



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 April 2015
Trial Day 269

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:
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SIN Soworn
CHET Vanly
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TY Srinna

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Vincent DE WILDE D'ESTMAEL
SREA Rattanak

For Court Management Section:
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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. BUN SAROUEN (2-TCCP-293)	Khmer
MR. CHET VANNLY	Khmer
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSE	French
MR. HONG KIMSUON	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MS. LOEP NEANG (2-TCCP-984)	Khmer
MR. LOR CHUNTHY	Khmer
MS. OUM VANNAK (2-TCCP-256)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SREA RATTANAK	Khmer
MS. YEM KHONNY (2-TCCP-983)	Khmer

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session.

6 For today's proceedings first we will continue to hear the
7 testimony -- the statement of sufferings and harms of Madam Civil
8 Party, Yem Khonny, and then we have three more civil parties to
9 hear today.

10 For today's proceedings and before we hear the remainder of the
11 statement by Yem Khonny, the Chamber would like to inform the
12 Parties that today, Judge You Ottara is absent due to personal
13 commitment and after Judges of the Bench discussed, we decided to
14 appoint Judge Thou Mony, a National Reserve Judge in place of
15 Judge You Ottara for today's proceedings and that is pursuant to
16 Rule 39.4 of the ECCC Internal Rules.

17 And Ms. Chea Sivhoang, could you report the attendance of the
18 Parties and individuals to today's proceedings?

19 [09.07.04]

20 THE GREFFIER:

21 Mr. President, for today's proceedings, all Parties to this case
22 are present. As for Nuon Chea he is present in the holding cell
23 downstairs as he requests to waive his rights to be present in
24 the courtroom and his waiver has been delivered to the Greffier.
25 The civil party who is to continue her remaining testimony is

2

1 here and we have three more civil parties, 2-TCCP-293, 251 and
2 984. Thank you.

3 MR. PRESIDENT:

4 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
5 request by Nuon Chea. The Chamber has received the waiver from
6 Nuon Chea dated the 3rd April 2015, he confirms that due to his
7 health -- that is, headache, back pain and that he cannot sit or
8 concentrate for long, and in order to effectively participate in
9 the future hearings, he requests to waive his rights to
10 participate in and be present at the 3rd April 2015, hearing.

11 [09.08.30]

12 He has been informed by his counsel about the consequences of
13 this waiver, that in no way it can be construed as a waiver of
14 his right to be tried fairly or to challenge evidence presented
15 or admitted to this Court at any time during his trial. Having
16 seen the medical record of the duty doctor for the Accused at the
17 ECCC dated 3rd April 2015, who notes that Nuon Chea has a chronic
18 back pain and dizziness when he sits for long and recommends that
19 the Chamber so grant him his request so that he can follow the
20 proceedings remotely from a holding cell downstairs.

21 Based on the above information and pursuant to 81.5 of the ECCC
22 Internal Rules, the Chamber grants Nuon Chea his request to
23 follow the proceedings remotely from a holding cell downstairs
24 via an audio visual means for today's proceedings.

25 The AV unit personnel is instructed to link the proceedings to

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1 the room downstairs so that Nuon Chea can participate in and
2 follow today's proceedings remotely.

3 The Chamber now gives the floor to the Co-Prosecutors to put
4 questions to the civil party, Madam Yem Khonny, in relation to
5 her sufferings and harms during the period of Democratic
6 Kampuchea.

7 [09.10.14]

8 QUESTIONING BY MR. SREA RATTANAK:

9 Good morning Mr. President, Good morning everyone in and around
10 the courtroom and good morning, Madam Yem Khonny. My name is Srea
11 Rattanak, a National Deputy Co-Prosecutor.

12 Q. From what you stated to this Chamber yesterday, you came from
13 the lower part of Cambodia as advised by your mother and then you
14 were sent to Samroang cooperative. Can you be more specific as to
15 which lower part of Cambodia you were from and which year that it
16 happened?

17 MS. YEM KHONNY:

18 A. I cannot recall it since I was very young at that time. I did
19 not know how to read and write. I just came along with my mother
20 and father to Prey Khab (phonetic) and we stayed at Prey Khab
21 (phonetic) for about 10 days with some of our clothing and then
22 they confiscated the clothes that we had for communal and
23 cooperative use. I asked my elder sibling and I was told that
24 they just kept it for us and let us go to work. And then in
25 return we were given black uniform and I asked my elder sibling

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1 again about this and I was told that I had just to put them on.

2 [09.11.53]

3 And then a man, Uncle Chorn (phonetic) told me that Khmer Rouge
4 would only allow us to wear black clothing and because of the
5 lack of clothing, lice, we were infested with lice throughout the
6 body. It was as big as the lice of the dogs, because we only had
7 a pair of clothing. So we, I mean my siblings and I blamed my
8 mother for urging us to come in expectation of abundance of food
9 and my mother told us that please bear with her, it's too late
10 now to go anywhere and we had just to survive.

11 Q. Thank you. Can you also tell the Court whether you volunteered
12 to come to Cambodia?

13 A. We were not forced by anyone. We heard that we would all
14 should go to the upper part of Cambodia as there was abundance of
15 food but on the contrary we were given only little gruel mixed
16 with little vegetables or water lily and it was not enough.

17 [09.13.40]

18 Q. In the Prey Ta Khab cooperative, were you allowed to stay
19 together with, or mingle with other people or were you put
20 separately. From the accent you speak, I note that you have an
21 accent of those Khmers living in Kampuchea Krom. So my question
22 to you, whether you were separated from the ordinary Khmer
23 people?

24 A. Initially we were allowed to mingle with the local people and
25 later on we were separated and then we were distributed with

5

1 earth carrying baskets and we were assigned to carry earth, to
2 pick cow dung and cut kantreang khet tree leaves and we had to
3 grind the leaves and then carry them again to the rice field to
4 spread them at the rice field.

5 MR. PRESIDENT:

6 Counsel Koppe, you have the floor.

7 [09.15.07]

8 MR. KOPPE:

9 Thank you, Mr. President. Good morning, Your Honours. When the
10 National Counsel noted in his question that the victim - the
11 civil party has a Khmer Krom accent, I looked to the back, of
12 course I cannot discern it myself, but it seems the civil party
13 doesn't have such an accent so just for the record, I object to
14 the classification of her accent as a Khmer Krom accent.

15 MR. SREA RATTANAK:

16 Mr. President, allow me to respond.

17 MR. PRESIDENT:

18 Please wait. And Counsel Kong Sam Onn, you have the floor.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I would also like to provide my
21 observation to the last question by the National Co-Prosecutor. I
22 think the question focus mainly on the facts. And yesterday, Mr.
23 President, prohibited me from asking questions on facts and if
24 that is the case and if the Prosecution is allowed to do so then
25 the Defence teams should also be granted the same opportunity.

6

1 Thank you.

2 [09.16.43]

3 MR. PRESIDENT:

4 The Lead Co-Lawyer for the Civil Parties, you have the floor.

5 MS. GUIRAUD:

6 Thank you Mr. President. Just one single comment. None of the
7 civil parties who was heard today and yesterday and who came from
8 Kampuchea Krom said that he or she suffered from the fact that he
9 or she came from Kampuchea Krom. So if we base ourselves on a
10 principle that the questions must be tied to the suffering and
11 that the factual questions also have to be tied to the suffering
12 expressed by the civil parties, none of the civil parties saying
13 that he or she came from Kampuchea Krom said that he or she
14 suffered from discrimination because he or she came or comes from
15 Kampuchea Krom. I just want to say this because we proposed these
16 civil parties for them to speak about their suffering at Tram Kak
17 and you heard their testimony and none of them said that they
18 suffered from the fact that they're Khmer Krom.

19 [09.17.45]

20 MR. PRESIDENT:

21 The Deputy National Co-Prosecutor, you have the floor.

22 MR. SREA RATTANAK:

23 I would like to respond to the observations made by Counsel
24 Koppe. He stated that the accent of the civil party is not that
25 of Kampuchea Krom. In fact as I stated earlier, based on her

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1 statement yesterday that she came from Kampuchea Krom and that
2 she was born in Kampuchea Krom and based on the information and
3 also the accents that I heard. So I do not rely only on the
4 accent but on the relevant information and to me it is rather
5 peculiar that Counsel Koppe, who is an International Counsel,
6 noticed or can discern the accent of this civil party.
7 And on the questions of facts, I think it is up to the Bench to
8 rule on it, however the questions that I put to the civil party
9 are closely related to the sufferings she received at Tram Kak
10 cooperative.

11 (Judges deliberate)

12 [09.22.30]

13 MR. PRESIDENT:

14 On the issue of the accent of the civil party and -- which is
15 presumed that she is a Khmer Krom or not, is not appropriate. We
16 advise that this matter shall not be raised again. As to the
17 objection raised by Khieu Samphan's National Counsel, the Chamber
18 would like to remind the Parties that yesterday the Chamber asked
19 you questions of relevancy of your questions on the mistreatment
20 of the Chinese as the Chamber is of the view that, that fact was
21 not part of the facts or allegations in Case 002/02, for that
22 reason it falls outside the scope of the facts for current
23 proceedings.
24 As for other information that the civil party may raise, as long
25 as that information falls within the scope of the facts then

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1 questions are allowed. However, the Chamber keeps reminding all
2 the Parties that the questions shall be tied to the sufferings
3 and the harms of the civil party and that you should focus and
4 rely on the documents put forward by the Lead Co-Lawyers for the
5 Civil Parties as they are the one to organise the civil parties
6 for their statements of sufferings and harms.

7 [09.24.56]

8 We set that out clearly in our instruction and that you should
9 focus more or fundamentally on the statements of sufferings and
10 harms. This is an exceptional proceeding to hear the sufferings
11 and harms of the civil parties. Therefore the objection raised by
12 the National Counsel for Khieu Samphan is over ruled.
13 And the Co-Prosecutor you can continue or resume your
14 questioning.

15 Rather, please hold. I noticed that Counsel Kong Sam Onn is on
16 his feet, you have the floor.

17 [09.25.56]

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. I would like to seek clarification on
20 another matter from the Bench. Yesterday the witness spoke about
21 the separation of the people including the Chinese, the
22 Vietnamese and herself and not only about the Chinese ethnicity.

23 MR. PRESIDENT:

24 The Chinese or the Vietnamese groups are not the main topics or
25 facts of the current Trial and that matter is far from the facts

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1 determined for the current segment of the Trial. For that reason
2 the Chamber advise you to consider that and if you have clear
3 ground to submit to the Chamber, we would consider it, but you
4 need not just put questions in relation to this particular issue.
5 The Deputy National Co-Prosecutor, you can resume.

6 [09.27.15]

7 BY MR. SREA RATTANAK:

8 Q. In relation to the food ration that you stated yesterday, that
9 you had a gruel mixed with water lily and when you were asked you
10 had to say that it was delicious. Can you enlighten the Court,
11 why you had to do so?

12 MS. YEM KHONNY:

13 A. If we were not to say it was delicious, then we would be
14 mistreated and we had to do that and we had to just eat the soup
15 otherwise we would be taken for (inaudible). Nobody dared to say
16 that the food was sufficient and that also applies to the
17 children. If the children -- if one of the children said the food
18 was not enough, then that child would be taken for re-education.
19 And then we had to do so, we had to just say the food was
20 delicious. If we were taken for re-education then it means that
21 we would be in trouble and in order to survive, we just had to
22 please them and to say that it was delicious. Of course how could
23 you say such gruel mixed with water lily or mixed with banana
24 tree trunk that is delicious?

25 [09.28.45]

10

1 No, it is not possible. We were not proper cooked rice, sometimes
2 we were given gruel mixed with cassava or other vegetable and
3 that's what happened and that's the reality.

4 Q. When you said the person would be re-educated, what you mean
5 by that?

6 A. It means, we will be taken away to be criticised and that we
7 would be punished by doing extra loads. For example, in our daily
8 work plan, we had to carry only 20 baskets but then we would be
9 given extra loads 10 or 20 more baskets. At that time we
10 overworked, we were so skinny, sometimes we fell on the ground
11 because of the exhaustion and because of the lack of nutrition in
12 the food. And so for us we looked so bony, we could only see our
13 knee caps.

14 Q Based on your testimony yesterday, you spoke about your mother
15 and your aunt and I did not hear you say anything about your
16 father. Can you tell the Court and clarify this matter whether
17 your father came along with your family or did he die before the
18 regime?

19 [09.30.35]

20 A. He passed away before that and my mother was a widow and when
21 she saw people going to Khmer Loeu then she asked us to go with
22 her.

23 MR. SREA RATTANAK:

24 Mr. President, I don't have any further questions.

25 MR. PRESIDENT:

11

1 The Chamber will now hand the floor to Nuon Chea's defence to put
2 questions to this civil party.

3 QUESTIONING BY MR. KOPPE:

4 Thank you, Mr. President. Good morning, Madam Civil Party. I have
5 only a very few questions but some questions are for
6 clarification purposes.

7 [09.31.17]

8 Q. If I understood you correctly, you said you were living in
9 Kampuchea Krom around 1975, however, in the documents that we
10 have received it would seem that you were living with your
11 parents in Phnom Penh in April 1975 and that you were evacuated
12 from Phnom Penh to Takeo province. Would you be able to shed some
13 light on this?

14 MS. YEM KHONNY:

15 A. I did not say that. I said that I came from Kampuchea Krom and
16 I never lived in Phnom Penh with my parents. I did not even know
17 where Phnom Penh is. I only know Phnom Penh now. I did not even
18 know Takeo nor Tonloab, I know only now where these places are
19 located, so I never said that.

20 MR. KOPPE:

21 Mr. President, document D22/3204A.

22 [09.35.58]

23 JUDGE FENZ:

24 Could you please reference the document that you are confronting
25 the witness with?

12

1 MR. KOPPE:

2 D22/3204A, supplementary information form.

3 Madam Civil Party, in this form it says the following: "On 17

4 April 1975, my father and mother, who were former Lon Nol,

5 soldiers were forcefully evacuated by Khmer Rouge soldiers from

6 Phnom Penh to Phnum Den in Takeo province." And attached to this

7 supplementary information form seems to be an identity card with

8 your name and thumb print on it. So I'm trying to understand

9 exactly where you were and where you parents were in 1975?

10 A. My parents were living in Kampuchea Krom and they died. I told

11 you the truth. My woman was - my wife (sic) was a widow. She

12 asked me to come, I didn't even know what Phnom Penh is. So I

13 cannot answer your question. So I don't know what to tell you.

