Court recesses from 1016H to 1035H)

8 MR. PRESIDENT:

9 Please be seated.

10 Now, I give the floor to the Co-Prosecutor to put questions to
11 the civil party.

12 MR. LYSAK:

13 Thank you, Mr. President.

14 Just to clarify our understanding, this witness is scheduled for
15 a day and a half. So both sides have a total of three sessions. I
16 don't know whether we will use both, this morning and the first
17 session this afternoon, but I just wanted to confirm that this
18 was a witness who is scheduled for a day and a half. Thank you.

19 (10.36.44)

20 QUESTIONING BY MR. LYSAK:

21 Good morning, Mr. Civil Party.

22 Q. I wanted to start by going back and just asking a few
23 additional questions about your background during the regime, and
24 you testified that -- about how you were injured in a hospital
25 and after you were released, you ended up at the Sector 13

30

1 handicap office.

2 I just wanted to clarify, did you go straight from the hospital
3 to the Sector 13 handicap office or was there a period of time
4 when you returned to your home district, Tram Kak?

5 Do you remember whether you spent any time in Tram Kak, at your
6 home, before going to the Sector 13 handicap office?

7 (10.37.58)

8 MR. SENG SOEUN:

9 A. I cannot recall it, especially about the date when I left the
10 hospital. Because I became a handicapped person, I returned to my
11 unit and the chief of the <Battalion named Bao (phonetic)> sent
12 me along with other handicapped soldiers to the office - to the
13 Takeo district hospital and then the district hospital sent us to
14 the youth handicap office <of Sector 13>, and the person in
15 charge of the office was Yao (phonetic).

16 But I could not recall the date when I entered the youth handicap
17 office. <But it was not long after the 17 April.>

18 Q. Thank you. Let me ask you this: Do you remember where you were
19 on 17 April 1975? That is the day that the Khmer Rouge took
20 control of Phnom Penh and took power for the entire country.

21 Do you remember where you were on that day?

22 A. At that time, I was not yet a handicapped soldier. I was still
23 based in the battalion in Takeo province, and I was sent to be
24 based at the border areas. And because of the fighting <with the
25 Vietnamese> there, I became injured.

1 [10.40.02]

2 Q. And one last question about your home district, Tram Kak
3 district. Did you spend any time in Tram Kak district during the
4 Khmer Rouge regime, that is, from April 1975 to January 1979? Did
5 you go there to visit; did you spend any time in Tram Kak?

6 A. I visited for a few times. Since I was based at the sector
7 youth handicap office and at the <Southwest Zone> youth handicap
8 office, I went to visit my parents and relatives for a few times.

9 Q. Turning now to the sector and zone handicap offices, I'm
10 wondering if you could tell us how many people there were; how
11 many former soldiers -- injured soldiers were there at the Sector
12 youth handicap office and how many there were at the zone
13 office in Takhmau?

14 A. The number increased. The Southwest Zone youth handicap office
15 were comprised of three companies, and each company consists of a
16 little bit more than 100 persons. So the <handicap> office that I
17 was based consisted of three companies, and the three companies
18 were considered as one battalion.

19 (10.42.32)

20 Q. Okay, you said in your DC-Cam interview that there were
21 approximately 400 disabled soldiers at the zone office in
22 Takhmau. Is that number about correct?

23 A. At that time, I did not remember it well, but it's from my --
24 my unclear memory, there were probably three companies, <one
25 company consisted of about 120 people> and three companies

1 together made one battalion. That was around 300 people.

2 Q. Okay, thank you. You mentioned, this morning, that some of
3 these soldiers were already married and had families; others were
4 single.

5 Can you give us an estimate? How many of these people were
6 already married and how many were still single?

7 A. Based on my estimation, it's not the exact number. Those who
8 were already married accounted for about 10 per cent.

9 Q. So then without getting into percentages, most of the people
10 were still single. Is that right?

11 A. Yes, that's correct.

12 [10.44.46]

13 Q. And one more background question. You've indicated that you
14 were the -- at the Sector 13 youth handicap office, you were the
15 deputy-chief. What was your position at the zone handicap office
16 in Takhmau?

17 A. Before I arrived, there were already the chiefs and the
18 deputies of the office in the Southwest Zone. And when I arrived
19 <at Sector 13>, <> the three companies <were prepared> to make
20 one battalion for the handicap office. <And I was assigned to be
21 chief of a company.>

22 Q. And did there come a time after your arrival where the office
23 chief was arrested -- office chief and maybe the deputy were
24 arrested and you were promoted? Can you tell us about that?

25 A. Yes, I can recall it, but I cannot recall the exact date when

1 it happened, when the chiefs and the deputy chiefs were arrested.
2 And when they were arrested, a man who came from the shampoo
3 factory was put in charge of the handicap office.
4 And then two months later, the deputy-chief of the zone came to
5 announce the promotion of me to the position of the deputy-chief
6 of the handicap office. But, as I said, I cannot recall the exact
7 date.

8 (10.47.20)

9 Q. Thank you and I understand you can't remember the date.
10 You said that your promotion was announced by the deputy-chief of
11 the zone. Do you remember the name of that person? Who were you
12 referring to by "the deputy-chief of the zone"?

13 A. I cannot recall the name. What I can recall was that, that
14 person came and made the announcement for my promotion. <The
15 chief of the zone office was the younger brother in-law of Ta
16 Mok>. The person who announced my promotion as the deputy-chief
17 of the handicap office, I cannot recall his name, but he <was>
18 also from the <metal lathe> factory in Phnom Penh. He was
19 transferred <from Division 2> to be in charge of the deputy-chief
20 position of the Southwest Zone, and he was the person who
21 promoted me to the position, but I cannot recall his name now.
22 Previously, I could recall the name of that person, but not now.

23 (10.49.13)

24 Q. That's okay, Mr. Civil Party. You've indicated that your
25 memory on the dates of your various positions is a little unclear

34

1 now.

2 Let me read to you a short excerpt from your DC-Cam interview to
3 see if you can confirm this is correct.

4 Your Honours, this is E3/5643; Khmer, 00059402; English,
5 00753896; French, 00756647.

6 This is what you said in your DC-Cam interview -- quote:

7 "It was mid-1975 when I worked in Sector 13 in Takeo. Then I
8 moved to Takhmau in early 1977 and in June 1978, I came to S'ang,
9 moving from the office for the handicapped." End of quote.

10 Do those dates sound about right in terms of your movements in
11 your various positions? Was it early 1977 that you came to
12 Takhmau and then around June 1978 that you went to your position
13 at the S'ang district office?

14 A. Yes, that's correct.

15 [10.51.15]

16 Q. And one more background question. When you came to S'ang
17 district to be the office chief there, do you remember how many
18 -- approximately how many people lived in that district at the
19 time?

20 A. I did not get your question clearly. When I arrived in S'ang
21 district, I arrived there alone. It was me alone who was
22 transferred from the handicap office to S'ang district at that
23 time. <And then the district chief arranged my marriage.>

24 And later on, I was transferred to Kratie province, where I
25 stayed there <for about a month> and then the Vietnamese entered

1 the country. And then I moved to Dang Rek mountain.

2 Q. Thank you, Mr. Civil Party. I understood that.

3 My question to you is when you came to S'ang district, do you
4 remember how many people, approximately how many people lived in
5 that district at the time?

6 A. I do not know how many people there were in the district.

7 When I was at the district, I knew only about the list sent from
8 the communes and the cooperatives, although I was in charge of
9 those lists, but I cannot recall the number of people in the
10 district.

11 They gave me the 100-persons list, but I cannot recall the total
12 number of the people in the district.

13 [10.53.45]

14 Q. That's okay, Mr. Civil Party. Thank you.

15 Let me now turn to the subject that was covered by the Lead
16 Co-Lawyers and ask you a few follow-up questions regarding
17 marriages.

18 First, the marriages that you discussed of the handicapped
19 soldiers who were married to women brought from Kampot. You
20 indicated at first that this was something that took place after
21 you had left the handicap office and went to S'ang district. Then
22 you were describing the event and you indicated that there had
23 been an order from Ta Mok to do these marriages; that you didn't
24 hear yourself, but you said you heard from your commander who
25 passed the order on to you that the soldiers were old and needed

1 to be married.

2 (10.55.01)

3 My question is, and I want -- just to be clear about this, are
4 you sure that these marriages took place while you were at S'ang
5 district after you had left the handicap office or is this an
6 area where your memory is unclear today as to whether this took
7 place while you were at the handicap office or after?

8 Do you understand my question?

9 A. It happened after I had left. There was a policy from Ta Mok,
10 which <assigned> the handicap office to bring in women to marry
11 the handicapped soldiers. It happened when I was already at S'ang
12 district. And because it's an old place that I used to work, so I
13 went to visit there and I knew about this.

14 Q. Can you tell us how many women were brought from Kampot to be
15 married to the handicapped soldiers?

16 A. I don't know how many of them and I cannot say the probable
17 number because I did not see it with my own eyes. I simply heard
18 it from other people.

19 [10.56.58]

20 Q. You indicated that you learned of this when you came to visit
21 the handicap office. Did you ever learn whether or not any of the
22 women who were sent from Kampot to be married there, did any of
23 them become pregnant?

24 A. When I visited the office, I did not see -- I did not see
25 anything happen. I saw them living together and one of the

1 handicapped soldiers was my <cousin>, and he got married to one
2 of the women, and they lived together. I did not notice any
3 strange thing happened there.

4 Q. You indicated that one of the handicapped soldiers who was
5 married was your nephew. Did your nephew tell you about the
6 marriages and the women that were brought from Kampot? Did you
7 ever talk to him about that?

8 (10.58.45)

9 A. The person was not my nephew but was my cousin. He was
10 arranged to get married by Phon (phonetic). The woman who was
11 matched with him was not aware beforehand about the marriage, and
12 he also was not aware beforehand about his marriage. They only
13 knew about their marriage only on the day when they were paired
14 up.

15 Q. Mr. Civil Party, we've talked about the information you have
16 about marriages of handicapped soldiers at the Zone office in
17 Takhmau where you used to work.

18 Did you ever hear of other parts of the country where disabled or
19 handicapped soldiers -- where marriages were arranged for them?

20 Did you hear about this happening in other parts of the country?

21 A. I do not know because I did not travel anywhere else. I was
22 based only at S'ang district and at Kratie province. I did not
23 travel to any place. I travelled to somewhere only when the
24 Vietnamese entered the country and Meas Muth ordered me to
25 <gather the soldiers>.

