



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
 Case File N° 002/19-09-2007-ECCC/TC

27 January 2015
 Trial Day 234

<p>Before the Judges:</p> <p>NIL Nonn, Presiding YA Sokhan Claudia FENZ Jean-Marc LAVERGNE YOU Ottara Martin KAROPKIN (Reserve) THOU Mony (Reserve)</p> <p>Trial Chamber Greffiers/Legal Officers:</p> <p>SE Kolvuthy Matthew McCARTHY SIVHOANG Chea</p> <p>For the Office of the Co-Prosecutors:</p> <p>Nicholas KOUMJIAN SENG Bunkheang SONG Chorvoin Joseph Andrew BOYLE SREA Rattanak Vincent de WILDE D'ESTMAEL</p> <p>For Court Management Section:</p> <p>UCH Arun SOUR Sotheavy</p>	<p>The Accused:</p> <p>NUON Chea KHIEU Samphan</p> <p>Lawyers for the Accused:</p> <p>SON Arun Victor KOPPE SUON Visal KONG Sam Onn Anta Guissé</p> <p>Lawyers for the Civil Parties:</p> <p>PICH Ang Marie GUIRAUD LOR Chunthy TY Srinna HONG Kimsuon VEN Pov</p>
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHOU KOEMLAN (2-TCCP-238)	Khmer
MR. EM PHOEUNG (2-TCW-954)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony of the
6 civil party, Chou Koemlan. And after her conclusion, we will hear
7 the testimony of another witness, 2-TCW-954.

8 The greffier, could you report the attendance of the Parties and
9 individuals to today's proceedings?

10 [09.06.14]

11 THE GREFFIER:

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

14 As for Nuon Chea, he's present in the holding cell downstairs. He
15 requested to be present (sic) in the Court. His waiver has been
16 delivered to the greffier.

17 And the civil party, Chou Koemlan, is already present in the
18 Court.

19 And the next witness -- that is, 2-TCW-954, has confirmed that to
20 his knowledge, he has no relationship or affiliation to any of
21 the two Accused; namely, Nuon Chea, and accused (sic), nor to any
22 of the civil parties admitted in this case. This witness already
23 took an oath before the statute on the 26th January 2015. He will
24 be in the waiting room at 9 o'clock this morning.

25 [09.07.20]

2

1 MR. PRESIDENT:

2 Thank you.

3 We will now decide on the request made by the Accused, Nuon Chea.
4 Nuon Chea has submitted his waiver, dated 27th January 2015. Due
5 to his health, he cannot sit for long in the courtroom and also
6 it's because of his back ache. He cannot concentrate, and in
7 order for the future days of proceedings to be more effective, he
8 wishes to waive his right to be present in the courtroom. And
9 it's also for today's proceedings -- that is, 27th January 2015,
10 and he has been advised by his counsel that, to waive his rights
11 does not mean - it's prejudicial (sic) to a fair trial.

12 The Chamber also reviewed the medical report by a duty doctor at
13 the ECCC, dated 27th January 2015, who noted that the health
14 condition of Nuon Chea remains unchanged but he cannot sit for
15 long and he recommends that the Chamber should allow him to
16 follow the proceedings from the holding cell downstairs. And
17 based on these reasons, and pursuant to Internal Rule 81.5, the
18 Chamber grants Nuon Chea's request so that he can follow the
19 proceedings from a holding cell downstairs through an
20 audio-visual communication for the whole day -- proceedings
21 today.

22 And the AV Unit, you are instructed to connect the proceedings to
23 the holding cells downstairs so that Nuon Chea can follow the
24 proceedings, and that applies for today's proceedings.

25 [09.09.43]

3

1 The Chamber will give the floor to the defence teams to put
2 questions to the civil party and before that, I'd like to enquire
3 from Judges of the Bench if you have questions to be put to this
4 civil party. And Judge Fenz, you have the floor.

5 QUESTIONING BY JUDGE FENZ:

6 Thank you. Good morning. I have a couple of additional questions
7 relating to the encounter you described yesterday with Pol Pot,
8 Khieu Samphan, Nuon Chea and Ta Mok at the place you were working
9 and digging. Before I ask the questions, I want to stress a
10 point: I will ask some questions which might be difficult to
11 answer after 40 years, so if you don't remember something, please
12 tell us. Don't try and guess.

13 Q. Back to this meeting. You told us yesterday you met Pol Pot,
14 Khieu Samphan, Nuon Chea and Ta Mok while you were digging. Now,
15 was this the only time, on that day, when you saw these people or
16 did you see them multiple times?

17 [09.11.29]

18 MS. CHOU KOEMLAN:

19 A. I saw them one time when I was digging a canal and they came
20 to visit the worksite.

21 Q. Can you tell us, if possible, how long you saw them at that
22 time? A few minutes? Half an hour? Half a day? If you remember.

23 A. I saw them for about 15 minutes when they stepped out of their
24 vehicle to the worksite.

25 Q. Do you still remember how far you were from them when you saw

4

1 them stepping out of the vehicle? What the distance was?

2 A. It was pretty close. It's about from the distance where I am
3 now to the Bench. They were on the road and I was in the canal
4 and the canal was not that far from the road.

5 [09.13.01]

6 Q. For the record, we had somebody from the Administration
7 measure distances in this courtroom. We will put this on the case
8 file; that makes further references easier. For the time being,
9 they told us that the distance between the place the civil party
10 is sitting and the Bench is about nine metres. Could you hear
11 what these people were talking, if they were talking?

12 A. Yes, I could hear everything. They said that we should start
13 to dig the canal deeper in order to irrigate the water from Ou
14 Chambak through that area down to the rice fields west of the
15 railway station to Veal Charong (phonetic) and to Leay Bour, and
16 that we should try to harvest three to six tonnes of rice produce
17 per hectare. And Ta Mok also said that at that time they were
18 distributing palm juice for them to drink and Ta Mok said the
19 palm juice should be a bit more sweeter.

20 Q. Were these people addressing you or were they talking among
21 each others?

22 A. They were talking amongst themselves, except for Ta Mok. Ta
23 Mok was talking to us -- the workers -- and to the unit chief. As
24 for them, they were talking amongst themselves while they were
25 walking to inspect the worksite and sometimes they were standing

5

1 at one spot for a moment and then they walked further.

2 [09.15.04]

3 Q. Had you been -- you and your co-workers -- been assembled
4 there to meet those people or did you just happen to be there?

5 A. All the workers were working at the canal and there were many,
6 many workers there at the time.

7 Q. To be clear, but they were working? They were not assembled to
8 listen what any of those people had to tell them?

9 A. Yes. In fact, we were working but my unit was at the front and
10 the youth unit was further to the back. As for other units, for
11 the couples with babies and children, they were further and only
12 our unit was at the front and I was the first one there so I saw
13 them clearly.

14 Q. Now I have a couple of questions as to how you recognised,
15 specifically, Khieu Samphan and Nuon Chea. I'll start with Khieu
16 Samphan.

17 You said yesterday two things, or I noted down two things. You
18 first said that he had been pointed out to you or identified by a
19 unit chief who said, "This is Khieu Samphan", and a bit later,
20 you said you had also seen a picture of Khieu Samphan a couple of
21 years earlier. Now my question is first to the picture. Can you
22 tell us how long -- how many years or months before this incident
23 you saw the picture, if you remember?

24 [09.17.39]

25 A. I saw his picture during the Sangkum Reastr Niyum regime. At

6

1 that time he was a people's representative working in the
2 National Assembly.

3 Q. Again, I don't want to put words into your mouth so I'm asking
4 again, can you tell us how many years were in between the time
5 you saw this picture and the time you met him at this worksite?
6 If you can, if you can't, tell me you don't remember.

7 A. It was a pretty long time so there were several years because
8 when I saw him, it was during the King's regime but his face --
9 his facial feature does not change much. I saw him later in 1992,
10 and it remained the same as when I saw him at the worksite.

11 [09.19.00]

12 Q. Can you tell us when on this day the unit chief actually told
13 you this is Khieu Samphan? Was this before the meeting or after
14 the meeting or while you saw him?

15 A. While he was walking along the canals that we were working on,
16 my unit chief said that was Khieu Samphan, and that was Pol Pot
17 and they came to inspect the workers. The unit chief and the
18 commune committee, they also accompanied him while he was walking
19 towards the West.

20 Q. My last question related to Khieu Samphan is -- I'm trying to
21 find an easy way to frame this or to -- would you -- this is
22 speculation. Did you recognise him from the photo independently
23 from what the unit chief told you? Or did you just remember you
24 had seen a photo after the unit chief told you this is Khieu
25 Samphan among other people?

7

1 A. I think it all happened at the same time. During the Khmer
2 Rouge regime he was one of the leaders as he travelled in a
3 vehicle and I think that went together well with my encounter
4 with him in the previous regime.

5 [09.21.14]

6 Q. I'm now turning to Nuon Chea. You told us he has been pointed
7 out to you by the unit chief. Have you seen him or a picture of
8 him previously to this time?

9 A. He pointed his finger at the canal and he said that we need to
10 try to dig the canal as quickly as possible in order to pump the
11 water through that canal to irrigate the rice farms further to
12 the west so that we could gather three tonnes to six tonnes of
13 rice produce per hectare.

14 Q. I think there's a translation issue. Let me try again.

15 I want to know if you have seen Nuon Chea or a picture of Nuon
16 Chea before this encounter at the worksite.

17 A. I did not know him, nor see him, but the village chief and the
18 unit chief told me when he came together to inspect the worksite
19 but I had not seen him before.

20 Q. Just to be clear, you now mentioned the village chief
21 additionally. Is this the same person as the unit chief or were
22 there two different people who pointed Nuon Chea out to you? Or
23 is it a translation issue?

24 [09.23.24]

25 A. It was the unit chief and the village chief and there were

8

1 three of them per one village. The unit chief would lead the
2 workers to the field and the village chief would remain at the
3 village to manage the people in the village. But, at that time,
4 both the village chief and the unit chief were together.

5 Q. And both independently pointed out at least Nuon Chea to you
6 -- as being Nuon Chea? Each of it said it?

7 A. It was the unit chief. In fact after they had left and at
8 lunch time we were gathered for a meeting and he told us that the
9 upper Angkar had just come to visit us in order to strengthen our
10 strength to quickly complete the building of the canal in order
11 to move to another worksite. And that happened during the lunch
12 time meeting. We were gathered into different unit and each unit
13 composed about 30 workers and there were several groups of these
14 units during the meeting. And, of course, I saw the three of them
15 previously -- that is, before the meeting.

16 [09.25.21]

17 Q. Who told you that at the meeting? The village chief or the
18 unit chief?

19 A. It was the unit chief, named Oeun, and the village chief named
20 Chim (phonetic).

21 Q. They were both at the meeting?

22 A. They were there and the village chief walked around to each
23 different unit.

24 Q. And this is when the village chief mentioned the names? This
25 was the occasion when the village chief mentioned the names --

1 this meeting? I mean the names of Khieu Samphan, Nuon Chea, et
2 cetera.

3 A. When we met them we were told the three figures, or the three
4 men, were the leaders. We were told once at the time and then we
5 were told again during the meeting.

6 Q. And their names were mentioned too or was it just said these
7 are the leaders?

8 A. Yes. We were also told the names, that they represent the
9 leaders of Cambodia and that their rank or status was equivalent
10 to the King in the previous regime.

11 [09.27.34]

12 Q. Thank you. I have no further questions.

13 MR PRESIDENT:

14 Judge Lavergne, you now have the floor.

15 QUESTIONING BY JUDGE LAVERGNE:

16 Thank you, Mr. President. Good morning Madam Koemlan. I have a
17 few follow-up questions to put to you.

18 Q. Firstly, with respect to the worksite that was visited, could
19 you please tell us if the worksite was quite at a distance from
20 Leay Bour commune or was it very close, was it only a few
21 kilometres away or even further?

22 MS. CHOU KOEMLAN:

23 A. The worksite was about four kilometres away.

24 [09.28.32]

25 Q. You yourself, madam, you lived in a village that -- were you

10

1 living in a village that was encompassed by Leay Bour or
2 elsewhere? Yesterday it seems to me that you talked about Leay
3 Bour cooperative as a model cooperative and I believe that I
4 heard you say that there was a place called K-1, but I'm not
5 entirely sure.

6 A. I referred to the K-1 which was a model cooperative. My unit
7 was for New People -- that is, the 17 April People. We were based
8 in various huts to the south of the commune office and there was
9 also a common dining hall.

10 Q. Therefore, you yourself lived at K-1. So you lived -- or did
11 you live outside or apart?

12 A. I was in the third unit -- or the K-3 unit and that unit was
13 for the 17 April People.

14 Q. Can you please describe to us what the living conditions were?
15 Did you live in huts or did you live in a stilt house or did you
16 live in a dwelling with a balcony? Or -- what was the residence
17 like? Did everyone live in the same type of accommodation?

18 A. Actually we were New People. I lived under the yard. I lived
19 in the yard with just roof. And as for our places for living, it
20 was very small. It was a small hut so we slept close to each
21 other. And as for food rations, it was also different, as I
22 mentioned already yesterday.

23 [09.31.28]

24 Q. And can you describe to us what lodgings were offered to the
25 people living at K-1 and who were those people? Were they huts or

1 houses?

