



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

2 April 2015
Trial Day 268

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

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I N D E X

HEARINGS ON VICTIM IMPACT

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BENG BOEUN (2-TCCP-981)	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. IEM YEN (2-TCCP-985)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSE	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SREA RATTANAK	Khmer
Mr. SAM SOKONG	Khmer
MR. THANN THIM (2-TCCP-288)	Khmer
MS. YEM KHONNY (2-TCCP-983)	Khmer

1 PROCEEDINGS

2 (Court opens at 0913H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony and the
6 statement of suffering and impact by four civil parties. And to
7 start with, we will hear the remaining testimony of Iem Yen.

8 And Ms. Se Kolvuthy, could you report the attendance of the
9 Parties and individuals to today's proceedings?

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case
12 are present, except Mr. Son Arun, counsel for Nuon Chea, who is
13 absent -- who -- today, and will be absent tomorrow as he has a
14 personal engagement. As for Nuon Chea, he is present in the
15 holding cell downstairs, as he requests to waive his rights to be
16 present in the main courtroom. His waiver has been delivered to
17 the Greffier. And there are four civil parties who will testify
18 today, and Madam Iem Yen will conclude her remaining testimony.
19 Then we will have 2-TCCP-288, 981 and then 983. Thank you.

20 [09.15.20]

21 MR. PRESIDENT:

22 Thank you. The Chamber will now decide on the request of Nuon
23 Chea. The Chamber has received a waiver from Nuon Chea, dated 2nd
24 April 2015. He confirms that, due to his poor health -- that is,
25 back pain, headache and that he cannot sit for long, and in order

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1 to effectively participate in the future hearings, he requests to
2 waive his rights to participate in and be present at the 2nd
3 April 2015. He has been informed by his counsel that in no way it
4 can be construed as a waiver of his rights to be tried fairly, or
5 to challenge evidence presented or admitted to this Court at any
6 time during this trial.

7 Having seen the medical report by the duty doctor for the Accused
8 at the ECCC, dated 2nd April 2015, who notes that Nuon Chea has a
9 chronic back pain when he sits for long, and recommends that the
10 Chamber so grant him his request, so that he can follow the
11 proceedings remotely from a holding cell downstairs. Based on the
12 above information, and pursuant to Rule 81.5 of the ECCC Internal
13 Rules, the Chamber grants Nuon Chea his request to follow the
14 proceedings remotely from a holding cell downstairs, via an
15 audio-visual means for today's proceedings, as he waives his
16 direct presence in the courtroom.

17 [09.17.01]

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

21 And the Chamber would like to hand the floor to the
22 Co-Prosecutors to put questions to this civil party, Madam Iem
23 Yen. You have the floor.

24 MR. SREA RATTANAK:

25 Good morning, Mr. President, and good morning everyone in and

1 around the courtroom. In fact, yesterday the Co-Prosecutor wanted
2 to put some questions to the civil party. However, after we
3 consulted, then we decided not to put the questions to the civil
4 party. And we would like to have the time to put the questions to
5 another civil party, that is, 2-TCCP-288, as we deemed this
6 witness statement is more important for the Prosecution.

7 MR. PRESIDENT:

8 And the Defence teams, do you have any questions to be put to
9 this civil party? And we can start from Nuon Chea's defence
10 first.

11 [09.18.39]

12 QUESTIONING BY MR. KOPPE:

13 Thank you, Mr. President. Good morning, Your Honours. Yes, I have
14 a few questions for the civil party.

15 Q. Good morning, Madam Civil Party. I have a few follow-up
16 questions regarding your testimony yesterday. Yesterday, I heard
17 you say that you were arrested and arrested again. You used these
18 words. Would you be able to tell us what you meant when you said
19 these words, that you were arrested again and again?

20 MS. IEM YEN:

21 A. Yesterday, I said that I was arrested and re-arrested. The
22 first time I ran away from my unit, and I was arrested and
23 mistreated. For the second time, when I was picking up the cow
24 dung and I was hungry, so I stole the cassava, and I was arrested
25 for the second time.

1 [09.19.50]

2 Q. So you -- when you say the words 'arrested', what exactly do
3 you mean with that?

4 A. I meant I was arrested. For the first arrest, I was with the
5 children's unit, and due to the hard work condition, I ran away
6 from the unit. And then the unit chief arrested me, and I meant I
7 was then sent back to the children's unit. And I was tortured
8 there, and forced to work harder in the children's unit.

9 Q. I will ask you some questions about the events that you
10 describe as torture, but my asking -- my reason for asking the
11 earlier question is if you would be able to describe what you
12 meant with the word "arrested". Were you brought to a sort of
13 police station for investigation? Were you asked questions? If
14 yes, where were you brought to? Could you be a little more
15 specific?

16 A. When I said I was arrested, was that at that time I was rather
17 young. And I ran away from the unit, and I was taken back into
18 that children's unit at the work site. And I was not taken to any
19 police station.

20 Q. I understand that after you ran away, they took you back to
21 your unit, but I'm not still quite sure why you call it -- why
22 you use the word "arrested"?

23 A. I used the word "arrested" because I was arrested. There was a
24 unit chief, a group chief, who arrested me and who then dragged
25 me back into the children's unit. I was physically dragged into

1 the children's unit site.

2 [09.22.36]

3 Q. Very well, Madam Civil Party. I would like now to ask you a
4 few follow-up questions on the events that you said happened
5 after they dragged you back the second time, I believe. When you
6 were buried in -- when your body was buried in the ground and
7 your head was still up. Who was it that did that to you? Do you
8 remember?

9 A. I was arrested and buried neck deep. It was the unit chief,
10 named Rom (phonetic), who did the act of burial -- of burying me
11 up to the neck.

12 [09.23.31]

13 Q. How old is Rom (phonetic) at the -- how old was Rom (phonetic)
14 at the time? Do you remember?

15 A. I did not know how old Rom (phonetic) was. I did not dare ask
16 how old the unit chief was. I was a young child, and of course
17 the person was my superior. I did not dare even look at the face.
18 I just kept on working.

19 Q. Do you know whether Rom (phonetic) had any authority to do
20 that to you? Did he talk to somebody before he did that to you?
21 Can you give us some more details?

22 A. When the unit chief buried me, I did not know whether the
23 person sought authority from anybody else. I only knew that the
24 person was my unit chief, and he did that.

25 Q. And do you remember whether he did that immediately to you

6

1 after you were captured after your escape? Or was there some
2 period of time in-between?

3 A. After I ran away from the unit, I was arrested, and then I was
4 taken back into the unit. I was immediately, straight away,
5 buried. And I was there for about two to three hours before I was
6 pulled out.

7 Q. So would it be fair to say that this was an immediate action
8 of your unit chief, Rom (phonetic), against you after your
9 running away?

10 A. Yes, that is correct. The unit chief did that immediately
11 after I was arrested.

12 Q. What kind of person was this Rom (phonetic)? Can you describe
13 him a little bit for us?

14 A. I could not describe the character of Rom (phonetic). I simply
15 knew Rom (phonetic) was my unit chief.

16 [09.26.36]

17 Q. Do you know whether Rom (phonetic) was a member of the CPK,
18 the Communist Party of Kampuchea?

19 A. No, I did not know whether Rom (phonetic) was a member or not.
20 As I said, I only knew that Rom was my unit chief.

21 Q. Do you know whether Rom (phonetic) was punished afterwards for
22 having buried you?

23 A. Whether Rom (phonetic) was punished or not, I was not aware of
24 that.

25 Q. Do you remember around what time this incident happened to

1 you?

2 [09.28.01]

3 A. It happened at around 4 or 5 o'clock in the afternoon.

4 Q. Would you be able to remember the month or a year when it
5 happened?

6 A. At that time I was young, and I could not recall the date or
7 the year well.

8 Q. Would you be able to remember the exact place, the exact --
9 yes, the exact place where this happened? Where was it? In which
10 village or which cooperative? Do you remember?

11 A. When I was buried, I was at Ang Khchau village. However, I
12 cannot recall the commune or the district.

13 Q. But do you remember the exact spot in this village, where this
14 happened?

15 A. It happened right at where the children's unit were -- was.

16 Q. And where was that?

17 A. It was located in Ang Khchau village.

18 Q. I understood that from your previous answer, Madam Civil
19 Party. But where exactly was it that this thing happened?

20 A. As I said, it happened in Ang Khchau village, and when I was
21 tied for the other arrest, it was at Ta Kuy (phonetic) dam. Or
22 it's called Prey Kuy (phonetic) forest. And that location was
23 where the children's unit also worked.

24 [09.30.43]

25 Q. Let me try one last time, Madam Civil Party. I understand it

1 happened in a village, but can you tell us where in the village
2 exactly this happened? Was it close to a pagoda? Close to
3 something?

4 A. There was no pagoda near there. We were in a children's unit
5 near Ta Kuy (phonetic), and that's where the event took place.

6 Q. Very well, Madam Civil Party. I have some last questions. You
7 said yesterday that you were not allowed to attend school. Can
8 you tell us who said that to you, that you were not allowed to go
9 to school?

10 A. When I said that I didn't go to school, nobody told us that we
11 could not go to school. And yesterday, I said that I did not have
12 the opportunity to go to school.

13 [09.32.20]

14 Q. But who was it, if you remember, that told you that you would
15 not be allowed to go to school?

16 A. Nobody told me that. When I thought about what happened, I
17 knew that I didn't have a chance to go to school.

18 Q. Madam Civil Party, we heard witnesses, and we have evidence in
19 the case file that children were able to go to school, attend
20 classes, learn mathematics, language, etc. So, I'm trying to
21 understand why you didn't go to school between 1975 and '79.

22 MR. PRESIDENT:

23 Madam Witness, please -- Madam Civil Party, please wait. And the
24 Co-Prosecutor, you have the floor.

25 MR. DE WILDE D'ESTMAEL:

1 Thank you. Hello, Mr. President. Good morning to Your Honours. It
2 appears that when the defence Lawyer is saying that the children
3 were allowed to go to school, that it is a bit exaggerated in
4 relation to what we have heard during these hearings previously.
5 We never really spoke about schools. We said that at times
6 lessons were given in villages, so there were no real schools. So
7 maybe the question should be reformulated in a more cautious way.
8 Thank you.

9 [09.43.19]

10 MR. KOPPE:

11 Mr. President, if I may reply? I believe we have the testimony of
12 Ta San. We have on the case file education folders, or books, so
13 I believe it would be correct to say that there was indeed an
14 effort, a substantial effort, being made to educate children. Not
15 always in school buildings, that is correct, but that is probably
16 because of the war, the civil war, before. But I think I can
17 fairly state that there was education, primary and secondary
18 education, going on. So, I think I should be able to ask this
19 question to the civil party.

20 (Judges deliberate)

21 [09.36.30]

22 MR. PRESIDENT:

23 You may proceed, Judge Claudia Fenz.

24 JUDGE FENZ:

25 At this stage of the proceedings, any conclusions as to whether

10

1 there was a school system and to what extent, is certainly
2 premature. But questions as to whether she went to school or not
3 are allowed. So, I suggest -- we suggest you go ahead with the
4 questions, without summing up your understanding of the previous
5 evidence.

6 BY MR. KOPPE:

7 The summing up was only in reaction, Judge Fenz, to the
8 objection.

9 Q. Madam Civil Party, you said yesterday that you weren't allowed
10 to go to school, and then I asked you the question, "Who told you
11 that you couldn't go to school?" I'm not sure if you answered
12 that question. You were able to think a bit about it some more.
13 Who told you, do you remember, that you weren't allowed to go to
14 school?

15 MS. IEM YEN:

16 A. Yesterday, I said that I could not go to school. No one told
17 me that I could not go to school. At that time there were no
18 schools. I did not know that there were any schools. What I did
19 was working.

20 [09.37.50]

21 Q. Do you know of any children who did go to school at the time?

22 A. I did not see any children go to school. The children in the
23 same unit as mine, they were working. They were going to collect
24 the cow dung.

25 Q. Another subject, and I think that's my last subject, Madam

11

1 Civil Party. I think you said yesterday that you worked at
2 night-time. What do you mean when you said that you worked at
3 night-time?

4 A. Yesterday I did not say that I was working at night. I was
5 working during the daytime, and at night-time, we changed the
6 units.

7 [09.39.11]

8 MR. KOPPE:

9 I apologize, Madam Civil Party. Then I understood your answer
10 wrongly. Thank you very much.

11 MR. PRESIDENT:

12 Thank you very much. I now give the floor to the defence team for
13 Mr. Khieu Samphan.

14 QUESTIONING BY MR. KONG SAM ONN:

15 Thank you very much, Mr. President.

16 Q. Madam Civil Party, I have several questions for clarification.
17 My first question is what is your father's name?

18 MS. IEM YEN:

19 A. My father's name is Mom Proh (phonetic).

20 Q. Thank you. In the victim information form, you wrote that your
21 father's name is Chao Proh (phonetic). So the name Chao Proh
22 (phonetic) is not right. Is that correct?

23 A. My father's name, I put my father's name as Chao Proh
24 (phonetic) because at that time my father lived in the lower part
25 of the country, and my mother lived in the upper part of the

1 country. And at the current time my father's name was referred to
2 as Mom Proh (phonetic).

3 [09.40.59]

4 Q. What is your mother's name?

5 A. My mother's old name was Neang Yuon (phonetic), but now her
6 name is Om Yuon (phonetic).

7 Q. Thank you. In your victim information form, you stated that
8 you are Khmer Kampuchea Krom. Did you have this nationality
9 before?

10 A. I asked my parents in the past that where I was born, and I
11 was told that I was born in Kampuchea Krom.

12 [09.41.56]

13 Q. Do you know your birthplace in Kampuchea Krom?

14 A. I know my birthplace.

15 Q. Could you please answer to my question. What is your
16 birthplace?

17 A. I was born in Roleang (phonetic) village, Choleang (phonetic)
18 commune, Svay Tong (phonetic) district and Anyang (phonetic)
19 province.

