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

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អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

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

26 March 2015
 Trial Day 264

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

The Accused: NUON Chea
 KHIEU Samphan

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Trial Chamber Greffiers/Legal Officers:
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILD D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MS. OEM SAROEURN (2-TCCP-980)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SREA RATTANAK	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 And for today's proceeding, the Chamber will hear the testimony
6 of a civil party -- that is, 2-TCCP-980.

7 The greffier, Ms. Chea Sivhoang, could you report the attendance
8 of the Parties and individuals to today's proceedings?

9 THE GREFFIER:

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

12 As for Nuon Chea, he is present in the holding cell downstairs as
13 he requests to waive his right to be present in the courtroom.

14 His waiver has been delivered to the greffier.

15 The civil party who is to testify today -- that is, 2-TCCP-980,
16 confirms -- rather, is ready to be called by the Chamber. Thank
17 you.

18 [09.02.52]

19 MR. PRESIDENT:

20 Thank you. And the Chamber now decides on the request by Nuon
21 Chea. The Chamber has received a waiver from Nuon Chea, dated 26
22 March 2015. He confirms that due to his health condition -- that
23 is, headache, back pain, and that he cannot sit for long and in
24 order to effectively participate in the future hearings, he
25 requests to waive his right to participate in and be present at

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1 the 26 March 2015, hearing. He has been informed by his counsel
2 about the consequence of this waiver, that in no way it can be
3 construed as a waiver of his right to be tried fairly, or to
4 challenge evidence presented or admitted to this Court at any
5 time during this trial.

6 [09.03.54]

7 Having seen the medical report by the duty doctor for the Accused
8 at the ECCC, dated 26 March 2015, who notes that the health
9 condition of Nuon Chea is that he has chronic back pain,
10 dizziness and headache and cannot sit for long, and recommends
11 that the Chamber should grant him his request so that he can
12 follow the proceedings remotely from a holding cell downstairs.
13 Based on the above information and pursuant to Rule 81.5 for the
14 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
15 follow the proceedings remotely from a holding cell downstairs
16 via an audio-visual means for today's proceedings as he waives
17 his direct presence in the courtroom.

18 [09.04.49]

19 The AV unit is instructed to link the proceedings to the room
20 downstairs so that Nuon Chea can participate in and follow
21 today's proceedings remotely.

22 Court officer, could you usher the civil party, 2-TCCP-980, into
23 the courtroom?

24 [09.05.20]

25 (Civil party enters courtroom)

1 [09.07.16]

2 QUESTIONING BY THE PRESIDENT:

3 Good morning, Madam Civil Party.

4 Q. Could you please tell the Court your name?

5 MS. OEM SAROEURN:

6 A. My name is Oem Saroeurn. I live in Thnong Roleung village,
7 Leay Bour commune, Tram Kak district, Takeo province.

8 Q. Madam, can you tell the Court your date of birth if you recall
9 it?

10 A. I was born in 1955, but I cannot recall the day and the month.

11 [09.08.10]

12 Q. Thank you. And can you tell the Chamber your place of birth?

13 A. Currently I live in Thnong Roleung village, Leay Bour commune,
14 Tram Kak district, Takeo province.

15 Q. I'm asking you about your place of birth. Is it the same as
16 the address you are residing now?

17 A. Yes, it is.

18 Q. So, your place of birth is the same as the address you are
19 residing now, is that correct?

20 A. Yes.

21 Q. Thank you. And what is your current occupation?

22 A. I am a rice farmer.

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

25 A. From 1979, I lived in Knong Roleung (phonetic) village, Leay

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1 Bour commune, Tram Kak district, Takeo province.

2 Q. I referred to the period of the Democratic Kampuchea regime --
3 that is, from 17 April 1975 to 6 January 1979. During that period
4 where were you living and what were you doing?

5 A. In 1975, I lived in Takeo province, and my husband was a
6 former Lon Nol soldier, and I sold some rice cakes at the market
7 in Takeo.

8 [09.10.38]

9 Q. After Phnom Penh was liberated on the 17th April 1975 to the
10 6th January 1979 can you specify where you lived and what you did
11 during this specific period of time?

12 A. I also worked in the rice fields during this period.

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

14 A. My father was Oem Pum (phonetic) and my mother was Song Seung
15 (phonetic).

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

18 A. My husband is Oy Mut (phonetic) and we have one child.

19 Q. Madam Oem Saroeurn can you read or write the Khmer language?

20 A. No, I cannot.

21 Q. Thank you. And Madam Oem Saroeurn towards the conclusion of
22 your testimony as a civil party, you will be given an opportunity
23 to make a statement of impact on the harms inflicted upon you
24 during the Democratic Kampuchea period if you wish to do so. So,
25 we inform you in advance so you can consider this opportunity

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1 whether you wish to do that at the conclusion of your testimony
2 this morning. Pursuant to Rule 91bis of the ECCC Internal Rules,
3 the floor will be given first to the Lead Co-Lawyers for civil
4 parties to put questions to the civil party, Oem Saroeurn. And
5 the Chamber would like to notify to the Lead Co-Lawyers for civil
6 parties and the Prosecution that the combined time for both teams
7 is one session -- that is, from now until the short break this
8 morning. You have the floor.

9 [09.13.15]

10 QUESTIONING BY MS. GUIRAUD:

11 Thank you, Mr. President. Good morning, everyone. Good morning,
12 Madam Civil Party. I will start by putting a few questions to you
13 with a view to understanding your life experiences from April
14 1975.

15 Q. You have told the President that you lived in Takeo in April
16 1975. What happened from then on? Did you remain in Takeo, or you
17 left?

18 [09.14.01]

19 MS. OEM SAROEURN:

20 A. From 1975 I was evacuated from Takeo province to Champa Leu
21 (phonetic) district. All my family members together with the
22 other 17 April People were evacuated to Champa pagoda. And a week
23 after, we were evacuated to Prey Chheu Teal village in Tram Kak
24 district which was to the north of Champa pagoda. And about a
25 fortnight after we stayed at Prey Chheu Teal, then we were

6

1 evacuated Angk Neareay village in Leay Bour commune, Tram Kak
2 district, and by 1976 Angkar gathered the 17 April People to live
3 in Chreae Chumrov (phonetic) village, Leay Bour commune, Tram Kak
4 district. So the 17th April were gathered to go and live there in
5 that village. And I was in a concentration unit in the village in
6 1976, and by 1977, I was assigned to a mobile unit to carry
7 earth, to engage in digging canals. And I also carried cement at
8 a railway station, and that work was done at night, and there
9 were only two females. One was myself, who was assigned to carry
10 cement to store in a warehouse. Also in 1977, my friend stole
11 some food and Angkar -- she was caught by Angkar. Two of them
12 were arrested and raped and they disappeared since, so they died.
13 And personally in 1978, Angkar sent me to Chamkar Siem (phonetic)
14 to dig canals, to build dams there in Chamkar Siem (phonetic).
15 There were three female 17 April People, including myself, so we
16 were forced to work hard there.

17 [09.17.06]

18 Later on, which was towards 1979, the Vietnamese troops came to
19 liberate us. Then I was put on a vehicle, but I fled to the east
20 direction. I had a kettle with me at the time and with that
21 kettle I cooked rice.

22 Q. Thank you, Madam Civil Party. I will backtrack a little and
23 ask specific questions regarding the life experiences you have
24 just described to us. Tell us, when were you separated from your
25 family members during the trip from Takeo, 1975 up to 1979, and

7

1 since then when were you separated from your family members?

2 [09.18.47]

3 A. It was from 1976.

4 Q. During that time, had you already arrived in Leay Bour
5 commune?

6 A. Yes, I did.

7 Q. Please can you tell the Chamber which of your family members
8 accompanied you to Leay Bour, and from whom you were separated?
9 Were you married? Did they have children and who were the members
10 of your family during that period?

11 A. We were separated in 1976 and my husband was in a unit. We did
12 not live together and since that time I have not seen him again.

13 Q. Did you have any children?

14 A. I had a son. He was one year old at the time and later on he
15 died.

16 Q. Were you also separated from your child at the time and how do
17 you know that he is dead today?

18 A. My son was put with the old female unit. The old women looked
19 after him and I was told that he died as a result of measles. And
20 at that time I was in a concentration unit.

21 [09.21.08]

22 Q. Thank you. You stated that you were placed in two units as
23 from your time in Leay Bour commune. The first time was in 1976
24 and in 1977, you were sent to a mobile unit. I have a question
25 regarding the first unit to which you were sent. Who were the

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1 members of that unit, that first work unit?

2 A. Initially when I was put in the unit, the unit comprised of
3 the Base People and the second unit comprised of the 17 April
4 People, and the third unit also comprised of the 17 April People.

5 Q. To the best of your recollection did the 17 April People and
6 the Base People live separately, or they worked together?

7 A. We worked separately and we worked based on the units and
8 groups that we were assigned to.

9 [09.22.47]

10 Q. Were working conditions identical to those of the first unit
11 to which you belonged in 1976, and the second unit, the mobile
12 unit, to which you were transferred in 1977? Was the work in both
13 units of the same level of difficulty or the work in the first
14 unit was more difficult or different from that of the second
15 unit?

16 A. I was in a mobile unit in 1977, and the members were rather
17 young so they were put in the mobile unit and we were assigned to
18 carry earth.

19 Q. When you were transferred to that mobile unit in the course of
20 1977, did you see people that you can consider as high-ranking
21 come to visit the work site at which you were working?

22 A. My unit chief told me that Angkar came to visit and two days
23 after they did come and the person I recognised clearly was Ta
24 Mok and Ta San, and Ta Nouv was the Leay Bour -- the former Leay
25 Bour commune chief. And I only saw these three figures very

1 briefly, so I cannot recall them well.