2 A. K-1 was a tiled house. It was a model house. The commune
3 committee lived in that K-1 -- the tiled house. And as for us, we
4 lived in different place.

5 Q. And those model houses, were they really very different? So,
6 were they not standard houses? What was the difference between
7 those huts in which you lived and the house of the village chief?

8 A. As for the model house, it was made out of wood. As for the
9 walls -- and it was a -- there was tiled roof. And as for us, our
10 roof was made out of coconut leaves or sugar palm leaves. I
11 walked on the road where the model house was situated. I was
12 walking on the road frequently so I could see the model house.

13 [09.33.29]

14 Q. Did the people living in those model houses have some gardens
15 on which they could farm vegetables?

16 A. There was no chickens or they did not raise any chickens
17 there. Now, (inaudible) were in women units so no one raised the
18 cattle or chickens in the house. And as for food rations, as I
19 said, it was different from food that we, New People, had.

20 Q. Do you know where Ta Mok lived? Did he live at K-1, close to
21 K-1, or elsewhere?

22 A. Ta Mok lived in his house in Takeo province on the road
23 towards Takeo province, near a lake west of Takeo. His house was
24 big and it looked very nice. There was a garden actually in his
25 house.

1 Q. Were there any schools at the cooperative and who were those
2 who would eventually go to that school?

3 A. There were teachers. As for school, there were no proper
4 schools. There was a place with sugar palm leaves roof. And as
5 for children, they were allowed to go to study and children were
6 asked to make commitments for Khmer Rouge. And as for study, for
7 education, the Khmer Rouge did not teach about literature.

8 [09.36.04]

9 Q. You talked about a refectory. Can you tell us how many people
10 ate in common? Did all the people in the cooperative eat together
11 or there were several restaurants -- or refectories, I beg your
12 pardon, where the people ate.

13 A. As for common dining hall, we had some meals -- four of us in
14 one group -- we had some meals together and there was a pot of
15 soup and we could have only a spoonful of rice and after we
16 finished our meals, then we can -- we could not have additional
17 dish or meals. So male and female, we had the same amount of
18 meals: a spoonful of rice with a pot of soup for four of us in a
19 group.

20 Q. I have properly understood that you ate in groups. If you put
21 all the groups together, how many people would that be? Do you
22 have an idea or you do not know?

23 A. I did not know. I did not count the number who were eating in
24 common dining hall. Villagers -- all villagers had their meal in
25 that common dining hall and for some, they took meals or dishes

1 to their home to eat.

2 [09.38.07]

3 Q. You talked about the visit by the leaders which you witnessed.

4 Did you see other visitors who came to the labour cooperative?

5 A. No, only the three leaders. I saw only the three leaders who

6 went to the cooperative and we finished working in our

7 cooperative in just -- for 10 to 15 days and after that we moved

8 to work in another place.

9 Q. In order for what you've said to be well understood, you did

10 not see any delegations including Westerners, nor did you witness

11 any other visits by Chinese or any other expatriates?

12 A. I saw once -- I saw them once while I was -- while I strived

13 for my work in the fields. There were foreigners. They came to

14 take photos of us while we were in the fields. It was told by my

15 commune chief.

16 [09.40.00]

17 Q. Did you see them only once? Do you recall? Is it the chief of

18 the commune who told you about that or it is something that you

19 witnessed with your own eyes? And on what date was that?

20 A. While I was transplanting in the fields, at the time, it was

21 in 1976, and there was a foreign photographer. I could not know

22 who he or she was. As for the photographer, he or she was taking

23 photos. I saw that person. My unit chief just told me that we had

24 to transplant in order -- orderly so that the photographer could

25 take photos.

14

1 Q. Now, a while ago you said that the head of your unit was
2 called Oeun. You also talked of a village chief called Chin
3 (phonetic). Can you give us the names of any other officials,
4 whether they were officials of the cooperative or at the level of
5 the district?

6 A. As for village chief, his name was Choeun (phonetic). He was
7 the first village chief. His name was Choeun (phonetic). And
8 after our huts had been built, the village chief was changed.
9 Choeun (phonetic) was replaced by Ta Vet, the new village chief.
10 And when I was moved to unit -- to K-3, the chiefs were Oeun,
11 Chim (phonetic), Oeun (phonetic), district, commune, and village
12 committee: Ta Hounh, Ta Nouv, Ta Ke (phonetic), Ta Po (phonetic)
13 were all senior. And the district committee was Ta San.

14 [09.42.52]

15 Q. Did Ta San visit the cooperative regularly? Did you see him on
16 several occasions?

17 A. I saw Ta San district committee frequently because I was --
18 while I was digging the canals in the village, I also could see
19 him and when I was digging canals in the National Road, I could
20 also see Ta San.

21 Q. Did you see a Chinese circus visit Leay Bour or did anyone
22 talk to you about that visit by the Chinese circus?

23 A. As for Chinese circus, actually we could not go to have -- to
24 see the circus, only the commune chief or unit chief. They could
25 go to see the circus.

15

1 Q. Last question, madam.

2 Was there a pagoda on the site of Leay Bour cooperative? And if
3 yes, what became of it?

4 [09.44.47]

5 A. In DK period, the pagoda in Leay Bour was turned into a place
6 for keeping children's -- children. And prisoners were also kept
7 in that pagoda -- in Leay Bour Pagoda. There were schools, there
8 were monk (unintelligible), so the pagoda became the prison. But
9 nowadays, the pagoda is improving.

10 Q. Thank you, Madam Witness. I have no further questions for you.

11 MR. PRESIDENT:

12 The Chamber now hands over the floor to Nuon Chea counsel to put
13 questions to this civil party. You may now proceed.

14 QUESTIONING BY MR. SUON VISAL:

15 Mr. President, Your Honours, everyone in and around the
16 courtroom, good morning.

17 Madam Chou Koemlan, I am the counsel for Mr. Nuon Chea. I would
18 like to ask about the working conditions in your cooperatives,
19 the killings in that area.

20 [09.46.34]

21 Q. First about cooperative.

22 During the time you were evacuated from Phnom Penh and upon
23 arrival in Leay Bour, were you immediately put in a cooperative
24 or did you first live in your family?

25 MS. CHOU KOEMLAN:

16

1 A. When we first arrived, there was no communal eating yet. We
2 could eat individually. We had corn in our meal and after a few
3 months, our kitchen utensils were collected and put in collective
4 belongings and then communal eating applied.

5 Q. Did you remember when communal eating started?

6 A. Communal eating actually started at the time when we were
7 asked to go to transplant in August -- August 1975.

8 Q. Thank you, madam.

9 In your village, how many Phnom Penh residents were there in your
10 village?

11 A. As Phnom Penh residents in my village, there were many of them
12 and some were from Takeo.

13 [09.48.25]

14 Q. You said there were many. How many of them? Did you know?

15 A. I did not know how many family households in my village. As
16 for my family, there were six or seven members and there were
17 other family members. And there were only few Base People. Those
18 people in charge of 17 April People -- that is, us.

19 Q. When you arrived in your place, were there is -- were there
20 separation between the New and Base People in the living
21 condition?

22 A. There was no distinction actually, concerning living
23 conditions, but we lived close to each other. As I said, Base
24 People, they had extra meal at their home and as for New People,
25 we did not have that.

17

1 Q. Thank you. Yesterday you said that when you did not have any
2 food, you could use a sarong or skirt to barter for food; is that
3 correct?

4 A. Actually, we did this this secretly, and we bartered with
5 those who lived close to us. And we could get the rice to cook
6 secretly and carefully, to avoid the militiamen seeing our
7 cooking.

8 [09.50.36]

9 Q. Thank you. You could barter such skirts or sarongs with meals,
10 and what about other people? Could they do like what you did?

11 A. Yes, they could. In the first year when we there, we could
12 barter sarong with the food. In 1976, '77 or '78, we could not
13 barter things with foods. It was only in 1975 that we could
14 barter our sarong with food. Otherwise, we would be killed.

15 Q. My question is: You could barter sarong with meals, and what
16 about other people, Base People, could they do like what you did?

17 A. I did not know. They lived in their separate houses, far from
18 us, far from me. I did not know about that, but for us, for me, I
19 could barter skirts with rice so that I could use rice to cook
20 for my meal.

21 [09.52.11]

22 Q. So, when you did not have enough food, villagers -- people in
23 your village could barter things for rice or for meals; is that
24 correct?

25 A. Yes, as I could - as I told you, in 1975, when we just arrived

1 at that place, we could barter things with meals. From 1976
2 onward, we could not barter things for meals. At night time, if a
3 militiaman could see lights or fire at our place, they would come
4 to our house and ask what were we doing.

5 Q. Thank you. My next question concerns working conditions.

6 When you arrived there, you were put in a cooperative. Were there
7 a separation concerning the working conditions?

8 A. Actually, we worked together, and for Base People, they would
9 keep an eye on New People. They would observe whether New People
10 are complaining about food, about work. And if New People
11 mistakenly said something, we would be taken to a study session,
12 or to be refashioned. So, Base People, they were in charge of New
13 People.

14 [09.54.27]

15 Q. I would like to remind you what I -- the question that I asked
16 you. You should pay attention to the question that I asked you,
17 to save my time. I know that you gave answers already to Lead
18 Co-Lawyer, and also to the Co-Prosecutor, so please be in brief
19 for your answer.

20 When you were sick, were you allowed to take leave?

21 A. If I was allowed to rest, it was fine for me. It would be
22 good. Actually, we -- if we rested for a half day and then we
23 would have to go back to work. If we did not turn ourselves up,
24 then we would be -- that the -- we would be in danger.

25 Q. Yesterday you said that when you were sick, you could have a

1 rest; is that correct?

2 A. Actually, when our baby was sick, we could rest. But our food
3 was not given, so we would eat the food given to the baby.

4 Q. My next question: Yesterday you said that you deliver a baby,
5 and you had maternal leave, so -- is that correct?

6 A. Actually, when we deliver a baby, we would have time to rest,
7 because we had to take care of ourselves. After 27 days of my
8 delivery, I went back to work.

9 [09.56.46]

10 Q. Thank you. You said yesterday that because you had a small
11 baby, you did not do the work as other people did. You worked
12 only from the morning until 10 a.m.; was that correct?

13 A. Yes, because I had a small baby. I deliver -- I just delivered
14 the baby for just 27 days, so I was asked to work only until 10
15 or 10.30 in the morning.

16 Q. Thank you. What about other women? That they had the baby,
17 like you, so did they have the same rights as you?

18 A. Actually, for New People, the 17 April People, only me who was
19 the one who delivered the baby. For others, they did not have any
20 babies. Later on, some women delivered the baby, and they could
21 take maternal leave longer than me. They could rest for one month
22 or one month and a few days.

23 [09.58.10]

24 Q. Thank you. I move to a new topic in relation to the killings
25 of people.

20

1 You said that you had a nephew, and he was killed because he was
2 known as being a son of a former civil servant. Is that true?

3 A. Yes, that is true.

4 Q. When you mentioned about your nephew, you said you were told
5 about the event of disembowelment, and you did not witness that
6 incident. Is that correct?

7 A. The grandmother of my nephew saw the incident, because she was
8 living close to the commerce centre.

9 Q. My question is different from that. Did you witness the
10 incident by yourself? Or were you told about that?

11 A. I did not witness the incident.

12 Q. Thank you. That was the answer I want.

13 You also said that when anyone had the connection in the former
14 regimes, they would be killed; is that correct?

15 A. Yes, it is correct.

16 [10.00.12]

17 Q. Thank you. I have another question.

18 In your testimony yesterday, you mentioned that your father was a
19 former civil servant in the previous regime, and also in the Lon
20 Nol regime. What was his position? What did he do?

21 A. He was the chief of quarter in Leay Bour.

22 Q. And where did he live during the Khmer Rouge regime?

23 A. Yes, he -- I lived with him, together. But he was taken away
24 for study sessions twice, in order to make him being able to work
25 with them. But he refused, and at the end, he would make us

1 baskets for workers.

2 Q. The militia, or the soldiers, they did not arrest your father
3 and imprison him; is that correct?

4 A. The commune chief, Ta Hounh and Ta Nouv, came to speak to him
5 at his house, and requested him to work for Angkar, and that he
6 would be given the same duties that he did previously. But he
7 refused. He told them he had high blood pressure and he could not
8 do it.

9 [10.02.08]

10 Q. Yesterday you also stated in this Court, to the question by
11 the Prosecution, that all the villagers, during the time that you
12 lived there until the fall of the regime in '79, only two people
13 had been arrested. Am I correct?

14 A. That happened at the K-3 unit. Two workers were arrested, and
15 many more people were arrested to the north of the commune
16 office, and it happened in 1975.

17 Q. Now, I move on to another topic -- that is, on marriage.
18 Yesterday you also stated in this Court that in your community,
19 there were only two couples married. When did that happen?

20 A. It was held at night time, after we rested from carrying the
21 earth.

22 Q. How that marriage was organized?

23 A. We were called to a meeting, and the couples were instructed
24 to make a resolution -- that is, both for the future husbands and
25 the future wives. And in fact, there were three couples, not two.

1 [10.03.50]

2 Q. Did you participate in that ceremony?

3 A. Yes, I did.

4 Q. Could you recall their names?

5 A. They were -- two couples were 17 April People, and one couple
6 was Base People: Chan (phonetic), So Kiem (phonetic), that's the
7 names of the 17 April People, and for the base person, named Top
8 (phonetic), who was a former kindergarten teacher.

