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Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 January 2015

Trial Day 231

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LIU	English
MR. LYSAK	English
MR. MEAS SOKHA (2-TCW-936)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. UM SOPHANNY (2-TCCP-296)	Khmer

1 PROCEEDINGS

2 (Court opens at 1005H)

3 MR. PRESIDENT:

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

5 For today's proceedings, the Chamber will continue to hear the

6 testimony of the Witness, Meas Sokha, and we then continue to

7 hear the testimony of civil party, 2-TCCP-296.

8 The Greffier, Ms. Se Kolvuthy, could you report the attendance of

9 the Parties and individuals to today's proceedings?

10 THE GREFFIER:

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

12 are present, except the accused Nuon Chea. He is at the holding

13 cell downstairs, as he waives his rights to be directly present

14 in the main courtroom, and the letter has been submitted to the

15 Greffier. The Witness, Meas Sokha and civil party 2-TCCP-296 are

16 ready to be called by the Chamber. Thank you.

17 MR. PRESIDENT:

18 Thank you.

19 The Chamber has received a health medical report by the doctor on

20 duty for the Accused at the ECCC, who has examined the Accused.

21 In general, the health is good for Nuon Chea. He has a backache

22 for prolonged sitting and dizziness, and he is recommended to

23 follow the proceedings in the holding cell downstairs. At the

24 same time, the Chamber also received a waiver from the accused

25 Nuon Chea, due to his health condition -- that is, a headache,

2

1 backache, that he cannot sit up for long in the main courtroom --
2 and for today's proceedings, he waives his right to be present in
3 person in this main courtroom.

4 [10.08.32]

5 And he expressly states that he understands the right and his
6 waiver, and he understands that the waiver does not lead him to
7 be prejudicialled [sic] in the trial against him. And also with
8 the medical report from the doctor, as well as the waiver from
9 the accused Nuon Chea, the Chamber agrees and allows Nuon Chea to
10 follow the proceedings from a holding cell downstairs, through a
11 remote means. As I have just stated, he expressly waives his
12 right to be present in the main courtroom.

13 The AV unit, you are instructed to link the proceedings to the
14 holding cells downstairs for today's proceedings so that he can
15 follow it.

16 The Chamber has been informed by the Nuon Chea's defence to make
17 a five-minute statement in regard to today's proceedings, and I
18 would like to give the floor to you now to do so.

19 [10.10.26]

20 MR. KOPPE:

21 Thank you, Mr. President, Your Honours, Counsel.

22 Maybe, Mr. President, it is a 10-minute submission that we have
23 to make. It is all regarding the Witness that testified yesterday
24 and earlier this month. It is our position that this Witness,
25 Meas Sokha, is lying, that he has been lying about the crimes he

3

1 claims to have witnessed at Krang Ta Chan.

2 MR. PRESIDENT:

3 Counsel Koppe, please wait. The International Co-Prosecutor, you
4 have the floor.

5 MR. LYSAK:

6 I am sorry to get on my feet so quickly, but we must object to
7 this procedure. If there's a motion to be made, first of all it
8 should have been described in the email that was circulated to
9 this Court so that we had notice. This is not the time to get on
10 your feet and make arguments about credibility of witnesses. I
11 could not possibly disagree more with the first words that came
12 out. This is not the time for the Defence and the Prosecution to
13 argue the credibility of witnesses. If he has a motion to be made
14 about procedure, that's one thing, but this -- this is certainly
15 improper, and not the time for the Defence to be getting up and
16 challenging the credibility of a witness.

17 [10.12.05]

18 MR. PRESIDENT:

19 Thank you. And the National Lead Co-Lawyer for Civil Parties, you
20 have the floor.

21 MR. PICH ANG:

22 Good morning, Mr. President, Your Honours, and everyone in and
23 around the courtroom. This morning when I checked my email, I was
24 rather surprised. It is my view that in the previous practice,
25 the President advised the Parties not to make any conclusion or

4

1 assumption on the credibility of witnesses, and we have Internal
2 Rule 92 to support that and that Parties can make so at the final
3 submission -- written submission on the credibility of the
4 witnesses. Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you. And Counsel Koppe, do you have any response to be made
7 to the opposition made by the International Co-Prosecutor and
8 National Lead Co-Lawyer for Civil Parties?

9 [10.13.23]

10 MR. KOPPE:

11 Yes, Mr. President. We have a request to be able to cross-examine
12 this Witness for three more hours. Why we need this time, we
13 would like to briefly argue. We're not making any submissions on
14 the probative value of this Witness, because this is not the time
15 and place to do so. However, we would like to explain to the
16 Chamber why it is that we need this extra time. It is a five to
17 ten-minute submission. It is the proper place to do, because it
18 relates directly to this Witness. When would you want me to do it
19 otherwise?

20 MR. PRESIDENT:

21 Judge Fenz, please proceed.

22 [10.14.19]

23 JUDGE FENZ:

24 I've just a question to Counsel. These arguments you want to
25 present to the Chamber, are those the result of yesterday, or

5

1 have they been known for a longer period of time?

2 MR. KOPPE:

3 No, no, no. Because of yesterday.

4 Thank you, Mr. President. I will continue. We are convinced that

5 Meas Sokha never witnessed the torture incident of a fat cyclo

6 driver, suffocated by a plastic bag. We are convinced he made up

7 his story. His inability to --

8 [10.15.07]

9 MR. PRESIDENT:

10 Counsel, you are not allowed to make a conclusion that a witness

11 is lying during the testimony. This will threaten the accused, or

12 make him lose confidence for his testimony, and in order to make

13 sure the testimony has a probative value, or it is -- it is

14 credible, it is at the entire discretion of the Bench. You may

15 continue to question the Witness in relation to the facts related

16 to the Witness. And, of course, we understand your tactics, or

17 your methods, when you questioned the Witness yesterday, but it

18 has to be within the limit of questioning the Witness, and the

19 types of questions that are applicable within the domestic

20 system, as well as within the ECCC.

21 (Judges deliberate)

22 [10.19.35]

23 JUDGE FENZ:

24 Just an additional question to Counsel, before we make a

25 decision. Will your only final request be to extend the time

6

1 allocated to you to three hours? Or would it -- will it also go
2 to questions of relevance, etcetera? Meaning, do you suspect that
3 the Chamber -- that some of the questions you will ask will be
4 considered irrelevant if you don't tell us for 10 minutes now why
5 they are relevant?

6 MR. KOPPE:

7 Well, it was my intention, before I got cut off unnecessarily, to
8 explain that the only way to show this Court that this is an
9 unreliable Witness is asking him about details, details as to the
10 events that he claims to have witnessed. If he is not -- if he is
11 not able to properly describe the events, if he is not able to
12 give details of what happened, we think he's unreliable. This is
13 our only way to show to you that he is, in fact, an unreliable
14 Witness. What else do you want us to do?

15 JUDGE FENZ:

16 So, you have basically answered the second question I would have
17 asked. You intend to stick with this incident for three hours?

18 [10.20.55]

19 MR. KOPPE:

20 No. I was almost finished with this incident. It -- my questions
21 were related to what he claims to have witnessed in relation --
22 in respect to the torture. Now, the next line of questions will
23 be me asking him questions about details of children that he saw
24 beaten against trees, mass executions on this small -- that's
25 what my -- my intention was.

7

1 MR. PRESIDENT:

2 The National (sic) Co-Prosecutor, you have the floor.

3 MR. LYSAK:

4 Thank you, Mr. President. I have no objection to the Defence
5 having equal time to us. By my calculation, that would be that
6 they would get an additional hour to an hour and a quarter,
7 total. Not three hours. Frankly, Counsel can choose how to use
8 his time as he wishes. My view of the hour he spent yesterday was
9 unnecessary. Questioning about the details of one day, from a
10 prisoner who was here for two years, we could have done this --
11 he could have accomplished his objective in five minutes. No one
12 should be surprised that a person, thirty years later, remembers
13 that someone was suffocated, remembers that people were killed,
14 but may not remember anymore less significant details of that
15 day: how much the prisoner weighed, what colour his hair was,
16 what socks he was wearing. I don't think it is any way productive
17 to grant three hours in this case, but I am certainly not opposed
18 to them having another hour and a quarter, which would give them
19 the same time as us.

20 [10.22.50]

21 MR. PRESIDENT:

22 And what about Khieu Samphan's counsel? Can you give us an
23 estimation of time that you need to question this particular
24 Witness?

25 MS. GUISSÉ:

8

1 Yes, Mr. President, we have had a discussion with Mr. Sam Onn,
2 and both of us, unless all the issues have been covered by Mr.
3 Koppe, will need about a couple of hours. Sorry -- I'm sorry,
4 we'll need one hour. I beg your pardon.

5 [10.23.38]

6 MR. PRESIDENT:

7 Thank you. And the International Lead Co-Lawyers for Civil
8 Parties, you may proceed.

9 MS. GUIRAUD:

10 Thank you, Mr. President. I also do not have any objections with
11 regard to the manner in which the Defence would like to use their
12 time, and the kinds of questions they would like to put to the
13 Witness. I nevertheless have objections regarding granting them
14 additional time, and I would like to remind the Parties, and
15 particularly the public, that we have an investigation that went
16 on for several years, during which the Defence could also have
17 asked such questions. So, I am concerned today about this. If
18 each of the defence teams needs additional time to challenge the
19 credibility of the Witness, when they didn't do so during the
20 investigation, this trial will never be able to end in time, so I
21 would like you to take that into account when you take your
22 decision.

23 [10.24.54]

24 MR. PRESIDENT:

25 The Chamber does not allow the Co-Prosecutor to be on his feet

9

1 again. Whatever you wish to make, you should make it at one go.
2 The Chamber decides that the time for the two defence teams is
3 from now until the lunch break at 12 o'clock -- at noon. Court
4 Officer, could you please usher the Witness in?

5 (Witness enters the courtroom)

6 [10.26.58]

7 MR. PRESIDENT:

8 Good morning, Mr. Meas Sokha. Today, we will continue to hear the
9 remaining of your testimony, and before I hand the floor to the
10 Defence Counsel to put the questions to you, the Chamber would
11 like to remind you that you should listen to the questions
12 carefully and make a direct response to the said questions.
13 Please avoid to overstate your response to the questions.
14 And secondly, if you are unsure of any question put to you, you
15 can ask the person to rephrase it or to repeat that question.
16 This is in order to save time and to put value on the clarity of
17 your testimony and I hope you understand my instructions to you.
18 The Chamber would like now to give the floor again to Nuon Chea's
19 defence.

20 [10.28.16]

21 QUESTIONING BY MR. KOPPE RESUMES:

22 Good morning, Mr. Witness. I have two or three more questions
23 relating to the events that you described yesterday, the events
24 that you saw a cyclo driver being suffocated with a plastic bag.
25 You said you were standing close to the kitchen. Do you remember

10

1 if your mother was present when you watched this event?

2 MR. MEAS SOKHA:

3 A. I was there, but mother wasn't as she was not there. The
4 kitchen area was for guards only, not the kitchen for prisoners.

5 Q. Where were your other brothers and sisters at that moment in
6 time?

7 A. My younger siblings were not there, because younger children
8 were allowed to play at the north side, near the fence.

9 [10.30.05]

10 Q. Mr. Witness, would you be able to tell whether the distance
11 that you were standing from the events was about the same
12 distance as the prison buildings? In other words, would you be
13 able to tell whether the prisoners were able to hear the same
14 things that you heard?

15 A. No, they could not, because during the interrogations they
16 would play music, or songs, or national anthem over loudspeakers.

17 Q. So, is it now your testimony that during the interrogation of
18 the cyclo driver they were playing music?

19 A. During interrogation, music was always played.

20 [10.31.25]

21 Q. Final question, Mr. Witness, would you be able to explain how
22 it was possible that you were able to hear the questioning of the
23 interrogators and the answers of the cyclo driver when the music
24 was playing?

