



**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**

ថ្ងៃ ខែ ឆ្នាំ (Date): 07-Mar-2016, 15:22

CMS/CFO: Sann Rada

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

1 March 2016

Trial Day 375

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:  
LIV Sovanna  
SON Arun  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Roger PHILLIPS

Lawyers for the Civil Parties:  
CHET Vanly  
Marie GUIRAUD  
HONG Kimsuon  
LOR Chunthy  
PICH Ang  
SAM Sokong  
SIN Soworn  
TY Srinna  
VEN Pov

For the Office of the Co-Prosecutors:  
Joseph Andrew BOYLE  
SENG Leang

For Court Management Section:  
UCH Arun

INDEX

Ms. SIENG Chanthy (2-TCCP-1015)

Questioning by Ms. GUIRAUD resumes ..... page 3

Questioning by Mr. SENG Leang..... page 12

Questioning by Mr. LIV Sovanna ..... page 23

Ms. KHOUY Muoy alias Khouy Moy (2-TCCP-259)

Questioning by The President (NIL Nonn) ..... page 39

Questioning by Mr. LOR Chunthy ..... page 41

Questioning by Mr. BOYLE..... page 52

Questioning by Mr. LIV Sovanna ..... page 68

Mr. UCH Sunlay (2-TCCP-1014)

Questioning by The President (NIL Nonn) ..... page 81

Questioning by Mr. VEN Pov ..... page 82

Questioning by Mr. BOYLE..... page 90

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. KHOUY Muoy alias Khouy Moy (2-TCCP-259)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Ms. SIENG Chanthay (2-TCCP-1015)	Khmer
Mr. UCH Sunlay (2-TCCP-1014)	Khmer

1

1 P R O C E E D I N G S

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 the statement of harms and  
6 suffering of civil party Sieng Chanthy. And after it's concluded,  
7 we continue to hear another civil party -- that is, 2-TCCP-1014.  
8 And if possible, we will hear another civil party -- that is,  
9 2-TCCP-259.

10 Greffier, please report the attendance of the parties and other  
11 individuals to today's proceedings.

12 [09.06.11]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all parties to this case  
15 are present, except Anta Guisse, the international defence  
16 counsel for Khieu Samphan, who is absent for personal reasons  
17 from today to the 7 March 2016.

18 And Victor Koppe, the counsel for Nuon Chea, is absent without  
19 reasons.

20 And Mr. Nuon Chea is present in the holding cell downstairs. He  
21 has waived his rights to be present in the courtroom. The waiver  
22 has been delivered to the greffier.

23 The civil party who is to continue her statement of harm and  
24 suffering -- that is, Madam Sieng Chanthy, is present in the  
25 courtroom, and then we also have another civil party -- that is,

2

1 2-TCCP-1014.

2 We also have a reserve civil party -- that is, 2-TCCP-259.

3 During the proceedings to hear the statements of harm and  
4 suffering, we have Madam Chhay Marideth, the TPO staff who will  
5 sit next to the civil party to lend her support. And she is also  
6 present in the courtroom.

7 Thank you.

8 [09.07.38]

9 MR. PRESIDENT:

10 Thank you. The Chamber now decides on the request by Nuon Chea.

11 The Chamber has received a waiver from Nuon Chea, dated 1st March  
12 2016, which states that due to his health, headache, back pain,  
13 he cannot sit or concentrate for long. And in order to  
14 effectively participate in future hearings, he requests to waive  
15 his right to participate in and be present at the 1st March 2016  
16 hearing.

17 [09.08.14]

18 Having seen the medical report of Nuon Chea by the duty doctor  
19 for the Accused at the ECCC, dated 1st March 2016, which notes  
20 that Nuon Chea today has back pain and feels dizzy when he sits  
21 for long and recommends that the Chamber grant him his request so  
22 that he can follow the proceedings remotely from the holding cell  
23 downstairs. Based on the above information and pursuant to Rule  
24 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
25 request to follow today's proceedings remotely from the holding

3

1 cell downstairs via audio-visual means.

2 The Chamber instructs the AV Unit personnel to link the  
3 proceedings to the room downstairs so that Nuon Chea can follow.  
4 This applies to the whole day.

5 Madam Sieng Chanthy, the Chamber receives information that you  
6 need to visit the bathroom rather frequently. And please don't  
7 hesitate to do so. If you need to visit the bathroom, just raise  
8 your hand. Then we take note of that and you can go at any time  
9 during your statement.

10 Now the Chamber hands the floor to the Lead Co-Lawyers to  
11 continue putting further questions to the civil party.

12 You may proceed.

13 [09.10.08]

14 QUESTIONING BY MS. GUIRAUD RESUMES:

15 Thank you, Mr. President. Good morning, everyone.

16 Q. Good morning, Madam Civil Party. Yesterday, you talked of the  
17 rape of two young girls of Vietnamese origin witnessed by your  
18 father.

19 Can you tell us a bit more about that event, about the identity  
20 of the two young girls and the impact of that event on you?

21 MR. PRESIDENT:

22 Counsel Kong Sam Onn, you have the floor.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President.

25 I would like to object to this question. This is not -- the

4

1 question is about the fact, which is not related to the exact  
2 cause of harms and suffering to this civil party. It is about a  
3 general fact, and in particular, this civil party did not see or  
4 know the fact directly. It is a second or third-hand information  
5 only.

6 [09.11.44]

7 MS. GUIRAUD:

8 Mr. President, if you would allow me, I find it particularly  
9 relevant to ask this question and to find out to what extent the  
10 civil party was affected by this information to the extent that  
11 she, herself, was a young girl of Vietnamese origin at the time.  
12 So my question is to find out whether that event had a personal  
13 impact on the civil party, which appears to be the very purpose  
14 of these hearings. May I therefore request you to allow this  
15 civil party to explain the impact of that event on her?

16 (Judges deliberate)

17 [09.12.44]

18 MR. PRESIDENT:

19 The objection by Counsel Kong Sam Onn is overruled.  
20 And Madam Civil Party, please respond to the question by the  
21 International Lead Co-Lawyer.

22 MS. SIENG CHANTHY:

23 Please repeat your question so that I can remember it.

24 BY MS. GUIRAUD:

25 Q. Of course.

5

1 Yesterday, you talked of two young girls of Vietnamese origin in  
2 your village who were raped. I would like to know whether you can  
3 tell us a little more about that incident and the impact and the  
4 effect that that incident had on you at the time.

5 [09.13.45]

6 MS. SIENG CHANTHY:

7 A. Yes, I can do that.

8 The two victims had her -- had their mother as Vietnamese, and  
9 they were my neighbours. And they also carried dirt in my unit. I  
10 did not know when they were arrested. I only knew that they  
11 disappeared from the workplace. And then I quietly asked other  
12 workers about their disappearance, about Srey An Thy (phonetic)  
13 and Srey Touy (phonetic). That is their names. And then I was  
14 told that they were taken away and killed.

15 And when I returned home that night, my father whispered to me  
16 that the family members of Bun Thon (phonetic) were taken away  
17 and killed and that he was so afraid of that.

18 He was so afraid that his children -- that is, us, would be raped  
19 before we were killed. I was so terrified upon hearing that from  
20 my father, and I was afraid that, one day, my turn would come,  
21 that I would be taken away because I was half Vietnamese blood.  
22 And that thought was with me all the time.

23 And when I returned to work, I did not dare to look at the face  
24 of my unit's chief. And I tried to avoid the unit chief wherever  
25 I could, and I started to work so hard, sometimes I had to run to



6

1 carry dirt. I was afraid that I was taken away and killed.

2 [09.15.12]

3 Every day, I was so afraid and I tried to work hard in the  
4 morning. And in the afternoons, the fear came back to me. And  
5 that remained with me until the date of the suicide of my father,  
6 as I testified yesterday. The fear remained with me until the day  
7 of the liberation. And that is the truth.

8 I heard about that and, of course, I was half-blood, and that  
9 instilled fear in me. I did not know when they would come for me.  
10 When I saw the cadre chief or the unit chief, I felt terrified  
11 and I just forced myself to work harder. Sometime, two workers  
12 had to carry a basket of dirt, and I had to do it myself because  
13 I was afraid that I would be taken away. And I and -- other  
14 people, other workers, did not even dare talk to me because they  
15 knew that I was half-blood Vietnamese, and if they talked to me,  
16 maybe they would be implicated.

17 [09.17.12]

18 They fear that they were indicated with me and they would be  
19 killed, so I had to work alone, by myself. And of course, every  
20 time I recall it, the fear comes back to me.

21 Q. Thank you, Madam Civil Party. I have one last question for  
22 you.

23 Yesterday, you talked about the loss of two of your brothers,  
24 Chantha and Chanthan.

25 Can you tell us a little bit more regarding what happened to your

7

1 two brothers and what you felt -- how you felt after you heard of  
2 your -- of their disappearance?

3 A. I'd like to first talk about my elder brother, Chantha, who  
4 was a second lieutenant of the Lon Nol regime. And I spoke rather  
5 at length about him yesterday.

6 [09.18.36]

7 He was arrested in Basak commune, and in Sala Boeng Rien or Bayab  
8 village in Svay Chrum district. He was tied and he was accused of  
9 cutting cherry tree, and he didn't know how to plough the field  
10 because he was a soldier. So he didn't know how to plough the  
11 field, and by accident, it wounded a cow's leg. And he was  
12 accused of destroying Angkar's property.

13 Then they arrested him. They walked him behind a bicycle while  
14 whipping him. And at that afternoon, actually, I was working. I  
15 was water -- watering the rice field, and I saw a person being  
16 walked behind a bicycle. And I did not know who it was, but then  
17 I could identify that he was my elder brother.

18 And he was taken to the district office. And I felt so pity for  
19 him. When I returned home, I did not dare to talk about this to  
20 my mother and my father.

21 My mother had her illness, and I didn't want to compound it by  
22 telling this sad story to her.

23 They beat him up since he was in Prasat while he was walked  
24 behind a bicycle, and the distance from Prasat to the district  
25 office was about 10 kilometres.

1 [09.20.28]

2 There was blood everywhere on his body, and I could hardly  
3 identify him. However, when I heard his voice, I knew that he's  
4 my elder brother, so I ran to see what happened. And when I saw  
5 him, I felt so pity. And when he saw me, he told me that -- he  
6 asked me to tell our parents that he was tied up and being taken  
7 away.

8 And that fear remained with me even at present time. When people  
9 catch a thief, I just feel so terrified. And the image of my  
10 brother being arrested vividly replays in my mind.

11 My elder brother was a policeman. He was also a second  
12 lieutenant. And he had a numbed illness. During the rainy water  
13 -- rainy season, he could not work in the rice field -- that is,  
14 in the water because of this numbness disease, illness. And he  
15 asked for permission to work in the dry ground.

16 And while I was working in the -- I overheard the Khmer Rouge  
17 talk about my elder brother, that he always had this numbness  
18 illness, so it -- it would not wise to take him out.

19 [09.22.14]

20 They spoke also about the wheel of history and if anyone  
21 interrupts the wheel of the history, that person arm or leg would  
22 be broken. I felt so terrified when I heard that in the kitchen,  
23 and then I walked to my father. And the kitchen hall was about  
24 two to 300 hundred metres from the house. And I spoke to my  
25 father and my elder brother that he should work hard. Otherwise,

1 he would be in trouble because I overheard the Khmer Rouge spoke  
2 about his condition, about his numbness illness, and that they  
3 would not lose anything if he was taken or disposed of.

4 And my elder brother was trembling upon hearing that. He heard my  
5 parents and asked them to help him. And he said that he didn't  
6 pretend, but it was his illness.

7 So we all wept together. We didn't dare to cry out loud. We wait  
8 quietly. We didn't dare to cry out loud, as we were afraid that  
9 people would hear us.

10 That was the terrible thing that happened to my family, and I  
11 believe the same thing happened to many other families during the  
12 regime.

13 [09.23.56]

14 I want the Cambodian people and the international community to  
15 understand the hardship and the terrible situations that we  
16 experienced during the Pol Pot regime.

17 My brother tries to endure the rainy season, and then, during the  
18 harvest season in 1977 -- that is, toward the later part of the  
19 year, I harvested rice. And usually, my brother would also come  
20 to the field, but that day, he didn't turn up. And I asked where  
21 he was.

22 Nobody told me, and then I asked the units chief, but then I was  
23 stopped from asking him and that I should go home and ask my  
24 parents about my -- the disappearance of my elder brother. And I  
25 suspected something went wrong with my elder brother.

10

1 And people knew about his disappearance, and they became so  
2 quiet. And they didn't dare to say anything.

3 [09.25.12]

4 That evening, when I returned, I saw my mother weeping together  
5 with my father. And then I asked my father what happened and also  
6 asked my mother whether her illness actually relapsed.

7 And then I asked about my brother, and my mother wept and said  
8 that he was asked to go and carry stuff for the militia. And  
9 during the time, when people spoke about a person being sent to  
10 carry stuff for the militia, it means the person was taken away  
11 and killed.

12 My mother wept and said that, "Your brother would not return".

13 And my father said before he left, he actually took off his new  
14 clothes and only wore old clothes when he went.

15 It was -- there was some patches on the old cloth, and also there  
16 was a piece of cloth on the shirt to notify that he was in a  
17 mourning stage for his wife.

18 There were four men who came to take my brother away and killed.

19 Amongst the four, there was one man who had what we call the holy  
20 care to identify that he had some magic with him. And when they  
21 returned, they spoke about my elder brother, and people overheard  
22 them spoke -- speaking about my elder brother that he passed out  
23 before he was even killed.

24 [09.27.22]

25 They actually brought the knife that killed my brother, and it

11

1 was stained with blood. And they actually cleansed the knife in  
2 the kitchen.

3 They killed my elder brother, and they spoke about it. My mother  
4 was so shocked for the loss of my elder brother, and it happened  
5 repeatedly in 1977.

6 First, the wife of my elder brother delivered the baby, and three  
7 days after she delivered the baby, she died from infection. And  
8 not long after my elder brother was killed, later on, my father  
9 committed suicide. And later on, another elder brother was taken  
10 away and killed.

11 And for that, my mother didn't get out of the house. She remained  
12 in the house for three months. And sometimes we brought food to  
13 her. And actually, she was in a mood of committing suicide  
14 herself for the loss of her husband and her children.

15 [09.29.12]

16 Even after the liberation, sometimes I observed that she was in a  
17 lost state of mind, that she was by herself without knowing what  
18 she was doing. And that remained with her until the day she died  
19 from heart disease.

