



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

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1 April 2015
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ថ្ងៃ ខែ ឆ្នាំ (Date): 22-Mar-2017, 14:30
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding
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Claudia FENZ
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHHAY MARIDETH	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. DUDMAN (2-TCW-923)	English
MS. IEM YEN (2-TCCP-985)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SREA RATTANAK	Khmer
MS. TAK Sann (2-TCCP-982)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0803H)

3 MR. PRESIDENT:

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

5 This morning, the Chamber will continue to hear the testimony of

6 Mr. Richard Dudman, via video link from the United States of

7 America. For the afternoon session, commencing from 1 p.m., the

8 Chamber will hear the statements of impact by two civil parties,

9 who claimed to suffer harm during the Democratic Kampuchea

10 period.

11 And the greffier, Ms. Chea Sivhoang, could you report the

12 attendance of the Parties and individuals to today's proceedings.

13 THE GREFFIER:

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

15 are present. As for Nuon Chea, he is present in the holding cell

16 downstairs, as he requests to waive his right to be present in

17 the courtroom. His waiver has been delivered to the Greffier. The

18 witness who is to testify today -- that is, Mr. Richard Dudman,

19 via video link from the United States, and the AV unit confirms

20 that the link has been connected for the proceedings, and the

21 witness himself is ready to testify.

22 The civil parties who are to testify this afternoon, there are

23 two of them: 2-TCCP-982 and 2-TCCP-985.

24 [08.06.10]

25 MR. PRESIDENT:

1 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
2 request by Nuon Chea. The Chamber has received a waiver from Nuon
3 Chea, dated 1st April 2015. He confirms that, due to his poor
4 health condition -- that is headache, back pain, and that he
5 cannot sit for long, and in order to effectively participate in
6 the future hearings, he requests to waive his right to
7 participate in and be present at the 1st April 2015 hearing. He
8 has been informed by his counsel about the consequences of this
9 waiver, that in no way it can be construed as a waiver of his
10 rights to be tried fairly, or to challenge evidence presented or
11 admitted to this Court at any time during this trial.

12 Having seen the medical report by the duty doctor for the Accused
13 at ECCC, dated 1st April 2015, who notes that the health
14 condition of Nuon Chea is that he has chronic back pain when he
15 sits for long, and recommends that the Chamber so grant him his
16 request, so that he can follow the proceedings remotely from a
17 holding cell downstairs.

18 Based on the above information, and pursuant to Rule 81.5 of the
19 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
20 follow the proceedings remotely from a holding cell downstairs,
21 via an audio-visual means for today's proceedings, as he waives
22 his direct presence in the courtroom.

23 [08.07.54]

24 The AV unit is instructed to link the proceedings to the room
25 downstairs, so that Nuon Chea can participate in and follow

1 today's proceedings remotely.

2 Good morning, Mr. Richard Dudman. Are you ready?

3 MR. DUDMAN:

4 I am ready, Mr. President.

5 MR. PRESIDENT:

6 Thank you, Mr. Dudman. And the Chamber now hands the floor to the
7 lead Co-Lawyers for civil parties to continue putting questions
8 to you. Madam International Lead Co-Lawyer for civil parties, you
9 have the floor.

10 [08.08.53]

11 MS. GUIRAUD:

12 Thank you, Mr. President. We have no further questions for the
13 witness.

14 MR. PRESIDENT:

15 Thank you. Now the Chamber hands the floor to Khieu Samphan's
16 defence. Counsel, you may proceed.

17 QUESTIONING BY MS. GUISSÉ:

18 Thank you, Mr. President. Good evening, Mr. Dudman. I am Anta
19 Guisse, and I am the Co-International Counsel for Mr. Khieu
20 Samphan. I'm going to put a few questions to you. It shouldn't
21 take too much time.

22 MR. DUDMAN:

23 Good morning.

24 [08.09.54]

25 Q. Good evening. When Elizabeth Becker testified before this

1 Chamber, she spoke about the preparations for your trip to
2 Kampuchea in December, 1978, and this is what she said. And here
3 I'm going to quote from her book, "When the War Was Over", in
4 French, "Les larmes du Cambodge". The ERN -- the excerpt I'm
5 going to quote from is at ERN 00638654 in French. In English,
6 00238115, on page 402, in the English version. This is what she
7 says regarding the preparation for your trip. This is a free
8 translation: "Dudman and myself had been informed of the critical
9 situation in Cambodia before we arrived. I spoke with experts
10 from the State Department, from the Ministry of Defence as well,
11 as well as from the CIA in Washington. In Bangkok and in Beijing,
12 I met military and political experts from the USA, from France,
13 from Canada, from Australia and from China. None had predicted a
14 large-scale war between Vietnam and Cambodia. According to them,
15 at worst, the Vietnamese would try to reach the Mekong and would
16 just stop there, just happy to control the eastern bank of the
17 river, before attacking the capital at a later date. One of the
18 most eminent American experts was an old friend, and said that my
19 fears about the war and about my own security were without any
20 grounds. He said it would be a piece of cake." That's end of
21 quote.

22 [08.12.14]

23 So, my first question is: do you remember if you took any
24 caution, just like Elizabeth Becker, and had gathered information
25 on the situation in Cambodia before you prepared your trip in

1 1978?

2 A. I do not remember what preparations I made. I am sure I talked
3 to many people, including officials, and I -- but I can't recall
4 what I did exactly.

5 Q. And do you remember if you were told that there was nothing --
6 that you shouldn't fear an immediate attack from the Vietnamese?

7 A. I don't remember any such assurance that I received.

8 Q. And regarding this latent conflict between Cambodia and
9 Vietnam, while you were preparing for your trip, and while you
10 had documented yourself on the region and in particular on
11 Vietnam, did you do any research on the border issues between
12 Cambodia and Vietnam? And in particular, with regard to the
13 Brevier Line?

14 [08.14.03]

15 A. I don't recall what research I may have done.

16 Q. Two days ago, or yesterday I don't quite remember, you
17 listened again to Pol Pot's statements when you interviewed him
18 in 1978. In the excerpt that was played during the hearing by my
19 colleague from the Nuon Chea defence team -- in fact, it was
20 yesterday, I can confirm that -- Pol Pot spoke about the
21 Vietnamese expansionist ambitions, and also spoke about the fact
22 that it was not only a border question. So, do you remember that
23 part of that interview? Did that match what you knew about the
24 situation back then? Does that match what you knew about the
25 Vietnamese political ambitions?

6

1 A. I don't remember that conversation, so I don't know how to
2 compare it with what I knew at the time.

3 Q. Do you remember back then that we were in the midst of the
4 Cold War, and Pol Pot spoke about this when he spoke about a
5 rapprochement between Vietnam and the Soviet Union? Does that
6 ring a bell in relation to the events back then?

7 A. I don't recall.

8 [08.16.17]

9 Q. In your report of January, 1979 -- this is document E3/3290,
10 at ERN 00419207 -- you speak about the Chinese presence in
11 Cambodia, and this is what you said. I will quote in English,
12 because this document has not been translated into French. For
13 the French interpreters, it is just before the paragraph,
14 "Whereas the rich [...]".
15 "Nowhere in our travels did we see any sizeable body of Cambodian
16 troops or weapons, and the only signs we saw of Chinese
17 assistance in the country were two MIGs flying above Phnom Penh
18 one day, and a line of 56 Chinese trucks driving north from
19 Kampong Som, where a Chinese freighter had discharged them." End
20 of quote.

21 Mr. Dudman, does this jog your memory? Do you remember having
22 seen two Chinese MIGs, MIG fighter planes, flying over Phnom
23 Penh?

24 A. I do not remember that.

25 [08.18.11]

7

1 Q. When Elizabeth Becker testified about Caldwell's death, and
2 when she spoke about the different hypotheses that were
3 formulated back then, in your report -- again, E3/3290 -- this is
4 what you write, and I will quote in English. You speak about what
5 was said by Thiounn Prasith:

6 "Prasith described the shooting as a political act to discredit
7 us in the world, and to show that we cannot protect our friends.
8 He said the terrorists knew that the visit of the first three
9 westerners to Cambodia was a significant one, and that Cambodia's
10 reputation in the world would be greatly damaged if they were
11 assassinated. Only days later, that Cambodian regime would be
12 driven into hiding by the Vietnamese assault." End of quote.
13 Here again, the same question: does this jog your memory? And do
14 you remember Thiounn Prasith speaking about the hypothesis of a
15 Vietnamese attack?

16 [08.19.44]

17 A. I didn't understand your question.

18 Q. I am asking you if you remember this segment of your report,
19 and if you remember Thiounn Prasith speaking about the
20 possibility of a Vietnamese attack, of a Vietnamese terrorist
21 attack, as maybe one of the reasons for the murder?

22 A. I really don't remember my thinking at the time. I -- I have
23 only -- what I wrote at the time was what I -- what I knew then,
24 or thought I knew. But I don't have any recollection of anything
25 further.

1 [08.20.45]

2 Q. In the same report you also spoke about what Ieng Sary said --
3 at the same ERN, 00419212. I will quote in English again:
4 "Ieng Sary said sadly that the -- that the visit had been
5 intended to present to the world the concrete situation in his
6 country, but that the terrorist incident had cast a very dark
7 cloud on this effort. The Cambodian government later attributed
8 the terrorist act to Vietnam, its enemy in the current war, in
9 which there was a temporary lull at the time of our visit." End
10 of quote.

