



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): 30-Nov-2016, 08:00

CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 August 2016

Trial Day 436

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
Anta GUISSÉ
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Evelyn CAMPOS SANCHEZ

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
PICH Ang
SIN Soworn
VEN Pov

For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHE Heap (2-TCCP-275)	Khmer
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Ms. PHOUNG Yat (2-TCCP-1047)	Khmer
Mr. PICH Ang	Khmer
Ms. ROS Chuor Siy (2-TCCP-1049)	Khmer
Mr. SENG Leang	Khmer
The President (YA Sokhan)	Khmer

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 The Chamber notifies the parties that for the proceedings on

6 Thursday, 11, as well as on Monday, 15 August 2016, the Chamber

7 will hear testimonies of the statements of harm and sufferings by

8 some civil parties, the harm they suffered during <the>

9 Democratic Kampuchea regime in relation to three security

10 centres; namely, Phnom Kraol, Au Kanseng and S-21, as well as

11 internal purges.

12 [09.02.21]

13 Separately, for the proceedings tomorrow, that is, Friday, 12

14 August 2016, the Chamber will hear the presentation of key

15 documents by the Co-Prosecutors and the Lead Co-Lawyers for civil

16 parties. This is also for public information.

17 Civil parties who are to make statements of harm and sufferings

18 for the two days, including the six of them whose pseudonyms are

19 the following: 2-TCCP-275, 2-TCCP-1047, 2-TCCP-1049 for today.

20 Ms. Chea Sivhoang, please report the attendance of the parties

21 and other individuals to today's proceedings.

22 [09.03.30]

23 THE GREFFIER:

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

25 are present.

2

1 Mr. Nuon Chea is present in the holding cell downstairs. He has
2 waived his rights to be present in the courtroom. The waiver has
3 been delivered to the greffier.

4 The civil party who is to make a statement of harm and suffering
5 today are the following: 2-TCCP-275, 2-TCCP-1047 and 2-TCCP-1049.
6 During the statements of harm and suffering <during> proceedings,
7 Madam Chhay Marideth and <Bun Lemhuor> are the TPO staff who will
8 sit next to 2-TCCP-275 and 2-TCCP-1047 respectively. As for
9 2-TCCP-1049, the civil party will make a statement of harm and
10 suffering via remote means, that is, from Paris in France.

11 And 2-TCCP-275 and Bun Lemhuor, the TPO staff, are ready to be
12 called. Thank you.

13 [09.04.56]

14 MR. PRESIDENT:

15 Thank you, Ms. Chea Sivhoang.

16 The Chamber now decides on the request by Nuon Chea.

17 The Chamber has received a waiver from Nuon Chea, dated 11 August
18 2016, which states that, due to his health, that is, headache,
19 back pain, he cannot sit or concentrate for long. And in order to
20 effectively participate in future hearings, he requests to waive
21 his right to be present at the 11 August 2016 hearing.

22 He advises that his counsel advised him about the consequences of
23 this waiver, that in no way it can be construed as a waiver of
24 his rights to be tried fairly or to challenge evidence presented
25 to or admitted by this Court at any time during his trial.

1 [09.05.53]

2 Having seen the medical report of Nuon Chea by the duty doctor
3 for the accused at the ECCC, dated 11 August 2016, which notes
4 that Nuon Chea has a back pain and feels dizzy when he sits for
5 long and recommends that the Chamber shall grant him his request
6 so that he can follow the proceedings remotely from the holding
7 cell downstairs.

8 Based on the above information and pursuant to Rule 81.5 of the
9 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
10 follow today's proceedings remotely from the holding cell
11 downstairs via an audio-visual means.

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

15 [09.07.01]

16 In order to have smooth proceedings on the hearing of statements
17 of harm and suffering by civil parties, the Chamber wishes to
18 remind the parties of its Memorandum of Understanding issued on
19 17 December 2014 in relation to the hearings of harms and
20 suffering statements by civil parties in Case 002/02, that is,
21 document E315/1, paragraph 8 in which the Chamber reminds the
22 parties of its previous practice, in particular in relation to
23 the distinctions between the hearing of testimonies of civil
24 parties on facts, as well as the general statements of harm and
25 suffering by civil parties, that is, paragraph 14 of document

4

1 <E266/3>.

2 In compliance with its previous practice, the Chamber requires
3 the hearing of testimony of civil parties to the facts stipulated
4 in Case 002/02. However, there is no distinction on the general
5 harms statement from the harm that <occurred> within the scope of
6 this case as well as the general harm inflicted during the
7 Democratic Kampuchea regime and these statements of suffering
8 does not violate the right of the accused to a fair trial.

9 [09.08.48]

10 In addition, on 20 November 2015, the Chamber issued its decision
11 on the request by the Lead Co-Lawyers for civil parties on the
12 scope of questioning civil parties during the proceedings in
13 which the Chamber confirmed that the rights of the parties to
14 question civil parties on the unique testimony of the civil
15 parties during the proceedings is according to the proper right
16 of the accused to a fair trial.

17 Likewise, the responses of civil parties, as well as the harm
18 suffered, which fall outside the scope of Case 002/02, do not
19 violate the right of the accused to a fair trial if parties have
20 an opportunity to present its objection. This is in reference to
21 paragraph 11 of document E365/2.

22 Court officer, please usher the civil party 2-TCCP-275 as well as
23 Bun Lemhour, TPO staff, into the courtroom.

24 (The civil party enters the courtroom)

25 [09.10.29]

1 MR. PRESIDENT:

2 Counsel, you may proceed.

3 MR. PICH ANG:

4 Good morning, Your Honours. Good morning, everyone in around the
5 courtroom.

6 I have listened carefully to the instructions that Your Honour
7 just raised and I have a question to ask in relation to the scope
8 of the statement of harm and suffering by the civil parties.

9 I recall that civil parties are allowed to make statements of
10 harm and suffering in relation to the facts, to the entire facts
11 in Case 002, in particular with the focus on the segments of Case
12 002/02. This means that the statement of harm and suffering
13 covered the entire Case 002. However, from what I have heard, and
14 if I am not mistaken, that the statement is limited to the scope
15 within Case 002/02 and I would like further clarification on this
16 point. Thank you.

17 [09.11.56]

18 MR. PRESIDENT:

19 The Chamber has just reiterated its position and instruction on
20 this matter and allow me to repeat it.

21 Pursuant to its previous practice, the hearing of statements of
22 harm and suffering of the civil parties is limited to the facts
23 within Case 002/02. However, on the general statement of harm and
24 suffering, it doesn't differentiate between the facts within this
25 segment to the general suffering inflicted during the entire

6

1 Democratic Kampuchea regime and this does not violate the right
2 to fair trial of the accused.

3 MR. PICH ANG:

4 I am clear now, Mr. President. Thank you.

5 [09.12.58]

6 QUESTIONING BY THE PRESIDENT:

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

8 MR. CHE HEAP:

9 A. My name is Che Heap.

10 Q. Thank you. And when were you born?

11 A. I was born on 1st February 1961.

12 Q. Where is your current address?

13 A. I live in Kamrieng village, Srayov commune, Kampong Svay
14 district, Kampong Thom province.

15 Q. What is your current occupation?

16 A. I am a rice farmer.

17 Q. What are the names of your parents?

18 A. My father is Che Seng and my mother is Kang Kem.

19 [09.14.38]

20 Q. Are you married? If so, what is your wife's name and how many
21 children do you have?

22 A. I am married and her name is Khou Mao (phonetic). We have four
23 children, two boys and two girls.

24 MR. PRESIDENT:

25 Thank you.

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1 The Chamber wishes to further inform the parties and the public
2 that during the hearing on the statement of harm and suffering of
3 the civil party, the Chamber, through WESU, coordinate with TPO
4 organization to have its staff present during the proceedings and
5 sit next to the civil party in order to provide emotional support
6 to the civil party during the period of the statement of harm and
7 suffering by the civil party. And for that reason, we have Mr.
8 <Bun Lemhuor>, who is a TPO staff and who is sitting next to the
9 civil party.

10 [09.15.56]

11 And Mr. Che Heap, as a civil party, you may make a statement in
12 relation to the facts and crimes alleged against the two accused,
13 that is, Nuon Chea and Khieu Samphan and which were inflicted
14 upon you during the period of Democratic Kampuchea and which led
15 you to become a civil party applicant in order to demand
16 collective and moral reparations from the accused. The harm
17 include physical, material and emotional harm, and which are the
18 direct result of crimes that <were inflicted on> you, if you wish
19 to do so.

20 And the Chamber would like to ask the Lead Co-Lawyers for civil
21 parties on the modality of the statement of harm and suffering
22 whether you request the civil party to present his statement of
23 harm and suffering or that he should be questioned?

24 You have the floor.

25 [09.17.22]

1 MR. PICH ANG:

2 Mr. President, as for this civil party and the upcoming civil
3 party, they both have difficulty in reading the Khmer text. And
4 it is also difficult for them to read a statement. For that
5 reason I humbly request, Your Honour, that the civil party should
6 make the statement of harm and suffering through a question and
7 answer process.

8 MR. PRESIDENT:

9 Thank you. Your request is granted and for that reason you will
10 be given the floor to put questions to the civil party during
11 this proceeding to hear the statement of harm and suffering by
12 this civil party.

13 You may have the floor now.

14 MR. PICH ANG:

15 Thank you, Your Honour, and I request your granting of the right
16 of Hong Kimsuon, the civil party lawyer, to put questions to the
17 civil party.

18 MR. PRESIDENT:

19 Yes, your request is granted.

20 And counsel, you may proceed.

21 [09.18.38]

22 QUESTIONING BY MR. HONG KIMSUON:

23 Thank you, Mr. President. Good morning, Your Honours. Good
24 morning, everyone in and around the courtroom.

25 My name is Hong Kimsuon, a civil party lawyer and I also

9

1 represent this civil party, Che Heap. And I would like to put
2 some questions to this civil party in relation to his statement
3 of harm and suffering.

4 Q. Good morning, Mr. Che Heap. If you don't understand my
5 questions I will put to you, please let me know so I can rephrase
6 it.

7 MR. CHE HEAP:

8 A. Yes, I understand that.

9 [09.19.25]

10 Q. Thank you. I would like you to -- I'd like to ask you some
11 questions regarding the period that you lived with your parents.
12 Prior to the liberation of the country by the Khmer Rouge, where
13 did <your family members> live?

14 A. Before Phnom Penh fell in 1975, I lived in the Khmer
15 Rouge-controlled region as at the time, <Kampong Thom province>
16 was liberated by the Khmer Rouge and we were <evacuated> to Ti
17 Pou <commune, east of Santuk mountain>.

18 Q. Can you describe to the Chamber the total number of your
19 family members, that is, your siblings and your parents?

20 A. There were <eight> of us, that is siblings, four sisters and
21 four brothers.

22 [09.20.53]

23 Q. And after Phnom Penh fell to the Democratic Kampuchea regime,
24 where did you live?

25 A. After the fall in 1975, we were instructed to return to live

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1 in our village in Kamrieng village, Srayov commune.

2 Q. You said that you had eight siblings. Did all of you return to
3 live <together in Srayov commune or did all of you live in
4 different places>?

5 A. No, <we did not live together at that time> because my other
6 sibling Che Heng, <fled> to <the> forest <in> 1970.

7 As for Hul Ngon, another elder <brother in law>, <he was gathered
8 up by soldiers while working the> rice field <at Boeng Santouch
9 (phonetic), and he was later on sent to> Kampong Thom; and
10 another elder sibling became a Khmer Rouge soldier in Kampong
11 Thom province as well. So, not all of us lived together, although
12 I lived with <> the three siblings.

13 Q. During the Democratic Kampuchea regime or the Khmer Rouge
14 regime, that is, after the 17 April 1975 and up to the liberation
15 of Phnom Penh on 7 January 1979 -- and I limit my questions to
16 <the date of 6 January 1979;> did you lose any of your family
17 members, that is, your parents or siblings or did you separate
18 from any of them?

19 A. A number of my siblings went missing, including my other
20 in-laws.

21 [09.23.25]

22 Q. You spoke about your elder siblings and your elder in-laws.
23 Can you give the Court the names?

24 A. <My elder siblings>, Che Heng, <Hul Ngon>, Che Tauk, Che Mon
25 went missing and the wife of Che Heng also went missing along

11

1 with her children.

2 Q. And allow me to put some questions in relation to each of your
3 siblings or in-law. You spoke about your elder <brother> Che
4 Heng. Can you tell the Chamber, that is, after 17 April 1975,
5 where did he live?

6 A. After 1975, he was in Phnom Penh and he was a member of
7 Division 310. After Phnom Penh fell, he went to visit our
8 village, <and he brought my mother to attend his marriage as
9 Angkar asked him to get> married.

10 He returned to the village again and he took my younger sibling
11 along with him to live in Phnom Penh in a child unit which was
12 part of Division 310.

13 He made a third trip and took me along and another trip he
14 brought another elder sibling along to live in <the child unit
15 of> Division 310 <as well>.

16 [09.25.36]

17 Q. So it means that after the liberation day you came to live in
18 Phnom Penh with your elder brother Che Heng in Division 310; is
19 that correct?

20 A. Yes, that is correct.

21 Q. Can you tell the Chamber about Division 310? Was it a military
22 division or was it a civilian or a mobile unit?

23 A. From what I heard <in the meeting, they said that> that
24 division belonged to the Centre. It was <> part of the central
25 army and <its forces defeated Phnom Penh through fighting along>

12

1 Basedth <mountain toward Pochentong>, and it was the first
2 division to liberate Phnom Penh.

3 [09.26.40]

4 Q. Regarding your siblings who came to live with your elder
5 brother Che Heng in Phnom Penh, can can you tell the names to the
6 Chamber again?

7 A. There were Che Tauk alias Hieng and then there was another
8 younger <sister> of mine named Che Mon.

9 Q. Did you know whether your elder brother Che Heng held any
10 position in Division 310?

11 A. From his biography that I saw, before Phnom Penh fell in 1975
12 he was part of a logistic battalion and <after the liberation of
13 Phnom Penh> he was a member of the Division 310 office.

14 Q. And did you know when your elder brother Che Heng joined the
15 revolution?

16 A. My father told me that when he transported rice on a tractor
17 to the house, he then left for <the> forest to join the
18 revolution and that happened in 1970.

19 [09.28.40]

20 Q. You said that you came to live with your elder brother Che
21 Heng in Phnom Penh in Division 310. Do you recall the location
22 that you lived at the time?

23 A. I <lived> in a number of places, namely near Andoung
24 (phonetic) area, near Srah Chak (phonetic) <pagoda> and a
25 location opposite Calmette Hospital. However, I lived longer at a

13

1 location opposite Calmette Hospital <to the north of> Srah Chak

2 <pagoda> (phonetic). That area <belonged> to Division 310.

3 Q. At the time, were you living <in a house> with your elder

4 brother Che Heng or were you living separately from him?

5 A. He lived in a separate house from where I lived because I was

6 part of a childrens' unit and we were not allowed to live <> with

7 the staff of the division. We <> were housed separately. And it

8 was to the east of Srah Chak (phonetic) pagoda.

9 And later on we lived to the southern parts of Calmette Hospital.

10 And later, I was moved to another location <near Ta Voeung's

11 house within the Division's location, and I lived there until the

12 time when I was sent to another place>.

13 [09.30.32]

14 Q. I'd like to ask about the job or the work that your elder

15 brother Che Heng did.