20 Every time I speak about this, it vividly plays in my mind, and  
21 without knowing, my tear drops.

22 MS. GUIRAUD:

23 Thank you, Madam Civil Party.

24 Mr. President, we have no further questions to put to the civil  
25 party. We are done.

12

1 MR. PRESIDENT:

2 Thank you.

3 The floor is now given to the Co-Prosecutors to put questions to  
4 the civil party, if any.

5 You may now proceed.

6 [09.30.45]

7 QUESTIONING BY MR. SENG LEANG:

8 Good morning, Mr. President, Your Honours, everyone in and around  
9 the courtroom.

10 Q. Good morning, Madam Civil Party. My name is Seng Leang, the  
11 National Deputy Co-Prosecutor of the ECCC. Today, I have a few  
12 questions, and I need your clarification for the Court.

13 My first question is that during the reign of Khmer Rouge, where  
14 were you living?

15 MS. SIENG CHANTHY:

16 A. I was living in Ruessei Prey village, Chamlang commune,  
17 Ruessei Prey district (sic), Svay Rieng province.

18 Q. What nationality did your parents hold?

19 A. My mother was pure Khmer, and my grandparents were ethnically  
20 Vietnamese, but they resided in Cambodia, so my father was  
21 ethnically Vietnamese as well. However, later on, he used other  
22 person's surname and he was employed as a civil servant in the  
23 country.

24 [09.32.33]

25 Q. You have made mention that your father was ethnically

13

1 Vietnamese and your mother was pure Khmer, so for you, you was  
2 half-blooded Vietnamese. Is that correct?

3 A. Yes, that is correct.

4 Q. Can your siblings -- could your siblings speak Vietnamese  
5 beside your parents, who could?

6 A. In fact, only my father could speak Vietnamese, and the rest  
7 of the family could not speak it.

8 Q. How many siblings did you have, and what were their names?

9 A. I have -- I had eight siblings. My first brother -- my first  
10 siblings is Chanthan; my second sibling is Chrouk Chantha; and  
11 the third, Chrouk Chanthida (phonetic); fourth, Chrouk Chantheavy  
12 (phonetic). My five sibling -- the number 5 is me. I am the fifth  
13 in the family, and my name is Sieng Chanthy. My younger sibling  
14 is Thoun Mony (phonetic). My seventh sibling is Chrouk Chanthy  
15 (phonetic), and the last one is Hin Mony (phonetic).

16 [09.34.42]

17 Q. Thank you, Madam Civil Party.

18 Did the villagers in your village know that your family was  
19 Vietnamese ethnically?

20 A. Everyone knew because my father had a fair complexion, and he  
21 looked really like Vietnamese, so villagers were aware that my  
22 father was Vietnamese.

23 Q. Yesterday, you stated that, if I'm not mistaken, there were  
24 three other Vietnamese families in your village and, together  
25 with your family, all together there were four Vietnamese



14

1 families. So is that correct, what I summarized?

2 A. In fact, there were only three Vietnamese families, including  
3 mine.

4 Q. Thank you, Madam Civil Party, for your clarification.

5 During Pol Pot regime, did you know that Khmer Rouge were  
6 searching out the families who had link to Vietnamese origin?

7 [09.36.28]

8 A. They did not do anything to search for Vietnamese since Khmer  
9 Rouge had known in advance that which family was half-blooded. My  
10 father, although he was ethnically Vietnamese, could speak Khmer  
11 clearly since he was residing in the country for so long.

12 Q. Beside your father who was ethnically Vietnamese, were your  
13 siblings considered Vietnamese children?

14 A. Everyone said that the children were half-blooded Vietnamese.

15 Q. Thank you.

16 Yesterday, and also today -- yesterday, you stated that Old  
17 People or Base People looked down on your family members since  
18 you -- your family members were ethnically half-blooded  
19 Vietnamese.

20 And one time, you said -- at one time, you stated that the  
21 co-workers did not talk to you because you were told that they  
22 were afraid that they would be taken away by speaking to you, the  
23 half-blooded Vietnamese child. Is that correct, what I  
24 summarized?

25 A. Yes, that is correct.

15

1 [09.38.32]

2 Q. So beside that, did Khmer Rouge treat your family members  
3 differently from Khmer families? For instance, was there any  
4 discrimination against you in relation to food ration?

5 A. We had the same food as the villagers, so we received the same  
6 amount of rice and porridge that other villagers received.

7 Q. Are you sure that you received the same food ration as others?

8 A. I am sure since I was working. I was in the kitchen, so we  
9 received a bowl of meal, but I cannot say whether others had  
10 sufficient food or could eat their fill. And sometimes I did not  
11 eat up the rice from my bowl, so I share the rice or meal with my  
12 father and my siblings.

13 And on some occasion, my father wept when he noticed that I  
14 shared food with him or with the siblings, and he always asked me  
15 whether I had my fill -- I ate my fill. And I talked to him that  
16 I was full.

17 [09.40.28]

18 Q. In a document, English, ERN 01142660 (sic); and French, ERN  
19 01206358; Khmer ERN is at 00492094; you stated that your siblings  
20 were half-blooded Vietnamese, so "there was a discrimination  
21 against all of us since we did not receive the same food ration.  
22 We received only one ladle of food or meal, but others received  
23 three ladles of food or meal. And we were told not to protest  
24 against the unequal food ration. And we were told that we would  
25 have been taken away and killed if we had to complain. And during

16

1 the time, we endured hard labour until the end of the regime."

2 So what do you have to say about the statement that you included  
3 in your statement or in your documents? So which version of  
4 accounts do you stand by?

5 A. At the beginning, that kind of condition happened. But later  
6 on, it was better for all of us.

7 At the beginning, we received very minimal amount of rice or  
8 porridge to eat. However, later on, when the agricultural  
9 products was good, when the harvest was good, the food ration was  
10 better.

11 [09.42.40]

12 Q. Thank you, Madam Civil Party, for your reply.

13 During the Khmer Rouge, when did the treatment of Vietnamese  
14 people become worse?

15 A. To my recollection, it was the time when the offensive by the  
16 Vietnamese troop happened. At the time, the treatment of  
17 Vietnamese people or half-blooded Vietnamese family became worse.  
18 At the time, I was so young, so this is what I can tell you from  
19 my recollection.

20 Q. Do you know the reason that such treatment became worse after  
21 the attack by the Vietnamese?

22 A. It is my understanding that it was because of the offensive by  
23 the Vietnamese troops, and they accused us that having Khmer body  
24 and Vietnamese mind, so this is the word or accusation that they  
25 used at the time against all of us.

17

1 [09.44.25]

2 Q. Thank you.

3 Yesterday, I heard you say that chief of cooperative always said  
4 that your father was pure Vietnamese, and you also made mention  
5 that your father was so terrified at the time. So do you know  
6 what was -- do you know what your father did at the time after  
7 hearing that chief of cooperative mentioning that he was pure  
8 Vietnamese?

9 A. He was so terrified after hearing that, he did not dare to  
10 look straight at that person's face. And when he returned back  
11 home, he did not -- he could not even eat the meal. And he  
12 suspected -- he suspected that there would be one day he would be  
13 taken away.

14 And from that time onward, he discussed with my mother that he  
15 wanted to do anything for the sake of our lives. He had six  
16 siblings, and he believed that, after the suicide committed by  
17 him, the children would be -- would survive. So it is now -- it  
18 is through that we survived the regime, and this is the truth. I  
19 am not telling lies.

20 I am not a storyteller. It is the facts that I experience.

21 My father committed suicide for the sake of our lives, so six of  
22 us survived the regime because of his good deeds and because of  
23 his suicide.

24 [09.46.34]

25 Q. You have just stated that two Vietnamese families -- two other

18

1 Vietnamese families had also been taken away and killed. So how  
2 many people were there in those two families all together?

3 A. I can recall my father did not know the family of Thon  
4 (phonetic). That person, Thon (phonetic), held the rank of  
5 lieutenant colonel -- major, rather. And Sa Onn's (phonetic)  
6 family had been taken away and killed as well.

7 And later on, I heard that, 10 days after Onn (phonetic) had been  
8 taken away and killed, the wife of Onn (phonetic) was also taken  
9 away and killed.

10 Q. So there were six members in the first family, and three  
11 members in the second families, from what I heard. Is that  
12 correct?

13 A. Thon (phonetic), who held the rank of major, had six members  
14 in the family. And another family had two children, one son and  
15 one daughter.

16 [09.48.14]

17 Q. Thank you, Madam Civil Party.

18 Now I am asking about your elder brother. You stated that you had  
19 two brothers, Chrouk Chanthan and Chrouk Chantha.

20 Where did they live in Lon Nol regime?

21 A. My first elder brother, Chrouk Chanthan, was a former police  
22 in Phnom Penh. And my second brother, Chantha, was a soldier in  
23 Svay Rieng.

24 I did not know why he boarded the plane and arrived in Phnom Penh.  
25 And after the 17 April 1975, he went to Basak to live with his

19

1 wife at Sala Rien commune.

2 Q. Thank you, Madam Civil Party.

3 You just stated that Chanthan was a former police and Chantha was  
4 a soldier.

5 After their return to your native village in 1975, did the Khmer  
6 Rouge try to identify that they -- their background was soldiers  
7 and police?

8 [09.50.08]

9 A. At that time, they collected biography, and we told Khmer  
10 Rouge that they had been former police and soldier. And one month  
11 later, but I cannot recall it exactly, Chanthan had been asked to  
12 go and join education session. And for Chantha, he went to reside  
13 with his wife in Basak.

14 Q. Thank you, Madam Civil Party. I would like to backtrack a  
15 little bit since I have forgotten one question to put to you.  
16 You stated that two other Vietnamese families had also been  
17 killed, but you did not learn this by yourself, but from others.  
18 Is that correct?

19 A. That is true. Every time peoples had been taken away and  
20 killed, villagers would whisper one to another. They did not  
21 speak loudly about the taken away of those people, but -- the  
22 taking away of those people. Usually, they whispered or they  
23 talked to one another quietly.

24 [09.51.22]

25 Q. Thank you, Madam Civil Party.

20

1 From that time, meaning after the collapse of the Khmer Rouge,  
2 did you hear any news of the whereabouts of those Vietnamese  
3 family, or have you ever met them anywhere in the country after  
4 the fall of the Khmer Rouge regime?

5 A. So how could I have chance to see them after that time, since  
6 those family had been taken away and killed?

7 Q. During the Khmer Rouge, was there any time that meetings were  
8 held in the village to discuss about the Vietnamese people?

9 A. Cooperative chief was well aware that -- which families had  
10 link to Vietnamese origin. For my family, the chief of the  
11 cooperative knew very well that my grandparents were ethnically  
12 Vietnamese.

13 [09.53.00]

14 Q. Thank you.

15 Now I want to ask about your elder brother -- your elder sister,  
16 Thida (phonetic). How old was she in Khmer Rouge time?

17 A. She was about 20 years old, or more than that. She was in the  
18 early 20, 21 or 22, in that time. So early 20. And she was born  
19 in the Year of the Monkey.

20 Q. And when did she get married?

21 A. To my recollection, she got married in 1978 after my father  
22 had passed away and my elder brothers had died. At the time, she  
23 was forced to get married.

24 Q. You stated that your elder sister was forced, so she did not  
25 get married voluntarily. Is that correct?

21

1 A. She was forced. The man proposed the marriage to her, but she  
2 did not love that person. And it was -- and since she was afraid  
3 that she would be taken away and killed, she decided to get  
4 married with that man.

5 [09.54.55]

6 Q. Did you participate in the wedding ceremony of your elder  
7 sister at that time?

8 A. Yes, I did. Before the wedding ceremony, I decided not to join  
9 since I hated that wedding. And my mother begged me to attend the  
10 wedding since she was afraid that I would be taken away and  
11 killed. And the wedding took place in Ang Run pagoda.

12 Q. During the wedding ceremony, did you notice the presence of  
13 the Khmer Rouge cadres in that wedding?

14 A. Yes, they were there, but I did not recognize them and I did  
15 not know them. I did not know whether they were chiefs of a  
16 cooperative or any units.

17 And my elder sister was asked to stand up and voice the  
18 commitment. She was asked to stand up to -- and hold hands  
19 together with the groom. And after that, they had to voice the  
20 commitment.

21 Cadres of Khmer Rouge attended the wedding, but I do not know who  
22 they were.

23 [09.56.35]

24 Q. I have another question. Perhaps it is the last one.

25 I want to know about your feeling. You stated that you did not



22

1 like the wedding and you did not want to attend the wedding  
2 ceremony. So what made you hate that wedding ceremony?

3 A. I did not like that kind of wedding. It was not a solemn  
4 declaration of a wedding. It was so quiet. And I had to -- I was  
5 asked to attend the meeting. And after the meeting, I came back  
6 home and ate rice with salt.

7 Q. I would like to quote D109/5.1.2, English (sic) ERN 00621378;  
8 French, 01020493; English, 00621381. Actually, 00621380 through  
9 81. You stated that:

10 "My elder sister, Thida, was about 21 years old, was forced to  
11 get married in 1978. There were four couples in the wedding,  
12 including my sister, and her -- the groom. And the wedding was  
13 held in Ang Run, Kampong Chamlang, Svay Chrum. And the wedding  
14 ceremony was held at around 10 a.m.

15 I was -- I feel not good because my sister was forced to get  
16 married with the man whom she did not love. That kind of wedding  
17 affected my feeling, and I was thinking at the time that it would  
18 be my time one day in that marriage because, at the time, I was  
19 about 18 years old."

20 So did this refresh your memory?

21 [09.59.11]

22 A. I was thinking at that time that one day, I would be forced to  
23 get married with a person whom I did not like, and I would have  
24 the same fate as my sister had. The wedding was held in Ang Run  
25 village.

1 MR. SENG LEANG:

2 Mr. President, I am done. Now I am handing the floor back to the  
3 Chamber.

4 MR. PRESIDENT:

5 The floor is now given to the defence team for the Accused,  
6 starting first by the defence team for Mr. Nuon Chea. You may now  
7 proceeding with your questions.

8 [09.59.56]

9 QUESTIONING BY MR. LIV SOVANNA:

10 Good morning, Mr. President. Good morning, Your Honours, everyone  
11 in and around the courtroom. My name is Liv Sovanna. I am the  
12 National Co-Counsel for Nuon Chea.