25 A. The loudspeaker was turned towards the prisoners' building, to

11

1 avoid them hear -- so those prisoners could not hear the
2 interrogation.

3 Q. That surprises me, Mr. Witness. I have visited the site
4 myself, and I think the kitchen and the prison building is about
5 the same --

6 MR. PRESIDENT:

7 Co-Prosecutor, you now have the floor.

8 MR. LYSAK:

9 Yes, I object to Counsel testifying himself. There's a site
10 identification report that has a map, a diagram of this prison
11 grounds. It's not appropriate for Counsel to be testifying
12 himself about the layout of the prison.

13 BY MR. KOPPE:

14 Fine, Mr. Prosecutor.

15 Q. Mr. Witness, isn't it true that the prison building has about
16 the same distance in respect of the interrogation room as the
17 kitchen?

18 [10.33.25]

19 MR. MEAS SOKHA:

20 A. The kitchen building of the guards was about 50 metres away
21 from the prison buildings.

22 [10.33.40]

23 Q. And the kitchen?

24 A. It was about 40 metres away.

25 Q. Thank you Mr. Witness. I would like to turn to another topic.

12

1 Earlier in your testimony, you have testified that you saw prison
2 cadres -- prison guards smash babies against trees on the
3 compound or outside the compound. Would you be able to remember
4 when this happened? How long were you already in Kang Ta Chan
5 when this happened?

6 A. That incident, it happened in 1977. At that time, I could move
7 freely. At the time, I could observe how the children were
8 killed.

9 Q. Would you be able to explain what happened that day when you
10 saw that?

11 A. As for this, there were guards guarding the execution. So,
12 after the execution of the mother, the babies would also be
13 killed. Dig the roots -- dig the grass and we had to dig out --
14 the root out as well.

15 Q. My question Mr. Witness, if you would be able to describe --
16 describe in general terms what you did that day before you saw
17 babies being smashed against trees.

18 A. Before the child or the baby was killed at the time, I
19 returned to my place where the cattle were kept. And that place
20 was to the north side of the execution site. There was a big teal
21 tree near the pit.

22 [10.36.49]

23 Q. Mr. Witness, that was not my question. My question was whether
24 you would in general terms be able to describe the day that you
25 saw that. You woke up: what did you do in the morning? What did

13

1 you do in the afternoon? When exactly did you see these babies
2 being smashed?

3 A. There was no execution in the morning. Execution usually took
4 place at 2 or 3 p.m. In the morning, I went to collect vegetable
5 for cooking and after that I went to tend the cattle. After
6 tending the cattle, I have -- I had to return the cattle to its
7 place. The place where the cattle were kept was close to the
8 execution site and I could see the baby was killed and then, the
9 baby was thrown into the pit.

10 [10.38.10]

11 Q. I'll move up a little bit. Which baby was it? Whose child was
12 it? Do you know the mother?

13 A. I do not know the baby belongs to which mother.

14 Q. Did you see the mother when the baby was killed?

15 A. Before the execution of the mother, I could see her. And after
16 the killing I no longer saw her.

17 Q. Could you give some details about the mother? Do you know her
18 name? Can you describe her? Was she a prisoner?

19 A. I do not know her name. And I do not know her date of birth or
20 place of birth. I do not know her origin. I knew only that she
21 was put in Krang Ta Chan Security Office.

22 Q. But surely you'll be able to -- to describe her. Do you know
23 what she looked like? Do you remember what she looked like? Where
24 she was from maybe?

25 [10.39.56]

14

1 A. Before the incident, I was not there. During the time the
2 execution took place, I was chased away and I was tending cow or
3 cattle. After tending cow and I returned, I could see the
4 execution. This is what I knew.

5 Q. But surely Mr. Witness, this was a terrible incident. You had
6 yourself siblings, young children at the time. Did you maybe
7 speak about the events afterwards with other prisoners or staff?

8 A. I dare not speak this incident -- tell this incident to other
9 colleagues. I had to pretend that I am dumb or I could not speak.
10 [10.41.15]

11 Q. So you didn't go up to a guard or somebody else asking what
12 happened, why did they smash this baby against the tree?

13 A. As I told you already, I did not go to ask information from
14 any other guards. I would be in danger. I had to pretend that I
15 could not speak, I could not hear anything.

16 Q. Mr. Witness, do you remember which tree it was that they
17 smashed that baby against?

18 [10.42.14]

19 A. The baby was smash against teal tree.

20 Q. And where is that tree?

21 MR. PRESIDENT:

22 Witness, please hold on. You have to wait for the microphone to
23 be activated.

24 MR. MEAS SOKHA:

25 A. It was to the north of the pit.

15

1 BY MR. KOPPE:

2 Q. What do you mean to the north? Was it on the compound or was
3 it outside the compound?

4 MR. MEAS SOKHA:

5 A. It was in the first level compound.

6 Q. Do you remember if your brothers and sisters or your mother
7 saw this?

8 A. My mother could not witness the incident. Whenever execution
9 was carried out, everyone was pushed into the buildings. My
10 mother asked that she could be transferred to a cooperative. And
11 one day, Seang, the guard asked her where Yeay Nha want to go?
12 This is the place where you could stay. So please do not ask her
13 to go anywhere later on.

14 Q. Do you remember which prison guards did this?

15 A. That security guards; all of them made such statement. And
16 usually guards had their respective duties. Some people over at
17 the pit to kill and some other were on other tasks.

18 Q. Again Mr. Witness, I wasn't asking you general comments about
19 what happened. My question was, who was it that smashed that
20 baby?

21 [10.45.24]

22 A. It was Seang.

23 Q. Do you remember how he did this?

24 A. I do not know how he did it. And I do not know the methods of
25 killing. If I knew, how could I not tell the court? The killing

16

1 was like what I described.

2 Q. I'm a little bit confused now, Mr. Witness. Are you now saying
3 that you didn't see it or you didn't know it? What exactly do you
4 mean?

5 [10.46.24]

6 A. I said -- I already told you what I saw and please do not ask
7 me further concerning the killing of the baby. I could see the
8 incident for a brief period of time only on that day.

9 Q. Very well, Mr. Witness, I will move on but not without asking
10 a last question on this topic. I put it to you that you never
11 actually saw the killing of a baby- the smashing of a baby
12 against a tree; is that correct?

13 MR. PRESIDENT:

14 Counsel, I told you already. You should not make any conclusion
15 and ask the Witness to confirm on your conclusion. You can make
16 your conclusion at the end of evidentiary hearings. And you can
17 make the conclusion based on your written submission for the
18 Chamber. You have to comply with the Criminal Procedural Codes of
19 Cambodia and also the procedure of the ECCC. The Witness, you
20 need not answer to the question.

21 [10.47.58]

22 BY MR. KOPPE:

23 I think Mr. President, it was a perfectly legitimate question.
24 However, in this court interesting things happen.

25 Q. Mr. Witness, I would like to move on to the next topic. And

17

1 that is your eye testimony in relation to the mass execution of
2 prisoners. Again, do you remember when exactly or around which
3 time during your presence in Krang Ta Chan that was?

4 MR. MEAS SOKHA:

5 A. I saw the execution during the time I was detained in Krang Ta
6 Chan Security Office. There were brutal crimes, killings within
7 the compound of Krang Ta Chan Security Office regardless of their
8 origins.

9 [10.49.12]

10 Q. Please Mr. Witness, if you would be so kind to listen to my
11 question. My question was; do you remember around which time the
12 mass execution that you spoke about yesterday happened -- when
13 that time was?

14 A. It happened in 1977 during the time I was detained in Krang Ta
15 Chan Security Office. I was in that security from 1976 to 1977.

16 Q. Was it the dry season? Was it the wet season? Do you remember?

17 A. It was after the harvest season.

18 Q. Now Mr. Witness, I would like you -- I would like to take you
19 back to that day. Do you remember what you did that day when you
20 saw these mass executions?

21 A. I did not do anything other than tending cattle. The killing
22 took place at 3 p.m. Large number of people were transported to
23 the security office. Because there were no rooms for those
24 prisoners, they were taken to be killed.

25 Q. One step at a time, Mr. Witness. At 3 o'clock, you said you

18

1 witnessed the mass execution. How do you remember it was 3
2 o'clock?

3 [10.51.26]

4 A. From 3 p.m. prisoners were transported out from the first
5 level -- from within the first level fence to the execution
6 place. Two or three or four prisoner were taken out once at a
7 time until they collected all 100 -- all 100 prisoners to that
8 pit. And after that, when night fell, I slept.

9 Q. Is it now your testimony that you saw the execution of 100
10 prisoners?

11 A. On that day, more than 100 prisoner were killed but I do not
12 know the exact number.

13 Q. Fine, Mr. Witness. But let me take you back to 3 o'clock that
14 day. How do you remember it was 3 o'clock?

15 A. I have already told you. So, why you keep insisting on the
16 answer? I told you what I saw.

17 [10.53.16]

18 MR. PRESIDENT:

19 Mr. Witness, you have to listen carefully to the question and if
20 you do not know the answer, you can say 'I don't know'. I have
21 already told you, if you are trying to overstate, there will be
22 consequences. You have no right to not respond to the question.
23 You can say 'I do not know the answer', this is- this can be your
24 answer and it is clear for everyone. Please continue your
25 questioning, Counsel.

1 [10.54.05]

2 BY MR. KOPPE:

3 Q. So, it's 3 o'clock that day. Let's assume that for a second.

4 Had you been tending the cows before you came back to the

5 compound?

6 MR. MEAS SOKHA:

7 A. I returned to my place after 3, 4 or 5 p.m.

8 Q. Again, Mr. Witness, that was not my question. My question is

9 about that day that you say you saw 100 prisoners being executed.

10 Did you come back at 3 o'clock from tending the cows?

11 A. At 3 o'clock, I came to collect the ropes so that I could

12 catch the cattle back.

13 Q. Fine. Can you explain to the Court where exactly you were when

14 you saw the execution of 100 prisoners?

15 A. I do not answer to this question because I was not there to

16 observe the incident.

17 [10.56.12]

18 Q. Is it now your testimony that you didn't actually see the

19 execution of 100 prisoners?

20 A. I saw that incident after prisoner were all killed. I was the

21 one who buried the bodies.

22 Q. So you didn't actually see the killing but it was you who dug

23 graves to put those 100 bodies into; is that now what you're

24 saying?

25 A. I did not stay there to count the prisoner to be killed. When

20

1 I saw the killing, I walked away.

2 Q. So now you saw the killing; is that correct?

3 A. Yes, I saw it just for a brief moment.

4 Q. But Mr. Witness, the execution of 100 people, that surely
5 takes -- I don't know -- half hour, hour? You saw it, you tell
6 me.

7 [10.58.04]

8 A. I do not have a clock or watch to time. It was in the
9 afternoon the killings were -- was -- the killings took place in
10 the afternoon and at 8 p.m. I was waking up to clean the -- the
11 (inaudible).

12 Q. Mr. Witness, just so I understand it correctly, the execution
13 of 100 prisoners must -- to witness that must be a terrible
14 event. So I'm asking you details so in order to be able to
15 understand what happened. Can you be very clear? Did you see the
16 actual killing of those 100 prisoners? And if yes, how did it
17 happen?

18 MR. PRESIDENT:

19 Mr. Witness, please hold on. You have the floor now, Mr.

20 Co-Prosecutor.

21 MR. LYSAK:

22 My objection, Mr. President is simply that he be more clear in
23 his question. Is he asking him whether he saw all 100 prisoners
24 executed or is he asking him whether he saw some of the prisoners
25 executed? By the question being unclear, that's why we have to

21

1 have these repetitive questions over and over. So I would ask
2 that he be clear as to whether he's asking -- what he's asking
3 precisely.

4 [10.59.50]

5 MR. KOPPE:

6 Mr. President, this is a disgraceful --

7 MR. PRESIDENT:

8 I also think your question is rather repetitive, and Witness you
9 are instructed not to respond to the last question, and Counsel
10 please move on.