38

1 (11.00.50)

2 Q. Let me read to you some excerpts from some other evidence
3 that's before this Court.

4 This is, Your Honours, document E3/9833, E3/9833. It's an
5 interview of a former Southwest Zone soldier who, in 1978, was
6 sent to the Northwest Zone and appointed a district secretary.
7 And specific references at answers 219 through 221 and answers
8 226 through 228 of his interview. He testified that as a district
9 secretary, he was ordered by the sector secretary to arrange
10 marriages for disabled soldiers to female workers from the Srae
11 Ambel salt fields who had been sent to the Northwest Zone from
12 Kampot. And when two of these women objected, the sector
13 secretary instructed him to explain to the women, and I quote:
14 "They had a patriotic responsibility to marry and care for the
15 soldiers who had become disabled because they engaged in fighting
16 for the nation." End of quote.

17 So this former Southwest soldier was sent to the Northwest Zone
18 where marriages were arranged with women brought from the salt
19 fields in Kampot.

20 Did you ever -- does this refresh your memory? Did you hear about
21 women from the salt fields being sent to the Northwest Zone to
22 marry handicapped soldiers?

23 (11.03.15)

24 A. No, I did not know anything about that.

25 Q. A few follow-ups now on the period that you were in S'ang

1 district, and you talked about the assignment or the orders you
2 received from the district committee to collect biographies and
3 match people.

4 After you provided these biographies to the district committee,
5 who was it that decided which women would marry which men, was it
6 the district committee or someone else?

7 A. When I was asked to get biographies from both men and women
8 from the mobile units, I matched them according to their age
9 range and the communes they lived as well as their status,
10 whether they were New People or Base People.

11 As on the decision to marry them, it was that of the district
12 committee. And when the announcement was made to announce them
13 husbands and wives, it was the district committee who made that
14 announcement.

15 However, the matching process was done by me, per instruction.
16 (11.05.12)

17 Q. Thank you for clarifying that.

18 You've talked about there being two marriages that you attended,
19 and you said that each time there was between 20 and 30 couples.
20 Where did these marriages take place? Where were they conducted
21 and who was it that presided over the marriages, the weddings?

22 A. The two wedding ceremonies were organized by Phon (phonetic),
23 the district committee. And the participants included all commune
24 chiefs within S'ang district. They attended the wedding
25 ceremonies and they acknowledged the newly wed couples, and they

40

1 would be sent to live in their respective communes, that is to
2 live in the cooperatives and no longer lived in their previous
3 mobile units.

4 So the commune chiefs would acknowledge their status and take
5 them to live with them in their respective communes.

6 (11.06.42)

7 Q. And where was it that this event -- the marriages took place?
8 Where did that happen?

9 A. The marriages took place at the district office, which was a
10 former school, and the ceremonies were held there at that office,
11 that is, district office, which was a former school. And it was
12 also used as a meeting venue for the district.

13 Q. Thank you, Mr. Civil Party. I want to ask a follow-up on
14 something you said in your -- two of your interviews.

15 In your DC-Cam interview -- this is E3/5643; Khmer, 00059381;
16 English, 00753879; French, 00756626; you said and I quote, "In my
17 capacity as their chief, I arranged their marriage and was ready
18 to implement the plans from Sector 25." End of quote.

19 And you made a similar statement in your OCIJ interview, E3/409,
20 at answer 75, where you said the weddings were made "based on
21 sector plan." End of quote.

22 You referred in both your interviews to these marriages being
23 done pursuant to sector plans. Can you clarify for us what you
24 meant by that?

25 [11.09.18]

1 MR. PRESIDENT:

2 Counsel for Nuon Chea, you have the floor.

3 MR. KOPPE:

4 Maybe, I didn't hear it, Mr. President, but the full answer says,
5 "It was not forced marriage, but the weddings were made based on
6 sector plan." I didn't hear the complete answer and I think it's
7 important for the record that this particular sentence is read
8 out full. "It was not forced marriage, but the weddings were made
9 based on sector plan."

10 [11.09.49]

11 BY MR. LYSAK:

12 Q. That's fine. My question is: What was the sector plan that you
13 were referring to in these answers; what did you mean by that?

14 MR. SENG SOEUN:

15 A. Of course it was done according to the plans of the Communist
16 Party of Kampuchea. That -- by that stage, general population had
17 to get married because the war had concluded. And I learned of
18 the plan from the district committee and I did not know from
19 which level that he received such plan; however, I was told that
20 the plan was disseminated throughout the country because the war
21 had ended.

22 [11.11.04]

23 Q. And you talked -- testified this morning; you indicated that
24 you were instructed by the district committee that the woman to
25 be married should be two to three years younger than the man.

1 You made a similar statement in your OCIJ interview E3/409; this
2 is answer 67. You were asked:

3 Question: "Was there any policy of directives from the Khmer
4 Rouge regime that people had to marry?"

5 And your answer: "That was the policy of the Khmer Rouge regime
6 that when people reached certain age they had to marry. For
7 women, the age was from 20 and above; while for men, they had to
8 be aged from 25 and above." End of quote.

9 This policy or plan that you've described, what was the reason;
10 did you hear, as to why women were to be married at a younger
11 age, around 20, and men not until an older age? What was the
12 reason for that?

13 [11.12.41]

14 A. I can recall that based on the meetings and the information
15 relayed by the district committee to all the commune chiefs in
16 S'ang district. He said that we had to implement such plan; that
17 is, to marry those people in their respective communes.

18 As for the list that I had <prepared, it was> the list of those
19 members of <district> mobile units; however, the commune chiefs
20 had to organize the marriages for those people living in their
21 respective co-operatives according to such plan.

22 Q. When -- and when the district chief explained this plan, did
23 he explain why it was that women had to be married when they
24 reached the age of 20?

25 A. No, he did not provide any reason for that plan. He simply

1 disseminated the plan of the Communist Party of Kampuchea.
2 Q. Thank you, Mr. Civil Party. Let me turn now to another
3 subject, an event or events that took place in S'ang district,
4 which you have described in detail in your DC-Cam interview.
5 Could you please tell the Court what happened to the Vietnamese
6 and Chinese people in S'ang district in 1978 after you arrived
7 and worked at the district office?

8 [11.15.00]

9 A. When I arrived in S'ang district, there was one particular
10 issue that I came across and that is, there was an order and I
11 did not know from which level it came from. The order was to
12 gather the "Yuon" and the Chinese to be killed at a location
13 called Kaoh Kor and I not only heard people speaking about this,
14 but I witnessed the execution site myself.

15 I was not allowed entry into Kaoh Kor by the chief there, but I
16 said I had the authority because I was the district office chief.
17 I went up there and I witnessed the execution. That was the only
18 occasion that I witnessed it, but previously, there were reports
19 to the district office that the "Yuon" and the Chinese were
20 gathered on three separated occasions and sent to that area.
21 Of course, I had the list of those who had to be executed, but I
22 did not look into details on those names on the list.

23 [11.16.46]

24 Q. And you indicated that the Vietnamese and Chinese people were
25 gathered and taken to be killed at a place called Kaoh Kor. What

44

1 was -- this was an island; what was located there? Was this the
2 location of the district security office; was it an execution
3 site; what can you tell us about Kaoh Kor?

4 A. After we left Kratie, there was an island; Anlong Chen Island,
5 and after that there was another island called Kaoh Kor, so it
6 was an island and it was located in S'ang district.

7 Previously, people planted vegetables in -- on the island, but
8 later on, prisoners were executed on that island; namely, the 17
9 April People, as well as the minority groups; namely, the "Yuon"
10 and the Chinese and maybe the Cham people was -- were the next
11 target.

12 And at that particular point in time, Phon (phonetic) was the
13 district chief and I witnessed that location myself; that is,
14 Kaoh Kor.

15 [11.18.29]

16 Q. And you indicated that you arrived in S'ang district in June
17 1978. How long was it after your arrival that the Chinese and
18 Vietnamese people were identified and taken away for killing?

19 A. It is difficult to say; however, it happened before I was
20 asked to marry my wife, <and after that I was transferred to
21 Kratie> but it would be difficult to pinpoint the exact date.

22 Q. And you mentioned, a few minutes ago, that you saw lists that
23 had been prepared of the people to be killed. Can you -- what can
24 you tell us about how the Vietnamese and Chinese people were
25 identified and who prepared these lists?

1 A. I received a name list of those who had to be killed from each
2 commune; that is, a list of those "Yvon" and Chinese. I read the
3 list; however, I did not know about their future plan and the
4 district committee did not tell me the purpose of drawing up such
5 a name list.

6 Q. When you received these lists of the Vietnamese and Chinese
7 people from each commune, what did you do with them; who did you
8 give those lists to?

9 A. The name list from each commune were kept at my location; that
10 is, at the district office.

11 [11.21.35]

12 Q. And who was it that gathered up these people and took them to
13 Kaoh Kor; who did that?

14 A. It was according to each commune. So each commune had to be
15 responsible to gather those people, according to the names
16 appears on the list, and those people were taken by boat to Kaoh
17 Kor or Kor Island and at Kaoh Kor, there were people who were
18 there to receive them.

19 Q. And you indicated, a little earlier, that you, yourself, went
20 to the execution site and witnessed what took place there; can
21 you tell us what you saw when you went to Kaoh Kor?

22 A. In fact, I did not have any authority over Kaoh Kor, but out
23 of curiosity, I went there secretly without letting Phon
24 (phonetic), the district committee, knew about it. So I took the
25 messenger along, we crossed the river, and we went to Kaoh Kor

1 and over there, I saw people who had not yet been executed and
2 there were even some former chiefs. <> Men <> were killed <first>
3 and later on, women were killed and after that, I got off the
4 island.

5 Q. Did you personally see Vietnamese and Chinese people being
6 executed at Kaoh Kor and if so, can you describe how these people
7 were executed?

8 [11.24.39]

9 A. At Kaoh Kor, when I went there without letting the district
10 committee know, I was there when the "Yuon" and the Chinese were
11 cleansed. That's always the words they used. And they did not
12 want any other race except the Khmer. And when I was there, they
13 executed a group of 10 people. Those people were blindfolded and
14 one by one, they were killed and after that I knew what happened
15 on the island and I was fearful that maybe my turn would be next,
16 so I left.

17 Q. You said that they used the word "cleansed" and that they did
18 not want any race except Khmer; who is it that said that?

19 A. Everybody knew about the use of that phrase. In every study
20 session I attended, that is, before I arrived in -- even before I
21 arrived in S'ang district, that was the policy of the CPK to
22 cleanse or to purge and I still recall that and they successively
23 conducted that plan.

24 [11.26.42]

25 Q. And you mentioned study -- hearing this at study sessions; can

1 you describe for us who conducted these study sessions?

2 A. During the Khmer Rouge, there were study sessions and each
3 session lasted about three days. We received instructions during
4 those study sessions and some sessions lasted for a week and I
5 learned of such a phrase since I was a soldier, that is, in Takeo
6 sector. And at that time, Saom (phonetic) was <chief of> the
7 sector committee and he used such phrase or term. However, I
8 rarely heard Ta Mok, the zone secretary, used the term.