20 Q. Thank you. What about your ID card? That is, D22/2261. The ERN
21 is 00103418-19. I would like to clarify the document number
22 again. That is, D22/2161. In this document, there is an ID card
23 of Madam Iem Yen. In the ID card itself, it's stated the
24 birthplace of Madam Civil Party is in Saom commune, Kiri Vong
25 district, Takeo province. What could you say about the

1 inconsistency in relation to your birthplace?

2 A. I stated earlier that before, I said I was born in Khmer Krom,
3 and nowadays I am living in the upper part of the country. That
4 is why I am using the current address.

5 Q. Do you understand the meaning of the birthplace? Actually, you
6 could not have two different birthplaces. So, how could you say
7 about this?

8 A. My original birthplace was in Kampuchea Krom, but -- and I am
9 now living in the current address. That is why I am using it as
10 my birthplace.

11 Q. Did you decide to use this -- the current address as your
12 birthplace by yourself? Or what prompted you to do so?

13 [09.15.09]

14 A. From my thinking, I am now living in the upper part of the
15 country, and since we are living here already, we need to use the
16 address in the upper part of the country.

17 Q. I would like to ask another question in relation to the time
18 after 1975. So, where did you live after the 17th April 1975?

19 A. After 1975, I lived in Trapeang Thum village. In 1975 I lived
20 in Trapeang Thum Khang Cheung village.

21 [09.46.14]

22 Q. Did you ever live in Vietnam in 1975?

23 A. In 1975, I was not living in Vietnam. I was living in Trapeang
24 Thum Khang Cheung village.

25 Q. So, how long were you living in that above-mentioned village?

1 A. I was living in Trapeang Thum village. I moved from places to
2 places until the liberation in 1979.

3 Q. I would like to read your statement from Document E3/4930. ERN
4 in Khmer is 00579111. English ERN is 00923153. I quote: "In
5 mid-1976, when the Khmer Rouge had the exchange programme to
6 exchange Khmer with Vietnamese, my family of six members, and
7 hundreds of other Khmer families in Kampuchea Krom, were arrested
8 and sent to Phnum Den." Do you recall that you gave this
9 statement?

10 A. I actually gave a statement, but I do not recall well about
11 the exchange programme.

12 Q. The problem here is that, did you ever live in Vietnam in the
13 period of 1975 and 1976, or did you not ever live in Vietnam? You
14 stated earlier that you have never lived in Vietnam. Does this
15 mean that the statement you gave earlier is not correct? Is that
16 true?

17 A. I do not get your question.

18 Q. The problem here is, there are two different statements about
19 the period of 1975 and 1976. You said earlier -- you stated here
20 earlier that you were living in Trapeang Thum Khang Cheung
21 village. And there was another statement saying that you were in
22 Vietnam in that period. I would like to know which statement is
23 correct? You testified earlier before the Chamber that in 1975
24 you were living in Cambodia, not in Vietnam. Could you clarify
25 this for the Court? Which statement is correct?

1 [09.50.46]

2 A. I would like to tell the Court that in 1975 I was not living
3 in Vietnam. It was my mistake. I was actually living in Trapeang
4 Thum Khang Cheung village at that time.

5 Q. Thank you very much. In relation to another point, you -- I
6 heard you mentioned Ta Kuy (phonetic) dam. However, in the
7 information in the -- in your statement, document D22/2161, at
8 Khmer ERN, 00546430; English ERN is at, 01069536; in that
9 document, you stated that, quote: "In 1978, they transferred me
10 to live in Ta Suy dam until the liberation day." I would like to
11 seek your clarification, whether it is Ta Kuy (phonetic) dam or
12 Ta Suy dam?

13 [09.52.28]

14 A. At that time, I was at Ta Suy dam. It was also called Ta Kuy
15 (phonetic). I did not know the exact name of that place, but I
16 heard people call it Ta Suy dam. That is why I call it Ta Suy
17 dam.

18 Q. Could you tell the Court whether the two names were used at
19 that time? Or only one name was used at the time?

20 A. People mostly refer it as Ta Suy dam.

21 Q. Thank you. In relation to the workers in your unit, you stated
22 yesterday that you were in a mobile unit. Could you clarify for
23 the Court whether you were in a mobile unit or were you in a
24 youth -- a children's unit? Because in the document I quoted
25 earlier, you said that you were in a children's unit. So, could

16

1 you clarify for the Court whether you were in a mobile unit or
2 you were in a children's unit?

3 A. I would like to clarify for the Court that, concerning the
4 mobile units and children's units, they were different units. As
5 for my children's unit, we were forced to work, as those who were
6 in the mobile units.

7 Q. You mention a person by the name Rom (phonetic), and you said
8 that he was the unit chief. Were you ever transferred from one
9 unit to another unit?

10 [09.55.04]

11 A. I was transferred into a different unit, but I was supervised
12 by the same unit chief. And units were in the same village, or in
13 villages close by.

14 Q. Thank you. Did you know a person by the name Chau Ny?

15 A. I know a person named Chau Ny.

16 Q. When do you -- When did you get to know this individual?

17 A. I do not recall when I got to know this individual. I do not
18 know. I am illiterate.

19 Q. Do you recall that you had any contact or relations with Chau
20 Ny at the time that you filed the victim information form?

21 [09.56.36]

22 A. I contacted this individual.

23 Q. Could you explain for the Court what did Chau Ny assist you in
24 filling -- in filling in this victim information form?

25 MR. PRESIDENT:

1 Please wait, Madam Civil Party. You may now proceed, Lead
2 Co-Lawyer.

3 MS. GUIRAUD:

4 Thank you, Mr. President. I think we're really going beyond the
5 scope of the suffering. And we're also beyond the speech time.
6 So, of course, there might be an obsession on the Defence's side
7 on Chau Ny. I have no problems with the questions, but in such a
8 repetitive way, I think that becomes an issue.

9 MR. KONG SAM ONN:

10 Mr. President, I mentioned the person by the name Chau Ny many
11 times, because this individual has any relation to -- with those
12 who had been living in Kampuchea Krom, and I am doubtful why
13 there is Chao Nhy's (phonetic) name in almost every victim
14 information form. This is a big -- a serious question for us. And
15 it is doubtful whether the Court is believing in the information
16 which was assisted by Chau Ny to fill in. And, as we can see,
17 there is the name Chau Ny in almost every document of victim
18 information. That's why I raise this matter before, Your Honour.

19 [09.58.45]

20 MR. PRESIDENT:

21 You may now proceed, Mr. Koppe.

22 MR. KOPPE:

23 Thank you very much for giving me the opportunity to intervene in
24 this discussion. I might be mistaken, and I stand corrected if
25 I'm wrong, but it seems the third time that we're having a civil

18

1 party here claiming to be a Khmer Krom, but in fact is born in
2 Kampuchea, in Cambodia. Now, it's -- I realize it's too early to
3 make any -- any even preliminary conclusions, but it seems odd
4 that the people, the civil parties, who are claiming in their
5 applications to be Khmer Krom, are in fact not Khmer Krom at all.
6 So, I think maybe it is appropriate if the Chamber requests the
7 civil party Lawyers as to what's going on here.

8 [09.59.45]

9 MS. GUISSÉ:

10 Mr. President, may I please add to this? Simply, to answer my
11 colleague's objection. It's true I came across something similar
12 where I saw the name Chau Ny several times. And when we -- when
13 we confront the victim information forms with the testimonies,
14 there are differences with regards to the fact of being Khmer
15 Krom or not. But I don't think that this line of questioning
16 makes us lose time. I think this is part of the elements that
17 will be necessary to the probative value of the civil parties'
18 testimony. So maybe we spend a bit of time on this, but it's
19 because this name is on the documents that have been provided to
20 us repeatedly.

21 [10.00.38]

22 MS. GUIRAUD:

23 To add to this, Mr. President, it's a fact that the name Chau Ny
24 appears, indeed, on many victims' information forms. That's a
25 fact, of course, and that is not hidden because he was referred

1 to as a witness when these forms were filed with the
2 Co-Investigating Judges, so it's on the basis of these identity
3 documents that -- on the basis of these identity forms that the
4 Co-Investigating Judges decided on whether or not the civil
5 parties would be admitted. These decisions were made at the end
6 of 2010. The Defence back then could have appealed -- appealed
7 each one of the admissibility decisions. So now, if the Chamber
8 believes that it's relevant to put questions on -- about Chau Ny
9 and about the information in the documents that we're presenting
10 to support the civil party's testimonies. I have no problems with
11 that, Mr. President.

12 [10.02.06]

13 MS. GUISSÉ:

14 With your leave, Mr. President, a little point of clarification,
15 the question is not whether we challenge the admissibility we
16 have documents from back then. We had not yet heard the civil
17 parties. When the civil parties come to the Court, they give
18 different information from what is in the documents that we had
19 and which we received during the investigation or -- so in any
20 case, it's only during the hearing today that we see these
21 discrepancies and therefore it's only during the hearings that we
22 can put these kinds of questions, so please do not criticise us
23 for not having done what we should have done, which we could have
24 done at the time of investigation in any case.

25 (Judges deliberate)

1 [10.04.24]

2 MR. PRESIDENT:

3 Judge Lavergne, you have the floor.

4 JUDGE LAVERGNE:

5 Yes. Thank you, Mr. President.

6 Maybe to clarify things a bit, Counsel Guiraud, could you please
7 tell the Chamber what is Chao Nhy's (phonetic) exact role with
8 regard to the civil parties when they file their applications?

9 MS. GUIRAUD:

10 I cannot tell you right now since I have just arrived in this
11 courtroom. I do not know Mr. Chao Nhy. Of course, I can inform
12 myself and provide that information to the Chamber maybe this
13 afternoon if I can find that information. But I have no problems
14 in terms of the principle -- that is to say, to inform the
15 Chamber about the role that Chau Ny as well as the intermediary
16 organisations in the civil party applications because most civil
17 party applications were possible, thanks to intermediary
18 organisations -- that is to say, NGOs that assisted the victims
19 when they applied to become civil parties, so there is nothing
20 surprising to see a name come up -- up in a systematic way, as
21 well as the names of NGOs. Because at the time the Court did not
22 have enough funds to guarantee outreach so the NGOs took charge
23 of this -- that is to say, to go meet the civil parties so that
24 the civil parties can join. If the Chamber wishes me to be more
25 specific about the different intermediary organisations and the

21

1 different people within these organisations that played a role in
2 the gathering of the information for the civil party
3 applications, of course I accept to do so. And I might even do so
4 this afternoon if I have the elements in hand, otherwise I can do
5 so tomorrow.

6 [10.06.26]

7 JUDGE LAVERGNE:

8 Unless I'm mistaken, Mr. Chau Ny already came to testify, and he
9 testified as a civil party and unless I'm mistaken, he is an
10 active member of an organisation defending the interests of the
11 Khmer Krom, and I just want this information to be confirmed.
12 Since I believe -- also I would like to specify that all of these
13 elements are on the case file and are perfectly accessible to the
14 Parties. But it should be clear we never challenged Mr. Chau Ny's
15 position as a civil party. That has to be clear in the record.

16 MS. GUISSÉ:

17 (No interpretation)

18 [10.07.32]

19 MR. PRESIDENT:

20 Defence Counsel, you may continue.

21 BY MR. KONG SAM ONN:

22 Q. Madam Civil Party, before we were intervened, my last question
23 to you was about the assistance provided to you in filling out
24 your victim information form by Chau Ny. My question to you is
25 that did Chau Ny provide you with assistance or provide you a

1 consultation in the preparation of the victim information form
2 for you to apply as a civil party in this case?

3 MS. IEM YEN:

4 A. Chau Ny and I met and he did not give me anything except he
5 gave me some guidance on how to apply as a civil party, and as I
6 wanted to lodge my complaint, then I proceeded with my
7 application as I suffered from what happened.

8 [10.08.53]

9 Q. Thank you. Actually, who -- who actually went to -- to look
10 out for you, or went to -- to see you? Was Chau Ny by himself in
11 seeking you out or was it somebody else?

12 A. There was no one else. I simply met him.

13 Q. My question to you is that; how did you initiate your contact
14 with Chau Ny in prepare -- in the preparation for your
15 application?

16 A. Mr. Chau Ny gave me some guidance on how to apply as a civil
17 party due to the suffering I received. So after he told me that,
18 I told him that I wanted to apply as a civil party.

19 [10.10.00]

20 Q. In relation to the information you provided in the victim
21 information form, did you provide that information by yourself or
22 was it somehow assisted by Chau Ny?

23 A. I don't really get your question well. But what I recall is
24 that he asked me whether I suffered from the Khmer Rouge regime.
25 But could you -- Counsel, could you please refresh your question?

1 Q. My question to you is the following. Regarding the information
2 contained in your victim information form, did you provide that
3 information or did you give an -- any advice from Chau Ny before
4 you were able to provide information in that victim information
5 form?

6 A. The information contained within that form was produced by
7 myself after I tried to recall what happened.

8 Q. Can you explain to the Chamber, why there are discrepancies
9 from what contained in the form and from what you are testifying
10 before this Chamber?

11 A. As I said, I cannot recall well. I cannot recall all the
12 information that I put onto the form.

13 [10.12.10]

14 Q. Were you given any advice by anybody else besides Mr. Chau Ny?

15 A. No, there was nobody else. I only met Chau Ny when he told me
16 about making my application.

17 MR. KONG SAM ONN:

18 Thank you. And Mr. President, I don't have any further questions.

19 [10.12.57]

20 MR. PRESIDENT:

21 Madam Iem Yen, the Chamber is grateful for your presence and for
22 your statement of suffering and harms inflicted upon you during
23 the Democratic Kampuchea regime. And your testimony is now
24 concluded, and you may be excused from the courtroom, and go to
25 wherever you wish to go.

24

1 And Court officer in collaboration with WESU, please make
2 necessary transportation for Madam Iem Yen, to return to wherever
3 she wishes to go to go to her residence, and the Chamber is also
4 grateful of TPO staff.

5 It is now convenient to take a short break. And we'll resume at
6 10.30 when we will hear the statement of suffering and harms of
7 another two -- another civil party that is 2-TCCP-288.

