



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 May 2013
Trial Day 184

Before the Judges:

NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

The Accused:

NUON Chea
KHIEU Samphan

Lawyers for the Accused:

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Victor KOPPE
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

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For the Office of the Co-Prosecutors:

CHAN Dararasmey
Vincent DE WILDE D'ESTMAEL

For Court Management Section:

UCH Arun
SOUR Sotheavy

I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AUN PHALLY (TCCP-2)	Khmer
JUDGE CARWRIGHT	English
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. SANG RATH (TCCP-129)	Khmer
MS. SIMONNEAU-FORT	French
MS. SIN SOWORN	Khmer
MR. SON ARUN	Khmer
MS. SOU SOTHEAVY (TCCP-151)	Khmer
MR. VEN POV	Khmer
MR. VERCKEN	French
MR. YE	English
MR YOS PHAL (TCCP-172)	Khmer

1

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 For today's proceeding, the Chamber will hear the statements of
6 sufferings and harms suffered by the civil parties.

7 Mr. Duch Phary, could you report the attendance of the parties
8 and individuals to today's proceeding?

9 [09.06.24]

10 THE GREFFIER:

11 Mr. President, for today's proceeding, all parties to this case
12 are present.

13 Nuon Chea is present in the holding cell downstairs per the
14 decision of the Trial Chamber concerning his health.

15 The civil parties who are to testify today are four in total;
16 namely, TCCP-151, TCCP-2, TCCP-129, and the fourth civil party is
17 TCCP-172. All the four civil parties are present to be called by
18 the Chamber.

19 Thank you.

20 MR. PRESIDENT:

21 Thank you.

22 Before the civil party is called into the courtroom, the Chamber
23 would like to inquire with the Accused regarding the questions to
24 them on last Thursday.

25 First the accused Khieu Samphan: Are you exercising your rights

2

1 to remain silent or do you wish to speak during the proceedings
2 today and in the future?

3 [09.08.01]

4 MR. KHIEU SAMPHAN:

5 Good morning, Your Honours. Good morning, everyone in the
6 courtroom. Good morning, my respected monks and the Cambodian
7 citizens. On the very topic raised by the President, I'd like to
8 respond as follows:

9 Since I am very old, and the events that took place are more than
10 30 years old, and I was almost 40 years old, so I might confuse
11 in responding to questions put to me. And in order to avoid any
12 confusion, I'd like to submit to the Chamber that I wish to know
13 the content of the questions first so that I can think on the
14 questions before I can respond.

15 This is all my submission, Your Honour.

16 [09.10.08]

17 So, I want to know which subject that I will be questioned upon.
18 I want to know the subject matter of the questions first so that
19 I would have time to consider the subject matters and try to
20 avoid any confusion.

21 That is all, Mr. President.

22 MR. PRESIDENT:

23 Thank you.

24 Regarding the questions that may be put to you by some of the
25 civil parties and we are not sure which of the two Accused that

3

1 civil parties may put the question to during the time that they
2 make their statement of sufferings and harms. Those will be the
3 questions put to the Accused by the civil parties.

4 As for your submission, we may consider it, but it is very
5 unlikely that we can proceed with that because during the
6 adversarial proceeding, it is unlikely to know in advance the
7 questions that will be put to you. That is the nature of the
8 adversarial hearing; it is not a kind of questions you put on the
9 blackboard in the school.

10 Counsel, you may proceed, but please be brief and precise so that
11 we can save us some time. For that reason we asked you last week
12 for you to consult with your client and then you only need to
13 provide the - your conclusion from the consultation with your
14 client. You may proceed.

15 [09.12.15]

16 MR. VERCKEN:

17 Yes, thank you, Mr. President. Yes, indeed, I was able to speak
18 to my client on Thursday afternoon, but the detention centre was
19 not open on Friday and I could not go there during the weekend.
20 But however, what he's requesting, of course, is not for all of
21 the questions; it is the general topics that will be brought up,
22 as well as the documents.

23 Khieu Samphan is almost 82 years old so he cannot, of course,
24 discover a document just like that during the proceedings or be
25 subjected to a barrage of questions. What he's asking for only is

4

1 a general idea of the topics together with an agenda. We're
2 speaking for the moment in emptiness because we don't know when,
3 in fact, these – when he will be called to speak. I have no idea
4 as of today, but the idea is simply to ask for the topics. One
5 topic per day and then he will testify and he would like to know
6 ahead of time what the documents will be without, of course,
7 being submerged by documents when we have lists with hundreds of
8 documents, of course it's impossible. If the parties send us 300
9 documents before each hearing, of course it's just as if –
10 tantamount to not having any list – and afterwards, if the
11 Chamber believes that this request is excessive, well, Khieu
12 Samphan will make a final statement and he will stop there.

13 [09.14.20]

14 That's basically what I have to say regarding this.

15 But I also want to let you know that physically speaking and
16 intellectually speaking, Khieu Samphan believes that he will not
17 be able to answer questions for more than half an hour. Maybe we
18 could share our time with Nuon Chea and divide the days so that
19 Khieu Samphan can rest a bit during the second part of the day –
20 while participating in the hearings [corrects the interpreter] he
21 will not be able to speak for more than half a day.

22 (Judges deliberate)

23 [09.15.15]

24 MR. PRESIDENT:

25 The Prosecution, you may proceed.

1 MR. DE WILDE D'ESTMAEL:

2 Good morning, Mr. President. Good morning, Your Honours. Good
3 morning to all parties.

4 We have just heard the Khieu Samphan defence and I do not believe
5 that as of today, speak on behalf of the Co-Prosecutor's office,
6 but, however, we are happy to hear that Khieu Samphan intends to
7 hold his promise, which is to speak and answer the questions at
8 the end of the trial once all of the evidence has been tendered.
9 Now, regarding the requests of the defence - that is to say the
10 documents, of course and the topics, while the topics of course
11 are defined by the scope of this particular Sub-Case 002/01 and
12 if it is possible to be more specific on a half day basis, as
13 well as provide a limited amount of documents, this is something
14 that we can consider and I hope that I'll be able to provide you
15 with an answer this afternoon or I'll do so in writing. But, in
16 any case, I will do so very soon.

17 Thank you very much.

18 [09.16.46]

19 MS. SIMONNEAU-FORT:

20 Yes, good morning, Your Honours. Good morning, Mr. President.

21 Good morning to all you.

22 In order not to prolong this discussion, I simply want to let you
23 know that the civil parties, of course are very grateful for Mr.
24 Khieu Samphan's decision to speak and we will send an email to
25 the Chamber regarding our position in terms of the way that all

6

1 of this will be organized.

2 Thank you.

3 (Judges deliberate)

4 [09.20.19]

5 MR. PRESIDENT:

6 Judge Cartwright, please proceed.

7 JUDGE CARTWRIGHT:

8 Thank you, President.

9 Concerning the issue of the Accused indicating whether they wish
10 to answer questions or not, this is not a matter that we can
11 spend time on to deal with the details now because we have a very
12 busy schedule. So this will be disposed of by email later today
13 or tomorrow with some details about how we contemplate the
14 organization of it.

15 Before I leave that topic, so far as Nuon Chea is concerned,
16 could we have a very brief summary of his decision please, from
17 his counsel?

18 [09.21.05]

19 MR. KOPPE:

20 Yes, thank you, Judge Cartwright. Good morning, Your Honours.

21 The short answer will be that Nuon Chea will not invoke his right
22 to remain silent. However, answering questions will not also be
23 at the same time unconditional. Part is - part of that response
24 is dependent on which particular questions he would like to
25 answer; the other part is depending on the modus of answering

7

1 questions, whether that be from his holding cell or maybe even
2 shortly up here.

3 The problem is that we were only able to speak to our client on
4 Thursday. Friday was not possible so we need to have some more
5 details. So we anticipate doing today to give the Chamber a full
6 account of what his position is, but in principal, he is going to
7 speak.

8 [09.22.12]

9 JUDGE CARTWRIGHT:

10 Well, thank you for that indication. In that case, the Chamber
11 will await the further details from you and then will communicate
12 by email with some proposals for how this will be managed. The
13 next topic - thank you.

14 The next topic is the issue of civil parties asking questions of
15 the Accused. There are no - we are not setting any rules in
16 relation to that now, but the civil party lawyers will understand
17 that not all the questions that have been proposed are suitable
18 for an answer from the Accused. We'll deal with that as we go
19 along.

20 So, I'm not saying, "This question but not that question", but
21 there are some, such as, "Do you take responsibility", that
22 aren't amenable to a direct answer necessarily.

23 So, President, I think that that deals with the issues - or, at
24 least, I hope it does. Thank you.

25 [09.23.20]

1 MR. PRESIDENT:

2 Thank you, Judge Cartwright.

3 Court Officer, could you invite the civil party TCCP-151 into the
4 courtroom?

5 MS. SIMONNEAU-FORT:

6 Yes, Mr. President. Before having the civil party speak, I would
7 like to ask you to speak for two to three minutes beforehand. I
8 know that the Chamber is used to this kind of proceedings because
9 there's a similar kind of case in Case 001, but I would like to
10 draw the attention to the Prosecution, to the Defence, to two to
11 three points. So can I speak for two to three minutes before the
12 civil party comes to speak?

13 MR. PRESIDENT:

14 Yes. In fact, you may proceed.

15 Court Officer, could you leave the civil party outside the
16 courtroom first. We need to resolve some emergency issues.

17 The Lead Co-Lawyer, you may proceed.

18 [09.24.43]

19 MS. SIMONNEAU-FORT:

20 Yes, thank you very much. So I'll be very short.

21 It is obvious that the civil parties' testimonies here will be
22 something very crucial for them and also something quite painful.

23 It's clear and it's important to say that they are not doing so
24 for their own personal sake, but also for the sake of this trial
25 in order to try to provide important elements. I simply would

9

1 like to let you know that the testimonies here might not be as
2 clear cut and specific as testimonies that are purely factual.
3 Sometimes there probably will be inaccuracies regarding dates or
4 regarding names or regarding places. Sometimes there might be too
5 much pain that will be expressed beyond what some of us might
6 find "suitable". There might be sometimes too much wroth that
7 will be voiced in relation to what some of us might find
8 suitable, as well, but we will have to accept part of this and as
9 far as we're concerned, we are expecting that the Court will be
10 very considerate and patient and respectful for these people who
11 are going to come and do something that is extraordinarily
12 difficult in these coming days. Thank you.

13 MR. PRESIDENT:

14 Court Officer, could you invite the civil party into the
15 courtroom?

16 (Civil Party Ms. Sou Sotheavy enters courtroom)

17 [09.27.10]

18 QUESTIONING BY THE PRESIDENT:

19 Good morning Civil Party.

20 Q. May we know your name?

21 MS. SOU SOTHEAVY:

22 A. My name is Sou Sotheavy. I was born on the 8th of December
23 1940 in Tram district, Takeo province.

24 Q. What is your current occupation?

25 A. I stay at home.

10

1 [09.28.02]

2 Q. What were the names of your parents?

3 A. (Microphone not activated)

4 MR. PRESIDENT:

5 Madam Civil Party, please observe some pause until you see the
6 red light on the tip of the microphone or the console.

7 MS. SOU SOTHEAVY:

8 A. My father's name is Sou Yoeng, died during the Khmer Rouge
9 regime and my mother is Kouv Sokun; she also died during the
10 Khmer Rouge regime.

11 BY THE PRESIDENT:

12 Q. Are you single or married?

13 MS. SOU SOTHEAVY:

14 A. I am single.

15 [09.28.45]

16 MR. PRESIDENT:

17 Thank you.

18 Madam So Sotheavy, as a civil party before this Chamber, you are
19 given the opportunity to make a statement of sufferings and harms
20 occurred to you physically, mentally and materially which are the
21 direct result of the crimes that have occurred and last until
22 today which have led us (sic) to become a civil party in this
23 case. And those are the charges against the two Accused, Nuon
24 Chea and Khieu Samphan; the crime which occurred on the
25 Democratic Kampuchea regime from the 17 April 1975 to the 6th of

1 January 1979.

2 You may proceed.

3 MS. SOU SOTHEAVY:

4 On the 17 of April 1975, I lived at the Olympic Stadium with the
5 transgendered people. Khmer Rouge evacuated us from that Olympic
6 Stadium. A lot of Khmer Rouge soldiers came to our place and we
7 were ordered to leave the city at gunpoint. We were not given
8 enough time to pack our luggage. They, upon reaching my room,
9 opened - fired at us.

10 [09.30.37]

11 My four friends died including Saray, Dy, Roatha, and Phalla. I
12 was completely terrified. I bore witness to this execution. I
13 proceeded further and marched along National Road - Monivong
14 Boulevard, rather. We were forced to leave the city and we had to
15 go toward the direction of National Road Number 4. We joined
16 other people who were being evacuated.

17 I then reached Champa Pagoda in Kraol Kou district at the 30th of
18 April - on the 30th of April 1975. I met other transgendered
19 people at that place.

20 I asked to come back to get some rice from the Khmer Rouge
21 soldier when I reached there and I was offered some rice. When I
22 reached Niroth Pagoda, I was met by a small group of Khmer Rouge
23 soldiers who stopped me. This small group of soldiers brought me
24 and another person, one person at a time. I was very traumatized
25 because I saw my friend who was taken earlier on was soaked with

1 blood.

2 [09.32.34]

3 I asked her what happened. She said she was raped and also
4 assaulted when they inserted a plant into her rear, into her anus
5 and I was crying and I had to leave the vicinity. The next
6 morning we were evacuated further to Lvea Aem district. We had to
7 cross the river. Some of us had to be placed to live in Akreiy
8 Ksatr and Svay Chrum. I spent about three nights at Svay Chrum. I
9 was hiding from the Khmer Rouge because I was wanting to return
10 to Lvea Aem location where I could then ask for a lift on a boat
11 to cross to the other side of the river.

12 I was not offered the lift, but I had to cross, swim across the
13 river to Takhmau location. Unfortunately, another friend of mine
14 was drowning. I reached Preaek Ph'av and I saw a lot of dead
15 bodies including the corpses of the monks. I spent overnight with
16 these corpses. A lot of people were sick. Some got wounded; they
17 cried in pain. I was terrified.

18 [09.35.04]

19 When I returned to my home village, we were forced along with the
20 17 of April People to live in the cooperatives. The pain I have
21 suffered is too great that I cannot describe them in words. This
22 is what happened to us during the evacuation alone.

23 MR. PRESIDENT:

24 Thank you.

25 Madam Civil Party, would you wish to also say anything else apart

13

1 from your brief statement of suffering you just made?

2 MS. SOU SOTHEAVY:

3 (No interpretation)

4 MR. PRESIDENT:

5 Counsel for the civil parties, you may proceed by putting some
6 questions for your client.

7 [09.36.27]

8 MR. PICH ANG:

9 Thank you, Mr. President and Your Honours. Counsel Sin Soworn
10 will be putting question to the civil party.

11 MR. PRESIDENT:

12 You may proceed, Counsel.

13 QUESTIONING BY MS. SIN SOWORN:

14 Thank you, Mr. President and Your Honours. And good morning to
15 you and my learned colleagues in this courtroom, and very good
16 morning to everyone in the public gallery. I am Sin Soworn,
17 representing civil parties, including Madam Sou Sotheavy. I have
18 some questions today for Madam Sou Sotheavy.

