



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

30 November 2016

Trial Day 485



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

The Accused: NUON Chea  
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
Evelyn CAMPOS SANCHEZ  
EM Hoy

Lawyers for the Civil Parties:  
Marie GUIRAUD  
HONG Kimsuon  
PICH Ang  
SIN Soworn  
TY Srinna  
VEN Pov

For the Office of the Co-Prosecutors:  
Vincent DE WILDE D'ESTMAEL  
Nicholas KOUMJIAN  
SONG Chorvoin

For Court Management Section:  
UCH Arun

I N D E X

Ms. KHEAV Neab (2-TCCP-258)

Questioning by Mr. DE WILDE D’ESTMAEL ..... page 3  
Questioning by Ms. GUISSÉ..... page 44  
Questioning by Mr. KONG Sam Onn ..... page 61

Mr. PREAP Chhon (2-TCCP-1063)

Questioning by The President (NIL Nonn) ..... page 75  
Questioning by Ms. TY Srinna ..... page 77  
Questioning by Mr. KOUMJIAN ..... page 100

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Ms. KHEAV Neab (2-TCCP-258)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PREAP Chhon (2-TCCP-1063)	Khmer
Ms. SONG Chorvoin	Khmer
Ms. TY Srinna	Khmer

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of Kheav Neab<, >  
6 the civil party,> and, after that, we begin hearing testimony of  
7 a civil party, 2-TCCP-1063.

8 And before we proceed, the Chamber wishes to inform all parties  
9 to the proceedings in Case 002/02 that today, Judge You Ottara  
10 has some urgent personal matters and cannot attend the hearings.

11 And after the Bench deliberation, Judge Thou Mony, who is a  
12 reserve National Judge, is replacing Judge You Ottara until such  
13 time as Judge You Ottara is able to return to the Bench. And that  
14 is based on Rule 79.4 of the ECCC Internal Rules.

15 Mr. Em Hoy, please report the attendance of the parties and other  
16 individuals to today's proceedings.

17 THE GREFFIER:

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

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

23 The civil party who is to conclude her testimony today, that is,  
24 Madam Kheav Neab, is present in the courtroom. We also have a  
25 reserve civil party, namely, 2-TCCP-1063. Thank you.

2

1 [09.06.38]

2 MR. PRESIDENT:

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

4 The Chamber has received a waiver from Nuon Chea, dated 30

5 November 2016, which states that, due to his health, that is,

6 headache, back pain, he cannot sit or concentrate for long. And

7 in order to effectively participate in future hearings, he

8 requests to waive his right to be present <in the courtroom> at

9 the 30 November 2016 hearing.

10 Having seen the medical report of Nuon Chea by the duty doctor

11 for the Accused at the ECCC, dated 30 November 2016, which notes

12 that, today, Nuon Chea has a constant lower back pain when he

13 sits for long and recommends that the Chamber shall grant him his

14 request so that he can follow the proceedings remotely from the

15 holding cell downstairs. Based on the above information and

16 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber

17 grants Nuon Chea his request to follow today's proceedings

18 remotely from the holding cell downstairs via an audio-visual

19 means.

20 [09.07.51]

21 The Chamber instructs the AV Unit personnel to link the

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

23 That applies for the whole day.

24 And the Chamber wishes now to issue an oral ruling on the

25 admission of civil party application of 2-TCCP-1063 as evidence.

3

1 The Trial Chamber notes that the civil party application of  
2 2-TCCP-1063, is currently classified under the document reference  
3 number D22/144 (sic). The Chamber has recently admitted this  
4 civil party's supplementary information as <evidence> E3/10670.  
5 Please see E436/1.

6 Another supplementary information for this civil party was  
7 previously admitted as <evidence> E3/5932A. In line with the  
8 Chamber's practice concerning the admission of material relevant  
9 to individuals appearing at trial, the Chamber now accordingly  
10 admits 2-TCCP-1063's civil party application <into evidence> and  
11 assigns document reference number E3/10670A to it.

12 And I'd like now to hand the floor to the Co-Prosecutors to put  
13 questions to this civil party.

14 [09.10.19]

15 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

16 Thank you. Good morning, Mr. President, Your Honours. Good  
17 morning to all the parties.

18 Good morning, Madam Civil Party. My name is Vincent de Wilde, and  
19 I will be asking you questions on behalf of the Co-Prosecutors  
20 this morning.

21 I know it is not easy to remember all of these events which took  
22 place a long time ago, but I would simply ask you to be very  
23 precise in your answers. And if you do not know an answer to a  
24 question, simply say that you do not know. If you don't  
25 understand a question, just ask me to repeat. There's no problem

4

1 there.

2 Q. So a first question concerning your family members. Were any  
3 of your family members, one or several, officers or soldiers of  
4 the Khmer Republic, of Lon Nol, or did they hold posts in that  
5 government between 1970 and 1975?

6 [09.11.30]

7 MS. KHEAV NEAB:

8 A. <Within my family,> during the Lon Nol wartime, I had <only>  
9 an uncle who came to Kampong Chhnang province, and he had  
10 disappeared since <then>. As for my direct family members,  
11 including the members of -- on my husband's side, did not  
12 participate or become any soldier in the <Lon Nol> army. However,  
13 some of them became soldiers for the Khmer Rouge.

14 Q. Could you give us the name of this uncle who disappeared?

15 A. My uncle's name is Chhun Chhoeung (phonetic).

16 Q. Can you tell us when he disappeared? Was it <in> 1975? Did he  
17 disappear before 17 April 1975 or after 17 April 1975, when the  
18 revolutionaries took control of Phnom Penh?

19 [09.12.53]

20 A. My uncle disappeared after 1975.

21 Q. And what did you learn about the circumstances of his  
22 disappearance? Who told you about it, and what did you learn?

23 A. <> I received this information <about the disappearance of my  
24 uncle> from <two individuals> who was in the same -- who lived in  
25 the same native village after we left Kampong Chhnang. There was

5

1 an appeal there for people who had previous employment, they  
2 should return to their respective employment by presenting  
3 themselves. And my uncle fell into the trick. He presented  
4 himself and then <he was taken away>.

5 Another person named Ro did not do so, and accordingly, the  
6 person <survived and> could return to the native village.

7 However, after 1975, they conducted the research and found out  
8 that he used to be a former Lon Nol soldier and, subsequently, he  
9 also <was taken away>.

10 Q. Thank you. Yesterday, you spoke about the fact that around the  
11 <Khmer> New Year, 1978, you met with your husband again near the  
12 Central Market in Phnom Penh, and you said that you were a cook.  
13 At that time, were you a member of the same unit as your husband?  
14 So this was the <state market> supply unit, if I've understood  
15 correctly.

16 [09.15.04]

17 A. In 1978, my husband brought me from my home in order to join  
18 the celebration of the <'78> New Year that year. And when I  
19 arrived, <within two or three days before the celebration,> I was  
20 assigned to be a cook, that is, a cook for those who lived in the  
21 same house.

22 Q. And after that, did you continue to cook until your husband  
23 disappeared?

24 A. I continued to be as a cook. However, on the day that my  
25 husband disappeared, I, myself, was taken from where I lived,

6

1 although we were taken at different times on the same day.

2 Q. This unit of cooks, was it also under what you called

3 "Ministry 870"?

4 A. Yes, that was the location, and it was known as a state market  
5 to provide food, vegetable and rice. And it was known at the time  
6 as "Ministry 870".

7 [09.16.47]

8 Q. Yesterday, when responding to the question of Her Honour,

9 Marie Guiraud, you said that your husband was not a cadre, but a  
10 simple worker <or> manual <labourer>.

11 I just want to clarify what you said, because in document

12 E3/6425, which is the <civil party application>; in French, it's  
13 on page <01152692>; in English, 01114153; and in Khmer, 00544168.

14 And this is what is written in that document:

15 "During year 1978, after the <March> arrests of cadres at the  
16 level of unit chiefs, office chiefs and department chiefs, my  
17 husband was promoted to the post of cadre and a post within  
18 Office 870."

19 So I'm going to ask you this question again. Was there an event  
20 in 1978, which meant that your husband changed status from a  
21 labourer to a cadre?

22 A. You said that my husband was chief of a battalion. I made that  
23 statement <that my husband held such rank when he was in the  
24 army>. However, after the liberation in 1975, when he came to  
25 work at the state market, he was simply a worker and his task was

7

1 to gather supplies to store in the warehouse.

2 [09.19.03]

3 MR. PRESIDENT:

4 Counsel Koppe, you have the floor.

5 MR. KOPPE:

6 Yes. Thank you, Mr. President.

7 I'm not sure whether it's an objection or observation. It's too  
8 late for an objection anyway.

9 But I'm not quite sure what the Prosecution means with the word  
10 "cadre". Does it mean a CPK member or does it mean something  
11 different? Because I don't think there's any definition as to  
12 what "cadre" means.

13 [09.19.41]

14 BY MR. DE WILDE D'ESTMAEL:

15 I think the question that was asked was answered by the civil  
16 party. I don't think it's necessary to go into this debate, but I  
17 think that one can be <a> cadre and have certain  
18 <responsibilities> without actually being a member of the CPK.

19 So, Madam Civil Party, I will conclude, then, that there was an  
20 error in document E3/6425, the civil party application, and that  
21 your husband <did> not become a cadre.

22 Q. Concerning who was in charge of the state market supply  
23 office, which was attached to Office 870, do you know who was the  
24 direct supervisor of your husband?

25 MS. KHEAV NEAB:

8

1 A. In 1978, when I arrived, I already knew Vuy and Phin  
2 (phonetic), who were the supervisors in that location. And that's  
3 all I know.

4 Q. So about Vuy and Phin (phonetic), you don't know who managed  
5 this office overall, if I've understood correctly.

6 A. Yes, I didn't know about that.

7 [09.21.25]

8 Q. I'll come back a bit later to what happened to Vuy.  
9 Yesterday, you told us that you had seen Khieu Samphan  
10 distributing supplies and food to people who had come from Prey  
11 Veng in the East Zone. Had you already heard of Khieu Samphan  
12 before you saw him, and before your husband said that it was him?

13 A. One day when people were evacuated from Prey Veng province, we  
14 were ordered to cook for them. And then they had supplies,  
15 materials, including clothing and scarves. These materials or  
16 supplies were distributed to them. And during the course, I saw  
17 Khieu Samphan.

18 Initially, I did not know him, but I asked my husband, <"Who is  
19 that? He looks different."> My husband said that he was Angkar,  
20 and he was known as Ta Khieu Samphan. That's all I know about  
21 that.

22 [09.22.41]

23 Q. Aside from him, had you already heard other names of high  
24 level authorities and leaders in the <Communist Party of>  
25 Kampuchea?

9

1 A. Before that, I had only heard of Angkar, but I did not know  
2 who the leaders were <>.

3 Q. Near the Central Market, do you know if there was an office,  
4 which was the foreign commerce office?

5 A. No, I was not aware of that.

6 Q. So I'll come back, then, to this incident that you saw -- at  
7 the time when you saw Khieu Samphan distributing scarves and food  
8 to people from Prey Veng.

9 The krama or scarves that were being distributed by Khieu  
10 Samphan, what colour were they?

11 A. The krama that he handed to the people there at <Phsar Thmei  
12 or the Central Market,> was blue and white in colour.

13 Q. Were these blue and white kramas reserved only for people who  
14 had come from the East Zone and were near the Central Market?

15 A. I saw that the kramas were distributed to <only> those people.

16 MR. PRESIDENT:

17 Counsel Anta Guisse, you have the floor.

18 [09.25.04]

19 MS. GUISSÉ:

20 Thank you, Mr. President.

21 I'll come back to the same objection that I made yesterday when  
22 my colleague, Marie Guiraud, asked more detailed questions on the  
23 evacuees from the east. We're entering there into an area that  
24 concerns the <third> displacement <of the population> and what  
25 happened on that day and, therefore, I object because that is not

10

1 part of this trial so, in the same way that I objected yesterday,  
2 I object to following questions by the Co-Prosecutor in this  
3 regard.

4 [09.25.46]

5 MR. DE WILDE D'ESTMAEL:

6 Yes, Mr. President. I will make a very long response because <I  
7 think I'm going to have a lot of objections on this topic,  
8 whereas> many of them are about <Khieu Samphan's role. What was  
9 Khieu Samphan doing that day? Why is this Civil Party here today?  
10 It is only to> find out what Khieu Samphan was doing at the  
11 Central Market, and particularly, distributing the blue and white  
12 scarves. This concerns the role of Khieu Samphan and now, <and  
13 secondly, I am trying to figure out who fell under the scope of  
14 the definition of "enemies of the DK".>

15 And I will be asking other questions concerning the follow-up on  
16 the Role of the Accused who was distributing the blue and white  
17 scarves to people from the east who were moving toward the  
18 northwest.

19 <Because handing out these kramas was certainly not so trivial as  
20 we might think>, so we need to ask if this was a humanitarian  
21 distribution, or if it was something that would allow for the  
22 subsequent identification of people from the East Zone, which  
23 would then lead to <committing> crimes against them.

24 So if the Chamber does not want to hear this type of question and  
25 evidence, I wonder why the Chamber would have asked this person

11

1 to come and testify today.

2 Moreover, the last thing, the Role of the Accused and his  
3 contribution to the joint criminal enterprise is completely  
4 relevant, even if the criminal facts he is accused of might fall  
5 outside of the crimes in 002/02. Nevertheless, the Role of the  
6 Accused and to what extent he participated in the joint criminal  
7 enterprise is very pertinent.

8 [09.27.46]

9 Also in Case 002/01, <we> heard <from many witnesses on the Role  
10 of the Accused,> when there was no direct link <with the first  
11 and second forced population transfers or with Tuol Po Chrey.  
12 Here we have a series of Civil Parties or witnesses, who have  
13 come to testify on the Role of the Accused, who> would not have  
14 been able to testify in Case 002/01 in that case. And I think  
15 it's very relevant <to ask these questions, specifically on the  
16 people from the East,> the role of Khieu Samphan concerning these  
17 people and the significance of wearing a blue and white krama in  
18 Democratic Kampuchea.

19 [09.28.28]

20 MS. GUISSÉ:

21 Thank you, Mr. President. I will allow myself to respond to the  
22 very long answer of the Co-Prosecutor.

23 Of course, <today> we can talk circumstantially about the  
24 displacement of the population, which is not in the scope of the  
25 trial, which is to say a topic on which the Prosecution could

12

1 provide evidence and ask questions, but obviously the Defence,  
2 because this isn't part of the trial, has not had the opportunity  
3 to call any witnesses to testify on this topic <or confront any  
4 evidence with the charges. So then you say you can use elements  
5 that do not fall under the scope of the trial, for which the  
6 Defence has not prepared properly, for which the Defence has not  
7 called any witnesses, because this does not in fact fall under  
8 the scope of the trial, but you can use these elements, because  
9 basically it is convenient for you, to try to find evidence for  
10 additional charges.>

11 So trying to find supplementary evidence against Mr. Khieu  
12 Samphan, there's a very simple rule of procedure that we are not  
13 meant to talk about things that are not in the Closing Order,  
14 that are not within the scope of the trial, and why? Because the  
15 Defence is not able to bring evidence on these particular issues.  
16 So why did the Chamber bring this person in? We were told that  
17 she is giving circumstantial and she has seen Khieu Samphan, but  
18 <she also says she> saw Khieu Kamphan for a period of five  
19 minutes, so I don't know on what basis the Co-Prosecutor has to  
20 say that she can have information or evidence on what happened  
21 since she saw him only for five minutes because she clearly can't  
22 know what happened to these people from the East Zone, who were  
23 evacuated somewhere else.

24 [09.30.23]

25 And once again, these facts are not part of the scope of this

13

1 trial. So we can talk about the motivations of the Defence but,  
2 in fact, we're losing time here on something that is not part of  
3 the scope of the trial and which is <an absolute> violation of  
4 the rights of the Defence because once again we're talking about  
5 things that we said we were not going to talk about in the  
6 context of this trial.

7 MR. KOPPE:

8 Mr. President, if I may add to the argument from the Khieu  
9 Samphan defence team that I fully support, I believe this  
10 situation with this particular witness is similar as to a  
11 situation that arose two weeks ago with a witness who had his  
12 origins in the East Zone and was subsequently maltreated, yes or  
13 no, in Kampong Speu.

14 Questions were asked by Lead International Co-Prosecutor  
15 Koumjian, and you said very specifically one or two very general  
16 questions, and that's it. And I think we have a very similar  
17 situation here, maybe one or two questions, but that should be it  
18 because it is very clearly outside the scope.

19 [09.31.46]

20 JUDGE FENZ:

21 Can I just clarify something? I'm not sure it's really comparable  
22 because if I understand the Prosecutor correctly, what he is  
23 saying, this might have happened during the movement, but the  
24 movement is not what this is about. This is about the role of the  
25 Accused, which is not necessarily the same.