8 And the Lead Co-Lawyers for Civil Parties, you are instructed to
9 provide precise information to the Chamber regarding Mr. Chau Ny
10 and the civil parties. The Court is now in recess.

11 (Court recesses from 1014H to 1033H)

12 MR. PRESIDENT:

13 The Chamber wishes to inform all Parties that during the
14 questioning of the civil parties in relation to the victim impact
15 statements, I encourage you all to focus your questions on victim
16 impact and if facts coming out of the statement of sufferings,
17 these facts can be questioned. And please focus and concentrate
18 your questions on those facts arising out of the statements and
19 you are invited to focus on the statement of the victim as well.

20 There is no way that the Trial Chamber can include any civil
21 party which have been already admitted by the -- the judges. The
22 Pre-trial Chamber and the Co-Investigating Judges have already
23 decided on the civil party application already.

24 [10.35.00]

25 QUESTIONING BY THE PRESIDENT:

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

2 MR. THANN THIM:

3 A. Thank you Mr. President. My name is Thann Thim.

4 Q. Mr. Thann Thim, when were you born?

5 A. I was born on the 4th of April 1945.

6 Q. Where your current address? Please wait, Mr. Civil Party, for
7 the microphone to be activated.

8 A. I am living in Tuol Ponror village, Saom commune, Kiri Vong
9 district, in Takeo province.

10 Q. Thank you very much. What is your current occupation?

11 A. I am a peasant rice farmer.

12 Q. What is your father's name?

13 A. My father's name is Man Thann (phonetic).

14 Q. And what about your mother -- what is her name?

15 [10.36.40]

16 A. Her name is Preas At (phonetic).

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

19 A. My wife's name is Punh Ton (phonetic). We have six children
20 together.

21 [10.37.08]

22 MR. PRESIDENT:

23 Thank you very much, Mr. Thann Thim. As a civil party in the
24 hearing, the Chamber will give the floor to you to make your
25 victim impact statement which you have experienced as the result

1 of the injuries which have been inflicted upon you and you will
2 make a victim impact statement as well concerning the crimes
3 committed by the Accused, Nuon Chea and Khieu Samphan. The
4 statement you will be made is related to the crimes which were
5 committed in the period of 19 -- 7 April -- 17 April 1975 to 6
6 January 1979. The Chamber will now give the floor to the Lead
7 Co-Lawyer to put question to this civil party in relation to the
8 impacts that this civil party underwent. You may now proceed.

9 [10.38.38]

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Thank you very much Mr. President, Your Honours. Good morning
12 everyone and good morning Mr. Thann Thim. My name is Lor Chunthy.
13 I am one of the Lawyer for civil party. I have several questions
14 in relation to the sufferings that you experienced.

15 Q. My first question is on the 17th April 1975, where did you
16 live?

17 MR. THANN THIM:

18 A. On the 17th of April 1975 I lived in the refugee camp in Oby
19 Kohm (phonetic), Phnom Penh.

20 Q. Thank you. On that day, was there any incident happening
21 afterward?

22 A. After the victory of Pol Pot, I was evacuated to live in Srae
23 Vor (phonetic) village, Kampong commune, Kiri Vong district,
24 Takeo province.

25 Q. Thank you. When you settled in with Srae Vor (phonetic)

1 village, you were -- together with your family, you were living
2 there. What kind of work were you assigned to do?

3 A. After the evacuation, upon our arrival, I was asked to do --
4 to do the farming. I was asked to carry out the (inaudible) and
5 paddle the water wheels. We had six cattles for the ploughing in
6 a plot of three hectares land -- in a plot of one hectare land,
7 rather.

8 [10.41.46]

9 Q. Thank you very much. Then in 1976, where did you work?

10 A. In 1976, I was evacuated again to live in Khi Mariak
11 (phonetic) village, Kampong commune, Kiri Vong district, Takeo
12 province. I was asked to plough the fields and we again -- I had
13 six cattle to plough the fields of one hectare and I was asked to
14 carry the (inaudible) and also to paddle the water wheel.

15 Q. In -- what about in 1978, where were you moved? In what unit
16 were you moved?

17 A. In 1977, I was again evacuated to live in Trapeang Trav
18 village, Trapeang Thom Kang Chen (phonetic) commune, Tram Kak
19 district, Takeo province. At that time, I was asked to work in
20 the ox cart units. One day, my unit was asked to carry and
21 transport the timber log at Pnum Bok Ta Pun (phonetic) and upon
22 our arrival at 8 p.m, we were asked to unload the timbers at our
23 units. When we were at our units and after we had gruel, we were
24 about to sleep. And when we was about to sleep -- when we was
25 about to lay ourselves on the floors, the unit chief came to me

1 and asked me to join a meeting. I was thinking in my mind that
2 normally the 17th of April people had never been called to a
3 meeting. After I was called, I came down from my house and this
4 individual was walking in front of me and I was following him. I
5 was asked to join a meeting. I arrived at the militia station and
6 four of the militia men came out of the unit. I was held tightly
7 and I was tied up with the string. My hands was tied to the back
8 of -- my hands were tied behind my back. I thought that I would
9 die after that time with no guilt. I was beaten. I was
10 interrogated. I was asked where I was living before. I was asked
11 to tell the truth.

12 [10.46.21]

13 They asked such question to me immorally. They call me -- they
14 call me contemptible and I was asked what I did in Phnom Penh. In
15 my response, I said I was never a former soldier. I was a worker
16 to collect firewood for sale, even I was in the refugee camp I
17 was only a worker there. After the beating by one another, the
18 question was put on me again and again about my previous
19 occupation and I was threatened that I would not be released if I
20 did not tell the truth. And once again, I told them that I was
21 only a worker who went to find and collect the firewood for sale.

22 [10.47.25]

23 And after beating and interrogation, I was transported on a horse
24 cart to Angk Roka Gearea (phonetic) -- to Angk Roka market. I
25 believed that Angk Roka market was used as the office -- of their

1 office at that time. I was kicked and I fell off the horse cart.
2 And they told a man by the name Ruo (phonetic) that -- they told
3 Ta Ruo (phonetic) about me and Ta Ruo (phonetic) had a beard and
4 moustache. Ta Ruo (phonetic) took rifle, AKA rifle, and asked me
5 to walk past the field. I was walking in front of Ta Ruo
6 (phonetic). He was alone at that time. Once again, in my heart I
7 thought that I would be killed with just a shot. And I was
8 walking past the field west of Angk Roka market. At that time, I
9 saw a lanterns -- the light came -- coming out of a lantern and I
10 thought that that place was the killing site. There was a hall
11 there. There was a hall there in the prison office and the hall
12 wall was made out of wood. Ta Men (phonetic) was the prison
13 chief. Ta Men unlocked the door and I was pushed into the cell.
14 It was -- sounds of people in the cell and the light was turned
15 on -- the lantern was turned on and shackles -- shackles were
16 brought in and I was shackled to both of my ankles. And there was
17 an iron rod putting below the shackles and at that time, my hands
18 were tied behind my back and I could not shackle myself and
19 seeing that, they shackled me with the rod below it. And after I
20 was shackled, my hands were untied. I felt very painful in my
21 hands because I was tied behind my back.

22 [10.51.06]

23 I was upset at that time. I did not commit any wrongs, however I
24 was taken to be tortured. I was seriously tortured. Only if I had
25 guilt, I would dare to accept and admit my guilt, however, as I

1 said, I was not guilty. I was put there day and night without
2 releasing to go anywhere else. I was put in that place for a
3 period of three months. For the previous -- for the prisoner who
4 had already been there, one of you ankles was shackled. As for
5 me, the new prisoner, both of my ankles were shackled so it was
6 very hard for me to sleep.

7 [10.52.20]

8 Q. Thank you very much, Mr. Civil Party. You stated just now that
9 there was a unit name -- unit chief, his name was Bon (phonetic).
10 You mentioned about the militia men who came to arrest you so
11 what were their names? Can you tell the Court?

12 A. Ta Se was the leader of the militia men. He was quite young at
13 that time and as for four other militia men, I did not know their
14 names.

15 Q. Thank you. You said that after you were arrested and then you
16 were tied and you were also beaten so what did they use to beat
17 you?

18 A. I was beaten with the bamboo stick. It's about the size of my
19 lower -- lower arm. So I was beaten with this kind of bamboo
20 stick and I was interrogated.

21 Q. Thank you. When you were beaten, you said that they beaten --
22 they -- you were beaten by one another so how did they beat you?

23 A. They beat me one after another. After one was tired, another
24 man came in to beat me until I passed out. After I got conscious,
25 I was transported to -- I was transported on a horse cart to Angk

1 Roka and detained -- I was detained there.

2 [10.54.40]

3 Q. How did you know that you were sent to Angk Roka? How did you
4 come to know the place?

5 A. At first, I did not know that the place was Angk Roka. After I
6 was detained within that place and after three months of my
7 detention, I knew the place. Since you asked me now about this, I
8 am telling you that at first I did not know that the place was
9 Angk Roka. After my release, I was asked to dig a pond in front
10 of Angk Roka market and at that time I knew that the place was
11 Angk Roka. Someone told me about this.

12 Q. Thank you. You stated that upon your arrival at Angk Roka, you
13 knew a person by the name Men (phonetic). This individual was the
14 prison chief. Beside him, did you know any other one else?

15 A. Upon my arrival at the prison, and after the three months in
16 detention, day and night, I -- during my detention I did not know
17 anyone but after I was released I knew that Men (phonetic) was
18 the prison chief and there was No (phonetic) and Cheung
19 (phonetic) -- three of them were at the prison. Three of them
20 were working at the prison.

21 [10.56.59]

22 Q. Thank you. During the time that you were in Angk Roka, you
23 said that you were shackled -- both of your ankles were shackled.
24 Did only one of your ankles -- was only one of your ankles
25 shackled or were both of your ankles shackled? And what about

1 food rations? How was your food rations? Did anything happen to
2 you during your detention? Were you beaten while you were
3 detained?

4 A. When I was detained within that place I was not beaten up. I
5 was put in the cell in the prison and I was shackled. I was not
6 beaten up. As for food rations -- as for food rations, I had just
7 a few grains of cold rice. Actually, they used the cold rice to
8 cook gruel and I could have -- I could have the gruel or meat out
9 of a few rice grains only.

10 Q. Thank you very much. You said that both of your ankles were
11 shackled so how long were you shackled? How painful was it and
12 did you sustain any wound or injury on your ankles as the result
13 of your being shackled?

14 A. Thank you very much, Mr. Civil Party Lawyer. I was in the
15 prison for a certain period of time and they used the iron rod
16 combined with the shackles to detain me. The older prisoners were
17 released to work while I was being detained and I was shackled
18 with the iron rod put below my ankles. They used the iron rod to
19 put in the ring of the shackle and it missed -- they missed the
20 ring and the iron rod hit my ankle.

21 [11.00.09]

22 I was bleeding at that time. It was so hurt. There was -- there
23 was no medicines to cure my wound and the injury sustained till
24 today. If you do not believe me, I can show you. And as of today,
25 if I am sitting for too long, my ankle would be swelling.

1 Q. Thank you. When you were shackled and as you said, they didn't
2 pay attention or didn't care about you and when they inserted or
3 removed the iron rod it inflicted wound on your ankle. Can you
4 tell the Court about the pains that you suffered during that
5 time?

6 [11.01.26]

7 A. The pain inflicted upon me at that time was indescribable. I
8 didn't think that I could survive. I suffered the pain physically
9 and emotionally. We could not even relieve ourselves properly.
10 And since I was born, I never experienced such pain until the
11 time of the Khmer Rouge regime. We were put into row, feet to
12 feet, and the female was placed on one row and the male prisoners
13 were put on another row and there was a footpath in the middle.
14 And it was very, very difficult for us to relieve ourselves.
15 There was a pot for us to relieve in and then we had to adjust
16 ourselves and our ankles in order to be able to put the container
17 underneath to relieve oneself. And as I just said, I thought I
18 would die and in fact, one prisoner, who was nearby me, died from
19 the lack of food and his body remained there for two nights and
20 three days before it was removed. And he died as I said, due to
21 hunger. His name was Pat (phonetic). He was just lying next to me
22 before he died and that also made me think that my turn would
23 come soon.

24 [11.03.42]

25 Q. Thank you. And facing such a horrible condition in the prison,

1 as you just described, and when you were put into that detention
2 building, were there other prisoners there before you were put
3 into that building, and if so were there -- were they all males,
4 females or were there any children detained?

5 A. In that building, there were female prisoners and as I
6 described, female prisoners were put into a row and we -- the
7 male prisoners -- were put into another row and we were feet to
8 feet and from my recollection, there were about 10 male prisoners
9 and there were roughly about 10 female prisoners. There was
10 another female prisoner. She was shackled and she had a young
11 baby whom she breastfed and I did not know the reason for her
12 detention. I could not imagine why she was detained there with
13 her young baby.

14 [11.05.20]

15 Q. Thank you. After you were arrested and placed in that
16 detention building, was your wife or family members informed of
17 your arrest?

18 A. My family members did not know anything about my arrest, not
19 even the neighbours. When they noticed that I disappeared, they
20 thought that I died. But incidentally, I met a young women -- she
21 was asked to go and work at the Tuol Kruk (phonetic) canal -- and
22 she saw me carrying dirt near the road, as I was asked to dig --
23 to carry the earth in order to dig that place to build a pond and
24 I was ordered to carry three cubic metres of earth per day. And
25 when she saw me carrying dirt from building a pond, she talked to

1 me briefly but besides that I had no any contact with my family
2 members or with anybody else.

3 Q. Thank you. Did you lose any family members during that regime
4 or did you lose any property, namely your house? Or did you
5 suffer from any emotional harm?

6 [11.07.37]

7 A. Of course, the loss did happen. As for the property, I did not
8 bring along much when we were forced to leave Phnom Penh. And
9 then all the property that I had was confiscated and when I was
10 put into the prison, the only thing I had was just a pen and a
11 shirt that I was wearing.

12 Q. Thank you. And finally, do you wish to make any statement or
13 you wish to raise any -- or you have any requests for the
14 Chamber?