9 Q. All right. Going back to the executions of the Vietnamese and
10 Chinese people in S'ang district, you stated a number of times in
11 your DC-Cam interview that there were a lot of people who were
12 killed pursuant to this plan. You've talked about lists. Can you
13 give us an estimate of the total number of Vietnamese and Chinese
14 people who were killed in S'ang district in 1978 while you were
15 there?

16 [11.29.07]

17 A. I cannot tell you the exact number or the percentage because
18 I, myself, witnessed it on one occasion and I am not sure how
19 many times they actually killed those people and as I said, when
20 I went there, I did not allow the district committee know that I
21 went there. Those people were gathered from all communes within
22 S'ang district and from what I can say, the number of people on
23 one occasion that I saw were more or less 100 and here I refer to
24 both men, women, and children.

25 MR. LYSAK:

48

1 Mr. President, I can break here or continue if you wish.

2 MR. PRESIDENT:

3 Thank you, Co-Prosecutor.

4 It is now time for lunch break. The Chamber will take a break now
5 and resume at 1.30 this afternoon to continue our proceedings.

6 And Mr. Civil Party, you may rest as well and please return to
7 the courtroom at 1.30.

8 Security personnel, you are instructed to take Khieu Samphan to
9 the waiting room downstairs and have him returned to attend the
10 proceedings this afternoon before 1.30.

11 The Court stands in recess.

12 (Court recesses from 1130H to 1329H)

13 MR. PRESIDENT:

14 Please be seated.

15 Now, I gives the floor to the Co-Prosecutor to continue putting
16 questions.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Q. Good afternoon, Mr. Civil Party. We were talking about the
20 execution of Vietnamese -- the Vietnamese and Chinese people in
21 S'ang district. I wanted to ask you some questions related to a
22 surviving report, monthly report, we have that is in evidence.

23 Your Honours, this is document E3/1094, E31094.

24 And are you -- Mr. Civil Party, are you able to read -- would you
25 be able to read this report or should I -- is it easier for me to

1 read the excerpts to you?

2 [13.31.32]

3 MR. SENG SOEUN:

4 A. I cannot read now because I -- my eyes cannot recognize
5 letters now.

6 Q. Okay, there's a few things I want to ask you about this
7 document. First, you've talked in your interviews about the
8 reports that were prepared during the time you worked at the
9 S'ang -- S'ang district office and this report -- it's a monthly
10 report from the West Zone -- is divided into a number of
11 sections.

12 Section 1 reports on the defence and enemy situation; Section 2
13 reports on the construction of socialism, meaning its reports on
14 building dams and canals and other things; Section 3 reports on
15 the livelihood or living conditions of the people.

16 Do you recognize this reporting structure; is this the same type
17 of reporting structure that you -- was used when you were working
18 in S'ang district and Kratie sector?

19 [13.33.05]

20 A. Generally, it was the policy of the government that we had to
21 follow and we learned this policy through the study session. <It
22 was the policy of the Party, not the district or sector
23 committee's policy.>

24 Q. Let me read to you a short excerpt from your first OCIJ
25 statement; this is E3/409, question and answer number 49.

1 The question was: "Did the sector regularly report to the Central
2 Committee about executions?"

3 And your answer -- quote: "We informed the Central Committee on
4 various situations on a monthly basis. It was informed of enemy
5 situations, production situations, and general people
6 situations." End of quote.

7 Question: Where was it that you were -- became familiar with
8 reports -- monthly reports that addressed these situations?

9 A. When I was in S'ang district, the report from the lower level
10 was from commune level; the commune level sent a report to the
11 district level. I was the one who received the reports from all
12 the communes, which were sent to the district because I was based
13 at the district office.

14 [13.35.12]

15 Q. Thank you, Mr. Civil Party.

16 Now, in this monthly report from the West Zone, and this is for
17 the month of July 1978, a period in which you've indicated you
18 were in S'ang district, there's a report, and this appears on
19 Khmer, page 00143610; English, 00315374; French, 00593530;
20 there's a report for Sector 37 on the screening of various
21 enemies or bad elements, the first item of which reported-- I
22 quote: "Smashed 100 ethnic 'Yuons', including small and big
23 adults and children." End of quote.

24 Mr. Civil Party, this report from the West Zone is dated 4 August
25 1978; it is for the month of July 1978. Was that around the same

51

1 time period that the killings of the ethnic Vietnamese people
2 took place in S'ang district?

3 MR. KOPPE:

4 I object to this question, Mr. President; it's leading the
5 witness.

6 [13.37.37]

7 MR. LYSAK:

8 Mr. President, we've already asked open questions on this. The
9 witness indicated he couldn't specify the month, but it was while
10 he was in S'ang district before he was married in the district. I
11 think it's the proper question to ask whether this refreshes his
12 memory on the timing of when this event took place.

13 MR. PRESIDENT:

14 The Co-Prosecutor, you may proceed with the question.

15 BY MR. LYSAK:

16 Q. So my question is: Does this refresh your memory at all; was
17 it -- do you remember whether it was around July 1978 when the
18 executions of Vietnamese took place in S'ang district?

19 [13.37.52]

20 MR. SENG SOEUN:

21 A. I cannot recall everything, but I remember that at that time,
22 they instructed us that the Vietnamese must be killed. For
23 example, the Khmer men married to Vietnamese women and they had
24 children, so the policy was that only the Vietnamese woman would
25 be taken away to be killed; the children and the father would be

1 spared. So that was the policy that I remembered.

2 Q. Now, you've indicated that you had some familiarity with the
3 reporting that took place in S'ang district; do you recall
4 whether -- did S'ang district include in its reports -- the same
5 way that the West Zone did -- did it report to the upper echelon
6 on the killings of the Vietnamese and Chinese people in that
7 district?

8 [13.39.20]

9 A. Based on my recollection, we did not report to the upper
10 echelon because it was already the order that were given to us.
11 The commune level sent the report to us about the numbers of
12 people who were smashed to the district level and we simply kept
13 the report at the district level.

14 Q. Did you see, yourself, the district report to the sector; do
15 you know for a fact whether or not the district included some
16 report on the numbers of Vietnamese who had been killed? Did you,
17 yourself, see the district report of the sector?

18 A. I was not aware of that because it -- because the district
19 committee conducted meetings -- <weekly or> monthly meeting at
20 the sector office and I was not aware of what was raised at those
21 meetings.

22 Q. So I just want to make sure it's clear. You saw the reports
23 from the communes, but you didn't see the district report to the
24 sector; is that correct?

25 A. Yes, that's correct.

1 [13.41.58]

2 Q. And one other thing I wanted to ask you in relation to this
3 monthly report we see from the West Zone, E3/1094, on the very
4 last page of this, there's a chart in which the zone reports on
5 the number of births and the number of marriages that took place
6 that month. Do you remember whether -- did S'ang district report
7 the number of births and number of marriages each month to the
8 sector? Do you know whether or not they did that?

9 A. Yes, I can recall it. The communes reported to the district
10 and I received those reports, but I cannot recall the details of
11 those reports now.

12 Q. Let me turn to another subject, Mr. Civil Party. You've
13 already talked -- testified today about how you learned of the
14 policies of the Communist Party of Kampuchea through study
15 sessions including some conducted by the Sector 13 secretary,
16 Soam, and through meetings and instructions from your superiors.
17 What I wanted -- the subject I wanted to ask you about now: What
18 happened during the Khmer Rouge regime to people who were
19 identified as former officials or soldiers of the Lon Nol
20 government, particularly those who had ranking positions? Were
21 you aware of the Party policy with respect to that group of
22 people?

23 [13.43.41]

24 A. Based on my knowledge, if they were officials from the former
25 regimes and including those who were soldiers of the former

1 regimes including those in the Lon Nol regime and the Sihanouk
2 regimes, even policemen would not be spared. They needed to be
3 smashed and those were considered as the targets to be smashed. I
4 received this kind of instruction during the study sessions I
5 attended.

6 [13.45.23]

7 Q. Thank you. Let me ask you a follow-up based on your OCIJ
8 statement, E3409 (sic), answers 43 through 44 of that statement,
9 and you were discussing a tempering worksite and you said the
10 following - quote:

11 "People who committed offences were sent to work there. If the
12 Khmer Rouge could prove that those people were working as
13 soldiers in the Lon Nol regime, they would be executed."

14 Question: "How do you know that?"

15 Answer: "It was the principle that Lon Nol soldiers had to be
16 smashed. Cadres from the sector invited district committee to
17 attend meetings and during meetings, the decision was made on who
18 was to be killed and who was not. People who worked as commune
19 chiefs in the government in the former regime would also be
20 smashed."

21 And at answer 47, you added - quote: "I knew these things because
22 when I spoke to district committee and sector committee, they
23 told me about that."

24 Now, you've mentioned study sessions. You indicated in here that
25 you heard -- also heard this or perhaps heard it through study

1 sessions from district and sector committees; but can you
2 identify for us -- do you remember who -- who it was from the
3 sector or district committee who told you about this policy?
4 [13.46.29]

5 A. I can recall some of it. Mostly, I attended the study session
6 at the sector level, not at the zone level. It was at the sector
7 level, which disseminated the information to the lower levels of
8 the chain of commands, and at that time, I took note of what was
9 instructed in the study session. I spoke here based on my
10 knowledge and my experience of joining those study sessions and
11 movement.

12 Q. Thank you, Mr. Civil Party. I want to talk now about the last
13 position you held during the Democratic Kampuchea regime. You've
14 indicated today and in your interviews that in early December
15 1978, you and some of the other cadres from S'ang district of the
16 Southwest Zone were assigned to Kratie, that is, Sector 505. Can
17 you explain, what was the reason that you were transferred to
18 Kratie at that time?

19 A. Four of us were sent by Phon (phonetic) to Kratie and Muth was
20 promoted to the deputy secretary of the <sector> and Pheap
21 (phonetic) was promoted to the secretary of the <sector>. Pheap
22 (phonetic) came from the navy <with Muth>. And I was promoted to
23 be in charge of the sector office. And Meas Muth was the one who
24 presided over the announcements of the promotion <in Kratie> and
25 that took place after the sector committee had been -- the

1 previous sector <and district> committees had been removed and
2 Meas Muth presided over the promotion ceremony on behalf of Pol
3 Pot.

4 [13.50.40]

5 Q. And what had happened to the prior sector -- the cadres from
6 Kratie sector who you came to replace?

7 A. I was not aware of the reason. They had already been arrested
8 before the four of us arrived. I heard that they were alleged of
9 being part of the traitorous network and for us, we simply
10 followed the order and arrangement by Meas Muth who were assigned
11 by Pol Pot to promote us to the positions. And many prior people
12 who held important positions like commanders, deputy commanders
13 of sector military units and sector committee <in Kratie> had
14 been removed.

