



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 02-Feb-2015, 10:34

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**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

26 January 2015

Trial Day 233

Before the Judges:

NIL Nonn, Presiding

YA Sokhan

Claudia FENZ

Jean-Marc LAVERGNE

THOU Mony

Martin KAROPKIN (Reserve)

YOU Ottara (Absent)

The Accused:

NUON Chea

KHIEU Samphan

Lawyers for the Accused:

SON Arun

Victor KOPPE

KONG Sam Onn

Anta Guissé

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy

Matthew MCCARTHY

Lawyers for the Civil Parties:

PICH Ang

Marie GUIRAUD

SIN Soworn

CHET Vanly

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TY Srinna

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Nicholas KOUMJIAN

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Joseph Andrew BOYLE

SREA Rattanak

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## INDEX

### MS. OUM SOPHANY (2-TCCP-296)

Questioning by Mr. Koppe (resumes).....	page 5
Questioning by Ms. Guisse .....	page 23
Questioning by Mr. Kong Sam Onn.....	page 27
Questioning by Mr. Koppe (continues) .....	page 29

### MS. CHOU KOEMLAN (2-TCCP-238)

Questioning by The President.....	page 42
Questioning by Ms. Guiraud .....	page 45
Questioning by Ms. Song Chorvoin .....	page 73
Questioning by Mr. Boyle .....	page 79

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BOYLE	English
MS. CHOU KOEMLAN (2-TCCP-238)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LIU	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MS. SONG CHORVOIN	Khmer
MS. UM SOPHANNY (2-TCCP-296)	Khmer

1 PROCEEDINGS

2 (Court opens at 0906H)

3 MR. PRESIDENT:

4 Please be seated.

5 (Short pause)

6 [09.07.16]

7 The Court is now in session and for today's proceedings the  
8 Chamber will continue to hear the testimony of the civil party,  
9 Suphany, and we will - we will begin to hear the testimony of  
10 another civil party, 2-TCCP-238. Ms. Se Kovulthy, could you  
11 report the attendance of the Parties to today's proceedings.

12 THE GREFFIER:

13 For today's proceedings, all Parties to this case are present. As  
14 for Nuon Chea, he's present in the holding cell downstairs as he  
15 waived his rights to be present in the Court. His waiver has been  
16 delivered to the Greffier and the civil party, Oum Suphany is  
17 present in the courtroom and the reserve civil party, 2-TCCP-238,  
18 is present in the waiting room to be summoned by the Chamber.

19 Thank you.

20 [09.08.35]

21 MR. PRESIDENT:

22 Thank you. Before we commence the hearing of this civil party, we  
23 have a number of decisions to be made. The Parties are informed  
24 that the hearing of the testimony of Madam Oum Suphany and the  
25 subsequent civil parties - Judge - the sitting Judge, You Ottara,

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1 is absent due to his personal commitment and after the  
2 deliberations by the bench, Judge Thou Mony is designated to take  
3 place of Judge You Ottara during his unavailability, until such  
4 time he returns back to the courtroom. That decision is based on  
5 Rule 79.4 of the ECCC Internal Rules.

6 Second, the Chamber has received the waiver from Mr. Nuon Chea,  
7 as he requests not to be present in the courtroom due to his  
8 health, that he cannot sit for long and that he cannot  
9 concentrate for long in the main courtroom. For that reason, for  
10 today's proceedings, he requests to follow the proceedings from  
11 the holding cell downstairs. And that waiver is also accompanied  
12 by the medical report by the duty doctor who recommends that the  
13 health condition of this Accused remains unchanged but he cannot  
14 sit for long. For that reason, he should be allowed to follow the  
15 proceedings from the holding cell downstairs. Therefore, based on  
16 the medical report and recommendation of the duty doctor, as well  
17 as the waiver of the Accused, the Chamber agrees and grants Nuon  
18 Chea's request to follow the proceedings from the holding cell  
19 downstairs through a remote means.

20 [09.11.20]

21 The AV unit, you're instructed to link the proceedings to the  
22 holding cell downstairs so that Mr. Nuon Chea can follow it for  
23 today's proceedings.

24 And thirdly, I'd like to give the floor to Judge Fenz, to clarify  
25 on the objections put forward last by Nuon Chea's defence

3

1 counsel, Counsel Koppe, on the 23rd January 2015. Judge Fenz, you  
2 have the floor.

3 [09.11.55]

4 JUDGE FENZ:

5 The Chamber notes that the Nuon Chea defence was - while  
6 questioning the current civil party - was referring to a  
7 document, a newspaper article, which has not yet been put on the  
8 case file and was about to directly confront the civil party with  
9 content of this document. He was then interrupted by the Co-Lead  
10 Lawyers who reminded him of the previous practice, which was to  
11 put documents on the shared drive - these kind of documents. Now,  
12 the Chamber wishes to remind all the Parties of the previous  
13 practice.

14 [09.12.48]

15 Generally, Rule 87 clarifies the rules of evidence. It clarifies  
16 that only evidence that has been put before the Chamber can be  
17 used. For documents, there is a specific rule, 87.4, for all  
18 evidence which - there is a specific rule 87.4. Now, we have  
19 occasionally, as a Chamber, been flexible when it comes to  
20 admitting documents under 87.4, specifically when it comes to the  
21 requirement of availability. But that doesn't mean that we don't  
22 need a decision according to this article and in order to allow  
23 such decisions for the Chamber, documents need to be put on the  
24 shared drive and our previous practice was - the time was 48  
25 hours. So to sum up, if somebody wishes to use a document that

4

1 has not yet been put on the case file – in the end that should be  
2 exceptional but still – then he has to put it on the shared drive  
3 to allow the Parties and the Chamber to make an assessment or  
4 prepare arguments before the decision on Rule 87. Now, after I've  
5 clarified that – this is to Mr. Nuon Chea's defence obviously –  
6 you have been reminded on Friday by the Co-Lead Lawyers of this  
7 practice. Has the document been put on the shared drive? And if  
8 so, is it accompanied by a request?

9 [09.14.37]

10 MR. KOPPE:

11 Thank you Judge Fenz. Good morning, Your Honours. The draft  
12 transcript of the hearing is not yet available. However, if you  
13 remember correctly my line of questioning you might remember that  
14 I, at no point, actually referred to a document. I was very  
15 careful in phrasing my questions and it was not my intention to  
16 show any document. My questions were whether the Witness talked  
17 to the Phnom Penh Post and if yes, whether she said that she was  
18 forcibly married. It's not my intention to refer this Chamber or  
19 the Parties to a document. It's general questions and it's not my  
20 intention to put anything on the shared material drive.

21 [09.15.37]

22 JUDGE FENZ:

23 Counsel, would you agree that you were standing there waving a  
24 copy of the Phnom Penh Post article and saying "did you tell the  
25 Phnom Penh Post this and that?" Because that's how I remember the

5

1 scene and obviously this wouldn't be reflected in the transcript.

2 MR. KOPPE:

3 I was – I was holding pieces of paper in my hand but again, it is  
4 not my intention to present this document to the Chamber. I am  
5 asking questions – general questions about a possible interview  
6 that the witness had with the Phnom Penh Post. That is all my  
7 intention.

8 [09.16.21]

9 MR. PRESIDENT:

10 Thank you for the clarification. And once again the Chamber cedes  
11 the floor to Nuon Chea's defence to continue putting questions to  
12 the current civil party. The combined time for both defence teams  
13 is for one session – that is from now until the short coffee  
14 break this morning. You may now proceed.

15 QUESTIONING BY MR. KOPPE RESUMES:

16 Thank you Mr. President. Good morning Ms. Suphany. You might  
17 remember my questioning of last Friday. My last question to you  
18 was whether at one point in time you gave an interview to the  
19 Phnom Penh Post telling the reporter of the Phnom Penh Post that  
20 you, during the period of Democratic Kampuchea, were forcibly  
21 married. My question to you is; did you say that to the reporter  
22 of the Phnom Penh Post?

23 [09.17.35]

24 MS. OUM SUPHANY:

25 Good morning Mr. President. I cannot recall what I stated in the



6

1 interview unless I read that article.

2 MR. KOPPE:

3 Do you remember anything from that interview with the Phnom Penh  
4 Post or nothing at all?

5 MS. OUM SUPHANY:

6 I knew that I was interviewed about the events that happened  
7 during the Khmer Rouge regime and during the interview I showed  
8 the interviewer the diary that I wrote during the time.

9 MR. KOPPE:

10 Thank you for your answer. Ms. Suphany, my question to you is;  
11 are you generally telling members of the media, press or members  
12 of the public that you were forcibly married in the period  
13 between '75 and '79?

14 [09.19.02]

15 MR. PRESIDENT:

16 Civil party please hold on and the International Co-Prosecutor,  
17 you may proceed.

18 MR. LYSAK:

19 Thank you Mr. President. I appreciate that Counsel may not intend  
20 himself to put this document before, nonetheless we have an  
21 objection to Counsel question - engaging in a series of  
22 questioning based on a document. This question was - questions  
23 were obviously originated when Counsel discovered this document,  
24 without giving notice and without putting that before the  
25 Chamber. The reason is because if you actually read this article

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1 the statements that are attributed to the witness do not say that  
2 she was forced marriage. It is a statement of the reporter. Now,  
3 by not putting this document forward as he should have, it allows  
4 him to mislead the public, mislead the witness and mislead the  
5 Court. All we ask for is notice. If they discovered this  
6 interview during lunch time, the last court session, give it  
7 notice that we intend to use it. We have never relied on the  
8 procedural grounds of 87.4 to oppose relevant evidence. We  
9 appreciate the flexibility that Judge Fenz referred to. All we  
10 ask for is that this not be trial by ambush, that they give  
11 notice when they find a piece of evidence they want to use.

12 (Judges deliberate)

13 [09.22.14]

14 MR. PRESIDENT:

15 Judge Fenz, you take the floor.

16 JUDGE FENZ:

17 We have now ended up in a situation where a document which hasn't  
18 been put on the case file, or the contents of this document, are  
19 discussed controversial by Parties. The Chamber is not in  
20 possession of this document. This is obviously not the situation  
21 that can go ahead, therefore Counsel, if you wish to base any  
22 further questions on this document, please put it before the  
23 Chamber; otherwise we wouldn't allow this line of questioning.

24 [09.22.54]

25 MR. KOPPE:

8

1 Judge Fenz, if you request me, I am very happy to present this  
2 document, however my question that was objected to was not based  
3 on this newspaper article. It started a whole new line of  
4 questioning.

5 (Judges deliberate)

6 [09.23.38]

7 JUDGE FENZ:

8 But Counsel you are starting your questioning on the - if I  
9 remember correctly, on the forced marriage or not - on the  
10 allegation that she said something in the Phnom Penh Post  
11 article. Now the Prosecution is telling us she never said that.  
12 From this point of view, any further question you ask in  
13 connection with forced marriage is based on this article so for  
14 God's sake, put it before the Chamber and make a request if you  
15 want to use it.

16 MR. KOPPE:

17 No, but I beg to differ with you, Judge Fenz. She not only told  
18 the Phnom Penh Post she was forcibly married but the whole world  
19 so there's much more out there. I'm happy, if you like, to  
20 present other documents to you as well, I have no problem with  
21 that.

22 [09.24.28]

23 MR. LYSAK:

24 If Counsel says there are other documents out there, again, it's  
25 his responsibility to give notice. That's all we ask. We're not

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1 going to prevent relevant evidence from being put before this  
2 Chamber, we just want notice.

3 MR. KOPPE:

4 Again, I have no problem. Here it is. It's actually - well, come  
5 to think of it, four documents. You're right - it's the Phnom  
6 Penh Post article. I'm also talking about a press release from an  
7 organisation called the Association of Khmer Rouge Victims in  
8 Cambodia, of which this witness is a prominent member. I'm  
9 having, in front of me, a document from something called National  
10 Radio. And, what I also found is her little book, "Under the  
11 Drops of Falling", the book that the Civil Party Lawyers refused  
12 to give to me. Somebody was very kind enough - who was in the  
13 audience - to give that book to me so I have it now. So, while  
14 I'm at it, I might as well put this book, "Under the Drops of  
15 Falling", a non-fiction story as I can see on the cover, and add  
16 it to the case file.

17 [09.25.50]

18 JUDGE FENZ:

19 Two questions before we do this. First of all, is any of these  
20 documents yet on the case file?

21 MR. KOPPE:

22 No.

23 JUDGE FENZ:

24 Were you aware of the practice - of the recent practice that this  
25 kind of procedure requires 48-hour notice to everybody involved

10

1 in these proceedings?

2 [09.26.15]

3 MR. KOPPE:

4 Judge Fenz, of course I know. But - it might be a different  
5 situation if it was the Prosecutor's witness but just five  
6 minutes before you entered the courtroom, the Civil Party Lawyer  
7 was talking to her lawyer - getting instructions at the last  
8 moment. I'm not an amateur. If I want to prevent this Witness  
9 being coached, I'm not going to do it like that.

10 JUDGE FENZ:

11 So you're basically questioning the practice. You're saying you  
12 won't honour the practice for reasons -

13 MR. KOPPE:

14 I'm happy to honour the practice but the way it goes now and the  
15 way that civil party has the opportunity to be coached and guided  
16 by her lawyer - that, of course, I am not willing to abide by.  
17 And my questioning was just simple questions about whether she  
18 talked to - I wasn't able - I wasn't going to show the document.

19 JUDGE FENZ:

20 Let's go back to the essentials. You're not - you're saying in  
21 open Court, you're not willing to honour the practice established  
22 by the Chamber for this kind of evidence. Did I get that  
23 correctly?

24 [09.27.23]

25 MR. KOPPE:

11

1 Only in the situation that I actually would like to have a  
2 document added to the case file. I wasn't intending to have this  
3 document added to the case file.

4 MR. PRESIDENT:

5 The International Lead Co-Lawyer for Civil Parties, you may  
6 proceed. However, you are reminded that after you have heard the  
7 various reasons and responses from the other Parties, and  
8 whenever you would like to oppose a party, please do so together  
9 at the time that the Prosecution does. Otherwise, the opposed  
10 party would have to respond differently – at different times to  
11 you, the Civil Party Lawyers, as well as to the Prosecution, and  
12 for that reason it's going to prolong the hearings. So the time  
13 and location that has been carefully scheduled by the Chamber  
14 would not be precise; it will take much longer. And please listen  
15 to the proceedings carefully and if you wish to oppose, do so  
16 when the Prosecution does, in regards to your position to oppose,  
17 and for that reason, the Chamber would be able to consider the  
18 opposition by you and the Prosecution at the same time. Anyhow,  
19 you may now proceed.