15 A. I have two questions that I'd like to put to the two Accused
16 in their capacity as the leaders of that regime.

17 Q. Mr. Civil Party, if you wish to make a request or to put a
18 question to the Accused, you need to make it through the
19 President of the Chamber.

20 A. My request is for the Judges and the officials of the Court to
21 find me justice. First of all, I suffered physical injury and my
22 health is not as strong as it's supposed to be and the important
23 thing is for you -- for the Bench to find me justice.

24 [11.10.36]

25 Q. You haven't answered my previous question as whether you lost

1 any family members during the regime?

2 A. My family members survived and when the ammunition warehouse
3 exploded we were released and when the Vietnamese entered
4 Cambodia, then they did not monitor us anymore and I did not lose
5 any family members.

6 Q. Thank you. And I just said that if you have any questions to
7 be put to the Accused, you can do that through the President of
8 the Chamber, if you have any questions.

9 (Short pause)

10 [11.12.20]

11 A. I have two questions. The first question is the following: do
12 you, the two Accused, acknowledge that there was a security
13 centre at Angk Roka? I was detained there and that is the truth.
14 I did not fabricate this story. And my second question is the
15 following: do you accept the responsibility and can you explain
16 about the crimes that were committed? These are the two questions
17 that I have.

18 MR. LOR CHUNTHY:

19 Thank you and I don't have any further questions Mr. President.

20 MR. PRESIDENT:

21 The Chamber wishes to inform Mr. Thann Thim that after
22 ascertaining the position of both Accused on 8th January 2015
23 regarding the exercise the right to remain silent, the Chamber
24 notes that the two Accused maintain their express position unless
25 and until such time the Chamber is expressly informed otherwise

1 by the Co-Accused or their counsels. It is therefore incumbent
2 upon them to inform the Chamber, in a timely and official manner,
3 should the Accused resolve to waive their right to remain silent
4 and be willing to respond to questions by the Bench or relevant
5 Parties at any stage of the proceedings. However, as of today,
6 the Chamber is not informed that the Co-Accused have changed
7 their express position and that agreed to provide their responses
8 to questions. And I'd like to inform Mr. Thann Thim about the
9 questions that he put to the Accused. And I'd like now to hand
10 the floor to the Co-Prosecutors to put questions to this civil
11 party regarding the statement of suffering and harms.

12 [11.15.00]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you Mr. President. Just to let you know, we will have quite
15 a few questions to put regarding two topics in particular, first
16 his detention at Angk Roka which he just spoke about and also
17 then his transfer from Kiri Vong district to Tram Kak district.

18 MR. PRESIDENT:

19 Court officer, could you check with the AV unit about the
20 interpretation system?

21 The Deputy International Co-Prosecutor, you can resume.

22 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

23 Thank you Mr. President. As I was saying, we will have quite a
24 few questions to put to the civil party regarding, essentially,
25 two topics -- his detention-

1 MR. PRESIDENT:

2 There is no interpretation at all. Could you, Court officer,
3 please check with the AV unit?

4 (Technical problem)

5 MR. PRESIDENT:

6 The Deputy International Co-Prosecutor, please switch to another
7 microphone. Don't use that one.

8 [11.17.08]

9 MR. DE WILDE D'ESTMAEL:

10 Thank you Mr. President. As I was saying, contrary to the other
11 civil parties who are-

12 MR. PRESIDENT:

13 I think there is still a technical glitch.

14 (Technical problem)

15 [11.18.52]

16 MR. DE WILDE D'ESTMAEL:

17 Mr. President, I hope now everything is working. As I was saying,
18 contrary to the other civil parties, who are speaking very
19 briefly during these two days, Thann Thim, who is here present
20 today, will be questioned at length, in particular regarding two
21 topics -- his detention at Angk Roka as well as his transfer from
22 Kiri Vong district to Tram Kak district so therefore, I don't
23 believe I will be able to finish before 11.30. So I'm going to
24 react to what you said earlier on and first of all speak about
25 the Angk Roka prison.

1 MR. PRESIDENT:

2 Counsel Koppe, you have the floor.

3 MR. KOPPE:

4 Thank you Mr. President. I think I would agree with the
5 Co-Prosecutor in the sense that I think this is a potentially
6 very interesting witness who could tell us many things about his
7 experiences and I have actually no objection, in itself, to the
8 intended questions from the Prosecution. However, if we can now
9 all agree in this courtroom, that we are far away going from
10 hearing civil parties simply on victim impact, then I would be
11 happy and we can just treat this civil party, who is giving very
12 interesting testimony, as a proper witness. And -- so if we can
13 all agree on this. This is actually my point -- we are not
14 talking any more about civil impact at all, we're talking about a
15 very interesting witness who could give very interesting
16 testimony.

17 [11.21.00]

18 (Judges deliberate)

19 MR. PRESIDENT:

20 And the International Deputy Co-Prosecutor, you can proceed. And
21 in fact, the Chamber reminded all the Parties this morning that
22 we have limited time to hear the statement of impact and it will
23 only happen today and tomorrow so frame your questions
24 accordingly. And we still have six more civil parties to go
25 through.

1 [11.21.34]

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Thank you. My first question -- and I didn't hear any answer
4 with regard to the topic I'm going to question you about. So when
5 you were arrested when you were in Trapeang Trang Kang Chun
6 (phonetic) commune, what were you accused of? Why were you
7 arrested?

8 MR. THANN THIM:

9 A. I was arrested because my elder daughter was in the unit and
10 she ran away together with Iem Yen, who testified before me. In
11 fact, they stole sugar cane from the unit and she was arrested
12 and beaten and she was forced to confess that I was a former
13 lieutenant in Phnom Penh and because she was (inaudible) confess
14 so and then I was arrested for that reason.

15 [11.22.52]

16 Q. Thank you for this answer. I would like to understand
17 precisely -- with regard to the period of your detention -- the
18 period of your arrest -- you said that you were detained for
19 three months so did you remain at Angk Roka prison until the
20 Vietnamese arrived?

21 A. When the Vietnamese arrived and fought against the Khmer
22 Rouge, then the ammunition depot got caught in a fire and
23 exploded.

24 Q. Fine. And that is how you were able to run away? Are you sure
25 you stayed for three months there, or maybe you stayed longer, or

1 for a shorter period of time?

2 A. I remained in detention not for exactly three months. When I
3 said I was there for three months, it means when I was there day
4 and night for three months and of course, prisoners were not
5 allowed to be detained freely. We were let out to work in the
6 field. Initially, I was detained day and night in the building
7 for three months and after the three month period, Men (phonetic)
8 questioned or interrogated me again about where I was during the
9 '70, '72 '74 and '75 and I responded accordingly and after the
10 three month period I was let to work outside in the field. And
11 this does not mean I was released after the three month
12 detention. I was detained in 1978 until the time the Vietnamese
13 attacked.

14 [11.25.18]

15 Q. So you were detained for about how long according to this
16 system, when you were detained during the day and at night -- so
17 for how long did you remain in that situation?

18 A. The total period of my detention actually started from 1978
19 and I was put in the detention building day and night for three
20 months. Then those who were detained previously were let out to
21 work during the daytime and then they were brought back into the
22 building at night time. And one day, when those previous
23 prisoners were let out to work in the morning, then Men
24 (phonetic) interrogated me and after the interrogation period was
25 over then I was allowed to go and work outside. And allow me to

1 speak freely and truthfully here, initially, when I was allowed
2 to work outside, I was asked to carry water to water the
3 vegetables near the prison building and at that time I did not
4 have any thong to wear. I walked bare foot and it was very
5 painful since it was very hot, but because I wanted to survive so
6 I worked hard by watering the vegetables nearby the prison
7 building. I went to carry the water from a pond nearby.

8 [11.27.25]

9 Q. Well, to conclude with regard to this period, can you tell me
10 if it's so that you stayed at Angk Roka for several months while
11 being detained at night?

12 A. At night time we were put back into the detention building and
13 we were shackled, and only during the daytime that we were let
14 out to work and in the evening then we were put back and shackled
15 in the building.

16 Q. Thank you. Now I would like to go back to the whole process
17 that brought you to Angk Roka. You said that you arrived at Angk
18 Roka market and you were given to -- entrusted to someone by the
19 name Ruo (phonetic) -- and in Document E3/5034 on page 2, you
20 said that Ruo (phonetic) was a militia chief. How did you get to
21 know his name and how did you get to understand his position?

22 [11.28.58]

23 A. I did not know whether he was the militia chief at the
24 district level or at another level but I saw him carrying an
25 AKA47 rifle.

1 Q. Was he the one who told you that his name was Ruo or was it
2 someone else who told you that?

3 A. At the beginning, I did not know that was his name but after I
4 had stayed there during the day and night time and then when I
5 was allowed to work during the daytime, I was told about his
6 name.

7 Q. Thank you. Was it the same (inaudible) who accompanied you to
8 Angk Roka or someone else?

9 A. The person who took me from Trapeang Thom commune or from the
10 village where I stayed was Sae (phonetic), not Ruo (phonetic).
11 And I was taken from the village and then I was handed over to Ta
12 Ruo (phonetic). And let me say, Sae (phonetic), who was a commune
13 militia man, took me to Ta Ruo (phonetic) and Ta Ruo (phonetic),
14 from my understanding, was probably at the commune militia level
15 and then he had an AK47 rifle with me and he brought me -- took
16 me into the detention building.

17 MR. PRESIDENT:

18 Thank you Deputy Co-Prosecutor and thank you Mr. Civil Party. It
19 is time for a recess. We will recess now and resume at 1.30 this
20 afternoon. And Court officer, please assist this civil party
21 during the lunch break and invite him, as well as the TPO staff,
22 to the courtroom this afternoon at 1.30. And security personnel,
23 you are instructed to take Khieu Samphan back into the waiting
24 room downstairs and have him back into the courtroom this
25 afternoon before 1.30.

1 The Court is now in recess.

2 (Court recesses from 1131H to 1330H)

3 [13.30.58]

4 MR. PRESIDENT:

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

6 And for this afternoon's the proceeding, the Chamber would like
7 to inform the Parties that for the question answer session to
8 this civil party, please use the pace of your speaking as we are
9 in shortage of interpreters for this afternoon. So please speak
10 slowly.

11 And the Lead Co-Lawyer for the civil parties, you have the floor.

12 MS. GUIRAUD:

13 Thank you, Mr. President. I am informed of what the Chamber would
14 like us to do regarding Mr. Chau Ny, I will speak as slowly as
15 possible. There have been 14 intermediate organisations that have
16 been charged to assist victims to become civil parties; one of
17 these associations is the Khmer Kampuchea Krom Human Rights
18 Association. This association has assisted 191 victims to become
19 civil parties throughout the national territory of Cambodia. Mr.
20 Chau Ny has worked for that association and I will quote his
21 position in English as it was communicated to me during the lunch
22 break.

23 He was an outreach and complaints person in 2007 and 2008 but we
24 were not able to confirm that with certainty, up to 2010 he held
25 that position for the province of Takeo and that is why he

1 assisted the civil parties in applying to become civil parties in
2 that province. And we have 23 civil parties applications from
3 Takeo province, which were filed thanks to the assistance of that
4 association including that of Mr. Chau Ny, himself. And Mr. Chau
5 Ny is mentioned in 22 civil party applications from Takeo
6 province. And that is why his name appears systematically in
7 victim's information sheets and that is because those forms were
8 drafted in such a manner by the victims support section who --
9 which had to make sure that a witness was able to sign the
10 information sheet alongside the victim him or herself. That is
11 what I have to submit regarding Mr. Chau Ny.

12 [13.34.24]

13 But we have a series of additional information that you'll find
14 on the case file and we have all been served with that. Most of
15 these documents were filed in the second part of 2010 and as
16 regards supplementary information of the civil parties being
17 heard today and who are from the Takeo province it is the unit in
18 this Court, the victims unit in this Court which collated all
19 that information and I must say that during that period our
20 section -- that is, the civil parties section was not in charge
21 of collection of such information. This is the update I would
22 like to provide, following what I heard during the lunch break.
23 If you need any further information, I am available to provide
24 it.

25 [13.35.23]

1 To conclude, I would like to remind the Chamber that it is
2 absolutely fundamental for us that the eight civil parties be
3 heard between today and tomorrow. We have lost some time in our
4 planning. In addition Mr. Thann Thim, another civil party should
5 be heard today in order that we should be able to hear four civil
6 parties tomorrow. In any case it is essential for us to make sure
7 that the civil parties, who have been in Phnom Penh since day
8 before yesterday, be allowed to speak. And to answer the question
9 asked by my learned friend Koppe, this is not a normal hearing it
10 is an exceptional hearing that is aimed at enabling the civil
11 parties to explain or to express themselves on their sufferings
12 and it is absolutely necessary that these eight civil parties in
13 light with the schedule that we presented to the Chamber, those
14 eight civil parties be allowed to speak before the Chamber. Thank
15 you, Mr. President.

16 MR. PRESIDENT:

17 To accommodate your observation request, I think you, the Lead
18 Co-Lawyers for Civil Parties, have to reduce your time first,
19 namely reduce to 30 minutes and then accordingly all the Parties
20 all reduce their questioning time, if we were to do that.
21 The floor is once again given to the Prosecution. You may
22 proceed, Deputy International Co-Prosecutor.

23 [13.37.06]

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. I will try to be concise and clear in

1 my questions and I'll focus on the substance. Before the break,
2 Mr. Civil Party, you said that you arrived at Angk Roka there
3 were about 10 men and 10 women there. In the document we have
4 before us, E3/5035, you made mention of about 100 prisoners and
5 in the record of an interview given to the Co-Investigating
6 Judges and the reference is, E319/12.3.8, in answer 77, you said
7 that there was 70 prisoners. Can you tell us whether the number
8 of prisoners at Angk Roka changed with time, did it increase in
9 the course of time?