14

1 If -- did I understand that correctly? Was -- all of this is a  
2 bit long, but I think this is what it boils down to.

3 [09.32.12]

4 MR. KOPPE:

5 I would understand that reasoning. However, I understood the  
6 lengthy answer of the Prosecution to be that he would like to ask  
7 very detailed questions on what happened to the people with the  
8 blue and white kramas. That's how I understood his answer, and  
9 that's why I rose to support the objection.

10 If it's limited to what happened at the market and etc., then  
11 it's, to a certain extent, understandable, although maybe not  
12 necessary. But if we really go into the details of what happened  
13 to these people, I think we are off limit.

14 MR. PRESIDENT:

15 The Chamber overrule the objection related to the fact of what  
16 happened at Phsar Thmei. The question can be asked, but it should  
17 not ask for the details about the third stage of evacuation.

18 [09.33.18]

19 BY MR. DE WILDE D'ESTMAEL:

20 Mr. President, all the questions that have been asked, since I  
21 have to respond, are related to the role of Khieu Samphan and to  
22 know whether, at the time when the blue and white kramas were  
23 distributed, he knew that they were going to be used to identify  
24 the persons <from the East Zone.>

25 So the role of Khieu Samphan is part of this trial.

15

1 Q. Madam Civil Party, to how many persons and families did Khieu  
2 Samphan distribute clothing, including blue and white kramas, as  
3 well as food to people from the east, near the market? Can you  
4 give us an estimate of the number of persons who received those  
5 kramas?

6 MS. KHEAV NEAB:

7 A. <Relating to the> material <distribution>, and there were  
8 hundreds of evacuees. <There were many from one stage to  
9 another.>

10 MR. PRESIDENT:

11 The question is not about that. The Prosecutor asked you about  
12 your witnessing the distribution of <blue and white> krama <> by  
13 Khieu Samphan to the <new> evacuees from <the East Zone, who  
14 stayed temporarily at Phsar Thmei?> The question asked <> about  
15 the number of people you saw who received the krama and materials  
16 from Khieu Samphan.

17 [09.35.07]

18 MS. KHEAV NEAB:

19 I saw him distributing material to one person <because she  
20 extended her hands and asked for it>. I saw him distributing the  
21 <blue and white> krama to one elderly woman.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. I am not sure I entirely understood because in the previous  
24 answer you gave, in French, <you mentioned that there were> about  
25 100 evacuees who received food<, etc>.

16

1 Was it only one person that you saw or about 100 persons <who>  
2 you saw receiving kramas and food?

3 MS. KHEAV NEAB:

4 A. Yes, there were many people there, but I saw him giving krama  
5 to an elderly woman. But there were many people over there <to  
6 receive such stuff including food and clothes.> I saw <Khieu  
7 Samphan> give one krama to an elderly woman <because she extended  
8 her hands to ask for one more krama>.

9 [09.36.24]

10 MR. PRESIDENT:

11 The floor is given to Counsel Kong Sam Onn.

12 MR. KONG SAM ONN:

13 Thank you, Mr. President.

14 To my recollection from her answer yesterday, the witness said  
15 that Khieu Samphan handed over krama <more than one time> to the  
16 evacuees, and she said several times that Khieu Samphan gave one  
17 krama to one person at Phsar Thmei, so I think the question is  
18 repetitious.

19 Thank you.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. Now I would like to clarify the point.

22 In your victim's information <form>, <E3/6426>; in French,  
23 01152693; in English, 01114154; and in Khmer, 00544170, this is  
24 what you stated:

25 "Before my husband's arrest, I saw Khieu Samphan at the corner of

17

1 the Central Market distributing white and blue squared scarves,  
2 food, and clothing to evacuees from the East Zone who were  
3 subsequently going to be transferred to the Northwest Zone." End  
4 of quote.

5 Now, clarify how you knew that the persons to whom Khieu Samphan  
6 distributed food and clothing were persons from the East Zone and  
7 that they subsequently were sent to the Northwest Zone?

8 [09.38.35]

9 A. I was aware of this because I was also <distributing such  
10 materials at that location>, and I witnessed the event with my  
11 own eyes.

12 Q. Very well. But who told you that they were from the East Zone  
13 and that they were going to the Northwest Zone subsequently? Was  
14 it the evacuees themselves who told you, your husband or perhaps  
15 other persons?

16 A. The reason I was aware because when those people arrived, our  
17 group asked them where they came from, and they told us that they  
18 came from <the East Zone, that was> Prey Veng.

19 Q. Did you see a single group that came close to the Central  
20 Market, about 100 persons, or <rather> waves of persons who came  
21 to the Central Market, from Prey Veng or Svay Reang?

22 [09.40.00]

23 MR. PRESIDENT:

24 Please hold on, Madam Civil Party.

25 The floor is given to Counsel Anta Guisse.

1 MS. GUISSÉ:

2 The questions of the Co-Prosecutor in concrete terms have to do  
3 with the movements of people, <waves,> where they were going to  
4 and where they came from, <we are clearly in the "PD-3",> so I  
5 object to this question.

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I'm only referring to the events in which Khieu  
8 Samphan distributed clothing and food to people in this context.

9 MS. GUISSÉ:

10 That is the problem, Mr. President. We are being told that we  
11 cannot talk about this event without placing <it within> the  
12 context, <meaning,> without <pinpointing> the <third movement of  
13 the population, which does not form part of what we are supposed  
14 to examine. More concretely, here> we <are placing> the Defence  
15 <in a position where we will speak> about facts, in regards to  
16 which, we cannot defend <ourselves>.

17 [09.40.56]

18 MR. DE WILDE D'ESTMAEL:

19 Let me clarify something, Mr. President. The name of the civil  
20 party as well as the names of others who will appear before this  
21 Chamber are on the list of witnesses and civil parties <for the  
22 Prosecution>. For more than two and a half years, they have been  
23 on the list, and we know that the only way, <the only interest in  
24 doing so> -- as we have said in our motion - <is for> these  
25 persons <to> be heard before this Chamber <so as> to detail the

19

1 Roles of the Accused. Specifically with regard to these evacuees  
2 from the East Zone and <these> blue scarves.

3 To say that <the Defence is taken by surprise, when the Role of  
4 the Accused and their contribution to a joint criminal enterprise  
5 are indeed part of the case,> is an aberration. The Defence  
6 shouldn't object to the calling of these persons to testify.

7 [09.41.49]

8 JUDGE FENZ:

9 Sorry; can we shorten this? We have had this argument.

10 The Chamber has ruled on it. I haven't heard anything new now, or  
11 am I missing something?

12 Did anything happen between our ruling a couple of minutes ago  
13 and now?

14 MS. GUISSSE:

15 I heard in the President's decision that they <should not>  
16 address elements regarding the third movement of the population,  
17 and I rose to my feet because the Co-Prosecutor was referring to  
18 events related to the third movement of the population.

19 MR. DE WILDE D'ESTMAEL:

20 I do not know what the decision of the Chamber is. Can I  
21 continue, Mr. President?

22 [09.42.44]

23 MR. PRESIDENT:

24 Now let me make it clear. I repeat what I said.

25 <Especially, to the Co-Prosecutor,> I already clarified and

1 emphasized that your questions should focus on the Role of the  
2 Accused for these civil parties or witnesses. <The main questions  
3 are facts link to the Roles of the Accused.> As for other facts,  
4 they are supplementary. <If these supplementary parts are to be  
5 broken, we could not understand it holistically. The Roles of the  
6 Accused are not to be asked extensively outside the scope like a  
7 general case. If that is the case, we would not need to specify>  
8 witnesses <who> are selected in order to be questioned on this  
9 scope of this segment of the trial. And for that reason, we have  
10 to choose which civil party or witness <or experts> for a certain  
11 segment of the trial.

12 As for general witnesses or experts, all parties can ask them on  
13 almost any topic. For that reason, you should limit your  
14 questions and make it conform to the facts or the scope of this  
15 segment of the trial and avoid wasting time; rather, to fill the  
16 times allocated to that particular party.

17 If it is not necessary, then you should move on so that we can  
18 hear another civil party or witness rather than to fill the  
19 allotted time.

20 You should now proceed.

21 [09.44.39]

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you. I'll move to another line of questioning.

24 And for the record, I would like to refer the Chamber to three  
25 statements that I'm not able to read, E3/5542, E3/7708 and

21

1 E3/3970, that refer to the fate of persons who had blue kramas.

2 Q. Madam Civil Party, I would like us to talk about another

3 subject, the arrest of your husband, Kheng Cheu, alias Choeun.

4 I would like you to specify when your husband was arrested, how

5 long <before> the Vietnamese captured Phnom Penh?

6 [09.45.48]

7 MS. KHEAV NEAB:

8 A. My husband, who was at the <state> market, he was with me, but

9 when he was arrested and taken away, I did not remember the date.

10 But based on the document here, he was arrested and <> taken away

11 on the 11 of December 1978. Rather, it was in December, but I

12 cannot recall the exact date.

13 But one day, he was taken away along with three other

14 individuals. My husband name <Kheng Cheu, alias Choeun and

15 another person who was taken away along with him <named Ye and>

16 Run. <The three individuals were taken away. Seeing this

17 document, I can recall it clearer>.

18 [09.46.58]

19 Q. That was the list that was shown <to> you yesterday by Counsel

20 Guiraud, list <E3/10454> which shows that your husband entered

21 S-21 on 11th of December 1978, and was executed on the 14th of

22 December 1978.

23 In your supplementary information form, <even if you don't

24 remember dates very well>, we have a date of October 1978, and

25 it's reference E3/6425a. And the page in English is <01069300>;

1 and in Khmer, 00581519; and in French, 01151395. And this is what  
2 is stated on the form. This is what you stated:

3 "However, subsequently, Angkar arrested my husband in October  
4 1978. He was stuffed into a car and taken to an unknown  
5 destination. I did not know the reason why he was arrested, but  
6 in my opinion, Angkar systematically arrested people who were  
7 well placed." End of quote.

8 My question is as follows. Did you know or were you able to find  
9 out, even after 1979, whether your husband was first detained or  
10 re-educated at another location before he was taken to S-21?

11 A. No, I received no news from him. He disappeared. I only found  
12 out about the details of his arrest only when I saw this  
13 document.

14 Q. Very well.

15 Did <someone called> Ret talk about the fate of your husband  
16 after 1979? That is Ret written -- spelt as follows, R-E-T.

17 A. After 1979, <going into> 1980 in the rural areas of my area,  
18 there was no good harvest yield. We went by ox cart to Siem Reap  
19 to collect rice, and I met <a person who I knew previously>. He  
20 told me that my husband was either imprisoned at Prey Sar or at  
21 S-21. So I received the news about my husband's disappearance  
22 from Ret, who was living in Siem Reap.

23 [09.50.16]

24 Q. Yesterday, I believe, you did say that your husband was taken  
25 away by three persons, three Khmer Rouge <members>. Did you know

1 from which office those three persons came?

2 A. I said that there were three individuals, including my  
3 husband. The three were my husband, Ye and Run. I did not see  
4 them being taken away because <> I was cooking in the kitchen  
5 hall and my husband was at his workplace.

6 I was aware of their arrest from my son, who was three years old  
7 at that time. <He was playing with his father.> When I did not  
8 see his father, I <asked> him and he told me that three people  
9 were <in a vehicle and> taken away, my husband, Uncle Ye and  
10 Uncle Run.

11 [09.51.28]

12 Q. Very well. I know the victim supplementary information form is  
13 not always very reliable. I was talking of cadres from Office  
14 K-7. Did you hear about that office, and did you know what it was  
15 all about at the time, or you had no idea as to what that office  
16 was?

17 A. No, I did not know about the K-7. I heard people in my  
18 workplace talking about K-7, but I did not know where it was<. I  
19 heard this from other people as well.> .

20 Q. Now, you referred to two of your husband's colleagues who were  
21 also taken away at the same time, Run and <Kang> Ye. Did you know  
22 the spouses of those two persons, if they were married?

23 A. Run was not married yet. For Ye, he's married and his wife's  
24 name was Nat (phonetic). But I don't know her original name. In  
25 our <group>, she was addressed as Nat (phonetic).

24

1 Q. Was Ye's spouse, <so Ya (phonetic), known as> Nat, taken away  
2 at the same time as yourself, or she wasn't led away at the same  
3 time with you?

4 A. After my groups were taken away, Ye's wife, Nat, was also  
5 taken away on the same day with me.

6 [09.53.52]

7 Q. Were there several women who were led away at the same time as  
8 yourself to the pagoda you referred to?

9 A. There were four or five <or six> women, and <I may forget  
10 because it was a long time, but> there were women<.> There was  
11 only one man named Ham (phonetic) <but I did not know where he  
12 was from>. We were in the same group and we were familiar with  
13 each other.

14 Q. Had all those women who were in the vehicle faced a situation  
15 in which their husbands had already been led away?

16 A. All the women who <travelled> with me, some of them had their  
17 husband with them while some did not.

18 Q. I have one question regarding your destination. You talked of  
19 a pagoda called Chey <Oudam (phonetic)>, I believe. Do you know  
20 whether that pagoda was under Office 870?

21 [09.55.40]

22 MR. PRESIDENT:

23 Please hold on. The floor is given to Counsel Anta Guisse.

24 MS. GUISSÉ:

25 I object to the manner in which the question has been asked by

25

1 the Co-Prosecutor. This civil party has always talked of  
2 "Ministry 870". She never talked of "Office 870".

3 BY MR. DE WILDE D'ESTMAEL:

4 Let me rephrase the question.

5 Q. Do you know whether the pagoda where you worked where you  
6 harvested rice was under the Ministry 870?

7 MS. KHEAV NEAB:

8 A. We were sent to Chey Otdam pagoda. We knew it was called Chey  
9 Otdam pagoda, but we did not know whether it was under what or  
10 which Ministry. It was where we sent to harvest rice.

11 [09.56.48]

12 Q. Yesterday you were shown a document, <E3/10454>. I have  
13 another document <to show you, also from S-21,> E3/1974, and it  
14 is an interrogation list from S-21. And the relevant page in  
15 French is 00884077; in English, 00184007 and 008; and in Khmer,  
16 00052897.

17 Mr. President, I would like to hand this document to the civil  
18 party, bearing in mind that it probably bears the name of her  
19 husband and the other <two> persons <she mentioned yesterday>.

20 MR. PRESIDENT:

21 Yes, your request is granted.

22 [09.58.05]

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. So there are four names under the <heading> "State Economy" --  
25 not three, but four. The first is a person called Khy -- K-H-Y --

26

1 Peng Ly, P-E-N-G L-Y, alias An, A-N, aged 23, male, a messenger  
2 of the State Economy, 2nd of November 1978. That is probably the  
3 date of arrival at S-21.

4 Let me stop here for now with this question. At the time, did you  
5 know that person by the first name on the list, that is, An, Khy  
6 Peng Ly, a messenger for State Economy? Does that ring a bell to  
7 you?

8 MS. KHEAV NEAB:

9 A. No, I was not familiar with this name.

10 Q. I'll read out the three other names that correspond to those  
11 that feature on the other list that was given to you yesterday.  
12 We have Kang Ye, age 26, male, combatant <in charge of> supplies  
13 in the State market, 11th of December 1978. Then we have Kong  
14 Chy, alias Choeun. At least in French this was written Kong Chy,  
15 K-O-N-G- C-H-Y, alias Choeun, C-H-O-E-U-N. As regards the age,  
16 it's very difficult to read it, and -- in Khmer, and <I think it  
17 is missing the first digit. It is translated> into French as  
18 <"3050", and in English, too,> male, combatant, working at the  
19 State market in the supplies department, at 11th of December  
20 1978.

21 The <third> name is Thou Leak, T-H-O-U- L-E-A-K, alias Run,  
22 R-U-N, age 24, male, combatant, working in the supplies  
23 department of the State market, 11th of December 1978.

24 Can you tell us whether they are talking of the same persons  
25 here, that is, your husband as well as his colleagues, Kang Ye

1 and Run?

2 [10.00.57]

3 A. Kang Ye was my husband's friend.

4 MR. PRESIDENT:

5 Please hold on, witness.

6 And Counsel Kong Sam Onn, you have the floor.

7 MR. KONG SAM ONN:

8 <In real practice,> according to this document, which is shown by  
9 the Co-Prosecutor, the civil party does not identified her  
10 husband's name, whether her husband's name is on the list yet,  
11 <and it also contains discrepancies.> but the Deputy  
12 Co-Prosecutor confirms that it's her husband's name on the list.  
13 <Therefore,> this is a supposition made by the Deputy  
14 Co-Prosecutor and to give a hint to the civil party. <Hence, I  
15 object to this question.>

16 [10.01.51]

17 MR. DE WILDE D'ESTMAEL:

18 Mr. President, I do not think so. I am asking the civil party if  
19 -- because it seems to correspond to what we saw yesterday, these  
20 <same> three names, I'm asking if it is about the same three  
21 people, including her husband. If she doesn't think that it's  
22 about her husband, then she simply needs to say so.