9 Q. You only named three persons. What are the other three names?

10 A. Another man, named Kei Ouchim (phonetic), and another Base
11 person, named Khla (phonetic). And another one was by the named
12 Heng (phonetic). I think it sounds - yes, Heng (phonetic), a man.

13 [10.05.09]

14 Q. In that marriage ceremony, did any leaders participate?

15 A. It was the unit chief and the village chief. In fact, there
16 were three or four village chiefs who attended that ceremony.

17 Q. Before that marriage, and before you actually went to live in
18 that community, did the cooperative chief or any leader make any
19 announcement that any youth who wanted to marry needs to follow a
20 certain process or procedure? Did anyone make such an
21 announcement?

22 A. No, we did not have a right to choose our partner. It was the
23 unit chief who discussed with the village chief, and after that,
24 we were called for a meeting. Then, those who were chosen would
25 be announced, and that they had to make a resolution. Mainly they

1 were widows, both for men and for women, as in the case of Top
2 (phonetic), who was a Base person, a former kindergarten teacher.
3 They selected another Base person to marry him. So, they were all
4 forced to marry.

5 [10.06.45]

6 Q. You stated that you did not participate or attend that
7 meeting. How did you know about this?

8 A. I went to look at those events when they were instructed to
9 make a resolution and I saw that the three couples stood and made
10 that resolution.

11 Q. How did you know they were forced to marry, because you did
12 not attend the meeting organized by their unit chief?

13 A. Next day we knew, because they were not happy with one
14 another, and they complained about their partner. But they said
15 that they had to make a resolution under the instruction of
16 Angkar. They had to do that in order to survive.

17 Q. My next question is related to the arrest of Vietnamese and
18 the two families of Kampuchea Krom origin.

19 In your community, did they make any announcements that any
20 Vietnamese or Khmer Krom had to be cleansed?

21 A. Yes, we were told that Vietnamese -- if there were any living
22 in the village -- they had to be gathered and sent back to their
23 country. They cleansed them, and then they had to be sent to
24 their country.

25 [10.08.41]

1 Q. But they did not make any general announcement that they had
2 to be killed. In fact, they said that they had to be sent back to
3 Vietnam. Am I correct?

4 A. Yes. The unit chief told them that they had to be returned to
5 their country via Tram Kak and Kampot, and via the river. But
6 after they had left, or had gone, through whispering, the Base
7 People told us that was a lie, that was not true. They were in
8 fact sent for study sessions.

9 Q. So, you said that they went for study sessions. You did not
10 learn this first hand, but in fact, you were told. Am I correct?

11 A. The Base People knew the truth. That's why they told us that,
12 in fact, they were not sent to their country, and that was a lie.

13 [10.09.59]

14 Q. My question is that you only heard this through second-hand
15 information. Am I correct?

16 A. During the meetings in the village, I heard them saying that
17 whenever we work, we should not interfere with the historical
18 wheel.

19 Q. I think that is not my question. My question is that you
20 learnt that the two Vietnamese were killed or were re-educated.
21 You learnt that after they had left to their country. Am I
22 correct?

23 I do not have any further questions, Mr. President, and my
24 colleagues will put further questions.

25 MR. PRESIDENT:

25

1 The time is appropriate for a short break. We will take a break
2 and return at 30 past 10.00.

3 Court officer, could you make arrangement for the civil party
4 during the short break, and have her returned to the courtroom at
5 10.30?

6 (Court recesses from 1011H to 1032H)

7 MR. PRESIDENT:

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

9 Before giving the floor to International Counsel for Mr. Noun
10 Chea to put further questions for civil party, the Chamber is now
11 issuing its oral ruling on fitness of the Accused.

12 The Trial Chamber now issues its oral ruling on the fitness of
13 both Accused to stand trial.

14 Pursuant to Rule 32, the Chamber appointed two experts to assess
15 whether the Accused remain fit to stand trial. Dr. Chan Kin Ming,
16 a geriatrician; and Dr. Huot Lina, a psychiatrist; examined and
17 assessed both Accused on 19 and 20 January 2015.

18 [10.34.37]

19 On 23 January 2015, the Chamber heard the experts' evidence in
20 open court given in response to the Chamber's questions posed by
21 the Parties.

22 Having considered the experts' evidence and their fitness
23 assessment reports, the Court finds that both Accused, Noun Chea
24 and Khieu Samphan, remain fit to stand trial. Each Accused
25 retains the capacity to participate meaningfully in his own

1 defence and to understand the essential of the proceedings. As
2 advised by the experts, the Chamber will order appropriate
3 testing and monitoring of the Accused's conditions. As part of
4 its ruling, the Chamber also revises its current sitting
5 schedule.

6 Given Khieu Samphan's current health, the experts advised the
7 Chamber to shorten the typical Court day in order to include
8 longer breaks. Therefore, beginning today, 27 January 2015, the
9 Chamber will begin proceedings at 9 a.m., and adjourn for lunch
10 at 11.30 a.m. The Chamber will resume proceedings at 1.30 p.m.,
11 and adjourn at 4 p.m. Beginning 2 February 2015, the Trial
12 Chamber will generally sit four days a week on Monday through
13 Thursday when possible. A revised schedule and order of call for
14 witnesses, experts, and civil parties to be heard during the
15 current trial session will be circulated to the Parties.

16 [10.36.59]

17 The Chamber will issue separate written decision on each of the
18 Accused witness to stand trial in due course.

19 Now, the Chamber hands over the floor to International Counsel
20 for Mr. Nuon Chea to put further questions for Madam Civil Party.

21 You may now proceed.

22 QUESTIONING BY MR. KOPPE:

23 Good morning, Madam Koemlan. My name is Victor Koppe. I am the
24 International Lawyer for Nuon Chea. I have some questions for you
25 this morning.

1 Q. You were born in 1951 in Leay Bour village. Did you grow up in
2 that village? In other words, before you went to Phnom Penh, did
3 you live there? Did you go to school? Can you tell me little bit
4 about that, please?

5 MS. CHOU KOEMLAN:

6 A. I lived in Leay Bour commune since I was young and I also grew
7 up there. After I got married, I came to live in Phnom Penh.

8 [10.38.30]

9 Q. I understood it correctly that you were married at the age of
10 19? So, you got married in 1970? And, you moved to Phnom Penh in
11 1972? That is correct, right?

12 A. You are correct.

13 Q. Did your brothers and sisters grow up the same way as you did?

14 A. My elder sisters lived in Leay Bour. After they got married,
15 they came to live in Phnom Penh. Two of my elder sisters lived in
16 Phnom Penh after their marriage and one of my elder sisters lived
17 in the province.

18 Q. Your father was commune chief. Do you know when he became --
19 which year he became the commune chief in Leay Bour?

20 A. He was commune chief when I was very young. He was in that
21 position when I was too young. When he was single, he was a
22 clerk. And after his marriage to my mother for a few years, he
23 became the commune chief.

24 [10.40.26]

25 Q. Do you know whether he was also born or grew up in Leay Bour

1 village?

2 A. My father was born in Leay Bour commune in different village
3 from my birth place. He was born to the west of Aoral Road
4 (phonetic). After he got married to my mother, he came to live in
5 the same village as -- when I was born.

6 Q. Madam Koemlan, how about your mother? Was she also born in
7 Leay Bour commune and did she also grow up there?

8 A. Yes, my mother was born in commune Leay Bour. As for my
9 mother, I already told you that he was born in Leay Bour commune
10 but in different village from me.

11 Q. And, how about your father and how about your mother? Did they
12 have brothers and sisters living in Leay Bour commune?

13 A. Their siblings live in Leay Bour. They were all deceased and
14 my mother passed away in nineteen-eighty -- my father passed away
15 in 1986 and my mother passed away in 2006.

16 [10.42.20]

17 Q. But the siblings of your father and mother, did they live in
18 that same commune, let's say, in the years that you were living
19 there as well?

20 A. In the Sangkum Reastr Niyum regime, they lived in that commune
21 and after Lon Nol time, they were separated from each other. The
22 sibling of my father went into jungle, some of them. And as for
23 the sibling for my mother, they came to live in Takeo province.

24 Q. When you got married, when you were 19, do you remember
25 whether at your wedding there were many cousins, nephews, and

1 nieces from Leay Bour commune?

2 A. No. The guests were Phnom Penh residents. Only older people
3 who were my relatives, they came to join my wedding. And most of
4 guests were from Phnom Penh.

5 Q. How about your husband, Madam Koemlan, Suos Dim, was he born
6 as you in Leay Bour village?

7 A. My husband, he was in the same village, in the same commune.
8 We had some relation.

9 [10.44.30]

10 Q. Do you know whether he, like yourself, until he married you,
11 grew up in Leay Bour?

12 A. He studied, he got education. First, he worked in Kampong
13 Chhnang province. After that, he worked in Phnom Penh. At Lon Nol
14 period, he worked in Phnom Penh.

15 Q. Is it correct that you and your husband moved to Phnom Penh in
16 1972?

17 A. Yes, you are right.

18 Q. And to summarise, would it be fair -- would it be accurate if
19 I tell you that both you and your husband lived in Leay Bour
20 village up until 1972, the year you moved to Phnom Penh?

21 A. No, my husband worked in Kampong Chhnang and Kampong Speu
22 provinces, and after that he came to live in Phnom Penh. When I
23 moved to Phnom Penh, I got married with him in 1972 in Phnom
24 Penh. And then, at the time, he worked and I stayed home with my
25 parents.

1 [10.46.16]

2 Q. Do you know, Madam Koemlan, when your husband became a Captain
3 in the Lon Nol army or maybe even a Major?

4 A. Yes, I knew. He first was a Captain and after that he got the
5 rank as a Major. At the time, the Phnom Penh fell, when he became
6 a Major.

7 Q. So, in April '75, when you, together with your husband,
8 together with your father, together with your siblings, moved
9 back, he was a Major; is that correct?

10 A. Yes, it is correct.

11 Q. The reason I am asking you these questions is the following,
12 Madam Koemlan: I am trying to understand your position, the
13 position of your husband, and the position of your family. You
14 said on various occasions, that you were considered to be New
15 People because you came from Phnom Penh on 17 April '75. Yet, on
16 the other hand, it seemed that you and your family went back to
17 the place where you grew up. How did people know that you were in
18 fact a New person and not a Base person who had been living there
19 practically all her life?

20 A. Yes, everyone knew.

21 [10.48.38]

22 Q. But your family had lived in Leay Bour village. You were grown
23 up there. You, I'm sure, knew many people, former classmates,
24 former girlfriends; how was it that people decided that you were
25 a New person and not, in fact, a Base person?

31

1 A. They knew that we lived in Phnom Penh because we moved to
2 Phnom Penh, we were New People. If we went into jungle, we would
3 be considered a Base People.

4 Q. But you didn't have, let's say for instance, an identity card,
5 which said that you were a New person or you weren't obliged to
6 have something with you or wear something that would indicate
7 that you are a New person. So, my question would be: How did that
8 go in practice? How would people in-charge know--

9 MR. PRESIDENT:

10 Please hold on, Mr. Koppe. There was no translation a while ago.
11 Court officer, you are instructed to facilitate with AV
12 technician.

13 (Short pause)

14 [10.50.51]

15 MR. PRESIDENT:

16 You may now resume your questioning, Mr. Victor Koppe.

17 BY MR. KOPPE:

18 Thank you, President.

19 Q. My question to you, Madam Koemlan, is: How, in daily life,
20 would people working for the authorities, in fact, know or
21 understand that you were a New person rather than a Base person?

22 MS. CHOU KOEMLAN:

23 A. We were New People because we were sent to the place in Leay
24 Bour. We were the enemy because my husband had just been arrested
25 and we were considered New People. There were many New People;

1 not only my family was considered New People.

2 [10.52.09]

3 Q. But, if you were, let's say, walking in Leay Bour village and
4 somebody would ask you who you are, then you would be able to
5 tell that you were born there, you grew up there, you went to
6 school there, your family lives there. So, how would they --
7 these authorities -- still be able to determine that you are a
8 New person?

9 A. Those who lived close to commune village, they knew my father.
10 My father's name was Chou Tim. I could not hide his biography. He
11 lived in Phnom Penh with his children. He went from Takeo and
12 moved to live in Phnom Penh.

13 Q. I will move on, Madam Koemlan; a question about the death of
14 your daughter.

15 Would you be able to remember, when exactly after 17 April, that
16 happened?

17 A. It was in 1976.

18 Q. Do you remember how old your child was when she passed away?

19 A. She was three years old.

20 [10.54.02]

21 Q. And, if I understood your testimony correctly, you said that
22 she died because of starvation. She didn't have enough to eat; is
23 that correct?

24 A. Yes, because she was deprived of food. As a result, she became
25 sick and after that she passed away.

1 Q. That is a very tragic event, Madam Koemlan. But, I'm trying to
2 understand, how it was possible for you not to find any food in
3 the direct area, an area of the country where you grew up, where
4 you had many family members, who never left for Phnom Penh,
5 maybe? Would you be able to tell us, how it was not possible for
6 you to find food for your three-year old daughter?

7 A. in 1976, we could not go to search for any food to eat. First,
8 my daughter got measles and after that she lost her hair. She was
9 admitted into hospital and there was no medicine. That is why she
10 passed away. And, the original cause of her death was the result
11 of having no food to eat. She, you know, scavenged food in the
12 dirt. And, it was very dirty.