13 Q. I have several questions to ask you, Madam Civil Party.

14 First, it is about your two elder siblings.

15 Yesterday, at around 3.37, you stated that:

16 "After 15 days or 20 days following the evacuation, I met my  
17 elder siblings. They were former police and soldiers. Fifteen  
18 days later, my elder siblings had been taken away, and had been  
19 taken away to join education session. And after 15 days or one  
20 month, he came back to the village."

21 [10.01.18]

22 And a while ago, you stated that Khmer Rouge collected the  
23 biography about your brothers.

24 So now my question is that whether two of -- I want to know  
25 whether two of your elder siblings had been taken away for

24

1 education session or just -- or only one of your brothers had  
2 been taken away for education session.

3 MS. SIENG CHANTHY:

4 A. At Ruessei Prey village, my elder brother, Chanthan, was taken  
5 away for education. As for Chantha, he only stayed there for a  
6 short time. Then he went to Basak to live with his wife.

7 Q. And your brother, Chantha, did you know why he was not sent  
8 for education?

9 A. Because he went to live at his wife's place, so he was  
10 separate from us.

11 Q. Between your two brothers, Chantha and Chanthan, who was taken  
12 away and killed first?

13 A. It was my elder brother, Chanthan, who was taken away and  
14 killed. And I learned of his death from people who witnessed it.  
15 And later on, I was also told that Chantha was killed at the  
16 place where he was detained.

17 [10.03.28]

18 Q. Regarding Chanthan, do you know which year he was killed?

19 A. From my recollection, it was during the harvest season in  
20 1977. He was killed at Tuol Snuon to the east of Chey pagoda.

21 Q. A while ago, you testified that your brother, Chanthan, was  
22 taken away and killed, as you overheard that he was accused of  
23 being lazy to work as a result of his illness.

24 What were your brother, Chantha -- what was the reason he was  
25 taken away and killed?

25

1 A. Regarding my brother, Chanthan, who was spoken about, and that  
2 happened during the rainy season, and later on, he was taken  
3 during the dry season in late '77.

4 As for Chantha, he lived in the village and commune of his wife.  
5 He actually kept some trees to make the -- to make the  
6 (unintelligible) for plant. And that's all I knew.

7 [10.05.15]

8 Q. So the killing of your two brothers did not have anything to  
9 do with their former profession -- that is, one was a policeman  
10 and one was a soldier of the Lon Nol regime. Am I correct?

11 A. Of course it is related because they knew that my brother was  
12 a policeman and that my elder brother was a soldier. And if  
13 someone made a mistake, then they would combine that with their  
14 previous occupation.

15 People who were taken away and killed with Chanthan were all  
16 former soldiers.

17 Q. As I reminded, you just then said your brother, Chanthan,  
18 after the statistic was drawn and he was sent to -- for  
19 re-education and then he was sent back. And that happened six  
20 months after. And only in '77 he was taken away and killed. But  
21 now you claim that he was killed because, during the  
22 transplanting season, he was accused of being lazy.

23 Second, for your brother, Chantha, you claimed that he made a  
24 mistake, that he cut a "chrey" (phonetic) tree and when he  
25 ploughed the field, he wounded the leg of a cow.

26

1 So please clarify to the Chamber that your brother was -- your  
2 brother was arrested because of these two mistakes -- that is,  
3 cutting "Chrey" (phonetic) tree and wounded a cow while he  
4 ploughs the field, or was it because of his former occupation as  
5 a policeman or soldier?

6 [10.07.33]

7 MR. PRESIDENT:

8 National Lead Co-Lawyer for civil party, you have the floor.

9 MR. PICH ANG:

10 Mr. President, the question is repetitive, and a summary of the  
11 testimony of this civil party is not thorough or not complete.  
12 The civil party said her brothers were taken away to kill because  
13 of the combination -- that is, they were former policemen and  
14 soldier in addition to the mistakes that they were alleged of  
15 committing.

16 [10.08.12]

17 MR. LIV SOVANNA:

18 Mr. President, I actually read out an excerpt of yesterday's  
19 transcript, and she testified that her brother was taken for  
20 re-education and allowed to return home after.  
21 And when I asked for the reason of their brother's -- her  
22 brother's arrest, she said it's because he was accused of cutting  
23 a "Chrey" (phonetic) tree and of wounding a cow's leg while he  
24 ploughed the field. And that's why I asked her that the arrest  
25 had nothing to do with their former profession, occupation as

27

1 former policeman or Lon Nol soldier.

2 MR. PRESIDENT:

3 The civil party already testified that the two things were  
4 interconnected -- that is, their former occupation as a former  
5 Lon Nol soldier or policeman as well as the alleged mistakes that  
6 they made. That's why they were arrested and killed.

7 So the civil party already replied to your question, counsel.

8 Please move on.

9 [10.09.26]

10 BY MR. LIV SOVANNA:

11 Thank you, Mr. President.

12 Q. So Madam Civil Party, you said they were connected. Can you  
13 tell the Chamber that their backgrounds were already learned by  
14 the Khmer Rouge after the evacuation in 1977 -- '75, rather, and  
15 then they were killed in 1977?

16 How could you say that these two things were connected -- that  
17 is, their former profession and the mistakes they made later on?

18 [10.10.05]

19 MS. SIENG CHANTHY:

20 A. Allow me to respond.

21 The -- regarding their former professions and the mistakes they  
22 made, in the village, they selected those who had the former  
23 professions with the former regime. And the mistakes that they  
24 made, the people were selected, taken away and killed.

25 Q. How did you know that those people were selected?

1 A. There were many former soldiers and teachers in the area, but  
2 they only selected -- they only singled out some of them,  
3 arrested them and taken away and killed. Not everyone was taken  
4 away and killed.

5 That's why I concluded my elder brother and the other three men  
6 were taken away and -- on that day. There were many former Lon  
7 Nol soldiers in the village.

8 Q. So from your observation, there were many former soldiers in  
9 -- living in your village. Were they the former soldiers of which  
10 particular regime? Can you clarify that?

11 A. To my knowledge, they were former Lon Nol soldiers. I was born  
12 in the Lon Nol regime, and I knew about them being the Lon Nol  
13 soldiers.

14 [10.11.54]

15 Q. Regarding the cadres and the leadership at your village and  
16 cooperative, did they know that those people were former Lon Nol  
17 soldiers?

18 A. They did because they already drew up the statistics and list.  
19 And however, they were active and then they were not selected.  
20 For my elder brother, he was accused of being lazy to work and,  
21 because of his former profession, that's why he was singled out.

22 Q. You said there were many former Lon Nol soldiers who were not  
23 taken away. And did they survive after the liberation in 1979?

24 A. There were many of them. However, I do not know where they are  
25 now. Maybe they had left to live in other areas, and they are

1 living.

2 I only knew their faces because they were old people, and I was  
3 rather young. I kept working hard, although I saw them in the  
4 village.

5 [10.13.35]

6 MR. PRESIDENT:

7 Thank you, counsel. It is now convenient time for us to have a  
8 short break.

9 We'll take a break now and resume at 10.30 to continue our  
10 proceedings.

11 Court officer, please assist the civil party at the waiting room  
12 reserved for witnesses and civil parties, and invite her as well  
13 as the TPO staff back into the courtroom at 10.30.

14 The Court is now in recess.

15 (Court recesses from 1014H to 1033H)

16 MR. PRESIDENT:

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

18 And we would like to give the floor to the defence counsel for  
19 Nuon Chea to put more questions to the civil party.

20 You may now proceed.

21 [10.33.50]

22 BY MR. LIV SOVANNA:

23 Q. Good morning again, Madam Civil Party. We just discussed about  
24 the former official of the old regime.

25 You said that besides the soldiers, there were also officials, so



1   beside both groups, were there any other officials who were taken  
2   away and killed?

3   MS. SIENG CHANTHY:

4   A. I did not know much. I just told you what I knew because, at  
5   that time, I was still young.

6   Q. Based on your own observation, were all the Lon Nol soldiers  
7   were sent to study with your brother named Chanthan?

8   A. Yes. They joined the study session with my brother, and they  
9   returned back with my brother.

10   [10.35.02]

11   Q. Before they were sent to study, do you remember that if there  
12   was any meeting held that the Lon Nol officials and soldiers were  
13   invited to join that meeting?

14   A. I did not know about that because I was still young. When I  
15   came back from finding fish, I did not see my brother and I asked  
16   my father where was he? And my father told me that he was sent to  
17   study.

18   Q. Now, we turn to focus on the two Vietnamese families.

19   You said earlier that one of the family who has six family  
20   members and the head of the family was Thon (phonetic), who held  
21   the major rank. So that Thon (phonetic) family, was it whether  
22   the husband was Vietnamese and the wife was a Khmer, or both of  
23   them were Vietnamese?

24   A. I did not know the husband, but I knew the wife was the wife  
25   of the major named Thon (phonetic). I never met Thon (phonetic),

31

1 who was the major.

2 Q. What about another family? In that family, the husband's name  
3 Oun (phonetic).

4 So another Vietnamese family I want to ask you whether the  
5 husband was Vietnamese or the wife was Vietnamese.

6 A. The wife was Vietnamese.

7 [10.37.46]

8 Q. So when the family members were taken away to be killed, was  
9 the husband also taken away with them?

10 A. The husband were taken away on the same day that my brother,  
11 Thon (phonetic), was taken away to be killed. And then a few days  
12 later, the wife and the children were also taken away.

13 Q. What about the family of Thon (phonetic), who was -- who held  
14 the major rank? What happened to their children?

15 A. They were all killed. The whole family were taken away and  
16 killed. No one survived. And the daughter of the family was raped  
17 and killed. And for the remaining three children were also taken  
18 away and killed.

19 [10.39.35]

20 Q. A while ago, you said that their children worked in the same  
21 unit with you. So do you remember the names of his children? And  
22 if you remember, please tell us what their names.

23 A. I did not -- I do not remember their surnames. I remember only  
24 their names, one of whom was Ka Touch (phonetic), and Bong Ki  
25 (phonetic), Bong Kou (phonetic) and Mao (phonetic). So, all of

1     them were Thon's daughters.

2     Q. Earlier, you also said that you did not witness the killing  
3     with your own eyes. You simply heard from other people.

4     So who told you that?

5     A. My father witnessed the rape incident, and he told me about  
6     that. And as for what happened to the other members of the  
7     family, I heard from the villagers who whisper and told me that  
8     they were taken away and killed. And it -- people knew about that  
9     through whispering from one person to another. And that was how  
10    the news spread in the village.

11    [10.41.38]

12    Q. So in that whispering, did people specify the exact location  
13    where the family members were killed?

14    A. No. People only whispered about their being taken away and  
15    killed, but they did not mention the specific location.  
16    My father made fertilizer, and while he was making the  
17    fertilizer, he saw the incident. And when he came back, he told  
18    us about that because he felt afraid that his daughter would face  
19    the same fate.

20    He -- my father felt afraid that the fate of his daughters would  
21    be the same like the two -- like the fate of those children.

22    [10.42.54]

23    Q. Yesterday, you said that your ancestors on your father's side  
24    were Vietnamese, but please let me quote from your supplementary  
25    answer in document E -- document E419/5/1.2.1 (sic); ERN in

1 Khmer, 00621379; French, 01204938; English, 00621377:

2 "So did your father born from Vietnamese parents or from mixed  
3 marriage?"

4 A. As I told you yesterday, my grandparents were both Vietnamese,  
5 but they lived in Cambodia.

6 Q. What about the quote that I just told you, whether it's your  
7 answer or what?

8 A. What you just read is -- it's not my answer. I have read it,  
9 and I saw some errors in it. The statement in that -- mentioned  
10 that my grandfather came and got married with Khmer woman, and  
11 that is not correct.

12 [10.46.05]

13 Q. Now we move to forced marriage of your sister.

14 You said that your sister was forced to get married. My question  
15 is whether your sister and the man who got married with her  
16 during the Democratic Kampuchea regime, are both of them still  
17 husband and wife until now?

18 A. Yes, they are still husband and wife, but the -- but her  
19 husband cause her suffering. My sister suffer emotionally a lot  
20 from the harm caused by my -- her husband, who often drank wine.  
21 But both of them still live together, and they had children  
22 together.

23 My sister bear the suffering, and lived with her husband. And  
24 that was maybe because of the -- what people usually believe in  
25 -sin in karma.

1 [10.47.17]

2 Q. So how many children did they have?

3 A. They had eight children, but one of them passed away.

4 Q. Did you know about the marriage proposal during the regime?

5 Because you said that the man proposed to the woman, so whether  
6 the proposal was made to the parents or to someone else.

7 A. I did not know clearly about that because I was young at that  
8 time. I only heard what people said, that the proposal were made  
9 to Angkar. At that time, I did not know clearly about what  
10 exactly the content of -- or the procedure of the proposal.  
11 And I was not so much interested in that matter, either, because  
12 every day during the regime, I was busy working on the field. And  
13 I -

14 [10.48.48]

15 MR. PRESIDENT:

16 Madam Civil Party, please give your answer based on what you  
17 knew. If you knew, you say yes, and if you don't know, you say no  
18 because your testimony is very important to the ascertaining of  
19 the truth.

20 So please give specific answer that you knew. Do not give any  
21 statement that is speculated.

22 BY MR. LIV SOVANNA:

23 Q. When your mother told you that your sister were proposed to  
24 get marriage?

25 MS. SIENG CHANTHY:

1 A. My mother told me before the marriage took place.

2 [10.50.01]

3 Q. Did your mother tell any other thing besides that?

4 A. Yes, she told me that my sister was proposed to get married,  
5 and I said that she should not get married. And I did not want to  
6 join the marriage.

7 And my mother said, "You should go. Otherwise, you would be taken  
8 away and killed". And that was what my mother told me".

9 Q. So before the marriage took place, did your sister tell you  
10 anything?

11 A. She told me that she did not love the man.

12 Q. And after the marriage, did your sister tell you anything?

13 A. No, she did -- she did not. After the marriage, she lived with  
14 her husband because she felt afraid of Angkar.

15 She did not tell anything about her husband after the marriage,  
16 and I did not ask her, either, because everything already  
17 happened, so we simply did our routine.

18 [10.52.03]

19 Q. Why did your -- why did you tell us that your sister were  
20 forced to get married?

21 A. I told you earlier that she told me that she did not love the  
22 man.

23 MR. LIV SOVANNA:

24 Thank you, Madam Civil Party; and Mr. President, I have no more  
25 questions.

36

1 MR. PRESIDENT:

2 Thank you.

3 Now we would like to give the floor to the defence counsel for  
4 Khieu Samphan.

5 You may now proceed.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. And good morning, Madam Civil Party.

8 I have no -- I have no question to put to this civil party.

9 (Short pause)

10 [10.53.44]

11 MR. PRESIDENT:

12 National Lead Co-Lawyer, do you have any matter to raise?

13 MR. PICH ANG:

14 Mr. President, in fact, the civil party also has some questions  
15 to put to the Accused through you, Mr. President.