14 MR. KOPPE:

15 I understand, Mr. President, would I have your leave to show the

16 Khmer version of, D22/3204A, and ask the civil party and ask

17 whether that is her identity card and her signature and her thumb

18 print.

19 (Judges deliberate)

20 [09.35.56]

21 JUDGE FENZ:

22 Perhaps before we do that, I understand you are illiterate, is

23 that correct? You cannot read or write.

24 Civil party, this is a question from me to you. Can you read and

25 write?

1 MS. YEM KHONNY:

2 A. No, I am illiterate. I neither know how to read nor how to
3 write. When I was questioned, I was asked if my parents
4 disappeared and I asked someone therefore to write all of this
5 down. Yes, my parents died under the Khmer Rouge regime.

6 [09.36.53]

7 Q. Second question, just to be clear, can you write your name or
8 can you not even write your name, meaning sign something, a
9 signature?

10 A. No.

11 MR. PRESIDENT:

12 Counsel Koppe, so what is now the point of presenting a document
13 to a civil party who does not know how to read?

14 BY MR. KOPPE:

15 That is a very good question. Madam Civil Party, do you remember
16 putting your thumb on the piece of paper and print a form which
17 was supplementing your earlier information? Do you remember using
18 your thumb and giving your ID to a person?

19 MS. YEM KHONNY:

20 A. Yes, I -- indeed I put my thumb print on my identity card.

21 [09.38.40]

22 MR. KOPPE:

23 Q. Mr. President, that is a document I believe that we would be
24 able to show to the civil party that is the second page of,
25 D22/3204A, that's her ID with indeed a thumb print on the copy of

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1 the back side of her ID. So, I believe she would be able to
2 identify this.

3 MR. PRESIDENT:

4 Yes, International Co-Prosecutor, you have the floor.

5 [09.39.28]

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I believe that the Defence lawyer is creating more
8 confusion than there already was. Because this ID document is not
9 in fact tied to D22/3024A but to the original document -- that is
10 to say, the victims information form that D22/3204. So this is
11 different. So, I think it might be helpful if there were two
12 separate events that occurred.

13 The first document dates back to April 2010, whereas the VIF
14 dates back to June 2010 and it was drafted by the Victims Unit,
15 whereas the first form was filled out with the assistance of an
16 NGO. So may be if we could proceed in a chronological way it
17 would be easier because here the counsel is saying that the ID
18 card was tied to the complementary (sic) information form whereas
19 that is not the case.

20 [09.40.59]

21 MS. GUIRAUD:

22 Thank you Mr. President. I see that the impact hearing is
23 becoming a hearing on the probative value of the VIF's, and of
24 the extra information that was filed by the Victim's Unit before
25 the closing of the investigation. So, I must note, unfortunately,

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1 that this is a reality. On our side we are going to have to shed
2 light on the way the information was gathered and what we intend
3 to file before the Chamber as documents but I would like this
4 debate to happen at another time. It is contaminating right now
5 the impact hearings, what matters today is the testimony, the
6 oral testimony of the civil parties so of course I rely on the
7 Chamber's wisdom in that regard.

8 I accept, of course, that we, Co-Lead Lawyers, will have to
9 clarify the situation since the errors are quite obvious and
10 repetitive in the VIF's as well as in the extra information that
11 was filed. We are just as all other Parties, we are also
12 discovering these discrepancies and the extent of this problem
13 but I first, would like the civil parties to be heard orally and
14 I would like us to hear what they have gone through and that we
15 don't spend too much on these issues which of course are
16 important but that today are polluting, contaminating the purpose
17 of this hearing.

18 [09.42.47]

19 MR. PRESIDENT:

20 (No translation)

21 MS. GUISSÉ:

22 There is a translation issue. I think you gave me the floor. Very
23 briefly speaking, I understand that the hearing is not happening
24 as my colleague might have wished. The problem is that we should
25 have this discussion at another time, but how are we going to do

16

1 this, how we are going to manage this, whereas the elements, the
2 contradictory elements are coming up right now. So we are trying
3 to do things in the most efficient way possible but I don't see
4 how we can speak about these discrepancies in another way than
5 now, when the civil party, who is at the origin of these
6 particular statements, is now present before us. So, we will try
7 of course to be extremely concise with regard to these issues but
8 we cannot, unfortunately, hold this debate outside of the
9 courtroom.

10 MR. PRESIDENT:

11 Fine, fine, fine.

12 (Judges deliberate)

13 [09.46.10]

14 MR. PRESIDENT:

15 Please proceed.

16 JUDGE FENZ:

17 In order to find a practicable solution and taking into account
18 what the Co-Lead Lawyer has just said about apparent deficiencies
19 in the process of civil party, recruitment is not the right word,
20 but handling at an early stage, we would suggest the following.
21 Mr. Koppe, present the copy of the ID to the civil party so that
22 we can establish if this is actually the same person. I guess you
23 don't expect her to identify her thumb print, but afterwards
24 perhaps it would help to not focus too much on the
25 inconsistencies, we are not preventing you from asking questions

17

1 but I think you can consider it established that there are
2 problems, and again we need to organise the remains of this day.

3 [09.47.24]

4 So to clarify the ruling. Yes, please show the -- you are allowed
5 to show the copy in order to establish the identity and then we
6 would invite you to not perhaps unduly focus on details of these
7 documents.

8 MR. KOPPE:

9 Can I, Mr. President, hand this to bailiff.

10 MR. PRESIDENT:

11 To whom would you like to give the document?

12 There was no translation?

13 JUDGE FENZ:

14 No.

15 (Short pause)

16 [09.49.06]

17 JUDGE FENZ:

18 Counsel, I think she is waiting for your question.

19 BY MR. KOPPE:

20 Q. Madam Civil Party, do you recognise this paper, do you see
21 your identification card?

22 MS. YEM KHONNY:

23 A. All I have is an ID card and I find that there are three or
24 four copies and I have only one identity card. I do not know why
25 there are so many here. I have only one copy of my identity card.

18

1 But you're telling me that I have three or four identity cards. I
2 do not know how come I have so many identity cards.

3 [09.50.07]

4 Q. Maybe there is a misunderstanding, Madam Civil Party. What
5 we're showing to you is a copy of your original card. So the
6 question is, is this a, what we call, photocopy of your original
7 card?

8 A.I had an identity card done several months ago. I cannot talk
9 about another identity card. I had one done; the other one is not
10 mine so I think that the identity card on top of the pile is
11 indeed mine.

12 Q. Madam Civil Party, what you're seeing is the front side -- a
13 copy of the front side of your ID and a copy of the back side of
14 your ID.

15 A. I have told you. No, I have only one identity card; I have
16 never done any copies of that identity card.

17 [09.51.54]

18 MR. PRESIDENT:

19 Mrs. Khonny, normally there is a front page and back page of your
20 identity card and what has been done is just a copy of the front
21 page and the back page. You will find your photograph on the
22 front page and on the back page; you have the stamp of Phnom Penh
23 municipality. Indeed it is only one identity card because we
24 cannot copy your identity card and use a good quality of your
25 identity card; we have to do a copy of the front page and the

1 back page.

2 Q. So it is still your identity card, just the one identity card
3 you have?

4 [09.53.03]

5 MS. YEM KHONNY:

6 A. Well, if you say that my identity card has been copied then I
7 would understand but if you say that my identity card has been
8 falsified, I wouldn't accept that. But if you confirm that it is
9 my identity card, I would accept it, Mr. President.

10 MR. PRESIDENT:

11 Q. Do you think this is a copy of your original identity card,
12 please answer the question?

13 [09.53.49]

14 MS. YEM KHONNY:

15 A. I was told to do a photocopy. Now I'm using my current card. I
16 copied the former ID card.

17 Q. Do you recognise the photograph on that identity card; does
18 that photograph, an identical copy of the photograph on your
19 former identity card?

20 MR. PRESIDENT:

21 Counsel, please proceed. The Civil Party acknowledges that this
22 is a photocopy of her former identity card. She has received a
23 new identity card which is a hard copy.

24 BY MR. KOPPE:

25 Q. Madam Civil Party, I'm going to try to ask you a simple

20

1 question. Were you and your parents in 1975 in Phnom Penh and
2 then evacuated or were you in Kampuchea Krom and subsequently
3 evacuated?

4 [09.55.39]

5 MS. YEM KHONNY:

6 A. I stand by what I have already stated. I have never been to
7 Phnom Penh before. I have just been to Phnom Penh recently. I do
8 not know how to answer your question. I did not even know what
9 Phnom Penh looked like. I have told you that I do not know Phnom
10 Penh.

11 If you compel me to say I knew Phnom Penh, what do you expect me
12 to say? I just visited Phnom Penh because my daughter works in a
13 textile factory if she hadn't come to work in that factory I
14 probably would not have the occasion to visit Phnom Penh or
15 Takeo.

16 Q. Thank you, Madam Civil Party. My last question to you, were
17 your father and mother in 1975, former Lon Nol soldiers?

18 A. No. We were very poor. He could not have become a soldier; he
19 was very poor and had to till the soil to feed our children.

20 [09.57.11]

21 MR. KOPPE:

22 Thank you, Madam Civil Party.

23 MR. PRESIDENT:

24 Counsel for Mr. Khieu Samphan, you have the floor.

25 MR. KONG SAM ONN:

21

1 Mr. President, we do not have any questions for this civil party.

2 (Short pause)

3 [09.58.14]

4 MR. PRESIDENT:

5 Mrs. Yem Khonny, the Chamber wishes to thank you for coming to

6 testify here. Your testimony has come to an end. You can go back

7 home now. The Chamber wishes you a safe journey back home and the

8 victim's support section is requested to work with the civil

9 party's section to ensure that the civil party returns home.

10 It is time for us to adjourn and we will resume at 10.30 a.m.

11 Thank you.

12 (Court recesses from 0959H to 1016H)

13 MR. PRESIDENT:

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

15 We will now have a new civil party -- that is, 2-TCCP-293, who

16 will be here for the statement of sufferings and harms.

17 Court officer, could you invite the civil party into the

18 courtroom.

19 (Civil party enters courtroom)

20 [10.18.30]

21 QUESTIONING BY THE PRESIDENT:

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

23 MR. BUN SAROUEN:

24 A. My name is Bun Sarouen.

25 Q. Thank you, Mr. Bun Sarouen. And what is your date of birth?

1 A. I was born in 1963.

2 Q. What is your current address?

3 A. I live in Andoung Krasang village, Snam Preah commune, Bakan
4 district, Pursat province.

5 [10.19.21]

6 Q. What is your current occupation?

7 A. I am rice farmer.

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

9 A. My father is Bun Neang and my mother's name is Mith San
10 (phonetic).

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

13 A. Her name is Khun Thouen (phonetic) and we have six children
14 together.

15 MR. PRESIDENT:

16 Thank you, Mr. Bun Sarouen. And as a civil party before this
17 Chamber, you may make a victim's impact statement -- that is, a
18 statement about suffering and harms, mainly physical, material or
19 mental which inflicted upon you as direct consequences of those
20 crimes and which resulted in your civil party application. And
21 that those crimes have been alleged against the two Accused, Nuon
22 Chea and Khieu Samphan, and that it happened during the period
23 Democratic Kampuchea Regime from 17 April 1975 to 6 January 1979.

24 [10.21.04]

25 Yesterday we already met with TPO staff. However we would like to

23

1 confirm it again. What is your name and what is your function
2 within TPO.

3 MR. YOUN SARATH:

4 Good morning Mr. President. My name is Youn Sarath. I am a mental
5 counsellor from TPO.

6 MR. PRESIDENT:

7 Thank you, Mr. Rath.

8 As requested by the civil party, the Chamber will hand the floor
9 to the Lead Co-Lawyers for Civil Parties to put the questions in
10 relation to harms and sufferings by this civil party. You may
11 proceed.

12 [10.22.06]

13 MS. CHET VANLY:

14 Thank you, Mr. President, and good morning, Mr. President, Your
15 Honours, everyone in and around the courtroom. Good morning, Mr.
16 Bun Sarouen. My name is Chet Vanly, a civil party lawyer.

17 Before I put a question to you, I have one point that I would
18 like to seek clarification from the President -- that is, the
19 victim's information form, D22/1659, ERN in Khmer ending at
20 number 98 and in English it ends at Number 20 in which it reads
21 that: "In the morning I was asked to go and transport fish sauce
22 at Champa pagoda. I saw people putting -- I saw the Khmer Rouge
23 putting people on a GMG truck. I was transported to Phnum Khlaeng
24 and then I was forced off, I was blindfolded and put into the
25 truck at Treang security centre.

24

1 I met with teacher Ran who said he had been detained there for
2 quite some time. During the three days clearing the forest, he
3 asked me whether I knew this scarf and I said yes, because it
4 belongs to my elder brother who was a monk and I was told that
5 the rest had been killed. I kept thinking when I would be killed.
6 At night time I was shackled and for serious prisoners they were
7 not allowed to go and work outside. The living conditions were
8 terrible as we were not given any water to bathe ourselves. We
9 could hear the screaming from beating at night time.

10 [10.24.09]

11 One of my left ankle was shackled at night and I slept on a
12 platform and underneath the militia would come and try to spy on
13 us."

14 From my direct conversation with the civil party on several
15 occasions, Mr. Bun Sarouen stated that what I said was the fact
16 related to Bun Norn, his elder brother who was a former Khmer
17 Rouge soldier. For that reason I would like to inform the Chamber
18 and the Parties about this change and in fact this fact falls out
19 of the scope of Tram Kak.

20 MR. PRESIDENT:

21 The International Counsel for Mr. Khieu Samphan, you have the
22 floor.

23 [10.25.19]

24 MS. GUISSÉ:

25 I am somewhat surprised at the manner in which my learned friend

25

1 is proceeding. It appears that if there is well established
2 changes, it is not for her to put the questions, she can put
3 questions to the civil party but I do not understand the approach
4 she is using in this hearing. If my learned friend wants to
5 establish something, she shouldn't do so with questions. So the
6 civil party shouldn't just listen to several minutes of
7 statements made by learned colleague, my learned friend.

8 MS. CHET VANLY:

9 I would like to respond to that and we can get clarification when
10 I put questions to the civil party. However, I would like to
11 bring this matter first hand to the Chamber and to the concerned
12 party.