15 Q. When you were sent from the Southwest Zone to Kratie to take
16 over from the cadres who had been purged, did you have a letter
17 -- did you bring with you a letter appointing you to new
18 positions and who is it that issued that letter of appointment?

19 [13.51.58]

20 A. There was no such letter at that time. Phon (phonetic) told us
21 that we<, Phon (phonetic), the district chief of Kratie, someone
22 from the Ministry of Agriculture and I,> would be transferred to
23 that place.

24 When we arrived there, we were called to a meeting and at the
25 meeting, they did not present us such a letter. At the meeting,

1 Meas Muth <made the announcement that> Pheap (phonetic) <was the>
2 secretary of the <sector>, <and another person was the deputy
3 secretary>. And when we arrived there, there were only two old
4 district secretary who remained there that was from the Sambuor
5 district and Chhloung district. And Meas Muth said that I would
6 be sent to be in charge of the Sambuor district, but I refused
7 and then he said, "Okay, Soeun, I would keep you to be in charge
8 of the sector office." <There was no appointment letter.>

9 [13.57.20]

10 Q. Okay, let me -- let me read to you something from your OCIJ
11 interview to ask you to clarify. This is from document -- from
12 your OCIJ interview E3/409, answers 26 to 27, read as follows:

13 The question: "Who sent you to Kratie province and who appointed
14 you?"

15 Answer: "I did not know who sent me there, but my name was
16 entered in a written order that included people who had to be
17 transferred to Kratie province. It seemed to me that the letter
18 was issued by the Central Committee of the CPK. When we flew from
19 Phnom Penh to Kratie and landed, we handed the letter to Meas
20 Muth. The letter stated that Meas Muth was in charge of assigning
21 the above-mentioned people to the new appointments." End of
22 quote.

23 So I just want to make sure I'm clear, Mr. Civil Party; it's
24 incorrect that you had a letter when you arrived at Kratie. At
25 any point later on, did you see any sort of order or letter

1 appointing you and the others from S'ang district to these
2 positions?

3 A. At that time, it was not an appointment letter; it was simply
4 a document containing the biographies of the few of us who went
5 there and we carried those documents with us. When -- and we went
6 there by plane. When we arrived there, we gave the documents
7 containing our biographies to Meas Muth so that Meas Muth would
8 be aware of our biographies.

9 [13.55.39]

10 Q. Now, you mentioned -- a few minutes ago, you stated that Meas
11 Muth was there on behalf of Pol Pot; how did you know that or why
12 did you think that and what did you understand Meas Muth's
13 position to be in Kratie? This was a person who had been the
14 commander of the navy Division 164; what did you understand his
15 position to be in Kratie?

16 A. I knew about this because when he came to arrange our
17 positions in Kratie, he reported to Met. Muth was under the
18 supervision of Sou Met. Sou Met was also the commander of a
19 division <in the Southwest Zone>. <Before, he was Division 1
20 commander and Meas Muth was from Division 3.>
21 Son Sen, the minister of national defence, was transferred to
22 <somewhere else>. Two of them were put in charge of the affairs
23 of the Ministry of National Defence and Muth came to arrange our
24 position and I listened to him while he was reporting to Sou Met.
25 I was sitting nearby him while he was reporting; that's why I

1 knew about his.

2 Q. Let me ask you about -- do you know whether Meas Muth held a
3 position under Son Sen as one of the deputy ministers of defence
4 under Son Sen?

5 MR. PRESIDENT:

6 Mr. Civil Party, please hold on. The floor is given to defence
7 counsel for Khieu Samphan.

8 [13.58.19]

9 MS. GUISSSE:

10 Yes, thank you, Mr. President. I have been listening to the
11 questions put by the Co-Prosecutor for some time. Now I have the
12 <unfortunate> impression that we are witnessing the trial of
13 someone who is not present here today. So I would like you to say
14 whether we are not straying away from the segment on marriages,
15 and now we are in a trial which is not Case 002/02. So I object
16 to <the line of questioning if this continues on the same topic.>

17 MR. LYSAK:

18 I don't understand that position at all. We're talking about a
19 purge that took place of people who were sent to S-21 which was
20 part of this case. This is the second witness we've heard or this
21 is a civil party. We've heard from a witness before about Meas
22 Muth's role.

23 It's important to understand why Meas Muth was there, who he was
24 acting on behalf. That has nothing to do with other cases. It has
25 to do with why was this person there in Kratie overseeing the

60

1 arrests of people who were sent to S-21.

2 [13.59.45]

3 MR. PRESIDENT:

4 The objection is overruled. The question by the Co-Prosecutor is
5 relevant. Therefore, you may proceed.

6 BY MR. LYSAK:

7 Q. My question, Mr. Civil Party, did Meas Muth hold a position as
8 a deputy minister of defence under Son Sen at the time he was in
9 Kratie?

10 MR. SENG SOEUN:

11 A. I did not know whether he was the commander or deputy
12 commander. However, I saw him come to work in Kratie province and
13 when he reported about his work, he reported to Met, who was
14 commander of <Division 1> in the Southwest Zone at the time. And
15 I listened to Muth making that report to Met.

16 [14.00.52]

17 Q. You also said a few minutes ago that Meas Muth was there
18 acting on behalf of Pol Pot. Why did you say that? What led you
19 to believe that Meas Muth was there acting on behalf of Pol Pot?

20 A. I thought to myself that the sector committee had been
21 arrested so when it came to make the new arrangement, it was
22 logical that it was under the instructions of Pol Pot. That was
23 only my personal conclusion and I cannot say whether it's true or
24 not.

25 Q. In regards to the status of Kratie, Sector 505, was Kratie

61

1 sector, Sector 505, was it part of a zone at that time or was it
2 an autonomous sector?

3 A. To my knowledge, it was <> an autonomous sector and it was not
4 under any direct supervision of any zone.

5 [13.37.25]

6 Q. And what was the significance of an autonomous sector? Who did
7 autonomous sectors like Kratie report to?

8 A. I did not know that for sure. However, the report from the
9 sector went to the Party Centre. That's all I knew.

10 Q. Do you know whether the sector committee in Kratie had regular
11 meetings with the Party leaders in Phnom Penh?

12 A. I was there for a period of less than a month so I could not
13 know about that. <I received an order from Muth to> gather forces
14 who were fleeing from the <Cambodian-Vietnamese> border area at
15 the time.

16 [14.03.52]

17 Q. Fair enough. You mentioned that most of the sector committee
18 and cadres who you were replacing had already been arrested when
19 you arrived except you mentioned there were two old secretaries
20 who remained.

21 I wanted to ask you about -- you talked about this in your
22 interviews, the secretaries from Kratie district and Snuol
23 district. Can you tell the Court what happened to those district
24 secretaries after you arrived in Kratie?

25 A. At that time from what I knew, only two district committees

1 were spared, that is, upon my arrival.

2 At that time, Brother Muth did not do a direct purge but they
3 were arrested and put on a plane heading for Phnom Penh. And
4 there was this person Phoan (phonetic), <who was from the same
5 village as me. In his native village, he was called A Chin
6 (phonetic),> whose eldest brother<, Khieu Van Horn (phonetic),>
7 was my former teacher <before> the 1970 and another one was the
8 district committee of Kratie. I cannot recall his name. He's from
9 the Division 2 of the Southwest Zone. And the secretaries of
10 Sambuor and Choam districts were also former Division 2,
11 <Division 1>.

12 And as for the secretaries of the districts who were put on the
13 plane heading for Phnom Penh, I did not know what happened to
14 them but they disappeared.

15 [14.06.21]

16 Q. I'd like to see if I can identify those two district
17 secretaries who were put on a plane and sent to Phnom Penh.
18 Document E3/1651 is an S-21 prisoner list from December 1978 and
19 if you look at Khmer, page 00086832; English, 00789507; French,
20 00841431 -- and again this is document E3/1651 -- number 10 on
21 this page, on this S-21 prisoners list is Huon Yeng, identified
22 as the secretary of Kratie district. Number 11 is Chhum Chin
23 alias Phoan (phonetic), secretary of Snuol district, both of whom
24 are recorded as entering S-21 on the 12th of December 1978.
25 Mr. Civil Party, Yeng and Phoan (phonetic), are these the two

63

1 district secretaries who you have testified were put on a plane
2 while you were in Kratie?

3 A. Yes. That is correct. Yeng was the district secretary of
4 Kratie and <Chin> alias Phoan (phonetic), was the person that I
5 met directly and I got to know him before they boarded the plane.
6 Both of us did not dare to speak to one another because Meas Muth
7 was around. And they were put on that plane.

8 [14.08.35]

9 Q. Just to be clear, this person, the Snuol district secretary
10 Phoan (phonetic), was this someone that you had known from
11 before?

12 A. His name is <Chin> and he was also known as Phoan (phonetic).
13 As I said, his elder brother was my former teacher when I was in
14 grade seven, that is, before 1970. And during 1970, he was a
15 messenger and I used to visit his <mother's> house so I got to
16 know him and I was rather close to him.

17 As for Yeng, Yeng came <from> a different village.

18 Q. And did I hear you right? Did you see that both of these
19 people were former Division 2 and do I understand that you mean
20 they both came from what had been Division 2 of the Southwest
21 Zone army? Do I understand you correctly?

22 [14.10.10]

23 A. The two people that you referred to, to my knowledge Yeng came
24 from either Division 1 or 2. As for <Chin> alias Phoan
25 (phonetic), he was not from the army. He was one of the

64

1 messengers for Sector 13. However, I separated from him since
2 1970 or '71, and from that time onwards, I did not know which
3 function he performed.

4 Q. Thank you, Mr. Civil Party. In this same S-21 prisoner list,
5 E3/1651, on the next pages from the page I just referenced, and
6 let me read them for the record; E3/1651; Khmer, pages 00086833
7 through 34; English, 00789508 through 510; French, 00841432
8 through 34; there is a list here of 22 prisoners from Kratie
9 sector, Sector 505, all of whom entered S-21 on the 27th of
10 December 1978.

11 I was originally going to have you look at this since you -- if
12 you cannot read names on that, I'll ask my colleague if he could
13 read the names on this list of people from Kratie who arrived at
14 S-21 on the 27th of December 1978 and the reason for this is to
15 see whether you remember any of these people and can tell us
16 anything about what happened to them. So if I can ask my
17 colleague, he will read the names and positions of these people.