20 [09.29.20]

21 MS. GUIRAUD:

22 Thank you, Mr. President, for this reminder with respect to the  
23 procedural practice that I was unaware of. I just wanted to say  
24 that I did rise after the Co-Prosecutor's intervention. We are  
25 strongly opposed to the fact that Counsel is seeking to admit

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1 evidence that has not been shared with all other Parties. This is  
2 totally counter to normal procedure, all the more so since we are  
3 in public hearing, and because we are in public hearing, it is  
4 all the more important to be aware of the documents that are put  
5 before the Chamber. I am strongly opposed to my learned friend  
6 presenting documents that have never been mentioned or referred  
7 to. He is challenging the very rules of this tribunal. Civil  
8 parties are Parties, they are not witnesses. Civil parties are  
9 entitled to interact with the civil parties and I would remind  
10 everyone that Madam Suphany is not a witness. She is a civil  
11 party before this Court. It is the Chamber that decides upon who  
12 shall be summoned before this Court, be they civil parties,  
13 witnesses or experts. They are chosen by the Trial Chamber. The  
14 defence of Nuon Chea can very well live in its own imaginary  
15 world, making up its own imaginary rules, however we have all  
16 agreed on common rules that govern these proceedings and what he  
17 is proposing is directly opposite to what has been mutually  
18 agreed upon by this tribunal.

19 [09.31.20]

20 MR. KOPPE:

21 Mr. President, if I may react very briefly. In general terms  
22 first. I was very happily surprised, I have to say, when the  
23 Trial Chamber, proprio motu, put a document on the case file in  
24 respect of the upcoming testimony of the witness next week and  
25 the expert the week after, shows that the Trial Chamber is

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1 actively engaged in the preparation of witnesses and experts so  
2 I'm very happy with that. Now, getting these documents on this  
3 civil party wasn't really rocket science. Just type in her name  
4 in Google and it pops up and there's a whole bunch of documents  
5 that any 12-year-old could find easily on the internet so, if  
6 it's so important, then maybe my question to you, Mr. President  
7 and Judges, why didn't you put up the documents yourself?

8 (Judges deliberate)

9 [09.35.52]

10 MR. PRESIDENT:

11 Judge Fenz, you may now proceed.

12 JUDGE FENZ:

13 Before I explain the ruling, the Chamber wishes to stress that  
14 this is an exception. It won't happen again. The reason why we  
15 are making this exception is because we are at the beginning of  
16 Case 002/02 and some Parties might have forgotten the relevant  
17 procedures. We sincerely hope that Nuon Chea's defence's  
18 statement that he wilfully went against these procedures was not  
19 as serious as it sounded. So what we'll do in this case, and in  
20 this case only, is the following: no questions based on any  
21 documents that are not on the case file will be allowed for this  
22 time being, however, and as I said, exceptionally, if the Nuon  
23 Chea defence wishes or thinks they have documents satisfying the  
24 requirements of 87 then they are ordered to put them on the  
25 shared drive within 48 hours, accompanied by a request – by a



14

1 request according to 87.4. This allows the Chamber to look at  
2 these documents and make a decision, and obviously the Parties to  
3 comment on it. Should it be necessary, the civil party will be  
4 recalled and questions based on these documents can be asked. So  
5 for the time being, no further questions on documents that  
6 haven't been put before the Chamber.

7 [09.38.09]

8 BY MR. KOPPE:

9 Q. Madam Suphany, my question to you is to establish whether you  
10 are a member of the Association of Khmer Rouge Victims in  
11 Cambodia?

12 MS. OUM SUPHANY:

13 A. Yes, I am.

14 Q. Could you tell the Court a little bit more about this  
15 association? Who are board members? Is it still existing? What is  
16 its objective?

17 MR. PRESIDENT:

18 Civil party please hold on. Lead Co-Lawyer, please proceed.

19 [09.39.20]

20 MR. PICH ANG:

21 Mr. President, Your Honours, concerning the question put to the  
22 civil party by the Counsel, I believe the question is irrelevant  
23 to ascertain the truth. I believe the question put by Mr. Counsel  
24 – perhaps he wants to know about the credibility of the civil  
25 party but I believe there are many more other questions which are

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1 relevant and can be put to questions about her credibility. Thank  
2 you, Mr. President.

3 (Judges deliberate)

4 [09.40.46]

5 JUDGE FENZ:

6 Counsel, you are allowed, at this point in time, one or two more  
7 questions, but it would help if we understand soon why this is  
8 relevant.

9 BY MR. KOPPE:

10 Q. Madam Witness, do you remember my question?

11 MR. PRESIDENT:

12 Mr. Koppe, you may repeat what you said because there was no  
13 translation.

14 BY MR. KOPPE:

15 Q. I will repeat my question, Madam Suphany. Do you remember my  
16 question? My question was about the Association of Khmer Rouge  
17 Victims in Cambodia. Are you a member? And if yes, can you tell  
18 us a little bit more about that organisation?

19 MS. OUM SUPHANY:

20 A. I do not remember, but I wrote in my diary concerning this  
21 matter.

22 [09.42.02]

23 Q. Are you saying that you are not in fact a member of this  
24 association or an active officer of this association?

25 A. I am a member in the association.

16

1 Q. Do you know who the President is or was of this association?

2 A. I would like to resolve to my right to remain silent. I wish  
3 not to answer to this question.

4 (Judges deliberate)

5 [09.44.53]

6 MR. PRESIDENT:

7 Judge Fenz, you may now proceed.

8 JUDGE FENZ:

9 Counsel Koppe, the President has asked me to ask you to give us  
10 an indication on where this questioning is going. What's the  
11 relevance of the questions?

12 MR. KOPPE:

13 I'd be very happy to tell you but I think the civil party speaks  
14 English very well and I would like to explain to you where I am  
15 going to without the civil party hearing what I'm saying.

16 MR. PRESIDENT:

17 The Chamber wishes to hear the relevancy of your questions  
18 because we do not know whether it relevance to Tram Kak  
19 cooperative, or concerned the treatments against Buddhists, or  
20 the Chamber does not know whether it relevant to the killing site  
21 in Krang Ta Chan area, so that the Chamber decides whether or not  
22 to allow you to put further question and move on so that your  
23 next questions are relevant to facts adjudicating in this trial.

24 [09.46.23]

25 MR. KOPPE:

17

1 Very well. The questions of course first go straight and directly  
2 to the credibility and reliability of this witness. Second, it  
3 goes to the crime of forced marriage in general. The reason for  
4 the questioning in particular is that the witness is an active  
5 member of this association and that in June 2011, during the time  
6 of the initial hearing, she, together with the Chairwoman, Cheri  
7 Sing [phonetic], published or issued a press release indicating  
8 the various personal stories of the Board Members, including the  
9 personal story of this witness, indicating in very clear and  
10 unequivocal terms that she was forcibly married.

11 MR. PRESIDENT:

12 Mr. Koppe you may proceed to put further questions to Madam Civil  
13 Party. The Chamber wishes to remind you concerning the time for  
14 Defence Counsel for Mr. Khieu Samphan.

15 [9.47.55]

16 BY MR. KOPPE

17 Q. Ms. Suphany, I'm not exactly sure what was my precise last  
18 question, but the question meant to ask you if you could explain  
19 the Trail Chamber what you know about this organisation that you  
20 are a member of – who is its Chairman, woman, what is it, what is  
21 the objective of this organisation? Please enlighten us.

22 MS. OUM SUPHANY

23 A. I would like to decline to answer this question.

24 MR. KOPPE:

25 Q. I'm not sure, Madam Oum Suphany if you have been advised

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1 properly, but as a witness only in a situation that you might  
2 incriminate yourself you have the right not to answer the  
3 question. So please answer the question.

4 MR. PRESIDENT:

5 Madam Lead Co-Lawyer, you may respond – sorry, Madam Civil Party  
6 you may answer to the question put by the Party. If you don't  
7 know you just say don't know. And Madam Lead Co-Lawyer, do you  
8 have any matter to raise before the Chamber? You may proceed now.

9 MS. GUIRARD:

10 Thank you Mr. President. I simply wanted to recall that the civil  
11 party is not a witness. She is under no obligation to answer  
12 questions, and certainly not based on the instruction of the  
13 Defence for Nuon Chea. She is perfectly entitled to not answer  
14 and invoke her right to remain silent. There is nothing  
15 forbidding her from doing so.

16 [9.49.50]

17 MR. KOPPE:

18 Maybe it's my misunderstanding of the law, but I don't think  
19 it's, it's the situation as described. I think we have a person  
20 testifying here, maybe not under oath, but there is no privilege  
21 or right of this witness or civil party, however you want to call  
22 it, to answer questions or not. It's – maybe Mr. President, the  
23 Trial Chamber can give some guidance here.

24 MR. PRESIDENT:

25 Concerning the participation of a civil party in the Chamber, the

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1 civil party is not required to take an oath. So this is the  
2 difference of status between a civil party and a witness, because  
3 a witness has to take an oath. That is why before putting  
4 questions to a civil party and before giving the floor to Parties  
5 to put questions, the Chamber already asked – already confirmed  
6 that this person is a civil party. As for a witness, the Chamber  
7 always asks whether they have taken an oath. This applies also to  
8 experts.

9 [Short pause]

10 [9.52.00]

11 MR. PRESIDENT:

12 Madam Oum Suphany, I already informed you that you are required  
13 to respond to the questions, because we are here to hear your  
14 testimony. If you decline to answer the Chamber can assess that  
15 your testimony may not be credible. So you may answer to the  
16 questions that you know, you hear and you have observed. However,  
17 I would like to remind you that you are required to answer – to  
18 provide your answer as necessary as you can. If you provide your  
19 answer beyond the question put by the Party, it may pose to any  
20 other consequences. And when you answer the question by the  
21 Counsel, as a civil party and as a witness or an expert, if you  
22 do not know the answer for any question, you may give the answer  
23 that "I do not know". This also can be considered as an answer.  
24 Mr. Koppe you may now proceed your question. You may repeat your  
25 last question, or you may ask a further question. Again I would

1 like to remind you concerning the time allotted for Defence  
2 Counsel for Mr. Khieu Samphan.

3 [9.53.51]

4 BY MR. KOPPE:

5 Q. I am mindful of that Mr. President, thank you. Again, Ms. Oum  
6 Suphany, I would like you tell us a little bit more about this  
7 Association of Khmer Rouge Victims in Cambodia, about its Board  
8 Members, about its objectives and what your role exactly is in  
9 this association.

10 MS. OUM SUPHANY:

11 A. If you ask me to give full answer it may take much time. I  
12 will give you a brief answer. At the outset I have an idea that  
13 when I survived the Regime I would like to find justice for those  
14 who are deceased. There are victims across the country who died  
15 and passed away during Pol Pot's time and my member families has  
16 also passed away during the period. So this association is  
17 established to find justice for victims. I am one of the victims.  
18 That is why I joined to be a member in the association. And in my  
19 view no what had happen, I have the intention to find justice for  
20 victims by writing a book.

21 [9.55.15]

22 You asked me about the books entitled "Drops Under the Rain".  
23 Actually as for the book "Whenever We Meet," it is about my own  
24 account from the period. I took some notes in my diary and  
25 converted into a book called -- entitled "Whenever We Meet". I

21

1 wrote a novel as well in the past. However in my novels 80% of my  
2 real life in 1984, and I try to record my memory during Pol Pot's  
3 time. I included some characters, including the character of my  
4 husband -- my husband in that story. You asked me about whether  
5 my marriage was forced. During the time my mother-in-law forced  
6 me to get married. I could consider that it was a forced  
7 marriage. At the time during my marriage, my parents, my  
8 relatives did not participate in my wedding party and ceremony.  
9 No one wanted to get married at that time when we were sick. And  
10 I was sick at that time. I did not want to get married. Thank  
11 you, this is my brief answer.

12 [9.57.10]

13 Q. Following up on that, before I ask a brief question again  
14 about this association. Are you now saying something different  
15 than last Friday? Because, I was -- remember Friday I showed you,  
16 or I read to you the passage of your diary, and you confirmed  
17 that you were happily married in June '75 to the man that you  
18 loved. But are you now saying that you, somehow, were forcibly  
19 married, or am I wrong in understanding you?

20 [9.57.40]

21 A. I was happy that I got married to a man I loved. However my  
22 mother-in-law asked me forcibly to say that we already got  
23 married. So you can imagine during this time, this time marriage  
24 is, you know, a big party and everyone is happy; relatives and  
25 family members join the party normally in the current time. But



22

1 at that time, you know, I married happily because I married to a  
2 man I loved, but there was no family member or relative joined my  
3 wedding at the time.

4 Q. Madam Suphany, because of the time I think I have to cut it  
5 short. But it is -- there is a big difference, won't you agree,  
6 between your mother-in-law wanting you to marry and the Khmer  
7 Rouge forcing you to marry. Now which one of the two is the  
8 situation?

9 A. My mother-in-law forced me to get married, otherwise we would  
10 be separated by Angkar. The situation between me and my husband  
11 was different. I am a resident -- I was a resident in Phnom Penh  
12 and as for my husband he came to study in Phnom Penh but his  
13 family members were Base People. Thank you.

14 [9.59.39]

15 Q. Again, because of the time, Ms. Oum Suphany, I am cutting my  
16 questions short to you, but is it correct if I say that the  
17 association that you are a board member of portrayed to the world  
18 that you were forcibly married by the Khmer Rouge during the  
19 Democratic Kampuchea period in time? Is that correct?

20 MR. PRESIDENT:

21 Madam Civil Party, please hold on. International Co-Prosecutor  
22 you may now proceed.

23 MR. LYSAK:

24 Thank you Mr. President. Contrary to the rule that was here,  
25 Counsel is now trying to put forward a question that is based

23

1 specifically on a document that he hasn't shared with the Parties  
2 here. He's been given the opportunity to, to post that document,  
3 give notice, make a request. And if it's warranted he'll have the  
4 opportunity to ask questions. But he shouldn't be circumventing  
5 that rule by asking a question that is clearly based on a  
6 document that he hasn't given to anyone. So we can't see for  
7 ourselves what the content is.