10 [13.38.14]

11 MR. THANN THIM:

12 A. Regarding the prisoners held at Angk Roka, prisoners were
13 brought in from time to time and when the new ones brought in,
14 the existing ones, some of them were taken out, they were tied
15 out and -- they were tied up and taken out. Usually they would
16 tie one prisoner at a time and let out in the direction toward
17 Damrei Romeal mountain, although I did not know the exact
18 location where those prisoners were taken to. So over time the
19 number of prisoners reduced as some of them were taken out.

20 Q. You said that a while ago that Meng (phonetic) interrogated
21 you at a point in time, was there a specific location for
22 interrogations outside of the detention centre or the room in
23 which the prisoners were detained?

24 A. Meng (phonetic) interrogated me when other prisoners were let
25 out to work in the field and I was alone then they removed the

1 iron rod, then the rings dropped and then I was unshackled and
2 taken to a building where the guards stayed, and that was the
3 place I was interrogated. I was not interrogated in the detention
4 building but at a nearby building where the guards stayed.

5 Q. Thank you. Were you able to speak to your co-detainees at the
6 time, were you able to find out why the other prisoners at Angk
7 Roka had been arrested and detained?

8 [13.40.44]

9 A. I only spoke to those fellow prisoners whom I knew. For
10 example, a teacher by the name of Khan (phonetic) and a person
11 Achar Mok (phonetic). Achar Mok told me that he was monitored
12 every day and he was asked what he did at Phnom Penh and as for
13 the teacher it was the same thing and he said that he was a
14 teacher in Phnom Penh. And I did not know what kind of wrong
15 doings they committed as I did not ask them about that and a day
16 or two later they were taken out, outside I mean, and I did not
17 know where they were taken to.

18 [13.41.40]

19 Q. You stated that the guards and cadres at Angk Roka took
20 prisoners towards the mountain Damrei Romeal mountain and you
21 told the Co-Investigating Judges that you thought that they were
22 taken there to be executed. What is the basis for your statement
23 that you thought those people were going to be executed up that
24 mountain?

25 A. I peeped through the wooden wall as there was a gap that I

1 could peep through and I saw those prisoners being tied and they
2 were taken out one at a time after each of them was tied up. I
3 did not know where they were taken to but from my location, I
4 presumed that they were taken to the direction of Damrei Romeal
5 Mountain, though I did not have any concrete evidence to prove
6 that as I was being detained in the detention building. I only
7 saw that they were tied up and taken out.

8 Q. Regarding the person you've just mentioned -- that is, the
9 teacher Kan, can you tell us whether you knew his name and his
10 age at that time as well as the name of his wife?

11 A. As for teacher Khan, I knew him well as he used to teach me
12 and he was around 70 years old a little bit more than that.

13 Q. Does the name Peou Kan ring a bell to you, who was married to
14 a woman called Pen Yem and he was from Saom commune, Kiri Rom --
15 Kiri Vong district, does that name ring a bell to you?

16 A. No, that name, Peou Kan, does not ring a bell to me.

17 Q. While you were detained at Angk Roka do you know a person by
18 the name Nun, N-U-N? He had come from the district and had gone
19 to live in Trapeang Thum North.

20 A. The name Nun also does not ring a bell to me. I did not know
21 which village that person resided. It could be he -- that person
22 could resided in another village within the same commune.

23 [13.45.06]

24 Q. On the record we have, document E3/2423, I am unable to show
25 the witness this document, I would like lay a foundation before I

1 put questions to the witness on this subject, if you would allow
2 me to do so.

3 [13.45.33]

4 MR. PRESIDENT:

5 Counsel Koppe, you have the floor.

6 MR. KOPPE:

7 Thank you, Mr. President. Good afternoon, Your Honours. May I
8 make a suggestion and suggest that we stop asking questions on
9 the facts to this witness and ask this witness if he would be
10 prepared to come back at one point in time to give proper and
11 full testimony. I believe he's a relevant witness; he gives, so
12 far, very coherent answers; there are a lot of things I would
13 like to ask him as well. Also considering the remarks of the
14 civil party Lawyers and the Trial Chamber itself, wouldn't it be
15 an idea to just now focus on the civil impact and recall this
16 person as a proper witness.

17 MR. PRESIDENT:

18 I believe the Chamber reminded all the Parties clearly that the
19 questions or points towards the suffering and harm of the civil
20 party, except in the case that the harm and suffering are
21 connected to certain facts. And as for the time allocation, we
22 don't have much time left for the additional six civil parties
23 that are still remain. And if you keep questioning civil party --
24 this civil party on facts then he should categorised as a witness
25 and not as a civil party who is making a statement of harm and

1 suffering before this Chamber.

2 MR. DE WILDE D'ESTMAEL:

3 Perhaps before you gather to deliberate, Mr. President, I am
4 basing myself on the suffering he endured at Angk Roka prison and
5 on this basis I am trying to establish the credibility of this
6 witness's testimony and I'm also trying to confront the witness
7 with certain facts and to ask whether he knows certain persons at
8 that prison. So, I believe my questions are relevant, Mr.
9 President.

10 (Judges deliberate)

11 [13.49.53]

12 MR. PRESIDENT:

13 Counsel Koppe, if my understanding is correct, you suggest that
14 this civil party shall be summoned again as a witness to provide
15 his testimony as he seems to know a lot. And the Chamber would
16 like to clarify this matter clearly so please if you have other
17 reasons to support your submissions, do so now.

18 [13.50.20]

19 MR. KOPPE:

20 I think, Mr. President, as an exact summary of my request, I
21 think this is indeed a very relevant witness and he should come
22 back at another time that we have more possibility to question
23 him. So yes, I agree with your summary fully. This is our
24 request.

25 MR. PRESIDENT:

1 And what about the Defence team for Khieu Samphan, do you wish to
2 make any observation on this matter?

3 MS. GUISSÉ:

4 We do not have any specific application that this witness be
5 brought back, but if the Co-Prosecutors intend to him as a
6 factual witness and not only as a person testifying about his
7 suffering then we should be allowed to examine the witness on the
8 same footing as any other witness who is testifying to facts.

9 MR. PRESIDENT:

10 Thank you. The Deputy International Co-Prosecutor, would you like
11 to make any observations?

12 MR. DE WILDE D'ESTMAEL:

13 Yes, Mr. President. As you of course know, this civil party was
14 on this civil -- the list of the prosecutions witness list since
15 June 2014, and that is why we would like to ask some questions,
16 additional questions since this person is one of the victims who
17 was at Angk Roka and who survived and is in a position to
18 testify. Nevertheless, we do not think he should be called back
19 as a witness, we'll complete our examination in 10 minutes or 15
20 minutes at the very most and I think it is possible for us to
21 proceed bearing in mind that what he says has to do with the
22 sufferings that he experienced.

23 [13.52.38]

24 MR. PRESIDENT:

25 And what about the Lead Co-Lawyers for the Civil Parties, do you

1 wish to make any observation?

2 MS. GUIRAUD:

3 We do not support the application by the Nuon Chea defence
4 requesting that the Chamber should recall the civil party to come
5 back and testify to facts but we will rely on the wisdom of the
6 Chamber. All the civil parties who have been proposed to be heard
7 by the Chamber at a time we thought was particularly opportune
8 for the civil parties. We have made an effort to adjust our
9 schedules so that the two civil parties were heard yesterday as a
10 matter of priority. Now, I understand that both the Prosecution
11 and the Defence has priorities, so it is up to the Chamber to
12 consider the application made by two Parties, but in our opinion
13 we want this civil party to testify only with regard to the
14 sufferings as well as the other civil parties who testified to
15 their sufferings.

16 [13.53.58]

17 MR. PRESIDENT:

18 Thank you and as for the Deputy Co-Prosecutor, you stated that
19 you need 10 or 15 minutes more to conclude your question and if
20 that is the case and if you think of the time that you and the
21 Lead Co-Lawyer spent this morning, you have to make sure that
22 Defence should have an equal time to be allotted to them. So if
23 that is the case then it is going to drag on with the remaining
24 civil parties.

25 JUDGE FENZ:

1 I am trying to be practical here. It won't be possible to hear
2 this civil party to the full extent that might be necessary,
3 safeguarding the rights of everybody to ask questions on one hand
4 and to hear all the other civil parties that has been here on the
5 other hand till Friday. So, we'll have to find a practical
6 arrangement for that. Now, is there any objection against
7 recalling this civil party, which arguably might have valuable
8 factual information, at a later stage. Is there an objection,
9 because then we could go ahead with the others?

10 [13.55.30]

11 MS. GUIRAUD:

12 No objection. And after discussing the matter with my learned
13 colleague -- lawyer of the civil parties, we don't object to
14 recalling this civil party to testify, if the Chamber deems it's
15 so necessary.

16 (Judges deliberate)

17 [13.56.36]

18 MR. PRESIDENT:

19 After having heard the request by the Nuon Chea defence and the
20 observation from other Parties and after we, the Judges of the
21 Bench discussed, the Chamber now decides to adjourn the hearing
22 of this civil party in regards to the statement of suffering and
23 harm. He will be heard again in due course when he will be
24 summoned again as a factual witness and then he can respond to
25 questions on facts and he can also express his statement of

1 suffering and harm in his capacity as a civil party.

2 Mr. Thann Thim, the Chamber is grateful of your time. And we will
3 adjourn your statement of suffering and harm now and the Chamber
4 will reschedule an appropriate time so that you will be invited
5 to appear before this Court again to provide your knowledge
6 regard certain facts and you will be recalled as civil party and
7 you may be now excused from the courtroom.

8 Court Officer, please make necessary arrangement with WESU, to
9 return Mr. Thann Thim back to his residence or wherever he wishes
10 to go. And the TPO staff, please remain seated in the courtroom
11 as we will call another civil party -- that is, 2TCCP-981.

12 And Court officer please usher the other civil party -- that is,
13 2-TCCP-981, into the courtroom in order to make her statement of
14 impact and suffering.

15 (Civil party enters courtroom)

16 [14.00.39]

17 QUESTIONING BY THE PRESIDENT:

18 Q. Good afternoon, Civil Party, what is your name please?

19 (Technical problem)

20 [14.01.25]

21 BY THE PRESIDENT:

22 Q. So, what is your name please?

23 MR. BENG BOEUN:

24 A. I am Beng Bouen.

25 Q. Thank you. What is your date of birth?

1 A. I was born on 12 December 1944. Well, my real birth date in
2 fact is, 1939.

3 Q. What is your current address?

4 A. I live in the village quatre (phonetic) in Koh Kong province.
5 [14.02.19]

6 Q. What is your occupation?

7 A. I was a school teacher, now I am retired.

8 Q. What is your father's name, and what is your mother's name,
9 your natural father and your natural mother?

10 A. My father was called Tri Veng (phonetic) and my mother Va
11 Beoun (phonetic)

12 Q. What is your wife's name and how many children do you have?

13 A. My wife calls me Teng Eng, she is deceased. I have three
14 children and I married again and my new wife -- with my new wife
15 we have two children.

16 MR. PRESIDENT:

17 Thank you very much. As a civil party before the Chamber, gives
18 you the possibility of making a statement on the harm you
19 suffered, whether the harm be physical or whether this be
20 material, as a result of the crimes committed during the
21 Democratic Kampuchea Regime, which led you to join as civil
22 party. As a civil party you are entitled to make a statement on
23 the alleged crimes -- on the effect of the alleged crimes on you
24 as a victim. You can make a statement about the sufferings you
25 endured during the Democratic Kampuchea period which led you to

1 join as a civil party in order to seek reparation as a direct
2 consequence of the crimes.

3 Counsel for the civil parties, you have the floor.

4 QUESTIONING BY MR. LOR CHUNTHY:

5 Good afternoon, Mr. President, Your Honours. Good afternoon, Mr.
6 Beng Boeun. I am Mr. Lor Chunthy, I am a civil party lawyer and I
7 work for Legal Aid of Cambodia. I would like put a few questions
8 to you relative to the suffering you endured during the Khmer
9 Rouge regime.

10 Q. To begin with I would like to know if, on 17 April 1975, or
11 rather, where were you on 17 April 1975?

12 MR. BENG BOEUN:

13 A. In 1975, I was in Phnom Penh.

14 [14.06.05]

15 Q. Thank you. On 17 April, when you were at home, did you see
16 anything special happening in Phnom Penh on that day?

17 [14.06.42]

18 A. I was at Office Number 5 -- that is to say, at the military
19 record office that was an office dedicated to producing military
20 records and I met Mr. Maesi Chon (phonetic) at the office on 17
21 April at the military radio station on 17 April. And he asked me
22 questions, he asked me where he could find the keys to enter the
23 radio broadcasting rooms, he said I wasn't working there, he
24 threatened me, he said he was going to kill me with his pistol
25 and I was very afraid of the Khmer Rouge soldiers. They held him

1 back so he couldn't shoot at me and when I looked at a car on
2 street, I saw a girl and two Khmer Rouge soldiers held Mr. Maesi
3 Chon (phonetic) back. At the Wat Phnom, I heard Maesi Chon
4 (phonetic) say a few words, words about the -- calling the army
5 stationed in the provinces to lay down their arms and come up
6 with peace negotiations and then after that I heard nothing. Then
7 I heard a voice saying, we came here by force and we came here
8 with our soldiers and we came here not to negotiate.

9 Q. Thank you. You said that you had not yet left Phnom Penh. So,
10 when did you leave Phnom Penh?

11 A. I left Phnom Penh on 18 April, at 10 o'clock in the morning
12 and as I left Phnom Penh I was thinking, I was day dreaming, I
13 was taking time so to assess the situation.

14 Q. Thank you. And when you arrived at Steung Kampong Tram
15 (phonetic), did you see anything special happen?

16 A. After several days I arrived at Steung Kampong Tram (phonetic)
17 and the soldiers asked us to stop there because the bridge had
18 blown up and they gave us each a can of rice. And once we crossed
19 the river, we cooked our food and then they forced us to continue
20 travelling in order to meet Angkar.

21 Q. Thank you. And when you were forced to go meet Angkar, did the
22 Khmer Rouge soldiers ask you questions about your personal
23 history -- that is to say, who was doing what and who was an
24 officer, who -- which officer did you know in order to supposedly
25 send them back back to assume their respective duties?