23 MR. KONG SAM ONN:

24 Mr. President, this document is different and there is also a  
25 line crossing on the name. And the age appeared here is different

28

1 from one the civil party testified. She testified yesterday that  
2 when her husband disappeared, he was 25 years old. And in this  
3 document, the person's age is 35 years old.

4 MR. PRESIDENT:

5 Deputy Co-Prosecutor, you should first ask about the name of the  
6 person and whether she is familiar with the name and, if so, then  
7 who the person is. If you follow this practice, then it will be  
8 clearer. And if you ask and if she says she doesn't know, that's  
9 it.

10 Please reformulate your question and make it precise <so she can  
11 easily understand>. And if the age is different, then you should  
12 also ask about the age, <why it is different?> Here, < the  
13 period is the same while> the <age> gap <is> 10 years.

14 [10.03.31]

15 MR. DE WILDE D'ESTMAEL:

16 That's just the point. When looking at the Khmer version, I don't  
17 think we can say if it's two or three, but I don't know Khmer.

18 Q. So Madam Civil Party, this person was called Kong Chy<, alias>  
19 Choeun in this document. <He> was a supply combatant <for the  
20 State market>, in 1978. Is this your husband, or not?

21 MS. KHEAV NEAB:

22 A. I am here to testify, and I already took an oath before the  
23 Iron Club Statue, and I can say that this person is my husband.  
24 <The person's> name,<> Run, <> is my husband's friend, so I am  
25 familiar with these two or three individuals <including my

1 husband>.

2 [10.04.42]

3 Q. Very well. Earlier, you mentioned, as your husband's  
4 supervisor, someone named Vuy. So I'd like to submit to you a  
5 document which is also a list of persons who were interrogated at  
6 S-21. It's list E3/2178. And the relevant page in Khmer is  
7 00021091; in English, 00631981; and in French, 00631977. In fact,  
8 it's a bit complicated to read it, so perhaps, to save time, I  
9 will read the translation.

10 So this is a list of people who were interrogated at S-21. There  
11 are 66 names. And for some of them, the date of execution is  
12 mentioned, while others seem to still be in interrogation.

13 So the name So Sour, S-O followed by S-O-U-R, alias Vuy, V-U-Y,  
14 29 years old, male, head of office of state supply for Office  
15 870; 24 May 1978 is listed as the date of entry into S-21. This  
16 is number 51 in the English and in the original, and in French  
17 there is no number next to his name.

18 So according to this information I gave you <on this person,>  
19 Vuy, 29 years old, head of the state supply Office 871, does this  
20 also correspond to the person that was your husband's supervisor,  
21 whom you called Vuy?

22 [10.07.07]

23 A. Yes, that is correct.

24 Q. Did you learn at the time under what circumstances he  
25 disappeared?

1 A. No, I did not know about that. Although we had meals  
2 <together> at the same location, I was not aware as to when he  
3 disappeared. He simply disappeared.

4 Q. Do you know who replaced him as the head of this supply  
5 office?

6 A. After that, I did not know who took over the supply office.  
7 <There may have been others who took over, but in there, the  
8 numbers of people dwindled.> Later on, we also left, so I did not  
9 know who came to replace him.

10 [10.08.32]

11 Q. At the time, did you also know another cadre who was called  
12 Sao, S-A-O? His full name is <Sam (phonetic)> Rith Suos, S-U-O-S,  
13 alias Sao. He was 28 years old at the time.

14 A. No, I'm not familiar with that name. There were many people.

15 Q. Between your arrival in Phnom Penh, where you worked as a  
16 cook, towards the Khmer New Year in 1978, between that time and  
17 the time when your husband was taken away, were there cadres or  
18 combatants from your cook's unit or the state supply unit of your  
19 husband, who disappeared? Aside from Vuy, obviously.

20 A. No, I did not <know> because I <had already> left, so I did  
21 not know who came to take charge in that area.

22 Q. I will reword my question. Perhaps it's a bit too complicated.  
23 I wanted to know if, between April 1978, when you arrived there  
24 and the time when you were brought in a car to go to the pagoda  
25 to grow rice, were there people who disappeared from your unit or

31

1 from your husband's unit. Do you have any knowledge of that?

2 A. I was taken into a vehicle to the rice field <where I was not  
3 familiar because> I was among <too> many people, and I did not  
4 know <where people went> or <> care about who <> disappeared, as  
5 <each individual was> only concerned about <themselves>.

6 Q. Very well. Thank you, Madam Civil Party. We have no further  
7 questions.

8 [10.11.15]

9 MR. PRESIDENT:

10 Thank you.

11 We have some matters to discuss with the parties. First we'd like  
12 to ask the Co-Prosecutors and the Lead Co-Lawyers, according to  
13 our schedule, that tomorrow we probably have only the morning  
14 sessions, and then we have the afternoon sessions vacant. And  
15 then we also have the schedule for next week<, Monday and  
16 Tuesday,> that is to begin with 2-TCW-1060 and <2-TCW-920>. These  
17 two are not able to testify tomorrow.

18 However, 2-TCW-1069 is available to testify for tomorrow, and  
19 this witness is proposed by the defence team for Nuon Chea and is  
20 scheduled to be heard on Wednesday next week <on 7 December  
21 2016>.

22 The question is, if the Chamber calls 2-TCW-1069 starting from  
23 tomorrow, whether you are able to accommodate that, that is,  
24 after the conclusion of 2-TCW-1063<. The issue is on the setting  
25 of the hearing schedule <>.

32

1 [10.12.47]

2 JUDGE FENZ:

3 Just to make it clear in English, a couple of witnesses have  
4 health issues, so we can't hear them. We are contemplating -- the  
5 only person we can bring tomorrow is 1069, Nuon Chea witness.

6 Ready to start tomorrow?

7 MR. KOPPE:

8 Yeah, I'm a bit caught by surprise.

9 Is his DC-Cam statement translated? Because I'm not sure if it  
10 is. If it isn't, then that's, of course, very problematic because  
11 we are now -- we've based ourselves in the time upon that  
12 "Searching for the Truth" magazine article. We read the Khmer  
13 version of the DC-Cam statement. There was an urgent request for  
14 translation.

15 I don't know -- I'm checking with my team now whether there is a  
16 translation because that would be, of course, very problematic if  
17 it's only in one language.

18 [10.13.54]

19 JUDGE FENZ:

20 So do we understand you correctly, if it is translated, you are  
21 ready to do it tomorrow? If it's not, you see a problem. Is this  
22 the gist of it?

23 MR. KOPPE:

24 Yes, I suppose so. Yes.

25 The English is ready, I'm just being informed, so would I start

1 tomorrow afternoon, then, or --?

2 JUDGE FENZ:

3 As far as anything is predictable here, yes.

4 MR. KOPPE:

5 Yes. Yes, I suppose. Yes.

6 [10.14.32]

7 MR. PRESIDENT:

8 That is good news. What about other parties? Because now we don't  
9 have any problem with the party who proposed the witness. If you  
10 have any problem, please raise. If not, then there is no need to  
11 be on your feet.

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, we're caught a bit short as well. I think clearly  
14 if the Defence of Nuon Chea is prepared to begin the  
15 <examination> tomorrow, we have no problem. However, if we also  
16 need to begin tomorrow, this would be more problematic because I  
17 don't believe that we're ready yet, so that's the situation.  
18 We can do, as we have with other witnesses, as you'll remember,  
19 in the Vietnamese segment where the Defence had said that the  
20 Co-Prosecution could start and then, after the Christmas  
21 vacation, we will be ready. I think that this is more or less the  
22 same situation.

23 We will be ready to hear the questions of the Defence, but we  
24 would be ready to ask our own questions perhaps next week.

25 Otherwise, we could <risk having> a poorly <and hastily> prepared

34

1 <examination>.

2 [10.15.57]

3 MR. KOPPE:

4 Well, I'm not sure if I understand what the Prosecution is  
5 saying. We're not ready at all of these two witnesses, either. As  
6 a matter of fact, I also have to read the other DC-Cam statement  
7 of the other So Phim relative. I'm willing to sacrifice. I think  
8 the Prosecution should be willing to.

9 JUDGE LAVERGNE:

10 Just to clarify things, Mr. Koppe, can you tell us if you are  
11 ready or not ready for tomorrow? Because it seems to me I've  
12 heard things that are a bit contradictory.

13 What are you telling us now? Are you ready to question  
14 2-TCCP-1069 or not? I don't know exactly where we are now<, just  
15 to clarify>.

16 [10.16.52]

17 MR. KOPPE:

18 I'm not really ready, but I'm prepared to do it anyway.

19 MS. GUISSSE:

20 For my part, Mr. President, I can say that we are not ready at  
21 all. We have one single witness who is extremely important so now  
22 I <will let> the Nuon Chea team -- because <that setup> would  
23 mean that they would begin and we -- because it's a witness that  
24 Nuon Chea called, we would be meant to question next week.  
25 So <if you want my opinion,> I understand that there's a need to

35

1 move quickly, but to do so at the risk of botching preparations,  
2 I don't think that's a good idea. But I've said my piece, and  
3 I'll let the other parties say what they say, but I think it's a  
4 bit tight.

5 [10.18.00]

6 MR. PRESIDENT:

7 We actually notified the parties quite some time ago. <The  
8 important point is the change of next weeks schedule to that of  
9 this weeks.> However, the schedule is advanced just a bit  
10 forward. And it is likely that <only> the proposed party is  
11 willing to proceed, so other parties would have their turn next  
12 week. And the Defence Counsel for Nuon Chea is willing to  
13 proceed<. It is better than we leave the time vacant> because  
14 <there are several residual works within this proceedings for  
15 this hearing which will take quite sometime. Anyhow, the Chamber  
16 appreciates your feedback and observations and> we'll try to  
17 <solve this issue>.

18 <Now,> we'll take a break now and we'll resume at 25 to 11.00.

19 Court officer, please assist the civil party during the break  
20 time and invite her back into the courtroom at 25 to 11.00.

21 The Court is now in recess.

22 (Court recesses from 1019H to 1038)

23 MR. PRESIDENT:

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

25 And I would like to inform parties that the Chamber will hear

1 th890-\

2 testimony of 2-TCW-1069 tomorrow.

3 And now I give the floor to Defence Counsel for Nuon Chea to put  
4 question to the civil party.

5 You may now proceed.

6 MR. KOPPE:

7 Thank you, Mr. President. I have no questions for this witness.

8 However, I'm afraid I have to revisit the subject of the other  
9 witness, 2-TCW-1069, because it appears that, indeed, his DC-Cam  
10 statement is available in an English translation. However, the  
11 other witness, 2-TCW-1070, who is, as you know, closely related  
12 to 1069, because they're both relatives and had been working for  
13 So Phim -- that DC-Cam statement, which is E3/10717, is in French  
14 only available. And that is a DC-Cam statement of 88 pages in  
15 French which, for me, if I have to lead that witness, of course,  
16 would be highly problematic.

17 [10.40.13]

18 And in addition, I think it would be worth reminding that both  
19 witnesses -- the decision on them being summonsed was only made  
20 on the 22nd of November, which is eight days ago, leaving --  
21 bringing my team, who is busy with the preparation, into all  
22 kinds of difficulties.

23 But that is not the most important reason. The most important  
24 reason is that 10717 is in French available only, and therefore,  
25 it's very difficult.

1 JUDGE FENZ:

2 Is there any indication when the translation will be finished; do  
3 you know?

4 MR. KOPPE:

5 We don't know.

6 (Short pause)

7 [10.41.23]

8 MR. PRESIDENT:

9 Thank you.

10 I would like to clarify that it is 2-TCW-1069, not 2-TCCP-1096.

11 <For the witness, 1070, we will schedule to hear next time, as  
12 for now, we had an issue. It appears that we have time to solve  
13 all these issues>.

14 Now I give the floor to Judge Marc Lavergne.

15 JUDGE LAVERGNE:

16 Yes. Once more, I need clarification because I'm not sure I  
17 understood properly in the interpretation.

18 Counsel Koppe, you are saying that you are no longer ready for  
19 tomorrow afternoon. Are you in a position to tell us when you'll  
20 be ready to examine the witness? Can it be possible that you'll  
21 be able to do so next week?

22 [10.42.27]

23 MR. KOPPE:

24 Yes, of course. And presumably I would be ready tomorrow, but it  
25 all depends on the availability of an English translation of

38

1 E3/10717, which is the DC-Cam statement of the closely-related  
2 witness, 2-TCW-1070.

3 So as long as there is no English translation, I won't be able to  
4 question either one of them, also next week, obviously, but I  
5 presume an English translation will be available shortly.

6 JUDGE LAVERGNE:

7 Very well. And indeed, in event of the English translation not  
8 being ready tomorrow, would you, nevertheless, be ready to  
9 examine the witness next week? Because I do understand that there  
10 is at least a French translation, and you may have some  
11 possibilities or some human resources in your team <who can  
12 understand the French>.

13 MR. KOPPE:

14 <That is true>, Judge Lavergne. But I do not think -- I can read  
15 it, but I need the English translation because I need to be able  
16 to confront the witness with what the other witness has said, and  
17 I need to have extensive knowledge, I believe, and insight of  
18 both witnesses.

19 [10.44.19]

20 JUDGE LAVERGNE:

21 So, so long as the two statements are not available in English,  
22 you will not be ready to proceed to the examination of the  
23 witness. Is that what you're saying?

24 MR. KOPPE:

25 Correct.

1 MR. PRESIDENT:

2 Now, let me ask you again. <At the last moment, you mentioned the  
3 translation was ready. Now,> we have already decided that we will  
4 have the witness to testify tomorrow afternoon because we have  
5 listened to <relevant> parties and you, Counsel Victor Koppe, are  
6 the one who proposed the witness. So you advised us that you  
7 would be fine with this.

8 And now we have decided that we will have the witness to testify  
9 tomorrow afternoon. <But> you said<, it could not be done. You  
10 just said that it would be possible to hear the witness and the>  
11 relevant document from DC-Cam has already been translated. And  
12 after we decided that we would call the witness to testify  
13 tomorrow afternoon, you said that you are not ready yet. So now  
14 we would like to ask about your exact position. Please confirm to  
15 us, and please make it short and simple because now it seems  
16 become complicated. <We reached this point, but now you want to  
17 change your mind, which made things complicated.>

18 [10.45.51]

19 MR. KOPPE:

20 Yes, I apologize. Maybe the translation wasn't very clear, Mr.  
21 President.

22 Before the break, I said yes, we would be willing to proceed.  
23 However, that was based on insufficient information because the  
24 second witness, who is very closely related to 2-TCW-1069, has  
25 also given a statement to DC-Cam, but there is only a Khmer

40

1 version and a French version available. Just to remind you, both  
2 are closely related to So Phim, and you decided to have them  
3 appear simultaneously, so it's very difficult to proceed  
4 questioning one witness without having the knowledge of what the  
5 other witness has testified to, to DC-Cam.  
6 So I'm very sorry to have to withdraw my earlier consent or  
7 decision, but that's because I wasn't informed of the  
8 non-availability of the English version of that DC-Cam statement.  
9 That's why I now say it's difficult, if not impossible, to  
10 proceed.

11 [10.47.30]

12 MR. PRESIDENT:

13 So it looks like that it will not be possible even next week. It  
14 looks like we cannot do it this year <in 2016>. <The hearing is  
15 scheduled until 15 December.> So based on your work scope and  
16 your experience, when do you think you will be ready?

17 JUDGE FENZ:

18 May I make a suggestion before we make a --

19 MR. PRESIDENT:

20 I would like to get the answer from you, first, related to the  
21 documents; when will you be ready?

22 MR. KOPPE:

23 I will -- I will repeat my answer; the moment that the English  
24 translation of the DC-Cam statement of the other witness is  
25 available, which I have no reason to presume that it won't happen

41

1 next week. I will be able to proceed next week, so if that  
2 translation gets the utmost urgency -- priority for translation,  
3 then I will be ready to proceed next week, no problem.

4 [10.48.40]

5 JUDGE FENZ:

6 I just want to ask a question. Has this translation been  
7 requested? I mean we're just trying to check if it has been done,  
8 but has it been requested by -- by whoever?

9 MR. KOPPE:

10 I believe so, yes.

11 JUDGE FENZ:

12 Do you know when?

13 MR. KOPPE:

14 It must be because there is, now, also an English translation  
15 available of the other one, so I presume that is done in the same  
16 request.

17 [10.49.13]

18 JUDGE FENZ:

19 I understand our staff is just checking where this translation is  
20 so perhaps--

21 MR. KOPPE:

22 Right.

23 JUDGE FENZ:

24 --we wait until we know when it will be available with a  
25 decision. That might be one way forward.

