



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

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22 January 2015

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**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Sep-2018, 12:26

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THOU Mony  
Martin KAROPKIN (Reserve)  
YOU Ottara (Reserve)

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## I N D E X

### Mr. MEAS Sokha alias Thlang (2-TCW-936)

Questioning by Mr. KOPPE resumes .....	page 10
Questioning by Mr. KONG Sam Onn.....	page 25
Questioning by Ms. GUISSSE .....	page 38

### Ms. OUM Suphany (2-TCCP-296)

Questioning by the President (NIL Nonn).....	page 56
Questioning by Mr. LIU.....	page 58

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LIU	English
Mr. LYSAK	English
Mr. MEAS Sokha (2-TCW-936)	Khmer
The President (NIL Nonn)	Khmer
Ms. OUM Suphany (2-TCCP-296)	Khmer
Mr. PICH Ang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 1005H)

3 MR. PRESIDENT:

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

5 For today's proceedings, the Chamber will continue to hear the

6 testimony of the Witness, Meas Sokha, and we then continue to

7 hear the testimony of civil party, 2-TCCP-296.

8 The Greffier, Ms. Se Kolvuthy, could you report the attendance of

9 the Parties and individuals to today's proceedings?

10 THE GREFFIER:

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

12 are present, except the accused Nuon Chea. He is at the holding

13 cell downstairs, as he waives his rights to be directly present

14 in the main courtroom, and the letter has been submitted to the

15 Greffier. The Witness, Meas Sokha and civil party 2-TCCP-296 are

16 <in the waiting room, and> ready to be called by the Chamber.

17 Thank you.

18 MR. PRESIDENT:

19 Thank you.

20 The Chamber has received a health medical report by the doctor on

21 duty for the Accused at the ECCC, who has examined the Accused.

22 In general, the health is good for Nuon Chea. He has a backache

23 for prolonged sitting and dizziness, and he is recommended to

24 follow the proceedings in the holding cell downstairs. At the

25 same time, the Chamber also received a waiver from the accused

2

1 Nuon Chea, due to his health condition -- that is, a headache,  
2 backache, that he cannot sit up for long in the main courtroom --  
3 and for today's proceedings, he waives his right to be present in  
4 person in this main courtroom.

5 [10.08.32]

6 And he expressly states that he understands the right and his  
7 waiver, and he understands that the waiver <does> not <have a>  
8 prejudicial <effect> in the trial against him. And also with the  
9 medical report from the doctor, as well as the waiver from the  
10 accused Nuon Chea, the Chamber agrees and allows Nuon Chea to  
11 follow the proceedings from a holding cell downstairs, through a  
12 remote means. As I have just stated, he expressly waives his  
13 right to be present in the main courtroom.

14 The AV unit, you are instructed to link the proceedings to the  
15 holding cells downstairs for today's proceedings so that he can  
16 follow it.

17 The Chamber has been informed by the Nuon Chea's defence to make  
18 a five-minute statement in regard to today's proceedings, and I  
19 would like to give the floor to you now to do so.

20 [10.10.26]

21 MR. KOPPE:

22 Thank you, Mr. President, Your Honours, Counsel.

23 Maybe, Mr. President, it is a 10-minute submission that we have  
24 to make. It is all regarding the Witness that testified yesterday  
25 and earlier this month. It is our position that this Witness,

3

1 Meas Sokha, is lying, that he has been lying about the crimes he  
2 claims to have witnessed at Krang Ta Chan.

3 MR. PRESIDENT:

4 Counsel Koppe, please wait. The International Co-Prosecutor, you  
5 have the floor.

6 MR. LYSAK:

7 I am sorry to get on my feet so quickly, but we must object to  
8 this procedure. If there's a motion to be made, first of all it  
9 should have been described in the email that was circulated to  
10 this Court so that we had notice. This is not the time to get on  
11 your feet and make arguments about credibility of witnesses. I  
12 could not possibly disagree more with the first words that came  
13 out. This is not the time for the Defence and the Prosecution to  
14 argue the credibility of witnesses. If he has a motion to be made  
15 about procedure, that's one thing, but this -- this is certainly  
16 improper, and not the time for the Defence to be getting up and  
17 challenging the credibility of a witness.

18 [10.12.05]

19 MR. PRESIDENT:

20 Thank you. And the National Lead Co-Lawyer for Civil Parties, you  
21 have the floor.

22 MR. PICH ANG:

23 Good morning, Mr. President, Your Honours, and everyone in and  
24 around the courtroom. This morning when I checked my email, I was  
25 rather surprised. It is my view that in the previous practice,

4

1 the President advised the Parties not to make any conclusion or  
2 assumption on the credibility of witnesses, <at this stage,> and  
3 we have Internal Rule 92 to support that and that Parties can  
4 make so at the final submission -- written submission on the  
5 credibility of the witnesses. Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you. And Counsel Koppe, do you have any response to be made  
8 to the opposition made by the International Co-Prosecutor and  
9 National Lead Co-Lawyer for Civil Parties?

10 [10.13.23]

11 MR. KOPPE:

12 Yes, Mr. President. We have a request to be able to cross-examine  
13 this Witness for three more hours. Why we need this time, we  
14 would like to briefly argue. We're not making any submissions on  
15 the probative value of this Witness, because this is not the time  
16 and place to do so. However, we would like to explain to the  
17 Chamber why it is that we need this extra time. It is a five to  
18 ten-minute submission. It is the proper place to do, because it  
19 relates directly to this Witness. When would you want me to do it  
20 otherwise?

21 MR. PRESIDENT:

22 Judge Fenz, please proceed.

23 [10.14.19]

24 JUDGE FENZ:

25 I've just a question to Counsel. These arguments you want to

5

1 present to the Chamber, are those the result of yesterday, or  
2 have they been known for a longer period of time?

3 MR. KOPPE:

4 No, no, no. Because of yesterday.

5 Thank you, Mr. President. I will continue. We are convinced that  
6 Meas Sokha never witnessed the torture incident of a fat cyclo  
7 driver, suffocated by a plastic bag. We are convinced he made up  
8 his story. His inability to --

9 [10.15.07]

10 MR. PRESIDENT:

11 Counsel, you are not allowed to make a conclusion that a witness  
12 is lying during the testimony. This will threaten the <witness>,  
13 or make him lose confidence for his testimony <before the  
14 Chamber>, and in order to make sure the testimony has a probative  
15 value, or it is -- it is credible, it is at the entire discretion  
16 of the Bench<, in accordance with the national law as well as the  
17 ECCC Law>. You may continue to question the witness in relation  
18 to the facts related to the witness. And, of course, we  
19 understand your tactics, or your methods, when you questioned the  
20 Witness yesterday, but it has to be within the limit of  
21 questioning the Witness, and the types of questions that are  
22 applicable within the domestic system, as well as <the  
23 proceedings> within the ECCC.

24 (Judges deliberate)

25 [10.19.35]



6

1 JUDGE FENZ:

2 Just an additional question to Counsel, before we make a  
3 decision. Will your only final request be to extend the time  
4 allocated to you to three hours? Or would it -- will it also go  
5 to questions of relevance, etcetera? Meaning, do you suspect that  
6 the Chamber -- that some of the questions you will ask will be  
7 considered irrelevant if you don't tell us for 10 minutes now why  
8 they are relevant?

9 MR. KOPPE:

10 Well, it was my intention, before I got cut off unnecessarily, to  
11 explain that the only way to show this Court that this is an  
12 unreliable Witness is asking him about details, details as to the  
13 events that he claims to have witnessed. If he is not -- if he is  
14 not able to properly describe the events, if he is not able to  
15 give details of what happened, we think he's unreliable. This is  
16 our only way to show to you that he is, in fact, an unreliable  
17 Witness. What else do you want us to do?

18 JUDGE FENZ:

19 So, you have basically answered the second question I would have  
20 asked. You intend to stick with this incident for three hours?

21 [10.20.55]

22 MR. KOPPE:

23 No. I was almost finished with this incident. It -- my questions  
24 were related to what he claims to have witnessed in relation --  
25 in respect to the torture. Now, the next line of questions will

7

1 be me asking him questions about details of children that he saw  
2 beaten against trees, mass executions on this small -- that's  
3 what my -- my intention was.

4 MR. PRESIDENT:

5 The <International> Co-Prosecutor, you have the floor.

6 MR. LYSAK:

7 Thank you, Mr. President. I have no objection to the Defence  
8 having equal time to us. By my calculation, that would be that  
9 they would get an additional hour to an hour and a quarter,  
10 total. Not three hours. Frankly, Counsel can choose how to use  
11 his time as he wishes. My view of the hour he spent yesterday was  
12 unnecessary. Questioning about the details of one day, from a  
13 prisoner who was here for two years, we could have done this --  
14 he could have accomplished his objective in five minutes. No one  
15 should be surprised that a person, thirty years later, remembers  
16 that someone was suffocated, remembers that people were killed,  
17 but may not remember anymore less significant details of that  
18 day: how much the prisoner weighed, what colour his hair was,  
19 what socks he was wearing. I don't think it is any way productive  
20 to grant three hours in this case, but I am certainly not opposed  
21 to them having another hour and a quarter, which would give them  
22 the same time as us.

23 [10.22.50]

24 MR. PRESIDENT:

25 And what about Khieu Samphan's counsel? Can you give us an

8

1 estimation of time that you need to question this particular  
2 Witness?

3 MS. GUISSÉ:

4 Yes, Mr. President, we have had a discussion with <my colleague>  
5 Mr. Sam Onn, and both of us, -- unless all the issues have been  
6 covered by Mr. Koppe -- will need about <one hour>. <Between the  
7 two of us>, we'll need one hour, <for starters, to split among  
8 ourselves>.

9 [10.23.38]

10 MR. PRESIDENT:

11 Thank you. And the International Lead Co-Lawyers for Civil  
12 Parties, you may proceed.

13 MS. GUIRAUD:

14 Thank you, Mr. President. I also do not have any objections with  
15 regard to the manner in which the Defence would like to use their  
16 <allotted> time<. It's their responsibility to choose the>  
17 questions they would like to put to the Witness. I nevertheless  
18 have <an> objection regarding granting them additional time, and  
19 I would like to remind the <Chamber and the> Parties, and  
20 particularly the public, that we have an investigation that went  
21 on for several years, during which the Defence could also have  
22 asked such questions. So, I am concerned today <that if> the  
23 Defence <takes> additional time to challenge the credibility of  
24 <each> Witness <because> they didn't do so during the  
25 investigation <-- when they had the chance to do so --, then

1 obviously the> trial will never <> end in time. So I would like  
2 you to take that into account <as you come to a> decision.

3 [10.24.54]

4 MR. PRESIDENT:

5 The Chamber does not allow the <International> Co-Prosecutor to  
6 be on his feet again. Whatever you wish to make, you should make  
7 it at one go.

8 The Chamber decides that the time for the two defence teams is  
9 from now until the lunch break at 12 o'clock -- at noon. Court  
10 Officer, could you please usher the Witness in?

11 (Witness enters the courtroom)

12 [10.26.58]

13 MR. PRESIDENT:

14 Good morning, Mr. Meas Sokha. Today, we will continue to hear the  
15 remaining of your testimony, and before I hand the floor to the  
16 Defence Counsel to put the questions to you, the Chamber would  
17 like to remind you that you should listen to the questions  
18 carefully and make a direct response to the said questions.

19 Please avoid <overstating the essence of> your response to the  
20 questions.

21 And secondly, if you are unsure of any question put to you, you  
22 can ask the person to rephrase it or to repeat that question.

23 This is in order to save time and to put value on the clarity of  
24 your testimony and I hope you understand my instructions to you.

25 The Chamber would like now to give the floor again to Nuon Chea's

10

1 defence.

2 [10.28.16]

3 QUESTIONING BY MR. KOPPE RESUMES:

4 Good morning, Mr. Witness. I have two or three more questions

5 relating to the events that you described yesterday, the events

6 that you saw a cyclo driver being suffocated with a plastic bag.

7 You said you were standing close to the kitchen. Do you remember

8 if your mother was present when you watched this event?

9 MR. MEAS SOKHA:

10 A. I was there, but mother wasn't as she was not there. The

11 kitchen area was for guards only, not the kitchen for prisoners.

12 Q. Where were your other brothers and sisters at that moment in

13 time?

14 A. My younger siblings were not there, because younger children

15 were allowed to play at the north side, near the fence.

16 [10.30.05]

17 Q. Mr. Witness, would you be able to tell whether the distance

18 that you were standing from the events was about the same

19 distance as the prison buildings? In other words, would you be

20 able to tell whether the prisoners were able to hear the same

21 things that you heard?

22 A. No, they could not, because during the interrogations they

23 would play music, or songs, or national anthem over loudspeakers.

24 Q. So, is it now your testimony that during the interrogation of

25 the cyclo driver they were playing music?

11

1 A. During interrogation, music was always played.

2 [10.31.25]

3 Q. Final question, Mr. Witness, would you be able to explain how  
4 it was possible that you were able to hear the questioning of the  
5 interrogators and the answers of the cyclo driver when the music  
6 was playing?