16 MR. PRESIDENT:

17 Have you sent those questions to the Senior Legal Officer of the  
18 Trial Chamber?

19 MR. PICH ANG:

20 Yes, we have, Mr. President. We sent it yesterday.

21 [10.54.36]

22 MR. PRESIDENT:

23 That is fine.

24 And Madam Sieng Chanthy, at the end of your statement of harm and  
25 suffering, do you wish to add anything else or do you have any

1 questions that you wish to put to the two accused through me, the  
2 President of the Chamber?

3 MS. SIENG CHANTHY:

4 Thank you, Mr. President. I have questions for the Accused.

5 The first question is the following: Why did Democratic Kampuchea  
6 regime killed people and why they discriminated against other  
7 ethnicities, including the Cham, the Vietnamese and the Chinese  
8 who lived through the regime?

9 And my second question is: Why didn't they take their victory  
10 day, the 17 April 1975, to develop the country in a leap forward  
11 fashion, as they usually said it in their slogan?

12 That is all, Mr. President. Thank you.

13 [10.56.02]

14 MR. PRESIDENT:

15 Thank you.

16 And the Chamber wishes to inform you, Madam Sieng Chanthy,  
17 pursuant to Internal Rule 21.1(d) of the ECCC, which states that,  
18 at all stages of the proceedings, the Chamber shall inform you of  
19 the right of the accused to remain silent.

20 On 8 January 2015, in response to the question by the Chamber,  
21 the Co-Accused reaffirmed their position to exercise their right  
22 to remain silent. Also, during the hearing, the Chamber noted  
23 that the Co-Accused maintained their express position until and  
24 -- unless and until such time the Chamber is informed otherwise  
25 by the Co-Accused or their counsels.



1 The Chamber also instructs the Co-Accused and their counsels to  
2 inform the Chamber in a timely and efficient manner should the  
3 Accused resolve to waive their rights to remain silent and be  
4 willing to respond to questions by the Bench or relevant parties  
5 at any stage of the proceedings.

6 [10.57.28]

7 As of today, the Chamber is not informed that the Co-Accused have  
8 changed their position and agree to provide their responses to  
9 questions. And pursuant to both domestic and international laws,  
10 the Chamber is not in a position to compel the Accused to respond  
11 to questions, as this is the right of the Accused expressly  
12 stated in both national and international laws.

13 Madam Sieng Chanthy, the Chamber is grateful of hearing your  
14 testimony as well as the statement of harm and suffering in your  
15 capacity as a civil party that you claimed you suffered during  
16 the Democratic Kampuchea regime. Your testimony may contribute to  
17 ascertaining the truth in this case and your presence in this  
18 courtroom is no longer required.

19 You may return to your residence or wherever you wish to return  
20 to, and the Chamber wishes you all the very best.

21 And the Chamber would like to thank Madam Chhay Marideth, the TPO  
22 staff, for your support given to the civil party during her  
23 testimony and statement of harm and suffering.

24 Court officer, please make arrangement with WESU to send the  
25 civil party back to her residence or wherever she wishes to

1 return to.

2 (Witness excused)

3 [10.59.20]

4 MR. PRESIDENT:

5 Next, the Chamber will hear the statement of harm and suffering

6 of another civil party -- that is, 2-TCCP-259. We decide to hear

7 the -- this civil party due to the unavailability of another

8 civil party -- that is, 2-TCCP-1015, who is being examined by the

9 duty doctor at the ECCC.

10 Court officer, please usher Civil Party 259 into the courtroom.

11 (Short pause)

12 (Civil party enters the courtroom)

13 [11.01.06]

14 QUESTIONING BY THE PRESIDENT:

15 Q. Good morning, Madam Civil Party. What is your name?

16 MS. KHOUY MUOY:

17 A. My name is Khuoy Muoy.

18 Q. Madam Civil Party, do you recall when you were born?

19 A. No, I do not recall it. However, I am 58 years old.

20 Q. That is all right.

21 And where is your current address?

22 A. I live in Srae Cham, which is in Ou Chrov commune, Prey Nob

23 district, Kampot province. And now it is part of Kampong Som

24 province.

25 [11.02.24]

40

1 Q. What are the names of your parents?

2 A. My father is Theng Khoun and my mother is Yi.

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

5 A. My husband is Hong Oan. He passed away. And I'm the mother of  
6 five children.

7 MR. PRESIDENT:

8 Thank you.

9 The Chamber would like to inform you, Madam Civil Party, that you  
10 have an opportunity now to make your statement of harm and  
11 suffering which you claimed you have suffered, and this includes  
12 physical, material or mental injuries as a direct consequence of  
13 those crimes and that made you to become a civil party and which  
14 are alleged against the two accused: Nuon Chea and Khieu Samphan.  
15 And that it happened during the Democratic Kampuchea regime from  
16 the 17 April 1975 to 6 January 1979; and in particular, in  
17 relation to the targeted groups of Cham, Vietnamese, and the  
18 former officials of the Khmer Republic.

19 [11.04.38]

20 And that is the main purpose of hearing your statement of harm  
21 and suffering.

22 And as requested by the Lead Co-Lawyers, you will be asked  
23 questions by the Lead Co-Lawyers instead of proceeding with your  
24 statement.

25 For that reason, the Lead Co-Lawyers will be given the floor

41

1 first to put the questions to this -- to this civil party. And  
2 you may proceed.

3 MR. PICH ANG:

4 Thank you, Mr. President. We would like to assign the questioning  
5 to civil party to our civil party lawyer, Lor Chunthy.

6 MR. PRESIDENT:

7 Yes. Your request is granted.

8 And Lor Chunthy, you may proceed.

9 [11.05.38]

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Thank you, Mr. President. And good morning, Your Honours.

12 Q. Good morning, Madam Khuoy Muoy. My name is Lor Chunthy. I'm  
13 from the Legal Aid of Cambodia.

14 I will put some questions to you in relation to the events that  
15 happened from 17 April 1975 to 6 January 1979, and which you,  
16 yourself, experienced during this period.

17 My first question to you is the following. Can you describe to  
18 the Chamber the events that happened during the regime and that  
19 had impacts upon you, for example, the loss of your parents or  
20 the loss of your relatives or family members?

21 [11.07.20]

22 MS. KHUOY MUOY:

23 A. Before 1975, I was in Koh Seh, and then, later, the Khmer  
24 Rouge transferred us to Srae Cham with my parents. In 1976, the  
25 Khmer Rouge soldiers separated me from my parents to go and live

1 in a mobile unit in Prey Nob pagoda.

2 One day, I sought permission from Che Tang to visit home, and  
3 when I arrived, I did not see my parents or my siblings. I only  
4 saw an empty house. I wait and I waited for them until 3 o'clock  
5 in the afternoon. Then an elder person came to me and said that  
6 my mother was taken away and killed. And she actually shouted  
7 while she was taken away that the neighbours who told us that she  
8 was taken away.

9 I kept waiting for them, and then I stayed overnight in that  
10 elder man house. And in the morning, I returned to my mobile  
11 unit.

12 My mother was taken away and killed together with my siblings and  
13 other relatives totaling eight. I felt so terrible and so pity  
14 for them. They took care of me since I was born, and suddenly, I  
15 lost them all. I was told she was crying, she was shouting when  
16 they took her away.

17 I wept so hard when I heard that news. I felt so pity for that  
18 and, as a result, I lost more than 10 family members and I am by  
19 myself.

20 [11.09.48]

21 After I returned to my mobile unit, I sought permission from the  
22 unit chief to go and inform my younger brother that my parents  
23 had been killed. And when I went to his place, he was not there.  
24 Another youth told me that my younger brother was taken away  
25 quite some time ago and that he was killed.

1 I then returned to my unit. I kept weeping, and other people who  
2 were older than me consoled me and told me not to weep and that I  
3 should consider them as my family members. But I said no, it  
4 would not be the same.

5 And there was a Vietnamese family. The mother was taken away and  
6 killed, and her children, who worked in the mobile unit, were  
7 also taken away and killed.

8 A worker whispered to me that I should be careful and that I  
9 should stop weeping. Otherwise, I would be taken away and killed.

10 [11.11.20]

11 Q. You have stated about the time that you went to visit your  
12 home and that you didn't see your parents there. Did you wait for  
13 them at your house, or did someone come to tell you about what  
14 happened to your parents?

15 A. While I was waiting for them to return, there was an old man,  
16 Chrun, that is his name, came to tell me that my parents were  
17 taken away and killed and that my parents were accused of Chinese  
18 and Vietnamese.

19 Upon hearing that, I wept. And at night time, I did not sleep. I  
20 kept weeping. And next morning, I had to return to my unit.

21 I faced the pain. I am still feeling pain every day. Every time  
22 there is a ceremony or celebration, and when I have to pray, I  
23 feel so painful that I had to pray for the lost souls of my  
24 mother, my father, and my siblings. I am by myself, without  
25 parents and siblings, and there is nothing that could compare to

1 the loss of my family members.

2 [11.13.16]

3 Every time I think of what happened to them, I keep weeping.

4 There is nothing that can exchange for the loss of my parents and  
5 siblings. Even if it's gold of the size of a coconut, I would not  
6 -- it would not be able to replace them.

7 I went to my village. I saw my aunts and uncles, and that reminds  
8 me of my parents. And it was painful. I would start weeping every  
9 time I think about it, that this is not a good life for me since  
10 I was born without having my parents to take care of me.

11 During the regime, I worked very hard since I was afraid that I  
12 would be taken away and killed.

13 Q. Did you know why they took your parents away and killed? Did  
14 you know the reasons they were accused of?

15 A. My aunt and uncle in Kaoh Khyang whispered to me that my  
16 parents were accused of having Chinese and Vietnamese blood and  
17 that they spoke Khmer with accent. That's the reason they were  
18 taken away and killed.

19 [11.15.30]

20 Q. What was the nationality of your father and mother?

21 MR. PRESIDENT:

22 Madam Civil Party, please observe the microphone.

23 MS. KHUOY MUOY:

24 A. My father was Chinese and my mother was Vietnamese, so they  
25 were accused of Vietnamese and Chinese blood. And that's why they

1 were taken away and killed.

2 BY MR. LOR CHUNTHY:

3 Q. Were your parents and family members taken on the same day  
4 and, if so, how many of them were taken away?

5 MS. KHUOY MUOY:

6 A. There were 13 family members and relatives that I lost,  
7 including my parents, my siblings, my nieces, nephews, aunts and  
8 uncles.

9 [11.17.00]

10 Q. You said that you lost your other siblings, nieces and  
11 nephews. Did you mean that actually your elder sibling had a  
12 separate family of his or her own and, if so, how many family  
13 members in that family?

14 A. There was my elder brother and his wife, and they had six  
15 children, so all together, there were six family members in that  
16 family. Also, my cousin, and there were about five to six family  
17 members in that cousin's family, were taken away on that day.  
18 Actually, my cousin's wife was not taken, but she said that if  
19 they -- her entire family members were taken, then there was no  
20 point for her to live, so she went along with the family members.

21 Q. Can you tell the Court about the ethnicity of your elder  
22 sister -- elder sister's husband?

23 A. He was Vietnamese and of course, my elder sister was half  
24 Chinese, half Vietnamese.

25 [11.19.01]



1 Q. Did you receive the information that they were taken away from  
2 your neighbour and if so, did you know where they were taken to?

3 A. The villager told me that they were taken along the way at  
4 Srae Cham Kraom to Kaoh Khyang area at Chung Sroy (phonetic),  
5 and there was a prison there. That's what I was told and that my  
6 mother shouted along the way while she was taken to that area. It  
7 was about two to three kilometres away.

8 Q. You spoke about another family. Can you elaborate a bit  
9 further; who was that family? That's what you stated earlier.

10 A. That family was actually a child of my uncle and they were  
11 Chinese and Vietnamese blood. And as I said, he was my cousin and  
12 his wife was not taken, but the wife didn't want to be by herself  
13 since her husband and children were taken away, so there was no  
14 point of her living, so she went along with her husband and  
15 family member.

16 [11.20.59]

17 Q. After you heard of that news and that you returned to your  
18 mobile unit and you stated a while ago that you kept weeping, did  
19 you receive any advice or warning that something would happen to  
20 you if you kept weeping?

21 A. I actually wanted to inform my younger brother about the death  
22 of my parents and other relatives and as I said, when I went  
23 there, he was no longer there as he had been taken away and  
24 killed.

25 So I kept weeping about what happened to my parents, my younger

1 brother, but I did not dare to weep in public, so I wept quietly  
2 and I kept on working very hard so that I could survive. People  
3 said that I was very fortunate that I was a daughter of a  
4 Chinese-Vietnamese family and that I could survive the regime.

5 [11.23.01]

6 Q. My question is this: You stated that people consoled you and  
7 advised you to stop weeping; did they tell you what would happen  
8 if you continued weeping?

9 A. Older people in the same unit advised me to stop weeping. They  
10 said that the children of a -- of Yeay Sin (phonetic) -- that is,  
11 a Vietnamese woman, were taken away and killed after the mother  
12 was taken away and killed and that I should be careful and that I  
13 should stop weeping; otherwise, I would be taken away and killed.  
14 Of course, while I was by myself and I thought of what happened  
15 to my parents and family members, I wept and I did not think of  
16 what happened to me because I felt so pity for the loss of my  
17 parents and family members.

18 [11.24.36]

19 Q. You have spoken about your younger brother; was your younger  
20 brother in the same mobile unit as yours or he was in a separate  
21 mobile unit?

22 A. He was in a youth mobile unit, a separate one from my unit and  
23 his unit was about 200 metres from my unit. In fact, I was in the  
24 woman's mobile unit or female mobile unit, rather.

25 Q. You stated that you went to see your other -- your older --

1 younger brother, but you did not see him. Can you elaborate a bit  
2 further that what happened to your brother; who told you about  
3 your brother while you were there?

4 [11.26.15]

5 A. I asked permission from the unit's chief to go and tell my  
6 younger brother about the death of my parents. While I was there,  
7 a youth came to me and whispered to me that my brother had been  
8 taken away and killed quite sometimes ago.

