



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 18-Dec-2015, 13:56  
CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

14 December 2015

Trial Day 348

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
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SREA Rattanak

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Ms. SIN Chhem (2-TCW-820)	Khmer
Mr. SREA Rattanak	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0910H)

3 MR. PRESIDENT:

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

5 Today the Chamber hears the testimony of a witness -- that is,

6 2-TCW-820.

7 And before we proceed, the Chamber wishes to inform the Parties

8 in this Case that for the proceedings today and the subsequent

9 days, Judge Fenz has some urgent matters so she cannot

10 participate in the Bench, and after the deliberation with the

11 Judges of the Bench, we decided to replace Judge Fenz by Judge

12 Karopkin until such time she is capable of returning to the

13 Bench. And this is in pursuant to Rule 79.4 of ECCC Internal

14 Rules.

15 Mr. Em Hoy, please report the attendance to the Parties and other

16 individuals at today's proceedings.

17 [09.12.48]

18 THE GREFFIER:

19 Mr. President, for today proceedings, all Parties to this Case

20 are present. However, Counsel Calvin Saunders will be a bit late

21 due to traffic congestion and the National Lead Co-Lawyer for

22 civil parties, Pich Ang, will be absent for the full week due to

23 health reasons.

24 Mr. Nuon Chea is present in the holding cell downstairs; he has

25 waived his right to be present in the courtroom. The waiver has

2

1 been delivered to the greffier.

2 The witness who is to testify today -- that is, 2-TCW 820,  
3 confirms that to the best of her knowledge she has no  
4 relationship by blood or by law to any of the two Accused -- that  
5 is, Nuon Chea and Khieu Samphan or to any of the civil parties  
6 admitted in this Case. The witness took an oath before the Iron  
7 Club Statue this morning and she is ready to be called by the  
8 Chamber.

9 Thank you.

10 [09.14.07]

11 MR. PRESIDENT:

12 Thank you. The Chamber now decides on the request by Nuon Chea.  
13 The Chamber has received a waiver from Nuon Chea dated 14  
14 December 2015, which states that due to his health: headache,  
15 back pain, he cannot sit or concentrate for long, and in order to  
16 effectively participate in future hearings, he requests to waive  
17 his right to participate in and be present at the 14 December  
18 2015 hearing. He affirms that his counsel has advised him about  
19 the consequences of this waiver that it cannot in any account be  
20 construed as a waiver of his rights to be tried fairly or to  
21 challenge evidence presented to or admitted by this Court at any  
22 time during this Trial.

23 [09.14.59]

24 Having seen the medical report of Nuon Chea by the duty doctor  
25 for the Accused at the ECCC dated 14 December 2015, which notes

3

1 that Nuon Chea today has severe back pain when he sits for long  
2 and recommends that the Chamber grant him his request so that  
3 Nuon Chea can follow the proceedings remotely from the holding  
4 cell downstairs.

5 Based on the above information and pursuant to Rule 81.5 of the  
6 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
7 follow today's proceedings remotely from the holding cell  
8 downstairs via audio-visual means. The Chamber instructs the AV  
9 Unit personnel to link the proceedings to the room downstairs so  
10 that Nuon Chea can follow the proceedings. This applies to the  
11 whole day.

12 Court officer, please usher witness 2-TCW-820 into the  
13 courtroom. Thank you.

14 (Witness 2-TCW-820 enters courtroom)

15 [09.17.27]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Madam Witness. What is your name? And please  
18 observe the microphone, Madam Witness; you should speak after you  
19 see the red light on the tip of the microphone. Again, what is  
20 your name?

21 MS. SIN CHHEM:

22 A. My name is Sin Chhem.

23 Q. Thank you. And do you recall when you were born? Again, please  
24 observe the microphone. Madam Witness, do you recall when you  
25 were born?

1 A. I was born in the Khmer Year of "Momi" (phonetic)

2 Q. How old are you this year?

3 A. I am 79.

4 [09.18.57]

5 Q. And where were you born?

6 A. I was born in Svay Yea.

7 Q. Is Svay Yea a village or a commune and which province is it  
8 located in?

9 A. It was part of Svay Chrum district, Svay Rieng province.

10 Q. And where is your current address, I refer to the house where  
11 you are living in now?

12 A. I am still living right in Svay Yea.

13 Q. And what is your current occupation?

14 A. I am a rice farmer; however, at present, I am unwell so I  
15 don't work in the farm.

16 Q. What are the names of your parents?

17 A. Kev is my father's name and Chhe is my mother's name. However  
18 both of them passed away.

19 [09.20.25]

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

21 And again, Madam Witness, please observe the microphone, you  
22 should only speak when you see the red light on the microphone.

23 Again what is your husband's name and how many children do you  
24 have?

25 A. We have two children.

1 Q. And the name of your husband?

2 A. Tieng Phan.

3 Q. The greffier made an oral report that, to your best knowledge,  
4 you are not related by blood or by law to the any of the two  
5 Accused -- that is, Nuon Chea and Khieu Samphan, or to any of the  
6 civil parties admitted in this Case, is this information correct?

7 A. That is correct. I am telling the truth and I was asked that  
8 question as well.

9 [09.22.10]

10 Q. Have you taken an oath before your appearance in this Chamber,  
11 I mean have you taken an oath before the Iron Club Statue located  
12 to the east of the Chamber?

13 A. Yes, I have.

14 Q. The Chamber now wishes to inform you of your rights and  
15 obligations as a witness.

16 Madam Sin Chhem, as a witness in the proceedings before the  
17 Chamber, you may refuse to respond to any question or to make any  
18 comment which may incriminate you. That is your right against  
19 self-incrimination.

20 As for your obligations as a witness in the proceedings before  
21 the Chamber, you must respond to any questions by the Bench or  
22 relevant Parties except where your response or comment to those  
23 questions may incriminate you and you must tell the truth that  
24 you have known, heard, seen, remembered, experienced or observed  
25 directly about an event or occurrence relevant to the questions



1 that the Bench or Parties pose to you.

2 And Madam Sin Chhem, have you been interviewed by the  
3 investigators of the Office of the Co-Investigating Judges, if  
4 so, how many times?

5 A. Twice.

6 [09.24.10]

7 Q. You provided interviews twice, when and where if you recall?

8 A. Yes I do, it was right in my house.

9 Q. And when was that?

10 A. No, I cannot recall it.

11 Q. And Madam Sin Chhem, do you know how to read and write the  
12 Khmer language?

13 A. I never attended any school.

14 Q. And before your appearance this morning, have you had your  
15 written record read aloud to you, I refer to the two interviews  
16 you said you provided at your house?

17 A. Yes, they were read aloud to me.

18 Q. And to your best knowledge and recollection, can you tell the  
19 Chamber whether the written record of your interview is  
20 consistent with your answers you provided to the investigators at  
21 your house?

22 A. I told them the truth at my house and that's what I said.

23 [09.26.02]

24 Q. My question to you is that after you have the written records  
25 of your interview read aloud to you, do the statements correspond

7

1 to the answers you provided to the investigators at your house?

2 A. Yes, they were read aloud to me.

3 MR. PRESIDENT

4 Thank you, Madam Sin Chhem.

5 And pursuant to Rule 91bis of the ECCC Internal Rules, the

6 Chamber gives the floor first to the Co-Prosecutors to put

7 questions to this witness and the combined time for the

8 Co-Prosecutors and the Lead Co-Lawyers is two sessions. You may

9 proceed.

10 [09.27.12]

11 QUESTIONING BY MR. LYSAK:

12 Thank you. Good morning, Mr. President, Your Honours, Counsel.

13 Good morning, Madam Witness.

14 Q. You have stated in your interviews that you've lived your

15 whole life in Svay Yea village and commune, can you tell us when

16 it was, what year that the Khmer Rouge took control of Svay Yea

17 commune?

18 MS. SIN CHHEM:

19 A. I forget about the month and the year. I only remember that

20 the Khmer Rouge killed a lot of people, my husband worked at the

21 commune level and his colleagues told me that senior people were

22 all killed.

23 [09.28.36]

24 MR. PRESIDENT:

25 Madam Witness, please listen to the question carefully, you will

8

1 be asked many questions regarding what you are going to say,  
2 however initially you may be asked a bit about your background  
3 and please respond precisely and briefly to the question. And if  
4 you do so, it means your scheduling for one day will be concluded  
5 otherwise it may continue. So please, respond briefly and  
6 precisely to the question.

7 And Deputy Co-Prosecutor, please repeat your question and make it  
8 simple. It seems that she doesn't seem to understand your  
9 question and provides a lengthy answer.

10 BY MR. LYSAK:

11 Q. Yes, thank you, Mr. President. I understand that you don't  
12 remember the year that the Khmer Rouge came into control in your  
13 commune; do you remember was it closer to the time of the coup  
14 against King Father Sihanouk or was it closer to April 1975 when  
15 the Khmer Rouge took control in your commune?

16 MS. SIN CHHEM:

17 A. I can only recall the year of 1975.

18 [09.30.28]

19 Q. During the Khmer Rouge period, was the district in which you  
20 lived was it known as Svay Chrum district or as Meanchey Thmey  
21 (phonetic) district?

22 A. It's Svay Chrum district in Svay Rieng province.

23 Q. Do you know what sector and zone that district was in during  
24 the Khmer Rouge time?

25 A. I did not know what zone it was in. It was not Prey Veng

1 province.

2 Q. Do you remember the sector number, the number of the sector in  
3 which you were located?

4 A. If you ask me the sector number, I do not know.

5 Q. Does Sector 23, does that ring a bell, does that sound  
6 familiar to you?

7 A. I could not recall it, I forget it.

8 Q. Tell me a little bit about your village, Svay Yea village. How  
9 many people or families lived there prior to April 1975, do you  
10 remember that?

11 A. There were 100 families.

12 [09.33.05]

13 Q. And do you know how many of those 100 families, how many  
14 people in your village were Vietnamese?

15 A. There were many of them about three or four families.

16 Q. Can you tell us a little bit about what you did what work you  
17 were assigned during the Khmer Rouge period?

18 A. I did not do anything, I was assigned to transplant rice; this  
19 and that; it is up to their assignments.

20 Q. Did you work on any dams and if so, do you remember the names  
21 of any of the dams or canals that you worked on?

22 A. I remember Preah Tonle (phonetic) to the east of Svay Chrum  
23 pagoda.

24 [09.34.49]

25 Q. I want to ask you about some of your family members who had

10

1 positions in the Khmer Rouge starting with your older brother Sin  
2 Chhuon. Can you tell us when your older brother Sin Chhuon, when  
3 he joined the Revolution and what positions, what did he do in  
4 the Khmer Rouge?

5 A. I don't know about his position. Yes, he worked -- I just know  
6 that he worked and he had some friends.

7 Q. Your older brother Sin Chhuon, did he live in Svay Yea commune  
8 during the Khmer Rouge period or was he based elsewhere,  
9 somewhere else?

10 A. He was at a different place at Krasang Char (phonetic).

11 Q. And do you know what he did there?

12 A. In the old regime, he was also a rice farmer, later on he  
13 joined it and then he stopped doing rice plantation --  
14 transplanting.

15 [09.36.48]

16 Q. In an interview you gave with the DC-Cam organisation, you  
17 were shown a copy of your brother's revolutionary biography and I  
18 want to read a few excerpts from that and ask you some questions.  
19 This is document E3/7526, E3/7526, the biography of your brother  
20 Sin Chhuon, revolutionary name Chhuon; born 28 October 1940 in  
21 Svay Yea village. In the section of his biography relating to  
22 siblings, this is ERN Khmer, 00079576; English, 00324095; and  
23 French, 00728266. In your brother's biography, he says there were  
24 four siblings in your family, three male and one female and in  
25 paragraph 2, he wrote the following about the occupation and

11

1 class of his siblings. I quote:

2 "My sister farms paddies and her husband joins the Revolution. My  
3 third brother is a poor peasant, farming paddies; my fourth  
4 brother joins the Revolution and works as a medic at military  
5 secretariat." End of quote.

6 Madam Witness, did you have a younger brother who was a medic and  
7 what was his name?

8 A. Sin Chhouk.

9 Q. Where did Sin Chhouk work as a medic?

10 A. He worked at Wat Niroth pagoda.

11 [09.39.48]

12 Q. Was that the Sector 24 hospital, did your younger brother work  
13 as a medic in the Sector 24 hospital?

14 A. Yes, it was Sector 24.

15 Q. Going back again to the biography of your older brother, Sin  
16 Chhuon in paragraph 10 of the first section of his biography,  
17 your brother wrote the following about how it was that he joined  
18 the Khmer Rouge, the Communist Party of Kampuchea -- quote: "I  
19 joined the Party on 26 October 1970 in Chan Ra village in Ba  
20 Phnum district, Region 24. The introducer was Comrade Chakrey."  
21 End of quote.

22 Who was Chakrey?

23 A. I did not know him; I only heard his name from my brother.

24 Q. Was this the person Chan Chakrey who was a military commander  
25 in the East Zone?

12

1 A. Yes, that was him. He is the soldier in the East Zone.

2 MR. PRESIDENT:

3 Counsel Victor Koppe, you have the floor now.

4 [09.41.51]

5 MR. KOPPE:

6 Thank you. Good morning, Mr. President, Your Honours. I have a  
7 request for -- a small request for clarification. It took a  
8 while, but we needed to do some research meanwhile and it is, I  
9 heard the prosecutor say in a very early question whether her  
10 district was in Sector 23. I heard - I understood her testimony  
11 to be her village was in Sector 24, we weren't sure but now when  
12 reading E3/7526, in the English version it says village in Ba  
13 Phnum district, Division 24, but the Prosecution read, probably  
14 correctly, Sector 24. So it seems to be a bit confusing but I  
15 would like to hear from Prosecution whether he thinks the village  
16 is Sector 23 or 24.

17 [09.43.06]

18 BY MR. LYSAK:

19 I am happy to give my understanding. It's clear that the district  
20 in which the witness lived was Sector 23. Let me refer you to a  
21 document in which you can see that, if you look at S-21 list  
22 E3/2010, you'll find a section on Sector 23 and you'll find  
23 specifically the district of this witness; it's confirmed that  
24 another location. My understanding is that her brothers worked in  
25 a different sector, Sector 24. So, that's my understanding, for

1 all (inaudible). If I may proceed, Mr. President?

2 Q. Madam Witness, do you know how your brother who was introduced  
3 to the Revolution by Chan Chakrey, do you know how your brother  
4 knew him?