13 [10.26.17]

14 MR. PRESIDENT:

15 It is rather strange for the Bench as well. This is the first new
16 thing that we have heard. In fact, the floor will be given to you
17 to ask questions to the civil party concerning the harms and
18 sufferings and we also reduce the time for each party so that we
19 could conclude this special hearing for the civil parties, harms
20 and sufferings and I think you already consumed 10 minutes of
21 your time.

22 If you don't focus on the essence of this proceeding then you
23 would not have any further opportunity to do so.

24 MS. CHET VANLY:

25 Thank you Mr. President. Would you allow me to put question on

26

1 the matter that I just read to the civil party?

2 [10.27.22]

3 MR. PRESIDENT:

4 Whatever questions that you put to the civil party is your
5 choice, however you are reminded that this proceeding is about
6 the harm and sufferings of the civil party. We have been
7 requested to give this opportunity to hear about the sufferings
8 and harms of the civil parties. So your questions shall tie
9 closely to this topic. As for other matters that may arise from
10 the responses of the civil parties, if they are related to the
11 facts then such questions are allowed during this specific
12 proceeding.

13 QUESTIONING BY MS. CHET VANLY:

14 Thank you, and allow me to now put questions to this civil party.

15 Good morning, Mr. Bun Sarouen.

16 Q. Can you tell the Chamber where you were on 17 April 1975, and
17 how many siblings were with you at the time?

18 [10.28.35]

19 MR. BUN SAROUEN:

20 A. I was at Prey Chheu Teal at the time, Trapeang commune, Tram
21 Kak district, Takeo province. I had four siblings, three brothers
22 and one sister. My elder brother was Bun Nim (phonetic), who was
23 a soldier and another one was Bun Norn (phonetic), a Khmer Rouge
24 soldier and my father was Bun Nim, who was chief of Prey Chheu
25 Teal commune. And then Meas Eng (phonetic) who was my uncle and

1 he was village chief of Prey Chheu Teal during the Lon Nol
2 regime. And Mong (phonetic) was his deputy and Vun (phonetic) was
3 the group chief in that village.

4 Q. Thank you. Back then, how old were you and what happened?

5 [10.30.04]

6 A. I was 11 years old. I lived for a little while with the 17
7 April -- that is to say, after the fall of Phnom Penh. I was
8 living in a pagoda and I saw my brothers and my uncle tied up and
9 brought away but I did not know where they went and then I went
10 and asked my mother what happened. And I told her that my daddy
11 had been arrested and taken away and she said, "No, no. He was
12 assigned to transport fish sauce." I said no, because I saw him
13 being brought away and when I was at the pagoda I saw that. And
14 when my mother heard what I said she burst into tears and I also
15 burst into tears and as of that moment I left the pagoda and went
16 to live with my mother and after a few months we were obliged to
17 live in Trapeang Chaeng. And so we were gathered there and
18 militia men asked us to live in that village and we were afraid
19 because the militia men were armed and my father had been tied up
20 and arrested. They asked us to leave everything behind to go and
21 live in this village of Trapeang Chaeng.

22 [10.32.17]

23 After a few days we were assigned different tasks. Each day -
24 each day I had to transport fertiliser and bring water to the
25 rice paddies and I would only be given rice gruel for food. We

1 were living in the Trapeang Chaeng cooperative at that time.
2 Then next to the pagoda by the road, I met uncle Ran who asked me
3 where I was going, I answered that I was asked to come work here
4 and when we finished lunch, he said that he saw my father at
5 Krang Ta Chan, that he had been tortured and I did not know where
6 Krang Ta Chan was. I said to him, "So my father still alive?" and
7 then he said, "Yes, he was living about 100 meters from Krang Ta
8 Chan". I then asked my mother and other people to go to Krang Ta
9 Chan and when we arrived there, I saw my father carrying water to
10 the vegetable plots and that made me sad. I was crying. He was so
11 thin that I could not even recognise him. He was wearing under
12 drawers and I saw him from a distance and I had a hard time
13 recognising him.

14 [10.34.42]

15 We were hiding, of course, when we were watching him. I almost
16 asked if I could come see him and uncle Ran said, "No, no, don't
17 do so because it's very dangerous. If you want to go there, you
18 have to speak to me first." and it is especially dangerous for
19 him, we risked endangering him. "So I decided not to go to talk
20 to him. So all we could was weep. So we stayed with uncle Ran for
21 one night. We didn't dare come close to Krang Ta Chan and we
22 would hear cries, I don't know if he was being tortured. We were
23 completely broken.

24 [10.35.41]

25 The next day we decided to go back to the cooperative to work and

1 we did so in secret to avoid creating problems for Ran and if the
2 cooperative had been aware what we had done, we would - we could
3 have been punished.

4 Mr. President, I don't -- maybe I went too far, so please forgive
5 me. When I went to Krang Ta Chan, my elder brother was at the
6 fence around the pagoda and I heard a truck driving by and I did
7 not know where this truck was going. It was a jeep in fact, but I
8 saw that the jeep was heading westwards but a few days later I
9 was evacuated. So, I skipped this passage earlier, Mr. President.
10 And the next day - the next morning I went back to the
11 cooperative to work and I met the head of the -- the militia
12 chief and I was hoping to see my older brother but he
13 disappeared. All I could see was his robe, his monk's robe and I
14 was asked to pick up the robe and to retrieve the pieces of the
15 objects he had with him. I saw the militia chief and I was
16 absolutely flabbergasted when I saw a sacred place become a
17 desert and on top of that when I knew that my father had
18 disappeared and when I knew also that my uncle was a monk in this
19 pagoda, so this really broke my heart and I only saw loss and
20 damage all the way until 1979.

21 [10.38.36]

22 Q. What was your religion?

23 A. I am a Buddhist.

24 Q. When you saw the pagodas being destroyed and when you saw the
25 statues that were shattered, what did you feel?

1 A. I was absolutely torn because this was a sacred place and
2 there were no longer any monks there and in the past there used
3 to be celebrations, ceremonies but there were no longer any
4 religious practice so I felt that I was completely deprived of
5 any psychological base. In the past, we could go celebrate
6 ceremonies in the pagoda but now there was no longer a place to
7 do so and that was in fact incredible, it was an incredible
8 regime.

9 [10.39.58]

10 Q. When your father was taken away to Krang Ta Chan and then your
11 brother who was a monk who was also taken there. May I ask you;
12 were all the monks in that pagoda taken away to Krang Ta Chan and
13 how many monks were there?

14 A. There were 15 monks, including my uncle and my brother. When I
15 arrived, the pagoda was empty and the wooden cell had
16 disappeared. All there was, was a stone cell and all the
17 buildings were locked and when I arrived, I was just helping out
18 to organise everything. And then we returned to the cooperative
19 at Trapeang Chaeng and when my uncle Ran spoke to me about what
20 happened, I went to Krang Ta Chan.

21 Q. Now we will move on to another topic. Earlier you said that
22 you were asked to move to Trapeang Chaeng from Trapeang Teal
23 (phonetic), so what did you lose during this move and what did
24 you feel when that happened and what were you told?

25 [10.41.50]

1 A. We were asked to move, to go to Trapeang Chaeng. I said to my
2 mother, "Well, we have a lot of livestock here so what are we
3 going to do, to take it with us?" and the militia men said, "No,
4 you should leave all of your livestock behind because where
5 you're going, you'll have everything that you need so livestock
6 and other objects had to stay behind." And the militia men asked
7 us to only travel with what we could carry.

8 Q. Once you left, were you allowed to go back home from time to
9 time, in between Trapeang Chaeng and Trapeang Teal (phonetic)?
10 How many kilometres are there?

11 [10.42.56]

12 A. From Prey Chheu Teal to Trapeang Chaeng, the distance is about
13 four kilometres. Once I left home, we were not allowed to come
14 back home to see our house again. We had to do our job for
15 Angkar.

16 Q. When you arrived at Trapeang Chaeng, were you incorporated
17 into a children's unit or did you remain with your parents?

18 A. I was put into children's unit but at night I was allowed to
19 go home and stay with my parents. During the day I had to work in
20 my unit so I had to leave early in the morning to get to work.

21 [10.43.57]

22 Q. What were the tasks assigned to you, were they heavy tasks or
23 was this something that children could do?

24 A. My job was transporting earth on a shoulder pole from the
25 termite mounds. The unit had to completely flatten the termite

1 mounds and if they were small termite mounds, we had to flatten
2 two termite mounds. If it was a big termite mound, we would have
3 to only flatten one.

4 Q. So you would carry earth and was your unit able to do this
5 job? Was the earth from the termite mound hard or was it soft?

6 [10.45.17]

7 A. Yes, we were able to meet the quota because we didn't have a
8 choice and we were told to make efforts and to do what we had to
9 do. And yes, the termite mound earth was very hard, it wasn't
10 sand. There were blisters on our hands and even tractors have a
11 hard time flattening termite mounds, so we did not have the
12 choice, we had to do our job otherwise we would not be fed. For
13 example, if we were given, let's say, one bowl of rice soup, well
14 then the ration would be diminished so we really had to make
15 efforts.

16 Q. What were the food rations for children? Could children eat on
17 their own, or do they have to eat in the cooperative in the
18 common dining hall?

19 [10.46.39]

20 A. We had to eat together and we would eat rice porridge.

21 Q. Was the ration enough? Was it adequate in relation to the work
22 you had to do -- that is to say, transporting earth and
23 flattening termite mounds? Was that ration enough for that kind
24 of job?

25 A. No, of course not. We had to work very hard, we had to get up

1 early in the morning and we had to work - we took a break at
2 around 1 o'clock and then we would finish at 5 o'clock in the
3 afternoon, so all this in exchange for one bowl of rice porridge.
4 No, that was not enough.

5 Q. Thank you. Was there a leader or some kind of master to manage
6 all of these children?

7 [10.48.05]

8 A. Yes. There were leaders who would lead us to work, who would
9 watch over us, but we had to work, there was no school.
10 Sometimes, when there was a house close to where we were working,
11 we could rest under the house or around the house or otherwise
12 under a tree.

13 Q. So what were taught?

14 A. Well, we were taught to transport earth with a shoulder poles,
15 earth from the termite mounds. But we were told that we could
16 learn how to read and write but in reality in my unit, we only
17 worked, just eat and work.

18 Q. So you were a child and you were not able to go to school. How
19 do you feel about that?

20 A. Well, this pains me very deeply and my ignorance is the result
21 of this regime. When I was a child I was not lucky enough to go
22 to school and therefore I became ignorant, even today.

23 Q. Were you suffering when you worked under such conditions?

24 A. Yes. I cannot describe my suffering and my remorse is enormous
25 because I lost my uncles, my brothers, my father. Only my mother

1 and myself survived and I wasn't able to go to school.

2 [10.50.48]

3 Q. So let's move on to another topic. You said that you left
4 Trapeang Chaeng, so then where did you go? Where were you sent
5 to?

6 A. Well, I was transferred and we were told to go to Kaoh Nhae,
7 where there was also a common eating hall because they were too
8 many of us. And my mother and I left without really knowing where
9 we were going and we arrived at Kaoh Nhae (phonetic), we were
10 working there. Kaoh Nhae (phonetic) was about four kilometres
11 away from the cooperative. At Trapeang Chaeng, militia men
12 brought us home and then after a few days, we were sent to work
13 in the rice paddies and to irrigate the paddies and one day there
14 were not enough people carrying potatoes, so I was also asked to
15 carry potatoes and then I went to the potato plantation and Ta
16 Dung was in charge of that plantation. It was also a soya bean
17 plantation and I heard an interesting piece over there. I was
18 told, "After your work, come see me" and I was very, very afraid
19 and when I finished carrying potatoes, I went to see the
20 gentleman in question. He said, "I saw your father and your
21 brother-in-law, I saw them being taken away to Krang Ta Chan." I
22 was absolutely paralyzed when I heard that, I stayed there
23 completely flabbergasted.

24 [10.53.18]

25 I was afraid of saying anything because he was the chief of that

1 plantation. So I chose to remain silent and I told him then that
2 I had to go and take care of the cows and when I returned home,
3 or while I was on my way home, I saw militia men half way, they
4 were watching over me to see if had stolen potatoes or not and
5 then I left the cart at the Cheang (phonetic) pagoda.
6 So I was being watched on a permanent basis as Ta Dung -- since
7 Ta Dung told me that my father had been taken away, my mother
8 would only - would weep all the time and so would I. I felt
9 powerless and she also felt powerless because we knew that he had
10 been taken away to die and I had also seen him at Krang Ta Chan.
11 So, when he spoke to me earlier on in the day, maybe he wanted to
12 test me.
13 [10.55.11]
14 And then I was sent to dig a pond near a pagoda and I was curious
15 about this pagoda. I saw that this pagoda was empty. And we were
16 then assigned dig earth, three cubic meters that was our quota,
17 three meters by two meters, we would only dig. And I was asking
18 myself, why was the pagoda so calm, I did not see any monks. It
19 was a wooden pagoda and I saw however a room -- a stone room in
20 which there were militia men. And all I would do was carry earth
21 and after two days there was an explosion. Maybe, it was a shell
22 from the Lon Nol period. So as I was digging earth, a shell
23 exploded and people were injured, who were transported to the
24 hospital. Despite the fear, we had to continue work, we had to
25 continue digging in order to dig up the pond. And one day I saw

1 my aunt who was maimed because of the explosion. She had lost her
2 arms and I wanted to take her to the hospital also to see where
3 the hospital was, since my father had already been taken away, I
4 also wanted to know where my aunt would be taken away and they
5 said, "No, no, there is staff over there, your presence over
6 there is not necessary."

7 [10.57.22]

8 And once she was cured she came back home and something else
9 happened. She suffered from some kind of liver disease and that
10 made her belly swell and she was also accused of moral
11 misconduct, she was re-educated for one year. Every two days she
12 was obliged to follow re-education classes and after two years --
13 in reality people believed that she was pregnant when she was at
14 the hospital but in fact, she was suffering from this liver
15 disease. So, it was too late already, after one year -- after 14
16 months in fact, she did not deliver so they understood that she
17 was suffering from that liver condition and then she died. She
18 was innocent.

19 Q. Thank you. When you were at Kaoh Nhae, you were not there with
20 your mother, you were not allowed to go home, is that so?