16 Can you tell the Chamber if you know his daily tasks?

17 A. From what I know, <> one of my elder brothers actually asked

18 him to return to the village and I went along with him. And when

19 I went to his office I saw him using a typewriter and I saw a lot

20 of books in his office. <I do not know what position he held at

21 that time.>

22 And from my recollection he also had a pistol with him.

23 Q. <You lived with your elder brother-->

24 (Technical problem)

25 [09.31.59]

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1 MR. PRESIDENT:

2 There is an interpretation problem with the system, in the Khmer
3 interpretation system.

4 MR. HONG KIMSUON:

5 Now, may I continue my question?

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 BY MR. HONG KIMSUON:

9 Q. How long did you live near or close with your brother Che
10 Heng? Can you tell us the year?

11 MR. CHE HEAP:

12 A. I do not understand your question. Can you repeat it?

13 Q. <You said that> you lived in Phnom Penh in Division 310 <>
14 with your brother Che Heng, how long did you live with him, or
15 did you leave him at some point, or did you remain living with
16 him until <7 January>?

17 [09.33.28]

18 A. I lived <close to the Calmette Hospital fence>. A brother of
19 mine <,Che Tauk, went to meet me at my place and he said that he
20 had difficulty living there and got insufficient food, and then
21 we went to ask> my brother to go back home. <On the first
22 occasion when we went to meet him, we saw him <using a>
23 typewriter.

24 And on <second> occasion when I went alone to meet him, I did not
25 see him. I saw only Ta <Hân> and Ta <Hân> told me that my brother

15

1 <had betrayed Angkar>.

2 And another man came down and said that, "Oh, that man is the
3 brother of a traitor".

4 (Short pause)

5 [09.34.50]

6 MR. CHE HEAP:

7 A. I felt <a lot of> pity for my brother and for myself. I tried
8 to hide my own biography. <After the arrests of senior people, we
9 were asked to rewrite a> new biography. <My elder brother, Che
10 Tauk,> was accused of <having been> a traitor <as a brother, and
11 then he was taken away>.

12 And <my younger sister, who was in a children unit of Division
13 310, was accused of being a child of cadres, and she then was
14 taken away>.

15 [09.35.28]

16 BY MR. HONG KIMSOUN:

17 Q. Mr. Civil Party, could you please speak slowly? And now may I
18 put more questions to you?

19 You told the Chamber that when you asked permission to go home,
20 you did not get permission. And then the second time you went
21 again and you went alone and a person told you that your brother
22 was a traitor.

23 My question to you is that before you were told that your brother
24 was a traitor, did you meet your brother at the place where you
25 went to meet him?

16

1 MR. CHE HEAP:

2 A. I could not get your question. Could you please repeat it?

3 [09.36.30]

4 Q. Now, I rephrase my question. <>You said that <when> you went

5 alone to meet your brother Che Heng <on the second occasion>

6 <there was> a man <who> pointed at you and said that you <were> a

7 brother of a traitor, so when you arrived there, did you see your

8 brother Che Heng at that particular place?

9 A. No, I did not see him <nor did I see his pigeon>. Even his

10 room was closed. So the room that he stayed was shut off. <Only a

11 door at ground floor was open.>

12 Q. <> Did you know <> what happened to your brother, Che Heng?

13 A. No, I did not know what happened to him. When I met Ta <Hân>

14 <there>, he told me that my brother was <arrested and put in a

15 vehicle. Ta <Hân> was a driver <for Division 310>. And when he

16 went to get the petrol for the <vehicle>, he met my brother and

17 my brother told him to take care of his wife and children because

18 his fate would be uncertain. <It was Ta Hân who told me about my

19 brother's arrest. Ta Hân is still alive. I have seen him

20 frequently while herding cows and I have talked to him quite

21 often.>

22 [09.38.15]

23 Q. So I would like to clarify again. So you know about your --

24 the arrest of your brother through Ta <Hân>. Did Ta <Hân> tell

25 you who arrested your brother?

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1 A. He told me that <their name were> Ho and Voeung. <Ta Voeung>
2 was the deputy of the division. I don't know Ta Ho. I did not ask
3 him about Ta Ho.

4 [09.38.57]

5 Q. When Ta <Hân> said that Ta Voeung and Ta Ho were the ones
6 who arrested your brother, I would like to clarify about the name
7 Ho or Hor (phonetic). <Can you read and write?>

8 A. I cannot read well. I can read only a little.

9 Q. My question to you is whether the name pronounced Hor
10 (phonetic) or Ho.

11 A. Ta <Hân> addressed that person Ta Ho.

12 Q. What about the name of the chief of Division 310?

13 A. When I was with the division I was <always> asked to join the
14 <anniversary meeting of 1975 <victory> and people told me that
15 the commander of the division was Oeun and his deputy was Voeung
16 and the member was Ol (phonetic).

17 [09.40.31]

18 Q. Now my question is still concentrating <on> Che Heng. When Ta
19 <Hân> told you that your brother was arrested, did he tell you
20 where your brother was taken to?

21 A. He told me that the <vehicle> headed <to the> south, and when
22 the <vehicle> took people <to the> south, the people would never
23 return.

24 Q. Later on have you ever received any news about your brother,
25 Che Heng, whether he is still alive or what?

18

1 A. There is <a> document at Tuol Sleng prison <indicating he was
2 detained there>. And <prisoners were detained there, and there
3 were> documents, <> biographies and photos. <Actually, I saw his
4 biography at Tuol Sleng prison>.

5 [09.41.50]

6 MR. HONG KIMSUON:

7 Mr. President, may I get your permission to display the photos of
8 prisoner Che Heng with document <E3/6427>, ERN 00544248.

9 MR. PRESIDENT:

10 Court officer, please display the photo as requested by the Lead
11 Co-Lawyer for civil party.

12 (Short pause)

13 [09.43.07]

14 MR. PRESIDENT:

15 Because there were technical errors that the photo could not be
16 displayed.

17 MR. PRESIDENT:

18 So now you may proceed.

19 BY MR. HONG KIMSUON:

20 Thank you.

21 Q. Mr. Che Heap, <> you received a document about your brother
22 who was imprisoned in S-21 or Tuol Sleng, where did you receive
23 that document from?

24 A. I was at home and I heard about the news on the radio
25 broadcast. I did not have money to travel to <Tuol Sleng>.

19

1 And later on, DC-Cam brought the document and the photo of my
2 brother to my village.

3 And when I saw the photo of my brother, I wept for the whole day
4 because <I felt pity for him. They mistreated him before they
5 killed him> because in the photo he looked very thin. <Back
6 then>, when I saw him during my visit, he was in good health. He
7 looked healthy. <I burst into tears when I saw that photo, and I
8 heard that he was detained there>.

9 [09.44.50]

10 MR. HONG KIMSUON:

11 Because the photo could not display on the screen, so could I get
12 your permission to show the photo directly to him?

13 MR. PRESIDENT:

14 Yes, you may do so.

15 Court officer, please show the document to the civil party.

16 (Short pause)

17 [09.45.20]

18 BY MR. HONG KIMSUON:

19 Q. Mr. Civil Party, could you confirm to the Chamber that whether
20 the photo <> you are seeing is really the photo of your brother
21 <who was detained at S-21>?

22 MR. CHE HEAP:

23 A. Yes, it's the photo of my brother and the surname in this
24 photo is like my surname and it is exactly the photo of my
25 brother. When the DC-Cam showed the photo to me, I <cried for a

20

1 whole day and I> felt very pity for him because <he looked very
2 thin in the photo. Back then, when he brought me to live in>
3 Phnom Penh, <we rode a bicycle>.

4 Q. Thank you.

5 Now, my question is directed to the story about his wife and
6 children.

7 When your brother Che Heng was arrested and taken away, what
8 happened next to his wife and children?

9 [09.46.49]

10 A. His wife was in the sewing unit based at Tuol Kork. Later on,
11 Ta <Hân> <> told me that when he was <in Phnom Penh, and was>
12 transporting the rice bundle to be transplanted in the rice
13 field, he told me that <my brother's> wife along with the wives
14 of other cadres <who worked in the sewing unit>, were taken away
15 in one truck to <Russei Sanh> pagoda.

16 Ta <Hân> is still alive and we -- we see each other quite often.

17 Q. So you mean that the whole family of Che Heng, including his
18 wife and children were taken away together; is that correct?

19 A. Based on my knowledge from the account provided by Ta <Hân>
20 that -- it was not long after the arrest of my brother; his wife
21 and children were also arrested and taken away.

22 Q. So how many children of Che Heng were arrested along with the
23 mother and the father?

24 [09.48.40]

25 MR. PRESIDENT:

21

1 Mr. Civil Party, please wait until the tip of the microphone
2 turns red.

3 MR. CHE HEAP:

4 A. He had one daughter and another child who was not born yet. So
5 together, he has -- he had two children.

6 MR. HONG KIMSUON:

7 Q. <After the fall of the regime> until now, have you ever
8 received any news about your <sister> in-law and niece and
9 nephews?

10 MR. CHE HEAP:

11 A. No, I have never received any news. Even when I went to their
12 hometown in <Peam Chi Kang,> Kampong Cham <province>, I received
13 no news.

14 Q. Did Ta <Hân> tell you what was the wrongdoing committed by
15 <your elder brother or by> your <sister> in-law that <led to
16 their arrests>?

17 A. Ta <Hân> told me that when the husband was accused of being a
18 traitor, the wife and children would be arrested <and taken
19 away>.

20 [09.50.18]

21 Q. Now, my questions focus on other siblings of yours, including
22 Che Tauk <alias Hieng> and Che Mon <whom your elder brother
23 brought to live in> Division 310.

24 So after the arrest of Che Heng, were you all together, stay
25 together? I mean, Che Tauk, Che Mon and you, <did> all of you

1 stay together or separately?

2 A. Initially, we were all in the children's unit. Men stayed in
3 one unit and women stayed in a different unit. <My brother Che
4 Hieng alias> Tauk and I stayed in the same unit.

5 After my brother's arrest, Tauk and I were transferred to do rice
6 farming at Boeung Payap (phonetic). And when we arrived there, we
7 were asked to produce biographies.

8 So after I made my own biography, I went to work. <My brother was
9 asked about his previous job, and he said that he used to be a>
10 policeman or soldier. It was Da (phonetic) who asked us to make
11 the biography. <After that, my brother and I went to meet Da
12 (phonetic), and I told him that my brother> never worked as a
13 soldier or policeman because during the liberation period, <we
14 were living at liberated areas, not in Kampong Thom provincial
15 town, and then we were evacuated to another district>.

16 [09.52.32]

17 <> Da (phonetic) did not erase the wrong information in the
18 biography because he felt afraid that if he erased it and then
19 Angkar would feel angry with him, <and blame him>. So the
20 biography was still kept the same with the wrong information. <Da
21 (phonetic) also asked him whether he had any brother who was
22 accused of being a traitor, and he said "Yes".

23 And a few days later, my brother Che Tauk was taken away.

24 And later on they came to search for me and asked whether I was
25 the brother or the sibling of Che Tauk and I told those people

1 that, no, we were not siblings. We were simply cousins.
2 And a few days later, our unit were called to a meeting. There
3 were 17 of us in that unit and they called names of people. And
4 for those who heard their names called out, they <had to> came
5 out and stay in one group <, and they were asked to prepare their
6 things, and they would be sent away by a vehicle>. And for those
7 who did not hear the name called out, <went to work at the
8 fields. After that, I went to work>.

9 [09.54.05]

10 Q. So you mean that your brother Che Tauk was also arrested and
11 taken away; is that correct?

12 A. Yes, that's correct.

13 Q. <I ask you about your another younger sibling Che Mon>, So
14 when Che Heng, along with his wife and children, <and Che Tauk>
15 were arrested and taken away, what happened to Che Mon?

16 A. Che Mon was still in the children's unit and she was still in
17 the children's unit at the division. After the rice-cultivating
18 season, she came back to the children's unit. But for Che Tauk,
19 he disappeared since 1977 after he made the biography.

20 But for Che Mon, we were separated from each other in 1978. I
21 could not remember the exact day and month, but it was in 1978.

22 [09.55.23]

23 Q. Could you tell about the events around the disappearance of
24 Che Mon whether she was transferred to somewhere else or she was
25 arrested and taken away just like your brothers Che Heng and Che

1 Tauk?

2 A. Che Tauk <and I worked at the field at Boeng Prayap
3 (phonetic)> at the time <>. After he was arrested and taken away,
4 I was transferred to an area near the division and it was close
5 to the children's unit where Che Mon was. And I worked as a staff
6 to help clean the wounds and injuries for soldiers who were sent
7 from Kampong Cham battlefield.

8 And the children's unit of Division 310 was transferred to <Baek
9 Chan>. This was what people at that place told me.

10 And when I went to that children's unit, I did not see her.

11 And when I received the news that she was transferred to Baek
12 Chan, I went on a <Land Rover> that transported kitchen utensils
13 <there> and I could not see her there.

14 So I concluded that she may <have faced> the same fate like my
15 brothers.

16 [09.57.24]

17 Q. Because our time <has> nearly run out, now, I would like to
18 ask you about how many siblings of yours were arrested or
19 disappeared during Democratic Kampuchea? Could you tell us about
20 the number and their names?

21 A. <My in-law> Hul Ngon, who also disappeared. So, the first one
22 is Che Heng, and the second one, <Hul Ngon>; three, Che Hat;
23 four, Che Tauk; five, Che Mon.

24 Q. Among the five who disappeared, have you received any news
25 about any one of them who had come back?

1 A. All of them had disappeared. No one of them returned,
2 including my in-law and nephews and niece.
3 I felt so <much> pity for them. That's why I came here to give my
4 statements about the harm and suffering as a result of the
5 disappearance of my brothers and sisters. I suffered because my
6 brothers contributed a lot to the <struggle> during the regime,
7 but still they were arrested and taken away. <Whenever I thought
8 of that, I felt overwhelmed>

9 [09.59.50]

10 Q. So because of the disappearance and deaths of your brothers
11 and sister, including Che Heng, who were arrested and imprisoned
12 at Tuol Sleng; that we have documents and photos to testify about
13 him, so how do you feel about this?

14 A. Yes, that's why as I told you earlier that people ask me, "Why
15 you go to the Court to testify?" And I told them that I went to
16 the Court to testify because my brothers contributed a lot,
17 sacrificed a lot to the struggle and still they were arrested and
18 killed. That was very unfair for them because they contributed
19 and sacrificed a lot to the struggle and they were still arrested
20 and killed.

21 It was unfortunate that I was born during the war era of Lon Nol
22 regime and later on it was the war period of the DK regime. My
23 brothers supported the Khmer Rouge, joined their army and
24 <brought> the siblings to join the resistance while leaving our
25 parents behind. However, they were all arrested and disappeared

1 and never returned.

2 At present, there are only three of us <who> survived.

3 [10.01.50]

4 Q. Thank you. And regarding the rituals by your parents and
5 surviving siblings, can you tell the Chamber whether such rituals
6 have been conducted to the lost souls of your siblings?

7 A. We cannot afford to make such a ritual. My mother <had kept
8 her long hair awaiting her children to return> to visit her and
9 that she would shave her head in order to commemorate the loss of
10 my siblings' souls. <Later on, Ta Hân told us about my sibling's
11 arrests, and my mother shaved her head>. She later on passed
12 away. <We never got to conduct a ritual for them.>

13 Q. Did the disappearance of your siblings have any impact upon
14 you emotionally and physically?

15 A. Of course. You can ask my surviving family members. Every time
16 we think of it, our tears shed. We feel <such> pity for the loss
17 and that we were unfortunate to be born and live through such a
18 regime.

19 [10.03.45]

20 MR. HONG KIMSUON:

21 Thank you, Civil Party, and I'd like to inform you that for the
22 later part of your testimony, the President will give you an
23 opportunity to make your statement of harms and suffering or to
24 make any request to the Chamber.