8 MR. KOPPE:

9 I'll stop my questioning I think. The media room is full of  
10 journalists from the Phnom Penh Post, the Cambodia Daily, they  
11 will all see what is happening here and so I rest my case.

12 [10.01.13]

13 MR. PRESIDENT:

14 Thank you, Counsel. The Chamber would like now to give the floor  
15 to the Defence Team for Khieu Samphan to put questions to the  
16 current civil party. You may proceed.

17 QUESTIONING BY MS. GUISSÉ:

18 Q. Thank you, Mr. President. Good morning, Madam Oum Suphany. My  
19 name is Ante Guissé. I am the International Co-Lawyer  
20 representing Mr. Khieu Samphan. I have some questions of  
21 clarification in light of the statements that you have made  
22 before this Chamber.

23 The first point is as follows: over the course of a discussion  
24 regarding an objection made by Counsel Koppe, your lawyer  
25 indicated, which was later on confirmed by yourself, I just want

1 to make sure, it was confirmed that you had authored several  
2 works regarding the Democratic Kampuchea period. Is this correct?  
3 [10.02.27]

4 MS. OUM SUPHANY:

5 A. Yes, Madam Counsel for Khieu Samphan, that is correct. I wrote  
6 several books and mainly the content of those books were my  
7 recollections of my experience during the Khmer Rouge regime.

8 Q. At the outset, I wish to focus on the book that is annexed to  
9 your civil party application. This document is D22/3248. In Case  
10 002/02 you have been admitted as a civil party. This document is  
11 annexed to your application. Did you of your own prerogative  
12 decide to admit your book as an annex to your civil party  
13 application?

14 A. Yes, that is true.

15 Q. I seek a clarification. In response to a question asked by  
16 Counsel Koppe you stated that in your books you had recounted  
17 some 80% of your personal experiences and that the 20 remaining  
18 per cent were based on fiction. As regards the book that is  
19 annexed to your civil party application, would you say that 80%  
20 of it is based on your personal experience and 20% is  
21 fictionalised? Or have I misunderstood?

22 [10.04.29]

23 A. The book that I annexed to my application to the Court is  
24 non-fiction. However for the other books that I published 80% are  
25 non-fiction and 20% are fictional as they exist in the form of a

1 novel.

2 Q. Therefore to be abundantly clear, what you have admitted as an  
3 annex to your civil party application is 100% real. Is this  
4 correct?

5 A. Yes, that is correct. The book that I annexed to my  
6 application to the Court is the truth.

7 Q. To the extent that you have confirmed before this Trial  
8 Chamber that you married out of love, would we all agree on  
9 saying that the books that have not been put on the Case File and  
10 that have been referenced in your statements and during your  
11 testimony, would it be fair to say that the forced marriage  
12 entered into by the heroine of your other books are indeed  
13 fictionalised accounts of your experience with respect to forced  
14 marriage under the Khmer Rouge regime? Is it fair to say that the  
15 other books are based on fiction?

16 [10.06.24]

17 A. Yes, that is true. When I wrote the marriage was forced,  
18 because after the fall of the Khmer Rouge regime, and after I  
19 listened to the news, there were similar accounts of other  
20 Cambodians gone through the regime and for that reason I wrote  
21 those books.

22 Q. My final question is as follows. We agree yourself, Ms. Oum  
23 Suphany, you are not a victim of forced marriage under the Khmer  
24 Rouge regime; can we agree on that? Under the Khmer Rouge regime  
25 you were not forced to marry somebody you did not love. Do we

1 agree on that?

2 A. Yes, that is correct. However my mother-in-law was under  
3 pressure by the Khmer Rouge as well. If she did not arrange our  
4 marriage then I would not be able to meet my husband. She was  
5 under the pressure from Angkar. For that reason she had to force  
6 me to marry her son. Otherwise we would not be together, or one  
7 of us would have been dead.

8 [10.07.56]

9 Q. However based on your testimony the man you married had been  
10 your fiancé in Phnom Penh. Did I gather that piece of information  
11 correctly, based on your testimony?

12 A. Yes, he was my fiancé.

13 Q. Thank you for your answers. I wish to move on to a very brief  
14 line of questioning. At one point during your testimony you  
15 stated that during your hospitalisation when you were delivering  
16 your child, and please confirm to me this, you stated that  
17 somebody was able to bring to you or to sell you meat, they were  
18 able to bring or sell some food and some meat to you. Could you  
19 please confirm that or clarify as necessary.

20 A. No, it was not for sale because there was no monetary  
21 circulation. However, because she could not eat anything, and  
22 everything was not tasteful to her, and that I was eating some  
23 tree leaves with small frogs, she thought it was delicious and  
24 then she brought these - a thumb sized deer meat to exchange for  
25 the tree leaves that I ate. So it was a bartering and not the

27

1 meat for sale. And that lady, as I was told at the time --  
2 because while I was hospitalised I did not ask who was around --  
3 I was told that she was the wife of a district committee.

4 [10.10.25]

5 Q. Do you remember her name? Or not at all?

6 A. No, I did not know the name of any senior people. As for my  
7 unit chief, I know the name. At that time everybody seems to keep  
8 everything to himself or herself. We pretended just to be deaf  
9 and that was all.

10 Q. Returning to that answer, would it be accurate to say that at  
11 your level you didn't know who exactly were the chiefs within the  
12 cooperative, you did not know exactly who were the chiefs within  
13 the districts and you did not know exactly who were the chiefs at  
14 the commune level?

15 A. Yes, that is correct.

16 MS. GUISSÉ:

17 Mr. President I have no further questions to put to the civil  
18 party.

19 [10.12.01]

20 QUESTIONING BY MR. KONG SAM ONN:

21 Q. Mr. President, I'd like to put a question to this civil party  
22 if I may. Ms. Civil Party, you just stated that you, you  
23 pretended to be deaf and mute during the Khmer Rouge regime. My  
24 question is the following: what did it mean for you to do so  
25 during the regime?

1 MS. OUM SUPHANY:

2 A. During the regime even husband and wife did not speak to each  
3 other much. We just looked at each other's face. And as I here  
4 stated, we considered the mouth that we had was only for having  
5 meal and to speak very few words whenever it was necessary. For  
6 instance, I would seek permission to go to the hospital when I  
7 was unwell and I would not use my mouth to say anything freely at  
8 the time.

9 [10.13.23]

10 Q. Did you receive instructions or orders from your upper  
11 echelon, for example your group chief, or your unit chief, or  
12 chief of the cooperative regarding pretending to be deaf and  
13 mute?

14 A. No, I did not receive any instruction of that nature from my  
15 unit or group chief. However, my parents-in-law and my aunts and  
16 uncles and people in the village advised me to speak of a few  
17 words only if necessary and that I should not be too friendly  
18 with my husband. And one time my husband lay down on my thigh and  
19 I was trying to catch lice from his head, but then I was  
20 criticised that it was an indecent act by Phnom Penh dwellers.  
21 And that was raised during a meeting in a village where I stopped  
22 over. It was a criticism meeting. And when I was in my  
23 parents-in-law's village I was advised of the same thing, that is  
24 not to be too friendly with anyone or with any relative and to  
25 speak only a few words. For that reason I believed that my

1 parents and the Base People had known about the practice  
2 implemented by Angkar at the time.

3 Q. Did you ever receive comments from your co-workers or from  
4 your parents-in-law or relatives on the topic of pretending to be  
5 deaf and mute and to speak only a few words, and that you should  
6 only mind your own business? Did you receive such information  
7 from other people besides your parents-in-law?

8 [10.16.10]

9 A. Yes, I did. New People, like myself, whispered to one another  
10 about this fact.

11 Q. What about those people whom you talked to, did they practice  
12 the same thing? I mean, pretending to be deaf and mute?

13 A. They worked like me and they only whispered to me about that.  
14 And besides we were all -- we kept things to ourselves.

15 MR. KONG SAM ONN:

16 Thank you, Madam Civil Party and Mr. President, I don't have any  
17 more questions for this civil party.

18 MR. PRESIDENT:

19 Counsellor Victor Koppe you may proceed.

20 [10.17.04]

21 QUESTIONING BY MR. KOPPE CONTINUES:

22 Thank you Mr. President. I have just a few questions on an  
23 unrelated topic that I was questioning before. I stopped asking  
24 questions because of the time of the Khieu Samphan Defence Team.  
25 It is some questions that I have, Madam Oum Suphany, about your



1 diary. And my question is the following: I read in your diary the  
2 entries on 26th June, 27th June, 28th June and 29th June the  
3 following - that would be here in ERN English 01036460; and Khmer  
4 01032950 and I quote: "Thursday 26, I rest for one day. Friday  
5 27, I have asthma; I did not go to work. Saturday 28, I have  
6 asthma; I did not go to work. SN is better. Sunday 29, I have  
7 asthma; I did not go to work. Friday" -- that's the next page,  
8 here ERN 01036461 English; Khmer 01032951; "Friday 18th, the  
9 tenth day of the waxing moon, I rested for half a day because I  
10 was not fine." The next page, ERN 01036462; Khmer 01032952; "12  
11 December, I rested for one day eating Khmer noodle."  
12 Ms. Oum Suphany, would you be able to tell us a bit more about  
13 you resting, or needed resting in the DK period. If you didn't  
14 feel well or had problems with your asthma would it be up to you  
15 to take the day off? Is that my understanding, or is that not  
16 correct?

17 [10.19.20]

18 MS. OUM SUPHANY

19 A. Angkar set out very thorough work plan, and we were told that  
20 Angkar would not use the sick people, the sick workers and based  
21 on that principle I made my request, because apparently I could  
22 not go because of asthma. Because asthma made the person very  
23 difficult to breathe, as it was in my case. And I could not just  
24 simply do it. I was pretty ill and for that reason I request for  
25 permission in order to go to work. And that's what I wrote.

1 Q. And would it be fair if I were to conclude that whenever you  
2 didn't feel well you would file a request and that in general the  
3 request would be granted? If you were sick you didn't have to  
4 work – is that correct?

5 [10.20.42]

6 A. Yes, however we had to ask for permission to rest, and we  
7 could not do it at our own discretion, and without Angkar's  
8 permission we would not be allowed to rest.

9 Q. Thank you, Ms. Suphany, my very last question. That's a follow  
10 up question, but I have to question myself as well. You said that  
11 you pretended to be mute and deaf during the DK period. I have  
12 tried to find a similar expression of emotion or behaviour in  
13 your diary, but I haven't found it. Do you -- are you able to  
14 tell us, or do you remember why you didn't write in your diary  
15 that you pretended to be deaf or mute?

16 A. I recalled it was noted in my diary. As I recall I wrote that  
17 the mouth was only used for having meals and only spoke necessary  
18 words. And personally I like to talk, I like to think. But I was  
19 not allowed to do that. I did not know about individuals' liking  
20 of doing this. But for me, I liked to sing and to talk, and for  
21 that it was restricted on me.

22 Q. A very short follow up question, Madam Suphany, would you be  
23 able to tell us or guide us where in your diary you said that and  
24 -- or is that too difficult of a question?

25 A. I don't have my diary with me, but I know there was an entry

32

1 where I wrote the eyes were only for looking, the ears were only  
2 for listening and the mouth was only for having meals and it was  
3 only to be used for necessary words. That's how I can recall it.  
4 [10.23.30]

5 Q. Just to be sure, Madam Suphany, are there pages missing from  
6 your diary? Or is the diary that you presented to us a complete  
7 diary?

8 MR. YIQIANG:

9 Your Honour, I think it's a quote from Madam Oum Suphany's book,  
10 "When Will We Ever Meet Again". I can assist with the ERNs. Let  
11 me find it.

12 [Short pause]

13 [10.24.40]

14 MR. KOPPE:

15 There's no need, I'm sure it's somewhere in the book. My question  
16 was whether it was somewhere in the diary, so.

17 MR. YIQIANG:

18 Your Honour, I think the civil party might get confused by this,  
19 because that was answering to one of my questions before. She  
20 read -- or either I read, or she read one passage of the book and  
21 that is ERN -- Khmer ERN 00562857; English ERN 01037338; and  
22 French ERN 01037346. If that assists the Chamber.

23 MR. PRESIDENT:

24 Thank you for your observation. And, Madam Oum Suphany, as a  
25 civil party you are given an opportunity to make your statement

1 of impact on the facts alleged against the two Accused, Nuon Chea  
2 and Khieu Samphan, during the Democratic Kampuchea regime and  
3 which caused or led you filing to become a civil party in this  
4 Court. The harms or impacts are physical or emotional or material  
5 damages which are the result, the direct result of the crimes  
6 committed during the Khmer Rouge. If you wish to do so, you may  
7 have the floor.

8 [10.26.30]

9 MS. OUM SUPHANY:

10 Yes, I'd like to make a statement before this Court today. Mr.  
11 President, Your Honours, Mr. and Madam Co-Prosecutors, Counsels  
12 and everyone in and around the courtroom, I would like to state  
13 before Mr. President that, besides myself, I do not know of  
14 anyone else who is a living survivor who wrote a diary during the  
15 period of Democratic Kampuchea. The idea of writing a diary was  
16 from the advice of my second elder sister, Om Narat, who told me  
17 that I should write a diary in order to become an author, and now  
18 it is clear to me that that diary is a true reflection of the  
19 events that happened during the Khmer Rouge regime that millions  
20 of people were killed. What kind of hearts does -- do these two  
21 criminals have? Why did they destroy human resources? This was  
22 the culture, which is the foundation of a nation. As for as all  
23 the infrastructure, and to make it to a complete destruction and  
24 start to build a country from zero. These activities shows that  
25 they are not nationalists, and they deserve not to be

1 intellectuals.

2 [10.28.14]

3 Before 1975 other people, including myself, were living with  
4 families in harmony and peace and received education and were  
5 aware of the society. However, immediately after the Democratic  
6 Kampuchea took power, it caused strategic event just in the blink  
7 of an eye and we all lost everything. Myself, among others, were  
8 forced by Angkar to leave home and en route I saw dead bodies who  
9 died in a pool of blood and the stench filled the air, and it  
10 seems we were already in hell.

