



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 18-Feb-2015, 15:48
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 February 2015

Trial Day 243

Before the Judges: NIL Nonn, Presiding
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Claudia FENZ
Jean-Marc LAVERGNE
YOU Ottara
Martin KAROPKIN (Reserve)
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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|-------------------------------------|----------|
| MS. GUIRAUD | French |
| MS. GUISSÉ | French |
| MR. KONG SAM ONN | Khmer |
| MR. KOPPE | English |
| JUDGE LAVERGNE | French |
| MR. LOR CHUNTHY | Khmer |
| MR. LYSAK | English |
| MR. NAKHJAVANI | English |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer |
| MR. RY POV (2-TCCP-303) | Khmer |
| MR. SENG LEANG | Khmer |
| MR. SUON VISAL | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 And for today's proceedings we will hear the testimony of a civil

6 party, 2-TCCP-303. And the greffier, Mrs. Se Kovulthy, could you

7 report the attendance of the Parties and individuals to today's

8 proceedings?

9 [09.06.36]

10 THE GREFFIER:

11 Good morning, Mr. President. For today's proceedings all Parties

12 to this case are present. As for Nuon Chea, he is present in the

13 holding cell downstairs as he waives his right to be present in

14 the courtroom. The waiver has been delivered to the Greffier and

15 the civil party, 2-TCCP-303, is ready to be called by the

16 Chamber. Today we do not have a reserve witness. Thank you.

17 [09.07.18]

18 MR. PRESIDENT:

19 Thank you. The Chamber will now rule on the request by Nuon Chea.

20 The Chamber has received a waiver from Nuon Chea to be present in

21 the courtroom, it is dated 12 February 2015, who states that due

22 to his poor health condition due to back pain and dizziness and

23 that he cannot concentrate for long, and in order to effectively

24 participate in the future hearings, he requests to waive his

25 rights to participate in and be present in the courtroom today.

2

1 And Nuon Chea has been informed by his counsel about the
2 consequence of this waiver, that in no way it can be construed as
3 a waiver of his right to be tried fairly or to challenge evidence
4 presented or admitted to this Court at any time during this
5 trial.

6 [09.08.26]

7 The Chamber has also received a medical report by the duty doctor
8 at the ECCC, dated 12 February 2015, who notes that the health
9 condition of the Accused is that he has backache and cannot sit
10 for long and recommends that the Chamber shall allow for him to
11 follow the proceedings remotely from a holding cell downstairs.
12 Based on this above information, and in pursuant to Rule 81(3.5),
13 the Chamber grants Nuon Chea's request to follow the proceedings
14 from a holding cell downstairs via an audio visual means and that
15 applies for today's proceedings.

16 [09.09.19]

17 And as Nuon Chea waives his right to be present in the courtroom,
18 the AV unit is instructed to link the proceedings to the holding
19 cell downstairs so that Nuon Chea can follow the proceedings
20 remotely, and that applies for today's proceedings.

21 Court officer, could you usher the civil party, 2-TCCP-303, into
22 the courtroom?

23 (Witness enters courtroom)

24 [09.11.02]

25 QUESTIONING BY THE PRESIDENT:

3

1 Good morning, Mr. Civil Party. What is your name?

2 [09.11.09]

3 MR. RY POV:

4 A. Good morning, Mr. President. My name is Ry Pov.

5 Q. Thank you. Can you tell the Court when you were born?

6 A. I was born in 1957.

7 Q. Can you tell the Court where was your place of birth?

8 A. I was born in Preal, Kiri Vong, Takeo province.

9 [09.11.57]

10 Q. And where is your current address?

11 A. Currently I live in Preal, Kiri Vong, Takeo province.

12 Q. Were you born elsewhere or you were born at your current
13 place?

14 A. I was born in Preal village, Saom commune, Kiri Vong district,
15 Takeo province.

16 Q. What is your current occupation?

17 A. I am a rice farmer.

18 [09.12.53]

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

21 A. Before '75 I lived in Preal village, Saom commune, Kiri Vong
22 district, Takeo province.

23 Q. I asked you about the period of Democratic Kampuchea -- that
24 is, from 17 April 1975 to 7 January '79 -- where you were and
25 what you did during this period?

4

1 A. After 17 April 1975, I went to live in Vietnam and by February
2 1976 I was exchanged to come and live in Cambodia in Tnaot Chrum
3 village, Kampong Trabaek commune, Tram Kak district, Takeo
4 province.

5 [09.14.21]

6 Q. What is your father's name?

7 A. My father is Ry Keo (phonetic).

8 Q. And your mother's name?

9 A. Her name is Net Sup (phonetic).

10 Q. And what is your wife's name and how many children do you have
11 together?

12 A. My current wife is Chum Ran (phonetic) and we have three
13 children.

14 [09.15.00]

15 MR. PRESIDENT:

16 Thank you, Mr. Ry Pov. And as a civil party, the Chamber will
17 give you an opportunity at the end of your testimony to make a
18 statement of impact about the suffering inflicted upon you during
19 the Democratic Kampuchea period, if you wish to do so, and you
20 also have the right to put questions, if you want to do, through
21 the Chamber. And pursuant to Rule 91 bis of the ECCC Internal
22 Rules, the Lead Co-Lawyers for Civil Parties are given the floor
23 first to put questions to this civil party. And the Chamber would
24 like to remind the combined time for the Lead Co-Lawyers and the
25 Prosecution is for one full morning session. And you may proceed.

1 [09.16.14]

2 QUESTIONING BY MS. GUIRAUD:

3 Thank you, Mr. President. Good morning to all of you. Good
4 morning to you, Civil Party. I'm going to put to you a certain
5 number of questions and then I will give the floor to my
6 colleague, Lor Chunthy.

7 Q. My first question, Civil Party, where did you live -- where
8 were you living on 17 April 1975?

9 MR. RY POV:

10 A. Before, 17 April 1975, I was living in Preal village, Saom
11 commune, Kiri Vong district, Takeo province.

12 Q. Thank you. Do you remember when you moved into Kampuchea Krom?

13 [09.17.22]

14 A. It happened in 1975 when I moved to live in Kampuchea Krom.

15 Q. Thank you. Do you know if your move occurred a long time -- or
16 not so long -- or after 17 April 1975?

17 A. That is true. By 1976 I was part of the exchange programme and
18 I was exchanged to come and live in Cambodia. And at that time, I
19 came to live in Tnaot Chrum village, Pok Trabek commune, Tram Kak
20 district, Takeo province.

21 Q. Thank you. Were you living, you and your family, between April
22 1975 and the moment when you were the object of this exchange
23 that you are describing?

24 [09.19.04]

25 A. When I was exchanged by the Khmer Rouge, who sent Vietnamese

6

1 to Vietnam, I was brought in to live in Tnaot Chrum village for
2 about ten days and then I was assigned to a mobile unit in Kbal
3 Pou. And after that, I was forced to work hard, day and night to
4 dig canals, to build dams and to spin water wheels and I was
5 deprived of food and I was not given sufficient clothing.

6 Q. Thank you. I'm now going to revisit -- go a bit further back
7 into time and I'm going to ask you specific questions regarding
8 this exchange that you described. I want to know why your family
9 took the decision of leaving as part of this exchange.

10 A. At that time, I fled to Vietnam and because my parents missed
11 our native country and that we heard that we would be sent back
12 to Cambodia, then together with several other families, we
13 returned to live in Cambodia and we didn't know anything about
14 the killing by the regime.

15 [09.21.01]

16 Q. Thank you. Why did you escape to Vietnam?

17 A. Before we fled to Vietnam, Cambodia was in a war situation.
18 Pol Pot forces were fighting against the Lon Nol forces. And
19 wherever the Pol Pot forces reached, they would burn people's
20 houses and destroy the village. And that we couldn't bear the
21 situation, along with other Cambodian people living along the
22 border, we fled.

23 Q. So if I understand you correctly, you fled to Vietnam, you
24 stayed there for a few months until February 1976, as you said
25 earlier, and it's then that you and your family decided to return

7

1 to Cambodia through this exchange programme? Is that correct? Do

2 I have the events in the right order?

3 A. That is correct. At that time, I didn't know anything about
4 the policies of the Khmer Rouge, together with other Cambodians
5 who fled to live in Vietnam. And then we heard about the exchange
6 and we didn't think much about it as we were only thinking about
7 our homeland, so we decided to return.

8 [09.22.53]

9 Q. Thank you. How did you hear about this exchange programme? Who
10 were the people who spoke to you about this programme?

11 A. At that time, Vietnam and Pol Pot were getting along well,
12 along the border and I didn't know why there was such an exchange
13 programme. Then we heard the Khmer Rouge agents or
14 representatives who made contact with the Vietnam authority to
15 exchange -- for Cambodians to come to Cambodia and the Vietnamese
16 to return to Vietnam.

17 [09.23.46]

18 Q. Thank you. Can you explain to the Court or describe the
19 information that was given to you that was presenting this
20 exchange programme? You said that Khmer Rouge came to speak to
21 you about this programme. What did they tell you in order to
22 encourage you to join this programme?

23 A. The Khmer Rouge made contact with the Vietnamese side and I
24 didn't know much about what was happening but then the Vietnamese
25 officials informed us that we, the Cambodian people, would be

8

1 returned to Cambodia as part of the exchange programme. So we,
2 who fled from Cambodia, discussed and agreed to return together
3 to our homeland.

4 [09.25.00]

5 Q. And did you know to which village you were going to return and
6 what would be the living conditions in this village? Did you
7 return to the same place where you were living before you left
8 for Vietnam?

9 A. Before I went to Vietnam, I was living in Ampeay Svay
10 (phonetic), Le Tri (phonetic) commune, Svay Tong (phonetic)
11 district and when I returned I lived in Tnaot Chrum, Pok Trabek
12 (phonetic), Tram Kak district, Takeo province.

13 Q. I will get back to this information a little on - a little
14 later on but I'd like you to tell us a bit more how this return
15 to Cambodia happened? Can you tell us if you left by truck, by
16 car, if you were escorted by soldiers or not? And did you leave
17 with several families or were you alone? Can you tell us a little
18 bit about how this return happened?

19 A. During the exchange, there was many Cambodians on the
20 Vietnamese side and upon our arrival at Phnum Den on Den
21 Mountain, the Khmer Rouge told us that we had to stay there
22 overnight awaiting the arrival of the upper Angkar and next
23 morning, the vehicle came to transport us and it was a CMC truck
24 and there were about ten of them. And we were not transported to
25 one location as five vehicles were sent to one location and the

1 rest were sent elsewhere.

2 [09.27.33]

3 Q. And do you remember the number of families or people who were
4 part of this exchange programme together with you?

5 MR. PRESIDENT:

6 Civil Party, please wait for the microphone to be activated
7 first.

8 MR. RY POV:

9 A. I can recall some of them. To my knowledge, the number of
10 people who fled to live in Vietnam from my village, there were
11 1,000 families and we were put into one location in Vietnam. And
12 we were given some necessities by the American organisation as we
13 were considered refugees. So I still recall that there were about
14 1000 to 1,500 families. And when we returned to Cambodia, we were
15 divided into three different phases. And for my batch, I
16 travelled first with other families and then there were other
17 batches who would be returned later.