19 But before I put the questions I would like to also inform the
20 Chamber that the application was filed under document D22/31. She
21 was admitted on the 13 of October 2009 by the Co-Investigating
22 Judges, document D27/10 and on the 8th of December 2009 -
23 document 277/11 is the relevant documents concerning her
24 applications to join as a civil party. The documents have been
25 made available to her, as well.

14

1 Good morning, Civil Party Sou Sotheavy. You are today to
2 represent other victims of the Khmer Rouge regime. Today it is
3 your best opportunity to express the statement of suffering.
4 Please be ready.

5 Q. And before I proceed to put some questions to you, may I ask
6 you a question. Have you reviewed the documents that I mentioned
7 earlier on?

8 [09.39.21]

9 MS. SOU SOTHEAVY:

10 A. Yes, I have.

11 Q. Are the documents, the accounts in the documents consistent
12 with your statement?

13 A. Yes, they are.

14 Q. Thank you.

15 My first question to you: You just mentioned your statement of
16 suffering briefly before this Chamber. Now, tell us a little bit
17 more about your feelings; how you felt when you were compelled by
18 the Khmer Rouge to leave the city?

19 A. It was not ordinary because the Khmer Rouge were armed. They
20 threatened all the people at gunpoint and if anyone who resisted
21 such order, they would risk being shot at. And we were very
22 frightened.

23 [09.40.47]

24 Q. Thank you. You said your house was searched. Did that happen
25 in Phnom Penh or elsewhere?

15

1 A. It happened at the Olympic Stadium, the military location.
2 When they searched my place, I was very fearful and we could not
3 prepare our luggage. We could not pack our luggage because we
4 were too terrified.

5 Q. Thank you.

6 Can you tell the Chamber more about what you saw regarding the
7 dead bodies?

8 A. I was too scared to continue walking when seeing these dead
9 bodies, but I was pushed by the huge crowd of evacuees; that we
10 had to move on.

11 Q. Thank you. Were the dead bodies you saw the bodies of ordinary
12 civilians, soldiers or pregnant women or others?

13 A. There were corpses of Lon Nol soldiers, Buddhist monks,
14 civilians, and I saw pregnant women had to push carts. And I saw
15 several people died.

16 [09.43.01]

17 Q. Thank you. Can you please be more precise regarding the
18 evacuations? During which phase of evacuation were you forced to
19 leave the city?

20 A. I was evacuated during the first phase, but the second phase
21 happened from Champa Pagoda. And I can say that the third stage
22 of the evacuation was from Ruessei Chrum (phonetic). And finally,
23 when I reached Prey Phkoam location, I was evacuated further to
24 the Takeo province.

25 Q. My next question is more about the - your health status during

1 the course of the evacuation.

2 A. I went without food for several days. We did not have enough
3 time to take rest. We did not have medicine when we fell ill. We
4 had to walk days and nights. We only were allowed to stop when we
5 reached our destination and I had to eat some leaves on the road
6 to fill my being hungry.

7 [09.44.55]

8 Q. Thank you. Were you mistreated during the Khmer Rouge? If so,
9 do you have any scars on the body to prove them?

10 A. I was time and again raped, and I was tortured, and my jawbone
11 was broken; and I was shackled by the legs. And I was also forced
12 to endure hard labour when I was asked to break some rock.

13 Q. Thank you. Do you still live with this trauma?

14 A. I can say that the jawbone that was broken, I still have - I
15 still feel some pain every now, until these days. And my eyesight
16 is no longer good and my memory is deteriorating. And I have
17 problems sitting for a long time because my both legs will become
18 numb very easily and I can't even walk a long distance because my
19 legs would not allow me to walk further.

20 Q. Can you please tell the Chamber what will be the most or the
21 greatest impact of the Khmer Rouge regime on you?

22 A. (Microphone not activated) - the great suffering I have
23 suffered is the forced rape and the tortures I - inflicted on me,
24 and I still live with these memories for the rest of my life.

25 [09.47.53]

1 Q. Thank you. Have you received any medical treatment,
2 psychological treatment, for example, to heal these wounds?

3 A. I am too poor to afford such service. I am all by myself. I am
4 very poor. I have no relatives. When I get sick, I would just
5 apply some herbal balm and make use of the traditional herbs to
6 treat my high temperature, for example.

7 Q. Thank you. If you are provided with some funds, would you wish
8 to access to this medical services?

9 A. Indeed, if I am financially secured I would seek this medical
10 treatment so that I can be very well if you would.

11 Q. What kind of treatment would you wish to receive?

12 [09.49.29]

13 A. There are three things. First, I would like my jawbone to be
14 treated, and I would like treatment on my eyesight, and also my
15 foot. They have to be treated so that I can walk like I did
16 before.

17 Q. What is the cause of the suffering or pain that has resulted
18 in your daily life?

19 A. The pain - the suffering has taken its toll. I cannot sleep
20 very well; indeed my sleep has been deprived because of this and
21 I normally have some high temperature, fever. I feel dizzy and I
22 have constant headache. I have no access to medicine. Indeed,
23 this has been the result of the mistreatment, the kind of rabbit
24 pellets that were offered to me when I fell ill during the
25 regime, that didn't help me.

18

1 Q. Thank you. Can you also tell the Chamber, please, regarding
2 your psychological harms you endured or you have suffered?

3 A. Words cannot be used to describe the great suffering I have
4 had because I am an orphan now as the result of the regime.
5 That's all I can tell. The pain is too great.

6 [09.51.41]

7 Q. Thank you.

8 During the Khmer Rouge regime, did you have to hide your
9 identity; for example, your gender?

10 A. Yes, I had to, because I was very worried that I would be
11 killed. I had to force myself to have my hair cut so that I
12 looked like a man and I had to mingle with men and I was forced
13 to get married.

14 It was great pain, indeed.

15 Q. Thank you. Why did you have to hide your identity?

16 A. When I reached my hometown, I was severely discriminated. For
17 that, I had to hide it. I had to conceal it and I had to have my
18 hair cut.

19 Q. Thank you. During this period of time, the Democratic
20 Kampuchea, did you lose any of your loved ones? If so, can you
21 describe to the Chamber who they were?

22 A. I lost my parents, my siblings, and other relatives, and in
23 particularly, my partner; the partner who cared for me so much.
24 At night I could remember when I fell ill or my wounded legs
25 hurt, this partner could help me a lot.

1 [09.54.22]

2 Q. Please tell us more about the loss you suffered?

3 A. I feel very bad about the loss. I can't describe it.

4 Q. Thank you. What would you wish to tell the Chamber about the
5 life you have lived during the Khmer Rouge?

6 A. I have been waiting for this moment for several years already.

7 Today, I am here to express my statement of suffering and I am
8 here to find justice; true and genuine justice for us. I do not
9 wish to see younger generation would follow the regime of the
10 Khmer Rouge in which people were treated no less than the
11 animals. And I would like to take this opportunity to tell the
12 outside world, our suffering and the suffering of the victims
13 during the Khmer Rouge regime including me, myself.

14 Q. Thank you. I would like to now ask you some questions about
15 your occupation and how – and your daily life. Do you still
16 continue doing the same things you did before, in terms of your
17 occupation?

18 [09.56.43]

19 A. I cannot resume my previous occupation because I am now of
20 advanced age and my memory does not serve me very well, and I am
21 mentally challenged now. It is difficult for me to control my
22 feeling so every time I recall the Khmer Rouge regime, then the
23 flood of memory triggers me and I cannot do anything.

24 Q. Can you tell the Chamber about your current living condition?

25 A. I am very desperate. I am helpless. I have no home, I have no

20

1 money and my life is very difficult.

2 Q. Thank you. Why is it important for you to give testimony
3 before this Chamber today?

4 A. The testimony is really important for me. As I already said, I
5 have been waiting for more than 30 years now. Today, I am willing
6 to be here taking the stand to find justice, hoping that my
7 message today will also – my cause today will also help tell
8 younger generation that the regime of the Khmer Rouge would not
9 be followed again; and I would like to tell everyone about the
10 great suffering we have had. Thank you.

11 [09.59.00]

12 Q. Thank you. My next question to you is: What forms of
13 reparations would you ask from the Chamber to compensate or to
14 cure your – the harms that you have suffered?

15 A. I want nothing in terms of reparations for myself because I
16 have nothing left to want for, but I have – I am looking for a
17 collective reparation. For example, a library where books and
18 records of the Khmer Rouge regime are stored and also I would
19 like a stupa to commemorate the souls of those who perished
20 during the Khmer Rouge to be erected so that we can commemorate
21 them. That's all I want.

22 Q. Thank you.

23 This is my last question. Do you have any questions to be put to
24 the Accused and which Accused that you wish to put the question
25 to? We have two Accused here, Nuon Chea and Khieu Samphan?

21

1 A. I have two questions to be put to the Khmer Rouge leaders.

2 It's not necessarily any one, but just those leaders.

3 My question is: Do you know all the events that happened as I
4 just testified?

5 And, second: The Khmer people who died during the three years
6 period as in Tuol Sleng, Krang Chheh, Krang Ta Chan and Choeung
7 Ek; do you acknowledge the deaths of those people at those
8 prisons? That's all I have.

9 [10.01.20]

10 MS. SIN SOWORN:

11 Thank you, Mr. President. I have no further questions for this
12 civil party.

13 And thank you, Civil Party Sou Sotheavy for the questions that I
14 put to you and your responses. Thank you.

15 MR. PRESIDENT:

16 We would like now to direct the questions by the civil parties to
17 Khieu Samphan - that is, the two questions.

18 The first question: if you are aware of the events as described
19 by the civil party.

20 MR. KHIEU SAMPHAN:

21 Mr. President - and good morning, everyone in the courtroom, and
22 my good morning to civil party.

23 I am here on my feet to respond to your questions based on my
24 sentimental feeling and my understanding of your suffering.

25 [10.02.56]

1 However, I would like to inform you that my name is Khieu
2 Samphan, and I am not Pol Pot nor Nuon Chea nor Ieng Sary nor
3 Vorn Vet or Son Sen. This means I cannot attach myself to the
4 entire Democratic Kampuchea regime and you may also have been
5 aware of my status that I try to focus on my study and I have
6 done everything throughout my entire life not for the killing of
7 my own people. I, myself, is also a Khmer person and, of course,
8 why should I kill my own people and get other people to come and
9 live in my country, my own country. And I hope you understand my
10 response. The thing is, after the coup d'état, I participate in
11 the action so that we could consolidate ourselves to join the
12 struggle to defend the country because after the coup d'état, the
13 Vietnamese forces came into our territory.

14 [10.05.00]

15 So all the powers after the war in South Vietnam came to engage
16 in the war on our own territory; the mighty power I meant and we
17 are just a small ant. We were stampeded by those elephants. And
18 how could we rescue the fate of our nation? For that reason, I
19 had to force myself to represent the actions, to represent
20 Samdech Sihanouk who were in Beijing at the time and the
21 Communist Party of Kampuchea who had the ability to lead inside
22 the country and that we could reconcile the national forces to
23 join the resistance to defend our country; so that we could be
24 called an independent country; an independent Kampuchea. And that
25 we would not be erased from the World Map. That was my hope.

23

1 But I am not a leader. I am not a leader within the Democratic
2 Kampuchea. Although I do not have anything lengthy to tell you,
3 this is my response to your question and it came from the bottom
4 of my heart. And please apologize if I cannot respond to your
5 question differently.

6 MR. PRESIDENT:

7 Thank you.

8 (Judges Deliberate)

9 [10.07.23]

10 We'll have to inquire from Nuon Chea and Nuon Chea's defence
11 counsel if your client wishes to respond to the questions by the
12 civil party. The civil party does not specifically request any
13 Accused to respond to the questions, but to the two Accused.

14 MR. KOPPE:

15 Mr. President, I'm not - I'm sure if Nuon Chea would like to
16 answer these specific questions from this civil party and even if
17 he would like to, I'm not quite sure how that would practically
18 work right now since he won't be able to come up and there's no
19 two-way connection to the holding cell, if I understand
20 correctly. So I think we have a major practical problem to start
21 with.

22 (Judges deliberate)

23 [10.09.36]

24 MR. PRESIDENT:

25 Counsel, could you liaise with your client in order to get a

1 definite response whether he wishes to respond to the civil
2 parties or not so that the Chamber may know the position of your
3 client?

4 MR. KOPPE:

5 Yes, Mr. President. We just received word that he doesn't want to
6 reply to this question.

7 MR. PRESIDENT:

8 Thank you.

9 Now, we get the definite response from you and your client.

10 The floor is now given to the Prosecution to put questions to
11 this civil party if you wish to do so.

12 [10.10.36]

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President.

15 I have a few questions for you. They will be short.

16 First of all, I'd like to congratulate you for your courage for
17 having come today, and of course we respect the suffering you
18 went through. And the point of my questions, of course, will not
19 be to provoke useless emotions but simply ask you questions on
20 the facts that you have heard or that you have seen.

21 Q. So, my first question is: When you were evacuated on 17 April
22 1975 and you ended up on the road, were you able to choose your
23 destination or the road that you wanted to travel?

24 MS. SOU SOTHEAVY:

25 A. On the day of the evacuation, I could not choose the direction

1 that I wanted to go. We were forced by the Khmer Rouge soldiers
2 to travel along National Road number 1. In fact, my intention was
3 to travel along National Road number 2 to my native village in
4 Takeo province.

5 [10.12.08]

6 Q. Fine.

7 Did you see if anyone opposed the orders given by the Khmer Rouge
8 - that is to say, to follow one road instead of another?

9 A. As I stated in my complaint, it was at the other side of the
10 Chrouy Changva Bridge, where I saw people were shot dead, and for
11 that - that is at the Monivong Bridge, and for that reason, I had
12 to force myself to travel along National Road Number 1.

13 Q. Fine.

14 And on 17 April, and during the days that followed, were you
15 provided any kind of assistance by the Khmer Rouge? In
16 particular, were the people who were more vulnerable, were they
17 provided with any kind of assistance?

18 A. During the few weeks I stayed at the Champa Pagoda, nothing
19 was given to us. We had to return in order to find rice at the
20 Chbar Ampov Market where the rice was stockpiled there.

21 [10.13.55]

22 Q. And once you arrived, and when you had to start working, were
23 the 17 April People - that is to say, the people who were
24 evacuated, and the Base People, were they treated in any
25 different ways, in terms of workload, in terms of food, in terms

1 of housing?

2 A. 18 March, they were the Old People; they lived in old houses,
3 and only the 17 April People were kind of the prisoners of war
4 and we had to force to live among ourselves within the
5 cooperative.

6 Q. I have two last questions for you, Witness.

7 And did any of your transgender friends survive, or are you the
8 only case?

9 A. The five people who lived with me in the Olympic Stadium who
10 were also singles, did not survive. However, some other friends
11 still survived. But those who stayed with me, closely with me at
12 the time, they did not survive under the Khmer Rouge regime.

13 [10.15.47]

14 Q. Did the local chiefs with whom you were dealing in the
15 villages and the cooperatives, how did they consider transgender
16 people? You said earlier on that you had to hide your sexual
17 orientation, so did any of the local leaders comment on the way
18 they perceived you as a transgender person?

19 A. In fact, transgendered people, regardless of the period of
20 times in the society - and maybe you're aware of that even in
21 your country - transgendered people have always been
22 discriminated, even amongst our own family, so you can imagine
23 how we would be under the Khmer Rouge regime. If we could not
24 work as hard as they wanted, then we would be killed. For that
25 reason, we had to hide our identity. We had to cut our hair so we

27

1 looked like men. But in fact, you - it is still difficult for us,
2 you know, to imitate us as a male person.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you very much. I have no further questions for you. And we
5 thank you for your testimony.