1 MR. DE WILDE D'ESTMAEL:

2 Yes, Mr. President, I would like to make some remarks in this  
3 regard.

4 If the problem of language continues to arise, we'll have other  
5 difficulties because regarding 2-TCW-920, we also have a long  
6 DC-Cam statement which is only available in French and in Khmer.  
7 Now, I hope that we will not <also> postpone the hearing of this  
8 witness who is supposed to appear <via videoconference> on  
9 Tuesday.

10 In any case, we, for our part, have Francophones and Anglophones,  
11 <yet> I believe that the language <issue must be put forward>  
12 because I do understand that <tomorrow> a long document that is  
13 <only> in French <and> is <closely> related to the statements of  
14 witness 2-TCW-1069, <does> present <some> difficulties. But I  
15 believe that within a week, the problem will be <more or less>  
16 solved.

17 The Nuon Chea defence team does have at least two national  
18 lawyers who can intervene in this Chamber. They also have several  
19 French-speaking staff who understand fully well what is said in  
20 French, so if it is a question of reading <excerpts> of  
21 statements given to DC-Cam, the National Counsel can read the  
22 relevant <excerpts> in Khmer.

23 I believe that they require more preparation, certainly, but  
24 there are solutions as to how we can resolve this problem. I  
25 don't think we should postpone the hearing of several witnesses

1 to an indefinite date; whereas, we have solutions within the  
2 different teams and parties.

3 [10.51.34]

4 MR. KOPPE:

5 Mr. President, to -- to answer your -- your question, I am being  
6 informed that the request for translation was done in both -- in  
7 relation to both witnesses on the 28th of October and there is an  
8 expected date of finishing the 21st of November. So apparently,  
9 it's almost done or in any case; they are late, but I -- I  
10 presume that translation will be done shortly.

11 MS. GUIRAUD:

12 Very brief remarks because my team informs me that the  
13 translation has been done already; it has already been translated  
14 <into English,> and it's only a question of placing it on Zylab.  
15 The translation of the DC-Cam <statement> has already been done  
16 in English.

17 [10.52.39]

18 MS. GUISSÉ:

19 I do not know whether my colleague of the civil parties are  
20 talking about the second statement of the other witness, but not  
21 of the witness 1069, but is she also talking of the other  
22 witness<, is that also available already>?

23 MS. GUIRAUD:

24 That is what I've been told. Perhaps, we can crosscheck this with  
25 the court officer and have him crosscheck that during the lunch

44

1 break and give us a definitive answer after lunch. I mean the  
2 second; that is, 2-TCW-1070 whose DC-Cam statement has been  
3 translated.

4 (Short pause)

5 [10.54.03]

6 MR. PRESIDENT:

7 Thank you. We will deliberate regarding this issue in the  
8 afternoon session; that is, after lunch break.

9 <Legal> officers <of the Chamber as well as parties> will review  
10 these aspects and you will need to inform the Chamber in a timely  
11 manner.

12 And now I give the floor to the Defence Counsel for Khieu Samphan  
13 to put questions to the civil party.

14 QUESTIONING BY MS. GUISSÉ:

15 Thank you, Mr. President.

16 Good morning, Madam Civil Party. My name is Anta Guisse. I am  
17 International Co-Counsel for Mr. Khieu Samphan. I have a few  
18 questions to put to you and my colleague, Kong Sam Onn, will also  
19 put some questions to you subsequently.

20 Q. First of all, I would like you to make an initial  
21 clarification. First of all, in answer to questions put to you by  
22 the Co-Prosecutor, who was questioning you on a S-21 list, you  
23 stated that you had appeared before the Chamber to tell the truth  
24 and that furthermore, you had taken an oath before the Iron God.  
25 Now, <usually> when civil parties testify before this Chamber,

45

1 you don't have to take an oath. Can you tell us, therefore, when  
2 you took an oath before the Iron Statue?

3 [10.55.43]

4 MR. PICH ANG:

5 Good morning, Mr. President. Madam Civil Party did not say that  
6 she took an oath, but she said that she is willing to take an  
7 oath, so what's said by the counsel is incorrect.

8 BY MS. GUISSÉ:

9 There must have been a problem in the French because we didn't  
10 hear that in French, so thank you for the clarification.

11 Q. Madam Civil Party, I would like to start by asking questions  
12 to you regarding the period prior to 1975, and in particular,  
13 your meeting with your husband. Did you meet your husband in your  
14 village and had you known him before, that is, before your  
15 marriage?

16 [10.56.50]

17 MS. KHEAV NEAB:

18 A. My husband and I were in the same village and same commune  
19 <and went to the same school>. We knew each other since birth.

20 Q. By what name had you known him since <your> birth?

21 A. His birth name was Kheng Choeun. His grandfather's name Kong.  
22 <I am sorry, my> husband's original name was Kheng Cheu and when  
23 he joined the revolution, his name changed to Kheng Choeun. <His  
24 grandfathers name is Kong Cheu.>

25 Q. You stated that your husband had, indeed, joined the

1 revolution, first of all, as a soldier. I agree with that and  
2 I've understood you to say that he did not have any particular  
3 rank in the revolutionary army; is that correct?

4 A. Yes, I said that during the fighting at the battlefield, my  
5 husband was in the battalion and in 1975, when Phnom Penh was  
6 liberated, my husband did not hold any position. He was simply a  
7 labourer who carried products to be put in the warehouse.

8 Q. Very well. We are still talking of the period before 1975. I  
9 believe I understood you to say that your husband had left your  
10 commune in 1974; can you tell the Chamber when you saw him again  
11 for the first time? After he had left your commune, did you see  
12 him for the first time again when you went to Phnom Penh?

13 [10.59.24]

14 A. My husband left for the battlefield in 1974, and <in late>  
15 1975, I met him once. We spent about <a month or> half a month  
16 together and <in 1978,> we reunited again<, before separating  
17 forever.

18 Q. When you saw him, in 1975, was it before the fall of Phnom  
19 Penh or afterwards; that is, was it before the 17th of April or  
20 after the 17th of April 1975, <that you spent those two weeks  
21 together>?

22 A. When I met him in 1975, that was after the <liberation of  
23 Phnom Penh>. My husband <already began his> work for the state <>  
24 market<, Phsar Thmei,> where he <carried stuff and put them in  
25 the warehouse>. I sought permission from the commune authority to

47

1 come to <visit> him and then we got separated and we reunited  
2 again in 1978 and then we -- we were separated and never see each  
3 other again forever.

4 [11.01.05]

5 Q. When you went to meet your husband, during this 15-day period,  
6 was that also at Phnom Penh; was it the same place in the Central  
7 Market where you met him in '78?

8 A. Yes, I met him at the same place; that is, at the Central  
9 Market or Phsar Thmei.

10 Q. You said that in order to have this first leave, you were able  
11 to have the authorization from the authorities; did your  
12 departure in '78 for Phnom Penh, <were you the one who made the>  
13 request or was it your husband who requested that you be able to  
14 come join him?

15 A. In 1978, I was brought to <> join the New Year celebration <in  
16 Phnom Penh. He came alone to take me.> So when I came for that  
17 visit, I did not return.

18 Q. So you want to say that you didn't ask for the authorization  
19 in advance to be able to definitively stay in Phnom Penh?

20 A. I did not ask for the permission, but when my husband came to  
21 the village; he asked permission from the village and commune  
22 chiefs and then the permission was obtained, then I came along  
23 with him.

24 [11.03.27]

25 Q. All right. So when you say that a vehicle came to get you, in

48

1 your village, in order to go to Phnom Penh; in fact, it was your  
2 husband who came to get you; is that correct?

3 A. Pou Win (phonetic) and Pou Poy (phonetic) were the supervisors  
4 of my husband and in 1978, they drove a vehicle to pick me up,  
5 together with my husband, <to visit the '78 New Year>.

6 Q. All right. So now, I'll come back to your arrival in Phnom  
7 Penh to the Central Market. Could you describe the place in which  
8 you began working? I understood in your response to the Chamber,  
9 you indicated that your work was to prepare food for the people  
10 who were living with you; can you tell us where you were living  
11 and is it there that you prepared the food? Could you please  
12 specify that for the Court?

13 [11.05.01]

14 A. That is true; I was asked to prepare -- cook at the kitchen;  
15 that is, to cook food for <the group of> labourers who carried  
16 supplies to store in the warehouse.

17 Q. And the place you were living, at that time; was it within the  
18 warehouses themselves or was it a building that was set apart?

19 A. My daily sleeping quarter was separate from the warehouse.

20 Q. And where you did the cooking, was that the same place where  
21 you slept or was that next to the warehouse?

22 A. The kitchen was at the place where I slept.

23 Q. How far was the place where you did the cooking and slept from  
24 the warehouses?

25 A. It was about 50 metres from the warehouse at the Central

1 Market to my <daily> sleeping quarter.

2 Q. And your husband, during the day, did he work at the  
3 warehouse?

4 A. During the day time, they carried rice from vehicle and to  
5 store them in the warehouse.

6 Q. You mentioned two people who were arrested at the same time as  
7 your husband; when did you first meet them; I think it was Run  
8 and Ye?

9 [11.08.00]

10 A. The two people who were arrested along with my husband and I  
11 got to know them when I came <> in 1978, <I knew them> until the  
12 time they were taken away with my husband.

13 Q. Did they work in the same warehouse as your husband?

14 A. Yes, they worked together and they had meals together; that  
15 is, the meals that I cooked for them.

16 Q. And for how many people did you prepare these meals?

17 A. <Cooking was> varied; sometimes, I cooked for 50 people, while  
18 on other days; there would be 40 people. <They moved people to  
19 different places, which I did not know.> So sometimes there were  
20 more, while at other times; there were less people.

21 Q. And while you were preparing the meals, who was taking care of  
22 your child?

23 [11.09.34]

24 A. My child was staying with me. He played around the building  
25 that I worked because there were three or four <female helpers>

1 at the kitchen, so my child was playing around the area that I  
2 worked.

3 Q. I'll come back now to the day when you received information on  
4 the arrest of your husband. I'd understood from your testimony  
5 before the Chamber that it was your <3>-year-old son who told you  
6 that your husband left accompanied by the two people that you  
7 mention, Run and Ye; do you know where your child was when he  
8 said he saw these three people leaving?

9 A. My child was with my husband and when <his father> was put on  
10 the vehicle, <he was there. He continued playing there.> My child  
11 saw it and then I asked my child about the whereabouts of the  
12 father and I was told that my father was put into a vehicle with  
13 Run and Ye and that's how I knew what happened. <They never  
14 returned.>

15 Q. So I see that many errors were brought up in your civil party  
16 statement, but I wanted to, nevertheless, read what was indicated  
17 in this document. It's document E3/6425; ERN in French, 01152692;  
18 in Khmer, the ERN is 00544168 and in English, 01114153.

19 You already told the Co-Prosecutor that there was an error in  
20 this document because your husband had never been a cadre, but  
21 that he had been a worker in the warehouse and here's what is  
22 said in this document, talking about a possible promotion and I  
23 quote:

24 [11.12.37]

25 "But barely one month after he had taken up his duties, he was

51

1 arrested in his office, which was at the north of the Central  
2 Market, while he was talking on the telephone and I was certainly  
3 only about a hundred metres from him. I saw a Jeep with three  
4 Khmer Rouge cadres in it stopped in front of his office and they  
5 asked him to join them in the vehicle. Then they left all  
6 together." End quote.

7 So in this statement, we understand that you were an eyewitness  
8 of the arrest; can you please confirm to me that this is an error  
9 and that you did not see this arrest and it was your 3-year-old  
10 son who told you about the arrest.

11 A. I said from the beginning that I did not witness it and <I  
12 knew this from my son.> Maybe there was a mistake in <parts of>  
13 my statement, but it was my child who saw it; I, myself, did not  
14 see it.

15 [11.14.03]

16 Q. So that leads me to a question on this civil party information  
17 form. You <indicated to the Chamber and you> consulted a list  
18 <before this Chamber>; you said that you know how to read and  
19 write; who helped you to fill out this Civil Party Information  
20 Form and did you have the opportunity to reread it?

21 A. I read it, but <I am always forgetful> because I have a  
22 problem with my blood pressure <causing headache and blackout.>  
23 My memory does not serve me that well and I also have poor  
24 eyesight for reading.

25 Q. So what you mean is when you reread these statements, you

1 weren't very clear in your mind or -- or were you trying to say  
2 that you could have given a different version and that was the  
3 version that was given at that time; could you please clarify  
4 what happened?

5 A. I read it and I consented to the content and, as a witness, I  
6 actually agreed to the record of the statement.

7 Q. So what you're saying to the Chamber is that the errors that  
8 are in your statement that I've just read to you, those are  
9 things that you said at the time, but that now, today, you are  
10 correcting this version for the Chamber; is that what we should  
11 understand?

12 [11.16.37]

13 A. No, I do not correct my statement; I can only testify to my  
14 recollection of what happened because it happened a long time  
15 ago<, but I did not make any correction>.

16 Q. All right, but do you, nevertheless, understand that there is  
17 a difference between seeing an event with one's own eyes and when  
18 talking about it -- learning about it through what your son told  
19 you? So when you tell me that you would not correct anything and  
20 yet, there are two different versions, I want to really  
21 understand; are you confirming that the correct version that the  
22 Chamber should take into account and retain is the one that you  
23 gave to the Chamber today?

24 [11.17.44]

25 A. I spoke from the outset that I, as a mother, did not witness

1 it, but my child, who was <playing> with my husband, saw it and  
2 when I asked him about the father, then he told me that my  
3 husband was put into the vehicle<, together with Uncle Run and  
4 Uncle Ye>. And I told this <from the beginning. I put it in  
5 writing with the Documentation Center of Cambodia that I will  
6 speak only the> truth <>.

7 Q. All right. One last point that I'd like to raise with you: You  
8 indicated, I believe, in replying to my colleague from the civil  
9 parties, that after the arrest of your husband, you had then been  
10 brought to Battambang in order to cultivate rice. Did I  
11 understand your testimony correctly that, after the pagoda, you  
12 had been sent to Battambang to grow rice? Did I understand  
13 correctly?

14 A. After I was taken out; that is, on the day that my husband was  
15 taken out, I was instructed to work in the rice field at Chey  
16 Otdam Pagoda. Later on, I was taken to Battambang, but at  
17 Battambang, I was not ordered to work in the rice field; I just  
18 <walked within a throng of> other people<. There was no problem,  
19 I just followed them>. But as for working in the rice field, it  
20 was at the Chey Otdam Pagoda.

21 Q. And the Chey Otdam Pagoda, what period was that?

22 A. That is after I was taken out from my workplace; that is, on  
23 the same day that my husband was taken away. So I was sent there  
24 to harvest rice.

25 Q. And you indicated in your statement that at the time that you

54

1 were brought there, you were pregnant in fact, did you work in  
2 the rice fields even though you were pregnant?

3 A. After I was taken from my workplace, <when we arrived,> we  
4 were instructed to harvest rice without taking any rest.

5 [11.20.59]

6 Q. How long did you stay at this pagoda?

7 A. I cannot recall how long, but the harvest was not yet done;  
8 then I was sent further, so I cannot recall how many days or  
9 weeks <>.

10 Q. I'd like a clarification on what you said to the  
11 Co-Investigating Judges or the investigators from the OCIJ. When  
12 asked when this event took place -- I am talking about E3/9479  
13 and in answers 31 to 33 -- you talked about your period in  
14 Battambang and I'd like you to tell me what this time period was.  
15 The question 31 that was asked of you is: "What work were you  
16 meant to do in Battambang?" And your answer: "They didn't ask me  
17 to do anything in Battambang, but the unit chief, nevertheless,  
18 told us to go and get vegetables for the kitchen."

19 [11.22.32]

20 The next question: "Were you given work?"

21 Answer 32: "There, at four in the morning, <the> single people  
22 <went to harvest rice. They> left me to rest quietly as I was  
23 pregnant."

24 Next question: "After you had given birth, did they put you to  
25 work?"

1 Answer 33: "After having given birth, I returned to my native  
2 village. I needed some time before I could go back home." End  
3 quote.

4 So my question is: When you're talking about this rice farming  
5 and the fact that you were pregnant and you were allowed to rest,  
6 what time period is this; how long after your departure from  
7 Phnom Penh?

8 A. I was sent to work in the rice fields and to harvest rice<>.  
9 So I left Phnom Penh on this day, for example, and next day, I  
10 was instructed to harvest rice<. There was no rest at all because  
11 everyone started working, so I was also instructed to harvest  
12 rice.> At that time, I was six or seven months pregnant, but I  
13 did not dare to protest. <I felt fearful because my husband was  
14 gone and my child was small.> So I had to work every day<>.

15 [11.24.10]

16 Q. And so my question remains: When was this period in Battambang  
17 when you say it was only single people who were working in the  
18 rice fields?

