



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

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 November 2016

Trial Day 480

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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LIV Sovanna
KONG Sam Onn

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SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

2-TCCP-235

Questioning by Mr. DE WILDE D’ESTMAEL resumes..... page 2

Questioning by Mr. KONG Sam Onn page 16

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-235	Khmer
Mr. DE WILDE D’ESTMAEL	French
The GREFFIER	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear remaining testimony of Civil

6 Party, 2-TCCP-235.

7 Ms. Se Kolvuthy, please report the attendance of the parties and

8 other individuals to today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case

11 are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

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

14 been delivered to the greffier.

15 The civil party who is to conclude his testimony today, that is,

16 2-TCCP-235, is present in the courtroom. And we do not have any

17 reserve witness today. Thank you.

18 [09.06.05]

19 MR. PRESIDENT:

20 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

21 request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea, dated 11

23 November 2016, which states that, due to his health, that is,

24 headache, back pain, he cannot sit or concentrate for long. And

25 in order to effectively participate in future hearings, he

2

1 requests to waive his right to be present at the 11 November 2016
2 hearing.

3 Having seen the medical report of Nuon Chea by the duty doctor
4 for the accused at the ECCC, dated 11 November 2016, which notes
5 that, today, Nuon Chea has a constant lower pain when he sits for
6 long and has a mild numbness in his leg and recommends that the
7 Chamber shall grant him his request so that he can follow the
8 proceedings remotely from the holding cell downstairs. Based on
9 the above information and pursuant to Rule 81.5 of the ECCC
10 Internal Rules, the Chamber grants Nuon Chea his request to
11 follow today's proceedings remotely from the holding cell
12 downstairs via an audio-visual means.

13 The Chamber instructs the AV Unit personnel to link the
14 proceedings to the room downstairs so that Nuon Chea can follow.
15 That applies for the whole day.

16 I now hand the floor to the Co-Prosecutor to put further
17 questions to the civil party. And your remaining time is 30
18 minutes.

19 [09.07.52]

20 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. Good morning, Your Honours. Good
22 morning to all the parties.

23 Good morning, Civil Party.

24 I believe I have about 40 minutes <left>, Mr. President, because
25 it was 2.10 <p.m.> when the civil party began <his testimony>

3

1 yesterday. I will try to go as quickly as possible.

2 Q. But Mr. Civil Party, I will ask you to listen very carefully
3 to the questions and to respond a bit more quickly than yesterday
4 if you can, or to have shorter responses.

5 So yesterday, we had gone up to a meeting that occurred in Phnom
6 Penh that you had been present at. You'd been brought from Koh
7 Kong to Phnom Penh, and Nuon Chea had spoken and was <standing
8 with> <Ta Mok and> Son Sen.

9 [09.08.43]

10 And, <from my recollections, yesterday> you said that <Nuon Chea>
11 had actually said <before the assembly> that the party <placed
12 their trust on them and that you would> prevent <the> "Yvon"
13 <enemies> from <invading> the country.

14 Did Nuon Chea or Ta Mok tell you that you, the Khmer combatants,
15 were stronger than the Vietnamese?

16 2-TCCP-235:

17 A. What you said is true.

18 Q. Did they say that one single Khmer soldier had the value of 30
19 <Vietnamese>?

20 A. No, he did not say that.

21 Q. Mr. Civil Party, yesterday you said that, at a certain time,
22 you had been arrested and then tortured on a boat, then released,
23 but set to work. When you learned that you were meant to go to
24 the front in the east, did you not find this bizarre that you
25 would be reintegrated into the army, the Khmer Rouge army, in

4

1 order to go to the eastern front?

2 [09.10.35]

3 A. I never thought that I would be sent to the battlefield, and I
4 was thinking that they would send me to be imprisoned. But in
5 fact, I was sent to fight against the Vietnamese.

6 Q. Did the participants in this meeting have the choice, or not,
7 to rejoin the army and be sent to the front?

8 A. At the time, I could not decide that I would not go.

9 Q. Yesterday, you said that among the participants in this
10 meeting that was presided over by Nuon Chea, you said that there
11 were more than 1,000 people. And then you said that 400 among
12 them, including yourself, had been sent and placed under the
13 command of Ta Pin.

14 In which region and zone was your assignment where <you
15 encountered> Ta Pin?

16 [09.12.14]

17 A. After I was sent, I was sent to the East Zone, that is, to
18 Kampong Cham province. And then we arrived at the location of Ta
19 Pin, not Ta Phun (phonetic), who was the deputy chief of the
20 <general> staff.