18 [14.12.54]

19 MR. SREA RATTANAK:

20 Mr. President, allow me to read the 22 names.

21 The name of prisoners from Sector 505: Pin Yim, 45 years old,
22 male, chief of new commune in Kratie; Bean Lun, 57, male; Set
23 Nom, 43, male; Moeng Soeng alias Sen, 63 years old, male; Hang
24 Hon, 39, male; Yoem <Lorn (phonetic)>, 31, male; Yav <Phou
25 (phonetic)>, 41, male; Suon Yot alias Yea, 19, male; Chhor Khoem,

65

1 60; Nhil Sam, 35, male; Mean Phorn , 34, male; Nun Yuth, 40,
2 male; Mab Bin alias Sokha, 31; In Kim Hor alias Hor, 26, male;
3 Khuon Koem Sun, 34, male; <Thai (phonetic)> Chroek alias Sambat,
4 38; Ke Thon, 20, male; Mey <Phoeun (phonetic)> alias Sitha. My
5 apologies. The original Khmer text is not <readable>. It could be
6 Mey Khoeun (phonetic) or Mey Phoeun (phonetic) alias Sitha
7 (phonetic), 27, male; Kauch Him, 20, male; <Yun> Teng (phonetic),
8 39; Tuy Sean, 36; and Chan Yoeun, 31.

9 [14.15.19]

10 BY MR. LYSAK:

11 Q. My colleague has read the names of these 22 people from Kratie
12 sector. Just to reiterate, a few of these people were commune
13 chiefs, number 1, and Yim, chief of Thmei commune; number 10,
14 chief of Sambok commune cooperative, Nhil Sam; number 12, Nun
15 Yuth, deputy secretary of Thmey commune.

16 Do you recognize any of these names? Do you remember arrests of
17 commune chiefs or cooperative chiefs happening in December 1978?

18 MR. SENG SOEUN:

19 A. No, none of the names rings a bell to me. As I said, I was in
20 Kratie for less than a month.

21 Q. I understand, Mr. Civil Party. But let me just ask you then to
22 follow up on something you said in your OCIJ interview, E3/409,
23 at answer 36 -- this is part of a bigger answer, but I want to
24 focus on something you said here. You said that only the district
25 committee members were put on the plane. You were talking about

66

1 these two district chiefs and then you said: "While lower level
2 people who were also purged were sent to the security centre in
3 Kratie province". End of quote.

4 Do you remember who these lower level people were and do you know
5 what happened to them after they were sent to the Kratie security
6 centre?

7 [14.17.50]

8 A. I did not know much about that. I only knew about one case
9 upon my arrival in Kratie province. I met one person who came
10 from my native village who studied in the same class. That is in
11 <Popel commune,> Tram Kak district. At the time, he was a member
12 of the sector and he was in charge of the military affairs. I met
13 him and three days later, Muth <> asked me <whether he was from
14 my native village> and I said yes, and that he said he already
15 solved the matter. That's all I know, and his name was Mav Oeung
16 (phonetic). It was Meas Muth himself who ordered his messenger to
17 kill Mav Oeung (phonetic).

18 Q. And I have a few, just a couple more questions for you, Mr.
19 Civil Party.

20 You made a reference to Son Sen being signed out. You referred to
21 the North Zone. What was your understanding when you were sent
22 out to Kratie as to where Son Sen was located at the time? Was he
23 in Phnom Penh or was he at the -- somewhere in the battlefield in
24 relation to fighting the Vietnamese?

25 [14.19.31]

67

1 A. At that time, I only knew that he was sent to the East Zone
2 since people there had been arrested and he was sent as a
3 replacement to that zone.

4 Q. And how did you know that?

5 A. I cannot say exactly who actually told me but I had some
6 friends who were chiefs of platoons or chiefs of <regiments> and
7 who knew him and who told me about that. I asked them where
8 Brother Khieu was sent. And they said that he was sent to the
9 East Zone since people there had all been arrested.

10 Q. And did you meet Son Sen in late '78 or early '79 when you
11 were fleeing from the Vietnamese?

12 A. After the "Yuon" entered the country and I went to Dang Rek
13 Mountain, I met him and I became to know him well. We were the
14 lower cadres and we were required to attend three study sessions
15 there.

16 And later on I was stationed at the Kratie battlefield.

17 [14.21.34]

18 Q. Thank you. One last thing I wanted to cover with you, I wanted
19 to ask you about something you said in your DC-Cam interview.

20 This is E3/5643. The reference is Khmer, 00059360 through 61;

21 English, 00753864; French, 00756607 through 08. And this is what

22 you said in your DC-Cam interview -- quote:

23 "A person was accused of being an enemy when he/she broke a plate
24 or a spoon. Such interpretation was not made by the upper
25 echelons."

68

1 Question: "Did the upper echelons not know the case via the
2 report?"

3 Answer: "No, there were no reports."

4 Question: "Were the reports not sent to the Central Committee?"

5 "No, even the communes were not reported. The interpretations of
6 the village chiefs were made based on the feelings of hatred and
7 revenge. They could do whatever they wished and report that they
8 killed enemies but in fact killed the hungry people who stole
9 food." End of quote.

10 [14.23.17]

11 What I wanted to ask you, Mr. Civil Party, are you sure that the
12 interpretation that people who broke spoons or plates were
13 enemies, are you sure this was only an interpretation of the
14 village chiefs and not something of the senior Party leaders?

15 A. That is a statement that I made during the interview. It was
16 the village chiefs who did the killing and the upper echelons
17 were not aware of such matters.

18 Q. The reason I asked you is there is some evidence in this case
19 to the contrary that I wanted to ask you about or get your
20 reaction to. You have indicated in your interviews that you read
21 or received "Revolutionary Flags". In the July 1978 issue of
22 "Revolutionary Flag", this is E3/746; Khmer 00064495; English,
23 00428297; French, 00611878. In an article that was titled "Pay
24 Attention to Sweeping Out the Concealed Enemy" the Party
25 publication states: "Enemies of every type have gone even further

1 to wreck the people's standard of living. They wreck water, wreck
2 seed rice, wreck ploughs and harrows, wreck digging tools. They
3 wreck spoons, plates and pots."

4 [14.25.26]

5 Mr. Civil Party, we've also heard in this courtroom from Nuon
6 Chea himself on this subject, the subject of whether people who
7 broke plates and spoons were enemies.

8 In this courtroom on the 13th of December 2011, Your Honours,
9 this is E1/21.1, at around 10:35, Nuon Chea was discussing
10 supposed enemies in the cooperatives, and this is what he said --
11 quote: "There were still bad elements in some of the
12 cooperatives. They intended to destroy the cooperative. For
13 examples, they destroyed utensils, the pots, the spoons. They
14 destroyed them." End of quote.

15 [14.26.19]

16 And we've also heard in this courtroom, Mr. Civil Party, on the
17 12th of June 2013 at E1/206.1 14.11 in the afternoon, we heard
18 from a witness who worked at the Tuol Tumpung state warehouses
19 who described a statement by the minister of commerce, Van Rith,
20 a man who was under the oversight of Khieu Samphan. And he
21 testified about the minister of commerce as follows -- quote:
22 "Mr. Rith was in charge of trade, domestic trade and foreign
23 trade and he normally convened meetings among us to propagandize
24 that we had to be careful. If we ever broke even one spoon, we
25 would be associated as the enemy." End of quote.

70

1 [14.27.15]

2 The reason I ask you about this, you told DC-Cam that the view
3 that people who broke spoons or plates was something just that
4 the village chiefs did and did not come from the upper leaders.
5 We have "Revolutionary Flag" testimony of Nuon Chea, a statement
6 about the minister of commerce all indicating the people who
7 broke spoons were enemies. Is it possible you were mistaken when
8 you gave your statement to DC-Cam?

9 MR. KOPPE:

10 Mr. President, I object.

11 [14.27.59]

12 MR. PRESIDENT:

13 Civil Party, please hold on.

14 And counsel for Nuon Chea, you have the floor.

15 MR. KOPPE:

16 I object to this totally disingenuous out-of-context quotation of
17 evidence. There is so much evidence to the contrary. I can give
18 you many examples but let me, by heart, reference the things that
19 Son Sen -- that the witness talks about -- has said to his
20 commanders where he makes a very clear division into enemies of
21 revolutions or traitors suggesting that someone wrecking a spoon
22 would be considered an enemy and therefore killed is ridiculous.
23 So I object strenuously against this out-of-context -- I don't
24 know what it is.

25 [14.29.01]

71

1 MR. LYSAK:

2 Let me respond briefly. I don't understand the objection. Counsel
3 himself confronts witnesses with evidence that's before the
4 Court. The witness has said one thing in his DC-Cam interview.
5 There is compelling evidence to the contrary. I think I am
6 entitled to confront the witness on this.

7 Civil Party, let me correct--

8 MR. PRESIDENT:

9 The objection is overruled and Co-Prosecutor, you may proceed
10 with your questioning.

11 [14.29.49]

12 BY MR. LYSAK:

13 Q. My question, Mr. Civil Party, is it possible you may have been
14 mistaken when you told DC-Cam that it was only village chiefs who
15 viewed people who broke spoons as enemies?

16 MR. SENG SOEUN:

17 A. I cannot recall clearly whether I made that statement.
18 However, from what I knew and from the experience that I went
19 through regarding the breaking of spoon or a plate was not the
20 focus of the affairs of the government. It was the task of those
21 authorities on the ground, that is, the village chiefs and the
22 commune chiefs and we spoke to one another about these matters on
23 the ground. That's all I can say.

24 [14.31.09]

25 Q. As someone who worked at the district, were local leaders

72

1 encouraged by the upper echelon, by the top to be looking for
2 enemies everywhere? Was that not something that was drilled into
3 you, revolutionary vigilance beyond the constant lookout for
4 enemies?

5 A. I did not receive the responsibility or assignment to look out
6 for the enemy. We did not have to look out for them because
7 people around me, many of them were arrested. So I did not have
8 time to think about looking out for the enemy. I just focused on
9 my own safety.

10 [14.32.18]

11 MR. LYSAK:

12 Fair enough. Thank you. Thank you, Mr. Civil Party, for your
13 time.

14 We have no further questions, Mr. President.

15 MR. PRESIDENT:

16 Thank you, Deputy Co-Prosecutor.

17 It is now a convenient time for the break. The Chamber will take
18 a 20-minute break from now.

19 The Court is now in recess.

20 (Court recesses from 1432H to 1448H)

21 MR. PRESIDENT:

22 Please be seated. Now, I give the floor to Judge Marc Lavergne.

23 [14.49.09]

24 QUESTIONING BY JUDGE LAVERGNE:

25 Thank you, Mr. President.

1 Q. Good afternoon, Mr. Civil Party. I have two questions for you.
2 The first question has to do with the circumstances under which
3 you were wounded. If I understand what you said this morning, you
4 stated that you were wounded after fighting that occurred after
5 the 17th of April 1975. Did I properly understand your testimony,
6 and can you tell us a bit more regarding the circumstances under
7 which you were wounded?