25 And I thank you very much for answering my questions in relation

1 to your statement of harms and suffering.

2 MR. PRESIDENT:

3 Thank you. It is now appropriate for a short break. We will take
4 a 15-minute break from now.

5 Court officer, please assist the civil party during the break
6 time and invite him back into the courtroom, along with the TPO
7 staff, before we resume our proceeding.

8 The Court is now in recess.

9 (Court recesses from 1004H to 1021H)

10 MR. PRESIDENT:

11 Please be seated.

12 Now, the Chamber hands the floor to the Co-Prosecutors to put
13 questions to the civil party if you wish to do so. And you have
14 15 minutes.

15 [10.22.40]

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Thank you. Good morning, Mr. President, Your Honours, and all the
18 parties.

19 Q. Mr. Civil Party, I have some questions for you concerning
20 three topics; first, Division 310 and the arrests that took place
21 within that division.

22 I would also like to mention several documents that were found at
23 S-21 which concern your brother and your sister-in-law and then,
24 finally, to ask you several questions about Kampong Chhnang
25 because you said that you were transferred to the construction

1 site for <the Kampong Chhnang> airport there.

2 Now, concerning Division 310, you said that Oeun was the
3 commander and <Voeung> was his deputy. Do you know if those
4 leaders were arrested?

5 [10.23.29]

6 MR. CHE HEAP:

7 A. After my elder brother disappeared, then members of the
8 division disappeared. Ta Oeun disappeared and he was replaced by
9 Ta Nhor (phonetic). Ta Nhor (phonetic) said Division 310 would
10 change to Division 207.

11 And that happened after Ta Oeun had disappeared although I did
12 not know how he disappeared. So this means that Ta Oeun was also
13 arrested.

14 Q. Did you hear <directly> from the successor of Ta Oeun or
15 another person the reasons for the arrest of Oeun and <Voeung>?
16 Had they been accused of something?

17 A. They said that the division betrayed Angkar, then members of
18 the division were sent for re-education near Wat Phnom as they
19 were alleged of preparing themselves to rebel.

20 At the time they did not say that a member of the division,
21 including Oeun, was arrested but, in fact, they were sent for
22 re-education although I did not know where the location was.

23 [10.25.53]

24 Q. Thank you. Were the arrests of Oeun and <Voeung> -- you said
25 that they were following the arrest of your brother. Was it a

1 long time afterwards or just a short time afterwards?

2 A. The arrests were conducted successively one after another.

3 However, I cannot recall the dates and, as I said, he was later
4 on replaced by Ta Nhor (phonetic).

5 Q. The date isn't that important.

6 Concerning your brother, were you able to find out during which
7 precise period he was arrested?

8 A. I know that I visited him for the first time and he was there,
9 but for the second time he was not.

10 And for my second visit, Ta <Hân> came to my elder brother's
11 office although he was a driver, and he told me that my elder
12 brother had been arrested by Angkar. And then another person came
13 down and said that I was the brother of a traitor of Angkar.
14 That's how I learned about that event.

15 [10.27.35]

16 And from that day onward, I tried to conceal my biography.

17 During that period of time, we were asked to write our biography
18 rather frequently. Sometimes we were asked to write it weekly;
19 sometimes we were asked to write it fortnightly. And I lied in my
20 biography.

21 Q. Thank you. I would like to ask you to be quite <specific> and
22 brief in your responses.

23 In fact, in the biography of the prisoner that was showed to you
24 shortly ago with the photograph, E3/2989, so this is the
25 biography of your brother Che <Heng>, it is indicated that the

30

1 date of his arrest was 12 February 1977 and he was arrested in
2 Division 310. Does this refresh your memory concerning the date
3 of the arrest or the period of arrest? Does this correspond with
4 your memories of February 1977?

5 A. Based on the content of that document, that was the date of
6 the arrest. <I went to visit him on that date, and it was in
7 '77.>

8 [10.29.14]

9 Q. Concerning the reasons leading to the arrest of your older
10 brother, were you able to ever find out if this arrest was in
11 some way linked with the arrest of the deputy director and the
12 director of the division, that is Oeun and <Voeung>?

13 A. That was the likely reason because when I visited him the
14 first time, I <told> him that I wanted to go to our native
15 village and he said to wait for a while.

16 At the time another elder brother said that he did not have
17 enough food to eat. And at the time, he felt so <bad> for us and
18 I could see tears in his eyes and that he could not take us to
19 our native village. And he said that since he brought along his
20 younger and elder brothers, he couldn't take them to the native
21 village.

22 And I did not know. Maybe that was a part of the reason that he
23 tried to take us back to the village. Maybe he asked Angkar for
24 that permission.

25 During a meeting, I was told that when we joined the army then we

31

1 sacrificed everything, including ourselves, and that we could not
2 return to our village.

3 [10.31.02]

4 Q. I have a few documents I would like to discuss. First,
5 document E3/3858 and this is a list entitled "The names of the
6 prisoners who were executed on 12 May <1977>". And at number 68
7 on this list -- so at English, page 00837619; in French,
8 00848743; Khmer, 00009196; the following is noted: "<Che> Heng,
9 Division 310. Duties: In charge of statistics of the cattle in
10 each unit. Entered S-21" -- in<the> Khmer <version> we see 13
11 February 1977. It's considered as an <illegible> date in French
12 and in English.

13 So, in reality, there are two things that I would like to focus
14 on here. First, did you <already> learn that there was a list on
15 which your brother appeared among the people who were executed on
16 12 May 1977 at S-21?

17 [10.32.45]

18 A. I did not know about the events surrounding <his> killing. <I
19 only knew that he was arrested and taken away>. I did not know
20 the exact date he was killed.

21 But one day when I worked at the hospital as a cleaner and <> I
22 heard from what <a chief> said that people were killed <all night
23 long, but still they could not kill them all. At the time, I
24 thought to myself that my brothers would be among them>. So I
25 felt shocked because I <thought> about my own fate, what would

1 happen to me.

2 Q. I also would like to mention that your brother's name is on
3 the revised prisoner list at S-21 that was provided by OCP and
4 index E3/342 at number 908 as well as on the updated list from
5 the OCIJ, E3/10604 at number 2150.

6 And among the sources of the list from the OCIJ, we find Document
7 E3/10266 on page 12 in Khmer. The ERN is 01016893 and we find
8 your brother's name at number 15 <on this page>.

9 We also find the name of your sister-in-law Vorn Sroeun alias Dei
10 on the OCIJ list, number 7,519 and on the OCP list at 11,612.

11 There are two documents that are mentioned in the OCIJ; document
12 E3/10431.

13 [10.35.14]

14 On page 2 of this document we see here on this page that Vorn
15 <Sroeun> is mentioned, alias Dei, coming from Division 310 at
16 S-21 Kho -- entered on 1 January 1978 and executed on 3 January
17 1978. And <her> name is at number 4 on this page.

18 Another document <E3/8463> at Khmer, page 00016193, and we find
19 your sister-in-law's name at number 29.

20 So, were you already made aware of such documents that mentioned
21 your sister-in-law on the S-21 lists?

22 A. When I went to S-21, I was a little bit dizzy. I did not see
23 the biography of my sister-in-law, <that is Dei that you
24 mentioned.

25 [10.36.55]

1 Q. Fine. I would now like to put a few questions to you about
2 what happened in Kampong Chhnang. Can you tell us when and why
3 you were transferred to the Kampong Chhnang Airport site under
4 the leadership of Division 502?

5 A. It was in 1978. I can remember it was the year that So Phim
6 was arrested. When Ta Nhor (phonetic) came to <be> in charge of
7 the division, I was transferred from <the> Calmette location to
8 reside in Tuol Kork. And a few days later I was sent to watch the
9 movie at Olympic, and we were transported by trucks. So my unit
10 came to watch the movie <over a few days, but when we went back>,
11 my unit chief had already disappeared.

12 Later on, there was a messenger named Kreun (phonetic) from the
13 division <visiting my place at the hospital frequently. At the
14 time>, I worked hard. I did not dare rest because <> I was afraid
15 that I would be accused of being lazy.

16 <Later on,> the messenger named Kreun (phonetic) <went there
17 again, and he> told <me> to prepare <> <my things> because <I was
18 supposed to move> to <the division. Actually, at the time there
19 were three staff members working at the hospital. However, one
20 had been disappeared, and I was then sent out; so only one staff
21 member remained there>.

22 [10.39.13]

23 So when we arrived at the division headquarters, we were given
24 uniforms. So when we received the clothes, the clothes were not
25 in good condition and people told us that it was the clothes

1 confiscated from the "traitorous So Phim". So we received a pair
2 of clothes for each of us.

3 And while we were waiting at the division headquarters, it was
4 around 8 o'clock. So there were 60 of us who were gathered there
5 and there were two <Chinese-made> trucks which transported us.

6 They said that our force would be transferred to <Division 502.

7 From the time onwards, I worked in Kampong Chhnang.>

8 Q. Well, maybe can you describe a bit more succinctly the working
9 <and living> conditions <during the months> when you were there
10 at the Kampong Chhnang Airport worksite?

11 [10.40.54]

12 A. If I tell you very <briefly> you will not understand the whole
13 story, so let me tell you.

14 When <I> arrived there, <I was assigned to be a group chief. We
15 carried bricks and built> concrete houses. And <later on, all
16 group chiefs> were called to a meeting and then they asked us <to
17 report to them> if anyone of us were lazy, not hardworking. Some
18 of other units they replied that there were -- some of their
19 members were like that.

20 And they told us that if we worked hard, Angkar would keep us.
21 For those who were lazy, they would be taken out. And that was
22 the time that I realized what would happen if I was lazy.

23 Q. And were some people removed, as you said, did some people
24 disappear, in particular, in your unit when you were working
25 there?

1 A. I did not witness the arrest with my own eyes but I heard
2 that, okay, <in the morning,> this unit or force was assigned to
3 work here and that force or unit was assigned to work there, <and
4 in the evening, they did not return>. I did not see the arrests
5 with my own eyes.

6 I knew three people who were said to be sent to work at the
7 airport in Pochentong. They were sent to work at Pochentong and
8 they disappeared <then>.

9 And I was the only one from my unit who was sent to be attached
10 with the unit of soldiers from the East Zone.

11 [10.43.24]

12 Q. In your WRI, E3/9441, page 5 in English and page 6 in Khmer,
13 you were asked -- I will quote in English:

14 "Were many people taken away?"

15 And then you answered: "There were three different units in my
16 group. In the one I belonged to, 50 members disappeared. This
17 happened in the northern part of the worksite."

18 So did I understand properly what you said to the OCIJ saying
19 that you noted that a certain number of people disappeared? You
20 mentioned the figure of 50 in the northern parts of the
21 worksites. Do you confirm this or do you wish to correct this?

22 A. Not to the north of the worksite. When I arrived there I was
23 based at the western part of the worksite. It was in Krang Leav.
24 That was to the west of the airport worksite.

25 MR. PRESIDENT:

1 The Chamber would like to remind the Co-Prosecutor that your time
2 has run out.

3 [10.45.13]

4 MR. DE WILDE D'ESTMAEL:

5 Thank you, Civil Party.

6 MR. PRESIDENT:

7 Thank you, Co-Prosecutor.

8 Now, I would like to give the floor to the defence counsel and
9 you have 15 minutes to put questions to the civil party if you
10 have any questions.

11 QUESTIONING BY MR. KOPPE:

12 Thank you, Mr. President. It's my understanding that we had 65
13 minutes in total so that would mean 22 minutes per team, but I
14 might be wrong. Anyway, I will move on quickly.

15 Q. Good morning, Mr. Civil Party.

16 You said that earlier you worked at Calmette Hospital, the
17 military hospital belonging to Division 310. Is that close to Wat
18 Phnom?

19 [10.46.19]

20 MR. CHE HEAP:

21 A. The military hospital of Division 310 was not there. It was
22 <next to> Ta Voeung's house <opposite> Calmette Hospital. <It was
23 a three-storey building within the division location>. It was the
24 place where soldiers who were injured in the battlefield were
25 brought in for treatment.

1 Q. Do you know whether there were ever meetings of Division 310
2 soldiers at Wat Phnom or close to Wat Phnom?

3 A. Yes, I used to go for a study session to the north of Wat
4 Phnom. Ta Oeun was arrested -- let me correct -- senior cadres
5 were arrested <and sent> there, <but I did not know where they
6 were brought from. I was assigned to attend> the study session
7 there <for a half month>.

8 Q. What kind of building? Was that close to Wat Phnom where those
9 study sessions were held? Can you be a little bit more detailed?

10 A. Which building in Wat Phnom are you referring to? Could you
11 please specify the exact location?

12 [10.48.27]

13 Q. Where was it that meetings or study sessions were held
14 exactly? You said close to Wat Phnom, but do you remember where
15 you had your study sessions with other Division 310 soldiers?

16 A. The meeting took place at Division 310 headquarters to
17 celebrate the anniversary of 1975 victory and it took place at
18 Tuol Kork. It was before the arrest of the commander of the
19 division.

20 Q. Do you know whether there was also a radio station close to
21 Wat Phnom?

22 A. I did not know where it was. But at the hospital, we were
23 given a radio <and a loudspeaker> so that we could play it for
24 the patients, <that is, soldiers> to listen to, but I had no idea
25 where the radio station was located.

1 Q. You said you were a member of Division 310. Were you also a
2 member of a battalion within Division 310 and, if yes, did that
3 battalion have a number?

4 A. I was with the children's unit. After my brother's arrest, I
5 was sent to do rice farming. I did not know how many <soldiers,
6 how many> battalions <and regiments> were there in the division.
7 <I only knew about my unit.>

8 [10.51.00]

9 Q. Do you know whether there was a Battalion 306?

10 A. As I told you a little bit earlier, after I left the
11 children's unit, <I was then sent to the army, so> I knew only
12 about the people in my unit. I had no knowledge of other units'
13 <numbers>.

14 Q. Battalion 306 commanded by Ta Yim, Y-I-M and Ta Ban, B-A-N,
15 does that mean anything to you? Have you ever heard of Commanders
16 Ta Yim and Ta Ban?

17 A. <Perhaps those> names <were there>. There were many people
18 <from the division to attending the anniversary meeting of the
19 1975 victory>. So during that meeting Angkar announced <that
20 there was this unit and that unit attending the meeting>, but
21 they did not announce the names of <those who were in charge of
22 each unit> because there were so many people from <the> division.

23 Q. What is it that you remember about Ta Yam (phonetic), sorry,
24 Ta Yim and Ta Ban? What is it that you remember about them? What
25 were their ranks? Where were they from?

1 A. In short, I want to clarify that I knew only about my unit,
2 not others. At the meeting, they did not announce all the names
3 <like the meetings nowadays>; they simply announced the names of
4 the person who would address or represent a division. <But as for
5 commanders of battalions, they never made speeches in the
6 meeting, they only uttered a phrase, "Make efforts to serve
7 Angkar."> So that's why I had no full knowledge of their names.
8 [10.54.20]

9 Q. But do you know what their positions were? Do you know whether
10 Ta Ban was a chairman of a regiment and Ta Yim was a chairman of
11 a battalion?

12 MR. PRESIDENT:

13 The floor is given to the Co-Prosecutor.

14 MR. DE WILDE D'ESTMAEL:

15 I am objecting to this question, Mr. President. The questions are
16 becoming more and more leading. I don't believe that,
17 spontaneously speaking, we were talking about any kind of
18 position. So maybe we should ask the question to the civil party
19 if he knows the position that they held, either within a regiment
20 or a battalion.