21 Q. Yesterday, you spoke of the head of the army, Son Sen, and
22 that he brought equipment with him, but you didn't say which type
23 of equipment had been provided. So can you please clarify, were
24 you <armed> right there?

25 A. Yes, when I arrived at the deputy commander's headquarters, it

5

1 was at around 9 or 10 in the morning. Son Sen and two Chinese
2 advisors with several of his bodyguards arrived. He then arranged
3 us into different groups and units.

4 Q. What type of weapons did you receive at that time?

5 A. There were Chinese <> AKs and, indeed, there was a mixture of
6 weapons, including AR15, which was U.S. made. So I could say it's
7 a mixture of products. As for the commanders, they were received
8 a pistol and a rifle each.

9 Q. You said the groups were formed. What was your group, and what
10 was your role within this group or unit?

11 A. I was attached to Company 1. I was the deputy chief of that
12 company. And there were about 200 of us, and they were under the
13 supervision of my commander and myself as his deputy.

14 [09.15.38]

15 Q. At a certain time, did you have to participate in combat
16 against Vietnamese forces?

17 A. After we were equipped with weapons, there were also a tank
18 unit. We then had to mobilize to the front battlefield during the
19 night-time.

20 Q. You arrived in 1977, I believe you said. In 1977 and 1978, did
21 you participate in attacks in Vietnamese territory?

22 A. At the beginning, Vietnamese troops were stationed in the
23 vicinity of Kraek, and when my group attacked them, they
24 retreated to Memot. And after we broke them at Memot, they
25 relocated <themselves> to the area along the border, that is, in

6

1 Tay Ninh province. They relocated themselves into their
2 territory. And we had to set up our defence line, and some of us
3 were reassigned by Son Sen to enter Vietnamese territory.

4 [09.17.52]

5 Q. In the zone you were posted, so towards Ponhea Kraek, Memot in
6 the East Zone, <in> Kampong Cham <province>: At the time, were
7 there Vietnamese civilians who were arrested by the Khmer Rouge
8 army; whether in Vietnamese territory or in Cambodian territory?

9 A. When I returned, I saw some of the people <being> arrested.

10 Q. Do you know where these people were sent and what happened to
11 them?

12 A. Those people were sent to the <general> staff office of Ta Pin
13 or Ta Son Sen. They actually had a prison there, and they
14 produced cuffs and shackles for those people, as they suspected
15 them.

16 Then Ta Pin and Son Sen made a decision to return those people to
17 the base, but I did not know <> where they were sent to, but they
18 directed the soldiers <to> escort them to go to the base <by
19 cars>.

20 Q. And what happened to the Vietnamese military who were arrested
21 in the context of the conflict with Vietnam?

22 [09.20.43]

23 A. Regarding the arrest of Vietnamese soldiers or civilians, Son
24 Sen strictly prohibited anyone to kill them, and that they had to
25 be sent to Phnom Penh.

7

1 Q. Did you hear that, in the area you were posted to, that there
2 were mixed Khmer-Vietnamese couples, so either the husband was
3 Khmer or the wife was Khmer? And were there any instructions
4 regarding these persons and, particularly, regarding the
5 Vietnamese partner in these mixed couples?

6 A. No, I was not aware of that.

7 Q. During the entire period that you worked for Son Sen and Ta
8 Pin in the East Zone, was Son Sen frequently <away, in> Phnom
9 Penh?

10 [09.22.13]

11 A. Son Sen, in his capacity as a military commander throughout
12 the country, he went back and forth between the battlefields and
13 the military headquarters, so he made his trips to the East Zone
14 or to the Southwest Zone. He made frequent trips.

15 Q. You were quite detailed in your WRI, E3/9772, in answer number
16 2. You said the following, and I'll be quoting it in English:

17 "Ta Pin was responsible for the military in the entire country
18 and worked as Son Sen's replacement whenever Son Sen was absent.
19 For example when Son Sen <went> to join meetings in Phnom Penh,
20 Ta Pin would be in charge in his absence." End of quote.

21 So in this excerpt, it seems that you were aware of the fact that
22 Son Sen was going to Phnom Penh. How did you know that, and was
23 it frequent?