11 So, same question again: does this passage of your report jog
12 your memory?

13 A. No, it does not.

14 [08.21.58]

15 Q. And the last excerpt I'm going to read out regarding your
16 report, you spoke about certain -- or you said, when you answered
17 the Co-Prosecutor's questions two days ago, that there were --
18 there was quite a bit of speculation back then. And you remember
19 that there was a lot of rumours following Caldwell's murder. This
20 is what you said at the end of your report regarding the
21 possibility of an attack that may have been instigated by the
22 Khmer Rouge government itself. This is what you said:
23 "Was there any possibility that the government could have
24 arranged the attack? A dispatch from Hanoi later reported that
25 Caldwell had recently turned against Cambodia, and conjectured

1 that the government may have wanted to prevent what they feared
2 would be an adverse report. This seems out of the question. The
3 Cambodian government had everything to lose from the incident.
4 If, for some unaccountable reason, the authorities had wanted us
5 killed, they could have contrived an accident or ambush to kill
6 us all. And from lengthy conversation with Caldwell up to a few
7 hours of his death, I know that he remained fully sympathetic to
8 the Cambodian revolution." End of quote.

9 [08.23.49]

10 So my first question: do you remember your conclusions back then
11 with regard to the murder, and do you remember that particular
12 conclusion? Was that what seemed plausible to you in 1978? That
13 is to say, that there was -- the Cambodian government had no
14 interest in fermenting such an attack?

15 A. I have read just today again what I wrote at the time, but I
16 have no recollection of what led me to write that. I don't
17 remember those circumstances.

18 [08.24.45]

19 MS. GUISSÉ:

20 Fine. Thank you for your patience, Mr. Dudman, and I have no
21 further questions. Thank you.

22 MR. PRESIDENT:

23 Judges of the Bench, do you have any questions you would like to
24 put to the witness?

25 It seems that the Bench does not have any questions. And this

10

1 morning's proceeding will adjourn now, as it ends before the
2 scheduled time. And we will resume the proceeding again at 1
3 o'clock this afternoon. For the afternoon session, we will hear
4 the statements of impact by two civil parties who claim they
5 suffered harm under the Democratic Kampuchea regime from the 17th
6 April 1975 to the 6th January 1979. This information is for the
7 Parties and the general public.

8 [08.26.01]

9 Mr. Richard Dudman, the Chamber is grateful of your time and
10 testimony. Your testimony will contribute to ascertaining the
11 truth in this case. The hearing of your testimony is now
12 concluded, and you may be excused. We wish you all the very best.
13 The Chamber would also like to thank the two counsels -- that is,
14 Mr. Todd Lowell and Mr. Jason Barrett for your assistance in the
15 testimony of Mr. Richard Dudman. The testimony is now concluded,
16 so you may also rest. Thank you.

17 MR. DUDMAN:

18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Good-bye, Mr. Richard Dudman.

21 And the Deputy International Co-Prosecutor, you have the floor.

22 MR. LYSAK:

23 Yes. Before we break, Mr. President, yesterday I mentioned my
24 recollection that an issue we discussed yesterday that had been
25 raised by the Nuon Chea team, questioning or challenging the use

1 of victim impact statements relating to the facts of the case. I
2 did look at the transcript, and I did find where this issue was
3 discussed and ruled upon.

4 [08.27.44]

5 On the 20th of May 2013, this was about one week before the
6 victim impact testimony was to begin, the Court scheduled
7 argument at the end of the day to hear from the Parties on the
8 issue of to what extent the Prosecutors and the Defence would be
9 allowed to question the civil parties during the victim impact.
10 You'll find this at pages 100 to 111 -- end of that -- of the
11 20th of May, E1/193.1. My colleague, Mr. Raynor, made 10 points
12 to this Court that emphasized the importance of being able to
13 rely on factual information from the civil parties. He
14 emphasized, I quote: "That civil parties should be questioned on
15 all issues of relevance; that evidence relating to suffering and
16 the occurrence of the crimes was inextricably linked." He talked
17 about how the civil parties were victims of forced movement,
18 whose evidence would go to the heart of the trial. He noted that
19 the defence should be provided the opportunity to challenge that
20 evidence.

21 [08.29.17]

22 He stated, I quote: "Both the Prosecution and Defence have been
23 proceeding on the basis that full examination would take place."
24 End of quote. And he noted the duty of the Chamber to ascertain
25 the truth, which mandated that these civil parties testifying in

1 the victim impact phase be treated the same as prior civil
2 parties.

3 In response, this is what Mr. Koppe, Nuon Chea's counsel, said
4 and I quote: "Mr. President, I don't think I would ever be saying
5 this in a court of law, but I think I agree with all 10
6 submissions from the Prosecution. So we fully concur with the
7 submissions of the Prosecution." He was then followed by the
8 Khieu Samphan defence, Mr. Vercken, who also concurred with our
9 position. Let me quote him: "Bringing people here for them to
10 speak only about their harm suffered, without them explaining the
11 reasons and experience that led to this harm, seems unusual to me
12 and incongruous in such a Trial. It's difficult to distinguish
13 the origin, the factual aspects of the harm, from the harm
14 itself." He concluded: "It seems to me that it is normal, if
15 these people come next week, that aspects linked to harm slide to
16 some things that are factual. We will manage as we can, faced
17 with the situation in order to try to examine them."

18 [08.31.07]

19 The next day, on the 21st of May, again at the end of the day --
20 this is, document, the transcript for the 21st of May 2013,
21 E1/194.1, around page 119 in English -- the Trial Chamber issued
22 its ruling on this issue, stating, I quote: "There has been a
23 mutual consent amongst all the Parties, and the Chamber decides
24 that the Parties may question the civil parties on relevant,
25 factual issues, subject to the time limitations already

1 announced."

2 So, when we started the victim impact proceedings, everyone in
3 this Court knew that they would be examined, not just on harm,
4 but on the relevant facts. That is why all the Parties asked
5 questions on that, and that is why this Chamber cited that
6 evidence in its judgement.

7 [08.32.08]

8 It's very unfortunate to me that these arguments were put to the
9 Court yesterday. It's not an isolated incident in the appeal
10 brief that was filed by the Nuon Chea team. And on a
11 going-forward basis, I might suggest that where the Nuon Chea
12 team wishes to make motions to this Court, it file a motion and
13 not simply attach portions of an appeal brief, which are being
14 litigated before the Supreme Court. We take issue with many, many
15 characterizations like this, which misstate what has happened
16 before this Court. In any event, it's important that the record
17 be clear that in the past Trial, this Court announced very
18 clearly that these civil parties would be examined on factual
19 issues, and the same should happen today when we start. Thank
20 you.

21 MR. PRESIDENT:

22 Judge Fenz, you have the floor.

23 JUDGE FENZ:

24 Perhaps it's easier if I add something, and then you can answer
25 to both. In this context, I would like to refer to a decision the

14

1 Nuon Chea team has referred to in their appeals brief, and that's
2 E267/3 from 2nd of May, 2013. So my guess is that--

3 [08.33.52]

4 MR. PRESIDENT:

5 There seems to have no translation. Can you check, the AV unit?
6 Judge Fenz, could you please repeat what you had just said?

7 JUDGE FENZ:

8 I just wanted to add that there was a decision, E267/3 from 2nd
9 May, 2013, dealing with the issue at hand. And I guess it was
10 probably the basis for the debate in Court a couple of days
11 later. It was also referenced by the Nuon Chea defence in the --
12 in the appeal. And specifically, page 9 of this decision appears
13 to deal with all the issues raised yesterday by the Nuon Chea
14 defence. It clearly says that cross-examination will be allowed.
15 And it also clearly, in paragraph 21, says how generally --
16 generally, how the Trial Chamber will deal with civil party
17 statements, including impact statements, on trial level.

18 [08.35.17]

19 The reason I didn't mention it yesterday is because, since it was
20 mentioned in the appeal, I thought it was obvious, and the only
21 thing I tried to do is highlight what I thought was probably a
22 misquote of another decision. But just to add to the arguments.
23 Thank you.

24 MR. KOPPE:

25 Thank you, Judge Fenz. In reaction to what the Deputy

1 Co-Prosecutor just said: of course yesterday I revisited our
2 appeal brief, and I also revisited the decision of the Trial
3 Chamber in this respect. And it seems to me we have a completely
4 different interpretation as to the ruling on this matter by the
5 Trial Chamber. To us, to me, it seems clear there's a distinction
6 between testimony given by witnesses or civil parties normally,
7 while sitting there and giving testimony to the facts, and the
8 phenomenon of civil impact testimony.

9 Now, obviously, if a civil party talks about the suffering, he or
10 she would relate to some underlying facts. However, the whole
11 idea of the distinction, also made by this Trial Chamber, is that
12 it is in essence no evidence, evidence that will not be used
13 against the Accused ultimately in its judgement. That's how we
14 understood it then, and that's how we still understand your
15 decision.