11 I did not know about the plans that Angkar gathered former civil  
12 servants, soldiers and other skilled officials to return to Phnom  
13 Penh in order to work for them. Only later, I was aware that that  
14 was the pretext employed by Angkar to gather those people in  
15 groups and kill them, and throw them into ponds and creeks  
16 because they could not dig enough pits to cover their bodies.

17 [10.29.48]

18 Upon my arrival at Trapeang Thum Khang Tboung commune my elder  
19 brother-in-law who was a pilot, and four or five other women whom  
20 I knew, whose husbands were military officials and teachers, were  
21 sent for study sessions by the revolutionary Angkar. Those women  
22 were put into a group and they were referred to as the Widow  
23 Unit. This shows that Angkar had already executed their husbands.  
24 Later on I became aware that my sixth elder brother-in-law was  
25 sent away and never returned, and my fifth elder brother-in-law,

1 Sou Nai alias Sou Sot, who was a doctor from Battambang were  
2 executed at Toul Sleng, S21 prison. You may refer to the Toul  
3 Sleng publication, published by Ministry of Propaganda and  
4 Culture, at page 37. Angkar used a pretext to accuse my husband  
5 and tortured him in order to kill him.

6 [10.31.02]

7 As for the marriage at the time, the revolutionary term was for  
8 us to make a resolution or commitment. Despite what I did, the  
9 ceremony was dry and meaningless. I could not find such a joy in  
10 the situation where my husband was ill with wounds and infections  
11 and none of my parents or relatives attended that wedding. During  
12 my first child's delivery, the inexperienced revolutionary medic  
13 did not have sufficient experience or skill to assist me and they  
14 said that I pushed too hard. They did not explain that what was  
15 needed to engage in the labour at the time. They left me alone  
16 from the early day on the first day until the second day, and  
17 despite being -- coming to visit me, I was told that my child was  
18 stillborn. And I said if there was a chance, please take the baby  
19 out, but the medic did not have the skill or experience to do so  
20 and allowed -- and let me give birth on my own.

21 [10.32.20]

22 As for babies who were just delivered, the babies were put into a  
23 common room, filled with the fumes from firewood and they almost  
24 suffocated the young babies and the new mothers. When a woman  
25 died from child delivery, the dead body was put into a bed in the

1 common room and just covered her with a white cloth. They did not  
2 understand the impact on these new mothers. As for the medicine  
3 it was just a round shaped rabbit drop like, and as for the  
4 serums, something liquid was filled in the BGI orange juice  
5 bottle.

6 As for meals, due to hunger, my husband and his co-workers ate  
7 wild fruit, despite the fact that the wild fruit was poisonous,  
8 and as a result one of them died immediately. I also ate wild  
9 mushrooms, even though I didn't know whether it was poisonous or  
10 not. And one day I vomited, I had severe diarrhoea, I almost  
11 died, and I was given something to drink by Angkar, and later on  
12 I knew that it was cow dung mixed with sugar palm juice.

13 Through the "Great Leap Forward" regime of Democratic Kampuchea,  
14 in the end the only things left was a total annihilation, and  
15 that is what is called the revolutionary making without any clear  
16 stands, without any clear objective -- that is, it was made based  
17 on greed and envy and revenge due to the criticism, based on the  
18 wild and delinquent ideas without any reasons. People's lives  
19 were lost, properties were lost and those who survived were in  
20 deteriorated health conditions. And that was no development to  
21 the nation at all.

22 In the end, Your Honour, I believe this Court will try its best  
23 to find justice to the victims, and to find who are the offenders  
24 and the accomplices to those acts. I am grateful, Mr. President.

25 [10.35.10]

1 MR. PRESIDENT:

2 Q. Madam Civil Party, do you have anything else that you wish to  
3 say?

4 MS. OUM SUPHANY:

5 A. I don't have anything else, Mr. President.

6 MR. PRESIDENT:

7 International Lead Co-Lawyer for civil parties, you may proceed.

8 [10.35.37]

9 MS. GUIRARD:

10 Thank you, Mr. President. I do not know if this is the  
11 appropriate time to make this comment, but we sent to the Chamber  
12 by email, copying all the Parties, the list of the three  
13 questions that the civil parties wanted to put to the civil  
14 party. And the motion that we wanted to make before those  
15 questions are asked, was that those questions should be read  
16 during the hearing. I would like this practice to be established  
17 – that questions should be read during hearings and that records  
18 should so reflect them, and that having this, the other Parties  
19 have the opportunity to read -- to read those questions and to  
20 answer them or not. This would enable us to have on the record  
21 the questions, and it would enable the civil parties and everyone  
22 within the courtroom and outside the courtroom to understand that  
23 the civil parties are willing to put questions to the civil  
24 parties and that the civil parties would be allowed to answer  
25 those questions or not.



1 MR, PRESIDENT:

2 Counsel for Mr. Khieu Samphan, you may proceed.

3 [10.36.56]

4 MS. GUISSÉ:

5 Yes, thank you, Mr. President. Regarding the proposal that  
6 questions be put on the record, I do not have any objections to  
7 that. However, I think that we should guard against putting  
8 questions systematically to the Accused whether they wish to  
9 answer questions or not. Especially, since they have stated at  
10 the beginning of the trial, that they would like to abide by the  
11 (inaudible) to remain silent.  
12 If we insist on asking those questions, it will put pressure on  
13 the Accused, since they have already said that they would like to  
14 observe their right to remain silent.

15 MR. PRESIDENT:

16 Thank you for your observation Counsel for Khieu Samphan. And  
17 Madam Oum Sophany, you may proceed.

18 MS. OUM SOPHANY:

19 Once again, good morning to Mr. President, and Your Honours. I  
20 have a song that I wrote in relation to the destruction of  
21 property, not just only my property, but the properties of  
22 Cambodian people at the time. Of course I understand that I  
23 cannot request for a personal reparation for the loss of my  
24 personal property. I would like to make a proposal to the Chamber  
25 that I'd like my song to be composed officially and sung by

1 proper singers, and to play it or to accompany the Khmer Rouge  
2 theme.

3 MR. PRESIDENT:

4 Madam Civil Party, the Chamber actually gave you an opportunity  
5 to say anything or to make a request, and now it is the time that  
6 the Chamber wants to know whether you have any questions to be  
7 put to the Accused. And you cannot make a proposal or a request  
8 at this time, when the time is for you to put the questions to  
9 the Accused through the Chamber. And of course, we all know that  
10 the Accused exercise their rights to remain silent. However, if  
11 you still insist and want to put the questions to them, you may  
12 proceed and the Chamber will decide accordingly. That has been  
13 the practice that we have done in Case 002.

14 [10.40.29]

15 MR. YIQIANG LIU:

16 Your Honour, if I may, I think the civil party was confused when  
17 she was granted the opportunity to put forward her request or  
18 questions. On this, she confused that with her request for  
19 reparation, so as her lawyer, I would wish to advise her now it's  
20 the time for her to put her questions to the Accused, rather than  
21 her request for reparation at this moment. Thank you.

22 [10.41.07]

23 MR. PRESIDENT:

24 I just stated that clearly. Your time for requests was ended, and  
25 you are given the opportunity to put questions to the Accused

40

1 through the Chamber -- through the Bench, and if you do not have  
2 any questions to be put to the Accused, then you will be excused  
3 from this courtroom.

4 MS. OUM SOPHANY:

5 Yes, Mr. President, I have questions for the two criminals. The  
6 two criminals are Cambodians. Why did you make a revolution to  
7 destroy the good traditions and customs of this country? That is  
8 my first question. My second question is the following: why did  
9 the criminals make a revolution to destroy the educational  
10 system? Did you think that you could develop a country by  
11 forsaking an educational system? My third question is the  
12 following: for Cambodian people, the notion of family members is  
13 very important. Why did you make a - why did your revolution  
14 separate us from our family, and force us to eat and live  
15 communally? Thank you, Mr. President.

16 [10.42.38]

17 MR. PRESIDENT:

18 Thank you, Madam Civil Party, Oum Sophany.

19 The Chamber noticed that on the 8th of January 2015 proceeding,  
20 after we sought clarification from the two Accused, we noted that  
21 the two Accused exercise their rights to remain silent, except  
22 and when the Chamber receives any explicit confirmation by the  
23 Accused himself or by their counsels otherwise. For that reason,  
24 the Accused and their counsel have the obligation to inform the  
25 Chamber in a timely manner if the Accused waives their rights to

41

1 remain silent. So far, we have not received any information  
2 regarding the -- any changes to their status of the right to  
3 remain silent and not to respond to the questions.

4 [10.44.04]

5 Madam Oum Sophany, the Chamber is grateful of your testimony, and  
6 the hearing of your testimony as a civil party is now concluded  
7 and you may now be excused so that you can return to wherever you  
8 wish to do so, and we wish you a safe trip.

9 Court officer, in cooperation with WESU, please arrange the  
10 transportation for this civil party to wherever she wishes to go  
11 to. The time is now appropriate for a short break, and we take a  
12 break and return at 11 a.m. to resume our hearing. The Court is  
13 now in recess.

14 (Court recesses from 1044H to 1102H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Court is now back in session. For this session, the Chamber  
18 will hear the testimony of a civil party, 2-TCCP-238. And,  
19 Counsel Kong Sam Onn, you may proceed.

20 [11.03.19]

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I'd like to make a brief observation  
23 regarding the civil party, Oum Sophany. During her testimony I  
24 tried not to interrupt. And that she put the questions to the  
25 Accused through Mr. President, I have heard repeatedly the words

42

1 that she used, as she referred to the Accused as "the criminals",  
2 and I think that leads to confusion, even at this stage that my  
3 client, Mr. Khieu Samphan, has found guilty in another judgement.  
4 The judgement is being appealed against. For that reason, to  
5 refer to my client as a "criminal" is a misunderstanding. It's -  
6 it's prejudicial. For that reason, I am grateful if Your Honour,  
7 strike off that word, or advise other civil parties, when they  
8 refer to the Accused, they should not refer to them as  
9 "criminals." Thank you, Mr. President.

10 MR. PRESIDENT:

11 Thank you for your very good observation, Counsel for Khieu  
12 Samphan.  
13 Court officer, could you usher the civil party 2-TCCP-238 into  
14 the courtroom?

15 (Civil party 2-TCCP-238 enters courtroom)

16 [11.06.54]

17 QUESTIONING BY THE. PRESIDENT:

18 Q. Good morning, Madam Civil Party. What is your name?

19 MS. CHOU KOEMLAN:

20 A. My name is Chou Koemlan.

21 MR. PRESIDENT:

22 Thank you, Madam Chou Koemlan. We would like to give you some  
23 advice regarding the proceeding with your testimony. Your voice  
24 will go through a system which will be interpreted into other  
25 languages of the ECCC. That is a necessary proceeding. For that

1 reason, before you respond, please look at the tip of the  
2 microphone in front of you. When the light is red, then it is  
3 operational and your voice will go through the system, and the  
4 interpreters can interpret your testimony into other languages.

5 [11.08.03]

6 Q. When were you born?

7 A. In the document that was published a long time ago "In the  
8 search for the truth", in the magazine, and it was republished in  
9 2010.

10 Q. Can you recall when you were born? Please respond to my  
11 question. When were you born?

12 A. I was born in 1951.

13 Q. Thank you. Where were you born?

14 A. My birthplace during the Sangkum Reastr Niyum was Leay Bour  
15 commune, Tram Kak district, Takeo province. And before 1975 I  
16 lived to the west of Depou market, in Phnom Penh.

17 Q. I am asking the place that you were born, not the place where  
18 you lived. You could not be born at two different places. So, you  
19 were born in Tram Kak district, Takeo province. Am I correct?

20 A. The first five years I was at Thnong Roleung village, Leay  
21 Bour commune, Tram Kak district.

22 [11.09.58]

23 Q. Where is your current address?

24 A. It remains the same. At Thnong Roleung village, Leay Bour  
25 commune, Tram Kak district, Takeo province.

1 Q. From 17 April 1975 to 6 January '79, where did you live and  
2 what did you do?

3 A. After the liberation, in 1979 --

4 MR. PRESIDENT:

5 Q. I meant before that. That is from the 17th April 1975 to the  
6 6th January '79, which is simply referred to as the Pol Pot  
7 regime. Where did you live during the Pol Pot regime?

8 A. During the Pol Pot and Khmer Rouge regime, I lived in the same  
9 commune and village. In Leay Bour commune, Tram Kak district,  
10 Takeo province.

11 Q. What did you do at the time?

12 A. I did various things in a mobile unit. Initially, I was  
13 assigned to work in the rice fields, to transplant seedlings and  
14 to harvest rice.

15 [11.11.36]

16 Q. What is your father's name?

17 A. My father is Chou Thum (phonetic) and my mother is Pan Lum  
18 (phonetic).

19 Q. And your husband's name? And how many children do you have  
20 altogether?

21 A. My husband is named Sus Dem (phonetic), alias Nuon (phonetic).  
22 He was a military medic, and that was during the Lon Nol regime.  
23 And before that, during the Songkom Reas Niyum, he was a  
24 policeman.

25 [11.12.21]

1 Q. How many children do you have?

2 A. My eldest child died, and I - he had four children that I  
3 raised. And when I left Phnom Penh, I was three months pregnant.

4 Q. Madam Chou Koemlan, as a civil party, you are advised that  
5 towards the end of your testimony, you are given an opportunity  
6 to make a statement of impact on the sufferings that you - that  
7 you suffered during the Democratic Kampuchea regime if you wish  
8 to do so.

9 In pursuant to Rule 91(bis) of the ECCC Internal Rules, the Lead  
10 Co-Lawyers for Civil Parties is given the floor first to question  
11 the civil party Chou Koemlan. And the time - the combined time  
12 for the Prosecution and the Lead Co-Lawyers for Civil Party is  
13 one day.

14 QUESTIONING BY MS. GUIRAUD:

15 Thank you, Mr. President. Good morning, Madam Civil Party. You  
16 stated before the President that you lived in Leay Bour commune  
17 from 17th April 1975 to '79.

18 Q. My first question is this: when did you arrive at Tram Kak?

19 [11.14.18]

20 MS. CHOU KOEMLAN:

21 A. I arrived at Angk Ta Saom district, in Angk Ta Saom and then  
22 in Tram Kak. In fact, it took me 22 days to walk from Phnom Penh  
23 to Angk Ta Saom. We were received by Khmer Rouge and settled in  
24 Pou Ta Sab, to the west of Angk Ta Saom market. It's about two  
25 kilometres west of Angk Ta Saom market. And at that time, we were



1 not assigned to engage in any work yet. They would monitor us  
2 first.