5 MS. SIN CHHEM:

6 A. They were friends. They were in the same occupation.

7 [09.44.37]

8 Q. In your interviews, Madam Witness, you also talk about some  
9 other Khmer Rouge leaders that your brother knew, you identify  
10 specifically Ta Chhouk, Keo Meas, and a person named Ta Thoch.  
11 Who were these people, Ta Chhouk, Keo Meas, Ta Thoch, and how did  
12 your brother know them?

13 A. They were my relatives; their house was close to mine. That's  
14 why I knew them.

15 Q. When you say that they were relatives of yours, in your  
16 interviews you've indicated that Keo Meas was a relative; the  
17 others were people who lived in your village and were close to  
18 your family; is that correct? And can you tell us how you were  
19 related to Keo Meas?

20 A. They belonged to my cousins and she is now 90 years old and  
21 she is still alive.

22 Q. Was Keo Meas a blood cousin of yours or was he a second or  
23 more removed cousin?

24 A. Yes, he was my cousin.

25 Q. Can you tell us a little bit about Ta Chhouk and Keo Meas,



14

1 what kind of people were they, how well did you know them?

2 A. I knew them because Ta Chhouk taught my brother, he was my  
3 brother's teacher.

4 [09.47.30]

5 Q. And what kind of person was Ta Chhouk, was he good person, can  
6 you tell us a little bit about what he was like?

7 A. He was a good person; he was a very good person.

8 Q. What was Ta Chhouk's position in the Khmer Rouge?

9 A. I did not know what his position was; I knew only that he was  
10 killed.

11 Q. Do you remember whether he was the secretary, the chief of  
12 Sector 24, does that ring a bell?

13 A. I could not recall.

14 Q. What about your relative, your cousin Keo Meas, do you know  
15 what his role or position was in the Khmer Rouge?

16 A. I did not know his position either. He was at Phnom Penh and  
17 he was also a teacher and he also taught my brother but I did not  
18 know what was his position at that time.

19 [09.49.30]

20 Q. Thank you, Madam Witness. Continuing in your brother's  
21 biography, paragraph 11 of the first section, he wrote the  
22 following description of the positions that he held after joining  
23 the Revolution in 1970. I quote:

24 "After the coup, upon my first arrival, I was assigned a village  
25 chief. Later on, I was the district committee. Then I joined the

15

1 army being the company committee, and after that I became the  
2 battalion committee. Later on, I have been the regiment  
3 committee." End of quote.

4 Do you remember when your brother joined the Khmer Rouge army,  
5 did he engage in combat with Lon Nol forces? Do you know where he  
6 was stationed in the war against Lon Nol between 1970 and 1975,  
7 where was your brother during that period?

8 A. I did not know about the combat. I knew that he started to  
9 work in Sector 24 but I did not know what was his position in  
10 that and later on I heard that he was killed. I also had doubt  
11 myself.

12 [09.51.35]

13 Q. How often did you see your brother, your older brother Sin  
14 Chhoun in 1975 and 1976?

15 MR. PRESIDENT:

16 There was no interpretation in Khmer for the question by the  
17 Deputy Co-Prosecutor, so please repeat your question.

18 BY MR. LYSAK:

19 Q. Yes. Your brother, how often -- your older brother Sin Chhoun,  
20 how often did you see him in 1975 and 1976?

21 MS. SIN CHHEM:

22 A. I met him twice when he came to join my sister's wedding and I  
23 went to see him once. That's all.

24 [09.53.12]

25 Q. Can you tell us about the time that you went to see him, where

16

1 did you go to see your brother and what was he doing at the time?

2 A. I cannot remember when I went see him. I only remember that I  
3 went to visit him once and he came to join the wedding once.

4 Q. In your DC-Cam interview, Madam Witness, this is E3/7526 at  
5 French, ERN 00746949; Khmer, ERN 00185370 through 371; and no  
6 English translation of this part. In that interview you indicated  
7 that after 1975, your brother was the chief of the region or  
8 sector army based in Ba Phnum. Does that refresh your memory? Was  
9 your brother a chief of Sector 24 army in Ba Phnum district?

10 A. Yes, but I cannot remember.

11 [09.55.03]

12 Q. Let me turn to your husband, madam, your husband, Tieng Phan.  
13 When were you and your husband married?

14 A. It was in the Khmer Year of Dragon but I could not work it out  
15 what year it was. I cannot remember what month and year it was; I  
16 remember only that it was in the Khmer Year of Dragon. He is 77  
17 years old.

18 Q. Let me ask you this: did you and your husband have a  
19 traditional Cambodian wedding or did you have a revolutionary  
20 marriage conducted by Angkar?

21 A. My wedding was based on Khmer tradition, not the revolutionary  
22 way.

23 Q. And your husband, what was his position in the Khmer Rouge in  
24 Svay Yea commune?

25 A. He was the commune committee.

1 [09.57.02]

2 Q. Do you remember when he was appointed the chief of Svay Yea  
3 commune?

4 A. It was in 1976.

5 Q. Who was it that appointed your husband chief of Svay Yea  
6 commune?

7 A. I cannot remember who appointed him. I told him that do not  
8 work much because it could -- do not try to that position because  
9 it could be dangerous.

10 Q. Do you remember who the district secretary was that your  
11 husband reported to?

12 A. The district chief of Svay Rieng, he was Ta -- I could not  
13 remember the name of that Ta. I cannot remember his name. I knew  
14 him at that time but now I cannot recall his name.

15 Q. Let me just refresh your memory with an excerpt from your  
16 DC-Cam interview, E3/7526, French, ERN 00746966; Khmer, 00185388;  
17 and no English. You stated here that the chief of the district  
18 was Khieu Samit or Sami (phonetic), does that ring a bell, was he  
19 the district chief?

20 A. Yes, I can remember now, his name is Ta Samit.

21 [09.59.48]

22 Q. We've talked about your husband who was the Svay Yea commune  
23 chief, your older brother who was on the sector military and a  
24 younger brother who was a medic at the sector hospital. Can you  
25 tell the Court what happened to your husband and your two

1 brothers during the Khmer Rouge regime?

2 A. There were not anything.

3 Q. I am asking about your husband and your two brothers, your two  
4 brothers, Sin Chhoun and Sin Chhouk, what happened to them during  
5 the Khmer Rouge period, did they survive and live?

6 A. No, they're all dead.

7 Q. How did they die?

8 A. They were taken away and killed. I did not know where they  
9 were killed.

10 Q. Do you remember what year it was that your brothers and  
11 husband were taken away and killed?

12 A. As for my elder brother, my husband, was taken in '77, however  
13 my elder brother was taken first to Chheu Kach mountain.

14 [10.02.18]

15 Q. Do I understand your older brother was the first one who was  
16 taken away, is that right?

17 A. Yes.

18 Q. And how long after your older brother, how long after he was  
19 taken away was it that your husband was arrested and taken away?

20 A. That happened -- my husband was taken away after my elder  
21 brother was taken away and my husband was taken away probably in  
22 late '77.

23 Q. Okay. Let's start with your older brother Sin Chhoun, how did  
24 you learn that your older brother had been taken away?

25 A. I was told that my brother Chhoun was taken away.

1 Q. Do you remember who told you or how you learnt?

2 A. It was Suon (phonetic) who was a member of the commune  
3 committee.

4 [10.04.20]

5 Q. Did Suon (phonetic) say anything about why your brother was  
6 taken away?

7 A. I asked him why my brother was taken away and killed and he  
8 said that he didn't know the reasons at all.

9 Q. We talked earlier, Madam Witness, about your older brother was  
10 introduced to the Party by Chan Chakrey and how he was taught by  
11 Ta Chhouk. Before your brother was arrested, do you remember what  
12 happened to Chakrey, Ta Chhouk, and your cousin, Keo Meas?

13 A. I did not know what happened to them. In fact he rarely stayed  
14 at home and only later when I learnt that he was killed.

15 Q. Do you remember being told by your husband about the arrest of  
16 Chakrey and Ta Chhouk and do you remember what your husband told  
17 you?

18 A. I referred to a person who worked with my husband at the  
19 commune level, who told me about that.

20 [10.06.32]

21 Q. I want to read an excerpt from the interview you gave to the  
22 investigators of OCIJ, this is from document E3/7794, E3/7794, at  
23 Khmer, 00249916 through 17; English, 00251405; and French,  
24 00285545. This is what you said in your OCIJ statement - quote:  
25 "I learnt through my husband that Pol Pot or Angkar had arrested

20

1 Ta Chakrey, the military commander of Sector 24 and Ta Chhouk,  
2 the Sector 24 secretary and had killed them. In late 1976, I  
3 heard through base cadres that Hu Nim had also been arrested by  
4 Angkar and had been taken away and killed. At the same time, my  
5 older brother Sin Chhoun who was a connection of Ta Chhouk had  
6 disappeared about one month after Hu Nim." End of quote.

7 Does that refresh your recollection, do you remember at all being  
8 told about the arrest of Chakrey and Chhouk by your husband?

9 A. I forget about that. However, it did happen at the time and I  
10 was afraid upon hearing that and I tried to work as hard as I  
11 could and my husband always reminded me to be very careful and  
12 just focus on working.

13 [10.09.05]

14 Q. Do you remember how long after Ta Chhouk's arrest, how long it  
15 was after that, that your brother Sin Chhuon was taken away?

16 A. I cannot recall that. However, first my elder brother was  
17 arrested, then Ta Chhouk, then Chakrey. I cannot recall the  
18 passage of time in between the arrest. Previously, I recalled it  
19 but now I don't.

20 Q. Let me see if I can help you out a little bit with some dates,  
21 Madam Witness, you told OCIJ that it was one month after Hu Nim's  
22 arrest that your older brother was taken away. We have records  
23 from S-21 of when some of these people were arrested. This is  
24 from document E3/342, the OCP revised S-21 list. It records that  
25 Sector 24 secretary Chhouk, whose full name was Sos Nou

21

1 (phonetic) was arrested and entered S-21 on 28 August 1976. Your  
2 cousin, Keo Meas, was arrested and entered S-21 on 20 September  
3 1976, and Hu Nim was arrested about a half year later on 10 April  
4 1977. So, if as you told OCIJ your brother was arrested one month  
5 after Hu Nim, that would put his arrest around mid-1977. Does  
6 that sound right, was your older brother arrested around mid-1977  
7 or do you think it was earlier or later than that?

8 [10.12.02]

9 A. It was in the early part of the year and as for my husband, he  
10 was arrested at the later part of the year.

11 Q. Now your older brother, his biography indicates that he had  
12 five children, three sons and two daughters. What happened to  
13 your older brother's wife and children when he was taken away and  
14 disappeared?

15 A. Actually nothing happened to them; even his wife didn't dare  
16 to cry.

17 Q. In your DC-Cam interview E3/7526, at French, ERN 00746950;  
18 Khmer, 00185372; you indicate that your older brother's wife and  
19 children were sent west to Pursat after his arrest. Does that  
20 refresh your memory? What can you tell us about what happened to  
21 your brother's wife and children when they were sent away to  
22 Pursat?

23 A. In fact I forget that; they were sent there.

24 [10.14.15]

25 Q. Did they survive?



22

1 A. Yes they do and she is still living, however two of her  
2 children passed away.

3 Q. We've talked about Keo Meas, your cousin, the S-21 records  
4 indicate he was arrested and sent there on 20 September 1976. Do  
5 you know whether any of his immediate family members, his wife,  
6 his children or siblings, were any of them also arrested?

7 A. Thoch, who was a teacher, he had a niece and in fact I have  
8 many relatives and I cannot recall them all.

9 Q. My question, Madam Witness, was any of Keo Meas immediate  
10 family, his wife, his children, his brothers and sisters, do you  
11 know whether any of them were arrested?

12 [10.16.07]

13 A. I did not know about his wife and I knew that they had  
14 children but I didn't know about them. I knew that he and his  
15 younger brother Thoch, who had a daughter, and they were taken  
16 away and killed.

17 MR. PRESIDENT:

18 Thank you, Deputy Co-Prosecutor, the time is appropriate for a  
19 short break; we will have our short break now and resume at  
20 10.30.

21 Court officer, please assist the witness at the waiting room  
22 reserved for witnesses and civil parties and invite her back into  
23 the courtroom at 10.30.

24 The Court is now in recess.

25 (Court recesses from 1016H to 1033H)

1 MR. PRESIDENT:

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

3 The hearing now resumes and I would like to give the floor to the  
4 Deputy Co-Prosecutor to continue with his questions. You may  
5 proceed now.

6 BY MR. LYSAK:

7 Q. Thank you, Mr. President. Madam Witness, we were talking about  
8 your cousin Keo Meas, did anyone ever tell you why Keo Meas was  
9 arrested, why he had been arrested.

10 MS SIN CHHEM:

11 A. I was told -- I tried to find out and then I learnt that he  
12 was killed.

13 [10.34.32]

14 Q. I want to read to you an excerpt about Keo Meas from a book  
15 that was written by a journalist Thet Sambath about Nuon Chea.  
16 This is document E3/4202, E3/4202, at Khmer, 00858339; English,  
17 00757531; and French, 00849435; and this is what was stated about  
18 your cousin - quote:

19 "Another Party leader Keo Meas, was under suspicion prior to his  
20 1976 arrest because he had been living in Vietnam before the  
21 Khmer Rouge victory. Nuon Chea said that when Keo Meas returned  
22 in 1975, he suspected him of being biased towards Vietnam." End  
23 of quote.

24 Madam Witness, did you know who Nuon Chea was and did you hear  
25 anything from your relatives about Nuon Chea's responsibility for

1 the arrest of your cousin Keo Meas?

2 A. I did not know about that, I did not know the person known by  
3 the name Nuon Chea. I know only Ta Thoch and Keo Meas and  
4 Chakrey, that's all that I know.

5 [10.36.42]

6 Q. Thank you. Let me now ask just a few questions about the  
7 arrest of your husband Tieng Phan. How did you learn about your  
8 husband's -- you've indicated that your husband was arrested in  
9 late 1977, how did you learn that your husband had been arrested  
10 and taken away?

11 A. I knew about that from someone. I was working near Thlok and I  
12 learnt about the news from there.

13 Q. Do you know who arrested your husband and where he was taken?

14 A. He was taken away to somewhere near Svay Rieng. The person  
15 named Au (phonetic).

16 Q. Who was this person named Au (phonetic)?

17 A. I did not know him, where he is from but he was a security  
18 guard and his name was Au (phonetic).

19 [10.38.38]

20 Q. When your husband was arrested, were the other members of Svay  
21 Yea commune committee, were they also arrested at the same time?