7 A. The loudspeaker was turned towards the prisoners' building, to  
8 avoid them hear -- so those prisoners could not hear the  
9 interrogation.

10 Q. That surprises me, Mr. Witness. I have visited the site  
11 myself, and I think the kitchen and the prison building is about  
12 the same --

13 MR. PRESIDENT:

14 Co-Prosecutor, you now have the floor.

15 MR. LYSAK:

16 Yes, I object to Counsel testifying himself. There's a site  
17 identification report that has a map, a diagram of this prison  
18 grounds. It's not appropriate for Counsel to be testifying  
19 himself about the layout of the prison.

20 BY MR. KOPPE:

21 Fine, Mr. Prosecutor.

22 Q. Mr. Witness, isn't it true that the prison building has about  
23 the same distance in respect of the interrogation room as the  
24 kitchen?

25 [10.33.25]

12

1 MR. MEAS SOKHA:

2 A. The kitchen building of the guards was about 50 metres away  
3 from the prison buildings.

4 [10.33.40]

5 Q. And the kitchen?

6 A. It was about 40 metres away.

7 Q. Thank you Mr. Witness. I would like to turn to another topic.

8 Earlier in your testimony, you have testified that you saw prison  
9 cadres -- prison guards smash babies against trees on the  
10 compound or outside the compound. Would you be able to remember  
11 when this happened? How long were you already in Kang Ta Chan  
12 when this happened?

13 A. That incident, it happened in 1977. At that time, I could move  
14 freely. At the time, I could observe how the children were  
15 killed.

16 Q. Would you be able to explain what happened that day when you  
17 saw that?

18 A. As for this, <nothing happened since> there were guards  
19 guarding the execution. So, after the execution of the mother,  
20 the babies would also be killed. Dig the roots -- <to> dig the  
21 grass, <one> had to dig out -- the root out as well.

22 Q. My question Mr. Witness, if you would be able to describe --  
23 describe in general terms what you did that day before you saw  
24 babies being smashed against trees.

25 A. Before the child or the baby was <to be smashed> at the time,

13

1 I returned to my place where the cattle were kept. And that place  
2 was to the <south> of the execution site. <I peeked through  
3 the coconut leaves fence because> there was a big <gum> tree  
4 <attached to> the pit.

5 [10.36.49]

6 Q. Mr. Witness, that was not my question. My question was whether  
7 you would in general terms be able to describe the day that you  
8 saw that. You woke up: what did you do in the morning? What did  
9 you do in the afternoon? When exactly did you see these babies  
10 being smashed?

11 A. There was no execution in the morning. Execution usually took  
12 place at 2 or 3 p.m. In the morning, I went to collect vegetable  
13 for <the guards,> and <in the afternoon,> I went to tend the  
14 cattle. After tending the cattle, I have -- I had to return the  
15 cattle to its place. The place where the cattle were kept was  
16 close to the execution site and I could see the baby was killed  
17 and then, the baby was thrown into the pit.

18 [10.38.10]

19 Q. I'll move up a little bit. Which baby was it? Whose child was  
20 it? Do you know the mother?

21 A. I do not know the <> mother.

22 Q. Did you see the mother when the baby was killed?

23 A. Before the execution of the mother, I could see her. And after  
24 the killing I no longer saw her.

25 Q. Could you give some details about the mother? Do you know her



14

1 name? Can you describe her? Was she a prisoner?

2 A. I do not know her name. And I do not know her <> place of  
3 birth. I do not know her origin. I knew only that she was put in  
4 Krang Ta Chan Security Office.

5 Q. But surely you'll be able to -- to describe her. Do you know  
6 what she looked like? Do you remember what she looked like? Where  
7 she was from maybe?

8 [10.39.56]

9 A. Before the incident, I was not there <to observe>. During the  
10 time the execution took place, I was chased away <to tend the>  
11 cow or cattle. After tending cow and I returned, I <took a peek  
12 at> the execution. This is what I knew.

13 Q. But surely Mr. Witness, this was a terrible incident. You had  
14 yourself siblings, young children at the time. Did you maybe  
15 speak about the events afterwards with other prisoners or staff?

16 A. I dared not speak <about> this incident<. I was not supposed  
17 to talk about this. If I had spoken about it, I would have died  
18 too. If I saw this,> I had to pretend that I <was deaf> or  
19 <mute>.

20 [10.41.15]

21 Q. So you didn't go up to a guard or somebody else asking what  
22 happened, why did they smash this baby against the tree?

23 A. As I told you already, I did not go to ask information from  
24 any other guards. I would be in danger. I had to pretend that I  
25 could not speak, I could not hear anything.

15

1 Q. Mr. Witness, do you remember which tree it was that they  
2 smashed that baby against?

3 [10.42.14]

4 A. The baby was smash against <a gum> tree.

5 Q. And where is that tree?

6 MR. PRESIDENT:

7 Witness, please hold on. You have to wait for the microphone to  
8 be activated.

9 MR. MEAS SOKHA:

10 A. It was to the north of the pit<, at the entrance where they  
11 took people to be killed>.

12 BY MR. KOPPE:

13 Q. What do you mean to the north? Was it on the compound or was  
14 it outside the compound?

15 MR. MEAS SOKHA:

16 A. It was in the first level compound.

17 Q. Do you remember if your brothers and sisters or your mother  
18 saw this?

19 A. My mother could not witness the incident. Whenever <an>  
20 execution was carried out, everyone was pushed into the  
21 buildings. My mother asked that she could be transferred to a  
22 cooperative. And one day, Seang, the guard, asked her where Yeay  
23 Nha wanted to go. "This is the place where you could stay. So <>  
24 do not ask <> to go anywhere later on."

25 Q. Do you remember which prison guards did this?

16

1 A. <The> security guards, all of them made such statement. And  
2 usually guards had their respective duties. <There were like  
3 four> people <to send prisoners to> the pit<, two for taking  
4 people out of the entrance, one was waiting on the way, and  
5 another two to wait at the pit>.

6 Q. Again Mr. Witness, I wasn't asking you general comments about  
7 what happened. My question was, who was it that smashed that  
8 baby?

9 [10.45.24]

10 A. It was Seang.

11 Q. Do you remember how he did this?

12 A. I do not know how he did it. And I do not know the methods of  
13 killing. If I knew, how could I not <speaking it out>? The killing  
14 <in general> was like what I described.

15 Q. I'm a little bit confused now, Mr. Witness. Are you now saying  
16 that you didn't see it or you didn't know it? What exactly do you  
17 mean?

18 [10.46.24]

19 A. I said -- I already told you what I saw and please do not ask  
20 me further concerning the killing of the baby. I could see the  
21 incident for a brief period of time only on that day.

22 Q. Very well, Mr. Witness, I will move on but not without asking  
23 a last question on this topic. I put it to you that you never  
24 actually saw the killing of a baby- the smashing of a baby  
25 against a tree; is that correct?

17

1 MR. PRESIDENT:

2 Counsel, I told you already. You should not make any conclusion  
3 and ask the Witness to confirm on your conclusion. You can make  
4 your conclusion at the end of evidentiary hearings. And you can  
5 make the conclusion based on your written submission for the  
6 Chamber. You have to comply with the Criminal Procedural Codes of  
7 Cambodia and also the procedure of the ECCC. The Witness, you  
8 need not answer to the question.

9 [10.47.58]

10 BY MR. KOPPE:

11 I think Mr. President, it was a perfectly legitimate question.

12 However, in this court interesting things happen.

13 Q. Mr. Witness, I would like to move on to the next topic. And  
14 that is your eye testimony in relation to the mass execution of  
15 prisoners. Again, do you remember when exactly or around which  
16 time during your presence in Krang Ta Chan that was?

17 MR. MEAS SOKHA:

18 A. I saw the execution <only> during the time I was detained in  
19 Krang Ta Chan Security Office. <Other than that, I do not know.>  
20 There were brutal crimes, <the indiscriminate> killings <took  
21 place> within the compound of Krang Ta Chan Security Office <>.

22 [10.49.12]

23 Q. Please Mr. Witness, if you would be so kind to listen to my  
24 question. My question was; do you remember around which time the  
25 mass execution that you spoke about yesterday happened -- when

1 that time was?

2 A. It happened in 1977 during the time I was detained in Krang Ta  
3 Chan Security Office. I was in that security from 1976 to 1977.

4 Q. Was it the dry season? Was it the wet season? Do you remember?

5 A. It was after the harvest season.

6 Q. Now Mr. Witness, I would like you -- I would like to take you  
7 back to that day. Do you remember what you did that day when you  
8 saw these mass executions?

9 A. I did not do anything other than tending cattle. The killing  
10 took place at 3 p.m. Large number of people were transported to  
11 the security office. Because there were no rooms for those  
12 prisoners, they were taken to be killed.

13 Q. One step at a time, Mr. Witness. At 3 o'clock, you said you  
14 witnessed the mass execution. How do you remember it was 3  
15 o'clock?

16 [10.51.26]

17 A. From 3 p.m. prisoners were transported out from the first  
18 level -- from within the first level fence to the execution  
19 place. Two or three or four prisoners were taken out once at a  
20 time until they collected all 100 -- all 100 prisoners to that  
21 pit. And after that, <I stopped looking at that because> when  
22 night fell, I slept.

23 Q. Is it now your testimony that you saw the execution of 100  
24 prisoners?

25 A. On that day, more than 100 prisoners were killed but I do not

19

1 know the exact number.

2 Q. Fine, Mr. Witness. But let me take you back to 3 o'clock that  
3 day. How do you remember it was 3 o'clock?

4 A. I have already told you. So, why you keep insisting on the  
5 answer? I told you what I saw.

6 [10.53.16]

7 MR. PRESIDENT:

8 Mr. Witness, you have to listen carefully to the question and if  
9 you do not know the answer, you can say 'I don't know'. I have  
10 already told you, if you are trying to overstate, there will be  
11 consequences. You have no right to not respond to the question.  
12 You can say 'I do not know the answer', this is- this can be your  
13 answer and it is clear for everyone. Please continue your  
14 questioning, Counsel.

15 [10.54.05]

16 BY MR. KOPPE:

17 Q. So, it's 3 o'clock that day. Let's assume that for a second.  
18 Had you been tending the cows before you came back to the  
19 compound?

20 MR. MEAS SOKHA:

21 A. I returned <from tending cattle> to my place after 3, 4 or 5  
22 p.m. <I did not stay late.>

23 Q. Again, Mr. Witness, that was not my question. My question is  
24 about that day that you say you saw 100 prisoners being executed.  
25 Did you come back at 3 o'clock from tending the cows?

1 A. At 3 o'clock, I came to collect the ropes so that I could  
2 catch the cattle back.

3 Q. Fine. Can you explain to the Court where exactly you were when  
4 you saw the execution of 100 prisoners?

5 A. I do not answer to this question because I was not there to  
6 observe the incident.

7 [10.56.12]

8 Q. Is it now your testimony that you didn't actually see the  
9 execution of 100 prisoners?

10 A. I saw that incident after prisoners were all killed. <They  
11 were placed at that compound; no one left behind. I, myself,> was  
12 the one who buried the bodies.

13 Q. So you didn't actually see the killing but it was you who dug  
14 graves to put those 100 bodies into; is that now what you're  
15 saying?

16 A. I did not stay there to count the prisoner to be killed. When  
17 I saw the killing, I walked away.

18 Q. So now you saw the killing; is that correct?

19 A. Yes, I saw it just for a brief moment.

20 Q. But Mr. Witness, the execution of 100 people, that surely  
21 takes -- I don't know -- half hour, hour? You saw it, you tell  
22 me.

23 [10.58.04]

24 A. I do not have a clock or watch to time. <I knew> it was <3  
25 p.m.> in the afternoon<.> The killings took place in the

21

1 afternoon and at 8 p.m. I <woke> up to clean the <swords>.

2 Q. Mr. Witness, just so I understand it correctly, the execution  
3 of 100 prisoners must -- to witness that must be a terrible  
4 event. So I'm asking you details so in order to be able to  
5 understand what happened. Can you be very clear? Did you see the  
6 actual killing of those 100 prisoners? And if yes, how did it  
7 happen?

8 MR. PRESIDENT:

9 Mr. Witness, please hold on. You have the floor now, Mr.  
10 Co-Prosecutor.

11 MR. LYSAK:

12 My objection, Mr. President is simply that he be more clear in  
13 his question. Is he asking him whether he saw all 100 prisoners  
14 executed or is he asking him whether he saw some of the prisoners  
15 executed? By the question being unclear, that's why we have to  
16 have these repetitive questions over and over. So I would ask  
17 that he be clear as to whether he's asking -- what he's asking  
18 precisely.

19 [10.59.50]

20 MR. KOPPE:

21 Mr. President, this is a disgraceful --

22 MR. PRESIDENT:

23 I also think your question is rather repetitive, and Witness you  
24 are instructed not to respond to the last question, and Counsel  
25 please move on.



1 MR. KOPPE:

2 Mr. President, on the record this is a disgraceful objection, a  
3 disgraceful decision. I am talking here about the execution of  
4 100 people.