16 [08.37.01]

17 You've seen in our appeal brief that we've quoted your decision.
18 And the mere fact that it is only 10 minutes' time that was
19 allotted to us to ask some questions to the civil party giving
20 civil impact testimony, is one element that confirms our
21 interpretation and understanding. The fact, as mentioned
22 yesterday, that you asked the defence's permission to continue
23 while Nuon Chea was absent because of sickness, confirms this
24 interpretation. We have been always acting on the basis of a
25 fundamental difference in suffering testimony on the one hand,

1 and real testimony to the evidence on the other hand.
2 [08.38.02]
3 At the time, and that is in response to Deputy Co-Prosecutor
4 Lysak, at the time, of course, we were fully agreeing with
5 Prosecutor Keith Raynor when we said that we needed equal
6 opportunity to question witnesses. However, that was not the
7 standard practice. The standard practice was 'you have another 10
8 minutes to ask some follow-up questions'. Plus, I think we should
9 be reminded of a difference between, on the one hand, a civil
10 party coming here to testify, and then at the end giving civil
11 impact testimony, and this whole group which is now scheduled,
12 which is just coming here for a half hour or for an hour.
13 In any case, I believe, and that's the reason of our appeal,
14 there is a very different interpretation possible as to what the
15 law is. We on the defence team are lawyers. We read your
16 decision, and if we see things wrongly, then -- then the Supreme
17 Court Chamber will tell us. And if you see we see things wrongly,
18 then of course we will -- we would accept that at this stage in
19 these proceedings. But to us, there is unclarity as to what the
20 law is, and if you're saying this is how we should interpret your
21 decision, then we will arrive at our alternative.
22 Our proposed alternative is that we need the equal time to
23 question the upcoming civil parties. So that's, I think, how it
24 should be interpreted, and that's how we should see -- you should
25 see our appeal brief. And last remark, following some remarks of

17

1 the Co-Prosecutor, the reason why we just sent you excerpts from
2 the appeal brief is because of reasons of expediency and of
3 fastness. That's the reason that we did it. We simply do not have
4 the resources to always come up with full responses to motions,
5 especially in light of the fact the civil party testimony, impact
6 testimony, was already scheduled. So again, summarizing, what
7 apparently seems clear to other Parties, didn't seem clear to us
8 at all.

9 [08.40.39]

10 MR. PRESIDENT:

11 You may now proceed, the Counsel for Mr. Khieu Samphan.

12 MS. GUISSÉ:

13 Thank you, Mr. President. I would like to say something very
14 briefly. I would like to quote one of your memoranda, document
15 E236/5/3/2, in order for you to understand the substance of my
16 submission yesterday, and our understanding of your decision
17 regarding the two types of testimonies: that of a civil party
18 testifying to facts, and a civil party appearing to present his
19 or her sufferings.

20 [08.41.30]

21 So this memorandum, which deals with TCCP-13, this civil party
22 who testified, this is what you stated: "The purpose of hearings
23 devoted to the incidents of crimes alleged on victims, is to give
24 the civil parties an opportunity to present evidence in support
25 of their application for moral and collective reparations, Rule

1 2.3 of the Internal Rules." End of quote. To my understanding,
2 when we talk of a lack of reparations, we are already in a second
3 stage, that is, we would already have decided that there would be
4 a conviction, and we are now interested in application for
5 reparations.

6 As far as we are concerned, that is why during the first Trial we
7 did not examine the civil parties at length as to their
8 sufferings, because we understood that there was a distinction
9 between the hearings, in respect of which they were appearing as
10 witnesses to facts at the same time, and those that were devoted
11 exclusively to the application for moral and collective
12 reparations. And that is how we understood your memorandum.

13 So, it is very clear that, as far as we are concerned, it is not
14 a question of saying that effectively we can distinguish between
15 facts and sufferings, because we need a minimum basis for the
16 civil party to refer to facts experienced by that civil party,
17 and facts that have to be considered by this Chamber in view of
18 the reparations applications. And it is normal to have
19 application for reparations when there is guilt, a finding of
20 guilt.

21 [08.43.22]

22 That is why we needed this clarification today, because we noted
23 in paragraph 30 of our appeal brief that there was a massive use
24 of statements by civil parties that were supposed to be related
25 only to the application for moral and collective reparations,

19

1 which were used as Prosecution evidence. And that is why we made
2 our application, and we are bearing in mind the fact that we have
3 always tried to show proof of foresight in the questions that we
4 ask, and which we intend to continue asking, if there are any new
5 elements, any new facts. And it is not always easy for us to know
6 which are new facts because we do not have enough data on the
7 civil parties before they appear. It is only in the course of
8 their testimonies and representations that we realize we would
9 need more time to cross-examine them.

10 [08.44.32]

11 MR. PRESIDENT:

12 You may now proceed, Deputy International Co-Prosecutor.

13 MR. LYSAK:

14 I'll be very brief. What we just heard is revisionist history.
15 Read the transcript from the 20th of May, 2013. There is no
16 ambiguity. There is no room at all for Mr. Koppe and the defence
17 to suggest that they were unaware of the purpose of the victim
18 impact civil parties. It could not be clearer. The exact issue we
19 were discussing was the extent to which the civil parties heard
20 in victim impact would be testifying about factual information,
21 and whether that could be used. That was the issue. Read the 10
22 points from Mr. Raynor. Read the responses from the Defence
23 Counsel. This is crystal clear. This is an issue that they have
24 made up after the judgement, after losing. It is as simple as
25 that.

1 [08.45.48]

2 MR. PRESIDENT:

3 So we -- the Chamber does not allow any further submission or
4 observation because we have been in two rounds already. The
5 Chamber informed the Parties already yesterday that the Chamber
6 is well-informed, and we will take this matter into
7 consideration.

8 Security personnel are instructed to bring Mr. Khieu Samphan back
9 to the waiting room downstairs, and bring him back to the
10 courtroom this afternoon at 1 o'clock. The Court is now
11 adjourned.

12 (Court recesses from 0846H to 1302H)

13 MR. PRESIDENT:

14 Please be seated. The court is now back in session. In this
15 afternoons hearing, and on Thursday and Friday the Chamber will
16 hold the hearings of victims impact statements of some civil
17 parties who --experience during Democratic Kampuchea. The Chamber
18 will hear their statements. Civil parties will state the
19 sufferings which they experienced during that time and we will
20 hear two civil parties this afternoon -- that is, 2-TCCP-982 and
21 2-TCCP-985. The first civil party to be before the Chamber today
22 is 2-TCCP-982.

23 Court officer is instructed to usher in the above mentioned civil
24 party to the stand so that he or she can make statements.

25 (Civil party enters the courtroom)

1 [13.04.48]

2 QUESTIONING BY THE PRESIDENT:

3 Good afternoon, Madam Civil Party, what's your name?

4 MS. TAK SANN:

5 A. My name is Tak Sann, I am from Kiri Vong district, Takeo
6 Province.

7 Q. Thank you very much. When were you born?

8 A. I do not remember. I am illiterate and I cannot remember the
9 date of my birth.

10 Q. And how old are you as of today?

11 Please wait, Madam Civil Party, please wait until the microphone
12 is activated.

13 A. I am 67 years old.

14 Q. Thank you very much. Where is your current address?

15 A. I live in Saom commune, Kiri Vong District, Takeo Province.

16 Q. What is your current occupation? Please wait, Madam Civil
17 Party.

18 A. I am at home. I collect firewood for sale and I have a small
19 business.

20 Q. What are your parent's names?

21 A. My parent's names are Lum (phonetic), Sien (phonetic).

22 [13.07.02]

23 Q. What is your father's name?

24 A. My father's name is Ta (phonetic).

25 [13.07.11]

1 Q. What is his surname?

2 A. His surname is Lum (phonetic).

3 Q. What is your mother's name?

4 A. Her name is Sien (phonetic).

5 Q. What about her surname?

6 A. My mother father's name is Lum (phonetic).

7 Q. Are you married?

8 A. I am a widow.

9 Q. How many children do you have?

10 A. I have four children.

11 Q. I would like to ask a few questions to the staff of TPO, what
12 is your name?

13 A. My name is Chhay Marideth. I am staff member of TPO to support
14 the victims of Khmer Rouge period.

15 MR. PRESIDENT:

16 Thank you very much, Madam. The Chamber wants to know your name
17 and wants the Parties to know your name as well. During the
18 testimony of this civil party the Chamber allows you to sit close
19 by to the civil party so that you can support the civil party and
20 from your support we hope that the civil party will be strong and
21 can make a statement of her suffering.

22 [13.09.58]

23 Thank you, Madam Civil Party. In today's hearing, the Chamber
24 will give you the floor to make a statement of the sufferings and
25 injury you have experienced during that time and you will be

1 asked to make statements in relation to the harms inflicted upon
2 you resulting in your civil application to claim collective and
3 moral reparation for physical, material and mental injury as
4 direct consequences of crimes. And the two Accused are charged
5 with the crimes which caused injury on you during the period of
6 17th April 1975 through 6th January 1979. You have the floor now,
7 Madam Tak Sann.

8 Please wait Madam Civil Party. You may proceed, Lead Co-Lawyer
9 for civil party.

10 [13.11.06]

11 MS. GUIRAUD:

12 Thank you, Mr. President. I have the honour of starting and then
13 I will give the floor to my colleagues during these three days.
14 We have decided to put questions to the civil parties to help
15 them come up with answers with regard to their suffering which
16 they endured during the Democratic Kampuchea period. So I'm going
17 to start with Ms. Tak Sann then my colleague Mr. Lor Chunthy will
18 continue later on in the afternoon.

19 MR. PRESIDENT:

20 So, this means that this civil party will not make a statement
21 first and the civil party will use the rights to be questioned by
22 the Lead Co-Lawyer. Is that true?

23 [13.12.13]

24 MS. GUIRAUD:

25 That is true indeed. We have made the choice of putting questions

1 and her answers in fact will make up her testimony on the harm
2 that she suffered.

3 MR. PRESIDENT:

4 So this would apply to all civil parties or there are exceptions
5 on some civil parties?

6 MS. GUIRAUD:

7 I believe for all civil parties.

8 MR. PRESIDENT:

9 You may proceed now.

10 [13.12.57]

11 QUESTIONING BY MS. GUIRAUD:

12 Thank you, Mr. President. Good afternoon, Civil Party. The first
13 question that I'm going to ask you is where were you born and
14 then we will be able to unfold your personal history between 1975
15 and 1979 and therefore help you voice the suffering that you
16 experienced during that period. But first in order to understand
17 how the events tie up, I wanted to know first where you were born
18 in which District?