9 I had to return to my unit and while I was on the way, I wept,  
10 but I didn't dare to cry out loud. I felt so pity and so lonely  
11 and I thought that after the deaths of my parents and other  
12 family members, I at least had a younger brother with me, but now  
13 I was by myself, alone.

14 And later on, during this regime, I told my children that they  
15 were all lucky as they had us as parents, that I was not that  
16 fortunate as I lost my parents during the Pol Pot regime and I  
17 tell this story to my children and grandchildren so that they  
18 know what happened to me during the regime.

19 [11.27.47]

20 So your younger brother, Khoung Keng, was in a mobile unit and  
21 that when you were there somebody told you that you -- he was  
22 assigned to a "kong serei" or a free mobile unit; can you explain  
23 to the Court what it meant?

24 A. During the Khmer Rouge regime, the word "kong serei", or a  
25 free unit or liberal unit; it means that any familiar -- any

49

1 person who was put in that unit means the person would be killed.

2 If anyone opposed Angkar or opposed the organization or opposed  
3 the cadres, that person would be sent to the -- these "kong  
4 serei" and later on, would be killed.

5 And that is the truth; I don't have anything to lie here. I lost  
6 my parents and family members and I swear that if this is not  
7 true, then I will be killed by a car.

8 [11.29.55]

9 Q. Through your experience and suffering during the regime, can  
10 you tell the Court whether they still have an impact upon you  
11 presently?

12 A. Every time I go to my village, I see my aunts and uncles and I  
13 see other families who unite with the rest of their family  
14 members. I feel so sadden as I don't have any family member to  
15 unite in the village. And every time there is a ceremony, I think  
16 of my parents and family members and that is painful. Sometimes,  
17 when I listen to (unintelligible), it reminds me of what happened  
18 to me and I don't want anyone to go through the experience that I  
19 went through.

20 Q. Did you receive any education during the regime?

21 A. Please repeat your question.

22 Q. During the Khmer Rouge regime, did you go to school?

23 A. During the regime, I did not receive any schooling as I was  
24 busy digging the dirt or digging canal or building dams. I worked  
25 so hard because I was afraid that I would be taken away and

50

1 killed.

2 [11.33.05]

3 MR. PRESIDENT:

4 Thank you, civil party lawyer. It is now convenient for our lunch  
5 break. We take a break now and resumed at 1.30 this afternoon.

6 Court Officer, please assist the civil party at the room reserved  
7 for civil parties and witnesses during the lunch break and invite  
8 her, as well as the TPO staff, back into the courtroom at 1.30  
9 this afternoon.

10 Security personnel, you are instructed to take Khieu Samphan to  
11 the waiting room downstairs and have him returned to attend the  
12 proceeding this afternoon before 1.30.

13 The Court is now in recess.

14 (Court recesses from 1133H to 1331H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Court is back in session and the floor is given to the Lead  
18 Co-Lawyers for civil parties to resume their questioning.

19 BY MR. LOR CHUNTHY:

20 Thank you. Good afternoon, once again, the Chamber. I have two  
21 last questions to put to Madam Khouy Muoy.

22 [13.33.05]

23 Q. My questions are related to the information that you received  
24 when you got back home. So what were you told about the fact that  
25 your father had been arrested together with your siblings; so

51

1 where were they sent to?

2 MS. KHOUY MUOY:

3 A. I received news from villagers that my parents had been sent  
4 back to Vietnam, so I was told that I -- we had to pack our  
5 belongings in order to go back to Vietnam.

6 Q. Thank you. And my last question, perhaps: During the Khmer  
7 Rouge and Democratic Kampuchea, were you asked to get married?

8 [13.34.28]

9 A. My chief of the -- the chief of my mobile unit asked me to get  
10 married with a man, but I said I was not mature yet and I did not  
11 want to get married. Four couples in my unit were asked to get  
12 married and among the four couples, some refused the marriage and  
13 because the Khmer Rouge knew that some of those couples denied  
14 the marriage, they were taken away and killed.

15 I was so terrified, at the time, after hearing that people had  
16 been killed and later on, I was sent to Ta Nai (phonetic) to work  
17 in the field doing the rice farming and I was there living until  
18 the liberation in 1979. I had been in terrifying situation, at  
19 that time, and as of now, I have this kind of terrifying feeling.

20 MR. LOR CHUNTHY:

21 Thank you, Madam Civil Party.

22 Mr. President, I am concluded with my questioning.

23 MR. PRESIDENT:

24 And the floor is now given to the Co-Prosecutors to put questions  
25 to this civil party if you have. You may now proceed.

1 [13.36.13]

2 QUESTIONING BY MR. BOYLE:

3 Thank you, Mr. President. Good afternoon, Your Honours. Good  
4 afternoon, counsel.

5 Good afternoon, Madam Civil Party. My name is Andrew Boyle. I'm  
6 going to be asking you some questions on behalf of the  
7 Co-Prosecutors.

8 Q. I'd like to start off by revisiting what you talked about this  
9 morning. You stated this morning that you were living on Koh Seh  
10 Island before the Khmer Rouge moved you and your family to Srae  
11 Cham; can you tell us when it was that the Khmer Rouge moved you  
12 and your family to Srae Cham?

13 MS. KHOUY MUOY:

14 A. Khmer Rouge had liberated me from Koh Seh and sent me to a  
15 school at Prey Nob. Ten days -- perhaps, 10 day later, I was  
16 further sent to Srae Cham and I -- where I had been living there  
17 until 1976 and after 1976, I parted my parents to settle in - in  
18 a location.

19 [13.37.54]

20 Q. So can you tell us the month and year that you moved to Prey  
21 Nob district?

22 A. Khmer Rouge evacuated me from Koh Seh and I was asked to -- I  
23 was instructed to stay in a school until 1975 or '76 and later --  
24 and after that time, I was sent to Srae Kraom.

25 Q. And when you left Koh Seh, did you have a choice about whether

1 you and your family left Koh Seh or were you forced to leave Koh  
2 Seh?

3 A. I was forced to leave. They were armed. Khmer Rouge was armed.  
4 If I did not leave, I -- if I had not left, I would have been  
5 killed. Although that location was closed to Vietnam, we were  
6 instructed to go to that location and we were told that we could  
7 have a small business by selling coffees, selling noodles, as we  
8 wanted.

9 Q. You told us, this morning that your mother was of Vietnamese  
10 ethnicity and that your father was of Chinese ethnicity; can you  
11 tell us what country or countries your parents were born in?

12 A. My mother told me that she was born originally in Vietnam and  
13 my father was born in Cambodia.

14 [13.40.22]

15 Q. And do you know when your mother moved to Cambodia?

16 A. I was quite young, at the time, so I do not know about that.

17 Q. You mentioned this morning that your aunt and uncle stated  
18 that your family was accused of being Vietnamese because they  
19 spoke Khmer with an accent; were you aware of any other methods  
20 that the Khmer Rouge used to try to identify who was of  
21 Vietnamese ethnicity?

22 A. My parents had been -- had settled in the country for quite a  
23 long time, so everyone was aware that we were a mixed-race  
24 family. My father could speak Chinese and he could not speak  
25 Khmer very clearly.



1 Q. And how about your mother, could she speak Khmer clearly or  
2 did she speak with an accent?

3 A. My mother did not speak Khmer well -- or she spoke Khmer with  
4 accent.

5 [13.42.20]

6 Q. And you stated, this morning that you were separated from your  
7 family when you were sent to work in a mobile unit in 1976; is  
8 that correct?

9 A. Yes, that is correct.

10 Q. After you were sent to Prey Nob District, were you ever aware  
11 of the Khmer Rouge treating people of Vietnamese ethnicity  
12 differently from the way they would treat people of Khmer  
13 ethnicity?

14 A. I learned by the time that my mother had been sent away and  
15 killed. On that morning, I was mistreated and I was made to go to  
16 work and I did not receive insufficient (sic) food to eat. I was  
17 so sad for my life.

18 After they learned that my mother was ethnically Vietnamese, I  
19 received insufficient food to eat. I had only watery gruel. I was  
20 mistreated because of the fact that I was half-blooded  
21 Vietnamese.

22 I feel pain until today. I am so sad. And at the time, I could --  
23 I hid some rice to eat. We were so skinny and my younger sibling  
24 was so skinny. And I, at that time, did not think that I would  
25 survive the regime, but it was lucky that I survived.

1 [13.44.48]

2 Q. You just mentioned that once they discovered that your mother  
3 was Vietnamese, they gave you insufficient food; were you aware  
4 whether other people that were discovered to have Vietnamese  
5 backgrounds were also given less food than Khmer people?

6 A. I do not know about that. Members of mobile units could have  
7 only watery porridge and we were deprived of clean water to  
8 drink. We had these water which was salty and for those who had a  
9 fair complexion and were considered to be Chinese were  
10 mistreated, so I -- it was -- the situation, at that time, was so  
11 difficult that I could not even describe how difficult it was.

12 [13.46.16]

13 Q. After you joined the mobile unit in 1976, did you ever attend  
14 any meetings?

15 A. Meetings would be held not very often. The meetings were held  
16 once in a while to encourage all of us to be active in our work  
17 and we were instructed and asked to voice our commitment in our  
18 work.

19 I was so skinny, as I said, at that time, and when I recall the  
20 experience that I went through, I feel pain in my heart.

21 As I said, I lost my husband and my parents, so I -- I am so  
22 devastated every time I recall what happens to me and my family,  
23 at that time, and --

24 Q. Do you recall whether anything was said at any of those  
25 meetings regarding people of Vietnamese ethnicity?

1 A. I cannot get your question, sir.

2 [13.48.14]

3 Q. You just mentioned that, on occasion, some meetings were held  
4 when you were part of the mobile unit and I was wondering if you  
5 recall whether anything was ever said at any of those meetings  
6 about Vietnamese people.

7 A. Sometime, the discussion was about the Vietnamese, as well. I  
8 was instructed to try to speak Khmer more clearly. Meetings would  
9 happen only at night time after 7 p.m. and sometimes, we were  
10 bitten by mosquitoes at night in the meetings. We were asked to  
11 (unintelligible) a commit -- commitments in our work.

12 Some children from Srae Ambel had night blindness and whenever I  
13 saw those children and they were mistreated, I felt so pity on  
14 them. They became -- they were separated from their parents.

15 The meeting -- the content of the meeting, at that time, was  
16 about our commitment in our work. If anyone failed to work, they  
17 would be killed.

18 [13.50.04]

19 Q. This morning you described the events of returning to Srae  
20 Cham to visit your family and your parents and learning from a  
21 villager that they had been taken away to be killed in Kaoh  
22 Khyang. Just after the break, you also stated that you were  
23 provided information that they had returned to Vietnam; can you  
24 explain what you meant when you said that you were provided  
25 information that they had been sent back to Vietnam?

1 A. Later on, villagers at Kaoh Khyang and Srae Cham told me that  
2 -- particularly the elderly, told me that my parents had been  
3 sent back to Vietnam and some said they had been sent away and  
4 killed. And it is my understanding that they had been killed. And  
5 my mother left a message for me through the villagers that I had  
6 to take care of myself. So at that time, I was so sad. I do not  
7 really want to recall the fate of my mother.  
8 I had no -- I have no parents, no relatives, siblings now. I lost  
9 everything, including money. I was -- I am poor. It is the truth.  
10 I am not telling lies.

11 [13.52.27]

12 Q. I understand, Madam Civil Party, and I apologize that some of  
13 these questions are difficult to talk about. I assure you I  
14 wouldn't ask them unless they were important, so again, my  
15 apologies for asking questions about difficult subjects.  
16 Can you tell us the year that you returned to Srae Cham to try to  
17 visit your family?

18 A. It was in late 1978 when I went to visit them, but it was in  
19 vain; I could not see them. I met only -- I met no one; I saw  
20 only my house standing there.  
21 And when the elderly returned from work, they told me that my  
22 parents had been sent away and killed. I was crying so loudly in  
23 the street and I asked everyone for help.  
24 I have lost my relatives, siblings. I have lost my siblings, but  
25 I know that my relatives also lost their lives. I know that they

1 died.

2 [13 .54.30]

3 I was crying along the way when I returned back and I know that  
4 Kaoh Khyang was the place -- the execution place. People died at  
5 that location everywhere.

6 I dream that my mother had become a crocodile and I believe from  
7 that dream that my mother, perhaps, had been dropped into the  
8 water, so I do not really want to recall what was happening to  
9 them. I cannot -- nothing could compare my suffering to the loss  
10 of my parents and siblings.

11 When animals died, we feel -- we would -- we feel devastated and,  
12 I feel even more devastated when I had lost my family members.

13 Q. Madam Civil Party, do you remember hearing the names of any of  
14 the militia that came to take your family away?

15 A. I do not know them. I only know that Voeun, the chief of  
16 co-operative, and perhaps four or five soldiers with him came.  
17 Uncle Chrun told me -- secretly told me that.

18 [13.56.34]

19 Q. Madam Civil Party, when you were in Prey Nob district, were  
20 you ever aware of the Khmer Rouge compiling lists or registering  
21 Vietnamese or other minorities?

22 A. I do not know about that since I was in a mobile unit.  
23 Perhaps, lists were compiled. I may have forgotten that.

24 I could visit my house once in every half a year or once in a  
25 year for a brief moment only.

1 Q. I'd like to read you two excerpts from statements of people  
2 that were in the Prey Nob area to see if that refreshes your  
3 memory about the compiling of lists. The first is E3/5506. This  
4 is a written record of interview of Sau Khon, who states, amongst  
5 other things, that he was in Srae Cham in Prey Nob district from  
6 1975 to 1979, and saw truckloads of people being transported to  
7 Kaoh Khyang prison.

8 [13.58.06]

9 Question and answer 19 and 20, he says the following, which is  
10 what I would like you to focus on: Answer 19: "During mid-1977,  
11 there was propaganda that they were having anyone who was  
12 Vietnamese to return to Vietnam in a trade for Cambodian families  
13 that were living in Vietnam. In my co-operative, there were more  
14 than 10 Vietnamese families. At the time, they had all those  
15 families -- Vietnamese families' register their names and then  
16 they gathered them all up and put them in trucks."

17 A little later on: "Those families boarded the trucks together  
18 and they were all taken away and killed."

19 Question: "Did you see them kill anyone else?"

20 Answer 20: "I saw them tie people together in lines and walk them  
21 and some were transported in covered GMC trucks headed for Kaoh  
22 Khyang Prison."