18 [09.29.12]

19 Q. Thank you, Civil Party. Going back a bit earlier in time, I
20 would like to know if you were able to take with you personal
21 objects during this trip. Were you able to take with you your
22 possessions, your money, clothes? Can you tell us a little bit
23 how things happened?

24 A. When we returned to Cambodia, all of us sold our cows or water
25 buffalo or horses in order to get the money to make our trip back

10

1 home. And when we arrived at the place where we were allowed to
2 rest, the Khmer Rouge collected all the belongings including
3 money and jewellery, and we were told that we would be fed by
4 Angkar. So everything that we received from the sales of the
5 cattle, were all collected by the Khmer Rouge.

6 [09.30.30]

7 Q. Thank you. Can you please describe for us how you crossed the
8 border? You said you were in several vehicles. There were 1,500
9 families in all. How did you cross the border? Were there
10 families on the other side of the border crossing into Cambodia
11 as well?

12 [09.31.04]

13 A. At the time, after the exchange, we crossed the border and it
14 was closed and no entry or departure from the border, so it was
15 prohibited any entry after the exchange program.

16 Q. At the time, did you see families crossing in the opposite
17 direction? Were you with your families?

18 A. Yes, it is true. When we arrived at Phnum Den, the Khmer Rouge
19 soldiers strictly prohibited any movement at that area and they
20 were on street guard duty, and they told people not to move
21 anywhere outside of their area.

22 Q. At the time, were you and your family surprised when you
23 arrived in Cambodia and your money was confiscated, as you said?
24 How did you feel at the time, upon your arrival?

25 A. At our arrival, we hoped that we returned to our homeland but

11

1 later, when we were transported to Tnaot Chrum, after the
2 confiscation of our property, we feel very regret and we were
3 sorry our happy life in our home in Kampuchea Krom, because we
4 had no idea when we were there that our property will be
5 confiscated and we will be exposed to forced labour, we would
6 suffer common eating, until we faced the real situation in
7 Cambodia.

8 [09.33.50]

9 Q. Thank you. What I wanted to know was whether you, your
10 parents, or other members of your family, entered Cambodia with
11 identity peoples, and if yes, what happened to your
12 identification documents?

13 A. I would like to tell the Court that at that time, we had no
14 identity card. All people and person who is 20 years or more
15 would have a card, a black card. And anything like ID card or
16 document were collected and burned out. They did not allow us to
17 carry with us for future reference or anything.

18 Q. In order to properly understand your testimony, tell us, when
19 were those documents burnt?

20 [09.35.10]

21 A. When they collected from us, they piled and they burned them
22 out in front of us, including the card and other documents
23 related to identity, and also currency were also burned out. They
24 told us that "Angkar will take care of you", and we were told
25 that here we have cooperatives and we have a collective Angkar,

12

1 and you all will be ready to receive meals and accommodation to
2 be provided by Angkar; don't worry.

3 Q. Mr. Civil Party, can you tell us which of your family members
4 accompanied you on your return to Cambodia?

5 A. If you want me to list down, I forget some of them because
6 there were many members in my family. I remember only my parents'
7 names.

8 Q. Did you have any brothers and sisters at the time, with whom
9 you returned to Cambodia?

10 A. Yes, they returned along with me, but after 10 days they were
11 separated and sent to work in a unit and the female siblings
12 would be sent to a different by their sex, and the children were
13 also separated to work in their respective unit, and the parents
14 were also separated to work in their separate unit for the
15 regime.

16 [09.37.37]

17 Q. Thank you. So, you are saying that after you arrived in
18 Cambodia you spent 10 days with your family members, and after
19 the 10 days you were separated and sent to different units. If
20 that is correct, can you please tell the Chamber the names of the
21 villages to which you were sent after the 10 days you spent in
22 Cambodia?

23 A. Before we were sent to another place, Tnaot Chrum, Pok Trabek,
24 Tram Kak and Takeo province.

25 Q. In order for me to correctly understand what you are saying,

13

1 did you stay in that village up to 1979, or did you move to other
2 villages in the Commune?

3 A. At that time, I was sent to a mobile unit in Kbal Pou. We were
4 assigned to do rice, dry season farming, and build an irrigation
5 dam and canal. But I don't know where my parents were sent to
6 work. I have no idea about that.

7 [09.39.25]

8 Q. Did you see your parents again after that period -- that is,
9 from February 1975 - 76, when you entered Cambodia, and January
10 1979? Even though you are a member of a mobile unit, did you see
11 your parents again?

12 A. During the regime there was a CPK anniversary and we would see
13 our parents, but we dare not ask our parents, and our tears just
14 dropping down, so there was a ceremony of the CPK, I don't know
15 what the specific name of that festival.

16 Q. So, you are explaining that you saw your parents on more than
17 one occasion during that period, did I understand your testimony
18 correctly?

19 A. Yes, it is correct.

20 Q. I will now ask a number of questions on the manner in which
21 you were treated in Tram Kak. You have said that you were
22 arriving from Vietnam, did the Khmer Rouge consider you as
23 Vietnamese?

24 A. At that time, and at the beginning, we did not know the
25 organisation and the internal arrangement, but people were

14

1 divided into three groups: the 17 April People; and the people
2 from Vietnam, they were called "A Yuon"; and another group of
3 people were the Base People. And the young boys from the Base
4 People used a very bad word to us -- to call us a "Yuon" or,
5 contemptible "Yuon", or contemptible enemy. They were very rude,
6 so, they keep calling us comrade, but it is not really a good
7 friend, it is a kind of damned friend for us, from their mouth.

8 [09.42.27]

9 Q. Thank you. So if I understand what you are saying correctly,
10 there were three categories of people, the 17 April People, the
11 "A Yuon" and the Base People, you fell under the category of the
12 Vietnamese people referred to as "A Yuon, if I understood you
13 correctly.

14 A. Yes, you are correct.

15 Q. Thank you. Can you please explain to us the conditions under
16 which the "A Yuon" lived in the Tram Kak cooperative.

17 [09.43.04]

18 A. During the regime, people were divided into three categories.
19 Our family members and others who returned from Vietnam, and
20 other people who were evacuated, called 17 April People, were
21 exposed to very miserable treatment. The Base People could curse
22 us, could hit us, we could not move anywhere. If we caught some
23 fish, we need to bring to put in the cooperative. So, if anyone
24 caught in catching fish without any permission, they were
25 tortured by giving fish to that person to eat in one sit with a

15

1 large amount of fish, the kind of a torture by the Khmer Rouge.

2 Q. Thank you. Regarding the category of Vietnamese, to which you
3 belonged and the category of the 17 April people, did they have
4 the same living conditions? Did they have the same working
5 conditions and did they eat the same food?

6 A. The 17 April people and the people from Vietnam were
7 suffering, or experiencing the same treatment. So, they were
8 receiving only 10 can-full of porridge for 100 people, so, the
9 food was very, very little for every one of us.

10 [09.45.19]

11 Q. Thank you. You have stated that you were a member of a mobile
12 unit 10 days after you arrived in Tram Kak. I would like to put
13 some questions to you regarding that unit. How many members were
14 in each unit? Where did they come from? And, can you tell us, the
15 age or the ages of the members of the mobile unit?

16 A. During the Khmer Rouge regime, people were assigned to
17 different units, there were children units, (inaudible) units,
18 uncle units or farmer and widower units, and production units.
19 But in each unit, it would be called a "50 member unit", there
20 were 50 people, and the 17 April people and those who were from
21 Vietnam were assigned in the same unit. And a group, there would
22 be 12 people, headed by the Base People, so they would control
23 every activity - every daily activity - including moving,
24 working, eating, and also sleeping, and so on.

25 [09.47.00]

16

1 Q. Thank you. Were the Khmer Rouge able to know whether you or
2 any of your fellow countrymen were Khmer Krom, did they have a
3 means to know where you were coming from, and whether you were
4 Vietnamese?

5 A. As far as I observed, they are very strict in review. Those
6 who were from Phnom Penh, they have a clear idea about this, and
7 they knew everyone from Vietnam, but they did not mistreat anyone
8 from the Base People.

9 Q. Thank you. According to you and from what you are able to
10 observe at the time, how did they know you were Vietnamese? For,
11 instance, when you arrived in Kampuchea, were your names taken?
12 Were lists drawn up? And if yes, can you please be more specific?

13 MR. PRESIDENT:

14 Please wait, Civil Party. Mr. Koppe, you may proceed.

15 [09.48.29]

16 MR. KOPPE:

17 Thank you, Mr. President. Good morning, Your Honours, Counsel. I
18 waited a little bit with standing up because I wasn't clear where
19 the line of questioning is going, apart from the fact that there
20 are some interesting aspects to the testimony itself as to where
21 this witness is coming from, but there is a sort of general
22 question underlying, and that is that the segment of this trial,
23 as we all know, is Tram Kak and Krang Ta Chan. We have another
24 separate segment, treatment of the Vietnamese as a targeted
25 group. Having said that, we also know that there is a history at

17

1 the investigating phase and the pre-trial phase leading up to the
2 decision of the Pre-Trial Chamber of 27 April 2010, all in
3 relation to the question whether the treatment of people from
4 Kampuchea Krom as Vietnamese, etc., is in fact, part of the
5 investigation and as I understand it now. So, I am phrasing my
6 objection more in a request for guidance. Are we now
7 circumventing, possibly, the closing order? Because the treatment
8 of Kampuchea Krom as such is not part of the closing order; it's
9 not part of the crimes that Noun Chea and Khieu Samphan are
10 accused of. So, I'm not quite sure where we are going with this
11 line of questioning, of course, we have no problems with this
12 witness if he testifies to the things that he saw in relation to
13 Krang Ta Chan or the general treatment of people within the Tram
14 Kak district. However, if we step - if we go one step further and
15 go into the treatment of the Vietnamese, and the Civil Party
16 Lawyer is trying to - sort of - include the Kampuchea Krom within
17 this group, then I think we have a legal problem. I'm not quite
18 sure how to phrase it, maybe a jurisdictional problem or an
19 outside of the scope problem; because the Closing Order is very
20 clear and that is, of course, the frame of reference. There is no
21 charge against our client and Khieu Samphan in relation to the
22 treatment of Kampuchea Krom. So, my question, I suppose, in the
23 form of a request for guidance is, are we now entering a subject
24 which is, in fact, outside, not only of the segment of this
25 trial, but outside of the closing order.

1 [09.51.26]

2 MS. GUISSÉ:

3 Good morning, Mr. President. Thank you for giving me the floor, I
4 just want to say that the Khieu Samphan defence team endorses
5 that request for clarification by our learned colleague. I think
6 it is very important for us to respect the truth and to know that
7 the accused are tried on the basis of certain charges and those
8 charges should be what we should be examining the witnesses on.