5 MR. PRESIDENT:

6 I have heard your questions and they are rather repetitive. I  
7 took notes of your questions and the Witness stated that he saw  
8 the killing. He already responded to your question. And if you  
9 have other questions, please make sure that your questions are  
10 precise. And you are not allowed to put repetitive questions to  
11 the Witness. Otherwise your time is running out and the time for  
12 Khieu Samphan's defence is also running out.

13 [11.00.57]

14 BY MR. KOPPE:

15 Q. Mr. Witness, did you see the execution of all 100 prisoners?

16 MR. MEAS SOKHA:

17 A. I saw the killing in a very short time. I did not stand there  
18 to watch the entire event of killing.

19 Q. Fine, Mr. Witness. How many killings did you see?

20 A. I did not count at the time.

21 Q. Was it one, was it five, was it 10, was it 20?

22 A. I saw only one killing and then I was shocked so I did not  
23 continue watching, and I knew later on that 100 of them had been  
24 <put there>.

25 Q. So it's now your testimony you saw the killing of actually

1     only one person. Is that correct? And who was this person?

2     A. I did not know that person.

3     Q. When this person was killed where were the other 90 or 100  
4     prisoners?

5     A. They were all in the same pit.

6     Q. My question meant to ask you where the other prisoners were  
7     during the execution of the one you saw?

8     A. The person that I saw was one of the 100 persons. I only saw  
9     that one killing<; I felt so shocked that> I walked away. The 100  
10    prisoners were sent <to the same place, nowhere other than that  
11    place>.

12    [11.03.28]

13    Q. How do you know this? Who told you that?

14    A. The guards told me because some guards were also kind and they  
15    told me that 100 prisoners were killed and they were -- the  
16    bodies were in the pit, and I was ordered to bury the bodies.  
17    <They told me not to let anyone know and to help them bury the  
18    bodies. They said that this was just a whisper to me.>

19    Q. I don't understand Mr. Witness. You were burying the bodies or  
20    were they already there in the pit?

21    A. The bodies were in the pit.

22    Q. Is it then your testimony that you didn't dig the holes where  
23    the bodies were put into?

24    A. No, I did not dig the pit. It was <Ta Chhen and Say Sen> who  
25    dug the pit.

24

1 Q. Fine. Mr Witness, where were you during the killings of the 99  
2 other prisoners. Where did you go to after you saw the killing of  
3 one prisoner?

4 A. I went away to <tie> the water buffalo because it was rather  
5 late and as I stated when the night fell, I would sleep. I would  
6 not be allowed to wander anywhere at night.

7 [11.05.37]

8 Q. But, I don't understand this Mr. Witness. You said you saw  
9 this at 3 o'clock. You watched only one killing. I presume it  
10 would be 3.15 when you went away. So it was 3 hours until  
11 darkness would fall. Is that correct?

12 A. I didn't talk about the night time. I went to gather the  
13 cattle and put them back into the pen. And that was about 5  
14 o'clock in the afternoon. And that was the time that I had to  
15 return to the prison compound. Then I had my meal and I was ready  
16 to be called to assist in hunting frogs as required.

17 [11.06.42]

18 Q. So when you came back did you see the dead bodies of these 100  
19 prisoners?

20 A. When I was ordered to bury the bodies, I went together with Ta  
21 Chhen and that's when I saw those dead bodies.

22 Q. I thought you just said that you were not involved in the  
23 burying of the bodies. I don't understand, Mr. Witness.

24 MR. PRESIDENT:

25 The International Co-Prosecutor, you may proceed.

1 MR. LYSAK:

2 Again, repetitive questioning. But my objection is that Counsel  
3 is misstating the prior record. The Witness said he wasn't  
4 involved in digging the pit. There is digging the pit and then  
5 there is burying, covering the pit. And if he were to make that  
6 distinction in his questions we wouldn't have to have the same  
7 questions asked over and over. So I would ask him to be more  
8 specific and not to misstate the Witness's prior testimony, which  
9 was that he was not the one who dug the pit.

10 MR. KOPPE:

11 Mr. President, I am asking questions. I've been busy for 25, 30  
12 minutes, 20 minutes on a terrible tragic event of the mass  
13 execution of 100 prisoners. I don't think I ask repetitive  
14 questions. But it's already 10 minutes past 11. On the record, I  
15 have many more questions to this Witness. I would like to be able  
16 to continue to asking questions, not only about this alleged mass  
17 execution, but also about other executions. Please allow me, Mr.  
18 President, to continue my questioning.

19 [11.08.44]

20 MR. PRESIDENT:

21 You will not be allowed, there is no time, unless you can use the  
22 remainder of the time from the Khieu Samphan's defence. And now  
23 the Chamber would like to give the floor to Khieu Samphan's  
24 defence to put the questions to this Witness.

25 QUESTIONING BY MR. KONG SAM ONN:

1 Thank you, Mr President. Good morning, Your Honours, and everyone  
2 in and around the Courtroom and good morning, Mr. Meas Sokha. My  
3 name is Kong Sam Onn. I am a Counsel for my client Khieu Samphan.  
4 I have some questions for you.

5 Q. First, can you tell us how old you are, because on the 8  
6 January, you said that you were born in 1960, but in your ID card  
7 it reads that you were born in 1962. Can you tell us why there is  
8 a difference?

9 [11.09.52]

10 MR. MEAS SOKHA:

11 A. I was a soldier and I needed to rest -- to decrease, rather to  
12 increase my age so that I could enjoy the retirement benefit.

13 Q. Thank you. So in fact you reduced your age in order to get the  
14 retirement benefit. Am I correct?

15 A. That is true.

16 Q. Can you tell us why you want to have a retirement benefit?

17 MR. PRESIDENT:

18 Your question is not relevant, Counsel. And it is not of a kind  
19 to ascertain the truth. Witness, you are instructed not to  
20 respond to that question.

21 [11.11.01]

22 BY MR. KONG SAM ONN:

23 Allow me to move on. The reason I asked about your age, because  
24 the -- after 17 April 1975, as you stated, you said that you  
25 worked in a children's unit to tend the cattle, and I would like

1 you to clarify the three stages. That is, first from 1975 up to  
2 the day that you were arrested and detained at Krang Ta Chan in  
3 June 1976. And, the next stage that I am interested -- that is,  
4 the period of about three to four weeks that you were initially  
5 detained at Krang Ta Chan. And the third stage is after you were  
6 released. These are the three specific time frames that I would  
7 like to put to you.

8 During the first stage that you tended the cows, how old were  
9 you? That is when you were in 1975.

10 MR. MEAS SOKHA:

11 A. I was 15 years old at the time.

12 Q. On the 8th January, during your testimony at five to 11.00,  
13 and allow me to quote your transcript, you stated that: "At the  
14 time I was allowed to stay home because I was the youngest." When  
15 you stated that you were the youngest, who -- whom did you  
16 compare to? To your peers, I mean the people in your own group,  
17 or to the adults or to other people?

18 [11.13.28]

19 A. <I compared to no one. It was> myself <> the youngest because  
20 I always had a sickness, <> for that reason I was allowed to come  
21 and sleep at my house at night.

22 Q. During the first stage that you started to tend the cows<;  
23 prior to your arrest>, how many of you were in your team?

24 A. There were six of us.

25 Q. Amongst the six of you, what was the age range?

1 A. We were of a similar age, however I was the smallest. As my  
2 mother said I <was stunt>.

3 Q. You talk about youngest or smallest, are you referring to the  
4 physical height and not the age?

5 A. Yes, that is correct.

6 [11.15.11]

7 Q. I'd like you to answer my questions in relation to the time  
8 period that you were in detention. You stated that you were  
9 called to go to the detention centre when you returned from  
10 tending the cows and while your family members were being brought  
11 into the detention centre. My question is the following: while on  
12 route, were you together travelling with your family members,  
13 namely your parents?

14 A. We travelled at the same time, however I was the last <to be  
15 waited for>, and we were all put into the same vehicle.

16 Q. Can you tell us when you initially arrived at Krang Ta Chan,  
17 and as you stated, "<Prisoners> were put in a queue." Can you be  
18 a bit more specific on <the word "queue">?

19 [11.16.40]

20 A. People were put in a row and their ankles were shackled. In  
21 fact there were two rows in the building, one to the south and  
22 one to the north, in that 15 metre-long building.

23 Q. They were put in a row from one end to the other end. Was  
24 there a gap where people were not put in that row?

25 A. There were some gaps and later on they would be filled with

1 new prisoners.

2 Q. Here, I want to talk about the smaller gaps where prisoners  
3 could not be filled in. For example, whether three or <five>  
4 prisoners were put into a row, and then there was a small gap,  
5 and another small set of prisoners would be put into a row. Can  
6 you be a bit more specific on that?

7 [11.18.00]

8 A. No, there was no gap or partition. It was a one blank wide bed  
9 where all prisoners were put into a row<, just like how you are  
10 sitting in a row right now>.

11 Q. Please listen to my question carefully. Here I do not talk  
12 about a partition or a room partition. I talk about the small  
13 gaps within the building <at Krang Ta Chan security office,>  
14 where <you saw> prisoners were put. Let me say a prisoner would  
15 be put into a row from one corner of the building to another  
16 corner. Or were prisoners put into smaller groups within the row?

17 A. They were put into a row. Some would lie down, some would sit  
18 up, but their ankles were shackled.

19 Q. Thank you. Mr. President I would like to show on a screen  
20 document D25/30, at ERN in Khmer 00163505; and in French  
21 00178424; and in English 00223488.

22 MR. PRESIDENT:

23 Yes, you may proceed. And Court Officer, could you assist with  
24 the projection of that document on the screen?

25 [11.19.59]



1 BY MR. KONG SAM ONN:

2 Q. Mr. Witness, I will read an extract from this document, which  
3 is the -- your mother's written record of interview before the  
4 OCIJ.

5 "Question: when you were arrested and brought to Krang Ta Chan,  
6 what did you see in that prison? Answer: I was put into a long  
7 building and there were a walkway and five -- a group of five  
8 prisoners would be put into a row and we were together with other  
9 prisoners in big rooms, and they would use a metal bar to shackle  
10 the prisoners' ankles".

11 Mr. Witness, what can you say to that?

12 [11.21.01]

13 MR. PRESIDENT:

14 Witness, please wait. And the International Co-Prosecutor, you  
15 may proceed.

16 MR. LYSAK:

17 Mr. President, my objection, I would ask him to have a question.  
18 "What do you have to say about that?" is not a specific question.  
19 If he has a specific question about his mother's testimony, fine.  
20 He seems to be just asking for commentary, and I think that's an  
21 inappropriate question.

22 MR. KONG SAM ONN:

23 Mr. President, I would like here to make a difference between his  
24 testimony and another Witness as stated in this document D25/30.

25 [Judges deliberate]

1 [11.23.01]

2 MR. PRESIDENT:

3 The objection by the International Co-Prosecutor to the last  
4 question by the Defence Counsel for Khieu Samphan is overruled.

5 The Chamber would like to hear the response from the Witness and  
6 maybe the Witness cannot recall the question and the Counsel,  
7 please repeat your question.

8 BY MR. KONG SAM ONN:

9 Thank you, Mr. President.

10 Q. Mr. Witness, I would like to repeat the last question. In the  
11 testimony of your mother, she stated that in that prison  
12 building, prisoners were put in a group of five and not in a long  
13 row as you stated. Can you tell the Court, why there is a  
14 difference in your testimony and your mother testimony?

15 MR. MEAS SOKHA:

16 A. When you talk about a group of people, here talked about the  
17 metal divider because for the shackle the metal divider will be  
18 used for five -- to shackle five prisoners and then another five  
19 prisoners would be shackled within another segment of that metal  
20 bar.

21 Q, Do you mean you change your position from your previous  
22 statement that prisoners were put in a row from one side of the  
23 beam to another to the one that you said group of five prisoners  
24 would be put in a row, would be put in a segment?

25 MR. PRESIDENT:

1 Witness, please wait till the microphone is operational.

2 [11.25.02]

3 MR. MEAS SOKHA:

4 A. No, I do not change my position, but I saw the prisoners were  
5 put in a row but in between group of five prisoners would be  
6 shackled and even if there was a group of five prisoners but all  
7 these prisoners would be put in a long row and only in between  
8 this group of five prisoners there would be metal ring to divide  
9 them although they were still within the same row.

10 [11.25.41]

11 BY MR. KONG SAM ONN:

12 Q. You just stated about a group of five prisoners, what was the  
13 distance between this set of five prisoners to another set of  
14 five prisoners?

15 A. The distance would be less than 1.5 meters.

16 Q. What about the distance between one prisoner to another  
17 prisoner <in the same group>? How wide was it?

18 A. There was no gap between one prisoner to another because five  
19 prisoners would be bundled together into this one set in between  
20 the metal ring.

21 Q. Please listen to my question carefully. You said that for this  
22 bundle of five prisoners was there any gap between one prisoner  
23 to the next? Or, how wide was this -- was the distance for these  
24 five prisoners when they were put into shackles?