23 [13.59.06]

24 The next statement that I would like to bring to your attention  
25 is E3/5501. It's a written record of interview of Tuon Lorn, who

60

1 is a deputy village chief in Prey Nob district, and this is at  
2 English, ERN 00373309; Khmer, 00368651; and French, ERN 00426222  
3 and he states the following:

4 "They had me compile statistics on the people, for instance, how  
5 many were Cham, Khmer, Chinese, and 'Yuon'; Khmer Kampuchea Krom.  
6 After I made the lists, I sent all the lists to the district  
7 level to Ta Chen."

8 Mr. Tuon Lorn then continues slightly later on at English, ERN  
9 00373310; Khmer, 00368653; and French, 00426224; and says --  
10 quote: "At that time, the ethnic 'Yuon', Khmer Kampuchea Krom,  
11 were all arrested and taken away to be killed. All those arrests  
12 were made at night and they were all sent to Kaoh Khyang Security  
13 Office."

14 [14.00.38]

15 Now, Madam Civil Party, I realize that those were rather long  
16 excerpts. These individuals describe the compilation of lists and  
17 then the gathering up of Vietnamese and taking them to Kaoh  
18 Khyang Prison to be executed. Does that refresh your memory that  
19 in Prey Nob district, lists were made of Vietnamese and perhaps  
20 other minorities?

21 MR. PRESIDENT:

22 Please hold on, Madam Civil Party. You have the floor now, Kong  
23 Sam Onn.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I would like to object to the question

61

1 on two grounds: 1) The quote is too lengthy; and 2) As I said  
2 earlier, the facts, which were mentioned by the Co-Prosecutor,  
3 were so -- were too general and the civil party is not aware of  
4 those facts. She lived in Koh Seh, not Kaoh Khyang, so the  
5 statement from her before the Chamber is only the presumption of  
6 -- if the civil party happened to provide the answer to that  
7 question, perhaps, the civil party could provide the assumption  
8 of what was happening.

9 [14.02.20]

10 MR. BOYLE:

11 Mr. President, if I could respond briefly. First, on the issue of  
12 a quote being too long, this Chamber has never imposed a length  
13 on quotes that could be used. Certainly, longer quotes have been  
14 used.

15 On the second objection as to being too general, in fact, this is  
16 quite specific. It's related to the specific district in which  
17 the civil party was moved to. Contrary to what counsel just  
18 stated, she lived in Koh Seh. Before April 1975, she then was  
19 moved by the Khmer Rouge to the relevant district and she has  
20 stated that her family was brought to Kaoh Khyang, so I ask that  
21 I be able to proceed along this line of questioning with this  
22 civil party.

23 (Judges deliberate)

24 [14.09.30]

25 MR. PRESIDENT:



62

1 The Chamber decides to reject the objection by Counsel Kong Sam  
2 Onn and Madam Civil Party can respond to the last question put by  
3 the International Deputy Co-Prosecutor. However, in order to  
4 refresh the memory of the civil party, please repeat your last  
5 question so that she can respond.

6 BY MR. BOYLE:

7 Thank you, Mr. President.

8 Q. Madam Civil Party, I won't read those admittedly lengthy  
9 excerpts again but these excerpts described the compiling of  
10 lists of Vietnamese in Prey Nob district and the use of those  
11 lists to conduct arrests. Does that refresh your memory that  
12 lists of Vietnamese or other minorities were compiled in Prey Nob  
13 district?

14 MS. KHUOY MUOY

15 A. Please repeat your question again.

16 [14.11.15]

17 Q. Absolutely. I read a few moments ago two statements by other  
18 individuals in this case and they were in Prey Nob district and  
19 they described the taking of lists of people who were of  
20 Vietnamese ethnicity in that district and the use of those lists  
21 by the Khmer Rouge to conduct arrests. Does that make you  
22 recollect that you were also aware that lists were compiled in  
23 Prey Nob district of Vietnamese or other minorities?

24 A. I do not know about that as I was in the mobile unit and I  
25 only focused on working hard there.

1 MR. BOYLE:

2 Thank you, Madam Civil Party.

3 Mr. President, I am aware of the time. I would like to ask for  
4 approximately no more than 10 minutes to conclude my questioning.

5 [14.12.40]

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 BY MR. BOYLE:

9 Thank you.

10 Q. Madam Civil Party, you stated this morning that the villager  
11 who told you that your family was taken to Kaoh Khyang also told  
12 you that there was a prison there. Do you recall whether you were  
13 told or that you became aware in some other fashion of what unit  
14 of the Khmer Rouge was in charge of that prison centre?

15 A. What I knew is that villagers or neighbours aware of my mother  
16 whispered to me that my mother was taken to Kaoh Khyang and I  
17 knew that there was a prison there where people were detained and  
18 shackled and many of them died as a result.

19 My mother, as well as my family members and relatives were taken  
20 there too.

21 [14.14.01]

22 Q. I'd like to read to you from another written record of  
23 interview to see if it refreshes your memory. This is E3/7750 and  
24 this is at English, ERN 00275052; Khmer, 00206377; and French,  
25 00275063.

64

1 This is a female detainee at the Kaoh Khyang security centre who  
2 saw Vietnamese there and she states that she was arrested by two  
3 soldiers from Division 1. Does that refresh your recollection  
4 that the Kaoh Khyang security centre was run by Division 1?

5 MR. PRESIDENT:

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

8 [14.15.18]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 I again would like to object to this question. The question is  
12 about the general facts in relation to the proceedings here.

13 However, today's proceeding is focused primarily on the harms and  
14 suffering of the civil party and if the Co-Prosecutor mentioned  
15 all the facts that the accused -- that are alleged against the  
16 accused, it is rather difficult to focus on what is before us.

17 That is also in reference to the presence of the civil party. She  
18 is here to provide the Chamber with a statement of her personal  
19 harms and suffering and not about the general facts.

20 [14.16.21]

21 MR. BOYLE:

22 Mr. President, a similar objection was raised by counsel  
23 yesterday. It was rapidly rejected. This issue has come up  
24 repeatedly. We are entitled to ask civil parties who appear  
25 during the victim impact statements regarding factual matters as

65

1 well.

2 I ask that I be allowed to proceed.

3 (Judges deliberate)

4 [14.17.51]

5 MR. PRESIDENT:

6 The objection by Counsel Kong Sam Onn is sustained and the Deputy  
7 International Co-Prosecutor, you are reminded to refer to E315/1  
8 -- that is a document by the Chamber, in particular paragraph 8  
9 that the hearing of a victim's statements limited to the facts  
10 within the segment of the trial, 002/02.

11 As for the general statements of harm and suffering, it is not  
12 necessary to separate the general facts and what happened to the  
13 civil party herself. For that reason, you need to rephrase your  
14 questioning based on the instructions in that document. We  
15 actually have given some leeway to your team yesterday, in  
16 particular on the implementation of the general policy regarding  
17 the targeted groups. However, your question is not related to the  
18 implementation of the general policies toward the targeted  
19 groups, in particular the Cham, the Vietnamese or the former  
20 officials of the public -- of the Khmer Republic.

21 And Civil Party, you are instructed not to respond to the last  
22 question.

23 [14.19.42]

24 MR. BOYLE:

25 Thank you, Mr. President. If I may, perhaps I was not clear in

66

1     responding. This relates to the targeting of the Vietnamese,  
2     specifically, as I was about to address, this security centre was  
3     run by an individual who was called as a witness in this section  
4     by this Chamber. And, therefore, because the civil party has  
5     testified that her family was brought to that civil -- security  
6     centre and executed and we have had the leadership of that  
7     security centre testify for us, I believe that this falls  
8     squarely within the targeting of the Vietnamese and within Case  
9     002/02 and I ask that I be able to ask what really would be only  
10    about maybe one or two more questions regarding this security  
11    centre.

12    [14.20.48]

13    MR. PRESIDENT:

14    The Chamber has already ruled on this point. If your question is  
15    related to the facts that is on the application of the general  
16    policies, that is separate from the relevant facts within this  
17    segment and your question is not part of the scope of Case  
18    002/02.

19    BY MR. BOYLE:

20    Thank you, Mr. President.

21    Q. Madam Civil Party, did you ever learn or hear the Khmer Rouge  
22    discussing any policy towards people of Vietnamese ethnicity?

23    MS. KHUOY MUOY:

24    A. I heard that because my mother was of the Vietnamese or  
25    Chinese origin that they would be killed after they had been

1 taken away.

2 [14.22.36]

3 Q. And did you hear that stated by the Khmer Rouge officials or,  
4 if not, who did you hear it stated by?

5 A. I heard it from Voeun Sa, who was in charge of an elderly unit  
6 in the cooperative. When I went to visit home I heard him talking  
7 about this. So when I did not see my mother when I visited home,  
8 I knew straight away that she was taken away and that she would  
9 be killed.

10 Q. Did you ever hear any Khmer Rouge state that Vietnamese who  
11 did not leave Cambodia would be smashed?

12 A. I heard that because even in my village people had been taken  
13 away and smashed.

14 MR. BOYLE:

15 Thank you, Madam Civil Party.

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

17 MR. PRESIDENT:

18 I would like now to hand the floor to the defence teams, first to  
19 the defence team for Nuon Chea to put the questions to this civil  
20 party. You may proceed.

21 [14.24.28]

22 MR. LIV SOVANNA:

23 (No interpretation)

24 MR. PRESIDENT:

25 (No interpretation)

68

1 (Technical problem)

2 [14.25.01]

3 (Court recesses from 1426H to 1446H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is back in session and the floor is given to the  
7 defence team for Mr. Nuon Chea first to put questions to this  
8 civil party. You may now proceed.

9 [14.47.28]

10 QUESTIONING BY MR. LIV SOVANNA:

11 Thank you, Mr. President.

12 Q. Madam Civil Party, the first batch of my questions have  
13 something to do with the evacuation of you from Koh Seh. Before  
14 1975, how many families were living on that Koh Seh or Seh  
15 Island?

16 MS. KHUOY MUOY:

17 A. About 50 families were living on that island, including the  
18 soldiers.

19 Q. Were they all Vietnamese or were there some other ethnicities  
20 as well living on that island?

21 A. There were different types of people. There were ethnic Khmer,  
22 Vietnamese, and Chinese on that island.

23 Q. How many Vietnamese families were living on that island?

24 A. I do not know, Mr. Lawyer; my siblings' in-law were also  
25 living on that island.

1 [14.49.18]

2 Q. Were all of the people there on the island evacuated or only  
3 Vietnamese were evacuated?

4 A. All of us had been sent out of that island. If we refused to  
5 leave we would be shot dead and thrown into the water. So we had  
6 to leave for Srae Cham; all of us.

7 Q. I have a question in relation to Chrun, and his wife was Phon.  
8 So how was he related to you?

9 A. He was living in a nearby house in Srae Cham. We were in the  
10 same unit.

11 Q. To refresh your memory, I would like to cite a document,  
12 E3/4544; Khmer, ERN 03 -- my apologies, 00375532; French,  
13 00424096; and English, 00377836. This is your testimony. You  
14 stated -- I quote: "At the evening, they did not return back from  
15 work. At that time they did not return back from work yet, so I  
16 went to my uncle's house, Chrun's house."

17 So what do you mean by this statement?

18 A. As I said that uncle was living in a nearby house. He was  
19 living close to my mother's house.

20 [14.52.11]

21 Q. You have just stated that you had an aunt. So how was she  
22 related to you?

23 A. Aunt Phon was the wife of Chrun. She lived close to my  
24 mother's house.

25 Q. Besides your parents' brother (sic), did your parents have



70

1 siblings living in Democratic Kampuchea?

2 A. My mother had relatives living in Vietnam. And as for my  
3 father, some of his relatives had died in Thma Sar (phonetic) and  
4 not -- and until now, his relatives -- all of his relatives  
5 passed away.

6 Q. To your observation, particularly on the people who used to  
7 live with you in Koh Seh and after that in Srae Cham village,  
8 Srae Cham commune, Prey Nob district, how many of them were  
9 Vietnamese?

10 MR. PRESIDENT:

11 Please observe the microphone, Madam Civil Party. Please wait  
12 until the red light turn on, then you can give your answer.

13 [14.54.32]

14 MS. KHUOY MUOY:

15 A. Four or five families were ethnically Vietnamese. My cousin's  
16 family, my relatives, elder relatives, and also my family were  
17 Vietnamese and some of those people had been killed. Some went to  
18 live somewhere else. We are not living together and we did no  
19 live together at that time as well.

20 BY MR. LIV SOVANNA:

21 Q. I am not asking about your younger siblings. You stated that  
22 your younger sibling lived in a different mobile unit. The name  
23 was Khoung Keng. Can you tell the Court why she was sent to the  
24 free unit, the so-called free unit?

25 MS. KHUOY MUOY:

71

1 A. She was living close to my location at the time. It was about  
2 200 metres away. We were living in a nearby location. Although we  
3 had tried to work very hard, my elder sibling was accused of  
4 having a free mind. He was sent -- he or she was sent to free  
5 unit and I believe that he died there.

6 [14.56.15]

7 Q. Besides the younger siblings, were there any other people sent  
8 to that so-called free unit, if you know?

9 A. Many people had been sent to that unit, including Cham people,  
10 Vietnamese and Chinese people. Those who were considered having  
11 free minds would be sent to that unit.

12 Q. What did the people in that so-called free unit do?

13 A. They were assigned to grow sweet potatoes and dig canals, and  
14 they were headed by the chief. So they were engaged in those  
15 tasks. Although they had watery gruel or porridge or they did not  
16 have enough food to eat, they had to go to work.

17 Q. Did you ever notice that after those people had been sent into  
18 the free unit and after they had refashioned themselves, would be  
19 sent back to their old, their previous units?

20 A. All I know is that after they had been sent into free unit,  
21 they died. You can ask other elderly people about that so-called  
22 free unit.

23 [14.58.18]

24 Q. So was it because your younger sibling worked freely at that  
25 time he was sent into that free unit? Wasn't it not -- was it not

1 because of the fact that he was an ethnic Vietnamese?

2 A. The Khmer Rouge was brutal and cruel. No matter how active we  
3 were, how hard we worked, it was up to them to decide and put us  
4 in the -- whatever unit or the so-called free unit they wanted.

5 Q. Now, I am asking about you. You were in a mobile unit. Were  
6 there any children working in that unit, in the mobile unit, and  
7 those children belonged to Vietnamese parents?

8 A. I do not know about that. There was a child belonged to a  
9 Vietnamese woman. The parents had been sent away to be killed and  
10 that child was sent away and killed later on. That person was  
11 working in 100-man unit with me -- 100-woman unit with me.