24 A. In his capacity as a military commander, he made his trips and
25 usually he would be escorted by three or four <Chinese made cars>

8

1 full of his bodyguards <and Chinese advisors>. And at the
2 minimum, he would have two or three bodyguards with him all of
3 the times. And he made his frequent trips to Phnom Penh and to
4 the battlefields.

5 [09.24.29]

6 Q. When you were posted at the eastern front, were there massive
7 purges of cadres from the East Zone, whether they were military
8 or civilian, in 1977 and 1978? Do you know anything in this
9 regard?

10 A. I did not have a full grasp of the situation since I was at
11 the battlefield. And <>when I was wounded on my left leg, I was
12 sent to be hospitalized and I heard people speaking about the
13 arrest of people in the East Zone as well as those former
14 soldiers in the East Zone who were <>under the supervision of So
15 Phim. They said that Party had to gather them, and <> the East
16 Zone soldiers<> were arrested and sent to the rear.

17 [09.26.09]

18 Q. Did you attend meetings where the internal purges or suspected
19 people were discussed?

20 A. I did not involve in any internal purge. I attended meetings,
21 that is, those meetings which focused on the defending of our
22 territory and the fight against the "Yvon".

23 Q. You said this in the same WRI, E3/9772. Answers 8 and 9 are of
24 interest, but in 12, you said the following, and I quote in
25 English:

9

1 "After So Phim's suicide, the civil cadres in the East Zone were
2 replaced by cadres from the Southwest Zone. In those meetings,
3 the internal purges were discussed, but the terms 'internal
4 purges' were not obviously spelled out. They just said they had
5 to identify people who joined with the Vietnamese and that they
6 had to reorganize the base." End of quote.

7 So in the meetings that you attended, do you, indeed, confirm
8 that internal purges were talked about as well as identifying
9 those who had gone to join the Vietnamese?

10 (Short pause)

11 [09.28.32]

12 BY MR. DE WILDE D'ESTMAEL:

13 Mr. Civil Party, could you please answer the question? Did you
14 participate in meetings where internal purges <were discussed, as
15 well as> the fact that people allied with the Vietnamese or who
16 had joined the Vietnamese needed to be identified?

17 [09.28.55]

18 A. No, I did not.

19 Q. This is what you said before the investigators of the OCIJ,
20 here at the <building behind the> Court. So are you contradicting
21 what you said, or do you confirm that what you said back then is
22 correct?

23 A. In fact, I never attended such meeting. As for the military
24 meetings, I did attend them, but when I lived in the East Zone,
25 my main focus was on the fight against the Vietnamese, and

10

1 nothing else.

2 Q. Did you attend a meeting in Chob in the big rubber plantation
3 where Pol Pot apparently came?

4 [09.30.30]

5 A. I was a guard providing protection for Brother Number One. I
6 cannot tell you how many of us were sent to protect him, but
7 maybe <>half of us were assigned to protect him.

8 <Three> platoons were assigned to provide security for the upper
9 echelon who came to attend a meeting.

10 Q. At answer 68 of the WRI, E3/9771, you said that this meeting
11 took place in <May - in> the middle of 1978.

12 So did Pol Pot speak then? Did you hear what he said?

13 A. I was in a quite far distance. I could not hear clearly what
14 he said. But I asked those who were sitting closer to him, and
15 they said that Pol Pot made mention about frontiers and the
16 national affairs. He also stated about the population who had
17 been seized by Vietnamese army. There were different issues that
18 were discussed, but I was not interested in those issues. I asked
19 those who were sitting closer <him. That's all what I was told.>

20 Q. Do you know, or did you obtain any information from these
21 people who were sitting next to him, do you know if Pol Pot spoke
22 about the external as well as the internal enemies?

23 A. Those <people> said very little about some issues, as I have
24 just told you.

25 [09.33.44]

11

1 Q. Well, I have two <more> series of questions.

2 The first goes back to the period when you were in Kampong Som,
3 so that is around 1975, I believe. So did you attend or did
4 anyone relate the content of meetings that were chaired by Meas
5 Muth back then?

6 A. I personally never met Meas Muth. I could see him from a
7 distance. I never attended any meetings where Ta Muth was
8 present.

9 Q. You said in WRI E3/9771 at answer 12, and I will quote in
10 English. It's only one sentence -- and you said that you never
11 attended political education sessions, and then you say:

12 "But one of my friends who was a Party member and attended the
13 meetings told me about the contents of the meetings." End of
14 quote.