19 MS. TAK SANN:

20 A. I was born in Kampuchea Krom.

21 Q. Can you tell us when you left Kampuchea Krom?

22 A. After seven or eight months -- after one year I left Kampuchea
23 Krom when there was the exchange program.

24 Q. So to be clear about this, you remained in the same place or
25 did you always live where you were born or did you move between

1 the time when you were born and when you were in Kampuchea Krom?

2 A. I fled to live in the lower part that is Krom because I was
3 afraid and my children and I fled to live in the lower part that
4 is Krom.

5 [13.15.33]

6 Q. Thank you. Do you remember when you fled?

7 A. I do not remember because I cannot read and write I do not
8 remember the year I just fled to that place together with others.

9 Q. Where were you before you fled to Kampuchea Krom?

10 A. I lived in Kouk Ampil commune, Trapeang Chhuk.

11 Q. Thank you. So you said that you fled to Kampuchea Krom with
12 your children, did you leave a house behind, did you leave a plot
13 behind, can you tell the Court what you had to leave behind when
14 you left for Kampuchea Krom?

15 A. I had a house before I left and I had some belongings. So I
16 left behind my house.

17 Q. Thank you. So you said that you left with your children. Can
18 you tell the Court with who exactly you fled to Kampuchea Krom,
19 who were the family members that came with you when you went to
20 Kampuchea Krom?

21 A. My mother, my father, my husband and children, we all fled to
22 Kampuchea Krom.

23 [13.17.42]

24 Q. Why did you flee?

25 A. I was afraid, for this reason I fled to that place. I was

1 afraid that I would be sent to the upper part, for this reason I
2 fled with others to the lower part.

3 Q. Thank you and you said a little earlier on that you spent
4 about seven or eight months in Kampuchea Krom. Can you tell us in
5 which circumstances you came back to Cambodia?

6 A. I left Kampuchea Krum with some little belongings and spent
7 two nights at Phnum Den and after that Khmer loeu came to bring
8 us and together with our belongings to Tnaot Chrum.

9 Q. Can you provide us with more information on the exchange
10 programme that you talked about, how did this programme of --
11 this exchange programme take place?

12 [13.19.21]

13 A. I do not know how to explain. I was asked to leave that is why
14 I left with others.

15 Q. Did you know where you were going to go when you arrived in
16 Cambodia?

17 A. I did not know where I would go. I thought I would be happy to
18 be back in my home village but I was brought to anywhere else.

19 Q. Did you think back then that you were going to go back to your
20 home village?

21 A. I was not allowed to live in my home village and I was taken
22 and brought to Tnaot Chrum.

23 Q. Can you tell us with which family members you travelled from
24 Kampuchea Krom back to Cambodia?

25 A. There were many people. I do not know them and they were taken

1 to Kampuchea Loeu, they were hundreds of carts.

2 Q. The family members you travelled with, who were they?

3 A. My parents, my children, my husband.

4 Q. Did you leave Kampuchea Krom with any belongings such as cows,
5 food, clothes; can you provide us a bit more clarification on
6 this?

7 A. Yes, I had some belongings, cats, cattle and some food to eat.

8 [13.22.13]

9 Q. Thank you. Can you explain to the Court what happened when you
10 arrived in Cambodia?

11 A. I thought that I would be prosperous when I arrived in
12 Cambodia but instead I was placed in a sufferings area.

13 [13.22.49]

14 Q. Thank you, Civil Party. We are in fact going to try to speak
15 about the suffering you endured when you arrived in Cambodia. Can
16 you tell me where you arrived, when you arrived in Cambodia, in
17 which district, which commune?

18 A. Trapaeng Thum Khang Cheung was in Tram Kak district.

19 Q. Thank you. I am first going to ask you a question regarding
20 the belongings you brought with you. Were you able to keep what
21 you had brought with you from Kampuchea Krom or not?

22 A. I had some belongings. Trucks went to collect me and they took
23 all my belongings and those belongings were put in a collective
24 property.

25 Q. Can you explain to the Court what happened afterwards with

1 your family members, were you allowed to stay together with your
2 husband and with your children?

3 A. First I was allowed to live with my family and my husband and
4 after that we were divided into different units.

5 Q. Were you able to see your children or not and can you tell us
6 a little bit what happened in that regard?

7 A. I was explained -- I explained to my children that, please do
8 not say anything, so you only did what you are asked to do.

9 Q. How often could you see your children?

10 A. I did not go to visit my children. My children would come to
11 visit me on the 10th, 20th every month.

12 Q. Did you suffer from the fact, back then, that you could not
13 see your children enough; can you tell us how you experienced
14 this?

15 A. Normally mothers love their children. The children are away
16 from mothers so we miss them but we could not do anything.

17 [13.26.38]

18 Q. Thank you. You said earlier on, that you arrived at Tram Kak
19 with your two children. Did you have any other children when you
20 were in Tram Kak?

21 A. When I was in Tram Kak, I was pregnant and I had a child. And
22 my husband was taken away; I did not know where he was taken to
23 so I had a baby alone. I lived alone with my baby.

24 [13.27.27]

25 Q. Thank you. Can you tell us a little bit more about the

1 disappearance of your husband, how did he disappear and is he the
2 only member of your family who disappeared?

3 A. We actually, we came together with five or six carts. And when
4 I returned I could not see my husband, he disappeared and I did
5 not dare to ask where he was at that time.

6 Q. You spoke about two children; did both of these children
7 survive the regime?

8 A. Yes, they did.

9 Q. Did you lose other loved ones during that period?

10 A. Yes, my sibling. I also lost my sibling during the regime.

11 [13.29.15]

12 Q. Thank you. Now we're going to speak about the possible
13 suffering you went through when you were working at Tram Kak. So,
14 can you please tell us where you were sent to when you arrived at
15 Tram Kak, and what kind of work they made you do?

16 A. First, I was asked to carry the termite mound earth and later
17 on to carry fertiliser and then to work on a canal at Kouk Kruos.

18 Q. What was the most difficult task you had to carry out?

19 A. To carry the earth -- the termite mound earth up to the dam at
20 Kouk Kruos was difficult. They put more earth on the baskets that
21 I had to carry and then sometimes I fell -- I fell down.

22 Q. Were you able to rest when you were tired?

23 A. No, I did not dare to rest as I was forced to work. Everybody
24 did not dare to take any rest.

25 [13.31.10]

1 Q. And why were you not able to rest?

2 A. We were not allowed to rest as we were forced to complete the
3 work assignment.

4 Q. Did you sometimes have to work at night at Tram Kak, after
5 your evening meals?

6 A. Yes, after the meal we were ordered to dig pits in order to
7 plant coconut trees.

8 Q. Thank you. You stated a while ago that you were pregnant while
9 you were at Tram Kak, did you have to work while you were
10 pregnant?

11 A. I had to work until the time that I delivered my baby.

12 Q. Thank you. Now looking at the situation with some detachment,
13 what was the most difficult experience you faced during all the
14 time you spent working at Tram Kak?

15 [13.32.58]

16 A. The most difficult work was to carry the earth as it was
17 rather too heavy for me, they sometimes filled in the baskets too
18 full and it was too heavy for me to carry it.

19 Q. Thank you. Did you suffer from hunger while you were at Tram
20 Kak?

21 A. We were given gruel to eat.

22 Q. Was such gruel sufficient for you to eat satisfactorily?

23 A. No, it was not enough and also I had to leave some for my
24 child as well, as my child did not have enough food to eat.

25 Q. To be clear, Madam Civil Party, were you hungry throughout all

1 those years?

2 A. Yes, I was hungry and I did not dare to steal anything as I
3 was afraid, so we had just to try to survive.

4 Q. What were you afraid of?

5 A. I was afraid that I would be taken away and killed so we did
6 not dare to complain even if the food was not enough.

7 Q. Did you always have the same food rations or such rations
8 changed over the months and years you spent at Tram Kak?

9 [13.35.20]

10 A. It was basically the same; as they sometimes only changed the
11 vegetable but the soup was still watery and we only had a bowl of
12 watery soup for four of us in a group.

13 Q. You stated a while ago, that you kept a bit of soup for your
14 children.

15 MR. PRESIDENT:

16 Counsel Koppe, you have the floor.

17 MR. KOPPE:

18 Thank you Mr. President. Good afternoon, Your Honours. I've been
19 listening for a while now to the questions of the Lead Co-Lawyers
20 of the Civil Parties, I believe there is an American expression,
21 that says "if it walks like a duck, swims like a duck and quacks
22 like a duck, it must be a duck." And what I'm listening to is the
23 civil parties asking for testimony -- asking the civil party to
24 testify. I think I granted before objecting some leeway to the
25 civil parties but what we're having here is not civil party

1 impact suffering whatever you would like to call it, but simply
2 somebody giving testimony and of course we had a long discussion
3 before as to the parameters of what we're having today but I
4 believe we are having, or we are listening to testimony and I
5 don't think that is the idea of this session and tomorrow's and
6 Friday's session.