12 Q. After you had returned to Srae Cham to visit your parents, did  
13 you happen to meet the cadres or chiefs of cooperatives at the  
14 time?

15 A. When I filed a request to visit my parents I did not meet any  
16 chief of units.

17 [15.00.48]

18 Q. Did your unit chief know that you had a Vietnamese mother?

19 A. I did not tell him about that fact. I was trying to perform my  
20 tasks. I was so bony and skinny, so I did not dare to tell him  
21 about my background that I had a Vietnamese mother. Whether he  
22 knew that I had a Vietnamese mother or not, I do not know.

23 Q. Did that unit chief come from the same village, Srae Cham, or  
24 he was from a different village?

25 A. Most of them came from Srae Ambel in Koh Kong.

1 Q. I am moving now to your father. You stated -- you asserted  
2 that your father was ethnically Chinese. Were Chinese minorities  
3 arrested and received the same fate as your father?

4 A. Chinese and Khmer people had been sent away as well. The  
5 Chinese - or, the Khmer people with Chinese ancestors were also  
6 being sent away.

7 [15.03.20]

8 Q. Concerning the families who had been transferred out of Koh  
9 Seh and some of them were Vietnamese as you said, did any of  
10 those people survive the regime after 1979?

11 MR. PRESIDENT:

12 Please observe the microphone, Madam Civil Party, before you  
13 speak.

14 MS. KHUOY MUOY:

15 A. After 1979, I went to Vietnam. My uncle or aunt said -- talked  
16 to me that if I still live in Cambodia I would be in the same  
17 situation when it happened in Pol Pot's time so I was encouraged  
18 to go back to live in Vietnam. My relatives and siblings were  
19 killed in Khmer Rouge time.

20 BY MR. LIV SOVANNA:

21 Q. A while ago you stated that you, at one time, wept when you  
22 heard that your younger sibling died and you also stated that you  
23 were encouraged by villagers and your co-workers that you had to  
24 try to speak more clearly to be like Khmer people. So who  
25 encouraged you to do that?

1 [15.05.18]

2 MS. KHUOY MUOY:

3 A. The co-workers -- my co-workers felt pity on me and they  
4 talked to me that I should not cry any longer but I had to try to  
5 work hard. And they said that the child of a Vietnamese woman  
6 working in the 100-woman unit was trying so hard to work although  
7 that child knew that the parents had been sent away and killed.  
8 No matter how they explained and consoled me, I kept weeping.

9 Q. Concerning the people who encouraged you to speak more like  
10 Khmer people, were those people chiefs of units and chiefs of  
11 mobile units or were they simply workers in those units?

12 A. They were my co-workers.

13 Q. Earlier you have stated that you have went - gone -- been  
14 through that experience and your husband died, but could you  
15 clarify for the Court whether your husband died in Democratic  
16 Kampuchea regime or he died later on after that regime?

17 [15.07.29]

18 A. He was born in the Year of Dragon. He passed away when he was  
19 56, so it's almost 10 years -- or it was more than 10 years ago.  
20 I can recall that he passed away when he was 56. So after his --  
21 after he passed away, I feel more pain in my heart.

22 Q. Was he Khmer -- pure Khmer - or, was he ethnically Vietnamese?

23 A. My husband was half-blooded Chinese.

24 Q. Did he have mixed blood of Vietnamese?

25 A. No.

75

1 Q. I am moving now to a new topic in relation to your mobile  
2 unit.

3 To your assertion, there were Khmer workers and you was in -- you  
4 were in that mobile unit and you were Vietnamese together with  
5 another Vietnamese person, I would like to know about the food  
6 rations for Khmer and Vietnamese people.

7 Was food provided in the same equal amounts to Khmer and  
8 Vietnamese people?

9 [15.09.31]

10 A. Chiefs of units have -- could eat at their fill. For workers,  
11 like me and others, when -- after we returned from work, we could  
12 have only a ladle of porridge or soft rice. Sometimes we could  
13 have salt to eat with the meal, rice and gruel, thanks for the  
14 tricks that we used to hide the salt.

15 Q. Did they do the same job as you did at the time?

16 A. Unit chiefs accompanied us, all of us to work and after they  
17 had returned to their locations from work they were in a  
18 different group having a meal and we had -- we were in a  
19 different group -- or in different groups having meals with salt.  
20 And we considered those -- the salt as fish.

21 [15.11.10]

22 Q. I am not asking about the unit chief. I am asking about your  
23 co-workers. What about their working conditions and the food  
24 rations. Did they receive the same food ration as you?

25 A. My co-workers received the same food. If I received porridge

1 or soft rice they had the same meal; for example, a ladle of  
2 rice. If they received a ladle of rice or porridge, I also had  
3 the same amount.

4 Q. In your answer you were requested to get married and you  
5 refused. So what happened after you refused the marriage and who  
6 was the one who asked you to get married?

7 A. It was my unit chief who asked me to get married and at the  
8 time I said I was not mature yet, so I did not want to get  
9 married. I was asked to get married and others in my unit were  
10 also asked to get married. Some couples after they had married  
11 did not get along with each other so these people had been turned  
12 away and killed.

13 [15.12.42]

14 Q. You stated that you refused marriage after you were asked to  
15 get married, so what did they do to you after you refused the  
16 marriage or nothing happened to you although you refused the  
17 marriage?

18 A. After that - or, because of my refusal, my unit chief asked me  
19 to go to Ta Nai (phonetic) with a few others, four or five of  
20 them. We had us carrier -- carrying baskets with us to carry  
21 earth. I was so terrified at the time.

22 Q. You stated that a few others -- four or five -- went with you  
23 to Ta Nai (phonetic). Were they sent to that location because  
24 they refused the marriage as you did?

25 A. At one particular time I saw four or five couples had been

1 taken out.

2 [15.14.03]

3 Q. After you, together with another four or five people, had been  
4 sent to Ta Nai (phonetic) to work and make the baskets, what  
5 happened next?

6 A. I do not know. Nothing happened and a few days later, sometime  
7 later I heard that some couples after their marriage had been  
8 sent away and killed because they did not get along with each  
9 other.

10 Q. I did not ask about that point. I want to know what happened  
11 next after you and others -- four or five -- had been sent to Ta  
12 Nai (phonetic) to make the baskets. Did you come back to your  
13 mobile unit?

14 A. I did not say that I received disciplinary sanction. I,  
15 together with four or five others, were sent to Ta Nai (phonetic)  
16 to make baskets.

17 Q. My apology. So you did not receive disciplinary sanction but  
18 you were reassigned to a location called Ta Nai (phonetic) to  
19 work; is that correct?

20 A. Yes, that is correct.

21 [15.15.53]

22 Q. I want to make a clarification with you. You stated that you  
23 had no uncle or aunt staying with you at that time but at the  
24 documents - at ERN in Khmer, 00375533; and French, 00424097;  
25 English, 00377836; in question and answer you stated: "I lived



78

1 and worked in a mobile unit in Prey Nob until the arrival of  
2 Vietnamese troops. At that time the unit chief forced us to climb  
3 -- go and climb up the mountain, but I refused and I escaped. I  
4 ran back to Srae Cham to gather -- to join the group with my  
5 aunt."

6 So what do you mean by saying you come back -- you came back to  
7 join with your aunt? What do you mean by the word "aunt"?

8 A. I addressed that person as "aunt" since she used to live in a  
9 nearby location in Srae Cham. After 1979, when the Vietnamese  
10 troops liberated us, she went back to Srae Cham.

11 [15.17.46]

12 Q. Was she related to you?

13 A. She used to live in the same village with my parents and I did  
14 not know -- I do not know where she was living in Pol Pot's time.  
15 In 1979, I encountered her so I came back with her to settle.

16 Q. Was she ethnically Vietnamese?

17 A. She was half-blooded Chinese.

18 MR. LIV SOVANNA:

19 Thank you, Madam Civil Party.

20 Mr. President, I have no further questions.

21 MR. PRESIDENT:

22 Thank you. The floor is now given to the defence counsel for  
23 Khieu Samphan. You have the floor.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I have no further -- no questions, Mr.

1 President.

2 [15.19.04]

3 MR. PRESIDENT:

4 Lastly, Madam Civil Party, you are given an opportunity to make a  
5 victim's impact statement or do you have any questions to put to  
6 the Accused? If you have, please proceed.

7 MS. KHUOY MUOY:

8 I have a question for the Accused. I had a chick (sic). I took  
9 care of that chick (sic) and when that chick (sic) died, I felt  
10 pain in my heart. And I have lost my parents, my siblings. I  
11 suffered much from that bad experience. During -- every time that  
12 I hold ceremonies I feel pain in my heart. In my culture we keep  
13 the holder of incense so that we could memo -- could think of the  
14 dead people. And it is my proposal that this regime should not  
15 make that things happen.

16 MR. PRESIDENT:

17 Thank you, Madam Civil Party. The Chamber wishes to inform you  
18 that pursuant to Internal Rule 21.1(d) of the ECCC, which says  
19 that at all stages of the proceedings, the Chamber shall inform  
20 you of the right of the accused to remain silent. On 8 January  
21 2015 in response to the question of the Chamber, the Co-Accused  
22 reaffirmed their position to exercise their rights to remain  
23 silent.

24 [15.21.22]

25 Also, during that hearing, the Chamber noted that the Co-Accused

1 maintained their position to remain silent, unless and until such  
2 time the Chamber is informed otherwise by the Co-Accused or their  
3 counsel. The Chamber on that day instructed the Co-Accused and/or  
4 their counsel to inform the Chamber in a timely and efficient  
5 manner should the Accused resolve to waive their rights to remain  
6 silent and be willing to respond to the questions by the Bench or  
7 relevant parties at any stage of the proceedings. As of today the  
8 Chamber is not informed that the Co-Accused have changed their  
9 position and does agree to provide their responses to the  
10 questions.

11 In accordance with the applicable national and international  
12 laws, the Chamber cannot compel the Accused to respond to the  
13 questions as long as they do not agree to it while remain --  
14 while exercising their right to remain silent.

15 [15.22.46]

16 I am grateful to you, Madam Khuoy Muoy, for coming to make a  
17 victim impact statement. You have stated that you went through  
18 the horrible experience in Democratic Kampuchea. The hearings to  
19 hear your victim impact statement has now come to an end. Your  
20 presence here is not required now so you may return to any place  
21 you wish to go, and I wish you good luck, good health and  
22 prosperity in your life.

23 Thank you, Chhay Marideth, TPO staff. Since you have to accompany  
24 another civil party in the next victim impact statement hearing,  
25 you are asked to remain seated.

81

1 [15.23.38]

2 Court officer, please work with WESU to send Madam Khuoy Muoy  
3 back to her residence or to any location she wishes to go, and  
4 please invite 2-TCW -- 2-TCCP-1014 into the civil party stand.

5 (Witness 2-TCCP-259 excused)

6 [15.24.49]

7 (Witness 2-TCCP-1014 enters courtroom)

8 [15.25.20]

9 QUESTIONING BY THE PRESIDENT:

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

11 MR. UCH SUNLAY:

12 A. My name is Uch Sunlay.

13 Q. Thank you. When were you born, Mr. Civil Party?

14 A. I was born on Monday, 2nd October 1948.

15 Q. Where is your current address?

16 A. I lived in Phum Voat village, Kratie commune, Kracheh  
17 district, and Kratie province.

18 [15.26.15]

19 Q. Thank you. What is your current occupation?

20 A. I am a retired government official.

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

22 A. My wife's name is Sa Kim Ni and we had three children and they  
23 were all killed during the Khmer Rouge regime.

24 MR. PRESIDENT:

25 Mr. Uch Sunlay, in your capacity as the civil party in front of

82

1 this courtroom you may make a victim's impact statement, if any,  
2 concerning the crimes which are alleged against the two accused,  
3 Nuon Chea and Khieu Samphan, and harms inflicted upon you during  
4 the Democratic Kampuchea regime from 17 April 1975 to 6 January  
5 1979, resulting in your civil party application to claim  
6 collective and moral reparations for physical, material or mental  
7 injuries as direct consequences of those crimes.

8 [15.27.40]

9 And based on the request from the Lead Co-Lawyers for civil  
10 parties to put questions to the civil party about the harms and  
11 suffering, therefore, the Chamber gives the floor first to the  
12 Lead Co-Lawyers for civil parties to put questions. You may now  
13 proceed, lawyers.

14 MS. GUIRAUD:

15 I would like to give the floor to our colleague, Ven Pov.

16 MR. PRESIDENT:

17 Yes, your request is granted. Now the floor is given to Mr. Ven  
18 Pov.

19 MR. VEN POV:

20 Good afternoon, Mr. President, and good morning, parties.

21 Good afternoon, Mr. Uch Sunlay. I received the information that  
22 your health is not well, therefore, I will simplify my questions  
23 related to the testimony about the harm and suffering.

24 [15.29.01]

25 QUESTIONING BY MR. VEN POV:

83

1 Q. My first question to you is that in your civil party  
2 application, you mentioned that during Democratic Kampuchea  
3 regime you lost members and relatives of your family, and the  
4 total number of people lost were 14 people. And those people  
5 included your wives, three of your children, uncles and relatives  
6 and all of them were half-blooded Vietnamese. Therefore, I would  
7 like you to tell the Chamber about the harms and suffering  
8 inflicted upon you related to the loss of your beloved children,  
9 wives, and relatives. And those lost relatives, you told us that  
10 they were half-blooded Vietnamese.

11 [15.30.12]

12 MR. UCH SUNLAY:

13 A. Good afternoon, Mr. President and the Bench and all parties in  
14 this courtroom.

15 I lost my family members and relatives, altogether 14 people  
16 perished, including my -- Chhay Kim Eng, my father-in-law; Thi  
17 Be, my mother-in-law, and she was half-blooded Vietnamese; and my  
18 wife, Sa Kam Ni. She could not speak Vietnamese. She studied in  
19 Cambodia and finished secondary school. And Sa Kam Na, my wife's  
20 younger sister, Sa Kam Na; Chay Chan Sambat; my children,  
21 Sothireak; Sothira; Sothida. So I lost them all when the Khmer  
22 Rouge came to power.

23 The Khmer Rouge first occupied Kracheh and it was there that the  
24 Khmer Rouge first started to prepare, organize the cooperatives  
25 and various units. And I was assigned to Koh Pi (phonetic) in

1 1973, and as my previous job in the old regime as the teacher  
2 came to an end at that time and I started the cooperative life.