2 Q. Do you remember during what period that visit took place?

3 [09.25.17]

4 A. It happened in 1977, but I cannot recall the month of that
5 year. At that time, we were building -- digging a canal, working
6 near Ou Chambak railway station. And we were facing towards the
7 east, and the vehicle was approaching from the west. But I knew
8 Ta Mok clearly while he was in a jeep vehicle. And there was
9 another vehicle together, but I did not recognize the model of
10 that vehicle. And later on, after the visit, they left. Then
11 Yoeun told me the names of those senior figures.

12 Q. Do you remember the names that were given to you by the person
13 you've called Yoeun?

14 A. Yes, but Yoeun died.

15 Q. Thank you, but that was not my question. You said that after
16 those persons visited your work site, Yoeun gave you the names of
17 those persons. So, what I would like you to tell us is the names
18 of the persons he gave you.

19 A. Yoeun told me they were Nuon Chea, Khieu Samphan and Pol Pot.
20 But myself, personally, I did not know any of them.

21 Q. Thank you. Did you know Khieu Samphan's name before Yoeun gave
22 it to you that day? Had you heard that name before?

23 A. Previously, I heard only of one name out of the three
24 individuals, as my uncle read an article to me, and that was
25 Khieu Samphan. My uncle was a teacher, and when he read the

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1 newspapers, he told me that name -- that is, the name of Khieu
2 Samphan.

3 [09.28.22]

4 Q. Did you know Pol Pot's name? Had you already heard that name
5 before your unit chief, Yoeun, gave it to you on that day?

6 A. I heard of his name, Pol Pot, but I did not know him.

7 Q. And the last name you gave was that of Nuon Chea. Is that a
8 name you knew before Yoeun gave you that name on that day?

9 A. Previously, I did not hear that name. I only heard it at that
10 time -- that is, in 1977.

11 [09.29.29]

12 Q. How did you know at the time that the persons who had come to
13 visit the worksite were important personalities?

14 A. I did not know that they were senior people, because the unit
15 chief told me that the Angkar representatives came to visit the
16 worksite, so that we had to work harder. I only knew at that time
17 that Ta Mok and Ta San were senior figures.

18 Q. Thank you. Can you explain to the Chamber how the visit
19 unfolded? You talked of a first vehicle, a jeep, on board which
20 was Ta Mok. And there was a second vehicle. Can you explain in
21 greater detail how the visit unfolded?

22 A. They came to receive them with the commune chief and with the
23 unit chief. But we were still busy carrying earth to build the
24 dam. And they were to -- they were standing to the right -- to
25 the right side, while I was carrying the earth to build the dam.

11

1 Q. How many people were working with you on that day, or
2 generally, at the worksite, in 1977?

3 A. There were many of us, but we were divided into units and
4 groups. And in my group, there were 12 of us. And there were
5 many, many groups within that concentration unit.

6 Q. Are you indeed saying that on that day there were many groups
7 of the same unit working at the worksite? Can you give us a rough
8 estimate of the number of workers who were with you on that day?

9 [09.32.36]

10 A. There were many people. There were hundreds of them. And we
11 were in 12 different groups, and there were hundreds of workers.

12 Q. Thank you. I would like to put a few questions to you
13 regarding food and the food rations you received during that
14 period. Can you explain to the Chamber what you ate during that
15 period, starting with the first unit to which you were assigned
16 when you arrived in Leay Bour in 1976?

17 A. In 1976, we were given rice for cooking, to eat, and we could
18 have one can for two people per day.

19 Q. And after 1976, did those food rations change?

20 A. When I was transferred to a unit, I had gruel. I had thick
21 gruel when I was in the unit.

22 [09.34.24]

23 Q. And from 1977, did you have more to eat, or less to eat?

24 A. After that, we had less food to eat.

25 Q. Did you suffer from hunger during that period, particularly in

1 1977?

2 A. When I was hungry, I went to steal a cassava and maize, and I
3 was arrested. And I was arrested for re-education. I was told
4 that next time, if I steal -- if I steal food once again, I would
5 be in danger. Because this was my first mistake, I was released.
6 But later on, I could steal some food as well, but little food
7 and I put it in my -- you know, I wrap around my skirt.

8 Q. Thank you. Did you know, during that period, whether persons
9 like you -- that is, 17 April People, were receiving the same
10 food rations as the Base People?

11 A. No. Base People, they could have enough food. As for 17 April
12 People, they had only gruel.

13 Q. Thank you. A while ago, you gave the name of a former Leay
14 Bour commune chief. And you gave the name "Ta Nel" (phonetic),
15 unless I am mistaken. Do you confirm that that person was the
16 Leay Bour commune chief at the time you resided there?

17 A. The commune chiefs -- as for the commune chief, there were
18 three of them. One was Ta Nouv, Ta Kit and Ta Hounh.

19 [09.37.21]

20 Q. You stated that you knew Ta Nouv. What can you say about him?
21 What kind of commune chief? What kind of person was he during
22 that period?

23 A. Ta Nouv was a harsh man. He asked a messenger to come and
24 bring my uncle. And my uncle was beaten, and his teeth -- he
25 broke his teeth. And later on, he -- my uncle was sent back to

13

1 his area, and he was told not to say anything about the beating
2 of my uncle. And my uncle is still alive today. He is 92 years
3 old.

4 Q. Thank you. Do you have any other information to give the
5 Chamber regarding Ta Nouv? What were his duties and
6 responsibilities? And what was his conduct during that period at
7 Leay Bour commune?

8 [09.38.50]

9 A. I do not know. I only knew that he was the commune chief.

10 Q. Thank you. A while ago, you stated that your husband had
11 disappeared, and that he was a former Lon Nol soldier. I would
12 like to know from you whether you found out what happened to your
13 husband.

14 A. In 1976-1977, there was a man who was a soldier in Pol Pot
15 time. He was a guard at Angk Ta Saom prison in Tram Kak district.
16 And the individual you mentioned was put in Angk Ta Saom prison
17 and then he was killed at Krang Ta Chan security office. The name
18 was Chhim (phonetic).

19 Q. I am not quite sure I understood your translation in French.
20 I'll ask a follow-up question therefore. Who was that person
21 working for the Khmer Rouge you referred to, and who worked as a
22 guard at Angk Ta Saom prison? What was that person's name?

23 A. His name was Chhim (phonetic).

24 Q. Thank you. What did Chhim (phonetic) tell you regarding your
25 husband?

14

1 A. Later on, I was told that the person by the name Oy Mut
2 (phonetic) was brought into Chhim's (phonetic) prison. And after
3 that, this individual was transferred to Krang Ta Chan office.
4 That's what he said.

5 [09.41.23]

6 Q. Was it Chhim (phonetic) who told you?

7 A. There was another individual by the name Hou (phonetic). He
8 was a former Lon Nol soldier. He was detained in Krang Ta Chan
9 security office. This individual could flee from the security
10 office of Krang Ta Chan in 1979. Then he said that he met the --
11 met the person I mentioned earlier, and that person already died
12 at Krang Ta Chan security office.

13 Q. I do not understand what you're saying from the
14 interpretation. Was that person Oy Mut (phonetic), your husband?
15 Is that indeed the person you are referring to?

16 A. Oy Mut (phonetic) was my husband, who was detained in Krang Ta
17 Chan security office. Hou (phonetic) was the former Lon Nol
18 soldier. He said that -- he told me not to wait for Oy Mut
19 (phonetic), because Oy Mut (phonetic) already died at that place.
20 As for Hou (phonetic), he escaped from the prison in 1979.

21 [09.43.01]

22 Q. And to be absolutely sure of what you're saying, you made
23 mention of Chim (phonetic), who was a guard at Angk Ta Saom
24 prison. Did Chim (phonetic) talk to you about your husband? And
25 did he tell you what had happened to your husband?

15

1 MR. PRESIDENT:

2 Please wait, Civil Party. You may proceed, Mr. Koppe.

3 MR. KOPPE:

4 Thank you, Mr. President. Good morning, Your Honours. While
5 admitting that the questions in itself are relevant to this
6 segment of this trial, I would also like to note that we are now
7 a half hour into the questioning of this civil party, and
8 literally two minutes of these 30 minutes have been dedicated to
9 the one and only reason why this civil party was called. I mean,
10 this is the last time that we ever agree to such a request.
11 Because the -- the context of this request, this urgent request
12 that came out of nothing, was the potential identification by the
13 civil party of high-ranking central committee members. And now
14 we're -- I'm not -- like the word 'sneaking in' but all kinds of
15 new evidence. And I think that is not the appropriate way of
16 proceeding. So, I understand the questions are in itself
17 relevant, but it is not the reason why we're having this civil
18 party here.

19 [09.44.50]

20 MS. GUIRAUD:

21 May I respond, Mr. President? We submitted an additional
22 testimony with an application under Article 87.4. We called this
23 witness because she has additional information. In order to admit
24 her additional testimony, we need to hear this civil party, in
25 order to give the defence an opportunity to react to her

16

1 statements regarding the presence of the Accused in 1977 at Leay
2 Bour worksite. In so doing, you, the Chamber, did not restrict
3 the scope of the questions that could be put to the civil party,
4 for which reason we are using the time allotted to us as we wish.

5 [09.45.46]

6 I would like the civil party to provide clarifications on
7 information she provided on Nuon Chea and Khieu Samphan. The
8 Parties and the defence will have the possibility of examining
9 the civil party on these issues. I, for my part, have not
10 received any instructions from the Chamber to restrict the kinds
11 of questions I'm putting to the witness. And that is why I am
12 requesting your leave to do my work and to ask relevant questions
13 to the civil party. I do not see why we would be forced to limit
14 ourselves to the visit of the four leaders, to the extent that
15 the testimony of this civil party covers a broader scope than
16 what was circumscribed.