25 A. They were not measured because all the five prisoners had to

1 be crammed against one another and if they were less than five  
2 then they would use another prisoner to put into a group or  
3 bundle them into a group of five.

4 [11.27.30]

5 Q. Does it mean that the five prisoners had to be bundled  
6 together in a group of five and there was no gap in between these  
7 five prisoners, however then the distance between or the gap  
8 between this set five prisoners to another set of five prisoners  
9 was about 1.5 metres <to 2.5 metres>, am I correct?

10 A. My response earlier was that the distance was 1.5, not 2.5  
11 metres, and that is roughly my estimation as I did not take an  
12 actual measure of the distance.

13 [11.28.20]

14 Q. Of course, <I understand it was your estimation. Please  
15 clarify this again because your answer could be confusing.> I  
16 asked you about the distance between the one set of five  
17 prisoners to another set of five prisoners, as you stated that  
18 the distance was <no> more than 2 metres and you stated that the  
19 five prisoners were bundled together and there was no room for  
20 them to move within this set and then another set would be  
21 bundled, and the distance between these two sets would be <less  
22 than> 2 metres or 1.5 metres. Am I correct this time?

23 [11.29.02]

24 MR. PRESIDENT:

25 Witness, you do not need to respond to this question and it also

34

1 a leading question and Counsel please move on.

2 [11.29.20]

3 BY MR. KONG SAM ONN:

4 Thank you.

5 Q. I would like you to clarify about the time -- about your --  
6 the arrest of your father. You mentioned that the arrest of your  
7 father was during the day that there was a meeting to depose the  
8 village Chief<, that you used the word "deposing the village  
9 chief">. Could you clarify about the time of the event, the time  
10 of the meeting and how long was it after the meeting, that your  
11 father was arrested?

12 MR. MEAS SOKHA:

13 A. The time <of depositing the village chief, my father> was  
14 arrested <> the day after the meeting and as for my  
15 brother-in-law<,> he was arrested on the meeting day.

16 Q. Thank you. Who made the arrests? Who initiated the arrests?

17 A. I was told that the superiors gave a letter to contemptible  
18 Boeun, because Boeun was cheated to encourage people to put  
19 <thumbprints> to depose the village Chief.

20 Q. Thank you. You said that the Superior or the Commune Chief,  
21 who was the one who <initiated the arrests>. Is that correct?

22 A. Yes.

23 Q. Who was involved in the arrest or who was involved in  
24 implementing or carrying out the order by the Commune Chief?

25 A. The one who arrested are all deceased.

1 Q. Do you know their names?

2 MR. PRESIDENT:

3 Mr. Witness, please wait until the microphone is operational.

4 [11.32.19]

5 MR. MEAS SOKHA:

6 A. I know the names.

7 BY MR. KONG SAM ONN:

8 Q. Could you tell those names?

9 A. You want me to elaborate <on> the arrest of my father?

10 Q. I would like you to mention the names who came to arrest your  
11 father.

12 A. <The names were> Chea (phonetic)<, who> was the chief of <the  
13 commune's> militiamen<,> and Roum (phonetic)<. They both died.>

14 <Q. Did you know the two of them during that regime?>

15 <A. During that regime, I knew clearly who killed my father, but  
16 they all died.>

17 <Q. Could you clarify what kind of people they were?>

18 <A. How could I know that? They issued the arrest. I didn't know  
19 if they could hurt my father.>

20 <Q. You just stated that you knew clearly the ones who arrested

21 your father, and so I want you to tell the Court if you knew

22 their personalities or characteristics. Could you clarify that?>

23 <A. I could not know their personalities.>

24 <Q. Thank you. I would like to ask general questions regarding

25 the information -->

1 <MR. PRESIDENT:  
2 Co-prosecutor, you may proceed.>  
3 <MR. LYSAK:  
4 (Technical Problem)>  
5 <MR. PRESIDENT:  
6 Court officer, please -->  
7 [11.33.15]  
8 (No Interpretation)  
9 [11.35.08]  
10 (Technical Problem)  
11 [11.37.15]  
12 MR. PRESIDENT:  
13 Counsel Mr. <Kong> Sam Onn, you may now resume your questioning.  
14 BY MR. KONG SAM ONN:  
15 Thank you, Mr. President. I would like to resume my questioning.  
16 Q. During -- from 1979 to the interview by OCIJ, have you ever  
17 mentioned about Krang Ta Chan Security Office to any other  
18 individuals?  
19 [11.37.57]  
20 MR. MEAS SOKHA:  
21 A. Yes, I mentioned about Krang Ta Chan Security Office to  
22 <Phearith> (phonetic), Kalyan -- Madam Kalyan, members of  
23 Document Centre of Cambodia -- Documentation Centre of Cambodia  
24 rather.  
25 Q. How did they know you were detained in Krang Ta Chan Security

1 Office?

2 A. They did the research in the Tram Kak district because I once  
3 mentioned about my background.

4 Q. Concerning the information you gave, you provided to other  
5 people, other individual, other than those from DC-Cam or  
6 investigators, have you ever give statement -- given statement to  
7 other individuals?

8 A. When I was a soldier in Tram Kak district, whenever I reach a  
9 place, I <mentioned> about Tram Kak district<, > everyone <knew>  
10 me within Tram Kak district. <Anyone with a high-ranking position  
11 in Tram Kak knows me.> I <mentioned> that I was detained in Krang  
12 Ta Chan Security Office for a period of about three years and  
13 <every commune> chief also knew about my story.

14 [11.39.51]

15 Q. So you have constantly mentioned about your story. And have  
16 you ever mention about Krang Ta Chan Security Office the specific  
17 details?

18 A. I have never given details of that office.

19 Q. How about your mother? Have you ever received any information  
20 from your mother in relation to the Security Office?

21 A. No, I have never talked to my mother. I have never received  
22 any information <from my mother> concerning the Security Office.

23 Q. And you have never received any information concerning the  
24 Security Office from your relative, your -- and your siblings.

25 Have you?



1 A. Actually they instead receive the information about this  
2 office from me. And they said your family was suffering from the  
3 event.

4 [11.41.25]

5 MR. KONG SAM ONN:

6 Mr. President, I would like to -- my colleague to continue  
7 questioning.

8 MR. PRESIDENT:

9 You may now proceed, International Counsel.

10 [11.41.25]

11 QUESTIONING BY MS. GUISSÉ:

12 Thank you very much, Mr. President. Good morning, Mr. Meas Sokha.  
13 My name is Anta Guisse. <> I am the International Lawyer  
14 representing Mr. Khieu Samphan. We do not have a lot of time  
15 remaining. Therefore I would ask that you be precise and succinct  
16 in your answers as I will be the same in my questions.

17 Q. I wish to <briefly> focus first and foremost on the topic of  
18 your life before 1975 <at> the cooperative. You talked about the  
19 <chairman> of the co-operative, Mr. Aun Nop. Do you recall at  
20 what time Mr. Aun Nop became the <chairman> of the co-operative?

21 MR. MEAS SOKHA:

22 A. He became <a> commune chief from 1970 to 1975 or 1976, and  
23 after we departed, I do not know where he is now, but I know that  
24 he is in Battambang province.

25 [11.42.41]

1 Q. The date <would have been enough as> that was the precise  
2 question I <had asked>. Do you know<,> I know that you were quite  
3 young at that time, but do you recall if Aun Nop, the <chairman>  
4 of the <cooperative> had any particular problem with your father  
5 <and with> your brother-in-law prior to the meeting that you  
6 referred to during your testimony?

7 A. What I knew is that my father and my <brother-in-law were>  
8 asked to convene a rally or a meeting. And in the past I believe  
9 they had some arguments.

10 Q. Thank you very much for that piece of information. Over the  
11 course of your testimony you also mentioned that not long after  
12 the meeting <leading to the arrest of> your father and  
13 brother-in-law, the two were convened by Angkar. You yourself  
14 referred to Angkar. Can you please tell us in that particular  
15 context who were you talking about? Who were the people in charge  
16 at the commune <> who <summoned> your father and your  
17 brother-in-law?

18 A. I know only Boeun (phonetic), who was the <> commune <chief>,  
19 and as far <as others,> I do not know. Boeun (phonetic) was a  
20 female.

21 [11.44.42]

22 Q. At the hearing of the 8th of January 2015<, at around  
23 10.59.05>, you stated and this was addressed by my learned friend  
24 for the team of Nuon Chea, you said<, I quote,> "I did not  
25 participate in the building of the canals. I was put in charge of

1 overseeing the cattle because I was a young boy". And my  
2 colleague <from the defence team of Nuon Chea> then asked you to  
3 confirm a statement made before the Co-Investigating Judges,  
4 D25/3, and the <> ERNs are as follows<; in French,> 00178111;  
5 English ERN, 00223494; and in Khmer, <00163511>. In this  
6 <statement>, you said<, "They had me collect cattle manure and  
7 make canals, in a children's unit." End of quote.> And my  
8 question is as follows: yes or no, did you partake in the  
9 building of the canals because <I see that> you have made two  
10 <different> statements. Could you please make that clarification  
11 before this Chamber?

12 A. After I finished collecting cattle manure, I was also involved  
13 in making canals for just a brief period of time. I was told that  
14 after you collected cattle manure, you need to -- you needed to  
15 go to make canal as well.

16 [11.46.52]

17 Q. And yet at the hearing of the 8th of January <2015, at> 11.03  
18 a.m., you said the following: "I <did> not partake in the  
19 construction of canals. I was in charge of overseeing the cattle  
20 because I was <still> a young boy, therefore I was not sent to  
21 build the canals." End of quote. Am I to understand today, that  
22 you <are changing your statement>?

23 A. I do not change my statement. I was also involved in digging  
24 the canal or making the canals, but not for months. It is -- it  
25 was small canals to be dug by the children, and I carried some

41

1 earth and during the lunch break I would be back to have meal.

2 So, once again I was not involved in digging or making canals for  
3 months or for a longer period of time.

4 Q. Very well, I will just have to settle with that answer. I wish  
5 now to focus on <your> time at Security Centre Krang Ta Chan<.

6 You> said that at the <security> centre you continued to oversee  
7 the cattle. My first question is<:> was this a task that you  
8 undertook every day?

9 A. As for tending cattle, I did this work every day. Only when I  
10 was put in a preparatory adult unit then I quit such duty.

11 [11.48.59]

12 Q. In fact, you testified before this Chamber <regarding> the  
13 interrogations you observed and during the executions that you  
14 had observed, or at least partially, can you please <confirm>  
15 that it was during the time that you were in charge of tending  
16 the cattle?

17 A. <During the incidents, we were tending cows and they created  
18 incidents for people who were detained in the prison. People who  
19 worked part-time would be sent away.> Actually, I was tending  
20 cattle in the outside of compound of the prison, and during the  
21 incident I could sneak and observe the incident secretly. If I  
22 <let someone see me, I would invite trouble for myself.>

23 Q. You described your day-to-day <life> at the <security centre>  
24 by saying that after 1976, you were relatively free in how you  
25 could move about during the day. Is it fair and accurate to say

1 that you did not enjoy a status that was on par or similar to  
2 that of other prisoners?

3 A. That is correct.

4 [11.50.50]

5 Q. Did the status also < differ with regard to > meals? You stated  
6 that you < had two meals > a day. < Were they > the same meals as  
7 other prisoners or did you < have different meals >?

8 A. Actually<, prisoners in the building and people outside like  
9 me> had only two meals<>. However, I received a bigger ladle < of  
10 gruel > compared to < that > of prisoners.

11 Q. Why did you receive a larger ration of food?

12 A. Because they said I would get more energy so that I can -- I  
13 could tend cattle.

14 Q. Was that not stemming from the fact that your mother was  
15 working in the kitchen?

16 A. It did not concern to the case of the -- my mother <>. If I  
17 committed < any > infraction<,> it would < also > cause <> danger to  
18 my mother. < This was under Angkar's control. >

19 Q. I wish to go over a few statements made by your mother. She  
20 was interviewed by the Co-Investigating Judges. I am referring to  
21 < D25/30 >. I am interested more so in the audio recording of  
22 < these > statements. And I < would like to quote a portion of what  
23 was said. So the audio references are > the following <>: ERN in  
24 French, < 01056616 up to 17 >; Khmer, ERN < 01056208 up to 09 >; and  
25 in English, < 01056614 up to 15 >.

1 Now, the first question that <she> was asked <at 00.30.57>,  
2 "During your detention, were you subject to any other  
3 mistreatments?" Your mother's response is as follow<s>: "Myself?"  
4 Question<:> "Yes". Response from your mother<:> "No, I was not  
5 mistreated given the fact that I could carry out all of the tasks  
6 as I was given, which was to feed 200<, 50,> or <60> prisoners at  
7 one time<.> I always succeeded in doing <it>." Question: "And  
8 your children?" Answer: "My children worked outside and they were  
9 in charge of tending water buffalo and cattle." Question:  
10 "Really?" Response: "Yes." Question: "Were they not mistreated?"  
11 Response: "No, they were not mistreated, not at all." End of  
12 quote.  
13 [11.55.03]  
14 I would also like to quote another excerpt from the <audio  
15 recording> with your mother where she specifically refers to  
16 meals, in the same audio recording, at <00.30.57>, she is asked  
17 <questions> on the food portions given to the prisoners. This is  
18 what she says. This is what she recounts as having been told by  
19 the head of the commune.  
20 "The head of the commune said to me this: 'You don't have to give  
21 them proper sustenance. Just give them a sufficient amount.  
22 That's all.' That's what the head of the commune said <to me>."  
23 <Interrogator's question>: "<> Really?" <Your mother's answer>:  
24 "Yes, that's what I was told." And she continues on by  
25 specifying, "I was told<, 'You> don't have to <feed> them

44

1 <properly>. Just give them <very little to eat>, and as for the  
2 rest, you can keep the remainder for your children.'"