15 So can you tell us what one of your friends, who was a Party
16 member and who attended the meeting, told you regarding the
17 content of Meas Muth's statements in Kampong Som? And in
18 particular, what I'd like to focus on is if he said anything
19 about the Lon Nol soldiers.

20 [09.35.57]

21 A. My work mate told me that Meas Muth stated about the defence
22 of the <>sea or maritime <territory>. There was a suspicion that
23 the pirates secretly <had> fished in the maritime territory and
24 he advised all of us to arrest them but not to kill them <but
25 send them to Kampong Som provincial town instead.>

12

1 Q. So I would like to quote what you said before the
2 investigators. It's answer 13 of that WRI, E3/9771. And I will
3 quote in English:

4 "At that time, in the meetings, Angkar or the Party proclaimed
5 they planned to screen the army. Angkar planned to smash the
6 capitalists and former Lon Nol soldiers." End of quote.

7 So do you confirm what your friends or colleagues -- that they
8 spoke <to you> about that?

9 A. I cannot give you my answer since I did not catch your
10 question very clearly.

11 [09.38.02]

12 Q. Civil Party, I quoted what you, yourself, said to the
13 investigators of the OCIJ, that is to say, that one of your
14 colleagues apparently relayed to you what Meas Muth said during
15 meetings at Kampong Som. And you answered that Angkar proclaimed
16 that it was -- that it was planning to <screen or> purify the
17 army, and that Angkar was planning to smash the capitalists and
18 the former Lon Nol soldiers.

19 So my question is the following. Do you confirm that one of your
20 colleagues said that to you?

21 A. My friend or my friends never told me about that. <After the
22 meeting,> I was told that we were advised to defend our maritime
23 <territory>.

24 Q. Civil Party, you said that yourself, and you signed the
25 record. I believe that the record was read out to you, so is

13

1 there any reason <in particular> that explains why you are
2 changing your <statement> today?

3 [09.39.49]

4 A. I never told anyone about that. I did say that I went to work
5 in a navy and I received an instruction from my commander to
6 attend a meeting with Ta Muth. I never discussed about the former
7 Lon Nol soldiers. I did say about the defence of maritime
8 <territory>.

9 Q. Do you sometimes suffer from memory problems, <Mr.> Civil
10 Party?

11 A. That is true. The events took place quite a long time.

12 Q. Well, I'm soon done with my time, and I have a last series of
13 questions, and they regard the Krang Ta Chan security centre.

14 And you often said that members of your family were probably
15 detained there. And I would like to start with your father.

16 What did you learn regarding his arrest, and what did you learn
17 regarding his possible detention at Krang Ta Chan?

18 A. Allow me to inform you that after 1979, I returned to find and
19 search for my parents and family members in my birth village.

20 Upon my arrival there, I learned that I lost my beloved father
21 since he had been evacuated out of Takeo.

22 I asked <some people> who learned about his whereabouts, and I
23 was told that <> my father was sent to Phnom -- something like
24 that. <They did not mention Krang Ta Chan>. I was told that he
25 had been tortured before his execution in late 1975.

14

1 [09.43.20]

2 Q. I would like to read a part of your WRI, E319/23.3.42. This is
3 answer 165 in English again. And I quote first the question.

4 "What happened to your parents?"

5 And you replied: "After 17 April '75, Khmer Rouge soldiers
6 evacuated them out of Takeo province. My father was arrested and
7 detained in Krang Ta Chan security office in Tram Kak district,
8 Takeo province. They accused my father of being <the> chief of
9 <a> 100 family group. He was tortured to death."

10 Answer 170: "They interrogated him and beat him to death."

11 Answer 174: "I also received information from a former militia
12 man of Krang Ta Chan security office who said that my father was
13 detained in an underground cell and was killed in that office."

14 Does that refresh your memory? Do you remember having said that?

15 [09.45.00]

16 A. Yes, I did say that.

17 Q. And who <exactly> are the people who spoke to you about the
18 fact that your father was in Krang Ta Chan? What did they tell
19 you, exactly, about what happened to him, about the circumstances
20 of his death?

21 A. I asked many survivors. I asked many of them repeatedly for
22 clarification, and I was told that it is true that my father had
23 been taken for torture at Krang Ta Chan where he was also
24 executed<. I have not found his remains>.

25 I did talk about that.

15

1 Q. Aside from your father, were other members of your family also
2 detained in Krang Ta Chan based on what you'd learned after 1979?