9 MS. GUIRAUD:

10 Thank you, Mr. President, for giving me the floor to respond. It
11 seems to be clear as part of the testimony of this civil party
12 that the Khmer Krom were likened to Vietnamese. You are seized of
13 crimes such as persecution at Tram Kak cooperative, and it is
14 therefore absolutely relevant for us to put questions to this
15 civil party to enlighten the Chamber on crimes of persecution,
16 including persecution against the Vietnamese, persecution
17 committed at the Tram Kak cooperative. I do not intend to stray
18 out of the scope of this trial. It is essential for us to put
19 questions on that to this witness, particularly because he has
20 recognized the fact that the Khmer Krom were not a sub-group as
21 such, so, we should necessarily put questions to him as to
22 whether the Khmer Krom were likened to the Vietnamese, and
23 whether they were victims of the crimes of persecution which
24 should be applied to these people. And that is why this civil
25 party must be heard and it is absolutely relevant, and I request

19

1 that you should allow me to pursue this line of questioning.

2 [09.53.27]

3 MR. PRESIDENT:

4 International Co-Prosecutor, you may proceed.

5 MR. LYSAK:

6 Thank you, Mr. President. Let me make just a couple of remarks.

7 First, my friend has mis-stated completely the ruling that
8 occurred at the end of the Judicial Investigation. This was an
9 issue that related to whether something that had been filed was
10 -- would be considered a supplementary submission that added
11 additional regions to the scope of the investigation related to
12 the Khmer Krom, it had nothing to do with the Tram Kak district
13 at all. Second point, the Closing Order in relation to Tram Kak
14 District and the treatment of Vietnamese specifically references
15 the Khmer Krom. There can be no issue at all that this -- the
16 testimony of this witness is part and within the Closing Order. I
17 would specifically refer you to paragraph 320 of the Closing
18 Order, which contains allegations about the registration of Khmer
19 Krom people in Tram Kak district and also regarding the exchanges
20 of Khmer Krom with Vietnamese. The last point I would make, Krang
21 Ta Chan is an issue here. Anyone that was arrested and sent to
22 Khmer Krom is within the scope here, whether they were
23 Vietnamese, whether they were Khmer Krom, whether they were Base
24 People, 17 April People. So, to suggest that these issues are
25 beyond the scope of the Closing Order is, I think, entirely

20

1 incorrect.

2 [09.55.12]

3 MR. KOPPE:

4 Just a --

5 MR. PRESIDENT:

6 The Chamber will not allow you to respond to the response of the
7 other Party.

8 (Judges deliberate)

9 [09.57.02]

10 MR. PRESIDENT:

11 Judge Lavergne, you may proceed with ruling on the request and
12 the matter addressed by the Party.

13 JUDGE LAVERGNE:

14 Thank you, Mr. President. The Chamber decides to overrule the
15 application by the defence for several reasons. First of all, the
16 facts to which the civil party is testifying today concern living
17 conditions at Tram Kak cooperative. In this regard, they are
18 therefore relevant, in our opinion. Secondly, the Closing Order
19 makes reference to certain facts regarding the Khmer Krom. So
20 those questions are therefore within the scope of the trial.

21 Secondly (sic), the Chamber would like to recall that when we
22 have to rule on the issue of who is part of the Vietnamese group,
23 whether it is Vietnamese by nationality or those who are
24 perceived as Vietnamese. So, questions regarding that difficulty
25 fall entirely within the scope of the trial and should therefore

1 be discussed.

2 [09.58.49]

3 BY MS. GUIRAUD:

4 Thank you, Mr. President.

5 Q. Mr. Civil Party, before the interruption, I was asking a
6 question regarding whether the Khmer Rouge had a means to know
7 who was a Khmer Krom and who wasn't. And my question to you was
8 whether when you arrived at Tram Kak, you saw lists of persons or
9 you witnessed operations that enabled the Khmer Rouge to register
10 the Khmer Krom upon their arrival.

11 MR. RY POV:

12 A. I don't know about that because it was the Khmer Rouge
13 internal business, because I was considered as animal. So they
14 did not inform us anything and they did not show us any activity
15 or conduct that we can notice or we can know what they're doing.

16 [10.00.13]

17 Q. Thank you. And you told us a little earlier on that in your
18 unit they were Khmer Krom as well as members of the New People if
19 I understood correctly. So did you know personally back then the
20 Khmer Krom who were living or who were part of your unit and who
21 were living in the commune of Tram Kak? Were these people you
22 knew?

23 A. For those people who were living with me in the mobile unit,
24 for instance, I know some of them. As for the 17 April People, I
25 also know some of them. However, the event happened more than 30

22

1 years ago, so I cannot recall most of the names. And if I see
2 them face-to-face, then my memory may come back. So as I just
3 said, I cannot tell you all the names of the people that I knew
4 at the time.

5 [10.01.34]

6 Q. Thank you. I want to know that if, during the period when you
7 were in Tram Kak -- that is to say, basically February 1976 and
8 January 1979, if you witnessed arrests?

9 A. I lived in a mobile unit during the Khmer Rouge period and we
10 went to work at various work-sites, digging canal or building
11 dam. And at those worksites, more people from all over places in
12 Takeo province came to work there as well, and we worked together
13 there. On the issue of the arrests or mistreatment, of course it
14 happened on a daily basis. However let me stress that at the
15 time, they didn't use the word 'being arrested', they told us
16 those people were sent for re-education. And we knew what would
17 happen to them and we were very scared but we didn't dare ask
18 them any question. During the time, we did not have any rights to
19 free speech.

20 Q. When you say that you knew well what was happening to people
21 who were sent to be re-educated, as you said, can you be a bit
22 more specific; how did you know this? And what happened to them
23 according to you?

24 [10.03.21]

25 A. Those people who were sent for re-education, I did not know

1 for sure whether they were sent to be killed. But if someone was
2 arrested at the work site by Angkar, we were told that that
3 person was sent for re-education and of course, I didn't know
4 where the person would be sent to or where the person would be
5 tortured. And it was the unit chief and probably the chief of the
6 50 men unit who would know what would happen to the person being
7 arrested at the work site.

8 Q. Thank you. Did you witness, did you see during the period when
9 you were in Tram Kak bodies or people who were agonising? Is this
10 something that you remember; is this something that you remember
11 having seen?

12 [10.04.32]

13 A. If we talk about my experience during the Khmer Rouge and
14 especially when I was at Pong Tuek village, which was not far
15 from Krang Ta Chan, however it was very difficult for me to know
16 where I was or which location I was sent to. For example, I
17 didn't know there were militia unit at Krang Ta Chan. One day
18 while I was ploughing a field, during the break, the cows went to
19 eat grass near a forest near the vicinity of Krang Ta Chan, and I
20 did not know what Krang Ta Chan was used for at the time. And
21 when I went to fetch the cows, I saw a man by the name of Chan
22 and I did not know when he was killed. I saw the blood all over
23 the body and he was gasping for air and he told me to inform his
24 mother. At that time, the militia already went for lunch. And
25 when I saw him, I was rather shocked. So I quickly gathered the

24

1 cows and returned to the place where I stayed. And I witnessed
2 that event personally but I did not stay for long --how many
3 people were killed there or who was still gasping for air. I only
4 knew that the person by the name of Chan was gasping for air when
5 I saw him. And to my knowledge through what I heard from those
6 young Khmer Rouge people, or the Base People, they said that they
7 could kill us easily just with a club or with a bamboo club we
8 would be dead.

9 [10.06.52]

10 Q. Thank you. You also brought up the name of Chan. I want to
11 know if you knew this Chan -- I suppose yes, because you provided
12 his name. Was Chan a Khmer Krom?

13 A. Chan was in my mobile unit and he also came from Vietnam. In
14 Vietnam, we live in the koo (phonetic) together; 'koo' (phonetic)
15 meant in the village together. And I knew him since then. And
16 when we return to the Khmer Rouge regime, we were put into the
17 same unit. As for the 17 April People, some of them were also put
18 into my mobile unit. For that reason, I knew some of their names.
19 And later on, we were separated, so I cannot recall the names of
20 those people in my unit. But if I see them face to face, maybe my
21 memory comes back.

22 Q. Thank you. What happened to Chan in the end?

23 [10.08.21]

24 A. Chan, I saw him being tortured but I didn't know the reason
25 for his arrest. Although we were in the same unit or slept next

25

1 to one another, we didn't know when someone was being taken away
2 by the Khmer Rouge. We didn't know anything about the Khmer Rouge
3 policies. In fact when we were together, they would not come to
4 call someone but they would send a messenger to just whisper or
5 call the person personally to go with the messenger. And for us,
6 even if we were together at night time, for instance, we did not
7 know if someone was being awakened by the messenger and went away
8 with that messenger.

9 Q. Thank you. You also said, or in any case that's just what I
10 understood through the French translation, that you witnessed
11 tortures -- that Chan had been tortured; did I understand that
12 correctly? Was this properly translated? And if that is the case,
13 can you provide us with more details?

14 [10.09.46]

15 A. As I just stated, I saw what happened to him but I didn't
16 observe the details or how many dead bodies were around him. And
17 I saw him lying in a pit and the pit was about 20 metres long and
18 he made a noise and then he told me. And in fact, if you believe
19 in superstition, I thought I was being haunted by a ghost. But
20 then he called for me and then I recognised that it was him,
21 Chan. And if he didn't call me by name, I would say that I would
22 be - I was being haunted by a ghost.

23 Q. Thank you. You also spoke about Chan and you said that he was
24 among several bodies; did I understand correctly? And do you
25 confirmed that in the pit in which you saw Chan, there were

26

1 several other -- there were several bodies.

2 A. At that time, I had a glimpse and I saw some other dead bodies
3 nearby him. But as I said, I didn't pay much attention and Chan
4 told me briefly and then I returned quickly to where I stayed,
5 because I was very afraid that I would be spotted by militia. If
6 that was the case, then I would be dead along with Chan.

7 [10.11.45]

8 Q. Thank you, Civil Party. Since I don't have much time, I'm
9 going to now ask you few questions about another topic. And I
10 wanted to know if during this period when you were in Tram Kak --
11 that is to say, between February '76 and January 1979, if you got
12 married or if they asked you to marry?

13 A. Before the day the country was liberated, while I was at Ang
14 Rolea (phonetic) -- that is, Ang Rolea (phonetic) village, the
15 commune chief organise a ceremony where people were being asked
16 to make a resolution, that was what they called it at the time,
17 and I was part of the group but I was sick. So then my name -- I
18 was taken off the list as it was postponed for me. And about six
19 or seven days later, the Vietnamese troops arrived and then they
20 all fled. And then I returned to my native village.

21 Q. Thank you. Did you know back then with whom you were supposed
22 to get married? And if yes, was this person also a Khmer Krom
23 woman?