3 Q. Now, <> after having <heard> these statements made by your  
4 mother, does this evoke any other memories or recollections, and  
5 <did the fact that she worked in the kitchen allow you to get>  
6 supplementary portions of food? Yes or no?

7 [11.56.49]

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. Co-Prosecutor, you may now proceed.

10 MR. LYSAK:

11 I don't know whether it was a translation issue, but the  
12 statement said that it was the prison chief who gave this  
13 instruction; not the commune Chief. I don't know whether it was  
14 just translated wrong, but in English the statement she read said  
15 commune Chief and it's actually the prison Chief so the record  
16 should be clear on that.

17 [11.57.22]

18 BY MS. GUISSÉ:

19 In French, I was referring to the head and in the excerpt this is  
20 not specified, but I think we can all agree that I am referring  
21 to the head of the prison.<So there is no issue on that point.>

22 Q. Now, can the Witness please answer my question, yes or no, the  
23 fact that -- is there a <translation> issue, or may I continue?  
24 Mr. Witness, yes or no, does this evoke any memories? Does this  
25 ring a bell, the fact that your mother worked at the kitchen at

1 the security centre mean that you were entitled to extra rations  
2 of food, and that you also enjoyed special status within the  
3 <security> centre?

4 MR. MEAS SOKHA:

5 A. Concerning food ration -- food rations for my family members,  
6 we had enough to eat. However, <Gruel> was not enough. We just  
7 got extra food ration. We received the food ration more than the  
8 <others>. The gruel was very watery. There <were> a few potato  
9 pieces<, let's say five pieces of potatoes,> about the size of my  
10 thumb and it was very bland.

11 Q. Mr. Witness, I beg your pardon, I'll have to interrupt you  
12 because we do not dispose a lot of time; as I said <before>, I'm  
13 asking you very specific questions<.> I would ask that you do not  
14 elaborate otherwise I will not be able to conclude within the  
15 time allotted to me.

16 Now <concerning the operation of> this <security> centre, you  
17 testified that there were a certain number of <names of> people  
18 <who worked there>, whether they be security guards or other  
19 superiors<. To ensure that there aren't any issues with  
20 pronunciation,> Mr. President, could I please have your leave to  
21 <display the witness's statement, D25/31, for the following  
22 ERN's: in French,> <00178116>; Khmer 00163517; in English  
23 00223500. This is the segment of the witness's statement in which  
24 he lists the various names of staff <members at> the security  
25 centre.



1 Mr. President, do I have your leave <>?

2 [12.00.37]

3 MR. PRESIDENT:

4 You may now proceed.

5 BY MS. GUISSÉ:

6 Mr. Witness, a portion of your statement is on the screen and I'd

7 like to go over the names that you <gave>. You <> talked about

8 An, <then> Penh, then Duch, then <Cheng>, next Moeun, then <Uok>,

9 then another Duch, and then Sim, and then Saing, and then Soun

10 (phonetic) or Soan, I'm not sure if I'm pronouncing that

11 correctly, then <Chhoeun> and then lastly Touch.

12 Q. Does -- is this an accurate reflection of your recollection

13 and recounting to the interrogators when you were interviewed by

14 them?

15 MR. MEAS SOKHA:

16 A. You did not mention some other names -- that is Chit

17 (phonetic) -- Sieng rather, Sieng the executioner.

18 Q. Very well, I think it appears a bit lower on the page but

19 thank you very much for that <clarification>.

20 My questions <will seem> very straightforward <in contrast to

21 what you've just recalled>. You said that you had witnessed, or

22 at least partially<,> the execution of some 100 prisoners in

23 1977. I would like to know<,> among the staff members that you

24 listed in your statement; how many people were also present? For

25 example, on the day of the said execution, of the names

1 identified, were any of them present at the execution <site? If  
2 so, whom?>

3 [12.02.53]

4 A. Those who were present were all of them, excluding only Big  
5 Duch, and one person working in the kitchen. <Big Duch was moving  
6 to another district.>

7 Q. Very well, so <if I understand correctly>, Penh and Soan were  
8 in attendance, is that <correct>?

9 A. Yes, that is correct.

10 Q. Mr. President, I see that the hour is 12 p.m., I have not  
11 concluded my line of questioning. I tried to be expeditious,  
12 however in light of the technical problems we faced, would the  
13 Chamber be so willing as to allot me <10> additional <minutes> so  
14 that I may finish my cross-examination.

15 MR. PRESIDENT:

16 Your request is granted.

17 BY MS. GUISSÉ:

18 Thank you.

19 Q. Still bearing in mind the staff of the Security Centre, you  
20 mentioned the presence of loudspeakers at the Security Centre,  
21 you stated that they were inside the <premises>. Can you tell us  
22 exactly where they were; were they in the building and if yes,  
23 which building, since you said there were three different  
24 buildings? Can you specify exactly where those loudspeakers were  
25 located?

1 MR. MEAS SOKHA:

2 A. Loudspeakers would be turned towards <> the buildings<.

3 Wherever people were, they placed a> loudspeaker <with a  
4 microphone>.

5 [12.05.07]

6 Q. If I understand you correctly, the loudspeaker is opposite the  
7 building, does it mean outside of the building?

8 A. Yes. Loudspeakers were placed outside of the building, next to  
9 the wall.

10 Q. Very well, thank you for this clarification. Bearing in mind  
11 the staff you referred to, who was in charge of activating the  
12 loudspeakers at the time of the interrogations and executions,  
13 since they had to be reactivated as you stated? Who <was the  
14 staff member> in charge of activating the loudspeakers?

15 A. <Anyone of the 12 prison staff> could operate it or activate  
16 it -- the loudspeakers.

17 [12.06.09]

18 Q. Do you mean that there was no particular person assigned to do  
19 that task?

20 A. You are right. No specific person was in charge of activating  
21 the loudspeakers. Anyone could activate the loudspeakers <when  
22 they worked>.

23 Q. At the hearing of the 21st of January 2015, at about 11.19.23,  
24 you talked of <the> number of people who were <allegedly>  
25 executed and you stated that <the number varied, that> it could

1 have been between <50, 70, 80> or even 100 and that <every time,  
2 every day, there were at least 20> prisoners<. And that>  
3 prisoners arrived at night. My question to you is as follows. You  
4 also stated to be <thorough>, on the 21st January 2015, <around  
5 10.22.48, a bit before that>, that the building in question could  
6 <not> have housed more than 100 prisoners at a time. I would like  
7 you to tell the Chamber what on average in your opinion could be  
8 the number of people who arrived <per> month. How many prisoners  
9 arrived <per> month on average? Because the figure you gave does  
10 not allow me to properly understand the number of prisoners  
11 involved. Can you give us an estimate of the <people aged 15> at  
12 <the> time?

13 A. I do not remember how many prisoners arrived monthly. I slept  
14 outside so I could see that there were perhaps 10<, 20> or 30  
15 prisoners <> brought <in, in> one night<. They brought in  
16 prisoners three times per night. When the building was full, they  
17 put prisoners in another building. The next night, they brought  
18 in more prisoners,> and <when the building was filled, they>  
19 would <start the killing. Even if the building was not full, they  
20 would still have to start the killing.>

21 Q. Very well. So in your opinion it was between 10 and 20  
22 prisoners arriving every night. Is that correct?

23 A. Yes, you're correct.

24 [12.09.17]

25 Q. So 10 to 20 prisoners arriving every night times 30 days in a

50

1 month, we're talking of 300 or more prisoners arriving. Is that  
2 indeed the case according to your estimates?

3 A. I said and I believe it were more than 300 prisoners monthly.

4 Q. So, Mr. Witness, I would like to read out to you an extract  
5 from a statement by someone who worked at the Detention Centre  
6 and who gave figures that do not <correspond at all> with what  
7 you have said. It seems also that it may jog your memory. It is  
8 <witness TCW-847>. I'm giving only the pseudonym. It is statement  
9 D40/23, and this is what that person who worked at the detention  
10 centre stated.

11 The question put to that person, and the ERN in French is  
12 00490910; the ERN in Khmer is 00165355; and the ERN in English is  
13 00223211.

14 This is the question put to that witness by the Investigator,  
15 "Regarding prisoners who were brought to that <> Krang Ta Chan  
16 <centre in general, how> many were there <each time? How> were  
17 they brought to the centre, <and> by what means of  
18 transportation<?>" The answer was, "Two or three prisoners were  
19 brought <each time>, there were about 20 <to 25> prisoners a  
20 month who were brought on foot <at night around 7.00 or 8.00.>"  
21 End of quote.

22 <So,> Witness, that person who worked at the <Krang Ta Chan>  
23 security centre talked of 20 to 25 prisoners a month whereas  
24 you've talked of <between 200 and> 300 prisoners a month. Can you  
25 explain the discrepancy between these two statements?

51

1 [12.11.51]

2 MR. PRESIDENT:

3 Mr. Witness, please hold on. Mr. Co-Prosecutor you may now  
4 proceed.

5 MR. LYSAK:

6 Yes, Mr. President, I'd asked if the Witness is being asked to  
7 comment on this that Counsel provide a copy of the witness  
8 statement to him so that we can see who this person is. He  
9 doesn't know pseudonyms if he's being asked to comment on the  
10 statement of other Witness while we should maintain the  
11 confidentiality, he should -- is entitled to know who it was that  
12 made the statement. So, I believe that is the practice followed  
13 in the prior trial. It should be followed here so that this  
14 Witness understands who this statement came from. He should also,  
15 of course, be instructed not to refer to them by name if this a  
16 potential trial witness.

17 MS. GUISSSE:

18 I have no problem having the Witness know <> who we're referring  
19 to. <I'm simply trying to be quick about it to not waste the  
20 Chamber's time. I would be glad> do so if the Chamber would give  
21 me <a few more minutes> to present such information to the  
22 Witness.

23 [12.13.01]

24 May I request the court officer to show the Witness a copy of the  
25 Witness's statement I have here before me?

1 MR. PRESIDENT:

2 Court officer, you are instructed to bring the statement to the  
3 Witness.

4 (Short pause)

5 [12.14.25]

6 BY MS. GUISSÉ:

7 I will <hand over> the document but in order for us <not to lose  
8 any more> time, <I will> try to complete my <examination>.

9 Witness, <the document I cited, in which the other witness> gave  
10 different figures, <will be> brought to you. <But to not waste  
11 any more time, I would like to -- I see you're being handed the  
12 document, then.>

13 Witness, please do not mention the name of that Witness who has  
14 not appeared <yet> because that Witness is protected by a  
15 pseudonym.

16 Q. May I request that you look at the name on the first page<,  
17 which should be underlined,> and confirm to the Chamber that you  
18 <do> know that person as someone who worked at the Security  
19 Centre?

20 [12.16.06]

21 MR. MEAS SOKHA:

22 A. I know this name. <But it was their secret.>

23 Q. Was that person working at the Security Centre?

24 A. Yes, he works there.

25 Q. And under these circumstances, can you now answer my

1 <previous> question; how do you explain the discrepancies <in  
2 number> between what he said -- that is, 20 to 25 prisoners a  
3 month <> and your own figure<, 200 to> 300 <prisoners> a month?

4 A. <This is their secret.> I believe that this person worked at  
5 the place so he could not mention <that 100, 200, 300 people or  
6 more per month. He wouldn't reveal that because he was a staff  
7 there.>

8 Q. And why was that?

9 A. Because he was afraid he was allegedly a direct perpetrator.  
10 [12.17.57]

11 Q. And <this alleged perpetrator,> was <he, as you say,> one of  
12 the executioners <or did he play another role>?

13 A. He was a messenger.

14 Q. So, if I understand you correctly what you're saying is that  
15 he did not take part in any of the interrogations or executions?

16 A. No. He <was> not involved.

17 Q. And you also stated that you were <often> asleep when the  
18 prisoners arrived and so you were not in a position to know the  
19 exact number of persons arriving. So my question to you is as  
20 follows. <Bearing> in mind that in principle, <alleged  
21 perpetrator or not,> you stated that he was not involved in the  
22 interrogations or the killings<, why> would he have lied in  
23 giving the figure<>?

24 A. He may feel shameful because he worked there and perhaps he  
25 concealed some information. <To my assumption,> he was afraid to



54

1 be -- to speak openly.

2 [12.19.43]

3 Q. Very well. That is your position and that is the only  
4 explanation you can give regarding the <difference in the>  
5 figures that you gave, is that the case?