7 [13.37.29]

8 MS. GUIRAUD:

9 Mr. President, I of course would like to respond. I am quite
10 shocked by my learned friend's objection. In the last half hour,
11 this civil party has told us that she lost her house, she was
12 rooted from her roots, she lost her husband, she was often
13 hungry, she was even famished and she was subjected to inhumane
14 working conditions. Is all that not the suffering which the civil
15 party is expressing? We are dealing civil parties who are
16 illiterate and it is much easier to interact with them by putting
17 questions to them. Again, what part of this civil party's
18 testimony is not directly related to the suffering she suffered
19 during Democratic Kampuchea? I am really shocked by the objection
20 of my learned friend because he has to explain what is prejudice
21 or harm or suffering, which is not exactly what the civil party
22 has just related to us.

23 (Judges deliberate)

24 [13.42.08]

25 MR. PRESIDENT:

1 I would like to hand the floor to Judge Claudia Fenz, to provide
2 an oral ruling on the objection raised by the Defence Counsels
3 and the techniques used by the Lead Co-Lawyers in putting
4 questions to the civil party. You may proceed, Judge Fenz.

5 [13.42.33]

6 JUDGE FENZ:

7 The first is a remark on language in the context of the civil
8 party that talks about suffering, this kind of language is a
9 questionable taste at best.

10 Now to the substance, it's obvious this civil party has talked
11 about suffering. Now it is obviously, equally obviously,
12 difficult to make a clear distinction between testimony on
13 suffering and testimony on facts. For the next two and a half
14 days we will simply go ahead with the way it was planned and with
15 the method adopted by the Co-Lead Lawyers. When it comes to
16 questioning time for the other Parties, we will be open to
17 reasoned submissions and on the basis of these next two or two
18 and a half days, the Chamber will, if necessary, review the
19 approach to this kind of evidence. So for the time being we are
20 going ahead as planned and as scheduled and Defence is requested
21 not to interrupt until they are given the floor. Not to interrupt
22 on the basis that you don't like the process as it is at the
23 moment until you are given the floor.

24 BY MS. GUIRAUD:

25 I was almost done with my questions when my learned friend

1 interrupted me. His objections may be in the interest of this
2 client but I am increasingly perplexed by the attitude of my
3 learned friend regarding the civil parties, they usually exceed
4 the time required and I must add that this last objection was
5 really the last straw on the camel's back.

6 Q. Madam, you have an opportunity now to express your suffering
7 during the period of Kampuchea. After the Vietnamese arrived,
8 where did you go?

9 MS. TAK SANN:

10 A. After the arrival of the Vietnamese I went along on the carts
11 with the Khmer Rouge. At that time I was carrying my young baby
12 and we went along further and further but then we were told not
13 to follow them.

14 [13.45.38]

15 Q. Did you ultimately return to your native village?

16 A. Only after the Vietnamese arrived, then we returned to our
17 native villages and there were many of us returning and we had to
18 make a long trip and some time we had to sleep along the way,
19 whenever the night fell, then we stopped and rested.

20 [13.46.17]

21 Q. Did you find the house in which you had lived prior to the
22 Democratic Kampuchea regime?

23 A. No, it was no longer there, it was gone.

24 Q. A while ago, you stated that you lost your husband during the
25 Democratic Kampuchea regime, did you get married again

1 subsequently and how did you feel following the loss of your
2 husband?

3 A. It was very difficult and I decided not to remarry as I
4 decided and determined to take care of my children and because I
5 missed my husband and I pity him that's why I decided not to
6 remarry another man.

7 Q. Did you suffer as a result of the fact that you did not know
8 where your close relatives had died and did you have the
9 opportunity, subsequently, to bid them farewell according to the
10 traditional rituals?

11 A. When the times comes for the annual ceremony, I just burned an
12 incense sticks and prayed to their souls since I did not know
13 where they actually died.

14 MS. GUIRAUD:

15 Thank you, Madam Civil Party. I am done, Mr. President.

16 MR. PRESIDENT:

17 The Deputy International Co-Prosecutor, the floor is yours.

18 MR. VINCENT DE WILDE D'ESTMAEL:

19 Thank you, Mr. President. I have questions worth 10 to 15 minutes
20 for the civil party. I will start when she, of course, feels
21 better and when I have your leave to start, Mr. President.

22 MR. PRESIDENT:

23 Yes, you may do so.

24 [13.49.28]

25 QUESTIONING BY MR. D'ESTMAEL:

1 Thank you. Madam Civil Party, my name is Vincent de Wilde. I will
2 put some questions to you on behalf of the Co-Prosecutors, or the
3 Office of the Co-Prosecutors. I would like you to clarify a
4 number of things.

5 Q. I was able to understand from interpretation that you were
6 born in Kampuchea Krom but you also made mention of a native
7 village in Cambodia. Could you please therefore repeat where you
8 were born exactly, were you born in Vietnam or in Cambodia?

9 MS. TAK SANN:

10 A. I was born in Kampuchea.

11 Q. And can you tell us the name of the village and commune in
12 which you were born?

13 A. It was in Trapaeng Chhuk, Kouk Ampil, but I cannot recall the
14 name of the district. I only recall that it was called the
15 Trapaeng Chhuk, Kouk Ampil.

16 Q. Thank you. So you went to Kampuchea Krom and at a point in
17 time you returned. You state in D22/3225, your application form
18 that you registered your name on a list of the Vietnamese
19 government and you were swapped with Vietnamese living in
20 Cambodia as against those living in Vietnam.

21 A. Yes, I was part of the second exchange programme with the
22 Vietnamese.

23 [13.51.42]

24 Q. On this form is a date early 1976, is this the period when you
25 returned to Cambodia, please confirm whether that date is

1 accurate?

2 A. I returned to Cambodia but I was not taken to my native
3 village, but I was taken further into the upper part of Cambodia.

4 Q. Very well. But first of all before you arrived in the North
5 that is in Tram Kak district, you said you passed through Phnum
6 Den after you crossed the border between Vietnam and Cambodia.

7 Can you tell us for how long were you at this place called Phnum
8 Den? Did you spend a few days or several months there?

9 A. I spent two nights there, so we cooked rice and stayed there
10 for two nights at Phnum Den and next day they brought in the
11 truck with the cattle and we were asked to get on to those trucks
12 and then we were transported away.

13 [13.53.31]

14 Q. When you were taken away was it solely people from Vietnam who
15 were in the truck or there were also New People -- that is, the
16 17 April People, in the truck as well?

17 A. It was a mixture. There was our group and there were many,
18 many of us in the group.

19 Q. Thank you. So you stated that you arrived in Tnaot Chrum
20 village, Kouk Trabek commune in Tram Kak district and you made
21 mention of a meeting on your form, a meeting during which your
22 personal property was confiscated. We'll talk about that
23 subsequently. On that form you were told that if Angkar
24 discovered that anyone was keeping personal property, that person
25 would be considered as an enemy that was a threat. Was that the

1 first time you were being threatened since your return to
2 Cambodia? Were you told that you would be considered as an enemy
3 if you do not hand him all your property?

4 [13.55.08]

5 A. Yes, that was the first time. Then we were told to give them
6 the property that we brought along. So we all had to hand them
7 over to them for communal use.

8 Q. At that time when you had to hand in all your personal
9 property, did you regret having had to return to Cambodia?

10 A. I did not regret much for the property that I handed over
11 because I thought that it would be for communal use and that we
12 would be given sufficient food to eat, but on the contrary it was
13 not the case.

14 Q. Afterwards you were placed in a cooperative unit. Who worked
15 with you in that co-operative unit? Were the people from Vietnam?
16 Were they 17 April People? Were they Base People? Were they mixed
17 or not?

18 A. We were put to work mixed with other people.

19 Q. Do you mean that Base People were working with you or you were
20 mixed with 17 April People? Please clarify that point?

21 [13.57.01]

22 A. There were some of them, for example, there were four or five
23 of them, they were the Base People. But for us we had to work
24 harder than them because they did not work as hard as we did
25 because they were the Base People.

1 Q. And who led your cooperative unit? Were they Base People or
2 people like yourself?

3 A. They were Base People, although I did not know them.

4 Q. You also stated on the information - on the victim's
5 information sheet that if you did not complete your work on the
6 rice fields, as you had to transplant rice shoots, you wouldn't
7 receive any food. Did it happen that you were not fed when you
8 did not complete your work or that was only a threat?

9 A. It was a threat, although we were still given the food ration.
10 But I must say the food ration was not enough.

11 [13.58.48]

12 Q. You also stated that you tasted the fertiliser you made using
13 excrements. And they said it wasn't -- you had to test to make
14 sure it wasn't too salty to destroy the rice shoot. Why did you
15 have to taste the fertiliser made with excrement?

16 A. I was ordered to taste it, so I had to force myself to do that
17 as I was scared.

18 Q. And if the rice shoot died, what would have happened to you
19 according to the orders that were given to you by the Khmer
20 Rouge?

21 A. <I>f the rice seedlings die<d>, then we would be <punished. It
22 was too salty>.

23 Q. Civil Party, there is a document in the Case file, E3/4092.
24 This is a document that comes from the Krang Ta Chan security
25 centre. I'm not going to show it to you, but I'm going to read

1 out an excerpt. It's on the second page. In Khmer ERN is--

2 MR. PRESIDENT:

3 Please wait. There is -- please proceed, Victor Koppe.

4 [14.00.52]

5 MR. KOPPE:

6 Thank you, Mr. President. I understood the instructions of Judge
7 Fenz. However, I feel obliged to nevertheless stand up because I
8 think we are taking it another step further. Showing the civil
9 party a document and asking for her reaction or her testimony has
10 again nothing to do with her suffering but is only intended to
11 establish evidence. So, again I feel obliged to object and allow
12 me very briefly to react to what you said about my expression. I
13 would like to make it very clear that the use of this expression
14 was intended at the civil party Lawyer and obviously not at the
15 civil party herself.