17 MR. PRESIDENT:

18 The Chamber already decided that we'd call the civil party to
19 testify. Actually, we -- the testimony is to focus on the
20 presence of the four individuals at Tram Kak district. However,
21 all witnesses and civil parties who know the relevant facts
22 concerning Tram Kak district and Krang Ta Chan security office,
23 Parties are allowed to put questions. So nothing can alter and
24 change the decision to call this civil party. The Chamber
25 therefore rejects the objection by Mr. Koppe. Civil Party Lawyer

17

1 -- that is, Lead Co-Lawyer, you are instructed to resume your
2 line of questioning, and you have perhaps only 23 or 25 more
3 minutes to put questions to this civil party. You may proceed
4 now.

5 [09.47.45]

6 BY MS. GUIRAUD:

7 Q. Thank you, Mr. President. I am coming to the end of my
8 examination of the civil party. Simply, Civil Party, let us end
9 with Chim (phonetic), the guard at Angk Ta Saom prison. Did Chim
10 (phonetic) speak to you directly, and provide you with
11 information regarding what happened to your husband?

12 MS. OEM SAROEURN

13 A. Chim (phonetic) told me -- Chim (phonetic) was from my
14 birthplace, and he was a former soldier.

15 Q. And at what time did Chim (phonetic) tell you that? In what
16 year? Do you remember approximately when?

17 [09.49.03]

18 A. He told me in 1979, when I met him. At that time he once again
19 -- he was once again arrested, and put in Takeo province. He --
20 after that time, he moved to live in Battambang province. He
21 dared not come to live in his home village. He is deceased now,
22 today.

23 Q. Thank you. You applied to be a civil party in January, 2010.
24 And I have before me your civil party application, D22/2500. May
25 I ask you, why did you apply to be a civil party?

18

1 A. The reason that I applied to be a civil party, because I lost
2 my father, relatives and siblings. And I lost a lot of property.
3 I came here to apply for the civil party by myself. I came here
4 by the car.

5 Q. When you say you came by yourself, what do you mean?

6 A. When I applied to be a civil party, I did not know Phnom Penh.
7 I did not know where this Tribunal was, and I came by a taxi. And
8 I asked the driver whether he knew this Tribunal. He told me that
9 he knew, and he drove me to that place.

10 [09.51.24]

11 Q. Thank you. In your civil party application, D22/2500, ERN in
12 Khmer, 00550905; ERN in English, 01069306; and it appears that
13 there is no French translation of that document, we have
14 requested the translation of the same; you stated in the part
15 concerning psychological harm, I'll quote the phrase in English:
16 "And I am very forgetful." Do you recall saying that? And can you
17 explain what do you mean by that statement?

18 A. Before I came to apply for to be a civil party, I -- I could
19 not sleep well and I could not breathe well, and I was keep -- I
20 was keeping thinking about this matter.

21 Q. Thank you. You gave us a very precise account today at this
22 hearing, and you also provided very precise written statements,
23 and you said that you have memory lapses. Can you explain to us
24 what you mean? The term used was forgetful in English.

25 A. I recall my memory is good at the moment. Now, I could have

19

1 good sleep. I receive some drugs and medicine from TPO and it
2 make me better now, and I could sleep well and I could recall
3 some of the events in the past.

4 MS. GUIRAUD:

5 Thank you, Madam Civil Party. I have no further questions for
6 you. I'll give the floor to the Prosecution. Thank you, Mr.
7 President.

8 MR. PRESIDENT:

9 Thank you very much, Lead Co-Lawyer. You may now proceed, the
10 National -- the National Deputy Co-Prosecutor.

11 QUESTIONING BY MR. SREA RATTANAK:

12 Thank you, Mr. President. My name is Srea Rattanak. Thank you,
13 Madam Civil Party. You mentioned about the food ration in your
14 cooperative, and you said that the food ration was not enough,
15 was not sufficient. When you received insufficient food, could
16 you complain about that?

17 MS. OEM SAROEURN:

18 A. No, I could not complain, otherwise, I would be killed. If we
19 asked for more we -- there would be a problem for all of us. We
20 ate what we were given, and we cook the stem of banana and the
21 stem of papaya trees to cook to eat.

22 [09.55.51]

23 Q. You said that if you complained, you would be killed. Did you
24 see anyone killed because of the complaint about food ration?

25 A. Yes, there was one child complaining about the food ration and

20

1 this child complained that he could not have enough food to eat,
2 and he stole a fish to eat, and he was killed.

3 Q. Did you saw that incident by your own eyes?

4 A. Yes.

5 MR. PRESIDENT:

6 Madam Oem Saroeurn, please repeat your answer because while you
7 were responding, the microphone was not yet activated.

8 [09.56.56]

9 MS. OEM SAROEURN:

10 A. Yes. At that time the child was 15 years old. He stole a
11 package of rice from the economic section and there was a report
12 about the matter. The child was brought away and killed.

13 Q. During the time you were in cooperative, did you ever fall
14 sick?

15 A. I fall sick -- I fell sick and the chief of the economic
16 deprived my rice because I -- I was accused of having
17 psychological disease. I had malaria at that time in 1976. I was
18 seriously sick. I was put in Leay Bour Hospital and the hospital
19 was named Hospital 17; Hospital 12 rather.

20 Q. What kind of treatment did you receive at that hospital?

21 A. I received IV injection and I was given the medicine made up
22 -- made from cassava. The IV was made from coconut juice. And --
23 and at that time, I was told that Ta Tuch (phonetic) got problem
24 with his leg and he -- he got some treatment from traditional
25 medicine.

1 Q. Did any worker fall sick?

2 A. Yes, other worker fell sick.

3 [09.59.26]

4 Q. Could you tell the Court your -- what you witnessed at that
5 time or what happened to those who fell sick?

6 A. I witness many people who got sick from different illnesses.
7 Some of them became worse and died and some recovered.

8 Q. In document D22/25008 in Khmer the ERN is, 00587134 to 35; and
9 D22/2500B, in English the ERN is, 0594688 to 89; you stated that
10 you had been relocated from one cooperative to another. However,
11 in general, you stated that usually you saw Khmer Rouge take
12 people and killed. And my question to you is, why those people
13 were taken away and killed?

14 A. They were in the youth mobile unit and they did not have
15 sufficient food to eat, so they resorted to stealing different
16 food namely cassava, sugarcane or corn, and they were caught,
17 then they were arrested and sent for re-education. Sometimes they
18 returned, but at other times they disappeared since.

19 [10.01.32]

20 Q. Did you witness that rather often meaning that people were
21 taken away and killed? I referred to your first eyewitness
22 account of the killing.

23 A. Once in a while I witnessed it.

24 Q. When did it happened? Were those people killed during the
25 daytime or at night time?

22

1 A. When I saw it, it was during the daytime, and I did not know
2 about the night time event.

3 MR. SREA RATTANAK:

4 Thank you. And thank you, Mr. President. I don't have any further
5 questions for this civil party.

6 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

7 Good morning, Mr. President, Your Honours. Good morning, Madam
8 Civil Party. I see I have perhaps 10 minutes. I have a few
9 questions to put to you as well as the extract of a film, which I
10 would like to show you.

11 Q. First question you talked of the evacuation of Takeo town, and
12 is that you were -- you ended up in Champa Leu (phonetic) pagoda.
13 Can you tell us whether there were evacuees in that pagoda?

14 MS. OEM SAROEURN:

15 A. People there were -- there were hundreds of thousands of
16 people were evacuated from the Takeo provincial town to that
17 pagoda.

18 [10.03.27]

19 Q. Were any investigations conducted on the spot to determine
20 whether among the evacuees were high-ranking officials of the Lon
21 Nol Army or other senior officials, do you remember that?

22 A. Yes, I remember it. They went around to taking note of what we
23 did previously, and that they would send them back to the same
24 location that they used to work. So those people including myself
25 fall victims of their tricks, so they registered those people's

1 names.

2 [10.04.25]

3 Q. In the Champa Leu (phonetic) pagoda, were there any
4 disappearances of people who mentioned that they had been
5 soldiers, for instance, in the past?

6 A. Yes, they did, including my uncle, he worked as a secret agent
7 and there were former teachers, soldiers, police, custom officers
8 who were taken away under the pretext that they would be sent
9 back to their previous offices and they disappeared since.

10 Q. Very well, still regarding the disappearances you stated that
11 your husband was sent from Angk Ta Saom to Krang Ta Chan. You
12 also stated in D22/2500, that in 1978, your brother Ung Lim, was
13 sent to Krang Ta Chan. Is that correct? If it is correct, how do
14 you know that your brother was arrested and sent there?

15 A. Ung Lim, my elder brother was in the economic section and
16 because he was a 17 April Person and sometimes he asked for food
17 from that section, for example, he asked for a fish, and later on
18 because of that he was criticised, and then sent for re-education
19 and disappeared since.

20 [10.06.27]

21 Q. You also stated that your father Im Pum, your uncle Im Chak
22 were also taken away and killed in Krang Ta Chan in 1976. How did
23 you know that your brother Ung Lim and your father and uncle had
24 indeed been sent to Krang Ta Chan?

25 A. There was a document at Krang Ta Chan that soldiers who took

24

1 them to Krang Ta Chan made a report to that Krang Ta Chan and
2 their names were on the list at Krang Ta Chan.

3 [10.07.26]

4 Q. Very well. While you were at Leay Bour in the cooperative K3,
5 did you see the K1 model cooperative, did you see the building of
6 K1?

7 A. Yes, I did, and I knew it. It was located to the south of
8 where I lived. We, the 17 April People, were put in the -- to the
9 north of that area and then there was the A2 unit to the south
10 near the hospital. And everything was different for different
11 cooperatives, including the dining halls.

12 Q. Did the unit of Base People in that model cooperative K1, was
13 it also called the unit of the "Great Leap Forward"?