1 [14.11.20]

2 A. I was at the Tuol Kruos pagoda. I met my uncle and there the
3 Khmer Rouge asked us what we did in the past and they told us,
4 they said that we would assume our positions again. My uncle told
5 me to stop talking. I wanted to tell them truth of course. So --
6 and then some said okay, I'm going to back to Phnom Penh to work
7 to take on my duties again upon the appeal of Angkar and others
8 said with a smile and then the Khmer Rouge told us to go in a
9 different direction, whereas the others were travelling in
10 another direction.

11 [14.12.30]

12 Q. In mid-1976, where did you go?

13 A. After that I went to Svay Chal, Kong Pisei district at my
14 uncle's place where I spent three nights and three days, with my
15 family too. And then my uncle told me to leave his house early in
16 the morning because his brother-in-law was a Khmer Rouge military
17 leader, so he told me to leave. Heng (phonetic) went to a meeting
18 where it was decided to bring my family -- to take my family to
19 be executed. So therefore, I left as he told me to do so.

20 Q. Thank you. Once you arrived at your final destination, what
21 were you assigned to do?

22 A. I went to Tamok Keo (phonetic) village, Tram Kak district,
23 where I met my in-laws who were Base People and they told me to
24 not say anything about my personal history and then later the
25 village chief came to see us to ask us if we had bracelets or

1 other kinds of jewellery and I said no, I have nothing and at
2 that moment, we were separated and we were sent to a village
3 where there were Vietnamese and Chinese people and people from
4 other nationalities.

5 Q. Thank you. When you went to harvest rice during the dry
6 season, what did you see?

7 A. During the dry season rice harvest, I was placed in a mobile
8 unit and our job was to replant the rice and to activate the
9 water mill and I met my little brother-in-law and then I lost
10 him, I missed him very much and that was really heart breaking.
11 His disappearance really, really saddened me. I was saying to
12 myself back then, I will be the next in line to die soon.

13 Q. Thank you. Can you provide details concerning the
14 disappearance of your brother-in-law?

15 [14.16.59]

16 A. The unit chief had asked questions and had joked with him and
17 then therefore my brother-in-law said that he knew how to drive a
18 car, how to fly a plane, that he knew how to type and since he
19 knew how to do everything, apparently, a few days later he
20 disappeared forever. That's why, because he knew how to do
21 everything and later my neighbours, who liked me very much, told
22 me that anyone who knew how to do anything would not be saved by
23 the Khmer Rouge and that's why he disappeared.

24 [14.17.58]

25 Q. Thank you. After harvesting rice during the dry season and

1 when you went back to the village, did you see anything special
2 happen?

3 A. After the dry season rice harvesting I was sent to the village
4 where I was assigned to tend the cows, to chop wood and as I was
5 tending cows, my brother-in-law on my wife's side climbed up a
6 coconut tree and he saw me and he threw a coconut to me from the
7 top of the tree. And he when he climbed down he was taken away
8 and when I arrived at the cooperative I saw him all tied up in
9 the burning sun and my son said to me -- my son came back home
10 crying and then he went to see the wife of Bou (phonetic) my
11 brother-in-law and she went to beg the Khmer Rouge to release her
12 husband and the Khmer Rouge said, "No, don't cry, I am simply
13 arresting the enemy", and therefore the Khmer Rouge even pushed
14 his wife and his children and they were taken away, I don't know
15 where they went.

16 Q. Thank you. What was the reason, why was he taken away, was he
17 taken away because he picked the coconut?

18 A. Yes, yes. As far as I know it's -- that was the reason. The
19 Base People were saying back then that everything belonged to
20 everybody and it is because he threw a coconut to me that he was
21 arrested and taken away.

22 Q. Thank you. One day you were accused of moral misconduct. Was
23 this accusation grounded?

24 [14.21.29]

25 A. After replanting the rice, I was sent to the ploughing unit

1 and after ploughing I hitched cows and then I left the village
2 where my mother told me that I had to go see -- or that I should
3 come see her and then I met my brother who was looking for
4 vegetables. In fact it was my sister. And I said, we're going to
5 go see mum at home and then my unit chief took me into the
6 forest. He was holding his axe. And I begged him for quite a
7 while and then he accepted to let me go and threatened me that he
8 would kill me if I did that again. And I swore on my mother's
9 head that I would not commit that offence again and I said that
10 if that happens, then you can take me away where you wish to take
11 me to.

12 [14.22.56]

13 Q. At tumnup (phonetic) Ou Saray -- that is to say, the Ou Saray
14 dam, your father-in-law died there. Did anything happen?

15 A. After the ploughing, I was assigned to the dam site where I
16 met my brothers-in-law and after two days my brother in-law
17 received a note indicating that the father-in-law was ill and
18 therefore he asked leave to go see him but this request was
19 rejected and he could not leave and the next day we learnt that
20 he died and therefore my brother-in-law hugged me. We were
21 weeping both of us, whereas my brother-in-law was a Base Person.
22 So he wept, he burst into tears. We were there sitting and people
23 were looking at us looking at both of us; the two brothers by
24 marriage.

25 Q. Do you wish to say anything with regard to the suffering you

1 endured, as you said earlier on, because of the loss of your two
2 brother-in-laws and also because of the fact that you did not
3 have a chance to see your father-in-law? What do you feel now in
4 that regard?

5 A. I don't understand why my brother-in-law was taken away
6 without being informed of what offence he had committed and I was
7 not told that, "Well, listen, we're taking away your
8 brother-in-law". For example, you see nothing was said when a
9 coconut was stolen, they did not say that it is an offence that
10 should not be committed, but in the case of my brother-in-law for
11 example, he loved me, so why were we not allowed to go and see
12 someone who was ill? Why weren't we allowed to go see someone who
13 was about to die? So, this is why I'm suffering still a lot.

14 Q. Now, with regard to the theft of the coconut, did the lack of
15 food, or was the lack of food the cause of this theft? What was
16 the food ration like when you were in the mobile unit, for
17 example?

18 [14.27.43]

19 A. In the mobile unit and elsewhere there was not enough food. We
20 had to work a lot to harvest all of the land around us and when
21 we ate, the Khmer Rouge would watch over us, they would circle us
22 and they would ask us if there was enough to eat or not and if we
23 said that there was not enough to eat well, then we were brought
24 away to be executed.

25 [14.28.28]

1 Q. What were the working conditions like?

2 A. In the morning when they rang the bell, we had to leave for
3 work and there was another -- they rang the bell again for lunch
4 break and in the evening after dinner we had to go harvest
5 bananas or coconuts and it was only at night that we could sleep
6 and even as we were sleeping we were watched. My mother-in-law
7 told me to say nothing and to keep quiet at night, since they
8 watched us on a constant basis. I -- well I can say I left my
9 skin where they could watch us and I would pretend to insult my
10 son.

11 Q. What did you experience in late 1978?

12 A. Towards the later part of the regime I was assigned to grow
13 vegetable with the elder people and then I was asked to attend a
14 meeting at Chamkar Siem (phonetic). They had a plan for a second
15 meeting and that we would be in a prosperous environment, even
16 all the sick people and for those who could not walk to attend
17 the meeting and it was chaired by the district chief and the
18 district chief said that in a later part of the regime, we would
19 live in prosperity. Three or four days after the meeting, the
20 Base People prepared -- actually prepared noodles for us to eat
21 as they poisoned the noodles.

22 Q. And what about your children at that time, what were they
23 assigned to do?

24 A. One was in a children unit to carry fertilizer for the rice
25 field and one day he carried it a little bit over the assigned

1 rice field and the unit chief threatened him that he took it to
2 the enemy. As for me I was constantly in a mobile unit depending
3 on whatever they wanted me to work at.

4 MR. LOR CHUNTHY:

5 Thank you. Mr. Civil Party. If you wish, you can request the
6 President or the Chamber to grant you your requests or questions
7 to the Accused. Mr. President, I don't have any further questions
8 for this civil party.

9 [14.32.46]

10 Mr. Civil Party, I have just informed you if you have any
11 questions to be put to the Accused you can do it through the
12 Chamber, President, if you have any. Thank you.

13 [14.33.28]

14 MR. BENG BOEUN:

15 I don't have any questions.

16 MR. PRESIDENT:

17 Thank you, Mr. Civil Party and the Chamber would now like to give
18 the floor to the Co-Prosecutors.

19 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. I do not have many questions to ask
21 this civil party. Rather a few follow up questions. On the case
22 file, we have your victims information form, E3/4719, and what I
23 did not hear today is the name of the all the victims in your
24 family. Maybe, you can mention their names or say their names
25 because with translations we hear brother-in-law whereas it can

1 be sister-in-law. So, please can you clarify all of this a little
2 bit. You spoke, first of all, about a brother-in-law when you
3 were harvesting rice during the dry season, if I understood well,
4 a brother-in-law who had been arrested because they had
5 discovered that he knew how to drive. Can you give us his exact
6 name please?

7 MR. BENG BOEUN:

8 A. In fact it was my younger brother-in-law by the name of Vuth
9 (phonetic).

10 Q. Did you indeed say Vuth (phonetic) if I understood you
11 correctly?

12 A. Yes, the name was Vuth (phonetic).

13 Q. How about the one who was arrested for harvesting coconuts,
14 what was his name?

15 A. In fact the name was Bou (phonetic) and he was also my younger
16 brother-in-law.

17 Q. And there was a sister-in-law called Ny (phonetic), was she
18 also arrested?

19 A. It was my elder sister-in-law and her name was not Ny
20 (phonetic), her name was Norn (phonetic). My elder sister-in-law.

21 [14.36.32]

22 Q. Thank you. A while ago, you referred to your living conditions
23 at Nhaeng Nhang, in Nhaeng Nhang commune and in your civil party
24 application form, you wrote that the Khmer Rouge separated people
25 according to their ethnicity, the Chinese lived with the Chinese

1 and the "Yuon" lived with the "Yuon". How about you yourself? Did
2 you live with the New People or did you live with the Base
3 People?

4 [14.37.09]

5 MR. PRESIDENT:

6 Civil Party, please wait. And Counsel Kong Sam Onn, you have the
7 floor.

8 MR. KONG SAM ONN:

9 Mr. President, I would like to provide my observation regarding
10 the summary made by the Deputy International Co-Prosecutor. To my
11 recollection, the civil party stated that a mixture of various
12 nationalities were put into a group including Cham, Vietnamese
13 and Chinese and in fact they were not desegregated (sic) into
14 various groups. Thank you.

15 BY MR. DE WILDE D'ESTMAEL:

16 Mr. President, perhaps the civil party could enlighten us on the
17 basis of the document we have; E3/4719, and it is second page of
18 French summary, 00898351. There may be an error, but in any case
19 it was indicated the Khmer Rouge separated people according to
20 their ethnic groups, is that correct Mr. Civil Party? Were the
21 people mixed up or were they separated according to their
22 ethnicity?

23 MR. BENG BOEUN:

24 A. When I initially arrived we were placed mingled together but
25 later on we were separated into various ethnic groups; for

1 example, the Chinese ethnicity group and the Vietnamese ethnicity
2 group.

3 Q. Thank you. As far as your concerned, was the population
4 categorised, was there some kind of separation between the Khmer
5 and on the one hand the Base People and the New People on the
6 other?

7 A. Yes, the categorisation actually happened. As my
8 parents-in-law were the Base People, so they were put separately
9 from where I was, I was put in Trapeang Ampeak village which I
10 lived near the Chinese and Vietnamese ethnicity groups.

11 [14.39.53]

12 Q. And can you tell us who led all those groups, the New People,
13 the Chinese ethnic group and the Vietnamese ethnic group? Were
14 those people led by the members of their respective groups, or it
15 was the New People who led them? I beg your pardon, I referred to
16 the Base People, were they the Chinese ethnic group people or the
17 Base People or the Vietnamese ethnic group were the leaders from
18 these respective groups?

19 [14.40.35]

20 A. They divided us into various groups and as for the leaders
21 they were all Base People although I did not know them all.

22 Q. During your stay at Tram Kak district, in Nhaeng Nhang commune
23 and in the mobile unit would you say that the living and working
24 conditions progressively improved or deteriorated as time went
25 on?

1 A. As to the nature of work in the mobile unit, of course it did
2 not improve as it was extremely intensive work and our mobile
3 unit engaged in rice farming and in building a dam, which was a
4 six-meter tall, so all kinds of works we were engaged in were of
5 an extensive hard work.

6 Q. Thank you, Civil Party. It is stated in your civil party
7 application form that in Nhaeng Nhang, the Khmer Rouge had told
8 you that they were going to send the Vietnamese to the "Yuon"
9 territory in exchange for native Khmers. What do you know about
10 such an exchange, did it take place?

11 A. I cannot recall the year. But I lived near a Vietnamese family
12 and I was told that Angkar would send the Vietnamese back to
13 their country although I did not know about the exchange
14 programme and before that family left, although they spoke with
15 accents, they told me that they were allowed to return back to
16 their country. And then we were separated from one and another
17 and then the husband and wife left and then another family came
18 to claim that house.

19 Q. Do you know whether they arrived at their destination? Did
20 they return to Vietnam or you are not aware of that?

21 A. They were sent but we would not know. We could not know
22 whether they were actually sent back to Vietnam. Even the Base
23 People there did not know that -- whether they were sent back to
24 Vietnam or not.

25 MR. DE WILDE D'ESTMAEL:

1 Q. Mr. Civil Party, I have no further questions for you. Mr.
2 President. I am done.

3 [14.43.53]

4 MR. PRESIDENT:

5 Thank you. The time is convenient for a short break. We will take
6 a break now and return at five to 3.00 to resume our proceedings.

7 Court officer, please assist the civil party during this short
8 break and invite him as well as the TPO staff back into the
9 courtroom at five to 3.00.

10 The Court is now in recess.

11 (Court recesses from 1444H to 1459H)

12 MR. PRESIDENT:

13 Please be seated. The Court is back in session.

14 Nuon Chea defence lawyer, you have the floor.

15 [14.59.27]

16 QUESTIONING BY MR. KOPPE:

17 Mr. Civil Party, I have a few follow-up questions for you. And my
18 first question relates to one of your brothers-in-law who was --
19 who had been climbing the coconut tree, and subsequently, so you
20 said, had been arrested for stealing -- for trying to steal a
21 coconut. Did anybody tell you that that was the reason for his
22 arrest?