21 [10.55.13]

22 BY MR. KOPPE:

23 I thought I had asked that, but I didn't get a sufficient answer,
24 so I was trying to be more direct, also, considering the time.
25 But I have no problem doing it again.

1 Q. Mr. Civil Party, very concrete, do you know what the ranks
2 were of Ta Yim and Ta Ban?

3 MR. CHE HEAP:

4 A. As I told you earlier that I was transferred from the
5 children's unit to the rice farming unit and then I was sent to
6 <a division hospital>. I had no full knowledge about the
7 structure of the division. I knew that the division had many
8 units and part of it, only when I attended the <anniversary
9 meeting of 1975 victory. I do not know Ta Yim>. So I knew only
10 people <who worked with me at the hospital>, not others, as I
11 told you earlier.

12 Q. In your WRI, E3/9441; English, ERN 00804120; and Khmer,
13 00804127; you said that you realized that your brother belonged
14 to the North Zone or that the Division 310 belonged to the North
15 Zone; is that correct?

16 A. Yes, that is correct.

17 [10.57.15]

18 Q. Do you know who Koy Thuon was?

19 A. Koy Thuon was in charge of the zone. As for Oeun and Voeung,
20 they were commander and deputy commanders of the division. The
21 division was under the zone.

22 Q. Do you know whether your brother had any contact or whether he
23 ever met Koy Thuon?

24 A. I don't know because when Phnom Penh was liberated, he went to
25 bring me to Phnom Penh. <I was in the children's unit apart from

41

1 him>. I did not know about his real position in the military. <I
2 knew of his arrest through Ta Hân>

3 [10.58.31]

4 Q. You said, earlier this morning, that your brother was accused
5 of treason. In your civil party application, you used the word,
6 said he was accused of "initiating a revolt". Do you know what
7 exactly it was that he was accused of? What was -- what had he
8 done? What was he involved in; do you know?

9 A. I knew the account of his arrest through <Ta Hân>. When I went
10 to visit my brother, I knew the account of the accusation that my
11 brother was accused of being a traitor through <Ta Hân> because I
12 was not there at the time of his arrest; I was with my unit.

13 [10.59.35]

14 Q. I understand that he was accused of being a traitor, but do
15 you know what he and others had done; what were they accused of
16 doing factually? Are you aware of any of this?

17 A. I was not with him, at that time, and even at the meeting
18 time, people did not mention the wrongdoing of those who were
19 arrested. <Ta Hân> simply said that he <betrayed Angkar>.

20 Q. Have you ever heard, at a later stage, whether your brother
21 was involved in plans to attack the radio station close to Wat
22 Phnom, attack Pochentong Airport, to be involved in the staging
23 of a coup d'état against the government?

24 [11.01.14]

25 A. My unit did not know anything about that. We focused on the

1 assignment that we were given and we had to fully concentrate on
2 that; otherwise, we would be disappeared and I did not try to
3 find that kind of information at all.

4 Q. Also, after the arrest of your brother and others, did you
5 hear, during meetings, about plans of Division 310 combatants;
6 plans to stage a coup d'état, plans to attack Radio Phnom Penh,
7 attack Pochentong Airport? Have you ever heard this during
8 meetings after the -- your brother was arrested?

9 [11.02.21]

10 A. No, I did not hear anything about that. I did not know about
11 it, nor did I hear about it. I never heard that they wanted to
12 take over Pochentong Airport or the radio station. The only thing
13 that I knew is that my elder brother had been arrested and I
14 tried to work even harder.

15 [11.02.48]

16 Q. Do you know how many combatants of Division 310 were arrested,
17 in total, in the period of February-March '77?

18 A. I did not know about the total numbers arrested in the
19 division because I did not have that figure with me; however, I
20 knew that for each meeting that we were called to attend, there
21 were many members of the division.

22 Q. I suppose this is my last question, Mr. Civil Party.

23 Have you ever heard of Division 310 combatants storing weapons in
24 warehouses?

25 A. I was still a child, at the time, and I walked <> even to

1 Andoung Hospital <and Wat Phnom>. I went to vacant houses, but I
2 did not see any storage of weapons. I did not see any of those
3 weapons in those houses that I entered.

4 Q. My very last questions: Have you ever heard of someone who
5 testified in this court called <Sim Hao> who was also a Division
6 310 combatant? <Sim Hao> , does that name sound familiar?

7 [11.05.08]

8 A. I only knew those members of my unit and I could not know
9 about members of other units. During the regime, we were
10 prohibited <from talking> to other people in other units and we
11 could not even talk among a group of three people. We could only
12 talk amongst the two people; otherwise, we would be accused of
13 betrayal.

14 In the evening, during the criticism and self-criticism meetings,
15 we would be criticized if we were accused of being lazy and not
16 working hard for Angkar and for that reason, I only knew members
17 of my unit.

18 Q. The last name I want to put before you, Mr. Civil Party, Khorn
19 Brak; English K-H-O-R-N, Brak, B-R-A-K. Khorn Brak; does that
20 mean anything to you?

21 A. No, that name does not ring a bell and as I have stated, I
22 only knew members of my unit and that is it. I did not know
23 members of other units. During each meeting, we were not allowed
24 to speak; we only be allowed to only congratulate or to cheer the
25 leaders.

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1 [11.06.56]

2 MR. KOPPE:

3 Thank you, Mr. Civil Party.

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 And last, we would like to hand the floor to the defence team for

8 Khieu Samphan and you have 15 minutes. You may proceed.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. The defence team for Khieu Samphan do

11 not have any questions for this civil party.

12 [11.07.37]

13 MR. PRESIDENT:

14 Thank you, Counsel.

15 And Mr. Che Heap, as part of your statement of harms and

16 suffering, do you wish to make any further statement or do you

17 wish to put questions to the accused through me, the President of

18 the Chamber? If you wish to do so, it is now your opportunity.

19 MR. CHE HEAP:

20 A. Yes, I have two or three questions to put to them.

21 MR. PRESIDENT:

22 You may proceed.

23 [11.08.39]

24 MR. CHE HEAP:

25 First, I'd like to ask the accused, who were the leaders during

1 the regime, as to the reason why my elder brother, who sacrificed
2 himself joins the <resistance> until it succeeded, why was he
3 arrested, tortured, and executed. And even if he was executed,
4 why <were> my elder and younger siblings also arrested and
5 executed? <And if I did not hide my biography, I would have been
6 arrested and taken away as well>. That is my first question.
7 And <my> second question: Why <did> we <have> to eat communally,
8 to live communally, why <were> cooperatives established, and why
9 <were> soldiers not allowed to visit their villages?
10 Third question: Why <was> such regime established? Why <were>
11 there no longer pagodas and money circulation and why <was>
12 freedom prohibited? No money <changed hands>, <there was> no
13 market, no pagoda to go to during the regime, and why was that?
14 And my apologies, Your Honour, I cannot think of other questions.
15 In fact, before my appearance, I had several questions that I
16 wished to put to the accused, but when I'm here, I cannot think
17 of any other questions.
18 [11.10.36]
19 MR. PRESIDENT:
20 Thank you, Civil Party. And the Chamber wishes to inform you, Mr.
21 Che Heap, that during the proceedings on 8 January 2015, after
22 the Chamber have heard the response from the accused that they
23 exercise their right to remain silent, the Chamber wishes to
24 inform you that the co-accused reaffirms their positions to
25 exercise their rights to remain silent.

1 Unless the Chamber receives further information from the accused
2 or their counsels, otherwise, of their rights to remain silent
3 and the Chamber also <asks> the counsel and the co-accused to
4 inform the Chamber in a timely and efficient manner, should the
5 accused resolve to waive their rights to remain silent and be
6 willing to respond to questions by the Bench or relevant parties
7 at any stage of the proceedings.

8 Defence Counsel, you have the floor.

9 [11.12.03]

10 MR. KOPPE:

11 Yes, I apologize to interrupt, Mr. President, but having just
12 heard what you said in relation to our clients exercising his
13 right to remain silent, I think I should refer you to a recently
14 filed motion or submission, E/421/1/2; we filed it on the 1st of
15 August this year. In a redacted version, it was published on the
16 website, I believe, yesterday.

17 He still maintains his right to remain silent; however, it's now
18 conditional to a certain event; hopefully and potentially,
19 happening once. So it might be a good opportunity, also, to
20 advise the Chamber that the thing that you're always saying after
21 the civil party asks a question, that is now not entirely
22 accurate reflection of the position of our client.

23 MR. PRESIDENT:

24 As of today, the Chamber is not informed that the co-accused have
25 changed their position and thus agreed to provide response to

1 questions.

2 And Mr. Che Heap, the Chamber is grateful of your presence and
3 hearing of your statement of harms and suffering that you claimed
4 you suffered during the period of Democratic Kampuchea regime in
5 relation to S-21 Security Centre. It's now concluded. You may be
6 excused.

7 And Mr. Bun Lemhuor, the Chamber is grateful of your assistance.
8 You may also be excused.

9 Court officer, please work with WESU to return Mr. Che Heap to
10 his residence or wherever he wishes to go to. You may now leave
11 the courtroom.

12 (Civil party exits courtroom)

13 [11.15.10]

14 MR. PRESIDENT:

15 Court Officer, could you usher Civil Party 2-TCCP-1047, along
16 with Ms. Chhay Marideth, TPO staff, into the courtroom.

17 (Civil party enters courtroom)

18 [11.16.30]

19 QUESTIONING BY THE PRESIDENT:

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

21 MS. <PHUONG> YAT:

22 A. My name is <Phuong> Yat.

23 Q. Thank you. And when were you born?

24 A. I was born on 15 April 1960. I am now 56 years old.

25 Q. And where is your current address?

1 A. I live in Trapeang Ruessei village, Krala commune, Kampong
2 Siem district, Kampong Cham province.

3 Q. What is your current occupation?

4 A. I work in the rice field and the plantation.

5 [11.17.36]

6 Q. What are the names of your parents?

7 A. Their names are Ouk Phuong (phonetic), Kuong Oeum (phonetic).

8 Q. Are you married; if so, what is your husband's name and how
9 many children do you have?

10 A. My husband is Seng Kim Eng (phonetic) and we have three
11 children. <They are named Seng Sokea (phonetic), Seng Sophors
12 (phonetic), and Seng Sophea (phonetic) >.

13 [11.18.06]

14 MR. PRESIDENT:

15 Thank you. And Madam <Phuong> Yat, as a civil party in the
16 proceedings before this Chamber, you may make a statement of harm
17 and suffering in relation to the crimes alleged against the two
18 accused, that is, Nuon Chea and Khieu Samphan, which were
19 inflicted upon you during the period of Democratic Kampuchea
20 regime, which led you to become a civil party in this case to
21 seek collective and moral reparations from the accused for harms
22 and sufferings that happened to you physically, materially, or
23 mentally, and which are the direct consequences of those crimes.
24 And the Chamber hands the floor first to the Lead Co-Lawyers for
25 civil parties in relation to the statement of harm and suffering

1 by this civil party.

2 [11.19.20]

3 QUESTIONING BY MR. PICH ANG:

4 Thank you, Mr. President. Once again, good morning, Your Honours.

5 Good morning everyone in and around the courtroom.

6 And good morning, Madam Civil Party, <Phuong> Yat. I am the

7 National Lead Co-Lawyer for civil parties and my name is Pich

8 Ang. I have some questions that I would like to put to you in

9 relation to what happened to your family members.

10 Q. Can you tell the Chamber, before 17 April 1975, how many

11 family members did you have?

12 MS. <PHUONG> YAT:

13 A. I am from a family of eight members. My elder <siblings>

14 included <Phuong> Im, <Phuong Veth>, <Phuong> Phon, <Phuong>

15 Phen.

16 [11.20.32]

17 Q. And where did you live before 1975?

18 A. Before 1975, I lived in Svay <Teab>, then at Kaoh Svay. I

19 lived with my parents and I separated from my siblings. I was

20 with my <parents> at the time.

21 Q. And after 17 April 1975 and it continued to the <6> January

22 1979, where did you and your family live?

23 A. From 1975, my siblings were drafted <as> soldiers <at Svay

24 Teab>; two of them then disappeared and my elder sister was told

25 to go to Phnom Penh and I did not know about her fate. I heard

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1 that she was arranged to get married and she was in a sewing
2 factory; however, later on, I did not receive any further news
3 from her and here, I <am referring> to my other sister, <Phuong>
4 Im.

5 Q. And later on, possibly after <1979>, did you know where your
6 sister <Phuong> Im lived?

7 A. A woman named Reth (phonetic) told me that my other sister
8 lived in Phnom Penh and that she had two children. She said that
9 she saw her in Phnom Penh and that she went to a hospital
10 together with her two children and that what I was told after
11 <1979> and I have not received any further news from her or about
12 her.

13 [11.23.00]

14 Q. Did anyone tell you about where she lived after 1979 and have
15 you received any further news regarding her whereabouts?

16 A. After 1979, my nephew came to Phnom Penh and said that maybe
17 my siblings died at Tuol Sleng prison, so I came to Tuol Sleng
18 and I saw their photos displayed at Tuol Sleng.

19 (Short pause)

20 [11.24.31]

21 MR. PICH ANG:

22 Mr. President, I seek your permission to display a photo that is
23 part of her document, the document of this civil party. It's
24 <D22/3897b> (sic). It's at 00594310 and this document exists only
25 in one language.

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1 MR. PRESIDENT:

2 Yes, your request is granted and Court officer, please deliver
3 the documents to the civil party.

4 [11.25.30]

5 BY MR. PICH ANG:

6 Q. Madam Civil Party, can you tell the Chamber whose photo it is
7 and what is her name?

8 MS. <PHUONG> YAT:

9 A. This is a photo of my elder sister, <Phuong> Im. She was
10 killed.

11 Q. And on another page, there is a photo of another person; can
12 you tell the Chamber whose photo it is and what is your
13 relationship to the person in the photo?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Madam Civil Party, please, observe the microphone. You should
17 respond only when you see the red light on the tip of the
18 microphone.

19 MS. <PHUONG> YAT:

20 A. That is also a photo of my elder sister when -- the photo was
21 taken during the Sangkum Reastr Niyum regime.

22 [11.27.01]

23 MR. PICH ANG:

24 Mr. President, this document is D22/3397b and the relevant ERN
25 number is 00594302. And also in document -- in document E3/8555;

1 ERN 00086769 at number 13, one person is mentioned, that is,

2 <Phuong> Im, female, the wife of Un.

3 BY MR. PICH ANG:

4 Q. And Madam Civil Party, I'd like to ask you about your elder

5 sister. Can you tell the Chamber of your good memory of your

6 elder sister and that later on, you learned that she died at Tuol

7 Sleng Prison? Please tell the Chamber of your feeling upon

8 learning that she died at Tuol Sleng Prison.

9 [11.28.30]

10 MS. <PHUONG> YAT:

11 A. During the Sangkum Reastr Niyum regime, my elder sister <>

12 volunteered in a unit and during the Lon Nol regime, she <sewed>

13 clothes at our home and my three elder brothers climbed palm

14 trees. We made palm sugar and sold them at Kampong Cham. They all

15 loved me very much and everywhere they went, they took me along.

16 And my elder sister also took palm sugar to sell <at a market> in

17 Kampong Cham. <My three> elder brothers lived by climbing palm

18 trees.

19 Q. Can you tell the Chamber your feeling towards your elder

20 sister?

21 A. I loved her very much. She took care of her younger siblings;

22 bathing us, looking after us. Everywhere she went, she would take

23 us along since my mother was not at home.

24 At the time she took care of us, she didn't want us to go

25 anywhere in case we would be arrested by Lon Nol soldiers since

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1 we were women. And later on, she disappeared and later on, I
2 learned that she died at Tuol Sleng. I could not imagine how
3 miserable it was for her to be there.