11 MR. KOPPE:

12 Mr. President, on the record this is a disgraceful objection, a
13 disgraceful decision. I am talking here about the execution of
14 100 people.

15 MR. PRESIDENT:

16 I have heard your questions and they are rather repetitive. I
17 took notes of your questions and the Witness stated that he saw
18 the killing. He already responded to your question. And if you
19 have other questions, please make sure that your questions are
20 precise. And you are not allowed to put repetitive questions to
21 the Witness. Otherwise your time is running out and the time for
22 Khieu Samphan's defence is also running out.

23 [11.00.57]

24 BY MR. KOPPE:

25 Q. Mr. Witness, did you see the execution of all 100 prisoners?

1 MR. MEAS SOKHA:

2 A. I saw the killing in a very short time. I did not stand there
3 to watch the entire event of killing.

4 Q. Fine, Mr. Witness. How many killings did you see?

5 A. I did not count at the time.

6 Q. Was it one, was it five, was it 10, was it 20?

7 A. I saw only one killing and then I was shocked so I did not
8 continue watching, and I knew later on that 100 of them had been
9 killed.

10 Q. So it's now your testimony you saw the killing of actually
11 only one person. Is that correct? And who was this person?

12 A. I did not know that person.

13 Q. When this person was killed where were the other 90 or 100
14 prisoners?

15 A. They were all in the same pit.

16 Q. My question meant to ask you where the other prisoners were
17 during the execution of the one you saw?

18 A. The person that I saw was one of the 100 persons. I only saw
19 that one killing. Then I walked away. The 100 prisoners were sent
20 there all together and they were there.

21 [11.03.28]

22 Q. How do you know this? Who told you that?

23 A. The guards told me because some guards were also kind and they
24 told me that 100 prisoners were killed and they were -- the
25 bodies were in the pit, and I was ordered to bury the bodies.

1 Q. I don't understand Mr. Witness. You were burying the bodies or
2 were they already there in the pit?

3 A. The bodies were in the pit.

4 Q. Is it then your testimony that you didn't dig the holes where
5 the bodies were put into?

6 A. No, I did not dig the pit. It was Soy Sen (phonetic) who dug
7 the pit.

8 Q. Fine. Mr Witness, where were you during the killings of the 99
9 other prisoners. Where did you go to after you saw the killing of
10 one prisoner?

11 A. I went away to tend the water buffalo because it was rather
12 late and as I stated when the night fell, I would sleep. I would
13 not be allowed to wander anywhere at night.

14 [11.05.37]

15 Q. But, I don't understand this Mr. Witness. You said you saw
16 this at 3 o'clock. You watched only one killing. I presume it
17 would be 3.15 when you went away. So it was 3 hours until
18 darkness would fall. Is that correct?

19 A. I didn't talk about the night time. I went to gather the
20 cattle and put them back into the pen. And that was about 5
21 o'clock in the afternoon. And that was the time that I had to
22 return to the prison compound. Then I had my meal and I was ready
23 to be called to assist in hunting frogs as required.

24 [11.06.42]

25 Q. So when you came back did you see the dead bodies of these 100

24

1 prisoners?

2 A. When I was ordered to bury the bodies, I went together with Ta
3 Chhen and that's when I saw those dead bodies.

4 Q. I thought you just said that you were not involved in the
5 burying of the bodies. I don't understand, Mr. Witness.

6 MR. PRESIDENT:

7 The International Co-Prosecutor, you may proceed.

8 MR. LYSAK:

9 Again, repetitive questioning. But my objection is that Counsel
10 is misstating the prior record. The Witness said he wasn't
11 involved in digging the pit. There is digging the pit and then
12 there is burying, covering the pit. And if he were to make that
13 distinction in his questions we wouldn't have to have the same
14 questions asked over and over. So I would ask him to be more
15 specific and not to misstate the Witness's prior testimony, which
16 was that he was not the one who dug the pit.

17 MR. KOPPE:

18 Mr. President, I am asking questions. I've been busy for 25, 30
19 minutes, 20 minutes on a terrible tragic event of the mass
20 execution of 100 prisoners. I don't think I ask repetitive
21 questions. But it's already 10 minutes past 11. On the record, I
22 have many more questions to this Witness. I would like to be able
23 to continue to asking questions, not only about this alleged mass
24 execution, but also about other executions. Please allow me, Mr.
25 President, to continue my questioning.

25

1 [11.08.44]

2 MR. PRESIDENT:

3 You will not be allowed, there is no time, unless you can use the
4 remainder of the time from the Khieu Samphan's defence. And now
5 the Chamber would like to give the floor to Khieu Samphan's
6 defence to put the questions to this Witness.

7 QUESTIONING BY MR. KONG SAM ONN:

8 Thank you, Mr President. Good morning, Your Honours, and everyone
9 in and around the Courtroom and good morning, Mr. Meas Sokha. My
10 name is Kong Sam Onn. I am a Counsel for my client Khieu Samphan.
11 I have some questions for you.

12 Q. First, can you tell us how old you are, because on the 8th
13 January, you said that you were born in 1960, but in your ID card
14 it reads that you were born in 1962. Can you tell us why there is
15 a difference?

16 [11.09.52]

17 MR. MEAS SOKHA:

18 A. I was a soldier and I needed to rest -- to decrease, rather to
19 increase my age so that I could enjoy the retirement benefit.

20 Q. Thank you. So in fact you reduced your age in order to get the
21 retirement benefit. Am I correct?

22 A. That is true.

23 Q. Can you tell us why you want to have a retirement benefit?

24 MR. PRESIDENT:

25 Your question is not relevant, Counsel. And it is not of a kind

1 to ascertain the truth. Witness, you are instructed not to
2 respond to that question.

3 [11.11.01]

4 BY MR. KONG SAM ONN:

5 Allow me to move on. The reason I asked about your age, because
6 the -- after 17th April 1975, as you stated, you said that you
7 worked in a children's unit to tend the cattle, and I would like
8 you to clarify the three stages. That is, first from 1975 up to
9 the day that you were arrested and detained at Krang Ta Chan in
10 June 1976. And, the next stage that I am interested -- that is,
11 the period of about three to four weeks that you were initially
12 detained at Krang Ta Chan. And the third stage is after you were
13 released. These are the three specific time frames that I would
14 like to put to you.

15 During the first stage that you tended the cows, how old were
16 you? That is when you were in 1975.

17 MR. MEAS SOKHA:

18 A. I was 15 years old at the time.

19 Q. On the 8th January, during your testimony at five to 11, and
20 allow me to quote your transcript, you stated that: "At the time
21 I was allowed to stay home because I was the youngest." When you
22 stated that you were the youngest, who -- whom did you compare
23 to? To your peers, I mean the people in your own group, or to the
24 adults or to other people?

25 [11.13.28]

1 A. I myself was the youngest because I always had a sickness,
2 that's why it affected my growth and for that reason I was
3 allowed to come and sleep at my house at night.

4 Q. During the first stage that you started to tend the cows, how
5 many of you were in your team?

6 A. There were six of us.

7 Q. Amongst the six of you, what was the age range?

8 A. We were of a similar age, however I was the smallest. As my
9 mother said I did not grow up.

10 Q. You talk about youngest or smallest, are you referring to the
11 physical height and not the age?

12 A. Yes, that is correct.

13 [11.15.11]

14 Q. I'd like you to answer my questions in relation to the time
15 period that you were in detention. You stated that you were
16 called to go to the detention centre when you returned from
17 tending the cows and while your family members were being brought
18 into the detention centre. My question is the following: while on
19 route, were you together travelling with your family members,
20 namely your parents?

21 A. We travelled at the same time, however I was the last to walk,
22 and we were all put into the same vehicle.

23 Q. Can you tell us when you initially arrived at Krang Ta Chan,
24 and as you stated: "people were put in a queue", can you be a bit
25 more specific on that?

1 [11.16.40]

2 A. People were put in a row and their ankles were shackled. In
3 fact there were two rows in the building, one to the south and
4 one to the north, in that 15 metre-long building.

5 Q. They were put in a row from one end to the other end. Was
6 there a gap where people were not put in that row?

7 A. There were some gaps and later on they would be filled with
8 new prisoners.

9 Q. Here, I want to talk about the smaller gaps where prisoners
10 could not be filled in. For example, whether three or four
11 prisoners were put into a row, and then there was a small gap,
12 and another small set of prisoners would be put into a row. Can
13 you be a bit more specific on that?

14 [11.18.00]

15 A. No, there was no gap or partition. It was a one blank wide bed
16 where all prisoners were put into a row.

17 Q. Please listen to my question carefully. Here I do not talk
18 about a partition or a room partition. I talk about the small
19 gaps within the building where prisoners were put. Let me say a
20 prisoner would be put into a row from one corner of the building
21 to another corner. Or were prisoners put into smaller groups
22 within the row?

23 A. They were put into a row. Some would lie down, some would sit
24 up, but their ankles were shackled.

25 Q. Thank you. Mr. President I would like to show on a screen

1 document D25/30, at ERN in Khmer 00163505; and in French
2 00178424; and in English 00223488.

3 MR. PRESIDENT:

4 Yes, you may proceed. And Court Officer, could you assist with
5 the projection of that document on the screen?

6 [11.19.59]

7 BY MR. KONG SAM ONN:

8 Q. Mr. Witness, I will read an extract from this document, which
9 is the -- your mother's written record of interview before the
10 OCIJ.

11 "Question: when you were arrested and brought to Krang Ta Chan,
12 what did you see in that prison? Answer: I was put into a long
13 building and there were a walkway and five -- a group of five
14 prisoners would be put into a row and we were together with other
15 prisoners in big rooms, and they would use a metal bar to shackle
16 the prisoners' ankles".

17 Mr. Witness, what can you say to that?

18 [11.21.01]

19 MR. PRESIDENT:

20 Witness, please wait. And the International Co-Prosecutor, you
21 may proceed.

22 MR. LYSAK:

23 Mr. President, my objection, I would ask him to have a question.

24 "What do you have to say about that?" is not a specific question.

25 If he has a specific question about his mother's testimony, fine.

30

1 He seems to be just asking for commentary, and I think that's an
2 inappropriate question.

3 MR. KONG SAM ONN:

4 Mr. President, I would like here to make a difference between his
5 testimony and another Witness as stated in this document D25/30.

6 [Judges deliberate]

7 [11.23.01]

8 MR. PRESIDENT:

9 The objection by the International Co-Prosecutor to the last
10 question by the Defence Counsel for Khieu Samphan is overruled.
11 The Chamber would like to hear the response from the Witness and
12 maybe the Witness cannot recall the question and the Counsel,
13 please repeat your question.

14 BY MR. KONG SAM ONN:

15 Thank you, Mr. President.

16 Q. Mr. Witness, I would like to repeat the last question. In the
17 testimony of your mother, she stated that in that prison
18 building, prisoners were put in a group of five and not in a long
19 row as you stated. Can you tell the Court, why there is a
20 difference in your testimony and your mother testimony?

21 MR. MEAS SOKHA:

22 A. When you talk about a group of people, here talked about the
23 metal divider because for the shackle the metal divider will be
24 used for five -- to shackle five prisoners and then another five
25 prisoners would be shackled within another segment of that metal

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1 bar.

2 Q, Do you mean you change your position from your previous
3 statement that prisoners were put in a row from one side of the
4 beam to another to the one that you said group of five prisoners
5 would be put in a row, would be put in a segment?

6 MR. PRESIDENT:

7 Witness, please wait till the microphone is operational.

8 [11.25.02]

9 MR. MEAS SOKHA:

10 A. No, I do not change my position, but I saw the prisoners were
11 put in a row but in between group of five prisoners would be
12 shackled and even if there was a group of five prisoners but all
13 these prisoners would be put in a long row and only in between
14 this group of five prisoners there would be metal ring to divide
15 them although they were still within the same row.