3 Q. Thank you. Which members of your family accompanied you to  
4 Tram Kak?

5 A. I went to Tram Kak with my father, my elder brother, and my  
6 elder – my younger brother, my other brother with his children.  
7 [11.15.46]

8 Q. Could you please specify the number of children who belonged  
9 to the brother who travelled with you?

10 A. He had four children, two sons and two daughters.

11 Q. Thank you, Madam. Did you also travel with your husband?

12 A. Yes, I did. And my father was elderly, so was my mother, and  
13 we travelled together.

14 Q. You stated to Mr. President that you raised four children. Did  
15 the children travel, and did they arrive at Tram Kak with you?

16 A. Yes, they did. They went together.

17 Q. Were you yourself in a particular situation when you arrived  
18 at Tram Kak?

19 A. It took us more than 20 days to reach that location, and we  
20 ran out of rice when we arrived. We were given some rice, with  
21 corn to mix with the rice. It was very hard to eat. And then we  
22 had a problem with our stomach from eating that corn. I still  
23 have my stomach problem now. My husband was asked to build a  
24 shelter where New People would accommodate – would live there. It  
25 was to the south of the commune office. He spent two months

1    there, and the 17 April People from Phnom Penh were put to the  
2    north, in those series of huts. And after that, my husband was  
3    arrested. He was taken at night time.

4    [11.18.25]

5    Q. Thank you, Madam Civil Party. You just talked about New  
6    People. Were you and your family considered as "New People"?

7    A. Yes, we were considered New People, and we did not have a  
8    right to gather or to walk freely. For the Base People, they had  
9    good rice to eat. As for us, we did not have the same rice. At --  
10   one night, when my husband was taken, at 9 p.m. - in fact, they  
11   came to call him to go for a study session. And I protested. Why  
12   there was such a study session or meeting at 9 o'clock at night?  
13   But I was told that the Ta Vet called him to go for that study  
14   session. So, he put on his shirt and he did not wear his  
15   trousers, because he was told it was a quick meeting. So, he wore  
16   his scarf and he went with them.

17   [11.19.58]

18   Q. Thank you, Madam Civil Party. Can you please tell the Court  
19   what happened afterwards? After the arrest of your husband, what  
20   occurred?

21   A. After the arrest of my husband -- in fact, when they took him  
22   away, I - I peeped. He was walked to the west direction. And his  
23   mother also peeped, and saw they used a rope to tie his hands  
24   behind his back. And in fact, his parents were the Base People,  
25   and I asked them for help. But he could not help him, even if he

1 was his biological son, because at that time, everybody minded  
2 his or her own business. So, they took him away, and about one  
3 and a half hours later, or maybe two hours, then I heard three  
4 gun shots. The three militia, who came to take him was the  
5 village chief, and the commune militia, and they had a rifle.  
6 Next day, I was sent out from the north of the commune office to  
7 another unit in another village to the south of Leay Bour commune  
8 office. I was asked to do all kinds of work, hard work indeed.

9 [11.21.58]

10 Q. Following that, did you receive any information regarding your  
11 husband's fate?

12 A. The information that I received was from a few Base People,  
13 who told me that night that my husband was killed behind Leay  
14 Bour pagoda -- that is, to the west of the pagoda, in a forest in  
15 that area. I received that news. And my parents-in-law could not  
16 save their son. They became very emotional. Later on, they became  
17 sick and died. So, I would just like to repeat. I received the  
18 information that my husband was arrested, and I was sent to work  
19 to the south of the commune office to engage in rice harvest.  
20 And I in fact just delivered my baby, seven weeks after delivery,  
21 and I had to harvest the rice in a field near the house, and then  
22 I had to come back to the house to breast-feed my baby. The Base  
23 People were not asked to harvest the rice. They ordered me to  
24 work hard, as my husband was taken away and killed.

25 [11.23.40]

1 There was a midwife in the village. However, there was no proper  
2 hospital and there was no proper medicine to give to me during my  
3 child's delivery.

4 Q. Thank you, Madam Civil Party. In the interest of clarity,  
5 could you please tell us if you were present during the arrest of  
6 your husband?

7 A. Yes, I was there. We were sleeping together. In fact I  
8 protested not to let him go, because it was already 9 o'clock at  
9 night and I said that the meeting already ended at 8 o'clock. But  
10 they refused, and they said that he needed to attend a meeting  
11 which was a study session. At that time my baby cried, and they  
12 shouted at me to look after the baby. So, they took him away.  
13 And I in fact asked them, because the meeting had already ended  
14 as it has started at 6.30 and ended at around 8.00 but they came  
15 to take him around 9 o'clock at night. But in fact he did not  
16 attend any study session. He was sent to be killed. And after  
17 they fold up the regime, I went to look at the burial site where  
18 he was buried. My life was so pitiful.

19 [11.25.34]

20 Q. Thank you, Madam Civil Party. In your opinion, why was your  
21 husband arrested?

22 A. The reason was that he was a civil public servant since the  
23 Sangkum Reastr Niyum, and he also had a rank and they actually  
24 search a pack of clothing that we had. And the shirt that he wore  
25 had a photo or an ID card with his rank and for that reason he

1 was taken away for that study session.

2 Q. Thank you, Madam. You just stated that you were pregnant at  
3 the time, and therefore I will ask you a few questions with  
4 respect to the child you gave birth to at Tram Kak as well as the  
5 other children around you, and questions pertaining to you and  
6 your family. You very briefly mentioned the delivery of your  
7 baby. Once you gave birth, did you provide care to your child?  
8 [11.27.03]

9 A. I took only the youngest baby because the other children whose  
10 age were 10, 12 and 14, they were put into a unit. And I only  
11 took care of the baby, but because I did not have enough food to  
12 eat. In fact at the beginning, we were only given corn to eat.  
13 And later on, I cannot remember the month, but it was still in  
14 1975, we were asked to eat communally. And my baby did not have  
15 enough to eat. So he crawled round and found something to eat,  
16 because we actually lived at the side of a house belonging to the  
17 Base People. I did not know maybe we were New People, we had to  
18 live at the site of the Base People so that they could monitor  
19 us. And because of insufficient food, my baby got sick; that's  
20 the youngest one. But after I delivered my own baby, that baby  
21 died. And she died because of the insufficient food. As for my  
22 youngest baby, became sick and also later died. As for my other  
23 children, they worked in a unit and one of them also died.  
24 [11.29.04]

25 Q. Thank you, Madam Civil Party. Once again, for clarification,

51

1 you stated that you arrived at Tram Kak with four children and  
2 that you yourself were pregnant at the time if I gather your  
3 testimony correctly. Two of the children who arrived with you  
4 died by lack of sustenance and nourishment; is that correct? Do I  
5 have a proper understanding of what you're telling us today?

6 A. The one child died of insufficient food and another died while  
7 he was at a unit. And that child's unit was located -- or worked  
8 to the east of Ta Mok's house not at Leay Bour village with me. I  
9 was told by my elder siblings that the son was killed and maybe  
10 they embowelled and he was buried under a coconut tree.

11 [11.30.21]

12 Q. Thank you. Therefore you had one small child who died by lack  
13 of food and another child who worked in an area away from your  
14 place of residence and the elder son passed away; is that  
15 correct?

16 A. Yes. It's true. The older died because he picked up the potato  
17 to eat. He did not have enough food to fill his stomach, and then  
18 he went to pick up the potatoes and he was killed. I was told of  
19 the incident. I lived in Vihear Khpos. I was told at -- during  
20 lunch time that Vanara (phonetic) was killed because Vanara  
21 (phonetic) went to uproot the potato to eat and Vanara (phonetic)  
22 was about 13 and 14 years at the time he was in children unit.

23 [11.31.46]

24 Q. Thank you, Madam Civil Party. One final question, regarding  
25 your children. You stated that you were pregnant when you arrived

1 at Tram Kak and you delivered your child at Tram Kak. Were you  
2 able to care for the baby?

3 A. As I told you, after I delivered the baby, for 27 days, I went  
4 to work in a farm to harvest. And when the baby cry, my mother  
5 would call me so that I could breastfeed the baby. And after  
6 breastfeeding, I went back to the field to harvest. At 10.30, my  
7 mum would go to collect rice for me to eat. I did not go to eat.

8 Q. Thank you, Madam. Thank you, Madam Civil Party. I will now put  
9 a few questions to you regarding other members of your family you  
10 referred to at the beginning of your examination. You talked  
11 about a family member, a brother who arrived in Phnom Penh with  
12 you. Can you explain to the Chamber what happened to that  
13 brother?

14 [11.33.29]

15 A. My elder brother not elder sister. My elder brother name was  
16 Chou Teng. He went together with me. My elder sister she went on  
17 National Road Number 1. My elder brother Chou Teng, he went with  
18 me. He lived in a village, west of Angk Neareay and Leay Bour.  
19 And my sister lived in unit six, and I lived in unit three near  
20 the village hall. So we lived in different places. And as for my  
21 father, his wife got four children.

22 [11.34.26]

23 Q. What happened to that brother, Madam Civil Party?

24 A. My elder brother, he worked in the unit responsible for  
25 ploughing the field. His name was registered to be killed. And

1 that was in 1977. He was in a unit responsible for ploughing the  
2 field in 1977. He tried to instigate his peer to revolt and he  
3 flee to -- into Vietnam. He came to my parents and he said that  
4 he would go. And after a few days, he was arrested and killed at  
5 Chamrong (phonetic) mountain in another cooperative.

6 Q. Thank you, Madam Civil Party. Could you please be more precise  
7 with regard to his departure? How did he get to Vietnam,  
8 according to what you stated today? How did he get there? Who  
9 accompanied him? How did he manage to escape to get there? How  
10 did you know that he was executed? Which is what you just stated  
11 today.

12 A. I know about this because I was at home. There was a Base  
13 woman, she cooked for cadres. In the Leay Bour, K1 was the model  
14 cooperative. And this old lady came to my house and told my  
15 mother that your son was arrested to be killed. And at K1 unit,  
16 my elder brother was beaten and was forced to drink fish sauce.  
17 And this old lady told me about this. I did not witness the  
18 event. So those who fled into Vietnam, and among those, there was  
19 my father. And my father was arrested and beaten and also he was  
20 forced to drink fish sauce.

21 [11.37.36]

22 Q. Thank you, Madam Civil Party. From what I have understood, you  
23 did not witness the execution of your brother. Can you tell us  
24 why you think he escaped? Do you have information on how he left  
25 Tram Kak?



54

1 A. When he fled, he got a package of meal, the flour for making  
2 Khmer noodle and then he got a bag of rice and a mat for sleeping  
3 in the forest. The old lady told me about this. She was in K1  
4 cooperative. My brother -- I was told that my brother seized a  
5 gun -- a rifle from a militiaman and then he fled into Vietnam.  
6 He was chased and after that my brother was arrested to be  
7 killed.

8 Q. Thank you, Madam Civil Party. You also referred to another  
9 brother. Can you tell us what happened to him?

10 [11.39.15]

11 A. As for my other elder brother, he was a soldier in Takeo  
12 province, in Sout Barak (phonetic), he was a soldier for a long  
13 time and he got quite high rank. When he reach Champa pagoda, he  
14 was tighten (sic) up and I was told that he was brought to a  
15 study session and he got his gun and never return. My mother was  
16 told that he -- rather, my elder - my elder sibling in-law told  
17 me that he went to his village place. My son -- the son of my  
18 elder brother, he was a monk. Then he was asked to disrobe so  
19 that he could carry a rifle to liberate Takeo. And later on, my  
20 niece (sic) was known that he was the son of an enemy. His father  
21 was a soldier with a quite high rank. And after he was disrobe,  
22 he got married to a woman medic. And my niece (sic) was known as  
23 the enemy, the son of an enemy. And then it was said that my  
24 niece (niece) father was a soldier. My niece -- my nephew - my  
25 nephew rather, got married to a female medic. And the female

1 medic was asked to disembowel my nephew so that he -- so that she  
2 could get the gall bladder. The female medic could do this  
3 because she wanted to go to a higher rank.

4 Q. Thank you, Madam Witness. I will move on and ask you about  
5 your experiences when you were in Tram Kak. Were you able to move  
6 about freely in Tram Kak?

7 A. We could walk, we could move between 11 to 1 p.m. we could  
8 move during lunch break. We could visit our relatives. We had -  
9 we would have to return back in time for our work otherwise, we  
10 would be blamed. We could move secretly; that is what we call the  
11 prison without wall. We live in a prison without wall and we got  
12 a heavy duty to perform as well.

13 [11.42.59]

14 Q. Thank you, Madam Civil Party. To ask a follow-up question on  
15 your last remark and the difficulties you faced, can you describe  
16 to the Chamber, the difficult tasks you carried out when you got  
17 to Tram Kak?

18 A. I remember all the duties, the sufferings that I got. I was  
19 asked to transplant rice and I could do whatever they asked me to  
20 do. Otherwise, I would be killed because I was accused as a  
21 daughter of a former civil servant. I was a daughter of an enemy.  
22 I was asked to pick up, or to uncover faeces. I could do whatever  
23 I was asked to. I was asked to also dig the canal, and I was also  
24 asked to transplant a plot -- a six hectare plot of land with  
25 only seven people. I could do so because I got experience.

1 [11.44.30]

2 Q. Thank you, Madam Civil Party. A while ago you stated --  
3 talking about 10.30 p.m. Can you tell us exactly what was your  
4 work schedule? Did that work schedule change from one year to the  
5 other? Just give the Chamber an idea of your work schedule.

6 A. I got a small baby that's why I could excuse from work at  
7 10.30. And for other, they would be excused from work at 11.00 or  
8 11.30. So we would be asked to work anywhere, any cooperative,  
9 whenever they wanted us.

10 Q. Thank you, Madam Civil Party. Earlier this morning or perhaps  
11 yesterday, we heard the testimony of another civil party who  
12 stated that when people were suffering or tired, or sick or  
13 tired, they could rest and not have to work; is that what  
14 happened to you?