6 MR. PRESIDENT:

7 Mr. Witness, please hold on.

8 Mr. Co-Prosecutor, you may now proceed.

9 MR. LYSAK:

10 Thank you Mr. President. I didn't object the first few times, the  
11 Witness is being asked to speculate about another Witness, he's  
12 responded this question as best he could. I don't see any purpose  
13 by asking another question, repetitive question, again asking to  
14 speculate about the motives of this Witness.

15 [12.20.28]

16 MS. GUISSSE:

17 Mr. President, I do not think my question was repetitive. I am  
18 putting an apparent contradiction to the Witness<, he gives me an  
19 answer. I'm> asking him<, I think it's fair with regard to the>  
20 Witness that he's allowed to comment before the next Witness  
21 appears before the Chamber. So I'm giving this Witness an  
22 opportunity to make comments on what he has said.  
23 <In any case,> I <realize> we have gone beyond lunch time <so I  
24 won't delay us any further> and I thank you Mr. President for  
25 giving me this additional time.

1 [12.21.12]

2 MR. PRESIDENT:

3 Thank you Counsel.

4 The Chamber wishes to thank you, Mr. Meas Sokha, who spent time  
5 by giving testimony before the Chamber for these several days.

6 Your testimony now comes to an end and you are no longer needed  
7 in this courtroom, you can go <home or> to any preferred  
8 destination you want.

9 Court officer, you are instructed to facilitate with WESU to send  
10 the Witness to his preferred destination.

11 [12.22.00]

12 It is now time for lunch break. The hearing is now adjourned  
13 until 1.30. After the resumption of the hearing, we will hear the  
14 testimony of 2-TCCP-296.

15 Security personnel, you are instructed to bring Mr. Khieu Samphan  
16 to the Detention facility and brought him back before 1.30 p.m.  
17 The hearing is adjourned.

18 (Court recesses from 1222H to 1335H)

19 MR. PRESIDENT:

20 Please be seated.

21 The Court is now back in session. For this afternoon proceeding,  
22 the Chamber would like to -- will hear the testimony of a civil  
23 party 2-TCCP-296. And court officer, could you usher the civil  
24 party into the courtroom?

25 (Witness enters the courtroom)

1 [13.37.34]

2 QUESTIONING BY THE PRESIDENT:

3 Good afternoon, Madame Civil Party.

4 Q. Is your name Oum Suphany?

5 MS. OUM SUPHANY:

6 A. Good afternoon, Mr. President. My name is Oum Suphany.

7 Q. Can you tell us when you were born?

8 A. I was born on 18 November 1946.

9 Q. Where were you born?

10 A. I was born in Sangkat Number Four, in Phnom Penh.

11 Q. Where is your current address?

12 A. I live at <house> number 120B, street number <103>, Phsar

13 Daeum Thkov <sangkat>, Chamkar Mon district, Phnom Penh.

14 Q. From 17 April 1975 to 6 January 1979, where did you live and

15 what did you do?

16 A. From 1975 -- I beg your pardon, Mr. President, could you

17 please repeat your question?

18 [13.39.30]

19 Q. From 17 April 1975 to 6 January 1979, where did you live and

20 what did you do?

21 A. I lived in Trapeang Thum Tboung commune<, Tram Kak district,>

22 in Trapeang <Chumreah> (phonetic) village <, Takeo City, now it

23 is> Takeo province.

24 [13.40.02]

25 Q. What were you assigned to do?

57

1 A. I worked in the rice field as a rice farmer.

2 [13.40.17]

3 Q. What is your father's name?

4 A. Om Samoeun is his name.

5 Q. And, your mother's name?

6 A. My mother's name was Thau Sambuor.

7 [13.40.49]

8 Q. And, what is your husband's name and how many children do you  
9 have together?

10 A. My husband's name is Sou Nan. I have two children, Sou Botum  
11 (phonetic), a daughter, and Sou Amrat (phonetic), our son.

12 [13.41.16]

13 MR. PRESIDENT:

14 Thank you. And Madam Oum Suphany, as a civil party, at the  
15 conclusion of your testimony you are given an opportunity to  
16 express the suffering and the harms inflicted upon you during the  
17 Democratic Kampuchea regime, if you wish to do so. And, in  
18 accordance with Internal Rule 91bis of the ECCC, the Chamber will  
19 hand the floor to the Lead Co-Lawyers for the Civil Parties to  
20 put questions to this civil party first before the other Parties.  
21 The Chamber also reminds the Lead Co-Lawyers for Civil Parties  
22 and the Co-Prosecutors that you have half a day to put questions  
23 to this civil party and you may now proceed.

24 [13.42.25]

25 MR. PICH ANG:

58

1 Good afternoon, Mr. President, Your Honours, and everyone in and  
2 around the courtroom. For questioning this civil party, with your  
3 permission, I would like to designate the time to Lawyer <Yiqiang  
4 Liu> to put questions.

5 MR. PRESIDENT:

6 Yes, you may proceed, the designated Lawyer for civil parties.

7 [13.42.58]

8 QUESTIONING BY MR. LIU:

9 Good afternoon, Mr. President and Your Honours. Good afternoon,  
10 everyone in and around the courtroom. My name is Michael Yiqiang  
11 Liu. I am the lawyer for Madame Oum Suphany. In this afternoon, I  
12 will use around one hour and a half to put my questions to Madame  
13 Oum Suphany before she give her impact statement on the  
14 sufferings, and also her question to the Accused. I will now  
15 start.

16 So, good afternoon, Madame Oum Suphany. Can you hear me now?

17 Okay. I see her nodding her head.

18 [13.43.40]

19 Before I start, Madame Oum Suphany, I want to remind you of three  
20 things: if you don't understand my question, either because you  
21 didn't hear it clearly or because of the translation, please ask  
22 me to repeat. During the course of my questioning, I will show  
23 you some documents. If you cannot see those documents clearly,  
24 also let us know. We will try to help you. And, the last one is:  
25 when you're answering the question, please see the red light of

59

1 your microphone. If it's on, then you can speak. If it's not, you  
2 need to wait. Do you understand?

3 MS. OUM SUPHANY:

4 A. Yes. I do, Counsel.

5 [13.44.33]

6 MR. LIU:

7 Thank you very much.

8 Mr. President, and Your Honours, I would like to start my  
9 questioning by showing a document to Madame Oum Suphany. This  
10 document is already in the case file. Its Khmer ERN is 01032943;  
11 with English translation 01036454; French translation ERN is  
12 01036470. With your leave, I would like to give a copy of this  
13 document to Madame Oum Suphany as well.

14 MR. PRESIDENT:

15 Yes, you can proceed. And court officer, could you assist by  
16 delivering the document from the civil party lawyer to the civil  
17 party for her examination?

18 [13.45.39]

19 MR. LIU:

20 Mr. President, I am waiting for the document to be uploaded into  
21 the screen so that everyone can see this document.

22 MR. PRESIDENT:

23 Yes, you can do so.

24 (Short pause)

25 [13.46.40]

60

1 BY MR. LIU:

2 Okay. Here we have this document. Madame Oum, can you tell us,  
3 what is this document?

4 MS. OUM SUPHANY:

5 A. This document is my diary that I wrote during the Khmer Rouge  
6 regime.

7 [13.47.05]

8 Q. Thank you, Madam Oum. Why did you write this diary during the  
9 Khmer Rouge regime?

10 A. I wrote that diary during the Khmer Rouge regime since I had  
11 my elder sister<, Om Narat,> amongst the seven siblings, she  
12 advised me that if I wanted to become an author, I should start  
13 writing my own diary. And, she advised me that in 1964. And, in  
14 fact, at the time, I did not know what I should write in my  
15 diary, and she advised me on the daily activities that I did, and  
16 that I should write about it in the diary. I did not understand  
17 much but I kept writing until 1975.

18 And, when I was evacuated, I didn't have the chance to bring  
19 along my diary<, from 1964-1975,> since I kept it at my house,  
20 but because <it was my habit to> write, whenever I saw a piece of  
21 paper or pen, then I would start writing my diary again.

22 Q. Thank you, Madam Oum. How do you feel when you're writing this  
23 diary during the Khmer Rouge period?

24 [13.48.54]

25 A. When I wrote the diary, whatever I kept in my heart, I

61

1 expressed and let it out through the diary so I felt relief.

2 Q. If I may ask, during this Khmer Rouge period of time, did  
3 anyone know that you were writing this diary?

4 A. During the Khmer Rouge regime, after we left Phnom Penh, we  
5 were told that the Khmer Rouge were cruel, but I did not know how  
6 cruel they were. But, while en route I saw people die and along  
7 the way people were selected to go for re-education. And, I was  
8 told repeatedly that I had to be mindful with my own affair. So,  
9 for that reason, I kept it a secret to write a diary, even to my  
10 parents and my husband did not know that I kept a diary to  
11 myself.

12 [13.50.15]

13 Q. Thank you, Madam Oum. And, on average, how long time do you  
14 have every day to write your diary?

15 A. I wrote the diary for two to three minutes because it was just  
16 a brief note of the diary.

17 [13.50.45]

18 Q. Madam Oum Suphany, in your victim information forms, you  
19 submitted a book. The book's name is, "When we will never meet  
20 again". Can you explain the relationship between the diary and  
21 this book?

22 A. The book that I wrote "When we will meet again", it referenced  
23 the brief diaries that I wrote. And, I wrote that book in 1980  
24 and everything was still fresh in my mind. So, my diary was in a  
25 brief format, but in the book, I expanded that a bit based on my



1 recollection, and if I were to write it in much more details, it  
2 would run into hundreds of pages.

3 [13.51.47]

4 MR. LIU:

5 Thank you, Madam Oum. So, now let's focus on your diary now. I'm  
6 going to show you another page of your diary. With the Court's  
7 leave, I would like to show a page on the screen and give it to  
8 Madam Oum Suphany. The Khmer ERN 01032946; English translation  
9 01036456; French translation 01036472.

10 Your Honour, may I give this document to the civil party and also  
11 put it on the screen?

12 MR. PRESIDENT:

13 Yes, you may proceed. Court officer, could you assist in  
14 arranging the document for the civil party examination?

15 (Short pause)

16 [13.53.19]

17 BY MR. LIU:

18 This document is already on the screen. Madam Oum Suphany.

19 Q. Can you tell us, what is the date on this document? The first  
20 one and the last one.

21 MS. OUM SUPHANY:

22 A. The date that I started writing the diary was the 5th of May  
23 '75, and the last date, it was the 9th of May '75, as appeared on  
24 the screen.

25 Q. Thank you. So, this is the diary you wrote in May 1975. Can

1 you tell us how often do you write your diary in this period of  
2 time?

3 A. When I started writing the diary, we were still being  
4 evacuated from Phnom Penh. So, I could have the chance to write  
5 it every day. As you could see, it was from the 5th, 6th, 7th,  
6 8th, to the 9th, etc.

7 [13.54.47]

8 Q. Thank you, Madam Oum. Now, I'm going to show you another page  
9 of your diary. Again, with the Court's leave, if I may show this  
10 start page on the screen and give it to Madame Oum?

11 MR. PRESIDENT:

12 Yes, you may do so.

13 [13.55.11]

14 BY MR. LIU:

15 Q. Madame Oum, when you have this page, can you take a look and  
16 do the same -- Madame Oum, when you have this page can you take a  
17 look and do the same as we just did with the last documents? Can  
18 you tell us the date and answer to us how often do you write your  
19 diary in this period of time?

20 MS. OUM SUPHANY:

21 A. And later on I did not have the time to write the diary  
22 frequently due to the workload. For that reason, you could see  
23 that I did not write it every day.

24 [13.56.04]

25 Q. Okay. Thank you, Madam Oum. But maybe, did you -- can you read

64

1 out the first date of the diary and the last date of this page?

2 Was it between which -- which period of time?

3 A. The date at the top is the 3rd of December '75 and the date at  
4 the lowest screen is the 3rd of February 1976.

5 [13.56.45]

6 Q. Okay. Thank you very much. I was -- can you maybe explain to  
7 us, as you said you were writing less frequently, can you explain  
8 to us why you were writing less frequently during this period of  
9 time now?

10 A. I wrote my diary less frequently due to the workload, and  
11 sometimes I was transferred to work elsewhere. For that reason,  
12 the writing became less frequent.

13 Q. Madame Oum, your diaries, most of the time you keep a date.  
14 How do you keep the date when you're writing the diary? Do you  
15 have a calendar or anything that helps you?

16 A. I did not have a calendar with me, but at the beginning, when  
17 I went to work, Angkar played the announcement through  
18 loudspeaker and I noted the date. And later on, there was no  
19 pronouncement from loudspeaker, but I heard the elders talking  
20 about the date and for that reason, I kept the date in my diary.