16 [11.25.41]

17 BY MR. KONG SAM ONN:

18 Q. You just stated about a group of five prisoners, what was the
19 distance between this set of five prisoners to another set of
20 five prisoners?

21 A. The distance would be less than 1.5 meters.

22 Q. What about the distance between one prisoner to another
23 prisoner? How wide was it?

24 A. There was no gap between one prisoner to another because five
25 prisoners would be bundled together into this one set in between

1 the metal ring.

2 Q. Please listen to my question carefully. You said that for this
3 bundle of five prisoners was there any gap between one prisoner
4 to the next? Or, how wide was this -- was the distance for these
5 five prisoners when they were put into shackles?

6 A. They were not measured because all the five prisoners had to
7 be crammed against one another and if they were less than five
8 then they would use another prisoner to put into a group or
9 bundle them into a group of five.

10 [11.27.30]

11 Q. Does it mean that the five prisoners had to be bundled
12 together in a group of five and there was no gap in between these
13 five prisoners, however then the distance between or the gap
14 between this set five prisoners to another set of five prisoners
15 was about 1.5 metres, am I correct?

16 A. My response earlier was that the distance was 1.5, not 2.5
17 metres and that is roughly my estimation as I did not take an
18 actual measure of the distance.

19 [11.28.20]

20 Q. Of course, I asked you about the distance between the one set
21 of five prisoners to another set of five prisoners, as you stated
22 that the distance was more than 2 metres and you stated that the
23 five prisoners were bundled together and there was no room for
24 them to move within this set and then another set would be
25 bundled and the distance between these two sets would be 2 metres

1 or 1.5 metres. Am I correct this time?

2 [11.29.02]

3 MR. PRESIDENT:

4 Witness, you do not need to respond to this question and it also
5 a leading question and Counsel please move on.

6 [11.29.20]

7 BY MR. KONG SAM ONN:

8 Thank you.

9 Q. I would like you to clarify about the time -- about your --
10 the arrest of your father. You mentioned that the arrest of your
11 father was during the day that there was a meeting to depose the
12 village Chief. Could you clarify about the time of the event, the
13 time of the meeting and how long was it after the meeting, that
14 your father was arrested?

15 MR. MEAS SOKHA:

16 A. The time that he was arrested it was the day after the meeting
17 and as for my brother-in-law he was arrested on the meeting day.

18 Q. Thank you. Who made the arrests? Who initiated the arrests?

19 A. I was told that the superiors gave a letter to contemptible
20 Boeun, because Boeun was cheated to encourage people to put some
21 prints to depose the village Chief.

22 Q. Thank you. You said that the Superior or the Commune Chief,
23 who was the one who gave the letter. Is that correct?

24 A. Yes.

25 Q. Who was involved in the arrest or who was involved in

34

1 implementing or carrying out the order by the Commune Chief?

2 A. The one who arrested are all deceased.

3 Q. Do you know their names?

4 MR. PRESIDENT:

5 Mr. Witness, please wait until the microphone is operational.

6 [11.32.19]

7 MR. MEAS SOKHA:

8 A. I know the names.

9 BY MR. KONG SAM ONN:

10 Q. Could you tell those names?

11 A. You want me to elaborate the arrest of my father?

12 Q. I would like you to mention the names who came to arrest your
13 father.

14 A. Mr. Chea (phonetic) was the Chief of Militiaman who came to
15 arrest my father and Roum (phonetic) there was one man named Roum
16 (phonetic).

17 [11.33.15]

18 (No Interpretation)

19 [11.35.08]

20 (Technical Problem)

21 [11.37.15]

22 MR. PRESIDENT:

23 Counsel Mr. Kohn Sam Onn, you may now resume your questioning.

24 BY MR. KONG SAM ONN:

25 Thank you, Mr. President. I would like to resume my questioning.

1 Q. During -- from 1979 to the interview by OCIJ, have you ever
2 mentioned about Krang Ta Chan Security Office to any other
3 individuals?

4 [11.37.57]

5 MR. MEAS SOKHA:

6 A. Yes, I mentioned about Krang Ta Chan Security Office to
7 Therith (phonetic), Kalyan -- Madam Kalyan, members of Document
8 Centres of Cambodia - Documentation Centre of Cambodia rather.

9 Q. How did they know you were detained in Krang Ta Chan Security
10 Office?

11 A. They did the research in the Tram Kak District because I once
12 mentioned about my background.

13 Q. Concerning the information you gave, you provided to other
14 people, other individual, other than those from DC-Cam or
15 investigators, have you ever give statement -- given statement to
16 other individuals?

17 A. When I was a soldier in Tram Kak District, whenever I reach a
18 place, I mention about Tram Kak District everyone know me within
19 Tram Kak District. I mention that I was detained in Krang Ta Chan
20 Security Office for a period of about three years and the village
21 chief also knew about my story.

22 [11.39.51]

23 Q. So you have constantly mentioned about your story. And have
24 you ever mention about Krang Ta Chan Security Office the specific
25 details?

1 A. I have never given details of that office.

2 Q. How about your mother? Have you ever received any information
3 from your mother in relation to the Security Office?

4 A. No, I have never talked to my mother. I have never received
5 any information concerning the Security Office.

6 Q. And you have never received any information concerning the
7 Security Office from your relative, your -- and your siblings.
8 Have you?

9 A. Actually they instead receive the information about this
10 office from me. And they said your family was suffering from the
11 event.

12 [11.41.25]

13 MR. KONG SAM ONN:

14 Mr. President, I would like to -- my colleague to continue
15 questioning.

16 MR. PRESIDENT:

17 You may now proceed, International Counsel.

18 [11.41.25]

19 QUESTIONING BY MS. ANTA GUISSÉ:

20 Thank you very much, Mr. President. Good morning, Mr. Meas Sokha.

21 My name is Anta Guisse. I am a Lawyer. I am the International
22 Lawyer representing Mr. Khieu Samphan. We do not have a lot of
23 time remaining. Therefore I would ask that you be precise and
24 succinct in your answers as I will be the same in my questions.

25 Q. I wish to focus first and foremost on the topic of your life

1 before 1975 before your entering to the cooperative. You talked
2 about the Chief of the Co-operative, Mr. Aun Nop. Do you recall
3 at what time Mr. Aun Nop became the Chief of the Co-operative?

4 MR. MEAS SOKHA:

5 A. He became commune Chief from 1970 to 1975 or 1976, and after
6 we departed, I do not know where he is now, but I know that he is
7 in Battambang province.

8 [11.42.41]

9 Q. The date suffices for me. That was the precise question I
10 wanted to ask. Do you know -- I know that you were quite young at
11 that time, but do you recall if Aun Nop, the head of the commune
12 had any particular problem with your father or your
13 brother-in-law prior to the meeting that you referred to during
14 your testimony?

15 A. What I knew is that my father and my father-in-law (sic) was
16 asked to convene a rally or a meeting. And in the past I believe
17 they had some arguments.

18 Q. Thank you very much for that piece of information. Over the
19 course of your testimony you also mentioned that not long after
20 the meeting at the commune between your -- with your father and
21 brother-in-law, the two were convened by Angkar. You yourself
22 referred to Angkar. Can you please tell us in that particular
23 context who were you talking about? Who were the people in charge
24 at the commune? Who were the people who convened your father and
25 your brother-in-law?

1 A. I know only Boeun (phonetic) who was the head of the commune,
2 and as far other I do not know. Boeun (phonetic) was a female.

3 [11.44.35]

4 Q. At the hearing of the 8th of January 2015, you stated and this
5 was addressed by my learned friend for the team of Nuon Chea, you
6 said; "I did not participate in the building of the canals. I was
7 put in charge of overseeing the cattle because I was a young
8 boy". And my colleague then asked you to confirm a statement made
9 before the Co-Investigating Judges, D25/3, and the French ERNs
10 are as follows: 00178111; English ERN: 00223494;, and in Khmer
11 0163511. In this witness record of testimony, you said that you
12 had to collect dung, and that you were in the children's unit.
13 And my question is as follows, yes or no, did you partake in the
14 building of the canals because you have made two separate and
15 distinct statements. Could you please make that clarification
16 before this Chamber?

17 A. After I finished collecting cattle manure, I was also involved
18 in making canals for just a brief period of time. I was told that
19 after you collected cattle manure, you need to -- you needed to
20 go to make canal as well.

21 [11.46.52]

22 Q. And yet at the hearing of the 8th of January around 11.03 a.m.
23 you said the following: "I do not partake in the construction of
24 canals. I was in charge of overseeing the cattle because I was a
25 young boy, therefore I was not sent to build the canals". End of

1 quote. Am I to understand today, that you were saying something
2 different?

3 A. I do not change my statement. I was also involved in digging
4 the canal or making the canals, but not for months. It is -- it
5 was small canals to be dug by the children, and I carried some
6 earth and during the lunch break I would be back to have meal.
7 So, once again I was not involved in digging or making canals for
8 months or for a longer period of time.

9 Q. Very well, I will just have to settle with that answer. I wish
10 now to focus on the time at Security Centre Krang Ta Chan you
11 said that at the detention centre you continued to oversee the
12 cattle. My first question is this. Was this a task that you
13 undertook every day?

14 A. As for tending cattle, I did this work every day. Only when I
15 was put in a preparatory adult unit then I quit such duty.

16 [11.48.59]

17 Q. In fact, you testified before this Chamber that during the
18 interrogations you observed and during the executions that you
19 had observed, or at least partially, can you please say that it
20 was during the time that you were in charge of tending the
21 cattle?

22 A. Actually, I was tending cattle in the outside of compound of
23 the prison, and during the incident I could sneak and observe the
24 incident secretly. If I allowed anyone to see that I was
25 observing the incident, I would be in danger.

40

1 Q. You described your day-to-day living at the detention by
2 saying that after 1976 you were relatively free in how you could
3 move about during the day. Is it fair and accurate to say that
4 you did not enjoy a status that was on par or similar to that of
5 other prisoners?

6 A. That is correct.

7 [11.50.50]

8 Q. Did the status also allow you to have different types of
9 meals? You stated that you ate twice a day. And did you eat the
10 same meals as other prisoners or did you consume something
11 different?

12 A. Actually for a prisoner had only two meals, and as for me I
13 had two meals. However, I received a bigger ladle compared to
14 those of prisoners.

15 Q. Why did you receive a larger ration of food?

16 A. Because they said I would get more energy so that I can -- I
17 could tend cattle.

18 Q. Was that not stemming from the fact that your mother was
19 working in the kitchen?

20 A. It did not concern to the case of the -- my mother that she
21 was working in the kitchen. If I committed infraction it would
22 cause a danger to my mother. So it did not relate to the case
23 that my mother was working in the kitchen.

24 Q. Mr. Witness, I wish to go over a few statements made by your
25 mother. She was interviewed by the Co-Investigating Judges. I am

1 referring to D35/30. I am interested more so in the audio
2 recording of the statements. And I will refer you to that
3 recording, which bear the following numbers: ERN in French
4 01056616217; Khmer ERN 01056208209; and in English 01056610215.
5 Now, the first question that your mother was asked, "During your
6 detention, were you subject to any other mistreatments?" Your
7 mother's response is as following: "Myself?" Question. "Yes".
8 Response from your mother. "No, I was not mistreated given the
9 fact that I could carry out all of the tasks as I was given,
10 which was to feed 200 or 250 or more prisoners at one time which
11 I always succeeded in doing." Question: "And your children?"
12 Answer: "My children worked outside and they were in charge of
13 tending water buffalo and cattle." Question: "Really?" Response:
14 "Yes." Question: "Were they not mistreated?" Response: "No, they
15 were not mistreated, not at all." End of quote.

16 [11.55.03]

17 I would also like to quote another excerpt from the written
18 record of interview with your mother where she specifically
19 refers to meals in the same audio recording, at minutes 30
20 approximately, she is asked a question on the food portions given
21 to the prisoners. This is what she says. This is what she
22 recounts as having been told by the head of the commune.
23 "The head of the commune said to me this: You don't have to give
24 them proper sustenance. Just give them a sufficient amount.
25 That's all. That's what the head of the commune said."