22 A. Yes, all of them were arrested, including the commune chief  
23 and others. They were sent to re-educated but they disappeared  
24 from then.

25 Q. Did you ever see your husband again after he was taken away?

1 A. I have never met him again but I only heard that -- someone  
2 told me that he would be sent back to Yea village but I did not  
3 meet him.

4 Q. Thank you for telling us about your husband and brothers. I  
5 want to turn to another subject now. Can you tell the Court  
6 please what happened to the Vietnamese people who lived in Svay  
7 Yea commune during the Khmer Rouge regime?

8 A. They had Khmer husbands or Vietnamese wives, there was nothing  
9 happened to them.

10 [10.40.45]

11 Q. Madam, you talked about people who had mixed families, a Khmer  
12 husband married to a Vietnamese wife or a Vietnamese husband  
13 married to a Khmer wife. What happened during the Khmer Rouge  
14 regime to the Vietnamese husbands or wives in mixed couples, can  
15 you tell us?

16 A. Those who had Vietnamese wives and children, their wives were  
17 taken away to be killed. I felt pity for them; at least they  
18 should have kept their children alive.

19 Q. How did you know - let me go back to something. If a mixed  
20 couple with a Vietnamese wife, if the wife was Vietnamese and she  
21 was taken away, what happened to the children?

22 A. Their children were also taken away to be killed. It was so  
23 brutal.

24 Q. How many of the Vietnamese people in your commune were taken  
25 away and killed, Madam Witness?

1 A. There were four families which were taken away.

2 [10.42.56]

3 Q. And how did you know about the Vietnamese families who were  
4 taken away and killed, how did you know about that?

5 A. Because they lived near my house, it was just one kilometre  
6 away and they were also the member of the commune committee.

7 Q. When was it that these Vietnamese people were taken away and  
8 killed, was it before the arrest of your husband or was it after  
9 your husband had been arrested and new cadres had come in to  
10 replace him?

11 A. Those Vietnamese families were taken away first before the  
12 arrest of my husband and they were taken away at night time. They  
13 were killed; the whole family was killed including their  
14 children.

15 Q. Do you know who it was that ordered the arrest and killing of  
16 those Vietnamese families?

17 A. After my husband, someone else replaced him and that person  
18 who came to replace my husband he collected those Vietnamese  
19 families. I did not know them and I did not see them.

20 [10.45.15]

21 Q. I just want to clarify something. Was the arrest of these  
22 Vietnamese families, was it after your husband had disappeared,  
23 was it the person who took over from him or did this also happen  
24 while your husband was commune chief?

25 A. After the arrest of my husband and it was someone else who

1 came to replace that they took away those families, my husband  
2 had nothing to do with this.

3 [10.46.05]

4 Q. I want to read to you an excerpt. Before I get to that, let me  
5 ask you another question: when this new cadre, when the new  
6 cadres arrived who took over from your husband, did they have a  
7 meeting, did they hold a meeting where they made an announcement  
8 about what to do with mixed Khmer-Vietnamese families?

9 A. When there were meetings, I never attended those meetings  
10 because I was not allowed to attend those meetings. So since my  
11 husband's death, I never cared about attending those meetings so  
12 I did not know anything about what was happening.

13 Q. Do you remember hearing about a meeting held by the new cadres  
14 who took over where they announced what was to be done with the  
15 Vietnamese people?

16 A. I did not ever hear of it because I did not get close to those  
17 meetings. I did not want to attend those meetings.

18 [10.47.50]

19 Q. Let me read to you to see if I can refresh your memory, Madam  
20 Witness, an excerpt from your OCIJ interview, E3/7794, this  
21 Khmer, ERN 00249918 through 19; English, 00251407; and French,  
22 00285548; this is what you told the OCIJ Investigators - quote:  
23 "People who went to meetings with the newly transferred cadres  
24 told me that those cadres had announced that if the father was  
25 Vietnamese, only the father would be taken away and killed, but

1 if the mother was Vietnamese they would take the mother and all  
2 the children and kill them because the children sucked the milk  
3 of the mother." End of quote.

4 Does that refresh your memory, Madam Witness, do you remember  
5 people in your commune telling you about that meeting?

6 A. Yes, people talked about that. They said that those children  
7 who fed by the breast-feeding from the mothers would not be kept  
8 alive; they must be killed; only the father was kept alive.

9 [10.49.38]

10 Q. Do you remember who it was that told you about that meeting,  
11 did you hear about that from one person or did you hear about it  
12 from many people?

13 A. From someone who worked with my family and after the -- his  
14 name was Savorn (phonetic), he was also in Svay Yea village so he  
15 told us. So I listened to what he said but I was so scared at  
16 that time.

17 Q. And after he told you about this meeting, did you become aware  
18 of Vietnamese spouses or children who had been taken away and  
19 killed?

20 A. I knew only that those families were killed but the person  
21 named Savorn (phonetic) he participated in the killing and he was  
22 security guard for the new commune committee. That's what I knew.

23 [10.51.30]

24 Q. And did Savorn (phonetic) tell you about these killings?

25 A. He did not tell us, he only talked and then we only heard from

1 what he was talking. He was part of the new team so he was a  
2 daring person who participated in the killing.

3 Q. I want to read to you another excerpt from your OCIJ  
4 interview, E3/7794, this is Khmer, 00249918; English, 00251407;  
5 and French, 00285547; this is what you told the OCIJ  
6 investigators - quote:

7 "At about the same time that the ethnic Khmer people were being  
8 selected for evacuation from Svay Yea sub-district, the ethnic  
9 Vietnamese were being arrested and killed. [...] For example, in  
10 Tuol Vihear village, Svay Yea sub-district, the ethnic Khmer  
11 husband, Chhaom, had an ethnic 'Yuong' wife so the wife and all  
12 the children were killed. Another example: In Sikar village, Svay  
13 Yea sub-district, the husband Chhin had an ethnic 'Yuong' wife so  
14 the wife and all the children were taken away and killed. Another  
15 example: In Kien Ta Siv village, Svay Yea sub-district, the  
16 husband and wife were both ethnic 'Yuong', I forget their names,  
17 so the entire family was taken away and killed. I learnt these  
18 matters because when the people worked, they met and talked with  
19 one and another." End of quote.

20 Madam Witness, in this excerpt you talked about three other  
21 villages where Vietnamese people were taken away and killed: Tuol  
22 Vihear, Sikar and Kien Ta Siv village. Who was it that told you  
23 about the killings in those villages? Did you hear about that  
24 from the same person or did you hear about that from different  
25 people in each of those villages?



1 A. People who were close to me told me about that, that those  
2 families were taken away, they were taken away at night time.

3 [10.54.58]

4 Q. Do you remember the names of the people who told you about the  
5 Vietnamese people who were taken away and killed in those three  
6 villages; do you remember the names of the people who told you  
7 that?

8 A. I forget their names, but they lived close to my house. I even  
9 cannot recall their names now.

10 Q. Madam Witness, how did the Khmer Rouge identify the people in  
11 your and other villages who were Vietnamese, how did they know  
12 who was Vietnamese and who was Khmer?

13 A. The Khmer Rouge and the Vietnamese, I did not know who was  
14 red, who was white.

15 Q. Madam Witness, let me repeat; I'm asking you if you know how  
16 the Khmer Rouge cadres in your area, how did they identify which  
17 people were Vietnamese, do you know that?

18 A. I did not understand this, I forget all of this; I could not  
19 understand much.

20 Q. After these arrests and killings that you've discussed, were  
21 there any more Vietnamese people left in your commune?

22 A. There were some left. They returned back.

23 [10.57.25]

24 Q. When you say they returned back, are you talking about people  
25 who fled to Vietnam and then returned after the Khmer Rouge

1 regime?

2 A. There are some, one family lived here and one family lived  
3 there.

4 Q. Let me ask you again. What I'm asking you is the Vietnamese  
5 people who survived, were these people who had fled to Vietnam  
6 but then returned after the Khmer Rouge?

7 A. Yes, they went back to their home country and then later on  
8 they returned to do business in Cambodia.

9 Q. Let me turn to another subject, Madam Witness. During the  
10 Khmer Rouge regime, what happened to the people in your commune  
11 or district who were identified as former officials or soldiers  
12 of the Lon Nol regime, what happened to those people?

13 A. Talking about that, I don't know much. I don't know what  
14 happened to the officials from the Lon Nol regime.

15 [10.59.51]

16 Q. I would like to read to you an excerpt from the statement of  
17 another witness from your district, witness who lived in Thlok  
18 commune. In her OCIJ statement and this is document E3/7719,  
19 E3/7719, Khmer, ERN 00344565 through 566; English, 00347416;  
20 French, 00411563. This witness named Nom Saroeun, testified --  
21 and I quote:

22 "After 1976, the Khmer Rouge gathered up the teachers, students  
23 and former Lon Nol soldiers. Then all the families of those  
24 soldiers had their biographies made by the Khmer Rouge soldiers  
25 so they could be sent to study. However after the biographies

1 were prepared, they were taken to Longeun pagoda and killed." End  
2 of quote.

3 Did you know a pagoda in Thlok commune called Longeun (phonetic)  
4 pagoda?

5 A. Please repeat the name of the pagoda.

6 [11.01.50]

7 MR. SREA RATTANAK:

8 Mr. President, in fact the name of the pagoda is Longeun  
9 (phonetic) pagoda, that is the proper name.

10 BY MR. LYSAK:

11 Thank you to my national colleague.

12 Q. Do you know this pagoda, Madam Witness?

13 MS. SIN CHHEM:

14 A. Yes, I do know Longeun (phonetic) pagoda; it is located near  
15 Doun Sar. And previously I did not hear the name properly so I  
16 could not get the location of that pagoda.

17 Q. What was that pagoda used for during the Khmer Rouge regime?

18 [11.02.52]

19 MR. PRESIDENT:

20 Witness, please hold on and Defence Counsel for Khieu Samphan,  
21 you have the floor.

22 MS. GUISSÉ:

23 Yes, Mr. President, I am going to object now because the Longeun  
24 (phonetic) pagoda is not among the security centres or the arrest  
25 centres that are in the Severance Order, so I don't even think

1 that in fact it is part of the Closing Order so I object to the  
2 Co-Prosecutor pursuing with this line of questioning.

3 MR. LYSAK:

4 Mr. President, as I just read, there is evidence from a witness  
5 that Lon Nol soldiers were gathered and killed at this place  
6 similar to the pattern of events we saw in other parts of the  
7 country. We've had this -- this issue has been raised many times.  
8 The evidence of what happened to Lon Nol officials in other  
9 regions is part of the proof of the existence of the policy and  
10 that is the sole reason for our questions here, is to determine  
11 if the witness has knowledge that corroborates what this witness  
12 has said which is that Lon Nol soldiers and officials were  
13 gathered and killed at this pagoda.

14 11.04.15]

15 MR. KOPPE:

16 Mr. President -- if I may respond, Mr. President. I'm sure the  
17 Prosecution is aware of ample evidence in Kiernan's book about  
18 the treatment of Lon Nol officials in the East Zone, correct or  
19 not, but he's making an (inaudible) argument that Lon Nol  
20 officials were sent to - for re-education and then in 1975, after  
21 two or three months, were all released. So saying that this is  
22 somehow something that happened in the East Zone is at least in  
23 the light of Kiernan, incorrect.

24 MS. GUISSÉ:

25 Yes, if you please allow me to respond. Mr. President, the real

1 problem that we have here -- that is to say introducing elements  
2 that were not part of the Closing Order and therefore that were  
3 not investigated in a specific way and therefore the Defence was  
4 not notified of such elements of information and so the principle  
5 of having a Closing Order is that we can prepare ourselves. So of  
6 each time under the excuse that we're speaking about national  
7 policy, we introduce new elements, then we will be facing a  
8 blatant violation of the right of the Accused.

9 (Judges Deliberate)

10 [11.06.58]

11 MR. PRESIDENT:

12 I would like to give the floor to Judge Lavergne to make our  
13 ruling on the objection by the two defence teams to the last  
14 question put to the witness by the Deputy Co-Prosecutor on the  
15 scope of facts to be tried at this stage. Judge Lavergne, you  
16 have the floor.

17 JUDGE LAVERGNE:

18 Yes, thank you, Mr. President. The Chamber, therefore, is going  
19 to reject the objection that was raised by the Khieu Samphan  
20 defence. It was facing the same issue that we have often faced in  
21 the past -- that is to say that, the question concerns the  
22 existence of a policy aimed at targeting the former officials and  
23 servicemen of the Lon Nol regime and in that regard, the question  
24 is relevant and authorised. However, the Chamber does not wish  
25 the questions to go too far in detail with regard to this

1 question.

2 [11.08.12]

3 BY MR. LYSAK:

4 Q. Let me ask a specific focused question, then I think we will  
5 address that issue. This pagoda, Madam Witness, the Longeun  
6 (phonetic) pagoda, do you remember what it was used for, and  
7 specifically, do you remember whether Lon Nol soldiers and  
8 officials were taken to that pagoda in 1975 or 1976?

9 MS. SIN CHHEM:

10 A. No, I did not know anything about that. They did what they did  
11 and I did not have anything to do with that. And if I knew it at  
12 the time, I cannot recall it now.

13 Q. The last subject I want to ask you about, Madam Witness, did  
14 you know during Khmer Rouge regime, did you know who Khieu  
15 Samphan was and do you ever remember him coming to your area, to  
16 your district?

17 A. I only knew Hu Nim and Hou Youn, who went there to engage in  
18 the dry season farming, but not about Khieu Samphan.

19 [11.09.55]

20 Q. What year was it that Hu Nim and Hou Youn came to your area?

21 A. It was in 1976 when they went there to engage in the dry  
22 season farming.

23 Q. I want to read another excerpt to you from the same witness  
24 statement that I just read, this is E3/7719, Khmer, ERN 00344567;  
25 English, 00347418; and French, 00411565. And in this quote, this

1 witness is talking about the person you identified as the chief  
2 of your district, Khieu Samit -- quote:

3 "I have heard Khieu Samit was a relative of Khieu Samphan. Khieu  
4 Samphan came to visit the people's work on the dam dyke at Thlok  
5 village." End of quote.

6 My first question: do you know whether or not Khieu Samit, the  
7 chief of your district, was a relative of Khieu Samphan?

8 A. No, I did not know whether they are related. I only knew he  
9 came from Takeo to my area -- that is, Tuol Svay Yea but I do not  
10 know at all whether he is related to Khieu Samphan.