16 [14.01.43]

17 JUDGE FENZ:

18 Perhaps at this point in the translation into French was even
19 worse, which is another reason why using this kind of language is
20 something one should consider.

21 MR. KOPPE:

22 I understand, but I cannot be held responsible for improper
23 translation. I believe it's a standard American expression. I
24 will never use it again, but I want to be very clear, it was
25 obviously not directed at the civil party.

41

1 MR. DE WILDE D'ESTMAEL:

2 Mr. President, may I respond? The objection is not appropriate in
3 so far that the civil party said that she did not know where her
4 family members had been brought to and where they had died. I'm
5 here simply trying to see if she can identify one person who
6 ended up at the Krang Ta Chan security centre.

7 (Judges deliberate)

8 [14.03.43]

9 MR. PRESIDENT:

10 The objection of the defence Counsel for Mr. Nuon Chea is
11 overruled. Deputy International Co-Prosecutor, please proceed to
12 your line of questioning. And Madam Civil Party, please respond
13 to the question asked by Co-Prosecutor.

14 BY MR. D'ESTMAEL:

15 I'm first simply going to remind the numbers, E3/4092, Khmer,
16 it's on page, 00271133; English, 00834793; French, 00721274. And
17 in this document, Civil Party, which comes from the Krang Ta Chan
18 security centre, they described a person by the name of Tak Sem,
19 S-E-M, who was 36 years old back then. And who had married Nget
20 Nev, N-G-E-T and Nev, N-E-V. This person was born in the village
21 of Preal, Saom commune, Kiri Vong district in Takeo province --
22 this is the village where you live now. So do you know this
23 person, do you know Mr. Tak Sem who bears the same name as you?

24 [14.05.31]

25 MS. TAK SANN:

1 A. I do not know this individual.

2 Q. Fine. Last question. Do you know a person who came from South
3 Vietnam in 1976 and who apparently settled as you in the commune
4 of Kouk Trabek, whose name is Peou, P-E-O-U, Ney, N-E-Y?

5 A. I do not know this person.

6 MR. DE WILDE D'ESTMAEL:

7 Thank you very much for having answered my questions. I have no
8 further questions for this civil party.

9 [14.06.34]

10 MR. PRESIDENT:

11 What about the Defence Counsel for the Accused, do you have any
12 question to put for this civil party?

13 QUESTIONING BY MR. KOPPE:

14 Just a few, Mr. President. Good afternoon, Madam Civil Party. I
15 have a few follow-up questions.

16 Q. Would you be able -- when you speak about the food situation
17 -- to make a distinction between how you were eating in 1976, how
18 the situation with the food was a bit later in 1977, 1978? Could
19 you tell us a bit more about the food situation in period of
20 time?

21 [14.07.28]

22 MS. TAK SANN:

23 A. As for food ration, we had meal as normal. We had soup, and
24 the soup was cooked in a large pot.

25 Q. Did you also have vegetables, meat, potatoes, fruit, those

1 kind of things?

2 A. There was morning glory soup and eggplant -- there were
3 eggplants and there was soup for us to eat.

4 Q. But would you be able to tell us how the food situation was in
5 the beginning that you came to Tram Kak district, a bit later in
6 time, and at the end of the DK regime? Can you tell us a little
7 bit more about the food situation over time?

8 A. I only knew that there was soup for us to eat. There were
9 fish, meat -- there were meat for us as well.

10 Q. I understand, Madam Civil Party. My question is; was there any
11 improvement in the food situation? Was one year or one month, the
12 food situation better than other times, for instance?

13 [14.09.33]

14 A. I know once in a while, we had rice to eat and we would also
15 have dessert once in a while.

16 Q. Maybe my questions are not very clear. I apologise, Madam
17 Civil Party. But what I'm trying to understand is whether there
18 was an improvement in the situation. In the beginning when you
19 came, maybe there was not enough food, but later on in the
20 district, there was enough food to eat. Could you tell us a
21 little more about the various periods in time?

22 A. First, we had our food as normal. And months later, the food
23 was also normal. But later on, we had gruel.

24 Q. Would it be fair, Madam Civil Party, to say that sometimes the
25 food situation was good, sometimes it was a little less good, it

1 was a little more bad? Sometimes good, sometimes bad; is that an
2 accurate description?

3 A. The soup was watery. Sometimes the soup was good and sometimes
4 the soup was not good. And we just bore the situation, even the
5 food was good or bad.

6 [14.11.51]

7 Q. Do you remember, Madam Civil Party, that -- whether the people
8 who were responsible for the food gave everybody who was working
9 the same portions of food, the same ration of food?

10 A. The food ration was not equal. For Base People, they had more
11 food. And as for us, we were New People, our food were less.

12 Q. And how were you able to determine this? How were you able to
13 see with your own eyes that that was the situation?

14 A. I had foods and I had meals, so I could witness it.

15 Q. How were you able to witness that you had less food than other
16 people?

17 A. I had meal with other people in the dining hall. We were
18 sitting at the table and we were sitting close to each other. So
19 we could see -- I could see that the food ration was less.

20 Q. Can you explain to me so that I can understand properly how
21 that then -- how that went? Did somebody get more rice or did
22 somebody get more soup? Can you please tell us some more about
23 this?

24 [14.14.03]

25 A. They had a little bit more food than all of us. Sometimes I

1 did not fill my stomach, I wept. But I would not dare to let
2 other people see that I was weeping.

3 Q. But how would the people who served the food or who made the
4 food be able to make a distinction between Base People and New
5 People? How did that go in practice?

6 A. Yeay Thon (phonetic) - I knew Yeay Thon (phonetic). She was
7 the cook.

8 Q. And what did this Yeay Thon (phonetic) the cook do?

9 A. The food was given to us and placed on the table. And when it
10 comes to -- when it came to the time that we had meal, then we
11 would go to eat.

12 Q. I'll move on to another subject, Madam Civil Party. If I heard
13 your testimony correctly, you said that your husband, at one
14 point in time, disappeared. Have you been able to see with your
15 own eyes what happened to him?

16 [14.16.15]

17 ***A. I did not witness it. My husband was asked to go and
18 collect the rice to make ombok. And I did not know where my
19 husband was taken to. I do not know where he was taken to be
20 killed.

21 Q. I know it's difficult, Madam Civil Party, to speak about this.
22 But maybe you would be able to tell us why you say the words
23 "taken away". What exactly do you mean with the words "taken
24 away"?

25 A. Taken away means that my husband was killed because I did not

1 see my husband on the ox cart when the ox cart returned.

2 Q. But do you remember actually seeing with your own eyes
3 somebody taking your husband, arresting your husband, and walking
4 him away to an unknown destination?

5 A. I did not witness it. He was asked to go and collect the rice
6 seeds. He went together with other people on the ox cart, and I
7 did not see those people back. He disappeared ever since.

8 [14.18.18]

9 Q. And it's my last question, Madam Civil Party. Just to be sure,
10 you didn't see with your own eyes what in fact happened to your
11 husband other than that one day, he didn't return home; is that
12 correct?

13 A. Yes. He went and never returned. He always -- he was always
14 with us in the cooperative during the lunch -- the mealtime. We
15 would eat together.

16 MR. KOPPE:

17 Thank you, Madam Civil Party.

18 MR. PRESIDENT:

19 What about the Defence Counsel for Mr. Khieu Samphan? And how
20 much will you use for this Civil Party?

21 MR. KONG SAM ONN:

22 I will use perhaps about 15 minutes for this civil party.

23 [14.19.22]

24 MR. PRESIDENT:

25 Thank you very much. It is now convenient time for the break from

1 now until 20 to 3.00.

2 Court officer, please facilitate a proper room for this civil
3 party and the TPO staff. And have this civil party together with
4 the TPO staff member back to the stand before the Chamber at 20
5 to 3.00.

6 The Court is now adjourned.

7 (Court adjourns from 1420H to 1440H)

8 MR. PRESIDENT:

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

10 And the Chamber will give the floor to Khieu Samphan's defence to
11 put questions to this civil party. Counsel, you have the floor.

12 [14.41.14]

13 QUESTIONING BY MR. KONG SAM ONN:

14 Q. Thank you, Mr. President, and good afternoon, Madam Civil
15 Party. I only have a few questions to put to you. When you were
16 asked about your place of birth by the Co-Prosecutor, you made
17 some reply but I'd like to get clarification and in your response
18 you said that you were born in Cambodia. My question to you is
19 the following: in a document, D22/3205, which is a victim
20 information form -- that is, your information form, it stated
21 that your nationality is Khmer Kampuchea Krom and my question to
22 you is the following: are you aware that that was the case?

23 MS. TAK SANN:

24 A. Of course, I know because I lived in Kampuchea Krom or Khmer
25 Krom.

1 Q. My question to you is whether you're -- you are a Khmer Krom
2 or you are a Khmer person?

3 A. I am an upper Khmer or Khmer Loeu.

4 [14.43.00]

5 Q. Thank you. However, in your victim information form to become
6 a civil party, it is read that your nationality is Khmer Krom and
7 my question to you is why it is stated that you are Khmer Krom on
8 that victim information form?

9 A. I came to live in Khmer Loeu although I used to live in Khmer
10 Krom.

11 Q. My question to you is about what is recorded on the victim
12 information form, which it states that your nationality is Khmer
13 Krom and I want to know why there is a difference. As you stated,
14 you are not Khmer Krom but on the form it is read that your
15 nationality is Khmer Krom and my question to you is why there is
16 such a discrepancy?