1 Interrogator: "Is that right? Really?" Answer: "Yes, that's what
2 I was told." And she continues on by specifying, "I was told you
3 don't have to give them proper nourishment or sustenance. Just
4 give them enough, and as for the rest you can keep the remaining
5 portion for your children."

6 Q. Now, Mr. Witness, after having heard these statements made by
7 your mother, does this evoke any other memories or recollections,
8 and does this explain why you were given a supplementary portions
9 of food? Yes or no?

10 [11.56.49]

11 MR. PRESIDENT:

12 Please hold on, Mr. Witness. Co-Prosecutor, you may now proceed.

13 MR. LYSAK:

14 I don't know whether it was a translation issue, but the
15 statement said that it was the prison chief who gave this
16 instruction; not the commune Chief. I don't know whether it was
17 just translated wrong, but in English the statement she read said
18 commune Chief and it's actually the prison Chief so the record
19 should be clear on that.

20 [11.57.22]

21 BY MS. ANTA GUISSÉ:

22 In French, I was referring to the head and in the excerpt this is
23 not specified, but I think we can all agree that I am referring
24 to the head of the prison.

25 Q. Now, can the Witness please answer my question, yes or no, the

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1 fact that -- is there an issue, or may I continue?

2 Mr. Witness, yes or no, does this evoke any memories? Does this
3 ring a bell, the fact that your mother worked at the kitchen at
4 the security centre meant that you were entitled to extra rations
5 of food, and that you also enjoyed special status within the
6 detention centre?

7 MR. MEAS SOKHA:

8 A. Concerning food ration -- food rations for my family members,
9 we had enough to eat. However, it was not enough. We just got
10 extra food ration. We received the food ration more than the
11 other. The gruel was very watery. There was a few potato pieces
12 about the size of my thumb and it was very bland.

13 Q. Mr. Witness, I beg your pardon, I'll have to interrupt you
14 because we do not dispose a lot of time as I said I'm asking you
15 very specific questions I would ask that you do not elaborate
16 otherwise I will not be able to conclude within the time allotted
17 to me.

18 Now at this Detention Centre you testified that there were a
19 certain number of people, whether they be security guards or
20 other superiors who -- Mr. President, could I please have your
21 leave to post D25: at ERN 001517; Khmer 00163517; in English
22 00223500. This is the segment of the Witnesses' statement in
23 which he lists the various names of staff numbers of the security
24 centre.

25 Mr. President, do I have your leave to present this document on

1 the screen?

2 [12.00.37]

3 MR. PRESIDENT:

4 You may now proceed.

5 BY MS. ANTA GUISSÉ:

6 Mr. Witness, a portion of your statement is on the screen and I'd
7 like to go over the names that you named. You identified -- you
8 talked about An, Penh, then Duch, then Chhen, next Moeun, then
9 Ouk, then another Duch, and then Sim, and then Saing, and then
10 Soun or Soan. I'm not sure if I'm pronouncing that correctly,
11 then Choeun and then lastly Touch.

12 Q. Does -- is this an accurate reflection of your recollection
13 and recounting to the interrogators when you were interviewed by
14 them?

15 MR. MEAS SOKHA:

16 A. You did not mention some other names -- that is Chit
17 (phonetic) -- Sieng rather, Sieng the executioner.

18 Q. Very well, I think it appears a bit lower on the page but
19 thank you very much for that correction.

20 My question is very straightforward. Now, in response to the
21 question asked to you, you said that you had witnessed or at
22 least partially to the execution of some 100 prisoners in 1977. I
23 would like to know among the staff members that you listed in
24 your statement, how many people were also present. For example,
25 on the day of the said execution, of the names identified were

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1 any of them present at the execution, if so, who was present?

2 [12.02.53]

3 A. Those who were present were all of them, excluding only big
4 Duch, and one person working in the kitchen.

5 Q. Very well, so Penh and Soan were in attendance, is that
6 correct?

7 A. Yes, that is correct.

8 Q. Mr. President, I see that the hour is 12, I have not concluded
9 my line of questioning, I tried to be expeditious, however in
10 light of the technical problems we faced, would the Chamber be so
11 willing as to allot me additional time so that I may finish my
12 cross-examination.

13 MR. PRESIDENT:

14 Your request is granted.

15 BY MS. ANTA GUISSÉ:

16 Thank you.

17 Q. Still bearing in mind the staff of the Security Centre, you
18 mentioned the presence of loud speakers at the Security Centre,
19 you stated that they were inside the Security Centre. Can you
20 tell us exactly where they were, were they in the building and if
21 yes, which building, since you said there were three different
22 buildings? Can you specify exactly where those loud speakers were
23 located?

24 MR. MEAS SOKHA:

25 A .Loud speaker would be turned towards the people who were in

1 the buildings and one loud speaker was placed in front of one of
2 the building.

3 [12.05.07]

4 Q. If I understand you correctly, the loud speaker is opposite
5 the building, does it mean outside of the building?

6 A. Yes. Loud speaker were placed outside of the building, next to
7 the wall.

8 Q. Very well, thank you for this clarification. Bearing in mind
9 the staff you referred to, who was in charge of activating the
10 loud speakers at the time of the interrogations and execution,
11 since they had to be reactivated as you stated? Who were the
12 officials in charge of activating the loud speakers?

13 A. Whoever could operate it or activate it -- the loud speakers.

14 [12.06.09]

15 Q. Do you mean that there was no particular person assigned to do
16 that task?

17 A. You are right. No specific person was in charge of activating
18 the loud speakers. Anyone could activate the loud speakers.

19 Q. At the hearing of the 21st of January 2015, at about 11.19.23,
20 you talked of a number of people who were executed and you stated
21 that it could have been between 60, 70 or even 100 and that
22 prisoners arrived every day and that the prisoners arrived at
23 night. My question to you is as follows. You also stated to be
24 complete, on the 21st January 2015, at 10.20.42, that the
25 building in question could have housed more than 100 prisoners at

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1 a time. I would like you to tell the Chamber what on average in
2 your opinion could be the number of people who arrived a month.
3 How many prisoners arrived a month on average? Because, the
4 figure you gave does not allow me to properly understand the
5 number of prisoners involved. Can you give us an estimate of the
6 number of prisoners who arrived per month at a time?

7 A. I do not remember how many prisoners arrived monthly. I slept
8 outside so I could see that there were perhaps 10 or 30 prisoners
9 were brought at one night and the day after that there would be
10 prisoners brought in for killing.

11 Q. Very well. So in your opinion it was between 10 and 20
12 prisoners arriving every night. Is that correct?

13 A. Yes, you're correct.

14 [12.09.17]

15 Q. So 10 to 20 prisoners arriving every night times 30 days in a
16 month, we're talking of 300 or more prisoners arriving. Is that
17 indeed the case according to your estimates?

18 A. I said and I believe it were more than 300 prisoners monthly.

19 Q. So, Mr. Witness, I would like to read out to you an extract
20 from a statement by someone who worked at the Detention Centre
21 and who gave figures that do not quite tally with what you have
22 said. It seems also that it may jog your memory. It is TCW-845.
23 I'm giving only the pseudonym. It is statement D40/23, and this
24 is what that person who worked at the detention centre stated.
25 The question put to that person and the ERN in French is

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1 00490910; the ERN in Khmer is 00165355; and the ERN in English is
2 00223211.

3 This is the question put to that Witness by the Investigator,
4 regarding prisoners who were brought to that centre -- that is,
5 Krang Ta Chan. "How many were there and how were they brought to
6 the centre, by what means of transportation", and the answer
7 was, "Two or three prisoners were brought, there were about 20
8 prisoners a month who were brought on foot". End of quote.

9 Mr. Witness, that person who worked at the Security Centre talked
10 of 20 to 25 prisoners a month whereas you've talked of more than
11 300 prisoners a month. Can you explain the discrepancy between
12 these two statements?

13 [12.11.51]

14 MR. PRESIDENT:

15 Mr. Witness, please hold on. Mr. Co-Prosecutor you may now
16 proceed.

17 MR. LYSAK:

18 Yes, Mr. President, I'd asked if the Witness is being asked to
19 comment on this that Counsel provide a copy of the witness
20 statement to him so that we can see who this person is. He
21 doesn't know pseudonyms if he's being asked to comment on the
22 statement of other Witness while we should maintain the
23 confidentiality, he should -- is entitled to know who it was that
24 made the statement. So, I believe that is the practice followed
25 in the prior trial. It should be followed here so that this

1 Witness understands who this statement came from. He should also,
2 of course, be instructed not to refer to them by name if this a
3 potential trial witness.

4 MS. ANTA GUISSÉ:

5 I have no problem having the Witness know exactly who we're
6 referring to. I would like to do so if the Chamber would give me
7 more time to present such information to the Witness.

8 [12.13.01]

9 May I request the court officer to show the Witness a copy of the
10 Witness's statement I have here before me?

11 MR. PRESIDENT:

12 Court officer, you are instructed to bring the statement to the
13 Witness.

14 (Short pause)

15 [12.14.25]

16 BY MS. ANTA GUISSÉ:

17 I will give the document but in order for us to gain time, let me
18 try to complete my questions. Talking of another Witness who gave
19 different figures, here is the document that is being brought to
20 you.

21 Mr. Witness, please do not mention the name of that Witness who
22 has not appeared because that Witness is protected by a
23 pseudonym.

24 Q. May I request that you look at the name on the first page and
25 confirm to the Chamber that do you know that person as someone

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1 who worked at the Security Centre? Have you seen the name of that
2 person, Witness?

3 [12.16.06]

4 MR. MEAS SOKHA:

5 A. I know this name.

6 Q. Was that person working at the Security Centre?

7 A. Yes, he works there.

8 Q. And under these circumstances, can you now answer my question;
9 how do you explain the discrepancies between what he said -- that
10 is, 20 to 25 prisoners a month according to that Witness and your
11 own figure more than 300 persons a month?

12 A. I believe that this person worked at the place so he could not
13 mention such number as I said.

14 Q. And why was that?

15 A. Because he was afraid he was allegedly a direct perpetrator.

16 [12.17.57]

17 Q. And was that person one of the executioners?

18 A. He was a messenger.

19 Q. So, if I understand you correctly what you're saying is that
20 he did not take part in any of the interrogations or executions?

21 A. No. He did not involve.

22 Q. And you also stated that you were asleep when the prisoners
23 arrived and so you were not in a position to know the exact
24 number of persons arriving. So my questions to you is as follows.

25 Bear in mind that in principle, you stated that he was not

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1 involved in the interrogations or the killings. Why would he have
2 lied in giving the figure of the persons who arrived at the
3 prison?

4 A. He may feel shameful because he worked there and perhaps he
5 concealed some information. He was afraid to be -- to speak
6 openly.

7 [12.19.43]

8 Q. Very well. That is your position and that is the only
9 explanation you can give regarding the figures that you gave, is
10 that the case?

11 MR. PRESIDENT:

12 Mr. Witness, please hold on.

13 Mr. Co-Prosecutor, you may now proceed.

14 MR. LYSAK:

15 Thank you Mr. President. I didn't object the first few times, the
16 Witness is being asked to speculate about another Witness, he's
17 responded this question as best he could. I don't see any purpose
18 by asking another question, repetitive question, again asking to
19 speculate about the motives of this Witness.

20 [12.20.28]

21 MS. ANTA GUISSÉ:

22 Mr. President, I do not think my question was repetitive. I am
23 putting an apparent contradiction to the Witness and asking him
24 whether it was only with regard to that Witness that he's allowed
25 to comment before the next Witness appears before the Chamber. So

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1 I'm giving this Witness an opportunity to make comments on what
2 he has said.

3 I note we have gone beyond lunch time and I thank you Mr.
4 President for giving me this additional time.

5 [12.21.12]

6 MR. PRESIDENT:

7 Thank you Counsel.

8 The Chamber wishes to thank you, Mr. Meas Sokha, who spent time
9 by giving testimony before the Chamber for these several days.