13 [10.56.12]

14 Q. But you're saying your three-year old daughter was hungry. Did
15 you not try, when you saw that, to ask for food with people that
16 you knew from the area?

17 May be I should stop for a second.

18 A. I am very saddened of this tragic event.

19 Q. I understand that very well, Madam Koemlan, and I understand
20 very well that these are difficult questions that I'm asking. But
21 I'm trying to find out whether your child died of starvation or
22 maybe possibly of the measles or of another reason. Would you be
23 able to tell us if you tried to find food with family members or
24 people that you knew from the area?

25 A. After she got sick, she could not eat anything. She could not

1 eat rice. And we did not have any extra food for her. There was
2 no medicine at the time.

3 [10.58.05]

4 Q. But, would it be fair to say -- correct to say if your
5 daughter would have been able to eat, she would have continued to
6 live? Let me rephrase my question. Was it, she didn't eat because
7 there was not enough food in the commune or because your child
8 wasn't able to eat, physically?

9 A. Although we had meal or food for her to eat, she could not eat
10 because she was sick and there was no medicine to treat and cure
11 her. She passed away because there was no medicine and she could
12 not eat.

13 Q. I'll finish this difficult subject, Madam Koemlan. But, would
14 it be fair if I say to you that maybe your daughter died because
15 of the measles and not because of lack of food?

16 A. It was the combined cause of my daughter's death. First, she
17 did not have enough food to eat. She got measles and she was
18 weak.

19 Q. What about your other children, Madam Koemlan? Did they have
20 enough to eat?

21 A. As for my other children, they lived in children unit. I lived
22 in the village and I did not have enough food. And as for my
23 children, I believe they did not have enough food to eat as well,
24 in children unit.

25 [11.00.32]

1 Q. I'll move on to another subject, Madam Koemlan, and that is
2 the arrest of your husband. You gave some testimony earlier about
3 that event. I'm not entirely sure which date -- around which date
4 it was that he was taken away.

5 A. Yes, I do. He was taken at 9 o'clock at night in 1975, that is
6 about three or four months after we reached the village.

7 Q. So, that would be August '75? Would that be correct?

8 A. Yes, that is correct. I think it was in August when they took
9 him away. I was sent to the K-3 unit when it was the
10 transplanting season.

11 Q. Did I understand correctly? You said that they took him to
12 K-3?

13 A. It was Kor-Bei or the third unit. It belongs to the village
14 and we were to the south of the commune office. And further down
15 that, it was the fourth unit, or in Khmer, you say Kor-Boun. And,
16 I was in the third unit or Kor-Bei.

17 [11.02.55]

18 Q. Maybe it's the translation or maybe I am not understanding you
19 correctly, but is it your testimony that your husband, when they
20 took him away, was sent to K-3?

21 A. My husband was taken away for study session meant he was
22 killed, not to K-3. He was killed to the west of Leay Bour
23 Pagoda. And after he had been killed, I was sent to Kor-Bei or
24 the third unit.

25 Q. In your witness statement, E3/5635, ERN 00678302, at the

1 background, you say that your husband was arrested and sent to be
2 re-educated. What exactly did you mean when you gave that
3 statement?

4 A. They arrested him and sent him for re-education. But, that was
5 only a lie. He was actually tied with a rope. His hands were tied
6 to the back of his back. And his siblings saw what happened, even
7 his mother. But they are not -- do anything to intervene.

8 [11.04.42]

9 Q. What exactly did they tell you that they saw?

10 A. They were the Base People, so they knew what happened. They
11 told me that my husband had been killed. His hands were tied
12 behind his back. And he was walked by people who had a gun and he
13 was killed. And I wept when I was told that.

14 Q. I beg your pardon, Madam Koemlan, but that's something that I
15 just don't understand. You are saying that these people knew
16 because they were the Base People. Technically, you weren't a
17 Base person, but you were just as much local in that area as the
18 other people, so can you explain to us how they know, and you
19 didn't?

20 A. I was a New person who just left Phnom Penh. I did not even
21 know what to be re-educated means, but for the Base People, they
22 knew it very well. When someone was sent for re-education, it
23 means that person would be sent to be killed; and for serious
24 offenders, they will be killed nearby; and for the less serious
25 offence prisoners, they will be sent to be detained somewhere,

1 and they will be forced to engage in hard labour and later on
2 they would be smashed. And for high ranking officials, they would
3 have been killed nearby and not to be sent for any re-education
4 further. And I learnt of that information through the Base
5 People.

6 [11.07.01]

7 Q. Did anybody ever tell you that he or she saw with his own
8 eyes, with her own eyes, the killing of your husband?

9 A. They told me personally only after the fall of the regime
10 that my husband was killed to the west of Wat Bour (phonetic)
11 pagoda, and that person learnt of that event from her husband,
12 and she told me about it that he was killed near a til tree. And
13 I only learned that, as I said, only in 1979. And by the time I
14 learnt of that information, those people who involved in the
15 killing of my husband were afraid so they either fled away from
16 the village or they hid themselves somewhere, and they might have
17 fled to live in Battambang Province or in Moan (phonetic) area.
18 But, as a Cambodian, it is not my intention to seek any revenge
19 against those people although I knew that they involved in the
20 killing of my husband. I don't want to commit any sin.

21 [11.09.05]

22 Q. Do you know when in 1979 it was that you heard that your
23 husband had been killed?

24 A. It was quite long after. Let me clarify, in fact, in 1979,
25 they did not tell me yet, and from my recollection, maybe they

1 told me in 1984 or 1990. I cannot recall it exactly.

2 Q. Yesterday, if I understood you correctly, Madam Koemlan, you
3 testified that after they took your husband away from your home
4 that you heard three shots being fired. Maybe I misunderstood,
5 but it seemed that you wanted to give testimony to the effect
6 that right on the spot your husband was killed. Is it maybe now
7 your testimony that you -- let me ask you a question; what is
8 your testimony as to the events that led to your -- the killing
9 of your husband?

10 A. I knew about the three shots being fired after they took my
11 husband away. The people who took him away, there were three of
12 them and one had a rifle. When they walked him away they did not
13 tie him up yet. And when they reach a coconut tree near the house
14 of his mother and other siblings, they took a rope from a cow and
15 tied his hands behind his back. The mother wept and as a result
16 she later on died in the 1976.

17 [11.11.41]

18 Q. To finish this line of questioning, would it be accurate if I
19 say that the three shots that you heard had nothing to do with
20 the fate of your husband?

21 A. Because the shots related to the killing because I saw them
22 carrying a rifle and not only they shot my husband to dead, as I
23 was told, they also used a hoe to force him to dig a pit before
24 they actually killed him.

25 Q. But if that were the case, Madam Koemlan, would it be correct

1 if I tell you that you would have heard already in August '75
2 what had happened to your husband?

3 A. Yes, the event took place in 1975, and as a result, he left me
4 behind as a widow.

5 [11.13.10]

6 Q. I will move on to another subject, Madam Koemlan, and that's
7 the visit of upper echelon leaders that you gave testimony
8 earlier to. I have a few follow up questions.

9 Did -- what exactly were the words of the unit chief to you
10 telling you or explaining you that one of those persons that you
11 saw was a man called Nuon Chea?

12 A. The unit chief told us that the upper echelon leaders of
13 Cambodia -- that is, Democratic Kampuchea came from Phnom Penh
14 and they were senior leaders. They came to visit the base and
15 that we had to work without making any complaint, and that we had
16 to work actively.

17 Q. Did the unit chief tell you what the functions were of those
18 men that you saw? What positions they had?

19 A. Yes. They were leaders of Democratic Kampuchea regime. They
20 were the Khmer Rouge.

21 Q. But my question is whether the unit chief told you which
22 positions within the government they had as leaders?

23 A. Their positions were the leaders of the entire Democratic
24 Kampuchea regime. The unit chief told us that the three people
25 were the leaders of Democratic Kampuchea regime throughout the

40

1 country, and they worked every day based on the instructions of
2 Angkar.

3 [11.15.38]

4 Q. But Madam Koemlan also right now in Cambodia you have people
5 who are Prime Minister, Chairman of the Senate, Minister of
6 Foreign Affairs, that type of function, I mean, did the unit
7 chief tell you anything of the functions, the positions, rather,
8 of these men?

9 A. No, he did not speak about the positions of those men. We were
10 only told that they were the senior leaders of the entire country
11 and their rank was equivalent to that of the King in the previous
12 regime.

13 Q. Do you remember the name that the unit chief used to tell you
14 that this leader was Nuon Chea?

15 A. They said they were Pol Pot, Khieu Samphan, and Nuon Chea.

16 Q. So the unit chief used the name "Nuon Chea", correct?

17 A. Yes.

18 Q. Madam Koemlan, do you know the name of Vorn Vet?

19 A. No, I don't recognize this name.

20 [11.17.45]

21 Q. Do you know the name Son Sen?

22 A. I had heard of that name. However, I only heard of that name
23 after the fall of the regime.

24 Q. Do you know the name So Phim?

25 A. I only heard of that name in this regime. Not during the

1 previous regime.

2 Q. Do you remember, Madam Witness, when Nuon Chea formally
3 announced that it was in fact the Communist Party of Kampuchea
4 that was ruling the country, and not Angkar?

5 A. All the Base People knew that Pol Pot, Nuon Chea and Khieu
6 Samphan were leaders of Democratic Kampuchea. They had the
7 authority to control everything, and they were the one who
8 assigned the work plans to the subordinates, and they were the
9 initiators of a work plan.

10 [11.19.30]

11 Q. Madam Koemlan, it's very important if you give testimony to
12 tell the Court the things that you remembered then and not the
13 things that you heard after '79. So do you -- are you able to
14 recall, excuse me, what you remembered in 1977? Do you remember
15 any events sometime that year that it became known that wasn't
16 Angkar that was ruling the country, but in fact the Communist
17 Party of Kampuchea?

18 A. I recall that they were Angkar, and they were the leaders of
19 the Communist Party of Kampuchea. Everybody talked about that,
20 and we heard about it in 1975, 1977, that they were senior
21 leaders.

22 Q. So is it your testimony that you knew already in '75 and '76
23 that Nuon Chea was one of the leaders?

24 A. Nuon Chea, Khieu Samphan and Pol Pot, they were at the
25 ministerial level; as for Ta Mok, he was at the provincial level.

1 [11.21.30]

2 Q. Madam Koemlan, would it surprise you if I would tell you that
3 almost nobody in the world knew about Nuon Chea until, at the
4 earliest, November '77?

5 MR. PRESIDENT:

6 Witness, you are not -- you do not need to respond to this
7 question because this question wants to elicit the proposition or
8 assumption that you have to make. It is not necessary for you to
9 do so.

10 BY MR. KOPPE:

11 I agree, Mr. President. I will move on, but not without ending
12 with my final question.

13 Q. Would it be possible that the leaders that you saw in February
14 '77 were leaders, maybe, but that after '79, you figured that
15 these leaders must be Pol Pot, Nuon Chea and Ta Mok? Would that
16 be a possibility?

17 MS. CHOU KOEMLAN:

18 A. Because I saw them coming to inspect the work site and I knew
19 them. So I knew that they were leaders of Democratic Kampuchea
20 regime.

21 [11.23.23]

22 Q. Thank you, Madam Koemlan. Can I ask you some short, very
23 different questions? One question would be to you; Klai Kroaem:
24 where is that?

25 A. No, I am not familiar with Svay Krohuem (phonetic).

1 Q. Maybe it's my pronunciation. I refer, for the Parties, to
2 paragraph 14 of E3/5635 -- that is, the Witness Statement of the
3 civil party. And point 14, she says -- ERN 00678304: "I saw
4 several people arrested and sent to Klai Kroaeum."

5 My question to you is: Where is Klai Kroaeum?

6 A. I was in Leay Bour commune, but I did not hear about Svay
7 Krohuem (phonetic). Is Svay Krohuem (phonetic) in Kien Svay
8 district? I am not at all familiar with it.

9 MR. KOPPE:

10 Mr. President, with your leave, maybe if the Khmer interpreter
11 has the actual E3 document in front of him, on paragraph 14, I am
12 reading the English version: Klai Kroaeum. But I'm not quite sure
13 if that's translated or interpreted properly.

14 [11.25.33]

15 MR. PRESIDENT:

16 The National Counsel for Nuon Chea's defence team, could you help
17 your counterpart, and maybe you can pronounce it in Khmer
18 language?

19 MR. KOPPE:

20 Klai Kroaeum.

21 BY MR. KOPPE:

22 Q. You wrote it yourself, Madam Witness. "I saw several people
23 arrested and sent to Klai Kroaeum."

24 MR. PRESIDENT:

25 National Counsel, can you try to find a document in Khmer, rather

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1 than to read the English translation? Can you please look at the
2 actual Khmer language? Because through the interpretation, I am
3 also unclear.

4 [11.26.49]

5 MR. SON ARUN:

6 Mr. President, in the Khmer language, it's called Khla Krohuem.

7 MR. KOPPE:

8 Khla Krohuem.

9 MR. PRESIDENT:

10 Khla Krohuem; is that correct? And civil party, are you familiar
11 with this name?

12 MS. CHOU KOEMLAN:

13 I only familiar with Khla Krohuem and Krang Ta Chan.

14 [11.27.50]

15 BY MR. KOPPE:

16 My question to you, Madam Witness, civil party is, where is Khla
17 Krohuem?

18 MS. CHOU KOEMLAN:

19 A. I had never been there. I was been only Krang Ta Chan. I only
20 heard of that name, Khla Krohuem. As for Krang Ta Chan, I have
21 been there rather frequently.