15 [11.45.57]

16 A. When I was asked to transplant and -- I was working very hard,  
17 and I had to breastfeed my baby because we -- because I had to  
18 transplant in the field, and they prayed that I would collapse at  
19 the time and I was released to get, you know a massage on my --  
20 corn massage on my body. And whenever we got -- the other baby  
21 got sick, then we would be excused. As for my baby, because my  
22 baby was breastfed, sometimes he or she got diarrhoea. We would  
23 need to take care of the baby. As for me, I had to collect rice  
24 or meal from cooperative. And the day after, we had to work  
25 again. And as for ration, it was very strict, if we did not

1 perform our work, we would not get our meal.

2 Q. Just one follow-up question based on the last question -- the  
3 last response that you could not rest. Can you tell the Chamber,  
4 what were the consequences if someone was sick could not work?

5 You said you were not fed; were there any other consequences?

6 A. We would work in the morning. If we return to work, then we  
7 would get our food ration. Although our baby did not recover from  
8 the disease yet, we would need to go back to work to get food  
9 ration. If we had to rest for very long time, we would also be  
10 taken away to be killed.

11 [11.48.48]

12 Q. Thank you, Madam Civil Party. You have talked about the fear  
13 of being executed if you didn't work for the second time now. Can  
14 you explain to the Chamber why you were afraid of being executed?

15 A. We were accused that we were 17 April People. We were accused  
16 that we were lazy, we did nothing. That is why -- so they would  
17 need to smash all of us. And those who had relation or were  
18 linked to civil servants in the past former regime, we would be  
19 killed since we were 17 April People. We were afraid of being  
20 killed. That is why whenever we were asked to do our work, we  
21 would try to perform them.

22 Q. Thank you, Madam Civil Party. A little earlier in your  
23 testimony, you stated that a few months after you arrived in Tram  
24 Kak, you were eating in common. Can you explain how the meals  
25 were distributed or how you ate?

1 [11.50.25]

2 A. As for communal eating, we work hard in our field. And the  
3 field was green -- very green. And the field sometimes look very  
4 golden. And as for commune -- communal eating, there was a pot, a  
5 soup pot in the middle of us. And we could have only a spoon full  
6 of rice, and we could not have enough meal. And we dare not to  
7 say anything although we were not full, if we accidentally  
8 slipped -- if the word slips out of our tongue accidentally that  
9 we were not full, then we would be taken away to be killed or to  
10 a study session. I would like to mentioned about two ladies,  
11 could I do so Mr. President?

12 MR. PRESIDENT:

13 You may answer to the question put by Party. You may not provide  
14 your answer beyond the question asked. Your answer should be full  
15 enough so that we understand.

16 BY MS. GUIRAUD:

17 Q. Thank you, Madam Civil Party. I have other questions as a  
18 follow-up to what you have just stated. As far as you can  
19 remember, did you have the impression that when you were eating  
20 in common, the quality of the food had dropped? Did you have  
21 enough to eat, when you started eating in common?

22 [11.52.31]

23 MS. CHOU KOELMAN:

24 A. The food ration was reduced. Sometimes when the rice was not  
25 delivered, our food ration would be reduced. The grains of cereal

1 would be reduced, and the gruel would be instead mixed with  
2 potatoes – sweet potatoes in some – on some occasions. When the  
3 rice was not enough for all of us, so the gruel would be mixed  
4 with sweet potatoes, on some occasions.

5 [11.53.11]

6 Q. Thank you, Madam Civil Party. Still to the best of your  
7 recollection, did the New People have the same food as the Base  
8 People? Were they eating the same food?

9 A. Base People ate together with us. But in their shelter or  
10 their house, they had their own rice to have additional meal in  
11 the morning. As for New People, we did not have such latitude. We  
12 did not have extra rice. We could eat only in the communal  
13 eating. That is why some people complained that they did not have  
14 enough food and as a result, they would be taken away to be  
15 killed.

16 Q. Thank you, Madam Civil Party. In order to understand exactly  
17 what you were saying, were you often hungry? Were you always  
18 hungry after the meals?

19 A. Yes. Absolutely. I was absolutely hungry. Sometimes, I would  
20 -- I had a sarong with me so I would barter the sarong or skirt  
21 with the Base People near -- living close to my place. And I  
22 would cook rice or gruel in the kettle at night time so that the  
23 Angkar would not know.

24 Q. Thank you, Madam Civil Party. A while ago, you gave us a list  
25 of the assignments that you carried out from the time when you

60

1 arrived in Tram Kak. You talked of transplanting rice, picking up  
2 excrements, and the last task was digging canals. Can you please  
3 explain to us further what that last task consisted in? When did  
4 you have to dig canals?

5 [11.56.00]

6 A. It was from 1976 until dry season of 1977 after harvest, I  
7 would be required to go to dig canal near the embankment in the  
8 rural area. And I was required to build, you know, the big  
9 embankment to be the roads so that we could reach at the head  
10 work. I was asked to dig canal for a period of 15 days. And at  
11 the time, I met some leaders of Khmer Rouge -- that is the  
12 leaders of Democratic Kampuchea. When I was asked to dig canal in  
13 1977, I was working and could see four of them including Ta Mok.  
14 At that time, they was talking to the worker that we need to  
15 attack our work so that we could get water to farm on the west of  
16 the railroad. So, we need to attack in our work, so we could  
17 reach to a prosperous future and having rice to eat. And after  
18 that, we would need - we would have energy.

19 Later, after digging the canal, and after having good harvest, we  
20 would also not get enough rice to eat. Three of my colleagues,  
21 three of my peers, disappeared because they complained that they  
22 did not have enough to eat. And my three peers that they  
23 complained that they could not have enough food, and then after  
24 that, they disappeared.

25 [11.58.51]

61

1 Q. Thank you, Madam Civil Party. To be absolutely sure that I  
2 properly understood the chronology of the events you described,  
3 you stated that you arrived, you started digging the canals. And  
4 in 1977, did you say that you saw on that site a number of Khmer  
5 Rouge leaders? Do you recall at what time precisely, at what  
6 period precisely you saw those persons?

7 A. I saw them in 1977. I do not recall the month -- the exact  
8 month whether it was in February, it was in March, April or May.  
9 It was long time ago. The three leaders, they were in car, they  
10 stop at the head work in Koul Chambak (phonetic) area, and they  
11 were looking at us carrying earth. The commune committees and  
12 head of the unit were with them. A few days later, three of my  
13 peer disappeared.

14 [12.00.30]

15 MR. PRESIDENT:

16 Thank you. It is now convenient time for break. From now, until  
17 1.30 in the afternoon so that we can resume our hearing.

18 Court officer, you are instructed to facilitate a proper place  
19 for civil party during the break time and have her return before  
20 the Bench enter the courtroom.

21 Security personnel, you are instructed to bring Mr. Khieu Samphan  
22 to the holding cell downstairs and have him back before 1.30 p.m.  
23 The Court is now adjourned.

24 (Court recesses from 1201H to 1334H)

25 MR. PRESIDENT:



62

1 Please be seated. The Court is now back in session. And, again,  
2 the Chamber would like to give the floor to the Lead Co-Lawyers  
3 for the Civil Parties to put questions to the civil party. You  
4 may proceed.

5 International Lead Co-Lawyer for civil party, please hold on, and  
6 Counsel Koppe, you may proceed.

7 MR. KOPPE:

8 Thank you, Mr. President. I have a question relating to filing  
9 this morning from the Office of the Prosecution. It seems that we  
10 are getting new statements coming from Case 004. I have two  
11 questions. First, whether the statements that are going to be  
12 released have any relevance to this Witness or the upcoming  
13 witnesses this week. And my second question would be if these  
14 four statements, the release of these four statements, is it that  
15 that's it or are there more to come in relation to this segment  
16 of the trial?

17 [13.35.42]

18 MR. LYSAK:

19 Thank you, Mr. President. Apologize for responding from the  
20 second row. The answer to the question is these four statements  
21 do not concern any of the immediate witnesses that are up-coming.  
22 The answer to the other question is that there is an ongoing  
23 investigation going on. There have been some additional  
24 statements. None of them, to my knowledge, involve trial  
25 witnesses, but requests have been made, and when authorization is

63

1 provided for these new statements, they will be disclosed too.  
2 But they do not relate to trial witnesses. It's a pretty small  
3 number to my recollection too. But the four statements, three of  
4 them do relate to trial witnesses, but not in the group that's  
5 coming up in the next three or four weeks, I believe.

6 MR. PRESIDENT:

7 Thank you for the clarification, the Co-Prosecutor. And the  
8 International Lead Co-Lawyer for Civil Parties, you may proceed  
9 again.

10 BY MS. GUIRAUD:

11 Thank you very much, Mr. President. Good afternoon, Madam Civil  
12 Party. I wish to continue with my questions and go back to the  
13 period of February, March, April or May 1975.

14 This morning, you told us that you saw senior leaders of the  
15 Khmer Rouge visit the worksite where you were assigned at Tram  
16 Kak. This morning, you spoke of Ta Mok, and I'd like to know,  
17 based on your recollection, if you saw any other senior leaders  
18 accompany Ta Mok.

19 MS. CHOU KOELMAN:

20 A. During the DK regime of Khmer Rouge, Ta Mok accompanied the  
21 three Khmer Rouge leaders who travelled in a vehicle, and they  
22 were Pol Pot, Khieu Samphan and Nuon Chea. And Ta Mok was in a  
23 separate vehicle. They visited the Ou Chambak canal worksite. The  
24 plan was to irrigate the water from to Ou Chambak to the west  
25 area of the railway, in order to make three harvests per year of

1 rice produce.

2 [13.38.47]

3 Q. Thank you, Madam Civil Party. You provided the names Khieu  
4 Samphan, Nuon Chea. I'd like to know, how did you recognize them?  
5 How did you recognize Mr. Khieu Samphan? That is my first  
6 question.

7 [13.39.06]

8 A. I knew it was him because I worked together with the group  
9 chief and the unit chief, and they said that Pol Pot and Khieu  
10 Samphan came to visit. And while I was standing in fact I smiled  
11 at them, but I was still working hard at the time to unearth the  
12 soil. They actually walked past to the west of the canal and they  
13 went further and I came back to continue focusing on my work.

14 Q. Had you already seen Khieu Samphan prior to that event?

15 A. I saw him during the Sangkum Reastr Nyium regime, because his  
16 photo was published in the newspaper as the People's  
17 Representative and I had heard of his name during that regime as  
18 well. So, when he came for a visit, I recognized him and he, in  
19 fact, called all the - in fact all the chiefs, unit chiefs, group  
20 chiefs and commune committee accompanied him while he was  
21 walking, but I was still unearthing the soil. And he actually  
22 went to Cooperative Number 1, as well as my other sibling saw him  
23 too and the other two Khmer Rouge leaders, at the K1 cooperative.  
24 Q. Thank you, Madam Civil Party. You also mentioned Noun Chea. I  
25 would like to know if you can tell us today how you knew that it

1 was Noun Chea.

2 A. It was the Base People, namely the unit's chief who knew him.

3 The district chief, the commune committee knew him and told my

4 unit chief, and unit chief told me further that the

5 representative of the country came to visit us. They were the

6 leaders and they were the one who were in charge of the country.

7 [13.42.05]

8 Q. Thank you very much. You talked about Ta Mok, who was part of

9 the delegation. Had you already seen Ta Mok at Tram Kok, prior to

10 that event?

11 [13.42.24]

12 A. I saw him frequently, because my house was near Ou Chambak and

13 it was not far from the house of Ta Mok, so I saw him frequently

14 before that.

15 Q. Thank you, Madam Civil Party. I wish to return to a statement

16 you made prior to the lunch break. You talked about a nephew who

17 was a monk and he was, as you said, disrobed. Could you please

18 tell us very clearly, what was your relationship to him? How were

19 you related?

20 And can you please tell us what happened to him afterwards?

21 [13.43.19]

22 A. He was my immediate nephew. And his father was my elder blood

23 brother. During the Lon Nol regime, my mother sent her

24 grandchildren to Prey Kambas area near Chisor mountain, because

25 their grandparents there were the Base People. And this nephew

1    became a monk, because they were afraid that he would be sent to  
2    be a soldier to the battlefield and because they wanted to attack  
3    and take over Takeo, he was forced to disrobe and to make a  
4    resolution together with the village medic. After Phnom Penh fell  
5    and Takeo fell, they knew or learnt of his background, as he was  
6    the son of a military officer. And then the wife was asked to  
7    come and urged to kill her husband, if she dared to do so. That  
8    happened in 1976. And after the fall of the Khmer Rouge regime,  
9    it was my aunt who came to tell me about these events together  
10   with the other event of another tragic one.

11   [13.45.22]

12   Q. Thank you, Madam Civil Party. This morning, as far as I  
13   understood it, you talked about marriage. And this afternoon,  
14   you're talking about a vow, a commitment. Can you please tell the  
15   Chamber if your nephew married and in what circumstances did he  
16   marry?

17   A. I apologize. It was not a marriage, but he was asked to make a  
18   commitment or a resolution. And that happened before Phnom Penh  
19   fell. The Pol Pot organization asked him to make a resolution.  
20   His wife works in the social affairs section. And she was told  
21   that her husband was the son of the enemy, of a senior member of  
22   the enemy. For that reason, she was encouraged to kill him, to  
23   embowel him and only after the fall of the regime, the  
24   grandmother came to tell me about that and she wait while telling  
25   me the tragic event. And because of that, she did not want to

67

1 live in the area. She moved further.

2 [13.46.59]

3 Q. Thank you. One last question, because I'm not entirely clear  
4 on the events that you are describing today, did your nephew --  
5 your nephew was a monk, he was then defrocked and then he married  
6 during the regime. Can you just please clarify, because I do not  
7 fully understand.

8 [13.47.29]

9 A. He was a monk and then he was ordered to disrobe, then to make  
10 a commitment, then he was given a weapon to be part of the Khmer  
11 Rouge military and to attack and take control of Takeo province.  
12 And then later on, they had realized that he was a son of a  
13 senior military official at the sub-military headquarters in  
14 Takeo. And then they asked his wife whether she dared to kill her  
15 own husband and the wife said yes, because she would kill the  
16 enemy. Then he was tied up, he was emboweled, and his gall  
17 bladder was removed to make herbal medicine.