8 MR. SENG SOEUN:

9 A. I was wounded after the 17 April 1975. It was like what you
10 asked.

11 Q. Now, you stated that at the time you had been sent to a place
12 close to the border with Vietnam and that you were wounded during
13 fighting. Fighting against whom? Against the Vietnamese armed
14 forces? And if yes, which Vietnamese armed forces?

15 [14.50.45]

16 A. At that time, I was not sent there. I was a soldier based at
17 Kratie province and my responsibility at that time was to defend
18 the territory <along the border area>. And the fighting took
19 place between my fellow combatants with the "Yuong" soldiers who
20 entered our Khmer territory.

21 Q. Unless I am mistaken, you also said that you fought against
22 southern Vietnamese forces that were fighting alongside Lon Nol
23 troops, if I properly understood what you said. Have I properly
24 understood your statement if I were to say that there were two
25 episodes? First of all, there was a period before 1975 when there

74

1 were clashes with Vietnamese forces fighting with the Lon Nol
2 troops and after 1975, there was fighting against Vietnamese
3 forces that had invaded Cambodian territory in the Kratie area.

4 Did I properly understand your testimony?

5 A. Yes, I can recall it well. It was not the north "Yuong" because
6 after 17 April 1975, the "Yuong" from the southern Vietnam -- so
7 the fighting with us was not with the "Yuong" from the northern
8 Vietnam, but was with the <Thieu-Ky soldiers>.

9 [14.53.25]

10 Q. And who are those combatants from the south of Vietnam? Were
11 they the soldiers called Khieu-Ty (sic) or who were they?

12 A. Thieu-Ky was the leader of the South Vietnam -- of the "Yuong"
13 in the South Vietnam.

14 Q. So the soldiers against whom you fought, were they Communist
15 soldiers or they were Khieu-Ty (sic) soldiers?

16 A. Yes, I fought against Thieu-Ky soldiers.

17 Q. So you were wounded in fighting against <Khieu-Ty (sic)>
18 soldiers?

19 A. Yes, that is correct.

20 [14.54.50]

21 Q. And can you somewhat describe to us the kind of casualties you
22 sustained, where you were wounded and what the consequences were?

23 A. I cannot recall the date when I was wounded, but I can tell
24 you that I was wounded three times. The first time was with the
25 Thieu-Ky soldiers and during the first wound it was just moderate

75

1 wound. The second one was also a moderate wound. But the third
2 one was more severe. <My left leg> was broken and I could not
3 walk.

4 Q. And all these injuries were sustained during fighting with
5 Khieu-Ty (sic) soldiers or not?

6 MR. PRESIDENT:

7 Mr. Civil Party, please wait until the tip of the microphone
8 turns red.

9 MR. SENG SOEUN:

10 A. I fought only against the Thieu-Ky soldiers. I did not fight
11 with the Lon Nol soldiers although I went to the battlefield but
12 did not participate in the fighting.

13 [14.56.50]

14 BY JUDGE LAVERGNE:

15 Q. Very well. And did you fight against Communist Vietnamese
16 troops, that is, soldiers from the Hanoi regime?

17 MR. SENG SOEUN:

18 A. I was already become a handicapped person.

19 Q. Very well. I would like to know whether when you were working
20 at S'ang district, there were any persons of Cham origin living
21 there, living in that district?

22 A. As I told you earlier that I did not know much about what was
23 happening in the district because I was there for less than one
24 month. I did not know who Cham <or ethnic Javanese were>.

25 Q. Perhaps for clarification purposes, I <am> not talking about

76

1 what happened at Kratie, I am talking about your assignment
2 before you were transferred to Kratie, <at the places you were
3 assigned,> particularly, after your departure from the
4 handicapped persons <office, do> you know whether there were any
5 Cham people living in the sectors to which you were assigned?

6 [14.59.11]

7 A. I left the handicap office from Sector 13 <and went to> the
8 Southwest Zone <handicap office>. I never met any ethnic Cham or
9 ethnic Javanese. I never met them.

10 Q. During study sessions you <participated in>, was any mention
11 made at any point in time of a particular policy regarding the
12 Cham? You've talked about particular policies regarding <the>
13 Chinese and Vietnamese. Now, as regards the Cham, did they talk
14 to you about any specific policies regarding the Cham?

15 A. No, I never heard such a policy about what to do with ethnic
16 Cham.

17 JUDGE LAVERGNE:

18 Very well. Thank you very much, sir.

19 I have no other questions for the civil party.

20 MR. PRESIDENT:

21 Thank you, Judge.

22 Now, I give the floor to the defence counsel for Nuon Chea.

23 [15.00.50]

24 QUESTIONING BY MR. LIV SOVANNA:

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

1 morning, everyone.

2 Q. Good morning, Mr. Civil Party. My name is Liv Sovanna. I am
3 the national counsel for Nuon Chea. I have some questions to put
4 to you in relation to marriages under the period of Democratic
5 Kampuchea.

6 This morning and before the break time, you testified rather
7 extensively about the marriages that took place under the
8 Democratic Kampuchea regime, and through your personal experience
9 and observations, did you ever see youths, that is, male and
10 female youths who fall in love with one another and made such a
11 proposal to the upper level for them to get married?

12 [15.01.55]

13 MR. SENG SOEUN:

14 A. Yes, I actually witnessed such matters and I participated in
15 resolving the matter as well <when I was in S'ang district>.

16 There was a couple or two who fell in love with one another and
17 they came <to beg> Phoan (phonetic), the district committee, and
18 he agreed to marry them off.

19 Q. So if they fell in love with one another then they would put
20 such a proposal to their respective unit chief or to the district
21 chief and the district chief would then agree to their proposal.

22 Am I correct?

23 A. I currently speak to the extent of the incidents that I
24 witnessed, that is, Brother Phoan (phonetic) who was the district
25 committee because that was the actual accounts that I witnessed

1 and I cannot speak about other accounts. The two couples fell in
2 love and came to beg Phoan (phonetic).

3 Q. Through your experience, did you ever hear about the twelve
4 moral principles of the revolutionary?

5 [15.04.04]

6 A. There were lessons about that but I cannot recall it. To my
7 thinking, it doesn't carry much weight. In short, what I observed
8 was that people died; people got arrested. During the regime when
9 a person was arrested, the person would disappear forever and
10 never returned. So I was fearful for my own safety as well. For
11 that reason, I did not pay much attention to the concept of the
12 12 principles. I did study it but I cannot recall it.

13 Q. In terms of the issue of marriage, Mr. President, I would like
14 to read a portion of document E3/765, that is, the "Revolutionary
15 Youth" magazine at Khmer, ERN 00376493 to 94; in English,
16 00539994; French, 00540024 to 25:

17 "The sixth principle out of the 12 principles is that do not be
18 held in any way that violates females. It means that do not touch
19 the issue of morality between men and women as it affects our
20 prestige as the revolutionaries and that would affect the
21 cleanliness of our population.

22 "As for marriage, there is no obstacle at this stage as long as
23 we stand on the principles of the parties, that is, both sides
24 consent. Second, the collective agree and that's it. What is the
25 reason for touching on the matter of <male-female> morality?" End

1 of quote.

2 And Mr. Civil Party, have you heard about the sixth principle in
3 relation to marriage?

4 [15.06.45]

5 A. As I said, I did hear about it. However, in terms of actual
6 implementation, it is unclear. The situation was very strict
7 during the regime and <I witnessed one case where> a civilian
8 youth fell in love with a soldier secretly, <> they violated the
9 morality and they were arrested and shot dead, and that happened
10 when I was a soldier with Brother Bao (phonetic). And I witnessed
11 another incident as well when two people fell in love and they
12 were killed. That's all I can say regarding this matter.

13 Q. You said that they fell in love secretly and that they were
14 killed. My question to you is the following: And before they fell
15 in love, did they make such a proposal to their respective units
16 to marry one another?

17 A. Regarding the two couples who were killed, they did not make
18 such a report to the upper echelon. They did it secretly and it
19 was known and they were killed.

20 [15.08.32]

21 Q. You also testified that you used to match people on two
22 separate wedding ceremonies when you were chief of the S'ang
23 district office. You also said the unit chief of the male unit as
24 well as the female chief submitted a list separately to you. My
25 question to you is the following: When they submitted the lists

80

1 to you, did they discuss with you as who they would propose to
2 marry them off per their proposals or requests?

3 A. No. The thing is that biographies from the male and the female
4 mobile units were gathered and submitted to the district
5 committee and the district committee actually sent someone to
6 send those biographies over to me.

7 Q. And did you hold discussions with the chiefs of the male and
8 female mobile units before you matched them off?

9 A. No. I did not meet with them, nor did I discuss any matter
10 with them. I, myself, did the matching and <> when the time came
11 for the announcement, I submitted the list of names to the
12 district committee.

13 [15.10.35]

14 Q. This morning you stated that on the day of the wedding
15 ceremony the district committee made an announcement that if
16 anyone refused the proposed marriage the person could walk away.
17 And then you were asked what would happen to them if they were to
18 walk away and you said that you left the area so you did not
19 know.

20 However, in your previous statements, that is, E3/409, at
21 question and answer 74 -- and allow me to quote -- you were asked
22 the following question:

23 "Were people threatened that if they refused to marry would they
24 be killed?"

25 And at answer 74, you state: "During the announcements of the

81

1 names of couples, the couples were told <by the district
2 committee> that if they wanted to split, they could <do> so. But
3 in reality, if a man or a woman <did not agree to it>, then this
4 person would have problems <and> would be sent to work at a
5 worksite." End of quote.

6 <My question is:> What do you mean when you say that they would
7 be sent to work at a worksite?

8 [15.12.10]

9 A. I cannot recall that I made such a statement. What I recall is
10 that after the announcement was made, <either> the women or the
11 men, if they disliked one another, they could walk away. And
12 indeed, some did do that. However, I did not know what happened
13 to those men and women after they walked away because by that
14 time they had gone to their respective mobile unit. And it would
15 be the chiefs of their respective mobile units who took the
16 matters into their consideration.

17 Q. I would like to ask you about another question, that is, your
18 statement in question and answer 75. You were asked whether in
19 your opinion those people were forced to marry or were they
20 married willingly and you answered at 75 that it was not forced
21 marriage but the weddings were made based on the sector's plan.
22 What do you mean by that? What was the sector's plan?

23 [15.14.12]

24 A. I spoke about the plan that those people were not forced. In
25 fact they did not love one another or -- which commune or village

82

1 they came from, but it is difficult to say that they were forced
2 to or that they were appointed to marry one another. And the plan
3 from the district or the sector level was that for them to marry
4 off because they were getting old, so I cannot tell you with
5 certainty whether they were forced because they did not love one
6 another or not. It was kind of the management or <arrangement>
7 for them to get married. That is my personal opinion only.