17 [14.44.22]

18 A. Yes, I understand your question. I -- I had a nationality as a
19 Khmer Krom but then I came to live in Kampuchea or upper Khmer or
20 Khmer Loeu.

21 Q. When you lived in Vietnam what was your nationality or was it
22 Khmer Krom?

23 A. When I came to Cambodia or upper Khmer, I changed my
24 nationality as what it is currently known but I was born in Khmer
25 Krom.

1 Q. So let me be perfectly clear that -- did you refer to your
2 nationality as Khmer Krom in the past?

3 A. Yes, I did. I used to refer to my nationality as I was born in
4 Vietnam.

5 Q. Can you specify whether you used to say your nationality was
6 Vietnamese or Khmer Krom? Please respond as what you said did not
7 go through the interpretation system.

8 A. My nationality was Kampuchea Krom or Khmer Krom.

9 Q. On your identification card, which is also on the document
10 D22/3205, on the copy of your ID card it reads that your place of
11 birth was at Preal village, Saom commune, Kiri Vong district,
12 Takeo province. Why did you state a place of birth on the ID that
13 is not true?

14 [14.47.07]

15 A. It was processed or organised by my mother when the ID card
16 was made. At that time I was rather young so I was not -- I did
17 not know about that.

18 Q. The identification card that I referred to is actually a new
19 identification card of the Kingdom of Cambodia and it is signed
20 -- or it is made on the 17th July 2002, so it was about 12 years
21 ago and it was issued by the Phnom Penh municipality. At the time
22 of its issuance, were you still a young girl or were you already
23 an adult or woman?

24 A. I was already mature.

25 Q. Who made that ID card -- was it you or was it your mother?

1 A. It was organised by my mother.

2 Q. So you did not go to the place where the ID was processed or
3 made?

4 A. Yes.

5 [14.48.56]

6 Q. Because for the ID processing you had to be there yourself to
7 be photographed and to fill in the particulars and it could not
8 be done by someone else on your behalf. Is that the case?

9 A. Yes, I went there and to have my photograph taken. I went
10 there by myself.

11 Q. Let me go back to my question. Why there is a difference in
12 your nationality? You stated that you were born in Khmer Krom but
13 on your ID card you mentioned that you were born in Cambodia --
14 that is, in Preal village, Saom commune, Kiri Vong district,
15 Takeo province. Can you tell the Chamber why there is such a
16 difference?

17 A. I in fact was born in Preal village, Kiri Vong district, Takeo
18 province.

19 Q. So, the statement you made previously that you were born in
20 Vietnam is not correct? Is that true?

21 A. Yes, I was born in Kiri Vong district, Takeo province. And I
22 was not born in Khmer Krom and I apologise for the mistake.

23 Q. Thank you. Can you recall who actually helped you in filling
24 the victim information form?

25 A. What form are you referring to?

1 Q. I refer to the victim information form which has a document ID
2 -- that is, D22/3205. Do you recall that?

3 [14.51.38]

4 A. I remember someone gave me an assistance in filling out that
5 form.

6 Q. Do you know the name of the person?

7 A. Yes.

8 Q. What is the name?

9 A. The name was Nhean (phonetic).

10 Q. Thank you. In that same document -- that is, the victim
11 information form, at the location where a witness provided a
12 thumb print, it stated that a person that provided a thumb print
13 as a witness is Chau Ny. Do you know that person -- that is Chau
14 Ny?

15 [14.52.42]

16 A. No, I don't know anyone by the name of Chau Ny.

17 Q. On your victim information form this person, Chau Ny, signed
18 that form as a witness. So, your response is that you don't know
19 this person or never meet this person, Chau Ny? Can you confirm
20 that?

21 A. I do not know any person by the name of Chau Ny, not at all.

22 And I have never seen an individual by that name.

23 Q. This person, Chau Ny, actually came to testify before this
24 Chamber in Case 002/01 as a civil party. Maybe this can refresh
25 your memory?

1 A. No, I do not know this person and I don't have any contact
2 with this person.

3 MR. PRESIDENT:

4 Defence Counsel, you should actually direct your question on the
5 statement of suffering or impact of the civil party, that is the
6 main purpose of this afternoon proceeding.

7 [14.54.42]

8 BY MR. KONG SAM ONN:

9 Yes, Mr. President.

10 Q. And now I move on to another topic -- that is, about
11 reparation. In document D25/3205, on the last page, in the
12 English language which is only a one-page document -- it is
13 towards the end of the document which reads, and let me quote:
14 "In this complaint, I would like to ask for some compensation for
15 my mental sufferings and the property that I lost during the
16 Khmer Rouge regime, such as houses, kettle, buffalos and so on."
17 End of quote.

18 My question to you, Madam Civil Party, is the following: do you
19 still stand by your request for an individual reparation as
20 stated on this document?

21 [14.55.56]

22 MS. TAK SANN:

23 A. Of course I request for reparation and if it is awarded, of
24 course that is good. If it's not, what can I do because I lost my
25 property -- what else I can do besides making that claim?

1 Q. Can you make it a bit clearer? Are you still making a request
2 for an award or reparation or you forfeit it?

3 [14.56.30]

4 A. I don't want to claim for anything else but I want to claim
5 for my husband. I want my husband to be back. My husband and my
6 lost child.

7 Q. You seem to -- not to respond to my question and if you wish
8 not to respond to my question, I'll end my question now.

9 A. I don't know what else I can ask for as I already lost my
10 property.

11 Q. The reason that I ask you this question because you made that
12 statement on the form -- that is, your request for the reparation
13 for the loss of your houses, cattles, so and so forth during the
14 Democratic Kampuchea regime. And my question is that; are you
15 still standing by your request for reparations -- compensations
16 as stated on that form?

17 A. I don't know what else I can say regarding the compensations
18 because I am illiterate. I don't know what else I can do.

19 MR. KONG SAM ONN:

20 Thank you Mr. President. I don't have any further questions for
21 this civil party.

22 [14.58.02]

23 MR. PRESIDENT:

24 Thank you, Madam Tak Sann, for your statement of suffering and
25 harms that you suffered under the Democratic Kampuchea regime and

1 your time is now expired and you may return to wherever you wish
2 to go. And the Chamber wish you a safe journey.
3 Court officer, in collaboration with WESU, please make necessary
4 transportation of Madam Tak Sann to her residence or wherever she
5 wishes to go to.

6 And as for the TPO staff, please remain seated as you are
7 required to provide assistance to another civil party -- that is,
8 2-TCCP-985.

9 And Court officer, please usher that civil party into the
10 courtroom.

11 (Civil party enters courtroom)

12 [15.00.14]

13 QUESTIONING BY THE PRESIDENT:

14 Good afternoon, Madam Civil Party.

15 Q. What is your name?

16 MS. IEM YEN:

17 A. My name is Iem Yen.

18 Q. Thank you very much, Madam Iem Yen. When were you born?

19 A. I was born on the 8th of September 1970, but I was actually
20 born in 1968.

21 Q. Where were you born? What is your current address rather?

22 A. I live in Tuol Pongro village, Saom commune, Kiri Vong
23 district in Takeo province.

24 Q. What is your occupation?

25 A. I am a rice farmer.

1 [15.01.32]

2 Q. What are your parents' name?

3 A. My father's name is Mom Proh (phonetic).

4 Q. What is your mother's name?

5 A. My mother's name is Om Yorn (phonetic).

6 Q. What is your husband's name? How many children do you have
7 together?

8 A. My husband's name is Sam On (phonetic). I have seven children.

9 Q. Thank you very much. The Chamber now hands over the floor to
10 the Lead Co-Lawyer to put questions to the civil party in
11 relation to the sufferings and injuries she experienced during
12 the Democratic Kampuchea. You may proceed.

13 QUESTIONING BY MR. LOR CHUNTHY:

14 Thank you very much. My name is Lor Chunthy. I am the civil party
15 Lawyer. Good afternoon, Madam Iem Yen.

16 Q. My first question is that in 1975 you were -- where were you
17 transferred in 1975?

18 [15.03.21]

19 MS. IEM YEN:

20 A. In 1975 I went to live -- I was transferred from Tuol Pongro
21 village, Saom commune, Kiri Vong district to live in Trapeang
22 Thum Khang Cheung commune, Tram Kak district, Takeo province.

23 Q. Thank you. What about in 1976? What unit were you transferred
24 to?

25 A. In 1976, they sent me to live in Tuol Kruos village during

1 which I was separated from my parents and I was asked to work. I
2 was asked to dig the earth at Tuol Kruos dam. We were separated
3 in 10 groups and there were 50 units in one group and I was asked
4 to dig the earth and 10 people -- we were asked to dig 10 cubic
5 metres and if we were in the 15-member group we were asked to dig
6 15 metre -- cubic metres of soil. If I could not complete the
7 quotas I would be deprived of food.

8 [15.05.41]

9 In 1977, I arranged to see my parents and I was captured at that
10 time and after that I was asked to go and collect the cow dungs.
11 I could not perform my duty because I was too young at that time,
12 since I was too young, I missed my parents. At the time, because
13 I missed my parents too much, I was arrested and I was buried for
14 a few hours. I was warned not to do such a thing again otherwise
15 I would be killed. I was very hungry and I was very thirsty. I
16 was buried up to my neck. I called for my parents help but no one
17 could come to help me. I underwent sufferings at that time. After
18 that time, I was put back into my unit. When I was buried up to
19 my neck, I was left there for a while and later on I was put back
20 in the unit to work. In 1978, I was asked to cut tuntrean khet
21 plants to mix with the urines and the sewage to make fertilisers.
22 And the fertiliser was cooked in a big pot and we were asked to
23 carry the fertiliser, which were put in the pots.