14 A. Yes, it was called that way and it was told that that was the
15 model unit.

16 Q. Why was it called a model unit, a unit of the "Great Leap
17 Forward"? How was it different from the other units?

18 A. Because they did not have any connection with this 17 April
19 People so they were considered good.

20 Q. Did you work in Leay Bour in a unit in which Madam Chou
21 Koemlan also worked?

22 MR. PRESIDENT:

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

25 [10.09.43]

1 MR. KOPPE:

2 Thank you, Mr. President. I also noticed that the Prosecution is
3 not at all interested in the so-called visit of high-ranking
4 leaders. I must say, we'll be very tricked into this request.
5 This is the last time ever that we will consent or concede into a
6 request having this civil party come to testify. If -- if it has
7 been told to us that there is a specific reason in both Parties
8 on the other side hardly pay any attention to the very topic than
9 effectively we have lost a one day of testimony so even though
10 the Prosecution has only 10 minutes, he doesn't even ask one
11 question that is astounding to me.

12 MR. DE WILDE D'ESTMAEL:

13 President, if I may respond?

14 [10.10.38]

15 MR. PRESIDENT:

16 Counsel Kong Sam Onn, you have the floor.

17 MR. KONG:

18 I'd like to object to the last question by the Deputy
19 Co-Prosecutor -- that is, to give a name to the civil party. This
20 civil party has not spoken about another civil party whose name
21 has been stated by the Deputy Co-Prosecutor. This is apparently
22 -- apparently a leading question.

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, I can see that I am being prevented to complete my
25 examination in the time allotted to me. May I request leave to

26

1 wrap up these last two questions I have and to show the 45 second
2 video. It is not up to the Defence to approve of the manner in
3 which we examine a civil party. It is the Chamber that decides.
4 The Defence will have all the time to ask all the questions they
5 would like to ask on this visit. I, for my part, I'm relying on
6 the documents that we received and it is specific enough, I will
7 not elaborate on that.

8 Regarding the fact that I mentioned the name is not
9 controversial. I'm simply asking whether if this civil party
10 worked with Chou Koemlan in the same unit. In fact, the -- the
11 fact that that name wasn't provided by the civil party doesn't
12 make my question controversial.

13 [10.12.20]

14 MR. PRESIDENT:

15 Thank you and the objection stressed by the two difference teams
16 are denied as the Chamber needs to hear the response put to the
17 civil party by the Deputy Co-Prosecutor. And Madam Oem Saroeurn,
18 if you can please respond to the last question put to you by the
19 Deputy Co-Prosecutor?

20 BY MR. DE WILDE D'ESTMAEL:

21 Let me repeat the question. Did you work with Chou Koemlan in the
22 same unit at Leay Bour particularly, when the leaders came to
23 visit the work site? Were you with her in the same unit in the
24 same group?

25 A. No, we were in a different group and Chou Koemlan was in

1 another group, but we were working closer to one another on that
2 same day.

3 Q. Hearing of the 7th of January 2015, at 14.03, it was said that
4 Ta Nouv was in charge of military matters at Leay Bour commune.
5 At 14.05, the witness stated everyone was afraid of him because
6 people -- when they saw Ta Nouv work very, very hard because he
7 was very stern. Were you yourself afraid of Ta Nou during that
8 period?

9 MR. PRESIDENT:

10 Madam Civil Party, please wait. And the Defence Counsel, you have
11 the floor.

12 [10.14.12]

13 MS. GUIRAUD:

14 I am objecting to the question and the manner in which it is
15 asked. The civil party responded a while ago when the question
16 was put to her regarding Ta Nouv and his conduct and she answered
17 that question -- answered that question. That question is not
18 only repetitive, but it is controversial because the Prosecution
19 is trying to, kind of, give the name of the colleague with which
20 the civil party worked and the civil party mentioned earlier that
21 he -- she had nothing else to say regarding Ta Nouv's conduct.

22 [10.14.46]

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Mr. President, to gain time I will rephrase my question. She
25 talked about Ta Nouv and an uncle whose teeth were broken. Did

28

1 you have reason to be afraid of Ta Nouv in Leay Bour commune?

2 MS. OEM SAROEURN:

3 A. Yes, I was afraid of him. He was a commune chief and from his
4 facial expression, he looked very mean.

5 [10.15.29]

6 MR. PRESIDENT:

7 The time is expired, Mr. Co-Prosecutor, and we will take a break
8 now and return at 10.30 to resume our proceeding.

9 And Court officer, please assist Madam Civil Party during the
10 break, and invite her back into the courtroom at 10.30. The Court
11 is now in recess.

12 (Court recesses from 1015H to 1031H)

13 MR. PRESIDENT:

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

15 Before I give the floor to the Defence Counsel for the Accused, I
16 would like to know whether any of the Judges have any question to
17 put to this civil party. You may now proceed, Judge Fenz.

18 [10.32.11]

19 QUESTIONING BY JUDGE FENZ:

20 Thank you, President. Witness, I want take you back to the visit
21 of the dignitaries at your worksite. Now, before I ask questions,
22 we know this is 40 years back, and was probably a rather short
23 incident. So if you do not remember something, then please tell
24 me 'I don't remember'.

25 Q. Do you understand that?

1 MS. OEM SAROEURN:

2 A. Yes.

3 Q. So, back to this incident when the dignitaries visited. You
4 told us they came by car and you were there with lots of people.

5 Now -- and then, they were pointed out to you by -- I think --

6 Yon or Yoeun as Nuon Chea, Khieu Samphan, and Pol Pot; is that
7 correct?

8 [10.33.35]

9 A. Yes, that is correct.

10 Q. Now, I want to know, at the time they were pointed out to you,
11 was this when they were still there, or was it before they came,
12 or was it after they left?

13 A. Before that time, she told me that Angkar would come to the
14 place. And on that day, that was true Angkar was coming. And
15 after Angkar went back, she told me the names of those
16 dignitaries.

17 Q. So let me clarify your last sentence. At the time when she
18 said Khieu Samphan, Nuon Chea, and Pol Pot have been here, they
19 had already left or were they still here?

20 A. They had already left.

21 Q. I see. So you didn't actually know who of the people, who had
22 been here, was Khieu Samphan and was Nuon Chea. You just knew
23 they had or were told they had been there; is that correct?

24 [10.35.24]

25 A. Yes, that is correct. I did not know who was who.

30

1 Q. So you couldn't put the face to the name?

2 A. I did not know the three dignitaries.

3 Q. Okay. And basically -- just tell us perhaps, when you were
4 told or when the three were identified, where were you at the
5 time, still at the worksite? Or did that happen in another place?

6 A. I was in -- working in the mobile unit near the railway
7 station of Kok Chambak (phonetic).

8 Q. And you were still outside in this place when Yoeun told you
9 the guys who have just left or among the guys who have just left,
10 there were Nuon Chea, Khieu Samphan, and Pol Pot? You were still
11 in the same place?

12 A. Yes, I was still working there. It was not yet the time to
13 break.

14 Q. How far were you away from the group of dignitaries when you
15 saw them?

16 [10.37.27]

17 A. When I saw them, they were standing to the right of me, and
18 they were about five or six metres from me. They were standing on
19 the National Road, and I was working down there in the worksite.

20 Q. Were you just looking up from work, or were you actually
21 standing there, for instance, greeting them?

22 A. I was carrying earth at that time. I was shouldering the earth
23 carrier at that time.

24 Q. So how long did you actually see them - couple of seconds,
25 couple of minutes, half an hour?

31

1 A. It was a brief moment. It was not for one hour. I did not know
2 how many minutes that I saw them. It was just a brief moment.

3 Q. Do you today remember the faces of the people you saw 40 years
4 ago at that time and place?

5 A. I did not recognise and recall their faces. I saw frequently
6 two individuals, Ta Mok and Ta San.

7 Q. So if we showed you photos today, would you be able -- of some
8 of the people who came, would you be able to say this person was
9 here, this person was here, besides Ta Mok and Ta -- Ta San?

10 [10.39.54]

11 A. I did not recall them.

12 Q. And as my last question -- sorry. My last question, you said
13 you knew Ta Mok well. Why did you know Ta Mok well?

14 A. While I was working there, Ta Mok was living on - living in a
15 house on the water, in the east. And he frequently drove to --
16 drove on the National Road. Sometimes he was alone and sometimes
17 he was with the messenger. He would come to the worksite to
18 examine all of us. The longest, 10 days per month.

19 JUDGE FENZ:

20 Thank you. That concludes my questions.

21 MR. PRESIDENT:

22 You may proceed, Judge Lavergne.

23 [10.41.11]

24 JUDGE LAVERGNE:

25 Thank you, Mr. President. Mr. President, I would request your

32

1 leave to show a video. The reference is E3/3091R.

2 MR. PRESIDENT:

3 There is interference in the sound.

4 Court officer, please work with the AV unit to deal with this
5 matter.

6 You may resume your line of questioning, Judge Lavergne.

7 JUDGE LAVERGNE:

8 Mr. President, I was requesting you whether it'd be possible for
9 you to allow me to show a video with the following references:
10 E/3091R as well as reference V00172427, and from the 43 minutes
11 13 seconds and 43 minutes and 57 seconds. So I would request your
12 leave to place this video on the screen for us to know whether
13 the civil party can recognise any persons who feature in the
14 sequence.

15 [10.43.08]

16 MR. PRESIDENT:

17 AV unit, you are instructed to project the video as requested by
18 Judge Lavergne.

19 (Audiovisual presentation)

20 [10.44.11]

21 QUESTIONING BY JUDGE LAVERGNE:

22 There we are, Madam. Can you tell us whether you have recognised
23 any persons on the video extract that has just been shown?

24 MS. OEM SAROEURN:

25 A. I saw Ta San. I knew Ta San.

1 Q. Did you recognise any other persons other than Ta San?

2 A. No.

3 Q. Mr. President, in order to avoid an ambiguity, may I request
4 that the video be shown again and that the civil party tell us at
5 the specific time when she recognises Ta San?