6 [10.17.18]

7 MR. PRESIDENT:

8 Thank you.

9 The floor is now given to the defence teams to put questions to
10 this civil party if you wish to do so.

11 Nuon Chea's team is now given the floor. You may proceed.

12 MR. KOPPE:

13 Thank you, Mr. President. We have no questions.

14 QUESTIONING BY MR. VERCKEN:

15 Thank you, Mr. President.

16 Good morning, Civil Party. I do have a few short questions for
17 you regarding this episode of 17 April 1975 when your community
18 was ordered to leave, as you explained.

19 Q. In - on the case file we have two testimonies from you. You
20 were heard in 2009, twice, on 13 October 2009, and it is D277/10,
21 and on 18 December 2009, D277/11. Do you remember having been
22 heard then?

23 [10.19.09]

24 MS. SOU SOTHEAVY:

25 A. Yes, I do.

1 (Short pause)

2 MR. PRESIDENT:

3 I think we have problem with the French interpretation. There is
4 no sound. There was an English interpretation of the civil
5 party's response.

6 BY MR. VERCKEN:

7 Q. Let me put my question to you again because we still haven't
8 heard the translation of your answer; I'm sorry. So I'm asking
9 you, do you remember that you were examined twice in 2009 by the
10 investigators of the OCIJ?

11 [10.20.32]

12 MS. SOU SOTHEAVY:

13 A. Yes, I remember it, and I also gave my thumbprints on the
14 written records of the interview.

15 Q. So, regarding this moment when the Khmer Rouge soldiers came
16 into your community by the Olympic Stadium, you - regarding this
17 you provided the following answers: In October 2009 you said -
18 and I'm going to quote a short excerpt what you said regarding
19 your mates who were living with you, and you said in October 2009
20 - and I quote - [free translation]:

21 "Given that these four people did not obey the Khmer Rouge
22 soldier's orders, these four people, the Khmer Rouge soldiers
23 started shooting at them in their rooms. I did not know if they
24 died or if they were injured." End of this first quote.

25 And then on 18 December 2009, regarding this same event, the

29

1 investigator asked you – and I quote – [free translation],
2 question-answer 3: "You said that the people who stayed with you
3 were killed. Did you hear gunshots? Did you witness it?"

4 Answer: "I did not, because I was cooking outside. I heard the
5 gunshots but I did not know who was killed." End of quote.

6 [10.22.43]

7 So I would like to ask you to react to what you said in 2009
8 regarding the fate of your mates and what you said earlier today
9 before the Chamber when you were very categorical about their
10 fate – that is to say, that earlier on you said that those people
11 had been killed on that day. So I feel that there is some kind of
12 discrepancy between what you said in 2009 and what you just said
13 today, so could you clarify this, please?

14 MR. PRESIDENT:

15 Civil Party, please pause.

16 The assigned lawyer for civil parties, you may proceed.

17 [10.23.36]

18 MS. BEINI YE:

19 Thank you, Mr. President.

20 I just have a small request to my learned friend to cite the ERNs
21 in all three languages of the quote so that we can follow and
22 also the civil party can look into their documents. Thank you.

23 BY MR. VERCKEN:

24 Q. Well, regarding the first record of 13 October 2009, it is
25 question 2 put by the investigators, and the French ERN is

1 00437003; Khmer, 00418470; and the second record, 18 December
2 2009, as I said, it is question and answer 3 – second question
3 and answer and third in the second record.

4 MS. SOU SOTHEAVY:

5 A. I'd like to state that when I said they died, because they
6 died for more than 30 years ago, because if they lived it means
7 we would have seen them. And secondly, I heard it. The house
8 where I rent was the place where the armed Khmer Rouge came into
9 all the rooms, including my room. Even if I did not hear it I
10 would be there cooking in the kitchen. At that time, I was not
11 very sure that whether they died but I am very certain now
12 because the time has passed for more than 30 years, so they died
13 indeed.

14 [10.26.48]

15 Q. Thank you for this very clear answer.

16 My last question now, well, this means that you did not see the
17 outcome of the shooting on that day, or in any case, on that day
18 you did not see what had happened following the shooting, is that
19 the case?

20 A. The shootings happened as I was cooking in the kitchen, but at
21 that time I could not say for sure whether people died in the
22 room, but now I am certain that they died because been for more
23 than 30 years that have passed and they were my friends and we -
24 and I have not met them. And of course, if they were alive then
25 they would have come and searching for me. We were of the

1 transgendered group and we loved each other very much, and for
2 that reason, I concluded that they had died in that room during
3 the shooting.

4 [10.28.00]

5 MR. VERCKEN:

6 I have no further questions, Mr. President.

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 And thank you, Madam Sou Sotheavy, for your statement of
10 suffering and harm. Your testimony has now come to a conclusion
11 and you may be excused. In addition, your statement may
12 contribute to ascertaining the truth and you may now return to
13 your place of residence or wherever you wish to go to, and we
14 wish you all the very best.

15 And the counsellor, you may take a break as well, and after the
16 break, we will hear another civil party, statements of suffering
17 - that is, TCCP number 2.

18 The time is now appropriate for a break. We will take a 15 minute
19 break and return at a quarter to 11.00.

20 The Court is now adjourned.

21 (Court recesses from 1029H to 1049H)

22 MR. PRESIDENT:

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

24 Court Officer, could you invite the civil party, TCCP 2, into the
25 courtroom?

32

1 (Civil Party Mr. Aun Phally enters courtroom)

2 [10.50.22]

3 National Lead Co Lawyer, you may proceed.

4 MR. PICH ANG:

5 Mr. President, this is for your information. This is - for this
6 civil party, the assigned lawyer to put the questions to him is
7 Ven Pov.

8 Likewise, for the next civil party - that is, TCCP 129, Mr. Ven
9 Pov is assigned to put the questions.

10 As for TCCP 172, Sin Soworn is assigned to put the questions.

11 QUESTIONING BY THE PRESIDENT:

12 Thank you for the information.

13 Good morning, Mr. Civil Party.

14 Q. May we know your name?

15 MR. AUN PHALLY:

16 A. My name is Aun Phally.

17 Q. Thank you.

18 Mr. Aun Phally, how old are you?

19 [10.51.31]

20 A. I am 48 years old.

21 Q. Thank you, Mr. Aun Phally. Please observe a slight pause in
22 between question and answer session until you see the red light
23 on the tip of your microphone or the console, which indicates
24 that your microphone is operational, and your voice will go
25 through the proper system, in particular, it goes through the

1 interpretation system as your statement will be interpreted into
2 English and French simultaneously.

3 Can you tell us your place of birth?

4 A. I was born right here in Phnom Penh. In the past - that is, in
5 1975, I lived near the Tao Pi area, and my other sibling and I
6 studied at the Santhor Mok School.

7 Q. Thank you.

8 Where is your current residence and occupation?

9 [10.52.50]

10 A. Currently, I live in Ponhea Lueu district, Kandal province,
11 and I am a retired soldier.

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

13 A. My father is Aun, and my mother is Mean (phonetic).

14 Q. Are you married?

15 A. I am married.

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

17 A. Pech Norm (phonetic) is my wife. We do not have any children.

18 MR. PRESIDENT:

19 Thank you.

20 And, Mr. Aun Phally, as a civil party before this Court, you are
21 given an opportunity to make a statement of suffering and harms
22 occurred. In particular, in terms of material, physical and
23 psychological which are the direct result of the crimes that
24 occurred, which are charged against the accused Nuon Chea and
25 Khieu Samphan, and which occurred during the Democratic Kampuchea

1 regime - that is, from 17 April 1975 to the 6th of January 1979.

2 You may proceed.

3 [10.54.51]

4 MR. AUN PHALLY:

5 In 1975, my family and I were living near the Tao Pi area, and on
6 the 17 April itself, I saw Khmer Rouge soldiers come and force us
7 to leave the city. I saw many people who lived at the concrete
8 houses raise the flags to welcome the Khmer Rouge. I was situated
9 near the Monivong Boulevard near the Central Market on the third
10 floor of the flat there.

11 The Khmer Rouge shot into the air, forcing the people to move
12 down onto the ground floor. Anybody protested would be forced to
13 go down at gunpoint. And we were forced at gunpoint to go down
14 onto the street and forced to travel along National Road Number 1
15 and the Monivong Boulevard. And we kept going until we reached
16 the Kbal Thnal Bridge, and then we crossed to National Road
17 Number 1.

18 The journey was arduous; I was pretty young back then. We walked
19 and stopped, walked and stopped. My mother was carrying my
20 younger sibling and my father was carrying some belongings, and
21 some of our relatives had a little bit of personal belongings to
22 carry. I carried a small bag of belongings. We were so exhausted
23 travelling on the road. We were so hungry.

24 [10.57.06]

25 The situation was miserable. I had great pity for my father. He

1 had to carry the personal belongings by himself until we reached
2 Preaek Pnov district, Prey Veng – Preaek Pnov commune, Preaek
3 Pnov district in Prey Veng province, and it took us about 15 days
4 to reach that location. Ten days after our arrival, a Khmer Rouge
5 cadre came to call him to go, and he disappeared since. At about
6 6 p.m. on the day, we were still waiting for him, then my mother
7 wait, and so did I. Four or five days later, we heard that he was
8 sent for a study session.

9 It was likely that my mother knew the fate of my father, and she
10 asked me to go and live with my grandmother in another village
11 adjacent to the village where I had stayed.

12 Later on I heard that my mother and siblings were taken away and
13 killed. Upon receiving the news, I, myself was about to force
14 myself to go there to see what actually happened, I was so
15 shocked. However, I was stopped by my grandmother and I could
16 only look in that direction with my tears rolling down from my
17 eyes. Since that day, my grandmother kept comforting me, but
18 every night I wept.

19 [11.00.48]

20 Probably in late 1976 or late 1977, as I cannot recall it
21 clearly, my grandmother, her grandchild, and myself were
22 evacuated on a motorboat to Phnom Penh. Upon arriving in Loeung,
23 we stayed overnight there. And in early morning, we were put on a
24 motorboat to Phnom Penh, and we arrived at around 6 p.m., and
25 there was a vehicle waiting to transport us to the Central Market

1 area. I noticed that people were given some stuff, I could not
2 know what it was, and then we travelled to the railway station.
3 And around 7 p.m., we boarded a train and heading toward to Moung
4 Ruessei district in Battambang province.

5 There were people at that destination to receive us to have a
6 place in various cooperatives. It was the hardest place and the
7 hardest time for us as they tempered us, and as a result, the
8 grandchild of my grandmother died of hunger, and my grandmother
9 also died upon the death of her grandchild; they died in front of
10 my eyes.

11 [11.02.53]

12 From the day of the death of my grandmother, I became the lonely
13 person; I did not have any relatives anymore, and I was forced to
14 work hard in the children's unit without sufficient food.

15 Furthermore, we were beaten up and they also forced the children
16 to beat each other up. The pain I received at that time was so
17 extreme and the pain inside was also unbearable as I was forced
18 by the Khmer Rouge to separate from my parents forever. And after
19 the collapse of the regime, only I survived amongst the rest of
20 my family.

21 And from that day onward, I considered myself a strange person
22 that I lived by myself with no relatives and that's as a result
23 of that vicious regime, and that forced myself to join the army
24 since I was a young age.

25 I was later on wounded and became handicapped. I was infested by

1 malaria; I became emaciated. I was hospitalized subsequently in
2 various hospitals and the scene was unbearable to me, as I saw
3 other patients had their relatives, siblings, or other people
4 coming to comfort them. I, myself, was on my own with no one
5 coming to comfort me.

6 [11.06.36]

7 At present, I have had clinical disease and it's due to that
8 regime which made me lose my siblings, my parents, and all my
9 relatives who died during that regime. I could not say anything
10 further.

11 MR. PRESIDENT:

12 Thank you.

13 The floor is now given to the assigned lawyer for civil parties
14 to put the questions to this civil party. You may proceed.

15 QUESTIONING BY MR. VEN POV:

16 Thank you, Mr. President. Good morning, Mr. President, Your
17 Honours. Good morning everyone in and around the courtroom; and
18 good morning, Mr. Phally.

19 Before I start, please recompose yourself so that you could
20 respond to the questions that I will put to you regarding the
21 events that you experienced during the Khmer Rouge regime. My
22 questions will be in addition to what you have just described.

23 [11.08.38]

24 Q. Regarding your evacuation on the 17th April 1975 from Phnom
25 Penh to Prey Veng province, can you tell the Court, how many of

1 your family members on the day of your evacuation?

2 MR. AUN PHALLY:

3 A. In my family, we have seven members; namely, my mother and
4 father, two of my elder sisters and I'm the third child, and I
5 have two other younger sisters.

6 Q. Can you describe the event of the evacuation if you can recall
7 the details?

8 A. It was extremely difficult as we were pretty young back then.
9 We were on foot and we had to stop on several occasions and it
10 took us about 15 days before we arrived at Preaek Pnov village in
11 Prey Veng province.

12 And about 10 days after our arrival, a Khmer Rouge cadre came to
13 call my father to go. And, in fact, my father at the time had a
14 fever and he was resting, but he had to go with that Khmer Rouge
15 cadre.

16 [11.10.47]

17 Q. During the journey of the evacuation, were you given any food
18 or water?

19 A. Nobody gave us anything. We had to manage it by ourselves.

20 Q. You already stated that the journey lasted 15 days on foot
21 from Phnom Penh to Prey Veng province. Was Prey Veng your
22 father's native village or province?

23 A. I do not know my father's native village as when I grew up I
24 was in Phnom Penh and I was pretty young.

25 Q. You already stated upon arrival in Prey Veng province, about

1 10 days later, he was exhausted and he had a fever, and a Khmer
2 Rouge cadre took him away.

3 Can you recall whether your father had any job or was employed
4 under the previous Lon Nol government?

5 [11.12.36]

6 A. I was young and I did not know whether my father worked under
7 that regime. The only thing I knew was that he might have worked
8 for 10 to 15 days and then he came to visit us.

9 Q. When you and your family arrived in Prey Veng and later on you
10 were evacuated to Battambang province, as a 17 April person and
11 amongst all your family members, what were you treated? Were you
12 given sufficient food?

13 A. Initially, upon our arrival in Prey Veng province, the
14 situation was not that difficult. We could eat normally. However,
15 when we arrived, the children were asked to collect the "tontrean
16 khet" tree leaves or to herd the cattle, but we could live with
17 our parents and I could live with my mother.

18 Q. Can you tell us your actual feeling when you knew that your
19 father and your family members were killed by the Khmer Rouge?

20 A. It was indeed very painful and that sometimes I thought of
21 killing myself. I did not want to live as I considered I am a
22 strange person. The pain was unbearable.

23 [11.15.38]

24 Q. Regarding the evacuation from Prey Veng to Battambang
25 province, can you describe further the suffering and the hardship

1 that you encountered throughout that journey?

2 A. What I encountered was of an extreme nature. It was very
3 painful. People who took the journey died, some of them died, and
4 they were covered with white cloth and they were left along the
5 road and we did not know whether they were young or they were
6 old.

7 Q. Upon your arrival in Moung Ruessei district, Battambang
8 province and the subsequent death of your grandmother and her
9 grandchild, can you describe the situation of your lonely living
10 condition?

11 A. When I was on my own, I lived in the children unit, and we
12 were sent to live at the Tracheak Chet Mountain. Some other
13 children ran away back to the cooperative and they were chased
14 behind by the militia group. I could hear the screaming echoed
15 from the forest as I was lying in bed.