11 [11.12.05]

12 Q. And you told us that you worked at a number of dams, did you  
13 ever work on the Thlok dam and do you remember any leaders from  
14 Phnom Penh coming to visit that worksite?

15 A. Only Hu Nim and Hou Youn, I only knew about this duo who came  
16 to the area and I did not know if there was any other leaders who  
17 went there.

18 Q. My last question: In your DC-Cam interview -- this is E3/7526,  
19 at Khmer, 00185385; French, 00746963; you made a statement about  
20 Khieu Samphan. I'll like to have -- ask my national colleague to  
21 read it and the exact words you used in Khmer and then I'll ask  
22 you to explain what you meant by this statement.

23 MR. SREA RATTANAK:

24 Allow me to quote: "Khieu Samphan was so skillful with the Khmer  
25 Rouge; however, later on, everybody, they actually killed

1 everybody and I recall that." [Free translation]

2 [11.13.47

3 BY MR. LYSAK:

4 Q. Do you remember saying this to the DC-Cam interviewers saying  
5 this about Khieu Samphan? And can you explain, can you elaborate  
6 on what you meant by what you said about Khieu Samphan?

7 MS. SIN CHHEM:

8 A. I only knew here and there that Khieu Samphan, Hu Nim and Hou  
9 Youn were part of the Khmer Rouge Party and later on Khieu  
10 Samphan joined the enemy side and then they were so afraid of him  
11 and later on they were taken away and killed. And then all those  
12 who were connected with them were also taken away and killed.

13 MR. LYSAK:

14 Madam Witness, thank you for your time, my national colleague has  
15 a few questions. I'll change the floor over to him.

16 [11.15.08]

17 QUESTIONING BY MR. SREA RATTANAK:

18 Good morning, Mr President, Your Honours, and everyone in and  
19 around the courtroom; and good morning, Madam Witness. I only  
20 have a few short questions, please respond precisely to the point  
21 and if you don't understand, please let me know.

22 Q It is in relation to the killing of Vietnamese who lived in  
23 your village, in your interview you said the Vietnamese wife and  
24 children were killed, however the Khmer husbands were spared. My  
25 question to you is that, what happened to the Khmer husbands?



1 Were they forced to remarry during the period of Democratic  
2 Kampuchea regime?

3 MS. SIN CHHEM:

4 A. Some of them fell in love, they had children and somehow later  
5 on they were taken away and killed. It was a pity that those were  
6 taken away and killed.

7 [11.16.42]

8 Q. Madam Witness, my question to you is about the husbands of  
9 those Vietnamese wives who were taken away and killed. Were those  
10 Khmer husbands forced to remarry?

11 A. No, they didn't remarry. However, they are all dead now.

12 Q. What about the Vietnamese women that you said were taken away  
13 and killed, did you ever see them again at any stage later on?

14 A. I never saw them again, they were gone forever.

15 MR. SREA RATTANAK:

16 I don't have any further question; thank you, Mr. President.

17 MR. PRESIDENT:

18 What about the Lead Co-Lawyers for civil parties, do you wish to  
19 put any question to put to this witness?

20 [11.17.55]

21 MS. GUIRAUD:

22 We have no questions; thank you, Mr. President:

23 MR. PRESIDENT:

24 We have about 12 more minutes before our break and I would like  
25 now to hand the floor to the defence teams, first to the defence

1 team for Nuon Chea. You can proceed, Counsel.

2 MR. KOPPE:

3 Mr. President, is it alright with the Chamber if we would start  
4 after the break, there are few things that I would like to  
5 confront the witness with and because of the last moment of this  
6 witness, they aren't prepared yet. I can start by asking some  
7 general questions but if it wouldn't be a problem for the  
8 Chamber, I would like to start after the lunch break. If not I  
9 can use the 10 minutes but if it's--

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 [11.19.47]

13 QUESTIONING BY MR. KOPPE:

14 Q. I will use my time then, Mr. President. Good morning, Madam  
15 Witness. This morning you were asked some questions about a  
16 person called Keo Meas that he was your cousin and that he was  
17 from your village and that you knew him quite well. Would it  
18 possible for you to be a little more detailed, what do you recall  
19 of him, for instance do you know when it was that he joined the  
20 Revolution?

21 MS. SIN CHHEM:

22 A. No, I did not because he went away. I only recall about Thoch,  
23 his younger brother who was a teacher because he was -- rarely  
24 stayed in the village as he went away with my elder brother and  
25 my elder brother actually failed the teacher's test and later on

1 he went to attend the study with Thoch.

2 Q. Do you remember where Keo Meas, your cousin, went to, where  
3 did he go to, do you know why it was that you didn't see him  
4 anymore?

5 A. He rarely came to the village and he was somewhere in Phnom  
6 Penh and my elder brother was there too, but I cannot recall  
7 where they were at the time.

8 [11.21.31]

9 Q. Do you know where he was before 1975? Was he in Cambodia or  
10 was he in another country?

11 A. He was in Cambodia and not in another country. Later on he was  
12 being searched for and he tried to flee here and there, but  
13 ultimately he was arrested and killed.

14 Q. Madam Witness, I am asking you now about the time before 1975.  
15 Madam Witness, I was asking you about his whereabouts before  
16 1975, do you know whether he was often in Vietnam before 1975?

17 A. I did not know that he had any contact with Vietnam, that is  
18 to my knowledge and I heard that he was living in Phnom Penh  
19 although I cannot recall his whereabouts in Phnom Penh. And as I  
20 said, later on, he was fleeing, hiding here and there, but he was  
21 arrested and killed. I did not know of his exact position or  
22 function.

23 [11.23.20]

24 Q. What you're saying is that you never heard that before 1975 he  
25 resided in Vietnam for longer periods of time?

1 A. I never heard that. I never heard that he lived in Vietnam. I  
2 only heard that he was living near a market, which name I cannot  
3 recall, in Phnom Penh. And, of course as I said, my elder brother  
4 was there and he attending the class and I am trying to recall  
5 the name of the market that he was living next to but I cannot  
6 recall it at all. Previously, I knew the name of that market.

7 Q. Do you know whether your cousin was already involved in  
8 joining the Revolution in 1951?

9 A. What I knew that he and my elder brother joined the Revolution  
10 but I did not know when they did because, as a woman, usually I  
11 only stayed at home and I did not know about the affairs that  
12 they were involved in.

13 [11.25.16]

14 Q. How do you know that he joined the Revolution at the same time  
15 as your brother, as your husband sorry, how did you know that,  
16 how did you hear that?

17 A. My elder brother told me about it.

18 Q. When did your elder brother join the Revolution, was that in  
19 early 1950s?

20 A. May be it was in 1975.

21 Q. Let me try to ask the question one more time. Is it possible  
22 that your older brother and your cousin Keo Meas joined the  
23 Revolution, or joined the predecessor of one of the Communist  
24 Party in 1951?

25 A. As I said I did not know the details regarding that event and

1 I cannot recall it at all.

2 Q. Have you ever heard of the existence in Cambodia of not one  
3 Communist Party or Revolutionary Party but in fact two, that  
4 there were two communist parties, have you ever heard that?

5 A. I only knew about Revolution that is all I know.

6 [11.27.25]

7 Q. I understand, but have you ever heard your cousin or your  
8 older brother speak about not one Party but rather two parties,  
9 which were involved in the Revolution?

10 A. I heard something about it but I forget it, I do not recall  
11 it. In the past I remember it a while but not now.

12 Q. I understand it's a long time ago, Madam Witness, but would  
13 you be so kind and try, what is it that you remember about this  
14 other Party that maybe your brother and your cousin remember of?

15 A. Please repeat your question. I only heard from my older  
16 brother that he joined the Party and later on many more people  
17 also joined the Party and that they later went to the maquis  
18 forest. Later, some returned. And as I said, later on, people  
19 were killed.

20 [11.29.12]

21 Q. But did you hear -- that was my question -- that your older  
22 brother or your husband or Chan Chakrey or Chhouk or Keo Meas  
23 ever speak about two Communist parties or two Marxist/Leninist  
24 parties rather than one?

25 A. No, I did not hear about that. As I said, I was a woman and I

1 was young and they did not tell me anything about that affair.

2 Q. Let me go to your older brother, can you describe how his  
3 military rank was compared to Chan Chakrey and to Chhouk?

4 A. He held a pretty senior rank as he was at the sector level and  
5 he also had a pistol with him.

6 Q. But do you know whether Chan Chakrey was -- or had a higher  
7 rank than your older brother or was your older brother higher in  
8 rank than Chan Chakrey?

9 A. Chakrey had a more senior position than my older brother.

10 [11.31.13]

11 Q. And do you know how much senior Chan Chakrey was to your older  
12 brother, was it one rank below or was it two ranks below, do you  
13 remember?

14 A. It was probably one rank below; that's all I knew and it's  
15 because of his senior position, my brother referred to him as  
16 "bong", brother.

17 MR. PRESIDENT:

18 Thank you, Counsel. It is now time for our lunch break. We will  
19 take a break now and resume at 1.30 this afternoon.

20 Court officer, please assist the witness at the waiting room  
21 reserve for witnesses and civil parties during the lunch break  
22 and invite her back into the courtroom at 1.30 this afternoon.

23 Security personnel, you are instructed to take Khieu Samphan to  
24 the waiting room downstairs and have him returned to attend the  
25 proceedings this afternoon before 1.30.

1 The Court is now in recess.

2 (Court recesses from 1132H to 1332H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court resumes the hearing, and now the Court gives the floor  
6 to defence counsel for Nuon Chea to put questions to the witness.

7 You have the floor now.

8 [13.32.54]

9 BY MR. KOPPE:

10 Thank you, Mr. President. Good afternoon, Your Honours. Good  
11 afternoon, Counsel and Madam Witness.

12 Q. Madam Witness, before the lunch break, we spoke about someone  
13 who was quite close to you, your cousin Keo Meas. What I would  
14 like to do is to show you a photograph and we'll ask you the  
15 question whether this person that I'm going to show you -- that  
16 you see on the photo is indeed Keo Meas.

17 Mr. President, this morning to the Senior Legal Officer, I wrote  
18 an email -- or we wrote an email providing the legal officer with  
19 a still from an East German documentary called in German "Die  
20 Angkar". I would like to show with your leave about two minutes  
21 from that film. But before I do that, I would like to show the  
22 witness a photo of a person that you see in that footage. And  
23 with your leave, I would like to give it to the witness.

24 [13.34.25]

25 MR. PRESIDENT:

1 The Court grants the request.

2 BY MR. KOPPE:

3 Q. Madam Witness, I saw you speaking but the microphone was off.

4 Do you recognize that person on the photo that I just gave you?

5 MS. SIN CHHEM:

6 A. The photo was look likely of Keo Meas, but the photo was not  
7 so clear. He had such a beard.

8 Q. So you're not entirely certain that it is Keo Meas, but you  
9 think it is, or you don't know?

10 A. I remember only his beard, but when we look at his eyes, it  
11 seems different.

12 [13.36.04]

13 MR. KOPPE:

14 Mr. President, I would now like to show those two minutes from  
15 that documentary -- that is, E3/3095R. It's also on the case file  
16 SE3/719R. There is a complication to my request because the  
17 original language in the footage is German, because it's made by  
18 two East German documentary makers in 1981. Therefore, earlier  
19 this morning, I have sent another email to the Senior Legal  
20 Officer with the German words that you can hear and underneath  
21 the English translation -- informal translation. We have given  
22 the translators a copy of this document as well. It's a bit  
23 unfortunate that Judge Fenz is not with us today, because then  
24 she would be able to follow the German. But I would like to show  
25 this footage to the witness. And as I said, this footage also



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1 contains the photograph or the still that I just showed her. So  
2 with your leave, I think the AV booth is ready, I would like to  
3 show her that footage from that documentary.

4 [13.37.45]

5 MR. PRESIDENT:

6 Do you -- Deputy Co-Prosecutor, you have the floor now.

7 MR. LYSAK:

8 Yes. I want to make sure I understand what counsel is asking. Is  
9 counsel asking that the interpreters are going to accept his  
10 translation of this? I don't have any problem with it being read,  
11 but I think the record just should be clear that what the  
12 translators -- if the translators read and translate this into  
13 French and Khmer, that this is not an official -- this is  
14 counsel's translation of it not an official Court translation of  
15 whatever is in this video.

16 MR. KOPPE:

17 Indeed, the English that the translators have, Mr. President, is  
18 our unofficial translation of the German. I have no problem in  
19 underlining that this is not an official English translation.

20 MR. PRESIDENT:

21 The Court grant your request, but you need to tell us how many  
22 minutes it will last.

23 [13.39.01]

24 MR. KOPPE:

25 It's between minutes 13.31 and 15.49; therefore, it's about 2

1 minutes and 18 seconds.

2 MR. PRESIDENT:

3 The Court now grant your request. And the AV, please play the  
4 footage of this video as requested by the defence counsel of Nuon  
5 Chea, please.

6 [13.39.45]

7 (Presentation of audio-visual document)

8 [13.42.13]

9 MR. PRESIDENT:

10 Please Judge Lavergne, you have the floor.

11 JUDGE LAVERGNE:

12 Mr. Koppe, for purposes of the record, can you tell us when that  
13 documentary was produced?

14 MR. KOPPE:

15 It is my understanding that it was produced by two renowned East  
16 German filmmakers in 1981 right after the Vietnamese took power  
17 of Cambodia. It is an original East German documentary. It's  
18 together with another documentary which is also on the case file.  
19 "Death and Rebirth" it's called. But this is original footage  
20 from that documentary made in 1981.

21 MR. PRESIDENT:

22 Defence Counsel, yes please proceed. Continue with your  
23 questions.

24 BY MR. KOPPE:

25 Q. Just to be sure, Madam Witness, were you able to see the

1 footage? Were you able to see the film that was just shown on the  
2 screen?

3 MS. SIN CHHEM:

4 A. I did not have time to see the video because I was busy taking  
5 care of my home.

6 MR. PRESIDENT:

7 Please repeat your question. Madam Witness, please listen to the  
8 question carefully. The question is about the footage that just  
9 display on your screen. So it's about that footage; it's not  
10 about whether you had gone to see video during the old time.

11 [13.44.33]

12 BY MR. KOPPE:

13 Q. Madam Witness, just now on the screen, there was about two  
14 minutes of film. Were you able to see that on the screen?

15 MS. SIN CHHEM:

16 A. Yes, I did see it.

17 Q. And did you see at the end of that film the same person whose  
18 photograph I just showed you?

19 A. It's my uncle photo, but I don't know all of them.

20 Q. Did you recognize the two other men that were shown on the  
21 very last part? You saw your uncle, and there were two other men.  
22 Did you recognize them?