6 MR. PRESIDENT:

7 AV unit, please play the video once again.

8 (Audiovisual presentation)

9 [10.46.28]

10 BY JUDGE LAVERGNE:

11 Madam Civil Party, I think the idea in showing you this video
12 again is to enable you to tell us the point at which you
13 recognise Ta San. Do you understand what I am telling you? There
14 may well be a translation problem. Is it understandable in Khmer?

15 MS. OEM SAROEURN:

16 A. Yes, I understand.

17 Q. So on this video, you have indeed recognised Ta San. By the
18 way, did you recognise Ta San or not?

19 [10.47.11]

20 A. Yes, I recognised him. He is a bit bald. He now changed his
21 surname.

22 JUDGE FENZ:

23 Civil Party, we'll play this video again and as soon as you see
24 Ta San, say 'stop'. Do you understand that?

25 MS. OEM SAROEURN:

34

1 (Microphone not activated)

2 MR. PRESIDENT:

3 AV unit, please play the video footage once again, and when you
4 hear the word "stop" by Civil Party, please pause the video.

5 (Audiovisual presentation)

6 MS. OEM SAROEURN:

7 This is Ta San. So, he had no hair -- no hair you could see on
8 the forehead. He was young at that time, and now he is quite old.

9 [10.49.07]

10 MR. PRESIDENT:

11 You can stop playing the video now. Victor Koppe.

12 MR. KOPPE:

13 She raised her hand when she actually saw him, but the video
14 stopped later. I saw her -- I think she positively recognised
15 him, but the video stopped at the moment that it was obviously
16 not the person. So maybe it would be wiser to ask her to raise
17 her hand and we all watch, and then she can recognise the person.

18 (Judges deliberate)

19 [10.50.51]

20 MR. PRESIDENT:

21 AV unit, please play the video footage again. And we decided to
22 change the approach of projecting the video. And when you hear
23 Judge Lavergne say "stop", could you please pause the video
24 footage there.

25 MR. KOPPE:

35

1 I know she recognises -- but that obviously, I think, is the way
2 it shouldn't be done because then we're leading the civil party
3 into recognising the person. But in this time, it is immaterial.
4 But for next time, it should be not in a leading way. But now --
5 for now, I don't have any problem with it because I know she
6 recognises him.

7 JUDGE FENZ:

8 But the process is on record, so.

9 MR. KOPPE:

10 True.

11 [10.52.10]

12 JUDGE LAVERGNE:

13 Counsel Koppe, I do not understand. How would I be leading the
14 witness? At no point in time have we sought to lead the witness.

15 MR. KOPPE:

16 No. But if you now stop at the image of Ta San and then you ask
17 her, "is this the person?", then of course, that is leading. So
18 it's rather - it's better to have her see the video again, and
19 then raise her hand at the moment she sees him. We can all watch
20 her, and then it will be completely neutral. In effect, this
21 particular moment doesn't make any difference because I know she
22 recognises him.

23 MR. PRESIDENT:

24 The problem is that the moment she raised her hand, the picture
25 or the video footage already passed. And there is no objection

36

1 from the Defence Counsel, so I think there is no problem
2 concerning this matter. We heard only observation from the
3 Defence Counsel of the Accused. Judge Lavergne, do you have any
4 further question to put to the civil party?

5 [10.53.36]

6 JUDGE LAVERGNE:

7 To be absolutely sure that the witness has recognised the person,
8 let us show her the video again, and when I say 'stop', we'll ask
9 the civil party to tell us whether she recognises the person on
10 the screen.

11 MR. PRESIDENT:

12 AV unit, please play the video as instructed by Judge Lavergne.
13 (Audiovisual presentation)

14 BY JUDGE LAVERGNE:

15 Stop. Do you recognise that person?

16 [10.55.02]

17 MS. OEM SAROEURN:

18 A. Yes, I recognise him.

19 Q. We saw another person before the one we have just seen on the
20 screen. Was that other person also Ta San?

21 A. I recognise the photo in the screen. It is Ta San. He was
22 young before and he is now old, and he had no hair on his
23 forehead.

24 JUDGE LAVERGNE:

25 I think we should backtrack a little up to the previous image

37

1 when we saw another face. And at that point, we will pause and I
2 will put another question to the civil party.

3 MS. GUISSÉ:

4 Honourable Judge Lavergne, perhaps before we look at the other
5 image, we should identify the minutes on the video, otherwise,
6 the transcript will miss out on that detail.

7 [10.56.34]

8 JUDGE LAVERGNE:

9 I think such information is noted on the transcript. I don't have
10 that information at my possession. I think you can see the minute
11 on the screen. All we need to do is to show the video and we'll
12 note the minutes below the image. Unless, I'm mistaken.

13 MR. PRESIDENT:

14 AV unit, please play the video footage once again.

15 (Audiovisual presentation)

16 BY JUDGE LAVERGNE:

17 Stop. So we are at 43 minutes 27 seconds. Madam, do you recognise
18 this person?

19 MS. OEM SAROEURN:

20 A. Yes, I recognise.

21 Q. And who is he?

22 A. He is Ta San.

23 JUDGE LAVERGNE:

24 Very well. Can we continue viewing the video?

25 (Audiovisual presentation)

1 [10.58.15]

2 BY JUDGE LAVERGNE:

3 Stop. We are at 43 minutes 34 seconds. Madam, do you recognise
4 this person?

5 MS. OEM SAROEURN:

6 A. Yes, I recognise him.

7 Q. And is that the same person, Ta San?

8 A. Yes.

9 JUDGE LAVERGNE:

10 Very well. I thank you. For the record, I think it is 43 minutes
11 and 35 seconds. Thank you. I have no further questions for the
12 civil party.

13 [10.59.07]

14 MR. PRESIDENT:

15 I now hand over the floor to the Defence Counsel for the Accused.
16 First, you may proceed, Defence Counsel for Mr. Nuon Chea.

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President. Good morning, Madam Civil Party. I have
19 some additional questions to put to you.

20 Q. Did Yoeun, when she spoke to you about the visitors, tell you
21 how she knew that these visitors were Khieu Samphan, Nuon Chea,
22 and Pol Pot?

23 MS. OEM SAROEURN:

24 A. This person was the chief of unit number 3. This individual
25 was the Base Person.

1 Q. I understand, but when she spoke to you, did she tell you how
2 she knew that these people that you had just seen were in fact
3 Pol Pot, Nuon Chea, and Khieu Samphan?

4 [11.00.40]

5 A. It was in 1977, I did not recall the month of the year.

6 Q. Let me try again, Mr. President. Madam Civil Party, did Yoeun
7 when she spoke to you about the visitors, did she tell you how
8 she learned that these people that you had seen were Pol Pot,
9 Nuon Chea, and Khieu Samphan?

10 A. She knew these people by herself.

11 Q. And did she tell you how she knew these people by herself?

12 A. She only said that she knew this person by - these people by
13 herself. That's it.

14 Q. So she didn't say to you that she had met them before, had
15 seen them before maybe in the magazine, during a meeting -
16 anything?

17 A. No. She did not told me this.

18 [11.02.38]

19 Q. And Madam Civil Party, you just said earlier to a question of
20 one of the Judges that the high ranking Angkar people were about
21 five to six metres away from you. Would that be about the same
22 amount that there is between you where you sit and me where I ask
23 questions?

24 A. Yes.

25 Q. And when you look at me, can you see my face clearly?

40

1 A. Yes, I can see clearly.

2 Q. And is it correct that when you saw these dignitaries from
3 Angkar, Ta Mok was one of them?

4 A. Yes.

5 Q. You told us also that you knew Ta Mok quite well. Mr.
6 President, with your leave, I would like to show something that
7 we have prepared earlier yesterday. It's a collage of 10 photos.
8 And the purpose of showing this document to her is asking her if
9 she could identify Ta Mok in one of these photos.

10 [11.04.26]

11 MR. PRESIDENT:

12 You may proceed. Court officer, please go and take the photos for
13 Civil Party to have a look.

14 (Short pause)

15 [11.05.10]

16 MR. KOPPE:

17 Madam--

18 MR. PRESIDENT:

19 Please note that the civil party is illiterate. So Court officer,
20 please sit close to the civil party to assist this civil party
21 when there is question by the Party.

22 BY MR. KOPPE:

23 Q. Madam Civil Party, take all your time that you need to have a
24 look at all of these ten photos, and then please, tell the court
25 officer if one of the people that you see on this photo is, in

41

1 your recollection, Ta Mok?

2 (Short pause)

3 [11.06.11]

4 Mr. President, I see the Court officer saying something. Madam
5 Civil Party, do you recognize Ta Mok on this list of photos?

6 MS. OEM SAROEURN:

7 A. In the photo he was young with his cap on his head. And during
8 the time back in the past, he rarely wore his cap and he was
9 young at that time.

10 Q. Madam Civil Party, would you be so kind and tell the court
11 officer next to you if you recognize the photo and could you then
12 please point to the photo which you think is Ta Mok and then tell
13 this to the court officer?

14 [11.07.43]

15 MR. PRESIDENT:

16 Madam Civil Party, do you recognize one of any individuals in the
17 list of 10 photos. You just say you don't recognize any of them
18 if you don't recognize.

19 MS. OEM SAROEURN:

20 A. I don't recognize any one of them.

21 BY MR. KOPPE:

22 Q. Let me ask, then, a few more other questions. You said that
23 you were very close distance when you saw the high dignitaries.

24 Mr. Court Officer, please stay, because I would like to ask some
25 more questions to the civil party. You said that you recognized

42

1 other high dignitaries. Is any of the people that you see on the
2 photo--

3 MR. PRESIDENT:

4 Civil party appears to give clear response already that she does
5 not recognize any one of them. So do you have any other question
6 in relation to the same question or do you want to put a leading
7 question for the civil party?