24 [10.13.26]

25 MR. PRESIDENT:

1 Mr. Civil Party, please wait. And Counsel Koppe, you have the
2 floor.

3 MR. KOPPE:

4 Thank you, Mr. President. I object to the word 'another Khmer
5 Krom -- Kampuchea Krom woman'. It would imply that the witness
6 has said that he is Khmer Krom -- Kampuchea Krom, I'm sorry. What
7 I understood from his testimony is that he was born in Takeo
8 province, was a refugee because of the war, and then he came back
9 to Takeo province. I haven't heard him say that he was actually
10 Kampuchea Krom. So, to imply by asking or putting the word
11 'another Kampuchea Krom person', that is misstating the evidence,
12 I would say. So I object.

13 MR. KONG SAM ONN:

14 I support the objection by Counsel Koppe. And the question is a
15 leading question as the Civil Party didn't say that he was going
16 to get married a Khmer Krom woman. Thank you.

17 [10.14.46]

18 BY MS. GUIRAUD:

19 So let me reformulate this question now. Did you know with whom
20 you were going to get married?

21 MR. RY POV:

22 A. At that time, I was arranged to marry a woman from my native
23 village and her name was Rin (phonetic). But in fact we didn't
24 proceed with the marriage as I became sick. And then later on,
25 the country was liberated. So we didn't actually get to have a

1 marriage ceremony.

2 Q. Thank you. Did you witness marriage ceremonies? Without being
3 someone who was going to get married, but sometimes did you
4 attend marriage ceremonies?

5 A. During Khmer Rouge regime, that kind of ceremony where people
6 were organised to make a resolution, it happened probably once a
7 year and if there were two or three couples selected from our
8 mobile unit, then the members of the mobile unit would be invited
9 to attend such a ceremony but it didn't happen with the rest of
10 the members of my unit.

11 [10.16.38]

12 Q. Thank you. I have a last question to put to you. You said
13 during your testimony that you were part of the Vietnamese
14 category, the "A Youn" category. I wanted to know if the members
15 of this category were married among themselves or not
16 necessarily?

17 A. During the regime, as I observed, the 17 April People and the
18 Khmers who came from Vietnam were treated as one due to similar
19 background. And for that reason, they could be arranged together,
20 married and to make resolution and we could not be matched to
21 that group or the Base People.

22 MS. GUIRAUD:

23 Thank you, Civil Party. I am done with my questioning, Mr.
24 President, and I will give the floor to my colleague, Lor
25 Chunthy.

1 [10.17.54]

2 MR. PRESIDENT:

3 Thank you. The time is appropriate for a short break. We will
4 take a break now and return at 10.30.

5 And court officer, please assist the civil party during the break
6 and have him return to the courtroom at 10.30.

7 The Court is now in recess.

8 (Court recesses from 1018H to 1035H)

9 MR. PRESIDENT:

10 Please be seated. The Trial Chamber is now in session.

11 And the floor is now given to the Civil Party Lead Co-Lawyer to
12 put questions to the civil parties. We inform you that the Lead
13 Co-Lawyer and the Co-Prosecutor have only one hour for this
14 morning.

15 QUESTIONING BY MR. LOR CHUNTHY:

16 Thank you, Mr. President. I'm from the Legal Aid of Cambodia.

17 Your Honours, and all Parties in and around the courtroom, and
18 the media. I will ask a number of questions to civil party, Ry

19 Pov, who is testifying before the Trial Chamber in this

20 proceeding. I will divide my questions into two parts - into
21 three parts.

22 So, the first section on the exchange of Khmer people with

23 Vietnam. And also, I would like ask about the forced labour, and
24 also the execution of your relatives or siblings.

25 Q. In relation to the exchange of people, I would like you to

30

1 tell the Court, do you heard any information from the Vietnamese
2 government? So, what are the announcements by the government --
3 the government that led you to come, or to decide to return to
4 Cambodia?

5 MR. RY POV:

6 A. Mr. President, at that time I had no idea as to whether it was
7 an exchange of people. But the Vietnamese government told us that
8 the Khmer refugees who lived in their country, now you will be
9 exchanged with Vietnamese people from Cambodia, and you will be
10 returning to your country.

11 [10.38.55]

12 Q. In Vietnam, when the Cambodian people fled to live in Vietnam,
13 were you living in a camp and what was your living condition like
14 when you were there?

15 A. As far as I know, when we are in Vietnam, we were called
16 "refugees". We were organized to live in camps, for good
17 management by the authority. And the US government donated rice,
18 medicines and other food supplies for the refugees in those
19 camps. We have -- we would have enough to eat.

20 [10.40.14]

21 Q. Thank you. So when the exchange programme is going to
22 implemented, was there any group of people who assigned people,
23 or who selected people into the list? Were there any families
24 refused to come, to return to Cambodia?

25 A. There were some people who refused to return, and they

1 continued to live there until today. Those who were there and who
2 were -- who possessed the inhabitant rice paddy fields and
3 plantations, they decided to stay there. And they enjoyed those
4 properties, and they could stay there.

5 Q. Thank you. When the Khmer refugees were exchanged, did you
6 witness the actual exchange, the Khmer people with the Vietnamese
7 people? Where did this happen at the border checkpoint?

8 A. It happened at the international checkpoint called Thnal Dach.
9 It was previously called Thnal Dach checkpoint. The Vietnamese
10 people were sent back to their country for three days, and then
11 the Khmer people were sent back to Cambodia later. The Vietnamese
12 government would send the Khmer people to Cambodia when -- after
13 they received their people first.

14 Q. Thank you. I would like you to tell the Court another account
15 of when you returned to Cambodia in 1976. You were sent to a
16 mobile unit. Where was your mobile unit, and what are you doing
17 during that time?

18 A. At the beginning, I was sent to Tnaot Chrum village, Koy
19 Trabaek (phonetic) commune. I was sent to a mobile unit to work
20 and I was transferred to Kbal Pou. It's located to the south of
21 Takeo province. We would do rice paddy farming, and canal
22 building, irrigation system construction. At our first arrival,
23 we were so hungry, we -- and sometimes we used bad words to the
24 cooks, and we can -- we would blame those cooks, but the Old
25 People there warned us don't do that, otherwise you will be taken

1 away.

2 [10.44.18]

3 Q. When you work in the mobile unit, so what were your working
4 hours in the morning, in the afternoon? What were your living
5 conditions? Were there any treatments when anyone fall sick
6 during working or when you stayed in the mobile unit?

7 [10.44.53]

8 A. At Kbal Pou, at the beginning, some people who were living in
9 a better condition, and later after that, they fell sick. Some of
10 them tried to flee, and 20 people who tried to flee, only one
11 could flee. During the labour work and we would start early in
12 the morning and would break at 11 for lunch. And later they told
13 us, "Don't worry about your lunch. You should pay your attention
14 only your work." Sometimes we were made to work for 20 hours. We
15 could have only two meals. And in the evening we made to work
16 without any breaks. We were ordered to complete assignment before
17 asking for meals.

18 Q. Another important point you said earlier, that I did not
19 receive your response. So, were there any treatments or medicines
20 for the people who fell sick? Can you tell the Court about that?

21 A. Anyone who fell sick during the regime, at my worksite, and if
22 he or she could eat, he or she would be accused of being an
23 infiltrator or enemy. So, everyone dared not complain but tried
24 to work very hard. So there was no clinic, no treatment at Kbal
25 Pou. Anyone who fell sick tried to sneak out to help one another

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1 in a (inaudible), and to do some scraping to help him getting
2 better.

3 Q. I would like you to tell the Court what kind of medicines you
4 received for treatment? Is there any treatment at all? Or any
5 medicine at all?

6 [10.48.01]

7 A. In the youth unit, I don't think I see any medication or
8 medicines for the sick people, because no one from my unit was
9 sent to any clinic or any hospital. There were no treatments in
10 any clinic or hospital, so anyone who fell sick or -- later died
11 of starvation. It was a kind of a "will of history", they called
12 it. So, if anyone would try to oppose or to block, you will lose
13 your limbs for that.

14 MR. LOR CHUNTHY:

15 Thank you.

16 MR. PRESIDENT:

17 Mr. Victor Koppe, you may proceed.

18 MR. KOPPE:

19 Thank you very much. Excuse me for interrupting. Would you please
20 instruct, Mr. President, the witness to speak of the things that
21 he actually saw himself or heard himself. The witness is
22 continuously saying 'anyone', 'everyone', etc. It's just a
23 reminder that he can only speak as to the events that he
24 witnessed himself.

25 [10.49.35]

1 BY MR. LOR CHUNTHY:

2 Thank you, Mr. President.

3 Q. In my previous question, I asked you that -- do you have any
4 relatives or cousins who were evacuated from Phnom Penh?

5 MR. RY POV:

6 A. Yes, I have two uncles. During the evacuation -- and then I
7 heard that he died. He did fishing, and he was accused of
8 stealing a thing. His name is Sorn Ngoc, and I knew that after
9 the liberation.

10 Q. Thank you. Were there any family members, in your family, that
11 were evacuated to that area?

12 A. During Pol Pot regime and the Khmer Rouge regime, I lost only
13 one younger brother. When I went -- when I arrived there, he was
14 not even one year old. He was separated from us, and the old lady
15 was assigned to take care of children, and he was sent to be
16 cared by those ladies, and he died.

17 [10.51.36]

18 Q. Thank you. I have one -- one last question. After 1979, you
19 met the people who were returning from Vietnam, for example,
20 1,200 families. After 1979, how many of them are still living,
21 and how many of them disappeared? Can you tell the Court about
22 that?

23 A. As far as I observed, during the exchange of people, there
24 were many people from my village. After the liberation, certain
25 families lost several members, and other -- other cases, the

1 whole family lost. They were -- they disappeared. Maybe they
2 suffer any inhuman treatment. But after the liberation, many
3 people disappear.

4 MR. LOR CHUNTHY:

5 Thank you, Civil Party.

6 [10.53.07]

7 MR. PRESIDENT:

8 Thank you. The Trial Chamber gives the floor to the Co-Prosecutor
9 to put the questions to the civil party.

10 QUESTIONING BY MR. SENG LEANG:

11 Thank you, Mr. President. Your Honours, and Mr. Civil Party. My
12 name is Seng Leang. I am the Deputy Co-Prosecutor of the OCP. I
13 will ask you a number of questions.

14 Q. My first question is: you said that when you arrived in
15 Cambodia, you were sent to Pok Trabek (phonetic) commune. Is this
16 correct?

17 MR. PRESIDENT:

18 Please wait until your microphone is activated, Civil Party.

19 MR. RY POV:

20 A: Yes, this is correct.

21 BY MR. SENG LEANG:

22 Q. Can you tell the Court the name of the chief of Pok Trabek
23 (phonetic) commune?

24 A. As far as I know, the commune chief during Pol Pot's regime
25 was Ta Chhum (phonetic).

1 [10.54.39]

2 Q. In that area, did you hear the name of Ta Mok?

3 MR. PRESIDENT:

4 Please wait.

5 MR. RY POV:

6 A. Yes, I heard. Ta Mok was a relative of Ta Chhum (phonetic).

7 Q. Who was Ta Mok?

8 A. He was called the sector secretary.

9 Q. Thank you. In your civil party application, D20/2161, English,
10 01047835; in Khmer, ERN 00546435; and French, ERN 01047838; you

11 say that after you arrived in Tram Kak district, you were

12 separated from your family and sent to work in a mobile unit.