4 [11.30.34]

5 Q. You said that you learned that she died at Tuol Sleng; did you
6 have any opportunity to go to Tuol Sleng to see her photo or to
7 receive any information regarding her?

8 A. I saw her photo at Tuol Sleng and from the appearance in the
9 photo, she was severely tortured and you could see that through
10 her eyes.

11 Q. When you saw the photos at Tuol Sleng, whose photos of your
12 relatives did you see at Tuol Sleng?

13 A. I saw the photo of my siblings, <Veth,> Phon, Phen; <the
14 photos of my three elder brothers> were displayed at Tuol Sleng.

15 [11.32.01]

16 Q. When you saw the photos of your brothers and sisters at Tuol
17 Sleng, how did you feel?

18 A. I was very sad. I wept to the point that I almost lost my
19 <consciousness>.

20 MR. PICH ANG:

21 Mr. President, I think now is maybe appropriate time for a break.

22 MR. PRESIDENT:

23 Thank you. It is now convenient time for a lunch break. The
24 Chamber will take a break from now until 1.30.

25 In the afternoon session, the Chamber <will> continue to hear the

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1 statement on the harm and suffering.

2 Madam <Phuong> <Yat>, the hearing of your statement is not
3 concluded yet; therefore, we invite you <as well as TPO staff>
4 back to this Chamber at 1.30.

5 <Security personnel>, please bring Khieu Samphan and Nuon Chea
6 back to the detention facility and bring them back to this
7 courtroom at 1.30.

8 The Court is now in recess.

9 (Court recesses from 1133H to 1329H)

10 MR. PRESIDENT:

11 You may now be seated.

12 Now, I would like to give the floor to the <> Lead Co-Lawyers
13 <for civil parties> to continue putting questions to the civil
14 party. You may now proceed.

15 BY MR. PICH ANG:

16 Thank you, Mr. President. I would like to <clarify that> the
17 document E3/8555 <with ERN number 00086769>, which I have raised
18 earlier <indicates> that <Phuong> Im was smashed on 8 December
19 1978.

20 Q. So Madam Civil Party, I have some additional questions to put
21 to you.

22 Beside your <elder> sister, <did> you lose any other relatives
23 during Democratic Kampuchea regime?

24 MS. <PHUONG> YAT:

25 A. I lost my <elder> sister <Phuong> Im.

1 [13.31.52]

2 Q. Now, I ask my question again. Did you lose any <elder
3 brothers>?

4 A. Yes, I lost a few of my <elder> brothers <named Phuong Veth,>
5 <Phuong> Phon, <Phuong> Phen. My <two elder> brothers <were
6 selected to join> the army at Svay Teab and I lost contact with
7 <them>.

8 For my brother <Phuong> <Veth>, he was in the economic section
9 <during the regime>. After 1975 and '76, he rode <a> motorbike to
10 visit us at our home for a few times and he told my parents that
11 they should not write any letters to him because he <had been
12 called to attend study sessions in> Phnom Penh and since that
13 time on, we lost contact with him.

14 Q. What about your brother <Phuong> Phen, where was he at that
15 time?

16 A. He was called to Svay Teab. He joined the army at Svay Teab
17 and both brothers of mine who joined the army disappeared since
18 then.

19 [13.33.34]

20 MR. PICH ANG:

21 President, I would like to seek your <permission> to <show a
22 photo that is a part of this civil party's document>, document
23 <D22/3397b> with ERN number 00594301. I would like to seek your
24 permission to show the photo of this document to the civil party
25 and I also would like to seek your permission <to display> this

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1 photo on the screen.

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MR. PICH ANG:

5 I would like to have the photos shown on the screen.

6 Q. Madam Civil Party, do you recognize this photo and if so, what
7 is the name of the person in the photo?

8 MS. <PHUONG> YAT:

9 A. It's <Phuong> Phon, my brother. He's my brother. His name is
10 <Phuong> Phon.

11 Q. <What was is birth order,> among your siblings?

12 A. He was my elder brother.

13 [13.35.26]

14 MR. PRESIDENT:

15 Madam Civil Party, please wait until the microphone tips turn
16 red.

17 MS. <PHUONG> YAT:

18 A. He's my fourth brother. Oh, no, he's my fifth brother. I am
19 the youngest, so he's my elder brother. No, no, he's my fourth
20 brother.

21 MR. PICH ANG:

22 Mr. President, in document E3/10506; ERN in Khmer language,
23 <01019316>; again, Khmer, ERN 01019316 at point 57, there is a
24 person named <Phuong> Phon alias <Phai>. His rank was the deputy
25 of the battalion. He was smashed on the 5th of March 1977.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

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1 [13.36.57]

2 BY MR. PICH ANG:

3 Q. Madam Civil Party, do you have any brothers whose photo you
4 saw at Tuol Sleng?

5 MS. <PHUONG> YAT:

6 A. I saw my brothers' photos; <Veth>, Phon, and <Phen>, and <my
7 elder sister>, so four of them.

8 Q. Now, I would like to ask a general question that cover all of
9 them. You mentioned that you saw their photos at Tuol Sleng; was
10 there any impact on your feeling as a result of the loss of your
11 brothers and sister?

12 A. I was terribly sad. <Perhaps, their hands were> tied <behind
13 their backs>; that's why in the photo it appeared that they were
14 tied, tied up.

15 They made a living by climbing the sugar palm trees to feed us
16 while I was still quite young at that time. They worked very hard
17 to feed us. <My family was very poor>.

18 [13.38.50]

19 Q. Nowadays, do you still think of them or miss them?

20 A. Yes, I miss them. I think that if all of them were still
21 alive, it would be very great for us <to have a> reunion during
22 the Pchum Ben ceremony. But every time during Pchum Ben ceremony,
23 we feel very lonely because we don't have any relatives coming
24 for the reunion during the festivals, <unlike> other house who
25 have relatives coming to join the festival.

1 Q. So far, have you ever conducted any ritual to give blessings
2 to them?

3 A. Yes, I went to <the> pagoda during New Year. During Buddhist
4 holy days, I took food to be conveyed through the monks to the
5 souls of my siblings.

6 Q. Now, my question is directed to you. During DK regime from <17
7 April> 1975 to 6 January 1979, <did> you personally <experience>
8 any harm or suffering?

9 [13.40.54]

10 A. During the regime, I suffered a lot because I was assigned to
11 carry earth, one cubic metre of earth for the whole morning. I
12 got up to work at 4 o'clock until 11 o'clock and then ate
13 porridge and then started to work again in the afternoon. From 1
14 o'clock <to 5 p.m.>, I <had> to carry one cubic metre of earth
15 again for the afternoon session and if I could not fulfill the
16 assignment, I would be beaten.

17 <I was beaten by comrade Ren (phonetic)>, and they <asked> me why
18 <I was> lazy. I told them that because I was too tired. I was
19 exhausted. <> During the regime, <I was 15 years old>, I was ill,
20 I was exhausted and thin. I thought that if my siblings were
21 close to me, they would have helped me with the assignment. I was
22 very tired and sick because I ate only the watery porridge. I had
23 no energy to work.

24 [13.42.09]

25 Q. I have two more additional questions to ask you <before> the

1 President <gives> the floor to <the parties>. <Did you have any
2 siblings who were forced to get married> during the regime? If
3 you knew, please tell us.

4 A. There was a sister who <> is still alive now. At that time,
5 she was <> arranged to <get married> at Prey Totueng, but she
6 refused and this -- and she ran across the rice field and there
7 <were> two <soldiers who> chased her from behind. And when the
8 two <soldiers> arrived at <Kaoh Svay> village, they asked the
9 villagers for her, but the villagers said "No", they did not find
10 her, so she survived and she still alive <today>.

11 Q. I have one last question to put to you. In your document, you
12 said that you had a friend who was an ethnic Cham, so could you
13 tell us about the name of your friend and what happened to Cham
14 people in your village?

15 [13.43.50]

16 A. Her name was Kas (phonetic) and she slept close to me. At
17 night time, she was called out and the next day, they gave me the
18 scarf of Comrade Kas (phonetic) and I did not accept it, but they
19 threatened me that I had to accept it; otherwise, I would be
20 <killed>. It was the scarf from Comrade Kas (phonetic), who was
21 an ethnic Cham, who was taken out at night time. I did not know
22 whether she was killed or something else.

23 Q. Could you tell us: When did it happen; I mean the year? Could
24 you tell us about the year and the village where the incident
25 happened?

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1 A. It happened in Kaoh Svay village. She was <called> out at
2 night time while she was sleeping in the same <hall> <as> me and
3 later on, her scarf was given to me. I have no idea what happened
4 to her.

5 [13.45.04]

6 MR. PICH ANG:

7 Mr. President, I have no more questions. Now, I would like to
8 have my floor transferred to--

9 MR. PRESIDENT:

10 Now, the floor is given to the representatives from the
11 Co-Prosecution to put question to the civil party and you have 15
12 minutes.

13 QUESTIONING BY MR. SENG LEANG:

14 Thank you, Mr. President. My name is Seng Leang, the National
15 Deputy Co-Prosecutor. Today, I have a number of questions to put
16 to the civil party for her to clarify to the Chamber.

17 Q. This morning, at about <11.27>, you mentioned that Reth
18 (phonetic), the name -- the person by the name Reth (phonetic)
19 told you about the information <about> your sister who lived in
20 Phnom Penh. Could you tell us about the person by the name Reth
21 (phonetic) and how did you come to know that person?

22 [13.46.22]

23 MS. <PHUONG> YAT:

24 A. I knew that person because <she> came from the same village
25 with mine. <At the time, my mother returned to our native

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1 village, Trapeang Ruessei village>. My mother missed my brothers
2 and sister and when she saw <Reth (phonetic)> came back, so she
3 asked <her> and <she> said my sister I lived with her in Phnom
4 Penh, and she was married in 1975-'76, and she worked in the
5 sewing unit and <Reth (phonetic)> said she worked with her. So
6 that person by the name Reth (phonetic) came back in 1979 to the
7 village and that was what she told my mother.

8 Q. Can you tell us -- can you tell us whether Reth (phonetic)
9 told you what worked <she> did when <she> was in Phnom Penh?

10 A. <She> did not tell me. <She> told my mother only the account
11 of my sister, nothing else.

12 [13.48.00]

13 Q. Related to the account told by Reth (phonetic) about the
14 marriage of your sister, did <Reth> tell <you> the name of your
15 sister's husband and what was his job at that time?

16 A. <She said> that my sister's husband was a cadre in Phnom Penh
17 who was in the electricity mechanics <unit> and my sister was in
18 the sewing unit and then she disappeared <after that,> and we
19 received no news.

20 Q. Did <Reth (phon.)> tell you about the name of your sister's
21 husband?

22 A. <She> did not tell about the name.

23 [13.49.15]

24 Q. Did <she> tell you about the reason behind the arrest of your
25 sister?

1 A. --

2 Q. You mentioned that your sister had two daughters, so where are
3 the two daughters now?

4 A. I don't know. I only heard from Reth (phonetic) that my sister
5 had two daughters and that was the account told by Reth
6 (phonetic) to me that my sister had two daughters. They
7 disappeared and we have received no news from them.

8 Q. Now, my question directed to your brother, <Phuong> Phon.
9 Did you know what <and where> he worked <> during the DK regime?

10 A. I did not know what he worked. I only knew that the two of
11 them were recruited into the army <at Svay Teab>, and they
12 disappeared since that time. We have received no news about them.
13 We only knew that they were sent to join the military at Svay
14 Teab and then they disappeared.

15 [13.51.17]

16 Q. What about <Phuong> <Veth> and <Phuong> Phon, what did they do
17 during DK regime?

18 A. They were soldiers during the Pol Pot regime. They went to
19 Svay Teab and they disappeared. They disappeared at Svay Teab. We
20 never <saw> them again, only Brother <Veth> came to visit us by
21 motorbike. <And he said that he worked in an economic section.>
22 He came to visit us by motorbike a few times in 1975, '76 <and
23 '77>. He told my mother not to write any more letters to him
24 because he would be sent to <attend study sessions> in Phnom Penh
25 and <after that>, he disappeared.

1 Q. Since my time is limited, so could you please answer shortly
2 and clearly?

3 Now, I move to another question. Among your siblings who were
4 arrested <and sent> to S-21, can you tell us which one among them
5 who was arrested first, if you know?

6 A. I don't know. I only knew that Brother <Veth> was sent to
7 <attend study sessions> in Phnom Penh and that's it.

8 [13.53.00]

9 MR. SENG LEANG:

10 Mr. President, for the benefit of the transcript, I would like to
11 read a number of documents related to civil party's sister
12 <Phuong> Im and brother <Phuong> Phon. The first document is
13 E3/10604 <> in Index 2 of the <S-21 prisoner list compiled by>
14 OCIJ office, dated 31 March 2016, <Khmer ERN 01222901> at point
15 <13933> which <was written> that <Phuong> Im alias Kun was a
16 <female combatant who raised pigs> from the public work and
17 transportation who was arrested <and sent to S-21 on 8 December>
18 1978.

19 And another document, E3/8555, this -- the document was already
20 read by <> Lead Co-Lawyers <for civil party>, but I would like to
21 note that in the document, that there was a word written in the
22 document that mention "removed".

23 And in the third document, E3/342, in Index 1, it's the prisoner
24 list of S-21. It's from the OCIJ office. It is <a revised list
25 with> ERN number is 00329929. The name of the person was at

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1 number 7656. It <was written> that <Phuong> Im alias Kun was <a
2 female combatant who raised pigs> from the public work and
3 transportation and was brought into <S-21 on 8> December 1978 and
4 was killed on the 11 of December 1978.

5 [13.55.42]

6 BY MR. SENG LEANG:

7 Q. I would like to ask you whether you are familiar or aware of
8 these documents.

9 MS. <PHUONG> YAT:

10 A. The documents were presented to me at my home once and the
11 documents were presented to the village chief, <the commune
12 chief, and me to thumbprint the documents.> And they were sent
13 <back to the court. The documents related my siblings' deaths>.

14 Q. Now, I have another document related to another brother of
15 yours, that is, <Phuong> Phon. It is document E3/10604 in Index 2
16 of the prisoner list of S-21 from the OCIJ office at ERN number
17 <01222434>. His number is 2623. It <was written> that <Phuong>
18 Phon, age 24, male, alias Phai with the position as the deputy
19 commander of the battalion from Division 450 <was brought in S-21
20 on 5> March 1977.

21 Another document, E3/10506, was read by the Lead Co-Lawyers for
22 civil parties already.

23 [13.57.31]

24 Another document, E3/9845, ERN in Khmer -- there's no French <or>
25 English -- is <01010228>. The number <> is <199> at the bottom of

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1 the page. It's written that <Phuong> Phon alias Phai; age, 24;
2 male; position, deputy commander of the battalion from Division
3 450 entered S-21 on 5 March 1977.

4 The fourth document, E3/2286; ERN in Khmer, 00091258; the
5 document exists only in Khmer. The document has the title "The
6 Names of the <Prisoners> to be Smashed <on 6> July 1977." On the
7 list, number 2, it <was written> that <Phuong> Phon alias Phai,
8 from Division 450 with position, deputy commander of <Regiment>
9 434, <was brought in on 5 March 1977>.

10 [13.59.16]

11 The fifth document, <E3/342>, Index 1, is a <revised S-21
12 prisoner list> from the OCIJ office with ERN number 00329929. At
13 number <7661>, it <was written> that <Phuong> Phon alias Phai,
14 deputy commander of <a> Battalion <under Division 450, was
15 brought in S-21> on the 5th of March 1977 and was smashed on 6
16 July 1977.