3 A. I learned that one of my uncles from my side was also there.

4 Q. Was this uncle part of the Lon Nol army or was he just an
5 ordinary citizen or was he involved in the revolutionary cause?
6 What kind of person was he? What did he do?

7 A. He was a former teacher. He went to live in an area controlled
8 by Lon Nol Republic regime.

9 [09.47.54]

10 MR. PRESIDENT:

11 Mr. <International> Co-Prosecutor, you run out of time now.

12 And the Chamber now gives the floor to the defence team for the
13 Accused, first starting from the defence team for Mr. Nuon Chea
14 to put questions to the civil party.

15 You may now proceed.

16 MR. KOPPE:

17 No questions for the witness, Mr. President, but a question for
18 the Chamber.

19 Why was this witness selected for the segment on the role of the
20 Accused? I haven't heard any relevant question in relation to
21 that segment.

22 So I would really appreciate to get some clarification as to the
23 selection process. Why is this witness testifying here for this
24 particular segment?

25 [09.49.09]

16

1 MR. PRESIDENT:

2 Thank you. And now the defence team for Mr. Khieu Samphan to put
3 question to the civil party.

4 You may now proceed.

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President. Good morning, the Chamber. Good
7 morning, Mr. Civil Party. I have some questions to seek your
8 clarification.

9 Q. You have just said that you <learned that> your father died <>
10 after 1979. You learned from villagers. You also stated that your
11 father died at Krang Ta Chan.

12 In document E3/5979, that is, your civil party application, the
13 first application you filed, you similarly indicated that after
14 1979, you learned about that incident. However, you stated in
15 that document that your father were detained at <Phum Kuk Phnum
16 Chhmar (phonetic) at Phnum Chhmar village, Mroum commune>, Angkor
17 Chey <district>, Kampot province.

18 So <there were two> different locations. So, one was in Takeo and
19 another one was in Kampot.

20 Do you have convincing evidence indicating the location where
21 your father <> had been detained and executed?

22 [09.51.16]

23 2-TCCP-235:

24 A. After 1974, I asked villagers. He <> was first detained at
25 Phnum Chhmar. That <is the fact>. Later on, he was sent out from

17

1 that location.

2 Back then, Angkor Chey <district> was located in Sector 13 in
3 Takeo province. That was in Khmer Rouge time. He was further sent
4 to Krang Ta Chan.

5 I learned that from the survivors, and I was told that he was
6 sent <>further <>to Krang Ta Chan, and Krang Ta Chan was the
7 place where my father had been executed.

8 He, my father, did not die in early 1975, but in late 1975 or
9 perhaps in early 1976 when he was killed <by the Khmer Rouge>.

10 [09.52.49]

11 Q. I want you to indicate the names of <the people whom you>
12 learned the information from. And <> my second question is about
13 the discrepancy in relation to your statement. In your first
14 application in 2008, you did not indicate that your father died
15 at Krang Ta Chan, but later on, after the Chamber heard about
16 Krang Ta Chan location, you started to make mention about Krang
17 Ta Chan.

18 Why did that happen?

19 A. At first, I did not imagine that there would be an
20 internationalized court, so I just indicated in my application
21 with some confusing points. I put all information with the
22 assistance of ADHOC organization, and I did not know at the time
23 if there were loopholes or gaps in the information I put in that
24 application.

25 I never hoped back then that justice could <> be sought for those

18

1 who died.

2 Q. So I can summarize that you did not know the clear or certain
3 location where your father died.

4 Is that correct?

5 [09.55.06]

6 A. I, myself, did go to Krang Ta Chan to search for my father's
7 name, but <I did not find my father's name. However,> a woman
8 told me about my father's fate. And that woman was <the> one in
9 charge of that prison. She said my father had been sent to Krang
10 Ta Chan, and that woman is still <> alive nowadays.

11 Q. Do you know the clear identity of that woman whom you said
12 that she was in charge of Krang Ta Chan back then? Can you inform
13 the Chamber about that?

14 A. <Not Krang Ta Chan.> I was talking about Phnum Chhmar, the
15 woman who was once in charge of that prison <at Phnum Chhmar>

16 Q. Thank you. A little while ago, you stated that your father
17 died at Krang Ta Chan in late 1975. Did I learn that from you
18 correctly?