18 MR. PRESIDENT:

19 The questions have been put to you and your answer is very  
20 difficult to understand. You make - you keep saying the words "to  
21 make a resolution" or "to make a commitment". What does it mean  
22 to make a resolution? To be part of Khmer Rouge soldiers or to  
23 make a resolution to marry his wife? But from the latter  
24 response, you seem to say that he made a resolution to be a part  
25 of soldier to attack and take control of Takeo. Can you clarify

68

1     that? I think that is the sticking point here. And make your  
2     answer brief and precise, please.

3     [13.49.18]

4     MS. CHOU KOEMLAN:

5     A. That is to make a commitment to marry the woman to become his  
6     wife, who was a woman working as a medic for the social affairs  
7     section.

8     MR. PRESIDENT:

9     The Lead Co-Lawyer, please continue.

10    BY MS. GUIRAUD:

11    Q. I think this would warrant an additional question, Madam Civil  
12    Party. Can you please describe the circumstances in which the  
13    marriage was held? Do you know of the context in which the  
14    marriage took place?

15    [13.49.58]

16    MS. CHOU KOEMLAN:

17    A. I did not know about the marriage of the nephew, as they lived  
18    in Prey Kambas (phonetic) district, while I lived in Leay Bour. I  
19    only knew about those who made resolution at the place that I  
20    lived and about these events related to my nephew, I heard it  
21    from my aunt, who was the grandmother of the nephew.

22    Q. Thank you for that specific information. Just to return to  
23    what you said to the Court. You testified that you never saw any  
24    marriages in your commune, but did you indeed observe any  
25    marriages that took place in the commune at the time?

1 A. I saw people making resolutions at my village. However, there  
2 were only a few couples. There was my younger brother and two  
3 other couples. However at the K1 cooperative during the marriage,  
4 there were many couples who were instructed to make a resolution  
5 during the ceremony.

6 [13.51.41]

7 Q. If I understand correctly, you witnessed a marriage ceremony  
8 between a few couples in your own commune and you had also heard  
9 that at K1, there were marriage ceremonies, which were held for a  
10 higher number of couples. Is that what you are telling the Court  
11 today?

12 A. Yes, at the K1 cooperative, we was a model cooperative. My  
13 younger sibling was also instructed to make a resolution. I think  
14 during that time there were between 30 to 32 couples, and even  
15 after he made a resolution at the time, his wife was not allowed  
16 to come with him to the village, but she was sent to her  
17 respective unit to work in the mobile units to carry earth or dig  
18 a canal, although they became husbands and wives.

19 [13.53.00]

20 Q. Final question on the topic: Who, in your opinion, organized  
21 the marriage ceremonies?

22 A. To my knowledge, it was the party of the Angkar who instructed  
23 them to make a resolution to become husband and wife, but it was  
24 only Ta Mok, who was a representative of Angkar, but I did not  
25 know from where he received that instruction. That happened at



70

1 the K1 cooperative, which was located opposite the Leay Bour  
2 office -- commune office.

3 [13.54.00]

4 Q. Thank you, Madam Civil Party. I want to take you back to an  
5 event that you referred to this morning's testimony. You stated  
6 that your brother attempted to flee to Vietnam, is my  
7 understanding correct? Did you tell the Chamber this morning that  
8 your brother was taken back by the Khmer Rouge and it were Khmer  
9 Rouge soldiers who sprayed him with fish sauce? Is that a correct  
10 understanding?

11 A. Yes, that is true. That - that was what happened.

12 Q. Thank you. Just to be crystal clear on that incident, I wish  
13 to recall your memory and have you react to E35469 (sic); ERN  
14 English 00746219; and ERN in Khmer 00506465. In this document,  
15 Madam Civil Party, the name Rin (phonetic) is mentioned, I'd like  
16 to know if the name triggers your memory and if you could tell  
17 the Court, who is Rin (phonetic) and what happened to Rin  
18 (phonetic)?

19 [13.55.51]

20 A. Rin (phonetic) was a friend of my other brother, who lived  
21 next to his house. They gathered about six of them and fled to  
22 Vietnam. They reached a village somewhere en route and they  
23 empowered (sic) the militia and seized a rifle. The man came to  
24 tell my mother that my other brother had been arrested. He was  
25 tied up, he was tortured and they splashed fish sauce over his

1 body. I think it happened about five or six days after he fled.

2 So, they tortured him.

3 Q. Thank you, Madam Civil Party. Have you ever heard of the

4 expression, -- when you were at the Tram Kak cooperative, had you

5 ever heard about any "moral offences"?

6 A. I heard of that rather frequently and I also saw events

7 related to that offence. People made "moral offences" would be

8 ordered to carry earth for a certain cubic meters per day and one

9 day I saw two couples who made or committed moral offences and

10 who were ordered to carry earth.

11 [13.57.56]

12 Q. At the time, did you know what kind of moral offence the

13 couple committed?

14 A. They said that they secretly fell in love with one another.

15 And the woman was a widow and she fell in love with uncle, that's

16 what they referred to men at the time. So, their love affair was

17 known by them and then they were punished by ordering them to

18 carry earth. And another one who was accused of a moral offence

19 committed suicide by hanging.

20 Q. Regarding that last detail you just provided, you said that

21 the person who was in breach of the moral code was hung as a

22 penalty. Were you a witness to that event or is it something that

23 you had heard about? Can you just provide more details about that

24 particular incident?

25 A. I only heard these events from another person who was a Base

1 Person. I do not know whether he was arrested and killed. But the  
2 Base Person told me that the person was accused of a moral  
3 offence and felt offended or somehow and then hanged himself. But  
4 I am not sure, just to make – to be clear, whether they hanged  
5 him or he hanged himself.

6 Q. Thank you, Madam Civil Party. I have one last question this  
7 morning, you testified that you wished to talk about two women  
8 and you had addressed the President to ask if you could talk  
9 about these two women. Can you please tell us what you would like  
10 to evoke or talk about?

11 [14.00.11]

12 A. The two women – who were my friends – who worked in a unit  
13 adjacent to mine, they were the younger sisters of a singer at  
14 the National Radio Station, the other one was the younger sister  
15 of Oi Sokon (phonetic). So, they were my friends, and they were  
16 very good at carrying soil. They could carry three baskets on  
17 each side of the shoulder pole. But then they complained that the  
18 rice was not sufficient, how could we strengthen our stance  
19 because of the lack of food. In the morning we had the pumpkin  
20 and in the afternoon we had another vegetable which was not  
21 sufficient. Then they were transferred to the commerce section at  
22 Leay Bour. They were asked to carry rice and then a messenger  
23 from my village, came to the village with the information about  
24 the two women. Because all male comrades there, at the Leay Bour  
25 commune office, raped – sexually raped the two women, who were my

1 friends. And that information was relayed by the village  
2 messenger when he delivered the messages or the letters to the  
3 village. They said that anyone who made a mistake in the village  
4 would be sent to their commerce office and then that woman would  
5 be sexually raped. And later on I did not know whether they were  
6 transferred to be imprisoned elsewhere in another detention  
7 centre, because they disappeared since.

8 [14.03.05]

9 Q. Thank you, Madam Civil Party. I have no further questions, Mr.  
10 President.

11 MR. PRESIDENT:

12 Next, I now hand over the floor to Co-Prosecutors to question the  
13 civil party. You may proceed now.

14 QUESTIONING BY MS. SONG CHORVOIN:

15 Mr. President, Your Honours, Parties, everyone in and around the  
16 courtroom, good afternoon. Madam Koemlan, I am the representative  
17 of the Co-Prosecutors. I have a few questions for your  
18 clarification. My first question concerns the answer you gave to  
19 the Lead Co-Lawyer in relation to the time you saw Ta Mok  
20 frequently.

21 My question is, when you said you saw Ta Mok frequently, where  
22 did you see him exactly?

23 [14.04.09]

24 MS. CHOU KOEMLAN:

25 A. I saw him at the work site when I was carrying earth, I was

1 digging canal, I was transplanting in -- among my seven member  
2 team. Sometimes I saw him in a vehicle, sometimes he rode the  
3 bicycle.

4 Q. When he rode to the work site, what did he go there for?

5 A. What I knew is that he went there to ask us to strengthen our  
6 position, so that we can comply with the "leaping forward" policy  
7 of Angkar.

8 Q. What was Ta Mok's position in the Tram Kak District?

9 [14.05.31]

10 A. Ta Mok was the provincial governor. He was in charge of three  
11 provinces: Kampong Speu, Takeo and Kampot provinces. He had a  
12 senior position.

13 Q. Thank you. This morning you mentioned about your eldest son  
14 who was killed to the East of Ta Mok's house, do you know where  
15 Ta Mok's house was?

16 A. Ta Mok's house was on the road to Baray, north of the Takeo  
17 Province, and it was to the west of the roads.

18 Q. What was it - where commune was it and what district was it?

19 A. It was in the Baray commune, Doun Keo District.

20 Q. I now move to another topic, this morning you told the Chamber  
21 that your family members and you were evacuated from Phnom Penh  
22 to the Tram Kak District. Upon arrival, your husband was asked to  
23 build a hall east of Leay Bour school. I would like to hear your  
24 clarification, where was Leay Bour and what was he asked to do at  
25 the place?

1 A. He was working to the north of Leay Bour commune hall. He was  
2 there to cut small trees, to build a shelter, a small shelter for  
3 New People. After the makeshift hall was built for two or three  
4 months, some of us who were transported from west of Angk Ta  
5 Saom, we were transported to the makeshift hall so that we can  
6 live in that hall. So, these halls, or small huts were built to  
7 the south of the Leay Bour commune office. And after a few days,  
8 these people were killed.

9 [14.08.37]

10 Q. I would like to have your clarification. Small huts, which  
11 were built to the South of Leay Bour were only for New People or  
12 also for Base People?

13 A. Small huts, Old People – Base People were also living in those  
14 small huts and Base People had enough food to eat.

15 Q. I would like your clarification concerning the huts which were  
16 built. While your -- when your husband was sent to that place,  
17 were some huts already built or were it being built?

18 [14.09.30]

19 A. I do not know. I do not know whether some huts had already  
20 been built. After the evacuation of my family and I to that  
21 place, my husband and those who have energy, they were asked to  
22 go there and build huts. So, not only my husband, other people  
23 were also asked to build the huts.

24 Q. So, from my understanding, after hall or huts were built, the  
25 New People and Base People were asked to live in the huts. Is

1     that correct?

2     A. New People and Base People were asked to live in the huts and  
3     people were grouped to do labour.

4     Q. Thank you. You said your husband was taken away and killed.  
5     Could you clarify, did your husband have any link or network in  
6     the Lon Nol regime, or what was his position during the Lon Nol  
7     regime?

8     A. His position at the time, he was a military medic. He treated  
9     wounded soldiers from battlefields -- at the battlefields. He  
10    worked at the Borai Kaila hospital and he was also working at one  
11    hospital north of the Central Market, the name was Ket Mealea  
12    military hospital. She (sic) worked at those two hospitals.  
13    [14.11.57]

14    Q. Thank you. In relation to your husband, when your family  
15    members and you were transported -- were evacuated to the Tram  
16    Kak district, were all of you asked to do biographies?

17    A. We were twice asked to make our biographies after we were  
18    transported to Tram Kak district, and after we were then asked to  
19    live in the huts, we were once again asked to make biographies.  
20    My husband said that because he was wounded he could not make a  
21    biography. Later on, there was a search in my husband's clothes  
22    and some photos could be found. Those clothes were put in a white  
23    plastic bag and it was searched, some photos were found inside  
24    the white plastic bag.

25    Q. You said you were asked to make biographies. Were all people

1 in the village were asked to do or to make biographies or only  
2 New People were asked to do biographies?

3 [14.13.42]

4 A. Base People needed not to make biographies, only New People  
5 were asked to make biographies. Their biographies were already  
6 made in 1971 or 1972, only the 17 April People were required to  
7 make biographies.

8 Q. Who asked you to make biography? Did you make your own  
9 biography? Did you make biography by yourself or did someone help  
10 you in making the biographies?

11 A. The village chief assisted in making biography. The deputy  
12 chief of the village also helped us and some – and another female  
13 assisted us. Actually, three of them noted down what we provided  
14 them. We did not have any books so they did for us.

15 Q. After making the biographies, after they learned that you were  
16 New People, were there distinctions in the treatment between New  
17 and Old – and Base people?

18 A. As for New and Base People, they were separated, they were  
19 Base People and we were 17 April People, whenever our infractions  
20 were found, we were taken to a study session. New People would be  
21 taken away and killed, as for Base People, I never saw Base  
22 People disappear. I was there eight months and I did not see Base  
23 People disappear.

24 [14.15.48]

25 Q. Did I understand you correctly when you said that New People



1 were under surveillance? This means that New People had to behave  
2 well, otherwise they would disappear, is that correct?

3 A. That is true, if we committed any mistakes or if we were not  
4 active, if we were not energetic enough, we would disappear. And  
5 if we did not drop -- if we did not stop calling "papa" or  
6 "mama", they would disappear.

7 Q. In relation to your biological parents, what were their  
8 positions? Were they ordinary people?

9 A. They were the village chief. Rather, they were the  
10 sub-district chief.

11 Q. So, do I understand from you that she or he was a civil  
12 servant in the former regime?

13 A. He, my father, was a civil servant in the former regime and,  
14 after that, in Lon Nol regime, he was also a civil servant.

15 [14.17.48]

16 Q. My last question for you concerning your hardship in Khmer  
17 Rouge period, you told the Lead Co-Lawyer and the Chamber that  
18 your living condition in Pol Pot time -- that is, the New and the  
19 Base People, food rations were different from each other. Was  
20 there any distinction between the food ration, also was there any  
21 distinction concerning the work they do?

22 A. I already told the Chamber that New and Base People had to go  
23 to work at their worksites. However, their food rations were  
24 different, because the Base People had their reserve meal or  
25 food. As for New People we could only have meal as we were

1 provided and we had the same work. We went to work at the  
2 worksites. Sometimes we faced hunger.

3 MS. SONG CHORVOIN:

4 Thank you very much. Madam Civil Party, I now – I do not have  
5 further questions. I may ask the Chamber to give the floor to my  
6 International learned friend.

7 MR. PRESIDENT:

8 You may now proceed, International Co-Prosecutor.

9 QUESTIONING BY MR. BOYLE:

10 Thank you, Mr. President, good afternoon to the Judges and to the  
11 Counsel. Good afternoon Ms. Koemlan, thank you for being with us  
12 here today.