17 Do you know about these documents?

18 A. I was given a set of documents at my house; I was asked to
19 thumb print them and then they took them away. Also the village
20 and commune chiefs thumb printed those documents.

21 MR. PRESIDENT:

22 Co-Prosecutor, your time <is running> out.

23 MR. SENG LEANG:

24 Thank you, Mr. President, and with your permission, I only have
25 one more question.

1 MR. PRESIDENT:

2 Go ahead.

3 [14.00.56]

4 BY MR. SENG LEANG:

5 Q. Madam Civil Party, I move on to another topic. You told the
6 Lead Co-Lawyer <for civil parties> that your elder sister refused
7 to <get married, and then> she fled away; then two soldiers came
8 to search for her in the village. Can you tell the Chamber why
9 she had to flee and why she didn't dare refuse while she was
10 there?

11 MS. <PHUONG> YAT:

12 A. She didn't dare to refuse while she was there because she was
13 afraid that she would be taken away and killed and for that
14 reason, she fled <to a> village as she didn't <love> the man that
15 was arranged to marry her.

16 MR. SENG LEANG:

17 Thank you, Civil Party, and Mr. President, I am done.

18 [14.01.59]

19 MR. PRESIDENT:

20 Thank you and the Chamber next -- the Chamber gives the floor to
21 the defence team for Nuon Chea and you have 15 minutes if you
22 wish to do so.

23 QUESTIONING BY MR. LIV SOVANNA:

24 My name is Liv Sovanna. I'm one of the counsels for Nuon Chea's
25 defence and good afternoon, Your Honours.

1 Good afternoon, Madam Civil Party.

2 Q. You have just testified that your elder brothers <Phuong>

3 <Veth> and <Phuong> Phon, as well as <Phuong> Phen became

4 soldiers; however, in document D22/3397a, which is a one-page

5 document, at number 4, you stated that <Phuong> Phen with the

6 attached photo that, "Before 1975, he was a generator repairman

7 and on the 17 April 1975 the Khmer Rouge assigned my elder

8 brother to work as a generator repairman in his <native> village.

9 And later on, the Khmer Rouge took and executed him at Tuol Sleng
10 since I saw his photo there."

11 Can you tell the Chamber the discrepancies in your testimony as

12 here you testified that he was a soldier while in the document

13 you said that he was a generator repairman?

14 [14.03.50]

15 MS. <PHUONG> YAT:

16 A. I heard that he was assigned to fix generators and I also

17 heard that he was later on recruited as a soldier.

18 Q. And since when you learned that he was a soldier?

19 A. I heard other people talking about it and my elder brother,

20 <Veth>, also said that he was recruited as a soldier. That's what

21 my brother <Phuong> <Veth> told me.

22 Q. Regarding your brother <Phuong> <Veth> who told you about

23 that, can you recall in which year he told you?

24 A. He told me in around 1975 or '76 when he rode a motorbike to

25 visit our house in our village. He worked in an economic section

1 at the time and when he visited us, he told my mother and my
2 mother told me about that.

3 And he also said that if he disappeared then my mother should not
4 write letters to him anymore because I would be assigned to
5 attend study sessions in Phnom Penh. And after that, he
6 disappeared <in '76 or '77>, and I did not know where he went. I
7 did not know whether he is alive or dead.

8 [14.05.39]

9 Q. You said that your elder brother told you in '75 or '76.
10 However, <in> the document that I read that you made that
11 statement on the 6th of April 2010, <which> is not many years
12 ago. Can you tell the Court the difference why you made that
13 statement and now you made another statement, which is not
14 consistent? Why <are> you now testifying that he was a soldier,
15 while in 2010 you claimed that he was a repairman for generators
16 in his native village? And, in fact, you just said that you heard
17 him becoming a soldier <in> 1975 or '76.

18 A. People in the village said that he was assigned to work as a
19 repairman for generators. However, my brother said that he became
20 a soldier in Svay Teab. That's what my elder brother told me and
21 I did not know his real occupation. That's all I heard from my
22 brother.

23 Q. If that is the case, how come in 2010 you still stated that he
24 was a generator repairman in his native village?

25 A. Maybe I made a mistake. I did not say that it was his native

1 village. I said that he was a generator repairman somewhere.

2 Maybe it's my mistake since it happened quite a long time ago.

3 MR. PRESIDENT:

4 Lead Co-Lawyer, you have the floor.

5 [14.07.42]

6 MR. PICH ANG:

7 Thank you, Mr. President.

8 The civil party testified that before he came to Phnom Penh he

9 worked as a generator repairman and later on he became a soldier.

10 So based on this timeline, her statement is consistent and it is

11 not as contradictory as claimed by the Defence.

12 MR. LIV SOVANNA:

13 Allow me to read it again. The document is D22/3397a at point

14 number 4. The civil party said that "My elder brother <Phuong>

15 Phen, with the photo attached, as in -- but before 1975 he was a

16 generator repairman and on 17 April 1975, the Khmer Rouge

17 assigned my elder brother to work as a generator repairman in his

18 native village. Later on the Khmer Rouge took him and executed

19 him at Tuol Sleng."

20 So there are discrepancies in the statements made by the civil

21 party. And in this document it does not mention that in 1975 or

22 '76 he became a soldier. This is for the record.

23 And allow me to move to another point.

24 [14.09.08]

25 BY MR. LIV SOVANNA:

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1 Q. And Madam Civil Party, you claimed that you saw a photo of
2 each of your four brothers at Tuol Sleng prison or S-21.

3 MR. PRESIDENT:

4 Lead Co-Lawyer, you have the floor.

5 MR. PICH ANG:

6 Mr. President, in point number 3 of that document -- or, rather,
7 at point number 4 as Liv Sovanna has said, it does not mean that
8 her statement is inconsistent. She said that, before 1975, he was
9 a generator repairman and, "on 17 April 1975, the Khmer Rouge
10 assigned my elder brother to be a repairman of a generator in his
11 native village. Later on he was executed by the Khmer Rouge."

12 This does not mean that the timeline is continuous from being a
13 generator repairman to being executed and she filled in the gaps
14 that later on he was assigned to work in Phnom Penh as a
15 <soldier>.

16 So in order to be precise, the defence counsel should ask for a
17 specific time period.

18 [14.10.44]

19 BY MR. LIV SOVANNA:

20 I don't think it is now -- it is time for an interpretation of
21 the statement. However, I just read out her words from the
22 statement.

23 <MR. PRESIDENT:>

24 <Please continue with your line of questioning.>

25 <BY MR. LIV SOVANNA:>

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1 Q. Madam Civil Party, you made <mentioned> you saw photos of your
2 elder brothers at S-21. Can you tell the Chamber whether each
3 photo <was> accompanied by their names?

4 MS. <PHUONG> YAT:

5 A. I could not read it clearly; however, I could recognize my
6 brothers very clearly. Of course, I knew them well.

7 [14.11.35]

8 Q. How do you recognize your brothers? Were there any physical
9 particulars that led you to recognize them?

10 A. I recognize their facial expressions. My elder brother <Veth>,
11 <was> bald <and had thick lips>; as Phen, he had thin lips and
12 Phon had a whiter complexion than the rest. That's how I
13 recognized my blood siblings.

14 Q. Regarding the S-21 photos that you saw and their physical
15 appearance as you recognized, do they match?

16 A. There <were> no major changes. The only thing in the photo is
17 that they appear thinner and paler.

18 Q. You have stated that your elder sister fled the village as she
19 didn't want to get married. My question to you is the following:

20 Did she return to her cooperative later on?

21 A. No, she did not. She remained living in the village cooking
22 food for the villagers there, and the villagers there tried to
23 hide her and for that reason she survived.

24 [14.14.05]

25 Q. Based on your observations, in your village did you ever

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1 witness any other marriages?

2 A. No, I did not. If the marriage ceremony took place it was far
3 from where I worked and lived and I did not see them and I was
4 not allowed to attend those marriage ceremonies.

5 MR. LIV SOVANNA:

6 Since I do not have any more time left, I conclude my questioning
7 now.

8 MR. PRESIDENT:

9 Thank you.

10 The floor is now given to the defence team for Khieu Samphan if
11 you have any questions to put to this civil party.

12 [14.15.13]

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President.

15 Q. Madam Civil Party, I have some questions to put to you in
16 relation to your elder sister who fled to the village.

17 Since when did you talk to your elder sister regarding that
18 event, that is, the arranged marriage?

19 MS. <PHUONG> YAT:

20 A. She spoke about it in 1977 when she fled to the village. Two
21 soldiers came to look for her. However, the villagers lied to
22 them and said that she was not there so the soldiers left. And
23 the villagers allowed my elder sister to remain in the village to
24 work in the kitchen and to cook food, and she survived.

25 Q. So you spoke -- did you speak to her in person in 1977?

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1 A. Yes, I did. She came to cook in the kitchen in the village and
2 I was in the second mobile unit.

3 When I asked for permission to visit home, I went to the kitchen
4 to ask for food to eat. I met her and she spoke about that. And
5 that's how I knew about the event.

6 [14.17.02]

7 Q. So your elder sister spoke about the marriage. Besides you,
8 did she tell anyone else?

9 A. She spoke to <Kaoh Svay> village chief and the village chief
10 tried to conceal her as well. I do not recall if she told anyone
11 else since she was afraid that she would be taken away and
12 killed.

13 So the information was not told to anyone else besides the
14 village chief.

15 Q. What is the name of the village chief?

16 A. His name was Ta <Hân>.

17 Q. And how long did he work as a village chief and from what year
18 to what year?

19 A. He worked since 1977 and continued until 1979.

20 Q. What about your other siblings and your parents? Were they
21 aware of that event that your elder sister didn't agree to marry
22 and fled away?

23 A. Yes, they did. My elder sister told them and then my other
24 siblings told her to not say anything else to anyone. Otherwise,
25 she would be arrested and killed.

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1 [14.18.58]

2 Q. What about your elder sister's close friends or your close
3 friends? Did they know about that?

4 A. She did not dare to tell any of her friends. She only told the
5 village chief to seek his permission to remain living in the
6 village.

7 Q. I'd like to ask you about her friends living in that same
8 village. Did she tell any of her friends about that?

9 A. No, she did not dare. She only told my mother and my mother
10 spoke to the village chief and the village chief agreed to hide
11 her in the village. And she did not tell anyone else.

12 Q. And do you know the reason why the village chief agreed to
13 hide her?

14 A. The village chief knew that my siblings were soldiers. For
15 example, he knew that <Veth> came to visit our village and, for
16 that reason, he agreed to hide my elder sister.

17 [14.20.44]

18 Q. Did you know any of your siblings or your close relatives who
19 got married under the DK regime?

20 A. My elder brother, Phen, got married during the regime.
21 However, my parents arranged that marriage for Phen but his wife
22 <named Saon (phonetic)> later on passed away

23 Q. And when did that happen?

24 A. It was in 1971 or '72. Later on they got a child and moved to
25 live in Svay Teab.

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1 Q. Madam, here I focus on the period between '75 to '79. Did you
2 have any other relatives or siblings or close friends who got
3 married during this particular period of time?

4 A. For between '75 to '79; no, there <were> none. And I only knew
5 that <Phuong> Im was arranged to marry in Phnom Penh. That was
6 the only event that I knew of.

7 MR. KONG SAM ONN:

8 Thank you, Madam Civil Party. And thank you, Mr. President. I
9 conclude my questions now.

10 MR. PRESIDENT:

11 Thank you.

12 And Madam <Phuong> Yat, you are at the end of your testimony. Do
13 you wish to make a statement of harm and suffering or do you wish
14 to put questions to the accused through me, the President of the
15 Chamber? If you wish to do so, it is now the time.

16 [14.23.11]

17 MS. <PHUONG> YAT:

18 I'd like to ask them that after they won the war against the Lon
19 Nol regime in 1975-76, why my elder siblings were taken away and
20 killed. That's the only thing that I would like to ask about
21 them. They joined in the movement to liberate the country and
22 after the liberation, they were taken away and killed. They
23 liberated the country for them, and how come they were taken and
24 killed?

25 I really feel great pity for my siblings. That's all what I want

1 to ask.

2 [14.23.58]

3 MR. PRESIDENT:

4 Thank you, Madam Civil Party.

5 The Chamber wishes to inform you that on the 8th of January 2015
6 hearing in response to the questions of the Chamber, the
7 co-accused reaffirmed their position to exercise their rights to
8 remain silent.

9 Also the Chamber -- also during that hearing, the Chamber noticed
10 that the co-accused maintained their position to remain silent
11 unless and until such time the Chamber is informed otherwise by
12 the co-accused or their counsel.

13 The Chamber also on that day instructed the co-accused and/or
14 their counsel to inform the Chamber in a timely and effective
15 manner should the accused resolve to waive their rights to remain
16 silent and be willing to respond to questions by the Bench or
17 relevant parties at any stage of the proceedings.

18 [14.25.02]

19 On the 1st of August 2016, the defence teams for Nuon Chea and
20 Khieu Samphan informed the Chamber that the two accused
21 reaffirmed their right to remain silent. That is document
22 <E421/1/1> and <421/1/2>.

23 And Madam <Phuong> Yat, the Chamber is grateful of your statement
24 of harm and suffering that you alleged were inflicted upon you
25 during the Democratic Kampuchea regime in relation to S-21

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1 Security Centre. It is now concluded. You may be excused.

2 And Madam Chhay Marideth, the Chamber is grateful of your
3 assistance as well. You may also be excused.

4 (Short pause)

5 [14.26.32]

6 MR. PRESIDENT:

7 Yes, Lead Co-Lawyer, you have the floor.

8 MS. GUIRAUD:

9 Thank you, Mr. President. A comment regarding the annex that we
10 proposed submitted to the Chamber proposing the timeline.

11 We proposed that we take the break now at 2.30 <pm> in order to
12 begin at 2.45 <pm> so that we can have the videoconference from
13 Paris at that time so that we can hold the videoconference in a
14 continuous manner. This is the way in which we had envisioned the
15 timeline for today's hearing to have the break a little bit
16 earlier so that we can have the continuous questioning of the
17 civil party via videoconference in the second part of the
18 afternoon.

19 [14.27.37]

20 MR. PRESIDENT:

21 Well, it is now convenient for a short break. And, yes, your
22 request is granted.

23 The Chamber will take a break now and reconvene at a quarter to
24 3.00.

25 The Court is now in recess.

1 (Court recesses from 1428H to 1447H)

2 MR. PRESIDENT:

3 Please be seated.

4 Now, the Chamber hears the statement of harm and suffering of
5 another civil party, 2-TCCP-1049 through audio-visual link from
6 Paris, France.

7 The Chamber also would like to inform parties and the public that
8 during the hearing of the statement of this civil party, Madam
9 Clarisse Lecorre will be sitting next to the civil party to
10 provide emotional support.

11 Court officer, is the arrangement of the audio-visual link ready?

12 (Short pause)

13 [14.49.12]

14 QUESTIONING BY THE PRESIDENT:

15 Q. Good afternoon, Madam Civil Party.

16 MS. ROS CHUOR SIY:

17 A. Good afternoon, Mr. President.

18 Q. What's your name?

19 A. My name is Ros Chuor Siy. My husband is Ros Sarin.

20 Q. When were you born?

21 A. I was born on 20 September 1938.

22 Q. Where is your current address?

23 A. Now, I live in Paris, <19th arrondissement,> France.

24 Q. What is your occupation?

25 A. I am a retiree.

1 Q. What are the names of your parents?

2 A. My father's name is <Chuor> Im (phonetic). My mother's name is
3 Chhay Leng (phonetic).

4 [14.50.28]

5 Q. How many children do you have?

6 A. I have three children.

7 MR. PRESIDENT:

8 Thank you, Madam Civil Party.

9 Madam Ros Chuor Siy, as a civil party you may make a victim's
10 impact statement, if any, concerning the crimes which are alleged
11 against the two accused, Nuon Chea and Khieu Samphan, and harms
12 inflicted upon you during the Democratic Kampuchea resulting in
13 your civil party application to claim collective and moral
14 reparations for physical, material or mental injuries as direct
15 consequences of those crimes.