19 A. I cannot recall the month. It was the month that I left Phnom  
20 Penh; so I could be there in around February or March. It was the  
21 time that the yield was collected; that <was not farming yet. For  
22 single people, they were instructed to collect rice and store in  
23 warehouses but I did not know where such warehouses were  
24 located,I learnt this from other people>.

25 As for me, I was pregnant, so I was instructed to look after the

1 children of those workers who worked in the rice field.

2 Q. So there you're putting this time at, perhaps, February or  
3 March, but February or March of which year; 1978 or 1979?

4 [11.25.35]

5 A. It was in 1978 <and almost in '79>.

6 Q. So there I have a problem concerning the time and the  
7 chronology since I understood that when your husband was arrested  
8 and you left for Battambang, I had understood that you were seven  
9 months pregnant.

10 If you're indicating that your husband was arrested in October  
11 1978, it's not possible that you were still seven months pregnant  
12 if you place this period when you were working in Battambang at  
13 the beginning of '78; do you understand my problem? I had  
14 understood that you were in Battambang after the arrest of your  
15 husband, which means after October 1978; are you, perhaps,  
16 confused about the time period?

17 A. I stated in the documents that in 1978, I <was brought> to  
18 join the New Year celebration. So, I was with my husband <for  
19 Khmer New Year celebration> in <> April and then we <were>  
20 separated in December and I was <> seven months pregnant, when my  
21 husband <was> separated from me. And at the time, <I could not  
22 remember the month because it happened a long time ago.> I was  
23 living with my <small> child while I was seven months pregnant  
24 <>.

25 [11.27.44]

57

1 Q. So my question is: When did you go to Battambang?

2 A. I do not recall it; it happened a long time ago. So I cannot  
3 recall the date, but my child was delivered in Moung Ruessei in  
4 March. So I <returned from> Battambang <with other people> and  
5 then we came to Moung Ruessei when my child was born and it was  
6 in March<, in the year of the horse>.

7 MS. GUISSÉ:

8 All right. Mr. President, I would have one last subject to bring  
9 up with the civil party on Mr. Khieu Samphan. Perhaps, you would  
10 like to have a break now and we could finish afterwards?

11 MR. PRESIDENT:

12 How long do you anticipate that you need; 15 minutes or so?

13 MS. GUISSÉ:

14 I don't know exactly how much time, but I think 15 minutes  
15 maximum. But my colleague, Kong Sam Onn, also has some questions  
16 to ask of the civil party, afterwards, so I don't know how much  
17 we would need. But we will need more time; we won't have time to  
18 finish <with> the civil party before the lunch break.

19 [11.29.32]

20 MR. PRESIDENT:

21 Thank you. And the Chamber would like to reminds the parties in  
22 relation to hearing of testimony of witness 2-TCW-1066, the  
23 Chamber reaffirms its positions that this witness will be heard  
24 tomorrow; that is, after the conclusion of a civil party  
25 2-TCCP-1063.

58

1 In relation to the relevant documents, they will be placed into  
2 the case file; that is, during the lunch break. That is the  
3 latest information that we received from the Trial Chamber legal  
4 officer.

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

8 Court Officer, please assist this civil party during the break  
9 time and invite her back into the courtroom at 1.30 this  
10 afternoon.

11 Security personnel, you are instructed to take Khieu Samphan to  
12 the waiting room downstairs and have him return to attend the  
13 proceedings this afternoon before 1.30.

14 The Court stands in recess.

15 (Court recesses from 1130H to 1333H)

16 MR. PRESIDENT:

17 Please be seated. The Chamber is back in session.

18 And I give the floor to Defence Counsel for Khieu Samphan to  
19 continue putting questions to the civil party.

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 Good afternoon, again, Madam Civil Party. We are now going to go  
23 into the last topic of this examination this afternoon.

24 Q. On the day you said you saw Khieu Samphan at the Central

25 Market -- at about 15.41, during the hearing yesterday, you said

1 you saw him for approximately five minutes and you mentioned the  
2 same short duration in your statement to the investigators of the  
3 Office of Co-Investigating Judges, document E3/9479. At answer  
4 number 90, you said, "He passed very briefly, like lightning."  
5 Does it reflect what you told the investigators?

6 MS. KHEAV NEAB:

7 A. Yes, I saw him very briefly.

8 Q. You stated that it was your husband who told you that that  
9 person was Khieu Samphan; can you tell us at what time of the day  
10 that happened; was it in the morning, at midday, in the  
11 afternoon?

12 A. It was around 7 a.m. After he had left, I asked my husband and  
13 he told me that he was Khieu Samphan.

14 Q. Can you specify at what location in the Central Market you saw  
15 Khieu Samphan; can you tell us whether it was near a building, on  
16 the square? <Do you remember where you saw him?>

17 [13.36.24]

18 A. He was at the Central Market or Phsar Thmei <where> evacuees  
19 were being distributed food and materials.

20 Q. I have a problem making you understand my question. What I  
21 want to know is whether at that location at the Central Market  
22 there was a building or something that you can use as a point of  
23 reference to specify where you saw him on that day.

24 A. I did not know the direction clearly; whether to the North or  
25 South, but I think it was to the north of the market where people

60

1 were assembled, including the evacuees and the people who worked  
2 there, who were distributing food. But to me I did not recognize  
3 clearly about the direction whether it was to the north or south.

4 <This is merely my speculation.>

5 [13.37.53]

6 Q. Can you tell the Chamber how far you were from that person at  
7 that time?

8 A. I was about five metres away <> from him <where I was standing  
9 aside. I could see him clearly,> and he was wearing a  
10 short-sleeved white T-shirt with short trousers.

11 Q. With shorts. What was the colour of those <trousers>?

12 A. It was black trousers.

13 Q. You said you saw him in a flash. Did you see him leave the  
14 Central Market?

15 A. I did not see him when he was leaving. I saw him only <in that  
16 short period, but I did not see him leaving>.

17 Q. Did you hear him speak?

18 A. No, I did not hear anything.

19 Q. And was your husband next to you at that time?

20 A. Yes, he was also standing there.

21 Q. Wasn't he working on that day?

22 A. My husband was also responsible for distributing food <to  
23 those people who came to stay there.> He was also with me at that  
24 time.

25 [13.40.35]

61

1 Q. You stated that <this scene occurred> at 7 a.m. Did you spend  
2 a whole morning at the Central Market or did you return to your  
3 usual place of residence at a point in time?

4 A. I did not stay there <for the whole morning. At> 9 or 10 a.m.,  
5 after we had distributed food to the people, we returned to our  
6 residence.

7 MS. GUISSÉ:

8 I am done with my questions. My colleague, Kong Sam Onn, has some  
9 supplementary questions to put to you.

10 MR. PRESIDENT:

11 Thank you. Now, the floor is yours, Counsel Kong Sam Onn.

12 [13.41.36]

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President.

15 My name is Kong Sam Onn, Madam Civil Party. I have a number of  
16 questions to put to you.

17 Q. I would like to get your clarification regarding your first  
18 husband's name. When you got married to him, did you register  
19 your marriage <certificate> at that time?

20 MS. KHEAV NEAB:

21 A. In 1973, when we proposed for our marriage, the Khmer Rouge  
22 was already in our locality <known as commune or sangkat.> My  
23 parents proposed our marriage to them, and they granted us the  
24 permission.

25 At that time during our marriage <in '73,> we had the attendance

1 of <a few> monks but there were not many monks by that year.

2 <There was no makeup but there was still some music and ritual  
3 practice.>

4 Q. Thank you. At that time did you remember what name your  
5 husband used in the registration of your marriage?

6 A. His name was Kheng Cheu. <In the previous time, his name was  
7 Kheng Cheu.>

8 [13.43.02]

9 Q. So were you aware of his subsequent changes of his names and  
10 what were those names?

11 A. My husband changed his name. Subsequently in Phnom Penh he was  
12 called Kheng Choeun <but his grandfather's name was Kong, that  
13 was Kong Cheu, and Kong Choeun. His previous name was Cheu and  
14 his revolution's name was Choeun>.

15 Q. So the name Kong Cheu, Kong Choeun that you mentioned, you  
16 were aware of these names since 1978 when you were relocated to  
17 Phnom Penh or what?

18 A. Yes, I received the information about his name change,  
19 especially regarding his surname Kong. That was his grandfather's  
20 name. <I was aware of Kheng Cheu, but Kong Cheu or Kong Choeun  
21 were perceived through my search from his native village. His  
22 grandfather's name was true. In this name list, his name appears  
23 Kong Cheu, but his previous name was Kheng Cheu, Kheng Choeun.  
24 His grandfather's name was Kong.>

25 Q. When you talk about his grandfather are you talking about the

63

1 surname of his grandfather Kong <or Kong Choeun>?

2 [13.45.06]

3 A. I said that the name Kong was the father of Ta Kheng and Ta  
4 Kheng was the father of Cheu. So it was the surname adopted  
5 according to the paternal line.

6 Q. There are three references related to the name. One is the  
7 name Cheu and <the second is Cheun (phonetic), and> the third one  
8 is Choeun. So which one is your husband's real name?

9 A. My husband's name is spelled Cheu Sra Eu (phonetic) and  
10 another one is Cheu Sra Eu Nor (phonetic) and his <revolution  
11 name is Cheu Sra Oeu (phonetic) and his> original name is spelled  
12 Cheu Sra Eu (phonetic).

13 Q. When you filed your civil party application for the first  
14 time, especially when you gave the testimony in the Chamber on  
15 the 23rd of November 2009, you said during time 10.03 that your  
16 husband's name is "Heng Pun, alias Chun." So where did you get  
17 this name from?

18 A. No, I never mentioned the name of my husband as Pun or Chun. I  
19 never <said> so.

20 MR. PICH ANG:

21 Mr. President, I would like your permission for the <defence  
22 counsel to reaffirm his document. At the last moment, he  
23 mentioned that the civil party spoke before the Chamber in 2009.  
24 It appears that I cannot fully grasp his point>.

25 [13.48.00]

64

1 MR. KONG SAM ONN:

2 Let me clarify again. The document is in front of the Chamber. It  
3 is <> Case 001. It was on 23rd of November 2009. It was <at>  
4 10.03.

5 MR. PRESIDENT:

6 What about the transcript number?

7 BY MR. KONG SAM ONN:

8 E1/78.1. Please allow me to continue.

9 Q. At the same time there is another document, which is a  
10 document from the Lead Co-Lawyer for civil party titled "Civil  
11 Party Group One: The Final Submission". It is document  
12 D288/6.159/7.

13 In paragraph 70, <it is written> as the following: "The victims  
14 Heng Pun, alias Chun, husband of the civil party Kheav Neab" with  
15 reference E2/75<, number 204.

16 So I would like to ask you whether you ever -->

17 THE INTERPRETER KHMER-ENGLISH:

18 The interpreter could not get the number.

19 [13.50.26]

20 JUDGE FENZ:

21 Could you please repeat the number? It didn't go through  
22 translation.

23 BY MR. KONG SAM ONN:

24 Q. Let me clarify that document number. It's D288/6.159/7. It is  
25 at paragraph 70.

65

1 I would like to know whether you have ever given the name Heng  
2 Pun as your husband. Have you ever mentioned this name to the  
3 civil party lawyers?

4 MS. KHEAV NEAB:

5 A. No, I have never said or mentioned about this name <in that  
6 application>.

7 Q. A while ago you said that your husband also adopted the name  
8 Kong that was from his paternal lines and you mentioned <original  
9 name was Kong Cheu and> his revolutionary name was Kong Choeun.  
10 Did you say so?

11 A. Yes, I said so.

12 [13.52.25]

13 Q. Yesterday you said that your husband's grandfather named Kong  
14 Cheu. Did you say so?

15 A. I said that his grandfather's name Kong and <> he named  
16 himself <> Kong Cheu, <and Kong Choeun, that was his grandfather,  
17 the father, Ta Kheng.> For me, I addressed him as <Kong Cheu or>  
18 Kong Choeun. I did not know when he changed his surname. I only  
19 knew that his father's name is Kheng or Ta Kheng and Ta Kheng's  
20 father's name was Ta Kong. <He adopted his surname from  
21 grandfather's name.> I did not know when he changed his surname,  
22 only when I saw it.

23 Q. So please allow me to clarify again. So his grandfather's name  
24 is not Kong Cheu. Is it Kong Kheng? <What is the exact name?>

25 [13.53.52]

66

1 MR. PRESIDENT:

2 Allow me to summarize. <It is enough in Khmer Language.> Kong is  
3 the name of the grandfather and Kheng was the name of her  
4 husband's father. And the last name is her husband's name.

5 At one point her husband used his father's name and at another  
6 point her husband used his grandfather's name.

7 BY MR. KONG SAM ONN:

8 Q. Yesterday at 49 past 3.00, Madam Civil Party, you said that  
9 Kong Cheu was his grandfather. That means your husband has had a  
10 grandfather whose name was Kong Cheu. Did you say so?

11 MR. PRESIDENT:

12 Now, I'd like you to simplify your question. I encourage you to  
13 ask her -- Madam Civil Party what <is> her husband's father's  
14 name and what her husband's grandfather's name.

15 BY MR. KONG SAM ONN:

16 Q. Madam Civil Party, now please give your answers according to  
17 the questions suggested by the President.

18 [13.55.29]

19 MR. PRESIDENT:

20 Please observe the microphone, Madam Civil Party.

21 MS. KHEAV NEAB:

22 A. His grandfather's name was Kong and his father's name was  
23 Kheng. Cheu's grandfather's name was Kong and Cheu's father's  
24 name was Kheng.

25 BY MR. KONG SAM ONN:

67

1 Q. So his grandfather did not have a surname. He had only one  
2 name, Kong. That's it.

3 Madam Civil Party, please give your answer.

4 [13.56.25]

5 MS. KHEAV NEAB:

6 A. Since I was young at the time, I did not know about the  
7 surnames of those elderly people. I knew only their <names, Kong  
8 and> Kheng.

9 Q. When did you know that Kong Cheu or Kong Choeun -- that you  
10 think that was your <first> husband who was <> jailed at S-21 --  
11 when <did> you receive the information about his imprisonment?

12 A. I did not know when he was sent to S-21. <Since he  
13 disappeared, I tried to search for him.>

14 MR. PRESIDENT:

15 Based on your searching for your husband, when did you find that  
16 your husband was among the <list of> prisoners at S-21? When you  
17 found that your husband was imprisoned at S-21?

18 The question was already put to you, but we would like to get  
19 your clarification. And who was the one who told you?

20 MS. KHEAV NEAB:

21 I received the news during the period when the lawyers searched  
22 for his name. I got that information about one month ago. That  
23 was in October.

24 [13.58.22]

25 BY MR. KONG SAM ONN:

68

1 Q. Thank you. What about in Case 001? Based on the Lead Co-Lawyer  
2 for civil party that you were withdrawn from Case 001 because  
3 your husband's name was not found; therefore, you were not  
4 relevant to the case. Is that correct?

5 JUDGE FENZ:

6 Without having looked at the transcript, the way I remember it,  
7 it wasn't to be found of the then list of the un-amended list. We  
8 have now a new list. So there are various lists.  
9 My understanding was, but I stand to be corrected, that the  
10 reason why they were rejected in the first case was that the then  
11 list didn't show the name.

12 [13.59.28]

13 MS. GUIRAUD:

14 I don't know if this is an invitation for me to specify what I  
15 said yesterday, but I think that you perfectly understood, Judge  
16 Fenz. The list that we have been talking about for the past two  
17 days, where the husband of the civil party's name is listed, was  
18 not available in 2009, and it was made accessible thanks to the  
19 list from the OCIJ.  
20 This is why her civil party application was not admitted in Case  
21 001 because there was a lack of a sufficient link between her  
22 harm <and> S-21. Today, the situation is completely different  
23 because we have access to new lists, which, once again, were not  
24 accessible in 2009 and which allowed us to find the civil party's  
25 husband's name.

69

1 I would like to take advantage of this that in French<, at least>  
2 I heard that there was a bit of confusion in the translation. We  
3 <had> the impression that our colleague was saying that the civil  
4 party had testified in the first case, which is not the case. If  
5 I understood well, and if I noted the excerpt from the transcript  
6 that was mentioned, this was the submission of the lawyer that  
7 was mentioned, but the civil party's statements <from when she  
8 came to testify before this Chamber in Case 001> were not at all  
9 present there. So I don't know if I properly received the message  
10 that was translated. But I think that in Khmer my colleague would  
11 like to add something.

12 [14.01.16]

13 MR. PICH ANG:

14 Good afternoon, Mr. President and Your Honours.

15 What was raised by Counsel Kong Som Onn, that the reference was a  
16 transcript of the testimony of this civil party and that it is in  
17 paragraph 71, in fact it is the final submission by the <civil  
18 party> lawyer's group <1,> which is document D288/6.159 and it is  
19 not a transcript of the <oral> testimony of this civil party  
20 before the Chamber.