10 Your testimony now comes to an end and you are no longer needed
11 in this courtroom, you can go to any preferred destination you
12 want.

13 Court officer, you are instructed to facilitate with WESU to send
14 the Witness to his preferred destination.

15 [12.22.00]

16 It is now time for lunch break. The hearing is now adjourned
17 until 1.30. After the resumption of the hearing, we will hear the
18 testimony of 2-TCCP-296.

19 Security personnel, you are instructed to bring Mr. Khieu Samphan
20 to the Detention facility and brought him back before 1.30 p.m.

21 The hearing is adjourned.

22 (Court recesses from 1222H to 1335H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session. For this afternoon proceeding,

1 the Chamber would like to -- will hear the testimony of a civil
2 party 2-TCCP-296. And court officer, could you usher the civil
3 party into the courtroom?

4 (Witness enters the courtroom)

5 [13.37.34]

6 QUESTIONING BY THE PRESIDENT:

7 Good afternoon, Madame Civil Party.

8 Q. Is your name Oum Suphany?

9 MS. OUM SUPHANY:

10 A. Good afternoon, Mr. President. My name is Oum Suphany.

11 Q. Can you tell us when you were born?

12 A. I was born on 18 November 1946.

13 Q. Where were you born?

14 A. I was born in Sangkat Number Four, in Phnom Penh.

15 Q. Where is your current address?

16 A. I live at Number 120B, Street Number 3, Phsar Daeum Thkov
17 district, Chamkar Mon district, Phnom Penh.

18 Q. From 17 April 1975 to 6 January 1979, where did you live and
19 what did you do?

20 A. From 1975 -- I beg your pardon, Mr. President, could you
21 please repeat your question?

22 [13.39.30]

23 Q. From 17 April 1975 to 6 January 1979, where did you live and
24 what did you do?

25 A. I lived in Trapeang Thum Tboung commune in Trapeang Chumro

1 (phonetic) village in Takeo province.

2 [13.40.02]

3 Q. What were you assigned to do?

4 A. I worked in the rice field as a rice farmer.

5 [13.40.17]

6 Q. What is your father's name?

7 A. Om Samoeun is his name.

8 Q. And, your mother's name?

9 A. My mother's name was Thau Sambuor.

10 [13.40.49]

11 Q. And, what is your husband's name and how many children do you
12 have together?

13 A. My husband's name is Sou Nan. I have two children, Sou Botum
14 (phonetic), a daughter, and Sou Amrat (phonetic), our son.

15 [13.41.16]

16 MR. PRESIDENT:

17 Thank you. And Madam Oum Suphany, as a civil party, at the
18 conclusion of your testimony you are given an opportunity to
19 express the suffering and the harms inflicted upon you during the
20 Democratic Kampuchea regime, if you wish to do so. And, in
21 accordance with Internal Rule 91bis of the ECCC, the Chamber will
22 hand the floor to the Lead Co-Lawyers for the Civil Parties to
23 put questions to this civil party first before the other Parties.
24 The Chamber also reminds the Lead Co-Lawyers for Civil Parties
25 and the Co-Prosecutors that you have half a day to put questions

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1 to this civil party and you may now proceed.

2 [13.42.25]

3 MR. PICH ANG:

4 Good afternoon, Mr. President, Your Honours, and everyone in and
5 around the courtroom. For questioning this civil party, with your
6 permission, I would like to designate the time to Lawyer Sinet
7 (sic) to put questions.

8 MR. PRESIDENT:

9 Yes, you may proceed, the designated Lawyer for civil parties.

10 [13.42.58]

11 QUESTIONING BY MR. LIU:

12 Good afternoon, Mr. President and Your Honours. Good afternoon,
13 everyone in and around the courtroom. My name is Michael Yiqiang
14 Liu. I am the lawyer for Madame Oum Suphany. In this afternoon, I
15 will use around one hour and a half to put my questions to Madame
16 Oum Suphany before she give her impact statement on the
17 sufferings, and also her question to the Accused. I will now
18 start.

19 So, good afternoon, Madame Oum Suphany. Can you hear me now?

20 Okay. I see her nodding her head.

21 [13.43.40]

22 Before I start, Madame Oum Suphany, I want to remind you of three
23 things: if you don't understand my question, either because you
24 didn't hear it clearly or because of the translation, please ask
25 me to repeat. During the course of my questioning, I will show

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1 you some documents. If you cannot see those documents clearly,
2 also let us know. We will try to help you. And, the last one is:
3 when you're answering the question, please see the red light of
4 your microphone. If it's on, then you can speak. If it's not, you
5 need to wait. Do you understand?

6 MS. OUM SUPHANY:

7 A. Yes. I do, Counsel.

8 [13.44.33]

9 MR. LIU:

10 Thank you very much.

11 Mr. President, and Your Honours, I would like to start my
12 questioning by showing a document to Madame Oum Suphany. This
13 document is already in the case file. Its Khmer ERN is 01032943;
14 with English translation 01036454; French translation ERN is
15 01036470. With your leave, I would like to give a copy of this
16 document to Madame Oum Suphany as well.

17 MR. PRESIDENT:

18 Yes, you can proceed. And court officer, could you assist by
19 delivering the document from the civil party lawyer to the civil
20 party for her examination?

21 [13.45.39]

22 MR. LIU:

23 Mr. President, I am waiting for the document to be uploaded into
24 the screen so that everyone can see this document.

25 MR. PRESIDENT:

1 Yes, you can do so.

2 (Short pause)

3 [13.46.40]

4 BY MR. LIU:

5 Okay. Here we have this document. Madame Oum, can you tell us,
6 what is this document?

7 MS. OUM SUPHANY:

8 A. This document is my diary that I wrote during the Khmer Rouge
9 regime.

10 [13.47.05]

11 Q. Thank you, Madam Oum. Why did you write this diary during the
12 Khmer Rouge regime?

13 A. I wrote that diary during the Khmer Rouge regime since I had
14 my elder sister amongst the seven siblings, she advised me that
15 if I wanted to become an author, I should start writing my own
16 diary. And, she advised me that in 1964. And, in fact, at the
17 time, I did not know what I should write in my diary, and she
18 advised me on the daily activities that I did, and that I should
19 write about it in the diary. I did not understand much but I kept
20 writing until 1975.

21 And, when I was evacuated, I didn't have the chance to bring
22 along my diary since I kept it at my house, but because I used to
23 write, whenever I saw a piece of paper or pen, then I would start
24 writing my diary again.

25 Q. Thank you, Madam Oum. How do you feel when you're writing this

1 diary during the Khmer Rouge period?

2 [13.48.54]

3 A. When I wrote the diary, whatever I kept in my heart, I
4 expressed and let it out through the diary so I felt relief.

5 Q. If I may ask, during this Khmer Rouge period of time, did
6 anyone know that you were writing this diary?

7 A. During the Khmer Rouge regime, after we left Phnom Penh, we
8 were told that the Khmer Rouge were cruel, but I did not know how
9 cruel they were. But, while en route I saw people die and along
10 the way people were selected to go for re-education. And, I was
11 told repeatedly that I had to be mindful with my own affair. So,
12 for that reason, I kept it a secret to write a diary, even to my
13 parents and my husband did not know that I kept a diary to
14 myself.

15 [13.50.15]

16 Q. Thank you, Madam Oum. And, on average, how long time do you
17 have every day to write your diary?

18 A. I wrote the diary for two to three minutes because it was just
19 a brief note of the diary.

20 [13.50.45]

21 Q. Madam Oum Suphany, in your victim information forms, you
22 submitted a book. The book's name is, "When we will never meet
23 again". Can you explain the relationship between the diary and
24 this book?

25 A. The book that I wrote "When we will meet again", it referenced

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1 the brief diaries that I wrote. And, I wrote that book in 1980
2 and everything was still fresh in my mind. So, my diary was in a
3 brief format, but in the book, I expanded that a bit based on my
4 recollection, and if I were to write it in much more details, it
5 would run into hundreds of pages.

6 [13.51.47]

7 MR. LIU:

8 Thank you, Madam Oum. So, now let's focus on your diary now. I'm
9 going to show you another page of your diary. With the Court's
10 leave, I would like to show a page on the screen and give it to
11 Madam Oum Suphany. The Khmer ERN 01032946; English translation
12 01036456; French translation 01036472.
13 Your Honour, may I give this document to the civil party and also
14 put it on the screen?

15 MR. PRESIDENT:

16 Yes, you may proceed. Court officer, could you assist in
17 arranging the document for the civil party examination?

18 (Short pause)

19 [13.53.19]

20 BY MR. LIU:

21 This document is already on the screen. Madam Oum Suphany.

22 Q. Can you tell us, what is the date on this document? The first
23 one and the last one.

24 MS. OUM SUPHANY:

25 A. The date that I started writing the diary was the 5th of May

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1 '75, and the last date, it was the 9th of May '75, as appeared on
2 the screen.

3 Q. Thank you. So, this is the diary you wrote in May 1975. Can
4 you tell us how often do you write your diary in this period of
5 time?

6 A. When I started writing the diary, we were still being
7 evacuated from Phnom Penh. So, I could have the chance to write
8 it every day. As you could see, it was from the 5th, 6th, 7th,
9 8th, to the 9th, etc.

10 [13.54.47]

11 Q. Thank you, Madam Oum. Now, I'm going to show you another page
12 of your diary. Again, with the Court's leave, if I may show this
13 start page on the screen and give it to Madame Oum?

14 MR. PRESIDENT:

15 Yes, you may do so.

16 [13.55.11]

17 BY MR. LIU:

18 Q. Madame Oum, when you have this page, can you take a look and
19 do the same -- Madame Oum, when you have this page can you take a
20 look and do the same as we just did with the last documents? Can
21 you tell us the date and answer to us how often do you write your
22 diary in this period of time?

23 MS. OUM SUPHANY:

24 A. And later on I did not have the time to write the diary
25 frequently due to the workload. For that reason, you could see

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1 that I did not write it every day.

2 [13.56.04]

3 Q. Okay. Thank you, Madam Oum. But maybe, did you -- can you read
4 out the first date of the diary and the last date of this page?

5 Was it between which -- which period of time?

6 A. The date at the top is the 3rd of December '75 and the date at
7 the lowest screen is the 3rd of February 1976.

8 [13.56.45]

9 Q. Okay. Thank you very much. I was -- can you maybe explain to
10 us, as you said you were writing less frequently, can you explain
11 to us why you were writing less frequently during this period of
12 time now?

13 A. I wrote my diary less frequently due to the workload, and
14 sometimes I was transferred to work elsewhere. For that reason,
15 the writing became less frequent.

16 Q. Madame Oum, your diaries, most of the time you keep a date.
17 How do you keep the date when you're writing the diary? Do you
18 have a calendar or anything that helps you?

19 A. I did not have a calendar with me, but at the beginning, when
20 I went to work, Angkar played the announcement through
21 loudspeaker and I noted the date. And later on, there was no
22 pronouncement from loudspeaker, but I heard the elders talking
23 about the date and for that reason, I kept the date in my diary.

24 [13.58.20]

25 Q. Thank you, Madam Oum. Can I maybe now show you the next,

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1 another two page of your diary? The Khmer ERN is 01032955; and
2 Khmer ERN for the next page 01032957 and 958; with the English
3 translation 01325465, 466, 468 and 469; with the French
4 translation 01036485, 488 and 489. With the Court's permission,
5 I'd like to show these two pages to Madame Oum.

6 MR.PRESIDENT:

7 Yes, you may proceed.

8 BY MR. LIU:

9 Q. Madam Oum, the first page, I just gave it to you, what date
10 format do you use on this diary? Is it the date as you just
11 explained to us, the western date, with the year, month and day?
12 Or it's different?