16 Now, you may proceed with the statement of your suffering and
17 harm.

18 [14.51.33]

19 MS. ROS CHUOR SIY:

20 Good afternoon, Mr. President.

21 When we received the news that Phnom Penh was liberated on 17
22 April 1975 --

23 MR. PRESIDENT:

24 Madam Civil Party, please stop a moment.

25 Madam Civil Party, Lead Co-Lawyers -- Civil Party Lead Co-Lawyer,

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1 do you have any questions?

2 Madam Chuor Siy, please stop for a moment because we would like
3 to hear from the Lead Co-Lawyer for civil parties.

4 [14.52.29]

5 QUESTIONING BY MS. GUIRAUD:

6 Thank you, Mr. President. In fact, we had planned to put
7 questions to the civil party or at least to put a first question
8 to her so that she may start with her statement that she prepared
9 but I see that she can manage very well on her own. But maybe we
10 should proceed as we had planned because that's the way we
11 organized ourselves with the civil party.

12 Q. So good afternoon, Ms. Ros.

13 Can you hear me?

14 MS. ROS CHUOR SIY:

15 A. Yes, I can hear you.

16 [14.53.13]

17 Q. In order to allow you to begin with your testimony, I simply
18 wanted to remind the Chamber and the parties and the public that
19 you joined as a civil party following the disappearance of your
20 husband Ros Sarin at S-21 and that your civil party application
21 was admitted by the Co-Investigating Judges on 6 September 2010.
22 And I would like to quote a sentence from your application so
23 that the parties and the public may understand your story and the
24 starting point of your story, and then I will let you speak.

25 [14.54.07]

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1 So I am referring to document E3/5040; French, ERN 00563643;
2 Khmer, 00807822; and English, 00793826. And you say the following
3 in your civil party application, and I quote you and I am going
4 to read out what you said:

5 "In August 1976, my husband, my three daughters and myself,
6 <returned> to Cambodia <from Paris> in order to help rebuild our
7 country <which had been> impoverished by war."

8 So Ms. Ros, I would like you please to explain to the Court under
9 which circumstances you and your husband and your three daughters
10 returned to Cambodia and under which circumstances your husband
11 disappeared because that is why you joined as a civil party. And
12 if you could also describe to the Chamber the harm and the
13 suffering that resulted from the disappearance of your husband,
14 harm that you experienced during the regime of Democratic
15 Kampuchea but also afterwards, after the end of the regime.
16 And could you please explain how the disappearance of your
17 husband affected your life until today?

18 So I am going to let you speak. I know that you have a lot to
19 share with the Chamber, and I will sit down.

20 [14.55.55]

21 A. Thank you.

22 My family and I returned to Cambodia on 6 August 1976. When we
23 arrived at Pochentong, we were disappointed because I did not see
24 any families or people coming to receive us at the airport.

25 And when we travel along the road, it was quiet. I felt worried.

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1 I was sad all the way until we were dropped at <Office K-15>.
2 At <Office K-15> I saw friends, especially two elder men whom I
3 met a few months before he returned to Cambodia. I saw them.
4 Their physical bodies were very thin and they wore old torn
5 clothes and their appearance <looked> very upsetting to me. When
6 they saw us they smiled dryly at us, expressing -- through their
7 facial expression I could see their suffering.
8 A little while later I saw my sister who was also in the office.
9 My sister entered the country six or seven months before me. She
10 also smiled at me but that was an unusual smile. It reflected
11 pain and suffering in her.
12 [14.58.41]
13 Immediately I saw her, I asked her whether she met our parents
14 and our relatives. She shook her head and said that she did not
15 meet any one of them.
16 And we spent about one month <at K-15>, <then> we were relocated
17 to Ta Lei.
18 At that time I was very sad. I never thought that my country
19 would plunge into that situation of perpetual quietness. And when
20 Angkar relocated us to Ta Lei camp, my family, along with my
21 children, worked separately.
22 One day while we were working, the chief of Ta Lei camp's office
23 came to tell my family to prepare our luggage because we would be
24 sent out by Lambretta and the Lambretta was waiting for us. At
25 that time I saw another man who was also my friend and some other

1 people whom I did not know.

2 And as for my family, which included five members and each of us
3 carried <a suitcase> of clothes, we could not get inside that
4 small car. The head of the office told us that some of us would
5 go later on.

6 Later on I saw <the name> Cheun Leng (phonetic) <appearing on the
7 list of> Tuol Sleng. My body trembled and I thought back to the
8 time that if we could fit into that vehicle then the five of us
9 would have been put in Tuol Sleng. However, this information I
10 learned later.

11 [15.02.13]

12 By mid-November 1976, Angkar once again relocated my family to
13 Boeng Trabaek. There, the physical appearance of my husband
14 became worse. He became even more emaciated and his health got
15 worse. That <was> due to insufficient food and he was a member of
16 a team that had to work harder, that is, to dismantle houses. I
17 felt <such>pity for him.

18 And in around mid-December 1976 while we were in the middle of a
19 political study session at Boeng Trabaek, my husband rushed to me
20 to tell me that he was assigned by Angkar to perform a duty. I
21 asked where he was assigned to. And he told me that it was a
22 secret and Angkar did not tell him where he would go. And before
23 he left, he advised me to work harder, to look after myself and
24 to look after our children. And he said that, don't worry, that
25 we would meet again very soon. I felt <such> pity upon hearing

1 those words from my husband and I expected to see him again soon.

2 [15.04.46]

3 At that stage, I was so worried since he was separated from me. I

4 felt so lonely, however, I also had an expectation that he would

5 be assigned to work in a new place and that he would be fed

6 sufficiently. And that the food there was more abundant than what

7 we had and the work was not that hard <compared> to his current

8 assignment, that is, to break rocks and to dismantle houses.

9 However, in reality, it was different. His last words that we

10 would meet again never realized. It had gone with the wind.

11 [15.05.40]

12 My feeling after that was unsettling. I was still hoping to see

13 my husband again, however, from one day to the next he never

14 reappeared. There were no signs that he would appear.

15 One day, a man came to the camp on a motorbike, that is, to Boeng

16 Trabek camp, and I heard people saying that he was Ieng Sary's

17 secretary. I tried to go and see him to ask him about my husband

18 and he told me that, "Don't worry, Angkar will reunite husbands

19 and wives after he fulfilled his assigned duty." And I had hope

20 again upon hearing that and I kept on waiting and waiting while I

21 was working.

22 And every time there was a movement of vehicle entering the camp,

23 I tried to see whether my husband returned. I kept waiting and

24 waiting, but in my mind I became more worried and I kept on

25 working hard along with other people in the camp.

1 [15.07.51]

2 And by February 1977, my children and I, along with other people,
3 were relocated by Angkar to settle in the Dei Kraham area. We
4 were put on a motor boat at night time to travel to that area.

5 And my fear became even worse because I felt that I would be even
6 more -- put more <distance> between my husband and I.

7 I still believed that he would be assigned to work at Pochentong
8 since formerly he was the Director of Pochentong Airport before
9 he went <to study for a doctorate of> <of Law> in France.

10 And at Dei Kraham, I tried to work as hard as other workers and I
11 never expressed my sorrow through my <facial> expression.

12 Sometimes while I was clearing grass at the beans plantation, I
13 heard the sound of a plane flying over and, upon hearing that, my
14 tear dropped, since it reminded me of the time that we were
15 together, that we were on a plane together.

16 [15.09.53]

17 And occasionally at Dei Kraham, the Chief of the camp called some
18 people whose husbands were separated to be relocated out of the
19 office. And among other people, I felt happy for them, since we
20 believed that they were being sent to reunite with their husbands
21 and I did not know when my turn would come or when Angkar <would
22 bring> him back to me. I felt rather hopeless because some of the
23 people were sent out to reunite with their husbands while I was
24 still waiting for my husband to return. And my feeling became
25 even more unsettling by that time.

1 Then I decided to ask the Director of the Dei Kraham camp as to
2 when I would be allowed to go out to meet with my husband. The
3 response given to me was the same as the response given to me
4 while I was at Boeng Trabaek camp. The Chief said, don't worry,
5 sooner or later I would be reunited with my husband by Angkar. It
6 was the same response, the same response I received while I was
7 at Dei Kraham as well as at Boeng Trabaek and I kept on waiting
8 and waiting.

9 [15.12.02]

10 And the concern and the worry remained with me all the time and,
11 once in a while at Dei Kraham camp, a vehicle would arrive with
12 some people and every time I felt excited that I would see my
13 husband. My children, they were also anxious to meet their
14 father, but every time when everybody got off the vehicle, there
15 was no sign of my husband. And the worry lingered on with me
16 constantly.

17 And while I was at Dei Kraham, my younger <sister> contracted
18 malaria and she was always carried by people to be treated. She
19 was ridden with malaria while, at the same time, she was
20 pregnant. The scene was so miserable, however, later on she
21 delivered her baby and it was a caesarian delivery although there
22 was no hygiene involved in the operation.

23 Sometimes I felt big relief upon seeing my youngest daughter who
24 was placed in childrens' unit and who secretly ran to see me, and
25 sometimes she came with some food and fruit that she was given at

1 the childrens' unit, and she gave me the food. At the childrens'
2 unit, they were fed with more food than at our location.

3 [15.14.58]

4 And in 1978, we were transferred by Angkar from Dei Kraham back
5 to Boeng Trabaek. So that was the second time that I was at Boeng
6 Trabaek. The first time we were all united together, but for the
7 second trip back to Boeng Trabaek, we were alone without the
8 presence of my husband.

9 And we lived there for nearly a month, that is for the first
10 trip, and for the second return to Boeng Trabaek, it reminded me
11 of the first time that we arrived at Boeng Trabaek that we
12 arrived together with my husband, but he was not around for the
13 second trip to Boeng Trabaek.

14 Again, I felt so lonely and the sadness and the concern remained
15 with me all the time, and the living conditions in the camp
16 <were> miserable, and I questioned myself, how could I <have>
17 left France where we lived comfortably to come to live in
18 miserable conditions?

19 I was thinking of a lot of things, that I <was also> separated
20 from my parents and relatives. How come my life became so
21 miserable?

22 And by January 1979 when "Yuon" troops liberated Phnom Penh,
23 those soldiers fled away and that was the time that I, along with
24 my younger children, as well as my younger sister and her family,
25 remained living in Phnom Penh for a period of time.

1 [15.17.43]

2 I was living with my three children like a widow and hopes to see
3 my husband <who had> disappeared. I tried to collect myself to do
4 everything for the sake of the future of my children.

5 Then the Ministry of Education invited me to attend a study
6 session to learn how to read the Khmer language. And I was
7 thinking that the war had just ended. How could the people think
8 about education, about reading the letters? What we were all
9 thinking was how to survive, how to feed ourself.

10 And while I was at that political school -- allow me to say that
11 it was a political school -- the trainer took us to visit a
12 genocidal museum of Tuol Sleng. While I was there, I walked
13 around visiting each room, seeing those torture instruments. I
14 saw a lot of things there and I do not want to describe them
15 again.

16 [15.19.31]

17 And, finally, I went to a room where photos of prisoners were
18 displayed. That was the time that my pulse was racing. I tried to
19 screen at every single photo displayed and I saw amongst those
20 photos some people that I knew. And, finally, I saw a photo of my
21 husband. It was there, and I wanted to cry out loud. I almost
22 fainted. However, there was a voice telling me not to cry and to
23 collect myself. I then regained my strength and from that day
24 onward, I told myself that I could not live in a country in such
25 conditions and that I had to do my best for the future of my

1 children since they no longer had a father and they relied
2 entirely on me as their mother. I had to sell everything in order
3 to feed my children.

4 Everybody looked sad after that visit to the place and, in
5 particular, I became worse. I no longer had any hope and I made
6 my decision then that I had to migrate somewhere or to France.

7 (Recording malfunction)

8 [15.23.35]

9 MR. PRESIDENT:

10 Yes, Lead Co-Lawyer, you have the floor.

11 MS. GUIRAUD:

12 We don't have any more interpretation, into French at any rate.

13 JUDGE FENZ:

14 I think it was because the quality was so bad. The transmission
15 quality is extremely bad, so I guess that's for the technical
16 people.

17 MR. PRESIDENT:

18 There is a technical problem with the Internet connection and
19 please wait a few minutes since a new connection will be
20 established.

21 (Short pause)

22 [15.25.10]

23 MS. GUIRAUD:

24 Yes, Mr. President, if you would authorize me, perhaps I would
25 like to ask Ms. Ros to conclude her <testimony> and to leave the

1 floor open to the other parties? Perhaps to show her the photo of
2 her husband that she attached to her civil party application.

3 BY MS. GUIRAUD:

4 Q. Ms. Ros, I hope that we will have the technical capability to
5 show you this document on the screen.

6 You attached to your civil party application -- E3/5040, a photo
7 of your husband.

8 And with your permission, Mr. President, we would like to show
9 this photo on the screen at ERN 00807825?

10 [15.26.11]

11 MR. PRESIDENT:

12 Yes, your request is granted.

13 BY MS. GUIRAUD:

14 We believe that for our side we have done what is necessary.

15 Perhaps to move forward, I can ask you a question. We'll proceed
16 in this way.

17 Q. Ms. Ros, you attached to your civil party application a
18 photograph -- oh, yes, there it is, we see it. I hope that you
19 can see it on the screen

20 Can you identify your husband on the photo that you see on the
21 screen?

22 MS. ROS CHUOR SIY:

23 A. The photo of the man on the second row and counting from the
24 left, there was a photo with a white patch displayed on the
25 shirt, so I <am referring> here to the second photo on the second

1 row, the second photo from the left, that is the photo of my
2 husband.

3 [15.28.25]

4 Q. Thank you. I would like to show you another document. It is a
5 list of prisoners from S-21 and I have it here, the list,
6 E3/9853.

7 MS. GUIRAUD:

8 And with your permission, Mr. President, we will put it onto the
9 screen so that the civil party can indicate if she recognizes the
10 name of her husband, E3/9853?

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 BY MS. GUIRAUD:

14 Q. Ms. Ros, on this list we see a series of names, the names of
15 the persons who came from France. Do you recognize the name in
16 number 6?

17 MS. ROS CHUOR SIY:

18 A. I do not see that list.

19 [15.29.48]

20 Q. You don't see it on the screen?

21 A. Yes, now I see it. The name is Ros Sarin and the name is
22 highlighted, It's near Hin Chamroeun's (phonetic) name and, of
23 course, that is my husband's name.

24 Q. Thank you. On this list, it is indicated that your husband
25 entered S-21 on 12 December 1976, that is to say a few weeks

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1 after the last time you saw him at Boeng Trabaek.

2 So what does this information mean to you? You who were hoping to
3 see him again all the way until the end of the regime and all the
4 way until that day in 1979 when you saw his photograph at S-21.

5 A. I last saw him -- when I realized that he was at S-21, I had
6 no more hope because it was the place where people were brutally
7 executed.