21 And I would like to clarify one other point that the relevant  
22 paragraph is paragraph 70 and in the Khmer language it reads that  
23 the husband of this civil party is Heng Pun alias  
24 Chun and it referred to another original document, which is the  
25 civil party application of this civil party, which was filed at

70

1 the time, that is E2/75, and that document <was written> exactly  
2 the same document that is included in Case 002, in which she  
3 described her husband as Heng Cheun (phonetic) or Heng Choeun.

4 [14.03.00]

5 <Therefore,> the interpretation into Khmer at the time that it  
6 was Heng Pun or Heng Chun is indeed incorrect<.> This civil party  
7 <never> used that name but the lawyer or civil lawyer in Case 001  
8 mistakenly referred to her husband as Heng Pun or alias Chun.  
9 But in her own civil party application in the previous case which  
10 is the same as in this Case <002>, it is referred to her husband  
11 as Heng Cheun (phonetic) or Heng Choeun.

12 MR. DE WILDE D'ESTMAEL:

13 In order to answer Judge Fenz, on top of the lists that was  
14 mentioned by the civil party, I'll mention another list where we  
15 can see as well the name of the civil party's husband as well as  
16 <his> two colleagues, and this is list, E3/1974. And I believe  
17 that in our list back then, that was made up by the OCP the name  
18 that is in that list was already mentioned, but I don't know if  
19 the civil party lawyers in Case 001 did not see this name or did  
20 not find it because there might have been a difference in the  
21 spelling.

22 So this is the situation.

23 [14.04.39]

24 BY MR. KONG SAM ONN:

25 Mr. President, allow me to continue.

71

1 I would like to get clarification in regard to the names. In  
2 relation to document E3/342 at ERN<> in Khmer and English is  
3 00329780. This document was produced by the Office of the  
4 Co-Prosecutors on the 19th of May 2009.

5 And at number 42 (sic) the name is referred to as Kuong Cheu,  
6 alias Choeun and the position was a combatant in the state  
7 supplies office; rather, state supply market.

8 So that name was mentioned previously and not just a name that  
9 suddenly appeared as suggested by Lead Co-Lawyer due to the new  
10 revised list by OCIJ. With that set aside, I would like to  
11 continue with my questioning.

12 Q. Madam Civil Party, did your husband ever use the name Kuong  
13 Cheu?

14 [14.06.25]

15 MS. KHEAV NEAB:

16 A. <Previously,> I was not familiar whether he used Koung Cheu or  
17 Kuong Cheau (phonetic) but since I knew his father, I knew that  
18 he used the name Kheng Cheu <or Kheng Choeun. I may not know  
19 whether> he used his grandfather's name as his surname <at his  
20 workplace>.

21 MR. KONG SAM ONN:

22 Thank you, Madam Civil Party.

23 Mr. President, I am done.

24 MR. PRESIDENT:

25 Thank you. And Madam Kheav Neab, <at this final stage> of your

72

1 testimony you now have the chance to make an impact statement in  
2 relation to the charges against the two accused, Nuon Chea and  
3 Khieu Samphan, that is, the harms you suffered under Democratic  
4 Kampuchea and that led you to file your civil party application  
5 to claim for moral and collective reparations <from the Accused>  
6 in this case. The harms include the physical, psychological and  
7 material harms that happened to you and that remains with you  
8 till today. If you wish to do so, you may proceed.

9 [14.07.58]

10 MS. KHEAV NEAB:

11 The things that remain with me is the sorrow and pain that I have  
12 from the <> regime <of that three years. The suffering had many  
13 stages because I> was in great difficulty when I was living with  
14 my husband. I was pregnant back then <but> I was forced to travel  
15 by national road <from Phnom Penh> to Battambang <and Pursat>  
16 province. At the time I also had my young child with me.

17 I did not have my husband with me while I was travelling with  
18 other people. I travelled with others to Battambang and at the  
19 same time I was trying to look for my husband. <Returning from  
20 Battambang, I tried to search for him. At Moung Ruessei, I  
21 delivered another child.> Three days after I delivered my second  
22 child <, I carried my child and walked home. It took me three  
23 months along the way to reach home.>

24 [14.08.57]

25 I have so many sorrows and pains with me and I would like to ask

73

1 Khieu Samphan, that is, only one question, that they made the  
2 revolution in order to liberate the people who suffered under the  
3 <Sangkum Reastr Niyum> regime because in that regime people  
4 suffered that they had to borrow money <or rice> in order to feed  
5 themselves. <This led to his revolution to liberate the people.>  
6 He claims that he liberated the country through the revolution  
7 but how come people died and where was he and why didn't he see  
8 that? Why he didn't see the suffering that people were in? <How  
9 can he say he did not know?> I would like to ask this question in  
10 his capacity as a leader of the country at the time, and that is  
11 all.

12 MR. PRESIDENT:

13 Thank you. And the Chamber wishes to inform Madam Kheav Neab,  
14 that in the proceedings in Case 002/02 <attesting the evidence>  
15 from the beginning the two accused, Nuon Chea and Khieu Samphan,  
16 exercised their rights to remain silent, and also on 8 January  
17 2015, in response to the question of the Chamber the co-accused  
18 reaffirmed their position to exercise their rights to remain  
19 silent.

20 [14.10.34]

21 So far the Chamber has not been informed as of the status of a  
22 change of the Accused's position so that they would respond to  
23 questions. And pursuant to the existing applicable laws, the  
24 Chamber has no legal stance to compel the Accused to respond to  
25 questions by the parties or the Bench.

74

1 And Madam Kheav Neab, the Chamber is grateful of your presence.

2 And the hearing of your testimony as well as your impact

3 statement <as a civil party> is now concluded. Your testimony may

4 contribute to the ascertainment of the truth in this case.

5 You are no longer required to be present in this courtroom and

6 you may return to your residence or wherever you wish to return

7 to and we wish you all the very best.

8 Court officer, in collaboration with WESU, please make

9 arrangements for the civil party to return to her residence or

10 wherever she wishes to return to.

11 It is now a convenient time for a short break. The Chamber will

12 take a break now and resume at <> <2.30>.

13 The Court is now in recess.

14 (Court recesses from 1412H to 1430H)

15 MR. PRESIDENT:

16 Please be seated. The Chamber is now back in session and we will

17 hear the testimony of <a civil party,> 2-TCCP-1063.

18 Before we hear the testimony of the civil party, the Chamber

19 notes that the civil party is part of the ongoing investigation

20 <within a separate case,> and the OCIJ classified the civil party

21 in Category A <among the three categories> in its memorandum,

22 that is E319/35 and, therefore, we should use the pseudonym for

23 this civil party in order to keep the confidentiality of the

24 ongoing investigation.

25 And the Chamber concurs with this decision <that deems legal,>

75

1 but the instruction from the OCIJ needs to be balanced between  
2 the integrity of the investigations and the public discussion of  
3 the hearing. Therefore, the Chamber would like to instruct  
4 parties to stick to this <instruction as indicated in E319/7 in  
5 presenting documents from separate cases>.

6 Court officer, please <invite> Civil Party, 2-TCCP-1063, into the  
7 courtroom.

8 [14.33.08]

9 (Witness enters courtroom)

10 [14.34.31]

11 QUESTIONING BY THE PRESIDENT:

12 Good afternoon, Mr. Civil Party. In this proceeding before the  
13 Chamber, based on the request by the International  
14 Co-Investigating Judge we will use only the pseudonym to address  
15 you, and your pseudonym is 2-TCCP-1063. And generally, parties  
16 including the Chamber address you by only "civil party".

17 Therefore, please be informed that parties will not be allowed,  
18 including the Chamber itself, will not be allowed to use your  
19 name during the proceeding.

20 Court officer, please take this document.

21 (Short pause)

22 [14.35.49]

23 BY THE PRESIDENT:

24 It's document E3/10670a, that the Chamber instructed the court  
25 officer to take to the civil party.

76

1 Q. Mr. Civil Party, the Chamber would like you to have a look and  
2 confirm about your identity in the document E3/10670a with Khmer,  
3 <ERN 00397755 to 7756>; English <ERN 00422199 to 004222 (sic)>

4 THE INTERPRETER KHMER-ENGLISH:

5 The interpreter did not get the ERN number.

6 BY THE PRESIDENT:

7 Q. Please have a look at the highlighted part <in orange>. We  
8 give the number. It is E3/10670a.

9 Mr. Civil Party, please have a look at the highlighted part in  
10 orange whether the surname, your name and place of birth, date of  
11 birth, <nationality,> your occupation, your father's name, your  
12 mother's name, your wife's name and the number of your children  
13 and your address, whether this information <is> correct. You  
14 simply tell us whether the information is correct or not. You  
15 don't have to provide the -- or read out the identity that we  
16 have highlighted. You simply confirm to us whether it is correct  
17 or not.

18 [14.38.10]

19 PREAP CHHON:

20 A. Yes, they are correct.

21 Q. Thank you. Mr. Civil Party, in your testimony today as a civil  
22 party, in the proceeding in front of the Chamber, at the end of  
23 your testimony, the Chamber will give you the opportunity to tell  
24 about your suffering and impact of your suffering during DK  
25 regime<, if you wish to>.

77

1 And we would like to remind you again that, pursuant to Internal  
2 Rule 91bis, the Chamber gives the floor to the Lead Co-Lawyer for  
3 civil party first before other parties. The Lead Co-Lawyer for  
4 civil party together with the Co-Prosecution have two sessions to  
5 put questions to the civil party.

6 You may now proceed.

7 [14.39.28]

8 MR. PICH ANG:

9 Thank you, Mr. President. I would like to seek your permission to  
10 give the floor to Counsel Ty Srinna.

11 MR. PRESIDENT:

12 Yes, your request is granted.

13 QUESTIONING BY MS. TY SRINNA:

14 Thank you, Mr. President, and good afternoon, Your Honours and  
15 parties.

16 Good afternoon, Mr. Civil Party. My name is Ty Srinna, <I am your  
17 lawyer.> I will put a number of questions to you. Due to my  
18 observation that you have some problems with hearing, so if you  
19 cannot hear my question clearly please <ask me to repeat it>.

20 MR. PRESIDENT:

21 Court officer, please adjust the volume <of the headphone> for  
22 the civil party. Please continue.

23 [14.40.49]

24 BY MS. TY SRINNA:

25 Thank you, Mr. President.

78

1 Q. My first question is that during the Lon Nol regime where were  
2 you and your family living?

3 PREAP CHHON:

4 A. During the Lon Nol regime I lived in <> Svay Rieng provincial  
5 town.

6 At that time I was a Lon Nol soldier.

7 Q. What about the numbers of your family members?

8 A. Altogether we had eight family members including my father<,  
9 Preap Chhin >, my mother named Sok Nhep, my brother named Sok  
10 Pil, my sister's name Preap <Son>, my brother's name Preap  
11 Chhien, my sister's name Preap Tim and me, my name Preap Chhon.

12 [14.42.17]

13 Q. Thank you. I would like to remind you that since your name is  
14 protected, therefore from now on please avoid using your real  
15 name. You simply address yourself by the word "I". That's it.  
16 During that regime how old were you and what was your occupation?

17 A. At that time, I was 25 years old and I was a farmer. Later on  
18 I was recruited to join <> Lon Nol's army.

19 Q. When you joined <> Lon Nol's army, what division was it and  
20 where were you based?

21 A. When I was a Lon Nol soldier, I was in Division 410. I was  
22 based at <the suburb of> Svay Rieng <province,> to the south<,  
23 that was in Basak commune>.

24 Q. What about on 17 April 1975, when DK troops arrived; what were  
25 you and your family doing and what happened to <> your family?

1 [14.44.04]

2 A. Thank you. Allow me to tell. In 1975, on <18 March>, the Khmer  
3 Rouge evacuated me from <> from Svay Rieng provincial town to Ta  
4 Chey <village>, Kampong Chamlang <commune,> Svay <Chrum district,  
5 Svay> Rieng province.

6 At that time, the Vietnamese soldiers forced people to leave the  
7 provincial town immediately because the Khmer Rouge soldiers had  
8 informed that <Khmer fellow countrymen, including brothers,  
9 sisters, and parents>, had to leave the city within two or three  
10 days in order to allow the soldiers to sweep clean the enemy.

11 At that time, I and my family, along with other people, left our  
12 house immediately. We did not bring any <> belongings with us. We  
13 had only very few belongings with us because we were forced to  
14 leave because <> if we <> opposed, we would be shot dead.

15 And an elderly man walked in front of me and walked with  
16 difficulty because the person was very old and he was shot dead  
17 <in front of me> by the Vietnamese soldier. <Seeing this, we had  
18 to hurry up because we feared of being shot dead.>

19 [14.45.50]

20 I was evacuated to Ta Chey village, Kampong Chamlang commune,  
21 Svay Chrum district, and I was there for about one month. For one  
22 month, they started to take my brother away for study session at  
23 Wat Kruos or Kruos pagoda because they accused my brother of  
24 being a Lon Nol soldier.

25 When my brother was taken away to study, in fact he was not taken

1 to study. He was taken away to be killed. He disappeared since  
2 then.

3 And later on, about half a month later, the Khmer Rouge took my  
4 father to study at <> Ta Chey pagoda because they alleged my  
5 father of being a <self-defence force>, but in fact he was an  
6 innocent civilian. He was simply equipped with the weapons to  
7 help guard <at night> but they accused him of being a  
8 <self-defence force against the revolution>.

9 I was remained at that place and about half a month later, they  
10 called me to go to study at Wat Chey or Chey pagoda. When I went  
11 to study there, some of the people who held prior positions,  
12 including soldiers or <self-defence force> or other positions  
13 were taken to be imprisoned there, and there were around 500 of  
14 them who were imprisoned there. I was imprisoned there and during  
15 my imprisonment, I was assigned to <unceasingly hard labour>.

16 [14.48.02]

17 We did not have enough food to eat. During each time of meal they  
18 gave two tins of rice for a group of 10 people. And we ate with  
19 "komplaok" soup.

20 I was forced to work hard, for example, to dig canals and to dig  
21 streams and to carry wood to the kitchen hall. They used people's  
22 labour like animals. <in that time,> I was shocked and suffered a  
23 lot at that time. During my imprisonment, the wall-less  
24 imprisonment, I remained in prison for nine months and during  
25 these nine months, I remained in the prison and then later on <my

81

1 father and> I were released along with other people whose names I  
2 cannot recall now. I cannot recall them all. <They released 200  
3 prisoners or so.> My father and I was allowed to join families at  
4 our respective cooperatives.

5 Q. Thank you. I would like to get your clarification a little  
6 bit. A while ago you said that on <> 18 March. So I would like to  
7 get your clarification whether you were evacuated on 18 March or  
8 17 April.

9 [14.50.04]

10 A. My apology. I got confused. In fact, it was on 17 April <'75>.

11 Q. You said that it was the Vietnamese soldiers who forced you to  
12 leave. So could you clarify whether it was the Vietnamese army or  
13 it was other armed groups?

14 A. I was also confused. In fact, it was the Khmer Rouge soldiers,  
15 who evicted us from <the town>.

16 Q. Before I move to the scope of our facts, I would like <to ask>  
17 you <> about the "kong svay tran" or <self-defence force>. Where  
18 did this group belong to? I mean which side they belong to?

19 A. "Kong svay tran" <or self-defence force> <> referred to the  
20 Lon Nol side or Lon Nol force. It referred to the people who were  
21 at the rear battlefield. They were equipped with guns in order to  
22 guard their locality to prevent the Khmer Rouge from entering the  
23 provincial town. These <people> had no salary but the Khmer Rouge  
24 accused them of <> providing help to the regime. <In fact, these  
25 people were labelled as "kong svay tran."

1 Q. Because <most of your> facts <related to> your evacuation, but  
2 <the facts that you need to clarify> related to the roles of the  
3 Accused, so now allow me to go straight into the facts <so that  
4 we can save time>. So I would like to ask you whether you have  
5 heard or seen any of DK's leaders < during such regime>?

6 [14.52.55]

7 A. During DK regime or the Khmer Rouge period when they evacuated  
8 me from Svay Rieng to <Neak Loeang and to> Chbar Ampov market and  
9 at Chbar Ampov market I met Khieu Samphan. On the third day he  
10 came to distribute materials, for example clothes, rice for us to  
11 continue our journey by train to the southwest. <I met him at  
12 that time.>

13 Q. Thank you. I also would like to get your clarification. You  
14 said that you met Khieu Samphan. Where did you meet him and what  
15 year was it?

16 A. I met him in 1977. It was at the time, I was evacuated from  
17 Svay Rieng and we spent time at Chbar Ampov market where we took  
18 a rest, and over there I met him. He came to distribute clothes  
19 and other equipment.