23 A. I do not recognize them. If you tell me their names, I would  
24 be able to remember.

25 [13.45.56]

1 Q. One was called Son Ngoc Minh.

2 A. Son Ngoc Minh. I never saw him.

3 Q. And someone called Keo Moni.

4 A. I also did not know the person named Keo Moni.

5 Q. Now one last question about this footage, Madam Witness. In  
6 the very beginning, the voiceover in the documentary says in the  
7 unofficial translation the following -- and I quote - I quote our  
8 own translation:

9 "The rise and fall of Pol Pot is the story of an unforgiving  
10 battle within one party. Marxist, Leninists, and  
11 internationalists stand according to their tradition against the  
12 clique of terror that tries to install an outpost of Beijing  
13 hegemony in Kampuchea." End of quote.

14 Madam Witness, have you ever heard your cousin speak of a battle  
15 within the Khmer Rouge or within the Party?

16 A. I knew some at that time but now I cannot recall it. I cannot  
17 tell you now because I lose my memory.

18 [13.48.17]

19 Q. I understand. Let me read a few excerpts of other documents  
20 and maybe somehow that would jog your memory. Madam Witness, I  
21 now would like to read a small excerpt from a document -- that  
22 is, E3/5309, Khmer, ERN 003883 to 7; English, 00426128; and  
23 French, 00479776. This is an interview of someone with the name  
24 of Heng Teav. Heng Teav had a very senior position in the  
25 government of Heng Samrin in 1985 and before. He was also the

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1 second person in the Northwest Zone known as Ta Paet or Ta  
2 Kantol. And this person has asked the following question -- and I  
3 quote:

4 "After 17 April '75, who did the Cambodian Party outside the  
5 country see as the Party leader, Pol Pot or who exactly?"

6 And then this witness answers: "There were two parts then: one  
7 was the Communist Party that was active inside there and one  
8 part, ours, was led by Son Ngoc Minh."

9 "Led by Son Ngoc Minh?"

10 "Yes. And inside the country, it was not Pol Pot, but Tou  
11 Samouth."

12 [13.50.11]

13 You just said, Madam Witness, that the name Son Ngoc Minh doesn't  
14 mean anything to you. But have you ever heard your brother or Keo  
15 Meas speak about two communist parties just like this person Ta  
16 Paet is saying?

17 MR. PRESIDENT:

18 Witness, please hold on. Deputy Co-Prosecutor, you may have the  
19 floor now.

20 MR. LYSAK:

21 Thank you, Mr. President. I think that the excerpts that counsel  
22 is putting to this witness are a little misleading. Just a few  
23 lines later it's clear the witness being interviewed here  
24 indicates that Son Ngoc Minh died in 1972. Therefore, he could  
25 not have been the leader of a party after 1975. It's also clear

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1 when he's talking about Tou Samouth, he's talking about a  
2 different time period. So my objection is that the quote that's  
3 being put to this witness is -- I believe the witness is talking  
4 about an entirely different time period, if this concerns Tou  
5 Samouth and Son Ngoc Minh.

6 [13.51.50]

7 MR. KOPPE:

8 Mr. President, of course I know that Tou Samouth was killed in  
9 '62, probably by the Sihanouk regime. I also know that Ngoc Minh  
10 died in Beijing 1972. I all know that. But the quote nevertheless  
11 speaks about after 17 April '75, and he's talking about two parts  
12 of the Communist Party: one active inside and "ours", as he said,  
13 "led by Son Ngoc Minh". And as I said, Ta Paet wasn't just  
14 anybody, he was the number two of the Northwest Zone and had a  
15 very senior government position up until 1985 or 86 when he died.  
16 So I think I should be allowed to ask that question to the  
17 witness.

18 (Judges deliberate)

19 [13.54.52]

20 MR. PRESIDENT:

21 The Bench now give the floor to Judge Lavergne to deliberate to  
22 the request by the defence counsel of Nuon Chea. Judge Lavergne,  
23 you have the floor now.

24 JUDGE LAVERGNE:

25 Thank you, Mr. President. The Chamber considers that the question

1 asked by the Nuon Chea defence should be rejected for the reason  
2 that it can only be relevant with regard to a period of time that  
3 is well before the Democratic Kampuchea period. So it doesn't  
4 concern the date before us. So the question is confusing and  
5 there is no reason for putting it to the witness.

6 [13.55.45]

7 BY MR. KOPPE:

8 Q. Although Judge Lavergne, the question clearly begins about --  
9 it's about after 17 April '75, I'm very happy to move on to the  
10 next document where it says exactly the same thing or almost the  
11 same thing. And that is excerpt from testimony in this very  
12 courtroom, 5 October of this year. And the other one is 6  
13 October. It's the testimony of a North Zone district chief Ban  
14 Seak. He speaks about the Workers' Party. Let me read that  
15 excerpt to you, Madam Witness. It is a document, by the way,  
16 E1/354.1, and it is about 09.34 in the morning on the 6th of  
17 October.

18 Question: "Do you know when the Workers Party was founded?"

19 Answer: "Ke Pauk was a member of the Workers Party. And he  
20 subsequently joined the Kampuchea Communist Party. But what I  
21 know is that the Workers Party was set up in '67/68, so Ke Pauk  
22 left the Workers Party to join the Kampuchea Communist Party."  
23 And a little further down, "to my knowledge, at my location,  
24 there were Khmer cadres who had been trained in Vietnam. They  
25 were part of the labour party. And when the Vietnamese entered

1 Cambodia, they were part of the force to build its own force on  
2 the ground. And later on, they had been purged."

3 This is a long quote, Madam Witness. But there is a district  
4 chief from the North Zone who speaks about two parties within the  
5 revolutionary movement: one called the Communist Party of  
6 Kampuchea and the other one called the Workers Party. Have you  
7 ever heard of something called the Workers Party?

8 [13.58.09]

9 MS. SIN CHHEM:

10 A. I did not ever hear of it. I knew only what's going on at the  
11 grass root level not at the national level.

12 Q. My last attempt, Madam Witness. Now I would like to discuss  
13 with you a document, which is a document of August 1979. It's  
14 E3/7327, Khmer, ERN 01113795; it's unclear what the English ERN  
15 is at this stage. Mr. President, it's a document from the  
16 "People's Revolutionary Tribunal held in Phnom Penh for the trial  
17 of the genocide crime of the Pol Pot-Ieng Sary clique". So this,  
18 in fact, it seems to be a court document.

19 Madam Witness, it says on top of that document:

20 "Greetings to our Party's victories in the leadership of the  
21 CIA's Kampuchean Workers' Party on June 3rd, 1978.

22 "Top men of the Kampuchea Workers' Party:

23 "1. So Phim: Secretary of the Kampuchea Workers' Party, committed  
24 suicide 3rd June '78.

25 "2. Nhim: Deputy secretary, arrested on the June 11th, 1978."



1 And "3" -- and that's why I'm asking you this question - "Keo  
2 Meas: arrested on September 21st, 1976."

3 So Madam Witness, your cousin, Keo Meas to whom you were close,  
4 you said, was seen as the number three of this party called the  
5 Kampuchea Workers' Party. Does that sound familiar or not at all?

6 [14.00.35]

7 MS. SIN CHHEM:

8 A. I did not know anything to do with So Phim. I only knew what  
9 happened on the ground at a later stage. However, concerning  
10 them, they did not speak to me at the time since I was female.

11 Q. I understand, Madam Witness. Let me go back to your cousin Keo  
12 Meas.

13 Mr. President, I would like to refer the witness to E3/1684,  
14 that's an excerpt from David Chandler's book. It's English, ERN  
15 00192733; Khmer, 00191890; and--

16 MR. PRESIDENT:

17 Counsel Koppe, please repeat the document ID and the ERN again.

18 [14.01.51]

19 BY MR. KOPPE:

20 Yes, Mr. President, it's E3/1684. It's a David Chandler's book on  
21 S-21. It's English, page 54, ERN 00192733; Khmer, 00191890;  
22 French, 00357321.

23 Q. I'm going to be looking at that excerpt, Madam Witness, and  
24 ask you whether you know anything about your cousin Keo Meas.

25 David Chandler writes that he, together with someone called Nuon

1 Suon, had operated in the open in the 1950s, and that Keo Meas  
2 had twice run as a radical candidate for the National Assembly.  
3 Do you recall your cousin operating in the open in politics and  
4 running as a candidate for the National Assembly twice?

5 MS. SIN CHHEM:

6 A. I did not know anything about that. He was rarely home;  
7 however, in the past his father was chief of the district. That's  
8 all I can say about him.

9 [14.03.45]

10 Q. But do you recall him running as a political candidate? Did  
11 you ever hear about elections or him trying to become a member of  
12 parliament in the 1960s?

13 A. No, I did not know about that. I was pretty young at the time.

14 Q. And do you know that whether Keo Meas in the 70s worked in  
15 Beijing and Hanoi on behalf of the United Front government in  
16 exile?

17 A. No, he did not go there. He lived in Phnom Penh because my  
18 elder brother made a trip back and forth between village and  
19 Phnom Penh.

20 Q. I remember you giving that answer before the break. But he  
21 never worked in China or Vietnam on behalf of the United Front  
22 government in exile, never?

23 A. No, he never. As I said, he lived in Phnom Penh near a market.  
24 I cannot recall the name of the market. And my elder brother made  
25 a frequent trip to go and meet him in Phnom Penh.

1 [14.05.35]

2 Q. It also says that when he returned in 1975 to Cambodia, he was  
3 put under house arrest. Have you ever heard your cousin Keo Meas  
4 being put under so-called house arrest?

5 A. I did not know anything about house arrest. I heard that he  
6 was relocated from Phnom Penh to go elsewhere and that later on,  
7 he was arrested and killed.

8 Q. We have established, I think, that he was arrested in  
9 September '76. But do you know whether before his arrest he was  
10 first placed under house arrest? In other words, he wasn't  
11 allowed to leave his house in Phnom Penh. Have you heard anything  
12 about that?

13 A. What I heard was that he left his house. Later on, they found  
14 him, arrested him, and killed him.

15 [14.07.10]

16 Q. Let me now move from your cousin Keo Meas to somebody else  
17 that you mentioned already before, Chhouk and Chakrey. More  
18 particularly, Mr. President, I would like to refer to E3/13 --  
19 that is, a document -- contemporaneous document from 9 October  
20 1976, it's minutes of the meeting of secretaries and deputy  
21 secretaries of divisions and independent regiments. And what's  
22 happening in these minutes is Son Sen talking to his military who  
23 are present or the commanders of the various divisions present.  
24 And more particularly on Khmer page, 00052406; English, 00940343;  
25 and French, 00334976. He is saying the following to his generals

1 -- or his chief commanders.

2 "The enemy to the East: The key plan of the enemy of the East,  
3 the Vietnamese with the Soviets behind them, was to attack from  
4 the inside through the traitorous forces of Ya, Keo Meas, Chhouk,  
5 and Chakrey. What I would have liked in terms of an attack from  
6 the outside was to attack in the Czechoslovakian and Angolan  
7 style, but this was merely a morale boost, because given our  
8 situation, this was not something the enemy could do." End of  
9 quote.

10 Of course, Madam Witness, you were not present at that meeting  
11 with Son Sen and the military. But he is referring to a plan of  
12 the enemy of the east to attack Cambodia and he mentions four  
13 people specifically. And it seems that two or maybe three of them  
14 you know really well, except for Ya, who was the chief of the  
15 North East Zone.

16 Mr. President, he mentions Keo Meas, Chhouk, and Chakrey. My  
17 question is: have you ever heard anything -- be it from your  
18 older brother or anyone -- about a plan from the East Zone and  
19 Vietnam to attack Democratic Kampuchea?

20 [14.10.23]

21 A. I heard about it, but I forget the details regarding this  
22 event. I recall Chakrey and Ta Chhouk who frequently came to  
23 visit at my house or to meet my elder brother.

24 Q. What was it that they discussed, do you know?

25 A. I was not allowed to know since I was a woman. Only those men

1 discussed their own affairs.

2 Q. I understand but have you never heard anything about what they  
3 were discussing, anything about a plan, a secret plan maybe?

4 A. Of course, they would not let me know anything regarding their  
5 secret plan if they had one because they believed that if they  
6 were to tell a woman, then a woman would spread the rumour.

7 [14.11.45]

8 Q. Let me refer you, Madam Witness, to something you said before  
9 DC-Cam or to investigators of DC-Cam, E3/7526. It's only in  
10 French and Khmer. And the French page ERN is 00746949; and in  
11 Khmer, 00185371. You were speaking about your older brother and  
12 at one point you were being asked a question about Chan Chakrey.  
13 If you would bear with me, I will read to you in French. The  
14 investigator asked the following:

15 "Did you ever hear about Chan Chakrey?

16 "Yes, I heard about him but I never saw him. My older brother  
17 spoke to me about him.

18 "What did he say exactly?

19 "He said that Chan Chakrey has joined us later on."

20 Do you recall saying that, hearing your brother say to you that  
21 Chan Chakrey later joined his brother -- or your brother?

22 A. He said that Chan Chakrey was his friend and they were close.  
23 And that's all he told me. I was also young at the time.

24 [14.14.07]

25 Q. So you had no idea at the time what your brother Chan Chakrey,

1 Chhouk, and Keo Meas were up to; is that correct? I will withdraw  
2 the question because I will confront the witness with what they  
3 were up to, Mr. President, I thought it's faster.  
4 Son Sen in that same document that I earlier referred to spoke  
5 about events that Chakrey were involved in together with the  
6 others and he talked about incidents of guns being fired near the  
7 Fine Arts school, and leaflets being thrown near the Royal  
8 Palace. And in early April '76, grenades were thrown and leaflets  
9 were thrown again. Have you ever heard of grenades and -- being  
10 thrown and guns being shot at the Fine Arts school near the Royal  
11 Palace?

12 A. No, I did not know about that. I -- what I knew was about the  
13 later stage when they started killing people.

14 [14.15.47]

15 Q. Let me provide you some more details with those events in  
16 early '76.

17 Mr. President, I'm referring again to Chandler's book on S-21,  
18 E3/1684. It's English page 52, English ERN 00192731; Khmer,  
19 00191888; and French, 00357319. He's written the following, Madam  
20 Witness:

21 "Three days later" -- he means the 3rd of April 1976 -- "shortly  
22 before dawn, grenades exploded near the Royal Palace, and shots  
23 were fired at the National Museum in Phnom Penh."