8 I could not imagine how <much> harm and suffering and torture
9 <were inflicted> upon him before his death because the equipment
10 I saw at the prison, <it was> cruel, brutal equipment. When I saw
11 his photo, I imagined the torture and suffering inflicting upon
12 him. I did not witness it myself, but I could draw the conclusion
13 from the equipment I saw at the prison.

14 [15.32.41]

15 MS. GUIRAUD:

16 Thank you, Ms. Ros, I am done with my questions and I will give
17 the floor to my colleague from the Co-Prosecution office.

18 MR. PRESIDENT:

19 Thank you, Counsel, and the floor is given to the Co-Prosecutor.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you very much, Mr. President. Good afternoon, Ms. Ros Chuor
22 Siy. I have a few questions to put to you. I won't be that long
23 because we do not have that much time.

24 [15.33.11]

25 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Q. My first question is: since when were you in France with your
2 husband? How long had you spent in France with your husband
3 before you decided to return to Cambodia on 6 August 1976; how
4 many years had you been living in France then?

5 MS. ROS CHUOR SIY:

6 A. I met him in 1972 and we remained with each other until 1976.
7 So it was four years in total that we spent together.

8 Q. You said earlier that he was the Director of Pochentong
9 Airport or of the <national> airline. Why did he leave Cambodia
10 to go to France? You spoke about studies, but was he also going
11 to play a role within that airline in France?

12 A. At that time he received a scholarship from the Phnom Penh
13 government to pursue his study to get a PhD in aviation in
14 France.

15 [15.34.48]

16 Q. So beforehand, he had worked for the Khmer Republic and he
17 received a <government> scholarship. During his stay in France,
18 did he take any distance vis-à-vis the Khmer Republic regime and
19 did he start frequenting communist <activists> in Paris?

20 A. No. When he was in France, he finished his <studies>, then he
21 worked in an aviation company. It was Air Cambodge and Air
22 France. He worked with that company in France. He represented the
23 Khmer aviation company.

24 Q. <I'll try again.> What convinced your husband and yourself to
25 return to Cambodia; whereas he had been working for the regime

1 that the Khmer Rouge were fighting? Wasn't it a risky
2 proposition? Why did you decide therefore to return to Cambodia?

3 A. When we learnt that Phnom Penh fell, we hoped that our
4 country would be peaceful again, so he had the intention to
5 return to our country to help rebuild the country because our
6 country had been battered by the civil war.

7 So when he lived in a progressive country in France, he intended
8 to return back to the country to help rebuild the country so that
9 the country would be progressive like other advanced countries.

10 [15.37.33]

11 Q. Did he ever meet Ieng Sary in Paris during the period before
12 he decided to return to Cambodia?

13 A. He did not meet him personally.

14 Q. You described your arrival at the airport and your
15 disappointment when you set foot in Cambodia. Did you still enjoy
16 rights and freedoms as previously?

17 A. When we disembarked the plane, we -- we had no rights to move
18 anywhere. We were put in <Office K-15>. It was like a detention
19 centre. We had no freedom to go anywhere outside that office.

20 Q. During your stay at K-15, at Ta Lei, and then at Boeng
21 Trabaek, did you <or your husband> ever attend political training
22 sessions that were taught by Khmer Rouge cadres, and I'm thinking
23 in particular about Ieng Sary or Khieu Samphan?

24 A. Which place are you referring to? Was it at K-15 or at Boeng
25 Trabaek?

1 [15.39.28]

2 Q. I was speaking about the different places, in fact. So were
3 you <or your husband> ever obliged to attend political training
4 sessions in these different places?

5 A. At Boeng Trabaek, my husband attended a meeting at Boeng
6 Trabaek. For other places, we did not meet any upper Angkar. We
7 met only the chief <of offices occasionally>.

8 Q. You spoke about the fact that you found your sister again at
9 Boeng Trabaek or at K-15. So was this Bounnie, Ong Thong Hoeung's
10 wife?

11 A. Yes, that's correct.

12 Q. And when your husband was taken away, you said that was in the
13 middle of a training session or meeting. Do you know if other
14 people were taken away at the same time?

15 A. Yes, there were some who were taken along with him.

16 [15.41.13]

17 Q. I would like to read out an excerpt of Ong Thong Hoeung's
18 book, indexed E3/1713, at English, page 00785804. In French, it's
19 on page 140, that is to say 00288019; and Khmer, 00831182 to 83.
20 It's at the end of Chapter 5 and he <talks about a speech by>
21 Phum P-H-U-M. <He says, ">Phum called <out> other names, Ros
22 Sarin, Khuon <Davith>, Mok Sun Khun and <Chhuk> Meng Mao
23 must leave. Angkar <has sent for> them." End of quote.
24 So do these different names ring a bell, Khuon <Davith>, Mok Sun
25 Khun and <Chhuk> Meng Mao, do they mean anything to you?

1 A. The name that I remember the most was Chouk Meng Mao.

2 Q. Do you know if he survived the Khmer Rouge regime?

3 A. I do not know.

4 [15.43.16]

5 Q. I'm going to have to complete my questions soon.

6 There are five other documents from S-21 on which your husband's
7 name appears, aside from <what> was mentioned by Marie Guiraud.

8 I'd like to mention one single document because it provides

9 complementary information. It's document E3/2285. It is a list

10 that is entitled in English "Names of Prisoners Who Were Smashed

11 on 18th of March 1977", and this list is signed by Hor from S-21

12 on 19 March 1977. And at English, page 00873361; and at Khmer,

13 page 00009182; at number 56, we see Ros Sarin's name appear,

14 alias Mao, who came from France and his job was airline company

15 manager; arrival date 12 December 1976. And here we see the

16 execution date, 18 March 1977.

17 So did you already have that information when you went to S-21?

18 A. I did not get your question fully. You mentioned that <he>

19 was brought into S-21 <on 12 December '76> and he was smashed on

20 <17> March 1977, so that was the date I heard from you.

21 [15.45.58]

22 Q. That's indeed the case. There is a document from S-21 that

23 mentions this. So had you already learnt this information before?

24 And, furthermore, we see the alias, Mao. Was <your husband called

25 that at any point?>

1 A. Yes. His friends, during the former regime, called him Mao.

2 Yes, that what I heard from his friends calling him.

3 Q. Last question: At Boeng Trabaek when you returned for the
4 second time, did certain people live there and -- or people who
5 were living there who disappeared and who you never saw again, in
6 particular, people whom you knew personally? And, if so is the
7 case, can you tell us who?

8 A. When I came for the second time, I did not know who else
9 died.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you very much for having answered my questions. I will stop
12 here. Thank you very much.

13 [15.47.42]

14 MR. PRESIDENT:

15 Thank you, Co-Prosecutor. Now, I give the floor to the defence
16 counsel for Nuon Chea if you have any question to put to the
17 civil party. And you have 15 minutes.

18 QUESTIONING BY MR. KOPPE:

19 Yes, thank you, Mr. President.

20 Q. Good afternoon, Madam Civil Party. I have a few questions
21 that I would like to put to you today.

22 Let me start by asking you if you know a person named Suong
23 Sikoeun, Suong Sikoeun?

24 MS. ROS CHUOR SIY:

25 A. Yes, I heard about the name but I did not know that person.

1 Q. Then let me only read something to you what he said about
2 your husband and then the only question that I would have for us
3 is to react to what he says.

4 MR. KOPPE:

5 Mr. President, I'm referring to document E3/1716; Khmer, ERN
6 00824620; French, 00290701; English, 00826569.

7 [15.49.27]

8 BY MR. KOPPE:

9 Q. He says about your husband, and I quote:

10 "Also, like me, Ros Sarin had been a supporter of Son Ngoc Thanh,
11 a pro-Japanese nationalist leader and an anti-royalist. Whilst he
12 was friendly towards Cambodian progressives, he remained a
13 pro-Thanhist for a very long time and, in fact, he even
14 collaborated with the Lon Nol republican government after
15 1970[...] Based on Khmer political lexicon at the time, he could
16 be classified as a 'progressive nationalist' or as a 'pink'." End
17 of quote.

18 Is that something that would be accurate, what Suong Sikoeun is
19 saying about your husband?

20 MS. ROS CHUOR SIY:

21 A. I never listen to Sikoeun's statement.

22 Q. I understand, but what -- was your husband a "supporter" of
23 Son Ngoc Thanh?

24 A. I do not know about his past.

25 [15.51.38]

1 Q. And did you know anything about your husband collaborating
2 with "Lon Nol republican government after 1970?"

3 A. Yes, he worked during the republic regime of Lon Nol
4 government.

5 Q. Let me move on because of the time.

6 Do you know someone else who was in Boeng Trabaek together with
7 you and who has been the Minister of Foreign Affairs in Cambodia
8 for a long time until April of this year, Hor Nam Hong? Do you
9 know him and is it correct that he was also in Boeng Trabaek
10 while you were there?

11 A. Yes, that's correct. When I was at Boeng Trabaek, Hor Nam
12 Hong was the Chief of the Boeng Trabaek office.

13 Q. And do you know what he did as a chief or what was his -- what
14 was his function as a chief?

15 A. He was the chief. He divided the assignments among groups.
16 That's what I knew. So he was responsible for dividing the
17 assignments among groups.

18 [15.53.40]

19 Q. Was he also a prisoner or was he someone who was in charge as
20 a chief?

21 A. He was not a prisoner.

22 Q. Do you know whether he had any role in the decision to send
23 your husband from Boeng Trabaek to S-21?

24 A. I do not know.

25 Q. Do you know whether he had any other role in the sending of

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1 prisoners to S-21?

2 A. I do not know.

3 Q. And my final question: In terms of hierarchy, you said he was
4 a chief. Was he one of the highest chiefs or were there people on
5 top of him in the hierarchy who had a higher function, or was he
6 one of the top chiefs?

7 A. I do not know clearly about his function. I only heard about
8 his name at the Boeng Trabaek office.

9 [15.56.46]

10 Q. Do you know whether in 1979 or 1980 he was accused of being
11 the accomplice of Ieng Sary?

12 A. I do not know anything about that matter.

13 MR. KOPPE:

14 Thank you very much, Madam Civil Party.

15 MR. PRESIDENT:

16 Thank you, Counsel. Now, I would like to give the floor to the
17 defence counsel for Mr. Khieu Samphan. You may now proceed.

18 [15.57.49]

19 QUESTIONING BY MS. GUISSÉ:

20 Thank you, Mr. President.

21 Q. A few very short questions. Good afternoon, Ms. Ros. One
22 request for clarification in relation to what you told the
23 Chamber today.

24 You said that at one point in time you tried to obtain
25 information about your husband from the secretary -- I think

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1 that's the word you used <today> -- from Ieng Sary's secretary.

2 So do you remember Ieng Sary's secretary's name?

3 MS. ROS CHUOR SIY:

4 A. People told me that his name was So Hong. I don't know whether

5 it's true or not because this was the name I learnt from other

6 people, that <his> name was So Hong.

7 Q. And who are the people who gave you this name and did you know

8 this person before?

9 A. I heard about the name but I did not know the face of the

10 person.

11 Q. You didn't know him before? And did you see him one time or

12 several times, this person called So Hong?

13 A. I saw him once at Boeng Trabaek.

14 MS. GUISSSE:

15 Mr. President, I have no further questions. Thank you, Madam Ros,

16 for having answered my questions.

17 [15.00.14]

18 MR. PRESIDENT:

19 Thank you, Counsel.

20 And Madam Civil Party, toward the end of your statement of impact

21 and suffering, do you wish to make any further statement or do

22 you wish to put question to the accused through the President of

23 the Chamber? If you wish to do so, you may proceed.

24 [16.00.53]

25 MS. ROS CHUOR SIY:

1 Yes, I have a statement to make.

2 The purpose of describing my life events is that, in fact, I had
3 many questions that I'd <have liked> to ask Ieng Sary and it
4 seems that the Khmer Rouge Tribunal <has> proceeded rather slowly
5 and, as a result, the accused died before he was even tried. It
6 was Ieng Sary himself who went on a propaganda <tour> for Khmer
7 expatriates living overseas to return to Cambodia to rebuild our
8 war-torn country, and he made that appeal to Khmer living
9 overseas to return. I feel a bit relieved after I have made my
10 statement.

11 When I returned to Cambodia at the time, my purpose was also to
12 meet with my parents but, in the end, I did not and I did not
13 even know where they were buried, if they were buried at all.

14 And my second purpose is to convey messages to the younger
15 generations, that they should learn from this experience and not
16 to fall into the tricks employed by politicians who always rely
17 on cheating people, that they <have> to judge the situation and
18 should be informed <in> their decisions.

19 From my observations, the current situation in Cambodia, I could
20 observe that murderers, and allow me to use that word,

21 "murderers", can travel freely inside the country. And some of
22 them even hold senior positions in the government.

23 And this culture of impunity obstructs the peaceful living of the
24 general population and that also puts an obstacle to their safe
25 movement of freedom. And, as a result, our economic situation

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1 does not improve.

2 Tourists are scared to visit an unsafe country, like our country.

3 And recently, Dr. Kem Ley was murdered--

4 [16.05.03]

5 MR. PRESIDENT:

6 Madam Civil Party, you are here to make a statement of harm and

7 suffering regarding your experience or you can put questions to

8 the accused regarding that.

9 Do you wish to make any questions to the accused?

10 MS. ROS CHUOR SIY:

11 Yes, I do. I want to know that in 1975 when Ieng Sary appealed to

12 Khmer living overseas to return to Cambodia under the pretext of

13 returning to rebuild the country, did <he> know that the majority

14 of Khmer expatriates returning from overseas <were to be> killed

15 at Tuol Sleng.

16 And my second question to the two accused, that is, Nuon Chea and

17 Khieu Samphan, is this: You two held very senior positions in the

18 leadership of Democratic Kampuchea regime, and what is your view

19 on the killing of millions of Cambodian people and what was your

20 responsibility for that?

21 MR. PRESIDENT:

22 Thank you, Madam Civil Party. And Madam Ros Chuor Siy, the

23 Chamber wishes to inform you that on the proceedings on 8 January

24 2015 in response to the questions of Chamber, the co-accused

25 re-affirmed their position to exercise their right to remain

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1 silent.

2 Also, during that hearing, the Chamber noted that the co-accused
3 maintain their position to remain silent and until such time the
4 Chamber is informed otherwise by the co-accused or their
5 counsels.

6 Also during that proceeding, the Chamber instructed the
7 co-accused and their counsels to inform the Chamber in a timely
8 and efficient manner should the accused resolve to waive <their>
9 right to remain silent and be willing to respond to questions by
10 the Bench or relevant parties at any stage of the proceedings.

11 [16.08.00]

12 On 1 August 2016, the defence counsels for Nuon Chea and Khieu
13 Samphan informed the Chamber that the two accused still maintain
14 their position and exercise their rights to remain silent. That
15 is document <E421/1/1> and <E421/1/2>.

16 And, Madam Civil Party, the Chamber is grateful of your
17 testimony, that is your statement of harm and suffering that you
18 claimed you suffered under the Democratic Kampuchea regime in
19 relation to S-21 Security Centre. It is now concluded and you too
20 are excused.

21 And the Chamber will adjourn the proceeding now and resume
22 tomorrow, that is, Friday, 12 August 2016 commencing from 9
23 o'clock in the morning.

24 [16.09.03]

25 For tomorrow, the Chamber will hear key document presentations by

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1 the Co-Prosecutors and the Lead Co-Lawyers for civil parties.
2 This information is for the parties and general public.
3 Security personnel, you are instructed to take the two accused,
4 Nuon Chea and Khieu Samphan, back to the detention facility and
5 have them returned to attend the proceedings tomorrow, Friday, 12
6 August 2016, before 9 o'clock.
7 The Court is now adjourned.
8 (Court adjourns at 1609H)

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