23 MR. BENG BOEUN:

24 A. They whispered to me the reasons. And since I came to the
25 cooperative, I saw him from behind. And then my son came to see

1 me and he said that his uncle Bou (phonetic) had been arrested.
2 And I told him to tell that to his aunt. So she came to beg the
3 Khmer Rouge and they pushed both of them away and bought them
4 away.

5 [15.01.04]

6 Q. I'm not sure if I understand everything that you just said,
7 Mr. Civil Party. My question is; did anybody tell you, anybody
8 with authority, be it a unit chief or be it a sub-district chief
9 or anybody with authority, why your brother had been arrested?

10 A. No local authority told me why. But some of the Base children
11 -- Base People children told me why he had been arrested.

12 Q. And did they tell you how they knew the reason why he was
13 arrested?

14 A. They knew the reasons because they were Base People children,
15 and they knew that the people who were taken away had been
16 executed. And they said, well when -- why my brother had been
17 brought away.

18 Q. Could you explain to the Chamber why it is that Base People or
19 base children were in a position to know reasons for arrest of
20 your brother-in-law?

21 [15.03.04]

22 A. Well, it was their parents who told them why. And as I knew
23 that they were Base People, I would behave well. So therefore,
24 they told everything to me in secret.

25 Q. Mr. Civil Party, would it be possible that you are in fact

1 speculating about the arrest of your brother-in-law, that in
2 reality you do not know the reason why he was arrested?

3 A. No, I was not speculating. I saw this with my own eyes. They
4 arrived in the cooperative, and I arrived just afterwards. And
5 that's what I saw. I actually saw this arrest.

6 Q. I'm not disputing that you saw his arrest but I was asking if
7 you knew the reason for his arrest. And if I understood your
8 answer correctly, you said it was the parents of the base
9 children who would know. But let me follow up on this. Do you
10 know how the Base People of those children knew the reason for
11 the arrest of your brother-in-law?

12 A. Well, they knew it because they walked before the cooperative,
13 and everybody could see this scene. And I arrived a little bit
14 later, and everybody was pointing at them and saying, "Yes, you
15 see they're being arrested".

16 [15.05.15]

17 Q. Let me turn to your -- to the other brother-in-law. If I
18 understood correctly, you were saying he was arrested because he
19 had told one of the Khmer Rouge cadres that he was able to drive
20 a car, fly a plane and do everything. In relation to this
21 brother-in-law, did anybody with a position of authority tell you
22 in person why this other brother-in-law was arrested?

23 A. I am not aware of this. But I believe that it is possible that
24 while -- this happened while the mobile units were tending to --
25 tending cows. And he disappeared without any reason. So, I never

1 saw him come back. So therefore, I concluded that he had been
2 indeed, taken away to be executed.

3 Q. That, Mr. Civil Party, seems to be another possible
4 speculation on your part. But my question is would it be fair to
5 summarise the testimony that you just gave, when I say that you
6 actually do not know the reason for the arrest of your other
7 brother-in-law?

8 [15.07.05]

9 A. Well, my conclusion is well founded because while I was
10 harvesting the dry season rice, I never saw him come back. And
11 all of those who disappeared also did not come back.

12 Q. Maybe it's because I'm not asking my questions clearly, Mr.
13 Civil Party. I wasn't asking you about what possibly happened
14 eventually to your brothers-in-law, but I was asking you if you
15 had any knowledge, real knowledge, about the reasons for their
16 arrest. Would it be fair to say that you do not have knowledge as
17 to the reasons of their arrests, but that you are in fact
18 speculating or you have been speculating?

19 A. When I'm saying this to you, it is because I was told that
20 anyone who had more education than the Khmer Rouge had to be
21 brought away, to be re-educated. And these people disappeared
22 forever. And my brother-in-law claimed that he knew how to do
23 everything. And that's why he disappeared in the end. It is
24 because of -- because he was boasting maybe, and that's why he
25 disappeared forever.

1 [15.09.03]

2 Q. Have you actually seen with your own eyes what happened to
3 both brothers-in-law? Or did they just go away at one day, taken
4 away at one day, and you never saw them again? Is that -- is that
5 what is your testimony?

6 A. When one was taken away, that meant that they died -- that you
7 would die. Everyone told me in secret that they had been taken
8 away to be killed. And that is what they told me in secret.

9 Q. Mr. Civil Party, what you should try to understand -- it is
10 difficult, I realise -- is that what is relevant is what you have
11 seen yourself with your own eyes. And my question is, have you
12 with your own eyes seen yourself what happened -- what happened
13 to both brothers-in-law?

14 A. I saw my brother-in-law being arrested. But with regard to the
15 one who was arrested during the dry season rice harvest, no.
16 Well, I could have guessed that they would die because anyone who
17 was taken off the worksites would disappear. And it was the same
18 for those who would tend to the cows.

19 [15.11.12]

20 Q. While, Mr. Civil Party, on the chair that you are sitting on
21 now, only the person that was sitting on that chair before you
22 are seated--

23 MR. PRESIDENT:

24 Counsel Koppe, can you move on to another series of questions. We
25 have understood his answer. He was aware of the disappearance of

75

1 a brother-in-law, but he does not know why he disappeared. He
2 just concluded why. So his answer was clear, I believe. And you
3 asked the same questions several times. So what are you trying to
4 do? Are trying to just extend your speech time here or what's the
5 purpose here?

6 BY MR. KOPPE:

7 No, I'm not, Mr. President. I will move on -- that is, the answer
8 that you gave just before the break, Mr. Civil Party, on dividing
9 people based on their ethnicity. And you said that Chinese people
10 were put together with other Chinese people. Can you give us some
11 more details as to how this went about? And how was that
12 organised -- how did that happen?

13 [15.13.24]

14 MR. BENG BOEUN:

15 A. With regard to the splitting of the different people, first,
16 people would stay together in their families. And then the New
17 People would gather together, and then the Chinese and the
18 Vietnamese would gather together.

19 Q. But can you tell me how the Khmer Rouge cadres did that? Did
20 they announce something to the effect "all Chinese assemble at
21 this point"? Did people have something in their identity cards
22 that indicated that they were Chinese? Can you give us some
23 insight as to how this division went according to you?

24 [15.14.25]

25 A. New People were identified or Chinese Khmer were also

1 identified, they had lighter skin. And they could also recognise
2 their accents. And the Vietnamese, for example, also have very
3 clear accents and have light skin. And since, I'm Chinese Khmer,
4 I was put in the group of the Chinese Khmer.

5 Q. This is the first time, I think, I'm hearing evidence like
6 this. Mr. Civil Party, can you explain to us how you were
7 identified by the particular cadre, as having a Chinese descent.
8 You said something about your -- the colour of your skin. How
9 else was this cadre able to make that distinction?

10 A. Well, my family, my wife, and myself, we are mixed bloods. And
11 my wife also speaks Khmer with an accent. That's why we were put
12 into a group of Sino-Khmer.

13 Q. I'm still puzzled with -- I'm still trying to find out, Mr.
14 Civil Party, how that went about. How did they realise that you
15 spoke with an accent or that your wife spoke with an accent, and
16 that they put you subsequently in a group of Chinese? Can you be
17 a little concrete as to exactly how this happened?

18 [15.16.52]

19 A. All I can tell you is, my mother-in-law and my in-laws were
20 Base People, and they spoke Khmer with a clear -- with an accent.
21 And that's why they knew that I was part Chinese. My father was
22 Tri Beng (phonetic), and that is a Chinese first name. And this
23 is why I was sent to the village for the Vietnamese and for the
24 Chinese.

25 MR. PRESIDENT:

77

1 Counsel Koppe, please put questions in relation to the harm
2 suffered by the civil party. Please move on to another topic
3 because your questions are not relevant.

4 MR. KOPPE:

5 Fine, Mr. President. I have no more questions.

6 MR. PRESIDENT:

7 Please Counsel, put your questions to the Civil Party.

8 [15.18.31]

9 QUESTIONING BY MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 Q. Civil Party, I have a few questions to put to you -- a few
12 follow-up questions. First of all, I would like to know what your
13 native province is. Is it Takeo or is it Kampong Speu?

14 MR. BENG BOEUN:

15 A. Kampong Speu.

16 Q. Thank you. I have a document here. It is a victim's
17 information form, E3/4719. And at point 3, mention is made of
18 your place of birth, Samraong Tong, it is; Takeo province, that's
19 what I read. So is it, your birth place, Prey Kdei in Takeo
20 province?

21 A. Yes, indeed. It is Prey Kdei village, Samraong Tong district
22 in Kampong Speu province and not Takeo province.

23 [15.20.08]

24 Q. So this means that the information here, in -- with regard to
25 your place of birth in document E3/4719 is inaccurate; is that

1 the case?

2 A. Yes, indeed.

3 Q. Earlier, when you were speaking about Norn (phonetic), you
4 said that she was your sister-in-law; is that the case?

5 A. My sister -in-law was not called Norn (phonetic). Her name was
6 Vuth (phonetic), the other one was Bou (phonetic).

7 A. Thank you. So what is the link with Norn (phonetic)? Who is
8 Norn (phonetic) in relation to you?

9 A. He was the militia chief in the village. And he would order
10 people to dig pits, to plant banana trees and coconut trees. And
11 he would give orders to people to transport coconuts and other
12 things. And the people who received orders from him, never --
13 disappeared forever.

14 Q. When did you marry again? Because you said to the Chamber
15 earlier on that you were married twice.

16 [15.22.04]

17 A. I don't remember exactly. I was 22 years old back then. And
18 later, my wife died, and then I married another woman in 1984.

19 Q. Thank you. So, Vuth (phonetic) and Bou (phonetic), you say
20 they were your brothers-in-law. So are they brothers of your
21 first or of your second wife?

22 A. Vuth (phonetic) and Bou (phonetic) are the little brothers of
23 my first wife.

24 Q. Thank you. So may I say that both were therefore the former
25 brothers-in-law?

1 A. Yes, you could say it that way.

2 Q. So, Bou (phonetic) and Vuth (phonetic) were therefore your
3 former brothers-in-law; is that really the case?

4 A. Yes, indeed.

5 Q. Thank you. Now with regard to your statement in which you
6 speak about when you arrived in Tram Kak. And when you speak
7 about Tram Kak, are you referring to the village or to the
8 commune or to the district?

9 [15.24.35]

10 A. I'm speaking about the village of Thma Kaev.

11 Q. So when you say Tram Kak village, in fact, what you wanted to
12 say was Thma Kaev village; is that the case?

13 A. Yes. Tram Kak village is by the roadside and Thma Kaev village
14 is south -- to the south of Tram Kak. So you had to go through
15 Tram Kak village in order to arrive at Thma Kaev village.

16 Q. So are we speaking here about Thma Kaev where the Vietnamese
17 were separated from the Cambodians?

18 A. Yes, it is indeed in that village that the Vietnamese were
19 separated from the Cambodians.

20 Q. Earlier, when you answered Counsel Koppe's question, you said
21 that this was in connection with Cambodians with Chinese blood or
22 whose grandparents were Chinese; is that the case?

23 [15.26.24]

24 A. Yes. Normally speaking, when we had Chinese blood, we were
25 sent to the Chinese village or to the Vietnamese village.

1 Q. Thank you. So, the Chinese and the Vietnamese were living
2 together and they were both separated from the Cambodians; is
3 that what you mean?

4 A. Yes, they were separated from the Cambodians because they were
5 all New People. That's why they were separated from the
6 Cambodians.

7 Q. Thank you. Now with regard to Cambodians from the New People,
8 where were they living? Were they sent to the new village for the
9 Vietnamese or for the Chinese, or were they sent to the village
10 for the Cambodians?

11 MR. PRESIDENT:

12 I don't see the connection here between your questions and the
13 harm suffered by the Civil Party.

14 MR. KONG SAM ONN:

15 Well, the Civil Party said that he was living in the Chinese and
16 Vietnamese village. And my questions are trying to shed light on
17 the different kinds of treatment meted out to the Base People and
18 to the New People.

19 [15.28.29]

20 MR. PRESIDENT:

21 Counsel, you should focus on the suffering, on the harm endured
22 as a result of what the civil party went through.

23 MR. KOPPE:

24 I think maybe, Mr.--

25 MR. PRESIDENT:

1 Please sit down. Please sit down. You do not have the floor.

2 MR. KONG SAM ONN:

3 Mr. President, would you allow the civil party to respond to my
4 question?

5 MR. PRESIDENT:

6 No. And Mr. Civil Party, you do not need to respond to that
7 question.

8 MR. KONG SAM ONN:

9 I don't have any further question then. Thank you.

10 [15.29.38]

11 MR. PRESIDENT:

12 Mr. Beng Boeun, the Chamber is grateful for your presence in
13 providing your statement of suffering and harms that you claimed
14 that you suffered under the Democratic Kampuchea regime. And now,
15 you can actually return to your place of residence or wherever
16 you wish to go to. And we wish you a safe journey.

17 Court officer, in collaboration with WESU, please make necessary
18 arrangement to transport the Civil Party to his residence or
19 wherever he wishes to go to. And the TPO staff, please remain
20 seated and the Chamber will hear another statement of suffering
21 and harm by another civil party -- that is, 2-TCCP-883.

22 And Counsel Koppe, you have the floor.

23 MR. KOPPE:

24 Yes, Mr. President. I would like to make an observation in
25 reaction to your ruling that we should not be asking questions to

1 the civil party. I just -- we just had a quick look at the
2 judgement in Case 002/01. This particular civil party is used
3 four times as evidence for crucial findings within the judgement.
4 One of them is the execution of Lon Nol soldiers and officials.
5 So, it's not that we are wasting time just to ask questions
6 because we don't have anything better to do. This civil party who
7 has been answering questions was a material witness--

8 [15.31.27]

9 MR. PRESIDENT:

10 I notice that there is a new TPO staff then, thank you for the --
11 your assistance. And you may be excused.

12 And Counsel Koppe, are you criticising the Chamber? Did we not
13 allow you to put question to any particular civil party?