20 [14.54.36]

21 Q. I would like you to elaborate on the events or aspects related  
22 to the location or the subsequent events surrounding the time  
23 that you met him. <Can you please tell in details about that  
24 event?>

25 A. At the time I met him, regarding the surrounding environment

1 where I stayed, the nearby houses were quiet. There were no  
2 people residing there. There were only the evacuees. The evacuees  
3 were placed at the market and there were many of them. I cannot  
4 give you the estimated number<, there were too many>. We were all  
5 assembled in the market and we were waiting for vehicles to come  
6 and pick us up to the train.

7 Q. You said that there were many people. <Through your  
8 observation,> can you tell us where they came from? <How> did you  
9 know where they came from?

10 A. To my knowledge, all of them <appeared to> come from the east.  
11 <Mostly, they were sent from the east. To my knowledge,> they  
12 came from Kampong Cham, Svay Rieng and Prey Veng provinces.

13 Q. At the time you arrived, were <you> assigned to sleep right in  
14 the market or somewhere outside the market?

15 A. I was assigned to sleep in the market with other people. The  
16 space of the market was large enough to accommodate the people.  
17 <We were placed in groups and> we slept close to each other.

18 [14.57.23]

19 MS. TY SRINNA:

20 Before I get to the details about aspects in the market, I would  
21 like to get your clarification because in a number of documents  
22 there was information that were discrepancies from the  
23 information you had just given.

24 Mr. President, please allow me to adduce a document in order to  
25 ask the civil party. It's a supplementary information form.

84

1 <Firstly,> it's the victim information form, <D5/545>; with ERN  
2 00397758, in Khmer language; and English, 00422204.

3 And another document related to the supplementary information  
4 form that was made in 2010, also in Case 002, is <E3/5332a>; in  
5 Khmer, 00905784; English, 01332268. And another document is  
6 <related to the supplementary form but it is in a separate case,  
7 it is> E3/10670; ERN in Khmer, 01118429; English, 01190623. For  
8 the three documents, they exist only in English and Khmer  
9 languages. They don't have French language yet.

10 Mr. President, please allow me to use the documents in order to  
11 ask questions to the civil party.

12 [14.59.44]

13 MR. PRESIDENT:

14 Yes, your request is granted.

15 MR. KONG SAM ONN:

16 I heard that she mentioned D5/45. I would like to know whether  
17 the document exists in E3 or not <in this Case 002/02?>.

18 MS. TY SRINNA:

19 <I would like to inform that D5/545 exists in Case 002. All>  
20 documents that I mentioned all exist in Case 002. Its original  
21 number is D22/194 or <E3/10670 and 8 (sic)>. In the victim  
22 information form that you filled in--

23 MR. PRESIDENT:

24 It is unclear to me. You refer to E3/1067 <and number> 8. What is  
25 it?

1 [15.01.06]

2 MS. TY SRINNA:

3 The document <D5/545> is originally <from> document D22/194, and  
4 it designated an E3 number, that is, E3/106708 (sic). I  
5 apologize, Mr. President. It's an "a". That is the end letter of  
6 that document number.

7 MR. PRESIDENT:

8 <>. Please proceed.

9 [15.02.09]

10 BY MS. TY SRINNA:

11 Q. In the victim information form, that I just mentioned and that  
12 I made a mistake in reference to the document number <at E --  
13 00377758>, in one of the sections of the document, you stated the  
14 following information that:

15 "We were instructed to board a ship throughout the night and we  
16 arrived at Phsar Thmei early morning and we were allowed to rest  
17 there."

18 And in another document, that is, your supplementary information  
19 form; at ERN in Khmer, 00905784 and English is at 01332268; you  
20 stated the following:

21 "We boarded a ship to Phnom Penh and when we arrived in Phnom  
22 Penh we arrived within the vicinity of Chbar Ampov where we were  
23 provided with clothes." In a bracket you mentioned Khieu Samphan.  
24 And in another document <that you provided,> which is at ERN --  
25 which is another supplementary information form <but it is> in

86

1 another case besides Case 002; at Khmer, ERN 01118429; English,  
2 01190623; you mentioned the following:

3 "The ship departed at 12 midnight and arrived at Phsar Thmei at  
4 10 in the morning, next morning."

5 And a while ago, you testified that you made a trip to Chbar  
6 Ampov. So what is your <opinion> to the discrepancies in your  
7 previous statements, that is, you arrived -- at one point you  
8 said at Chbar Ampov while at the other point you arrived at Phsar  
9 Thmei? <Please clarify this to the Chamber.>

10 [15.04.45]

11 A. Yes, that <was> my statement but at the time I did not know  
12 Phnom Penh. I did not know its specific location and when I was  
13 asked, I <answered> that it was at Phsar Thmei but when I  
14 realized later on that it was Chbar Ampov market, because that  
15 market was located near a bridge and a river. <> I again would  
16 like to say that at the time I did not know Phnom Penh. That's  
17 why I made that mistake.

18 Q. So which is the statement that you stand by, at the Phsar  
19 Thmei, that is, Central Market, or Phsar Chbar Ampov or Chbar  
20 Ampov market?

21 A. I stand by the statement that I arrived at Chbar Ampov market.

22 [15.05.53]

23 Q. In order to clarify this matter, I'd like to ask you some  
24 information in relation to that specific location in order to  
25 make sure that it is Chbar Ampov market <or Phsar Thmei>.

87

1 So from your recollection upon your arrival, can you tell the  
2 Chamber whether the market was covered with a roof?

3 A. <Upon our arrival,> the market had a roof but it did not have  
4 any walls and, in fact, it was an open wall and when <people>  
5 arrived, we rested in that market. It had no concrete wall.  
6 However, there was a concrete floor.

7 Q. So you said the market had a roof. And what was the roof made  
8 of and what was its colour?

9 A. It was a zinc roof and the colour was white.

10 Q. Do you recall the size of the market; how big was the market?  
11 And, please, try to recall whether there were many stalls in that  
12 market.

13 A. At that time there were stalls, however, <they were> to the  
14 side of the market. And inside the market itself, it was an open  
15 space, and that was the reason people were instructed to rest  
16 there and there were no partitions; it was an open space.

17 Q. How far was the market from the river?

18 A. It was not that far. It could be between 50 to 100 metres away  
19 <> from the river.

20 Q. And, Mr. Civil Party, did you know the area called Neak  
21 Loeang?

22 [15.09.04]

23 A. As for Neak Loeang, yes, I knew Neak Loeang because we <came>  
24 and we stop on the eastern bank.

25 Q. So the market that we are talking about is not the market that

1 was located at Neak Loeang?

2 A. No, it was not Neak Loeang Market because at Neak Loeang when  
3 we got off, we <rested> at some concrete houses and it was to the  
4 north part of National Road Number 1.

5 Q. And how far was the market from the bridge?

6 A. Allow me to ask for clarification. Which market are you  
7 referring to? I'm getting confused now.

8 [15.10.11]

9 Q. I'd like to refer to Chbar Ampov Market, that is the market  
10 that you just mentioned. How far is that market from the bridge  
11 because you just mentioned that it was close to a bridge and a  
12 river? You also stated that it was over 50 metres from the river.  
13 So in relation to <the same> market, that is, Chbar Ampov Market,  
14 how far was it from the bridge?

15 A. It was less than 100 metres<, not exceed 100 metres,> from the  
16 bridge <and riverfront>.

17 Q. Regarding the bridge that we refer to, was the bridge broken  
18 or <> that bridge <was useable>?

19 A. At that time, the bridge was passable because there were Khmer  
20 Rouge soldiers who were guarding that bridge and the bridge was  
21 not damage <yet>.

22 Q. And why did you know that market was known as Chbar Ampov  
23 Market? <Where did you get this name?>

24 A. I refer to it as Chbar Ampov Market because I learned it from  
25 other people who had come before me, and when they said that it

1 was Chbar Ampov Market, I also <said that name, but I did not  
2 know it back then>.

3 Q. Now we move onto another topic that is in relation to the  
4 presence of Khieu Samphan in that market. Do you recall the day  
5 that Khieu Samphan was present in that market? What time was it?  
6 Was he by himself or were there people who accompanied him?

7 [15.12.52]

8 A. On that day, Khieu Samphan came at around eight o'clock in the  
9 morning. He came with some of his colleagues and there were about  
10 10 of them although I did not count the exact number. So his  
11 working group accompanied him, so that he could talk to the  
12 people there.

13 Q. Allow me to clarify it once again. It seems that you <were>  
14 pretty sure that it was Khieu Samphan. How did you know that the  
15 person who distributed the materials <in the market> was Khieu  
16 Samphan?

17 A. I made the claim that he was Khieu Samphan because I used to  
18 watch a film before I was evacuated. Soldiers showed the film at  
19 our village and I saw him in the film and people who knew him  
20 said that that was <Mr.> Khieu Samphan. That's why I am certain  
21 that it was Khieu Samphan. I knew him from that film that I  
22 watched.

23 [15.14.34]

24 Q. A while ago, you stated that Khieu Samphan arrived at eight  
25 o'clock in the morning <> with over 10 of his colleagues.

1 Could you describe the event surrounding his initial arrival? For  
2 example, what happened after he got into the market? Could you  
3 please elaborate on this point, that is, after he got off his  
4 vehicle.

5 A. When Khieu Samphan arrived at the market, people were  
6 instructed to line up in order to listen to his speech and to  
7 receive him. So we were instructed to stand in a row to <form a  
8 meeting <and to receive him>, and when he arrived he made a  
9 speech and I also made mention the parts of his speech a while  
10 ago.

11 <In that occasion,> he said that we made a revolution in order to  
12 eliminate the Lon Nol regime. And another point was to eliminate  
13 the capitalist, the feudalism, the intellectuals. He didn't want  
14 them to exist. That's what he meant in his speech. He made  
15 mention of many other points but I cannot recall them. I only  
16 recalled the main content of his speech.

17 Q. Before Khieu Samphan went to the market, was there any other  
18 group of individuals who had come before him in order to make the  
19 arrangements on the ground to receive him?

20 [15.17.16]

21 A. I did not pay attention to that, and suddenly he arrived, and  
22 it was not a major event it seemed. His group simply arrived. <It  
23 was not that big event like the present days.>

24 Q. And can you tell the way Khieu Samphan dressed that day?

25 A. Khieu Samphan wore a black clothes and he had a blue scarf

1 around his neck and he had a car tyre sandal, and from what I  
2 could see the sandal was made from good quality car tyre. <In  
3 that time, people usually wore car tyre sandal.> His work group  
4 wore the same black clothes.

5 Q. A while ago, you just mentioned that you were instructed to  
6 stand in rows. Did you, yourself, stand in a row? And what was  
7 your position <of your row>; how far were you standing away from  
8 where Khieu Samphan was?

9 [15.19.01]

10 A. We were instructed to stand in rows in that market. There were  
11 so many rows and I cannot recall in which row I was since there  
12 were many people<. In fact,> I was not at the front row, I was in  
13 the middle row, and I was about 20 metres away from where he was.  
14 It could be between 15 to 20 metres; I was not at the front row.

15 Q. You just made mention too that Khieu Samphan spoke to the  
16 people there in the market. Before he spoke, was there anyone who  
17 made a speech, for example, an opening statement to announce the  
18 arrivals of the <presiding> delegates? For example, usually there  
19 would be someone who would make an introduction; was there such  
20 an arrangement at the time?

21 A. Yes, there was someone who made the announcement that Khieu  
22 Samphan had arrived, but I cannot recall the position of that  
23 person. It happened so many years ago.

24 Q. The person who made the announcement of the arrival of Khieu  
25 Samphan, did the person speak without using a loudspeaker or did

92

1 the person use a loudspeaker since it seems that the crowd was  
2 pretty large? Did <> the person use a loudspeaker to speak to the  
3 people in the market?

4 A. Yes, the person who made an announcement had a microphone. If  
5 he spoke without the microphone then not everyone could hear it.

6 <It was a pretty large crowd.>

7 [15.21.39]

8 Q. What about Khieu Samphan? Did Khieu Samphan use a microphone  
9 when he made his speech?

10 A. Khieu Samphan also used a microphone. If he did not use a  
11 microphone, we could not hear him.

12 Q. After Khieu Samphan made his speech, how long after were  
13 materials distributed to the people, that is, after he spoke?

14 A. After Khieu Samphan made his speech, that is about 10 minutes  
15 after, then they distributed the material. However, it was only a  
16 symbolic gesture as only about 10 to 20 families received those  
17 materials and after that, his work groups distributed those  
18 materials to <the remaining> people.

19 [15.23.05]

20 MR. PRESIDENT:

21 I am not familiar with the word you use, that is a "microphone".

22 <It is not known in Khmer Language and I do not understand.> Can  
23 you be more specific <Mr. Civil Party,> because in the Khmer term  
24 we use the word loudspeaker or "Uo-koh sanak sup" (phonetic) and  
25 not microphone, or maybe the lawyer for civil party understands

1 it <> better than me<?> So, please, civil party, could you  
2 clarify it?

3 PREAP CHHON:

4 The microphone that he used was a battery- operated microphone,  
5 and at present, people still use such microphones.

6 MR. PRESIDENT:

7 Can you show the size of that microphone by using your hand?

8 PREAP CHHON:

9 That's the size of the speaker. It's about 15 to 20 centimetres  
10 inside. As for the length, it was about 30 to 40 centimetres.

11 MR. PRESIDENT:

12 Co-lawyer, you may proceed.

13 [15.24.30]

14 BY MS. TY SRINNA:

15 Thank you, Mr. President.

16 Q. You said that regarding the distribution of materials, it was  
17 a symbolic gesture, and what do you mean by that? And how many  
18 people actually receive the distribution<>?

19 PREAP CHHON:

20 A. <> If he were to distribute material to everyone, it would  
21 take a long time<, because people were supposed to board  
22 vehicles>. For that reason, only a selected number of people  
23 receive distribution and there were about 10 to 20 of them. <>  
24 Later on his work groups would distribute those materials to <the  
25 remaining people>.

1 Q. Were you among those 20 people?

2 A. Yes, I was amongst them.

3 [15.25.43]

4 Q. So you were one of the 20 people who went up to receive the  
5 donation or distribution directly from Khieu Samphan. Am I  
6 correct?

7 A. Yes, that's what I meant.

8 Q. What did you receive at the time?

9 A. The distribution that he gave was a rice package <for each  
10 person> and if a family had five members then they would receive  
11 five packages <> and each person received a set of clothes  
12 <including shirt and a pair of trousers>. As for woman, it would  
13 be a skirt and a shirt and each would receive a scarf or a krama.  
14 And the shirt was mainly black in colour but not all was <really>  
15 black. As for the scarf or krama, <all> was blue in colour. We  
16 also receive "preng kola" (phonetic) or <balm> and also we  
17 received a small package of medicine. <That's all.>

18 Q. After you received the distribution, what happened to you and  
19 other people in the market?

20 A. After we received the distribution, we were instructed to  
21 board vehicles in order to go to the railway station.

22 Q. How did you travel from Chbar Ampov Market to the railway  
23 station, and how long was it?

24 [15.28.26]

25 A. From where we boarded a vehicle to the railway station, I

1 cannot estimate the distance, however, it took more than an hour  
2 to arrive at the station.

3 Q. This may be my last question. Regarding the speech made by  
4 Khieu Samphan in the market, can you try to recall his exact  
5 words that he used? <What you said earlier was not quite clear.  
6 Please elaborate that.>

7 A. After he arrived, he told the people there that we made the  
8 revolution in order to topple the Lon Nol regime because Lon Nol  
9 was <anti> the revolution.

10 And another point was for us to oppose the capitalists, feudalist  
11 and intellectuals. Later on, he said in our revolution, we would  
12 not allow to have different classes of people, that is the rich  
13 and the poor, and that everyone would be equal.

14 [15.30.00]

15 He also gave some advice that Angkar evacuated us in order to get  
16 away from the Yuon invaders, that they were concerned that the  
17 Yuon invaders would kill us <all>. For that reason, we were  
18 evacuated out of <the Vietnamese> claw in order to go to the  
19 Southwest Zone,<> at the time, <so far> they <already> encroached  
20 through portions of the border.

21 And another point of his advice is that when we arrived in the  
22 Southwest, that is in Battambang, that we <must> respect the  
23 Party's lines <and policies> strictly, and not to betray the  
24 Party. <> If we betrayed the Party and the Party knew it, then we  
25 would be killed<. He added another point that, "If you are kept,

1 no gain; if you're pulled out, no loss! It is for those who  
2 betrayed the revolution.>

3 He spoke on many other points, but I cannot recall them because  
4 it happened so long ago.

5 Q. Thank you. I have a small point, which I would like to ask you  
6 and backtrack to the earlier part.

7 You said that you were imprisoned in Svay Rieng province, so I  
8 would like to know why you were imprisoned there. What was the  
9 reason of your imprisonment?