13 "And I was forced to work very hard, including building canals

14 and then, without any rest." End of quote. Can you tell a bit

15 further to the Court that when you are working there? So where

16 were your worksite during that time?

17 [10.56.19]

18 A. During that regime, we would work at the sector or the region,

19 so if we were sent to Kbal Pou, for example, a number of villages

20 in Kbal Pou. We were sent to work from one place to another

21 within that Kbal Pou worksite.

22 Q. Was there a rice meal at Kbal Pou worksite, when you worked

23 there?

24 A. Pol Pot -- During Pol Pot regime, there was a rice meal, and

25 all equipment to produce rice from paddies, yes, of course.

1 Q. Now, I would like you to tell the Court about the construction
2 of dams or canals. What is your -- How was your work load during
3 every day and each day you did?

4 A. I cannot calculate a specific assignment, but when we were in
5 our unit, we have to respect the rule and continue to work
6 without any rest. So, if anyone violated the rule, there will be
7 punishment by increasing the workload, and he or she would be
8 forced to work until he or she completed the assignment.

9 Q. Was there any quota of workload for each member?

10 [10.58.40]

11 MR. PRESIDENT:

12 The Chamber has yet to rule. And then to the civil party, that
13 when you use 'he' or 'they', without any specific group of people
14 or persons, can you be specific when you say 'they'? So, you
15 should be specific, by -- the person, by the member in any group,
16 or in a Khmer Rouge cadre unit. So, Co-Prosecutor, could you be
17 specific, so that the civil party can respond correctly? So, the
18 term 'they', should be replaced by a specific person, by a group,
19 or by title, for example.

20 BY MR. SENG LEANG:

21 Thank you, Mr. President. Yes, I will reframe my question. 'They'
22 here refers to the chiefs of the mobile units, who supervised the
23 members.

24 [11.00.14]

25 Q. Did they set any quota for each member per day?

1 MR. RY POV:

2 A. I'd like to apologize to Mr. President.

3 During the Khmer Rouge regime, we were called "contemptible" or
4 "A" in Khmer, regardless of our age. I cannot recall the names of
5 the unit chiefs or other chiefs. For that reason, sometimes I use
6 the word 'they'.

7 MR. PRESIDENT:

8 Mr. Civil Party, please listen to the question carefully, and
9 only respond to the limit of the question. If you are asked about
10 your unit's chief, then only mention the unit's chief. Or if they
11 ask about the commune chief, or village chief, please respond
12 accordingly. Secondly, the question is about -- the term used is
13 'quota'. Or maybe it's a little bit difficult for you to
14 understand. Maybe the simple word is 'the amount' of work that
15 you were assigned at the time. How many cubic metres, for
16 example, that you have to complete per day? To my understanding,
17 the question is repetitive, as in his previous response he said
18 that he could not calculate the amount of work each day, and only
19 those who were punished, then they would be assigned to carry two
20 or three cubic metres per day.

21 So, the Deputy Co-Prosecutor, please rephrase your question so
22 that the civil party can understand it, and use - and make it as
23 simple as possible.

24 [11.02.28]

25 BY MR. SENG LEANG:

1 Thank you, Mr. President.

2 Q. When you worked in your unit, were you allowed to leave the
3 unit and to go anywhere freely, as you wanted?

4 MR. RY POV:

5 A. At that time, when we were working at a worksite, even if we
6 had to relieve ourselves, we had to inform our group chief or
7 unit's chief, to get their permission first. If we were longer
8 than usual, then we were accused of having a psychological
9 sickness.

10 [11.03.24]

11 Q. What would happen if someone violated the rule? Was there any
12 form of punishment?

13 MR. PRESIDENT:

14 Civil Party, you do not need to respond to this hypothetical
15 question.

16 BY MR. SENG LEANG:

17 Q. Can you tell the Chamber, in your unit was any member violated
18 the rule, by leaving or going anywhere without informing the unit
19 chief?

20 A. During the Khmer Rouge regime, we had to obey. I am saying
21 that we had to follow the Angkar's organization. Without the
22 permission from Angkar, we would not dare go anywhere. Wherever
23 we were assigned to work at, we had to be there. For example,
24 within a limit of a 100 metre land -- plot, then we could only
25 move within that limit.

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1 [11.04.42]

2 Q. My question is at that time was any of a mobile unit violated
3 the rule or the discipline? And if so, what happened to him or to
4 her?

5 [11.05.04]

6 A. At that time everybody, including myself, tries to abide by
7 the organisation discipline and we did not dare to violate it as
8 we were afraid that we would be taken away and killed. So, nobody
9 dared to walk freely or to violate the principles set out by the
10 organisation.

11 Q. Based on your answer previously you said that the food was not
12 sufficient. Am I correct?

13 MR. PRESIDENT:

14 The Co-Prosecutor, you need to allow the civil party to respond
15 to your question first. And Civil Party, please wait for the
16 microphone to be activated before you respond.

17 MR. RY POV:

18 A. Indeed that is true.

19 [11.06.18]

20 BY MR. SENG LEANG:

21 Q. Did anybody make any protest of insufficient food -- that is,
22 to make a protest to the upper organisation?

23 A. Allow me to say it again, Mr. President. At that time nobody
24 dared to protest. If anybody protested then we would be accused
25 of being an enemy at the cooperative and that person would not be

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1 survived, and they would take a measure to take that person away
2 secretly.

3 Q. To your knowledge was any of your unit members died from
4 starvation?

5 A. In my mobile unit at Ou Chrov (phonetic), there were two
6 members who died from starvation. However, they then said that
7 they died of faint. And in fact, there was a wound infection on
8 their leg, and it got worse because of the insufficient food. And
9 because they were sick, they were not allowed to give any food,
10 and later on they died.

11 Q. Thank you. In the area during the Khmer Rouge Regime did you
12 hear the term cooperative?

13 A. During the Pol Pot Regime, they established cooperatives and I
14 heard the term being used.

15 Q. Did you know when cooperatives were established?

16 A. I cannot say for sure which year they were established.
17 However, when I returned to leave the cooperatives had already
18 been established namely, Tnaot Chrum or cooperatives for various
19 units, including the 50 men unit or the 100 men unit.

20 [11.09.02]

21 Q. Did you hear anyone talking about a model cooperative or a
22 model district?

23 A. No, I was not aware of that thing. Only -- probably the
24 leadership level knew as which commune was a model one. For us a
25 common person we would not be allowed to know about that.

1 [11.09.41]

2 Q. Mr. President, for the transcript I'd like to show a document
3 -- that is, E3/135, which is entitled the "Revolutionary Flag".
4 It's the sixth edition of March 1977, at ERN in Khmer 00062793 to
5 94; and in English 00446849 to 50; and French is 00487710 to 11;
6 and let me quote.

7 "The letter of handing the red flag to the youth, the combatants
8 and the cadres and the peasants of Prasat District (the East
9 Zone) and for Southwest Zone it was for Tram Kak District."

10 My question to you, Mr. Civil Party is that; did you know if
11 there were any Khmer Rouge leaders come to visit your area?

12 A. At the work site, I saw Ta Mok twice coming to visit. He came
13 to inspect the work site.

14 Q. Did you know which year did he make those two visits?

15 MR. PRESIDENT:

16 Civil Party, please wait for the microphone to be activated
17 first.

18 [11.12.02]

19 MR. RY POV:

20 A. It was in 1977, when he came first to Trapeang Kol (phonetic).

21 Q. Besides Ta Mok, was there anyone else?

22 MR. PRESIDENT:

23 Civil Party, please wait for the microphone's activation first.

24 A. There were unit chiefs of the districts of the communes who
25 came with Ta Mok.

1 [11.12.38]

2 Q. Now I move on to another topic -- that is, the treatment of
3 former Lon Nol soldiers and civil servants. Can you tell us
4 amongst the people living in Tram Kak District during the Khmer
5 Rouge Regime whether the Khmer Rouge tried to identify who were
6 the former Lon Nol soldiers or the civil servants?

7 A. No, I was not aware of that.

8 MR. SENG LEANG:

9 Now I'd like to mention one document. And Mr. President, I'd like
10 to hand a document to the civil party -- that is, document in
11 Case 002/02 -- that is, document E3/2917. ERN in Khmer is
12 00079090; and English 00742890; and French 00810574; with your
13 permission, Mr. President?

14 MR. PRESIDENT:

15 Yes, you may do so.

16 BY MR. SENG LEANG:

17 Mr. Civil Party, this document is a report to the district from
18 Popel commune. And I'd like you to focus point number one, which
19 is circled in red for you, and allow me to read it to you. "The
20 Kampuchea Krom people and the people that were exchanged by the
21 Vietnamese were 64 households and equivalent to 228 persons." And
22 the date of this letter is in 1977.

23 Q. Can you tell the Court whether that exchange was the second
24 phase exchange that you mentioned earlier, or whether this
25 exchange, for example, was the subsequent third or fourth

1 exchange to your knowledge?

2 MR. PRESIDENT:

3 Please Mr. Civil Party, wait for the microphone activation.

4 MR. RY POV:

5 A. After I arrived in Cambodia and that was the first batch that
6 I -- I came along, and I did not know about the further batches
7 for the -- of the exchange programs. I didn't know when they were
8 returned to Cambodia, because when we arrived in the Cambodia we
9 were not allowed to move freely.

10 [11.16.49]

11 BY MR. SENG LEANG:

12 Q. Thank you. And due to time limit, I'll move on to my last
13 question. Please refer to the second line, which is also
14 highlighted in red, and allow me to read it to.

15 "The military personnel or families which -- who was smashed by
16 Angkar were 106, which were equivalent to 393 individuals."

17 And my question here is focused on the military personnel. Can --
18 do you know which military personnel did they specified, did they
19 referred to the former Lon Nol soldiers or did they referred to
20 the actual Khmer Rouge soldiers?

21 [11.17.51]

22 MR. PRESIDENT:

23 Civil Party, please wait. And Counsel Kong Sam Onn, you have the
24 floor.

25 MR. KONG SAM ONN:

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1 Thank you, Mr. President. I'd like Mr. President, to instruct the
2 Deputy Co-Prosecutor to actually refer to the document again
3 because in Khmer language it reads slap or die and not "Samlab"
4 means killed in English. Thank you.

5 MR. KOPPE:

6 The witness doesn't know this document. I have - I see no reason
7 why he should be introduced to this -- to this document. At least
8 we have to first establish whether he knows the document or has
9 seen it before, so I object to this question.

10 MS. GUISSÉ:

11 Mr. President, just to complete the last objection of Mr. Koppe
12 but not only that, but there is no basis to explain why this
13 document should be used because the Co-Prosecutor put a question
14 previously with regard to the civil party's knowledge of a policy
15 with regard to the army and he answered no, so I don't know why
16 he is continuing with the same line of questioning whereas the
17 civil party already indicated that he knew nothing about this
18 matter.