8 [11.09.16]

9 MR. KOPPE:

10 I'm not -- maybe something went wrong in translation. I thought
11 she said only that she didn't recognize Ta Mok. I'm not quite
12 sure or maybe I didn't hear that she didn't recognize anybody,
13 because if that--

14 MR. PRESIDENT:

15 Madam Oem Saroeurn, among the photo in the list here, 10 photos,
16 do you recognize any one of them?

17 MS. OEM SAROEURN:

18 I do not recognize any one of them in the list of photos.

19 MR. PRESIDENT:

20 Do you recognize any one of them in the list of 10 photos? Do you
21 understand my question, Madam Civil Party? Here, you have a list
22 of 10 photos. They are different people. So, among them all, do
23 you recognize one of them?

24 MS. OEM SAROEURN:

25 No, I don't, because when they put their caps on, I do not

1 recognize anyone.

2 [11.10.35]

3 MR. KOPPE:

4 I'll leave the subject, Mr. President. Madam Civil Party, I have
5 a few--

6 MR. PRESIDENT:

7 Court officer, please return to your seat.

8 BY MR. KOPPE:

9 Madam Civil Party, I have a few other questions that I would like
10 to put to you. Earlier this morning, you testified that your
11 one-year-old child unfortunately died of measles. Do you know, do
12 you remember if there were other children in Leay Bour or in Tram
13 Kak district who had died at young age of the measles?

14 [11.11.37]

15 MS. OEM SAROEURN:

16 A. Yes, there were. The children who were between two to three
17 years old, many of them died when they were being looked after by
18 the old women.

19 Q. Do you remember how many children died of measles? Was it a
20 few? Were there many? Do you remember?

21 A. Near the house that I stayed, for those young children, there
22 were about seven or eight of them died.

23 Q. Thank you, Madam Civil Party. Now another question that I have
24 for you is the following. You said earlier this morning that the
25 Base People had enough to eat, but that the 17 April People did

1 not have enough to eat. Can you tell us a little bit more about
2 how you knew this, how you know this? What was your observation
3 in that regard?

4 A. They had enough to eat because they told me that. Those people
5 who lived in the same village that I lived told me about this.

6 Q. But how do you know then that other 17 April People did not
7 have enough to eat?

8 A. I knew it because my mother and I were given a shared pot of
9 gruel and each of us would be given a ladle of gruel.

10 [11.14.06]

11 Q. But at the beginning, let's say 1975, 1976, did you eat
12 together in the same communal hall with the Base People? Did they
13 eat together; the 17 April People and the Base People?

14 A. At the beginning, the 17 April People and the people in K-2
15 ate together communally. Later on, they would take the 17 April
16 People and they would be -- they would eat separately from the
17 other group.

18 Q. Do I understand your testimony correctly that at the time that
19 Base People and 17 April People were eating together both
20 categories had the same food? Is that correct?

21 A. No, that was not correct.

22 [11.15.33]

23 Q. How so? You were eating in the same communal building. The 17
24 April People and Base People were mixed together as I understand.
25 How was it that the Base People ate more than the 17 April

1 People?

2 A. At that time, that was the beginning, the Base People had
3 their houses and the New People lived nearby. But later on, they
4 were divided into separate groups and they ate differently.

5 Q. That is how I understood your testimony. But at the time when
6 everyone was still eating together everybody had the same food
7 rations. Is that not correct?

8 A. No, that was not correct. Later on, the 17 April People was
9 put in a separate group and not to mix with the Base People.

10 Q. But my question was when people were still eating together
11 mixed, then everybody was eating the same thing. Is that correct?

12 A. No.

13 Q. Can you explain to us what happened when you were eating
14 together? Were Base People getting more rice or more gruel or
15 more vegetables? And if yes, how did that go?

16 A. The Base People were allowed to ask from the other Base People
17 working in the kitchen. But as for us, the 17 April People, we
18 were not allowed to go into the kitchen as they were afraid we
19 would put a poison into the food. And for old people who could
20 not go to work would be sent back home and that also applies to
21 people who fell sick.

22 [11.18.41]

23 Q. But at the tables, where everybody was eating together, the
24 same thing was served to everybody. Is that correct?

25 A. No. The thing was that the 17 April People were allowed to eat

1 first and after that, the Base People would take turns to eat.
2 And when the Base People ate, they ate more food. They had big
3 fish to eat.

4 Q. And how would the people who were in charge of this communal
5 dining place know who were the 17 April People and who were the
6 Base People? How would they know?

7 [11.19.44]

8 A. Because they took down the names. Because the group chief's
9 would take down the names of their members and then gave the list
10 of names to the village chief.

11 Q. Three times per day? At breakfast, lunch and dinner?

12 A. No, there were only two meals. One was for lunch time and one
13 was at dinner time.

14 Q. But two times per day this procedure was followed. Is that
15 what you're saying, Madam Civil Party?

16 A. Each day we were given two meals, in the morning and in the
17 evening.

18 Q. Yes, but my question was about if any, if certain people got
19 more to eat than other people. I'm trying to understand what
20 you're saying. So, how did that go?

21 A. The Base People worked in the kitchen and the other Base
22 People knew one another, probably from, I don't know, maybe
23 around 1971 or 1972, so they could go in the kitchen. And for us,
24 the 17 April People, they knew who we were because our names were
25 recorded on a list.

1 Q. You described earlier this morning the killing of a child, a
2 15-year-old child, because you said that the child had stolen
3 food. However, before you were recounting the story, you said
4 that you yourself had also stolen food once but that you were
5 only re-educated and were sent back and were given a warning. Can
6 you tell us why this was different with that child of 15?

7 [11.22.38]

8 A. The child stole some rice and he was taken away and killed. As
9 for me, I was disciplined and I was re-educated and I swore to
10 them that I would not do it again. And later on, they sent me to
11 work at Chamkar Siem (phonetic).

12 Q. But can you explain us the difference? Why did you just get a
13 warning and why are you saying that this child did not get the
14 same warning that you had gotten?

15 A. The economic people reported to a teacher, and the teacher had
16 a messenger who came to take that child away.

17 [11.23.51]

18 Q. Madam Civil Party, in your so-called victim information form,
19 D22/2500, English ERN, 01069306; Khmer; I don't have the Khmer
20 right now, I will get that as soon as possible, Mr. President, I
21 apologize; you said that you were not only very forgetful, but
22 you also said that you have a mental disorder. What do you mean
23 when you wrote that down or when you said that that you have a
24 mental disorder?

25 A. Because at that time I could not sleep and I kept recalling

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1 the events that happened in the past. However, I still could
2 recall all those stories.

3 Q. I understand, Madam Civil Party, but not being able to sleep,
4 of course, is one thing, but a mental disorder is something quite
5 different. Would you be able to tell us what you meant when you
6 used the words "mental disorder" to describe your medical
7 situation?

8 A. I got some medicine from an organization, probably named as
9 TPO.

10 Q. And did TPO tell you that you have something which they call a
11 mental disorder?

12 A. Yes, but later on when I went there again, I was told that I
13 no longer had it.

14 MR. KOPPE:

15 Thank you, Madam Civil Party. Thank you, Mr. President.

16 MR. PRESIDENT:

17 Thank you, and the floor is now handed to the Defence Counsel for
18 Khieu Samphan. You may proceed.

19 [11.26.35]

20 QUESTIONING BY MS. GUISSÉ:

21 Thank you, Mr. President. Good morning, Ms. Oem Saroeurn. My name
22 is Anta Guissé. I am the international counsel for Mr. Khieu
23 Samphan, and it is in this capacity that I would like to put a
24 few questions to you. I'll ask very specific questions and may I
25 ask you to answer those questions as specifically as possible.

1 Q. A while ago, you stated that you applied to become a civil
2 party at your own behest and that you yourself came to the
3 tribunal to fill out your civil party application form. Did I
4 understand you correctly?

5 [11.27.24]

6 MS. OEM SAROEURN:

7 Yes, that is correct.

8 Q. I also understood that you can neither read nor write, and
9 that it was someone at the Tribunal who helped you to fill out
10 your application form. Is that correct?

11 A. No, that is not correct, because I remember the events
12 well by myself.

13 Q. In that case, I think we are misunderstanding one other. My
14 question to you is as follows: In order to fill out the form, the
15 person who assisted you noted what you told him or her. Is that
16 how things happened?

17 A. Yes, I told the events, because I could not read and write, so
18 then that person assisted me in the writing.

19 Q. Was what was written on the form subsequently read out to you
20 before you signed it or put your fingerprints on it?

21 A. Yes, it was read out to me.

22 Q. Do you recall whether among the questions that were put to you
23 there was a question regarding the presumed official?

24 A. I cannot recall it.

25 [11.29.34]

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1 Q. A while ago, you stated that you knew Ta Mok because you knew
2 -- you saw him in your district in 1975 and 1979. Do you confirm
3 that?

4 A. Yes, I confirm it, because I knew him. But when I was asked to
5 look at black and white photos, I could not recognize it.

6 Q. You also stated that you did not know Khieu Samphan, but that
7 you had heard one of your uncles utter his name. You also said
8 that you only saw him once when he came to visit the worksite
9 where you were. Is that correct? And that was the only time you
10 saw him. Is that correct?

11 [11.30.35]

12 A. Yes, I saw him only one time. And before that, my uncle read
13 newspapers and told me about his name. And while he went to visit
14 at the worksite where I worked, I was busy working and I only had
15 a quick look at him.

16 Q. We agree that it was only subsequently after his departure and
17 after the departure of those leaders that your unit head gave you
18 the names of the leaders who had come to visit the worksite. Did
19 I properly understand your testimony?