22 Q. But in your Witness Statement under paragraph 14, you said, "I
23 saw several people arrested and sent to Klai Kroaeum." Is it your
24 testimony that you don't actually know where that is?

25 A. I heard of Khla Krohuem, which was located to the west of Angk

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1 Ta Saom. As for Krang Ta Chan, I heard about it and I learnt of
2 the location as I was told by the Base People. And those people
3 they have been sent -- or they were sent to Krang Ta Chan.

4 [11.29.22]

5 Q. Have you heard, if, maybe, your husband was either sent to
6 Krang Ta Chan or Khla Krohuen?

7 A. No, he would not be sent there as my husband was accused of
8 being a traitor and opposed Angkar as he held a rank. And when
9 they took him away, they held a rifle and a hoe, and I learnt of
10 that information through his mother and his other sibling. As for
11 my -- another elder brother when he was tied up and sent away, it
12 was likely that he would have been sent to that location that you
13 mentioned.

14 Q. It's almost time; I have a last question. We might have
15 translation issues with that because I understand that we have
16 possibly three versions of something. I refer to D22/250211. That
17 is the report on civil party application, ERN 00550930, entry 31.
18 On that piece of paper, there is a box called "alleged harm", and
19 in the English version, it says, "The applicant suffers from
20 psychological trauma as a result of losing her husband". And then
21 it says, "She lost her hand during work in the Khmer Rouge
22 regime". Now, I understand the Khmer version talks about losing a
23 finger and the French version talks about losing an arm. So my
24 question to you is: What exactly happened to you during the Khmer
25 Rouge regime physically with your finger, hand or arm? Would you

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1 be able to explain to us?

2 [11.31.53]

3 A. That is the truth. I lost my finger not during the time that
4 the Khmer Rouge engaged in fighting. In fact I lost it during a
5 harvest season after 17 April 1975. At that time, wherever we
6 arrived, we would go to the rice field and harvest the rice. And
7 we had to grind it. And at that time, the grinder had failed and
8 then it cut my middle finger on my left arm.

9 MR. PRESIDENT:

10 Did it happen after 17 April 1975 or 1979? Could you clarify
11 that?

12 MS. CHOU KOEMLAN:

13 A. My apology, Mr. President. It's after 7 January 1979.

14 MR. KOPPE:

15 Maybe not necessary now any more but just let the record reflect
16 that the civil party showed the finger of one of her hands and
17 not as wrongly translated: her actual hand or even her arm.

18 [11.33.29]

19 MR. PRESIDENT:

20 Thank you, Counsel. The time is appropriate for a lunch break. We
21 will take a break now and return at 1.30 this afternoon.

22 And Court officer, could you assist this civil party during the
23 lunch break and invite her to return to the courtroom before
24 1.30.

25 And security personnel, please take Nuon Chea to the holding cell

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1 downstairs. And as for Khieu Samphan, bring him to the courtroom
2 before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1134H to 1330H)

5 MR. PRESIDENT:

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

7 And the Chamber would like again to give the floor to Khieu
8 Samphan's defence to put questions to this civil party. You may
9 proceed.

10 [13.31.35]

11 QUESTIONING BY MS. GUISSÉ:

12 Thank you, President.

13 Good afternoon, Madam Chou Koemlan. My name is Anta Guissé. I am
14 Mr. Khieu Samphan's International Co-Lawyer. In that capacity, I
15 shall be asking you some follow-up questions and some
16 clarifications regarding your testimony. I realise that a few
17 questions that I will put to you have already been asked by the
18 Judges and by my learned friend, the lawyer for Mr. Nuon Chea. So
19 I will be brief. I will be asking you some very specific
20 questions in order to elicit specific answers. If you do not
21 understand my questions, please do not hesitate in asking me to
22 repeat. But I would ask that you do your utmost because time is
23 of the essence, therefore I would ask that you keep your answers
24 brief.

25 [13.32.41]

1 Q. To begin, I basically want to return to the incident of 1977,
2 the incident that you raised, during which you stated that you
3 saw four Khmer Rouge senior leaders visit the work site at which
4 you were assigned. My first question is this: What is the date?
5 In response to the civil party Lead Co-Lawyer's question, you
6 stated that it was in February, March, April 1977. Is my
7 understanding of your testimony correct?

8 MS. CHOU KOEMLAN:

9 A. Yes, that is correct.

10 Q. We therefore agree that the tasks that you carried out
11 consisted of digging canal during the wet season, and that - or,
12 rather, the digging of the canal took place during the dry
13 season.

14 A. The canal was dug in order to preserve the water -- to
15 irrigate the rice field whenever we needed it. We hoped during
16 the dry season there will be water in that canal.

17 [13.34.30]

18 Q. However, from the point at which you began working on the
19 canal, it was during the dry season; is that correct?

20 A. Yes, that is correct.

21 Q. A while ago, in response to a question put to you by my
22 colleague from the Nuon Chea defence team, you stated that you
23 helped in the building of the canal during an approximate
24 fortnight, some 14 or 15 days. Following that, you were moved to
25 a different work site; is that correct?

1 A. Yes, that is correct.

2 Q. Madam Civil Party, as far as the time frame that we evoked,
3 that is, February, March, April 1977, I'm just wondering if I can
4 trigger your memory and ask you if you recall before -- you said
5 that you saw the four Khmer Rouge leaders -- before that time,
6 did you work on other canals during the same period or during
7 that dry season? Or was it the first work site, the first digging
8 of the canal that you were assigned at?

9 [13.36.18]

10 A. We also dug canals for rice dykes around the village. So we
11 actually engaged in various canal diggings at the village, at the
12 unit. And also, we dug canals along some roads, and also we dug
13 canals near the water pumping station.

14 Q. Do you remember what you did first among those various jobs?
15 Did you carry that out in February, March, during -- what did you
16 do during the time frame that you have specified?

17 A. The first time that we dug canal, it was after we harvested
18 the rice. So we both dug canal and also we fix the rice dykes
19 around those rice fields in the village. And after that, we dug -
20 we engaged in digging bigger canal near the main National Road.

21 [13.37.48]

22 Q. Thank you for that detail. However, my question was: During
23 the period between February and May, the same period that you
24 talked about before this Chamber, by recalling the various
25 activities that you undertook, could you say that you saw the

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1 leaders somewhere in February or somewhere closer to May?

2 A. It's been a long time and I cannot say for sure whether it's
3 closer to February or to May. I recall that we began digging the
4 canal during a dry season and after we completed that, then our
5 unit moved further to another work site. And that happened in
6 1977.

7 Q. Do you remember engaging any telephone conversations with the
8 Judicial Committee of Cambodia in 2011?

9 Apparently, there's a little technical issue. I'll repeat my
10 question.

11 Madam, do you remember having any telephone interviews with an
12 individual from Legal Aid Cambodia in January 2011?

13 A. I was interviewed by a telephone. Yes.

14 [13.40.03]

15 MS. GUISSÉ:

16 With leave of the Chamber, Mr. President, I wish to put before
17 you a Khmer version of the telephone reports with Legal Aid
18 Cambodia in order to refresh the memory of Madam Civil Party.

19 Yes, I can certainly give you the reference number: E3/5635, ERN
20 in French, 00 - or ERN in English, rather, 00678302; and ERN in
21 Khmer, 00897420.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 Court officer, could you deliver the document from the defence
25 counsel for the civil party's examination?

1 [13.41.26]

2 BY MS. GUISSÉ:

3 Q. On the first page of the document, you see that there is a
4 compilation of three telephone calls. This document is a
5 compilation of three telephone calls that the assistant working
6 in the Legal Aid Cambodia office had recorded. The document is
7 divided by topic and paragraph. I don't believe that I need to
8 refer to the ERN; I'll simply refer you to the start of paragraph
9 18. The following was noted by the person who interviewed you on
10 the telephone:

11 "In one day in February 1977, I saw Pol Pot, Noun Chea, Khieu
12 Samphan and Ta Mok [the four leaders] on my worksite on the day I
13 was working on canal work that we were assigned to work on in
14 Takeo district, Tram Kak commune." End of quote.

15 Madam Civil Party, my question to you is this: Was your memory
16 more vivid and fresh in 2011, since the date, as noted by the
17 person who was speaking with you on the telephone, is a more
18 accurate reflection of what you told the person that day?

19 MS. CHOU KOEMLAN:

20 A. I was interviewed by telephone while I was at Ou Chambak
21 station, and here it refers to Prey Leu, but I did not speak
22 about Prey Leu, I talked about Ou Chambak.

23 [13.43.40]

24 Q. Am I therefore to understand that the document contained in
25 this documents are erroneous; is that correct?

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1 A. The fact that I saw Khieu Samphan, that was correct. But the
2 location was not at Prey Leu. Of course, I was at Prey Leu, but
3 when I worked at Prey Leu, I did not see the leaders. When I met
4 them, it was Ou Chambak.

5 Q. And as far as the date is concerned, the phrasing "one day in
6 February 1977", is that a proper and correct transcription of
7 what you said or is this information wrong?

8 A. Through the telephone interview, I stated that I cannot
9 recollect the date well. Either it was in February or March or
10 April or May, because it's been a long time. And I said probably
11 it was in May, and the location they mentioned here is incorrect,
12 but I did meet those leaders.

13 Q. Am I therefore to understand that the person who wrote this
14 document produced erroneous information in this document? Is that
15 what you're saying before the Chamber?

16 [13.45.32]

17 A. I want to say that that document was the result of a telephone
18 interview and sometimes the voice was not that clear.

19 Q. Therefore, you told the person that it could have been in
20 February, March, April or May, and the person simply heard
21 February. It doesn't necessarily mean that you told the person
22 that you were uncertain of the dates and this was not recorded.

23 A. Yes, because that happened a long time ago. I could not
24 recollect it well whether it was in March or in May.

25 Q. Madam Civil Party, I just want to return to a statement that

1 you made before the Chamber. You said that your chief of unit, Ta
2 Oeun, was the one who informed you of the arrival of the leaders.
3 My first question is as follows: Was Ta Oeun a male or a female?
4 A. Of course, Ta Oeun was a man. He was in charge of our unit and
5 he was also in a position to liaise with the commerce section at
6 the commune office. He was a male person.

7 [13.47.46]

8 Q. Can it be said then that you knew that these four individuals
9 were going to visit the worksite the night before they actually
10 arrived?

11 A. I agreed that on that day I went to work and I was not aware
12 that they would be coming to inspect the worksite.

13 Q. So, if I understand correctly, it was only on the day of the
14 arrival of the four leaders that you learned of their arrival, if
15 I'm to understand your statement.

16 A. (No interpretation)

17 Q. I'd like to take you to paragraph 20 of the same document you
18 have before you. It reads as follows: "As for Pol Pot, Noun Chea
19 and Ta Mok, I had not previously seen them. However, I knew who
20 they were, because the day before the four leaders came to my
21 worksite, my mobile team chief told me that the four leaders were
22 coming to visit the worksite and we should work very hard at
23 planting the rice when they visited." End of quote.

24 Now, based on the document, one gathers that you were informed of
25 the arrival of the four leaders the day before. Now, is this a

1 mistake made by the person who recorded your statement?

2 [13.49.53]

3 A. That is not consistent with what I said during the telephone
4 interview. Because, I had known Ta Mok a long time ago, and I saw
5 him frequently before Khieu Samphan and Noun Chea came to visit
6 the worksite. I believed during the telephone interview the
7 person who was on the other side could not hear my voice clearly
8 and probably that leads to this incorrectness in recording my
9 statement. Because I saw Ta Mok very frequently at the time.

10 Q. I am going to ask you a question that has nothing to do with
11 your statement. Following that, did you learn if there were any
12 meetings dedicated to organizing the visit before the visit
13 actually occurred? Did you learn of any meetings or did your
14 chief of unit tell you that there were any preparatory meetings
15 in view of the imminent arrival of the leaders?

16 [13.51.25]

17 A. No, there was no such meeting taken place, because if they
18 were to tell us that, probably they were afraid or concerned that
19 we, the 17 April People, would have issues. And I only saw them
20 on the day that I was working at the worksite.

21 Q. I want to go back to the very day that you said you saw them
22 on the worksite. If I am to understand your statement, you saw
23 the car in which the leaders were being transported arrive along
24 the road, which followed the canal at which you were working.

25 A. Yes, that's true. And the vehicle's colour was black.

1 Q. And am I correct in understanding that there was only one
2 single vehicle?

3 A. There were two vehicles, but I recall that at that time, the
4 interviewer did not ask me about the number of cars. In fact, the
5 leaders were in a black vehicle and Ta Mok was in a Jeep.

6 [13.53.01]

7 Q. Therefore, you saw two vehicles, one black vehicle in which
8 there was Ta Mok -- or rather, there was Noun Chea, Pol Pot and
9 Khieu Samphan, and a Jeep, in which Ta Mok was travelling; is
10 that correct?