24 [15.07.48]

25 In fact, I tried to escape from my unit a few times -- two or

1 three times. I, at that time, was arrested again and again. I was
2 put in the cooperative back after my arrest. I was waiting at
3 that time and I was very hungry. I stole some food to eat. Since
4 I was too hungry, I went and chased the ox cart to steal a few
5 cassava. I was spotted at that time. I -- because I was spotted I
6 threw back the cassava onto the cassava -- onto the ox cart.
7 Later, I was put in Ta Suy dam. I was as asked where I was, I
8 told them that I was put in Ta Suy dam. There were Unit 1 and
9 Unit 2. I was taken by the chief of the units. I did not know why
10 I was brought and when I was asked to climb up to the house, I
11 was tied up and I was told that because I stole something, I was
12 tied up.

13 [15.09.46]

14 As I said, I was tied up, and my legs were tied up and my hands
15 were tied to the back -- behind my back. They tied my hair to the
16 window bar. I was thirsty during that time. I called a person,
17 "Bong", and I asked for water. I was deprived of food. I was so
18 starved and hungry. I asked for food and water for a few times
19 and he did not hear what I asked. At the third time when I asked
20 again, I was given water. And after that, the chief of the units
21 brought in a whip or a bamboo stick and they hit on my abdomen
22 and I was warned that next time, please, do not go and steal
23 something. And I replied, "No, I would not do it again."

24 [15.11.10]

25 When night falls, the other children came to the house. I

1 discussed with the two children that I wanted to go to relieve
2 myself. The two children did not dare to ask but I decided to ask
3 that person and during that time, I pretended to relieve myself
4 for a long period of time because my legs and feet were so hurt.
5 At night time, when the children returned from their work -- at
6 night time, when the other children returned to -- from their
7 work, they also saw that the two children and I were tied up. And
8 after that time, I was called to a self-criticism meeting and at
9 that time, there was a child standing up to say that those who
10 committed wrong should come to confess so I confessed at that
11 time. And after the meeting, I was asked to go back to work. I
12 was told that on the 10th and the 20th of every month to rest but
13 as time went on, the rest time was reduced and I did not enjoy
14 any rest on the 10th or the 20th of every month.

15 [15.13.23]

16 Q. You responded -- you stated that you were allowed to visit
17 your parents on the 10th and 20th every month. Since you enjoyed
18 that latitude, why did you still go to see your parents on other
19 days?

20 A. I stated that there was the 10th and the 20th of every month
21 that we were allowed to go and visit our parents but our rest
22 time to visit our parents was reused. Because of this I went to
23 visit my parents. I was young at that time. I need my parents to
24 take care of me. Food rations were reused, the time to visit my
25 parents was reused, so I decided to sneak to see my parents.

1 Q. During that time, you were assigned in a mobile unit. Was
2 there any training or education sessions in your mobile unit?

3 A. During that time there was no education sessions. We were only
4 asked to work at day time and night time.

5 [15.15.15]

6 Q. What about food ration? You stated that during the time that
7 you went to collect the pig dung and cow dung, you stole cassava.
8 What about the food ration during that time? How was it?

9 A. I stole cassava at that time that I went to collect the pig
10 and cow dung because I did not have enough food. That is why I
11 decided to steal the cassava.

12 [15.16.19]

13 Q. You said that you were arrested when you were stealing the
14 cassava and you were tortured. Your legs and hands were tied up.
15 Is that true?

16 A. Yes. I stated that. I was tortured at that time. I was so
17 hungry at that time that is why I -- I went to steal the cassava.
18 I was arrested while I was stealing cassava, and I was throw --
19 thrown on to the cart a few times and after that I was taken to
20 be tortured.

21 [15.17.25]

22 Q. You said you were separated from your parents. Was it -- does
23 -- did it happen from 1976 until 1979?

24 A. I was separated from my parents from 1976, but I was allowed
25 to visit my parents three times a month, and later on my visit

1 time was reduced to once a month only. And as I was young, I
2 missed my parents so miserably.

3 Q. You said that you missed your parents miserably. Did you ask
4 permission to visit your parents at that time?

5 A. I missed them so much, I wanted to ask permission to visit my
6 parents. I didn't -- I was -- I did not allow -- I was not
7 allowed to do so because they had scheduled for me to visit my
8 parent on specific days and I asked them already a few times, but
9 I was not allowed to visit my parents.

10 Q. You stated earlier that the chief unit arrested you and buried
11 you. Was this the kind of a torture that you experienced and why
12 were you tortured?

13 A. I mentioned that I was arrested and buried. The reason was
14 that I ran away from my unit to visit my parents.

15 [15.20.59]

16 Q. When you were buried, were you buried alone or were you were
17 being buried in front of others? So, how were you buried?

18 A. There was a pit which can put me in and I was buried deep to
19 my neck as a warning for me not to commit such a wrong again.

20 Q. When you were being buried, were you allowed to have some
21 food?

22 A. At that time I was deprived of food and water. I was starved
23 and so thirsty. My whole body was in pain and I called for my
24 parent's help, but no one could come to help me. After I was
25 arrested, I was buried. Not in front of others. The other

1 children went -- already went to work and I was buried at the
2 unit where I was staying at that time.

3 [15.21.56]

4 Q. My last question to you is the following. Can you please tell
5 the Chamber that when you were separated from your parents and
6 that you were not given an opportunity to go to school, what was
7 your feeling about that? And also on the matter that you were
8 arrested and buried, beaten and tortured, I'd like you to make a
9 statement about that suffering or whether you can compare such a
10 suffering to something that you can do for the Chamber?

11 A. I was buried alive and nothing could compare to it. I was
12 buried to up to my neck. I could not move and I could not do
13 anything. I tried to call my parents, but no one would answer my
14 call, and it was the greatest pain I experienced.

15 Q. Up to today, has that suffering gone or is it still living
16 with you?

17 A. Every time I recall it, it is vividly living in front of my
18 eyes as I was living during the regime. And that happens every
19 time I recalled -- I recall it.

20 Q. And the lingering effect of what happened there will give you
21 any consequence or the impact upon your current life, can you
22 describe it to the Court?

23 A. During the regime I did not had a chance to go to school, and
24 now I am uneducated, I don't know anything better than anyone. At
25 that time there was no school and I was not allowed to attend any

1 study.

2 Q. What about your health condition?

3 A. Health-wise, health-wise I am not that strong. During the
4 regime I was still young and I was forced to overwork.

5 [15.25.26]

6 Q. Finally, do you have any questions that you wish to put to the
7 two Accused?

8 A. I have two questions that I like to ask them. My first
9 question is the following. Why you two inflicted torture on
10 children like myself? What were you thinking about when you did
11 that?

12 MR. PRESIDENT:

13 Defence Counsel, you have the floor if you have some matter to
14 raise.

15 MR. KONG SAM ONN:

16 It is my observation that the question to the Accused is not
17 directed through the President of the Chamber, could you please
18 give such instruction to the civil party.

19 [15.26.45]

20 MR. LOR CHUNTHY:

21 Mr. President, I asked whether the Civil Party has any question
22 for the Accused, and as the civil party does not know about the
23 standing procedures in this Court, could you please accept the
24 question by the civil party?

25 MR. PRESIDENT:

1 Does he have any more questions?

2 MR. LOR CHUNTHY:

3 I don't know any further question.

4 MR. PRESIDENT:

5 And Madam Iem Yen, the Chamber wishes to inform you that after
6 ascertaining the position of both Accused on 8th January 2015
7 regarding the exercise of the right to remain silent, the Chamber
8 notes that the two Accused maintained their express position,
9 unless and until such time the Chamber is expressly informed
10 otherwise by the Co-Accused or their counsels.

11 [15.28.04]

12 It is therefore incumbent upon them, to inform the Chamber in a
13 timely and efficient manner, should the Accused resolve to waive
14 their rights to remain silent and be willing to respond to
15 questions by the Bench or relevant Parties at any stage of the
16 proceedings. In so far, as of today, the Chamber is not informed
17 that the Co-Accused have changed their express position, and thus
18 agreed to provide their responses to the questions.

19 And the Co-Prosecutors, do you intend to put questions to the
20 civil party?

21 [15.29.14]

22 MR. SREA RATTANAK:

23 President, yes, we do have some questions.

24 MR. PRESIDENT:

25 Thank you for your qualification.

1 [15.29.32]

2 Today's proceeding has come to an adjournment. The Chamber will
3 adjourn now and resume tomorrow. That is the 2nd April 2015,
4 commencing from 9 o'clock in the morning. For tomorrow's
5 proceeding, we will continue to hear the testimony or the
6 statement of suffering and harm by this current civil party, Iem
7 Yen and three other parties, 2-TCCP-288, 2-TCCP-981 and
8 2-TCCP-893. This information is for both the Parties and the
9 public.

10 Madam Iem Yen, the Chamber is grateful for the time to provide a
11 statement of suffering and harms. However, it is not yet
12 concluded. Therefore, you are invited to return tomorrow morning
13 to this courtroom to continue at 9 o'clock in the morning.

14 And court officer, please make an arrangement in collaboration
15 with WESU, for the civil party to return to her residence or
16 place of stay and have her return into the courtroom tomorrow at
17 9 o'clock.

18 And the TPO staff, you are also invited to return tomorrow
19 morning to assist the civil party.

20 And security personnel, you are instructed to take the two
21 Accused back to the detention facility and return them to the
22 courtroom tomorrow morning before 9 o'clock.

23 The Court is now adjourned.

24 (Court adjourns at 1531H)

25