19 [11.19.34]

20 MR. SENG LEANG:

21 Mr. President, I'd like to respond to the concerns raised by my
22 learned counsel. My question to the civil party is for him to --
23 to clarify whether he learnt of the word military personnel
24 during the Khmer Rouge, and whether they referred to which --
25 which army, and because the document contains the word military

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1 personnel and then I put the question right to civil party.

2 MR. PRESIDENT:

3 Mr. Civil Party, you do not need to respond to this question. And
4 in fact, he already responded as he was not aware of any issues
5 with the former Lon Nol soldiers.

6 MR. SENG LEANG:

7 Thank you, Mr. President. I don't have any further question for
8 this civil party, and I like to hand the floor to my
9 international counterpart. Thank you.

10 QUESTIONING BY MR. NAKHJAVANI:

11 Good morning, Mr. President, Your Honours, and good morning, Mr.
12 Civil Party. I have some questions for you, and I will speak
13 English. Thank you.

14 [11.20.58]

15 Q. Mr. Civil Party, in your application and in the statement you
16 gave to the investigators of the co-investigating judges, you --
17 and in your testimony, you spoke about Pong Tuek village. You
18 also in your OCIJ statement referred to Prey TaKap village, and
19 the reference is E319.1.22, both at answers 24 and 38. Can you
20 clarify were you assigned to work both in Pong Tuek and Prey Ta
21 Khab? Did you live in one place and work in the other? What was
22 the situation?

23 MR. RY POV:

24 A. At that time I was transferred from Stung village to Samraong.
25 Then I worked ploughing the field and digging canals at Pong Tuek

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1 village. And in fact, Pong Tuek and Prey Ta Khab was adjacent to
2 one another. And I was assigned to plough in the village and to
3 dig canal and to carry earth at that location.

4 Q. Thank you very much. How far were these two locations from
5 Krang Ta Chan?

6 A. If I estimate it correctly the distance is about 500 metres
7 from Krang Ta Chan. It might be 500 to 600 metres.

8 [11.23.02]

9 Q. Thank you very much. I'd like to move on now to a different
10 topic in the interest of time. Mr. Civil Party, do you consider
11 yourself to be Khmer Kampuchea Krom?

12 A. Yes, my true identity is Khmer Kampuchea, but I lived near the
13 border. I was born in Cambodia, but during the war I fled to live
14 in Vietnam.

15 [11.23.46]

16 Q. Thank you very much. I would like now, Mr. President, with
17 your leave, to show the civil party a document already admitted
18 by, Your Honours, E3/2428. This document lists 54 families
19 identified as being from Kampuchea Krom living in villages in
20 Samraong commune, close to where the civil party has stated
21 repeatedly that he lived. Village names Ta Sman, Paen Meas, Ta
22 Saom, Prey Kokir, Angk Ta Ngel. And I would like, with your
23 leave, Mr. President, to put the Khmer version of this document
24 to the witness -- to the civil party.

25 MR. PRESIDENT:

1 Yes, you can proceed with that.

2 BY MR. NAKHJAVANI:

3 Q. Mr. Civil Party, please take the time you need to review the
4 contents of this document. When you have done so, please tell the
5 Court if you know any of the Khmer Krom people on this list?

6 MR. RY POV:

7 A. The -- the characters are too small. I have difficulty in
8 reading them.

9 Q. That's absolutely fine. Thank you. You will see on the
10 left-hand side names like Touch and Chou, which are family names,
11 chmoi trokol (phonetic). Do you recognise these kinds of names?

12 A. Along the border at the time and I don't refer only through
13 the period of the Khmer Rouge but to the period before that,
14 people living along the border would use the family names Touch
15 or Chou as their family names.

16 [11.26.33]

17 Q. Thank you. You will see then the list lists 54 families, 13
18 families from Ta Saom village and 12 Khmer Krom families from
19 Angk Ta Ngel village. Do you remember whether these were villages
20 that had many Khmer Krom families living in them at the time that
21 you lived in Samraong commune?

22 MR. PRESIDENT:

23 Civil Party, please wait. And Counsel Koppe, you have the floor.

24 MR. KOPPE:

25 Mr. Witness, I object. How on Earth is this poor witness have to

1 answer questions like this. He can answer about his direct
2 family, but he's asked about 54 families, family members. This is
3 impossible question.

4 [11.27.24]

5 MR. NAKHJAVANI:

6 To respond, Mr. President, the civil party was a member of a
7 mobile unit. He travelled around parts of Samraong commune. I've
8 mentioned two villages that he may have gone through. Perhaps he
9 can tell us if he knew the approximate number of Khmer Krom
10 families living in those villages, which he -- if he knows in his
11 personal knowledge?

12 MR. PRESIDENT:

13 The objection by the defence counsel is overruled as the question
14 is appropriate concerning the -- the knowledge of the civil party
15 who used to lived in that area during the DK period. And, Mr.
16 Civil Party, please respond to the last question put to you by
17 the International Co-Prosecutor.

18 MR. RY POV:

19 A. The names on the list I cannot really recall them. I only know
20 those people who were my peers that means of similar ages, and I
21 didn't know about the rest. And sometimes when we went or we were
22 assigned to various unit, we were separated and not stayed
23 together.

24 [11.28.55]

25 BY MR. NAKHJAVANI:

1 Q. The list does mention one female from Pong Tuek village where
2 you stated you were, the name at number 26 on the list is given
3 as Neang Srei. Do you remember her?

4 A. Allow me to repeat it again. At that time men were separated
5 from women, and we were put into different groups according to
6 our age. For example, children will be grouped into the
7 children's unit and for the adults would be put into the adults
8 group, and we could not live or mingle together so I would not
9 know about other people.

10 [11.29.54]

11 Q. That's clear. Thank you very much. My -- my last question, you
12 will see that the list divides the Khmer Krom families into three
13 types that are called first type, second type and the third type.
14 The expression used in Khmer is propiet, propiet ti moi, ti pi,
15 ti buy (phonetic). Did you, based on what you heard during that
16 time, ever hear these three categories or types being used?

17 A. At that time there was such divisions -- that is, the district
18 groups namely the Kampuchea Krom, the 17 April People and the
19 Base People. People who left Phnom Penh will be put into that
20 group, but then they will be separated into smaller units
21 according to their age. And, for example, younger people will be
22 put into the younger group and women will be separated from men.
23 And then I would not know about other peoples in other units or
24 groups.

25 Q. Thank you very much. In the brief time that remains, I have

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1 two further short questions. In your statement to the Office of
2 Co-Investigating Judges, once again document, E319.1.22, at
3 answers 61 and 62, you state that in 1978, you witnessed a group
4 of 30 Khmer Krom who were tied up, arrested and marched towards
5 Krang Ta Chan. Can you describe this incident briefly for the
6 Court?

7 [11.32.02]

8 A. When I was moved from Stung village to Pong Tuek village, at
9 my arrival, I saw, but I don't know where they were taken. And 30
10 people were arrested and tied up, and they were marched to the
11 opposite direction when I was travelling. But I had no idea where
12 they were sent to as all -- as to whether they were killed or
13 tortured. But later I learned that Krang Ta Chan is a killing
14 field.

15 [11.32.56]

16 Q. Do you recall Mr. Civil Party, why they had been arrested?

17 A. At that time people were divided into three types. Anyone who
18 did any sabotage or commit any wrongdoing or who refused to do
19 work, the unit chief would accuse them or the commune chief or
20 the group chief accuse the person of "Yuon" or the puppet of the
21 "Yuon" or the "Yuon" enemy and so on.

22 Q. Thank you very much and my final question in reference to the
23 statement you gave the investigators of the Office of the
24 Co-Investigating Judges, document E319.1.22 at answer 58, you
25 stated that only six Khmer Krom persons, including yourself,

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1 survived the Khmer Rouge Regime. I would like to ask you to
2 clarify this. What did you mean when you said only six survivors?
3 Were you referring to the group that was sent with you to Tram
4 Kak in 1976? Were you referring to the number of people left in
5 your commune at the end of the regime? Were you referring to
6 another number? Can you please clarify what you meant by six
7 survivors?

8 A. I would like to tell the President that the people who came
9 from Vietnam and live with me in the area in Cambodia and after
10 the liberation so those who were living in the same place with
11 me, only -- only six people survived and are still living in my
12 neighbourhood.

13 MR. NAKHJAVANI:

14 Thank you very much, Mr. Civil Party, for your responses. Thank
15 you, Mr. President, that concludes my questioning.

16 MR. PRESIDENT:

17 Thank you. It is now appropriate for morning break until 1.30 at
18 this afternoon.

19 Court officer, please work out with the WESU for the civil party
20 for his break during the lunch, and have him returned to the
21 courtroom at 1.30 to continue his testimony.

22 Personnel security are instructed to bring Mr. Khieu Samphan to
23 the holding cell and have him back into this courtroom before
24 1.30.

25 The Court is adjourned for recess.

1 (Court recesses from 1136H to 1332H)

2 MR. PRESIDENT:

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

4 And we -- before we hand the floor to the defence team, I'd like
5 to enquire, Judges of the Bench, if you have any questions you
6 wish to pose to this civil party? And, Judge Lavergne, you have
7 the floor.

8 QUESTIONING BY JUDGE LAVERGNE:

9 Yes, thank you, Mr. President. Good afternoon, Mr. Civil Party. I
10 would like to start by asking the following question to you. This
11 morning, in answer to a question put to you by the Co-Prosecutor,
12 you said that you are a member of the Kampuchea Krom population.
13 This morning, you also gave information regarding your place of
14 birth and it appears that you also confirmed that you were born
15 in Cambodia. However, when you were heard, and I'm referring to
16 document E3109.1.22, when you were asked to give your date of
17 birth, you indicated that you were born in Ampeay Svay (phonetic)
18 village, Ou Preah (phonetic) commune, Svay Tong district, Mort
19 Chrouk province. And it is noted that today it is An Giang
20 province, Kampuchea Krom.

21 Were you born in Kampuchea Krom or were you born in Cambodia?

22 [13.34.19]

23 MR. RY POV:

24 A. I was born in Kampuchea Leu [phoenetic] or Kampuchea, but then
25 I fled to live in Vietnam.

1 Q. Now, regarding the place I have just referred to, is that a
2 place where you sought refuge in Vietnam, and if so, where
3 precisely did you seek refuge in Vietnam after you left Cambodia?

4 A. I went Tomlophia Svay (phoenetic) village, Le Tri commune,
5 Svay Tong district.

6 Q. Now, do you consider Kampuchea Krom because you sought refuge
7 there or you consider Kampuchea Krom because your family is a
8 native of Kampuchea Krom. Why precisely do you consider Kampuchea
9 Krom?

10 A. I have never said I am Kampuchea Krom. In fact, I always
11 maintained that I am Kampuchea Leu (phonetic) or Cambodian, but I
12 subsequently fled to Vietnam.