11 A. Yes, that is correct.

12 Q. Earlier on, Judge Lavergne asked you if there were any
13 foreigners who visited the worksite. I would like to know if on
14 that day that you saw the two vehicles, the vehicles, aside from
15 Ta Mok, Pol Pot, Noun Chea, Khieu Samphan, if there were any
16 other individuals present. In the vehicles where you saw those
17 leaders, were there any other people accompanying them?

18 A. Because the cars' windows were tinted black, we could not see
19 through. I did not know whether there was a chauffeur in the
20 vehicle or not.

21 [13.54.37]

22 Q. And in Ta Mok's vehicle, were there any other people?

23 A. I couldn't see through the vehicle's mirrors. These cars were
24 supposed to transport senior leaders, so the windows were tinted
25 black. And from the position that I was standing in the canal, I

1 couldn't see through those glasses. I only saw them when they
2 came down and walked near the canal.

3 Q. Would it be right to say that the only people you saw come out
4 of the vehicles were Pol Pot, Noun Chea, Khieu Samphan and Ta
5 Mok; is that correct?

6 A. Yes. I saw only the four of them and that is correct.

7 Q. Earlier on, in response to a question put to you by Judge
8 Fenz, you stated that you saw these people for no longer than
9 about 15 minutes; is that correct?

10 A. I saw them for about 15 minutes when they were standing near
11 where I was working and while they were having palm juice. After
12 that, they walked away while talking amongst themselves.

13 [13.56.45]

14 Q. I assumed -- and please correct me if I'm wrong -- I gathered
15 that following this very short visit to the worksite, there was a
16 meeting to which the local leaders were invited; is that correct?

17 A. The chiefs -- for example, the unit's chief called all the
18 workers, including the 17 April People to go for a meeting. It
19 was them who gathered the workers for a meeting. Not them
20 attending a meeting. In the meeting, they instructed us to
21 strengthen our stance in order to follow the "leap forward"
22 movement principle.

23 Q. Now I understand you were referring to a meeting that happened
24 after the visit. It is the same meeting that you talked about
25 earlier. It was either during or just before lunch. But that's

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1 not the meeting I'm referring to. I'd like to know if, following
2 the visit of the four leaders, if there was a meeting to which
3 you were not convened. It was a meeting between the leaders and
4 local chiefs and heads.

5 [13.58.37]

6 A. The meeting that my unit's chief, my village chief, and the
7 youth chief, as well as the committees at various level, they
8 held a meeting somewhere, maybe under a tree, I did not know, but
9 those chiefs actually followed and accompanied the leaders.
10 However, they went away for only a brief moment, because later
11 on, the various unit's chiefs returned to the worksite, absent
12 the commune and the district committees. As far as I know, the
13 district and the commune committees actually went to the Leay
14 Bour commune office and the Kor-Muoy or the first unit, and I
15 believe the leaders also went to Kor-Muoy there.

16 Q. Okay. I just want to parse a few facts. First question: You
17 said that there was a meeting taking place under a tree. Did you
18 see the leaders and local leaders head towards the tree or is it
19 something that you learned only afterwards?

20 A. I knew it on that day, because when the team chief and the
21 unit chief returned, they spoke about having a meeting under a
22 mango tree with the leaders. However, they did not reveal the
23 content of that meeting. And then, during the lunch break, we
24 were called for a meeting by our team and unit chiefs.

25 [14.01.08]

1 Q. Very well. I would like to focus on the meeting you did not
2 attend and which your unit head told you about, as well as the
3 other persons who talked to you about it. My first question is as
4 follows: A while ago, you referred to a number names, a number of
5 duties and responsibilities, without explaining exactly who did
6 what. I would like you to clarify that matter. You talked of a
7 certain person called Ta San. My question is this: Do you have
8 that person's full name and what were his duties and
9 responsibilities?

10 A. Ta San, I do not know his surname. He was the district
11 committee. Before Lon Nol - before Khmer Rouge period, he was a
12 teacher.

13 Q. And do you have his full name?

14 A. I do not know his full name. He moved to live in Anlong Veng,
15 and now I heard that he is deceased.

16 [14.02.44]

17 Q. You also mentioned a person by the name of Ta Hounh
18 (phonetic).

19 That is on paragraph 25 of the witness's statement, for the
20 interpreters.

21 Do you know Ta Hounh's full name and his exact position, the
22 position he occupied?

23 A. Ta Hounh. He was the commune chief, supervised Ta Nouv. Ta
24 Nouv was in charge of military. Again, as for others, I do not
25 know. I just know these two people, their names. They were

1 commune committee.

2 Q. Do you know Ta Hounh's full name?

3 A. Because he was a senior, he was only referred to as Ta Hounh.
4 Surname was not referred to at the time. And Ta was used to refer
5 to senior people, and I just know that his name was Ta Hounh.

6 [14.04.35]

7 Q. You also mentioned a person by the name of Ta Nouv, and that
8 is spelled in paragraph 25, interpreters.

9 My question is: Do you know his full name and the exact position
10 he held?

11 A. Ta Nouv, he worked in the commune with Ta Hounh. I do not know
12 his full name. He was referred to Ta Nouv, and everyone was
13 afraid of Ta Nouv. When they saw Ta Nouv, people would just work
14 hard because Ta Nouv, he was strict.

15 Q. You also mentioned Ta Oeun, who was your unit head. Do you
16 know his full name?

17 A. Actually, we do not know their family names. Ta Oeun, he was
18 the chief of K-3. I was never told about surname.

19 Q. A while ago, you stated that that meeting was also attended by
20 the youth head. Do you remember the name of that person?

21 A. As for chief of youth units, the name was -- his name was Bo
22 (phonetic) -- Comrade Bo (phonetic).

23 [14.06.47]

24 Q. Regarding these persons whose names I've just given, Ta San,
25 Ta Hounh, Ta Nouv, Ta Oeun -- I crave your indulgence for not

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1 pronouncing them correctly. Do you know whether all those persons
2 attended the meeting you referred to with the four leaders under
3 the mango tree?

4 A. I was told about this. I was a new person. I only worked. And
5 a Base person told me about this.

6 Q. Do you know who exactly told you about it?

7 A. Oeun, the chief of the unit told me about this, about the
8 meeting. He told that the meeting was held under the mango tree.

9 So, I was told after he was back from the meeting

10 Q. And was it Ta Oeun who told you of the presence of Ta Nouv, Ta
11 Hounh, and Bo (phonetic)?

12 A. Yes, that is correct.

13 Q. Still regarding the names of officials in the area you knew,
14 do you know a person by the name Keat?

15 A. I do not catch up with your question. The name Keat, I appear
16 not to know this person?

17 [14.09.12]

18 Q. For the interpreters, the Keat I'm referring to is K-e-a-t.
19 My question is whether you know a person called Keat, who
20 exercised some functions in that area.

21 A. No, I do not know this person. He or she was not in my place.

22 Q. Did you know a person called Chim? C-h-i-m.

23 A. Yes, he was the village chief in my area.

24 Q. And do you know his full name?

25 A. I do not know his full name; he was referred to as Uncle Chim.

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1 He was in the village committees, and he was not senior. As for
2 the senior people, I already mentioned the names.

3 Q. And do you know whether he attended the meeting under the
4 mango tree?

5 A. He, Ta Oeun and Ta Chim joined the meeting. They were there.
6 Ta Chim was not at the west of the Champa pagoda. He was away
7 from the place where I lived.

8 [14.11.34]

9 Q. Still on this matter, is it Ta Hounh who told you of the
10 presence of Ta Chim at that meeting?

11 A. Yes. I agree with this.

12 MS. GUISSÉ:

13 Thank you, madam.

14 I do not have any further questions for the witness, Mr.
15 President. I will now give the floor to my learned colleague.

16 MR. PRESIDENT:

17 Thank you. Now Mr. Kong Sam Onn, you may now proceed.

18 QUESTIONING BY MR. KONG SAM ONN:

19 Thank you, Mr. President.

20 Good afternoon, Madam Civil Party. My name is Kong Sam Onn, I
21 have a few questions.

22 Q. I would like to know your name. Your name is Chou Koemleng
23 (phonetic) or Chou Koemlan? Could you clarify it?

24 [14.12.38]

25 MS. CHOU KOEMLAN:

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1 A. My name is Chou Koemlan; my elder's name is Chou Koemleng
2 (phonetic). She lived on National Road Number 1. Actually, while
3 I was giving the interview, she was sitting close to me, that is
4 why her name appears.

5 Q. In document E3/5635, your name should be written as Chou
6 Koemlan, not Chou Koemleng (phonetic); is that correct?

7 THE INTERPRETER:

8 No answer from the civil party.

9 BY MR. KONG SAM ONN:

10 Q. This morning I heard you said one sentence -- that is, "mind
11 your own business". Did you remember you said this sentence?

12 [14.13.55]

13 MS. CHOU KOEMLAN:

14 A. Yes, I recall that. "Minding our own business", during Khmer
15 Rouge time, it was said very frequently about this sentence --
16 these words.

17 Q. Could you give the meaning -- the definition of this sentence?
18 Could you explain it?

19 A. Yes, I could. "Minding our own business" is that no one can
20 help others -- father, mother, siblings -- they could not help
21 anyone in their family. Those who made mistakes would be arrested
22 and taken away, that is why Khmer Rouge used the term "minding
23 our business".

24 Q. Did this sentence associate with any work you did at the time,
25 during the Khmer Rouge period?

1 A. Since the time I lived in the Khmer Rouge period, I always
2 heard this sentence. Anyone invented the term -- I do not know
3 who invented the sentence or term. My superior, the unit chief,
4 perhaps they had us in a meeting and told us about this sentence.

5 [14.15.45]

6 Q. Could you tell the Court when were you told about "minding
7 your business"?

8 A. We had an ordinary meeting once every ten days and a big
9 meeting was held once a month. This sentence -- this phrase --
10 was always mentioned.

11 Q. When did you hear this sentence, this phrase?

12 A. When I was in the territory of the Khmer Rouge period. It was
13 in 1975.

14 Q. Thank you. Concerning the phrase, how was it understood by the
15 people in general in your place?

16 A. This phrase was a scary phrase. No one can help anyone else.

17 [14.17.10]

18 Q. Thank you.

19 Yesterday, at around 11.30 a.m., you mentioned the name Vannara
20 (phonetic) and you said that Vannara (phonetic) went to steal a
21 potato, and after that he was arrested. Could you tell The Court
22 how long after his arrest did you know that this person was taken
23 away? That this person was killed, rather?

24 A. My elder sibling told me, it was a long time after he was
25 taken away and killed. My elder sibling at Samraong (phonetic)

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1 told me 15 days later, after he disappeared. I was told that this
2 Vannara (phonetic) stole potatoes quite often and now he was
3 arrested.

4 Q. Thank you. How long was it after he was arrested and killed
5 that you knew about the event?

6 A. Actually, this person was -- for example -- he was arrested
7 today, and the day after, he was killed. My elder sibling told me
8 that after the arrest, the person was never kept for long.

9 [14.19.01]

10 Q. Did you know who killed him?

11 A. Those who were at Sector 107, and I lived in a different
12 sector, so I do not know who killed this person.

13 Q. Thank you.

14 Concerning your husband, where was your husband's birthplace?

15 A. His birthplace was in Leay Bour, Tram Kak district, Takeo
16 province.

17 Q. Was it in the same birthplace as yours?

18 A. Yes, it was in the same birthplace as mine.

19 Q. Your husband lived in Leay Bour, Tram Kak district, Takeo
20 province, so how long did he live there before he left the place?

21 A. Before he left to live in Phnom Penh or before he was taken
22 away and killed?

23 [14.20.20]

24 Q. Before he left to live in Phnom Penh.

25 A. Before he left to live in Phnom Penh, he lived in - he studied

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1 in Leay Bour, and after that he was (unintelligible) and worked,
2 following which he went to live in Kampong Speu, Kampong Chhnang
3 and Phnom Penh.

4 Q. Do you remember the year that he left to work?

5 A. I do not recall it exactly. I was very young when he left for
6 work. I was about 10 years old at the time.

7 Q. Did your husband ever go to visit his birthplace after he left
8 the area?

9 A. After he left from his area, he normally came to visit his
10 birthplace.

11 Q. This morning you mentioned that your husband was a soldier; is
12 that correct?

13 A. He was a soldier in the Lon Nol period. Before that, in
14 Sangkum Reastr Niyum, he was a policeman. He learned about law in
15 relation to military medics. And so, because he had some
16 education in relation to medicine in the military field, he was
17 asked to be a military medic.

18 [14.22.28]

19 Q. Your husband was a police, and after that, he was a soldier.
20 How long was he in those positions?

21 A. He was in those positions for a long period of time, from 1960
22 -- perhaps 1965 or '66 or '64.

23 Q. Thank you. So, from my understanding, he was in those
24 positions at least 10 years; is that correct?

25 A. Yes, that is correct.

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1 Q. Thank you. The villagers living in the birthplace of your
2 husband, did they know about your husband's background?

3 A. Yes, they knew very clearly. Base People, New People knew my
4 husband's background. They knew that my husband was a soldier in
5 the Lon Nol period and a policeman in Sangkum Reastr Niyum.
6 Everyone knew, including New and Base People.

7 [14.24.00]

8 Q. Thank you.

9 From my understanding, this morning, you answered a question to
10 the Bench. You said that your husband was arrested after ranks
11 was found in his clothes bag.