10 [15.32.00]

11 A. <To my knowledge,> I was imprisoned because they accused me of  
12 being a Lon Nol soldier. At that time, I was really a soldier but  
13 later on, I quit the army <after I was wounded,> and became a  
14 civilian. At that time, I was encouraged to join the "kang svay  
15 tran" (phonetic) or <self-defence force> just like my father. And  
16 they accused <us> of being in that role. <For that reason, we  
17 were imprisoned.> The imprisonment condition was <extremely harsh  
18 at Wat Ta Chey or Ta Chey Pagoda> because we could not even  
19 sleep<.> There were many bugs in beds <at the eating hall.> . And  
20 there were 500 peoples being imprisoned <and every night,> each  
21 <person could not sleep because we were> bitten by the <> bugs.  
22 <> The work conditions was also <> very heavy and the food was  
23 inadequate. <It was utterly miserable.>

24 Q. I would like to get your clarification whether you were  
25 tortured or not?

1 A. At that time, they did not torture me, for example, like  
2 cuffing<, tying> or beating, but they used us to dig canals and  
3 to pull the carts. They did not <cuff,> tie us up or beat me, and  
4 during interrogation, they also did not tie me up.  
5 They asked me about my roles or position <in Lon Nol regime,>  
6 and they said that if we held any position in the previous  
7 regime, we would be given the same position. <This was what we  
8 were interrogated.> Some of the prisoners told the truth while  
9 others <dared not answer the truth. Yet, later on, they knew it.  
10 They knew it through villagers. That time,> they kept on <strict>  
11 investigating to find our background. And they found that <> I  
12 was a soldier. <As a result, I was imprisoned.>  
13 [15.34.52]

14 Q. Thank you. Can you tell us how many people who were imprisoned  
15 with you and were all of them Lon Nol soldiers or they held any  
16 other positions?

17 A. All the 500 people imprisoned with me, among them 10 percent  
18 of them were soldiers, and <self-defence force> were about 30  
19 percent and the rest were civilians and students, university  
20 students. They were also detained there <, which also consisted  
21 of 10 percent>.

22 Q. During your imprisonment there, were there any arrests or  
23 disappearance?

24 A. During <> my imprisonment, one day<, one person was brought in  
25 but I did not know where he was from. But that night at 8:00

1 p.m.,> I heard gunshots. We, the prisoners, did not dare to get  
2 out of the dining hall of the pagoda. <We all stayed there. In  
3 the morning, we were allowed to see.> The shooting took place at  
4 the edge of the pagoda <to the east,> along the road<, south of  
5 the pagoda.> In the morning, we <were allowed to see. At this  
6 time, we got intimidated so that our spirit got broken. So we did  
7 not dare to run away>.

8 [15.36.47]

9 <> They allowed us to go and see the killing site. We saw <a>  
10 dead body. They allowed us to see the dead body and then we were  
11 told to go back and they told us not to run away. If we run away,  
12 we would be shot dead <like that person>.

13 Each <night> there were one or two people <were> taken <out> and  
14 they were killed on a small hill to the east. The hill <was "Tuol  
15 Snguot" (phonetic)> was about one kilometre away from the prison.  
16 <It was also on the north and 700 to 800 metres away from my  
17 home.>

18 At that time, <I was not there,> I was evacuated to live to the  
19 north of the village. <In the morning,> I noticed that there were  
20 subsequent disappearance of the prisoners, but we did not dare to  
21 ask each other about those disappearance. <The number of  
22 prisoners dwindled.> Later on, we were aware that those who  
23 disappeared had been taken away to be killed. <We knew this  
24 because some of us went to plant cucumbers and other types of  
25 vegetable. Then we saw buried pits. So we knew,> they were killed

1 at various pits.

2 [15.38.24]

3 Q. Beside you, as a Lon Nol soldier, did you have any other  
4 members of your family who were also a Lon Nol soldier?

5 A. I had my brother-in-law name Sok Pil, he was a soldier. I  
6 served in the army for three months and then I quit <after I was  
7 wounded>. My father was simply a civilian.

8 Q. Your brother named Sok Pil who was a <Lon Nol> soldier, what  
9 happened to him and what happened to his family?

10 A. My brother named Sok Pil, he had problem. His family also had  
11 problem. He was taken away to study <at Wat Kruos or Kruos  
12 pagoda,> and he disappeared. His <wife and my father> were also  
13 evacuated to Prey Veng<>.

14 <Two months after the arrival at Prey Veng,> according to  
15 information that we received from <my mother-in-law, who survived  
16 and> was <also> evacuated along with them, <> they found out that  
17 my sister had a husband who was a Lon Nol soldier and, as a  
18 result, my sister was taken away to be killed at Kaoh Dach, or  
19 Dach island. And her mother-in-law told me that <she> was taken  
20 by boat and when they arrived at the place where they had a  
21 <woven> net, they drowned <her> in the net in the river. <That  
22 time, the water went up.> We were shocked to hear that.

23 And as for my father, he was sent from Peam Chor to Bak  
24 Chenhchien and he died at Bak Chenhchien

25 [15.40.50]

100

1 Q. Allow me to clarify. You said that your brother-in-law, named  
2 Sok Pil, was sent to study. You know the reason why he was sent  
3 to study?

4 A. The reason was that he was a soldier, a Lon Nol soldier.

5 MS. TY SRINNA:

6 Thank you, I have no more questions to put to you. Thank you for  
7 your detailed answers, and thank you, Mr. President.

8 MR. PRESIDENT:

9 Thank you. Now the floor is given to the Co-Prosecutor.

10 [15.41.32]

11 QUESTIONING BY MR. KOUMJIAN:

12 Q. Good afternoon, sir. Just a few questions.

13 One quick question. Were you married during the Khmer Rouge  
14 regime?

15 PREAP CHHON:

16 A. I got married since the Lon Nol regime.

17 Q. So you were not -- you did not have a marriage arranged during  
18 the Khmer Rouge -- the DK regime, Democratic Kampuchea regime. Is  
19 that correct?

20 A. I did not get married during the Khmer Rouge period.

21 Q. Thank you. A couple of questions about what you've told us  
22 about the speech that Khieu Samphan gave.

23 You were coming from where when you arrived in Phnom Penh? Where  
24 had your journey begun?

25 MR. PRESIDENT:

101

1 Please hold on. The floor is given to Madam Counsel.

2 [15.42.51]

3 MS. GUISSÉ:

4 Yes, Mr. President. In view of the question put by the  
5 Co-Prosecutor, I reiterate my objections of this morning. Of  
6 course, we have before us today a civil party who is in a  
7 position to talk about his sufferings in the statement of  
8 sufferings, but I see that the Co-Prosecutor is beginning to put  
9 questions on population movements within the framework of 1977,  
10 outside of population movements which are not part of Case  
11 002/02.

12 So, these facts that he's referring to are outside of the scope  
13 of this trial, so I object to this question, and for purposes of  
14 clarity may I point out that at the Hearing of 08 September  
15 <2016>, the Deputy Co-Prosecutor Vincent de Wilde, had pointed  
16 out shortly before 11.05.09, that the reason for the appearance  
17 of the civil party is to simply talk about the speeches of Mr.  
18 Khieu Samphan.

19 [15.44.08]

20 And let me quote what he said:

21 "This testimony is, all the more, <very> short <because what is>  
22 of interest to us is <really> the speech delivered by Khieu  
23 Samphan. So half-a-day for all the parties would even be  
24 sufficient." End of quote.

25 In light of this, to put questions to the civil party regarding

102

1 where he was coming from, whereas the <his attorney, herself> has  
2 <said she would concentrate on> the segment of which the civil  
3 party was quoted testified appears to stray out of the scope of  
4 this Trial and that is why I object.

5 MR. KOUMJIAN:

6 Your Honour, to answer. First of all, we haven't asked for more  
7 time than the two sessions allocated, and if I'm allowed to  
8 proceed without too many interruptions, I promise we will finish  
9 within the time allocated.

10 Secondly, regarding the third forced transfer, paragraph 37 of  
11 your scope decision, that is E301/9/1, you mentioned that Phase 3  
12 will be addressed to a certain extent in Case 002/02 through the  
13 inclusion of S-21 and Internal Purges which are closely related  
14 to this particular phase of population transfer.

15 [15.45.25]

16 Furthermore, the question I'm asking this witness deals directly  
17 with the speech of Khieu Samphan. To understand and put in  
18 context Khieu Samphan's words, we have to understand the group  
19 that he's speaking to. It's absolutely critical, in our view, to  
20 understand the context, that this was a group already under  
21 suspicion because they were easterners being transported from the  
22 east to another zone. And you cannot understand Khieu Samphan's  
23 words unless you understand the group that he was addressing; why  
24 he was there, why he was talking to them about enemies and what  
25 would happen if you betrayed the Party.

103

1 MS. GUISSÉ:

2 Nevertheless, the Co-Prosecutor has <just> responded to his own  
3 objection, quoting the paragraph saying that the only manner in  
4 which we can talk of the third population movement would be as  
5 part of the context of S-21 and <the> purges<, but this does not  
6 appear to be the case>. The civil party is talking of his own  
7 population movement which had nothing to do with S-21 and the  
8 purges, so I stand by my objection.

9 [15.46.43]

10 MR. PRESIDENT:

11 The objection is overruled. The question therefore can be asked,  
12 but the Chamber instructs the Co-Prosecutor not to seek the  
13 details about the third population movement. <If it is a broken  
14 context, it is not understood in both hearing and writing.> So  
15 the Co-Prosecutor can continue or proceed with your question and  
16 I instruct the civil party to answer the question if you still  
17 remember. And if you don't remember, you can ask the  
18 Co-Prosecutor to repeat the question.

19 PREAP CHHON:

20 At that time I did not remember. I'm forgetful now.

21 MR. PRESIDENT:

22 Co-Prosecutor, please repeat your question.

23 BY MR. KOUMJIAN:

24 Q. So, sir -- Mr. Civil Party, you talked about stopping in Phnom  
25 Penh on a journey. Can you briefly tell us why were you

104

1 travelling through Phnom Penh? Where were you going, from where  
2 to where and why?

3 [15.48.06]

4 PREAP CHHON:

5 A. The reason that I arrived in Phnom Penh was that the Khmer  
6 Rouge had evacuated me from Ta Chey village, Kampong Chamlang  
7 commune, Svay Chrum district of Svay Rieng province for us to  
8 <go> in Battambang.

9 But before we arrived in Battambang, I <left> Svay Rieng <for>  
10 Phnom Penh and it took me many days and many nights. The first  
11 night I travelled from Ta Chey village to Kraol Kou and we spent  
12 one night there. And during that night, there was heavy rain. It  
13 was rainy season. We had no shelter to take shelter--

14 [15.49.08]

15 MR. PRESIDENT:

16 Please provide a summary of the accounts.

17 The question was about where you were evacuated from and to  
18 where. <You just mentioned Chbar Ampov market?> You don't have  
19 to elaborate. The question is very short and simple.

20 BY MR. KOUMJIAN:

21 Okay, thank you. I believe, Mr. Civil Party, we understood from  
22 you that you were travelling from Svay Rieng to Battambang with a  
23 group of people.

24 At the market, those who were in the audience that Khieu Samphan  
25 addressed, were they all people from the Eastern Zone?

1 PREAP CHHON:

2 A. All the people who listened to his speech were evacuees from  
3 the East Zone.

4 Q. I know you said there were many, but can you give us some kind  
5 of estimate about how many people there were? Can you give us  
6 just -- or a range, approximately?

7 [15.50.18]

8 A. Based on my estimation, there were thousands of them; there  
9 were <too> many <>.

10 Q. And were these people of all ages and genders?

11 A. The evacuees included males and females and children. The  
12 children followed their parents.

13 Q. Was anyone guarding the evacuees? Were there any armed people  
14 there?

15 A. Yes, at that time, there were armed guards who were standing  
16 outside the market, around the market, in order to prevent us  
17 from escaping back to our homeland.

18 Q. If you saw when Khieu Samphan arrived, can you tell us what --  
19 whether he was in a vehicle and how many vehicles there were?

20 A. On that day he arrived with two cars or two vehicles.

21 [15.52.02]

22 Q. Did he have any bodyguards as far as you could observe?

23 A. At that time he came with a group of people. I did not know  
24 who protected whom. There were more than 10 people in that group  
25 or delegation.

1 Q. The materials that were distributed, did they arrive  
2 separately and, if so, can you tell us were they in trucks or in  
3 boats? How did the materials arrive?

4 A. The materials were transported by a vehicle and it was  
5 unloaded and distributed there.

6 Q. Did you see those vehicles? Were they trucks or what kind of  
7 vehicles?

8 A. The vehicles had military colour.

9 Q. Thank you. For approximately how long did Khieu Samphan's  
10 speech last; how many minutes did he speak?

11 A. Khieu Samphan made a speech for more than half-an-hour. He  
12 made a speech for more than half-an-hour. Perhaps he was in a  
13 hurry to go somewhere or perhaps it was in a hurry situation that  
14 people had <boarded> trucks.

15 Q. Did the people in your group talk about what he said  
16 afterwards, after he had left?

17 [15.54.43]

18 A. At that time, we did not pay much attention to his speech  
19 because we were living in a very difficult situation, chaotic  
20 situation <and we were busy with children>, and we had to  
21 continue our journey, so we did not have time to pay our  
22 attention to his speech.

23 Q. You said that one of the points that Khieu Samphan made was  
24 that if -- I don't have your exact quote -- but I understood you  
25 to say that if you violated or betrayed the Party, those who

107

1 betrayed the Party would be killed because they were no use to  
2 keep. How did you feel when you heard that?

3 A. Thank you. At that time when I heard him say so, I was  
4 panicked. I felt afraid that I would commit any wrongdoing  
5 <inadvertently>, because based on my observation even people who  
6 did not commit any wrongdoing were <> taken away and they  
7 disappeared. <So,> I was shocked and panicked<.Thus, each of us  
8 thought that> would happen to <us> in the coming days.

9 [15.56.18]

10 Q. Thank you. I want to finish in the next five minutes. That's  
11 all the time left.

12 But I want to go back to what you were talking about, being  
13 detained with others in the Wat and so many of them being former  
14 soldiers.

15 During that period of time after the Khmer Rouge victory in '75,  
16 you said that they were looking into backgrounds and what  
17 people's previous positions were.

18 Did you observe any difference between how they treated those who  
19 were ordinary soldiers and those who were officers?

20 A. At that time, I had a <> frightening feeling. Initially, I  
21 told them that I was a civilian, I was not a soldier, but after  
22 that, I felt that I had <lied to> them, I did not tell them the  
23 truth. And as a result, I felt so fearful <because I used to be a  
24 soldier,> and many days later, they found out my background. They  
25 took me away <for re-education> and imprisoned me but,

108

1 fortunately, I did not die.

2 Q. When the Khmer Rouge questioned former soldiers did they ask  
3 about what rank they had held, whether they had been ordinary  
4 soldiers or lieutenants, captains, colonels?

5 [15.58.13]

6 A. Yes, at that time they asked us about <all> things, for  
7 example, what rank in the military I held. And they said that we  
8 needed to tell them the truth because they would give us the same  
9 rank if we told them the truth.

10 <For me, I was a private soldier, holding no rank.> For those  
11 who held a higher rank were taken away to study at a distant  
12 place, and for those who held <no> rank, were imprisoned at the  
13 place with me. For those who held a higher position like second  
14 lieutenant or lieutenant, they were taken away to study at the  
15 distant place <and disappeared>.

16 Q. Did you know any of these people who said they were higher  
17 rank and were taken away to study at a distant place? And, if so,  
18 did you ever see them again after they were taken away?

19 [15.59.32]

20 A. At that time, I was not aware of what would happen. I did not  
21 know <who confessed and who did not. If that person told, we also  
22 could not know> because the Khmer Rouge kept that secret. They  
23 did not let us know.

24 Q. How about your own officers, those you had served under when  
25 you were a soldier and you were in the militia, do you know if

109

1 any of them survived after the regime; survived through the DK  
2 regime?

3 A. Those who were victimized along with me, some of them  
4 survived. Some of them I knew while others I did not know.  
5 But for the evacuees from the east to Battambang, there were 70  
6 families who were evacuated and there were 20 families who  
7 survived. <Among the 20 families,> there are many names <in my  
8 village>, but allow me to keep their names confidential.

9 MR. KOUMJIAN:

10 Mr. Civil Party, thank you very much for your testimony. I  
11 believe we still have to take your statement. I believe my time's  
12 up.

13 Thank you, Your Honour.

14 [16.01.21]

15 MR. PRESIDENT:

16 Thank you. It is now convenient for the adjournment.

17 The Chamber will resume its Hearing tomorrow, <Thursday,> 1  
18 December 2016, from 9 a.m.

19 The Court will conclude the hearing of civil party 2-TCCP-1063,  
20 and we will also hear testimony of 2-TCW-1069.

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

25 Security personnel are instructed to bring Khieu Samphan and Nuon

110

1 Chea back to the detention facility and have them returned to the  
2 courtroom tomorrow morning before 9 a.m.

3 The Court is now adjourned.

4 (Court adjourns at 1602H)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25