21 [10.58.46]

22 A. No. I would eat at Poh Kong (phonetic) cooperative which was
23 to the south of the pagoda.

24 Q. Did you miss your mother and were you able to go see your
25 mother from time to time?

1 A. Yes, I missed her and at night, I ran back home to see my
2 mother. I was with Mach and Im; there were three of us, we were
3 not in the same cooperative.

4 I was separated from my father and from my brother. I had hoped
5 that I would find my mother. I tried to secretly go back to look
6 for her but in my unit I did not have sufficient food. I thought
7 that if I saw her, she would give me fruit, dry fruits of palm
8 nuts, she would hide them and give them to me. She was happy to
9 give me such fruit at the time because she was alone. And at the
10 time, rather, the next day, I ran back to my unit in order to
11 arrive on time to start work. The distance between the two
12 locations was about eight kilometres.

13 MR. PRESIDENT:

14 Civil Party Lawyer, you no longer have any time. You've run out
15 of time.

16 [11.01.14]

17 MS. CHET VANLY:

18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Deputy Prosecutor, do you have any questions for the civil party?
21 Please focus on the suffering and harm endured by the civil party
22 because he was called to talk about such suffering and not about
23 general facts.

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. Civil Party, can you please give us the

1 names of your family members who disappeared or were killed
2 during the Khmer Rouge regime; the name of your father, the name
3 of your brother or brothers, and brother-in-laws, uncles, and so
4 on and so forth?

5 [11.02.15]

6 MR. BUN SAROUEN:

7 A. Yes, I can do that. My father's name was Bun Neang (phonetic),
8 he was taken together with uncle, Om Mom (phontic) and Meas Eng,
9 another uncle who was Prey Chheu Teal village chief. And Vun
10 (phonetic) was group chief who worked together with my father Bun
11 Neang. Bun Nim was a monk and Meas Nob was another uncle and Meas
12 Toek was my aunt, my brother-in-law as Uk and another elder
13 brother was Bun Norn.

14 Q. Thank you. Can you please specify when your father Bun Neang,
15 and your uncle and brother-in-law were arrested and subsequently
16 detained at Krang Ta Chan, was that before the 17th April 1975,
17 or thereafter?

18 [11.03.55]

19 A. He was arrested during the day the country fell, that is when
20 the 17 April People were evacuated.

21 Q. Very well, you stated that your father had played a role at a
22 level of his commune and village. I understood that he was a
23 chief. Is that correct?

24 A. Yes, that is correct. My uncle was the village chief and my
25 father was the group chief during the Lon Nol regime.

1 Q. Did you ever hear whether there was Dun or another person, or
2 Vann, while your father and family members were arrested?

3 [11.05.15]

4 A. When they were arrested and a neighbour whose house was not
5 far from my father's house, told me that they had been arrested
6 and taken to that office although he did not know the reason for
7 the arrest. He saw them there.

8 Q. Very well, a while ago, you said you were deprived of food, if
9 you did not complete your work. The work involving transportation
10 of earth from a termite mound, were you also deprived of food in
11 1978 for other reasons?

12 A. If we completed the assigned work quota then we would be given
13 food and if we fail to do that, then they would only give us half
14 of the ration for that reason. In order to have a complete food
15 given to us we had to complete the work quota.

16 Q. Thank you. I see you in your civil party application form,
17 where you stated that in 1978, you worked in another cooperative
18 Ta Koam in Ta Phem commune in Tram Kak district and you also
19 stated that you were assigned to herd cattle at this point in
20 time, is that correct?

21 [11.07.09]

22 A. Yes, that is correct. I was assigned to herd the cattle and
23 one cow had diarrhoea then I was deprived food and in fact, they
24 only gave one food ration for the two of us.

25 Q. Why were you held responsible for the fact that a cow had

1 diarrhoea and were deprived of food? What did the Khmer Rouge
2 tell you at that time?

3 A. I didn't know the detail of the matter, I saw a cow had
4 diarrhoea and, maybe I thought, it was because of the grass the
5 cow ate and then I was blamed for not informing them about the
6 cow having diarrhoea because I thought the cow ate young grass
7 and for that the cow had diarrhoea. Then I was questioned and I
8 was warned.

9 Q. Thank you. This is the last subject. I have heard your
10 testimony; I've read your civil party application form. Were you
11 moved to Pursat during the Democratic Kampuchea regime?

12 A. No, I was not at that time.

13 [11.09.00]

14 Q. I say so, Mr. Civil Party, because there is a document which
15 is somewhat questionable. D22/1659. I believe it is A and B for
16 the summary in English and it is stated that you left to go to a
17 cooperative in Pursat in 1977. Do you confirm that this
18 information is not correct?

19 A. No, that is not correct. So, I do not know why such
20 information contained in this form. Actually, I moved to Pursat
21 only in 1979.

22 Q. As from the beginning of the regime, did you learn to read and
23 write or you have remained ignorant ever since?

24 A. No. I do not know to how to write. I could read a little bit
25 because I studied it at the pagoda with my elder brother who was

1 a monk at that time.

2 [11.10.26]

3 Q. Nobody has ever read out to you a statement to the effect that
4 you went to Pursat in 1977, or did you, yourself read such a
5 statement, when you were asked to put your fingerprint on the
6 document?

7 A. As for this work, I actually talked about Krang Ta Chan in
8 Takeo. I didn't know why the information about Pursat was
9 contained in that form, I was asked to put thumb print on it.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you. I have no further questions, Mr. President.

12 MR. PRESIDENT:

13 Thank you. The Chamber would now like to hand the floor to the
14 Defence teams and first to the Nuon Chea Defence if you wish to
15 put questions to this civil party.

16 [11.11.46]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President. Good morning, Mr. Civil Party.

19 Q. Can you tell me who Ta Karau is? Ta Karau, I'm sorry.

20 MR. BUN SAROUEN:

21 A. I did not know the real function or position of Ta Karau. When
22 he came, he talked about sending them for a study session and
23 then they were taken and placed in that location. But at that
24 time, I did not know much about that since I was about 11 or 12
25 years old and I only heard that Ta Karau was the one who came to

1 take them away.

2 [11.12.56]

3 Q. Mr. Civil Party, you just answered the question of the
4 Prosecution regarding the arrest of your father and uncle. In
5 your victim information form, you said it was Ta Karau who
6 arrested your father and others in 1973. Could you please
7 clarify, was the arrest of your father in 1973, by Ta Karau, or
8 1975?

9 A. As for the year, it happened in late 1973. At that time, that
10 area had been de-liberated already that is from Angk Ta Saom to
11 the west and the area was under their control.

12 Q. Do you know when in 1973, you said late 1973, but when exactly
13 your father was arrested?

14 A. I did not know when my father was taken away although I know
15 it happened in late 1974.

16 Q. Just to be clear, Mr. Civil Party, you just said late '73, are
17 you now saying it is late '74?

18 A. It was not in late '74, but it was either in late '73 or early
19 '74.

20 [11.15.24]

21 Q. You also testified that you, at one in point in time, saw your
22 father working at place called Krang Ta Chan. Do you know how
23 much time there was between the day of his arrest and the day
24 that you said you saw him?

25 A. He had been there from that time until 1975 -- that is, after

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1 the liberation. Then I heard that he was detained there and I
2 mean in '75, when the country was fully liberated.

3 Q. My question, Mr. Civil Party, was whether you can tell us how
4 many days or weeks or months there were between the day of the
5 arrest of your father and the day that you saw him do things at
6 Krang Ta Chan?

7 A. I cannot recall it. After the liberation day and the 17 April
8 People from Phnom Penh were evacuated to my area, then I learnt
9 the news about my father.

10 [11.17.10]

11 Q. What do you mean when you say "you learnt the news about your
12 father?" I thought you said that you saw him.

13 A. At that time, I heard about my father by uncle Ran, and I went
14 to see him at that office.

15 Q. Would my calculation then be right that when you said you saw
16 him, your father had already been detained for one year and a
17 half, would that be accurate?

18 A. Yes, that is correct.

19 Q. Can you tell us again how Ran knew that your father was
20 detained at Krang Ta Chan? How did he find out?

21 A. Because his house was not far from the Krang Ta Chan office.
22 His house was only 100 meters away from the office and he told me
23 about my father.

24 [11.18.46]

25 Q. Can you tell us whether it was 100 meters north from Krang Ta

1 Chan or south or west or east?

2 A. His house was to the north of Krang Ta Chan and there was a
3 pond at the front of his house and there were many coconut trees.
4 However, I can recall about the location of his house vaguely, as
5 I was very young at that time and I thought I would be right to
6 say that the house was about 100 meters from Krang Ta Chan office
7 and that it was slightly located to the north of that office.

8 [11.19.45]

9 Q. So are you saying the house was 100 meters from the buildings
10 of Krang Ta Chan, the buildings where the prisoners were, or was
11 it 100 meters away from the outer fence of Krang Ta Chan?

12 A. Yes.

13 Q. Yes, which, 100 meters away from the building?

14 A. It was from -- the distances I described was from the fence of
15 the prison. That is from the fence to his house. From my estimate
16 it was about 100 meters although it would not be exact as it is
17 just my rough estimation.

18 [11.20.57]

19 Q. But were you able to see with your own eyes the buildings
20 where prisoners were being held?

21 A. Yes. I could see part of the building because there were big
22 trees, big tall trees, like Teal trees in the area and when I saw
23 him, he was carrying water.

24 Q. I am trying to establish, Mr. Civil Party, how you knew, or
25 how you still know today whether it --whether the buildings that

1 you saw were in fact something, that we call now, Krang Ta Chan
2 prison. How do you know that what you saw was in fact the prison
3 called Krang Ta Chan?

4 A. I did not know that that office was a prison. Only after I was
5 told that it was a prison and when I went there, yes, indeed, I
6 saw a prison there. And that was the first time I went there and
7 before I went there I never knew a prison or that office existed.
8 I only looked at it from a distance.

9 Q. Mr. Civil Party, do you know a place in Takeo province called
10 Krang Ta Chan memorial site?

11 A. No, I don't, and when I went there I did not know it was also
12 called a memorial site but I was told it was a prison. And during
13 this regime when I went to Takeo province, I was told by a woman
14 that the area was a memorial site now, as she went to engage in
15 this ceremony twice but I myself haven't been there.

16 [11.23.39]

17 Q. Do you remember how Ran knew, when he told you the buildings
18 that you saw were Krang Ta Chan prison buildings, did he tell you
19 how he knew?

20 A. I did not know about that, he simply told me that that was a
21 prison and my father was detained there. And then when I went
22 there, when I saw prisoners there, of course I knew it was a
23 prison.

24 Q. The problem, Mr. Civil Party, is that there were more prisons
25 and I'm trying to establish whether what you in fact saw, was

1 what we now call, Krang Ta Chan prison. Can you give us some more
2 clarification as to the reasons why you think it was Krang Ta
3 Chan prison or is it just because you heard the name later and
4 you assumed it must have been Krang Ta Chan prison?

5 A. I knew it since the time that I went there because he told me
6 that it was Krang Ta Chan prison.

7 [11.25.17]

8 Q. I'll move on, Mr. Civil Party, to another subject, my last
9 subject. If it's correct you were 12 years old in 1975, is that
10 true?

11 A. I was 11 years old at that time and by 12, I went to Kaoh
12 Nhae.

13 Q. Did you go to school when you were six years old or seven
14 years old or at any year before you were 11 or 12?

15 A. No, I did not. I stayed with my elder brother at a pagoda as
16 he ordained as a monk there.

17 Q. So before 1975, you didn't visit any school, is that correct?

18 A. That is correct. I didn't attend any schooling as I stayed at
19 the Pagoda. However, I studied a very little.

20 [11.26.56]

21 Q. My last question, Mr. Civil Party. Can you explain to the
22 Chamber, why it is that you blame the Khmer Rouge regime for not
23 having had education and not the regime before 1975?

24 A. Because during the regime, I did not go to school and because
25 of the various wars and I didn't dare go to school before that as

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1 the school was located at Angk Roka, it was rather far. And I
2 didn't want to go there because I was afraid of the shelling or
3 the bombing. And then I decided to stay with my elder brother at
4 the pagoda and I studied informally very little there. And later
5 on when I grew up during the Khmer Rouge because they were in
6 control and I didn't go to school, that's why I blame them for
7 that.

8 [11.28.14]

9 Q. But would you agree with me that the war is also a reason,
10 maybe, that you weren't able to get education?

11 A. Yes, that is correct.

12 MR. KOPPE:

13 Thank you, Mr. Civil Party.

14 MR. PRESIDENT:

15 The floor is now given to Khieu Samphan's defence.

16 [11.28.52]

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. Khieu Samphan's defence does not have
19 any questions for this civil party. Thank you.

20 MR. PRESIDENT:

21 Thank you. And Mr. Bun Sarouen, the Chamber is grateful of your
22 presence to answer questions about the harm and suffering
23 inflicted upon you during the Democratic Kampuchea regime. You
24 may now be excused from the courtroom and return to your
25 residence and we wish a safe journey.

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1 [11.29.26]

2 Court officer, please make necessary transportation arrangement
3 for this civil party to return to his place of residence. Mr.
4 Youn Sarath, you may also rest now.

5 The time is appropriate for lunch break. We will take a lunch
6 break now and return at 1.30 this afternoon to resume our
7 proceedings.

8 For the afternoon session, we will hear statements of sufferings
9 and harms by, 2-TCCP-251. This information is for the Parties and
10 the public.

11 Security personnel, you are instructed to take Khieu Samphan back
12 into the waiting room downstairs and have him back into the
13 courtroom before 1.30 this afternoon.

14 The Court is now in recess.

15 (Court recess from 1130H to 1331H)

16 MR. PRESIDENT:

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

18 We are now going to hear the statement of suffering and harm by
19 another civil party -- that is, 2-TCCP-256.

20 And Court officer, could you invite the civil party into the
21 courtroom.

22 (Civil party enters courtroom)

23 [13.33.23]

24 QUESTIONING BY THE PRESIDENT:

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

1 MS. OUM VANNAK:

2 A. My name is Oum Vannak.

3 Q. Thank you, Madam Oum Vannak. And do you recall your date of
4 birth?

5 A. I was born in October 1967.

6 Q. Where is your current address?

7 A. I live in Thnong Roleung village, Leay Bour commune, Tram Kak
8 district, Takeo province.

9 Q. What is your current occupation?

10 A. I am a rice farmer.

11 Q. Can you tell the Chamber the names of your father and mother?

12 A. My father is Im Chak and my mother is Nan Pet.

13 [13.34.45]

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

15 A. His name is Neang Sophorn (phonetic) and we have four children
16 together.

17 Q. Thank you. And Madam Oum Vannak, as a civil party in this case
18 the Chamber will give you an opportunity to make a statement of
19 suffering and harm inflicted upon you, namely physically,
20 material or mental injuries which are as direct consequences of
21 those crimes and which resulted in your civil party application.
22 And this is in relation to the crimes which are alleged against
23 the two Accused, Nuon Chea and Khieu Samphan, and which happened
24 during the Democratic Kampuchea period -- that is, from the 17th
25 April 1975, to the 6th January 1979.