13 [14.00.19]

14 MS. OUM SUPHANY:

15 A. For that particular date, I followed the Khmer pattern, or the
16 Khmer calendar -- that is, the lunar calendar. And as I just
17 stated, I didn't have any radio to listen through, so I heard
18 about the date from the elders and I wrote that down in my diary.

19 Q. What -- now moving to the second page I just showed you, there
20 is a couple of charts on the second page. Can you explain to us
21 what are these charts, these numbers? It looks like a mathematics
22 calculation or something. Can you explain to us, what are they?

23 [14.01.20]

24 A. When I made that numerical calculation, I didn't know which
25 the Khmer lunar calendar date match with the universal calendar

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1 date and I tried to find the match so I can put the date for my
2 baby, who had just been born, but I couldn't work it out, so I
3 made an assumption for the date of my baby. But it was not that
4 far. It was just one week different. The year was correct. And I
5 put the date of birth for my children. It was 7th of July, '77,
6 but after the liberation, in fact, it was one week incorrect and
7 the actual date should be 14th July, '77.

8 [14.02.24]

9 Q. Thank you, Madam Oum. Now, I'm going to move on to the next
10 subject of my questioning about your work during the Khmer Rouge
11 period of time. You answered Mr. President's question you were a
12 rice farmer during that period of time. Can you maybe explain to
13 us what you were doing during that period of time? Rice farmer is
14 a rather general term. What is your work as a rice farmer?

15 A. Yes, I could describe it. I was a rice farmer, because during
16 the dry season, I was asked to carry earth to construct roads,
17 dig ponds, dig canals. The ponds were so big in Tram Kak
18 district, and I was involved in the work and I was involved in
19 constructing a road from Angk Ta Saom to Angk Roka. And I was
20 asked also to be involved in the model farm, in the work of model
21 farms. I work in the rice field transplanting, harvesting and
22 sometime during the time I was pregnant, I tended cows and
23 cattle, and it was very tiring tending cows.

24 [14.04.16]

25 Q. Thank you, Madam Oum. So, you were not only a rice farmer, is

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1 that right?

2 A. You are right. Sometimes, I carried the fertilizers made out
3 of cow dung and human crap. And I put those fertilizer in the
4 fields during dry season and rainy season.

5 [14.04.50]

6 Q. In -- you were doing different types of works. So were you
7 allowed to choose the type of work you did?

8 A. I could not select the work I wanted, because Angkar assigned
9 the work to us.

10 Q. Can you tell us, how long were your working hours? Briefly,
11 from what period of time to what period of time?

12 A. For me, during Pol Pot period, there were seasons. During the
13 harvest season, I worked almost the day and night, and sometime I
14 slept on the grass. And for those who had energy, they continued
15 their work, and we worked almost 24 hours. During dry season, in
16 the morning, we carried rice, we carried termite mounds and we
17 carried fertilizer to put in the fields. And at night time, we
18 were asked to dig ponds and also small pools, and we worked
19 sometimes until 10 p.m.

20 Q. Okay. Thank you, Madam Oum. During that period of time, how do
21 you know it's 10 p.m.? Do you have a watch or anything to help
22 you?

23 [14.07.02]

24 A. I did not have the time or watch. However, during the time
25 that we dug the ponds, there was a loudspeaker operated, so I

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1 could know the time through the announcement in the loudspeaker.

2 Q. Thank you very much, Madam Oum. And when you were assigned to
3 work, were you allowed to not to go to work?

4 A. No. Unless there was permission from Angkar. We could not have
5 free time, we could not stop and do not -- we had to go to work.

6 MR. LIU:

7 Thank you, Madam Oum. Your Honours, at this point, I would like
8 to show a page of Madam Oum's book "When Will We Ever Meet Again"
9 to her. The ERN for Khmer ERN 00562903; English translation
10 01037343; French translation 01037351.

11 [14.08.34]

12 MR. PRESIDENT:

13 The Chamber grants the request.

14 BY MR. LIU:

15 Q. Madam Oum, after taking a look at this document, can you tell
16 us, what is the text in the highlighted box?

17 MS. OUM SUPHANY:

18 A. There were two boxes. You asked me to read or to mention box
19 number one -- the above box or the below box?

20 [14.09.23]

21 Q. Maybe you can tell us under the -- in the box below, what is
22 in this box?

23 A. As for the box below, it was the song I composed by myself.

24 The title is "Inhumane Torture". So, you asked me to read:

25 "Go out, go out, Phnom Penh, I left you.

1 "I had sufferings in my mind, in my heart.

2 "I know that we have no freedoms in the times we leave you.

3 "Hold, hold, hold.

4 "Digging the canals and make the dykes.

5 "We are so worried.

6 "We do not need to learn from schools.

7 "I am standing on the model farms to feel relieved.

8 "However, I am very suffering, I am very suffer, because I depart
9 from my family members.

10 "Request, request, request.

11 "Cooperatives ask us to do the work and if we disappear, it means
12 that we die.

13 "Poor Khmer people."

14 [14.11.17]

15 I want to mean that, I write this song because when I left from

16 Phnom Penh, when I left from my house and reached Monivong

17 Boulevard, I saw bodies. I could see people carry their

18 belongings to the direction ordered by Angkar. If we were ordered

19 to go on National Road Number One, we had to go. And if we were

20 ordered to go on National Road Number Two, we had to do so. So, I

21 had no freedoms in the time I left. Verse number two, there were

22 no schools in my song, I want to say that.

23 14.12.08

24 MR. LIU:

25 Thank you, Madam Um. I know this is very emotional time for you

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1 to read out these songs, but if possible, I would like you to
2 listen to my question and then answer my question. What you're
3 doing is great, but it's a lot to answer just one question. And
4 interpreters might not be able to catch up as well. Q. So, my
5 first question, I think you have already answered. What is it?
6 And thank you very much, you read it out for us. Maybe before you
7 tell us the rest, can you tell us, when did you compose this
8 song?

9 MS. OUM SUPHANY:

10 A. I composed this song in 1975.

11 Q. Can you be more specific? Which month, or -- towards the end
12 of the year or the beginning of the year in 1975?

13 [14.13.19]

14 MR. PRESIDENT:

15 Please hold on. You have to wait for mic light is on.

16 MS. OUM SUPHANY:

17 A. I could not recall the exact day and month. I composed this
18 song in late 1975.

19 Q. So, it's fair to say it's during the Khmer Rouge period of
20 time, is that right?

21 14.13.51

22 A. That is correct.

23 Q. And, before I stopped you, you were explaining the reasons you
24 wrote this song. Can you maybe explain in brief -- briefly why
25 you were writing this sentence in particular. I think the

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1 translation I just heard is "If we disappear, we die." I wish to
2 note, the official translation from the Court is, "No need to
3 wonder if someone disappear. Something destructive must have
4 happened to their body and life."

5 A. What you said, that is correct.

6 Q. Maybe you can explain to us why you wrote this sentence, "If
7 we disappear, we die."

8 A. I wrote this sentence because after nine days upon my arrival,
9 I heard my elder sister cry and my mother-in-law told her,
10 "Please do not cry. Otherwise you would be taken away". I heard
11 from my relatives that my brother-in-law or sister-in-law was
12 taken away. In late 1975, when I almost finished composing the
13 song, I never saw my brother or sister-in-law back, and I know
14 that she disappeared. Some other people, including teacher
15 disappeared. And for lady who lost their husbands, they were
16 grouped and named as widow group, so I assumed that those who
17 were taken away never appear.

18 [14.16.19]

19 MR. LIU:

20 Thank you very much, Madam Oum. That's a very specific
21 explanation. Well, at this point, I'm going to show you another
22 page of your diary -- of your book, "Will We Never See Each Other
23 Again." I need to read out the exhibit first. The Khmer ERN
24 00562885 to 886; and English translation 01037341; with the
25 French translation 01037349. Your Honour, may I show it on the

1 screen and give it to the civil party?

2 MR. PRESIDENT:

3 You may proceed now.

4 BY MR. LIU:

5 Q. Madam Oum, can you take a look at this page and the text in
6 the box. What did you write here?

7 MS. OUM SUPHANY:

8 A. In that box I wrote, "Can all comrades all raise your hands to
9 support the party's decision? The policies are as follows: for
10 those who are passive, decision -- the decision is that there is
11 no gain in keeping you and there is no loss in removing you."

12 Q. Whose words was those? Who said those things?

13 A. No one dare to write this sentence or to write this note. And
14 Angkar the one who -- who say this.

15 Q. The translation might not be -- is it fair to say -- is it
16 correct, it was Angkar who said this sentence?

17 [14.19.17]

18 A. That is correct.

19 Q. Thank you very much. Madam Oum, what did you do after Angkar
20 said this sentence? Do you remember?

21 MR. PRESIDENT:

22 Please hold on, Madame Suphany. Mr. Koppe, you may now proceed.

23 [14.19.48]

24 MR. KOPPE:

25 Maybe I'm a little confused, but the lawyer, the civil party

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1 lawyer is reading excerpts from a book. I'm not sure if I heard
2 that everything in that book is autobiographical and is, let's
3 say, non-fiction. I would imagine the proper way to be, to quote
4 the diary and then ask a question. But now we're asking the civil
5 party to read an excerpt from what is fiction or non-fiction, I'm
6 not quite sure. But, the answer goes into actual events. So
7 either we're asking about a paragraph in a novel or we're asking
8 about a paragraph in a non-fictionalized diary. So, I'm not quite
9 sure where we are going with this. So, I'm not objecting, I'm
10 just asking for clarification.

11 [14.21.06]

12 BY MR. LIU:

13 Your Honour, I think the civil parties in the previous --
14 answering to one of my previous questions has established the
15 relationship between this book and this diary. And if the Accused
16 Counsel is not clear, during her -- his time of questioning, he
17 can put this question to Madam Oum, the civil party, and ask her
18 to explain further. If there is no other objections,
19 observations from the Chamber, I will move on. Thank you, Madam.
20 So, my question was, do you remember what did you do after you
21 heard this words from Angkar?

22 [14.22.02]

23 MS. OUM SUPHANY:

24 A. After I heard this from the meeting of Angkar saying there is
25 no gain in keeping you and there is no loss in removing you, I

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1 raised my hand at that time to voice my comments. Because, at
2 that time, we were allowed to make any observation or comments. I
3 was scary, because I -- I had a frequent illness. So, I stood up
4 and I said that I worked for Angkar every day however, I -- my
5 work needed to be based on my energy, because I was not strong.
6 When I was transferred to do the work in plantation 160, I saw a
7 woman had diarrhoea. She could not walk to the field to work. She
8 had diarrhoea at her place.

9 At that time, no one there to clean the diarrhoea of the woman --
10 of the lady and no one there to clean the clothes for her.

11 Although it was very dirty, I helped her cleaning her clothes and
12 helped her cleaning the diarrhoea. So, during the meeting, I was
13 with my colleagues and my colleagues knew that I helped clean the
14 diarrhoea and clean her clothes. What I could do, I would do for
15 Angkar and for some earth I could carry only just one day. At the
16 time I had arrhythmia and I had illness so that is why I stood up
17 and I made to my comment, at that time, to protect myself about
18 the workload.

19 [14.24.28]

20 Q. Again, it would be great if you could keep your answers short,
21 because I do have a lot of questions in the commons (sic). We
22 appreciate your very detailed answer, Madame Oum. Thank you very
23 much.

24 I move on to the next one. I'm going to show you now, very
25 clearly that -- I'm going to show you a page of your original

1 diary. The English -- the Khmer ERN 01032955; and the English
2 translation is 01036466; and the French translation 0036485. With
3 the Court's permission, I would like to show this document to the
4 civil party and also put it on the screen.

5 [14.25.35]

6 MR. PRESIDENT:

7 You may proceed now.

8 BY MR. LIU:

9 Q. Madame Oum, on this page there is a highlighted box, basically
10 it is one sentence in this page, can you tell us what is the date
11 and what did you write in this box?