19 [09.56.30]

20 MR. PRESIDENT:

21 Please observe the microphone, Mr. Civil Party.

22 2-TCCP-235:

23 That is true. It was in late 1975 or perhaps early 1976.

24 BY MR. KONG SAM ONN:

25 Q. In the same document, E3/5979, <in> the second-last <>page <>,

19

1 you said that your father was detained at <Phnum> Chhmar<, Mroum
2 commune>, Angkor Chey <district>, Kampot province, in <the early>
3 1978. So in that document you made mention about the detention of
4 your father in 1978, <>so how could you say that he was detained
5 at Krang Ta Chan in <the late> 1975? <Could you clarify this
6 point?>

7 2-TCCP-235:

8 A. There may have been confusion in putting that information by
9 the one who assisted me in writing that application.

10 Q. Thank you. Regarding your siblings, <three> male siblings,
11 <and> you indicated that they died. And you once said that they
12 were former soldiers. Do I understand you correctly?

13 [09.58.14]

14 A. One of them was a former soldier, and another one was a former
15 public servant in Lon Nol's time. And the last one lived in
16 Battambang province, the area controlled by the Khmer Republic.
17 <My third> sibling was simply a farmer or peasant.

18 Q. Could you indicate about your last sibling, which you stated
19 that he was a peasant?

20 A. <My> elder brother <named> ■■■■■.

21 Q. That he was your second <> elder brother, <right>?

22 A. He was my third brother.

23 <Mr. President:>

24 <Please hold, Mr. Civil Party>

25 <2-TCCP-235:>

1 <A. He was my second elder brother.>

2 [09.59.27]

3 Q. In the same document, <E3/5979> Part C, you indicated that all
4 of your elder brothers were peasants. Why is that discrepancy in
5 the information you gave?

6 A. I thought that in DK's time <that> each and every one was a
7 peasant. That's why I put in the application that they were all
8 peasants.

9 Q. And concerning your elder brothers who used to be soldiers,
10 how long were they in army?

11 A. My elder brother, [REDACTED], became a republic soldier in 1970.

12 As for my eldest brother, [REDACTED] (phonetic), he was a former
13 teacher. He taught in Takeo province, and after the coup d'état
14 period, he took his family to live in Phnom Penh. And I learned
15 that he worked in a navy station at Chrouy Changva.

16 My second elder brother, [REDACTED], did not work, but he was a
17 <peasant> in Battambang province. And these are all facts.

18 Q. In relation to your mother, was she also detained at that
19 Phnum Chhmar prison, or did you not learn anything about her
20 fate?

21 A. My mother lived in the cooperative, and she was considered as
22 a family member of the enemy. Although she was allowed to live in
23 the cooperatives, she was assigned heavy work.

24 [10.03.23]

25 MR. KONG SAM ONN:

21

1 Thank you, Mr. Civil Party.

2 And Mr. President, I don't have any further question.

3 MR. PRESIDENT:

4 Thank you.

5 And Mr. Civil Party, you now reach the conclusion of your
6 testimony and you have an opportunity to make an impact statement
7 in relation to harms you suffered during Democratic Kampuchea if
8 you wish to do so.

9 You have the floor.

10 [10.04.16]

11 2-TCCP-235:

12 I would like to express my sincere thanks to Mr. President of the
13 Chamber, for allowing me to make my impact statement.

14 In my capacity as a civil party, I would like to make the
15 following statement, and it will take, the most, seven minutes.

16 In 1970, I ordained as a monk in <Chrab> (phonetic) pagoda in <a
17 countryside>, and also during <1971>, the militia group <forced>
18 us to disrobe and forced us to join the revolutionary army. I had
19 to temper myself to follow the lines of the Party and the
20 revolution, although I had to endure wounds or that I had to be
21 amongst the corpses in the trench, or that I had to endure
22 sickness and fever. I had to <> follow the revolution and the
23 Party.

24 After the victory on 17 April 1975, I was removed by Democratic
25 Kampuchea from the army, and I was assigned to engage in

22

1 intensive labour in Sector 11 in Koh Kong. I was imprisoned for
2 13 months in the wall-less prison.

3 And by mid-1977, I was transferred to fight against the
4 Vietnamese <> in the East Zone for <16> months.

5 [10.06.46]

6 And after 1979, I returned to look for my parents and surviving
7 family members and relatives in my native village. And it was the
8 most regretful and painful experience for me for the loss of my
9 respected mother and father, my uncles, my aunts, my elder
10 brothers and my nephews and nieces, all the three families of my
11 siblings. All of them totalling more than 20 disappeared under
12 the Democratic Kampuchea. They were arrested, tortured and
13 executed.