12 A. Yes. In his bag, there was a soldier uniform and insignia.

13 Q. So, it was the photo with your husband in military uniform was
14 found; is that correct?

15 A. A photo depicting my husband with his uniform was found, and
16 the day after, he was arrested.

17 Q. Thank you. Could you explain to the Court why did the
18 villagers know about your husband's background after he left the
19 area? So could you explain why only after it was found out that
20 your husband was a soldier and policeman that you were -- that he
21 was mistreated?

22 A. I would like to clarify my answer. First, we were asked about
23 our biography and we did not tell them that my husband was a
24 military medic. We told them that my husband was a medic -- a
25 doctor -- in the Preah Ket Melea Hospital. So there was no issue

1 with him. We lived at the north of -- and after that, we were
2 moved to a place north of Leay Bour. A search was conducted and a
3 photo was found in the pocket of my husband's shirt. The children
4 collected the clothes, put together in a bag. And in the pocket
5 of the shirt, there was a photo and it was found out that my
6 husband was a soldier, so we did not tell about the background at
7 first.

8 [14.27.20]

9 Q. You said that there were New People coming to the place, so
10 who were you referring to?

11 A. New People here, I want to mean New People -- that is, the 17
12 April People. There were Base People already there. Base People
13 came to search our belongings before we could live in the area.

14 Q. Thank you. Could you explain, or could you clarify about the
15 17 April People? I have heard you say about 17 April and also 18
16 April People. So, what were you referring to, concerning 18 April
17 People? What kind of them?

18 A. 18 April People were Base People and 17 April people were New
19 People.

20 Q. I do not understand what you said. Could you clarify it?

21 A. New People. There were New People. So, we were New People, and
22 some were completely New People, as they were referred to.

23 [14.29.28]

24 Q. I would like to move to another topic, which you explained to
25 The Chamber about a lady who dared to disembowel her husband. Do

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1 you recall what you said?

2 A. Yes, I recall it. This lady disembowelled her husband.

3 Q. You explained to the Court already that you knew this incident
4 from the grandmother of the one who was disembowelled. When did
5 you know about this incident? Was it after this person was
6 arrested and disembowelled? Or, could you explain about this?

7 A. I knew when Takeo fell, and after that, Vietnam liberated the
8 country. The grandmother came to tell about the incident to my
9 mother. It was in 1980, '81 or '82.

10 Q. Thank you. Let me confirm your statement that you were aware
11 of that incident in 1982 and not during the time that the
12 incident took place; am I correct?

13 A. Yes, that is correct. I only was aware about it in 1981/82,
14 when she came to tell my mother about it.

15 [14.31.43]

16 Q. I would like to move on to another topic -- that is, when you
17 said you saw the Khmer Rouge leaders coming to visit the work
18 site where you were working. In your response to the
19 International Counsel of Khieu Samphan, you said that there were
20 two vehicles and one was for Ta Mok and the other one was where
21 Pol Pot, Khieu Samphan and Noun Chea were sitting. And that Ta
22 Mok's vehicle was cheap, and that you could not see through the
23 inside due to the tinted black window. Can you tell us how far
24 were those two vehicles parking from your -- from where you were
25 standing?

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1 A. The distance was about 100 metres. Ta Mok was alone when he
2 stepped out of that vehicle.

3 Q. So, the distance from you and the two vehicles were about 100
4 metres and Ta Mok was the only one in that jeep? There was no
5 chauffeur or driver for him? Am I correct to say that?

6 A. Yes, that is correct.

7 [14.33.28]

8 Q. Was Ta Mok's vehicle having the windows on the sides and also
9 on the back?

10 A. No, there was only the front glass.

11 Q. So, when you -- in your response to Anta Guissé, counsel, you
12 did not refer to Ta Mok's vehicle; am I correct?

13 A. I referred to the black vehicle where the senior leaders of
14 the Democratic Kampuchea regime sat and the jeep was where Ta Mok
15 sat.

16 Q. From a 100 metre distance --

17 MR. PRESIDENT:

18 Counsel, could you leave sufficient pause between question and
19 answer session so that the interpreters could provide proper
20 interpretation for the record. You may now proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President.

23 [14.34.52]

24 BY MR. KONG SAM ONN:

25 Q. Can you tell us regarding the two vehicles that were parking

1 about 100 metre distance from you, how were they parked?

2 MS. CHOU KOEMLAN:

3 A. They were parked at the roadside, around the bend of the road.

4 Q. On -- was it -- were they parked on National Road 2 or another
5 side road?

6 A. No. The cars were parked on the National Road, and to the west
7 was the direction of Tram Kak. So, the cars were parked facing to
8 the west, to Tram Kak area.

9 Q. You stated that the location where the cars were parked were
10 from the east to the west direction -- that is, leaving from the
11 provincial town of Takeo to the Angk Ta Saom direction; am I
12 correct?

13 A. Yes, that is correct.

14 [14.36.29]

15 Q. So, wasn't it not from Phnom Penh turning toward Takeo?

16 A. No, it was not. It was toward the direction of Leay Bour
17 commune -- that is, facing the west.

18 Q. Can you tell us the location where the Junction 1 was heading
19 towards the Takeo provincial town and the other one to the other
20 direction? Where were the cars actually parked? Was it
21 immediately at the middle of the junction or was it toward the
22 other side of the road?

23 A. The cars were parked near the direction of the Takeo province.
24 From the Leay Bour commune office, it was in the middle, between
25 Takeo provincial town and Angk Ta Saom.

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1 Q. The cars were parked facing north -- facing west, rather; am I
2 correct?

3 A. Yes.

4 Q. Did you see anyone else besides the two vehicles, who might
5 have come later or earlier than the two vehicles? Maybe 10-20
6 minutes early or 10-20 minutes later on that day? Did you see
7 another group of visitors who might have come early or later?

8 A. No. I did not. There was no traffic on the road, except the ox
9 carts carrying other stuff. There were no road users on that
10 particular day.

11 [14.38.55]

12 Q. When the cars stopped and parked, did you see the two vehicles
13 came to a standstill and parked? Or you only saw, when you saw
14 the people coming out of the vehicles?

15 A. I saw the two cars coming from the north, and it became slower
16 and it stopped. I saw them, while other workers also saw them,
17 then they stepped out of the vehicles.

18 Q. When the vehicles were approaching, who were you with at your
19 work site? Were you together with some co-workers?

20 A. There were many because we were all workers. There were those
21 who were digging the soil, others who were carrying the soil.

22 Q. Did they also pay attention to the approaching vehicles and
23 did they say anything about those vehicles?

24 [14.40.32]

25 A. As I stated earlier, we were talking and we were told the

1 leaders of the Democratic Kampuchea regime came from Phnom Penh
2 and their status was that of the head of the country. And they
3 came to inspect the model work site, because Leay Bour was a
4 model cooperative and we produced good rice product.

5 Q. Can you recall who said that? Or was everybody saying the same
6 thing?

7 A. It was the team chief, the unit chief and the village chief
8 who said that.

9 Q. So, it was the team chief, unit chief and the village chief,
10 the three of them. Were there more? More than these three?

11 A. In one group -- in one team, here was a team chief, and then
12 there was a village chief who travelled between various units,
13 because for a team of 10, there would be a team chief. And
14 sometimes there were 12 members in a team.

15 Q. I would like to know about the number of people who spoke
16 about leaders coming to inspect the work site from Phnom Penh.
17 How many people did say that? Can you tell the Court?

18 A. Yes, I can. It was the unit chief and the village chief.

19 [14.42.29]

20 Q. They said it. And the team chief did not say it; am I correct?

21 A. The team chief also said it.

22 Q. Did they say the same thing at the same time or they took
23 turns to say this in sequence?

24 A. They spoke about the same time. I mean, at the time that those
25 leaders came to inspect the work site.

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1 MR. PRESIDENT:

2 Thank you, Counsel. The time is appropriate for a short break.

3 We'll take a break for now and return at 3 o'clock to resume our
4 hearing.

5 Court officer, please assist the civil party during the break and
6 have her returned to the courtroom before we recommence at 3
7 o'clock.

8 The Court is now in recess.

9 (Court recesses from 1443H to 1501H)

10 MR. PRESIDENT:

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

12 The Chamber now gives the floor to counsel for Mr. Khieu Samphan
13 to put further questions for Madam Civil Party.

14 International Co-Prosecutor, you may now proceed.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you and Good afternoon Mr. President. I am asking questions
17 regarding duration of the defence's cross examination because it
18 is already 2 hours and 40 that they've been using to cross
19 examine the witness and we used nearly half of that time. So, it
20 appears that the Defence has already exceeded their time and I'm
21 wondering whether they intend to proceed any further. So, I would
22 like you to rule on this matter because I have noticed that they
23 have gone well beyond the time allotted to them.

24 [15.03.11]

25 MR. PRESIDENT:

1 I gave more time for the Defence for questioning because the
2 Bench used 15 minutes of the Defence time that is why we gave
3 more time to the defence counsel. You may now proceed.

4 BY MR. KONG SAM ONN:

5 Q. I now continue my question. Before break, we discussed about
6 the visit of Khmer Rouge leader in your worksite. We also
7 discussed -- in particular, we discussed, about the time when the
8 vehicle came to a stop. There were three or four leaders at the
9 time, including Ta Mok. Did they arrive at the same time or one
10 vehicle came earlier or later?

11 MS. CHOU KOEMLAN:

12 A. When I glanced at the vehicle, I saw two vehicles at the same
13 time parking at the place. Ta Mok's vehicle was behind the other
14 leader's vehicle.

15 [15.04.39]

16 Q. After the vehicle stopped, you saw all those people came out
17 of the vehicle at the same time; is that correct?

18 A. Yes, that is correct.

19 Q. After they came out of the office, where did they head to?
20 They were heading to the north or to the south of the road?

21 A. They were walking from the north and they were talking among
22 themselves. Leaders were talking to Ta Mok.

23 Q. Did they -- were they heading northwards?

24 A. They were heading westwards; they were walking from the north,
25 as I said. They were walking on the right side of the road and my

1 worksite was to the north of the road.

2 [15.06.02]

3 Q. Let me clarify your answer. At the time the four leaders came
4 out of their vehicle, they were heading westwards. So they were
5 walking on the National Road side; is that correct?

6 A. They were walking from the National Road side towards the road
7 of the canal.

8 Q. Thank you. So they were walking from the National Road and
9 heading to the canal. So where was the canal situated?

10 A. So, again, they were walking westwards towards the dam. The
11 dam that we built was big so they were walking from the National
12 Road side down to that dam.

13 Q. Thank you. You said they were heading westward, they were
14 walking westward. They were walking on the road in parallel to
15 the National Road or they were crossing the National Road towards
16 another sub-road?

17 A. They were walking on a sub-road in parallel to the National
18 Road. Actually I clarified my answer many times. I mentioned my
19 statement three times already.

20 [15.08.05]

21 Q. I do not understand your answer clearly that is why I seek
22 your clarification. You said they were walking from National Road
23 down to the road close to the canal. So, if there is no sub-road
24 connecting National Road to the dam, so they could not reach that
25 sub-road. So that is why my question concerning the sub-road,

1 whether it was in parallel to the National Road or whether it was
2 crossing the National Road?

3 A. The National Road was above and then they were walking down to
4 the dam and the dam, which is the road -- was long -- the
5 National Road, so they were walking from National Road towards
6 the dam which we were making.

7 Q. Thank you. You mean the dam was long or in parallel to
8 National Road; is that correct?

9 A. Yes, you are right.

10 [15.09.37]

11 Q. Thank you. So how far was it from his vehicle towards the dam?
12 I was talking about the time that they were walking. So how far
13 was that from your vehicles to the dam road?

14 A. I saw they were coming out of their vehicle and after that
15 they were walking past me and towards -- to the west. At that
16 time, I no longer glanced at them. They were walking past the
17 workers there.

18 [15.10.35]

19 MR. PRESIDENT:

20 Counsel, you have five more minutes to put your question.

21 BY MR. KONG SAM ONN:

22 Thank you.

23 Q. Did you see anyone receiving these four leaders?

24 MS. CHOU KOEMLAN:

25 A. Yes. Youth units, chief of youth units, team units, and teams'

1 chief. They were in the first row, and after that, other chiefs
2 standing behind to receive leaders.

3 [15.11.24]

4 Q. So, were those people coming to receive leaders at their
5 vehicles or were leaders walking towards them?

6 A. After leaders came out of their vehicles, the chief of youth
7 units went and approached those leaders. After a while, from the
8 time the leaders came out of the vehicles, the chief of youth
9 units approached them.

10 Q. So you said that, they came out of their vehicles for a while
11 and after that you saw chief of youth units went to receive them.
12 So how far was it from the vehicle to the place where chief of
13 youth units was standing?

14 A. It was about from the place where I was sitting to the door
15 over there and leaders were received by chiefs.

16 [15.12.55]

17 Q. Could you clarify a bit for me, during the time what were you
18 doing with your co-workers in your units?

19 A. I answered many times already. I was digging canal, I was
20 carrying earth.

21 Q. Thank you very much. In document E3 --

22 MR. PRESIDENT:

23 Do you have any observation? You should stand up and object to
24 the question asked by counsel a bit earlier.

25 MS. GUIRAUD:

1 Thank you, Mr. President. We are no longer talking of repetitive
2 questions but super repetitive questions. The witness has
3 responded to the same question at least three times. So, may I
4 request the Chamber to remind the counsel of the importance of
5 asking questions that are not too repetitive to the civil party?
6 [15.14.16]

7 MR. PRESIDENT:

8 Lead Co-Lawyer, you have the right to object to the question put
9 by the other parties without needing to rely on the discretion of
10 the Chamber to object the question. As of now, I just heard you
11 said the questions are repetitive. The Chamber gave you the right
12 to put your objection against questions by other parties. After
13 that, the Chamber will deliberate and decide.
14 You may now proceed, counsel for the defence.