14 MR. KOPPE:

15 Well, that is exactly what I was doing, Mr. President. I was
16 criticising you for cutting us off.

17 MR. PRESIDENT:

18 We actually instructed you not to do so. You will not be allowed
19 the floor to do that. We already gave you a right to put question
20 to the civil party, and your time was used. And you just cannot
21 take the floor whenever you wish to do so.

22 (Civil party enters courtroom)

23 [15.32.54]

24 QUESTIONING BY THE PRESIDENT:

25 Good afternoon, Madam Civil Party. What is your name?

1 MS. YEM KHONNY:

2 A. My name is Yem Khonny.

3 Q. When were you born?

4 A. I cannot recall it, since I am illiterate.

5 Q. How old are you? And Madam Civil Party, please wait for the
6 red colour on the tip of the microphone. Please, when you hear a
7 question, try to listen carefully and consider it before you
8 provide your response. And by that time, you will see a red light
9 on the tip of the microphone, and it means that you are ready to
10 respond. Again, how old are you, Madam Civil Party?

11 [15.34.02]

12 A. I am 38 years old.

13 Q. Where is your current address?

14 A. In fact, I was born in Kampuchea Krom.

15 Q. What is your current occupation?

16 A. I am a rice farmer.

17 Q. What is your father's name?

18 A. His name is Yann (phonetic).

19 Q. And your mother's name?

20 A. Her name is Vath (phonetic).

21 [15.35.13]

22 Q. Are you married? If so, what is your husband's name?

23 A. His name is Set (phonetic), but he passed away.

24 Q. How many children do you have?

25 A. I have six children.

1 MR. PRESIDENT:

2 During the proceeding, Madam Civil Party, you may make a
3 statement of suffering and harm, if any, which could be physical,
4 material, or mental injury that assisted as direct consequences
5 of the crimes which were inflicted upon you during the Democratic
6 Kampuchea, resulting in your civil party application to claim
7 collective and moral reparations, and which happened from the
8 17th April 1975 to the 6th of January 1979.

9 And as requested by the Lead Co-Lawyers for Civil Parties, the
10 floor will be provided to the Lead Co-Lawyers to put questions to
11 you regarding your suffering and harms during the Democratic
12 Kampuchea regime. The floor is yours, Counsel for civil parties.

13 [15.36.55]

14 QUESTIONING BY MR. SAM SOKONG:

15 Thank you, Mr. President. And good afternoon, Madam Yem Khonny.

16 Before I put some question to you, I'd like to get a
17 clarification about your age. In your response to the President
18 question, you said that you were 38 years old. Can you recall the
19 year that you were born?

20 MS. YEM KHONNY:

21 A. I cannot recall it, as I do not know how to read or write.

22 Q. During the Khmer Rouge regime -- that is, the Democratic
23 Kampuchea regime, can you recall how old were you?

24 A. I was 14 years old.

25 Q. Thank you. On the 17 April 1975, which was the day of

1 liberation, where were you?

2 A. I was at Prey Khab (phonetic).

3 [15.38.37]

4 Q. Which province was Prey Khab (phonetic) located in?

5 A. I did not know which province. I only knew the area was called
6 Prey Khab (phonetic).

7 Q. Why were you at Prey Khab (phonetic) at that particular time?

8 A. I was transferred from Khmer Krom to that area.

9 Q. Do you know the reasons you were transferred from Krom? When
10 you say Krom, you refer to Khmer Krom area; am I correct in
11 saying that?

12 A. Yes, I was transferred from Khmer Kampuchea Krom area.

13 Q. And did you the reasons that you were transferred from Khmer
14 Krom area to that Prey Khab (phonetic)?

15 A. My mother told us to go to Khmer Loeu or the upper part of
16 Cambodia as there was abundant of food. So we followed her along,
17 and we came through Phnom Den of the mountain. Then we were put
18 onto a trap and sent to Prey Khab (phonetic).

19 [15.40.23]

20 Q. Can you tell the Court what were you assigned to do at the
21 Prey Khab (phonetic)?

22 A. Initially, I was assigned to carry cow dung and to cut
23 kantreang khet tree leaves. And then ground it and took it to the
24 rice field. And at the rice field, there was some termite mound.
25 We had to carry the termite mound and to place them onto the rice

1 field. And we had to do it based on the daily quota. For example,
2 one termite mound had to -- we had to dig one termite mound
3 within three days. We had to start working or stop working when
4 the bell was rang.

5 Q. In regard to your living condition at Prey Khab (phonetic),
6 what was it like? For example, in terms of food and food ration.

7 A. We were given rice gruel. And on the next day, it was gruel
8 mixed with cassava, and sometimes, it was rice gruel mixed with
9 other vegetable. And sometimes, it was mixed with water lily.

10 Q. The food that was provided to you, was it sufficient for you?

11 A. If we were to say that it was not sufficient, we would be
12 mistreated. And when we were asked whether it was enough, we said
13 yes. And when we were asked whether it was delicious, and we said
14 yes. But in fact, it was on the contrary.

15 [15.42.54]

16 Q. When you were there at that time -- that means when you were
17 14 years old, were you allowed to live with your parents or were
18 you separated?

19 A. Initially, I was allowed to live with my family members, with
20 my grandmother. But later on, I was separated into a group, in a
21 unit. And my siblings were put into other units as well as my
22 mother, she was placed in another unit.

23 Q. As for the contact with your family members, can you describe
24 how was it done?

25 A. I was separated from my family members and I requested to

1 visit my family, but I was scolded, that I did not yet finish my
2 work and I wanted to go to visit my family members and I was not
3 allowed. But I told them I miss my family members, my parents, my
4 siblings, my grandmother. And I sought permission for half a day
5 visit. And then I was told if I wanted to do that, they gave me
6 baskets to go and to dig the termite mound instead.

7 [15.44.32]

8 Q. When you sought permission not to visit your family, was your
9 request actually granted?

10 A. No, it was not. I was not allowed to go. So I did not see my
11 family members. At that time, because I recently separated from
12 my parents, at night time, I wept. And I -- they joked at me that
13 I could just continue weeping and maybe I wish that I would see
14 my family members.

15 Q. From that day onward until the day of the liberation, did you
16 ever have any chance to go and visit your family?

17 A. At that time, no, I did not have a chance. And later on, I
18 asked their permission to see my parents. And then I met my aunt
19 and I looked for my parents. And then I was told that I should go
20 to look for them in the village. And I was told that they were
21 sent to Srae Ronoung. So I went to Srae Ronoung to look for them
22 and I found them there.

23 [15.46.11]

24 Q. When you actually found them, did you stay with them? If so,
25 for how long?

1 A. I stayed there for about a week, then I was separated and
2 placed into another unit in a cooperative to the east of Srae
3 Ronoung. They actually had a long building, and I was allowed to
4 sleep together with other girls. And for boys, they slept into a
5 separate row. And then we were assigned to work again, for
6 example, to carry a basket and to collect cow dung. And we had to
7 walk in line to gather the cow dung. And for example, if the 10
8 of us collected the cow dung, then we could not go and empty our
9 basket. We had to wait until all the girls finished collecting
10 the cow dung.

11 Q. During the DK regime, which is also known as the Khmer Rouge
12 regime, did you lose any family members?

13 [15.47.39]

14 A. I lost my mother, my grandmother and my siblings, totalling
15 six altogether. They actually came to my children unit at the
16 cooperative whether I wanted to return to my native village, and
17 I said no, I don't want to go because going there or staying here
18 was the same. But then I noticed something. I noticed maybe my
19 mother said that she wanted to go to our native village. And for
20 that, I was anxious and then I asked them my permission from
21 comrade Nhiet (phonetic) that I wanted to visit my mother because
22 she was sick -- I told them a lie. But then, they said that if I
23 could go and treat my mother, then I would be allowed to. But
24 after a while, I was allowed to. And then, I met a woman who was
25 a Base Person, who told me that those people were called to a

1 meeting. And I told her that I wanted to see my mother. And she
2 said that I better not go there because it was too risky. And I
3 said, why? And she told me, maybe I would be accused as being a
4 spy because I was walking alone. So I was afraid, then I return.
5 And then I continued working, carrying the basket to carry the
6 soil. I tried to work hard because I didn't want to be
7 mistreated. And at noon time, the bell was rang, so we had to eat
8 our meal. And I hoped that I could have a better gruel, but in
9 fact it was not a rice gruel given to us; it was a water lily
10 gruel. I was so saddened.

11 [15.49.49]

12 And then, they would walk around and ask us whether the food was
13 delicious. Of course everybody just tried to lie by saying that
14 the food was delicious. And after I finished the meal, I tried to
15 sneak out and to run to my mother's house. And I met my aunt by
16 the name of Lim (phonetic). And she scolded me that why I wanted
17 to go there because they said that in a few days, if we wanted to
18 return to our native village, then we would be allowed to. And
19 because my mother wanted to go, she raised her hand. Then she was
20 placed at one side. And my aunt asked why I didn't follow my
21 mother to go back to our native village. I said, I -- no, I
22 didn't want to go. And then, my mother and the rest of the family
23 members were placed on the truck together with many other people.
24 And they travelled and they disappeared since. And then there was
25 only I remained. I did not know what happened to them or what

1 their fate was; whether they were sick or they were sent
2 somewhere. I -- because of that, I became ill and remain --
3 stayed at the cooperative. And then, I was accused of lying to be
4 ill. So I lost my mother, my grandmother, and the siblings.
5 Today, from that time until today, I have been living alone. And
6 I remember my aunt's advice that I should just keep working as my
7 parents were sent back to our native village, and that I should
8 just do what I was asked to do and not to protest or refuse. And
9 if it was sleeping time, then I should just sleep and don't do
10 anything else and that I should just concentrate on working. And
11 I took her advice, and as a result, I survived and I am here
12 today.

13 [15.52.23]

14 Q. Can you also tell the Chamber about your family members? For
15 example, your mother, your grandmother, and your siblings, can
16 you describe to the Court their names?

17 A. My father's was Yann (phonetic), my mother was Vath
18 (phonetic), and Youh (phonetic) was my grandmother, Houn
19 (phonetic) was my sister, Run (phonetic) was my brother, and
20 another brother was Soun (phonetic), and another one was Youn
21 (phonetic), and there was another one. And they were all taken
22 away. And left -- they all left me behind. At my unit, at the
23 worksite, I was asked again whether I was interested in going
24 back to my native village. And I said no. Because wherever I go,
25 the situation would be the same.

1 [15.53.51]

2 MR. SAM SOKONG:

3 I don't have any further question for you, Madam Civil Party.

4 However, allow me to inform you, if you have a request or you

5 have questions for the Accused, you can put it through the

6 Chamber to seek the permission from the President. And Mr.

7 President, I don't have any further questions for this Civil

8 Party.

9 MS. YEM KHONNY:

10 The only thing that I recall is the suffering and the loss of my

11 family members. If I could see them together, I would feel warm.

12 But they had all gone and I could not depend on anyone. When I

13 went to visit my aunt at her house and because I could not eat my

14 fill, I picked a fruit. In fact, it was a quiet time. But

15 suddenly, a man came out of a forest, and then he beat me up. And

16 there was a scar remained on my right shoulder. And I beg him,

17 "please don't beat me up because I was hungry. And probably, your

18 children were also hungry". And then he stopped and he stared at

19 me and asked where I was heading to. And I told him that I was

20 heading towards my aunt's house. And he told me to drop the

21 eggplant. So I did, and then I left. And I went to my aunt's

22 house. And my aunt blamed me again, why I return again. And she

23 asked whether I was asked I wanted to return to my native

24 village. And I said, yes I was, but I refuse to go. And because I

25 did not have any other relatives, that's why I came to visit her.

1 [15.56.35]

2 THE PRESIDENT:

3 Madam Civil Party, do you have any questions that you would like
4 to ask? Or whether you have other sufferings you would like to
5 mention?

6 [15.56.49]

7 MS. YEM KHONNY:

8 A. My main suffering is the loss of my parents and the loss of my
9 siblings. I feel so saddened when I look at other people. They
10 have their families, they have their parents and their siblings.
11 For me, I am by myself. And I try to work hard in order to
12 survive until the fall of the regime. Then I went to look for my
13 aunt, and my aunt took me back to my village. Actually, it took
14 us several days before we could reach the border. And my aunt
15 asked me to -- not to cross the border but to remain with my aunt
16 at Preal village, Saom commune, Kiri Vong district, Takeo
17 province. And because I no longer have my parents, I decided to
18 live with my aunt. So, I tried to work in order to earn a little
19 bit of living to live together with my aunt. I went to gather and
20 carry firewood in exchange for some little money in order to fill
21 my stomach.

22 [15.58.23]

23 MR. PRESIDENT:

24 Today's proceeding has come to an adjournment. The Chamber will
25 adjourn now and resume tomorrow morning -- that is, the 3rd April

1 2015, commencing from 9 o'clock in the morning. And tomorrow, the
2 Chamber will continue to hear the statement of sufferings and
3 harms by civil parties, starting from Khonny and 2-TCCP-293, 251
4 and 984. This is for the Parties and the general public.

5 And Ms. Yem Khonny, the Chamber is grateful for your presence to
6 provide statement of harms and sufferings. However, it is not yet
7 concluded and you are once again invited to return to this
8 courtroom tomorrow morning at 9 o'clock.

9 And court officer, please make necessary arrangement for the
10 civil party to return to her place of residence in collaboration
11 with WESU, and have her return to the courtroom before 9 o'clock
12 in the morning tomorrow.

13 And the Chamber would like to thank the TPO staff for your
14 assistance to the civil party. And you are again invited to
15 return tomorrow morning.

16 And security personnel, you are instructed to take Nuon Chea and
17 Khieu Samphan back to the detention facility and have them back
18 to the courtroom tomorrow morning before 9 o'clock.

19 The Court is now adjourned.

20 (Court adjourns at 1600H)

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