16 [11.18.07]

17 In the morning, I was by myself, alone, and I asked the unit's
18 chief to return, but my request was denied. I thought that I
19 would be living by myself and for this reason I decided to flee,
20 but when I was near the - a guard, they pointed a gun at me and
21 forced me to go back. And we were guarded by the militia who were
22 armed with knives and I just kept lying down.
23 And later on I decided to run away again. For my second attempt,
24 I was also spotted by the guards. They shouted, asking me to stop
25 but I did not, so I kept running. I sometimes ran, and I

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1 sometimes crawled. And when I knew that nobody came after me, I
2 started walking but I did not know where to go to. It was a huge
3 forest. I only heard the noises from the wild animals. I just
4 kept wandering in the forest.

5 And, fortunately, I came upon the road that I used to travel
6 before - that is, the road that they took us - the children's
7 unit - to that mountain. I - my hope came back to me, so I walked
8 on that path for a while and then I met another child who was
9 picking the rest of a sugar cane, so then we return to the
10 village.

11 [11.23.50]

12 Q. Thank you. Mr. President, this is my last question to the
13 civil party.

14 Mr. Civil Party, could you tell us the suffering as an orphan to
15 the Court?

16 A. It is the result of the suffering that forced me to join the
17 army and, later on, I was injured and became disabled. I also got
18 malaria and the clinical disease remains with me today.

19 During the time that I was a soldier, the barracks was my home. I
20 only lived in the military barracks and sometimes some soldiers
21 made fun of me. They teased me, as I did not have any children, I
22 did not have any home place to go to, unlike the rest. They went
23 to visit their home village four or five times per year.

24 [11.23.00]

25 The pain has remained with me. And, of course, I don't blame

1 them, because I don't have anything to tell them, and I don't
2 want to tell them my suffering. I don't know why my past still
3 keeps haunting me. Today is the first day which is a new chapter
4 in my personal history that I reveal to the world of my
5 suffering.

6 MR. VEN POV:

7 Thank you. I have no further question for this civil party, Mr.
8 President.

9 And, Mr. Aun Phally, if you wish to add anything else, you may do
10 so.

11 MR. AUN PHALLY:

12 Finally, I would like to request the Chamber to find justice for
13 those who died during that regime, in particular the justice for
14 my family and also the justice for the survivors, like myself,
15 and the rest of the Cambodian people throughout the country.

16 And I also appeal to the leaders of that regime and the leaders
17 of the current regime or the future regime and all the leaders in
18 the world, regardless of the differences in their religious
19 belief, please end the suffering. Please end the hardship and the
20 misery because you can see me as a result of that suffering. It
21 is painful, and of course the pain may lead to wars.

22 [11.25.34]

23 I myself, in fact, lost everything, and at that time I want this
24 world to end. Please reunite together. We, who live in this world
25 should reunite together to end the suffering, to end the

1 loneliness as living by oneself, and to end the living with all
2 the pains hidden inside. Although one may have sufficient food
3 and may have a living condition, but the pain hidden inside
4 remains because such loneliness cannot lead to anywhere.

5 While I was injured, I was sent to various hospitals and, of
6 course, I observed the comfort given to other patients by their
7 wives, their children, and their family members. And I myself was
8 struggling on my own, and nobody knew of my pain. And, of course,
9 I have not revealed the suffering that has been inside me for
10 over 30 years old – 30 years, rather.

11 That's the end. Thank you.

12 [11.27.32]

13 MR. PRESIDENT:

14 Thank you.

15 The floor is now given to the Prosecution to put questions to the
16 civil party if you wish to do so.

17 QUESTIONING BY MR. CHAN DARARASMEY:

18 Thank you, Mr. President and Your Honours.

19 Good morning, Mr. Aun Phally. I am Chan Dararasmeay from the
20 Office of Co-Prosecutors. I have a few questions for you and I
21 will do my best not to ask questions that trigger your emotion.

22 Q. Mr. Phally, please help explain a few things.

23 What did the Khmer Rouge tell you before they evacuated you from
24 Phnom Penh?

25 MR. AUN PHALLY:

1 A. They said Phnom Penh would be emptied for three days so that
2 it could be arranged and that people who did not obey such
3 instruction would be shot.

4 Q. Thank you. Do you still recall the suffering people had had
5 during the time when they were being evacuated from Phnom Penh to
6 different places?

7 [11.29.52]

8 A. During the course of the evacuation, I could see that people
9 had a lot of difficulties. Young people, old people alike had to
10 fight to walk and because of the tiredness, lack of food, people
11 found it difficult to move on.

12 Q. Thank you. When your parents – or your father reached Prey
13 Veng and that later on he was taken away to – at an education
14 session, do you know what could have been the reasons behind his
15 being taken away?

16 A. First, he reached Prey Veng and he had been staying at home
17 because he was ill. The Khmer Rouge cadre came to ask him to
18 leave home for a while. It was a while for the Khmer Rouge, but
19 until now I have never seen him.

20 Q. Thank you. Do you know why your sisters and mother disappeared
21 or perhaps killed? Have you ever found the fact behind this?

22 [11.32.14]

23 A. I learned about this news because my grandmother searched for
24 the truth and she learned that Khmer Rouge took away my siblings
25 and mother and had them executed.

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1 Upon hearing this, I was terrified. I would like to go there
2 immediately to see what happened to my family, but my grandmother
3 stopped me and consoled me and asked me to recompose myself
4 because she could feel that I was feeling very terrible already
5 at that time. It was an atmosphere of being so lonesome.

6 Q. Thank you.

7 Are you aware who rendered the order to evacuate you and your
8 family to Prey Veng and, later on, to Moung Ruessei district of
9 Battambang?

10 A. I have no idea who ordered such evacuation, but I learned that
11 the Khmer Rouge had to evacuate people from Preaek Slaeng
12 location and had them transferred to Battambang province. I,
13 along with other people and my grandparent and her grandchildren,
14 had to be on the move at night. We were placed on a plane that
15 took us to Moung Ruessei district.

16 Q. Thank you. Did you, your grandparent, and her grandchildren
17 resist such order, or was it imperative?

18 [11.35.25]

19 A. The order was imperative. We had to obey it or face the
20 consequences.

21 Q. Thank you.

22 Can you also tell the Chamber, please, do you know what could
23 have been the genuine reasons behind all the evacuations of the
24 population from one place to another?

25 A. At that time, I was too young to understand the rationale

1 behind this. I was just following others who were compelled by
2 the orders of the Khmer Rouge.

3 Q. Thank you. During the evacuation, during the time when you was
4 transferred from one place to another, were you told to bring
5 with you some belongings or other basic needs during the course
6 of such transfer?

7 A. No, I'm afraid not. The Khmer Rouge did not tell us to bring
8 anything with us. We were on our own. We had to make our own
9 decision to bring any things with us.

10 [11.37.30]

11 Q. Thank you. That would be my last question now: Were only the
12 17 April People evacuated or were the Base People also evacuated?
13 Was there any distinction or classification of people at that
14 time?

15 A. All the 17 April People were evacuated.

16 Q. Thank you.

17 In the villages or cooperatives you had lived or worked, what did
18 you see? What kind of treatment toward the 17 April People you
19 witnessed during the time when you were there?

20 A. Young people like me were forced to work. We were also forced
21 to look for leaves to make fertilizer and we were beaten. And
22 people were sometimes asked to engage in fighting. Young people
23 in my group were asked to fight one another.

24 Q. I believe that, with that, I have another very final question:
25 During the course of the evacuations, what difficulties had you

47

1 encountered? Were food provided adequately? Were medicine offered
2 to the people and how were people transported? Were you
3 constantly under surveillance by the Khmer Rouge cadres during
4 each and every evacuation? Thank you.

5 [11.41.02]

6 A. Yes, indeed, we were under constant watch by the Khmer Rouge
7 cadres when we were working in the work sites in the mobile
8 units. We lived in fear, every day we feared that we would be
9 taken away for execution. So, we had to obey the instructions and
10 orders.

11 MR CHAN DARARASMEY:

12 Thank you. I thank you very much, Mr. Aun Phally, for responding
13 to all my questions. I believe that your testimony will help
14 ascertain the truth and with that I wish you, on behalf of
15 Co-Prosecutors, all the very best. Thank you very much.

16 I thank you, Mr. President, also for giving me the floor.

17 MR. PRESIDENT:

18 Thank you.

19 We would like to now hand over to counsels for Mr. Nuon Chea to
20 put some questions if they would wish to do so.

21 [11.42.32]

22 QUESTIONING BY MR. SON ARUN:

23 Good morning, Mr. President and Your Honours. Good morning, Mr.
24 Aun Phally. I am Son Arun, counsel for Mr. Nuon Chea. I have
25 about four to five questions; I may need 15 to 20 minutes for

1 this; not very long.

2 Q. You said Khmer Rouge soldiers told you to leave your home;
3 otherwise, you would be forced at gun point. How long had you
4 decided to leave your home after you heard such instruction?

5 MR. AUN PHALLY:

6 A. Immediately after having heard that we were asked to leave, we
7 had to leave.

8 Q. Thank you. When Khmer Rouge asked you to leave you said you
9 had to leave immediately, but you said if people did not want to
10 leave they were forced at gunpoint or shot at. How could you know
11 that people were held at gunpoint when you already left?

12 [11.44.22]

13 A. I saw my family members were forced at gunpoint; we were on
14 the third story of the building when we were forced at gunpoint.
15 And other people were treated the same and I could hear gunshots
16 or weapons; the sound of the bullets being fired into the air.

17 Q. I think I am ambivalent as to what your statement is. You said
18 people who did not want to leave would be forced at gunpoint.

19 Again, tell us: Were your family being forced at gunpoint and how
20 soon did you leave your home after you were forced to leave?

21 A. I knew that we were forced at gun point because I saw this.
22 They shot some - they fired some rounds into the air and some of
23 them climbed upstairs to the place where we stayed and we were
24 held at gunpoint and they followed us all the way downstairs.

25 [11.46.23]

1 Q. Is that correct that you were pointed guns at when you were
2 asked to leave your home?

3 A. Yes, it is correct. They climbed upstairs to the third story
4 of the building where we stayed and they pointed the guns at us,
5 asked us to leave, and we had to leave. And we had to move on the
6 direction of National Road Number 4 - rather Number 1.

7 Q. Thank you.

8 You said you were evacuated from Phnom Penh. Can you tell the
9 Chamber how old were you at that time?

10 A. I was about 10 years old.

11 Q. When your family had to be evacuated along with your
12 neighbours, did you see Khmer Rouge soldiers shooting other
13 people at that time, simultaneously, or you just heard about this
14 at a later date?

15 A. I saw this happen spontaneously. I saw dead bodies along the
16 road, and these corpses could have been the people who resisted
17 such orders.

18 [11.48.22]

19 Q. I am sorry to interrupt; perhaps you answered a few more
20 questions that I have not asked.

21 You said you were leaving Phnom Penh when you were about 10 years
22 old. Did you see people pointing guns at somebody during the
23 course of the evacuation?

24 A. At that time, I saw people fire and pointing guns at others. I
25 think my family saw this and other families also saw this.

1 Q. When your family and you were leaving Phnom Penh, what was
2 Phnom Penh like at that time?

3 A. Phnom Penh was in a chaotic situation; that everyone had to
4 follow the orders by the Khmer Rouge. Where they wanted us to go
5 we had to go.

6 Q. Were those who ordered the evacuation of your family from
7 Phnom Penh soldiers or civilians?

8 A. They were soldiers and I saw some of them were wearing red
9 ribbons on their soldier around their neck and some were wearing
10 black pyjamas or clothes.

11 [11.50.32]

12 Q. Are you saying that these people were wearing ties or scarves?

13 A. It's more like a small piece of cloth to identify each soldier
14 that belonged to any particular group, I believe. It's more like
15 a sign to identify the unique group of the Khmer Rouge, because I
16 also saw them riding, driving some vehicles when coming into the
17 city.

18 Q. I have a few more questions, please.

19 You say that you saw soldiers wearing some ribbons and that the
20 soldiers were wearing black. Were they wearing the same uniforms
21 putting the same kind of coloured cloth or were they different
22 people in different uniforms?

23 A. At that time, I did not see any of the Khmer Rouge soldiers
24 wearing a scarf; they were wearing the red ribbon as I told you.
25 And some blue ribbon was also seen tied to some of the vehicles

1 the Khmer Rouge were driving into Phnom Penh.

2 [11.52.30]

3 Q. I may skip to another question instead.

4 You testified in your statement that you joined the Army in the -
5 in the statement, I don't think I understand it clearly. Did you
6 join the army during the Khmer Rouge or after the Khmer and how
7 old were you when you joined it?

8 A. I joined the army in 1984, and at that time I was about 18 or
9 19 years old.

10 Q. Did you join the Khmer Rouge soldier or the government troops
11 because there were several factions at that time? Tell us which
12 military group you joined?

13 A. I volunteered to join the government troops. I did not join
14 the military or the army that belonged to the factions at the
15 borders. I joined the government troops in Bakan district of
16 Pursat province.

17 Q. At that time you already left the Khmer Rouge and you joined
18 the government troops - troop controlled by Hun Sen, the State of
19 Cambodia; is that correct?

20 A. Yes it is.

21 [11.54.57]

22 Q. Thank you.

23 Mr. Phally, you testified this morning that the Khmer Rouge
24 evacuated the people from one place to another. For example, you
25 were evacuated from Phnom Penh to Prey Veng and from Prey Veng to

1 Battambang. And you said that all the people who were evacuated
2 time and again were the 17th of April People mainly. Can you tell
3 the Chamber how many people were regarded as the 17 of April
4 People?

5 A. I can't tell you exactly how many people were the 17 of April
6 People, but I can see that several thousand people were
7 evacuated.

8 Q. You said several thousands of people were evacuated, how could
9 you be sure that they were all the 17 of April People? Were they
10 also the Base People if you believe?

11 A. At that time, I was convinced that these people were the 17 of
12 April People because all the evacuees were the 17 of April people
13 because the Base People would not move from one place to another.
14 [11.57.18]

15 MR. PRESIDENT:

16 Counsel, time is limited. Time has been allotted to each counsel
17 for questioning the civil party and you only have two minutes
18 left for questioning the civil party along with counsels for Mr.
19 Khieu Samphan. We do not know how you manage these two minutes
20 for the two counsels.

21 MR. SON ARUN:

22 This is going to be last question for me, and I don't know
23 whether how much time counsels for Mr. Khieu Samphan wish to put
24 question.

25 MR. PRESIDENT:

1 Thank you.

2 We would like to hand over to counsels for Mr. Khieu Samphan to
3 put some questions to the civil party if they wish to do so.

4 [11.58.16]

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 On behalf of Mr. Khieu Samphan, I have only one question for you,
8 Mr. Phally.

9 Q. Can you tell the Chamber again about your age? In your civil
10 party application form you said you was born on the 3rd of
11 January 1962. Is that your genuine birth date or is it a fake
12 one?

13 MR. AUN PHALLY:

14 A. I am 48 years old, but I told my counsel from the very
15 beginning that my identification card does not tell my date of
16 birth correctly. It was wrong from the beginning and that's how
17 it happened.

18 Q. Thank you. Can you tell your real date of birth then?

19 A. I don't remember the exact date but I remember the year when I
20 was born because my mother used to say that I did not know what I
21 was doing wrong. She said that I was 10 years old already but I
22 was not behaving properly, something like that. So I remember
23 when she said I was 10 years old from then on.