20 A. Yes. After they left, I was told that was the name.

21 Q. During the time of the events, did you ever hear of Ieng Sary?

22 A. I heard of the name Ieng Sary, but I did not know him. I only
23 heard of his name.

24 Q. How about Kaing Guek Eav, alias Duch? Did you hear his name
25 mentioned between 1975 and 1979?

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1 A. I heard of the name of Duch, but I do not know this person.

2 Q. My question was more specific. I wanted to know whether you
3 heard of him between 1975 and 1979, between the 17th of April
4 1975 and January 1979.

5 A. I heard of his name only after 1979 that I heard of his name
6 and Tuol Sleng. But personally I do not know Tuol Sleng, nor did
7 I know this individual.

8 [11.33.18]

9 Q. I am putting questions to you on those persons, Ms. Oem
10 Saroeurn, because in your statement titled Report on Civil Party
11 Application; unfortunately, it only exists in English, document
12 D22/2500/1; in that document, where they mention the presumed
13 person responsible, you mention the names of Ieng Sary, Ta Mok,
14 Ieng Sary, Kaing Guek Eav, Duch. Are you the person who mentioned
15 those names on the day of your interview when you had to fill out
16 that form? Perhaps I should give the ERN number. I'm sorry, I
17 didn't give it. It's 00550904.

18 [11.34.28]

19 My question is as follows: Are you the one who gave those names
20 when you had the interview and filled out the forms?

21 MR. PRESIDENT:

22 Civil Party, please wait. And the International Lead Co-Lawyer
23 for Civil Parties, you have the floor.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I would like to make a clarification on

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1 the nature of the document. There's usually the application for
2 civil party. The application is the information form of the civil
3 party that is in English and then you have a second document
4 which is drafted by the victims unit, and that document is
5 established after the application and it is simply a summary
6 drawn up by the victims unit, as is the case with all civil party
7 application. And that document is not signed by the victim him or
8 herself. So, there is a time lapse -- there's a time lapse
9 between the time when the victim's information sheet is
10 established and the report, which is prepared by the victims
11 support section. I just wanted to make this clarification so that
12 we should understand the process whereby those documents are
13 established.

14 BY MS. GUISSÉ:

15 Thanks for this clarification, but it is important for me to put
16 questions to the civil party so that she can respond herself
17 regarding the programs, the documents that are filled out and
18 signed by the civil party. I have only the Khmer version. It is
19 D22/2500, and since we do not have the full translation, be it in
20 French or in English, I am obliged to give the ERN in Khmer,
21 00550909. These names also appear on Ms. Oem Saroeurn's
22 information sheet. So, my question remains relevant.

23 Q. Are you the person who mentioned those names?

24 [11.36.47]

25 MS. OEM SAROEURN:

1 A. Yes, I mentioned it by myself.

2 [11.36.57]

3 Q. My question is therefore, why did you mention those names if
4 you did not know those persons, and if you did not see them
5 between 1975 and 1979? I am referring in principle to Duch and
6 Ieng Sary whom you said you hadn't seen. Why did you mention
7 their names on the form?

8 A. Because my uncle read to me the newspaper article.

9 MR. PRESIDENT:

10 Defense Counsel, can you inform the Chamber as to how much time
11 you anticipate to conclude your questioning?

12 MS. GUISSÉ:

13 Since Counsel Koppe started at 11 hours, normally I should
14 conclude at midday, because we decided that the two teams would
15 share the time equally.

16 MR. PRESIDENT:

17 And do you wish to continue putting questions to the civil party,
18 or shall we need to have a break now? We take into consideration
19 the issue of the health of your client, as he expressly requested
20 to adjourn the hearing at 11.30.

21 MS GUISSÉ:

22 I thank you, Mr. President, for your concern. I believe that we
23 could continue to midday since we are not meeting this afternoon.
24 I will ask him to confirm that.

25 MR. PRESIDENT:

1 (No interpretation)

2 MS. GUISSÉ:

3 Yes, if there are no hearings this afternoon, the situation is
4 manageable.

5 [11.39.29]

6 MR. PRESIDENT:

7 If that is the case then you can continue.

8 BY MS. GUISSÉ:

9 I've lost track of my question.

10 Q. Can you tell me why you mentioned the names of those persons

11 -- that is, Ieng Sary and Kang Guek Eav, alias Duch, if you

12 didn't see them during that period and, in principle, you did not
13 meet them at Tram Kak?

14 [11.40.07]

15 MS. OEM SAROEURN:

16 A. My uncle told me and the elder people knew them. Some of the
17 elder people are now at around 89 or 90 years old.

18 Q. When you say that your uncle told you and saw the name in the
19 newspaper, whose name did he see in the newspaper?

20 A. He mentioned the name of Khieu Samphan and Ieng Sary.

21 MS. GUISSÉ:

22 (No interpretation)

23 MS. OEM SAROEURN:

24 A. He read in 1973 or '74. My uncle was a former teacher in Takeo
25 province.

1 [11.41.45]

2 Q. What about Duch's name? Did your uncle see his name before
3 1975?

4 A. Yes, I heard that in 1979.

5 Q. So you heard that after 1979, it was not your uncle who told
6 you?

7 A. My uncle worked in Phnom Penh in the Royal Palace. He is now
8 deceased. His -- the name was Oem Mau (phonetic) -- Ouam Nyum
9 (phonetic) the whole family was killed. They were detained and
10 after that were killed at Choeung Ek. The whole family was killed
11 as I said.

12 Q. And Madam Saroeurn, I have a very brief time so please make
13 your response brief and precise. My question to you is the
14 following. The name Duch, did your uncle mention that name when
15 you read to you the analytical from the newspaper?

16 A. Yes.

17 Q. I want to know when did he read that name from the newspaper
18 to you, can you recall which year?

19 A. I cannot recall the year.

20 Q. Was it after the arrival of the Vietnamese or was it before
21 that?

22 A. I cannot recall it.

23 Q. In your document -- that is, D22/2500, you wrote down the
24 names of Khieu Samphan and Nuon Chea as the persons whom you
25 believed were responsible but you failed to mention their alleged

1 visit to Tram Kak. My question to you, why did you not mention
2 their visit to Tram Kak?

3 A. I saw them only once in 1977.

4 [11.44.38]

5 Q. Of course I understand that you saw them only once but my
6 question to you is that why did you not mention about their visit
7 in your written information form. You mentioned several names
8 namely Ta Mok and other names, why did you not mention their
9 visit to your work site?

10 [11.45.06]

11 A. Because I did not know a proper procedure to put or to write
12 on the form. As you know, I cannot read or write.

13 Q. Yes, I understand that Madam Oem Saroeurn, but the form was
14 filled in with the help of an assistant and you only had to tell
15 that person and then the information you told would be conveyed
16 in writing on the form. My question is why at that time, why you
17 did not mention about their visit to Tram Kak?

18 A. I forgot about it.

19 Q. We have a document on the 12th of March 2015, and that was a
20 supplementary information form which was made by you and you
21 mentioned about that visit. Can you tell the Chamber why suddenly
22 you recalled about a visit that happened in 1977, was you the
23 person who contacted your Lawyer or was you asked by someone to
24 recollect about what happened in 1977?

25 A. No, there was no one. It was done personally by me.

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1 Q. You responded to the Co-Prosecutor about a woman by the name
2 of Chou Koemlan, and you stated that Chou Koemlan was also
3 present on that day at the work site where the leaders came to
4 visit. Am I correct in making this statement?

5 A. On that day, Chou Koemlan was there, although she was in a
6 different unit but it was -- she was working nearby where I was
7 working.

8 Q. Is it correct to say that Chou Koemlan was born in the same
9 village that you were born and currently she is still living in
10 the same village as you are living.

11 A. Yes, that is correct.

12 [11.48.00]

13 Q. Do you see her often?

14 A. Yes.

15 [11.48.12]

16 Q. Have you spoken to her about the visit in 1977?

17 A. Once in a while when I saw her, we talked about it. But
18 because she was in a different unit, we didn't talk much on this
19 issue.

20 Q. Did you talk about her testimony before this Chamber?

21 A. I -- this is my first time that I appear before this Chamber.

22 Q. I do not mean about your testimony or that you ever testified
23 before this Court or not but my question is that; did you discuss
24 with Chou Koemlan about her testimony on the 27 January 2015,
25 when she mentioned about the visit of the delegation to Tram Kak.

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1 Did you talk about her testimony and not your testimony?

2 A. No, I did not talk to her about her testimony at all.

3 Q. Let me put it in another way, whom did you contact in order to
4 provide supplementary information about the visit of Pol Pot, Mr.
5 Nuon Chea, Mr. Khieu Samphan in Tram Kak or when did you contact
6 your lawyer or another individual regarding this additional
7 information?

8 A. No, I did not contact any information. I came forward with the
9 information myself.

10 Q. To whom did you provide that information?

11 A. As I stated, I tried to come to the Court and because of my
12 memory issue, I can't even remember the location of the Court and
13 for that reason I asked for an assistant to write -- to fill in
14 the form of what I told that person about the events during the
15 regime.

16 Q. That was the first time that you filled in the form in 2010
17 but I referred to the time that you provided additional
18 information and you signed that document as well -- that is,
19 document E344.1, and this is a supplementary information and it
20 was made in the presence of your lawyer and my question to you is
21 when did you make contact with your lawyer in order to provide
22 that information?

23 [11.52.06]

24 MR. PRESIDENT:

25 Civil party, Please hold on. The International Lead Co-Lawyer for

1 civil parties, you have the floor.

2 MS. GUIRAUD:

3 Thank you Mr. President. I would like to remind the Parties the
4 following. In document E344, we clearly stated that the way that
5 we received that supplementary information, Chou Koemlan provided
6 the information so we clearly stated that and we also stated why
7 we knew about that information.