8 Q. And you spoke about the plan from the district level, that is,
9 to encourage those people to get married because they were
10 getting older or was there another plan?

11 A. There was no other plan. After they got married, the newlywed
12 couples should return to their respective communes within the
13 district. Before they got married they actually came from the
14 mobile units, but after they got married, the commune chiefs were
15 there to take them into their respective units -- respective
16 communes. And that's where the married couples went.

17 [15.16.42]

18 Q. You made mention that commune chiefs were there to take them
19 back into their respective communes. Can you tell the Chamber
20 about the <working> condition of the married people and of those
21 who were unmarried?

22 A. How should I know about how those unmarried people felt? I did
23 not know whether they wanted to <get married> or not.

24 Q. Maybe my question is unclear to you. You said that after they
25 got married, the commune committees were there to take the

1 newlywed couple to go and live in their respective cooperative.

2 This morning you also testified that after they got married, they
3 no longer returned to their mobile units. So here I want to speak
4 about the <working> condition at the mobile units and the

5 <working> conditions at the cooperatives. <Which one was better?>

6 A. Mobile units were established and comparatively at the commune
7 or districts, cooperatives were established. So usually, married
8 people would live in the cooperatives while unmarried people
9 lived in the mobile units<, but all them were required to work>
10 in the rice fields.

11 [15.18.30]

12 Q. Allow me to put it from another perspective. You said mobile
13 units worked in the rice fields and besides the rice fields, did
14 they engage in other work?

15 A. During the regime, the main tasks were to carry dirt to build
16 dams and to work in the rice fields.

17 Q. What about those living in the cooperatives, besides working
18 in the rice fields, did they engage in other works?

19 A. It is difficult for me to respond to your question. As I said,
20 everywhere the main focus or the main work was to work in the
21 rice fields. There were no other main businesses. People worked
22 with the dirt, that is, to build dams or to dig canals and to
23 work in the rice fields. Regardless, you lived in a cooperative
24 or in a mobile unit.

25 [15.19.55]

1 Q. You said that you married a cousin of the district chief, Sao
2 Phon. Can you tell the Chamber your wife's name?

3 A. Her name is Chorn (phonetic) alias Rorn (phonetic) and she's
4 from Doung village, Doung commune, Srae Knong district. She was
5 the younger cousin of Sao Phon.

6 I also recall her father's name, that is Noy (phonetic), but I
7 cannot recall her mother's name because I never met my
8 parents-in-law. I actually wanted to visit them but Brother Phon
9 (phonetic) refused and then I was assigned to go to Kratie
10 province.

11 Q. And after you got married, did you reside under one roof?

12 A. She was a member of the S'ang district hospital and she had
13 her own house. She lived along in a row of houses. She actually
14 occupied one room of those houses.

15 [15.21.49]

16 Q. You said a short while after you got married you were
17 transferred to Kratie province and, based on your recollection,
18 how long after you got married that you were transferred to?

19 A. From the time I got married until the time I was transferred
20 to Kratie province, it was a little bit over two months but not
21 three months. Phon (phonetic) and I, along with a few others,
22 were transferred to Kratie province and we were there for less
23 than a month, then the "Yuon" troops attacked and then we fled to
24 the Dang Rek mountain range.

25 Q. And during that period, did you consummate the marriage with

1 your wife?

2 A. No, I did not, and I did not receive any further news from her
3 when I was in Kratie because we did not have any way to
4 communicate with her. There was no telephone and, later on, we
5 went to Dang Rek mountain range, we had no communication as well.
6 Later on, we returned to Kratie province. She was in Srae Knong
7 in Kampot province and I did not have any further communication
8 with her.

9 [15.23.38]

10 Q. My apology, maybe my question is unclear.

11 During the period of over two months where you stayed with your
12 wife, did you have sexual intercourse with your wife?

13 A. My wife told me that she was two months pregnant and, later
14 on, I was transferred to Kratie province.

15 Q. Did your wife tell you that she was happy to marry you?

16 A. Because everything was already too late, then there was no
17 need to talk about love or affection. We did not speak about love
18 or affection at all.

19 Q. During the period that you lived together with your wife, were
20 you forced to live with her or was it voluntary?

21 A. In my instance, it is difficult to say that whether we loved
22 one another or whether we were forced. However, there was an
23 arrangement for me to marry her off.

24 Initially, I didn't want to marry her because I wanted to visit
25 this province or that province and I was asked for three times to

1 marry her. Finally, I decided -- I agreed to the proposal.

2 [15.26.20]

3 Q. When you were proposed to marry your wife, was it a marriage
4 proposal or were you threatened to marry her?

5 A. The person who acted as a go-between was actually a woman who
6 was a deputy chief of the hospital and, of course, she did not
7 threaten me.

8 And as for Phon (phonetic) who was district committee, earlier
9 said that I should marry her and if I were to marry a girl from a
10 textile factory, he would not recognize her and that I should
11 marry her younger cousin.

12 Q. This morning, you also mentioned that a cousin of yours got
13 married during democratic period of -- Democratic Kampuchea
14 period. Can you tell the Chamber whether they are still alive?

15 A. I do not know whether they are alive because I have not
16 received any news from them.

17 [15.28.21]

18 MR. LIV SOVANNA:

19 And, thank you, Mr. Civil Party.

20 And, Mr. President, I'd like to cede the floor to my
21 international colleague.

22 MR. PRESIDENT:

23 Counsel Koppe, you have the floor.

24 [15.28.30]

25 QUESTIONING BY MR. KOPPE:

87

1 Thank you, Mr. President.

2 Q. Good afternoon, Mr. Civil Party. I have only one follow-up
3 question in relation to the issue of marriage.

4 Your answer 75 in your WRI, E3/409, has been mentioned already by
5 the prosecutor and also by my colleague. Let me just, for
6 clarity, read the question and answer.

7 Again, the question is: "In your opinion, were the people forced
8 to marry or were they married willingly?"

9 And then you answer: "It was not forced marriage, but the
10 weddings were made based on sector plan."

11 Just now also you mentioned the words "forced marriage". You also
12 used the words "arranged marriage". You also were just read out
13 Principle 6 of the 12 Revolutionary Principles.

14 My question is the following: Would you agree with me that if a
15 couple was forcibly married, that this would be a violation of
16 Principle 6 of the 12 Revolutionary Principles?

17 [15.30.24]

18 MR. PRESIDENT:

19 Civil Party, please hold on. And Lead Co-Lawyer for civil
20 parties, you have the floor.

21 MS. GUIRAUD:

22 Thank you, Mr. President. I object, since a while ago the civil
23 party stated <earlier> that he was not familiar with the 12 moral
24 principles, <particularly> principle number 6.

25 So this is a particularly leading question. Counsel is seeking to

88

1 confirm his own perception of what a marriage was at the time,
2 and may I request the Chamber to ask my colleague to rephrase the
3 question and make it <much> more open?

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. I would like to make an observation
6 related to the objection by the Lead Co-Lawyer for civil party.
7 In fact, based on my recollection, the civil party said that he
8 was not -- he could not recall the 12 moral principles. He said
9 that he studied those principles but he cannot recall them now.
10 <Therefore, this question is not a leading one.>

11 [15.31.51]

12 MR. KOPPE:

13 That is also my understanding in the sense that he didn't know
14 them by heart -- doesn't know them by heart now, but at the time
15 he knew them, and he was read out again the literal text of
16 Principle 6, so I think also for that reason I should be able to
17 ask that question.

18 It is a question which is coming at the very end of a session
19 that has already dealt with the issue of marriage, so I think, in
20 this form, I should be able to ask that question.

21 But, more importantly, he has been speaking about forced
22 marriage, arranged marriage, and I think as a lower cadre, as he
23 describes himself, he should be able to ask that question whether
24 if a marriage was forced would indeed constitute a violation of
25 Principle 6.

1 So, in that sense, I think is a question that should be allowed,

2 Mr. President.

3 MR. PRESIDENT:

4 Counsel, you could reformulate the question.

5 [15.33.20]

6 MR. KOPPE:

7 Let me see if I can.

8 JUDGE FENZ:

9 Counsel, you wanted to make a point. You've made the point.

10 BY MR. KOPPE:

11 No, I actually want to follow-up whether he -- well, let me ask

12 it differently.

13 Q. Mr. Civil Party, have you ever discussed Principle 6 regarding

14 family life with others, with your superiors, with the district

15 committee? Do you recall ever having had discussions on this

16 principle regarding family life?

17 MR. SENG SOEUN:

18 A. I did not focus much on it because I was busy with fighting

19 and then after the fighting I was -- I became a handicapped

20 person <and then I went to the handicap office in S'ang

21 district>. And during the time I saw people were matched up for

22 marriage and I was -- and I was assigned to match up those people

23 for marriage. But I did not know much about the depth of it

24 because I <just came from the battlefields>.

25 [15.35.07]

1 Q. Let me see if I can try it in one other way. Have you, or
2 anyone within the district, ever been accused by anyone of
3 violating Principle 6?

4 A. I don't know it either. I don't know and I don't understand
5 about what you have raised.

6 Q. It's fine, no problem, Mr. Civil Party. Let me move on to some
7 other questions, but before I do this I would like to ask you one
8 thing.

9 You have been testifying today as a civil party. That generally
10 means that you consider yourself victim of events in the regime
11 of Democratic Kampuchea.

12 Why is it that you filed a civil party application? Why are you
13 considering yourself a victim?

14 I'm asking this question because today you've given evidence that
15 might suggest that you were involved in drawing-up lists of
16 Vietnamese people who subsequently might have been executed.

17 So my question to you is: Why are you a civil party?

18 MR. PRESIDENT:

19 The floor is given to the Lead Co-Lawyer for Civil Parties.

20 [15.37.25]

21 MS. GUIRAUD:

22 Thank you, Mr. President. Just one remark.

23 It is up to the Chamber to determine whether the question asked
24 by counsel is appropriate at this stage or not, but let me point
25 out that the admissibility of civil parties is determined at the

1 investigative stage.

2 This gentleman was admitted in 2010 for having lost relatives as
3 part of <the> internal purges. He was <therefore> a victim of
4 crimes committed during Democratic Kampuchea. In any case, that
5 is what the Office of Co-Investigating Judges has told us.

6 [15.38.16]

7 That has no incidence on <what he may have committed, or events
8 in which> he may have <participated> during Democratic Kampuchea.

9 This civil party has a status that has been recognized by the
10 Co-Investigating Judges who were of the view that <at one point,>
11 this civil party was a victim of crimes committed during
12 Democratic Kampuchea. Simply <to> explain <to the parties and
13 public>, that this status was decided and determined by the
14 Co-Investigating Judges in 2010.

15 And <now, if> the Chamber determines <that> the <question put by
16 our colleague> will contribute to the manifestation of the truth,
17 in this regard, I will <obviously> rely on your discretion, Mr.
18 President.