21 [13.58.20]

22 Q. Thank you, Madam Oum. Can I maybe now show you the next,  
23 another two page of your diary? The Khmer ERN is 01032955; and  
24 Khmer ERN for the next page 01032957 and 958; with the English  
25 translation <01036465>, 466, 468 and 469; with the French

1 translation 01036485, 488 and 489. With the Court's permission,

2 I'd like to show these two pages to Madame Oum.

3 MR.PRESIDENT:

4 Yes, you may proceed.

5 BY MR. LIU:

6 Q. Madam Oum, the first page, I just gave it to you, what date

7 format do you use on this diary? Is it the date as you just

8 explained to us, the western date, with the year, month and day?

9 Or it's different?

10 [14.00.19]

11 MS. OUM SUPHANY:

12 A. For that particular date, I followed the Khmer pattern, or the

13 Khmer calendar -- that is, the lunar calendar. And as I just

14 stated, I didn't have any radio to listen through, so I heard

15 about the date from the elders and I wrote that down in my diary.

16 Q. What -- now moving to the second page I just showed you, there

17 is a couple of charts on the second page. Can you explain to us

18 what are these charts, these numbers? It looks like a mathematics

19 calculation or something. Can you explain to us, what are they?

20 [14.01.20]

21 A. When I made that numerical calculation, I didn't know which

22 the Khmer lunar calendar date match with the universal calendar

23 date and I tried to find the match so I can put the date for my

24 baby, who had just been born, but I couldn't work it out, so I

25 made an assumption for the date of my baby. But it was not that

1 far. It was just one week different. The year was correct. And I  
2 put the date of birth for my children. It was 7th of July, '77,  
3 but after the liberation, in fact, it was one week incorrect and  
4 the actual date should be 14th July, '77.

5 [14.02.24]

6 Q. Thank you, Madam Oum. Now, I'm going to move on to the next  
7 subject of my questioning about your work during the Khmer Rouge  
8 period of time. You answered Mr. President's question you were a  
9 rice farmer during that period of time. Can you maybe explain to  
10 us what you were doing during that period of time? Rice farmer is  
11 a rather general term. What is your work as a rice farmer?

12 A. Yes, I could describe it. I was a rice farmer, because during  
13 the dry season, I was asked to carry earth to construct roads,  
14 dig ponds, dig canals. The ponds were so big in Tram Kak  
15 district, and I was involved in the work and I was involved in  
16 constructing a road from Angk Ta Saom to Angk Roka. And I was  
17 asked also to be involved in the model farm, in the work of model  
18 farms. I work in the rice field transplanting, harvesting and  
19 <spinning cotton. While> I was pregnant, I tended cows and  
20 cattle, and it was very tiring tending cows.

21 [14.04.16]

22 Q. Thank you, Madam Oum. So, you were not only a rice farmer, is  
23 that right?

24 A. You are right. Sometimes, I carried the fertilizers made out  
25 of cow dung and human crap. And I put those fertilizer in the

1 fields during dry season<>.

2 [14.04.50]

3 Q. In -- you were doing different types of works. So were you  
4 allowed to choose the type of work you did?

5 A. I could not select the work I wanted, because Angkar assigned  
6 the work to us.

7 Q. Can you tell us, how long were your working hours? Briefly,  
8 from what period of time to what period of time?

9 A. For me, during Pol Pot period, there were seasons. During the  
10 harvest season, I worked almost the day and night, and sometime I  
11 slept on the grass. And for those who had energy, they continued  
12 their work, and we worked almost 24 hours. During dry season, in  
13 the morning, we carried rice, we carried termite mounds and we  
14 carried fertilizer to put in the fields. And at night time, we  
15 were asked to dig ponds and also small pools, and we worked  
16 sometimes until 10 p.m.

17 Q. Okay. Thank you, Madam Oum. During that period of time, how do  
18 you know it's 10 p.m.? Do you have a watch or anything to help  
19 you?

20 [14.07.02]

21 A. I did not have the time or watch. However, during the time  
22 that we dug the ponds, there was a loudspeaker operated, so I  
23 could know the time through the announcement in the loudspeaker.

24 Q. Thank you very much, Madam Oum. And when you were assigned to  
25 work, were you allowed to not to go to work?

68

1 A. No. Unless there was permission from Angkar. We could not have  
2 free time, we could not stop and do not -- we had to go to work.

3 MR. LIU:

4 Thank you, Madam Oum. Your Honours, at this point, I would like  
5 to show a page of Madam Oum's book "When Will We Ever Meet Again"  
6 to her. The ERN for Khmer, ERN 00562903; English translation  
7 01037343; French translation 01037351.

8 [14.08.34]

9 MR. PRESIDENT:

10 The Chamber grants the request.

11 BY MR. LIU:

12 Q. Madam Oum, after taking a look at this document, can you tell  
13 us, what is the text in the highlighted box?

14 MS. OUM SUPHANY:

15 A. There were two boxes. You asked me to read or to mention box  
16 number one -- the above box or the below box?

17 [14.09.23]

18 Q. Maybe you can tell us under the -- in the box below, what is  
19 in this box?

20 A. As for the box below, it was the song I composed by myself.

21 The title is "Inhumane Torture". So, you asked me to read:

22 <I.> "Go out, go out, Phnom Penh, I left you.

23 "I had sufferings in my mind, in my heart.

24 "I know that we have no freedoms <on the day> we leave you.

25 <II.> "Hold, hold, hold.

1 "Digging the canals and make the dykes.  
2 "We are so worried.  
3 "<This is knowledge. This is the college.>  
4 "<Digging, carrying,> we do not need to learn from schools.  
5 <Chorus:> "I am standing on the model farms to feel relieved.  
6 "However, I am very suffering, I am very suffer, because I depart  
7 from my family members.  
8 <III.> "Request, request, request.  
9 "Cooperatives ask us to do the work and if we disappear, it means  
10 that we die.  
11 "Poor Khmer people."  
12 [14.11.17]  
13 I want to mean that, I write this song because when I left from  
14 Phnom Penh, when I left from my house and reached Monivong  
15 Boulevard, I saw bodies. I could see people carry their  
16 belongings to the direction ordered by Angkar. If we were ordered  
17 to go on National Road Number One, we had to go. And if we were  
18 ordered to go on National Road Number Two, we had to do so. So, I  
19 had no freedoms in the time I left. <When I said, "Hold, hold,  
20 hold, digging canals and building dams, we are so worried,"  
21 because at that time>, there was no school<>.  
22 14.12.08  
23 MR. LIU:  
24 Thank you, Madam Um. I know this is very emotional time for you  
25 to read out these songs, but if possible, I would like you to



1 listen to my question and then answer my question. What you're  
2 doing is great, but it's a lot to answer just one question. And  
3 interpreters might not be able to catch up as well. Q. So, my  
4 first question, I think you have already answered. What is it?  
5 And thank you very much, you read it out for us. Maybe before you  
6 tell us the rest, can you tell us, when did you compose this  
7 song?

8 MS. OUM SUPHANY:

9 A. I composed this song in 1975.

10 Q. Can you be more specific? Which month, or -- towards the end  
11 of the year or the beginning of the year in 1975?

12 [14.13.19]

13 MR. PRESIDENT:

14 Please hold on. You have to wait for mic light is on.

15 MS. OUM SUPHANY:

16 A. I could not recall the exact day and month. I composed this  
17 song in late 1975.

18 Q. So, it's fair to say it's during the Khmer Rouge period of  
19 time, is that right?

20 14.13.51

21 A. That is correct.

22 Q. And, before I stopped you, you were explaining the reasons you  
23 wrote this song. Can you maybe explain in brief -- briefly why  
24 you were writing this sentence in particular. I think the  
25 translation I just heard is "If we disappear, we die." I wish to

71

1 note, the official translation from the Court is, "No need to  
2 wonder if someone disappear. Something destructive must have  
3 happened to their body and life."

4 A. What you said, that is correct.

5 Q. Maybe you can explain to us why you wrote this sentence, "If  
6 we disappear, we die."

7 A. I wrote this sentence because after nine days upon my arrival,  
8 I heard my <sister-in-law crying> and my mother-in-law told her,  
9 "Please do not cry. Otherwise you would be taken away." I heard  
10 from my relatives that my <> sister-in-law was taken away. In  
11 late 1975, when I almost finished composing the song, I never saw  
12 <her> back, and I <knew> that she <had> disappeared. <It was not  
13 just her. There were> some other <women as well>, including  
14 <women whose husbands were soldiers, teachers. They took them  
15 away just like that.> And for <women> who lost their husbands,  
16 they were grouped and named as widow group<. When I heard of a  
17 widow group, I knew that they didn't have husbands,> so I assumed  
18 that those who were taken away <would> never <come back>.

19 [14.16.19]

20 MR. LIU:

21 Thank you very much, Madam Oum. That's a very specific  
22 explanation. Well, at this point, I'm going to show you another  
23 page of your diary -- of your book, "Will We Never See Each Other  
24 Again." I need to read out the exhibit first. The Khmer ERN  
25 00562885 to 886; and English translation 01037341; with the

1 French translation 01037349. Your Honour, may I show it on the  
2 screen and give it to the civil party?

3 MR. PRESIDENT:

4 You may proceed now.

5 BY MR. LIU:

6 Q. Madam Oum, can you take a look at this page and the text in  
7 the box. What did you write here?

8 MS. OUM SUPHANY:

9 A. In that box I wrote, "Can all comrades all raise your hands to  
10 support the party's decision? The policies are as follows: for  
11 those who are passive, decision -- the decision is that there is  
12 no gain in keeping you and there is no loss in removing you."

13 Q. Whose words was those? Who said those things?

14 A. No one dared to write this sentence or to write this note. <I  
15 wouldn't have the words to say that, "There is no gain in keeping  
16 you and there is no loss in removing you".> Angkar <was> the one  
17 who <said> this <in the meeting>.

18 Q. The translation might not be -- is it fair to say -- is it  
19 correct, it was Angkar who said this sentence?

20 [14.19.17]

21 A. That is correct.

22 Q. Thank you very much. Madam Oum, what did you do after Angkar  
23 said this sentence? Do you remember?

24 MR. PRESIDENT:

25 Please hold on, Madame Suphany. Mr. Koppe, you may now proceed.

1 [14.19.48]

2 MR. KOPPE:

3 Maybe I'm a little confused, but the lawyer, the civil party  
4 lawyer is reading excerpts from a book. I'm not sure if I heard  
5 that everything in that book is autobiographical and is, let's  
6 say, non-fiction. I would imagine the proper way to be, to quote  
7 the diary and then ask a question. But now we're asking the civil  
8 party to read an excerpt from what is fiction or non-fiction, I'm  
9 not quite sure. But, the answer goes into actual events. So  
10 either we're asking about a paragraph in a novel or we're asking  
11 about a paragraph in a non-fictionalized diary. So, I'm not quite  
12 sure where we are going with this. So, I'm not objecting, I'm  
13 just asking for clarification.

14 [14.21.06]

15 BY MR. LIU:

16 Your Honour, I think the civil parties in the previous --  
17 answering to one of my previous questions has established the  
18 relationship between this book and this diary. And if the Accused  
19 Counsel is not clear, during her -- his time of questioning, he  
20 can put this question to Madam Oum, the civil party, and ask her  
21 to explain further. If there is no other objections, observations  
22 from the Chamber, I will move on. Thank you, Madam. So, my  
23 question was, do you remember what did you do after you heard  
24 this words from Angkar?

25 [14.22.02]

1 MS. OUM SUPHANY:

2 A. After I heard this from the meeting of Angkar saying there is  
3 no gain in keeping you and there is no loss in removing you, I  
4 raised my hand at that time to voice my comments. Because, at  
5 that time, we were allowed to make any observation or comments. I  
6 was <scared>, because I -- I had a frequent illness. So, I stood  
7 up and I said that I worked for Angkar every day however, I -- my  
8 work needed to be based on my energy, because I was not strong.  
9 <For instance,> when I was transferred to do the work in  
10 plantation 160, I saw a woman had diarrhoea. She could not walk  
11 to the field to work. She had diarrhoea at her place.  
12 At that time, no one there to clean the <waste> of the woman --  
13 of the lady and no one there to clean the clothes for her.  
14 Although it was very dirty, I helped her cleaning her clothes and  
15 helped her cleaning the diarrhoea. So, during the meeting, I was  
16 with my colleagues and my colleagues knew that I helped clean the  
17 diarrhoea and clean her clothes. What I could do, I would do for  
18 Angkar and for some earth I could carry only just one day. At the  
19 time I had arrhythmia and I had illness so that is why I stood up  
20 and I made to my comment, at that time, to protect myself about  
21 the workload <against the accusation of being lazy.>

22 [14.24.28]

23 Q. Again, it would be great if you could keep your answers short,  
24 because I do have a lot of questions in the commons (sic). We  
25 appreciate your very detailed answer, Madame Oum. Thank you very

75

1 much.

2 I move on to the next one. I'm going to show you now, very  
3 clearly that -- I'm going to show you a page of your original  
4 diary. The English -- the Khmer ERN 01032955; and the English  
5 translation is 01036466; and the French translation 0036485. With  
6 the Court's permission, I would like to show this document to the  
7 civil party and also put it on the screen.

8 [14.25.35]

9 MR. PRESIDENT:

10 You may proceed now.

11 BY MR. LIU:

12 Q. Madame Oum, on this page there is a highlighted box, basically  
13 it is one sentence in this page, can you tell us what is the date  
14 and what did you write in this box?