24 A little further down, "The culprits belonged to Division 170, a  
25 unit formed after April 1975 out of Division 1, which had been

1 recruited in the Eastern Zone during the Civil War. At the time  
2 of the explosions, elements of the division were stationed on the  
3 outskirts of Phnom Penh where its soldiers were assigned to  
4 growing rice. [...] Suspicions soon coalesced around Chan Chakrey,  
5 a flamboyant Eastern Zone military figure and former Buddhist  
6 monk who was acting as Division 170's political commissar. In the  
7 wake of Chakrey's arrest, Ly Vay, the deputy secretary of  
8 Division 170 was hauled in. Chakrey, for his part, implicated Ly  
9 Phen the political commissar of the Eastern Zone armed forces,  
10 Ros Phuong of Division 170, and Suas Neou alias Chhouk, the  
11 secretary of Sector 24 in the Eastern Zone. Ly Phen was arrested  
12 in June 1976, Ros Phuong in July and Chhouk in August. Chhouk was  
13 a long time protégé of the zone secretary So Phim." It goes on  
14 but I will stop here.

15 When I read this to you, does this somehow ring a bell or not at  
16 all? Or is it completely unknown to you what I'm reading?

17 [14.18.45]

18 A. I did not know anything about that. And I also do not read and  
19 write. And let me repeat that what I know is that the Pol Pot  
20 regime killed people.

21 Q. Was that, Madam Witness, because most people that you were  
22 close to, Keo Meas, Chhouk, and of course, your older brother  
23 together with Chan Chakrey were in fact involved in a coup d'état  
24 and a military attack on both the Royal Palace and Museum of Fine  
25 Arts? Is that why they were arrested?

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1 A. I did not know anything at all about that. I only knew that he  
2 worked and later on, he was arrested.

3 Q. What about your husband, did he ever speak to you about why he  
4 thought your older brother Chan Chakrey, Keo Meas were arrested?  
5 Did he ever ventilate to you his suspicions?

6 A. He never told me anything about that. He even warned me to  
7 keep silent and not to say too many words.

8 [14.20.54]

9 Q. I mentioned some names earlier. Were there any of those names  
10 familiar to you when I read them? I talked about of course  
11 Chakrey and Chhouk, but how about Ly Phen or Ros Phuong? Have you  
12 ever heard of them?

13 A. Please repeat the names.

14 Q. As a matter of fact, three names I would like to put before  
15 you: Ly Vay, who was the deputy secretary of Division 170; Ly  
16 Phen, a political commissar of the Eastern Zone armed forces; and  
17 Ros Phuong. So Ly Vay, Ly Phen, and Ros Phuong, does that ring a  
18 bell?

19 A. No. Those names do not ring a bell to me.

20 [14.22.06]

21 Q. Now the author of this excerpt, an historian -- Australian  
22 historian -- says that Chhouk was a "long time protégé of the  
23 zone secretary So Phim". Do you know whether that is correct? Was  
24 Chhouk a so-called protégé of So Phim?

25 A. I did not know anything about that. As for Chhouk and Phim, I



1 did not know them. I knew that my brother and Chakrey were  
2 friends. And besides, I did not know anything else.

3 Q. Let me turn to your brother now because you just mentioned  
4 him, Madam Witness. In his revolutionary biography, E3/7526, on  
5 the very first page, Khmer page 00079567; and French, 00728260;  
6 your brother answers the question when he joined the Revolution,  
7 that he joined it in 1970 -- on 26 October 1970, and that the  
8 introducer was Comrade Chakrey. I think it was briefly discussed  
9 this morning already but just to be sure: was it indeed Comrade  
10 Chakrey, Chan Chakrey who introduced your brother to the  
11 Revolution?

12 A. I knew that Ta Chhouk was a leader but I did not know about  
13 Chakrey. And only later on, I learnt Chakrey was his friend.  
14 [14.24.36]

15 Q. You say "friend", do you know if they were close? Were they  
16 really good friends or not so good friends? Were they comrade in  
17 arms for instance? What can you tell us about their relationship?

18 A. They were close. It's like Ta Chhouk and my elder brother  
19 because he taught him, so they were close. And later on, they  
20 were also friends to Chakrey. That's why I mentioned Chakrey's  
21 name.

22 Q. So is it then fair for me to say that your older brother  
23 Chhouk, Chakrey, Keo Meas, and Keo Meas's younger brother Ta  
24 Thoch, that they were all very close with each other, all five of  
25 them?

1 A. Yes, because he was a teacher.

2 Q. Now in that same document, that same page, your brother is  
3 asked the question what the reason was for him joining the  
4 Revolution. And he answers: "I value my own opinion and I am  
5 angry with the American imperialists and the Lon Nol traitors."  
6 So your older brother speaks about American imperialists and Lon  
7 Nol traitors. Did he ever use those words to you or in front of  
8 you? And if yes, do you know what he meant with those words, "Lon  
9 Nol traitors" and "American imperialists"?

10 A. I did not know about that. They never spoke to me about this  
11 matter. And as I said, it's because I was a woman and they were  
12 discussing matters only among themselves.

13 [14.27.25]

14 Q. I understand but he was your brother. You were also married to  
15 someone who joined the Revolution himself. If your brother speaks  
16 about Lon Nol traitors, would you be able to tell us what he  
17 meant when he said that? American imperialists and Lon Nol  
18 traitors, what does that mean or what could that have meant to  
19 him?

20 MR. PRESIDENT:

21 Witness, please hold on. And the Deputy Co-Prosecutor, you have  
22 the floor.

23 MR. LYSAK:

24 Thank you, Mr. President. But counsel's already asked whether he  
25 discussed -- her brother discussed this issue. She said he

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1 didn't. I think it's improper to ask her then to speculate about  
2 what her brother meant. Her brother didn't talk to her about  
3 this. So she would simply be speculating or guessing if she were  
4 to answer that question.

5 [14.28.36]

6 BY MR. KOPPE:

7 I'll try to reformulate, Mr. President.

8 Q. Madam Witness, do you know whether your brother was ever  
9 involved in the arrest and possible subsequent killing of people  
10 who work for Lon Nol, either military or civilian officials?

11 MS. SIN CHHEM:

12 A. No. They were far from me because I was in Svay Rieng and I  
13 did not know about this matter.

14 Q. Fine. Let me now move on to what you possibly do know, Madam  
15 Witness. Let me ask you some questions about the period between  
16 1975 and '79. Can you describe a little bit your activities, did  
17 you work? Were you obliged to work? What can you tell us about  
18 what you did between '75 and '79?

19 A. I tried to work very hard to carry earth or to dig canal.  
20 Wherever I was assigned to, I would go and work very hard. I was  
21 very afraid and my husband always reminded me to keep working and  
22 to keep my mouth shut. And I followed his advice.

23 [14.30.26]

24 Q. What is it that you remember about the working times in a day?  
25 When would you work in the morning and when would you work in the

1 afternoon and when would you work, if at all, at night?

2 A. It started from 7.00 in the morning, continued till 5 o'clock  
3 in the afternoon -- that is, there was a one hour window for  
4 lunch break at noon.

5 Q. And was that in relation to your work in the rice field, so  
6 also when you were working at the dams in the East Zone?

7 A. I worked at the canal, dig the canal, it was to the east of  
8 Svay Chrum pagoda.

9 Q. Do you recall from which year to which year you worked at a  
10 dam in your district?

11 A. It was in 1977. And later on, my husband was arrested.

12 [14.32.16]

13 Q. When you were working at the dam, did you have some kind of  
14 leading position like your husband or were you just a worker?

15 A. I was so afraid -- I was afraid of death. My husband reminded  
16 me to strictly shut my mouth and just follow what they assigned  
17 me to do. So I worked hard. I did not dare to protest.

18 Q. So you were just an ordinary worker and your husband was in  
19 charge of the work done in the district; is that correct?

20 A. Yes.

21 Q. Were you part of the commune or district forces, or were you  
22 part of a mobile unit?

23 A. I was not in the mobile unit or -- neither any other unit, but  
24 I was simply assigned to do the work, to dig the canal. And I did  
25 not dare to say anything. I only ate my food ration and then

1 slept. And although I worked hard, life was still under threat.

2 [14.34.04]

3 Q. And when you were working in the rice fields or at the dam  
4 under the supervision of your husband, were there also so-called  
5 New People who were working there in your commune or district?

6 Was there a difference between Base People on the one hand, and  
7 New People, on the other hand?

8 A. I worked with the New People. They never said anything to me  
9 and I also never said anything to them. We were like friends. We  
10 did not blame each other during our work.

11 Q. Did the New People receive the same rations of food as the Old  
12 People?

13 A. Yes, the same food ration. Yes, we received one ladle of gruel  
14 each time. So it's not rice, what we were given was gruel.

15 Q. And did the New People work the same hours as you just  
16 described as the Old People? Was the amount of hours they worked  
17 the same for both New People and Old People?

18 A. Yes, the same amount of hours. And some of the New People  
19 worked hard. And we worked together and later on, they were taken  
20 away.

21 [14.36.19]

22 Q. And if a new person would get sick when working in the rice  
23 field or at the dam, would he get the same medicine or the same  
24 medical treatment as an old person or base person that got sick?

25 A. Yes, the same amount. But the medicine was rabbit drop.

1 Q. Yes, I understand. Am I right, Madam Witness, when I say that  
2 in your commune or your district the New People and the Old  
3 People were treated the same in terms of work, working hours,  
4 food, medicine? There was no difference in treatment; is that  
5 correct?

6 A. Yes. We were treated the same, but we received -- talking  
7 about medicine, we received rabbit drop pellets.

8 Q. Do you recall when it was in your commune or district that you  
9 started eating communally? When was it that all of you were  
10 eating together? Which year was that?

11 A. I -- it was probably in 1977. At the beginning of 1977 -- in  
12 1978 -- or no, no; it's in 1977 that my husband was arrested. And  
13 then five or six months later that we started to eat communally.  
14 [14.38.30]

15 Q. Was everybody obliged from the beginning in '75 to the very  
16 end to wear black clothes?

17 A. Let me think about this. It was probably in 1976 -- or no, no,  
18 it was in 1975. But I cannot recall this. I have poor memory now.

19 Q. Did your husband ever have someone arrested when he was still  
20 in charge for being too lazy or for any other reason? Do you know  
21 whether your husband was involved in any arrests of people?

22 A. No, he did not order any arrest. He loved people. He did not  
23 order any arrest of people. Only later on that he was arrested.  
24 [14.39.54]

25 Q. Earlier, you were asked questions about mixed Vietnamese-Khmer

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1 families in your commune and district. The people belonging to  
2 these families, did they also work in the rice fields and at the  
3 dam when your husband was still in charge??

4 A. Yes, we worked together, both Khmer and those ethnic  
5 Vietnamese who had Khmer husband, they worked together. Yes, we  
6 were on good term, on good relationship. And later on, those  
7 people were taken away and I was very pity for them.

8 MR. PRESIDENT:

9 Thank you, Madam Witness. It is now convenient time for break.

10 The Chamber will start again at 3 o'clock.

11 Court officer, please find for this witness a proper place in the  
12 waiting room and please bring her back at 3 o'clock.

13 The Court now is in recess.

14 (Court recesses from 1441H to 1500H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Court is now back in session, and again the floor is given to  
18 the defence team for Nuon Chea to continue putting further  
19 questions to the witness. You may proceed, Counsel.

20 [15.01.22]

21 BY MR. KOPPE:

22 Q. Thank you, Mr. President. Madam Witness, before the break I  
23 was asking you questions about the mixed Vietnamese families who  
24 were working in your commune. But before I ask some further  
25 questions on that, let me go back to something you said before

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1 the break. Before the break I was asking you about whether you  
2 knew there were in fact two revolutionary parties, or two  
3 segments within the Party, or -- and you said basically, "Well, I  
4 don't know about that." But in the break, I went back to your  
5 DC-Cam statement, and because it's in French, it took me a while.  
6 But I would like to confront you with something that you said to  
7 DC-Cam.

8 Mr. President, this is E3/7526; French, 00746962; and Khmer,  
9 00185384. So I'm going to be reading in French again. I apologize  
10 for my pronunciation. The question by the investigator, and then  
11 you answer as follows:

12 "This was not it; that is to say that there was a Khmer Rouge  
13 party. It was these Khmer Rouge. And then there was another  
14 party. They were not really Khmer Rouge, they were real traitors  
15 to the nation, isn't that so?"

16 Madam Witness, earlier this morning you were asked questions by  
17 the Prosecution about the "Khmer Rouge". Here you seem yourself  
18 to make a distinction between, on the one hand, the Khmer Rouge,  
19 and on the other hand, the traitors of the nation. Now what is it  
20 exactly that you meant with that answer?

21 [15.04.05]

22 MR. PRESIDENT:

23 Witness, please hold on. And Deputy Co-Prosecutor, you have the  
24 floor.

25 MR. LYSAK:



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1 Yes, Mr. President, I'm just objecting. I think counsel is  
2 mischaracterizing this section, and he's left out an answer a few  
3 paragraphs, or a few answers, later, where the witness makes  
4 clear she's not talking about two different parties, she's  
5 talking about the period when Pol Pot and the leaders in the  
6 Centre began killing people. And when she talks about the  
7 traitors, she's talking about the Pol Pot group that began  
8 killing people in the East Zone. So he shouldn't be representing  
9 this as something relating to two different parties. It's nothing  
10 to do with that at all.

11 [15.14.51]

12 MR. KOPPE:

13 Two responses, if you allow me, Mr. President. First of all, I'm  
14 just reading what's in the statement so she can explain what she  
15 meant with Khmer Rouge, on the one hand, and traitors, on the  
16 other hand. However, the page earlier -- French, ERN 00746961;  
17 and Khmer, 00185384 -- she says the following: "They said that we  
18 didn't speak about the story that there was on one hand, the  
19 Khmer Rouge party, and on the other hand, the Pol Pot party."  
20 Although it's French, and obviously I'm not that good at French,  
21 but it seems that again there, Mr. President, she is referring to  
22 the Khmer Rouge on the one hand, and the traitors -- Pol Pot --  
23 on the other hand. So I think my question was fair.

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor.