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1 And Madam Chhay Marideth is a TPO staff to lend her assistance to
2 this civil party during her testimony on suffering and harm.

3 And as requested by the Lead Co-Lawyers for Civil Parties, the
4 floor will be given to the Lead Co-Lawyers first to put questions
5 to this civil party regarding harms and sufferings. The floor is
6 yours.

7 [13.36.46]

8 QUESTIONING BY MR. HONG KIMSUON:

9 Thank you, Mr. President. Good afternoon Mr. President, Your
10 Honours. And good afternoon, Madam Oum Vannak. My name is Hong
11 Kimsuon, representing civil parties. I am also a lawyer in Case
12 002 representing the civil parties in this case.

13 Q. You just stated about your current address and can you also
14 tell the Chamber your place of birth?

15 MS. OUM VANNAK:

16 A. My place of birth is the same -- that is, in Thnong Roleung
17 village, Leay Bour commune, Tram Kak district, Takeo province.

18 Q. Before the Democratic Kampuchea period took control of the
19 country, where did you live?

20 A. I lived in Takeo province.

21 Q. And can you tell a little bit more details? Was it at a
22 provincial town or in a particular commune or village?

23 [13.38.16]

24 MR. PRESIDENT:

25 Madam Oum Vannak, please observe the microphone before you

1 respond.

2 MS. OUM VANNAK:

3 A. I was living in the provincial town of Takeo province.

4 MR. HONG KIMSUON:

5 Q. And when the Khmer Rouge entered the provincial town of Takeo,
6 were you allowed to live at the same place or were you moved
7 elsewhere?

8 A. When the Khmer Rouge arrived, they chased us away from the
9 provincial town and we walked on foot to Chheu Teal village, Tram
10 Kak, in Takeo province.

11 [13.39.10]

12 Q. So you were moved to Chheu Teal village in Tram Kak district,
13 and later on, were you moved elsewhere?

14 A. The unit chief of Chheu Teal village moved us to Angk Neareay
15 village, in Leay Bour commune, Tram Kak district, Takeo province.

16 Q. And can you recall when that happened?

17 A. It was in mid-1975.

18 Q. Why didn't you and your family members return to your native
19 village?

20 A. Because we were forced to go there and cannot -- could not go
21 to our native village.

22 [13.]

23 Q. And when you moved to Angk Neareay village, what were you
24 assigned to do?

25 A. When I arrived at Angk Neareay village, I was living together

1 with my parents and siblings. And by 1976, I was separated and I
2 was placed into a unit -- a mobile unit for children at the Leay
3 Bour pagoda.

4 Q. Can you provide a little bit details as to whether you were
5 placed into a mobile unit or a children's mobile unit?

6 A. The childrens mobile unit was not part of the cooperative. It
7 was a separate unit and there were actually two units and for the
8 mobile unit, children which were aged from eight would be put
9 into the mobile unit.

10 Q. And did you volunteer to join that mobile unit?

11 A. No. I did not volunteer. We were forced to join that unit and
12 we were not allowed to stay at home.

13 [13.42.05]

14 Q. You said that "they", whom are you referring to when you were
15 moved to the mobile -- the children unit?

16 A. People who -- I was forced to join that unit by Ta Vath
17 (phonetic). He was the unit chief.

18 Q. Which village?

19 A. It was Angk Neareay village. Let me repeat -- the village
20 chief of Angk Neareay name Ta Vath (phonetic).

21 Q. When that village chief sent you to the children mobile unit,
22 where was that unit based, if you can recall?

23 [13.43.12]

24 A. The children mobile unit was based at District 105, Sector 13.
25 That's all I can recall.

1 Q. District 105 of Sector 13. Do you know the actual name for
2 this numerical representation or assignment for the district and
3 sector?

4 A. It was for Tram Kak district.

5 Q. What were you assigned to do when you were in the children
6 mobile unit?

7 A. We were assigned to carry earth for the dam building together
8 with -- to work there together with the women's unit.

9 [13.44.17]

10 Q. Can you describe a little bit about the location of where you
11 worked in the building of that dam?

12 A. I was assigned to carry earth for building a dam called Prey
13 Theat and it was in Leay Bour commune.

14 Q. Can you tell the Chamber a bit about the working conditions
15 there? Were you assigned to any specific jobs or tasks?

16 A. We were assigned to carry earth, starting from 6 o'clock in
17 the morning until 11.30 at noon and if we didn't complete the
18 work planned, then we would be deprived of food. The 10 -- a
19 group of 10 children had to finish 10 cubic metres and sometimes
20 we could complete it and some other times we could not. If the
21 earth is soft, for the whole day from morning till late evening,
22 we could complete the work quota and if the earth was hard, then
23 we could not and then we would be deprived of gruel.

24 [13.46.00]

25 Q. You said that your group of children had to work there and the

1 work quota for you was 10 cubic metres. Can you provide a bit
2 more details on this as I didn't get it?

3 A. A group of us comprised of 10 children.

4 Q. And you stated that if you could not complete the work quota,
5 you would not be given rice or gruel. Was you actually given
6 cooked rice or gruel?

7 A. We were given only gruel. There was no cooked rice for us.

8 [13.]

9 Q. And could you eat your own fill?

10 A. No, the food was never sufficient because we were given only
11 gruel -- a ladle of gruel each.

12 Q. And when you could not eat your own fill, what else -- what
13 did you do? Did you try to find other food to eat?

14 A. Yes, I did. Sometimes we were so starving, we seek permission
15 to go to the nearby bushes to relieve ourselves but in fact, we
16 went to pick some tree leaves -- that is from thnoeng tree and we
17 ate those leaves because we were so starving.

18 [13.47.54]

19 Q. Were you allowed to find additional food by your unit chief or
20 supervisor?

21 A. No, and if they found out that we picked the tree leaves then
22 we would be arrested and beaten and actually we did it without
23 letting them know.

24 Q. So you said if you were caught then you would be tortured and
25 were you ever caught?

1 A. Yes. I was beaten. I was tortured. At that time, I sought
2 permission to go to visit my parents and in fact, we were allowed
3 only once a month to do home visits, but then because I missed my
4 parents a lot I arranged to visit them and I was caught and I was
5 beaten.

6 Q. When you said you were tortured or mistreated can you actually
7 describe what happened?

8 [13.49.18]

9 A. I was beaten and I was tortured because at night time they
10 would go and count our heads and if they couldn't find us then we
11 would be in trouble. But usually I would go back at around 3
12 o'clock in the morning as the head counting was at five. And one
13 time I was caught when I returned and I was asked where I had
14 been and I told them I went to visit my parents. And they said
15 don't waste any time because my parents did not benefit from me
16 visiting them and then I would be in trouble if I broke or I
17 violated the discipline again. And if someone got caught, then
18 that person would be arrested and beaten up and that was the case
19 that happened to me. I was caught and beaten up under the order
20 of the unit chief.

21 [13.50.30]

22 Q. Did you know who gave that authority to the unit chief? Was it
23 from the village chief or from the militia chief?

24 A. My unit chief was a female by the name of Sarou.

25 Q. So when you were arrested and tied up, can you describe a

1 little bit about what happened next? Was you beaten with a whip
2 or a club for example?

3 A. After they arrested me, they beat me up and that happened for
4 the first time and then for the second time, and for the third
5 time, I became seriously ill. I had a very high temperature, it
6 was a bad fever. It happened day and night and I sought
7 permission to rest but I was not allowed to rest. And I went to
8 seek for some medicine and I was not given any except just a
9 powder from cassava and then my mother gave me some boiled --
10 some boiled water from tree leaves. And then I was caught again
11 by another person for not working but drinking that traditional
12 herb. Then I was arrested, tied against a tree and beaten up and
13 I -- at that time there were 20 young children there. I was
14 beaten up while I was seriously ill.

15 [13.52.32]

16 And they not only used their hands to beat me up, they used
17 bamboo clubs with nails attached to beat me up physically and
18 there are scars remained on my body. I was tied up to the tree
19 until the morning and when the morning came, I saw blood all over
20 my body.

21 I felt so pity for myself. When I was in this trouble I wanted
22 the comfort of my parents but they were nowhere near me. I
23 shouted asking for my parents but nobody came to help me, only
24 those who actually mistreated me were there. I kept thinking of
25 my parents, of another person who looked after me when I was away

1 from my parents and about once a month that man came to me to
2 give me food that he could obtain and that he could find. And he
3 consoled me not to weep and tried to work as hard as I could so
4 that Angkar would not take me away and kill.

5 [13.54.23]

6 Q. I also share the suffering that you just described. And do you
7 know the name of the man who actually helped you and who gave you
8 that food?

9 A. His name was Im Mach and he was sadly killed by the Khmer
10 Rouge clique.

11 Q. You said Im Mach -- as you said Im Mach was your other
12 brother, he was taken away and killed by the Khmer Rouge. How did
13 you know that?

14 A. When I recovered from the illness, I could go and then I stole
15 a piece of cassava and then I -- at lunch time -- I went to the
16 place where he worked to look for him and I couldn't see him at
17 his workplace so I asked people around. And I asked a villager
18 there by the name of Sau Vann, where my brother was then the
19 person told me quietly that my brother was requested by the unit
20 chief to go away on a vehicle. And I asked where he was taken to
21 and the person said he did not know but he was put on a vehicle
22 taken to the west direction.

23 Q. In your victim information form -- that is, document D22/86,
24 ERN 00353449 to 60; and in English ERN is 00450336; and another
25 document -- that is, D22/86a, and it only exists in the Khmer

1 language; I'd like to clarify a little bit about your victim
2 information form. You stated that your brother disappeared or was
3 arrested because he was requested by the unit chief as you just
4 told the Court. And do you know the reason for his arrest?

5 [13.57.14]

6 A. I asked that man, Sau Vann, and another man by the name of Kel
7 and I was -- I asked them what wrong-doings did my brother make
8 and I was told that he was accused -- one time that while he was
9 thrashing the rice at night time, he accidentally laid his hand
10 on the hand of another woman and he was charged that he committed
11 a moral misconduct.

12 Q. So in your supplementary information form -- that is, document
13 D22/86a, on the second page you stated that your brother was
14 arrested as he was a former Lon Nol soldier. Can you tell the
15 Chamber if there is any discrepancy in your statement?

16 A. Initially, I did not know that my brother was a former Lon Nol
17 soldier and I only knew that he was accused of committing moral
18 misconduct. Only later on, my mother told me that that was not
19 the reason for his arrest and the real reason for his arrest was
20 that he was a former Lon Nol soldier. For that reason, I
21 submitted a supplementary information form with this additional
22 information.

23 [13.59.14]

24 Q. So when you filled in your victim information form with the
25 assistance of the DC-Cam, you told them that the reason for

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1 brother's arrest was because of allegations that he committed a
2 moral misconduct but later on you learned from your mother that
3 the real reason was because he was a former Lon Nol soldier. Am I
4 correct in summing up this statement?

5 A. Yes, my mother told me about that -- that my brother had been
6 monitored for quite some time but they could not find any pretext
7 to arrest him so when they could find a pretext to arrest him,
8 they accused him of being that and then taken him away.

9 Q. You also stated in your application that your brother, Im
10 Mach, might be taken to be detained at the Krang Ta Chan prison.
11 Can you tell the Chamber when did you learn about the Krang Ta
12 Chan prison?

13 A. At that time I did not know where Krang Ta Chan was and only
14 later on when people from Srok (phonetic) Loeu, or from the upper
15 part of Cambodia, told me that -- told me about the Krang Ta Chan
16 prison and then my brother was taken there. That's why I knew
17 about it.

18 [14.00.52]

19 MR. PRESIDENT:

20 The civil party lawyer, you only have 10 more minutes and if the
21 civil party has questions to be put to the Accused, you can
22 instruct her to do so through the bench.

23 BY MR. HONG KIMSUON:

24 I -- the people who knew the Krang Ta Chan prison, and the way
25 the people were brought to this prison -- it's thanks to this

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1 that you came up with such a conclusion, is that the case?

2 MS. OUM VANNAK:

3 A. Yes, people told me this; as my brother had been taken to the
4 west, to the Krang Ta Chan prison over there. So during the
5 religious ceremonies I was making -- I used to make offerings
6 twice a year to the monks.

7 Q. I would like to put questions to you regarding your experience
8 under the Khmer Rouge regime. Your unit chief asked you to find
9 or to pick up cow dung and to dig pits so can you tell us what
10 happened?

11 [14.02.42]

12 A. In 1977 -- at the end of 1977, I was tasked with digging holes
13 and if I could not reach the quota, I was told that I would not
14 be fed and in terms of cow dung, I had to fill up 10 bags
15 otherwise I would also not be fed. And it is because I was able
16 -- I was able to do my job because I went to see my old relatives
17 who would raise cattle.

18 Q. You said that when you were performing your duties, you saw
19 militia men take people away for execution. Can you give us a few
20 more details about that?

21 A. When I went to cut trees next to the Say Tep (phonetic) pagoda
22 in Roka Knong village, I saw seven militia men take 15 prisoners
23 away. We were a group divided into two -- a group of 10 so we
24 scattered to pick fruit and rattan and we saw militia men take
25 people away. Three militia men with clubs and five with rifles

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1 and these militia men were very short. They could barely carry
2 their rifles but we were so afraid of them we hid in bushes about
3 20 metres away from the execution site and I saw them beat on the
4 nape victims and the victims were weeping and yelling. And we
5 were so afraid, I even fainted, and everyone became quiet to
6 avoid being spotted by the militia men. I saw blood being shed
7 everywhere in the forest.

8 [14.05.42]

9 Q. Now, I would like to speak about your suffering. After the
10 Khmer Rouge regime -- after having lived through the Khmer Rouge
11 regime, what are your impressions? How is your health?

12 A. I'm always ill. I wasn't able to go to school. I only reached
13 fourth grade. Since I'm always ill and since my parents were old,
14 I wasn't able to go to school.