13 My first question is just a follow up to a question that my  
14 colleague had. You said that your husband was a Medic in the Lon  
15 Nol Military. Did he have rank and if so, do you know what that  
16 rank was?

17 MS. CHOU KOEMLAN:

18 A. As for his rank, he was a captain but he was about to get a  
19 major after the Khmer New Year. But for those who did not know,  
20 they said my husband was first star general and those people who  
21 did not know and just said that my husband was a first star  
22 general, they were brought away. The persons from the commune,  
23 armed with rifles, they came to collect these people.  
24 After liberation on 7 April 1979, the commune chief said he did  
25 not kill by himself he just used the pretext. He said the three

1 other military men came to take those people. After the  
2 Vietnamese came into Cambodia, I asked about the matter and that  
3 is what I was told.

4 [14.21.52]

5 Q. Thank you. I would like to now, ask some questions about the  
6 visit of the leaders that you described earlier this morning and  
7 this afternoon. I'd like to get a few details about that visit.  
8 Can you first tell us to best of your recollection, when did the  
9 leaders arrive at the worksite that you were at?

10 A. They came to Ou Chambak worksite, west of Ta Mok House, in  
11 1977. I do not recall the exact month, perhaps it was in March,  
12 April or it was in perhaps April or May. I remember it was in dry  
13 season when we were digging canal and I saw those leaders came to  
14 my work place to propagandise their policy. They were the one who  
15 would lead the country during Democratic Kampuchea. However, the  
16 way they lead the country was wrong and the country collapsed.

17 [14.23.34]

18 I do really want to know from the leaders. On the 7 August, he  
19 said that he did not know about the killings of people and I do  
20 not know why he dare to say such things because killing people  
21 occurred after the fall of Phnom Penh, during the period of three  
22 months - 3 years, eight months, 20 days. If he said that he did  
23 not know about the killing for a certain period of time. For  
24 example, for one month or one year, I think it can be a  
25 reasonable pretexts. But this killing happened for a longer

81

1 period of time. Khmer kill Khmer people. I do really want a  
2 clarification and real answer from the Accused.

3 MR. PRESIDENT:

4 Madam Civil Party, you are asked to provide your answer to the  
5 question put by the Party. After hearing your testimony, you will  
6 have time to put questions through the Chamber, to the Accused so  
7 that the conduct of hearing is not confused here. Your time for  
8 questioning the Accused through the Chamber will be allotted to  
9 you. So, please pay your attention to the questions put by the  
10 Party and again you are advised to provide answer in the scopes  
11 of the questions asked by the Party. If your answer go beyond  
12 question asked it will not help ascertain the truth. We will try  
13 to expedite our proceedings as fast as possible so that we can  
14 hear testimony from each and every witnesses.

15 [14.25.51]

16 International Co-Prosecutor, you may now proceed and resume your  
17 questioning.

18 BY MR. BOYLE:

19 Q. Thank you, Mr. President. Ms. Koemlan, can you tell me how  
20 many people were at the worksite on the day that the leaders  
21 visited?

22 MS. CHOU KOEMLAN:

23 A. There were many workers. People from Sombuor commune came to  
24 Chambak worksites. Those who had full energy they came to the  
25 worksite to dig the canal to store water -- to irrigate water. I

1 cannot give the approximate number but perhaps it was to 300 to  
2 400 people.

3 [14.26.49]

4 Q. And what did you see the leaders do, while they were there?

5 A. They did nothing. They were walking there and they just  
6 pointed their fingers that this area should be dug deeper so that  
7 we could irrigate much water to achieve three to six tons per  
8 hector and after talking like this he -- they kept walking. As  
9 for the Ta Mok, he said that he needed sugar palm juice. During  
10 that time, it was about at 9.00 a.m. and he said "Please, I need  
11 it. Sweet sugar palm juice and if you could not make it sweet,  
12 you should add wine in it." The leaders went there together and I  
13 did not know where they went to convene a meeting because I was  
14 carrying earth during that time.

15 Q. Thank you and can you tell me about the meeting that you just  
16 mentioned?

17 A. What was the question? I did not catch up the question.

18 [14.29.51]

19 Q. You just mentioned a meeting that was conducted while the  
20 leaders were there. Can you tell us more about that meeting?

21 A. The leader went there and head of group, head of chiefs, head  
22 of units and the committee of the commune and district were  
23 called to be in the meeting with the leaders. And during lunch  
24 time, we were told that we need to work hard so that we could  
25 finish our work and after we finished digging canal here we --

1 our force would be sent to another place to dig another canal. I  
2 did not know what the meeting, the leaders and the heads and  
3 chief of the unit and group were talking about.

4 [14.30.12]

5 Q. Thank you very much. On the case file at document number  
6 E3/135, there is a 30 June 1977 award given by the Central  
7 Committee, the honorary "Red Flag", to three model districts and  
8 that was announced on the radio and that is available at E3/289  
9 at 23 July 1977, and English ERN 00168509 to 11. The translations  
10 are not currently available of that, but that have been  
11 requested. My question to you, Ms. Koemlan, is do you ever recall  
12 hearing on the radio, or a radio announcement of an award been  
13 given to the Tram Kak district?

14 A. As for the award, I have never heard about it. Oh, I recall it  
15 now. It was said that the region 105 Tram Kak districts, it was a  
16 model district compared to other districts. Tram Kak, District  
17 105 achieved and got much harvest. I heard from the chief of the  
18 unit that the upper echelon praised Tram Kak district. Angkar  
19 admired the district because the district had good labour, had  
20 good irrigation system and had good harvest during DK periods.

21 [14.32.34]

22 Q. Ms. Koemlan, do you recall the visit by the leaders occurred  
23 before you became aware that Tram Kak district had received this  
24 award or afterwards?

25 A. No, I did not know about the award but later was told about it

1     although I cannot recall the date. It happened in 1977, while we  
2     were pushing to work hard. I knew that Angkar praised for what we  
3     did and during the meeting we were instructed to make a  
4     resolution not to move against the will of the history.

5     [14.33.44]

6     Q. Thank you, Ms. Koemlan. I'm going to move on to different  
7     topic now. You've already told us this morning and this afternoon  
8     a bit about the arrest of your husband. Can you tell us, did you  
9     ever see anyone else being arrested at co-operatives or any - at  
10    the co-operatives you were present at?

11    A. He was arrest -- they would arrest people at night time so we  
12    would not know who had been arrested at night. Only in the  
13    morning, we whispered to one another while we were at the  
14    worksite as of who had been arrested at night. Even just two  
15    house down from where I slept at night I would not know that the  
16    person would have been taken away at night. They would do it  
17    quietly.

18    [14.34.57]

19    Q. So, do I understand correctly that after an arrest would  
20    happen at night, the following day you would become aware that  
21    someone had been arrested?

22    A. Yes. Everybody knew about that so we also became scared. And  
23    in fact at night time, they would quietly come down near the  
24    house to listen to what we were talking especially for those  
25    newly married couples. They would pay more attention to try to

1 listen to the couples talking at night but for the widows group  
2 they did not do that frequently.

3 Q. Are you able to give us an estimate of the number of people  
4 that you were aware were arrested in the cooperative that you  
5 were in?

6 A. I know but I cannot recall the names. There were two of them.  
7 But sorry, I cannot recall their names. It happened 36 years and  
8 one month ago.

9 [14.36.37]

10 Q. Thank you, Ms. Koemlan. Were New People targeted for arrest  
11 more than Base People?

12 A. Yes, New People were the primary target for the arrest. Since  
13 my departure from Phnom Penh to live in Tram Kak district, I only  
14 observed that only New People had disappeared not any Base  
15 Person.

16 MR. BOYLE:

17 Thank you, Ms. Koemlan.

18 Mr. President, on the case file at E3/4083, is a prison list from  
19 Krang Ta Chan Security Centre which includes some individuals who  
20 are listed as being from the civil party's home village Thnong  
21 Roleung. I would like to show this list to the civil party and  
22 ask if she recognises any of the names of individuals from her  
23 village, with your permission.

24 MR. PRESIDENT:

25 Yes, you may proceed. Court officer, could you assist to deliver



1 the document from the prosecutor for the civil party's  
2 examination.

3 [14.38.44]

4 BY MR. BOYLE:

5 Q. Ms. Koemlan, at the -- it should be the first tab which is at:  
6 English ERN 00323948; Khmer ERN 00068026; and French ERN  
7 00778854. You will see the name Uk Chan, 28 years old and UM Kun,  
8 39 years old. Do you recognise either of those names?

9 MS. CHOU KOEMLAN:

10 A. I heard of the first name. The person was to the unit of south  
11 of Leay Bour commune office while I was working with north part  
12 of it. So I only heard of the first name. In fact I knew of  
13 several other names though I don't know whether their names  
14 appear on this list.

15 [14.40.05]

16 Q. Thank you very much. If you can actually go to the second tab  
17 on that document, there are two more names I would like to ask  
18 you about. And this is at English ERN 00323961 to 2; French ERN  
19 00778865 to 66; and Khmer ERN 00068030. Those names are Tep  
20 Theng, 40 years old and Port Nget, 46 years old. Do you recognise  
21 either of those names?

22 A. No, I do not recognise these two names. People were arrested  
23 from all the eight units within the commune.

24 Q. Okay. Thank you, Ms. Koemlan. We'd also like to ask you about  
25 whether you were ever asked to participate in any meetings while

1    you were working at the co-operatives?

2    A. As for meeting at the village, the meetings held at a village  
3    level were frequent. However, for big meetings it happened only  
4    maybe every 10 days or 20 days and it was chaired by the Ta Mok  
5    and it was held at a Leay Bour pagoda. This was for the big  
6    meeting. In the meetings, for example, those frequent meetings  
7    held at village level, we only listened what they said and that  
8    we had to make a resolution to engage in harder work and to get  
9    rid of the capitalist clash -- attitude.

10   [14.42.58]

11   Q. Would anyone in the meetings ever make any complaints about  
12   the conditions of life in the co-operative?

13   A. Yes. People complained about not enough rice to eat, because  
14   they got a lot of rice harvest in the end of the harvest season  
15   but no rice was given enough to us. However, we only complained  
16   within our group. If it was heard by them then that person would  
17   have been arrested, taken away and killed.

18   Q. Are you aware of any incidents where an individual complained  
19   during a meeting and then was subsequently arrested?

20   A. During the meeting none of us dare to speak. If we would have  
21   to say something and it was heard by them then we would be in  
22   trouble.

23   [14.44.29]

24   MR. BOYLE:

25   Okay. Mr. President, I have just two more questions. I'd like

1 your permission to proceed.

2 MR. PRESIDENT:

3 Yes. You may proceed but please be brief. You are running out of  
4 time.

5 BY MR. BOYLE:

6 Q. I will be brief, Mr. President. Ms. Koemlan, could you please  
7 tell us whether you were aware of any Vietnamese or Khmer Krom  
8 families living in the same commune as you?

9 MS. CHOU KOEMLAN:

10 A. Yes, there were some of them. We even worked in the same rice  
11 field, transplanting seedlings. There were Kampuchea Krom people  
12 who spoke with an accent. There were some couples of them and in  
13 fact some of them did not know how to transplant seedlings and  
14 when the group chief or unit chief saw that then their names were  
15 picked and we were told that they were sent back to Vietnam. That  
16 happened in 1976. But in fact, that was a lie. They were in fact  
17 sent to be tortured and killed as a whole family. In fact before  
18 they left, they came to say good bye to us including the parents  
19 and the younger children, they told me that they were happy that  
20 the Unit Chief would send them back to Vietnam. They said good  
21 bye to us and later on they were killed but I do not know where  
22 they were killed.

23 [14.46.43]

24 Q. How did you learn that they were subsequently killed?

25 A. I knew it because Khmer Rouge sometime arrested people who

89

1 stole potato at night and they were told that Vietnamese people  
2 could not be sent back to their country and the only thing that  
3 they could do was to kill them and we simply also knew it was a  
4 very cruel regime and they would kill these people. They did not  
5 give value to a person's life at all. They killed people like  
6 they would kill an animal.

7 [14.47.44]

8 MR. PRESIDENT:

9 Thank you, Madam Koemlan. The time for the Prosecution is  
10 concluded. We will take a short break and return at 3.00 o'clock  
11 this afternoon.

12 Court officer, please arrange a proper place for the civil party  
13 during the break and have her return to the courtroom at 3.00  
14 p.m.

15 The Court is now in recess.

16 (Court recesses from 1448H to 1511H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is now session.

20 The Chamber wishes to inform Parties and the Public that, during  
21 the break time, Khieu Samphan has issues with his health, his  
22 blood pressure is high and he has fatigue. The treating doctor of  
23 the ECCC recommends that the Chamber -- the Court is adjourned  
24 for this afternoon.

25 After result the Chamber is not able to resume the hearing now.

90

1 The principle -- the sitting before the ECCC has to have the  
2 presence of the Accused. For this reason the Chamber cannot  
3 resume the hearing for this afternoon.

4 [15.13.02]

5 The Chamber wishes to inform Madam Civil Party, that your  
6 testimony has not come to an end yet. The Chamber planned to  
7 finish your testimony by this afternoon, however, the Chamber is  
8 not about to do so. You are invited to appear before the Chamber  
9 tomorrow morning.

10 In addition, the Chamber wishes to inform the Parties and the  
11 Public that the Chamber received a request of the Defence Counsel  
12 and the Chamber has also received the report -- medical report  
13 concerning the fitness to stand trial of the Accused. However, in  
14 light of the health issues of Mr. Khieu Samphan and it has  
15 hindered the proceedings before the Chamber.

16 [15.14.08]

17 From tomorrow onwards the hearing will start from 9.00 a.m. until  
18 11.30 a.m. only. We would allow further time, extra time for Mr.  
19 Khieu Samphan to take rest so that we can proceed and have him in  
20 the courtroom.

21 Security Personnel, you are instructed to bring the Accused in  
22 the holding cell back to the Detention Facility.

23 Court officer, please facilitate with WESU to send the civil  
24 party to her place and have her back tomorrow from 9.00 a.m.

25 For tomorrow -- from tomorrow onwards we will resume the hearing

1 as normal. However, in the morning we will start hearing from  
2 9.00 a.m. to 11.30 a.m. As for the afternoon, the hearings in the  
3 afternoon remain the same.  
4 The Court is now adjourned.  
5 (Court adjourned at 1515H)

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