3 [15.32.11]

4 When I lost my family members and relatives, my own father named  
5 Uch Sunli, who was a clergyman at the pagoda, also died. He was  
6 killed because the Khmer Rouge witnessed that he practised the  
7 Buddhist religion and someone came to tell me that your father  
8 was so much -- believed in religion and that's why he was  
9 arrested and sent to meet Buddha. I would like to tell the  
10 Chamber that even lighting the incense to pay respect to Buddha,  
11 he was arrested for that simple reason.

12 As for my wife, Sa Kam Ni, and other members Sa Kam La (phonetic)  
13 and the three children, they were evacuated to an islands and  
14 they were killed and pushed into the pit near the riverbank. And,  
15 later on, the riverbank was flooded and the area fell into the  
16 river and all their bones were also fell into the floodwater of  
17 the river.

18 [15.33.57]

19 Villager told me that it was a very pitiful that my children,  
20 they ran around when they were about to be killed and they were  
21 swung against the tree and died instantly.

22 They arrested the wives by -- at the time when they send the  
23 husband to cut the bamboo trees. Moeun (phonetic), the  
24 cooperative chief, assigned those who have Vietnamese wife to go  
25 and cut the bamboo tree at Au Thyong (phonetic) and that place

1 was very far away. It took about two nights to get there and I  
2 joined the journey.

3 When I returned, I heard from people at the cooperative, they  
4 told me about what happened. They told us to prepare our emotion.  
5 Moeun (phonetic), the cooperative chief, said that, "You all had  
6 fulfilled a great task for the Angkar and you sacrificed a lot  
7 for the labour and working class, but all of your wives were  
8 collected and taken away. I want all of you, comrades, to get rid  
9 of this wounded flesh."

10 [15.36.03]

11 I heard about the purge, about the word "smash". Now they use  
12 another word, that is cutting away the wounded flesh, and he said  
13 that we need to maintain high sacrifice and he require us to  
14 maintain high position to maintain high sacrifice and cutting off  
15 the wounded flesh, smelly flesh, in order to build the  
16 revolutionary labour class.

17 I said what he instructed us to say, but in my heart I suffered a  
18 lot because I had very long souvenir and good memory with my  
19 family members and at that time they were taken away and killed.  
20 So all this suffering and harms cannot be forgotten. Despite its  
21 30 years ago, despite the river water flew and taken away their  
22 bones along with the water, but I could never forget this. I  
23 suffered a lot and I would like to ask for apology and  
24 understanding from the Chamber that I told about my suffering.

25 [15.37.50]



86

1 And what even worse was that the Khmer Rouge distributed the  
2 clothes from those people they killed to people in the  
3 cooperatives. And I saw the clothes of my children and wives and  
4 people in the cooperative could identify through the clothes that  
5 my wives and my children were really killed.

6 I suffered so much that I could not eat and drink and sleep and I  
7 tried to avoid myself to meet with any people because the Party  
8 instructed us that we had to keep high morality, high sacrifice  
9 for the purpose of the great Party. So we could not let people  
10 see that we suffered or we had emotional problem.

11 [15.39.10]

12 After my wife and children were taken away and killed, the  
13 cooperative secretary whisper to me that, Lay, you have to be  
14 careful because there's a letter sent to the cooperative, and I  
15 told him that, no, it's another person, it -- that person is Mien  
16 Sunlay (phonetic), not me. And then he said that, no, it's you,  
17 Uch Sunlay. So I felt very frightened when I saw this.

18 And at quiet night-time, I felt frightened and even when the  
19 mouse running in the house, I woke up and trembled because I knew  
20 that there were military men who patrolled the area at  
21 night-time.

22 And at every of their meeting, they always raised the point of  
23 smashing the capitalist class, the feudalist class, and the  
24 oppressing class.

25 [15.40.37]

1 At Krakor, which is my native place, I was evacuated and  
2 transferred to Tuol Monourom (phonetic). My father was also  
3 transferred from Krakor to Ching Krom (phonetic).  
4 So all of this were harms and suffering inflicted upon me and I  
5 remembered all of this until now.

6 After 7 January 1979, I saw other people reunited with their  
7 family, but not for me.

8 Q. Mr. Civil Party, please tell us about the suffering and harm  
9 as a result of losing your father.

10 A. After the Khmer Rouge took away my - Thi Be, my mother-in-law,  
11 the cooperative chief -- so at the time, 11 couples were asked to  
12 get married at Koh Pram (phonetic) and at the time I was told  
13 that I used to be a teacher so I was responsible for arranging  
14 the wedding ceremony by placing on the wall a photo of a sickle  
15 and hammer representing the communist regime. And in that  
16 wedding, I saw the presence of my father-in-law alias Smien I  
17 (phonetic) in the meeting.

18 [15.42.44]

19 A few months after my mother-in-law had been killed, my -- Angkar  
20 arranged the marriage for my father-in-law. So my pain -- the  
21 pain in my heart was compounded by that experience. So I feel  
22 pain, so much pain in my heart, I wept at the time.

23 So at the time, I was talking to myself: why the marriage was  
24 only held for 11 couples? And during the wedding, couples were  
25 asked to voice their commitment and to adhere to the policy lines

1 of Democratic Kampuchea. It was so sorry for my father-in-law. He  
2 was quiet all the time and he was forced to get - to re-marry.  
3 And I was told that the Revolution could not stop in the -- in  
4 midway, the Revolution had to go on. Everyone had to join the  
5 Revolution. I was always criticized: "You Lay, teacher Lay,  
6 should stop being in the mind of the previous regime." I was  
7 threatened to join with that group.

8 By the time, many cadres had been killed as well by the Northeast  
9 cadres and, later on, the East cadres were killed by the  
10 Southwest Zone cadres.

11 [15.44.54]

12 Q. Mr. Civil Party, before your wife had been taken away to be  
13 killed, was there any meeting held to announce the plan to kill  
14 -- to identify and kill the Vietnamese?

15 A. In relation to the execution of Vietnamese people, they did  
16 not talk much. People were told to gather up at Krakor pagoda  
17 where there were trucks waiting for them. Trucks were there to  
18 transport Vietnamese back to the country. Yeay Hoeung (phonetic),  
19 Kim Kong (phonetic), Ta Ha (phonetic), Yeay Be were there. Yeay  
20 Be was my mother-in-law.

21 [15.45.47]

22 I did not see them off, see my relatives off, and what I know is  
23 that the people who had been sent to that pagoda had to board the  
24 truck in order that they could go back home. So no announcement  
25 was made prior to that incident.

1 Q. This is my last question for you, Mr. Civil Party.

2 I want you to describe your feeling after the fall of Khmer Rouge  
3 time during which other families could have a reunion of their  
4 families, but you did not have such a latitude.

5 A. I felt hopeless after the regime fell.

6 Q. Why?

7 A. Because my family members, my father died. They disappeared.  
8 My father-in-law disappeared.

9 Sometimes I felt like I wanted to kill myself in order that I  
10 could see them in the next life, but at the time I recall to the  
11 theory, one theory, that life was struggle, life is a struggle.  
12 We have to bear the situation to see -- to have the life going  
13 forward.

14 [15.47.45]

15 And by 1979, I heard the sounds of explosion from afar, so it was  
16 a time that I knew that it was the liberation day. And those  
17 people, the cadre, tried at the time to evacuate people to some  
18 other locations.

19 I, at the time, told the Vietnamese troops that I was now alone  
20 so I was willingly - I was willing to stay with the Vietnamese  
21 troops so that I had rice to eat. So in 1989, Vietnamese troops  
22 went back to their country.

23 [15.48.38]

24 MR. VEN POV:

25 Thank you, Mr. Civil Party. Mr. President, I am done with the

1 questioning.

2 MR. PRESIDENT:

3 The floor is now given to the Co-Prosecutors to put questions to  
4 this civil party.

5 QUESTIONING BY MR. BOYLE:

6 Thank you, Mr. President.

7 Q. Good afternoon, Mr. Civil Party. My name is Andrew Boyle and I  
8 will be asking you a few questions on behalf of the  
9 Co-Prosecutors.

10 Can you tell us again what village were you living in when your  
11 wife and children were taken to be killed?

12 MR. UCH SUNLAY:

13 A. Thank you. My wife and children had been sent away to Kbal  
14 Kaoh Trong, that was the island. They were sent there. I was in  
15 Tuol Monourom, Krakor commune, Kracheh district, Kratie province.  
16 [15.49.58]

17 Q. And during the period of Democratic Kampuchea, were you ever  
18 aware of the Khmer Rouge conducting any sorts of investigations  
19 or asking any questions to determine who was of Vietnamese  
20 origin?

21 A. Regarding militiaman in -- militiaman's investigation and I  
22 didn't -- investigation of Vietnamese people. My -- In fact, my  
23 background was known before that time and it was said that we had  
24 - about my body, Vietnamese, and Vietnamese mind.  
25 My mother -- my father-in-law at the time that we did

91

1 (unintelligible) and with the Khmer people, so we would have good  
2 luck. And my wife, Sa Kim Ni, although she was ethnically  
3 Vietnamese, she did not understand the Vietnamese language. And  
4 one time I asked her, did she understand the discussion among the  
5 Vietnamese people at a time when they had arguments, she said,  
6 no, she did not understand.

7 [15.51.45]

8 Q. Other than it being generally known that your wife had a  
9 Vietnamese background or ethnicity, were you aware of any other  
10 steps that the Khmer Rouge took to discover who else might be of  
11 Vietnamese origin?

12 A. Angkar assigned their workers to investigate who were  
13 Vietnamese. In fact, in villages and communes, the cadres and  
14 Khmer Rouge were aware the activities that we were doing and who  
15 belongs to whose families. For this reason, we decided not to  
16 escape to anywhere else, but to stay at our location.

17 [15.53.08]

18 Q. Were there any other individuals who were arrested at the same  
19 time that your wife was arrested?

20 A. Not only my wife and children were sent to Kaoh Trong to be  
21 killed, others wives -- other people together with other children  
22 were sent away as well. Oem Malen (phonetic), wife of Neang Kim  
23 (phonetic), came together with two children, A Barang (phonetic)  
24 and Srey Pech (phonetic), were sent away. Family of Toek Nhev  
25 (phonetic), Phan Nguon Seng (phonetic) and other family members

1 of Pou Seang (phonetic) had been transferred out of the place and  
2 location. They were told that -- the wives were told that the  
3 husbands were assigned to climb up the sugar palm trees, but it  
4 was the pretext in order to send the family's members away.

5 Q. And those other individuals who you just mentioned, were those  
6 wives also of Vietnamese ethnicity?

7 A. That is true. The children were half-blooded Vietnamese.

8 [15.55.05]

9 Q. And can you clarify again when it was that your wife and these  
10 other women and their children were arrested?

11 A. Mothers, together with children though, had been sent away and  
12 at the time the husbands were sent away to climb up the sugar  
13 palm trees. And these people were put on carts and they were  
14 transported to the island.

15 Q. Do you recall what year this occurred?

16 A. It was during the time that the water rise, the waters in  
17 Mekong River rise. It was perhaps in September. September was the  
18 month that the water, the river waters rise.

19 [15.56.44]

20 Q. In your civil party application, you state that it was  
21 September 1978. Is that what your recollection is here today?

22 A. It was in September. It was the flooding season -- that is,  
23 the month that the water in Mekong River rose, and also the month  
24 that we celebrated the Buddhist rituals.

25 Q. And do you confirm that it was in 1978?

1 A. That is true. It was in September in 1978 when my wife,  
2 together with my children, had been sent away to be killed. It  
3 was in the flooding -- in the flood season.

4 [15.58.06]

5 Q. You stated that once you returned from cutting bamboo or  
6 climbing sugar palm trees, you were told by villagers that your  
7 wife and the other wives and your children had been taken away to  
8 be killed, do you recall the names of the individuals that you  
9 talked to that told you this?

10 A. Not one villager; many other villagers told me. One surviving  
11 -- one survivor name Achar Pul (phonetic); he is living in Kaoh  
12 Trong, Kracheh district, Kratie province.

13 Q. You state in your civil party application, this is document  
14 E3/4844; English, ERN 00982031; French, 00920490; and Khmer,  
15 00527657 - quote:

16 "The sources of this detailed information are people living in  
17 Kbal Kaoh Trong who witnessed the killing, namely, Ta Sen, who  
18 later became seriously ill and lost all his hair, and a man named  
19 Thol, who drove the ox cart carrying those women and children  
20 for execution to the forest."

21 Does that refresh your memory that at least two of the  
22 individuals you spoke with were Ta Sen and Thol, who drove the ox  
23 cart carrying the women and children?

24 [16.00.15]

25 A. It is true what you quoted. Thol elaborated that incident to



1 me. Ta Thol suggested that a stupa should be built at one  
2 specific location. He hinted the points to me about the building  
3 of stupa and I reply that I cannot -- I do not know yet whether  
4 the stupa will be built. And there is another person, but he is  
5 now -- he or she is now deceased.

6 Q. And these villagers that you spoke with, did they witness the  
7 killings themselves or did they hear about the killings?

8 A. The villagers did not witness that scene of execution.  
9 Militiamen went with the wives and with the woman -- women and  
10 her children. They went to the other side of the riverbank; only  
11 Thol was waiting at that location and he was the one who  
12 witnessed the real incident.

13 MR. PRESIDENT:

14 Thank you, the Deputy Co-Prosecutor.

15 Thank you, Mr. Uch Sunlay. The hearing of your statement and  
16 suffering as a civil party has not come to an end yet. You are  
17 therefore invited to come here once again to state your  
18 sufferings and injuries tomorrow at 9 a.m.

19 I am grateful to Chhay Marideth, the TPO staff, for assisting  
20 emotionally and physically during -- to the civil party. You may  
21 be excused.

22 [16.02.50]

23 Court officer, please work with the WESU to send the civil party  
24 back to the place where he is staying at the moment and please  
25 invite him back into the courtroom tomorrow at 9 a.m.

1 It is now a convenient time for the adjournment.

2 The hearing will resume tomorrow, Wednesday, 2nd March 2016, at 9  
3 a.m.

4 And tomorrow the Chamber will continue hearing the suffering and  
5 harms of Uch Sunlay as a civil party, and then start to hear

6 2-TCW-938 in relation to Au Kanseng Security Centre. Please be  
7 informed and be on time.

8 Security personnel are instructed to bring the two accused, Nuon  
9 Chea and Khieu Samphan, back to the ECCC's detention facility and  
10 have them returned into the courtroom tomorrow before 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1603H)

13

14

15

16

17

18

19

20

21

22

23

24

25