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1 [15.06.19]

2 JUDGE LAVERGNE:

3 Maybe the easiest would be, Counsel Koppe, for me to read out the  
4 totality of the answers to the question that was put to her. She  
5 was put questions to know how the people had been mistreated, and  
6 she answered the following: "They were mistreated because back  
7 then, they didn't -- they said that we did not speak about the  
8 story that there was on the one hand, the Khmer Rouge party, and  
9 the other hand, the Pol Pot party. They didn't say that. They  
10 said that everything was brought together, and they attacked to  
11 take everything. That is to say that Pol Pot and the Khmer Rouge  
12 were the same, right? There was nothing that existed on the  
13 side-lines." So I have a hard time seeing or understanding how  
14 you understand that there were two parties. I have the impression  
15 that she says that there was only one single party. Or in any  
16 case, the French translation is very bad.

17 MR. KOPPE:

18 Maybe my French -- well, French is obviously not my native  
19 tongue, but I understood it to mean that she refers to two  
20 factions: the Khmer Rouge on the one hand, and the traitors on  
21 the other hand. And the traitors being Pol Pot. Pol Pot is the  
22 traitor of the nation. That's what she seems to imply.

23 [15.08.11]

24 JUDGE LAVERGNE:

25 Maybe the easiest is not to rely too much on this very uncertain

1 French translation. Maybe you should put questions directly to  
2 the witness, based on what you think you understood from what she  
3 said.

4 MS. GUISSÉ:

5 I apologize, Judge Lavergne, but I think that even if the French  
6 translation is not very good, the question of putting the Khmer  
7 Rouge party on the one hand, on one side, and the Pol Pot party  
8 on the other side, is something that she says often. So of course  
9 he may ask her questions of clarification, but in any case, this  
10 is what appears in the document: that there were indeed two  
11 separate parties.

12 [15.08.54]

13 BY MR. KOPPE:

14 Maybe the French by the way is -- is poor, I cannot judge that.  
15 But I'm not sure how you can see it's a bad translation, because  
16 then we need to know the original Khmer, Judge Lavergne. But let  
17 me ask this question to the witness.

18 Q. Madam Witness, is it correct that you speak about two  
19 factions, two parties? The Khmer Rouge on the one hand, and the  
20 traitors like Pol Pot on the other hand?

21 MS. SIN CHHEM:

22 A. Regarding the Khmer Rouge and the traitors, actually, I have  
23 spoken about this matter, but I forget it. To me, my  
24 understanding is that it was the Khmer Rouge who killed the  
25 people, and not the Party.

1 [15.10.05]

2 Q. But did your brother and your husband, did they belong to the  
3 Khmer Rouge or to the other part? Or were they the traitors? Or  
4 were they not the traitors? What exactly was it that you meant  
5 when you gave that answer?

6 A. No, they were not part of the traitors. They were loyal, and  
7 they stayed home and worked to earn a living for the family.  
8 Later on, they were asked to join the movement, and they later  
9 were killed. I was actually wondering for the reasons behind  
10 their motive to do so.

11 Q. But who are then, in French, "the traitors to the nation"?

12 A. "Traitors to the nation" because it was perceived that they  
13 were killed because they were accused of being traitors. At the  
14 beginning they acted very well, and only later on, the later  
15 group, who mistreated the people, arrested people, and killed  
16 them.

17 [15.11.58]

18 Q. I will see, Mr. President, if we can get at direct translation  
19 into English from the original Khmer, and then maybe I will come  
20 back to it.

21 Let me now move again to where I stopped before the break, Madam  
22 Witness, and I was talking about the Vietnamese, mixed Vietnamese  
23 families working in your commune. Did you know their names?

24 A. Of course, they were my relatives. So I know them; they were  
25 the relatives on my mother's side.

1 Q. Who was exactly the relative on your mother's side?

2 A. Ta Chhaom was related to my mother's side. As for Ta Chhin, he  
3 was not related, although he lived in the same village, commune,  
4 and district.

5 Q. I apologize. I was actually asking you now about the mixed  
6 Vietnamese families who were working with you in the rice fields  
7 and at the dam. So I wasn't talking about your brother or his  
8 friends, but about the Vietnamese families, the mixed families,  
9 rather. Did you know any of their names?

10 [15.13.45]

11 MR. LYSAK:

12 Just for the record, Mr. President and Counsel, the two names I  
13 think she just gave are two of the names of the Khmer husbands  
14 that she had identified who had Vietnamese wives. So the names  
15 that I heard correspond to the people that she had identified,  
16 the Khmer people who had Vietnamese wives.

17 BY MR. KOPPE:

18 Q. I take the cue. I apologize. I heard something different. Let  
19 me rephrase: you knew them because they were related, you said.  
20 How exactly were they related to you?

21 MS. SIN CHHEM:

22 A. My mother and his wife were cousins.

23 [15.14.48]

24 Q. Do you know which nationality they had?

25 A. The husband was pure Khmer. However, the Vietnamese wife was

1 the second wife, as the first wife died. And with the second  
2 wife, they had two children. I did not know where he met that  
3 Vietnamese wife, and later on they got married.

4 Q. But do you know whether she had the Cambodian nationality in  
5 1975? Whether she had a Cambodian ID?

6 A. I did not know about that. I only knew that she was his wife  
7 and they had children. And later on, she was taken away and  
8 killed.

9 Q. Well, let me talk about that. Have you ever, between 1975 and  
10 1979, before your own eyes, someone being killed? Did you ever  
11 see that with your own eyes?

12 A. I did not. However, people were killed and buried to the south  
13 of my house. In fact, they were pounding the rice, and then they  
14 were arrested, taken away and killed. And before that, they were  
15 under watch for quite some time. Actually, the dogs uncovered the  
16 burial site, and ate the corpses. I saw the scatter of the  
17 remaining, as well as the clothes.

18 [15.17.07]

19 Q. Thank you for that answer, but again, you never actually saw  
20 anyone killed with your own eyes; that is correct?

21 A. Yes, I never saw the killing, but I saw the remaining of the  
22 dead bodies, and I was told that they were killed the night  
23 before. And in that pit, there was the wife, the husband and the  
24 two children. Of course, I would be so scared if I witnessed the  
25 killing.

1 Q. Do you know whether there were ever any deportations of  
2 Vietnamese? Were people ever put on a boat and sent back to  
3 Vietnam? Or sent, rather, to Vietnam?

4 A. I heard about sending them, but I didn't know whether they  
5 were actually sent. And there was a name given to this so-called  
6 process, about sending them back.

7 Q. Those mixed Khmer-Vietnamese families that you were talking  
8 about, did you actually see their arrests? Or did you actually  
9 see them being taken either from their village or from their  
10 working place?

11 A. Yes, they were ordered to run in front of a bicycle. And  
12 that's what I witnessed with my own eyes.

13 [15.19.27]

14 Q. And was that the last that you saw of them, them in front of a  
15 bicycle? Was that the last time you saw them?

16 A. I did not. I don't know what to tell you. At that time, I was  
17 digging the earth, and I was told to return home, and I saw them  
18 being -- running before a bicycle. And I felt pity for them.

19 Q. Have you ever heard the sounds of battle? Have you ever heard  
20 grenades or mortar fire coming from Vietnam into the East Zone?  
21 Have you ever heard the sounds of battle or military conflict?

22 A. I did.

23 Q. What is it that you remember about that?

24 A. There was a fighting. There were sounds of shelling, and I was  
25 so frightened. And we were running to take refuge. Actually, when

1 we heard the sound from the shelling, I took my younger children  
2 and ran to seek refuge in another village.

3 [15.21.27]

4 Q. And was it the Vietnamese who were shelling on Cambodian  
5 territory?

6 A. Yes, the shelling came from that direction. However, I could  
7 say there were two groups: one was good and one was bad.

8 Q. What do you mean with that?

9 A. What I mean is that one group was the Thieu-Ky group, and  
10 another group was a good Vietnamese group. This is just my own  
11 understanding.

12 Q. Why are you smiling, Madam Witness, when you just gave that  
13 answer?

14 A. Because that's what I heard people saying. They referred to  
15 another group as the Thieu-Ky (phonetic) group. And they shelled  
16 into my village area. And people kept talking about the shelling  
17 from this group, and I simply repeated.

18 [15.23.10]

19 Q. Do you know whether people from your village or commune were  
20 injured or killed by this shelling of the Vietnamese army?

21 A. Yes, some people were injured from the shell shrapnel.

22 Q. Do you know any military people from the Democratic Kampuchea  
23 regime, or any Cambodian soldiers who were either injured or  
24 killed by the Vietnamese shelling?

25 A. No. There were not many, though there were shellings, but



1 people were hiding. As in my case, when I heard the shelling,  
2 then I would take my children to another village. And my nephew,  
3 who was hit with shrapnel which pierced his lung, was treated by  
4 another Vietnamese group coming from the eastern direction, and  
5 he is still living today in the area called Rong Damrei  
6 (phonetic). Actually, he was sent to Vietnam for surgery.

7 [15.25.00]

8 Q. This shelling, this Vietnamese shelling, do you remember when  
9 that was? Was it in '77, late '77, or maybe early '78? Or another  
10 time? Do you remember?

11 A. It was in 1977, and it was early that year, not in the later  
12 part of the year.

13 Q. Did you at one point in time also see Vietnamese troops, tank  
14 divisions, etc., entering the country in '77?

15 A. I saw tanks and Vietnamese troops who came and engaged in a  
16 battle. And in fact, some Vietnamese soldiers came to my house.  
17 They ate meals there, and they actually made cakes for us.

18 Q. The incident that you describe when you saw mixed  
19 Vietnamese-Khmer families walking in front of a bike -- a  
20 bicycle, was that event after you saw and heard the shelling, and  
21 the Vietnamese troops enter Cambodia? Was it after or before?

22 A. No. They were not arrested by Vietnamese, and have them run  
23 before a bicycle. In fact, it was Khmer people who arrested them.  
24 The Vietnamese troops did not. The act was done by Khmer against  
25 Khmer. The village chief was arrested and taken away on the road

1 just in front of my house, and a deputy, who was having lunch,  
2 was taken away as well.

3 [15.27.48]

4 Q. I understand that it was not the Vietnamese who arrested these  
5 families, or these members of families. But my question was: the  
6 incident with the bicycle, was that something that happened  
7 before the Vietnamese troops entered Svay Rieng, or after?

8 A. It happened after. Although the Vietnamese troops came to our  
9 village, they did not do anything to us. And actually the acts  
10 were committed by Khmer against Khmer.

11 Q. Can you make an estimate of how many Vietnamese troops you saw  
12 at the end of 1977 in your village?

13 A. There were many soldiers who came to our village. They did not  
14 mistreat us at all. Actually, they were as part of a convoy  
15 walking through our village.

16 Q. Do you recall seeing hundreds of Vietnamese troops, or were  
17 there thousands, or ten thousands of Vietnamese troops and tanks?  
18 What can you recall seeing?

19 A. There were quite a large number of them. Sometimes they came  
20 and cooked rice at my house, and after a while the group left our  
21 village and they did not do anything to us.

22 [15.30.12]

23 Q. Is it possible that they left again around 6 January 1978?

24 A. I could not recall the year.

25 Q. I understand. But how many months after the arrest of your

1 husband did the Vietnamese troops go back again to Vietnam?

2 A. They returned before my husband's death. After they returned,  
3 people started to be arrested and killed.

4 Q. Was your husband arrested because he was accused of  
5 collaborating with the Vietnamese troops?

6 A. I did not hear about that. But the Khmer and the Vietnamese  
7 were different. But it was the Vietnamese who liberated us; that  
8 I survived because of the Vietnamese liberation. I ran, and it  
9 was a difficult situation when I was running, because I had to  
10 carry rice and children, and my life was saved by the Vietnamese  
11 liberation. Without the Vietnamese liberation, I can say that my  
12 life and the life of others would perish. So I admire them. I do  
13 not feel angry with them.

14 [15.32.50]

15 Q. Do you know whether the mixed Vietnamese-Khmer families that  
16 you described, and who were walking in front of the bicycle,  
17 whether they were ever accused of collaborating with the  
18 Vietnamese troops who had invaded Cambodia in '77, and who had  
19 left early '78?

20 A. No, that was not true. They said that these people were  
21 traitors, they alleged them as traitors. They alleged those who  
22 were arrested as traitors. And some were alleged of being  
23 immoral. So when I thought of this, I -- I pray that those who  
24 committed wrong, who were brutal, they should face with what --  
25 the same kind of treatment.

1 MR. KOPPE:

2 Thank you, Mr. President. I'm done.

3 MR. PRESIDENT:

4 Thank you. Now the floor is given to defence counsel for Khieu  
5 Samphan to put questions to the witness. Please proceed.

6 [15.34.42]

7 QUESTIONING BY MS. GUISSÉ:

8 Thank you, Mr. President. Good afternoon, Ms. Sin Chhem. My name  
9 is Anta Guissé, and I'm International Co-Counsel for Mr. Khieu  
10 Samphan, and that is the capacity in which I'll put some  
11 clarification questions to you.

12 Q. As a follow-up to some of the questions put to you by my  
13 colleague, I would like to be sure that you are not mixing up the  
14 periods you have referred to. A while ago you referred to  
15 Vietnamese soldiers who came to your home, and who were brought  
16 to cook food in your home. Are you sure that that was during the  
17 Democratic Kampuchea period?

18 MS. SIN CHHEM:

19 A. I did not know what year it was. I just only saw them coming  
20 to my house. They did not do anything to me, and I also did not  
21 do anything to them. They cooked their food, and they also  
22 invited me to eat.

23 [15.35.58]

24 Q. A while ago, you situated that scene, without being sure of  
25 the date, in 1977. But in your DC-Cam record of interview that

1 I'll read out to you to try to refresh your memory, you situate a  
2 similar scene but that was during the war against the Americans  
3 and Lon Nol. It is document E3/7526, and the ERN in French is  
4 00746954; ERN in Khmer, 00185376. And in French, it is at the top  
5 of the page where you'll find the first question. In fact, the  
6 question in French, by the way, is on the previous page. I'll  
7 read it out to you so that it should be clear. The ERN in French  
8 is 0746953 (sic):

9 "It was therefore the liberation army led by -- madam.

10 "When the liberation army was in government -- that is, from  
11 1968, right? Those were the inhabitants of your village, right?"

12 Your answer was: "There was nothing to report. That was normal."

13 And the investigator asks another question, still with regard to  
14 the same period: "Which means that, during that particular time,  
15 they started -- tell me, how did they organize the work of the  
16 inhabitants? In other words, how did they organize group work in  
17 the form of cooperatives?"