15 Q. With regard to your loved ones, who is -- whom can't you
16 forget?

17 A. I think about everyone -- everyone. I miss everyone. I lost my
18 brother -- my older brother. He would always steal things from
19 me. He would come visit me much more often than my other brothers
20 and sisters.

21 Q. Are you a bit relieved, each time you think about your loved
22 ones who disappeared or each time you think about them, you
23 suffer even more?

24 [14.07.24]

25 A. Each time I think about the death of my brothers and sisters

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1 and about the torture I underwent, it is as if all of this
2 happened yesterday.

3 Q. Do you have any requests to make? Do you have any questions to
4 put to the Accused? But if you do, you have to do it through the
5 President. So do you have any questions or requests?

6 A. Mr. President, I have a request, indeed. I would like justice
7 to be done and I would like the perpetrators of these crimes to
8 be sentenced -- to be sentenced for life. And I also have another
9 request which is to make -- to have my lawyer make sure that the
10 reparations are made.

11 Q. Do you have any other questions to ask?

12 A. No.

13 [14.09.00]

14 Q. Thank you, Civil Party. Thank you, Mr. President. I have no
15 further questions.

16 MR. PRESIDENT:

17 National Co-Prosecutor, you now have the floor.

18 QUESTIONING BY MR. SREA RATTANAK:

19 Mr. President. Your Honours.

20 Q. I would like to request a bit of clarification from you
21 regarding the fact that you saw seven militia men taking away 15
22 prisoners to execute them. I would like to know in which
23 cooperative you were when that happened?

24 MS. OUM VANNAK:

25 A. I was in the mobile unit which was located to the north of the

1 railway in the district of Roka Knong.

2 [14.10.07]

3 Q. That means that you were transferred from Neareay village to
4 Roka Knong village, is that true?

5 A. Yes, indeed. I was transferred from Neareay village to Roka
6 Knong village because over there, there was a lot of snake root.

7 Q. So you were therefore assigned to pick snake root or you were
8 incorporated into your mobile unit on a permanent basis?

9 A. Yes, I was part of the mobile unit and I was a member -- a
10 full rights member.

11 Q. What's -- how far is Neareay village from Roka Knong village?

12 A. About 30 kilometres.

13 Q. Regarding the food rations you spoke about earlier, when you
14 said that you were only given rice porridge, I would like you to
15 describe this rice porridge more in details.

16 A. The rice porridge that I would get when I was in the unit was
17 very thin. It was really very, very thin and sometimes there was
18 also water lily soup.

19 [14.12.20]

20 Q. So when you did not reach the quota, you were not fed. Is that
21 correct? So, I'd like to know if you were completely deprived of
22 food or if your ration was simply reduced?

23 A. Well in reality, I was only allowed to have soup at lunch and
24 I wasn't allowed to have any dinner in the evening. When we were
25 deprived of food, we would go look for sweet potatoes where old

1 -- in the fields where old people were working and if there was
2 no fire to cook these sweet potatoes, we would just eat them raw.

3 [14.13.21]

4 Q. Now with regard to the working conditions, you would work from
5 6.00 in the morning to 11.30 and back then would you only work in
6 the morning and not during the afternoon?

7 A. In the afternoon, I would work until 5.30.

8 Q. Did you have to work in the evening as well?

9 A. Yes, sometimes the children had to dig pits to plant coconut
10 trees.

11 Q. So, digging pits to plants coconut trees. So did you consider
12 that an easy task or something that was acceptable for children
13 of your age?

14 A. Well, digging pits to plant coconut trees was difficult
15 because we had to do that from 6.30 in the evening to 10 o'clock
16 in the evening and it was absolutely necessary to do this job so
17 it was really too much but we did not dare complain and refuse to
18 do the job.

19 Q. So you did this job for how long?

20 A. Well, I was in charge of digging these pits for almost one
21 full month. We had two to three days when we wouldn't work in a
22 month.

23 Q. And you're speaking about which mobile unit? Was this in a
24 mobile unit that was located in which village?

25 A. I'm speaking about the mobile unit of Chreae village.

1 [14.16.02]

2 Q. I'm speaking about the night work that you had to do and I'd
3 like to know in which cooperative you were at the time. So must I
4 understand that you had to do this night work during the entire
5 Khmer Rouge regime or was this only for a certain period of time?

6 A. I was asked to dig pits to plant coconut trees in Chreae
7 village.

8 Q. Aside from that cooperative in Chreae, were you also obliged
9 to work at night?

10 A. Yes. I was transferred to Khnar village and during the day I
11 had to pick snake root and pick up cow dung and in the evening,
12 indeed, we had to dig pits to plant coconut trees.

13 Q. So this work was -- would last -- you did this work for the
14 entire Khmer Rouge? That means that during the entire Khmer Rouge
15 you had to work night and day; is that the case?

16 A. Yes, I had to work night and day.

17 [14.17.58]

18 Q. In the unit you spoke about earlier on, when you worked in
19 this unit, you said you were arrested, tied up and beaten by
20 children of the same unit and I'd like to know why they beat you.

21 A. Well, they were entitled to beat me because the unit chief
22 ordered them to beat me.

23 Q. So you mean that the other children in your unit had to beat
24 you? That they were ordered to beat you by the unit chief?

25 A. In this unit, there were 100 children but there were only

1 about 20 of them who beat me.

2 Q. Why were you punished in that way?

3 A. Because I asked for leave to go visit my mother who was ill
4 and I fled. I went home secretly.

5 Q. Would you often be tortured in this way during the Democratic
6 Kampuchea regime?

7 A. Yes, this happened quite often but the other -- other children
8 also were tortured in that way but to a different extent.

9 [14.20.20]

10 Q. The 20 or so children who were appointed to beat you -- which
11 category did they belong to? And the children who were tortured
12 -- which category did they belong to?

13 A. The Base People children were entitled to beat the New People
14 children.

15 Q. So this means that the other children who were being tortured
16 in that way were all New People children. Is that the case?

17 A. Yes. Those who were tortured were all New People children.

18 Q. In document D22/86, Khmer ERN, 0035 (sic), you said that about
19 10 other children had been tortured in that way because of
20 vengeance. Were there other reasons for this torturing and what
21 were the forms of retribution you are speaking about?

22 MR. KOPPE:

23 We've been hearing now for almost 55 minutes very detailed
24 evidence. I'm looking at the clock. I know there is one civil
25 party still on schedule. Are we now supposed to ask questions in

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1 the next 10 minutes to be able to counter a little bit -- a piece
2 of this evidence? This civil party's testified to so many
3 different things there's no way we can do this in the next 10 or
4 15 minutes if the Prosecution would still continue, so I'm at a
5 loss here. You've been instructing -- I think for seven times now
6 -- the civil party Lawyers and the Prosecution to focus only on
7 suffering and impact but we've been hearing almost always
8 detailed evidence and if you only will allow us now 10 or 15
9 minutes, we might as well not answer -- ask any questions. So I
10 think again, this is not the appropriate way of proceeding in
11 this matter.

12 [14.23.45]

13 MR. SREA RATTANAK:

14 Sorry. This will be my last question in fact.

15 MR. PRESIDENT:

16 Please proceed.

17 BY MR. SREA RATTANAK:

18 Q. Let me read my view of my questions which is -- What do you
19 mean by hatred and vengeance?

20 MS. OUM VANNAK:

21 A. The Base People children who hated us or they hated us because
22 we arrived there only around 1973, 1974 and we were children of
23 soldiers and officers or officials and -- well in fact, we
24 arrived only in 1975, in fact and we were New People and they
25 hated us. They were always looking for the small fault in order

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1 to beat us.

2 [14.25.10]

3 MR. SREA RATTANAK:

4 I have no further questions.

5 MR. PRESIDENT:

6 Nuon Chea Defence Counsel, you have the floor.

7 MR. KOPPE:

8 The rounding up of questions by the Prosecution doesn't

9 necessarily answer the questions that we asked. Do we now only

10 have five or let's say 10 minutes? How many minutes do we have?

11 If you say we only have 10 minutes, I might as well sit down and

12 don't ask any questions.

13 JUDGE FENZ:

14 How long would you need if you asked all the questions you deemed

15 relevant -- relevant to this part of the trial?

16 MR. KOPPE:

17 Well in theory -- not in theory, in practice, everything that

18 this witness has said -- testified to is relevant.

19 [14.26.10]

20 JUDGE FENZ:

21 How much time do you need?

22 MR. KOPPE:

23 I don't know -- 45 minutes? The same time as the Prosecution and

24 civil parties together -- that's even less by the way.

25 JUDGE FENZ:

1 And the Khieu Samphan Defence?

2 [14.26.31]

3 MR. KONG SAM ONN:

4 Well I have very few questions to put, Mr. President.

5 (Judges deliberate)

6 [14.27.38]

7 MR. PRESIDENT:

8 The Chamber has decided to grant 45 minutes to the Defence -- to
9 the two Defence teams.

10 QUESTIONING BY MR. KOPPE:

11 Thank you, Mr. President. Good afternoon, Madam Civil Party. I
12 have a number of questions to ask to you.

13 Q. First I would like to ask you some more details about your
14 unit chief. You said that her name was Sarou. What else can you
15 tell us about her?

16 MS. OUM VANNAK:

17 A. Well in fact her name was not Saroun but Sarou.

18 Q. I apologise for my pronunciation, but I meant Sarou. Can you
19 tell us some more about this unit chief?

20 A. My unit chief, Sarou, obliged us to work day and night.

21 Q. My question was not relating to what she made you do but my
22 question was as to who this person was. Can you give us some more
23 details? Her age? Her full name? Was she a member of the
24 Communist Party of Kampuchea? All those details.

25 [14.29.38]

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1 A. I do not know that person's full name. Her name was Sarou and

2 I do not know her family name.

3 Q. How old was she?

4 A. At that time I did not know how old she was.

5 Q. Approximately?

6 A. I could say she was about 54 to 55 years old if -- as of now,
7 if she's still living.

8 Q. I'm not so good at maths. Would she be 15, 20 at the time?

9 A. At that time, she was about 15 years old.

10 Q. Do you know whether she had parents?

11 A. Yes, she did.

12 Q. Do you know whether they were members of the CPK?

13 A. The mother of the unit chief Sarou was a cook.

14 [14.31.59]

15 Q. Have you ever seen Sarou speak to other Khmer Rouge cadres or
16 CPK cadres?

17 A. As I was concentrating on my work, I did not see that.

18 Q. Did you ever hear others speak about people giving her
19 instructions what to do with her unit?

20 A. No, I did not know about that. When there was an order then
21 the unit chief would be called to the meeting and we, the
22 members, did not know anything about that.

23 Q. Did you ever see other Khmer Rouge cadres in the company of
24 Sarou when you were at work?

25 A. Yes. There was Saraem (phonetic) who was the superior of

1 Sarou.

2 [14.33.31]

3 Q. Saraem (phonetic) you said? And who was Saraem (phonetic)?

4 A. Saraem (phonetic) was the direct superior of Sarou, and this
5 person was overall in charge of the children.

6 Q. And can you tell us some more about Saraem (phonetic)? Who was
7 he?

8 A. Saraem (phonetic) was the chief -- overall chief, that's all I
9 knew. Saraem (phonetic) was overall in charge of the 200
10 children. Sarou was in charge of 100 children and another person,
11 Mom (phonetic), was in charge of another 100 of the children.

12 [14.34.35]

13 Q. And is -- Saraem (phonetic) and Sarou -- were they always --
14 were they the unit chief and the people in charge through '75 up
15 until the end of '78?

16 A. I came to the unit in 1976 and I remained there with them
17 until 1979 when the Vietnamese arrived and we separated from one
18 another.

19 Q. You were telling us earlier about an incident, that you were
20 beaten. Can you tell us a bit more about this incident? When
21 exactly -- or when approximately did this happen?

22 A. I was beaten up in late 1977.

23 Q. Was Sarou together with Saraem (phonetic), were they present
24 when this happened?

25 A. When I was being tortured, Saraem (phonetic) in fact ordered

1 Sarou to find me and arrest me and then Sarou ordered the Base
2 People to arrest me.

3 Q. So when you were beaten it was both Sarou and Saraem
4 (phonetic) who were present? Is that correct?

5 A. Sometimes they were there and sometimes they were not and I
6 was not beaten up only for one time -- it was several times.

7 [14.37.10]

8 Q. And do you know whether Saraem (phonetic) was in contact with
9 his superiors?

10 A. No, I did not know about that.

11 Q. Do you know if Sarou or Saraem (phonetic) were ever punished
12 for mistreating you and others within the unit?

13 A. No, they were not.

14 Q. How do you know?

15 A. Because I did not see them being tortured.

16 Q. Did you always know where they were?

17 A. I knew Sarou was in Seima village and Saraem (phonetic) was in
18 Khnar village.

19 Q. Let me turn to another topic, Madam Civil Party. That is your
20 earlier testimony about your brother. I believe you said earlier
21 that your mother had told you that your brother had been
22 monitored for a while and that they just needed a pretext to have
23 him arrested. Is that an accurate summary of what you just said?

24 [14.39.15]

25 A. Yes, that is correct.

1 Q. Did your mother ever tell you how she knew that your brother
2 was monitored?

3 A. I did not know about that because she was ill, staying at home
4 and then people came to the house and asked her about what kind
5 of jobs that the children did.

6 Q. Do you know whether it was known within the cooperative or the
7 commune or the district what the background was of your brother?

8 A. Yes, they did. They knew that he was a Lon Nol soldier.

9 Q. And do you know when they knew that? Right from the beginning?
10 Right after 17 April 1975?

11 A. I did not know as to when.

12 Q. Let me ask it a different way. Did they know for quite a while
13 already, before he was arrested, that he had been a Lon Nol
14 soldier?

15 A. They knew about that and then they came to ask my mother but
16 my mother did not tell them and they also asked the neighbours.
17 And at that time, I did not know what they asked my mother and
18 only later on, when I made the application as a victim -- as a
19 civil party in this case, I went to ask my mother about that and
20 then she told me the reason for this arrest. That he was a former
21 soldier and not just because of the moral misconduct.

22 [14.41.58]

23 Q. Do you know whether he had any rank within the Lon Nol army,
24 your brother?

25 A. No, I did not know the rank.

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1 Q. Did you know what his activities were? What he had done in the
2 Lon Nol army?