19 MR. KOPPE:

20 I agree with the Lead Co-Lawyers that it is a decision from the
21 Co-Investigating Judges at the time, which, of course, in the
22 light of his testimony is a quite incomprehensible decision, but
23 it doesn't change the fact that I could still ask him why he
24 considers himself a civil party and a victim. I think that is an
25 appropriate question of whether he has rightfully so, that status

1 is another issue, I agree, but I think I can ask the question why
2 did he file a civil party application form.

3 MR. PRESIDENT:

4 Yes, you may proceed with your question.

5 [15.40.04]

6 BY MR. KOPPE:

7 Q. Mr. Civil Party, why did you file a civil party application?

8 Why do you consider yourself a victim or a civil party?

9 MR. SENG SOEUN:

10 A. The reason that I filed my application was that my -- three of
11 my in-laws -- one served in the army in the North Zone between
12 1971 and '72, and after 17 April, one was in charge of a
13 battalion <of Division 920> and another one was a medic <in the
14 North Zone> and another one was in charge of the petrol warehouse
15 <at the division level after 17 April>. All of them were killed
16 by the regime. All were my in-laws, and that was the reason I
17 filed my civil party application.

18 [15.41.22]

19 Q. And were all your brothers-in-law part of the North Zone
20 military divisions?

21 A. Yes. One of them was a medic, the other two were soldiers.
22 They held positions in the battalions <and regiments>, and they
23 were killed after the 17 April 1975. They were arrested and
24 accused of being part of the traitorous networks.

25 Q. The traitorous networks of whom?

1 A. Some of them were accused of being network of the "Yuon", some
2 were accused of being network of the CIA, and that's what I heard
3 them saying about them.

4 Q. Well, we'll come back to the "Yuon", but do you know whether
5 they had any connection with someone called Koy Thuon alias
6 Thuch?

7 A. It was far <away> and I cannot comment on this because I was
8 based here while they were based there; it's a far distant away.

9 [15.43.35]

10 Q. Well, the reason I'm asking you about Koy Thuon is because
11 you, yourself, offered possibly that explanation, and I refer you
12 to document D22/3605/1; English, ERN 00567556; French, 00758000;
13 and I don't have a Khmer ERN yet but I will provide it to you
14 shortly, Mr. President.

15 You said that Sok Salan alias Comrade Tra, that was your older
16 brother-in-law, he was a doctor in Zone 304 which was led by Koy
17 Thuon. And then a bit further, in 1977, after Koy Thuon was taken
18 away by Khmer Rouge, Sok Salan was also taken away by Khmer Rouge
19 and he disappeared. So that's why I'm asking you about Koy Thuon.
20 What is it that you know about the connection between your
21 brothers-in-law and Koy Thuon?

22 MR. SENG SOEUN:

23 A. I received the news from those who were in the same unit with
24 him and that person was alive and at that time my father-in-law
25 was still alive. We received the news that they all died.

1 [15.45.45]

2 Q. I understand, but are you in a position to tell us what, if
3 any, connection there was between your family-in-law and Koy
4 Thuon?

5 A. I do not know. My whole family do not know him, but when they
6 entered the army, they had contact with him. But as for me and my
7 whole family, we never know Koy Thuon.

8 Q. That's no problem. Let me move on to where you said about
9 other connections that your family-in-law might have had, and
10 that is with the Vietnamese, or with the "Yuon".

11 Now, you gave quite some evidence about the Vietnamese. What is
12 it that you remember about Vietnam? And I'm not talking about
13 Vietnamese people living inside of Democratic Kampuchea but what
14 about -- what do you know about Vietnam? What were Vietnam's
15 ambitions, if any, relating to Democratic Kampuchea?

16 A. I did not know much about the affairs of the country because I
17 was simply an ordinary soldier fighting against the "Yuon". Any
18 other matter beyond that is beyond my knowledge.

19 [15.47.58]

20 Q. Well, let me see if I can help you a bit, see if I can refresh
21 your memory. For instance, in your DC-Cam statement, E3/5643, you
22 said that: "The 'Yuon' wanted to dominate us and that the 'Yuon'
23 wanted to dominate the Indochinese Communist Party."

24 Do you recall saying that?

25 A. Yes, at the time I said so. I said that based on my learning

1 during the Pol Pot regime. They made such announcement that the
2 "Yuon" had the ambition to take the territory of the three
3 countries to form the Indochina Federation.

4 MR. PRESIDENT:

5 The floor is given to the Co-Prosecutor.

6 MR. LYSAK:

7 Thank you, Mr. President. I simply request that when counsel puts
8 excerpts from the interview, that he give us the ERN so that we
9 can follow along. So if he could provide the ERN references, it
10 would be appreciated.

11 [15.49.38]

12 MR. KOPPE:

13 First reference would be English, ERN 00753835; Khmer, 00059327;
14 French, 00756977(sic), I believe. It says -quote: "The Yuon want
15 to dominate us but our side did not agree. As a result, conflicts
16 occurred."

17 And on English, ERN 00753825; Khmer, 00059318; French, 00756568;
18 the civil party said as follows: "However, the 'Yuon' later
19 wanted to dominate it." And "it" mean the party of Indochina
20 comprising of "Yuon", Vietnamese and Khmer.

21 And he says: "Pol Pot -- as a result, Pol Pot defected from the
22 Party and separately chose 1960 as a new birth of the Party. He
23 followed his own paths while the 'Yuon' chose their own paths."
24 And then let me finish the whole quote: "Afterwards, the 'Yuon'
25 became very angry from that time onwards. That was concerning

1 with the resistance movement. It'll be very long if we kept
2 talking." End of quote.

3 Is that something you said, remember -- do you remember that, Mr.
4 Civil Party?

5 MR. SENG SOEUN:

6 A. Yes, I can recall it. I said so.

7 [15.51.30]

8 Q. Now let us talk some more about the Vietnamese or the "Yuong"
9 as you call them.

10 Do you know whether in implementing these ambitions, Vietnam
11 somehow used the help of people living inside of Democratic
12 Kampuchea between '75 and '79?

13 A. I did not get your question.

14 Q. Well, you agreed with me that you said that the "Yuong" wanted
15 to dominate "us" and my question is, do you know when they were
16 trying -- in trying to achieve that goal whether they used
17 somehow the assistance or help of people living inside of
18 Cambodia at the time?

19 A. I said like that, but I did not say that there was assistance
20 from outside countries. It was simply the instruction given by
21 the Pol Pot regime to us during study sessions.

22 [15.53.15]

23 Q. Well, let me see if I can be a bit more concrete. Do you know,
24 for instance, whether people inside Cambodia supplied rice to the
25 Vietnamese or whether they had been hiding rice in special places

1 for Vietnamese troops?

2 A. I did not know much about this because I was a soldier and
3 after I stopped being a soldier I became a handicapped person,
4 but I heard about such thing when I was a soldier.

5 [15.54.15]

6 Q. Well, let me see how if I can refresh your memory again a bit,
7 Mr. Civil Party. We'll be referring specifically to English ERN
8 -- of your DC-Cam statement, E3/5643; English, ERN 00753854;
9 Khmer, 00059348; French, 00756596; and this is what you said and
10 I will ask you whether you remember saying that to DC-Cam:

11 "The 'Yuong' people were borrowing from within each unit. They
12 were the rice transporters for the 'Yuong' and they were
13 identified. They worked for the 'Yuong'. These people supplied
14 rice to 'Yuong' people. I went down to investigate the case. It
15 was true. The rice was specially hidden. It was hidden in the
16 forest to avoid being known by other people." End of quote.

17 Mr. Civil Party, do you remember saying this to the investigator
18 of DC-Cam?

19 A. I do not refuse this statement, but I cannot recall many
20 aspects. I did say so that the Khmer had connections or network
21 and they hid rice <in the forest> for the Vietnamese troops.

22 Q. Now, on that same page of your DC-Cam interview, you said that
23 this happened in mid-1978. Do you know whether there was, at that
24 time, a war going on between Democratic Kampuchea and Vietnam?

25 A. I knew that the Khmer and the "Yuong" were fighting constantly

1 because they were not happy and they had many forces to fight
2 with us.

3 [15.57.20]

4 Q. I understand. I will get back to that tomorrow morning.

5 But you said that you went down to investigate the hiding of rice
6 for the "Yuon". When you went down to investigate this matter, do
7 you know whether that was considered to be treason, high treason,
8 collaborating with the enemy at the time? Was there any such
9 instruction?

10 A. In fact, I did not go out to investigate that. I never went
11 out to investigate whether people concealed rice or <other
12 things> for the Vietnamese troops.

13 Q. Now, I'm a bit confused, Mr. Civil Party. Literally, you said:
14 "I went down to investigate the case. It was true. The rice was
15 specially hidden. It was hidden in the forest to avoid being
16 known by other people." End of quote.

17 Is there a reason why this is not correct in your statement?

18 A. I think that I never said so. I was based in the <middle of
19 the country> and what you raised happened at the border area, so
20 it was not known to me.

21 [15.59.42]

22 Q. So you never investigated anything; is that what I should
23 understand?

24 A. No, I never went to investigate. I was -- as I told you, I was
25 at the area in <the office>.

1 Q. Let's leave aside the issue whether you investigated the case,
2 yes or no, but is it correct that people had been hiding rice in
3 special places for Vietnamese troops?

4 A. As I told you earlier, I do not know about this because it was
5 not my business. I was based at S'ang district <for less than a
6 month> and then I was sent to Kratie district and I spent most of
7 my time at the handicap office of Sector 13, <and then I was sent
8 to the zone,> so I did not have time to think about or
9 investigate the hiding of rice that you mentioned.

10 [16.01.26]

11 MR. KOPPE:

12 Well, let's see about that tomorrow.

13 I'm done, Mr. President. I can continue tomorrow.

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 It is now convenient time for the adjournment.

17 The Chamber will resume its hearing tomorrow Tuesday, 30 August
18 2016 at 9 a.m., and we continue to hear the testimony of

19 2-TCCP-219, and we will also hear the testimony of 2-TCCP-286.

20 The Chamber would like to thank you, Mr. Civil Party. The hearing
21 of your testimony as a civil party has not yet concluded. You are
22 therefore invited to come back tomorrow at 9 a.m.

23 Court officer, in collaboration with WESU, please make necessary
24 transport arrangements to send the civil party to where he is
25 staying and invite him back to the courtroom tomorrow at 9 a.m.,

100

1 on Tuesday, 30 August 2016.

2 Security personnel are instructed to bring Khieu Samphan and Nuon
3 Chea back to the detention facility and have them returned to the
4 courtroom tomorrow morning before 9 a.m.

5 The Court is now adjourned.

6 (Court adjourns at 1602H)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.