24 [11.59.56]

25 Q. You said you were 48 years old. So, you are three years

1 younger than the actual age that appears on your ID card? Is that
2 correct?

3 A. Yes, that is correct.

4 Q. Thank you. So, this means that in 1975, you could have been 13
5 years old, is that true? Sorry; I apologize. In 1975, you were
6 about 10 years old; is that correct?

7 A. Yes it is.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President.

10 And thank you, Mr. Civil Party.

11 MR. PRESIDENT:

12 Thank you, Counsels.

13 And thank you, Mr. Phally. The hearing on the statement of your
14 suffering and our testimony comes to an end and you are now
15 excused. Your statement of suffering will help ascertain the
16 truth. You may now leave the courtroom for your home and we wish
17 you all the best.

18 [12.01.25]

19 Court officer is now directed to assist Mr. Civil Party, along
20 with his assistant.

21 And the Chamber wishes to inform the parties and the public that
22 this afternoon the Chamber is going to hear the statement of
23 suffering of two civil parties: TCCP-129 and TCCP-172.

24 And it is now appropriate moment for adjournment. The Chamber
25 will adjourn until 1.20 pm. Please be informed that during this

55

1 afternoon sessions, we will have to speed up because the time
2 allocated for the afternoon session is shorter than the morning
3 session time, so we have to start at 1.20 pm.

4 Security personnel are now directed to bring Mr. Khieu Samphan to
5 his holding cell downstairs and have him returned to the
6 courtroom before 1.20 pm.

7 The Court is adjourned.

8 (Court recesses from 1202H to 1320H)

9 MR. PRESIDENT:

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

11 Court Officer, could you invite the civil party, TCCP-129, into
12 the courtroom?

13 (Civil Party Ms. Sang Rath enters the courtroom)

14 [13.29. 24]

15 QUESTIONING BY THE PRESIDENT:

16 Good afternoon, Madam Civil Party.

17 Q. May we know your name?

18 MS. SANG RATH:

19 A. My name is Sang Rath.

20 Q. Thank you. How old are you?

21 A. I am 72 years old.

22 Q. Where were you born?

23 A. I was born in Prey Slaeng, Samraong district.

24 Q. Thank you. Where is your current address?

25 A. I live in Kampong Speu province.

1 Q. What is your current occupation?

2 A. I live with my children.

3 [13.31.08]

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

5 A. My father's name is Sang and my mother's name is Chhit
6 (phonetic).

7 Q. Are you married?

8 A. I'm living with my second husband.

9 Q. What is his name?

10 A. (Microphone not activated)

11 MR. PRESIDENT:

12 Civil Party, please observe a slight pause until you see the red
13 light on the tip of the microphone before you can speak so that
14 your voice will go through the voice distribution system.

15 Again, what is your husband's name and how many children do you
16 have?

17 MS. SANG RATH:

18 A. My husband's name is Khuon (phonetic). He is my second
19 husband, and we only have one child because the children of my
20 previous marriage all passed away.

21 [13.32.42]

22 MR. PRESIDENT:

23 Thank you.

24 We will now give the floor to the Lead Co-Lawyers for civil
25 parties or the assigned lawyers for the civil parties. You may

1 proceed.

2 QUESTIONING BY MR. VEN POV:

3 Good afternoon, Mr. President, Your Honours, and everyone in and
4 around the courtroom.

5 Good afternoon, Madam Sang Rath. Please recollect yourself and
6 try to respond precisely to the questions that I will put to you
7 regarding the events – took place during the Khmer Rouge regime.
8 My first question is as follows: Where were you and your family
9 on the 17th April 1975?

10 MS. SANG RATH:

11 A. Before 17 April 1975, we were in Samraong district.

12 Q. When the Khmer Rouge took control of the country on the 17th
13 April 1975 was you – were you still at your native village? And
14 initially after the Khmer Rouge took control in your village,
15 were you separated from your family members or were you sent to a
16 cooperative?

17 A. We were assigned to work in the rice field and about seven
18 months after, we were evacuated.

19 [13.34.48]

20 Q. You were there for about seven months. Can you recall, in what
21 year were you evacuated?

22 A. It was in late 1975.

23 Q. Where were you evacuated to, if you can recall it?

24 A. We were evacuated to Moung Ruessei district, Battambang
25 province.

1 Q. How many of your family members were evacuated on that day to
2 Battambang province?

3 A. There were five family members in our family, my husband and
4 our four sons: my eldest son was 16 years old and his name was
5 Chhoeun (phonetic); and my second son, Chheam (phonetic), was 14
6 years old; and my third son was Phoeun (phonetic), who was 12
7 years old; and my youngest son Phim (phonetic) – he was 10 years
8 old.

9 Q. You said you were evacuated in late 1975. How did it happen?
10 Where – were you told that you would be sent to a destination by
11 a Khmer Rouge cadre or somebody?

12 [13.36.53]

13 A. A Khmer Rouge cadre instructed us for the evacuation to go to
14 Moug Ruessei district; that is, to take National Road Number 3
15 and we were boarded large trucks to go there. And about four or
16 five families from my – the same village also boarded the truck
17 and the truck was actually full. At that time, we were near Kbal
18 village. My children cried and we did not even have food, nor the
19 water, and we could not bring any cooking pots or anything with
20 us.

21 Q. So you were evacuated from Kbal village in Kampong Speu which
22 was adjacent to Takeo province; is this correct?

23 A. Yes, it was at the border of Takeo and Kampong Speu province.

24 Q. Can you recall what time was it when you were boarding the
25 large truck, amongst other trucks?

1 A. It was about 5 p.m.

2 [13.38.48]

3 Q. Can you describe the journey process when you left your
4 village at 5 p.m. along National Road Number 3?

5 A. We went along National Road Number 3 and we arrived in Pursat
6 in early morning and we stayed there for two nights. The Khmer
7 Rouge gave us some rice during the two nights that we stayed.

8 Q. How did you proceed further after your two-night stopover in
9 Pursat province?

10 A. We then travelled to Moung Ruessei district in Battambang
11 province. We boarded the cargo train which were full of goods.

12 Q. Your journey from Pursat province to Moung Ruessei district in
13 Battambang province, were you guarded by the Khmer Rouge soldiers
14 or were you given food or water while you were on the train?

15 A. No, only when we arrived in Moung district, the Khmer Rouge
16 chiefs were waiting for us there in order to help us distributed
17 to various villages within the Moung Ruessei district.

18 Q. Upon arrival in Moung Ruessei, you said group chiefs were
19 waiting for you so that they would send you to various villages.
20 Can you recall the village that you were sent to?

21 [13.41.24]

22 A. I was put in Voat Chas village in Voat Chas cooperative and I
23 was put in a house of the Base People.

24 Q. And when you were put in - at the Base with - in the
25 cooperative, were you given work to do and what was the food

1 ration like?

2 A. When we were there, my children were sent to the children unit
3 and my husband was sent to work in the rice field in a separate
4 group and I was living in the village; I engage in the rice field
5 in transplanting and in working on the dam.

6 Q. What about the food ration, was the food distributed to your
7 family or to the New People who had been evacuated too and was
8 the food sufficient?

9 A. The food was not sufficient. We only had one meal per day and
10 for each meal we only had one watery porridge in a ladle.

11 [13.43.11]

12 Q. Could you tell us the situation concerning your children and
13 your husband while you were in Moung Ruessei district in
14 Battambang province?

15 A. In late 1976, my children died because of the lack of food.

16 Q. After the death of your eldest son, what happened to your
17 other family members?

18 A. My husband worked and one day he returned to - back to the
19 house. He rested and then he passed away. It's because of hunger
20 and exhaustion.

21 Q. What happened after; that is, after the death of your eldest
22 son and your husband, what happened to the other sons?

23 A. My first son died and, subsequently, my second and my third
24 sons, so within two nights my four children died.

25 Q. Regarding the death of your four sons and your husband, did

1 you witness it personally?

2 A. Yes, they died before my eyes. Actually, I cried, but then I
3 was told that I should not cry otherwise I would be killed as I
4 would be accused of being a traitor.

5 [13.46.00]

6 Q. After the death of your husband and your four sons, can you
7 describe your living situation?

8 A. I was by myself then. I lost all my hope and it was miserable.
9 I was on my own.

10 Q. What about your health and the food ration; can you describe
11 that situation after the death of your husband and your children?

12 A. The food became a bit more sufficient after the death of my
13 husband and children as I was by myself with all the pain and
14 suffering.

15 Q. What happened to you; did you get sick or was your health
16 normal?

17 A. I got sick - seriously sick, I mean. Then they sent me to a
18 hospital at Voat Chas, and at that hospital anybody who was sent
19 there all died. I was at that hospital for a fortnight. Then
20 another patient who was there was given some kind of medicine and
21 that person died.

22 [13.48.20]

23 I was then given the tablet, and they put the tablet in my mouth
24 and wanted me to swallow it. But when they did not look, I spit
25 it out. And I was asked whether I actually swallowed the tablet

1 and I told them, "Yes, I did". I then left the Voat Chas Hospital
2 to return to the base.

3 Q. After you left that hospital and returned to the cooperative,
4 were you still forced to engage in your work or was there any
5 change?

6 A. I was forced to even engage in more hard work to dig canals.

7 Q. Did you stay there until the 7 January 1979 or were you
8 evacuated to another cooperative after the death of your husband
9 and children?

10 A. I returned to my native village, bearing with me all the
11 pains. Every time I recall the past, it was so pitiful. I no
12 longer have any family members or relatives. My four children
13 died. My husband died. They all died under the hand of the Khmer
14 Rouge.

15 [13.51.10]

16 Q. Does it mean that after the fall of the Khmer Rouge regime on
17 7 January 1979 you returned to your native village and, at that
18 time, you were by yourself? Can you tell us the pain and
19 suffering as a result of that regime and how did you manage to
20 live by yourself after the death of your husband and children?

21 A. The pain was unbearable as the result of the death of my
22 husband and children. I am by myself with all the pains. I do not
23 have any surviving family members or relatives. I was like an old
24 woman in a Khmer folktale, Badacha; it means I'm by myself.

25 MR. VEN POV:

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1 Mr. President, I no longer have any questions for this civil
2 party, but I'd like her to make her request to the Court, if you
3 please.

4 [13.52.55]

5 MS. SANG RATH:

6 I would like the Court to find justice for my family. I want this
7 Khmer Rouge Court to find justice for my family.

8 MR. PRESIDENT:

9 Thank you, Madam Sang Rath. Do you have anything else to add
10 regarding your suffering and harms inflicted upon you under the
11 Khmer Rouge regime?

12 MS. SANG RATH:

13 I suffered a great deal as I lost my husband all of my children.

14 MR. PRESIDENT:

15 Thank you, Madam Civil Party.

16 The floor is now given to the Prosecution to put questions to
17 this civil party.

18 QUESTIONING BY MR. CHAN DARARASMEY:

19 Thank you, Mr. President. Good afternoon, Mr. President, Your
20 Honours, and everyone in and around the courtroom.

21 [13.54.20]

22 Good afternoon, Madam Sang Rath. My name is Chan Dararasmey, the
23 Deputy National Co-Prosecutor. I have some questions for you
24 regarding the events that you experienced during the Khmer Rouge
25 regime.

1 Q. Can you further tell the Court regarding your transition from
2 one place to another; that is, from Kampong Speu province to
3 Battambang province, who actually made that decision?

4 MS. SANG RATH:

5 A. It was the village chief of my village who evacuated us. We
6 were not allowed to stay in my native village. If we were to
7 stay, then we would be accused of an enemy.

8 Q. Thank you. So the village chief told you to leave the village.
9 Does it mean you had to leave or could you protest or you could
10 not do anything but to leave?

11 [13.55.55]

12 A. It was an absolute order. Although we requested not to go, but
13 we could not; we had to leave.

14 Q. When you were evacuated, how many people who were living
15 together with you from Kampong Speu province to Battambang
16 province, at the time, if you can recall it?

17 A. There were five people from my village. However, there were
18 many people and there were about 10 trucks, but I do not know
19 from which village they came, but there were five families from
20 my village.

21 Q. Thank you. When you were travelling from Kampong Speu to
22 Battambang province, can you or did you observe what happened en
23 route?

24 A. We boarded the trucks and we left and we were not given
25 anything to eat while we were on the truck.

1 Q. While you were en route, either on the truck or on the train,
2 did you observe any Khmer Rouge soldiers or Khmer Rouge cadres
3 monitoring those people who were being evacuated?

4 A. Yes, they were monitoring us because if they were not, then we
5 would not go. So they were with us during the process or during
6 the journey.

7 [13.58.53]

8 Q. When those Khmer Rouge soldiers or cadres who were monitoring
9 the people while they were travelling, what did they say to you
10 or to other passengers if you can recall it?

11 A. While en route to Battambang province, they said that there
12 was plenty of food and rice in
13 Battambang but, in fact, on the contrary, when we were there,
14 there was nothing for us to eat.

15 Q. Can you tell the Court, when you arrived in Battambang
16 province, was there a distinction of the 17 April People and the
17 Base People at the place where you stayed?

18 A. People were classified into different groups because people -
19 the evacuees were placed at one place when the Base People were
20 put at a different location.

21 Q. Thank you. Can you tell the Chamber if you know - if not say
22 so - why New People or the evacuees had to be classified
23 differently from the Base People?

24 A. I don't know. I don't know why New People were placed to live
25 at a different location than the Base People and we were treated

1 like the New People and were tasked with works accordingly.

2 [14.01.13]

3 Q. Thank you. Between the New People or the 17th of April People
4 and the Base People, were the living conditions the same? Were
5 they treated equally in terms of food offered, freedom of
6 movement, so on and so forth?

7 A. Things were completely different. We were not treated the
8 same. Food ration was not provided equally like they did so to
9 the Base People for example.

10 Q. Regarding the disappearance and the executions of the people
11 in your village, what kind of people disappeared or were executed
12 the most between the Base and the New People?

13 A. The 17 of April People were those who died, the majority of
14 whom were the 17 of April People who died and disappeared.

15 Q. Thank you. In your village, if you remember, what did the
16 Khmer Rouge leaders talk to the New People regarding their
17 livelihood, the work they had to do, and other daily life
18 matters?

19 A. They just told us to work constantly and that we should not
20 stop and we were not allowed to look for food because they
21 already provided us with the food we needed.

22 [14.03.58]

23 Q. Thank you, Madam Civil Party.

24 I have my final question, due to time constraints. And please
25 bear with me for this last question.

1 If you remember or if you bore witness to the event yourself, can
2 you tell the Chamber please, what has the Khmer Rouge done or the
3 regime of the Khmer Rouge done to the people of Cambodia?

4 A. In my area, the 17 of April People died in great number. They
5 died of starvation or lack of food.

6 MR. CHAN DARARASMEY:

7 Thank you. On behalf of the Co-Prosecutors, we would like to
8 thank you, Madam Sang Rath, for all the responses you gave to us
9 during the course of my questioning and we wish you all the very
10 best.

11 Thank you, Mr. President, and Your Honours.

12 [14.05.30]

13 MR. PRESIDENT:

14 Thank you.

15 We now would like to hand over to counsels for Mr. Nuon Chea to
16 put some questions to the civil party if they would wish to do
17 so.

18 MR. SON ARUN:

19 Mr. President and Your Honours, counsels for Mr. Nuon Chea do not
20 have any questions.

21 MR. PRESIDENT:

22 Thank you.

23 We would like to now hand over to counsels for Mr. Khieu Samphan.
24 You may proceed.

25 MR. KONG SAM ONN:

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1 Thank you, Mr. President.