13 [13.36.16]

14 Q. When you returned to Cambodia in 1976, I understand from your
15 testimony this morning that it was considered or rather, the
16 Khmer Rouge considered you as a Kampuchea Krom person. How about
17 you yourself? Do you yourself consider yourself as Kampuchea
18 Krom?

19 A. Personally, I don't consider myself as Kampuchea Krom, but
20 during the Khmer Rouge when they returned me to Cambodia, I was
21 considered as one of the Kampuchea Krom people.

22 Q. In that case, have you heard the expression "a Khmer body with
23 a Vietnamese head -- Cambodian body or Khmer body with a
24 Vietnamese head", have you heard such an expression?

25 A. During the Khmer Rouge regime, it was the Khmer Rouge people,

1 namely the unit chief or their cadres or the group chief who
2 called me that. And we were considered belonged to that group.

3 Q. So when you say "we", you are referring to all the people
4 considered as Kampuchea Krom. Were they all considered as having
5 a Khmer body and a Vietnamese head? Is that what I should
6 understand from your testimony?

7 A. That is absolutely true.

8 [13.38.52]

9 Q. Subsequently, were there other ways of designating people born
10 in Kampuchea Krom? Were they considered as parasites, for
11 example? That is an expression that was used. Were they
12 considered as "Yvon" spies? How were they described?

13 A. At the beginning, we were not called "Yvon". Initially we were
14 called depositees or preparatory people, but after we were then
15 called the "Yvon" puppets. And also they called us that we
16 belonged to a group called the Khmer body with a Vietnamese mind.

17 Q. And were people considered as Khmer Krom spies, sponsored by
18 the "Yvon"?

19 A. We were also called the CIA spies, agents or Vietnamese spies.
20 They called us whatever they pleased.

21 Q. Do you recall whether upon your arrival in Cambodia you were
22 asked to write your biographies? Do you recall whether everyone
23 who hailed from Vietnam upon their arrival in Cambodia were asked
24 to write their biographies?

25 [13.41.13]

1 A. When I arrived, I was not asked to write anything. I was not
2 asked to write my address in Vietnam, because they already knew
3 that we were living in Vietnam and that we came from Vietnam.

4 Q. Do you remember whether at any time during the period of
5 Democratic Kampuchea, Kampuchea Krom people were asked to go back
6 to their home?

7 A. I recall that while I was living in Kampuchea Krom, the "Yuon"
8 people were sent in exchange for
9 Cambodian people, and that happened around 1976.

10 Q. I have properly understood that, Sir, but my question to you
11 is somewhat different regarding Cambodian people who came from
12 Kampuchea Krom and who settled in the region where you resided.
13 Was it proposed to them at any point in time that they should go
14 back to Kampuchea Krom? Did the Khmer Rouge propose that certain
15 persons should return to Kampuchea Krom?

16 [13.43.02]

17 A. At that time, the group chief or the unit chief asked us
18 whether we -- any of us wanted to return to our native village,
19 but elder people didn't want to go. And those who went first
20 warned us that people that wanted to return to their villages
21 would be killed, and for that reason we were afraid not to go
22 back.

23 Q. So, the proposal that you return to Kampuchea Krom was made,
24 but no one accepted because you knew that it was a trap. Is that
25 what you're trying to say?

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1 A. Yes, that's what they meant. And if we answered to them that
2 we would like to return to our native villages, it means that we
3 would be dead.

4 JUDGE LAVERGNE:

5 Thank you very much, Sir. I have no further questions for you.

6 MR. PRESIDENT:

7 Thank you, Judge Lavergne. The Chamber would like now to cede the
8 floor to Nuon Chea's defence.

9 QUESTIONING BY MR SUON VISAL:

10 Good afternoon, Mr. President. My name is Suon Visal. I am a
11 Defense Counsel for Nuon Chea. And, good afternoon, Mr. Ry Pov. I
12 have some questions for you in relation to your identity as it's
13 just confirmed to the judge.

14 Q. When you fled Cambodia to go and live in Vietnam, did you
15 change your nationality for instance from Khmer to Vietnamese?

16 [13.45.23]

17 MR. RY POV:

18 A. At that time, I did not change it, because I was put in a
19 camp, a refugee camp.

20 Q. For those people who were at a refugee camp, were you
21 considered Khmer or were you considered Kampuchea Krom with a
22 Vietnamese nationality?

23 A. During the Lon Nol regime, we fled from Kampuchea and we were
24 not considered Vietnamese or "Yuon", we were called or treated as
25 refugees, so we still had our Khmer nationality. We did not have

1 our identity or nationality changed.

2 Q. At the location where you lived, were there Khmer Kampuchea
3 Krom with Vietnamese nationality living there?

4 A. Yes, there was a village where Khmer Kampuchea Krom with
5 Vietnamese nationality lived in.

6 [13.47.08]

7 Q. When you were sent by the Vietnamese government, did they also
8 send along the Khmer Kampuchea Krom with Vietnamese nationality?

9 A. They only sent the Khmer people who lived in the refugee camp
10 back to Cambodia.

11 Q. Does it mean that you were returned as a Khmer refugee to
12 return to your native village or your homeland? Am I correct?

13 MR. PRESIDENT:

14 Mr. Ry Pov, please respond to the last question, as you spoke
15 before the microphone activated.

16 MR. RY POV:

17 A. Yes, that is true.

18 BY MR. SUON VISAL:

19 Q. My next question is related to marriage. After you returned,
20 you stated before this Court that you worked in a youth unit.
21 During the time that you worked in that youth unit before 1979,
22 how many of your team members got married?

23 [13.49.08]

24 A. In my youth unit, when I was called to make a resolution that
25 was the first event that happened in my unit.

1 Q. In the interest of time, I'd like you to clarify for the
2 Court, during the several years that you were in that unit, how
3 many youths or how many of your peer members got married?

4 A. I'd like to state that it happened in other units within the
5 same village, because there were different units; for example,
6 special units. It means those people who were older than me. And
7 they were - they got married. And I did not involved when they
8 got married.

9 Q. During the time that you stayed there, did you personally
10 witness any couples being married?

11 A. I saw two couples who got married and they are still living in
12 my commune. They were asked by the Khmer Rouge to make a
13 resolution, and their marriage remains until today.

14 [13.51.14]

15 Q. So, after you left Vietnam to come and live in your unit, in
16 your village, you only saw the marriage of two couples. Am I
17 correct?

18 A. I referred to the two couples whose marriage relationship
19 remains until today, and for other peoples who were instructed to
20 make a resolution, I didn't attend to their ceremony. I only
21 heard that there were such ceremony. But after the Khmer Rouge
22 fell, some of them separated.

23 Q. Allow me to clarify, maybe you misunderstand my question.
24 During the time that you were in that unit, how many couples that
25 you personally witnessed getting married?

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1 MR. PRESIDENT:

2 Civil Party, please wait for the microphone's activation.

3 MR. RY POV:

4 A. During the wedding ceremony, I did not attend it, but there
5 was an announcement by the commune chief that there would be a
6 ceremony of 10 or 20 couples on a specific day, but I didn't
7 attend such a ceremony.

8 [13.52.54]

9 BY MR. SUON VISAL:

10 Q. So, your knowledge of couples being married was second-hand
11 information from someone else and that you did not witness it. Am
12 I correct?

13 A. If it happened in other units, of course I was not allowed to
14 attend. But during the unit meetings, our unit chief told us that
15 there were wedding ceremonies for this particular unit or that
16 particular unit. That's how I learned the information, that is
17 through our criticism and self-criticism meetings. And we were
18 also instructed to monitor the activities of the newlywed
19 couples, whether they got along well or they actually consummate
20 their marriage. And then we can inform the units nearby.

21 Q. I think you still don't respond to my question directly. Maybe
22 you misunderstand it. What I'd like to clarify from you is that
23 you did not witness the wedding ceremony yourself, but you heard
24 it from somebody else. Am I correct in saying that?

25 A. That is correct. I did not witness it personally. I only heard

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1 it through the meetings.

2 [13.54.40]

3 Q. I'd like to remind you on the 22nd of June 2010, when you
4 applied as a civil party before the victims support section --
5 that is, document D22/2162, and ERN in Khmer, is 00579113; and in
6 English 00585343. I'd like to make a quote from your application:
7 "In the Samraong commune cooperative, I personally witnessed a
8 forced marriage of 30 couples."

9 Did you make that statement, Mr. Civil Party?

10 A. No. I did not say that. What I said was that there was a
11 ceremony where people were asked to make a resolution and the
12 number of couples involved in that ceremony. And I didn't know
13 that the note taker put it that way in the application form.

14 Q. So, your statement on that particular day is not correct. Is
15 it true?

16 A. Yes, that is true. Because at that time I only said that in
17 the Ang Rolea (phonetic) village, Samraong commune there was a
18 wedding ceremony of 34 couples.

19 [13.56.57]

20 Q. Thank you. Now I move on to another topic in relation to
21 working in the cooperative. This morning you stated before this
22 Court that your group and the 17 April People group, worked
23 harder than the Base People. Can you tell the Court what kind of
24 work that the Base People engaged in and how did you compare that
25 they worked less than you did?

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1 A. I said that the 17 April People and my group from Vietnam
2 worked harder because the Khmer Rouge, namely the unit chief or
3 the group chief, they did not work, they only inspected us, or
4 monitored us while we were working. And they only there - they
5 were only there in order to find fault or mistakes.

6 Q. So your conclusion was based on a handful of your group chief
7 or unit chief and not the entire people living in the commune. Am
8 I correct?

9 MR. PRESIDENT:

10 Counsel, the civil party didn't say that he made a conclusion or
11 a presumption of that fact. So please refresh your question.

12 BY MR. SUON VISAL:

13 Thank you Mr. President. I'll move on to another question, or let
14 me refresh it.

15 Q. Did you witness other villagers in your commune working as
16 hard as you did?

17 [13.59.11]

18 MR. RY POV:

19 A. During the Khmer Rouge regime no one was allowed to be free
20 and not working, and all the 17 April People and the people from
21 Vietnam worked very hard. And only the Base People, that is our
22 unit chief or group chief, did not work because they only
23 monitored our work. Whether they were older people or whether
24 they were young children, they did not work and they only
25 monitored how hard we worked. And I believe everybody here who

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1 are old enough would have gone through such an experience. During
2 the time the Khmer Rouge ruled the country, that is the three
3 years eight months and 20 days period, I can talk about that for
4 as many years as I can --

5 [14.00.17]

6 MR. PRESIDENT:

7 Mr. Civil Party, you are reminded to respond within the limit of
8 the question put to you and not to make any unnecessary comments,
9 otherwise you just invite troubles upon yourself. Please listen
10 to the question carefully and if you don't understand you ask for
11 the question to be rephrased. And Counsel, please move on.

12 BY MR. SUON VISAL:

13 Q. Thank you. And now I'd like to move on to another topic. This
14 morning you stated before this Court that you saw your friend
15 Chan being killed. Do you know the full name of that person Chan?