15 BY MR. KONG SAM ONN:

16 Q. The document you were given by my learned friend is E3/5635,
17 paragraph 10; I would like to read for you.

18 "I never saw Pol Pot, Nuon Chea and Ta Mok before. But I knew who
19 were they, because the day before, the four leaders came to my
20 worksite, my mobile team chief told me the four leaders were
21 coming to visit the worksite and we should work very hard at
22 planting the rice when they visited."

23 In the paragraph, you mentioned about planting the rice, not
24 digging the canal. Could you clarify for me which one is your
25 true answer?

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1 [15.16.09]

2 MS. CHOU KOEMLAN:

3 A. I did not say I was planting the rice. I objected to the
4 statement you just read. I was asked to digging the canal. People
5 working in the village or commune, they were transplanting --
6 they were planting the rice. As for me, I was digging canal.

7 Q. Your commune or your unit chief told you about the visit of
8 the leaders in Khmer Rouge period, and they used the term "four
9 leaders". Did they use the term "leaders" or they use the term
10 "Angkar"? So which one of the two did your unit mention, whether
11 "Angkar" or "leaders"?

12 A. My chief of the unit told me that upper echelon -- the
13 superior -- came to the place to strengthen our strengths.

14 [15.17.28]

15 MR. PRESIDENT:

16 You ran out of time, Mr. Kong Sam Onn

17 Madam Chou Koemlan, on behalf of the civil party, you have the
18 right to present the facts in relation to the facts accused
19 against Mr. Khieu Samphan and Mr. Nun Chea and which affects your
20 personal - which affects you. And you can also state about the
21 injuries, physically, mentally, as a direct result of the crimes,
22 if you wish to do so.

23 MS. CHOU KOEMLAN:

24 My name is Chou Koemlan. Thank you, Mr. President.

25 Your Honours, everyone in and around the courtroom, on 17th April

1 1975, I was in my house cooking rice during which Khmer Rouge
2 came. They were in their vehicles and loudspeakers were
3 broadcasting to announce that people living in Phnom Penh need to
4 pack their belongings and clothes and leave Phnom Penh. They
5 could only have pot and rice to eat along the way. They would
6 leave Phnom Penh for just three to five days and we were
7 prohibited from bringing any valuables and I, at that time,
8 brought rice and pots so that I could cook along the way.

9 [15.20.05]

10 My ageing parents were with me. My elder sibling, my children,
11 together with other family members, we left our house and we
12 thought that we were asked to leave just for three days so we
13 left all valuables in our house so we left our house empty handed
14 with just a bag of clothes. We could only bring our mats, our
15 mosquito nets along. After we left just for a short distance, I
16 could see the children drove vehicle very fast and crashed over
17 some of the people who were walking. I was very scared at that
18 time. I kept walking and stopped at a tree. I was sitting under
19 the tree and ate rice. My ageing father had hypertension when I
20 reached Angk Ta Saom at the west, we ran out of rice.

21 [15.21.44]

22 We spend 20 something - 20 days something to travel to Tram Kak.
23 We did not have anything to eat when we reached Tram Kak and we
24 were given maize to eat and sometime we could not eat and we were
25 saddened by the event and the Revolution gave us nothing and I do

1 not how did they carry out such a Revolution.

2 After a few days, my husband was tied up and taken to be killed
3 and I was transferred out of the village since they saw me
4 weeping almost every day. I was sent to live in the south of the
5 commune office. There I delivered a son. I was asked -- and I was
6 tortured by asking me to do labour. After delivery, my son for
7 just 27 days, I was asked to go back to harvest in the field. I
8 could not describe my sufferings. I was asked to harvest the
9 rice, and, at that time, I was also asked to eat communally. I
10 had to scavenge for foods in the ground sometime, since I had
11 just delivered my baby so I could collect some leaves to dry it
12 up so it could be used for medicines. I was also asked to carry
13 fertiliser into the field. It was very difficult for me at that
14 time.

15 [15.24.18]

16 During the transplanting season, I was sick because I had an
17 infection in my foot and I could hardly do the transplanting at
18 the time. After the transplanting season, I had to go to uproot
19 plants. I had to go to clear plants so that we could plant potato
20 and grow also beans and sugar plants. So I was asked to do all
21 kind of work. I was walking past the forest and I could see
22 bodies -- decomposing bodies along the road. I did not know where
23 these people were taken from and killed.

24 After I was asked to work at the place, I was asked to go to
25 harvest and after that, I need to dig the canal. So, as I said, I

1 had to do various kinds of work. I did not have any free time for
2 15 days or for one month. So we would be moved to another place
3 after we completed work in one certain area. I could not forget
4 this kind of hardship and suffering.

5 [15.26.15]

6 I found out later about my elder sibling, nephew and niece who
7 were killed because some of my nephew went to steal potato, to
8 uproot potato and one of my niece or nephew was killed because he
9 or she was mistakenly saying that he or she missed the parents.
10 Actually it was my relative. He was killed. So I could see that
11 Khmer people killed Khmer people. How could they carry out such a
12 revolution? They liberated the country; they wanted people to
13 have equal right. They wanted to liberate the country from US
14 imperialists. Why did they commit killings if they liberated the
15 country to provide more food for people, to allow people to
16 practice religion, to improve culture, I think it is wise for
17 them and how could they carry out such revolution. Why they
18 destroyed school, destroyed Buddhism. Pagodas were turned into
19 prisons of innocents.

20 [15.28.06]

21 I want to know what have they considered about their action and I
22 have learnt that the Accused does not confess or admit what they
23 have done. They said that they did not commit the killing. So why
24 did they dare to say that they do not know about the killing.
25 They do not kill people. Killing people does not happen just now.

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1 Killing people did not happen just for a short period of time
2 rather, it was -- people were killed during the period of three
3 years, eight months and 20 days. And why did they say they did
4 not know about the killing? I would like to put the question to
5 the Chamber for the answer. I would like the Court to find
6 justice for everyone. I lost my belongings were destroyed. My
7 three houses were destroyed. A small vehicle I had, at that time,
8 was also gone. I build my family from empty hands and now I lost
9 everything. Please, I implore the Court to find justice and to
10 clarify all my doubts in mind.

11 Thank you very much for your time.

12 [15.29.50]

13 MR. PRESIDENT:

14 The last two sentences that you spoke are the questions that you
15 raised to the two Accused; am I correct?

16 MS. CHOU KOEMLAN:

17 Yes, that is correct.

18 MR PRESIDENT:

19 Madam Chou Koemlan, the Chamber noted that during the hearing of
20 8th January 2015, the two Accused continued to exercise their
21 right to remain silent. Except as and when the Court receives
22 explicit information from the Accused or of their defence counsel
23 otherwise. And the Accused and the counsels are instructed by the
24 Chamber to notify in an effective manner if the Accused change
25 their mind and agree to respond to the questions at anytime

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1 during the proceedings to the questions asked by the Chamber and
2 the Parties. So far the Chamber has not received any change of
3 their position regarding the right to remain silent by the
4 Accused.

5 [15.31.34]

6 So, for that reason, at this stage, the Accused are not required
7 to respond to your questions since they exercise their rights to
8 remain silent. And the Chamber is grateful of your testimony
9 before this Court and hearing of your testimony as a civil party
10 has come to a conclusion and you may be excused from -- to remain
11 in the courtroom and return to wherever you wish to go. And we
12 wish you a safer trip.

13 Court officer, in cooperation with WESU, could you assist in the
14 transportation of the civil party to wherever she wishes to go
15 to.

16 (Civil Party Chou Koemlan discharged)

17 [15.33.04]

18 Court officer, could you usher the witness, 2-TCW-954, into the
19 court room.

20 (Witness 2-TCW-954 enters courtroom)

21 [15.34.45]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Reverend, is your name Em Phoeung?

24 MR. EM PHOEUNG:

25 A. Yes, I am Em Phoeung.

1 Q. Reverend, can you tell the Chamber when you were born?

2 Please observe when there is a red light on the tip of the
3 microphone, that means the microphone is operational and you may
4 proceed so that your voice will go through the proper system for
5 the interpreters in the booth upstairs.

6 When were you born, Reverend?

7 A. I was born in January 1938.

8 [15.37.20]

9 Q. Which pagoda are you staying and what kind of position are you
10 holding in that pagoda?

11 Again, Reverend, please wait until the light on the tip of the
12 microphone turns red before you can speak; otherwise, your voice
13 will not go through the system.

14 Let me ask again: Which pagoda are you staying at the moment and
15 which position are you holding in that pagoda?

16 A. I am staying at Chum Kriel Pagoda in Kampot Province. I am
17 currently the Provincial Monk Chief of Kampot.

18 Q. What is your father's name?

19 Again, Reverend, what is your father's name?

20 A. Em Leang. He passed away.

21 Q. And your mother's name?

22 A. Min Neng. She passed away?

23 [15.39.08]

24 Q. According to the oral report by the greffier this morning, to
25 your best knowledge and ability, you do not have any relatives or

1 in-laws who have been recognized or admitted as a witness or
2 civil party in this case; is this correct?

3 Again, Reverend, the greffier reported that, to your knowledge,
4 you do not have your father, or mother, or children or sisters,
5 or brothers or in-laws who have been admitted as a civil party in
6 Case 002; is this information correct?

7 A. Yes, it is.

8 Q. And that you are already took an oath before you present in
9 this courtroom; am I correct?

10 A. Yes, I did. I already took an oath.

11 [15.40.30]

12 MR. PRESIDENT:

13 The Chamber would like to inform you, Reverend, for your
14 testimony in this courtroom, as a witness to testify before this
15 Court, you may refuse to respond to any question that may
16 incriminate you, that is your right against self-incrimination.
17 And as for your obligation as a witness during the proceedings
18 before this Court, you shall respond to any questions put to you
19 by the Bench or by any of the parties, except when you consider
20 that your response or comment may incriminate you as I just
21 stated earlier.

22 And also, as a witness, you must only tell the truth, that you
23 have known, have heard, have witnessed or have remembered or
24 experienced or observed personally of any events related to the
25 questions posed to you by the Bench or any of the parties.

1 [15.41.46]

2 BY THE PRESIDENT:

3 Q. Have you been interviewed by investigators of the Office of
4 the Co-Investigating Judges of this Extraordinary Chambers in the
5 Courts of Cambodia? If so, how many times? And where were you
6 interviewed?

7 MR. EM PHOEUNG:

8 A. I was interviewed at Chum Kriel Pagoda.

9 Q. Before your appearance before this Chamber, have you reviewed
10 your previous written records of interviews that you made with
11 the investigators of the Office of the Co-Investigating Judges in
12 order to refresh your memory?

13 A. Yes, I have.

14 Q. And to your best knowledge, can you tell the Court that the
15 written records that you have reviewed to refresh your memory are
16 consistent with your responses that you provided during your
17 interviews with the investigators?

18 A. Yes, they are consistent.

19 [15.43.36]

20 Q. According to the information that the Chamber received from
21 WESU that you cannot come to testify on Thursday, the 29th --
22 that is, the day after tomorrow. Is this information correct or
23 are you able to attend the hearing on that day?

24 A. I cannot come to testify on that day because I have a meeting
25 at the provincial town on that day. I've been very busy this

1 month.

2 Q. When will be the appropriate time that you are able to come to
3 testify? And based on our schedule, you will be required only to
4 be here for only one day. Can you tell the Chamber?

5 A. You may set the date so that I can come to the Court.

6 Q. So, are you allowing us to set a schedule or a date for you to
7 come and testify except the 29th -- that is, the day after
8 tomorrow? Is that correct?

9 A. Yes, but not during the big Buddhist holidays Meak Bochea.

10 [15.45.41]

11 Q. And when will that be, Reverend, the Meak Bochea or the major
12 Buddhist holiday?

13 A. It was the third Meak Bochea and it occurs in February, and
14 besides that I cannot attend the Court hearing.

15 (Judges deliberate)

16 [15.46.48]

17 MR. PRESIDENT:

18 Due to this request, I will consult with -- the Chamber will
19 consult with WESU so that we will set an appropriate schedule for
20 you to come to the Court to provide your testimony in the coming
21 week.

22 The time is appropriate for today's adjournment because we only
23 have little time left for today's proceeding and we will resume
24 the hearing the day after tomorrow -- that is, Thursday, 29th
25 January 2015, commencing from 9 o'clock in the morning.

1 The Chamber would like to inform the parties and the public that,
2 on that day, the Chamber will hear the testimony of witness
3 2-TCW-834.

4 We will adjourn today's hearing now and resume on Thursday.

5 And Court officer, could you assist the reverend, Em Phoeung, in
6 cooperation with WESU for his return to his respective residence.

7 And Reverend, we will notify you of a new schedule.

8 And, security personnel, you are instructed to take the two
9 Accused back to the detention facility and have them returned to
10 attend the proceedings on Thursday, 29th January 2015.

11 The Court is now adjourned.

12 (Court adjourned at 1548H)

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