2 On behalf of Mr. Khieu Samphan, we do not have any questions for
3 this civil party. Thank you.

4 [14.06.20]

5 MR. PRESIDENT:

6 Thank you very much, Madam Sang Rath. Your testimony and the
7 hearing on the statement of your suffering – come to an end now.

8 You are excused.

9 Your testimony, along with your statement of suffering, will help
10 ascertain the truth. You may now leave the courtroom, and we wish
11 you all the best.

12 Court officer is now directed to assist her in collaboration with
13 the WESU Unit to make sure that she is safe and sound returned
14 home.

15 (Civil Party Ms. Sang Rath exits the courtroom)

16 Court officer is now directed to bring in TCCP-177.

17 (Civil Party Mr. Yos Phal enters the courtroom)

18 [14.10.18]

19 QUESTIONING BY THE PRESIDENT:

20 Good morning, Mr. Civil Party.

21 Q. Can you tell your name to the Chamber, please?

22 MR. YOS PHAL:

23 A. I am Yos Phal, Mr. President.

24 Q. Thank you, Mr. Yos Phal. How old are you?

25 A. I am 58 years old.

1 Q. Thank you. Where were you born?

2 A. I was born in Kouk Nhoar village, Prey Sloek commune, Treang
3 district of Takeo province.

4 Q. Where do you live?

5 A. I now live in Kouk Khmoung village, Roneam commune; the same
6 district of Takeo.

7 Q. What are your parents' names?

8 A. My father is Yos Suong, deceased; my mother, Khun San, alive.

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

10 [14.12.00]

11 A. My wife is Ung Sopheap. We have eight children.

12 MR. PRESIDENT:

13 Thank you.

14 Mr. Yos Phal, as a civil party, you will be offered the
15 opportunity to make your statement of suffering, the harms that
16 you have suffered psychologically and physically which could have
17 been resulted from the crimes committed during the Democratic
18 Kampuchea and the crimes result of which make you file an
19 application to join as a civil party before this Chamber today;
20 crimes committed between 1975 and 1979. You will be offered such
21 opportunity to do so after your counsels have put all the
22 necessary questions.

23 Without further ado, we would like to now hand over to counsels
24 for the civil parties to continue or to proceed putting the
25 questions right away.

1 [14.13.26]

2 QUESTIONING BY MS. SIN SOWORN:

3 Thank you, Mr. President. And good afternoon to you, Mr.
4 President and Your Honours, and good afternoon to my learned
5 colleagues in this courtroom, and good afternoon to you, Mr.
6 Civil Party.

7 I am Sin Soworn from the Cambodian Defender Projects. I am
8 representing Mr. Yos Phal, a victim, who has suffered harms as
9 the result of the crimes committed during the Khmer Rouge regime.
10 My client today, Mr. Yos Phal, has been admitted as a civil party
11 in Case File 002 and a witness who has suffered directly from the
12 crimes committed during the regime including the forced
13 evacuation and marriages. He has filed the complaint. And on the
14 7th of April 2009, he filed this document, document D22/207.

15 [14.14.44]

16 He was interviewed once by the Co-Investigators of the
17 Co-Investigating Judges on the 12th of December 2009, document
18 D296/2. On the 29 April 2010, he also offered additional
19 information that can be found under document D22/207A. These
20 documents - these three documents have already been copied and
21 handed over to Mr. Yos Phal who has confirmed that he reviewed
22 them all.

23 Good afternoon to you again, Mr. Yos Phal. Today is the most
24 important day for you and for everyone. And as the civil party,
25 you are now here before the Chamber representing all the victims

1 of the Democratic Kampuchea regime.

2 Q. Now, you are offered this opportunity to make your statement
3 of suffering, but before that may I ask you a question? I have
4 already read out the three documents before the Chamber. Have you
5 received them?

6 MR. YOS PHAL:

7 A. Yes, I have, Madam Counsel.

8 Q. Have you read all these three documents and read the accounts
9 of the documents relevant to your information provided?

10 A. Yes, I have read all these documents and the accounts are
11 still relevant.

12 [14.16.48]

13 Q. Thank you. I would like to ask you a few questions and please
14 respond to them. My first question to you is: Can you briefly
15 describe the forced evacuation that was carried out on the 17th
16 of April 1975, please?

17 A. I was a police in Lon Nol regime. On the 17th of April 1975 at
18 about 8 a.m., I was at the Chaktomuk Theatre. My commander was
19 escaping on his motorbike and I was following him.

20 When I left my barrack, I was met by a Khmer Rouge soldier who
21 told me to remove my military boots and beret and I was walking
22 barefoot until I reached Pet Chin where I was met by a group of
23 Khmer Rouge soldiers who was - who were wearing civilian clothes
24 and armed with shotguns and I was searched. They were trying to
25 look for weapons that I could be carrying.

1 Later on I was forced to move on from Pet Chin to Chrouy Changva
2 Bridge. Then I escaped and ran into Chen Dam Dek Pagoda where I
3 could grab some belongings. Chen Dam Dek was the place where I
4 had been staying. The Khmer Rouge asked me to leave Phnom Penh
5 for three days because they needed the city, to reorganize it,
6 and they asked me not to bring a lot of belongings. We - I was
7 asked to carry only some manageable belongings that I could carry
8 with me. And I was asked to head to the Preaek Kdam ferry
9 crossing. I took the ferry and we went to Ph'av district office,
10 which is near Ph'av Market.

11 [14.20.02]

12 During the course of my journey, my health became deteriorating,
13 because I had some fever, without proper medicine, that didn't do
14 any good to me. I had to pick some bitter leaves along the road
15 to pound them and cook and drink as a form of medicine. And I saw
16 corpses of the police and soldiers, including the civilians. Some
17 were the bodies of the young people and elderly people. Some
18 people got injured, and I saw three Chinese trucks driven by the
19 Khmer Rouge soldiers, carrying passengers or villagers from
20 Preaek Kdam ferry crossing from the east side to Ph'av district.
21 At the curve, at one point, the Khmer Rouge driver overturned the
22 - or was careless, and the truck overturned. Several passengers
23 died. At Ph'av Market, Khmer Rouge selected some Lon Nol soldiers
24 for education sessions. And they were also seen carrying a radio.
25 And at Ph'av location, we had to report to the soldiers - the

1 Khmer Rouge soldiers – about our biography and occupations. I was
2 also asked what I did, and I told him that I was an agent – a
3 civil servant.

4 [14.22.33]

5 MR. PRESIDENT:

6 Mr. Civil Party, could you please hold on?

7 Counsel for Mr. Nuon Chea, you are on your feet. You may proceed.

8 MR. KOPPE:

9 Thank you, Mr. President. We are both observing that the civil
10 party's reading from a document while answering the question. I
11 don't think that is the idea of what should be happening today.

12 MR. PRESIDENT:

13 Counsel Beini Ye, you may now proceed.

14 MS. YE:

15 Thank you, Mr. President. As far as I know, the civil parties did
16 not get any restriction on using statements that were prepared
17 together before the hearing, and we didn't have any restrictions
18 on whether civil parties were allowed to read statements. As far
19 as I know, also, in Case 001, during the impact hearing, civil
20 parties were actually reading statements as well. So – that I do
21 not see any grounds for this objection.

22 MR. KOPPE:

23 We don't have a problem if statements are being read, but then
24 everybody should know that right now statements are being read,
25 rather than questions being answered.

1 (Judges deliberate)

2 [14.24.12]

3 MS. YE:

4 Mr. President, may I add – just add one clarification? There will
5 be questions following the statement. The statement is just on
6 the facts that Mr. Yos Phal wants to present.

7 MR. PRESIDENT:

8 May we know what kind of document Mr. Yos Phal is reading?
9 Counsel, you can also explain to us.

10 MS. YE:

11 It is a statement that Mr. Yos Phal wrote, together with the
12 civil party lawyers, in preparation of his testimony, so that he
13 would not forget important issues in his statement today.

14 MR. PRESIDENT:

15 Mr. Yos Phal, you may continue now.

16 [14.25.27]

17 MR. YOS PHAL:

18 Thank you.

19 A. At Ph'av Pagoda, I didn't tell the truth about my identity. I
20 told them that I was a reserve agent – candidate in the
21 government, and I told them that I was a private, and I was then
22 sent to Phdau (phonetic) village of Kampong Cham. At that place,
23 I saw the Lon Nol soldiers who did not hide their identity. Those
24 from the rank of major-lieutenant, lieutenant, and captain were
25 taken away one after another. That's all.

1 BY MS. SIN SOWORN:

2 Thank you.

3 Q. Did the Khmer Rouge soldiers ask you for your biography?

4 [14.26.56]

5 MR. YOS PHAL:

6 A. Yes. The Khmer Rouge soldiers made me write my own biography.

7 But having noted that a lot of former police and soldiers
8 disappeared and executed, I had to conceal my identity and
9 provided them with a fake one.

10 Q. Thank you. What made you conceal your identity?

11 A. The reason I concealed my identity - because I noted at that
12 time the Khmer Rouge were trying to arrest the former police and
13 soldiers and take - and took them away. And some of them were
14 contained and confined to live in the - that market area. If we
15 could hide our identity, then we were allowed to go out.

16 Q. You said that the Khmer Rouge made you or others - produce
17 their own biography, and that people that said they were of some
18 military rank were then place elsewhere; is that correct?

19 A. I bore witness to the process of biography. I noted that some
20 people told them the truth. They said they were major-lieutenant,
21 lieutenant, captain, and major. And these people, after providing
22 all the truthful information, were taken away by motorbikes.

23 [14.29.16]

24 Q. Do you know what happened to those who were truthful,
25 regarding their biography? When they were taken by motorbikes, do

1 you know where they could have been taken to?

2 A. Immediately after the fall of Phnom Penh, nobody knew about
3 that. Nobody knew of the political agenda. For those with
4 military ranks, they would be taken for study sessions. And they
5 said that if you were a peasant or a tricycle rider, then don't
6 (inaudible) yourself as a rank or military officer. So those
7 people - then they told them the truth.

8 Q. You have spoken about the events during your forced
9 evacuation, and that you saw dead bodies - a lot of dead bodies
10 along the road. My question is the following: Those dead bodies -
11 were they civilians or were the majority of them soldiers? Were
12 they children and women?

13 A. When I reached the Chen Dam Dek Pagoda, the driver of the GMC
14 truck was shot dead by the Khmer Rouge soldiers while he was
15 still in the driver's seat. And when I passed the Chrouy Changva
16 Bridge, the soldier in the black uniform died and scattered along
17 the road.

18 [14.31.42]

19 And once I reached the Prey Pnov Market, in one of the classrooms
20 to the east of the Prey Pnov Market, I saw a pile of dead bodies
21 of soldiers. And later on - further on, after I left Prey Pnov, I
22 saw the dead bodies of soldiers and civilians near barbed wire
23 along the road. And of course, there were plenty of people who
24 were sick, young and old, before I reached Preaek Kdam.

25 Q. What was your feeling when you were asked by the Khmer Rouge

1 for your biography?

2 A. When the Khmer Rouge asked me for my biography, I thought of
3 those dead bodies along the road, and I became terrified. My
4 hands were trembling, and I thought that I would die soon, so I
5 kept walking with the terrifying thought.

6 [14.33.17]

7 Q. At the place where you were asked for your biography, were a
8 lot of people asked for their biographies, or there were only a
9 handful of you?

10 A. At the Cheung Prey Pagoda, they screened us and then the
11 families of soldiers were sent in large amounts.

12 Q. What was your health status during your evacuation process?

13 A. During the journey, I was pale and emaciated. I had fever,
14 high temperature, and I was hungry. When I had high temperature,
15 I tried to pick "sdao" leaves along the road. I ground it and I
16 swallowed it - that is, after I ground it and mixed with water,
17 without having it filtered. Then I just kept rolling along with
18 other people.

19 Q. Regarding your health, how was your health throughout the
20 Khmer Rouge regime?

21 A. I became emaciated, and my health gradually deteriorated, as I
22 did not have sufficient food to eat. The situation was miserable.
23 I was by myself without any support. That is all.

24 [14.36.10]

25 Q. Did those acts have any impact on your current health status?

1 A. Those acts do have an impact on my current health status.

2 Every time I recall the event, I became trembling. And I cannot
3 think of anything else.

4 Q. Can you describe your psychological status during the Khmer
5 Rouge regime?

6 A. Regarding my psychological status, I was very concerned, and
7 even at the moment, whenever I think of the events that happened,
8 I - or my body becomes trembling. I feel heavy in my chest. It
9 means that my anger was extreme, but I could not do anything. And
10 I'd like the law to decide on that.

11 Q. During the three years, eight months, 20-day period, did you
12 lose any of your family members? If so, can you tell the Court?

13 A. During the three year, eight month, and 20-day period, the
14 loss that occurred to me is the loss of my beloved father. The
15 Khmer Rouge injected him with plain water from a big jar. My
16 aunts, my uncles, and other relatives all died. And my fiancée
17 was no longer with me.

18 [14.39.34]

19 Q. What do you feel about all those acts?

20 A. Those acts committed by the Khmer Rouge made me suffer
21 extremely. Nothing can compare to the suffering as a result of
22 those acts. The only thing that I can do is just to carry on with
23 the suffering that I received. I missed all my family members and
24 relatives: my aunts, my uncles, my father. If they were alive, I
25 could not imagine the extreme happiness that I would have. And

1 this not only happened to me, but it's a pity that all Cambodian
2 people suffered the same fate under the Khmer Rouge regime.

3 Q. Your pain and suffering that is unbearable – can you describe
4 some of them?

5 A. The unbearable pain – that is, the most unbearable pain that I
6 have had with me is the loss of my father. He was injected with
7 plain water. He got a seizure and died on the bed. And my – and I
8 lost my fiancée.

9 [14.42.05]

10 Q. How do you feel when you call the events that took place
11 during that regime?

12 A. The regime has passed, but it is a regret that such a regime
13 existed. It destroyed everyone. Cambodia would have prospered
14 much without that regime in its path.

15 Q. Before the Lon Nol regime, you were a policeman; and my
16 question is: Can you still work as a policeman? Currently, I
17 mean.

18 A. After the defeat of the Khmer Rouge regime, I did not have any
19 physical strength. I was emaciated. I could barely support
20 myself. I could barely afford myself with clothing. I did not
21 have anything. So I could not afford to be a policeman, and I
22 resorted to become a teacher.

23 Q. What is your current financial status or economical status?

24 A. Due to my poor health – and that I still have physical pains –
25 I am extremely poor. I lack almost everything. And I could not

1 actually know what I can do for my living. I could not think of
2 anything at all.

3 [14.45.05]

4 Q. Why is it important for you to testify before this Court and
5 to make your statement of suffering?

6 A. I am grateful that I am given the opportunity to testify
7 before this Court. I bore the suffering and the burden of pain
8 with me for more than 30 years. And I do not know where I can
9 reveal the truth and the suffering, and this is the only chance
10 for me to do so. And I request the Court to find me justice, and
11 closure to my pains.

12 Q. My last question to you: Do you seek any form of reparations
13 from the Court for the suffering and the loss - that is, your
14 suffering and your loss under the 3 year, 8 month, and 20-day
15 regime?

16 A. I am already a poor person. I lost everything, and I do not
17 have anything with me. I lost all my parents. And my request to
18 the Court is for the construction of a stupa to restore the
19 scattered remains of my relatives, my parents, and other
20 Cambodian people who died.