12 MS. OUM SUPHANY:

13 A. In the box I wrote Sou Nan carried the earth with three other
14 prisoners.

15 [14.26.24]

16 Q. Madame Oum, you answered Mr. President's question, your
17 husband's name is also Sou Nan, is that the same person?

18 A. Yes, he was my husband.

19 Q. Do you know why he was sent to work with three prisoners?

20 A. Because he was accused of the fact that walk -- walking and
21 riding bicycle, which one is more convenient? And then he said
22 riding bicycle. "And what about modern bicycle compared to
23 motorbike?" And he said: "Motorbike is more convenient." "And
24 what about car?", he was asked. He answered, "Car." After hearing
25 all the answers, he was asked to go into small car. I asked all

1 the people about this, and then I heard about this information
2 from them.

3 Q. Thank you, Madame Oum. And, also I was asking you to help us
4 identify the date of that diary. Can you tell us what is the
5 date? Take a look on this diary entrance and see if you can see
6 the date, and if you can read it out for us.

7 [14.28.25]

8 A. It was on the 12th waxing moon day -- it was on the 12th of
9 waning moon.

10 Q. Thank you very much. In your previous testimony you said that
11 some of your relatives disappeared. Can you tell us, who are
12 those relatives again?

13 A. I separated from my parents in 1975. I went to Tram Kak
14 District with my elder sister and younger sisters and brothers.
15 And when I arrived there, my brother, who was a Lieutenant
16 Colonel, was taken away because he was a pilot. He was taken
17 away. My sixth brother-in-law also disappeared. My brother, Sou
18 Nam, alias Sou Sot, who was a doctor, was killed at Tuol Sleng.
19 His information about -- the information about his killing was
20 printed on the 30 -- on page 31, by the Cult and Religion
21 Ministry.

22 MR. LIU:

23 Thank you, Madame Oum. I know it was difficult for you to recall
24 those memories. Now, what I'm going to do is show you a page of
25 your book, it's page 148 of your book, "When we will never see --

1 When we will we ever meet again", the English ERN 0056277 --
2 2887-- I'm sorry that was the Khmer ERN 00562887; English ERN
3 01037342; French ERN 01037350. If I can show this document to
4 Madame Oum?

5 MR. PRESIDENT:

6 Yes, you may do so.

7 BY MR. LIU:

8 Q. Madame Oum, after you see this document, can you tell us what
9 did you write here, in this box?

10 MS. OUM SUPHANY:

11 A. In the box I wrote that, after I said that I didn't feel any
12 fear inside because of the reasons -- of the clear reasons that I
13 had, but (inaudible) who was the younger in-law, as well as the
14 in-law of my mother-in-law, advised me secretly that "Oh, Phany,
15 please don't dare do so and be mindful about that."

16 Q. So, what happened is, one of your relatives advised you to be
17 mindful and you said you're not a fear - you are not fear
18 anymore. Is that right?

19 A. After she told me that, I thought that I would not sing about
20 it anymore. Maybe it's better to die, rather to live without
21 freedom. I didn't feel any happiness or freedom at all and the
22 food was insufficient. And what it told me about being mindful
23 was that being mindful, otherwise I would be dead.

24 [14.33.08]

25 Q. Thank you very much, Madame Oum. I'm going to now move on to

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1 the next subject, and I'm going to put the questions to you then.

2 You said you -- well, let me start in this way, what was your job
3 before you left Phnom Penh in 1975, what did you do for life?

4 A. Before I departed Phnom Penh in 1925, I was a student, a year
5 four student at the University of Archaeology.

6 Q. In your previous statement, you said that you have a poor
7 health. Is that right?

8 A. Yes, that's correct.

9 [14.34.05]

10 Q. Thank you. And did you went to the hospital while you were in
11 Tram Kak?

12 A. When I was in Tram Kak and, despite my poor health, I did not
13 go to any hospital. But, in fact, I asked for medicine.

14 Q. Thank you very much, Madame Oum. Maybe -- can I show you a
15 page of your book? It describes how you were given birth.

16 MR. PRESIDENT:

17 Counsel Koppe, you may proceed.

18 MR. KOPPE:

19 Thank you, Mr. President. I now formally object to this line of
20 questioning. We have been provided, or put on the case file,
21 excerpts for what seems to be the book of the civil party. We
22 have no idea how the selection of these paragraphs was made, in
23 fact, we've asked the civil parties to provide us with the
24 English version of the complete book so that we could fully
25 understand what the civil party has written. That was refused to

1 us, so now we are having a selective set of paragraphs from what
2 seems to be fiction or non-fiction, without us -- without the
3 defence being able to check whether, or how this specific
4 paragraph relates to the rest of the content of the book. So, I
5 don't think it is proper -- a proper line of questioning to first
6 select a few paragraphs from a book and then ask questions on
7 these excerpts. So, we object to this line of questioning.

8 MR. LIU:

9 Your Honours, if I may respond to this objection. This book has
10 been the case file since the civil party became a civil party. We
11 actually requested the English translation from the Court, which
12 I understand, everyone is entitled to do. So, all the materials
13 I'm using is in the case file that was before even I became a
14 civil lawyer. I think every Party has abundant time to read
15 through this books, if they would like. And also, this civil
16 party have been put as the one to be testifying since last year.
17 Again, I think, if they would want to check the book or request a
18 translation, the Court could assist, but I have not seen that
19 request as of this morning -- or yesterday. That's the first. The
20 second, yes, I did receive an email from the defence requesting
21 me to provide an English translation of the book, but, to be
22 clear, that is not a request to have English translation of this
23 book. Madame Oum Suphany, is a very high prolific writer, as she
24 always wanted to be, she has many books, but this is the book she
25 put into the case file, decided by her, and the request from the

1 defence lawyer was on another book, which is not on the case
2 file. And I would add one point is -- what I've been advised is
3 -- if there is a disclosure request, it cannot be directly
4 directed to me but it has to go through the Lead Co-Lawyers or
5 maybe from the sections of the Court. So, therefore, I did not
6 reply to that email -- on the content of the email. I hope that
7 answers -- I hope that answers the -- that can assist the Court
8 in reaching the decision and I can proceed with a ruling from the
9 Court.

10 [14.38.42]

11 MR. KOPPE:

12 Just one -- excuse me, Mr. President, a question for
13 clarification. Maybe that is my mistake, but are there now - two
14 books written by the civil party? I was under the impression it
15 was one book, maybe I'm wrong.

16 [14.38.59]

17 MR. LIU:

18 Thank you very much. So, Madame Oum Suphany, to my knowledge
19 writes more than two books, she has the collection in her house -
20 of the books she write. Some of them is like this book, is based
21 on her experience, of her diary, as she explained to us, and then
22 she write a book. This is the book, "When we will never see each
23 other again -- When will we ever meet again?", this is the book I
24 am relying on. As her lawyer, I know as a matter of fact, she has
25 been writing other books as well. Other books based on her

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1 experience during the Khmer Rouge, or not necessarily based on
2 the Khmer Rouge -- and her experience during the Khmer Rouge. So
3 there were more books she had wrote -- she had written, but they
4 are not on the case file. She choose to put this -- she choose to
5 put this particular book, "When will we ever meet again?", into
6 the case file under the consultation with her previous lawyer.
7 I'm using this book, and as she explained why she choose this
8 book, I think that's very clear.

9 [14.40.17]

10 MR. PRESIDENT:

11 The objection by Noun Chea's Counsel Defence, on the methodology
12 used by the civil party lawyer, is overruled. And, lawyers for
13 the civil parties, you may resume your questioning.

14 MR. LIU:

15 Thank you Mr. President and Your Honours, I was about to show
16 Madame Oum Suphany a page in her book, "When will we ever see
17 each other again?" Again, I will read out the Khmer ERN 00562876;
18 01037340; 01037348. If I could put this document on screen and
19 show it to Madame Oum.

20 MR. PRESIDENT:

21 Yes, you may do so.

22 BY MR. LIU:

23 Madame Oum, can you -- after reading this -- I'm waiting for the
24 documents to be uploaded to the screen and then ask the
25 questions.

1 [14.42.13]

2 Q. Madame Oum, can you take a look at this, I know there are two
3 boxes in this page, can you maybe now -- we are showing you the
4 second box on this page. Can you explain to us what did you write
5 here on this -- in this box?

6 MS. OUM SUPHANY:

7 A. In the second box, I wrote about the abdominal pain I had
8 during my baby delivery. I wrote that I had a constant abdominal
9 pain and the woman who was Chief of the hospital came to see me
10 and when she saw me giving birth with difficulty, she very often
11 came to see me and she told me that the baby in the womb would
12 not be alive and that baby would be dead. And then I told her to
13 please take it out because I felt a lot of pain.

14 Q. What did she do after you told her to take your baby out? The
15 presumed dead baby, inside your body.

16 [14.43.58]

17 A. That woman was Chief of the hospital, was young, and probably
18 inexperienced. She only patted my abdominal area and said that
19 the foetus, or the baby, would not be alive. And I told her that
20 if that is the case, please take it out from me. I believed if
21 she's experienced, then she would do it immediately, but she left
22 me alone from the afternoon on Wednesday until noon-time on
23 Thursday, and then I delivered the baby by natural birth.

24 Q. So, the baby was not dead. You actually delivered this baby
25 afterwards. Is that correct?

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1 A. Yes, that's correct. And my baby is still alive today, and
2 that is Sou Botum (phonetic).

3 Q. Thank you very much, Madame Oum. Can you maybe describe, since
4 you said you were in the hospital to deliver the baby, can you
5 maybe describe this hospital? Or describe the medicine they used
6 in this hospital?

7 [14.45.00]

8 A. The hospital that I stayed in was named Trapeang Kul
9 (phonetic), it was not actually a proper hospital. It was a
10 makeshift hospital in a pagoda compound. There was a building to
11 the south, that's for the less serious patients, and to the
12 south, it was a maternity ward and also for the serious patients.
13 And most of the serious patients, they died. As for the maternity
14 section, it was in fact a school and it was partitioned for the
15 maternity and the other section is for women who just delivered
16 the baby and are ready to be left that hospital. They would use
17 the firewood to -- to give the warmth to the babies, and with the
18 smoking from the firewood, I was rather suffocated.
19 There was no toiletry to be provided, there was no mosquito net.
20 And, as for the medicine, it was rabbit dropped pills and the
21 serums that they used, I didn't know what fluid was put into it,
22 it was used in a conventional bottle.

23 MR. PRESIDENT:

24 Thank you, Counsel for the civil parties and Madame Civil Party.

25 We will take a short break and return at 3.00 p.m.

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1 Court officer, please assist the civil party during the break and
2 have her return to the main courtroom at 3.00 p.m.

3 (Court recesses from 1447H to 1515H)

4 MR. PRESIDENT:

5 Please, be seated.

6 Due to health issues of Mr. Khieu Samphan, the Chamber is not
7 able to continue the hearings. The treating doctors for Mr. Khieu
8 Samphan, recommended that Mr. Khieu Samphan had health issues and
9 he needs to relax during this afternoon session. For this reason,
10 the Chamber adjourns the hearing today and it will resume
11 tomorrow.

12 Tomorrow, the hearing will resume from 9.00 a.m. and the Chamber
13 will hear the expert report in relation to the fitness to stand
14 trial of the Accused. And the Chamber predicts that the hearing
15 on the expert report will not use much time, as scheduled.

16 For this reason, the Chamber summons and invites Madame Oum
17 Suphany, to stand by and, if we have some time tomorrow after
18 hearing on expert witness, we will resume your testimony.

19 And the Chamber informs the TPO specialist that you are also
20 invited here, tomorrow. The hearing is now adjourned.

21 Security personnel, you are instructed to bring back the two
22 Accused and have them back tomorrow morning before 9.00 a.m.

23 Court officer, please facilitate with WESU to send the civil
24 party and TPO specialist to their destination or homes and have
25 them back in ECCC tomorrow. The hearing is adjourned.

1 (Court adjourns at 1519H)
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