18 And your answer was as follows: "There were groups and

19 cooperatives, isn't it? That being the case, that means that when  
20 the armed forces came, they did not do anything to us, and we did  
21 not do anything to them either. We went as far as providing food  
22 to them. When they came to homes, food was given to them, isn't  
23 it? There were people who came from Hanoi, and such persons and  
24 these were housed in my home. There were many people. They were  
25 from Hanoi. They did not know any Khmer at all. They came and

1 stayed in my house. They slept everywhere in the Rongkeu forest.  
2 And they asked us to prepare food for them and to take it to  
3 them, isn't it? We cooked for them, and they asked us to eat with  
4 them. That was the collaboration between the liberators to strike  
5 at the American army and the Lon Nol army." End of quote. [Free  
6 translation]

7 Does this passage refresh your memory? And can you tell us  
8 whether, when you saw the Vietnamese troops, that wasn't during  
9 the war against Lon Nol and the Americans?

10 [15.39.18]

11 A. I heard from people telling me that there Thieu-Ky group and  
12 the American group who were bad, and the other group were good.  
13 Those from Hanoi did come, and the people cooked food for them.  
14 So they asked for rice and food from us, and after we cooked, and  
15 then they told us to eat first because they feel afraid that we  
16 may put poison in the food. And that's what I did witness.

17 Q. Very well. And that is precisely why I am asking you to say  
18 whether you don't remember that that scene was during the war  
19 against Americans and Lon Nol -- that is, before the Khmer Rouge  
20 came to power in the rest of the country and in Phnom Penh. Does  
21 that ring a bell to you? Does that help you to give us a precise  
22 date?

23 MR. PRESIDENT:

24 Witness, please hold.

25 MS. SIN CHHEM:

1 A. My understanding -- the Khmer Rouge was different group, and  
2 they were for this -- for another group, it was different. So I  
3 think they were different groups.

4 [15.41.03]

5 BY MS. GUISSÉ:

6 Q. Very well. My question was whether, when the soldiers from Lon  
7 Nol came to eat in your home, and you gave them food, do you  
8 remember whether that was before the fall of Phnom Penh -- that  
9 is, when Lon Nol was still in power? Does that remind you of  
10 anything?

11 MS. SIN CHHEM:

12 A. I cannot recall it. The liberator soldiers and the Vietnamese  
13 group were on good relationship with each other, and they cooked  
14 food and ate together.

15 Q. And was that at the time when Lon Nol was still in power?

16 A. It was later on. It was after the Lon Nol regime.

17 [15.42.14]

18 Q. Do you remember whether that was before the 17 April 1975?

19 A. It's hard for me to say now because I have poor memory. In  
20 1975, the country was in a chaotic situation, and then in 1976  
21 and '77, we started to eat communally. And then in 1978 and 1979,  
22 the country was liberated.

23 Q. Very well. I won't insist on that point. I would like you to  
24 clarify something you said a while ago. You referred to persons  
25 who had been arrested, and who had to run after bicycles. My

85

1 first question is as follows: did you yourself witness the arrest  
2 of Vietnamese? I'm not talking of arrests in general, but I'm  
3 talking of the arrests of specific Vietnamese families. Did you  
4 witness with your own eyes any arrests?

5 A. No, I did not. But, for example, when the arrest happened  
6 today, and then tomorrow I heard from people. I did not witness  
7 it myself because I was busy working. I rarely stayed home.

8 [15.44.04]

9 Q. Very well. So when a while ago, in answer to a question put to  
10 you by Mr. Koppe, you referred to persons who were arrested with  
11 bicycles, you were referring to another arrest, or other arrests,  
12 isn't it?

13 A. Yes, it was really true that they were walked past my house. I  
14 mean the running--

15 MR. PRESIDENT:

16 Madam Witness, they did not ask you that question. Defence  
17 counsel just wants to know whether those people who were ordered  
18 to run ahead of the bicycle were Vietnamese or Khmer.

19 MS. SIN CHHEM:

20 A. They were Khmer. They were not Vietnamese.

21 [15.45.02]

22 BY MS. GUISSÉ:

23 Q. Perhaps to refresh your memory, in your DC-Cam document  
24 D3/5726, ERN in French, 00746963; ERN in Khmer, 00185385 -- or  
25 rather, 86 in Khmer; you refer in answer to a question put to you



1 by the person interviewing you, "Arrests made with bicycles". And  
2 this was the question put to you:

3 Question: "Who were the persons who were arrested and who had to  
4 do that?"

5 And your answer was as follows: "It was in villages and communes.  
6 It was the village chiefs, the commune chiefs and people like  
7 "ça, quoi". And when they were arrested, that is what they did  
8 all the time." End of quote.

9 Does that refresh your memory? Do you confirm that the persons  
10 who were arrested in that manner were indeed village chiefs or  
11 commune chiefs?

12 MS. SIN CHHEM:

13 A. They were arrested and ordered to run ahead of bicycles, and  
14 they were beaten. And I -- and some who committed those bad  
15 things, later on they were arrested and also killed. So I did not  
16 dare to commit this bad thing, because I was scared, and I felt  
17 afraid that other bad things would be -- my bad thing would be  
18 haunted later on by this kind of karma.

19 [15.47.18]

20 Q. I would like to talk about another point in your testimony.  
21 You talked of the arrest of your elder brother, and you stated  
22 that his wife and children were sent to Pursat, and that they  
23 came back from there. And you said that your sister-in-law was  
24 still alive. Do you confirm that point?

25 A. Yes, he survived. He was alive. Now he lives in Stoung

1 (phonetic), but his children, some of them died; some still  
2 alive. One or two of his children died.

3 Q. Very well. Perhaps there is an interpretation problem in  
4 French. You said "he", whereas I was referring to your  
5 sister-in-law. Are we indeed talking of your sister-in-law? In  
6 which case, it should be "she".

7 A. My in-law also went, but later on, yes, she returned along  
8 with her children.

9 [15.48.55]

10 Q. Very well. You say that she returned subsequently with her  
11 children, and a while ago you stated that two of her children had  
12 died. Can you confirm whether those children died during the  
13 Democratic Kampuchea regime, or thereafter?

14 A. They died later on. He -- one of them hung herself, and  
15 another one just died about two years ago.

16 Q. Another point. In your statement to the Co-Investigating  
17 Judges, document E3/7794, ERN in French is 00285547; ERN in  
18 English, 00251407; and the ERN in Khmer, 00249918. You referred  
19 to the arrests of Vietnamese in the village of Tuol Vihear. In  
20 fact, you referred to one family. Can you tell the Chamber how  
21 far Tuol Vihear village was from your village?

22 A. It was near my village. It was just across the stream.

23 [15.51.27]

24 Q. And can you tell the Chamber how long it could take you to get  
25 to that village from yours?

1 A. I think it's about one hour and a half from my village to that  
2 village.

3 Q. You also referred to an arrest that was carried out in Sycar  
4 village -- that is, S-Y-C-A-R for the interpreters. Can you also  
5 tell us how far that village, Sycar, was from your own village?

6 A. It was -- it is about one kilometre away.

7 Q. You also talked about an arrest carried out in Kien Ta Siev  
8 village. And it is written as follows: K-I-E-N T-A S-I-E-V.  
9 That's for the interpreters. Can you tell us how far that village  
10 was from yours?

11 A. It is also about one kilometre away from my village. One  
12 kilometre is not far. We can go there by -- on foot.

13 [15.53.03]

14 Q. And during the Democratic Kampuchea period, did you regularly  
15 visit that village?

16 A. Yes, I went there frequently to buy food. And those people in  
17 the village were arrested and taken away. They were sellers.

18 MR. PRESIDENT:

19 Madam Witness, she wants to ask you about during the Khmer Rouge  
20 regime, whether you went to those villages often?

21 MS. SIN CHHEM:

22 A. Yes, I went there often. We were -- we met friends, just like  
23 there were -- and I went there to buy food from them. And when I  
24 could not see them, I asked people. And people told me that those  
25 people were arrested and taken away. I'm clear about this. That's

1 why I -- I said it.

2 [15.54.28]

3 BY MS. GUISSÉ:

4 Q. Before this Chamber, several witnesses appeared and stated  
5 that money had been abolished during the Democratic Kampuchea  
6 regime. Can you tell the Chamber under what circumstances you  
7 went shopping and bought things for yourself in your village?

8 MS. SIN CHHEM:

9 A. I bartered it with rice, so I used rice to barter for food.

10 Q. Very well. And would you agree that the arrests you referred  
11 to in answer to questions put to you by the Co-Prosecutor in the  
12 three villages had to do with three persons who spoke to you  
13 about them. And so you yourself did not witness those events with  
14 your own eyes; isn't it correct?

15 A. I did not witness the arrests myself. Although I would witness  
16 - I had witnessed, I would keep my mouth shut, because I was  
17 scared. It was from other people who told me.

18 [15.55.50]

19 Q. If you do recall the names of those persons who talked to you  
20 about those events, can you give them -- can you give the Chamber  
21 their names? And also tell the Chamber what their positions were  
22 in that village?

23 A. I cannot recall their names, but they were my relatives who  
24 told me. But I could not identify now who were the specific  
25 persons among my relatives who told me.

1 Q. Without remembering specific names of the persons who told you  
2 about that, do you know whether some of those persons had  
3 particular positions? Or they were ordinary villagers?

4 A. They were ordinary people. They saw the arrests, and they told  
5 me. But now I cannot recall who the ones who told me.

6 Q. And did they tell you where those persons were taken to after  
7 having been arrested?

8 A. That -- those people were arrested and taken away to be  
9 killed. And I was even told about the execution site.

10 [15.57.34]

11 Q. But those persons witnessed the arrests. And did they follow  
12 those persons who were arrested? Or they themselves had heard  
13 about those arrests subsequently?

14 A. I heard from -- about the arrests, that the killed people were  
15 buried at Meun Say, and people went there to dig up the pit, and  
16 they found gold. So those people were killed and put in the pit,  
17 along with their children and husband, and their gold.

18 Q. My question was whether it was those persons who told you of  
19 the arrests who had heard about those arrests from others, or  
20 whether they themselves had followed the persons who had been  
21 arrested to the execution sites?

22 A. They witnessed the event unfolding by themselves; that's why  
23 they told me. If they did not witness the event by their own  
24 eyes, they would not have told me.

25 [15.59.08]

1 Q. My question is as follows: since arrests are carried out at  
2 one location, and then executions at another location, so I'm  
3 asking you whether the persons who talked of the arrests had been  
4 authorized to go to the execution sites subsequently? Since you  
5 do not remember the names of those persons, you should at least  
6 tell us whether they heard about those arrests from other persons  
7 or not.

8 A. Their houses were located next to the Vietnamese family's  
9 house. So, they told me. I myself did not witness the event, but  
10 those people witnessed the event by their eyes. So the next  
11 morning, they told me that, "Oh, those Vietnamese families were  
12 arrested and taken away." That's what I knew. And I could not  
13 remember the names of the ones who told me.

14 Q. But let's be clear about this. So what these people saw was  
15 that the families were arrested and taken away; is that so?

16 A. That's what I was told. Then I felt pity for them.

17 [16.00.44]

18 Q. It's soon time to adjourn, so I'm going to try to be quick  
19 with my last series of questions. And my last questions deal with  
20 Mr. Khieu Samphan. So, is it so to say that you never met Khieu  
21 Samphan during the DK period?

22 A. I never knew him. I only heard people talking about Khieu  
23 Samphan, that he fled away to join the Pol Pot's group. And I did  
24 not hear anything else about him.

25 Q. And when you say that he escaped to join the Pol Pot group, in

1 which period did that happen?

2 A. It was from the beginning. While I was working, I heard people  
3 saying that Khieu Samphan fled to join Pol Pot's group. However,  
4 the word was spread from one to another. I heard this from other  
5 women, as the men did not allow me to hear anything. And as you  
6 know, I do not know how to read or write. And at that time we  
7 could speak about this, but later on we did not dare to speak  
8 openly about this matter.

9 [16.02.20]

10 Q. I am telling you this because earlier, when you brought up the  
11 issue with the Co-Prosecutor, you said that Khieu Samphan had  
12 joined the enemy. So my question was: which enemy are you  
13 speaking about? Which enemy exactly?

14 A. The enemy that I referred to was Pol Pot.

15 Q. And when you say "enemy", whose enemy are you talking about?

16 A. I do not know what to tell you. People talked about "enemy".  
17 Then we heard about this rather confusing situation.

18 Q. And do you remember if this happened during -- or was this  
19 before the Lon Nol coup d'état, or was it afterwards? That is to  
20 say the moment when you say that Khieu Samphan joined the Pol Pot  
21 group, or the enemy.

22 A. I cannot recall that. I forget about it.

23 Q. I won't insist upon this, so my last question will be: is it  
24 true that you do not know which were Khieu Samphan's duties  
25 during the DK period?

1 A. I do not understand your question.

2 [16.04.18]

3 Q. Okay, last attempt. Do you know, or did you ever hear about  
4 Khieu Samphan outside of this moment when you said he joined the  
5 Pol Pot group?

6 A. I heard about him. Hu Nim and Hou Youn came to do dry season  
7 rice farming in my area, and later on, in 1976 -- or rather in  
8 1975 or '76 when they came to do the dry season farming. And  
9 later on, I heard about Khieu Samphan fled to join Pol Pot. I  
10 heard this from other people. That's why I told you I heard that  
11 he went to join the Pol Pot's group, and then there was later on  
12 this confusing situation, and I was so scared.

13 MS. GUISSÉ:

14 I have no further questions, especially owing to the time, Mr.  
15 President. Thank you.

16 [16.05.33]

17 MR. PRESIDENT:

18 Thank you. The hearing of the testimony of Sin Chhem is now  
19 concluded. And Madam Sin Chhem, the Chamber is grateful of your  
20 testimony for the whole day today. Your testimony may contribute  
21 to ascertaining the truth, and you are no longer required to be  
22 in the Chamber, and you can return to wherever you wish to go to.  
23 The Chamber wishes you all the very best.  
24 Court officer, in collaboration with WESU, please make  
25 transportation arrangements for her to return to her residence or



1    wherever she wishes to go.

2    And the hearing is adjourned today, and resumes tomorrow -- that  
3    is, Tuesday, 15 December 2015, commencing from 9 o'clock in the  
4    morning. Tomorrow the Chamber will hear testimony of a witness,  
5    2-TCW-846.

6    Security personnel, you are instructed to take the two Accused,  
7    Nuon Chea and Khieu Samphan, to the detention facility, and have  
8    them returned to attend the proceedings tomorrow before 9  
9    o'clock.

10   The Court is now adjourned.

11   (Court adjourns at 1607H)

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