21 And, secondly, I request a library to be built which have the
22 documents for the younger generation to study and understand
23 about the Khmer Rouge.

24 And, thirdly, I request a free medical treatment card.

25 [14.47.48]

1 Q. Thank you.

2 Lastly, do you have any questions that you wish to be put to the
3 two Accused – that is, Nuon Chea and Khieu Samphan?

4 A. I have six questions to be put to the Accused. My apology if I
5 have to read it, as I cannot recall them all.

6 My first question is the following: Why did they kill so many
7 people in Cambodia?

8 Second: Why were we forced to work like animals, without any
9 resting time, regardless of our age, young or old, and with not
10 enough food?

11 And my third question: Why people were forbidden to eat what they
12 planted, and if they were to eat they would be educated and later
13 on killed?

14 And question number four: Cambodia was a country with abundant
15 resources. Where were those resources sent to?

16 The fifth question: Why were personal belongings abolished, and
17 why were those belongings confiscated and put for communal use?

18 The sixth question is: The Khmer Rouge leaders – they were of
19 higher education. Why did they not build schools, and instead
20 killed the educated people?

21 [14.50.14]

22 Q. Thank you. Regarding your six questions, which of the two
23 Accused you wish to put to?

24 A. I'd like to put it to both of them, because they are of a –
25 educated individuals.

1 MS. SIN SOWORN:

2 Thank you.

3 And thank you, Mr. President. I further have no questions for the
4 civil party.

5 And, Mr. Yos Phal, I thank you very much for answering my
6 questions in detail.

7 MR. PRESIDENT:

8 We'd like now to direct the six questions from the civil party to
9 the two Accused: firstly, to Khieu Samphan. You may proceed.

10 [14.51.38]

11 MR. KHIEU SAMPHAN:

12 Good afternoon, Mr. President, Your Honours, and good afternoon
13 to everyone in the courtroom, and good afternoon, Mr. Civil
14 Party.

15 First of all, I would like to inform you that I am not the Khmer
16 Rouge. And I cannot bear responsibility for those accusations.
17 Let me give you an example. In the case of Mr. Hun Sen; will he
18 be responsible for the actions committed by the Khmer Rouge? And
19 in my case, it's even further remote from Hun Sen's instance. I
20 did not know anything at all of what happened from between 1975
21 to 1979. Regardless, I wish to express my sympathy to you to your
22 suffering and your experience and your loss of your parents,
23 relatives, and your beloved ones. And I will respond to some of
24 your questions. The question is: Why there were killings? And as
25 I said, I cannot answer that question since I do not have any

1 knowledge about it. I was involved in the Khmer Rouge movement,
2 as I stated this morning – was to reconcile all the resistant
3 forces after the coup d'état, which led to the spread of the
4 Vietnamese war inside our territory – and that we had to
5 reconcile our forces in order to survive, not to be removed from
6 the world map.

7 [14.55.22]

8 That was my only intention. But that I was a leader; no, I was
9 not. And I'd like to make clear on that. So, on the issue of
10 killings, I also do not understand it. And of course I did not
11 want it to happen, that kind of disastrous act. And I did not
12 have the power to prevent it. I did not have any power at all.
13 This is the response to your first question.

14 As for your second question: Why people were not fed
15 sufficiently? Allow me to respond as follows. And I will make it
16 brief, so that we all can understand it.

17 The Democratic Kampuchea leaders did not have abundant resources
18 of food. They had ordinary and simple Cambodian dishes. They did
19 not enjoy themselves with whiskey or other kinds of alcoholic
20 drink. They drank communal hot water, and we served ourselves.
21 The food was just sufficient and not abundant. And at various
22 ministries and offices, as far as I know, it was not abundant.
23 But they had enough to eat. So, this is my experience and
24 observation, and that made me draw a conclusion that people ate
25 at the countryside – ate the same thing. And I was in the

1 distribution responsibility. And, of course, I gathered all those
2 resources for the distribution to the people, in hundreds of
3 thousands of cars. So this is my response to the question of the
4 lack of food.

5 [14.58.10]

6 And on your question as to why people were prohibited from eating
7 the fruit that they planted around their houses - it's beyond my
8 knowledge. And, of course, I would not agree to it at all, for
9 the prohibition for people to eat the trees or the fruits that
10 they planted.

11 And on the issue of forced marriage, I did not know anything at
12 all because, at the offices around Phnom Penh, no such event
13 happened.

14 And now I'd like to respond to you on the issue why there were no
15 schools. I knew about that political line of the Communist Party
16 of Kampuchea. Based on the experience of the previous regime -
17 that is, during the Samdech Sihanouk regime - a handful of
18 intellectuals were developed, including Thiounn Mumm, who had the
19 highest educational degree.

20 [15.00.18]

21 And Mr. Phlek Chhat, he was the road engineer - road and bridge
22 engineer, but after he obtained that degree, he could not do
23 anything to contribute to the construction of Cambodia, but he
24 worked in a separate portfolio as this minister or that minister.
25 Because, the reason is that there were only a handful of educated

1 people, and the rest were not qualified to work in their
2 positions. So, their education was much further about the actual
3 real situation in Cambodia, and for that reason their knowledge
4 could not apply to the current situation of Cambodia at the time.
5 For that reason, they decided not to open the schools, and that
6 children shall study at the same time to assist in working, and
7 to assist, for example, in collecting fertilizer, as you said, or
8 to collect "tontrean khet" tree leaves.

9 And in Phnom Penh itself, they should come and work in the
10 factories while studying. So then their education and knowledge
11 gradually went up, and that would assist in the development of
12 the country before we could go to higher education. And, indeed,
13 there was a programme that a school shall be organized, and I
14 heard Pol Pot asking Thiounn Mumm on this issue, and whether we
15 could take any shortcuts in our education process - that is, to
16 cut down on the theory but to engage more in the actual
17 application. And that was their preparation. So it doesn't mean
18 then the - there would be no school at all.

19 [15.02.55]

20 And in summary, I am not a leader of the Democratic Kampuchea
21 regime; and number two: several important events that happen were
22 beyond my knowledge. That is, from 1975 to 1979 period. That is
23 all.

24 MR. PRESIDENT:

25 Thank you.

1 Mr. Nuon Chea, would you wish to respond to the questions by the
2 civil party? How would you respond to them?

3 MR. KOPPE:

4 Mr. President, we have been instructed to tell you that he
5 doesn't want to answer questions.

6 MR. PRESIDENT:

7 Thank you.

8 It is now appropriate time for adjournment. The Chamber will
9 adjourn for 15 minutes. The next session will be resumed by 20
10 past 3.00.

11 Court officer is now directed to assist the civil party and his
12 assistant during the adjournment and have him returned to the
13 courtroom by 20 past 3.00.

14 (Court recesses from 1504H to 1523H)

15 MR. PRESIDENT:

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

17 Now, we would like to hand over to the Co-Prosecutors to put some
18 questions to the civil party if they would wish to do so.

19 [15.23.30]

20 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President, and good afternoon.

22 Good afternoon, Mr. Yos Phal. Thank you for being here with us
23 today for this very difficult experience, sharing your suffering
24 with us. I have a few questions to put to you regarding what you
25 have witnessed in particular on 17 April 1975 and then

1 afterwards.

2 Q. In your written record of interview, D296/2, at answer 2, you
3 say that you had seen the brigadier Chheum Chhuon on 17 April
4 1975. Could you tell us who this person was and what happened to
5 him on that day?

6 MR. YOS PHAL:

7 A. After leaving Pet Chin, I was walking to the north direction
8 and I stopped at Phsar Thmei. There were groups of Khmer Rouge
9 soldiers with armoured vehicles and I saw a convoy – a motorcade
10 of the Brigadier General. The motorcade was heading to the
11 Ministry of Information and everyone knew that it was Mr.
12 Brigadier General Chheum Chhuon who had to go to the Ministry of
13 Information passing the stupa at that location on that road.

14 [15.25.48]

15 Q. Thank you.

16 Can you tell us how the Khmer Rouge gave the orders to the
17 population to leave the city on 17 April 1975? How did they go
18 about it to warn the people that they had to leave?

19 A. At Chen Dam Dek Pagoda, after eating lunch, at about 2.30
20 p.m., we were surrounded by Khmer Rouge soldiers who were armed.
21 They fired into the air and asked us to leave the place for three
22 days. They told us that we would be allowed to return in three
23 days and that we would not need to bring a lot of things with us.
24 We were worried and we were packing and left.

25 Q. Thank you.

1 Now, I would like to turn to another episode in your personal
2 history. After the evacuation you said that you ended up in
3 Angkor Chey for a while. And when you were there, what did you
4 notice – what did you notice concerning what would happen to the
5 rich people or to the bourgeoisie?

6 [15.27.48]

7 A. From Ph'av, I continued my journey until I reached the border
8 of Takeo and Kampot and I met my parents at Ta Maen village. It
9 was a prison, my parents knew about this. A lot of the New People
10 who – were seen walking, carrying their babies, walking into that
11 office. The office was not big enough to accommodate all these
12 people, so others had to remain outside. But those who went
13 inside were never seen returned.

14 Q. And how did you learn that these were New People? How could
15 you recognize them?

16 A. I knew they were New People because their clothing could tell
17 me. Some were wearing white shirts, blue pants and there was a
18 mixture of coloured clothes and some were seen with big bellies
19 like wealthy people. So I could tell that these people were the
20 New People because Khmer Rouge would not – Base People would be
21 wearing black clothing instead.

22 Q. A little while ago you said that you had to tell lies about
23 your professional career. I believe this was when you had to
24 write your biography for the Khmer Rouge in Ph'av. Now, later on
25 during the regime, did anybody suspect you of having belonged

1 either to Lon Nol's army or to his police?

2 [15.30.48]

3 A. This is a good point to raise and the reason that I survive

4 today; I actually concealed my biography once in Kampong Cham.

5 And later on there was an elder woman who had pity on me and she

6 said that I knew that you went to study and that you did not

7 engage in any military or police employment and then that I

8 should follow her, that is to say that I was a student and not to

9 work as a policeman. And from that day onward I always said I was

10 a student.

11 Q. So you survived those suspicions, but what happened to the

12 former policeman or the former soldiers who were discovered even

13 a good time after the evacuation of Phnom Penh, for example in

14 1977, what fate awaited them?

15 A. I did not mention this fact in the attachments to my Victim

16 Information Form, but now it is a good time for me to raise it.

17 In 1977, I was in a mobile unit and at that time we had to write

18 our biography monthly, and if anyone who wrote that they were in

19 the military for three times, then they would be implicated. But

20 I always maintained my stance that I was a student.

21 [15.32.53]

22 In my unit there were 100 people, 99 of them were killed by the

23 Khmer Rouge at the crime site at Wat Cheung Chab in Tram district

24 at Takeo province. I was the only person from that unit who

25 survived because I maintained that I was a student. And I did

1 have great pity for my friends who had to tell the truth - tell
2 them the truth, but I did not dare to tell them to lie.

3 Q. Thank you.

4 In answer number 6 of D296/2, you referred to a saying that was
5 used by the Khmer Rouge, which is, "To keep you is no benefit and
6 to lose you is no loss". Can you explain this expression that
7 they used in those days and tell us who that - those terms were
8 actually applied to?

9 A. Thank you for raising this good point. That applied to the
10 case of my father as the saying went, because my father was sick
11 so he could not engage in any work and for that reason they
12 injected him with plain water and he died.

13 [15.34.58]

14 Q. Thank you. Generally speaking, Mr. Witness, during the Khmer
15 Rouge period, were you ever treated with respect, dignity or
16 humanity?

17 A. During the period of that regime, nobody, not even a single
18 person ever smiled at me, not at all. Because they knew that I
19 came from Phnom Penh and they did not know whether I engaged in
20 any work in the past. And because of my rather big build, they
21 suspected that I held some kind of a rank in the military role.
22 But I tried to be very humble and to please them and for that
23 reason I survived.

24 Q. I only have a few more questions to ask. There is just one
25 point that I want to come back to because it wasn't entirely

1 clear just now.

2 Twice you said that you had lost your fiancée, why were you not
3 able to marry your fiancée during the Khmer Rouge dispensation?

4 A. My fiancée was a woman whom I understood her well and she
5 understood me well and we were ready to get married.

6 [15.37.03]

7 A unit chief asked me whether any of my fiancée's relatives
8 members ever smashed by Angkar. And I replied that her older
9 brother was smashed by Angkar. Then the unit chief said in the
10 case that the older brother of the woman was smashed by Angkar,
11 that Angkar would prohibit me from marrying her because I was the
12 son of Angkar and it was up to Angkar to organize the marriage.
13 And if after the marriage we could not go along together, then
14 the application of the common practice in Sector 33 would be
15 used, that is pretty woman would marry ugly men and the
16 uneducated ones would marry the educated ones. And the unit chief
17 said if I did not follow the instruction, then I would be killed.
18 For that reason, I followed it through.

19 Q. Thank you for your answer. Now, to close, let me ask you if as
20 an evacuee from Phnom Penh and as "a son of Angkar", as you
21 termed it yourself - did you owe complete submissiveness to the
22 Khmer Rouge leaders you had to work under during the Khmer Rouge
23 regime?

24 [15.39.19]

25 A. During the Khmer Rouge regime, if one was ordered to dig a

1 canal for example, for example that person has to dig six cubic
2 meters per day; that work had to be done. If not, then no rice
3 would be given to that person. And if that person were to
4 protest, that person would be refashioned and the next process
5 would be that person be killed. So we had to follow it through.

6 MR. PRESIDENT:

7 The Co-Prosecutor, the time is now up for the Prosecution; it's
8 last now for 15 minutes.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. That had in fact brought me to a close,
11 and I'm very glad that you gave me this time.

12 Thank you to Mr. Witness - excuse me, Mr. Civil Party.

13 MR. PRESIDENT:

14 The floor is now given to Nuon Chea's defence to put questions to
15 this civil party.

16 [15.40.44]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President.

19 Mr. Civil Party, I have a few questions to put to you.

20 Q. Before the break you were speaking about what was happening to
21 Lon Nol military, and if I remember correctly above a certain
22 rank. Did I understand that well?

23 MR. YOS PHAL:

24 A. Are you asking about Lon Nol soldiers? Can you please specify
25 the time period?

1 Q. If I remember correctly, you were at one point reading from
2 your statement and I think that was in reply to a question about
3 the screening of Lon Nol soldiers on or around 17 April. Do you
4 remember that?

5 A. I do not understand your question, Counsel.

6 Q. In your statement you have been speaking, in your answer to
7 question A2, about the screening of officials of the Lon Nol
8 regime from the ranks of second lieutenant, first lieutenant,
9 captain, major and colonel. Do you remember that?

10 [15.42.58]

11 A. I was en route and when I reached Ph'av district, the
12 propagandist of the Khmer Rouge in Ph'av made an announcement
13 that for those soldiers who were at the rank from the
14 major-lieutenant and the lieutenant upward would be called upon
15 by Angkar. And at the Cheung Prey Pagoda in Cheung Prey district,
16 they made a biography and a card would be given. And for those
17 people who made their biography and stated that they were a
18 soldier or a policeman, then they would be put in one side. And
19 once they have sufficient number of people, then they were sent
20 to Ph'av Pagoda. I, myself, was amongst those people.

21 Q. Would you be able to tell us how exactly you were able to
22 witness all this? Were you actually able - were you able to see
23 that former Lon Nol soldiers were writing their biography and
24 were giving those biographies to the local Khmer Rouge cadres?