3 A. No, I did not.

4 Q. Have you ever seen him before 1975 in a uniform?

5 A. Yes, I did.

6 [14.43.02]

7 Q. So there is no doubt as to the fact that he was a soldier
8 within the Lon Nol army? That is correct, Madam Civil Party?

9 A. Yes.

10 Q. Did you know if he told the local authorities after 17 April
11 '75 in his biography that he had been a Lon Nol soldier?

12 A. No, he did not.

13 MR. PRESIDENT:

14 The Deputy International Co-Prosecutor, you have the floor.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President. I understood that the Defence would
17 need 45 minutes but they are inviting this civil party to
18 speculate on things that it didn't know because the civil party
19 was only eight at the time. I think we have very little time left
20 and we have another civil party. May I request that the Defence
21 Counsel ask relevant questions? We have only 10 minutes left and
22 we would wish that he should ask questions that are useful and
23 relevant to the manifestation of the truth.

24 [14.44.44]

25 MR. KOPPE:

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1 If I may respond, Mr. President, I think these are quite relevant
2 questions because I heard her say that her brother had been
3 monitored for a while and that they needed a pretext to have him
4 arrested and this could indicate that the mere fact that her
5 brother was a Lon Nol soldier was not a reason to be arrested,
6 which goes directly to the question whether a policy existed in
7 relation to Lon Nol soldiers and officials. So reiterating the
8 fact that it was the Prosecution and the civil parties who had 45
9 minutes of requesting testimony, and you granting us already 45
10 minutes as well, that I think I'm entitled to ask these questions
11 to the civil party.

12 [14.45.35]

13 MR. PRESIDENT:

14 The objection is overruled and Counsel, you may proceed.

15 BY MR. KOPPE:

16 Q. I believe, maybe you answered the question already, Madam
17 Civil Party, but you said, I think, that he hadn't told in his
18 biography that he had been a Lon Nol soldier. Did I understand
19 your answer correctly?

20 MS. OUM VANNAK:

21 A. Yes.

22 Q. Was it subsequently later known whether he had served in the
23 army? Was that known with the local authorities?

24 A. Later on they knew about it after they did the research, they
25 asked the cousins and they asked the neighbours about that.

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1 Q. I understand, and is it your testimony that your mother said
2 that they, nevertheless, needed a pretext to have him arrested?

3 A. Yes.

4 [14.47.03]

5 Q. And how did your mother know that simply having been a Lon Nol
6 soldier was not enough to be arrested?

7 A. She was not aware of that.

8 Q. But then I'm asking my earlier question; how did your mother
9 know that he had been monitored for a while and that they only
10 needed a pretext to have him arrested?

11 A. She knew about it because she had some of her relatives were
12 the Base People.

13 Q. I'm looking at the clock, Mr. President, it's time for a break
14 or should I continue?

15 [14.48.16]

16 MR. PRESIDENT:

17 It is now convenient to take a break. We take a break now and
18 return at 3 o'clock.

19 Court officer, please assist the civil party during this short
20 break and invite her back into the courtroom together with the
21 TPO staff at 3 o'clock.

22 The Court is now in recess.

23 (Court recesses from 1448H to 1501H)

24 MR. PRESIDENT:

25 Please be seated. We are resuming our proceedings.

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1 Counsel for Nuon Chea, you have the floor. Please proceed.

2 [15.02.00]

3 BY MR. KOPPE:

4 Thank you, Mr. President. I'll move on quickly.

5 Q. Madam Civil Party, I would like to ask you some follow-up
6 questions in relation to the killings that you testified to
7 earlier this afternoon. You were 10 years at the time, that is
8 correct, when you saw this killing; is that right?

9 MS. OUM VANNAK:

10 A. Yes, I was nine years old.

11 Q. Were there other children -- other children watching this
12 execution?

13 A. No.

14 Q. Can you tell us, how it came about that you were there by
15 yourself and stumbled into this group of militiamen?

16 [15.03.14]

17 A. Well, in fact I was picking rattan and I was cutting snake
18 roots, and that's why I saw these militiamen.

19 Q. Did you recognise any of the militiamen? Had you ever seen
20 their faces before?

21 A. No, never. And I did not know them either.

22 Q. How did you know that they were militiamen?

23 A. Because I saw them carry rifles, and they had bamboo clubs
24 also, and people said that they were militiamen. That's why I
25 concluded indeed that they were militiamen.

1 Q. What do you mean with "people said"? I thought it was only you
2 watching by yourself this event.

3 A. Back then, when people disappeared, we knew that it was
4 because militiamen had taken them away. And since I saw them with
5 rifles, I concluded indeed that they were militiamen.

6 [15.05.18]

7 Q. Was there any other sign on the outside that make you say now,
8 that they were militiamen. For instance, did they have certain
9 clothes on? Did they have -- did they speak in a certain way? Can
10 you give us some more details than just the rifles?

11 A. Well, there were no particular signs of this. They were
12 wearing pants -- normal pants and a black shirt, and they had
13 bamboo clubs as well as rifles. That's why I concluded that they
14 were militiamen.

15 Q. And you said that the people that they were walking with and
16 guarding and ultimately executing were people from your village?
17 Did I understand that correctly?

18 A. Yes, because in my village about 10 people disappeared, but I
19 did not know their names. But their houses were in the same row
20 as my mother's house.

21 Q. Madam Civil Party, it's important that you tell us what you
22 saw with your own eyes. When you saw those villages or -- let me
23 rephrase. When you saw those people walking there, how did you
24 know that they were people from your village?

25 [15.07.32]

1 A. I knew that because I had asked my chief for leave to go home.
2 And during the night, I heard people being arrested, I heard
3 noises in -- about 10 people were being arrested and I did not
4 know them well. I knew their wives rather or in any case, a few
5 of them.

6 Q. I understand what you're saying, Madam Civil Party, but my
7 question is, when you were hiding there in the bushes, you saw a
8 village -- you saw people. How did you know at the time when you
9 saw them that they were people from the village?

10 A. Well, I had seen them before when I would go home at night. I
11 knew them just because I would see them, but I did not know their
12 names.

13 Q. Did you ever tell this story to anybody else, either at the
14 time or later?

15 A. No, never. Because I was afraid, because once the secret
16 became open, I risked being punished.

17 [15.09.31]

18 Q. I understand that you might have been afraid in the year that
19 you saw it and the subsequent one or two years. But did you ever
20 tell this story after 1979 to anybody?

21 A. No. I told this to no one.

22 Q. Not even to close family members, to nobody?

23 A. No, to no one.

24 Q. Did you, after 1979, recognise any of the people that you saw
25 whom -- of whom you said they were militiamen? Did you ever

1 encounter any of them in the village or anywhere else?

2 A. No, never.

3 Q. Can you give us any -- any lead as to how we would be able to
4 verify your story? How we can find other possibly corroborating
5 evidence for your story? Any suggestion?

6 A. Well, since that time, I met no one, none of these militiamen.
7 So I don't know what to tell you right now concerning that.

8 [15.11.54]

9 Q. Thank you, Madam Civil Party. Last subject I would like to
10 discuss with you and that is -- you said earlier you were
11 deprived of food when you would not reach your quota. Can you
12 tell us whether that happened once or twice or maybe three times?
13 Can you give us some more details please?

14 A. When I was deprived of food because I did not show up at work,
15 this happened often. And when -- this happened when I could not
16 reach the quota. Sometimes I could have lunch but I would not
17 have dinner.

18 Q. I understand your testimony. But can you tell us how often did
19 this happen, once every month, once every two months, once every
20 week?

21 A. Once a month or once every two months. This did not happen on
22 a weekly basis.

23 Q. Last question in relation to this -- about the food situation.
24 Would you be able to tell us whether there was a difference in
25 the rations of food that you got and the other children had in

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1 the beginning of the DK regime as opposed to more the end of the
2 regime? Did you have more or less to eat in the beginning or did
3 you have more or less to eat at the end of '78?

4 [15.14.10]

5 A. In 1975 and the beginning of 1976, we were given thick rice
6 gruel. But after 1977 and in 1978, the rice gruel was very thin.
7 So that was the situation. The situation changed as you can see.

8 Q. So the situation changed for the worse -- in the beginning it
9 was better than afterwards; is that what you're saying?

10 A. Yes, that's true.

11 Q. And my very last question, Madam Civil Party. Can you tell us
12 who Sau Vann is, the person who you said is presently residing in
13 New Zealand?

14 A. Yes, this person is called Sau Vann.

15 Q. And he is presently residing in New Zealand, you said -- Mr.
16 President, D22/86. What can you tell us more about this person?

17 [15.16.06]

18 A. When I met this person, he was with my brother. And he told me
19 stories about my brother. But when the Vietnamese arrived, they
20 left, and then I learnt recently that he lives in New Zealand. I
21 never met him in Cambodia, but his relatives told me that he is
22 currently living in New Zealand.

23 Q. But he's not somebody who was a Khmer Rouge cadre in the
24 southwest zone; is that correct?

25 A. No.

1 MR. KOPPE:

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

3 MR. PRESIDENT:

4 Khieu Samphan defence, you now have the floor.

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 Q. Civil Party, I would like you to provide a bit of
8 clarification. You said that you had been incorporated into a
9 mobile unit at the age of eight, and I'd like to know who told
10 you that you were going to join a mobile unit at the age of
11 eight?

12 [15.17.54]

13 MS. OUM VANNAK:

14 A. Nobody. Because back then, I was maybe between eight and nine
15 years old, and nobody told me anything.

16 Q. Do you conflate mobile unit and -- or child unit? Or can you
17 make a distinction between both of these units?

18 A. No. I understand clearly the difference between both of these
19 units. The children who were old enough were part of a mobile
20 unit and the younger children were part of the child's unit. But
21 both units were called child units.

22 Q. In your mobile unit, the children were from which age to which
23 age?

24 [15.19.13]

25 A. The youngest were about eight years old.

1 Q. And what about the older ones?

2 A. Twelve.

3 Q. Thank you. So you also spoke about a certain Sarou and Saraem
4 (phonetic). And you said that Sarou was living in Seima village.
5 Do you know the name of the commune and of the district where the
6 village is located?

7 MR. PRESIDENT:

8 Please hold on, Civil Party.

9 MS. OUM VANNAK:

10 A. Well, in Leay Bour commune, Tram Kak district, Takeo province.

11 BY MR. KONG SAM ONN:

12 Q. And Saraem (phonetic) - where did Saraem (phonetic) live?

13 INTERPRETER:

14 Interpreter did not hear the answer to the question.

15 BY MR. KONG SAM ONN:

16 Q. After 1979 -- have you met him after 1979?

17 [15.20.42]

18 MR. PRESIDENT:

19 Counsel, please put your question again.

20 BY MR. KONG SAM ONN:

21 Q. I would like to know if you met these people after 1979 when
22 Cambodia was liberated?

23 MS. OUM VANNAK:

24 A. I only met Sarou, but I never met Saraem (phonetic).

25 Q. Do you know if they live in the same village, same commune,

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1 same district? Or do you think that they moved?

2 A. I know that Sarou lives -- still lives in the same village.

3 Q. Now, with regard to what you told us yesterday -- that is to
4 say, the story of the seven militiamen, three with bamboo clubs
5 and four with rifles. Can you please tell us if you can describe
6 the area where you were picking rattan?

7 [15.22.42]

8 A. In this area, there was a lot of bamboo, a lot of snake root
9 and also rattan, more than elsewhere.

10 Q. Was this a thick forest or -- and how big was the area?

11 A. No, it wasn't a very thick forest. And I cannot tell you how
12 big that area was, especially since I was very much afraid of
13 everything.

14 Q. Earlier, you said that you saw this scene on your own, you
15 were alone. But then a little -- then afterwards, you said that
16 there were other people with you. So, my question is why those
17 with you did not witness that scene like you did?

18 MR. PRESIDENT:

19 You have the floor. Please proceed.

20 [15.24.36]

21 MS. GUIRAUD:

22 Thank you, Mr. President. A very brief comment with regard to --
23 my colleague was listening to the civil party in Khmer. I don't
24 think she said that she was accompanied. What I heard in the
25 French translation was that she was alone. And this is what the

1 civil party seems to confirm.

2 MR. HONG KIMSUON:

3 Thank you. Earlier, she did not say that she witness that scene
4 on her own. In fact, they were in a group that was split in two,
5 five people per group. And Counsel Koppe asked if there were
6 other people who were there too. So, no question was put
7 regarding the fact that there were other people witnessing the
8 scene.

9 MR. KONG SAM ONN:

10 (No interpretation)

11 MR. PRESIDENT:

12 Counsel, please finish with your line of questioning because you
13 only have five minutes left.

14 [15.25.57]

15 BY MR. KONG SAM ONN:

16 Why didn't your companions witness that scene?

17 MS. OUM VANNAK:

18 A. Well, they also witnessed it, but our group was split in two
19 -- in two groups of five.

20 Q. Do you remember the names of the people who were with you?

21 A. Yes, I know their names.

22 Q. Can you then give their names to the Chamber?

23 A. Yes.

24 Q. Please proceed.

25 A. So there was Sopha (phonetic), Sophlee (phonetic), Sopheng

1 (phonetic), Sohkan (phonetic), and myself.

2 [15.27.37]

3 Q. Do you know where these people are living now?

4 A. No. Because since that time we haven't seen each other.

5 Q. My last question. So you were mistreated upon the orders of
6 the unit chief. And you said that the other 20 children beat you.

7 And I'd like to ask you, how is it that you know that these 20
8 children were Base People children?

9 A. Because they were in a unit that was right next to mine.

10 Q. So, were there children's units for Base People children, and
11 then children's units for New People children?

12 A. Yes, there were different units. And the work was not the same
13 in each unit neither was the food ration.

14 Q. Earlier, you said or rather, you spoke about a so-named Mom
15 (phonetic); were there other people in these children's units?

16 [15.29.47]

17 A. I can only recall the three names.

18 MR. KONG SAM ONN:

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

20 MR. PRESIDENT:

21 The Chamber would like to thank you, Madam Oum Vannak. And your
22 statement of harms and sufferings that you claimed were inflicted
23 upon you during the Democratic Kampuchea regime is now concluded
24 and you may be excused from the Court to return to your home. And
25 we wish you a safe journey.

87

1 And court officer, please in collaboration with WESU, make
2 transport arrangement for the civil party to return to her place.

3 And the TPO staff, please remain seated there, as we have another
4 civil party to provide the statement of harm and sufferings.