14 Every time I think of them, I feel the pain emotionally and
15 physically, and I have been traumatized since.

16 When this hybrid tribunal was formed, I lodged my complaint as a
17 civil party in order to find justice for my parents, <>siblings
18 and <>relatives as well as for more than two million Cambodians
19 who disappeared and lost their lives during Democratic Kampuchea.

20 And I would like to thank you. However, I still have some
21 questions to put, and I sought your permission, Mr. President.

22 [10.08.28]

23 MR. PRESIDENT:

24 Yes, you may proceed. You may put the questions to the Accused
25 through me, the President of the Chamber, but please don't put

23

1 any questions to me since I do not have any obligation to answer
2 your question. Your questions shall be directed to the Accused
3 through me, the President of the Chamber.

4 2-TCCP-235:

5 I have two short questions, and I'd like to put these questions
6 through Mr. President.

7 My first question is the following. I tried to follow the Party
8 lines. I sacrificed my life, and I did not mind as to when I
9 <would> die. And when the Democratic Kampuchea was established,
10 why my parents, my blood siblings and my relatives, myself and my
11 comrades in arms were tortured, <>imprisoned and forced to work
12 day and night with insufficient food and that they subsequently
13 disappeared, why such things happened?

14 [10.09.59]

15 And my second question is the following. I heard the announcement
16 made on radio during Democratic Kampuchea that it was a perfect
17 regime, and the announcement was made by Khieu Samphan that the
18 food regime was one and a half cans to two cans per day for each
19 citizen, but in fact, all young and old citizens living in
20 villages and cooperatives almost throughout the country received
21 only watery gruel. Why? Why was that?

22 Thank you. And I don't have any further question, but toward my
23 conclusion, I'd like to express my thanks.

24 [10.11.07]

25 MR. PRESIDENT:

24

1 Thank you, Mr. Civil Party. And the Chamber wishes to inform you
2 that in the proceedings in Case 002/02, the two accused, Nuon
3 Chea and Khieu Samphan, maintain their position to remain silent
4 and not to respond to any questions by the Bench or the
5 <parties.> And on the 8 of January 2015, in response to the
6 question of the Chamber, the Co-Accused reaffirmed their position
7 to exercise their right to remain silent. And so far, the Chamber
8 has not been informed of any change in that status or that they
9 agree to answer these questions.

10 And according to international and domestic laws, the Chamber
11 cannot compel the Accused to respond to your questions if they
12 exercise their rights to remain silent.

13 And do you wish to make any further statement?

14 2-TCCP-235:

15 Allow me to express my respect to the Bench and the Chamber.

16 And to conclude my testimony, I'd like to make the following
17 statement. The events that were unfolded 20 to 30 years ago were
18 of important nature for the public <> as for <> this generation
19 and the upcoming generations.

20 Thank you.

21 [10.13.08]

22 MR. PRESIDENT:

23 Mr. Civil Party, the Chamber is grateful of your testimony. And
24 the hearing of your testimony as well as your impact statement as
25 a civil party, that is, regarding the harms <> you claim you

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1 suffered under Democratic Kampuchea has come to a conclusion.

2 And your testimony may contribute to the ascertainment of truth

3 in this case. For that reason, you may return to your residence

4 or wherever you wish to go to, and the Chamber wishes you all the

5 very best.

6 Court officer, please work with WESU to arrange transportation

7 for this civil party to return to his residence or wherever he

8 wishes to go.

9 [10.13.58]

10 And the Chamber will adjourn its proceeding today and will resume

11 on Monday, 21st November 2016, commencing from 9 o'clock in the

12 morning. And on Monday, Tuesday that week, the Chamber will hear

13 testimony of 2-TCCP-223, in the morning and, in the afternoon, we

14 will hear testimony of 2-TCW-842, via video conference from

15 Paris, France.

16 We also have a reserve witness, that is, 2-TCW-871. The

17 testimonies are related to the role of the Accused. The

18 information is for the parties and the general public.

19 Security personnel, you are instructed to take the two Accused,

20 Nuon Chea and Khieu Samphan, to the detention facility and have

21 them returned to attend the proceedings on Monday, 21st November

22 2016, before 9 o'clock in the morning.

23 The Chamber is now adjourned.

24 (Court adjourned at 1015H)

25