25 [15.44.38]

1 A. When we were sent to a pagoda near Ph'av Market, we were given
2 a piece of paper to write our biography. And for those who had
3 their biography sent from Cheung Prey Pagoda would have to write
4 it clearly there. And when they saw the ranking on the paper -
5 that is, from the major lieutenant upwards, then they would be
6 gathered up and sent further.

7 Q. But would you be able to describe to us how you were able to
8 see that? How were you able to know what those people had
9 written? And how were you able to understand what the decision
10 was in respect of these people? Can you just describe for us how
11 you could see all that and hear all that and understand all that?

12 A. Allow me to respond. At that time, I was amongst those major
13 lieutenants, lieutenants and the captains, I was writing my
14 biography, so did they. And I saw what they wrote on their
15 biography. And then the Khmer Rouge collected those papers and
16 then they would screen them and that was the process that they
17 did. And of course, I saw this with my own eyes.

18 [15.46.16]

19 Q. But how were you able to see what other people had written?
20 Did they give this piece of paper first to you before they handed
21 it over to the Khmer Rouge cadres who were responsible?

22 A. Allow me to tell you that they were deceived by the propaganda
23 as they would be given their job back. So those people, for
24 example the major lieutenants, they would say they were the major
25 lieutenants. And there was a man of a big build who was a captain

1 and he wrote that too. And another person who was a major wrote
2 that too and he ordered the lower ranks to line up. So I knew it
3 from my experience and I bore witness to that. I hope you're
4 clear on this point, Counsel.

5 Q. Well, I'm afraid not, Mr. Civil Party. My question is how you
6 became - how you came into the position that you were able to
7 read whatever this captain or major had written on this piece of
8 paper. Why were you privy to that information?

9 A. I think I have told you sufficient enough, because I was there
10 and I saw what they wrote on their document and that is all. I do
11 not know what else to tell you, Counsel.

12 Q. I don't have much time anymore but my question would still be,
13 how did you see what was written on those pieces of papers? Did
14 those people give it to you? Did you get it from the Khmer Rouge
15 cadres? How were you able to read exactly, for instance, what
16 this captain or major had written on this piece of paper?

17 [15.48.56]

18 MR. PRESIDENT:

19 Civil Party, please wait.

20 The assigned civil party lawyer, you may proceed.

21 MS. BEINI YE:

22 Thank you, Mr. President. I would like to object against this
23 question because it is repetitive. I think the civil party has
24 made sufficiently clear that he has seen what was written. So I
25 do not understand where this question is going to and I object.

1 MR. KOPPE:

2 That is exactly the point; he doesn't answer my question as how
3 he was privy to whatever was written on those pieces of paper by
4 this Major X or this Captain Y. It's not a repetitive question;
5 it's just a question to get clarification on the sources of his
6 knowledge.

7 [15.49.52]

8 MR. PRESIDENT:

9 The objection is not sustained. Civil Party, please respond to
10 the question.

11 However, it has to be clear that - are you referring to the
12 events in general or are you referring to a specific point in
13 time? From his response, he knew about some people who were
14 nearby him. And, of course, when people were writing and when
15 they were nearby they may ask each other about this or that and
16 that's what the civil party replied. And he also heard of other
17 people talking about that when he was amongst them. So you have
18 to make your question specific. Are you referring to a specific
19 period of time or in general?

20 BY MR. KOPPE:

21 No, no, I'm referring to a very specific moment in time: what
22 happened at Ph'av Market and what happened when other people were
23 asked to give a biography.

24 So I'm asking something about a very specific moment and am
25 referring to his answer to question 2 in document D296/2.

1 Q. So, my question simply would be - if I may follow up about
2 this captain - how would you know what this captain had written
3 on his form?

4 [15.51.46]

5 MR. YOS PHAL:

6 A. Allow me to repeat myself once again.

7 When we were at the pagoda, the people already told them that
8 they were major lieutenants, so those people and their families
9 were sent to a pagoda near Ph'av Market and then they made
10 biography. And at that time they shared among themselves, they
11 asked each other what they did. And after they made those
12 biographies, they were called one after another and then a major
13 was asked - to assign - to take charge of them, and then they
14 were lined up. And I was amongst them to line up. So there were
15 several of us - that is, from the major lieutenant rank up.
16 Then they were taken on motorbike - and there were five
17 motorbikes - and when they had been taken away - and for those
18 lower ranks, for example, private - then they were allowed to
19 stay behind. And as I said, I was a private so I was spared and
20 not taken to go with them.

21 [15.53.17]

22 MR. KOPPE:

23 Mr. President, I obviously have many questions to ask him but of
24 course also mindful of the seven minutes that we have been
25 awarded. I would like to continue because if this is evidence,

1 then we need to have the possibility to cross-examine obviously.
2 So I'm seeking your guidance as what to do in respect of this
3 civil party.

4 MR. PRESIDENT:

5 What about Khieu Samphan's defence? How much time do you
6 anticipate that you would need?

7 MR. VERCKEN:

8 I have a few questions. We were told that we had seven minutes
9 per civil party, and that is extremely short to ask questions.
10 So I would support my learned colleague's request if he wants to
11 continue, but I would also, myself, like to use the time that was
12 originally allocated.

13 MR. PRESIDENT:

14 We will grant additional five minutes to Nuon Chea's team.

15 [15.54.55]

16 BY MR. KOPPE:

17 Q. Mr. Witness – Mr. Civil Party, how many – that was a Freudian
18 slip. Mr. Civil Party, how many people were there in total when
19 this process of information-gathering was going on?

20 MR. YOS PHAL:

21 A. If it is fresh, then I would tell you with no hesitation. But
22 it's been more than 30 years and my recollection is rather poor,
23 so that's all I can recall. I cannot tell you any further details
24 regarding this point.

25 Q. Do you remember anything what the Khmer Rouge cadres were

1 saying when these people were asked to give their biographies?

2 A. I cannot recall that specific, it's been so long. I apologize
3 for that.

4 Q. Do you remember if you were giving those other people who were
5 majors or captains or had other ranks, warnings about not to fill
6 in what they really are – what they really were?

7 [15.56.56]

8 A. If I were to tell you – to tell them, then I would not tell
9 that myself was a reserve public servant.

10 Q. Did you see this captain or this lieutenant be driven away on
11 the back of a motorbike? And if yes, where to?

12 A. When they made the decision that they were telling them the
13 truth, then a person on a motorbike would take them at the back
14 of their motorbike and there were five motorbikes in total and
15 they were driven away. But I did not know where they were driven
16 to.

17 Q. But were you actually present when a decision was made that
18 somebody should step on the back of a bike and be driven away?

19 A. I think I need to repeat myself again here. I was also part of
20 the groups that were detained by the Khmer Rouge. Of course they
21 were driven one by one on the back of the motorbike. I hope I'm
22 clear now.

23 Q. Mr. Civil Party, would it be possible that you maybe have
24 heard of a story like this but that you haven't actually
25 witnessed it?

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1 A. I cannot - I do not - how to respond to your question like
2 that.

3 [15.59.26]

4 MR. PRESIDENT:

5 Mr. Phal, this is the way how questions are put during the
6 cross-examination sessions. You are supposed to respond to the
7 questions based on the best of your knowledge. Counsel only asked
8 you whether you saw this with your own eyes or you heard about
9 this. That's a simple question and this is the way how some
10 questions are put. So, please respond.

11 BY MR. KOPPE:

12 I will repeat the question.

13 Q. Mr. Civil Party, would it be possible that this story or the
14 events of selecting Lon Nol soldiers is something that you've
15 heard and not actually witnessed yourself, you not actually saw
16 it with your own eyes; would that be possible?

17 MR. YOS PHAL:

18 A. Mr. President and Counsel, I saw this and I bore witness to
19 things that happened at that time. That's all I can say.

20 [16.01.05]

21 MR. PRESIDENT:

22 Thank you, Counsel for Mr. Nuon Chea. Your time is now up.

23 And we would like to hand over to counsels for Mr. Khieu Samphan
24 to put questions to the civil party.

25 QUESTIONING BY MR. VERCKEN:

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1 Thank you, Mr. President.

2 Q. Mr. Phal, I have a few questions for you regarding what you
3 said about what you experienced on 17 April.

4 [16.01.38]

5 I'd like to remind you - or to a segment from your written
6 statement that you confirmed before us. This is your answer to
7 question number 2 and you say the following - and I quote [free
8 translation]:

9 "On 17 April, I was in the Chaktomuk Theatre. It was about 8:30
10 in the morning and one of my chiefs ordered me to stand in line
11 and then I heard shooting and the shooting - they were shooting
12 inside the theatre. My commander jumped on a motorbike and
13 escaped and then we followed. I left the barracks and then I met
14 a Khmer Rouge who told me that I should give up my military boots
15 and that I should take off my helmet. So therefore, I walked
16 barefoot into Pet Chin." End of quote.

17 And earlier today in a less elaborate way, you said pretty much
18 the same thing when you talked about this Khmer Rouge you met on
19 17 April who told you that it would be better for you to give up
20 your boots and your helmet or your beret or whatever - however
21 this was translated.

22 [16.03.18]

23 So my question is the following: Why did he tell you this? Why
24 did he ask you to do this? Was this a recommendation or was this
25 an order or - what kind of - what was this - what was all of this

1 about?

2 MR. YOS PHAL:

3 A. I was still wearing police uniform; I had my police boots and
4 hat. At that time I was asked to remove the boots and remove the
5 hat to just prove to them, to the Khmer Rouge, that we were
6 defeated because-

7 (Technical problem, no interpretation)

8 [16.12.24]

9 MR. PRESIDENT:

10 Counsel, you may continue, I think we are now back on track.

11 BY MR. VERCKEN:

12 Q. Well, you answer - you were answering my question and I didn't
13 hear unfortunately the totality of your explanation in French.

14 I'd like to remind you that my question consisted in asking you
15 how you understood this recommendation or this order that was
16 given to you on 17 April 1975 by this Khmer Rouge who was asking
17 you to take off your boots and to take off your beret or helmet.

18 MR. YOS PHAL:

19 A. The Khmer Rouge asked me to remove my boots and hat. That was
20 a sign that they would like us to do because it was a sign that
21 Lon Nol soldiers were defeated.

22 [16.13.59]

23 Q. And was this enough to prevent you from being identified as a
24 Lon Nol soldier?

25 A. No, that was not; we were still wearing the police uniform and

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1 only removing the boots and the hat. We still maintained this
2 identity. It was only meant to tell the Khmer Rouge soldiers that
3 the Lon Nol soldiers and police were surrendering by doing that.

4 Q. Thank you. Then in your statement you say the following and
5 you explained that you continued following your way after you
6 took off your boots and your helmet, and then you say:

7 "I went all the way to the Chrouy Changva Bridge and there a
8 young Khmer Rouge held me at gunpoint and asked me if I had a gun
9 or not and I told him no. And this is how this Khmer Rouge
10 soldier let me continue." End of quote [free translation].

11 So, then, Civil Party, what interest did the people who stopped
12 you was whether or not you could be dangerous in any way, whether
13 or not you were armed?

14 [16.14.53]

15 A. I wish to clarify this a little bit. At that time, the
16 population of Phnom Penh was still cheering the - or congratulate
17 the victory of the 17 of April 1975, and when I was seen carrying
18 the boots and hat, I was asked whether I was also carrying a gun
19 and I said "no" and they allowed me to go on.

20 Q. Thank you.

21 And in your answer number 2, again of your records of 12 December
22 2009, you say that you were stopped again and then searched
23 carefully and you say: "They ordered us to line up and then they
24 started searching us. The Khmer Rouge ordered the people to leave
25 their houses. I walked to the west of..." End of quote.

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1 So, in terms of your personal experience – that is, you were
2 stopped for a third time by the Khmer Rouge and during this –
3 when you were searched, people were trying to see whether or not
4 you had a gun. Is that the case?

5 A. When I was still wearing this police uniform, the first
6 question they would ask me when they were searching me was
7 whether I was carrying a gun. By saying no, I would be allowed to
8 move on.

9 [16.18.14]

10 Q. And earlier, when you answered the questions from your
11 counsel, you spoke about the explanation given to you by the
12 Khmer Rouge to justify the fact that they would ask you to leave
13 the city. And you also spoke about this during your interview,
14 but you were rather brief about this. It's again in answer 2,
15 which is rather long – in fact, two and a half pages in this
16 record.

17 And then you said: "The Khmer Rouge told me that I had to leave
18 the city for three days only."

19 And earlier today, when you spoke about this, you said that: "The
20 Khmer Rouge told me to leave Phnom Penh because they needed to
21 reorganize the city."

22 Is that what they told you? Is that how they explained the
23 situation to you then?

24 A. I am now old, much older than before, and my memory does not
25 serve me well, but I forgot to tell you that during the time when

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1 I said Khmer Rouge asked us to leave the city because they needed
2 three days to reorganize the city, I should also have said that
3 they told us that Americans would also drop bombs.

4 [16.20.04]

5 Q. So your memory is coming back to you as I see. And last
6 question for you: In this very long answer, answer 2, that in
7 your written records of 12 December 2009, you said that several
8 weeks after 17 April, when you were in the village of Trapeang
9 Snao - please forgive me for my pronunciation - which is located
10 in Kampong Cham province, you had received some recommendation
11 from a gentleman called Long Sinuon and you stated: "Long Sinuon
12 told me to discard the laissez passer because it had been written
13 with a red ballpoint pen." End of quote.

14 And then you explained that this was a laissez passer that had
15 been given to you by the Khmer Rouge.

16 First of all, can you tell us who this Long Sinuon was?

17 A. Mr. Long Sinuon was the Chief of ILO in Phnom Penh. He had to
18 also conceal his identity, he was a major, but he told the Khmer
19 Rouge that he was a goldsmith. And he told me that - look, as
20 long as a red ballpoint pen was used on this piece of paper, I
21 should abandon it; otherwise, I would be killed. And I also said
22 that I was a rubber plantation worker and other had to also tell
23 a lie to the Khmer Rouge so that we could be allowed to leave our
24 village.

25 [16.22.29]

1 MR. VERCKEN:

2 I have no further questions, Mr. President.

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 Thank you, Mr. Yos Phal. The session on your testimony and
6 statement of suffering as a civil party has now come to an end.

7 You are now excused. Your testimony and statement of suffering
8 may contribute to the – ascertaining the truth and you may now
9 return home. We wish you all the very best.

10 Court officer is now directed to assist with the WESU unit to
11 ensure that Mr. Yos Phal is returned home safe and sound.

12 [16.23.22]

13 The hearing today comes to an end. The Chamber will adjourn and
14 the next hearing will be resumed on Wednesday the 29th of May
15 2013. And tomorrow is the Ploughing Ceremony and it is a public
16 holiday, that's why the Chamber will not be sitting tomorrow. On
17 the 29th of May, the Chamber will be hearing the testimonies and
18 the statements of suffering of four civil parties, TCCP-156,
19 TCCP-7, TCCP-13 and TCCP-198.

20 We would like to also make sure that this information is well
21 conveyed to the parties at the proceedings and the assistant who
22 would be here to assist the civil parties who are testifying and
23 giving the statement of suffering.

24 Security personnel are now directed to bring Mr. Khieu Samphan
25 and Nuon Chea back to the detention facility and have them

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1 returned to the courtroom by May 29th, at 9 a.m.

2 The Court is adjourned.

3 (Court adjourns at 1624H)

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