15 MS. OUM SUPHANY:

16 A. In the box I wrote Sou Nan carried the earth with three other  
17 prisoners.

18 [14.26.24]

19 Q. Madame Oum, you answered Mr. President's question, your  
20 husband's name is also Sou Nan, is that the same person?

21 A. Yes, he was my husband.

22 Q. Do you know why he was sent to work with three prisoners?

23 A. Because he was accused <by them. They asked him, "Walking> and  
24 riding bicycle, which one is more convenient?<"> And then he said  
25 riding bicycle. <Then they asked,> "And what about <> bicycle

1 compared to motorbike?" And he said: "Motorbike is more  
2 convenient." "And what about <motorbike and> car?", he was asked.  
3 He answered, "Car <is cool, convenient, and fast>." After hearing  
4 all the answers, he was asked to go into <a> small car <to be  
5 sent to Trapeang Thum to be detained there. He had never told me  
6 before; he just told me at our old age, so I could gather such an  
7 account>.

8 Q. Thank you, Madame Oum. And, also I was asking you to help us  
9 identify the date of that diary. Can you tell us what is the  
10 date? Take a look on this diary entrance and see if you can see  
11 the date, and if you can read it out for us.

12 [14.28.25]

13 A. It was on the 12th waxing moon day -- it was on the 12th of  
14 waning moon.

15 Q. Thank you very much. In your previous testimony you said that  
16 some of your relatives disappeared. Can you tell us, who are  
17 those relatives again?

18 A. I separated from my parents in 1975. I went to Tram Kak  
19 District with my elder sister and younger sisters and brothers.  
20 And when I arrived there, <I saw my husband's relative, my  
21 brother-in-law>, who was a lieutenant colonel <and a pilot>, was  
22 taken away<. I didn't witness people taking him away. I just knew  
23 that he was taken away since I didn't see him.> My sixth  
24 brother-in-law also disappeared. My <fifth brother-in-law>, Sou  
25 Nam, alias Sou Sot, who was a doctor, was killed at Tuol Sleng.

1 His information about -- the information about his killing was  
2 printed on the 30 -- on page <37>, by the Cult and Religion  
3 Ministry.

4 MR. LIU:

5 Thank you, Madame Oum. I know it was difficult for you to recall  
6 those memories. Now, what I'm going to do is show you a page of  
7 your book, it's page 148 of your book, "When we will never see --  
8 When we will we ever meet again", the English ERN 0056277 --  
9 2887-- I'm sorry that was the Khmer ERN 00562887; English ERN  
10 01037342; French ERN 01037350. If I can show this document to  
11 Madame Oum?

12 MR. PRESIDENT:

13 Yes, you may do so.

14 BY MR. LIU:

15 Q. Madame Oum, after you see this document, can you tell us what  
16 did you write here, in this box?

17 MS. OUM SUPHANY:

18 A. In the box I wrote that, after I said that I didn't feel any  
19 fear inside because <I spoke with> reasons -- of the clear  
20 reasons that I had, but <Aunty Kak (phonetic),> who was the  
21 <sister-in-law of my mother-in-law>, as well as the in-law of my  
22 mother-in-law, advised me secretly that "Oh, Phany, please don't  
23 dare do so and be mindful about that."

24 Q. So, what happened is, one of your relatives advised you to be  
25 mindful and you said you're not a fear - you are not fear



1 anymore. Is that right?

2 A. After she told me that, I thought that I would not <think>  
3 about it anymore. Maybe it's better to die, rather to live  
4 without freedom. I didn't feel any happiness or freedom at all  
5 and the food was insufficient. And <when she> told me about being  
6 mindful<, she meant> being mindful <of death>.

7 [14.33.08]

8 Q. Thank you very much, Madame Oum. I'm going to now move on to  
9 the next subject, and I'm going to put the questions to you then.  
10 You said you -- well, let me start in this way, what was your job  
11 before you left Phnom Penh in 1975, what did you do for life?

12 A. Before I departed Phnom Penh in <1975>, I was a student, a  
13 year four student at the University of Archaeology.

14 Q. In your previous statement, you said that you have a poor  
15 health. Is that right?

16 A. Yes, that's correct.

17 [14.34.05]

18 Q. Thank you. And did you went to the hospital while you were in  
19 Tram Kak?

20 A. When I was in Tram Kak and, despite my poor health, I did not  
21 go to any hospital. But, in fact, I asked for medicine.

22 Q. Thank you very much, Madame Oum. Maybe -- can I show you a  
23 page of your book? It describes how you were given birth.

24 MR. PRESIDENT:

25 Counsel Koppe, you may proceed.

1 MR. KOPPE:

2 Thank you, Mr. President. I now formally object to this line of  
3 questioning. We have been provided, or put on the case file,  
4 excerpts for what seems to be the book of the civil party. We  
5 have no idea how the selection of these paragraphs was made, in  
6 fact, we've asked the civil parties to provide us with the  
7 English version of the complete book so that we could fully  
8 understand what the civil party has written. That was refused to  
9 us, so now we are having a selective set of paragraphs from what  
10 seems to be fiction or non-fiction, without us -- without the  
11 defence being able to check whether, or how this specific  
12 paragraph relates to the rest of the content of the book. So, I  
13 don't think it is proper -- a proper line of questioning to first  
14 select a few paragraphs from a book and then ask questions on  
15 these excerpts. So, we object to this line of questioning.

16 MR. LIU:

17 Your Honours, if I may respond to this objection. This book has  
18 been the case file since the civil party became a civil party. We  
19 actually requested the English translation from the Court, which  
20 I understand, everyone is entitled to do. So, all the materials  
21 I'm using is in the case file that was before even I became a  
22 civil lawyer. I think every Party has abundant time to read  
23 through this books, if they would like. And also, this civil  
24 party have been put as the one to be testifying since last year.  
25 Again, I think, if they would want to check the book or request a

80

1 translation, the Court could assist, but I have not seen that  
2 request as of this morning -- or yesterday. That's the first. The  
3 second, yes, I did receive an email from the defence requesting  
4 me to provide an English translation of the book, but, to be  
5 clear, that is not a request to have English translation of this  
6 book. Madame Oum Suphany, is a very high prolific writer, as she  
7 always wanted to be, she has many books, but this is the book she  
8 put into the case file, decided by her, and the request from the  
9 defence lawyer was on another book, which is not on the case  
10 file. And I would add one point is -- what I've been advised is  
11 -- if there is a disclosure request, it cannot be directly  
12 directed to me but it has to go through the Lead Co-Lawyers or  
13 maybe from the sections of the Court. So, therefore, I did not  
14 reply to that email -- on the content of the email. I hope that  
15 answers -- I hope that answers the -- that can assist the Court  
16 in reaching the decision and I can proceed with a ruling from the  
17 Court.

18 [14.38.42]

19 MR. KOPPE:

20 Just one -- excuse me, Mr. President, a question for  
21 clarification. Maybe that is my mistake, but are there now - two  
22 books written by the civil party? I was under the impression it  
23 was one book, maybe I'm wrong.

24 [14.38.59]

25 MR. LIU:

81

1 Thank you very much. So, Madame Oum Suphany, to my knowledge  
2 writes more than two books, she has the collection in her house -  
3 of the books she write. Some of them is like this book, is based  
4 on her experience, of her diary, as she explained to us, and then  
5 she write a book. This is the book, "When we will never see each  
6 other again -- When will we ever meet again?", this is the book I  
7 am relying on. As her lawyer, I know as a matter of fact, she has  
8 been writing other books as well. Other books based on her  
9 experience during the Khmer Rouge, or not necessarily based on  
10 the Khmer Rouge -- and her experience during the Khmer Rouge. So  
11 there were more books she had wrote -- she had written, but they  
12 are not on the case file. She choose to put this -- she choose to  
13 put this particular book, "When will we ever meet again?", into  
14 the case file under the consultation with her previous lawyer.  
15 I'm using this book, and as she explained why she choose this  
16 book, I think that's very clear.

17 [14.40.17]

18 MR. PRESIDENT:

19 The objection by Noun Chea's Counsel Defence, on the methodology  
20 used by the civil party lawyer, is overruled. And, lawyers for  
21 the civil parties, you may resume your questioning.

22 MR. LIU:

23 Thank you Mr. President and Your Honours, I was about to show  
24 Madame Oum Suphany a page in her book, "When will we ever see  
25 each other again?" Again, I will read out the Khmer ERN 00562876;

1 01037340; 01037348. If I could put this document on screen and  
2 show it to Madame Oum.

3 MR. PRESIDENT:

4 Yes, you may do so.

5 BY MR. LIU:

6 Madame Oum, can you -- after reading this -- I'm waiting for the  
7 documents to be uploaded to the screen and then ask the  
8 questions.

9 [14.42.13]

10 Q. Madame Oum, can you take a look at this, I know there are two  
11 boxes in this page, can you maybe now -- we are showing you the  
12 second box on this page. Can you explain to us what did you write  
13 here on this -- in this box?

14 MS. OUM SUPHANY:

15 A. In the second box, I wrote about <being in labour at the time  
16 of> my baby delivery. I wrote that, "I have constant< labour  
17 pain> and the woman who was Chief of the hospital came to see me  
18 and when she saw me giving birth with difficulty, she very often  
19 came to see me and she told me that the baby in the womb would  
20 not be alive and that baby would be dead. And then I told her to  
21 please take it out because I felt a lot of pain".

22 Q. What did she do after you told her to take your baby out? The  
23 presumed dead baby, inside your body.

24 [14.43.58]

25 A. That woman was Chief of the hospital, was young, and probably

1 inexperienced. She only patted my abdominal area and <concluded>  
2 that the foetus, or the baby, would not be alive. And I told her  
3 that if that is the case, please take it out from me <because I  
4 am in great pain. This was the first child>. I believed if she's  
5 experienced, then she would do it immediately, but she left me  
6 alone from <> Wednesday <morning> until <> Thursday <morning>,  
7 and then I delivered the baby by natural birth. <The doctor  
8 didn't have any solution to it. She was incompetent.>

9 Q. So, the baby was not dead. You actually delivered this baby  
10 afterwards. Is that correct?

11 A. Yes, that's correct. And my baby is still alive today, and  
12 that is Sou Botum (phonetic).

13 Q. Thank you very much, Madame Oum. Can you maybe describe, since  
14 you said you were in the hospital to deliver the baby, can you  
15 maybe describe this hospital? Or describe the medicine they used  
16 in this hospital?

17 [14.45.00]

18 A. The hospital that I stayed in was named Trapeang <Kol, but> it  
19 was not actually a proper hospital. It was a makeshift hospital  
20 in a pagoda compound. <It was built from wood.> There was a  
21 building to the south, <to the north and to the west. The north  
22 building was> for the less serious patients, and <> the south  
23 <building> was a maternity ward<.> For the serious patients<, it  
24 was the west building>. And most of the serious patients, they  
25 died. As for the maternity section, it was in fact a school and

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1 it was partitioned for the maternity, and the other section is  
2 for women who just delivered the baby and are ready to <leave>  
3 that hospital. They would use the firewood to -- to give the  
4 warmth to the babies, and with the smoking from the firewood, I  
5 was rather suffocated.

6 There was no <toilet>, there was no mosquito net. And, as for the  
7 medicine, it was rabbit dropped pills<,> and the serums that they  
8 used, I didn't know what fluid was put into it, it was used in a  
9 conventional bottle<, called B.G.I.>.

10 MR. PRESIDENT:

11 Thank you, Counsel for the civil parties and Madame Civil Party.

12 We will take a short break and return at 3 p.m.

13 Court officer, please assist the civil party during the break and  
14 have her return to the main courtroom at 3 p.m.

15 (Court recesses from 1447H to 1515H)

16 MR. PRESIDENT:

17 Please, be seated.

18 Due to health issues of <the Accused,> Khieu Samphan, the Chamber  
19 is not able to continue the hearings. The treating doctors for  
20 Mr. Khieu Samphan, recommended that Mr. Khieu Samphan had health  
21 issues and he needs to relax during this afternoon session. For  
22 this reason, the Chamber adjourns the hearing today and it will  
23 resume tomorrow.

24 Tomorrow, the hearing will resume from 9 a.m. and the Chamber  
25 will hear the expert report in relation to the fitness to stand

1 trial of the Accused. And the Chamber predicts that the hearing  
2 on the expert report will not use much time, as scheduled.  
3 For this reason, the Chamber summons and invites Madame Oum  
4 Suphany, to stand by and, if we have some time tomorrow after  
5 hearing on expert witness, we will resume your testimony.  
6 And the Chamber informs the TPO specialist that you are also  
7 invited here, tomorrow. The hearing is now adjourned.  
8 Security personnel, you are instructed to bring back the two  
9 Accused and have them back tomorrow morning before 9 a.m.  
10 Court officer, please facilitate with WESU to send the civil  
11 party and TPO specialist to their destination or homes and have  
12 them back in ECCC tomorrow. The hearing is adjourned.  
13 (Court adjourns at 1519H)

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