8 MS. GUISSÉ:

9 No, I did not want to know about when the lawyer was aware of
10 that information, my question was to the civil party as to how
11 she contacted her lawyer to provide that further information and
12 how could she discuss about the content of the testimony of Chou
13 Koemlan. We have the right to ask questions in order to ascertain
14 the truth, we never mentioned about the transparency issues by
15 the Lead Co-Lawyers for the civil parties.

16 JUDGE JEAN MARC LAVERGNE:

17 Counsel Anta Guissé, you cannot put a question in that way in
18 particular when it comes to the confidentiality between the
19 lawyer and his or her client. When you raised that question, it
20 is going to be problematic.

21 MS. GUISSÉ:

22 No, I did not ask about how she -- what she said to her lawyer
23 but in that request the information in that form was not
24 confidential and it is stated by the lawyer as well. And of
25 course to my understanding there was a discussion about this new

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1 fact because the information was included in the case file only
2 in 2015 and she made the application form as a civil party since
3 2010. And my question is; I want to know how come she can recall
4 about that event or whether she has any contact or she discussed
5 with Chou Koemlan about the testimony that she made before this
6 Chamber. And as the Lead Co-Lawyer said, that information was
7 contained in the request. However, my question is directed only
8 to the civil party as to whom she contacted in order to provide
9 that further information and I want to know whether she was the
10 one who came up or who came forward with that information.

11 [11.55.32]

12 JUDGE LAVERGNE:

13 The civil party has her own lawyer so you can actually contact
14 her lawyer.

15 [11.55.43]

16 MS. GUISSÉ:

17 My question to her is that as to who contacted her for further
18 information and to me that is not a confidential issue and when
19 it comes to the issue of confidentiality, of course we will abide
20 by that and as it is stated in the information and it is stated
21 clearly in the request that there was a communication with the
22 other civil party.

23 MR. PRESIDENT:

24 Counsel Kong Sam Onn, you can proceed.

25 MR. KONG SAM ONN:

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1 In order to clarify the issue raised by Judge Lavergne, on
2 document E344.1, in fact that document did not state whether it
3 was done by the lawyer. For that reason we can put the question
4 as to how the document was made and for that reason there is no
5 issue of confidentiality between the -- of the communication
6 between the lawyer and her client.

7 (Judges deliberate)

8 [11.57.40]

9 MR. PRESIDENT:

10 Judge Claudia Fenz, you have the floor.

11 JUDGE FENZ:

12 Counsel, in order not to lose more time, just be mindful of the
13 privilege and we invite the Co-Lead Lawyers to raise their hands
14 once they feel there has been an infringement. Go ahead.

15 [11.58.06]

16 BY MS. GUISSÉ:

17 Q. Madam Oem Saroeurn, you stated that you yourself came to the
18 Court to provide further information. Am I correct in saying so?

19 MS. OEM SAROEURN

20 A. Yes, I did it personally.

21 Q. After you discussed with Chou Koemlan did you make that
22 decision to provide further information after that discussion?

23 A. Yes.

24 [11.59.06]

25 Q. You stated that you saw Khmer Rouge leaders came to visit your

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1 work site and you also stated that Ta Mok came in a vehicle and
2 there was another vehicle which came along. Is my understanding
3 correct?

4 A. I don't understand your question.

5 Q. On that day, on the day that you saw the Khmer Rouge leaders
6 how many cars did you see?

7 A. There were two cars.

8 Q. Did you see Khmer Rouge leaders getting off a car or cars?

9 A. No, I did not see them getting off the cars but I remember
10 there were two cars and when I saw them they were walking.

11 Q. How many leaders did you see on that day?

12 A. I saw five of them including the commune chief.

13 Q. You said that you saw Ta San. Are you still standing by your
14 statement?

15 A. Yes, I saw Ta San. Because, Ta San came to my village rather
16 often as he had relatives living there.

17 Q. Can you tell the Court the first time that you saw Ta San in
18 your village?

19 MR. PRESIDENT:

20 The time is running out, Counsel.

21 MS. GUISSÉ:

22 Q. Madam Oem Saroeurn, you said that you saw Ta Sann many times
23 before you saw him again on the day of the visit in 1977, am I
24 correct?

25 A. Yes, that is correct.

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1 Q. When you saw him in your village what was his position at that
2 time. Did you see him before the visit in 1977 and if so, what
3 was his position?

4 A. I did not know which position he held, I only knew that he
5 worked at the commune level.

6 [12.03.03]

7 MR. PRESIDENT:

8 Defence Counsel, your time expired and court officer please make
9 arrangement with the AV unit in order to change the DVD
10 recording.

11 (Short pause)

12 [12.04.11]

13 MR. PRESIDENT:

14 Madam Oem Saroeurn, as a civil party you are given an opportunity
15 to make a statement of impact before this Chamber and the impact
16 about harms caused by the two Accused, Nuon Chea and Khieu
17 Samphan that took place during the Democratic Kampuchea Regime
18 which led you to become a civil party requesting for moral and
19 collective reparation, as far as the harms inflicted upon you,
20 physically, materially or emotionally or any direct consequences
21 of those harms. If you wish to do so, the floor is yours.

22 MS. OEM SAROEURN:

23 I would like to seek an individual award for the loss of my
24 materials and property and for the loss of the lives of my
25 husband and my relatives.

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1 MR. PRESIDENT:

2 Is there anything else you would like to add?

3 MS. OEM SAROEURN:

4 I have some questions to put. The first question is the
5 following. Why, why, when I worked very hard, was not given
6 sufficient food to eat. My second question; what was the reason
7 that -- for the execution of my family, my mother, my relatives.
8 Third question; why no clothing was provided to us? That is all.

9 MR. PRESIDENT:

10 Do you wish to put the three questions to the Accused or to the
11 Chamber?

12 MS. OEM SAROEURN:

13 I meant directly to the Accused.

14 [12.07.11]

15 MR. PRESIDENT:

16 The Chamber wishes to inform you, Madam Oem Saroeurn, that after
17 ascertaining the truth, the position of both Accused on 8th
18 January 2015, regarding the exercise on their right to be remain
19 silent, the Chamber notes that the two Accused maintain their
20 expressed positions unless and until such time the Chamber is
21 expressly informed otherwise by the Co-Accused or by their
22 counsel. It is therefore incumbent upon them to inform the
23 Chamber in a timely and efficient manner, should the Accused
24 resolve to waive the right to remain silent and be willing to
25 respond to questions by the Bench or relevant Parties at any

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1 stage of the proceedings. And as of today, the Chamber is not
2 informed that the Co-Accused have changed their expressed
3 positions and thus agreed to provide their responses to
4 questions.

5 [12.08.30]

6 Today's proceeding has come to an adjournment. We will adjourn
7 the proceeding now and we will resume on Monday 30 March 2015,
8 commencing from 9.00 o'clock in the morning.

9 And on next Monday the Chamber will hear the testimony of Dudman,
10 by way of video conferencing from the United States of America as
11 informed to the Parties. The testimony of Mr. Dudman is conducted
12 only in the morning from 8.00 to 9 o'clock for a series of three
13 days from Monday to Wednesday.

14 Counsel Koppe, you have the floor.

15 MR. KOPPE:

16 Thank you, Mr. President. I actually have a request relating to
17 the upcoming witness, Richard Dudman. We just received an email
18 from the senior legal officer, 20 minutes ago, indicating that
19 the order of questioning the witness has been revised. As you
20 know we have asked for this witness and it seems, I deduct from
21 the email, that it is now the Trial Chamber who will start with
22 the questioning and then Prosecution and then us. So clearly this
23 is a change to the normal practice and procedure and we would
24 like to request clarification as to the reasons why the Trial
25 Chamber deems this necessary.

1 (Judges deliberate)

2 [12.10.57]

3 MR. PRESIDENT:

4 That is the working arrangement decided by the Chamber. The
5 Chamber has to take into account the questions by the Bench and
6 due to the time constraint of hearing the testimony of this
7 witness --that is, two hours for a series of three days, the
8 Chamber took into account all these concerns and in order to make
9 the hearing, the proceeding of the testimony of this person more
10 effective, we decided to do so as the witness is very old, he is
11 95 years old already. That is the arrangement and the discretion
12 of the Chamber to hear this particular witness.

13 [12.11.56]

14 As far as the time allocation for a witness or a civil party, of
15 course the Chamber doesn't have to abide by any request by any of
16 the Parties to the proceedings. The Chamber will decide the time
17 allocation accordingly for an effective arrangement of the
18 proceedings.

19 The Deputy Co-Prosecutor, you have the floor.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. I don't have any observation or
22 comments to make and I do not object to the order of questioning
23 this witness and whether it is afforded to the defence team to
24 put the questions first, we do not have any objection to that.

25 MS. GUIRAUD:

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1 As for us, we do not have any objections and the defence teams
2 can put the questions first. We do not have any problem with
3 that.

4 MR. PRESIDENT:

5 Thank you for your comments and we will make an arrangement as
6 necessary on Monday.

7 And I think there is a misunderstanding -- a confusion on the
8 date of birth (sic). In fact, it shall be on the 30th, 31st of
9 March and 1st April, and it is conducted only for the morning
10 sessions from 8.00 to 10.00.

11 [12.13.39]

12 Madam Oem Saroeurn, the Chamber is grateful of your valuable time
13 to testify as a civil party this morning and your testimony may
14 contribute to ascertaining the truth in this Case. And the
15 hearing of your testimony is concluded and you may be excused
16 from the Court and return to your residence or wherever you wish
17 to go to. The Chamber wishes you a safe journey.

18 [12.14.09]

19 Court officer, in collaboration with WESU please make necessary
20 transportation for Ms. Saroeurn to go to wherever she wishes to
21 go to.

22 And security personnel, you are instructed to take the two
23 Accused back to the detention facility of the ECCC and return
24 them to the courtroom on Monday morning on 30 March 2015, before
25 8.00 o'clock.

1 The Court is now adjourned.

2 (Court adjourns at 1214H)

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