16 MR. RY POV:

17 A. As for the family name, I did not know. I only know his first
18 name -- that is, Chan.

19 [14.01.26]

20 Q. Was Chan a member of your unit or did he live elsewhere,
21 probably in a village nearby?

22 A. Before he disappeared Chan was within the same unit that I
23 belonged, but after he disappeared nobody knew what happens to
24 him, or maybe he went somewhere else. Because at that time some
25 unit members got sick or some went to relieve themselves in the

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1 bush for example. And we didn't know that any of the members were
2 being sent out, tortured and killed as in the case of Chan.

3 Q. Before you saw him, how long did you not see him in your unit,
4 for how many days?

5 A. As to how long he disappeared, I did not know because
6 typically at three or four o'clock early in the morning a bell
7 was rung, and then we would just gather an earth carrying basket
8 and a hoe and just head straight to the worksite. And probably
9 only the unit chief who would know, or would count the number of
10 the unit members.

11 Q. Can you recall what season was it when you were saw him, which
12 month?

13 [14.03.15]

14 A. I did not remember the exact day, month or season. In the
15 Khmer Rouge period we did not know whether it was a Wednesday, it
16 was a Monday or Tuesday. Every day we had to work. No one knew
17 the days exactly.

18 Q. Was it in dry season or rainy season? Perhaps you could recall
19 it. Because during rainy season there would be rain and during
20 dry season it would be hot.

21 MR. PRESIDENT:

22 Please hold on; wait until the microphone is activated.

23 MR. RY POV:

24 A. At that time what I knew was that it was the time to
25 transplant rice seedlings. Perhaps it was in rainy season, the

1 time that we had to work in the field.

2 BY MR. SUON VISAL:

3 Q. At that time, where did you see that incident?

4 [14.04.44]

5 A. I could not know how far was it from the place I worked. I was
6 quite close to the place where the cow was eating grass and I was
7 chasing cows at that time. At that time I could hear his voice
8 shouting that, and asking me to go and tell his mother that he
9 would be dead. And I was really afraid and I was in a hurry
10 because I was afraid of being killed if I was spotted by anyone.
11 And I could not dare to go anywhere else. First I did not know it
12 was Krang Ta Chan area and I did not know it was militiamen's
13 headquarters. There were several villages surrounding and close
14 by that security centre.

15 MR. PRESIDENT:

16 Mr. Ry Pov, please respond to the question within the limits of
17 your knowledge. There will be many other questions put to you by
18 parties.

19 BY MR. SUON VISAL:

20 Q. I would like to continue my questioning. At the time when you
21 saw that incident was it -- did it happen in the open field or in
22 the forest?

23 [14.06.23]

24 MR. RY POV:

25 A. At that time the incident happened near the forest.

1 MR. PRESIDENT:

2 Please activate your microphone.

3 BY MR. SUON VISAL:

4 Q. At that place could your recognise the place or whether or not
5 there was a fence or there was any buildings?

6 MR. RY POV:

7 A. I did not have time to observe clearly that place because I
8 was fearful.

9 Q. The victim you have just said, he was Chan. Did the incident
10 happen in the pits or did it happen on the ground?

11 A. When I saw the incident it happened in a pit and the pit was
12 quite deep, but I did not know how deep it was.

13 [14.08.06]

14 Q. The person -- when you saw that incident, did you see the
15 incident after you hear - after you heard the sound? Or you were
16 there and you heard the sound first and you ran to that place?

17 A. When I was there I could hear the shouting from him.

18 Q. Before you heard the shouting how far were you from the pits?

19 A. Upon my arrival at that place the cows was eating grass near
20 the embankment, and I pulled a rope, I chased the cows and it was
21 quite close from my estimates.

22 Q. Was the victim lying down or was he standing, if you saw it?

23 A. Actually he was the victim, so he was not sitting.

24 Q. Please listen to my questions carefully, because I have a very
25 limited time, so please answer to my question.

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1 A. He was lying down.

2 [14.10.18]

3 Q. Thank you Mr. President. That concludes my questioning.

4 MR. PRESIDENT:

5 What about International Counsel for Mr. Nuon Chea? And you may
6 proceed now the International Counsel for Khieu Samphan.

7 QUESTIONING BY MS. GUISSÉ:

8 Mr. President, my colleague from Nuon Chea team tells me he has
9 no questions, so I will pick up from there if you allow me to do
10 so. Good afternoon Civil Party, I am Anta Guissé, I am a
11 Co-International Counsel of Mr. Khieu Samphan. I have very brief
12 questions to put to you. With the leave of the President, I would
13 like to provide you with your civil party statement. This is
14 document D22/2162.

15 MR. PRESIDENT:

16 Your request is granted.

17 BY MS. GUISSÉ:

18 Thank you. As the document is being given to you I would like to
19 make a comment first. On the page, English ERN 01047833; Khmer
20 00546439; and unfortunately that page has not been translated
21 into French, but since we are only speaking here about a proper
22 noun I don't think there should be any problems.

23 Q. Do you have the document with you, Civil Party?

24 [14.12.32]

25 MR. RY POV:

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1 A. I do not have the document with me.

2 Q. Do you now have the document before you, Civil Party? There is
3 a name that is underlined in yellow. This is Chau Ni, the name is
4 Chao Ni. In English it's indicated witness name. Can you tell me
5 who this person is and why his name is on your statement?

6 [14.13.36]

7 A. The people who went to interview me, I did not know where they
8 are from. They asked me about Khmer Rouge, the experience I went
9 through in Khmer Rouge period. I only know this person's name --
10 Chao Ni and I do not know where his whereabouts.

11 Q. So you know this person. So must I understand this is a name
12 you gave to the people who came to question you that day? Is that
13 what I must understand?

14 MR. PRESIDENT:

15 Please hold on Mr. Civil Party. Please wait for the microphone
16 activated.

17 MR. RY POV:

18 A. At that time Chao Ni went to interview me and I do not know
19 his whereabouts, where is he now.

20 BY MS. GUISSÉ:

21 Q. When you say that Chao Ni came to interview you, did this
22 person come to speak with you the day when you spoke to the
23 people who helped you fill out this form, or was this at later --
24 another occasion?

25 A. When they were there I could see Chao Ni was also there and I

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1 did not know who other else was there. And the group -- the
2 members of the group consists of three or four people.

3 [14.16.03]

4 Q. And getting back to my previous question, who is Chao Ni and
5 how did you know Chao Ni?

6 A. As for Chao Ni, I know him because he went to interview me as
7 well about the Khmer Rouge period and I know him at that time.

8 Q. So, I understand from what you just told me that you did not
9 know him during the Democratic Kampuchea period. Is that the
10 case?

11 MR. PRESIDENT:

12 You may repeat your answer because the microphone was not
13 activated when you gave your answer previously.

14 MR. RY POV:

15 A. I have just known this person.

16 BY MS. GUISSÉ:

17 Q. When you say that you just got to know this person, this does
18 not make it clear for me if you got to know him with the people
19 who came to question you.

20 A. Chao Ni came together with the group who went to interview me.
21 He was with the group.

22 Q. So my question is; why is his name written on this witness
23 part and why are the names of the other people not indicated? Can
24 you please explain?

25 [14.18.15]

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1 A. I do not know either, because their work. When he was there, I
2 mean Chao Ni, after the group got the interview and noted down
3 the interview, and I do not know why there was no other names.

4 Q. And do you know when you spoke with Chao Ni, did Chao Ni tell
5 you where he lives and why he was among those who questioned you?

6 A. At that time I saw him working with the group from one
7 organisation and I saw him was working with the group and I did
8 not know where he was from.

9 Q. And did this gentleman Chao Ni tell you that he had already
10 filed a civil party application before this Chamber for this
11 trial? Did he speak to you about the fact that he was going to
12 testify before this Chamber or not?

13 [14.19.53]

14 A. I do not know. He never told me about his background and his
15 whereabouts. He never told me about all of this.

16 Q. Can you confirm to me that you live in Kiri Vong district?

17 A. That is true.

18 Q. I would like to draw the Parties' attention, as well as the
19 Chamber's, to document -- one second please -- to document
20 E319.1.1, ERN, well let's say page two of the document. I will
21 also indicate that Mr. Chao Ni testified in the first trial,
22 002/01 under the pseudonym TCCP-187. But I have no further
23 questions, Mr. President.

24 [14.21.43]

25 MR. PRESIDENT:

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1 I would like to know there are no more questions from Counsel for
2 Mr. Khieu Samphan. So that concludes your questioning. So, we
3 observe that today the hearing concludes earlier than everyday
4 session.

5 Mr. Civil Party, do you have any statement to be made concerning
6 your sufferings and do you have any questions to be put to the
7 Accused through the Chamber? You may now ask your questions if
8 you have.

9 [14.22.33]

10 MR. RY POV:

11 I do not have any questions. I do not have any questions, but I
12 have just a few questions. At that time Khieu Samphan did not
13 admit that he was a leader, and I want to know from him where he
14 was at that time. And he did not know about the killing of Khmer
15 people. Could he tell me and could he clarify about this matter.

16 MR. PRESIDENT:

17 Hearing on 11 -- Hearing on 8th in 2015, the Accused resolved to
18 the right to remain silent. Unless the Chamber receives any
19 confirmation from the Accused then the Chamber can allow the
20 Accused to answer. And the Counsel for the Accused is required to
21 inform the Chamber whether or not the Accused has changed his
22 mind and decided to answer to the questions.

23 Until now the Chamber does not receive any confirmation from
24 Counsel for the Accused. I would like to know whether or not the
25 civil party have any statement to be made concerning your

1 sufferings.

2 [14.24.34]

3 MR. RY POV:

4 As for the suffering in the genocidal period, I do not want
5 anything for myself. However, nowadays I have remorse. I felt
6 very pity for my parents, my siblings, my relatives. When they
7 undergone the suffering and also the killing by the Khmer Rouge
8 period. And my family members went through that misery. So I
9 implore and ask the United Nations and the Khmer Rouge tribunal
10 to help prevent the recurrence of the atrocity. And I appeal to
11 the Chamber to adjudicate and try the leaders of the Khmer Rouge
12 period according to their acts committed against Cambodians all
13 across the country. Thank you very much.

14 [14.26.04]

15 MR. PRESIDENT:

16 Thank you, Mr. RY POV. The hearing today concludes earlier than
17 the normal days, and the Chamber does not have any reserve
18 witnesses to be heard. The hearing has now come to an end and it
19 will resume on Monday 16th February 2015 at 9.00 a.m. Next week
20 the Chamber will hear TCW954. And I invite all Parties to be in
21 the hearing on Monday. Thank you, Mr. Ry Pov for your time before
22 the Chamber to give testimony today. Your testimony will
23 contribute to ascertaining the truth. Your testimony has come to
24 an end and you are now excused. You can return to your residence.
25 Court officer, with the WSU, please assist the civil party to his

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1 residence or to any preferred destination. And security personnel
2 you are instructed to bring Mr. Khieu Samphan and Mr. Nuon Chea
3 back to the detention facility and have them returned on Monday
4 before 9am.

5 The Court is now adjourned.

6 (Court adjourns at 1427H))

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