5 And court officer, please invite the civil party, 2-TCP-884, into
6 the courtroom.

7 (Civil party enters courtroom)

8 [15.31.51]

9 QUESTIONING BY THE PRESIDENT:

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

11 MS. LOEP NEANG:

12 A. My name is Loep Neang.

13 Q. Thank you. And do you recall your date of birth?

14 A. No, I cannot recall it. And I only know my age.

15 Q. How old are you then?

16 A. I am 51 years old.

17 Q. Where is your current address?

18 A. I lived in Boeng Ta Pream.

19 Q. And which commune, district, and province?

20 [15.32.58]

21 A. It was in Kampot district, Kampot province.

22 Q. And what is your current occupation?

23 A. I stay at home, looking after my grandchildren.

24 Q. And what is your father's name?

25 A. His name is Lee Loep (phonetic).

1 Q. And your mother's name?

2 A. Her name is Kong Nas. Kong Nas is her name.

3 [15.33.40]

4 Q. And what is your husband's name and how many children do you
5 have?

6 A. His name is Noy Vann (phonetic). We have six children.

7 Q. And thank you, Madam Loep Neang. As a civil party in this
8 proceeding, the Chamber will give you an opportunity to make a
9 statement of sufferings and harms inflicted upon you, namely
10 physical, material or mental injuries as direct consequences of
11 the crimes which are alleged against the two Accused, Nuon Chea
12 and Khieu Samphan, and that happened during the Democratic
13 Kampuchea regime and which resulted in your civil party
14 application to claim collective and moral reparations, and which
15 happened between 17 April 1975 to 6 January 1979.
16 And based on the request by the Lead Co-Lawyer for Civil Parties,
17 the Chamber will give the floor to the Lead Co-Lawyers first to
18 put questions to you in relation to harms and sufferings. And the
19 civil party lawyer, you may proceed.

20 [15.35.17]

21 QUESTIONING BY MR. LOR CHUNTHY:

22 Thank you, Mr. President. Good afternoon, Mr. President, and
23 everyone in this courtroom. And good afternoon, Madam Loep Neang.
24 My name is Lor Chunthy. I am a civil party lawyer and I will ask
25 you some questions in relation to your sufferings you experienced

1 during the Democratic Kampuchea regime between 17 April 1975 to 7
2 January 1979 -- 6 January, rather.

3 Q. My first question is the following: where did you live during
4 the Khmer Rouge regime?

5 MS. LOEP NEANG:

6 A. During the Khmer Rouge regime, I lived in Tnaot Chang village.

7 Q. And in which district?

8 A. It was in Tnaot Chang commune, Tram Kak district.

9 Q. And which province?

10 [15.36.42]

11 A. No, I did not know. I did not ask at that time.

12 Q. Based on your personal information, when the Khmer Rouge took
13 control of the country, you had five siblings. And I will put
14 questions to you for the following years, namely 1977, as to
15 where you worked or what events that happened and that resulted
16 in the -- that had an impact on your family members. Could you
17 describe that?

18 [15.37.47]

19 A. I was at Tnaot Chang. I was sick and my elder brothers and
20 sisters were sick and they were taken away, and they disappeared
21 since. I was told they were taken to the hospital, but I never
22 see them returned.

23 Q. Do you know what kind of illness that they had at the time?

24 A. They had fever and dysentery. And they were taken to hospital
25 and never returned.

1 Q. At one point in time, while you were digging a canal and that
2 your two other siblings were arrested by the Khmer Rouge, where
3 did they send them to?

4 A. While I was digging a canal, my two siblings were put onto a
5 horse cart with other people, and there were 12 of them. Then
6 they were taken away and never returned. So I lost two elder
7 siblings and two younger siblings.

8 Q. And what about your parents, where were they?

9 A. My parents came together with us, but then they were separated
10 from us. And there were only five of us, the children. And we
11 stayed in that location, amongst the five of us and we didn't
12 dare to say anything, and we just did what we were asked to do.
13 We did not dare to refuse or protest against them.

14 [15.40.40]

15 Q. Can you tell the Court the names of your two elder siblings?

16 A. Loep Lek and Loep Meu are the names of my elder siblings.

17 Q. You also mentioned your two younger siblings, what are their
18 names?

19 A. (No response).

20 [15.41.38]

21 Q. You stated that you saw your two younger siblings were put in
22 -- onto a cart and taken away. And could you please tell the
23 Court the names of your two younger siblings?

24 A. They were Loep Lith (phonetic) and Loep Pee (phonetic).

25 Q. Thank you. When you were assigned to work there, did your unit

1 chief know that you did not eat pork?

2 A. Yes, my unit chief knew that I did not eat pork, but I was
3 forced to eat it with gruel. I did not dare to refuse and I tried
4 to eat it, to swallow it.

5 [15.43.20]

6 Q. And in your unit, how many people were in the same situation?

7 A. For a unit of 10, only two of us were put in and we were
8 forced to eat that.

9 Q. You said you were threatened or forced to eat the food. What
10 was actually their actions, can you describe?

11 MR. PRESIDENT:

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

13 MR. KOPPE:

14 I'm not quite sure if I frame my remarks in an objection because
15 I, on one hand, see the relevance of the questions, on the other
16 hand, it's also out of the segment that we're dealing today and
17 falls within another segment that is specifically dedicated to
18 this subject. So, let's make it an objection. It's outside of the
19 segment.

20 [15.44.51]

21 MS. GUIRAUD:

22 Thank you, Mr. President. Your memo clearly shows that the civil
23 parties have the latitude to talk about the suffering they
24 endured throughout the period of Democratic Kampuchea. I will
25 therefore request that this person be allowed to talk about her

1 sufferings because it is particularly coherent in light of the
2 memorandum of the Chamber.

3 (Judges deliberate)

4 [15.46.01]

5 MR. PRESIDENT:

6 The objection by the Defence team for Nuon Chea is overruled. And
7 Madam Civil Party, please respond to the last question put to you
8 by the Lawyer for civil party.

9 BY MR. LOR CHUNTHY:

10 Thank you, Mr. President. And let me repeat my last question for
11 the civil party.

12 Q. My question to you, Madam Civil Party, is that when you were
13 having your meal and that you said you were threatened by those
14 who force you to eat pork, what were actually their actions? Can
15 you describe to the Court?

16 [15.46.46]

17 MS. LOEP NEANG:

18 A. They mix pork -- they put pork mixed in the gruel and they --
19 they were standing there to see and to make sure that we ate the
20 gruel. So I had to force myself to eat it and until I emptied the
21 bowl, and I walked away.

22 Q. Does this mean that during the entire period of Democratic
23 Kampuchea, it was extremely difficult for you to consume food
24 that was mixed with pork?

25 A. In my religion, we are prohibited from eating pork, but we

1 were threatened to eat. We were forced to eat and we had to eat,
2 otherwise we would not live. In order to survive, I had to force
3 myself to eat it.

4 Q. This may be my last question to you. As for the food ration,
5 as you said, the ration was rather limited. Also in addition, you
6 were forced to eat pork. What was the food ration like?

7 [15.48.31]

8 A. Since the loss of my siblings, I never ate my fill. But I did
9 not dare to protest. I tried to be patient and I had to force
10 myself to eat whatever I was given.

11 Q. This is my last question. And you said you were forced to
12 work, how difficult was it?

13 A. I was forced to dig canal. And in a day, I had to dig 10
14 square metres. When the earth was hard I could not complete it.
15 If the earth was soft, then we could. And on top of that, we were
16 given only very thin gruel. And sometimes, it was mixed with
17 cassava.

18 MR. LOR CHUNTHY:

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

20 [15.49.53]

21 MR. PRESIDENT:

22 The Chamber hands the floor now to the Co-Prosecutors. You have
23 the floor.

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

25 Thank you.

1 Q. Good afternoon, Madam Civil Party. I would like you to clarify
2 a couple of points. You stated that you lived in Tnaot Chang
3 village in Tram Kak village under the Khmer Rouge regime. Where
4 did your family and yourself come from at the time? Was there any
5 time when you came from Kampong Som?

6 MS. LOEP NEANG:

7 A. I came from Boeng Ta Pream (phonetic) in Kampot province. It
8 was in Kampot district, Kampot province.

9 Q. Very well. I ask this question because there's information
10 your civil application -- civil party application form which is
11 contradictory. That is why I wanted to have you clarify this
12 point. What happened to your mother, whose name you mentioned a
13 while ago, Kong Nas?

14 [15.51.21]

15 A. Her name was Kong Nas. She came along with me. But then, we
16 were separated, we kept moving, going on. And then I did not know
17 whether she was taken to another direction during that journey.

18 Q. Did she survive the Khmer Rouge regime or not?

19 A. No. Since we left, I have not seen her again until today. And
20 I have not received any news about her at all. And if she's still
21 alive, she would be searching for us, the children.

22 Q. Throughout the period of the Democratic Kampuchea regime, did
23 you stay in Tram Kak district?

24 A. I dug canal in Tram Kak district. And after my younger sibling
25 disappeared, I was assigned to work in 109.

1 [15.53.02]

2 Q. In order to be very clear, when you talk of 109, are you
3 referring to Kiri Vong district in Takeo region?

4 A. It was also still in Tram Kak district but in different
5 village.

6 Q. When you dug canals, were you sometimes punished for not
7 succeeding to do your work as you were asked to do? And if yes,
8 what kind of punishment was meted out to you?

9 A. The 10 of us had to dig 10 square metres per day.

10 Q. Did you sometimes not succeed to dig the 10 square metres a
11 day? And if you didn't, were you punished?

12 A. We had to try to finish it. And if we could not finish it by
13 the time the work was over, we had to continue digging through
14 the night time until it was completed.

15 Q. If I understood your life experience correctly, you lost your
16 mother and your four brothers and sisters in quick succession
17 while you were working in Tram Kak district. Can you tell us
18 whether at the time and later in 1979, how you felt in the face
19 of such solitude being the only family member left who survived?

20 [15.55.21]

21 A. I am still recalling the event and the loss of my mother and
22 the loss of my brothers and sisters. And every time I recall
23 that, it is still painful for me.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Madam Civil Party. I have no further questions for

1 you.

2 MR. PRESIDENT:

3 Thank you. And the Chamber would like to enquire from the Defence
4 teams. Counsel Koppe, how much time do you anticipate in putting
5 questions to this civil party?

6 MR. KOPPE:

7 Mr. President, actually I think I have only a very few questions.

8 [15.56.16]

9 MR. PRESIDENT:

10 If that is the case, you have the floor.

11 QUESTIONING BY MR. KOPPE:

12 Madam Civil Party, do you remember who it was that forced you to
13 eat pork?

14 MS. LOEP NEANG:

15 A. I did not know the names. It was the unit chief and the
16 militia who forced me to eat pork.

17 Q. Would you be able to remember how often this happened? Was it
18 once, was it several times, was it many times?

19 A. Every time they kill a pig, I was forced to eat pork. And
20 every few days, they would kill a pig and then I was forced to
21 eat pork.

22 Q. You said that every few days, they would kill a pig. Would
23 that happen or did that happen from the beginning, from 1975 --
24 April '75 all the way until the end?

25 [15.58.03]

1 A. I cannot recall the year. I only recall that every three or
2 four days when there was no food, then they would slaughter a pig
3 and they would mix the pork in the soup or in the gruel for us to
4 eat.

5 Q. My last question, Madam Civil Party. We have had many people
6 coming here to testify and I think most, if not all, explain to
7 the Chamber that it was only rice gruel and morning glory soup
8 that people were eating, and hardly ever things like pork. Can
9 you react on that?

10 MR. PRESIDENT:

11 Civil Party, please hold. And the Lead Co-Lawyer for Civil
12 Parties, you have the floor.

13 MS. GUIRAUD:

14 I know it is late and everyone is rushing, but it appears that
15 what Counsel has said is not an exact summary of what we have
16 heard so far. Some people spoke of meat, others spoke of fish. So
17 the summary that my learned friend Koppe has given does not
18 reflect the evidence that we have heard since the beginning of
19 this trial.

20 [15.59.45]

21 MR. KOPPE:

22 Well, I'm happy the record reflects that is the position of the
23 civil parties. It's my understanding that many witnesses, Mr.
24 President, testified as to having eaten - having been eating only
25 rice gruel and some morning glory soup. So I think I should be

1 able to put this before the civil party and ask her reaction.

2 MR. PRESIDENT:

3 The objection is overruled. And Madam Civil Party, please respond
4 to the last question put to you by the Defence Counsel.

5 BY MR. KOPPE:

6 I will repeat the question, Madam Civil Party. You have just
7 testified that every few days, a pig would be slaughtered and you
8 would be forced to eat pork. However, we have had many civil
9 parties and witnesses coming here to testify, and many of them
10 testify that they were only eating rice gruel and morning glory
11 soup. My question to you is, could you react on this other
12 testimony from people?

13 [16.01.24]

14 MS. LOEP NEANG:

15 A. I would eat rice porridge with pork. And as they knew that we
16 did not eat pork, they would make rice soup with pork on purpose
17 and with morning glory. So they forced us to eat rice porridge --
18 rice gruel, very thin rice gruel. But we Cham, we do not eat
19 pork.

20 MR. KOPPE:

21 Thank you, Mr. President.

22 MR. PRESIDENT:

23 Khieu Samphan defence, you have the floor.

24 [16.02.22]

25 MR. KONG SAM ONN:

1 Mr. President, we have no question to put to the civil party.

2 MR. PRESIDENT:

3 Your testimony has come to an end. The hearing will -- the Court
4 will resume again on the 21st of April, Tuesday and the Chamber
5 will hear Thann Thim and the Parties are requested to be present.

6 And from the 21st to the 24th as well as the following weeks, the
7 Chamber will inform the Parties of the hearings that will follow,
8 by email.

9 Civil Party, your testimony has come to an end. The Chamber would
10 like to thank you for the time that you spent to testify before
11 the Chamber. You are now free to leave the courtroom and to
12 return to your place of residence. The Chamber wishes you a
13 pleasant trip home.

14 And the Chamber, with WESU, will make the necessary arrangements
15 so that witness can return home or return to the place of her
16 choice. The Chamber would like to thank the representative of TPO
17 for having been here. You may also leave.

18 And Parties, you're requested to return to the courtroom on the
19 21st of April before 9 o'clock in the morning. Thank you.

20 (Court adjourns at 1604H)

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23

24

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